

1 **COMMUNITY REINVESTMENT AGENCY AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen G. Handy**

5 Senate Sponsor: Wayne A. Harper

7 **LONG TITLE**

8 **General Description:**

9 This bill amends Title 17C, Limited Purpose Local Government Entities - Community
10 Reinvestment Agency Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ requires a city and a county to report use of a housing allocation;
- 15 ▶ authorizes a public entity to donate the public entity's property to an agency;
- 16 ▶ modifies requirements for notice provided by an agency;
- 17 ▶ modifies the public benefit analysis required for a community reinvestment project
18 area plan;
- 19 ▶ removes the requirement that a taxing entity committee meet at least annually; and
- 20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **10-9a-408**, as last amended by Laws of Utah 2012, Chapter 212

28 **17-27a-408**, as last amended by Laws of Utah 2012, Chapter 212

29 **17C-1-102**, as last amended by Laws of Utah 2017, Chapter 456

- 30 17C-1-202, as last amended by Laws of Utah 2016, Chapter 350
- 31 17C-1-207, as last amended by Laws of Utah 2016, Chapter 350
- 32 17C-1-401.5, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 33 17C-1-402, as last amended by Laws of Utah 2016, Chapter 350
- 34 17C-1-403, as last amended by Laws of Utah 2016, Chapter 350
- 35 17C-1-603, as last amended by Laws of Utah 2016, Chapter 350
- 36 17C-1-806, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 37 17C-1-902, as last amended by Laws of Utah 2017, Chapter 456
- 38 17C-2-110, as last amended by Laws of Utah 2017, Chapter 181
- 39 17C-3-109, as last amended by Laws of Utah 2017, Chapter 181
- 40 17C-4-108, as last amended by Laws of Utah 2016, Chapter 350
- 41 17C-5-104, as last amended by Laws of Utah 2017, Chapter 456
- 42 17C-5-105, as enacted by Laws of Utah 2016, Chapter 350
- 43 17C-5-108, as enacted by Laws of Utah 2016, Chapter 350
- 44 17C-5-112, as last amended by Laws of Utah 2017, Chapter 456
- 45 59-2-924.2, as last amended by Laws of Utah 2016, Chapter 350

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

48 Section 1. Section **10-9a-408** is amended to read:

49 **10-9a-408. Biennial review of moderate income housing element of general plan.**

50 (1) The legislative body of each city shall biennially:

51 (a) review the moderate income housing plan element of its general plan and its
 52 implementation; and

53 (b) in accordance with Subsection (2), prepare a report setting forth the findings of the
 54 review.

55 (2) Each report under Subsection (1) shall include a description of:

56 (a) efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to
 57 moderate income housing;

58 (b) actions taken by the city to encourage preservation of existing moderate income
59 housing and development of new moderate income housing;

60 (c) progress made within the city to provide moderate income housing, as measured by
61 permits issued for new units of moderate income housing; [~~and~~]

62 (d) efforts made by the city to coordinate moderate income housing plans and actions
63 with neighboring municipalities[-]; and

64 (e) if applicable, the city's use of a housing allocation, as defined in Section 17C-1-102.

65 (3) The legislative body of each city shall send a copy of the report under Subsection
66 (1) to the Department of Workforce Services and the association of governments in which the
67 city is located.

68 (4) In a civil action seeking enforcement or claiming a violation of this section or of
69 Subsection 10-9a-404(5)(c), a plaintiff may not recover damages but may be awarded only
70 injunctive or other equitable relief.

71 Section 2. Section 17-27a-408 is amended to read:

72 **17-27a-408. Biennial review of moderate income housing element of general plan.**

73 (1) The legislative body of each county with a population over 25,000 shall biennially:

74 (a) review the moderate income housing plan element of its general plan and its
75 implementation; and

76 (b) in accordance with Subsection (2), prepare a report setting forth the findings of the
77 review.

78 (2) Each report under Subsection (1) shall include a description of:

79 (a) efforts made by the county to reduce, mitigate, or eliminate local regulatory barriers
80 to moderate income housing;

81 (b) actions taken by the county to encourage preservation of existing moderate income
82 housing and development of new moderate income housing;

83 (c) progress made within the county to provide moderate income housing, as measured
84 by permits issued for new units of moderate income housing; [~~and~~]

85 (d) efforts made by the county to coordinate moderate income housing plans and

86 actions with neighboring counties and municipalities[-]; and

87 (e) if applicable, the county's use of a housing allocation, as defined in Section
88 17C-1-102.

89 (3) The legislative body of each county with a population over 25,000 shall send a copy
90 of the report under Subsection (1) to the Department of Workforce Services and the association
91 of governments in which the county is located.

92 (4) In a civil action seeking enforcement or claiming a violation of this section or of
93 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only
94 injunctive or other equitable relief.

95 Section 3. Section 17C-1-102 is amended to read:

96 **17C-1-102. Definitions.**

97 As used in this title:

98 (1) "Active project area" means a project area that has not been dissolved in accordance
99 with Section 17C-1-702.

100 (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%,
101 that an agency is authorized to receive:

102 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax
103 increment under Subsection 17C-1-403(3);

104 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax
105 increment under Section 17C-1-406;

106 (c) under a project area budget approved by a taxing entity committee; or

107 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's
108 tax increment.

109 (3) "Affordable housing" means housing owned or occupied by a low or moderate
110 income family, as determined by resolution of the agency.

111 (4) "Agency" or "community reinvestment agency" means a separate body corporate
112 and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community
113 development and renewal agency under previous law:

- 114 (a) that is a political subdivision of the state;
- 115 (b) that is created to undertake or promote project area development as provided in this
116 title; and
- 117 (c) whose geographic boundaries are coterminous with:
- 118 (i) for an agency created by a county, the unincorporated area of the county; and
- 119 (ii) for an agency created by a municipality, the boundaries of the municipality.
- 120 (5) "Agency funds" means money that an agency collects or receives for ~~[the purposes~~
121 ~~of]~~ agency operations ~~[or]~~, implementing a project area plan, or other agency purposes,
122 including:
- 123 (a) project area funds;
- 124 (b) income, proceeds, revenue, or property derived from or held in connection with the
125 agency's undertaking and implementation of project area development; or
- 126 (c) a contribution, loan, grant, or other financial assistance from any public or private
127 source.
- 128 (6) "Annual income" means the same as that term is defined in regulations of the
129 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as
130 amended or as superseded by replacement regulations.
- 131 (7) "Assessment roll" means the same as that term is defined in Section [59-2-102](#).
- 132 (8) "Base taxable value" means, unless otherwise adjusted in accordance with
133 provisions of this title, a property's taxable value as shown upon the assessment roll last
134 equalized during the base year.
- 135 (9) "Base year" means, except as provided in Subsection [17C-1-402\(4\)\(c\)](#), the year
136 during which the assessment roll is last equalized:
- 137 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,
138 before the project area plan's effective date;
- 139 (b) for a post-June 30, 1993, urban renewal or economic development project area
140 plan, or a community reinvestment project area plan that is subject to a taxing entity
141 committee:

142 (i) before the date on which the taxing entity committee approves the project area
143 budget; or

144 (ii) if taxing entity committee approval is not required for the project area budget,
145 before the date on which the community legislative body adopts the project area plan;

146 (c) for a project on an inactive airport site, after the later of:

147 (i) the date on which the inactive airport site is sold for remediation and development;

148 or

149 (ii) the date on which the airport that operated on the inactive airport site ceased
150 operations; or

151 (d) for a community development project area plan or a community reinvestment
152 project area plan that is subject to an interlocal agreement, as described in the interlocal
153 agreement.

154 (10) "Basic levy" means the portion of a school district's tax levy constituting the
155 minimum basic levy under Section [59-2-902](#).

156 (11) "Blight" or "blighted" means the condition of an area that meets the requirements
157 described in Subsection [17C-2-303\(1\)](#) for an urban renewal project area or Section [17C-5-405](#)
158 for a community reinvestment project area.

159 (12) "Blight hearing" means a public hearing regarding whether blight exists within a
160 proposed:

161 (a) urban renewal project area under Subsection [17C-2-102\(1\)\(a\)\(i\)\(C\)](#) and Section
162 [17C-2-302](#); or

163 (b) community reinvestment project area under Section [17C-5-405](#).

164 (13) "Blight study" means a study to determine whether blight exists within a survey
165 area as described in Section [17C-2-301](#) for an urban renewal project area or Section [17C-5-403](#)
166 for a community reinvestment project area.

167 (14) "Board" means the governing body of an agency, as described in Section
168 [17C-1-203](#).

169 (15) "Budget hearing" means the public hearing on a proposed project area budget

170 required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,
171 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection
172 17C-5-302(2)(e) for a community reinvestment project area budget.

173 (16) "Closed military base" means land within a former military base that the Defense
174 Base Closure and Realignment Commission has voted to close or realign when that action has
175 been sustained by the president of the United States and Congress.

176 (17) "Combined incremental value" means the combined total of all incremental values
177 from all project areas, except project areas that contain some or all of a military installation or
178 inactive industrial site, within the agency's boundaries under project area plans and project area
179 budgets at the time that a project area budget for a new project area is being considered.

180 (18) "Community" means a county or municipality.

181 (19) "Community development project area plan" means a project area plan adopted
182 under Chapter 4, Part 1, Community Development Project Area Plan.

183 (20) "Community legislative body" means the legislative body of the community that
184 created the agency.

185 (21) "Community reinvestment project area plan" means a project area plan adopted
186 under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

187 (22) "Contest" means to file a written complaint in the district court of the county in
188 which the agency is located.

189 (23) "Economic development project area plan" means a project area plan adopted
190 under Chapter 3, Part 1, Economic Development Project Area Plan.

191 (24) "Fair share ratio" means the ratio derived by:

192 (a) for a municipality, comparing the percentage of all housing units within the
193 municipality that are publicly subsidized income targeted housing units to the percentage of all
194 housing units within the county in which the municipality is located that are publicly
195 subsidized income targeted housing units; or

196 (b) for the unincorporated part of a county, comparing the percentage of all housing
197 units within the unincorporated county that are publicly subsidized income targeted housing

198 units to the percentage of all housing units within the whole county that are publicly subsidized
199 income targeted housing units.

