WEST virginia Legislature

2021 regular session

Introduced

House Bill 2548

By Delegate Pushkin

[Introduced February 16, 2021; Referred to the Committee on Political Subdivisions then Government Organization]

A BILL to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as amended, all relating to requiring urban renewal authorities to submit active, amended, and proposed urban renewal projects and plans to the affected local county boards of health for review and comment; requiring urban renewal authorities to meet with municipalities and communities regarding those projects and plans; and requiring urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18. SLUM CLEARANCE.

§16-18-25. Urban renewal projects.

(a) In addition to its authority under any other section of this article, an authority ~~is hereby authorized to~~ may plan and undertake urban renewal projects. As used in this article, an urban renewal project may include undertakings and activities for the elimination (and for the prevention of the development or spread) of slums or blighted, deteriorated, or deteriorating areas and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. ~~Such~~ The undertaking and work may include (1) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (2) acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and (4) the disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of ~~such~~ the project: *Provided,* That ~~such~~ the disposition shall be in the manner prescribed in this article for the disposition of property in a redevelopment project area.

(b) Notwithstanding any other provisions of this article, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe respecting which the Governor ~~of the state~~ has certified the need for disaster assistance under Public Law 875, 81st Congress, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to ~~such~~ that area without regard to any provisions of this article requiring public hearings or requiring that the urban renewal plan conform to a general plan for the community as a whole, or that the urban renewal area be a slum area, or a blighted, deteriorated, or deteriorating area, or that the urban renewal area be predominantly residential in character or be developed or redeveloped for residential uses.

(c) Notwithstanding any other provisions of this article, the authority shall submit all active, amended and proposed urban renewal projects to the director and health officer of the county health department where the project is located for review and comment.

(d) The authority shall hold quarterly meetings with the affected communities and municipalities to discuss the status, necessity and proposed outcomes of all active, amended and proposed urban renewal projects.

(e) The authority shall make quarterly and annual reports of all active, amended, proposed and completed urban renewal projects and provide them to the directors and health officers of the local county health departments and local residents.

§16-18-26. Urban renewal plan.

(a) Any urban renewal project undertaken pursuant to ~~the preceding section~~ §16-18-25 of this code shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this article, an “urban renewal plan” means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the community as a whole, except as provided for disaster areas, and (2) shall be sufficiently complete to indicate ~~such~~ the land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, ~~if any~~ land uses, maximum densities, building requirements, and the plan’s relationship to definite local objectives representing appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in this article with respect to a redevelopment plan. Where real property acquired by a community is to be transferred in accordance with the urban renewal plan, any contract for ~~such~~ the transfer and the urban renewal plan (or such part or parts of such contract or plan as the authority may determine) may be recorded in the land records of the county in such manner as to afford actual or constructive notice thereof.

(b) Notwithstanding any other provisions of this article, the authority shall submit all active, amended and proposed urban renewal plans to the director and health officer of the county health department where the plans are effective for review and comment.

(c) The authority shall hold quarterly meetings with the affected communities and municipalities to discuss the status, necessity and proposed outcomes of all active, amended and proposed urban renewal plans.

(d) The authority shall make quarterly and annual reports of all active, amended, proposed and completed urban renewal plans and provide them to the directors and health officers of the local county health departments and local residents.

NOTE: The purpose of this bill is to require urban renewal authorities to submit active, amended and proposed urban renewal projects and plans to the affected local county boards of health for review and comment. The bill requires urban renewal authorities to meet with municipalities and communities regrading those projects and plans. The bill requires urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.