

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 506

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2007, IDAHO CODE, TO REVISE PROVISIONS RELATING TO URBAN RENEWAL AGENCY POWERS WITHIN ITS AREA OF OPERATION; AND AMENDING SECTION 50-2010, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ACQUISITION OF PROPERTY AND TO ELIMINATE PROVISIONS RELATING TO EMINENT DOMAIN AND CONDEMNATION.

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

SECTION 1. That Section 50-2007, Idaho Code, be, and the same is hereby amended to read as follows:

50-2007. POWERS. Every urban renewal agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, off-street parking facilities, public facilities, other buildings or public improvements; and any improvements necessary or incidental to a redevelopment project; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) within its area of operation, ~~to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain, upon sufficient cause and after a hearing on the matter, an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;~~ to acquire by purchase, lease, option, gift, grant, bequest, or ~~devise, eminent domain or otherwise,~~ any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, renovate, rehabilitate, clear or prepare for redevelopment any such property or buildings; to mortgage, pledge, hypothecate or otherwise encumber or dispose of

1 any real property; to insure or provide for the insurance of any real or per-  
2 sonal property or operations of the municipality against any risks or haz-  
3 ards, including the power to pay premiums on any such insurance; and to enter  
4 into any contracts necessary to effectuate the purposes of this act: Pro-  
5 vided however, that no statutory provision with respect to the acquisition,  
6 clearance or disposition of property by public bodies shall restrict a mu-  
7 nicipality or other public body exercising powers hereunder in the exercise  
8 of such functions with respect to an urban renewal project and related activ-  
9 ities, unless the legislature shall specifically so state;

10 (d) with the approval of the local governing body, (1) prior to approval  
11 of an urban renewal plan, or approval of any modifications of the plan, to ac-  
12 quire real property in an urban renewal area, demolish and remove any struc-  
13 tures on the property, and pay all costs related to the acquisition, demoli-  
14 tion, or removal, including any administrative or relocation expenses; and  
15 (2) to assume the responsibility to bear any loss that may arise as the result  
16 of the exercise of authority under this subsection in the event that the real  
17 property is not made part of the urban renewal project;

18 (e) to invest any urban renewal funds held in reserves or sinking funds  
19 or any such funds not required for immediate disbursement, in property  
20 or securities in which savings banks may legally invest funds subject to  
21 their control; to redeem such bonds as have been issued pursuant to section  
22 50-2012, Idaho Code, at the redemption price established therein or to pur-  
23 chase such bonds at less than redemption price, all such bonds so redeemed or  
24 purchased to be canceled;

25 (f) to borrow money and to apply for and accept advances, loans, grants,  
26 contributions and any other form of financial assistance from the federal  
27 government, the state, county, or other public body, or from any sources,  
28 public or private, for the purposes of this act, and to give such security  
29 as may be required and to enter into and carry out contracts or agreements  
30 in connection therewith; and to include in any contract for financial as-  
31 sistance with the federal government for or with respect to an urban renewal  
32 project and related activities such conditions imposed pursuant to federal  
33 laws as the municipality may deem reasonable and appropriate and which are  
34 not inconsistent with the purposes of this act;

35 (g) within its area of operation, to make or have made all surveys and  
36 plans necessary to the carrying out of the purposes of this act and to con-  
37 tract with any person, public or private, in making and carrying out such  
38 plans and to adopt or approve, modify and amend such plans, which plans may  
39 include, but are not limited to: (1) plans for carrying out a program of vol-  
40 untary compulsory repair and rehabilitation of buildings and improvements,  
41 (2) plans for the enforcement of state and local laws, codes and regulations  
42 relating to the use of land and the use and occupancy of buildings and im-  
43 improvements and to the compulsory repair, rehabilitation, demolition, or  
44 removal of buildings and improvements, and (3) appraisals, title searches,  
45 surveys, studies, and other plans and work necessary to prepare for the un-  
46 dertaking of urban renewal projects and related activities; and to develop,  
47 test, and report methods and techniques, and carry out demonstrations and  
48 other activities, for the prevention and the elimination of slums and urban  
49 blight and developing and demonstrating new or improved means of providing

