

HB91 ENROLLED



1 HB91
2 N9UFJT8-3
3 By Representative Clarke
4 RFD: State Government
5 First Read: 04-Feb-25
6 PFD: 24-Jan-25



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Enrolled, An Act,

Relating to county housing authorities; to amend Sections 24-1-61 and 24-1-66, Code of Alabama 1975; to further provide for the powers of a county housing authority; to ratify certain previously created subsidiaries of county housing authorities; to exempt county housing authorities from all taxes in certain circumstances; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 24-1-61 and 24-1-66, Code of Alabama 1975, are amended to read as follows:

"§24-1-61

~~The~~For the purposes of this article, the following
~~terms, wherever used or referred to in this article shall have~~
~~the following respective meaning, unless a different meaning~~
~~clearly appears from the context~~have the following meanings:

(1) AUTHORITY or HOUSING AUTHORITY. A public body organized as a body corporate and politic in accordance with the provisions of this article for the purposes, with the powers, and subject to the restrictions set forth in this article.

~~(2)~~(5) COUNTY. All of the county except ~~that~~ any
portion which lies within the territorial boundaries of any
~~city or incorporated town~~municipality.

~~(3)~~(6) COUNTY COMMISSION. The governing body of any
county.



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29 ~~(4)~~ (9) HOUSING COMMISSIONER. One of the members of an
30 authority appointed in accordance with the provisions of this
31 article.

32 ~~(5)~~ (8) GOVERNMENT. ~~Such term shall include the~~ The state
33 ~~and or federal governments and~~ government or any subdivision,
34 agency, or instrumentality, corporate or otherwise, of either
35 ~~of them.~~

36 ~~(6)~~ (16) STATE. The State of Alabama.

37 (7) FEDERAL GOVERNMENT. ~~Such term shall include the~~ The
38 United States of America, the ~~federal Secretary~~ United States
39 Department of Housing and Urban Development, or any agency,
40 instrumentality, corporate or otherwise, of the United States
41 of America.

42 ~~(8)~~ (10) HOUSING PROJECT. ~~Such term shall include all~~ All
43 real and personal property, buildings and improvements,
44 stores, offices, public school buildings, lands for farming
45 and gardening, and community facilities acquired or
46 constructed, or to be acquired or constructed, pursuant to a
47 single plan of undertaking to demolish, clear, remove, alter,
48 or repair unsanitary or unsafe housing or to provide urban or
49 rural dwelling accommodations at rentals within the means of
50 persons of low income. The term ~~"housing project"~~ may also be
51 applied to the planning of the buildings and improvements ;
52 the acquisition of property ; the demolition of existing
53 structures ; the construction, reconstruction, alteration, and
54 repair of the improvements ; and all other work in connection
55 therewith.

56 ~~(9)~~ (3) COMMUNITY FACILITIES. ~~Such term shall include~~



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57 ~~real~~Real and personal property and buildings and equipment for
58 recreational or social assemblies, ~~or~~ or for educational, health,
59 or welfare purposes; and necessary utilities, when designed
60 primarily for the benefit and use of the occupants of the
61 dwelling accommodations.

62 ~~(10)~~ (14) PERSONS OF LOW INCOME. ~~Persons~~ Individuals
63 receiving less than the incomes determined by the authority as
64 the amount ~~persons~~ individuals must receive to enable them to
65 pay the rent necessary to secure safe, sanitary, and
66 uncongested dwelling accommodations, other than dwelling
67 accommodations provided by a public housing agency or
68 authority of the county, within the boundaries of the
69 authority. Such determinations by the authority ~~from time to~~
70 ~~time~~ shall be binding and conclusive for all purposes of this
71 article.

72 ~~(11)~~ (2) BONDS. Any bonds, interim certificates, notes,
73 debentures, warrants, or other obligations of the authority
74 issued pursuant to this article.

75 (12) MORTGAGE. ~~Such term shall include deeds~~ Deeds of
76 trust, mortgages, building and loan contracts, or other
77 instruments conveying real or personal property as security
78 for bonds and conferring a right to foreclose and cause a sale
79 thereof.

80 ~~(13)~~ (17) TRUST INDENTURE. ~~Such term shall include~~
81 ~~instruments~~ Instruments pledging the revenues of real or
82 personal properties, but not conveying such properties or
83 conferring a right to foreclose and cause a sale thereof.

84 ~~(14)~~ (4) CONTRACT. Any agreement of an authority with or



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85 for the benefit of an obligee, whether contained in a
86 resolution, trust indenture, mortgage, lease, bond, or other
87 instrument.

