WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

HOUSE BILL No. 183

(By Mr. [Signature])

PASSED March 10, 1951

In Effect 90 days from Passage
AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article eighteen, to provide for the clearance of slum and blighted areas for development or redevelopment in accordance with plans approved by the governing body of the municipality or county; to create for this purpose a public body corporate and politic, to be known as the slum clearance and redevelopment authority, in each municipality and county of this state; to define the duties, liabilities, exemptions, and powers of such authorities, including the power to acquire and dispose of property, exercise the power of eminent domain, issue bonds and other obligations, and give security therefor, and enter into agreements to secure federal aid or contributions and comply with conditions imposed in connection therewith; to provide that slum clearance
and redevelopment authorities, their property and securities shall be exempt from taxation and assessment; to authorize either the transaction of business by such authority or the exercise of the duties and powers of such authority by the municipality or county itself or by the housing authority of the municipality or county, upon approval by the governing body of the municipality or county; to authorize the creation of such authority in regions comprising cooperating municipalities and counties; to authorize the acquisition and development of vacant areas in connection with the redevelopment of slum and blighted areas, upon approval of the governing body of the municipality or county; to authorize public bodies to furnish funds, services, facilities, and property in aid of slum clearance and redevelopment projects hereunder; to authorize municipalities and counties to obtain funds therefor by the issuance of obligations, by taxation or otherwise; and to provide that obligations issued for slum clearance or redevelopment projects hereunder shall be legal investments.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, be amended by
adding thereto a new article, to be designated article eighteen,
to read as follows:

Article 18. Slum Clearance.

Section 1. Short Title.—This act shall be known and
may be cited as the “Slum Clearance and Redevelopment
Authority Law”.

Sec. 2. Findings and Declaration of Necessity.—It is
hereby found and declared that there exist in localities
throughout the state, slum and blighted areas (as herein
defined) which constitute a serious and growing menace,
injurious and inimical to the public health, safety, morals
and welfare of the residents of the state; that the existence
of such areas contributes substantially and increasingly
to the spread of disease and crime, necessitating excessive
and disproportionate expenditures of public funds for
the preservation of the public health and safety, for crime
prevention, correction, prosecution, punishment and the
treatment of juvenile delinquency and for the mainte-
nance of adequate police, fire and accident protection and
other public services and facilities, constitutes an economic
and social liability, substantially impairs or arrests the
sound growth of communities and retards the provision
of housing accommodations; that this menace is beyond
remedy and control solely by regulatory process in the
exercise of the police power and cannot be dealt with
effectively by the ordinary operations of private enterprise
without the aids herein provided; that the elimination of
slum conditions or conditions of blight, the acquisition
and preparation of land in or necessary to the develop-
ment of slum or blighted areas and its sale or lease for
development or redevelopment in accordance with gen-
eral plans and redevelopment plans of communities and
any assistance which may be given by any state public
body in connection therewith, are public uses and pur-
poses for which public money may be expended and pri-
ivate property acquired; and that the necessity in the public
interest for the provisions hereinafter enacted is hereby
declared as a matter of legislative determination.

Sec. 3. Definitions.—The following terms, wherever used
or referred to in this act, shall have the following mean-
ings, unless a different meaning is clearly indicated by
the context:

(a) "Authority" or "Slum Clearance and Redevelopment
Authority" shall mean a public body, corporate and
politic, created by or pursuant to section four of this act
or any other public body exercising the powers, rights
and duties of such an authority as hereinafter provided.

(b) "Municipality" shall mean any incorporated city,
town or village in the state.

(c) "Community" shall mean any municipality or
county in the state.

(d) "Public body" shall mean the state or any munici-
pality, county, township, board, commission, authority,
district, or any other subdivision or public body of the
state.

(e) "Governing body" shall mean the council or other
legislative body charged with governing the municipality
or the county court or other legislative body charged with
governing the county.

(f) "Mayor" shall mean the officer having the duties
customarily imposed upon the executive head of a municipality.

(g) "Clerk" shall mean the clerk or other official of the municipality or county who is the custodian of the official records of such municipality or county.

