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**ATTORNEY GENERAL**  
**STATE OF ILLINOIS**  
**SPRINGFIELD**



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FILE NO. S-1076

**PUBLIC HOUSING:**  
**Use of Monies From**  
**the State Housing Fund**

**Frank A. Kirk**  
**Director**  
**Department of Local Government Affairs**  
**303 East Monroe Street**  
**Springfield, Illinois 62706**

**Dear Mr. Kirk:**

I have your letter requesting my opinion as to whether grants to local housing authorities for the conduct of the Summer Youth Opportunity Program and the Social Services Delivery Program in fiscal 1974 were proper expenditures from the State Housing Fund.

Section 46.1 of the State Housing Act (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 196.1) gives to the Department of Local Government Affairs the power to expend money from

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the State Housing Fund for certain enumerated purposes. One such purpose is the allocation of money to local housing authorities "in accordance with 'AN ACT to facilitate the development and construction of housing, etc.'". (Ill. Rev. Stat. 1975, ch. 67 1/2, pars. 53 et seq.) Section 5 of the latter Act (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 57) provides in turn that grants may be made to local housing authorities "for any and all purposes authorized by the 'Housing Authorities Act' [Ill. Rev. Stat. 1975, ch. 67 1/2, pars. 1 et seq.] \* \* \*, including administrative expenses of the housing authorities in relation to the aforesaid objectives". It is thus evident that in order to justify expenditures from the State Housing Fund, the two programs you mention must be authorized under the Housing Authorities Act or constitute an administrative expense related to the implementation of that Act.

According to the information you have provided me, the Summer Youth Opportunity Program was designed to employ young people between the ages of 16 and 21 who were living in public housing projects. As I understand it, the bulk of the work done consisted of light maintenance jobs, such as cutting grass, painting and cleaning project property. In addition,

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some of the individuals employed apparently performed clerical tasks on a part-time basis.

You suggest that the program may be characterized as an administrative expense of operating a local housing authority and as such, the use of State housing funds for the program would be proper under section 5 of "AN ACT to facilitate the development and construction of housing, etc."

The phrase "administrative expenses" used in section 5 is not defined by the legislature and absent such a definition, it is generally presumed that the General Assembly intends that the words in a statute be given their plain and ordinary meaning. (Ambassador East, Inc. v. City of Chicago, 399 Ill. 359.) An "administrative expense" in the present context is thus any expense incurred in administering or managing a local housing project and the salary paid clerical personnel employed by a project seems clearly to qualify. Leonard v. S. G. Frantz Co., 268 App. Div. 144, 49 N.Y.S. 2d 329 (1944).

In response to your question it is therefore my opinion that the cost of part-time clerical help employed under the Summer Youth Opportunity Program was a valid "administrative expense" of the local housing authorities involved and, therefore, money could properly be expended from the State Housing Fund to cover such costs.

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With regard to the cost of providing part-time maintenance positions under the Summer Youth Opportunity Program, it is my opinion that such cost cannot be characterized as an "administrative expense" of operating a housing authority. This does not mean, however, that justification for such expense does not exist in the Housing Authorities Act.

Section 8 of the Housing Authorities Act (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 8) provides that:

"An Authority shall be a municipal corporation and shall constitute a body both corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, in addition to others herein granted, the powers enumerated in Sections 8.1 through 8.8, inclusive."

Section 8.2 of the Act (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 8.2) in turn states in part that:

"An Authority has power to prepare, carry out and operate projects; to provide for the construction, reconstruction, improvement, alteration or repair of any project or any part thereof; \* \* \*"

The latter of these two provisions clearly gives local housing authorities the power to provide for the maintenance of project property. In order to fully effectuate this power as required by section 8 of the Act, the local housing

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authority must also have the implied power to hire maintenance personnel. Pursuant to the power to hire a maintenance staff, a housing authority might properly decide that, owing to the increased demands on such a staff during the summer months, additional part-time help would be necessary.

It is therefore my opinion that the employment of project youths as part-time maintenance workers during the summer is permissible under the general authority of a local housing authority to maintain the project's property. Because of this, the salary of these individuals could properly be paid with money allocated from the State Housing Fund.

The Social Services Delivery Program as you describe it, was intended to encourage cooperation between local housing authorities and their tenants in dealing with community problems. Specifically it was designed to illustrate the kinds of activities that could be undertaken and to pinpoint common problem areas. The main emphasis of the program was apparently the redesign of the projects themselves in order to provide, among other things, added security and increased recreational facilities.

With regard to the propriety of using State Housing Fund monies for the operation of such a project, I refer you

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again to section 8.2 of the Housing Authorities Act which states that a local housing authority has the power "to prepare, carry out and operate projects; to provide for the construction, reconstruction, improvement, alteration or repair of any project or any part thereof".

The scope of a housing "project" is defined by section 17 of the Housing Authorities Act (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 17) as follows:

\* \* \*

'Project' shall include all lands, buildings, and improvements, acquired, owned, leased, managed or operated by a housing authority, and all buildings and improvements constructed, reconstructed or repaired by a housing authority, designed to provide housing accommodations and facilities appurtenant thereto (including community facilities and stores) which are planned as a unit, \* \* \* \*

"Community facilities" are defined by subsection (h) of section 17 as follows:

"'Community facilities' shall include lands, buildings, and equipment for recreation or social assembly, for education, health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed, reconstructed, repaired or operated hereunder."

Given the provisions of sections 8.2 and 17 of the Housing Authorities Act, it is evident that State Housing

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Fund money could properly be used to improve the physical property of a housing project and to provide recreational facilities and other community social services. To the extent that the Social Services Delivery Program did provide such improvements, it therefore clearly represented the proper use of State Housing Fund money.

The main thrust of the Social Services Delivery Program, however, was not to provide actual physical improvements, but rather to determine how best to go about providing such improvements in the future. Nowhere in the Housing Authorities Act is there explicit authority for the operation of a research oriented project of this kind.

At the same time, however, a local housing authority is, according to section 8 of the Housing Authorities Act, a "municipal corporation" and it has consistently been held in Illinois that municipal corporations have not only those powers expressly granted, but also those necessarily implied from or incident to those expressly granted. Chicago Real Estate Bd. v. City of Chicago, 36 Ill. 2d 530; E. G. Merrill

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v. City of Wheaton, 379 Ill. 504.) In describing the extent of such implied powers, the courts have stated that they need not be indispensable, and it is sufficient if they are reasonably necessary to make effective a power expressly granted. Klever Karpel Kleaners v. City of Chicago, 323 Ill. 368; Huston v. Village of Maywood, 11 Ill. App. 2d 433.

In your memorandum describing the Social Services Delivery Program you state that before the inauguration of that project, progress in the area of social programming had been very slow. You further state that a major cause of this problem was the lack of experience in this area. The Social Services Delivery Program was thus a reaction to a recognized weakness of local housing authorities to fully provide for the needs of their tenants as required by sections 8.2 and 17 of the Housing Authorities Act.

It is, therefore, my opinion that the power to conduct the Social Services Delivery Program was reasonably necessary to effectuate the powers expressly granted in section 8.2 of the Act. Therefore, grants to local housing authorities for the Social Services Delivery Program consti-



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**tuted proper expenditures from the State Housing Fund.**

**Very truly yours,**

**A T T O R N E Y   G E N E R A L**