88 (15) REAL PROPERTY. ~~Such term shall include lands~~Lands,
89 lands under water, structures, and any and all easements,
90 franchises and incorporeal hereditaments and every estate and
91 right therein, legal and equitable, including terms for years
92 and liens by way of judgment, mortgage or otherwise, but only
93 so far as such may, from time to time, be treated as real
94 property by the laws of Alabama applicable to other persons ~~or~~
95 ~~corporations~~.

96 ~~(16)~~ (13) OBLIGEE OF THE AUTHORITY or OBLIGEE. ~~Such term~~
97 ~~shall include any~~ Any bondholder, trustee, or trustees for any
98 bondholders, any lessor demising property to the authority
99 used in connection with a housing project or any assignee or
100 assignees of such lessor's interest, or any part thereof, and
101 the United States of America, when it is a party to any
102 contract with the authority.

103 (11) MIXED-USE PROJECT. Any development project that
104 provides more than one use or purpose within a shared building
105 or development and which may include any combination of
106 housing, lodging, office, retail, medical, recreational,
107 commercial, governmental, industrial, or other components."

108 "§24-1-66

109 (a) An authority shall constitute a public body and a
110 body corporate and politic exercising public powers, ~~and~~
111 ~~having~~ shall have all the powers necessary or convenient to
112 carry out and effectuate the purposes ~~and provisions~~ of this



article, including the following powers in addition to others granted in this article:

(1) To investigate~~into~~ living, dwelling,~~and~~ or housing conditions and~~into~~ the means and methods of improving ~~such conditions~~ +.

(2) To determine where unsafe or unsanitary dwelling, public school, or housing conditions exist +.

(3) To study and make recommendations concerning the plan of the county~~in relation~~ related to the problem of clearing, replanning, and reconstruction of areas in which unsafe or unsanitary dwelling, public school, or housing conditions exist~~, and~~ ; the provision of dwelling accommodations for persons of low income~~, and to cooperate~~ ; or cooperation with the county or any regional planning agency +.

(4) To prepare, carry out,~~and~~ or operate housing projects +.

(5) To provide for the construction, reconstruction, improvement, alteration, or repair of any housing project or any part~~thereof~~ ; of a housing project.

(6) To take over by purchase, lease, or otherwise any housing project undertaken by any government or by the county +.

(7) To manage as agent of the county any housing project constructed or owned by the county; however, an authority shall not be deemed to be acting as an agent of the county when managing a housing project not constructed or owned by the county or when managing any community facility or mixed-use project.



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(8) To act as agent for the federal government in connection with the acquisition, construction, operation, or management of a housing project or any part ~~thereof~~; of a housing project.

(9) To arrange with any ~~city or town~~ municipality or the county or with ~~a~~ any other government for the furnishing, planning, replanning, opening, ~~or closing~~ of streets, roads, roadways, alleys, ~~or other~~ places, or facilities, or for the acquisition by the county or ~~a~~ another government, ~~or~~ of property, options or property rights, or for the furnishing of property or services in connection with a project ~~+~~.

(10) To lease or rent any of the ~~dwelling or~~ dwellings, other accommodations ~~or any of the~~, lands, buildings, structures, or facilities embraced in any housing project or community facility and to establish ~~and~~ or revise ~~the~~ rents or charges ~~therefor~~; .

(11) To enter ~~upon~~ any building or property in order to conduct investigations or to make surveys or soundings ~~+~~.

(12) To purchase, lease, obtain options upon, acquire by eminent domain, gift, grant, bequest, or ~~devise~~, ~~or otherwise~~, any property, real or personal, or any interest therein in property from any ~~person, firm, corporation, city, county, or government~~; entity.

(13) To sell, exchange, transfer, assign, or pledge any property, real or personal, or any interest ~~therein in~~ property to any ~~person, firm, corporation, city, county, or government~~; entity.

(14) To own, hold, clear, ~~and~~ or improve property ~~+~~.



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(15) To insure or provide for the insurance of the property or operations of the authority against ~~such~~ risks as the authority may deem advisable~~+~~.

(16) To procure insurance or guarantees from the federal government of the payment of any debts, or parts ~~thereof~~, of debts secured by mortgages made or held by the authority on any property included in any housing project~~+~~.

(17) To borrow money upon its bonds, notes, warrants, debentures, or other evidences of indebtedness and to secure the same by pledges of its revenues, and, subject to the limitations ~~hereinafter~~ imposed by this article, by mortgages upon property held or to be held by it, or in any other manner~~+~~.

(18) In connection with any loan, to agree to limitations upon its right to dispose of any housing project, or part ~~thereof~~ of a housing project, or to undertake additional housing projects~~+~~.

(19) In connection with any loan by a government, to agree to limitations upon the exercise of any powers conferred upon the authority by this article~~+~~.

(20) To invest any funds held in reserves ~~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~~+~~.

