

Senator Wayne A. Harper proposes the following substitute bill:

FIRST HOME INVESTMENT ZONE ACT

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill enacts the First Home Investment Zone Act.

Highlighted Provisions:

This bill:

- ▶ enacts the First Home Investment Zone Act;
- ▶ defines terms;
- ▶ allows a municipality to create a first home investment zone to:
 - provide affordable, owner-occupied housing;
 - encourage mixed use development;
 - encourage strategic and efficient land use planning;
 - improve access to opportunities; and
 - increase opportunities for home ownership;
- ▶ allows a first home investment zone to capture tax increment to finance the objectives of a first home investment zone;
 - ▶ provides certain requirements regarding housing density, affordability, development size, and other characteristics of a first home investment zone;
 - ▶ requires the housing and transit reinvestment zone committee to review and approve first home investment zone proposals; and



26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **59-2-924**, as last amended by Laws of Utah 2023, Chapter 502

34 **63N-3-602**, as last amended by Laws of Utah 2023, Chapter 357

35 **63N-3-603**, as last amended by Laws of Utah 2023, Chapter 357

36 **63N-3-605**, as last amended by Laws of Utah 2023, Chapter 357

37 ENACTS:

38 **63N-3-1301**, Utah Code Annotated 1953

39 **63N-3-1302**, Utah Code Annotated 1953

40 **63N-3-1303**, Utah Code Annotated 1953

41 **63N-3-1304**, Utah Code Annotated 1953

42 **63N-3-1305**, Utah Code Annotated 1953

43 **63N-3-1306**, Utah Code Annotated 1953

44 **63N-3-1307**, Utah Code Annotated 1953

45 **63N-3-1308**, Utah Code Annotated 1953

46 **63N-3-1309**, Utah Code Annotated 1953



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **59-2-924** is amended to read:

50 **59-2-924. Definitions -- Report of valuation of property to county auditor and**
51 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
52 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
53 **commission.**

54 (1) As used in this section:

55 (a) (i) "Ad valorem property tax revenue" means revenue collected in accordance with
56 this chapter.

57 (ii) "Ad valorem property tax revenue" does not include:
58 (A) interest;
59 (B) penalties;
60 (C) collections from redemptions; or
61 (D) revenue received by a taxing entity from personal property that is semiconductor
62 manufacturing equipment assessed by a county assessor in accordance with Part 3, County
63 Assessment.

64 (b) "Adjusted tax increment" means the same as that term is defined in Section
65 [17C-1-102](#).

66 (c) (i) "Aggregate taxable value of all property taxed" means:

67 (A) the aggregate taxable value of all real property a county assessor assesses in
68 accordance with Part 3, County Assessment, for the current year;

69 (B) the aggregate taxable value of all real and personal property the commission
70 assesses in accordance with Part 2, Assessment of Property, for the current year; and

71 (C) the aggregate year end taxable value of all personal property a county assessor
72 assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls
73 of the taxing entity.

74 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year
75 end taxable value of personal property that is:

76 (A) semiconductor manufacturing equipment assessed by a county assessor in
77 accordance with Part 3, County Assessment; and

78 (B) contained on the prior year's tax rolls of the taxing entity.

79 (d) "Base taxable value" means:

80 (i) for an authority created under Section [11-58-201](#), the same as that term is defined in
81 Section [11-58-102](#);

82 (ii) for the Point of the Mountain State Land Authority created in Section [11-59-201](#),
83 the same as that term is defined in Section [11-59-207](#);

84 (iii) for an agency created under Section [17C-1-201.5](#), the same as that term is defined
85 in Section [17C-1-102](#);

86 (iv) for an authority created under Section [63H-1-201](#), the same as that term is defined
87 in Section [63H-1-102](#);

88 (v) for a host local government, the same as that term is defined in Section [63N-2-502](#);
89 [or]

90 (vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
91 Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as shown upon
92 the assessment roll last equalized during the base year, as that term is defined in Section
93 [63N-3-602](#)[-]; or

94 (vii) for a first home investment zone created under Title 63N, Chapter 3, Part 13, First
95 Home Investment Zone Act, a property's taxable value as shown upon the assessment roll last
96 equalized during the base year, as that term is defined in Section [63N-3-1301](#).

97 (e) "Centrally assessed benchmark value" means an amount equal to the highest year
98 end taxable value of real and personal property the commission assesses in accordance with
99 Part 2, Assessment of Property, for a previous calendar year that begins on or after January 1,
100 2015, adjusted for taxable value attributable to:

101 (i) an annexation to a taxing entity;

102 (ii) an incorrect allocation of taxable value of real or personal property the commission
103 assesses in accordance with Part 2, Assessment of Property; or

104 (iii) a change in value as a result of a change in the method of apportioning the value
105 prescribed by the Legislature, a court, or the commission in an administrative rule or
106 administrative order.

107 (f) (i) "Centrally assessed new growth" means the greater of:

108 (A) zero; or

109 (B) the amount calculated by subtracting the centrally assessed benchmark value
110 adjusted for prior year end incremental value from the taxable value of real and personal
111 property the commission assesses in accordance with Part 2, Assessment of Property, for the
112 current year, adjusted for current year incremental value.

113 (ii) "Centrally assessed new growth" does not include a change in value as a result of a
114 change in the method of apportioning the value prescribed by the Legislature, a court, or the
115 commission in an administrative rule or administrative order.

116 (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property
117 tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

118 (h) "Community reinvestment agency" means the same as that term is defined in

119 Section 17C-1-102.

120 (i) "Eligible new growth" means the greater of:

121 (i) zero; or

122 (ii) the sum of:

123 (A) locally assessed new growth;

124 (B) centrally assessed new growth; and

125 (C) project area new growth or hotel property new growth.

126 (j) "Host local government" means the same as that term is defined in Section

127 63N-2-502.

128 (k) "Hotel property" means the same as that term is defined in Section 63N-2-502.

129 (l) "Hotel property new growth" means an amount equal to the incremental value that
130 is no longer provided to a host local government as incremental property tax revenue.

131 (m) "Incremental property tax revenue" means the same as that term is defined in
132 Section 63N-2-502.

133 (n) "Incremental value" means:

134 (i) for an authority created under Section 11-58-201, the amount calculated by
135 multiplying:

136 (A) the difference between the taxable value and the base taxable value of the property
137 that is located within a project area and on which property tax differential is collected; and

138 (B) the number that represents the percentage of the property tax differential that is
139 paid to the authority;

140 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
141 an amount calculated by multiplying:

142 (A) the difference between the current assessed value of the property and the base
143 taxable value; and

144 (B) the number that represents the percentage of the property tax augmentation, as
145 defined in Section 11-59-207, that is paid to the Point of the Mountain State Land Authority;

146 (iii) for an agency created under Section 17C-1-201.5, the amount calculated by
147 multiplying:

148 (A) the difference between the taxable value and the base taxable value of the property
149 located within a project area and on which tax increment is collected; and

150 (B) the number that represents the adjusted tax increment from that project area that is
151 paid to the agency;

152 (iv) for an authority created under Section 63H-1-201, the amount calculated by
153 multiplying:

154 (A) the difference between the taxable value and the base taxable value of the property
155 located within a project area and on which property tax allocation is collected; and

156 (B) the number that represents the percentage of the property tax allocation from that
157 project area that is paid to the authority;

158 (v) for a housing and transit reinvestment zone created pursuant to Title 63N, Chapter
159 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:

160 (A) the difference between the taxable value and the base taxable value of the property
161 that is located within a housing and transit reinvestment zone and on which tax increment is
162 collected; and

163 (B) the number that represents the percentage of the tax increment that is paid to the
164 housing and transit reinvestment zone;

165 (vi) for a host local government, an amount calculated by multiplying:

166 (A) the difference between the taxable value and the base taxable value of the hotel
167 property on which incremental property tax revenue is collected; and

168 (B) the number that represents the percentage of the incremental property tax revenue
169 from that hotel property that is paid to the host local government; [~~or~~]

170 (vii) for the State Fair Park Authority created in Section 11-68-201, the taxable value
171 of:

172 (A) fair park land, as defined in Section 11-68-101, that is subject to a privilege tax
173 under Section 11-68-402; or

174 (B) personal property located on property that is subject to the privilege tax described
175 in Subsection (1)(n)(vii)(A)[~~;~~]; or

176 (viii) for a first home investment zone created pursuant to Title 63N, Chapter 3, Part
177 13, First Home Investment Zone Act, an amount calculated by multiplying:

178 (A) the difference between the taxable value and the base taxable value of the property
179 that is located within a first home investment zone and on which tax increment is collected;

180 and

181 (B) the number that represents the percentage of the tax increment that is paid to the
182 first home investment zone.

