

1 **SENATE FLOOR VERSION**

2 April 6, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2861

By: Wallace of the House

5 and

6 Hall of the Senate

7
8 An Act relating to the Oklahoma Housing Authority
9 Act; amending 63 O.S. 2021, Section 1054, which
10 relates to Act definitions; broadening definition;
11 providing criteria; and providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1054, is
14 amended to read as follows:

15 Section 1054. The following terms, wherever used or referred to
16 in this act, shall have the following respective meanings, unless a
17 different meaning clearly appears from the context:

18 (a) "Authority" means any public body corporate and politic
19 created by this act.

20 (b) "City" means any incorporated city or town in the state.
21 "County" means any county in the state.

22 (c) "Governing body" means, in the case of a city, the council
23 or other governing body of the city in which is vested legislative
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1 authority customarily imposed on the city council, and, in the case
2 of a county, the board of county commissioners.

3 (d) "Mayor" means the mayor of the city or the officer thereof
4 charged with the duties customarily imposed on the mayor or
5 executive head of a city.

6 (e) "Clerk" means the city clerk or the county clerk, as the
7 case may be.

8 (f) "Area of operation" means:

9 (1) in the case of an authority of a city, the city and the
10 area within one (1) mile of the territorial boundaries thereof,
11 except that the area of operation of an authority of any city shall
12 not include any area which lies within the territorial boundaries of
13 some other city;

14 (2) in the case of an authority of a county, all of the county
15 for which it is created: Provided, that a county authority shall not
16 undertake any project within the boundaries of any city unless a
17 resolution shall have been adopted by the governing body of the city
18 and by any authority which shall have been theretofore established
19 and authorized to exercise its powers in the city declaring that
20 there is need for the county authority to exercise its powers within
21 that city. No authority shall operate in any area in which an
22 authority already established is operating without the consent by
23 resolution of the authority already operating therein;

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1 (3) in the case of an active duly certified city housing
2 authority, exclusively for projects utilizing American Rescue Plan
3 Act (ARPA) funds, State and Local Recovery Fund (SLRF) funds, in the
4 case of an authority of a city or of a county, and only for a period
5 of time beginning on the effective date of this act and ending on
6 December 31, 2026, anywhere within the geographical boundaries of
7 this state; until such projects are completed, provided such city
8 housing authority has consulted with the city, such county or
9 counties, and all other active and duly certified city and county
10 housing authorities, if any, where such project or projects are
11 located.

12 (g) "Federal government" includes the United States of America,
13 the Public Housing Administration, or any other agency or
14 instrumentality, corporate or otherwise, of the United States of
15 America.

16 (h) "Slum" means any area where dwellings predominate which by
17 reason of dilapidation, overcrowding, faulty arrangement or design,
18 lack of ventilation, light, or sanitary facilities, or any
19 combination of these factors, are detrimental to safety, health and
20 morals.

21 (i) "Housing project" or "project" means any work or
22 undertaking on contiguous or noncontiguous sites:

23 (1) to demolish, clear, or remove buildings from any slum
24 area;

1 (2) to provide or assist in providing (by any suitable method,
2 including but not limited to: rental; sale of individual units in
3 single or multifamily structures under conventional, condominium, or
4 cooperative sales contract; lease-purchase agreement; loans; or
5 subsidizing of rentals or charges) decent, safe and sanitary urban
6 or rural dwellings, apartments, or other living accommodations for
7 persons of low income; or

8 (3) to accomplish a combination of the foregoing. Such work or
9 undertaking may include buildings, land, equipment, facilities, and
10 other real or personal property for necessary, convenient or
11 desirable appurtenances; streets, sewers, water service, utilities,
12 parks, site preparation, and landscaping; and facilities for
13 administrative, community, health, recreational, welfare, or other
14 purposes. The term "housing project" or "project" also may be
15 applied to the planning of the buildings and improvements, the
16 acquisition of property or any interest therein, the demolition of
17 existing structures, the construction, reconstruction,
18 rehabilitation, alteration or repair of the improvements and all
19 other work in connection therewith; and the term shall include all
20 other real and personal property and all tangible or intangible
21 assets held or used in connection with the housing project.

22 (j) "Persons of low income" shall mean persons or families who
23 lack the amount of income which is necessary (as determined by the
24 authority undertaking the housing project) to enable them, without

1 financial assistance, to live in decent, safe and sanitary
2 dwellings, without overcrowding, however, the local housing
3 authority shall not exceed the guidelines in establishing incomes
4 set forth by the Department of Housing and Urban Development.

5 (k) "Bonds" means any bonds, notes, interim certificates,
6 debentures, or other obligations issued by an authority pursuant to
7 this act.

8 (l) "Real property" includes all lands, including improvements
9 and fixtures thereon, and property of any nature appurtenant
10 thereto, or used in connection therewith, and every estate, interest
11 and right, legal or equitable, therein including terms for years.

12 (m) "Obligee of an authority" or "obligee" includes any
13 bondholder, agent or trustee for any bondholder, or lessor demising
14 to the authority property used in connection with a project, or any
15 assignee or assignees of such lessor's interest or any part thereof,
16 and the federal government when it is a party to any contract with
17 the authority.

18 (n) "Persons engaged in national defense activities" means
19 persons in the Armed Forces of the United States; employees of the
20 Department of Defense; and workers engaged or to be engaged in
21 activities connected with national defense. The term also includes
22 the families of the persons, employees, and workers who reside with
23 them.

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1 (o) "Major disaster" means any flood, drought, fire, hurricane,
2 tornado, earthquake, storm, or other catastrophe which, in the
3 determination of the governing body, is of sufficient severity and
4 magnitude to warrant the use of available resources of the federal,
5 state, and local governments to alleviate the damage, hardship, or
6 suffering caused thereby.

7 (p) "State public body" means any city, county, municipal
8 corporation, commission, district, authority, agency, subdivision,
9 or public body of the state.

10 SECTION 2. This act shall become effective November 1, 2023.

11 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
12 April 6, 2023 - DO PASS

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