

ORDINANCE NO. 3436

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 36, CHANDLER CITY CODE; RELATING TO LOW COST HOUSING AND REDEVELOPMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Chandler has a Public Housing Annual Contributions Contract with the U.S. Department of Housing and Urban Development (HUD) and also has housing assistance payments contracts with HUD under Section 8 of the U.S. Housing Act of 1937; and,

WHEREAS, federal statutes and regulations require that any municipality or public housing authority having such contracts with HUD must have a governing board for the federal public housing and Section 8 tenant-based rental assistance programs it administers that includes at least one resident member, and that satisfaction of this requirement must be shown in the public entity's Public Housing Annual Plan; and,

WHEREAS, the City's Public Housing Annual Plan must be adopted by the aforementioned governing board in early April 2003, and the Plan sent to HUD by April 15, 2003;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I: That Chapter 36, Chandler City Code, is hereby amended to read as follows:

36-1. Housing and Redevelopment Committee.

There is hereby established the Housing and Redevelopment Committee which shall consist of seven (7) members appointed by the Mayor, subject to approval of the Chandler City Council. Such members shall be citizens and electors of the City. In addition, at all times, at least one (1) Committee member shall be the resident commission member of the Chandler Public Housing Authority Commission (*see* Section 36-5 below) and at least one (1) other member shall be a resident of the City's redevelopment area.

36-1.1. Terms of office. The members of the Committee shall serve for staggered terms of three (3) years each, provided however, a member shall continue to serve until a successor has been duly appointed and qualified. No member of the Housing and Redevelopment Committee shall serve more than two (2) consecutive terms on this Committee, however, a member may be re-appointed after the lapse of three (3) years from the end of the previous term.

36-1.2. Powers and duties. The Housing and Redevelopment Committee shall serve as an Advisory Committee to the Chandler City Council and to the Chandler Public Housing Authority Commission. The powers and duties of the Housing and Redevelopment Committee shall be:

- A. To advise the Commission on the administration, operation and management of federal public housing programs and Section 8 tenant-based rental assistance programs administered by the City;

- B. To advise the City Council on the administration, operation and management of any non-federal public housing, rental assistance or low cost housing programs administered by the City;
- C. To advise the City Council on the development of all City housing projects as defined in A.R.S. Section 36-1401;
- D. To recommend the annual allocation of community development block grant funds to the City Council;
- E. To advise the City Council on matters relating to the welfare of the City's low and moderate income citizens;
- F. Such other powers and/or duties as may from time to time be approved by the City Council.

36-1.3. Officers and staff. The Housing and Redevelopment Committee shall elect its own officers at the first meeting in May of each year. No officer elected by the Committee shall serve in the same capacity for more than two (2) consecutive one-year terms. The Housing and Redevelopment Manager or a designee shall staff said Committee.

36-2. Housing and Redevelopment Division.

There is hereby established the Housing and Redevelopment Division of the Planning and Development Department which shall implement the federal public housing programs and Section 8 tenant-based rental assistance programs administered by the City in accordance with directions from the Chandler Public Housing Authority Commission, the City Manager and the provisions of applicable law, and which shall implement any non-federal public housing, rental assistance or low cost housing programs administered by the City in accordance with directions from the Chandler City Council, the City Manager and the provisions of applicable law.

36-3. Low Cost Housing Projects.

There is within the City of Chandler a shortage of safe affordable housing and therefore the City does and intends to exercise all of the powers and authority granted to the City in A.R.S. Title 36, Chapter 12.

36-4. Grants, Loans and Bonds.

Effort shall be made to obtain Federal and State grants, loans or other available Federal or State funds to assist in the provision of adequate housing for City residents.

36-5. Chandler Public Housing Authority Commission.

There is hereby established the Chandler Public Housing Authority Commission, which shall consist of eight (8) members. Each member of the Chandler City Council, while rightfully holding office as a council member or as mayor, shall automatically serve as a member of the Commission. The eighth member of the Commission shall be the resident commission member, who shall be appointed by the Mayor, subject to approval of the Chandler City Council.

36-5.1. Resident commission member eligibility. A person who is a citizen and elector of the City is eligible to be a resident commission member if the person: (a) is directly assisted by the federal public housing or rental assistance programs administered by the City, either by being a resident of a City public housing project or by being a recipient of housing assistance in the City's tenant-based Section 8 program; (b) is expressly named in the lease for City public housing or for City administered Section 8 housing; and (c) is eighteen (18) years of age or older.

