

ORDINANCE 886

AN ORDINANCE ADOPTED BY THE CITY OF CENTRAL CITY, NEBRASKA TO AMEND CHAPTER 1, ARTICLE 16 OF THE MUNICIPAL CODE, HOUSING AUTHORITY BOARD; TO PROVIDE FOR AN EFFECTIVE DATE.

Section 1) That Chapter 1, Article 16 of the Municipal Code of the City of Central City be amended to read as follows:

ARTICLE XVI - HOUSING AGENCY BOARD

SECTION 1-1601: HOUSING AGENCY COMMISSIONERS

The Housing Agency of the City shall consist of five members who shall constitute the Housing Agency Board and such persons shall be called the commissioners. Each of such commissioners shall be appointed for a five-year term or until his/her successor is duly appointed. Each commissioner's term shall be staggered so that not more than one commissioner's term shall expire in any one year. In the event of the resignation, removal from the area of operation, or death of any commissioner, such commissioner's unexpired term shall be filled by the mayor with the confirmation of the City Council. Commissioners shall receive no compensation for their duties.

Three commissioners shall constitute a quorum of the Housing Agency for purposes of conducting its business, exercising its powers and for all other purposes. Action may be taken by the Agency upon the vote of the majority of the commissioners present, unless in any case the by-laws of the Agency shall require a larger number. The commissioners shall elect a chairperson and vice-chairperson from among the commissioners and shall have the power to employ an executive director who shall serve as ex officio secretary for the Agency. The Agency may also employ legal counsel or it may call upon the chief law officer or the City for such services as it may require. It may employ technical experts and such other officers, agents and employees as it may require and shall determine their qualifications, duties, compensations and terms of office. The Agency may delegate such other powers and duties to its agents or employees as it may deem proper. During his/her tenure, and for one year thereafter, no commissioner, officer or employee of the Housing Agency shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any housing project. If any such commissioner, officer or employee involuntarily

acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer or employee, he/she shall immediately disclose his/her interest in writing to the Agency, and he/she shall not participate in any action by the Agency relating to the property or contract in which he/she has any interest; provided, that nothing herein shall apply to the acquisition of any interest in notes or bonds of the Agency issued in connection with any housing project, or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency. Furthermore, all commissioners shall be subject to the same disclosure and accountability guidelines and regulations as any City Council Member. The mayor may remove a commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The mayor shall send a notice of removal to such commissioner which notice shall contain a statement containing the charges against him/her. Unless within ten days from the receipt of such notice such commissioner files with the city clerk a request for a hearing before the City Council, the commissioner shall be deemed as removed from office. If a request for a hearing is filed with the city clerk, the City Council shall hold a hearing at which the commissioner shall have the right to appear in person or by counsel, and the City Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the commissioner shall continue to hold his/her position. The Housing Agency shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report to the City Council on all such information.

SECTION 1-1602: DEFINITIONS

Except as otherwise specifically provided, the definitions and terms set out in the Nebraska Statutes relating to Housing Authorities under the Nebraska Housing Agency Law are hereby adopted by reference as they now exist or may hereafter be amended.

SECTION 1-1603: OPERATIONS AND MANAGEMENT

The Agency shall at all times observe the following duties with respect to rentals and tenant selection:

1. It may rent or lease dwelling accommodations therein only to persons of low income, elderly or handicapped persons of low income, and displaced persons in need.

2. There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, religion, color, creed, national origin or ancestry.
3. The Agency shall not accept any person as a tenant in any dwelling in the housing project if the applicant has an annual income which equals or exceeds the amount which the Agency has conclusively determined to be sufficient to enable one to secure safe, sanitary and uncongested dwelling accommodations within the area served by the Agency and to provide an adequate standard of living.
4. The Agency may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.
5. The Agency shall fix income limits for occupancy and rents after taking into consideration (a) the family size, composition, age, physical handicaps, and other facts which might affect the rent-paying ability of the person; (b) the economic factors which affect the financial stability and solvency of the project.
6. The Agency may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or persons remain as tenants of the Agency for more than a period of six months unless such persons also qualify as persons or low income, elderly, or handicapped persons of low income.
7. All persons of low income, elderly, or handicapped persons of low income, or displaced persons in need, shall be entitled to the benefits of this article and the Agency may establish rules and regulations consistent with the purpose of this article concerning eligibility and occupancy of the housing project or such other shelter.
8. Nothing herein shall prohibit the right of the Agency to inquire into the financial condition, family composition, medical, personal and employment history of any tenant or prospective tenant.
9. The Agency shall prohibit subletting by tenants.

SECTION 1-1604: RULES AND REGULATIONS

The Housing Agency may establish from time to time rules and regulations

consistent with the purposes of this article concerning the priority of eligible applicants for occupancy. The Agency may give preferential treatment to applicants who are servicemen or veterans, relatives of servicemen or veterans, to disabled servicemen or veterans, the elderly or disabled, those in urgent need of adequate housing or who have no adequate source of income; provided that in any such system of priority, displaced persons in need shall have a priority ahead of all other persons; and provided further, no tenant in good standing then in occupancy and qualified for continued occupancy shall have his/her tenancy terminated in order to provide dwelling units for classes or categories of applicants as the Agency may establish.

SECTION 1-1605: REPORTS

The Housing Agency shall keep an accurate account of all its activities and of all its receipts and disbursements and shall prepare an annual report summarizing the Agency's activities. The report shall be filed with the City Clerk prior to March 1 of the following year.

Section 2) That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 3) That this ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form according to law.

PASSED AND APPROVED this 10th day of July, 2006.

City of Central City
Merrick County, Nebraska

BY: _____
Clayton Erickson, Mayor

ATTEST:

David Rish, City Clerk