

The House Committee on Governmental Affairs offers the following substitute to SB 374:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 urban redevelopment for counties and municipal corporations, so as to provide for the use  
3 of surface transportation projects in urban redevelopment areas; to provide for definitions;  
4 to revise terminology from "slums" to "pockets of blight"; to provide for public contracts  
5 with private enterprises for the completion of surface transportation projects; to provide for  
6 methods of procurement for surface transportation projects in urban redevelopment areas;  
7 to provide for limitations on former public employees when negotiating contracts for surface  
8 transportation projects; to provide for the issuance of bonds for urban redevelopment  
9 projects; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban  
13 redevelopment for counties and municipal corporations, is amended by revising Code Section  
14 36-61-2, relating to definitions, as follows:

15 "36-61-2.

16 As used in this chapter, the term:

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

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

24 (3) 'Board' or 'commission' means a board, commission, department, division, office,  
25 body, or other unit of the municipality or county.

- 26 (4) 'Bonds' means any bonds (including refunding bonds), notes, interim certificates,  
 27 certificates of indebtedness, debentures, or other obligations.
- 28 (5) 'Clerk' means the clerk or other official of the municipality or county who is the  
 29 custodian of the official records of such municipality or county.
- 30 (6) 'County' means any county in this state.
- 31 (7) 'Downtown development authority' means an authority created pursuant to Chapter  
 32 42 of this title.
- 33 (8) 'Federal government' means the United States of America or any agency or  
 34 instrumentality, corporate or otherwise, of the United States of America.
- 35 (9) 'Housing authority' means a housing authority created by and established pursuant  
 36 to Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'
- 37 (10) 'Local governing body' means the council or other legislative body charged with  
 38 governing the municipality and the board of commissioners or governing authority of the  
 39 county.
- 40 (11) 'Mayor' means the mayor of a municipality or other officer or body having the  
 41 duties customarily imposed upon the executive head of a municipality.
- 42 (12) 'Municipality' means any incorporated city or town in ~~the~~ this state.
- 43 (13) 'Obligee' includes any bondholder, agents, or trustees for any bondholders, or any  
 44 lessor demising to the municipality or county property used in connection with an urban  
 45 redevelopment project, or any assignee or assignees of such lessor's interest or any part  
 46 thereof, and the federal government when it is a party to any contract with the  
 47 municipality or county.
- 48 (14) 'Person' means any individual, firm, partnership, corporation, company, association,  
 49 joint-stock association, or body politic and includes any trustee, receiver, assignee, or  
 50 other person acting in a similar representative capacity.
- 51 (15) 'Pocket of blight' means an area in which there is a predominance of buildings or  
 52 improvements, whether residential or nonresidential, which by reason of dilapidation,  
 53 deterioration, age, or obsolescence; inadequate provision for ventilation, light, air,  
 54 sanitation, or open spaces; high density of population and overcrowding; existence of  
 55 conditions which endanger life or property by fire and other causes; or any combination  
 56 of such factors is conducive to ill health, transmission of disease, infant mortality,  
 57 juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or  
 58 welfare. 'Pocket of blight' also means an area which by reason of the presence of a  
 59 substantial number of deteriorated or deteriorating structures; predominance of defective  
 60 or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility,  
 61 or usefulness; unsanitary or unsafe conditions; deterioration of site or other  
 62 improvements; tax or special assessment delinquency exceeding the fair value of the land;

63 the existence of conditions which endanger life or property by fire and other causes; by  
 64 having development impaired by airport or transportation noise or by other environmental  
 65 hazards; or any combination of such factors substantially impairs or arrests the sound  
 66 growth of a municipality or county, retards the provisions of housing accommodations,  
 67 or constitutes an economic or social liability and is a menace to the public health, safety,  
 68 morals, or welfare in its present condition and use.

69 (16) 'Pocket of blight clearance and redevelopment' may include:

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

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

72 (C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds,  
 73 transit facilities, sidewalks, streetscapes, trails, bicycle facilities, and other  
 74 improvements necessary for carrying out in the area the urban redevelopment  
 75 provisions of this chapter in accordance with the urban redevelopment plan; and

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

79 ~~(15)~~(17) 'Public body' means the state or any municipality, county, board, commission,  
 80 authority, district, housing authority, urban redevelopment agency, or other subdivision  
 81 or public body of the state.

82 ~~(16)~~(18) 'Real property' includes all lands, including improvements and fixtures thereon  
 83 and property of any nature appurtenant thereto or used in connection therewith, and every  
 84 estate, interest, right, and use, legal or equitable, therein, including terms for years and  
 85 liens by way of judgment, mortgage, or otherwise.

