

ENGROSSED HOUSE
BILL NO. 1939

By: Braddock and Peters of the
House

and

Gumm of the Senate

An Act relating to cities and towns; amending 11 O.S. 2001, Sections 40-103 and 40-105.1, which relate to the Neighborhood Redevelopment Act; clarifying conditions of certain areas to be redeveloped; removing certain notice requirement; removing municipal governing body approval of certain program plan; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 2001, Section 40-103, is amended to read as follows:

Section 40-103. A. No city or town shall exercise any of the powers conferred by ~~this act~~ Section 40-101 et seq. of this title unless the governing body of such city or town shall have adopted a resolution finding that all or a portion of the commercial, industrial or residential neighborhood ~~seeking~~ to be redeveloped ~~contains~~ is unproductive, undeveloped, underdeveloped, or blighted conditions and the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of such city or town.

B. The powers conferred upon cities and towns under the provisions of this act shall be exercised only in commercial, industrial or residential neighborhoods of cities and towns, as determined by resolution adopted pursuant to Section 40-104 of this title.

SECTION 2. AMENDATORY 11 O.S. 2001, Section 40-105.1, is amended to read as follows:

Section 40-105.1 A. Following adoption of the ordinance described in Section 40-104 of this title, the redevelopment trust named in such ordinance shall thereafter develop a comprehensive approach to remedy those blighted conditions which were found to exist within the redevelopment district. This comprehensive approach shall consist of one or more program plans designed to address the blighted conditions within such redevelopment district. Before the adoption of a program plan requiring the acquisition of land, the redevelopment trust shall provide to the city a feasibility study, which study shall show that the benefits derived from the program plan will exceed the costs and that the income therefrom will be sufficient to pay for the program plan.

B. Prior to the adoption of a program plan, a redevelopment trust shall adopt a resolution relating to the proposed program plan, which resolution shall:

1. State that a public hearing will be held to consider the adoption of a program plan, and fix the date, hour and place of such public hearing;

2. Describe the geographic boundaries of the area to which such program plan relates; and

3. State that the program plan, including a summary of any feasibility study, relocation assistance plan, financial guarantees of a prospective developer, if applicable, and a description and map of the area to be redeveloped are available for inspection during regular office hours in the office of the city clerk.

C. The date fixed for the public hearing shall be not less than ten (10) days nor more than thirty (30) days following the date of the adoption of the resolution fixing the date of such hearing. The resolution shall be published in a newspaper of general circulation within such city or town as a legal, public notice once each week for two (2) consecutive weeks, the last publication to be not more than two (2) weeks preceding the date fixed for public hearing. A

~~summary of the program plan shall be mailed by certified mail to each owner and occupant of land within the proposed redevelopment district not more than ten (10) days following the date of the adoption of the resolution. A statement shall be included in the summary of the program plan that the program plan is available for inspection and copying during regular office hours in the office of the city clerk.~~

D. Following the hearing, the trustees of the redevelopment trust may, by resolution, adopt the program plan as originally proposed, or may adopt the program plan with such amendments as deemed appropriate by the trustees of the redevelopment trust. Thereafter, any substantial changes to a program plan, as adopted, shall be subject to public hearing following publication of notice thereof at least twice in a newspaper of general circulation within such city or town.

E. ~~After the adoption of a program plan, or any substantial change to a program plan, the governing body of such municipality, upon a finding by the planning commission that the program plan, or any substantial change to the program plan is consistent with the general comprehensive plan for the development of the city, may approve the program plan, or any substantial change to the program plan, as being consistent with the comprehensive general plan for the development of the city. Thereafter~~ Following the adoption of a program plan, a redevelopment trust may undertake specific redevelopment projects; provided, that:

1. Such projects are undertaken pursuant to a project plan which clearly sets forth the actions being taken by the redevelopment trust with regard to a specific parcel or lot;

2. Such projects are undertaken within the period of time specified in the program plan; and

3. The terms and conditions relating to such projects are consistent with the terms and conditions of the program plan.

SECTION 3. This act shall become effective July 1, 2005.

Passed the House of Representatives the 9th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate