

Tenn. Code Ann. § 13-20-101

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-101. Short title.

This chapter may be referred to as the "Housing Authorities Law."

History

Acts 1935 (Ex. Sess.), ch. 20, § 1; C. Supp. 1950, § 3647.1; T.C.A. (orig. ed.), § 13-801.

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[Tenn. Code Ann. § 13-20-102](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-102. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

- (1)**"Authority" or "housing authority" means a public body and a body corporate and politic organized in accordance with this chapter for the purposes, with the powers, and subject to the restrictions, hereinafter set forth;
- (2)**"Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this chapter;
- (3)**"Business" means any lawful activity conducted primarily:
 - (A)**For the purchase, sale, lease and rental of personal and real property, and for the manufacturing, processing, or marketing of products, commodities, or any other personal property;
 - (B)**For the sale of services to the public; or
 - (C)**By a nonprofit organization;
- (4)**"City" means the city or town which is, or is about to be, included in the territorial boundaries of an authority when created hereunder;
- (5)**"City clerk" and "mayor" means the clerk and mayor, respectively, of the city, or the officers thereof, charged with the duties customarily imposed on the clerk and mayor, respectively;
- (6)**"Commissioner" means one (1) of the members of an authority appointed in accordance with this chapter;
- (7)**"Community facilities" includes real and personal property, and buildings and equipment for recreation or social assemblies, for educational, health or welfare purposes and necessary utilities when designed primarily for the benefit and use of the housing authority and/or the occupants of the dwelling accommodations;
- (8)**"Contract" means any agreement of an authority with or for the benefit of an obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument;
- (9)**"Council" means the legislative body, council, board of commissioners, board of trustees, or other body charged with governing the city;
- (10)**"Dwelling unit" means a building or structure used as a place of residence;
- (11)**"Farmers of low income" means persons or families who at the time of their admission to occupancy in a dwelling of the authority:
 - (A)**Live under unsafe or unsanitary housing conditions;
 - (B)**Derive their principal income from operating or working upon a farm; and
 - (C)**Had an aggregate average annual net income for the three (3) years preceding their admission that was less than the amount determined by the authority to be necessary, within its area of

operations, to enable them, without financial assistance, to obtain decent, safe, and sanitary housing, without overcrowding;

(12)"Federal government" includes the United States, or any agency, instrumentality, corporate or otherwise, of the United States;

(13)"Governing body" means the council of any city;

(14)"Government" includes the state and federal governments and any subdivision, agency or instrumentality, corporate or otherwise, of either of them;

(15)(A) "Housing project" includes all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking, to:

(i)Demolish, clear, remove, alter or repair unsanitary or unsafe housing; and/or

(ii)Provide safe and sanitary dwelling accommodations for persons of low income;

(B)"Housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements, and all other work in connection therewith. "Housing project" may also include such buildings and equipment for recreational or social assemblies for educational, health or welfare purposes, and such necessary utilities, as are designed primarily for the benefit and use of the housing authority and/or the occupants of such dwelling accommodations;

(16)"Mixed-finance project" means a project that is financially assisted by private resources, which may include low-income housing tax credits, in addition to an amount provided under any state or federal program. "Mixed-finance project" includes a project that is developed by:

(A)An authority or by an entity affiliated with an authority;

(B)A partnership, a limited liability company, or other entity in which the authority, or an entity affiliated with an authority, is a general partner, managing member, or otherwise participates in the activities of the entity; or

(C)Any entity that grants to the authority the right of first refusal and first option to purchase, after the close of the compliance period, the qualified low-income building in which the public housing units exist in accordance with the Internal Revenue Code of 1986, § 42(i)(7), codified in 26 U.S.C. § 42(i)(7);

(17)"Mortgage" includes deeds of trust, mortgages, building and loan contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale thereof;

(18)"Municipality" means any city, town, or village or other municipality in the state;

(19)"Obligee of the authority" or "obligee" includes any bondholder, trustee or trustees for any bondholders, any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of the lessor's interest or any part thereof, and the United States, when it is a party to any contract with the authority;

(20)"Persons of low income" means persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding;

(21)"Real property" includes lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise;

(22)"Representative district" means any division or district of any city or municipality which is created for the purpose of electing a representative to the governing body of the city or municipality;

(23)"State" means the state of Tennessee;

(24)"Taxing agency" means any county, city, town or metropolitan government in the state; and

(25)"Trust indenture" includes instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof.

History

Acts 1935 (Ex.Sess.), ch. 20, § 3; 1935 (Ex.Sess.), ch. 44, § 2; 1935 (Ex. Sess.), ch. 45, § 2; 1937, ch. 234, § 1; 1943, ch. 22, §§ 2-4; C. Supp. 1950, § 3647.2 (Williams, §§ 3647.3, 3647.31, 3647.38); Acts 1965, ch. 193, § 1; 1972, ch. 690, § 1; 1978, ch. 854, § 1; T.C.A. (orig. ed.), § 13-802; [Acts 1999, ch. 243, § 2](#).

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End of Document

Tenn. Code Ann. § 13-20-103

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-103. Meetings and residence of commissioners.

Nothing contained in this chapter shall be construed to prevent meetings of the commissioners anywhere within the perimeter boundaries of the area of operation of the authority or within any additional area where the housing authority is authorized to undertake a housing project, nor to prevent the appointment of any person as a commissioner of the authority who resides within such boundaries or such additional area, and who is otherwise eligible for such appointment under this chapter.

History

Acts 1935 (Ex. Sess.), ch. 20, § 44, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29H (Williams, § 3647.29t); T.C.A. (orig. ed.), § 13-803.

TENNESSEE CODE ANNOTATED

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Tenn. Code Ann. § 13-20-104

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-104. Powers of housing authority.

(a)An authority has the power to:

- (1)**Investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions;
- (2)**Determine where unsafe, or unsanitary dwelling or housing conditions exist;
- (3)**Study and make recommendations, in cooperation with any city, municipal or regional planning commission, concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing, replanning and reconstruction of areas in which unsafe, or unsanitary dwelling or housing conditions exist, and concerning provisions for dwelling accommodations for persons of low income;
- (4)**Prepare, carry out and operate housing projects;
- (5)**Provide for the construction, reconstruction, rehabilitation, improvement, alteration or repair of any housing project or any part thereof by direct sponsorship of the authority, by the purchase of a mortgage or by the making of a mortgage loan to a not-for-profit entity or corporation. In the event it becomes necessary for an authority to issue bonds for the obtaining of capital to purchase a mortgage or the making of a mortgage loan as provided for in this section, the bond issue shall first be approved by ordinance or resolution of the local governing body;
- (6)**Own, operate, assist, or otherwise participate in one (1) or more mixed-finance projects to provide for the construction, reconstruction, rehabilitation, improvement, alteration or repair of any housing project or any part thereof. An authority may provide capital assistance, operating assistance and financing assistance to a mixed-finance project in the form of a grant, loan, guaranty, collateralization or other form of investment in the project, or other form of public or private borrowings, for the construction or rehabilitation of a housing project;
- (7)**Take over by purchase, lease or otherwise any housing project located within its boundaries undertaken by any government, or by any city or municipality located in whole or in part within its boundaries;
- (8)**Manage as agent of any city or municipality located in whole or in part within its boundaries any housing project constructed or owned by such city;
- (9)**Act as agent for the federal government in connection with the acquisition, construction, operation and/or management of a housing project or any part thereof;
- (10)**Arrange with any city or municipality located in whole or in part within its boundaries or with a government for the furnishing, replanning, installing, opening or closing of streets, roads, roadways, alleys, sidewalks or other places or facilities;
- (11)**Arrange for the acquisition by such city, municipality, or government of property, option or property rights;
- (12)**Arrange for the furnishing of property or services in connection with a project;

(13) Arrange with the state, its subdivisions and agencies, and any county, city or municipality of the state, to the extent that it is within the scope of each of their respective functions:

(A) Cause the services customarily provided by each of them to be rendered for the benefit of such housing authority and/or the occupants of any housing projects;

(B) Provide and maintain parks and sewerage, water and other facilities adjacent to or in connection with housing projects; and

(C) Change the city or municipality map, to plan, replan, zone or rezone any part of the city or municipality;

(14) Lease or rent any of the dwellings or other accommodations or any of the lands, buildings, structures or facilities embraced in any housing project and to establish and revise the rents or charges therefor;

(15) Enter upon any building or property in order to conduct investigations or to make surveys or soundings;

(16) Purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise, any property, real or personal or any interest therein from any person, firm, corporation, city, municipality, or government;

(17) Acquire by eminent domain any real property, including improvements and fixtures thereon except as provided in [§ 13-20-105](#);

(18) Sell, exchange, transfer, assign, or pledge any property, real or personal or any interest therein to any person, firm, corporation, municipality, city, or government;

(19) Own, hold, clear and improve property;

(20) Insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable;

(21) Procure insurance or guarantees from the federal government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any housing project;

(22) Borrow money upon its bonds, notes, debentures, or other evidences of indebtedness and secure the same by pledges of its revenues, and, subject to the limitations hereinafter imposed, by mortgages upon property held or to be held by it, or in any other manner;

(23) In connection with any loan, agree to limitations upon its right to dispose of any housing project or part thereof or undertake additional housing projects;

(24) In connection with any loan by a government, agree to limitations upon the exercise of any powers conferred upon the authority by this chapter;

(25) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control;

(26) Sue and be sued;

(27) Have a seal and alter the same at pleasure;

(28) Have a perpetual succession;

(29) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority;

(30) Make and from time to time amend and repeal bylaws, rules and regulations not inconsistent with this chapter;

(31) Conduct examinations and investigations and hear testimony and take proof under oath at public or private hearings on any matter material for its information;

(32) Issue subpoenas requiring the attendance of witnesses for the production of books and papers and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the authority, or are excused from attendance;

(33) Make available to such agencies, boards or commissions as are charged with the duty of abating or requiring the correction of nuisance or like conditions, or of demolishing unsafe or unsanitary structures within its territorial limits, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare;

(34) Provide consulting services to housing authorities outside the housing authority's territorial jurisdiction;

(35) Enter into management contracts with other authorities outside the authority's territorial jurisdiction, which provide for the management of all or any part of the operations of an authority or all or any part of a housing project or a mixed-finance project of an authority; and

(36) Enter into agreements with municipalities under which the authority agrees to exercise any or all powers of an authority under this chapter relating to redevelopment or urban renewal projects for such municipality with respect to one (1) or more redevelopment or urban renewal projects, including, but not limited to, holding public hearings, preparing redevelopment and urban renewal plans and managing redevelopment projects; provided, however, that all debt related to such redevelopment projects must be issued by the housing authority for the jurisdiction subject to the agreement and the housing authority for the jurisdiction subject to the agreement must consent to such agreement by resolution. Any municipality may enter into an agreement described in this subsection (a).

(b) Any of the investigations or examinations provided for in this chapter may be conducted by the authority or by a committee appointed by it, consisting of one (1) or more commissioners, or by counsel, or by an officer or employee specially authorized by the authority to conduct it. Any commissioner, counsel for the authority, or any persons designated by it to conduct an investigation or examination shall have power to administer oaths, take affidavits and issue subpoenas or commissions. An authority may exercise any or all of the powers herein conferred upon it, either generally or with respect to a specific housing project or projects through or by an agent or agents which it may designate, including any corporations which are or shall be formed under the laws of this state, and for such purposes, an authority may cause one (1) or more corporations to be formed under the laws of this state or may acquire the capital stock of any corporation or corporations. All housing project property owned by a corporate agent of a housing authority is subject to the control of and is deemed to be property of the housing authority. Any corporate agent may, to the extent permitted by law, exercise any of the powers herein conferred upon the authority. For purposes of this subsection (b), "corporation" shall include both for-profit corporations and nonprofit corporations.

(c) In addition to all of the other powers herein conferred upon it, an authority may do all things necessary and convenient to carry out the purposes and provisions of this chapter. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the general assembly shall specifically so state.

(d) Notwithstanding anything to the contrary contained in this chapter or in any other provision of law, an authority may include, in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(e)

(1) Notwithstanding anything to the contrary contained in this chapter or in any other provision of law, an authority shall not initiate any public housing project under this chapter or any other provision of law until the governing body, or agency designated by it or empowered by law to act, of each city or municipality, in which any of the area to be covered by the project is situated in a representative district

thereof, has approved the proposed public housing project plan, which provides an outline for the development, construction, lease, or purchase of the proposed housing project and is sufficiently complete to indicate its relationship to definite local objectives of appropriate land use and providing decent, safe, and sanitary housing for persons of low income.

(2) Such cities or municipalities are hereby authorized to approve public housing project plans through their governing body or agency designated by it for that purpose.

(A) The governing body shall not approve a public housing project plan until after a public hearing has been held by the governing body, or the agency designated by it or empowered by law so to act, to determine the necessity for the adoption of the public housing project proposal. Notice of the public hearing shall be given, by publishing once a week for three (3) consecutive weeks immediately preceding the public hearing in a newspaper of general circulation published in the city or municipality, providing notice of the time, place, and purpose of the public hearing and identifying at least two (2) locations, one (1) of which shall be the offices of the authority, where a map of the area to be included in the proposed public housing project, with the streets or other lines marking the boundaries of the area clearly indicated, may be reviewed by interested persons; and

(B) The failure to give the notice required in subdivision (e)(2)(A) may be asserted only by an owner having interest in property or an occupant of a business or dwelling unit thirty (30) days prior to the date of public hearing within the representative district in which a public housing project, as authorized pursuant to this chapter, both under the public or private acts, is proposed to be developed, constructed, leased, or purchased as a cause of action on the trial of the issue of the right of the housing authority to develop, construct, lease, or purchase the public housing project, and such failure to give notice as required in subdivision (e)(2)(A) constitutes a cause of action unless, in the judgment of the court trying such issue, there has been compliance with subdivision (e)(2)(A).

(3) For purposes of this subsection (e), "public housing project" shall mean housing units that are subject to a housing authority's annual contribution contract with the United States department of housing and urban development.

(f)

(1) "Low-income housing tax credit (LIHTC) property" means low-income housing property restricted under government regulations pursuant to § 42 of the *Internal Revenue Code of 1986*, codified in 26 U.S.C. § 42, the low-income housing tax credit program.

(2) Upon the affirmative vote of a majority of the members of its governing body, the city or county for which a housing authority is created may delegate to such housing authority the authority to negotiate and accept payments in lieu of ad valorem taxes from the housing authority's lessees operating LIHTC property; provided, however, that such authorization shall be granted only upon a finding that such payments are deemed to be in furtherance of the housing authority's public purposes. The housing authority shall submit each such agreement to the city or county legislative body of all affected taxing jurisdictions for approval.

(3) Before October 1 of each year, a housing authority to which authority to negotiate payments in lieu of taxes has been delegated by a city or county shall submit to the state board of equalization an annual report containing a list of all the real and personal property owned by the housing authority and its associated entities and subsidiaries with respect to which payments in lieu of ad valorem taxes have been negotiated and accepted; the value of each listed property, as estimated by the lessee of the property; the date and term of the lease for each listed property; the amount of payments made in lieu of property taxes for each listed property; the date each listed property is scheduled to return to the regular tax rolls; and a calculation of the taxes which would have been due for each listed property if the properties were privately owned or otherwise subject to taxation. Each lessee of the housing authority shall be responsible for the timely completion and filing of the report, and failure to timely complete and file the report shall subject such lessees to a penalty equivalent to that applicable to

similar lessees of industrial development corporations; provided, that no lessee shall be liable who has provided the state board of equalization information required by this section as may be pertinent to property leased by the lessee from the housing authority.

(g)(1) If any two (2) authorities determine it to be in the best interest of each authority to merge, each such authority shall approve the merger by resolution. Any such resolution shall include the name of each authority involved in the merger, identify the surviving authority into which each authority plans to merge and the terms and conditions of the merger. Any such resolution shall be filed with each city or county that created each authority that is subject to the merger, and if the governing body of each such city or county approves such merger by resolution, the authorities may proceed with the merger. Upon the effective date of the merger:

(A) Every other authority that is a party to the merger shall merge into the surviving authority and the separate existence of every authority except the surviving authority shall cease;

(B) The title to all real estate and other property owned by each authority that is a party to the merger shall be vested in the surviving authority without reversion or impairment;

(C) The surviving authority shall be deemed to have assumed all liabilities and obligations of each authority that is a party to the merger;

(D) A proceeding pending against any corporation that is a party to the merger may be continued as if the merger did not occur or the surviving corporation may be substituted in the proceeding for the authority whose existence ceased; and

(E) The board of commissioners of the surviving entity shall remain unchanged.

(2) Upon the effective date of any such merger, the boundaries of the authority shall be deemed to be the collective boundaries of the merged authorities.

(3) The surviving authority for purposes of this chapter shall continue to be considered a city, county or regional authority as was the case prior to the merger, and the appointment and composition of the board of commissioners of the surviving authority shall not change.

(4) The power to merge authorities under this subsection (g) is supplemental to all other powers granted under this chapter to consolidate authorities or to create regional authorities.

(5) A notice of any merger of authorities pursuant to this subsection (g) shall be filed with the secretary of state.

(h) If an authority determines it to be in its best interest to dissolve, the authority shall approve such dissolution by resolution. Such resolution shall include a statement providing for the distribution of assets upon the completion of dissolution of the authority. Upon adoption of such resolution, subject to any approval required by the charter or bylaws of the authority and upon the approval by resolution by the governing body of each municipality or county that created such authority, articles of dissolution and termination setting forth the name of the authority, the date of its incorporation and a statement that the authority has approved the dissolution of the authority and the date on which such approval was given shall be delivered to the secretary of state. Upon filing the articles of dissolution with the secretary of state, the corporate existence of the authority shall terminate except for the purpose of conducting activities to wind up and liquidate its affairs, including collecting its assets, conveying and disposing of its properties that will not be distributed in kind, discharging or making provisions for discharging its liabilities, and returning, transferring or conveying assets held by the authority upon a condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, in accordance with such condition, transferring, subject to any contractual or legal requirements, its assets as provided or authorized by its charter or bylaws.

History

Tenn. Code Ann. § 13-20-104

Acts 1935 (Ex. Sess.), ch. 20, § 9; 1937, ch. 234, § 3; mod. C. Supp. 1950, § 3647.8 (Williams, § 3647.9); Acts 1972, ch. 690, § 2; 1976, ch. 729, § 1; T.C.A. (orig. ed.), § 13-804; [Acts 1995, ch. 442, § 1](#); [1999, ch. 243, § 1](#); [2002, ch. 815, § 2](#); [2006, ch. 999, §§ 1-4](#); [2012, ch. 706, §§ 1-3](#); [2015, ch. 222, § 1](#).

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Tenn. Code Ann. § 13-20-105

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-105. Private property -- Taking by eminent domain restricted under certain conditions.

A housing authority created under this chapter shall not have the power to take by eminent domain private property in an urban renewal area for the purpose of resale, if the owner of same desires to develop such owner's own property and if the designated reuse of the property in the urban renewal plan is such that the owner's parcel can be redeveloped by itself without affecting the objectives of the urban renewal plan as to the owner's parcel or adjoining or adjacent properties thereto, and the owner signs an agreement with the housing authority to abide by the urban renewal plan, in any development thereof.

History

Acts 1972, ch. 711, § 1; T.C.A., § 13-833.

TENNESSEE CODE ANNOTATED

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Tenn. Code Ann. § 13-20-106

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-106. Housing research and studies.

In addition to all its other powers, any authority may, within its area of operation, undertake and carry out studies and analyses of the housing needs, and of the meeting of such needs, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting thereof, and make the results of such studies and analyses available to the public and the building, housing and supply industries, and may also engage in research and disseminate information on the subject of housing.

History

Acts 1935 (Ex. Sess.), ch. 20, § 49, as added by Acts 1945, ch. 102, § 1; C. Supp. 1950, § 3647.29M (Williams, § 3647.29y); T.C.A. (orig. ed.), § 13-805.

TENNESSEE CODE ANNOTATED

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Tenn. Code Ann. § 13-20-107

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-107. Cooperation of authorities in exercise of powers.

Any two (2) or more authorities may join or cooperate with one another in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing, including the issuance of bonds, notes or other obligations and giving security therefor, planning, undertaking, owning, construction, operating or contracting with respect to a housing project or projects located within the boundaries of any one (1) or more of the authorities. For such purposes, an authority may by resolution prescribe and authorize any other housing authority or authorities, so joining or cooperating with it, to act on its behalf with respect to any or all of such powers. Any authorities joining or cooperating with one another may by resolution appoint from among the commissioners of such authorities an executive committee with full power to act on behalf of such authorities with respect to any or all of their powers, as prescribed by resolutions of such authorities.

History

Acts 1935, (Ex. Sess.), ch. 20, § 10; 1943, ch. 22, § 5; C. Supp. 1950, § 3647.9 (Williams, § 3647.10); T.C.A. (orig. ed.), § 13-806.

TENNESSEE CODE ANNOTATED
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[Tenn. Code Ann. § 13-20-108](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-108. Eminent domain used to acquire land for housing projects and by United States agencies.

(a) A housing authority as defined in [§ 13-20-102](#) and any corporation, which is an agency of the United States, shall, upon the adoption of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use, have the right to acquire by eminent domain any real property, including improvements and fixtures thereon, which it may deem necessary for a housing project being constructed, operated or aided by it or the United States. Any corporation borrowing money or receiving other financial assistance from the United States or any agency thereof for the purpose of financing the construction or operation of any housing project or projects, the operation of which will be subject to public supervision or regulation, shall have the right to acquire by eminent domain any real property, including fixtures and improvements thereon which it may deem necessary for such project. A housing project shall be deemed to be subject to public supervision or regulation within the meaning of this chapter if the rents to be charged are in any way subject to the supervision, regulation or approval of the United States, the state or any of their subdivisions or agencies, or by a housing authority, city, municipality or county, whether such right to supervise, regulate or approve is by virtue of any law, statute, contract or otherwise.

(b) The power of eminent domain hereinabove conferred may be exercised pursuant to either:

(1) Title 29, chapter 16; title 29, chapter 17, part 5; and any amendments thereto; or

(2) Pursuant to any other applicable statutory provisions, now in force or hereafter enacted, for the exercise of the power of eminent domain.

(c) Property already devoted to a public use may be acquired; provided, that no property belonging to any city or municipality or to any government may be acquired without its consent and that no property belonging to a public utility corporation may be acquired without the approval of the commission or other officer or tribunal, if any there be, having regulatory power over such corporation.

(d) Whenever the power of eminent domain as herein conferred shall be exercised, in estimating the damages, the jury or jury of view, as the case may be, shall give the value of the land or rights taken without deduction, together with incidental damages, if any. Where the removal of furniture, household belongings, fixtures, merchandise, stock in trade, inventories, equipment or machinery is made necessary by the taking, the reasonable expense of such removal shall be considered in assessing incidental damages. The reasonable expense of the removal of such chattels shall be construed as including the cost of any necessary disconnection, dismantling or disassembling, the loading, and drayage to another location not more than ten (10) miles distant, and the reassembling, reconnecting, and installing in such new location. This provision shall only apply when the power of eminent domain is exercised under this section.

History

Acts 1935 (Ex.Sess.), ch. 20, § 11; 1935 (Ex.Sess.), ch. 44, § 3; C. Supp. 1950, § 3647.10 (Williams, §§ 3647.11, 3647.39); Acts 1965, ch. 191, § 1; T.C.A. (orig. ed.), § 13-807; [2014, ch. 927, § 9](#).

TENNESSEE CODE ANNOTATED

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Tenn. Code Ann. § 13-20-109

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-109. Acquisition of land for government.

The authority may acquire by purchase or by the exercise of its power of eminent domain as provided in [§ 13-20-108](#), any property real or personal for any housing project being constructed or operated by a government. The authority upon such terms and conditions, with or without consideration, as it shall determine, may convey title or deliver possession of such property so acquired or purchased to such government for use in connection with such housing project.

History

Acts 1935 (Ex.Sess.), ch. 20, § 12; C. Supp. 1950, § 3647.11 (Williams, § 3647.12); T.C.A. (orig. ed.), § 13-808.

TENNESSEE CODE ANNOTATED

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[Tenn. Code Ann. § 13-20-110](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-110. Conveyance, lease or agreement in aid of housing project.

(a)For the purpose of aiding and cooperating in the planning, construction and operation of housing projects located within their respective territorial boundaries, the state, its subdivisions and agencies, and any county, city, or municipality of the state may, upon such terms and for such consideration as it may determine:

(1)Grant, sell, convey or lease any of its property to a housing authority or the United States or any agency thereof;

(2)To the extent that it is within the scope of each of their respective functions:

(A)Cause the services customarily provided by each of them to be rendered for the benefit of the housing authority and/or the occupants of such housing projects;

(B)Provide and maintain parks and sewage, water and other facilities adjacent to or in connection with housing projects; and

(C)Enter into any agreements to open, close, pave, install, or change the grade of streets, roads, roadways, alleys, sidewalks, or other such facilities, to change the city or municipality map, to plan, replan, zone or rezone any part of the city or municipality;

(3)Enter into agreements with respect to the exercise of its powers relating to the repair, elimination or closing of unsafe, unsanitary or unfit dwellings; and

(4)Do any and all things necessary to aid and cooperate in the planning, construction and operation of housing projects by the United States and by housing authorities.

(b)In connection with the exercise of these powers, any city or municipality may incur the entire expense of any such public improvement located within its territorial boundaries without assessment against abutting property owners.

(c)Any law to the contrary notwithstanding, any grant, sale, conveyance, lease or agreement provided for in this section may be made without appraisal, public notice, advertisement or public bidding.

History

Acts 1935 (Ex. Sess.), ch. 45, § 3; 1939, ch. 154, § 1; mod. C. Supp. 1950, § 3647.29V (Williams, § 3647.32); T.C.A. (orig. ed.), § 13-809.

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Tenn. Code Ann. § 13-20-111

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-111. Federal projects acquired by authority.

With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no municipality shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

History

Acts 1935 (Ex. Sess.), ch. 45, § 10, as added by Acts 1937, ch. 225, § 1; C. Supp. 1950, § 3647.29Z (Williams, § 3647.36c); T.C.A. (orig. ed.), § 13-810.

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Tenn. Code Ann. § 13-20-112

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-112. Zoning and building laws.

All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated.

History

Acts 1935 (Ex. Sess.), ch. 20, § 13; C. Supp. 1950, § 3647.12 (Williams, § 3647.13); T.C.A. (orig. ed.), § 13-811.

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[Tenn. Code Ann. § 13-20-113](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-113. Rentals and tenant selection.

(a)In the operation or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

- (1)**It may rent or lease the dwelling accommodations therein only to persons of low income;
- (2)**It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of such persons of low income;
- (3)**It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and
- (4)**It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five (5) times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three (3) or more minor dependents, such ratio shall not exceed six (6) to one (1). In computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost, as determined by the authority, to the occupants, of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

(b)Nothing contained in this chapter shall be construed as limiting the power of an authority to:

- (1)**Vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by the law, with respect to rentals, tenant selection, manner of operation, or otherwise; or
- (2)**Pursuant to [§ 13-20-604](#), vest in obligees the right, in the event of a default by the authority, to acquire title to a housing project or the property mortgaged by the housing authority, free from all the restrictions imposed by this chapter, except those imposed by [§§ 13-20-604](#) and 13-20-609.

History

Acts 1935 (Ex. Sess.), ch. 20, § 32, as added by Acts 1937, ch. 234, § 5; 1939, ch. 74, § 2; C. Supp. 1950, § 3647.25 (Williams, § 3647.29b); T.C.A. (orig. ed.), § 13-812.

Tenn. Code Ann. § 13-20-114

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-114. Continuing counseling and education programs for tenants of housing projects.

(a) In the operation and management of housing projects, an authority may assist in the establishment and development of a continuing program of counseling and education for its tenants on household management, self-help, budgeting and money management, consumer education and related counseling and educational services which will assist its tenants in improving their living conditions and ability to purchase a home.

(b) Such program may include a credit union for the tenants.

(c) Such programs should be developed and scheduled to encourage maximum participation of the tenants.

History

Acts 1972, ch. 668, § 1; T.C.A., § 13-832.

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Tenn. Code Ann. § 13-20-115

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-115. Reasons for eviction.

Local housing authorities shall furnish an evicted tenant with the reasons for such tenant's eviction from a housing project upon the request of the evicted tenant.

History

Acts 1973, ch. 153, § 1; T.C.A., § 13-834.

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Tenn. Code Ann. § 13-20-116

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-116. Housing or domiciliary care for aged persons -- Daily attendance upon and care for tenants.

Any agency of the state or any county, city, metropolitan government or other political subdivision of the state, including, but not limited to, any public housing authority or housing development agency, which operates any program providing housing or domiciliary care for aged persons which, as used herein, means persons sixty-five (65) years of age or older, in buildings which exceed three (3) stories in height, shall, as a part of such operation or program, make arrangements, where funds are made available to it for that purpose, to provide some person or persons each day to contact individually by telephone, in person or in any other effective manner, each aged person in residence, to check upon each aged person's physical well-being and comfort and, in the event and only in the event, such person requests and is in apparent need of medical or social assistance or care, to promptly contact appropriate agencies and request such assistance and care in behalf of any such person. Where public funds are not made available specifically to defray any increased costs caused by such arrangements, the agency shall not be required to provide the arrangements or program out of its funds budgeted for other purposes, but shall nevertheless adopt and implement a program to organize, develop and utilize private individual and organizational resources or any other public agency resources which may be available to carry out the arrangements, either on a volunteer basis or on any other basis which such agency may find to be reasonably feasible within its budgetary or other resources or from funds or resources made available to it from any lawful source, public or private.

History

Acts 1974, ch. 692, § 1; T.C.A., § 13-835.

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[Tenn. Code Ann. § 13-20-117](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-117. Authority membership in metropolitan cities and counties.

(a) In any city or county with a metropolitan form of government, the membership of the housing authority shall be increased by two (2) additional members, which additional members shall be residents of low-rent public housing or housing projects.

(b) One (1) of the commissioners authorized pursuant to [§ 13-20-408](#) of any housing authority in any county having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725), according to the 1980 federal census or any subsequent federal census, shall be a resident of low-rent public housing or a housing project to be appointed by the mayor of the municipality creating such authority for a term of two (2) years, notwithstanding [§ 13-20-408](#). The first resident appointment shall be made to fill the first expired term of a commissioner occurring after March 17, 1988.

History

Acts 1983, ch. 49, § 1; 1988, ch. 568, § 1.

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Tenn. Code Ann. § 13-20-118

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 1 General Provisions

13-20-118. Immunity of officials.

The individual commissioners, directors, supervisory employees, and supervisory agents of a housing authority, whether such housing authority is formed under this chapter or by private act, while acting in the scope of their authority, including those entities that a housing authority or entity affiliated with an authority may form, incorporate, or join as a partner or member to develop or manage a mixed-finance project, and the directors, supervisory employees, and supervisory agents of such entities, while acting in the scope of their authority for the development or management of the mixed-finance project, enjoy the same protections and immunities that are presently provided for housing authority corporations under the law of this state, and any protections and immunities that may be provided to housing authorities in the future under the law of this state.

History

Acts 1984, ch. 747, § 1; [2018, ch. 664, § 1](#).

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[Tenn. Code Ann. § 13-20-201](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-201. Blighted areas and dilapidation defined.

(a)"Blighted areas" are areas, including slum areas, with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light and sanitary facilities, deleterious land use, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community. "Welfare of the community" does not include solely a loss of property value to surrounding properties, nor does it include the need for increased tax revenues. Under no circumstance shall land used predominantly in the production of agriculture, as defined by [§ 1-3-105](#), be considered a blighted area.

(b)As used in this chapter, "dilapidation" means extreme deterioration and decay due to lack of repairs to and care of the area.

History

Acts 1945, ch. 114, § 2; C. Supp. 1950, § 3647.29N (Williams, § 3647.53); T.C.A. (orig. ed.), § 13-813; Acts 1982, ch. 816, § 1; [2006, ch. 863, §§ 2](#), 14.

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[Tenn. Code Ann. § 13-20-202](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-202. Powers of housing authority as to blighted areas.

(a) Any housing authority now or hereafter established under and pursuant to this chapter, including any municipal housing authority whether created under and pursuant to the provisions of such law or of any special statute, may carry out any undertaking hereinafter called a "redevelopment project" and to that end may:

(1) Acquire blighted areas;

(2) Acquire other real property for the purpose of removing, preventing, or reducing blight, blighting factors, or the causes of blight;

(3) Acquire real property where the condition of the title, the diverse ownership of the real property to be assembled, the street or lot layouts, or other conditions, prevent a proper development of the property and where the acquisition of the area by the authority is necessary to carry out a redevelopment plan or urban renewal plan;

(4) Acting on its own or through third parties engaged to act on the housing authority's behalf:

(A) Clear any areas acquired, including relocation of utility facilities and demolition, in whole or in part, of buildings and improvements thereon and removal or remediation of any environmental contamination;

(B) Install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation and development of sites for uses in accordance with a redevelopment plan or urban renewal plan;

(C) Install, construct, or reconstruct parks, public open spaces, public playgrounds, pedestrian ways and all parking structures regardless of use in accordance with a redevelopment plan or urban renewal plan;

(D) Pay expenses for relocation, administrative costs, planning and engineering costs, energy efficiency costs and legal expenses associated with exercising the powers granted in this section or with carrying out a redevelopment plan or urban renewal plan;

(E) Pay the design costs, commissioning costs and fees and costs of required documentation associated with meeting the requirements of Leadership in Energy and Environmental Design (LEED), Green Globes or other similar programs, as well as greening costs and energy modeling costs for certification by such programs of new construction, existing buildings and other projects;

(F) Install, construct, add to, improve or reconstruct public infrastructure, including, but not limited to, water, solid waste, transportation, telecommunication, energy use capture and transmittal, power systems and alternative power systems or alternate power projects that incorporate principles of urban sustainability, eco-efficiency and global sustainable development; and

(G) Take all other necessary actions designed to further the goals and local objectives articulated in the redevelopment plan or urban renewal plan;

(5) Sell or lease land so acquired for uses in accordance with the redevelopment plan or urban renewal plan;

- (6) Accomplish a combination of the foregoing to carry out a redevelopment plan or urban renewal plan;
- (7) Have and enjoy all the rights, powers, privileges and immunities granted to housing authorities under such law, and/or under any special act by which the authority may have been created, and/or any other provisions of law relating to slum clearance and housing projects for persons of low income; and

(8)

(A) Borrow money upon its bonds, notes or other evidences of indebtedness to finance any of the foregoing and to carry out a redevelopment plan or urban renewal plan and secure the same by pledges of its income and revenues generally or its income and revenues from a particular redevelopment project or projects, including moneys received by any authority and placed in a special fund or funds pursuant to tax increment financing provisions contained in a redevelopment plan or urban renewal plan, or from grants or contributions from any government, or in any other manner.

(B) Nothing contained in [§ 13-20-113](#), [§ 13-20-413](#) and/or in any special municipal housing authorities law shall be construed as limiting the power of an authority, in the event of default by a purchaser or lessee of land in a redevelopment plan or urban renewal plan, to acquire property and operate it free from restrictions contained in [§§ 13-20-113](#) and 13-20-413, or in any special statute as aforementioned relating to tenant selection or operation without profit.

(b) For the purposes of this section and the implementation of redevelopment districts as delineated in [§§ 13-20-201](#) -- 13-20-205, community development agencies as defined in the Community Development Act of 1974, as amended, of municipalities, will also be considered as housing authorities and will have vested in them the powers as delineated in this section in which housing authority redevelopment powers are vested, as long as public notice required in [§ 13-20-203](#) is provided. This subsection (b) applies only in counties with populations greater than eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, and in counties with populations greater than one hundred thirty-four thousand seven hundred (134,700) and less than one hundred thirty-four thousand eight hundred (134,800), according to the 2000 federal census or any subsequent federal census.

(c) For the purposes of this part, a development authority created by private act and designated by a municipality as its housing and redevelopment authority for purposes of this part shall also be considered a housing authority and shall have the power to enter into an economic development agreement as defined in [§ 4-17-302\(2\)](#) and the powers delineated in this part, in which housing authority redevelopment powers are vested, as long as public notice required in [§ 13-20-203](#) is provided; provided, however, a municipality shall not so designate a development authority if the housing authority, if any, created by the municipality has ever issued any obligations secured by tax increment revenues and in any event such designation shall only be effective if the municipality shall first obtain the written consent of the housing authority, if any, created by the municipality. Any redevelopment plan previously prepared by a development authority created pursuant to any such private act and approved by a municipality shall be deemed authorized by this subsection (c) and shall be deemed a valid redevelopment plan for purposes of this part.

