Chapter 457

1957 REPLACEMENT PART

Urban Renewal and Redevelopment of Deteriorated and Blighted Areas

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CROSS REFERENCES

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Discrimination in housing benefiting from public aid prohibited, 659.033
Housing and housing authorities generally, Ch. 456
Planning assistance, 351.260
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DEFINITIONS AND GENERAL PROVISIONS

457.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Blighted areas" means areas, including slum areas, with buildings and improvements which, by reason of dilapidation, overcrowding, lack of ventilation, light and sanitary facilities, deleterious land use, or any combination of these or other factors, are detrimental to the safety, health, morals and welfare of the community.

(2) "City" means any incorporated city or town.

(3) "Deteriorated areas" means areas which are in the process of becoming blighted or which require acquisition, clearance, redevelopment, rehabilitation or conservation in order to remove, prevent or reduce blighting factors or the causes of blight.

(4) "Governing body of a municipality" means, in the case of a city or town, the common council or other legislative body thereof, and, in the case of a county, the county court, board of county commissioners or other legislative body thereof.

(5) "Housing authority" or "authority" means any housing authority established pursuant to the Housing Authorities Law.

(6) "Municipality" means any county or any incorporated city or town in the State of Oregon. "The municipality" means the municipality for which a particular urban renewal agency is created.

(7) "Redevelopment project" means any work or undertaking carried out under ORS 457.030.

(8) "Urban renewal agency" means an urban renewal agency created under ORS 457.130 and 457.140.

(9) "Urban renewal area" means a blighted area, deteriorated area or other area included in the urban renewal plan which must be acquired, cleared, redeveloped, rehabilitated or conserved in order to carry out an approved urban renewal project or an area in need of rehabilitation or conservation under ORS 457.160.

(10) "Urban renewal project" means any work or undertaking carried out under ORS 457.170. [Amended by 1957 c.456 §1]

457.020 Declaration of necessity and purpose. It hereby is found and declared:

(1) That there exist within the state blighted areas or deteriorated areas.

(2) That such areas impair economic values and tax revenues.

(3) That such areas cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health, safety and welfare, fire and accident protection and other public services and facilities.

(4) That certain blighted or deteriorated areas may require acquisition and clearance since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may be susceptible of conservation or rehabilitation in such manner that the conditions and evils mentioned in subsections (1), (2) and (3) of this section may be eliminated, remedied or prevented and that such areas should, if possible, be conserved and rehabilitated through appropriate public action and the cooperation and voluntary action of the owners and tenants of property in such areas.

(5) That the acquisition, conservation, rehabilitation, redevelopment, clearance, replanning and preparation for rebuilding of these areas, and the prevention or the reduction of blight and its causes, are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern.

(6) That there are also certain areas where the condition of the title, the diverse ownership of the land to be assembled, the street or lot layouts or other conditions prevent a proper development of the land, and that it is in the public interest that such areas, as well as blighted or deteriorated areas, be acquired by eminent domain and made available for sound and wholesome development in accordance with a redevelopment or urban renewal plan, and that the exercise of the power of eminent domain and the financing of the acquisition and preparation of land by a public agency for such redevelopment or urban renewal is likewise a public use and purpose.

(7) That redevelopment and urban renewal activities will stimulate residential construction which is closely correlated with general economic activity; that undertakings

authorized by this chapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in maintaining full employment.

(8) That the necessity in the public interest for this chapter is a matter of legislative determination. [Amended by 1957c. 456 §2]

457.025 Powers supplemental to other laws. The powers conferred by this chapter are in addition and supplemental to the powers conferred by any other law. [Formerly 457.110]

REDEVELOPMENT PROJECTS BY HOUSING AUTHORITY

457.030 Redevelopment projects by housing authority in blighted areas. Any housing authority in any municipality may carry out any work or undertaking:

(1) To acquire blighted areas.

(2) To acquire other real property for the purpose of removing, preventing or reducing blight, blighting factors or the causes 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 under ORS 457.050.

(4) 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 sell or lease land so acquired for uses in accordance with the redevelopment plan.

