



URBAN BLIGHT

**An Analysis of State Blight Statutes and Their Implications
for Eminent Domain Reform**

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by

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PART I: INTRODUCTION

Most state legislatures have enacted statutes that permit governmental entities to redevelop blighted areas. In order to carry out the redevelopment, many of these urban renewal statutes permit governmental entities to condemn property in a “blighted area” and transfer the condemned property to another private party. Thus, the definition of the term “blighted area” plays an essential role. It establishes the criteria and conditions that must be present in an area before the government may condemn property located within the area. If the area cannot be considered a “blighted area,” as the term is defined in the applicable urban renewal statute, then the government cannot condemn property in that area.

Motivated by the U.S. Supreme Court’s 2005 decision in *Kelo v. City of New London*,¹ many state legislatures have considered proposals to amend their urban renewal statutes in order to limit government’s ability to condemn property for redevelopment. These reforms tend to focus on expressly prohibiting government from condemning property for certain purposes such as economic development or to increase the tax base, or in many instances, prohibiting the subsequent transfer of property to private entities.²

In so doing, the proposed reforms overlook an important initial question: Which properties are eligible for condemnation? In other words, what areas can be considered “blighted areas”? If the state has a broad definition of “blighted area,” the government may ultimately have the ability to condemn a large area and transfer that area to a private party to carry out the redevelopment. Thus, if the goal of reformers is to limit the government’s ability to condemn property, it is important to understand how the blight definitions came into being and the various components of these definitions.

However, in reviewing these proposed reforms, it is also necessary to ensure that the government’s ability to condemn property for *legitimate* purposes, such as for schools or roads, be maintained, lest government not be able to perform its essential functions. Accordingly, drafters of proposed legislation must be careful to walk a fine line between leaving in place overly broad definitions of blight that hinder the intent of the reform, and adopting overly restrictive definitions of public use that hinder the government’s ability to counter the causes and effects of blight.

This Report attempts to provide the background information necessary to analyze these approaches to eminent domain reform and the inclusion of blight issues in that reform. Part II of this Report discusses the origin of the blight statutes in America, which is an important part of the analysis. Part III of this Report analyzes the blight statutes in all 50 states, in an attempt to extract the commonalities and distinctions between them. Finally, Part IV of this Report brings this data together to summarize the status of blight in America.

PART II: THE ORIGIN OF AMERICA’S BLIGHT STATUTES

SECTION 1: INTRODUCTION

In order to facilitate an understanding of the origin of the terms associates with “blight”, this Part provides a basic outline of the history of urban renewal statutes generally, with a particular emphasis on the origin of the term “blight.” This Part is divided into three sections. Section 1 summaries the origin of urban renewal statutes generally. Section 2 examines the original definition of the term “blight.” Section 3 examines the link between the definition of “blight” and eminent domain.³

SECTION 1: THE ORIGINS OF URBAN RENEWAL STATUTES

The urban renewal movement of the first half of the twentieth century encouraged the private sector and public sector to join together to redevelop decaying parts of the city in order to transform them into productive areas.⁴ The movement took many of its ideas from the slum clearance movement of the early 1900s and mixed them together with ideas shaped by the construction boom of the 1920s and the rise in the study and use of urban planning.⁵ Together, these three factors provided the ideological foundation for the urban renewal movement.

1.01 The Slum Clearance Movement.

The slum clearance movement of the early 1900s provided many of the underlying ideas of the urban renewal movement, particularly the idea of clearing and rebuilding areas of the city viewed as negatively contributing to society.⁶ The idea behind the slum clearance movement was the belief that housing conditions influenced the health and social outcomes of those who lived in the housing.⁷ Slum areas with decrepit, unsafe, or dilapidated housing, were more likely to be unhealthy, unsafe, and contain social ills such as crime, delinquency, and poverty.⁸ Reformers felt the only solution to this problem was to demolish the existing slums, so that new, better, and safer housing could be built, thereby improving the lives of those residing in the area.⁹

1.02 The Construction Boom of the 1920s.

The construction boom of the 1920s and developments in transportation technology fueled the urban redevelopment movement by enticing people to move from the cities out into the suburbs.¹⁰ This mass migration left large areas of the city vacant and underutilized.¹¹ Although reformers saw the underutilized land as ripe with development opportunities, developers focused their attention and capital on outlying areas and the suburbs.¹² Thus, these areas remained run-down.

1.03 The Rise of the Urban Planning Movement.

The rise of the urban planning movement in the late 1920s with its emphasis on the use of zoning and comprehensive planning was also important to the growth of the urban renewal movement.¹³ Many powerful groups and individuals including leaders from real estate interests, planning organizations and politicians such as then Secretary of Commerce, Herbert Hoover, championed the ideas developed by planners of organizing cities using comprehensive planning, separating

land uses, and redeveloping the underutilized areas of cities.¹⁴ This coalition of individuals and interest groups worked to develop programs for the redevelopment of urban areas and generated the terminology and rhetoric of the urban renewal movement.¹⁵

1.04 The Urban Renewal Movement.

The stated goal of urban renewal was to provide a means for public and private partnerships in urban development.¹⁶ These partnerships would help revive declining areas of the city and put these areas back into productive use.¹⁷

To help guide the public's understanding of the need for and goals of these urban renewal programs, urban renewal proponents developed new terminology.¹⁸ Among the new terms created was the term "blight."¹⁹ Proponents argued that "blight" was like a disease that spread across productive areas of the city threatening to turn these areas into "slums."²⁰ One writer described blight this way: "[T]he disease of blight which affects many municipalities throughout our state and nation is similar to cancer in that it is constantly spreading. It has an effect upon all persons within a particular metropolitan area, even those living in the far outlying areas."²¹ "Blight" was the precursor to a "slum," thus, in reformers' minds, arresting the spread of blight, would prevent an area from becoming a slum.²² As one commentator wrote:

'Blighted area' urban redevelopment legislation aims at preventing the causes of slums, even when the area is still in the process of deteriorating, before the area becomes so bad as to be totally unusable; it is thus the process of deterioration which constitutes the "blight," not the total deterioration itself.²³

SECTION 2: DISTINGUISHING BETWEEN SLUMS AND BLIGHT

Urban renewal advocates distinguished between "slums" and "blight."²⁴

Experts viewed slums as social liabilities because they were viewed as spawning crime and other social problems. They defined a "slum" as an area that

either because of dilapidation, obsolescence, overcrowding, poor arrangement or design, lack of ventilation, light or sanitary facilities, or a combination of these factors, are detrimental to the safety, health, morals and comfort of the inhabitants thereof.²⁵

Experts considered areas that did not meet the definition of a slum, but were run down as "blighted."²⁶ Planners argued that blight was caused by lack of planning.

'Unguided urban growth' and an 'indiscriminate mixture of homes, factories, warehouses, junk yards, and stores that has resulted in depressed property values' were responsible for urban blight. Buildings in these areas were 'obsolete' because 'an excessive amount of land is devoted to streets and alleys.' ... Population densities in these areas was higher than acceptable under 'principles of modern planning.'²⁷

Blight was bad for a number of reasons. First, it harmed residents and drained urban resources.²⁸ The rising costs of providing social services and police, combined with the loss of tax revenues as people left the city, placed an enormous cost on the government.²⁹ Second, blight blocked the creation of a modern city and stunted an area's economic growth.³⁰ Advocates saw blighted

areas as areas with vast potential because the land could be put to higher uses under the right circumstances.³¹ Third, “blight” was seen as a precursor to a dangerous and unproductive “slum” that had to be stopped to maintain a productive city.³²

However, despite the vivid descriptions of what constituted urban blight, renewal advocates never developed a systematic process by which to determine whether an area was blighted.³³ Often urban renewal advocates would describe a “blighted area” as an area on the way to becoming a “slum” or merge the descriptions of “slum” and “blighted area” together.³⁴

SECTION 3: BLIGHT AND EMINENT DOMAIN

Urban renewal advocates saw blight as the root cause of many social problems. But, it was both difficult and expensive to cure. The problem, as these advocates saw it, was that property owners often were unaware of the decline of property values in their neighborhoods which produced a “discrepancy between the value placed on the property by the owner and its value for any uses to which it can be put.”³⁵

For this reason, many advocates argued that the program to redevelop these blighted areas must give the body overseeing the redevelopment the power to condemn property.³⁶ This would help overcome the property owner’s refusal to sell his or her property for the greater good of the community.³⁷ The government’s condemnation of property would also lower acquisition costs for private parties and thereby provide incentives for private redevelopment.³⁸

This idea was captured in one of the first programs to redevelop blighted areas proposed by the Urban Land Institute in the 1930s.³⁹ The Institute proposed a program in which a private redevelopment agency would condemn property, clear it, and convey it to private developers for redevelopment if seventy-five percent of the owners of property in the particular area approved the condemnation.⁴⁰ The program languished due to criticism that it constituted an improper conveyance of the government’s eminent domain power to private parties and raised constitutional issues over the appropriate use of the eminent domain power.⁴¹

As advocates continued to work to develop a program that would pass constitutional muster, several state courts held that the condemnation of private property by the government for the purpose of building public housing constituted a public use under the applicable state constitution.⁴² These decisions provided strong precedent for urban renewal advocates who wanted to exercise the powers of eminent domain to eliminate blight and subsequently transfer the condemned property to private developers.⁴³

By the 1940s urban renewal advocates had developed a detailed program for urban revitalization.⁴⁴ Under the program, the government would identify a blighted area and develop a comprehensive plan to redevelop that area.⁴⁵ The actual redevelopment would be conducted by private developers, but the government would play an important role. It would lower acquisition costs by condemning the property, and then transferring the property to private developers.⁴⁶

This program formed the basis for many state redevelopment acts.⁴⁷ By 1948, twenty-five states had passed urban renewal legislation.⁴⁸ Generally, each act authorized the creation of a locally chartered governmental organization that had the authority to condemn and clear blighted areas

that would then be privately developed.⁴⁹ Most states adopted some form of this legislation over the course of the next three decades.⁵⁰

These urban renewal statutes raised two legal questions: (1) Was the condemnation of blighted properties legal in areas that were not yet slums; (2) Was the transfer of condemned property to private parties allowed under the Public Use Clause of the U.S. Constitution?⁵¹ Urban renewal advocates argued that the answer to both questions was yes.⁵² Many state courts appeared to agree and applied the same reasoning used to uphold condemnations to clear slums to uphold condemnations to eliminate blight, even though slum clearance focused on the creation of low-cost housing, while redevelopment of blighted areas focused on private redevelopment without restrictions on the use to which the property would eventually be put.⁵³

The U.S. Supreme Court weighed in on this debate in 1954 in the case of *Berman v. Parker*.⁵⁴ In *Berman*, the District of Columbia Redevelopment Land Agency (DCRL) planned to clear and redevelop an area of the southwest quadrant of the nation's capital. Two business owners who would be affected by the proposal refused to sell their property to the DCRL. The DCRL declared the properties "blighted" and planned to condemn the property and transfer it to a private developer. To prevent the condemnation, the business owners brought suit alleging that the condemnation would violate the Public Use Clause of the Fifth Amendment to the United States Constitution.⁵⁵ The court disagreed with the business owners and held that the condemnation did not violate the Public Use Clause.⁵⁶ The Court stated:

It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. ... If those who govern the District of Columbia decide that the Nation's Capital should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way.

Once the object is within the authority of Congress, the right to realize it through the exercise of eminent domain is clear. For the power of eminent domain is merely a means to the end.⁵⁷

The Court's decision in *Berman* effected a dramatic expansion in the government's powers of eminent domain and legitimized urban renewal efforts involving the transfer of condemned property to private developers for redevelopment.⁵⁸

Condemnations for Economic Development Upheld by the U.S. Supreme Court

The issue arose again in the 2005 U.S. Supreme Court decision, *Kelo v. City of New London*.⁵⁹ Suzette Kelo owned property in the Fort Trumbull area of New London, Connecticut that had been slated for condemnation and redevelopment by the New London Development Corporation (NLDC), an entity authorized to redevelop the Fort Trumbull neighborhood. The city's planners viewed the redevelopment as an opportunity to create synergy with a proposed expansion of neighboring Pfizer Corporation's facilities.⁶⁰

Kelo, and other neighborhood property owners, fought the condemnation of their property by arguing that the condemnation violated the Connecticut and U.S. Constitutions because it was for a "private use" and not a "public use."⁶¹ Unlike prior cases where the purpose of the

development plan and condemnation was to eliminate blight, the sole purpose for the condemnation was so that the properties could be put into other hands to provide greater “economic benefit” for the community.⁶² The plaintiffs argued that this was contrary to the Public Use Clause.⁶³

The Connecticut Supreme Court held that the redevelopment plan did not violate the Public Use Clause of either constitution.⁶⁴ The U.S. Supreme Court also upheld the development program.⁶⁵ In a 5-4 decision, the majority concluded that the condemnation for economic development did not violate the Public Use Clause. In forming its opinion the Court reasoned:

Those who govern the City were not confronted with the need to remove blight in the Fort Trumbull area, but their determination that the area was sufficiently distressed to justify a program of economic rejuvenation is entitled to our deference. The City has carefully formulated an economic development plan that it believes will provide appreciable benefits to the community, including—but by no means limited to—new jobs and increased tax revenue.⁶⁶

SECTION 4: CONCLUSION

The public reacted strongly to the *Kelo* decision. On the federal and state level, politicians introduced a variety of legislation to limit the eminent domain power of the government. To date, thirty-four (34) states have passed legislation either through the state legislative process or by ballot initiative to limit various state and local governments’ condemnation powers.

However, even though many states have acted to limit the government’s ability to condemn property for economic development purposes, few have actually eliminated the government’s ability to condemn blighted property and few proposals have amended the states’ definition of blight. This may be because when it concerns blight, legislatures consider eminent domain an acceptable tool to eliminate blight. However, it may also be because of a lack of understanding of the way in which the definition of blight and the eminent domain power are intertwined. An understanding of the origin and history of blight definitions leads to a greater understanding of the scope of the eminent domain power as it relates to urban renewal. This understanding, in turn, can help guide legislative efforts to reform eminent domain.

NOTES _____

¹ *Kelo v. City of New London*, 545 U.S. 469 (2005).

² See Castle Coalition, Legislative Action Since *Kelo* (accessed at <http://castlecoalition.org/pdf/publications/State-Summary-Publication.pdf>) (Nov. 29, 2006).

³ Portions of this Part II are based on Wendell E. Pritchett, *The “Public Menace” of Blight: Urban Renewal and the Private Uses of Eminent Domain*, 21 YALE L. & POL’Y REV. 1 (Winter 2003).

⁴ See Pritchett, *supra* note 3 at 3.

⁵ See *id.* 14-17.

- ⁶ See Mabel Walker, URBAN BLIGHT AND SLUMS 3 (Harvard University Press, 1936).
- ⁷ See *id.*
- ⁸ See *id.*
- ⁹ See Max Page, THE CREATIVE DESTRUCTION OF MANHATTAN 90-92 (University of Chicago Press, 1990).
- ¹⁰ See Joel Schwartz, THE NEW YORK APPROACH: ROBERT MOSES, URBAN LIBERALS AND REDEVELOPMENT OF THE INNER CITY 26 (Ohio State University Press 1993).
- ¹¹ See *id.*
- ¹² See *id.*
- ¹³ See e.g., M. Christine Boyer, DREAMING THE RATIONAL CITY: THE MYTH OF AMERICAN CITY PLANNING 206 (MIT Press 1983); Mel Scott, AMERICAN CITY PLANNING SINCE 1890 397-400 (AM. PLANNING ASS'N 1971); Robert Beauregard, *Between Modernity and Postmodernity: The Ambiguous Position of U.S. Planning*, 7 ENV'T'L & PLAN. D: SOC'Y & SPACE 381, 388 (1989).
- ¹⁴ See Pritchett, *supra* note 3 at 15; Janet Hutchinson, *Shaping Housing and Enhancing Consumption: Hoover's Interwar Housing Policy*, in FROM TENEMENTS TO THE TAYLOR HOMES: IN SEARCH OF AN URBAN HOUSING POLICY IN TWENTIETH CENTURY AMERICA 81 (John F. Bauman et al. eds., 2000).
- ¹⁵ See *id.*
- ¹⁶ Pritchett, *supra* note 3 at 5.
- ¹⁷ See Scott Grier, URBAN RENEWAL AND AMERICAN CITIES: THE DILEMMA OF DEMOCRATIC INTERVENTION 31 (The Bobbs-Merrill Company, Inc. 1965); Mark I. Gelfand, A NATION OF CITIES: THE FEDERAL GOVERNMENT AND URBAN AMERICA, 1933-1965 at 108 (Oxford University Press: US 1975).
- ¹⁸ See Pritchett, *supra* note 3 at 15-16; see also Walker, *supra* note 10 at 3.
- ¹⁹ See Leonard Reissman, THE URBAN PROCESS: CITIES IN INDUSTRIAL SOCIETIES 93-121 (Free Press 1964); Ernest Burgess, *The Growth of the City: An Introduction to a Research Project*, in THE CITY 47 (Robert E. Park et al. eds. 1925); Roderick D. McKenzie, *The Ecological Approach to the Study of the Human Community*, in THE CITY 63 (Ernest Burgess et al. eds., 1925).
- ²⁰ See *id.*
- ²¹ 45 A.L.R.3rd 1096 § 2[a] Summary and Comment – Background on Urban Redevelopment (2007), citing Brown, Jr., *Urban Redevelopment*, 20 BOSTON U. L. REV. 318 (1949).
- ²² See *id.*
- ²³ Jonathan M. Purver, 45 A.L.R.3d 1096, § 2[b] Summary and Comment – Statement of the Law (2007).
- ²⁴ See Pritchett, *supra* note 3, at 15-17.
- ²⁵ Walker, *supra* note 6 at 3.
- ²⁶ *Id.* at 17.
- ²⁷ Arthur Hillman & Robert Casey, TOMORROW'S CHICAGO 70 (University of Chicago Press 1950).
- ²⁸ See Edith Elmer Wood, SLUMS AND BLIGHTED AREAS IN THE UNITED STATES 19-21 (Government Printing Office 1935).
- ²⁹ See *id.*
- ³⁰ See Walker, *supra* note 6 at 6-7.
- ³¹ See *id.*
- ³² See 45 A.L.R.3rd 1096 § 2[a] (2007).
- ³³ See Pritchett, *supra* note 3 at 18.
- ³⁴ See *id.*
- ³⁵ Walker, *supra* note 6 at 6-7.
- ³⁶ Mel Scott, METROPOLITAN LOS ANGELES : ONE COMMUNITY 110 (Haynes Foundation 1950).
- ³⁷ Hugh Potter, *The Need for Federal Action in Rebuilding Cities*, in 14 AM. PLANNING & CIVIC ANNUAL 175, 178-79 (Harlean James ed., 1943).
- ³⁸ See *id.*

- ³⁹ See Urban Land Institute, A PROPOSAL FOR REBUILDING BLIGHTED CITY AREAS (1943); Gelfand, *supra* note 17 at 113-15.
- ⁴⁰ See *id.*
- ⁴¹ See *id.*
- ⁴² See Pritchett, *supra* note 3 at 26.
- ⁴³ See *id.*
- ⁴⁴ See Alfred Bettman, *Federal and State Urban Redevelopment Bills*, in 14 AM. PLANNING AND CIVIC ANNUAL 166, 168 (Harlean James ed., 1943).
- ⁴⁵ See *id.*
- ⁴⁶ See *id.*
- ⁴⁷ See Louis Justement, NEW CITIES FOR OLD: CITY BUILDING IN TERMS OF SPACE, TIME AND MONEY 29-30 (1946); 424-25; Scott, *supra* note 10 at 424-25; Bettman, *supra* note 44 at 166; Thomas Desmond, *Blighted Areas Get a New Chance*, 30 NAT'L MUN. REV. 629, 629-32 (1941).
- ⁴⁸ See *id.*
- ⁴⁹ See *id.*
- ⁵⁰ Pritchett, *supra* note 3 at 32.
- ⁵¹ *Id.* at 38-39.
- ⁵² *Id.* at 39-41.
- ⁵³ See *id.*
- ⁵⁴ 348 U.S. 26 (1954).
- ⁵⁵ See *Berman*, 348 U.S. at 33-34.
- ⁵⁶ See *id.*
- ⁵⁷ See *id.* at 33.
- ⁵⁸ See Pritchett *supra* note 3 at 47.
- ⁵⁹ See 545 U.S. 469 (2005).
- ⁶⁰ See *id.*; see also Wendell E. Pritchett, *Beyond Kelo: Thinking About Urban Development in the 21st Century*, 22 GA. ST. U. L. REV. 895, 903 (Summer 2006).
- ⁶¹ See *id.*
- ⁶² See *id.*
- ⁶³ See *id.*
- ⁶⁴ See *id.* citing *Kelo v. City of New London*, 843 A.2d 500 (Conn. 2004).
- ⁶⁵ See *id.* citing *Kelo*, 545 U.S. at 475.
- ⁶⁶ *Kelo*, 545 U.S. at 490.

