

BY-LAWS OF
REDEVELOPMENT AUTHORITY
OF
THE CITY OF ALTOONA
AS AMENDED AND ADOPTED
MAY 19, 2023

ARTICLE I
POWERS AND DUTIES

1. Powers of the Authority

The City of Altoona, a Third Class City of the Commonwealth of Pennsylvania, adopted Ordinance Number 3387 on October 11, 1949, finding and declaring the need for an Urban Redevelopment Authority to function within the limits of the City of Altoona. In accordance with the Urban Redevelopment Law, 53 P.S. § 1701, *et seq.*, a Certificate of Authority for the Redevelopment Authority of the City of Altoona was filed and recorded with the Corporation Bureau of the Pennsylvania Department of State and confirmed via a Certificate of Incorporated issued October 26, 1949.

The Redevelopment Authority of Altoona (hereinafter the “Redevelopment Authority”) shall constitute a public body, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of the Urban Redevelopment Law, 53 P.S. § 1701, *et seq.*, as amended, the provisions of which are incorporated herein by reference and which shall include the following powers:

(a) To obtain from the City of Altoona Planning Commission (hereinafter the “Planning Commission”) the designation of a redevelopment area or areas and its recommendations for redevelopment projects;

(b) To review the recommendations of the Planning Commission for the redevelopment of any area within the City and to make its own investigations and recommendations with respect to same;

(c) To make and assist in implementing:

(1) Plans for carrying out various programs of voluntary repair, rehabilitation and conservation of property, buildings and improvements;

(2) Plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements;

(3) Plans for the relocation of persons displaced by any government activities related to the purposes of the Urban Redevelopment Law or any activities of the Authority;

(4) Plans outlining redevelopment activities for neighborhoods; and

(5) Surveys to determine if the undertaking and carrying out of a redevelopment project are feasible;

(d) To act as agent of the State or Federal Government or any of their instrumentalities or agencies for public purposes;

(e) To arrange or contract with the City of Altoona, Blair County, the Commonwealth of Pennsylvania or the Federal Government for the furnishing, planning, replanning, constructing, installing, opening or closing of streets, alleys, sidewalks or other places or facilities, or for the acquisition by the City, County or State or Federal Government of property options or property rights or for the furnishing of property or services in connection with a redevelopment area;

(f) To arrange or contract with the Commonwealth, its agencies, and any municipality to the extent that it is within the scope of their respective functions--(1) to cause the services customarily provided by each of them to be rendered for the benefits of such Authority or the occupants of any redevelopment area; and (2) to provide and maintain parks, recreational centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas; and (3) to plan, replan, zone or rezone any part of the municipality in connection with any redevelopment proposal of the Authority;

(g) To enter upon any building or property in order to make surveys or soundings;

(f) To assemble, purchase, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein from any person, firm, corporation, municipality or government provided that no real estate, located outside of a redevelopment area, which is not necessary to the corporate purposes of the Authority, not necessary to the successful redevelopment of a redevelopment area, and/or not otherwise consistent with the powers of the Authority as designated by the Urban Redevelopment Law, these bylaws and/or any other local, state or federal statute addressing same, shall be purchased by the Authority;

(g) To acquire by eminent domain any real property including improvements and fixtures for public purposes except real property located outside a redevelopment area. Title to any property acquired by the Authority through eminent domain shall be an absolute or fee simple title, unless the Authority determines that a lesser title should be designated in the eminent domain proceedings. The Authority may exercise the right of eminent domain in the manner provided by law for the exercise of such right by Third Class Cities;

(h)) To own, hold, clear, improve and manage real property;

(i) To sell, lease or otherwise transfer any real estate located outside of a redevelopment area;

(j) To sell, lease or otherwise transfer any real estate located in a redevelopment area with the approval of City Council, provided that the Authority finds that the sale, lease or other transfer of the real estate will not be prejudicial to the sale or lease of other parts of the redevelopment area, nor be in any other way prejudicial to the realization of any redevelopment proposal approved by the City Council;

(k) To reimburse for their reasonable expenses of removal, any persons (including families, business concerns and others), who have been displaced as a result of any other Government activities related to the purposes of this act or any activities of the Authority;

(l) To insure or provide for the insurance of any property or operations of the Authority against any risks or hazards;

