

House Bill 174

By: Representatives Jones of the 62nd, Bruce of the 61st, Gravley of the 67th, Hightower of the 68th, and Alexander of the 66th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban
2 Redevelopment Law," so as to include blighted areas; to modernize terminology; to provide
3 for the use of surface transportation projects in urban redevelopment areas; to provide for
4 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban
8 Redevelopment Law," is amended by revising Code Section 36-61-2, relating to definitions,
9 as follows:

10 "36-61-2.

11 As used in this chapter, the term:

12 (1) 'Agency' or 'urban redevelopment agency' means a public agency created by Code
13 Section 36-61-18.

14 (2) 'Area of operation' means the area within the corporate limits of the municipality or
15 county and the area within five miles of such limits, except that it shall not include any
16 area which lies within the territorial boundaries of another incorporated municipality or
17 another county unless a resolution is adopted by the governing body of such other
18 municipality or county declaring a need therefor.

19 (3) 'Blight clearance and redevelopment' may include:

20 (A) Acquisition of a blighted area or portion thereof;

21 (B) Rehabilitation or demolition and removal of buildings and improvements;

22 (C) Installation, construction, or reconstruction of streets, transit facilities, sidewalks,
23 streetscapes, trails, bicycle facilities, utilities, parks, playgrounds, and other public
24 facilities and improvements necessary for carrying out in the area the urban
25 redevelopment provisions of this chapter in accordance with the urban redevelopment
26 plan; and

27 (D) Making the land available for development or redevelopment by private enterprise
 28 or public agencies, including sale, initial leasing, or retention by the municipality or
 29 county itself, at its fair value for uses in accordance with the urban redevelopment plan.

30 (4) 'Blighted area' means an area in which there is a predominance of buildings or
 31 improvements, whether residential or nonresidential, which by reason of dilapidation,
 32 deterioration, age, or obsolescence; inadequate provision for ventilation, light, air,
 33 sanitation, or open spaces; high density of population and overcrowding; existence of
 34 conditions which endanger life or property by fire and other causes; or any combination
 35 of such factors is conducive to ill health, transmission of disease, infant mortality,
 36 juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or
 37 welfare. 'Blighted area' also means an area which by reason of the presence of a
 38 substantial number of blighted, deteriorated, or deteriorating structures; predominance
 39 of defective or inadequate street layout; faulty lot layout in relation to size, adequacy,
 40 accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other
 41 improvements; tax or special assessment delinquency exceeding the fair value of the land;
 42 the existence of conditions which endanger life or property by fire and other causes; by
 43 having development impaired by airport or transportation noise or by other environmental
 44 hazards; or any combination of such factors substantially impairs or arrests the sound
 45 growth of a municipality or county, retards the provisions of housing accommodations,
 46 or constitutes an economic or social liability and is a menace to the public health, safety,
 47 morals, or welfare in its present condition and use.

48 ~~(3)~~(5) 'Board' or 'commission' means a board, commission, department, division, office,
 49 body, or other unit of the municipality or county.

50 ~~(4)~~(6) 'Bonds' means any bonds, (including refunding bonds), notes, interim certificates,
 51 certificates of indebtedness, debentures, or other obligations.

52 ~~(5)~~(7) 'Clerk' means the clerk or other official of the municipality or county who is the
 53 custodian of the official records of such municipality or county.

54 ~~(6)~~(8) 'County' means any county in this state.

55 ~~(7)~~(9) 'Downtown development authority' means an authority created pursuant to
 56 Chapter 42 of this title.

57 ~~(8)~~(10) 'Federal government' means the United States of America or any agency or
 58 instrumentality, corporate or otherwise, of the United States of America.

59 ~~(9)~~(11) 'Housing authority' means a housing authority created by and established
 60 pursuant to Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'

61 ~~(10)~~(12) 'Local governing body' means the council or other legislative body charged with
 62 governing the municipality and the board of commissioners or governing authority of the
 63 county.