PART III: SURVEY OF BLIGHT STATUTES IN 2007

This Part is based upon a review of the blight statutes in all fifty states and the District of Columbia. The review sought to identify the various ways in which blight is determined, assessed and, eventually, declared.

Every state in the country has blight statutes, and most have more than one. Some, like Missouri and Illinois, have many. This raises circumstance issues of consistency, as the blight definitions can vary depending on the statute under which the government acts. This analysis does not focus on individual states, but rather on the individual *statutes* under which blight declarations are made.

The analysis identified four distinct areas: (a) the manner in which property is selected for review as blighted property; (b) the conditions which cause blight, (c) the conditions which are the effect of blight, and (d) the numerical criteria to declare an area blighted. Each of these areas is addressed in its own section below.

Each section contains a number of tables identifying the statutes for a particular item. The tables are color coded for identification, as follows:

Property Selection Factors	Cause Factors
Effect Factors	Numerical Thresholds

SECTION 1: PROPERTY SELECTION FACTORS

Most of the statutes permit a “blight finding” for any area of land, so long as the conditions that define blight are present. However, a number of these statutes contain an additional limitation on the land which is eligible to be declared blighted, based on such criteria as the type, size or use of the property or properties. These limitations are viewed as a preliminary threshold which must be present before a property or an area can be analyzed to see if the conditions that define blight are present. In essence, these limitations govern the selection of property or areas for redevelopment. We refer to these limitations as “property selection factors”. This section examines the various property selection factors that were identified among the statutes.

1.01 No Limitation.

Most statutes do not contain any property selection factors, and therefore contain no limitation on the properties that are eligible for blight designation. Minnesota’s *Housing and Redevelopment Authorities* law contains an example of this type of unrestricted language.

“Blighted area” means any area 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.⁶⁷

The following table shows the statutes that contain no limitation on the property that may be designated as blighted.

Table 1.01 Statutes that Contain no Property Selection Factors			
<i>State</i>	Law	<i>State</i>	Law
<i>Alaska</i>	Slum Clearance and Redevelopment Act	<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act
<i>Alaska</i>	Alaska Housing Finance Corporation	<i>Montana</i>	Urban Renewal Law
<i>Colorado</i>	Urban Renewal Law	<i>Nebraska</i>	Community Development Law
<i>Colorado</i>	Downtown Development Authorities	<i>Nevada</i>	Community Redevelopment Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Hampshire</i>	Redevelopment Projects
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>New Jersey</i>	County Improvement Authorities Law
<i>Hawaii</i>	Urban Redevelopment Act	<i>New Mexico</i>	Urban Development Law
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>New Mexico</i>	Community Development Law
<i>Kansas</i>	Urban Renewal Law	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Kentucky</i>	Urban Renewal and Community Development	<i>North Dakota</i>	Urban Renewal Law
<i>Louisiana</i>	Parish Redevelopment Law	<i>Oregon</i>	Urban Renewal
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>South Carolina</i>	Community Development Law
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Louisiana</i>	Housing Cooperation Law	<i>South Dakota</i>	Urban Renewal
<i>Maryland</i>	Redevelopment Bond Act	<i>South Dakota</i>	Tax Incremental Districts
<i>Mississippi</i>	Urban Renewal Law	<i>Texas</i>	Texas Urban Renewal Law
<i>Missouri</i>	Planned Industrial Expansion Law	<i>Vermont</i>	Urban Renewal
<i>Missouri</i>	Enhanced Enterprise Zones	<i>Virginia</i>	Housing Authorities Law
<i>Missouri</i>	Community Improvement District Act	<i>Washington</i>	Community Renewal Law
<i>Missouri</i>	Downtown Revitalization Preservation Program	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Missouri</i>	Land Clearance for Redevelopment Law	<i>Wisconsin</i>	Tax Increment Law
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Wyoming</i>	Wyoming Urban Renewal Code

1.02 Properties Located Within a Bound Area. Some of the statutes require that the properties be located within a specified area, such as within the boundaries of a development or redevelopment project area, or that the properties be located within the jurisdictional boundaries of the governmental authority. South Carolina’s *Tax Increment Financing for Counties* law contains an example of both types of requirements.

“Blighted area” means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of a county where:…⁶⁸

Statutes that require the property be located within a specific area are:

Table 1.02 Statutes that Property be Located within a Bound Area			
<i>State</i>	Law	<i>State</i>	Law
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Iowa</i>	Urban Renewal Law	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Michigan</i>	Blighted Area Rehabilitation	<i>South Carolina</i>	Tax Increment Financing Law
<i>Missouri</i>	Urban Redevelopment Corporations Law	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Nebraska</i>	Industrial Development Bonds	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Nebraska</i>	Nebraska Investment Finance Authority Act	<i>Virginia</i>	Tax Increment Financing
<i>Nebraska</i>	Nebraska Redevelopment Act	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Nevada</i>	Nevada Economic Development Fund	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>New York</i>	Municipal Redevelopment Law	<i>Wyoming</i>	Downtown Development Authority

1.03 Properties or Structures.

Five statutes require that an area eligible for blight designation include structures, buildings or improvements. Louisiana’s *Housing Preservation Act* goes one step further and requires that the buildings must be used for residential purposes. Arkansas’s *Housing Authorities and Urban Renewal Agencies Act* provides an example of this type of requirement.

(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; ... (emphasis added)⁶⁹

Other statutes that require the area eligible for blight designation include structures, buildings or improvements are:

Table 1.03 Statutes that Require the Area Eligible for Blight Designation include Structures, Buildings or Improvements			
State	Law	State	Law
Arizona	Slum Clearance and Redevelopment	Missouri	Housing Authorities Law
Arizona	Public Housing/Municipal Housing	Ohio	Community Redevelopment
Arkansas	Housing Authorities and Urban Renewal Agencies/Redevelopment Generally	Oklahoma	Urban Renewal
Florida	Community Redevelopment Act of 1969	Tennessee	Housing Authorities Law
Louisiana	Louisiana Housing Preservation Act	Utah	Housing Authorities
Maryland	Maryland Constitution	Wisconsin	Blighted Area Law
Minnesota	Housing and Redevelopment Authorities		

(a) Majority of Properties or Structures in a Certain Condition. Four statutes specify that a majority of those structures, buildings or improvements must meet certain criteria before the area may be considered eligible for blight designation. These statutes use general terms such as “predominance,” “substantial number” or “majority” to describe the number of properties or structures in the area that must meet certain criteria. Florida’s *Community Redevelopment Act of 1969* contains an example of this type of property selection factor.

“Blighted area” means an area in which there are a *substantial number of deteriorated, or deteriorating structures*, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present: ...⁷⁰

The following table shows the four statutes that include a limiting term such as a majority or a predominance.

Table 1.03 (a) Statutes that Require that a Majority of the Properties or Structures Be Blighted			
State	Law	State	Law
Arizona	Slum Clearance and Redevelopment	Maryland	Maryland Constitution
District of Columbia	National Capital Revitalization Corporation Act	Ohio	Community Redevelopment
Florida	Community Redevelopment Act of 1969		

(b) Property Must be Used as a Dwelling. Some statutes combine these two approaches and require that the structure, building or improvement be used for a certain purpose and that a majority of these must meet certain criteria. Utah’s *Housing Authorities Law* (?) illustrates the use of this property selection factor.

“Blighted area” means *any area where dwellings predominate* that, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities or any combination of these factors, are detrimental to safety, health, and morals.⁷¹

This property selection factor is particularly relevant to the statutes designed to support housing authorities, as the intention is to replace existing housing stock with new housing stock.

Table 1.03 (b) Statutes that Require that the Properties be Used for a Dwelling			
<i>State</i>	Law	<i>State</i>	Law
<i>Arizona</i>	Public Housing/Municipal Housing	<i>Oklahoma</i>	Urban Renewal
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/Redevelopment Generally	<i>Tennessee</i>	Housing Authorities Law
<i>Louisiana</i>	Louisiana Housing Preservation Act	<i>Utah</i>	Housing Authorities
<i>Minnesota</i>	Housing and Redevelopment Authorities	<i>Wisconsin</i>	Blighted Area Law
<i>Missouri</i>	Housing Authorities Law		

1.04 Single Property Eligible for Designation.

Some statutes permit a single property or parcel of land to be considered blighted. However, it is important to note that this factor only appears in definitions for the term “blighted property” and not for the term “blighted area.” West Virginia’s *Urban Renewal Authority Law* illustrates the use of this type of property selection factor.

“Blighted property” means *a tract or parcel of land* that, by reason of abandonment, dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, deterioration of site /or other improvements, or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is detrimental to the public health, safety or welfare.⁷²

The following table shows the statutes that allow a single property to be declared blighted.

Table 1.04 Statutes that Allow a Single Property to be Eligible:			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Pennsylvania</i>	Urban Redevelopment Law
<i>Louisiana</i>	Expropriation of Abandoned or Blighted Property by a Declaration of a Taking by the City of New Orleans and the City of Grambling	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Washington</i>	Condemnation of Blighted Property
<i>Louisiana</i>	Donation of Abandoned or Blighted Housing Property	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Michigan</i>	Land Reclamation and Improvement Authority Act	<i>Wisconsin</i>	General Eminent Domain
<i>Michigan</i>	Brownfield Redevelopment Financing Act	<i>Wisconsin</i>	Emergency Condemnation
<i>Michigan</i>	Blighting Property		

1.05 Unique Factors.

The blight statutes of a few states incorporate unique or uncommon property factors. In particular: (a) areas that must meet certain federal statutory requirements, (b) areas that must be predominately open, and (c) areas that must be a specified size.

(a) Federal Statutory Requirements.

Three statutes in Texas require that the area eligible for a blight designation be classified in a certain way by the federal government. Texas' *Department of Housing and Community Affairs* law requires that the area be classified as an "area of chronic economic distress" or designated as a "reinvestment zone".⁷³

(3) "Economically depressed or blighted area" means:

(A) an area determined by the issuer to be a qualified census tract or an area of chronic economic distress under Section 143, Internal Revenue Code of 1986 (26 U.S.C.A. Section 143);

(B) an area established within a municipality that has a substantial number of substandard, slum, deteriorated, or deteriorating structures, that suffers from a high relative rate of unemployment; or

(C) an area designed and included in a tax increment district created under Chapter 695, Acts of the 66th Legislature, Regular Session, 1979 (Article 1066d, Vernon's Texas Civil Statutes).⁷⁴

The following table shows the statutes that include a unique selection factor.

Table 1.05 (a) Statutes that use a Federal Statutory Factor			
State	Law	State	Law
Texas	Texas Department of Housing and Community Affairs	Texas	Purchasing Preferences
Texas	Texas Housing Finance Corporations Act		

(b) Land Must Be Predominately Open.

Statutes in Massachusetts and South Dakota require that the property be "predominately open" before it may be eligible for designation as blighted. South Dakota's *Tax Increment Districts law* illustrates the use of this property selection factor.

Any area 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 a municipality, is a blighted area.⁷⁵

The following table shows the statutes that require that the land be predominantly open.

Table 1.05 (b) Statutes that Require that the Land be Predominantly Open			
State	Law	State	Law
Massachusetts	Housing and Urban Renewal, General Provisions	South Dakota	Tax Incremental Districts
Massachusetts	Urban Redevelopment Corporations		

(c) Specific Size of Area.

The statutes in Illinois are unique in that they require that the area eligible for designation as blighted be a certain size. The Illinois *Housing Authorities Act* definition of “blighted” and “slum areas” illustrates this type of unique size requirement.

A “blighted or slum area” means any area of not less, in the aggregate, than one acre, excepting that in any municipality having a population in excess of 500,000, as determined by the last preceding Federal census, a “blighted or slum area” means any area of not less in the aggregate of 2 acres which area, in either case, has been designated by municipal ordinance or by the Authority as an integrated project for rehabilitation, development or redevelopment, ...⁷⁶

The following table indicates the statutes that include a specific size limitation on the property to be declared blighted.

Table 1.06 (c) Statutes that Require that Contain a Minimum Size of an Area			
State	Law	State	Law
Illinois	Tax Increment Financing for Counties	Illinois	Housing Authorities Act
Illinois	Urban Renewal Consolidation Act of 1961	Illinois	Blighted Areas Redevelopment Act of 1947
Illinois	Commercial Renewal and Redevelopment Areas	Illinois	Blighted Vacant Areas Development Act of 1949

1.06 Combination of Factors.

Several states use a combination of the property factors discussed above to limit the areas that are eligible for blight designation. For example, Illinois *Urban Renewal Consolidation Act* combines the specific area factor, the boundaries factor, and the structures, buildings, and improvements property factor.

(i) “Slum and Blighted Area” means any area of not less in the aggregate than two (2) acres located within the territorial limits of a municipality where buildings or improvements, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or layout or any combination of these factors, are detrimental to the public safety, health, morals or welfare.

Similarly North Carolina’s *Urban Redevelopment Law* takes a combined approach and incorporates the single parcel factor, the majority of structures, buildings, or improvements factor and the requirement that the structures are used for residential purposes.

(2a) “Blighted parcel” shall mean a parcel on which there is a predominance of buildings or improvements (or which is predominantly residential in character), ...

The following table indicates the statutes that utilize a combination of the foregoing property selection factors.

Table 1.07 Statutes that Use a Combination of Factors			
State	Law	State	Law
Alabama	Tax Increment Districts	Maine	Urban Renewal
Arkansas	Arkansas Community Redevelopment Financing Act	North Carolina	Urban Renewal Law
Delaware	Slum Clearance and Redevelopment Authority Law	Rhode Island	Redevelopment Act of 1956

Table 1.07 Statutes that Use a Combination of Factors			
<i>Georgia</i>	Housing Authorities Law	<i>Tennessee</i>	Slum Clearance and Redevelopment
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies
<i>Maine</i>	Community Development		

SECTION 2: FACTORS THAT CAUSE BLIGHT

The workhorse of most of the statutes can be found in the specific statutory sections that enumerate the factors which should be considered when determining whether a particular parcel of land is blighted. It is in the application of these factors that a particular parcel of land can be subjected to the governmental power of eminent domain as a result of the declaration that the property.

These factors range from specific conditions that are universally representative of properties that should be razed, to conditions that provide a governmental authority with flexibility to carry out a massive redevelopment project to aid economic development. As such, these factors must be closely analyzed.

The blight factors can be divided into two categories: (1) those factors that are indicative of a blighted area, or can be seen as the “cause” of blight, and (2) those factors that describe the effects that stem from the conditions of blight. This section examines the former category, referred to in this analysis as the “cause factors”.

Our review of the various statutes identified fifteen (15) cause factors that were the most prevalent in a number of states. In addition to this, a number of the statutes utilize unique cause factors not found in the other states. This section will focus primarily on the fifteen common cause factors, combined with the additional factors that are utilized.

2.01 Cause Factors Relating to the Public Health, Safety and Welfare

(a) Health Hazards. This cause factor refers to properties whose buildings present hazards to human health, such as that they are not current with modern building standards and codes, contain hazardous materials such as asbestos or lead paint, or exhibit the presence of insect infestation, rodents or disease. These factors include: ill health and increased infant mortality; unsanitary or unsafe conditions, including the presence of rats and other infestations; hazardous waste sites and exposure to industrial pollutants; accumulations of trash or debris, and the presence of attractive nuisance.

A recent, unreported case provides an extreme example of ill health factors leading to a finding of blight. In a recent Kentucky case, the court upheld a finding of blight because

[T]here was testimony that sewer lines were broken, causing sewage to flow into a creek in the area and leading to the presence of e. coli bacteria in the water. Moreover, the evidence submitted to the City Council documented 154 calls to police within the past eighteen months. Appellants attempt to convince us that, since there was no study showing an increase in the crime rate in the Cote Brilliante neighborhood, the City Council could not make a finding under KRS 99 .370(6)(a)(4). The language in subsection (4) requires a finding that the blighted area

“[causes] or [contributes] to an increase in and spread of disease and crime and constitute a menace to the public health, safety, and welfare[.]” Clearly, a neighborhood where sewage runs into a creek and the police receive numerous complaints does contribute to the spread of disease and increased crime within the City of Newport.”⁷⁷

Another health hazard that is often mentioned in this line of cases is infestation by vermin. One court cited evidence from a government survey which stated that the building in question was “infested with rats, the presence of which ... has caused abutting owners the additional burden of having to expend funds for the implementation of rat-proofing measures in order to protect their own property.”⁷⁸

Another court cited incompatible land uses which affect the health of residents as one of the factors contributing to a finding of blight. As the court stated, “residential and factory structures rub elbows with one another to the disadvantage of those who live in the area. The latter is bounded on three sides by property which is devoted to factory and industrial purposes. The heavy traffic, both steam and motor, which passes through the area, and which subjects the latter’s children on their way to and from school to hazards, indicates that the section is ill suited as a place for residence”⁷⁹

That same court cited the existence of hazards from industrial pollution in close proximity to a residential neighborhood as supporting a finding of blight.⁸⁰ “The industrial plants located in and adjacent to the area which includes steel foundries, paint manufacturing establishments and trucking terminal yards, subject the area to an unusual amount of noise, fumes, smoke and vibration”⁸¹

The following table shows the statutes that utilize this cause factor.

