

Representative Calvin R. Musselman 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;



26 ▶ allows a first home investment zone to count toward requirements for moderate
27 income housing plans; and

28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **10-9a-403**, as last amended by Laws of Utah 2023, Chapters 88, 219 and 238

36 **59-2-924**, as last amended by Laws of Utah 2023, Chapter 502

37 **63N-3-602**, as last amended by Laws of Utah 2023, Chapter 357

38 **63N-3-603**, as last amended by Laws of Utah 2023, Chapter 357

39 **63N-3-605**, as last amended by Laws of Utah 2023, Chapter 357

40 ENACTS:

41 **63N-3-1301**, Utah Code Annotated 1953

42 **63N-3-1302**, Utah Code Annotated 1953

43 **63N-3-1303**, Utah Code Annotated 1953

44 **63N-3-1304**, Utah Code Annotated 1953

45 **63N-3-1305**, Utah Code Annotated 1953

46 **63N-3-1306**, Utah Code Annotated 1953

47 **63N-3-1307**, Utah Code Annotated 1953

48 **63N-3-1308**, Utah Code Annotated 1953

49 **63N-3-1309**, Utah Code Annotated 1953

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

52 Section 1. Section **10-9a-403** is amended to read:

53 **10-9a-403. General plan preparation.**

54 (1) (a) The planning commission shall provide notice, as provided in Section
55 **10-9a-203**, of the planning commission's intent to make a recommendation to the municipal
56 legislative body for a general plan or a comprehensive general plan amendment when the

57 planning commission initiates the process of preparing the planning commission's
58 recommendation.

59 (b) The planning commission shall make and recommend to the legislative body a
60 proposed general plan for the area within the municipality.

61 (c) The plan may include areas outside the boundaries of the municipality if, in the
62 planning commission's judgment, those areas are related to the planning of the municipality's
63 territory.

64 (d) Except as otherwise provided by law or with respect to a municipality's power of
65 eminent domain, when the plan of a municipality involves territory outside the boundaries of
66 the municipality, the municipality may not take action affecting that territory without the
67 concurrence of the county or other municipalities affected.

68 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
69 and descriptive and explanatory matter, shall include the planning commission's
70 recommendations for the following plan elements:

71 (i) a land use element that:

72 (A) designates the long-term goals and the proposed extent, general distribution, and
73 location of land for housing for residents of various income levels, business, industry,
74 agriculture, recreation, education, public buildings and grounds, open space, and other
75 categories of public and private uses of land as appropriate;

76 (B) includes a statement of the projections for and standards of population density and
77 building intensity recommended for the various land use categories covered by the plan;

78 (C) except for a city of the fifth class or a town, is coordinated to integrate the land use
79 element with the water use and preservation element; and

80 (D) except for a city of the fifth class or a town, accounts for the effect of land use
81 categories and land uses on water demand;

82 (ii) a transportation and traffic circulation element that:

83 (A) provides the general location and extent of existing and proposed freeways, arterial
84 and collector streets, public transit, active transportation facilities, and other modes of
85 transportation that the planning commission considers appropriate;

86 (B) for a municipality that has access to a major transit investment corridor, addresses
87 the municipality's plan for residential and commercial development around major transit

88 investment corridors to maintain and improve the connections between housing, employment,
89 education, recreation, and commerce;

90 (C) for a municipality that does not have access to a major transit investment corridor,
91 addresses the municipality's plan for residential and commercial development in areas that will
92 maintain and improve the connections between housing, transportation, employment,
93 education, recreation, and commerce; and

94 (D) correlates with the population projections, the employment projections, and the
95 proposed land use element of the general plan;

96 (iii) a moderate income housing element that:

97 (A) provides a realistic opportunity to meet the need for additional moderate income
98 housing within the municipality during the next five years;

99 (B) for a town, may include a recommendation to implement three or more of the
100 moderate income housing strategies described in Subsection (2)(b)(iii);

101 (C) for a specified municipality, as defined in Section 10-9a-408, that does not have a
102 fixed guideway public transit station, shall include a recommendation to implement three or
103 more of the moderate income housing strategies described in Subsection (2)(b)(iii);

104 (D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed
105 guideway public transit station, shall include a recommendation to implement five or more of
106 the moderate income housing strategies described in Subsection (2)(b)(iii), of which one shall
107 be the moderate income housing strategy described in Subsection (2)(b)(iii)(V), and one shall
108 be a moderate income housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and

109 (E) for a specified municipality, as defined in Section 10-9a-408, shall include an
110 implementation plan as provided in Subsection (2)(c); and

111 (iv) except for a city of the fifth class or a town, a water use and preservation element
112 that addresses:

113 (A) the effect of permitted development or patterns of development on water demand
114 and water infrastructure;

115 (B) methods of reducing water demand and per capita consumption for future
116 development;

117 (C) methods of reducing water demand and per capita consumption for existing
118 development; and

119 (D) opportunities for the municipality to modify the municipality's operations to
120 eliminate practices or conditions that waste water.

121 (b) In drafting the moderate income housing element, the planning commission:

122 (i) shall consider the Legislature's determination that municipalities shall facilitate a
123 reasonable opportunity for a variety of housing, including moderate income housing:

124 (A) to meet the needs of people of various income levels living, working, or desiring to
125 live or work in the community; and

126 (B) to allow people with various incomes to benefit from and fully participate in all
127 aspects of neighborhood and community life;

128 (ii) for a town, may include, and for a specified municipality as defined in Section
129 10-9a-408, shall include, an analysis of how the municipality will provide a realistic
130 opportunity for the development of moderate income housing within the next five years;

131 (iii) for a town, may include, and for a specified municipality as defined in Section
132 10-9a-408, shall include a recommendation to implement the required number of any of the
133 following moderate income housing strategies as specified in Subsection (2)(a)(iii):

134 (A) rezone for densities necessary to facilitate the production of moderate income
135 housing;

136 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
137 facilitates the construction of moderate income housing;

138 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
139 stock into moderate income housing;

140 (D) identify and utilize general fund subsidies or other sources of revenue to waive
141 construction related fees that are otherwise generally imposed by the municipality for the
142 construction or rehabilitation of moderate income housing;

143 (E) create or allow for, and reduce regulations related to, internal or detached accessory
144 dwelling units in residential zones;

145 (F) zone or rezone for higher density or moderate income residential development in
146 commercial or mixed-use zones near major transit investment corridors, commercial centers, or
147 employment centers;

148 (G) amend land use regulations to allow for higher density or new moderate income
149 residential development in commercial or mixed-use zones near major transit investment

150 corridors;

151 (H) amend land use regulations to eliminate or reduce parking requirements for
152 residential development where a resident is less likely to rely on the resident's own vehicle,
153 such as residential development near major transit investment corridors or senior living
154 facilities;

155 (I) amend land use regulations to allow for single room occupancy developments;

156 (J) implement zoning incentives for moderate income units in new developments;

157 (K) preserve existing and new moderate income housing and subsidized units by
158 utilizing a landlord incentive program, providing for deed restricted units through a grant
159 program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;

160 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

161 (M) demonstrate creation of, or participation in, a community land trust program for
162 moderate income housing;

163 (N) implement a mortgage assistance program for employees of the municipality, an
164 employer that provides contracted services to the municipality, or any other public employer
165 that operates within the municipality;