(21) To sue and be sued~~+~~.

(22) To have a seal and to alter the ~~same at pleasure~~; seal.

(23) To have perpetual succession~~+~~.



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197 (24) To make and execute contracts ~~and~~ or other
198 instruments necessary or convenient to the exercise of the
199 powers of the authority~~+~~.

200 (25) To make ~~and from time to time,~~ amend ~~and,~~ or
201 repeal bylaws, rules, ~~and~~ or regulations~~+~~, not inconsistent
202 with this article~~+~~, to carry into effect the powers ~~and~~ or
203 purposes of the authority~~+~~.

204 (26) To conduct examinations ~~and~~ or investigations ~~and,~~
205 to hear testimony ~~and,~~ or to take proof under oath, at public
206 or private hearings, on any matter material for its
207 information~~+~~.

208 (27) To issue subpoenas requiring the attendance of
209 witnesses or the production of books ~~and~~ or papers~~+~~, and to
210 issue commissions for the examination of witnesses who are out
211 of the state or unable to attend before the authority, or
212 excused from attendance~~+~~.

213 (28) To make available to ~~such~~ any agencies, boards, or
214 commissions ~~as are~~ charged with the duty of abating nuisances
215 or demolishing unsafe or unsanitary structures within ~~its~~ the
216 authority's territorial limits~~+~~, its findings and
217 recommendations with regard to any building or property where
218 conditions exist which are dangerous to the public health,
219 morals, safety, or welfare~~+~~ and.

220 (29) To operate, lease, convey, or otherwise manage any
221 housing project, community facility, or mixed-use project upon
222 terms the authority deems appropriate, useful, or expedient,
223 regardless of who owns or will own or acquire the project or
224 facility.



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(30) To participate in any lawful form of business organization that is involved in the development or operational activities of any buildings, structures, facilities, or other improvements constituting a housing project, community facility, or mixed-use project that the board of directors of the authority determines are appropriate, useful, or expedient to the authority's purposes. An authority may appoint an individual to a governing body or to enter into a contract or other agreement with another party for the development, operation, design, marketing, maintenance, financing, leasing, or use of any housing project, community facility, or mixed-use project upon terms the authority's board of directors determines are appropriate, useful, or expedient to the authority's purposes. Any determination by the board of directors shall be conclusive. A business organization, affiliate, or subsidiary not wholly owned by the authority or a partnership entered into or created by the authority with a private business entity shall not have the power of eminent domain.

(31) To make or arrange for loans, contributions to capital, or other debt or equity financing for the activities of any lawful business organization of which the authority is a member; to guarantee loans, issue bonds, or incur other forms of indebtedness on behalf of any lawful business organization of which the authority is a member; or to loan funds to other entities upon terms the authority determines are appropriate, useful, or expedient for the authority's purposes. Any determination by the board of directors shall be



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conclusive. Any agreements or contracts entered into by an authority shall be subject to Section 24-1-40.

(32) To create, establish, acquire, operate, or support for profit or nonprofit subsidiaries or affiliates to assist the authority in fulfilling its purposes.

(33) To create, establish, or support other nonaffiliated lawful business organizations that further the authority's purposes.

(34) To accomplish or facilitate the creation, establishment, acquisition, development, operation, or support of any subsidiary, affiliate, or other nonaffiliated lawful business organization by means of loans of funds, leases of real or personal property, gifts or grants of funds, or guarantees of indebtedness, or contractual performance of subsidiaries, affiliates, or nonaffiliated public or private parties.

(35) To enter contracts, agreements, or understandings with any other party, including, but not limited to, any of the following:

a. Design-build, design-build-operate, design-build-own-operate, design-build-own-operate-maintain, design-build-finance-operate-maintain, or other similar arrangements or agreements pursuant to which the design, right-of-way acquisition, relocation of structures or utilities, construction, financing, ownership, management, maintenance, or operation of a housing project or community facility is accomplished by or on behalf of the authority. To the extent that an authority is using any state or local



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281 public funds to pay for goods or services in connection with
282 this paragraph, the authority shall comply with Title 39 as
283 applicable.

284 b. Leases, licenses, franchises, concessions, or other
285 agreements for the development, operation, management,
286 financing, or undertaking of all or any part of a housing
287 project or community facility on or on behalf of the
288 authority.

289 ~~(29)~~ (36) To do all things necessary or convenient to
290 carry out the powers given in this article.

