

## HOUSE BILL NO. 564

INTRODUCED BY E. ARNTZEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN URBAN RENEWAL PROGRAM MAY NOT  
5 SUPPLANT MUNICIPAL SERVICES; REQUIRING GENERAL GOALS WHEN DETERMINING THE NECESSITY  
6 FOR AN URBAN RENEWAL DISTRICT AND SPECIFIC GOALS WHEN APPROVING AN URBAN RENEWAL  
7 DISTRICT; REQUIRING MODIFICATION OF AN URBAN RENEWAL PLAN TO CONFORM TO THE  
8 REQUIREMENTS FOR ADOPTION OF A PLAN; AND AMENDING SECTIONS 7-15-4209, 7-15-4210,  
9 7-15-4216, AND 7-15-4221, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 7-15-4209, MCA, is amended to read:

14 **"7-15-4209. Development of workable urban renewal program.** (1) A municipality, for the purposes  
15 of part 43 and this part ~~and part 43~~, may formulate a workable program for utilizing appropriate private and public  
16 resources:

17 (a) to eliminate and prevent the development or spread of blighted areas;  
18 (b) to encourage needed urban rehabilitation;  
19 (c) to provide for the redevelopment of ~~such~~ blighted areas; or  
20 (d) to undertake ~~such of the aforesaid~~ those activities or other feasible municipal activities as may be  
21 suitably employed to achieve the objectives of ~~such a~~ workable program.

22 (2) ~~Such a~~ A workable program may include, without limitation, provision for:

23 (a) the prevention of the spread of blight into areas of the municipality ~~which~~ that are free from blight  
24 through diligent enforcement of housing, zoning, and occupancy controls and standards;

25 (b) the rehabilitation of all or portions of blighted areas ~~or portions thereof~~ by:

26 (i) replanning, removing congestion, and providing parks, playgrounds, and other public improvements;

27 by

28 (ii) encouraging voluntary rehabilitation; and ~~by~~

29 (iii) compelling the repair and rehabilitation of deteriorated or deteriorating structures; and

30 (c) the clearance and redevelopment of all or portions of blighted areas ~~or portions thereof~~.

1           (3) The program may not include provisions that would supplant municipal services as provided to the  
 2 rest of the municipality. Provisions of the program addressing municipal services must supplement existing  
 3 municipal services."

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 5           **Section 2.** Section 7-15-4210, MCA, is amended to read:  
 6           **"7-15-4210. Resolution of necessity required to utilize provisions of part. (1) No** A municipality shall  
 7 may not exercise any of the powers hereafter conferred upon municipalities by part 43 and this part and part 43  
 8 until after its local governing body ~~shall have~~ has adopted a resolution finding that:

9           ~~(1)(a)~~ (a) one or more blighted areas exist in ~~such the~~ the municipality; and  
 10           ~~(2)(b)~~ (b) the rehabilitation, redevelopment, or ~~a combination thereof~~ both rehabilitation and redevelopment  
 11 of such an area or areas is necessary in the interest of the public health, safety, morals, or welfare of the  
 12 residents of ~~such the~~ the municipality.

13           (2) The resolution must provide a statement specifying the purpose of the rehabilitation and  
 14 redevelopment, giving in general terms:

15           (a) the actual conditions to be corrected over the life of a project;  
 16           (b) the final goal that upon termination the rehabilitation and redevelopment is intended to have  
 17 accomplished;  
 18           (c) the actions to be employed to achieve the proposed goals; and  
 19           (d) how the rehabilitation and redevelopment is intended to supplement existing municipal services within  
 20 the area rather than supplant them in the course of achieving the proposed goals."

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 22           **Section 3.** Section 7-15-4216, MCA, is amended to read:  
 23           **"7-15-4216. Requirements for approval of urban renewal plans and projects. (1)** The local governing  
 24 body ~~shall~~ may not approve an urban renewal plan until a comprehensive plan or parts of ~~such the~~ the plan for an  
 25 area which would include an urban renewal area for the municipality have been prepared.

26           (2) A municipality ~~shall~~ may not approve an urban renewal project for an urban renewal area unless the  
 27 local governing body has by resolution determined:

28           (a) such the area to be a blighted area and designated ~~such the~~ the area as appropriate for an urban  
 29 renewal project;  
 30           (b) the actual features within the area that will be rehabilitated or renewed over the life of a project;

1 (c) the final condition of the district at the project's termination that represent the correction of the  
 2 conditions that required the district to be formed;

3 (d) the courses of action intended to be employed, including use of tax increment financing, to achieve  
 4 the proposed rehabilitation and renewal of the district; and

5 (e) how rehabilitation and renewal activities within the district will supplement municipal services within  
 6 the district rather than supplant them.

7 (3) An urban renewal plan ~~adopted after July 1, 1979~~, must be approved by ordinance.

8 (4) All urban renewal plans approved by resolution prior to May 8, 1979, are hereby validated."  
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10 **Section 4.** Section 7-15-4221, MCA, is amended to read:

11 **"7-15-4221. Modification of urban renewal project plan.** (1) An urban renewal project plan may be  
 12 modified at any time by the local governing body. If modified after the lease or sale by the municipality of real  
 13 property in the urban renewal project area, the modification is subject to any rights at law or in equity that a lessee  
 14 or purchaser or the lessee's or purchaser's successor or successors in interest may be entitled to assert.

15 (2) An urban renewal plan may be modified by ordinance.

16 (3) A modified urban renewal plan must conform to the requirements for the adoption of an urban  
 17 renewal plan effective on the date of the proposed modification.

18 ~~(3)~~(4) All urban renewal plans approved or modified by resolution prior to May 8, 1979, are validated.

19 ~~(4)~~(5) ~~A~~ Subject to the provisions of subsection (3), a plan may be modified by:

20 (a) the procedure set forth in 7-15-4212 through 7-15-4219 with respect to adoption of an urban renewal  
 21 plan;

22 (b) the procedure set forth in the plan."  
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