Chapter 456

1969 REPLACEMENT PART

Housing

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DEFINITIONS

456.005 Definitions. As used in this chapter:

(1) "Authority" or "housing authority" means any public corporation created under ORS 456.075 to 456.090.

(2) "Federal Government" includes the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.

(3) "Housing Authorities Law" means ORS 456.055 to 456.230.

HOUSING AUTHORITIES LAW

456.055 General definitions for ORS 456.055 to 456.230. As used in the Housing Authorities Law, unless the context requires otherwise:

(1) "Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to the Housing Authorities Law.

(2) "City" means any city or town having a population of more than 7,500, according to the last federal or state census. "The city" means the particular city or town for which a particular housing authority is created.

(3) "Clerk" means the recorder of the city or town or the clerk of the county, as the case may be, or the officer of the city or town or the county, respectively, charged with the duties customarily imposed on such clerk.

(4) "County" means any county in the state. "The county" means the particular county for which a particular housing authority is created.

(5) "Governing body" means, in the case of a city or town, the common council or other legislative body thereof, and, in the case of a county, the county court or other legislative body thereof.

(6) "Mayor" means the mayor of the city or town or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city or town.

(7) "Obligee of the authority" or "obligee" includes any bondholder or trustee for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the authority.

(8) "Persons of low income" means persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(9) "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(10) "Slum" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health or morals.

456.060 Definition of "area of operation." As used in the Housing Authorities Law, unless the context requires otherwise, "area of operation" includes:

(1) In the case of a housing authority of a city having a population of less than 10,000, such city and the area within five miles of the territorial boundaries thereof, excepting any area which lies within the territorial boundaries of some other city.

(2) In the case of a housing authority of a city having a population of 10,000 or more, such city and the area within 10 miles from the territorial boundaries thereof, excepting any area which lies within the territorial boundaries of some other city.

(3) In the case of a housing authority of a county, all of the county except that portion which lies within the territorial boundaries of any city. However, a county authority may operate in the area of any city within the county with the consent of the city governing body.

456.065 Definition of "housing project." As used in the Housing Authorities Law, unless the context requires otherwise, "housing project" means any work or undertaking:

(1) To demolish, clear or remove buildings from any slum area. Such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes.

(2) To provide decent, safe and sanitary urban or rural dwellings, apartments or

other living accommodations for persons of low income. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes.

(3) To accomplish a combination of the projects listed in subsections (1) and (2) of this section, but it may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

456.070 Declaration of necessity for establishment of housing authorities. It hereby is declared:

(1) That there exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations.

(2) That within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations.

(3) That the conditions stated in subsections (1) and (2) of this section cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection and other public services and facilities.

(4) That slum areas in the state cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income would therefore not be competitive with private enterprise.

(5) That the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern.

(6) That it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency.

(7) As a matter of legislative determination, that there is a necessity in the public interest for the Housing Authorities Law.

456.075 Housing authorities created; declaration of need required before housing authority may function. In each city, as defined in ORS 456.055, and county there hereby is created a public body corporate and politic to be known as the "housing authority" of the city or county. However, the housing authority shall not transact any business or exercise its powers until or unless the governing body of the city or the county, by proper resolution, declares that there is need for an authority to function in such city or county. In the case of a city the governing body thereof shall also elect to have the powers of a housing authority exercised in any one of the two ways provided in subsection (1) of ORS 456.095.

[Amended by 1969 c.630 §2]

456.080 Determination of need for housing authority. (1) The determination of whether there is a need for a housing authority to function in a city or county may be made by the governing body on its own motion or, if a petition is filed with the governing body stating that there is a need for a housing authority to function and if the petition bears the signatures of not less than two percent of the number of votes cast in that city or county for the candidate for the Supreme Court receiving the highest vote at the last general election, the governing body shall submit the question of whether there is a need for a housing authority to function in that city or county to the legal voters of such city or county at any general election, or at any special election called for that purpose.

(2) If the majority vote at any such election is in favor of the functioning of the housing authority, the governing body shall declare that there is need for such housing authority to function.