(m) To procure or agree to the procure of insurance or guarantees from the State or Federal Government of the payment of any debts or parts thereof incurred by the Authority, and to pay premiums in connection therewith;

(n) To borrow from private lenders or from the State or Federal Government funds, as may be necessary, for the operation and work of the Authority;

(o) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in such investments as may be lawful for executors, administrators, guardians, trustees and other fiduciaries under the laws of this Commonwealth;

(p) To sue and be sued;

(q) To adopt a seal and to alter the same at pleasure;

(r) To have perpetual succession;

(s) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority whereby any contract or instrument, when signed by the chairman or vice-chairman of the Authority, their duly authorized designees, and/or by an authorized use of their facsimile and/or electronic signatures, and by the secretary or treasurer or assistant treasurer of the Authority, their duly authorized designees, and/or by an authorized use of their facsimile and/or electronic signatures, shall be held to have been properly executed for and on its behalf;

(t) To make and from time to time to amend and repeal by-laws, rules, regulations and resolutions;

(u) To conduct examinations and investigations and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information; and for such purposes, to

- (i) Authorize any member or members of the Authority to conduct hearings and to administer oaths, take affidavits and issue subpoenas;
- (ii) Issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before the Authority, or before one or more members of the Authority appointed by it to conduct such hearing;
- (iii) To apply to any court having territorial jurisdiction of the offense to have punished for contempt any witness, who refuses to obey a subpoena, or who refuses to be sworn or affirmed, or to testify, or, who is guilty of any contempt after summons to appear;

(v) To make available to the government or municipality or any appropriate agency, board or commission, the recommendations of the Authority affecting any area in its field of operation or property therein, which it may deem likely to promote the public health, morals, safety or welfare;

(w) To make, directly or indirectly, secured or unsecured loans to any purchaser or owner of a residential housing or a commercial or an industrial project for the purpose of financing the purchase, construction, rehabilitation, demolition or equipping of a residential housing or a commercial and industrial redevelopment program; and

(x) To make loans to or deposits in order to enable a financial institution to finance the acquisition, construction, rehabilitation or equipping of a residential housing or a commercial and industrial redevelopment program;

(y) To make loans to or deposits with, at the option of the Authority, without requiring collateral security therefor, any financial institution, in order to enable that financial institution to finance the acquisition, construction, rehabilitation or equipping of a residential housing or a commercial and industrial redevelopment program. For such purposes, an Authority may make such loans as the Authority may determine; receive interest on such deposits as may be agreed to with the financial institution; purchase and hold notes or other obligations secured by mortgages, deeds of trust or security interests in residential housing, commercial or industrial projects or property used as additional security, notwithstanding anything to the contrary elsewhere contained in Urban Redevelopment Authority Act and/or these bylaws; sell, assign, pledge or encumber any security, including mortgages or other security agreements, held by or granted to the Authority or received in connection with the financing of residential housing or commercial or industrial projects and grant to any trustee, in addition to any other rights or remedies contained therein or in any documents granting such security, such other rights and remedies as may be approved by the Authority.

(z) To issue bonds for any of its corporate purposes, in accordance with and as prescribed by the Urban Redevelopment Law at Urban Redevelopment Law at 35 P.S. 1713-1715, as amended, and in pertinent part. Neither the members of an Authority nor any person executing the bonds shall be liable personally on any such bonds by reason of the issuance thereof. Such bonds

or other obligations of an Authority shall not be a debt of any municipality or of the Commonwealth, and shall so state on their face, nor shall any municipality or the Commonwealth nor any revenues or any property of any municipality or of the Commonwealth be liable therefor.

(z) To exercise any/all powers and undertake any/all actions which the Authority is duly authorized to take in the capacity of a Redevelopment Authority acting as Land Bank as provided and authorized by the Ordinance of the City of Altoona and the Pennsylvania Land Bank Law, 68 Pa. C.S. § 2104(h) and any/all amendments thereto.

2. Preparation and adoption of redevelopment proposal

(a) The Authority **and/or its designee** shall prepare a redevelopment proposal for all or part of any area certified by the City of Altoona Planning Commission to be a redevelopment area.

(b) The Planning Commission's redevelopment area shall include those items required by the Urban Redevelopment Law.

