

Colorado Urban Renewal Law and Blight Determinations

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Colorado Urban Renewal Law

- C.R.S. § 31-25-101, *et seq.*, the “Urban Renewal Law”
- Urban renewal laws implement a broad public policy that favors redevelopment to eliminate blight.
- General Assembly declared the prevention and elimination of slums and blight is a matter of public policy and statewide concern.
- General Assembly also found that urban renewal is a public use and purpose for which public money may be expended and the police power exercised for the public interest.

Urban Renewal and Blight



- Urban renewal is a tool used by municipalities to eliminate and prevent blight.
- The Urban Renewal Law sets forth an extensive process associated with blight designation
- C.R.S. § 31-25-103 (2) defines “Blighted area” as
“[A]n area that, in its present condition and use and, by reason of the presence of ***at least four of the following factors***, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

Factors for Designating Blight



- (a) ***Slum, deteriorated, or deteriorating structures;***
- (b) Predominance of ***defective*** or ***inadequate street layout;***
- (c) ***Faulty lot layout*** in relation to size, adequacy, accessibility, or usefulness;
- (d) ***Unsanitary or unsafe conditions;***
- (e) ***Deterioration*** of site or other improvements;
- (f) Unusual ***topography*** or ***inadequate*** public ***improvements or utilities;***

Factors, cont.



- (g) Defective or unusual conditions of title rendering the ***title nonmarketable***;
- (h) The existence of ***conditions that endanger life or property*** by fire or other causes;
- (i) ***Buildings that are unsafe or unhealthy*** for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- (j) ***Environmental contamination*** of buildings or property

Factors, cont.



- (k.5)The existence of health, safety, or welfare ***factors requiring high levels of municipal services*** or substantial physical underutilization or vacancy of sites, buildings, or other improvements;

OR

Factors, cont.



- (k.5)(1) If there is ***no objection by the property owner or owners and the tenant or tenants*** of such owner or owners, if any, to the inclusion of such property in an urban renewal area, “blighted area” also means an area that, in its present condition and use and, by reason of the presence of ***any one of the factors*** [listed above], substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

Summary



- General Rule: Blight can be found and determined if the property meets at least four of the factors in C.R.S. § 31-25-103(2)(a) through (k.5).
- Exception: If all property owners agree to include their property in an urban renewal area, only one factor in C.R.S. § 31-25-103(2)(a) through (k.5) is necessary to find and determine blight.

Determination of “Blight”



- City Council’s finding and determination whether an area is blighted is a legislative question and the judicial scope of review is restricted. *Tracy v. City of Boulder*, 635 P.2d 907 (Colo. App. 1981).
- The definition of “blighted area” is broad and not only encompasses those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration. *Tracy*.

Council's Authority



- Council must review the proposed urban renewal area, apply the language in the statute to the proposal, and make a finding and determination whether blight conditions exist on the property proposed for the urban renewal area.

Example 1



- Owners don't agree on the URA
- Slum, deteriorated, or deteriorating structures
- Deterioration of site or other improvements
- Conditions that endanger life/property by fire or other causes
- Unsafe buildings by code, dilapidation, physical condition, etc.
- **Council must review the factors and determine in their discretion whether the property conditions merit a blight determination.**

Example 2



- Owners agree on URA
- Predominance of defective or inadequate street layout
 - Traffic congestion due to layout
 - Lack of adequate facilities
 - High accident volumes
- **Council must determine whether, based on the actual set of facts related to the street system in the proposed area, this criteria is met**

Blight Determination



QUESTIONS?