

South Carolina Code of Laws Unannotated

Title 31 - Housing and Redevelopment

CHAPTER 3

Housing Authorities Law

ARTICLE 1

General Provisions

SECTION 31-3-10. Short title.

This chapter and Chapter 11 may be known as the "Housing Authorities Law."

HISTORY: 1962 Code Section 36-101; 1952 Code Section 36-101; 1942 Code Section 5271-31; 1934 (38) 1368.

SECTION 31-3-20. Definitions.

The following terms, wherever used or referred to in this chapter and Chapter 11 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

- (1) The term "director" shall mean the Secretary of Commerce;
- (2) "Authority" or "housing authority" shall mean a corporate body organized in accordance with the provisions of this chapter and Chapter 11 for the purpose, with the powers and subject to the restrictions hereinafter set forth;
- (3) "Mayor" shall mean the chief executive of the municipality, whether the official designation of his office be mayor, city manager or some other title;
- (4) "Municipality" shall mean any city, town or other municipality in the State;
- (5) "City" shall mean any incorporated municipality in the State and "the city" shall mean the particular city or town for which a particular housing authority is created;
- (6) "Council" shall mean the chief legislative body of the municipality;
- (7) "Commissioner" shall mean one of the members of an authority appointed in accordance with the provisions of this article;
- (8) "Government" shall include the State and Federal governments and any subdivision, agency or instrumentality, corporate or otherwise of either of them;
- (9) The "State" shall mean the State of South Carolina;
- (10) "Project" shall include all lands, buildings and improvements acquired, owned, leased, managed or operated by a housing authority and all buildings and improvements constructed, reconstructed or repaired by a housing authority, designed to provide housing accommodations or stores, offices and community facilities appurtenant thereto, whether or not acquired or constructed at one time and the term may also be applied to the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the clearing of land, the construction, reconstruction and repair of improvements and all other work in connection therewith;
- (11) "Community facilities" shall include lands, buildings and equipment for recreation or social assembly, for educational, health or welfare activities and other necessary utilities primarily for the use and benefit of the occupants of housing accommodations to be constructed and operated hereunder;
- (12) The term "bonds" shall include bonds, notes, debentures or other written evidences of indebtedness carrying either the general credit of the authority or payable solely out of pledged revenues;
- (13) The term "mortgage" shall include mortgages, deeds of trusts or other instruments creating a lien or security interest;
- (14) The term "real property" shall include lands, lands under water, structures and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise;
- (15) "Persons of low income" means those individuals who are members of households whose gross income falls below seventy-five percent of the 'median gross income' of all households in South Carolina as determined on the basis of the latest available statistics furnished to the Authority by the Office of Research and Statistics of the Revenue and Fiscal Affairs Office. Gross income means income derived from any source whatsoever. An allowance for each member of the family equal to an allowance for personal exemptions as defined by the South Carolina Income Tax Law, Section 12-7-310, must be deducted from gross income in order to qualify a person or family as a member of the "beneficiary class"; and
- (16) "Obligee of the authority" or "obligee" shall include any bondholder, trustee for any bondholders, lessor demising to an authority property used in connection with a project, any assignee of such lessor's interest or any part thereof or the Federal Government when it is a party to any contract with an authority.
- (17) Persons of moderate to low income means those individuals who are members of households whose gross income falls between seventy-five percent and one hundred fifty percent of the "median gross income" of all households in South Carolina as determined on the basis of the latest available statistics furnished to the Authority by the Office of Research and Statistics of the Revenue and Fiscal Affairs Office. Gross income means income derived from any source whatsoever. An allowance for each member of the family equal to an amount for personal exemptions as defined by the South Carolina Income Tax Law, Section 12-7-310, must be deducted from gross income in order to qualify a person or family as a member of the "beneficiary class".

HISTORY: 1962 Code Section 36-102; 1952 Code Section 36-102; 1942 Code Sections 5271-31, 5271-32; 1934 (38) 1368; 1937 (40) 431; 1942 (42) 1742; 1945 (44) 156; 1954 (48) 1745; 1969 (56) 200; 1970 (56) 2288, 2402; 1986 Act No. 369, Sections 2, 3; 1993 Act No. 181, Section 503; 1994 Act No. 361, Section 8.

Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring

Editor's Note

Section 12-7-310, referred to in items (15) and (17) of this section, which provided for exemptions from the State Income Tax, was repealed by 1985 Act No. 101, Section 22, effective May 21, 1985, for tax years after December 31, 1984.

SECTION 31-3-30. Declaration of public interest.

It is hereby declared as a matter of legislative determination that (a) in order to promote and protect the health, safety, morals and welfare of the public, it is necessary in the public interest to provide for the creation of public corporate bodies to be known as housing authorities and to confer upon and vest in such housing authorities all powers necessary or appropriate in order that they may engage in low-cost housing and slum clearance projects and (b) the powers herein conferred upon the housing authorities, including the power to acquire property, to remove unsanitary or substandard conditions, to construct and operate housing accommodations and to borrow, expend, lend and repay moneys for the purposes herein set forth, are public objects essential to the public interest.

HISTORY: 1962 Code Section 36-103; 1952 Code Section 36-103; 1942 Code Section 5271-33; 1934 (38) 1368.

SECTION 31-3-40. Cooperation of two or more housing authorities.

Any two or more housing authorities may join or cooperate with one another in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing (including the issuance of bonds, notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project located within the territorial jurisdiction or area of operation of any one or more of such authorities. For such purpose any authority may by resolution prescribe and authorize any other housing authority or authorities so joining or cooperating with it to act on its behalf with respect to any or all of such powers. Any authorities joining or cooperating with one another may by resolution appoint from among the commissioners of such authorities an executive committee with full power to act on behalf of such authorities with respect to any or all of their powers, as prescribed by resolutions of such authorities.

HISTORY: 1962 Code Section 36-104; 1952 Code Section 36-104; 1942 (42) 1742.

SECTION 31-3-50. Verification of eligibility for public housing program by obtaining information from Department of Revenue and Employment Security Commission; method of request and response.

A public housing authority may obtain information from the Department of Revenue and the Department of Employment and Workforce for the purpose of assisting in verifying the eligibility of a person for any public housing program. The request for this information may be by electronic means and the request must specify the exact information requested, together with sufficient information to allow these agencies positively to identify the correct person. The authority may forward the request either to the main agency address or to a local branch and the agency shall provide an expeditious response which may be by electronic means. Where requests or responses have been made by electronic means, a written copy of the request or response must be subsequently forwarded to the appropriate party.

HISTORY: 1995 Act No. 98, Section 1.

Code Commissioner's Note

Pursuant to the directive to the Code Commissioner in 2010 Act No. 146, Section 122, "Department of Employment and Workforce" was substituted for all references to "Employment Security Commission", and "Executive Director of the Department of Employment and Workforce" or "executive director" was substituted for all references to the "Chairman of the Employment Security Commission" or "chairman" that refer to the Chairman of the Employment Security Commission, as appropriate.

ARTICLE 5

City Housing Authorities

SECTION 31-3-310. Cities empowered to create housing authorities.

In each city of the State there may be created in the manner herein prescribed a public body corporate and politic to be known as the "Housing Authority of _____."

HISTORY: 1962 Code Section 36-111; 1952 Code Section 36-111; 1942 Code Section 5271-34; 1934 (38) 1368; 1937 (40) 431; 1938 (40) 1909.

SECTION 31-3-320. Resolution of council required for creation of authority.

Such an authority may be created by the council of the city adopting a resolution declaring that there is need for such an authority to function in such city. The determination as to whether there is such need for an authority to function (a) may be made by the council on its own motion or (b) shall be made by the council upon the filing of a petition signed by twenty-five residents of the city asserting that there is need for an authority to function in the city and requesting that the council so declare.

The council shall adopt such a resolution declaring that there is need for a housing authority in the city if it shall find (a) that unsanitary or unsafe inhabited dwelling accommodations exist in such city or (b) that there is a shortage of safe or sanitary dwelling accommodations in such city available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or unsanitary the council 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.

The resolution shall be sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city.

HISTORY: 1962 Code Section 36-112; 1952 Code Section 36-112; 1942 Code Section 5271-34; 1934 (38) 1368; 1937 (40) 431; 1938 (40) 1909.

SECTION 31-3-330. Resolution conclusive as to establishment; certificate as evidence thereof.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the council declaring the need for the authority. A certificate stating that such a resolution has been adopted shall be admissible in evidence in any suit, action or proceeding.

