

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 322

(By Mr. Hudson and Mr. Casey)



PASSED March 8, 1941

In Effect ninety days from Passage

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House Bill No. 322

(BY MR. HUDSON AND MR. CASEY)

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AN ACT to authorize cities, towns, villages, counties and other public bodies to aid projects of housing authorities or of the United States of America by conveying or dedicating property, by furnishing parks, playgrounds, streets, roads, water, sewer or drainage facilities and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, towns, villages, counties and other public bodies to purchase obligations of housing authorities, to make agreements respecting the exercise of their powers relating to the remedying or elimination of unfit dwellings and to authorize cities and counties to pay money to housing authorities; and to repeal section thirteen, chapter ninety-three, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three.

Be it enacted by the Legislature of West Virginia:

Section 1. This act may be referred to as the "Housing
2 Cooperation Law."

Sec. 2. It has been found and declared in the "Housing
2 Authorities Law" (chapter ninety-three, acts of the Leg-
3 islatute, second extraordinary session, one thousand nine
4 hundred thirty-three) that there exist in the state unsafe
5 and unsanitary housing conditions and a shortage of safe
6 and sanitary dwelling accommodations for persons of low
7 income; that these conditions necessitate excessive and
8 disproportionate expenditures of public funds for crime
9 prevention and punishment, public health and safety, fire
10 and accident protection, and other public services and
11 facilities; and that the public interest requires the rem-
12 edying of these conditions. It is hereby found and declared
13 that the assistance herein provided for the remedying of
14 the conditions set forth in the "Housing Authorities Law"
15 constitutes a public use and purpose and an essential gov-
16 ernmental function for which public moneys may be
17 spent, and other aid given; that it is a proper public
18 purpose for any state public body to aid any housing
19 authority operating within its boundaries or jurisdiction

20 or any housing project located therein, as the state public
21 body derives immediate benefits and advantages from
22 such an authority or project; and that the provisions here-
23 inafter enacted are necessary in the public interest.

Sec. 3. The following terms, whenever used or referred

2 to in this act shall have the following respective mean-
3 ings, unless a different meaning clearly appears from the
4 context:

5 "Housing authority" shall mean any housing author-
6 ity created pursuant to chapter ninety-three, acts of the
7 Legislature, second extraordinary session, one thousand
8 nine hundred thirty-three, and any amendments thereto.

9 "Housing project" shall mean any work or undertak-
10 ing of a housing authority pursuant to such chapter, and
11 any amendments thereto, or any similar work or under-
12 taking of the federal government.

13 "State Public Body" shall mean any city, town, village,
14 county, municipal corporation, commission, district, au-
15 thority, other subdivision or public body of the state.

16 "Governing body" shall mean the council, board, com-

17 mission, or other body having charge of the fiscal affairs
18 of a state public body.

19 "Federal Government" shall include the United States of
20 America, the United States housing authority, or any
21 other agency or instrumentality, corporate or otherwise,
22 of the United States of America.

23 Sec. 4. For the purpose of aiding and cooperating in
24 the planning, undertaking, construction or operation of
25 housing projects located within the area in which it is
26 authorized to act, any state public body may, upon such
27 terms, with or without consideration, as it may deter-
28 mine:

29 Dedicate, sell, convey or lease any of its interest in any
30 property, or grant easements, licenses or any other rights
31 or privileges therein to a housing authority or the federal
32 government;

33 Cause parks, playgrounds, recreational, community, ed-
34 ucational, water, sewer or drainage facilities, or any other
35 works which it is otherwise empowered to undertake, to
36 be furnished adjacent to or in connection with housing
37 projects;

16 Furnish, dedicate, close, pave, install, grade, regrade,
17 plan or replan streets, roads, roadways, alleys, sidewalks
18 or other places which it is otherwise empowered to un-
19 dertake;

20 Plan or replan, zone or rezone any part of such state
21 public body; make exceptions from building regulations
22 and ordinances; any city or town also may change its map;
23 Cause services to be furnished to the housing authority
24 of the character which such state public body is other-
25 wise empowered to furnish;

26 Enter into agreements with respect to the exercise by
27 such state public body of its powers relating to the repair,
28 closing or demolition of unsafe, unsanitary, or unfit
29 dwellings;

30 Employ (notwithstanding the provisions of any
31 other law) any funds belonging to or within the
32 control of such state public body, including funds de-
33 rived from the sale or furnishing of property or facili-
34 ties to a housing authority, in the purchase of the
35 bonds or other obligations of a housing authority; and
36 exercise all the rights of any holder of such bonds
37 or other obligations;

38 Do any and all things, necessary or convenient to aid
39 and cooperate in the planning, undertaking, construc-
40 tion or operation of such housing project;

41 Incur the entire expense of any public improvements
42 made by such state public body in exercising the powers
43 granted in this act; and

44 Enter into agreements (which may extend over any
45 period, notwithstanding any provision or rule of law to
46 the contrary), with a housing authority respecting ac-
47 tion to be taken by such state public body pursuant to
48 any of the powers granted by this act. Any law or
49 statute to the contrary notwithstanding, any sale, con-
50 veyance, lease or agreement provided for in this section
51 may be made by a state public body without appraisal,
52 public notice, advertisement or public bidding.

47 Sec. 5. Any city or county located in whole or in part
2 within the area of operation of a housing authority shall
3 have the power from time to time to lend or donate money
4 to such authority. A housing authority, when it has
5 money available therefor, shall make reimbursements for
6 all such loans made to it.

Sec. 6. The exercise by a state public body of the powers herein granted may be authorized by resolution of the governing body of such state public body adopted by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

Sec. 7. Section thirteen of chapter ninety-three, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, is hereby repealed.

Sec. 8. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law.

Sec. 9. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, if held invalid, the remainder of the act and the application

6 of such provision to persons or circumstances other than
7 those as to which it is held invalid, shall not be affected
8 thereby.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. H. McEwen

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Atlee Watkins

Clerk of the Senate

J. R. Aliff

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

The within approved this the 14th
day of March, 1941.

Matthew Manely
Governor/

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Filed in the office of the Secretary of State
of West Virginia. MAR 17 1941

Wm. S. O'BRIEN,
Secretary of State