

1 CITY OF PINE BLUFF, ARKANSAS  
2 CITY COUNCIL

3  
4 RESOLUTION NO. 4041

5  
6 A RESOLUTION DECLARING THE NEED FOR AN URBAN RENEWAL  
7 AGENCY WITHIN AND FOR THE CITY OF PINE BLUFF, ARKANSAS;  
8 REVIVING THE CURRENTLY DORMANT AGENCY; AND AUTHORIZING  
9 THE AGENCY TO EXERCISE THE POWERS AND CONDUCT ITS  
10 AFFAIRS AS PROVIDED BY LAW

11  
12 WHEREAS, it is found and determined that one or more slum, blighted, deteriorated or  
13 deteriorating areas exist within the City of Pine Bluff, Arkansas; and

14 WHEREAS, the rehabilitation, conservation, redevelopment, or a combination thereof, of  
15 such area or areas is necessary in the interest of the public health, safety, morals and welfare of the  
16 residents of the City; and

17 WHEREAS, there existed at one time an Urban Renewal Agency for the City, which has  
18 become dormant and should be revived; and

19 WHEREAS, in order to effectively cope with blight and blighted areas it is necessary to  
20 undertake one or more renewal projects, and to revive the heretofore dormant Urban Renewal  
21 Agency for the City of Pine Bluff as provided by A.C.A. Section 14-169-709 (as amended);

22 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
23 THE CITY OF PINE BLUFF, ARKANSAS:

24 Section 1. The currently dormant Urban Renewal Agency within and for the City of Pine  
25 Bluff, Arkansas, is revived for the purpose of planning and undertaking urban renewal projects.

26 Section 2. The mayor shall do all things necessary to put into operation the revived Urban  
27 Renewal Agency, and appoint the initial members thereof, and designate a chairman and vice-  
28 chairman, in compliance with A.C.A. Section 14-169-710.

29            Section 3. The members of the Agency shall identify areas of City in need of rehabilitation,  
30 conservation, and redevelopment, and establish a priority list among the areas. In order of priority,  
31 the Agency shall formulate and submit to the mayor and City Council for approval an Urban  
32 Renewal Plan for each area.

33            Section 4. The Agency shall have the cooperation of all departments of the City in crafting  
34 an Urban Renewal Plan and a Memorandum of Understanding, and may incorporate elements of  
35 other public or private plans and undertakings which exist or will exist regarding the area in question  
36 as part of the Urban Renewal Plan.

37            PASSED AND APPROVED THIS 7th DAY OF AUGUST, 2017.

38  
39            ATTEST:  
40            Goretti Whitefield  
41            CITY CLERK

42            APPROVED:  
43            Stirling Washington  
44            MAYOR

45            SPONSOR(S):  
46            Dell Brummett (x)  
47            Steven Mays (x)  
48            Glen Brown Jr. (x)  
49            Wm Trappard (x)

50            Thelma Walker (x)  
51            Lloyd Holcomb Jr. (x)  
52            Bruce Hackett (x)  
53            Donald Hackett (x)

54  
55            APPROVED AS TO FORM:  
56            [Signature]  
57            CITY ATTORNEY  
58

SELECTED ARKANSAS CODE PROVISIONS ON URBAN  
RENEWAL AGENCIES.

(Contains Act 732 of 2017 amendments. Deletions from former law are lined are through; additions to former law are in bold and underlined.)

**Chapter 169 - Housing Authorities and Urban Renewal Agencies**

**Subchapter 6 - -- Redevelopment Generally**

**§ 14-169-601. Legislative declarations**

**Universal Citation:** AR Code § 14-169-601 (2016)

It is found and declared that:

(1) There exists in many communities within this state blighted areas, as defined in § 14-169-604, or areas in the process of becoming blighted;

(2) (A) Such areas impair economic values and tax revenues;

(B) Such areas cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the state; and

(C) These conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, and accident protection, and other public services and facilities;

(3) The clearance, replanning, and preparation for rebuilding of these areas and the prevention or the reduction of blight and its causes are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern;

(4) (A) Redevelopment activities will stimulate residential construction which is closely correlated with general economic activity; and

(B) Such undertakings authorized by this subchapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in achieving and maintaining full employment; and

(5) (A) It is in the public interest that advance preparation for such projects and activities be made; and

(B) The necessity in the public interest for the provisions enacted in this subchapter is declared as a matter of legislative determination.

