

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 489

Introduced by Groene, 42.

Read first time January 17, 2017

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the Community Development Law; to amend
- 2 section 18-2103, Revised Statutes Cumulative Supplement, 2016; to
- 3 redefine redevelopment project; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2103, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 18-2103 For purposes of the Community Development Law, unless the
4 context otherwise requires:

5 (1) An authority means any community redevelopment authority created
6 pursuant to section 18-2102.01 and a city or village which has created a
7 community development agency pursuant to the provisions of section
8 18-2101.01 and does not include a limited community redevelopment
9 authority;

10 (2) Limited community redevelopment authority means a community
11 redevelopment authority created pursuant to section 18-2102.01 having
12 only one single specific limited pilot project authorized;

13 (3) City means any city or incorporated village in the state;

14 (4) Public body means the state or any municipality, county,
15 township, board, commission, authority, district, or other political
16 subdivision or public body of the state;

17 (5) Governing body or local governing body means the city council,
18 board of trustees, or other legislative body charged with governing the
19 municipality;

20 (6) Mayor means the mayor of the city or chairperson of the board of
21 trustees of the village;

22 (7) Clerk means the clerk of the city or village;

23 (8) Federal government means the United States of America, or any
24 agency or instrumentality, corporate or otherwise, of the United States
25 of America;

26 (9) Area of operation means and includes the area within the
27 corporate limits of the city and such land outside the city as may come
28 within the purview of sections 18-2123 and 18-2123.01;

29 (10) Substandard areas means an area in which there is a
30 predominance of buildings or improvements, whether nonresidential or
31 residential in character, which, by reason of dilapidation,

1 deterioration, age or obsolescence, inadequate provision for ventilation,
2 light, air, sanitation, or open spaces, high density of population and
3 overcrowding, or the existence of conditions which endanger life or
4 property by fire and other causes, or any combination of such factors, is
5 conducive to ill health, transmission of disease, infant mortality,
6 juvenile delinquency, and crime, (which cannot be remedied through
7 construction of prisons), and is detrimental to the public health,
8 safety, morals, or welfare;

9 (11) Blighted area means an area, which (a) by reason of the
10 presence of a substantial number of deteriorated or deteriorating
11 structures, existence of defective or inadequate street layout, faulty
12 lot layout in relation to size, adequacy, accessibility, or usefulness,
13 insanitary or unsafe conditions, deterioration of site or other
14 improvements, diversity of ownership, tax or special assessment
15 delinquency exceeding the fair value of the land, defective or unusual
16 conditions of title, improper subdivision or obsolete platting, or the
17 existence of conditions which endanger life or property by fire and other
18 causes, or any combination of such factors, substantially impairs or
19 arrests the sound growth of the community, retards the provision of
20 housing accommodations, or constitutes an economic or social liability
21 and is detrimental to the public health, safety, morals, or welfare in
22 its present condition and use and (b) in which there is at least one of
23 the following conditions: (i) Unemployment in the designated area is at
24 least one hundred twenty percent of the state or national average; (ii)
25 the average age of the residential or commercial units in the area is at
26 least forty years; (iii) more than half of the plotted and subdivided
27 property in an area is unimproved land that has been within the city for
28 forty years and has remained unimproved during that time; (iv) the per
29 capita income of the area is lower than the average per capita income of
30 the city or village in which the area is designated; or (v) the area has
31 had either stable or decreasing population based on the last two

1 decennial censuses. In no event shall a city of the metropolitan,
2 primary, or first class designate more than thirty-five percent of the
3 city as blighted, a city of the second class shall not designate an area
4 larger than fifty percent of the city as blighted, and a village shall
5 not designate an area larger than one hundred percent of the village as
6 blighted. A redevelopment project involving a formerly used defense site
7 as authorized under section 18-2123.01 shall not count towards the
8 percentage limitations contained in this subdivision;

9 (12) Redevelopment project means any work or undertaking in one or
10 more community redevelopment areas: (a) To acquire substandard and
11 blighted areas or portions thereof, including lands, structures, or
12 improvements the acquisition of which is necessary or incidental to the
13 proper clearance, development, or redevelopment of such substandard and
14 blighted areas; (b) to clear any such areas by demolition or removal of
15 existing buildings, structures, streets, utilities, or other improvements
16 thereon and to install, construct, or reconstruct streets, utilities,
17 parks, playgrounds, public spaces, public parking facilities, sidewalks
18 or moving sidewalks, convention and civic centers, bus stop shelters,
19 lighting, benches or other similar furniture, trash receptacles,
20 shelters, skywalks and pedestrian and vehicular overpasses and
21 underpasses, and any other necessary public improvements essential to the
22 preparation of sites for uses in accordance with a redevelopment plan;
23 (c) to sell, lease, or otherwise make available land in such areas for
24 residential, recreational, commercial, industrial, or other uses,
25 including parking or other facilities functionally related or subordinate
26 to such uses, or for public use or to retain such land for public use, in
27 accordance with a redevelopment plan; and may also include the
28 preparation of the redevelopment plan, the planning, survey, and other
29 work incident to a redevelopment project and the preparation of all plans
30 and arrangements for carrying out a redevelopment project; (d) to dispose
31 of all real and personal property or any interest in such property, or