(h) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(i) "Area of operation" shall mean in the case of a municipality, the area within such municipality and the area within five miles of the territorial boundaries thereof, except that the area of operation of a municipality under this act shall not include any area which lies within the territorial boundaries of another municipality unless a resolution shall have been adopted by the governing body of such other municipality declaring a need therefor; and in the case of a county, the area within the county, except that the area of operation in such case shall not include any area which lies within the territorial boundaries of a municipality unless a resolution shall have been adopted by the governing body of such municipality declaring a
need therefor; and in the case of a regional authority,
shall mean the area within the communities for which
such regional authority is created: Provided, however,
That a regional authority shall not undertake a redevelop-
ment project within the territorial boundaries of any mu-
icipality unless a resolution shall have been adopted by
the governing body of such municipality declaring that
there is a need for the regional authority to undertake such
development project within such municipality. No au-
thority shall operate in any area of operation in which
another authority already established is undertaking or
carrying out a redevelopment project without the con-
sent, by resolution, of such other authority.

(j) "Slum area" shall mean an area in which there is
a predominance of buildings or improvements (or which
is predominantly residential in character), and which, by
reason of dilapidation, deterioration, age or obsolescence,
inadequate provision for ventilation, light, air, sanitation,
or open spaces, high density of population and overcrowd-
ing, or the existence of conditions which endanger life
or property by fire and other causes, or any combination
of such factors, is conducive to ill health, transmission of
disease, infant mortality, juvenile delinquency and crime,
and is detrimental to the public health, safety, morals
or welfare.

(k) "Blighted area" shall mean an area (other than
a slum area) which by reason of the predominance of
1, defective or inadequate street layout, faulty lot layout in
relation to size, adequacy, accessibility or usefulness, in-
sanitary or unsafe conditions, deterioration of site im-
provement, diversity of ownership, tax or special assess-
ment delinquency exceeding the fair value of the land, de-
fective or unusual conditions of title, improper subdivision
or obsolete platting, or the existence of conditions which
endanger life or property by fire and other causes, or any
combination of such factors, substantially impairs or ar-
rests the sound growth of the community, retards the
 provision of housing accommodations or constitutes an
economic or social liability and is a menace to the public
health, safety, morals, or welfare in its present condition
and use.
(1) "Redevelopment project" shall mean any work or undertaking:

(1) To acquire slum areas or blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of such slum or blighted areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight.

(2) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan.

(3) To sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use or to retain such land for public use, in accordance with a redevelopment plan.

The term "redevelopment project" may also include the
preparation of a redevelopment plan, the planning, survey and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project.

(m) "Redevelopment plan" shall mean a plan for the acquisition, clearance, reconstruction, rehabilitation, or future use of a redevelopment project area.

(n) "Redeveloper" shall mean any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract.

(o) "Redevelopment contract" shall mean a contract entered into between an authority and a redeveloper for the redevelopment of an area in conformity with a redevelopment plan.

(p) "Real property" shall include 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.
(q) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this act.

(r) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the authority property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(s) "Person" shall mean any individual, firm, partnership, corporation, company association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof.

Sec. 4. Creation of Slum Clearance and Redevelopment Authority.—(a) There is hereby created in each community (as herein defined) a public body corporate and politic, to be known as the "Slum Clearance and Redevelopment Authority" of the community: Provided, however, That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body shall approve (by resolution,
as herein provided) the exercise in such community
of the powers, functions and duties of an authority under
this act: *Provided further,* That, if it deems such action
to be in the public interest, the governing body may,
instead of such resolution, adopt a resolution approving
the exercise of such powers, functions and duties
by the community itself or by the housing authority,
if one exists or is subsequently established in the com-
community, and in such event, the community or housing
authority, as the case may be, shall be vested with all
the powers, functions, rights, duties and privileges of
a slum clearance and redevelopment authority under
this act.

(b) The governing body of a community shall not
adopt a resolution pursuant to subsection (a) above unless
it finds:

(1) That one or more slum or blighted acres (as here-
defined) exist in such community, and

(2) That the redevelopment of such area or areas is
necessary in the interest of the public health, safety,
morals or welfare of the residents of such community.
(c) If the governing body of each of two or more communities declares, by resolution, that there is a need for one slum clearance and redevelopment authority to be created for all of such communities, and has made the findings required by paragraph (b), a public body, corporate and politic, to be known as a regional slum clearance and redevelopment authority (herein referred to as regional authority or authority) shall thereupon exist for all of such communities and may exercise the powers and other functions of an authority under this act in such communities.

(d) The area of operation of a regional authority shall be increased from time to time to include one or more additional communities if the governing body of each of such additional communities adopts the resolution described in paragraph (c) and makes the findings required by paragraph (b), and the commissioners of the regional authority consent to the inclusion within its area of operation of such additional communities.