**Chapter 169 - Housing Authorities and Urban Renewal Agencies**

**Subchapter 6 - -- Redevelopment Generally**

**§ 14-169-602. Provisions controlling**

**Universal Citation:** AR Code § 14-169-602 (2016)

Insofar as the provisions of this subchapter are inconsistent with the provisions of any other law, the provisions of this subchapter shall control.

**Subchapter 6 - -- Redevelopment Generally**

**§ 14-169-603. Powers supplemental**

**Universal Citation:** AR Code § 14-169-603 (2016)

The powers conferred by this subchapter shall be in addition and supplemental to the powers conferred by any other law.

**Subchapter 6 - -- Redevelopment Generally**

**§ 14-169-604. Authority generally**

**Universal Citation:** AR Code § 14-169-604 (2016)

~~Any~~ **An urban renewal agency under §14-169-709 and any** housing authority established pursuant to **under** the Housing Authorities Act, §§ 14-169-201 -- 14-169-205, 14-169-207 -- 14-169-225, 14-169-227, 14-169-229 -- 14-169-240, and 14-169-804, ~~and any amendments thereto~~, may carry out any work or undertaking to be called a "redevelopment project", to:

- (1) Acquire blighted areas, which are defined as areas, including slum areas, with buildings or improvements which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors are detrimental to the safety, health, morals, or welfare of the community;
- (2) Acquire other real property for the purpose of removing, preventing, or reducing blight, blighting factors, or the causes of blight;
- (3) Acquire real property where the acquisition of the area by the authority is necessary to carry out a redevelopment plan;
- (4) Clear any areas acquired and install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;
- (5) Sell land so acquired for uses in accordance with the redevelopment plan; or
- (6) Accomplish a combination of these projects to carry out a redevelopment plan.

**Subchapter 6 - -- Redevelopment Generally**  
**§ 14-169-605. Rights, etc., of housing authority**

**Universal Citation:** AR Code § 14-169-605 (2016)

(a) In undertaking development projects, a housing authority shall have all the rights, powers, privileges, and immunities that a housing authority has under the Housing Authorities Act, §§ 14-169-201 -- 14-169-205, 14-169-207 -- 14-169-225, 14-169-227, 14-169-229 -- 14-169-240, and 14-169-804 and any other provision of law relating to slum clearance and housing projects for persons of low income including, without limiting the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations and give security therefor, to acquire real property by eminent domain or purchase, and to do any and all things necessary to carry out projects, in the same manner as though all the provisions of law applicable to slum clearance and housing projects were applicable to redevelopment projects undertaken under this subchapter.

(b) Nothing contained in §§ 14-169-236 -- 14-169-238 shall be construed as limiting the power of an authority, in the event of a default by a purchaser or lessee of land in a redevelopment plan, to acquire property and operate it free from the restrictions contained in these statutes.

**Subchapter 6 - -- Redevelopment Generally**  
**§ 14-169-606. Local approval and assistance**

**Universal Citation:** AR Code § 14-169-606 (2016)

(a) An authority shall not initiate any redevelopment project under this subchapter until the governing body or agency designated by it or empowered by law so to act of each city or town, i.e., "municipalities," in which any of the area to be covered by the project is situated, has approved a plan, to be called the "redevelopment plan," which provides an outline for the development or redevelopment of the area and is sufficiently complete to indicate:

(1) Its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(2) Proposed land uses and building requirements in the area; and

(3) The method for the temporary relocation of persons living in such areas; and also the method for providing, unless already available, decent, safe, and sanitary dwellings substantially equal in number to the number of substandard dwellings to be cleared from the area, at rents within the financial reach of the income groups displaced from the substandard dwellings.

