
CHAPTER 1-13 HOUSING AUTHORITY

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1-13-001-0001 CREATION OF HOUSING AUTHORITY

The Council hereby finds, determines and declares, in pursuance of the Municipal Housing Law of the State of Arizona, that:

- A. Unsanitary and unsafe inhabited dwelling accommodations exist in the City; and
- B. There is a shortage of decent, safe and sanitary dwelling accommodations in the City available to persons of low incomes at rentals they can afford; and
- C. There is a need for a Housing Authority in the City; therefore, there is hereby created as a section of the City, an authority to be known and designated as the City of Flagstaff Housing Authority ("CFHA").

1-13-001-0002 BOARD OF COMMISSIONERS

- A. Creation of Commission; Appointment of Commissioners. There is hereby created a Board of Commissioners of the CFHA ("Commission"). The Mayor, while rightfully holding that office, shall automatically be and act as a commissioner. (A.R.S. § 36-1404.B; Resolution 2006-63.) The Mayor shall appoint six (6) persons who are residents of Flagstaff to serve as commissioners of the CFHA. Except for the Mayor (if serving as a commissioner), a commissioner shall not hold any other office of, or employment with, the City of Flagstaff. (A.R.S § 36-1404.B) The Mayor shall appoint at least one (1) resident of CFHA housing or Section 8 housing assistance as a commissioner.
- B. Resident Commission Member Eligibility. A person who is a citizen and elector of the City is eligible to be a resident commission member if the person:
 - 1. Is directly assisted by the federal public housing or rental assistance programs administered by the City, either by being a resident of City public housing or by being a recipient of housing assistance in the City's tenant-based Section 8 program; and
 - 2. Is expressly named in the lease for City public housing or for City-administered Section 8 tenant-based housing; and
 - 3. Is eighteen (18) years of age or older; or
 - 4. Meets the requirements set forth in the then-current Code of Federal Regulations, 24 CFR 964.410, as may be amended, if such requirements differ from those enumerated above.

C. Resident Commission Member Term and Removal. The Resident Commission Member shall serve a term of four (4) years, provided, however, that a member shall continue to serve until a successor has been duly appointed and qualified. The Resident Commission Member shall serve no more than two (2) consecutive terms on the Commission, but may be re-appointed after the lapse of three (3) years from the end of the previous term served. A Resident Commission Member who ceases to be directly assisted by the federal public housing or rental assistance programs administered by the City may not complete his or her current term on the Commission, and the Mayor shall appoint another eligible resident to serve the balance of the Resident Commission Member's term. The Resident Commission Member shall not hold any other office or employment with the City.

D. Resident Commission Member Duties. The Resident Commission Member is a full member of the Commission. The Resident Commission Member may not be excluded from participating in any matter before the Commission on the grounds that the Resident Commission Member's lease for City public housing, or the Resident Commission Member's status as a public housing resident or recipient of Section 8 tenant-based assistance, either results or may result in a conflict of interest, unless the matter is clearly applicable to the Resident Commission Member only in a personal capacity and applies uniquely to that member and not generally to residents or to a subcategory of residents.

E. Chairperson and Vice-Chairperson. The Mayor shall designate which of the commissioners shall be Chairperson and Vice-chairperson. (A.R.S. § 36-1404.C) The Mayor may not designate himself or herself as the Chairperson or Vice-chairperson. The terms of the Chair and Vice-Chair shall be for a period of one (1) year with eligibility for reappointment.

F. Commission Member Term and Removal. Commissioners first appointed upon creation of the CFHA shall be designated to serve for staggered terms of one (1), two (2) and three (3) years from the date of their appointment, but thereafter commissioners, except for the Mayor, if serving as a commissioner, shall be appointed for a term of office of four (4) years. Vacancies from causes other than expiration of term shall be filled for the unexpired term only. (A.R.S. § 36-1404.B) Commissioners may be removed only according to state law (A.R.S. § 36-1405).

G. Quorum. A majority of the authorized number of commissioners constitutes a quorum. If a meeting is duly noticed and a quorum is present, action may be taken on a vote of a majority of the commissioners present. (A.R.S. § 36-1404.B) Commissioners who are recused due to a conflict of interest shall continue to be counted for purposes of establishing and maintaining a quorum.

