

CHAPTER 92--H.F.No. 2956

An act relating to local government; amending the membership of the Dakota County Community Development Agency; amending laws relating to the Washington County Housing and Redevelopment Agency; creating the Washington County Community Development Agency; deleting obsolete language; amending Minnesota Statutes 2014, section 383D.41, subdivision 5; Laws 1974, chapter 475, sections 1, as amended; 2, as amended; 3, as amended; repealing Minnesota Statutes 2014, section 383D.412.

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

Section 1. Minnesota Statutes 2014, section 383D.41, subdivision 5, is amended to read:

Subd. 5. **Membership, terms, conditions.** (a) The authority shall consist of seven commissioners who, except as otherwise provided in this subdivision, shall serve three-year terms, which shall begin on the first Tuesday following the first Monday in January of the first year of the term. A commissioner shall also serve after the expiration of a term until a successor is appointed and qualified.

~~The terms of office of persons who are commissioners of the housing and redevelopment authority on July 20, 1993, shall continue in accordance with the terms of their appointments, except that their appointments shall end on the first Tuesday following the first Monday in January of the year following the original termination date of their terms. Following July 20, 1993, two commissioners shall be appointed who shall reside in the fourth and sixth county commissioner districts, respectively. Those commissioners shall be appointed for a term commencing on the date of their appointment and ending on the first Tuesday following the first Monday in January 1996.~~

~~(b) Each commissioner appointed following the date on which this subdivision takes effect, except a commissioner appointed pursuant to paragraph (c), shall be a resident of and shall represent the same county commissioner district as the commissioner who is replaced. A commissioner who ceases to maintain a principal residence in the district from which appointed shall cease to serve as a commissioner. A vacancy is created in the membership of the authority for a county commissioner district whenever the county commissioner for that district ends county board membership.~~

~~(c) If required by Code of Federal Regulations, title 24, part 964, the commission may include an eighth member that serves as an at-large commissioner. An at-large commissioner must be appointed in accordance with the requirements of Code of Federal Regulations, title 24, part 964. The at-large commissioner shall serve a three-year term, which shall begin on the first Tuesday following the first Monday in January of the first year of the term. An at-large commissioner shall also serve after the expiration of a term until a successor is appointed and qualified. The at-large commissioner may only take part in decisions related to the administration, operation, and management of federal public housing programs and Section 8 tenant-based rental assistance programs.~~

Sec. 2. Laws 1974, chapter 475, section 1, as amended by Laws 2012, chapter 199, section 3, is amended to read:

Section 1. WASHINGTON COUNTY; HOUSING AND REDEVELOPMENT AUTHORITY COMMUNITY DEVELOPMENT AGENCY.

There is created in Washington County a public body corporate and politic, to be known as the Washington County ~~Housing and Redevelopment Authority~~ Community Development Agency, having all the powers and duties of a county authority under the provisions of Minnesota Statutes, sections 469.001 to 469.047, and all powers of a county housing and redevelopment authority under any other provisions of Minnesota law, ~~and~~ Minnesota Statutes, sections 469.001 to 469.047, and 469.090 to 469.1081, apply to the county of Washington. For purposes of applying Minnesota Statutes, sections 469.090 to 469.1081, to Washington County, notwithstanding Minnesota Statutes, section 469.090, subdivision 3, "city" means county and "city council" means county board.

Sec. 3. Laws 1974, chapter 475, section 2, as amended by Laws 1999, chapter 89, section 1, and Laws 2012, chapter 199, section 4, is amended to read:

Sec. 2. APPLICATION.

Subdivision 1. **Jurisdiction.** This act shall not limit or restrict any existing housing and redevelopment authority or city economic development authority. The jurisdiction and area of operation of the Washington County ~~Housing and Redevelopment Authority~~ Community Development Agency includes all of the area within the territorial boundaries of the county and includes the areas within the boundaries of every city in the county and the ~~area~~ areas of operation of city housing and redevelopment authorities and city economic development authorities in the county, whenever created, and notwithstanding any provision of Minnesota Statutes, section 469.005, subdivision 1, or 469.008, subject, however, to section 3. The jurisdiction and area of operation of the Washington County ~~Housing and Redevelopment Authority~~ Community Development Agency is not affected by any concurrence by the Washington County ~~Housing and Redevelopment Authority~~ Community Development Agency under Minnesota Statutes, section 469.004, subdivision 5.

Subd. 2. **Request to handle housing duties.** A municipal housing and redevelopment authority may request the Washington County ~~housing and redevelopment authority~~ Community Development Agency to handle the housing duties of the authority and, in such an event, the Washington County ~~housing and redevelopment authority~~ Community Development Agency shall act and have exclusive jurisdiction for housing in the municipality pursuant to the provisions of the Municipal Housing and Redevelopment Act, Minnesota Statutes, sections ~~462.411 to 462.711~~ 469.001 to 469.047, and acts amendatory thereof. A transfer of duties relating to housing shall not transfer any duties relating to redevelopment.

