

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2085**

BY DELEGATES PUSHKIN

[Introduced January 9, 2019; Referred  
to the Committee on Political Subdivisions then  
Government Organization.]

1 A BILL to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as  
 2 amended, all relating to requiring urban renewal authorities to submit active, amended,  
 3 and proposed urban renewal projects and plans to the affected local county boards of  
 4 health for review and comment; requiring urban renewal authorities to meet with  
 5 municipalities and communities regarding those projects and plans; and requiring urban  
 6 renewal authorities to make reports and make them available to the affected local county  
 7 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.**

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

17 disposition shall be in the manner prescribed in this article for the disposition of property in a  
18 redevelopment project area.

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

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

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

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

#### **§16-18-26. Urban renewal plan.**

1 (a) Any urban renewal project undertaken pursuant to ~~the preceding section~~ §16-18-25 of  
2 this code shall be undertaken in accordance with an urban renewal plan for the area of the project.  
3 As used in this article, an “urban renewal plan” means a plan, as it exists from time to time, for an  
4 urban renewal project, which plan (1) shall conform to the general plan for the community as a

5 whole, except as provided for disaster areas, and (2) shall be sufficiently complete to indicate  
6 ~~such~~ the land acquisition, demolition and removal of structures, redevelopment, improvements,  
7 and rehabilitation as may be proposed to be carried out in the area of the urban renewal project,  
8 zoning and planning changes, ~~if any~~ land uses, maximum densities, building requirements, and  
9 the plan's relationship to definite local objectives representing appropriate land uses, improved  
10 traffic, public transportation, public utilities, recreational and community facilities, and other public  
11 improvements. An urban renewal plan shall be prepared and approved pursuant to the same  
12 procedure as provided in this article with respect to a redevelopment plan. Where real property  
13 acquired by a community is to be transferred in accordance with the urban renewal plan, any  
14 contract for ~~such~~ the transfer and the urban renewal plan (or such part or parts of such contract  
15 or plan as the authority may determine) may be recorded in the land records of the county in such  
16 manner as to afford actual or constructive notice thereof.

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

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

23 (d) The authority shall make quarterly and annual reports of all active, amended, proposed  
24 and completed urban renewal plans and provide them to the directors and health officers of the  
25 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 regarding 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.