(3) The question of need shall not again be submitted at any special election within

one year immediately following the election at which voted upon.

456.085 Adopting resolution declaring need for authority. (1) The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, if it finds:

(a) That insanitary or unsafe inhabited dwelling accommodations exist in such city or county.

(b) That there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford.

(2) In determining whether dwelling accommodations are unsafe or insanitary, the governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

456.090 Sufficiency of resolution; copy as evidence. (1) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of authority, the authority is conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the governing body declaring the need for the authority. The resolution is deemed sufficient if it declares that there is a need for an authority and finds that either or both of the conditions enumerated in subsection (1) of ORS 456.085 exist in the city or county, in substantially the terms used in that subsection, no further detail being necessary.

(2) A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

456.095 Appointment and qualification of commissioners of housing authorities. (1) When the governing body of a city adopts a resolution pursuant to ORS 456.085, the governing body may then elect to have the powers of a housing authority under this chapter exercised in any of the following ways:

(a) Appointing by resolution, a board or commission composed of five persons in a city having a population of less than 100,000 and seven persons in a city having a population of 100,000 or more.

(b) Declaring, by resolution, that the governing body, itself, shall exercise the powers of a housing authority under this chapter. However, any act of the governing body acting as a housing authority shall be, and shall be considered, the act of the housing authority only and not of the governing body.

(2) When the governing body of a county adopts a resolution pursuant to ORS 456.085, it shall appoint five persons as commissioners of the authority created for the county concerned.

(3) Where the commissioners have been appointed pursuant to paragraph (a) of subsection (1) or subsection (2) of this section, then the following provisions shall apply:

(a) No commissioner of such an authority may be an officer or employe of the city or county for which the authority is created.

(b) A certificate of appointment or reappointment of any commissioners shall be filed with the clerk. Such certificate shall be conclusive evidence of the due and proper appointment of a commissioner.

[Amended by 1969 c.630 §3]

456.100 Terms and compensation of commissioners. (1) The commissioners of a five-member authority who are first appointed shall serve for terms of one, two, three, four and five years, respectively, from the date of their appointment.

(2) The commissioners of a seven-member authority who are first appointed shall serve for terms of two for one year, two for two years, one for three years, one for four years and one for five years from the date of appointment.

(3) Thereafter, commissioners shall be appointed for a term of office of five years except that all vacancies shall be filled for the unexpired term. A commissioner shall hold office until his successor has been appointed and qualified.

(4) A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

456.105 Organization; officers; quorum; employes; legal services. (1) Three commissioners of a five-member authority and four

of a seven-member authority shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes.

(2) Except as otherwise provided in the Housing Authorities Law, action may be taken by the authority upon a vote of a majority of the commissioners present unless the bylaws of the authority require a larger number.

(3) The mayor or, in the case of an authority for a county, its governing body, shall designate which of the commissioners appointed shall be the first chairman. Thereafter when the office of the chairman of the authority becomes vacant, the authority shall select a chairman from among its commissioners.

(4) An authority shall select from among its commissioners a vice chairman.

(5) An authority may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employes, permanent and temporary, as it requires. It shall determine their qualifications, duties and compensation.

(6) For such legal services as it requires, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff.

456.110 Removal of commissioner. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority appointed pursuant to paragraph (a) of subsection (1) or subsection (2) of ORS 456.095, may be removed by the mayor or, in the case of an authority for a county, by the governing body of the county, after he has been given a copy of the charges at least 10 days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.
[Amended by 1969 c.630 §4]

456.115 Commissioners and employes may not have interest in project; disclosure of interest. (1) No commissioner or employe of an authority shall acquire any interest in any housing project or in any property included or planned to be included in any project, nor shall he have any interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project.

(2) If any commissioner or employe of an authority owns or controls an interest in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority. Such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office.

456.120 Powers of authority as public corporation. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes of the Housing Authorities Law. These powers shall be vested in the commissioners of the authority and shall include the following in addition to others granted in the Housing Authorities Law:

(1) To sue and be sued.

(2) To have a seal and to alter the same at pleasure.

(3) To have perpetual succession.