200 (25) "Family" means the same as that term is defined in regulations of the United
201 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended
202 or as superseded by replacement regulations.

203 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

204 (27) "Hazardous waste" means any substance defined, regulated, or listed as a
205 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
206 or toxic substance, or identified as hazardous to human health or the environment, under state
207 or federal law or regulation.

208 (28) "Housing allocation" means [~~tax increment~~] project area funds allocated for
209 housing under Section [17C-2-203](#), [17C-3-202](#), or [17C-5-307](#) for the purposes described in
210 Section [17C-1-412](#).

211 (29) "Housing fund" means a fund created by an agency for purposes described in
212 Section [17C-1-411](#) or [17C-1-412](#) that is comprised of:

213 (a) project area funds allocated for the purposes described in Section [17C-1-411](#); or

214 (b) an agency's housing allocation.

215 (30) (a) "Inactive airport site" means land that:

216 (i) consists of at least 100 acres;

217 (ii) is occupied by an airport:

218 (A) (I) that is no longer in operation as an airport; or

219 (II) (Aa) that is scheduled to be decommissioned; and

220 (Bb) for which a replacement commercial service airport is under construction; and

221 (B) that is owned or was formerly owned and operated by a public entity; and

222 (iii) requires remediation because:

223 (A) of the presence of hazardous waste or solid waste; or

224 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
225 electric service, water system, and sewer system, needed to support development of the site.

226 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
227 described in Subsection (30)(a).

228 (31) (a) "Inactive industrial site" means land that:

229 (i) consists of at least 1,000 acres;

230 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
231 facility; and

232 (iii) requires remediation because of the presence of hazardous waste or solid waste.

233 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
234 described in Subsection (31)(a).

235 (32) "Income targeted housing" means housing that is owned or occupied by a family
236 whose annual income is at or below 80% of the median annual income for a family within the
237 county in which the housing is located.

238 (33) "Incremental value" means a figure derived by multiplying the marginal value of
239 the property located within a project area on which tax increment is collected by a number that
240 represents the adjusted tax increment from that project area that is paid to the agency.

241 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
242 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

243 (35) (a) " Local government building" means a building owned and operated by a
244 community for the primary purpose of providing one or more primary community functions,
245 including:

246 (i) a fire station;

247 (ii) a police station;

248 (iii) a city hall; or

249 (iv) a court or other judicial building.

250 (b) " Local government building" does not include a building the primary purpose of
251 which is cultural or recreational in nature.

252 (36) "Marginal value" means the difference between actual taxable value and base
253 taxable value.

254 (37) "Military installation project area" means a project area or a portion of a project
255 area located within a federal military installation ordered closed by the federal Defense Base
256 Realignment and Closure Commission.

257 (38) "Municipality" means a city, town, or metro township as defined in Section
258 [10-2a-403](#).

259 (39) "Participant" means one or more persons that enter into a participation agreement
260 with an agency.

261 (40) "Participation agreement" means a written agreement between a person and an
262 agency that:

263 (a) includes a description of:

264 (i) the project area development that the person will undertake;

265 (ii) the amount of project area funds the person may receive; and

266 (iii) the terms and conditions under which the person may receive project area funds;

267 and

268 (b) is approved by resolution of the board.

269 (41) "Plan hearing" means the public hearing on a proposed project area plan required
270 under Subsection [17C-2-102\(1\)\(a\)\(vi\)](#) for an urban renewal project area plan, Subsection
271 [17C-3-102\(1\)\(d\)](#) for an economic development project area plan, Subsection [17C-4-102\(1\)\(d\)](#)
272 for a community development project area plan, or Subsection [17C-5-104\(3\)\(e\)](#) for a
273 community reinvestment project area plan.

274 (42) "Post-June 30, 1993, project area plan" means a project area plan adopted on or
275 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project
276 area plan's adoption.

277 (43) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July
278 1, 1993, whether or not amended subsequent to the project area plan's adoption.

279 (44) "Private," with respect to real property, means~~[(a)]~~ property not owned by a
280 public entity or any other governmental entity~~[, and]~~.

281 ~~[(b) not dedicated to public use.]~~

282 (45) "Project area" means the geographic area described in a project area plan within
283 which the project area development described in the project area plan takes place or is
284 proposed to take place.

285 (46) "Project area budget" means a multiyear projection of annual or cumulative
286 revenues and expenses and other fiscal matters pertaining to a project area prepared in
287 accordance with:

- 288 (a) for an urban renewal project area, Section 17C-2-202;
- 289 (b) for an economic development project area, Section 17C-3-202;
- 290 (c) for a community development project area, Section 17C-4-204; or
- 291 (d) for a community reinvestment project area, Section 17C-5-302.

292 (47) "Project area development" means activity within a project area that, as
293 determined by the board, encourages, promotes, or provides development or redevelopment for
294 the purpose of implementing a project area plan, including:

- 295 (a) promoting, creating, or retaining public or private jobs within the state or a
296 community;
- 297 (b) providing office, manufacturing, warehousing, distribution, parking, or other
298 facilities or improvements;
- 299 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
300 remediating environmental issues;
- 301 (d) providing residential, commercial, industrial, public, or other structures or spaces,
302 including recreational and other facilities incidental or appurtenant to the structures or spaces;
- 303 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
304 existing structures;
- 305 (f) providing open space, including streets or other public grounds or space around
306 buildings;
- 307 (g) providing public or private buildings, infrastructure, structures, or improvements;
- 308 (h) relocating a business;
- 309 (i) improving public or private recreation areas or other public grounds;

- 310 (j) eliminating blight or the causes of blight;
- 311 (k) redevelopment as defined under the law in effect before May 1, 2006; or
- 312 (l) any activity described in [~~Subsections (47)(a) through (k)~~] this Subsection (47)
- 313 outside of a project area that the board determines to be a benefit to the project area.
- 314 (48) "Project area funds" means tax increment or sales and use tax revenue that an
- 315 agency receives under a project area budget adopted by a taxing entity committee or an
- 316 interlocal agreement.
- 317 (49) "Project area funds collection period" means the period of time that:
- 318 (a) begins the day on which the first payment of project area funds is distributed to an
- 319 agency under a project area budget [~~adopted~~] approved by a taxing entity committee or an
- 320 interlocal agreement; and
- 321 (b) ends the day on which the last payment of project area funds is distributed to an
- 322 agency under a project area budget [~~adopted~~] approved by a taxing entity committee or an
- 323 interlocal agreement.
- 324 (50) "Project area plan" means an urban renewal project area plan, an economic
- 325 development project area plan, a community development project area plan, or a community
- 326 reinvestment project area plan that, after the project area plan's effective date, guides and
- 327 controls the project area development.
- 328 (51) (a) "Property tax" means each levy on an ad valorem basis on tangible or
- 329 intangible personal or real property.
- 330 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege
- 331 Tax.
- 332 (52) "Public entity" means:
- 333 (a) the United States, including an agency of the United States;
- 334 (b) the state, including any of the state's departments or agencies; or
- 335 (c) a political subdivision of the state, including a county, municipality, school district,
- 336 local district, special service district, community reinvestment agency, or interlocal cooperation
- 337 entity.

338 (53) "Publicly owned infrastructure and improvements" means water, sewer, storm
339 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,
340 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or
341 other facilities, infrastructure, and improvements benefitting the public and to be publicly
342 owned or publicly maintained or operated.

343 (54) "Record property owner" or "record owner of property" means the owner of real
344 property, as shown on the records of the county in which the property is located, to whom the
345 property's tax notice is sent.

346 (55) "Sales and use tax revenue" means revenue that is:

347 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;
348 and

349 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

350 (56) "Superfund site":

351 (a) means an area included in the National Priorities List under the Comprehensive
352 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

353 (b) includes an area formerly included in the National Priorities List, as described in
354 Subsection (56)(a), but removed from the list following remediation that leaves on site the
355 waste that caused the area to be included in the National Priorities List.

356 (57) "Survey area" means a geographic area designated for study by a survey area
357 resolution to determine whether:

358 (a) one or more project areas within the survey area are feasible; or

359 (b) blight exists within the survey area.

360 (58) "Survey area resolution" means a resolution adopted by a board that designates a
361 survey area.

362 (59) "Taxable value" means:

363 (a) the taxable value of all real property a county assessor assesses in accordance with
364 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

365 (b) the taxable value of all real and personal property the commission assesses in

366 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

367 (c) the year end taxable value of all personal property a county assessor assesses in
368 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's
369 tax rolls of the taxing entity.

370 (60) (a) "Tax increment" means the difference between:

371 (i) the amount of property tax revenue generated each tax year by a taxing entity from
372 the area within a project area designated in the project area plan as the area from which tax
373 increment is to be collected, using the current assessed value of the property; and

374 (ii) the amount of property tax revenue that would be generated from that same area
375 using the base taxable value of the property.

376 (b) "Tax increment" does not include taxes levied and collected under Section
377 [59-2-1602](#) on or after January 1, 1994, upon the taxable property in the project area unless:

378 (i) the project area plan was adopted before May 4, 1993, whether or not the project
379 area plan was subsequently amended; and

380 (ii) the taxes were pledged to support bond indebtedness or other contractual
381 obligations of the agency.

382 (61) "Taxing entity" means a public entity that:

383 (a) levies a tax on property located within a project area; or

384 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

385 (62) "Taxing entity committee" means a committee representing the interests of taxing
386 entities, created in accordance with Section [17C-1-402](#).

387 (63) "Unincorporated" means not within a municipality.

388 (64) "Urban renewal project area plan" means a project area plan adopted under
389 Chapter 2, Part 1, Urban Renewal Project Area Plan.

