WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 106

(By Mr. Hubbard and Parker)

PASSED Feb. 11, 1957

In Effect from Passage
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[Passed February 11, 1957; in effect from passage.]

AN ACT to amend and reenact sections one and four, article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend article eighteen of said chapter by adding thereto six new sections, to be designated sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, all relating to urban renewal.

Be it enacted by the Legislature of West Virginia:

That sections one and four, article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that article eighteen of said chapter be amended by adding thereto six new sections, to be designated sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, all to read as follows:
Section 1. Short Title.—This article shall be known and may be cited as the “Urban Renewal Authority Law”.

Sec. 4. Creation of Urban Renewal Authority.—(a) There is hereby created in each community (as herein defined) a public body corporate and politic, to be known as the “Urban Renewal 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 article: 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 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 an urban renewal and redevelopment authority under this article.
(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 areas (as herein 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 urban renewal and development 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 article 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 an urban renewal 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 no less than five commissioners nor more than seven, 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 no less than five commissioners nor more than seven. The commissioners who are first appointed pursuant to this article shall be designated to serve for terms of one,
two, three and four years, and three of said commissioners for 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 communities as herein provided, one additional person shall be appointed as a commissioner of such authority for each such additional community. Each such commissioner appointed for a municipality shall be appointed by the mayor thereof, by and with the advice and consent of the governing body, and each such commissioner appointed for a county shall be appointed by the governing body thereof. The first appointment of commissioner of a regional authority may be made at or after the time of the adoption of the resolution declaring the need for such authority or declaring the need for the inclusion of such
community in the area of operation of such authority.

The commissioners of a regional authority and their successors shall be appointed as aforesaid for terms of five years except that all vacancies shall be filled for the unexpired terms.

If the area of operation of a regional authority consists at any time of an even number of communities, the commissioners of the regional authority already appointed in the manner described above shall appoint the additional commissioner whose term of office shall be as provided for a commissioner of a regional authority except that such terms 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 commissioners of such authority already appointed in the manner described above shall likewise appoint each person 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 commissioner 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, in-
curred 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 reapp-
pointment of any commissioner shall be filed with the
municipal 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 urban renewal
and redevelopment authority shall be exercised by the
board of commissioners thereof. A majority of the com-
misisoners 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
commisioners 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 article.

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 of 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 details being necessary)
167 that the conditions therein enumerated exist. A copy of
168 such resolution duly certified by the municipal or county
169 clerk, as the case may be, shall be admissible in evidence
170 in any suit, action or proceeding.
171 (j) No commissioner or employee of an authority shall
172 voluntarily acquire any interest, direct or indirect, in any
173 redevelopment project or in any property included or
174 planned by the authority to be included in any such
175 project, or in any contract or proposed contract in con-
176 nection with any such project. Where the acquisition is
177 not voluntary such commissioner or employee shall im-
178 mediately disclose such interest in writing to the authority
179 and such disclosure shall be entered upon the minutes of
180 the authority. A commissioner or employee who owns or
181 controls any interest direct or indirect, in such property
182 shall not participate in any action by the authority affect-
183 ing the property. If any commissioner or employee of an
184 authority 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
interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property. Any violation of the provisions of this section shall constitute misconduct in office.

Sec. 24. Findings.—It is hereby found and declared that (a) there exist in communities of this state slum, blighted, and deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations heretofore made in this article with respect to slum and blighted areas are hereby affirmed and restated, (b) certain slum, blighted, or deteriorated areas, or portions thereof, may require acquisition and clearance, as provided in this article, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in this article, as amended, be susceptible of conservation or rehabilitation in such a manner that
the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and that salvable slum and blighted areas can be conserved and rehabilitated through appropriate public action and the cooperation and voluntary action of the owners and tenants of property in such areas, and (c) all powers conferred by this article, as amended, are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for the provisions of this article, as amended, is hereby declared as a matter of legislative determination. A community, to the greatest extent it determines to be feasible in carrying out the provisions of this article, as amended, shall afford maximum opportunity, consistent with the sound needs of the community as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

Sec. 25. Urban Renewal Projects.—In addition to its authority under any other section of this article, an authority is hereby authorized to plan and undertake urban renewal projects. As used in this article, an urban renewal project may include undertakings and activities
for the elimination (and for the prevention of the development or spread) of slums or blighted, deteriorated, or deteriorating areas and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. Such undertaking and work may include (1) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (2) acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and (4) the disposition, for uses in accordance with the objectives of the urban re-
newal project, of any property or part thereof acquired in the area of such project: Provided, That such disposition shall be in the manner prescribed in this article for the disposition of property in a redevelopment project area.