183 (o) (i) "Locally assessed new growth" means the greater of:

184 (A) zero; or

185 (B) the amount calculated by subtracting the year end taxable value of real property the
186 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
187 adjusted for prior year end incremental value from the taxable value of real property the county
188 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
189 for current year incremental value.

190 (ii) "Locally assessed new growth" does not include a change in:

191 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or
192 another adjustment;

193 (B) assessed value based on whether a property is allowed a residential exemption for a
194 primary residence under Section 59-2-103;

195 (C) assessed value based on whether a property is assessed under Part 5, Farmland
196 Assessment Act; or

197 (D) assessed value based on whether a property is assessed under Part 17, Urban
198 Farming Assessment Act.

199 (p) "Project area" means:

200 (i) for an authority created under Section 11-58-201, the same as that term is defined in
201 Section 11-58-102;

202 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined
203 in Section 17C-1-102; or

204 (iii) for an authority created under Section 63H-1-201, the same as that term is defined
205 in Section 63H-1-102.

206 (q) "Project area new growth" means:

207 (i) for an authority created under Section 11-58-201, an amount equal to the
208 incremental value that is no longer provided to an authority as property tax differential;

209 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
210 an amount equal to the incremental value that is no longer provided to the Point of the
211 Mountain State Land Authority as property tax augmentation, as defined in Section 11-59-207;

- 212 (iii) for an agency created under Section 17C-1-201.5, an amount equal to the
213 incremental value that is no longer provided to an agency as tax increment;
- 214 (iv) for an authority created under Section 63H-1-201, an amount equal to the
215 incremental value that is no longer provided to an authority as property tax allocation; [or]
- 216 (v) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part
217 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that
218 is no longer provided to a housing and transit reinvestment zone as tax increment[:]; or
- 219 (vi) for a first home investment zone created under Title 63N, Chapter 3, Part 13, First
220 Home Investment Zone Act, an amount equal to the incremental value that is no longer
221 provided to a first home investment zone as tax increment.
- 222 (r) "Project area incremental revenue" means the same as that term is defined in
223 Section 17C-1-1001.
- 224 (s) "Property tax allocation" means the same as that term is defined in Section
225 63H-1-102.
- 226 (t) "Property tax differential" means the same as that term is defined in Section
227 11-58-102.
- 228 (u) "Qualifying exempt revenue" means revenue received:
- 229 (i) for the previous calendar year;
- 230 (ii) by a taxing entity;
- 231 (iii) from tangible personal property contained on the prior year's tax rolls that is
232 exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year beginning on
233 January 1, 2022; and
- 234 (iv) on the aggregate 2021 year end taxable value of the tangible personal property that
235 exceeds \$15,300.
- 236 (v) "Tax increment" means:
- 237 (i) for a project created under Section 17C-1-201.5, the same as that term is defined in
238 Section 17C-1-102; [or]
- 239 (ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
240 Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section
241 63N-3-602[:]; or
- 242 (iii) for a first home investment zone created under Title 63N, Chapter 3, Part 13, First

243 Home Investment Zone Act, the same as that term is defined in Section [63N-3-1301](#).

244 (2) Before June 1 of each year, the county assessor of each county shall deliver to the
245 county auditor and the commission the following statements:

246 (a) a statement containing the aggregate valuation of all taxable real property a county
247 assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and

248 (b) a statement containing the taxable value of all personal property a county assessor
249 assesses in accordance with Part 3, County Assessment, from the prior year end values.

250 (3) The county auditor shall, on or before June 8, transmit to the governing body of
251 each taxing entity:

252 (a) the statements described in Subsections (2)(a) and (b);

253 (b) an estimate of the revenue from personal property;

254 (c) the certified tax rate; and

255 (d) all forms necessary to submit a tax levy request.

256 (4) (a) Except as otherwise provided in this section, the certified tax rate shall be
257 calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the
258 prior year minus the qualifying exempt revenue by the amount calculated under Subsection
259 (4)(b).

260 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall
261 calculate an amount as follows:

262 (i) calculate for the taxing entity the difference between:

263 (A) the aggregate taxable value of all property taxed; and

264 (B) any adjustments for current year incremental value;

265 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount
266 determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the
267 average of the percentage net change in the value of taxable property for the equalization
268 period for the three calendar years immediately preceding the current calendar year;

269 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product
270 of:

271 (A) the amount calculated under Subsection (4)(b)(ii); and

272 (B) the percentage of property taxes collected for the five calendar years immediately
273 preceding the current calendar year; and

274 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount
275 determined by:

276 (A) multiplying the percentage of property taxes collected for the five calendar years
277 immediately preceding the current calendar year by eligible new growth; and

278 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount
279 calculated under Subsection (4)(b)(iii).

280 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be
281 calculated as follows:

282 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified
283 tax rate is zero;

284 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:

285 (i) in a county of the first, second, or third class, the levy imposed for municipal-type
286 services under Sections 17-34-1 and 17-36-9; and

287 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
288 purposes and such other levies imposed solely for the municipal-type services identified in
289 Section 17-34-1 and Subsection 17-36-3(23);

290 (c) for a community reinvestment agency that received all or a portion of a taxing
291 entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10,
292 Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4)
293 except that the commission shall treat the total revenue transferred to the community
294 reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the
295 prior year; and

296 (d) for debt service voted on by the public, the certified tax rate is the actual levy
297 imposed by that section, except that a certified tax rate for the following levies shall be
298 calculated in accordance with Section 59-2-913 and this section:

299 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and

300 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative
301 orders under Section 59-2-1602.

302 (6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be
303 imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more
304 eligible judgments.

305 (b) The ad valorem property tax revenue generated by a judgment levy described in
306 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax
307 rate.

308 (7) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

309 (i) the taxable value of real property:

310 (A) the county assessor assesses in accordance with Part 3, County Assessment; and

311 (B) contained on the assessment roll;

312 (ii) the year end taxable value of personal property:

313 (A) a county assessor assesses in accordance with Part 3, County Assessment; and

314 (B) contained on the prior year's assessment roll; and

315 (iii) the taxable value of real and personal property the commission assesses in
316 accordance with Part 2, Assessment of Property.

317 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
318 growth.

319 (8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

320 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall
321 notify the county auditor of:

322 (i) the taxing entity's intent to exceed the certified tax rate; and

323 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

324 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
325 exceeds the certified tax rate in accordance with Sections [59-2-919](#) and [59-2-919.1](#).

326 (9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through
327 electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim
328 Committee if:

329 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
330 taxable value of the real and personal property the commission assesses in accordance with
331 Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental
332 value; and

333 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end
334 taxable value of the real and personal property of a taxpayer the commission assesses in
335 accordance with Part 2, Assessment of Property, for the previous year.

336 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
337 subtracting the taxable value of real and personal property the commission assesses in
338 accordance with Part 2, Assessment of Property, for the current year, adjusted for current year
339 incremental value, from the year end taxable value of the real and personal property the
340 commission assesses in accordance with Part 2, Assessment of Property, for the previous year,
341 adjusted for prior year end incremental value.

342 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
343 subtracting the total taxable value of real and personal property of a taxpayer the commission
344 assesses in accordance with Part 2, Assessment of Property, for the current year, from the total
345 year end taxable value of the real and personal property of a taxpayer the commission assesses
346 in accordance with Part 2, Assessment of Property, for the previous year.