166 (O) apply for or partner with an entity that applies for state or federal funds or tax
167 incentives to promote the construction of moderate income housing, an entity that applies for
168 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
169 entity that applies for affordable housing programs administered by the Department of
170 Workforce Services, an entity that applies for affordable housing programs administered by an
171 association of governments established by an interlocal agreement under Title 11, Chapter 13,
172 Interlocal Cooperation Act, an entity that applies for services provided by a public housing
173 authority to preserve and create moderate income housing, or any other entity that applies for
174 programs or services that promote the construction or preservation of moderate income
175 housing;

176 (P) demonstrate utilization of a moderate income housing set aside from a community
177 reinvestment agency, redevelopment agency, or community development and renewal agency
178 to create or subsidize moderate income housing;

179 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
180 Part 6, Housing and Transit Reinvestment Zone Act;

- 181 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
182 accessory dwelling unit as defined in Section 10-9a-530;
- 183 (S) create a program to transfer development rights for moderate income housing;
- 184 (T) ratify a joint acquisition agreement with another local political subdivision for the
185 purpose of combining resources to acquire property for moderate income housing;
- 186 (U) develop a moderate income housing project for residents who are disabled or 55
187 years old or older;
- 188 (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;
- 189 (W) create or allow for, and reduce regulations related to, multifamily residential
190 dwellings compatible in scale and form with detached single-family residential dwellings and
191 located in walkable communities within residential or mixed-use zones; ~~and~~
- 192 (X) create a first home investment zone in accordance with Title 63N, Chapter 3, Part
193 13, First Home Investment Zone Act; and
- 194 ~~(X)~~ (Y) demonstrate implementation of any other program or strategy to address the
195 housing needs of residents of the municipality who earn less than 80% of the area median
196 income, including the dedication of a local funding source to moderate income housing or the
197 adoption of a land use ordinance that requires 10% or more of new residential development in a
198 residential zone be dedicated to moderate income housing; and
- 199 (iv) shall identify each moderate income housing strategy recommended to the
200 legislative body for implementation by restating the exact language used to describe the
201 strategy in Subsection (2)(b)(iii).
- 202 (c) (i) In drafting the implementation plan portion of the moderate income housing
203 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to
204 the legislative body the establishment of a five-year timeline for implementing each of the
205 moderate income housing strategies selected by the municipality for implementation.
- 206 (ii) The timeline described in Subsection (2)(c)(i) shall:
- 207 (A) identify specific measures and benchmarks for implementing each moderate
208 income housing strategy selected by the municipality, whether one-time or ongoing; and
- 209 (B) provide flexibility for the municipality to make adjustments as needed.
- 210 (d) In drafting the land use element, the planning commission shall:
- 211 (i) identify and consider each agriculture protection area within the municipality;

- 212 (ii) avoid proposing a use of land within an agriculture protection area that is
213 inconsistent with or detrimental to the use of the land for agriculture; and
- 214 (iii) consider and coordinate with any station area plans adopted by the municipality if
215 required under Section [10-9a-403.1](#).
- 216 (e) In drafting the transportation and traffic circulation element, the planning
217 commission shall:
- 218 (i) (A) consider and coordinate with the regional transportation plan developed by the
219 municipality's region's metropolitan planning organization, if the municipality is within the
220 boundaries of a metropolitan planning organization; or
- 221 (B) consider and coordinate with the long-range transportation plan developed by the
222 Department of Transportation, if the municipality is not within the boundaries of a
223 metropolitan planning organization; and
- 224 (ii) consider and coordinate with any station area plans adopted by the municipality if
225 required under Section [10-9a-403.1](#).
- 226 (f) In drafting the water use and preservation element, the planning commission:
- 227 (i) shall consider:
- 228 (A) applicable regional water conservation goals recommended by the Division of
229 Water Resources; and
- 230 (B) if Section [73-10-32](#) requires the municipality to adopt a water conservation plan
231 pursuant to Section [73-10-32](#), the municipality's water conservation plan;
- 232 (ii) shall include a recommendation for:
- 233 (A) water conservation policies to be determined by the municipality; and
- 234 (B) landscaping options within a public street for current and future development that
235 do not require the use of lawn or turf in a parkstrip;
- 236 (iii) shall review the municipality's land use ordinances and include a recommendation
237 for changes to an ordinance that promotes the inefficient use of water;
- 238 (iv) shall consider principles of sustainable landscaping, including the:
- 239 (A) reduction or limitation of the use of lawn or turf;
- 240 (B) promotion of site-specific landscape design that decreases stormwater runoff or
241 runoff of water used for irrigation;
- 242 (C) preservation and use of healthy trees that have a reasonable water requirement or

243 are resistant to dry soil conditions;

244 (D) elimination or regulation of ponds, pools, and other features that promote
245 unnecessary water evaporation;

246 (E) reduction of yard waste; and

247 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
248 optimal amount of water to the plants being irrigated;

249 (v) shall consult with the public water system or systems serving the municipality with
250 drinking water regarding how implementation of the land use element and water use and
251 preservation element may affect:

252 (A) water supply planning, including drinking water source and storage capacity
253 consistent with Section 19-4-114; and

254 (B) water distribution planning, including master plans, infrastructure asset
255 management programs and plans, infrastructure replacement plans, and impact fee facilities
256 plans;

257 (vi) shall consult with the Division of Water Resources for information and technical
258 resources regarding regional water conservation goals, including how implementation of the
259 land use element and the water use and preservation element may affect the Great Salt Lake;

260 (vii) may include recommendations for additional water demand reduction strategies,
261 including:

262 (A) creating a water budget associated with a particular type of development;

263 (B) adopting new or modified lot size, configuration, and landscaping standards that
264 will reduce water demand for new single family development;

265 (C) providing one or more water reduction incentives for existing development such as
266 modification of existing landscapes and irrigation systems and installation of water fixtures or
267 systems that minimize water demand;

268 (D) discouraging incentives for economic development activities that do not adequately
269 account for water use or do not include strategies for reducing water demand; and

270 (E) adopting water concurrency standards requiring that adequate water supplies and
271 facilities are or will be in place for new development; and

272 (viii) for a town, may include, and for another municipality, shall include, a
273 recommendation for low water use landscaping standards for a new:

- 274 (A) commercial, industrial, or institutional development;
- 275 (B) common interest community, as defined in Section 57-25-102; or
- 276 (C) multifamily housing project.
- 277 (3) The proposed general plan may include:
- 278 (a) an environmental element that addresses:
- 279 (i) the protection, conservation, development, and use of natural resources, including
- 280 the quality of:
- 281 (A) air;
- 282 (B) forests;
- 283 (C) soils;
- 284 (D) rivers;
- 285 (E) groundwater and other waters;
- 286 (F) harbors;
- 287 (G) fisheries;
- 288 (H) wildlife;
- 289 (I) minerals; and
- 290 (J) other natural resources; and
- 291 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
- 292 of streams and other waters;
- 293 (B) the regulation of the use of land on hillsides, stream channels and other
- 294 environmentally sensitive areas;
- 295 (C) the prevention, control, and correction of the erosion of soils;
- 296 (D) the preservation and enhancement of watersheds and wetlands; and
- 297 (E) the mapping of known geologic hazards;
- 298 (b) a public services and facilities element showing general plans for sewage, water,
- 299 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 300 police and fire protection, and other public services;
- 301 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 302 programs for:
- 303 (i) historic preservation;
- 304 (ii) the diminution or elimination of a development impediment as defined in Section

305 17C-1-102; and

306 (iii) redevelopment of land, including housing sites, business and industrial sites, and
307 public building sites;

308 (d) an economic element composed of appropriate studies and forecasts, as well as an
309 economic development plan, which may include review of existing and projected municipal
310 revenue and expenditures, revenue sources, identification of basic and secondary industry,
311 primary and secondary market areas, employment, and retail sales activity;

312 (e) recommendations for implementing all or any portion of the general plan, including
313 the adoption of land and water use ordinances, capital improvement plans, community
314 development and promotion, and any other appropriate action;

315 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
316 and

317 (g) any other element the municipality considers appropriate.

