


**CITY OF
GAINESVILLE**

**INTER-OFFICE
COMMUNICATION**

Date: June 15, 2005

To: Barbara Lipscomb
Interim City Manager

From:  Jim Hencin
Block Grant Manager

Subject: Municipal Housing Authorities

Municipal housing authorities in Florida are created under Section 421.04, Florida Statutes, which states in part:

In each city, as herein defined, there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city by proper resolution shall declare that there is a need for an authority to function in such city.

The Gainesville Housing Authority, as an example, was established by resolution of the City Commission on August 1, 1966, in accordance with the State Statutes. The five commissioners who comprise the Gainesville Housing Authority Board are appointed by the Mayor with the approval of the City Commission, and those five board members are responsible for the planning, financing, construction, leasing, managing and maintaining of low-rent public housing, subject to the applicable laws and contractual relations with the U.S. Department of Housing and Urban Development.

Section 421.08, Florida Statutes describes the powers of a municipal housing authority, which includes general authority as follows:

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.

Enclosed as background information are copies of the following:

- City Commission resolution creating the Gainesville Housing Authority dated August 1, 1966
- Memorandum from Ronald Combs, Senior Assistant City Attorney, to the Mayor and City Commission concerning the City Commission's authority over the housing authority dated December 1, 1999.

If additional information is needed, please let me know.

JH/km

Enclosures

Cc: Tom Saunders, Community Development Director

Monday Night - August 1, 1966

RECEIVED
JUN 07 2005
BLOCK GRANT
DIVISION

The Chairman announced the appointment of Dr. Irving Goffman as a member of the Planned Parenthood Committee.

The Chairman made a report on the appearance he and the City Attorney made before the Committee on Revision of the State Constitution and filed a copy of their remarks.

Commissioner McKinney moved that the rezoning request of Tom H. Glenn (Plan Board Request No. 57-66), considered by the Commission on July 11, 1966, be reconsidered and placed on the table. Action at that time denied the rezoning request.

ROLL CALL

Commissioner	McKinney.....	Yea
	Murphree.....	Yea
	Turlington.....	Yea
	Williams.....	Yea
Chairman	Richardson.....	Yea

Yeas - 5

Nays - 0

CARRIED

Commissioner Turlington moved the adoption of the following resolution:

★ AN EMERGENCY RESOLUTION DECLARING THE NEED FOR AND CREATING A HOUSING AUTHORITY IN THE CITY OF GAINESVILLE, FLORIDA, PURSUANT TO THE PROVISIONS OF THE HOUSING AUTHORITIES LAW OF THE STATE OF FLORIDA, PROVIDING FOR THE SELECTION OF THE MEMBERS OF SUCH AUTHORITY AND THEIR TERMS OF OFFICE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Gainesville has caused to be made a study of housing conditions in the City of Gainesville and such study demonstrates that there are unsafe and insanitary dwelling accommodations within the City, the degree of overcrowding in various areas of the City, the percentage of land coverage, the light, air space and access available to the inhabitants of

Monday Night - August 1, 1966

such dwelling accommodations, the size and arrangements of the rooms, the sanitary facilities, and other conditions exist which endanger life or property by fire or other causes demonstrate the necessity for emergency action to be taken by the City Commission to alleviate such conditions by the creation of a Housing Authority as provided for under the provisions of Chapter 421, Florida Statutes, referred to as the "Housing Authorities Law," and

WHEREAS, this is an emergency measure providing for the preservation of the public peace, property, health and safety and should become effective immediately as provided in Section 19(c) of the Charter Laws of the City of Gainesville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE:

1. The City Commission of the City of Gainesville, Florida determines, finds, and declares pursuant to the provisions of the "Housing Authorities Law" of the State of Florida that:

- (a) Insanitary and unsafe inhabited dwelling accommodations exist in the City of Gainesville, Florida.
- (b) There is a shortage of safe and sanitary dwelling accommodations in the City of Gainesville, Florida available to families of low income at rentals they can afford.
- (c) There is a need for a Housing Authority in the City of Gainesville, Florida.

