

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 2248

By: Brumbaugh

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5  
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.  
8 2011, Section 38-101, as amended by Section 1,  
9 Chapter 108, O.S.L. 2015 (11 O.S. Supp. 2016, Section  
10 38-101), which relates to urban renewal; modifying  
11 definition; and providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 11 O.S. 2011, Section 38-101, as  
14 amended by Section 1, Chapter 108, O.S.L. 2015 (11 O.S. Supp. 2016,  
15 Section 38-101), is amended to read as follows:

16 Section 38-101. The provisions of this article shall apply to  
17 all municipalities in this state except as otherwise provided. The  
18 following terms whenever used or referred to in Sections 38-101  
19 through 38-119 of this title shall have the following meanings,  
20 unless a different meaning is clearly indicated by the context:

21 1. "Authority" or "Urban Renewal Authority" shall mean a public  
22 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~~ government" shall include the United  
14 States of America or any agency or instrumentality, corporate or  
15 otherwise, of 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, or sanitation ~~or open spaces;~~  
21 improper subdivision or obsolete platting of land; deterioration or  
22 demolition of structures without repair, replacement or  
23 reinvestment; improper street layout in terms of existing or  
24 projected traffic needs, traffic congestion or lack of parking or

1 terminal facilities needed for existing or proposed land uses in the  
2 area; predominance of defective or inadequate street layouts;  
3 ~~faulty lot layout in relation to size, adequacy, accessibility or~~  
4 ~~usefulness;~~ insanitary or unsafe conditions; deterioration of site  
5 or other improvements; diversity of ownership; tax or special  
6 assessment delinquency exceeding the fair value of the land;  
7 defective or unusual conditions of title including, but not limited  
8 to, highly fragmented interests; any one or combination of such  
9 conditions which the municipal governing body determines  
10 substantially impairs or arrests the sound growth of the  
11 municipality and constitutes a substantial liability, or which  
12 endangers life or property by fire or other causes, or is conducive  
13 to ill health, transmission of disease, mortality, juvenile  
14 delinquency, or crime and by reason thereof is detrimental to the  
15 public health, safety, morals or welfare;

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

- 1 a. acquisition of a blighted area or portions thereof,  
2 b. demolition and removal of buildings and improvements,  
3 c. installation, construction or reconstruction of  
4 streets, off-street parking facilities, utilities,  
5 parks, playgrounds, and other improvements necessary  
6 for carrying out in the urban renewal area the urban  
7 renewal objectives of this article in accordance with  
8 the urban renewal plan,  
9 d. disposition of any property for uses in the urban  
10 renewal area or the leasing or retention of such  
11 property for uses in accordance with the urban renewal  
12 plan,  
13 e. carrying out plans for a program of voluntary or  
14 compulsory repair and rehabilitation of buildings or  
15 other improvements in accordance with the urban  
16 renewal plan, or  
17 f. acquisition of any other real property in the area  
18 where necessary to eliminate unhealthful, insanitary  
19 or unsafe conditions, lessen density, eliminate  
20 obsolete or other uses detrimental to the public  
21 welfare, or otherwise to remove or prevent the spread  
22 of blight or deterioration, or to provide land for  
23 needed public facilities;  
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1        10. "Urban renewal area" means a blighted area within which the  
2 governing body of a municipality designates an area appropriate for  
3 an urban renewal project;

4        11. "Urban renewal plan" means a plan officially adopted by the  
5 municipal governing body, as it exists or is changed from time to  
6 time, for an urban renewal project, which plan shall:

7            a. conform to the general plan for the municipality as a  
8 whole except as provided in subsection K of Section  
9 38-106 of this title, and

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

22        12. "Real property" shall include all lands, including  
23 improvements and fixtures thereon, and property of any nature  
24 appurtenant thereto, or used in connection therewith, and every

1 estate, interest, right and use, legal or equitable, therein,  
2 including terms for years and liens by way of judgment, mortgage or  
3 otherwise;

4 13. "Notes" shall mean any notes (including refunding notes),  
5 interim certificates of indebtedness, debentures or other  
6 obligations;

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

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

17 16. "Area of operation" shall mean the area within the  
18 corporate limits of the municipality;

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

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

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

5 SECTION 2. This act shall become effective November 1, 2017.

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7 56-1-5446 AMM 01/05/17

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