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SENATE BILL 5802

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State of Washington

54th Legislature

1995 Regular Session

By Senators Fraser and Sellar

Read first time 02/07/95. Referred to Committee on Government Operations.

1 AN ACT Relating to housing authorities; and amending RCW 35.82.040  
2 and 35.82.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.82.040 and 1965 c 7 s 35.82.040 are each amended to  
5 read as follows:

6 When the governing body of a city adopts a resolution ((as  
7 aforesaid)) declaring that there is a need for a housing authority, it  
8 shall promptly notify the mayor of such adoption. Upon receiving such  
9 notice, the mayor shall appoint five persons as commissioners of the  
10 authority created for ((said)) the city. When the governing body of a  
11 county adopts a resolution ((as aforesaid, said body)) declaring that  
12 there is a need for a housing authority, it shall appoint five persons  
13 as commissioners of the authority created for ((said)) the county. The  
14 commissioners who are first appointed shall be designated to serve for  
15 terms of one, two, three, four and five years, respectively, from the  
16 date of their appointment, but thereafter commissioners shall be  
17 appointed ((as aforesaid)) for a term of office of five years except  
18 that all vacancies shall be filled for the unexpired term. No  
19 commissioner of an authority may be an officer or employee of the city

1 or county for which the authority is created, unless the commissioner  
2 is an employee of a separately elected county official other than the  
3 county governing body in a county with a population of less than one  
4 hundred seventy-five thousand as of the 1990 federal census, and the  
5 total government employment in that county exceeds forty percent of  
6 total employment. A commissioner shall hold office until ~~((his))~~ a  
7 successor has been appointed and has qualified, unless sooner removed  
8 according to this chapter. A certificate of the appointment or  
9 reappointment of any commissioner shall be filed with the clerk and  
10 such certificate shall be conclusive evidence of the due and proper  
11 appointment of such commissioner. A commissioner shall receive no  
12 compensation for his or her services for the authority, in any  
13 capacity, but he or she shall be entitled to the necessary expenses,  
14 including traveling expenses, incurred in the discharge of his or her  
15 duties.

16 The powers of each authority shall be vested in the commissioners  
17 thereof in office from time to time. Three commissioners shall  
18 constitute a quorum of the authority for the purpose of conducting its  
19 business and exercising its powers and for all other purposes. Action  
20 may be taken by the authority upon a vote of a majority of the  
21 commissioners present, unless in any case the bylaws of the authority  
22 shall require a larger number. The mayor (or in the case of an  
23 authority for a county, the governing body of the county) shall  
24 designate which of the commissioners appointed shall be the first  
25 ~~((chairman))~~ chair of the commission and he or she shall serve in the  
26 capacity of ~~((chairman))~~ chair until the expiration of his or her term  
27 of office as commissioner. When the office of the ~~((chairman))~~ chair  
28 of the authority ~~((thereafter))~~ becomes vacant, the authority shall  
29 select a ~~((chairman))~~ chair from among its commissioners. An authority  
30 shall select from among its commissioners a vice ~~((chairman))~~ chair,  
31 and it may employ a secretary (who shall be executive director),  
32 technical experts and such other officers, agents and employees,  
33 permanent and temporary, as it may require, and shall determine their  
34 qualifications, duties and compensation. For such legal services as it  
35 may require, an authority may call upon the chief law officer of the  
36 city or the county or may employ its own counsel and legal staff. An  
37 authority may delegate to one or more of its agents or employees such  
38 powers or duties as it may deem proper.

1       **Sec. 2.** RCW 35.82.130 and 1991 c 167 s 2 are each amended to read  
2 as follows:

3       An authority shall have power to issue bonds from time to time in  
4 its discretion, for any of its corporate purposes. An authority shall  
5 also have power to issue refunding bonds for the purpose of paying or  
6 retiring bonds previously issued by it. An authority may issue such  
7 types of bonds as it may determine, including (without limiting the  
8 generality of the foregoing) bonds on which the principal and interest  
9 are payable: (1) Exclusively from the income and revenues of the  
10 housing project financed with the proceeds of such bonds; (2)  
11 exclusively from the income and revenues of certain designated housing  
12 projects whether or not they are financed in whole or in part with the  
13 proceeds of such bonds; or (3) from all or part of its revenues or  
14 assets generally. Any such bonds may be additionally secured by a  
15 pledge of any grant or contributions from the federal government or  
16 other source, or a pledge of any income or revenues of the authority,  
17 or a mortgage of any housing project, projects or other property of the  
18 authority. Any pledge made by the authority shall be valid and binding  
19 from the time when the pledge is made (~~(and recorded)~~); the revenues,  
20 moneys, or property so pledged and thereafter received by the authority  
21 shall immediately be subject to the lien of the pledge without any  
22 physical delivery thereof or further act, and the lien of any such  
23 pledge shall be valid and binding as against all parties having claims  
24 of any kind in tort, contract, or otherwise against the authority,  
25 irrespective or whether the parties have notice thereof. (~~The~~  
26 ~~resolution and any other instrument by which a pledge is created shall~~  
27 ~~be filed or recorded.~~)

28       Neither the commissioners of an authority nor any person executing  
29 the bonds shall be liable personally on the bonds by reason of the  
30 issuance thereof. The bonds and other obligations of an authority (and  
31 such bonds and obligations shall so state on their face) shall not be  
32 a debt of the city, the county, the state or any political subdivision  
33 thereof and neither the city or the county, nor the state or any  
34 political subdivision thereof shall be liable thereon, nor in any event  
35 shall such bonds or obligations be payable out of any funds or  
36 properties other than those of (~~said~~) the authority. The bonds shall  
37 not constitute an indebtedness within the meaning of any constitutional  
38 or statutory debt limitation or restriction. Bonds of an authority are  
39 declared to be issued for an essential public and governmental purpose

1 and to be public instrumentalities and, together with interest thereon  
2 and income therefrom, shall be exempt from taxes. Nothing in this  
3 section shall prevent an authority from issuing bonds the interest on  
4 which is included in gross income of the owners thereof for income tax  
5 purposes.

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