

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 567

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2002, IDAHO CODE, TO PROVIDE
2 ADDITIONAL FINDINGS AND DECLARATIONS OF NECESSITY; AMENDING SECTION
3 50-2006, IDAHO CODE, TO REVISE STATUTORY PROVISIONS REGARDING AN URBAN
4 RENEWAL AGENCY; AMENDING SECTION 50-2007, IDAHO CODE, TO REVISE POWERS
5 OF URBAN RENEWAL; AMENDING SECTION 50-2010, IDAHO CODE, TO REVISE
6 PROCEDURES FOR ACQUISITION OF PROPERTY; AMENDING SECTION 50-2011,
7 IDAHO CODE, TO REVISE PROCEDURES FOR DISPOSAL OF PROPERTY IN AN URBAN
8 RENEWAL AGENCY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
9 50-2012, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF
10 BONDS; AMENDING SECTION 50-2017, IDAHO CODE, TO REVISE PROVISIONS ON
11 INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR EMPLOYEES; AMENDING
12 CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
13 50-2033, IDAHO CODE, TO PROVIDE FOR A PROHIBITED AMENDMENT TO AN URBAN
14 RENEWAL PLAN; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION
15 OF A NEW SECTION 50-2034, IDAHO CODE, TO PROVIDE FOR AMENDMENTS TO
16 AN URBAN RENEWAL PLAN; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY
17 THE ADDITION OF A NEW SECTION 50-2035, IDAHO CODE, TO PROVIDE FOR TAX
18 AND SPECIAL ASSESSMENT EXEMPTIONS; AMENDING SECTION 50-2903, IDAHO
19 CODE, TO REVISE DEFINITIONS; AMENDING SECTION 50-2904, IDAHO CODE,
20 TO REVISE THE AUTHORITY TO CREATE A REVENUE ALLOCATION AREA; AMENDING
21 SECTION 50-2907, IDAHO CODE, TO REVISE REQUIREMENTS FOR FILING AN
22 ANNUAL REPORT WITH THE STATE TAX COMMISSION; AMENDING SECTION 50-2908,
23 IDAHO CODE, TO PROVIDE FOR AN AMENDMENT TO THE BOUNDARIES AND TO PROVIDE
24 FOR REVENUES FOR CERTAIN NEW REVENUE ALLOCATION AREAS; AMENDING TITLE
25 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 32, TITLE 50, IDAHO
26 CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FINDINGS AND DECLARATIONS
27 OF NECESSITY, TO PROVIDE FOR ENCOURAGEMENT OF PRIVATE ENTERPRISE, TO
28 PROVIDE FOR A WORKABLE PROGRAM, TO PROVIDE FOR A FINDING OF NECESSITY
29 BY A LOCAL GOVERNING BODY AND CREATION OF AN URBAN RENEWAL AGENCY, TO
30 PROVIDE POWERS AND DUTIES OF AN URBAN RENEWAL AGENCY, TO PROVIDE FOR
31 DETERIORATING AREAS, PRELIMINARY INVESTIGATIONS AND LIMITATIONS ON
32 REVIEW, TO PROVIDE FOR A DETERIORATING AREA PLAN, CONTENTS AND APPROVAL
33 OF A PLAN, TO PROVIDE FOR APPROVAL OF A DETERIORATING AREA PLAN BY
34 ORDINANCE, NOTICE, DETERMINATIONS AND FINDINGS REQUIRED, TO PROVIDE
35 FOR AMENDMENT TO A DETERIORATING AREA PLAN, TO PROVIDE A DISASTER
36 PROVISION, TO PROVIDE FOR FINDINGS AND DECLARATIONS OF NECESSITY FOR
37 AN ECONOMIC DEVELOPMENT AREA, TO PROVIDE ECONOMIC DEVELOPMENT AREAS,
38 DETERIORATING AREAS, PRELIMINARY INVESTIGATION AND LIMITATIONS ON
39 REVIEW, TO PROVIDE FOR CONTENTS AND APPROVAL OF AN ECONOMIC DEVELOPMENT
40 PLAN, TO PROVIDE FOR APPROVAL OF AN ECONOMIC DEVELOPMENT PLAN OR A
41 COMPETITIVELY DISADVANTAGED BORDER COMMUNITY PLAN BY ORDINANCE, NOTICE
42 AND DETERMINATIONS AND FINDINGS REQUIRED, TO PROVIDE FOR ACQUISITION
43 AND INCLUSION OF UNUSED OR INAPPROPRIATELY USED LAND IN AN ECONOMIC
44 DEVELOPMENT AREA, TO PROVIDE FOR ACQUISITION AND INCLUSION OF OPEN LAND
45

1 IN AN ECONOMIC DEVELOPMENT AREA, TO PROVIDE AMENDMENT TO AN ECONOMIC
2 DEVELOPMENT PLAN, TO PROVIDE A DISASTER PROVISION, TO PROVIDE POWERS,
3 TO PROVIDE FOR ACQUISITION OF PROPERTY, TO PROVIDE FOR DISPOSAL OF
4 PROPERTY IN AN URBAN RENEWAL AREA, TO PROVIDE FOR ISSUANCE OF BONDS, TO
5 PROVIDE FOR BONDS AS LEGAL INVESTMENTS, TO PROVIDE PROPERTY EXEMPT FROM
6 TAXES AND FROM LEVY AND SALE BY VIRTUE OF AN EXECUTION, TO PROVIDE FOR
7 COOPERATION BY PUBLIC BODIES, TO PROVIDE FOR TITLE OF PURCHASERS, TO
8 PROVIDE FOR INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR EMPLOYEES,
9 TO PROVIDE FOR DEFINITIONS, TO PROVIDE FOR AN ANNUAL BUDGET AND A
10 BUDGET FOR PLAN TERMINATION, TO PROVIDE FOR LIMITATIONS ON REVIEW OF
11 ADOPTION OR MODIFICATION OF A PLAN AND ISSUANCE OF BONDS, TO PROVIDE
12 SEVERABILITY, TO PROVIDE LIMITATIONS ON APPLICABILITY OF PLANS ADOPTED
13 BEFORE JANUARY 1, 2011, AND TO PROVIDE AMENDMENT OF PREVIOUSLY ADOPTED
14 URBAN RENEWAL PLANS, TO PROVIDE AN URBAN RENEWAL AGENCY HAS NO POWER OF
15 TAXATION, TO PROVIDE A SHORT TITLE, TO PROVIDE FINDINGS AND PURPOSE,
16 TO DEFINE TERMS, TO PROVIDE AUTHORITY TO CREATE A REVENUE ALLOCATION
17 AREA, TO PROVIDE TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTION
18 AND OTHER DOCUMENTS TO TAXING AGENCIES, TO PROVIDE FOR DETERMINATION OF
19 TAX LEVIES, CREATION OF A SPECIAL FUND AND LIMITATIONS, TO PROVIDE FOR
20 ISSUANCE OF BONDS AND BOND PROVISIONS, TO PROVIDE THAT BONDS ARE NOT THE
21 GENERAL OBLIGATION OF AN AGENCY OR MUNICIPALITY, TO PROVIDE LEGISLATIVE
22 CONSTRUCTION, TO PROVIDE SEVERABILITY, TO PROVIDE LIMITATIONS ON
23 APPLICABILITY OF PLANS ADOPTED BEFORE JANUARY 1, 2011, AND AMENDMENT OF
24 PREVIOUSLY ADOPTED URBAN RENEWAL PLANS, TO PROVIDE FOR A JOINT POWERS
25 AGREEMENT AND TO PROVIDE FOR TAX AND SPECIAL ASSESSMENT EXEMPTIONS.

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

27 SECTION 1. That Section 50-2002, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 50-2002. FINDINGS AND DECLARATIONS OF NECESSITY. It is hereby found
30 and declared that there exist in municipalities of the state deteriorated
31 and deteriorating areas (as herein defined) which constitute a serious and
32 growing menace, injurious to the public health, safety, morals and welfare
33 of the residents of the state; that the existence of such areas contributes
34 substantially and increasingly to the spread of disease and crime,
35 constitutes an economic and social liability imposing onerous municipal
36 burdens which decrease the tax base and reduce tax revenues, substantially
37 impairs or arrests the sound growth of municipalities, retards the provision
38 of housing accommodations, aggravates traffic problems and substantially
39 impairs or arrests the elimination of traffic hazards and the improvement
40 of traffic facilities; and that the prevention and elimination of these
41 conditions is a matter of state policy and state concern in order that the
42 state and its municipalities shall not continue to be endangered by areas
43 which are focal centers of disease, promote juvenile delinquency, and
44 consume an excessive proportion of its revenue because of the extra services
45 required for police, fire, accident, hospitalization and other forms of
46 public protection, services and facilities.

47 It is further found and declared that certain of such areas, or portions
48 thereof, may require acquisition, clearance, and disposition subject to

1 use restrictions, as provided in this act, since the prevailing condition
 2 of decay may make impracticable the reclamation of the area by conservation
 3 or rehabilitation; that other areas or portions thereof may, through the
 4 means provided in this act, be susceptible of conservation or rehabilitation
 5 in such a manner that the conditions and evils hereinbefore enumerated may
 6 be eliminated, remedied or prevented; and that salvageable areas can be
 7 conserved and rehabilitated through appropriate public action as herein
 8 authorized, and the cooperation and voluntary action of the owners and
 9 tenants of property in such areas.

10 It is further found and declared that the powers conferred by this act
 11 are for public uses and purposes for which public money may be expended as
 12 herein provided and the power of eminent domain and police power exercised;
 13 and that the necessity in the public interest for the provisions herein
 14 enacted is hereby declared as a matter of legislative determination.

15 It is further found and declared that the urban renewal agency created
 16 by this act is an independent public corporate and politic and is subject
 17 to section 1, article VIII of the constitution of the state of Idaho; that
 18 accordingly an urban renewal agency created by this act has no power to levy
 19 taxes or obligate the general fund of the state; and the debts or liabilities
 20 of an urban renewal agency are not debts or liabilities of the state of Idaho.

21 SECTION 2. That Section 50-2006, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each
 24 municipality an urban renewal agency which shall constitute an independent
 25 public body corporate and politic to be known as the "urban renewal agency"
 26 for the municipality; provided, that such agency shall not transact
 27 any business or exercise its powers hereunder until or unless the local
 28 governing body has made the findings prescribed in section 50-2005, Idaho
 29 Code. The agency, by adoption of bylaws, designated under what name it shall
 30 transact the powers and authorities granted in this chapter.

31 (b) Upon the local governing body making such findings, the urban
 32 renewal agency is authorized to transact the business and exercise the
 33 powers hereunder by a board of commissioners to be appointed or designated as
 34 follows:

35 (1) The mayor, by and with the advice and consent of the local governing
 36 body, shall appoint a board of commissioners of the urban renewal
 37 agency which shall consist of not less than three (3) commissioners nor
 38 more than nine (9) commissioners. At least one (1) of the appointed
 39 commissioners on an agency board consisting of three (3) or four (4)
 40 commissioners shall be a resident and elector of the area of operation,
 41 at least two (2) of the appointed commissioners on an agency board
 42 consisting of five (5) or six (6) commissioners shall be residents
 43 and electors of the area of operation and at least three (3) of the
 44 appointed commissioners on an agency board consisting of seven (7),
 45 eight (8) or nine (9) commissioners shall be residents and electors
 46 of the area of operation. Members of the local governing body or the
 47 mayor may be appointed to the agency board provided that for an agency
 48 board consisting of three (3) or four (4) commissioners, only one (1)
 49 commissioner may be a member of the local governing body or the mayor,

1 and for an agency board consisting of five (5), six (6), seven (7),
 2 eight (8) or nine (9) commissioners, only two (2) commissioners may be
 3 members of the local governing body or the mayor. Provided however,
 4 in a municipality having a population of less than seven thousand five
 5 hundred (7,500) persons, according to the most recent census within
 6 the state of Idaho, the limitation on the number of members of the local
 7 governing body or the mayor that may serve as commissioners does not
 8 apply. In the order of appointment, the mayor shall designate the
 9 number of commissioners to be appointed, and the term of each, provided
 10 that the original term of office of no more than two (2) commissioners
 11 shall expire in the same year. The commissioners shall serve for terms
 12 not to exceed five (5) years terms, from the date of appointment,
 13 except that all vacancies shall be filled for the unexpired term. Each
 14 commissioner shall hold office until his successor has been appointed
 15 and has qualified. Any successor appointment shall be made by the
 16 mayor, by and with the consent of the local governing body, within sixty
 17 (60) days of a vacancy occurring. A certificate of the appointment or
 18 reappointment of any commissioners shall be filed with the clerk of
 19 the municipality and such certificate shall be conclusive evidence of
 20 the due and proper appointment of such commissioner. No person shall
 21 be appointed to serve more than two (2) full consecutive terms without
 22 specific concurrence by two-thirds (2/3) of the local governing body
 23 adopted by motion and recorded in the minutes. Vacancies occurring
 24 otherwise than through the expiration of terms shall be filled in the
 25 same manner as the original appointment.

26 (2) For inefficiency or neglect of duty or misconduct in office cause, a
 27 commissioner may be removed only after a hearing and after he before the
 28 local governing body and by majority vote of the local governing body.
 29 The commissioner subject to removal shall have been given a copy of the
 30 charges at least ten (10) days prior to such hearings and shall have had
 31 an opportunity to be heard in person or by counsel.

32 ~~(2) By enactment of an ordinance, the local governing body may~~
 33 ~~appoint and designate itself to be the board of commissioners of the~~
 34 ~~urban renewal agency, in which case all the rights, powers, duties,~~
 35 ~~privileges and immunities vested by the urban renewal law of 1965, and~~
 36 ~~as amended, in an appointed board of commissioners, shall be vested in~~
 37 ~~the local governing body, who shall, in all respects when acting as an~~
 38 ~~urban renewal agency, be acting as an arm of state government, entirely~~
 39 ~~separate and distinct from the municipality, to achieve, perform and~~
 40 ~~accomplish the public purposes prescribed and provided by said urban~~
 41 ~~renewal law of 1965, and as amended.~~

42 (3) ~~By enactment of an ordinance, the local governing body may~~
 43 ~~terminate the appointed board of commissioners and thereby appoint and~~
 44 ~~designate itself as the board of commissioners of the urban renewal~~
 45 ~~agency~~ Each appointed commissioner shall file with the secretary of
 46 state a financial disclosure statement by April 15 of each year. Such
 47 statement applies to the appointed commissioner and that person's
 48 spouse, and shall include the following information: (a) full name;
 49 (b) statement that the appointed commissioner and that person's spouse
 50 are not seeking bankruptcy protection; and (c) must disclose if the

1 commissioner or the commissioner's spouse has a pecuniary interest or
 2 owns real property in the urban renewal area. If a pecuniary interest is
 3 disclosed, the commissioner may be subject to the provisions of section
 4 50-3228, Idaho Code.

5 (c) A commissioner shall receive no compensation for his services but
 6 shall be entitled to the necessary expenses, including traveling expenses,
 7 incurred in the discharge of his duties. ~~Each commissioner shall hold office~~
 8 ~~until his successor has been appointed and has qualified. A certificate of~~
 9 ~~the appointment or reappointment of any commissioner shall be filed with the~~
 10 ~~clerk of the municipality and such certificate shall be conclusive evidence~~
 11 ~~of the due and proper appointment of such commissioner.~~

12 (d) The powers of an urban renewal agency shall be exercised by the
 13 commissioners thereof. A majority of the commissioners shall constitute a
 14 quorum for the purpose of conducting business and exercising the powers of
 15 the agency and for all other purposes. Action may be taken by the agency upon
 16 a vote of a majority of the commissioners present, unless in any case the
 17 bylaws shall require a larger number.

18 (e) The mayor may initially appoint a chairman, ~~a cochairman, or a vice~~
 19 ~~chairman~~ for a term of office of one (1) year from among the commissioners,
 20 thereafter the commissioners shall elect the chairman, ~~cochairman or vice~~
 21 ~~chairman~~ and any other officers as the bylaws may require for a term of
 22 one (1) year from among their members. An agency may employ an executive
 23 director, technical experts and such other agents and employees, permanent
 24 and temporary, as it may require, and determine their qualifications, duties
 25 and compensation. For such legal service as it may require, an agency may
 26 employ or retain its own counsel and legal staff.

27 (f) (1) An agency authorized to transact business and exercise powers
 28 under this chapter shall file, with the local governing body, the
 29 state tax commission, on or before March 31 of each year a report of
 30 its activities for the preceding ~~calendar~~ fiscal year, which report
 31 shall include a complete financial statement setting forth its assets,
 32 liabilities, income and operating expense as of the end of such
 33 ~~calendar~~ fiscal year and a financial summary setting forth the agency's
 34 revenues and expenses. The report shall also include the agency's
 35 contact information, and the name, address and telephone number of
 36 each commissioner. At the time of filing the report, the agency shall
 37 publish in a newspaper of general circulation in the community a notice
 38 to the effect that such report has been filed with the ~~municipality~~
 39 local governing body and the state tax commission and that the report
 40 is available for inspection during business hours in the office of the
 41 city clerk or county recorder, ~~and~~ in the office of the agency and at the
 42 state tax commission.

43 (2) In addition to paragraph (1) of this subsection, an urban renewal
 44 agency shall publish in a newspaper of general circulation in the
 45 community the financial summary required to be prepared pursuant to
 46 the provisions of paragraph (1) of this subsection, on or before March
 47 31 of each year. All published financial summaries shall include
 48 the following: "The complete financial statement is available for
 49 inspection during business hours in the office of the city clerk or

1 county recorder, in the office of the agency and at the state tax
2 commission."

3 (3) Any person affected by a violation of the provisions of paragraph
4 (1) or (2) of this subsection may commence a civil action in the
5 magistrate division of the district court of the county in which the
6 agency ordinarily meets, for the purpose of requiring compliance
7 with the provisions of paragraph (1) or (2) of this subsection. No
8 private action brought pursuant to this paragraph shall result in the
9 assessment of a civil penalty against any member of the agency and
10 there shall be no private right of action for damages arising out of any
11 violation of the provisions of paragraph (1) or (2) of this subsection.
12 Any suit brought for the purpose of requiring compliance with the
13 provisions of paragraph (1) or (2) of this subsection shall be commenced
14 within ninety (90) days of March 31.

15 (4) An agency that fails to comply with the provisions of paragraph
16 (1) or (2) of this subsection shall be subject to a civil penalty not to
17 exceed one hundred fifty dollars (\$150).

18 (5) An agency that fails to comply with the provisions of paragraph
19 (1) or (2) of this subsection and has previously admitted to committing
20 or has been previously determined to have committed a violation of the
21 provisions of paragraph (1) or (2) of this subsection within the twelve
22 (12) months preceding this subsequent violation shall be subject to a
23 civil penalty not to exceed three hundred dollars (\$300).

24 (dg) (1) An urban renewal agency shall have the same fiscal year as a
25 municipality and shall be subject to the ~~same~~ audit requirements as
26 a municipality as set forth in section 67-450B, Idaho Code. An urban
27 renewal agency shall be required to prepare and file ~~with its local~~
28 ~~governing body an annual financial report and shall prepare, approve~~
29 ~~and adopt an annual budget for filing with the local governing body, for~~
30 ~~informational purposes~~ an audit report as required by section 67-450B,
31 Idaho Code.

32 (2) The agency shall also prepare and adopt an annual budget for filing
33 with the local governing body for informational purposes complying
34 with the provisions of section 50-1002, Idaho Code. Such budget shall
35 be filed by September 30 of each calendar year with the exception of a
36 budget for the fiscal year immediately predating the termination date
37 for an urban renewal plan involving a revenue allocation area or will
38 include the termination date which shall be filed by September 1 of that
39 year. A budget means an annual estimate of revenues and expenses for the
40 following fiscal year of the agency.

41 (eh) An urban renewal agency shall comply with the public records law
42 pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to
43 chapter 23, title 67, Idaho Code, the ethics in government law pursuant
44 to chapter 7, title 59, Idaho Code, the classification and retention of
45 municipal records pursuant to chapter 9, title 50, Idaho Code, and the
46 competitive bidding provisions of chapter 28, title 67, Idaho Code.

47 (i) The passage of every resolution or action to enter into a contract
48 or agreement, to approve and adopt an annual budget, to approve and adopt
49 appropriations and payables and to approve all bonds, obligations or
50 liabilities shall be by roll call of the board with the yea or nay of each

1 being recorded. All other matters do not require a roll call vote unless
2 otherwise stated in the bylaws.

