

HOUSE BILL NO. HB0068

Tax increment financing.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming Urban Renewal Code;
2 expanding the application of the code to include the
3 provision of affordable housing; providing findings and
4 definitions; making conforming changes; and providing for
5 effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 15-9-102 by creating a new subsection
10 (d), 15-9-103(a)(iii), (xvii), (xix)(intro) and by creating
11 a new paragraph (xx), 15-9-104(a)(intro), 15-9-105(a)(i),
12 (iii) and (b)(i), 15-9-106(a)(i) and (ii), 15-9-107,
13 15-9-110(a)(iv) and (b)(i)(A) through (D), 15-9-114(a),
14 15-9-115(a)(iii), 15-9-116(a)(ii)(intro) and (b) and
15 15-9-120(a)(i) are amended to read:

1

2 **15-9-102. Legislative findings.**

3

4 (d) It is further found and declared that there
5 exists in municipalities of the state a lack of affordable
6 housing which is injurious to the public health, safety,
7 morals and welfare of the residents of the state; that the
8 lack of affordable housing constitutes an economic and
9 social liability imposing onerous municipal burdens which
10 decrease the tax base and reduce tax revenues and
11 substantially impairs or arrests the sound growth of
12 municipalities; and that the provision of affordable
13 housing is a matter of state policy and state concern.

14

15 **15-9-103. Definitions.**

16

17 (a) As used in this chapter, unless a different
18 meaning is clearly indicated by the context:

19

20 (iii) "Blighted area" means an area which by
21 reason of the presence of not less than two (2) conditions
22 for a blighted area specified in this paragraph. The
23 conditions for a blighted area are a substantial number of

1 slums, deteriorated or deteriorating structures,
2 predominance of defective or inadequate street layout,
3 faulty lot layout in relation to size, adequacy,
4 accessibility or usefulness, unsanitary or unsafe
5 conditions, deterioration of site or other improvements,
6 diversity of ownership, tax or special assessments,
7 delinquency exceeding the fair value of the land, defective
8 or unusual conditions of title, or the existence of
9 conditions which endanger life or property by fire and
10 other causes, or ~~any combination of those factors,~~
11 substantially impairs or arrests the sound growth of a
12 municipality, retards the provision of housing
13 accommodations or constitutes an economic or social
14 liability and is a menace to the public health, safety,
15 morals or welfare in its present condition and use.
16 However, if the blighted area consists of open land, the
17 conditions contained in W.S. 15-9-110(b) apply and any
18 disaster area referred to in W.S. 15-9-112 constitutes a
19 "blighted area";

20

21 (xvii) "Urban renewal area" means a slum area,
22 ~~or a blighted area or a combination thereof which~~ other
23 area that the local governing body designates as

1 appropriate for an urban renewal project as provided in
2 this chapter;

3

4 (xix) "Urban renewal project" includes
5 undertakings and activities of a municipality in one (1) or
6 more urban renewal areas for the provision of affordable
7 housing or for the elimination ~~and for or~~ the prevention of
8 the development or spread of slums and blight, and may
9 involve slum clearance and redevelopment in an urban
10 renewal area, or rehabilitation or conservation in an urban
11 renewal area, or any combination or part thereof in
12 accordance with an urban renewal plan. The undertakings
13 and activities may include:

14

15 (xx) "Affordable housing" means housing where
16 the total gross household income of the occupant does not
17 exceed one hundred twenty percent (120%) of the median
18 gross household income for the county where the housing is
19 located.

