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HOUSE BILL NO. 1145

Offered January 24, 2000

A BILL to amend and reenact § 36-49 of the Code of Virginia, relating to powers of housing authorities; limitations.

Patrons—Drake, Bryant, Byron, Devolites, Griffith, Ingram, McClure and Shuler; Senators: Colgan, Marye, Norment, Rerras, Schrock and Watkins

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 36-49 of the Code of Virginia is amended and reenacted as follows:**

§ 36-49. Undertakings constituting redevelopment projects; limitations.

A. Any authority now or hereafter established, in addition to other powers granted by this or any law, is specifically empowered to carry out any work or undertaking (hereafter called a "redevelopment project"):

1. To acquire blighted or deteriorated areas, which are hereby defined as areas (including slum areas) with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community;

2. To acquire other real property for the purpose of removing, preventing, or reducing blight, blighting factors or the cause of blight;

3. To acquire real property where the condition of the title, the diverse ownership of the real property to be assembled, the street or lot layouts, or other conditions prevent a proper development of the property and where the acquisition of the area by the authority is necessary to carry out a redevelopment plan;

4. To permit the preservation, repair, or restoration of buildings of historic interest; and to clear any areas acquired and install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;

5. To provide for the conservation of portions of the project area and the rehabilitation to project standards as stated in the redevelopment plan of buildings within the project area, where such rehabilitation is deemed by the authority to be feasible and consistent with project objectives;

6. To make land so acquired available to private enterprise or public agencies (including sale, leasing, or retention by the authority itself) in accordance with the redevelopment plan;

7. To assist the reconstruction of project areas by making loans or grants of funds received from any public or private source, for the purpose of facilitating the construction, reconstruction, rehabilitation or sale of housing or other improvements constructed or to be constructed on land situated within the boundaries of a redevelopment project;

8. To acquire, construct or rehabilitate residential housing developments for occupancy by persons of low, moderate and middle income to be owned, operated, managed, leased, conveyed, mortgaged, encumbered or assigned by an authority. Income limits for such persons shall be determined for each redevelopment project by an authority by resolution adopted by a majority of its appointed commissioners, shall be adjusted for household size and may be revised as an authority deems appropriate. In connection with a residential housing development, an authority shall have all rights, powers and privileges granted by subdivision 4 of § 36-19, and shall establish rental rates in accordance with § 36-21. This subdivision shall apply only to (i) a redevelopment and housing authority created by joint resolution adopted by a city council of a city on September 27, 1940, and a board of aldermen of a city on October 1, 1940, and approved by the mayor of a city on October 3, 1940, and (ii) a redevelopment and housing authority created by a November 2, 1965, referendum, the initial commissioners of which were appointed by a February 23, 1966, board of supervisors resolution; and

9. To accomplish any combination of the foregoing to carry out a redevelopment plan.

B. Real property identified by a housing authority for redevelopment in accordance with this article shall be acquired by the housing authority within thirty-six months after announcement of the redevelopment plan. In addition, if a housing authority decides against acquiring real property identified for redevelopment, it shall reimburse the owner of such property his reasonable expenses related to the proposed acquisition of his property, upon request.

INTRODUCED

HB1145