

Merging of the City of Las Cruces and Doña County Housing Authorities

Executive Director
Thomas G. Hassell

926 S. San Pedro
Las Cruces, NM 88001

**Housing Authority of the
City of Las Cruces and
Doña Ana County, New Mexico
(575) 528-2000**

Thursday, January 13, 2011

City Council and County Commission members:

The Housing Authority has been pursuing the concept of merging the Housing Authority of the City of Las Cruces (HACLCO and the Dona Ana County Housing Authority (DACHA). As you are aware, the HACLCO currently manages the DACHA. The City of Las Cruces has opted to appoint a Housing Authority Board of Commissioners and has delegated all power vested in the City through the Municipal Housing Law to the HACLCO Board of Commissioners. The Dona Ana County Commission has opted to retain the responsibility and powers vested in them by the Municipal Housing Authority, thereby making them the DACHA Housing Board of Commissioners.

This structure necessitates the Executive Director and staff to report to two separate governing bodies relating to policy and financial decisions as required by HUD and other funding sources. All HUD reporting must be duplicated by staff. For the County, the structure also carries some liability. The County currently carries insurance for the DACHA and has paid on some claims relating to the DACHA. Any legal action brought against the DACHA to date has been the responsibility of the County legal department.

Merging the HACLCO and DACHA will still allow equitable representation from both the City and the County. The Municipal Housing Law stipulates how the Board will be structured. Simply, the County Commission will appoint two members and the Mayor will appoint two members. These four members will then choose a fifth member, hopefully a housing resident commissioner as required by HUD if a qualified resident can be recruited.

Lastly and most importantly, the services offered our current and future clients will not diminish and the funding supporting our programs will not be less if the merger is carried out.

I have included a copy of the Municipal Housing Law with this correspondence for your information. We will also have representative from the US Department of Housing and Urban Development (HUD) at the meeting in the event you have questions for them. Do not hesitate to contact me directly if you have questions or require further information or clarification. I can be reached at thassell@mvpha.org or at (575) 528-2005 Work or at (575) 650-2855 Cellular.

Thank you for your effort in this worthwhile endeavor and I look forward to meeting with you on the 20th.

Sincerely,

Thomas G. Hassell
Executive Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO HOUSING; AMENDING SECTIONS OF THE MUNICIPAL HOUSING LAW; EXPANDING ELIGIBILITY TO MODERATE-INCOME PERSONS; INCLUDING ELIGIBILITY FOR AFFORDABLE HOUSING PROGRAMS; PROVIDING FOR MULTI-JURISDICTIONAL HOUSING AUTHORITIES; REVISING THE GOVERNANCE AND OVERSIGHT OF MUNICIPAL HOUSING AUTHORITIES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-45-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-46-1) is amended to read:

"3-45-1. MUNICIPAL HOUSING LAW--SHORT TITLE.--Chapter 3, Article 45 NMSA 1978 may be cited as the "Municipal Housing Law"."

Section 2. Section 3-45-2 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-46-2) is amended to read:

"3-45-2. FINDING AND DECLARATION OF NECESSITY.--It is hereby declared that:

A. unsanitary or unsafe dwelling accommodations exist in the state;

B. persons of low and moderate income are forced to reside in such unsanitary or unsafe accommodations;

C. within the state, there is a shortage of safe or sanitary dwelling accommodations available at rents that persons of low and moderate income can afford and that such

1 persons are forced to occupy overcrowded, congested dwelling
2 accommodations and that the aforesaid conditions cause an
3 increase in and spread of disease and crime and constitute a
4 menace to the health, safety and welfare of the residents of
5 the state and impair economic values;

6 D. these conditions necessitate excessive and
7 disproportionate expenditures of public funds for crime
8 prevention and punishment, public health and safety, fire and
9 accident protection and other public services and facilities;

10 E. these areas in the state cannot be cleared nor
11 can the shortage of safe and sanitary dwellings for persons
12 of low and moderate income be relieved through the operation
13 of private enterprise and that the construction of housing
14 projects for persons of low and moderate income, as defined
15 in the Municipal Housing Law, would therefore not be
16 competitive with private enterprise;

