

TAB 1

City of Palmetto

Housing Authority Creation under Chapter 421, Florida Statutes

Creation:

In each city, the legislature has created a "Housing Authority" (or "Authority") of the city; provided, however, that the authority shall not transact any business or exercise its powers until such time as the governing body of the city declares (by resolution) that there is a need for such an authority to function. Section 421.04(1), Florida Statutes.

To determine need, the governing body may establish by its own motion or upon the filing of a petition of 25 residents of the city. At this time, a petition has been filed and the Clerks' office is verifying the signatures. While the Statutes can be read differently, AGO 73-307 states that a municipality may refuse to declare that there is a need for a housing authority to function within the city even if a proper petition was filed, but must affirmatively do so once a petition is filed. To declare the need for a Housing Authority, the City Commission should adopt a resolution finding that insanitary or unsafe inhabited dwelling units exist or there is a shortage of sanitary or safe accommodations available as low income rentals. Section 421.04(2), Florida Statutes.

The Housing Authority is established and authorized to transact business and exercise its power hereunder upon proof of the adoption of a resolution by the City declaring the need for the authority and finds the conditions exist in the City. Section 421.04(3), Florida Statutes.

Appointment, qualifications, and tenure of commissioners; hiring of employees:

Upon the creation of the Housing Authority, the Mayor shall promptly appoint no fewer than 5 persons, and no more than 7 persons as commissioners of the authority with the approval of the governing body. Section 421.05(1), Florida Statutes.

Commissioners

First three commissioners shall serve for terms of 1, 2, and 3 years respectively, from date of appointment.

Remaining commissioners shall serve for terms of 4 years from date of appointment.

All terms thereafter are 4 year terms.

Vacancies shall be filled within 60 days by appointment by the Mayor with approval of the governing body.

At least one commissioner shall be a resident who is current in rent in a housing project or a person of low or very low income who resides within the housing authority's jurisdiction and is receiving rent subsidy through a program administered by the authority.

No employee or officer of the City may be a commissioner.

A certificate of appointment and reappointment shall be filed with the clerk.

Commissioners shall receive no compensation for services, but shall be entitled to necessary expenses (travel).

Powers of the Authority shall be vested in the commissioners in office. The Majority of commissioners constitute a quorum. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless the bylaws require a larger number. The Mayor shall appoint the first

chair, but subsequent chairs shall be selected by the authority from among its commissioners. The authority shall select its vice chair and may employ a secretary, who shall be the executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require and shall determine their qualifications, duties, and compensation. For legal services, the authority may call upon the chief law officer of the city or may employ its own counsel and legal staff. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper. Section 421.05(2), Florida Statutes.

Pursuant to Section 421.06, Florida Statutes, Commissioners or employees are prohibited from acquiring interests in housing projects and required to disclose interests in specified properties with the exception of leasehold properties held by a tenant-commissioner in the housing project in which he or she is a tenant.

Section 421.08, Florida Statutes, sets forth the Powers of Authority.—An Authority shall constitute a public body corporate and politic, exercising the public and essential governmental functions set forth in this chapter, and having all the powers necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others:

- To sue and be sued;
- To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority;
- To make, amend and repeal bylaws, rules and regulations;
- To carry into effect the powers and purposes of the authority;
- Within its area of operation, to prepare, carry out, acquire, lease, and operate housing projects;
- To provide for the construction, reconstruction, improvement, alteration, or repair of any housing project or any part thereof;
- To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof subject to some limitations;
- To lease or rent any dwellings, or facilities in any housing project;
- To purchase, lease, obtain options upon or acquire any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property;
- To sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein;
- To invest any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control;
- Within its area of operation: to investigate into living, dwelling, and housing conditions and into the means and methods of improving such conditions;
- To determine where slum areas exist or where there is a shortage of decent, safe, and sanitary dwelling accommodations for persons of low income;
- To make studies and recommendations relating to the problem of clearing, replanning, and reconstruction of slum areas and the problem of providing dwelling accommodations for persons of low income;
- To administer fair housing ordinances and other ordinances as adopted by cities, counties, or other authorities;

- To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information;
- Issue subpoenas;
- To make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare;
- To organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or other similar business entity pursuant to all applicable laws of this state in which the housing authority may hold an ownership interest or participate in its governance in order to develop, acquire, lease, construct, rehabilitate, manage, or operate multifamily or single-family residential projects; and
- To exercise all or any part or combination of powers herein granted. No provisions of law with respect to acquisition, operation, or disposition of property by other public bodies shall be applicable to an authority unless the Legislature shall specifically so state.

Section 421.09, Florida Statutes provides that the Housing Authority shall operate not for profit and in an efficient manner

Section 421.091, Florida Statutes, requires full financial accounting and an audit shall be made biennially by a CPA and filed with the governing body and Auditor General.