390 Section 4. Section [17C-1-202](#) is amended to read:

391 **[17C-1-202. Agency powers.](#)**

392 (1) An agency may:

393 (a) sue and be sued;

- 394 (b) enter into contracts generally;
- 395 (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real
396 or personal property;
- 397 (d) sell, convey, grant, gift, or otherwise dispose of any interest in real or personal
398 property;
- 399 (e) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 400 (f) provide for project area development as provided in this title;
- 401 (g) receive and use agency funds as provided in this title;
- 402 (h) if disposing of or leasing land, retain controls or establish restrictions and
403 covenants running with the land consistent with the project area plan;
- 404 (i) accept financial or other assistance from any public or private source for the
405 agency's activities, powers, and duties, and expend any funds the agency receives for any
406 purpose described in this title;
- 407 (j) borrow money or accept financial or other assistance from a public entity or any
408 other source for any of the purposes of this title and comply with any conditions of any loan or
409 assistance;
- 410 (k) issue bonds to finance the undertaking of any project area development or for any
411 of the agency's other purposes, including:
 - 412 (i) reimbursing an advance made by the agency or by a public entity to the agency;
 - 413 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
 - 414 (iii) refunding bonds to pay or retire bonds previously issued by the community that
415 created the agency for expenses associated with project area development;
- 416 (l) pay an impact fee, exaction, or other fee imposed by a community in connection
417 with land development; or
- 418 (m) transact other business and exercise all other powers described in this title.
- 419 (2) The establishment of controls or restrictions and covenants under Subsection (1)(h)
420 is a public purpose.
- 421 (3) An agency may acquire real property under Subsection (1)(c) that is outside a

422 project area only if the board determines that the property will benefit a project area.

423 Section 5. Section 17C-1-207 is amended to read:

424 **17C-1-207. Public entities may assist with project area development.**

425 (1) In order to assist and cooperate in the planning, undertaking, construction, or
426 operation of project area development within an area in which the public entity is authorized to
427 act, a public entity may:

428 (a) (i) provide or cause to be furnished:

429 (A) parks, playgrounds, or other recreational facilities;

430 (B) community, educational, water, sewer, or drainage facilities; or

431 (C) any other works which the public entity is otherwise empowered to undertake;

432 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
433 replan streets, roads, roadways, alleys, sidewalks, or other places;

434 (iii) in any part of the project area:

435 (A) (I) plan or replan any property within the project area;

436 (II) plat or replat any property within the project area;

437 (III) vacate a plat;

438 (IV) amend a plat; or

439 (V) zone or rezone any property within the project area; and

440 (B) make any legal exceptions from building regulations and ordinances;

441 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
442 rights of any holder of the bonds;

443 (v) enter into an agreement with another public entity concerning action to be taken
444 pursuant to any of the powers granted in this title;

445 (vi) do anything necessary to aid or cooperate in the planning or implementation of the
446 project area development;

447 (vii) in connection with the project area plan, become obligated to the extent
448 authorized and funds have been made available to make required improvements or construct
449 required structures; and

450 (viii) lend, grant, or contribute funds to an agency for project area development or
451 proposed project area development, including assigning revenue or taxes in support of an
452 agency bond or obligation; and

453 [~~(b) 15 days after posting public notice:~~]

454 (b) for less than fair market value or for no consideration, and subject to Subsection
455 (4):

456 (i) purchase or otherwise acquire property [~~or~~] from an agency;

457 (ii) lease property from [the] an agency; [or]

458 [~~(ii)] (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's~~

459 property to an agency; or

460 (iv) lease the public entity's property to [the] an agency.

461 (2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
462 may extend over any period.

463 [~~(3) A grant or contribution of funds from a public entity to an agency, or from an~~
464 ~~agency under a project area plan or project area budget,]~~

465 (3) A public entity that provides assistance under this section is not subject to [the
466 requirements of Section] Section 10-8-2 or 17-50-312.

467 (4) A public entity may provide assistance described in Subsection (1)(b) no sooner
468 than 15 days after the day on which the public entity posts notice of the assistance on:

469 (a) the Utah Public Notice Website described in Section 63F-1-701; and

470 (b) the public entity's public website.

471 Section 6. Section 17C-1-401.5 is amended to read:

472 **17C-1-401.5. Agency receipt and use of project area funds -- Distribution of**
473 **project area funds.**

474 (1) An agency may receive and use project area funds in accordance with this title.

475 (2) (a) A county that collects property tax on property located within a project area
476 shall, in accordance with Section 59-2-1365, distribute to an agency any tax increment that the
477 agency is authorized to receive.

478 (b) Tax increment distributed to an agency in accordance with Subsection (2)(a) is not
479 revenue of the taxing entity.

480 (3) (a) The project area funds collection period shall be measured:

481 (i) for a pre-July 1, 1993, project area plan, from the first tax year regarding which the
482 agency accepts tax increment from the project area;

483 (ii) for a post-June 30, 1993, urban renewal or economic development project area
484 plan:

485 (A) with respect to tax increment, from the first tax year for which the agency receives
486 tax increment under the project area budget; or

487 (B) with respect to sales and use tax revenue, as indicated in the interlocal agreement
488 between the agency and the taxing entity that authorizes the agency to receive all or a portion
489 of the taxing entity's sales and use tax revenue;

490 (iii) for a community development project area plan, as indicated in the resolution or
491 interlocal agreement of a taxing entity that authorizes the agency to receive the taxing entity's
492 project area funds;

493 (iv) for a community reinvestment project area plan that is subject to a taxing entity
494 committee:

495 (A) with respect to tax increment, from the first tax year for which the agency receives
496 tax increment under the project area budget; or

497 (B) with respect to sales and use tax revenue, in accordance with the interlocal
498 agreement between the agency and the taxing entity that authorizes the agency to receive all or
499 a portion of the taxing entity's sales and use tax revenue; or

500 (v) for a community reinvestment project area plan that is subject to an interlocal
501 agreement, in accordance with the interlocal agreement between the agency and the taxing
502 entity that authorizes the agency to receive the taxing entity's project area funds.

503 (b) Unless otherwise provided in a project area budget that is approved by a taxing
504 entity committee, or in an interlocal agreement adopted by a taxing entity, tax increment may
505 not be paid to an agency for a tax year before the tax year following:

506 (i) for an urban renewal project area plan, an economic development project area plan,
507 or a community reinvestment project area plan that is subject to a taxing entity committee, the
508 effective date of the project area plan; and

509 (ii) for a community development project area plan or a community reinvestment
510 project area plan that is subject to an interlocal agreement, the effective date of the interlocal
511 agreement that authorizes the agency to receive tax increment.

512 (4) With respect to a community development project area plan or a community
513 reinvestment project area plan that is subject to an interlocal agreement:

514 (a) a taxing entity may, through interlocal agreement, authorize an agency to be paid
515 any or all of the taxing entity's project area funds for any period of time; and

516 (b) the interlocal agreement authorizing the agency to be paid project area funds shall
517 specify:

518 (i) the base taxable value of the project area; and

519 (ii) the method of calculating the amount of project area funds to be paid to the agency.

520 (5) (a) (i) The boundaries of one project area may overlap and include the boundaries
521 of ~~[an existing]~~ another project area.

522 (ii) If a taxing entity committee is required to approve the project area budget of an
523 overlapping project area described in Subsection (5)(a)(i), the agency shall, before the first
524 meeting of the taxing entity committee at which the project area budget will be considered,
525 inform each taxing entity of the location of the overlapping boundaries.

526 (b) (i) Before an agency may receive tax increment from the newly created overlapping
527 portion of a project area, the agency shall inform the county auditor regarding the respective
528 amount of tax increment that the agency is authorized to receive from the overlapping portion
529 of each of the project areas.

530 (ii) The combined amount of tax increment described in Subsection (5)(b)(i) may not
531 exceed 100% of the tax increment generated from a property located within the overlapping
532 boundaries.

533 (c) Nothing in this Subsection (5) gives an agency a right to receive project area funds

534 that the agency is not otherwise authorized to receive under this title.

535 (d) The collection of project area funds from an overlapping project area described in
536 Subsection (5)(a) does not affect an agency's use of project area funds within the other
537 overlapping project area.

538 (6) With the written consent of a taxing entity, an agency may be paid tax increment,
539 from the taxing entity's property tax revenue only, in a higher percentage or for a longer period
540 of time, or both, than otherwise authorized under this title.

541 (7) Subject to Section 17C-1-407, an agency is authorized to receive tax increment as
542 described in:

543 (a) for a pre-July 1, 1993, project area plan, Section 17C-1-403;

544 (b) for a post-June 30, 1993, project area plan:

545 (i) Section 17C-1-404 under a project area budget adopted by the agency in accordance
546 with this title;

547 (ii) a project area budget approved by the taxing entity committee and adopted by the
548 agency in accordance with this title; or

549 (iii) Section 17C-1-406;

550 (c) a resolution or interlocal agreement entered into under Section 17C-2-207,
551 17C-3-206, 17C-4-201, or 17C-4-202;

552 (d) for a community reinvestment project area plan that is subject to a taxing entity
553 committee, a project area budget approved by the taxing entity committee and adopted by the
554 agency in accordance with this title; or

555 (e) for a community reinvestment project area plan that is subject to an interlocal
556 agreement, an interlocal agreement entered into under Section 17C-5-204.

557 Section 7. Section 17C-1-402 is amended to read:

558 **17C-1-402. Taxing entity committee.**

559 (1) The provisions of this section apply to a taxing entity committee that is created by
560 an agency for:

561 (a) a post-June 30, 1993, urban renewal project area plan or economic development

562 project area plan;

563 (b) any other project area plan adopted before May 10, 2016, for which the agency
564 created a taxing entity committee; and

565 (c) a community reinvestment project area plan that is subject to a taxing entity
566 committee.

567 (2) (a) (i) Each taxing entity committee shall be composed of:

568 (A) two school district representatives appointed in accordance with Subsection

569 (2)(a)(ii);

570 (B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives
571 appointed by resolution of the legislative body of the county in which the agency is located; or

572 (II) in a county of the first class, one representative appointed by the county executive
573 and one representative appointed by the legislative body of the county in which the agency is
574 located;

575 (C) if the agency is created by a municipality, two representatives appointed by
576 resolution of the legislative body of the municipality;

577 (D) one representative appointed by the State Board of Education; and

578 (E) one representative selected by majority vote of the legislative bodies or governing
579 boards of all other taxing entities that levy a tax on property within the agency's boundaries, to
580 represent the interests of those taxing entities on the taxing entity committee.

581 (ii) (A) If the agency boundaries include only one school district, that school district
582 shall appoint the two school district representatives under Subsection (2)(a)(i)(A).

