

RESOLUTION NO. 29 FOR 1950

RESOLUTION REQUESTING TRANSFER OF
TEMPORARY HOUSING
PURSUANT TO

TITLE VI OF THE LANHAM ACT

WHEREAS there exists in the City of Lebanon an acute shortage of dwelling accommodations, especially with respect to such accommodations for persons of low income, and

WHEREAS, the discontinuance or abolishment of dwelling accommodations provided for by ORE. V. 35364 will force the occupants thereof to reside in unsafe, unsanitary, over-crowded and congested dwelling accommodations, and

WHEREAS, if such a condition occurs as the result of the eviction of the tenants of the aforesaid housing project there is an immediate danger of the spread of disease, crime and menace to the health, safety, morals and welfare of both the tenants of the housing project and all of the residents and inhabitants of the City of Lebanon, and

WHEREAS, it is urgent that the City of Lebanon acquire the project before the same is discontinued by the Public Housing Administration in order to prevent the conditions which result in the discontinuance of the project and eviction of the tenants, and

WHEREAS, the City of Lebanon is urgently in need of parks.

_____ LINN _____, a (war)
(veterans) housing project of frame lumber construction,
(type)
comprising 18 dwelling structures and containing
60 family (dormitory) dwelling units,
and none non-dwelling structures of the
following numbers and types _____

_____ ,
as indicated on the site plan attached as "Appendix A" and made a part hereof, together with personal property, appurtenances, and materials held in connection therewith. 2/

- 1/ To be stricken except for 601 (a) Requests (Title V on locally controlled land.)
- 2/ A site plan need not be submitted for transfers made pursuant to 601 (a) of the Lanham Act.

WHEREAS, Public Law 475, 81st Congress, authorizes the Administrator of the Housing and Home Finance Agency, upon the filing of the prescribed request therefor, to relinquish and transfer upon the terms and conditions set forth in said Act all right, title, and interest of the United States in and with respect to certain temporary war and veterans housing projects to eligible bodies as defined therein, and

WHEREAS, the (City) of Lebanon, hereinafter referred to as the Applicant, is a body eligible for the transfer of and desires to have transferred to it the temporary housing hereinafter described, and

WHEREAS, the Administrator of the Housing and Home Finance Agency has delegated to the Public Housing Commissioner the functions, powers and duties vested in him by said Act,

NOW, THEREFORE, BE IT RESOLVED by the (Mayor and City Council) of the Applicant as follows:

I. The Applicant does hereby request the Public Housing Commissioner to relinquish and transfer without monetary consideration (except for the payment for any Federal lands or interest therein which might be required and except for the settlement of any accounts between the Government and the Applicant) all right, title, and interest of the United States (and all contractual rights including the right to revenues and other proceeds 1/) in and with respect to the temporary housing known as ORE V-35364 located in the

(Project Name and Number)

City of Lebanon, County of Linn, a (war)

(veterans) housing project of frame lumber construction, (type)

comprising 18 dwelling structures and containing

60 family (dormitory) dwelling units,

and none non-dwelling structures of the

following numbers and types _____

as indicated on the site plan attached as "Appendix A" and made a part hereof, together with personal property, appurtenances, and materials held in connection therewith. 2/

1/ To be stricken except for 601 (a) Requests (Title V on locally controlled land.)

2/ A site plan need not be submitted for transfers made pursuant to 601 (a) of the Lanham Act.

II.1/ (a) The Applicant represents that it proposes to the extent permitted by law and so long as the structures herein requested remain in housing use:

(i) As among eligible applicants for occupancy in dwellings of given sizes and at specified rents to extend the following preferences in the selection of tenants:

First, to families which are to be displaced by any low-rent housing project or by any public slum-clearance or redevelopment project initiated after January 1, 1947, or which were so displaced within three years prior to making application for admission to such housing; and as among such families first preference shall be given to families of disabled veterans whose disability has been determined by the Veterans Administration to be service-connected, and second preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans Administration to be service-connected, and third preference shall be given to families of other veterans and servicemen;

