

Sen. Cities 5/9 D. Pass 5/12

APR 14 1977

Place On Calendar

HOUSE FILE 536

By COMMITTEE ON CITIES

Passed House, Date 5-4-77 (p. 1877) Passed Senate, Date 5-16-77 (p. 1540)

Vote: Ayes 90 Nays 1 Vote: Ayes 46 Nays 1

Approved June 24, 1977

A BILL FOR

1 An Act to change the title of the low-rent housing law
2 chapter of the Code to the municipal housing law.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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536

1 Section 1. Section four hundred three A point one (403A.1),
2 Code 1977, is amended to read as follows:

3 403A.1 SHORT TITLE. This chapter shall be known and may
4 be cited as the "~~Low-Rent~~ Municipal Housing Law."

5 Sec. 2. Section four hundred three A point two (403A.2),
6 subsection seventeen (17), Code 1977, is amended to read as
7 follows:

8 17. "Agency" or "~~low-rent~~ municipal housing agency" shall
9 mean a public agency created under the provisions of section
10 403A.5.

11 Sec. 3. Section four hundred three A point five (403A.5),
12 unnumbered paragraphs one (1) through five (5), Code 1977,
13 is amended to read as follows:

14 403A.5 EXERCISE OF MUNICIPAL HOUSING POWERS--~~LOW-RENT~~
15 MUNICIPAL HOUSING AGENCY. Any municipality may create, in
16 such municipality, a public body corporate and politic to
17 be known as the "~~Low-Rent~~ Municipal Housing Agency" of such
18 municipality except that such agency shall not transact any
19 business or exercise its powers hereunder until or unless
20 the local governing body has elected to exercise its municipal
21 housing powers through such an agency as prescribed in this
22 section.

23 If the ~~low-rent~~ municipal housing agency is authorized
24 to transact business and exercise powers hereunder, the mayor,
25 by and with the advice and consent of the local governing
26 body, shall appoint a board of commissioners of the ~~low-rent~~
27 municipal housing agency which board shall consist of five
28 commissioners. The term of office for three of ~~said~~ the
29 commissioners originally appointed shall be two years and
30 the term of office for two of ~~said~~ the commissioners originally
31 appointed shall be one year. Thereafter the term of office
32 for each commissioner shall be two years.

33 A commissioner shall receive no compensation for ~~his~~
34 services, but he shall be entitled to the necessary expenses,
35 including traveling expenses, incurred in the discharge of

1 ~~his-duties~~ a duty. Each commissioner shall hold office until
2 ~~his~~ a successor has been appointed and has qualified. A
3 certificate of the appointment or reappointment of any
4 commissioner shall be filed with the clerk of the municipality,
5 and ~~such~~ the certificate shall be conclusive evidence of the
6 due and proper appointment of ~~such~~ the commissioner.

7 The powers of a ~~low-rent~~ municipal housing agency shall
8 be exercised by the commissioners-~~thereof~~. A majority of
9 the commissioners shall constitute a quorum for the purpose
10 of conducting business and exercising the powers of the agency,
11 and for all other purposes. Action may be taken by the agency
12 upon a vote of a majority of the commissioners present, unless
13 in any case the bylaws shall require a larger number. Any
14 persons may be appointed as commissioners if they reside
15 within the area of operation of the agency, which area shall
16 be conterminous with the area of operation of the municipality,
17 and if they are otherwise eligible for ~~such~~ appointments under
18 this chapter.

19 The mayor shall designate a chairman and vice-chairman
20 from among the commissioners. An agency may employ an
21 executive director, technical experts and such other agents
22 and employees, permanent and temporary, as it may require,
23 and the agency may determine their qualifications, duties
24 and compensation. For such legal service as it may require,
25 an agency may employ or retain its own counsel and legal
26 staff. An agency authorized to transact business and exercise
27 powers under this chapter shall file, with the local governing
28 body, on or before September 30 of each year, a report of
29 its activities for the preceding fiscal year, which report
30 shall include a complete financial statement setting forth
31 its assets, liabilities, income and operating expense as of
32 the end of such fiscal year. At the time of filing the report,
33 the agency shall publish in a newspaper of general circulation
34 in the community a notice to the effect that such report has
35 been filed with the municipality, and that the report is

1 available for inspection during business hours in the office
2 of the city clerk and in the office of the agency.

3 For inefficiency, or neglect of duty, or misconduct in
4 office, a commissioner may be removed by a majority vote of
5 the governing body of the municipality only after a hearing
6 before ~~said~~ the body, and after ~~he~~ the commissioner shall
7 have been given a copy of the charges at least ten days prior
8 to such hearing, and after ~~he~~ the commissioner shall have
9 had an opportunity to be heard in person or by counsel.

