

# **Housing and Redevelopment**

## **Prerequisites to condemnation**

### **31-1-460**

Limited dividend housing corporation formed to acquire, construct, maintain and operate housing projects

The director of a limited dividend housing corporation has the responsibility to place power for the purpose of the acquisition and changing of housing accommodations if deemed necessary for public use. A notice of the public hearing must be placed by the corporation and published in a newspaper chosen by the director. The time and place of the hearing needs to be stated within the notice and the notice shall be placed at least ten days prior to the hearing.

Section When	Notice	Where	
31-1-460	A notice of a public hearing for the acquisition and changes to housing accommodations. The time and place shall be stated in the notice.	A newspaper chosen by the director of the limited dividend housing corporation whether it is published or circulated within the city or county that the property is located in	At least ten days prior to the public hearing

Exact wording:

“The power of eminent domain shall not be exercised by a limited dividend housing corporation except with specific authorization of such action by the director and for such purpose the director shall specify that the acquisition of the property and the construction of the particular housing accommodations in connection with which the power is required has been determined by the director, after public hearing, to be in the public interest and necessary for the public use. The hearing shall be held at a time and place appointed by the director and notice of such hearing shall be given by the corporation by one publication in a newspaper, designated by the director, published or circulated in the city or county wherein the property is located at least ten days prior to such hearing. The owner, as shown upon the county auditor's current tax duplicate, of such property as is proposed to be acquired shall also be notified at least ten days prior to such hearing by registered mail addressed to the last known address of such owner.”

## **A notice of a public hearing in terms of city housing authority**

### **31-3-410**

A public hearing must be held before a council can adopt any resolutions in terms of a housing authority that is not under that municipality. A notice of this public hearing must placed by the clerk of that municipality in a newspaper of general circulation where the housing authority is located. The notice should run at least ten days prior to the date of the hearing and state the time, place and purpose of the hearing.

Section When	Notice	Where	
31-3-410	A notice of a public hearing on the	A newspaper of general circulation	At least ten days prior to the hearing

	adoption of resolutions for a housing authority. The notice shall state the time, place and purpose of the hearing	where the housing authority is located	
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Exact wording:

“No council of any such other municipality shall adopt a resolution as provided in Section 31-3-400 declaring that there is a need for a housing authority other than a housing authority established by such municipality to exercise its powers within such municipality unless a public hearing has first been held by the council of such municipality and the council shall have found in substantially the following terms: (a) That unsanitary or unsafe inhabited dwelling accommodations exist in such municipality or that there is a shortage of safe or sanitary dwelling accommodations in such municipality available to persons of low income at rentals they can afford and (b) that these conditions can be best remedied through the exercise of the powers of the housing authority of the city mentioned in Section 31-3-400 within the territorial boundaries of such municipality. But such findings shall not have the effect of establishing a housing authority for any such municipality under this chapter and Chapter 11 nor of thereafter preventing such municipality from establishing a housing authority or joining in the creation of a consolidated housing authority or the increase of the area of operation of a consolidated housing authority. The clerk of the municipality shall give notice of the time, place and purpose of the public hearing at least ten days prior to the date on which the hearing is to be held, in a newspaper published in such municipality or, if there is no newspaper published in such municipality, then in a newspaper published in the State and having a general circulation in such municipality. Upon the date fixed for such public hearing an opportunity to be heard shall be granted to all residents of such municipality and to all other interested persons.”

**A notice of a public hearing in terms of the creation or change of regional housing authority  
31-3-1140**

A resolution cannot be adopted by the legislative delegation of a county in terms of creation or change of regional housing until a public hearing has been held. This public hearing must be published in a newspaper with general circulation in the county or if the county does not have a newspaper than a newspaper within the state. The notice must be placed at least ten days before the hearing and needs to state the time and place of the hearing.

Section When	Notice	Where	
31-3-1140	A notice of a public hearing being held by the legislative delegation of the county for the creation or change of regional housing authority. The notice shall state the time and place of the hearing.	A newspaper with general circulation in the county or if there is no such newspaper than a newspaper within the state that has a general circulation	At least en days prior to the public hearing

Exact wording:

“The legislative delegation of a county shall not adopt any resolution authorized by Sections 31-3-910, 31-3-1020 or 31-3-1060 and 31-3-1080 unless a public hearing has first been held. The legislative delegation of such county shall give notice of the time, place and purpose of the public hearing at least ten days prior to the day on which the hearing is to be held, in a newspaper published in the county or, if there is no newspaper in the county, then in a newspaper published in the State and having a general circulation in the county. Upon the date fixed for such public hearing an opportunity to be heard shall be granted to all residents of such county and to all other interested persons.”

**Redevelopment plan or project  
31-6-80; 31-7-80**

**(A.) A notice of a public hearing before a redevelopment plan can be approved**

A public hearing must be held on any redevelopment plan or project before adoption can be made. The notice needs to be published in a newspaper with general circulation in the county where any city or taxing districts may be affected. The notice must be placed at least fifteen days and no less than thirty days before the hearing. The notice shall state the time and place, the area of the project, a statement explaining that the public will be heard at the hearing, a description of the redevelopment plan and project; and the estimated length that the obligation term will be issued.