Subd. 2a. **Request to handle economic development, housing, or redevelopment duties.** The governing body of a statutory or home rule charter city or township with an existing municipal economic development authority may request the Washington County Community Development Agency to handle the economic development, housing, or redevelopment duties of the authority and, in such an event, the Washington County Community Development Agency shall act and have exclusive jurisdiction for economic development, housing, or redevelopment duties in the statutory or home rule charter city or township pursuant to the provisions of the Economic Development Authorities Act, Minnesota Statutes, sections 469.090 to 469.1081.

Subd. 3. **Three-year terms.** Notwithstanding any other law, at the expiration of the term of the Washington County ~~housing and redevelopment authority~~ Community Development Agency commissioner from each commissioner district, the next and each succeeding term is three years, and until a successor is appointed and qualified.

Subd. 4. **Washington County Community Development Agency.** (a) The Washington County Housing and Redevelopment Authority shall be known as the Washington County Community Development Agency. In addition to the other powers granted in this section, the Washington County Community Development Agency has the powers of an economic development authority under Minnesota Statutes, sections 469.090 to 469.1081, that are granted to the agency by resolution adopted by the Washington County Board of Commissioners, except as provided in paragraph (b). The enabling resolution may impose the limits upon the actions of the agency that are listed in paragraph (c). The agency may exercise any of the powers granted to it under Minnesota Statutes, sections 469.001 to 469.047, and any of the powers of an economic development authority granted to it by the Washington County Board of Commissioners, for the purposes described in this section.

(b) The Washington County Community Development Agency may not levy the tax described in Minnesota Statutes, section 469.107, but, with the approval of the Washington County Board of Commissioners, may increase its levy of the special tax described in Minnesota Statutes, section 469.033, subdivision 6, to any higher limit authorized under Minnesota Statutes, section 469.107. The money in the housing and redevelopment project fund under Minnesota Statutes, section 469.033, subdivision 6, may be expended by the Washington County Community Development Agency for the purposes of Minnesota Statutes, sections 469.001 to 469.047 or 469.090 to 469.1081.

(c) The enabling resolution described in paragraph (a) may impose the limits upon the actions of the agency as may be imposed by a municipality under Minnesota Statutes, section 469.092, except that the enabling resolution may not impose any limitations on the agency's powers under Minnesota Statutes, sections 469.001 to 469.047.

(d) Minnesota Statutes, section 469.1082, does not apply to the county of Washington.

Subd. 5. **Offers of tax-forfeited lands.** Notwithstanding any other law, Washington County may offer to the Washington County Community Development Agency, under the conditions and policies established by the county, nonconservation tax-forfeited land prior to making the properties available to cities in Washington County.

Sec. 4. Laws 1974, chapter 475, section 3, as amended by Laws 2012, chapter 199, section 5, is amended to read:

Sec. 3. **MUNICIPAL APPROVAL.**

Subdivision 1. **Housing and redevelopment projects.** If any housing or redevelopment project is undertaken in Washington County pursuant to this authorization, and the project is within the boundaries of any statutory or home rule charter city or township, the project and the location of the project shall be subject to approval by the governing body of the city or township. The procedures in Minnesota Statutes, section 469.007, subdivision 2, shall apply to the governing body project and location approvals required by this section.

Subd. 2. **Economic development projects.** If any development district or economic development project is undertaken in Washington County pursuant to this authorization, and the project is within the boundaries of any statutory or home rule charter city or township, the project shall be subject

to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which the project is situated. Additionally, prior to the exercise of any powers under Minnesota Statutes, sections 469.090 to 469.1081, within the boundaries of the statutory or home rule charter city or township with respect to a proposed development district or economic development project, or proposed development district or economic development project site, the development district or economic development project and the location of the project must be authorized by resolution of the governing body of the statutory or home rule charter city or township with respect to each identified parcel of property, unless the statutory or home rule charter city or township has authorized the Washington County Community Development Agency to exercise exclusive jurisdiction for economic development duties pursuant to section 3, subdivision 2a.

Sec. 5. INITIAL TERM OF DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY AT-LARGE MEMBER.

(a) The initial term of an at-large commissioner appointed to the Dakota County Development Agency pursuant to Minnesota Statutes, section 383D.41, subdivision 5, paragraph (c), may begin prior to the first Monday in January of 2017 if a commissioner is appointed and qualified. The term shall end on the first Monday in January of 2020.

(b) This section expires January 15, 2020.

Sec. 6. REPEALER.

Minnesota Statutes 2014, section 383D.412, is repealed.

Sec. 7. EFFECTIVE DATE.

(a) Sections 1, 5, and 6 are effective the day after the governing body of Dakota County and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

(b) Sections 2, 3, and 4 are effective the day after the governing body of Washington County and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor May 3, 2016

Signed by the governor May 6, 2016, 3:16 p.m.