318 Section 2. Section 59-2-924 is amended to read:

319 **59-2-924. Definitions -- Report of valuation of property to county auditor and**
320 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
321 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
322 **commission.**

323 (1) As used in this section:

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

326 (ii) "Ad valorem property tax revenue" does not include:

327 (A) interest;

328 (B) penalties;

329 (C) collections from redemptions; or

330 (D) revenue received by a taxing entity from personal property that is semiconductor
331 manufacturing equipment assessed by a county assessor in accordance with Part 3, County
332 Assessment.

333 (b) "Adjusted tax increment" means the same as that term is defined in Section
334 17C-1-102.

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

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

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

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

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

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

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

348 (d) "Base taxable value" means:

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

351 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
352 the same as that term is defined in Section 11-59-207;

353 (iii) for an agency created under Section 17C-1-201.5, the same as that term is defined
354 in Section 17C-1-102;

355 (iv) for an authority created under Section 63H-1-201, the same as that term is defined
356 in Section 63H-1-102;

357 (v) for a host local government, the same as that term is defined in Section 63N-2-502;

358 [or]

359 (vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
360 Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as shown upon
361 the assessment roll last equalized during the base year, as that term is defined in Section
362 63N-3-602[:]; or

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

366 (e) "Centrally assessed benchmark value" means an amount equal to the highest year

367 end taxable value of real and personal property the commission assesses in accordance with
368 Part 2, Assessment of Property, for a previous calendar year that begins on or after January 1,
369 2015, adjusted for taxable value attributable to:

370 (i) an annexation to a taxing entity;

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

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

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

377 (A) zero; or

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

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

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

387 (h) "Community reinvestment agency" means the same as that term is defined in
388 Section [17C-1-102](#).

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

390 (i) zero; or

391 (ii) the sum of:

392 (A) locally assessed new growth;

393 (B) centrally assessed new growth; and

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

395 (j) "Host local government" means the same as that term is defined in Section
396 [63N-2-502](#).

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

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

400 (m) "Incremental property tax revenue" means the same as that term is defined in
401 Section [63N-2-502](#).

402 (n) "Incremental value" means:

403 (i) for an authority created under Section [11-58-201](#), the amount calculated by
404 multiplying:

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

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

409 (ii) for the Point of the Mountain State Land Authority created in Section [11-59-201](#),
410 an amount calculated by multiplying:

411 (A) the difference between the current assessed value of the property and the base
412 taxable value; and

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

415 (iii) for an agency created under Section [17C-1-201.5](#), the amount calculated by
416 multiplying:

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

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

421 (iv) for an authority created under Section [63H-1-201](#), the amount calculated by
422 multiplying:

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

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

427 (v) for a housing and transit reinvestment zone created pursuant to Title 63N, Chapter
428 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:

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

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

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

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

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

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

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

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

445 (viii) for a first home investment zone created pursuant to Title 63N, Chapter 3, Part
446 13, First Home Investment Zone Act, an amount calculated by multiplying:

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

449 and

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

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

453 (A) zero; or

454 (B) the amount calculated by subtracting the year end taxable value of real property the
455 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
456 adjusted for prior year end incremental value from the taxable value of real property the county
457 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
458 for current year incremental value.

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

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

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

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

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

468 (p) "Project area" means:

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

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

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

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

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

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

481 (iii) for an agency created under Section 17C-1-201.5, an amount equal to the
482 incremental value that is no longer provided to an agency as tax increment;

483 (iv) for an authority created under Section 63H-1-201, an amount equal to the
484 incremental value that is no longer provided to an authority as property tax allocation; [or]

485 (v) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part
486 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that
487 is no longer provided to a housing and transit reinvestment zone as tax increment[.]; or

488 (vi) for a first home investment zone created under Title 63N, Chapter 3, Part 13, First
489 Home Investment Zone Act, an amount equal to the incremental value that is no longer
490 provided to a first home investment zone as tax increment.

491 (r) "Project area incremental revenue" means the same as that term is defined in
492 Section [17C-1-1001](#).

493 (s) "Property tax allocation" means the same as that term is defined in Section
494 [63H-1-102](#).

495 (t) "Property tax differential" means the same as that term is defined in Section
496 [11-58-102](#).

497 (u) "Qualifying exempt revenue" means revenue received:

498 (i) for the previous calendar year;

499 (ii) by a taxing entity;

500 (iii) from tangible personal property contained on the prior year's tax rolls that is
501 exempt from property tax under Subsection [59-2-1115\(2\)\(b\)](#) for a calendar year beginning on
502 January 1, 2022; and

503 (iv) on the aggregate 2021 year end taxable value of the tangible personal property that
504 exceeds \$15,300.

505 (v) "Tax increment" means:

506 (i) for a project created under Section [17C-1-201.5](#), the same as that term is defined in
507 Section [17C-1-102](#); ~~or~~

508 (ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
509 Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section
510 [63N-3-602](#)~~[-:];~~ or

511 (iii) for a first home investment zone created under Title 63N, Chapter 3, Part 13, First
512 Home Investment Zone Act, the same as that term is defined in Section [63N-3-1301](#).

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

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

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

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

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

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

523 (c) the certified tax rate; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 553 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:
- 554 (i) in a county of the first, second, or third class, the levy imposed for municipal-type
- 555 services under Sections 17-34-1 and 17-36-9; and
- 556 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
- 557 purposes and such other levies imposed solely for the municipal-type services identified in
- 558 Section 17-34-1 and Subsection 17-36-3(23);
- 559 (c) for a community reinvestment agency that received all or a portion of a taxing
- 560 entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10,
- 561 Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4)
- 562 except that the commission shall treat the total revenue transferred to the community
- 563 reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the
- 564 prior year; and
- 565 (d) for debt service voted on by the public, the certified tax rate is the actual levy
- 566 imposed by that section, except that a certified tax rate for the following levies shall be
- 567 calculated in accordance with Section 59-2-913 and this section:
- 568 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
- 569 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative
- 570 orders under Section 59-2-1602.
- 571 (6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be
- 572 imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more
- 573 eligible judgments.
- 574 (b) The ad valorem property tax revenue generated by a judgment levy described in
- 575 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax
- 576 rate.
- 577 (7) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:
- 578 (i) the taxable value of real property:
- 579 (A) the county assessor assesses in accordance with Part 3, County Assessment; and
- 580 (B) contained on the assessment roll;
- 581 (ii) the year end taxable value of personal property:
- 582 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
- 583 (B) contained on the prior year's assessment roll; and

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

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

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

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

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

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

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

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

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

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

605 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
606 subtracting the taxable value of real and personal property the commission assesses in
607 accordance with Part 2, Assessment of Property, for the current year, adjusted for current year
608 incremental value, from the year end taxable value of the real and personal property the
609 commission assesses in accordance with Part 2, Assessment of Property, for the previous year,
610 adjusted for prior year end incremental value.