20

21 **15-9-104. Private enterprise to be preferred; when**
22 **considered.**

23

1 (a) A municipality, to the greatest extent it
2 determines to be feasible in carrying out the provisions of
3 this chapter and consistent with its needs, shall afford
4 maximum opportunity to the provision of affordable housing
5 or the development, rehabilitation or redevelopment of the
6 urban renewal area by private enterprise. A municipality
7 shall give consideration to this objective in exercising
8 its powers under this chapter, including the:

9

10 **15-9-105. Workable program; formulation; objectives**
11 **and provisions thereof.**

12

13 (a) For the purposes of this chapter a municipality
14 may formulate for itself a workable program for utilizing
15 appropriate private and public resources to:

16

17 (i) Provide affordable housing or eliminate and
18 prevent the development or spread of slums and urban
19 blight;

20

21 (iii) Provide for the development of the urban
22 renewal area as provided in this chapter or the
23 redevelopment of slum and blighted areas; or

1

2 (b) A workable program may include provisions for
3 the:

4

5 (i) Provision of affordable housing or the
6 prevention of the spread of blight through diligent
7 enforcement of housing, zoning and occupancy controls and
8 standards;

9

10 **15-9-106. Initiative resolution; how adopted;**
11 **findings.**

12

13 (a) No municipality shall exercise the authority
14 conferred upon municipalities by this chapter until the
15 local governing body, on its own motion or by virtue of a
16 petition signed by twenty-five (25) or more electors of the
17 municipality, has adopted a resolution finding that:

18

19 (i) There is a lack of affordable housing or
20 that one (1) or more slum or blighted areas exist in the
21 municipality; and

22

1 (ii) The rehabilitation, conservation,
2 development, redevelopment or a combination thereof of the
3 area or areas is necessary in the interest of the public
4 health, safety, morals or welfare of the residents of the
5 municipality.

6

7 **15-9-107. Preliminary requirements for projects;**
8 **generally.**

9

10 An urban renewal project for an urban renewal area shall
11 not be planned or initiated unless the governing body, by
12 resolution, has determined the area has a lack of
13 affordable housing and is appropriate for affordable
14 housing or has determined the area to be a slum area or a
15 blighted area or a combination thereof and designated it as
16 an urban renewal area and determined the area appropriate
17 for an urban renewal project under this chapter. A
18 municipality shall not acquire real property for any urban
19 renewal project unless the local governing body has
20 approved the urban renewal project in accordance with W.S.
21 15-9-110.

22

1 **15-9-110. Preliminary requirements for projects;**
2 **approval by and findings of governing body.**

3

4 (a) Following the hearing specified in W.S. 15-9-109,
5 the local governing body may approve an urban renewal
6 project and the plan therefor if it finds that:

7

8 (iv) The urban renewal plan affords maximum
9 opportunity, consistent with the municipality's needs, for
10 the rehabilitation, development or redevelopment of the
11 urban renewal area by private enterprise.

12

13 (b) If the urban renewal area consists of an area of
14 open land to be acquired by the municipality, the area
15 shall not be so acquired unless:

16

17 (i) If it is to be developed for residential
18 uses, the local governing body shall determine that:

19

20 (A) A shortage of housing of sound
21 standards and design which is affordable, decent, safe and
22 sanitary exists in the municipality;

23

1 (B) ~~The~~ There is a need for affordable
2 housing or that accommodations has been or will be
3 increased as a result of the clearance of slums in other
4 areas;

5
6 (C) The lack of affordable housing, the
7 conditions of blight in the area ~~and~~ or the shortage of
8 decent, safe and sanitary housing ~~cause or contribute to an~~
9 ~~increase in and spread of disease and crime and~~ constitute
10 a menace to the public health, safety, morals or welfare;
11 and

12
13 (D) The acquisition of the area for
14 residential uses or affordable housing is an integral part
15 of and essential to the program of the municipality;

16

17 **15-9-114. Condemnation.**

18

19 (a) A municipality has the right to acquire by
20 condemnation any interest in real property, including a fee
21 simple title thereto, which it deems necessary for or in
22 connection with an urban renewal project under this
23 chapter, provided that the right to acquire property by

1 eminent domain under this chapter shall not extend to
2 property occupied by an owner for residential purposes or
3 leased for current residential occupancy. A municipality
4 may exercise the power of eminent domain in the manner now
5 provided or which may be hereafter provided by any other
6 statutory provisions. Property already devoted to a public
7 use may be acquired in like manner, provided that no real
8 property belonging to the United States, the state or any
9 political subdivision thereof, may be acquired without its
10 consent.

