

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1008

By: Brumbaugh

7  
8                               COMMITTEE SUBSTITUTE

9           An Act relating to cities and towns; amending 11 O.S.  
10           2011, Sections 38-101 and 38-106, which relate to  
11           urban renewal; modifying definition; requiring two  
12           public hearings prior to adopting an urban renewal  
13           plan; modifying timing and number of notices prior to  
14           public hearings; describing purpose of hearings;  
15           directing announcement of second hearing date;  
16           setting notice requirements for hearings; listing  
17           contents of notice; and providing an effective date.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

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

SECTION 1.           AMENDATORY           11 O.S. 2011, Section 38-101, is  
amended to read as follows:

Section 38-101. The provisions of this article shall apply to  
all municipalities in this state except as otherwise provided. The  
following terms whenever used or referred to in Sections 38-101  
through 38-119 of this title shall have the following meanings,  
unless a different meaning is clearly indicated by the context:

1        1. "Authority" or "Urban Renewal Authority" shall mean a public  
2 body corporate created by Section 38-107 of this title;

3        2. "Public body" shall mean the state or any incorporated city,  
4 town, board, commission, authority, district, or any subdivision or  
5 public body of the state;

6        3. "Municipality" shall mean any incorporated city or town;

7        4. "Municipal governing body" shall mean the council, board of  
8 trustees, or other body duly charged with governing a municipality;

9        5. "Mayor" shall mean the mayor of a municipality or other  
10 officer or body having the duties customarily imposed upon the  
11 executive head of a municipality;

12       6. "Clerk" shall mean the clerk or other official of a  
13 municipality who is the custodian of the official records of the  
14 municipality;

15       7. "Federal Government" shall include the United States of  
16 America or any agency or instrumentality, corporate or otherwise, of  
17 the United States of America;

18       8. "Blighted area" shall mean an area in which there are  
19 properties, buildings, or improvements, whether occupied or vacant,  
20 whether residential or nonresidential, which by reason of  
21 dilapidation, deterioration, age or obsolescence, inadequate  
22 provision for ventilation, light, air, sanitation or open spaces;  
23 ~~population overcrowding; improper subdivision or obsolete platting~~  
24 ~~of land, inadequate parcel size; arrested economic development;~~

1 deterioration or demolition of structures without repair,  
2 replacement or reinvestment; improper street layout in terms of  
3 existing or projected traffic needs, traffic congestion or lack of  
4 parking or terminal facilities needed for existing or proposed land  
5 uses in the area, predominance of defective or inadequate street  
6 layouts; faulty lot layout in relation to size, adequacy,  
7 accessibility or usefulness; insanitary or unsafe conditions,  
8 deterioration of site or other improvements; diversity of ownership,  
9 tax or special assessment delinquency exceeding the fair value of  
10 the land; defective or unusual conditions of title including, but  
11 not limited to, highly fragmented interests; any one or combination  
12 of such conditions which the municipal governing body determines  
13 substantially ~~impair~~ impairs or ~~arrest~~ arrests the sound growth of  
14 ~~municipalities, or~~ the municipality and constitutes ~~an economic or~~  
15 ~~social~~ a substantial liability, or which endangers life or property  
16 by fire or other causes, or is conducive to ill health, transmission  
17 of disease, mortality, juvenile delinquency, or crime and by reason  
18 thereof, is detrimental to the public health, safety, morals or  
19 welfare;

20 9. "Urban renewal project" or "redevelopment project" may  
21 include undertakings and activities of a municipality, an urban  
22 renewal authority, redevelopment corporation, person or other  
23 corporation, in an urban renewal area for the elimination and for  
24 the prevention of the development or spread of blight, and may

1 involve clearance and redevelopment in an urban renewal area, or  
2 rehabilitation or conservation in an urban renewal area, or any  
3 combination or part thereof in accordance with an urban renewal  
4 plan. Such undertakings may include: ~~(a)~~

