

No. 125

AN ACT

HB 1528

Amending the act of May 24, 1945 (P. L. 991), entitled "An act to promote elimination of blighted areas and supply sanitary housing in areas throughout the Commonwealth; by declaring acquisition, sound replanning and redevelopment of such areas to be for the promotion of health, safety, convenience and welfare; creating public bodies corporate and politic to be known as Redevelopment Authorities; authorizing them to engage in the elimination of blighted areas and to plan and contract with private, corporate or governmental redevelopers for their redevelopment; providing for the organization of such authorities; defining and providing for the exercise of their powers and duties, including the acquisition of property by purchase, gift or eminent domain; the leasing and selling of property, including borrowing money, issuing bonds and other obligations, and giving security therefor; restricting the interest of members and employes of authorities; providing for notice and hearing; supplying certain mandatory provisions to be inserted in contracts with redevelopers; prescribing the remedies of obligees of redevelopment authorities; conferring certain duties upon local planning commissions, the governing bodies of cities and counties, and on certain State officers, boards and departments," revising findings, adding a definition of "conservation," changing definitions of "field of operation," "real property," "redeveloper," "redevelopment," and "redevelopment area plan," further defining the powers of an Authority, extending and changing redevelopment proposal requirements and the requisites of the planning commission's redevelopment area plan, extending Authority's powers to secure financial assistance from any Government, and transferring certain powers and duties to the Department of Community Affairs and suspending an inconsistent reorganization plan.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (c.1) of section 2, act of May 24, 1945 (P. L. 991), known as the "Urban Redevelopment Law," amended May 27, 1957 (P. L. 197), is amended to read:

Section 2. Findings and Declaration of Policy.—It is hereby determined and declared as a matter of legislative finding—

* * *

(c.1) That certain blighted areas, or portions thereof, may require total acquisition, clearance and disposition, subject to continuing controls as provided in this act, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation or conservation, and that other blighted areas, or portion thereof, through the means provided in this act, may be susceptible to rehabilitation or conservation or a combination of clearance and disposition and rehabilitation or conservation in such manner that the conditions and evils hereinbefore enumerated may be eliminated or remedied.

* * *

Section 2. Section 3 of the act is amended by adding, after clause (c) a new clause to read:

Section 3. Definitions.—The following terms where used in this act, shall have the following meanings, except where the context clearly indicates a different meaning.

* * *

(c.1) “Conservation.”—The process of preserving or restoring existing buildings, public facilities or other improvements to an economically and socially sound condition.

* * *

Section 3. Clause (e) of section 3 of the act, amended August 17, 1965 (P. L. 351), is amended to read:

Section 3. Definitions.—The following terms where used in this act, shall have the following meanings, except where the context clearly indicates a different meaning.

* * *

(e) “Field of Operation.”—The area within the territorial boundaries of the city or county for which a particular Authority is created: Provided, however, That the field of operation of any county authority shall not include a city having a redevelopment authority but may include, with the consent of any such city, parcels of land within the city limits which are necessary to the corporate purposes of the county authority or necessary to its successful redevelopment of a redevelopment area: And, provided further, That the field of operation of any authority [shall] may include [the total area of] parcels of land [severed by the territorial boundaries,] outside the territorial boundaries of the city or county, as the case may be, which are necessary to the corporate purposes of the authority or necessary to the successful redevelopment of a redevelopment area, with the consent of the governing body of the city or county and the municipality in which the said parcels are situated, as the case may be: Provided, however, That the field of operation of any Authority shall not include parcels of land outside the territorial boundaries of a county unless acquisition thereof has been approved by a majority of the electors voting in a primary or general election in the municipality in which said parcels are situated.

* * *

Section 4. Clause (k) of section 3 of the act is amended to read:
Section 3. Definitions.—The following terms where used in this

act, shall have the following meanings, except where the context clearly indicates a different meaning.

* * *

(k) "Real Property."—Lands, lands under water, structures and any and all easements, air rights, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

* * *

Section 5. Clause (l) of section 3, of the act, amended May 27, 1957 (P. L. 197), is amended to read:

Section 3. Definitions.—The following terms where used in this act, shall have the following meanings, except where the context clearly indicates a different meaning.

* * *

(l) "Redeveloper."—Any individual, government, partnership or public or private corporation that shall enter or propose to enter into a contract with an Authority for the redevelopment of an area, or any portion thereof, or any building or structure thereon, under the provisions of this act.

* * *

Section 6. Clause (m) of section 3 of the act, amended December 1, 1959 (P. L. 1637), is amended to read:

Section 3. Definitions.—The following terms where used in this act, shall have the following meanings, except where the context clearly indicates a different meaning.

* * *

(m) "Redevelopment."—Undertakings and activities for the elimination of blighted areas. Such undertakings and activities may include the planning, replanning, acquisition, rehabilitation, conservation, renewal, improvement, clearance, sale, lease or other disposition of [land,] real property, buildings or other improvements in blighted areas, or portions thereof, the relocation of businesses and families affected thereby into or outside of a redevelopment area, or any combination of such undertakings and activities, the installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the blighted area the objectives of this act in accordance with the redevelopment area plan, and carrying out plans for a program of voluntary repair, [and] rehabilitation, [of] and conservation of real property, buildings or other improvements in accordance with the redevelopment area plan.

* * *

Section 7. Clause (o) of section 3 of the act is amended to read:

Section 3. Definitions.—The following terms where used in this

act, shall have the following meanings, except where the context clearly indicates a different meaning.

* * *

(o) "Redevelopment Area Plan."—A plan for the redevelopment of all or a part of a redevelopment area made by a planning commission in accordance with the provisions of section ten of this act.