(4) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority.

(5) To make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with the Housing Authorities Law, to carry into effect the powers and purposes of the authority.

(6) 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.

(7) Notwithstanding any laws to the contrary, to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the Federal Government attaches to its financial aid of the project.

(8) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations of the Housing Authorities Law, to establish and revise the rents or charges therefor.

(9) To own, hold and improve real or personal property.

(10) To purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein.

(11) To sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein.

(12) To insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards.

(13) To procure insurance or guarantees from the Federal Government of the payment of any debts or parts thereof, whether or not incurred by said authority, secured by mortgages on any property included in any of its housing projects.

(14) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control.

(15) To purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(16) To exercise all or any part or combination of powers granted in the Housing Authorities Law.

456.122 Inapplicability of laws relating to other public bodies. Unless specifically provided, no law with respect to the acquisition, operation or disposition of property by other public bodies applies to a housing authority.

456.125 Research, planning, construction and operation of housing projects. Within its area of operation, a housing authority may:

(1) Investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions.

(2) Determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income.

(3) Make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas and the problem of providing dwelling accommodations for persons of low income. An authority may cooperate with the city, county or state or any of their political subdivisions in action taken in connection with such problems.

(4) Engage in research, studies and experimentation on the subject of housing.

(5) Prepare, carry out, acquire, lease and operate housing projects.

(6) Provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

456.130 Investigations, hearings and recommendations of authority. Any authority, acting through one or more commissioners or other persons designated by the authority, may:

(1) Conduct examinations and investigations and hear testimony and take proof under oath at private or public hearings on any matter material for its information.

(2) Administer oaths, issue subpenas requiring the attendance of witnesses or the production of books and papers and issue commissions for the examination of witnesses who are outside the state or unable to attend before the authority or excused from attendance.

(3) 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 the area of operation, its findings and recommendations with regard to any buildings or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

456.135 Delegation of powers or duties. An authority may delegate to one or more of its agents or employes such powers or duties as it deems proper.

456.140 Joinder or cooperation of authorities. Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred by the Housing Authorities Law for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of one or more of the authorities.

456.145 Eminent domain. (1) An authority may acquire, by the exercise of the power of eminent domain, any real property which it deems necessary for its purposes after adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power

of eminent domain in the manner provided for in the laws of this state for the condemnation of lands or rights of way by public or quasi-public corporations for public use or for corporate purposes; or in the manner provided by law for the appropriation of real property, or rights therein or thereto, by private corporations; or in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.

(2) Property already devoted to a public use may be acquired in like manner, but no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

456.150 Housing projects subject to local laws; consideration of other programs. (1) All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated.

(2) In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

456.155 Profit from projects prohibited; computing maximum rentals. (1) It hereby is declared to be the policy of this state that:

(a) Each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations.

(b) No housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county.

(2) To the end stated in subsection (1) of this section, an authority shall fix the rentals for dwellings in its projects at no higher rates than it finds to be necessary in order to produce revenues which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient:

(a) To pay, as they become due, the principal and interest on the bonds of the authority.

(b) To meet the cost of, and to provide for, the maintenance and operation of the projects, including the cost of any insurance, and the administrative expenses of the authority.

(c) To create, during not less than the six years immediately succeeding issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve.

456.160 Limitations as to rentals and tenant selection. In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant selection:

(1) It may rent or lease the dwelling accommodations therein only to persons of low income.

(2) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons of low income.

(3) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding.

(4) It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one. In computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost, as determined by the authority, to the occupants, of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

456.165 Vested rights of creditors not affected by restrictions of ORS 456.155 and 456.160. ORS 456.155 and 456.160 do not limit the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof or acquire title thereto

through foreclosure proceedings, free from all the restrictions imposed by those sections.

456.170 Reports and recommendations by authority. At least once a year, an authority shall file with the clerk a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of the Housing Authorities Law.