(e) When the governing body of a municipality adopts a resolution as aforesaid, it shall promptly notify the
mayor of such adoption. If the resolution adopted is one approving the exercise of powers hereunder by a slum clearance and redevelopment authority, the mayor, by and with the advice and consent of the governing body, shall appoint a board of commissioners of the authority created for such municipality which shall consist of five commissioners, and when the governing body of a county adopts such a resolution, said body shall appoint a board of commissioners of the authority created for such county which shall consist of five commissioners. The commissioners who are first appointed pursuant to this act shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term.

(f) If a regional authority is created as herein provided, one person shall be appointed as a commissioner of such authority for each community for which such authority is created. When the area of operation of a regional authority is increased to include an additional community or
72 communities as herein provided, one additional person
73 shall be appointed as a commissioner of such authority
74 for each such additional community. Each such commis-
75 sioner appointed for a municipality shall be appointed
76 by the mayor thereof, by and with the advice and consent
77 of the governing body, and each such commissioner ap-
78 pointed for a county shall be appointed by the governing
79 body thereof. The first appointment of commissioner of
80 a regional authority may be made at or after the time of
81 the adoption of the resolution declaring the need for such
82 authority or declaring the need for the inclusion of such
83 community in the area of operation of such authority. The
84 commissioners of a regional authority and their successors
85 shall be appointed as aforesaid for terms of five years
86 except that all vacancies shall be filled for the unexpired
87 terms.
88 If the area of operation of a regional authority consists
89 at any time of an even number of communities, the com-
90 missioners of the regional authority already appointed in
91 the manner described above shall appoint one additional
92 commissioner whose term of office shall be as provided
for a commissioner of a regional authority except that
such term shall end at any earlier time that the area
of operation of the regional authority shall be changed
to consist of an odd number of communities. The com-
mmissioners of such authority already appointed in the
manner described above shall likewise appoint each per-
son to succeed such additional commissioner: Provided,
That the term of office of such person begins during the
terms of office of the commissioners appointing him. A
certificate of the appointment of any such additional com-
missioner of such regional authority shall be filed with
the other records of the regional authority and shall be
conclusive evidence of the due and proper appointment
of such additional commissioner.

(g) A commissioner of an authority shall receive no
compensation for his services, but shall be entitled to the
necessary expenses, including traveling expenses, incurred
in the discharge of his duties. Each commissioner shall
hold office until his successor has been appointed and has
qualified. A certificate of the appointment or reappoint-
ment of any commissioner shall be filed with the munici-
pal or county clerk, as the case may be, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers hereunder vested in each slum clearance and redevelopment authority shall be exercised by the board of commissioners thereof. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. Meetings of the board of an authority may be held anywhere within the perimeter boundaries of the area of operation of the authority. Any persons may be appointed as commissioners of the authority if they reside within such area, and are otherwise eligible for such appointments under this act.

The commissioners of an authority shall elect a chairman and vice-chairman from among the commissioners. An authority may employ an executive director, technical
experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation.

For such legal services as it may require, an authority may, with the approval of the mayor (or of the governing body in the case of a county), call upon the chief law officer of the communities within its area of operation or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(h) For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the official or public body which appointed such commissioner, but a commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least ten days prior to such hearing and have had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereof, shall be filed in the office of the municipal or county clerk, as the case may be.
(i) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of or bonds issued by an authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of the appropriate resolution prescribed in subsection (a) or (c) above. Each such resolution shall be deemed sufficient if it authorizes the exercise of powers hereunder by the authority or other public body and finds in substantially the terms provided in subsection (b) (no further detail being necessary) that the conditions therein enumerated exist. A copy of such resolution duly certified by the municipal or county clerk, as the case may be, shall be admissible in evidence in any suit, action or proceeding.

(j) No commissioner or employee of an authority shall voluntarily acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned by the authority to be included in any such project, or in any contract or proposed contract in connection with any such project. Where the acquisition is not volun-
Enr. H. B. No. 183]

177 tary such commissioner or employee shall immediately
178 disclose such interest in writing to the authority and such
179 disclosure shall be entered upon the minutes of the au-
180 thority. A commissioner or employee who owns or con-
181 trols any interest, direct or indirect, in such property shall
182 not participate in any action by the authority affecting
183 the property. If any commissioner or employee of an au-
184 thority owned or controlled within the preceding two
185 years an interest, direct or indirect, in any property in-
186 cluded or planned by the authority to be included in any
187 redevelopment project, he immediately shall disclose such
188 interest in writing to the authority and such disclosure
189 shall be entered upon the minutes of the authority. Upon
190 such disclosure such commissioner or employee shall not
191 participate in any action by the authority affecting such
192 property. Any violation of the provisions of this section
193 shall constitute misconduct in office.