History

Acts 1945, ch. 114, §§ 2, 3; mod. C. Supp. 1950, § 3647.290 (Williams, §§ 3647.53, 3647.54); Acts 1978, ch. 854, § 2; T.C.A. (orig. ed.), § 13-814; [Acts 1998, ch. 619, § 1](#); [1999, ch. 332, § 1](#); [2004, ch. 772, § 1](#); [2005, ch. 352, § 2](#); [2009, ch. 406, § 1](#); [2009, ch. 491, § 1](#); [2010, ch. 1126, § 1](#).

End of Document

[Tenn. Code Ann. § 13-20-203](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-203. Conditions precedent to initiation of redevelopment project -- Approval by municipality of plan.

(a) This subsection (a) shall apply to counties with a metropolitan form of government and with populations greater than seven hundred seventy thousand (770,000), according to the 1980 federal census or any subsequent federal census.

(1) An authority shall not initiate any redevelopment project under this chapter until the governing body, or agency designated by it or empowered by law so to act, of each city or town, herein called "municipalities," and any county having a population of not less than two hundred seventy-five thousand (275,000) nor more than three hundred twenty-five thousand (325,000), according to the 1980 federal census or any subsequent federal census, in which any of the area to be covered by the project is situated, has approved a plan, herein called the "redevelopment plan", which provides an outline for the development or redevelopment of the area and is sufficiently complete, to:

(A) Indicate its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements;

(B) Indicate proposed land uses and building requirements in the area; and

(C) Indicate the method of the temporary relocation of persons living in such areas, and also the method of providing, unless already available, decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be cleared from the area, at rents within the financial reach of the income groups displaced from such substandard dwellings. Such municipalities are hereby authorized to approve redevelopment plans through their governing body or agency designated by it for that purpose. Any state public body referred to in [§ 13-20-110](#) has the rights and powers to cooperate with and assist housing authorities with respect to redevelopment projects in the same manner as though the section were applicable to redevelopment projects.

(2) Any disapproval of any redevelopment project by the governing body of a county as authorized by this section shall, however, be automatically dissolved wherever written agreement duly approved by the governing body of the municipality involved is furnished to the county governing body involved, which agreement shall exempt the county property tax levy and all proceeds from it generated within the redevelopment project from the tax increment financing provisions specified in [§ 13-20-205\(a\)\(2\)](#).

(3) The governing body shall not approve a plan until after a public hearing has been held by the governing body, or agency designated by it or empowered by law so to act, to determine the necessity for the adoption of the plan, including the matters set forth in subdivisions (a)(1)(A)-(C). Notice of such public hearing shall be given in the following manner:

(A) By publishing once a week for three (3) consecutive weeks immediately preceding the public hearing in each newspaper of general circulation published in the municipality notice of the time, place, and purpose of the public hearing, which notice shall include a facsimile of a map of the area

to be included in the plan, with the streets or other lines marking the boundaries thereof clearly indicated, and which map shall be not less than four (4) columns in width; and

(B)By written notice to at least one (1) of the owners or at least one (1) of the occupants of each parcel of property within the area to be included within the plan of the time, place and purpose of such public hearing, which notice shall be sent not more than thirty (30) days and not less than ten (10) days before the hearing by mail, postage prepaid, or delivered, to such owners or occupants.

(4)The failure to give the notice required in subdivisions (a)(3)(A) and (B) may be raised only by an owner or occupant having an interest in property within such area as a defense on the trial of the issue of the right of the housing authority to acquire the property of such owner or occupant by eminent domain, and such failure shall constitute a defense unless in the judgment of the court trying such issue there has been compliance with subdivision (a)(3)(A) and substantial compliance with subdivision (a)(3)(B) by mailing or delivering the notice therein provided to at least one (1) owner or one (1) occupant of each of not less than two thirds (2/3) of the lots or parcels of property within such area.

(b)This subsection (b) shall not apply to counties with a metropolitan form of government and with populations greater than seven hundred seventy thousand (770,000), according to the 1980 federal census or any subsequent federal census.

(1)(A) An authority shall not initiate any redevelopment project under this chapter until the governing body, or agency designated by it or empowered by law so to act, of each city or town, hereafter called "municipalities," in which any of the area to be covered by such project is situated, has approved a plan, herein called the "redevelopment plan," which provides an outline for the development or redevelopment of such area and is sufficiently complete to:

(i)Indicate its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements;

(ii)Indicate proposed land uses and building requirements in the area; and

(iii)Indicate the method of the temporary relocation of persons living in such areas, and also the method of providing, unless already available, decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be cleared from the area, at rents within the financial reach of the income groups displaced from such substandard dwellings.

(B)For any redevelopment plan that includes a tax increment financing provision that is applicable to the county property tax levy, the governing body of any county in which any of the area subject to such redevelopment plan is situated must approve such redevelopment plan.

(2)Any disapproval of any redevelopment project by the governing body of a county as authorized by this section shall, however, be automatically dissolved wherever written agreement duly approved by the governing body of the municipality involved is furnished to the county governing body involved, which agreement shall exempt the county property tax levy, and all proceeds from it generated within the redevelopment project, from the tax increment financing provisions specified in [§ 13-20-205\(a\)\(2\)](#).

(3)The governing body shall not approve a plan until after a public hearing has been held by the governing body, or agency designated by it or empowered by law so to act, to determine the necessity for the adoption of the plan, including the matters set forth in subdivisions (b)(1)(A)(i)-(iii). Notice of such public hearing shall be given in the following manner:

(A)By publishing notice, once a week for three (3) consecutive weeks immediately preceding the public hearing in a newspaper of general circulation published in the municipality, of the time, place, and purpose of the public hearing and identifying at least two (2) locations, one (1) of which shall be the offices of the authority, where a map of the area to be included in the plan, with the streets or other lines marking the boundaries of the area clearly indicated, may be reviewed by interested persons; and

(B)By written notice to at least one (1) of the owners or at least one (1) of the occupants of each parcel of property within the area to be included within the plan of the time, place and purpose of such public hearing, which notice shall be sent not more than thirty (30) days and not less than ten (10) days before the hearing by mail, postage prepaid, or delivered, to such owners or occupants.

(4)The failure to give the notice required in subdivisions (b)(3)(A) and (B) may be raised only by an owner or occupant having an interest in property within such area as a defense on the trial of the issue of the right of the housing authority to acquire the property of such owner or occupant by eminent domain, and such failure shall constitute a defense unless in the judgment of the court trying such issue there has been compliance with subdivision (b)(3)(A) and substantial compliance with subdivision (b)(3)(B) by mailing or delivering the notice therein provided to at least one (1) owner or one (1) occupant of each of not less than two thirds (2/3) of the lots or parcels of property within such area.

History

Acts 1945, ch. 114, § 4; C. Supp. 1950, § 3647.29P (Williams, § 3647.55); Acts 1963, ch. 225, § 1; T.C.A. (orig. ed.), § 13-815; Acts 1982, ch. 906, §§ 1, 2, 6; 1987, ch. 349, §§ 1, 2, 4, 5; [2006, ch. 999, §§ 5-7](#).

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[Tenn. Code Ann. § 13-20-204](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

**13-20-204. Disposal and use of land consistent with redevelopment plan --
Purchase by owner occupant.**

(a)The authority may make land in a redevelopment project available for use by private enterprise or public agencies in accordance with the redevelopment plan. Such land may be made available at its use value, which represents the value, whether expressed in terms of rental or capital price, at which the authority determines such land should be made available in order that it may be developed or redeveloped for the purposes specified in such plan.

(b)(1) To assure that land acquired in a redevelopment project is used in accordance with the redevelopment plan, an authority, upon the sale or lease of such land, shall obligate purchasers or lessees to:

(A)Use the land for the purpose designated in the redevelopment plan;

(B)Begin the building of their improvements within a period of time which the authority fixes as reasonable; or, except in counties having a population of:

.....
not less than.....nor more than
23,751.....23,759
25,501.....25,999
28,600.....28,650
44,000.....45,999
.....

according to the 1960 federal census or any subsequent federal census, if the purchaser is a public agency which proposes to develop such lands as an industrial park or to meet the needs of specific industrial prospects, carry on a program for attracting industry and develop such land for this purpose when and as needed, in counties of this state having a population of not less than two hundred thirty seven thousand (237,000) nor more than two hundred fifty thousand (250,000), according to the federal census of 1960 or any subsequent federal census; and

(C)Comply with such other conditions as are necessary to carry out the purposes of this chapter.

(2)Any such obligations by the purchaser shall be covenants and conditions running with the land where the authority so stipulates.

(c)(1) As used in this subsection (c):

(A)"Developer" means any private enterprise or public agency developing or redeveloping residential property as provided in this subsection (c);

(B)"Owner occupant" means the person having title to and residing at the residential property at the time it was acquired by eminent domain; and

(C)"Residential units" includes one-family and two-family dwellings and dwelling units as defined in this chapter.

(2) On redevelopment projects developed after June 8, 1989, the authority shall provide the opportunity for owner occupants of residential property acquired by eminent domain for a redevelopment project to relocate within the project area if or at such time as residential units are constructed and offered for sale to the general public as a part of the project. A developer shall publish a notice in a newspaper of general circulation within the county where the project area is located. Such notice shall provide to each owner occupant of residential property acquired by eminent domain for a redevelopment project an offer to relocate within the project area. The notice shall contain a description of the property to be redeveloped. The notice shall contain a name and address to whom the owner occupant may respond to accept the offer. The developer shall also record the notice in the registrar's office. Each owner occupant shall have ninety (90) days from the date of publication to accept the offer contained in the notice. Any acceptance shall be in writing. Any owner occupant who has not responded to the notice before the expiration of the ninety (90) days from publication shall be deemed to have rejected such offer, and any interest therein shall be deemed to be terminated.

(3) This subsection (c) shall apply only if the initial redevelopment project for which such property is acquired is for residential purposes.

(4) No provision of this subsection (c) shall be construed to vest any interest or rights in the heirs or estate of any deceased owner occupant.

(5) This subsection (c) shall not apply to residential units or dwelling units developed under programs limiting income of purchasers to a certain maximum income or other requirements for which the original owner occupant is not eligible.

(6) This subsection (c) shall only apply in counties having a population of not less than four hundred seventy-seven thousand (477,000) nor more than four hundred seventy-eight thousand (478,000), according to the 1980 federal census or any subsequent federal census.

History

Acts 1945, ch. 114, § 5; C. Supp. 1950, § 3647.29Q (Williams, § 3647.56); Acts 1965, ch. 194, § 1; T.C.A. (orig. ed.), § 13-816; [Acts 1989, ch. 570, §§ 1, 2](#).

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[Tenn. Code Ann. § 13-20-205](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-205. Redevelopment plan containing tax increment financing provisions -- Allocation of taxes collected -- Contents of plan -- Tax status of property leased.

(a) Any authority may, and is authorized to, adopt a redevelopment plan or urban renewal plan so that it contains a tax increment financing provision providing that taxes, if any, levied upon property within the boundaries of the redevelopment plan or urban renewal plan each year, by any taxing agency after the effective date of the resolution of the governing body approving the redevelopment plan or urban renewal plan or amendment, shall be divided as follows:

(1) For properties subject to a redevelopment plan or urban renewal plan containing or amended to contain a tax increment financing provision approved prior to July 1, 2006, that portion of the taxes which would be produced by the rate at which the tax is levied each year by each taxing agency, upon the assessed value of such property as shown upon the assessment roll of the appropriate assessor, as of the date of the most recently determined valuation prior to the acquisition of such property by the authority (the assessed value being herein called the "base assessment") shall be allocated to, and when collected, shall be paid to, the respective taxing agencies as taxes levied by such taxing agencies on all other property are paid; provided, that in any year in which the actual assessment of the area comprising a redevelopment project is less than the base assessment, there shall be allocated and paid to the respective taxing agencies only those taxes actually produced by the application of the current tax rates against such actual assessment. For properties subject to a redevelopment plan or urban renewal plan containing or amended to contain a tax increment financing provision approved after July 1, 2006, the base assessment of the property for purposes of this subdivision (a)(1) shall be determined as of the date of the most recently determined valuation prior to the date on which the redevelopment plan or urban renewal plan or amendment of the plan was approved by the applicable municipality or municipalities pursuant to [§ 13-20-203](#);

(2) All the taxes levied in each year in excess of the amount provided for in subdivision (a)(1) shall be allocated to and, when collected, shall be paid into a special fund or funds of the authority to pay the principal of and interest on bonds, loans or other indebtedness incurred or to be incurred by the authority to finance or refinance, in whole or in part, the redevelopment project contemplated by such redevelopment plan;

(3) Upon the retirement of all bonds, loans or other indebtedness incurred by the authority and payable from such special fund or funds or at such time as moneys on deposit in such special fund or funds are sufficient for such purpose, all the taxes referred to in subdivision (a)(2) shall, when collected, be paid to the respective taxing agencies as taxes levied by such taxing agencies on all other property are paid; and

(4) Taxes shall be levied and collected over all or any part of the area comprising a redevelopment project in the manner provided by law with the following exceptions:

(A) The appropriate assessor shall, in each year during the period in which taxes are to be allocated to the authority pursuant to subdivision (a)(2), compute and certify the net amount, if any, by which

the then current assessed value of all taxable property located within the redevelopment project which is subject to taxation by the particular taxing agency exceeds the base assessment. The net amount of any such increase is referred to in this subdivision (a)(4) as the incremental value for that particular year;

(B)In any year in which taxes are to be allocated to the authority pursuant to subdivision (a)(2) in which there is an incremental value, the appropriate assessor shall exclude it from the assessed value upon which the appropriate assessor computes the tax rates for taxes levied that year by the taxing agency. However, the appropriate assessor shall extend the aggregate tax rate of such taxes against the base assessment and the incremental value and shall apply the taxes collected therefrom, subject to any other provisions hereof, as provided above; and

(C)For purposes of this section, if in any year property comprising a portion of a particular redevelopment project shall be removed from the tax rolls of a taxing agency, the base assessment for the area of such redevelopment project shall be reduced by the amount of the base assessment allocable to the property so removed for each subsequent year in which taxes are to be allocated to a particular authority pursuant to the above provisions.

(b)(1) If an authority adopts a redevelopment plan or an amendment to an existing plan which includes tax increment financing provisions, such new plan or the existing plan, as so amended, shall describe, in addition to the matters required by [§ 13-20-203\(a\)\(1\)\(A\)-\(C\)](#) and (b)(1)(A)-(C), the following:

(A)An estimate of the cost of the redevelopment project;

(B)The sources of revenue to finance the costs of the project, including the estimated tax increment;

(C)An estimate of the amount and the final maturity of bonded or other indebtedness to be incurred; and

(D)An estimate of the impact of the tax increment financing provision upon all taxing agencies in which the redevelopment project is to be located.

(2)The foregoing information set forth in this subsection (b) shall be made available to the public not less than five (5) days prior to the date set for the public hearing hereinafter required by subsection (c).

(c)

(1)Except in counties having a metropolitan form of government or a population greater than seven hundred seventy thousand (770,000), according to the 1980 federal census or any subsequent federal census, no redevelopment plan containing a tax increment financing provision or amendment to an existing plan adding a tax increment financing provision shall be effective unless and until it has been approved by the governing body of the municipality and the governing body of the county affected, following a public hearing as provided in [§ 13-20-203](#), except that the approval of the governing body of the county affected shall not be required wherever its disapproval of a redevelopment project has been dissolved as prescribed by [§ 13-20-203\(b\)\(1\)](#).

(2)The notice of the public hearing shall be given in the manner and shall contain the information required by [§ 13-20-203](#) and shall additionally set forth in clear and plain language the contemplated use of tax increment financing in connection with the redevelopment project. Such notice shall also set forth where the information required by subsection (b) may be obtained. Not less than twenty-one (21) days prior to the date set for the public hearing, the governing body shall deliver or mail, postage prepaid, to each taxing agency currently levying taxes upon any property in the project area, and which would be affected by the tax increment financing provision, a copy of the notice of the public hearing, together with a statement that if the redevelopment plan containing a tax increment financing provision or amendment to an existing plan adding a tax increment financing provision is approved, certain property taxes resulting from increases in assessed valuation of property situated within the area included in the plan above the assessed value of such property appearing on the appropriate assessment rolls as last determined prior to the date on which the redevelopment plan or urban

renewal plan or amendment of the plan was approved by the applicable municipality or municipalities may be allocated to a special fund or funds of the authority for redevelopment purposes rather than being paid into the treasury of the taxing agency.

(d)The foregoing provisions of subsections (b) and (c) shall not apply to any redevelopment plan or amendment to an existing plan which included a tax increment financing provision and which has been submitted to and approved by the governing body of the municipality, or agency designated by it or empowered by law so to act, in which any of the area to be covered by the redevelopment project is situated pursuant to and in accordance with [§ 13-20-203](#) prior to April 11, 1978, and the previously approved redevelopment plan or amendment thereto described above shall not be required to be resubmitted and approved by the governing body or agency pursuant to the additional provision of subsections (b) and (c). The remaining provisions of this section shall be applicable to and govern the previously approved plan and the tax increment financing provision contained in such plan.

(e)After the approval by the governing body of a redevelopment plan containing a tax increment financing provision or an amendment to an existing plan adding a tax increment financing provision, the authority shall transmit to the appropriate assessors of property and to each taxing agency to be affected a copy of the description of all land within the redevelopment area and the date or dates of the approval of the redevelopment plan or amendment to the plan, a copy of the resolution approving the redevelopment plan or approving an amendment to the plan, and a map or plat indicating the boundaries of the property; and taxes shall thereafter, when collected, be allocated and paid in the manner provided in the redevelopment plan or amendment to the plan.

(f)Any property which the authority leases to private individuals or corporations for development under a redevelopment plan and any property which the authority has developed under a redevelopment plan and leases to private individuals or corporations shall have the same tax status as if such leased property were owned by such private individuals or corporations. After June 1, 1997, the foregoing provisions of this subsection (f) shall apply only to property financed with tax increment financing. Prior to June 1, 1997, any property owned, constructed, or improved by the authority which is not financed through tax increment financing shall have the same tax status as all other property owned by the authority.

