

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1498

By: Floyd

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5
6 AS INTRODUCED

7 An Act relating to housing authority; amending 63
8 O.S. 2021, Section 1061, which relates to the power
9 of authority; modifying certain public hearing and
10 finding requirement to exclude governing body of the
11 authority; updating statutory references; updating
12 statutory language; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1061, is
15 amended to read as follows:

16 Section 1061. Every authority shall have all powers necessary
17 or convenient to carry out and effectuate the purposes and
18 provisions of ~~this act~~, Section 1051 et seq. of this title including
19 the following powers in addition to others herein specifically
20 granted:

21 (a) To sue and to be sued; to have a seal and to alter the same
22 at pleasure; to have perpetual succession; to make and execute
23 contracts and other instruments necessary or convenient to the
24 exercise of the powers of the authority; and to make and from time
25 to time amend and repeal bylaws, rules, and regulations.

1 (b) Within its area of operation: to prepare, carry out, and
2 operate projects and to provide for the acquisition, construction,
3 reconstruction, improvement, extension, alteration, or repair of any
4 project or any part thereof. Provided, however, that a public
5 hearing to consider a proposed project requiring construction,
6 purchasing, leasing, or renting of more than twenty new housing
7 units shall be held ~~together~~ by the authority ~~and governing body,~~
8 and any such project must be found to be in the public interest by a
9 majority of the members constituting ~~said~~ the authority ~~and a~~
10 ~~majority of the members constituting said governing body~~ as a
11 condition precedent to the implementation of any such project.
12 Notice of the public hearing required by this provision shall be
13 given by publication in a newspaper of general circulation within
14 the jurisdiction of the authority at least ten (10) days and not
15 more than thirty (30) days prior to ~~said~~ the hearing; provided that
16 an additional public hearing shall be held by the authority before
17 the same shall select any location for any contiguous or
18 noncontiguous area of land on which the authority proposes to
19 construct more than twenty additional new housing units, and ~~such~~
20 the hearing shall have as its subject the location of the proposed
21 additional units. Notice of the public hearing required by this
22 provision shall be given in a newspaper of general circulation
23 within the jurisdiction of the authority at least ten (10) days and
24 not more than thirty (30) days prior to ~~said~~ the hearing and three

1 members of the Commission must concur in the selection of any ~~such~~
2 location, except that the aforesaid proviso concerning an additional
3 public hearing shall not apply to a location in an approved urban
4 renewal project area.

5 (c) To undertake and carry out studies and analyses of housing
6 needs within its area of operation and ways of meeting ~~such~~ needs,
7 including data with respect to population and family groups and the
8 distribution thereof according to income groups, the amount and
9 quality of available housing, and its distribution according to
10 rental and sale prices, employment, wages, and other factors
11 affecting the local housing needs and the meeting thereof, and to
12 make the results of such studies and analyses available to the
13 public and the building, housing, and supply industries; and to
14 engage in research and disseminate information on housing and slum
15 clearance.

16 (d) To utilize, contract with, act through, assist, and
17 cooperate or deal with any person, agency, institution, or
18 organization, public or private, for the provision of services,
19 privileges, works, or facilities for or in connection with its
20 projects; and, notwithstanding anything to the contrary contained in
21 ~~this act~~ Section 1051 et seq. of this title or in any other
22 provision of law, to agree to any conditions attached to federal
23 financial assistance relating to the determination of prevailing
24 salaries or wages or payment of not less than prevailing salaries or

1 wages or compliance with labor standards, in the development or
2 administration of projects, and to include in any contract awarded
3 or entered into in connection with a project stipulations requiring
4 that the contractor and all subcontractors comply with requirements
5 as to minimum salaries or wages and maximum hours of labor, and
6 comply with any conditions attached to the financial aid of the
7 project. Construction, restitution, improvement, extension,
8 alteration, or major repair of any project or any part thereof shall
9 be open to competitive bidding: provided, however, nothing in this
10 section shall prevent a local housing authority from requesting
11 proposals from property owners and/or developers to provide certain
12 kinds of housing to the housing authority either presently existing
13 or to be developed; provided, that the local authority establish
14 safeguards relating to laws and regulations of the United States
15 wherein the same has entered into contracts with the authority to
16 provide financial assistance in acquiring the same; provided,
17 further, that no authority shall discriminate in its seeking, or in
18 the award, of any contract for services, acquisition of real or
19 personal property, construction of buildings, dwelling units,
20 streets, utilities, site grading, landscaping, and repairs to any of
21 its holdings or upon property that the authority plans to acquire,
22 to include renovations, solely based on the race, sex, color,
23 religious beliefs, or national origin of a person or firm; except an
24 Indian authority may give preference in its awarding of a contract

1 in all forms so long as the services to be performed, or the
2 construction of buildings, dwellings, site improvements, repairs, or
3 renovation is to be performed or carried out on a federally
4 recognized tribal reservation or former reservations and only then
5 upon land held in trust by, or owned by, the respective Indian
6 tribe; and provided, further, that all previously listed
7 restrictions and regulations concerning public hearings and
8 locations of ~~said~~ the projects are complied with in their entirety.