Sec. 5. Powers of an Authority.—An authority shall
2 constitute a public body corporate and politic, exercising
3 public and essential governmental functions, and having
4 all the powers necessary or convenient to carry out and
effectuate the purposes and provisions of this act, in-
cluding the following powers in addition to others herein
granted:

(a) To sue and to be sued; to have a seal and to alter
the same at pleasure; to have perpetual succession; to
make and execute contracts and other instruments neces-
sary or convenient to the exercise of the powers of the
authority; and to make and from time to time amend
and repeal by-laws, rules and regulations, not inconsis-
tant with this act, to carry out the provisions of this act.

(b) To prepare or cause to be prepared and recom-
mend redevelopment plans to the governing body of the
community or communities within its area of operation
and to undertake and carry out redevelopment projects
within its area of operation.

(c) To arrange or contract for the furnishing or repair,
by any person or agency, public or private, of services,
privileges, works, streets, roads, public utilities or other
facilities for or in connection with a redevelopment
project; and (notwithstanding anything to the contrary
contained in this act or any other provision of law), to
agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(d) Within its area of operation, to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property; to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions and conditions
regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions and conditions as the authority may deem necessary to prevent a recurrence of slum or blighted areas or to effectuate the purposes of this act; to make any of the covenants, restrictions or conditions of the foregoing contracts covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds and provide security for loans or bonds; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this act: Provided, however, That no statutory provision with respect to the acquisition, clearance or disposition of property by other public bodies shall restrict
an authority or other public body exercising powers hereunder, in such functions, unless the Legislature shall specifically so state.

(e) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than redemption price, all bonds so redeemed or purchased to be cancelled.

(f) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, municipality or other public body or from any sources, public or private, for the purposes of this act, to give such security as may be required and to enter into and carry out contracts in connection therewith; an authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a redevelopment project such conditions imposed pursuant to federal law as the
authority may deem reasonable and appropriate and which are not inconsistent with the purposes of this act.

(g) Acting through one or more commissioners or other persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies or public officials (including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures or eliminating slums or conditions of blight within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, morals or welfare.

(h) Within its area of operation, to make or have made all surveys, appraisals, studies and plans (but not
including the preparation of a general plan for the community) necessary to the carrying out of the purposes of this act and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of such surveys, appraisals, studies and plans.

(i) To prepare plans and provide reasonable assistance for the relocation of families displaced from a redevelopment project area to permit the carrying out of the redevelopment project, to the extent essential for acquiring possession of and clearing such area or parts thereof.

(j) To make such expenditures as may be necessary to carry out the purposes of this act; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures.

(k) To exercise all or any part or combination of powers herein granted.

Sec. 6. Preparation and Approval of Redevelopment Plans.—(a) An authority shall not acquire real property for a redevelopment project unless the govern-
(b) An authority shall not prepare a redevelopment plan for a redevelopment project area unless the governing body of the community in which such area is located has, by resolution, declared such area to be a slum or blighted area in need of redevelopment.

(c) An authority shall not recommend a redevelopment plan to the governing body of the community in which the redevelopment project area is located until a general plan for the development of the community has been prepared.

(d) The authority may itself prepare or cause to be prepared a redevelopment plan or any person or agency, public or private, may submit such a plan to an authority. A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community
facilities and other public improvements and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to:

(1) The boundaries of the redevelopment project area, with a map showing the existing uses and conditions of the real property therein;

(2) A land use plan showing proposed uses of the area;

(3) Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment;

(4) A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances;

(5) A site plan of the area; and

(6) A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

(e) Prior to recommending a redevelopment plan to
the governing body for approval, an authority shall submit such plan to the planning commission of the community in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the community as a whole. The planning commission shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within said thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the community for approval.

(f) Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its
environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, slums, or conditions of blight, and the provision of adequate, safe and sanitary dwelling accommodations.

(g) The recommendation of a redevelopment plan by an authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission concerning the redevelopment plan; a statement
of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the redevelopment project; and a statement of a feasible method proposed for the relocation of families to be displaced from the redevelopment project area.

