

any law to the contrary, an attorney performing services for the estate at the instance of the representative shall have compensation therefor out of the estate as the court shall deem just and reasonable. In any proceeding under this section, fair and reasonable attorney's fees shall be based upon time spent; the complexity of any problems involved; and the value of the estate shall not be the controlling factor. Further, the provisions of this section shall not be limited to proceedings under section 525.51 but shall apply to all probate proceedings.

(b) In determining what is a fair and reasonable attorney's fee the court shall give effect to a prior agreement in writing by a testator concerning attorney fees. Where there is no prior agreement in writing with the testator the court shall consider the following factors in determining what is a fair and reasonable attorney's fee:

- (1) The time and labor required;
- (2) The experience and knowledge of the attorney;
- (3) The complexity and novelty of problems involved;
- (4) The extent of the responsibilities assumed and the results obtained; and
- (5) The sufficiency of assets properly available to pay for the services;

(c) An interested beneficiary under a will or heir may petition the probate court to review the attorney fees listed in section 2 of this act. In determining the reasonableness of the attorney fees, the court shall consider all the factors listed in clause (b) and the value of the estate shall not be the controlling factor.

(d) Unless previously agreed to in writing by the testator it is declared to be against the public policy of Minnesota for an award of attorney fees and representative fees for services rendered to an estate to be based on a percentage of the estate.

Approved April 11, 1974.

CHAPTER 443—H.F.No.3027

An act relating to housing and redevelopment authorities; changing classification of certain regulated property and necessary findings; amending Minnesota Statutes 1971, Sections 462.415, Subdivision 4; 462.421, Subdivision 11; 462.425, Subdivision 1; 462.426, Subdivision 1; and 462.445, Subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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Section 1. Minnesota Statutes 1971, Section 462.415, Subdivision 4, is amended to read:

Subd. 4. **MUNICIPAL HOUSING AND REDEVELOPMENT; CLASSIFICATION OF PROPERTY.** It is hereby declared that certain slum ; ~~blighted~~, or deteriorated areas, or portions thereof, require acquisition and clearance, as provided in sections 462.411 to 462.711, since the prevailing condition of decay may make impracticable reclamation of the area by conservation or rehabilitation, but other areas or portions thereof are, through the means provided in sections 462.411 to 462.711 susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; salvable slum and ~~blighted or deteriorated~~ areas should be conserved and rehabilitated to the extent feasible through voluntary action and the regulatory process; and all powers conferred by sections 462.411 to 462.711, are for public uses and purposes for which public money may be expended and such other powers exercised; and the necessity in the public interest for the provisions of sections 462.411 to 462.711 is hereby declared as a matter of legislative determination. The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of sections 462.411 to 462.711, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

Sec. 2. Minnesota Statutes 1971, Section 462.421, Subdivision 11, is amended to read:

Subd. 11. "~~Blighted-Deteriorated~~ area" means any area, 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 or 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.

Sec. 3. Minnesota Statutes 1971, Section 462.425, Subdivision 1, is amended to read:

462.425 MUNICIPAL HOUSING AND REDEVELOPMENT AUTHORITY. Subdivision 1. **PRELIMINARY MUNICIPAL FINDINGS AND DECLARATION.** There is hereby created in each municipality in this state a public body corporate and politic, to be known as the housing and redevelopment authority in and for that municipality; provided, however, that no such authority shall transact any business or exercise any powers until the governing body of the municipality shall, by proper resolution, find that in such municipality (1) substandard, slum, or ~~blighted deteriorated~~ areas exist which cannot be redeveloped without government assistance, (2) adequate housing accommodations are not available to veterans and servicemen and their families, or (3) there is a shortage of decent, safe, and sanitary dwelling accommoda-

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tions available to persons of low income and their families at rentals they can afford, and shall declare that there is need for a housing and redevelopment authority to function in that municipality. In determining whether dwelling accommodations are unsafe or unsanitary, or whether substandard, slum, or ~~blighted deteriorated~~ areas exist, the governing body may take into consideration the degree of deterioration, obsolescence, or overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants of such dwelling accommodations, the size and arrangement of rooms, the sanitary facilities, the extent to which conditions exist in such buildings which endanger life or property by fire or other causes, and the original land planning, lot layout, and conditions of title in the area.

Sec. 4. Minnesota Statutes, 1971, Section 462.426, Subdivision 1, is amended to read:

462.426 COUNTY AND MULTI-COUNTY HOUSING AND REDEVELOPMENT AUTHORITIES. Subdivision 1. **PRELIMINARY COUNTY FINDINGS AND DECLARATION.** There is hereby created in each county in this state other than the metropolitan counties of Hennepin, Ramsey, Scott, Carver, Anoka, Washington and Dakota and other than those counties in which a county housing authority has been heretofore created by special act, a public body corporate and politic, to be known as the housing and redevelopment authority in and for that county, hereinafter referred to as "county authority"; provided, however, that no such county authority shall transact any business or exercise any powers until the governing body of the county, by proper resolution, finds that there is need for a county authority to function in such county. The governing body shall give consideration as to the need for a county authority to function (1) on the governing body's own motion (2) or upon the filing of a petition signed by 25 qualified voters of the county asserting that there is need for a county authority to function in such county and requesting that the governing body so declare. The governing body shall adopt a resolution declaring that there is need for a county authority to function in the county if it shall find (a) that substandard, slum, or ~~blighted deteriorated~~ areas exist in such county which cannot be redeveloped without government assistance, or (b) that there is a shortage of decent, safe and sanitary dwelling accommodations available to persons of low income at rentals or prices they can afford.

