

As Passed by the Senate

125th General Assembly
Regular Session
2003-2004

Sub. S. B. No. 18

Senator Coughlin

A BILL

To amend section 3735.27 of the Revised Code to
change the composition of certain metropolitan
housing authorities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3735.27 of the Revised Code be
amended to read as follows:

Sec. 3735.27. (A) Whenever the director of development has
determined that there is need for a housing authority in any
portion of any county that comprises two or more political
subdivisions or portions ~~thereof~~ of two or more political
subdivisions but is less than all the territory within the county,
a metropolitan housing authority shall be declared to exist, and
the territorial limits ~~thereof~~ of the authority shall be defined,
by a letter from the director. The director shall issue a
determination from the department of development declaring that
there is need for a housing authority within ~~such~~ those
territorial limits after finding either of the following:

(1) Unsanitary or unsafe inhabited housing accommodations
exist in ~~such~~ that area;

(2) There is a shortage of safe and sanitary housing
accommodations in ~~such~~ that area available to persons who lack the

amount of income ~~which~~ that is necessary, as determined by the 21
director, to enable them, without financial assistance, to live in 22
decent, safe, and sanitary dwellings without congestion. 23

In determining whether dwelling accommodations are unsafe or 24
unsanitary, the director may take into consideration the degree of 25
congestion, the percentage of land coverage, the light, air, 26
space, and access available to the inhabitants of ~~such~~ the 27
dwelling accommodations, the size and arrangement of ~~the~~ rooms, 28
the sanitary facilities, and the extent to which conditions exist 29
in ~~such buildings which~~ the dwelling accommodations that endanger 30
life or property by fire or other causes. 31

The territorial limits of a metropolitan housing authority, 32
as defined by the director, under this division shall be fixed for 33
~~such~~ the authority upon proof of a letter from the director 34
declaring the need for ~~such~~ the authority to function in those 35
territorial limits. Any such letter from the director, any 36
certificate of determination issued by the director, and any 37
certificate of appointment of members of the authority shall be 38
admissible in evidence in any suit, action, or proceeding. 39

A certified copy of the letter from the director, declaring 40
the existence of a metropolitan housing authority and ~~boundaries~~ 41
the territorial limits of a its metropolitan housing authority 42
district, shall be immediately forwarded to each appointing 43
authority. A metropolitan housing authority shall consist of ~~five~~ 44
members, who shall be residents of the territory embraced in ~~such~~ 45
~~metropolitan housing authority~~ its district. 46

(B)(1) Except as otherwise provided in division (C) of this 47
section, ~~one member~~ the members of a metropolitan housing 48
authority shall be appointed as follows: 49

(a)(i) In a district in a county in which a charter has been 50
adopted under Article X, Section 3 of the Ohio Constitution, and 51

in which the most populous city is not the city with the largest
ratio of housing units owned or managed by the authority to
population, one member shall be appointed by the probate court,
one member shall be appointed by the court of common pleas, one
member shall be appointed by the board of county commissioners,
~~and two members~~ one member shall be appointed by the chief
executive officer of the city that has the largest ratio of
housing units owned or managed by the authority to population, and
two members shall be appointed by the chief executive officer of
the most populous city in the territory included in the district,
~~in accordance with the last preceding federal census. At~~

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(ii) If, in a district that appoints members pursuant to
division (B)(1)(a) of this section, the most populous city becomes
the city with the largest ratio of housing units owned or managed
by the authority to population, when the term of office of the
member who was appointed by the chief executive officer of the
city with the largest ratio expires, that member shall not be
reappointed, and the membership of the authority shall be as
described in division (B)(1)(b) of this section.

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(b) In any district other than one described in division
(B)(1)(a) of this section, one member shall be appointed by the
probate court, one member shall be appointed by the court of
common pleas, one member shall be appointed by the board of county
commissioners, and two members shall be appointed by the chief
executive officer of the most populous city in the district.

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(2) At the time of the initial appointment of the authority,
the member appointed by the probate court shall be appointed for a
period of four years, the ~~appointee of~~ member appointed by the
court of common pleas shall be appointed for three years, the
~~appointee of~~ member appointed by the board of county commissioners
shall be appointed for two years, one ~~appointee of~~ the member
appointed by the chief executive officer of the most populous city

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in the district shall be appointed for one year, and one appointee 84
of the other member appointed by the chief executive officer of 85
the most populous city in the district shall be appointed for five 86
years. Thereafter 87

If appointments are made under division (B)(1)(a) of this 88
section, the member appointed by the chief executive officer of 89
the city in the district that is not the most populous city, but 90
that has the largest ratio of housing units owned or managed by 91
the authority to population, shall be appointed for five years. 92

After the initial appointments, all members of the authority 93
shall be appointed for five-year terms, and vacancies due to 94
expired terms any vacancy occurring upon the expiration of a term 95
shall be filled by the same appointing powers authority that made 96
the initial appointment. 97

