

D R A F T

SUMMARY

Updates form, style and references within Housing Authorities Law.

A BILL FOR AN ACT

1
2 Relating to housing; amending ORS 456.055, 456.075, 456.080, 456.095, 456.110,
3 456.180 and 456.233.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 456.055 is amended to read:

6 456.055. As used in the Housing Authorities Law, unless the context re-
7 quires otherwise:

8 (1) “Affordable housing” means dwelling units [*that may be purchased or*
9 *rented*] **available for purchase or rent**, with or without government as-
10 sistance, by persons of eligible income.

11 (2) “Blighted area” means any area where housing, by reason of neglect
12 and dilapidation, is detrimental to the safety or health of the occupants or
13 of the neighborhood in which the housing is located.

14 (3) “Bonds” means any bonds, notes, interim certificates, debentures or
15 other obligations issued by an authority pursuant to the Housing Authorities
16 Law. The giving of a note secured by a mortgage or trust deed will not
17 constitute a bond.

18 [(4) “The City” means the particular city included within a particular
19 housing authority.]

20 [(5)] (4) “Clerk” means the recorder of the city, [*or*] the clerk of the
21 county[, *as the case may be,*] or the officer of the city or the county[, *re-*
22 *spectively,*] charged with the duties customarily imposed on such clerk.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 [(6) “County” means any county in the state. “The county” means a partic-
2 ular county or counties for which a particular housing authority is created.]

3 [(7)] (5) “Governing body” means, in the case of a city, the common
4 council or other legislative body [*thereof*], and, in the case of a county, the
5 county court, commission or other legislative body [*thereof*].

6 [(8)] (6) “Housing” means housing of all kinds, including [*but not limited*
7 *to*] single-family dwellings, multifamily dwellings, emergency shelters, dwell-
8 ing accommodations, living accommodations, manufactured dwelling parks,
9 residential units, housing projects or other dwellings.

10 [(9)] (7) “Housing unit” or “unit” means a single-family dwelling, a single
11 apartment or [*other*] **another** single dwelling.

12 [(10)] (8) “Mixed income housing” means a housing project that houses
13 tenants with a mixture of income levels, including those not of lower income,
14 for the purpose of reducing the rents for tenants whose incomes are no
15 greater than 60 percent of the area median income.

16 [(11)] (9) “Obligee of the authority” or “obligee” includes any bondholder
17 or trustee for any bondholder, or lessor demising to the authority property
18 used in connection with a housing project, or any assignee of [*such*] **the**
19 lessor’s interest or any part thereof, and the federal government when it is
20 a party to any contract with the authority.

21 [(12)] (10) “Persons of eligible income” means individuals or families who
22 meet the applicable income limits of local, state or federally funded programs
23 or developments.

24 [(13)] (11) “Private market” means those rental housing units owned and
25 operated by nongovernment entities and without government subsidies.

26 [(14)] (12) “Person of lower income” or “family of lower income” means
27 a person or a family, residing in this state, whose income is not greater than
28 80 percent of the area median income, adjusted for family size, as determined
29 by the Housing and Community Services Department using United States
30 Department of Housing and Urban Development information.

31 [(15)] (13) “Real property” includes all lands, including improvements and

1 fixtures thereon, and property of any nature appurtenant thereto, or used in
2 connection therewith, and every estate, interest and right, legal or equitable,
3 therein, including terms for years and liens by way of judgment, mortgage
4 or otherwise and the indebtedness secured by such liens.

5 **SECTION 2.** ORS 456.075 is amended to read:

6 456.075. In each city[, *as defined in ORS 456.055,*] and county there
7 [*hereby*] is created a public body corporate and politic to be known as the
8 “housing authority” of the city or county. [*However,*] The housing authority
9 [*shall*] **may** not transact any business or exercise its powers until or unless
10 the governing body [*of the city or the county*], by proper resolution, declares
11 that there is need for an authority to function in [*such*] **the** city or
12 county[. *The governing body of the city or the county shall also elect to have*
13 *the powers of a*] **and elects how the** housing authority [*exercised in any one*
14 *of the two ways provided in*] **may exercise its powers under** ORS 456.095
15 (1).

