

No. 661, A.]

[Published August 10, 1961.

CHAPTER 351

AN ACT to create 66.395 of the statutes, relating to the creation of housing authorities for elderly persons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

66.395 of the statutes is created to read:

66.395 HOUSING AUTHORITIES FOR ELDERLY PERSONS. (1)
SHORT TITLE. This section may be referred to as the "housing authority for elderly persons law".

(2) **DECLARATION OF NECESSITY.** It is declared that the lack of housing facilities for elderly persons provided by private enterprise in certain areas creates a public necessity to establish such safe and sanitary facilities for which public moneys may be spent and private property acquired. The legislature declares that to provide public housing for elderly persons is the performance of a governmental function of state concern.

(2m) **DISCRIMINATION.** Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of race, color, creed or national origin.

(3) DEFINITIONS. As used in this section unless the text clearly indicates otherwise:

(a) "Authority" or "housing authority" means any of the public corporations established pursuant to sub. (4).

(b) "City" means any city. "The city" means the particular city for which a particular housing authority is created.

(c) "Council" means the council or other body charged with governing the city.

(d) "City clerk" and "mayor" mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor respectively.

(e) "Commissioner" means one of the members of an authority appointed in accordance with this section.

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

(g) "State" means the state of Wisconsin.

(h) "Federal government" includes the United States of America, the federal emergency administration of public works or any agency, instrumentality, corporate or otherwise, of the United States of America.

(i) "Housing projects" include all real and personal property, building 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 1. to demolish, clear, remove, alter or repair insanitary or unsafe housing for elderly persons, or 2. to provide safe and sanitary dwelling accommodations for elderly persons, or for a combination of said 1. and 2. The term "housing project" may also be applied to the planning of buildings and improvements, the acquisition of property, the demolition of existing structures and the construction, reconstruction, alteration and repair of the improvements for the purpose of providing safe and sanitary housing for elderly persons and all other work in connection therewith. A project shall not be considered housing for the elderly unless it contains at least 8 new or rehabilitated living units which are specifically designed for the use and occupancy of persons 62 years of age or over.

(j) "Community facilities" include real and personal property, and buildings and equipment for recreational or social assemblies, for educational, health or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing authority or the occupants of the dwelling accommodations, or for both.

(k) "Bonds" mean any bonds, interim certificates, notes, debentures or other obligations of the authority issued pursuant to this section.

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

(m) "Trust indenture" includes instruments pledging the revenues of real or personal properties.

(n) "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.

(o) "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.

(p) "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 or such lessor's interest or any part thereof, and the United

States of America, when it is a party to any contract with the authority.

(q) "Slum" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(r) "Elderly person" means a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

(s) "State public body" means any city, town, incorporated village, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

(4) CREATION OF HOUSING AUTHORITIES. (a) When the council of a city by proper resolution declares at any time hereafter that there is need for an authority to function in the city, a public body corporate and politic shall then exist in the city and be known as the "housing authority" of the city. Such authority shall then be authorized to transact business and exercise any powers herein granted to it.

(b) The council shall adopt a resolution declaring that there is need for a housing authority in the city if it finds that there is a shortage of dwelling accommodations in the city available to elderly persons.

(c) 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 become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the council declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city. A copy of such resolution duly certified by the city clerk shall be admissible evidence in any suit, action or proceeding.

(5) SECTION 66.40 APPLIES. The provisions of s. 66.40 (5) to (26) shall apply to housing authorities and providing housing for elderly persons under this section without reference to the income of such persons.

(6) SECTION 66.401 TO 66.404 APPLY. The provisions of ss. 66.401 to 66.404 shall apply to housing authorities and providing housing for elderly persons under this section without regard to the restrictions on the income of applicants for participation, except as set down by the federal housing administration.

(7) Not applicable to low-rental housing projects. This section shall not apply to projects required to provide low-rental housing only.

Approved August 4, 1961.