17 F. the clearance, replanning and reconstruction of
18 the areas in which unsanitary or unsafe housing conditions
19 exist and the providing of safe and sanitary dwelling
20 accommodations for persons of low and moderate income are
21 public uses and purposes for which public money may be spent
22 and private property acquired and are governmental functions
23 of state and municipal concern; and

24 G. it is in the public interest that work on
25 projects for such purposes be commenced as soon as possible

1 in order to relieve a shortage of affordable housing, which
2 now constitutes an emergency; and the necessity in the public
3 interest for the provisions enacted by the Municipal Housing
4 Law is hereby declared as a matter of legislative
5 determination."

6 Section 3. Section 3-45-3 NMSA 1978 (being Laws 1965,
7 Chapter 300, Section 14-46-3, as amended) is amended to read:

8 "3-45-3. DEFINITIONS.--The following terms, wherever
9 used or referred to in the Municipal Housing Law, shall have
10 the following respective meanings:

11 A. "city" means any municipality and, unless the
12 context otherwise clearly indicates, any county. "The city"
13 means the particular city or county for which a particular
14 housing authority is created. "County" means any county;

15 B. "governing body" means, in the case of a city,
16 the council or board of commissioners and, in the case of
17 other state public bodies, the council, commissioners, board
18 or other body having charge of the fiscal affairs of the
19 state public body;

20 C. "mayor" means the mayor of the city or the
21 officer charged with the duties customarily imposed on the
22 mayor or executive head of a city. In the case of a county,
23 the term "mayor" means the board of county commissioners;

24 D. "clerk" means the city recorder, the county
25 clerk or the officer charged with the duties customarily

1 imposed on the clerk;

2 E. "area of operation" includes all of the city
3 or, in the case of a county, includes all of the county,
4 except the area shall not include any area that lies within
5 the boundaries of any city that has an established housing
6 authority or housing agency without the consent of the city.
7 Upon approval by the governing bodies of the cities involved,
8 the area of operation of one city pursuant to the Municipal
9 Housing Law may be enlarged to include the area within the
10 boundaries of any other city. Any subsequent withdrawal of
11 consent of a city for operation within its boundaries by
12 another city shall not prohibit the development and operation
13 of any housing projects initiated in the city by another city
14 prior to the date of withdrawal;

15 F. "authority" or "housing authority" means any
16 agency or other instrumentality of a city created pursuant to
17 the Municipal Housing Law;

18 G. "state public body" means any county, municipal
19 corporation, commission, district, authority, other
20 subdivision or public body of the state;

21 H. "federal government" includes the United States
22 of America, the federal department of housing and urban
23 development or any other agency or instrumentality, corporate
24 or otherwise, of the United States of America;

25 I. "slum" means any area where dwellings

1 predominate that by reason of dilapidation, overcrowding,
2 lack of ventilation, light or sanitary facilities or any
3 combination of these factors, are detrimental to the safety,
4 health or well-being of the occupants or to surrounding
5 properties;

6 J. "housing project" means any work or undertaking
7 of the city:

8 (1) to demolish, clear or remove buildings
9 from any slum area. The work or undertaking may embrace the
10 adaptation of the area to public purposes, including parks or
11 other recreational or community purposes;

12 (2) to provide decent, safe and sanitary
13 dwellings, apartments, single-family dwellings or other
14 affordable living accommodations for persons of low and
15 moderate income. The work or undertaking may include
16 buildings, land, equipment, facilities and other real or
17 personal property for necessary convenient or desirable
18 appurtenances, streets, sewers, water service, parks, site
19 preparation, gardening, administrative, community, health,
20 recreational, welfare or other purposes; or

21 (3) to accomplish a combination of the
22 foregoing.