64 ~~(11)~~(13) 'Mayor' means the mayor of a municipality or other officer or body having the
 65 duties customarily imposed upon the executive head of a municipality.

66 ~~(12)~~(14) 'Municipality' means any incorporated city or town in ~~the~~ this state.

67 ~~(13)~~(15) 'Obligee' includes any bondholder, agents, or trustees for any bondholders, or
 68 any lessor demising to the municipality or county property used in connection with an
 69 urban redevelopment project, or any assignee or assignees of such lessor's interest or any
 70 part thereof, and the federal government when it is a party to any contract with the
 71 municipality or county.

72 ~~(14)~~(16) 'Person' means any individual, firm, partnership, corporation, company,
 73 association, joint-stock association, or body politic and includes any trustee, receiver,
 74 assignee, or other person acting in a similar representative capacity.

75 (17) 'Pocket of blight' means an area in which there is a predominance of buildings or
 76 improvements, whether residential or nonresidential, which by reason of dilapidation,
 77 deterioration, age, or obsolescence; inadequate provision for ventilation, light, air,
 78 sanitation, or open spaces; high density of population and overcrowding; existence of
 79 conditions which endanger life or property by fire and other causes; or any combination
 80 of such factors is conducive to ill health, transmission of disease, infant mortality,
 81 juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or
 82 welfare. 'Pocket of blight' also means an area which by reason of the presence of a
 83 substantial number of deteriorated or deteriorating structures; predominance of defective
 84 or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility,
 85 or usefulness; unsanitary or unsafe conditions; deterioration of site or other
 86 improvements; tax or special assessment delinquency exceeding the fair value of the land;
 87 the existence of conditions which endanger life or property by fire and other causes; by
 88 having development impaired by airport or transportation noise or by other environmental
 89 hazards; or any combination of such factors substantially impairs or arrests the sound
 90 growth of a municipality or county, retards the provisions of housing accommodations,
 91 or constitutes an economic or social liability and is a menace to the public health, safety,
 92 morals, or welfare in its present condition and use.

93 (18) 'Pocket of blight clearance and redevelopment' may include:

94 (A) Acquisition of a pocket of blight or portion thereof;

95 (B) Rehabilitation or demolition and removal of buildings and improvements;

96 (C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds,
 97 and other improvements necessary for carrying out in the area the urban redevelopment
 98 provisions of this chapter in accordance with the urban redevelopment plan; and

99 (D) Making the land available for development or redevelopment by private enterprise
 100 or public agencies, including sale, initial leasing, or retention by the municipality or
 101 county itself, at its fair value for uses in accordance with the urban redevelopment plan.

102 ~~(15)~~(19) 'Public body' means ~~the~~ this state or any municipality, county, board,
 103 commission, authority, district, housing authority, urban redevelopment agency, or other
 104 subdivision or public body of ~~the~~ this state.

105 ~~(16)~~(20) 'Real property' includes all lands, including improvements and fixtures thereon
 106 and property of any nature appurtenant thereto or used in connection therewith, and every
 107 estate, interest, right, and use, legal or equitable, therein, including terms for years and
 108 liens by way of judgment, mortgage, or otherwise.

109 ~~(17)~~(21) 'Rehabilitation' or 'conservation' may include the restoration and redevelopment
 110 of a ~~slum~~ blighted area or ~~portion thereof~~ pocket of blight, in accordance with an urban
 111 redevelopment plan, by:

112 (A) Carrying out plans for a program of voluntary or compulsory repair and
 113 rehabilitation of buildings or other improvements;

114 (B) Acquisition of real property and rehabilitation or demolition and removal of
 115 buildings and improvements thereon where necessary to eliminate unhealthful,
 116 unsanitary, or unsafe conditions, to lessen or increase density, to reduce traffic hazards,
 117 to eliminate obsolete or other uses detrimental to the public welfare, to otherwise
 118 remove or prevent the spread of ~~slums~~ blight or deterioration, or to provide land for
 119 needed public facilities or improvements, including, but not limited to, surface
 120 transportation projects;

121 (C) Installation, construction, or reconstruction of streets, transit facilities and
 122 improvements, sidewalks, streetscapes, trails, bicycle facilities, utilities, parks,
 123 playgrounds, and other improvements necessary for carrying out in the area the urban
 124 redevelopment provisions of this chapter; and

125 (D) The disposition of any property acquired in such urban redevelopment area,
 126 including sale, initial leasing or retention by the municipality or county itself, at its fair
 127 value for uses in accordance with the urban redevelopment plan.