347 (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet
348 the requirement under Subsection (9)(a)(ii).

349 Section 2. Section **63N-3-602** is amended to read:

350 **63N-3-602. Definitions.**

351 As used in this part:

352 (1) "Affordable housing" means housing occupied or reserved for occupancy by
353 households with a gross household income equal to or less than 80% of the median gross
354 income of the applicable municipal or county statistical area for households of the same size.

355 (2) "Agency" means the same as that term is defined in Section [17C-1-102](#).

356 (3) "Base taxable value" means a property's taxable value as shown upon the
357 assessment roll last equalized during the base year.

358 (4) "Base year" means, for a proposed housing and transit reinvestment zone area, a
359 year beginning the first day of the calendar quarter determined by the last equalized tax roll
360 before the adoption of the housing and transit reinvestment zone.

361 (5) "Bus rapid transit" means a high-quality bus-based transit system that delivers fast
362 and efficient service that may include dedicated lanes, busways, traffic signal priority,
363 off-board fare collection, elevated platforms, and enhanced stations.

364 (6) "Bus rapid transit station" means an existing station, stop, or terminal, or a
365 proposed station, stop, or terminal that is specifically identified in a metropolitan planning
366 organization's adopted long-range transportation plan and the relevant public transit district's

367 five-year plan:

368 (a) along an existing bus rapid transit line; or

369 (b) along an extension to an existing bus rapid transit line or new bus rapid transit line.

370 (7) (a) "Commuter rail" means a heavy-rail passenger rail transit facility operated by a
371 large public transit district.

372 (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public
373 transit district.

374 (8) "Commuter rail station" means an existing station, stop, or terminal, or a proposed
375 station, stop, or terminal, which has been specifically identified in a metropolitan planning
376 organization's adopted long-range transportation plan and the relevant public transit district's
377 five-year plan:

378 (a) along an existing commuter rail line;

379 (b) along an extension to an existing commuter rail line or new commuter rail line; or

380 (c) along a fixed guideway extension from an existing commuter rail line.

381 (9) (a) "Developable area" means the portion of land within a housing and transit
382 reinvestment zone available for development and construction of business and residential uses.

383 (b) "Developable area" does not include portions of land within a housing and transit
384 reinvestment zone that are allocated to:

385 (i) parks;

386 (ii) recreation facilities;

387 (iii) open space;

388 (iv) trails;

389 (v) publicly-owned roadway facilities; or

390 (vi) other public facilities.

391 (10) "Dwelling unit" means one or more rooms arranged for the use of one or more
392 individuals living together, as a single housekeeping unit normally having cooking, living,
393 sanitary, and sleeping facilities.

394 (11) "Enhanced development" means the construction of mixed uses including
395 housing, commercial uses, and related facilities.

396 (12) "Enhanced development costs" means extra costs associated with structured
397 parking costs, vertical construction costs, horizontal construction costs, life safety costs,

398 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height
399 of buildings or enhanced development.

400 (13) "First home investment zone" means the same as that term is defined in Section
401 [63N-3-1301](#).

402 [~~(13)~~] (14) "Fixed guideway" means the same as that term is defined in Section
403 [59-12-102](#).

404 [~~(14)~~] (15) "Horizontal construction costs" means the additional costs associated with
405 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to
406 achieve enhanced development in the housing and transit reinvestment zone.

407 [~~(15)~~] (16) "Housing and transit reinvestment zone" means a housing and transit
408 reinvestment zone created pursuant to this part.

409 [~~(16)~~] (17) "Housing and transit reinvestment zone committee" means a housing and
410 transit reinvestment zone committee created pursuant to Section [63N-3-605](#).

411 [~~(17)~~] (18) "Large public transit district" means the same as that term is defined in
412 Section [17B-2a-802](#).

413 [~~(18)~~] (19) "Light rail" means a passenger rail public transit system with right-of-way
414 and fixed rails:

415 (a) dedicated to exclusive use by light-rail public transit vehicles;

416 (b) that may cross streets at grade; and

417 (c) that may share parts of surface streets.

418 [~~(19)~~] (20) "Light rail station" means an existing station, stop, or terminal or a
419 proposed station, stop, or terminal, which has been specifically identified in a metropolitan
420 planning organization's adopted long-range transportation plan and the relevant public transit
421 district's five-year plan:

422 (a) along an existing light rail line; or

423 (b) along an extension to an existing light rail line or new light rail line.

424 [~~(20)~~] (21) "Metropolitan planning organization" means the same as that term is
425 defined in Section [72-1-208.5](#).

426 [~~(21)~~] (22) "Mixed use development" means development with a mix of multi-family
427 residential use and at least one additional land use.

428 [~~(22)~~] (23) "Municipality" means the same as that term is defined in Section [10-1-104](#).

429 ~~[(23)]~~ (24) "Participant" means the same as that term is defined in Section 17C-1-102.

430 ~~[(24)]~~ (25) "Participation agreement" means the same as that term is defined in Section
431 17C-1-102, except that the agency may not provide and the person may not receive a direct
432 subsidy.

433 ~~[(25)]~~ (26) "Public transit county" means a county that has created a small public
434 transit district.

435 ~~[(26)]~~ (27) "Public transit hub" means a public transit depot or station where four or
436 more routes serving separate parts of the county-created transit district stop to transfer riders
437 between routes.

438 ~~[(27)]~~ (28) "Sales and use tax base year" means a sales and use tax year determined by
439 the first year pertaining to the tax imposed in Section 59-12-103 after the sales and use tax
440 boundary for a housing and transit reinvestment zone is established.

441 ~~[(28)]~~ (29) "Sales and use tax boundary" means a boundary created as described in
442 Section 63N-3-604, based on state sales and use tax collection that corresponds as closely as
443 reasonably practicable to the housing and transit reinvestment zone boundary.

444 ~~[(29)]~~ (30) "Sales and use tax increment" means the difference between:

445 (a) the amount of state sales and use tax revenue generated each year following the
446 sales and use tax base year by the sales and use tax from the area within a housing and transit
447 reinvestment zone designated in the housing and transit reinvestment zone proposal as the area
448 from which sales and use tax increment is to be collected; and

449 (b) the amount of state sales and use tax revenue that was generated from that same
450 area during the sales and use tax base year.

451 ~~[(30)]~~ (31) "Sales and use tax revenue" means revenue that is generated from the tax
452 imposed under Section 59-12-103.

453 ~~[(31)]~~ (32) "Small public transit district" means the same as that term is defined in
454 Section 17B-2a-802.

455 ~~[(32)]~~ (33) "Tax Commission" means the State Tax Commission created in Section
456 59-1-201.

457 ~~[(33)]~~ (34) "Tax increment" means the difference between:

458 (a) the amount of property tax revenue generated each tax year by a taxing entity from
459 the area within a housing and transit reinvestment zone designated in the housing and transit

460 reinvestment zone proposal as the area from which tax increment is to be collected, using the
461 current assessed value and each taxing entity's current certified tax rate as defined in Section
462 59-2-924; and

463 (b) the amount of property tax revenue that would be generated from that same area
464 using the base taxable value and each taxing entity's current certified tax rate as defined in
465 Section 59-2-924.

466 [~~34~~] (35) "Taxing entity" means the same as that term is defined in Section
467 17C-1-102.

468 [~~35~~] (36) "Vertical construction costs" means the additional costs associated with
469 construction above four stories and structured parking to achieve enhanced development in the
470 housing and transit reinvestment zone.