23 The term "housing project" also may be applied to the
24 planning of the buildings and improvements, the acquisition
25 of property or existing structures, the demolition of

1 existing structures, the construction, reconstruction,
2 alteration and repair of the improvements and all other work
3 in connection therewith;

4 K. "low-income person" means any individual,
5 couple or family whose gross income does not exceed eighty
6 percent of that person's particular area median income and
7 who cannot afford to pay more than thirty-five percent of
8 gross annual income for housing rent or mortgage payments or
9 a "low-income person" as defined by the federal government;

10 L. "bonds" means any bonds, notes, interim
11 certificates, debentures or other obligations issued by a
12 city pursuant to the Municipal Housing Law;

13 M. "real property" includes all lands, including
14 improvements and fixtures on the lands and property of any
15 nature appurtenant to the lands or used in connection with
16 the lands, and every estate, interest and right, legal or
17 equitable, therein, including terms for years and liens by
18 way of judgment, mortgage or otherwise and the indebtedness
19 secured by such liens;

20 N. "obligee" includes any holder of bonds issued
21 pursuant to the Municipal Housing Law, trustees for any such
22 bondholders, or lessor demising to a city property used in
23 connection with a housing project, or any assignee or
24 assignees of the lessor's interest or any part of the
25 lessor's interest and the federal government when it is a

1 party to any contract with a city in regard to a housing
2 project;

3 O. "affordable housing" means any housing
4 accommodations that serve the needs of low- and
5 moderate-income persons;

6 P. "affordable housing program" means an ongoing
7 delivery system of affordable housing services that assists
8 persons of low and moderate income;

9 Q. "moderate-income person" means any individual,
10 couple or family whose gross annual income is not less than
11 eighty percent of that person's particular area median income
12 and does not exceed one hundred twenty percent of that area
13 median income;

14 R. "multi-jurisdictional housing authority" means
15 two or more housing authorities joined or cooperating for the
16 purposes of consolidating administrative duties and
17 obligations and providing more effective and efficient
18 housing projects and programs within their jurisdictions; and

19 S. "immediate family member" means:

20 (1) a spouse, including a former spouse, a
21 de facto spouse or a former de facto spouse;

22 (2) a child or an adult child, including an
23 adopted child, a step-child or an ex-nuptial child;

24 (3) a parent or a step-parent;

25 (4) a grandparent;

- 1 (5) a grandchild;
- 2 (6) a sibling or a step-sibling;
- 3 (7) a first cousin;
- 4 (8) an aunt or an uncle;
- 5 (9) a father-in-law or a mother-in-law;
- 6 (10) a sister-in-law or a brother-in-law;
- 7 and
- 8 (11) any other relative who is financially
- 9 supported."

10 Section 4. Section 3-45-4 NMSA 1978 (being Laws 1965,
11 Chapter 300, Section 14-46-4, as amended) is amended to read:

12 "3-45-4. POWERS.--

13 A. Every city, in addition to other powers
14 conferred by the Municipal Housing Law, may:

15 (1) within its area of operation, prepare,
16 carry out, acquire, purchase, lease, construct, reconstruct,
17 improve, alter, extend or repair any housing project or any
18 part of a housing project and operate and maintain the
19 housing project, and for any of those purposes, the governing
20 body of the city may appropriate money and authorize the use
21 of any property of the city;

22 (2) purchase its bonds issued pursuant to
23 the Municipal Housing Law at a price not more than the
24 principal amount thereof and accrued interest, all bonds so
25 purchased to be canceled;

1 (3) lease or rent any dwellings, houses,
2 accommodations, lands, buildings, structures or facilities
3 embraced in any housing project and, subject to the
4 limitations contained in the Municipal Housing Law, establish
5 and revise the rents or charges therefor; own, hold and
6 improve real or personal property; purchase, lease, obtain
7 options upon, acquire by gift, grant, bequest, devise or
8 otherwise any real or personal property or any interest in
9 real or personal property; acquire by the exercise of the
10 power of eminent domain any real property; sell, lease,
11 exchange, transfer, assign, pledge or dispose of any real or
12 personal property or any interest in real or personal
13 property; and procure or agree to the procurement of
14 insurance or guarantees from the federal government of the
15 payment of any bonds or parts of any bonds issued pursuant to
16 the Municipal Housing Law, including the power to pay
17 premiums on any such insurance;

