

ORDINANCE NO. 1470

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 1305 AND RECREATING THE MESQUITE HOUSING BOARD, SETTING FORTH THE COMPOSITION OF SAID BOARD, THE TERMS OF OFFICE, CERTAIN PROCEDURES FOR THE CONDUCT OF ITS BUSINESS, AND THE DUTIES OF SAID BOARD, ESTABLISHING AN EFFECTIVE DATE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite, Texas, has authorized participation in the Housing Assistance Payments Program, Section 8 of the U.S. Housing Act of 1937 as amended; and

WHEREAS, the City Council of the City of Mesquite, Texas, has authorized the formulation and execution of a Housing Rehabilitation Program for participation in the Housing and Community Development Block Grant program of the Housing and Community Development Act of 1974 as amended; and

WHEREAS, a Housing Board is considered necessary to perform certain functions in connection with the administration of said Housing Assistance Payments Program and said Housing Rehabilitation Program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 1305 duly passed by the City Council of the City of Mesquite is hereby repealed.

SECTION 2. That the Mesquite Housing Board, consisting of five members to be appointed by the City Council, is hereby created.

SECTION 3. That the members shall be appointed to serve one-year terms and may be reappointed.

SECTION 4. That three members shall constitute a quorum and that a motion shall be passed by the affirmative vote of a simple majority of the members present.

SECTION 5. That the Board shall elect its own Chairman, Vice-Chairman, and Secretary from among its members. Officers shall serve for one year and may be re-elected but may not serve more than two consecutive terms.

SECTION 6. That meetings shall be held at the call of the Chairman.

SECTION 7. That the Minutes of each meeting shall be recorded.

SECTION 8. That the Board shall perform the following duties:

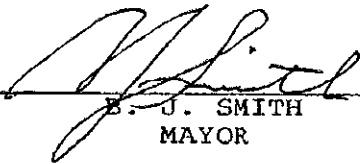
1. Serve as an Appeals Board by hearing arguments and rendering decisions on the following matters:
 - a. In cases wherein an applicant has been determined to be ineligible for participation in the Housing Assistance Payments Program or to be ineligible for participation in the Housing Rehabilitation Program and requests a hearing, conduct such hearing.
 - b. In cases wherein an owner submits a notice of proposed eviction and the tenant requests a hearing, examine the grounds for eviction and authorize the eviction unless the grounds for eviction are found to be insufficient under the lease.
 - c. In cases wherein an owner participating in the Housing Assistance Payments Program is alleged to have violated the conditions of the Lease, examine the circumstances and render a finding.
 - d. In cases wherein a participant in the Housing Rehabilitation Program or his contractor are in disagreement as to contract performance and request a hearing to appeal the Housing Administrator's decision, conduct such hearing and render a finding.
2. The Board may increase, within a reasonable amount, the loan or grant limit if it is desired that such increase is necessary to fulfill the intent and purpose of the Rehabilitation Program.
3. Submit an annual Progress Report to the City Council.
4. Decision of the Board on appeals shall be final except for review by the courts where constitutional right of review exist such as questions of unreasonableness, illegality or fraud.

SECTION 9. That the functions of the Board shall relate solely to the Section 8 Housing Assistance Payments Program for Existing Housing and the Rehabilitation of Owner-Occupied Housing.

Section 10. That the City of Mesquite shall not incur any liability, financial or otherwise, for continuation of the Housing Assistance Payments Program or the Housing Rehabilitation Program in the event Federal Funding Assistance is terminated or reduced.

SECTION 11. That the effective administration of the Housing Assistance Payments Program and the Housing Rehabilitation Program requires the creation of a Housing Board and creates an urgency and an emergency in the public interest and necessitates that this ordinance become effective from and after the publication of the caption as the law in such cases provides.

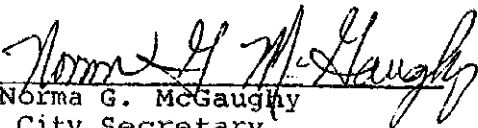
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of November, A.D., 1978.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

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