10 A municipality may itself exercise the powers in connection
11 with municipal housing as defined in this chapter, or may,
12 if the local governing body by resolution determines such
13 action to be in the public interest, elect to have such powers
14 exercised by the ~~low-rent~~ municipal housing agency, if one
15 exists or is subsequently established in the community. In
16 the event the local governing body makes such determination,
17 the ~~low-rent~~ municipal housing agency shall be vested with
18 all of the ~~low-rent~~ municipal housing project powers in the
19 same manner as though all such powers were conferred on such
20 agency instead of the municipality. If the local governing
21 body does not elect to make such determination, the
22 municipality in its discretion may exercise its ~~low-rent~~
23 municipal housing project powers through a board or
24 commissioner, or through such officers of the municipality
25 as the local governing body may by resolution determine.

26 A municipality or a "Low-Rent Municipal Housing Agency"
27 may not proceed with a housing project until a study or a
28 report and recommendation on housing available within the
29 community is made public by the municipality or agency and
30 is included in its recommendations for a housing project.
31 ~~Such-recommendations~~ Recommendations must receive majority
32 approval from the local governing body before proceeding on
33 the housing project.

34 Sec. 4. Section four hundred three A point twenty-one
35 (403A.21), subsection eight (8), Code 1977, is amended to

1 read as follows:

2 8. Enter into agreements which may extend over any period,
3 notwithstanding any provision or rule of law to the contrary
4 with any municipality respecting action to be taken by such
5 state public body pursuant to any of the powers granted by
6 this chapter. If at any time title to, or possession of,
7 any project is held by any public body or governmental agency
8 authorized by law to engage in the development or
9 administration of ~~low-rent~~ municipal housing or slum clearance
10 projects, including any agency or instrumentality of the
11 United States of America, the provisions of such agreements
12 shall insure to the benefit of and may be enforced by such
13 public body or governmental agency.

14 Sec. 5. Section four hundred three A point twenty-two
15 (403A.22), unnumbered paragraph one (1), Code 1977, is amended
16 to read as follows:

17 No public official or employee of a municipality or board
18 or commission thereof and no commissioner or employee of a
19 ~~low-rent~~ municipal housing agency which has been vested with
20 ~~low-rent~~ municipal housing project powers under section 403A.5,
21 shall voluntarily acquire any personal interest, as hereinafter
22 defined, whether direct or indirect, in any municipal housing
23 project, or in any property included or planned to be included
24 in any municipal housing project of such municipality, or
25 in any contract or proposed contract in connection with such
26 municipal housing project. Where such acquisition is not
27 voluntary, the interest acquired shall be immediately disclosed
28 in writing to the local governing body, and such disclosure
29 shall be entered upon the minutes of the governing body.
30 If any such official, commissioner or employee presently owns
31 or controls, or has owned or controlled within the preceding
32 two years, any interest, as hereinafter defined, whether
33 direct or indirect, in any property which ~~he-knows~~ it is known
34 is included or planned to be included in a municipal housing
35 project, he the commissioner shall immediately disclose this

1 fact in writing to the local governing body, and such
2 disclosure shall be entered upon the minutes of the governing
3 body; and any such official, commissioner or employee shall
4 not participate in any action by the municipality, or board
5 or commission thereof affecting such property, as the terms
6 of such proscription are hereinafter defined. For the purposes
7 of this section the following definitions and standards of
8 construction shall apply:

9 Sec. 6. Section four hundred three A point twenty-two
10 (403A.22), subsection two (2), Code 1977, is amended to read
11 as follows:

12 2. Employment by a state public body, its agencies, and
13 institutions or by any other person as defined in subsection
14 16 of section 403.17, having such an interest shall not be
15 deemed an interest by such employee or of any ownership or
16 control by such employee of interests of his employer. Such
17 an employee may participate in a ~~low-rent~~ municipal housing
18 project so long as any benefits of such participation accrue
19 to the public generally, such participation affects all or
20 a substantial portion of the properties included or planned
21 to be included in such a project, or such participation
22 promotes the public purposes of such project, and shall limit
23 only that participation by an employee which directly or
24 specifically affects property in which an employer of an
25 employee has an interest.

26 Sec. 7. Section four hundred three A point twenty-eight
27 (403A.28), Code 1977, is amended to read as follows:

28 403A.28 PUBLIC HEARING REQUIRED. The ~~low-rent~~ municipal
29 housing agency shall not undertake any low-cost housing project
30 until such time as a public hearing has been called, at which
31 time the agency shall advise the public of the name of the
32 proposed project, its location, the number of living units
33 proposed and their approximate cost. Notice of the public
34 hearing on the proposed project shall be published at least
35 once in a newspaper of general circulation within the

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

3 Sec. 8. This Act is effective January 1, 1978.

4 EXPLANATION

5 This bill changes the title of the Low-Rent Housing Law,
6 to the Municipal Housing Law chapter, and subsequently changes
7 all references of low-rent housing to municipal housing
8 throughout the chapter.