HISTORY: 1962 Code Section 36-113; 1952 Code Section 36-113; 1942 Code Section 5271-34; 1934 (38) 1368; 1937 (40) 431; 1938 (40) 1909.

SECTION 31-3-340. Commissioners.

When the council of a municipality adopts a resolution as provided in this chapter, the council shall appoint not less than five nor more than seven persons as commissioners of the authority created for the municipality. At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority. However, there shall be no requirement to appoint such a person if the authority (1) operates less than three hundred public housing units, (2) provides reasonable notice to the resident advisory board, if applicable, of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and (3) within a reasonable time after receipt of the notice by the resident advisory board, has not been notified of the intention of any such person to serve. The mayor shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority.

The commissioners, other than the commissioner who is directly assisted by the authority, shall serve for terms of one, two, three, four, and five years, respectively, from

the date of their appointment, but thereafter commissioners, other than the commissioner who is directly assisted by the authority, shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term. The commissioner who is directly assisted by the authority must remain as an assisted resident in order to continue service on the board of commissioners.

No commissioner who is also a person directly assisted by the public housing authority shall be qualified to vote on matters affecting his official conduct or matters affecting his own individual tenancy, as distinguished from matters affecting tenants in general. No more than one-third of the members of any housing authority commission shall be tenants of the authority or recipients of housing assistance through any program operated by the authority. No commissioner of an authority may be an officer or employee of the municipality for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner must be filed in the office of the clerk of the circuit court of the county in which the municipality is located, in the office of the Secretary of State, and in the office of the Secretary of Commerce, and the certificate is conclusive evidence of the due and proper appointment of the commissioner.

HISTORY: 1962 Code Section 36-114; 1952 Code Section 36-114; 1942 Code Section 5271-34; 1934 (38) 1368; 1937 (40) 431; 1938 (40) 1909; 1993 Act No. 181, Section 504; 1994 Act No. 360, Section 1; 1994 Act No. 361, Section 8; 1999 Act No. 50, Section 1.

SECTION 31-3-350. Compensation of commissioners.

No commissioner shall receive any compensation, whether in the form of salary, per diem allowances or otherwise, for or in connection with his services as such commissioner. Each commissioner shall, however, be entitled to reimbursement, to the extent of appropriations or other funds available therefor, for any necessary expenditures in connection with the performance of his general duties or in connection with the construction or operation of any project. The authority may allocate such expenses among its projects in such manner as it may consider proper.

HISTORY: 1962 Code Section 36-116; 1952 Code Section 36-116; 1942 Code Section 5271-38; 1934 (38) 1368.

SECTION 31-3-360. Personal interest of commissioners or employees in projects or property prohibited.

No commissioner or employee of an authority shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any member or employee of any authority owns or controls an interest, direct or indirect, in any property included in any project, which was acquired prior to his appointment or employment, he shall disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority.

HISTORY: 1962 Code Section 36-117; 1952 Code Section 36-117; 1942 Code Section 5271-35; 1934 (38) 1368.

SECTION 31-3-370. Removal of commissioners.

(A) For inefficiency, neglect of duty, or misconduct in office a commissioner of an authority may be removed by the council, but a commissioner may be removed only after he has been given a copy of the charges at least ten days before the hearing on it 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 on it, must be filed in the office of the clerk of the circuit court of the county in which the municipality is located, in the office of the Secretary of State, and in the office of the Secretary of Commerce.

(B) The commissioner who is directly assisted by the authority must remain as an assisted resident in order to continue service on the board of commissioners. In the event that the commissioner who is directly assisted by the authority vacates the public housing unit or is evicted from the public housing unit, the mayor must automatically remove the commissioner from the board of commissioners with no opportunity to be heard or to contest the removal.

HISTORY: 1962 Code Section 36-118; 1952 Code Section 36-118; 1942 Code Section 5271-34; 1934 (38) 1368; 1937 (40) 431; 1938 (40) 1909; 1993 Act No. 181, Section 505; 1994 Act No. 360, Section 2; 1994 Act No. 361, Section 8; 1999 Act No. 50, Section 2.

SECTION 31-3-380. Organization; quorum; officers and employees.

As soon as possible after the creation of an authority, the commissioners shall organize for the transaction of business by choosing from among their number a chairman and a vice chairman and by adopting bylaws and rules and regulations suitable to the purposes of this chapter and Chapter 11. Three commissioners constitute a quorum for the purpose of organizing the authority and conducting the business of it. However, four commissioners constitute a quorum when exercising jurisdiction in the extraterritorial area. The commissioners shall select and appoint such officers and employees, including engineering, architectural, and legal assistants, as they may require for the performance of their duties and shall prescribe the duties and compensation of each officer and employee.

HISTORY: 1962 Code Section 36-119; 1952 Code Section 36-119; 1942 Code Section 5271-36; 1934 (38) 1368; 1994 Act No. 360, Section 3.

SECTION 31-3-390. Territorial jurisdiction.

The territorial jurisdiction of each authority, except as otherwise specially provided, shall be coterminous with the boundaries of the city creating the authority unless this territory is extended by the director. The director may extend the territorial jurisdiction of any housing authority over territory contiguous to that of the housing authority if such extension does not conflict with any other housing authority.

HISTORY: 1962 Code Section 36-120; 1952 Code Section 36-120; 1942 Code Section 5271-37; 1934 (38) 1368; 1993 Act No. 181, Section 506.

SECTION 31-3-400. Extraterritorial powers.

In addition to its other powers, a housing authority created for a city may exercise any or all of its powers within the territorial boundaries of any other municipality not included in the territorial jurisdiction of such housing authority for the purpose of planning, undertaking, financing, constructing and operating a housing project within such municipality, if a resolution shall have been adopted (a) by the council of such municipality in which the authority is to exercise its powers and (b) by the housing authority of such municipality, if one has been theretofore established by such municipality, declaring that there is a need for the housing authority of the aforesaid city to exercise its powers within such municipality.

HISTORY: 1962 Code Section 36-121; 1952 Code Section 36-121; 1942 (42) 1742.

SECTION 31-3-410. Public hearing and findings prerequisite to exercise of extraterritorial powers.

No council of any such other municipality shall adopt a resolution as provided in Section 31-3-400 declaring that there is a need for a housing authority other than a housing authority established by such municipality to exercise its powers within such municipality unless a public hearing has first been held by the council of such municipality and the council shall have found in substantially the following terms: (a) That unsanitary or unsafe inhabited dwelling accommodations exist in such municipality or that there is a shortage of safe or sanitary dwelling accommodations in such municipality available to persons of low income at rentals they can afford and (b) that these conditions can be best remedied through the exercise of the powers of the housing authority of the city mentioned in Section 31-3-400 within the territorial boundaries of such municipality. But such findings shall not have the effect of establishing a housing authority for any such municipality under this chapter and Chapter 11 nor of thereafter preventing such municipality from establishing a housing authority or joining in the creation of a consolidated housing authority or the increase of the area of operation of a consolidated housing authority. The clerk of the municipality shall give notice of the time, place and purpose of the public hearing at least ten days prior to the date on which the hearing is to be held, in a newspaper published in such municipality or, if there is no newspaper published in such municipality, then in a newspaper published in the State and having a general circulation in such municipality. Upon the date fixed for such public hearing an opportunity to be heard shall be granted to all residents of such municipality and to all other interested persons.

HISTORY: 1962 Code Section 36-122; 1952 Code Section 36-122; 1942 (42) 1742.

SECTION 31-3-420. Consent required from housing authority having outstanding indebtedness or obligations before other housing authority may undertake project in

municipality.

During the time that a housing authority of a municipality has outstanding or is under contract to issue any evidences of indebtedness for a project within its municipality, no other housing authority may undertake a project within such municipality without the consent of such housing authority which has such outstanding indebtedness or obligation.

HISTORY: 1962 Code Section 36-123; 1952 Code Section 36-123; 1942 (42) 1742.

SECTION 31-3-430. Powers of authority vested in commissioners.

The powers of each authority shall be vested in the commissioners thereof in office from time to time.

HISTORY: 1962 Code Section 36-124; 1952 Code Section 36-124; 1942 Code Section 5271-34; 1934 (38) 1368; 1937 (40) 431; 1938 (40) 1909.

SECTION 31-3-440. General corporate powers.