(6) To accomplish a combination of the things listed in this section to carry out a redevelopment plan. [Amended by 1957 c.456 §18]

457.040 Redevelopment projects to be conducted according to existing laws. (1) In undertaking redevelopment projects pursuant to ORS 457.030 a housing authority shall have all the rights, powers, privileges and immunities of an authority under the Housing Authorities Law and any other law relating to slum clearance and housing projects for persons of low income in the same manner as though all laws applicable to slum clearance and housing projects were applicable to redevelopment projects and undertaken under this chapter, except that ORS 456.155 and 456.160 do not limit the power of an authority in event of a default by a purchaser or lessee of land in a redevelopment plan to acquire property and operate it free from the restrictions in those sections.

(2) Without limiting the generality of the grant in subsection (1) of this section, an authority may make and execute contracts, issue bonds and other obligations and give security therefor, acquire real property by eminent domain or purchase and do all things necessary to carry out redevelopment projects.

457.050 Redevelopment plan; examination by planning commission; approval by municipalities in the area. (1) No authority shall initiate any redevelopment project under this chapter unless such project shall be situated within its area of operation as defined by ORS 456.060, and until the governing body of each city or town in which any of the area to be covered by the project is situated, has approved a redevelopment plan which provides an outline for the development or redevelopment of the area and is sufficiently complete to indicate:

(a) Its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements.

(b) Proposed land uses and building requirements in the area.

(c) The method for the temporary relocation of persons living in such area.

(d) The method for providing, unless already available, decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be cleared from the area, at rents within the financial reach of the income groups displaced from such substandard dwellings.

(2) A redevelopment plan shall be forwarded to the planning commission, if any, of the municipality for recommendations before the plan is presented to the governing body of the municipality for approval.

(3) Each city or town, in which any of the area to be covered by a redevelopment project is situated, may approve redevelopment plans under subsection (1) of this section through its governing body. [Amended by 1953 c.230 §3; 1957 c.456 §19]

457.060 Applicability of housing cooperation law. Any state public body, as defined in ORS 456.305, shall have the same rights and powers to cooperate with and assist housing authorities with respect to redevelopment projects that such state public body has pursuant to ORS 456.305 to 456.325 in the same manner as though those sections were applicable to redevelopment projects under this chapter.

457.070 Use of land in redevelopment plan. (1) The authority shall make land in a redevelopment project available for use by private enterprise or public agencies in accordance with the redevelopment plan. Such land shall be made available at its fair reuse value, which represents the value, whether expressed in terms of rental or capital price, at which the authority determines such land should be made available in order that it may be developed or redeveloped for the purposes specified in such plan.

(2) To assure that land acquired in a redevelopment project is used in accordance with the redevelopment plan, an authority, upon the sale or lease of such land, shall obligate purchasers or lessees:

(a) To use the land for the purpose designated in the redevelopment plan.

(b) To begin the building of their improvements within a period of time which the authority fixes as reasonable.

(3) Any obligations by the purchaser shall be covenants and conditions running with the land where the authority so stipulates.

457.080 Tax status of property leased under a plan. Any property which the authority leases to private individuals or corporations for development under a redevelopment plan shall have the same tax status as if such leased property were owned by such private individuals or corporations.

457.090 Federal aid. (1) An authority may borrow money or accept contributions from the Federal Government to assist in its undertaking redevelopment projects.

(2) An authority may do all things necessary or desirable to secure such financial aid, including obligating itself in any contract with the Federal Government for annual contributions to convey to the Federal Government the project to which said contract relates upon the occurrence of a substantial default thereunder, in the same manner as it may do to secure such aid in connection with slum clearance and housing projects under the Housing Authorities Law.

457.100 Advisory board. For the purpose of coordinating its activities and undertakings under this chapter with the needs and undertakings of other local organizations and groups, a housing authority shall establish an advisory board consisting of the chairman of the authority, who shall be chairman of the advisory board, and of sufficient members, to be appointed by the chairman, to represent as far as practicable:

(1) The general public and consumers of housing.

