

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1008

By: Brumbaugh

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2011, Sections 38-101 and 38-106, which relate to urban renewal; modifying definition; increasing timing and number of notices prior to public hearing on urban renewal plan; requiring additional posted public notice signs with larger display area; expanding display period; requiring display on most-traveled roads; and providing an effective date.

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

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

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

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

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

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

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

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

1 needed for existing or proposed land uses in the area, predominance
2 of defective or inadequate street layouts; ~~faulty lot layout in~~
3 ~~relation to size, adequacy, accessibility or usefulness;~~ insanitary
4 or unsafe conditions, deterioration of site or other improvements;
5 ~~diversity of ownership,~~ tax or special assessment delinquency
6 exceeding the fair value of the land; ~~defective or unusual~~
7 ~~conditions of title;~~ any one or combination of such conditions which
8 substantially ~~impair~~ impairs or ~~arrest~~ arrests the sound growth of
9 municipalities, ~~or constitutes an economic or social liability,~~ or
10 which endangers life or property by fire or other causes, or is
11 conducive to ill health, transmission of disease, mortality,
12 juvenile delinquency, or crime and by reason thereof, is detrimental
13 to the public health, safety, morals or welfare;

14 9. "Urban renewal project" or "redevelopment project" may
15 include undertakings and activities of a municipality, an urban
16 renewal authority, redevelopment corporation, person or other
17 corporation, in an urban renewal area for the elimination and for
18 the prevention of the development or spread of blight, and may
19 involve clearance and redevelopment in an urban renewal area, or
20 rehabilitation or conservation in an urban renewal area, or any
21 combination or part thereof in accordance with an urban renewal
22 plan. Such undertakings may include: ~~(a)~~

23 a. acquisition of a blighted area or portions thereof~~+~~✓

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

1 ~~(e)~~ c. installation, construction or reconstruction of
2 streets, off-street parking facilities, utilities,
3 parks, playgrounds, and other improvements necessary
4 for carrying out in the urban renewal area the urban
5 renewal objectives of this article in accordance with
6 the urban renewal plan~~+~~l

7 ~~(d)~~ d. disposition of any property for uses in the urban
8 renewal area or the leasing or retention of such
9 property for uses in accordance with the urban renewal
10 plan~~+~~l

11 ~~(e)~~ e. carrying out plans for a program of voluntary or
12 compulsory repair and rehabilitation of buildings or
13 other improvements in accordance with the urban
14 renewal plan~~+~~l or

15 ~~(f)~~ f. acquisition of any other real property in the area
16 where necessary to eliminate unhealthful, insanitary
17 or unsafe conditions, lessen density, eliminate
18 obsolete or other uses detrimental to the public
19 welfare, or otherwise to remove or prevent the spread
20 of blight or deterioration, or to provide land for
21 needed public facilities;

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

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

4 a. conform to the general plan for the municipality as a
5 whole except as provided in subsection I of Section
6 38-106~~(e)~~ of this title~~r,~~ and ~~(b)~~

7 b. be sufficiently complete to indicate such land
8 acquisition, demolition and removal of structures,
9 redevelopment, improvements, and rehabilitation as may
10 be proposed to be carried out in the urban renewal
11 area, zoning and planning changes, if any, land uses,
12 maximum densities, building requirements, and the
13 plan's relationship to definite local objectives
14 respecting appropriate land uses, traffic, public
15 transportation, public utilities, recreational and
16 community facilities, and other public improvements,
17 and plans for financing the project, and plans for the
18 relocation of families and businesses to be displaced;

19 12. "Real property" shall include all lands, including
20 improvements and fixtures thereon, and property of any nature
21 appurtenant thereto, or used in connection therewith, and every
22 estate, interest, right and use, legal or equitable, therein,
23 including terms for years and liens by way of judgment, mortgage or
24 otherwise;

1 13. "Notes" shall mean any notes (including refunding notes),
2 interim certificates of indebtedness, debentures or other
3 obligations;

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

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

14 16. "Area of operation" shall mean the area within the
15 corporate limits of the municipality;

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

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

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

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

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

14 B. A municipal governing body shall not approve an urban
15 renewal plan for an urban renewal area unless such governing body,
16 by resolution, has determined such area to be a blighted area and
17 designated such area or portion thereof, as appropriate for an urban
18 renewal project. The municipal governing body shall not approve an
19 urban renewal plan or project until a general plan for the
20 municipality has been adopted as the long-range development policy,
21 and such urban renewal plan shall adhere thereto; provided, however,
22 that such general plan must have designated and delineated urban
23 renewal areas, established the appropriate reuse of such areas and
24 established priorities for the rehabilitation or clearance and

1 redevelopment of such areas. The Urban Renewal Authority or a
2 municipality shall not acquire real property for an urban renewal
3 project unless the municipal governing body has approved the urban
4 renewal plan in accordance with subsection D of this section.

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

10 D. The municipal governing body shall hold a public hearing on
11 an urban renewal plan, after public notice thereof by publication at
12 least ~~one time~~ three times not less than ~~fifteen (15)~~ thirty (30)
13 days prior to the date of such public hearing, in a newspaper having
14 general circulation in the area of operation of the municipality;
15 and by posting not less than ~~five (5)~~ fifteen public notice signs,
16 each having at least ~~nine (9)~~ sixty-four (64) square feet of display
17 area, for a period of ~~fifteen (15)~~ thirty (30) successive days
18 including the day of the public hearing for which notice is being
19 given, on the most-traveled roads in the area affected by the
20 proposed urban renewal plan, and shall outline the general nature
21 and scope of the urban renewal project under consideration.

22 E. Following such hearing, the municipal governing body may
23 approve an urban renewal plan if it finds that: ~~(1)~~
24

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

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

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

14 4. The urban renewal plan will afford maximum opportunity,
15 consistent with the sound needs of the municipality as a whole, for
16 the rehabilitation or redevelopment of the urban renewal area by
17 private enterprise.

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

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

22 2. The planning commission determines that the proposed
23 modification conforms to the general plan for the municipality and
24

1 makes its recommendations pursuant to the modification or not as it
2 may determine.

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

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

19 H. Upon the approval by the municipal governing body of an
20 urban renewal plan or of any modification thereof, such plan or
21 modification shall be deemed to be in full force and effect for the
22 respective urban renewal area and the Urban Renewal Authority may
23 then cause such plan or modification to be carried out in accordance
24 with its terms.

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

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

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