

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 324

ENROLLED

HOUSE BILL No. 324

(By Mr. Hudson & Mr. Casey)

PASSED March 8, 1941

In Effect ninety days from Passage

**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

2 national defense program involves large increases in the

3 military forces and personnel in this state, a great in-

4 crease in the number of workers in already established

5 manufacturing centers and the bringing of a large num-

6 ber of workers and their families to new centers of de-

7 fense industries in the state; that there is an acute short-

8 age of safe and sanitary dwellings available to such per-

9 sons and their families in this state which impedes the

10 national defense program; that it is imperative that ac-

11 tion be taken immediately to assure the availability of

12 safe and sanitary dwellings for such persons to enable

13 the rapid expansion of national defense activities in this

14 state and to avoid a large labor turnover in defense in-

15 dustries which would seriously hamper their production;

16 that the provisions hereinafter enacted are necessary to

17 assure the availability of safe and sanitary dwellings for

18 persons engaged in national defense activities which  
19 otherwise would not be provided at this time; and that  
20 such provisions are for the public use and purpose of  
21 facilitating the national defense program in this state.  
22 It is further declared to be the purpose of this act to au-  
23 thorize housing authorities to do any and all things neces-  
24 sary or desirable to secure the financial aid of the federal  
25 government, or to cooperate with or act as agent of the  
26 federal government, in the expeditious development and  
27 the administration of projects to assure the availability  
28 when needed of safe and sanitary dwellings for persons  
29 engaged in national defense activities.

Sec. 2. Any housing authority may undertake the de-  
2 velopment and administration of projects to assure the  
3 availability of safe and sanitary dwellings for persons en-  
4 gaged in national defense activities whom the housing  
5 authority determines would not otherwise be able to  
6 secure safe and sanitary dwellings within the vicinity  
7 thereof, but no housing authority shall initiate the de-  
8 velopment of any such project pursuant to this act after

9 December thirty-first, one thousand nine hundred forty-  
10 three.

11 In the ownership, development or administration of  
12 such projects, a housing authority shall have all the rights,  
13 powers, privileges and immunities that such authority has  
14 under any provision of law relating to the ownership,  
15 development or administration of slum clearance and  
16 housing projects for persons of low income, in the same  
17 manner as though all the provisions of law applicable to  
18 slum clearance and housing projects for persons of low  
19 income were applicable to projects developed or ad-  
20 ministered to assure the availability of safe and sanitary  
21 dwellings for persons engaged in national defense activi-  
22 ties as provided in this act, and housing projects de-  
23 veloped or administered hereunder shall constitute "proj-  
24 ects" as that term is used in chapter ninety-three, acts  
25 of the Legislature of West Virginia, second extraordinary  
26 session, one thousand nine hundred thirty-three, and any  
27 amendments thereto: *Provided*, That during the period  
28 (herein called the "National Defense Period") that a  
29 housing authority finds (which finding shall be conclusive

30 in any suit, action or proceeding) that within its author-  
31 ized area of operation, or any part thereof, there is an  
32 acute shortage of safe and sanitary dwellings which im-  
33 pedes the national defense program in this state, and that  
34 the necessary safe and sanitary dwellings would not  
35 otherwise be provided when needed for persons engaged  
36 in national defense activities, any project developed or  
37 administered by such housing authority (or by any hous-  
38 ing authority cooperating with it) in such area pursuant  
39 to this act, with the financial aid of the federal govern-  
40 ment (or as agent for the federal government as herein-  
41 after provided), shall not be subject to the rentals and  
42 tenant selection limitations contained in any other act;  
43 and, *Provided further*, That, during the national defense  
44 period, a housing authority may make payments in such  
45 amounts as it finds necessary or desirable for any services,  
46 facilities, works, privileges or improvements furnished  
47 for or in connection with any such projects. In the de-  
48 velopment or the administration of projects hereunder,  
49 or in otherwise carrying out the purposes hereof, a hous-  
50 ing authority of a city may exercise its powers within

51 the territorial boundaries of said city and an area within  
52 five miles from said boundaries excluding the area within  
53 the territorial boundaries of any other city which has  
54 heretofore established a housing authority. After the  
55 national defense period, any such projects owned and ad-  
56 ministered by a housing authority shall be administered  
57 for the purposes and in accordance with the provisions  
58 of chapter ninety-three, acts of the Legislature of West  
59 Virginia, second extraordinary session, one thousand nine  
60 hundred thirty-three, and any amendments thereto, ex-  
61 cept as otherwise provided in the preceding sentence of  
62 this section two.