86 ~~(17)~~(19) 'Rehabilitation' or 'conservation' may include the restoration and redevelopment  
 87 of a ~~slum~~area pocket of blight or portion thereof, in accordance with an urban  
 88 redevelopment plan, by:

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

91 (B) Acquisition of real property and rehabilitation or demolition and removal of  
 92 buildings and improvements thereon where necessary to eliminate unhealthful,  
 93 unsanitary, or unsafe conditions, to ~~lessen~~or increase density, to reduce traffic hazards,  
 94 to eliminate obsolete or other uses detrimental to the public welfare, to otherwise  
 95 remove or prevent the spread of ~~slums~~pockets of blight or deterioration, or to provide  
 96 land for needed public facilities or improvements, including, but not limited to, surface  
 97 transportation projects;

98 (C) Installation, construction, or reconstruction of streets, transit facilities and  
 99 improvements, sidewalks, streetscapes, trails, bicycle facilities, utilities, parks,

100 playgrounds, and other improvements necessary for carrying out in the area the urban  
 101 redevelopment provisions of this chapter; and

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

105 ~~(18) 'Slum area' means an area in which there is a predominance of buildings or~~  
 106 ~~improvements, whether residential or nonresidential, which by reason of dilapidation,~~  
 107 ~~deterioration, age, or obsolescence; inadequate provision for ventilation, light, air,~~  
 108 ~~sanitation, or open spaces; high density of population and overcrowding; existence of~~  
 109 ~~conditions which endanger life or property by fire and other causes; or any combination~~  
 110 ~~of such factors is conducive to ill health, transmission of disease, infant mortality,~~  
 111 ~~juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or~~  
 112 ~~welfare. 'Slum area' also means an area which by reason of the presence of a substantial~~  
 113 ~~number of slum, deteriorated, or deteriorating structures; predominance of defective or~~  
 114 ~~inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or~~  
 115 ~~usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements;~~  
 116 ~~tax or special assessment delinquency exceeding the fair value of the land; the existence~~  
 117 ~~of conditions which endanger life or property by fire and other causes; by having~~  
 118 ~~development impaired by airport or transportation noise or by other environmental~~  
 119 ~~hazards; or any combination of such factors substantially impairs or arrests the sound~~  
 120 ~~growth of a municipality or county, retards the provisions of housing accommodations,~~  
 121 ~~or constitutes an economic or social liability and is a menace to the public health, safety,~~  
 122 ~~morals, or welfare in its present condition and use.~~

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

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

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

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

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

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

135 ~~(21) 'Surface transportation project' means a project for public improvement and any~~  
 136 ~~related public facilities which is planned to impact 10,000 or more acres and at least ten~~

137 transit miles within the area of operation of the sponsoring local government, including  
 138 any related facilities, systems, parks, trails, streets, greenspace, and any other integrated  
 139 public or private development features included within any adopted infrastructure or  
 140 transportation plan, urban redevelopment plan, strategic implementation plan,  
 141 redevelopment plan, workable programs, or comprehensive plans. Surface transportation  
 142 projects may be undertaken under this chapter in areas proximate to, but lying outside of,  
 143 a designated urban redevelopment area, without regard to any requirement that the area  
 144 be a pocket of blight, but only within the territorial limits of the sponsoring local  
 145 government, provided that:

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

148 (B) The elements of such surface transportation project lying outside of one or more  
 149 urban redevelopment areas are a functional component of a redevelopment plan  
 150 authorized under the provisions of Chapter 44 of this title or a comprehensive  
 151 development plan adopted in accordance with the rules of the Department of  
 152 Community Affairs under Chapter 8 of Title 50; and

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

157 (22) 'Urban redevelopment area' means a ~~stump~~ area pocket of blight which the local  
 158 governing body designates as appropriate for an urban redevelopment project.

159 ~~(21)~~(23) 'Urban redevelopment plan' means a plan, as it exists from time to time, for an  
 160 urban redevelopment project, which plan shall:

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

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

169 ~~(22)~~(24) 'Urban redevelopment project' may include undertakings or activities of a  
 170 municipality or county in an urban redevelopment area for the elimination and for the  
 171 prevention of the development or spread of ~~stumps~~ pockets of blight and may involve ~~stump~~  
 172 pocket of blight clearance and redevelopment in an urban redevelopment area,  
 173 rehabilitation or conservation in an urban redevelopment area, the implementation of

174 public improvements, including, but not limited to, surface transportation projects, or any  
 175 combination or part thereof, in accordance with an urban redevelopment plan. Although  
 176 the power of eminent domain may not be exercised for ~~such~~ the following purposes, such  
 177 undertakings or activities may include:

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

185 (B) Construction of foundations and platforms necessary for the provision of air rights  
 186 sites of housing and related facilities and uses designed for, and limited primarily to,  
 187 families and individuals of low or moderate income or construction of foundations  
 188 necessary for the provision of air rights sites for development of nonresidential  
 189 facilities."