(c) The Authority shall submit its redevelopment proposal to the Planning Commission for review. The Planning Commission shall, within forty-five days, certify to Altoona City Council its recommendation (i.e. approval, rejection, or modification) on the redevelopment proposal and, in the event of rejection or modification, specify the changes recommended.

(d) Upon receipt of the Planning Commission's recommendation, or at the expiration of forty-five days if no recommendation is made by the Planning Commission, the Authority shall submit to City Council the redevelopment proposal and the Planning Commission's recommendation, if any.

(e) Following receipt of the redevelopment proposal and the Planning Commission's recommendation, if any, the City Council shall hold a public hearing regarding said proposal. The redevelopment proposal, with such maps, plans, contracts or other documents that form part of the proposal, together with the Planning Commission's recommendation, if any, and supporting data shall be available for public inspection for at least ten days prior to the hearing.

(f) City Council shall approve or reject the redevelopment proposal as submitted. City Council shall not approve a redevelopment proposal unless it is satisfied that adequate provisions are made to rehouse displaced families, if any, without undue hardship.

(g) The redevelopment proposal may contain the form of the redevelopment contract with the redeveloper selected, and, upon approval by City Council of the proposal, the Authority is authorized to execute the redevelopment contract. If the proposal does not contain the form of the redevelopment contract with a redeveloper selected, the Authority shall not execute a redevelopment contract with a redeveloper thereafter selected until said redevelopment contract has been approved by City Council and found to be in substantial conformity with the plan approved by City Council.

3. Preparation of a residential housing redevelopment program and commercial and industrial redevelopment program

(a) The Authority may develop a residential housing redevelopment program or a commercial and industrial redevelopment program.

(b) The Authority shall submit the redevelopment program to the Planning Commission for review and approval.

(c) The Planning Commission, within forty-five days, shall approve, reject or modify the program. If the Planning Commission takes no action within forty-five days, the program shall be deemed approved on the forty-sixth day.

(d) Upon approval by the Planning Commission, or at the expiration of forty-five days if no recommendation is made by the Planning Commission, the Authority is authorized to take such action as may be necessary to carry out the redevelopment program.

4. Blighted property removal

(a) Notwithstanding any of the foregoing, the Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property, either within or outside of a redevelopment area and shall have the power to hold, clear, manage and/or dispose of said property for residential and related reuse or commercial or industrial reuse.

(I) "Residential and related use" as referenced above shall include residential property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

(b) Such power on the part of any Redevelopment Authority shall be conditioned upon the creation or existence of a Blighted Property Review Committee by ordinance of City Council. The Committee shall be made up of members as determined in the said ordinance, but shall include at least one member of City Council, a representative of the Redevelopment Authority, a representative of the Planning Commission, and a representative to be designated by the City Manager.

(c) Blighted property shall include:

(1) Any premises, which because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes;

(2) Any premises, which because of physical condition, use or occupancy, is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

(3) Any dwelling, which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the City of Altoona, has been designated by the department responsible for enforcement of such requirements as unfit for human habitation;

(4) Any structure that is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(5) Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin;

(7) Any unoccupied property that has been tax delinquent for a period of two or more consecutive years; and/or

(8) Any vacant, but not tax-delinquent, property that has not been rehabilitated within one year following receipt of notice to rehabilitate from the City of Altoona and/or other duly authorized/designated enforcement agency.

(9) Any abandoned property as defined and provided within the Urban Redevelopment Law at 35 P.S. 1712.1, as amended, and in pertinent part.

(d) The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is blighted within the terms of this section, must certify said blighted property to the Redevelopment Authority, except that:

(1) No property shall be certified to the Redevelopment Authority unless it is vacant in accordance with definition of vacant property provided within the Urban Redevelopment Law at 35 P.S. 1712.1, as amended, and in pertinent part.

(2) No property shall be certified to the Redevelopment Authority unless the owner of the property, or an agent designated by the owner of the property, has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner, or the owner's agent, in accordance with the provisions of any City ordinance pertaining to service of notice of determination of a public nuisance. The owner, or the owner's agent, shall have the right of appeal from the determination in the same manner as an appeal from the determination of public nuisance; and

(3) No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal

has been disposed of and the owner, or the owner's agent, has failed to comply with the order of the responsible department or other officer or agency.

