

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 951

Short Title: Tenants on Housing Authority.

(Public)

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Sponsors: Representatives Edwards; and Luebke.

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Referred to: Ways and Means.

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April 8, 1999

A BILL TO BE ENTITLED

1  
2 AN ACT REQUIRING THAT AT LEAST ONE PERSON WHO IS DIRECTLY  
3 ASSISTED BY A PUBLIC HOUSING AUTHORITY BE APPOINTED TO EACH  
4 HOUSING AUTHORITY COMMISSION AND REGIONAL HOUSING  
5 AUTHORITY COMMISSION IN THE STATE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 157-5 reads as rewritten:

8 **"§ 157-5. Appointment, qualifications and tenure of commissioners.**

9 (a) An authority shall consist of not less than five nor more than nine  
10 commissioners appointed by the mayor and ~~he~~the mayor shall designate the first  
11 ~~chairman~~chair. No commissioner may be a city official. ~~Notwithstanding G.S. 157-7, 14-~~  
12 ~~234, or any other provision of law, no person shall be barred from serving as a commissioner of~~  
13 ~~any housing authority created under this Chapter because such person is a tenant of the authority~~  
14 ~~or a recipient of housing assistance through any program operated by the authority; provided,~~  
15 ~~that no such~~At least one of the commissioners appointed shall be a person who is directly  
16 assisted by the public housing authority. However, there shall be no requirement to  
17 appoint such a person if the authority: (i) operates less than 300 public housing units, (ii)  
18 provides reasonable notice to the resident advisory board of the opportunity for at least  
19 one person who is directly assisted by the authority to serve as a commissioner, and (iii)  
20 within a reasonable time after receipt of the notice by the resident advisory board, has

1 not been notified of the intention of any such person to serve. The mayor shall appoint  
2 the person directly assisted by the authority unless the authority's rules require that the  
3 person be elected by other persons who are directly assisted by the authority. If the  
4 commissioner directly assisted by the public housing authority ceases to receive such  
5 assistance, the commissioner's office shall be abolished and another person who is  
6 directly assisted by the public housing authority shall be appointed by the mayor.

7 (b) No commissioner who is also a person directly assisted by the public housing  
8 authority shall be qualified to vote on matters affecting his or her official conduct or  
9 matters affecting his or her own individual tenancy, as distinguished from matters  
10 affecting tenants in general; and further provided, that no general. No more than one third of  
11 the members of any housing authority commission shall be tenants of the authority or  
12 recipients of housing assistance through any program operated by the authority. Avery,  
13 Beaufort, Bertie, Burke, Caldwell, Camden, Cherokee, Chowan, Clay, Cleveland, Currituck,  
14 Dare, Duplin, Edgecombe, Franklin, Gates, Graham, Halifax, Haywood, Henderson, Hertford,  
15 Hoke, Hyde, Jackson, Jones, Lenoir, Macon, Martin, Nash, Northampton, Onslow, Pasquotank,  
16 Perquimans, Pitt, Polk, Robeson, Rowan, Swain, Transylvania, Tyrrell, Vance, Warren,  
17 Washington, Watauga, Wilkes, Wilson and Yadkin Counties are exempted from any provision of  
18 law allowing a person who is a tenant of the authority to serve as a commissioner of a housing  
19 authority.

20 (c) The council may at any time by resolution or ordinance increase or decrease  
21 the membership of an authority, within the limitations herein prescribed.

22 (d) The mayor shall designate overlapping terms of not less than one nor more  
23 than five years for the commissioners first appointed. Thereafter, the term of office shall  
24 be five years. A commissioner shall hold office until his or her successor has been  
25 appointed and has qualified. Vacancies shall be filled for the unexpired term. A majority  
26 of the commissioners shall constitute a quorum. The mayor shall file with the city clerk a  
27 certificate of the appointment or reappointment of any commissioner and such certificate  
28 shall be conclusive evidence of the due and proper appointment of such commissioner. A  
29 commissioner shall receive no compensation for his or her services but he or she shall be  
30 entitled to the necessary expenses including traveling expenses incurred in the discharge  
31 of his or her duties.

32 (e) When the office of the first ~~chairman~~-chair of the authority becomes vacant, the  
33 authority shall select a ~~chairman~~-chair from among its members. An authority shall select  
34 from among its members a ~~vice-chairman~~-vice-chair, and it may employ a secretary (who  
35 shall be executive director), technical experts and such other officers, ~~agents~~-agents, and  
36 employees, permanent and temporary, as it may require, and shall determine their  
37 qualifications, ~~duties~~-duties, and compensation. An authority may call upon the  
38 corporation counsel or chief law officer of the city for such legal services as it may  
39 require or it may employ its own counsel and legal staff. An authority may delegate to  
40 one or more of its agents or employees such powers or duties as it may deem proper."