(h) The governing body of the community shall hold a public hearing on any redevelopment plan or substantial modification thereof recommended by the authority, after public notice thereof by publication in a newspaper of general circulation in the community once each week for two consecutive weeks, the last publication to be at least ten days prior to the date set for hearing, or, if there be no such newspaper, by posting such notice in three public places at least ten days prior to the date set for hearing. The notice shall describe the time, date, place and purpose of the hearing and shall also generally identify the area to be redeveloped under the plan. All interested parties shall be afforded at such public hear-
(i) Following such hearing, the governing body may approve a redevelopment plan if it finds that said plan is feasible and in conformity with the general plan for the development of the community as a whole: Provided, That if the redevelopment project area is a blighted area, the governing body must also find that a shortage of housing of sound standards and design, adequate for family life, exists in the community; the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas under redevelopment; the conditions of blight in the redevelopment project area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the development of the blighted area for predominantly residential uses is an integral part of and essential to the program of the community for the elimination of slum areas. A redevelopment plan which has not been approved by the
governing body when recommended by the authority may again be recommended to it with any modifications deemed advisable.

(j) A redevelopment plan may be modified at any time by the authority: Provided, That if modified after the lease or sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper or redevelopers of such real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the governing body the modification must similarly be approved by the governing body.

Sec. 7. Disposal of Property in Redevelopment Project.—

(a) An authority may sell, lease, exchange or otherwise transfer real property or any interest therein in a redevelopment project area to any redeveloper for residential, recreational, commercial, industrial or other uses or for public use in accordance with the redevelopment plan, subject to such covenants, conditions and restrictions as it may deem to be in the public interest or to
9 carry out the purposes of this act: Provided, That such
10 sale, lease, exchange or other transfer, and any agreement
11 relating thereto, may be made only after, or subject to,
12 the approval of the redevelopment plan by the governing
13 body of the community. Such real property shall be sold,
14 leased or transferred at its fair value for uses in accord-
15 ance with the redevelopment plan notwithstanding such
16 value may be less than the cost of acquiring and pre-
17 paring such property for redevelopment. In determining
18 the fair value of real property for uses in accordance
19 with the redevelopment plan, an authority shall take
20 into account and give consideration to the uses and pur-
21 poses required by such plan; the restrictions upon, and
22 the covenants, conditions and obligations assumed by
23 the redeveloper of, such property; the objectives of the
24 redevelopment plan for the prevention of the recurrence
25 of slum or blighted areas; and such other matters as the
26 authority shall specify as being appropriate. In fixing
27 rentals and selling prices, an authority shall give con-
28 sideration to appraisals of the property for such uses
29 made by land experts employed by the authority.
30 (b) An authority shall, by public notice published at
31 least once a week for two consecutive weeks in a news-
32 paper of general circulation in the community, or, if
33 there be no such newspaper, by posting such notice in
34 three public places in the community, prior to the con-
35 sideration of any redevelopment contract proposal, invite
36 proposals from, and make available all pertinent infor-
37 mation to private redevelopers or any persons interested
38 in undertaking the redevelopment of an area, or any
39 part thereof, which the governing body has declared to
40 be in need of redevelopment. Such notice shall identify
41 the area, and shall state that such further information
42 as is available may be obtained at the office of the au-
43 thority. The authority shall consider all redevelopment
44 proposals and the financial and legal ability of the pros-
45 pective redevelopers to carry out their proposals and may
46 negotiate with any redevelopers for proposals for the pur-
47 chase or lease of any real property in the redevelopment
48 project area. The authority may accept such redevelop-
49 ment contract proposal as it deems to be in the public in-
50 terest and in furtherance of the purposes of this act: Pro-
vided, That the authority has, not less than thirty days prior thereto, notified the governing body in writing of its intention to accept such redevelopment contract proposal. Thereafter, the authority may execute such redevelopment contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such redevelopment contract. In its discretion, the authority may, without regard to the foregoing provisions of this paragraph, dispose of real property in a redevelopment project area to private redevelopers for redevelopment under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subsection (a).

(c) In carrying out a redevelopment project, an authority may:

(1) Convey to the community in which the project is located, such real property as, in accordance with the redevelopment plan, is to be laid out into streets, alleys, and public ways;

(2) Grant servitudes, easements and rights of way, for
public utilities, sewers, streets and other similar facilities, in accordance with the redevelopment plan; and

(3) Convey to the municipality, county or other appropriate public body, such real property as, in accordance with the redevelopment plan, is to be used for parks, schools, public buildings, facilities or other public purposes.

(d) An authority may temporarily operate and maintain real property in a redevelopment project area pending the disposition of the property for redevelopment, without regard to the provisions of subsections (a) and (b) above, for such uses and purposes as may be deemed desirable even though not in conformity with the redevelopment plan.