18 (4) enter on any lands, buildings or
19 property for the purpose of making surveys, soundings and
20 examinations in connection with the planning or construction
21 or both of any housing project;

22 (5) insure or provide for the insurance of
23 any housing project of the city against such risks as the
24 city may deem advisable;

25 (6) arrange or contract for the furnishing

1 by any person or agency, public or private, of services,
2 privileges, works or facilities for or in connection with a
3 housing project or the occupants of a housing project; and
4 include in any construction contract let in connection with a
5 housing project stipulations requiring that the contractor
6 and any subcontractors comply with employment requirements,
7 including those in the constitution and laws of this state,
8 as to minimum wages and maximum hours of labor and comply
9 with any conditions that the federal government may have
10 attached to its financial aid of the project;

11 (7) within its area of operation,
12 investigate the living, dwelling and housing conditions and
13 the means and methods of improving the conditions; determine
14 where slum areas exist or where there is a shortage of
15 decent, safe and sanitary dwelling accommodations for persons
16 of low and moderate income; make studies and recommendations
17 relating to the problem of clearing, replanning and
18 reconstructing slum areas and the problem of providing
19 dwelling accommodations for persons of low and moderate
20 income and cooperate with the state or any political
21 subdivision of the state in action taken in connection with
22 the problems; and engage in research, studies and
23 experimentation on the subject of housing and affordable
24 housing programs; and

25 (8) exercise all or any part or combination

1 of powers herein granted.

2 B. Any two or more cities or authorities may join
3 or cooperate with one another in the exercise, either jointly
4 or otherwise, of any or all of their powers for the purpose
5 of financing, including the issuance of bonds, notes or other
6 obligations and giving security therefor, or contracting with
7 respect to housing projects or affordable housing programs
8 located within the area of operation of any one or more of
9 the cities or authorities. For that purpose, a city or
10 authority may, by resolution, prescribe and authorize any
11 other city or authority so joining or cooperating with it to
12 act on its behalf with respect to any or all powers, as its
13 agent or otherwise, in the name of the city or authority so
14 joining or cooperating or in its own name."

15 Section 5. Section 3-45-5 NMSA 1978 (being Laws 1965,
16 Chapter 300, Section 14-46-5, as amended) is amended to read:

17 "3-45-5. CREATION OF AUTHORITY.--

18 A. Every city, in addition to other powers
19 conferred by the Municipal Housing Law, shall have power and
20 is authorized, by proper resolution of its governing body, to
21 create, as an agent of the city, an authority to be known as
22 the "housing authority" of the city. The housing authority
23 of the city may constitute a public body corporate. The city
24 may delegate to the authority the power to construct,
25 maintain, operate and manage any housing project or

1 affordable housing programs of the city and may delegate to
2 the authority any or all of the powers conferred on the city
3 by the Municipal Housing Law.

4 B. When the governing body of a city adopts a
5 resolution pursuant to Subsection A of this section, the
6 mayor shall appoint five persons as commissioners of the
7 authority created as agent for the city. The commissioners
8 who are first appointed shall be designated to serve for
9 terms of one, two, three, four and five years, respectively,
10 from the date of their appointment, but thereafter,
11 commissioners shall be appointed for a term of office of five
12 years, except that all vacancies shall be filled for the
13 unexpired term. A commissioner of an authority shall not
14 hold any other office or employment of the city for which the
15 authority is created. A commissioner shall hold office until
16 a successor has been appointed and has qualified, unless
17 sooner removed according to law. A commissioner may serve
18 two or more successive terms of office. A certificate of the
19 appointment or reappointment of any commissioner shall be
20 filed with the clerk, and the certificate shall be conclusive
21 evidence of the due and proper appointment of the
22 commissioner. A commissioner shall receive no compensation
23 for services for the authority in any capacity, but shall be
24 entitled to the necessary expenses, including traveling
25 expenses, incurred in the discharge of duties.

1 C. Two or more cities joined together pursuant to
2 Subsection B of Section 3-45-4 NMSA 1978 shall establish
3 their commissioners in accordance with Subsection B of this
4 section, except that each city shall have equitable
5 representation on the commission. The commissioners
6 representing each city shall be appointed by the mayor of the
7 city.

