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**MEMORANDUM**

**TO:** Councilpersons Kress/Watt  
Allegheny County Council

**FROM:** John F. Cambest, Esquire

**DATE:** September 30, 2005

**RE:** Legal Opinion - Proposed Resolution No. 2060-05  
Our File No. ACC - 1058.16

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At your request, I have reviewed the Proposed Resolution No. 2060-5 for the purpose of providing you with a legal opinion as to whether or not the Allegheny County Housing Authority has a legal basis for placing a one-year moratorium on approving new properties for the Housing Choice Voucher Program in certain communities located in Allegheny County. For the purpose of providing this opinion, I have reviewed the Allegheny County Home Rule Charter, The Administrative Code of Allegheny County, the enabling legislation for the Allegheny County Housing Authority and the Housing Choice Voucher Program. In addition to reviewing the above, I have also had discussions with representatives of the Allegheny County Solicitor's Office, as well as legal counsel to the Allegheny County Housing Authority.

As a result of the above, it is my legal opinion that the Allegheny County Housing Authority has no legal basis to place a moratorium on the Housing Choice Voucher Program as requested in Resolution No. 2060-05. Such an action could only be taken after appropriate legislation would be adopted by Congress to permit such a moratorium. I do not believe that the Allegheny Housing Authority has a legal basis, on its own, to impose such a moratorium.

In regard to proposed Resolution No. 2060-5, Allegheny County does have the authority to adopt a Resolution requesting that the Federal Government entertain action, such as a moratorium. It would be my opinion that such action should be in the form of a motion, rather than a Resolution.

If you have any questions or comments, please do not hesitate to contact me.

***END OF MEMORANDUM***