

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2594

By: Ford (Ross)

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; creating the
8 Representative David Brumbaugh Memorial Act; amending
9 11 O.S. 2011, Section 38-101, as amended by Section
10 1, Chapter 108, O.S.L. 2015 (11 O.S. Supp. 2017,
11 Section 38-101), which relates to urban renewal;
12 modifying definition; providing for noncodification;
13 and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 This act shall be known and may be cited as the "Representative
18 David Brumbaugh Memorial Act".

19 SECTION 2. AMENDATORY 11 O.S. 2011, Section 38-101, as
20 amended by Section 1, Chapter 108, O.S.L. 2015 (11 O.S. Supp. 2017,
21 Section 38-101), is amended to read as follows:

22 Section 38-101. The provisions of this article shall apply to
23 all municipalities in this state except as otherwise provided. The
24 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~~ government" shall include the United
16 States of America or any agency or instrumentality, corporate or
17 otherwise, of 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, or sanitation ~~or open spaces;~~
23 improper subdivision or obsolete platting of land; deterioration or
24 demolition of structures without repair, replacement or

1 reinvestment; improper street layout in terms of existing or
2 projected traffic needs, traffic congestion or lack of parking or
3 terminal facilities needed for existing or proposed land uses in the
4 area; predominance of defective or inadequate street layouts;
5 ~~faulty lot layout in relation to size, adequacy, accessibility or~~
6 ~~usefulness;~~ insanitary or unsafe conditions; deterioration of site
7 or other improvements; diversity of ownership; tax or special
8 assessment delinquency exceeding the fair value of the land;
9 defective or unusual conditions of title including, but not limited
10 to, highly fragmented interests; any one or combination of such
11 conditions which the municipal governing body determines
12 substantially impairs or arrests the sound growth of the
13 municipality and constitutes a substantial liability, or which
14 endangers life or property by fire or other causes, or is conducive
15 to ill health, transmission of disease, mortality, juvenile
16 delinquency or crime and by reason thereof is detrimental to the
17 public health, safety, morals or welfare;

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

1 combination or part thereof in accordance with an urban renewal
2 plan. Such undertakings may include:

- 3 a. acquisition of a blighted area or portions thereof,
- 4 b. demolition and removal of buildings and improvements,
- 5 c. installation, construction or reconstruction of
6 streets, off-street parking facilities, utilities,
7 parks, playgrounds, and other improvements necessary
8 for carrying out in the urban renewal area the urban
9 renewal objectives of this article in accordance with
10 the urban renewal plan,
- 11 d. disposition of any property for uses in the urban
12 renewal area or the leasing or retention of such
13 property for uses in accordance with the urban renewal
14 plan,
- 15 e. carrying out plans for a program of voluntary or
16 compulsory repair and rehabilitation of buildings or
17 other improvements in accordance with the urban
18 renewal plan, or
- 19 f. acquisition of any other real property in the area
20 where necessary to eliminate unhealthful, insanitary
21 or unsafe conditions, lessen density, eliminate
22 obsolete or other uses detrimental to the public
23 welfare, or otherwise to remove or prevent the spread
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1 of blight or deterioration, or to provide land for
2 needed public facilities;

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

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

- 9 a. conform to the general plan for the municipality as a
10 whole except as provided in subsection K of Section
11 38-106 of this title, and
- 12 b. be sufficiently complete to indicate such land
13 acquisition, demolition and removal of structures,
14 redevelopment, improvements, and rehabilitation as may
15 be proposed to be carried out in the urban renewal
16 area, zoning and planning changes, if any, land uses,
17 maximum densities, building requirements, and the
18 plan's relationship to definite local objectives
19 respecting appropriate land uses, traffic, public
20 transportation, public utilities, recreational and
21 community facilities, and other public improvements,
22 and plans for financing the project, and plans for the
23 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~~ federal government when it is a party to any
15 contract with the Urban 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 3. This act shall become effective November 1, 2018.

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