## 190 SECTION 2.

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

193 "36-61-3.

194 (a) It is found and declared that there exist in municipalities and counties of this state ~~slum~~  
 195 areas pockets of blight, as defined in paragraph ~~(18)~~ (15) of Code Section 36-61-2, which  
 196 constitute a serious and growing menace, injurious to the public health, safety, morals, and  
 197 welfare of the residents of this state; that the existence of such areas contributes  
 198 substantially and increasingly to the spread of disease and crime, constitutes an economic  
 199 and social liability, substantially impairs or arrests the sound growth of municipalities and  
 200 counties, retards the provision of housing accommodations, aggravates traffic problems,  
 201 and substantially impairs or arrests the elimination of traffic hazards and the improvement  
 202 of traffic facilities; and that the prevention and elimination of ~~slums~~ pockets of blight is a  
 203 matter of state policy and state concern, in order that ~~the~~ this state and its municipalities  
 204 and counties shall not continue to be endangered by areas which are local centers of  
 205 disease, promote juvenile delinquency, and, while contributing little to the tax income of  
 206 ~~the~~ this state and its municipalities and counties, consume an excessive proportion of its  
 207 revenues because of the extra services required for police, fire, accident, hospitalization,  
 208 and other forms of public protection, services, and facilities.

209 (b) It is further found and declared that certain ~~slum areas~~ pockets of blight or portions  
 210 thereof may require acquisition, clearance, and disposition, subject to use restrictions, as  
 211 provided in this chapter, since the prevailing condition of decay may make impracticable  
 212 the reclamation of the area by conservation or rehabilitation; that the other areas or portions  
 213 thereof, through the means provided in this chapter, may be susceptible of conservation or  
 214 rehabilitation in such a manner that the conditions and evils enumerated in subsection (a)  
 215 of this Code section may be eliminated, remedied, or prevented and that, to the extent that  
 216 is feasible, salvable ~~slum areas~~ pockets of blight should be conserved and rehabilitated  
 217 through voluntary action and the regulatory process.

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

222 **SECTION 3.**

223 Said chapter is further amended by revising Code Section 36-61-4, relating to the  
 224 encouragement of private enterprise in urban redevelopment, as follows:

225 "36-61-4.

226 (a) A municipality or county, to the greatest extent it determines to be feasible in carrying  
 227 out the provisions of this chapter, shall afford maximum opportunity, consistent with the  
 228 sound needs of the municipality or county as a whole, to the rehabilitation or  
 229 redevelopment of the urban redevelopment area by private enterprise. A municipality or  
 230 county shall give consideration to this objective in exercising its powers under this chapter,  
 231 including: the formulation of a workable program; the approval of urban redevelopment  
 232 plans consistent with the general plan for the municipality or county; the adoption and  
 233 enforcement of ordinances as provided for in Code Section 36-61-11; the exercise of its  
 234 zoning powers; the enforcement of other laws, codes, and regulations relating to the use of  
 235 land and the use and occupancy of buildings and improvements; the disposition of any  
 236 property acquired; and the provision of necessary public improvements.

237 (b) Notwithstanding anything in this chapter or other provisions of law to the contrary, and  
 238 in order to give effect to the encouragement of private enterprise contemplated in this Code  
 239 section, the following shall apply to contracts and agreements for surface transportation  
 240 projects entered into pursuant to this chapter:

241 (1) In addition to other methods of procurement authorized by law, the sponsoring local  
 242 government, urban redevelopment agency, or other governing body shall be authorized  
 243 to utilize the procedures of this chapter to provide for the planning, design, finance,  
 244 construction, acquisition, leasing, operation, and maintenance of surface transportation

245 projects. The provisions of this chapter shall be an alternative to such other methods to  
 246 be exercised at the option of each sponsoring local government or public body;

247 (2) One or more public bodies may participate in the consideration and implementation  
 248 of a surface transportation project at the discretion of the sponsoring local government.  
 249 Where more than one public body agrees to participate in the consideration or  
 250 implementation of a surface transportation project, the participants may designate one or  
 251 more representatives of each such participating public body, as agreed to by the  
 252 sponsoring local government or the urban redevelopment agency;

253 (3)(A) An urban redevelopment agency designated by the sponsoring local government  
 254 may evaluate a project to determine the appropriate or desirable levels of public and  
 255 private participation in planning, designing, financing, constructing, operating,  
 256 maintaining, or facilitating, or any combination thereof, for the execution of such  
 257 project. Such urban redevelopment agency may designate a public nonprofit, private  
 258 corporation, body, or entity to perform this function and to otherwise perform the  
 259 activities contemplated in this Code section.