Sec. 8. Eminent Domain.—An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for a redevelopment project or for its purposes under this act after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise
the power of eminent domain in the manner provided
for condemnation proceedings, in chapter fifty-four of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended, or it may exercise the power of
eminent domain in the manner now or which may be
hereafter provided by any other statutory provisions for
the exercise of the power of eminent domain. Property
already devoted to a public use may be acquired in like
manner: Provided, That no real property belonging to the
municipality, the county or the state may be acquired
without its consent. When an authority has found and
determined by resolution that certain real property de-
scribed therein is necessary for a redevelopment project
or for its purposes under this act, the resolution shall be
conclusive evidence that the acquisition of such real prop-
erty is necessary for the purposes described therein.

Sec. 9. Acquisition and Development of Undeveloped
Vacant Land.—Upon a determination, by resolution, of
the governing body of the community in which such land
is located that the acquisition and development of un-
developed vacant land, not within a slum or blighted area,
is essential to the proper clearance or redevelopment of
slum or blighted areas or a necessary part of the general
slum clearance program of the community, the acquisi-
tion, planning, preparation for development or disposal
of such land shall constitute a redevelopment project
which may be undertaken by the authority in the manner
provided in the foregoing sections. The determination by
the governing body shall be in lieu of the declaration
required by section six-b above but shall not be made
until the governing body finds that there is a shortage of
decent, safe and sanitary housing in the community;
that such undeveloped vacant land will be developed for
predominantly residential uses; and that the provision
of dwelling accommodations on such undeveloped vacant
land is necessary to accomplish the relocation, in decent,
safe and sanitary housing in the community, of families
to be displaced from slum or blighted areas which are
to be redeveloped: Provided, however, That in the un-
dertaking of redevelopment projects on a regional or
unified metropolitan basis, involving the acquisition and
development of undeveloped vacant land in one com-

munity as an adjunct to the redevelopment of slum or
blighted areas in another community, each determination
or finding required in this subsection shall be made by
the governing body of the community with respect to
which the determination or finding relates.

Sec. 10. Issuance of Bonds.—(a) An authority shall
have power to issue bonds from time to time in its
discretion for any of its corporate purposes including
the payment of principal and interest upon any ad-
vances for surveys and plans for redevelopment pro-
jects. An authority shall also have power to issue re-
funding bonds for the purpose of paying or retiring or
in exchange for bonds previously issued by it. An au-
thority may issue such types of bonds as it may deter-
mine, including (without limiting the generality of
the foregoing) bonds on which the principal and interest
are payable:

(1) Exclusively from the income, proceeds, and reve-
uues of the redevelopment project financed with the
proceeds of such bonds; or

(2) Exclusively from the income, proceeds, and revenues
of any of its redevelopment projects whether or not they
are financed in whole or in part with the proceeds of
such bonds: Provided, That any such bonds may be
additionally secured by a pledge of any loan, grant or con-
tributions, or parts thereof, from the federal government
or other sources, or a mortgage of any redevelopment
project or projects of the authority.
(b) Neither the commissioners of an authority nor
any person executing the bonds shall be liable person-
ally on the bonds by reason of the issuance thereof. The
bonds and other obligations of the authority (and such
bonds and obligations shall so state on their face) shall
not be a debt of the municipality, the county, or the
state and neither the municipality, the county, nor the
state shall be liable thereon, nor in any event shall such
bonds or obligations be payable out of any funds or
properties other than those of said authority acquired
for the purposes of this act. The bonds shall not consti-
tute an indebtedness within the meaning of any consti-
tutional or statutory debt limitation or restriction.
Bonds of an authority are declared to be issued for
an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from all taxes. Such bonds need not be offered by the authority to the state sinking fund commission at any time and an authority shall not be required to turn over any surplus or sinking funds to the state sinking fund commission.

(c) Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.
(d) The bonds shall be sold at not less than par at public sale held after notice published once at least ten days prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publication as the authority may determine; Provided, That such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the bonds authorized in connection with any project or projects are sold to the federal government, the balance of such bonds may be sold at private sale at not less than par at an interest cost to the authority of not to exceed the interest cost to the authority of the portion of the bonds sold to the federal government.

(e) In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of
any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

(f) In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a redevelopment project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this act.

Sec. 11. Powers in Connection with Issuance of Bonds.—

(a) In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.
(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any redevelopment project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to covenant for the redemption of the bonds and to provide the terms and conditions thereof.

