

## Article 4 - County Operations Ordinances

### 400.4.2 - Housing Commission

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#### Housing Commission

**400.4.2.1 Statutory Authority:** Michigan Counties have been delegated the right to create 5-member county housing commissions. See MCL Section 125.653(3)(d).

**400.4.2.2 Purpose:** The Ottawa County Board of Commissioners (“BOC”) hereby creates the “Ottawa County Housing Commission” (“Housing Commission”). The purpose of the Housing Commission is to facilitate the use of federal and state housing assistance for the low income, senior, disabled and homeless communities, inventory various housing assets and identify housing needs in the County, and work with the private sector to promote the fulfillment of housing needs, with an emphasis on creating more affordable housing opportunities in the County and encourage that new housing in areas that promote the overall environmental, traffic, commercial and industrial needs and resources of the County.

**400.4.2.3 Powers and Duties:** The Housing Commission shall have the powers conferred by MCL 125.651 et seq., and by applicable federal and/or state statute, except for the following:

- a) The Housing Commission shall have no authority to assume debt or issue bonds or notes in its name or the name of Ottawa County, without the formal approval of the BOC for each specific debt instrument. In no event, may the Housing Commission incur any liability for the general or other funds of Ottawa County.
- b) The Housing Commission shall have no authority to acquire any interest in real estate, whether by lease, fee or other contract, without the formal approval of the BOC for each specific acquisition.
- c) The Housing Commission may not operate within any incorporated area within Ottawa County without a contract authorizing such operation that is approved by the Housing Commission, the BOC and the incorporated unit of government’s legislative body. Such a contract, however, may not confer any authority restricted by this Ordinance. Moreover, such a contract must require the Housing Commission to comply with local zoning, unless otherwise agreed to by the local unity’s legislative body.

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The Housing Commission shall have a duty to perform the following tasks:

- a) Attain and maintain certification as a “public housing agency” (“PHA”) by the federal Housing and Urban Development Agency (“HUD”) in order to promote the acquisition and distribution of federal and state vouchers within Ottawa County.
- b) Develop and periodically update an Ottawa County Housing Plan that will assess, among other things, housing needs and promote opportunities for the fulfillment of such needs within Ottawa County, including the need for affordable housing and housing for seniors, the disabled and homeless, as well as opportunities with the private sector to promote more housing options in those categories throughout the County.
- c) Approve and maintain bylaws, which must be reviewed and approved by Ottawa County Corporation Counsel and the County Administrator and may not be inconsistent with this Ordinance. If there is any conflict between the bylaws and this Ordinance, this Ordinance controls.

#### **400.4.2.4 Commission Appointments:**

- a) Pursuant to MCL Section 125.653, the Chairperson of the BOC or his or her designee shall perform all of the duties relative to the Housing Commission that are to be performed by the chief administrative officer of a city or village under the Act relative to a local housing commission.
- b) Subject to the ratification of the BOC, the Chairperson of the BOC shall appoint the members of the Housing Commission to 5-year terms, with the first members of the Housing Commission receiving staggered terms, as provided for in MCL 125.654
- c) At the request of the Chairperson, the BOC may remove any member of the Housing Commission for any reason.

**400.4.2.5 Civil and Criminal Penalties:** In addition to any state or federal criminal penalty or action, a person who falsifies any information in any application for benefited to or

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through the Housing Commission or in the process of obtaining the services or benefits of the Housing Commission shall be guilty of a misdemeanor and shall be subject to a civil fine of not more than \$100.00 for a first violation and not more than \$500.00 for a second subsequent violation. Nothing in this Section shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge for any criminal offense under Michigan law.

**400.4.2.6 Effective Date:** This Ordinance shall take effect following notification of same in a newspaper of general circulation in the County of Ottawa as provided by law, provided no petition has been filed pursuant to the Act of 1988 PA 227, MCL Section 46.11. In the event that such a petition is filed, this Ordinance shall become effective only at the time that the voters approve. The Chairperson of the BOC and the Ottawa County Administrator are hereby delegated the authority and responsibility for implementing this Ordinance and signing and filing any necessary documents with state and/or federal authorities.

**400.4.2.7 Severability:** The phrases, sentences, sections and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

#### **History**

Enacted: November 28, 2006

Original Ordinance Number: 06-2

Codified: February 26, 2019

Amended: March 24, 2020