(b) Municipalities are authorized to approve redevelopment plans through their governing body or agency designated by it for that purpose.

(c) Any state public body, as defined in § 14-169-203, shall have the same rights and powers to cooperate with and assist housing authorities with respect to redevelopment projects that such state public body has pursuant to the Housing Authorities Act, §§ 14-169-201 -- 14-169-205, 14-169-207 -

- 14-169-225, 14-169-227, 14-169-229 -- 14-169-240, and 14-169-804, for the purpose of assisting the development or administration of slum clearance and housing projects in the same manner as though the provisions of the Housing Authorities Act were applicable to redevelopment projects undertaken under this subchapter.

#### **Subchapter 6 - -- Redevelopment Generally**

##### **§ 14-169-607. Federal financial aid**

**Universal Citation:** AR Code § 14-169-607 (2016)

An authority may borrow money or accept contributions from the federal government to assist in its undertaking redevelopment projects. An authority may do any and all things necessary or desirable to secure such financial aid, including obligating itself in any contract with the federal government for annual contributions to convey to the federal government the project to which the contract relates upon the occurrence of a substantial default under it, in the same manner as it may do to secure such aid in connection with slum clearance and housing projects under the provisions of the Housing Authorities Act, §§ 14-169-201 -- 14-169-205, 14-169-207 -- 14-169-225, 14-169-227, 14-169-229 -- 14-169-240, and 14-169-804.

#### **Subchapter 6 - -- Redevelopment Generally**

##### **§ 14-169-608. Bonds deemed legal investments**

**Universal Citation:** AR Code § 14-169-608 (2016)

Bonds or other obligations issued by a housing authority in connection with a redevelopment project pursuant to this subchapter shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, and other bodies and officers as bonds or other obligations issued pursuant to the Housing Authorities Act, §§ 14-169-201 -- 14-169-205, 14-169-207 -- 14-169-225, 14-169-227, 14-169-229 -- 14-169-240, and 14-169-804, in connection with the development of slum clearance or housing projects.

#### **Subchapter 6 - -- Redevelopment Generally**

##### **§ 14-169-609. Use of land in project**

**Universal Citation:** AR Code § 14-169-609 (2016)

(a) (1) The authority may make land in a redevelopment project available for use by private enterprise or public agencies in accordance with the redevelopment plan.

(2) The land may be made available at its use value, which represents the value, whether expressed in terms of rental or capital price, at which the authority determines the land should be made available in order that it may be developed or redeveloped for the purposes specified in the plan.

(b) (1) To assure that land acquired in a redevelopment project is used in accordance with the redevelopment plan, an authority, upon the sale or lease of the land, shall obligate purchasers or lessees to:

(A) Use the land for the purpose designated in the redevelopment plan;

(B) Begin the building of their improvements within a period of time which the authority fixes as reasonable; and

(C) Comply with such other conditions as are necessary to carry out the purposes of this subchapter.

(2) Any such obligations by the purchaser shall be covenants and conditions running with the land where the authority so stipulates.

### **Subchapter 7 - -- Urban Renewal Generally**

#### **§ 14-169-701. Legislative findings**

**Universal Citation:** AR Code § 14-169-701 (2016)

It is found and declared that:

(1) There exist in municipalities of this state slum, blighted, or deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of this state, and the findings and declarations heretofore made in § 14-169-601 with respect to slum and blighted areas are affirmed and restated;

(2) Certain slum, blighted, or deteriorated areas, or portions of them, may require acquisition and clearance, as provided in this subchapter, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions of them, through the means provided in this subchapter, may 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 such 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

(3) All powers conferred by this subchapter 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 subchapter is declared as a matter of legislative determination. A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this subchapter, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

### **Subchapter 7 - -- Urban Renewal Generally**

#### **§ 14-169-702. Definitions**

**Universal Citation:** AR Code § 14-169-702 (2016)

As used in §§ 14-169-708 -- 14-169-713, unless the context otherwise requires:

(3) (1) "Governing body" means, ~~in the case of a municipality, the council, or other legislative body of it~~ the legislative body of a municipality.