Each authority created under this chapter and Chapter 11 shall be a body corporate and politic, exercising public power perpetual in duration, capable of suing and being sued in its corporate name, having a seal and having all powers necessary to carry out and effectuate the purposes and provisions of this chapter and Chapter 11 including full power and authority to enter into such agreements and contracts as it may deem advisable, to acquire, purchase, sell, own, hold, lease and operate real and personal property, to accept any grant, loan or credit of money under such conditions as it deems desirable, to borrow money upon its bonds and to secure the repayment thereof by mortgage, pledge or lien upon the property held by it and/or the revenues or income therefrom or otherwise.

HISTORY: 1962 Code Section 36-125; 1952 Code Section 36-125; 1942 Code Section 5271-39; 1934 (38) 1368.

SECTION 31-3-450. Specific powers with respect to projects, planning, and the like.

Each authority shall have the following powers in addition to others herein granted:

- (1) To investigate into living and housing conditions within its territorial limits and enter upon any building or property in order to conduct investigations or make surveys; to determine where unsanitary or substandard conditions exist within such limits; to study and make recommendations concerning the city plan in relation to the problem of clearing, replanning and reconstruction of areas and the providing of housing accommodations to persons of low income; to cooperate with any city or regional planning agency; to arrange with the city or with a government for the furnishing, planning, replanning, opening, grading or closing of streets, roads, alleys or other places or facilities or for the acquisition by the city or by a government of property, options or property rights, or for the furnishing of property or services in connection with the project; or to assume the duties of planning or zoning commissions, if such duties are delegated to it by the governing body of the city;
- (2) To acquire title to real property or personal property or any interest therein from any person by gift, grant, bequest, or devise; to purchase, lease, acquire by eminent domain, grant or otherwise, sell, exchange, transfer, assign, mortgage, encumber and otherwise dispose of any real property or personal property; to lease or rent any of the housing or other accommodations or any of the lands, buildings, structures or facilities embraced in any project and to establish and revise the rents or charges therefor;
- (3) To construct, reconstruct, alter, repair and operate projects upon any land which it may acquire and to demolish structures; and in connection therewith to enter into any contracts which it deems advisable;
- (4) To authorize the use of parts of the property of any project for stores, offices, garages, work places and commercial and community facilities appurtenant and incidental to the housing accommodations;
- (5) To cause the consolidation of any two or more projects, the extension of any project or the consolidation of any approved project with a proposed project;
- (6) To purchase, acquire or lease from the Federal Government or any agent or agency thereof any interest of the Federal Government or any agent or agency thereof in any low-cost housing or slum clearance project within the territorial jurisdiction of the authority for the purpose of completing or operating such project, to own and hold such interest so acquired, to make such commitments and enter into such agreements as the authority in its discretion sees fit and to act as agent for the Federal Government or any agent or agency thereof;
- (7) To determine in what manner any surplus income of any project shall be employed and to purchase and retire its own bonds and invest any funds held in reserve or sinking funds or otherwise not required for immediate disbursement;
- (8) To lend moneys to private individuals, firms, corporations or governments, to be used for the purpose of making repairs, improvements and additions to the borrowers' properties, provided the borrowers agree that during the period of the loan the lending housing authority shall regulate the rentals, charges, profits and income from the property to be repaired, remodeled, built or constructed with the proceeds of the loan and to take bonds or other evidences of indebtedness and mortgages from such borrowers;
- (9) To assume the duties of planning or zoning commissions if such duties are delegated to them by any government; and
- (10) To have all other powers necessary, proper, incidental or useful to carrying out any of the purposes or intendments of this chapter and Chapter 11.

HISTORY: 1962 Code Section 36-126; 1952 Code Section 36-126; 1942 Code Section 5271-39; 1934 (38) 1368.

SECTION 31-3-460. Acquisitions by purchase or eminent domain.

Whenever it is considered necessary by an authority in connection with the exercise of its powers to take or acquire any lands, structures, or buildings or other rights, either in fee or as easements for any housing or slum clearance project, the authority may purchase them directly or through its agents from the owner or it may acquire them through the exercise of the power of eminent domain.

HISTORY: 1962 Code Section 36-127; 1952 Code Section 36-127; 1942 Code Section 5271-43; 1934 (38) 1368; 1939 (41) 441; 1987 Act No. 173, Section 21.

SECTION 31-3-500. Disposition of surplus real property.

(A) Whenever an authority created pursuant to this chapter or Chapter 11 determines that real property acquired in accordance with this chapter, Chapter 10, or Chapter 11 of this title is surplus to its needs, it may so declare by resolution of its commissioners and proceed to sell the real property at public sale; provided that the sale has the prior approval of the council of the city for which the authority was created and that the approval by the council is given only after a public hearing on the proposed sale.

(B) As used in subsection (A), an authority's real estate shall not be considered "surplus to its needs" where the authority's commissioners have determined that, although the real estate is no longer needed for its original purpose, the real estate:

- (1) is suitable for use by the authority for its other purposes or programs, including any home ownership program which provides for the sale of dwellings to persons of low income; provided that the home ownership program has received the prior approval of the council of the city for which the authority was created;
- (2) is desired for use by another state or local public body for its own public projects or programs, and the authority's commissioners have determined that the real estate should be conveyed to the other public body; provided that the sale or exchange, with or without consideration, has received the prior approval of the council of the city for which the authority was created; or

(3) is permitted to be sold or exchanged by the laws of this State in the implementation of any slum clearance or redevelopment project; provided that the sale or exchange has received the prior approval of the council of the city for which the authority was created.

HISTORY: 1962 Code Section 36-127.1; 1975 (59) 580; 1998 Act No. 335, Section 1.

SECTION 31-3-510. Studies and investigations; dissemination of information.

In addition to all its other powers a housing authority may, within its area of operation, undertake and carry out studies and analyses of the housing needs and of the meeting of such needs, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting thereof, and may make the results of such studies and analyses available to the public and the building, housing and supply industries. It may also engage in research and disseminate information on the subject of housing.

HISTORY: 1962 Code Section 36-132; 1952 Code Section 36-132; 1946 (44) 1425.

SECTION 31-3-520. Power of examination; subpoenaing witnesses and production of books and records.

Each authority created under this chapter and Chapter 11 may conduct examinations, subpoena witnesses and require the attendance of witnesses and the production of books and records and may issue commissions for the examination of witnesses who are out of the jurisdiction, unable to attend before the authority or excused from attendance. An authority may delegate the powers conferred on it by this section to a committee appointed by it, consisting of one or more members of the authority, or to its counsel or any officer or employee specifically authorized by it. Any member of the authority, its counsel or any person designated by it to conduct an investigation or examination may administer oaths, take affidavits and issue subpoenas or commissions.

HISTORY: 1962 Code Section 36-133; 1952 Code Section 36-133; 1942 Code Section 5271-39; 1934 (38) 1368.

SECTION 31-3-530. Management and operation of housing projects; profits unlawful.

It is hereby declared to be the policy of this State that 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 providing decent, safe and sanitary dwelling accommodations and that no housing authority shall construct or operate any such project for profit or as a source of revenue to the city. To this end an authority shall fix the rentals for dwellings in its projects at no higher rate than it shall find 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, maintaining and operating the projects, including the cost of any insurance, and the administrative expenses of the authority and (c) to create, during not less than the six years immediately succeeding its 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.

HISTORY: 1962 Code Section 36-134; 1952 Code Section 36-134; 1942 Code Section 5271-41; 1937 (40) 431.

SECTION 31-3-540. Rental and tenant selections.

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 in the projects only to persons of low income or to persons of moderate to low income and at rentals within the financial reach of such persons;

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

HISTORY: 1962 Code Section 36-135; 1952 Code Section 36-135; 1942 Code Section 5271-42; 1937 (40) 431; 1938 (40) 1819; 1951 (47) 529; 1986 Act No. 369, Section 4.

SECTION 31-3-545. Procedures for payment of rent.

Any municipal or county housing authority shall provide for procedures whereby tenants of its property may pay their required rent in various reasonable ways, including but not limited to, payment by personal delivery or by mail.

HISTORY: 1985 Act No. 55, Section 1.

SECTION 31-3-550. Foreclosure frees projects from restrictions.

Nothing contained in this chapter and Chapter 11 shall be construed as limiting 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, free from all the restrictions imposed by this chapter and Chapter 11.

HISTORY: 1962 Code Section 36-136; 1952 Code Section 36-136; 1942 Code Section 5271-42; 1937 (40) 431; 1938 (40) 1819; 1951 (47) 529.

SECTION 31-3-560. Protection of deposits.

