

FILED JAN 21 1971

cities & towns 1/21, Pass per amendment 3/31

SENATE FILE 77

By TAPSCOTT
(Bray)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the referendum for approval of low-rent
2 housing projects.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Amend the Committee on Cities and Towns amendment, filed
2 March 31, 1971 to Senate File 77, page 1, by striking in line
3 25 the word "thorough".

Filed - *Adopted 5/27*
May 24, 1971

By TAPSCOTT

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1 Section 1. Section four hundred three A point five (403A.5),
2 unnumbered paragraphs one (1) and two (2), Code 1971, are amend-
3 ed as follows:

4 Any municipality may create, in such municipality, a public
5 body corporate and politic to be known as the "Low-Rent
6 Housing Agency" of such municipality except that such agency
7 shall not transact any business or exercise its powers here-
8 under until or unless the local governing body has elected to
9 exercise its municipal housing powers through such an agency as
10 prescribed in this section, ~~and, except further, that any such~~
11 ~~agency shall not undertake any low-rent housing project for~~
12 ~~which the approval of the electors of the municipality is~~
13 ~~required by this chapter until such project has been approved~~
14 ~~by a referendum as provided in section 403A.25.~~

15 Nothing herein shall prevent such an agency, if one is
16 established by the local governing body, from making investiga-
17 tions, studies, reports and recommendations with respect to
18 the necessity for, the location and the size of any proposed
19 low-rent housing project ~~prior to the referendum on same as~~
20 ~~provided in section 403A.25.~~

21 Sec. 2. Sections four hundred three A point twenty-five
22 (403A.25) and four hundred three A point twenty-six (403A.26),
23 Code 1971, are repealed.

24 EXPLANATION

25 This bill repeals the provisions requiring elections to
26 approve the establishment of low-rent housing projects.
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May 27, 1971

SENATE FILE 77
By TAPSCOTT
(Bray)

SENATE AMENDMENTS ALL
IN BOLD FACE TYPE.

(AS PASSED BY THE SENATE)

Passed Senate, Date 5-27-71 Passed House, Date 1-26-72

Vote: Ayes 33 Nays 11 Vote: Ayes 63 Nays 32

Approved 2-17-72

Passed Senate as amended by House

1-21-72

aye 33, nays 11

A BILL FOR

- 1 An Act relating to the referendum for approval of low-rent
- 2 housing projects.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section four hundred three A point five (403A.5),
2 unnumbered paragraphs one (1), two (2), and eight (8),
3 Code 1971, are amended as follows:

4 Any municipality may create, in such municipality, a public
5 body corporate and politic to be known as the "Low-Rent
6 Housing Agency" of such municipality except that such agency
7 shall not transact any business or exercise its powers here-
8 under until or unless the local governing body has elected to
9 exercise its municipal housing powers through such an agency as
10 prescribed in this section[, and, except further, that any such
11 agency shall not undertake any low-rent housing project for
12 which the approval of the electors of the municipality is
13 required by this chapter until such project has been approved
14 by a referendum as provided in section 403A.25.]

15 [Nothing herein shall prevent such an agency, if one
16 is established by the local governing body, from making
17 investigations, studies, reports and recommendations
18 with respect to the necessity for, the location and size
19 of any proposed low-rent housing project prior to the
20 referendum on same as provided in section 403A.25.]

21 A municipality may itself exercise the powers in
22 connection with municipal housing as defined in this
23 chapter, or may, if the local governing body by resolution
24 determines such action to be in the public interest, elect
25 to have such powers exercised by the low-rent housing
26 agency, if one exists or is subsequently established in
27 the community. *Prior to the exercise of municipal housing
28 powers by the local governing body or the low-rent housing
29 agency, a study, report, and recommendation concerning
30 available housing within the community shall be made public,
31 and the local governing body or low-rent housing agency
32 shall include this housing report and recommendation in its
33 consideration of the situation. In the event the local
34 governing body makes such determination, the low-rent housing
35 agency shall be vested with all of the low-rent housing proj-*

36 ect powers in the same manner as though all such powers were
37 conferred on such agency instead of the municipality. If
38 the local governing body does not elect to make such deter-
39 mination, the municipality in its discretion may exercise its
40 low-rent housing project powers through a board or
41 commissioner, or through such officers of the municipality
42 as the local governing body may by resolution determine.

43 Sec. 2. Sections four hundred three A point twenty-five
44 (403A.25) and four hundred three A point twenty-six (403A.26),
45 Code 1971, are repealed.

EXPLANATION

This bill repeals the provisions requiring elections to approve the establishment of low-rent housing projects.

1 Amend Senate File 77 by adding thereto the follow-
2 ing section:

3 Sec. 3. The low-rent housing agency shall not
4 undertake any low-cost housing project until such
5 time as a public hearing has been called, at which
6 time the agency shall advise the public of the name
7 of the proposed project, its location, the number of
8 living units proposed and their approximate cost.
9 Notice of the public hearing on the proposed project
10 shall be published at least once in a newspaper of
11 general circulation within the municipality, at least
12 fifteen days prior to the date set for the hearing.