16 **SECTION 3.** ORS 456.080 is amended to read:

17 456.080. (1) [*The determination*] Whether there is a need for a housing
18 authority to function in a city or county may be [*made*] **determined** either
19 by election as provided in this section or by the governing body [*of a city*
20 *or county*] on its own motion. The governing body [*of the city or county*] shall
21 order the election when a petition is filed as provided in this section.

22 (2) A petition under this section must state that there is a need for a
23 housing authority to function.

24 (3) Except as provided in subsections (4) and (5) of this section, the re-
25 quirements for preparing, circulating and filing a petition under this section
26 [*shall*] **must** be as provided for an initiative petition:

27 (a) In the case of a county, in ORS 250.165 to 250.235.

28 (b) In the case of a city, in ORS 250.265 to 250.346.

29 (4) Notwithstanding ORS 250.325, a city governing body shall submit the
30 question to the electors without first considering its adoption or rejection.

31 (5) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county

1 or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the
2 requirements for preparing, circulating and filing a petition under this sec-
3 tion [*shall be*] **are** as provided for an initiative petition under the county or
4 city charter or an ordinance adopted under the county or city charter.

5 (6) An election under this section [*shall*] **must** be conducted under ORS
6 chapters 246 to 260[,] and:

7 (a) In the case of a city, must be held on a date specified in ORS 221.230.

8 (b) In the case of a county, must be held on a date specified in ORS
9 203.085.

10 (7) If the electors voting at the election favor the functioning of the
11 housing authority, the governing body shall declare that there is need for
12 such housing authority to function.

13 (8) The question of need [*shall*] **may** not [*again*] be submitted at any
14 election within one year immediately following the election at which the
15 question was voted upon.

16 **SECTION 4.** ORS 456.095 is amended to read:

17 456.095. (1) When the governing body [*of a city or county*] adopts a resol-
18 ution pursuant to ORS 456.085, the governing body [*may then*] **shall** elect to
19 have [*the powers of*] a housing authority [*under this chapter, ORS chapter 455*
20 *and ORS 446.515 to 446.547 exercised in any of the following ways*] **exercise**
21 **its powers by:**

22 (a) Appointing by resolution[,] a commission composed of five, seven or
23 nine persons[.]; **or**

24 (b) Declaring[,] by resolution[,] that the governing body, itself, shall ex-
25 ercise the powers of a housing authority [*under this chapter, ORS chapter*
26 *455 and ORS 446.515 to 446.547*].

27 (2) A governing body that exercises the powers of a housing authority
28 **under subsection (1)(b) of this section** may appoint at least one but not
29 more than two additional commissioners for the housing authority. An ap-
30 pointed commissioner has the same authority as other housing authority
31 commissioners, but may not exercise any powers of the governing body. At

1 least one appointed commissioner must be a resident who receives direct as-
2 sistance from the housing authority. The second appointed commissioner, if
3 any, at a minimum must live within the jurisdiction of the authority. An
4 appointed commissioner serves a term of office equal in length to the terms
5 of office for governing body members, but not more than four years. An ap-
6 pointed commissioner may be removed only for cause as described in ORS
7 456.110 or if the commissioner ceases to meet the requirements for being an
8 appointed commissioner. *[In the event that]* **If** a housing authority commis-
9 sion consisting of the governing body of a city and one or more appointed
10 commissioners has an even number of members, the mayor *[shall be]* **is** in-
11 cluded as a member of the commission for the housing authority. An act of
12 a governing body exercising the powers of a housing authority is an act of
13 the commission for the housing authority only and not of the governing
14 body.