611 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
612 subtracting the total taxable value of real and personal property of a taxpayer the commission
613 assesses in accordance with Part 2, Assessment of Property, for the current year, from the total
614 year end taxable value of the real and personal property of a taxpayer the commission assesses

615 in accordance with Part 2, Assessment of Property, for the previous year.

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

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

619 **63N-3-602. Definitions.**

620 As used in this part:

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

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

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

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

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

633 (6) "Bus rapid transit station" means an existing station, stop, or terminal, or a
634 proposed station, stop, or terminal that is specifically identified in a metropolitan planning
635 organization's adopted long-range transportation plan and the relevant public transit district's
636 five-year plan:

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

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

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

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

643 (8) "Commuter rail station" means an existing station, stop, or terminal, or a proposed
644 station, stop, or terminal, which has been specifically identified in a metropolitan planning
645 organization's adopted long-range transportation plan and the relevant public transit district's

646 five-year plan:

- 647 (a) along an existing commuter rail line;
- 648 (b) along an extension to an existing commuter rail line or new commuter rail line; or
- 649 (c) along a fixed guideway extension from an existing commuter rail line.

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

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

- 654 (i) parks;
- 655 (ii) recreation facilities;
- 656 (iii) open space;
- 657 (iv) trails;
- 658 (v) publicly-owned roadway facilities; or
- 659 (vi) other public facilities.

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

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

665 (12) "Enhanced development costs" means extra costs associated with structured
666 parking costs, vertical construction costs, horizontal construction costs, life safety costs,
667 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height
668 of buildings or enhanced development.

669 (13) "First home investment zone" means the same as that term is defined in Section
670 [63N-3-1301](#).

671 [~~(13)~~] (14) "Fixed guideway" means the same as that term is defined in Section
672 [59-12-102](#).

673 [~~(14)~~] (15) "Horizontal construction costs" means the additional costs associated with
674 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to
675 achieve enhanced development in the housing and transit reinvestment zone.

676 [~~(15)~~] (16) "Housing and transit reinvestment zone" means a housing and transit

677 reinvestment zone created pursuant to this part.

678 ~~[(16)]~~ (17) "Housing and transit reinvestment zone committee" means a housing and
679 transit reinvestment zone committee created pursuant to Section [63N-3-605](#).

680 ~~[(17)]~~ (18) "Large public transit district" means the same as that term is defined in
681 Section [17B-2a-802](#).

682 ~~[(18)]~~ (19) "Light rail" means a passenger rail public transit system with right-of-way
683 and fixed rails:

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

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

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

687 ~~[(19)]~~ (20) "Light rail station" means an existing station, stop, or terminal or a
688 proposed station, stop, or terminal, which has been specifically identified in a metropolitan
689 planning organization's adopted long-range transportation plan and the relevant public transit
690 district's five-year plan:

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

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

693 ~~[(20)]~~ (21) "Metropolitan planning organization" means the same as that term is
694 defined in Section [72-1-208.5](#).

695 ~~[(21)]~~ (22) "Mixed use development" means development with a mix of multi-family
696 residential use and at least one additional land use.

697 ~~[(22)]~~ (23) "Municipality" means the same as that term is defined in Section [10-1-104](#).

698 ~~[(23)]~~ (24) "Participant" means the same as that term is defined in Section [17C-1-102](#).

699 ~~[(24)]~~ (25) "Participation agreement" means the same as that term is defined in Section
700 [17C-1-102](#), except that the agency may not provide and the person may not receive a direct
701 subsidy.

702 ~~[(25)]~~ (26) "Public transit county" means a county that has created a small public
703 transit district.

704 ~~[(26)]~~ (27) "Public transit hub" means a public transit depot or station where four or
705 more routes serving separate parts of the county-created transit district stop to transfer riders
706 between routes.

707 ~~[(27)]~~ (28) "Sales and use tax base year" means a sales and use tax year determined by

708 the first year pertaining to the tax imposed in Section 59-12-103 after the sales and use tax
709 boundary for a housing and transit reinvestment zone is established.

710 ~~[(28)]~~ (29) "Sales and use tax boundary" means a boundary created as described in
711 Section 63N-3-604, based on state sales and use tax collection that corresponds as closely as
712 reasonably practicable to the housing and transit reinvestment zone boundary.

713 ~~[(29)]~~ (30) "Sales and use tax increment" means the difference between:

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

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

720 ~~[(30)]~~ (31) "Sales and use tax revenue" means revenue that is generated from the tax
721 imposed under Section 59-12-103.

722 ~~[(31)]~~ (32) "Small public transit district" means the same as that term is defined in
723 Section 17B-2a-802.

724 ~~[(32)]~~ (33) "Tax Commission" means the State Tax Commission created in Section
725 59-1-201.

726 ~~[(33)]~~ (34) "Tax increment" means the difference between:

727 (a) the amount of property tax revenue generated each tax year by a taxing entity from
728 the area within a housing and transit reinvestment zone designated in the housing and transit
729 reinvestment zone proposal as the area from which tax increment is to be collected, using the
730 current assessed value and each taxing entity's current certified tax rate as defined in Section
731 59-2-924; and

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

735 ~~[(34)]~~ (35) "Taxing entity" means the same as that term is defined in Section
736 17C-1-102.

737 ~~[(35)]~~ (36) "Vertical construction costs" means the additional costs associated with
738 construction above four stories and structured parking to achieve enhanced development in the

739 housing and transit reinvestment zone.

740 Section 4. Section **63N-3-603** is amended to read:

741 **63N-3-603. Applicability, requirements, and limitations on a housing and transit**
742 **reinvestment zone.**

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

745 (a) higher utilization of public transit;

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

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

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

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

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

754 (g) encouraging transformative mixed-use development and investment in
755 transportation and public transit infrastructure in strategic areas;

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

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

759 (j) increasing access to child care.

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

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

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

769 (c) mixed-use development; and

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

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

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

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

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

783 (II) for a municipality that is a city of the first class with a population greater than
784 150,000 that is within a county of the first class, with an opportunity zone created pursuant to
785 Section 1400Z-1, Internal Revenue Code, does not exceed a 1/2 mile radius of a commuter rail
786 station located within the opportunity zone; or

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

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

790 (ii) subject to Section [63N-3-607](#), proposes the capture of a maximum of 80% of each
791 taxing entity's tax increment above the base year for a term of no more than 25 consecutive
792 years on each parcel within a 45-year period not to exceed the tax increment amount approved
793 in the housing and transit reinvestment zone proposal; and

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

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

799 (i) subject to Subsection (5):

800 (A) does not exceed:

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

803 (II) for a municipality that is a city of the first class with a population greater than
804 150,000 that is within a county of the first class, a 1/2 mile radius of a light rail station located
805 in an opportunity zone created pursuant to Section
806 1400Z-1, Internal Revenue Code; or

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

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

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

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

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

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

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

829 (5) (a) For a housing and transit reinvestment zone for a commuter rail station, if a
830 parcel is bisected by the relevant radius limitation, the full parcel may be included as part of the
831 housing and transit reinvestment zone area and will not count against the limitations described

832 in Subsection (4)(a)(i).

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

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

839 (a) the tax commission;

840 (b) the State Board of Education;

841 (c) the state auditor;

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

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

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

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

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

851 (c) Within a county of the first class, the maximum total combined number of housing
852 and transit reinvestment zones described in Subsections (7)(a) and (b) and first home
853 investment zones created under Part 13, First Home Investment Zone Act, is 11.