471 Section 3. Section 63N-3-603 is amended to read:

472 **63N-3-603. Applicability, requirements, and limitations on a housing and transit**
473 **reinvestment zone.**

474 (1) A housing and transit reinvestment zone proposal created under this part shall
475 promote the following objectives:

476 (a) higher utilization of public transit;

477 (b) increasing availability of housing, including affordable housing, and fulfillment of
478 moderate income housing plans;

479 (c) improving efficiencies in parking and transportation, including walkability of
480 communities near public transit facilities;

481 (d) overcoming development impediments and market conditions that render a
482 development cost prohibitive absent the proposal and incentives;

483 (e) conservation of water resources through efficient land use;

484 (f) improving air quality by reducing fuel consumption and motor vehicle trips;

485 (g) encouraging transformative mixed-use development and investment in

486 transportation and public transit infrastructure in strategic areas;

487 (h) strategic land use and municipal planning in major transit investment corridors as
488 described in Subsection 10-9a-403(2);

489 (i) increasing access to employment and educational opportunities; and

490 (j) increasing access to child care.

491 (2) In order to accomplish the objectives described in Subsection (1), a municipality or
492 public transit county that initiates the process to create a housing and transit reinvestment zone
493 as described in this part shall ensure that the proposal for a housing and transit reinvestment
494 zone includes:

495 (a) except as provided in Subsection (3), at least 10% of the proposed dwelling units
496 within the housing and transit reinvestment zone are affordable housing units;

497 (b) at least 51% of the developable area within the housing and transit reinvestment
498 zone includes residential uses with, except as provided in Subsection (4)(c), an average of 50
499 dwelling units per acre or greater;

500 (c) mixed-use development; and

501 (d) a mix of dwelling units to ensure that a reasonable percentage of the dwelling units
502 has more than one bedroom.

503 (3) A municipality or public transit county that, at the time the housing and transit
504 reinvestment zone proposal is approved by the housing and transit reinvestment zone
505 committee, meets the affordable housing guidelines of the United States Department of
506 Housing and Urban Development at 60% area median income is exempt from the requirement
507 described in Subsection (2)(a).

508 (4) (a) A municipality may only propose a housing and transit reinvestment zone at a
509 commuter rail station, and a public transit county may only propose a housing and transit
510 reinvestment zone at a public transit hub, that:

511 (i) subject to Subsection (5)(a):

512 (A) (I) except as provided in Subsection (4)(a)(i)(A)(II), for a municipality, does not
513 exceed a 1/3 mile radius of a commuter rail station;

514 (II) for a municipality that is a city of the first class with a population greater than
515 150,000 that is within a county of the first class, with an opportunity zone created pursuant to
516 Section 1400Z-1, Internal Revenue Code, does not exceed a 1/2 mile radius of a commuter rail
517 station located within the opportunity zone; or

518 (III) for a public transit county, does not exceed a 1/3 mile radius of a public transit
519 hub; and

520 (B) has a total area of no more than 125 noncontiguous acres;

521 (ii) subject to Section [63N-3-607](#), proposes the capture of a maximum of 80% of each

522 taxing entity's tax increment above the base year for a term of no more than 25 consecutive
523 years on each parcel within a 45-year period not to exceed the tax increment amount approved
524 in the housing and transit reinvestment zone proposal; and

525 (iii) the commencement of collection of tax increment, for all or a portion of the
526 housing and transit reinvestment zone, will be triggered by providing notice as described in
527 Subsection (6).

528 (b) A municipality or public transit county may only propose a housing and transit
529 reinvestment zone at a light rail station or bus rapid transit station that:

530 (i) subject to Subsection (5):

531 (A) does not exceed:

532 (I) except as provided in Subsection (4)(b)(i)(A)(II) or (III), a 1/4 mile radius of a bus
533 rapid transit station or light rail station;

534 (II) for a municipality that is a city of the first class with a population greater than
535 150,000 that is within a county of the first class, a 1/2 mile radius of a light rail station located
536 in an opportunity zone created pursuant to Section
537 1400Z-1, Internal Revenue Code; or

538 (III) a 1/2 mile radius of a light rail station located within a master-planned
539 development of 500 acres or more; and

540 (B) has a total area of no more than 100 noncontiguous acres;

541 (ii) subject to Subsection (4)(c) and Section [63N-3-607](#), proposes the capture of a
542 maximum of 80% of each taxing entity's tax increment above the base year for a term of no
543 more than 15 consecutive years on each parcel within a 30-year period not to exceed the tax
544 increment amount approved in the housing and transit reinvestment zone proposal; and

545 (iii) the commencement of collection of tax increment, for all or a portion of the
546 housing and transit reinvestment zone, will be triggered by providing notice as described in
547 Subsection (6).

548 (c) For a housing and transit reinvestment zone proposed by a public transit county at a
549 public transit hub, or for a housing and transit reinvestment zone proposed by a municipality at
550 a bus rapid transit station, if the proposed housing density within the housing and transit
551 reinvestment zone is between 39 and 49 dwelling units per acre, the maximum capture of each
552 taxing entity's tax increment above the base year is 60%.

553 (d) A municipality that is a city of the first class with a population greater than 150,000
554 in a county of the first class as described in Subsections (4)(a)(i)(A)(II) and (4)(b)(i)(A)(II) may
555 only propose one housing and transit reinvestment zone within an opportunity zone.

556 (e) A county of the first class may not propose a housing and transit reinvestment zone
557 that includes an area that is part of a project area, as that term is defined in Section 17C-1-102,
558 and created under Title 17C, Chapter 1, Agency Operations, until the project area is dissolved
559 pursuant to Section 17C-1-702.

560 (5) (a) For a housing and transit reinvestment zone for a commuter rail station, if a
561 parcel is bisected by the relevant radius limitation, the full parcel may be included as part of the
562 housing and transit reinvestment zone area and will not count against the limitations described
563 in Subsection (4)(a)(i).

564 (b) For a housing and transit reinvestment zone for a light rail or bus rapid transit
565 station, if a parcel is bisected by the relevant radius limitation, the full parcel may be included
566 as part of the housing and transit reinvestment zone area and will not count against the
567 limitations described in Subsection (4)(b)(i).

568 (6) The notice of commencement of collection of tax increment required in Subsection
569 (4)(a)(iii) or (4)(b)(iii) shall be sent by mail or electronically to:

570 (a) the tax commission;

571 (b) the State Board of Education;

572 (c) the state auditor;

573 (d) the auditor of the county in which the housing and transit reinvestment zone is
574 located;

575 (e) each taxing entity affected by the collection of tax increment from the housing and
576 transit reinvestment zone; and

577 (f) the Governor's Office of Economic Opportunity.

578 (7) (a) The maximum number of housing and transit reinvestment zones at light rail
579 stations is eight in any given county.

580 (b) Within a county of the first class, the maximum number of housing and transit
581 reinvestment zones at bus rapid transit stations is three.

582 (c) Within a county of the first class, the maximum total combined number of housing
583 and transit reinvestment zones described in Subsections (7)(a) and (b) and first home

584 investment zones created under Part 13, First Home Investment Zone Act, is 11.

585 (8) (a) This Subsection (8) applies to a specified county, as defined in Section
586 17-27a-408, that has created a small public transit district on or before January 1, 2022.

587 (b) (i) A county described in Subsection (8)(a) shall, in accordance with Section
588 63N-3-604, prepare and submit to the Governor's Office of Economic Opportunity a proposal
589 to create a housing and transit reinvestment zone on or before December 31, 2022.

590 (ii) A county described in Subsection (8)(a) that, on December 31, 2022, was
591 noncompliant under Section 17-27a-408 for failure to demonstrate in the county's moderate
592 income housing report that the county complied with Subsection (8)(b)(i), may cure the
593 deficiency in the county's moderate income housing report by submitting satisfactory proof to
594 the Housing and Community Development Division that, notwithstanding the deadline in
595 Subsection (8)(b)(i), the county has submitted to the Governor's Office of Economic
596 Opportunity a proposal to create a housing and transit reinvestment zone.

597 (c) (i) A county described in Subsection (8)(a) may not propose a housing and transit
598 reinvestment zone if more than 15% of the acreage within the housing and transit reinvestment
599 zone boundary is owned by the county.