Table 2.01 (a) Statutes that Allow a Blight Finding Based on Health Hazards			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Montana</i>	Urban Renewal Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Nebraska</i>	Community Development Law
<i>Arizona</i>	Public Housing/Municipal Housing	<i>Nevada</i>	Nevada Economic Development Fund
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nevada</i>	Community Redevelopment Law
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/ Redevelopment Generally	<i>New Hampshire</i>	Redevelopment Projects
<i>Colorado</i>	Urban Renewal Law	<i>New Jersey</i>	County Improvement Authorities Law
<i>Colorado</i>	Downtown Development Authorities	<i>New Mexico</i>	Urban Development Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Mexico</i>	Community Development Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>North Carolina</i>	Urban Renewal Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>North Dakota</i>	Urban Renewal Law
<i>Florida</i>	Community Redevelopment Act of 1969	<i>Ohio</i>	Community Redevelopment
<i>Georgia</i>	Housing Authorities Law	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Hawaii</i>	Urban Redevelopment Act	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>Oklahoma</i>	Urban Renewal
<i>Illinois</i>	Urban Community Conservation Act	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	<i>Oregon</i>	Urban Renewal
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Illinois</i>	Housing Authorities Act	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	<i>South Carolina</i>	Community Development Law
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>Nebraska</i>	Industrial Development Bonds
<i>Iowa</i>	Urban Renewal Law	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>Iowa</i>	Eminent Domain Law	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Kansas</i>	Urban Renewal Law	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Kansas</i>	Development and Redevelopment of Areas in and Around	<i>South Carolina</i>	Tax Increment Financing Law

Table 2.01 (a) Statutes that Allow a Blight Finding Based on Health Hazards

	Cities		
<i>Kentucky</i>	Urban Renewal and Community Development	<i>South Dakota</i>	Tax Incremental Districts
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Louisiana</i>	Expropriation of Abandoned or Blighted Property by a Declaration of a Taking by the City of New Orleans and the City of Grambling	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	Parish Redevelopment Law	<i>Tennessee</i>	Housing Authorities Law
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Tennessee</i>	Slum Clearance and Redevelopment
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Texas</i>	Texas Urban Renewal Law
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Utah</i>	Housing Authorities
<i>Louisiana</i>	Housing Cooperation Law	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Louisiana</i>	Louisiana Housing Preservation Act	<i>Vermont</i>	Urban Renewal
<i>Maine</i>	Urban Renewal	<i>Virginia</i>	Housing Authorities Law
<i>Maine</i>	Community Development	<i>Virginia</i>	Tax Increment Financing
<i>Michigan</i>	Blighting Property	<i>Washington</i>	Condemnation of Blighted Property
<i>Minnesota</i>	Housing and Redevelopment Authorities	<i>Washington</i>	Community Renewal Law
<i>Mississippi</i>	Urban Renewal Law	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Missouri</i>	Community Improvement District Act	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Missouri</i>	Housing Authorities Law	<i>Wisconsin</i>	Emergency Condemnation
<i>Missouri</i>	Land Clearance for Redevelopment Law	<i>Wisconsin</i>	Blighted Area Law
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Wisconsin</i>	Tax Increment Law
<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Downtown Revitalization Preservation Program	<i>Wisconsin</i>	General Eminent Domain
<i>Missouri</i>	Planned Industrial Expansion Law	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Missouri</i>	Enhanced Enterprise Zones	<i>Wyoming</i>	Downtown Development Authority

(b) Fire Hazard. This cause factor refers to properties whose buildings are particularly subject to fire hazard, such as due to the condition of the buildings, the density of the structures, and the materials from which the buildings were constructed.

The case law indicates that the presence of fire hazards will contribute to a finding of blight; however, this factor is typically accompanied by other factors such as structural deficiencies and other factors.

For example, one court found blight due to the fact “that of the 125 dwelling units, ... 110 have been surveyed; that 84 percent of these were built before 1900; ... that 85 percent have serious deterioration; and that all dwellings are predominantly of wood construction, built close together and constitute fire hazards.”⁸²

Additionally, violations of the fire code may constitute fire hazards so long as the violations are not considered easily repairable or minor. For example, one court found that data supported finding the area blighted because “[O]f the structures in the area 97 per cent showed dilapidation or deterioration; 55 per cent have sub-standard alterations; 99 per cent have inadequate original construction; 97 per cent are improperly maintained; and 77.3 per cent have violations of the Fire Code.”⁸³

In contrast, a court in Alabama found that an area was not blighted because “[m]ost of the buildings had multiple violations of various building, plumbing and fire codes. The violations were, for the most part, however, minor problems which could be corrected by regular maintenance and which posed no significant fire or health hazards. In short ... [the buildings were] typical of much of downtown Birmingham.”⁸⁴

The following table shows the statutes that utilize this cause factor.

Table 2.01 (b) Statutes that Allow a Blight Finding Based on a Fire Hazard:

<i>State</i>	<i>Law</i>	<i>State</i>	<i>Law</i>
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Missouri</i>	Downtown Revitalization Preservation Program
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Missouri</i>	Planned Industrial Expansion Law
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Missouri</i>	Enhanced Enterprise Zones
<i>Colorado</i>	Urban Renewal Law	<i>Montana</i>	Urban Renewal Law
<i>Colorado</i>	Downtown Development Authorities	<i>North Carolina</i>	Urban Renewal Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>North Dakota</i>	Urban Renewal Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>Nebraska</i>	Industrial Development Bonds
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Nebraska</i>	Community Development Law
<i>Florida</i>	Community Redevelopment Act of 1969	<i>New Mexico</i>	Urban Development Law
<i>Georgia</i>	Housing Authorities Law	<i>New Mexico</i>	Community Development Law
<i>Hawaii</i>	Urban Redevelopment Act	<i>Ohio</i>	Community Redevelopment
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Iowa</i>	Urban Renewal Law	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Iowa</i>	Eminent Domain Law	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Kansas</i>	Urban Renewal Law	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>South Dakota</i>	Tax Incremental Districts
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	Parish Redevelopment Law	<i>Tennessee</i>	Slum Clearance and Redevelopment
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Vermont</i>	Urban Renewal
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Wisconsin</i>	Emergency Condemnation
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Wisconsin</i>	Blighted Area Law
<i>Maine</i>	Urban Renewal	<i>Wisconsin</i>	Tax Increment Law
<i>Maine</i>	Community Development	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Michigan</i>	Blighted Area Rehabilitation	<i>Wisconsin</i>	General Eminent Domain
<i>Michigan</i>	Blighting Property	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Mississippi</i>	Urban Renewal Law	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Missouri</i>	Community Improvement District Act	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Wyoming</i>	Downtown Development Authority

(c) **Structural Defects.** This cause factor refers to properties whose buildings exhibit structural defects, such as dilapidation, general deterioration, age, obsolescence, and substandard structures. Additional factors in this category include deteriorating site or improvements, substandard structures, serious building code violations, and inadequate structure size under present standards.⁸⁵

The case law reveals that structural defects provide one of the primary mechanisms by which properties are declared blighted. It is very common for a governmental authority to justify a blight declaration based upon a property condition survey prepared by a consultant to the authority, which reviews the properties and describes their conditions. California, in particular, has been active in reviewing these declarations. In one case, “36 percent of the single family residences show deferred maintenance, an additional 27 percent require moderate to heavy rehabilitation”, which was sufficient to sustain a declaration of blight.⁸⁶

Notably, one court criticized this type of report, for its paucity of support. The court specifically identified the lack of a clear line between “major” repairs and “minor” repairs, where the report defined major repairs as those more than \$5,000 to achieve code compliance for residential buildings, and more than \$10,000 for commercial buildings. Using this sort of economic measuring stick left the court unable to determine whether the property was “conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime”, as set forth in the statute.⁸⁷

It is not always required that the structural defects relate entirely to buildings; other improvements, such as roads and infrastructure, including power, water, sewer and telecommunications can also suffer from structural defects.⁸⁸ Further, it is not always required that the buildings themselves be structurally defective; it may be sufficient for the buildings to be economically and functionally obsolete.⁸⁹

A 2000 California case presents an interesting example involving structural defects.⁹⁰ The municipality had determined that the project area had “Aging and deteriorating buildings requiring substantial rehabilitation or extensive reconstruction to correct serious building code violations; ... Aging and deteriorating buildings of defective or substandard design or construction; ... and Buildings which are in need of seismic upgrading to meet current seismic building code standards”⁹¹ The municipality relied on a building condition survey, building department records and a 1992 housing condition survey. The surveys determined whether the properties met these criteria, but did not determine whether they were “unsafe or unhealthy for human occupancy.”⁹² In particular, the court noted that “[t]heoretically, all building codes are designed for the health and safety of a structure’s occupants.”⁹³ As such, simply noting a code violation was insufficient. Further, the court noted that while deterioration may be sufficient, “[p]eeeling paint, dry rot, and lack of maintenance need not by themselves result in an unsafe or unhealthy building.”⁹⁴

In contrast to *Dilley*, the *Mammoth* court noted that “[w]hether a building has become nonfunctional or obsolete for its use under current market conditions does not indicate whether the building is unsafe or unhealthy for human purposes.”⁹⁵ Finally, the Court found that violation of a current seismic safety regulation did not per se result in a building unsafe or unhealthy for human occupancy.⁹⁶

As a result, the *Mammoth* court concluded that the studies were insufficient to support a finding of blight. On the other side of this, another court reviewed a survey report of 12 buildings, which “exhaustively [documented] its particular physical and structural deficiencies and specific adverse conditions.”⁹⁷ The adverse physical conditions considered “major” included “general dilapidation or very serious deterioration of major parts of the structure; abandonment and vandalism; structural failure such as cracked or subsided foundations and sagging walls or roofs; and structural weakness, such as inadequate foundations, substandard construction, or unreinforced masonry walls.”⁹⁸ Based on this report, the governmental authority found that nine of the twelve buildings were extensively defective, and the court upheld this finding.

The following table shows the statutes that utilize this cause factor.

Table 2.01 (c) Statutes that Allow a Blight Finding Based on Structural Defects

<i>State</i>	<i>Law</i>	<i>State</i>	<i>Law</i>
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Urban Redevelopment Corporations Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Montana</i>	Urban Renewal Law
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Nebraska</i>	Industrial Development Bonds
<i>Arizona</i>	Public Housing/Municipal Housing	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/ Redevelopment Generally	<i>Nebraska</i>	Community Development Law
<i>California</i>	Community Redevelopment Law	<i>Nevada</i>	Nevada Economic Development Fund
<i>Colorado</i>	Urban Renewal Law	<i>Nevada</i>	Community Redevelopment Law
<i>Colorado</i>	Downtown Development Authorities	<i>New Hampshire</i>	Redevelopment Projects
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Jersey</i>	County Improvement Authorities Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>New Mexico</i>	Urban Development Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>New Mexico</i>	Community Development Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Florida</i>	Community Redevelopment Act of 1969	<i>New York</i>	Municipal Redevelopment Law
<i>Georgia</i>	Housing Authorities Law	<i>North Carolina</i>	Urban Renewal Law
<i>Hawaii</i>	Urban Redevelopment Act	<i>North Dakota</i>	Urban Renewal Law
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>Ohio</i>	Community Redevelopment
<i>Illinois</i>	Urban Community Conservation Act	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Oklahoma</i>	Urban Renewal
<i>Illinois</i>	Housing Authorities Act	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	<i>Oregon</i>	Urban Renewal
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Iowa</i>	Urban Renewal Law	<i>Pennsylvania</i>	Urban Redevelopment Law
<i>Iowa</i>	Eminent Domain Law	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Kansas</i>	Urban Renewal Law	<i>South Carolina</i>	Community Development Law
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Kentucky</i>	Urban Renewal and Community Development	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>South Carolina</i>	Tax Increment Financing Law
<i>Louisiana</i>	Parish Redevelopment Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Tennessee</i>	Housing Authorities Law
<i>Louisiana</i>	Housing Cooperation Law	<i>Tennessee</i>	Slum Clearance and Redevelopment
<i>Louisiana</i>	Louisiana Housing Preservation Act	<i>Texas</i>	Texas Department of Housing and Community Affairs
<i>Maine</i>	Urban Renewal	<i>Texas</i>	Texas Urban Renewal Law
<i>Maine</i>	Community Development	<i>Texas</i>	Texas Housing Finance Corporations Act
<i>Maryland</i>	Maryland Constitution	<i>Utah</i>	Housing Authorities
<i>Maryland</i>	Redevelopment Bond Act	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Vermont</i>	Urban Renewal
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>Virginia</i>	Housing Authorities Law
<i>Michigan</i>	Blighted Area Rehabilitation	<i>Virginia</i>	Tax Increment Financing
<i>Michigan</i>	Blighting Property	<i>Washington</i>	Condemnation of Blighted Property
<i>Minnesota</i>	Housing and Redevelopment Authorities	<i>Washington</i>	Community Renewal Law
<i>Mississippi</i>	Urban Renewal Law	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Missouri</i>	Community Improvement District Ac	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Missouri</i>	Housing Authorities Law	<i>Wisconsin</i>	Emergency Condemnation
<i>Missouri</i>	Land Clearance for Redevelopment Law	<i>Wisconsin</i>	Blighted Area Law
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Wisconsin</i>	Tax Increment Law
<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Downtown Revitalization Preservation Program	<i>Wisconsin</i>	General Eminent Domain
<i>Missouri</i>	Planned Industrial Expansion Law	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Missouri</i>	Enhanced Enterprise Zones	<i>Wyoming</i>	Downtown Development Authority

(d) Declared Disaster Area. This cause factor refers to properties that are part of a disaster area as declared by a state government or the federal government. We did not locate any cases concerning this blight factor.

The following table shows the statutes that utilize this cause factor.

Table 2.01 (d) Statutes that Allow a Blight Finding Based on a Declared Disaster Area

<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Maine</i>	Urban Renewal
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/Urban Renewal Generally	<i>Mississippi</i>	Urban Renewal Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Missouri</i>	Community Improvement District Act
<i>Iowa</i>	Urban Renewal Law	<i>Ohio</i>	Community Redevelopment
<i>Louisiana</i>	Parish Redevelopment Law	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Texas</i>	Texas Urban Renewal Law
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Vermont</i>	Urban Renewal
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Wyoming</i>	Wyoming Urban Renewal Code

(e) Physical and Geological Defects. This cause factor refers to properties that present naturally occurring defects, such as wetlands or steep topography, or that they are built on fault lines or area subject to intense erosion. Luce notes the connection between this cause factor and “faulty planning” as discussed below. There is also a close connection between this factor and the “open area” factor discussed below. We have included it in this section since these factors can also have a significant effect on health and safety.

The cases have identified a number of physical and geological defects which can support a declaration of blight, such as the following:

- Lots laid out in disregard of the contours and other physical characteristics of the ground such as cliffs, outcroppings of rock, and steep grades;⁹⁹
- Mapped streets of usable grade are connected with mapped streets of unusable grade, so steep as to render impossible the construction of usable streets; and one third of said streets are too steep to be usable;¹⁰⁰
- Vulnerability to flooding;¹⁰¹
- Unsuitable subsoil conditions;¹⁰²

The following table shows the statutes that utilize this cause factor.

Table 2.01 (e) Statutes that Allow a Blight Finding Based on Physical and Geological Defects

<i>State</i>	Law	<i>State</i>	Law
<i>Alaska</i>	Alaska Housing Finance Corporation	<i>Michigan</i>	Land Reclamation and Improvement Authority Act
<i>Colorado</i>	Urban Renewal Law	<i>Michigan</i>	Brownfield Redevelopment Financing Act
<i>Colorado</i>	Downtown Development Authorities	<i>Nevada</i>	Community Redevelopment Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>Oregon</i>	Urban Renewal
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Wyoming</i>	Downtown Development Authority
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions		

(f) Average Age of Structures. This cause factor refers to properties whose buildings are predominantly older and more likely to not be current with modern building standards and codes. In general, this cause factor is closely related to the “structural defects” cause factor, as it is most likely that the age of the structures is causing the defects. Indeed, only Nebraska specifically calls out this factor as a separate cause factor.

As a result, there are no cases that address this specific cause factor, although there are references to it in the cases concerning structural defects, which are analyzed above.

The following table shows the statutes that utilize this cause factor.

Table 2.01 (f) Statutes that Allow a Blight Finding Based on the Average Age of Structures			
<i>State</i>	Law	<i>State</i>	Law
<i>Nebraska</i>	Industrial Development Bonds	<i>Nebraska</i>	Community Development Law
<i>Nebraska</i>	Nebraska Investment Finance Authority Act		

2.02 Use of Land

A number of the cause factors relate to concerns about overcrowding and density, and their converse, the preservation of open areas. These cause factors identify this type of dense development as facilitating blighted conditions.

(a) Overcrowding and Excessive Land Coverage. A property with “Excessive Land Coverage” is commonly characterized by overcrowding of buildings and other impervious surfaces. It also generally lacks an appropriate amount of open space when compared to surrounding areas’ character. Different factors that are often used synonymously with overcrowding are “residential overcrowding” and “Over-use of Housing and Other Facilities.”

This cause factor also has substantial overlap with two different cause factors: “health hazards” and “faulty or obsolete planning”. Overcrowding can cause health problems, and it can be caused by planning that permits buildings to, for example, be built to the edge of lots. As such, there are not many cases on this cause factor, and reference should be had to those other cause factors.

One case that does address the issue reviewed the agency’s report, which commented that “[t]he population of the project area increased 25 percent from 1970 to 1980, however, during the same period available housing only increased by 2 percent. ... Areas originally designed and built as low-density residential [housing] have been transformed into high-density multifamily dwellings.”

Another case noted that “more than 40 percent [of the buildings] have more than twice as many families than originally planned for ... [and] extreme overcrowding is three and one-half times more prevalent in the area than in the city as a whole.”

Another court referred to a finding which noted that “14 percent of the project area units overcrowded, and 17 percent severely overcrowded.”¹⁰³

The following table shows the statutes that utilize this cause factor.

Table 2.02 (a) Statutes that Allow a Blight Finding Based on Overcrowding and Excessive Land Coverage			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Montana</i>	Urban Renewal Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Nevada</i>	Nevada Economic Development Fund
<i>Arizona</i>	Public Housing/ Municipal Housing	<i>New Hampshire</i>	Redevelopment Projects
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>North Carolina</i>	Urban Renewal Law
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/Redevelopment Generally (601)	<i>Ohio</i>	Community Redevelopment
<i>California</i>	Community Redevelopment Law	<i>Oregon</i>	Urban Renewal
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>South Carolina</i>	Community Development Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>South Carolina</i>	Tax Increment Financing Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>South Carolina</i>	Tax Increment Financing for Counties

Table 2.02 (a) Statutes that Allow a Blight Finding Based on Overcrowding and Excessive Land Coverage			
<i>Georgia</i>	Housing Authorities Law	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Hawaii</i>	Urban Redevelopment Act	<i>South Dakota</i>	Tax Incremental Districts
<i>Illinois</i>	Housing Authorities Act	<i>Tennessee</i>	Housing Authorities Law
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	<i>Utah</i>	Housing Authorities
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>Washington</i>	Community Renewal Law
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Wisconsin</i>	General Eminent Domain
<i>Maine</i>	Urban Renewal	<i>Wisconsin</i>	Emergency Condemnation
<i>Maine</i>	Community Development	<i>Wisconsin</i>	Tax Increment Law
<i>Minnesota</i>	Housing and Redevelopment Authorities	<i>Wisconsin</i>	Blighted Area Law
<i>Missouri</i>	Housing Authorities Law	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Land Clearance for Redevelopment	<i>Wisconsin</i>	Urban Renewal Law

(b) Faulty or Obsolete Planning. “Faulty or obsolete planning” relates to properties that do not conform to the present, accepted level of density that allows for the adequate provision of open space, light, air, and public infrastructure.

Luce states that this general factor include several other subfactors such as: defective or inadequate street layout and roadways incapable of handling traffic flow; faulty lot layout with respect to size, adequacy, access, accessibility, or usefulness; irregular form or shape of lot; improper plot in subdivision layout; excessive land coverage (i.e., buildings built to edge of lot); and adjacent incompatible uses, such as industrial plants in or near a residential neighborhood. These factors are not solely determinative of blight; instead, they are used in combination with other factors to arrive at a finding of blight.¹⁰⁴ There are many cases that rely on the presence of faulty or obsolete planning to support a blight declaration.