(b) Notwithstanding any other provisions of this article, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to any provisions of this article requiring public hearings or requiring that the urban renewal plan conform to a general plan for the community as a whole, or that the urban renewal area be a slum area, or a blighted, deteriorated, or deteriorating area, or that the urban renewal area be predominantly residential in character or be developed or redeveloped for residential uses.
Sec. 26. *Urban Renewal Plan.*—Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this article, an "urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the community as a whole, except as provided for disaster areas, and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives representing appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in this article with respect to a redevelopment plan. Where real property acquired by a
community is to be transferred in accordance with the
urban renewal plan, any contract for such transfer and
the urban renewal plan (or such part or parts of such
contract or plan as the Authority may determine) may be
recorded in the land records of the county in such manner
as to afford actual or constructive notice thereof.

Sec. 27. Powers with Respect to Urban Renewal.—A
community or a public agency created under this article,
shall have all the powers necessary or convenient to un-
dertake and carry out urban renewal plans and urban
renewal projects, including the authority to acquire and
dispose of property, to issue bonds and other obligations,
to borrow and accept grants from the federal government
or other source and to exercise the other powers which
this article confers on an authority with respect to re-
development projects. In connection with the planning
and undertaking of any urban renewal plan or urban
renewal project, the authority, the community, and all
public and private officers, agencies, and bodies shall have
all the rights, powers, privileges, and immunities which
they have with respect to a redevelopment plan or re-
development project, in the same manner as though all
of the provisions of this article applicable to a redevelop-
ment plan or redevelopment project were applicable to
an urban renewal plan or urban renewal project: Pro-
vided, That for such purpose the word “redevelopment”
as used in this article (except in this section and in the
definition of “redevelopment project” in section three)
shall mean “urban renewal”, and the word “slum” and
the word “blighted” as used in this article (except in this
section and in the definitions in section three) shall mean
“blighted, deteriorated, or deteriorating”, and the finding
prescribed in subsection (b) of section four with respect
to a blighted area shall not be required: Provided further,
That any disaster area referred to in section twenty-five
(b) shall constitute a “blighted area”: In addition to
the surveys and plans which an authority is otherwise
authorized to make, an authority is hereby specifically
authorized to make (i) plans for carrying out a program
of voluntary repair and rehabilitation of buildings and
improvements, (ii) plans for the enforcement of laws,
codes, and regulations relating to the use of land and the
use and occupancy of buildings and improvements, and
to the compulsory repair, rehabilitation, demolition, or
removal of buildings and improvements, (iii) plans for
the relocation of persons (including families, business
concerns and others) displaced by an urban renewal
project, (iv) preliminary plans outlining urban renewal
activities for neighborhoods to embrace two or more ur-
ban renewal areas, and (v) preliminary surveys to de-
termine if the undertaking and carrying out of an urban
renewal project are feasible. The authority is authorized
to make relocation payments to or with respect to persons
(including families, business concerns and others) dis-
placed by an urban renewal project, for moving expenses
and losses of property for which reimbursement of com-
pensation is not otherwise made, including the making of
such payments financed by the federal government. The
authority is also authorized to develop, test, and report
methods and techniques, and carry out demonstrations
and other activities, for the prevention and the elimina-
tion of slums and urban blight.

Sec. 28. Assistance to Urban Renewal by Communities
and Other Public Bodies.—Any community or other public body is hereby authorized (without limiting any provisions in the preceding section) to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project in the area in which such community or public body is authorized to act, including the furnishing of such financial and other assistance as the community or public body is authorized by this article to furnish for or in connection with a redevelopment plan or redevelopment project. An authority is hereby authorized to delegate to a community or other public body any of the powers or functions of the authority with respect to the planning or undertaking of an urban renewal project in the area in which such community or public body is authorized to act, and such community or public body is hereby authorized to carry out or perform such powers or functions for the authority. Any public body is hereby authorized to enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with any other public body or bodies respecting action to be
taken pursuant to any of the powers granted by this article, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

Sec. 29. Workable Program.—The governing body of the community, or such public officer or public body as it may designate, is hereby authorized to prepare a workable program (which may include an official plan of action, as it exists from time to time for effectively dealing with the problem of urban slums and blighted, deteriorated, or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforesaid ac-
tivities or other feasible activities as may be suitably em-
ployed to achieve the objectives of such a program.

(b) The powers conferred by this article shall be in
addition and supplemental 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 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 28th day of February 1, 1957.

Governor

Filed in the Office of the Secretary of State of West Virginia. MAR 1 - 1957

D. Pitt O'Brien
SECRETARY OF STATE