456.175 Issuance of bonds; means for payment. (1) An authority may issue bonds from time to time in its discretion for any of its corporate purposes. An authority may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

(2) An authority may issue such types of bonds as it determines, including bonds of which the principal and interest are payable:

(a) Exclusively from the income and revenues of the housing project financed with the proceeds of such bonds, or with such proceeds together with a grant from the Federal Government in aid of such project.

(b) Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such bonds.

(c) From its revenues generally.

456.180 Liability on bonds; debt limitation. (1) Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

(2) The bonds and other obligations of an authority shall not be a debt of the city, the county, the state or any political subdivision thereof, and the bonds and obligations shall so state on their face. Neither the city, the county, nor the state or any political subdivision thereof shall be liable thereon. Nor, in any event, shall such bonds or obligations be payable out of any funds or properties other than those of the authority.

(3) The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

456.185 Issuance of bonds; type, form and sale of bonds. (1) Bonds of an authority shall be authorized by its resolution adopted by a vote of a majority of the commissioners, and may be issued in one or more series. The bonds may be payable at the office of the county treasurer.

(2) The bonds shall bear such dates, mature at such times, bear interest at such rates not exceeding seven percent per annum, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payments, at such places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. Each bond payable at the office of the county treasurer shall be registered in accordance with ORS 208.200 in the office of the county treasurer of the county where the authority is located.

(3) The bonds may be sold at not less than par at public sale held after notice published once at least five days prior to such sale in a newspaper having a general circulation in the city or the county and in a financial newspaper published in San Francisco, California, or in New York, New York. However, the bonds may be sold at not less than par to the Federal Government at private sale without any public advertisement.
[Amended by 1969 c.694 §13]

456.190 Signatures validated; presumption of validity of bond. (1) In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons cease to be commissioners or officers before the delivery of such bonds, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners or officers had remained in office until delivery. Any law to the contrary notwithstanding, bonds issued pursuant to the Housing Authorities Law are fully negotiable.

(2) In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodation for persons of low income is conclusively deemed to have been issued for a housing project of such character and said project is conclusively deemed

to have been planned, located and constructed in accordance with the Housing Authorities Law.

456.195 Attorney General's certificate of validity. (1) An authority may submit to the Attorney General any bonds to be issued under the Housing Authorities Law after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the Attorney General, he shall examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith.

(2) If such proceedings conform to the Housing Authorities Law and are otherwise regular in form and if such bonds, when delivered and paid for, will constitute binding and legal obligations of the authority, enforceable according to the terms thereof, the Attorney General shall certify in substance upon the back of each bond that it is issued in accordance with the Constitution and laws of the State of Oregon.

456.197 Transfer of pledged funds to county treasurer for bond fund. If bonds are payable at the office of the county treasurer, the revenues, income and receipts of the authority from whatever source derived shall be deposited by the authority with the county treasurer and credited to a bond fund to the extent necessary to comply with paragraphs (a) and (c) of subsection (2) of ORS 456.155. [1969 c.694 §15]

456.200 Powers of authority in securing payment of bonds or lease obligations. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority may:

(1) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or thereafter comes into existence.

(2) Mortgage its real or personal property, then owned or thereafter acquired.

(3) Covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property.

(4) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof.

(5) Covenant as to what other or additional debts or obligations may be incurred by it.

(6) Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

(7) Provide for the replacement of lost, destroyed or mutilated bonds.

(8) Covenant against extending the time for the payment of its bonds or interest thereon.

(9) Redeem the bonds and covenant for their redemption and provide the terms and conditions thereof.

(10) Covenant, subject to the limitations of the Housing Authorities Law, as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

(11) Create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the moneys held in such funds.

(12) Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(13) Covenant as to the use, maintenance and replacement of its real and personal property, the insurance to be carried thereon and the use and disposition of insurance moneys.

(14) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(15) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(16) Vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(17) Vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee.

(18) Provide for the powers and duties of a trustee or trustees and to limit their liabilities.

(19) Provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(20) Exercise all or any part or combination of the powers granted in this section.

(21) Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

(22) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, tending to make the bonds more marketable although the covenants, acts or things are not enumerated in this section.