One court held that the small size of the parcels which made development difficult supported a blight declaration. “The project area is poorly subdivided making proper development difficult because of land ownership patterns 86 percent of the residential parcels are below the threshold size for development. Over 20 percent of the land parcels fail to meet minimum zoning standards.”¹⁰⁵

Another court held that the area was blighted requiring redevelopment because “many of the basic root problems remain, including unproductive and inaccessible rear areas of commercial properties fronting on the main streets, functionally obsolescent structures, ... and the nonconforming residential uses scattered throughout the area.”¹⁰⁶

In one case, the court upheld a blight declaration because the area in question was an illegal subdivision lacking in planning which resulted in third-world type conditions.¹⁰⁷ The court stated that “[u]nder the Act, those who subdivide the land are required to provide, and pay for, the platting and basic infrastructure needed for a community to survive. Without such amenities, communities can become health hazards and a burden on taxpayers.”¹⁰⁸

The planning and building of one residential area without reference to any zoning standards lead one court to uphold a finding of blight.¹⁰⁹ In support of its holding, the court cited a resolution of the local housing authority which stated: “The Vaughn Street Area was developed as a residential district more than fifty years ago. It was platted with ... lots varying in width from 20 feet to 50 feet, and substantial portions of the area were built up without reference to any requirements or standards relating to main access to structures; front, rear or side yards; minimum lot areas or maximum building coverage.”¹¹⁰

For example, in upholding a finding of blight, one court stated that “[m]uch of the area was subdivided in 1863 and 1864,”¹¹¹ long before the enactment of modern zoning ordinances. Additionally, the court noted that “[a]s a result of said faulty planning there is ... a subdivision of lots into irregular form and shape and inadequate size for proper use and development; a layout of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions; [and] non-existence of adequate streets and utilities in the area.”¹¹²

Similarly, a Massachusetts court cited a report produced by the Boston Redevelopment Authority that declared the area to be blighted based on “the obsolete and inappropriate platting of the area as is evidenced by the irregular shape of the Project site.”¹¹³

The following table shows the statutes that utilize this cause factor.

Table 2.02 (b) Statutes that Allow a Blight Finding Based on Faulty or Obsolete Planning			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Urban Redevelopment Corporations Law
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Montana</i>	Urban Renewal Law
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/ Redevelopment Generally	<i>Nebraska</i>	Industrial Development Bonds
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>California</i>	Community Redevelopment Law	<i>Nebraska</i>	Community Development Law
<i>Colorado</i>	Urban Renewal Law	<i>Nevada</i>	Nevada Economic Development Fund
<i>Colorado</i>	Downtown Development Authorities	<i>Nevada</i>	Community Redevelopment Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Hampshire</i>	Redevelopment Projects
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>New Jersey</i>	County Improvement Authorities Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>New Mexico</i>	Urban Development Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>New Mexico</i>	Community Development Law
<i>Florida</i>	Community Redevelopment Act of 1969	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Georgia</i>	Housing Authorities Law	<i>North Carolina</i>	Urban Renewal Law
<i>Hawaii</i>	Urban Redevelopment Act	<i>North Carolina</i>	Urban Renewal Law
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>North Dakota</i>	Urban Renewal Law
<i>Illinois</i>	Urban Community Conservation Act	<i>Ohio</i>	Community Redevelopment
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Illinois</i>	Housing Authorities Act	<i>Oklahoma</i>	Urban Renewal
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>Oregon</i>	Urban Renewal
<i>Iowa</i>	Urban Renewal Law	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Kansas</i>	Urban Renewal Law	<i>South Carolina</i>	Community Development Law
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Kentucky</i>	Urban Renewal and Community Development	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Louisiana</i>	Parish Redevelopment Law	<i>South Carolina</i>	Tax Increment Financing Law
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Louisiana</i>	Housing Cooperation Law	<i>Tennessee</i>	Housing Authorities Law
<i>Maine</i>	Urban Renewal	<i>Texas</i>	Texas Urban Renewal Law
<i>Maine</i>	Community Development	<i>Utah</i>	Housing Authorities
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Vermont</i>	Urban Renewal
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>Washington</i>	Community Renewal Law
<i>Michigan</i>	Blighted Area Rehabilitation	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Minnesota</i>	Housing and Redevelopment Authorities	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Mississippi</i>	Urban Renewal Law	<i>Wisconsin</i>	Emergency Condemnation
<i>Missouri</i>	Community Improvement District Act	<i>Wisconsin</i>	Tax Increment Law
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act	<i>Wisconsin</i>	General Eminent Domain
<i>Missouri</i>	Downtown Revitalization Preservation Program	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Planned Industrial Expansion Law	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Missouri</i>	Enhanced Enterprise Zones	<i>Wyoming</i>	Downtown Development Authority

(c) Character of the Neighborhood. “Character of the Neighborhood” relates to properties that do not conform to the present, accepted level of density that allows for the adequate provision of open space, light, air, and public infrastructure. Luce notes a number of factors that affect the character of the neighborhood, including “a high crime rate, with a correspondingly disproportionate expenditure of funds to fight crime, enforce laws, jail prisoners, and maintain emergency ambulance, medical, and fire services; juvenile delinquency and the presence of street gangs; an excess of bars, liquor stores, and other businesses which cater to adults, either legally or illegally; a lack of necessary stores such as groceries, banks, and drug-stores; and high turnover rates of both commercial and residential tenants with correspondingly low rental rates.” Nevertheless, each of these factors are called out as a separate cause factor in this report: crime, inappropriate uses, lack of necessary amenities, high vacancy rates or fire hazard.

Thus, for example, in Redevelopment Plan for Bunker Hill,¹¹⁴ the court noted that the crime rate was twice the average for the city, and the arrest rate was eight times the average for the city, and that the fire rate per acre was nine times the average for the city.¹¹⁵

As a result, this cause factor may not really have an independent justification.

The following table shows the statutes that utilize this cause factor.

Table 2.02 (c) Statutes that Allow a Blight Finding Based on the Character of the Neighborhood			
<i>State</i>	Law	<i>State</i>	Law
<i>Alaska</i>	Alaska Housing Finance Corporation	<i>Montana</i>	Urban Renewal Law
<i>California</i>	Community Redevelopment Law	<i>Nevada</i>	Nevada Economic Development Fund
<i>Colorado</i>	Urban Renewal Law	<i>Nevada</i>	Community Redevelopment Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Ohio</i>	Community Redevelopment
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>Oregon</i>	Urban Renewal
<i>Michigan</i>	Blighted Area Rehabilitation	<i>Rhode Island</i>	Redevelopment Act of 1956

(d) Blighted Open Areas. “Blighted open areas” is the converse of the density factors, and primarily addresses vacant lots that are in poor condition, such as because they have become repositories for trash or crime. These areas may also be subject to severe natural conditions that development is too expensive under ordinary scenarios.

Thus, one court noted that “soil, subsoil, surface water, and water table conditions necessitate site development costs. Wetlands comprise twenty per cent of the proposed campus site, and fifty-four per cent of that site lies within the 100-year flood plain. Fifteen per cent of the site contains either bedrock which may require blasting, refuse fill which requires disposal, unstable soils which require either pile foundations or soil improvement, or underground fuel storage tanks which require removal.”¹¹⁶

Still another court upheld a declaration of blight where finding stated that the property was a predominantly open area “which is detrimental to the ... sound growth of the community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise” and that it suffered from difficult site conditions, such as “(1) the existence of ... unsuitable soil ... conditions... including that the existing fill material would not support a building and would have to be removed in its entirety; and (2) the need for unduly expensive foundations, retaining walls or unduly expensive measures for waterproofing structures or for

draining the area, because groundwater levels (eleven to fifteen feet below the surface) would require any building excavation to create a groundwater cut-off using expensive slurry walls.”¹¹⁷

However, New Hampshire has directly repudiated the taking of open land as blighted. The Court stated “such land, as long as it poses no threat of actual harm to the community, may be condemned for redevelopment purposes only if it is to be put to a use which directly benefits the public, such as for a school, a playground, or a utility line, and not to a use which has only an incidental public benefit, such as for the private industrial park contemplated in the instant case.”¹¹⁸ Note that unlike Massachusetts, New Hampshire statutes do not specifically provide that open land may be declared to be blighted.

The following table shows the statutes that utilize this cause factor.

Table 2.02 (d) Statutes that Allow a Blight Finding Based on Blighted Open Areas			
<i>State</i>	Law	<i>State</i>	Law
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>New Mexico</i>	Urban Development Law
<i>Connecticut</i>	Connecticut City and Town Development A	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Illinois</i>	Housing Authorities Act	<i>South Dakota</i>	Urban Renewal
<i>Kansas</i>	Urban Renewal Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Vermont</i>	Urban Renewal
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Mississippi</i>	Urban Renewal Law	<i>Wisconsin</i>	Tax Increment Law
<i>Missouri</i>	Community Improvement District Act	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act

(e) Areas that Require High Levels of Municipal Services or Lack Necessary Amenities and Utilities. This cause factor generally refers to areas that either require higher expenditures on a broad range of municipal services such as police protection, social welfare programs, zoning violations, and health clinics than other areas in the jurisdiction, or that they lack the necessary amenities and utilities to function as communities, such as adequate ventilation, light, air and sanitary open spaces.

Thus, for example, a finding of blight can be supported based on a lack of sewers and the presence of cesspools and outhouses;¹¹⁹ or, as in *Berman*, “57.8% of the dwellings had outside toilets, 60.3% had no baths, 29.3% lacked electricity, 82.2% had no wash basins or laundry tubs, [and] 83.8% lacked central heating.”¹²⁰ The inadequacy or deterioration of sewer systems can also contribute to this blight factor.¹²¹

One court expressed this issue as a proportion, finding that a cost of city services that was more than seven times the cost of tax revenues was sufficient to find blight.¹²²

The following table shows the statutes that utilize this cause factor.

Table 2.02 (e) Statutes that Allow a Blight Finding Based on Areas that Require High Levels of Municipal Services or Lack Necessary Amenities and Utilities

<i>State</i>	<i>Law</i>	<i>State</i>	<i>Law</i>
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Missouri</i>	Downtown Revitalization Preservation Program
<i>Alaska</i>	Slum Clearance and Redevelopment Act	<i>Missouri</i>	Planned Industrial Expansion Law
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Missouri</i>	Enhanced Enterprise Zones
<i>Arizona</i>	Public Housing/Municipal Housing	<i>Montana</i>	Urban Renewal Law
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Industrial Development Bonds
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/ Redevelopment Generally	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>California</i>	Community Redevelopment Law	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>Colorado</i>	Urban Renewal Law	<i>Nebraska</i>	Community Development Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Nevada</i>	Nevada Economic Development Fund
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>Nevada</i>	Community Redevelopment Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>New Hampshire</i>	Redevelopment Projects
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>New Jersey</i>	County Improvement Authorities Law
<i>Florida</i>	Community Redevelopment Act of 1969	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Georgia</i>	Housing Authorities Law	<i>North Carolina</i>	Urban Renewal Law
<i>Hawaii</i>	Urban Redevelopment Act	<i>North Dakota</i>	Urban Renewal Law
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>Ohio</i>	Community Redevelopment
<i>Illinois</i>	Urban Community Conservation Act	<i>Oklahoma</i>	Urban Renewal
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	<i>Oregon</i>	Urban Renewal
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Illinois</i>	Housing Authorities Act	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	<i>South Carolina</i>	Community Development Law
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Kentucky</i>	Urban Renewal and Community Development	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>South Carolina</i>	Tax Increment Financing Law
<i>Louisiana</i>	Parish Redevelopment Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	Housing Cooperation Law	<i>Tennessee</i>	Housing Authorities Law
<i>Louisiana</i>	Louisiana Housing Preservation Act	<i>Tennessee</i>	Slum Clearance and Redevelopment
<i>Maine</i>	Urban Renewal	<i>Texas</i>	Texas Urban Renewal Law
<i>Maine</i>	Community Development	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Virginia</i>	Tax Increment Financing
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>Washington</i>	Community Renewal Law
<i>Michigan</i>	Blighted Area Rehabilitation	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Michigan</i>	Blighting Property	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Minnesota</i>	Housing and Redevelopment Authorities	<i>Wisconsin</i>	Emergency Condemnation
<i>Mississippi</i>	Urban Renewal Law	<i>Wisconsin</i>	Blighted Area Law
<i>Missouri</i>	Housing Authorities Law	<i>Wisconsin</i>	Tax Increment Law
<i>Missouri</i>	Land Clearance for Redevelopment Law	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act		

(f) Traffic Congestion. “Traffic Congestion” can be a blighting factor and can stem from an inadequate or inefficient transportation infrastructure. An over-reliance on automobile transportation and population overcrowding can further exacerbate traffic congestion and its negative externalities.

Traffic congestion stemming from inadequate or inefficient transportation infrastructure is closely related to the “faulty or obsolete planning” cause factor set forth above. These concerns are also related to health hazards, due to pollution and risk of injury.

One court analyzed the high traffic volume and the character of the traffic itself associated with high industrial penetration into residential neighborhoods. As a result of two high volume streets, the area saw 28,860 cars per day, which was compounded by railroad tracks and loading areas for trucks.¹²³ This situation rendered the area unfit for use as residences, thus causing an effect on the suitability of the area for habitation.

Another decision concerned the proximity of auto dealerships to residential areas. The traffic concerns were caused by the demonstration driving of cars in the neighborhood and by customers short-cutting through the neighborhood to get to the car dealerships. This subjected the neighboring properties to hazardous traffic patterns, merging and “jockeying” vehicles on narrow streets, the existence of diverter barriers and lacking adequate parking facilities (resulting in cars parked on sidewalks) all impeding the smooth flow of traffic in an area lacking adequate infrastructure. Further, commercial uses were too intense with trucks unloading from the street due to inadequate off street parking causing hazardous conditions to pedestrians, and insufficient space to maneuver trucks. The court concluded that these factors were detrimental to the safety or welfare of the community.¹²⁴

The following table shows the statutes that utilize this cause factor.

Table 2.02 (f) Statutes that Allow a Blight Finding Based on Traffic Congestion	
State	Law
Oklahoma	Urban Renewal

2.03 Economic Concerns

The backlash from the United States Supreme Court’s decision in *Kelo* reveals that the use of eminent domain to promote economic development is a very sensitive issue in this country. Nevertheless, a number of the statutes that we analyzed for this report contain factors that are related to economic concerns. This allows a governmental entity to declare a property blighted where the ultimate goal is not blight remediation, but rather economic development.

(a) Economic Use of Land. This cause factor is perhaps the most general of the cause factors related to economic concerns. Essentially, this factor allows a governmental entity to determine the most economically productive use of the land, and to declare blighted those properties that are not measuring up to that standard. It should be noted that this factor is the closest to the concerns raised by the backlash to *Kelo* and may, in many states, be prohibited due to new legislation.

The courts have been hostile to this cause factor; one court declared “economic underutilization is not a basis to declare something blighted.”¹²⁵ However, another court found the opposite, stating that “[c]entrally located urban land is scarce. The problems of assembling tracts of sufficient size to attract developers, and of clearing uneconomic structures, are substantial and serious. ... Industrial development is a proper public purpose.”¹²⁶

In addition, the courts have generally required that the use of this cause be in conjunction with a demonstration that other factors exist.¹²⁷

As a result, it is likely that this cause factor will not stand on its own.

The following table shows the statutes that utilize this cause factor.

Table 2.03 (a) Statutes that Allow a Blight Finding Based on the Economic Use of Land			
State	Law	State	Law
Alaska	Alaska Housing Finance Corporation	Nevada	Nevada Economic Development Fund
California	Community Redevelopment Law	Nevada	Community Redevelopment Law

Table 2.03 (a) Statutes that Allow a Blight Finding Based on the Economic Use of Land			
<i>Colorado</i>	Urban Renewal Law	<i>New York</i>	Municipal Redevelopment Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Ohio</i>	Community Redevelopment
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>Oklahoma</i>	Urban Renewal
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Oregon</i>	Urban Renewal
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Texas</i>	Texas Department of Housing and Community Affairs
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>Texas</i>	Purchasing Preferences
<i>Michigan</i>	Land Reclamation and Improvement Authority Act	<i>Vermont</i>	Urban Renewal
<i>Michigan</i>	Brownfield Redevelopment Financing Act	<i>Virginia</i>	Tax Increment Financing
<i>Michigan</i>	Blighted Area Rehabilitation	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Nebraska</i>	Nebraska Redevelopment Act	<i>Wyoming</i>	Wyoming Urban Renewal Code

(b) Taxation Issues. This cause factor permits properties to be declared blighted where the taxes on the property are unpaid. This can particularly be a problem, as the failure to pay taxes can be connected to failure to adequately upkeep a home. Further, if the tax revenue from an area remains uncollected, the cost to provide services to that area is not justified.

One court has identified the effects of properties suffering from taxation issues, stating that as a result of, among other items, excessive tax delinquencies, the property “has in fact become unmarketable and because of its unmarketability has distorted the normal development of the community.”¹²⁸ As noted earlier, one court expressed this issue as a proportion, finding that a cost of city services that was more than seven times the cost of tax revenues was sufficient to find blight.¹²⁹

The following table shows the statutes that utilize this cause factor.

Table 2.03 (b) Statutes that Allow a Blight Finding Based on Taxation Issues			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Mississippi</i>	Urban Renewal Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Missouri</i>	Community Improvement District Act
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Missouri</i>	Urban Redevelopment Corporations Law
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Montana</i>	Urban Renewal Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Nebraska</i>	Industrial Development Bonds
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Nebraska</i>	Community Development Law
<i>Florida</i>	Community Redevelopment Act of 1969	<i>Nevada</i>	Community Redevelopment Law
<i>Georgia</i>	Housing Authorities Law	<i>New Mexico</i>	Urban Development Law
<i>Hawaii</i>	Urban Redevelopment Act	<i>New Mexico</i>	Community Development Law
<i>Illinois</i>	Urban Community Conservation Act	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>North Dakota</i>	Urban Renewal Law
<i>Illinois</i>	Housing Authorities Act	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Illinois</i>	Blighted Vacant Areas Development Act of 1949	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>Oklahoma</i>	Urban Renewal
<i>Iowa</i>	Urban Renewal Law	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Iowa</i>	Eminent Domain Law	<i>Oregon</i>	Urban Renewal
<i>Kansas</i>	Urban Renewal Law	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Kentucky</i>	Urban Renewal and Community Development	<i>South Carolina</i>	Community Development Law
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Louisiana</i>	Parish Redevelopment Law	<i>South Carolina</i>	Tax Increment Financing Law
<i>Louisiana</i>	Donation of Abandoned or Blighted Housing Property	<i>South Dakota</i>	Tax Incremental Districts
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>South Dakota</i>	Urban Renewal

Table 2.03 (b) Statutes that Allow a Blight Finding Based on Taxation Issues			
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Tennessee</i>	Slum Clearance and Redevelopment
<i>Louisiana</i>	Housing Cooperation Law	<i>Vermont</i>	Urban Renewal
<i>Maine</i>	Urban Renewal	<i>Virginia</i>	Tax Increment Financing
<i>Maine</i>	Community Development	<i>Washington</i>	Community Renewal Law
<i>Maryland</i>	Redevelopment Bond Act	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Michigan</i>	Brownfield Redevelopment Financing Act		

(c) **Vacancies.** This cause factor addresses economic development again, as it can result in a blight declaration simply because the properties are vacant. This cause factor can address both vacant properties and vacant or abandoned buildings. As such, there is a close relationship with the “open land” cause factor addressed above.

