

June 22, 1971

OPINION LETTER NO. 349
Answer by letter-Wood

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



Dear Mr. Sally:

You have requested my legal opinion on the responsibility and authority of the Department of Community Affairs to participate as the designated state agency in the Community Development Training Program (Part I, Title VIII, Housing Act of 1964, P. L. 88-560, 20 U.S.C. Sections 801, et seq.).

The declared purpose of the federal law is to provide financial assistance to the states in:

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills; and who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private non-profit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programming, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating

Mr. Gene Sally

to such research. . . ." (20 U.S.C., Section 802(a) (1) and (2))

As a condition of participation, a state must designate to the Secretary of Housing and Urban Development,

". . . an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State program under this part; . . ." (20 U.S.C., Section 802(4))

The Secretary of Housing and Urban Development has authorized the Governor of any state to make the designation referred to in the law.

By Executive Order of February 14, 1968, Warren E. Hearnes, Governor of the State of Missouri, officially designated the Department of Community Affairs as the participating state agency for purposes of the Community Development Training Program, 20 U.S.C., Section 802(b) (4).

The Department of Community Affairs is directed by Missouri law to perform the following functions, which in my opinion are related to the purposes of the federal law herein considered.

"(2) Assist local governments by establishing and maintaining a program of training for local governmental officials and other personnel;

"(4) Study and recommend to the governor methods of more effectively coordinating the programs of state agencies that affect the development of communities and the operation of political subdivisions;

* * *

"(7) Encourage educational institutions in the state to develop research activities and to provide educational programs for state and local governments in order to foster community development;

"(8) Exercise the state's responsibility for administering, supervising, coordinating and generally performing the role of state government as set forth in those federal programs

Mr. Gene Sally

concerning community affairs which are assigned to the department by the general assembly or by the governor;" (Section 251.030(2), (4), (7), and (8), RSMo 1969)

Missouri law also authorizes the Governor to make other assignments to the Department of Community Affairs relating to planning and community development as provided for in Article IV, Section 12, Constitution of Missouri and various legislative acts of Congress (Section 251.200, RSMo 1969).

Finally, Missouri law empowers the Department of Community Affairs to receive and utilize grants or other financial assistance made available by the federal government for performing the Department's functions (Section 251.190, RSMo 1969).

We are not aware that there has been, or that there is now pending any litigation that would limit, impair or otherwise affect the powers of the Department of Community Affairs in carrying out community development programs.

Accordingly, it is my opinion that the Department of Community Affairs has the responsibility and authority under Missouri law to carry out the functions of the designated state agency as specified by the Community Development Training Program (Part I, Title VIII, Housing Act of 1964, P. L. 88-560, 20 U.S.C., Sections 801, et seq.).

Yours very truly,

JOHN C. DANFORTH
Attorney General