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ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
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OPINION 13-0183

Mr. Frederick Tombar, III
Executive Director
Louisiana Housing Corporation
2415 Quail Drive
Baton Rouge, LA 70808

53--1 HOUSING AUTHORITIES

La. R.S. 40:381 *et seq.*

Local housing authorities may not operate outside of its area of operation, as defined by La.Rev.Stat. 40:396 and La.Rev.Stat. 40:397, without the explicit agreement of the municipality or parish within whose boundaries the local housing authority intends to operate.

Dear Mr. Tombar:

Your request for an Attorney General's Opinion has been assigned to me for research and reply. On behalf of the Louisiana Housing Corporation ("LHC"), you have asked for our opinion as to whether a local housing authority may operate outside of its area of operation, as defined by La.Rev.Stat. 40:396 and La.Rev.Stat. 40:397, without the explicit agreement of the municipality or parish within whose boundaries the local housing authority intends to operate.

La.Rev.Stat. 40:392 governs the establishment of municipal and parish housing authorities and provides, in pertinent part, the following:

§ 392. Establishment of authorities

A. In each municipality and parish of this state which has not previously established such an authority, there is hereby created a local housing authority. However, such authority shall not be deemed to be established under this Chapter, nor shall it be authorized to conduct any business or exercise any of its powers, unless and until the governing body of the municipality or parish declares by resolution that a need exists for such a local housing authority to function in such municipality or parish and finds that there exists a shortage of decent, safe, and sanitary dwelling accommodations in such municipality or parish or that such accommodations are not available and affordable to all residents regardless of income.

La.Rev.Stat. 40:384(4) generally defines "area of operation" as the geographical area within which a local housing authority may own or operate housing developments, while La.Rev.Stat. 40:396 specifically governs the areas of operation for municipal housing authorities and La.Rev.Stat. 40:397 specifically governs the areas of operation for parish housing authorities.

With respect to municipal housing authorities, the areas of operation shall be the municipality and the area within ten miles from the territorial boundaries thereof. La.Rev.Stat. 40:396. Depending upon the geographical location of the municipality, such area may also include areas lying within the territorial boundaries of municipalities outside the municipality establishing the local housing authority. *Id.* With respect to parish housing authorities, the areas of operation shall be all of the parish except that portion which lies within the territorial boundaries of any municipality in which a local housing authority has been established. La.Rev.Stat. 40:397.

We also note that La.Rev.Stat. 40:400 does allow local housing authorities to cooperate and contract with other local housing authorities, other public agencies within this State, as well as the federal government in order to carry out the purposes of Chapter 3, "Housing Authorities and Slum Clearance," of Title 40 of the Louisiana Revised Statutes. In such instances, the area of operation of a local housing authority shall be deemed to include any other area or areas within any municipality or parish who agrees to allow the local housing authority to operate. La.Rev.Stat. 40:400.

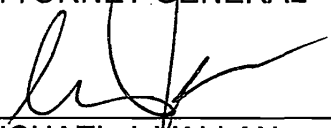
Thus, pursuant to the plain language of La.Rev.Stat. 40:384(4), La.Rev.Stat. 40:396, and La.Rev.Stat. 40:397, it is the opinion of this office that local housing authorities may not operate outside of its area of operation, as defined by La.Rev.Stat. 40:396 and La.Rev.Stat. 40:397, without the explicit agreement of the municipality or parish within whose boundaries the local housing authority intends to operate. In the case of municipal housing authorities, it is our opinion that municipal housing authorities may not operate beyond ten miles from its territorial boundaries. In the case of parish housing authorities, it is our opinion that parish housing authorities may not operate outside the territorial boundaries of the parish. Nonetheless, as indicated above, La.Rev.Stat. 40:400 does allow local housing authorities to establish agreements with other local housing authorities and public agencies. In those instances, it is our opinion that a local housing authority's area of operation would include any municipality or parish who agrees to allow the local housing authority to operate within its area.

We trust this adequately responds to your request. If you should have any questions about the response contained herein, please feel free to contact our office.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:



MICHAEL J. VALLAN
Assistant Attorney General

JDC/MJV/chb