

AN ORDINANCE
ESTABLISHING A HOUSING AUTHORITY
AND PAYMENT IN LIEU OF TAXES AGREEMENT
FOR THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard:

Section 1. Purpose

The purpose of this “*Ordinance Establishing a Housing Authority for the Town of Ledyard*” is to codify, update and facilitate the “*Resolution Re: Activation of a Housing Authority*” adopted by the Town Council on February 22, 1978; pursuant to the provisions of Connecticut General Statutes Chapter 128 Sections 8-40 and 8-41.

Section 2. Authority

The Housing Authority shall constitute a public body corporate and politic, exercising public powers and having all the powers necessary or convenient to carry out the purposes and provisions of Chapter 128 of the Connecticut General Statutes, including other enumerated powers granted by any provision of the General Statutes.

The Housing Authority shall promote, preserve and oversee the operation, management and maintenance of their housing complexes within the Town of Ledyard designed for the elderly and disabled, who have qualified under the low income provisions as defined by HUD in the New London-Norwich region.

Section 3. Membership

The Housing Authority shall consist of five (5) members appointed by the Town Council who are electors of the town, each of whom shall serve for a term of five (5) years. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Town Council.

As the terms of the current members expire, the Town Council will reappoint them, or appoint a successor, each of whom shall serve a term of five (5) years.

At least one member of the Authority shall be a tenant who lives in the housing owned or managed by such Authority and has resided in such housing for more than one (1) year. This member shall not have the authority to vote on any matter concerning the establishment or revision of the rents to be charged in any housing owned or managed by such Authority.

Members shall serve without compensation but may be reimbursed for expenses incurred in the furtherance of business of the Housing Authority.

No member of the Authority shall hold any elected public office in the municipality for which the Authority is created.

A Certificate of Appointment or Reappointment shall be filed with the Town Clerk.

Appointment of terms shall be established such that not more than one of the appointed members’ terms shall expire in the same calendar year; in accordance with CGS Section 8-41.

The Town Council may remove members for cause and fill the vacancy per Chapter IV, Section 9 of the Town Charter. Cause for removal shall include, but is not limited to, unexcused absence from three (3) consecutive regular meetings and any intervening duly called special meeting.

Any member of the Housing Authority who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Housing authority. The vacancy shall be filled as herein before provided. Additionally, the Housing Authority may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Authority to notify the Town Council when a member has not properly performed his duties. The provisions of C.G.S § 8-43 shall apply to any removal proceedings.

Annually, the Committee shall elect from its members a Chairman, Vice Chairman, Treasurer and Secretary. Any vacancy in any such office shall be filled by the Committee from its membership.

A quorum shall consist of three (3) members.

Section 4. Duties and Responsibilities

In addition to the powers and authority provided in CGS Chapter 128, the Housing Authority shall have the following duties and responsibilities:

- A. To establish policies for the operations, management and maintenance of housing complexes under the control of the Housing Authority designed for the elderly and disabled who have qualified under the low income provisions as defined by HUD in the New London-Norwich region.
- B. To develop, prepare and adopt an annual budget to provide for the operations, services, activities and work to be accomplished at the housing complexes under the control of the Housing Authority during the ensuing year.
- C. To review an account designated for “*Retained Earnings Appropriated for Repairs, Maintenance and Replacements*”.
- D. To annually designate an independent public accountant or a firm of independent public accountants to audit the books and accounts of the Housing Authority.
- E. To annually review, revise and adopt Bylaws of the Housing Authority.
- F. To engage such employees as necessary to carry out said purposes within the budgetary limits of said Housing Authority.
- G. To communicate on a regular basis with the Town Council Liaison and other persons or agencies that advocate for the elderly or disabled persons relative to federal, state, local, private programs and regulations that affect housing complexes designed for the elderly or disabled.
- H. To accept gifts or other monetary donations, including real or personal property, for the improvement or welfare of the tenants and/or housing complex to which the gift was given, upon the approval of the Housing Authority.

Section 5. Spending Funds

The Housing Authority may expend such funds in accordance with their approved annual budget, and may make special appropriations from time to time to carry out its purposes, as approved by the Housing Authority.

Section 6. Payment In Lieu of Taxes

In accordance with CGS § 8-58 the property of an Authority, any Agency or instrumentality designated or appointed by an authority shall be exempt from all local and municipal taxes. A municipality may fix a sum, that shall be Payment in Lieu of Taxes (PILOT) and paid to the Town annually by the Housing Authority.

6.1 Optional Tax Abatement/Pilot Provisions

Per CGS § 8-215 all or part of the PILOT on the Ledyard Housing Authority, Kings Corner Manor, may be abated. The abatement must be made by a PILOT Agreement between the Town and the Housing Authority and must specify how the savings will be used.

The PILOT Agreement (Appendix A) as may be amended from time to time, by the approval of the Town Council and the Housing Authority, is hereby incorporated in this Ordinance as though fully set.

This Ordinance amends and supersedes the “*Payment In Lieu of Taxes (PILOT) Agreement*” contained “*Resolution Appropriating Advance Funds for and Authorizing Execution of Cooperation Agreement with Housing Authority*” adopted on January 12, 1983.

A copy of the approved PILOT Agreement shall be filed with the Town Clerk.

Section 7. Conflict with Other Laws or Regulations

If any section of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the entire ordinance.

Section 8. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended and Adopted by the Ledyard Town Council on: May 26, 2021

Linda C. Davis
Linda C. Davis, Chairman

Approve/Disapprove on: 5/27/2021

Fred B. Allyn, III Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #136 “*An Ordinance Establishing A Housing Authority For The Town Of Ledyard*” Adopted: October 22, 2014; Effective: December 5, 2014. Renumbered from Ordinance #136 to Ordinance #100-010 on September 25, 2020. Amended and Adopted Ordinance #100-010 “*An Ordinance Establishing a Housing Authority for the Town of Ledyard and Payment In Lieu of Taxes And Payment In Lieu of Taxes Agreement for the Town of Ledyard*” on May 26, 2021.

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #136 to Ordinance #100-010.

2014: “*Ordinance Establishing a Housing Authority for the Town of Ledyard*” was adopted to codify, update and facilitate the “*Resolution Re: Activation of a Housing Authority*” adopted by the Town Council on February 22, 1978; pursuant to the provisions of Connecticut General Statutes Chapter 128 Sections 8-40 and 8-41.

2019: Section 3 “Membership” added language regarding member attendance relative to being considered resigned. Added Section 7 “Effective Date”. To b consistent with Town Ordinance format.

2020: Added New Section 6 “*Payment in Lieu of Taxes*” and renumbered following sections accordingly.