5 a. acquisition of a blighted area or portions thereof~~+~~+

6 ~~(b)~~ b. demolition and removal of buildings and improvements~~+~~+

7 ~~(c)~~ c. installation, construction or reconstruction of  
8 streets, off-street parking facilities, utilities,  
9 parks, playgrounds, and other improvements necessary  
10 for carrying out in the urban renewal area the urban  
11 renewal objectives of this article in accordance with  
12 the urban renewal plan~~+~~+

13 ~~(d)~~ d. disposition of any property for uses in the urban  
14 renewal area or the leasing or retention of such  
15 property for uses in accordance with the urban renewal  
16 plan~~+~~+

17 ~~(e)~~ e. carrying out plans for a program of voluntary or  
18 compulsory repair and rehabilitation of buildings or  
19 other improvements in accordance with the urban  
20 renewal plan~~+~~+ or

21 ~~(f)~~ f. acquisition of any other real property in the area  
22 where necessary to eliminate unhealthful, insanitary  
23 or unsafe conditions, lessen density, eliminate  
24 obsolete or other uses detrimental to the public

welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

10. "Urban renewal area" means a blighted area within which the governing body of a municipality designates an area appropriate for an urban renewal project;

11. "Urban renewal plan" means a plan officially adopted by the municipal governing body, as it exists or is changed from time to time, for an urban renewal project, which plan shall: ~~(a)~~

a. conform to the general plan for the municipality as a whole except as provided in subsection ~~±~~ K of Section 38-106~~(e)~~ of this title~~±~~, and ~~(b)~~

b. be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation 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 the plan's relationship to definite local objectives respecting appropriate land uses, traffic, public transportation, public utilities, recreational and community facilities, and other public improvements, and plans for financing the project, and plans for the relocation of families and businesses to be displaced;

1       12. "Real property" shall include all lands, including  
2 improvements and fixtures thereon, and property of any nature  
3 appurtenant thereto, or used in connection therewith, and every  
4 estate, interest, right and use, legal or equitable, therein,  
5 including terms for years and liens by way of judgment, mortgage or  
6 otherwise;

7       13. "Notes" shall mean any notes (including refunding notes),  
8 interim certificates of indebtedness, debentures or other  
9 obligations;

10       14. "Obligee" shall include any bondholder, agents or trustees  
11 for any bondholders, or lessor demising to the municipality property  
12 used in connection with an urban renewal project, or any assignee or  
13 assignees of such lessor's interest or any part thereof, and the  
14 Federal Government when it is a party to any contract with the Urban  
15 Renewal Authority or the municipality;

16       15. "Person" shall mean any individual, firm, partnership,  
17 corporation, company, association, joint stock association, or body  
18 politic; and shall include any trustee, receiver, assignee, or other  
19 person acting in a similar representative capacity;

20       16. "Area of operation" shall mean the area within the  
21 corporate limits of the municipality;

22       17. "Board" or "Commission" shall mean a board, commission,  
23 department, division, office, body or other unit of the  
24 municipality;

1 18. "Public officer" shall mean any officer who is in charge of  
2 any department or branch of the government of a municipality  
3 relating to health, fire, building regulations, or to other  
4 activities concerning dwellings in its area of operation; and

5 19. "Redevelopment corporation" shall mean a corporation  
6 organized under the provisions of Section 38-117 of this title.

7 SECTION 2. AMENDATORY 11 O.S. 2011, Section 38-106, is  
8 amended to read as follows:

9 Section 38-106. A. The Urban Renewal Authority may itself  
10 prepare or cause to be prepared an urban renewal plan or any person  
11 or agency, public or private, may prepare and submit such a plan to  
12 the municipality. Prior to the approval of an urban renewal plan by  
13 the municipal governing body, the plan shall be submitted to the  
14 planning commission having official planning jurisdiction in the  
15 municipality and such planning commission shall determine if such  
16 plan conforms with the general plan for its area of operation and  
17 the municipality, and the planning commission shall submit its  
18 written recommendations to the municipality with respect thereto  
19 within sixty (60) days after receipt of the plan.