456.205 Enforcing rights of obligee of an authority. An obligee of an authority, in addition to all other rights conferred on him, subject only to any contractual restrictions binding upon him, may:

(1) By mandamus, suit, action or proceeding at law or in equity, compel the authority and its commissioners, officers, agents or employes to perform each and every term, provision and covenant contained in any contract of the authority with or for the benefit of such obligee, and require the carrying out of all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by the Housing Authorities Law.

(2) By suit, action or proceeding in equity, enjoin any acts or things which may be unlawful, or the violation of any of his rights.

456.210 Power of authority to confer additional rights upon obligee. An authority, by its resolution, trust indenture, mortgage, lease or other contract, may confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any housing project or any part thereof to be surrendered to an obligee.

(2) To obtain the appointment of a receiver of any housing project of the authority or any part thereof and of the rents and profits therefrom. If a receiver is appointed, he may enter and take possession of the housing project or any part thereof and operate and maintain it and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom, and shall keep such moneys in separate accounts and apply them in accordance with the obligations of the authority as the court directs.

(3) To require the authority and its commissioners to account as if it and they were the trustees of an express trust.

456.215 Financial aid and cooperation of Federal Government. (1) An authority may:

(a) Borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing project within its area of operation.

(b) Take over or lease or manage any housing project or undertaking constructed or owned by the Federal Government.

(c) Comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable for the purposes of this subsection.

(2) It is the purpose and intent of the Housing Authorities Law to authorize every authority to do all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any housing project by such authority.

456.220 Exemption of property from process or judgment lien. All real property of an authority is exempt from levy and sale by virtue of an execution. No execution or other judicial process shall issue against such property nor shall any judgment against an authority be a charge or lien upon its real property. However, this section does not apply to or limit the right of obligees to foreclose or otherwise enforce any

mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

456.225 Exemption of property of authority from taxation; payments in lieu of taxes. The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes and special assessments of the city, the county, the state or any political subdivision thereof. In lieu of such taxes or special assessments, an authority may agree to make payments to the city, county or any such political subdivision for improvements, services and facilities furnished by such city, county or political subdivision for the benefit of a housing project, but in no event shall such payments exceed the estimated cost to the city, county or political subdivision of the improvements, services or facilities to be so furnished.

456.230 Bonds and income therefrom exempt from taxes. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities. The bonds, together with interest thereon and income therefrom, are exempt from taxes.

456.233 Transfer of housing authority from governing body to separate board. If, pursuant to ORS chapter 456, the governing body in a city has declared, by resolution, that the governing body itself shall exercise the powers of a housing authority under said chapter, the governing body may thereafter, by resolution, elect to transfer such powers and the authority to act as the housing authority to any other body which may be designated by ORS chapter 456 to exercise such powers. The governing body of the city may, by resolution, return the powers and authority to act as the housing authority to itself. All duties and obligations of the governing body as the housing authority of the municipality shall thereafter be assumed and performed by the body to which such powers and authority are transferred.
[1969 c.630 §1]

Note: ORS 456.233 was not added to and made a part of ORS chapter 456 by legislative action.

456.235 Dissolution of housing authorities. (1) A housing authority may be dissolved upon a majority vote of its commissioners at any regular or special meeting of the commission whereof all the members of the commission have been notified. Except with the consent of the obligees of the housing authority to dissolution, no authority having outstanding bonds or indebtedness shall be dissolved unless the assets of the authority are sufficient to pay such bonds and indebtedness. A copy of the order or resolution of dissolution shall be filed with the clerk of the city or the county, as the case may be.

(2) Upon dissolution of an authority, the property and assets thereof not required for the liquidation of indebtedness of the authority shall vest in or be paid over to the city or the county for which the authority was created; provided, that if the housing project be located within an incorporated city, then such property and assets shall be paid over and delivered to such city, even though the authority may have been created by a county. Any moneys so received by the clerk shall be credited to the general fund of the city or the county, as the case may be.