Thus, one court upheld a finding of blight where “the majority of the buildings in the area affected were unoccupied by tenants and had been vacant for a considerable period of time.”¹³⁰ A single abandoned building can be the basis for a finding of blight, although other blighting factors were brought into that decision.¹³¹

The following table shows the statutes that utilize this cause factor.

Table 2.03 (c) Statutes that Allow a Blight Finding Based on Vacancies			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Maine</i>	Urban Renewal
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Maryland</i>	Redevelopment Bond Act
<i>California</i>	Community Redevelopment Law	<i>Massachusetts</i>	Urban Redevelopment Corporations
<i>Colorado</i>	Urban Renewal Law	<i>Oregon</i>	Urban Renewal
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>South Carolina</i>	Community Development Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>South Carolina</i>	Tax Increment Financing Law
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>Tennessee</i>	Slum Clearance and Redevelopment
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Louisiana</i>	Expropriation of Abandoned or Blighted Property by a Declaration of a Taking by the City of New Orleans and the City of Grambling	<i>Washington</i>	Condemnation of Blighted Property
<i>Louisiana</i>	Donation of Abandoned or Blighted Housing Property	<i>Wisconsin</i>	Emergency Condemnation
<i>Louisiana</i>	Louisiana Housing Preservation Act	<i>Wisconsin</i>	General Eminent Domain

2.04 Title and Ownership

The various statutes recognize that issues surrounding title and ownership of properties can present impediments to the development of certain areas. Accordingly, these cause factors allow a blight declaration to, essentially, cleanse title issues and assemble parcels.

(a) **Diversity of Ownership.** This cause factor allows a blight declaration where the ownership of property is so diverse as to cause the blighted conditions. While this factor may be appropriately applied where multiple parcels are held by different owners, or single parcels are held by multiple owners, it may also be relevant where larger parcels are simply held by different owners and an effective redevelopment requires assemblage of title in a single entity. It can also be a factor when determination of ownership is impossible.

In one case, the court held that “the effect [of diverse ownership] ... is to render land unmarketable and thereby to force an abnormal pattern of residential growth”, and that it was within the legislature’s power to define it as blighted.¹³² Another court noted that the expense of conducting the eminent domain proceedings and the damage to the excess land not condemned might equal the entire value of the area.¹³³ These conditions can result in a lack of significant private development¹³⁴ or make it difficult to assemble tracts for large development.¹³⁵

However, as Luce has noted, a declaration of blight generally can not be based solely on diversity of ownership, and that other supervening factors are usually present, such as structural dilapidation or obsolescence.¹³⁶

The following table shows the statutes that utilize this cause factor.

Table 2.04 (a) Statutes that Allow a Blight Finding Based on a Diversity of Ownership			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Mississippi</i>	Urban Renewal Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Missouri</i>	Community Improvement District Act
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Montana</i>	Urban Renewal Law
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Industrial Development Bonds
<i>California</i>	Community Redevelopment Law	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Nebraska</i>	Community Development Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>New Mexico</i>	Urban Development Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>New Mexico</i>	Community Development Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Florida</i>	Community Redevelopment Act of 1969	<i>North Dakota</i>	Urban Renewal Law
<i>Georgia</i>	Housing Authorities Law	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Hawaii</i>	Urban Redevelopment Act	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>Oklahoma</i>	Urban Renewal
<i>Illinois</i>	Urban Community Conservation Act	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>South Carolina</i>	Community Development Law
<i>Illinois</i>	Housing Authorities Act	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Illinois</i>	Blighted Vacant Areas Development Act of 1949	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Iowa</i>	Urban Renewal Law	<i>South Dakota</i>	Urban Renewal
<i>Kansas</i>	Urban Renewal Law	<i>Vermont</i>	Urban Renewal
<i>Kentucky</i>	Urban Renewal and Community Development	<i>Washington</i>	Community Renewal Law
<i>Louisiana</i>	Parish Redevelopment Law	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Wisconsin</i>	General Eminent Domain
<i>Louisiana</i>	Housing Cooperation Law	<i>Wisconsin</i>	Tax Increment Law
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions		

(b) Condition of Title. This cause factor addresses the fact that fee title to property can be essential to secure financing. This may require the elimination of liens, encumbrances, and easements, or clarification of property boundaries. Properties that suffer from insoluble problems of this nature can therefore be declared blighted.

Most of the cases concerning title issues focus on diversity of ownership, and thus the discussion is close to that set forth in the previous section. However, one court noted defective titles and conflicting claims of ownership, including adverse title claims, defective tax foreclosure proceedings, death of owners with multiple probate proceedings, boundary line changes, and unknown owners. These were characterized by the court as serious title questions which were “of the nature contemplated by the phrase ‘condition of the title’.”¹³⁷

The following table shows the statutes that utilize this cause factor.

Table 2.04 (b) Statutes that Allow a Blight Finding Based on the Condition of the Title:

<i>State</i>	<i>Law</i>	<i>State</i>	<i>Law</i>
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Community Improvement District Act
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Montana</i>	Urban Renewal Law
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Nebraska</i>	Industrial Development Bonds
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>Colorado</i>	Urban Renewal Law	<i>Nebraska</i>	Community Development Law
<i>Colorado</i>	Downtown Development Authorities	<i>New Mexico</i>	Urban Development Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Mexico</i>	Community Development Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>North Dakota</i>	Urban Renewal Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Florida</i>	Community Redevelopment Act of 1969	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Georgia</i>	Housing Authorities Law	<i>Oklahoma</i>	Urban Renewal
<i>Hawaii</i>	Urban Redevelopment Act	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Illinois</i>	Housing Authorities Act	<i>South Dakota</i>	Tax Incremental Districts
<i>Iowa</i>	Eminent Domain Law	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Kansas</i>	Urban Renewal Law	<i>South Dakota</i>	Urban Renewal
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Kentucky</i>	Urban Renewal and Community Development	<i>Vermont</i>	Urban Renewal
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>Washington</i>	Community Renewal Law
<i>Louisiana</i>	Parish Redevelopment Law	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Louisiana</i>	Housing Cooperation Law	<i>Wyoming</i>	Downtown Development Authority
<i>Mississippi</i>	Urban Renewal Law		

SECTION 3: CONDITIONS THAT ARE THE EFFECT OF BLIGHT

This section examines what were referred to above as the “effect factors”. These conditions are those identified in the summary charts as representing the effects of the conditions that caused the blighted condition—our previously discussed “cause factors”. These factors are important to the analysis for two specific reasons. First, a property can meet one or more of the “cause factors” to be considered blighted, without actually suffering any adverse effects from those conditions. In that case, the property would not meet the criteria to be declared blighted. Second, the effect factors give a governmental authority some more flexibility on declaring blight, in that most of the “effect factors” are drafted in fairly graphic terms.

The typical statutory description of a cause factor and an effect factor statute can be seen in South Carolina’s *Community Development Law*:

“Blighted area” means any improved or vacant area where if improved, industrial, commercial, and residential buildings or improvements, because of a combination of five or more of the following factors: age; dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light, or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; lack of community planning, *are detrimental to the public safety, health, morals, or welfare or, if vacant, the sound growth is impaired by (a) a combination of two or more of the following factors: obsolete platting of the vacant land; diversity of ownership of such land; tax and special assessment delinquencies on such land; deterioration of structures or site improvements*

*in neighboring areas adjacent to the vacant land; or (b) the area immediately prior to becoming vacant qualified as a blighted area.*¹³⁸

The italicized text emphasizes what are referred to in this report as the effect factors—the adverse effects from the conditions which caused the blight.

3.01 Public Health, Safety, Welfare Clauses. The most common effect factors invoke the public health, safety or welfare. There are two basic iterations of this factor.

(a) **Ill Health or Crime.** This effect factor suggests poor overall public health and safety in an area or neighborhood. This could result from a concentration of poverty, crime, and a lack of sufficient social services in an area.

The following table shows the statutes that utilize this effect factor.

Table 3.01 (a) Statutes that Contain Ill Health or Crime as an Effect Factor			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Nevada</i>	Community Redevelopment Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>North Carolina</i>	Urban Renewal Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>Ohio</i>	Community Redevelopment
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Oklahoma</i>	Urban Renewal
<i>Georgia</i>	Housing Authorities Law	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Hawaii</i>	Urban Redevelopment Act	<i>South Dakota</i>	Tax Incremental Districts
<i>Illinois</i>	Urban Community Conservation Act	<i>Virginia</i>	Tax Increment Financing
<i>Maine</i>	Urban Renewal	<i>Washington</i>	Community Renewal Law
<i>Missouri</i>	Urban Redevelopment Corporations Act	<i>Wisconsin</i>	Tax Increment Law
<i>Montana</i>	Urban Renewal Law	<i>Wisconsin</i>	Blighted Area Law
<i>Nevada</i>	Nevada Economic Development Fund	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act

(b) **Health, Safety, Morals, Welfare.** This is the most common and an extremely broad effect factor which can be argued to stem from any one of the cause factors discussed above. A range of cause factors from vacant lots, to overcrowding, to mixing of inappropriate land uses can lead to a blighting effect on the public health, safety, morals, and welfare of an area.

The following table shows the statutes that utilize this effect factor.

Table 3.01 (b) Statutes that Contain Health, Safety, Morals and Welfare as an Effect Factor			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Enhanced Enterprise Zones
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Montana</i>	Urban Renewal Law
<i>Arizona</i>	Public Housing/Municipal Housing	<i>Nebraska</i>	Industrial Development Bonds
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/ Redevelopment Generally	<i>Nebraska</i>	Community Development Law
<i>California</i>	Community Redevelopment Law	<i>New Hampshire</i>	Redevelopment Projects
<i>Colorado</i>	Urban Renewal Law	<i>New Mexico</i>	Urban Development Law
<i>Colorado</i>	Downtown Development Authorities	<i>New Mexico</i>	Community Development Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>North Carolina</i>	Urban Renewal Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>North Dakota</i>	Urban Renewal Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Ohio</i>	Community Redevelopment
<i>Georgia</i>	Housing Authorities Law	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Hawaii</i>	Urban Redevelopment Act	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>Oklahoma</i>	Urban Renewal
<i>Illinois</i>	Urban Community Conservation Act	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	<i>Oregon</i>	Urban Renewal
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Illinois</i>	Housing Authorities Act	<i>South Carolina</i>	Community Development Law
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	<i>South Carolina</i>	Tax Increment Financing for Counties

Table 3.01 (b) Statutes that Contain Health, Safety, Morals and Welfare as an Effect Factor

<i>Illinois</i>	Blighted Vacant Areas Development Act of 1949	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>South Carolina</i>	Tax Increment Financing Law
<i>Kansas</i>	Urban Renewal Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	Parish Redevelopment Law	<i>Tennessee</i>	Housing Authorities Law
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Texas</i>	Texas Urban Renewal Law
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Utah</i>	Housing Authorities
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>Vermont</i>	Urban Renewal
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>Virginia</i>	Housing Authorities Law
<i>Maine</i>	Urban Renewal	<i>Virginia</i>	Tax Increment Financing
<i>Maine</i>	Community Development	<i>Washington</i>	Condemnation of Blighted Property
<i>Michigan</i>	Blighted Area Rehabilitation	<i>Washington</i>	Community Renewal Law
<i>Michigan</i>	Blighting Property	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Minnesota</i>	Housing and Redevelopment Authorities	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Mississippi</i>	Urban Renewal Law	<i>Wisconsin</i>	Emergency Condemnation
<i>Missouri</i>	Community Improvement District Act	<i>Wisconsin</i>	Blighted Area Law
<i>Missouri</i>	Housing Authorities Law	<i>Wisconsin</i>	Tax Increment Law
<i>Missouri</i>	Land Clearance for Redevelopment Law	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Wisconsin</i>	General Eminent Domain
<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Missouri</i>	Downtown Revitalization Preservation Program	<i>Wyoming</i>	Downtown Development Authority
<i>Missouri</i>	Planned Industrial Expansion Law	<i>Nebraska</i>	Industrial Development Bonds

3.02 Economic Clauses.

The economic effects of blight are a very controversial subject in the aftermath of *Kelo*. Nevertheless, a number of the statutes utilize this as a potential factor in declaring blight.

(a) **Economic or Social Liability.** This effect factor describes how an area can become blighted if factors lead to degeneracy in the business, housing, and employment sectors. A social liability could also be evidenced by high crime and unemployment rates.

The following table shows the statutes that utilize this effect factor.

Table 3.02 (a) Statutes that Contain Economic or Social Liability as an Effect Factor:

<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Nebraska</i>	Industrial Development Bonds
<i>Alaska</i>	Alaska Housing Finance Corporation	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>California</i>	Community Redevelopment Law	<i>Nebraska</i>	Community Development Law
<i>Colorado</i>	Urban Renewal Law	<i>New Mexico</i>	Urban Development Law
<i>Colorado</i>	Downtown Development Authorities	<i>New Mexico</i>	Community Development Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>New York</i>	Municipal Redevelopment Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>North Dakota</i>	Urban Renewal Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Florida</i>	Community Redevelopment Act of 1969	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Georgia</i>	Housing Authorities Law	<i>Oklahoma</i>	Urban Renewal
<i>Hawaii</i>	Urban Redevelopment Act	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Illinois</i>	Urban Community Conservation Act	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Iowa</i>	Urban Renewal Law	<i>South Dakota</i>	Urban Renewal
<i>Kansas</i>	Urban Renewal Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>Texas</i>	Texas Department of Housing and Community Affairs
<i>Louisiana</i>	Parish Redevelopment Law	<i>Texas</i>	Texas Urban Renewal Law
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Texas</i>	Texas Housing Finance Corporations Act
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Texas</i>	Purchasing Preferences
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.

Table 3.02 (a) Statutes that Contain Economic or Social Liability as an Effect Factor:			
<i>Mississippi</i>	Urban Renewal Law	<i>Vermont</i>	Urban Renewal
<i>Missouri</i>	Community Improvement District Act	<i>Virginia</i>	Tax Increment Financing
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Washington</i>	Community Renewal Law
<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Missouri</i>	Downtown Revitalization Preservation Program	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Missouri</i>	Planned Industrial Expansion Law	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Enhanced Enterprise Zones	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Missouri</i>	Urban Redevelopment Corporations Law	<i>Wyoming</i>	Downtown Development Authority
<i>Montana</i>	Urban Renewal Law		

(b) Growth of Community. This effect factor is perhaps the broadest of the effect factors, particularly as it relates to economic development. Generally, evidence of this effect could include high or increasing commercial or residential vacancy rates, decreasing employment opportunities, or a diminishing retail presence in the area.

The following table shows the statutes that utilize this effect factor.

Table 3.02 (b) Statutes that Contain Growth of Community as an Effect Factor			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Montana</i>	Urban Renewal Law
<i>Alaska</i>	Alaska Housing Finance Corporation	<i>Nebraska</i>	Industrial Development Bonds
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>California</i>	Community Redevelopment Law	<i>Nebraska</i>	Community Development Law
<i>Colorado</i>	Urban Renewal Law	<i>New Mexico</i>	Urban Development Law
<i>Colorado</i>	Downtown Development Authorities	<i>New Mexico</i>	Community Development Law
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>North Carolina</i>	Urban Renewal Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>North Dakota</i>	Urban Renewal Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Georgia</i>	Housing Authorities Law	<i>Oklahoma</i>	Urban Renewal
<i>Illinois</i>	Urban Community Conservation Act	<i>Oklahoma</i>	Neighborhood Redevelopment Act
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	<i>Rhode Island</i>	Redevelopment Act of 1956
<i>Illinois</i>	Housing Authorities Act	<i>South Carolina</i>	Community Development Law
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>Iowa</i>	Urban Renewal Law	<i>South Carolina</i>	Tax Increment Financing Law
<i>Kansas</i>	Urban Renewal Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>South Dakota</i>	County and Municipal Housing and Redevelopment
<i>Louisiana</i>	Parish Redevelopment Law	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Vermont</i>	Urban Renewal
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Washington</i>	Community Renewal Law
<i>Louisiana</i>	Housing Cooperation Law	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Massachusetts</i>	Urban Redevelopment Corporations	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	<i>Wisconsin</i>	Tax Increment Law
<i>Michigan</i>	Blighted Area Rehabilitation	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Michigan</i>	Blighting Property	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Mississippi</i>	Urban Renewal Law	<i>Wyoming</i>	Downtown Development Authority
<i>Missouri</i>	Community Improvement District Act		

3.03 Housing Clauses. The prevalence of housing authorities laws, which aim to replace substandard housing with up to date housing, coupled with the original goal of the blight statutes being to improve living conditions in slum areas, leads to the inclusion of housing related effect factors.

(a) Housing Accommodations. This effect factor is usually expressed as “retards the provision of housing accommodations”, and is an effect that could encompass an array of conditions depending on the term’s definition. Factors that create a lack of an appropriate quantity of affordable housing units in an area could be viewed as having a blighting effect under

this clause. Moreover, factors that lead to diminishing residential units in an area such as a wave of housing to office conversions, could qualify as retarding the provision of housing accommodations.

The following table shows the statutes that utilize this effect factor.

Table 3.03 (a) Statutes that Contain Housing Accommodations as an Effect Factor:			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Planned Industrial Expansion Law
<i>Alaska</i>	Alaska Housing Finance Corporation	<i>Missouri</i>	Enhanced Enterprise Zones
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Montana</i>	Urban Renewal Law
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Industrial Development Bonds
<i>Colorado</i>	Urban Renewal Law	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>Colorado</i>	Downtown Development Authorities	<i>Nebraska</i>	Nebraska Investment Finance Authority Act
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>Nebraska</i>	Community Development Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>New Mexico</i>	Urban Development Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>New Mexico</i>	Community Development Law
<i>Georgia</i>	Housing Authorities Law	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Iowa</i>	Urban Renewal Law	<i>North Dakota</i>	Urban Renewal Law
<i>Iowa</i>	Eminent Domain Law	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Kansas</i>	Urban Renewal Law	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas
<i>Kentucky</i>	Urban Renewal and Community Development	<i>South Dakota</i>	Urban Renewal
<i>Louisiana</i>	Parish Redevelopment Law	<i>South Dakota</i>	Tax Incremental Districts
<i>Louisiana</i>	New Orleans Community Improvement Act	<i>Texas</i>	Texas Urban Renewal Law
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	<i>Vermont</i>	Urban Renewal
<i>Louisiana</i>	Housing Cooperation Law	<i>Washington</i>	Community Renewal Law
<i>Mississippi</i>	Urban Renewal Law	<i>West Virginia</i>	West Virginia Tax Increment Financing Act
<i>Missouri</i>	Community Improvement District Act	<i>West Virginia</i>	Urban Renewal Authority Law
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act
<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act	<i>Wyoming</i>	Wyoming Urban Renewal Code
<i>Missouri</i>	Downtown Revitalization Preservation Program	<i>Wyoming</i>	Downtown Development Authority

(b) Habitation or Occupancy. This is a more limited effect factor that generally describes the condition of housing units in a blighted area. Buildings that are not structurally sound, not up to current building standards, in disrepair, would lead to an area or structures being unfit for human habitation or occupancy.

The following table shows the statutes that utilize this effect factor.