20 B. A municipal governing body shall not approve an urban  
21 renewal plan for an urban renewal area unless such governing body,  
22 by resolution, has determined such area to be a blighted area and  
23 designated such area or portion thereof, as appropriate for an urban  
24 renewal project. The municipal governing body shall not approve an

1 urban renewal plan or project until a general plan for the  
2 municipality has been adopted as the long-range development policy,  
3 and such urban renewal plan shall adhere thereto; provided, however,  
4 that such general plan must have designated and delineated urban  
5 renewal areas, established the appropriate reuse of such areas and  
6 established priorities for the rehabilitation or clearance and  
7 redevelopment of such areas. The Urban Renewal Authority or a  
8 municipality shall not acquire real property for an urban renewal  
9 project unless the municipal governing body has approved the urban  
10 renewal plan in accordance with subsection D of this section.

11 C. Upon receipt of the recommendations of the planning  
12 commission, or if no recommendations are received within the sixty-  
13 day period, then without such recommendations, the municipal  
14 governing body may proceed with the hearing on the proposed urban  
15 renewal project as prescribed by subsection D of this section.

16 D. ~~The~~ Before adoption of an urban renewal plan or subsequent  
17 significant amendments to an urban renewal plan, as determined  
18 pursuant to subsection H of this section, the municipal governing  
19 body shall hold a two public ~~hearing on an urban renewal plan,~~  
20 hearings after public notice thereof by ~~publication at least one~~  
21 ~~time not less than fifteen (15) days prior to the date of such~~  
22 ~~public hearing, in a newspaper having general circulation in the~~  
23 ~~area of operation of the municipality; and by posting not less than~~  
24 ~~five (5) public notice signs, each having at least nine (9) square~~



1 feet of display area, for a period of ~~fifteen (15)~~ fourteen (14)  
2 successive days including the ~~day~~ days of the public ~~hearing~~  
3 hearings for which notice is being given, in the area affected by  
4 the proposed urban renewal plan, and shall outline the general  
5 nature and scope of the urban renewal project under consideration.  
6 The primary purpose of the first hearing will be to provide  
7 information and to answer questions. A representative of the  
8 municipal governing body shall present the proposed urban renewal  
9 plan. The date of the second public hearing shall be announced in  
10 the presence of persons in attendance at the hearing and the date  
11 shall be more than seven (7) successive days after the date of the  
12 first public hearing. The purpose of the second public hearing  
13 shall be to give any interested persons the opportunity to express  
14 their views on the proposed or amended urban renewal plan.

15 E. Notice of the first public hearing shall be given by  
16 publication at least one time not less than fourteen (14) successive  
17 days prior to the date of the public hearing in a newspaper with  
18 general circulation in the area of operation of the municipality.  
19 Additionally, a municipal governing body that maintains an Internet  
20 website shall make notices prepared pursuant to this section  
21 regularly available on the website for a period of not less than  
22 fourteen (14) successive days prior to the date of the public  
23 hearing. The notices shall include the following:

24 1. The time and place of the public hearing;

1        2. The boundaries of the proposed urban renewal area by legal  
2 description and by street location, if possible, accompanied by a  
3 sketch clearly delineating the area in detail as may be necessary to  
4 advise the reader of the particular land proposed to be included;

5        3. A statement that the first public hearing shall be for  
6 information and question purposes only with persons being given the  
7 opportunity to be heard at the second public hearing before any  
8 votes are taken;

9        4. A description of the activities to be authorized by the  
10 proposed urban renewal plan, and a location and time where the  
11 proposed urban renewal plan may be reviewed by any interested party;  
12 and

13        5. Such other matters as the municipal governing body may deem  
14 appropriate.