600 (ii) For purposes of determining the percentage of acreage owned by the county as
601 described in Subsection (8)(c)(i), a county may exclude any acreage owned that is used for
602 highways, bus rapid transit, light rail, or commuter rail within the boundary of the housing and
603 transit reinvestment zone.

604 (d) To accomplish the objectives described in Subsection (1), if a county described in
605 Subsection (8)(a) has failed to comply with Subsection (8)(b)(i) by failing to submit an
606 application before December 31, 2022, an owner of undeveloped property who has submitted a
607 land use application to the county on or before December 31, 2022, and is within a 1/3 mile
608 radius of a public transit hub in a county described in Subsection (8)(a), including parcels that
609 are bisected by the 1/3 mile radius, shall have the right to develop and build a mixed-use
610 development including the following:

611 (i) excluding the parcels devoted to commercial uses as described in Subsection
612 (8)(d)(ii), at least 39 dwelling units per acre on average over the developable area, with at least
613 10% of the dwelling units as affordable housing units;

614 (ii) commercial uses including office, retail, educational, and healthcare in support of

615 the mixed-use development constituting up to 1/3 of the total planned gross building square
616 footage of the subject parcels; and

617 (iii) any other infrastructure element necessary or reasonable to support the mixed-use
618 development, including parking infrastructure, streets, sidewalks, parks, and trails.

619 Section 4. Section **63N-3-605** is amended to read:

620 **63N-3-605. Housing and transit reinvestment zone committee -- Creation.**

621 (1) For any housing and transit reinvestment zone proposed under this part, or for a
622 first home investment zone proposed in accordance with Part 13, First Home Investment Zone
623 Act, there is created a housing and transit reinvestment zone committee with membership
624 described in Subsection (2).

625 (2) Each housing and transit reinvestment zone committee shall consist of the
626 following members:

627 (a) one representative from the Governor's Office of Economic Opportunity, designated
628 by the executive director of the Governor's Office of Economic Opportunity;

629 (b) one representative from each municipality that is a party to the proposed housing
630 and transit reinvestment zone or first home investment zone, designated by the chief executive
631 officer of each respective municipality;

632 (c) a member of the Transportation Commission created in Section 72-1-301;

633 (d) a member of the board of trustees of a large public transit district;

634 (e) one individual from the Office of the State Treasurer, designated by the state
635 treasurer;

636 (f) one member designated by the president of the Senate;

637 (g) one member designated by the speaker of the House of Representatives;

638 (h) one member designated by the chief executive officer of each county affected by
639 the housing and transit reinvestment zone or first home investment zone;

640 (i) one representative designated by the school superintendent from the school district
641 affected by the housing and transit reinvestment zone or first home investment zone; and

642 (j) one representative, representing the largest participating local taxing entity, after the
643 municipality, county, and school district.

644 (3) The individual designated by the Governor's Office of Economic Opportunity as
645 described in Subsection (2)(a) shall serve as chair of the housing and transit reinvestment zone

646 committee.

647 (4) (a) A majority of the members of the housing and transit reinvestment zone
648 committee constitutes a quorum of the housing and transit reinvestment zone committee.

649 (b) An action by a majority of a quorum of the housing and transit reinvestment zone
650 committee is an action of the housing and transit reinvestment zone committee.

651 (5) (a) After the Governor's Office of Economic Opportunity receives the results of the
652 analysis described in Section [63N-3-604](#), and after the Governor's Office of Economic
653 Opportunity has received a request from the submitting municipality or public transit county to
654 submit the housing and transit reinvestment zone proposal to the housing and transit
655 reinvestment zone committee, the Governor's Office of Economic Opportunity shall notify each
656 of the entities described in Subsection (2) of the formation of the housing and transit
657 reinvestment zone committee.

658 (b) For a first home investment zone, the housing and transit reinvestment zone
659 committee shall follow the procedures described in Section [63N-3-1304](#).

660 (6) (a) The chair of the housing and transit reinvestment zone committee shall convene
661 a public meeting to consider the proposed housing and transit reinvestment zone.

662 (b) A meeting of the housing and transit reinvestment zone committee is subject to
663 Title 52, Chapter 4, Open and Public Meetings Act.

664 (7) (a) The proposing municipality or public transit county shall present the housing
665 and transit reinvestment zone proposal to the housing and transit reinvestment zone committee
666 in a public meeting.

667 (b) The housing and transit reinvestment zone committee shall:

668 (i) evaluate and verify whether the elements of a housing and transit reinvestment zone
669 described in Subsections [63N-3-603](#)(2) and (4) have been met; and

670 (ii) evaluate the proposed housing and transit reinvestment zone relative to the analysis
671 described in Subsection [63N-3-604](#)(2).

672 (8) (a) Subject to Subsection (8)(b), the housing and transit reinvestment zone
673 committee may:

674 (i) request changes to the housing and transit reinvestment zone proposal based on the
675 analysis, characteristics, and criteria described in Section [63N-3-604](#); or

676 (ii) vote to approve or deny the proposal.

677 (b) Before the housing and transit reinvestment zone committee may approve the
678 housing and transit reinvestment zone proposal, the municipality or public transit county
679 proposing the housing and transit reinvestment zone shall ensure that the area of the proposed
680 housing and transit reinvestment zone is zoned in such a manner to accommodate the
681 requirements of a housing and transit reinvestment zone described in this section and the
682 proposed development.

683 (9) If a housing and transit reinvestment zone is approved by the committee:

684 (a) the proposed housing and transit reinvestment zone is established according to the
685 terms of the housing and transit reinvestment zone proposal;

686 (b) affected local taxing entities are required to participate according to the terms of the
687 housing and transit reinvestment zone proposal; and

688 (c) each affected taxing municipality is required to participate at the same rate as a
689 participating county.

690 (10) A housing and transit reinvestment zone proposal may be amended by following
691 the same procedure as approving a housing and transit reinvestment zone proposal.

692 Section 5. Section **63N-3-1301** is enacted to read:

693 **Part 13. First Home Investment Zone Act**

694 **63N-3-1301. Definitions.**

695 (1) "Affordable housing" means:

696 (a) for homes that are not owner occupied, housing occupied or reserved for occupancy
697 by households with a gross household income equal to or less than 80% of the median gross
698 income of the applicable municipal statistical area for households of the same size; or

699 (b) for homes that are owner occupied, housing that is priced at 80% of the county
700 median home price.

701 (2) "Agency" means the same as that term is defined in Section [17C-1-102](#).

702 (3) "Base taxable value" means the same as that term is defined in Section [63N-3-602](#).

703 (4) "Base year" means the same as that term is defined in Section [63N-3-602](#).

704 (5) "Developable area" means the same as that term is defined in Section [63N-3-602](#).

705 (6) " Dwelling unit" means the same as that term is defined in Section [63N-3-602](#).

706 (7) "Extraterritorial home" means a dwelling unit that is included as part of the first
707 home investment zone proposal that:

708 (a) is located within the municipality proposing the first home investment zone but
709 outside the boundary of the first home investment zone;

710 (b) is part of a development with a density of at least six units per acre;

711 (c) is not located within an existing housing and transit reinvestment zone or an area
712 that could be included in a housing and transit reinvestment zone;

713 (d) has not been issued a building permit by the municipality as of the date of the
714 approval of the first home investment zone; and

715 (e) is required to be owner occupied for no less than 25 years.

716 (8) "First home investment zone" means a first home investment zone created in
717 accordance with this part.

718 (9) "Home" means a dwelling unit.

719 (10) "Housing and transit reinvestment zone" means the same as that term is defined in
720 Section [63N-3-602](#).

721 (11) "Housing and transit reinvestment zone committee" means the housing and transit
722 reinvestment zone committee described in Section [63N-3-605](#).

723 (12) "Metropolitan planning organization" means the same as that term is defined in
724 Section [72-1-208.5](#).

725 (13) "Mixed use development" means the same as that term is defined in Section
726 [63N-3-603](#).

727 (14) "Moderate income housing plan" means the same as that term is defined in
728 Section [11-41-102](#).

