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H.454

Introduced by Representatives Tate of Mendon and Willhoit of St. Johnsbury  
Referred to Committee on  
Date:  
Subject: Municipal and county government; urban renewal; blighted area  
Statement of purpose of bill as introduced: This bill proposes to provide  
protections to owners of unblighted properties within blighted or slum areas  
undergoing condemnation.

An act relating to the definition of “blighted area”

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 3201 is amended to read:

§ 3201. DEFINITIONS

The following terms wherever used or referred to in this chapter shall have  
the following meanings, unless a different meaning is clearly indicated by the  
context:

\* \* \*

(3) “Blighted area” ~~shall mean~~ means an area ~~which that,~~ by reason of  
the ~~presence of a substantial number of slum, deteriorated, or deteriorating~~  
~~structures,~~ predominance of defective or inadequate street layout; faulty lot  
layout in relation to size, adequacy, accessibility, or usefulness; insanitary or

1 unsafe conditions; deterioration of site or other improvements; diversity of  
2 ownership; tax or special assessment delinquency exceeding the fair value of  
3 the land; defective or unusual conditions of title; ~~or~~ the existence of  
4 conditions ~~which~~ that endanger life or property by fire and other causes; or  
5 any combination of such factors, substantially impairs or arrests the sound  
6 growth of a municipality, retards the provision of housing accommodations, or  
7 constitutes an economic or social liability and is a menace to the public health,  
8 safety, morals, or welfare in its present condition and use. If such blighted area  
9 consists of open land, the conditions contained in the proviso in subsection  
10 3207(d) of this title shall apply. Any disaster area referred to in subsection  
11 3207(g) of this title shall constitute a “blighted area.” No area shall be  
12 determined to be a blighted area solely or primarily because its condition and  
13 value for tax purposes are less than the condition and value projected as the  
14 result of the implementation of any State, municipal, or private redevelopment  
15 plan.

16 \* \* \*

17 (16) “Slum area” shall mean an area in which there is a predominance of  
18 buildings or improvements, whether residential or nonresidential, which by  
19 reason of dilapidation, deterioration, age, or obsolescence; inadequate  
20 provision for ventilation, light, air, sanitation, or open spaces; high density of  
21 population and overcrowding; ~~or~~ the existence of conditions ~~which~~ that

1 endanger life or property by fire and other causes; or any combination of such  
2 factors is conducive to ill health, transmission of disease, infant mortality,  
3 juvenile delinquency, or crime, and is detrimental to the public health, safety,  
4 morals, or welfare.

5 \* \* \*

6 (19) "Blighted property" means a tract of land that is detrimental to the  
7 public health, safety, or welfare by reason of abandonment, dilapidation,  
8 deterioration, age, or obsolescence; inadequate provisions for ventilation, light,  
9 air or sanitation; high density of population and overcrowding; deterioration of  
10 site or other improvements; the existence of conditions that endanger life or  
11 property by fire or other causes; or any combination of these factors.

12 Sec. 2. 24 V.S.A. § 3211(d) is amended to read:

13 (d) At the time and place appointed for the hearing, the Court consisting of  
14 the Superior judge signing the order or such other Superior judge as may be  
15 assigned and the two assistant judges of the county in which the hearing is held  
16 shall hear all persons interested and wishing to be heard. If any person owning  
17 or having an interest in the land to be taken or affected appears and objects to  
18 the necessity of taking the land included within the survey or any part thereof,  
19 then the Court shall require the municipality to proceed with the introduction  
20 of evidence of the necessity of such taking. The municipality has the burden to  
21 show the property is blighted. The Court may cite in additional parties in its

1 discretion; shall make findings of fact and shall file the same. The Court shall,  
2 by its order, determine whether the taking of such land and rights is necessary  
3 and may modify the proposed taking in such respects as the ~~court~~ Court may  
4 consider proper.

5 Sec. 3. 24 V.S.A. § 3211a is added to read:

6 § 3211a. UNBLIGHTED PROPERTY IN SLUM OR BLIGHTED AREA;

7 CONDEMNATION PROCEEDINGS

8 To condemn a property that is not blighted (an unblighted property) and is  
9 located within an area determined to be a blighted or slum area under section  
10 3206 of this title, the municipality must demonstrate, in addition to all other  
11 lawful condemnation requirements, each of the following:

12 (1) The urban renewal project requiring the clearance of the slum and  
13 blighted area cannot proceed without the condemnation of the unblighted  
14 property.

15 (2) The unblighted property cannot integrate into the proposed project  
16 once the municipality takes and clears the slum and blighted area surrounding  
17 the property.

18 (3) The condemnation of the non-blighted property is necessary for the  
19 clearance of an area deemed to be slum or blighted.

20 (4) Other alternatives to the condemnation of the unblighted property  
21 are not practical.

1           (5) The municipality has made reasonable effort to include the  
2           unblighted property and its owners in the urban renewal project without the use  
3           of eminent domain.

4           (6) No alternative site available for purchase by negotiation exists  
5           within the slum and blighted area that may substitute for the unblighted  
6           property.

7           (7) The municipality cannot restructure the urban renewal project to  
8           avoid the taking of the unblighted property.

9           (8) The municipality cannot carry out the urban renewal project without  
10          the use of eminent domain.

11          (9) There is specific use for the unblighted property to be taken and a  
12          plan to redevelop and convert the property from its current use to the stated  
13          specific use exists.

14          Sec. 4. EFFECTIVE DATE

15          This act shall take effect on July 1, 2015.