3 SECTION 3. That Section 50-2007, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 50-2007. POWERS. Every urban renewal agency shall have all the powers
6 necessary or convenient to carry out and effectuate the purposes and
7 provisions of this act, including the following powers in addition to others
8 herein granted:

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

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

28 (c) within its area of operation, to enter into any building or
29 property in any urban renewal area in order to make inspections, surveys,
30 appraisals, soundings or test borings, and to obtain, upon sufficient
31 cause and after a hearing on the matter, an order for this purpose from a
32 court of competent jurisdiction in the event entry is denied or resisted;
33 to acquire by purchase, lease, option, gift, grant, bequest, devise,
34 eminent domain or otherwise, any real property (or personal property for its
35 administrative purposes) together with any improvements thereon; to hold,
36 improve, renovate, rehabilitate, clear or prepare for redevelopment any
37 such property or buildings; to mortgage, pledge, hypothecate or otherwise
38 encumber or dispose of any real property; to insure or provide for the
39 insurance of any real or personal property or operations of the municipality
40 against any risks or hazards, including the power to pay premiums on any
41 such insurance; and to enter into any contracts necessary to effectuate the
42 purposes of this act: Provided, however, that no statutory provision with
43 respect to the acquisition, clearance or disposition of property by public
44 bodies shall restrict a municipality or other public body exercising powers
45 hereunder in the exercise of such functions with respect to an urban renewal
46 project and related activities, unless the legislature shall specifically
47 so state;

48 (d) with the approval of the local governing body, (1) prior to approval
49 of an urban renewal plan, or approval of any modifications of the plan, to

1 acquire real property in an urban renewal area, demolish and remove any
2 structures on the property, and pay all costs related to the acquisition,
3 demolition, or removal, including any administrative or relocation
4 expenses; and (2) to assume the responsibility to bear any loss that may
5 arise as the result of the exercise of authority under this subsection in the
6 event that the real property is not made part of the urban renewal project;

7 (e) to invest any urban renewal funds held in reserves or sinking funds
8 or any such funds not required for immediate disbursement, in property
9 or securities in which ~~savings banks may legally invest funds subject to~~
10 ~~their control~~ municipalities may legally invest funds as defined in section
11 50-1013, Idaho Code; to redeem such bonds as have been issued pursuant to
12 section 50-2012, Idaho Code, at the redemption price established therein
13 or to purchase such bonds at less than redemption price, all such bonds so
14 redeemed or purchased to be canceled;

15 (f) to borrow money and to apply for and accept advances, loans, grants,
16 contributions and any other form of financial assistance from the federal
17 government, the state, county, or other public body, or from any sources,
18 public or private, for the purposes of this act, and to give such security
19 as may be required and to enter into and carry out contracts or agreements
20 in connection therewith; and to include in any contract for financial
21 assistance with the federal government for or with respect to an urban
22 renewal project and related activities such conditions imposed pursuant to
23 federal laws as the municipality may deem reasonable and appropriate and
24 which are not inconsistent with the purposes of this act;

25 (g) within its area of operation, to make or have made all surveys
26 and plans necessary to the carrying out of the purposes of this act and to
27 contract with any person, public or private, in making and carrying out
28 such plans and to adopt or approve, modify and amend such plans, which
29 plans may include, but are not limited to: (1) plans for carrying out a
30 program of voluntary compulsory repair and rehabilitation of buildings and
31 improvements, (2) plans for the enforcement of state and local laws, codes
32 and regulations relating to the use of land and the use and occupancy of
33 buildings and improvements and to the compulsory repair, rehabilitation,
34 demolition, or removal of buildings and improvements, and (3) appraisals,
35 title searches, surveys, studies, and other plans and work necessary
36 to prepare for the undertaking of urban renewal projects and related
37 activities; and to develop, test, and report methods and techniques, and
38 carry out demonstrations and other activities, for the prevention and the
39 elimination of slums and urban blight and developing and demonstrating
40 new or improved means of providing housing for families and persons of low
41 income and to apply for, accept and utilize grants of funds from the federal
42 government for such purposes;

43 (h) to prepare plans for and assist in the relocation of persons
44 (including individuals, families, business concerns, nonprofit
45 organizations and others) displaced from an urban renewal area, and
46 notwithstanding any statute of this state to make relocation payments to
47 or with respect to such persons for which reimbursement or compensation is
48 not otherwise made, including the making of such payments financed by the
49 federal government;

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

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

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

9 SECTION 4. That Section 50-2010, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 50-2010. ACQUISITION OF PROPERTY. ~~(a)~~ An urban renewal agency shall
 12 have the right to acquire by negotiation or condemnation any interest in real
 13 property, including a fee simple title thereto, which it may deem necessary
 14 for or in connection with an urban renewal project and related activities
 15 under this act. An urban renewal agency may exercise the power of eminent
 16 domain in the manner now or which may be hereafter provided ~~by any other~~
 17 ~~statutory provisions for the exercise of the power of eminent domain as~~
 18 set forth in chapter 7, title 7, Idaho Code. Property already devoted to a
 19 public use may be acquired in like manner: Provided, that no real property
 20 belonging to the United States, the state, or any political subdivision of
 21 the state, may be acquired without its consent.

22 ~~(b) In any proceeding to fix or assess compensation for damages~~
 23 ~~for the taking or damaging of property, or any interest therein, through~~
 24 ~~the exercise of the power of eminent domain or condemnation, evidence~~
 25 ~~or testimony bearing upon the following matters shall be admissible and~~
 26 ~~shall be considered in fixing such compensation or damages, in addition to~~
 27 ~~evidence or testimony otherwise admissible:~~

28 ~~(1) any use, condition, occupancy, or operation of such property, which~~
 29 ~~is unlawful or violative of, or subject to elimination, abatement,~~
 30 ~~prohibition, or correction under, any law or any ordinance or~~
 31 ~~regulatory measure of the state, county, municipality, other political~~
 32 ~~subdivision, or any agency thereof, in which such property is located,~~
 33 ~~as being unsafe, substandard, insanitary or otherwise contrary to the~~
 34 ~~public health, safety, or welfare;~~

35 ~~(2) the effect on the value of such property, of any such use,~~
 36 ~~condition, occupancy, or operation, or of the elimination, abatement,~~
 37 ~~prohibition, or correction of any such use, condition, occupancy, or~~
 38 ~~operation.~~

39 ~~(c) The foregoing testimony and evidence shall be admissible~~
 40 ~~notwithstanding that no action has been taken by any public body or~~
 41 ~~public officer toward the abatement, prohibition, elimination or correction~~
 42 ~~of any such use, condition, occupancy, or operation. Testimony or evidence~~
 43 ~~that any public body or public officer charged with the duty or authority so~~
 44 ~~to do has rendered, made or issued any judgment, decree, determination or~~
 45 ~~order for the abatement, prohibition, elimination or correction of any such~~
 46 ~~use, condition, occupancy, or operation shall be admissible and shall be~~
 47 ~~prima facie evidence of the existence and character of such use, condition~~
 48 ~~or operation.~~

1 SECTION 5. That Section 50-2011, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 50-2011. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA. (a) An urban
4 renewal agency may sell, lease, or otherwise transfer real property or
5 any interest therein acquired by it for an urban renewal project, and may
6 enter into contracts with respect thereto, in an urban renewal area for
7 residential, recreational, commercial, industrial, educational or other
8 uses or for public use, or may retain such property or interest for public
9 use, in accordance with the urban renewal plan, subject to such covenants,
10 conditions and restrictions, including covenants running with the land,
11 as it may deem to be necessary or desirable to assist in preventing the
12 development or spread of future slums or blighted areas or to otherwise
13 carry out the purposes of this act: Provided, that such sale, lease, other
14 transfer, or retention, and any agreement relating thereto, may be made only
15 after the approval of the urban renewal plan by the local governing body. The
16 purchasers or lessees and their successors and assigns shall be obligated
17 to devote such real property only to the uses specified in the urban renewal
18 plan, and may be obligated to comply with such other requirements as the
19 urban renewal agency may determine to be in the public interest, including
20 the obligation to begin within a reasonable time any improvements on such
21 real property required by the urban renewal plan. Such real property or
22 interest shall be sold, leased, otherwise transferred, or retained at not
23 less than its fair value for uses in accordance with the urban renewal plan
24 except property disposed of by it to the community or any other public body
25 which property must be disposed of pursuant to the provisions of subsection
26 (f) of section 50-2015, Idaho Code, even though such fair value may be less
27 than the cost of acquiring and preparing the property for redevelopment.
28 In determining the fair value of real property for uses in accordance with
29 the urban renewal plan, an urban renewal agency shall take into account
30 and give consideration to the uses provided in such plan; the restrictions
31 upon, and the covenants, conditions and obligations assumed by the purchaser
32 or lessee or by the urban renewal agency retaining the property; and the
33 objectives of such plan for the prevention of the recurrence of slum or
34 blighted areas. The urban renewal agency in any instrument of conveyance
35 to a private purchaser or lessee may provide that such purchaser or lessee
36 shall be without power to sell, lease or otherwise transfer the real property
37 without the prior written consent of the urban renewal agency until he has
38 completed the construction of any or all improvements which he has obligated
39 himself to construct thereon. Real property acquired by an urban renewal
40 agency which, in accordance with the provisions of the urban renewal plan, is
41 to be transferred, shall be transferred as rapidly as feasible in the public
42 interest consistent with the carrying out of the provisions of the urban
43 renewal plan. Any contract for such transfer and the urban renewal plan (or
44 such part or parts of such contract or plan as the urban renewal agency may
45 determine) may be recorded in the land records of the county in such manner as
46 to afford actual or constructive notice thereof.

47 (b) An urban renewal agency may dispose of real property in an urban
48 renewal area to private persons only under such reasonable competitive
49 bidding procedures as it shall prescribe or as hereinafter provided in this

1 subsection. An urban renewal agency may, by public notice by publication in
2 a newspaper having a general circulation in the community (thirty (30) days
3 prior to the execution of any contract to sell, lease or otherwise transfer
4 real property and prior to the delivery of any instrument of conveyance with
5 respect thereto under the provisions of this section) invite proposals from
6 and make available all pertinent information to private redevelopers or any
7 persons interested in undertaking to redevelop or rehabilitate an urban
8 renewal area, or any part thereof. Such notice shall identify the area,
9 or portion thereof, and shall state that proposals shall be made by those
10 interested within thirty (30) days after the date of publication of said
11 notice, and that such further information as is available may be obtained at
12 such office as shall be designated in said notice. The urban renewal agency
13 shall consider all such redevelopment ~~of~~ or rehabilitation proposals and the
14 financial and legal ability of the persons making such proposals to carry
15 them out, and may negotiate with any persons for proposals for the purchase,
16 lease or other transfer of any real property acquired by the agency in the
17 urban renewal area. The urban renewal agency may accept such proposal as it
18 deems to be in the public interest and in furtherance of the purposes of this
19 act. The agency may execute such contract in accordance with the provisions
20 of subsection (a) and deliver deeds, leases and other instruments and take
21 all steps necessary to effectuate such contract.

22 (c) An urban renewal agency may temporarily operate and maintain real
23 property acquired by it in an urban renewal area for or in connection with an
24 urban renewal project pending the disposition of the property as authorized
25 in this act, without regard to the provisions of subsection (a) ~~above of this~~
26 section, for such uses and purposes as may be deemed desirable even though
27 not in conformity with the urban renewal plan.

28 (d) Any real property acquired pursuant to section 50-2007(d), Idaho
29 Code, may be disposed of without regard to other provisions of this section
30 if the local governing body has consented to the disposal.

31 (e) Notwithstanding any other provisions of this act, and
32 notwithstanding subsection (b) of this section, land in an urban renewal
33 project area designated under the urban renewal plan for residential,
34 industrial or commercial uses may be disposed of to any public body or
35 nonprofit corporation for subsequent ~~disposition as promptly as practicable~~
36 by the public body or corporation for redevelopment development in
37 accordance with the urban renewal plan. The public body or nonprofit
38 corporation shall begin the building of improvements within a reasonable
39 time as the agency may determine. The public body or nonprofit corporation
40 may elect to dispose of the land as promptly as practicable for redevelopment
41 in accordance with the urban renewal plan, and only the purchaser from or
42 lessee of the public body or corporation, and their assignees, shall be
43 required to assume the obligation of beginning the building of improvements
44 within a reasonable time. Any disposition of land to a nonprofit corporation
45 under this subsection shall be made at its fair value for uses in accordance
46 with the urban renewal plan. Any disposition of land to a public body under
47 this subsection shall be made pursuant to the provisions of subsection (f) of
48 section 50-2015, Idaho Code.

49 (f) Property previously acquired or acquired by an agency for
50 rehabilitation and resale shall be offered for disposition within three

1 (3) years after completion of rehabilitation, or an annual report shall be
2 published by the agency in a newspaper of general circulation published
3 in the community listing any rehabilitated property held by the agency in
4 excess of such three (3) year period, stating the reasons such property
5 remains unsold and indicating plans for its disposition.

6 SECTION 6. That Section 50-2012, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 50-2012. ISSUANCE OF BONDS. (a) An urban renewal agency shall have
9 power to issue bonds from time to time in its discretion to finance the
10 undertaking of any urban renewal project under this act, including, without
11 limiting the generality thereof, the payment of principal and interest
12 upon any advances for surveys and plans or preliminary loans, and shall
13 also have power to issue refunding bonds for the payment or retirement of
14 such bonds previously issued by it. Such bonds shall be made payable, as to
15 both principal and interest, solely from the income, proceeds, revenues,
16 and funds of the urban renewal agency derived from or held in connection
17 with its undertaking and carrying out of urban renewal projects under this
18 act: Provided, however, that payment of such bonds, both as to principal
19 and interest, may be further secured by a pledge of any loan, grant or
20 contribution from the federal government or other source, in aid of any urban
21 renewal projects under this act, and by a mortgage of any such urban renewal
22 projects, or any part thereof, title to which is in the urban renewal agency.

23 (b) Bonds issued under this section shall not constitute an
24 indebtedness within the meaning of any constitutional or statutory debt
25 limitation or restriction, and shall not be subject to the provisions of
26 any other law or charter relating to the authorization, issuance or sale of
27 bonds. Bonds and other obligations of an urban renewal agency (and such
28 bonds and obligations shall so state on their face) shall not be a debt of the
29 municipality, the state or any political subdivision thereof, and neither
30 the municipality, the state nor any political subdivision thereof shall be
31 liable thereon, nor in any event shall such bonds or obligations be payable
32 out of any funds other than those of said urban renewal agency. Bonds issued
33 under the provisions of this act are declared to be issued for an essential
34 public and governmental purpose and, together with interest thereon and
35 income therefrom, shall be exempted from all taxes.

36 (c) Bonds issued under this section shall be authorized by resolution
37 or ordinance of the urban renewal agency and may be issued in one (1) or
38 more series and shall bear such date or dates, be payable upon demand or
39 mature at such time, or times, bear interest at a rate or rates, be in
40 such denomination or denominations, be in such form either with or without
41 coupon or registered, carry such conversion or registration privileges,
42 have such rank or priority, be executed in such manner, be payable in
43 such medium of payment, at such place or places, and be subject to such
44 terms of repayment, at such place or places, and be subject to such terms
45 of redemption (with or without premium), be secured in such manner, and
46 have such other characteristics, as may be provided by such resolution or
47 ordinance, or trust indenture or mortgage issued pursuant thereto.

48 (d) Such bonds may be sold at ~~not less than par~~ at public sales or
49 private sales or placements held after notice published prior to such sale in

1 a newspaper having a general circulation in the area of operation and in such
 2 other medium of publication as the agency may determine or may be exchanged
 3 for other bonds ~~on the basis of par:~~ for such price or prices as determined
 4 by the agency. Such notice does not need to contain information regarding
 5 the price of the bonds; ~~Provided, that such bonds may be sold to the federal~~
 6 ~~government at private sale at not less than par or placement for such price~~
 7 ~~or prices as determined by the agency,~~ and, in the event less than all of the
 8 authorized principal amount on such bonds is sold to the federal government,
 9 the balance may be sold at private sale ~~at not less than par at an interest~~
 10 ~~cost to the agency of not to exceed the interest cost to the agency of the~~
 11 ~~portion of the bonds sold to the federal government~~ or placement for such
 12 price or prices as determined by the agency.

13 (e) In case any of the officials of the urban renewal agency whose
 14 signatures appear on any bonds or coupons issued under this act shall cease
 15 to be such officials before the delivery of such bonds, such signatures
 16 shall, nevertheless, be valid and sufficient for all purposes, the same as if
 17 such officials had remained in office until such delivery. Any provision of
 18 any law to the contrary notwithstanding, any bonds issued pursuant to this
 19 act shall be fully negotiable.

20 (f) In any suit, action or proceeding involving the validity or
 21 enforceability of any bond issued under this act or the security therefor,
 22 any such bond reciting in substance that it has been issued by the agency
 23 in connection with an urban renewal project, as herein defined, shall be
 24 conclusively deemed to have been issued for such purpose and such project
 25 shall be conclusively deemed to have been planned, located and carried out in
 26 accordance with the provisions of this act.

27 SECTION 7. That Section 50-2017, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 50-2017. INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR EMPLOYEES. ~~No~~
 30 ~~public official or employee of a municipality (or board or commission~~
 31 ~~thereof), and no commissioner or employee of an urban renewal agency shall~~
 32 ~~voluntarily acquire any personal interest, direct or indirect, in any urban~~
 33 ~~renewal project, or in any property included or planned to be included~~
 34 ~~in any urban renewal project in such municipality or in any contract or~~
 35 ~~proposed contract in connection with such urban renewal project. Where such~~
 36 ~~acquisition is not voluntary, the interest acquired shall be immediately~~
 37 ~~disclosed in writing to the agency and such disclosure shall be entered upon~~
 38 ~~the minutes of the agency. If any such official, commissioner or employee~~
 39 ~~presently owns or controls, or owned or controlled within the preceding~~
 40 ~~two (2) years, any interest, direct or indirect, in any property which he~~
 41 ~~knows is included or planned to be included in an urban renewal project,~~
 42 ~~he shall immediately disclose this fact in writing to the agency, and such~~
 43 ~~disclosure shall be entered upon the minutes of the agency, and any such~~
 44 ~~official, commissioner or employee shall not participate in any action by~~
 45 ~~the municipality (or board or commission thereof), or urban renewal agency~~
 46 ~~affecting such property. Any violation of the provisions of this section~~
 47 ~~shall constitute misconduct in office.~~ (1) All commissioners and employees
 48 of the urban renewal agency are subject to chapter 2, title 59, Idaho Code,
 49 and chapter 7, title 59, Idaho Code.

1 (2) A commissioner shall not be prohibited from having an interest in
2 any contract made or entered into by the agency, if he strictly observes the
3 procedure set out in section 18-1361A, Idaho Code.

4 SECTION 8. That Chapter 20, Title 50, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and
6 designated as Section 50-2033, Idaho Code, and to read as follows:

7 50-2033. PROHIBITED AMENDMENT. A revenue allocation area may not be
8 amended to extend its boundaries to add additional revenue allocation areas.

9 SECTION 9. That Chapter 20, Title 50, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and
11 designated as Section 50-2034, Idaho Code, and to read as follows:

12 50-2034. AMENDMENTS. An amendment to an urban renewal plan created
13 under this chapter that does not seek to increase the geographic area of
14 the plan, or does not seek to extend the years of the plan, is not subject
15 to the provisions of chapter 32, title 50, Idaho Code. Notwithstanding the
16 foregoing, no amendment to an existing revenue allocation area shall be
17 interpreted to, or shall cause an extension of the limitations established
18 for the existing revenue allocation area as set forth in section 50-2904,
19 Idaho Code.

20 SECTION 10. That Chapter 20, Title 50, Idaho Code, be, and the same
21 is hereby amended by the addition thereto of a NEW SECTION, to be known and
22 designated as Section 50-2035, Idaho Code, and to read as follows:

23 50-2035. TAX AND SPECIAL ASSESSMENT EXEMPTIONS. The property of an
24 urban renewal agency is declared to be public property used for essential
25 public purposes and such property and an agency shall be exempt from all
26 taxes and special assessments of the city, the county, the state or any
27 political subdivision thereof.

28 SECTION 11. That Section 50-2903, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 50-2903. DEFINITIONS. The following terms used in this chapter shall
31 have the following meanings, unless the context otherwise requires:

32 (1) "Act" or "this act" means this revenue allocation act.

33 (2) "Agency" or "urban renewal agency" means a public body created
34 pursuant to section 50-2006, Idaho Code.

35 (3) "Authorized municipality" or "municipality" means any county or
36 incorporated city which has established an urban renewal agency, or by
37 ordinance has identified and created a competitively disadvantaged border
38 community.

39 (4) "Base assessment roll" means the equalized assessment rolls,
40 for all classes of taxable property, on January 1 of the year in which the
41 local governing body of an authorized municipality passes an ordinance
42 adopting or modifying an urban renewal plan containing a revenue allocation
43 financing provision, except that the base assessment roll shall be adjusted

1 as follows: the equalized assessment valuation of the taxable property in
2 a revenue allocation area as shown upon the base assessment roll shall be
3 reduced by the amount by which the equalized assessed valuation as shown on
4 the base assessment roll exceeds the current equalized assessed valuation
5 of any taxable property located in the revenue allocation area, and by the
6 equalized assessed valuation of taxable property in such revenue allocation
7 area that becomes exempt from taxation subsequent to the date of the base
8 assessment roll. The equalized assessed valuation of the taxable property
9 in a revenue allocation area as shown on the base assessment roll shall be
10 increased by the equalized assessed valuation, as of the date of the base
11 assessment roll, of taxable property in such revenue allocation area that
12 becomes taxable after the date of the base assessment roll.

13 (5) "Budget" means an annual estimate of revenues and expenses for the
14 following fiscal year of the agency. An agency shall, by September ~~15~~³⁰ of
15 each calendar year, adopt and publish, as described in section 50-1002,
16 Idaho Code, a budget for the next fiscal year. An agency may amend its
17 adopted budget using the same procedures as used for adoption of the budget.
18 For the fiscal year that immediately predates the termination date for an
19 urban renewal plan involving a revenue allocation area or will include the
20 termination date, the agency shall by September 1 adopt and publish a budget
21 specifically for the projected revenues and expenses of the plan and make a
22 determination as to whether the revenue allocation area can be terminated
23 before the January 1 of the termination year pursuant to the terms of section
24 50-2909(4), Idaho Code. In the event that the agency determines that current
25 tax year revenues are sufficient to cover all estimated expenses for the
26 current year and all future years, by September 1 the agency shall adopt
27 a resolution advising and notifying the local governing body, the county
28 auditor, and the state tax commission and recommending the adoption of an
29 ordinance for termination of the revenue allocation area by December 31 of
30 the current year and declaring a surplus to be distributed as described in
31 section 50-2909, Idaho Code, should a surplus be determined to exist. The
32 agency shall cause the ordinance to be filed with the office of the county
33 recorder and the Idaho state tax commission as provided in section 63-215,
34 Idaho Code. Upon notification of revenues sufficient to cover expenses as
35 provided herein, the increment value of that revenue allocation area shall
36 be included in the net taxable value of the appropriate taxing districts
37 when calculating the subsequent property tax levies pursuant to section
38 63-803, Idaho Code. The increment value shall also be included in subsequent
39 notification of taxable value for each taxing district pursuant to section
40 63-1312, Idaho Code, and subsequent certification of actual and adjusted
41 market values for each school district pursuant to section 63-315, Idaho
42 Code.

43 (6) "Clerk" means the clerk of the municipality.

44 (7) "Competitively disadvantaged border community area" means a parcel
45 of land consisting of at least forty (40) acres which is situated within the
46 jurisdiction of a county or an incorporated city and within twenty-five (25)
47 miles of a state or international border, which the governing body of such
48 county or incorporated city has determined by ordinance is disadvantaged
49 in its ability to attract business, private investment, or commercial
50 development, as a result of a competitive advantage in the adjacent state or

1 nation resulting from inequities or disparities in comparative sales taxes,
2 income taxes, property taxes, population or unique geographic features.

