

HOUSE AMENDMENT NO.____
TO
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Offered By

AMEND House Amendment No.____ to House Committee Substitute for Senate Bill No. 302,
Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""99.320. As used in this law, the following terms mean:

(1) "Area of operation", in the case of a municipality, the area within the municipality except that the area of operation of a municipality under this law shall not include any area which lies within the territorial boundaries of another municipality unless a resolution has been adopted by the governing body of the other municipality declaring a need therefor; and in the case of a county, the area within the county, except that the area of operation in such case shall not include any area which lies within the territorial boundaries of a municipality unless a resolution has been adopted by the governing body of the municipality declaring a need therefor; and in the case of a regional authority, the area within the communities for which the regional authority is created, except that a regional authority shall not undertake a land clearance project within the territorial boundaries of any municipality unless a resolution has been adopted by the governing body of the municipality declaring that there is a need for the regional authority to undertake the land clearance project within such municipality; no authority shall operate in any area of operation in which another authority already established is undertaking or carrying out a land clearance project without the consent, by resolution, of the other authority;

(2) "Authority" or "land clearance for redevelopment authority", a public body corporate and politic created by or pursuant to section 99.330 or any other public body exercising the powers, rights and duties of such an authority;

(3) "Blighted area", ~~[an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use]~~ a structure:

(a) That was inspected by the appropriate local government and cited for one or more

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1 enforceable housing, maintenance, or building code violations that affect the safety of the occupants
 2 or the public and involve one or more of the following:

- 3 a. A roof and roof framing element;
- 4 b. Support walls, beams, and headers;
- 5 c. Foundation, footings, and subgrade conditions;
- 6 d. Light and ventilation;
- 7 e. Fire protection, including egress;
- 8 f. Internal utilities, including electricity, gas, and water;
- 9 g. Flooring and flooring elements; or
- 10 h. Walls, insulation, and exterior envelope;

11 (b) The cited housing, maintenance, or building code violations have not been remedied
 12 within a reasonable time after two notices to cure the noncompliance; and

13 (c) The satisfaction of those enforceable, cited, and uncured housing, maintenance, and
 14 building code violations cost more than fifty percent of the assessor's taxable marked value for the
 15 building, excluding land value, for property taxes payable in the year in which the condemnation is
 16 commenced;

17 (4) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures, or
 18 other obligations issued by an authority pursuant to this law;

19 (5) "Clerk", the clerk or other official of the municipality or county who is the custodian of
 20 the official records of the municipality or county;

21 (6) "Community", any county or municipality except that such term shall not include any
 22 municipality containing less than seventy-five thousand inhabitants until the governing body thereof
 23 shall have submitted the proposition of accepting the provisions of this law to the qualified voters
 24 therein at an election called and held as provided by law for the incurring of indebtedness by such
 25 municipality, and a majority of the voters voting at the election shall have voted in favor of such
 26 proposition;

27 (7) "Federal government", the United States of America or any agency or instrumentality,
 28 corporate or otherwise, of the United States of America;

29 (8) "Governing body", the city council, common council, board of aldermen or other
 30 legislative body charged with governing the municipality or the county commission or other
 31 legislative body charged with governing the county;

32 (9) "Insanitary area", an area in which there is a predominance of buildings and
 33 improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate
 34 provision for ventilation, light, air sanitation or open spaces, high density of population and
 35 overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life
 36 or property by fire and other causes, or any combination of such factors, is conducive to ill health,
 37 transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic
 38 or social liability and is detrimental to the public health, safety, morals, or welfare;

39 (10) "Land clearance project", any work or undertaking:

- 40 (a) To acquire blighted, or insanitary areas or portions thereof, including lands, structures,

1 or improvements the acquisition of which is necessary or incidental to the proper clearance,
 2 development or redevelopment of the blighted or insanitary areas or to the prevention of the spread
 3 or recurrence of substandard or insanitary conditions or conditions of blight;

4 (b) To clear any such areas by demolition or removal of existing buildings, structures,
 5 streets, utilities or other improvements thereon and to install, construct or reconstruct streets,
 6 utilities, and site improvements essential to the preparation of sites for uses in accordance with a
 7 redevelopment plan;

8 (c) To sell, lease or otherwise make available land in such areas for residential, recreational,
 9 commercial, industrial or other use or for public use or to retain such land for public use, in
 10 accordance with a redevelopment plan;

11 (d) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses,
 12 buildings, structures and other facilities;

13 (e) The term "land clearance project" may also include the preparation of a redevelopment
 14 plan, the planning, survey and other work incident to a land clearance project and the preparation of
 15 all plans and arrangements for carrying out a land clearance project and wherever the words "land
 16 clearance project" are used in this law, they shall also mean and include the words "urban renewal
 17 project" as defined in this section;

18 (11) "Mayor", the elected mayor of the city or the elected officer having the duties
 19 customarily imposed upon the mayor of the city or the executive head of a county;

20 (12) "Municipality", any incorporated city, town or village in the state;

21 (13) "Obligee", any bondholders, agents or trustees for any bondholders, lessor demising to
 22 the authority property used in connection with land clearance project, or any assignee or assignees
 23 of the lessor's interest or any part thereof, and the federal government when it is a party to any
 24 contract with the authority;

25 (14) "Person", any individual, firm, partnership, corporation, company, association, joint
 26 stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar
 27 representative thereof;

28 (15) "Public body", the state or any municipality, county, township, board, commission,
 29 authority, district, or any other subdivision of the state;