(g)Notwithstanding anything to the contrary in this section, taxes levied upon property subject to tax increment financing provisions by any taxing agency for the payment of principal of and interest on all bonds, loans or other indebtedness of such taxing agency, and taxes levied by or for the benefit of the state of Tennessee, shall not be subject to allocation as provided in subsection (a), but shall be levied against such property and, when collected, paid to such taxing agency as taxes levied by such taxing agency on all other property are paid and collected.

(h)In the event of any conflict between this section or this chapter and the Uniformity in Tax Increment Financing Act of 2012, compiled in title 9, chapter 23, title 9, chapter 23 shall control.

History

Acts 1945, ch. 114, § 6; C. Supp. 1950, § 3647.29R (Williams, § 3647.57); Acts 1977, ch. 186, § 1; 1978, ch. 854, § 3; T.C.A. (orig. ed.), § 13-817; Acts 1982, ch. 906, §§ 3, 4, 6; 1987, ch. 349, § 3; [1997, ch. 254, § 1](#); [2006, ch. 999, §§ 8-11](#); [2008, ch. 971, § 1](#); [2009, ch. 406, §§ 2-4](#); [2012, ch. 605, § 5](#).

Tenn. Code Ann. § 13-20-206

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-206. Authority authorized to obtain financial aid from federal government for redevelopment project.

An authority may borrow money or accept contributions from the federal government to assist in its undertaking redevelopment projects. An authority may do any and all things necessary or desirable to secure such financial aid (including obligating itself in any contract with the federal government for annual contributions to convey to the federal government the project to which the contract relates upon the occurrence of a substantial default thereunder), in the same manner as it may do to secure such aid in connection with slum clearance and housing projects under this chapter.

History

Acts 1945, ch. 114, § 7; C. Supp. 1950, § 3647.29S (Williams, § 3647.58); T.C.A. (orig. ed.), § 13-818.

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[Tenn. Code Ann. § 13-20-207](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-207. Bonds for redevelopment projects -- Security for public deposits and legal investments.

Bonds or other obligations issued by a housing authority in connection with a redevelopment project pursuant to [§§ 13-20-201](#) -- 13-20-208 shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, and other bodies and officers as bonds or other obligations issued pursuant to this chapter, in connection with the development of slum clearance or housing projects.

History

Acts 1945, ch. 114, § 8; C. Supp. 1950, § 3647.29T (Williams, § 3647.59); T.C.A. (orig. ed.), § 13-819.

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Tenn. Code Ann. § 13-20-208

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-208. Advisory board -- Personnel.

For the purpose of coordinating its activities and undertakings under [§§ 13-20-201](#) -- 13-20-208 with the needs and undertakings of other local organizations and groups, a housing authority may establish an advisory board consisting of the chair of the authority, who shall be chair of the advisory board, and of sufficient members to represent, so far as practicable, the general public and users of housing, general business interests, real estate, building and home financing interest, labor, any official planning body in the locality, and church and welfare groups. The members of the advisory board shall be appointed by the chair of the authority.

History

Acts 1945, ch. 114, § 9; C. Supp. 1950, § 3647.29U (Williams, § 3647.60); T.C.A. (orig. ed.), § 13-820.

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[Tenn. Code Ann. § 13-20-209](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-209. Conservation and rehabilitation by private enterprise -- Findings.

(a)It is hereby found and declared that:

(1)There exist in municipalities of the state slum, blighted, and deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations made in [§ 13-20-201](#) with respect to slum and blighted areas are hereby affirmed and restated;

(2)Certain slum, blighted, or deteriorated areas, or portions thereof, may require acquisitions and clearance, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and, to the extent feasible, salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process; and

(3)All powers conferred by this part are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for this part is hereby declared as a matter of legislative determination.

(b)A municipality, to the greatest extent it determines to be feasible in carrying out this part, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

History

Acts 1955, ch. 181, § 1; T.C.A., § 13-821.

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Tenn. Code Ann. § 13-20-210

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-210. Urban renewal projects -- Extent of rehabilitation.

In addition to its authority under any other section of this part, an authority is hereby authorized to plan and undertake urban renewal projects. As used in this part, an urban renewal project may include undertakings and activities for the elimination, and for the prevention of the development or spread, of slums or blighted, deteriorated, or deteriorating areas, and may involve any work or undertaking for such purpose constituting a redevelopment project of any rehabilitation or conservation work, or any combination of such undertaking or work. For this purpose, "rehabilitation or conservation work" may include:

- (1)**Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
- (2)**Acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthy, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;
- (3)**Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and
- (4)**The disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such project; provided, that such disposition shall be in the manner prescribed in this part for the disposition of property in a redevelopment project area.

History

Acts 1955, ch. 181, § 1; T.C.A., § 13-822.

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[Tenn. Code Ann. § 13-20-211](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-211. Urban renewal plan.

(a) Any urban renewal project undertaken pursuant to [§ 13-20-210](#) shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this part, "urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan:

(1) Shall conform to the general plan for the municipality as a whole; and

(2) Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(b) An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in this part with respect to a redevelopment plan.

History

Acts 1955, ch. 181, § 1; T.C.A., § 13-823.

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[Tenn. Code Ann. § 13-20-212](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-212. Powers of authority -- Acquiring property -- Bond issues.

(a)An authority has all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire property by eminent domain or purchase, and to dispose of property, to issue bonds and other obligations, to borrow and accept grants from the federal government or other source and to exercise the other powers which this part confers on an authority with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the authority, the municipality, and all public and private officers, agencies, and bodies have all the rights, powers, privileges, and immunities which they have with respect to a redevelopment plan or redevelopment project, in the same manner as though all of the provisions of this part applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project; provided, that for such purpose, "redevelopment" as used in this part, except in this section and in the definition of "redevelopment project" in [§ 13-20-202](#), means "urban renewal"; and provided further, that "slum" and "blighted," as used in this part, except in this section and in the definitions in [§ 13-20-201](#), mean "blighted, deteriorated, or deteriorating." This section shall not change the corporate name of the authority of the short title of this part or amend any section of this part. In addition to the surveys and plans which an authority is otherwise authorized to make, an authority is hereby specifically authorized to make:

(1)Plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and

(2)Plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

(b)The authority is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight.

(c)Whenever the power of eminent domain as herein conferred shall be exercised, in estimating the damages, the jury or jury of view, as the case may be, shall give the value of the land or rights taken without deduction, together with incidental damages, if any. Where the removal of furniture, household belongings, fixtures, merchandise, stock in trade, inventories, equipment or machinery is made necessary by the taking, the reasonable expense of such removal shall be considered in assessing incidental damages. The reasonable expense of the removal of such chattels shall be construed as including the cost of: any necessary disconnection, dismantling or disassembling; the loading and drayage to another location not more than ten (10) miles distant; and the reassembling, reconnecting, and installing in such new location. This provision shall only apply when the power of eminent domain is exercised under this section.

History

Acts 1955, ch. 181, § 1; 1965, ch. 192, § 1; T.C.A., § 13-824.

End of Document

[Tenn. Code Ann. § 13-20-213](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-213. Delegation of powers -- Bond issues.

(a)Any municipality or other public body is hereby authorized, without limiting any provision in [§ 13-20-212](#), to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project in the area in which such municipality or public body is authorized to act, including the furnishing of such financial and other assistance as the municipality or public body is authorized by this part to furnish for or in connection with a redevelopment plan or redevelopment project.

(b)

(1)An authority is hereby authorized to delegate or assign to a municipality or other public body any or all of the powers or functions of the authority with respect to the planning or undertaking of an urban renewal project or projects in the area in which such municipality or public body is authorized to act, and/or to assign, transfer, and/or convey to any such municipality or public body any or all of its rights with respect to or interest in one (1) or more urban renewal projects, and such municipality or public body is hereby authorized to carry out or perform such powers or functions in the place and stead of the authority.

(2)In addition, for a period commencing on May 22, 1984, and ending eighteen (18) months thereafter, an authority is hereby authorized to delegate or assign to a municipality any or all of the powers or functions of the authority with respect to the financing of an urban renewal project or projects, including, but not limited to:

(A)The issuance of bonds or other obligations for any purpose for which the authority could issue its bonds with respect to any such project or projects;

(B)The assumption of any bonds or other obligations of the authority with respect to any such project or projects;

(C)The issuance of bonds or other obligations for the purpose of refunding any bonds or other obligations issued by the authority or issued or assumed by the municipality pursuant to the delegation and assignment of powers herein contained;

(D)The receipt and collection of those tax revenues described in [§ 13-20-205\(a\)\(2\)](#); and

(E)The pledging of such revenues to the payment of principal of and interest on bonds or other obligations issued by the municipality pursuant to such delegation and assignment.

(c)Upon the expiration of a period commencing on May 22, 1984, and ending eighteen (18) months thereafter, an authority shall no longer have the authority granted herein to delegate or assign any powers or functions relative to financing of urban renewal projects, and no municipality shall have the authority granted herein to issue or assume any bonds or obligations; provided, that the expiration of such authorization shall not invalidate or make unenforceable any bonds or other obligations issued or assumed by a municipality pursuant to any such delegation or assignment by an authority, nor impair the authority of a municipality to issue, as set forth herein, bonds or other obligations to refund any bonds or other obligations issued or assumed by the municipality pursuant to such delegation or assignment, nor impair the obligations of contract of a municipality with respect to any outstanding bonds or other obligations issued or assumed by the municipality pursuant to

such assignment and delegation, nor impair the authority of a municipality to receive and collect tax revenues described in [§ 13-20-205\(a\)\(2\)](#) and apply any such revenues to the payment of any such bonds or other obligations. This section does not apply in counties with populations greater than eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census.

(d) The delegation or assignment of any of the powers or functions of an authority with respect to any urban renewal projects, including the delegation of powers or functions relative to financing of urban renewal projects during the period hereinabove described, or the assignment, transfer or conveyance of any such projects as provided herein shall not require an amendment to any existing urban renewal plan or plans adopted in connection with any such project or projects.

(e)

(1) Notwithstanding §§ 6-57-301 [repealed] and 6-57-302 [repealed] or any other provision of law to the contrary, any bonds or other obligations issued or assumed by any municipality pursuant to the delegation and assignment hereinabove described shall be authorized, issued, and sold in accordance with part 6 of this chapter and secured by and payable from such revenues as provided in part 6 of this chapter, which part shall constitute full, complete, and independent authority for the issuance of such bonds or other obligations by the municipality, as fully and with the same power as the authority could have issued such bonds or obligations; provided, that any bonds or other obligations issued by a municipality to refund any bonds or other obligations, other than bond anticipation notes, issued by the authority or issued or assumed by the municipality pursuant to the delegation and assignment hereinabove set forth shall be issued in accordance with title 9, chapter 21. Notwithstanding [§ 13-20-601](#), or any other provision of law to the contrary, any such municipality shall be authorized to secure the bonds or other obligations by pledging its full faith and credit and unlimited taxing power to the punctual payment of the principal of and interest on such bonds or obligations.

(2) In the event such pledge of full faith and credit and unlimited taxing power of the municipality is given, prior to the issuance and sale of any such bonds, the municipality shall comply with title 9, chapter 21.

(3) In the event such pledge of full faith and credit and unlimited taxing power of the municipality is given, any holder or holders of the bonds or obligations, including a trustee or trustees for holders of such bonds or obligations, shall have the right, in addition to all other rights, by mandamus or other suit, action or proceeding in any court of competent jurisdiction to enforce such rights of such holder or holders against the municipality, and the governing body of such municipality and any officer, agent or employee thereof, including, but not limited to, the right to require the municipality and the governing body and any proper officer, agent or employee thereof, to assess, levy and collect taxes and other revenues and charges adequate to carry out any agreement as to, or pledge of, such taxes, revenues and charges. The taxes herein authorized to be pledged shall be levied without limit as to rate or amount upon all taxable property within the municipality.

(f) Any public body is hereby authorized to enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by this part, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

History

Acts 1955, ch. 181, § 1; T.C.A., § 13-825; Acts 1984, ch. 747, § 2; 1985, ch. 155, §§ 1, 2; [1989, ch. 403, §§ 1, 2](#); [1999, ch. 332, § 2](#).

End of Document

Tenn. Code Ann. § 13-20-214

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-214. Development of program by municipality -- Authorization.

The governing body of the municipality, or such public officer or public body as it may designate, is hereby authorized to prepare a workable program, which may include an official plan of action, as it exists from time to time for effectively dealing with the problem of urban slums and blighted, deteriorated, or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforementioned activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

History

Acts 1955, ch. 181, § 1; T.C.A., § 13-826.

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Tenn. Code Ann. § 13-20-215

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-215. Powers are supplemental.

The powers conferred by [§§ 13-20-209](#) -- 13-20-215 shall be in addition and supplemental to the powers conferred by any other law.

History

Acts 1955, ch. 181, § 2; T.C.A., § 13-827.

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Tenn. Code Ann. § 13-20-216

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-216. Notice to property owner of proposed acquisition.

(a) Whenever the acquisition of any real property in a designated blighted area is proposed and is predicated solely upon the findings that the structure or structures involved are dilapidated and are in violation of the applicable building and housing codes, the owner of the property shall be notified of the planned acquisition by certified mail to the owner's latest address of record, and the owner shall be accorded a reasonable time, in no case less than ninety (90) days from the date of the notice, to bring the substandard structure into compliance with such codes.

(b) This section shall not apply in any county having a metropolitan form of government or in any county with a population of:

not less than.....nor more than

6,125..... 6,225

14,925.....14,940

15,675..... 15,775

56,000..... 56,100

85,725..... 85,825

287,700.....287,800

700,001.....

.....

according to the 1980 federal census or any subsequent federal census.

History

Acts 1982, ch. 816, §§ 3-7.

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[Tenn. Code Ann. § 13-20-217](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 2 Redevelopment

13-20-217. Airport noise mitigation programs.

(a) Notwithstanding any law to the contrary, in addition to those powers specified in this chapter, any municipal housing authority exercising any of the powers specified in this chapter is hereby authorized to enter into cooperative agreements, with any county with a metropolitan form of government which adopts an airport noise mitigation program pursuant to [§ 7-3-313](#), to implement or administer the airport noise mitigation program or any portion thereof.

(b) No state funds shall be obligated or expended to implement this section.

History

[Acts 1991, ch. 500, §§ 2, 3.](#)

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[Tenn. Code Ann. § 13-20-301](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 3 Relocation of Utility Facilities

13-20-301. Findings and declarations.

(a) The findings and declarations made in [§ 13-20-209](#), with respect to slum, blighted, and deteriorated areas, are hereby affirmed and restated.

(b) Redevelopment and urban renewal project areas include streets, alleys, easements, and other public ways in, under, and over which utility facilities are installed. Public streets and alleys are intended for public travel and transportation; but they are also intended for proper utility uses in serving the public, as authorized by applicable laws of this state, and such utility usage is for the benefit of the public served. Without making use of public ways, utility lines could not reach or economically service the adjacent public, particularly in urban areas; and further:

(1) The business and activities of utilities involve the rendition of essential public services vital to the health, safety and welfare of the citizens of this state;

(2) The development and existence of utilities directly and vitally affects the development, growth, and expansion of the general welfare, business and industry of this state; and

(3) All persons in this state are actual or potential customers of one (1) or more utility services, and all consumers will be affected by the cost of relocation of their facilities as necessary to accommodate redevelopment and urban renewal projects.

(c) The obligation of such utility relocation is a burden on the public of this state and it is, therefore, in the public interest that such burden be minimized consistent with the purpose of such redevelopment and urban renewal project; therefore, it is the intent of the general assembly to ensure that the police power of the state in requiring relocation of utilities be exercised in a responsible manner.

(d) The cost of utility relocation necessitated by redevelopment and urban renewal projects undertaken in accordance with [§§ 13-20-101](#) -- 13-20-215, and any amendments thereto, are properly a part of the cost of such projects, and it is in the public interest to provide for the equitable reimbursement of such cost of relocation; therefore, such relocation cost shall be included as part of the project costs of such redevelopment and urban renewal projects.

(e) The statements in this section are legislative determinations and declarations of public policy, and this part should be liberally construed in conformity with its declaration and provisions to promote the public interest.

History

Acts 1971, ch. 191, § 1; T.C.A., § 13-828.

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Tenn. Code Ann. § 13-20-302

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 3 Relocation of Utility Facilities

13-20-302. Part definitions.

As used in this part, unless the context otherwise requires:

- (1)**"Cost of relocation" means the entire amount paid properly attributable to such relocation, after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility;
- (2)**"Public service facility" means any sewer, pipe, main, conduit, manhole, cable, wire, pole, tower, building, or utility appliance owned or operated by a utility;
- (3)**"Relocation" means any horizontal or vertical movement of utility facilities intact and any protective measures taken or the construction of new or additional facilities, with or without contemporaneous removal and salvage of old facilities, including removal, readjustment, rerouting, or changing the grade of or alternating the construction of any public service facility, either temporarily or permanently, whether or not such relocation is made necessary by the closing of any highway, street, public alley or public right-of-way or the taking of easements whether publicly or privately owned; and
- (4)**"Utility" includes all utilities either public, private, or cooperatively owned which furnish utility service including, but not limited to, water, electric power, sanitary sewers, storm sewers, steam power, gas, and telephone or telegraph service, through a system of pipes, conduits, cables, or wires devoted to public utility service.

History

Acts 1971, ch. 191, § 2; T.C.A., § 13-829.

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Tenn. Code Ann. § 13-20-303

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 3 Relocation of Utility Facilities

13-20-303. Reimbursement of cost of moving utility facilities.

Whenever a municipality, housing authority, or other public body of this state determines that the relocation of public service facilities of a utility within a redevelopment or urban renewal project area is necessary to the carrying out of a redevelopment or urban renewal plan pursuant to this chapter, the municipality, housing authority, or other public body shall reimburse the utility for the cost of relocation of such facilities.

History

Acts 1971, ch. 191, § 3; T.C.A., § 13-830.

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Tenn. Code Ann. § 13-20-304

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 3 Relocation of Utility Facilities

13-20-304. Exceptions.

