

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 982

Short Title: Housing Authority Exemptions.

(Public)

Sponsors: Representatives Edwards; and Barefoot.

Referred to: Ways and Means.

April 5, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT REVISING THE HOUSING AUTHORITY EXEMPTION FROM  
3 STATUTES REGULATING REAL ESTATE BROKERS AND SALESMEN AND  
4 CLARIFYING THE HOUSING AUTHORITY EXEMPTION FROM STATUTES  
5 REGULATING PROCUREMENT.

6 The General Assembly of North Carolina enacts:

7       **SECTION 1.** G.S. 93A-2(c)(8) reads as rewritten:

8       "(8) Any housing authority organized in accordance with the provisions of  
9 Chapter 157 of the General Statutes and any regular salaried  
10 employees of the housing authority ~~when performing who perform any~~  
11 acts authorized in this Chapter as to any ~~property owned or leased by~~  
12 ~~the housing authority.~~ housing project operated or managed by the  
13 housing authority and the acts are performed in the regular course of or  
14 as incident to the operation or management of the project. This  
15 exception shall not apply to any person, partnership, corporation,  
16 limited liability company, association, or other business entity that  
17 contracts with a housing authority to sell or manage ~~property owned or~~  
18 ~~leased by the housing authority.~~ a housing project."

19       **SECTION 2.** G.S. 157-9 reads as rewritten:

20       "**§ 157-9. Powers of authority.**

21       "(a) An authority shall constitute a public body and a body corporate and politic,  
22 exercising public powers, and having all the powers necessary or convenient to carry  
23 out and effectuate the purposes and provisions of this Article, including the following  
24 powers in addition to others herein granted:

25       (1) To investigate into living, dwelling and housing conditions and into  
26 the means and methods of improving such ~~conditions; to~~ conditions.

27       (2) To determine where ~~unsafe, unsafe~~ or unsanitary dwelling or housing  
28 conditions ~~exist; to~~ exist.

- 1           (3)    To study and make recommendations concerning the plan of any city  
2           or municipality located within its boundaries in relation to the problem  
3           of clearing, replanning and reconstruction of areas in which unsafe or  
4           unsanitary dwelling or housing conditions exist, and the providing of  
5           dwelling accommodations for persons of low income, and to cooperate  
6           with any city municipal or regional planning ~~agency; to agency.~~
- 7           (4)    To prepare, carry out and operate housing ~~projects; to projects.~~
- 8           (5)    To approve, assist, and cooperate with, as its instrumentality, a  
9           nonprofit corporation in providing financing by the issuance by such  
10          nonprofit corporation's obligations (which obligations shall not be or  
11          be deemed to be indebtedness of a housing authority) for one or more  
12          housing projects, pursuant to the United States Housing Act of 1937,  
13          as amended, and applicable regulations thereunder, specifically  
14          including, but not limited to, programs to make construction and other  
15          loans to developers or owners of residential housing, and to acquire,  
16          operate or manage such a housing project, and to administer federal  
17          housing assistance subsidy payments for such ~~projects; to projects.~~
- 18          (6)    To provide for the construction, reconstruction, improvement,  
19          alteration or repair of any housing project or any part ~~thereof;~~  
20          ~~to thereof.~~
- 21          (7)    To take over by purchase, lease or otherwise any housing project  
22          located within its boundaries undertaken by any government, or by any  
23          city or municipality located in whole or in part within its ~~boundaries;~~  
24          ~~to boundaries.~~
- 25          (8)    To manage as agent of any city or municipality located in whole or in  
26          part within its boundaries any housing project constructed or owned by  
27          such ~~city; to city.~~
- 28          (9)    To act as agent for the federal government in connection with the  
29          acquisition, construction, operation and/or management of a housing  
30          project or any part ~~thereof; to thereof.~~
- 31          (10)   To arrange with any city or municipality located in whole or in part  
32          within its boundaries or with a government for the furnishing,  
33          planning, replanning, installing, opening or closing of streets, roads,  
34          roadways, alleys, sidewalks or other places or facilities or for the  
35          acquisition by such city, municipality, or government of property,  
36          options or property rights or for the furnishing of property or services  
37          in connection with a ~~project; to project.~~
- 38          (11)   To arrange with the State, its subdivisions and agencies, and any  
39          county, city or municipality of the State, to the extent that it is within  
40          the scope of each of their respective ~~functions; functions:~~ (i) to cause  
41          the services customarily provided by each of them to be rendered for  
42          the benefit of such housing authority and/or the occupants of any  
43          housing projects and (ii) to provide and maintain parks and sewage,  
44          water and other facilities adjacent to or in connection with housing