583 (B) If the agency boundaries include more than one school district, those school
584 districts shall jointly appoint the two school district representatives under Subsection
585 (2)(a)(i)(A).

586 (b) (i) Each taxing entity committee representative described in Subsection (2)(a) shall
587 be appointed within 30 days after the day on which the agency provides notice of the creation
588 of the taxing entity committee.

589 (ii) If a representative is not appointed within the time required under Subsection

590 (2)(b)(i), the board may appoint an individual to serve on the taxing entity committee in the
591 place of the missing representative until that representative is appointed.

592 (c) (i) A taxing entity committee representative may be appointed for a set term or
593 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

594 (ii) Each taxing entity committee representative shall serve until a successor is
595 appointed and qualified.

596 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether
597 an initial appointment or an appointment to replace an already serving representative, the
598 appointing authority shall:

599 (A) notify the agency in writing of the name and address of the newly appointed
600 representative; and

601 (B) provide the agency a copy of the resolution making the appointment or, if the
602 appointment is not made by resolution, other evidence of the appointment.

603 (ii) Each appointing authority of a taxing entity committee representative under
604 Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a
605 representative appointed by that appointing authority.

606 (3) At a taxing entity committee's first meeting, the taxing entity committee shall adopt
607 an organizing resolution that:

608 (a) designates a chair and a secretary of the taxing entity committee; and

609 (b) if the taxing entity committee considers it appropriate, governs the use of electronic
610 meetings under Section [52-4-207](#).

611 (4) (a) A taxing entity committee represents all taxing entities regarding:

612 (i) an urban renewal project area plan;

613 (ii) an economic development project area plan; or

614 (iii) a community reinvestment project area plan that is subject to a taxing entity
615 committee.

616 (b) A taxing entity committee may:

617 (i) cast votes that are binding on all taxing entities;

- 618 (ii) negotiate with the agency concerning a proposed project area plan;
- 619 (iii) approve or disapprove:
 - 620 (A) an urban renewal project area budget as described in Section 17C-2-204;
 - 621 (B) an economic development project area budget as described in Section 17C-3-203;
- 622 or
- 623 (C) for a community reinvestment project area plan that is subject to a taxing entity
- 624 committee, a community reinvestment project area budget as described in Section 17C-5-302;
- 625 (iv) approve or disapprove an amendment to a project area budget as described in
- 626 Section 17C-2-206, 17C-3-205, or 17C-5-306;
- 627 (v) approve an exception to the limits on the value and size of a project area imposed
- 628 under this title;
- 629 (vi) approve:
 - 630 (A) an exception to the percentage of tax increment to be paid to the agency;
 - 631 (B) except for a project area funds collection period that is approved by an interlocal
 - 632 agreement, each project area funds collection period; and
 - 633 (C) an exception to the requirement for an urban renewal project area budget, an
 - 634 economic development project area budget, or a community reinvestment project area budget
 - 635 to include a maximum cumulative dollar amount of tax increment that the agency may receive;
- 636 (vii) approve the use of tax increment for publicly owned infrastructure and
- 637 improvements outside of a project area that the agency and community legislative body
- 638 determine to be of benefit to the project area, as described in Subsection
- 639 17C-1-409(1)(a)(iii)(D);
- 640 (viii) waive the restrictions described in Subsection 17C-2-202(1);
- 641 (ix) subject to Subsection (4)(c), designate the base taxable value for a project area
- 642 budget; and
- 643 (x) give other taxing entity committee approval or consent required or allowed under
- 644 this title.
- 645 (c) (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that

646 is earlier than five years before the beginning of a project area funds collection period.

647 (ii) The taxing entity committee may approve a base year that is earlier than the year
648 described in Subsection (4)(c)(i).

649 (5) A quorum of a taxing entity committee consists of:

650 (a) if the project area is located within a municipality, five members; or

651 (b) if the project area is not located within a municipality, four members.

652 (6) Taxing entity committee approval, consent, or other action requires:

653 (a) the affirmative vote of a majority of all members present at a taxing entity
654 committee meeting:

655 (i) at which a quorum is present; and

656 (ii) considering an action relating to a project area budget for, or approval of a finding
657 of blight within, a project area or proposed project area that contains:

658 (A) an inactive industrial site;

659 (B) an inactive airport site; or

660 (C) a closed military base; or

661 (b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of
662 two-thirds of all members present at a taxing entity committee meeting at which a quorum is
663 present.

664 (7) (a) An agency may call a meeting of the taxing entity committee by sending written
665 notice to the members of the taxing entity committee at least 10 days before the date of the
666 meeting.

667 (b) Each notice under Subsection (7)(a) shall be accompanied by:

668 (i) the proposed agenda for the taxing entity committee meeting; and

669 (ii) if not previously provided and if the documents exist and are to be considered at
670 the meeting:

671 (A) the project area plan or proposed project area plan;

672 (B) the project area budget or proposed project area budget;

673 (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or

674 17C-5-105~~(2)~~(12);

675 (D) the blight study;

676 (E) the agency's resolution making a finding of blight under Subsection

677 17C-2-102(1)(a)(ii)(B) or Subsection 17C-5-402(2)(c)(ii); and

678 (F) other documents to be considered by the taxing entity committee at the meeting.

679 (c) (i) An agency may not schedule a taxing entity committee meeting on a day on

680 which the Legislature is in session.

681 (ii) Notwithstanding Subsection (7)(c)(i), a taxing entity committee may, by unanimous

682 consent, waive the scheduling restriction described in Subsection (7)(c)(i).

683 (8) (a) A taxing entity committee may not vote on a proposed project area budget or

684 proposed amendment to a project area budget at the first meeting at which the proposed project

685 area budget or amendment is considered unless all members of the taxing entity committee

686 present at the meeting consent.

687 (b) A second taxing entity committee meeting to consider a proposed project area

688 budget or a proposed amendment to a project area budget may not be held within 14 days after

689 the first meeting unless all members of the taxing entity committee present at the first meeting

690 consent.

691 ~~[(9) (a) Except as provided in Subsection (9)(b), each taxing entity committee shall~~

692 ~~meet at least annually during a project area funds collection period under an urban renewal, an~~

693 ~~economic development, or a community reinvestment project area budget to review the status~~

694 ~~of the project area.]~~

695 ~~[(b) A taxing entity committee is not required to meet in accordance with Subsection~~

696 ~~(9)(a) if the agency prepares and distributes on or before November 1 of each year a report as~~

697 ~~described in Section 17C-1-603.]~~

698 ~~[(10)]~~ (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open

699 and Public Meetings Act.

700 ~~[(11)]~~ (10) A taxing entity committee's records shall be:

701 (a) considered the records of the agency that created the taxing entity committee; and

702 (b) maintained by the agency in accordance with Section 17C-1-209.

703 ~~[(12)]~~ (11) Each time a school district representative or a representative of the State
704 Board of Education votes as a member of a taxing entity committee to allow an agency to
705 receive tax increment, to increase the amount of tax increment the agency receives, or to extend
706 a project area funds collection period, that representative shall, within 45 days after the vote,
707 provide to the representative's respective school board an explanation in writing of the
708 representative's vote and the reasons for the vote.

709 ~~[(13)]~~ (12) (a) The auditor of each county in which an agency is located shall provide a
710 written report to the taxing entity committee stating, with respect to property within each
711 project area:

712 (i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408;
713 and

714 (ii) the assessed value.

715 (b) With respect to the information required under Subsection ~~[(13)]~~ (12)(a), the
716 auditor shall provide:

717 (i) actual amounts for each year from the adoption of the project area plan to the time
718 of the report; and

719 (ii) estimated amounts for each year beginning the year after the time of the report and
720 ending the time that each project area funds collection period ends.

721 (c) The auditor of the county in which the agency is located shall provide a report
722 under this Subsection ~~[(13)]~~ (12):

723 (i) at least annually; and

724 (ii) upon request of the taxing entity committee, before a taxing entity committee
725 meeting at which the committee considers whether to allow the agency to receive tax
726 increment, to increase the amount of tax increment that the agency receives, or to extend a
727 project area funds collection period.

728 ~~[(14)]~~ (13) This section does not apply to:

729 (a) a community development project area plan; or

730 (b) a community reinvestment project area plan that is subject to an interlocal
731 agreement.

732 [~~(15)~~] (14) (a) A taxing entity committee resolution approving a blight finding,
733 approving a project area budget, or approving an amendment to a project area budget:

734 (i) is final; and

735 (ii) is not subject to repeal, amendment, or reconsideration unless the agency first
736 consents by resolution to the proposed repeal, amendment, or reconsideration.

737 (b) The provisions of Subsection [~~(15)~~] (14)(a) apply regardless of when the resolution
738 is adopted.

739 Section 8. Section **17C-1-403** is amended to read:

740 **17C-1-403. Tax increment under a pre-July 1, 1993, project area plan.**

741 (1) Notwithstanding any other provision of law, this section applies retroactively to tax
742 increment under all pre-July 1, 1993, project area plans, regardless of when the applicable
743 project area was created or the applicable project area plan was adopted.

744 (2) (a) Beginning with the first tax year after April 1, 1983, for which an agency
745 accepts tax increment, an agency is authorized to receive:

746 (i) (A) for the first through the fifth tax years, 100% of tax increment;

747 (B) for the sixth through the tenth tax years, 80% of tax increment;

748 (C) for the eleventh through the fifteenth tax years, 75% of tax increment;

749 (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and

750 (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or

751 (ii) for an agency that has caused a taxing entity committee to be created under

752 Subsection **17C-1-402(1)(a)**, any percentage of tax increment up to 100% and for any length of
753 time that the taxing entity committee approves.

754 (b) Notwithstanding any other provision of this section:

755 (i) an agency is authorized to receive 100% of tax increment from a project area for 32
756 years after April 1, 1983, to pay principal and interest on agency indebtedness incurred before
757 April 1, 1983, even though the size of the project area from which tax increment is paid to the

758 agency exceeds 100 acres of privately owned property under a project area plan adopted on or
759 before April 1, 1983; and

760 (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983,
761 may be refinanced and paid from 100% of tax increment if the principal amount of the debt is
762 not increased in the refinancing.

