



H.B. 476

124th General Assembly
(As Introduced)

Reps. Williams, Sykes, Widowfield, Otterman, Webster, Koziura, Schmidt, Hollister, Seitz

BILL SUMMARY

- Permits a metropolitan housing authority for a district with a population of less than one million to add a sixth member who is a resident if that authority does not already have a member who is a resident.
- Defines "resident" as a person who lives in a housing unit owned or operated by a housing authority or is a recipient of tenant-based federal Section 8 housing assistance.
- Establishes qualifications, appointment procedures, term of office, conditions for replacement, and conditions of reappointment for the resident member in districts with a population of less than one million.
- Repeals existing law governing the membership of housing authorities but reenacts much of that existing law, with some changes as noted.

CONTENT AND OPERATION

Background

Metropolitan housing authorities

Metropolitan housing authorities are established and operated pursuant to sections 3735.27 to 3735.50 of the Revised Code. The Director of Development may declare a metropolitan housing authority district in any part of a county that includes two or more political subdivisions, or parts of subdivisions, if there is a shortage of affordable housing or substandard housing. A housing authority is governed by five members who are appointed pursuant to section 3735.27 of the Revised Code.

Requirements for participation in federal programs

State statutes are the primary authority governing metropolitan housing authorities. Federal control by the Department of Housing and Urban Development is primarily through contracts for specific programs and not by federal statutes. However, an authority must meet basic federal requirements to qualify as a "Public Housing Agency" and be eligible to participate in HUD programs and receive federal money. The housing authority must have legal authority to own and develop housing and must have an agreement of cooperation with the local government (24 CFR 941.201). Current Ohio statutes enable housing authorities to meet these federal requirements and qualify as Public Housing Agencies.

An additional condition for participation in federal programs, effective October, 1999, is a requirement that at least one member of the governing body of a Public Housing Agency must be a direct recipient of assistance from the agency (42 USC 1437). The new federal law provides exceptions for specified agencies with less than 300 housing units.

Current law governing housing authority membership

Under current Ohio law, all housing authorities must have five members who are residents of the district in which they serve. However, the Revised Code provides different membership requirements and different methods of appointment for districts with a population of at least one million persons (which currently includes only Cincinnati) and districts with populations of less than one million. Under current law, a resident member is required only in districts with a population of at least one million persons.

Membership in districts with a population of at least one million

Housing authorities in districts with a population of at least one million persons as of the 1990 federal census have two members appointed by the municipal legislative authority of the most populous city in the district, two members by the chief executive officer of the most populous city in the district, and one member by the chief executive officer, with the approval of the municipal legislative authority, of the city in the district that has the second highest number of housing units owned or managed by the authority. One of the appointees of the chief executive officer of the most populous city in the district must be a resident of a dwelling unit owned or managed by the housing authority. (Sec. 3735.27(C).)

Membership in districts with a population of less than one million

In housing authority districts with a population of less than one million persons, one of the five members is appointed by the probate court, one by the court of common pleas, one by the board of county commissioners, and two by the chief executive officer of the most populous city in the district. There is no provision under current law for a resident member in these districts. (Sec. 3735.27(B).)

The bill

Membership in districts with populations of at least one million

The bill does not change the composition or the method of appointment of housing authority members in districts with a population of at least one million persons. Those districts will continue to have the requirement that at least one member appointed by the chief executive officer of the most populous city must be a resident of housing owned or managed by the housing authority. The language governing the membership of these housing authorities is repealed in its current location (sec. 3735.27(C)) and reenacted without substantive change in section 3735.271(D) of the Revised Code.

Membership in districts with a population of less than one million

The bill permits the appointment of a resident member in housing authorities in districts with a population of less than one million. Under the bill, the five members of a metropolitan housing authority in a district with a population of less than one million persons may appoint a resident as a sixth member of that authority at any time that there is no member of the authority who is a resident. For the bill's purposes, a "resident" is a person who lives in a housing unit owned or operated by the authority or who is a recipient of tenant-based housing assistance through the federal Section 8 housing program, 24 C.F.R. Ch. VIII.¹ (Sec. 3735.27(C)(1).)

Appointment procedures and term of office of resident member

To appoint a person as a resident member, approval by a majority of the current members voting is needed. The term of office for a resident member is a term of five years, which is the same length term as that of the other members. If

¹ *Tenant-based Section 8 assistance is a federal rent subsidy program administered by housing authorities. Under the program, the tenant receives a rent subsidy based on the tenant's income. The tenant chooses a qualifying unit on the private market, the subsidy helps pay the rent, and if the tenant moves, the subsidy goes with the tenant.*

a resident member is unable to serve the entire term as appointed, the remaining five members select another resident to serve the unexpired portion of the term. A resident member who no longer qualifies as a resident is deemed unable to serve the entire term and another resident member is selected to serve out the term. (Sec. 3735.271(C)(2) and (3)(a) and (b).)

If at the expiration of the resident member's term there is no resident member among the remaining five members of the authority, the authority may again appoint a resident as a sixth member of the authority for a five-year term. (Sec. 3735.271(C)(3)and (4).)

HISTORY

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