13 If, within thirty days after the public hearing,
14 there is filed with the clerk of the municipality a
15 petition asking that the proposition be placed before
16 the voters of the municipality, signed by at least
17 two percent of the electorate of the municipality
18 voting for governor at the last preceding general
19 election, then the agency shall not proceed until the
20 proposal has been approved by the electorate of the
21 municipality voting on the proposition at any regular
22 primary or general election or at a special election
23 called by the governing body of the municipality.

24 Notice of the time and place of such election
25 shall be given by publication once each week for three
26 consecutive weeks prior thereto in some newspaper of
27 general circulation in such municipality.

*Div. 1
adopted
1/25*

*Div. 2
Last
1/25*

Filed - *Div. 1, adopted, Div. 2 last 1/25 (160-2)* By MILLEN of Van Buren
June 17, 1971 District 99
FREEMAN of Buena Vista
District 58
SCHROEDER of Pottawattamie
District 54
~~ELLSWORTH of Dubuque~~ *Withdrawn 1/20/72*
District 50
FISCHER of Grundy
District 35
MOLLETT of Pottawattamie
District 80

House

SENATE FILE 77

1 Amend Senate File 77, as amended and passed by the
2 Senate and reprinted, as follows:

3 1. Page 2B, by inserting after line 42, the following
4 new sections:

5 a. Section four hundred three A point six (403A.6),
6 Code 1971, is amended as follows:

7 403A.6 OPERATION OF HOUSING NOT FOR PROFIT. It is here-
8 by declared to be the policy of this state that each municipi-
9 pality shall manage and operate its housing projects in an
10 efficient manner so as to enable it to fix the rentals or
11 payments for dwelling accommodations at low rates consistent
12 with its providing decent, safe and sanitary dwelling accom-
13 modations for persons of low income, and that no municipali-
14 ty shall construct or operate any housing project for
15 profit, or as a source of revenue to the municipality. To
16 this end the municipality shall fix the rentals or payments
17 for dwellings in its projects at no higher rates than it
18 shall find to be necessary in order to produce revenues
19 which (together with all other available moneys, revenues,
20 income and receipts in connection with or for such projects
21 from whatever sources derived, including federal financial
22 assistance) will be sufficient (1) to pay, as the same be-
23 come due, the principal and interest on the bonds issued
24 pursuant to this chapter; (2) to create and maintain such
25 reserves as may be required to assure the payment of princi-
26 pal and interest as it becomes due on such bonds; (3) to
27 meet the cost of, and to provide for, maintaining and oper-
28 ating the projects (including necessary reserves therefor
29 and the cost of any insurance, and of administrative expen-
30 ses); and (4) to ~~make such payments in lieu of taxes~~ pay
31 property taxes and, after payment in full of all obligations
32 for which federal annual contributions are pledged, to make
33 such repayments of federal and local contributions as it
34 determines are consistent with the maintenance of the low-
35 rent character of projects. Rentals or payments for dwell-
36 ings shall be established and the projects administered, in-
37 sofar as possible, so as to assure that any federal financial
38 assistance required shall be strictly limited to amounts and
39 periods necessary to maintain the low-rent character of the
40 projects.

41 b. Section four hundred three A point ten (403A.10),
42 Code 1971, is amended by striking the section and inserting
43 in lieu thereof the following:

44 403A.10 TAXATION. The property acquired or held pursu-
45 ant to this chapter shall be subject to property taxation
46 and special assessments in the same manner as other taxable
47 property.

48 c. Chapter four hundred three A (403A), Code 1971, is
49 amended by adding the following new section:

50 No municipality or low-rent housing agency shall finance

SENATE FILE 77

1 Amend Senate File 77 as amended, passed and re-
2 printed by the Senate, as follows:
3 Page 2A, line 27, by striking everything after
4 the period and by striking lines 28 through 32,
5 and by striking everything before the period in
6 line 33, and inserting in lieu thereof the following:
7 "A municipality or a 'Low-rent Housing Agency'
8 may not proceed with a housing project until a study
9 or a report and recommendation on housing available
10 within the community is made public by the munici-
11 pality or agency and is included in its recommenda-
12 tions for a housing project. Such recommendations
13 must receive majority approval from the local
14 governing body before proceeding on the housing
15 project."

Filed *adapted as* By KREAMER of Polk
January 25, 1972 *amended* 1-26-72 BRAY of Scott

SENATE FILE 77

1 Amend Senate File 77, as amended, passed and re-
2 printed by the Senate, as follows:
3 Page 2A, by adding after the period in line 27
4 the following:
5 "However, if municipal housing powers have been
6 delegated to the low-rent housing agency, such agency,
7 prior to exercising municipal housing powers, must
8 receive majority approval from the local governing
9 body."

Offered from the floor and pending.
January 25, 1972 By KREAMER of Polk
Withdrawn 1-26-72

SENATE FILE 77

1 Amend the Millen, et al amendment to Senate File
2 77, filed June 17, 1971, by striking from line 17 the
3 word "two" and inserting in lieu thereof the word
4 "ten".