763 (3) (a) For purposes of this Subsection (3)[;]:

764 (i) [~~"additional"~~] "Additional tax increment" means the difference between 100% of tax
765 increment for a tax year and the amount of tax increment an agency is paid for that tax year
766 under the percentages and time periods specified in Subsection (2)(a).

767 (ii) "Pledged" means a commitment by a board or a community legislative body to pay
768 the costs of bond indebtedness, an interfund loan, a reimbursement, or other contractual
769 obligation of the board or the community legislative body related to a convention center or
770 sports complex described in Subsection (3)(b).

771 (b) Notwithstanding the tax increment percentages and time periods in Subsection
772 (2)(a), an agency is authorized to receive additional tax increment for a period ending 32 years
773 after the first tax year after April 1, 1983, for which the agency receives tax increment from the
774 project area if:

775 (i) (A) the additional tax increment is used solely to pay all or part of the value of the
776 land for and the cost of the installation and construction of a publicly or privately owned
777 convention center or sports complex or any building, facility, structure, or other improvement
778 related to the convention center or sports complex, including parking and infrastructure
779 improvements;

780 (B) construction of the convention center or sports complex or related building,
781 facility, structure, or other improvement is commenced on or before June 30, 2002;

782 (C) the additional tax increment is pledged to pay all or part of the value of the land for
783 and the cost of the installation and construction of the convention center or sports complex or
784 related building, facility, structure, or other improvement; and

785 (D) the board and the community legislative body have determined by resolution that

786 the convention center or sports complex is:

787 (I) within and a benefit to a project area;

788 (II) not within but still a benefit to a project area; or

789 (III) within a project area in which substantially all of the land is publicly owned and a
790 benefit to the community; or

791 (ii) (A) the additional tax increment is used to pay some or all of the cost of the land
792 for and installation and construction of a recreational facility, as defined in Section 59-12-702,
793 or a cultural facility, including parking and infrastructure improvements related to the
794 recreational or cultural facility, whether or not the facility is located within a project area;

795 (B) construction of the recreational or cultural facility is commenced on or before
796 December 31, 2005; and

797 (C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part
798 of the cost of the land for and the installation and construction of the recreational or cultural
799 facility, including parking and infrastructure improvements related to the recreational or
800 cultural facility.

801 (c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without the school
802 district's consent, be paid less tax increment because of application of Subsection (3)(b)(ii) than
803 it would have been paid without that subsection.

804 (4) Notwithstanding any other provision of this section, an agency may use tax
805 increment received under Subsection (2) for any of the uses indicated in Subsection (3).

806 Section 9. Section 17C-1-603 is amended to read:

807 **17C-1-603. Annual report.**

808 (1) Beginning in 2016, on or before November 1 of each year, an agency shall:

809 (a) prepare an annual report as described in Subsection (2); [~~and~~]

810 (b) submit the annual report electronically to the community in which the agency
811 operates, the county auditor, the State Tax Commission, the State Board of Education, and each
812 taxing entity from which the agency receives project area funds[-];

813 (c) post the annual report on the agency's website; and

814 (d) ensure that the community in which the agency operates posts the annual report on
815 the community's website.

816 (2) The annual report shall, for each active project area whose project area funds
817 collection period has not expired, contain the following information:

818 (a) an assessment of the change in marginal value, including:

819 (i) the base year;

820 ~~[(i)]~~ (ii) the base taxable value;

821 ~~[(ii)]~~ (iii) the prior year's assessed value;

822 ~~[(iii)]~~ (iv) the estimated current assessed value; [and]

823 (v) the percentage change in marginal value; and

824 ~~[(iv)]~~ (vi) a narrative description of the relative growth in assessed value;

825 (b) the amount of project area funds the agency received for each year of the project
826 area funds collection period, including:

827 (i) a comparison of the actual project area funds received for ~~[the previous]~~ each year
828 to the amount of project area funds forecasted for each year when the project area was created,
829 if available;

830 (ii) (A) the agency's historical receipts of project area funds, including the tax year for
831 which the agency first received project area funds from the project area; or

832 (B) if the agency has not yet received project area funds from the project area, the year
833 in which the agency expects each project area funds collection period to begin;

834 (iii) a list of each taxing entity that levies or imposes a tax within the project area and a
835 description of the benefits that each taxing entity receives from the project area; and

836 (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;

837 (c) a description of current and anticipated project area development, including:

838 (i) a narrative of any significant project area development, including infrastructure
839 development, site development, participation agreements, or vertical construction; and

840 (ii) other details of development within the project area, including:

841 (A) the total developed acreage [and];

- 842 (B) the total undeveloped acreage;
- 843 (C) the percentage of residential development; and
- 844 (D) the total number of housing units authorized, if applicable;
- 845 (d) the project area budget, if applicable, or other project area funds [~~analysis~~] analyses,
- 846 including:
- 847 (i) each project area funds collection period[;], including:
- 848 (A) the start and end date of the project area funds collection period; and
- 849 [~~(ii)~~] (B) the number of years remaining in each project area funds collection period;
- 850 [~~(iii)~~] (ii) the [~~total~~] amount of project area funds the agency is authorized to receive
- 851 from the project area cumulatively and from each taxing entity[; and], including:
- 852 (A) the total dollar amount; and
- 853 (B) the percentage of the total amount of project area funds generated within the
- 854 project area;
- 855 [~~(iv)~~] (iii) the remaining amount of project area funds the agency is authorized to
- 856 receive from the project area cumulatively and from each taxing entity; and
- 857 (iv) the amount of project area funds the agency is authorized to use to pay for the
- 858 agency's administrative costs, as described in Subsection [17B-1-409\(1\)](#), including:
- 859 (A) the total dollar amount; and
- 860 (B) the percentage of the total amount of all project area funds;
- 861 (e) the estimated amount of project area funds that the agency is authorized to receive
- 862 from the project area for the current calendar year;
- 863 (f) the estimated amount of project area funds to be paid to the agency for the next
- 864 calendar year;
- 865 (g) a map of the project area; and
- 866 (h) any other relevant information the agency elects to provide.
- 867 (3) A report prepared in accordance with this section:
- 868 (a) is for informational purposes only; and
- 869 (b) does not alter the amount of project area funds that an agency is authorized to

870 receive from a project area.

871 (4) The provisions of this section apply regardless of when the agency or project area is
872 created.

873 Section 10. Section **17C-1-806** is amended to read:

874 **17C-1-806. Requirements for notice provided by agency.**

875 (1) The notice required by Section **17C-1-805** shall be given by:

876 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
877 newspaper of general circulation within the county in which the project area or proposed
878 project area is located, at least 14 days before the hearing;

879 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
880 before the day of the hearing in at least three conspicuous places within the county in which the
881 project area or proposed project area is located; or

882 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
883 before the day on which the hearing is held on:

884 (A) the Utah Public Notice Website described in Section **63F-1-701**; and

885 (B) the public website of a community located within the boundaries of the project
886 area; and

887 (b) at least 30 days before the hearing, mailing notice to:

888 (i) each record owner of property located within the project area or proposed project
889 area;

890 (ii) the State Tax Commission;

891 (iii) the assessor and auditor of the county in which the project area or proposed project
892 area is located; and

893 [~~(iv) (A) each member of the taxing entity committee, if applicable; or]~~

894 [~~(B) if a taxing entity committee has not been formed, the State Board of Education
895 and the legislative body or governing board of each taxing entity.]~~

896 (iv) (A) if a project area is subject to a taxing entity committee, each member of the
897 taxing entity committee and the State Board of Education; or

898 (B) if a project area is not subject to a taxing entity committee, the legislative body or
899 governing board of each taxing entity within the boundaries of the project area or proposed
900 project area.

901 (2) The mailing of the notice to record property owners required under Subsection
902 (1)(b)(i) shall be conclusively considered to have been properly completed if:

903 (a) the agency mails the notice to the property owners as shown in the records,
904 including an electronic database, of the county recorder's office and at the addresses shown in
905 those records; and

906 (b) the county recorder's office records used by the agency in identifying owners to
907 whom the notice is mailed and their addresses were obtained or accessed from the county
908 recorder's office no earlier than 30 days before the mailing.

909 (3) The agency shall include in each notice required under Section 17C-1-805:

910 (a) (i) a boundary description of the project area or proposed project area; or

911 (ii) (A) a mailing address or telephone number where a person may request that a copy
912 of the boundary description be sent at no cost to the person by mail, email, or facsimile
913 transmission; and

914 (B) if the agency or community has an Internet website, an Internet address where a
915 person may gain access to an electronic, printable copy of the boundary description and other
916 related information;

917 (b) a map of the boundaries of the project area or proposed project area;

918 (c) an explanation of the purpose of the hearing; and

919 (d) a statement of the date, time, and location of the hearing.

920 (4) The agency shall include in each notice under Subsection (1)(b):

921 (a) a statement that property tax [~~revenues~~] revenue resulting from an increase in
922 valuation of property within the project area or proposed project area will be paid to the agency
923 for project area development rather than to the taxing entity to which the tax [~~revenues~~]
924 revenue would otherwise have been paid if:

925 (i) (A) the taxing entity committee consents to the project area budget; [~~and~~] or

926 (B) one or more taxing entities agree to share property tax revenue under an interlocal
927 agreement; and

928 (ii) the project area plan provides for the agency to receive tax increment; and

929 (b) an invitation to the recipient of the notice to submit to the agency comments
930 concerning the subject matter of the hearing before the date of the hearing.

931 (5) An agency may include in a notice under Subsection (1) any other information the
932 agency considers necessary or advisable, including the public purpose achieved by the project
933 area development and any future tax benefits expected to result from the project area
934 development.

935 Section 11. Section **17C-1-902** is amended to read:

936 **17C-1-902. Use of eminent domain -- Conditions.**

937 (1) Except as provided in Subsection (2), an agency may not use eminent domain to
938 acquire property.

