

35A-8-402 Creation of housing authority authorized -- Procedure.

- (1) The governing body of each public body of the state, except the state itself, may create an authority, corporate and politic, to be known as a "housing authority."
- (2) The governing body of a city or county shall give consideration to the need for an authority:
 - (a) on its own motion; or
 - (b) upon the filing of a petition signed by 25 electors of the city or county asserting that there is need for an authority to function in the city or county and requesting that its governing body make a declaration to that effect.
- (3) The governing body shall adopt a resolution declaring there is need for an authority and creating an authority in the city or county if it finds:
 - (a) that unsanitary or unsafe inhabited dwelling accommodations exist in the city or county; or
 - (b) that there is a shortage of safe and sanitary dwelling accommodations in the city or county available to persons of medium and low income at rentals or prices they can afford.
- (4)
 - (a) In any suit, action, or proceeding involving the validity or enforcement of a contract of the authority, an authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of the resolution prescribed in Subsection (3).
 - (b) A copy of the resolution duly certified by the clerk shall be admissible in evidence in a suit, action, or proceeding.
- (5) In counties of the third, fourth, fifth, and sixth class, the governing body of each public body of the state, except the state itself, may contract with or execute an interlocal agreement for services to be provided by an existing housing authority established in another political subdivision.

Renumbered and Amended by Chapter 212, 2012 General Session