

H.B. 390
As Introduced

Topic: Metropolitan Housing Authority

_____ moved to amend as follows:

In line 1 of the title, delete "and" and insert a comma; 1
after "1923.14" insert ", 3735.31, 3735.33, 3735.40, and 3735.41" 2

In line 4 of the title, after "occur" insert "and to make 3
changes to the law related to metropolitan housing authorities" 4

In line 5, delete "and" and insert a comma; after "1923.14" 5
insert ", 3735.31, 3735.33, 3735.40, and 3735.41" 6

After line 309, insert: 7

"**Sec. 3735.31.** A metropolitan housing authority created under 8
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 9
corporate and politic. Nothing in this chapter shall limit the 10
authority of a metropolitan housing authority, or a nonprofit 11
corporation formed by a metropolitan housing authority to carry 12
out its functions, to compete for and perform federal housing 13
contracts or grants within or outside this state. To clear, plan, 14
redevelop, and rebuild slum areas within the district in which the 15
authority is created~~7i~~ to provide safe and sanitary housing 16
accommodations to families of low income within that district~~7i~~ to 17
make available, acquire, construct, improve, manage, lease, or own 18
mixed-use or mixed-income developments, or a combination of such 19

developments; or to accomplish any combination of the foregoing 20
purposes, the authority may do any of the following: 21

(A) Sue and be sued; have a seal; have corporate succession; 22
receive grants from state, federal, or other governments, or from 23
private sources; conduct investigations into housing and living 24
conditions; enter any buildings or property in order to conduct 25
its investigations; conduct examinations, subpoena, and require 26
the attendance of witnesses and the production of books and 27
papers; issue commissions for the examination of witnesses who are 28
out of the state or unable to attend before the authority or 29
excused from attendance; and in connection with these powers, any 30
member of the authority may administer oaths, take affidavits, and 31
issue subpoenas; 32

(B) Determine what areas constitute slum areas, and prepare 33
plans for housing or other projects in those areas; purchase, 34
lease, sell, exchange, transfer, assign, or mortgage any property, 35
real or personal, or any interest in that property, or acquire the 36
same by gift, bequest, or eminent domain; own, hold, clear, and 37
improve property; provide and set aside housing projects, or 38
dwelling units comprising portions of housing projects, designed 39
especially for the use of families, the head of which or the 40
spouse of which is sixty-five years of age or older; engage in, or 41
contract for, the construction, reconstruction, alteration, or 42
repair, or both, of any housing project or part of any housing 43
project; participate in partnerships or joint ventures relating to 44
the development of housing or projects with other public or 45
private entities; include in any contract let in connection with a 46
project, stipulations requiring that the contractor and any 47
subcontractors comply with requirements as to minimum wages and 48
maximum hours of labor, and comply with any conditions that the 49
federal government has attached to its financial aid of the 50

project; lease or operate, or both, any project, and establish or 51
 revise schedules of rents for any projects or part of any project; 52
 arrange with the county or municipal corporations, or both, for 53
 the planning and replanning of streets, alleys, and other public 54
 places or facilities in connection with any area or project; 55
 borrow money upon its notes, debentures, or other evidences of 56
 indebtedness, and secure the same by mortgages upon property held 57
 or to be held by it, or by pledge of its revenues, or in any other 58
 manner; invest any funds held in reserves or sinking funds or not 59
 required for immediate disbursements; enter into a shared service 60
 agreement with another metropolitan housing authority; execute 61
 contracts and all other instruments necessary or convenient to the 62
 exercise of the powers granted in this section; make, amend, and 63
 repeal bylaws and rules to carry into effect its powers and 64
 purposes; 65

(C) Borrow money or accept grants or other financial 66
 assistance from the federal government for or in aid of any 67
 housing project within its territorial limits; take over or lease 68
 or manage any housing project or undertaking constructed or owned 69
 by the federal government; comply with any conditions and enter 70
 into any mortgages, trust indentures, leases, or agreements that 71
 are necessary, convenient, or desirable; 72

(D) Subject to section 3735.311 of the Revised Code, employ a 73
 police force to protect the lives and property of the residents of 74
 housing projects within the district, to preserve the peace in the 75
 housing projects, and to enforce the laws, ordinances, and 76
 regulations of this state and its political subdivisions in the 77
 housing projects and, when authorized by law, outside the limits 78
 of the housing projects. 79

(E) Enter into an agreement with a county, municipal 80
 corporation, or township in whose jurisdiction the metropolitan 81

housing authority is located that permits metropolitan housing 82
 authority police officers employed under division (D) of this 83
 section to exercise full arrest powers as provided in section 84
 2935.03 of the Revised Code, perform any police function, exercise 85
 any police power, or render any police service within specified 86
 areas of the county, municipal corporation, or township for the 87
 purpose of preserving the peace and enforcing all laws of the 88
 state, ordinances of the municipal corporation, or regulations of 89
 the township. 90

Sec. 3735.33. Any two or more metropolitan housing 91
 authorities created under sections 3735.27 to 3735.50 of the 92
 Revised Code, may join or cooperate with one another in the 93
 exercise, either jointly or otherwise, of any or all of their 94
 powers relative to the purpose of financing as provided in 95
 sections 3735.31 and 3735.45 to 3735.49 of the Revised Code. The 96
 moneys received from such joint or cooperative financing may be 97
 used for planning, undertaking, owning, constructing, operating, 98
 or contracting with respect to a housing project or projects 99
 located within the area of operation of any one or more of the 100
 authorities. An authority may by resolution prescribe and 101
 authorize any other authority or authorities, joining or 102
 cooperating with it, to act on its behalf with respect to any or 103
 all powers relative to the purpose of financing, as its agent or 104
 otherwise, in the name of the authority or authorities so joining 105
 or cooperating, or in its own name. 106

