

LEGISLATIVE BILL 1084

Approved by the Governor April 11, 1984

Introduced by Urban Affairs Committee, Newell, 13,
Chairperson; Vickers, 38; Haberman, 44;
Scofield, 49; Remmers, 1

AN ACT relating to community development; to amend section 18-2103, Revised Statutes Supplement, 1982, and sections 18-1614, 58-207, and 58-219, Revised Statutes Supplement, 1983; to redefine terms; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-1614, Revised Statutes Supplement, 1983, be amended to read as follows:

18-1614. As used in sections 18-1614 to 18-1623, unless the context otherwise requires:

(1) Municipality shall mean any incorporated city or village in the state, including cities operating under home rule charters;

(2) Project shall mean (a) any land, building, or equipment or other improvement, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use for manufacturing or industrial enterprises or (b) any land, building, or improvements located in a blighted area located within a municipality of the metropolitan, primary, first, or second class, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for any enterprise, including, but not limited to, profit or nonprofit commercial, business, governmental, or multifamily housing enterprises;

(3) Governing body shall mean the board or body in which the general legislative powers of the municipality or county are vested;

(4) Mortgage shall mean a mortgage or a mortgage and deed of trust, or other security device; and

(5) Blighted area shall mean an area within a city or village (a) which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land,

defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty per cent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the municipality for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the municipality in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five per cent of the city as blighted, a city of the second class shall not designate an area larger than fifty per cent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted. within this state which has been designated by a resolution of the governing body of a municipality of the metropolitan, primary, first, or second class as a blighted area pursuant to subdivision (11) of section 18-2103-

Sec. 2. That section 18-2103, Revised Statutes Supplement, 1982, be amended to read as follows:

18-2103. As used in sections 18-2101 to 18-2144, unless the context otherwise requires:

(1) An authority shall mean any community redevelopment authority created pursuant to section 18-2102.01, and a city or village which has created a community development agency pursuant to the provisions of section 18-2101.01, and shall not mean a limited community redevelopment authority;

(2) Limited community redevelopment authority shall mean a community redevelopment authority created pursuant to section 18-2102.01, having only one single specific limited pilot project authorized;

(3) City shall mean any city or incorporated village in the state;

(4) Public body shall mean the state, or any municipality, county, township, board, commission, authority, district, or any other political subdivision or public body of the state;

(5) Governing body or local governing body shall

mean the city council, board of trustees, or other legislative body charged with governing the municipality;

(6) Mayor shall mean the mayor of the city or ~~chairman~~ chairperson of the board of trustees of the village;

(7) Clerk shall mean the clerk of the city or village;

(8) Federal government shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America;

(9) Area of operation shall mean and include the area within the corporate limits of the city and such land outside the city as may come within the purview of section 18-2123;

(10) Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals, or welfare;

(11) Blighted area shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty per cent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average

per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five per cent of the city as blighted, a city of the second class shall not designate an area larger than fifty per cent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted;

(12) Redevelopment project shall mean any work or undertaking in one or more community redevelopment areas: (a) To acquire substandard or blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such substandard or blighted areas; (b) to clear any such areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities, parks, playgrounds, public spaces, public parking facilities, sidewalks or moving sidewalks, convention and civic centers, bus stop shelters, lighting, benches or other similar furniture, trash receptacles, shelters, skywalks and pedestrian and vehicular overpasses and underpasses, and any other necessary public improvements essential to the preparation of sites for uses in accordance with a redevelopment plan; (c) to sell, lease, or otherwise make available land in such areas for residential, recreational, commercial, industrial, or other uses, including parking or other facilities functionally related or subordinate to such uses, or for public use or to retain such land for public use, in accordance with a redevelopment plan; and may also include the preparation of the redevelopment plan, the planning, survey, and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project; (d) to dispose of all real and personal property or any interest in such property, or assets, cash, or other funds held or used in connection with residential, recreational, commercial, industrial, or other uses, including parking or other facilities functionally related or subordinate to such uses, or any public use specified in a redevelopment plan or project, except that such disposition shall be at its fair value for uses in accordance with the redevelopment plan; (e) to acquire real property in a community redevelopment area which, under the redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitate the structures, and resell the property; and (f) to carry out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in

accordance with the redevelopment plan;