In order to protect funds deposited by an authority, all banks, bankers, trust companies or other persons carrying on a banking business, organized under the laws of the State, may give to the authority an undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon or, in lieu of such sureties, to deposit with the authority as collateral such securities and in such amounts as may be agreed upon with the authority pursuant to a collateral deposit agreement in form and terms satisfactory to the authority. The collateral to be deposited shall consist of securities in which savings banks may legally invest funds within their control.

HISTORY: 1962 Code Section 36-137; 1952 Code Section 36-137; 1942 Code Section 5271-53; 1934 (38) 1368.

SECTION 31-3-570. Tax exemption; 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 of 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 or the 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 such city, county or political subdivision of the improvements, services or facilities to be so furnished.

HISTORY: 1962 Code Section 36-138; 1952 Code Section 36-138; 1942 Code Section 5271-50; 1937 (40) 431.

SECTION 31-3-580. Projects subject to planning, zoning and other laws.

All 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 project is situated.

HISTORY: 1962 Code Section 36-139; 1952 Code Section 36-139; 1942 Code Section 5271-44; 1934 (38) 1368.

SECTION 31-3-590. Provisions affecting other public bodies not applicable.

No provisions with respect to the acquisition, operation or disposition of property by public bodies other than those contained in this chapter and Chapter 11 shall be applicable to an authority.

HISTORY: 1962 Code Section 36-140; 1952 Code Section 36-140; 1942 Code Section 5271-44; 1934 (38) 1368.

SECTION 31-3-600. Books and records.

An authority shall keep its books and records in such forms as may be prescribed by, or as shall be satisfactory to, the mayor and such books and records shall be open for inspection at any hour during any business day by any representative of the mayor or council. The accounts of the authority shall be kept in such manner that they shall show at all times the income from and all sums chargeable against each project. The authority shall on or before January thirty-first in each year after the year of its creation make a report to the mayor and the council, in such form and setting forth such information with respect to its financial condition and its activities during the preceding calendar year and during the entire period from its creation as the mayor or the council shall require. Each authority shall make such further reports as may from time to time be required by the mayor or the council.

HISTORY: 1962 Code Section 36-141; 1952 Code Section 36-141; 1942 Code Section 5271-51; 1934 (38) 1368.

ARTICLE 7

County Housing Authorities

SECTION 31-3-710. Counties empowered to create housing authorities.

In each county of the State there may be created in the manner herein provided a public body corporate and politic to be known as the housing authority of the county.

HISTORY: 1962 Code Section 36-181; 1952 Code Section 36-181; 1942 Code Section 5271-54; 1934 (38) 1368; 1935 (39) 500; 1937 (40) 267.

SECTION 31-3-720. Resolution of legislative delegation required for creation of authority.

Such an authority may be created by the legislative delegation of such county adopting a resolution declaring that there is need for such a housing authority to function in such county. Such declaration shall be made by such legislative delegation for such county in the same manner and subject to the same conditions as the declaration of a city council required by Section 31-3-320 for the purpose of establishing a housing authority of a city except that the petition referred to in Section 31-3-320 shall be signed by twenty-five residents of such county.

HISTORY: 1962 Code Section 36-182; 1952 Code Section 36-182; 1942 Code Section 5271-54; 1934 (38) 1368; 1935 (39) 500; 1937 (40) 267.

SECTION 31-3-730. Functions, rights, powers, duties, and liabilities of authorities.

The housing authorities of the counties shall, within their territorial jurisdiction as herein defined, have all of the functions, rights, powers, duties and liabilities provided in this chapter and Chapter 11 for housing authorities in cities, and the provisions of this chapter and Chapter 11 shall, within the territorial jurisdiction of such housing authorities of the counties, apply to the housing authorities of the counties in the same manner and to the same extent as this chapter and Chapter 11 applies to the housing authorities created in cities.

HISTORY: 1962 Code Section 36-183; 1952 Code Section 36-183; 1942 Code Section 5271-54; 1934 (38) 1368; 1935 (39) 500; 1937 (40) 267.

SECTION 31-3-740. Delegation and Senator authorized to perform functions of council and mayor.

As to the housing authorities of the counties the legislative delegation of the county in which such authority is situated may perform the acts herein required or permitted by this chapter and Chapter 11 to be performed by a council for the housing authority of a city and the Senator of such county may perform such acts as are required or permitted by this chapter and Chapter 11 to be performed by the mayor of such city.

HISTORY: 1962 Code Section 36-184; 1952 Code Section 36-184; 1942 Code Section 5271-54; 1934 (38) 1368; 1935 (39) 500; 1937 (40) 267.

SECTION 31-3-750. Territorial jurisdiction.

The territorial jurisdiction of a housing authority of a county shall be coterminous with the boundaries of the county in which such authority is situated but shall not include that portion of the county within the territorial jurisdiction of any housing authority of a city. But notwithstanding the provisions of this section the director may extend the territorial jurisdiction of a housing authority of a city over territory contiguous thereto, including territory included within the territorial jurisdiction of the housing authority of a county, and such extension of the territorial jurisdiction of a housing authority of a city and limitation of the territorial jurisdiction of the housing authority of the county affected thereby shall not be deemed to conflict with the housing authority of the county within the meaning of Section 31-3-390 unless a housing project shall have been constructed or acquired or the director shall determine that such a project is about to be constructed or acquired by the housing authority of such county within the territory proposed to be included within the territorial jurisdiction of the housing authority of the city.

HISTORY: 1962 Code Section 36-185; 1952 Code Section 36-185; 1942 Code Section 5271-54; 1934 (38) 1368; 1935 (39) 500; 1937 (40) 267; 1993 Act No. 181, Section 507.

SECTION 31-3-760. Territorial jurisdiction of authority may include city.

But the territorial jurisdiction of a housing authority of a county shall include the territorial jurisdiction of any housing authority of a city if a resolution is adopted by the council of the city, and also by the housing authority of the city if it shall have been theretofore established, declaring, as provided in Section 31-3-400, that there is a need for the county housing authority to exercise its powers within such city.

HISTORY: 1962 Code Section 36-186; 1952 Code Section 36-186; 1942 (42) 1742.

SECTION 31-3-770. Creation of authority in excluded county.

At any time after a county is excluded from the area of operation of a regional housing authority as provided in Sections 31-3-1060 to 31-3-1080 the legislative delegation of any such county may adopt a resolution declaring that there is a need for a housing authority in the county, if the legislative delegation shall find such need in the manner required by this chapter for a county housing authority to function. Thereupon a public body corporate and politic to be known as the housing authority of the county shall exist for such county and may transact business and exercise its powers. Nothing contained herein shall be construed as preventing such county from thereafter being included within the area of operation of a regional housing authority as provided in this chapter.

HISTORY: 1962 Code Section 36-187; 1952 Code Section 36-187; 1942 (42) 1742.

SECTION 31-3-780. Performance of functions of legislative delegation, council, and mayor in county which has withdrawn from regional housing authority.

In any county which has withdrawn from a regional housing authority to establish a county authority pursuant to this article, the county council or board which constitutes the governing body of the county shall exercise the powers and perform the duties prescribed for city councils and mayors in Article 5 of this chapter, and perform the functions of the legislative delegation and Senators prescribed in Sections 31-3-720, 31-3-740 and 31-3-770.

ARTICLE 9

Regional Housing Authorities

SECTION 31-3-910. Creation of regional housing authorities.

If the legislative delegation of each of two or more contiguous counties by resolution declares that there is a need for one housing authority to be created for all of such counties to exercise in such counties the powers and other functions prescribed for a regional housing authority, a public body corporate and politic to be known as a regional housing authority shall thereupon exist for all of such counties and exercise its powers and other functions in such counties and thereupon each county housing authority created for each of such counties shall cease to exist except for the purpose of winding up its affairs and executing a deed to the regional housing authority as herein provided. A regional housing authority may select any appropriate corporate name.

HISTORY: 1962 Code Section 36-201; 1952 Code Section 36-201; 1942 Code Section 5271-55; 1940 (41) 1687; 1942 (42) 1742.

SECTION 31-3-920. Effect of outstanding obligations of county housing authority upon creation of regional housing authority.

The legislative delegation of a county shall not adopt a resolution as aforesaid if there is a county housing authority created for such county which has any obligations outstanding unless (a) all obligees of such county housing authority and parties to contracts, bonds, notes and other obligations of such county housing authority consent in writing to the substitution of such regional housing authority in lieu of such county housing authority on all such contracts, bonds, notes or other obligations and (b) the commissioners of such county housing authority adopt a resolution consenting to the transfer of all the rights, contracts, obligations and property, real and personal, of such county housing authority to such regional housing authority as herein provided.