8 D. Any powers delegated by a city to an authority
9 shall be vested in the commissioners of the authority in
10 office from time to time. Three commissioners shall
11 constitute a quorum of the authority for the purpose of
12 conducting its business and exercising its powers and for all
13 other purposes. Action may be taken by the authority upon a
14 vote of a majority of the commissioners present. The
15 commission shall organize itself at its annual meeting each
16 even-numbered year. Any city creating a housing authority
17 may authorize the authority to employ a secretary, who shall
18 be executive director and who shall be removable only for
19 cause. With the delegated authority from the commission, the
20 executive director may hire or terminate, according to the
21 procurement and personnel policies and procedures of the
22 authority, technical experts and such other officers,
23 attorneys, agents and employees, permanent and temporary, as
24 the authority may require; determine their qualifications,
25 duties and compensation; and delegate to one or more of them

1 such powers or duties as the authority may deem proper."

2 Section 6. Section 3-45-6 NMSA 1978 (being Laws 1965,
3 Chapter 300, Section 14-46-6) is amended to read:

4 "3-45-6. PROHIBITED ACTIONS.--Neither a housing
5 authority nor any of its contractors or their subcontractors
6 may enter into any contract, subcontract or agreement in
7 connection with a housing project under any contract in which
8 any of the following persons has an interest, direct or
9 indirect, during the person's tenure or for one year
10 thereafter:

11 A. any present or former member of the commission
12 of the housing authority or any member of the member's
13 immediate family. The prohibition established by this
14 subsection does not apply to any member who has not served on
15 the governing body of a resident management corporation and
16 who otherwise has not occupied a policymaking position with
17 the resident management corporation or the housing authority;

18 B. any employee of the housing authority who
19 formulates policy or who influences decisions with respect to
20 a housing project, any member of the employee's immediate
21 family or any partner of the employee; or

22 C. any public official, member of a governing body
23 or state legislator, or any member of that person's immediate
24 family, who exercises functions or responsibilities with
25 respect to the housing project or the housing authority."

1 Section 7. Section 3-45-7 NMSA 1978 (being Laws 1965,
2 Chapter 300, Section 14-46-7) is amended to read:

3 "3-45-7. REMOVAL OF COMMISSIONERS.--A commissioner of
4 an authority may be removed by the mayor, but only for
5 inefficiency, neglect of duty or misconduct in office and
6 only after the commissioner has been given a copy of the
7 charges at least ten days prior to the hearing on the charges
8 and has had an opportunity to be heard in person or by
9 counsel. In the event of the removal of any commissioner by
10 the mayor, a record of the proceedings, together with the
11 charges and findings, shall be filed in the office of the
12 clerk. Commissioners may be removed for cause based on
13 noncompliance with housing program regulations."

14 Section 8. Section 3-45-9 NMSA 1978 (being Laws 1965,
15 Chapter 300, Section 14-46-9, as amended) is amended to read:

16 "3-45-9. OPERATION NOT FOR PROFIT.--It is declared to
17 be the policy of this state that each city shall manage and
18 operate its housing projects and affordable housing programs
19 in an efficient manner so as to enable it to fix the rentals
20 for dwelling accommodations at the lowest possible rates
21 consistent with its providing decent, safe and sanitary
22 dwelling accommodations and that no city shall construct or
23 operate any housing project for profit. To this end, a city
24 shall set the rental rates for dwellings in the housing
25 projects it manages and operates at no higher rates than it

1 finds to be necessary in order to produce revenues that,
2 together with any grants or subsidies from the federal
3 government or other sources for housing projects, will be
4 sufficient:

5 A. to pay, as they become due, the principal and
6 interest on the bonds or other obligations of the city issued
7 under the Municipal Housing Law;

8 B. to meet the cost of and to provide for
9 maintaining and operating the housing projects and affordable
10 housing programs, including the cost of any insurance, the
11 administrative expenses of the city incurred in connection
12 with the housing projects and affordable housing programs and
13 the funding of any operational reserves as the authority
14 deems appropriate;

15 C. to fund such reserves to secure the payment of
16 its bonds as the authority deems appropriate or convenient;
17 and

18 D. to allow private, profit-making entities to
19 enter into agreements with the authority, and such agreements
20 shall not be deemed to affect the nonprofit status of the
21 authority or conflict with the intent of the creation of the
22 authority."