15        F. Notice of the second public hearing may be included in the  
16 publication notice provided for in subsection E of this section.  
17 Notice of the second public hearing shall be published in the same  
18 manner as the notice provided for in subsection E of this section  
19 if:

20        1. Notice for both public hearings is not included in the  
21 notice of the first public hearing;

22        2. The location, date or time of the second public hearing is  
23 changed after the notice of the first hearing has been published; or  
24

1        3. The second public hearing is held more than fourteen (14)  
2 successive days after the first public hearing.

3        G. Following such ~~hearing~~ hearings, the municipal governing  
4 body may approve an urban renewal plan if it finds that: ~~(1)~~

5        1. A feasible method exists for the relocation of families and  
6 businesses who will be displaced from the urban renewal area in  
7 decent, safe and sanitary accommodations within their means and  
8 without undue hardship to such families and businesses; ~~(2)~~

9        2. The urban renewal plan conforms to and assists in the  
10 execution of the general plan of the municipality as a whole;  
11 provided, however, if the planning commission fails to make such a  
12 determination within the prescribed sixty (60) days, or makes a  
13 determination to the contrary, not less than four-fifths majority  
14 vote of the municipal governing body shall be required to make this  
15 finding; ~~(3)~~

16        3. The plan includes feasible methods for financing the  
17 project; and ~~(4)~~

18        4. The urban renewal plan will afford maximum opportunity,  
19 consistent with the sound needs of the municipality as a whole, for  
20 the rehabilitation or redevelopment of the urban renewal area by  
21 private enterprise.

22        ~~F.~~ H. An urban renewal plan may be modified at any time in  
23 accordance with the following procedure: ~~(1)~~

1        1. The Urban Renewal Authority determines the proposed  
2 modification to be desirable; ~~(2)~~ and

3        2. The planning commission determines that the proposed  
4 modification conforms to the general plan for the municipality and  
5 makes its recommendations pursuant to the modification or not as it  
6 may determine.

7 Public hearings required for the adoption of an urban renewal plan  
8 in the first instance shall be held if the governing body determines  
9 the modification to be a significant deviation from the existing  
10 urban renewal plan, in which case, approval of the modification  
11 shall be in the same manner as prescribed by this article for  
12 adoption of any urban renewal plan. If the governing body  
13 determines the modification not to be a significant deviation or to  
14 be merely technical or for clarification purposes, the governing  
15 body may act without such public hearings.

16        ~~G.~~ I. If modification of the plan is proposed after the lease  
17 or sale by the Urban Renewal Authority of real property in the urban  
18 renewal project area, such modification may be conditioned upon the  
19 approval of the owner, lessee or successor in interest as the  
20 authority may deem advisable and in any event shall be subject to  
21 such rights at law or in equity as a lessee or purchaser, or his  
22 successor or successors in interest, may be entitled to assert.

23        ~~H.~~ J. Upon the approval by the municipal governing body of an  
24 urban renewal plan or of any modification thereof, such plan or

1 modification shall be deemed to be in full force and effect for the  
2 respective urban renewal area and the Urban Renewal Authority may  
3 then cause such plan or modification to be carried out in accordance  
4 with its terms.

5 ~~F.~~ K. Notwithstanding any other provisions of this article,  
6 where the municipal governing body determines that an area is in  
7 need of redevelopment or rehabilitation as a result of a flood,  
8 fire, wind, earthquake, storm or other catastrophe respecting which  
9 the Governor of the state has certified the need for disaster  
10 assistance under Public Law 875, Eighty-first Congress (42 U.S.C.  
11 Sections 1855 - 1855g), or other federal laws, the municipal  
12 governing body may approve an urban renewal plan and an urban  
13 renewal project with respect to such area without regard to the  
14 provisions of subsection ~~F~~ G of this section and the provisions of  
15 this section requiring a general plan for the municipality and a  
16 public hearing on the urban renewal project.

17 SECTION 3. This act shall become effective November 1, 2015.

18  
19 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
20 dated 02/19/2015 - DO PASS, As Amended.  
21  
22  
23  
24