939 (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B,
940 Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:

941 (a) within an urban renewal project area if:

942 (i) the board makes a finding of blight under Chapter 2, Part 3, Blight Determination in
943 Urban Renewal Project Areas; and

944 (ii) the urban renewal project area plan provides for the use of eminent domain;

945 (b) that is owned by an agency board member or officer and located within a project
946 area, if the board member or officer consents;

947 (c) within a community reinvestment project area if:

948 (i) the board makes a finding of blight in accordance with Chapter 5, Part 4, Blight
949 Determination in a Community Reinvestment Project Area;

950 (ii) (A) the original community reinvestment project area plan provides for the use of
951 eminent domain; or

952 (B) the community reinvestment project area plan is amended in accordance with
953 Subsection **17C-5-112(4)**; and

954 (iii) the agency creates a taxing entity committee in accordance with Section
955 17C-1-402;

956 (d) that:

957 (i) is owned by a participant or a property owner that is entitled to receive tax
958 increment or other assistance from the agency;

959 (ii) is within a project area, regardless of when the project area is created, for which the
960 agency made a finding of blight under Section 17C-2-102 or 17C-5-405; and

961 (iii) (A) the participant or property owner described in Subsection (2)(d)(i) fails to
962 develop or improve in accordance with the participation agreement or the project area plan; or

963 (B) for a period of 36 months does not generate the amount of tax increment that the
964 agency projected to receive under the project area budget; or

965 (e) if a property owner requests in writing that the agency exercise eminent domain to
966 acquire the property owner's property within a project area.

967 (3) An agency shall, in accordance with the provisions of this part, commence the
968 acquisition of property described in Subsections (2)(a) through (c) by adopting a resolution
969 authorizing eminent domain within five years after the day on which the project area plan is
970 effective.

971 Section 12. Section 17C-2-110 is amended to read:

972 **17C-2-110. Amending an urban renewal project area plan.**

973 (1) An urban renewal project area plan may be amended as provided in this section.

974 (2) If an agency proposes to amend an urban renewal project area plan to enlarge the
975 project area:

976 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
977 a project area plan apply equally to the proposed amendment as if it were a proposed project
978 area plan;

979 (b) for a pre-July 1, 1993 project area plan, the base year for the new area added to the
980 project area shall be determined under Subsection 17C-1-102(9)~~(a)~~ using the effective date of
981 the amended project area plan;

982 (c) for a post-June 30, 1993 project area plan:

983 (i) the base year for the new area added to the project area shall be determined under
984 Subsection ~~17C-1-102(9)(b)~~ using the date of the taxing entity committee's consent referred
985 to in Subsection (2)(c)(ii); and

986 (ii) the agency shall obtain the consent of the taxing entity committee before the agency
987 may collect tax increment from the area added to the project area by the amendment;

988 (d) the agency shall make a finding regarding the existence of blight in the area
989 proposed to be added to the project area by following the procedure set forth in [~~Subsections~~
990 ~~17C-2-102(1)(a)(i) and (ii)~~] Chapter 2, Part 3, Blight Determination in Urban Renewal Project
991 Areas; and

992 (e) the agency need not make a finding regarding the existence of blight in the project
993 area as described in the original project area plan, if the agency made a finding of the existence
994 of blight regarding that project area in connection with adoption of the original project area
995 plan.

996 (3) If a proposed amendment does not propose to enlarge an urban renewal project
997 area, a board may adopt a resolution approving an amendment to a project area plan after:

998 (a) the agency gives notice, as provided in Section ~~17C-1-806~~, of the proposed
999 amendment and of the public hearing required by Subsection (3)(b);

1000 (b) the board holds a public hearing on the proposed amendment that meets the
1001 requirements of a plan hearing;

1002 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
1003 amendment proposes:

1004 (i) to enlarge the area within the project area from which tax increment is collected;

1005 (ii) to permit the agency to receive a greater percentage of tax increment or to extend
1006 the project area funds collection period, or both, than allowed under the adopted project area
1007 plan; or

1008 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
1009 expand the area from which tax increment is collected to exceed 100 acres of private property;

1010 and

1011 (d) the agency obtains the consent of the legislative body or governing board of each
1012 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
1013 than all taxing entities, a greater percentage of tax increment or to extend the project area funds
1014 collection period, or both, than allowed under the adopted project area plan.

1015 (4) (a) An urban renewal project area plan may be amended without complying with
1016 the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
1017 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

1018 (i) makes a minor adjustment in the boundary description of a project area boundary
1019 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
1020 or

1021 (ii) subject to Subsection (4)(b), removes [~~a parcel~~] one or more parcels from a project
1022 area because the agency determines that [~~the~~] each parcel removed is:

1023 (A) tax exempt;

1024 (B) no longer blighted; or

1025 (C) no longer necessary or desirable to the project area.

1026 (b) An amendment removing [~~a parcel~~] one or more parcels from a project area under
1027 Subsection (4)(a)(ii) may be made without the consent of the record property owner of [~~the~~]
1028 each parcel being removed.

1029 (5) (a) An amendment approved by board resolution under this section may not take
1030 effect until adopted by ordinance of the legislative body of the community in which the project
1031 area that is the subject of the project area plan being amended is located.

1032 (b) Upon a community legislative body passing an ordinance adopting an amendment
1033 to a project area plan, the agency whose project area plan was amended shall comply with the
1034 requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment
1035 were a project area plan.

1036 (6) (a) Within 30 days after the day on which an amendment to a project area plan
1037 becomes effective, a person may contest the amendment to the project area plan or the

1038 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1039 fails to comply with a provision of this title.

1040 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not
1041 contest the amendment to the project area plan or procedure used to adopt the amendment to
1042 the project area plan for any cause.

1043 Section 13. Section **17C-3-109** is amended to read:

1044 **17C-3-109. Amending an economic development project area plan.**

1045 (1) An economic development project area plan may be amended as provided in this
1046 section.

1047 (2) If an agency proposes to amend an economic development project area plan to
1048 enlarge the project area:

1049 (a) the requirements under this part that apply to adopting a project area plan apply
1050 equally to the proposed amendment as if it were a proposed project area plan;

1051 (b) the base year for the new area added to the project area shall be determined under
1052 Subsection **17C-1-102(9)** using the date of the taxing entity committee's consent referred to in
1053 Subsection (2)(c); and

1054 (c) the agency shall obtain the consent of the taxing entity committee before the agency
1055 may collect tax increment from the area added to the project area by the amendment.

1056 (3) If a proposed amendment does not propose to enlarge an economic development
1057 project area, a board may adopt a resolution approving an amendment to an economic
1058 development project area plan after:

1059 (a) the agency gives notice, as provided in Chapter 1, Part 8, Hearing and Notice
1060 Requirements, of the proposed amendment and of the public hearing required by Subsection
1061 (3)(b);

1062 (b) the board holds a public hearing on the proposed amendment that meets the
1063 requirements of a plan hearing;

1064 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
1065 amendment proposes:

1066 (i) to enlarge the area within the project area from which tax increment is received; or
1067 (ii) to permit the agency to receive a greater percentage of tax increment or to extend
1068 the project area funds collection period under the economic development project area plan; and

1069 (d) the agency obtains the consent of the legislative body or governing board of each
1070 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
1071 than all taxing entities, a greater percentage of tax increment or to extend the project area funds
1072 collection period, or both, than allowed under the economic development project area plan.

1073 (4) (a) An economic development project area plan may be amended without
1074 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and
1075 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the
1076 amendment:

1077 (i) makes a minor adjustment in the boundary description of a project area boundary
1078 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
1079 or

1080 (ii) subject to Subsection (4)(b), removes [~~a parcel~~] one or more parcels from a project
1081 area because the agency determines that [~~the~~] each parcel removed is:

- 1082 (A) tax exempt; or
- 1083 (B) no longer necessary or desirable to the project area.

1084 (b) An amendment removing [~~a parcel~~] one or more parcels from a project area under
1085 Subsection (4)(a) may be made without the consent of the record property owner of [~~the~~] each
1086 parcel being removed.

1087 (5) (a) An amendment approved by board resolution under this section may not take
1088 effect until adopted by ordinance of the legislative body of the community in which the project
1089 area that is the subject of the project area plan being amended is located.

1090 (b) Upon a community legislative body passing an ordinance adopting an amendment
1091 to a project area plan, the agency whose project area plan was amended shall comply with the
1092 requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment
1093 were a project area plan.

1094 (6) (a) Within 30 days after the day on which an amendment to a project area plan
1095 becomes effective, a person may contest the amendment to the project area plan or the
1096 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1097 fails to comply with a provision of this title.

1098 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not
1099 contest the amendment to the project area plan or procedure used to adopt the amendment to
1100 the project area plan for any cause.

1101 Section 14. Section **17C-4-108** is amended to read:

1102 **17C-4-108. Amending a community development project area plan.**

1103 (1) Except as provided in Subsection (2) and Section **17C-4-109**, the requirements
1104 under this part that apply to adopting a community development project area plan apply equally
1105 to a proposed amendment of a community development project area plan as though the
1106 amendment were a proposed project area plan.

1107 (2) (a) Notwithstanding Subsection (1), a community development project area plan
1108 may be amended without complying with the requirements of Chapter 1, Part 8, Hearing and
1109 Notice Requirements, if the proposed amendment:

1110 (i) makes a minor adjustment in the boundary description of a project area boundary
1111 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
1112 or

1113 (ii) subject to Subsection (2)(b), removes [~~a parcel~~] one or more parcels from a project
1114 area because the agency determines that [~~the~~] each parcel removed is:

1115 (A) tax exempt; or

1116 (B) no longer necessary or desirable to the project area.

1117 (b) An amendment removing [~~a parcel~~] one or more parcels from a community
1118 development project area under Subsection (2)(a)(ii) may be made without the consent of the
1119 record property owner of [~~the~~] each parcel being removed.

1120 (3) (a) An amendment approved by board resolution under this section may not take
1121 effect until adopted by ordinance of the legislative body of the community in which the project

1122 area that is the subject of the project area plan being amended is located.

1123 (b) Upon a community legislative body passing an ordinance adopting an amendment
1124 to a community development project area plan, the agency whose project area plan was
1125 amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the
1126 same extent as if the amendment were a project area plan.

1127 (4) (a) Within 30 days after the day on which an amendment to a project area plan
1128 becomes effective, a person may contest the amendment to the project area plan or the
1129 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1130 fails to comply with a provision of this title.

1131 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
1132 contest the amendment to the project area plan or procedure used to adopt the amendment to
1133 the project area plan for any cause.