Offered from the floor and adopted.
January 25, 1972 By SCHROEDER of Pottawattamie

- 51 a housing project under this Act from any revenue which is
52 obtained directly or indirectly from property taxation.
53 2. Page 2B, by striking line 44 and inserting in lieu
54 thereof the following:
55 "(403A.25), four hundred three A point twenty-six
56 (403A.26), and four hundred three A point twenty-seven
57 (403A.27),".
58 3. By renumbering the sections to conform to this
59 amendment.
60 4. Amend the title, page 1, line 2, by inserting after
61 the word "projects" the words "and to the taxation of low-
62 rent housing projects".

Filed - ~~Withdrawn~~ 1/25/72
January 24, 1972

By TAYLOR of Dubuque

- 1 Amend the title to Senate File 77 by striking
2 everything after the word Act and inserting in lieu
3 thereof the following:
4 "to repeal the referendum for approval of low-
5 rent housing projects and to substitute an
6 alternate procedure therefor."

Offered from the floor and adopted.

January 26, 1972

By BRAY of Scott

- 1 Amend the Kreamer-Bray amendment to Senate File
2 77 filed January 25, 1972, line 6, by striking the
3 words "inserting in lieu thereof the following:"
4 and inserting the words "add the following new para-
5 graph, page 2B after the period in line 42:"

Offered from the floor and adopted.

January 26, 1972

By BRAY of Scott

1 Amend Senate File 77 as amended, passed and reprinted
2 by the Senate, as follows:

3 1. Page 2A, line 27, by striking everything after the
4 period and by striking lines 28 through 32, and by
5 striking from line 33 the words "consideration of the
6 situation."

7 2. Page 2B by adding after line 42 the following
8 paragraph:

9 A municipality or a "Low-rent Housing Agency" may not
10 proceed with a housing project until a study or a report
11 and recommendation on housing available within the
12 community is made public by the municipality or agency
13 and is included in its recommendations for a housing
14 project. Such recommendations must receive majority
15 approval from the local governing body before proceeding
16 on the housing project.

17 3. By adding thereto the following section:

18 Sec. 3. The low-rent housing agency shall not
19 undertake any low-cost housing project until such time
20 as a public hearing has been called, at which time the
21 agency shall advise the public of the name of the
22 proposed project, its location, the number of living
23 units proposed and their approximate cost. Notice of
24 the public hearing on the proposed project shall be
25 published at least once in a newspaper of general

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1 circulation within the municipality, at least fifteen
2 days prior to the date set for the hearing.

3 4. Amend the title by striking everything after
4 the word "Act" and inserting in lieu thereof the
5 following:

6 "to repeal the referendum for approval of low-
7 rent housing projects and to substitute an alternate
8 procedure therefor."

Received from the House.
January 27, 1972

Senate concurred 1/31/72

SENATE FILE 77

1 Amend Senate File 77 as follows:

- 2 1. Page 2, line 2, by striking the words and figure
3 "and two (2)" and inserting in lieu thereof the words and
4 figures", two (2), and eight (8)".
- 5 2. Page 2, lines 15 through 19, by striking the words
6 "Nothing herein shall prevent such an agency, if one is
7 established by the local governing body, from making in-
8 vestigations, studies, reports and recommendations with
9 respect to the necessity for, the location and the size
10 of any proposed low-rent housing project", and inserting
11 in lieu thereof the words "~~Nothing herein shall prevent~~
12 ~~such an agency, if one is established by the local govern-~~
13 ~~ing body, from making investigations, studies, reports and~~
14 ~~recommendations with respect to the necessity for, the~~
15 ~~location and size of any proposed low-rent housing project~~".
- 16 3. Page 2, by inserting after line 20 the following:
17 "A municipality may itself exercise the powers in
18 connection with municipal housing as defined in this
19 chapter, or may, if the local governing body by resolu-
20 tion determines such action to be in the public interest,
21 elect to have such powers exercised by the low-rent hous-
22 ing agency, if one exists or is subsequently established
23 in the community. Prior to the exercise of municipal
24 housing powers by the local governing body or the low-
25 rent housing agency, a thorough study, report, and

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1 recommendation concerning available housing within the
2 community shall be made public, and the local governing
3 body or low-rent housing agency shall include this hous-
4 ing report and recommendation in its consideration of
5 the situation. In the event the local governing body
6 makes such determination, the low-rent housing agency
7 shall be vested with all of the low-rent housing project
8 powers in the same manner as though all such powers were
9 conferred on such agency instead of the municipality.
10 If the local governing body does not elect to make such
11 determination, the municipality in its discretion may
12 exercise its low-rent housing project powers through a
13 board or commissioner, or through such officers of the
14 municipality as the local governing body may by resolu-
15 tion determine."

Filed - Adopted as amended 5/27
March 31, 1971

By COMMITTEE ON CITIES AND TOWNS