260 (B) A sponsoring local government or an urban redevelopment agency shall be  
 261 authorized to issue, individually or in sequenced stages, written requests for expressions  
 262 of interest, qualifications, or proposals, or any combination thereof, or other similar  
 263 methods of procurement or solicitation. Such requests shall indicate the scope of the  
 264 project, the proposed public and private financial participation in the project, including,  
 265 but not limited to, the rights, responsibilities, obligations, revenue sharing features, any  
 266 lease, license, availability or other payment rights, and any other allocations of interests  
 267 and federal and state income tax benefits in respect of real and personal property  
 268 relating to a project. Such requests shall include the factors to be used in evaluating  
 269 responses, the relative importance of any applicable evaluation factors, and other  
 270 contractual terms and conditions expected, including any unique capabilities or  
 271 qualifications that will be required of respondents, as determined in the sole discretion  
 272 of the designated representative of the sponsoring local government. Public notice of  
 273 such requests shall be made at least 30 days prior to the date set for the release of said  
 274 request by posting a legal notice on the websites of the sponsoring local government  
 275 and the public body implementing the project, in substantially the same manner utilized  
 276 by such public bodies in order to solicit requests for proposals, with a copy of such  
 277 notice provided simultaneously to each affected public body.

278 (C)(i) The public body implementing the project and the sponsoring local  
 279 government, with the participation of any designated representatives of other  
 280 participating public bodies as determined by the sponsoring local government, may  
 281 engage in individual discussions and interviews with each respondent deemed fully



282 qualified, responsible, and suitable on the basis of initial responses and with emphasis  
283 on professional competence and ability to meet the level of private financial  
284 participation as called for in such request. Repetitive, informal interviews and  
285 negotiation sessions may be conducted. Any such interviews and negotiation sessions  
286 shall be deemed to be a part of the procurement process.

287 (ii)(I) At the conclusion of the final stage, on the basis of evaluation factors  
288 published in the request and all information developed in the selection process, the  
289 public body implementing the surface transportation project, in an open and public  
290 meeting subject to the provisions of Chapter 14 of Title 50, shall select one or more  
291 respondents whose qualifications and proposed services are deemed most  
292 meritorious.

293 (II) Negotiations shall then be conducted by the designated representative with the  
294 selected respondent or respondents. Negotiations conducted with one or more  
295 selected respondent pursuant to this Code section shall continue to be deemed an  
296 active procurement until the execution of the final, definitive agreement with the  
297 selected respondent or respondents.

298 (iii) The public body implementing the project shall select for approval the  
299 respondent offering the most satisfactory and advantageous contract terms for the  
300 project based upon a thorough assessment of any one or more of the following:  
301 experience and reputation with similar projects; engineering and design quality; value;  
302 projected savings during, before, or after construction; and the ability of the final  
303 project's characteristics to meet the goals of the sponsoring local government,  
304 consistent with applicable plans and programs. The fair market value of any property  
305 included as a part of the procurement may be based on the consideration of the above  
306 factors, but it shall not be less than the initial cost to obtain the property. Before  
307 making such selection, the designated representative shall consult in an open and  
308 public meeting subject to the provisions of Chapter 14 of Title 50 with the  
309 representatives of any participating local governing authority, participating local  
310 authority, participating state agency, department, or authority, and affected local  
311 government. Notwithstanding the foregoing, if the terms and conditions for multiple  
312 awards are included in the request, the implementing public body may award  
313 contracts to more than one respondent. Should the implementing public body  
314 determine in writing that only one respondent is fully qualified, or that one respondent  
315 is clearly more highly qualified and suitable than the other respondents under  
316 consideration, a contract may be negotiated and awarded to that respondent.

317 (iv) Upon approval of the selection by the implementing public body, a contract or  
318 contracts not exceeding 50 years in duration may be entered into by the urban

319 redevelopment agency or any one or more of the participating public bodies and the  
320 selected respondent or respondents. The private financial information provided by the  
321 respondents shall remain exempt from Code Section 50-18-72 during and after the  
322 conclusion of the related selection process.

