

TAC Item 3: Clarifying the description of Blight, the constituents of and to allow open government with disclosure of the increased tax burden imposed on the tax payers of the municipality by the use of urban renewal.

To cause a clarification of the vague unspecific determining factors which combined, identify the qualifying components required to declare an urban renewal district in the existing 1965 law, Title 50 chapters 2004 lines 2-7 and 12, 2008 (a-d) and (e), 2018(10-11-12) are Amended and identified as (13)(14)(15) new definitions are added (12)(24)&(26), 2903 is amended in (21) and new definitions are added (17)(23) and 2904 (4)amended

These amendments will require that 21<sup>st</sup> century technology be employed to accurately identify each segment of a proposed urban renewal area by utilizing the 21<sup>st</sup> century construction and development standard for preparation of a project entitled the "Scope of Work" wherein a complete list of the intended actions, components, costs, time frame to complete, the termination of the urban renewal district and any included revenue allocation areas will be included. The "Scope of Work" is intended to supplant the "Plan".

To allow for effective public oversight Title 50 chapter 2008(c ) has been amended to identify the anticipated increase in the property tax burden imposed on the property tax payers of the municipality.

50-2004.WORKABLE PROGRAM. A municipality for the purposes of this act may formulate for the municipality a workable program which shall include a "Scope of Work" report enumerating the identity of each constituent segment of the composite qualifying alleged threat/s by location and physical condition to ensure the existing conditions comply with the required conditions of 50-2002 and for utilizing to utilize appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the enumerated objectives of such workable program. Such workable program may include, without limitation, provision for: the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and to cooperate with an urban renewal agency for the clearance and redevelopment of deteriorated or deteriorating areas or portions thereof.

50-2008 (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, ~~by resolution,~~ determined by an enumerated listing of each constituents qualifying condition as described within the "Scope of Work" section



50-2004, Idaho Code, such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall determine by an enumerated listing of each constituents qualifying condition as described within section 50-2004, Idaho Code before submitting ~~submit~~ such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said sixty (60) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall specifically identify the urban renewal area covered by the plan, the revenue allocation area and shall outline the ~~general~~ scope of the urban renewal project under consideration which shall include the anticipated increase in property tax that the urban renewal plan will impose on municipality and county.

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless ~~(1)~~ (5) if it is to be developed for residential uses, the local governing body shall determine by a private assessment of existing and planned inventories of, and absorption rates of, residential units within the municipality that a shortage of housing of sound standards



and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or ~~(2)~~ **(6)** if it is to be developed for nonresidential uses, the local governing body shall determine by a private feasibility study that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

(e) an urban renewal plan may not be modified unless unforeseen and undiscovered factors inhibit the original objectives as delineated within the plan. If such undiscovered factors should occur and exceed \$1,000,000.00 in cost; approval of the unforeseen and undiscovered factor will be required to meet all of the conditions of 50-2008. Preparation and Approval of Plan for Urban Renewal Project; prior to the unforeseen and undiscovered factors inclusion within the Plan and shall be entitled "Approval of Unforeseen and Undiscovered Expenditure".

~~(e) An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the urban renewal agency of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the urban renewal agency may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.~~

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

50-2018(10) "Revenue allocation area" shall mean that portion of an urban renewal area or competitively disadvantaged border community area where the equalized assessed valuation (as shown by the taxable property assessment rolls) of which the local governing body has



determined, on and as a part of an urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project or competitively disadvantaged border community area. The base assessment roll or rolls of revenue allocation area or areas shall not exceed at any time ten percent (10%) of the current assessed valuation of all taxable property within the municipality.

(11) "Revenue Allocation Financing Provision" shall mean a financial provision document only, identifying the method and distribution of allocated taxes from a revenue allocation area.

(12) "Approval of Unforeseen and Undiscovered Expenditure" shall mean an unforeseen expenditure that was not predicted or identified in the scope of work due to the lack of foreknowledge of the expenditure or inclusion within the preparation of the "Scope of Work".

(130) "Urban renewal project" may—include shall mean the undertakings and activities of a municipality in an urban renewal area which are described within the urban renewal plan "Scope of Work" for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

- (a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;
- (b) Demolition and removal of buildings and improvements;
- (c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;
- (d) Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the agency itself, at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;
- (e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (f) Acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;
- (g) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;
- (h) Lending or investing federal funds; and
- (i) Construction of foundations, platforms and other like structural forms.



(141) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates has determined by the enumeration of and identity of each constituent segment of the composite qualifying alleged threat/s as to location within the area and physical condition of each segment as appropriate for an urban renewal project.

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

(a) Shall conform to the general plan for the municipality as a whole except as provided in section 50-2008(g), Idaho Code; and

(b) Shall be sufficiently complete by enumeration of each condition to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation and estimated cost of each as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(24) Scope of Work shall mean a document describing the project goals, objectives, tasks, phases, sub phases, resources, "Project costs", schedules and time frame for completion of the project plan.

(25) "Highest and Best Use" shall mean, The reasonably probable and legal use of vacant land or improved property which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

(26) "Blight, shall mean, Urban Blight and the constituents thereof, but shall not include agricultural land nor forests."

50-2903 ~~(20)~~ (21) "Termination date" means a the specific date established within the urban renewal plan "scope of work" and shall be no later than the date established for completion of all work described within the "Scope of Work, twenty (20) years from the effective date of an urban renewal plan or as described in section 50-2904, Idaho Code, on which date the plan shall terminate. Every urban renewal plan shall have a termination date that can be modified or extended subject to the twenty (20) year maximum limitation only with approval by the local governing body. Provided however, the duration of a revenue allocation financing provision may be extended as provided in section 50-2904, Idaho Code.

50-2903 new definitions:

(17) Scope of Work means a document describing the project goals, objectives, tasks, phases, sub phases, resources, budget, schedules and time frame for completion of the project plan.

(23) "Blight, shall mean Urban Blight and the constituents thereof, but shall not include agricultural land nor forests."

50-2904 (4)amended (4) The local governing body has adopted an urban renewal plan or competitively disadvantaged border community area ordinance or an amendment to an urban renewal plan or competitively disadvantaged border community area ordinance after July 1, 2000, and prior to July 1, 2011, in which is defined the duration of the plan beyond a period of twenty (20) years in which case the revenue allocation provision shall have a duration as described in such urban renewal plan or competitively disadvantaged border community area ordinance. The duration of the revenue allocation financing provision set forth in this subsection may be extended if the maturity date of any bonds issued to provide funds for a specific project in the revenue allocation area and payable from the revenue allocation financing provision exceeds the duration of the revenue allocation financing provision, provided such bond maturity is not greater than ~~thirty (30)~~ (25) years or may be extended as set forth in subsection (2) of this section.