* * *

Section 8. Subsection (c) of section 4 and section 8 of the act, amended May 20, 1949 (P. L. 1621) are amended to read:

Section 4. Formation of Authorities.—

* * *

(c) The governing body shall cause a certified copy of such ordinance or resolution to be filed with the Department of State and a duplicate thereof with the [State Planning Board] Department of Community Affairs; upon receipt of the said certificate the Secretary of the Commonwealth shall issue a certificate of incorporation.

* * *

Section 8. Interest of Members or Employees.—No member or employe of an Authority shall acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned to be included in any redevelopment area, or in any area which he may have reason to believe may be certified to be a redevelopment area, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by an Authority, or in any contract with a redeveloper or prospective redeveloper relating, directly or indirectly, to any redevelopment project. The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office. If any member or employe of an Authority shall already own or control any interest, direct or indirect, in any property later included or planned to be included in any redevelopment project under the jurisdiction of the Authority, or has any such interest in any contract for material or services to be furnished or used in connection with any redevelopment project, he shall disclose the same in writing to the Authority and to the [State Planning Board] Department of Community Affairs and the local governing body, and such disclosure shall be entered in writing upon the minute books of the Authority. Failure to make such disclosure shall constitute misconduct in office.

Section 9. Clause (b) of section 9 of the act, amended May 27, 1957 (P. L. 197), is amended to read:

Section 9. Powers of an Authority.—An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the

purposes and provisions of this act, including the following powers in addition to those herein otherwise granted:

* * *

(b) To study the recommendations of the planning commission for redevelopment of any area and to make its own additional investigations and recommendations thereon; to initiate preliminary studies of possible redevelopment areas to make and assist in implementing

(1) plans for carrying out a program of voluntary repair, [and] rehabilitation and conservation of real property, buildings and improve-

ments, (2) plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, (3) plans for the relocation of persons (including families, business concerns and others) displaced by [a redevelopment project,] any other Government activities related to the purposes of

this act or any activities of the Authority, (4) preliminary plans outlining redevelopment activities for neighborhoods to embrace two or more redevelopment areas, and (5) preliminary surveys to determine if the undertaking and carrying out of a redevelopment project are feasible.

* * *

Section 10. Clause (c) of section 9 of the act is amended to read:

Section 9. Powers of an Authority.—An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to those herein otherwise granted:

* * *

(c) To cooperate with any government, school district or municipality [as herein defined];

* * *

Section 11. Clause (h) of section 9 of the act, amended September 29, 1951 (P. L. 1650), is amended to read:

Section 9. Powers of an Authority.—An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to those herein otherwise granted:

* * *

(h) To assemble, purchase, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein from any person, firm, corporation, municipality or government: Provided, That no real property, located outside of a redevelopment area, which is not necessary to the corporate purposes of the Authority nor necessary to the successful redevelopment of a

redevelopment [project] area, shall be purchased by the Authority.

* * *

Section 12. Clause (l) of section 9, subsections (a) and (b) and clause (6) of subsection (c) of section 10, and section 18 of the act are amended to read:

Section 9. Powers of an Authority.—An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to those herein otherwise granted:

* * *

(l) To reimburse for their reasonable expenses of removal, [the occupants of a redevelopment area] any persons (including families, business concerns and others), who have been displaced as a result of [the redevelopment] any other Government activities related to the purposes of this act or any activities of the Authority;

* * *

Section 10. Preparation and Adoption of Redevelopment Proposal.—

(a) An Authority shall prepare a redevelopment proposal for all or part of any area certified by the planning commission to be a redevelopment area and for which the planning commission has made a redevelopment area plan.

(b) The planning commission's certification of a redevelopment area shall be made in conformance with its comprehensive general plan (which may include, inter alia, a plan of major traffic arteries and terminals and a land use plan and projected population densities) for the territory under its jurisdiction or for any greater area for which the field of operation of the Authority has been extended under clause (e) of section 3 of this act.

(c) The planning commission's redevelopment area plan shall include, without being limited to, the following:

* * *

(6) A statement of any proposed changes in street layouts, [or] street levels, and proposed traffic regulation, including the separation or excluding of vehicular traffic partially or totally from pedestrian traffic;

* * *

Section 18. Aid from [Federal] Government.—In addition to the powers conferred upon an Authority by other provisions of this act,

an Authority is empowered to borrow money or accept grants or other financial assistance from the [Federal] Government, for or in aid of any of its operations. It is the purpose and intent of this act to authorize every Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the [Federal] Government in any of its operations.

Section 13. Section 19 of the act, amended May 20, 1949 (P. L. 1621), is amended to read:

Section 19. Records and Reports.—

(a) The books and records of an Authority shall at all times be open and subject to inspection by the [State Planning Board] Department of Community Affairs;

(b) An Authority may file with the [State Planning Board] Department of Community Affairs such information and reports as it may from time to time deem desirable, and shall file with them:

(1) A copy of all by-laws and rules and regulations and amendments thereto, adopted by it, from time to time.

(2) Copies of all redevelopment proposals and redevelopment contracts, as well as of any changes, which may be made therein.

(3) At least once each year a report of its activities for the preceding year, and such other reports as said [board] department may require. Copies of such reports shall be filed with the mayor and governing body of the city or with the county board of commissioners, as the case may be.

Section 14. Reorganization Plan No. 1 of 1955, adopted by the House of Representatives June 7, 1955 and by the Senate on May 23, 1955, is suspended in so far as it is inconsistent with the provisions of this act.

Section 15. This act shall take effect immediately.

APPROVED—The 26th day of June, A. D. 1968.

RAYMOND P. SHAFER

No. 126

AN ACT

SB 878

Amending the act of June 25, 1941 (P. L. 159), entitled, as amended, "An act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds as herein defined, of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds;