

**35A-8-401 Definitions.**

As used in this part:

- (1) "Area of operation" means:
  - (a) in the case of an authority of a city, the city, except that the area of operation of an authority of a city does not include an area that lies within the territorial boundaries of some other city; or
  - (b) in the case of an authority of a county, all of the county for which it is created except, that a county authority may not undertake a project within the boundaries of a city unless a resolution has been adopted by the governing body of the city, and by any authority which has been established and authorized to exercise its powers in the city, declaring that there is need for the county authority to exercise its powers within that city.
- (2) "Blighted area" means an area where dwellings predominate that, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities or any combination of these factors, are detrimental to safety, health, and morals.
- (3) "Bonds" means bonds, notes, interim certificates, debentures, or other obligations issued by an authority under this part.
- (4) "City" means a city or town in the state.
- (5) "Clerk" means the city or county clerk, or the officer charged with the duties customarily imposed on the clerk.
- (6) "County" means a county in the state.
- (7) "Elderly" means a person who meets the age, disability, or other conditions established by regulation of the authority.
- (8) "Federal government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States.
- (9) "Governing body" means, in the case of a city, the council or other body of the city in which is vested legislative authority customarily imposed on the city council, and in the case of a county, the board of county commissioners.
- (10) "Housing authority" or "authority" means a public body corporate and politic created by this part.
- (11)
  - (a) "Housing project" or "project" means a work or undertaking, on contiguous or noncontiguous sites to:
    - (i) demolish, clear, or remove buildings from a blighted area;
    - (ii) provide or assist in providing decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of medium and low income by any suitable methods, including rental, sale of individual units in single or multifamily structures under conventional condominium, cooperative sales contract, lease-purchase agreement, loans, or subsidizing of rentals or charges; or
    - (iii) accomplish a combination of Subsections (11)(a)(i) and (ii).
  - (b) "Housing project" includes:
    - (i) buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances;
    - (ii) streets, sewers, water service, utilities, parks, site preparation and landscaping;
    - (iii) facilities for administrative, community, health, recreational, welfare, or other purposes;
    - (iv) the planning of the buildings and other improvements;
    - (v) the acquisition of property or any interest in the property;
    - (vi) the demolition of existing structures;

- (vii) the construction, reconstruction, rehabilitation, alteration, or repair of the improvements and all other work in connection with them; and
- (viii) all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.
- (12) "Major disaster" means a flood, drought, fire, hurricane, earthquake, storm, or other catastrophe, which in the determination of the governing body is of sufficient severity and magnitude to warrant the use of available resources of the federal, state, and local governments to alleviate the damage, hardship, or suffering caused.
- (13) "Mayor" means the mayor of the city or the officer charged with the duties customarily imposed on the mayor or executive head of a city.
- (14) "Obligee of an authority" or "obligee" includes a bondholder, agent or trustee for a bondholder, a lessor demising to the authority used in connection with a project, an assignee or assignees of the lessor's interest in whole or in part, and the federal government when it is a party to a contract with the authority.
- (15) "Persons of medium and low income" mean persons or families who, as determined by the authority undertaking a project, cannot afford to pay the amounts at which private enterprise, unaided by appropriate assistance, is providing a substantial supply of decent, safe and sanitary housing.
- (16) "Person with a disability" means a person with any disability as defined by and covered under the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102.
- (17) "Public body" means a city, county or municipal corporation, commission, district, authority, agency, subdivision, or other body of the foregoing.
- (18) "Real property" includes all lands, improvements, and fixtures on them, property of any nature appurtenant to them or used in connection with them, and every estate, interest, and right, legal or equitable, including terms for years.

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