

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 507, As Amended

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2008, IDAHO CODE, TO PRO-  
2 VIDE THAT A PLAN PREPARED OR APPROVED FOR AN URBAN RENEWAL AREA SHALL  
3 BE LIMITED TO SPECIFIC PROJECTS AND SHALL INCLUDE CERTAIN SPECIFIC DE-  
4 SCRIPTIONS, TO ESTABLISH THAT MODIFICATIONS TO A PLAN SHALL COMPLY WITH  
5 THE SAME PROVISIONS AND TO MAKE A TECHNICAL CORRECTION.  
6

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

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

10 50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL  
11 PROJECT. (a) An urban renewal project for an urban renewal area shall not  
12 be planned or initiated unless the local governing body has, by resolution,  
13 determined such area to be a deteriorated area or a deteriorating area or  
14 a combination thereof and designated such area as appropriate for an urban  
15 renewal project.

16 (b) An urban renewal agency may itself prepare or cause to be prepared  
17 an urban renewal plan, or any person or agency, public or private, may sub-  
18 mit such a plan to an urban renewal agency. Prior to its approval of an urban  
19 renewal project, the local governing body shall submit such plan to the plan-  
20 ning commission of the municipality, if any, for review and recommendations  
21 as to its conformity with the general plan for the development of the munic-  
22 ipality as a whole. The planning commission shall submit its written recom-  
23 mendations with respect to the proposed urban renewal plan to the local gov-  
24 erning body within sixty (60) days after receipt of the plan for review. Upon  
25 receipt of the recommendations of the planning commission, or if no recom-  
26 mendations are received within said sixty (60) days, then without such rec-  
27 ommendations, the local governing body may proceed with the hearing on the  
28 proposed urban renewal project prescribed by subsection (c) ~~hereof~~ of this  
29 section.

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

37 (d) Following such hearing, the local governing body may approve an ur-  
38 ban renewal project and the plan therefor if it finds that (1) a feasible  
39 method exists for the location of families who will be displaced from the ur-  
40 ban renewal area in decent, safe and sanitary dwelling accommodations within  
41 their means and without undue hardship to such families; (2) the urban re-  
42 newal plan conforms to the general plan of the municipality as a whole; (3)

1 the urban renewal plan gives due consideration to the provision of adequate  
2 park and recreational areas and facilities that may be desirable for neigh-  
3 borhood improvement, with special consideration for the health, safety and  
4 welfare of children residing in the general vicinity of the site covered by  
5 the plan; and (4) the urban renewal plan will afford maximum opportunity,  
6 consistent with the sound needs of the municipality as a whole, for the reha-  
7 bilitation or redevelopment of the urban renewal area by private enterprise:  
8 Provided, that if the urban renewal area consists of an area of open land to  
9 be acquired by the urban renewal agency, such area shall not be so acquired  
10 unless (1) if it is to be developed for residential uses, the local governing  
11 body shall determine that a shortage of housing of sound standards and design  
12 which is decent, safe and sanitary exists in the municipality; that the need  
13 for housing accommodations has been or will be increased as a result of the  
14 clearance of slums in other areas; that the conditions of blight in the area  
15 and the shortage of decent, safe and sanitary housing cause or contribute to  
16 an increase in and spread of disease and crime and constitute a menace to the  
17 public health, safety, morals, or welfare; and that the acquisition of the  
18 area for residential uses is an integral part of and essential to the pro-  
19 gram of the municipality, or (2) if it is to be developed for nonresidential  
20 uses, the local governing body shall determine that such nonresidential uses  
21 are necessary and appropriate to facilitate the proper growth and develop-  
22 ment of the community in accordance with sound planning standards and local  
23 community objectives, which acquisition may require the exercise of govern-  
24 mental action, as provided in this act, because of defective or unusual con-  
25 ditions of title, diversity of ownership, tax delinquency, improper subdivi-  
26 sions, outmoded street patterns, deterioration of site, economic disuse,  
27 unsuitable topography or faulty lot layouts, the need for the correlation of  
28 the area with other areas of a municipality by streets and modern traffic re-  
29 quirements, or any combination of such factors or other conditions which re-  
30 tard development of the area.

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

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

43 (g) Notwithstanding any other provisions of this act, where the local  
44 governing body certifies that an area is in need of redevelopment or reha-  
45 bilitation as a result of a flood, fire, hurricane, earthquake, storm, or  
46 other catastrophe respecting which the governor of the state has certified  
47 the need for disaster assistance under 42 U.S.C. section 5121, or other fed-  
48 eral law, the local governing body may approve an urban renewal plan and an  
49 urban renewal project with respect to such area without regard to the pro-  
50 visions of subsection (d) of this section and the provisions of this section

1 requiring a general plan for the municipality and a public hearing on the ur-  
2 ban renewal project.

3 (h) (i) Any urban renewal plan containing a revenue allocation fi-  
4 nancing provision shall include the information set forth in section  
5 50-2905, Idaho Code.

6 (ii) A plan prepared or approved for an urban renewal area shall be lim-  
7 ited to specific projects, clearly and concisely described in such plan  
8 and shall include specific descriptions of the development, redevelop-  
9 ment, improvements, land to be acquired, and which, if any, existing  
10 structures are to be removed or demolished. Any modification of such  
11 plan shall be subject to the foregoing limitation.