This part shall not apply to any taking or damaging of property for which the utility is entitled compensation pursuant to the constitution of Tennessee or the United States, or pursuant to any binding agreement inuring to the utility's benefit.

History

Acts 1971, ch. 191, § 4; T.C.A., § 13-831.

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Tenn. Code Ann. § 13-20-401

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-401. Petition for creation of authority -- Notice.

(a) Any twenty-five (25) residents of a city, and of the area within ten (10) miles from the territorial boundaries thereof, may file a petition with the city clerk setting forth that there is a need for an authority to function in the city and the surrounding area.

(b) Upon the filing of such a petition, the city clerk shall give notice of the time, place, and purposes of a public hearing at which the council will determine the need for an authority in the city and the surrounding area.

(c) Such notice shall be given at the city's expense by publishing a notice, at least ten (10) days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the city and the surrounding area, or, if there is no such newspaper, by posting such notice in at least three (3) public places within the city, at least ten (10) days preceding the day on which the hearing is to be held.

History

Acts 1935 (Ex. Sess.), ch. 20, § 4; C. Supp. 1950, § 3647.3 (Williams, § 3647.4); T.C.A. (orig. ed.), § 13-901.

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[Tenn. Code Ann. § 13-20-402](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-402. Hearing -- Determination.

(a) Upon the date fixed for the hearing held upon notice as provided in [§ 13-20-401](#), an opportunity to be heard shall be granted to all residents and taxpayers of the city and the surrounding area and to all other interested persons.

(b)(1) After such a hearing, the council shall determine:

(A) Whether unsanitary or unsafe inhabited dwelling accommodations exist in the city and the surrounding area; and/or

(B) Whether there is a lack of safe or sanitary dwelling accommodations in the city and the surrounding area available for all the inhabitants of such city or area. In determining whether dwelling accommodations are unsafe or unsanitary, the council shall take into consideration the following:

(i) The physical condition and age of the building;

(ii) The degree of overcrowding;

(iii) The percentage of land coverage;

(iv) The light and air available to the inhabitants of such dwelling accommodations;

(v) The size and arrangement of the rooms;

(vi) The sanitary facilities; and

(vii) The extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

(2) If it shall determine that either or both of the above enumerated conditions exist, the council shall adopt a resolution so finding, which need not go into any detail other than the mere finding, and shall cause notice of such determination to be given to the mayor who shall thereupon appoint, as hereinafter provided, five (5) commissioners to act as an authority.

History

Acts 1935 (Ex. Sess.), ch. 20, § 4; C. Supp. 1950, § 3647.3 (Williams, § 3647.4); T.C.A. (orig. ed.), § 13-902.

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Tenn. Code Ann. § 13-20-403

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-403. Verified application of commissioners -- Contents.

(a)The commissioners shall present to the secretary of state an application signed by them, which shall set forth without any detail other than the mere recital:

- (1)That a notice has been given and public hearing has been held as aforementioned, that the council made the aforementioned determination after such hearing, and that the mayor has appointed them as commissioners;
- (2)The name and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this chapter;
- (3)The term of office of each of the commissioners;
- (4)The name which is proposed for the corporation; and
- (5)The location of the principal office of the proposed corporation.

(b)The application shall be subscribed and sworn to by each of the commissioners before an officer authorized by the laws of the state to take and certify oaths, who shall certify upon the application that such officer personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The secretary of state shall examine the application and, if the secretary of state finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this state or so nearly similar as to lead to confusion and uncertainty, the secretary of state shall receive and file it, and shall record it in an appropriate book of record in the secretary of state's office.

History

Acts 1935 (Ex. Sess.), ch. 20, § 4; C. Supp. 1950, § 3647.3 (Williams, § 3647.4); T.C.A. (orig. ed.), § 13-903.

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Tenn. Code Ann. § 13-20-404

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-404. Authority a public body corporate.

When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body corporate and politic under the name proposed in the application. The secretary of state shall make and issue to the commissioners a certificate of incorporation pursuant to this chapter, under the seal of the state, and shall record the same with the application.

History

Acts 1935 (Ex. Sess.), ch. 20, § 4; C. Supp. 1950, § 3647.3 (Williams, § 3647.4); T.C.A. (orig. ed.), § 13-904.

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Tenn. Code Ann. § 13-20-405

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-405. Boundaries of authority.

(a) The boundaries of such authority shall include the city and the area within ten (10) miles from the territorial boundaries of the city, but in no event shall it include the whole or a part of any other city nor any area included within the boundaries of another authority.

(b) In case an area lies within ten (10) miles of the boundaries of more than one (1) city, such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforementioned certificates by the secretary of state.

(c) After the creation of an authority, the subsequent existence within its territorial boundaries of more than one (1) city shall in no way affect the territorial boundaries of such authority.

History

Acts 1935 (Ex. Sess.), ch. 20, § 4; C. Supp. 1950, § 3647.3 (Williams, § 3647.4); T.C.A. (orig. ed.), § 13-905.

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Tenn. Code Ann. § 13-20-406

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-406. Resolution denying petition, when.

(a) If the council, after hearing as aforementioned, shall determine that neither of the conditions enumerated in [§ 13-20-402](#) exist, it shall adopt a resolution denying the petition.

(b) After three (3) months have expired from the date of the denial of any such petitions, subsequent petitions may be filed as aforementioned and new hearings and determinations made thereon.

History

Acts 1935 (Ex. Sess.), ch. 20, § 4; C. Supp. 1950, § 3647.3 (Williams, § 3647.4); T.C.A. (orig. ed.), § 13-906.

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Tenn. Code Ann. § 13-20-407

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-407. Contracts of authority -- Validity.

In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with this chapter. Upon proof of the issuance of the aforementioned certificate by the secretary of state, a copy of such certificate, duly certified by the secretary of state, shall be admissible in evidence in any such suit, action or proceedings, and shall be conclusive proof of the filing and the contents thereof.

History

Acts 1935 (Ex. Sess.), ch. 20, § 4; C. Supp. 1950, § 3647.3 (Williams, § 3647.4); T.C.A. (orig. ed.), § 13-907.

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[Tenn. Code Ann. § 13-20-408](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-408. Commissioners -- Appointment -- Residency requirement -- Terms -- Quorum -- Compensation -- Legal services -- Personnel.

(a)

(1)An authority shall consist of five (5) commissioners appointed by the mayor, and the mayor shall designate the first chair. The commissioners who are first appointed shall be designated by the mayor to serve for terms of one (1), two (2), three (3), four (4) or five (5) years, respectively, from the date of their appointment. Pursuant to [§ 13-20-117\(b\)](#), the term of office of the commissioner who is a resident of low-rent public housing or a housing project of a housing authority in any county having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725), according to the 1980 federal census or any subsequent federal census, shall be two (2) years. Thereafter, the term of office for all commissioners shall be five (5) years. A majority of the commissioners on the board shall constitute a quorum.

(2)In any county having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000), according to the 2000 federal census or any subsequent federal census, an authority shall consist of not less than five (5) nor more than seven (7) commissioners appointed by the mayor. In such event that more than five (5) commissioners are appointed by the mayor, appointments shall be made by the mayor in such manner that the terms of no more than two (2) commissioners shall expire in any year. The term of office for all commissioners shall be five (5) years. A majority of the commissioners on the board shall constitute a quorum.

(b)In cities of more than one hundred thousand (100,000) population, according to the federal census of 1980 or any subsequent federal census, where it is determined by the mayor that a larger number of commissioners is necessary to assure adequate representation of the larger populace, the authority may be increased by the mayor to seven (7) commissioners. In such event, appointments shall be made by the mayor in such manner that the terms of no more than two (2) commissioners shall expire in any year and it shall take four (4) commissioners to constitute a quorum.

(c)(1) (A) In any county having a population of not less than sixty-two thousand three hundred (62,300) nor more than sixty-two thousand four hundred (62,400), according to the 2000 federal census or any subsequent federal census, the authority shall be increased to seven (7) commissioners. In such county, appointments shall be made in such a manner that the terms of no more than two (2) commissioners shall expire in any year, and it shall take four (4) commissioners to constitute a quorum.

(B)Except as provided in [§ 13-20-117\(a\)](#) for housing authorities in any city or county with a metropolitan form of government, at least one (1) commissioner shall be a resident of public housing. For the purposes of this subsection (c), "resident of public housing" means a resident in good standing, at the time of such resident's appointment as a commissioner of public housing or Section 8 housing administered by the local housing authority.

(C)Unless otherwise provided by law, the term of office of such resident shall be for the term provided in subsection (a) or until the person is no longer a resident of public housing, whichever first occurs.

(D) Unless a housing authority has already appointed a resident of low-rent public housing or a housing project as a commissioner, or an appointment procedure is otherwise provided by law, the resident of public housing to be appointed as a commissioner under subdivision (c)(1)(A) shall be appointed to a vacancy which is unfilled on May 24, 2000, or if no vacancies are unfilled on May 24, 2000, to the first vacancy occurring after May 24, 2000. If the vacancy is to fill an unexpired term, such resident shall be appointed to complete the unexpired term of office created by the vacancy. If the first vacancy occurring is at the expiration of the term of office of a commissioner, then, subject to subdivision (c)(1)(B), such resident shall be appointed for the full term of office. Such commissioner position shall thereafter be filled only by a resident of public housing either to fill an unexpired term or at the end of an expired term.

(E) The conclusion of a term shall not constitute a vacancy if the incumbent member is reappointed.

(2) This subsection (c) shall be permissive for housing authorities with three hundred (300) or fewer housing units.

(d) A commissioner shall hold office until the commissioner's successor has been appointed and qualified. Vacancies shall be filled for the unexpired term. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for such commissioner's services but shall be entitled to the necessary expenses, including traveling expenses incurred in the discharge of the commissioner's duties, unless otherwise authorized by local ordinance. No commissioner may be a city official. In no case shall compensation be paid to any commissioner from state or federal funds.

(e) When the office of the first chair of the authority becomes vacant, the authority shall elect a chair from among its members. An authority shall select from among its members a vice chair, and it may employ a secretary, who shall be executive director, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may call upon the corporation counsel or chief law officer of the city for such legal services as it may require or it may employ its own counsel and legal staff. An authority may delegate to one (1) or more of its agents or employees such powers or duties as it may deem proper. An employee of a housing authority in counties having a population of not less than three hundred twenty thousand (320,000) nor more than four hundred eighty thousand (480,000), according to the 1990 federal census or any subsequent federal census, shall not be deemed, as a result of employment by such housing authority, to be an employee of any city or municipality.

(f) Notwithstanding any provision of this section to the contrary, membership of an authority shall be increased in accordance with [§ 13-20-415\(c\)](#).

History

Acts 1935 (Ex. Sess.), ch. 20, § 5; C. Supp. 1950, § 3647.4 (Williams, § 3647.5); T.C.A. (orig. ed.), § 13-908; Acts 1984, ch. 941, § 1; 1988, ch. 568, § 2; [1989, ch. 82, § 1](#); [1992, ch. 654, §§ 1, 2](#); [1995, ch. 224, §§ 1, 2](#); [2000, ch. 822, § 1](#); [2002, ch. 542, § 1](#); 2003, ch. 23, § 1.

Tenn. Code Ann. § 13-20-409

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-409. Duty of the authority and commissioners.

The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this chapter, and the laws of the state and in addition thereto with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

History

Acts 1935 (Ex. Sess.), ch. 20, § 6; C. Supp. 1950, § 3647.5 (Williams, § 3647.6); T.C.A. (orig. ed.), § 13-909.

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Tenn. Code Ann. § 13-20-410

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-410. Interest of commissioners or employees in contracts.

All commissioners, officers and employees of housing authorities are subject to the conflict of interest provisions contained in [§§ 12-4-101](#) and 12-4-102.

History

Acts 1935 (Ex. Sess.), ch. 20, § 7; C. Supp. 1950, § 3647.6 (Williams, § 3647.7); T.C.A. (orig. ed.), § 13-910; [Acts 1998, ch. 947, §§ 1](#), 2.

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Tenn. Code Ann. § 13-20-411

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-411. Removal of commissioners -- Hearing.

(a)The mayor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against such commissioner, which may be made by the mayor, at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel.

(b)Any obligee of the authority may file with the mayor written charges that the authority is violating willfully any law of the state or any term, provision or covenant in any contract to which the authority is a party. The mayor shall give each of the commissioners a copy of such charges at least ten (10) days prior to the hearing thereon and an opportunity to be heard in person or by counsel, and shall within fifteen (15) days after receipt of such charges remove any commissioner of the authority who is found to have acquiesced in any such willful violation.

(c)A commissioner shall be deemed to have acquiesced in a willful violation by the authority of a law of this state or of any term, provision or covenant contained in a contract to which the authority is a party, if, before a hearing is held on the charges against the commissioner, the commissioner has not filed with the authority a written statement of the commissioner's objections to or lack of participation in such violation.

(d)In the event of the removal of any commissioner, the mayor shall file in the office of the city clerk a record of the proceedings, together with the charges made against the commissioner and the findings thereon.

History

Acts 1935 (Ex. Sess.), ch. 20, § 8; C. Supp. 1950, § 3647.7 (Williams, § 3647.8); T.C.A. (orig. ed.), § 13-911.

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Tenn. Code Ann. § 13-20-412

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-412. Reports and recommendations.

The authority shall at least once a year, file with the mayor of the city a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this chapter.

History

Acts 1935 (Ex. Sess.), ch. 20, § 27; C. Supp. 1950, § 3647.23 (Williams, § 3647.27); T.C.A. (orig. ed.), § 13-912.

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Tenn. Code Ann. § 13-20-413

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-413. Housing projects -- Operation not for profit.

It is declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city. To this end, an authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient to:

- (1) Pay, as the same become due, the principal of and interest on the bonds of the authority;
- (2) Meet the cost of, and to provide for, maintaining and operating the projects, including the cost of any insurance on its property or bonds, and the administrative expenses of the authority; and
- (3) Create, during not less than the six (6) years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one (1) year thereafter and to maintain such reserve.

History

Acts 1935 (Ex. Sess.), ch. 20, § 31, as added by Acts 1937, ch. 234, § 5; C. Supp. 1950, § 3647.24 (Williams, § 3647.29a); T.C.A. (orig. ed.), § 13-913.

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Tenn. Code Ann. § 13-20-414

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-414. Action of city or municipality by resolution.

Except as otherwise provided in this chapter, all action authorized to be taken under such law by the council or other governing body of any city or of any municipality may be by resolution adopted by a majority of all the members of its council or other governing body, which resolution may be adopted at the meeting of the council or other governing body at which such resolution is introduced and shall take effect immediately upon such adoption, and no such resolution need be published or posted.

History

Acts 1935 (Ex. Sess.), ch. 45, § 4; C. Supp. 1950, § 3647.29W (Williams, § 3647.33); T.C.A. (orig. ed.), § 13-914.

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[Tenn. Code Ann. § 13-20-415](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-415. Operations of authority in other municipalities or counties.

(a) In addition to its other powers, a housing authority created for a city may exercise any or all of its powers within the territorial boundaries of any other municipality not included in the area of operation of such housing authority, for the purpose of planning, undertaking, financing, constructing and operating a housing project or projects within such municipality; provided, that a resolution has been adopted:

(1) By the governing body of such municipality in which the authority is to exercise its powers; and

(2) By any housing authority theretofore established by such municipality and authorized to exercise its powers therein declaring that there is a need for the housing authority of the aforementioned city to exercise its powers within such municipality.

(b) A municipality has the same powers to furnish financial and other assistance to a housing authority exercising its powers within such municipality under this section as though the municipality were within the area of operation of such authority.

(c)

(1) If a housing authority plans, undertakes, finances, constructs or operates a housing project or projects within the territorial boundaries of any other municipality not included in the area of operation of such housing authority or in an unincorporated area in a county other than the one in which such housing authority is located, then the board of such authority shall be expanded. A commissioner shall be appointed from each such county and/or municipality and such commissioner shall be a resident of the municipality or county, if such project is in an unincorporated area, in which the project or projects are located. The mayor of such municipality or the county legislative body, respectively, shall appoint such commissioner. The term of office, compensation, qualifications and duties of commissioners appointed pursuant to this section shall be the same as other commissioners appointed pursuant to [§ 13-20-408](#).

(2)(A) This subsection (c) shall only apply to any municipality having a population of not less than two thousand three hundred (2,300) nor more than two thousand three hundred fifty (2,350) in any county having a population of not less than sixty-seven thousand three hundred (67,300) nor more than sixty-seven thousand four hundred (67,400) and to any municipality in any county having a population of:

.....

not less than.....nor more than

11,700.....11,800

14,800.....14,850

16,600.....16,700

19,200.....19,300

24,575.....24,600

34,800.....34,900

.....

according to the 1980 federal census or any subsequent federal census, and the housing authority of any such municipality shall have all of the rights and responsibilities granted by this chapter. **(B)** This subdivision (c)(2) shall apply to projects entered into prior to April 17, 1990, but shall not be construed to affect, modify, abrogate, limit or alter any decision, vote, contract, right or obligation entered into prior to the appointment of new commissioners pursuant to this subdivision (c)(2).

History

Acts 1935 (Ex. Sess.), ch. 20, § 42, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29F (Williams, § 3647.29r); T.C.A. (orig. ed.), § 13-915; [Acts 1989, ch. 82, §§ 2](#), 4; [1990, ch. 916, §§ 1](#), 2.

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[Tenn. Code Ann. § 13-20-416](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-416. Findings required for authority to operate in municipality.

(a) No governing body of a city or other municipality shall adopt a resolution as provided in [§ 13-20-415](#) or [§ 13-20-503](#) declaring that there is a need for a housing authority, other than a housing authority established by such municipality, to exercise its powers within such municipality, unless a public hearing has first been held by the governing body and unless the governing body has found in substantially the following terms:

(1) Unsanitary or unsafe inhabited dwelling accommodations exist in such municipality or there is a shortage of safe or sanitary dwelling accommodations in such municipality available to persons of low income at rentals they can afford; and

(2) These conditions can be best remedied through the exercise of the aforementioned housing authority's powers within the territorial boundaries of such municipality;

provided, that such findings shall not have the effect of thereafter preventing such municipality from establishing a housing authority or joining in the creation of a consolidated housing authority or the increase of the area of operation of a consolidated housing authority. The clerk, or the officer with similar duties, of the city or other municipality shall give notice of the public hearing, and such hearing shall be held in the manner provided in [§ 13-20-402](#) for a public hearing by a council to determine the need for a housing authority in the city.

