



JOINT INFORMATION MEETING AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: County Attorney

MEETING DATE: January 6, 2014

PRESENTER: Keith Gingery

SUBJECT: Wyoming Public Housing Act

STATEMENT/PURPOSE

The BCC requested that the County Attorney's Office provide a short statutory explanation of how the Wyoming Public Housing Act is structured in Wyoming and how the Town of Jackson could participate.

BACKGROUND

The Wyoming Public Housing Act was passed by the Wyoming Legislature in 1971. (1971 Wyo. Session Laws Chapter 205). The act is codified in Wyoming Statute §15-10-101 through 15-10-117. The statutes are within Title 15 which is the title for Cities and Towns. (County statutes are in Title 18). This shows some intent on the behalf of the Wyoming Legislature that public housing issues were primarily going to be handled through municipalities. This is also reflected in the fact that the Teton County Housing Authority is the only public housing that is operated through the auspices of a county rather than a city or town. 6 municipalities have housing programs operated under the Wyoming Public Housing Act that are operated directly by the municipality. (Buffalo, Douglas, Evanston, Hanna, Lusk, Rock Springs). Both Casper and Cheyenne operate through a housing authority created by the respective municipality. These programs are primarily dealing with low rent housing, Section 8 vouchers, and utility allowances. The Casper Housing Authority does own about 75 rental units.

The statutes allow for a city/town to operate a housing department, or for a county to operate a housing department, or for a city/town to jointly operate a housing department with a county. The other option is for the town and county jointly, or a town independently, or a county independently, to create a housing authority. A housing authority operates as a separate legal entity. Teton County, as well as the Cities' of Casper and Cheyenne chose to create housing authorities rather than run as departments of their respective governmental entities.

Prior to providing housing under the Wyoming Public Housing Act the county or town must find that there is either unsanitary or unsafe or substandard housing; or there is shortage of safe and sanitary housing available to persons of low income at rentals or prices they can afford.

Whether operating as a joint town/county department, a separate town department, a separate county department, a town created housing authority, a county created housing authority, or a town/county jointly created housing authority, the powers are all about the same with one major exception. A housing authority cannot approve a housing authority without first obtaining permission from the creating entity. Specifically in regards to the Teton County Housing Authority, they must obtain permission from the Teton County Board of County Commissioners prior to starting a new housing project. Otherwise, the powers are the same regardless of the legal structure that is chosen. The powers include the power to construct housing projects, lease, rent, sell homes, to own land; to acquire land; to make loans, and a myriad of other powers.

A housing authority is a separate legal entity meaning that they make all of their own decisions separate and distinct from the governing body that created them (such as the county in the example of the Teton County Housing Authority). Again with the one exception of the approval of a housing project to proceed. The powers are vested in a board of housing commissioners that are appointed by the creating government body. In our example, the Teton County Board of County Commissioners appoint the housing authority commissioners.

Options

- 1) The Town of Jackson could jointly with Teton County create the Jackson/Teton County Housing Authority.
- 2) Teton County could dissolve the current Teton County Housing Authority and reconstitute it as a joint department with the Town of Jackson.
- 3) The Town of Jackson could create their own housing department.
- 4) The Town of Jackson could create their own housing authority.

FISCAL IMPACT

N/A

STAFF IMPACT

N/A

RECOMMENDATION

None

LEGAL REVIEW

N/A

SUGGESTED MOTION

No action being proposed. Informational only.