23 Section 9. Section 3-45-10 NMSA 1978 (being Laws 1965,
24 Chapter 300, Section 14-46-10, as amended) is amended to
25 read:

1 "3-45-10. SALES, RENTALS AND TENANT SELECTION.--

2 A. In the operation or management of housing
3 projects and affordable housing programs or the sale of any
4 property pursuant to the Municipal Housing Law, a city shall
5 at all times observe the following duties with respect to
6 rentals, property and tenant selection:

7 (1) it may rent, lease or sell the dwelling
8 accommodations in the housing project and affordable housing
9 programs only to persons falling within federally established
10 standards;

11 (2) it may rent, lease or sell to a tenant
12 dwelling accommodations consisting of the number of rooms,
13 but no greater number, that it deems necessary to provide
14 safe and sanitary accommodations to the proposed occupants
15 without overcrowding; and

16 (3) it shall not accept any person as a
17 tenant in any housing program if the person has an annual net
18 income in excess of federally established standards.

19 B. Nothing contained in this section or Section
20 3-45-9 NMSA 1978 shall be construed as limiting the power of
21 a city to vest in an obligee the right, in the event of a
22 default by the city, to take possession and operate housing
23 projects or affordable housing programs or cause the
24 appointment of a receiver thereof, free from all the
25 restrictions imposed by this section or Section 3-45-9 NMSA

1 1978."

2 Section 10. Section 3-45-12 NMSA 1978 (being Laws 1965,
3 Chapter 300, Section 14-46-12, as amended) is amended to
4 read:

5 "3-45-12. FORM AND SALE OF BONDS--INTEREST ON CERTAIN
6 OBLIGATIONS.--

7 A. Bonds of a city issued under the Municipal
8 Housing Law shall be authorized by its resolution and may be
9 issued in any one or more series and shall bear such date,
10 mature at such time, bear interest at such rate, be in such
11 denomination, be in such form, either coupon or registered,
12 carry such conversion or registration privileges, have such
13 rank or priority, be executed in such manner, be payable in
14 such medium of payment at such place and be subject to such
15 terms of redemption, with or without premium, as the
16 resolution, its trust indenture or the bond so issued may
17 provide.

18 B. Obligations issued by a city that are true loan
19 obligations made to the farmers home administration of the
20 United States department of agriculture or the department of
21 housing and urban development may bear interest at a rate of
22 interest not exceeding par.

23 C. The bonds shall be sold at not less than par at
24 public sale held after notice published once at least five
25 days prior to the sale in a newspaper having a general

1 circulation in the city jurisdiction and in a financial
2 newspaper published in the city of San Francisco, California,
3 or in the city of New York, New York; provided that the bonds
4 may be sold to the federal government at private sale at not
5 less than par, and, in the event less than all of the bonds
6 authorized in connection with any housing project are sold to
7 the federal government, the balance of the bonds may be sold
8 at private sale at not less than par at an interest cost to
9 the city not to exceed the interest cost to the city of the
10 portion of the bonds sold to the federal government.

11 D. In case any of the officers of the city, the
12 authority or any of its instrumentalities whose signatures
13 appear on any bonds or coupons cease to be officers before
14 the delivery of the bonds, the signatures shall,
15 nevertheless, be valid and sufficient for all purposes the
16 same as if the officers had remained in office until
17 delivery. Any provision of any law to the contrary
18 notwithstanding, any bonds issued pursuant to the Municipal
19 Housing Law shall be fully negotiable.

20 E. In any suit, action or proceedings involving
21 the validity or enforceability of any bond of a city or the
22 security for the bond, any such bond reciting in substance
23 that it has been issued by the city to aid in financing a
24 housing project to provide dwelling accommodations for
25 persons of low and moderate income shall be conclusively

1 deemed to have been issued for a housing project of that
2 character, and the housing project shall be conclusively
3 deemed to have been planned, located and constructed in
4 accordance with the purposes and provisions of the Municipal
5 Housing Law."