291 (b) Any of the investigations or examinations provided
292 for in this article may be conducted by the authority, ~~or;~~ by
293 a committee appointed by ~~it,~~ the authority consisting of one
294 or more housing commissioners, ~~or;~~ by counsel; or by an
295 officer or employee ~~specially~~ specifically authorized by the
296 authority ~~to conduct it.~~ Any housing commissioner, counsel ~~for~~
297 ~~the authority,~~ or ~~any other~~ person designated by ~~it~~ the
298 authority to conduct an investigation or examination ~~shall~~
299 ~~have power to~~ may administer oaths, take affidavits, ~~and~~ or
300 issue subpoenas or commissions.

301 (c) (1) An authority may exercise ~~any or all~~ of the
302 powers conferred upon it in this article, either generally or
303 with respect to any specific housing project or ~~projects~~
304 community facility, through or by an agent or agents which it
305 may designate, including ~~any corporation or corporations which~~
306 ~~are~~ lawful form of business organization that is or shall may
307 be formed under the laws of this state, and for such purposes
308 an authority may cause ~~one or more corporations~~ any lawful form



of business organization to be formed under the laws of this state or may ~~acquire the capital stock of any corporation or corporations~~ equity interest in any lawful form of business organization.

(2) Any corporate agent, ~~all of the stock of which shall be~~ that is solely owned by the authority or its nominee or nominees, ~~may,~~ to the extent permitted by law, may exercise any of the powers conferred upon the authority in this article.

(3) Any corporate agent established under this section that satisfies each of the following criteria shall constitute a governmental entity under Chapter 93 of Title 11, and any suits in torts against the agent shall be subject to the limitations and provisions of Chapter 93 of Title 11, as applicable to each corporate agent whose assets, operations, and management are legally and effectively controlled by the housing authority and through which the housing authority's functions or policies are implemented:

a. The housing authority's board of commissioners constitutes all of the board of directors of the corporate agent.

b. The housing authority's executive director serves as the president of the corporate agent.

c. The organizational documents of the corporate agent contain provisions that in the event of a change in the controlling interests of the corporate agent, all public housing assets of the corporate agent are returned to the housing authority.



d. The sole purpose for which the corporate agent is formed and authorized is to develop, own, manage, operate, or maintain the housing authority's real property that serves as dwelling accommodations for persons of low income or as a community facility, including any real property the housing authority transfers to the corporate agent for the aforementioned purpose.

(d) In addition to all of the other powers conferred upon it in this section, an authority may do all things necessary and convenient to carry out the powers expressly given in this article. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to an authority, unless ~~the Legislature shall specifically so state~~ provided by law.

(e) Any previous creation, establishment, incorporation, or formation by any authority of any business entity wholly owned by the authority, together with all proceedings, acts, or other things undertaken, performed, or done by the entity prior to June 1, 2025, are validated, ratified, confirmed, approved, and declared legal in all respects.

(f) To the extent that an authority is using any state or local funds, evaluation criteria for a contract procured pursuant to this section shall be made in compliance with Title 39 as applicable.

(g) All financial obligations assumed, incurred, or issued by an authority, or by a lawful business organization of which the authority is a member, shall be solely and



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exclusively an obligation of the authority or the lawful business organization and shall not create a direct, indirect, or contingent obligation or pecuniary liability or general obligation, or charge against the general assets, credit, funds, property, revenues, or taxing power of the county that authorized the formation of the authority.

(h) Neither a county commission that authorized the formation of a county housing authority nor the county commission's members or employees shall be liable in their official capacity or in a private capacity for the actions or inactions of the authority, its members, officers, employees, agents, or representatives, or for the actions or inactions of any lawful business organization of which the authority is a member."

Section 2. (a) All of the following shall be exempt from all state taxes, including, but not limited to, deed taxes or mortgage taxes:

(1) A county housing authority and the authority's property and income.

(2) Bonds issued by the authority.

(3) Income from bonds issued by the authority.

(4) Conveyances to or from the authority.

(5) Leases, mortgages, or deeds of trust to or from the authority.

(b) An authority may be exempted from the taxes levied by a county, municipality, or other political subdivision of the state, including, but not limited to, deed taxes, mortgage taxes, license taxes, or excise taxes. The exemption provided



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393 by this subsection shall only apply if approved by a
394 resolution or ordinance adopted by the local governing body of
395 the county, municipality, or other political subdivision of
396 the state.

397 (c) The exemptions from state taxes created by
398 subsection (b) shall apply to any wholly owned subsidiary of
399 an authority.

400 (d) A county housing authority may be exempt from all
401 fees, taxes, or other costs imposed by a judge of probate, if
402 approved by a resolution adopted by the local governing body
403 of the county.

404 Section 3. This act shall become effective on June 1,
405 2025.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 10-Apr-25, as amended.

John Treadwell
Clerk

Senate	<hr/> 07-May-25 <hr/>	Amended and Passed
House	<hr/> 07-May-25 <hr/>	Concurred in Senate Amendment