

**§5157. Eligible properties; exemption of certain properties**

**1. Eligible properties.** The redevelopment authority may acquire property through an agreement under section 5158, subsection 4, which may include:

A. Property that the redevelopment authority has determined is abandoned as demonstrated by a totality of evidence including, but not limited to, the following:

- (1) Doors and windows on the property are boarded up, broken or continuously left unlocked;
- (2) Rubbish, trash or debris has accumulated on the property;
- (3) Furnishings and personal property are absent from the property;
- (4) The buildings or improvements on the property are deteriorating so as to constitute a threat to public health or safety;
- (5) Gas, electric or water service to the property has been terminated or utility consumption is so low that it indicates the property is not regularly occupied;
- (6) A mortgagee has changed the locks on the property and neither the mortgagor nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps to gain entrance to, the property;
- (7) Reports of trespass, vandalism or other illegal acts being committed on the property have been made to local law enforcement authorities;
- (8) A code enforcement officer or other public official has made a determination or finding that the property is abandoned or unfit for occupancy;
- (9) The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the property; or
- (10) Other reasonable signs of abandonment; [PL 2021, c. 664, §3 (NEW).]

B. Property that the redevelopment authority has determined is blighted because of:

- (1) Dilapidation, deterioration, age or obsolescence;
- (2) Inadequate provision for ventilation, light, air, sanitation or open spaces;
- (3) High density of population and overcrowding;
- (4) Tax or special assessment delinquency exceeding the fair value of the land;
- (5) The existence of conditions that endanger life or property; or
- (6) Any combination of the factors described in subparagraphs (1) to (5); [PL 2021, c. 664, §3 (NEW).]

C. Property that the redevelopment authority has determined is functionally obsolete due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design or other similar factors that affect the property itself or the property's relationship with other surrounding property; [PL 2021, c. 664, §3 (NEW).]

D. Property that is environmentally hazardous; and [PL 2021, c. 664, §3 (NEW).]

E. Property that a municipality or county has determined is not within the capacity of the municipality or county to redevelop and for which the municipality or county has requested the assistance of the redevelopment authority. [PL 2021, c. 664, §3 (NEW).]

[PL 2021, c. 664, §3 (NEW).]

**2. Exemption.** Notwithstanding any provision of this chapter to the contrary, the redevelopment authority may not:

A. Acquire land or other natural resources owned by a federally recognized Indian tribe or owned by the United States for the benefit of a federally recognized Indian tribe; [PL 2021, c. 664, §3 (NEW).]

B. Acquire land the majority of which is unimproved or is not integral to the redevelopment of the property; or [PL 2021, c. 664, §3 (NEW).]

C. Acquire property that is an active or former military facility that qualifies for inclusion in the Defense Environmental Restoration Program under 10 United States Code, Section 2701. [PL 2021, c. 664, §3 (NEW).]

[PL 2021, c. 664, §3 (NEW).]

#### SECTION HISTORY

PL 2021, c. 664, §3 (NEW).

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