

HOUSE AMENDMENT NO. ____

TO

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Offered By

1 AMEND House Amendment No. ____ to House Committee Substitute No. 2 for Senate
2 Committee Substitute for Senate Bill No. 0729, Page 2, Line 25, by inserting after all of said line
3 the following:

4
5 "Further amend said bill, Page 28, Section 94.902, Line 100, by inserting after all of said
6 section and line the following:

7
8 "99.320. As used in this law, the following terms mean:

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

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

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

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

- 10 a. A roof and roof framing element;
11 b. Support walls, beams, and headers;
12 c. Foundation, footings, and subgrade conditions;
13 d. Light and ventilation;
14 e. Fire protection, including egress;
15 f. Internal utilities, including electricity, gas, and water;
16 g. Flooring and flooring elements; or
17 h. Walls, insulation, and exterior envelope;

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (e) The term "land clearance project" may also include the preparation of a redevelopment
26 plan, the planning, survey and other work incident to a land clearance project and the preparation
27 of all plans and arrangements for carrying out a land clearance project and wherever the words
28 "land clearance project" are used in this law, they shall also mean and include the words "urban
29 renewal project" as defined in this section;

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

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

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

1 to any contract with the authority;

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

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

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

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

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

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

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

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

33 (22) "Urban renewal project", any surveys, plans, undertakings and activities for the
34 elimination and for the prevention of the spread or development of insanitary, blighted,
35 deteriorated or deteriorating areas and may involve any work or undertaking for such purpose

1 constituting a land clearance project or any rehabilitation or conservation work, or any
2 combination of such undertaking or work in accordance with an urban renewal project; for this
3 purpose, "rehabilitation or conservation work" may include:

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

6 (b) Acquisition of real property and demolition, removal or rehabilitation of buildings and
7 improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions,
8 lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public welfare, or
9 to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed
10 public facilities;

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

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

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

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

29 523.271. [1. No condemning authority shall acquire private property through the process
30 of eminent domain for solely economic development purposes.

31 2. For the purposes of this section, "economic development" shall mean a use of a specific
32 piece of property or properties which would provide an increase in the tax base, tax revenues,
33 employment, and general economic health, and does not include the elimination of blighted,
34 substandard, or unsanitary conditions, or conditions rendering the property or its surrounding area
35 a conservation area as defined in section 99.805.] Notwithstanding any other provision of law to

1 the contrary, neither this state nor any political subdivision thereof nor any other condemning
2 entity shall use eminent domain unless it is necessary for a public use. The term "public use" shall
3 only mean the possession, occupation, and enjoyment of the land by the general public, or by
4 public agencies; or the use of land for the creation of functioning of public utilities or common
5 carriers; or the acquisition of abandoned or blighted property. The public benefits of economic
6 development, including an increase in tax base, tax revenues, employment, or general economic
7 health, standing alone, shall not constitute a public use.

8 523.274. [1. Where eminent domain authority is based upon a determination that a
9 defined area is blighted, the condemning authority shall individually consider each parcel of
10 property in the defined area with regard to whether the property meets the relevant statutory
11 definition of blight. If the condemning authority finds a preponderance of the defined
12 redevelopment area is blighted, it may proceed with condemnation of any parcels in such area.

13 2. No action to acquire property by eminent domain within a redevelopment area shall be
14 commenced later than five years from the date of the legislative determination, by ordinance, or
15 otherwise, that the property is blighted, substandard, contains unsanitary conditions, or is eligible
16 for classification within a conservation area as defined in section 99.805. However, such
17 determination may be renewed for successive five-year periods by the legislative body.] The
18 condemning authority, after making a finding that each parcel of property in the area to be
19 condemned meets the relevant statutory definition of blighted, shall file a condemnation petition
20 regarding land deemed to be blighted within five years after the redevelopment plan is authorized.
21 If no such petition is filed within the five-year period, or if any parcel of property in the area is
22 determined not to meet the relevant statutory definition of blighted in section 99.320, the authority
23 to acquire the property shall expire. Future acquisition of the property after the expiration of the
24 five years shall require the reauthorization of such project by the condemning authority.”; and”;
25 and

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.