

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 106

(By Mr. Hubbard and Parker)



PASSED Feb, 11, 1957

In Effect From Passage



ENROLLED

House Bill No. 106

(By MR. HUBBARD and MR. PARKER)

[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
2 may be cited as the “Urban Renewal Authority Law”.

Sec. 4. *Creation of Urban Renewal Authority.*—(a)
2 There is hereby created in each community (as herein
3 defined) a public body corporate and politic, to be known
4 as the “Urban Renewal Authority” of the community:
5 *Provided, however,* That such authority shall not transact
6 any business or exercise its powers hereunder until or
7 unless the governing body shall approve (by resolution,
8 as herein provided) the exercise in such community of
9 the powers, functions and duties of an authority under this
10 article: *Provided further,* That, if it deems such action to
11 be in the public interest, the governing body may, instead
12 of such resolution, adopt a resolution approving the exer-
13 cise of such powers, functions and duties by the com-
14 munity itself or by the housing authority, if one exists or
15 is subsequently established in the community, and in such
16 event, the community or housing authority, as the case
17 may be, shall be vested with all the powers, functions,
18 rights, duties and privileges of an urban renewal and re-
19 development authority under this article.

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

23 (1) That one or more slum or blighted areas (as herein
24 defined) exist in such community, and

25 (2) That the redevelopment of such area or areas is
26 necessary in the interest of the public health, safety,
27 morals or welfare of the residents of such community.

28 (c) If the governing body of each of two or more com-
29 munities declares, by resolution, that there is a need for
30 one urban renewal and ^{re}development authority to be
31 created for all of such communities, and has made the
32 findings required by paragraph (b), a public body, corpor-
33 ate and politic, to be known as a regional slum clearance
34 and redevelopment authority (herein referred to as re-
35 gional authority or authority) shall thereupon exist for
36 all of such communities and may exercise the powers and
37 other functions of an authority under this article in such
38 communities.

39 (d) The area of operation of a regional authority shall
40 be increased from time to time to include one or more

*OK
C. B. Henderson
11/14
D.C.*

41 additional communities if the governing body of each of
42 such additional communities adopts the resolution describ-
43 ed in paragraph (c) and makes the findings required by
44 paragraph (b), and the commissioners of the regional
45 authority consent to the inclusion within its area of oper-
46 ation of such additional communities.

47 (e) When the governing body of a municipality adopts
48 a resolution as aforesaid, it shall promptly notify the
49 mayor of such adoption. If the resolution adopted is one
50 approving the exercise of powers hereunder by an urban
51 renewal and redevelopment authority, the mayor, by
52 and with the advice and consent of the governing body
53 shall appoint a board of commissioners of the authority
54 created for such municipality which shall consist of no
55 less than five commissioners nor more than seven, and
56 when the governing body of a county adopts such a reso-
57 lution, said body shall appoint a board of commissioners
58 of the authority created for such county which shall con-
59 sist of no less than five commissioners nor more than seven.
60 The commissioners who are first appointed pursuant to
61 this article shall be designated to serve for terms of one,

62 two, three and four years, and three of said commissioners
63 for five years, respectively, from the date of their appoint-
64 ment, but thereafter commissioners shall be appointed as
65 aforesaid for a term of office of five years except that all
66 vacancies shall be filled for the unexpired term.

67 (f) If a regional authority is created as herein provided,
68 one person shall be appointed as a commissioner of such
69 authority for each community for which such authority
70 is created. When the area of operation of a regional
71 authority is increased to include an additional community
72 or 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 com-
75 missioner 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 a
80 regional authority may be made at or after the time of the
81 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.
84 The commissioners of a regional authority and their suc-
85 cessors shall be appointed as aforesaid for terms of five
86 years except that all vacancies shall be filled for the unex-
87 pired 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 the additional
92 commissioner whose term of office shall be as provided
93 for a commissioner of a regional authority except that
94 such terms shall end at any earlier time that the area of
95 operation of the regional authority shall be changed to
96 consist of an odd number of communities. The commis-
97 sioners of such authority already appointed in the manner
98 described above shall likewise appoint each person to
99 succeed such additional commissioner: *Provided*, That the
100 term of office of such person begins during the terms of
101 office of the commissioners appointing him. A certificate
102 of the appointment of any such additional commissioner
103 of such regional authority shall be filed with the other

104 records of the regional authority and shall be conclusive
105 evidence of the due and proper appointment of such
106 additional commissioner.