323 (D) A dispute over the award of a contract under this chapter shall be resolved by the  
324 filing of a petition in the superior court of the county in which the sponsoring local  
325 government is located within 30 days of the awarding of such contract and shall be  
326 determined through the use of a special master appointed by the judge of the superior  
327 court of the county in which the sponsoring local government is located. The special  
328 master shall not be authorized to enjoin or otherwise delay or suspend the execution of  
329 the contract and any work to be performed under such contract. The decision of the  
330 special master with regard to such dispute shall be appealable for a de novo review to  
331 the superior court of the county in which the sponsoring local government is located  
332 within 30 days following the decision of the special master.

333 (E) Nothing in this chapter shall require the designated representatives, the sponsoring  
334 local government, the implementing public body, or any participating public body to  
335 continue negotiations or discussions arising out of any request or any other procurement  
336 initiated under the provisions of this Code section.

337 (F) Every public body shall be authorized to promulgate reasonable rules and  
338 regulations to assist in its evaluation of responses and to implement the purposes of this  
339 chapter; provided, however, that unsolicited proposals shall not be permitted;

340 (4) No public officer, employee, or member of any participating public body, with  
341 respect to contracts of such public body, or the General Assembly shall serve as an agent,  
342 lobbyist, or board member for any private entity directly or indirectly under a contract or  
343 negotiating a contract provided for by this chapter for three years after leaving his or her  
344 position as a public officer, employee, or member of the public body or the General  
345 Assembly; and

346 (5) Contracts entered into with a private enterprise in respect to the design, construction,  
347 operation, financing, or management of the public components of a surface transportation  
348 project shall not constitute the acquisition of property for a private use, nor shall such  
349 contracts be deemed a sale, lease, or other disposition of the related interests in property  
350 under any provisions of this chapter or other provision of applicable law, and such public  
351 components of a surface transportation project shall be deemed a public use for all  
352 purposes under applicable provisions of law, including, without limitation, Code Sections  
353 36-61-9 and 36-61-10."

354 **SECTION 4.**

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

357 "36-61-5.

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

361 (1) One or more ~~slum areas~~ pockets of blight exist in such municipality or county; and

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

365 **SECTION 5.**

366 Said chapter is further amended by revising Code Section 36-61-6, relating to formulation  
367 of a workable program for urban redevelopment, as follows:

368 "36-61-6.

369 For the purposes of this chapter, a municipality or county may formulate a workable  
370 program for utilizing appropriate private and public resources including those specified in  
371 Code Section 36-61-11, to eliminate and prevent the development or spread of ~~slums~~  
372 pockets of blight, to encourage needed urban rehabilitation, to provide for the  
373 redevelopment of ~~slum areas~~ pockets of blight, or to undertake such of the aforesaid  
374 activities or such other feasible municipal or county activities as may be suitably employed  
375 to achieve the objectives of such workable program. Such workable program may include,  
376 without limitation, provision for the prevention of the spread of ~~slums~~ pockets of blight into  
377 areas of the municipality or county which are free from ~~slums~~ pockets of blight, through  
378 diligent enforcement of housing, zoning, and occupancy controls and standards; the  
379 rehabilitation or conservation of ~~slum areas~~ pockets of blight or portions thereof by  
380 replanting, removing congestion, providing parks, playgrounds, and other public  
381 improvements, including without limitation surface transportation projects, encouraging  
382 voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or  
383 deteriorating structures; and the clearance and redevelopment of ~~slum areas~~ pockets of  
384 blight or portions thereof."

385 **SECTION 6.**

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

388 "36-61-7.

389 (a) A municipality or county shall not approve an urban redevelopment plan for an urban  
390 redevelopment area unless the governing body, by resolution, has determined such area to  
391 be a ~~slum area~~ pocket of blight and designated such area as appropriate for an urban  
392 redevelopment project. Authority is vested in every municipality and county to prepare,  
393 to adopt, and to revise, from time to time, a general plan for the physical development of  
394 the municipality or county as a whole (giving due regard to the environs and metropolitan  
395 surroundings), to establish and maintain a planning commission for such purpose and  
396 related municipal and county planning activities, and to make available and to appropriate  
397 the necessary funds therefor. A municipality or county shall not acquire real property for  
398 an urban redevelopment project unless the local governing body has approved the urban  
399 redevelopment plan in accordance with subsection (d) of this Code section.

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

403 (c) The local governing body of the municipality or county shall hold or shall cause some  
404 agency of the municipality or county to hold a public hearing on an urban redevelopment  
405 plan or a substantial modification of an approved urban redevelopment plan, after public  
406 notice thereof by publication in a newspaper having a general circulation in the area of  
407 operation of the municipality or county. The notice shall describe the time, date, place, and  
408 purpose of the hearing, shall generally identify the urban redevelopment area covered by  
409 the plan, and shall outline the general scope of the urban redevelopment project under  
410 consideration.