11

12 **15-9-115. Property acquired in project; disposition**
13 **and use generally.**

14

15 (a) A municipality may:

16

17 (iii) Retain the property or interest for public
18 use in accordance with the urban renewal plan, subject to
19 any covenants, conditions and restrictions, including
20 covenants running with the land, as it deems necessary or
21 desirable to assist in providing affordable housing,
22 preventing the development or spread of future slums or

1 blighted areas or to otherwise carry out the purposes of
2 this chapter.

3

4 **15-9-116. Property acquired in project; disposition**
5 **to private persons; procedure; notice; proposals;**
6 **contracts.**

7

8 (a) A municipality may:

9

10 (ii) By notice published once each week for four
11 (4) consecutive weeks in a newspaper having a general
12 circulation in the community, prior to the execution of any
13 contract to sell, lease or otherwise transfer real property
14 and prior to the delivery of any instrument of conveyance
15 with respect thereto under the provisions of this section,
16 invite proposals from and make available all pertinent
17 information to private developers or redevelopers or any
18 persons interested in undertaking to develop affordable
19 housing or to redevelop or rehabilitate an urban renewal
20 area or any part thereof. The notice shall:

21

22 (b) The municipality shall consider all affordable
23 housing development, redevelopment or rehabilitation

1 proposals and the financial and legal ability of the
2 persons making the proposals to carry them out. The
3 municipality may accept any proposals it deems to be in the
4 public interest and in furtherance of the purposes of this
5 chapter. A notification of intention to accept a proposal
6 shall be filed with the governing body not less than thirty
7 (30) days prior to acceptance. Thereafter the municipality
8 may execute a contract and deliver deeds, leases and other
9 instruments and take all steps necessary to effectuate a
10 contract in accordance with the provisions of W.S.
11 15-9-115.

12

13 **15-9-120. Taxes upon property; authorized division**
14 **thereof.**

15

16 (a) Any urban renewal plan may contain a provision
17 that taxes, if any, levied upon taxable property in an
18 urban renewal project each year by or for the benefit of a
19 municipality in the state shall be divided as follows:

20

21 (i) That portion of the taxes which would be
22 produced by the rate upon which the tax is levied each year
23 by or for each of the taxing agencies upon the total sum of

1 the assessed value of the taxable property in the urban
2 renewal project as shown upon the assessment roll used in
3 connection with the taxation of the property by the taxing
4 agency, last equalized prior to the effective date of the
5 urban renewal project shall be allocated to and, when
6 collected, paid into the funds of the respective taxing
7 agencies as taxes by or for those taxing agencies on all
8 other property are paid (for the purpose of allocating
9 taxes by or for any taxing agency which did not include the
10 territory in the urban renewal project on the effective
11 date of the project but which territory had been annexed or
12 otherwise included after the effective date, the assessment
13 of the county last equalized on the project shall be used
14 in determining the assessed valuation on the taxable
15 property in the project on the effective date). For the
16 purposes of this paragraph, the assessed value of the
17 taxable property in an urban renewal project shall mean the
18 aggregate value of all property located within the
19 geographical boundaries of the project and notwithstanding
20 any of the requirements imposed under title 39, chapter 13
21 of Wyoming statutes, the assessed value of the taxable
22 property in an urban renewal project as provided under this

1 paragraph shall not be modified during the term of the
2 project; and

3

4 **Section 2.** The department of revenue shall promulgate
5 rules necessary to implement W.S. 15-9-120(a) as amended by
6 this act, including any amendment of rules previously
7 promulgated as required by W.S. 39-13-103(b)(ii).

8

9 **Section 3.**

10

11 (a) Except as provided in subsection (b) of this
12 section, this act is effective immediately upon completion
13 of all acts necessary for a bill to become law as provided
14 by Article 4, Section 8 of the Wyoming Constitution.

15

16 (b) Section 1 of this act is effective July 1, 2025.

17

18

(END)