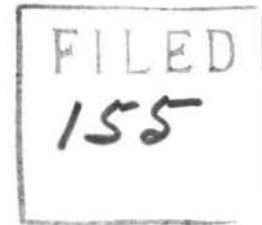


April 1, 1971

Answer by letter-Wood

OPINION LETTER NO. 155



Mr. Gene Sally, Director
Department of Community Affairs
Jefferson Building
Jefferson City, Missouri 65101

Dear Mr. Sally:

This is in response to the request from your office for my opinion as to the ability of the Department of Community Affairs to legally participate in comprehensive planning assistance grants administered by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 701 of the Housing Act of 1954, as amended (40 U.S.C.A., Section 461). The Housing Act authorizes the Secretary to make grants to "official state planning agencies" for "comprehensive planning." Comprehensive planning is defined by the Act to include preparation of general plans for governmental guidance relating to patterns and intensity of land use, provision of public facilities and services, and development and utilization of human and natural resources.

The Department of Community Affairs is authorized and directed by Missouri law to:

"Exercise the state's responsibility for administering, supervising, coordinating and generally performing the role of state government as set forth in those federal programs concerning community affairs which are assigned to the department by the general assembly or by the governor;" (Section 251.030(8), RSMo 1969)

". . . accept grants and other financial assistance and may consult, cooperate with, assist, make and enter into contracts with other boards, commissions, agencies and institutions of this state, with local and federal

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governments, and private organizations, upon such terms as may be mutually agreed upon, . . ." (Section 251.090, RSMo 1969)

". . . contract for, receive and utilize grants or other financial assistance made available by the state or federal government or from any other source, public or private, for performing the functions of the state office. . . ." (Section 251.190(2), RSMo 1969)

The Department has been conferred the following specific powers with regard to planning:

"The department of community affairs is hereby designated as the official state planning agency for the purpose of providing planning assistance to counties, municipalities, metropolitan planning areas, and regional planning commissions herein created when requested by such local governmental unit or planning commission to do so, and for such purposes is authorized to:

"(1) Contract with public agencies or private persons or organizations for any purposes of [this law] . . ." (Section 251.170, RSMo 1969)

". . . develop a comprehensive state plan;" (Section 251.190(4), RSMo 1969)

The law defines comprehensive state planning to include the coordination of planning activities for all federal assistance and grant-in-aid programs, which require comprehensive planning as prerequisites for eligibility (Section 251.180(13), RSMo 1969).

In view of the statutes, it is my opinion that the Department of Community Affairs is an official state planning agency within the meaning of Section 701 of the Housing Act of 1954, and that the Department may legally participate with the Secretary of Housing and Urban Development in comprehensive planning assistance grants pursuant to said federal law.

I call to your attention Section 33.085, RSMo 1969, requiring copies of applications for federal funds, including a description of the project therein contemplated, to be supplied to the Director of the Budget, the legislative Fiscal Officer, the Chairman of the

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Missouri House and Senate Appropriations Committees and the Minority
Floor Leaders of the Senate and the House.

Yours very truly,

JOHN C. DANFORTH
Attorney General