(e) Acquisition and disposition of blighted property under this section shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal however at least thirty days prior to acquisition of any property under this section, the Redevelopment Authority shall transmit identification of the property to the planning commission of the municipality and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the planning commission certifies that disposition for residential or related use would not be in accord with the comprehensive plan of the municipality.

(f) Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedure set forth in the "Eminent Domain Code," as amended.

(g) Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of this act.

(h) Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

ARTICLE II MEMBERSHIP and OFFICERS

1. Appointment and qualifications of members of Authority

City Council shall appoint five individuals as members of the Authority **who shall be residents of the City of Altoona as per City of Altoona Ordinance 3387, as codified at Chapter 535, Part I, Article V, Section 5312 of the City's Code of Ordinances.**

2. Tenure and compensation of members of Authority

The term of office shall be five years with the term of one member expiring each year. A member shall hold office until the member's successor has been appointed. Vacancies for unexpired terms shall be promptly filled by City Council. A member shall receive no compensation for his or her services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties.

3. Organization of Authority

The members shall select from among themselves a Chairman, a Vice-Chairman, a Secretary, a Treasurer and if deemed appropriate by the Members, an Assistant Treasurer. The Authority may employ a secretary, an executive director, its own counsel and legal staff, and such technical experts, and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons. Three members of an Authority shall constitute a quorum for its meetings. The Authority may delegate to one or

more of its agents or employees such of its powers as it shall deem necessary, subject always to the supervision and control of the Authority.

The Authority shall designate at least one of its members to serve on any Vacant Property Review Committee and may designate an alternate. The Authority may designate members to serve on a Personnel Committee, an Executive Committee or upon such other committees as may be deemed necessary from time to time.

4. Interest of members or employees

No member or employee of an Authority shall acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned to be included in any redevelopment area, or in any area which he may have reason to believe may be certified to be a redevelopment area, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by the Authority, or in any contract with a redeveloper or prospective redeveloper relating, directly or indirectly, to any redevelopment project. The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office. If any member or employee of the Authority shall already own or control any interest, direct or indirect, in any property later included or planned to be included in any redevelopment project under the jurisdiction of the Authority, or has any such interest in any contract for material or services to be furnished or used in connection with any redevelopment project, he or she shall disclose the same in writing to the Authority and to City Council, and such disclosure shall be entered in writing upon the minute books of the Authority. Failure to make such disclosure shall constitute misconduct in office.

5. Registered Office.

The registered office of the Authority shall be at 1301 12th Street, Suite 400 Altoona PA 16601, unless/until otherwise established by the Board.

6. Fiscal Year.

The fiscal year of the Authority shall begin the first day of January of each year.

7. By-Law Amendments.

These By-Laws may be amended from time to time by the members of the Authority. Any such amendment shall be proposed to the members at least ten (10) days prior to the date of the anticipated vote thereon, and a copy of the proposed amendment shall be made available to City Council and to the public at least seven (7) days prior to such date.

ARTICLE III MEETINGS

The regular monthly meeting of the Authority shall be on the third Friday of each month, or at such other times as the Authority may from time to time designate. Notice of the meetings shall be published as required by law.

ARTICLE IV MEMBERS

1. Direction and Exercise of Authority Powers.

Unless otherwise provided by statute, all powers vested by law in the Authority shall be exercised by or under the authority of, and the business and affairs of the Authority shall be managed under the direction of, the members of the Authority.

2. Personal Liability of Members.

(a) A member shall not be personally liable for monetary damages for any action taken, or any failure to take any action, unless (1) the member has breached or failed to perform the duties of his or her office under circumstances permitting personal liability as provided by statute including, but not limited to, 15 Pa. C.S. Subchapter 17B and (2) the breach or failure to perform constitutes self-dealing, willful misconduct or recklessness.

(b) The provisions of the paragraph above shall not apply to (1) the responsibility or liability of a member pursuant to any criminal statute or (2) the liability of a member for the payment of taxes pursuant to federal, state or local law.

(c) A member shall stand in a fiduciary relation to the Authority and shall perform his or her duties as a member, including duties as a member of any committee of the Board upon which the member may serve, in good faith, in a manner that the member may reasonably believe to be in the best interests of the Authority and with such care, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances.

(d) Neither the members of an Authority nor any person executing the bonds shall be liable personally on any such bonds by reason of the issuance thereof.