HISTORY: 1962 Code Section 36-202; 1952 Code Section 36-202; 1942 Code Section 5271-55; 1940 (41) 1687; 1942 (42) 1742.

SECTION 31-3-930. Findings prerequisite to creation of regional housing authority.

The legislative delegation of each of two or more contiguous counties shall by resolution declare that there is a need for one regional housing authority to be created for all of such counties to exercise powers and other functions herein prescribed in such counties only if each such legislative delegation finds (a) that in the area of its county there are unsanitary or unsafe inhabited dwelling accommodations or there is a shortage of safe and sanitary dwelling accommodations available to persons of low income at rentals they can afford and (b) that a regional housing authority would be a more efficient or economical administrative unit than a housing authority of such county to carry out the purposes of the Housing Authorities Law in such county. In determining whether dwelling accommodations are unsafe or unsanitary such legislative delegation may take into consideration the safety and sanitation of dwellings, 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 cause. Each such resolution shall be sufficient if it declares that there is a need for the regional housing authority and finds in substantially the foregoing terms (no further detail being necessary) that the conditions enumerated in (a) and (b) exist.

HISTORY: 1962 Code Section 36-203; 1952 Code Section 36-203; 1942 Code Section 5271-55; 1940 (41) 1687.

SECTION 31-3-940. Resolutions conclusive as to establishment; certificate as evidence thereof.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the regional housing authority, such authority shall be conclusively deemed to have become created as a public body corporate and politic and established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution declaring the need for such authority by the legislative delegation of each of the counties within such authority.

A certificate stating that such resolution has been adopted shall be admissible in evidence in any suit, action or proceeding.

HISTORY: 1962 Code Section 36-204; 1952 Code Section 36-204; 1942 Code Section 5271-55; 1940 (41) 1687.

SECTION 31-3-950. Effect of creation of regional housing authority on rights, contracts, agreements, obligations, and property of county housing authority.

When the conditions prescribed in Section 31-3-920 are complied with and such regional housing authority is created and authorized to exercise its powers and other functions, all rights, contracts, agreements, obligations and property of any existing county housing authority included in the regional housing authority shall be in the name of and vest in such regional housing authority, all obligations of such county housing authority shall be the obligations of such regional housing authority and all rights and remedies of any person against such county housing authority may be asserted, enforced and prosecuted against such regional housing authority to the same extent as they might have been asserted, enforced and prosecuted against such county housing authority. When any real property of a county housing authority vests in a regional housing authority as provided above, the county housing authority shall execute a deed to such property to the regional housing authority which thereupon shall file such deed in the office provided for the filing of deeds but any failure so to do shall not affect the vesting of such property in the regional housing authority as provided above.

HISTORY: 1962 Code Section 36-205; 1952 Code Section 36-205; 1942 Code Section 5271-55; 1940 (41) 1687; 1942 (42) 1742.

SECTION 31-3-960. Appointment of commissioners.

The senator of each county included in a regional housing authority shall appoint one person as a commissioner of such authority and each such commissioner to be first appointed by the senator of a county may be appointed at or after the time of the adoption of the resolution declaring the need of such regional housing authority or declaring the need for the inclusion of such county in the area of operation of such regional housing authority. When the area of operation of a regional housing authority is increased to include an additional county or counties as herein provided, the senator of each such county shall thereupon appoint one additional person as a commissioner of the regional housing authority. The senator of each county shall appoint the successor of the commissioner appointed by him or by any senator preceding him in office. If any county is excluded from the area of operation of a regional housing authority, the office of the commissioner of such regional housing authority appointed by the senator of such county shall be thereupon abolished. If the area of operation of a regional housing authority consists at any time of an even number of counties, the commissioners of the regional housing authority appointed by the senators of such counties shall appoint not less than one nor more than three persons as commissioners of the authority created for the region. At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority. However, there shall be no requirement to appoint such a person if the authority (1) operates less than three hundred public housing units, (2) provides reasonable notice to the resident advisory board, if applicable, of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and (3) within a reasonable time after receipt of the notice by the resident advisory board, has not been notified of the intention of any such person to serve. The person directly assisted by the authority shall be appointed unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority.

No commissioner who is also a person directly assisted by the public housing authority shall be qualified to vote on matters affecting his official conduct or matters affecting his own individual tenancy, as distinguished from matters affecting tenants in general. No more than one third of the members of any housing authority commission shall be tenants of the authority or recipients of housing assistance through any program operated by the authority.

The commissioners of such authority appointed by the senators of such counties shall likewise appoint each person to succeed such additional commissioner; provided, that the term of office of such person begins during the terms of office of the commissioners appointing him.

HISTORY: 1962 Code Section 36-206; 1952 Code Section 36-206; 1942 Code Section 5271-56; 1940 (41) 1687; 1942 (42) 1742; 1999 Act No. 50, Section 3.

SECTION 31-3-970. Qualifications of commissioners.

No commissioner may be an officer or employee of a county. Nothing herein contained shall prevent the appointment of any person as a commissioner of the authority

who resides within the territorial jurisdiction of the authority or within any additional area in which the authority is authorized to undertake a housing project and who is otherwise eligible for such appointment under this chapter and Chapter 11 and the State Constitution.

HISTORY: 1962 Code Section 36-207; 1952 Code Section 36-207; 1942 Code Section 5271-56; 1940 (41) 1687; 1942 (42) 1742; 1972 (57) 2516.

SECTION 31-3-980. Terms of office of commissioners.

(A) The commissioners of a regional housing authority appointed by the senators shall be appointed for terms of five years except that all vacancies shall be filled for the unexpired terms. The term of office of a commissioner appointed by the other commissioners when the area of operation of the authority consists of an even number of counties shall be as herein provided for a commissioner appointed by a senator, except that such term shall end at any earlier time that the area of operation of the regional housing authority shall be changed to consist of an odd number of counties. Each commissioner shall hold office until his successor has been appointed and has qualified, except as otherwise provided herein.

(B) The term of the commissioner who is directly assisted by the authority shall continue as long as he remains as an assisted resident.

HISTORY: 1962 Code Section 36-208; 1952 Code Section 36-208; 1942 Code Section 5271-56; 1940 (41) 1687; 1942 (42) 1742; 1999 Act No. 50, Section 4.

SECTION 31-3-990. Removal of commissioners.

(A) For inefficiency, neglect of duty, or misconduct in office, a commissioner of a regional housing authority may be removed by the senator of the county appointing him or, in the case of the commissioner appointed by the commissioners of the regional housing authority, by such commissioners. A commissioner of a regional housing authority may be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel.

(B) The commissioner who is directly assisted by the authority must remain as an assisted resident in order to continue service on the board of commissioners. In the event that the commissioner who is directly assisted by the authority vacates the assisted housing unit or is evicted from the assisted housing unit, he shall be automatically removed from the board of commissioners with no opportunity to be heard or to contest the removal.

HISTORY: 1962 Code Section 36-209; 1952 Code Section 36-209; 1942 Code Section 5271-56; 1940 (41) 1687; 1999 Act No. 50, Section 5.

SECTION 31-3-1000. Quorum; right to hold and location of meetings.

A majority of the commissioners of a regional housing authority shall constitute a quorum of such authority for the purpose of organizing the authority and conducting the business thereof. Nothing contained in this chapter and Chapter 11 shall be construed to prevent meetings of the commissioners of a housing authority anywhere within the perimeter boundaries of the area of operation or territorial jurisdiction of the authority or within any additional area in which the authority is authorized to undertake a housing project.

HISTORY: 1962 Code Section 36-210; 1952 Code Section 36-210; 1942 Code Section 5271-56; 1940 (41) 1687; 1942 (42) 1742.

SECTION 31-3-1010. Area of operation.

The area of operation of a regional housing authority shall include, except as otherwise provided in this chapter and Chapter 11, all of the counties for which such regional housing authority is created and established. But such area of operation shall not include any portion of any county which lies within the territorial boundaries of any city until a resolution is adopted by the council of the city and also by the housing authority of the city if it shall have been theretofore established declaring, as provided in Section 31-3-400, that there is need for the regional housing authority to exercise its powers within such city.

HISTORY: 1962 Code Section 36-211; 1952 Code Section 36-211; 1942 Code Section 5271-57; 1940 (41) 1687; 1942 (42) 1742.

