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I N A S S E M B L Y

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Introduced by M. of A. PAULIN, CASTRO, DelMONTE, STIRPE, SCHIMEL, CHRIS-
TENSEN, COOK, ESPAILLAT, GUNTHER, REILLY -- Multi-Sponsored by -- M.
of A. KOON, MARKEY, TITONE -- read once and referred to the Committee
on Corporations, Authorities and Commissions

AN ACT to amend the New York state urban development corporation act, in
relation to blighted property and blighted areas; and to repeal
certain provisions of such act relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 2 of section 1 of chapter 174 of the laws of 1968,
2 constituting the New York state urban development corporation act, the
3 ninth undesignated paragraph as added by chapter 280 of the laws of 1984
4 and the tenth undesignated paragraph as amended by chapter 747 of the
5 laws of 2005, is amended to read as follows:
6 S 2. Statement of legislative findings and purposes. It is hereby
7 found and declared that there exists in [urban] SOME areas of this state
8 a condition of substantial and persistent unemployment and underemploy-
9 ment which causes hardship to many individuals and families, wastes
10 vital human resources, increases the public assistance burdens of the
11 state and municipalities, impairs the security of family life, contrib-
12 utes to the growth of crime and delinquency, prevents many of our youth
13 from finishing their [educations] EDUCATION, impedes the economic and
14 physical development of municipalities and adversely affects the welfare
15 and prosperity of all the people of the state. [Many existing indus-
16 trial, manufacturing and commercial facilities in such urban areas are
17 obsolete and inefficient, dilapidated, and without adequate mass trans-
18 portation facilities and public services. Many of such facilities are
19 underutilized or in the process of being vacated, creating additional
20 unemployment. Technological advances and the provision of modern, effi-
21 cient facilities in other states will speed the obsolescence and aban-
22 donment of existing facilities causing serious injury to the economy of
23 the state. Many existing and planned industrial, manufacturing and
24 commercial facilities are, moreover, far from or not easily accessible
25 to the places of residence of substantial numbers of unemployed persons.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 As a result, problems of chronic unemployment are not being alleviated
2 but are aggravated. New industrial, manufacturing and commercial facili-
3 ties are required to attract and house new industries and thereby to
4 reduce the hazards of unemployment. The unaided efforts of private
5 enterprise have not met and cannot meet the needs of providing such
6 facilities due to problems encountered in assembling suitable building
7 sites]

8 IT IS FURTHER FOUND AND DECLARED THAT THE UNAIDED EFFORTS OF PRIVATE
9 INDUSTRIAL, MANUFACTURING AND COMMERCIAL BUSINESSES ARE NEGATIVELY
10 AFFECTED BY AGING AND INEFFICIENT FACILITIES, DIFFICULTIES IN FINDING
11 SUITABLE BUILDING SITES FOR NEW FACILITIES, lack of adequate public
12 services, the unavailability of private capital for development [in such
13 urban areas], and the inability of private enterprise alone to plan[,]
14 AND finance DEVELOPMENT and TO coordinate [industrial and commercial
15 development] SUCH DEVELOPMENT with [residential developments for persons
16 and families of low income and with] AFFORDABLE HOUSING DEVELOPMENT,
17 COMMUNITY DEVELOPMENT PROGRAMS, public services and mass transportation
18 facilities.