128 ~~(18) 'Slum area' means an area in which there is a predominance of buildings or~~
 129 ~~improvements, whether residential or nonresidential, which by reason of dilapidation,~~
 130 ~~deterioration, age, or obsolescence; inadequate provision for ventilation, light, air,~~
 131 ~~sanitation, or open spaces; high density of population and overcrowding; existence of~~
 132 ~~conditions which endanger life or property by fire and other causes; or any combination~~
 133 ~~of such factors is conducive to ill health, transmission of disease, infant mortality,~~
 134 ~~juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or~~
 135 ~~welfare. 'Slum area' also means an area which by reason of the presence of a substantial~~

136 ~~number of slum, deteriorated, or deteriorating structures; predominance of defective or~~
 137 ~~inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or~~
 138 ~~usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements;~~
 139 ~~tax or special assessment delinquency exceeding the fair value of the land; the existence~~
 140 ~~of conditions which endanger life or property by fire and other causes; by having~~
 141 ~~development impaired by airport or transportation noise or by other environmental~~
 142 ~~hazards; or any combination of such factors substantially impairs or arrests the sound~~
 143 ~~growth of a municipality or county, retards the provisions of housing accommodations;~~
 144 ~~or constitutes an economic or social liability and is a menace to the public health, safety,~~
 145 ~~morals, or welfare in its present condition and use.~~

146 ~~(19) 'Slum clearance and redevelopment' may include:~~

147 ~~(A) Acquisition of a slum area or portion thereof;~~

148 ~~(B) Rehabilitation or demolition and removal of buildings and improvements;~~

149 ~~(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds,~~
 150 ~~and other improvements necessary for carrying out in the area the urban redevelopment~~
 151 ~~provisions of this chapter in accordance with the urban redevelopment plan; and~~

152 ~~(D) Making the land available for development or redevelopment by private enterprise~~
 153 ~~or public agencies (including sale, initial leasing, or retention by the municipality or~~
 154 ~~county itself) at its fair value for uses in accordance with the urban redevelopment plan.~~

155 ~~(20)(22) 'Sponsoring local government' means the municipality or county which~~
 156 ~~approves and is, directly or indirectly, providing the greatest percentage of the public~~
 157 ~~funding, exclusive of federal funding, for a surface transportation project.~~

158 ~~(23) 'Surface transportation project' means a project for public improvement and any~~
 159 ~~related public facilities which is planned to impact 10,000 or more acres and at least ten~~
 160 ~~transit miles within the area of operation of the sponsoring local government, including~~
 161 ~~any related facilities, systems, parks, trails, streets, greenspace, and any other integrated~~
 162 ~~public or private development features included within any adopted infrastructure or~~
 163 ~~transportation plan, urban redevelopment plan, strategic implementation plan,~~
 164 ~~redevelopment plan, workable programs, or comprehensive plans. Surface transportation~~
 165 ~~projects may be undertaken under this chapter in areas proximate to, but lying outside of,~~
 166 ~~a designated urban redevelopment area, without regard to any requirement that the area~~
 167 ~~be a blighted area or a pocket of blight, but only within the territorial limits of the~~
 168 ~~sponsoring local government, provided that:~~

169 ~~(A) The majority of the applicable surface transportation project is located within one~~
 170 ~~or more urban redevelopment areas;~~

171 ~~(B) The elements of such surface transportation project lying outside of one or more~~
 172 ~~urban redevelopment areas are a functional component of a redevelopment plan~~

173 authorized under the provisions of Chapter 44 of this title or a comprehensive
 174 development plan adopted in accordance with the rules of the Department of
 175 Community Affairs under Chapter 8 of Title 50; and

176 (C) The sponsoring local government determines that the elements of the surface
 177 transportation project lying outside of one or more urban redevelopment areas are
 178 essential to the full implementation of such project, which legislative determination
 179 shall be deemed conclusive.