SECTION 31-3-1020. Increase of area of operation.

The area of operation of a regional housing authority shall be increased from time to time to include one or more additional contiguous counties, except any portion thereof within a city until a resolution or resolutions are adopted by the council and the housing authority, if there be one, of such city, as provided in Section 31-3-1010, not already within a regional housing authority if the legislative delegation of each of the counties then included in the area of operation of such regional housing authority, the commissioners of the authority and the legislative delegation of each such additional county or counties each adopt a resolution declaring that there is a need for the inclusion of such additional county or counties in the area of operation of such authority. Upon the adoption of such resolutions the county housing authority created for any such additional county shall cease to exist except for the purpose of winding up its affairs and executing a deed to the regional housing authority as herein provided.

HISTORY: 1962 Code Section 36-212; 1952 Code Section 36-212; 1942 (42) 1742.

SECTION 31-3-1030. Consent of county housing authority having outstanding obligations required as prerequisite to increase of area of operation.

Such resolutions shall not be adopted if there is a county housing authority created for any such additional county which has any obligations outstanding unless (a) all obligees of such county housing authority and parties to the contracts, bonds, notes and other obligations of any such authority consent in writing to the substitution of such regional housing authority in lieu of such county housing authority on all such contracts, bonds, notes or other obligations and (b) the commissioners of such county housing authority adopt a resolution consenting to the transfer of all the rights, contracts, obligations and property, real and personal, of such county housing authority to such regional housing authority as herein provided.

HISTORY: 1962 Code Section 36-213; 1952 Code Section 36-213; 1942 (42) 1742.

SECTION 31-3-1040. Findings prerequisite to increase of area of operation.

The legislative delegation of each of the counties in the regional housing authority, the commissioners of the regional housing authority and the legislative delegation of each such additional county or counties shall by resolution declare that there is a need for the inclusion of such additional county or counties in the area of operation of the regional housing authority only if (a) the legislative delegation of each such additional county or counties finds that unsanitary or unsafe inhabited dwelling accommodations exist in such county or there is a shortage of safe and sanitary dwelling accommodations in such county available to persons of low income at rentals they can afford and (b) the legislative delegation of each of the counties then included in the area of operation of the regional housing authority, the commissioners of the regional housing authority and the legislative delegation of each such additional county or counties find that the regional housing authority would be a more efficient or economical administrative unit to carry out the purposes of this chapter and Chapter 11 if the area of operation of the regional housing authority is increased to include such additional county or counties.

In determining whether dwelling accommodations are unsafe or unsanitary the legislative delegation of a county shall take into consideration the safety and sanitation of dwellings, the light and air space available to the inhabitants of such dwellings, the degree of overcrowding, the size and arrangement of the rooms and the extent to which conditions exist in such dwellings which endanger life or property by fire or other causes.

HISTORY: 1962 Code Section 36-214; 1952 Code Section 36-214; 1942 (42) 1742.

SECTION 31-3-1050. Effect of increase of area of operation on property, obligations, and the like of county authority.

When the conditions prescribed by Section 31-3-1030 are complied with and the area of operation of such regional housing authority is increased to include an additional county all rights, contracts, agreements, obligations and property of the county housing authority, if there be one, shall be in the name of and vest in such regional housing authority, all obligations of such county housing authority shall be the obligations of such regional housing authority and all rights and remedies of any

person against such county housing authority may be asserted, enforced and prosecuted against such regional housing authority to the same extent as they might have been asserted, enforced and prosecuted against such county housing authority.

When any real property of a county housing authority vests in a regional authority as provided above, the county housing authority shall execute a deed of such property to the regional authority which thereupon shall file such deed in the office provided for the filing of deeds but any failure so to do shall not affect the vesting of such property in the regional housing authority as provided above.

HISTORY: 1962 Code Section 36-215; 1952 Code Section 36-215; 1942 (42) 1742.

SECTION 31-3-1060. Decrease of area of operation.

The area of operation of a regional housing authority shall be decreased from time to time to exclude one or more counties from such area if the legislative delegation of each of the counties in such area and the commissioners of the regional housing authority each adopt a resolution declaring that there is a need for excluding such county or counties from such area.

HISTORY: 1962 Code Section 36-216; 1952 Code Section 36-216; 1942 (42) 1742.

SECTION 31-3-1070. Consent of all holders of evidences of indebtedness prerequisite to decrease of area of operation.

No action may be taken pursuant to Section 31-3-1060 if the regional housing authority has outstanding any bonds, notes or other evidences of indebtedness unless all holders of such evidences of indebtedness consent in writing to such action.

HISTORY: 1962 Code Section 36-217; 1952 Code Section 36-217; 1942 (42) 1742.

SECTION 31-3-1080. Findings prerequisite to decrease of area of operation.

The legislative delegation of each of the counties in the area of operation of the regional housing authority and the commissioners of the regional housing authority shall adopt a resolution declaring that there is a need for excluding a county or counties from such area if (a) each such legislative delegation of the counties to remain in the area of operation of the regional housing authority and the commissioners of the regional housing authority find that, because of facts arising or determined subsequent to the time when such area first included the county or counties to be excluded, the regional housing authority would be a more efficient or economical administrative unit to carry out the purposes of this chapter and Chapter 11 if such county or counties were excluded from such area and (b) the legislative delegation of each such county or counties to be excluded and the commissioners of the regional housing authority each also find that, because of the aforesaid changed facts, the purposes of this chapter and Chapter 11 could be carried out more effectively or economically in such county or counties if the area of operation of the regional housing authority did not include such county or counties.

In determining whether dwelling accommodations are unsafe or unsanitary the legislative delegation of a county shall take into consideration the safety and sanitation of dwellings, the light and air space available to the inhabitants of such dwellings, the degree of overcrowding, the size and arrangement of the rooms and the extent to which conditions exist in such dwellings which endanger life or property by fire or other causes.

HISTORY: 1962 Code Section 36-218; 1952 Code Section 36-218; 1942 (42) 1742.

SECTION 31-3-1090. Withdrawal of county from regional housing authority and creation of county housing authority; notice and hearing.

In addition to the procedure for decreasing the counties participating in regional housing authorities prescribed in this article, any county with a population of more than fifty thousand, according to the latest official United States census, which is a participant in a regional housing authority may, subject to the conditions prescribed in Sections 31-3-1100 and 31-3-1110, by a resolution of the governing body of such county, withdraw from the regional authority and create a county housing authority, pursuant to Article 7 of this chapter; provided, however, that prior to a decision to withdraw from the regional authority, the governing body of the county shall:

(1) Give notice in writing to the United States Department of Housing and Urban Development and to the regional authority of its intention to withdraw, specifying the time and place of a public hearing to be held on the question; and

(2) Conduct a public hearing not sooner than thirty days after such notice, at which the regional authority and others may present evidence to establish that the county seeking to withdraw from the regional authority is obligated by bonds, notes or other evidence of indebtedness for projects or other activities of the regional authority within the county seeking to withdraw or that the regional authority owns real property in the county.

HISTORY: 1962 Code Section 36-218.1; 1969 (56) 662.

SECTION 31-3-1100. Circumstances precluding withdrawal of county from regional housing authority; assumption of share of obligations of regional authority.

If it is determined at the hearing that the regional authority owns real property in the county seeking to withdraw, such county shall not withdraw from the regional authority. If it is determined that the regional authority has conducted other activities within the boundaries of the county for which it is determined indebtedness is outstanding; or that the regional authority has acquired no real property in the county, but is obligated to perform activities within the county by reason of an executory contract; or that the regional authority is obligated by forms of indebtedness which cannot be identified with its projects at any particular location or locations and which were incurred as a result of activities performed without regard to situs, the county authority may be established with corporate powers provided in Article 7 of this chapter after a finding that the regional authority owns no real property in the county, but the county authority shall have no territorial jurisdiction to operate within the county until it has, by resolution, assumed the county's proportionate share of such indebtedness or such contractual obligation. The county authority's resolution shall also provide for assumption of existing obligations which may be disclosed in the future. The county authority shall assume obligations incurred by the regional authority without regard to situs in the proportion that the population of the county bears to the total population of all of the counties in the regional authority based on the latest United States census, or in case of obligations identifiable with activities conducted within the county, the entire obligation shall be assumed for those activities conducted within the territory of the county.

HISTORY: 1962 Code Section 36-218.2; 1969 (56) 662.