19 It is further found and declared that there exist in many munici-
20 palities within this state [residential, nonresidential, commercial,
21 industrial or vacant areas, and combinations thereof, which are slum or
22 blighted, or which are becoming slum or blighted areas because of
23 substandard, insanitary, deteriorated or deteriorating conditions,
24 including obsolete and dilapidated buildings and structures, defective
25 construction, outmoded design, lack of proper sanitary facilities or
26 adequate fire or safety protection, excessive land coverage, insuffi-
27 cient light and ventilation, excessive population density, illegal uses
28 and conversions, inadequate maintenance, buildings abandoned or not
29 utilized in whole or substantial part, obsolete systems of utilities,
30 poorly or improperly designed street patterns and intersections, inade-
31 quate access to areas, traffic congestion hazardous to the public safe-
32 ty, lack of suitable off-street parking, inadequate loading and unload-
33 ing facilities, impractical street widths, sizes and shapes, blocks and
34 lots of irregular form, shape or insufficient size, width or depth,
35 unsuitable topography, subsoil or other physical conditions, all of]
36 BLIGHTED PROPERTIES AND BLIGHTED AREAS, WHICH ARE CHARACTERIZED BY PREM-
37 ISES UNFIT FOR HUMAN HABITATION AND DANGEROUS TO LIFE AND PROPERTY, AND
38 which hamper or impede proper and economic development of such areas and
39 which impair or arrest the sound growth of the area, community or muni-
40 cipality, and the state as a whole.

41 It is further found and declared that there is a serious need through-
42 out the state for adequate educational, recreational, cultural and other
43 community facilities, the lack of which threatens and adversely affects
44 the health, safety[, morals] and welfare of the people of the state.

45 It is further found and declared that there continues to exist
46 throughout the state a seriously inadequate supply of [safe and sani-
47 tary] ACCEPTABLE dwelling accommodations for persons and families of low
48 income. This condition is contrary to the public interest and threatens
49 the health, safety, welfare, comfort and security of the people of the
50 state. The ordinary operations of private enterprise cannot provide an
51 adequate supply of safe and sanitary dwelling accommodations [at
52 rentals] which persons and families of low income can afford.

53 It is hereby declared to be the policy of the state to promote a
54 vigorous and growing economy, to prevent economic stagnation and to
55 encourage the creation of new job opportunities in order to protect
56 against the hazards of unemployment, reduce the level of public assist-

1 ance to now indigent individuals and families, increase revenues to the
2 state and to its municipalities and to achieve stable and diversified
3 local economies. In furtherance of these goals, it is the policy of the
4 state to retain existing industries and to attract new industries
5 through the acquisition, construction, FINANCING, reconstruction and
6 rehabilitation of industrial and manufacturing plants and commercial
7 facilities, and to develop sites for new industrial and commercial
8 building. It is further declared to be the policy of the state to
9 promote the development of such plants and facilities, reasonably acces-
10 sible to residential facilities, in those areas where substantial unem-
11 ployment or underemployment exists, to the end that the industrial and
12 commercial development [of our urban areas] will proceed in sound fash-
13 ion and in coordination with development of housing, mass transportation
14 and public services, and that job opportunities will be available in
15 those areas where people lack jobs.

16 IT IS FURTHER FOUND AND DECLARED THAT THERE IS AN URGENT NEED TO
17 PROTECT AND ENHANCE THE QUALITY OF THE NATURAL ENVIRONMENT, TO ENCOURAGE
18 THE DEVELOPMENT AND EXPANSION OF EXISTING AND ALTERNATIVE SOURCES OF
19 ENERGY AND THE CONSERVATION OF ENERGY, AND TO ABATE AND PREVENT THE
20 GENERATION OF HAZARDOUS WASTE, TOXIC BY-PRODUCTS, AND OTHER TYPES OF
21 ENVIRONMENTAL POLLUTION.