180 ~~(20)~~(24) 'Urban redevelopment area' means a ~~slum~~ blighted area which the local
 181 governing body designates as appropriate for an urban redevelopment project.

182 ~~(21)~~(25) 'Urban redevelopment plan' means a plan, as it exists from time to time, for an
 183 urban redevelopment project, which plan shall:

184 (A) Conform to the general plan for the municipality or county as a whole; and

185 (B) Be sufficiently complete to indicate such land acquisition, demolition and removal
 186 of structures, redevelopment, improvements, and rehabilitation as may be proposed to
 187 be carried out in the urban redevelopment area; zoning and planning changes, if any;
 188 land uses; maximum densities; building requirements; and the plan's relationship to
 189 definite local objectives respecting appropriate land uses, improved traffic, public
 190 transportation, public utilities, recreational and community facilities, and other public
 191 improvements.

192 ~~(22)~~(26) 'Urban redevelopment project' may include undertakings or activities of a
 193 municipality or county in an urban redevelopment area for the elimination and for the
 194 prevention of the development or spread of ~~slums~~ blighted areas and may involve ~~slum~~
 195 blight clearance and redevelopment in an urban redevelopment area, rehabilitation or
 196 conservation in an urban redevelopment area, the implementation of public
 197 improvements, including, but not limited to, surface transportation projects, or any
 198 combination or part thereof, in accordance with an urban redevelopment plan. Although
 199 the power of eminent domain may not be exercised for ~~such~~ the following purposes, such
 200 undertakings or activities may include:

201 (A) Acquisition, without regard to any requirement that the area be a ~~slum~~ or blighted
 202 area, of air rights in an area consisting of lands and highways, railway or subway tracks,
 203 bridge or tunnel entrances, or other similar facilities which have a blighting influence
 204 on the surrounding area and over which air rights sites are to be developed for the
 205 elimination of such blighting influences and for the provision of housing and related
 206 facilities and uses designed for, and limited primarily to, families and individuals of low
 207 or moderate income; and

208 (B) Construction of foundations and platforms necessary for the provision of air rights
 209 sites of housing and related facilities and uses designed for, and limited primarily to,

210 families and individuals of low or moderate income or construction of foundations
 211 necessary for the provision of air rights sites for development of nonresidential
 212 facilities."

213 **SECTION 2.**

214 Said chapter is further amended by revising Code Section 36-61-3, relating to legislative
 215 findings and declaration of necessity, as follows:

216 "36-61-3.

217 (a) It is found and declared that there exist in municipalities and counties of this state ~~stun~~
 218 blighted areas and pockets of blight, as defined in ~~paragraph (18)~~ paragraphs (4) and (17)
 219 of Code Section 36-61-2, which constitute a serious and growing menace, injurious to the
 220 public health, safety, morals, and welfare of the residents of this state; that the existence
 221 of such areas contributes substantially and increasingly to the spread of disease and crime,
 222 constitutes an economic and social liability, substantially impairs or arrests the sound
 223 growth of municipalities and counties, retards the provision of housing accommodations,
 224 aggravates traffic problems, and substantially impairs or arrests the elimination of traffic
 225 hazards and the improvement of traffic facilities; and that the prevention and elimination
 226 of ~~stuns~~ blighted areas is a matter of state policy and state concern, in order that ~~the~~ this
 227 state and its municipalities and counties shall not continue to be endangered by areas which
 228 are local centers of disease, promote juvenile delinquency, and, while contributing little to
 229 the tax income of ~~the~~ this state and its municipalities and counties, consume an excessive
 230 proportion of its revenues because of the extra services required for police, fire, accident,
 231 hospitalization, and other forms of public protection, services, and facilities.