Second, to families of other veterans and servicemen; and as among such families first preference shall be given to families of disabled veterans whose disability has been determined by the Veterans Administration to be service-connected, and second preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans Administration to be service-connected: Provided, that notwithstanding such preferences the Applicant will, in filling vacancies in housing transferred pursuant to this request, give such preferences to military personnel and persons engaged in national defense or mobilization activities as the Secretary of Defense or his designee prescribed to such applicant. 2/

1/ These representations to be deleted entirely in the case of transfers under Section 601 (h) (temporary masonry housing which has been wholly or partially stripped of trim and fixtures prior to April 20, 1950) and the following substituted:

"II. The applicant determines that the structures contained in the housing applied for with the improvements proposed to be made and described in Paragraph IV will be suitable for long-term housing use."

2/ This proviso to be eliminated where the applicant is not a State, a political subdivision, a local housing authority, or a local public agency or where the transfer is pursuant to Section 601(a). When the applicant is an educational institution the following proviso should be inserted in lieu thereof: "Provided, that the applicant may limit such preferences to student veterans and servicemen and their families and may, in lieu of such preferences, make available to veterans or servicemen and their families accommodations in any housing of the institution equal in number to the accommodations relinquished or transferred to it."

The representations contained in Subsection (i), First and Second, of Paragraph II. (a) are to be omitted where the request is made by a local public agency or non-profit organization where the Administrator determines that the housing involved is urgently needed by parents of persons who served in the Armed Forces during World War II and died of service-connected illness or injury.

(ii) To manage and operate the property involved in accordance with sound business practices, including the establishment of adequate reserves.

(b) The Applicant further represents that it proposes to the extent permitted by law:

(i) not to dispose of any right, title, or interest in the property (by sale, transfer, grant, exchange, mortgage, lease, release, termination of the leasehold, or any other relinquishment of interest) either (a) for housing use on the present site or on any other site except to a State or political subdivision thereof, local housing authority, a local public agency, or an educational or eleemosynary institution, or (b) for any other use unless the governing body of the municipality or county shall have adopted a resolution determining that, on the basis of local need and acceptability, the structures, involved are satisfactory for such use and need not be removed: Provided, this representation will not apply to any disposal through demolition for salvage, lease to tenants for residential occupancy, or lease of nondwelling facilities for the continuance of a use existing on the date of transfer, or where such disposal is the result of a bona fide foreclosure or other proceeding to enforce rights given as security for a loan to pay for land under this section: And provided further, that nothing contained in this Paragraph II shall be construed as applicable to the disposition of any land or interest therein after the removal of the structures therefrom.

(ii) Whenever the structures involved, or a substantial portion thereof, are terminated for housing use and are not to be used for a specific nonhousing use, to promptly demolish such structures terminated for housing use and clear the site thereof.

III. 1/ The Applicant will acquire the interest of the United States in and to the land upon which the housing is located upon the terms and conditions prescribed in Section 601 (b), and if such interest is in the form of a temporary use either by contract or condemnation the Applicant will obtain the releases required by said Section.

IV. That the immediate purpose for which the housing is sought is to currently relieve housing shortage, ultimately provide recreational and park sites and that such housing is eligible for transfer pursuant to Section 601 (a), (b), (g) or (h). 2/

1/ This, or an appropriate modification thereof, to be used only where Federally owned or controlled land is involved.

2/ If the application is for transfer pursuant to Section 601 (h) in addition to the other material required under Paragraph IV, include the following: "That the applicant proposes to make the following improvements to the structures requested in this application". (There should then be listed a statement of the improvements which the Applicant proposes to make).