1134 Section 15. Section 17C-5-104 is amended to read:

1135 **17C-5-104. Process for adopting a community reinvestment project area plan --**
1136 **Prerequisites -- Restrictions.**

1137 (1) An agency may not propose a community reinvestment project area plan unless the
1138 community in which the proposed community reinvestment project area plan is located:

1139 (a) has a planning commission; and

1140 (b) has adopted a general plan under:

1141 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or

1142 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

1143 (2) (a) Before an agency may adopt a proposed community reinvestment project area
1144 plan, the agency shall conduct a blight study and make a blight determination in accordance
1145 with Part 4, Blight Determination in a Community Reinvestment Project Area, if the agency
1146 anticipates using eminent domain to acquire property within the proposed community
1147 reinvestment project area.

1148 (b) If applicable, an agency may not approve a community reinvestment project area
1149 plan more than one year after the agency adopts a resolution making a finding of blight under

1150 Section 17C-5-402.

1151 (3) To adopt a community reinvestment project area plan, an agency shall:

1152 (a) prepare a proposed community reinvestment project area plan in accordance with
1153 Section 17C-5-105;

1154 (b) make the proposed community reinvestment project area plan available to the
1155 public at the agency's office during normal business hours for at least 30 days before the plan
1156 hearing described in Subsection (3)(e);

1157 (c) before holding the plan hearing described in Subsection (3)(e), provide an
1158 opportunity for the State Board of Education and each taxing entity that levies or imposes a tax
1159 within the proposed community reinvestment project area to consult with the agency regarding
1160 the proposed community reinvestment project area plan;

1161 (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing
1162 and Notice Requirements;

1163 (e) hold a plan hearing on the proposed community reinvestment project area plan and,
1164 at the plan hearing:

1165 (i) allow public comment on:

1166 (A) the proposed community reinvestment project area plan; and

1167 (B) whether the agency should revise, approve, or reject the proposed community
1168 reinvestment project area plan; and

1169 (ii) receive all written and oral objections to the proposed community reinvestment
1170 project area plan; and

1171 (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency
1172 meeting:

1173 (i) consider:

1174 (A) the oral and written objections to the proposed community reinvestment project
1175 area plan and evidence and testimony for and against adoption of the proposed community
1176 reinvestment project area plan; and

1177 (B) whether to revise, approve, or reject the proposed community reinvestment project

1178 area plan;

1179 (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the
1180 proposed community reinvestment project area plan, with or without revisions, as the
1181 community reinvestment project area plan; and

1182 (iii) submit the community reinvestment project area plan to the community legislative
1183 body for adoption.

1184 (4) (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed
1185 community reinvestment project area plan to add [~~a parcel~~] one or more parcels to the proposed
1186 community reinvestment project area unless the agency holds a plan hearing to consider the
1187 addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and
1188 Notice Requirements.

1189 (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to
1190 a proposed community reinvestment project area plan being modified to add [~~a parcel~~] one or
1191 more parcels to the proposed community reinvestment project area if:

1192 (i) [~~the~~] each parcel is contiguous to one or more parcels already included in the
1193 proposed community reinvestment project area under the proposed community reinvestment
1194 project area plan;

1195 (ii) the record owner of [~~the~~] each parcel consents to adding the parcel to the proposed
1196 community reinvestment project area; and

1197 (iii) [~~the~~] each parcel is located within the survey area.

1198 Section 16. Section 17C-5-105 is amended to read:

1199 **17C-5-105. Community reinvestment project area plan requirements.**

1200 [(+)] Each community reinvestment project area plan and proposed community
1201 reinvestment project area plan shall:

1202 [(a)] (1) subject to Section 17C-1-414, if applicable, include a boundary description
1203 and a map of the community reinvestment project area;

1204 [(b)] (2) contain a general statement of the existing land uses, layout of principal
1205 streets, population densities, and building intensities of the community reinvestment project

1206 area and how each will be affected by ~~[the]~~ project area development;

1207 ~~[(e)]~~ (3) state the standards that will guide ~~[the]~~ project area development;

1208 ~~[(d)]~~ (4) show how ~~[the]~~ project area development will further purposes of this title;

1209 ~~[(e)]~~ (5) be consistent with the general plan of the community in which the community

1210 reinvestment project area is located and show that ~~[the]~~ project area development will conform

1211 to the community's general plan;

1212 ~~[(f)]~~ (6) if applicable, describe how project area development will eliminate or reduce

1213 blight in the community reinvestment project area;

1214 ~~[(g)]~~ (7) describe any specific project area development that is the object of the

1215 community reinvestment project area plan;

1216 ~~[(h)]~~ (8) if applicable, explain how the agency plans to select a participant;

1217 ~~[(i)]~~ (9) state each reason the agency selected the community reinvestment project area;

1218 ~~[(j)]~~ (10) describe the physical, social, and economic conditions that exist in the

1219 community reinvestment project area;

1220 ~~[(k)]~~ (11) describe each type of financial assistance that the agency anticipates offering

1221 a participant;

1222 ~~[(l) report the results of the public benefit analysis described in Subsection (2);]~~

1223 (12) include an analysis or description of the anticipated public benefit resulting from

1224 project area development, including benefits to the community's economic activity and tax

1225 base;

1226 ~~[(m)]~~ (13) if applicable, state that the agency shall comply with Section 9-8-404 as

1227 required under Section 17C-5-106;

1228 ~~[(n)]~~ (14) state whether the community reinvestment project area plan or proposed

1229 community reinvestment project area plan is subject to a taxing entity committee or an

1230 interlocal agreement; and

1231 ~~[(o)]~~ (15) include other information that the agency determines to be necessary or

1232 advisable.

1233 ~~[(2) (a) An agency shall conduct an analysis in accordance with Subsection (2)(b) to~~

1234 ~~determine whether the proposed community reinvestment project area plan will provide a~~
1235 ~~public benefit.]~~

1236 ~~[(b) The analysis described in Subsection (2)(a) shall consider:]~~

1237 ~~[(i) the benefit of any financial assistance or other public subsidy proposed to be~~
1238 ~~provided by the agency, including:]~~

1239 ~~[(A) an evaluation of the reasonableness of the costs of the proposed project area~~
1240 ~~development;]~~

1241 ~~[(B) efforts that have been, or will be made, to maximize private investment;]~~

1242 ~~[(C) the rationale for use of project area funds, including an analysis of whether the~~
1243 ~~proposed project area development might reasonably be expected to occur in the foreseeable~~
1244 ~~future solely through private investment; and]~~

1245 ~~[(D) an estimate of the total amount of project area funds that the agency intends to~~
1246 ~~spend on project area development and the length of time over which the project area funds~~
1247 ~~will be spent; and]~~

1248 ~~[(ii) the anticipated public benefit derived from the proposed project area development,~~
1249 ~~including:]~~

1250 ~~[(A) the beneficial influences on the community's tax base;]~~

1251 ~~[(B) the associated business and economic activity the proposed project area~~
1252 ~~development will likely stimulate; and]~~

1253 ~~[(C) whether adoption of the proposed community reinvestment project area plan is~~
1254 ~~necessary and appropriate to undertake the proposed project area development.]~~

1255 Section 17. Section **17C-5-108** is amended to read:

1256 **17C-5-108. Board resolution approving a community reinvestment project area**
1257 **plan -- Requirements.**

1258 A board resolution approving a proposed community reinvestment area plan as the
1259 community reinvestment project area plan under Section **17C-5-104** shall contain:

1260 (1) a boundary description of the community reinvestment project area that is the
1261 subject of the community reinvestment project area plan;

1262 (2) the agency's purposes and intent with respect to the community reinvestment
1263 project area;

1264 (3) the proposed community reinvestment project area plan incorporated by reference;

1265 (4) the board findings and determinations that the proposed community reinvestment
1266 project area plan:

1267 (a) serves a public purpose;

1268 (b) produces a public benefit as demonstrated by the analysis described in Subsection
1269 [17C-5-105](#)~~(2)~~(12);

1270 (c) is economically sound and feasible;

1271 (d) conforms to the community's general plan; and

1272 (e) promotes the public peace, health, safety, and welfare of the community in which
1273 the proposed community reinvestment project area is located; and

1274 (5) if the board made a finding of blight under Section [17C-5-402](#), a statement that the
1275 board made a finding of blight within the proposed community reinvestment project area and
1276 the date on which the board made the finding of blight.

1277 Section 18. Section [17C-5-112](#) is amended to read:

1278 **[17C-5-112. Amending a community reinvestment project area plan.](#)**

1279 (1) An agency may amend a community reinvestment project area plan in accordance
1280 with this section.

1281 (2) (a) If an amendment proposes to enlarge a community reinvestment project area's
1282 geographic area, the agency shall:

1283 (i) comply with this part as though the agency were creating a community reinvestment
1284 project area;

1285 (ii) if the agency anticipates receiving project area funds from the area proposed to be
1286 added to the community reinvestment project area, before the agency may collect project area
1287 funds:

1288 (A) for a community reinvestment project area plan that is subject to a taxing entity
1289 committee, obtain approval to receive tax increment from the taxing entity committee; or

1290 (B) for a community reinvestment project area plan that is subject to an interlocal
1291 agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement;
1292 and

1293 (iii) if the agency anticipates acquiring property in the area proposed to be added to the
1294 community reinvestment project area by eminent domain, follow the procedures described in
1295 Section [17C-5-402](#).

1296 (b) The base year for the area proposed to be added to the community reinvestment
1297 project area shall be determined using the date of:

- 1298 (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or
- 1299 (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).

1300 (3) If an amendment does not propose to enlarge a community reinvestment project
1301 area's geographic area, the board may adopt a resolution approving the amendment after the
1302 agency:

1303 (a) if the amendment does not propose to allow the agency to receive a greater amount
1304 of project area funds or to extend a project area funds collection period:

- 1305 (i) gives notice in accordance with Section [17C-1-806](#); and
- 1306 (ii) holds a public hearing on the proposed amendment that meets the requirements
1307 described in [~~Section [17C-1-808](#)~~] Subsection [17C-5-104\(3\)](#); or

1308 (b) if the amendment proposes to also allow the agency to receive a greater amount of
1309 project area funds or to extend a project area funds collection period:

- 1310 (i) complies with Subsection (3)(a)(i) and (ii); and
- 1311 (ii) (A) for a community reinvestment project area plan that is subject to a taxing entity
1312 committee, obtains approval from the taxing entity committee; or

1313 (B) for a community reinvestment project area plan that is subject to an interlocal
1314 agreement, obtains approval to receive project area funds from the taxing entity that is a party
1315 to the interlocal agreement.