22 It is further declared to be the policy of the state to promote the
23 safety, health[, morals] and welfare of the people of the state and to
24 promote the sound growth and development of our municipalities through
25 the [correction of such substandard, insanitary, blighted, deteriorated
26 or deteriorating conditions, factors and characteristics by the clear-
27 ance, replanning, reconstruction, redevelopment, rehabilitation, resto-
28 ration or conservation of such areas,] REDEVELOPMENT OF BLIGHTED AREAS
29 and [of areas reasonably accessible thereto] the undertaking of public
30 and private improvement programs [related thereto], including the
31 provision of educational, recreational and cultural facilities, and the
32 encouragement of participation in these programs by private enterprise.
33 IN FURTHERANCE OF THESE GOALS, IT IS THE POLICY OF THE STATE TO ENGAGE
34 AND EMPOWER THE PUBLIC THROUGH EDUCATIONAL PROGRAMS, COMMUNITY OUTREACH,
35 AND AN OPEN AND INCLUSIVE REDEVELOPMENT PLANNING PROCESS; TO COORDINATE
36 REDEVELOPMENT PROJECTS AND IMPROVEMENT PROGRAMS WITH LOCAL GOVERNMENT
37 PLANNING GOALS; TO RESPECT COMMUNITIES' EXISTING SOCIAL AND CULTURAL
38 FABRIC AND TO LIMIT RESIDENTIAL AND BUSINESS DISPLACEMENT TO THE MAXIMUM
39 EXTENT POSSIBLE; TO REUSE EXISTING RESOURCES AND INFRASTRUCTURE AND
40 RECYCLE MATERIALS AND STRUCTURES; TO ENCOURAGE ENERGY EFFICIENCY AND
41 SUSTAINABLE BUILDING; TO CONSERVE UNDEVELOPED LAND AND ENCOURAGE INFILL
42 AND BROWNFIELD DEVELOPMENT; TO IMPROVE OR RESTORE NATURAL SYSTEMS SUCH
43 AS STREAMBEDS, DRAINAGE COURSES, WETLANDS, RIVERS, AND OTHER ECOLOGICAL
44 FEATURES, AND TO ENCOURAGE THE CREATION OF PUBLICLY AVAILABLE OPEN SPAC-
45 ES; TO ENSURE THAT ENVIRONMENTAL POLLUTION DOES NOT DISPARATELY AFFECT
46 AREAS WITH A SUBSTANTIAL NUMBER OF MINORITY OR LOW INCOME HOUSEHOLDS; TO
47 INCORPORATE CULTURAL RESOURCES AND LANDSCAPES INTO PROJECT DESIGNS BY
48 PRESERVING AND REHABILITATING BUILDINGS WITH CULTURAL, HISTORICAL OR
49 ARCHITECTURAL SIGNIFICANCE, ENCOURAGING ADAPTIVE REUSE AS AN ALTERNATIVE
50 TO DEMOLITION AND NEW CONSTRUCTION, AND ENCOURAGING COMPATIBLE DESIGN OF
51 NEW CONSTRUCTION; TO ENCOURAGE THE RETENTION AND CONSTRUCTION OF AFFORD-
52 ABLE HOUSING THROUGH INCENTIVES, LOANS, AND OTHER PROGRAMS; TO ENCOURAGE
53 DEVELOPMENT THAT IS ACCESSIBLE AND INVITING TO PEDESTRIANS, BICYCLISTS
54 AND TRANSIT USERS, AND TO DISCOURAGE DEVELOPMENT THAT IS RELIANT ON
55 PERSONAL AUTOMOBILE TRANSPORTATION; TO INCREASE OPPORTUNITIES FOR
56 PRIVATE ENTERPRISE, ESPECIALLY FOR SMALL BUSINESSES, LOCAL BUSINESSES,

1 AND BUSINESSES OWNED BY MINORITIES AND WOMEN, THROUGH PROCEDURES THAT
2 ARE FAIR, OPEN, EQUITABLE, TRANSPARENT, AND DEMONSTRATED TO BE THE BEST
3 CHOICE FOR THE PUBLIC INTEREST; TO PROVIDE SUFFICIENT SAFEGUARDS AND
4 PROTECTIONS IN THE EVENT THAT PRIVATE DEVELOPERS WITHDRAW FROM PARTIC-
5 IPATION IN A REDEVELOPMENT PROJECT OR IMPROVEMENT PROGRAM; TO INCREASE
6 EMPLOYMENT OPPORTUNITIES FOR LOCAL RESIDENTS, ESPECIALLY LOW INCOME
7 RESIDENTS, AND PERSONS WITH OTHER BARRIERS TO EMPLOYMENT, THROUGH JOB
8 TRAINING, LOCAL HIRING AND OTHER ASSISTANCE PROGRAMS; AND TO ENCOURAGE
9 THE CREATION OF QUALITY JOBS.

