

CHAPTER 307**(HB 615)**

AN ACT relating to community development.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 99.340 is amended to read as follows:

The following words or terms shall have the following meanings wherever used in KRS 99.330 to 99.510, unless a different meaning is clearly indicated by the context:

- (1) "Slum area" means an area in which there is ***at least one-fourth (1/4) of all***~~a predominance of~~ buildings or ***a predominance of*** improvements which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, sanitation, or open spaces, high density of population and overcrowding, or any combination of such factors, are unsafe or unfit to occupy;~~;~~ are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, ~~or~~~~and~~ crime;~~;~~ injuriously affect the entire area; ~~or~~~~and~~ constitute a menace to the public health, safety and welfare. A slum area may include lands, structures, or improvements, the acquisition of which is necessary in order to assure the proper clearance and redevelopment of the entire area and to prevent the spread or recurrence of slum conditions thereby protecting the public health, safety, and welfare;
- (2) "Blighted area" means an area (other than a slum area as defined in this section) where by reason of the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, submergency of lots by water or other unsanitary or unsafe conditions, deterioration of site improvements, diversity of ownership, tax delinquency, defective or unusual conditions of title, improper subdivision or obsolete platting, or any combination of such reasons, development of such blighted area (which may include some incidental buildings or improvements) into predominantly housing uses is being prevented;
- (3) "Redevelopment" means the planning or replanning, design or redesign, acquisition, clearance, development,~~and~~ disposal, ***rehabilitation, historic preservation,*** or any combination of these, of a development area and the preparation of such area for such residential, commercial, industrial, public, recreational or other structures, works, improvements, facilities or spaces as may be appropriate or necessary. "Redevelopment" and derivatives thereof shall mean develop as well as redevelop;
- (4) "Community" means any city or county;
- (5) "Mayor" means the mayor of a city or the county judge/executive of a county, or the officer thereof having the duties customarily imposed upon the executive head of a city or county;
- (6) "Council" means the legislative authority of a city or the fiscal court of a county;
- (7) "Redevelopment project" means any or a combination of one (1) or more of the following:
 - (a) Acquisition of a slum area or a blighted area (as defined in this section);
 - (b) Demolition,~~and~~ removal, ***rehabilitation, or historic preservation*** of structures and improvements;
 - (c) Installation, construction or reconstruction of streets, utilities and other site improvements essential to the preparation of sites for uses in accordance with the development plan; and

- (d) Making the land available for development or redevelopment by private enterprise or public bodies for uses in accordance with the development plan;
- (8) "Development area" means the area of a redevelopment project;
- (9) "Development plan" means a plan for the redevelopment of all or any part of a development area;
- (10) "Agency" means a public corporate body created pursuant to KRS 99.350;
- (11) "Public body" means any city, county, commission, district authority or other public body or political subdivision of the Commonwealth;
- (12) "Area of operation" means:
- (a) In the case of a city, the area within the city and the area within five (5) miles of the territorial boundaries thereof, except that the area of operation of a city under KRS 99.330 to 99.510 shall not include any area which lies within the territorial boundaries of another city unless a resolution has been adopted by the council of the other city declaring a need therefor; and
- (b) In the case of a county, the area within the county, except that the area of operation of a county shall not include any area which lies within the territorial boundaries of a city unless a resolution has been adopted by the council of the city declaring a need therefor;
- (13) "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;
- (14) "Planning commission" means a city, county or joint city-county planning and zoning commission or a planning commission established pursuant to the provisions of KRS Chapter 100 having authority and responsibility with respect to the area of the community; and
- (15) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations.

Section 2. KRS 99.530 is amended to read as follows:

- (1) In addition to its authority under KRS 99.330 to 99.510 an agency is hereby authorized to plan and undertake urban renewal projects. As used in KRS 99.520 to 99.590, an urban renewal project may include undertakings and activities for the prevention of the development or spread of slums or blighted, deteriorated, or deteriorating areas, or the elimination thereof, and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. For this purpose, "rehabilitation or conservation work" may include:
- (a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
- (b) Acquisition of real property and demolition, removal, **relocation**, **historic preservation**, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary or unsafe conditions; ~~[-]~~ lessen density; ~~[-]~~ reduce traffic hazards; ~~[-]~~ eliminate obsolete or other uses detrimental to the public welfare; ~~[-]~~

~~or to otherwise~~ remove or prevent the spread of blight or deterioration;~~;~~ ~~or to~~ provide land *or buildings, and improvements thereon*, for needed public facilities;

- (c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and
 - (d) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such project; provided that such disposition shall be in the manner prescribed in KRS 99.450 for the disposition of property in a redevelopment project area.
- (2) Notwithstanding any other provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, where the local governing body 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 of the State has certified the need for disaster assistance under Public Law 875, Eighty-First Congress, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to any provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, requiring public hearings or requiring that the urban renewal plan conform to a general or master plan for the community as a whole, or that the urban renewal area be a slum area, or a blighted, deteriorated, or deteriorating area, or that the urban renewal area be predominantly residential in character or be developed or redeveloped for residential uses.

Approved April 11, 2002