

By: Senator(s) Dawkins, Williamson, Jackson
(11th)

To: Public Health and
Welfare

SENATE BILL NO. 2623

1 AN ACT TO AMEND SECTIONS 43-33-11 AND 43-33-117, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE PUBLIC HOUSING PROJECTS TO COMPLY WITH
3 FEDERAL SECTION 504 AND AMERICANS WITH DISABILITIES ACT (ADA)
4 STANDARDS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 43-33-11, Mississippi Code of 1972, is
7 amended as follows:

8 43-33-11. An authority shall constitute a public body
9 corporate and politic, exercising public and essential
10 governmental functions, and having all the powers necessary or
11 convenient to carry out and effectuate the purposes and provisions
12 of this article, including the following powers in addition to
13 others herein granted:

14 (a) To sue and to be sued; to have a seal and to alter
15 the same at pleasure; to have perpetual succession; to make and
16 execute contracts and other instruments necessary or convenient to
17 the exercise of the powers of the authority; and to make and from
18 time to time amend and repeal bylaws, rules and regulations, not
19 inconsistent with this article, to carry into effect the powers
20 and purposes of the authority.

21 (b) Within its area of operation: to prepare, carry
22 out, acquire, lease and operate housing projects; to provide for
23 the construction, reconstruction, improvement, alteration or
24 repair of any housing project or any part thereof.

25 (c) To arrange or contract for the furnishing by any
26 person or agency, public or private, of services, privileges,
27 works or facilities for, or in connection with, a housing project
28 or the occupants thereof; and (notwithstanding anything to the

29 contrary contained in this article or in any other provision of
30 law) to include in any contract let in connection with a project,
31 stipulations requiring that the contractor and any subcontractors
32 comply with requirements as to minimum wages and maximum hours of
33 labor, and comply with any conditions which the federal government
34 may have attached to its financial aid of the project.

35 (d) To lease or rent any dwellings, houses,
36 accommodations, lands, buildings, structures or facilities
37 embraced in any housing project and (subject to the limitations
38 contained in this article) to establish and revise the rents or
39 charges therefor; to own, hold and improve real or personal
40 property; to purchase, lease, obtain options upon, acquire by
41 gift, grant, bequest, devise or otherwise any real or personal
42 property or any interest therein; to acquire by the exercise of
43 the power of eminent domain any real property; to sell, lease,
44 exchange, transfer, assign, pledge or dispose of any real or
45 personal property or any interest therein; to insure or provide
46 for the insurance of any real or personal property or operations
47 of the authority against any risks or hazards; to procure or agree
48 to the procurement of insurance or guarantees from the federal
49 government of the payment of any bonds or parts thereof issued by
50 an authority, including the power to pay premiums on any such
51 insurance.

52 (e) To invest any funds held in reserves or sinking
53 funds, or any funds not required for immediate disbursement, in
54 property or securities in which savings banks may legally invest
55 funds subject to their control; to purchase its bonds at a price
56 not more than the principal amount thereof and accrued interest,
57 all bonds so purchased to be cancelled.

58 (f) Within its area of operation: to investigate into
59 living, dwelling and housing conditions and into the means and
60 methods of improving such conditions; to determine where slum
61 areas exist or where there is a shortage of decent, safe and

62 sanitary dwelling accommodations for persons of low income; to
63 make studies and recommendations relating to the problem of
64 clearing, replanning and reconstructing of slum areas, and the
65 problem of providing dwelling accommodations for persons of low
66 income, and to cooperate with the city, the county, the state or
67 any political subdivision thereof in action taken in connection
68 with such problems; and to engage in research, studies and
69 experimentation on the subject of housing.

70 (g) Acting through one or more commissioners or other
71 person or persons designated by the authority: to conduct
72 examinations and investigations and to hear testimony and take
73 proof under oath at public or private hearings on any matter
74 material to its information; to administer oaths, issue subpoenas
75 requiring the attendance of witnesses or the production of books
76 and papers and to issue commissions for the examination of
77 witnesses who are outside of the state or unable to attend before
78 the authority, or excused from attendance; to make available to
79 appropriate agencies (including those charged with the duty of
80 abating or requiring the correction of nuisances or like
81 conditions, or of demolishing unsafe or unsanitary structures
82 within its area of operation) its findings and recommendations
83 with regard to any building or property where conditions exist
84 which are dangerous to the public health, morals, safety or
85 welfare.

86 (h) To make payments to public bodies in the state in
87 such amounts as it finds desirable, notwithstanding any statutory
88 limitation on the amount of such payments.

89 (i) To establish and operate a nonprofit corporation
90 for housing and community development purposes.

91 (j) To exercise all or any part or combination of
92 powers herein granted.

93 (k) To promulgate rules and regulations requiring all
94 dwelling, houses, accommodations, buildings, structures or

95 facilities subject to the provisions of this article to comply
96 with the standards of Section 504 of the federal Rehabilitation
97 Act of 1973 and the federal Americans with Disabilities Act (ADA).
98 Such standards shall apply to all new construction commenced after
99 July 1, 2005, and shall apply to projects completed prior to July
100 1, 2005, based upon the age and value of the property. All
101 construction upgrades required by such standards shall be the
102 responsibility of the owner of the property.

103 No provisions of law with respect to the acquisition,
104 operation or disposition of property by other public bodies shall
105 be applicable to an authority unless the Legislature shall
106 specifically so state.

107 **SECTION 2.** Section 43-33-117, Mississippi Code of 1972, is
108 amended as follows:

109 43-33-117. Except as otherwise provided herein, a regional
110 housing authority and the commissioners thereof shall, within the
111 area of operation of such regional housing authority, have the
112 same functions, rights, powers, duties, privileges, immunities and
113 limitations provided for housing authorities created for cities or
114 counties and the commissioners of such housing authorities, and
115 all the provisions of law applicable to housing authorities
116 created for cities or counties and the commissioners of such
117 authorities shall be applicable to regional housing authorities
118 and the commissioners thereof. For such purposes, the term
119 "mayor" or "governing body" as used in the Housing Authorities Law
120 shall be construed as meaning "board of supervisors," unless a
121 different meaning clearly appears from the context. A regional
122 housing authority shall have power to select any appropriate
123 corporate name.

124 All regional housing authorities shall promulgate rules and
125 regulations requiring all dwellings, houses, accommodations,
126 buildings, structures or facilities subject to the provisions of
127 this article to comply with the standards of Section 504 of the

128 federal Rehabilitation Act of 1973 and the federal Americans with
129 Disabilities Act (ADA). Such standards shall apply to all new
130 construction commenced after July 1, 2005, and shall apply to
131 projects completed prior to July 1, 2005, based upon the age and
132 value of the property. All construction upgrades required by such
133 standards shall be the responsibility of the owner of the
134 property.

135 **SECTION 3.** This act shall take effect and be in force from
136 and after July 1, 2005.