3 (8) "Deteriorated area" means:

4 (a) Any area, including a slum area, in which there is a predominance
5 of buildings or improvements, whether residential or nonresidential,
6 which by reason of dilapidation, deterioration, age or obsolescence,
7 inadequate provision for ventilation, light, air, sanitation, or open
8 spaces, high density of population and overcrowding, or the existence
9 of conditions which endanger life or property by fire and other causes,
10 or any combination of such factors, is conducive to ill health,
11 transmission of disease, infant mortality, juvenile delinquency, or
12 crime, and is detrimental to the public health, safety, morals or
13 welfare.

14 (b) Any area which by reason of the presence of a substantial
15 number of deteriorated or deteriorating structures, predominance
16 of defective or inadequate street layout, faulty lot layout in relation
17 to size, adequacy, accessibility or usefulness, insanitary or unsafe
18 conditions, deterioration of site or other improvements, diversity of
19 ownership, tax or special assessment delinquency exceeding the fair
20 value of the land, defective or unusual conditions of title, or the
21 existence of conditions which endanger life or property by fire and
22 other causes, or any combination of such factors, results in economic
23 underdevelopment of the area, substantially impairs or arrests the
24 sound growth of a municipality, retards the provision of housing
25 accommodations or constitutes an economic or social liability and is a
26 menace to the public health, safety, morals or welfare in its present
27 condition and use.

28 (c) Any area which is predominately open and which because of obsolete
29 platting, diversity of ownership, deterioration of structures or
30 improvements, or otherwise, results in economic underdevelopment of
31 the area or substantially impairs or arrests the sound growth of a
32 municipality. The provisions of section 50-2008(d), Idaho Code, shall
33 apply to open areas.

34 (d) Any area which the local governing body certifies is in need
35 of redevelopment or rehabilitation as a result of a flood, storm,
36 earthquake, or other natural disaster or catastrophe respecting which
37 the governor of the state has certified the need for disaster assistance
38 under any federal law.

39 (e) Any area which by reason of its proximity to the border of an
40 adjacent state is competitively disadvantaged in its ability to attract
41 private investment, business or commercial development which would
42 promote the purposes of this chapter.

43 (9) "Facilities" means land, rights in land, buildings, structures,
44 machinery, landscaping, extension of utility services, approaches,
45 roadways and parking, handling and storage areas, and similar auxiliary and
46 related facilities.

47 (10) "Increment value" means the total value calculated by summing the
48 differences between the current equalized value of each taxable property in
49 the revenue allocation area and that property's current base value on the
50 base assessment roll, provided such difference is a positive value.

1 (11) "Local governing body" means the city council or board of county
2 commissioners of a municipality.

3 (12) "Plan" or "urban renewal plan" means a plan, as it exists or may
4 from time to time be amended, prepared and approved pursuant to section
5 50-2008, Idaho Code, and any method or methods of financing such plan, which
6 methods may include revenue allocation financing provisions.

7 (13) "Project" or "urban renewal project" or "competitively
8 disadvantaged border areas" may include undertakings and activities of a
9 municipality in an urban renewal area for the elimination of deteriorated
10 or deteriorating areas and for the prevention of the development or spread
11 of slums and blight, and may involve slum clearance and redevelopment in an
12 urban renewal area, or rehabilitation or conservation in an urban renewal
13 area, or any combination or part thereof in accordance with an urban renewal
14 plan. Such undertakings and activities may include:

15 (a) Acquisition of a deteriorated area or a deteriorating area or
16 portion thereof;

17 (b) Demolition and removal of buildings and improvement;

18 (c) Installation, construction, or reconstruction of streets,
19 utilities, parks, playgrounds, open space, off-street parking
20 facilities, public facilities, public recreation and entertainment
21 facilities or buildings and other improvements necessary for carrying
22 out, in the urban renewal area or competitively disadvantaged border
23 community area, the urban renewal objectives of this act in accordance
24 with the urban renewal plan or the competitively disadvantaged border
25 community area ordinance.

26 (d) Disposition of any property acquired in the urban renewal area or
27 the competitively disadvantaged border community area (including sale,
28 initial leasing or retention by the agency itself) or the municipality
29 creating the competitively disadvantaged border community area at its
30 fair value for uses in accordance with the urban renewal plan except for
31 disposition of property to another public body;

32 (e) Carrying out plans for a program of voluntary or compulsory repair
33 and rehabilitation of buildings or other improvements in accordance
34 with the urban renewal plan;

35 (f) Acquisition of real property in the urban renewal area or the
36 competitively disadvantaged border community area which, under the
37 urban renewal plan, is to be repaired or rehabilitated for dwelling use
38 or related facilities, repair or rehabilitation of the structures for
39 guidance purposes, and resale of the property;

40 (g) Acquisition of any other real property in the urban renewal area
41 or competitively disadvantaged border community area where necessary
42 to eliminate unhealthful, insanitary or unsafe conditions, lessen
43 density, eliminate obsolete or other uses detrimental to the public
44 welfare, or otherwise to remove or to prevent the spread of blight
45 or deterioration, or to provide land for needed public facilities or
46 where necessary to accomplish the purposes for which a competitively
47 disadvantaged border community area was created by ordinance;

48 (h) Lending or investing federal funds; and

49 (i) Construction of foundations, platforms and other like structural
50 forms.

- 1 (14) "Project costs" includes, but is not limited to:
 2 (a) Capital costs, including the actual costs of the construction of
 3 public works or improvements, facilities, buildings, structures, and
 4 permanent fixtures; the demolition, alteration, remodeling, repair
 5 or reconstruction of existing buildings, structures, and permanent
 6 fixtures; the acquisition of equipment; and the clearing and grading of
 7 land;
 8 (b) Financing costs, including interest during construction and
 9 capitalized debt service or repair and replacement or other appropriate
 10 reserves;
 11 (c) Real property assembly costs, meaning any deficit incurred from the
 12 sale or lease by a municipality of real or personal property within a
 13 revenue allocation district;
 14 (d) Professional service costs, including those costs incurred for
 15 architectural, planning, engineering, and legal advice and services;
 16 (e) Direct administrative costs, including reasonable charges for the
 17 time spent by municipal employees in connection with the implementation
 18 of a project plan;
 19 (f) Relocation costs;
 20 (g) Other costs incidental to any of the foregoing costs.
 21 (15) "Revenue allocation area" means that portion of an urban renewal
 22 area or competitively disadvantaged border community area where the
 23 equalized assessed valuation (as shown by the taxable property assessment
 24 rolls) of which the local governing body has determined, on and as a part of
 25 an urban renewal plan, is likely to increase as a result of the initiation of
 26 an urban renewal project or competitively disadvantaged border community
 27 area. The base assessment roll or rolls of revenue allocation area or areas
 28 shall not exceed at any the time the revenue allocation area is adopted ten
 29 percent (10%) of the current assessed valuation of all taxable property
 30 within the municipality.
 31 (16) "State" means the state of Idaho.
 32 (17) "Tax" or "taxes" means all property tax levies upon taxable
 33 property.
 34 (18) "Taxable property" means taxable real property, personal
 35 property, operating property, or any other tangible or intangible property
 36 included on the equalized assessment rolls.
 37 (19) "Taxing district" means a taxing district as defined in section
 38 63-201, Idaho Code, as that section now exists or may hereafter be amended.
 39 (20) "Termination date" means a specific date no later than twenty-four
 40 (24) years from the effective date of an urban renewal plan or as described in
 41 section 50-2904, Idaho Code, on which date the plan shall terminate. Every
 42 urban renewal plan shall have a termination date that can be modified or
 43 extended subject to the twenty-four (24) year maximum limitation. Provided
 44 however, the duration of a revenue allocation financing provision may be
 45 extended as provided in section 50-2904, Idaho Code.

46 SECTION 12. That Section 50-2904, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 50-2904. AUTHORITY TO CREATE REVENUE ALLOCATION AREA. An authorized
 49 municipality is hereby authorized and empowered to adopt, at any time,

1 a revenue allocation financing provision, as described in this chapter,
 2 as part of an urban renewal plan or competitively disadvantaged border
 3 community area ordinance. A revenue allocation financing provision may
 4 be adopted either at the time of the original adoption of an urban renewal
 5 plan or the creation by ordinance of a competitively disadvantaged border
 6 community area or thereafter as a modification of an urban renewal plan or
 7 the ordinance creating the competitively disadvantaged border community
 8 area. Urban renewal plans existing prior to the effective date of this
 9 section may be modified to include a revenue allocation financing provision.
 10 Except as provided in subsections (1), (2) and (3) of this section, no
 11 revenue allocation provision of an urban renewal plan or competitively
 12 disadvantaged border community area ordinance, including all amendments
 13 thereto, shall have a duration exceeding twenty-four (24) years from the
 14 date the ordinance is approved by the municipality; and provided further, no
 15 additions to the land area of an existing revenue allocation area shall be
 16 interpreted to or shall cause an extension of the date of the twenty four (24)
 17 year limit that was originally established for the revenue allocation area.
 18 ~~Notwithstanding these limitations, allowed.~~ The duration of the revenue
 19 allocation financing provision may be extended if:

20 (1) The maturity date of any bonds issued to provide funds for a
 21 specific project in the revenue allocation area and payable from the
 22 revenue allocation financing provision exceeds the duration of the revenue
 23 allocation financing provision, provided such bond maturity is not greater
 24 than ~~thirty~~ twenty-four (24) years; or

25 (2) The urban renewal agency determines that it is necessary to
 26 refinance outstanding bonds payable from the revenue allocation financing
 27 provision to a maturity exceeding the ~~twenty-four (24)~~ year duration of the
 28 revenue allocation financing provision in order to avoid a default on the
 29 bonds; or

30 (3) The local governing body has adopted an urban renewal plan or
 31 competitively disadvantaged border community area ordinance or an amendment
 32 to an urban renewal plan or competitively disadvantaged border community
 33 area ordinance prior to July 1, 2000, in which is defined the duration
 34 of the plan beyond a period of ~~twenty-four (24)~~ years, in which case the
 35 revenue allocation provision shall have a duration as described in such
 36 urban renewal plan or competitively disadvantaged border community area
 37 ordinance; and

38 (4) During the extensions set forth in subsections (1) and (2) of
 39 this section, any revenue allocation area revenues exceeding the amount
 40 necessary to repay the bonds during the period exceeding the ~~twenty-four~~
 41 (24) year maturity of the revenue allocation financing provision shall be
 42 returned to the taxing districts in the revenue allocation area on a pro rata
 43 basis.

44 SECTION 13. That Section 50-2907, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 50-2907. TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTION AND OTHER
 47 DOCUMENTS TO TAXING AGENCIES. (1) After the effective date of an ordinance
 48 enacted by the local governing body of an authorized municipality, the clerk
 49 of the authorized municipality shall transmit, to the county auditor and tax

1 assessor of the county in which the revenue allocation area is located, to
2 the affected taxing districts, and to the state tax commission, a copy of the
3 ordinance enacted, a copy of the legal description of the boundaries of the
4 revenue allocation area, and a map indicating the boundaries of the revenue
5 allocation area.

6 (2) For revenue allocation areas extending beyond the corporate
7 municipal boundary of the authorized municipality, the copy of the ordinance
8 enacted by the authorized municipality shall include, as an attachment, a
9 copy of the transfer of powers ordinance adopted by the cooperating county
10 under section 50-2906(3)(b), Idaho Code.

11 (3) Such documents required by subsections (1) and (2) of this section
12 shall be transmitted within the time required by section 63-215, Idaho Code.

13 SECTION 14. That Section 50-2908, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)
16 For purposes of calculating the rate at which taxes shall be levied by or
17 for each taxing district in which a revenue allocation area is located, the
18 county commissioners shall, with respect to the taxable property located
19 in such revenue allocation area, use the equalized assessed value of such
20 taxable property as shown on the base assessment roll rather than on the
21 current equalized assessed valuation of such taxable property, except the
22 current equalized assessed valuation shall be used for calculating the tax
23 rate for:

24 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho
25 Code, and any judgment pursuant to section 33-802(1), Idaho Code,
26 certified after December 31, 2007;

27 (b) Levies permitted pursuant to section 63-802(3), Idaho Code,
28 certified after December 31, 2007, except in the case of the
29 consolidation of existing revenue allocation areas;

30 (c) Levies for voter approved general obligation bonds of any taxing
31 district and plant facility reserve fund levies passed after December
32 31, 2007;

33 (d) Levies set forth in paragraphs (1)(a) through (c) of this
34 subsection, first certified prior to December 31, 2007, when the
35 property affected by said levies is included within the boundaries of
36 a revenue allocation area by ~~a change in~~ an amendment to the boundaries
37 of either the revenue allocation area or any taxing district after
38 December 31, 2007; and

39 (e) School levies for supplemental maintenance and operation pursuant
40 to section 33-802(3) and (4), Idaho Code, approved after December 31,
41 2007.

42 (2) With respect to each such taxing district, the tax rate calculated
43 under subsection (1) of this section shall be applied to the current
44 equalized assessed valuation of all taxable property in the taxing district,
45 including the taxable property in the revenue allocation area. The tax
46 revenues thereby produced shall be allocated as follows:

47 (a) To the taxing district shall be allocated and shall be paid by the
48 county treasurer:

1 (i) All taxes levied by the taxing district or on its behalf on
2 taxable property located within the taxing district but outside
3 the revenue allocation area;

4 (ii) A portion of the taxes levied by the taxing district or on
5 its behalf on the taxable property located within the revenue
6 allocation area, which portion is the amount produced by applying
7 the taxing district's tax rate determined under subsection (1) of
8 this section to the equalized assessed valuation, as shown on the
9 base assessment roll, of the taxable property located within the
10 revenue allocation area; and

11 (iii) All taxes levied by the taxing district to satisfy
12 obligations specified in subsection (1) (a) through (e) of this
13 section.

14 (b) To the urban renewal agency shall be allocated the balance, if any,
15 of the taxes levied on the taxable property located within the revenue
16 allocation area. New revenue allocation areas created after December
17 31, 2007, shall be entitled to the taxes generated by levies set forth
18 in subsections (1) (a) through (1) (c) of this section certified prior to
19 December 31, 2007.

20 (3) Upon enactment of an ordinance adopting a revenue allocation
21 financing provision as part of an urban renewal plan, the urban renewal
22 agency shall create a special fund or funds to be used for the purposes
23 enumerated in this chapter. The revenues allocated to the urban renewal
24 agency pursuant to this chapter, shall be paid to the agency by the treasurer
25 of the county in which the revenue allocation district is located and shall
26 be deposited by the agency into one (1) or more of such special funds. The
27 agency may, in addition, deposit into such special fund or funds such other
28 income, proceeds, revenues and funds it may receive from sources other than
29 the revenues allocated to it under subsection (2) (b) of this section.

30 (4) For the purposes of section 63-803, Idaho Code, during the period
31 when revenue allocation under this chapter is in effect, and solely with
32 respect to any taxing district in which a revenue allocation area is located,
33 the county commissioners shall, in fixing any tax levy other than the levy
34 specified in subsection (1) (a) through (e) of this section, take into
35 consideration the equalized assessed valuation of the taxable property
36 situated in the revenue allocation area as shown in the base assessment roll,
37 rather than the current equalized assessed value of such taxable property.

38 (5) For all other purposes, including, without limitation, for
39 purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in
40 the Idaho Code to the term "market value for assessment purposes" (or any
41 other such similar term) shall mean market value for assessment purposes as
42 defined in section 63-208, Idaho Code.

43 SECTION 15. That Title 50, Idaho Code, be, and the same is hereby
44 amended by the addition thereto of a NEW CHAPTER, to be known and designated
45 as Chapter 32, Title 50, Idaho Code, and to read as follows:

46 CHAPTER 32
47 IDAHO URBAN REINVESTMENT ACT

1 50-3201. SHORT TITLE. This act shall be known and may be cited as the
2 "Idaho Urban Reinvestment Act."

3 50-3202. FINDINGS AND DECLARATIONS OF NECESSITY. It is hereby found
4 and declared that there exist in municipalities of the state deteriorating
5 areas (as herein defined) that constitute a serious and growing menace,
6 injurious to the public health, safety, morals and welfare of the residents
7 of the state; that the existence of such areas contributes substantially and
8 increasingly to the spread of disease and crime, constitutes an economic and
9 social liability imposing onerous municipal burdens that decrease the tax
10 base and reduce tax revenues, substantially impairs or arrests the sound
11 growth of municipalities, retards the provision of housing accommodations,
12 aggravates traffic problems and substantially impairs or arrests the
13 elimination of traffic hazards and the improvement of traffic facilities;
14 and that the prevention and elimination of these conditions is a matter of
15 state policy and state concern in order that the state and its municipalities
16 shall not continue to be endangered by areas that are focal centers of
17 disease, promote juvenile delinquency, and consume an excessive proportion
18 of its revenue because of the extra services required for police, fire,
19 accident, hospitalization and other forms of public protection, services
20 and facilities.

21 It is further found and declared that certain of such areas, or portions
22 thereof, may require acquisition, clearance, and disposition subject to
23 use restrictions, as provided in this act, since the prevailing condition
24 of decay may make impracticable the reclamation of the area by conservation
25 or rehabilitation; that other areas or portions thereof may, through the
26 means provided in this act, be susceptible to conservation or rehabilitation
27 in such a manner that the conditions and evils hereinbefore enumerated may
28 be eliminated, remedied or prevented; and that salvageable areas can be
29 conserved and rehabilitated through appropriate public action as herein
30 authorized, and with the cooperation and voluntary action of the owners and
31 tenants of property in such areas.

32 It is further found and declared that the powers conferred by this act
33 are for public uses and purposes for which public money may be expended as
34 herein provided and the power of eminent domain and police power exercised;
35 and that the necessity in the public interest for the provisions herein
36 enacted is hereby declared as a matter of legislative determination.

37 It is further found and declared that the urban renewal agency created
38 by this act is an independent public body corporate and politic and is
39 subject to section 1, article VIII of the constitution of the state of Idaho;
40 that accordingly an urban renewal agency created by this act has no power
41 to levy taxes or obligate the general fund of the state; and the debts or
42 liabilities of an urban renewal agency are not debts or liabilities of a
43 municipality, county or the state of Idaho.

44 50-3203. ENCOURAGEMENT OF PRIVATE ENTERPRISE. An urban renewal
45 agency, to the greatest extent it determines to be feasible in carrying out
46 the provisions of this act, shall afford maximum opportunity, consistent
47 with the sound needs of the municipality as a whole, to the rehabilitation
48 or redevelopment of the urban renewal area by private enterprise. A

1 municipality shall also give consideration to this objective in exercising
2 its powers under this act, including the formulation of a workable program,
3 the approval of urban renewal plans, community-wide plans or programs for
4 urban renewal, and general neighborhood renewal plans (consistent with the
5 general plan of the municipality), the exercise of its zoning powers, the
6 enforcement of other laws, codes and regulations relating to the use of land
7 and the use and occupancy of buildings and improvements, and the provision of
8 necessary public improvements.

9 50-3204. WORKABLE PROGRAM. A municipality for the purposes of this
10 act may formulate for the municipality a workable program for utilizing
11 appropriate private and public resources to eliminate, and prevent the
12 development or spread of, to encourage needed urban rehabilitation, to
13 promote employment through the creation or retention of residential,
14 commercial or industrial enterprise, or to undertake such of the aforesaid
15 activities or other feasible municipal activities as may be suitably
16 employed to achieve the objectives of such workable program. Such workable
17 program may include, without limitation, provision for: the prevention of
18 the spread of deteriorating areas into areas of the municipality that are
19 free from deterioration through diligent enforcement of housing, zoning and
20 occupancy controls and standards; the rehabilitation or conservation of
21 deteriorating areas or portions thereof by replanning, removing congestion,
22 providing parks, playgrounds and other public improvements, by encouraging
23 voluntary rehabilitation and by compelling the repair and rehabilitation of
24 deteriorating structures; to cooperate with an urban renewal agency for the
25 clearance and redevelopment of deteriorating areas or portions thereof; to
26 promote the creation or retention of commercial or industrial enterprise;
27 to construct public improvements related to commercial or industrial
28 enterprise; to construct housing for low and moderate income families; and
29 to construct workforce housing.

30 50-3205. FINDING OF NECESSITY BY LOCAL GOVERNING BODY -- CREATION OF
31 AN URBAN RENEWAL AGENCY. No urban renewal agency and no municipality shall
32 exercise the authority hereafter conferred by this act until after the local
33 governing body shall have adopted a resolution finding that:

34 (1) One (1) or more deteriorating areas, economic development areas,
35 a combination of a deteriorating area and an economic development area, or
36 a competitively disadvantaged border community area as defined in this act,
37 exist in such municipality;

38 (2) The rehabilitation, conservation, development, redevelopment, or
39 a combination thereof, of such area or areas is necessary in the interest
40 of the public health, safety, morals or welfare of the residents of such
41 municipality; and

42 (3) There is need for an urban renewal agency to function in the
43 municipality.

44 Provided that a finding of necessity made pursuant to section 50-2005, Idaho
45 Code, is sufficient to meet the requirements of this section.

46 50-3206. URBAN RENEWAL AGENCY. (1) There is hereby created in each
47 municipality an urban renewal agency that shall constitute independent

1 public body corporate and politic to be known as the "urban renewal agency"
2 for the municipality; provided, that such agency shall not transact
3 any business or exercise its powers hereunder until or unless the local
4 governing body has made the findings prescribed in section 50-3205, Idaho
5 Code. The agency, by adoption of bylaws, designated under what name it shall
6 transact the powers and authorities granted in this chapter.

