

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1912, Page 5, Section 64.875, Line 15, by
2 inserting after all of said line the following:

3
4 "99.320. As used in this law, the following terms mean:

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

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

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

28 (a) That was inspected by the appropriate local government and cited for one or more
29 enforceable housing, maintenance, or building code violations that affect the safety of the occupants
30 or the public and involve one or more of the following:

- 31 a. A roof and roof framing element;
- 32 b. Support walls, beams, and headers;
- 33 c. Foundation, footings, and subgrade conditions;
- 34 d. Light and ventilation;
- 35 e. Fire protection, including egress;
- 36 f. Internal utilities, including electricity, gas, and water;

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 g. Flooring and flooring elements; or

2 h. Walls, insulation, and exterior envelope;

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

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

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

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

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

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

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

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

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

32 (a) To acquire blighted, or insanitary areas or portions thereof, including lands, structures,
33 or improvements the acquisition of which is necessary or incidental to the proper clearance,
34 development or redevelopment of the blighted or insanitary areas or to the prevention of the spread
35 or recurrence of substandard or insanitary conditions or conditions of blight;

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

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

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

45 (e) The term "land clearance project" may also include the preparation of a redevelopment
46 plan, the planning, survey and other work incident to a land clearance project and the preparation of
47 all plans and arrangements for carrying out a land clearance project and wherever the words "land
48 clearance project" are used in this law, they shall also mean and include the words "urban renewal

1 project" as defined in this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (b) Acquisition of real property and demolition, removal or rehabilitation of buildings and

1 improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions,
 2 lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public welfare, or to
 3 otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed
 4 public facilities;

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

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

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

12 (23) "Workable program", an official plan of action, as it exists from time to time, for
 13 effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas
 14 within the community and for the establishment and preservation of a well-planned community with
 15 well-organized residential neighborhoods of decent homes and suitable living environment for
 16 adequate family life, for utilizing appropriate private and public resources to eliminate and prevent
 17 the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage
 18 needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated
 19 and deteriorating areas, or to undertake such of the aforesaid activities or other feasible community
 20 activities as may be suitably employed to achieve the objectives of such a program."; and
 21

22 Further amend said bill, Page 8, Section 139.031, Line 88, by inserting immediately after all of said
 23 line the following:

24
 25 "523.271. [1. No condemning authority shall acquire private property through the process
 26 of eminent domain for solely economic development purposes.

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

39 523.274. [1. Where eminent domain authority is based upon a determination that a defined
 40 area is blighted, the condemning authority shall individually consider each parcel of property in the
 41 defined area with regard to whether the property meets the relevant statutory definition of blight. If
 42 the condemning authority finds a preponderance of the defined redevelopment area is blighted, it
 43 may proceed with condemnation of any parcels in such area.

44 2. No action to acquire property by eminent domain within a redevelopment area shall be
 45 commenced later than five years from the date of the legislative determination, by ordinance, or
 46 otherwise, that the property is blighted, substandard, contains insanitary conditions, or is eligible for
 47 classification within a conservation area as defined in section 99.805. However, such determination
 48 may be renewed for successive five-year periods by the legislative body.] The condemning

1 authority, after making a finding that each parcel of property in the area to be condemned meets the
2 relevant statutory definition of blighted, shall file a condemnation petition regarding land deemed to
3 be blighted within five years after the redevelopment plan is authorized. If no such petition is filed
4 within the five-year period, or if any parcel of property in the area is determined not to meet the
5 relevant statutory definition of blighted in section 99.320, the authority to acquire the property shall
6 expire. Future acquisition of the property after the expiration of the five years shall require the
7 reauthorization of such project by the condemning authority."; and

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