729 (15) "Municipality" means the same as that term is defined in Section [10-1-104](#).

730 (16) "Owner occupied" means private real property that is:

731 (a) used for a single-family residential purpose; and

732 (b) required to be occupied by the owner of the real property for no less than 25 years.

733 (17) "Project area" means the same as that term is defined in Section [17C-1-102](#).

734 (18) "Project area budget" means the same as that term is defined in Section
735 [17C-1-102](#).

736 (19) "Project area plan" means the same as that term is defined in Section [17C-1-102](#).

737 (20) (a) "Project improvements" means site improvements and facilities that are:

738 (i) planned and designed to provide service for development resulting from a

739 development activity;

740 (ii) necessary for the use and convenience of the occupants or users of development
741 resulting from a development activity; and

742 (iii) not identified or reimbursed as a system improvement.

743 (b) "Project improvements" does not mean system improvements.

744 (21) "State Tax Commission" means the State Tax Commission created in Section
745 59-1-201.

746 (22) (a) "System improvements" means existing and future public facilities that are
747 designed to provide services to service areas within the community at large.

748 (b) "System improvements" does not mean project improvements.

749 (23) (a) "Tax increment" means the difference between:

750 (i) the amount of property tax revenue generated each tax year by a taxing entity from
751 the area within a first home investment zone designated in the first home investment zone
752 proposal as the area from which tax increment is to be collected, using the current assessed
753 value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

754 (ii) the amount of property tax revenue that would be generated from that same area
755 using the base taxable value and each taxing entity's current certified tax rate as defined in
756 Section 59-2-924.

757 (b) "Tax increment" does not include property tax revenue from:

758 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);

759 or

760 (ii) a county additional property tax described in Subsection 59-2-1602(4).

761 (24) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

762 (25) "Unencumbered annual community reinvestment agency revenue" means tax
763 increment revenue received by the agency for purposes identified in Title 17C, Limited
764 Purpose Local Government Entities - Community Reinvestment Agency Act, that:

765 (a) have not been designated ~~Ĥ~~ → [~~set aside~~] ← ~~Ĥ~~ or restricted for future qualified uses as
766 approved under a project area plan and project area budget related to a specific project area;

767 and

768 (b) do not have a date certain by which the tax increment revenues will be used.

769 Section 6. Section **63N-3-1302** is enacted to read:

770 63N-3-1302. Applicability, requirements, and limitations on a first home
771 investment zone.

772 (1) A first home investment zone created pursuant to this part shall promote the
773 following objectives:

774 (a) encouraging efficient development and opportunities for home ownership by
775 providing a variety of housing options, including affordable housing and for sale,
776 owner-occupied housing;

777 (b) improving availability of housing options;

778 (c) overcoming development impediments and market conditions that render a
779 development cost prohibitive absent the proposal and incentives;

780 (d) conserving water resources through efficient land use;

781 (e) improving air quality by reducing fuel consumption and motor vehicle trips;

782 (f) encouraging transformative mixed-use development;

783 (g) strategic land use and municipal planning in major transit investment corridors as
784 described in Subsection [10-9a-403\(2\)](#);

785 (h) increasing access to employment and educational opportunities;

786 (i) increasing access to child care; and

787 (j) improving efficiencies in parking and transportation, including walkability of
788 communities, street and path interconnectivity within the proposed development and
789 connections to surrounding communities, and access to roadways, public transportation, and
790 active transportation.

791 (2) In order to accomplish the objectives described in Subsection (1), a municipality or
792 county that initiates the process to create a first home investment zone as described in this part
793 shall ensure that the proposal for a first home investment zone includes:

794 (a) subject to Subsection (3), a minimum of 30 housing units per acre in at least 51% of
795 the developable area within the first home investment zone;

796 (b) a mixed use development;

797 (c) a requirement that at least 25% of homes within the first home investment zone
798 remain owner occupied for at least 25 years from the date of original purchase;

799 (d) for homes inside the first home investment zone, a requirement that at least 12% of
800 the owner occupied homes and 12% of the homes that are not owner occupied are affordable

801 housing; and

802 (e) a requirement that at least 20% of the extraterritorial homes are affordable housing.

803 (3) (a) Subject to Subsection (3)(b), to satisfy the requirements described in Subsection

804 (2)(a), a first home investment zone may include an extraterritorial home to count toward the

805 required density of the first home investment zone by:

806 (i) (A) taking the total number of extraterritorial homes related to the first home

807 investment zone; and

808 (B) adding the total number under Subsection (3)(a)(i)(A) to the number of homes

809 within the first home investment zone; and

810 (ii) dividing the total described in Subsection (3)(a)(i) by the total number of

811 developable acres with the first home investment zone.

812 (b) Extraterritorial homes may account for no more than half of the total homes to

813 calculate density within a first home investment zone.

814 (4) (a) If a municipality proposes a first home investment zone, the proposal shall

815 comply with the limitations described in this Subsection (4).

816 (b) A first home investment zone may not be less than 10 acres and no more than 100

817 acres in size.

818 (c) (i) Except as provided in Subsection (4)(c)(ii), a first home investment zone is

819 required to be one contiguous area.

820 (ii) While considering a first home investment zone proposal as described in Section

821 [63N-3-1305](#), the housing and transit reinvestment zone committee may consider and approve a

822 first home investment zone that is not one contiguous area if:

823 (A) the municipality provides evidence in the proposal showing that the deviation from

824 the contiguity requirement will enhance the ability of the first home investment zone to achieve

825 the objectives described in Subsection (1); and

826 (B) the housing and transit reinvestment zone committee determines that the deviation

827 is reasonable and circumstances justify deviation from the contiguity requirement.

828 (iii) The first home investment zone area contiguity is not affected by roads or other

829 rights-of-way.

830 (d) (i) A first home investment zone proposal may propose the capture of a maximum

831 of 60% of each taxing entity's tax increment above the base year for a term of no more than 25

832 consecutive years within a 45-year period not to exceed the tax increment amount approved in
833 the first home investment zone proposal.

834 (ii) A first home investment zone proposal may not propose or include triggering more
835 than three tax increment collection periods during the applicable 25-year period.

836 (iii) Subject to Subsection (4)(d)(iv), a municipality shall ensure that the required
837 affordable housing units are included proportionally in each phase of the first home investment
838 zone development.

839 (iv) A municipality may allow a first home investment zone to be phased and
840 developed in a manner to provide more of the required affordable housing units in early phases
841 of development.

842 (e) If a municipality proposes a first home investment zone, commencement of the
843 collection of tax increment, for all or a portion of the first home investment zone, is triggered
844 by providing notice as described in Subsection (5).

845 (f) A municipality may restrict homes within a first home investment zone and related
846 extraterritorial homes from being used as a short-term rental.

847 (g) A municipality shall ensure that affordable housing within a first home investment
848 zone and related extraterritorial homes that are reserved as affordable housing are spread
849 throughout the overall development.

850 (h) A municipality shall ensure that at least 80% of extraterritorial homes included in a
851 first home investment zone proposal are single-family detached homes.

852 (i) A municipality shall include in a first home investment zone proposal:

853 (i) an affordable housing plan, which may include deed restrictions, to ensure the
854 affordable housing required in the proposal will continue to meet the definition of affordable
855 housing at least throughout the entire term of the first home investment zone; and

856 (ii) an owner occupancy plan, which may include deed restrictions, to ensure the owner
857 occupancy requirements in the proposal will continue to meet the definition of owner
858 occupancy at least throughout the entire term of the first home investment zone.

859 (j) A municipality shall include in the first home investment zone proposal evidence to
860 demonstrate how the first home investment proposal complies with the municipality's moderate
861 income housing plan and general plan.

862 (5) Notice of commencement of collection of tax increment shall be sent by mail or

863 electronically to the following entities no later than January 1 of the year for which the tax
864 increment collection is proposed to commence:

- 865 (a) the State Tax Commission;
866 (b) the State Board of Education;
867 (c) the state auditor;
868 (d) the auditor of the county in which the first home investment zone is located;
869 (e) each taxing entity affected by the collection of tax increment from the first home
870 investment zone;

- 871 (f) the assessor of the county in which the first home investment zone is located; and
872 (g) the Governor's Office of Economic Opportunity.