Sec. 3. A housing authority may exercise any or all of  
2 its powers for the purpose of cooperating with, or acting  
3 as agent for, the federal government in the development  
4 or administration of projects by the federal government  
5 to assure the availability of safe and sanitary dwellings  
6 for persons engaged in national defense activities, and  
7 may undertake the development or administration of any  
8 such project for the federal government. In order to  
9 assure the availability of safe and sanitary housing for

10 persons engaged in national defense activities, a housing  
11 authority may sell (in whole or in part) to the federal  
12 government any housing project developed for persons of  
13 low income but not yet occupied by such persons; such sale  
14 shall be at such price and upon such terms as the housing  
15 authority shall prescribe, and shall include provision for  
16 the satisfaction of all debts and liabilities of the authority  
17 relating to such project.

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

Sec. 5. All bonds, notes, contracts, agreements and obli-  
2 gations of housing authorities heretofore issued or entered  
3 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-

15 ects for persons of low income or undertakings or projects  
16 of municipal or public corporations or political subdivi-  
17 sions or agencies of the state. A housing authority may  
18 do any and all things necessary or desirable to cooperate  
19 with, or act as agent for, the federal government, or to  
20 secure financial aid, in the expeditious development or  
21 in the administration of projects to assure the availability  
22 of safe and sanitary dwellings for persons engaged in  
23 national defense activities and to effectuate the purposes  
24 of this act.

114 Sec. 7. (a) "Persons engaged in national defense ac-  
2 tivities", as used in this act, shall include: Enlisted men  
3 in the military and naval services of the United States  
4 and employees of the war and navy departments assigned  
5 to duty at military or naval reservations, posts or bases;  
6 and workers engaged or to be engaged in industries con-  
7 nected with and essential to the national defense pro-  
8 gram; and shall include the families of the aforesaid per-  
9 sons who are living with them.

10 (b) "Development", as used in this act, shall mean any  
11 and all undertakings necessary for the planning, land

12 acquisition, demolition, financing, construction or equip-  
13 ment in connection with a project (including the nego-  
14 tiation or award of contracts therefor), and shall include  
15 the acquisition of any project (in whole or in part) from  
16 the federal government.

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

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

26 (e) The development of a project shall be deemed to  
27 be "initiated", within the meaning of this act, if a housing  
28 authority has issued any bonds, notes or other obligations  
29 with respect to financing the development of such project  
30 of the authority, or has contracted with the federal gov-  
31 ernment with respect to the exercise of powers hereunder  
32 in the development of such project of the federal govern-

33 ment for which an allocation of funds has been made prior  
34 to December thirty-first, one thousand nine hundred  
35 forty-three.

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

Sec. 8. The powers conferred by this act shall be in addi-  
2 tion and supplemental to the powers conferred by any  
3 other law, and nothing contained herein shall be con-  
4 strued as limiting any other powers of a housing au-  
5 thority.

Sec. 9. Notwithstanding any other evidence of legisla-  
2 tive intent it is hereby declared to be the controlling  
3 legislative intent that if any provision of this act, or the  
4 application thereof to any persons or circumstances, is  
5 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. McKeown*

Chairman Senate Committee

*Leon Rice*

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety days from* passage.

*Abale Watkins*

Clerk of the Senate

*Jas. J. J. J.*

Clerk of the House of Delegates

*Byron B. Rudolph*

President of the Senate

*Malcolm R. Arnold*

Speaker House of Delegates

The within *approved* this the *14*

day of *March*, 1941.

*Matthew M. Neely*

Governor.

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

Wm. S. O'BRIEN,  
Secretary of State

**MAR 17 1941**