1 housing for families and persons of low income and to apply for, accept and  
2 utilize grants of funds from the federal government for such purposes;

3 (h) to prepare plans for and assist in the relocation of persons (in-  
4 cluding individuals, families, business concerns, nonprofit organizations  
5 and others) displaced from an urban renewal area, and notwithstanding any  
6 statute of this state to make relocation payments to or with respect to such  
7 persons for which reimbursement or compensation is not otherwise made, in-  
8 cluding the making of such payments financed by the federal government;

9 (i) to exercise all or any part or combination of powers herein granted;

10 (j) in addition to its powers under subsection (b) of this section,  
11 an agency may construct foundations, platforms, and other like structural  
12 forms necessary for the provision or utilization of air rights sites for  
13 buildings and to be used for residential, commercial, industrial, and other  
14 uses contemplated by the urban renewal plan, and to provide utilities to the  
15 development site; and

16 (k) to use, lend or invest funds obtained from the federal government  
17 for the purposes of this act if allowable under federal laws or regulations.

18 SECTION 2. That Section 50-2010, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 50-2010. ACQUISITION OF PROPERTY. ~~(a)~~ An urban renewal agency shall  
21 have the right to acquire by negotiation ~~or condemnation~~ any interest in real  
22 property, including a fee simple title thereto, which it may deem necessary  
23 for or in connection with an urban renewal project and related activities un-  
24 der this act. ~~An urban renewal agency may exercise the power of eminent do-~~  
25 ~~main in the manner now or which may be hereafter provided by any other statu-~~  
26 ~~tory provisions for the exercise of the power of eminent domain.~~ Property  
27 already devoted to a public use may be acquired in like manner: Provided,  
28 that no real property belonging to the United States, the state, or any po-  
29 litical subdivision of the state, may be acquired without its consent.

30 ~~(b) In any proceeding to fix or assess compensation for damages for the~~  
31 ~~taking or damaging of property, or any interest therein, through the exer-~~  
32 ~~cise of the power of eminent domain or condemnation, evidence or testimony~~  
33 ~~bearing upon the following matters shall be admissible and shall be consid-~~  
34 ~~ered in fixing such compensation or damages, in addition to evidence or tes-~~  
35 ~~timony otherwise admissible:~~

36 ~~(1) any use, condition, occupancy, or operation of such property, which~~  
37 ~~is unlawful or violative of, or subject to elimination, abatement, prohi-~~  
38 ~~bition, or correction under, any law or any ordinance or regulatory~~  
39 ~~measure of the state, county, municipality, other political subdivi-~~  
40 ~~sion, or any agency thereof, in which such property is located, as be-~~  
41 ~~ing unsafe, substandard, insanitary or otherwise contrary to the public~~  
42 ~~health, safety, or welfare;~~

43 ~~(2) the effect on the value of such property, of any such use, condi-~~  
44 ~~tion, occupancy, or operation, or of the elimination, abatement, prohi-~~  
45 ~~bition, or correction of any such use, condition, occupancy, or opera-~~  
46 ~~tion.~~

47 ~~(c) The foregoing testimony and evidence shall be admissible notwith-~~  
48 ~~standing that no action has been taken by any public body or public officer~~  
49 ~~toward the abatement, prohibition, elimination or correction of any such~~

1 use, condition, occupancy, or operation. Testimony or evidence that any  
2 public body or public officer charged with the duty or authority so to do has  
3 rendered, made or issued any judgment, decree, determination or order for  
4 the abatement, prohibition, elimination or correction of any such use, con-  
5 dition, occupancy, or operation shall be admissible and shall be prima facie  
6 evidence of the existence and character of such use, condition or operation.