(b) During the time that, pursuant to these findings, a housing authority has outstanding, or is under contract to issue, any evidence of indebtedness for a project within the city or other municipality, no other housing authority may undertake a project within such municipality without the consent of the housing authority which has such outstanding indebtedness or obligation.

History

Acts 1935 (Ex. Sess.), ch. 20, § 43, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29G (Williams, § 3647.29s); T.C.A. (orig. ed.), § 13-916.

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Tenn. Code Ann. § 13-20-417

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-417. Advances to housing authority.

When any housing authority which is created for any city becomes authorized to transact business and exercise its powers therein, the governing body of the city shall immediately make an estimate of the amount of money necessary for the administrative expenses and overhead of such housing authority during the first year thereafter, and shall appropriate such amount to the authority out of any moneys in such city not appropriated to some other purposes. The moneys so appropriated shall be paid to the authority as a donation. Any municipality located in whole or in part within the area of operation of a housing authority shall have the power from time to time to lend or donate money to the authority or to agree to take such action. The housing authority, when it has money available therefor, shall make reimbursement for all such loans made to it.

History

Acts 1935 (Ex. Sess.), ch. 45, § 8, as added by Acts 1937, ch. 225, § 1; C. Supp. 1950, § 3647.29X (Williams, § 3647.36a); T.C.A. (orig. ed.), § 13-917.

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[Tenn. Code Ann. § 13-20-418](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-418. Consolidated housing authority.

(a)

(1)If the governing body of each of two (2) or more municipalities by resolution declares that there is a need for one (1) housing authority for all of such municipalities to exercise in such municipalities the powers and other functions prescribed for a housing authority, a public body corporate and politic to be known as a consolidated housing authority, with such corporate name as it selects, shall thereupon exist for all such municipalities, and exercise its powers and other functions within its area of operation, as herein defined, including the power to undertake projects therein, and thereupon any housing authority created for any of such municipalities shall cease to exist except for the purpose of winding up its affairs and executing a deed of its real property to the consolidated housing authority; provided, that the creation of a consolidated housing authority and the finding of need therefor shall be subject to the same provisions and limitations of this chapter as are applicable to the creation of a regional housing authority, and that all of the provisions of such law applicable to regional housing authorities and the commissioners thereof shall be applicable to consolidated housing authorities and the commissioners thereof. The area of operation or boundaries of a consolidated housing authority shall include all of the territory within the boundaries of each municipality joining in the creation of such authority, together with the territory within ten (10) miles of the boundaries of each such municipality, except that such area of operation may be changed to include or exclude any municipality or municipalities (with its aforementioned surrounding territory) in the same manner and under the same provisions as provided in such law for changing the area of operation of a regional housing authority by including or excluding a contiguous county or counties.

(2)For all such purposes, unless a different meaning clearly appears from the context:

(A)"County" means "municipality";

(B)"County housing authority" and "regional housing authority" mean "housing authority of the city" and "consolidated housing authority," respectively; and

(C)"County legislative body" means governing body, except in [§ 13-20-507](#), where it shall be construed as meaning "mayor" or other executive head of the municipality.

(b)The governing body of a municipality for which a housing authority has not been created may adopt the above resolution if it first determines that there is a need for a housing authority to function in the municipality, which determination shall be made in the same manner and subject to the same conditions as the determination required in [§ 13-20-402](#) for the creation of a housing authority for a city; provided, that the governing body of the municipality may, without a petition therefor, hold a hearing to determine the need for a housing authority to function therein.

(c)Except as otherwise provided herein, a consolidated housing authority and the commissioners thereof shall, within the area of operation of such consolidated housing authority, have the same functions, rights, powers, duties, privileges, immunities and limitations as those provided for housing authorities created for cities, counties, or groups of counties, and the commissioners of such housing authorities, in the same manner as

though all the provisions of law applicable to housing authorities created for cities, counties, or groups of counties were applicable to consolidated housing authorities.

History

Acts 1935 (Ex. Sess.), ch. 20, § 41, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29E (Williams, § 3647.29q); impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-918.

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[Tenn. Code Ann. § 13-20-419](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 4 City Housing Authorities

13-20-419. Security force.

(a) In cities with a population of over one hundred thousand (100,000), according to the 1970 federal census or any subsequent federal census, each housing authority, managing and operating housing projects for persons of low income under this chapter may, if funds can be provided for this purpose, provide a security force for such project to assure the safety of the tenants and their property and the safety and the protection of the premises.

(b) While acting in such capacity, an officer of such force has the same authority as a law enforcement officer as defined in [§ 39-11-106\(a\)](#), and may receive a written directive to carry a handgun under [§ 39-17-1315](#) if such officer meets the qualifications in [§ 38-8-106](#) and the training requirements of [§ 38-8-107\(a\)](#). While acting in such capacity, such officer has the authority to make arrests for offenses committed on the property of such public housing project.

History

Acts 1973, ch. 240, §§ 1, 2; T.C.A., § 13-919; [Acts 1997, ch. 126, § 1](#).

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[Tenn. Code Ann. § 13-20-501](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-501. Creation and powers of authority for a county.

(a) Except as otherwise provided herein, a housing authority may be created for any county, and the commissioners of such authority may be appointed, in the same manner as provided in this chapter, for the creation of a housing authority for a city and the appointment of the commissioners of such authority. Each housing authority created for a county and the commissioners thereof shall have the same functions, rights, powers, duties, privileges, immunities and limitations provided for housing authorities created for cities and the commissioners of such housing authorities, and all the provisions of law applicable to housing authorities created for cities and the commissioners of such authorities shall be applicable to housing authorities created for counties and the commissioners of such authorities.

(b) For all such purposes, unless a different meaning clearly appears from the context:

(1) "City" or "city and the area within ten (10) miles from the territorial boundaries thereof" means county;

(2) "City clerk" means county clerk; and

(3) "Mayor" or "council" as used in this chapter and any amendment thereto are construed as meaning county legislative body.

(c) A housing authority created for a county shall not be subject to the limitations provided in [§ 13-20-113\(a\)\(4\)](#) with respect to housing projects for farmers of low income.

History

Acts 1935 (Ex. Sess.), ch. 20, § 33, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.26 (Williams, § 3647.29i); impl. am. Acts 1978, ch. 934, §§ 7, 22, 36; T.C.A. (orig. ed.), § 13-1001.

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[Tenn. Code Ann. § 13-20-502](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-502. Creation of regional housing authority.

(a) If the legislative body of each of two (2) or more contiguous counties by resolution declares that there is a need for one (1) housing authority to be created for all such counties to exercise in such counties powers and other functions prescribed for a regional housing authority, a public body corporate and politic to be known as a regional housing authority shall, after the commissioners thereof file an application with the secretary of state as hereinafter provided, exist for all of such counties and exercise its powers and other functions in such counties; and thereupon, any county housing authority created for any of such counties shall cease to exist except for the purpose of winding up its affairs and executing a deed to the regional housing authority as hereinafter provided; provided, that the legislative body of a county shall not adopt a resolution as aforementioned if there is a county housing authority created for such county which has any bonds or notes outstanding, unless:

(1) First, all holders of such bonds and notes consent in writing to the substitution of such regional housing authority in lieu of such county housing authority on all such bonds and notes; and

(2) Second, the commissioners of such county housing authority adopt a resolution consenting to the transfer of all the rights, contracts, obligations, and property, real and personal, of such county housing authority, to such regional housing authority as hereinafter provided;

and provided further, that when there is compliance with the above two (2) conditions and such regional housing authority is created and authorized to exercise its powers and other functions, all rights, contracts, agreements, obligations and property, real and personal, of such county housing authority, shall be in the name of and vest in such regional housing authority, and all obligations of such county housing authority shall be the obligations of such regional housing authority, and all rights and remedies of any person against such county housing authority may be asserted, enforced, and prosecuted against such regional housing authority to the same extent as they might have been asserted, enforced, and prosecuted against such county housing authority.

(b) When any real property of a county housing authority vests in a regional housing authority as provided above, the county housing authority shall execute a deed of such property to the regional housing authority which thereupon shall file such deed in the office provided for the filing of deeds; provided, that nothing contained in this sentence shall affect the vesting of property in the regional housing authority as provided above.

(c) The legislative body of each of two (2) or more contiguous counties shall by resolution declare that there is a need for one (1) regional housing authority to be created for all of such counties to exercise in such counties powers and other functions prescribed for a regional housing authority, only if such county legislative body finds that:

(1) Unsanitary or unsafe inhabited dwelling accommodations exist in such county or there is a shortage of safe or sanitary dwelling accommodations in such county available to persons of low income at rentals they can afford; and

(2) A regional housing authority would be a more efficient or economical administrative unit than a housing authority of such county.

History

Acts 1935 (Ex. Sess.), ch. 20, § 34, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.27 (Williams, § 3647.29j); impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-1002.

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Tenn. Code Ann. § 13-20-503

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-503. Area of operation of county and regional housing authorities.

The area of operation or boundaries of a housing authority created for a county shall include all of the county for which it is created, and the area of operation or boundaries of a regional housing authority shall include, except as otherwise provided elsewhere in this chapter, all of the counties for which such regional housing authority is created and established; provided, that a county or regional housing authority shall not undertake any housing project or projects within the boundaries of any city or other municipality of more than two thousand (2,000) inhabitants, unless a resolution has been adopted by the governing body of such city or other municipality, and also by any housing authority which has been theretofore established and authorized to exercise its powers in such city or other municipality, declaring that there is a need for the county or regional housing authority to exercise its powers within such city or other municipality.

History

Acts 1935 (Ex. Sess.), ch. 20, § 35, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.28 (Williams, § 3647.29k); T.C.A. (orig. ed.), § 13-1003.

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Tenn. Code Ann. § 13-20-504

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-504. Increasing area of operation of regional housing authority.

(a)(1) The area of operation or boundaries of a regional housing authority may be increased from time to time to include one (1) or more additional contiguous counties not already within a regional housing authority, if the legislative body of each of the counties then included in the area of operation of such regional housing authority, the commissioners of the regional housing authority and the legislative body of each such additional county or counties adopt a resolution declaring that there is a need for the inclusion of such additional county or counties in the area of operation of such regional housing authority. Upon the adoption of such resolution, any county housing authority created for any such additional county shall cease to exist except for the purpose of winding up its affairs and executing a deed to the regional housing authority as hereinafter provided; provided, that such resolutions shall not be adopted if there is a county housing authority created for any such additional county which has any bonds or notes outstanding unless:

(A)First, all holders of such bonds and notes consent in writing to the substitution of such regional housing authority in lieu of such county housing authority as the obligor thereon; and

(B)Second, the commissioners of such county housing authority adopt a resolution consenting to the transfers of all rights, contracts, bonds and property, real and personal, of such county housing authority to such regional housing authority as hereinafter provided;

(2)When there is compliance with the above two (2) conditions and the area of operation of such regional housing authority is increased to include such additional county, as hereinabove provided, all rights, contracts, bonds, and property, real and personal, of such county housing authority shall be in the name of and vest in such regional housing authority, all contracts and bonds of such county housing authority shall be the contracts and bonds of such regional housing authority and all rights and remedies of any person against such county housing authority may be asserted, enforced, and prosecuted against such regional housing authority to the same extent as they might have been asserted, enforced, and prosecuted against such county housing authority.

(b)When any real property of a county housing authority vests in a regional housing authority as provided above, the county housing authority shall execute a deed of such property to the regional housing authority, which thereupon shall file such deed in the office provided for the filing of deeds; provided, that nothing contained in this subsection (b) shall affect the vesting of property in the regional housing authority as provided above.

(c)The legislative body of each of the counties in the regional housing authority, the commissioners of the regional housing authority and the legislative body of each such additional county or counties shall by resolution declare that there is a need for the inclusion of such county or counties in the area of operation of the regional housing authority, only if:

(1)The legislative body of each such additional county or counties finds that unsanitary or unsafe inhabited dwelling accommodations exist in such county or there is a shortage of safe or sanitary dwelling accommodations in such county available to persons of low income at rentals they can afford; and

(2)The legislative body of each of the counties then included in the area of operation of the regional housing authority, the commissioners of the regional housing authority and the legislative body of each such additional county or counties find that the regional housing authority would be a more efficient or economical administrative unit if the area of operation of the regional housing authority is increased to include such additional county or counties.

History

Acts 1935 (Ex. Sess.), ch. 20, § 36, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29 (Williams, § 3647.29/); impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-1004.

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[Tenn. Code Ann. § 13-20-505](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-505. Decreasing area of operation of regional housing authority.

(a)The area of operation or boundaries of a regional housing authority may be decreased from time to time to exclude one (1) or more counties from such area if the legislative body of each of the counties in such area and the commissioners of the regional housing authority each adopt a resolution declaring that there is a need for excluding such county or counties from such area; provided, that no action may be taken pursuant to this section if the regional housing authority has outstanding any bonds or notes, unless, first, all holders of such bonds and notes consent in writing to such action. If such action decreases the area of operation of the regional housing authority to only one (1) county, such authority shall thereupon constitute and become a housing authority for such county, in the same manner as though such authority were created and constituted a public and corporate body for such county pursuant to other provisions of this chapter, and the commissioners of such authority shall be thereupon appointed as provided for the appointment of commissioners of a housing authority created for a county.

(b)(1) The legislative body of each of the counties in the area of operation of the regional housing authority and the commissioners of the regional housing authority shall adopt a resolution declaring that there is a need for excluding a county or counties from such area if:

(A)Each such legislative body of the counties to remain in the area of operation of the regional housing authority and the commissioners of the regional housing authority find that, because of facts arising or determined subsequent to the time when such area first included the county or counties to be excluded, the regional housing authority would be a more efficient or economical administrative unit if such county or counties were excluded from such area; and

(B)The legislative body of each such county or counties to be excluded and the commissioners of the regional housing authority each also find that, because of the aforementioned changed facts, another housing authority for such county or counties would be a more efficient or economical administrative unit to function in such county or counties.

(2)Nothing contained in this subsection (b) shall be construed as preventing a county or counties excluded from the area of operation of a regional housing authority, as provided above, from thereafter being included within the area of operation of any housing authority in accordance with this chapter.

(c)Any property held by a regional housing authority within a county or counties excluded from the area of operation of such authority, as herein provided, shall, as soon as practicable after the exclusion of the county or counties respectively, be disposed of by such authority in the public interest.

History

Acts 1935 (Ex. Sess.), ch. 20, § 37, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29A (Williams, § 3647.29m); impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-1005.

End of Document

[Tenn. Code Ann. § 13-20-506](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-506. Requirements of public hearings -- Application to secretary of state for creation of authorities.

(a)The legislative body of a county shall not adopt any resolution authorized by [§ 13-20-502](#), [§ 13-20-504](#) or [§ 13-20-505](#) unless a public hearing has first been held which shall conform, except as otherwise provided in this chapter, to the requirements of [§ 13-20-402](#) for hearings to determine the need for a housing authority of a city; provided, that such hearings may be held by the legislative body without a petition therefor. No housing authority shall constitute a body corporate and politic until the commissioners of such authority have filed and recorded an application with the secretary of state, which shall conform, insofar as possible, to [§§ 13-20-403](#) and 13-20-404 for the making, filing and recording of an application to the secretary of state by the commissioners of a housing authority created for a city; provided, that any such application filed and recorded hereunder shall set forth that the public hearing or hearings, as required by this chapter, have been held.

(b)In connection with the issuance of bonds or the incurring of other obligations, a regional housing authority may covenant as to limitations on its right to adopt resolutions relating to the increase or decrease of its area of operation.

History

Acts 1935 (Ex. Sess.), ch. 20, § 38, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29B (Williams, § 3647.29n); impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-1006.

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[Tenn. Code Ann. § 13-20-507](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-507. Commissioners of regional housing authority -- Appointment -- Term -- Vacancies -- Powers -- Organization.

(a)The legislative body of each county included in a regional housing authority shall appoint one (1) person as a commissioner of such authority, and each such commissioner to be first appointed by the legislative body of a county may be appointed at or after the time of the adoption of the resolution declaring the need for such regional housing authority, or of declaring the need for the inclusion of such county in the area of operation of such regional housing authority. When the area of operation of a regional housing authority is increased to include an additional county or counties as provided above, the legislative body of each such county shall thereupon appoint one (1) additional person as a commissioner of the regional housing authority. The legislative body of each county shall appoint the successor of the commissioner appointed by it. If any county is excluded from the area of operation of a regional housing authority, the office of the commissioner of such regional housing authority appointed by the legislative body of such county shall be thereupon abolished.

(b)If the area of operation of a regional housing authority consists at any time of an even number of counties, the commissioners of the regional housing authority appointed by the legislative bodies of such counties shall appoint one (1) additional commissioner, as well as such person's successor, whose term of office shall be as herein provided for a commissioner of a regional housing authority, except that such term shall end at any earlier time when the area of operation of the regional housing authority shall be changed to consist of an odd number of counties. A certificate of the appointment of any commissioner of a regional housing authority shall be signed by the appointing officer or officers and filed with the other records of the regional housing authority, and shall be conclusive evidence of the due and proper appointment of such commissioner.

(c)The commissioners shall be appointed for terms of five (5) years, except that all vacancies shall be filled for the unexpired term. Each commissioner shall hold office until such commissioner's successor has been appointed and has qualified, except as otherwise provided herein. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by the officer or officers, or their successors, appointing such commissioner, but such commissioner shall be removed only after such commissioner has been given a copy of the charges at least ten (10) days prior to the hearing thereon and has had an opportunity to be heard in person or by counsel. In the event of the removal of such commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed with the other records of the regional housing authority.

(d)The commissioners shall constitute the regional housing authority, and the powers of such authority shall be vested in such commissioners in office from time to time.

(e)The commissioners shall elect a chair from among the commissioners and shall have power to select or employ such other officers and employees as the regional housing authority may require. A majority of the commissioners shall constitute a quorum of such authority for the purpose of conducting its business and exercising its powers and for all other purposes.

History

Tenn. Code Ann. § 13-20-507

Acts 1935 (Ex. Sess.), ch. 20, § 39, as added by Acts 1943, ch. 22, § 6; mod. C. Supp. 1950, § 3647.29C (Williams, § 3647.29o); impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-1007.