2. The Housing Authority provided for municipalities in the Housing Authorities Law of Florida Statutes is hereby created and activated as provided in such Housing Authorities Law, and the Mayor-Commissioner, with the approval of the City Commission, shall promptly appoint five (5) persons as Commissioners of the Housing Authority for the City of Gainesville. Three of the Commissioners shall be appointed to serve for terms of one, two, and three years respectively, and the remaining

two of such Commissioners shall be appointed to serve for terms of four years each. Thereafter, Commissioners shall be appointed by the Mayor-Commissioner with the approval of the City Commission for terms of four years each, except that all vacancies shall be filled for the unexpired term. The Mayor-Commissioner, with the concurrence of the City Commission, shall designate one of the members of the Housing Authority to serve as its first Chairman, but when the term of office of such Chairman of the Authority becomes vacant, the Housing Authority shall select a Chairman from its members.

3. This resolution shall become effective immediately.

ROLL CALL

Commissioner	McKinney.....	Nay
	Murphree.....	Yea
	Turlington.....	Yea
	Williams.....	Yea
Chairman	Richardson.....	Yea

Yeas - 4

Nays - 1

ADOPTED

The Chairman announced the appointment of the following citizens as members of the Housing Authority:

Paul T. Selle, Chairman	4-year term
Keith Austin.....	4-year term
Harold Riker.....	3-year term
Coleman Brown.....	2-year term
Dr. E.A. Cosby.....	1-year term

Commissioner McKinney out of the room.

Commissioner Turlington moved the adoption of the following resolution:

★ AN EMERGENCY RESOLUTION APPROVING THE APPOINTMENT OF COMMISSIONERS OF THE GAINESVILLE HOUSING AUTHORITY, DESIGNATING THE FIRST CHAIRMAN, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Gainesville has heretofore adopted an emergency resolution providing

Monday Night - August 1, 1966

for the creation and appointment of a Housing Authority for the City of Gainesville, and the immediate activation of such Authority is necessary for the preservation of the public peace, property, health or safety, and the same is an emergency measure as provided for in Section 19(c) of the Charter Laws of the City of Gainesville; and

WHEREAS, the Honorable James G. Richardson, Mayor-Commissioner of the City of Gainesville, Florida has appointed Dr. E.A. Cosby, Coleman Brown, Harold Riker, Keith Austin, and Paul T. Selle as Commissioners of the Gainesville Housing Authority, and has designated Paul T. Selle as its first Chairman, and the City Commission desires to indicate its approval of such appointments and designation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE that the appointments of Dr. E.A. Cosby, one year term, Coleman Brown, two year term, Harold Riker, three year term, and Keith Austin and Paul T. Selle, four year terms as Commissioners of the Gainesville Housing Authority, and the designation of Paul T. Selle as the first Chairman, are hereby confirmed and approved.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately.

ROLL CALL

Commissioner	McKinney.....	Absent
	Murphree.....	Yea
	Turlington.....	Yea
	Williams.....	Yea
Chairman	Richardson.....	Yea

Yeas - 4

Nays - 0

ADOPTED

Commissioner McKinney re-entered the room.

The following communication was read:



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

file

TO: Mayor and Commissioners
City Manager

DATE: December 1, 1999

FROM: Ronald D. Combs *RDC/ES*
Senior Assistant City Attorney

SUBJECT: HOUSING AUTHORITY - COMMISSION'S AUTHORITY

The City Commission at its meeting on October 11, 1999, requested this office to prepare a written memo explaining the legal responsibilities of the City Commission's authority over the Housing Authority.

Public Housing Authorities are creatures of the state government. Section 421.001, F.S. entitled "State role in housing and urban development" states, as is relevant, that the role of state government required by Part I of chapter 421 (Housing Authorities) is the responsibility of the Department of Community Affairs; and the department is the agency of state government responsible for the state's role in housing and urban development.

All municipal housing authorities are created by the state. Section 421.04(1) F.S. states, in part, as follows:

In each city there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city by proper resolution shall declare that there is need for and authority to function in such city.

If the city determines that the "Housing Authority" is needed and activates the same by appropriate resolution, the mayor, with the approval of the governing body, has the authority to appoint the board commissioners. (§421.05, F.S.) The mayor, with the concurrence of the governing body, also has the authority to remove authority commissioners for inefficiency, neglect of duty or misconduct in office. Such removal requires a notice of charges to the affected commissioner and an opportunity to be heard. (§421.07)

The local governing body is entitled to a copy of the biennial financial accounting made by the housing authority. (§421.091)

However, the powers of the authority, including the day to day management of the facilities, rests with the commissioners of the 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. (§421.08)

The local governing body's authority under the statute is to activate the authority when it deems it is needed, appoint commissioners to carry out the powers of the authority, and remove them when they fail to do so.

RDC:bs