Table 3.03 (b) Statutes that Contain Habitation or Occupancy as an Effect Factor:			
<i>State</i>	Law	<i>State</i>	Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Michigan</i>	Blighting Property
<i>California</i>	Community Redevelopment Law	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>Colorado</i>	Urban Renewal Law	<i>Nevada</i>	Nevada Economic Development Fund
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>Nevada</i>	Community Redevelopment Law
<i>Kentucky</i>	Blighted and Deteriorated Properties	<i>New York</i>	Municipal Redevelopment Law
<i>Louisiana</i>	Expropriation of Abandoned or Blighted Properties by a Declaration of a Taking by the City of New Orleans and the City of Grambling	<i>Oregon</i>	Urban Renewal
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Pennsylvania</i>	Economic Development Eminent Domain Law
<i>Michigan</i>	Brownfield Redevelopment Financing Act	<i>Tennessee</i>	Slum Clearance and Redevelopment

SECTION 4: NUMERICAL CRITERIA

All of the statutes that require a certain number of the “cause factors” to be present within an area before that area can be considered blighted. As discussed above in Section 1 of this Part, some of the statutes permit a “blight finding” for a single parcel of land, thus allowing a blight

remediation effort to target only those properties that are declared blighted. Other statutes allow a governmental authority to declare an entire area blighted, even if not all of the properties in the area exhibit an equal number of blight conditions, or if they exhibit different blight conditions, or even if some of the properties exhibit no blight conditions at all.

One way that the statutes handle this analysis is to require that a certain number of the cause factors be present on a certain number of the properties. These criteria are referred to in this report as numerical criteria, and this section examines the use of numerical criteria by the various statutes.

4.01 One Factor or any Combination of Factors. Most statutes only require that one of the factors listed in the statute be present in order for a property or area to be declared blighted. These statutes generally also state that any combination of the factors listed will permit the property or area to be declared blighted. New Mexico’s *Urban Development Law* contains an example of this type of numerical threshold.

As used in the Urban Renewal Law, “blighted area” means an area, other than a slum area, which, 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, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivisions or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, *or any combination of such factors*, substantially impairs or arrests the sound growth of a municipality, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such blighted area consists of open or predominantly open land the conditions contained in the proviso in Subsection D of Section 3-46-30 NMSA 1978 shall apply.¹³⁹

The following table shows the statutes that utilize this numerical threshold.

Table 4.01 Statutes that Require One or Any Combination of Factors			
State	Law	State	Law
<i>Alabama</i>	Tax Increment Districts	<i>Missouri</i>	Housing Authorities Law
<i>Alabama</i>	Housing, Redevelopment Projects	<i>Missouri</i>	Downtown Revitalization Preservation Program
<i>Alaska</i>	Slum Clearance and Redevelopment Act	<i>Missouri</i>	Land Clearance for Redevelopment Law
<i>Alaska</i>	Alaska Housing Finance Corporation	<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act
<i>Arizona</i>	Public Housing/Municipal Housing	<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act
<i>Arizona</i>	Slum Clearance and Redevelopment	<i>Montana</i>	Urban Renewal Law
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	<i>Nebraska</i>	Nebraska Redevelopment Act
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/Redevelopment Generally	<i>Nevada</i>	Nevada Economic Development Fund
<i>Colorado</i>	Downtown Development Authorities	<i>New Hampshire</i>	Redevelopment Projects
<i>Connecticut</i>	Connecticut City and Town Development Act	<i>New Jersey</i>	County Improvement Authorities Law
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	<i>New Mexico</i>	Urban Development Law
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	<i>New Mexico</i>	Community Development Law
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	<i>New Mexico</i>	Metropolitan Redevelopment Code
<i>Georgia</i>	Housing Authorities Law	<i>New York</i>	Municipal Redevelopment Law
<i>Hawaii</i>	Urban Redevelopment Act	<i>North Carolina</i>	Urban Renewal Law
<i>Illinois</i>	Housing Authorities Act	<i>North Dakota</i>	Urban Renewal Law
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	<i>Ohio</i>	Community Redevelopment
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	<i>Ohio</i>	Urban Renewal Debt Retirement Fund
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas

Table 4.01 Statutes that Require One or Any Combination of Factors			
State	Law	State	Law
Iowa	Urban Renewal Law	Oklahoma	Urban Renewal
Iowa	Eminent Domain Law	Oregon	Urban Renewal
Kansas	Urban Renewal Law	Pennsylvania	Economic Development Eminent Domain Law
Kentucky	Urban Renewal and Community Development	Pennsylvania	Urban Redevelopment Law
Kentucky	Blighted and Deteriorated Properties	South Dakota	County and Municipal Housing and Redevelopment
Louisiana	Expropriation of Abandoned or Blighted Property by a Declaration of a Taking by the City of New Orleans and the City of Grambling	South Dakota	Urban Renewal
Louisiana	Parish Redevelopment Law	South Dakota	Tax Incremental Districts
Louisiana	New Orleans Community Improvement Act	Tennessee	Housing Authorities Law
Louisiana	St. Charles Parish; Acquisition and Sale of Blighted Property	Tennessee	Slum Clearance and Redevelopment
Louisiana	St. Bernard Parish Redevelopment Law	Texas	Texas Department of Housing and Community Affairs
Louisiana	Donation of Abandoned or Blighted Housing Property	Texas	Texas Urban Renewal Law
Louisiana	Housing Cooperation Law	Texas	Texas Housing Finance Corporations Act
Louisiana	Louisiana Housing Preservation Act	Texas	Purchasing Preferences
Maine	Urban Renewal	Utah	Housing Authorities
Maine	Community Development	Vermont	Urban Renewal
Maryland	Maryland Constitution	Virginia	Housing Authorities Law
Maryland	Redevelopment Bond Act	Washington	Condemnation of Blighted Property
Massachusetts	Urban Redevelopment Corporations	Washington	Community Renewal Law
Massachusetts	Housing and Urban Renewal, General Provisions	West Virginia	Urban Renewal Authority Law
Michigan	Land Reclamation and Improvement Authority Act	West Virginia	West Virginia Tax Increment Financing Act
Michigan	Brownfield Redevelopment Financing Act	Wisconsin	General Eminent Domain
Minnesota	Housing and Redevelopment Authorities	Wisconsin	Emergency Condemnation
Mississippi	Urban Renewal Law	Wisconsin	Tax Increment Law
Missouri	Planned Industrial Expansion Law	Wisconsin	Blighted Area Law
Missouri	Enhanced Enterprise Zones	Wisconsin	Blight Elimination and Slum Clearance Act
Missouri	Urban Redevelopment Corporations Law	Wyoming	Wyoming Urban Renewal Code
Missouri	Community Improvement District Act	Wyoming	Downtown Development Authority

4.02 Two factors. Six of the statutes (3 of them being Nebraska statutes) require that two factors be present on a property or within an area before the area may be designated blighted. These statutes take different forms. For example, Florida’s *Community Redevelopment Act of 1969* expressly requires that two or more of the listed factors are present.

“Blighted area” means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present: ...¹⁴⁰

In comparison, Nebraska’s *Industrial Development Bonds* law lists two separate sets of factors and requires that one factor in each set be present within the area.

(5) Blighted area shall mean an area within a city or village (a) which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the

residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the municipality for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the municipality in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. ...¹⁴¹

The following table shows the statutes that utilize this numerical threshold.

Table 4.02 Statutes that Require Two Factors			
State	Law	State	Law
Florida	Community Redevelopment Act of 1969	Nebraska	Industrial Development Bonds
Illinois	Blighted Vacant Areas Development Act of 1949	Nebraska	Community Development Law
Michigan	Blighting Property	Nebraska	Nebraska Investment Finance Authority Act

4.03 Three or More Factors. Four of the statutes require that three or more factors are present on a property or within an area in order for the area to be designated blighted. Language from Nevada’s *Community Redevelopment Law* illustrates the use of this numerical threshold.

Except as otherwise provided in subsection 2, “blighted area” means an area which is characterized by at least four of the following factors: ...¹⁴²

The following table shows the statutes that utilize this numerical threshold.

Table 4.03 Statutes that Require Three or More Factors:			
State	Law	State	Law
Colorado	Urban Renewal Law	Nevada	Community Redevelopment Law
Illinois	Commercial Renewal and Redevelopment Areas	Oklahoma	Neighborhood Redevelopment Act
Michigan	Land Reclamation and Improvement Authority Act		

4.04 Unique Thresholds. Twelve of the statutes use unique numerical thresholds.¹⁴³ These statutes make the number of factors that must be present dependent on whether the area is improved or vacant,¹⁴⁴ or permit the area or property to be declared blighted in multiple ways each with its own set of independent factors.¹⁴⁵

(a) Numerical Threshold Dependent Upon Whether Property Improved or Vacant. Statutes in Illinois and South Carolina make the numerical threshold dependent on whether the area in question is improved or vacant. If the property is improved, at least five (5) of the listed factors must be present to support a blight declaration. If the property is vacant, only two (2) of the factors listed must be present. South Carolina’s *Community Development Law* illustrates the use of this type of dependent numerical threshold.

“Blighted area” means any improved or vacant area where if improved, industrial, commercial, and residential buildings or improvements, because of a combination of five or more of the following factors: age; dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light, or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; lack of community planning, are detrimental to the public safety, health, morals, or welfare or, if vacant, the sound growth is impaired by (a) a combination of two or more of the following factors:

obsolete platting of the vacant land; diversity of ownership of such land; tax and special assessment delinquencies on such land; deterioration of structures or site improvements in neighboring areas adjacent to the vacant land; or (b) the area immediately prior to becoming vacant qualified as a blighted area.¹⁴⁶

The following table shows the statutes that utilize this numerical threshold.

Table 4.04 (a) Statutes that Use a Numerical Threshold Dependent Upon Whether Property Improved or Vacant			
<i>State</i>	Law	<i>State</i>	Law
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	<i>South Carolina</i>	Tax Increment Financing Act for Counties
<i>South Carolina</i>	Community Development Law	<i>South Carolina</i>	Tax Increment Financing for Counties
<i>South Carolina</i>	Tax Increment Financing Law		

(b) Multiple Sub-Factors. Four statutes permit a governmental body to declare that an area or property is blighted by finding one of a number of factors present. These statutes differ from the more common single factor statutes in that each of the primary individual factors may have a number of sub-factors that also must be present prior to declaring the area blighted. Kansas’ *Development and Redevelopment of Areas in and Around Cities* law illustrates the use of sub-factors.

(c) “Blighted area” means an area which:

(1) Because of the presence of a majority of the following factors, substantially impairs or arrests the development and growth of the municipality or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use:

(A) A substantial number of deteriorated or deteriorating structures;

(B) predominance of defective or inadequate street layout;

(C) unsanitary or unsafe conditions;

(D) deterioration of site improvements;

(E) tax or special assessment delinquency exceeding the fair market value of the real property;

(F) defective or unusual conditions of title including but not limited to cloudy or defective titles, multiple or unknown ownership interests to the property;

(G) improper subdivision or obsolete platting or land uses;

(H) the existence of conditions which endanger life or property by fire or other causes; or

(I) conditions which create economic obsolescence; or

(2) has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial

investigation; feasibility study and remediation or other similar state or federal action; or

(3) a majority of the property is a 100-year floodplain area; or

(4) previously was found by resolution of the governing body to be a slum or a blighted area under K.S.A. 17-4742 et seq., and amendments thereto.¹⁴⁷

As the definition illustrates, an area could be designated as blighted by meeting any one of the four primary factors: the presence of a majority of sub-factors, identified as being environmentally contaminated, a majority of the property is in the 100-yr floodplain area, or previously declared a slum or blighted area. However, unlike the single factor statutes, in order to meet one of the primary factors, additional sub-factors must also be present.

Table 4.04 (b) Statutes that Use Multiple Sub-Factors:			
<i>State</i>	Law	<i>State</i>	Law
<i>Kansas</i>	Development and Redevelopment of Areas in and Around Cities	<i>Virginia</i>	Tax Increment Financing
<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies		

4.05 No Indication of the Numerical Threshold. Several statutes fail to indicate how many factors must be present prior to declaring an area or a property blighted. Instead, these statutes merely list factors that should be considered when declaring an area or property blighted.

The following table shows the statutes that utilize this numerical threshold.

Table 4.05 Statutes that Give No Indication of the Numerical Threshold:			
<i>State</i>	Law	<i>State</i>	Law
<i>California</i>	Community Redevelopment Law	<i>Michigan</i>	Blighted Area Rehabilitation
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	<i>Rhode Island</i>	Redevelopment Act of 1956

NOTES _____

⁶⁷ MINN. STAT. ANN. § 469.002 (WESTLAW, 2007) (emphasis added)

⁶⁸ S.C. CODE ANN. § 6-33-30(1) (WESTLAW, 2007) (emphasis added).

⁶⁹ ARK. CODE ANN. § 14-169-604(1) (WESTLAW, 2007).

⁷⁰ FLA. STAT. ANN. § 163.340(8) (WESTLAW, 2007) (emphasis added).

⁷¹ UTAH CODE ANN. § 9-4-602(2) (WESTLAW, 2007) (emphasis added).

⁷² W. VA. CODE § 16-18-3(d) (WESTLAW, 2007) (emphasis added).

⁷³ See TEX. GOV'T CODE ANN. § 2306.004(6) (WESTLAW, 2007); TEX. LOC. GOV'T CODE ANN. § 394.003(3) (WESTLAW, 2007).

⁷⁴ TEX. LOC. GOV'T CODE ANN. § 394.003(3) (WESTLAW, 2007).

⁷⁵ S.D. CODIFIED LAWS § 11-9-11 (WESTLAW, 2007) (open areas impairing growth defined as “blighted”) (emphasis added)

⁷⁶ 310 ILL. COMP. STAT. § 10/9 (WESTLAW, 2007).

⁷⁷ Webb v. City of Newport, 2005 WL 2403834 (Ky. App. 2005)

- ⁷⁸ Shriners' Hospital for Crippled Children v. Boston Redevelopment Authority, 353 N.E. 2d 778, 783 n. 9 (Mass. App. Ct. 1976).
- ⁷⁹ Foeller v. Housing Authority, 256 P.2d 752, 758 (Or. 1953)
- ⁸⁰ Id.
- ⁸¹ Id.
- ⁸² Anjootian v. Providence Redevelopment Agency, 91 A.2d 21, 22 (R.I. 1952).
- ⁸³ Randolph v. Wilmington Housing Authority, 139 A.2d 476, 497 (Del. 1958).
- ⁸⁴ Birmingham v. Tutwiler Drug Co., 475 So.2d 458, 462 (Ala. 1985).
- ⁸⁵ 35 Real Prop. Prob. & Tr. J. 389, 12-13
- ⁸⁶ Morgan v. Community Redevelopment Agency, 284 Cal. Rptr. 745, 751 (Ct. App. 1991).
- ⁸⁷ Gonzales v. City of Santa Ana, 16 Cal. Rptr. 2d 132, 136 n.3 (Ct. App. 1993).
- ⁸⁸ Fulmore v. Charlotte County, 928 So.2d 1281, 1288 (Fla.App. 2 Dist. 2006).
- ⁸⁹ Dilley v. City of Des Moines, 247 N.W.2d 187, 189 (Iowa 1976).
- ⁹⁰ Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency, 82 Cal.App.4th 511, (Cal.App.3.Dist. 2000).
- ⁹¹ Friends of Mammoth, 549
- ⁹² Friends of Mammoth, 550
- ⁹³ Friends of Mammoth, 550
- ⁹⁴ Friends of Mammoth, 551
- ⁹⁵ Friends of Mammoth, 553
- ⁹⁶ Friends of Mammoth, 553-54
- ⁹⁷ San Franciscans Upholding the Downtown Plan v. City & County of San Francisco, 102 Cal.App.4th 656, 700 (2002)
- ⁹⁸ San Franciscans, 700
- ⁹⁹ Redevelopment Agency v. Hayes, 266 P.2d 105, 110 (Cal. Ct. App. 1954).
- ¹⁰⁰ Redevelopment Agency v. Hayes, 266 P.2d 105, 110 (Cal. Ct. App. 1954).
- ¹⁰¹ Graham v. Houlihan, 160 A.2d 745, 748 (Conn. 1960).
- ¹⁰² Shriners' Hospital, 353 N.E.2d 778, 783 n.9 (Mass.App. 1976).
- ¹⁰³ Gonzales v. City of Santa Ana
- ¹⁰⁴ See Luce, 435.
- ¹⁰⁵ Morgan v. Community Development Agency, 284 Cal. Rptr. 745, 751-52 (Cal. App. 1991)
- ¹⁰⁶ Forbes v. Bd. of Trustees, 712 A.2d 255, 261 (N.J. Super. Ct. App. Div. 1998).
- ¹⁰⁷ See State ex. rel. Udall v. Cresswell, 960 P.2d 818, 821 (N.M. App. 1998).
- ¹⁰⁸ Id.
- ¹⁰⁹ Foeller v. Housing Authority, 256 P.2d 752, 758-9 (Or. 1952).
- ¹¹⁰ Id.
- ¹¹¹ Redevelopment Agency v. Hayes, 266 P.2d 105, 110 (Cal. App. 1954).
- ¹¹² Id.
- ¹¹³ Shriners Hospital for Crippled Children v. Boston Redevelopment Authority, 353 N.E.2d 778, 783 n.9 (Mass. App. Ct. 1976)
- ¹¹⁴ In re Bunker Hill Urban Renewal Project 1B of Community Redevelopment, 389 P.2d 538 (Cal. 1964).
- ¹¹⁵ Id. at 553.
- ¹¹⁶ Benevolent and Protective Order of Elks, Lodge No. 65 v. Planning Board of Lawrence, 531 N.E.2d 1233, 1240-41 (Mass. 1988).
- ¹¹⁷ Christensen v. Boston Redevelopment Authority, 60 Mass.App.Ct. 615, 621 (2004).
- ¹¹⁸ Merrill v. City of Manchester, 499 A.2d 216, 217-18 (N.H. 1985).
- ¹¹⁹ Housing Authority of Roosevelt City v. Nunn, 288 So. 2d 775, 777-78 (Ala. 1974).