SECTION 31-3-1110. Assumption of obligations by county of regional authority disclosed subsequent to withdrawal.

If any county withdraws from a regional authority under the provisions of Sections 31-3-1090 and 31-3-1100, and it is subsequently determined by a court of competent jurisdiction that the county was, in fact, identified with any aggregate obligation or indebtedness of the regional authority for funds expended prior to its withdrawal from the region, which was not disclosed prior to withdrawal from the regional authority, the county housing authority shall thereupon assume its proportionate share of such aggregate obligation, but only in the manner and to the extent such obligation would apply to the county as a member of the regional authority.

Any county withdrawing from a regional authority pursuant to Sections 31-3-1090 and 31-3-1100 shall not be subject to the provisions of Sections 31-3-1060, 31-3-1070 and 31-3-1080.

HISTORY: 1962 Code Section 36-218.3; 1969 (56) 662.

SECTION 31-3-1120. Effect when area of operation is decreased to one county.

If such action decreases the area of operation of the regional housing authority to only one county, such authority shall thereupon constitute and become a housing authority for such county, in the same manner as though such authority were thereupon authorized to transact business and exercise its powers pursuant to other provisions of this chapter and Chapter 11 and the commissioners of such authority shall be thereupon appointed as provided for the appointment of commissioners of a housing authority created for a county.

HISTORY: 1962 Code Section 36-219; 1952 Code Section 36-219; 1942 (42) 1742.

SECTION 31-3-1130. Disposition of property in excluded county.

Any property held by a regional housing authority within a county excluded from the area of operation of such authority, as herein provided, shall, as soon as practicable after the exclusion of such county, be disposed of by such authority in the public interest.

HISTORY: 1962 Code Section 36-220; 1952 Code Section 36-220; 1942 (42) 1742.

SECTION 31-3-1140. Hearings prerequisite to creation or change of regional housing authority.

The legislative delegation of a county shall not adopt any resolution authorized by Sections 31-3-910, 31-3-1020 or 31-3-1060 and 31-3-1080 unless a public hearing has first been held. The legislative delegation of such county shall give notice of the time, place and purpose of the public hearing at least ten days prior to the day on which the hearing is to be held, in a newspaper published in the county or, if there is no newspaper in the county, then in a newspaper published in the State and having a general circulation in the county. Upon the date fixed for such public hearing an opportunity to be heard shall be granted to all residents of such county and to all other interested persons.

HISTORY: 1962 Code Section 36-221; 1952 Code Section 36-221; 1942 (42) 1742.

SECTION 31-3-1150. Functions, rights, powers, and duties of regional housing authority.

A regional housing authority shall have all of the functions, rights, powers and duties provided for housing authorities created for cities and counties. The provisions of this chapter and Chapter 11 shall apply to a regional housing authority in the same manner and to the same extent as such provisions are applicable to a housing authority created for a city or county, and the term "authority" or "housing authority" as used in such provisions shall be construed as including "regional housing authority," unless a different meaning clearly appears from the context.

HISTORY: 1962 Code Section 36-222; 1952 Code Section 36-222; 1942 Code Section 5271-57; 1940 (41) 1687.

SECTION 31-3-1160. Books, records, and accounts open to inspection; reports.

A regional housing authority shall have its books, records and accounts open for inspection at any hour during any business day by any representative of the Senator or legislative delegation of any county included in the territorial jurisdiction of such authority. Such authority shall on or before January thirty-first in each year after the year of its creation make a report to the Senators and legislative delegations of the counties in the territorial jurisdiction of such authority with respect to its financial condition and its activities.

HISTORY: 1962 Code Section 36-223; 1952 Code Section 36-223; 1942 Code Section 5271-56; 1940 (41) 1687.

ARTICLE 11

Consolidated Housing Authorities

SECTION 31-3-1310. Construction of terms in provisions relating to regional housing authorities.

For the purposes of this article, the following words and phrases, when used in the provisions of this chapter applicable to regional housing authorities, shall be construed as follows, unless a different meaning is clearly required by the context:

- (1) "Legislative delegation" shall be construed to mean "council";
- (2) "Senator" shall be construed to mean "mayor";
- (3) "County" shall be construed to mean "municipality";
- (4) "County housing authority" shall be construed to mean "housing authority of the city"; and
- (5) "Regional housing authority" shall be construed to mean "consolidated housing authority."

HISTORY: 1962 Code Section 36-234; 1952 Code Section 36-234; 1942 (42) 1742.

SECTION 31-3-1320. Creation of consolidated housing authority.

If the council of each of two or more municipalities, whether or not contiguous, by resolution declares that there is a need for one housing authority to be created for all of such municipalities to exercise in such municipalities the powers and other functions prescribed for a housing authority, a public body corporate and politic to be known as a consolidated housing authority, with such corporate name as it selects, shall thereupon exist for all of such municipalities and exercise its powers and other functions within its area of operation, including the power to undertake projects therein. Thereupon each housing authority, if any, created for each of such municipalities shall cease to exist except for the purpose of winding up its affairs and executing a deed of its real property to the consolidated housing authority.

HISTORY: 1962 Code Section 36-231; 1952 Code Section 36-231; 1942 (42) 1742.

SECTION 31-3-1330. Prerequisite to creation.

The council of a municipality for which a housing authority has not been created shall not adopt the resolution required as a prerequisite to the establishment of a consolidated housing authority unless it first declares that there is a need for a housing authority to function in the municipality and such declaration shall be made in the same manner and subject to the same conditions as the declaration of the council of a city required by Section 31-3-320 for the purpose of creating a housing authority for the city.

HISTORY: 1962 Code Section 36-232; 1952 Code Section 36-232; 1942 (42) 1742.

SECTION 31-3-1340. Applicability of provisions governing regional housing authorities.

The creation of a consolidated housing authority and the finding of need therefor shall be subject to the same provisions and limitations of this chapter as are applicable to the creation of a regional housing authority and all of the provisions of this chapter applicable to regional housing authorities and the commissioners thereof shall be applicable to consolidated housing authorities and the commissioners thereof.

HISTORY: 1962 Code Section 36-233; 1952 Code Section 36-233; 1942 (42) 1742.

SECTION 31-3-1350. Area of operation.

The area of operation of a consolidated housing authority shall include all of the territory within the boundaries of each municipality joining in the creation of such authority, except that such area of operation may be changed to include or exclude any municipality or municipalities in the same manner and under the same provisions as provided in this chapter for changing the area of operation of a regional housing authority by including or excluding a county or counties.

HISTORY: 1962 Code Section 36-235; 1952 Code Section 36-235; 1942 (42) 1742.

SECTION 31-3-1360. Functions, rights, powers, and the like of authority.

Except as otherwise provided herein, a consolidated housing authority and the commissioners thereof shall, within the area of operation of such consolidated housing authority, have the same functions, rights, powers, duties, privileges, immunities and limitations as those provided for housing authorities created for cities, counties or groups of counties and the commissioners of such housing authorities, in the same manner as though all the provisions of law applicable to housing authorities created for cities, counties or groups of counties were applicable to consolidated housing authorities.

HISTORY: 1962 Code Section 36-236; 1952 Code Section 36-236; 1942 (42) 1742.

ARTICLE 13

Loans, Grants, Bonds, and Other Financial Matters

SECTION 31-3-1510. Loans or grants from Federal agencies.

Each authority created under this chapter and Chapter 11 may apply for, receive and expend without limitation as to amount and under such regulations and conditions as it may deem desirable or may be prescribed by the United States or any agent or agency thereof of any moneys lent, granted or otherwise made available by any corporation or agency of the United States created or authorized under the laws of the United States.

HISTORY: 1962 Code Section 36-151; 1952 Code Section 36-151; 1942 Code Section 5271-39; 1934 (38) 1368.

SECTION 31-3-1520. Provisions in contracts with United States.

In any contract or amendatory or superseding contract for a loan and annual contributions entered into between a housing authority and the Federal Government, or any agency thereof, with respect to any housing project undertaken by such housing authority, any such housing authority may make such covenants, including covenants with holders of obligations of the authority issued for purposes of the projects involved, with and confer upon the Federal Government, or any agency thereof, such rights and remedies as the housing authority deems necessary to assure the fulfillment of the purposes for which the project was undertaken. In any contract with the Federal Government for annual contributions to an authority, the authority may obligate itself to convey to the Federal Government possession of, or title to, the project to which such contract relates upon the occurrence of a substantial default, as defined in such contract, with respect to the covenants or conditions to which the authority is subject and such obligation shall be specifically enforceable and shall not constitute a mortgage, any other provision of law to the contrary notwithstanding. Such contract may further provide that in case of such conveyance the Federal Government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract. But any such contract shall require that, as soon as practicable after the Federal Government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall reconvey to the authority the project as then constituted.

