

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 507

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2008, IDAHO CODE, TO RE-MOVE LANGUAGE RELATING TO INFORMATION TO BE INCLUDED IN CERTAIN URBAN RENEWAL PLANS, TO PROVIDE THAT A PLAN PREPARED OR APPROVED FOR AN URBAN RENEWAL AREA SHALL BE LIMITED TO SPECIFIC PROJECTS AND SHALL INCLUDE CERTAIN SPECIFIC DESCRIPTIONS, TO ESTABLISH THAT MODIFICATIONS TO A PLAN SHALL COMPLY WITH THE SAME PROVISIONS, TO ESTABLISH THAT A PLAN SHALL INCLUDE A TERMINATION DATE AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-2008, Idaho Code, be, and the same is hereby amended to read as follows:

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said sixty (60) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) ~~hereof~~ of this section.

(c) The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within

1 their means and without undue hardship to such families; (2) the urban re-
2 newal plan conforms to the general plan of the municipality as a whole; (3)
3 the urban renewal plan gives due consideration to the provision of adequate
4 park and recreational areas and facilities that may be desirable for neigh-
5 borhood improvement, with special consideration for the health, safety and
6 welfare of children residing in the general vicinity of the site covered by
7 the plan; and (4) the urban renewal plan will afford maximum opportunity,
8 consistent with the sound needs of the municipality as a whole, for the reha-
9 bilitation or redevelopment of the urban renewal area by private enterprise:
10 Provided, that if the urban renewal area consists of an area of open land to
11 be acquired by the urban renewal agency, such area shall not be so acquired
12 unless (1) if it is to be developed for residential uses, the local governing
13 body shall determine that a shortage of housing of sound standards and design
14 which is decent, safe and sanitary exists in the municipality; that the need
15 for housing accommodations has been or will be increased as a result of the
16 clearance of slums in other areas; that the conditions of blight in the area
17 and the shortage of decent, safe and sanitary housing cause or contribute to
18 an increase in and spread of disease and crime and constitute a menace to the
19 public health, safety, morals, or welfare; and that the acquisition of the
20 area for residential uses is an integral part of and essential to the pro-
21 gram of the municipality, or (2) if it is to be developed for nonresidential
22 uses, the local governing body shall determine that such nonresidential uses
23 are necessary and appropriate to facilitate the proper growth and develop-
24 ment of the community in accordance with sound planning standards and local
25 community objectives, which acquisition may require the exercise of govern-
26 mental action, as provided in this act, because of defective or unusual con-
27 ditions of title, diversity of ownership, tax delinquency, improper subdivi-
28 sions, outmoded street patterns, deterioration of site, economic disuse,
29 unsuitable topography or faulty lot layouts, the need for the correlation of
30 the area with other areas of a municipality by streets and modern traffic re-
31 quirements, or any combination of such factors or other conditions which re-
32 tard development of the area.

33 (e) An urban renewal plan may be modified at any time: Provided that
34 if modified after the lease or sale by the urban renewal agency of real prop-
35 erty in the urban renewal project area, such modification may be conditioned
36 upon such approval of the owner, lessee or successor in interest as the urban
37 renewal agency may deem advisable and in any event shall be subject to such
38 rights at law or in equity as a lessee or purchaser, or his successor or suc-
39 cessors in interest, may be entitled to assert.

40 (f) Upon the approval by the local governing body of an urban renewal
41 plan or of any modification thereof, such plan or modification shall be
42 deemed to be in full force and effect for the respective urban renewal area,
43 and the urban renewal agency may then cause such plan or modification to be
44 carried out in accordance with its terms.

45 (g) Notwithstanding any other provisions of this act, where the local
46 governing body certifies that an area is in need of redevelopment or reha-
47 bilitation as a result of a flood, fire, hurricane, earthquake, storm, or
48 other catastrophe respecting which the governor of the state has certified
49 the need for disaster assistance under 42 U.S.C. section 5121, or other fed-
50 eral law, the local governing body may approve an urban renewal plan and an

1 urban renewal project with respect to such area without regard to the pro-
2 visions of subsection (d) of this section and the provisions of this section
3 requiring a general plan for the municipality and a public hearing on the ur-
4 ban renewal project.

5 ~~(h) Any urban renewal plan containing a revenue allocation financing~~
6 ~~provision shall include the information set forth in section 50-2905, Idaho~~
7 ~~Code~~

8 (h) (i) Notwithstanding any other provision of this chapter and chap-
9 ter 29, title 50, Idaho Code, a plan prepared or approved for an urban
10 renewal area shall be limited to specific projects, clearly and con-
11 cisely described in such plan and shall include specific descriptions
12 of the development, redevelopment, improvements, land to be acquired,
13 and which, if any, existing structures are to be removed or demolished.
14 Any modification of such plan shall be subject to the foregoing limita-
15 tion.

16 (ii) Such plan shall also include a project termination date as pro-
17 vided for in section 50-2905, Idaho Code.