7 (2) Upon the local governing body making such findings, the urban
8 renewal agency is authorized by this act to transact the business and
9 exercise the powers hereunder by a board of commissioners to be appointed or
10 designated as follows:

11 (a) The mayor, by and with the advice and consent of the local governing
12 body, shall appoint a board of commissioners of the urban renewal
13 agency that shall consist of not less than three (3) commissioners nor
14 more than nine (9) commissioners. At least one (1) of the appointed
15 commissioners on an agency board consisting of three (3) or four (4)
16 commissioners shall be a resident and elector of the area of operation,
17 at least two (2) of the appointed commissioners on an agency board
18 consisting of five (5) or six (6) commissioners shall be residents
19 and electors of the area of operation, and at least three (3) of the
20 appointed commissioners on an agency board consisting of seven (7),
21 eight (8) or nine (9) commissioners shall be residents and electors
22 of the area of operation. Members of the local governing body or the
23 mayor may be appointed to the agency board provided that for an agency
24 board consisting of three (3) or four (4) commissioners, only one (1)
25 commissioner may be a member of the local governing body or the mayor,
26 and for an agency board consisting of five (5), six (6), seven (7),
27 eight (8) or nine (9) commissioners, only two (2) commissioners may be
28 members of the local governing body or the mayor. Provided however,
29 in a municipality having a population of less than seven thousand five
30 hundred (7,500) persons, according to the most recent census within
31 the state of Idaho, the limitation on the number of members of the
32 local governing body or the mayor that may serve as commissioners does
33 not apply. In the order of appointment, the mayor shall designate
34 the number of commissioners to be appointed, and the term of each,
35 provided that the term of office of no more than two (2) commissioners
36 shall expire in the same year. The commissioners shall serve five (5)
37 year terms, from the date of appointment, except that all vacancies
38 shall be filled for the unexpired term. Each commissioner shall hold
39 office until his successor has been appointed and has qualified. Any
40 successor appointment shall be made by the mayor, by and with the advice
41 and consent of the local governing body, within sixty (60) days of a
42 vacancy occurring. A certificate of the appointment or reappointment
43 of any commissioner shall be filed with the clerk of the municipality
44 and such certificate shall be conclusive evidence of the due and proper
45 appointment of such commissioner. No person shall be appointed to serve
46 more than two (2) full consecutive terms without specific concurrence
47 by two-thirds (2/3) of the local governing body adopted by motion and
48 recorded in the minutes. Vacancies occurring otherwise than through
49 the expiration of terms shall be filled in the same manner as the
50 original appointment.

1 (b) For cause, a commissioner may be removed only after a hearing before
2 the local governing body and by a majority vote of the local governing
3 body. The commissioner subject to removal shall have been given a copy
4 of the charges at least ten (10) days prior to such hearing and shall
5 have had an opportunity to be heard in person or by counsel.

6 (c) Each appointed commissioner shall file with the secretary of
7 state a financial disclosure statement by April 15 of each year. Such
8 statement applies to the appointed commissioner and that person's
9 spouse, and shall include the following information: (a) full name;
10 (b) statement that the appointed commissioner and that person's spouse
11 are not seeking bankruptcy protection; and (c) must disclose if the
12 commissioner or the commissioner's spouse has a pecuniary interest or
13 owns real property in the urban renewal area. If a pecuniary interest is
14 disclosed, the commissioner may be subject to the provisions of section
15 50-3228, Idaho Code.

16 (3) A commissioner shall receive no compensation for his services but
17 shall be entitled to the necessary expenses, including traveling expenses,
18 incurred in the discharge of his duties.

19 (4) The powers of an urban renewal agency shall be exercised by the
20 commissioners thereof. A majority of the commissioners shall constitute a
21 quorum for the purpose of conducting business and exercising the powers of
22 the agency and for all other purposes. Action may be taken by the agency upon
23 a vote of a majority of the commissioners present, unless in any case the
24 bylaws shall require a larger number.

25 (5) The mayor may initially appoint a chairman for a term of office of
26 one (1) year from among the commissioners, thereafter the commissioners
27 shall elect the chairman and any other officers as the bylaws may require
28 for a term of one (1) year from among their members. An agency may
29 employ an executive director, technical experts and such other agents and
30 employees, permanent and temporary, as it may require, and determine their
31 qualifications, duties and compensation. For such legal service as it may
32 require, an agency may employ or retain its own counsel and legal staff.

33 (6) (a) An agency authorized to transact business and exercise powers
34 under this chapter shall file, with the local governing body and the
35 state tax commission, on or before March 31 of each year a report of its
36 activities for the preceding fiscal year, which report shall include
37 a complete financial statement setting forth its assets, liabilities,
38 income and operating expenses as of the end of such fiscal year, and a
39 financial summary setting forth the agency's revenues and expenses.
40 The report shall also include the agency's contact information, and the
41 name, address and telephone number of each commissioner. At the time of
42 filing the report, the agency shall publish in a newspaper of general
43 circulation in the community a notice to the effect that such report has
44 been filed with the local governing body and the state tax commission
45 and that the report is available for inspection during business hours
46 in the office of the city clerk or county recorder, in the office of the
47 agency and the state tax commission.

48 (b) In addition to subsection (6) (a) of this section, an urban renewal
49 agency shall publish in a newspaper of general circulation in the
50 community the financial summary required to be prepared pursuant to

1 the provisions of subsection (6)(a) of this section, on or before
2 March 31 of each year. All published financial summaries shall include
3 the following: "The complete financial statement is available for
4 inspection during business hours in the office of the city clerk or
5 county recorder, in the office of the agency and at the state tax
6 commission."

7 (c) Action in the magistrate division of the district court of the
8 county in which the agency ordinarily meets, for the purpose of
9 requiring compliance with the provisions of subsection (6)(a) or (6)(b)
10 of this section. No private action brought pursuant to this subsection
11 shall result in the assessment of a civil penalty against any member
12 of the agency and there shall be no private right of action for damages
13 arising out of any violation of the provisions of subsection (6)(a) or
14 (6)(b) of this section. Any suit brought for the purpose of requiring
15 compliance with the provisions of subsection (6)(a) or (6)(b) of this
16 section shall be commenced within ninety (90) days of March 31.

17 (d) An agency that fails to comply with the provisions of subsection
18 (6)(a) or (6)(b) of this section shall be subject to a civil penalty not
19 to exceed one hundred fifty dollars (\$150).

20 (e) An agency that fails to comply with the provisions of subsection
21 (6)(a) or (6)(b) of this section and has previously admitted to
22 committing or has been previously determined to have committed a
23 violation of the provisions of subsection (6)(a) or (6)(b) of this
24 section within the twelve (12) months preceding this subsequent
25 violation shall be subject to a civil penalty not to exceed three
26 hundred dollars (\$300).

27 (7) (a) An urban renewal agency shall have the same fiscal year as a
28 municipality and shall be subject to the same audit requirements as
29 a municipality as required by section 67-450B, Idaho Code. An urban
30 renewal agency shall be required to prepare and file with its local
31 governing body an annual financial report as required by section
32 67-450B, Idaho Code.

33 (b) The agency shall also prepare, approve and adopt an annual budget
34 for filing with the local governing body, for informational purposes
35 complying with the provisions of section 50-1002, Idaho Code. Such
36 budget shall be filed by September 30 of each calendar year, with
37 the exception of a budget for the fiscal year immediately predating
38 the termination date for an urban renewal plan involving a revenue
39 allocation area or will include the termination date, which shall be
40 filed by September 1 of that year. A budget means an annual estimate of
41 revenues and expenses for the following fiscal year of the agency.

42 (8) An urban renewal agency shall comply with the public records law
43 pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to
44 chapter 23, title 67, Idaho Code, the ethics in government law pursuant
45 to chapter 7, title 59, Idaho Code, the classification and retention of
46 municipal records pursuant to chapter 9, title 50, and the competitive
47 bidding provisions of chapter 28, title 67, Idaho Code.

48 (9) The passage of every resolution or action to enter into a contract
49 or agreement, to approve and adopt an annual budget, to approve and adopt
50 appropriations and to approve all bonds, obligations or liabilities shall

1 be by roll call of the council with the yea or nay of each being recorded. All
2 other matters do not require a roll call vote unless otherwise stated in the
3 bylaws.

4 50-3207. DETERIORATING AREA -- PRELIMINARY INVESTIGATION --
5 LIMITATIONS ON REVIEW. (1) Once the local governing body has made the
6 findings prescribed in section 50-3205, Idaho Code, an urban renewal
7 agency may itself undertake or cause to be undertaken a preliminary
8 investigation to determine whether the proposed area is a deteriorating
9 area according to the criteria set forth in section 50-3229(9), Idaho Code.
10 Such determination shall be made after public notice and public hearing as
11 provided in this section.

12 (2) Before proceeding to a public hearing on the matter, the urban
13 renewal agency shall prepare a map showing the boundaries of the proposed
14 deteriorating area and the location of the various parcels of property
15 included therein. There shall be appended to the map a statement setting
16 forth the basis for the investigation.

17 (3) The urban renewal agency shall specify a date for and provide a
18 hearing notice as provided in subsection (4) of this section.

19 (4) The hearing notice shall set forth the general boundaries of the
20 area to be investigated and state that a map has been prepared and can be
21 inspected at the office of the clerk or the agency office. A copy of the
22 notice shall be published in a newspaper of general circulation in the
23 municipality once each week for two (2) consecutive weeks, and the last
24 publication shall be not less than ten (10) days prior to the date set for
25 the hearing. A copy of the notice shall be mailed at least ten (10) days
26 prior to the date set for the hearing to the last owner, if any, of each
27 parcel of property within the area according to the assessment records of
28 the municipality. A notice shall also be sent to all persons at their last
29 known address, if any, whose names are noted on the assessment records as
30 claimants of an interest in any such parcel. The notice shall be published
31 and mailed by the urban renewal agency. Failure to mail any such notice shall
32 not invalidate the investigation or determination thereon.

33 (5) At the hearing, which may be adjourned from time to time, the
34 urban renewal agency shall hear all persons who attend. All objections to a
35 determination that the delineated area is a deteriorating area and evidence
36 in support of those objections, given orally or in writing, shall be received
37 and considered and made part of the public record.

38 (6) After completing its hearing on this matter, the urban renewal
39 agency shall recommend that the delineated area, or any part thereof,
40 be determined, or not be determined, by the local governing body to be a
41 deteriorating area. After receiving the recommendation of the urban renewal
42 agency, the local governing body may adopt a resolution determining that
43 the delineated area, or any part thereof, is a deteriorating area. The
44 determination shall be binding and conclusive upon all persons affected
45 by the determination. Notice of the determination shall be served, within
46 ten (10) days after the determination, upon each person who filed a written
47 objection thereto and stated, in or upon the written submission, an address
48 to which notice of determination may be sent.

1 (7) If written objections were filed in connection with the hearing,
 2 the local governing body shall, for forty-five (45) days next following its
 3 determination to which the objections were filed, take no further action to
 4 acquire any property by condemnation within the deteriorating area.

5 (8) If a person who filed a written objection to a determination by the
 6 local governing body pursuant to this subsection shall, within forty-five
 7 (45) days after the adoption by the local governing body of the determination
 8 to which the person objected, apply to the district court, the court may
 9 grant further review of the determination. No contest or proceeding to
 10 question the validity or legality of the resolution passed or adopted under
 11 the provisions of this section shall be brought in any court by any person for
 12 any cause whatsoever, after the expiration of forty-five (45) days from the
 13 effective date of the resolution, and after such time the validity, legality
 14 and regularity of such resolution shall be conclusively presumed and no
 15 court shall thereafter have authority to inquire into such matters.

16 50-3208. DETERIORATING AREA PLAN -- CONTENTS -- APPROVAL OF
 17 PLAN. (1) An urban renewal project for a deteriorating area shall not
 18 be planned or initiated unless the local governing body has, by resolution,
 19 determined such area to be a deteriorating area, and designated such area as
 20 appropriate for an urban renewal project pursuant to section 50-3207, Idaho
 21 Code.

22 (2) An urban renewal agency may itself prepare or cause to be prepared
 23 a deteriorating area plan, or any person or agency, public or private, may
 24 submit such a plan to an urban renewal agency. A deteriorating area plan
 25 shall include all of the following:

26 (a) The kind, number, and location of all proposed public works or
 27 improvements within the deteriorating area;

28 (b) A map and general description of the deteriorating areas of the
 29 plan;

30 (c) A financial analysis of the plan with sufficient information to
 31 determine economic feasibility;

32 (d) A detailed list of estimated project costs and the sources of moneys
 33 to pay such costs;

34 (e) An indication of whether the deteriorating area plan intends to use
 35 revenue allocation financing;

36 (f) The estimated amount of revenue allocation funds required in each
 37 deteriorating area and the anticipated year in which indebtedness will
 38 be retired;

39 (g) An indication of which real property may be acquired and a statement
 40 that such acquisition is necessary;

41 (h) A fiscal impact statement showing the impact of the revenue
 42 allocation area, both until and after the bonds are repaid, upon all
 43 affected taxing districts levying taxes upon property on the revenue
 44 allocation area;

45 (i) A description of the methods of financing all estimated project
 46 costs and the time when related costs or monetary obligations are to be
 47 incurred;

48 (j) The anticipated termination date for the plan and the revenue
 49 allocation area as provided for in section 50-3237(10), Idaho Code.

1 In determining the termination date, the plan shall recognize that
2 the agency shall receive allocation of revenues in the calendar year
3 following the last year of the revenue allocation provision described
4 in the plan;

5 (k) A description of the disposition or retention of any assets of the
6 agency upon the termination date. Provided however, nothing herein
7 shall prevent the agency from retaining assets or revenues generated
8 from such assets as long as the agency shall have resources other than
9 revenue allocation funds to operate and manage such assets;

10 (l) A description of the methods to be used for the temporary or
11 permanent relocation of persons living in, and businesses situated in,
12 the deteriorating area of the plan;

13 (m) An explanation of the urban renewal project's relationship to
14 definite local objectives regarding appropriate land uses and improved
15 traffic, public transportation, public utilities, telecommunications
16 utilities, recreational and community facilities and other public
17 improvements; and

18 (n) For an urban renewal project that includes a general purpose public
19 building, an explanation of how the building serves or benefits the
20 urban renewal area.

21 (3) A deteriorating area plan shall be forwarded to the local governing
22 body for its approval. Prior to its approval of an urban renewal project,
23 the local governing body shall submit such deteriorating area plan to
24 the planning commission of the municipality, if any, for review and
25 recommendations as to the plan's conformity with the general plan for
26 the development of the municipality as a whole. The planning commission
27 shall submit its written recommendations with respect to the proposed
28 deteriorating area plan to the local governing body within thirty (30) days
29 after receipt of the plan for review. Upon receipt of the recommendations of
30 the planning commission, or if no recommendations are received within said
31 thirty (30) days, then without such recommendations, the local governing
32 body may proceed with the hearing on the proposed urban renewal project
33 prescribed by section 50-3209, Idaho Code.

34 (4) If the deteriorating area plan contains a revenue allocation
35 financing provision, a deteriorating area plan shall be forwarded to the
36 governing body of each affected taxing district prior to the public hearing
37 prescribed by section 50-3209, Idaho Code. The affected taxing district
38 shall submit any written objections with respect to the proposed revenue
39 allocation financing provision in the deteriorating area plan to the agency,
40 or local governing body, within thirty (30) days after receipt of the plan
41 for review. Within thirty (30) days after receipt of a written objection
42 by an affected taxing district, the urban renewal agency shall meet and
43 confer with that affected taxing district. The meet and confer session
44 may include a discussion of the estimated growth in valuation of taxable
45 property included in the proposed urban renewal area, the fiscal impact of
46 revenue allocation on the affected taxing entities, the estimated impact
47 on the provision of services by each of the affected taxing entities in the
48 proposed urban renewal area, and the duration of any bond issuance included
49 in the plan. If the agency and the affected taxing district cannot reach
50 an agreement, the affected taxing district's objections shall be accepted,

1 rejected or modified by the local governing body in approving the plan by
2 ordinance. The affected taxing district that filed a written objection may
3 contest the plan ordinance pursuant to section 50-3231, Idaho Code. If an
4 affected taxing district fails to submit written objections within thirty
5 (30) days after receipt of the plan for review, the agency shall not be
6 required or obligated to meet and confer with such affected taxing district,
7 and it is presumed that such affected taxing districts do not object to the
8 deteriorating area plan or use of revenue allocation financing.

9 (5) In order to meet the requirements set forth in section 50-3209(g),
10 Idaho Code, an urban renewal agency must report the base assessment roll as
11 defined in section 50-3237(2), Idaho Code, to the state tax commission.

12 (6) In order to meet the requirements set forth in section 50-3209(h),
13 Idaho Code, an urban renewal agency must report the proposed boundaries of
14 the revenue allocation area to the state tax commission.

15 50-3209. APPROVAL OF DETERIORATING AREA PLAN BY ORDINANCE -- NOTICE
16 -- DETERMINATIONS AND FINDINGS REQUIRED. (1) The local governing body shall
17 hold a public hearing on an urban renewal project before the ordinance has
18 its first or only reading as allowed pursuant to chapter 9, title 50, Idaho
19 Code, after public notice thereof by publication in a newspaper having a
20 general circulation in the area of operation of the municipality. The notice
21 shall be published at least thirty (30) days but not more than sixty (60) days
22 prior to the date set for the public hearing. The notice shall describe the
23 time, date, place and purpose of the hearing, shall generally identify the
24 deteriorating area covered by the plan, and shall outline the general scope
25 of the urban renewal project under consideration. The notice shall also
26 state:

27 (a) That a deteriorating area plan or modification thereto has been
28 proposed and is being considered for adoption, and that such plan
29 or modification thereto contains a revenue allocation financing
30 provision that will cause property taxes resulting from any increases
31 in equalized assessed valuation in excess of the equalized assessed
32 valuation as shown on the base assessment roll to be allocated to the
33 agency for urban renewal pursuant to section 50-3240, Idaho Code; and

34 (b) That an agreement on administration of a revenue allocation
35 financing provision extending beyond the municipal boundary of the
36 authorized municipality has been negotiated with the cooperating
37 county having extraterritorial power and that the agreement has been
38 formalized by a transfer of power ordinance adopted by that county.
39 Notice of the public hearing, together with a copy of the plan and
40 recommendation of the urban renewal agency, shall be mailed to the
41 governing body of each affected taxing district.

42 (2) Following such public hearing and publication, the local governing
43 body may approve the deteriorating area plan by ordinance in accordance
44 with chapter 9, title 50, Idaho Code, which shall incorporate the plan by
45 reference and include determinations and findings by the governing body
46 that:

47 (a) A feasible method exists for the location of families who will
48 be displaced from the deteriorating area in decent, safe and sanitary

1 dwelling accommodations within their means and without undue hardship
2 to such families;

3 (b) The deteriorating area plan conforms to the general plan of the
4 municipality as a whole and provides an outline for accomplishing the
5 urban renewal projects the deteriorating area plan proposes;

6 (c) The deteriorating area plan gives due consideration to the
7 provision of adequate park and recreational areas and facilities
8 that may be desirable for neighborhood improvement, with special
9 consideration for the health, safety and welfare of children residing
10 in the general vicinity of the site covered by the plan;

11 (d) The deteriorating area plan will afford maximum opportunity,
12 consistent with the sound needs of the municipality as a whole, for the
13 rehabilitation or redevelopment of the deteriorating area by private
14 enterprise: Provided, that if the deteriorating area consists of an
15 area of open land to be acquired by the urban renewal agency, such area
16 shall not be so acquired unless:

17 (i) If it is to be developed for residential uses, the local
18 governing body shall determine that a shortage of housing of sound
19 standards and design that is decent, safe and sanitary exists in
20 the municipality; that the need for housing accommodations has
21 been or will be increased as a result of the clearance of slums in
22 other areas; that the deteriorating conditions in the area and the
23 shortage of decent, safe and sanitary housing cause or contribute
24 to an increase in and spread of disease and crime and constitute a
25 menace to the public health, safety, morals or welfare; and that
26 the acquisition of the area for residential uses is an integral
27 part of and essential to the program of the municipality; or

28 (ii) If it is to be developed for nonresidential uses, the local
29 governing body shall determine that such nonresidential uses are
30 necessary and appropriate to facilitate the proper growth and
31 development of the community in accordance with sound planning
32 standards and local community objectives, which acquisition
33 may require the exercise of governmental action, as provided in
34 this act, because of defective or unusual conditions of title,
35 diversity of ownership, tax delinquency, improper subdivisions,
36 outmoded street patterns, deterioration of site, economic disuse,
37 unsuitable topography or faulty lot layouts, the need for the
38 correlation of the area with other areas of a municipality by
39 streets and modern traffic requirements, or any combination of
40 such factors or other conditions that retard development of the
41 area;

42 (e) Each area meets the requirements of a deteriorating area;

43 (f) In the judgment of the local governing body, the development
44 described in the deteriorating area plan would not occur in the
45 deteriorating area without revenue allocation financing;

46 (g) A preliminary statement certified by the state tax commission
47 that the base assessment roll, or rolls of a revenue allocation area
48 or areas, does not exceed at the time the revenue allocation area is
49 adopted ten percent (10%) of the current assessed valuation of all
50 taxable property within the sponsoring municipality;

1 (h) A preliminary statement certified by the state tax commission
2 that the urban renewal land area of the revenue allocation area when
3 added to the land areas included in other revenue allocation areas of
4 the sponsoring municipality does not exceed at the time the revenue
5 allocation area is adopted a figure equal to fifteen percent (15%) of
6 the total land area of that sponsoring municipality;

7 (i) The rehabilitation and redevelopment is necessary to protect the
8 public health, safety or welfare of the municipality;

9 (j) If acquisition of real property is provided for, that it is
10 necessary;

11 (k) Adoption and carrying out of the deteriorating area plan is
12 economically sound and feasible.

13 (3) A revenue allocation financing provision adopted in accordance
14 with this chapter shall be effective retroactively to January 1 of the year
15 in which the local governing body of the authorized municipality enacts such
16 ordinance.

17 (4) Upon the approval by the local governing body of a deteriorating
18 area plan or of any modification thereof, such plan or modification shall be
19 deemed to be in full force and effect for the respective deteriorating area,
20 and the urban renewal agency may then cause such plan or modification to be
21 carried out in accordance with its terms.

22 50-3210. AMENDMENT TO DETERIORATING AREA PLAN. A deteriorating
23 area plan may be modified at any time in the manner set forth in the urban
24 renewal plan. Provided that if modified after the lease or sale by the urban
25 renewal agency of real property in the urban renewal project area, such
26 modification may be conditioned upon such approval of the owner, lessee or
27 successor in interest as the urban renewal agency may deem advisable and in
28 any event shall be subject to such rights at law or in equity as a lessee or
29 purchaser, or his successor or successors in interest, may be entitled to
30 assert. Notwithstanding the foregoing, no amendment to an existing revenue
31 allocation area shall be interpreted to, or shall, cause an extension of
32 the limitations established for the existing revenue allocation area as set
33 forth in section 50-3238, Idaho Code.

34 50-3211. DISASTER PROVISION. Notwithstanding any other provisions,
35 where the local governing body certifies that an area is in need of
36 redevelopment or rehabilitation as a result of a flood, fire, hurricane,
37 earthquake, storm, or other catastrophe respecting which the governor of
38 the state has certified the need for disaster assistance under P.L. 875,
39 eighty-first congress, as amended, or other federal law, the local governing
40 body may approve a deteriorating area plan and an urban renewal project with
41 respect to such area without regard to the foregoing provisions.

