

As Passed by the House

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Am. H. B. No. 408

Representative Terhar

**Cosponsors: Representatives Grossman, Blessing, Slaby, Thompson,
Stautberg, Stebelton Speaker Batchelder**

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A B I L L

To amend section 3735.27 of the Revised Code to 1
change the composition of certain metropolitan 2
housing authorities. 3

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

Section 1. That section 3735.27 of the Revised Code be 4
amended to read as follows: 5

Sec. 3735.27. (A) Whenever the director of development has 6
determined that there is need for a housing authority in any 7
portion of any county that comprises two or more political 8
subdivisions or portions of two or more political subdivisions but 9
is less than all the territory within the county, a metropolitan 10
housing authority shall be declared to exist, and the territorial 11
limits of the authority shall be defined, by a letter from the 12
director. The director shall issue a determination from the 13
department of development declaring that there is need for a 14
housing authority within those territorial limits after finding 15
either of the following: 16

(1) Unsanitary or unsafe inhabited housing accommodations 17
exist in that area; 18

(2) There is a shortage of safe and sanitary housing accommodations in that area available to persons who lack the amount of income that is necessary, as determined by the director, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without congestion.

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

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

A certified copy of the letter from the director declaring the existence of a metropolitan housing authority and the territorial limits of its district shall be immediately forwarded to each appointing authority. A metropolitan housing authority shall consist of members who are residents of the territory in which they serve.

(B)(1) Except as otherwise provided in division (C), (D), ~~or~~ (E), or (F) of this section, the members of a metropolitan housing authority shall be appointed as follows:

(a)(i) In a district in a county in which a charter has been

adopted under Article X, Section 3 of the Ohio Constitution, and 50
in which the most populous city is not the city with the largest 51
ratio of housing units owned or managed by the authority to 52
population, one member shall be appointed by the probate court, 53
one member shall be appointed by the court of common pleas, one 54
member shall be appointed by the board of county commissioners, 55
one member shall be appointed by the chief executive officer of 56
the city that has the largest ratio of housing units owned or 57
managed by the authority to population, and two members shall be 58
appointed by the chief executive officer of the most populous city 59
in the district. 60

(ii) If, in a district that appoints members pursuant to 61
division (B)(1)(a) of this section, the most populous city becomes 62
the city with the largest ratio of housing units owned or managed 63
by the authority to population, when the term of office of the 64
member who was appointed by the chief executive officer of the 65
city with the largest ratio expires, that member shall not be 66
reappointed, and the membership of the authority shall be as 67
described in division (B)(1)(b) of this section. 68

(b) In any district other than one described in division 69
(B)(1)(a) of this section, one member shall be appointed by the 70
probate court, one member shall be appointed by the court of 71
common pleas, one member shall be appointed by the board of county 72
commissioners, and two members shall be appointed by the chief 73
executive officer of the most populous city in the district. 74

(2) At the time of the initial appointment of the authority, 75
the member appointed by the probate court shall be appointed for a 76
period of four years, the member appointed by the court of common 77
pleas shall be appointed for three years, the member appointed by 78
the board of county commissioners shall be appointed for two 79
years, one member appointed by the chief executive officer of the 80
most populous city in the district shall be appointed for one 81

year, and the other member appointed by the chief executive 82
officer of the most populous city in the district shall be 83
appointed for five years. 84

If appointments are made under division (B)(1)(a) of this 85
section, the member appointed by the chief executive officer of 86
the city in the district that is not the most populous city, but 87
that has the largest ratio of housing units owned or managed by 88
the authority to population, shall be appointed for five years. 89

After the initial appointments, all members of the authority 90
shall be appointed for five-year terms, and any vacancy occurring 91
upon the expiration of a term shall be filled by the appointing 92
authority that made the initial appointment. 93

(3) For purposes of this division, population shall be 94
determined according to the last preceding federal census. 95

(C) For any metropolitan housing authority district that 96
contained, as of the 1990 federal census, a population of at least 97
one million, two members of the authority shall be appointed by 98
the legislative authority of the most populous city in the 99
district, two members shall be appointed by the chief executive 100
officer of the most populous city in the district, and one member 101
shall be appointed by the chief executive officer, with the 102
approval of the legislative authority, of the city in the district 103
that has the second highest number of housing units owned or 104
managed by the authority. 105

