WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 324

(By Mr. Hudson and Mr. Casey)

PASSED March 8, 1941

In Effect ninety days from Passage
AN ACT to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December thirty-first, one thousand nine hundred forty-three; to authorize housing authorities to cooperate with or act as agent of the federal government in the development and administration of such projects of the federal government, to acquire or lease such projects and to sell certain projects to the federal government; to authorize public bodies to assist such projects of housing authorities and of the federal government; and to declare valid all bonds, notes and obligations of housing authorities
issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities.

Be it enacted by the Legislature of West Virginia:

Section 1. It is hereby found and declared that the national defense program involves large increases in the military forces and personnel in this state, a great increase in the number of workers in already established manufacturing centers and the bringing of a large number of workers and their families to new centers of defense industries in the state; that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this state which impedes the national defense program; that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of national defense activities in this state and to avoid a large labor turnover in defense industries which would seriously hamper their production; that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for
persons engaged in national defense activities which otherwise would not be provided at this time; and that such provisions are for the public use and purpose of facilitating the national defense program in this state.

It is further declared to be the purpose of this act to authorize housing authorities to do any and all things necessary or desirable to secure the financial aid of the federal government, or to cooperate with or act as agent of the federal government, in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national defense activities.

Sec. 2. Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this act after
9 December thirty-first, one thousand nine hundred forty-three.

11 In the ownership, development or administration of such projects, a housing authority shall have all the rights, powers, privileges and immunities that such authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities as provided in this act, and housing projects developed or administered hereunder shall constitute "projects" as that term is used in chapter ninety-three, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, and any amendments thereto: Provided, That during the period herein called the "National Defense Period" that a housing authority finds (which finding shall be conclusive
in any suit, action or proceeding) that within its authorized area of operation, or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national defense program in this state, and that the necessary safe and sanitary dwellings would not otherwise be provided when needed for persons engaged in national defense activities, any project developed or administered by such housing authority (or by any housing authority cooperating with it) in such area pursuant to this act, with the financial aid of the federal government (or as agent for the federal government as hereinafter provided), shall not be subject to the rentals and tenant selection limitations contained in any other act; and, Provided further, That, during the national defense period, a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements furnished for or in connection with any such projects. In the development or the administration of projects hereunder, or in otherwise carrying out the purposes hereof, a housing authority of a city may exercise its powers within
the territorial boundaries of said city and an area within five miles from said boundaries excluding the area within the territorial boundaries of any other city which has heretofore established a housing authority. After the national defense period, any such projects owned and administered by a housing authority shall be administered for the purposes and in accordance with the provisions of chapter ninety-three, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, and any amendments thereto, except as otherwise provided in the preceding sentence of this section two.

Sec. 3. A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the federal government in the development or administration of projects by the federal government to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities, and may undertake the development or administration of any such project for the federal government. In order to assure the availability of safe and sanitary housing for
persons engaged in national defense activities, a housing
authority may sell (in whole or in part) to the federal
government any housing project developed for persons of
low income but not yet occupied by such persons; such sale
shall be at such price and upon such terms as the housing
authority shall prescribe, and shall include provision for
the satisfaction of all debts and liabilities of the authority
relating to such project.

Sec. 4. Any city, county or other public body shall have
the same rights and powers to cooperate with housing
authorities, or with the federal government, with respect
to the development or administration of projects to assure
the availability of safe and sanitary dwellings for persons
engaged in national defense activities that such city,
county or other public body has under any provisions of
law for the purpose of assisting the development or ad-
ministration of slum clearance or housing projects to per-
sons of low income.

Sec. 5. All bonds, notes, contracts, agreements and obli-
gations of housing authorities heretofore issued or entered
into relating to financing or undertaking (including co-
4. operating with or acting as agent of the federal govern-
5. ment in the development or administration of any proj-
6. ect to assure the availability of safe and sanitary dwell-
7. ings for persons engaged in national defense activities,
8. are hereby validated and declared legal in all respects,
9. notwithstanding any defect or irregularity therein or any
10. want of statutory authority.

Sec. 6. This act shall constitute an independent authori-
2. zation for a housing authority to undertake the develop-
3. ment or administration of projects to assure the avail-
4. ability of safe and sanitary dwellings for persons engaged
5. in national defense activities as provided in this act and
6. for a housing authority to cooperate with, or act as agent
7. for, the federal government in the development or ad-
8. ministration of similar projects by the federal govern-
9. ment. In acting under this authorization, a housing au-
10. thority shall not be subject to any limitations, restrictions
11. or requirements of other laws (except those relating to
12. land acquisition) prescribing the procedure or action to
13. be taken in the development or administration of any
14. public works, including slum clearance and housing proj-
ects for persons of low income or undertakings or projects
of municipal or public corporations or political subdivi-
sions or agencies of the state. A housing authority may
do any and all things necessary or desirable to cooperate
with, or act as agent for, the federal government, or to
secure financial aid, in the expeditious development or
in the administration of projects to assure the availability
of safe and sanitary dwellings for persons engaged in
national defense activities and to effectuate the purposes
of this act.

Sec. 7. (a) "Persons engaged in national defense ac-
tivities", as used in this act, shall include: Enlisted men
in the military and naval services of the United States
and employees of the war and navy departments assigned
to duty at military or naval reservations, posts or bases;
and workers engaged or to be engaged in industries con-
ected with and essential to the national defense pro-
gram; and shall include the families of the aforesaid per-
sons who are living with them.
(b) "Development", as used in this act, shall mean any
and all undertakings necessary for the planning, land
acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor), and shall include the acquisition of any project (in whole or in part) from the federal government.

(c) "Administration", as used in this act, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the federal government.

(d) "Federal Government", as used in this act, shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(e) The development of a project shall be deemed to be "initiated", within the meaning of this act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the federal government with respect to the exercise of powers hereunder in the development of such project of the federal govern-
ment for which an allocation of funds has been made prior to December thirty-first, one thousand nine hundred forty-three.

(f) "Housing Authority", as used in this act, shall mean any housing authority established or hereafter established pursuant to chapter ninety-three, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, and any amendments thereto.

Sec. 8. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of a housing authority.

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 persons or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill passed this the 14 day of __________, 1941.

Governor.

Filed in the office of the Secretary of State

West Virginia

Secretary of State