42 50-3212. FINDINGS AND DECLARATIONS OF NECESSITY FOR AN ECONOMIC
43 DEVELOPMENT AREA. It is further found and declared that there exists
44 in this state the continuing need for programs to alleviate and prevent
45 conditions of unemployment and a shortage of housing; and that it is
46 accordingly necessary to assist and retain local industries, private
47 development and commercial enterprises to strengthen and revitalize

1 the economy of this state and its municipalities; that accordingly
2 it is necessary to provide means and methods for the encouragement
3 and assistance of industrial and commercial enterprises in locating,
4 purchasing, constructing, reconstructing, modernizing, improving,
5 maintaining, repairing, furnishing, equipping, and expanding in this state
6 and its municipalities, for the provision of public improvements related to
7 commercial and industrial enterprises, and for the construction of housing
8 for low and moderate income families; that accordingly it is necessary
9 to authorize local governing bodies to designate areas of a municipality
10 as economic development areas for commercial and industrial enterprises,
11 public improvements related to commercial and industrial enterprises, or
12 construction of housing for low and moderate income families and persons;
13 and that it is also necessary to encourage the location and expansion
14 of commercial enterprises to more conveniently provide needed services
15 and facilities of the commercial enterprises to municipalities and the
16 residents of the municipalities.

17 50-3213. ECONOMIC DEVELOPMENT AREA -- PRELIMINARY INVESTIGATION
18 -- LIMITATIONS ON REVIEW. (1) Once the local governing body has made the
19 findings prescribed in section 50-3205, Idaho Code, an urban renewal agency
20 may itself undertake or cause to be undertaken a preliminary investigation
21 to determine whether the proposed area is an economic development area
22 according to the criteria set forth in section 50-3229(10), Idaho Code, or a
23 competitively disadvantaged border community area according to the criteria
24 set forth in section 50-3229(8), Idaho Code. Such determination shall be
25 made after public notice and public hearing as provided in this section.
26 An urban renewal area that is a combination of a deteriorating area and an
27 economic development area or a competitively disadvantaged border community
28 area must meet the conditions for a deteriorating area pursuant to section
29 50-3207, Idaho Code.

30 (2) Before proceeding to a public hearing on the matter, the urban
31 renewal agency shall prepare a map showing the boundaries of the proposed
32 economic development area or competitively disadvantaged border community
33 area and the location of the various parcels of property included therein.
34 There shall be appended to the map a statement setting forth the basis for the
35 investigation.

36 (3) The urban renewal agency shall specify a date for and provide a
37 hearing notice as provided in subsection (4) of this section.

38 (4) The hearing notice shall set forth the general boundaries of the
39 area to be investigated and state that a map has been prepared and can be
40 inspected at the office of the clerk. A copy of the notice shall be published
41 in a newspaper of general circulation in the municipality once each week for
42 two (2) consecutive weeks, and the last publication shall be not less than
43 ten (10) days prior to the date set for the hearing. A copy of the notice
44 shall be mailed at least ten (10) days prior to the date set for the hearing to
45 the last owner, if any, of each parcel of property within the area according
46 to the assessment records of the municipality. A notice shall also be sent
47 to all persons at their last known address, if any, whose names are noted on
48 the assessment records as claimants of an interest in any such parcel. The
49 notice shall be published and mailed by the urban renewal agency. Failure to

1 mail any such notice shall not invalidate the investigation or determination
2 thereon.

3 (5) At the hearing, which may be adjourned from time to time, the
4 urban renewal agency shall hear all persons who attend. All objections to
5 a determination that the delineated area is an economic development area
6 or a competitively disadvantaged border community area and evidence in
7 support of those objections, given orally or in writing, shall be received
8 and considered and made part of the public record.

9 (6) After completing its hearing on this matter, the urban renewal
10 agency shall recommend that the delineated area, or any part thereof,
11 be determined, or not be determined, by the local governing body to be
12 an economic development area or a competitively disadvantaged border
13 community area. After receiving the recommendation of the urban renewal
14 agency, the local governing body may adopt a resolution determining that the
15 delineated area, or any part thereof, is an economic development area, or a
16 competitively disadvantaged border community area. The determination, if
17 supported by substantial evidence, shall be binding and conclusive upon all
18 persons affected by the determination. Notice of the determination shall
19 be served, within ten (10) days after the determination, upon each person
20 who filed a written objection thereto and stated, in or upon the written
21 submission, an address to which notice of determination may be sent.

22 (7) If written objections were filed in connection with the hearing,
23 the local governing body shall, for forty-five (45) days next following its
24 determination to which the objections were filed, take no further action to
25 acquire any property by condemnation within the economic development area or
26 a competitively disadvantaged border community area.

27 (8) If a person who filed a written objection to a determination by the
28 local governing body pursuant to this subsection shall, within forty-five
29 (45) days after the adoption by the local governing body of the determination
30 to which the person objected, apply to the district court, the court may
31 grant further review of the determination. No contest or proceeding to
32 question the validity or legality of the resolution passed or adopted under
33 the provisions of this section shall be brought in any court by any person for
34 any cause whatsoever, after the expiration of forty-five (45) days from the
35 effective date of the resolution, and after such time the validity, legality
36 and regularity of such resolution shall be conclusively presumed and no
37 court shall thereafter have authority to inquire into such matters.

38 50-3214. ECONOMIC DEVELOPMENT PLAN -- CONTENTS -- APPROVAL OF
39 PLAN. (1) An urban renewal project for an economic development area
40 or a competitively disadvantaged border community area shall not be
41 planned or initiated unless the local governing body has, by resolution,
42 determined such area to be an economic development area or a competitively
43 disadvantaged border community area, and designated such area as
44 appropriate for an urban renewal project, pursuant to section 50-3213, Idaho
45 Code.

46 (2) An urban renewal agency may itself prepare or cause to be prepared
47 an economic development plan or a competitively disadvantaged border
48 community plan, or any person or agency, public or private, may submit
49 such a plan to an urban renewal agency. An economic development plan or a

1 competitively disadvantaged border community area plan shall include all of
2 the following:

3 (a) Indicate whether the area is an economic development area or a
4 competitively disadvantaged border community area;

5 (b) The kind, number, and location of all proposed public works or
6 improvements within the economic development area or the competitively
7 disadvantaged border community area;

8 (c) A map and general description of the economic development area or
9 the competitively disadvantaged border community area;

10 (d) A financial analysis of the plan with sufficient information to
11 determine economic feasibility;

12 (e) A detailed list of estimated project costs and the sources of moneys
13 to pay such costs;

14 (f) An indication of whether the economic development area plan or the
15 competitively disadvantaged border community area plan intends to use
16 revenue allocation financing;

17 (g) The estimated amount of revenue allocation funds required in each
18 economic development area or each competitively disadvantaged border
19 community area and the anticipated year in which indebtedness will be
20 retired;

21 (h) An indication of which real property may be acquired and a statement
22 that such acquisition is necessary;

23 (i) A fiscal impact statement showing the impact of the revenue
24 allocation area, both until and after the bonds are repaid, upon all
25 affected taxing districts levying taxes upon property on the revenue
26 allocation area;

27 (j) A description of the methods of financing all estimated project
28 costs and the time when related costs or monetary obligations are to be
29 incurred;

30 (k) The anticipated termination date for the plan and the revenue
31 allocation area as provided for in section 50-3237(10), Idaho Code.
32 In determining the termination date, the plan shall recognize that
33 the agency shall receive allocation of revenues in the calendar year
34 following the last year of the revenue allocation provision described
35 in the plan;

36 (l) A description of the disposition or retention of any assets of the
37 agency upon the termination date. Provided however, nothing herein
38 shall prevent the agency from retaining assets or revenues generated
39 from such assets as long as the agency shall have resources other than
40 revenue allocation funds to operate and manage such assets;

41 (m) A description of the methods to be used for the temporary or
42 permanent relocation of persons living in, and businesses situated
43 in, the economic development area, or the competitively disadvantaged
44 border community area of the plan;

45 (n) An explanation of the urban renewal project's relationship to
46 definite local objectives regarding appropriate land uses and improved
47 traffic, public transportation, public utilities, telecommunications
48 utilities, recreational and community facilities and other public
49 improvements;

1 (n) A statement explaining how the purposes of economic development
2 will be attained by the redevelopment or development of commercial or
3 industrial enterprise; or by the construction of public improvements
4 related to commercial or industrial enterprise; or the construction of
5 housing for low and moderate income families.

6 (o) A description of how the economic development will create
7 additional jobs, or retain existing jobs;

8 (p) A description of how private developers, if any, will be selected to
9 undertake the economic development and identify each private developer
10 currently involved in the economic development process;

11 (q) A description of the physical, social, and economic conditions
12 existing in the project area;

13 (r) Include other information that the agency determines to be
14 necessary or advisable;

15 (s) A description of the benefit of any financial assistance or other
16 public subsidy proposed to be provided by the agency, including:

17 (i) An evaluation of the reasonableness of the costs of economic
18 development;

19 (ii) Efforts the agency or developer has made or will make to
20 maximize private investments;

21 (iii) The rationale for use of revenue allocation, including an
22 analysis of whether the proposed development might reasonably be
23 expected to occur in the foreseeable future solely through private
24 investment; and

25 (iv) An estimate of the total amount of revenue allocation that
26 will be expended in undertaking economic development and the
27 length of time for which it will be expended.

28 (t) A description of the anticipated public benefit to be derived from
29 the economic development, including:

30 (i) The beneficial influences upon the tax base of the community;

31 (ii) The associated business and economic activity likely to be
32 stimulated; and

33 (iii) The number of jobs or employment anticipated to be generated
34 or preserved.

35 (3) An economic development plan or a competitively disadvantaged
36 border community plan shall be forwarded to the local governing body
37 for its approval. Prior to its approval of an urban renewal project,
38 the local governing body shall submit such economic development plan or
39 each competitively disadvantaged border community plan to the planning
40 commission of the municipality, if any, for review and recommendations as
41 to the plan's conformity with the general plan for the development of the
42 municipality as a whole. The planning commission shall submit its written
43 recommendations with respect to the proposed economic development plan or
44 the proposed competitively disadvantaged border community plan to the local
45 governing body within thirty (30) days after receipt of the plan for review.
46 Upon receipt of the recommendations of the planning commission, or if no
47 recommendations are received within said thirty (30) days, then without
48 such recommendations, the local governing body may proceed with the hearing
49 on the proposed urban renewal project prescribed by section 50-3215, Idaho
50 Code.

1 (4) If the economic development plan or the competitively
2 disadvantaged border community plan contains a revenue allocation financing
3 provision, an economic development plan or a competitively disadvantaged
4 border community plan shall be forwarded to the governing body of each
5 affected taxing district prior to the public hearing prescribed by
6 section 50-3215, Idaho Code. The affected taxing district shall submit
7 any written objections with respect to the proposed revenue allocation
8 financing provision in the economic development plan or the competitively
9 disadvantaged border community plan to the agency, or local governing
10 body, within thirty (30) days after receipt of the plan for review. Within
11 thirty (30) days after receipt of a written objection by an affected taxing
12 district, the urban renewal agency shall meet and confer with that affected
13 taxing district. The meet and confer session may include a discussion
14 of the estimated growth in valuation of taxable property included in the
15 proposed urban renewal area, the fiscal impact of revenue allocation on the
16 affected taxing entities, the estimated impact on the provision of services
17 by each of the affected taxing entities in the proposed urban renewal area,
18 and the duration of any bond issuance included in the plan. If the agency
19 and the affected taxing district cannot reach an agreement, the affected
20 taxing district's objections shall be accepted, rejected or modified by
21 the local governing body in approving the plan by ordinance. The affected
22 taxing district that filed a written objection may contest the ordinance
23 pursuant to section 50-3231, Idaho Code. If an affected taxing district
24 fails to submit written objections within thirty (30) days after receipt of
25 the plan for review, the agency shall not be required or obligated to meet
26 and confer with such affected taxing district, and it is presumed that such
27 affected taxing districts do not object to the economic development plan,
28 the competitively disadvantaged border community plan, or use of revenue
29 allocation financing.

30 (5) In order to meet the requirements set forth in section 50-3215(f),
31 Idaho Code, an urban renewal agency must report the base assessment roll as
32 defined in section 50-3237(2), Idaho Code, to the state tax commission.

33 (6) In order to meet the requirements set forth in section 50-3215(g),
34 Idaho Code, an urban renewal agency must report the proposed boundaries of
35 the revenue allocation area to the state tax commission.

36 50-3215. APPROVAL OF AN ECONOMIC DEVELOPMENT PLAN OR A COMPETITIVELY
37 DISADVANTAGED BORDER COMMUNITY PLAN BY ORDINANCE -- NOTICE --
38 DETERMINATIONS AND FINDINGS REQUIRED. (1) The local governing body shall
39 hold a public hearing on an urban renewal project before the ordinance has
40 its first or only reading as allowed pursuant to chapter 9, title 50, Idaho
41 Code, after public notice thereof by publication in a newspaper having a
42 general circulation in the area of operation of the municipality. The notice
43 shall be published at least thirty (30) days but not more than sixty (60)
44 days prior to the date set for the public hearing. The notice shall describe
45 the time, date, place and purpose of the hearing, shall generally identify
46 the economic development area or the competitively disadvantaged border
47 community area covered by the plan, and shall outline the general scope of
48 the urban renewal project under consideration. The notice shall also state:

1 (a) That an economic development plan or a competitively disadvantaged
2 border community plan or modification thereto has been proposed and
3 is being considered for adoption, and that such plan or modification
4 thereto contains a revenue allocation financing provision that will
5 cause property taxes resulting from any increases in equalized assessed
6 valuation in excess of the equalized assessed valuation as shown on the
7 base assessment roll to be allocated to the agency for urban renewal
8 pursuant to section 50-3240, Idaho Code; and

9 (b) That an agreement on administration of a revenue allocation
10 financing provision extending beyond the municipal boundary of the
11 authorized municipality has been negotiated with the cooperating
12 county having extraterritorial power and that the agreement has been
13 formalized by a transfer of power ordinance adopted by that county.
14 Notice of the public hearing, together with a copy of the plan and
15 recommendation of the urban renewal agency shall be mailed to the
16 governing body of each affected taxing district.

17 (2) Following such public hearing and publication, the local governing
18 body may approve the economic development plan or the competitively
19 disadvantaged border community plan by ordinance in accordance with chapter
20 9, title 50, Idaho Code, which shall incorporate the plan by reference and
21 include determinations and findings by the governing body that:

22 (a) A feasible method exists for the location of families who will
23 be displaced from the economic development area or the competitively
24 disadvantaged border community area in decent, safe and sanitary
25 dwelling accommodations within their means and without undue hardship
26 to such families;

27 (b) The economic development plan or the competitively disadvantaged
28 border community plan conforms to the general plan of the municipality
29 as a whole and provides an outline for accomplishing the urban renewal
30 projects the economic development plan proposes;

31 (c) The economic development plan or the competitively disadvantaged
32 border community plan will afford maximum opportunity, consistent with
33 the sound needs of the municipality as a whole, for the rehabilitation
34 or redevelopment of the economic development area or the competitively
35 disadvantaged border community area by private enterprise;

36 (d) Each area meets the requirements of an economic development area or
37 a competitively disadvantaged border community area;

38 (e) In the judgment of the local governing body, the development
39 described in the economic development plan or the competitively
40 disadvantaged border community plan would not occur in the economic
41 development area or the competitively disadvantaged border community
42 area without revenue allocation financing;

43 (f) A preliminary statement certified by the state tax commission that
44 the base assessment roll or rolls of revenue allocation area or areas
45 does not exceed, at the time the revenue allocation area is adopted, ten
46 percent (10%) of the current assessed valuation of all taxable property
47 within the sponsoring municipality;

48 (g) A preliminary statement certified by the state tax commission
49 that the urban renewal land area of the revenue allocation area when
50 added to the land areas included in other revenue allocation areas of

1 the sponsoring municipality does not exceed, at the time the revenue
2 allocation area is adopted, a figure equal to fifteen percent (15%) of
3 the total land area of that sponsoring municipality;

4 (h) Carrying out the economic development plan or the competitively
5 disadvantaged border community plan will promote the public peace,
6 health, safety, and welfare of the municipality in which the project
7 area is located;

8 (i) If acquisition of real property is provided for, that it is
9 necessary; and

10 (j) Adoption and carrying out of the economic development plan or the
11 competitively disadvantaged border community plan is economically
12 sound and feasible.

13 (3) A revenue allocation financing provision adopted in accordance
14 with this chapter shall be effective retroactively to January 1 of the year
15 in which the local governing body of the authorized municipality enacts such
16 ordinance.

17 (4) Upon the approval by the local governing body of an economic
18 development plan, or a competitively disadvantaged border community area,
19 or of any modification thereof, such plan or modification shall be deemed to
20 be in full force and effect for the respective urban renewal area, and the
21 urban renewal agency may then cause such plan or modification to be carried
22 out in accordance with its terms.

23 50-3216. ACQUISITION AND INCLUSION OF UNUSED OR INAPPROPRIATELY USED
24 LAND IN AN ECONOMIC DEVELOPMENT AREA. (1) An economic development area or
25 a competitively disadvantaged border community area may include any work
26 or undertaking to acquire land or space that is vacant, unused, underused
27 or inappropriately used, including air rights over streets, expressways,
28 and similar locations; land that is occupied by functionally obsolete
29 nonresidential buildings, or is used for low utility purposes, or is covered
30 by shallow water, or is subject to periodic flooding.

31 (2) An urban renewal agency may exercise the power of eminent domain
32 pursuant to chapter 7, title 7, Idaho Code. Property already devoted to a
33 public use may be acquired in like manner: Provided that no real property
34 belonging to the United States, the state, or any political subdivision of
35 the state, may be acquired without its consent.

36 50-3217. ACQUISITION AND INCLUSION OF OPEN LAND IN AN ECONOMIC
37 DEVELOPMENT AREA. (1) An urban renewal project may include any work or
38 undertaking to include or acquire open land by virtue of the following
39 conditions:

40 (a) Unusual and difficult physical characteristics of the ground;

41 (b) The existence of faulty planning characterized by the subdivision
42 or sale of lots laid out in disregard of the contours or of irregular
43 form and shape or of inadequate size; or

44 (c) A combination of these or other conditions that have prevented
45 normal development of the land by private enterprise and have resulted
46 in a stagnant and unproductive condition of land potentially useful and
47 valuable for contributing to the public health, safety and welfare.

48 Acquisition and inclusion of such land shall be an urban renewal project

1 only if an urban renewal plan has been adopted that provides for the
2 elimination of these conditions, thereby making the land useful and
3 valuable for contributing to the public health, safety and welfare and
4 the acquisition of the land is necessary to carry out the redevelopment
5 plan.

6 (2) An urban renewal agency may exercise the power of eminent domain
7 pursuant to chapter 7, title 7, Idaho Code. Property already devoted to a
8 public use may be acquired in like manner: Provided that no real property
9 belonging to the United States, the state, or any political subdivision of
10 the state, may be acquired without its consent.

11 50-3218. AMENDMENT TO AN ECONOMIC DEVELOPMENT PLAN. An economic
12 development plan or a competitively disadvantaged border community plan
13 may be modified at any time in the manner set forth in the urban renewal
14 plan: Provided that if modified after the lease or sale by the urban
15 renewal agency of real property in the urban renewal project area, such
16 modification may be conditioned upon such approval of the owner, lessee or
17 successor in interest as the urban renewal agency may deem advisable and in
18 any event shall be subject to such rights at law or in equity as a lessee or
19 purchaser, or his successor or successors in interest, may be entitled to
20 assert. Notwithstanding the foregoing, no amendment to an existing revenue
21 allocation area shall be interpreted to, or shall, cause an extension of
22 the limitations established for the existing revenue allocation area as set
23 forth in section 50-3238, Idaho Code.

24 50-3219. DISASTER PROVISION. Notwithstanding any other provisions,
25 where the local governing body certifies that an area is in need of
26 redevelopment or rehabilitation as a result of a flood, fire, hurricane,
27 earthquake, storm, or other catastrophe respecting which the governor
28 of the state has certified the need for disaster assistance under P.L.
29 875, eighty-first congress, as amended, or other federal law, the local
30 governing body may approve an economic development plan or a competitively
31 disadvantaged border community plan and an urban renewal project with
32 respect to such area without regard to the foregoing provisions.