- ¹²⁰ *Berman* at 30, (citing D.C. Land Development Agency, National Capitol Planning Commission Survey (1950)), *supra*.
- ¹²¹ *Evans v. City of San Jose*, 128 Cal.App.4th 1123, 1151 (Cal.App. 6 Dist., 2005).
- ¹²² *County of Riverside v. City of Murrieta*, *supra*, 65 Cal.App.4th at pages 627-628, 76 Cal.Rptr.2d 606
- ¹²³ *Foeller v. Housing Authority*, 256 P.2d 752, 758-59 (Or. 1953).
- ¹²⁴ *Housing and Redevelopment Authority in and for the City of Richfield v. Walser Auto Sales, Inc.*, 630 N.W.2d 662, 669 (2001).
- ¹²⁵ *Commons Redevelopment Corp. v. 66 Drive-in, Inc.*,
- ¹²⁶ *Tierney v. Planned Industrial Expansion Authority*
- ¹²⁷ See, *Sweetwater Valley Civic Ass'n v. City of National City*, (“[o]ne man's land cannot be seized by the Government and sold to another man merely in order that the purchaser may build upon it a better house or a house which better meets the Government's idea of what is appropriate or well-designed.”; *Regus v. City of Baldwin Park* (there is no evidence to show that the Project area is either a social or an economic liability--except in the sense that it might be made more profitable to the City than it now is)
- ¹²⁸ *People ex rel. Gutknecht v. City of Chicago*, 111 N.E.2d 626, 634 (Ill. 1953).
- ¹²⁹ *County of Riverside v. City of Murrieta*, *supra*, 65 Cal.App.4th at pages 627-628, 76 Cal.Rptr.2d 606
- ¹³⁰ *Iberia Community Improvement Agency v. Walet*, 328 So. 2d 820, 823 (La. Ct. App. 1976).
- ¹³¹ *Hospital for Crippled Children v. Boston Redevelopment Authority*, 353 N.E.2d 778 (Mass. App. Ct. 1976).
- ¹³² *Gutknecht v. City of Chicago*, 111 N.E.2d 626, 634 (Ill. 1953).
- ¹³³ *Redevelopment Agency v. Hayes*, 266 P.2d 105, 118-19 (Cal. Dist. Ct. App. 1954).
- ¹³⁴ *Housing and Redevelopment Authority v. Coleman's Service, Inc.*, 160 N.W.2d 266, 272 (Minn. 1968).
- ¹³⁵ *Stahl v. Board of Finance of Paterson*, 163 A.2d 396, 406 (N.J. Super. Ct. App. Div. 1960).
- ¹³⁶ 35 Real Prop. Prob. & Tr. J. 389, 24
- ¹³⁷ *Levin v. Township Committee of Bridgewater Tp.*, 57 N.J. 506, 535 (N.J. 1971).
- ¹³⁸ S.C. CODE ANN. § 31-10-20(2)
- ¹³⁹ N.M. STAT. ANN. § 3-46-10 (WESTLAW, 2007) (emphasis added).
- ¹⁴⁰ FLA. STAT. ANN. § 163.340(8) (emphasis added).
- ¹⁴¹ NEB. REV. STAT. § 13-1101(5) (emphasis added).
- ¹⁴² NEV. REV. STAT. § 279.388 (WESTLAW, 2007).
- ¹⁴³ See *e.g.*, CAL. HEALTH & SAFETY CODE § 33031 (WESTLAW, 2007) (lists factors only); 65 ILL. COMP. STAT. 5/11-74.4-3 (WESTLAW, 2007); KAN. STAT. ANN. § 12-1770a(c) (WESTLAW, 2007).
- ¹⁴⁴ See 65 ILL. COMP. STAT. 5/11-74.4-3 (WESTLAW, 2007); S.C. CODE ANN. § 31-10-20(2) (WESTLAW, 2007); S.C. CODE ANN. § 31-6-30(1) (WESTLAW, 2007); S.C. CODE ANN. § 31-7-30(1) (WESTLAW, 2007); S.C. CODE ANN. § 6-33-30(1) (WESTLAW, 2007).
- ¹⁴⁵ See KAN. STAT. ANN. § 12-1770a(c) (WESTLAW, 2007); UTAH CODE ANN. § 17C-2-303 (WESTLAW, 2007); VA. CODE ANN. § 58.1-3245 (WESTLAW, 2007).
- ¹⁴⁶ S.C. CODE ANN. § 31-10-20(2) (WESTLAW, 2007) (emphasis added).
- ¹⁴⁷ KAN. STAT. ANN. § 12-1770a(c) (WESTLAW, 2007).

Appendix A to Part III

Table of Statutes			
State	Framework Title	Citation	Notes
<i>Alabama</i>	Tax Increment Districts	Ala. Code § 11-99-1, et seq.	(Defines “blighted or economically distressed area”)
<i>Alabama</i>	Housing, Redevelopment Projects	Ala. Code § 24-2-1 et seq.	Ala. Code § 24-2-2(c) (Defines “blighted property”)
<i>Alaska</i>	Alaska Housing Finance Corporation	Alaska Stat. § 18.56.010 et seq.	Alaska Stat. § 18.56.390(10) (Defines “remote, underdeveloped, or blighted area”)
<i>Alaska</i>	Slum Clearance and Redevelopment Act	Alaska Stat. § 18.55.480 et seq.	Alaska Stat. § 18.55.950(2)
<i>Arizona</i>	Housing Authorities and Urban Renewal Agencies/Urban Renewal Generally	Ark. Code Ann. § 14-169-701 et seq.	Ark. Code Ann. § 14-169-705(2)(A)(ii)
<i>Arizona</i>	Slum Clearance and Redevelopment	Ariz. Rev. Stat. § 36-1471 et seq.	Ariz. Rev. Stat. § 36-1471(2)
<i>Arizona</i>	Public Housing/Municipal Housing	Ariz. Rev. Stat. § 36-1401 et seq.	Ariz. Rev. Stat. § 36-1401(3)
<i>Arkansas</i>	Arkansas Community Redevelopment Financing Act	Ark. Code Ann. § 14-168-301 et seq.	Ark. Code Ann. § 14-168-301(3)
<i>Arkansas</i>	Housing Authorities and Urban Renewal Agencies/Redevelopment Generally	Ark. Code Ann. § 14-169-601 et seq.	Ark. Code Ann. § 14-169-604(1)
<i>California</i>	Community Redevelopment Law	Cal. Health & Safety Code § 33000 et seq.	Cal. Health & Safety Code § 33031
<i>Colorado</i>	Urban Renewal Law	Colo. Rev. Stat. § 31-25-101 et seq.	Colo. Rev. Stat. § 31-25-103(2)
<i>Colorado</i>	Downtown Development Authorities	Colo. Rev. Stat. § 31-25-801 et seq.	Colo. Rev. Stat. § 31-25-802(1.5)
<i>Connecticut</i>	Connecticut City and Town Development Act	Conn. Gen. Stat. § 7-480 et seq.	Conn. Gen. Stat. § 7-481
<i>Delaware</i>	Slum Clearance and Redevelopment Authority Law	Del. Code Ann. tit. 31, § 4501 et seq.	Del. Code Ann. tit. 31, § 4501(3)
<i>District of Columbia</i>	Acquisition and Disposal of Abandoned and Deteriorated Properties	DC Code § 42-3171.01 et seq.	DC Code § 42-3171.01(4) (Defines “slum and blight”)
<i>District of Columbia</i>	National Capital Revitalization Corporation Act	DC Code § 2-1219.01 et seq.	DC Code § 2-1219.01(6)
<i>Florida</i>	Community Redevelopment Act of 1969	Fla. Stat. Ann. § 163.330 et seq.	Fla. Stat. Ann. § 163.340(8)
<i>Georgia</i>	Housing Authorities Law	Ga. Code Ann. § 8-3-1, et seq.	Ga. Code Ann. § 8-4-3 (1).
<i>Hawaii</i>	Urban Redevelopment Act	Haw. Rev. Stat. § 53-1 et seq.	Haw. Rev. Stat. § 53-1
<i>Idaho</i>	Idaho Urban Renewal Law of 1965	Idaho Code Ann. § 50-2001 et seq.	No blight definition (Defines “deteriorated and deteriorating” areas)
<i>Idaho</i>	Local Economic Development Act	Idaho Code Ann. § 50-2901 et seq.	No blight definition (Defines “deteriorated area”)
<i>Illinois</i>	Neighborhood Redevelopment Corporation Law	315 Ill. Comp. Stat. 20/1 et seq.	315 Ill. Comp. Stat. 20/3-11 (Defines “slum and blight areas”)
<i>Illinois</i>	Urban Community Conservation Act	315 Ill. Comp. Stat. 25/1 et seq.	315 Ill. Comp. Stat. 25/2 (Defines “conservation areas”)
<i>Illinois</i>	Urban Renewal Consolidation Act of 1961	315 Ill. Comp. Stat. 30/1 et seq.	315 Ill. Comp. Stat. 30/3(i) (Defines “slum and blighted area”)
<i>Illinois</i>	Commercial Renewal and Redevelopment Areas	65 Ill. Comp. Stat. 5/11-74.2-1	65 Ill. Comp. Stat. 5/11-74.2-2(b) (Defines “commercial blight or blight area”)
<i>Illinois</i>	Housing Authorities Act	310 Ill. Comp. Stat. 10/1 et seq.	310 Ill. Comp. Stat. 10/9 (Defines “blighted or slum area”)
<i>Illinois</i>	Blighted Areas Redevelopment Act of 1947	315 Ill. Comp. Stat. 5/1 et seq.	315 Ill. Comp. Stat. 5/3(j) (Defines “slum and blighted area”)
<i>Illinois</i>	Blighted Vacant Areas Development Act of 1949	315 Ill. Comp. Stat. 10/1 et seq.	315 Ill. Comp. Stat. 10/3(b) (Defines “blighted vacant area”)
<i>Illinois</i>	Tax Increment Allocation Redevelopment Act	65 Ill. Comp. Stat. 5/11-74.4-1 et seq.	65 Ill. Comp. Stat. 5/11-74.4-3
<i>Indiana</i>	Planning and Development Chapter	Ind. Code § 36-7-1-1 et seq.	No blight definition
<i>Iowa</i>	Urban Renewal Law	Iowa Code § 403.1 et seq.	Iowa Code § 403.17(5)
<i>Iowa</i>	Eminent Domain Law	Iowa Code § 6A.1 et seq.	Iowa Code § 6A.22(2.a)(5)(a) (Defines “blighted condition”)
<i>Kansas</i>	Urban Renewal Law	Kan. Stat. Ann. § 17-4742 et seq.	Kan. Stat. Ann. § 17-4760(i)
<i>Kansas</i>	Development and Redevelopment of	Kan. Stat. Ann. § 12-1770 et seq.	Kan. Stat. Ann. § 12-1770a(c)

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State	Framework Title	Citation	Notes
	Areas in and Around Cities		
<i>Kentucky</i>	Urban Renewal and Community Development	Ky. Rev. Stat. Ann. § 99.330 et seq.	Ky. Rev. Stat. Ann. § 99.340(2)
<i>Kentucky</i>	Blighted and Deteriorated Properties	Ky. Rev. Stat. Ann. § 99.700 et seq.	Ky. Rev. Stat. Ann. § 99.705(1) (Defines “blighted or deteriorated property”)
<i>Louisiana</i>	Expropriation of Abandoned or Blighted Property by a Declaration of a Taking by the City of New Orleans and the City of Grambling	La. Rev. Stat. Ann. § 19:136 et seq.	La. Rev. Stat. Ann. § 19:136.1(2) (Defines “blighted property”)
<i>Louisiana</i>	Parish Redevelopment Law	La. Rev. Stat. Ann. § 33:4625 et seq.	La. Rev. Stat. Ann. § 33:4625(P)(8)(i)
<i>Louisiana</i>	Donation of Abandoned or Blighted Housing Property	La. Rev. Stat. Ann. § 33:4720:25 et seq.	La. Rev. Stat. Ann. § 33:4720.26(1) (Defines “abandoned or blighted housing property”)
<i>Louisiana</i>	New Orleans Community Improvement Act	La. Rev. Stat. Ann. § 33:4720.51 et seq.	La. Rev. Stat. Ann. § 33:4720.71(3)
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	La. Rev. Stat. Ann. § 33:4720.81 et seq.	La. Rev. Stat. Ann. § 33:4720.87(B) (Defines “blighted property”)
<i>Louisiana</i>	St. Charles Parish; Acquisition and Sale of Blighted Property	La. Rev. Stat. Ann. § 33:4720.81 et seq.	La. Rev. Stat. Ann. § 33:4720.89(1)
<i>Louisiana</i>	St. Bernard Parish Redevelopment Law	La. Rev. Stat. Ann. § 33:4720.91 et seq.	La. Rev. Stat. Ann. § 33:4720.91(Q)(1)
<i>Louisiana</i>	Housing Cooperation Law	La. Rev. Stat. Ann. § 40:570 et seq.	La. Rev. Stat. Ann. § 40:572(1)
<i>Louisiana</i>	Louisiana Housing Preservation Act	La. Rev. Stat. Ann. § 40:600.31 et seq.	La. Rev. Stat. Ann. § 40:600.33(4) (Defines “blighted housing property”)
<i>Maine</i>	Urban Renewal	Me. Rev. Stat. Ann. tit. 30-A, § 5101 et seq.	Me. Rev. Stat. Ann. tit. 30-A, § 5101(2)
<i>Maine</i>	Community Development	Me. Rev. Stat. Ann. tit. 30-A, § 5201 et seq.	Me. Rev. Stat. Ann. tit. 30-A, § 5202(1)
<i>Maryland</i>	Maryland Constitution	Md. Const. art. 3, § 61 et seq.	Md. Const. art. 3, § 61(a)(1)
<i>Maryland</i>	Redevelopment Bond Act	Md. Ann. Code art. 41, § 14-801 et seq.	Md. Ann. Code art. 41 § 14-805(a)(1)
<i>Massachusetts</i>	Urban Redevelopment Corporations	Mass. Gen Laws ch. 121A § 1 et seq.	Mass. Gen Laws ch. 121A § 1 (Defines “blighted open area”)
<i>Massachusetts</i>	Housing and Urban Renewal, General Provisions	Mass. Gen Laws ch. 121B § 1 et seq.	Mass. Gen Laws ch. 121B § 1
<i>Michigan</i>	Blighted Area Rehabilitation	Mich. Comp. Laws § 125.71 et seq.	Mich. Comp. Laws § 125.72(a)
<i>Michigan</i>	Land Reclamation and Improvement Authority Act	Mich. Comp. Laws § 125.2451 et seq.	Mich. Comp. Laws § 125.2452(4)
<i>Michigan</i>	Brownfield Redevelopment Financing Act	Mich. Comp. Laws § 125.2651 et seq.	Mich. Comp. Laws § 125.2652(e) (Defines “blighted”)
<i>Michigan</i>	Blighting Property	Mich. Comp. Laws § 125.2801 et seq.	Mich. Comp. Laws § 125.2802(b) (Defines “blighting property”)
<i>Minnesota</i>	Housing and Redevelopment Authorities	Minn. Stat. § 469.001 et seq.	Minn. Stat. § 469.002
<i>Mississippi</i>	Urban Renewal Law	Miss. Code Ann. § 43-35-1 et seq.	Miss. Code Ann. § 43-35-3(i)
<i>Missouri</i>	Community Improvement District Act	Mo. Rev. Stat. § 67.1401 et seq.	Mo. Rev. Stat. § 67.1401(2)(3)
<i>Missouri</i>	Housing Authorities Law	Mo. Rev. Stat. § 99.010 et seq.	Mo. Rev. Stat. § 99.020(3) (Defines “blighted”)
<i>Missouri</i>	Land Clearance for Redevelopment Law	Mo. Rev. Stat. § 99.300 et seq.	Mo. Rev. Stat. § 99.320(3)
<i>Missouri</i>	Real Property Tax Increment Allocation Redevelopment Act	Mo. Rev. Stat. § 99.800 et seq.	Mo. Rev. Stat. § 99.805(1)
<i>Missouri</i>	Missouri Downtown and Rural Economic Stimulus Act	Mo. Rev. Stat. § 99.915 et seq.	Mo. Rev. Stat. § 99.918(3)
<i>Missouri</i>	Downtown Revitalization Preservation Program	Mo. Rev. Stat. § 99.1080 et seq.	Mo. Rev. Stat. § 99.1082(2)
<i>Missouri</i>	Planned Industrial Expansion Law	Mo. Rev. Stat. § 100.300 et seq.	Mo. Rev. Stat. § 100.310(2)
<i>Missouri</i>	Enhanced Enterprise Zones	Mo. Rev. Stat. § 135.950 et seq.	Mo. Rev. Stat. § 135.950(1)
<i>Missouri</i>	Urban Redevelopment Corporations Law	Mo. Rev. Stat. § 353.010 et seq.	Mo. Rev. Stat. § 353.020(2)
<i>Montana</i>	Urban Renewal Law	Mont. Code Ann. § 7-15-4201 et	Mont. Code Ann. § 7-15-4206(2)

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State	Framework Title	Citation	Notes
		seq.	
<i>Nebraska</i>	Industrial Development Bonds	Neb. Rev. Stat. § 13-1101 et seq.	Neb. Rev. Stat. § 13-1101(5)
<i>Nebraska</i>	Nebraska Redevelopment Act	Neb. Rev. Stat. § 58-501 et seq.	Neb. Rev. Stat. § 58-503(6) (Defines “blighted and substandard area”)
<i>Nebraska</i>	Nebraska Investment Finance Authority Act	Neb. Rev. Stat. § 58-201 et seq.	Neb. Rev. Stat. § 58-209.01
<i>Nebraska</i>	Community Development Law	Neb. Rev. Stat. § 18-2101 et seq.	Neb. Rev. Stat. § 18-2103(11)
<i>Nevada</i>	Nevada Economic Development Fund	Nev. Rev. Stat. § 231.153 et seq.	Nev. Rev. Stat. § 231.154(4)(a) (Defines “blighted urban area”)
<i>Nevada</i>	Community Redevelopment Law	Nev. Rev. Stat. § 279.382 et seq.	Nev. Rev. Stat. § 279.388
<i>New Hampshire</i>	Redevelopment Projects	N.H. Rev. Stat. Ann. § 205:1 et seq.	N.H. Rev. Stat. Ann. § 205:2(1)
<i>New Jersey</i>	Definitions and General Rules of Construction	N.J. Stat. Ann. § 1:1-1 et seq.	N.J. Stat. Ann. § 1:1-2b
<i>New Jersey</i>	County Improvement Authorities Law	N.J. Stat. Ann. § 40:37A-44 et seq.	N.J. Stat. Ann. § 40:37A-45(t) (Defines “blighted, deteriorated or deteriorating area”)
<i>New Mexico</i>	Urban Development Law	N.M. Stat. Ann. § 3-46-1 et seq.	N.M. Stat. Ann. § 3-46-10
<i>New Mexico</i>	Community Development Law	N.M. Stat. Ann. § 3-60-1 et seq.	N.M. Stat. Ann. § 3-60-8
<i>New Mexico</i>	Metropolitan Redevelopment Code	N.M. Stat. Ann. § 3-60A-1 et seq.	N.M. Stat. Ann. § 3-60A-4(I)
<i>New York</i>	Municipal Redevelopment Law	N.Y. Gen. Mun. § 970-a et seq.	N.Y. Gen. Mun. § 970-c
<i>North Carolina</i>	Urban Renewal Law	N.C. Gen. Stat. § 160A-500 et seq.	N.C. Gen. Stat. § 160A-503(2) (Defines “blighted area”)
<i>North Carolina</i>	Urban Renewal Law	N.C. Gen. Stat. § 160A-500 et seq.	N.C. Gen. Stat. § 160A-503(2a) (Defines “blighted parcel”)
<i>North Dakota</i>	Urban Renewal Law	N.D. Cent. Code § 40-58-01 et seq.	N.D. Cent. Code § 40-58-01.1(2)
<i>Ohio</i>	Community Redevelopment	Ohio Rev. Code Ann. § 1728.01 et seq.	Ohio Rev. Code Ann. § 1728.01(E)
<i>Ohio</i>	Urban Renewal Debt Retirement Fund	Ohio Rev. Code Ann. § 725.01 et seq.	Ohio Rev. Code Ann. § 725.01(B)
<i>Ohio</i>	County Rural Zoning; Renewal of Slum and Blighted Areas	Ohio Rev. Code Ann. § 303.26 et seq.	Ohio Rev. Code Ann. § 303.26(E)
<i>Oklahoma</i>	Urban Renewal	Okla. Stat. Ann. tit. 11, § 38-101 et seq.	Okla. Stat. Ann. tit. 11, § 38-101(8)
<i>Oklahoma</i>	Neighborhood Redevelopment Act	Okla. Stat. Ann. tit. 11, § 40-101 et seq.	Okla. Stat. Ann. tit. 11, § 40-113(1) (Defines “blighted conditions”)
<i>Oregon</i>	Urban Renewal	Or. Rev. Stat. § 457.101 et seq.	Or. Rev. Stat. § 457.010
<i>Pennsylvania</i>	Economic Development Eminent Domain Law	Pa. Stat. Ann. tit. 73, § 330.1	Pa. Stat. Ann. tit. 73, § 330.2
<i>Pennsylvania</i>	Urban Redevelopment Law	Pa. Stat. Ann. tit. 35, § 1701 et seq.	Pa. Stat. Ann. tit. 35, § 1712.1(c) (Defines “blighted property”)
<i>Rhode Island</i>	Redevelopment Act of 1956	R.I. Gen. Laws § 45-31-1 et seq.	R.I. Gen. Laws § 45-31-9(b) (Defines “blighted and substandard area”)
<i>Rhode Island</i>	Redevelopment Act of 1956	R.I. Gen. Laws § 45-31-1 et seq.	R.I. Gen. Laws § 45-31-8(3) (Defines “blighted and substandard area”)
<i>South Carolina</i>	Community Development Law	S.C. Code Ann. § 31-10-10 et seq.	S.C. Code Ann. § 31-10-20(2)
<i>South Carolina</i>	Tax Increment Financing for Counties	S.C. Code Ann. § 6-33-10 et seq.	S.C. Code Ann. § 6-33-30(1)
<i>South Carolina</i>	Tax Increment Financing Act for Counties	S.C. Code Ann. § 31-7-10 et seq.	S.C. Code Ann. § 31-7-30(1)
<i>South Carolina</i>	Tax Increment Financing Law	S.C. Code Ann. § 31-6-10 et seq.	S.C. Code Ann. § 31-6-30(1)
<i>South Dakota</i>	Tax Incremental Districts	S.D. Codified Laws § 11-9-1 et seq.	S.D. Codified Laws § 11-9-9
<i>South Dakota</i>	Tax Incremental Districts	S.D. Codified Laws § 11-9-1 et seq.	S.D. Codified Laws § 11-9-10
<i>South Dakota</i>	Tax Incremental Districts	S.D. Codified Laws § 11-9-1- et seq.	S.D. Codified Laws § 11-9-11
<i>South Dakota</i>	County and Municipal Housing and Redevelopment	S.D. Codified Laws § 11-7-1, et seq.	S.D. Codified Laws § 11-7-3
<i>South Dakota</i>	Urban Renewal	S.D. Codified Laws § 11-8-1, et seq.	S.D. Codified Laws § 11-8-3
<i>Tennessee</i>	Housing Authorities Law	Tenn. Code Ann. § 13-20-101, et seq.	Tenn. Code Ann. § 13-20-201
<i>Tennessee</i>	Slum Clearance and Redevelopment	Tenn. Code Ann. § 13-21-201, et	Tenn. Code Ann. § 13-21-202