HISTORY: 1962 Code Section 36-152; 1952 Code Section 36-152; 1942 (42) 1742; 1951 (47) 529.

SECTION 31-3-1530. Agreement limiting powers in connection with governmental loans or grants.

In connection with any loan or grant by a government, an authority may agree to limitations upon the exercise of any powers conferred upon the authority by this chapter and Chapter 11.

HISTORY: 1962 Code Section 36-153; 1952 Code Section 36-153; 1942 Code Section 5271-39; 1934 (38) 1368.

SECTION 31-3-1540. Minimum wages and maximum hours.

A housing authority may, notwithstanding anything to the contrary contained in this chapter and Chapter 11 or in any other provision of law, agree to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages, payment of not less than prevailing salaries or wages or compliance with labor standards in the development or administration of projects, and include in any contract let in connection with a project a stipulation requiring that the contractor and any subcontractors comply with the requirements as to minimum salaries or wages and maximum hours of labor and any other conditions which the Federal Government may have attached to its financial aid of the project.

HISTORY: 1962 Code Section 36-154; 1952 Code Section 36-154; 1942 Code Section 5271-40; 1937 (40) 431; 1951 (47) 529.

SECTION 31-3-1550. Agreements for supervision and control of project by State or Federal Government.

An authority may, in connection with the borrowing of funds or otherwise, enter into any agreement with the State or Federal Government or any agency or subdivision thereof providing for supervision and control of the authority of any project and containing such other covenants, terms and conditions as the authority may deem advisable.

HISTORY: 1962 Code Section 36-155; 1952 Code Section 36-155; 1942 Code Section 5271-44; 1934 (38) 1368.

SECTION 31-3-1560. Issuance of bonds; security therefor.

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. An authority may issue such types of bonds as it may determine, including bonds on 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 or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenue or a mortgage of any housing project, projects or other property of the authority.

HISTORY: 1962 Code Section 36-156; 1952 Code Section 36-156; 1942 Code Section 5271-45; 1937 (40) 431.

SECTION 31-3-1570. Terms of bonds; negotiability.

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per cent per annum, be in such denomination or 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 payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution and the trust indenture or mortgage may provide. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter and Chapter 11 shall be fully negotiable.

HISTORY: 1962 Code Section 36-157; 1952 Code Section 36-157; 1942 Code Section 5271-46; 1937 (40) 431; 1938 (40) 1819.

SECTION 31-3-1580. Provisions of bonds, trust indentures, and mortgages.

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, in addition to its other powers, may:

- (1) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence;
- (2) Mortgage all or any part of 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 contained in this chapter and Chapter 11, as to the rents and fees to be charged in the operation of a housing project and 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 and maintenance of any or all of its real or personal property the replacement thereof, 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 and covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall 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;
- (15) 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 and vest in a trustee or trustees the right, in the event of a default by the 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 the trustee;
- (16) Provide for the powers and duties of a trustee or trustees and limit the liabilities thereof and 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; and
- (17) Exercise all or any part or combination of the powers herein granted, make covenants other than and in addition to the covenants herein expressly authorized, of like or different character and make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of the authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

HISTORY: 1962 Code Section 36-158; 1952 Code Section 36-158; 1942 Code Section 5271-47; 1937 (40) 431.

SECTION 31-3-1590. Covenant as to extent of area of operation.

In connection with the issuance of bonds or the incurring of other obligations, a regional housing authority may covenant as to limitations on its right to adopt resolutions relating to the increase or decrease of its area of operation.

HISTORY: 1962 Code Section 36-159; 1952 Code Section 36-159; 1942 (42) 1742.

SECTION 31-3-1600. Effect of recital in bond of purpose of issuance.

In any suit, action or proceeding involving the validity or enforceability of any bonds 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 accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and such project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter and Chapter 11.

HISTORY: 1962 Code Section 36-160; 1952 Code Section 36-160; 1942 Code Section 5271-46; 1937 (40) 431; 1938 (40) 1819.

SECTION 31-3-1610. Tax exemption of bonds, notes, etc.

Bonds, notes, debentures and other evidences of indebtedness of an authority are declared to be issued for a public purpose and to be public instrumentalities and, together with interest thereon, shall be exempt from taxes.

HISTORY: 1962 Code Section 36-161; 1952 Code Section 36-161; 1942 Code Section 5271-52; 1934 (38) 1368.

SECTION 31-3-1620. Sale of bonds.

The bonds of an authority may be sold at public or private sale at not less than par.

HISTORY: 1962 Code Section 36-162; 1952 Code Section 36-162; 1942 Code Section 5271-46; 1937 (40) 431; 1938 (40) 1819.

SECTION 31-3-1630. Bonds or other obligations as investments.

Notwithstanding any restrictions on investments contained in any laws of this State, the State and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority pursuant to this chapter and Chapter 11 or issued by any public housing authority or agency in the United States when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States Government or any agency thereof. Such bonds and other obligations shall be authorized security for all public deposits.

But nothing contained in this section shall be construed as relieving any person from any duty of exercising reasonable care in selecting securities.

HISTORY: 1962 Code Section 36-163; 1952 Code Section 36-163; 1942 Code Section 5271-91; 1939 (41) 329.

SECTION 31-3-1640. Validity of bond signed by commissioner or officer leaving office before delivery.

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before

the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery.

HISTORY: 1962 Code Section 36-164; 1952 Code Section 36-164; 1942 Code Section 5271-46; 1937 (40) 431; 1938 (40) 1819.

SECTION 31-3-1650. Personal liability on bonds; bonds shall not constitute "indebtedness".

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. The bonds and other obligations of an authority (and the bonds and obligations shall so state on their face) shall not be a debt of the city, the county, the State or any political division or subdivision thereof and neither the city, the county, nor the State or any political division or 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. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

HISTORY: 1962 Code Section 36-165; 1952 Code Section 36-165; 1942 Code Section 5271-45; 1937 (40) 431.

SECTION 31-3-1660. Remedies of obligee of housing authority.

An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(1) By mandamus, suit, action or proceeding at law or in equity to compel the authority and the commissioners, officers, agents or employees thereof 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 to require the carrying out of any or all such covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this chapter and Chapter 11; and

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

HISTORY: 1962 Code Section 36-166; 1952 Code Section 36-166; 1942 Code Section 5271-48; 1937 (40) 431.

SECTION 31-3-1670. Additional remedies conferrable on obligee.

An authority may by its resolution, trust indenture, mortgage, lease or other contract 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 any such 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 who may enter and take possession of such 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 a separate account or accounts and apply them in accordance with the obligations of the authority as the court shall direct; and

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

HISTORY: 1962 Code Section 36-167; 1952 Code Section 36-167; 1942 Code Section 5271-49; 1937 (40) 431.

SECTION 31-3-1680. Debt insurance.

A housing authority may, notwithstanding anything to the contrary contained in this chapter and Chapter 11 or in any other provision of law, procure or agree to the procurement of insurance or guarantees from the Federal Government of the payment of any debts or parts thereof incurred by the authority and may pay the premium on any such insurance.

HISTORY: 1962 Code Section 36-168; 1952 Code Section 36-168; 1942 Code Section 5271-40; 1937 (40) 431.

SECTION 31-3-1690. Relationship with State Fiscal Accountability Authority.

No authority shall be required to offer its securities to the State Fiscal Accountability Authority at any time nor shall any authority be required to turn over any surplus of sinking funds to said authority.

HISTORY: 1962 Code Section 36-169; 1952 Code Section 36-169; 1942 Code Section 5271-44; 1934 (38) 1368; 1950 (46) 3605.

Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

ARTICLE 15

Housing in Rural Areas

SECTION 31-3-1810. Housing authorities empowered to provide housing for low income families in rural areas.

Any housing authority which has rural areas under its jurisdiction may undertake the provision of housing for families of low income in such rural areas and may comply with any conditions, not inconsistent with the purposes of this chapter and Chapter 11, required by the Federal Government pursuant to Federal law in any contract for financial assistance with the authority concerning such undertakings.

HISTORY: 1962 Code Section 36-251; 1952 Code Section 36-251; 1942 Code Section 5271-58; 1940 (41) 1687; 1951 (47) 529.