



Ohio Legislative Service Commission

Final Analysis

Wendy H. Gridley

Am. H.B. 408

129th General Assembly
(As Passed by the General Assembly)

Reps. Terhar, Grossman, Blessing, Slaby, Thompson, Stautberg, Stebelton, Batchelder

Sens. Niehaus, Seitz

Effective date: September 6, 2012

ACT SUMMARY

- Changes the composition of certain metropolitan housing authorities.
- Staggers the initial terms of the members of the affected metropolitan housing authorities.

CONTENT AND OPERATION

Metropolitan housing authority composition

The act adds a fifth model for appointing members of a governing board of a metropolitan housing authority, which, under continuing law, is an area declared by the Director of Development in any part of a county that includes two or more political subdivisions, or parts of subdivisions, where there is substandard housing or a shortage of affordable housing.¹ The additional model affects the method of appointing members of a governing board for a metropolitan housing authority district that is located in a county that has a population greater than 700,000 but less than 900,000, according to the most recent federal decennial census.² Currently, this population characterizes only Hamilton County, affecting the Cincinnati Metropolitan Housing Authority.

Continuing law provides that, for most governing boards, five members are appointed as follows: one by the probate court, one by the court of common pleas, one

¹ R.C. 3735.27(A).

² R.C. 3735.27(D)(1).

by the board of county commissioners, and two by the chief executive officer of the most populous city in the district.³ The new model of appointment, while also having the probate court, the court of common pleas, and the board of county commissioners appoint one member of the governing board, makes two main changes to the above manner of appointment for governing board members of an affected metropolitan housing authority district: (1) it gives authority to the mayor, subject to approval by city council, of the most populous city in the district to appoint two members, as opposed to the chief executive officer and (2) it directs the nomination of two additional members, subject to approval of the board of county commissioners. According to the act, the township association of the county and the municipal league of the county must nominate one member each, and the board of county commissioners must approve or reject these nominees.⁴ Presumably, if rejected, additional names of nominees will be submitted until the board approves them, providing for a seven-member board. The Township Association and the Municipal League must send the names of their respective nominees to the board of county commissioners and the executive director of the municipal housing authority.

Members appointed by the mayor of the most populous city

The act provides certain requirements for the two members appointed by the mayor of the most populous city in the district, subject to approval by city council. The act requires that at least one of the initial appointments by the mayor, as well as any member subsequently appointed by the mayor, be a resident of a dwelling unit owned or managed by the metropolitan housing authority. If an authority has an elected, representative body of all residents of the authority, in the case of a vacancy in the resident term, the act directs the mayor to provide written notice of the vacancy to the representative body. If the representative body submits to the mayor, in writing and within 60 days after the date on which the body was notified of the vacancy, the names of at least five residents of the authority who are willing and qualified to serve as a member, the mayor must appoint one of the residents recommended by the representative body to the authority. The act prohibits the membership of an authority from being comprised of, at any time, a majority of residents.⁵

Member appointed by the county's municipal league

The act prohibits the county municipal league's nominee from being a resident of the metropolitan housing district's most populous city and requires that the nominee

³ R.C. 3735.27(B)(1)(b).

⁴ R.C. 3735.27(D)(1).

⁵ R.C. 3735.27(D)(1)(d).

represent a city that is substantially impacted.⁶ "Substantially impacted" means a city within a metropolitan housing authority that, based on the percentage of housing units that are subsidized housing, is in the top one-third of cities within the county.⁷

Length of terms

The act provides for staggered terms of appointments of an affected metropolitan housing authority. At the time of the initial appointment of an authority affected by the act, the member appointed by the probate court will be appointed for four years; the member appointed by the court of common pleas will be appointed for three years; the member appointed by the board of county commissioners will be appointed for two years; one member appointed by the mayor of the most populous city in the district will be appointed for five years; the other member appointed by the mayor will be appointed for one year; the member nominated by the township association of the county will be appointed for the same number of years as the nonresident member of the authority appointed by the mayor; and the member nominated by the municipal league of the county will be appointed for the same number of years as the resident member of the authority appointed by the mayor.

After the initial appointments, all members of the authority will be appointed for five-year terms, and any vacancy that occurs upon the expiration of a term will be filled by the authority that made the initial appointment or nomination.⁸

HISTORY

ACTION	DATE
Introduced	01-05-12
Reported, H. Financial Institutions, Housing, and Urban Development	03-22-12
Passed House (61-32)	05-16-12
Reported, S. State and Local Government and Veterans' Affairs	05-23-12
Passed Senate (21-10)	05-23-12

12-hb408-129/ejs

⁶ R.C. 3735.27(D)(1)(f).

⁷ R.C. 3735.27(I).

⁸ R.C. 3735.27(D)(2).