Table of Statutes

State	Framework Title	Citation	Notes
		seq.	
<i>Texas</i>	Texas Department of Housing and Community Affairs	Tex. Gov't Code Ann. § 2306.001 et seq.	Tex. Gov't Code Ann. § 2306.004(6) (Defines "economically depressed or blighted area")
<i>Texas</i>	Texas Urban Renewal Law	Tex. Loc. Gov't Code Ann. § 374.001 et seq.	Tex. Loc. Gov't Code Ann. §374.003
<i>Texas</i>	Texas Housing Finance Corporations Act	Tex. Loc. Gov't Code Ann. § 394.001 et seq.	Tex. Loc. Gov't Code Ann. § 394.003(3) (Defines "economically depressed or blighted area")
<i>Texas</i>	Purchasing Preferences	Tex. Gov't Code Ann. § 2155.441 et seq.	Tex. Gov't Code Ann. § 2155.449 (Defines "economically depressed or blighted area")
<i>Utah</i>	Housing Authorities	Utah Code Ann. § 9-4-601, et seq.	Utah Code Ann. § 9-4-602
<i>Utah</i>	Limited Purpose Local Government Entities-Community Development and Renewal Agencies.	Utah Code Ann. § 17C-1-101, et seq.	Utah Code Ann. § 17C-2-303
<i>Vermont</i>	Urban Renewal	Vt. Stat. Ann. tit. 24, § 3201, et seq.	Vt. Stat. Ann. tit. 24, § 3201 (3)
<i>Virginia</i>	Housing Authorities Law	Va. Code Ann. § 36-1, et seq.	Va. Code Ann. § 36-3 (Defines "blighted property")
<i>Virginia</i>	Redevelopment Projects	Va. Code Ann. § 36-48 et seq.	No blight definition
<i>Virginia</i>	Housing Authorities Law	Va. Code Ann. § 36-1, et seq.	Va. Code Ann. § 36-3 (Defines "blighted area")
<i>Virginia</i>	Tax Increment Financing	Va. Code Ann. § 58.1-3245 et seq.	Va. Code Ann. § 58.1-3245
<i>Washington</i>	Condemnation of Blighted Property	Wash. Rev. Code § 35.80A.010, et seq.	Wash. Rev. Code § 35.80A.010
<i>Washington</i>	Community Renewal Law	Wash. Rev. Code § 35.81	Wash. Rev. Code § 35.81.015 (2)
<i>West Virginia</i>	Urban Renewal Authority Law	W. Va. Code Ann. § 16-18-1 et seq.	W. Va. Code Ann. § 16-18-3 (d) (Defines "blighted property")
<i>West Virginia</i>	West Virginia Tax Increment Financing Act	W. Va. Code Ann. § 7-11B-1 et seq.	W. Va. Code Ann. § 7-11B-3(b)(3)
<i>West Virginia</i>	Urban Renewal Authority Law	W. Va. Code Ann. § 16-18-1 et seq.	W. Va. Code Ann. § 16-18-3(c)
<i>Wisconsin</i>	Emergency Condemnation	Wis. Stat. § 32.22	Wis. Stat. § 32.22(1)(a) (Defines "blighted property")
<i>Wisconsin</i>	Blighted Area Law	Wis. Stat. § 66.1331	Wis. Stat. § 66.1331 (3)(a)
<i>Wisconsin</i>	Tax Increment Law	Wis. Stat. § 66.1105	Wis. Stat. § 66.1105(2)(a)1
<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act	Wis. Stat. § 66.1333	Wis. Stat. § 66.1333 (2m)(b)
<i>Wisconsin</i>	General Eminent Domain	Wis. Stat. § 32.01 et seq.	Wis. Stat. § 32.03(6)(a) (Defines "blighted property")
<i>Wisconsin</i>	Blight Elimination and Slum Clearance Act	Wis. Stat. § 66.1333	Wis. Stat. § 66.1333 (2m)(b)(3)(bm) (Defines "blighted property")
<i>Wisconsin</i>	Urban Renewal Law	Wis. Stat. § 66.1337	No blight definition
<i>Wyoming</i>	Wyoming Urban Renewal Code	Wyo. Stat. Ann. § 15-9-100 et seq.	Wyo. Stat. Ann. § 15-9-103(iii)
<i>Wyoming</i>	Downtown Development Authority	Wyo. Stat. Ann. § 15-9-201 et seq.	Wyo. Stat. Ann. § 15-9-202(a)(ii)

PART IV: ANALYSIS OF BLIGHT STATUTES

The foregoing detailed analysis encompasses a large amount of information from which to draw conclusions. Before doing so, it is necessary to take a step back to the historic analysis presented at the beginning of this report, and look at the fundamental question: What is blight?

Luce defined a blighted area as “an area, usually in a city, that is in transition from a state of relative civic health to the state of being a slum, a breeding ground for crime, disease, and unhealthful living conditions.”¹⁴⁸ Justice Douglas, writing in *Berman*, was more colorful in his choice of language.

Miserable and disreputable housing conditions may do more than spread disease and crime and immorality. They may also suffocate the spirit by reducing the people who live there to the status of cattle. They may indeed make living an almost insufferable burden. They may also be an ugly sore, a blight on the community which robs it of charm, which makes it a place from which men turn. The misery of housing may despoil a community as an open sewer may ruin a river.¹⁴⁹

As a number of the cases outlined in the previous sections of this report demonstrate, however, the use of blight statutes to do more than remediate Justice Douglas’ spirit-suffocating areas has ballooned, and the blight statutes are more and more regarded as a way to simply increase the vitality of communities, rather than to eliminate “ugly sores”.

As such, the very structure of the blight statutes should be closely evaluated to ascertain the relevancy of the various blight factors. The foregoing sections divided these factors into “cause factors” and “effect factors”. The importance of this division is now apparent, in that we can see that the effect factors define what people think are blighted conditions, because it is these factors that describe the adverse effects from the conditions which appear to have caused the blight. “Diversity of ownership” may not be visible to the naked eye. But, if an area that has “diversity of ownership” becomes a haven for crime, that circumstance is certainly visible. Thus, in simplistic terms, the diversity of ownership is viewed as having caused, or had the effect of causing, crime.

Of course, the reality is that the true relationship between the cause factors and the adverse effects is usually more indirect and tertiary. Thus, diversity of ownership is a factor that may contribute to neglect of property and deterioration (blight), and the blighted condition then provides an opportunity for crime. But the chain of causation is not straight, unbroken, or certain.

The grouping of the *effect* factors, as set forth in the previous section, reveals what are, in reality, three categories of blight:

- Concerns about protection of the public health, safety, welfare. These “effect factors” include ill health or crime, or the generic adverse effect on the public health, safety, or welfare;

- Concerns about housing and accommodations, both in terms of the quality and the quantity thereof; and
- Concerns about economic issues, such as an area that creates an economic or social liability, or an area that retards the growth of the community.

What is apparent from the analysis of the “cause factors” in the previous sections is that some cause factors are more likely to have the effect of causing a particular “effect factor” than others. For example, the cause factor “economic use of land” is less likely to have the effect of causing “ill health” than it is to have the effect of retarding the growth of the community.

As a result, it was necessary to analyze the cause factors in relation to each of the effect factors. To perform this analysis, we formulated a set of “rules” by which to test each of the cause factors. These rules were intended as a set of guideposts, to guide the review of the cause factor to a determination of whether it was more or less likely to have the effect of causing a particular effect factor. We used three rules to perform this analysis.

- **Can the cause factor stand on its own and support a declaration of blight?**

If the cause factor is significant enough to support a declaration of blight, on its own, then it would be appropriate to consider it “most likely” to have the effect of causing one of the effect factors.

- **If not, can the cause factor, in combination with other factors, support a declaration of blight?**

Each of these factors may not be strong enough on their own to support a declaration of blight, despite the various statutory provisions that allow a finding of blight based on a single factor. Nevertheless, in conjunction with other cause factors, each could be sufficient to support such a declaration. As such, these factors would appropriately be placed in a “more likely” or “less likely” category.

- **If not, what is the blight factor trying to address, and is remedying that issue through eminent domain an appropriate use of eminent domain today?**

The final question seeks to address whether it is appropriate at all to condemn property based on a particular factor, in the absence of either free-standing or a combination of factors. If the answer to this question is in the negative, then it is appropriate to place the cause factor in the “least likely” category.

In each instance, it is important to review the *cause* factors against each of the three *effect* factor categories, as they may have different relationships to each category. As a result, this analysis is seeking to answer two questions. Which property conditions (cause factors) do we see as still causing blight today, and which effect factors are appropriate to remedy by the use of eminent domain to condemn property held by private parties?

The following tables set forth the results of this analysis. Each of the effect factors is set forth in a separate table. Following the individual tables, we have set forth a compilation table. In the compilation table, the individual tables are represented as follows:

- Public Health, Safety and Welfare ✓
- Economic Concerns ✓
- Housing Concerns ✓

The patterns that emerged in the compilation table will help to guide the future drafting of revisions to the blight statutes. Where a particular cause factor shows a prevalence of “less likely” or “least likely” to have the effect of causing any of the effect factors, then it is perhaps time to review whether that is an appropriate cause factor at all.

NOTES _____

¹⁴⁸ 35 Real Prop. Prob. & Tr. J. 389, 5

¹⁴⁹ *Berman, supra*, 348 U.S. at 32-33.

Table 4.1 Public Health, Safety and Welfare

	Blight Factor	What Does This Factor Address?	Likelihood			
			Most Likely	More Likely	Less Likely	Least Likely
Public Health Safety, and Welfare	Health Hazards	Areas that lack an adequate provision of air, light or open space.	✓			
	Fire Hazard	Conditions of a property or area where the structural layout or condition leads to significant risk of fire.	✓			
	Structural Defects	Areas where structures are outdated and not up to date with current building codes and standards.	✓			
	Declared Disaster Areas	An area where a disaster renders it unlikely to be rebuilt and redeveloped without government support.	✓			
	Physical and Geological Factors	Climatic, volcanic, seismic or similar conditions that make an area unsuitable for current levels of development.		✓		
Use of Land	Overcrowding/Excessive Land Coverage	An area with an over-occupation of housing units or an inappropriate amount of open space.		✓		
	Faulty or Obsolete Planning	Areas with an inadequate or improper infrastructure and general layout.			✓	
	Character of Neighborhood	An existing or growing pattern of inappropriate uses in an area, such as adult-oriented businesses or industrial factories in a residential zone.			✓	
	Blighted Open Areas	An area that is significantly and inappropriately undeveloped.			✓	
	Lack of Necessary Amenities and Utilities	Areas with an inadequate provision of sanitation, municipal or open space facilities for the population.		✓		
Economic Concerns	Economic Use of Land	An area where land is unsatisfactorily utilized or productive.			✓	
	Taxation Issues	A condition when the tax delinquencies for a property or area exceed its fair value.				✓
	Vacancies	An area or district with a significant number of unoccupied and unused structures or parcels.			✓	
Title and Ownership	Diversity of Ownership	A condition where a plethora of ownership interests significantly hinders the assembly of parcels for development.				✓
	Conditions of Title	A situation where unclear or indeterminable title interests render it unmarketable.				✓

Table 4.2 Economic Concerns

Blight Factor	What Does This Factor Address?	Likelihood			
		Most Likely	More Likely	Less Likely	Least Likely
Public Health Safety, and Welfare	Health Hazards	Areas that lack an adequate provision of air, light or open space.		✓	
	Fire Hazard	Conditions of a property or area where the structural layout or condition leads to significant risk of fire.		✓	
	Structural Defects	Areas where structures are outdated and not up to date with current building codes and standards.		✓	
	Declared Disaster Areas	An area where a disaster renders it unlikely to be rebuilt and redeveloped without government support.	✓		
	Physical and Geological Factors	Climatic, volcanic, seismic or similar conditions that make an area unsuitable for current levels of development.			✓
Use of Land	Overcrowding/Excessive Land Coverage	An area with an over-occupation of housing units or an inappropriate amount of open space.			✓
	Faulty or Obsolete Planning	Areas with an inadequate or improper infrastructure and general layout.			✓
	Character of Neighborhood	An existing or growing pattern of inappropriate uses in an area, such as adult-oriented businesses or industrial factories in a residential zone.		✓	
	Blighted Open Areas	An area that is significantly and inappropriately undeveloped.		✓	
	Lack of Necessary Amenities and Utilities	Areas with an inadequate provision of sanitation, municipal or open space facilities for the population.	✓		
Economic Concerns	Economic Use of Land	An area where land is unsatisfactorily utilized or productive.	✓		
	Taxation Issues	A condition when the tax delinquencies for a property or area exceed its fair value.	✓		
	Vacancies	An area or district with a significant number of unoccupied and unused structures or parcels.		✓	
Title and Ownership	Diversity of Ownership	A condition where a plethora of ownership interests significantly hinders the assembly of parcels for development.		✓	
	Conditions of Title	A situation where unclear or indeterminable title interests render it unmarketable.		✓	

Table 4.3 Housing Concerns

	Blight Factor	What Does This Factor Address?	Likelihood			
			Most Likely	More Likely	Less Likely	Least Likely
Public Health Safety, and Welfare	Health Hazards	Areas that lack an adequate provision of air, light or open space.	✓			
	Fire Hazard	Conditions of a property or area where the structural layout or condition leads to significant risk of fire.	✓			
	Structural Defects	Areas where structures are outdated and not up to date with current building codes and standards.	✓			
	Declared Disaster Areas	An area where a disaster renders it unlikely to be rebuilt and redeveloped without government support.	✓			
	Physical and Geological Factors	Climatic, volcanic, seismic or similar conditions that make an area unsuitable for current levels of development.		✓		
Use of Land	Overcrowding/Excessive Land Coverage	An area with an over-occupation of housing units or an inappropriate amount of open space.		✓		
	Faulty or Obsolete Planning	Areas with an inadequate or improper infrastructure and general layout.			✓	
	Character of Neighborhood	An existing or growing pattern of inappropriate uses in an area, such as adult-oriented businesses or industrial factories in a residential zone.		✓		
	Blighted Open Areas	An area that is significantly and inappropriately undeveloped.				✓
	Lack of Necessary Amenities and Utilities	Areas with an inadequate provision of sanitation, municipal or open space facilities for the population.		✓		
Economic Concerns	Economic Use of Land	An area where land is unsatisfactorily utilized or productive.				✓
	Taxation Issues	A condition when the tax delinquencies for a property or area exceed its fair value.				✓
	Vacancies	An area or district with a significant number of unoccupied and unused structures or parcels.				✓
Title and Ownership	Diversity of Ownership	A condition where a plethora of ownership interests significantly hinders the assembly of parcels for development.				✓
	Conditions of Title	A situation where unclear or indeterminable title interests render it unmarketable.				✓

Table 4.4 Summary

	Blight Factor	What Does This Factor Address?	Likelihood			
			Most Likely	More Likely	Less Likely	Least Likely
Public Health Safety, and Welfare	Health Hazards	Areas that lack an adequate provision of air, light or open space.	✓✓	✓		
	Fire Hazard	Conditions of a property or area where the structural layout or condition leads to significant risk of fire.	✓✓	✓		
	Structural Defects	Areas where structures are outdated and not up to date with current building codes and standards.	✓✓	✓		
	Declared Disaster Areas	An area where a disaster renders it unlikely to be rebuilt and redeveloped without government support.	✓✓✓			
	Physical and Geological Factors	Climatic, volcanic, seismic or similar conditions that make an area unsuitable for current levels of development.		✓✓	✓	
Use of Land	Overcrowding/Excessive Land Coverage	An area with an over-occupation of housing units or an inappropriate amount of open space.		✓✓	✓	
	Faulty or Obsolete Planning	Areas with an inadequate or improper infrastructure and general layout.			✓✓✓	
	Character of Neighborhood	An existing or growing pattern of inappropriate uses in an area, such as adult-oriented businesses or industrial factories in a residential zone.		✓✓	✓	
	Blighted Open Areas	An area that is significantly and inappropriately undeveloped.		✓	✓	✓
	Lack of Necessary Amenities and Utilities	Areas with an inadequate provision of sanitation, municipal or open space facilities for the population.	✓	✓✓		
Economic Concerns	Economic Use of Land	An area where land is unsatisfactorily utilized or productive.	✓		✓	✓
	Taxation Issues	A condition when the tax delinquencies for a property or area exceed its fair value.	✓			✓✓
	Vacancies	An area or district with a significant number of unoccupied and unused structures or parcels.		✓	✓	✓
Title and Ownership	Diversity of Ownership	A condition where a plethora of ownership interests significantly hinders the assembly of parcels for development.		✓		✓✓
	Conditions of Title	A situation where unclear or indeterminable title interests render it unmarketable.		✓		✓✓