2. Attendance

(a) In the event of an absence of a member from three (3) or more consecutive regular meetings of the Authority's members, OR from twenty (20) percent or more of the regularly scheduled meetings of the Authority within any one (1) year period, without an approved leave of absence granted by a majority vote of the Redevelopment Authority's Board, shall result in the member being notified in writing of (a) his or her absences and (b) that any continued absence(s) by that member, without the aforesaid leave of absence having been granted, shall result in the Redevelopment Authority conducting a hearing, advance notice of which shall be given to all

members in writing, to determine whether or not to declare a vacancy in that member's term. The above-referenced hearing may be waived if such member resigns in writing or waives the public hearing in writing. Should the Board determine that a vacancy exists, it shall notify the City Manager and City Council of such vacancy and the need to fill such term, in accordance with the applicable provisions of the Pennsylvania Urban Redevelopment Law.

(b) The provisions of this section shall not preclude the removal of any member of the Authority when authorized by State law or Court Order.

ARTICLE V OFFICERS

1. The Chairman and Vice-Chairman

The Chairman shall be the chief executive officer of the Authority and shall have general supervision over the operations of the Authority, subject, however, to the control of the members. The Chairman shall sign, execute and acknowledge in the name of the Authority deeds, mortgages, bonds, contracts or other instruments authorized by the members, except in cases where the signing or execution thereof is expressly delegated to some other officer or agent of the Authority; and, in general, shall perform all duties incident to the office of Chairman and such other duties as may from time to time be assigned by the members. In the absence of the Chairman, the same shall be performed by the Vice-Chairman.

The Chairman is the designated spokesperson for the Authority and shall be the liaison between the Authority and the Planning Commission and City Council.

3. The Secretary.

The Secretary shall attend all meetings of the Authority unless otherwise excused and shall record, and/or shall ensure that the Secretary's designee records, all of the votes of the members and the minutes of the meetings; shall see that notices are given and records and reports properly kept and filed by the corporation as required by law; and, in general, perform all duties incident to the office of secretary, and such other duties as may, from time to time, be assigned by the members or the Chairman.

4. The Treasurer.

The Treasurer, and any Assistant Treasurer where appropriate, shall have or provide for the custody of the funds or other property of the Authority and shall collect and receive or provide for the collection and receipt of monies received by the Authority; shall deposit all funds in his or her custody as treasurer in such banks or such other places of deposit as the Authority may from time to time designate; shall, whenever so required by the Authority, render an account showing all transactions as treasurer and the financial condition of the Authority; and, in general, shall discharge such other duties as may from time to time be assigned by the members or the Chairman. In the absence of the Treasurer, the same shall be performed by any Assistant Treasurer.

(a) **Deposits.** All funds of the Authority shall be deposited from time to time to the credit of the Authority in such banks, trust companies or other depositories as the members may approve or designate and all such funds shall be withdrawn only upon checks signed by two of the following: the Chairman or Vice-Chairman or Treasurer. **In the absence and/or unavailability of any one of the foregoing officers, the checks may be signed by two of any of the five members of the Authority.**

(b) **Financial Reports.** The Authority shall adopt an annual budget no later than its December meeting and shall, during the year, make such changes or amendments thereto as necessary. It shall make such financial reports as required by law and shall make such reports publicly available. The financial statements shall be prepared on the basis of generally accepted accounting principles. Statements that are audited or reviewed by a public accountant shall be accompanied by the report of the accountant.

ARTICLE VI RECORDS AND REPORTS

1. Filings with the Pa. Department of Community and Economic Development.

The books and records of the Authority shall at all times be open and subject to inspection by the Pennsylvania Department of Community and Economic Development, and the Authority shall file with said Department:

(a) A copy of all by-laws and rules and regulations and amendments thereto, adopted by it, from time to time.

(2) Copies of all redevelopment proposals and redevelopment contracts, as well as of any changes, which may be made therein.

(3) At least once each year a report of its activities for the preceding year, and such other reports as said department may require. Copies of such reports shall be filed with the City Council of the City of Altoona.

**AMENDED, RESTATED AND ENACTED BY RESOLUTION OF THE
REDEVELOPMENT AUTHORITY OF THE CITY OF ALTOONA ON THE ____ DAY
OF _____, 2023.**

[Signature lines]