33 50-3220. POWERS. Every urban renewal agency shall have all the powers
34 necessary or convenient to carry out and effectuate the purposes and
35 provisions of this act, including the following powers in addition to others
36 herein granted:

37 (1) To undertake and carry out urban renewal projects and related
38 activities within its area of operation; and to make and execute contracts
39 and other instruments necessary or convenient to the exercise of its powers
40 under this act; and to disseminate urban renewal information;

41 (2) To provide or to arrange or contract for the furnishing or repair
42 by any person or agency, public or private, of services, privileges, works,
43 streets, roads, public utilities or other facilities for or in connection
44 with an urban renewal project as defined in section 50-3229(10), Idaho
45 Code; to install, construct, and reconstruct streets, utilities, parks,
46 playgrounds, off-street parking facilities, public facilities, other
47 buildings or public improvements for or in connection with an urban renewal

1 project as defined in section 50-3229(10), Idaho Code; and any improvements
2 necessary or incidental to an urban renewal project; and to agree to any
3 conditions that it may deem reasonable and appropriate attached to federal
4 financial assistance and imposed pursuant to federal law relating to the
5 determination of prevailing salaries or wages or compliance with labor
6 standards, in the undertaking or carrying out of an urban renewal project and
7 related activities, and to include in any contract let in connection with
8 such a project and related activities, provisions to fulfill such of said
9 conditions as it may deem reasonable and appropriate;

10 (3) Within its area of operation, to enter into any building or
11 property in any urban renewal area in order to make inspections, surveys,
12 appraisals, soundings or test borings, and to obtain, upon sufficient
13 cause and after a hearing on the matter, an order for this purpose from a
14 court of competent jurisdiction in the event entry is denied or resisted;
15 to acquire by purchase, lease, option, gift, grant, bequest, devise, or
16 eminent domain or otherwise, any real property (or personal property for
17 its administrative purposes) together with any improvements thereon; to
18 hold, improve, renovate, rehabilitate, clear or prepare for redevelopment
19 or development any such property or buildings; to mortgage, pledge,
20 hypothecate or otherwise encumber or dispose of any real property; to insure
21 or provide for the insurance of any real or personal property or operations
22 of the municipality against any risks or hazards, including the power to pay
23 premiums on any such insurance; and to enter into any contracts necessary to
24 effectuate the purposes of this act: Provided however, that no statutory
25 provision with respect to the acquisition, clearance or disposition of
26 property by public bodies shall restrict a municipality or other public body
27 exercising powers hereunder in the exercise of such functions with respect
28 to an urban renewal project and related activities, unless the legislature
29 shall specifically so state;

30 (4) With the approval of the local governing body: (a) prior to
31 approval of an urban renewal plan, or approval of any modifications of
32 the plan, to acquire real property in an urban renewal area, demolish
33 and remove any structures on the property, and pay all costs related to
34 the acquisition, demolition, or removal, including any administrative
35 or relocation expenses; and (b) to assume the responsibility to bear any
36 loss that may arise as the result of the exercise of authority under this
37 subsection in the event that the real property is not made part of the urban
38 renewal project;

39 (5) To invest any urban renewal funds held in reserves or sinking funds
40 or any such funds not required for immediate disbursement, in property or
41 securities in which municipalities may legally invest funds as defined
42 in section 50-1013, Idaho Code; to redeem such bonds as have been issued
43 pursuant to section 50-3223, Idaho Code, at the redemption price established
44 therein or to purchase such bonds at less than redemption price, all such
45 bonds so redeemed or purchased to be canceled;

46 (6) To borrow money and to apply for and accept advances, loans, grants,
47 contributions and any other form of financial assistance from the federal
48 government, the state, county, or other public body, or from any sources,
49 public or private, for the purposes of this act, and to give such security
50 as may be required and to enter into and carry out contracts or agreements

1 in connection therewith; and to include in any contract for financial
2 assistance with the federal government for or with respect to an urban
3 renewal project and related activities such conditions imposed pursuant to
4 federal laws as the municipality may deem reasonable and appropriate and
5 which are not inconsistent with the purposes of this act;

6 (7) Within its area of operation, and in cooperation with building
7 officials, to make or have made all surveys and plans necessary to the
8 carrying out of the purposes of this act and to contract with any person,
9 public or private, in making and carrying out such plans and to adopt or
10 approve, modify and amend such plans, which plans may include, but are not
11 limited to:

12 (a) Plans for carrying out a program of voluntary or compulsory repair
13 and rehabilitation of buildings and improvements;

14 (b) Plans for the enforcement of state and local laws, codes and
15 regulations relating to the use of land and the use and occupancy
16 of buildings and improvements and to the compulsory repair,
17 rehabilitation, demolition, or removal of buildings and improvements;
18 and

19 (c) Appraisals, title searches, surveys, studies, and other plans and
20 work necessary to prepare for the undertaking of urban renewal projects
21 and related activities; and to develop, test, and report methods
22 and techniques, and carry out demonstrations and other activities,
23 for the prevention and the elimination of deteriorating areas and
24 developing and demonstrating new or improved means of providing housing
25 for families and persons of low and moderate income, and providing
26 workforce housing, and to apply for, accept and utilize grants of funds
27 from the federal government for such purposes;

28 (8) To prepare plans for and assist in the relocation of persons
29 (including individuals, families, business concerns, nonprofit
30 organizations and others) displaced from an urban renewal area, and
31 notwithstanding any statute of this state to make relocation payments to
32 or with respect to such persons for which reimbursement or compensation is
33 not otherwise made, including the making of such payments financed by the
34 federal government;

35 (9) To exercise all or any part or combination of powers herein granted;

36 (10) In addition to its powers under subsection (2) of this section,
37 an agency may construct foundations, platforms, and other like structural
38 forms necessary for the provision or utilization of air rights sites for
39 buildings and to be used for residential, commercial, industrial, and other
40 uses contemplated by the urban renewal plan, and to provide utilities to the
41 development site;

42 (11) To use, lend or invest funds obtained from the federal government
43 for the purposes allowable under federal laws or regulations;

44 (12) To adopt, at any time, a revenue allocation financing provision,
45 as described in sections 50-3235 through 50-3248, Idaho Code, as part of an
46 urban renewal plan; and to receive revenue allocation funds;

47 (13) To approve the use of revenue allocation funds or sales tax
48 increment funds for publicly owned infrastructure and improvements outside
49 of an urban renewal area that the agency and local governing body determine
50 to be of benefit to the urban renewal area;

1 (14) To adopt and amend bylaws not in conflict with the constitution and
2 laws of the state for carrying on the business, objects and affairs of the
3 urban renewal agency; and

4 (15) To expand opportunities for transit and alternative modes of
5 transportation within its area of operation.

6 50-3221. ACQUISITION OF PROPERTY. An urban renewal agency shall have
7 the right to acquire by negotiation or condemnation any interest in real
8 property, including a fee simple title thereto, which it may deem necessary
9 for or in connection with an urban renewal project and related activities
10 under this act. An urban renewal agency shall exercise the power of eminent
11 domain in the manner now or which may be hereafter provided as set forth in
12 title 7, chapter 7, Idaho Code. Property already devoted to a public use may
13 be acquired in like manner: Provided, that no real property belonging to the
14 United States, the state, or any political subdivision of the state, may be
15 acquired without its consent.

16 50-3222. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA. (1) An urban
17 renewal agency may sell, lease, or otherwise transfer real property or
18 any interest therein acquired by it for an urban renewal project, and may
19 enter into contracts with respect thereto, in an urban renewal area for
20 residential, recreational, commercial, industrial, educational or other
21 uses or for public use, or may retain such property or interest for public
22 use, in accordance with the urban renewal plan, subject to such covenants,
23 conditions and restrictions, including covenants running with the land,
24 as it may deem to be necessary or desirable to assist in preventing the
25 development or spread of future deteriorating areas, or to promote the
26 creation or retention of commercial or industrial enterprise, or to promote
27 the construction of low to moderate income housing, or to promote the
28 construction of workforce housing, or to otherwise carry out the purposes
29 of this act: Provided, that such sale, lease, other transfer, or retention,
30 and any agreement relating thereto, may be made only after the approval
31 of the urban renewal plan by the local governing body. The purchasers or
32 lessees and their successors and assigns shall be obligated to devote such
33 real property only to the uses specified in the urban renewal plan, and may
34 be obligated to comply with such other requirements as the urban renewal
35 agency may determine to be in the public interest, including the obligation
36 to begin within a reasonable time any improvements on such real property
37 required by the urban renewal plan. Such real property or interest shall be
38 sold, leased, otherwise transferred, or retained at not less than its fair
39 value for uses in accordance with the urban renewal plan except property
40 disposed of by it to the community or any other public body, which property
41 must be disposed of pursuant to the provisions of subsection (6) of section
42 50-3226, Idaho Code, even though such fair value may be less than the cost of
43 acquiring and preparing the property for redevelopment or development. In
44 determining the fair value of real property for uses in accordance with the
45 urban renewal plan, an urban renewal agency shall take into account and give
46 consideration to the uses provided in such plan; the restrictions upon, and
47 the covenants, conditions and obligations assumed by the purchaser or lessee
48 or by the urban renewal agency retaining the property; and the objectives

1 of such plan for the prevention of the recurrence of deteriorating areas,
2 for the promotion of the creation or retention of commercial or industrial
3 enterprise, or for the construction of low and moderate income housing or
4 workforce housing. The urban renewal agency in any instrument of conveyance
5 to a private purchaser or lessee may provide that such purchaser or lessee
6 shall be without power to sell, lease or otherwise transfer the real property
7 without the prior written consent of the urban renewal agency until he has
8 completed the construction of any or all improvements that he has obligated
9 himself to construct thereon. Real property acquired by an urban renewal
10 agency which, in accordance with the provisions of the urban renewal plan, is
11 to be transferred, shall be transferred as rapidly as feasible in the public
12 interest consistent with the carrying out of the provisions of the urban
13 renewal plan. Any contract for such transfer and the urban renewal plan (or
14 such part or parts of such contract or plan as the urban renewal agency may
15 determine) may be recorded in the land records of the county in such manner as
16 to afford actual or constructive notice thereof.

17 (2) An urban renewal agency may dispose of real property in an urban
18 renewal area to private persons only under such reasonable competitive
19 disposition procedures as hereinafter provided in this subsection. An
20 urban renewal agency shall, by public notice by publication in a newspaper
21 having a general circulation in the community, thirty (30) days prior to the
22 execution of any contract to sell, lease or otherwise transfer real property
23 and prior to the delivery of any instrument of conveyance with respect
24 thereto under the provisions of this section, invite proposals from and make
25 available all pertinent information to private redevelopers or any persons
26 interested in undertaking to redevelop or rehabilitate an urban renewal
27 area, or any part thereof. Such notice shall identify the area, or portion
28 thereof, and shall state that proposals shall be made by those interested
29 within thirty (30) days after the date of publication of said notice, and
30 that such further information as is available may be obtained at such office
31 as shall be designated in said notice. The urban renewal agency shall
32 consider all such redevelopment of rehabilitation proposals, development of
33 commercial and industrial enterprise proposals, or residential proposals
34 and the financial and legal ability of the persons making such proposals
35 to carry them out, and may negotiate with any persons for proposals for the
36 purchase, lease or other transfer of any real property acquired by the agency
37 in the urban renewal area. The urban renewal agency may accept such proposal
38 as it deems to be in the public interest and in furtherance of the purposes
39 of this act. The agency may execute such contract in accordance with the
40 provisions of subsection (1) of this section and deliver deeds, leases and
41 other instruments and take all steps necessary to effectuate such contract.

42 (3) If, after following the procedures set out in subsection (2) of
43 this section, an urban renewal agency receives no proposals or determines
44 the ones received are not in accordance with the call for proposals or do
45 not meet the objectives of this act, the urban renewal agency may reject any
46 proposals received and then dispose of such real property through reasonable
47 negotiating procedures after publishing a notice in the newspaper with
48 greatest circulation that no proposals were received, or that those received
49 were insufficient.

1 (4) An urban renewal agency may temporarily operate and maintain real
2 property acquired by it in an urban renewal area for or in connection with an
3 urban renewal project pending the disposition of the property as authorized
4 in this act, without regard to the provisions of subsection (1) of this
5 section, for such uses and purposes as may be deemed desirable even though
6 not in conformity with the urban renewal plan.

7 (5) Any real property acquired pursuant to section 50-3220(4), Idaho
8 Code, may be disposed of without regard to other provisions of this section
9 if the local governing body has consented to the disposal.

10 (6) Notwithstanding any other provisions of this act, and
11 notwithstanding subsection (2) of this section, land in an urban renewal
12 project area designated under the urban renewal plan for residential,
13 industrial or commercial uses may be disposed of to any public body or
14 nonprofit corporation for subsequent development in accordance with the
15 urban renewal plan. The public body or nonprofit corporation shall begin
16 the building of improvements within a reasonable time as the agency may
17 determine. The public body or nonprofit corporation may elect to dispose
18 of the land as promptly as practicable for redevelopment in accordance
19 with the urban renewal plan, and only the purchaser from or lessee of the
20 public body or corporation, and their assignees, shall be required to
21 assume the obligation of beginning the building of improvements within a
22 reasonable time. Any disposition of land to a nonprofit corporation under
23 this subsection shall be made at its fair value for uses in accordance with
24 the urban renewal plan. Any disposition of land to a public body under this
25 subsection shall be made pursuant to the provisions of subsection (6) of
26 section 50-3226, Idaho Code.

27 (7) Property previously acquired or acquired by an agency for
28 rehabilitation and resale shall be offered for disposition within five
29 (5) years after completion of rehabilitation, or an annual report shall be
30 published by the agency in a newspaper of general circulation published
31 in the community listing any rehabilitated property held by the agency
32 in excess of such five (5) year period, stating the reasons such property
33 remains unsold and indicating plans for its disposition.

34 (8) Should conditions change in the urban renewal area rendering real
35 property acquired by the agency in the urban renewal area to be unnecessary
36 for purposes of the project, the agency board may declare such property to
37 be surplus property based upon specific findings setting forth how and why
38 conditions changed. Surplus property may be sold by negotiated sale for an
39 amount not less than the fair market value appraisal.

40 50-3223. ISSUANCE OF BONDS. (1) An urban renewal agency shall have
41 power to issue bonds from time to time in its discretion to finance the
42 undertaking of any urban renewal project under this act, including, without
43 limiting the generality thereof, the payment of principal and interest
44 upon any advances for surveys and plans or preliminary loans, and shall
45 also have power to issue refunding bonds for the payment or retirement of
46 such bonds previously issued by it. Such bonds shall be made payable, as to
47 both principal and interest, solely from the income, proceeds, revenues,
48 and funds of the urban renewal agency derived from or held in connection
49 with its undertaking and carrying out of urban renewal projects under this

1 act: Provided however, that payment of such bonds, both as to principal
2 and interest, may be further secured by a pledge of any loan, grant or
3 contribution from the federal government or other source, in aid of any urban
4 renewal projects under this act, and by a mortgage of any such urban renewal
5 projects, or any part thereof, title to which is in the urban renewal agency.

6 (2) Bonds issued under this section shall not constitute an
7 indebtedness within the meaning of any constitutional or statutory debt
8 limitation or restriction, and shall not be subject to the provisions of
9 any other law or charter relating to the authorization, issuance or sale of
10 bonds. Bonds and other obligations of an urban renewal agency (and such
11 bonds and obligations shall so state on their face) shall not be a debt of the
12 municipality, the state or any political subdivision thereof, and neither
13 the municipality, the state nor any political subdivision thereof shall be
14 liable thereon, nor in any event shall such bonds or obligations be payable
15 out of any funds other than those of said urban renewal agency. Bonds issued
16 under the provisions of this act are declared to be issued for an essential
17 public and governmental purpose and, together with interest thereon and
18 income therefrom, shall be exempted from all taxes.

19 (3) Bonds issued under the provisions of this section shall be
20 authorized by resolution of the urban renewal agency and may be issued in
21 one (1) or more series and shall bear such date or dates, be payable upon
22 demand or mature at such time or times, bear interest at a rate or rates, be in
23 such denomination or denominations, be in such form either with or without
24 coupon or registered, carry such conversion or registration privileges,
25 have such rank or priority, be executed in such manner, be payable in such
26 medium of payment, at such place or places, and be subject to such terms
27 of repayment, at such place or places, and be subject to such terms of
28 redemption (with or without premium), be secured in such manner, and have
29 such other characteristics as may be provided by such resolution or trust
30 indenture or mortgage issued pursuant thereto.

31 (4) Such bonds may be sold at public sales or private sales or
32 placements held after notice published prior to such sale in a newspaper
33 having a general circulation in the area of operation and in such other
34 medium of publication as the agency may determine or may be exchanged for
35 other bonds, for such price or prices as determined by the agency. Such
36 notice does not need to contain information regarding the price of the bonds:
37 Provided, that such bonds may be sold to the federal government at private
38 sale or placement for such price or prices as determined by the agency, and,
39 in the event less than all of the authorized principal amount on such bonds
40 is sold to the federal government, the balance may be sold at private sale or
41 placement for such price or prices as determined by the agency.

42 (5) In case any of the officials of the urban renewal agency whose
43 signatures appear on any bonds or coupons issued under this act shall cease
44 to be such officials before the delivery of such bonds, such signatures
45 shall, nevertheless, be valid and sufficient for all purposes, the same as if
46 such officials had remained in office until such delivery. Any provision of
47 any law to the contrary notwithstanding, any bonds issued pursuant to this
48 act shall be fully negotiable.

49 (6) In any suit, action or proceeding involving the validity or
50 enforceability of any bond issued under this act or the security therefor,

1 any such bond reciting in substance that it has been issued by the agency
2 in connection with an urban renewal project, as herein defined, shall be
3 conclusively deemed to have been issued for such purpose and such project
4 shall be conclusively deemed to have been planned, located and carried out in
5 accordance with the provisions of this act.

6 50-3224. BONDS AS LEGAL INVESTMENTS. All banks, trust companies,
7 bankers, savings banks and institutions, building and loan associations,
8 savings and loan associations, investment companies and other persons
9 carrying on a banking or investment business; all insurance companies,
10 insurance associations, and other persons carrying on an insurance
11 business; and all executors, administrators, curators, trustees, and other
12 fiduciaries, may legally invest any sinking funds, moneys, or other funds
13 belonging to them or within their control in any bonds or other obligations
14 issued by an urban renewal agency pursuant to this act: Provided that such
15 bonds and other obligations shall be secured by an agreement between the
16 issuer and the federal government in which the issuer agrees to borrow from
17 the federal government and the federal government agrees to lend to the
18 issuer, prior to the maturity of such bonds or other obligations, moneys in
19 an amount which (together with any other moneys irrevocably committed to
20 the payment of principal and interest on such bonds or other obligations)
21 will suffice to pay the principal of such bonds or other obligations with
22 interest to maturity thereon, which moneys under the terms of said agreement
23 are required to be used for the purpose of paying the principal of and the
24 interest on such bonds or other obligations at their maturity. Such bonds
25 and other obligations shall be authorized security for all public deposits.
26 It is the purpose of this section to authorize any persons, political
27 subdivisions and officers, public or private, to use any funds owned or
28 controlled by them for the purchase of any such bonds or other obligations.
29 Nothing contained in this section with regard to legal investments shall be
30 construed as relieving any person of any duty of exercising reasonable care
31 in selecting securities.

32 50-3225. PROPERTY EXEMPT FROM TAXES AND FROM LEVY AND SALE BY VIRTUE
33 OF AN EXECUTION. (1) All property of an urban renewal agency, including
34 funds, owned or held by it for the purposes of this act shall be exempt from
35 levy and sale by virtue of an execution, and no execution or other judicial
36 process shall issue against the same nor shall judgment against an agency be
37 a charge or lien upon such property: Provided however, that the provisions
38 of this section shall not apply to or limit the right of obligees to pursue
39 any remedies for the enforcement of and pledge or lien given pursuant to this
40 act by an agency on its rents, fees, grants or revenues from urban renewal
41 projects.

42 (2) The property of an urban renewal agency, acquired or held for the
43 purposes of this act, is declared to be public property used for essential
44 public and governmental purposes and effective the date an urban renewal
45 agency acquires title to such property it shall be exempt from all taxes
46 of the municipality, the county, the state or any political subdivision
47 thereof: Provided, that such tax exemption shall terminate when the agency
48 sells, leases or otherwise disposes of such property in an urban renewal area

1 for permanent redevelopment to a purchaser or lessee which is not a public
2 body entitled to tax exemption with respect to such property.

3 50-3226. COOPERATION BY PUBLIC BODIES. (1) For the purpose of aiding
4 in the planning, undertaking or carrying out of an urban renewal project and
5 related activities authorized by this act, any public body may, upon such
6 terms, with or without consideration, as it may determine:

7 (a) Dedicate, sell, convey or lease any of its interest in any property
8 or grant easements, licenses or other rights or privileges therein to an
9 urban renewal agency;

10 (b) Incur the entire expense of any public improvements made by such
11 public body in exercising the powers granted in this section;

12 (c) Do any and all things necessary to aid or cooperate in the planning
13 or carrying out of an urban renewal plan and related activities;

14 (d) Grant or contribute funds to an urban renewal agency and borrow
15 money and apply for and accept advances, loans, grants, contributions,
16 and any other form of financial assistance from the federal government,
17 the state, county or other public body, or from any other source;

18 (e) Enter into agreements (which may extend over any period,
19 notwithstanding any provision or rule of law to the contrary) with
20 the federal government, an urban renewal agency or other public body
21 respecting action to be taken pursuant to any of the powers granted
22 by this act, including the furnishing of funds or other assistance in
23 connection with an urban renewal project and related activities; and

24 (f) Cause administrative and other services to be furnished to the
25 urban renewal agency consistent with the urban renewal project or
26 project costs. If at any time title to or possession of any urban
27 renewal project is held by any public body or governmental agency,
28 other than the urban renewal agency, which is authorized by law to
29 engage in the undertaking, carrying out, or administration of urban
30 renewal projects and related activities, including any agency or
31 instrumentality of the United States of America, the provisions of the
32 agreements referred to in this section shall inure to the benefit of and
33 may be enforced by such public body or governmental agency.

34 (2) Any sale, conveyance, lease or agreement provided for in this
35 section may be made by a public body without appraisal, public notice,
36 advertisement or public bidding.

37 (3) For the purpose of aiding in the planning, undertaking or carrying
38 out of any urban renewal project and related activities of an urban renewal
39 agency, a municipality may, in addition to its other powers and upon such
40 terms, with or without consideration, as it may determine, do and perform
41 any or all of the actions or things which, by the provisions of subsection (1)
42 of this section, a public body is authorized to do or perform, including the
43 furnishing of financial and other assistance.

44 (4) For the purposes of this section, a municipality may, in addition to
45 its other powers:

46 (a) Appropriate such funds and make such expenditures as may be
47 necessary to carry out the purposes of this act, and levy taxes and
48 assessments for curbs and gutters, streets and sidewalks; zone or
49 rezone any part of the municipality or make exceptions from building

1 regulations; and enter into agreements with an urban renewal agency,
2 which agreements may extend over any period, notwithstanding any
3 provisions or rule of law to the contrary, respecting action to be taken
4 by such municipality pursuant to any of the powers granted by this act;

5 (b) Close, vacate, plan or replan streets, roads, sidewalks, ways or
6 other places; and plan or replan any part of the municipality;

7 (c) Within its area of operation, organize, coordinate and direct
8 the administration of the provisions of this act as they apply to such
9 municipality in order that the objectives of remedying deteriorating
10 areas and preventing the causes thereof, or promoting the creation or
11 retention of residential, commercial or industrial enterprise within
12 such municipality may be most effectively promoted and achieved,
13 and establish such new office or offices of the municipality or to
14 reorganize existing offices in order to carry out such purpose most
15 effectively; and

16 (d) Assume the responsibility to bear any loss that may arise as the
17 result of the exercise of authority by the urban renewal agency under
18 subsection (4) of section 50-3207, Idaho Code, in the event that the
19 real property is not made a part of the urban renewal project.