**(2) "Housing Authority" means any public corporation created under §14-169-207;**

"Undertaken" means if any real property has been purchased for the urban renewal project or a contract for the purchase has been executed or if a housing authority has received any funds for the planning or execution of the project;

**(1) (3) "Municipality" means any incorporated city or town in the state; a city of the first class, a city of the second class, or an incorporated town; and**

~~(2)~~ (4) "Undertaken" means if any real:

(A) Real property has been purchased for the urban renewal project ~~or a;~~

(B) A contract for the purchase of real property for the urban renewal project has been executed; or if a

(C) A housing authority has received any funds for the planning or execution of the urban renewal project;

#### **Subchapter 7 - -- Urban Renewal Generally**

#### **§ 14-169-703. Urban renewal projects**

**Universal Citation:** AR Code § 14-169-703 (2016)

(a) (1) ~~In addition to its authority under any section of § 14-169-601 et seq.,~~ **An urban renewal agency under §14-169-709** or a housing authority is authorized to plan and undertake urban renewal projects.

(2) As used in this subchapter, 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 purposes constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. Such undertaking and work may include:

(A) Carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements;

(B) Acquisition of:

(i) A slum area or a deteriorated or deteriorating area; or

(ii) Land which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community; or

(iii) Open land necessary for sound community growth. The requirement of this subchapter that the area be a slum area or a blighted, deteriorated, or deteriorating area shall not be applicable in the case of an open land project; or



(iv) Acquisition of any other real property in the urban renewal project area where necessary to eliminate unhealthful, insanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities, and demolition, removal, or rehabilitation of buildings and improvements;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and

(D) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property, or part of it, acquired in the area of such project. Disposition shall be in the manner prescribed in this subchapter for the disposition of property in a redevelopment project area.

(b) Notwithstanding any other provisions of this subchapter, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of tornado, flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor has certified the need for disaster assistance under Public Law 81-875 [repealed] 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 subchapter requiring that the urban renewal area is 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.

## **Subchapter 7 - -- Urban Renewal Generally**

### **§ 14-169-704. Urban renewal plan**

**Universal Citation:** AR Code § 14-169-704 (2016)

(a) Any urban renewal project undertaken pursuant to § 14-169-703 shall be undertaken in accordance with an urban renewal plan for the area of the project.

(b) As used in this subchapter, an "urban renewal plan" means a plan as it exists from time to time for an urban renewal project. This plan shall:

(1) Conform to the general plan for the municipality as a whole; and

(2) 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 respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(c) An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in § 14-169-601 et seq. with respect to a redevelopment plan.

(d) ~~Where~~ **If** real property acquired by a municipality is to be transferred ~~in accordance with the~~ **under an** urban renewal plan, or such parts of the contract or plan as the housing authority or **urban renewal agency** may determine, the transfer may be recorded in the land records of the county in such manner as to afford actual or constructive notice of it.

## Subchapter 7 - -- Urban Renewal Generally

### § 14-169-705. Powers generally

Universal Citation: AR Code § 14-169-705 (2016)

(a) A housing authority **or urban renewal agency** shall have all the powers necessary or convenient to undertake 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 § 14-169-601 et seq. confers on an authority with respect to redevelopment projects.

(b) (1) In connection with the planning and undertaking of any urban renewal plan or urban renewal project, **the urban renewal agency, the housing** authority, the municipality, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities ~~which they~~ **that each** have with respect to a redevelopment plan or redevelopment project, ~~in the same manner as though all of the provisions of~~ **under** § 14-169-601 et seq. ~~applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project.~~

(2) (A) For such purposes:

(i) The word "redevelopment" as used in this subchapter, except in this section and in the definition of "redevelopment project" in § 14-169-604, shall mean "urban renewal";

(ii) The word "slum" and the word "blighted" as used in this subchapter, except in this section and in the definitions in § 14-169-604, shall mean "blighted, deteriorated, or deteriorating"; and

(iii) The finding prescribed in § 14-169-604 with respect to a blighted area shall not be required.