- 1 projects and (iii) to change the city or municipality map, to plan,  
2 replan, zone or rezone any part of the city or ~~municipality~~;  
3 ~~to~~municipality.
- 4 (12) To lease or rent any of the dwelling or other accommodations or any of  
5 the lands, buildings, structures or facilities embraced in any housing  
6 project and to establish and revise the rents or charges ~~therefor~~;  
7 ~~to~~thereof.
- 8 (13) To enter upon any building or property in order to conduct  
9 investigations or to make surveys or ~~soundings~~; ~~to~~soundings.
- 10 (14) To purchase, lease, obtain options upon, acquire by gift, grant,  
11 bequest, devise, or otherwise any property real or personal or any  
12 interest therein from any person, firm, corporation, city, municipality,  
13 or ~~government~~; ~~to~~government.
- 14 (15) To acquire by eminent domain any real property, including  
15 improvements and fixtures ~~thereon~~; ~~to~~thereon.
- 16 (16) To sell, exchange, transfer, assign, or pledge any property real or  
17 personal or any interest therein to any person, firm, corporation,  
18 municipality, city, or ~~government~~; ~~to~~government.
- 19 (17) To own, hold, operate, alter, repair, clear and improve ~~property~~;  
20 ~~to~~property.
- 21 (18) To insure or provide for the insurance of the property or operations of  
22 the authority against such risks as the authority may deem ~~advisable~~;  
23 ~~to~~advisable.
- 24 (19) To procure insurance or guarantees from a federal government of the  
25 payment of any debts or parts thereof secured by mortgages made or  
26 held by the authority on any property included in any housing ~~project~~;  
27 ~~to~~project.
- 28 (20) To borrow money upon its bonds, notes, debentures or other evidences  
29 of indebtedness and to secure the same by pledges of its revenues, and  
30 by mortgages upon property held or to be held by it, or in any other  
31 ~~manner~~; ~~in~~manner.
- 32 (21) In connection with any loan, to agree to limitations upon its right to  
33 dispose of any housing project or part thereof or to undertake  
34 additional housing ~~projects~~; ~~in~~projects.
- 35 (22) In connection with any loan by a government, to agree to limitations  
36 upon the exercise of any powers conferred upon the authority by this  
37 ~~Article~~; ~~to~~Article.
- 38 (23) To invest any funds held in reserves or sinking funds, or any funds not  
39 required for immediate disbursement, in property or securities in  
40 which savings banks may legally invest funds subject to their  
41 ~~control~~; ~~to~~control.
- 42 (24) To sue and be ~~sued~~; ~~to~~sued.
- 43 (25) To have a seal and to alter the same at ~~pleasure~~; ~~to~~pleasure.
- 44 (26) To have perpetual ~~suecession~~; ~~to~~suecession.

1           (27) To make and execute contracts and other instruments necessary or  
2           convenient to the exercise of the powers of the ~~authority; to~~authority.

3           (28) To make and from time to time amend and repeal bylaws, rules and  
4           regulations not inconsistent with this Article, to carry into effect the  
5           powers and purposes of the ~~authority; to~~authority.

6           (29) To conduct examinations and investigations and to hear testimony and  
7           take proof under oath at public or private hearings on any matter  
8           material for its ~~information; to~~information.

9           (30) To issue subpoenas requiring the attendance of witnesses or the  
10          production of books and papers and to issue commissions for the  
11          examination of witnesses who are out of the State or unable to attend  
12          before the authority, or excused from ~~attendance; and to~~attendance.

13          (31) To make available to such agencies, boards or commissions as are  
14          charged with the duty of abating or requiring the correction of  
15          nuisances or like conditions, or of demolishing unsafe or unsanitary  
16          structures within its territorial limits, its findings and recommendations  
17          with regard to any building or property where conditions exist which  
18          are dangerous to the public health, morals, safety or welfare.

19          (a1) Any of the investigations or examinations provided for in this Article may be  
20          conducted by the authority or by a committee appointed by it, consisting of one or more  
21          commissioners, or by counsel, or by an officer or employee specially authorized by the  
22          authority to conduct it. Any commissioner, counsel for the authority, or any person  
23          designated by it to conduct an investigation or examination shall have power to  
24          administer oaths, take affidavits and issue subpoenas or commissions. An authority may  
25          exercise any or all of the powers herein conferred upon it, either generally or with  
26          respect to any specific housing project or projects, through or by an agent or agents  
27          which it may designate, including any corporation or corporations which are or shall be  
28          formed under the laws of this State, and for such purposes an authority may cause one  
29          or more corporations to be formed under the laws of this State or may acquire the  
30          capital stock of any corporation or corporations. Any corporate agent, (i) all of the stock  
31          of which shall be owned by the authority or its nominee or nominees or (ii) the board of  
32          directors of which shall be elected or appointed by the authority or is composed of the  
33          commissioners of the authority or (iii) which is otherwise subject to the control of the  
34          authority or the governmental entity which created the authority, may to the extent  
35          permitted by law exercise any of the powers conferred upon the authority herein. In  
36          addition to all of the other powers herein conferred upon it, an authority may do all  
37          things necessary and convenient to carry out the powers expressly given in this Article.

38          (a2) No provisions with respect to the acquisition, ~~operation~~operation, purchase,  
39          or disposition of ~~property~~property, the erection, construction, reconstruction,  
40          deconstruction, demolition, alteration, or repair of buildings or other works or  
41          improvements, or the contracting for any of the foregoing or any services by other  
42          public bodies shall be applicable to an authority unless the legislature shall specifically  
43          so state.

1 (b) Notwithstanding anything to the contrary contained in this Article or in any  
2 other provision of law an authority may include in any contract let in connection with a  
3 project, stipulations requiring that the contractor and any subcontractors comply with  
4 requirements as to minimum wages and maximum hours of labor, ~~and~~ comply with any  
5 conditions which the federal government may have attached to its financial aid of the  
6 ~~project.~~ project, and comply with State bonding and other public contracts requirements.

7 (c) To the extent not inconsistent with the Constitution or statutes of this State or  
8 the United States, an authority may adopt and enforce rules governing the lawful entry  
9 of guests and visitors to its properties, including the visitors and guests of its tenants.  
10 Prior to adopting such rules, an authority shall make reasonable efforts to consult with  
11 or obtain comments from its tenants or their representatives. Persons who enter or  
12 remain on the property of an authority in violation of such rules shall be subject to  
13 prosecution as applicable under G.S. 14-159.12 or G.S. 14-159.13."

14 **SECTION 3.** This act is effective when it becomes law.