10 It is further declared to be the policy of the state to promote the
11 safety, health[, morals] and welfare of the people of the state through
12 the provision of adequate, safe and sanitary dwelling accommodations and
13 facilities incidental or appurtenant thereto for persons and families of
14 low income.

15 For these purposes, there should be created a corporate governmental
16 agency to be known as the "New York state urban development corporation"
17 which, through issuance of bonds and notes to the private, investing
18 public, by encouraging maximum participation by the private sector of
19 the economy, including the sale or lease of the corporation's interest
20 in projects at the earliest time deemed feasible, and through partic-
21 ipation in programs undertaken by the state, its agencies and subdivi-
22 sions, and by municipalities and the federal government, may provide or
23 obtain the capital resources necessary to acquire, construct, recon-
24 struct, rehabilitate or improve such industrial, manufacturing, commer-
25 cial, educational, recreational and cultural facilities, and housing
26 accommodations for persons and families of low income, and facilities
27 incidental or appurtenant thereto, and to carry out the [clearance,
28 replanning, reconstruction and rehabilitation of such substandard and
29 insanitary] REDEVELOPMENT OF BLIGHTED areas.

30 It is further declared to be the policy of New York state to encourage
31 the development of research and development facilities and high technol-
32 ogy industrial incubator space at institutions of higher education
33 located in this state and authorized to confer degrees by law or by the
34 board of regents, or on lands in reasonable proximity to such insti-
35 tutions provided that (i) in the case of research and development facil-
36 ities such facilities are for the cooperative use of one or more such
37 institutions and one or more business corporations, research consortia
38 or other industrial organizations involved in research, development,
39 demonstration, or other technologically oriented industrial activities;
40 and (ii) in the case of high technology industrial incubator space, such
41 space shall be for rental to business concerns which are in their form-
42 ative stages and which are involved in high technology activities,
43 including but not limited to business concerns initiated by students,
44 employees of such institution, including faculty members and other
45 persons or firms academically associated with such institution.

46 It is hereby declared that the acquisition, construction, FINANCING,
47 reconstruction, rehabilitation or improvement of such industrial, manu-
48 facturing and commercial facilities, and of such cultural, educational
49 and recreational facilities including but not limited to facilities
50 identified as projects and called for to implement a state designated
51 heritage area management plan as provided in title G of the parks,
52 recreation and historic preservation law; the [clearance, replanning,
53 reconstruction and rehabilitation of such substandard and insanitary]
54 REDEVELOPMENT OF BLIGHTED areas; and the provision of adequate, safe and
55 sanitary housing accommodations for persons and families of low income
56 and such facilities as may be incidental or appurtenant thereto are

public uses and public purposes for which public money may be loaned and private property may be acquired and tax exemption granted, and that the powers and duties of the New York state urban development corporation as hereinafter prescribed are necessary and proper for the purpose of achieving the ends here recited.

S 2. Subdivision 12 of section 3 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is REPEALED and a new subdivision 12 is added to read as follows:

(12) "BLIGHTED PROPERTY OR BLIGHTED AREA." BLIGHTED PROPERTY OR BLIGHTED AREA MEANS PROPERTY THAT IS DECLARED BLIGHTED. (A) A SINGLE PROPERTY MAY BE DECLARED BLIGHTED IF IT MEETS ANY OF THE FOLLOWING CONDITIONS:

1. IS UNFIT FOR HUMAN HABITATION. THIS MEANS A PREMISE WHICH HAS IDENTIFIABLE CONDITIONS THAT ENDANGER THE LIFE, HEALTH AND SAFETY OF THE OWNERS, OCCUPANTS, OR THE PUBLIC. CONDITIONS RENDERING THE PROPERTY UNFIT FOR HUMAN HABITATION INCLUDE, BUT ARE NOT LIMITED TO, SUBSTANTIAL STRUCTURAL DEFECTS, DILAPIDATION OR DETERIORATIONS, VERMIN INFESTATION, LACK OF NECESSARY UTILITIES AND FIRE HAZARDS.

