



## **H.B. 479**

125th General Assembly  
(As Introduced)

**Reps. Driehaus, Barrett, Yates**

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### **BILL SUMMARY**

- Creates a new appointment procedure for metropolitan housing authorities located in counties with a population of less than 1,000,000 but more than 800,000 persons.
- Establishes different manners of appointing members to current and future metropolitan housing authorities to which the new appointment procedure applies.
- Requires at least one of the new members of a metropolitan housing authority to which the new appointment procedure applies who is appointed by the chief executive officer of the most populous city to be a resident of a dwelling unit owned or managed by the authority.

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### **CONTENT AND OPERATION**

#### **Existing law**

##### **Overview**

Under existing law, the Director of Development determines the need for a metropolitan housing authority within specified territorial limits of a county based on (1) the existence of unsanitary or unsafe inhabited housing accommodations in that area or (2) on the shortage of safe and sanitary housing accommodations in that area available to persons who lack the necessary income without financial assistance to live in decent, safe, and sanitary dwellings without congestion. A certified copy of the Director's letter declaring the need for and the existence of a metropolitan housing authority and the territorial limits of its district must be forwarded to each appointing authority (see "Appointment procedures," below). (Sec. 3735.27(A).)

### Appointment procedures

Under existing law, the population of the metropolitan housing authority's district or the county in which it is located determines which of three appointment procedures applies.<sup>1</sup> Specifically, appointments generally are made as follows:

- In districts containing populations of *at least 1,000,000*, the authority consists of these five members: (a) two members appointed by the legislative authority of the most populous city in the district, (b) two members appointed by the chief executive officer of the most populous city in the district, and (c) one member appointed by the chief executive officer, with the approval of the legislative authority, of the city in the district that has the second highest number of housing units owned or managed by the authority.<sup>2</sup> At least one of the members appointed by 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 authority. All members serve three-year terms. (Sec. 3735.27(C).)
- In districts located in a county that has a population of *at least 400,000* and no city with a population greater than 30% of the total population of the county, the authority consists of the following five members: (a) one member appointed by the probate court, (b) one member appointed by the court of common pleas, (c) one member appointed by the chief executive officer of the most populous city in the district, and (d) two members appointed by the board of county commissioners.<sup>3</sup> After initial staggered terms, all members serve five-year terms. (Sec. 3735.27(D)(1) and (2).)
- In districts *with other relevant population* or not covered by the second appointment procedure immediately above, the authority consists of the following five members: (a) one member appointed by the probate court, (b) one member appointed by the court of common pleas, (c) one member appointed by the board of county commissioners, and (d) two members appointed by the chief executive officer of the most populous city in the district.<sup>4</sup> After

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<sup>1</sup> *In all cases, metropolitan housing authority members must be residents of the territory they serve (sec. 3735.27(A)).*

<sup>2</sup> *Population in this case is tied to the 1990 federal census.*

<sup>3</sup> *Population in this case is tied to the 2000 federal census.*

<sup>4</sup> *Population in this case is tied to the last preceding federal census.*



initial staggered terms, all members serve five-year terms. (Sec. 3735.27(B).)

As a caveat to these three appointment procedures, existing law also requires the appointment of *two additional members* (making a total of seven) in any metropolitan housing authority district that has 300 or more assisted housing units and that does not have at least one resident who lives in an assisted housing unit as a member. Those additional members must be appointed as follows: (1) one member, who must be a housing unit resident, by the chief executive officer of the most populous city in the district and (2) one member, who need not be a housing unit resident, by the board of county commissioners. After initial staggered terms, both members serve five-year terms. (Sec. 3735.27(E)(1) and (2).)

### **Changes made by the bill**

The bill establishes an additional appointment procedure applicable to metropolitan housing authority districts located in counties that had a population, as of the 2000 federal census, of *less than 1,000,000 but more than 800,000* persons.<sup>5</sup> In these districts, the authority generally will consist of five members, and the appointments to the authority are to be made as follows: (a) three members by the chief executive officer of the most populous city in the district, with the approval of the legislative authority of that city, and (b) two members by the board of county commissioners (sec. 3735.27(C)(2)(a)).<sup>6</sup> At least one of the members appointed by the chief executive officer must be a resident of a dwelling unit owned or managed by the authority, but at no time can residents constitute a majority of the authority's members (sec. 3735.27(C)(2)(d)).

Appointments to a metropolitan housing authority to which the new appointment procedure applies and which *is created after the bill's effective date* must be made in the following manner (sec. 3735.27(C)(2)(b)):

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<sup>5</sup> *The bill correspondingly amends existing law's appointment procedure for counties with a population of at least 400,000 and no city with a population greater than 30% of the total population of the county. Under the bill, this procedure will apply only to counties of at least 400,000 **but less than 800,000 persons** and no city with a population greater than 30% of the total population of the county. To be consistent with the additional appointment procedure, this corresponding amendment needs to be modified to refer to populations of 800,000 or less but at least 400,000. (Sec. 3735.27(D)(1).)*

<sup>6</sup> *This additional appointment procedure practically also affects appointments to a metropolitan housing authority that would have been made under existing law's third appointment procedure described above.*

- Of the initial members appointed by the chief executive officer of the most populous city, one must serve a term of four years, one must serve a term of three years, and one must serve a term of two years.
- Of the initial members appointed by the board of county commissioners, one must serve a term of one year and one must serve a term of five years.

However, appointments to a metropolitan housing authority to which the new appointment procedure applies and which *is in existence on the bill's effective date* must be made in the following manner (sec. 3735.27(C)(2)(c)):

- The board of county commissioners must appoint a member for a term of five years to fill the next vacancy that occurs due to the expiration of the term of a member appointed by the probate court.
- The chief executive officer of the most populous city must appoint a member for a term of five years to fill the next vacancy that occurs due to the expiration of the term of a member appointed by the court of common pleas.
- The members currently appointed by the chief executive officer of the most populous city and the board of county commissioners under existing law continue to serve in the manner provided when they were appointed.

Under either scenario, after the initial appointments, the terms of all members of an authority appointed under the new appointment procedure will be five years, with vacancies being filled in the manner provided for the initial appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed must hold office for the remainder of that term. (Sec. 3735.27(C)(2)(e).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-04-04	p. 1802

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