15 [(2)] **(3)** When the governing bodies of two or more authorities join and
16 cooperate with one another and create a regional authority to exercise all
17 the powers conferred by the Housing Authorities Law, as authorized by ORS
18 456.140, the governing bodies of the cooperating cities and counties shall by
19 resolution appoint a commission for the regional authority consisting of nine
20 persons. The cooperating cities and counties shall each appoint an equal
21 number of the nine commissioners. If nine divided by the number of joining
22 or cooperating cities and counties produces a fraction, then the commis-
23 sioners appointed by *[such]* **the** cities and counties shall appoint one com-
24 missioner so that nine commissioners in all are appointed. The nine
25 commissioners appointed by or on behalf of cities or counties may appoint
26 at least one but not more than two additional commissioners for the housing
27 authority. At least one additional commissioner must be a resident who re-
28 ceives direct assistance from the housing authority. The second additional
29 commissioner, if any, at a minimum must live within the jurisdiction of the
30 authority. The term of office for an additional commissioner is equal to the
31 term of office for a commissioner appointed by or on behalf of cities or

1 counties. An additional commissioner may be removed only for cause as de-
2 scribed under ORS 456.110 or if the person ceases to meet the requirements
3 for being an additional commissioner.

4 [(3)] (4) A commissioner of an authority may not be an officer or employee
5 of any city or county for which the authority is created, unless the commis-
6 sioner is a member of the governing body or one of the governing bodies.

7 [(4)] (5) Persons appointed to the commission [shall] **must** include a va-
8 riety of occupations. At least one commissioner, but not more than two
9 commissioners, appointed under subsection (1)(a) of this section must be a
10 resident who receives direct assistance from the housing authority.

11 [(5)] (6) A governing body shall adopt a resolution for the appointment
12 or reappointment of a commissioner. A governing body resolution is conclu-
13 sive evidence that the commissioner was properly appointed.

14 **SECTION 5.** ORS 456.110 is amended to read:

15 456.110. For inefficiency or neglect of duty or misconduct in office, a
16 commissioner of an authority appointed pursuant to ORS 456.095 [(1) or (2)]
17 (2) or (3) may be removed by the mayor or, in the case of an authority for
18 a county, by the governing body of the county or, in the case of a regional
19 authority, by the appointing authority for the commissioner. This section
20 does not allow the removal of a member of a governing body exercising
21 power as a housing authority. A commissioner [shall] **may** not be removed
22 until after the commissioner has been given a copy of the charges at least
23 10 days prior to the hearing thereon and had an opportunity to be heard in
24 person or by counsel. In the event of the removal of any commissioner, a
25 record of the proceedings, together with the charges and findings thereon,
26 [shall] **must** be filed in the office of the clerk for each city and county in
27 the authority.

28 **SECTION 6.** ORS 456.180 is amended to read:

29 456.180. (1) Neither the commissioners of an authority nor any person
30 executing the bonds [shall be] **is** liable personally on the bonds by reason
31 of the issuance thereof.

1 (2) The bonds and other obligations of an authority [*shall not be*] **are not**
2 a debt of the city, the county, the state or any political subdivision thereof,
3 and the bonds and obligations shall so state on their face. Neither the city,
4 the county, nor the state or any political subdivision thereof [*shall be*] **is**
5 liable thereon. [*Nor, in any event, shall*] Such bonds or obligations [*be*] **are**
6 **not** payable out of any funds or properties other than those of the authority.

7 (3) The bonds [*shall not constitute*] **are not** an indebtedness within the
8 meaning of any constitutional or statutory debt limitation or restriction.

9 **SECTION 7.** ORS 456.233 is amended to read:

10 456.233. If, *pursuant to this chapter, ORS chapter 455 and ORS 446.515 to*
11 *446.547,* the governing body [*in a city or a county*] has declared, by resolu-
12 tion, that the governing body [*itself*] shall exercise the powers of a housing
13 authority [*under this chapter, ORS chapter 455 and ORS 446.515 to 446.547*],
14 the governing body may [*thereafter*], by resolution, elect to transfer such
15 powers and the authority to act as the housing authority to any other body
16 [*which*] **that** may be designated [*by this chapter, ORS chapter 455 and ORS*
17 *446.515 to 446.547*] to exercise such powers **under ORS 456.055 to 456.235.**
18 The governing body [*of the city or county*] may, by resolution, transfer the
19 powers and authority to act as the housing authority to itself. All duties and
20 obligations of the governing body as the housing authority of the munici-
21 pality [*shall*] thereafter **must** be assumed and performed by the body to
22 which such powers and authority are transferred.

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