

CHAPTER 334

LOW-RENT HOUSING AGENCY

S. F. 9

AN ACT relating to low-rent housing.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred three A point two (403A.2),
2 Code 1962, is hereby amended by adding thereto a new subsection as
3 follows:

4 "Agency" or "Low-Rent Housing Agency" shall mean a public
5 agency created under the provisions of section two (2) of this Act."

1 SEC. 2. Section four hundred three A point five (403A.5), Code
2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "Any municipality may create, in such municipality, a public body
4 corporate and politic to be known as the "Low-Rent Housing Agency"
5 of such municipality except that such agency shall not transact any
6 business or exercise its powers hereunder until or unless the local gov-
7 erning body has elected to exercise its municipal housing powers
8 through such an agency as prescribed in this section; and, except
9 further, that any such agency shall not undertake any low-rent hous-
10 ing project until such project has been approved by a referendum as
11 provided in section four hundred three A point twenty-five (403A.25).

12 Nothing herein shall prevent such an agency, if one is established
13 by the local governing body, from making investigations, studies,
14 reports and recommendations with respect to the necessity for, the
15 location and the size of any proposed low-rent housing project prior
16 to the referendum on same as provided in section four hundred three
17 A point twenty-five (403A.25).

18 If the low-rent housing agency is authorized to transact business
19 and exercise powers hereunder, the mayor, by and with the advice and
20 consent of the local governing body, shall appoint a board of commis-
21 sioners of the low-rent housing agency which board shall consist of
22 five (5) commissioners. The term of office for three (3) of said com-
23 missioners originally appointed shall be two (2) years and the term
24 of office for two (2) of said commissioners originally appointed shall
25 be one (1) year. Thereafter the term of office for each commissioner
26 shall be two (2) years.

27 A commissioner shall receive no compensation for his services, but
28 he shall be entitled to the necessary expenses, including traveling
29 expenses, incurred in the discharge of his duties. Each commissioner
30 shall hold office until his successor has been appointed and has quali-
31 fied. A certificate of the appointment or reappointment of any com-
32 missioner shall be filed with the clerk of the municipality, and such
33 certificate shall be conclusive evidence of the due and proper appoint-
34 ment of such commissioner.

35 The powers of a low-rent housing agency shall be exercised by the
36 commissioners thereof. A majority of the commissioners shall consti-
37 tute a quorum for the purpose of conducting business and exercising
38 the powers of the agency, and for all other purposes. Action may be
39 taken by the agency upon a vote of a majority of the commissioners

40 present, unless in any case the by-laws shall require a larger number.
 41 Any persons may be appointed as commissioners if they reside within
 42 the area of operation of the agency, which area shall be conterminous
 43 with the area of operation of the municipality, and if they are other-
 44 wise eligible for such appointments under this chapter.

45 The mayor shall designate a chairman and vice-chairman from
 46 among the commissioners. An agency may employ an executive direc-
 47 tor, technical experts and such other agents and employees, permanent
 48 and temporary, as it may require, and the agency may determine their
 49 qualifications, duties and compensation. For such legal service as it
 50 may require, an agency may employ or retain its own counsel and legal
 51 staff. An agency authorized to transact business and exercise powers
 52 under this chapter shall file, with the local governing body, on or
 53 before March 31 of each year, a report of its activities for the pre-
 54 ceding calendar year, which report shall include a complete financial
 55 statement setting forth its assets, liabilities, income and operating
 56 expense as of the end of such calendar year. At the time of filing the
 57 report, the agency shall publish in a newspaper of general circulation
 58 in the community a notice to the effect that such report has been filed
 59 with the municipality, and that the report is available for inspection
 60 during business hours in the office of the city clerk and in the office of
 61 the agency.

62 For inefficiency, or neglect of duty, or misconduct in office, a com-
 63 missioner may be removed by a majority vote of the governing body
 64 of the municipality only after a hearing before said body, and after he
 65 shall have been given a copy of the charges at least ten (10) days
 66 prior to such hearing, and after he shall have had an opportunity to
 67 be heard in person or by counsel.

68 A municipality may itself exercise the powers in connection with
 69 municipal housing as defined in this chapter, or may, if the local gov-
 70 erning body by resolution determines such action to be in the public
 71 interest, elect to have such powers exercised by the Low-Rent Housing
 72 Agency, if one exists or is subsequently established in the community.
 73 In the event the local governing body makes such determination, the
 74 Low-Rent Housing Agency shall be vested with all of the low-rent
 75 housing project powers in the same manner as though all such powers
 76 were conferred on such agency instead of the municipality. If the local
 77 governing body does not elect to make such determination, the munici-
 78 pality in its discretion may exercise its low-rent housing project
 79 powers through a board or commissioner, or through such officers of
 80 the municipality as the local governing body may by resolution deter-
 81 mine."

1 SEC. 3. Section four hundred three A point twenty-two (403A.22),
 2 Code 1962, is hereby amended by inserting after the word "thereof"
 3 appearing in line three (3), the following:

4 "and no commissioner or employee of a low-rent housing agency
 5 which has been vested with low-rent housing project powers under
 6 section two (2) of this Act".

1 SEC. 4. Section four hundred three A point twenty-five (403A.25),
 2 Code 1962, is hereby repealed and the following enacted in lieu there-
 3 of:

4 "No municipality nor any low-rent housing agency shall proceed
5 with the acquisition of any property for, or with the erection or oper-
6 ation of any low-rent housing project unless authorized by a vote of
7 at least fifty (50) percent of the electors of such municipality voting
8 on the proposition at any regular, primary or general election or by
9 special election called by the governing body of the municipality.

10 Notice of the time and place of such election shall be given by pub-
11 lication once each week for three (3) consecutive weeks prior thereto
12 in some newspaper having a general circulation in such municipality.
13 Such election may be called by the governing body of the municipality,
14 and shall be called when a petition asking for such election, signed by
15 at least two (2) percent of the electors of the municipality voting for
16 governor at the last preceding general election, has been filed with the
17 clerk of the municipality.

18 The form of the question to be presented for a vote of the electors
19 shall include the name of the proposed project, describe its location
20 with reasonable certainty, specify the maximum number of housing
21 units in said project, state whether new construction or rehabilitation
22 of existing structures is contemplated, or a combination of same, state
23 the maximum amount of funds to be expended for the contemplated
24 construction or rehabilitation or both, and state the type of occupancy
25 contemplated whether it be without limitation as to age or designed
26 for the elderly."

Approved April 19, 1965.

CHAPTER 335

MUNICIPAL MILLAGE LIMITATIONS

S. F. 104

AN ACT relating to millage limitations upon the several functional funds of cities and towns.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred four point two (404.2), Code
2 1962, as amended by chapter two hundred forty-eight (248), Acts of
3 the Sixtieth General Assembly, is amended by striking from lines
4 seven (7), eight (8), and nine (9) the words "not to exceed the maxi-
5 mum millage rate designated in said sections for any function,".

1 SEC. 2. Section four hundred four point six (404.6), Code 1962,
2 as amended by chapter two hundred forty-eight (248), Acts of the
3 Sixtieth General Assembly, is amended by striking from lines four (4)
4 and five (5) the words "not to exceed seven mills on the dollar".

1 SEC. 3. Section four hundred four point seven (404.7), Code 1962,
2 is amended by striking from line four (4) the words "not to exceed
3 seven mills on the dollar".

1 SEC. 4. Section four hundred four point eight (404.8), Code 1962,
2 is amended by striking from lines four (4) and five (5) the words "not
3 to exceed twelve mills on the dollar".