(B) Any disaster area referred to in § 14-169-703 shall constitute a "blighted area," and this subsection shall not change the corporate name of the authority or the short title of Acts 1945, No. 212, or amend any section of it.

(c) In addition to the surveys and plans which an authority is otherwise authorized to make, an authority is specifically authorized to make:

(1) Plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements;

(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, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;

(3) Plans for the relocation of persons, including families, business concerns, and others displaced by an urban renewal project;

(4) Preliminary plans outlining urban renewal activities for neighborhoods to embrace two (2) or more urban renewal areas; and

(5) Preliminary surveys to determine if the undertaking and carrying out of an urban renewal project are feasible.

(d) (1) The authority is authorized to make relocation payments to, or with respect to, persons including families, business concerns, and others displaced by an urban renewal project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

(2) 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 elimination of slums and urban blight.

#### **Subchapter 7 -- Urban Renewal Generally**

#### **§ 14-169-706. Assistance by municipalities and other public bodies**

**Universal Citation:** AR Code § 14-169-706 (2016)

(a) Any municipality or other public body is authorized, without limiting any provision in § 14-169-705, to do any and all things necessary to aid and cooperate in the planning and undertaking of any urban renewal project in the area in which the municipality or public body is authorized to act, including the furnishing of such financial and other assistance as the municipality or public body is authorized by § 14-169-601 et seq. to furnish for, or in connection with, a redevelopment plan or redevelopment project.

(b) A housing authority is authorized to delegate to a municipality 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 the municipality or public body is authorized to act. The municipality or public body is authorized to carry out or perform such powers or functions for the authority.

(c) Any public body is 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 bodies respecting action to be taken pursuant to any of the powers granted by this subchapter including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

**Subchapter 7 -- Urban Renewal Generally**  
**§ 14-169-707. Workable program**

**Universal Citation:** AR Code § 14-169-707 (2016)

(a) The governing body of the municipality or such public officer or public body as it may designate is authorized to prepare a workable program. This program 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 and renewal of blighted, deteriorated, or slum areas, or to undertake such of these activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

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

**Subchapter 7 --- Urban Renewal Generally**

**§14-169-708. Urban renewal agency created.**

**Universal Citation:** AR Code § 14-169-708

(a) Notwithstanding any other provisions in this subchapter, it is provided that in any municipality in this state where on January 10, 1961, a housing authority has not been established or a housing authority is established but the authority has not undertaken an urban renewal project, the municipality may, if the local governing body, by resolution, determines such action to be in the public interest, elect to have the same powers with respect to urban renewal and redevelopment that are conferred on a housing authority by §§ 14-169-601 -- 14-169-609, 14-169-701, and 14-169-703 -- 14-169-707, to be exercised by an urban renewal agency created by § 14-169-709 or by a housing authority if one is authorized for, or subsequently established in, the municipality.

(b) In the event the local governing body makes such determination, the urban renewal agency or the housing authority, as the case may be, shall be vested with all such urban renewal powers as are conferred by this subchapter.

**Subchapter 7 -- Urban Renewal Generally**  
**§ 14-169-709. Urban renewal agency created**

**Universal Citation:** AR Code § 14-169-709 (2016)

(a) ~~(1)~~ There is created in each municipality in this state, where on January 10, 1961, a housing authority has not been established or a housing authority is established but the housing authority has not undertaken an urban renewal project, a public body politic and corporate

to be known as the urban renewal agency of the municipality for the purpose of planning and undertaking urban renewal projects.

**(2) A municipality in which an urban renewal agency has ceased operation and become dormant may by resolution of the governing body revive the urban renewal agency, and upon adoption of the resolution under subsection (b) of this section, the mayor shall appoint a board of commissioners under §14-169-710.**

(b) The agency shall not transact any business or exercise any powers under this subchapter unless and until the local governing body shall have adopted a resolution finding that:

(1) One (1) or more slum, blighted, deteriorated, or deteriorating areas exist in the municipality; and

(2) The rehabilitation, conservation, redevelopment, or a combination thereof, of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality.