1316 (4) (a) An agency may amend a community reinvestment project area plan for a
1317 community reinvestment project area that is subject to an interlocal agreement for the purpose

1318 of using eminent domain to acquire one or more parcels within the community reinvestment
1319 project area.

1320 (b) To amend a community reinvestment project area plan as described in Subsection
1321 (4)(a), an agency shall:

1322 (i) adopt a survey area resolution that identifies each parcel that the agency intends to
1323 study to determine whether blight exists;

1324 (ii) in accordance with Part 4, Blight Determination in a Community Reinvestment
1325 Project Area, conduct a blight study within the survey area and make a blight determination;

1326 (iii) create a taxing entity committee whose sole purpose is to approve any finding of
1327 blight in accordance with Subsection 17C-5-402(3); and

1328 (iv) obtain approval to amend the community reinvestment project area plan from each
1329 taxing entity that is party to an interlocal agreement.

1330 (c) Amending a community reinvestment project area plan as described in this
1331 Subsection (4) does not affect:

1332 (i) the base year of the parcel or parcels that are the subject of an amendment under this
1333 Subsection (4); and

1334 (ii) any interlocal agreement under which the agency is authorized to receive project
1335 area funds from the community reinvestment project area.

1336 (5) An agency may amend a community reinvestment project area plan without
1337 obtaining the consent of a taxing entity or a taxing entity committee and without providing
1338 notice or holding a public hearing if the amendment:

1339 (a) makes a minor adjustment in the community reinvestment project area boundary
1340 that is requested by a county assessor or county auditor to avoid inconsistent property boundary
1341 lines; or

1342 (b) removes [~~a parcel~~] one or more parcels from a community reinvestment project area
1343 because the agency determines that [~~the~~] each parcel is:

1344 (i) tax exempt;

1345 (ii) no longer blighted; or

1346 (iii) no longer necessary or desirable to the project area.

1347 (6) (a) An amendment approved by board resolution under this section may not take
1348 effect until the community legislative body adopts an ordinance approving the amendment.

1349 (b) Upon the community legislative body adopting an ordinance approving an
1350 amendment under Subsection (6)(a), the agency shall comply with the requirements described
1351 in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment
1352 project area plan.

1353 (7) (a) Within 30 days after the day on which an amendment to a project area plan
1354 becomes effective, a person may contest the amendment to the project area plan or the
1355 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1356 fails to comply with a provision of this title.

1357 (b) After the 30-day period described in Subsection (7)(a) expires, a person may not
1358 contest the amendment to the project area plan or procedure used to adopt the amendment to
1359 the project area plan for any cause.

1360 Section 19. Section 59-2-924.2 is amended to read:

1361 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

1362 (1) For purposes of this section, "certified tax rate" means a certified tax rate calculated
1363 in accordance with Section 59-2-924.

1364 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from
1365 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
1366 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter
1367 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax
1368 rate to offset the increased revenues.

1369 (3) (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under
1370 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

1371 (i) decreased on a one-time basis by the amount of the estimated sales and use tax
1372 revenue to be distributed to the county under Subsection 59-12-1102(3); and

1373 (ii) increased by the amount necessary to offset the county's reduction in revenue from

1374 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
1375 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
1376 (3)(a)(i).

1377 (b) The commission shall determine estimates of sales and use tax distributions for
1378 purposes of Subsection (3)(a).

1379 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort
1380 communities sales and use tax under Section 59-12-402, the municipality's certified tax rate
1381 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of
1382 estimated revenue from the additional resort communities sales and use tax imposed under
1383 Section 59-12-402.

1384 (5) (a) This Subsection (5) applies to each county that:

1385 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special
1386 Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10); and

1387 (ii) levies a property tax on behalf of the special service district under Section
1388 17D-1-105.

1389 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall be
1390 decreased by the amount necessary to reduce county revenues by the same amount of revenues
1391 that will be generated by the property tax imposed on behalf of the special service district.

1392 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the
1393 levy on behalf of the special service district under Section 17D-1-105.

1394 (6) (a) As used in this Subsection (6):

1395 (i) "Annexing county" means a county whose unincorporated area is included within a
1396 public safety district by annexation.

1397 (ii) "Annexing municipality" means a municipality whose area is included within a
1398 public safety district by annexation.

1399 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

1400 (A) calculating, for each participating county and each participating municipality, the
1401 property tax revenue necessary:

1402 (I) in the case of a fire district, to cover all of the costs associated with providing fire
1403 protection, paramedic, and emergency services:

1404 (Aa) for a participating county, in the unincorporated area of the county; and

1405 (Bb) for a participating municipality, in the municipality; or

1406 (II) in the case of a police district, to cover all the costs:

1407 (Aa) associated with providing law enforcement service:

1408 (Ii) for a participating county, in the unincorporated area of the county; and

1409 (Iiii) for a participating municipality, in the municipality; and

1410 (Bb) that the police district board designates as the costs to be funded by a property
1411 tax; and

1412 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all
1413 participating counties and all participating municipalities and then dividing that sum by the
1414 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

1415 (I) for participating counties, in the unincorporated area of all participating counties;
1416 and

1417 (II) for participating municipalities, in all the participating municipalities.

1418 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service
1419 Area Act:

1420 (A) created to provide fire protection, paramedic, and emergency services; and

1421 (B) in the creation of which an election was not required under Subsection
1422 17B-1-214(3)(~~e~~)(d).

1423 (v) "Participating county" means a county whose unincorporated area is included
1424 within a public safety district at the time of the creation of the public safety district.

1425 (vi) "Participating municipality" means a municipality whose area is included within a
1426 public safety district at the time of the creation of the public safety district.

1427 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service
1428 Area Act, within a county of the first class:

1429 (A) created to provide law enforcement service; and

1430 (B) in the creation of which an election was not required under Subsection
1431 [17B-1-214\(3\)\(e\)\(d\)](#).

1432 (viii) "Public safety district" means a fire district or a police district.

1433 (ix) "Public safety service" means:

1434 (A) in the case of a public safety district that is a fire district, fire protection,
1435 paramedic, and emergency services; and

1436 (B) in the case of a public safety district that is a police district, law enforcement
1437 service.

1438 (b) In the first year following creation of a public safety district, the certified tax rate of
1439 each participating county and each participating municipality shall be decreased by the amount
1440 of the equalized public safety tax rate.

1441 (c) In the first budget year following annexation to a public safety district, the certified
1442 tax rate of each annexing county and each annexing municipality shall be decreased by an
1443 amount equal to the amount of revenue budgeted by the annexing county or annexing
1444 municipality:

1445 (i) for public safety service; and

1446 (ii) in:

1447 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,
1448 the prior calendar year; or

1449 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior
1450 fiscal year.

1451 (d) Each tax levied under this section by a public safety district shall be considered to
1452 be levied by:

1453 (i) each participating county and each annexing county for purposes of the county's tax
1454 limitation under Section [59-2-908](#); and

1455 (ii) each participating municipality and each annexing municipality for purposes of the
1456 municipality's tax limitation under Section [10-5-112](#), for a town, or Section [10-6-133](#), for a
1457 city.

1458 (e) The calculation of a public safety district's certified tax rate for the year of
1459 annexation shall be adjusted to include an amount of revenue equal to one half of the amount
1460 of revenue budgeted by the annexing entity for public safety service in the annexing entity's
1461 prior fiscal year if:

1462 (i) the public safety district operates on a January 1 through December 31 fiscal year;

1463 (ii) the public safety district approves an annexation of an entity operating on a July 1
1464 through June 30 fiscal year; and

1465 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

1466 (7) (a) The base taxable value ~~[under]~~ as defined in Section 17C-1-102 shall be
1467 reduced for any year to the extent necessary to provide a community reinvestment agency
1468 established under Title 17C, Limited Purpose Local Government Entities - Community
1469 Reinvestment Agency Act, with approximately the same amount of money the agency would
1470 have received without a reduction in the county's certified tax rate, calculated in accordance
1471 with Section 59-2-924, if:

1472 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);

1473 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
1474 previous year; and

1475 (iii) the decrease results in a reduction of the amount to be paid to the agency under
1476 Section 17C-1-403 or 17C-1-404.

1477 (b) The base taxable value ~~[under]~~ as defined in Section 17C-1-102 shall be increased
1478 in any year to the extent necessary to provide a community reinvestment agency with
1479 approximately the same amount of money as the agency would have received without an
1480 increase in the certified tax rate that year if:

1481 (i) in that year the base taxable value ~~[under]~~ as defined in Section 17C-1-102 is
1482 reduced due to a decrease in the certified tax rate under Subsection (2) or (3)(a); and

1483 (ii) the certified tax rate of a city, school district, local district, or special service
1484 district increases independent of the adjustment to the taxable value of the base year.

1485 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),

1486 the amount of money allocated and, when collected, paid each year to a community
1487 reinvestment agency established under Title 17C, Limited Purpose Local Government Entities -
1488 Community Reinvestment Agency Act, for the payment of bonds or other contract
1489 indebtedness, but not for administrative costs, may not be less than that amount would have
1490 been without a decrease in the certified tax rate under Subsection (2) or (3)(a).

1491 (8) (a) For the calendar year beginning on January 1, 2014, the calculation of a county
1492 assessing and collecting levy shall be adjusted by the amount necessary to offset:

1493 (i) any change in the certified tax rate that may result from amendments to Part 16,
1494 Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270, Section 3;
1495 and

1496 (ii) the difference in the amount of revenue a taxing entity receives from or contributes
1497 to the Property Tax Valuation Agency Fund, created in Section [59-2-1602](#), that may result from
1498 amendments to Part 16, Multicounty Assessing and Collecting Levy, in Laws of Utah 2014,
1499 Chapter 270, Section 3.

1500 (b) A taxing entity is not required to comply with the notice and public hearing
1501 requirements in Section [59-2-919](#) for an adjustment to the county assessing and collecting levy
1502 described in Subsection (8)(a).