(3) After voting for dissolution the authority shall be dissolved for all purposes, excepting, there shall be allowed a period of not to exceed three years after said vote for the liquidation of indebtedness and final settlement of its affairs.
[1953 c.716 §2]

COOPERATIVE HOUSING PROJECTS

456.305 Definitions for ORS 456.305 to 456.325. As used in ORS 456.305 to 456.325, unless the context requires otherwise:

(1) "Governing body" means the common council, county court, board of county commissioners, board or other body having charge of the fiscal affairs of the state public body.

(2) "Housing project" means any work or undertaking of a housing authority pursuant to the Housing Authorities Law or any similar work or undertaking of the Federal Government.

(3) "State public body" means any city, town, county, municipality, commission, district, authority, other subdivision or public body of the state.

456.310 Purpose; powers additional. (1) It hereby is found and declared:

(a) That the assistance provided in ORS 456.315 and 456.320 for the remedying of

the conditions set forth in the Housing Authorities Law is a matter of state concern and constitutes a public use and purpose and an essential governmental function for which public moneys may be spent and other aid given.

(b) That it is a proper public purpose for any state public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or project.

(c) That ORS 456.305 to 456.325 are necessary in the public interest.

(2) The powers conferred by ORS 456.305 to 456.325 are in addition and supplemental to the powers conferred by any other law.

456.315 Powers of state public bodies in aiding or cooperating on housing projects. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey or lease any of its property to a housing authority or the Federal Government.

(2) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it may otherwise undertake, to be furnished adjacent to or in connection with housing projects.

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it may otherwise undertake.

(4) Plan or replan, zone or rezone any part of such state public body and make exceptions from building regulations and ordinances. Any city or town also may change its map.

(5) Enter into agreements with a housing authority or the Federal Government respecting action to be taken by such state public body pursuant to any of the powers granted by ORS 456.305 to 456.325.

(6) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects.

(7) Purchase or legally invest in any of the bonds of a housing authority and exercise all the rights of any holder of such bonds.

(8) With respect to any housing project which a housing authority has acquired or taken over from the Federal Government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

(9) In connection with any public improvements made by a state public body in exercising the powers granted in this section, a state public body may incur the entire expense thereof.

456.320 Donations and loans to housing authority. (1) When any housing authority becomes authorized to transact business and exercise its powers, the governing body of the city, town or county, as the case may be, shall immediately make an estimate of the amount of money necessary for the administrative expenses and overhead of the housing authority during the first year thereafter, and shall appropriate such amount to the authority out of any moneys in such city, town or county treasury not appropriated to some other purposes. The moneys so appropriated shall be paid to the authority as a donation.

(2) Any city, town, municipality or county located in whole or in part within the area of operation of a housing authority may lend or donate money to the authority or agree to take such action. The housing authority, when it has money available therefor, shall make reimbursements for all loans made to it.

456.325 Resolution to exercise powers. The exercise by a state public body of the powers granted in ORS 456.305 to 456.325 may be authorized by resolution of the governing body of such state public body adopted by a majority of the members of its governing body present at a meeting of the governing body. This resolution may be adopted at the meeting at which it is introduced. Such a resolution shall take effect immediately and need not be laid over or published or posted.

456.355 Definitions for ORS 456.355 to 456.370. As used in ORS 456.355 to 456.370, unless the context requires otherwise:

(1) "Governing body" means the governing body of any city or county.

(2) "Housing project" means any work or undertaking of a nonprofit sponsor or limited-dividend housing corporation for the purpose of operating, rehabilitating or constructing decent, safe and sanitary housing for families and individuals which cannot obtain such shelter in the open market for 25 percent of the gross family income.

(3) "Nonprofit housing sponsor" means any corporation not for profit organized under the provisions of ORS chapter 61 for the purpose of undertaking, constructing or operating a housing project, or authorized by its charter to undertake, construct or operate a housing project.

(4) "Limited-dividend housing corporation" means any corporation that qualifies as such under the Federal Housing and Urban Development Act of 1968.
[1969 c.185 §2]

456.360 Purpose; powers additional. (1) It hereby is found and declared:

(a) That the assistance provided by ORS 456.365 for the remedying of the conditions set forth in the Housing Authorities Law is a matter of state concern and constitutes a public use and purpose and an essential governmental function for which public moneys may be spent and other aid given.