2. HAS DETERIORATED TO THE POINT WHERE SUCH PREMISES:

(A) IS STRUCTURALLY UNSOUND OR POSES AN IMMEDIATE THREAT TO LIFE OR OTHER PROPERTY, OR

(B) THE COST OF REHABILITATION SIGNIFICANTLY EXCEEDS THE POST-REHABILITATION MARKET VALUE; AND

3. THE OWNER FAILS TO REMEDY THE PROBLEMS WITHIN A REASONABLE TIME AFTER RECEIVING NOTICE OF VIOLATION BY THE APPROPRIATE GOVERNING BODY REQUIRING THE OWNER TO:

(A) REHABILITATE THE BUILDING TO CONFORM TO MINIMUM CODE HABITABILITY REQUIREMENTS; OR

(B) DEMOLISH THE BUILDING FOR HEALTH AND SAFETY REASONS.

4. IS AN ABANDONED PROPERTY. ABANDONED PROPERTY MEANS:

(A) UNOCCUPIED PROPERTY WHICH HAS BEEN TAX DELINQUENT FOR AT LEAST TWO YEARS; OR

(B) A BUILDING THAT:

(I) IS UNOCCUPIED BY THE OWNER OR TENANTS; AND

(II) IS UNFIT FOR HUMAN HABITATION; AND

(III) HAS DETERIORATED TO THE POINT WHERE:

A. THE BUILDING IS STRUCTURALLY UNSOUND OR POSES AN IMMEDIATE THREAT TO LIFE OR OTHER PROPERTY; OR

B. THE COST OF REHABILITATION SIGNIFICANTLY EXCEEDS THE POST-REHABILITATION MARKET VALUE; AND

C. THE OWNER IS UNKNOWN OR THE OWNER FAILS TO RESPOND WITHIN SIX MONTHS TO A VIOLATION NOTICE FROM THE APPROPRIATE GOVERNING BODY REQUIRING THE OWNER TO:

(1) REHABILITATE THE BUILDING TO CONFORM TO MINIMUM HABITABILITY REQUIREMENTS; OR

(2) DEMOLISH THE BUILDING FOR HEALTH AND SAFETY REASONS.

5. A VACANT LOT ON WHICH A BUILDING HAS BEEN DEMOLISHED AND FOR WHICH A MUNICIPAL LIEN FOR DEMOLITION COSTS REMAINS UNPAID FOR SIX MONTHS.

6. IS ENVIRONMENTALLY CONTAMINATED REQUIRING REMEDIATION FOR CURRENT OR FUTURE USE UNDER STATE OR FEDERAL LAW, IF THE OWNER FAILS TO ESTABLISH A PLAN TO REMEDY THE PROBLEM WITHIN SIX MONTHS OF RECEIVING NOTICE OF VIOLATION FROM THE APPROPRIATE GOVERNING BODY AND HAS TAKEN STEPS TO REMEDY THE VIOLATION.

7. BECAUSE OF CONDITION OR USE, IS REGARDED AS A PUBLIC NUISANCE OR AN ATTRACTIVE NUISANCE AT COMMON LAW OR HAS BEEN DECLARED A PUBLIC NUISANCE

OR AN ATTRACTIVE NUISANCE UNDER A NEW YORK STATUTE OR AN APPLICABLE MUNICIPAL CODE, AND THE OWNER FAILS TO ABATE THE NUISANCE WITHIN SIX MONTHS OF RECEIVING NOTICE OF VIOLATION FROM THE APPROPRIATE GOVERNING BODY.