Section When	Notice	Where
31-6-80	A notice of a public hearing before approval of a redevelopment plan or project. The notice shall state the time and place, the area of the project, a statement explaining that the public will be heard at the hearing, a description of the redevelopment plan and project; and the estimated length that the obligation term will be issued.	A newspaper with general circulation in the county that the city or taxing districts will be affected

Exact wording:

(A.) Before approving any redevelopment plan under this chapter, the governing body of the municipality must hold a public hearing on the redevelopment plan after published notice in a newspaper of general circulation in the county in which the municipality and any taxing district affected by the redevelopment plan is located not less than fifteen

days and not more than thirty days prior to the hearing. The notice shall include: (1) the time and place of the public hearing; (2) the boundaries of the proposed redevelopment project area; (3) a notification that all interested persons will be given an opportunity to be heard at the public hearing; (4) a description of the redevelopment plan and redevelopment project; and (5) the maximum estimated term of obligations to be issued under the redevelopment plan.”

**(B.) A notice of any changes or objections  
31-6-80**

Changes can be made prior to the adoption of a redevelopment plan or project as long as a notice is published in a newspaper of general circulation within the taxing district that it will affect. It must be placed no later than ten days prior to the adoption of this plan.

Section When	Notice	Where	Where
31-6-80	A notice of any changes that may be made to the redevelopment plan or project	A newspaper with general circulation within affected taxing districts	No later than ten days prior to the adoption of the plan

Exact wording:

(B.) “Prior to the adoption of an ordinance approving a redevelopment plan pursuant to Section 31-6-80, changes may be made in the redevelopment plan which do not alter the exterior boundaries or do not substantially affect the general land use established in the plan or substantially change the nature of the redevelopment project, without further hearing or notice, provided that notice of the changes is given by mail to each affected taxing district and by publication in a newspaper or newspapers of general circulation within the taxing districts not less than ten days prior to the adoption of the changes by ordinance.”

**(C.) A notice of the adoption of the redevelopment plans  
31-6-80**

Once a plan or project has been adopted a notice must be published in a newspaper within the affected taxing districts and should be placed by the city. Action on the adoption can be taken no later than twenty days after the publication.

Section When	Notice	Where	Where
31-6-80	A notice of the adoption of the redevelopment plan	A newspaper with general circulation within affected taxing districts	Once plan has been adopted

Exact wording:

(C.) “Notice of the adoption of the ordinance must be published by the municipality in a newspaper having general circulation in the affected taxing districts. Any interested party may, within twenty days after the date of publication of the notice of adoption of the redevelopment plan, but not afterwards, challenge the validity of such adoption by action de novo in the court of common pleas in the county in which the redevelopment plan is located.”

**Publication of notice of bond issues (improvement to land by municipalities)**

**31-9-100**

Once bonds have been issued but before adoption in terms of improvement to land by the city a notice shall be placed at least once in a newspaper having general circulation and in the city that has specified the amount of bonds to be given. The notice shall describe the land that is being acquired and how the issued bonds are to be used.

Section When	Notice	Where	
31-9-100	A notice of bonds and how they will be used. The notice shall describe the land that is being acquired and how the issued bonds are to be used.	A newspaper with general circulation in the city that specifies the amount of bonds to be issued	At least once upon adoption

Exact wording:

“Upon the adoption of proceedings providing for the issuance of bonds hereunder, notice of the adoption of such proceedings shall be published at least once in a newspaper having general circulation in the city specifying the amount of bonds to be issued, generally describing the land to be acquired, and the purposes for which it will be used. Any interested party may within ten days after the date of publication of such notice, but not afterwards, challenge the validity of such action by the governing board and the validity of the proposed bonds by action de novo in the court of common pleas in the county wherein the land is located.”

***Community Development***

**Advertisement for bids from persons interested in purchasing or redevelopment property  
31-10-110**

A public notice in terms of community involvement shall be placed by the commission in a newspaper with general circulation in the city once a week for two consecutive weeks. The notice shall be published as an invitation to anyone interested in obtaining information and purchasing property or becoming involved in a redevelopment of an area.

Section When	Notice	Where	
31-10-110	A public notice by the commission as an invite to anyone in the community interested in purchasing land or becoming involved in the redevelopment of an area	A newspaper with general circulation in the city	Once a week for two consecutive weeks

Exact wording:

“(c) The commission shall, by public notice, published once a week for two consecutive weeks in a newspaper having general circulation in the municipality, invite proposals and shall make available all pertinent information to any persons interested in undertaking a purchase of property or the redevelopment of an area or any part thereof. The commission may require such bid bonds as it deems appropriate. After receipt of all proposals, the sale shall be made to the developer submitting the plan for use of the property that best effectuates the purposes of the redevelopment plan set forth in subsection (e) of this section. All proposals may be rejected. All sales shall be subject to the approval of the governing body of the municipality. Nothing herein, however, shall prevent the sale at private sale without advertisement and bids to the municipality or other public body, or to a nonprofit association or corporation operated exclusively for educational, scientific, literary, cultural, charitable, or religious purposes, of such property as is specified in items (1), (2), (3), or (4) of subsection (d) of this section; provided, that such sale is in accordance with the provisions of the item.”