232 (b) It is further found and declared that certain ~~stun~~ blighted areas or portions thereof may
 233 require acquisition, clearance, and disposition, subject to use restrictions, as provided in
 234 this chapter, since the prevailing condition of decay may make impracticable the
 235 reclamation of the area by conservation or rehabilitation; that the other areas or portions
 236 thereof, through the means provided in this chapter, may be susceptible of conservation or
 237 rehabilitation in such a manner that the conditions and evils enumerated in subsection (a)
 238 of this Code section may be eliminated, remedied, or prevented and that, to the extent that
 239 is feasible, salvable ~~stun~~ blighted areas should be conserved and rehabilitated through
 240 voluntary action and the regulatory process.

241 (c) It is further found and declared that the powers conferred by this chapter are for public
 242 uses and purposes for which public money may be expended and the power of eminent
 243 domain may be exercised. The necessity, in the public interest, for the provisions enacted
 244 in this chapter is declared as a matter of legislative determination."

245 **SECTION 3.**

246 Said chapter is further amended by revising Code Section 36-61-5, relating to resolution of
247 necessity as prerequisite to exercise of powers, as follows:

248 "36-61-5.

249 No municipality or county shall exercise any of the powers conferred upon municipalities
250 and counties by this chapter until after its local governing body has adopted a resolution
251 finding that:

252 (1) One or more ~~stums~~ blighted areas exist in such municipality or county; and

253 (2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such
254 area or areas is necessary in the interest of the public health, safety, morals, or welfare
255 of the residents of the municipality or county."

256 **SECTION 4.**

257 Said chapter is further amended by revising Code Section 36-61-6, relating to formulation
258 of workable program, as follows:

259 "36-61-6.

260 For the purposes of this chapter, a municipality or county may formulate a workable
261 program for utilizing appropriate private and public resources, including those specified
262 in Code Section 36-61-11, to eliminate and prevent the development or spread of ~~stums~~
263 blighted areas, to encourage needed urban rehabilitation, to provide for the redevelopment
264 of ~~stums~~ blighted areas, or to undertake such of the aforesaid activities or such other feasible
265 municipal or county activities as may be suitably employed to achieve the objectives of
266 such workable program. Such workable program may include, without limitation,
267 provision for the prevention of the spread of ~~stums~~ blighted or distressed areas into areas
268 of the municipality or county which are free from ~~stums~~ such areas, through diligent
269 enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation
270 or conservation of ~~stums~~ blighted areas or portions thereof by replanning, removing
271 congestion, providing parks, playgrounds, and other public improvements, including,
272 without limitation, surface transportation projects, encouraging voluntary rehabilitation,
273 and compelling the repair and rehabilitation of deteriorated or deteriorating structures; and
274 the clearance and redevelopment of ~~stums~~ blighted areas or portions thereof."

275 **SECTION 5.**

276 Said chapter is further amended by revising Code Section 36-61-7, relating to preparation of
277 redevelopment plan, approval, modification, and effect of approval, as follows:

278 "36-61-7.

279 (a) A municipality or county shall not approve an urban redevelopment plan for an urban
280 redevelopment area unless the governing body, by resolution, has determined such area to
281 be a ~~slum~~ blighted area and designated such area as appropriate for an urban redevelopment
282 project. Authority is vested in every municipality and county to prepare, to adopt, and to
283 revise, from time to time, a general plan for the physical development of the municipality
284 or county as a whole (giving due regard to the environs and metropolitan surroundings),
285 to establish and maintain a planning commission for such purpose and related municipal
286 and county planning activities, and to make available and to appropriate the necessary
287 funds therefor. A municipality or county shall not acquire real property for an urban
288 redevelopment project unless the local governing body has approved the urban
289 redevelopment plan in accordance with subsection (d) of this Code section.