873 (6) A first home investment zone proposal may not include a proposal to capture sales
874 and use tax increment.

875 (7) A municipality may not propose a first home investment zone in a county of the
876 first class if the limitation described in Subsection 63N-3-603(7)(c) has been reached.

877 (8) A municipality may not propose a first home investment zone in a location that is
878 eligible for a housing and transit reinvestment zone.

879 (9) A municipality may not propose a first home investment zone if the municipality's
880 community reinvestment agency, based on the most recent annual comprehensive financial
881 report, retains cash and cash equivalent assets of more than 20% of ongoing and unencumbered
882 annual community reinvestment agency revenue.

883 Section 7. Section **63N-3-1303** is enacted to read:

884 **63N-3-1303. Process for a proposal of a first home investment zone.**

885 (1) Subject to approval of the housing and transit reinvestment zone committee as
886 described in Section 63N-3-1304, in order to create a first home investment zone, a
887 municipality that has general land use authority over the first home investment zone area, shall:

888 (a) prepare a proposal for the first home investment zone that:

889 (i) demonstrates that the proposed first home investment zone will meet the objectives
890 described in Subsection 63N-3-1302(1);

891 (ii) explains how the municipality will achieve the requirements of Subsection
892 63N-3-1302(2);

893 (iii) defines the specific infrastructure needs, if any, and proposed improvements;

- 894 (iv) defines the boundaries of the first home investment zone;
- 895 (v) includes maps of the proposed first home investment zone to illustrate:
- 896 (A) proposed housing density within the first home investment zone;
- 897 (B) extraterritorial homes relevant to the first home investment zone, including density
- 898 of the development of extraterritorial homes; and
- 899 (C) existing zoning and proposed zoning changes related to the first home investment
- 900 zone;
- 901 (vi) identifies any development impediments that prevent the development from being
- 902 a market-rate investment and proposed strategies for addressing each one;
- 903 (vii) describes the proposed development plan, including the requirements described in
- 904 Subsections [63N-3-1302\(2\)](#) and (4);
- 905 (viii) establishes the collection period or periods to calculate the tax increment;
- 906 (ix) describes projected maximum revenues generated and the amount of tax increment
- 907 capture from each taxing entity and proposed expenditures of revenue derived from the first
- 908 home investment zone;
- 909 (x) includes an analysis of other applicable or eligible incentives, grants, or sources of
- 910 revenue that can be used to reduce the finance gap;
- 911 (xi) proposes a finance schedule to align expected revenue with required financing
- 912 costs and payments;
- 913 (xii) evaluates possible benefits to active transportation, public transportation
- 914 availability and utilization, street connectivity, and air quality; and
- 915 (xiii) provides a pro-forma for the planned development that:
- 916 (A) satisfies the requirements described in Subsections [63N-3-1302\(2\)](#) and (4); and
- 917 (B) includes data showing the cost difference between what type of development could
- 918 feasibly be developed absent the first home investment zone tax increment and the type of
- 919 development that is proposed to be developed with the first home investment zone tax
- 920 increment; and
- 921 (b) submit the first home investment zone proposal to the Governor's Office of
- 922 Economic Opportunity.
- 923 (2) As part of the proposal described in Subsection (1), a municipality shall:
- 924 (a) study and evaluate possible impacts of a proposed first home investment zone on

925 parking and efficient use of land within the municipality and first home investment zone; and

926 (b) include in the first home investment zone proposal the findings of the study
927 described in Subsection (2)(a) and proposed strategies to efficiently address parking impacts.

928 (3) (a) After receiving the proposal as described in Subsection (1)(b), the Governor's
929 Office of Economic Opportunity shall:

930 (i) within 14 days after the date on which the Governor's Office of Economic
931 Opportunity receives the proposal described in Subsection (1)(b), provide notice of the
932 proposal to all affected taxing entities, including the State Tax Commission, cities, counties,
933 school districts, metropolitan planning organizations, and the county assessor and county
934 auditor of the county in which the first home investment zone is located; and

935 (ii) at the expense of the proposing municipality as described in Subsection (5),
936 contract with an independent entity to perform the gap analysis described in Subsection (3)(b).

937 (b) The gap analysis required in Subsection (3)(a)(ii) shall include:

938 (i) a description of the planned development;

939 (ii) a market analysis relative to other comparable project developments included in or
940 adjacent to the municipality absent the proposed first home investment zone;

941 (iii) an evaluation of the proposal and a determination of the adequacy and efficiency
942 of the proposal;

943 (iv) an evaluation of the proposed tax increment capture needed to cover the system
944 improvements and project improvements associated with the first home investment zone
945 proposal and enable the proposed development to occur, and for the benefit of affordable
946 housing projects; and

947 (v) based on the market analysis and other findings, an opinion relative to the
948 appropriate amount of potential public financing reasonably determined to be necessary to
949 achieve the objectives described in Subsection [63N-3-1302\(1\)](#).

950 (c) After receiving notice from the Governor's Office of Economic Opportunity of a
951 proposed first home investment zone as described in Subsection (3)(a)(i), the municipality, in
952 consultation with the county assessor and the State Tax Commission, shall:

953 (i) evaluate the feasibility of administering the tax implications of the proposal; and

954 (ii) provide a letter to the Governor's Office of Economic Opportunity describing any
955 challenges in the administration of the proposal, or indicating that the county assessor can

956 feasibly administer the proposal.

957 (4) After receiving the results from the analysis described in Subsection (3)(b), the
958 municipality proposing the first home investment zone may:

959 (a) amend the first home investment zone proposal based on the findings of the
960 analysis described in Subsection (3)(b) and request that the Governor's Office of Economic
961 Opportunity submit the amended first home investment zone proposal to the housing and
962 transit reinvestment zone committee; or

963 (b) request that the Governor's Office of Economic Opportunity submit the original
964 first home investment zone proposal to the housing and transit reinvestment zone committee.

965 (5) (a) The Governor's Office of Economic Opportunity may accept, as a dedicated
966 credit, up to \$20,000 from a municipality for the costs of the gap analysis described in
967 Subsection (3)(b).

968 (b) The Governor's Office of Economic Opportunity may expend funds received from a
969 municipality as dedicated credits to pay for the costs associated with the gap analysis described
970 in Subsection (3)(b).

971 Section 8. Section **63N-3-1304** is enacted to read:

972 **63N-3-1304. Consideration of proposals by housing and transit reinvestment zone**
973 **committee.**

974 (1) A first home investment zone proposed under this part is subject to approval by the
975 housing and transit reinvestment zone committee.

976 (2) After the Governor's Office of Economic Opportunity receives the results of the
977 analysis described in Section [63N-3-1303](#), and after the Governor's Office of Economic
978 Opportunity has received a request from the submitting municipality to submit the first home
979 investment zone proposal to the housing and transit reinvestment zone committee, the
980 Governor's Office of Economic Opportunity shall notify each of the relevant entities of the
981 formation of the housing and transit reinvestment zone committee as described in Section
982 [63N-3-605](#).

983 (3) (a) The chair of the housing and transit reinvestment zone committee shall convene
984 a public meeting to consider the proposed first home investment zone in the same manner as
985 described in Section [63N-3-605](#).

986 (b) A meeting of the housing and transit reinvestment zone committee is subject to

987 Title 52, Chapter 4, Open and Public Meetings Act.

988 (4) (a) The proposing municipality shall present the first home investment zone
989 proposal to the housing and transit reinvestment zone committee in a public meeting.

990 (b) The housing and transit reinvestment zone committee shall:

991 (i) evaluate and verify whether the objectives and elements of a first home investment
992 zone described in Subsections 63N-3-1302(1), (2), and (4) have been met; and

993 (ii) evaluate the proposed first home investment zone relative to the analysis described
994 in Subsection 63N-3-1303(2).