854 (8) (a) This Subsection (8) applies to a specified county, as defined in Section
855 17-27a-408, that has created a small public transit district on or before January 1, 2022.

856 (b) (i) A county described in Subsection (8)(a) shall, in accordance with Section
857 63N-3-604, prepare and submit to the Governor's Office of Economic Opportunity a proposal
858 to create a housing and transit reinvestment zone on or before December 31, 2022.

859 (ii) A county described in Subsection (8)(a) that, on December 31, 2022, was
860 noncompliant under Section 17-27a-408 for failure to demonstrate in the county's moderate
861 income housing report that the county complied with Subsection (8)(b)(i), may cure the
862 deficiency in the county's moderate income housing report by submitting satisfactory proof to

863 the Housing and Community Development Division that, notwithstanding the deadline in
864 Subsection (8)(b)(i), the county has submitted to the Governor's Office of Economic
865 Opportunity a proposal to create a housing and transit reinvestment zone.

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

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

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

880 (i) excluding the parcels devoted to commercial uses as described in Subsection
881 (8)(d)(ii), at least 39 dwelling units per acre on average over the developable area, with at least
882 10% of the dwelling units as affordable housing units;

883 (ii) commercial uses including office, retail, educational, and healthcare in support of
884 the mixed-use development constituting up to 1/3 of the total planned gross building square
885 footage of the subject parcels; and

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

888 Section 5. Section **63N-3-605** is amended to read:

889 **63N-3-605. Housing and transit reinvestment zone committee -- Creation.**

890 (1) For any housing and transit reinvestment zone proposed under this [part](#), or for a
891 first home investment zone proposed in accordance with Part 13, First Home Investment Zone
892 Act, there is created a housing and transit reinvestment zone committee with membership
893 described in Subsection (2).

- 894 (2) Each housing and transit reinvestment zone committee shall consist of the
895 following members:
- 896 (a) one representative from the Governor's Office of Economic Opportunity, designated
897 by the executive director of the Governor's Office of Economic Opportunity;
- 898 (b) one representative from each municipality that is a party to the proposed housing
899 and transit reinvestment zone or first home investment zone, designated by the chief executive
900 officer of each respective municipality;
- 901 (c) a member of the Transportation Commission created in Section [72-1-301](#);
- 902 (d) a member of the board of trustees of a large public transit district;
- 903 (e) one individual from the Office of the State Treasurer, designated by the state
904 treasurer;
- 905 (f) one member designated by the president of the Senate;
- 906 (g) one member designated by the speaker of the House of Representatives;
- 907 (h) one member designated by the chief executive officer of each county affected by
908 the housing and transit reinvestment zone or first home investment zone;
- 909 (i) one representative designated by the school superintendent from the school district
910 affected by the housing and transit reinvestment zone or first home investment zone; and
- 911 (j) one representative, representing the largest participating local taxing entity, after the
912 municipality, county, and school district.
- 913 (3) The individual designated by the Governor's Office of Economic Opportunity as
914 described in Subsection (2)(a) shall serve as chair of the housing and transit reinvestment zone
915 committee.
- 916 (4) (a) A majority of the members of the housing and transit reinvestment zone
917 committee constitutes a quorum of the housing and transit reinvestment zone committee.
- 918 (b) An action by a majority of a quorum of the housing and transit reinvestment zone
919 committee is an action of the housing and transit reinvestment zone committee.
- 920 (5) (a) After the Governor's Office of Economic Opportunity receives the results of the
921 analysis described in Section [63N-3-604](#), and after the Governor's Office of Economic
922 Opportunity has received a request from the submitting municipality or public transit county to
923 submit the housing and transit reinvestment zone proposal to the housing and transit
924 reinvestment zone committee, the Governor's Office of Economic Opportunity shall notify each

925 of the entities described in Subsection (2) of the formation of the housing and transit
926 reinvestment zone committee.

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

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

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

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

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

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

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

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

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

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

946 (b) Before the housing and transit reinvestment zone committee may approve the
947 housing and transit reinvestment zone proposal, the municipality or public transit county
948 proposing the housing and transit reinvestment zone shall ensure that the area of the proposed
949 housing and transit reinvestment zone is zoned in such a manner to accommodate the
950 requirements of a housing and transit reinvestment zone described in this section and the
951 proposed development.

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

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

955 (b) affected local taxing entities are required to participate according to the terms of the

956 housing and transit reinvestment zone proposal; and

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

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

961 Section 6. Section **63N-3-1301** is enacted to read:

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

963 **63N-3-1301. Definitions.**

964 (1) "Affordable housing" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

994 (13) "Mixed use development" means the same as that term is defined in Section
995 [63N-3-603](#).

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

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

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

1000 (a) used for a single-family residential purpose; and

1001 (b) required to be occupied by the owner of the real property for no less than 25 years.

1002 (17) "Project area" means the same as that term is defined in Section [17C-1-102](#).

1003 (18) (a) "Project improvements" means site improvements and facilities that are:

1004 (i) planned and designed to provide service for development resulting from a
1005 development activity;

1006 (ii) necessary for the use and convenience of the occupants or users of development
1007 resulting from a development activity; and

1008 (iii) not identified or reimbursed as a system improvement.

1009 (b) "Project improvements" does not mean system improvements.

1010 (19) "State Tax Commission" means the State Tax Commission created in Section
1011 [59-1-201](#).

1012 (20) (a) "System improvements" means existing and future public facilities that are
1013 designed to provide services to service areas within the community at large.

1014 (b) "System improvements" does not mean project improvements.

1015 (21) (a) "Tax increment" means the difference between:

1016 (i) the amount of property tax revenue generated each tax year by a taxing entity from
1017 the area within a first home investment zone designated in the first home investment zone

1018 proposal as the area from which tax increment is to be collected, using the current assessed
1019 value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

1020 (ii) the amount of property tax revenue that would be generated from that same area
1021 using the base taxable value and each taxing entity's current certified tax rate as defined in
1022 Section 59-2-924.

1023 (b) "Tax increment" does not include property tax revenue from:

1024 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);

1025 or

1026 (ii) a county additional property tax described in Subsection 59-2-1602(4).

1027 (22) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

1028 (23) "Unencumbered annual community reinvestment agency revenue" means tax

1029 increment revenue received by the agency for purposes identified in Title 17C, Limited

1030 Purpose Local Government Entities - Community Reinvestment Agency Act, that:

1031 (a) have not been designated or restricted for future qualified uses as approved by the
1032 agency board related to a specific project area; and

1033 (b) do not have a date certain by which the tax increment revenues will be used.

1034 Section 7. Section 63N-3-1302 is enacted to read:

1035 **63N-3-1302. Applicability, requirements, and limitations on a first home**
1036 **investment zone.**

1037 (1) A first home investment zone created pursuant to this part shall promote the
1038 following objectives:

1039 (a) encouraging efficient development and opportunities for home ownership by
1040 providing a variety of housing options, including affordable housing and for sale,
1041 owner-occupied housing;

1042 (b) improving availability of housing options;

1043 (c) overcoming development impediments and market conditions that render a
1044 development cost prohibitive absent the proposal and incentives;

1045 (d) conserving water resources through efficient land use;

1046 (e) improving air quality by reducing fuel consumption and motor vehicle trips;

1047 (f) encouraging transformative mixed-use development;

1048 (g) strategic land use and municipal planning in major transit investment corridors as

1049 described in Subsection 10-9a-403(2);

1050 (h) increasing access to employment and educational opportunities;

1051 (i) increasing access to child care; and

1052 (j) improving efficiencies in parking and transportation, including walkability of

1053 communities, street and path interconnectivity within the proposed development and

1054 connections to surrounding communities, and access to roadways, public transportation, and

1055 active transportation.