6 Section 11. Section 3-45-20 NMSA 1978 (being Laws 1965,
7 Chapter 300, Section 14-46-20) is amended to read:

8 "3-45-20. AID FROM STATE OR FEDERAL GOVERNMENT.--In
9 addition to the powers conferred upon a city by other
10 provisions of the Municipal Housing Law, a city is empowered
11 to borrow money or accept contributions, grants or other
12 financial assistance from the state or federal government
13 for, or in aid of, any housing project or affordable housing
14 program within its area of operation and, to these ends, to
15 comply with such conditions, trust indentures, leases or
16 agreements as may be necessary, convenient or desirable. It
17 is the purpose and intent of the Municipal Housing Law to
18 authorize every city to do any and all things necessary,
19 convenient or desirable to secure the financial aid or
20 cooperation of the federal government in the undertaking,
21 acquisition, construction, maintenance or operation of any
22 housing project or affordable housing program of the city."

23 Section 12. Section 3-45-21 NMSA 1978 (being Laws 1965,
24 Chapter 300, Section 14-46-21) is amended to read:

25 "3-45-21. COOPERATION IN UNDERTAKING HOUSING PROJECTS

1 OR AFFORDABLE HOUSING PROGRAMS.--

2 A. For the purpose of aiding and cooperating in
3 the planning, undertaking, construction or operation of
4 housing projects or affordable housing programs located
5 within the area in which it is authorized to act, any state
6 public body may, upon such terms, with or without
7 consideration, as it may determine:

8 (1) dedicate, sell, convey or lease any of
9 its interest in any property or grant easements, licenses or
10 any other rights or privileges therein to any city;

11 (2) cause parks, playgrounds, recreational,
12 community, educational, water, sewer or drainage facilities
13 or any other works that it is otherwise empowered to
14 undertake to be furnished adjacent to or in connection with
15 housing projects or affordable housing programs;

16 (3) furnish, dedicate, close, pave, install,
17 grade, regrade, plan or replan streets, roads, roadways,
18 alleys, sidewalks or other places that it is otherwise
19 empowered to undertake;

20 (4) cause services to be furnished for
21 housing projects or affordable housing programs of the
22 character that the state public body is otherwise empowered
23 to furnish;

24 (5) enter into agreements with respect to
25 the exercise by the state public body of its powers relating

1 to the repair, elimination or closing of unsafe, unsanitary
2 or unfit dwellings;

3 (6) do any and all things necessary or
4 convenient to aid and cooperate in the planning, undertaking,
5 construction or operation of such housing projects;

6 (7) incur the entire expense of any public
7 improvements made by the state public body in exercising the
8 powers granted in the Municipal Housing Law; and

9 (8) enter into agreements that may extend
10 over any period, notwithstanding any provision or rule of law
11 to the contrary, with any city or multi-jurisdictional
12 housing authority as agent therefor, respecting action to be
13 taken by the state public body pursuant to any of the powers
14 granted by the Municipal Housing Law.

15 B. Any law or statute to the contrary
16 notwithstanding, any sale, conveyance, lease or agreement
17 provided for in this section may be made by a state public
18 body without appraisal, public notice, advertisement or
19 public bidding.

20 C. In the event an authority is declared by the
21 federal department of housing and urban development to be in
22 default on its annual contributions contract with that
23 department, the authority may, by resolution of its governing
24 body, transfer its assets and operation to another housing
25 authority, including a multi-jurisdictional housing authority

1 or regional housing authority. The multi-jurisdictional
2 housing authority or regional housing authority shall accept,
3 by resolution of its governing board, a transfer of assets
4 and operations of an authority that has been declared by the
5 federal department of housing and urban development to be in
6 default of the annual contributions contract between that
7 department and the authority."

8 Section 13. EMERGENCY.--It is necessary for the public
9 peace, health and safety that this act take effect
10 immediately. _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25