41 Section 2. G.S. 157-36 reads as rewritten:

42 "**§ 157-36. Commissioners of regional housing authority.**

1 (a) The board of county commissioners of each county included in a regional  
2 housing authority shall appoint one person as a commissioner of such authority, and each  
3 such commissioner to be first appointed by the board of county commissioners of a  
4 county may be appointed at or after the time of the adoption of the resolution declaring  
5 the need for such regional housing authority or declaring the need for the inclusion of  
6 such county in the area of operation of such regional housing authority. When the area of  
7 operation of a regional housing authority is increased to include an additional county or  
8 counties as provided in this Article, the board of county commissioners of each such  
9 county shall thereupon appoint one additional person as a commissioner of the regional  
10 housing authority. The board of county commissioners of each county shall appoint the  
11 successor of the commissioner appointed by it.

12 (b) The commissioners of the regional housing authority shall appoint as a  
13 commissioner at least one person who is directly assisted by the authority unless the  
14 authority's rules require that the person be elected by other persons who are assisted by  
15 the authority. However, there shall be no requirement to appoint such a person if the  
16 authority: (i) operates less than 300 public housing units, (ii) provides reasonable notice  
17 to all resident advisory boards within the authority's area of operation of the opportunity  
18 for at least one person who is directly assisted by the authority to serve as a  
19 commissioner, and (iii) within a reasonable time after receipt of the notice by the  
20 resident advisory boards, has not been notified of the intention of any such person to  
21 serve. The commissioners of the regional housing authority shall appoint successors of  
22 the commissioner appointed by them and shall fill any vacancies. A certificate of the  
23 appointment signed by the chair of the commissioners of the regional housing authority  
24 shall be conclusive evidence of the due and proper selection of the commissioner. If the  
25 commissioner directly assisted by the regional housing authority ceases to receive such  
26 assistance, the commissioner's office shall be abolished and another person who is  
27 directly assisted by the regional housing authority shall be appointed by the  
28 commissioners of the regional housing authority.

29 (c) No commissioner who is also a person directly assisted by the regional housing  
30 authority shall be qualified to vote on matters affecting his or her official conduct or  
31 matters affecting his or her own individual tenancy, as distinguished from matters  
32 affecting tenants in general.

33 (d) If any county is excluded from the area of operation of a regional housing  
34 authority, the office of the commissioner of such regional housing authority appointed by  
35 the board of county commissioners of such county shall be thereupon abolished. If the  
36 person appointed as a commissioner under subsection (b) of this section resides in a  
37 county that is excluded from the authority's area of operation, the office of that  
38 commissioner shall be abolished and another person residing within the authority's area  
39 of operation shall be appointed.

40 (e) A certificate of the appointment of any ~~such~~ commissioner signed by the  
41 ~~chairman~~ chair of the board of county commissioners (or the appointing officer) shall be  
42 conclusive evidence of the due and proper appointment of such commissioner.

1 (f) If the area of operation of a regional housing authority consists at any time of  
2 an even number of counties, except as provided in subsection (g) of this section, the  
3 Governor of North Carolina shall appoint one additional commissioner to such regional  
4 housing authority whose term of office shall be as herein provided for a commissioner of  
5 a regional housing authority, except that such term shall end at any earlier time that the  
6 area of operation of the regional housing authority shall be changed to consist of an odd  
7 number of counties. The Governor shall likewise appoint each person to succeed such  
8 additional commissioner. A certificate of the appointment of any such additional  
9 commissioner shall be signed by the Governor and filed with the Secretary of State. A  
10 copy of such certificate, duly certified by the Secretary of State, shall be conclusive  
11 evidence of the due and proper appointment of such additional commissioner.

12 (g) If the membership of the board of commissioners consists of an even number  
13 as a result of the appointment of a person who is directly assisted by the regional housing  
14 authority, the Governor shall appoint one additional commissioner to the authority  
15 whose term of office shall be as herein provided for a commissioner of an authority,  
16 except that such term shall end at any earlier time that the area of operation of the  
17 authority shall be changed to consist of an even number of counties. A certificate of the  
18 appointment shall be signed and filed as provided in subsection (f) of this section. The  
19 Governor shall appoint successors to the additional commissioner and shall fill any  
20 vacancies.

21 (h) The commissioners of a regional housing authority shall be appointed for terms  
22 of five years except that all vacancies shall be filled for the unexpired terms. Each  
23 commissioner shall hold office until his or her successor has been appointed and has  
24 qualified.

25 (i) For inefficiency or neglect of duty or misconduct in office, a commissioner of a  
26 regional housing authority may be removed by the appointing authority. ~~board of county~~  
27 ~~commissioners appointing him, or in the case of the commissioner appointed by the Governor,~~  
28 ~~by the Governor. Provided, that such~~ The commissioner shall have been given a copy of the  
29 charges against him or her at least 10 days prior to the hearing thereon ~~and: Provided, that~~  
30 ~~such commissioner and shall have had an opportunity to be heard in person or by counsel.~~

31 (j) The commissioners appointed as aforesaid shall constitute the regional housing  
32 authority, and the powers of such authority shall be vested in such commissioners in  
33 office from time to time.

34 (k) The commissioners of a regional housing authority shall elect a ~~chairman~~ chair  
35 from among the commissioners and shall have power to select or employ such other  
36 officers and employees as the regional housing authority may require. A majority of the  
37 commissioners of a regional housing authority shall constitute a quorum of such authority  
38 for the purpose of conducting its business and exercising its powers and for all other  
39 purposes."

40 Section 3. This act is effective when it becomes law.