107 (g) A commissioner of an authority shall receive no
108 compensation for his services, but shall be entitled to the
109 necessary expenses, including traveling expenses, in-
110 curred in the discharge of his duties. Each commissioner
111 shall hold office until his successor has been appointed and
112 has qualified. A certificate of the appointment or reap-
113 pointment of any commissioner shall be filed with the
114 municipal or county clerk, as the case may be, and such
115 certificate shall be conclusive evidence of the due and
116 proper appointment of such commissioner.

117 The powers hereunder vested in each urban renewal
118 and redevelopment authority shall be exercised by the
119 board of commissioners thereof. A majority of the com-
120 missioners shall constitute a quorum of such board for the
121 purpose of conducting business and exercising the powers
122 of the authority and for all other purposes. Action may
123 be taken by the board upon a vote of a majority of the
124 commisioners present, unless in any case the by-laws of

125 the authority shall require a larger number. Meetings
126 of the board of an authority may be held anywhere within
127 the perimeter boundaries of the area of operation of the
128 authority. Any persons may be appointed as commis-
129 sioners of the authority if they reside within such area,
130 and are otherwise eligible for such appointments under
131 this article.

132 The commissioners of an authority shall elect a chair-
133 man and vice-chairman from among the commissioners.
134 An authority may employ an executive director, technical
135 experts and such other officers, agents and employees,
136 permanent and temporary, as it may require, and shall
137 determine their qualifications, duties and compensation.
138 For such legal services as it may require, an authority
139 may, with the approval of the mayor (or of the governing
140 body in the case of a county), call upon the chief law
141 officer of the communities within its area of operation or
142 it may employ its own counsel and legal staff. An authori-
143 ty may delegate to one or more of its agents or employees
144 such powers or duties as it may deem proper.

145 (h) For inefficiency or neglect of duty or misconduct

146 in office, a commissioner of an authority may be removed
147 by the official or public body which appointed such com-
148 missioner, but a commissioner shall be removed only after
149 a hearing and after he shall have been given a copy
150 of the charges at least ten days prior to such hearing and
151 have had an opportunity to be heard in person or by
152 counsel. In the event of the removal of any commissioner,
153 a record of the proceedings, together with the charges and
154 findings thereof, shall be filed in the office of the municipal
155 or county clerk, as the case may be.

156 (i) In any suit, action or proceeding involving the
157 validity of enforcement of or relating to any contract of or
158 bonds issued by an authority, the authority shall be con-
159 clusively deemed to have become established and authori-
160 ized to transact business and exercise its powers hereunder
161 upon proof of the adoption of the appropriate resolution
162 prescribed in subsection (a) or (c) above. Each such
163 resolution shall be deemed sufficient if it authorizes the
164 exercise of powers hereunder by the authority or other
165 public body and finds in substantially the terms provided
166 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

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. 24. *Findings*.—It is hereby found and declared that

2 (a) there exist in communities of this state slum, blighted,
3 and deteriorated areas which constitute a serious and
4 growing menace, injurious to the public health, safety,
5 morals and welfare of the residents of the state, and the
6 findings and declarations heretofore made in this article
7 with respect to slum and blighted areas are hereby
8 affirmed and restated, (b) certain slum, blighted, or de-
9 teriorated areas, or portions thereof, may require acqui-
10 sition and clearance, as provided in this article, since the
11 prevailing condition of decay may make impracticable the
12 reclamation of the area by conservation or rehabilitation,
13 but other areas or portions thereof may, through the
14 means provided in this article, as amended, be susceptible
15 of conservation or rehabilitation in such a manner that

16 the conditions and evils hereinbefore enumerated may be
17 eliminated, remedied or prevented, and that salvable slum
18 and blighted areas can be conserved and rehabilitated
19 through appropriate public action and the cooperation and
20 voluntary action of the owners and tenants of property
21 in such areas, and (c) all powers conferred by this ar-
22 ticle, as amended, are for public uses and purposes for
23 which public money may be expended and such other
24 powers exercised, and the necessity in the public interest
25 for the provisions of this article, as amended, is hereby
26 declared as a matter of legislative determination. A com-
27 munity, to the greatest extent it determines to be feasible
28 in carrying out the provisions of this article, as amended,
29 shall afford maximum opportunity, consistent with the
30 sound needs of the community as a whole, to the rehabili-
31 tation or redevelopment of areas by private enterprise.