1 assets, cash, or other funds held or used in connection with residential,
2 recreational, commercial, industrial, or other uses, including parking or
3 other facilities functionally related or subordinate to such uses, or any
4 public use specified in a redevelopment plan or project, except that such
5 disposition shall be at its fair value for uses in accordance with the
6 redevelopment plan; (e) to acquire real property in a community
7 redevelopment area which, under the redevelopment plan, is to be repaired
8 or rehabilitated for dwelling use or related facilities, repair or
9 rehabilitate the structures, and resell the property; and (f) to carry
10 out plans for a program of voluntary or compulsory repair,
11 rehabilitation, or demolition of buildings—~~or other improvements in~~
12 ~~accordance with the redevelopment plan;~~

13 (13) Redevelopment plan means a plan, as it exists from time to time
14 for one or more community redevelopment areas, or for a redevelopment
15 project, which (a) conforms to the general plan for the municipality as a
16 whole and (b) is sufficiently complete to indicate such land acquisition,
17 demolition and removal of structures, redevelopment, improvements, and
18 rehabilitation as may be proposed to be carried out in the community
19 redevelopment area, zoning and planning changes, if any, land uses,
20 maximum densities, and building requirements;

21 (14) Redeveloper means any person, partnership, or public or private
22 corporation or agency which enters or proposes to enter into a
23 redevelopment contract;

24 (15) Redevelopment contract means a contract entered into between an
25 authority and a redeveloper for the redevelopment of an area in
26 conformity with a redevelopment plan;

27 (16) Real property means all lands, including improvements and
28 fixtures thereon, and property of any nature appurtenant thereto, or used
29 in connection therewith, and every estate, interest and right, legal or
30 equitable, therein, including terms for years and liens by way of
31 judgment, mortgage, or otherwise, and the indebtedness secured by such

1 liens;

2 (17) Bonds means any bonds, including refunding bonds, notes,
3 interim certificates, debentures, or other obligations issued pursuant to
4 the Community Development Law except for bonds issued pursuant to section
5 18-2142.04;

6 (18) Obligee means any bondholder, agent, or trustee for any
7 bondholder, or lessor demising to any authority, established pursuant to
8 section 18-2102.01, property used in connection with a redevelopment
9 project, or any assignee or assignees of such lessor's interest or any
10 part thereof, and the federal government when it is a party to any
11 contract with such authority;

12 (19) Person means any individual, firm, partnership, limited
13 liability company, corporation, company, association, joint-stock
14 association, or body politic and includes any trustee, receiver,
15 assignee, or other similar representative thereof;

16 (20) Community redevelopment area means a substandard and blighted
17 area which the community redevelopment authority designates as
18 appropriate for a renewal project;

19 (21) Redevelopment project valuation means the valuation for
20 assessment of the taxable real property in a redevelopment project last
21 certified for the year prior to the effective date of the provision
22 authorized in section 18-2147;

23 (22) Enhanced employment area means an area not exceeding six
24 hundred acres (a) within a community redevelopment area which is
25 designated by an authority as eligible for the imposition of an
26 occupation tax or (b) not within a community redevelopment area as may be
27 designated under section 18-2142.04;

28 (23) Employee means a person employed at a business as a result of a
29 redevelopment project;

30 (24) Employer-provided health benefit means any item paid for by the
31 employer in total or in part that aids in the cost of health care

1 services, including, but not limited to, health insurance, health savings
2 accounts, and employer reimbursement of health care costs;

3 (25) Equivalent employees means the number of employees computed by
4 (a) dividing the total hours to be paid in a year by (b) the product of
5 forty times the number of weeks in a year;

6 (26) Business means any private business located in an enhanced
7 employment area;

8 (27) New investment means the value of improvements to real estate
9 made in an enhanced employment area by a developer or a business;

10 (28) Number of new employees means the number of equivalent
11 employees that are employed at a business as a result of the
12 redevelopment project during a year that are in excess of the number of
13 equivalent employees during the year immediately prior to the year that a
14 redevelopment plan is adopted; and

15 (29) Occupation tax means a tax imposed under section 18-2142.02.

16 Sec. 2. Original section 18-2103, Revised Statutes Cumulative
17 Supplement, 2016, is repealed.