20 (5) For the purposes of this section, or for the purpose of aiding in
21 the planning, undertaking or carrying out of an urban renewal project and
22 related activities of a municipality, such municipality may issue and sell
23 its general obligation bonds. Any bonds issued by a municipality pursuant
24 to this section shall be issued in the manner and within the limitations
25 prescribed by the applicable laws of this state for the issuance and
26 authorization of general obligation bonds by such municipality. Nothing in
27 this section shall limit or otherwise adversely affect any other section of
28 this act.

29 (6) Purchase and buy or otherwise acquire land in a project area
30 from an agency for redevelopment in accordance with the plan, with or
31 without consideration, as the agency may determine. Any public body which
32 purchases, buys or otherwise acquires land in a project area from an agency
33 for development pursuant to this subsection shall become obligated to:

34 (a) Use the property for the purpose designated in the redevelopment
35 plans;

36 (b) Begin the redevelopment or development of the project area within a
37 period of time which the agency fixes as reasonable; and

38 (c) Comply with other conditions which the agency deems necessary to
39 carry out the purposes of this act.

40 50-3227. TITLE OF PURCHASER. Any instrument executed by an urban
41 renewal agency and purporting to convey any right, title or interest in
42 any property under this act shall be conclusively presumed to have been
43 executed in compliance with the provisions of this act insofar as title or
44 other interest of any bona fide purchasers, lessees or transferees of such
45 property is concerned.

46 50-3228. INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR
47 EMPLOYEES. (1) All commissioners and employees of the urban renewal agency

1 are subject to the provisions of chapter 2, title 59, Idaho Code, and chapter
2 7, title 59, Idaho Code.

3 (2) A commissioner shall not be prohibited from having an interest in
4 any contract made or entered into by the agency, if he strictly observes the
5 procedure set out in section 18-1361A, Idaho Code.

6 50-3229. DEFINITIONS. The following terms, wherever used or referred
7 to in this chapter, shall have the following meanings, unless a different
8 meaning is clearly indicated by the context:

9 (1) "Agency" or "urban renewal agency" means a public agency created by
10 section 50-3206, Idaho Code.

11 (2) "Area of operation" means the area within the corporate limits
12 of the municipality and the area within five (5) miles of such limits,
13 except that it shall not include any area that lies within the territorial
14 boundaries of another incorporated city or town or within the unincorporated
15 area of the county unless a resolution shall have been adopted by the
16 governing body of such other city, town or county declaring a need therefor.

17 (3) "Board" or "commission" means a board, commission, department,
18 division, office, body or other unit of the municipality.

19 (4) "Bonds" means any bonds, including refunding bonds, notes,
20 interim certificates, certificates of indebtedness, debentures or other
21 obligations.

22 (5) "Budget" means an annual estimate of revenues and expenses for the
23 following fiscal year of the agency.

24 (6) "Chair" means the chair of the board of county commissioners of a
25 municipality having the duties customarily imposed upon the executive head
26 of a municipality.

27 (7) "Clerk" means the clerk or other official of the municipality who is
28 the custodian of the official records of such municipality.

29 (8) "Competitively disadvantaged border community area" means a parcel
30 of land consisting of at least forty (40) acres that is situated within the
31 jurisdiction of a county or an incorporated city and within twenty-five (25)
32 miles of a state or international border, which the governing body of such
33 county or incorporated city has determined by ordinance is disadvantaged
34 in its ability to attract business, private investment, or commercial
35 development, as a result of a competitive advantage in the adjacent state or
36 nation resulting from inequities or disparities in comparative sales taxes,
37 income taxes, property taxes, population or unique geographic features.

38 (9) "Deteriorating area" means an area that is predominantly urbanized
39 as that term is defined in subsection (16) of this section, and that
40 by reason of deterioration, faulty planning, inadequate or improper
41 facilities, deleterious land use or the existence of unsafe structures, or
42 any combination of these factors, are detrimental to the safety, health or
43 welfare of the municipality. A deteriorating area is characterized by the
44 existence of one (1) or more of the following conditions:

45 (a) The existence of buildings and structures, used or intended to be
46 used for residential, commercial, industrial or other purposes, or any
47 combination thereof, which are unfit or unsafe for those purposes and
48 are conducive to ill health, transmission of disease, infant mortality,

1 juvenile delinquency or crime because of any one (1) or a combination of
2 the following conditions:

- 3 (i) Defective design and character of physical construction;
4 (ii) Faulty arrangement of the interior and spacing of buildings;
5 (iii) Overcrowding;
6 (iv) Inadequate provision for ventilation, light, sanitation,
7 open spaces and recreational facilities; or
8 (v) Age, obsolescence, deterioration, dilapidation, or shifting
9 of uses.

10 (b) An economic dislocation, deterioration or disuse.

11 (c) The subdividing and sale of lots of irregular form and shape and
12 inadequate size for proper usefulness and development.

13 (d) The laying out of lots in disregard of the contours and other
14 physical characteristics of the ground and surrounding conditions.

15 (e) The existence of inadequate streets, open spaces and utilities.

16 (f) The existence of lots or other areas that may be submerged.

17 (g) Prevalence of depreciated values, impaired investments and social
18 and economic maladjustment to such an extent that the capacity to pay
19 taxes is substantially reduced and tax receipts are inadequate for the
20 cost of public services rendered.

21 (h) A growing or total lack of proper utilization of some parts of the
22 area, resulting in a stagnant and unproductive condition of land that is
23 potentially useful and valuable for contributing to the public health,
24 safety and welfare.

25 (i) A loss of population and a reduction of proper use of some parts
26 of the area, resulting in its further deterioration and added costs
27 to the taxpayer for the creation of new public facilities and services
28 elsewhere.

29 (j) The environmental contamination of buildings or property.

30 (k) An area that is predominantly open and that consists primarily
31 of an abandoned highway corridor, or that consists of land upon which
32 buildings or structures have been demolished and that, because of
33 obsolete platting, diversity of ownership, deterioration of structures
34 or of site improvements, or otherwise, substantially impairs or arrests
35 the sound growth of the community.

36 (l) Any disaster area referred to in section 50-3211, Idaho Code, shall
37 constitute a deteriorating area.

38 (10) "Economic development area" means any area or portion of an
39 area located within the municipality that does not meet the requirements
40 of a deteriorating area and that is characterized by the urban renewal
41 agency as an area appropriate for commercial and industrial enterprise,
42 public improvements related to housing and residential development, or
43 construction of affordable housing, workforce housing or residential
44 condominiums, or is a competitively disadvantaged border community area.

45 An economic development area created for development of commercial or
46 industrial enterprise should promote the creation or retention of public or
47 private jobs within the state through: (a) planning, design, development,
48 construction, rehabilitation, business relocation, or any combination of
49 these, within a municipality; (b) the provision of the office, industrial,
50 manufacturing, warehousing, distribution, parking, public, or other

1 facilities, or other improvements that benefit the state or a municipality;
2 or (c) the provision of adequate housing for employees, including the
3 planning, design, development, construction, or any combination of these,
4 for affordable housing, workforce housing or residential condominiums.

5 Provided however, this definition shall not apply to any agricultural
6 operation, as defined in section 22-4502(1), Idaho Code, absent the consent
7 of the owner of the agricultural operation, except for an agricultural
8 operation that has not been used for three (3) consecutive years.
9 Notwithstanding, the definition of "agricultural operation" was not
10 meant to include those uses allowed by city or county ordinances.

11 (11) "Federal government" includes the United States of America or any
12 agency or instrumentality, corporate or otherwise, of the United States of
13 America.

14 (12) "Local governing body" means the city council or board of county
15 commissioners of a municipality.

16 (13) "Mayor" means the mayor of a municipality or other officer or
17 body having the duties customarily imposed upon the executive head of a
18 municipality, such as a city manager.

19 (14) "Municipality" means any incorporated city or county in the state.

20 (15) "Person" means any individual, firm, partnership, corporation,
21 company, association, joint stock association, or body politic; and
22 includes any trustee, receiver, assignee, or other person acting in a
23 similar representative capacity.

24 (16) "Predominantly urbanized" means that not less than sixty-five
25 percent (65%) of the land in the project area is either of the following:

26 (a) Has been or is developed for urban uses.

27 (b) Is an integral part of one (1) or more areas developed for urban
28 uses that are surrounded or substantially surrounded by parcels that
29 have been or are developed for urban uses. Parcels separated by only an
30 improved right-of-way shall be deemed adjacent for the purpose of this
31 subdivision.

32 Provided that any land in the project area that constitutes a public open
33 space, park or other similar public use, shall not be included in calculating
34 the sixty-five percent (65%) limit.

35 (17) "Project costs" includes, but is not limited to:

36 (a) Capital costs, including the actual costs of the construction
37 of public works or improvements, facilities, buildings, structures,
38 and fixtures; the demolition, alteration, remodeling, repair or
39 reconstruction of existing buildings, structures, and fixtures; the
40 acquisition of equipment to service the district; the removal or
41 containment of, or the restoration of soil or ground water affected by,
42 environmental pollution; and the clearing and grading of land;

43 (b) Financing costs, including interest during construction and
44 capitalized debt service or repair and replacement or other appropriate
45 reserves;

46 (c) Real property assembly costs, meaning any deficit incurred
47 resulting from the sale or lease by a municipality of real or personal
48 property within a revenue allocation district;

49 (d) Professional service costs, including those costs incurred for
50 architectural, planning, engineering, and legal advice and services;

- 1 (e) Direct administrative costs, including reasonable charges for the
2 time spent by municipal employees in connection with the implementation
3 of a project plan;
- 4 (f) Relocation costs;
- 5 (g) Organization costs, including the costs of conducting
6 environmental impact and other studies and the costs of informing the
7 public with respect to the creation of a revenue allocation area and the
8 implementation of project plans;
- 9 (h) Costs related to the construction or alteration of sewerage
10 treatment plants, water treatment plants or other environmental
11 protection devices, storm or sanitary sewer lines, water lines,
12 or amenities on streets or the rebuilding or expansion of streets,
13 the construction, alteration, rebuilding or expansion of which is
14 necessitated by the project plan for an urban renewal area and is within
15 the area;
- 16 (i) Costs related to the construction or alteration of sewerage
17 treatment plants, water treatment plants or other environmental
18 protection devices, storm or sanitary sewer lines, water lines,
19 or amenities on streets outside the urban renewal area if the
20 construction, alteration, rebuilding or expansion is necessitated
21 by the project plan for an urban renewal area, and if at the time the
22 construction, alteration, rebuilding or expansion begins there are
23 improvements of the kinds named in this subdivision on the land outside
24 the district in respect to which the costs are to be incurred;
- 25 (j) Costs related to the construction of general purpose government
26 buildings, municipal buildings, administration buildings, fire
27 stations, city police precincts and libraries that predominately serve
28 the urban renewal area and costs related to the construction of courts
29 or other judicial buildings and predominately serve a deteriorating
30 area only;
- 31 (k) Costs related to economic development and environmental
32 improvements within the urban renewal area including, but not limited
33 to:
- 34 (i) Costs of funding economic development programs or events or
35 funding the marketing of the urban renewal area as a business or
36 arts location; and
- 37 (ii) Costs of funding environmental improvement projects;
- 38 (l) Costs related to transit including, but not limited to:
- 39 (i) Costs, both within and outside of the urban renewal area, of
40 adding to the municipality's existing transit system or creating a
41 new transit service including, but not limited to, salaries, fuel
42 and maintenance; and
- 43 (ii) Costs of funding capital investments including, but
44 not limited to: transit vehicles, such as buses, vans,
45 rail conveyances and related equipment; bus shelters and
46 other transit-related structures; benches, signs and other
47 transit-related infrastructure; bicycle lane construction
48 and other bicycle-related improvements; and such pedestrian
49 improvements as crosswalks, crosswalk signals and warning systems
50 and crosswalk curb treatments. Costs of vehicles are included

1 whether wholly or partially operating within the urban renewal
2 area. Costs relative to fixed improvements are included only if
3 those improvements are located within the urban renewal area.

4 (m) Other costs incidental to any of the foregoing costs.
5 Notwithstanding the provisions of subsections (a) through (l) of
6 this section, an agency may not use revenue allocation funds to
7 construct general purpose government buildings, municipal buildings,
8 administration buildings, fire stations, city police precincts and
9 libraries that do not predominately serve the urban renewal area, and to
10 construct courts or other judicial buildings that do not predominately
11 serve a deteriorating area provided that the urban renewal agency may
12 use nonrevenue allocation funds for such purposes.

13 (18) "Public body" means the state or any municipality, township,
14 board, commission, authority, district, or any other subdivision or public
15 body of the state.

16 (19) "Public officer" means any officer who is in charge of any
17 department or branch of the government of the municipality relating to
18 health, fire, building regulations, or to other activities concerning
19 dwellings in the municipality.

20 (20) "Obligee" includes any bondholder, agents or trustees for any
21 bondholders, or lessor demising to the municipality property used in
22 connection with urban renewal, or any assignee or assignees of such lessor's
23 interest or any part thereof, and the federal government when it is a party
24 to any contract with the municipality.

25 (21) "Open land" means vacant or unimproved land or land not developed
26 beyond agricultural or forestry use.

27 (22) "Real property" shall include all lands, including improvements
28 and fixtures thereon, and property of any nature appurtenant thereto, or
29 used in connection therewith, and every estate, interest, right and use,
30 legal or equitable, therein, including terms for years and liens by way of
31 judgment, mortgage or otherwise.

32 (23) "Related activities" means the functions related to the
33 acquisition and disposal of real property pursuant to section 50-3220(4),
34 Idaho Code.

35 (24) "Transit" means transportation systems in which people travel by
36 means other than by private passenger vehicle including, but not limited to,
37 bus systems, streetcars, light rail and other rail systems.

38 (25) "Transit facility" means a place providing access to transit
39 services, including, but not limited to, bus stops, bus stations,
40 interchanges on a highway used by one (1) or more transit providers,
41 train stations, shuttle terminals and bus rapid transit stops.

42 (26) "Urban renewal area" means a deteriorating area, an economic
43 development area, or a combination thereof which the local governing body
44 designates as appropriate for an urban renewal project, and to which an urban
45 renewal plan, and all amendments thereto, is applicable.

46 Provided however, an urban renewal area shall not apply to any
47 agricultural operation, as defined in section 22-4502(1), Idaho Code,
48 absent the consent of the owner of the agricultural operation, except for
49 an agricultural operation that has not been used for three (3) consecutive

1 years. Notwithstanding, the definition of "agricultural operation" was not
2 meant to include those uses allowed by city or county ordinances.

3 (27) "Urban renewal plan" means a plan, as it exists from time to time,
4 for an urban renewal project, which plan:

5 (a) Shall conform to the general plan for the municipality as a whole;
6 and

7 (b) Shall be sufficiently complete to indicate such land acquisition,
8 demolition and removal of structures, redevelopment, development,
9 improvements, and rehabilitation as may be proposed to be carried out in
10 the urban renewal area, zoning and planning changes, if any, land uses,
11 maximum densities, building requirements, and any method or methods
12 of financing such plan, which methods may include revenue allocation
13 financing provisions.

14 (28) "Urban renewal project" may include undertakings and activities
15 of a municipality in an urban renewal area for the elimination and for the
16 prevention of the development or spread of deteriorating areas, may include
17 the designation and development of an economic development area, and may
18 involve clearance of structures and redevelopment in an urban renewal area,
19 or development, or rehabilitation or conservation in an urban renewal area,
20 or any combination or part thereof in accordance with an urban renewal plan.
21 Such undertakings and activities may include:

22 (a) Acquisition of a deteriorating area, an economic development area,
23 or portion thereof;

24 (b) Demolition and removal of buildings and improvements;

25 (c) Installation, construction, or reconstruction of streets,
26 utilities, parks, pedestrian infrastructure including, but not limited
27 to, pathways, sidewalks, streetscapes, plazas and other open spaces;
28 playgrounds and recreation facilities that predominately serve the
29 project area; off-street parking facilities; transit systems or
30 services; public facilities or buildings and other improvements
31 necessary for carrying out in the urban renewal area the urban renewal
32 objectives of this chapter in accordance with the urban renewal plan;

33 (d) Disposition of any property acquired in the urban renewal area,
34 including sale, initial leasing or retention by the agency itself, at
35 its fair value for uses in accordance with the urban renewal plan except
36 for disposition of property to another public body;

37 (e) Carrying out plans for a program of voluntary or compulsory repair
38 and rehabilitation of buildings or other development, or improvements
39 in accordance with the urban renewal plan;

40 (f) Acquisition of real property in the urban renewal area which, under
41 the urban renewal plan, is to be repaired or rehabilitated for dwelling
42 use or related facilities, repair or rehabilitation of the structures
43 for guidance purposes, and resale of the property;

44 (g) Acquisition of any other real property in the urban renewal
45 area where necessary to eliminate unhealthful, insanitary or unsafe
46 conditions, eliminate obsolete or other uses detrimental to the
47 public welfare, or otherwise to remove or to prevent the spread of
48 a deteriorating area, or to promote the creation or retention of
49 residential, commercial or industrial enterprise, or to provide land
50 for needed public facilities;

- 1 (h) Using, lending or investing federal funds;
2 (i) Construction of foundations, platforms and other like structural
3 forms;
4 (j) Construction of improvements to the exterior portions of buildings
5 in order to bring buildings within the urban renewal area into
6 conformity with an architectural theme;
7 (k) Construction of affordable housing as defined in section
8 67-8203(1), Idaho Code;
9 (l) Construction of workforce housing that applies to households that
10 earn from eighty percent (80%) to one hundred forty percent (140%) of
11 the area median income (AMI);
12 (m) Acquisition of vehicles for transit including, but not limited to,
13 rolling stock and buses;
14 (n) Construction of transit facilities;
15 (o) Construction of maintenance facilities and energy facilities;
16 (p) Construction of sustainable infrastructure projects to further
17 the goals of conserving energy, water and natural resources,
18 reducing greenhouse gas emissions, improving air and water quality,
19 encouraging low-impact energy production and use, and preserving and
20 creating green space. Such projects include, but are not limited to,
21 public transportation, geothermal heating systems, high-efficiency
22 buildings, local energy production, stormwater runoff reuse programs,
23 and street trees and other plantings;
24 (q) Carrying out plans for compliance with the Americans with
25 disabilities act, or other improvements in accordance with the urban
26 renewal plan;
27 (r) Acquisition of works of art, including sculptures, statues,
28 paintings, murals, and other cultural items to be displayed in a public
29 area or plaza and which is in accordance with the urban renewal plan;
30 (s) Construction of facilities including, but not limited to, land,
31 rights in land, buildings, structures, machinery, landscaping,
32 extension of utility services, approaches, roadways and parking,
33 handling and storage areas and similar auxiliary and related
34 facilities;
35 (t) Construction of telecommunications infrastructure to further the
36 public purpose of bringing access to information and technology to
37 urban and rural areas; and
38 (u) Construction of improvements to buildings for purposes of historic
39 preservation.

40 50-3230. ANNUAL BUDGET -- BUDGET FOR PLAN TERMINATION. (1) An
41 agency shall, by September 30 of each calendar year except as set forth in
42 subsection (2) of this section, adopt and publish, as described in section
43 50-1002, Idaho Code, a budget for the next fiscal year. An agency may amend
44 its adopted budget using the same procedures as used for adoption of the
45 budget.

46 (2) For the fiscal year that immediately predates the termination date
47 for an urban renewal plan involving a revenue allocation area or will include
48 the termination date, the agency shall by September 1 adopt and publish a
49 budget specifically for the projected revenues and expenses of the plan

1 and make a determination as to whether the revenue allocation area can be
2 terminated before January 1 of the termination year pursuant to the terms of
3 section 50-3241(4), Idaho Code.

4 (3) In the event that the agency determines that current tax year
5 revenues are sufficient to cover all estimated expenses for the current year
6 and all future years, by September 1 the agency shall adopt a resolution
7 advising and notifying the local governing body, the county auditor, and
8 the state tax commission and recommending the adoption of an ordinance for
9 termination of the revenue allocation area by December 31 of the current year
10 and declaring a surplus to be distributed as described in section 50-3241,
11 Idaho Code, should a surplus be determined to exist. The agency shall cause
12 the ordinance to be filed with the office of the county recorder and the
13 Idaho state tax commission as provided in section 63-215, Idaho Code. Upon
14 notification of revenues sufficient to cover expenses as provided herein,
15 the increment value of that revenue allocation area shall be included in the
16 net taxable value of the appropriate taxing districts when calculating the
17 subsequent property tax levies pursuant to section 63-803, Idaho Code. The
18 increment value shall also be included in subsequent notification of taxable
19 value for each taxing district pursuant to section 63-1312, Idaho Code,
20 and subsequent certification of actual and adjusted market values for each
21 school district pursuant to section 63-315, Idaho Code.

22 50-3231. LIMITATIONS ON REVIEW OF ADOPTION OR MODIFICATION OF
23 PLAN, AND ISSUANCE OF BONDS. (1) No direct or collateral action attacking
24 or otherwise questioning the validity of any urban renewal plan,
25 project or modification thereto, including one (1) containing a revenue
26 allocation provision, or the adoption or approval of such plan, project or
27 modification, or any of the findings or determinations of the agency or the
28 local governing body in connection with such plan, project or modification,
29 shall be brought prior to the effective date of the ordinance adopting or
30 modifying the plan. No direct or collateral action attacking or otherwise
31 questioning the validity of bonds issued pursuant to section 50-3223, Idaho
32 Code, shall be brought prior to the effective date of the resolution or
33 ordinance authorizing such bonds.

34 (2) For a period of thirty (30) days after the effective date of the
35 ordinance or resolution, any person in interest shall have the right to
36 contest the legality of such ordinance, resolution or proceeding or any
37 bonds which may be authorized thereby. No contest or proceeding to question
38 the validity or legality of any ordinance, resolution or proceeding, or
39 any bonds which may be authorized thereby, passed or adopted under the
40 provisions of this chapter shall be brought in any court by any person for
41 any cause whatsoever, after the expiration of thirty (30) days from the
42 effective date of the ordinance, resolution or proceeding, and after such
43 time the validity, legality and regularity of such ordinance, resolution or
44 proceeding or any bonds authorized thereby shall be conclusively presumed.
45 If the question of the validity of any adopted plan or bonds issued pursuant
46 to this chapter is not raised within thirty (30) days from the effective date
47 of the ordinance, resolution or proceeding issuing said bonds and fixing
48 their terms, the authority of the plan, the authority adopting the plan, or
49 the authority to issue the bonds, and the legality thereof, the same shall

1 be conclusively presumed and no court shall thereafter have authority to
2 inquire into such matters.