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

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

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

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

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

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

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

432 **SECTION 7.**

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

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

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

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

444 (B) Urban redevelopment plans;

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

451 (D) Plans for the enforcement of state and local laws, codes, and regulations relating  
 452 to the use of land and the use and occupancy of buildings and improvements and to the  
 453 compulsory repair, rehabilitation, demolition, or removal of buildings and  
 454 improvements; and

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

457 The municipality or county is authorized to develop, test, and report methods and  
 458 techniques and to carry out demonstrations and other activities for the prevention and  
 459 elimination of ~~slums~~ pockets of blight and to apply for, accept, and utilize grants of funds  
 460 from the federal government for such purposes;"

461 "(9) Within their areas of operation, to organize, coordinate, and direct the administration  
 462 of the provisions of this chapter as they apply to such municipality or county, in order  
 463 that the objective of remedying ~~slums~~ pockets of blight and preventing the causes thereof  
 464 within the municipality or county may be most effectively promoted and achieved, and  
 465 to establish such new office or offices of the municipality or county or to reorganize  
 466 existing offices in order to carry out such purpose most effectively; and"

467 **SECTION 8.**

468 Said chapter is further amended by revising subsection (a) and paragraph (1) of subsection  
 469 (b) of Code Section 36-61-10, relating to disposal of property in redevelopment area  
 470 generally, notice and bidding procedures, exchange with veterans' organization, and  
 471 temporary operation of property, as follows:

472 "(a) A municipality or county may sell, lease, or otherwise transfer real property in an  
 473 urban redevelopment area or any interest therein acquired by it and may enter into contracts  
 474 with respect thereto, for residential, recreational, commercial, industrial, or other uses or  
 475 for public use; or the municipality or county may retain such property or interest for public  
 476 use, in accordance with the urban redevelopment plan, subject to such covenants,  
 477 conditions, and restrictions, including covenants running with the land and including the  
 478 incorporation by reference therein of the provisions of an urban redevelopment plan or any  
 479 part thereof, as it may deem to be in the public interest or necessary or desirable to assist  
 480 in preventing the development or spread of future ~~slums~~ pockets of blight or to otherwise  
 481 carry out the purposes of this chapter. Such sale, lease, other transfer, or retention and any  
 482 agreement relating thereto may be made only after the approval of the urban redevelopment  
 483 plan by the local governing body. The purchasers or lessees and their successors and  
 484 assigns shall be obligated to devote such real property only to the uses specified in the  
 485 urban redevelopment plan and may be obligated to comply with such other requirements  
 486 as the municipality or county may determine to be in the public interest, including the  
 487 obligation to begin within a reasonable time any improvements on the real property  
 488 required by the urban redevelopment plan. Such real property or interest shall be sold,  
 489 leased, otherwise transferred, or retained at not less than its fair value for uses in  
 490 accordance with the urban redevelopment plan. In determining the fair value of real  
 491 property for uses in accordance with the urban redevelopment plan, a municipality or  
 492 county shall take into account and give consideration to the uses provided in such plan; the  
 493 restrictions upon and the covenants, conditions, and obligations assumed by the purchaser  
 494 or lessee or by the municipality or county retaining the property; and the objectives of such  
 495 plan for the prevention of the recurrence of ~~slum areas~~ pockets of blight. The municipality  
 496 or county in any instrument of conveyance to a private purchaser or lessee may provide that

497 such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real  
498 property without the prior written consent of the municipality or county until he or she has  
499 completed the construction of any and all improvements which he or she has obligated  
500 himself or herself to construct thereon. Real property acquired by a municipality or county  
501 which, in accordance with the provisions of the urban redevelopment plan, is to be  
502 transferred shall be transferred as rapidly as feasible in the public interest consistent with  
503 the carrying out of the provisions of the urban redevelopment plan. The inclusion in any  
504 such contract or conveyance to a purchaser or lessee of any such covenants, restrictions,  
505 or conditions, including the incorporation by reference therein of the provisions of an urban  
506 redevelopment plan or any part thereof, shall not prevent the filing of the contract or  
507 conveyance in the land records of the county in such manner as to afford actual or  
508 constructive notice thereof.