8. DEFECTIVE OR UNUSUAL CONDITIONS OF TITLE THAT MAKE THE FREE TRANSFER OR ALIENATION OF THE PROPERTY IMPOSSIBLE.

9. THAT HAS TAX DELINQUENCIES EXCEEDING THE VALUE OF THE PROPERTY WHERE THE PROPERTY IS OCCUPIED OR UNOCCUPIED.

(B) PROPERTY SHALL IN NO CASE BE DECLARED BLIGHTED IF IT MEETS EITHER OF THE FOLLOWING CRITERIA:

1. VACANT AND UNIMPROVED PROPERTY LOCATED IN ANY RURAL OR SUBURBAN AREA WHICH IS NOT SERVED BY EXISTING UTILITIES.

2. PROPERTY WHICH SATISFIES THE DEFINITION OF "FARM WOODLAND", "LAND USED IN AGRICULTURAL PRODUCTION", "UNIQUE AND IRREPLACEABLE AGRICULTURAL LAND", OR "VIABLE AGRICULTURAL LAND", AS THOSE TERMS ARE DEFINED IN SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

(C) FOR PURPOSES OF THIS SUBDIVISION, A BUILDING CONTAINING MULTIPLE UNITS SHALL BE TREATED AS A SINGLE PROPERTY.

(D) FOR PURPOSES OF ACQUIRING MULTIPLE UNITS OF PROPERTY BY EMINENT DOMAIN, AN AREA MAY BE DECLARED BLIGHTED ONLY IF:

1. AN AREA IS LOCATED IN AN URBAN OR SUBURBAN AREA GENERALLY SERVED BY UTILITIES AND INFRASTRUCTURE; AND

2. SIXTY PERCENT OF THE INDIVIDUAL PARCELS IN THE AREA ARE DECLARED BLIGHTED UNDER PARAGRAPH (A) OF THIS SUBDIVISION AND REPRESENT A MAJORITY OF THE GEOGRAPHICAL AREA OF THE PROJECT.

(E) A CONDEMNOR MAY USE EMINENT DOMAIN TO ACQUIRE ANY UNIT OF PROPERTY WITHIN A BLIGHTED PROJECT AREA.

(F) PROPERTIES OWNED BY A DEVELOPER OR CONDEMNOR INVOLVED IN A REDEVELOPMENT PROJECT MAY BE INCLUDED IN ANY BLIGHTED PROJECT AREA DETERMINATION.

(G) FOR PURPOSES OF THIS SUBDIVISION IF A DEVELOPER, CONDEMNOR OR AGENCY INVOLVED IN A REDEVELOPMENT PROJECT HAS CAUSED OR BROUGHT ABOUT BY ACTION OR INACTION OR MAINTAINED FOR MORE THAN SEVEN YEARS A CONDITION LISTED IN SUBPARAGRAPH ONE OF PARAGRAPH (A) OF THIS SUBDIVISION WITHIN THE PROPOSED PROJECT AREA, THAT CONDITION MAY NOT BE USED IN THE DETERMINATION OF BLIGHT.

(H) FOR PURPOSES OF THIS SUBDIVISION, IF PROPERTY LOCATED IN AN URBANIZED AREA GENERALLY SERVED BY MUNICIPAL INFRASTRUCTURE AND UTILITIES MEETS ONE OR MORE OF THE CONDITIONS LISTED IN SUBPARAGRAPH ONE OF PARAGRAPH (A) OF THIS SUBDIVISION DUE TO FAILURE ON THE PART OF THE APPROPRIATE GOVERNING BODY TO PROVIDE NECESSARY UTILITY SERVICES AND/OR INFRASTRUCTURE, THAT CONDITION MAY NOT BE USED IN THE DETERMINATION OF BLIGHT.

(I) ANY DECLARATION MADE PURSUANT TO THIS SUBDIVISION SHALL BE VALID FOR A PERIOD OF UP TO TEN YEARS.

S 3. Section 10 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, subdivision (d) as amended by chapter 847 of the laws of 1971, subdivisions (e) and (f) as added and subdivisions (g) and (h) as relettered by chapter 839 of the laws of 1987, is amended to read as follows:

S 10. Findings of the corporation. Notwithstanding any other provision of this act, the corporation shall not be empowered to undertake the acquisition, construction, reconstruction, rehabilitation or improvement of a project unless the corporation finds:

(a) in the case of a residential project:

(1) That there exists, in the area in which the project is to be located, or in an area reasonably accessible to such area, a need for safe and sanitary housing accommodations for persons or families of low income, which the operations of private enterprise cannot provide;

(2) That the project has been approved as a project of a housing company pursuant to the provisions of the private housing finance law.