290 (b) The municipality or county may itself prepare or cause to be prepared an urban
291 redevelopment plan; alternatively, any person or agency, public or private, may submit a
292 plan to a municipality or county.

293 (c) The local governing body of the municipality or county shall hold or shall cause some
294 agency of the municipality or county to hold a public hearing on an urban redevelopment
295 plan or a substantial modification of an approved urban redevelopment plan, after public
296 notice thereof by publication in a newspaper having a general circulation in the area of
297 operation of the municipality or county. The notice shall describe the time, date, place, and
298 purpose of the hearing, shall generally identify the urban redevelopment area covered by
299 the plan, and shall outline the general scope of the urban redevelopment project under
300 consideration.

301 (d) Following such hearing, the local governing body may approve an urban
302 redevelopment plan if it finds that:

303 (1) A feasible method exists for the relocation of families who will be displaced from the
304 urban redevelopment area in decent, safe, and sanitary dwelling accommodations within
305 their means and without undue hardship to such families;

306 (2) The urban redevelopment plan conforms to the general plan of the municipality or
307 county as a whole; and

308 (3) The urban redevelopment plan will afford maximum opportunity, consistent with the
309 sound needs of the municipality or county as a whole, for the rehabilitation or
310 redevelopment of the urban redevelopment area by private enterprise.

311 (e) An urban redevelopment plan may be modified at any time, provided that, if modified
312 after the lease or sale by the municipality or county of real property in the urban
313 redevelopment project area, such modification shall be subject to such rights at law or in
314 equity as a lessee or purchaser or his or her successor or successors in interest may be

315 entitled to assert. Any proposed modification which will substantially change the urban
 316 redevelopment plan as previously approved by the local governing body shall be subject
 317 to the requirements of this Code section, including the requirement of a public hearing,
 318 before it may be approved.

319 (f) Upon the approval of an urban redevelopment plan by a municipality or county, the
 320 provisions of the plan with respect to the future use and building requirements applicable
 321 to the property covered by the plan shall be controlling with respect thereto."

322 **SECTION 6.**

323 Said chapter is further amended by revising paragraphs (1), (6), and (9) of Code
 324 Section 36-61-8, relating to powers of municipalities and counties generally, as follows:

325 "(1) To undertake and carry out urban redevelopment projects within its area of
 326 operation; to make and execute contracts and other instruments necessary or convenient
 327 to the exercise of its powers under this chapter; and to disseminate ~~slum~~ blight clearance
 328 and urban redevelopment information;"

329 "(6) Within their area of operation, to make or have made all plans necessary to the
 330 carrying out of the purposes of this chapter and to contract with any person, public or
 331 private, in making and carrying out such plans and to adopt or approve, modify, and
 332 amend such plans. Such plans may include, without limitation:

333 (A) A general plan for the locality as a whole;

334 (B) Urban redevelopment plans;

335 (C) Plans for carrying out a program of voluntary or compulsory repair and
 336 rehabilitation of buildings and improvements, to include but not to be limited to making
 337 loans and grants from funds received from the federal government, as well as from
 338 funds received from the repayment of such loans and interest thereon, to persons, public
 339 or private, owning private housing for the purpose of financing the rehabilitation of
 340 such housing;

341 (D) Plans for the enforcement of state and local laws, codes, and regulations relating
 342 to the use of land and the use and occupancy of buildings and improvements and to the
 343 compulsory repair, rehabilitation, demolition, or removal of buildings and
 344 improvements; and

345 (E) Appraisals, title searches, surveys, studies, and other preliminary plans and work
 346 necessary to prepare for the undertaking of urban redevelopment projects.