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

513 A municipality or county, by public notice by publication once each week for two  
514 consecutive weeks in a newspaper having a general circulation in the community, prior  
515 to the execution of any contract to sell, lease, or otherwise transfer real property and prior  
516 to the delivery of any instrument of conveyance with respect thereto under this Code  
517 section, may invite proposals from and make available all pertinent information to private  
518 redevelopers or any persons interested in undertaking to redevelop or rehabilitate an  
519 urban redevelopment area or any part thereof. The notice shall identify the area or  
520 portion thereof and shall state that such further information as is available may be  
521 obtained at such office as shall be designated in the notice. The municipality or county  
522 shall consider all such redevelopment or rehabilitation proposals and the financial and  
523 legal ability of the persons making such proposals to carry them out and may negotiate  
524 with any persons for proposals for the purchase, lease, or other transfer of any real  
525 property acquired by the municipality or county in the urban redevelopment area. The  
526 municipality or county may accept such proposal as it deems to be in the public interest  
527 and in furtherance of the purposes of this chapter. The municipality or county may  
528 execute contracts in accordance with subsection (a) of this Code section and deliver  
529 deeds, leases, and other instruments and take all steps necessary to effectuate such  
530 contracts."

531 **SECTION 9.**

532 Said chapter is further amended by revising Code Section 36-61-12, relating to the issuance  
 533 of bonds for urban redevelopment projects, as follows:

534 "36-61-12.

535 (a) A municipality or county shall have power to issue bonds, in its discretion, from time  
 536 to time, to finance the undertaking of any urban redevelopment project under this chapter,  
 537 including, without limiting the generality thereof, the payment of principal and interest  
 538 upon any advances for surveys and plans for urban redevelopment projects and shall also  
 539 have power to issue refunding bonds for the payment of retirement of such bonds  
 540 previously issued by it. Such bonds shall be made payable, as to both principal and  
 541 interest, solely from the income, proceeds, revenues, and funds of the municipality or  
 542 county derived from or held in connection with its undertaking and carrying out of urban  
 543 redevelopment projects under this chapter; provided, however, that payment of such bonds,  
 544 both as to principal and interest, may be further secured by a pledge of any loan, grant, or  
 545 contribution from the federal government or other source, in aid of any urban  
 546 redevelopment projects of the municipality or county under this chapter, and by a mortgage  
 547 of any such urban redevelopment projects or any part thereof, title to which is in the  
 548 municipality or county, or redevelopment agency.

549 (b) Bonds issued under this Code section shall not constitute an indebtedness within the  
 550 meaning of any constitutional or statutory debt limitation or restriction and shall not be  
 551 subject to the provisions of any other law or charter relating to the authorization, issuance,  
 552 or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential  
 553 public and governmental purpose and, together with interest thereon and income therefrom,  
 554 shall be exempted from all taxes.

555 (c) Bonds issued under this Code section shall be authorized by resolution or ordinance  
 556 of the local governing body. They may be issued in one or more series and shall bear such  
 557 date or dates, be payable upon demand or mature at such time or times, bear interest at such  
 558 rate or rates, be in such denomination or denominations, be in such form either coupon or  
 559 registered, carry such conversion or registration privileges, have such rank or priority, be  
 560 executed in such manner, be payable in such medium of payment, at such place or places,  
 561 be subject to such terms of redemption (with or without premium), be secured in such  
 562 manner, and have such other characteristics as may be provided by the resolution of the  
 563 local governing body or by the trust indenture or mortgage issued pursuant thereto.

564 ~~(d) Such bonds may be sold at not less than par at public sales held after notice published~~  
 565 ~~prior to such sales in a newspaper having a general circulation in the area of operation and~~  
 566 ~~in such other medium of publication as the municipality or county may determine or may~~  
 567 ~~be exchanged for other bonds on the basis of par. Such bonds may be sold to the federal~~



568 ~~government or to an institution insured by an agency of the federal government at private~~  
 569 ~~sale at not less than par and, in the event that less than all of the authorized principal~~  
 570 ~~amount of such bonds is sold to the federal government or to an institution insured by an~~  
 571 ~~agency of the federal government, the balance may be sold at private sale at not less than~~  
 572 ~~par at an interest cost to the municipality or county, such cost not to exceed the interest cost~~  
 573 ~~to the municipality or county of the portion of the bonds sold to the federal government or~~  
 574 ~~to an institution insured by an agency of the federal government. All bonds issued under~~  
 575 this Code section shall be issued and validated under and in accordance with the procedure  
 576 set forth in Article 3 of Chapter 82 of this title. The provisions of any resolution or  
 577 ordinance authorizing the issuance of bonds under this Code section shall be a contract  
 578 with every holder of such bonds and enforceable by any bondholder by mandamus or other  
 579 appropriate action or proceeding at law or in equity.

580 (e) If any of the public officials of the municipality or county whose signatures appear on  
 581 any bonds or coupons issued under this chapter cease to be such officials before the  
 582 delivery of the bonds, such signatures, nevertheless, shall be valid and sufficient for all  
 583 purposes, the same as if the officials had remained in office until the delivery. Any  
 584 provision of any law to the contrary notwithstanding, any bonds issued pursuant to this  
 585 chapter shall be fully negotiable.