**A notice of the issuance and sale of bonds by the commission**

**31-10-120**

The commission has authority to issue and sell bonds at a private or public sale given that there is an agreement between the commission and the one purchasing the bond. A notice of the selling of these bonds must first be published in a newspaper with general circulation where the commission is located. The notice shall be placed at least once and at least ten days before the “receipt of bids for the bonds.”

Section When	Notice	Where	
31-10-120	A notice of the sale of bonds in terms of community development law	A newspaper with a general circulation where the commission is located	At least once and at least ten days prior to the “receipt of bids for the bonds”

Exact wording:

“(d) Bonds must be sold by the commission at either public or private sale upon such terms and in such manner, consistent with the provisions of this chapter, as the commission may determine. Such bonds may be sold to one or more financial institutions whether within or without this State. Prior to the public sale of bonds hereunder, the commission shall first cause a notice of the sale of the bonds to be published at least once at least ten days before the date fixed for the receipt of bids for the bonds in a newspaper of general circulation in the commission's area of operation, and provided, that any bonds may be sold by the commission at private sale upon such terms and conditions as are mutually agreed upon between the commission and the purchaser. No bonds issued pursuant to this chapter may be sold at less than par and accrued interest.”

**Notice of intent to issue bonds**

**31-10-150**

A notice of the intent to sell bonds in terms of community development shall be placed by the commission in a newspaper with general circulation in the city. The notice shall state the estimated date and the amount of the bonds, that the supplying of the bonds will be secure and the intended usage of the earnings from these bonds.

Section When	Notice	Where	
31-10-150	A notice of intent to issue bonds. The	A newspaper with general circulation in	Prior to bonds being issued

	notice shall state the estimated date and the amount of the bonds, that the supplying of the bonds will be secure and the intended usage of the earnings from these bonds.	the city	
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Exact wording:

“Prior to issuing any bonds under this chapter, a commission shall publish notice in a newspaper of general circulation in the municipality of its intent to issue such bonds specifying the approximate date and amount of such bonds, the provisions for securing such bonds and the proposed use of the proceeds from such bonds. Any interested person may within twenty days after the publication of such notice, but not thereafter, challenge the proposal of the commission to issue such bonds by action initiated in the circuit court for the circuit in which the commission is located. If no such action is initiated the bonds, if and when issued, shall be conclusively presumed to be valid and binding in accordance with the terms thereof; provided, nevertheless, that such bonds must be issued not later than six months after publication of such notice.”

## ***Federal Defense Facilities Redevelopment Law***

### **Notice of intent to issue obligations**

#### **31-12-280**

““Obligations” means bonds, notes, or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.”

A notice must be given for a public hearing that will be held by a governing body in regards to the issuance of obligations for redevelopment of federal defense facilities. The notice shall be published in a newspaper with general circulation in the taxing district that will be affected. It should be placed not less than fifteen days and no more than thirty days before the public hearing takes place. The notice should state the time and place of the hearing, a statement that everyone will be given the chance to be heard, a description of the area, plan and the proposed redevelopment project and an estimated amount of time (maximum) of the issued obligations.

Section When	Notice	Where	
31-12-280	A notice of intent to issue obligations for federal defense redevelopment projects. The notice should state the time and place of the hearing, a statement that everyone will be given the chance to be heard, a description of	A newspaper with general circulation located in the taxing district that will be affected	At least fifteen days and not more than thirty days before the public hearing

	the area, plan and the proposed redevelopment project and an estimated amount of time (maximum) of the issued obligations.		
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Exact wording:

“(B) Before approving the issuance of obligations under this chapter, the governing body of the municipality must hold a public hearing on the redevelopment plan after published notice in a newspaper of general circulation in the county in which the tax increment finance district is located not less than fifteen days and not more than thirty days before the hearing. The notice must include: (1) the time and place of the public hearing; (2) a notification that all interested persons will be given an opportunity to be heard at the public hearing; (3) a description of the redevelopment project area, the redevelopment plan, and the redevelopment project; and (4) the maximum estimated term of obligations to be issued at that time.”

### ***Dwellings Unfit for Human Habitation***

““Dwelling” shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.”

**Service of complaints or orders:**

**31-15-60 (municipalities over 1,000);**

**31-15-360 (Counties)**

A notice of complaint or orders in terms of unfit dwellings must be made by a public officer either personally or by registered mail. If the residence of a person is not known than a notice must be published in a newspaper that is printed and published in the city, if there is not one than a newspaper in the county where the “dwelling” is located. The notice shall be placed once a week for two consecutive weeks.

Section When	Notice	Where
31-15-60 31-15-360	A notice to serve a complaint by a public officer in terms of unfit dwelling	A newspaper that is printed and published in the city/town  Once a week for two consecutive weeks

Exact wording:

"Complaints or orders issued by a public officer pursuant to an ordinance adopted under this article shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot

be ascertained by the public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the municipality or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.”