At the time of the initial appointment of the authority, one 106
member appointed by the legislative authority of the most populous 107
city in the district shall be appointed for three years, and one 108
such member shall be appointed for one year; the member appointed 109
by the chief executive officer of the city with the second highest 110
number of housing units owned or managed by the authority shall be 111
appointed, with the approval of the legislative authority, for 112

three years; and one member appointed by the chief executive 113
officer of the most populous city in the district shall be 114
appointed for three years, and one such member shall be appointed 115
for one year. Thereafter, all members of the authority shall be 116
appointed for three-year terms, and any vacancy shall be filled by 117
the same appointing power that made the initial appointment. At 118
the expiration of the term of any member appointed by the chief 119
executive officer of the most populous city in the district before 120
March 15, 1983, the chief executive officer of the most populous 121
city in the district shall fill the vacancy by appointment for a 122
three-year term. At the expiration of the term of any member 123
appointed by the board of county commissioners before March 15, 124
1983, the chief executive officer of the city in the district with 125
the second highest number of housing units owned or managed by the 126
authority shall, with the approval of the municipal legislative 127
authority, fill the vacancy by appointment for a three-year term. 128
At the expiration of the term of any member appointed before March 129
15, 1983, by the court of common pleas or the probate court, the 130
legislative authority of the most populous city in the district 131
shall fill the vacancy by appointment for a three-year term. 132

After March 15, 1983, at least one of the members appointed 133
by the chief executive officer of the most populous city shall be 134
a resident of a dwelling unit owned or managed by the authority. 135
At least one of the initial appointments by the chief executive 136
officer of the most populous city, after March 15, 1983, shall be 137
a resident of a dwelling unit owned or managed by the authority. 138
Thereafter, any member appointed by the chief executive officer of 139
the most populous city for the term established by this initial 140
appointment, or for any succeeding term, shall be a person who 141
resides in a dwelling unit owned or managed by the authority. If 142
there is an elected, representative body of all residents of the 143
authority, the chief executive officer of the most populous city 144
shall, whenever there is a vacancy in this resident term, provide 145

written notice of the vacancy to the representative body. If the
representative body submits to the chief executive officer of the
most populous city, in writing and within sixty days after the
date on which it 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 chief executive officer of the
most populous city shall appoint to the resident term one of the
residents recommended by the representative body. At no time shall
residents constitute a majority of the members of the authority.

(D)(1) For any metropolitan housing authority district that
is located in a county that has, according to the most recent
federal decennial census, a population greater than seven hundred
thousand but less than nine hundred thousand, the members of the
metropolitan housing authority shall be selected as follows:

(a) One member shall be appointed by the probate court.

(b) One member shall be appointed by the court of common
pleas.

(c) One member shall be appointed by the board of county
commissioners.

(d) Two members shall be appointed by the mayor of the most
populous city in the district, subject to approval by city
council. At least one of the initial appointments by the mayor
shall be a resident of a dwelling unit owned or managed by the
authority. Thereafter, any member appointed by the mayor of the
most populous city for the term established by the initial
appointment, or for any succeeding term, shall be a person who
resides in a dwelling unit owned or managed by the authority. If
there is an elected, representative body of all residents of the
authority, the mayor of the most populous city shall, whenever
there is a vacancy in the resident term, provide written notice of
the vacancy to the representative body. If the representative body

submits to the mayor of the most populous city, in writing and 177
within sixty days after the date on which it was notified of the 178
vacancy, the names of at least five residents of the authority who 179
are willing and qualified to serve as a member, the mayor of the 180
most populous city shall appoint to the resident term one of the 181
residents recommended by the representative body. At no time shall 182
residents constitute a majority of the members of the authority. 183

(e) One member shall be nominated by the township association 184
of the county. The name of the nominee submitted by the township 185
association of the county shall be sent to the board of county 186
commissioners and the executive director of the metropolitan 187
housing authority, if applicable. The board of county 188
commissioners shall accept or reject the nominee. 189

(f) One member shall be nominated by the municipal league of 190
the county. The name of the nominee submitted by the municipal 191
league of the county shall be sent to the board of county 192
commissioners and the executive director of the metropolitan 193
housing authority, if applicable. The nominee shall not be a 194
resident of the district's most populous city and shall represent 195
a city that is substantially impacted as described in division (I) 196
of this section. The board of county commissioners shall accept or 197
reject the nominee. 198