586 (f) In any suit, action, or proceeding involving the validity or enforceability of any bond  
 587 issued under this chapter or the security therefor, any such bond reciting in substance that  
 588 it has been issued by the municipality or county in connection with an urban redevelopment  
 589 project, as defined in paragraph ~~(22)~~(24) of Code Section 36-61-2, shall be conclusively  
 590 deemed to have been issued for such purpose and such project shall be conclusively  
 591 deemed to have been planned, located, and carried out in accordance with this chapter.  
 592 Suits, actions, and proceedings instituted under this paragraph may be initiated under and  
 593 in accordance with, and have all the privileges under, Article 3 of Chapter 82 of this title,  
 594 the 'Revenue Bond Law,' except as otherwise provided in this chapter.

595 (g) Any urban redevelopment agency or housing authority which a municipality or county  
 596 has elected to exercise powers under Code Section 36-61-17 may also issue bonds, as  
 597 provided in this Code section, in the same manner as a municipality or county, except that  
 598 such bonds shall be authorized and the terms and conditions thereof shall be prescribed by  
 599 the commissioners of such urban redevelopment agency or housing authority in lieu of the  
 600 local governing body."

601 **SECTION 10.**

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

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

611 **SECTION 11.**

612 Said chapter is further amended by revising subsection (a) of Code Section 36-61-16, relating  
 613 to cooperation by public bodies, as follows:

614 "(a) For the purpose of aiding in the planning, undertaking, or carrying out of an urban  
 615 redevelopment project located within the area in which it is authorized to act, any public  
 616 body, upon such terms, with or without consideration, as it may determine, may:

617 (1) Dedicate, sell, convey, or lease any of its interest in any property or grant easements,  
 618 licenses, or other rights or privileges therein to a municipality or county;

619 (2) Incur the entire expense of any public improvements made by such public body in  
 620 exercising the powers granted in this Code section;

621 (3) Do any and all things necessary to aid or cooperate in the planning or carrying out  
 622 of an urban redevelopment plan;

623 (4) Lend, grant, or contribute funds to a municipality or county;

624 (5) Enter into agreements (which may extend over any period, notwithstanding any  
 625 provision or rule of law to the contrary) with a municipality or county or other public  
 626 body respecting action to be taken pursuant to any of the powers granted by this chapter,  
 627 including the furnishing of funds or other assistance in connection with an urban  
 628 redevelopment project and other provisions allocating legal responsibility for matters  
 629 arising under or in connection with transactions entered into pursuant to Code Section  
 630 36-61-4; and

631 (6) Cause public buildings and public facilities, including parks, trails, greenspace,  
 632 playgrounds, recreational, community, education, transit, water, sewer, or drainage  
 633 facilities, or any other works which it is otherwise empowered to undertake, to be  
 634 furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan  
 635 streets, roads, sidewalks, ways, or other places; plan, replan, zone, or rezone any part of  
 636 the public body or make exceptions from building regulations; and cause administrative  
 637 and other services to be furnished to the municipality or county.

638 If at any time title to or possession of any urban redevelopment project is held by any  
 639 public body or governmental agency, other than the municipality or county, which is

640 authorized by law to engage in the undertaking, carrying out, or administration of urban  
 641 redevelopment projects, including any agency or instrumentality of the United States of  
 642 America, the provisions of the agreements referred to in this subsection shall inure to the  
 643 benefit of and may be enforced by such public body or governmental agency. As used in  
 644 this subsection, the terms 'municipality' and 'county' shall also include an urban  
 645 redevelopment agency or a housing authority vested with all of the urban redevelopment  
 646 project powers pursuant to Code Section 36-61-17."

647 **SECTION 12.**

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

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

- 654 (1) The power to determine an area to be a ~~slum area~~ pocket of blight and to designate  
 655 such area as appropriate for an urban redevelopment project;
- 656 (2) The power to approve and amend urban redevelopment plans;
- 657 (3) The power to establish a general plan for the locality as a whole;
- 658 (4) The power to formulate a workable program under Code Section 36-61-6;
- 659 (5) The powers, duties, and functions referred to in Code Section 36-61-11;
- 660 (6) The power to make the determinations and findings provided for in Code  
 661 Section 36-61-4, Code Section 36-61-5, and subsection (d) of Code Section 36-61-7;
- 662 (7) The power to issue general obligation bonds; and
- 663 (8) The power to appropriate funds, to levy taxes and assessments, and to exercise other  
 664 powers provided for in paragraph (8) of Code Section 36-61-8."

665 **SECTION 13.**

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