

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Am. H. B. No. 408**

**Representative Terhar**

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

—

**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

**As Reported by the Senate State and Local Government and Veterans Affairs Committee**

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.	19 20 21 22 23
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.	24 25 26 27 28 29 30 31
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.	32 33 34 35 36 37 38 39
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.	40 41 42 43 44 45
(B)(1) Except as otherwise provided in division (C), (D), <del>or</del> (E), <u>or</u> (F) of this section, the members of a metropolitan housing authority shall be appointed as follows:	46 47 48

**As Reported by the Senate State and Local Government and Veterans Affairs Committee**

(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 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, 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 district.	49 50 51 52 53 54 55 56 57 58 59 60
(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.	61 62 63 64 65 66 67 68
(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.	69 70 71 72 73 74
(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 member appointed by the court of common pleas shall be appointed for three years, the member appointed by the board of county commissioners shall be appointed for two years, one member appointed by the chief executive officer of the	75 76 77 78 79 80

**As Reported by the Senate State and Local Government and Veterans Affairs Committee**

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

**As Reported by the Senate State and Local Government and Veterans Affairs Committee**

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

**As Reported by the Senate State and Local Government and Veterans Affairs Committee**

shall, whenever there is a vacancy in this resident term, provide 145  
written notice of the vacancy to the representative body. If the 146  
representative body submits to the chief executive officer of the 147  
most populous city, in writing and within sixty days after the 148  
date on which it was notified of the vacancy, the names of at 149  
least five residents of the authority who are willing and 150  
qualified to serve as a member, the chief executive officer of the 151  
most populous city shall appoint to the resident term one of the 152  
residents recommended by the representative body. At no time shall 153  
residents constitute a majority of the members of the authority. 154

(D)(1) For any metropolitan housing authority district that 155  
is located in a county that has, according to the most recent 156  
federal decennial census, a population greater than seven hundred 157  
thousand but less than nine hundred thousand, the members of the 158  
metropolitan housing authority shall be selected as follows: 159

(a) One member shall be appointed by the probate court. 160

(b) One member shall be appointed by the court of common 161  
pleas. 162

(c) One member shall be appointed by the board of county 163  
commissioners. 164

(d) Two members shall be appointed by the mayor of the most 165  
populous city in the district, subject to approval by city 166  
council. At least one of the initial appointments by the mayor 167  
shall be a resident of a dwelling unit owned or managed by the 168  
authority. Thereafter, any member appointed by the mayor of the 169  
most populous city for the term established by the initial 170  
appointment, or for any succeeding term, shall be a person who 171  
resides in a dwelling unit owned or managed by the authority. If 172  
there is an elected, representative body of all residents of the 173  
authority, the mayor of the most populous city shall, whenever 174  
there is a vacancy in the resident term, provide written notice of 175

As Reported by the Senate State and Local Government and Veterans Affairs  
Committee

the vacancy to the representative body. If the representative body 176  
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

**As Reported by the Senate State and Local Government and Veterans Affairs Committee**

<u>appointed for five years; the member nominated by the township association of the county shall be appointed for the same number of years as the nonresident member of the authority appointed by the mayor of the most populous city in the district; and the member nominated by the municipal league of the county shall be appointed for the same number of years as the resident member of the authority appointed by the mayor of the most populous city in the district.</u>	208 209 210 211 212 213 214 215
<u>After the initial appointments, all members of the authority shall be appointed for five-year terms, and any vacancy occurring upon the expiration of a term shall be filled by the authority that made the initial appointment or nomination.</u>	216 217 218 219
(E)(1) For any metropolitan housing authority district located in a county that had, as of the 2000 federal census, a population of at least four hundred thousand and no city with a population greater than thirty per cent of the total population of the county, one member of the authority 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 chief executive officer of the most populous city in the district, and two members shall be appointed by the board of county commissioners.	220 221 222 223 224 225 226 227 228
(2) At the time of the initial appointment of a metropolitan housing authority pursuant to this division, the member appointed by the probate court shall be appointed for a period of four years, the member appointed by the court of common pleas shall be appointed for three years, the member appointed by the chief executive officer of the most populous city shall be appointed for two years, one member appointed by the board of county commissioners shall be appointed for one year, and the other member appointed by the board of county commissioners shall be appointed for five years. Thereafter, all members of the authority shall be appointed for five-year terms, with each term ending on	229 230 231 232 233 234 235 236 237 238 239

## As Reported by the Senate State and Local Government and Veterans Affairs Committee

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 appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term shall hold office as a member for the remainder of that term.	241
	242
	243
	244
(E)(F)(1) One resident member shall be appointed to a metropolitan housing authority when required by federal law. The chief executive officer of the most populous city in the district shall appoint that resident member for a term of five years.	245
	246
	247
	248
Subsequent terms of that resident member also shall be for five years, and any vacancy in the position of the resident member shall be filled by the chief executive officer of the most populous city in the district. Any member appointed to fill such a vacancy shall hold office as a resident member for the remainder of that term. If, at any time, a resident member no longer qualifies as a resident, another resident member shall be appointed by the appointing authority who originally appointed the resident member to serve for the unexpired portion of that term.	249
	250
	251
	252
	253
	254
	255
	256
	257
(2) On and after <del>the effective date of this amendment</del> <u>September 29, 2005</u> , any metropolitan housing authority to which two additional members were appointed pursuant to former division (E)(1) of this section as enacted by Amended Substitute House Bill No. 95 of the 125th general assembly shall continue to have those additional members. Their terms shall be for five years, and vacancies in their positions shall be filled in the manner provided for their original appointment under former division (E)(1) of this section as so enacted.	258
	259
	260
	261
	262
	263
	264
	265
	266
(F)(G) Public officials, other than the officers having the appointing power under this section, shall be eligible to serve as members, officers, or employees of a metropolitan housing authority notwithstanding any statute, charter, or law to the contrary. Not more than two such public officials shall be members	267
	268
	269
	270
	271

**As Reported by the Senate State and Local Government and Veterans Affairs Committee**

of the authority at any one time.	272
All members of an authority shall serve without compensation but shall be entitled to be reimbursed for all necessary expenses incurred.	273 274 275
After a metropolitan housing authority district is formed, the director may enlarge the territory within the district to include other political subdivisions, or portions of other political subdivisions, but the territorial limits of the district shall be less than that of the county.	276 277 278 279 280
(G)(H)(1) Any vote taken by a metropolitan housing authority shall require a majority affirmative vote to pass. A tie vote shall constitute a defeat of any measure receiving equal numbers of votes for and against it.	281 282 283 284
(2) The members of a metropolitan housing authority shall act in the best interest of the district and shall not act solely as representatives of their respective appointing authorities.	285 286 287
<u>(I) "Substantially impacted" as used in division (D)(1)(f) of this section means a city within a metropolitan housing authority that, based on the percentage of housing units that are subsidized housing, is in the top one-third of cities within the county.</u>	288 289 290 291
<b>Section 2.</b> That existing section 3735.27 of the Revised Code is hereby repealed.	292 293