(2) At the time of the initial appointment of the authority 199
described in division (D)(1) of this section, the member appointed 200
by the probate court shall be appointed for a period of four 201
years; the member appointed by the court of common pleas shall be 202
appointed for three years; the member appointed by the board of 203
county commissioners shall be appointed for two years; one member 204
appointed by the mayor of the most populous city in the district 205
shall be appointed for one year, and the other member appointed by 206
the mayor of the most populous city in the district shall be 207
appointed for five years; the member nominated by the township 208

association of the county shall be appointed for the same number 209
of years as the nonresident member of the authority appointed by 210
the mayor of the most populous city in the district; and the 211
member nominated by the municipal league of the county shall be 212
appointed for the same number of years as the resident member of 213
the authority appointed by the mayor of the most populous city in 214
the district. 215

After the initial appointments, all members of the authority 216
shall be appointed for five-year terms, and any vacancy occurring 217
upon the expiration of a term shall be filled by the authority 218
that made the initial appointment or nomination. 219

(E)(1) For any metropolitan housing authority district 220
located in a county that had, as of the 2000 federal census, a 221
population of at least four hundred thousand and no city with a 222
population greater than thirty per cent of the total population of 223
the county, one member of the authority shall be appointed by the 224
probate court, one member shall be appointed by the court of 225
common pleas, one member shall be appointed by the chief executive 226
officer of the most populous city in the district, and two members 227
shall be appointed by the board of county commissioners. 228

(2) At the time of the initial appointment of a metropolitan 229
housing authority pursuant to this division, the member appointed 230
by the probate court shall be appointed for a period of four 231
years, the member appointed by the court of common pleas shall be 232
appointed for three years, the member appointed by the chief 233
executive officer of the most populous city shall be appointed for 234
two years, one member appointed by the board of county 235
commissioners shall be appointed for one year, and the other 236
member appointed by the board of county commissioners shall be 237
appointed for five years. Thereafter, all members of the authority 238
shall be appointed for five-year terms, with each term ending on 239
the same day of the same month as the term that it succeeds. 240

Vacancies shall be filled in the manner provided in the original 241
appointments. Any member appointed to fill a vacancy occurring 242
prior to the expiration of the term shall hold office as a member 243
for the remainder of that term. 244

~~(E)~~(F)(1) One resident member shall be appointed to a 245
metropolitan housing authority when required by federal law. The 246
chief executive officer of the most populous city in the district 247
shall appoint that resident member for a term of five years. 248
Subsequent terms of that resident member also shall be for five 249
years, and any vacancy in the position of the resident member 250
shall be filled by the chief executive officer of the most 251
populous city in the district. Any member appointed to fill such a 252
vacancy shall hold office as a resident member for the remainder 253
of that term. If, at any time, a resident member no longer 254
qualifies as a resident, another resident member shall be 255
appointed by the appointing authority who originally appointed the 256
resident member to serve for the unexpired portion of that term. 257

(2) On and after ~~the effective date of this amendment~~ 258
September 29, 2005, any metropolitan housing authority to which 259
two additional members were appointed pursuant to former division 260
(E)(1) of this section as enacted by Amended Substitute House Bill 261
No. 95 of the 125th general assembly shall continue to have those 262
additional members. Their terms shall be for five years, and 263
vacancies in their positions shall be filled in the manner 264
provided for their original appointment under former division 265
(E)(1) of this section as so enacted. 266

~~(F)~~(G) Public officials, other than the officers having the 267
appointing power under this section, shall be eligible to serve as 268
members, officers, or employees of a metropolitan housing 269
authority notwithstanding any statute, charter, or law to the 270
contrary. Not more than two such public officials shall be members 271
of the authority at any one time. 272

All members of an authority shall serve without compensation 273
but shall be entitled to be reimbursed for all necessary expenses 274
incurred. 275

After a metropolitan housing authority district is formed, 276
the director may enlarge the territory within the district to 277
include other political subdivisions, or portions of other 278
political subdivisions, but the territorial limits of the district 279
shall be less than that of the county. 280

~~(G)~~(H)(1) Any vote taken by a metropolitan housing authority 281
shall require a majority affirmative vote to pass. A tie vote 282
shall constitute a defeat of any measure receiving equal numbers 283
of votes for and against it. 284

(2) The members of a metropolitan housing authority shall act 285
in the best interest of the district and shall not act solely as 286
representatives of their respective appointing authorities. 287

(I) "Substantially impacted" as used in division (D)(1)(f) of 288
this section means a city within a metropolitan housing authority 289
that, based on the percentage of housing units that are subsidized 290
housing, is in the top one-third of cities within the county. 291

Section 2. That existing section 3735.27 of the Revised Code 292
is hereby repealed. 293