Sec. 25. *Urban Renewal Projects.*—In addition to its
2 authority under any other section of this article, an au-
3 thority is hereby authorized to plan and undertake urban
4 renewal projects. As used in this article, an urban re-
5 newal project may include undertakings and activities

6 for the elimination (and for the prevention of the devel-
7 opment or spread) of slums or blighted, deteriorated, or
8 deteriorating areas and may involve any work or under-
9 taking for such purpose constituting a redevelopment
10 project or any rehabilitation or conservation work, or
11 any combination of such undertaking or work. Such un-
12 dertaking and work may include (1) carrying out plans
13 for a program of voluntary or compulsory repair and
14 rehabilitation of buildings or other improvements; (2) ac-
15 quisition of real property and demolition, removal, or re-
16 habilitation of buildings and improvements thereon where
17 necessary to eliminate unhealthful, insanitary or unsafe
18 conditions, lessen density, reduce traffic hazards, elimi-
19 nate obsolete or other uses detrimental to the public wel-
20 fare, or to otherwise remove or prevent the spread of
21 blight or deterioration, or to provide land for needed
22 public facilities; (3) installation, construction, or recon-
23 struction of streets, utilities, parks, playgrounds, and other
24 improvements necessary for carrying out the objectives
25 of the urban renewal project; and (4) the disposition, for
26 uses in accordance with the objectives of the urban re-

27 newal project, of any property or part thereof acquired
28 in the area of such project: *Provided*, That such disposi-
29 tion shall be in the manner prescribed in this article for
30 the disposition of property in a redevelopment project
31 area.

32 (b) Notwithstanding any other provisions of this ar-
33 ticle, where the local governing body certifies that an
34 area is in need of redevelopment or rehabilitation as a re-
35 sult of a flood, fire, hurricane, earthquake, storm or other
36 catastrophe respecting which the governor of the state
37 has certified the need for disaster assistance under Public
38 Law 875, Eighty-first Congress, or other federal law, the
39 local governing body may approve an urban renewal plan
40 and an urban renewal project with respect to such area
41 without regard to any provisions of this article requiring
42 public hearings or requiring that the urban renewal plan
43 conform to a general plan for the community as a whole,
44 or that the urban renewal area be a slum area, or a
45 blighted, deteriorated, or deteriorating area, or that the
46 urban renewal area be predominantly residential in char-
47 acted or be developed or redeveloped for residential uses.

OK
C. A. B. L. K. S. W. L. I. P.
D. E. E.
C. A. P.

Sec. 26. *Urban Renewal Plan.*—Any urban renewal
2 project undertaken pursuant to the preceding section shall
3 be undertaken in accordance with an urban renewal plan
4 for the area of the project. As used in this article, an
5 “urban renewal plan” means a plan, as it exists from time
6 to time, for an urban renewal project, which plan (1)
7 shall conform to the general plan for the community as
8 a whole, except as provided for disaster areas, and (2)
9 shall be sufficiently complete to indicate such land ac-
10 quisition, demolition and removal of structures, redevelop-
11 ment, improvements, and rehabilitation as may be pro-
12 posed to be carried out in the area of the urban renewal
13 project, zoning and planning changes, if any, land uses,
14 maximum densities, building requirements, and the plan’s
15 relationship to definite local objectives representing ap-
16 propriate land uses, improved traffic, public transporta-
17 tion, public utilities, recreational and community facili-
18 ties, and other public improvements. An urban renewal
19 plan shall be prepared and approved pursuant to the same
20 procedure as provided in this article with respect to a
21 redevelopment plan. Where real property acquired by a

22 community is to be transferred in accordance with the
23 urban renewal plan, any contract for such transfer and
24 the urban renewal plan (or such part or parts of such
25 contract or plan as the Authority may determine) may be
26 recorded in the land records of the county in such manner
27 as to afford actual or constructive notice thereof.

Sec. 27. *Powers with Respect to Urban Renewal.*—A
2 community or a public agency created under this article,
3 shall have all the powers necessary or convenient to un-
4 dertake and carry out urban renewal plans and urban
5 renewal projects, including the authority to acquire and
6 dispose of property, to issue bonds and other obligations,
7 to borrow and accept grants from the federal government
8 or other source and to exercise the other powers which
9 this article confers on an authority with respect to re-
10 development projects. In connection with the planning
11 and undertaking of any urban renewal plan or urban
12 renewal project, the authority, the community, and all
13 public and private officers, agencies, and bodies shall have
14 all the rights, powers, privileges, and immunities which
15 they have with respect to a redevelopment plan or re-