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[Tenn. Code Ann. § 13-20-508](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-508. Powers of regional housing authority.

(a)

(1) Except as otherwise provided herein, a regional housing authority and the commissioners thereof shall, within the area of operation of such regional housing authority, have the same functions, rights, powers, duties, privileges, immunities and limitations provided for housing authorities created for cities or counties and the commissioners of such housing authorities, and all the provisions of law applicable to housing authorities created for cities or counties and the commissioners of such authorities shall be applicable to regional housing authorities and the commissioners thereof.

(2) For such purposes, unless a different meaning clearly appears from the context:

(A) "City" means county;

(B) "City clerk" means county clerk; and

(C) "Mayor" or "council" as used in this chapter, and any amendments thereto, means county legislative body.

(b) A regional housing authority shall not be subject to the limitations provided in [§ 13-20-113\(a\)\(4\)](#) with respect to housing projects for farmers of low income.

History

Acts 1935 (Ex. Sess.), ch. 20, § 40, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29D (Williams, § 3647.29p); impl. am. Acts 1978, ch. 934, §§ 7, 22, 36; T.C.A. (orig. ed.), § 13-1008.

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Tenn. Code Ann. § 13-20-509

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-509. Rural housing projects.

Housing authorities created for counties and regional housing authorities are specifically empowered and authorized to borrow money, accept grants and exercise their other powers to provide housing for farmers of low income. In connection with such projects, such housing authorities may enter into such leases or purchase agreements, accept such conveyances and rent or sell dwellings forming part of such projects to or for farmers of low income, as such housing authority deems necessary in order to assure the achievement of the objectives of this chapter. Such leases, agreements or conveyances may include such covenants as the housing authority deems appropriate regarding such dwellings and the tracts of land described in any such instrument, which covenants shall be deemed to run with the land where the housing authority deems it necessary and the parties to such instrument so stipulate. Nothing contained in this section shall be construed as limiting any other powers of any housing authority.

History

Acts 1935 (Ex. Sess.), ch. 20, § 46, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29J (Williams, § 3647.29v); T.C.A. (orig. ed.), § 13-1009.

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Tenn. Code Ann. § 13-20-510

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-510. Housing applications by farmers.

The owner of any farm operated, or worked upon, by farmers of low income in need of safe and sanitary housing may file an application with a housing authority of a county or regional housing authority requesting that it provide for a safe and sanitary dwelling or dwellings for occupancy of such farmers of low income. Such applications shall be received and examined by housing authorities in connection with the formulation of projects or programs to provide housing for farmers of low income.

History

Acts 1935 (Ex. Sess.), ch. 20, § 47, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29K (Williams, § 3647.29w); T.C.A. (orig. ed.), § 13-1010.

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Tenn. Code Ann. § 13-20-511

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 5 County and Regional Housing Authorities

13-20-511. Housing in rural areas -- Tax exemption.

(a) A regional or county housing authority has the power to sell or rent dwellings outside of cities and to make or accept such conveyances or leases as it deems necessary to carry out the rural housing purposes of this chapter. With respect to such housing, a county and regional housing authority shall not be subject to the tenant selection limitations provided in [§ 13-20-113\(a\)\(4\)](#).

(b) No dwelling shall be provided on a farm by a county or regional authority unless it has determined that, by reason of the character of the farm with respect to which the dwelling is to be constructed and the manner of its operation, the owner is likely successfully to carry out the undertakings required of such owner under the owner's purchase agreement or lease.

(c) Until a purchaser makes full payment for a dwelling which is constructed by a county or regional authority on such purchaser's farm, such dwelling shall continue to be the property of such authority regardless of the title to the land on which it is constructed, and such dwelling shall be exempt from taxation in the same manner as other property of such authority. Any document making land available for use by such authority shall be admitted to record, and accordingly constitute notice, in the same manner as a deed or other instrument relating to real estate.

(d) When a county or regional authority provides a dwelling on a farm hereunder, the owner of the farm living in the dwelling under a lease or purchase agreement shall be entitled to receive the same homestead exemption as if such owner had title to the dwelling.

History

Acts 1935 (Ex. Sess.), ch. 20, § 48, as added by Acts 1945, ch. 102, § 1; C. Supp. 1950, § 3647.29L (Williams, § 3647.29x); T.C.A. (orig. ed.), § 13-1011.

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[Tenn. Code Ann. § 13-20-601](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-601. Types of bonds.

(a)(1) The housing authority has the power to issue bonds from time to time in its discretion, for any of its corporate purposes. It also has the power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. The authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds on which the principal of and interest on are payable from income and revenues of the authority and from grants or contributions from the federal government or other source. Such income and revenues securing the bonds may be:

(A) Exclusively the income and revenues of the housing project financed in whole or in part with the proceeds of such bonds;

(B) Exclusively the income and revenues of certain designated housing projects, whether or not they are financed in whole or in part with the proceeds of such bonds; or

(C) The income and revenues of the authority generally.

(2) Any such bonds may be additionally secured by a pledge of any income or revenues of the authority or, in certain instances as hereinafter provided, may be additionally secured by a mortgage of any housing project, projects or other property of the authority.

(b) Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance of such bonds.

(c) The bonds and other obligations of the authority, and such bonds and obligations shall so state on their face, shall not be a debt of any city or municipality located within its boundaries or of the state, and neither the state nor any such city or municipality shall be liable thereon, nor in any event shall they be payable out of any funds or properties other than those of the authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional, statutory or charter debt limitation or restriction. Bonds may be issued under this chapter, notwithstanding any debt or other limitation prescribed by any statute.

History

Acts 1935 (Ex. Sess.), ch. 20, § 14; 1939, ch. 74, § 1; C. Supp. 1950, § 3647.13 (Williams, § 3647.14); T.C.A. (orig. ed.), § 13-1101.

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[Tenn. Code Ann. § 13-20-602](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-602. Form and sale of bonds.

(a)The bonds of the authority shall be authorized by its resolution and shall be issued in one (1) or more series and shall bear such date or dates, mature at such time or times, not exceeding sixty (60) years from their respective dates, bear interest at such rate or rates, payable semiannually, be in such denominations, which may be made interchangeable, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms or redemption, with or without premium, as such resolution or its trust indenture or mortgage may provide.

(b)The bonds, in the discretion of the authority, may be sold at public or private sale. If the bonds are sold at public sale, notice shall be published once at least ten (10) days prior to such sale in a newspaper having a general circulation in the city and in a financial newspaper published in the city of New York, New York, or the city of Chicago, Illinois. The bonds may be sold at such price or prices as the authority shall determine.

(c)Whenever the authority contracts with a financial consultant, fiscal agent, municipal finance consultant or municipal securities underwriter-dealer to assist it in the issuance and marketing of such bonds or to market such bonds, such consultant, agent, or underwriter-dealer shall be licensed and maintain a permanent office or full-time branch office in this state prior to entering such contract.

(d)Pending the authorization, preparation, execution or delivery of definitive bonds, the authority may issue interim certificates, or other temporary obligations to the purchaser of such bonds. Such interim certificates, or other temporary obligations, shall be in such form, contain such terms, conditions, and provisions, bear such date or dates, and evidence such agreements relating to their discharge or payment or delivery of definitive bonds as the authority may by resolution, trust indenture or mortgage determine.

(e)In case any of the officers whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery.

(f)The authority has the power, out of any funds available therefor, to purchase any bonds issued by it at a price of not more than the principal amount thereof and the accrued interest; provided, that bonds payable exclusively from the revenues of a designated project or projects shall be purchased only out of any such revenues available therefor. All bonds so purchased shall be cancelled. This subsection (f) shall not apply to the redemption of bonds.

(g)Any provisions of any law to the contrary notwithstanding, any bonds, interim certificates, or other obligations issued pursuant to this chapter shall be fully negotiable.

History

Acts 1935 (Ex. Sess.), ch. 20, § 15; C. Supp. 1950, § 3647.14 (Williams, § 3647.15); Acts 1970, ch. 564, § 1; 1976, ch. 729, § 2; T.C.A. (orig. ed.), § 13-1102; Acts 1980, ch. 601, § 9.

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Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-603. Trust indentures and mortgages -- Power of authority to issue or incur obligation.

In connection with the issuance of bonds and/or the incurring of any obligation under a lease and in order to secure the payment of such bonds and/or obligations, the authority has the power to:

- (1) Pledge by resolution, trust indenture, mortgage, subject to the limitation hereinafter imposed, or other contract all or any part of its rents, fees or revenues;
- (2) Covenant against mortgaging all or any part of its property, real or personal, then owned or thereafter acquired, or against permitting or suffering any lien thereon;
- (3) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof, or with respect to limitations on its right to undertake additional housing projects;
- (4) Covenant against pledging all or any part of its rents, fees and revenues to which its right then exists or the right to which may thereafter come into existence or against permitting or suffering any lien thereon;
- (5) Provide for the release of property, rents, fees and revenues from any pledge or mortgage, and reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage;
- (6) As to the bonds to be issued pursuant to any resolution, trust indenture, mortgage or other instrument and as to the issuance of such bonds in escrow or otherwise, covenant regarding the use and disposition of the proceeds thereof;
- (7) Covenant as to what other or additional debt may be incurred by it;
- (8) Provide for the terms, form, registration, exchange, execution and authentication of bonds;
- (9) Provide for the replacement of lost, destroyed or mutilated bonds;
- (10) Covenant that the authority warrants the title to the premises;
- (11) Covenant as to the rents and fees to be charged, the amount (calculated as may be determined) to be raised each year or other period of time by rents, fees, and other revenues and as to the use and disposition to be made thereof;
- (12) Covenant as to the use of any or all of its property, real or personal;
- (13) Create or authorize the creation of special funds in which there shall be segregated:
 - (A) The proceeds of any loan and/or grant;
 - (B) All of the rents, fees and revenues of any housing project or projects or parts thereof;
 - (C) Any moneys held for the payment of the costs of operation and maintenance of any such housing projects or as a reserve for the meeting of contingencies in the operation and maintenance thereof;

(D)Any moneys held for the payment of the principal of and interest on its bonds or the sums due under its leases and/or as a reserve for such payments; and

(E)Any moneys held for any other reserves or contingencies;

and to covenant as to the use and disposal of the moneys held in such funds;

(14)Redeem the bonds, and covenant for their redemption and provide the terms and conditions thereof;

(15)Covenant against extending the time for the payment of its bonds or interest thereon, directly or indirectly, by any means or in any manner;

(16)Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(17)Covenant as to the maintenance of its property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys;

(18)Vest in an obligee of the authority the right, in the event of the failure of the authority to observe or perform any covenant on its part to be kept or performed, cure any such default and advance any moneys necessary for such purposes, and the moneys so advanced may be made an additional obligation of the authority with such interest, security and priority as may be provided in any trust indenture, mortgage, lease or contract of the authority with reference thereto;

(19)Covenant and prescribe as to the events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived;

(20)Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation;

(21)Covenant to surrender possession of all or any part of any housing project or projects upon the happening of an event of default, as defined in the contract, and vest in an obligee the right without judicial proceedings to take possession of and use, operate, manage and control such housing projects or any part thereof, and collect and receive all rents, fees and revenues arising therefrom in the same manner as the authority itself might do, and to dispose of the moneys collected in accordance with the agreement of the authority with such obligee;

(22)Vest in a trustee or trustees the rights to enforce any covenant made to secure, pay, or in relation to the bonds, provide for the powers and duties of such trustee or trustees, limit liabilities thereof and provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any such covenant;

(23)Make covenants other than, and in addition to, the covenants herein expressly authorized, of like or different character;

(24)Execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties, which may contain such covenants and provisions in addition to those above specified as the government or any purchaser of the bonds of the authority may reasonably require; and

(25)Make all covenants and do any and all acts and things which may be necessary or convenient or desirable in order to secure its bonds, or which tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein, it being the intention hereof to give the authority power to do all things in the issuance of bonds, in the provisions for their security that are not inconsistent with the constitution of the state, and no consent or approval of any judge or court shall be required therefor; provided, that the authority shall have no power to mortgage all or any part of its property, real or personal, except as provided in [§ 13-20-604](#).

History

Acts 1935 (Ex. Sess.), ch. 20, § 16; mod. C. Supp. 1950, § 3647.15 (Williams, § 3647.16); T.C.A. (orig. ed.), § 13-1103.

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Tenn. Code Ann. § 13-20-604

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-604. Power to mortgage when project financed with aid of government.

In connection with any project financed in whole or in part or otherwise aided by a government, whether through a donation of money or property, a loan, the insurance or guarantee of a loan, or otherwise, the authority also has the power to mortgage all or any part of its property, real or personal, then owned or thereafter acquired and thereby to:

- (1)** Vest in a government the right, upon the happening of an event of default, as defined in such mortgage, foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings, so long as a government shall be the holder of any of the bonds secured by such mortgage;
- (2)** Vest in a trustee or trustees the right, upon the happening of an event of default, as defined in such mortgage, foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings;
- (3)** Vest in other obligees the right to foreclose such mortgage by judicial proceedings; and
- (4)** Vest in any obligee, including a government, the right, in foreclosing any mortgage as aforementioned, foreclose such mortgage as to all or such part or parts of the property covered thereby as such obligee, in its absolute discretion, shall elect; the institution, prosecution and conclusion of any such foreclosure proceedings and/or sale of any such parts of the mortgaged property shall not affect in any manner or to any extent the lien of the mortgage on the parts of the mortgaged property not included in such proceedings or not sold as aforementioned.

History

Acts 1935 (Ex. Sess.), ch. 20, § 17; C. Supp. 1950, § 3647.16 (Williams, § 3647.17); T.C.A. (orig. ed.), § 13-1104.

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Tenn. Code Ann. § 13-20-605

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-605. Remedies of an obligee of authority.

An obligee of the authority has the right, in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

- (1)**By mandamus, suit, action or proceeding in law or equity, all of which may be joined in one (1) action, to compel the authority, and the commissioners, officers, agents or employees thereof, to perform each and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this chapter;
- (2)**By suit, action or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority; and
- (3)**By suit, action or proceeding in any court of competent jurisdiction to acquire possession of any housing project or any part thereof to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority.

History

Acts 1935 (Ex. Sess.), ch. 20, § 18; C. Supp. 1950, § 3647.17 (Williams, § 3647.18); T.C.A. (orig. ed.), § 13-1105.

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[Tenn. Code Ann. § 13-20-606](#)

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Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-606. Remedies conferrable upon authority by mortgage or trust indenture.

An authority has the power by its trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, leases or other obligations, the right upon the happening of an "event of default" as defined in such instrument, by suit, action or proceeding in any court of competent jurisdiction, to:

- (1) Obtain the appointment of a receiver of any housing project of the authority or any part or parts thereof. If a receiver is appointed, the receiver may enter and take possession of such housing project or any part or parts thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom in the same manner as the authority itself might do, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct; and
- (2) Require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

History

Acts 1935 (Ex. Sess.), ch. 20, § 19; C. Supp. 1950, § 3647.18 (Williams, § 3647.19); T.C.A. (orig. ed.), § 13-1106.

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Tenn. Code Ann. § 13-20-607

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Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-607. Remedies and rights cumulative.

All the rights and remedies hereinabove conferred shall be cumulative and in addition to all other rights and remedies that may be conferred upon such obligee of the authority by law or by any contract with the authority.

History

Acts 1935 (Ex. Sess.), ch. 20, § 20; C. Supp. 1950, § 3647.19 (Williams, § 3647.20); T.C.A. (orig. ed.), § 13-1107.

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13-20-608. Limitations on remedies of obligee.

(a) No interest of the authority in any property, real or personal, shall be subject to sale by the foreclosure of a mortgage thereon, either through judicial proceedings or the exercise of a power of sale contained in such mortgage, except in the case of the mortgages provided for in [§ 13-20-604](#).

(b) All property of the authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against same.

(c) No judgment against the authority shall be a charge or lien upon its property, real or personal.

(d) This section shall not apply to or limit the right of an obligee to foreclose any mortgage of the authority provided for in [§ 13-20-604](#), and, in case of a foreclosure sale thereunder, to obtain a judgment or decree for any deficiency due on the indebtedness secured thereby and issued on the credit of the authority. Such deficiency judgment or decree shall be a lien and charge upon the property of the authority which may be levied on and sold by virtue of an execution or other judicial process for the purpose of satisfying such deficiency judgment or decree.

History

Acts 1935 (Ex. Sess.), ch. 20, § 21; C. Supp. 1950, § 3647.20 (Williams, § 3647.21); T.C.A. (orig. ed.), § 13-1108.

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Tenn. Code Ann. § 13-20-609

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-609. Subordination of mortgage to agreement with government.

The authority may agree in any mortgage made by it that such mortgage shall be subordinate to a contract for the supervision by a government of the operation of improvements thereon; in such event, any purchaser or purchasers at a sale of the property of an authority pursuant to a foreclosure of such mortgage or any other remedy in connection therewith shall obtain title subject to such contract.

History

Acts 1935 (Ex. Sess.), ch. 20, § 22; C. Supp. 1950, § 3647.21 (Williams, § 3647.22); T.C.A. (orig. ed.), § 13-1109.

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Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-610. Contracts with federal government.

In addition to the powers conferred upon the authority by other provisions of this chapter, the authority is empowered to borrow money or accept grants from the federal government for or in aid of any housing project which such authority is authorized to undertake, to take over any land acquired by the federal government for the construction or operation of a housing project, to take over or lease or manage any housing project constructed or owned by the federal government, and to these ends to enter into such contracts, mortgages, trust indentures, leases or other agreements as the federal government may require, including agreements that the federal government shall have the right to supervise and approve the construction, maintenance and operation of such housing project. It is the purpose and intent of such law to authorize every authority to do any and all things necessary to secure the financial aid and the cooperation of the federal government in the undertaking, construction, maintenance and operation of any housing project which the authority is empowered to undertake.

History

Acts 1935 (Ex. Sess.), ch. 20, § 23; C. Supp. 1950, § 3647.22 (Williams, § 3647.23); T.C.A. (orig. ed.), § 13-1110.

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Tenn. Code Ann. § 13-20-611

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Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-611. Agreement to sell as security for obligations to federal government.