(b) That it is a proper public purpose for any city or county to aid any nonprofit housing sponsor or limited-dividend housing corporation operating within its boundaries or jurisdiction or any housing project located therein, as the city or county derives immediate benefits and advantages from such an authority or project.

(c) That ORS 456.355 to 456.370 is necessary in the public interest.

(2) The powers conferred by ORS 456.355 to 456.370 are in addition and supplemental to the powers conferred by any other law.
[1969 c.185 §3]

456.365 Powers of city or county in aiding or cooperating on housing projects. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any city or county may upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey or lease any of its property to a nonprofit housing sponsor or limited-dividend housing corporation.

(2) Cause park, playground, recreational, community, educational, water, sewer or drainage facilities, or any other works which it may otherwise undertake, to be furnished adjacent to or in connection with housing projects.

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan public streets, roads, roadways, alleys, sidewalks or other places which it may otherwise undertake.

(4) Plan or replan, zone or rezone any part of the area within such city or county and make exceptions from building regulations and ordinances. Any city also may change its map.

(5) Enter into agreements with a nonprofit sponsor or limited-dividend housing corporation respecting action to be taken by such city or county pursuant to any of the powers granted by ORS 456.355 to 456.370.

(6) Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects.

(7) In connection with any public improvements made by it in exercising the powers granted by this section, incur the entire expense thereof.
[1969 c.185 §4]

456.370 Exercise of powers; authorization by ordinance. The exercise by a city or county of the powers granted by ORS 456.355 to 456.370 may be authorized by ordinance of the governing body of the city or county adopted by a majority of the members of its governing body present at a meeting of the governing body. Persons particularly interested, and the general public, shall be given an opportunity to be heard at that meeting, and notice to the public of the time and place of said meeting and of the subject of the ordinance proposed for enactment shall be published in the same manner as required prior to final enactment of a zoning ordinance. The ordinance may be adopted or amended and adopted at such meeting, and if adopted shall take effect immediately and need not be laid over or published or posted.
[1969 c.185 §5]

DEFENSE HOUSING PROJECTS

456.405 Definitions for ORS 456.405 to 456.455. As used in ORS 456.405 to 456.455, unless the context requires otherwise:

(1) "Persons engaged in national defense activities" includes:

(a) Enlisted men in the military and naval services of the United States and employes of the Defense Department assigned to duty at military or naval reservations, posts or bases.

(b) Workers engaged or to be engaged in industries connected with and essential to the national defense program.

(c) The families of the persons listed in this subsection who are living with them.

(2) "Persons of low income" means persons or families who lack the amount of income which is necessary, as determined by the housing authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding.

(3) "Development" means all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project, including the negotiations or award of contracts therefor, and includes the acquisition of any project, in whole or in part, from the Federal Government.

(4) "Administration" means all undertakings necessary for management, operation or maintenance, in connection with any project, and includes the leasing of any project, in whole or in part, from the Federal Government.

(5) The development of a project shall be deemed to be "initiated" if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the housing authority, or has contracted with the Federal Government with respect to the exercise of powers under ORS 456.405 to 456,455 in the development of such project of the Federal Government for which an allocation of funds has been made prior to December 31, 1947.

456.410 Declaration of necessity; purpose; powers additional. (1) It hereby is found and declared:

(a) That the national defense program involves large increases in the military forces and personnel in this state, a great increase in the number of workers in already established manufacturing centers and the bringing of a large number of workers and their families to new centers of defense industries in the state.

(b) That there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this state which impedes the national defense program.

(c) That it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of natural defense activities in this state and to avoid a large labor turnover in defense industries which would seriously hamper their production.

(d) That ORS 456.405 to 456.455 are necessary to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities which otherwise would not be provided at this time and that such provisions are for the public use and purpose of facilitating the national defense program in this state.

(e) That it is the purpose of ORS 456.405 to 456.455 to authorize housing authorities to do all things necessary or desirable to secure the financial aid of the Federal Government, or to cooperate with or act as agent of the Federal Government, in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national defense activities.