(3) For purposes of this division, population shall be 98
determined according to the last preceding federal census. 99

(C) For any metropolitan housing authority district that 100
contained, as of the 1990 federal census, a population of at least 101
one million, two members of the authority shall be appointed by 102
the ~~municipal~~ legislative authority of the most populous city in 103
the ~~territory included in the~~ district, two members shall be 104
appointed by the chief executive officer of the most populous city 105
in the ~~territory included in the~~ district, and one member shall be 106
appointed by the chief executive officer, with the approval of the 107
~~municipal~~ legislative authority, of the city in the district ~~which~~ 108
that has the second highest number of housing units owned or 109
managed by the authority. 110

At the time of the initial appointment of the authority, one 111
member appointed by the ~~municipal~~ legislative authority of the 112
most populous city in the ~~territory included in the~~ district shall 113
be appointed for three years, and one such member shall be 114

appointed for one year; the ~~appointee of~~ member appointed by the 115
chief executive officer of the city with the second highest number 116
of housing units owned or managed by the authority shall be 117
appointed, with the approval of the ~~municipal~~ legislative 118
authority, for three years; and one appointee of member appointed 119
by the chief executive officer of the most populous city in the 120
district shall be appointed for three years, and one such member 121
shall be appointed for one year. Thereafter, all members of the 122
authority shall be appointed for three-year terms, and any vacancy 123
shall be filled by the ~~same~~ appointing ~~power~~ authority that made 124
the initial appointment. At the expiration of the term of any 125
member appointed by the chief executive officer of the most 126
populous city in the ~~territory included in the~~ district ~~prior to~~ 127
before March 15, 1983, the chief executive officer of the most 128
populous city in the district shall fill the vacancy by 129
appointment for a three-year term. At the expiration of the term 130
of any member appointed by the board of county commissioners ~~prior~~ 131
~~to~~ before March 15, 1983, the chief executive officer of the city 132
in the district with the second highest number of housing units 133
owned or managed by the authority shall, with the approval of the 134
municipal legislative authority, fill the vacancy by appointment 135
for a three-year term. At the expiration of the term of any member 136
appointed ~~prior to~~ before March 15, 1983, by the court of common 137
pleas or the probate court, the legislative authority of the most 138
populous city in the ~~territory included in the~~ district shall fill 139
the vacancy by appointment for a three-year term. 140

After March 15, 1983, at least one of the members appointed 141
by the chief executive officer of the most populous city shall be 142
a resident of a dwelling unit owned or managed by the ~~housing~~ 143
authority. At least one of the initial appointments by the chief 144
executive officer of the most populous city, after March 15, 1983, 145
shall be a resident of a dwelling unit owned or managed by the 146
~~housing~~ authority. Thereafter, any member appointed by the chief 147

executive officer of the most populous city for the term 148
established by this initial appointment, or for any succeeding 149
term thereof, shall be a person who resides in a dwelling unit 150
owned or managed by the ~~housing~~ authority. If there is an elected, 151
representative body of all residents of the ~~housing~~ authority, 152
~~then~~ the chief executive officer of the most populous city shall, 153
whenever there is a vacancy in this resident term, provide written 154
notice of the vacancy to the representative body. If the 155
representative body submits to the chief executive officer of the 156
most populous city, in writing and within sixty days after the 157
date on which it was notified of the vacancy, the names of at 158
least five residents of the ~~housing~~ authority who are willing and 159
qualified to serve as a member, ~~then~~ the chief executive officer 160
of the most populous city shall appoint to the resident term one 161
of the residents recommended by the representative body. At no 162
time shall residents constitute a majority of the members of the 163
authority. 164

(D) Public officials, other than the officers having the 165
appointing ~~power~~ authority under this section, shall be eligible 166
to serve as members, officers, or employees of ~~the~~ a metropolitan 167
housing authority notwithstanding any statute, charter, or law to 168
the contrary. Not more than two such public officials shall be 169
members of the authority at any one time. 170

All members of ~~such housing~~ an authority shall serve without 171
compensation but shall be entitled to be reimbursed for all 172
necessary expenses incurred. ~~After such~~ 173

After a metropolitan housing authority district has been is 174
formed, the director may enlarge the territory within ~~such~~ the 175
district to include other political subdivisions, or portions 176
~~thereof~~ of other political subdivisions, but the territorial 177
limits of ~~which~~ the district shall be less than that of the 178
county. 179

(E)(1) Any vote taken by a metropolitan housing authority 180
shall require a majority affirmative vote to pass. A tie vote 181
shall constitute a defeat of any measure receiving equal numbers 182
of votes for and against it. 183

(2) The members of a metropolitan housing authority shall act 184
in the best interest of the district and shall not act solely as 185
representatives of their respective appointing authorities. 186

Section 2. That existing section 3735.27 of the Revised Code 187
is hereby repealed. 188