H. Meetings. The Commission shall hold a minimum of eight (8) meetings each year.

1-13-001-0003 POWERS AND RESPONSIBILITIES OF THE COMMISSIONERS

A. Powers. Pursuant to A.R.S. §36-1404(A), the Council delegates to the Commissioners the powers with regard to public housing projects of the City as set forth in this Chapter. "Housing project" is defined in A.R.S. § 36-1401(8), and may be designated in this ordinance as "Projects" or "Housing Projects." The Council does not delegate to the Commissioners the power to borrow money, issue bonds or acquire real property. Powers or responsibilities not specifically delegated by the Council to the Commissioners are reserved to the appropriate City officials as provided in the City's Charter. All City of Flagstaff Housing Authority employees are City employees and are subject to the supervisory

authority of the City Manager, pursuant to the provisions of Article III, Section 3 of the City Charter. The Commissioners will follow all applicable City charter requirements, ordinances, policies and procedures, including but not limited to those regarding budget and finance, procurement, personnel, legal matters, risk management and open meetings. If there is a question about whether such requirements apply, it shall be resolved by the City Manager in consultation with the City Attorney, unless the matter is one strictly within the responsibilities of the City Attorney as the chief legal advisor of the City.

B. Commissioners' Responsibilities. The Commissioners shall:

1. Investigate living, dwelling and housing conditions and the means and methods of improving such conditions through public housing projects and make recommendations to the City Council regarding these matters including recommendations for increasing the number of low income housing opportunities and projects in the City.
2. Make studies and recommendations to the Council relating to the problem of clearing, planning, designing and reconstructing blighted areas, and the problem of providing dwelling accommodations for persons of low income.
3. Review and make recommendations to the Council with regard to applications for grants pertaining to public housing programs, programs under Section 8 of the U.S. Housing Act of 1937, as amended, and other programs for which the CFHA is authorized to apply.
4. Review and make recommendations to the City Manager regarding the annual budget for the CFHA.
5. Review and make recommendations to the City Manager and the Council regarding annual plans that must be submitted to HUD.
6. Review and adopt policies, procedures and operational plans that are required by law, regulations and/or HUD directives to be implemented by the CFHA. Examples of such actions include without limitation adopting HUD-mandated admissions and continued occupancy policies, adjusting Section 8 housing choice voucher payment standards if such adjustments are below ten percent (10%), establishing and revising utility allowances, and adopting and revising a resident handbook.
7. Review and make recommendations to the Council regarding the approval, adoption and implementation of policies, procedures and plans that are not required by law, regulations or HUD directives,

including without limitation those that are recommended by HUD, those that are referred to the Commission by the Council and those that allow for the exercise of discretion in approval, adoption and implementation. Examples of such actions include without limitation approval of management assessments, approving admissions and continued occupancy policies that are not mandated by HUD, and adjusting Section 8 housing choice voucher payment standards if such adjustments equal ten percent (10%) or more.

8. Review and make recommendations to the Council with regard to changes to the CFHA's form lease agreement when such changes involve terms and conditions materially affecting the lease arrangement and which are not required by law, regulations or HUD directives.

9. Exercise the responsibilities of a public housing authority Board of Commissioners with respect to resident grievances, as described in the Code of Federal Regulations, 24 CFR 966.57, as may be amended.

D. If there is a question about whether a matter is within the responsibilities of the Commission, the question shall be resolved by the City Attorney.

1-13-001-0004 USE OF FUNDS

Any monies from HUD that are specifically designated for public housing purposes, programs under Section 8 of the U.S. Housing Act of 1937, as amended, and other programs which the CFHA is authorized to administer shall be used only for those purposes. Overhead charges and similar transfers of funds for other City Departments, Divisions and Sections shall not be assessed against, withdrawn from, or transferred from funds that are specifically designated for non-administrative functions. Such funds include without limitation Housing Assistance Program Payments designated for Section 8 landlords and that portion of capital funds that are designated for non-administrative expenses related to capital improvements.

(Amended Ord. No. 2010-19, 06/08/10)

The Flagstaff City Code is current through Ordinance 2012-17, passed January 15, 2013.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.