In any contract or amendatory or superseding contract for a loan and annual contributions heretofore or hereafter entered into between a housing authority and the federal government with respect to any housing project undertaken by the housing authority, any such housing authority is authorized to make such covenants, including covenants with holders of bonds issued by such authority for purposes of the project involved, and to confer upon the federal government such rights and remedies, as the housing authority deems necessary to assure the fulfillment of the purposes for which the project was undertaken. In any such contract, the housing authority may, notwithstanding any other provision of law, agree to sell and convey the project, including all lands appertaining thereto, to which such contract relates, to the federal government upon the occurrence of such conditions, or upon such defaults on bonds for which any of the annual contributions provided in the contract are pledged, as may be prescribed in such contract, and at a price, which may include the assumption by the federal government of the payment, when due, of the principal of and interest on outstanding bonds of the housing authority issued for purposes of the project involved, determined as prescribed therein and upon such other terms and conditions as are therein provided. Any such other housing authority is authorized to enter into such supplementary contracts, and to execute such conveyances, as may be necessary to carry out the provisions hereof. Notwithstanding any other provisions of law, any contracts or supplementary contracts or conveyances made or executed pursuant to this section shall not be or constitute a mortgage within the meaning or for the purposes of any of the laws of this state.

History

Acts 1935 (Ex. Sess.), ch. 20, § 45, as added by Acts 1943, ch. 22, § 6; C. Supp. 1950, § 3647.29I (Williams, § 3647.29u); T.C.A. (orig. ed.), § 13-1111.

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Tenn. Code Ann. § 13-20-612

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-612. Housing authority obligations guaranteed by federal government eligible collateral as security for deposit of funds.

Wherever, by statute of this state, collateral is required as security for the deposit of public or other funds, or deposits are required to be made with any public official or department, or an investment of capital or surplus, or a reserve or other fund, is required to be maintained consisting of designated securities, notes and bonds insured by the federal housing administrator and debentures issued by the federal housing administrator and obligations of national mortgage associations shall be eligible for such purposes; provided, that such obligations shall be guaranteed as to payment by the federal government or a branch thereof.

History

Acts 1937, ch. 83, § 1; C. Supp. 1950, § 3647.17A (Williams, § 3647.41); T.C.A. (orig. ed.), § 13-1112.

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Tenn. Code Ann. § 13-20-613

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-613. Investment by municipality in bonds of authority.

Any municipality may purchase or legally invest in any of the bonds of a housing authority and exercise all of the rights of any holder of such bonds.

History

Acts 1935 (Ex. Sess.), ch. 45, § 9, as added by Acts 1937, ch. 225, § 1; C. Supp. 1950, § 3647.29Y (Williams, § 3647.36b); T.C.A. (orig. ed.), § 13-1113.

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[Tenn. Code Ann. § 13-20-614](#)

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Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 6 Bonds and Finances of Housing Authorities

13-20-614. Taxes pledged for repayment of indebtedness for redevelopment projects.

(a)An authority is hereby authorized and empowered to irrevocably pledge to the payment of principal of and interest on any bonds, loans or other indebtedness incurred by the authority to finance or refinance, in whole or in part, the project facilities authorized under subsection (c), that portion of taxes which pursuant to [§ 13-20-205\(a\)\(2\)](#) is to be paid into the special fund of the authority. Such portion of taxes shall be considered "revenues" within the meaning of [§ 13-20-601](#).

(b)The authority shall create a special fund or funds for the sole purpose of paying the principal of and interest on such bonds, loans or other indebtedness and into which taxes allocated to the authority pursuant to [§ 13-20-205\(a\)\(2\)](#) will be, from time to time, deposited. The authority shall be obligated and bound to set aside from such taxes an amount sufficient to pay such indebtedness as the same shall become due, and, as provided in the proceedings authorizing the incurrence of any indebtedness of the authority, to maintain adequate reserves for the payment of such indebtedness.

(c)The special fund shall be used solely for the payment of principal of and interest, and redemption premiums, on bonds, loans and other indebtedness incurred by the authority in connection with the redevelopment project financed from the proceeds of such bonds, loans or other indebtedness.

(d)Notwithstanding any other provision of this chapter to the contrary, in order to secure any bonds, notes or other indebtedness incurred by the authority, the authority shall have the power to mortgage all or any part of its property, real or personal, then owned or thereafter acquired, and thereby to vest in a trustee or trustees the right, upon the happening of an event of default, as defined in such mortgage, to foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings.

History

Acts 1978, ch. 854, § 4; T.C.A., § 13-1114.

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[Tenn. Code Ann. § 13-20-701](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-701. Findings and declarations.

The general assembly finds and declares that:

- (1) There are areas in counties and municipalities of this state that have a transit deficiency where the absence of facilities for high capacity transit options constitutes a serious and growing menace that is injurious to the public health, safety, morals, and welfare of residents;
- (2) The existence of such transit-deficient areas constitutes an economic and social liability imposing onerous burdens that substantially impair or arrest sound growth, aggravate traffic problems, and substantially hamper the elimination of traffic hazards, the implementation of solutions to traffic congestion, and the improvement of traffic facilities;
- (3) The prevention and elimination of such transit-deficient areas is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by such areas;
- (4) Certain transit-deficient areas, or portions thereof, may require acquisition, clearance, and disposition, subject to use restrictions, as provided in this part, since the prevailing conditions make impracticable the reclamation of the area by conservation or rehabilitation;
- (5) Other areas, or portions thereof, may, through the means provided in this part, be susceptible to conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented;
- (6) Such areas can be conserved and rehabilitated through appropriate public action to decrease vehicular congestion for residents, provide suitable density for development, and prevent sprawl into rural areas of the state, and through the cooperation and voluntary action of the owners and tenants of property in such areas; and
- (7) The powers conferred under this part are for public uses and purposes for which public money may be expended and police power exercised, and the necessity in the public interest is declared as a matter of legislative determination.

History

[Acts 2017, ch. 254, § 1.](#)

[Tenn. Code Ann. § 13-20-702](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-702. Part definitions.

As used in this part, unless the context otherwise requires:

(1)"High capacity transit":

(A)Means a form of mass transit that carries more people or provides more frequent service than a local bus service with the goal of providing faster, more convenient, and more reliable service for a larger number of passengers; and

(B)Includes subway, monorail, heavy rail, commuter rail, light rail, streetcar, and bus rapid transit;

(2)"High capacity transit area" means a geographic area located within one thousand three hundred twenty feet (1,320') of a street:

(A)Designated in a county's major street plan;

(B)Proposed to carry high capacity transit as designated on the county's transit plan; and

(C)Located in an area designated by the community's land use plan for mixed use or high density residential development;

(3)"High capacity transit facility" means a right of way for high capacity transit, boarding stations, transit centers, rail track, bridges, traffic signalization for high capacity transit, high capacity transit lane markings, park-and-ride lots, and any other improvements necessary for carrying out high capacity transit; and

(4)"Transit-deficient area":

(A)Means a high capacity transit area where facilities for high capacity transit are necessary to promote the elimination of traffic hazards, the implementation of regional solutions to traffic congestion, and the improvement of traffic facilities in order to protect the safety, health, morals, and welfare of the community; and

(B)Does not include land used predominantly in agriculture, as defined in [§ 1-3-105](#).

History

[Acts 2017, ch. 254, § 1.](#)

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Tenn. Code Ann. § 13-20-703

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-703. Transit-oriented redevelopment project.

(a) Any housing authority established under this chapter may carry out any transit-oriented redevelopment project and to that end may:

- (1) Acquire transit-deficient areas;
- (2) Acquire other real property for the purpose of removing, preventing, or reducing:
 - (A) Blight resulting from transit deficiency;
 - (B) Blighting factors resulting from transit deficiency; or
 - (C) The causes of blight resulting from transit deficiency;
- (3) Acquire real property where the condition of the title, the diverse ownership of the aggregate real property to be acquired, the street or lot layouts, or other conditions prevent a proper development of the property, and where the acquisition of the area by the authority is necessary to carry out a transit-oriented redevelopment plan;
- (4) Acting on its own or through third parties engaged to act on the housing authority's behalf:
 - (A) Clear any areas acquired, including:
 - (i) Relocation of utility facilities;
 - (ii) Demolition, in whole or in part, of buildings and improvements located on the acquired property; and
 - (iii) Removal or remediation of any environmental contamination;
 - (B) Install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation and development of sites for uses in accordance with a transit-oriented redevelopment plan;
 - (C) Install, construct, or reconstruct parks, public open spaces, public playgrounds, pedestrian ways, and all parking structures, regardless of use, in accordance with a transit-oriented redevelopment plan;
 - (D) Install, construct, or reconstruct privately-owned affordable housing or workforce housing as those terms are defined in [§ 5-9-113](#);
 - (E) Pay expenses for relocation, administrative costs, planning and engineering costs, energy efficiency costs, and legal expenses associated with exercising the powers granted in this section or with carrying out a transit-oriented redevelopment plan;
 - (F) Pay the design costs, commissioning costs and fees, and costs of required documentation associated with meeting the requirements of Leadership in Energy and Environmental Design (LEED), Green Globes, or other similar programs, as well as greening costs and energy modeling costs for certification by such programs of new construction, existing buildings, and other projects;

(G)Install, construct, add to, improve, or reconstruct public infrastructure, including high capacity transit facilities, water, solid waste, transportation, telecommunication, energy use capture and transmittal, power systems, and alternative power systems or alternate power projects that incorporate principles of urban sustainability, eco-efficiency, and global sustainable development; and

(H)Take all other necessary actions designed to further the goals and local objectives articulated in the transit-oriented redevelopment plan;

(5)Sell or lease acquired land for uses in accordance with the transit-oriented redevelopment plan;

(6)Use any combination of powers specified in this section to carry out a transit-oriented redevelopment plan;

(7)Have and enjoy all the rights, powers, privileges, and immunities granted to housing authorities under this chapter or any other provisions of law relating to slum clearance and housing projects for persons of low income; and

(8)Borrow money upon its bonds, notes, or other evidences of indebtedness to finance any action authorized pursuant to this section and to carry out a transit-oriented redevelopment plan and, to the extent permitted by [§ 9-23-103](#), secure the same by pledges of its income and revenues generally or its income and revenues from a particular redevelopment project or projects, including moneys received by any authority and placed in a special fund or funds pursuant to tax increment financing provisions contained in a transit-oriented redevelopment plan, or from grants or contributions from any government, or in any other manner.

(b)Nothing contained in [§ 13-20-113](#) or [§ 13-20-413](#) shall be construed as limiting the power of an authority, in the event of default by a purchaser or lessee of land in a transit-oriented redevelopment plan, to acquire property and operate it free from restrictions contained in [§§ 13-20-113](#) and 13-20-413 relating to tenant selection or operation without profit.

(c)Notwithstanding subsection (a), the authority shall not use eminent domain to eliminate transit-deficient areas; provided, that the authority may use eminent domain to acquire land, or interests in land, for public facilities and public infrastructure, including high capacity transit facilities.

History

[Acts 2017, ch. 254, § 1.](#)

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[Tenn. Code Ann. § 13-20-704](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-704. Transit-oriented redevelopment plan.

(a)(1) An authority shall not initiate any transit-oriented redevelopment project under this part until the governing body, or the agency designated by the governing body or empowered by law so to act, of the municipality in which any of the area to be covered by the transit-oriented redevelopment project is situated, has approved a transit-oriented redevelopment plan, which provides an outline for the development or redevelopment of the area and is sufficiently complete to:

(A) Indicate its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(B) Indicate proposed land uses and building requirements in the area; and

(C) Indicate the method of the temporary relocation of persons living in such areas, and also the method of providing, unless already available, decent, safe, and sanitary dwellings substantially equal in number to the number of substandard dwellings to be cleared from the area, at rents within the financial reach of the income groups displaced from such substandard dwellings. Such municipalities are authorized to approve redevelopment plans through their governing body or the agency designated by the governing body for that purpose. Any state public body referred to in [§ 13-20-110](#) may cooperate with and assist housing authorities with respect to transit-oriented redevelopment projects in the same manner as though the section were applicable to transit-oriented redevelopment projects.

(2) Any disapproval of any transit-oriented redevelopment project by the governing body of a county as authorized by this section shall, however, be automatically dissolved wherever written agreement duly approved by the governing body of the municipality involved is furnished to the county governing body; provided, that the agreement shall exempt the county property tax levy and all proceeds from it generated within the transit-oriented redevelopment project from the tax increment financing provisions specified in [§ 13-20-706\(a\)](#).

(3) A governing body shall not approve a plan until after a public hearing has been held by the governing body, or agency designated by it or empowered by law so to act, to determine the necessity for the adoption of the plan, including the matters set forth in subdivision (a)(1). Notice of such public hearing shall be given in the following manner:

(A) By publishing once a week for three (3) consecutive weeks immediately preceding the public hearing in each newspaper of general circulation published in the municipality notice of the time, place, and purpose of the public hearing. The notice must include a facsimile of a map of the area to be included in the plan, with the streets or other lines marking the boundaries of the area clearly indicated, and which map shall be not less than four (4) columns in width; and

(B) By written notice to at least one (1) of the owners or at least one (1) of the occupants of each parcel of property within the area to be included within the plan of the time, place, and purpose of the public hearing. The notice must be sent not more than thirty (30) days and not less than ten (10) days before the hearing by mail, postage prepaid, or delivered, to such owners or occupants.

(4)The failure to give notice required in subdivision (a)(3) may be raised as a defense on the trial of the issue of the right of the housing authority to acquire the property by eminent domain under [§ 13-20-703\(c\)](#); provided, that the defense may be raised only by an owner or occupant having an interest in the property. Such failure to provide notice shall constitute a defense unless in the judgment of the court there has been compliance with subdivision (a)(3)(A) and substantial compliance with subdivision (a)(3)(B) by mailing or delivering the notice to at least one (1) owner or one (1) occupant of two-thirds (2/3) of the lots or parcels of property within the affected area.

History

[Acts 2017, ch. 254, § 1.](#)

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[Tenn. Code Ann. § 13-20-705](#)

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-705. Land available for use.

(a) The authority may make land in a transit-oriented redevelopment project available for use by private enterprise or public agencies in accordance with the transit-oriented redevelopment plan. The land may be made available at its use value, which represents the value, whether expressed in terms of rental or capital price, at which the authority determines the land should be made available in order that it may be developed or redeveloped for the purposes specified in the plan.

(b)(1) To assure that land acquired in a transit-oriented redevelopment project is used in accordance with the redevelopment plan, an authority, upon the sale or lease of the land, shall obligate purchasers or lessees to:

(A) Use the land for the purpose designated in the transit-oriented redevelopment plan;

(B) Begin the building of their improvements within a period of time which the authority fixes as reasonable; or

(C) Comply with any other conditions as are necessary to carry out the purposes of this part.

(2) Any such obligations by the purchaser shall be covenants and conditions running with the land where the authority so stipulates.

History

[Acts 2017, ch. 254, § 1.](#)

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Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-706. Tax increment financing provision.

(a)An authority is authorized to adopt a transit-oriented redevelopment plan that contains a tax increment financing provision stipulating that any taxes levied upon property within the boundaries of the transit-oriented redevelopment plan each year by a taxing agency after the effective date of the resolution of the governing body approving the transit-oriented redevelopment plan or amendment, shall be divided as provided in [§ 9-23-103](#).

(b)(1) If an authority adopts a transit-oriented redevelopment plan or an amendment to an existing plan that includes tax increment financing provisions, the new plan or the existing plan, as amended, must describe, in addition to the matters required by [§ 13-20-704\(a\)\(1\)](#), the following:

- (A)An estimate of the cost of the transit-oriented redevelopment project;
- (B)The sources of revenue to finance the costs of the project, including the estimated tax increment;
- (C)An estimate of the amount and the final maturity of bonded or other indebtedness to be incurred; and
- (D)An estimate of the impact of the tax increment financing provision upon all taxing agencies in which the transit-oriented redevelopment project is to be located.

(2)The information set forth in subdivision (b)(1) shall be made available to the public not less than five (5) days prior to the date set for the public hearing required by [§ 13-20-704\(a\)\(3\)](#).

(c)(1) After the approval by the governing body of a transit-oriented redevelopment plan containing a tax increment financing provision or an amendment to an existing plan adding a tax increment financing provision, the authority shall transmit to the appropriate assessors of property and to each taxing agency to be affected:

- (A)A copy of the description of all land within the transit-oriented redevelopment area;
- (B)The date or dates of the approval of the transit-oriented redevelopment plan or amendment to the plan;
- (C)A copy of the resolution approving the redevelopment plan or approving an amendment to the plan; and
- (D)A map or plat indicating the boundaries of the property.

(2)Taxes shall, when collected, be allocated and paid in the manner provided in the transit-oriented redevelopment plan or amendment to the plan.

(d)The following types of property shall have the same tax status as if such leased property were owned by private individuals or corporations:

- (1)Any property which the authority financed with tax increments, and leases to private individuals or corporations for development under a transit-oriented redevelopment plan; and
- (2)Any property which the authority has financed with tax increments, and has developed under a transit-oriented redevelopment plan and leases to private individuals or corporations.

(e) In the event of any conflict between this section or this part and the Uniformity in Tax Increment Financing Act of 2012, the Uniformity in Tax Increment Financing Act of 2012 shall control.

History

[*Acts 2017, ch. 254, § 1.*](#)

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Tenn. Code Ann. § 13-20-707

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-707. Financial aid.

An authority may borrow money or accept contributions from the federal government to assist in its undertaking transit-oriented redevelopment projects. An authority may do anything necessary or desirable to secure such financial aid, including obligating itself in any contract with the federal government for annual contributions to convey to the federal government the project to which the contract relates upon the occurrence of a substantial default under the contract, in the same manner as the authority may do to secure such aid in connection with slum clearance and housing projects under this chapter.

History

[*Acts 2017, ch. 254, § 1.*](#)

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Tenn. Code Ann. § 13-20-708

Current through the 2018 Regular Session.

Tennessee Code Annotated > Title 13 Public Planning And Housing > Chapter 20 Housing Authorities Law > Part 7 Transit-oriented Redevelopment Plans

13-20-708. Bonds or other obligations issued by housing authority.

Bonds or other obligations issued by a housing authority in connection with a transit-oriented redevelopment project pursuant to this part shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, and other bodies and officers as bonds or other obligations issued pursuant to this chapter, in connection with the development of slum clearance or housing projects.

History

[Acts 2017, ch. 254, § 1.](#)

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