(5) To covenant (subject to the limitations contained
in this act) as to the amount of revenues to be raised each
year or other period of time by rents, fees and other reve-
uues, and as to the use and disposition to be made thereof;
to create or to authorize the creation of special funds for
moneys held for operating costs, debt service, reserves,
or other purposes, and to covenant as to the use and dis-
position of the moneys held in such funds.

(6) To prescribe the procedure, if any, by which the
terms of any contract with bondholders may be amended
or abrogated, the amount of bonds the holders of which
must consent thereto and the manner in which such con-
sent may be given.

(7) To covenant as to the use, maintenance and replace-
ment of any or all of its real or personal property, the
insurance to be carried thereon and the use and disposition
of insurance moneys, and to warrant its title to such
property.

(8) To covenant as to the rights, liabilities, powers and
duties arising upon the breach by it of any covenants,
condition or obligation; and to covenant and prescribe as
to events of default and terms and conditions upon which
any or all of its bonds or obligations shall become or may
be declared due before maturity, and as to the terms and
conditions upon which such declaration and its conse-
quences may be waived.

(9) To vest in any obligees of the authority the right
to enforce the payment of the bonds or any covenants se-
curing or relating to the bonds; to vest in any obligee or
obligees holding a specified amount in bonds the right, in
the event of a default by said authority, to take possession
of and use, operate and manage any redevelopment project
or any part thereof, title to which is in the authority, or
any funds connected therewith, and to collect the rents and
revenues arising therefrom and to dispose of such moneys
in accordance with the agreement of the authority with
such obligees; to provide for the powers and duties of such
obligees and to limit the liabilities thereof; and to provide
the terms and conditions upon which such obligees may
enforce any covenant or rights securing or relating to the
bonds.

(10) To exercise all or any part or combination of the
powers herein granted; to make such covenants (other
than and in addition to the covenants herein expressly authorized) and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

(b) An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any redevelopment project or any part thereof, title to which is in the authority, to be surrendered to any such obligee;

(2) To obtain the appointment of a receiver of any redevelopment project of said authority or any part thereof, title to which is in the authority, and of the rents and
If such receiver be appointed, he may enter and take possession of, carry out, operate and maintain such project or any part thereof and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct; and

(3) To require said authority and the commissioner, officers, agents and employees thereof to account as if it and they were the trustees of an express trust.

Sec. 12. Rights of Obligee.—An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any
or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this act; and

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

Sec. 13. Bonds as Legal Investments.—All public officers, municipal corporations, political subdivisions and public bodies; all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by an authority pursuant to this act or by any public housing or redevelopment authority or commission, or agency or any other public body in the United States for redevelopment purposes, when
such bonds and other obligations are secured by an agree-
ment between the issuing agency and the federal govern-
ment in which the issuing agency agrees to borrow from
the federal government and the federal government agrees
to lend to the issuing agency, prior to the maturity of
such bonds or other obligations, moneys in an amount
which (together with any other moneys irrevocably com-
mitted to the payment of interest on such bonds or other
obligation) will suffice to pay the principal of such bonds
or other obligations with interest to maturity thereon,
which moneys under the terms of said agreement are re-
quired to be used for the purpose of paying the principal of
and the interest on such bonds or other obligations at their
maturity, and such bonds and other obligations shall be
authorized security for all public deposits. It is the pur-
pose of this section to authorize any persons, political sub-
divisions and officers, public or private, to use any funds
owned or controlled by them for the purchase of any such
bonds or other obligations. However, nothing contained
in this section with regard to legal investments shall be
Enr. H. B. No. 183] 52

36 construed as relieving any person of any duty of exercis-
37 ing reasonable care in selecting securities.

Sec. 14. Conveyance to Federal Government on De-
2 fault.—In any contract for financial assistance with the
3 federal government the authority may obligate itself
4 (which obligation shall be specifically enforceable and
5 shall not constitute a mortgage, notwithstanding any
6 other laws) to convey to the federal government pos-
7 sessions of or title to the redevelopment project and land
8 therein to which such contract relates which is owned
9 by the authority, upon the occurrence of a substantial
10 default (as defined in such contract) with respect to
11 the covenants or conditions to which the authority is
12 subject; such contract may further provide that in case
13 of such conveyance, the federal government may com-
14 plete, operate, manage, lease, convey or otherwise deal
15 with the redevelopment project in accordance with the
16 terms of such contract: Provided, That the contract
17 requires that, as soon as practicable after the federal
18 government is satisfied that all defaults with respect
19 to the redevelopment project have been cured and that
the redevelopment project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the redevelopment project as then constituted.