(2) General business interests.

(3) Real estate, building and home financing interests.

(4) Labor.

(5) Any official planning body in the locality.

(6) Church and welfare groups.

457.110 [Renumbered 457.025]

457.120 [Reserved for expansion]

URBAN RENEWAL AGENCIES

457.130 Urban renewal agencies; creation; resolution to exercise powers. (1) In each municipality, as defined in ORS 457.010, there hereby is created a public body corporate and politic to be known as the "urban renewal agency" of the municipality. However, the urban renewal agency shall not exercise its powers until or unless the governing body of the municipality, by proper resolution, declares that there is need for an urban renewal agency to function in the municipality and the governing body has elected to have the powers of an urban renewal agency exercised in any of the three ways provided in subsection (1) of ORS 457.140.

(2) The governing body of a municipality may adopt a resolution declaring that there is a need for an urban renewal agency to function in the municipality if the governing body finds that blighted or deteriorated areas exist in the municipality. [1957 c.456 §§4, 5]

457.140 Election of method of exercise of urban renewal agency's powers. (1) When the governing body of a municipality adopts a resolution under subsection (2) of ORS 457.130, the governing body may elect to have the powers of an urban renewal agency under this chapter exercised in any of the following ways:

(a) Declaring, by resolution, that the powers of an urban renewal agency under this chapter shall be in the housing authority established pursuant to the Housing Authorities Law in which case the name of the body corporate and politic shall be the "housing authority and urban renewal agency" of the municipality.

(b) Appointing, by resolution, a board or commission composed of not less than three members to exercise the powers of an urban renewal agency under this chapter.

(c) Declaring, by resolution, that the governing body, itself, shall exercise the powers of an urban renewal agency under this chapter. However, any act of the governing body acting as the urban renewal agency shall be, and shall be considered, the act of the urban renewal agency only and not of the governing body.

(2) If before January 1, 1959, the governing body of a city declares that the powers of an urban renewal agency under this chapter shall be exercised by the governing body of such city or a commission other than a housing authority, all duties and obligations of any housing authority for redevelopment or urban renewal projects in such city shall be assumed by the urban renewal agency of the city.

(3) If the governing body in a city having a population of 250,000 or more declares that the powers of an urban renewal agency under this chapter shall be exercised by the governing body or a commission other than a housing authority, the urban renewal agency shall not provide dwellings, apartments or other living accommodations for persons of low income as provided in ORS chapter 456. [1957 c.456 §6]

457.150 Urban renewal plan; requirements; approval; recordation. (1) No urban renewal agency shall initiate any urban renewal project under this chapter until the governing body of each municipality in which any of the area to be covered by the project is situated has approved an urban renewal plan which conforms to the general plan for the municipality as a whole and which provides an outline for the development, redevelopment, clearance, rehabilitation or conservation of the area of the project and is sufficiently complete to indicate:

(a) The land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation proposed to be carried out in the area of the urban renewal project.

(b) Its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements.

(c) Proposed land uses, maximum densities and building requirements in the area.

(d) The method for the temporary or permanent relocation of persons living in such areas.

(e) The method for providing, unless already available, decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be cleared from the area, at rents within the financial reach of the income groups displaced from such substandard dwellings.

(2) Each city in which any of the area to be covered by an urban renewal project is situated may approve urban renewal plans under subsection (1) of this section through its governing body.

(3) An urban renewal plan shall be forwarded to the planning commission, if any, of the municipality for recommendations before the plan is presented to the governing body of the municipality for approval.

(4) An urban renewal plan approved by the governing body of the municipality may be recorded by the urban renewal agency with the recording officer in the county in which the urban renewal area is situated. The recording shall constitute notice of the urban renewal plan and its approval by the municipality. [1957 c.456 §8]

457.160 Exceptions to urban renewal plan and project requirements in certain situations. (1) Notwithstanding any other provisions of ORS chapter 456 or this chapter, where the governing body of a municipality certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe respecting which the Governor has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, 64 Stat. 1109, or other federal law, the governing body may declare a need for an urban renewal agency, if necessary, and may approve an urban renewal plan and an urban renewal project for such area without regard to the provisions requiring:

(a) That the urban renewal plan conform to the general plan for the municipality as a whole.