(b) in the case of an industrial project:

(1) That the area in which the project is to be located is [a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area, wherein] FOUND TO BE BLIGHTED AND there exists a condition of substantial and persistent unemployment or underemployment;

(2) That the acquisition or construction and operation of such project will prevent, eliminate or reduce unemployment or underemployment in such area;

(3) That such project shall consist of a building or buildings which are suitable for manufacturing, warehousing or research or other industrial, business or commercial purposes[.];

(4) That adequate provision has been, or will be made for the payment of the cost of the acquisition, construction, operation, maintenance and upkeep of such project[.];

(5) That the acquisition and construction, proposed leasing, operation and use of such project will aid in the development, growth and prosperity of the state and the area in which such project is located;

(6) That the plans and specifications assure adequate light, air, sanitation and fire protection.

(c) in the case of a land use improvement project:

(1) That the area in which the project is to be located is [a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area] FOUND TO BE BLIGHTED and tends to impair or arrest the sound growth and development of the municipality;

(2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto;

(3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.

(d) in the case of a civic project:

(1) That THE AREA IN WHICH THE PROJECT IS TO BE LOCATED IS A BLIGHTED AREA WHEREIN there exists [in the area in which the project is to be located,] a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project;

(2) That the project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes;

(3) That such project will be leased to or owned by the state or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be, made for the payment of the cost of acquisition, construction, operation, maintenance and upkeep of the project;

(4) That the plans and specifications assure or will assure adequate light, air, sanitation and fire protection.

(e) in the case of an industrial effectiveness project:

1 (1) That a feasibility study or productivity assessment exists demon-
2 strating the potential for future profitability of the firm requesting
3 financial assistance and such study or assessment has been reviewed and
4 approved by the commissioner of economic development;

5 (2) That for loans to implement a corporate restructuring or turn-
6 around plan, the management of the industrial firm requesting assistance
7 is capable and the firm has a sound business development plan that
8 includes measures to ensure labor and management cooperation and to
9 effect changes required to continue as a successful business;

10 (3) That the requested financial assistance is not available from
11 other public or private financing sources; and

12 (4) That the area in which the project is to be located is [a
13 substandard or insanitary area, or is in danger of becoming a substand-
14 ard or insanitary area, wherein] FOUND TO BE BLIGHTED AND there exists a
15 condition of substantial and persistent unemployment or underemployment.

16 (f) in the case of a small and medium-sized business assistance
17 project:

18 (1) That the area in which the project will be located is [a substand-
19 ard or insanitary area, or is in danger of becoming a substandard or
20 insanitary area, wherein] FOUND TO BE BLIGHTED AND there exists a condi-
21 tion of substantial and persistent unemployment or underemployment;

22 (2) That the project demonstrates market, management and financial
23 feasibility and has a clear likelihood of success;

24 (3) That the [industrial] firm provides at least a ten percent equity
25 contribution and such contribution is not derived from other govern-
26 mental sources;

27 (4) That the requested financial assistance is not available from
28 other public or private financing sources on terms compatible with the
29 successful completion of the project;

30 (5) That the project will not result in the relocation of any [indus-
31 trial] firm from one municipality within the state to another munici-
32 pality, OR IN THE ABANDONMENT OF ONE OR MORE OF THE FIRMS' PLANTS OR
33 FACILITIES LOCATED WITHIN THE AREA, except under one of the following
34 conditions: (i) when [an industrial] A firm is relocating within a muni-
35 cipality with a population of at least one million where the governing
36 body of such municipality approves such relocation; [or] (ii) the corpo-
37 ration notifies each municipality from which such [industrial] firm will
38 be relocated and each municipality agrees to such relocation; OR (III)
39 THE CORPORATION SHALL DETERMINE ON THE BASIS OF THE APPLICATION BEFORE
40 IT THAT THE PROJECT IS REASONABLY NECESSARY TO DISCOURAGE THE FIRM FROM
41 RELOCATING TO A LOCATION OUTSIDE THE STATE AND TO PRESERVE THE COMPET-
42 ITIVE POSITION OF THE FIRM WITHIN ITS RESPECTIVE INDUSTRY; and