Sec. 15. Property of Authority Exempt from Taxes and from Levy and Sale by Virtue of an Execution.—(a) All property including funds of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against an authority be a charge or lien upon its property: Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees, grants or revenues. (b) The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes of the municipality, the county,
Provided,

That with respect to any property in a redevelopment project, the tax exemption provided herein shall terminate when the authority sells, leases or otherwise disposes of such property to a redeveloper for redevelopment.

Sec. 16. Cooperation by Public Bodies.—(a) For the purpose of aiding and cooperating in the planning, undertaking or carrying out of a redevelopment project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to an authority;

(2) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished in connection with a redevelopment project;

(3) Furnish, dedicate, close, vacate, pave, install, grade,
regrade, plan or replan streets, roads, sidewalks, ways or other places, which it is otherwise empowered to undertake;

(4) Plan or replan, zone or rezone any part of the public body or make exceptions from building regulations and ordinances if such functions are of the character which the public body is otherwise empowered to perform;

(5) Cause administrative and other services to be furnished to the authority of the character which the public body is otherwise empowered to undertake or furnish for the same or other purposes;

(6) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section;

(7) Do any and all things necessary or convenient to aid and cooperate in the planning or carrying out of a redevelopment plan;

(8) Lend, grant or contribute funds to an authority;

(9) Employ any funds belonging to or within the control of such public body, including funds derived from
the sale or furnishing of property, service, or facilities
to an authority, in the purchase of the bonds or other
obligations of an authority and, as the holder of such
bonds or other obligations, exercise the rights connected
therewith; and

(10) Enter into agreements (which may extend over
any period, notwithstanding any provision or rule of
law to the contrary), with an authority respecting action
to be taken by such public body pursuant to any of the
powers granted by this act. If at any time title to, or
possession of, any redevelopment project is held by any
public body or governmental agency, other than the
the authority, authorized by law to engage in the under-
taking, carrying out or administration of redevelopment
projects, including any agency or instrumentality of
the United States of America, the provisions of such
agreements shall inure to the benefit of and may be en-
forced by such public body or governmental agency.

(b) Any sale, conveyance, lease or agreement provided
for in this section may be made by a public body without
appraisal, public notice, advertising or public bidding.
Sec. 17. *Grants of Funds by Community.*—Any community located in whole or in part within the area of operation of an authority may grant funds to an authority for the purpose of aiding such authority in carrying out any of its powers and functions under this act. To obtain funds for this purpose, the community may levy taxes or may issue and sell its bonds. Any bonds to be issued by the community pursuant to the provisions of this section shall be issued in the manner and within the limitations except as herein otherwise provided, prescribed by the laws of this state for the issuance and authorization of such bonds for public purposes generally.

Sec. 18. *Cooperation between Authorities.*—Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of planning, undertaking or financing a redevelopment project or projects located within the area or areas of operation of any one or more of said authorities. When a redevelopment project or projects are planned, undertaken or financed on a regional or unified metropolitan basis, the terms "governing
body” and “community” as used in this act shall mean
the governing bodies of the appropriate communities and
the appropriate communities cooperating in the planning,
undertaking or financing of such project or projects.

Sec. 19. Annual Report.—At least once a year, an au-
thority shall file with the mayor (or with the governing
body, in the case of a county) a report of its activities for
the preceding year, and shall make recommendations
with reference to such additional legislation or other
action as it deems necessary in order to carry out the
purposes of this act.

Sec. 20. Title of Purchaser.—Any instrument executed
by an authority and purporting to convey any right,
title or interest in any property under this act shall be
conclusive evidence of compliance with the provisions of
this act insofar as title or other interest of any bona fide
purchasers, lessees or transferees of such property is
concerned.

Sec. 21. Separability of Provisions.—Notwithstanding
any other evidence of legislative intent, it is hereby de-
clared to be the controlling legislative intent that if any
provision of this act, or the application thereof to any
person or circumstances, is held invalid, the remainder
of the act and the application of such provision to persons
or circumstances other than those as to which it is held
invalid, shall not be affected thereby.

Sec. 22. Inconsistent Provisions.—Insofar as the pro-
visions of this act are inconsistent with the provisions of
any other law, the provisions of this act shall be con-
trolling

Sec. 23. Additional Conferred Powers.—The powers
conferred by this act shall be in addition and supple-
mental to the powers conferred by any other law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16th day of March, 1951.

Governor

MAR 16 1951

D. Pitt O'Brien,
Secretary of State