30 (16) "Real property", all lands, including improvements and fixtures thereon, and property
 31 of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and
 32 right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage
 33 or otherwise and the indebtedness secured by such liens;

34 (17) "Redeveloper", any person, partnership, or public or private corporation or agency
 35 which enters or proposes to enter into a redevelopment or rehabilitation or renewal contract;

36 (18) "Redevelopment contract", a contract entered into between an authority and
 37 redeveloper for the redevelopment, rehabilitation or renewal of an area in conformity with a
 38 redevelopment plan or an urban renewal plan;

39 (19) "Redevelopment", the process of undertaking and carrying out a redevelopment plan or
 40 urban renewal plan;

1 (20) "Redevelopment plan", a plan other than a preliminary or tentative plan for the
2 acquisition, clearance, reconstruction, rehabilitation, renewal or future use of a land clearance
3 project area, and shall be sufficiently complete to comply with subdivision (4) of section 99.430 and
4 shall be in compliance with a "workable program" for the city as a whole and wherever used in
5 sections 99.300 to 99.660 the words "redevelopment plan" shall also mean and include "urban
6 renewal plan" as defined in this section;

7 (21) "Urban renewal plan", a plan as it exists from time to time, for an urban renewal
8 project, which plan shall conform to the general plan for the municipality as a whole; and shall be
9 sufficiently complete to indicate such land acquisition, demolition and removal of structures,
10 redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of
11 the urban renewal project, zoning and planning changes, if any, land uses, maximum densities,
12 building requirements, and the relationship of the plan to definite local objectives respecting
13 appropriate land uses, improved traffic, public transportation, public utilities, recreational and
14 community facilities, and other public improvements; an urban renewal plan shall be prepared and
15 approved pursuant to the same procedure as provided with respect to a redevelopment plan;

16 (22) "Urban renewal project", any surveys, plans, undertakings and activities for the
17 elimination and for the prevention of the spread or development of insanitary, blighted, deteriorated
18 or deteriorating areas and may involve any work or undertaking for such purpose constituting a land
19 clearance project or any rehabilitation or conservation work, or any combination of such
20 undertaking or work in accordance with an urban renewal project; for this purpose, "rehabilitation
21 or conservation work" may include:

22 (a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of
23 buildings or other improvements;

24 (b) Acquisition of real property and demolition, removal or rehabilitation of buildings and
25 improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions,
26 lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public welfare, or to
27 otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed
28 public facilities;

29 (c) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses,
30 buildings, structures and other facilities;

31 (d) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and
32 other improvements necessary for carrying out the objectives of the urban renewal project; and

33 (e) The disposition, for uses in accordance with the objectives of the urban renewal project,
34 of any property or part thereof acquired in the area of the project; but such disposition shall be in the
35 manner prescribed in this law for the disposition of property in a land clearance project area;

36 (23) "Workable program", an official plan of action, as it exists from time to time, for
37 effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas
38 within the community and for the establishment and preservation of a well-planned community with
39 well-organized residential neighborhoods of decent homes and suitable living environment for
40 adequate family life, for utilizing appropriate private and public resources to eliminate and prevent

the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated and deteriorating areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program.

99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise,"; and

Further amend said amendment, Page 3, Lines 2-20, by deleting all of said lines and renumbering said section accordingly; and

Further amend said amendment, Page 16, Line 36, by deleting all of said line and inserting in lieu thereof the following:

"in any way a property tax levied under section 205.971.

523.271. ~~[1. No condemning authority shall acquire private property through the process of eminent domain for solely economic development purposes.~~

~~——— 2. For the purposes of this section, "economic development" shall mean a use of a specific piece of property or properties which would provide an increase in the tax base, tax revenues, employment, and general economic health, and does not include the elimination of blighted, substandard, or unsanitary conditions, or conditions rendering the property or its surrounding area a conservation area as defined in section 99.805.] Notwithstanding any other provision of law to the contrary, neither this state nor any political subdivision thereof nor any other condemning entity shall use eminent domain unless it is necessary for a public use. The term "public use" shall only mean the possession, occupation, and enjoyment of the land by the general public, or by public agencies; or the use of land for the creation of functioning of public utilities or common carriers; or the acquisition of abandoned or blighted property. The public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health, standing alone, shall not constitute a public use.~~

523.274. ~~[1. Where eminent domain authority is based upon a determination that a defined area is blighted, the condemning authority shall individually consider each parcel of property in the defined area with regard to whether the property meets the relevant statutory definition of blight. If the condemning authority finds a preponderance of the defined redevelopment area is blighted, it may proceed with condemnation of any parcels in such area.~~

~~——— 2. No action to acquire property by eminent domain within a redevelopment area shall be commenced later than five years from the date of the legislative determination, by ordinance, or otherwise, that the property is blighted, substandard, contains unsanitary conditions, or is eligible for classification within a conservation area as defined in section 99.805. However, such determination may be renewed for successive five-year periods by the legislative body.] The condemning authority, after making a finding that each parcel of property in the area to be condemned meets the relevant statutory definition of blighted, shall file a condemnation petition regarding land deemed to be blighted within five years after the redevelopment plan is authorized.~~

1 If no such petition is filed within the five-year period, or if any parcel of property in the area is
2 determined not to meet the relevant statutory definition of blighted in section 99.320, the authority
3 to acquire the property shall expire. Future acquisition of the property after the expiration of the
4 five years shall require the reauthorization of such project by the condemning authority."; and"; and

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6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.

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9 This Amendment amends Amendment #0850H03.06H