If the governing body of each of two or more municipalities or counties, or combinations of municipalities and counties, by resolution declares that there is a need for one housing and redevelopment authority to be created for all of such municipalities or counties, or combinations thereof, hereinafter referred to as "political subdivisions", to exercise in such political subdivisions powers and other functions prescribed for a multi-county housing and redevelopment authority, a public body corporate and politic to be known as a multi-county housing and redevelopment authority, hereinafter called "multi-county authority", shall thereupon exist for all of such political subdivisions and

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shall exercise its powers and other functions in such political subdivisions in lieu of the authority for each such political subdivision. The governing body of each of two or more political subdivisions shall by resolution declare that there is a need for one multi-county authority to be created for all of such political subdivisions to exercise in such political subdivision powers and other functions prescribed for a multi-county authority, if such governing body finds (a) that substandard, slum, or ~~blighted-deteriorated~~ areas exist in such political subdivision which cannot be redeveloped without government assistance, or there is a shortage of decent, safe and sanitary dwelling accommodations available to persons of low income at rentals or prices they can afford, and (b) that a multi-county authority would be a more effective, efficient or economical administrative unit than the housing and redevelopment authority of such political subdivision to carry out the purposes of sections 462.415 to 462.711, in such political subdivision.

In determining whether dwelling accommodations are unsafe or unsanitary a governing body may take into consideration the same factors as are elsewhere provided in sections 462.415 to 462.711, with respect to such determinations by governing bodies in connection with the function of housing and redevelopment authorities for municipalities.

Sec. 5. Minnesota Statutes 1971, Section 462.445, Subdivision 4, is amended to read:

Subd. 4. **ADDITIONAL POWERS.** An authority shall further have power:

(1) To make, or agree to make, such payments in lieu of taxes to the city or the county, the state or any political subdivision thereof, as it finds consistent with the purposes of sections 462.415 to 462.711;

(2) To cooperate with or act as agent for the federal government, the state or any state public body, or any agency or instrumentality of the foregoing, in carrying out any of the provisions of sections 462.415 to 462.711 or of any other related federal, state or local legislation; and upon the consent of the governing body of the municipality purchase, lease, manage, or otherwise take over any housing project already owned and operated by the government of the United States or any agency thereof;

(3) To make (i) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (ii) plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The authority is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight;

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(4) To borrow money or other property and accept contributions, grants, gifts, services, or other assistance from the federal government, the state government, state public bodies, or from any other public or private sources;

(5) To include in any contract for financial assistance with the federal government any conditions which the federal government may attach to its financial aid of a project, not inconsistent with purposes of sections 462.415 to 462.711, including obligating itself (which obligation shall be specifically enforceable and not constitute a mortgage, notwithstanding any other laws) to convey to the federal government the project to which such contract relates upon the occurrence of a substantial default with respect to the covenants or conditions to which such authority is subject; to provide in such contract that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project until such defaults are cured if the federal government agrees in such contract to re-convey to the authority the project as then constituted when such defaults have been cured;

(6) To issue bonds, notes, or other evidences of indebtedness, as hereinafter provided, for any of its corporate purposes and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenues, including grants or contributions;

(7) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control;

(8) Within its area of operation to determine where substandard, slum, or ~~blighted-deteriorated~~ areas exist or where there is unsafe, unsanitary, or overcrowded housing;

(9) To establish and revise from time to time the maximum amount of income of tenants entitled to admission to housing projects of an authority, subject to the qualifications in sections 462.415 to 462.711 contained;

(10) To undertake and carry out studies and analyses of the housing and redevelopment needs within its area of operation and of the meeting of those needs (including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages, desirable patterns for land use and community growth, and other factors affecting the local housing and redevelopment needs and the meeting thereof) and to make the results of those studies and analyses available to the public and building, housing and supply industries; and to engage in research and disseminate information on housing and redevelopment;

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(11) When a local public body does not have a planning agency or when a comprehensive or general community development plan or plans is or are not already available by the planning agency, to make or cause to be made such plans as a guide in the more detailed planning of housing and redevelopment areas;

(12) To lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project and (subject to the limitations contained in sections 462.415 to 462.711 with respect to the rental of dwellings in housing projects) to establish and revise the rents or charges therefor;

(13) To own, hold, and improve real or personal property and to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein;

(14) To insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards;

(15) To procure or agree to the procurement of government insurance or guaranties of the payment of any bonds or parts thereof issued by an authority, including the powers to pay premiums on such insurance;

(16) To make such expenditures as may be necessary to carry out the purposes of sections 462.415 to 462.711;

(17) To enter into an agreement or agreements with any state public body to provide informational service and relocation assistance to families, individuals, business concerns and nonprofit organizations displaced or to be displaced by the activities of any state public body or bodies.

Approved April 10, 1974.

CHAPTER 444—H.F.No.3048

An act relating to municipal housing and redevelopment authorities; permitting public officers and employees to serve as commissioners; amending Minnesota Statutes 1971, Section 462.425, Subdivision 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 462.425, Subdivision 5, is amended to read:

Subd. 5. **MUNICIPAL HOUSING AND REDEVELOPMENT; COMMISSIONERS.** An authority shall consist of five commissioners, who

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