(13) Redevelopment plan shall mean a plan, as it exists from time to time for one or more community redevelopment areas, or for a redevelopment project, which plan (a) shall conform to the general plan for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements;

(14) Redeveloper shall mean any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract;

(15) Redevelopment contract shall mean a contract entered into between an authority and a redeveloper for the redevelopment of an area in conformity with a redevelopment plan;

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

(17) Bonds shall mean any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued pursuant to the provisions of sections 18-2101 to 18-2144;

(18) Obligees shall mean any bondholder, agent, or trustee for any bondholder, or lessor demising to any authority, established pursuant to the provisions of section 18-2101.01, property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with such authority;

(19) Person shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof;

(20) Community redevelopment area shall mean a substandard or a blighted area or a combination thereof which the community redevelopment authority designates as appropriate for a renewal project; and

(21) Redevelopment project valuation shall mean the valuation for assessment of the taxable real property in a redevelopment project last certified for the year prior to the effective date of the provision authorized in section 18-2147.

Sec. 3. That section 58-207, Revised Statutes Supplement, 1983, be amended to read as follows:

58-207. As used in the Nebraska Investment Finance Authority Act, unless the context otherwise requires, the definitions found in sections 58-207 to 58-225 and section 4 of this act shall be used.

Sec. 4. Blighted area shall mean an area within a city or village (a) which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty per cent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city or village for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the municipality in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five per cent of the city as blighted, a city of the second class shall not designate an area larger than fifty per cent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

Sec. 5. That section 58-219, Revised Statutes Supplement, 1983, be amended to read as follows:

58-219. Project shall mean one or more of the following:

- (1)(a) Rental housing;
 - (b) Residential housing; and
 - (c) Residential energy conservation devices;
 - (2) Agriculture or agricultural enterprise; and
 - (3) Any land, building, or other improvement,
- any real or personal property, or any equipment, and any

undivided or other interest in any of the foregoing, whether or not in existence, suitable or used for or in connection with any of the following revenue-producing enterprises or two or more such enterprises engaged or to be engaged in:

(a) In all areas of the state, manufacturing or industrial enterprises including assembling, fabricating, mixing, processing, warehousing, distributing, or transporting any products of agriculture, forestry, mining, industry, or manufacturing; pollution control facilities; facilities incident to the development of industrial sites including land costs and the costs of site improvements thereon, such as drainage, water, storm, and sanitary sewers, grading, streets, and other facilities and structures incidental to the use of such sites for manufacturing or industrial enterprises;

(b) In all areas of the state, commercial or service enterprises if (i) such facilities constitute new construction or rehabilitation including hotels or motels, sports and recreation facilities available for use by members of the general public either as participants or spectators, and convention or trade show facilities and (ii) such facilities do not or will not derive a significant portion of their gross receipts from retail sales or utilize a significant portion of their total area for retail sales;

(c) In blighted areas of the state, as defined in ~~section 18-2103~~, commercial, service, and business enterprises if such facilities constitute new construction, acquisition, or rehabilitation, including, but not limited to, those enterprises specified in subdivision (3)(b) of this section, office buildings, and retail businesses; and

(d) In all areas of the state, any land, building, or other improvement and all real or personal property, including furniture and equipment, and any undivided or other interest in any such property, whether or not in existence, suitable or used for or in connection with any hospital, nursing home, and any facilities related and subordinate thereto.

Nothing in subdivision (3) of this section shall be construed to include any rental or residential housing, residential energy conservation device, or agriculture or agricultural enterprise.

Sec. 6. That original section 18-2103, Revised Statutes Supplement, 1982, and sections 18-1614, 58-207, and 58-219, Revised Statutes Supplement, 1983, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.