(b) That the urban renewal area be a blighted or deteriorated area.

(2) Notwithstanding the other provisions of ORS chapter 456 or this chapter, where the governing body of the municipality declares, by resolution, that some of the persons, property or facilities located in an area within the municipality are in danger of relocation due to a federal or state project which would make the area uninhabitable or unusuable, the governing body may declare a need for an urban renewal agency, if necessary, and may approve an urban renewal plan and urban renewal project without regard to the requirements of the provisions listed in paragraphs (a) and (b) of subsection (1) of this section. [1957 c.456 §15]

457.170 Urban renewal agency's powers in planning or undertaking an urban renewal project. An urban renewal agency may plan or undertake any urban renewal project to carry out an approved urban renewal plan. The urban renewal agency shall have the following powers in planning or undertaking an urban renewal project:

(1) To carry out any work or undertaking which a housing authority is authorized to carry out under ORS 457.030 and 457.040.

(2) To carry out any rehabilitation or conservation work in an urban renewal area.

(3) To acquire blighted and deteriorated areas or any portion thereof.

(4) To acquire other real property, including predominantly vacant or open land where necessary to carry out an approved urban renewal plan for the purpose of removing, preventing or reducing blight, blighting factors or the causes of blight in blighted or deteriorated areas.

(5) To clear any areas acquired, including the demolition, removal or rehabilitation of buildings and improvements.

(6) To carry out plans for a program of the voluntary repair and rehabilitation of buildings or other improvements in an urban renewal area in accordance with the urban renewal plan.

(7) To assist in relocating persons living in, and property situated in, the urban renewal area in accordance with the approved urban renewal plan and to make relocation payments.

(8) To dispose of, including by sale or lease, any property or part thereof acquired in the urban renewal area in accordance with the approved urban renewal plan.

(9) To accomplish a combination of the things listed in this section to carry out an urban renewal plan. [1957 c.456 §7]

457.180 Powers of urban renewal agencies in general. An urban renewal agency, in addition to its other powers, may:

(1) Make plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements.

(2) Make plans for the enforcement of laws, codes and regulations relating to:

(a) The use of land.

(b) The use and occupancy of buildings and improvements.

(c) The repair, rehabilitation, demolition or removal of buildings and improvements.

(3) Make plans for the relocation of persons and property displaced by an urban renewal project.

(4) Make preliminary plans outlining urban renewal activities for neighborhoods to embrace two or more urban renewal areas.

(5) Conduct preliminary surveys to determine if the undertaking and carrying out of an urban renewal project is feasible.

(6) Develop, test and report methods and techniques and carry out demonstrations and other activities for the prevention and the elimination of urban blight. [1957 c.456 §10]

457.190 Acquisition of funds by urban renewal agency; authority. (1) An urban renewal agency may borrow money and accept advances, loans, grants and any other form of financial assistance from the Federal Government, the state, county or other public body, or from any sources, public or private, for the purposes of undertaking and carrying out urban renewal projects.

(2) An urban renewal agency may do all things necessary or desirable to secure such financial aid, including obligating itself in any contract with the Federal Government for federal financial aid to convey to the Federal Government the project to which the contract relates upon the occurrence of a substantial default thereunder, in the same manner as a housing authority may do to secure such aid in connection with slum clearance and housing projects under the Housing Authorities Law. [1957 c.456 §14]

457.200 [Reserved for expansion]

457.210 Applicability of housing cooperation law to urban renewal projects; delegation of powers and functions. (1) Any

state public body, as defined in ORS 456.305, shall have the same rights and powers to cooperate with and assist urban renewal agencies with respect to urban renewal projects that such state public body has pursuant to ORS 456.305 to 456.325 to cooperate and assist housing authorities with respect to housing projects in the same manner as though those sections were applicable to urban renewal agencies and projects under this chapter.