#### **Subchapter 7 - -- Urban Renewal Generally**

##### **§ 14-169-710. Commissioners generally**

**Universal Citation:** AR Code § 14-169-710 (2016)

(a) (1) If an urban renewal agency is authorized to transact business and exercise powers under this subchapter, the mayor shall appoint a board of commissioners of the agency which shall consist of five (5) commissioners.

(2) No commissioner may be an officer or employee of the municipality for which the agency is created.

(b) (1) The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from the date of their appointment. Thereafter, commissioners shall be appointed as provided in this section for terms of office of five (5) years, except that any vacancy shall be filled for the unexpired term.

(2) A commissioner shall hold office until his successor has been designated by the board and approved and confirmed by the municipal council or other municipal governing body.

(c) (1) When appointed or reappointed, approved, and confirmed, a certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipal council or other governing body.

(2) The certificate shall be conclusive evidence of the due and proper appointment of the commissioner.

(d) When a vacancy occurs on the board, the commissioners of the agency shall designate a successor to fill the vacancy, subject to approval and confirmation by the municipal council or other municipal governing body.

(e) A commissioner 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.

(f) The mayor shall designate a chairman and vice chairman from among the first commissioners appointed. Thereafter, these offices shall be filled by action of the board.

(g) (1) A majority of the commissioners shall constitute a quorum for the purpose of conducting business, exercising the powers of the agency, and for all other purposes.

(2) Action may be taken by the agency upon a vote of a majority of the commissioners present unless in any case the bylaws shall require a larger number.

(h) The powers of an agency shall be exercised by its commissioners.

#### **Subchapter 7 - -- Urban Renewal Generally**

##### **§ 14-169-711. Commissioners -- Removal**

**Universal Citation:** AR Code § 14-169-711 (2016)

(a) (1) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by the vote of a three-fourths (3/4) majority of the members of the governing body of the municipality.

(2) However, a commissioner shall be removed only after he shall have been given a copy of the charges at least ten (10) days prior to the hearing on them and had an opportunity to be heard in person or by counsel.

(b) In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings on it, shall be filed in the office of the clerk.

#### **Subchapter 7 - -- Urban Renewal Generally**

##### **§ 14-169-712. Executive director, technical experts, agents, etc., of agency**

**Universal Citation:** AR Code § 14-169-712 (2016)

(a) An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it may require. It may determine their qualifications, duties, and compensation.

(b) For such legal service as it may require, an agency may employ or retain its own legal staff or its own counsel.

#### **Subchapter 7 - -- Urban Renewal Generally**

##### **§ 14-169-713. Interest of commissioner or employee in project or property or contract in connection with project**

**Universal Citation:** AR Code § 14-169-713 (2016)

(a) No commissioner or employee of an agency shall acquire any interest, direct or indirect, in any urban renewal project nor in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any urban renewal project.

(b) (1) If any commissioner or employee of an agency owns or controls a direct or indirect interest in any property included or planned to be included in any urban renewal project, he immediately shall disclose it, in writing, to the agency. This disclosure shall be entered upon the minutes of the agency.

(2) Failure so to disclose such interest shall constitute misconduct in office.

**Subchapter 8 - -- Acquisition of Property for Urban Renewal**  
**§ 14-169-801. Authority generally**

**Universal Citation:** AR Code § 14-169-801 (2016)

(a) A housing authority or an urban renewal agency authorized to carry on urban renewal or redevelopment activities in connection with the undertaking and carrying out of an urban renewal project may acquire real property in the urban renewal area, demolish improvements on it, relocate families from it, contract for loans and grants covering the financing of it, and take all appropriate actions, including, but not limited to, the disposition of the property, regardless of the stage of development of the urban renewal plan, if the municipal governing body shall have approved it by resolution.