36-5.2. Resident commission member term. The resident commission member shall serve a term of three (3) years, provided, however, a member shall continue to serve until a successor has been duly appointed and qualified. The resident commission member shall serve no more than two (2) consecutive terms on the PHA Commission, but may be re-appointed after the lapse of three (3) years from the end of the previous term. A resident commission member who ceases to be directly assisted by the federal public housing or rental assistance programs administered by the City may complete his or her current term on the Commission, but shall not be re-appointed to any additional term as the resident commission member. The resident commission member shall not hold any other office or employment with the City, except for serving as a member of the Housing and Redevelopment Committee.

36-5.3. Resident commission member duties. The resident commission member is a full member of the Commission and shall take part in decisions related to the administration, operation, and management the federal public housing or rental assistance programs administered by the City, including the City's Section 8 tenant-based rental assistance programs. The resident commission member may not be excluded from participating in any matter before the Commission on the grounds that the resident commission member's lease for City public housing, or the resident commission member's status as a public housing resident or recipient of Section 8 tenant-based assistance, either results or may result in a conflict of interest, unless the matter is clearly applicable to the resident commission member only in a personal capacity and applies uniquely to that member and not generally to residents or to a subcategory of residents.

36-5.4. PHA Commission power & duties. The Chandler Public Housing Authority Commission shall be the final governing authority for matters related to the administration, operation and management of the federal public housing and rental assistance programs administered by the City. The powers and duties of the Commission shall be:

- A. To administer, operate and manage the federal public housing programs and rental assistance programs administered by the City;
- B. To, within its area of operation, exercise the specific powers enumerated in A.R.S. Section 36-1403, except as otherwise reserved herein or by applicable law to the Chandler City Council;
- C. To adopt rules and procedures not inconsistent with this Code or applicable law for the conduct of its business;
- D. To perform such other duties as may from time to time be approved by the Chandler City Council.

36-5.5. PHA Commission limitations. The Commission's authority is limited to those matters enumerated above. More specifically, the Commission:

- A. Has no authority in matters that involve non-federal types of housing assistance (such as State financed housing assistance);
- B. Has no authority in matters that do not involve housing assistance;
- C. May not levy or impose any tax or other assessment against the taxpayers of the City of Chandler;
- D. May not borrow money, issue bonds or acquire real property through the exercise of eminent domain.

36-5.6. Officers, bylaws, voting, staffing. The Mayor shall designate which of the commissioners shall be chairman and vice-chairman, respectively. The Commission may adopt bylaws that may, among other things, set forth the time and place of meetings and such operating procedures as may be desired. A majority of the authorized members of the Commission constitutes a quorum for all purposes. If a meeting of the Commission is duly noticed and a quorum is present, action may be taken by the Commission on a vote of a majority of the commissioners present. The Housing and Redevelopment Manager or a designee shall staff the Commission.

SECTION II: That the resident of the City's public housing developments currently serving as a member of the Housing and Redevelopment Committee shall serve as the resident member of the Chandler Public Housing Authority Commission until the resident's term on the Committee expires.

SECTION III: That, whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, life and property of the City of Chandler, an emergency is hereby declared to exist, to wit: the establishment of a residence member on the governing body for the federal public housing and rental assistance programs administered by the City prior to the scheduled approval of the City's Public Housing Annual Plan to be submitted to HUD, and this ordinance shall be in full force and effect

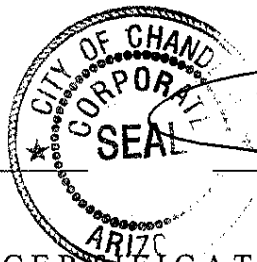
SECTION II: That the resident of the City's public housing developments currently serving as a member of the Housing and Redevelopment Committee shall serve as the resident member of the Chandler Public Housing Authority Commission until the resident's term on the Committee expires.

SECTION III: That, whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, life and property of the City of Chandler, an emergency is hereby declared to exist, to wit: the establishment of a residence member on the governing body for the federal public housing and rental assistance programs administered by the City prior to the scheduled approval of the City's Public Housing Annual Plan to be submitted to HUD, and this ordinance shall be in full force and effect from and after the passage, adoption and approval by the Mayor and Council of the City of Chandler, and it is hereby exempt from the referendum provisions of the Constitution and the laws of the State of Arizona.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 27th day of March 2003.

ATTEST:

Marla Paddech
CITY CLERK



[Signature]
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3436 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 27th day of March 2003, and that the vote was 7 ayes, and 0 nays.

Marla Paddech
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

PUBLISHED:

TRIBUNE