- V. ^{1/} The (Mayor) shall obtain the opinion of Kenneth G. Wilshire (Corporation Counsel) who is the (~~chief law officer~~) (legal counsel) of the applicant, regarding the legal authority of the Applicant to make this request, to accept the transfer, and operate any property involved, and to perform its obligations under Title VI of the Lanham Act. The (Mayor) shall immediately forward three certified copies of this resolution, together with the opinion of the (chief law officer) (legal counsel) to the Public Housing Administration, and the same shall be the Applicant's request for relinquishment and transfer of the housing described herein.
- VI. IT IS UNDERSTOOD AND AGREED that the net revenues or other proceeds from the housing shall continue to accrue to the United States until the end of the month in which the right, title, and interest of the United States with respect to the property are relinquished and transferred and that taxes or payments in lieu of taxes will be prorated as of the end of the month in which transfer is made. The Applicant will pay for at book value and accept an assignment of all delinquent accounts of tenants still occupying the housing at the date of transfer and will assume the contracts and obligations of the United States which extend beyond the date of such transfer and which may not be terminated by the United States prior to said date of transfer.
- VII. BE IT FURTHER RESOLVED that the (Mayor) be and is hereby empowered to take such other and further action as may be necessary in order to effect a relinquishment and transfer of the housing, and he shall immediately enter into negotiations for the acquisition of such interest in land as may be necessary to comply with the conditions of transfer, and with this Resolution shall forward to the Public Housing Administration the plans of the applicant with regard to the manner and means of securing such interest, together with an estimate of the time which will be required to secure the same.
- VIII. As used in this resolution the term "veteran" shall mean "a person who has served in active military or naval service of the United States at any time on or after September 16, 1940 and prior to July 26, 1947, or at any time on or after April 6, 1916 and prior to November 11, 1918, and who shall have been discharged or released therefrom under conditions other than dishonorable. The term "servicemen" shall mean a person in the active military or naval service of the United States who has served therein on or after September 16, 1940 and prior to July 26, 1947, or at any time on or before April 6, 1916 and prior to November 11, 1918".
- Passed by the Council and approved by the Mayor this 3rd day of October, 1950.
- ATTEST:
- City Recorder
- Mayor
R. Reed
- ^{1/} In the event the applicant is a local housing authority, or a slum clearance or redevelopment agency, the last sentence shall be changed to read: "The (Chairman of the local housing authority) shall forward immediately three certified copies of this resolution, together with the opinion of its counsel and a resolution, by the governing body of the municipality or county approving this request, and the same shall be the Applicant's request for relinquishment and transfer of the housing described herein".

FORM OF FINAL LEGAL OPINION TO ACCOMPANY
RESOLUTION REQUESTING TRANSFER OF
TEMPORARY HOUSING PURSUANT TO TITLE VI
OF THE LANHAM ACT 1/

I have examined the Resolution of the 3rd day of October, 1950
of the (Mayor and City Council of the City) of Lebanon,
of which I am the (Corporation Counsel, and as such am the chief law officer
or legal counsel), which Resolution requests the relinquishment and transfer
of the Government's right, title, and interest in and with respect to certain
housing more fully described therein, being designated as Project No. ORE.V35364 &
I am of the opinion that the Resolution was duly and legally adopted by the ORE.35268
(Mayor and City Council), which is the governing body of the (City), and that
said Resolution is within the scope of the authority of the (Mayor and City
Council). I am further of the opinion that the (City) is a qualified and
eligible applicant within the meaning of Title VI of the Lanham Act, Public
Law 849, 76th Congress, as amended, and has legal authority to make the request,
to accept the transfer of, and operate the property involved and to perform its
obligations under Title VI of the Lanham Act, as amended.

Samuel A. Walker
(Signature)

1/ If the request for transfer is made by a local housing authority or a
local public agency organized specifically and solely for the purpose of
slum-clearance and community redevelopment, the opinion of counsel should
cover the Approval Resolution of the City Council or other appropriate
local governing body approving the request. If the request is made by
other than the local governing body and a Waiver Resolution of the govern-
ing body of the municipality or county approving the waiver of the require-
ments of Section 313 of the Lanham Act is obtained by the requesting body,
the legal opinion should cover such Resolution. Any opinion concerning an
Approval Resolution or a Waiver Resolution should state specifically that
such Resolution was by the governing body of the municipality or county
as the same is defined by Section 610(a) of the Lanham Act, as amended.

Where the request is for housing material pursuant to Section 601(a)(2),
the opinion should refer to housing materials.

Where it is impossible for counsel to give a final opinion at the time the
request is submitted, he shall give a preliminary opinion, which may be a
qualified one, in which is stated the reasons **why** a final opinion cannot be
given and what curative action or proceeding is needed to permit a final
opinion being rendered by him. Where such final opinion is not filed with
the request, the Applicant should furnish its estimate of the time required
to take any curative action needed.