16 development project, in the same manner as though all
17 of the provisions of this article applicable to a redevelop-
18 ment plan or redevelopment project were applicable to
19 an urban renewal plan or urban renewal project: *Pro-*
20 *vided*, That for such purpose the word “redevelopment”
21 as used in this article (except in this section and in the
22 definition of “redevelopment project” in section three)
23 shall mean “urban renewal”, and the word “slum” and
24 the word “blighted” as used in this article (except in this
25 section and in the definitions in section three) shall mean
26 “blighted, deteriorated, or deteriorating”, and the finding
27 prescribed in subsection (b) of section four with respect
28 to a blighted area shall not be required: *Provided further*,
29 That any disaster area referred to in section twenty-five
30 (b) shall constitute a “blighted area”: In addition to
31 the surveys and plans which an authority is otherwise
32 authorized to make, an authority is hereby specifically
33 authorized to make (i) plans for carrying out a program
34 of voluntary repair and rehabilitation of buildings and
35 improvements, (ii) plans for the enforcement of laws,
36 codes, and regulations relating to the use of land and the

37 use and occupancy of buildings and improvements, and
38 to the compulsory repair, rehabilitation, demolition, or
39 removal of buildings and improvements, (iii) plans for
40 the relocation of persons (including families, business
41 concerns and others) displaced by an urban renewal
42 project, (iv) preliminary plans outlining urban renewal
43 activities for neighborhoods to embrace two or more ur-
44 ban renewal areas, and (v) preliminary surveys to de-
45 termine if the undertaking and carrying out of an urban
46 renewal project are feasible. The authority is authorized
47 to make relocation payments to or with respect to persons
48 (including families, business concerns and others) dis-
49 placed by an urban renewal project, for moving expenses
50 and losses of property for which reimbursement of com-
51 pensation is not otherwise made, including the making of
52 such payments financed by the federal government. The
53 authority is also authorized to develop, test, and report
54 methods and techniques, and carry out demonstrations
55 and other activities, for the prevention and the elimina-
56 tion of slums and urban blight.

Sec. 28. Assistance to Urban Renewal by Communities

2 *and Other Public Bodies.*—Any community or other public
3 body is hereby authorized (without limiting any provi-
4 sions in the preceding section) to do any and all things
5 necessary to aid and cooperate in the planning and under-
6 taking of an urban renewal project in the area in which
7 such community or public body is authorized to act, in-
8 cluding the furnishing of such financial and other assist-
9 ance as the community or public body is authorized by
10 this article to furnish for or in connection with a re-
11 development plan or redevelopment project. An authority
12 is hereby authorized to delegate to a community or other
13 public body any of the powers or functions of the au-
14 thority with respect to the planning or undertaking of
15 an urban renewal project in the area in which such com-
16 munity or public body is authorized to act, and such com-
17 munity or public body is hereby authorized to carry out
18 or perform such powers or functions for the authority.
19 Any public body is hereby authorized to enter into agree-
20 ments (which may extend over any period, notwithstand-
21 ing any provision or rule of law to the contrary) with
22 any other public body or bodies respecting action to be

23 taken pursuant to any of the powers granted by this ar-
24 ticle, including the furnishing of funds or other assistance
25 in connection with an urban renewal plan or urban re-
26 newal project.

Sec. 29. *Workable Program.*—The governing body of
2 the community, or such public officer or public body as it
3 may designate, is hereby authorized to prepare a work-
4 able program (which may include an official plan of ac-
5 tion, as it exists from time to time for effectively dealing
6 with the problem of urban slums and blighted, deterior-
7 ated, or deteriorating areas within the community and
8 for the establishment and preservation of a well-planned
9 community with well-organized residential neighborhoods
10 of decent homes and suitable living environment for
11 adequate family life) for utilizing appropriate private
12 and public resources to eliminate, and prevent the de-
13 velopment or spread of, slums and urban blight and de-
14 terioration, to encourage needed urban rehabilitation, to
15 provide for the redevelopment of blighted, deteriorated,
16 or slum areas, or to undertake such of the aforesaid ac-

17 tivities or other feasible activities as may be suitably em-
18 ployed to achieve the objectives of such a program.

19 (b) The powers conferred by this article shall be in
20 addition and supplemental to the powers conferred by
21 any other law.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker, House of Delegates

The within approved this the 28th day of February, 1957.

[Signature]
Governor



Filed in the Office of the Secretary of State

of West Virginia MAR 1 - 1957

D. PITT O'BRIEN
SECRETARY OF STATE