1056 (2) In order to accomplish the objectives described in Subsection (1), a municipality or

1057 county that initiates the process to create a first home investment zone as described in this part

1058 shall ensure that the proposal for a first home investment zone includes:

1059 (a) subject to Subsection (3), a minimum of 30 housing units per acre in at least 51% of

1060 the developable area within the first home investment zone;

1061 (b) a mixed use development;

1062 (c) a requirement that at least 25% of homes within the first home investment zone

1063 remain owner occupied for at least 25 years from the date of original purchase;

1064 (d) for homes inside the first home investment zone, a requirement that at least 12% of

1065 the owner occupied homes and 12% of the homes that are not owner occupied are affordable

1066 housing; and

1067 (e) a requirement that at least 20% of the extraterritorial homes are affordable housing.

1068 (3) (a) Subject to Subsection (3)(b), to satisfy the requirements described in Subsection

1069 (2)(a), a first home investment zone may include an extraterritorial home to count toward the

1070 required density of the first home investment zone by:

1071 (i) (A) taking the total number of extraterritorial homes related to the first home

1072 investment zone; and

1073 (B) adding the total number under Subsection (3)(a)(i)(A) to the number of homes

1074 within the first home investment zone; and

1075 (ii) dividing the total described in Subsection (3)(a)(i) by the total number of

1076 developable acres with the first home investment zone.

1077 (b) Extraterritorial homes may account for no more than half of the total homes to

1078 calculate density within a first home investment zone.

1079 (4) (a) If a municipality proposes a first home investment zone, the proposal shall

1080 comply with the limitations described in this Subsection (4).

1081 (b) A first home investment zone may not be less than 10 acres and no more than 100
1082 acres in size.

1083 (c) (i) Except as provided in Subsection (4)(c)(ii), a first home investment zone is
1084 required to be one contiguous area.

1085 (ii) While considering a first home investment zone proposal as described in Section
1086 63N-3-1305, the housing and transit reinvestment zone committee may consider and approve a
1087 first home investment zone that is not one contiguous area if:

1088 (A) the municipality provides evidence in the proposal showing that the deviation from
1089 the contiguity requirement will enhance the ability of the first home investment zone to achieve
1090 the objectives described in Subsection (1); and

1091 (B) the housing and transit reinvestment zone committee determines that the deviation
1092 is reasonable and circumstances justify deviation from the contiguity requirement.

1093 (iii) The first home investment zone area contiguity is not affected by roads or other
1094 rights-of-way.

1095 (d) (i) A first home investment zone proposal may propose the capture of a maximum
1096 of 60% of each taxing entity's tax increment above the base year for a term of no more than 25
1097 consecutive years within a 45-year period not to exceed the tax increment amount approved in
1098 the first home investment zone proposal.

1099 (ii) A first home investment zone proposal may not propose or include triggering more
1100 than three tax increment collection periods during the applicable 25-year period.

1101 (iii) Subject to Subsection (4)(d)(iv), a municipality shall ensure that the required
1102 affordable housing units are included proportionally in each phase of the first home investment
1103 zone development.

1104 (iv) A municipality may allow a first home investment zone to be phased and
1105 developed in a manner to provide more of the required affordable housing units in early phases
1106 of development.

1107 (e) If a municipality proposes a first home investment zone, commencement of the
1108 collection of tax increment, for all or a portion of the first home investment zone, is triggered
1109 by providing notice as described in Subsection (5).

1110 (f) A municipality may restrict homes within a first home investment zone and related

1111 extraterritorial homes from being used as a short-term rental.

1112 (g) A municipality shall ensure that affordable housing within a first home investment
1113 zone and related extraterritorial homes that are reserved as affordable housing are spread
1114 throughout the overall development.

1115 (h) A municipality shall ensure that at least 80% of extraterritorial homes included in a
1116 first home investment zone proposal are single-family detached homes.

1117 (i) A municipality shall include in a first home investment zone proposal:

1118 (i) an affordable housing plan, which may include deed restrictions, to ensure the
1119 affordable housing required in the proposal will continue to meet the definition of affordable
1120 housing at least throughout the entire term of the first home investment zone; and

1121 (ii) an owner occupancy plan, which may include deed restrictions, to ensure the owner
1122 occupancy requirements in the proposal will continue to meet the definition of owner
1123 occupancy at least throughout the entire term of the first home investment zone.

1124 (j) A municipality shall include in the first home investment zone proposal evidence to
1125 demonstrate how the first home investment proposal complies with the municipality's moderate
1126 income housing plan and general plan.

1127 (5) Notice of commencement of collection of tax increment shall be sent by mail or
1128 electronically to the following entities no later than January 1 of the year for which the tax
1129 increment collection is proposed to commence:

1130 (a) the State Tax Commission;

1131 (b) the State Board of Education;

1132 (c) the state auditor;

1133 (d) the auditor of the county in which the first home investment zone is located;

1134 (e) each taxing entity affected by the collection of tax increment from the first home
1135 investment zone;

1136 (f) the assessor of the county in which the first home investment zone is located; and

1137 (g) the Governor's Office of Economic Opportunity.

1138 (6) A first home investment zone proposal may not include a proposal to capture sales
1139 and use tax increment.

1140 (7) A municipality may not propose a first home investment zone in a county of the
1141 first class if the limitation described in Subsection [63N-3-603\(7\)\(c\)](#) has been reached.

1142 (8) A municipality may not propose a first home investment zone in a location that is
1143 eligible for a housing and transit reinvestment zone.

1144 (9) A municipality may not propose a first home investment zone if the municipality's
1145 community reinvestment agency, based on the most recent annual comprehensive financial
1146 report, retains cash and cash equivalent assets of more than 20% of ongoing and unencumbered
1147 annual community reinvestment agency revenue.

1148 Section 8. Section **63N-3-1303** is enacted to read:

1149 **63N-3-1303. Process for a proposal of a first home investment zone.**

1150 (1) Subject to approval of the housing and transit reinvestment zone committee as
1151 described in Section [63N-3-1304](#), in order to create a first home investment zone, a
1152 municipality that has general land use authority over the first home investment zone area, shall:

1153 (a) prepare a proposal for the first home investment zone that:

1154 (i) demonstrates that the proposed first home investment zone will meet the objectives
1155 described in Subsection [63N-3-1302\(1\)](#);

1156 (ii) explains how the municipality will achieve the requirements of Subsection
1157 [63N-3-1302\(2\)](#);

1158 (iii) defines the specific infrastructure needs, if any, and proposed improvements;

1159 (iv) demonstrates how the first home investment zone will ensure:

1160 (A) sufficient pedestrian access to schools and other areas of community; and

1161 (B) inclusion of child care facilities and access;

1162 (v) defines the boundaries of the first home investment zone;

1163 (vi) includes maps of the proposed first home investment zone to illustrate:

1164 (A) proposed housing density within the first home investment zone;

1165 (B) extraterritorial homes relevant to the first home investment zone, including density
1166 of the development of extraterritorial homes; and

1167 (C) existing zoning and proposed zoning changes related to the first home investment
1168 zone;