(b) The municipal governing body may agree to assume the responsibility to bear any loss that may arise as the result of such acquisition in the event the property so acquired is not used for urban renewal purposes because the urban renewal plan for the project is not approved, is amended to omit any of the acquired property, or is abandoned for any reason.

**Subchapter 8 - -- Acquisition of Property for Urban Renewal**  
**§ 14-169-802. Power of eminent domain**

**Universal Citation:** AR Code § 14-169-802 (2016)

(a) (1) (A) Any urban renewal agency in this state created pursuant to the provisions of §§ 14-169-601 -- 14-169-609, 14-169-702, 14-169-708 -- 14-169-713, and 14-169-801 shall have the power of eminent domain to carry out urban renewal plan objectives.

(B) The procedure to be followed by the urban renewal agency to acquire property by eminent domain shall be that the board of commissioners shall, by resolution, declare that:

(i) The acquisition of certain real property is necessary for urban renewal plan objectives which have been approved by the governing body of the municipal government after a public hearing;

(ii) Negotiations for acquisition have been unsuccessful; and

(iii) Suit is authorized to condemn the property.

(2) An urban renewal agency may exercise the power of eminent domain in the manner prescribed by law for condemnation by railroad corporations in this state as prescribed by §§ 18-15-1202 -- 18-15-1207 and acts amendatory thereof or supplementary thereto; the urban renewal agency may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.

(b) It is the intent of this section to affirm the power of urban renewal agencies to exercise the power of eminent domain to acquire real property to carry out urban renewal plan objectives.

**Subchapter 8 - -- Acquisition of Property for Urban Renewal**  
**§ 14-169-803. Donations by school districts**

**Universal Citation:** AR Code § 14-169-803 (2016)

Any school district owning lands and buildings within the boundaries of any existing urban renewal project or neighborhood development program, or within the boundaries of any such project or program that may be constituted in the future, is authorized to donate and dedicate to the governing board of any such urban renewal program or neighborhood development project as may be created any surplus lands or buildings owned by it if the lands or buildings are found by the board of the school district to be surplus to its present needs or the lands and buildings are unsuitable for further use by the school district.

**Subchapter 8 - -- Acquisition of Property for Urban Renewal**  
**§ 14-169-804. Tax exemption of certain property**

**Universal Citation:** AR Code § 14-169-804 (2016)

(a) The property of an urban renewal agency used exclusively for public purposes and not for profit is declared to be public property, and this property and the agency shall be exempt from all taxes and special assessments from the state or any public body thereof.

(b) Any property of an agency used for commercial, business, or industrial purposes shall be assessed and ad valorem taxes paid on it in the manner provided by law for the assessment and payment of taxes on other property. The agency shall furnish the assessor with a certified statement, in writing, of the value at which the property was originally acquired to assist the assessor in arriving at the assessable value of it as provided by law.

(c) An agency may agree to make payments in lieu of taxes to a state public body for the benefit of a renewal project. However, in no event shall such payments exceed the estimated cost to the state public body of the improvements, services, or facilities to be so furnished.



1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1774

5 By: Representatives Shepherd, V. Flowers, K. Ferguson  
6 By: Senator D. Sanders  
7

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING URBAN RENEWAL  
9 AGENCIES; AND FOR OTHER PURPOSES.  
10  
11

## Subtitle

12 CONCERNING URBAN RENEWAL AGENCIES.  
13  
14  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. The introductory language of Arkansas Code § 14-169-604 is  
20 amended to read as follows:

21 ~~Any~~ An urban renewal agency under § 14-169-709 and any housing  
22 authority established pursuant to under the Housing Authorities Act, §§ 14-  
23 169-201 – 14-169-205, 14-169-207 – 14-169-225, 14-169-227, 14-169-229 – 14-  
24 169-240, and 14-169-804, and any amendments thereto, may carry out any work  
25 or undertaking to be called a “redevelopment project”, to:  
26