347 The municipality or county is authorized to develop, test, and report methods and
 348 techniques and to carry out demonstrations and other activities for the prevention and
 349 elimination of ~~slums~~ blighted areas and to apply for, accept, and utilize grants of funds
 350 from the federal government for such purposes;"

351 "(9) Within their areas of operation, to organize, coordinate, and direct the administration
 352 of the provisions of this chapter as they apply to such municipality or county, in order
 353 that the objective of remedying ~~stums~~ blighted areas and preventing the causes thereof
 354 within the municipality or county may be most effectively promoted and achieved, and
 355 to establish such new office or offices of the municipality or county or to reorganize
 356 existing offices in order to carry out such purpose most effectively; and"

357 **SECTION 7.**

358 Said chapter is further amended by revising Code Section 36-61-10, relating to disposal of
 359 property in redevelopment area generally, notice and bidding procedures, exchange with
 360 veterans' organization, and temporary operation of property, as follows:

361 "36-61-10.

362 (a) A municipality or county may sell, lease, or otherwise transfer real property in an urban
 363 redevelopment area or any interest therein acquired by it and may enter into contracts with
 364 respect thereto, for residential, recreational, commercial, industrial, or other uses or for
 365 public use; or the municipality or county may retain such property or interest for public
 366 use, in accordance with the urban redevelopment plan, subject to such covenants,
 367 conditions, and restrictions, including covenants running with the land and including the
 368 incorporation by reference therein of the provisions of an urban redevelopment plan or any
 369 part thereof, as it may deem to be in the public interest or necessary or desirable to assist
 370 in preventing the development or spread of future ~~stums~~ blighted areas or to otherwise
 371 carry out the purposes of this chapter. Such sale, lease, other transfer, or retention and any
 372 agreement relating thereto may be made only after the approval of the urban redevelopment
 373 plan by the local governing body. The purchasers or lessees and their successors and
 374 assigns shall be obligated to devote such real property only to the uses specified in the
 375 urban redevelopment plan and may be obligated to comply with such other requirements
 376 as the municipality or county may determine to be in the public interest, including the
 377 obligation to begin within a reasonable time any improvements on the real property
 378 required by the urban redevelopment plan. Such real property or interest shall be sold,
 379 leased, otherwise transferred, or retained at not less than its fair value for uses in
 380 accordance with the urban redevelopment plan. In determining the fair value of real
 381 property for uses in accordance with the urban redevelopment plan, a municipality or
 382 county shall take into account and give consideration to the uses provided in such plan; the
 383 restrictions upon and the covenants, conditions, and obligations assumed by the purchaser
 384 or lessee or by the municipality or county retaining the property; and the objectives of such
 385 plan for the prevention of the recurrence of ~~stums~~ blighted areas. The municipality or
 386 county in any instrument of conveyance to a private purchaser or lessee may provide that

387 such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real
 388 property without the prior written consent of the municipality or county until he or she has
 389 completed the construction of any and all improvements which he or she has obligated
 390 himself or herself to construct thereon. Real property acquired by a municipality or county
 391 which, in accordance with the provisions of the urban redevelopment plan, is to be
 392 transferred shall be transferred as rapidly as feasible in the public interest consistent with
 393 the carrying out of the provisions of the urban redevelopment plan. The inclusion in any
 394 such contract or conveyance to a purchaser or lessee of any such covenants, restrictions,
 395 or conditions, including the incorporation by reference therein of the provisions of an urban
 396 redevelopment plan or any part thereof, shall not prevent the filing of the contract or
 397 conveyance in the land records of the county in such manner as to afford actual or
 398 constructive notice thereof.

399 (b)(1) A municipality or county may dispose of real property in an urban redevelopment
 400 area to private persons only under such reasonable competitive bidding procedures as it
 401 shall prescribe, ~~or~~ as are provided in this subsection or, solely with respect to and for the
 402 benefit of advancing surface transportation projects, as provided in Code Section 36-61-4.

403 A municipality or county, by public notice by publication once each week for two
 404 consecutive weeks in a newspaper having a general circulation in the community, prior
 405 to the execution of any contract to sell, lease, or otherwise transfer real property and prior
 406 to the delivery of any instrument of conveyance with respect thereto under this Code
 407 section, may invite proposals from and make available all pertinent information to private
 408 redevelopers or any persons interested in undertaking to redevelop or rehabilitate an
 409 urban redevelopment area or any part thereof. The notice shall identify the area or
 410 portion thereof and shall state that such further information as is available may be
 411 obtained at such office as shall be designated in the notice. The municipality or county
 412 shall consider all such redevelopment or rehabilitation proposals and the financial and
 413 legal ability of the persons making such proposals to carry them out and may negotiate
 414 with any persons for proposals for the purchase, lease, or other transfer of any real
 415 property acquired by the municipality or county in the urban redevelopment area. The
 416 municipality or county may accept such proposal as it deems to be in the public interest
 417 and in furtherance of the purposes of this chapter. The municipality or county may
 418 execute contracts in accordance with subsection (a) of this Code section and deliver
 419 deeds, leases, and other instruments and take all steps necessary to effectuate such
 420 contracts.

421 (2) Notwithstanding the provisions or requirements of this Code section, any
 422 municipality or county may exchange real property or land, whether vacant or improved,
 423 in any urban redevelopment area for real property or land, whether vacant or improved,

424 owned by any post, barracks, encampment, chapter, subsidiary, or any other division or
 425 unit of any veterans' organization chartered by the United States Congress, provided such
 426 real property or land was owned by the veterans' organization on March 6, 1962, and,
 427 provided, further, that the municipality or county owning such urban redevelopment area
 428 desires to obtain the real property or land owned by the veterans' organization for civic
 429 improvements, including, but not limited to, the building of art theaters, stadiums, parks,
 430 playgrounds, auditoriums, civic theaters, and performing arts theaters.

431 (c) A municipality or county may temporarily operate and maintain real property acquired
 432 in an urban redevelopment area, pending the disposition of the property for redevelopment,
 433 without regard to subsection (a) of this Code section, for such uses and purposes as may
 434 be deemed desirable, even if such uses and purposes are not in conformity with the urban
 435 redevelopment plan."

436 **SECTION 8.**

437 Said chapter is further amended by revising subsection (b) of Code Section 36-61-14, related
 438 to property exempt from taxes and from levy and sale by virtue of an execution, as follows:

439 "(b) The property of a municipality, ~~or county,~~ or any other public body, acquired or held
 440 for the purpose of this chapter, is declared to be public property used for essential public
 441 and governmental purposes and such property shall be exempt from all taxes of the
 442 municipality, the county, the state, or any political subdivision thereof. Such tax exemption
 443 shall terminate when the municipality or county sells, leases, or otherwise disposes of
 444 property in an urban redevelopment area to a purchaser or lessee who or which is not a
 445 public body."

446 **SECTION 9.**

447 Said chapter is further amended by revising subsection (b) of Code Section 36-61-17, relating
 448 to exercise of redevelopment powers by municipalities and counties and delegation to
 449 redevelopment agency or housing authority, as follows:

450 "(b) As used in this Code section, the term 'urban redevelopment project powers' shall
 451 include all of the rights, powers, functions, duties, privileges, immunities, and exemptions
 452 granted to a municipality or county under this chapter, except the following:

- 453 (1) The power to determine an area to be a ~~slum~~ blighted area and to designate such area
 454 as appropriate for an urban redevelopment project;
- 455 (2) The power to approve and amend urban redevelopment plans;
- 456 (3) The power to establish a general plan for the locality as a whole;
- 457 (4) The power to formulate a workable program under Code Section 36-61-6;
- 458 (5) The powers, duties, and functions referred to in Code Section 36-61-11;

- 459 (6) The power to make the determinations and findings provided for in Code
460 Section 36-61-4, Code Section 36-61-5, and subsection (d) of Code Section 36-61-7;
461 (7) The power to issue general obligation bonds; and
462 (8) The power to appropriate funds, to levy taxes and assessments, and to exercise other
463 powers provided for in paragraph (8) of Code Section 36-61-8."

464

SECTION 10.

465 All laws and parts of laws in conflict with this Act are repealed.