43 (6) That the project is not for the purpose of refinancing any portion
44 of the total project cost or other existing loans or debts of the
45 project sponsor or owner.

46 (g) in the case of all projects, that [there is a feasible method for
47 the relocation of families and individuals displaced from the project
48 area into decent, safe and sanitary dwellings] THE DISPLACEMENT OF RESI-
49 DENTS AND BUSINESSES IS LIMITED TO THE MAXIMUM EXTENT POSSIBLE, AND THAT
50 ALL DISPLACED RESIDENTS AND BUSINESSES WILL BE AFFORDED ADEQUATE COMPEN-
51 SATION AND/OR ASSISTANCE TO BE RELOCATED TO SUBSTANTIALLY COMPARABLE
52 PROPERTIES, which are or will be [provided] LOCATED in the project area
53 or in [other areas] AN AREA REASONABLY PROXIMATE TO THE PROJECT AREA AND
54 not generally less desirable in regard to public utilities and public
55 and commercial facilities, at SUBSTANTIALLY COMPARABLE rents or prices
56 [within the financial means of such families or individuals], and

1 reasonably accessible to their places of DWELLING AND/OR employment.
2 [Insofar as is feasible, the] THE corporation shall offer SUBSTANTIALLY
3 COMPARABLE housing accommodations to [such families and individuals]
4 DISPLACED RESIDENTS in [residential] projects [of the corporation] THAT
5 INCLUDE A RESIDENTIAL COMPONENT, AND INsofar AS IS FEASIBLE, THE CORPO-
6 RATION SHALL ASSIST IN FINDING SUBSTANTIALLY COMPARABLE INDUSTRIAL OR
7 COMMERCIAL ACCOMMODATIONS TO DISPLACED BUSINESSES IN PROJECTS THAT
8 INCLUDE AN INDUSTRIAL OR COMMERCIAL COMPONENT. The corporation may
9 render to business and commercial tenants and [to families or other
10 persons] displaced [from the project area,] RESIDENTS ANY OTHER such
11 assistance as it may deem [necessary to enable them to relocate] APPRO-
12 PRIATE.

13 (h) in the case of all projects, the corporation shall [state the
14 basis for its findings.]:

15 (1) IN THE CASE OF A SINGLE PROPERTY, MAKE WRITTEN FINDINGS IDENTIFY-
16 ING THE SPECIFIC CONDITIONS WHICH RENDER THE PROPERTY BLIGHTED UNDER
17 SUBDIVISION TWELVE OF SECTION THREE OF THIS ACT;

18 (2) IN THE CASE OF MULTIPLE PROPERTIES OR PROJECT AREAS, MAKE WRITTEN
19 FINDINGS DEMONSTRATING THAT THE REQUIREMENTS OF SUBDIVISION TWELVE OF
20 SECTION THREE OF THIS ACT HAVE BEEN MET. IN ORDER TO DEMONSTRATE THAT
21 SIXTY PERCENT OF THE PROPERTIES IN THE AREA ARE INDIVIDUALLY BLIGHTED
22 AND COMPRISE A MAJORITY OF THE GEOGRAPHICAL AREA OF THE PROJECT, EACH
23 BLIGHTED PROPERTY MUST BE IDENTIFIED AND THE SPECIFIC CONDITIONS RENDER-
24 ING IT BLIGHTED UNDER SUBDIVISION TWELVE OF SECTION THREE OF THIS ACT
25 MUST BE IDENTIFIED.

26 S 4. This act shall take effect immediately.