

OFFICE OF THE ATTORNEY GENERAL ⁹⁵⁻⁰⁰²⁰³



JEFF SESSIONS
ATTORNEY GENERAL
STATE OF ALABAMA

APR 28 1995

ALABAMA STATE HOUSE
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MONTGOMERY, ALABAMA 36130
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Honorable Robert Strickland
Executive Director
Alabama Housing Finance Authority
P. O. Box 230909
Montgomery, Alabama 36123-0909

Alabama Housing Finance
Authority - State Property -
Surplus Property

Authority is an independent
instrumentality of the State,
and the disposition of its
property is not subject to
the surplus personal property
law.

Dear Mr. Strickland:

You have requested of this office an opinion respecting
the following:

QUESTION

Whether the Alabama Housing Finance
Authority is subject to the provisions of
§ 41-16-120, et seq., of the Code, which
provides for the disposition of surplus
personal property owned by the state.

FACTS AND ANALYSIS

Your question is answered in the negative.

Section 24-1A-15 provides:

"This chapter is intended to aid the state through the furtherance of the purposes of the chapter by providing an appropriate and independent instrumentality of the state with full and adequate powers to fulfill its function. Except as expressly provided in this chapter, no proceeding, notice or approval shall be required for . . . the exercise of any other of its powers by the authority."

The powers of the Authority are set forth in § 24-1A-5 of the Code and include the following:

". . . (19) To sell, exchange and convey any or all of its properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the Authority was organized; . . .

"(23) To acquire, hold and dispose of real and personal property."

Sections 41-16-120, et seq., of the Code describe the procedure for disposing of state-owned property. The personal property in possession of the Authority is owned by the Authority. While not required to follow § 41-16-120, et seq., the Authority may use the procedures set forth therein to dispose of property (such as used office equipment or furniture) which the Authority may declare to be surplus.

CONCLUSION

In view of the foregoing, it is the opinion of this office that the Alabama Housing Finance Authority is not subject to the provisions of § 41-16-120, et seq., of the Code, which provides for the disposition of personal property owned by the state. The personal property in the possession of the Authority is owned by the Authority, and the Authority has the power to dispose of its personal property.

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I hope this sufficiently answers your question. If our office can be of further assistance, please contact James R. Solomon, Jr., of my staff.

Sincerely,

JEFF SESSIONS
Attorney General

By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

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