

1530

2011-2012 Regular Sessions

I N   S E N A T E

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Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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

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

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commercial facilities are, moreover, far from or not easily accessible to the places of residence of substantial numbers of unemployed persons. As a result, problems of chronic unemployment are not being alleviated but are aggravated. New industrial, manufacturing and commercial facilities are required to attract and house new industries and thereby to reduce the hazards of unemployment. The unaided efforts of private enterprise have not met and cannot meet the needs of providing such facilities due to problems encountered in assembling suitable building sites]

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

It is further found and declared that there exist in many municipalities within this state [residential, nonresidential, commercial, industrial or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, including obsolete and dilapidated buildings and structures, defective construction, outmoded design, lack of proper sanitary facilities or adequate fire or safety protection, excessive land coverage, insufficient light and ventilation, excessive population density, illegal uses and conversions, inadequate maintenance, buildings abandoned or not utilized in whole or substantial part, obsolete systems of utilities, poorly or improperly designed street patterns and intersections, inadequate access to areas, traffic congestion hazardous to the public safety, lack of suitable off-street parking, inadequate loading and unloading facilities, impractical street widths, sizes and shapes, blocks and lots of irregular form, shape or insufficient size, width or depth, unsuitable topography, subsoil or other physical conditions, all of] BLIGHTED PROPERTIES AND BLIGHTED AREAS, WHICH ARE CHARACTERIZED BY PREMISES UNFIT FOR HUMAN HABITATION AND DANGEROUS TO LIFE AND PROPERTY, AND which hamper or impede proper and economic development of such areas and which impair or arrest the sound growth of the area, community or municipality, and the state as a whole.

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

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

It is hereby declared to be the policy of the state to promote a vigorous and growing economy, to prevent economic stagnation and to

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

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

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

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

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

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

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

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

1 sanitary housing accommodations for persons and families of low income  
2 and such facilities as may be incidental or appurtenant thereto are  
3 public uses and public purposes for which public money may be loaned and  
4 private property may be acquired and tax exemption granted, and that the  
5 powers and duties of the New York state urban development corporation as  
6 hereinafter prescribed are necessary and proper for the purpose of  
7 achieving the ends here recited.

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

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

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

22 2. HAS DETERIORATED TO THE POINT WHERE SUCH PREMISES:

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

25 (B) THE COST OF REHABILITATION SIGNIFICANTLY EXCEEDS THE POST-REHABI-  
26 LITATION MARKET VALUE; AND

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

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

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

33 4. IS AN ABANDONED PROPERTY. ABANDONED PROPERTY MEANS:

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

36 (B) A BUILDING THAT:

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

38 (II) IS UNFIT FOR HUMAN HABITATION; AND

39 (III) HAS DETERIORATED TO THE POINT WHERE:

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

42 B. THE COST OF REHABILITATION SIGNIFICANTLY EXCEEDS THE POST-REHABILI-  
43 TATION MARKET VALUE; AND

44 C. THE OWNER IS UNKNOWN OR THE OWNER FAILS TO RESPOND WITHIN SIX  
45 MONTHS TO A VIOLATION NOTICE FROM THE APPROPRIATE GOVERNING BODY REQUIR-  
46 ING THE OWNER TO:

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

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

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

52 6. IS ENVIRONMENTALLY CONTAMINATED REQUIRING REMEDIATION FOR CURRENT  
53 OR FUTURE USE UNDER STATE OR FEDERAL LAW, IF THE OWNER FAILS TO ESTAB-  
54 LISH A PLAN TO REMEDY THE PROBLEM WITHIN SIX MONTHS OF RECEIVING NOTICE  
55 OF VIOLATION FROM THE APPROPRIATE GOVERNING BODY AND HAS TAKEN STEPS TO  
56 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:

1 (a) in the case of a residential project:

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

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

8 (b) in the case of an industrial project:

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

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

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

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

22 (5) That the acquisition and construction, proposed leasing, operation  
23 and use of such project will aid in the development, growth and prosper-  
24 ity of the state and the area in which such project is located;

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

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

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

32 (2) That the project consists of a plan or undertaking for the clear-  
33 ance, replanning, reconstruction and rehabilitation of such area and for  
34 recreational and other facilities incidental or appurtenant thereto;

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

38 (d) in the case of a civic project:

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

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

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

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

56 (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.