995 (5) (a) Subject to Subsection (5)(b), the housing and transit reinvestment zone
996 committee may:

997 (i) request changes to the first home investment zone proposal based on the analysis,
998 characteristics, and criteria described in Section 63N-3-1303; or

999 (ii) vote to approve or deny the proposal.

1000 (b) Before the housing and transit reinvestment zone committee may approve the first
1001 home investment zone proposal, the municipality proposing the first home investment zone
1002 shall ensure that the area of the proposed first home investment zone is zoned in such a manner
1003 to accommodate the requirements of a first home investment zone described in this section and
1004 the proposed development.

1005 (6) If a first home investment zone is approved by the committee:

1006 (a) the proposed first home investment zone is established according to the terms of the
1007 first home investment zone proposal;

1008 (b) affected local taxing entities are required to participate according to the terms of the
1009 first home investment zone proposal; and

1010 (c) each affected taxing entity is required to participate at the same rate.

1011 (7) A first home investment zone proposal may be amended by following the same
1012 procedure as approving a first home investment zone proposal.

1013 Section 9. Section **63N-3-1305** is enacted to read:

1014 **63N-3-1305. Notice requirements.**

1015 (1) In approving a first home investment zone proposal the housing and transit
1016 reinvestment zone committee shall follow the hearing and notice requirements for proposing a
1017 first home investment zone as described in this section.

1018 (2) Within 30 days after the housing and transit reinvestment zone committee approves
1019 a proposed first home investment zone, the municipality shall:

1020 (a) record with the recorder of the county in which the first home investment zone is
1021 located a document containing:

1022 (i) a description of the land within the first home investment zone;

1023 (ii) a statement that the proposed first home investment zone has been approved; and

1024 (iii) the date of adoption;

1025 (b) transmit a copy of the description of the land within the first home investment zone
1026 and an accurate map or plat indicating the boundaries of the first home investment zone to the
1027 Utah Geospatial Resource Center created under Section [63A-16-505](#); and

1028 (c) transmit a copy of the approved first home investment zone proposal, map, and
1029 description of the land within the first home investment zone, to:

1030 (i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any
1031 part of the first home investment zone is located;

1032 (ii) the officer or officers performing the function of auditor or assessor for each taxing
1033 entity that does not use the county assessment roll or collect the taxing entity's taxes through
1034 the county;

1035 (iii) the legislative body or governing board of each taxing entity;

1036 (iv) the State Tax Commission; and

1037 (v) the State Board of Education.

1038 Section 10. Section **63N-3-1306** is enacted to read:

1039 **63N-3-1306. Payment, use, and administration of tax increment from a first home**
1040 **investment zone.**

1041 (1) A municipality may receive and use tax increment and first home investment zone
1042 funds in accordance with this part.

1043 (2) (a) A county that collects property tax on property located within a first home
1044 investment zone shall, in accordance with Section [59-2-1365](#), distribute to the municipality any
1045 tax increment the municipality is authorized to receive up to the maximum approved by the
1046 housing and transit reinvestment zone committee.

1047 (b) (i) Except as provided in Subsection (2)(b)(ii), tax increment paid to the
1048 municipality are first home investment zone funds and shall be administered by the

1049 municipality within which the first home investment zone is located.

1050 (ii) A municipality may contract with an agency, county, or a housing authority to
1051 administer tax increment and the first home investment zone, ensure compliance with first
1052 home investment zone requirements, and administer deed restrictions.

1053 (iii) Before an agency may receive first home investment zone funds from the
1054 municipality, the municipality and the agency shall enter into an interlocal agreement with
1055 terms that:

1056 (A) are consistent with the approval of the housing and transit reinvestment zone
1057 committee; and

1058 (B) meet the requirements of Section [63N-3-1302](#).

1059 (3) (a) A municipality and the agency shall use first home investment zone funds for
1060 the benefit of the first home investment zone and related extraterritorial housing.

1061 (b) If any first home investment zone funds will be used outside of the first home
1062 investment zone there must be a finding in the approved proposal for a first home investment
1063 zone that the use of the first home investment zone funds outside of the first home investment
1064 zone will directly benefit the first home investment zone or related extraterritorial homes.

1065 (4) In accordance with Subsection [63N-3-1302\(4\)\(e\)](#), a municipality shall use the first
1066 home investment zone funds to achieve the purposes described in Subsections [63N-3-1302\(1\)](#)
1067 and (2), by paying all or part of the costs associated with the first home investment zone and
1068 extraterritorial homes, including:

1069 (a) project improvements;

1070 (b) system improvements; and

1071 (c) the costs of the municipality to create and administer the first home investment
1072 zone, which may not exceed 2% of the total first home investment zone funds, plus the costs to
1073 complete the gap analysis described in Subsection [63N-3-1303\(2\)](#).

1074 (5) First home investment zone funds may be paid to a participant, if the agency and
1075 participant enter into a participation agreement which requires the participant to utilize the first
1076 home investment zone funds as allowed in this section.

1077 (6) First home investment zone funds may be used to pay all of the costs of bonds
1078 issued by the municipality in accordance with Title 17C, Chapter 1, Part 5, Agency Bonds,
1079 including the cost to issue and repay the bonds including interest.

1080 (7) A municipality may create one or more public infrastructure districts within the city
1081 under Title 17D, Chapter 4, Public Infrastructure District Act, and pledge and utilize the first
1082 home investment zone funds to guarantee the payment of public infrastructure bonds issued by
1083 a public infrastructure district.

1084 Section 11. Section **63N-3-1307** is enacted to read:

1085 **63N-3-1307. Applicability to an existing first home investment zone or community**
1086 **reinvestment project.**

1087 If a parcel within a first home investment zone is included as an area that is part of a
1088 project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter
1089 1, Agency Operations, that parcel may not be triggered for collection unless the project area
1090 funds collection period, as that term is defined in Section 17C-1-102, has expired.

1091 Section 12. Section **63N-3-1308** is enacted to read:

1092 **63N-3-1308. Tax increment protections.**

1093 (1) Upon petition by a participating taxing entity or on the initiative of the housing and
1094 transit reinvestment zone committee creating a first home investment zone, a first home
1095 investment zone may suspend or terminate the collection of tax increment in a first home
1096 investment zone if the housing and transit reinvestment zone committee determines, by clear
1097 and convincing evidence, presented in a public meeting of the housing and transit reinvestment
1098 zone committee, that:

1099 (a) a substantial portion of the tax increment collected in the first home investment
1100 zone has not or will not be used for the purposes provided in Section 63N-3-1306; and

1101 (b) (i) the first home investment zone has no indebtedness; or

1102 (ii) the first home investment zone has no binding financial obligations.

1103 (2) A first home investment zone may not collect tax increment in excess of the tax
1104 increment projections or limitations set forth in the first home investment zone proposal.

1105 (3) The agency administering the tax increment collected in a first home investment
1106 zone under Subsection 63N-3-1306(2), shall have standing in a court with proper jurisdiction
1107 to enforce provisions of the first home investment zone proposal, participation agreements, and
1108 other agreements for the use of the tax increment collected.

1109 (4) The agency administering tax increment from a first home investment zone under

1110 Subsection 63N-3-1306(2) shall follow the reporting requirements described in Section
1111 17C-1-603 and the audit requirements described in Sections 17C-1-604 and 17C-1-605.

1112 (5) For each first home investment zone collecting tax increment within a county, the
1113 county auditor shall follow the reporting requirement found in Section 17C-1-606.

1114 Section 13. Section **63N-3-1309** is enacted to read:

1115 **63N-3-1309. Boundary adjustments.**

1116 If the relevant county assessor or county auditor adjusts parcel boundaries relevant to a
1117 first home investment zone, the municipality administering the tax increment collected in the
1118 first home investment zone may make corresponding adjustments to the boundary of the first
1119 home investment zone.

1120 Section 14. **Effective date.**

1121 This bill takes effect on May 1, 2024.