1169 (vii) identifies any development impediments that prevent the development from being
1170 a market-rate investment and proposed strategies for addressing each one;

1171 (viii) describes the proposed development plan, including the requirements described
1172 in Subsections [63N-3-1302\(2\)](#) and (4);

- 1173 (ix) establishes the collection period or periods to calculate the tax increment;
1174 (x) describes projected maximum revenues generated and the amount of tax increment
1175 capture from each taxing entity and proposed expenditures of revenue derived from the first
1176 home investment zone;
1177 (xi) includes an analysis of other applicable or eligible incentives, grants, or sources of
1178 revenue that can be used to reduce the finance gap;
1179 (xii) proposes a finance schedule to align expected revenue with required financing
1180 costs and payments;
1181 (xiii) evaluates possible benefits to active transportation, public transportation
1182 availability and utilization, street connectivity, and air quality; and
1183 (xiv) provides a pro-forma for the planned development that:
1184 (A) satisfies the requirements described in Subsections 63N-3-1302(2) and (4); and
1185 (B) includes data showing the cost difference between what type of development could
1186 feasibly be developed absent the first home investment zone tax increment and the type of
1187 development that is proposed to be developed with the first home investment zone tax
1188 increment;
1189 (b) submit the proposal to the relevant school district to discuss the requirements of the
1190 proposal and whether the proposal provides the benefits and achieves the objectives described
1191 in this part; and
1192 (c) submit the first home investment zone proposal to the Governor's Office of
1193 Economic Opportunity.
1194 (2) As part of the proposal described in Subsection (1), a municipality shall:
1195 (a) study and evaluate possible impacts of a proposed first home investment zone on
1196 parking and efficient use of land within the municipality and first home investment zone; and
1197 (b) include in the first home investment zone proposal the findings of the study
1198 described in Subsection (2)(a) and proposed strategies to efficiently address parking impacts.
1199 (3) (a) After receiving the proposal as described in Subsection (1)(c), the Governor's
1200 Office of Economic Opportunity shall:
1201 (i) within 14 days after the date on which the Governor's Office of Economic
1202 Opportunity receives the proposal described in Subsection (1)(c), provide notice of the
1203 proposal to all affected taxing entities, including the State Tax Commission, cities, counties,

1204 school districts, metropolitan planning organizations, and the county assessor and county
1205 auditor of the county in which the first home investment zone is located; and
1206 (ii) at the expense of the proposing municipality as described in Subsection (5),
1207 contract with an independent entity to:
1208 (A) perform the gap analysis described in Subsection (3)(b); and
1209 (B) perform an analysis of the pro-forma described in Subsection (1)(a)(xiv)(B) and the
1210 feasibility of the proposed development absent the tax increment.
1211 (b) The gap and pro-forma analysis required in Subsection (3)(a)(ii) shall include:
1212 (i) a description of the planned development;
1213 (ii) a market analysis relative to other comparable project developments included in or
1214 adjacent to the municipality absent the proposed first home investment zone;
1215 (iii) an evaluation of the proposal and a determination of the adequacy and efficiency
1216 of the proposal;
1217 (iv) an evaluation of the proposed tax increment capture needed to cover the system
1218 improvements and project improvements associated with the first home investment zone
1219 proposal and enable the proposed development to occur, and for the benefit of affordable
1220 housing projects; and
1221 (v) based on the market analysis and other findings, an opinion relative to the
1222 appropriate amount of potential public financing reasonably determined to be necessary to
1223 achieve the objectives described in Subsection [63N-3-1302\(1\)](#).
1224 (c) After receiving notice from the Governor's Office of Economic Opportunity of a
1225 proposed first home investment zone as described in Subsection (3)(a)(i), the municipality, in
1226 consultation with the county assessor and the State Tax Commission, shall:
1227 (i) evaluate the feasibility of administering the tax implications of the proposal; and
1228 (ii) provide a letter to the Governor's Office of Economic Opportunity describing any
1229 challenges in the administration of the proposal, or indicating that the county assessor can
1230 feasibly administer the proposal.
1231 (4) After receiving the results from the analysis described in Subsection (3)(b), the
1232 municipality proposing the first home investment zone may:
1233 (a) amend the first home investment zone proposal based on the findings of the
1234 analysis described in Subsection (3)(b) and request that the Governor's Office of Economic

1235 Opportunity submit the amended first home investment zone proposal to the housing and
1236 transit reinvestment zone committee; or

1237 (b) request that the Governor's Office of Economic Opportunity submit the original
1238 first home investment zone proposal to the housing and transit reinvestment zone committee.

1239 (5) (a) The Governor's Office of Economic Opportunity may accept, as a dedicated
1240 credit, up to \$20,000 from a municipality for the costs of the gap analysis described in
1241 Subsection (3)(b).

1242 (b) The Governor's Office of Economic Opportunity may expend funds received from a
1243 municipality as dedicated credits to pay for the costs associated with the gap analysis described
1244 in Subsection (3)(b).

1245 Section 9. Section **63N-3-1304** is enacted to read:

1246 **63N-3-1304. Consideration of proposals by housing and transit reinvestment zone**
1247 **committee.**

1248 (1) A first home investment zone proposed under this part is subject to approval by the
1249 housing and transit reinvestment zone committee.

1250 (2) After the Governor's Office of Economic Opportunity receives the results of the
1251 analysis described in Section [63N-3-1303](#), and after the Governor's Office of Economic
1252 Opportunity has received a request from the submitting municipality to submit the first home
1253 investment zone proposal to the housing and transit reinvestment zone committee, the
1254 Governor's Office of Economic Opportunity shall notify each of the relevant entities of the
1255 formation of the housing and transit reinvestment zone committee as described in Section
1256 [63N-3-605](#).

1257 (3) (a) The chair of the housing and transit reinvestment zone committee shall convene
1258 a public meeting to consider the proposed first home investment zone in the same manner as
1259 described in Section [63N-3-605](#).

1260 (b) A meeting of the housing and transit reinvestment zone committee is subject to
1261 Title 52, Chapter 4, Open and Public Meetings Act.

1262 (4) (a) The proposing municipality shall present the first home investment zone
1263 proposal to the housing and transit reinvestment zone committee in a public meeting.

1264 (b) The housing and transit reinvestment zone committee shall:

1265 (i) evaluate and verify whether the objectives and elements of a first home investment

1266 zone described in Subsections 63N-3-1302(1), (2), and (4) have been met; and

1267 (ii) evaluate the proposed first home investment zone relative to the analysis described
1268 in Subsection 63N-3-1303(2).

1269 (5) (a) Subject to Subsection (5)(b), the housing and transit reinvestment zone
1270 committee may:

1271 (i) request changes to the first home investment zone proposal based on the analysis,
1272 characteristics, and criteria described in Section 63N-3-1303; or

1273 (ii) vote to approve or deny the proposal.

1274 (b) Before the housing and transit reinvestment zone committee may approve the first
1275 home investment zone proposal, the municipality proposing the first home investment zone
1276 shall ensure that the area of the proposed first home investment zone is zoned in such a manner
1277 to accommodate the requirements of a first home investment zone described in this section and
1278 the proposed development.

1279 (6) If a first home investment zone is approved by the committee:

1280 (a) the proposed first home investment zone is established according to the terms of the
1281 first home investment zone proposal;

1282 (b) affected local taxing entities are required to participate according to the terms of the
1283 first home investment zone proposal; and

1284 (c) each affected taxing entity is required to participate at the same rate.