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HOUSE FILE 536

AN ACT

TO CHANGE THE TITLE OF THE LOW-RENT HOUSING LAW
CHAPTER OF THE CODE TO THE MUNICIPAL HOUSING LAW.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section four hundred three A point one (403A.1), Code 1977, is amended to read as follows:

403A.1 SHORT TITLE. This chapter shall be known and may be cited as the "Low-Rent Municipal Housing Law."

Sec. 2. Section four hundred three A point two (403A.2), subsection seventeen (17), Code 1977, is amended to read as follows:

17. "Agency" or "low-rent municipal housing agency" shall mean a public agency created under the provisions of section 403A.5.

Sec. 3. Section four hundred three A point five (403A.5), Code 1977, is amended to read as follows:

403A.5 EXERCISE OF MUNICIPAL HOUSING POWERS--LOW-RENT MUNICIPAL HOUSING AGENCY. Any municipality may create, in such municipality, a public body corporate and politic to be known as the "Low-Rent Municipal Housing Agency" of such municipality except that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has elected to exercise its municipal housing powers through such an agency as prescribed in this section.

If the low-rent municipal housing agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the low-rent municipal housing agency which board shall consist of five commissioners. The term of office for three of said the

commissioners originally appointed shall be two years and the term of office for two of said the commissioners originally appointed shall be one year. Thereafter the term of office for each commissioner shall be two years.

A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties a duty. Each commissioner shall hold office until his a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality, and such the certificate shall be conclusive evidence of the due and proper appointment of such the commissioner.

The powers of a low-rent municipal housing agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency, and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency, which area shall be conterminous with the area of operation of the municipality, and if they are otherwise eligible for such appointments under this chapter.

The mayor shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of

its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality, and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

For inefficiency, or neglect of duty, or misconduct in office, a commissioner may be removed by a majority vote of the governing body of the municipality only after a hearing before ~~said~~ the body, and after ~~he~~ the commissioner shall have been given a copy of the charges at least ten days prior to such hearing, and after ~~he~~ the commissioner shall have had an opportunity to be heard in person or by counsel.

A municipality may itself exercise the powers in connection with municipal housing as defined in this chapter, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the ~~low-rent~~ municipal housing agency, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the ~~low-rent~~ municipal housing agency shall be vested with all of the ~~low-rent~~ municipal housing project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing body does not elect to make such determination, the municipality in its discretion may exercise its ~~low-rent~~ municipal housing project powers through a board or commissioner, or through such officers of the municipality as the local governing body may by resolution determine.

A municipality or a "~~Low-Rent~~ Municipal Housing Agency" may not proceed with a housing project until a study or a report and recommendation on housing available within the

community is made public by the municipality or agency and is included in its recommendations for a housing project. ~~Such recommendations~~ Recommendations must receive majority approval from the local governing body before proceeding on the housing project.

Sec. 4. Section four hundred three A point twenty-one (403A.21), subsection eight (8), Code 1977, is amended to read as follows:

8. Enter into agreements which may extend over any period, notwithstanding any provision or rule of law to the contrary with any municipality respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of ~~low-rent~~ municipal housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall insure to the benefit of and may be enforced by such public body or governmental agency.

Sec. 5. Section four hundred three A point twenty-two (403A.22), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No public official or employee of a municipality or board or commission thereof and no commissioner or employee of a ~~low-rent~~ municipal housing agency which has been vested with ~~low-rent~~ municipal housing project powers under section 403A.5, shall voluntarily acquire any personal interest, as hereinafter defined, whether direct or indirect, in any municipal housing project, or in any property included or planned to be included in any municipal housing project of such municipality, or in any contract or proposed contract in connection with such municipal housing project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure

shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest, as hereinafter defined, whether direct or indirect, in any property which he-knows it is known is included or planned to be included in a municipal housing project, he the commissioner shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; and any such official, commissioner or employee shall not participate in any action by the municipality, or board or commission thereof affecting such property, as the terms of such proscription are hereinafter defined. For the purposes of this section the following definitions and standards of construction shall apply:

Sec. 6. Section four hundred three A point twenty-two (403A.22), subsection two (2), Code 1977, is amended to read as follows:

2. Employment by a state public body, its agencies, and institutions or by any other person as defined in subsection 16 of section 403.17, having such an interest shall not be deemed an interest by such employee or of any ownership or control by such employee of interests of his employer. Such an employee may participate in a low-rent municipal housing project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

Sec. 7. Section four hundred three A point twenty-eight (403A.28), Code 1977, is amended to read as follows:

403A.28 PUBLIC HEARING REQUIRED. The low-rent municipal housing agency shall not undertake any low-cost housing project

until such time as a public hearing has been called, at which time the agency shall advise the public of the name of the proposed project, its location, the number of living units proposed and their approximate cost. Notice of the public hearing on the proposed project shall be published at least once in a newspaper of general circulation within the municipality, at least fifteen days prior to the date set for the hearing.

Sec. 8. This Act is effective January 1, 1978.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 536, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 24, 1977

ROBERT D. RAY
Governor