(2) Any state public body, as defined in ORS 456.305, hereby is authorized to enter into agreements with any other public body, including an urban renewal agency, respecting action to be taken pursuant to any of the powers granted by this chapter, including, but not limited to, the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

(3) An urban renewal agency hereby is authorized to delegate any of its powers or functions to the municipality or other state public body, as defined in ORS 456.305, with respect to the planning or undertaking of an urban renewal project in the area in which such municipality or other state public body is authorized to act. The municipality, or other state public body to which the powers or functions are delegated hereby is authorized to carry out or perform such powers or functions. [1957 c.456 §11]

457.220 Change in urban renewal plan or project. (1) Except for the provisions of subsection (2) of this section, an urban renewal agency shall carry out the urban renewal project in accordance with the urban renewal plan for the area of the urban renewal project approved under ORS 457.150.

(2) Any substantial change made in the urban renewal plan or urban renewal project shall, before being carried out, be approved and recorded in the same manner as the original plan. [1957 c.456 §9]

457.230 Disposition of land in urban renewal project; obligations of purchaser or lessee; recordation. (1) The urban renewal agency shall, in accordance with the approved urban renewal plan, make land in an urban renewal project available for use by private enterprise or public agencies. Such land shall be made available at its fair reuse value, which represents the value, whether expressed in terms of rental or capital price, at which the urban renewal agency determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved or rehabilitated for the purposes specified in such plan.

(2) To assure that land acquired in an urban renewal project is used in accordance with the urban renewal plan, an urban renewal agency, upon the sale or lease of such land, shall obligate purchasers or lessees:

(a) To use the land for the purposes designated in the urban renewal plan.

(b) To begin the building of their improvements within a period of time which the urban renewal agency fixes as reasonable.

(3) Any obligations by the purchaser shall be covenants and conditions running with the land where the urban renewal agency so stipulates.

(4) Any contract for the transfer of any interest in land by the urban renewal agency may be recorded in the land records of the county in which the land is situated in the same manner as any other contract for the transfer of an interest in land is recorded. [1957 c.456 §12]

457.240 Tax status of land leased under an urban renewal plan. Any property which the urban renewal agency leases to private persons as defined in subsection (3) of ORS 174.100 under an urban renewal plan shall have the same tax status as if such leased property were owned by such private individuals or corporations. [1957 c.456 §13]

457.250 to 457.300 [Reserved for expansion]

MUNICIPAL REDEVELOPMENT AND RENEWAL ACTIVITIES

457.310 Municipal activities relative to deteriorated and blighted areas. (1) A municipality for the purposes of this chapter may formulate for the municipality a workable program:

(a) For utilizing appropriate private and public resources to eliminate and prevent the development or spread of urban blight and deterioration.

(b) To encourage needed urban conservation and rehabilitation.

(c) To provide for the redevelopment of blighted or deteriorated areas.

The municipality may undertake the activities listed in paragraphs (a), (b) and (c) of this subsection or other feasible municipal

activities as may be necessary to achieve the objectives of the workable program.

(2) The workable program referred to in subsection (1) of this section may include, but is not limited to, provision for:

(a) The prevention of the spread of blight into areas of the municipality by the enactment and enforcement of housing, zoning and occupancy controls and standards.

(b) The rehabilitation or conservation of blighted or deteriorated areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, encouraging voluntary conservation and rehabilitation and the repair and rehabilitation of deteriorated or deteriorating structures.

(c) The clearance and redevelopment of blighted and deteriorated areas or portions thereof. [1957 c.456 §16]

457.320 Municipal assistance to urban renewal project; issuance of municipal general obligation bonds. In addition to the other powers granted a municipality under this chapter, a municipality may exercise any of its powers otherwise provided by law to assist in the planning or the carrying out of an urban renewal project. Without limiting the powers granted by the preceding sentence, a municipality may issue its general obligation bonds for the purpose of assisting in the planning or the carrying out of an urban renewal project. [1957 c.456 §17]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2,1957.

Sam R. Haley
Legislative Counsel

CHAPTERS 458 AND 459

[Reserved for expansion]