1285 (7) A first home investment zone proposal may be amended by following the same
1286 procedure as approving a first home investment zone proposal.

1287 Section 10. Section 63N-3-1305 is enacted to read:

1288 **63N-3-1305. Notice requirements.**

1289 (1) In approving a first home investment zone proposal the housing and transit
1290 reinvestment zone committee shall follow the hearing and notice requirements for proposing a
1291 first home investment zone as described in this section.

1292 (2) Within 30 days after the housing and transit reinvestment zone committee approves
1293 a proposed first home investment zone, the municipality shall:

1294 (a) record with the recorder of the county in which the first home investment zone is
1295 located a document containing:

1296 (i) a description of the land within the first home investment zone;

- 1297 (ii) a statement that the proposed first home investment zone has been approved; and
1298 (iii) the date of adoption;
1299 (b) transmit a copy of the description of the land within the first home investment zone
1300 and an accurate map or plat indicating the boundaries of the first home investment zone to the
1301 Utah Geospatial Resource Center created under Section [63A-16-505](#); and
1302 (c) transmit a copy of the approved first home investment zone proposal, map, and
1303 description of the land within the first home investment zone, to:
1304 (i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any
1305 part of the first home investment zone is located;
1306 (ii) the officer or officers performing the function of auditor or assessor for each taxing
1307 entity that does not use the county assessment roll or collect the taxing entity's taxes through
1308 the county;
1309 (iii) the legislative body or governing board of each taxing entity;
1310 (iv) the State Tax Commission; and
1311 (v) the State Board of Education.
1312 Section 11. Section **63N-3-1306** is enacted to read:
1313 **63N-3-1306. Payment, use, and administration of tax increment from a first home**
1314 **investment zone.**
1315 (1) A municipality may receive and use tax increment and first home investment zone
1316 funds in accordance with this part.
1317 (2) (a) A county that collects property tax on property located within a first home
1318 investment zone shall, in accordance with Section [59-2-1365](#), distribute to the municipality any
1319 tax increment the municipality is authorized to receive up to the maximum approved by the
1320 housing and transit reinvestment zone committee.
1321 (b) (i) Except as provided in Subsection (2)(b)(ii), tax increment paid to the
1322 municipality are first home investment zone funds and shall be administered by the
1323 municipality within which the first home investment zone is located.
1324 (ii) A municipality may contract with an agency, county, or a housing authority to
1325 administer tax increment and the first home investment zone, ensure compliance with first
1326 home investment zone requirements, and administer deed restrictions.
1327 (iii) Before an agency may receive first home investment zone funds from the

1328 municipality, the municipality and the agency shall enter into an interlocal agreement with
 1329 terms that:

1330 (A) are consistent with the approval of the housing and transit reinvestment zone
 1331 committee; and

1332 (B) meet the requirements of Section [63N-3-1302](#).

1333 (3) (a) A municipality and the agency shall use first home investment zone funds for
 1334 the benefit of the first home investment zone and related extraterritorial housing.

1335 (b) If any first home investment zone funds will be used outside of the first home
 1336 investment zone there must be a finding in the approved proposal for a first home investment
 1337 zone that the use of the first home investment zone funds outside of the first home investment
 1338 zone will directly benefit the first home investment zone or related extraterritorial homes.

1339 (4) In accordance with Subsection [63N-3-1302\(4\)\(e\)](#), a municipality shall use the first
 1340 home investment zone funds to achieve the purposes described in Subsections [63N-3-1302\(1\)](#)
 1341 and (2), by paying all or part of the costs associated with the first home investment zone and
 1342 extraterritorial homes, including:

1343 (a) project improvements;

1344 (b) system improvements; ~~H→~~ and ~~←H~~

1345 ~~H→~~ ~~[(c) property acquisition costs within the first home investment zone; and~~

1346 ~~—(d)] (c) ←H~~ the costs of the municipality to create and administer the first home investment
 1347 zone, which may not exceed 2% of the total first home investment zone funds, plus the costs to
 1348 complete the gap analysis described in Subsection [63N-3-1303\(2\)](#).

1349 (5) First home investment zone funds may be paid to a participant, if the agency and
 1350 participant enter into a participation agreement which requires the participant to utilize the first
 1351 home investment zone funds as allowed in this section.

1352 (6) First home investment zone funds may be used to pay all of the costs of bonds
 1353 issued by the municipality in accordance with Title 17C, Chapter 1, Part 5, Agency Bonds,
 1354 including the cost to issue and repay the bonds including interest.

1355 (7) A municipality may create one or more public infrastructure districts within the city
 1356 under Title 17D, Chapter 4, Public Infrastructure District Act, and pledge and utilize the first
 1357 home investment zone funds to guarantee the payment of public infrastructure bonds issued by
 1358 a public infrastructure district.

1359 Section 12. Section **63N-3-1307** is enacted to read:

1360 **63N-3-1307. Applicability to an existing first home investment zone or community**
1361 **reinvestment project.**

1362 If a parcel within a first home investment zone is included as an area that is part of a
1363 project area, as that term is defined in Section [17C-1-102](#), and created under Title 17C, Chapter
1364 1, Agency Operations, that parcel may not be triggered for collection unless the project area
1365 funds collection period, as that term is defined in Section [17C-1-102](#), has expired.

1366 Section 13. Section **63N-3-1308** is enacted to read:

1367 **63N-3-1308. Tax increment protections.**

1368 (1) Upon petition by a participating taxing entity or on the initiative of the housing and
1369 transit reinvestment zone committee creating a first home investment zone, a first home
1370 investment zone may suspend or terminate the collection of tax increment in a first home
1371 investment zone if the housing and transit reinvestment zone committee determines, by clear
1372 and convincing evidence, presented in a public meeting of the housing and transit reinvestment
1373 zone committee, that:

1374 (a) a substantial portion of the tax increment collected in the first home investment
1375 zone has not or will not be used for the purposes provided in Section [63N-3-1306](#); and

1376 (b) (i) the first home investment zone has no indebtedness; or
1377 (ii) the first home investment zone has no binding financial obligations.

1378 (2) A first home investment zone may not collect tax increment in excess of the tax
1379 increment projections or limitations set forth in the first home investment zone proposal.

1380 (3) The agency administering the tax increment collected in a first home investment
1381 zone under Subsection [63N-3-1306](#)(2), shall have standing in a court with proper jurisdiction
1382 to enforce provisions of the first home investment zone proposal, participation agreements, and
1383 other agreements for the use of the tax increment collected.

1384 (4) The agency administering tax increment from a first home investment zone under
1385 Subsection [63N-3-1306](#)(2) shall follow the reporting requirements described in Section
1386 [17C-1-603](#) and the audit requirements described in Sections [17C-1-604](#) and [17C-1-605](#).

1387 (5) For each first home investment zone collecting tax increment within a county, the
1388 county auditor shall follow the reporting requirement found in Section [17C-1-606](#).

1389 Section 14. Section **63N-3-1309** is enacted to read:

1390 **63N-3-1309. Boundary adjustments.**

1391 If the relevant county assessor or county auditor adjusts parcel boundaries relevant to a
1392 first home investment zone, the municipality administering the tax increment collected in the
1393 first home investment zone may make corresponding adjustments to the boundary of the first
1394 home investment zone.

1395 Section 15. **Effective date.**

1396 This bill takes effect on May 1, 2024.