3 50-3232. SEVERABILITY. The provisions of the Idaho Urban Reinvestment
4 Act as it now exists or may hereafter be amended are hereby declared to
5 be severable and if any provision of this act or the application of such
6 provision to any person or circumstance is declared invalid for any reason,
7 such declaration shall not affect the validity of remaining portions of this
8 act.

9 50-3233. LIMITATIONS ON APPLICABILITY OF PLANS ADOPTED BEFORE JANUARY
10 1, 2011 -- AMENDMENT OF PREVIOUSLY ADOPTED URBAN RENEWAL PLAN. (1) Nothing in
11 this chapter may be construed to:

12 (a) Impose a requirement or obligation on an urban renewal agency, with
13 respect to an urban renewal plan adopted or urban renewal agency action
14 taken, that was not imposed by the law in effect at the time the urban
15 renewal plan was adopted or the action taken;

16 (b) Prohibit an urban renewal agency from taking an action that:

17 (i) Was allowed by the law in effect immediately before an
18 applicable amendment to this title;

19 (ii) Is permitted or required under the urban renewal plan adopted
20 before the amendment; and

21 (iii) Is not explicitly prohibited under this title;

22 (c) Revoke any right to challenge any action of the urban renewal agency
23 that had already expired; or

24 (d) Require an urban renewal plan to contain a provision that was not
25 required by the law in effect at the time the urban renewal plan was
26 adopted.

27 (2) (a) An urban renewal plan created after this title becomes
28 effective must be created as provided in this title. Amendments to
29 an urban renewal plan created before this title becomes effective are
30 subject only to the provisions of chapters 20 and 29, title 50, Idaho
31 Code, unless the amendment extends the termination date as allowed
32 pursuant to section 50-3238, Idaho Code.

33 (b) Any urban renewal agency created after this title becomes effective
34 shall be subject to this title.

35 50-3234. AGENCY HAS NO POWER OF TAXATION. No Agency created by this
36 chapter has any power to levy or assess any real property taxes, personal
37 property taxes, or any other form of taxes.

38 50-3235. SHORT TITLE. Sections 50-3235 through 50-3248, Idaho Code,
39 shall be known and may be cited as the "Local Economic Development Act."

40 50-3236. FINDINGS AND PURPOSE. It is hereby found and declared that
41 there exists in municipalities of the state a need to raise revenue to
42 finance the economic growth and development of urban renewal areas and
43 competitively disadvantaged border community areas. The purpose of this
44 act is to provide for the allocation of a portion of the property taxes
45 levied against taxable property located in a revenue allocation area for a

1 limited period of time to assist in the financing of urban renewal plans,
2 to encourage private development in urban renewal areas and competitively
3 disadvantaged border community areas, to promote the creation or retention
4 of residential, commercial or industrial enterprise, to prevent or arrest
5 the decay of urban areas due to the inability of existing financing methods
6 to promote needed public improvements, to encourage affected taxing
7 districts to cooperate in the allocation of future tax revenues arising in
8 urban areas and competitively disadvantaged border community areas in order
9 to facilitate the long-term growth of their common tax base, and to encourage
10 private investment within urban areas and competitively disadvantaged
11 border community areas. The foregoing purposes are hereby declared to be
12 valid public purposes for municipalities.

13 50-3237. DEFINITIONS. In addition to the definitions set forth in
14 section 50-3229, the following terms used in sections 50-3235 through
15 50-3248, Idaho Code, shall have the following meanings, unless the context
16 otherwise requires:

17 (1) "Affected taxing district" means a taxing district which levied
18 or certified for levy a property tax on any portion of the taxable property
19 located within an urban renewal area.

20 (2) "Base assessment roll" means the equalized assessment rolls,
21 for all classes of taxable property, on January 1 of the year in which the
22 local governing body of an authorized municipality passes an ordinance
23 adopting or modifying an urban renewal plan containing a revenue allocation
24 financing provision, except that the base assessment roll shall be adjusted
25 as follows: the equalized assessment valuation of the taxable property in
26 a revenue allocation area as shown upon the base assessment roll shall be
27 reduced by the amount by which the equalized assessed valuation as shown on
28 the base assessment roll exceeds the current equalized assessed valuation
29 of any taxable property located in the revenue allocation area, and by the
30 equalized assessed valuation of taxable property in such revenue allocation
31 area that becomes exempt from taxation subsequent to the date of the base
32 assessment roll. The equalized assessed valuation of the taxable property
33 in a revenue allocation area as shown on the base assessment roll shall be
34 increased by the equalized assessed valuation, as of the date of the base
35 assessment roll, of taxable property in such revenue allocation area that
36 becomes taxable after the date of the base assessment roll.

37 (3) "Increment value" means the total value calculated by summing the
38 differences between the current equalized value of each taxable property in
39 the revenue allocation area and that property's current base value on the
40 base assessment roll, provided such difference is a positive value.

41 (4) "Revenue allocation area" means a contiguous geographic area
42 within a municipality defined and created by ordinance of the local
43 governing body.

44 (5) "Sponsoring municipality" means an incorporated city, or county,
45 or a combination of both, which has established an urban renewal agency,
46 or by ordinance has identified and created a competitively disadvantaged
47 border community and has adopted an urban renewal plan containing a revenue
48 allocation provision.

49 (6) "State" means the state of Idaho.

1 (7) "Tax" or "taxes" means all property tax levies upon taxable
2 property.

3 (8) "Taxable property" means taxable real property, personal property,
4 operating property, or any other tangible or intangible property included on
5 the equalized assessment rolls.

6 (9) "Taxing district" means any entity or unit with statutory authority
7 to levy a property tax.

8 (10) "Termination date" means for an urban renewal area based upon
9 a finding that the area is an economic development area and that no part
10 contains a deteriorating area is a specific date no later than twenty (20)
11 years from the effective date of an urban renewal plan or as described in
12 section 50-3238, Idaho Code, on which date the plan shall terminate. The
13 termination date for an urban renewal area, based upon a finding that the
14 area, is a deteriorating area is a specific date no later than twenty (20)
15 years from the effective date of the urban renewal plan or as described
16 in section 50-3238, Idaho Code, on which date the plan shall terminate.
17 Each urban renewal plan shall have a termination date that can be modified
18 or extended subject to the twelve (12) year maximum limitation for urban
19 renewal plans based upon a finding that the area is an economic development
20 area and twenty (20) year maximum limitation for urban renewal plans based
21 upon a finding that the area is a deteriorating area. Provided however,
22 the duration of a revenue allocation financing provision may be extended as
23 provided in section 50-3225, Idaho Code.

24 50-3238. AUTHORITY TO CREATE REVENUE ALLOCATION AREA. An authorized
25 municipality is hereby authorized and empowered to adopt, at any time,
26 a revenue allocation financing provision, as described in this chapter,
27 as part of an urban renewal plan or competitively disadvantaged border
28 community area ordinance. A revenue allocation financing provision may
29 be adopted either at the time of the original adoption of an urban renewal
30 plan or the creation by ordinance of a competitively disadvantaged border
31 community area or thereafter as a modification of an urban renewal plan or
32 the ordinance creating the competitively disadvantaged border community
33 area. Urban renewal plans existing prior to the effective date of this
34 section may be modified to include a revenue allocation financing provision.
35 Except as provided in subsections (1) and (2) of this section, no revenue
36 allocation provision of an urban renewal plan for an urban renewal area based
37 upon a finding that the area is solely an economic development area, that
38 in no part contains a deteriorating area, or competitively disadvantaged
39 border community area ordinance, including all amendments thereto, shall
40 have a duration exceeding twelve (12) years from the date the plan is
41 approved by the municipality; and provided further, no additions to the land
42 area of an existing revenue allocation area shall be permitted. Provided
43 further, no revenue allocation provision of an urban renewal plan for an
44 urban renewal area based upon a finding that the area is a deteriorating
45 area, that may contain an economic development area, including all
46 amendments thereto, shall have a duration exceeding twenty (20) years
47 from the date the ordinance is approved by the municipality; and provided
48 further, no additions to the land area of an existing revenue allocation area
49 shall be interpreted to or shall cause an extension of the date of the twenty

1 (20) year limit that was originally established for the revenue allocation
2 area shall be permitted. Notwithstanding these limitations, the duration of
3 the revenue allocation financing provision may be extended if:

4 (1) The maturity date of any bonds issued to provide funds for a
5 specific project in the revenue allocation area and payable from the
6 revenue allocation financing provision exceeds the duration of the revenue
7 allocation financing provision, provided such bond maturity is not greater
8 than twenty (20) years for an urban renewal area based upon a finding that the
9 area is solely an economic development area, and no greater than twenty-four
10 (24) years for an urban renewal area based upon a finding that the area is a
11 deteriorating area, or a combination of a deteriorating area and an economic
12 development area; or

13 (2) The urban renewal agency determines that it is necessary to
14 refinance outstanding bonds payable from the revenue allocation financing
15 provision to a maturity exceeding the twelve (12) year duration of the
16 revenue allocation financing provision for an urban renewal area based
17 upon a finding that the area is solely an economic development area, or
18 to a maturity exceeding the twenty-four (24) year duration of the revenue
19 allocation financing provision for an urban renewal area based upon a
20 finding that the area is a deteriorating area, or a combination of a
21 deteriorating area and an economic development area in order to avoid a
22 default on the bonds.

23 (3) During the extensions set forth in subsections (1) and (2) of
24 this section, any revenue allocation area revenues exceeding the amount
25 necessary to repay the bonds during the period exceeding the maximum year
26 maturity of the revenue allocation financing provision shall be returned to
27 the affected taxing districts in the revenue allocation area on a pro rata
28 basis.

29 (4) A budget for plan termination is required as set forth in section
30 50-3230, Idaho Code.

31 50-3239. TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTION AND OTHER
32 DOCUMENTS TO TAXING AGENCIES. (1) After the effective date of an ordinance
33 enacted by the local governing body of an authorized municipality, the clerk
34 of the authorized municipality shall transmit, to the county auditor and tax
35 assessor of the county in which the revenue allocation area is located, to
36 the affected taxing districts, and to the state tax commission, a copy of the
37 ordinance enacted, a copy of the legal description of the boundaries of the
38 revenue allocation area, and a map indicating the boundaries of the revenue
39 allocation area.

40 (2) For revenue allocation areas extending beyond the corporate
41 municipal boundary of the municipality, the copy of the ordinance enacted
42 by the authorized municipality shall include, as an attachment, a copy of
43 the transfer of powers ordinance adopted by the cooperating county under
44 sections 50-3209(1)(b) and 50-3213(1)(b), Idaho Code.

45 (3) Such documents required by subsections (1) and (2) of this section
46 shall be transmitted within the time required by section 63-215, Idaho Code.

47 50-3240. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND --
48 LIMITATIONS. (1) For purposes of calculating the rate at which taxes shall be

1 levied by or for each affected taxing district in which a revenue allocation
2 area is located, the county commissioners shall, with respect to the
3 taxable property located in such revenue allocation area, use the equalized
4 assessed value of such taxable property as shown on the base assessment roll
5 rather than on the current equalized assessed valuation of such taxable
6 property, except the current equalized assessed valuation shall be used for
7 calculating the tax rate for:

8 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho
9 Code, and any judgment pursuant to section 33-802(1), Idaho Code,
10 certified after December 31, 2007;

11 (b) Levies permitted pursuant to section 63-802(3), Idaho Code,
12 certified after December 31, 2007;

13 (c) Levies for voter approved general obligation bonds of any taxing
14 district and plant facility reserve fund levies passed after December
15 31, 2007;

16 (d) Levies set forth in paragraphs (1)(a) through (c) of this
17 subsection, first certified prior to December 31, 2007, when the
18 property affected by said levies is included within the boundaries of a
19 revenue allocation area by an amendment to the boundaries of either the
20 revenue allocation area or any taxing district after December 31, 2007,
21 except in the case of the consolidation of existing revenue allocation
22 areas; and

23 (e) School levies for supplemental maintenance and operation pursuant
24 to section 33-802(3) and (4), Idaho Code, approved after December 31,
25 2007.

26 (2) With respect to each such affected taxing district, the tax rate
27 calculated under subsection (1) of this section shall be applied to the
28 current equalized assessed valuation of all taxable property in the affected
29 taxing district, including the taxable property in the revenue allocation
30 area. The tax revenues thereby produced shall be allocated as follows:

31 (a) To the affected taxing district shall be allocated and shall be paid
32 by the county treasurer:

33 (i) All taxes levied by the affected taxing district or on its
34 behalf on taxable property located within the affected taxing
35 district but outside the revenue allocation area;

36 (ii) A portion of the taxes levied by the affected taxing district
37 or on its behalf on the taxable property located within the
38 revenue allocation area, which portion is the amount produced
39 by applying the affected taxing district's tax rate determined
40 under subsection (1) of this section to the equalized assessed
41 valuation, as shown on the base assessment roll, of the taxable
42 property located within the revenue allocation area; and

43 (iii) All taxes levied by the taxing district to satisfy
44 obligations specified in subsection (1)(a) through (e) of this
45 section.

46 (b) To the urban renewal agency shall be allocated the balance, if any,
47 of the taxes levied on the taxable property located within the revenue
48 allocation area. New revenue allocation areas created after December
49 31, 2007, shall be entitled to the taxes generated by levies set forth

1 in subsections (1) (a) through (c) of this section certified prior to
2 December 31, 2007.

3 (3) Upon enactment of an ordinance adopting a revenue allocation
4 financing provision as part of an urban renewal plan, the urban renewal
5 agency shall create a special fund or funds to be used for the purposes
6 enumerated in this chapter. The revenues allocated to the urban renewal
7 agency pursuant to this chapter, shall be paid to the agency by the treasurer
8 of the county in which the revenue allocation district is located and shall
9 be deposited by the agency into one (1) or more of such special funds. The
10 agency may, in addition, deposit into such special fund or funds such other
11 income, proceeds, revenues and funds it may receive from sources other than
12 the revenues allocated to it under subsection (2) (b) of this section.

13 (4) For the purposes of section 63-803, Idaho Code, during the period
14 when revenue allocation under this chapter is in effect, and solely with
15 respect to any affected taxing district in which a revenue allocation area is
16 located, the county commissioners shall, in fixing any tax levy other than
17 the levy specified in subsection (1) (a) through (e) of this section, take
18 into consideration the equalized assessed valuation of the taxable property
19 situated in the revenue allocation area as shown in the base assessment roll,
20 rather than the current equalized assessed value of such taxable property.

21 (5) For all other purposes, including, without limitation, for
22 purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in
23 the Idaho Code to the term "market value for assessment purposes," or any
24 other such similar term, shall mean market value for assessment purposes as
25 defined in section 63-208, Idaho Code.

26 (6) For an urban renewal plan adopted on or after July 1, 2010, an urban
27 renewal agency shall not be allocated any revenue allocation exceeding the
28 limitations under the provisions of this subsection if:

29 (a) The base assessment roll or rolls of revenue allocation area or
30 areas exceeds, at the time the revenue allocation area is adopted, a
31 figure equal to ten percent (10%) of the current assessed valuation of
32 all taxable property within the sponsoring municipality; or

33 (b) The urban renewal land area of the revenue allocation area, when
34 added to the areas included in other revenue allocation area of the
35 sponsoring municipality providing revenue allocation financing,
36 exceeds a figure equal to fifteen percent (15%) of the total land area of
37 the sponsoring municipality.

38 (7) The state tax commission must issue a preliminary certification
39 statement prior to the passage of the ordinance containing a revenue
40 allocation provision as set forth in section 50-3209(g) and (h), Idaho
41 Code, and section 50-3215(f) and (g), Idaho Code, that the urban renewal
42 plan complies with the requirements of subsection (6) of this section. No
43 allocation of revenue allocation to the urban renewal agency shall occur
44 until the urban renewal plan meets the requirements of subsection (6) of this
45 section as certified by the state tax commission.

46 50-3241. ISSUANCE OF BONDS -- BOND PROVISIONS. (1) If the local
47 governing body of an authorized municipality has enacted an ordinance
48 adopting a revenue allocation financing provision as part of an urban

1 renewal plan, the urban renewal agency established by such municipality is
2 hereby authorized and empowered:

3 (a) To apply the revenues allocated to it pursuant to section 50-3240,
4 Idaho Code, for payment of the projected costs of any urban renewal
5 project located in the revenue allocation area;

6 (b) To borrow money, incur indebtedness and issue one (1) or more series
7 of bonds to finance or refinance, in whole or in part, the urban renewal
8 projects authorized pursuant to such plan within the limits established
9 by paragraph (c) of this subsection; and

10 (c) To pledge irrevocably to the payment of principal of and interest
11 on such moneys borrowed, indebtedness incurred or bonds issued by the
12 agency the revenues allocated to it pursuant to section 50-3240, Idaho
13 Code. All bonds issued under this section shall be issued in accordance
14 with section 50-3223, Idaho Code, except that such bonds shall be
15 payable solely from the special fund or funds established pursuant to
16 section 50-3227, Idaho Code.

17 (2) The agency shall be obligated and bound to pay such borrowed moneys,
18 indebtedness, and bonds as the same shall become due, but only to the extent
19 that the moneys are available in a special fund or funds established under
20 section 50-3240, Idaho Code; and the agency is authorized to maintain an
21 adequate reserve therefor from any moneys deposited in such a special fund
22 or funds.

23 (3) Nothing in this chapter shall in any way impair any powers an urban
24 renewal agency may have under subsection (1) of section 50-3223, Idaho Code.

25 (4) When the revenue allocation area plan budget, as described in
26 section 50-3240, Idaho Code, estimates that all financial obligations
27 have been provided for, the principal of and interest on such moneys,
28 indebtedness and bonds have been paid in full, or when deposits in the
29 special fund or funds created under this chapter are sufficient to pay
30 such principal and interest as they come due, and to fund reserves, if any,
31 or any other obligations of the agency funded through revenue allocation
32 proceeds shall be satisfied and the agency has determined no additional
33 project costs need be funded through revenue allocation financing, the
34 allocation of revenues under section 50-3240, Idaho Code, shall thereupon
35 cease; any moneys in such fund or funds in excess of the amount necessary
36 to pay such principal and interest shall be distributed to the affected
37 taxing districts in which the revenue allocation area is located in the same
38 manner and proportion as the most recent distribution to the affected taxing
39 districts of the taxes on the taxable property located within the revenue
40 allocation area; and the powers granted to the urban renewal agency under
41 section 50-3241, Idaho Code, shall thereupon terminate.

42 50-3242. BONDS NOT GENERAL OBLIGATION OF AGENCY OR MUNICIPALITY.
43 Except to the extent of moneys deposited in a special fund or funds under this
44 act and pledged to the payment of the principal of and interest on bonds or
45 other obligations, the agency shall not be liable on any such bonds or other
46 obligations. The bonds issued and other obligations incurred by any agency
47 under this chapter shall not constitute a general obligation or debt of any
48 municipality, the state or any of its political subdivisions. In no event
49 shall such bonds or other obligations give rise to general obligation or

1 liability of the agency, the municipality, the state, or any of its political
2 subdivisions, or give rise to a charge against their general credit or taxing
3 powers, or be payable out of any funds or properties other than the special
4 fund or funds of the agency pledged therefor; and such bonds and other
5 obligations shall so state on their face. Such bonds and other obligations
6 shall not constitute an indebtedness or the pledging of faith and credit
7 within the meaning of any constitutional or statutory debt limitation or
8 restriction.

9 50-3243. LEGISLATIVE CONSTRUCTION. Neither this act nor anything
10 herein contained is or shall be construed as a restriction or limitation
11 upon any powers which the agency might otherwise have under any laws of
12 this state, and this act is cumulative to any such powers. This act does
13 and shall be construed to provide a complete, additional, and alternative
14 method for the doing of the things authorized thereby and shall be regarded
15 as supplemental and additional to powers conferred by other laws. No
16 proceedings, notice or approval shall be required for the issuance of any
17 bonds, notes and other obligations or any instrument as security therefor,
18 except as is provided in this act.

19 50-3244. SEVERABILITY. The provisions of this act are hereby declared
20 to be severable and if any provision of this act or the application of such
21 provision to any person or circumstance is declared invalid for any reason,
22 such declaration shall not affect the validity of remaining portions of this
23 act.

24 50-3245. LIMITATIONS ON APPLICABILITY OF PLANS ADOPTED BEFORE JANUARY
25 1, 2011 -- AMENDMENT OF PREVIOUSLY ADOPTED URBAN RENEWAL PLAN. (1) Nothing in
26 this chapter may be construed to:

27 (a) Impose a requirement or obligation on an urban renewal agency, with
28 respect to an urban renewal plan adopted or urban renewal agency action
29 taken, that was not imposed by the law in effect at the time the urban
30 renewal plan was adopted or the action taken;

31 (b) Prohibit an urban renewal agency from taking an action that:

32 (i) Was allowed by the law in effect immediately before an
33 applicable amendment to this title;

34 (ii) Is permitted or required under the urban renewal plan adopted
35 before the amendment; and

36 (iii) Is not explicitly prohibited under this title;

37 (c) Revoke any right to challenge any action of the urban renewal agency
38 that had already expired; or

39 (d) Require an urban renewal plan to contain a provision that was not
40 required by the law in effect at the time the urban renewal plan was
41 adopted.

42 (2) (a) An urban renewal plan created after this chapter becomes
43 effective must be created as provided in this title. Amendments to an
44 urban renewal plan created before this chapter becomes effective are
45 subject only to the provisions of chapters 20 and 29, title 50, Idaho
46 Code, unless the amendment seeks to extend the termination date as
47 allowed pursuant to section 50-3238, Idaho Code.

1 (b) Any urban renewal agency created after this title becomes effective
2 shall be subject to this chapter.

3 50-3246. JOINT POWERS AGREEMENT. Public entities that partner with
4 the urban renewal agency for an urban renewal project are required to enter
5 into a joint powers agreement that expressly sets forth the authority of
6 each entity to enter into the transaction and each entity's responsibilities
7 under the transaction.

8 50-3247. TAX AND SPECIAL ASSESSMENT EXEMPTIONS. The property of an
9 urban renewal agency is declared to be public property used for essential
10 public purposes and such property and an agency shall be exempt from all
11 taxes and special assessments of the city, the county, the state or any
12 political subdivision thereof.