(2) The powers conferred by ORS 456.405 to 456.455 are in addition and supplemental to the powers conferred by any other law, and nothing contained in ORS 456.405 to 456.455 shall be construed as limiting any other powers of a housing authority.

456.415 Development and administration of projects; rights and immunities of housing authority. (1) Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof. However, no housing authority shall initiate the development of any such project pursuant to ORS 456.405 to 456.455 after December 31, 1947.

(2) In the ownership, development or administration of housing projects, a housing authority shall have all the rights, powers, privileges and immunities that it has under any law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all laws applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities under ORS 456.405 to 456.455.

(3) Housing projects developed or administered under ORS 456.405 to 456.455 constitute "housing projects" under the Housing Authorities Law, as that term is used therein.

456.420 Determination of "national defense period." Reference in ORS 456.405 to 456.455 to the term "national defense period" means that period during which a housing authority finds that, within its area of operation as defined in ORS 456.060, there is an acute shortage of safe and sanitary dwellings which impedes the national defense program in this state, and that the necessary safe and sanitary dwellings would not be provided when needed for persons engaged in national defense activities, except under ORS 456.405 to 456.455. The finding of the housing authority shall be conclusive in any suit, action or proceeding.

456.425 Defense projects exempt from Housing Authorities Law during national defense period. During the national defense period, any project developed or administered by the housing authority for which the national defense period exists or by any housing authority cooperating with it in the area of operation pursuant to ORS 456.405 to 456.455, with the financial aid of the Federal Government or as agent for the Federal Government as provided in ORS 456.440, shall not be subject to the limitations of ORS 456.160 and subsection (2) of 456.155.

456.430 Payments for services and facilities. During the national defense period, a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements furnished for or in connection with such project.

456.435 Administration after national defense period. After the national defense period, any projects owned and administered by a housing authority under ORS 456.405 to 456.455 shall be administered for the purposes and in accordance with the Housing Authorities Law.

456.440 Cooperation with or agency for Federal Government; sale of housing projects. (1) A housing authority may cooperate with, or act as agent for, the Federal Government in the development or administration of projects by the Federal Government to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities and may undertake the development or administration of any such project for the Federal Government.

(2) In order to assure the availability of safe and sanitary housing for persons engaged in national defense activities, a housing authority may sell, in whole or in part, to the Federal Government any housing project developed for persons of low income but not yet occupied by such persons. This sale shall be at such price and upon such terms as the housing authority prescribes and shall include provision for the satisfaction of all debts and liabilities of the housing authority relating to such project.

456.445 Scope of authorization for development and administration of defense housing projects. (1) ORS 456.405 to 456.455 constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities and for a housing authority to cooperate with, or act as agent for, the Federal Government in the development or administration of similiar projects by the Federal Government.

(2) In acting under this authorization, a housing authority shall not be subject to any limitations, restrictions or requirements of other laws, except those relating to land acquisition, prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for persons of low income or undertakings or projects of municipal or public corporations or

political subdivisions or agencies of the state.

(3) A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the Federal Government, or to secure financial aid in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities and to effectuate the purposes in ORS 456.410.

456.450 Cooperation of state public body with state and federal agencies. Any state public body, as defined in ORS 456.305, shall have the same rights and powers to cooperate with housing authorities, or with the Federal Government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities that such state public body has pursuant to ORS 456.305 to 456.325.

456.455 Bonds or other obligations of housing authority. Bonds or other obligations issued by a housing authority for a project developed or administered pursuant to ORS 456.405 to 456.455 shall be legal investments to the same extent and for the same persons, institutions, associations, corporations, bodies and officers as bonds or other obligations issued pursuant to the Housing Authorities Law.
[Amended by 1967 c.451 §22]

VETERANS' LOCAL HOUSING

456.505 Veterans' housing by local agencies. Any lease, agreement or contract under chapter 420, Oregon Laws 1947, by and between any local agency or agencies and any authority or agency, federal or otherwise, providing housing facilities remains effective according to the instrument between the agencies concerned, notwithstanding the limitations of chapter 143, Oregon Laws 1949.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1969.

Robert W. Lundy
Legislative Counsel