27 SECTION 2. Arkansas Code § 14-169-702 is amended to read as follows:  
28 14-169-702. Definitions.

29 As used in §§ 14-169-708 – 14-169-713, unless the context otherwise  
30 requires:

31 ~~(3)(1)~~ (1) “Governing body” means, ~~in the case of a municipality,~~  
32 ~~the council, or other legislative body of it,~~ the legislative body of a  
33 municipality;

34 (2) “Housing authority” means any public corporation created  
35 under § 14-169-207;

36 ~~(1)(3)~~ (3) “Municipality” means ~~any incorporated city or town in the~~



1 state a city of the first class, a city of the second class, or an  
 2 incorporated town; and

3 ~~(2)(4)~~ "Undertaken" means ~~if any real:~~

4 (A) Real property has been purchased for the urban renewal  
 5 project ~~or a:~~

6 (B) A contract for the purchase of real property for the  
 7 urban renewal project has been executed; or ~~if a~~

8 (C) A housing authority has received any funds for the  
 9 planning or execution of the urban renewal project.

10  
 11 SECTION 3. Arkansas Code § 14-169-703(a)(1), concerning urban renewal  
 12 projects, is amended to read as follows:

13 (a)(1) ~~In addition to its authority under any section of § 14-169-601~~  
 14 ~~et seq.,~~ An urban renewal agency under § 14-169-709 or a housing authority  
 15 under § 14-169-601 et seq. is authorized to plan and undertake urban renewal  
 16 projects.

17  
 18 SECTION 4. Arkansas Code § 14-169-704(d), concerning urban renewal  
 19 plans, is amended to read as follows:

20 (d) ~~Where~~ If real property acquired by a municipality is to be  
 21 transferred ~~in accordance with the~~ under an urban renewal plan, or such parts  
 22 of the contract or plan as the housing authority or urban renewal agency may  
 23 determine, the transfer may be recorded in the land records of the county in  
 24 such manner as to afford actual or constructive notice of it.

25  
 26 SECTION 5. Arkansas Code § 14-169-705(a), concerning powers generally,  
 27 is amended to read as follows:

28 (a) A housing authority or an urban renewal agency shall have all the  
 29 powers necessary or convenient to undertake and carry out urban renewal plans  
 30 and urban renewal projects, including the authority to acquire and dispose of  
 31 property, to issue bonds and other obligations, to borrow and accept grants  
 32 from the federal government or other source, and to exercise the other powers  
 33 which § 14-169-601 et seq. confers on an authority with respect to  
 34 redevelopment projects.

35  
 36 SECTION 6. Arkansas Code § 14-169-705(b)(1), concerning power

1 generally, is amended to read as follows:

2 (b)(1) In connection with the planning and undertaking of any urban  
3 renewal plan or urban renewal project, the urban renewal agency, the housing  
4 authority, the municipality, and all public and private officers, agencies,  
5 and bodies shall have all the rights, powers, privileges, and immunities  
6 ~~which they~~ that each have with respect to a redevelopment plan or  
7 redevelopment project, ~~in the same manner as though all of the provisions of~~  
8 under § 14-169-601 et seq. applicable to a redevelopment plan or  
9 ~~redevelopment project were applicable to an urban renewal plan or urban~~  
10 ~~renewal project.~~

11  
12 SECTION 7. Arkansas Code § 14-169-709(a), concerning the creation of  
13 an urban renewal agency, is amended to read as follows:

14 (a)(1) There is created in each municipality in this state, where on  
15 January 10, 1961, a housing authority has not been established or a housing  
16 authority is established but the housing authority has not undertaken an  
17 urban renewal project, a public body politic and corporate to be known as the  
18 urban renewal agency of the municipality for the purpose of planning and  
19 undertaking urban renewal projects.

20 (2) A municipality in which the urban renewal agency has ceased  
21 operation and become dormant may by resolution of the governing body revive  
22 the urban renewal agency, and upon adoption of the resolution under  
23 subsection (b) of this section, the mayor shall appoint a board of  
24 commissioners under § 14-169-710.

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27 APPROVED: 03/28/2017  
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