9 (e) To lease, rent, sell, or lease with option to purchase any
10 dwelling, accommodations, lands, buildings, structures, or
11 facilities embraced in any project and, subject to the limitations
12 contained in ~~this act~~ Section 1051 et seq. of this title with
13 respect to the rental of or charges for dwellings in housing
14 projects, to establish and revise the rents or charges therefor; to
15 own, hold, and improve real or personal property; to purchase,
16 lease, obtain options upon, acquire by gift, grant, bequest, devise,
17 or otherwise any real or personal property or any interest therein;
18 to acquire by the exercise of the power of eminent domain any real
19 property or interest therein; to sell, lease, exchange, transfer,
20 assign, pledge, or dispose of any real or personal property or any
21 interest therein; provided, however, that before any ~~such~~ personal
22 property shall be sold it shall be advertised for sale in a
23 newspaper of general circulation within the jurisdiction of the
24 authority, and ~~such~~ the advertisement shall state the time and place

1 where written bids shall be received, or public auction shall be
2 held, that ~~such~~ the property shall be sold to the highest bidder,
3 and that the authority may, within its discretion, reject all bids
4 and readvertise ~~such~~ the property for sale in the event any
5 property, real or personal, acquired by the authority, by eminent
6 domain or otherwise, is later found to be in excess of its needs, or
7 unsuitable or ~~unuseable~~ unusable for any reason, ~~such~~ the property
8 shall, before being sold, leased, exchanged, transferred, assigned,
9 pledged, or disposed of in any other manner, be first offered to
10 those persons, individuals, groups, organizations, corporations,
11 municipalities, or their successors from whom it was first procured
12 by the authority, at the same price as paid by the authority at the
13 time of acquiring same, and except that lands acquired by the
14 authority may be sold to other governmental agencies for public
15 purposes, as long as ~~such~~ the parcel of land does not exceed one
16 percent (1%) of the total land held by the authority and the sale is
17 made within ninety (90) days of ~~the effective date of this act~~ April
18 25, 1969; to make loans for the provisions of housing for occupancy
19 by persons of low income; to insure or provide for the insurance of
20 any real or personal property or operations of the authority against
21 any risks or hazards; to procure or agree to the procurement of
22 government insurance or guarantees of the payment of any bonds or
23 parts thereof issued by the authority, including the power to pay
24 premiums on any ~~such~~ insurance; provided, however, that

1 notwithstanding any provisions in this law, the authority may
2 develop programs for the sale of individual homes and/or two-family
3 units to low income families or to families who have at one time
4 qualified as low income families under ~~this act~~ Section 1051 et seq.
5 of this title, under terms which the housing authority may establish
6 under conditions acceptable to bondholders, other lenders, and the
7 federal government.

8 (f) To invest any funds held in reserves or sinking funds or any
9 funds not required for immediate disbursement in property or
10 securities in which public funds in the custody of a county
11 treasurer or the State Treasurer ~~of the State of Oklahoma~~ may be
12 legally invested; to redeem its bonds at the redemption price
13 established therein or to purchase its bonds at less than such
14 redemption price, all bonds so redeemed or purchased to be
15 cancelled.

16 (g) Within its area of operation: to determine where slum areas
17 exist or where there is unsafe, unsanitary, or overcrowded housing;
18 to make studies and recommendations relating to the problem of
19 clearing, replanning, and reconstruction of slum areas and the
20 problem of eliminating unsafe, unsanitary, or overcrowded housing
21 and providing dwelling accommodations for persons of low income; and
22 to cooperate with the state or any state public body in action taken
23 in connection with ~~such~~ those problems. Provided, however, the
24 authority shall not have the power to relocate any persons to other

1 areas until housing has been provided for ~~such~~ those persons under
2 ~~this act~~ Section 1051 et seq. of this title.

3 (h) Acting through one or more commissioners or other persons
4 designated by the authority: to conduct examinations and
5 investigations and to hear testimony and take proof under oath at
6 public hearings on any matter material for its information; to
7 administer oaths, issue subpoenas requiring the attendance of
8 witnesses or the production of books and papers, and to issue
9 commissions for the examination of witnesses who are outside of the
10 state or unable to attend before the authority, or excused from
11 attendance; to make available to appropriate agencies, including
12 those charged with the duty of abating or requiring the correction
13 of nuisances or like conditions or of demolishing unsafe or
14 unsanitary structures within its area of operation, its findings and
15 recommendations with regard to any building or property where
16 conditions exist which are dangerous to the public health, morals,
17 safety, or welfare.

18 (i) To exercise all or any part or combination of powers herein
19 granted.

20 The powers of an authority shall not include: (1) the power to
21 appropriate funds of a city or county; (2) the power to levy taxes
22 and assessments; (3) the power to zone or rezone; or (4) the power
23 to make exceptions to zoning ordinances or building regulations of a
24 city or county.

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No provision by law with respect to the acquisition, operation,
or disposition of property by other public bodies shall be
applicable to an authority unless the Legislature shall specifically
so state.

SECTION 2. This act shall become effective November 1, 2022.

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