Any two or more metropolitan housing authorities created 107
 under sections 3735.27 to 3735.50 of the Revised Code may enter 108
 into a shared service agreement. 109

A metropolitan housing authority may provide, consult, or 110
 contract to provide to other metropolitan housing authorities, 111

public housing authorities, or nonprofit organizations formed 112
inside or outside of this state, or to government agencies, 113
housing-related knowledge, technology, or expertise for any of the 114
following: 115

(A) The development or redevelopment of housing projects; 116

(B) The performance of federal housing contracts or grants; 117

(C) Any matter related to the efficient operation of housing 118
projects. 119

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 120
 3735.40 to 3735.50 of the Revised Code: 121

(A) "Federal government" includes the United States, the 122
 federal works administrator, or any other agency or 123
 instrumentality, corporate or otherwise, of the United States. 124

(B) "Slum" has the meaning defined in section 1.08 of the 125
 Revised Code. 126

(C) "Housing project" or "project" means any of the following 127
 works or undertakings: 128

(1) Demolish, clear, or remove buildings from any slum area. 129
 Such work or undertaking may embrace the adaptation of such area 130
 to public purposes, including parks or other recreational or 131
 community purposes. 132

(2) Provide decent, safe, and sanitary urban or rural 133
 dwellings, apartments, or other living accommodations for persons 134
 of low income. 135

(3) Provide for buildings, land, equipment, facilities, and 136
 other real or personal property for necessary, convenient, or 137
 desirable appurtenances, streets, sewers, water service, parks, 138

site preparation, gardening, administrative, community, health, 139
 recreational, educational, welfare, commercial, residential, or 140
 other purposes. 141

(4) Accomplish a combination of the foregoing. "Housing 142
 project" also may be applied to the planning of the buildings and 143
 improvements, the acquisition of property, the demolition of 144
 existing structures, the construction, reconstruction, alteration, 145
 and repair of the improvements, and all other work in connection 146
 therewith. 147

(D) "Families of low income" ~~means~~ and "persons of low 148
income" mean persons or families who lack the amount of income 149
 which is necessary, as determined by the metropolitan housing 150
 authority undertaking the housing project, to enable them, without 151
 financial assistance, to live in decent, safe, and sanitary 152
 dwellings, without overcrowding. The terms include persons or 153
 families as defined by federal law or regulations who are eligible 154
 for a federally derived rent subsidy. 155

(E) "Families" means families consisting of two or more 156
 persons, a single person who has attained the age at which an 157
 individual may elect to receive an old age benefit under Title II 158
 of the "Social Security Act" or is under disability as defined in 159
 section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 160
 amended, or the remaining member of a tenant family. 161

(F) "Families" also means a single person discharged by the 162
 head of a hospital pursuant to section 5122.21 of the Revised Code 163
 after March 10, 1964. 164

(G) "Mixed-income development" means a development that 165
includes decent, safe, and sanitary urban or rural dwellings, 166
apartments, or other living accommodations for persons or families 167
 of varying incomes. 168

(H) "Mixed-use development" means a development that is both residential and nonresidential in character. 169
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Sec. 3735.41. Except as otherwise provided in section 3735.43 171
of the Revised Code, in the operation or management of housing 172
projects a metropolitan housing authority shall observe the 173
following with respect to rentals and tenant selection: 174

(A)(1) It shall not provide a federally derived rent subsidy 175
to any tenant for any dwelling in a housing project if the persons 176
who would occupy the dwelling have an aggregate annual net income 177
that equals or exceeds the amount that the authority determines to 178
be necessary to enable such persons to do both of the following: 179

(a) Secure safe, sanitary, and uncongested dwelling 180
accommodations within the area of operation of the authority; 181

(b) Provide an adequate standard of living for themselves. 182

(2) As used in this division, "aggregate annual net income" 183
means the aggregate annual income less the deductions and 184
exemptions from that income authorized by law or regulations 185
established by the United States department of housing and urban 186
development. 187

(B) ~~It~~ (1) Except as provided in division (B)(2) of this 188
section, it may rent or lease the dwelling accommodations therein 189
only at rentals within the financial reach of persons who lack the 190
amount of income which it determines, pursuant to division (A) of 191
this section, to be necessary in order to obtain safe, sanitary, 192
and uncongested dwelling accommodations within the area of 193
operation of the authority and to provide an adequate standard of 194
living. 195

(2) It may rent or lease to nonresidential tenants and 196

persons of varying incomes within a project, mixed-use 197
development, or mixed-income development. 198

(C) It may use a federally derived rent subsidy to rent or 199
 lease to a tenant a dwelling consisting of the number of rooms, 200
 but no greater number, which it considers necessary to provide 201
 safe and sanitary accommodations to the proposed occupants 202
 thereof, without overcrowding. 203

Sections 3735.27 to 3735.50 of the Revised Code do not limit 204
 the power of an authority to vest in a bondholder the right, in 205
 the event of a default by such authority, to take possession of a 206
 housing project or cause the appointment of a receiver thereof or 207
 acquire title thereto through foreclosure proceedings, free from 208
 all the restrictions imposed by such sections." 209

In line 310, delete "and" and insert a comma; after "1923.14" 210
 insert ", 3735.31, 3735.33, 3735.40, and 3735.41" 211

The motion was _____ agreed to.