

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 563

Short Title: Amend Housing Authorities Law.

(Public)

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Sponsors: Senator Reeves.

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Referred to: Commerce.

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April 1, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY COUNCIL TO APPOINT AND TO REMOVE  
HOUSING AUTHORITY COMMISSIONERS.

The General Assembly of North Carolina enacts:

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

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

An authority shall consist of not less than five nor more than nine commissioners appointed by the ~~mayor~~ city council and ~~he~~ the city council shall designate the first chairman. Notwithstanding G.S. 157-7, 14-234, or any other provision of law, no person shall be barred from serving as a commissioner of any housing authority created under this Chapter because ~~such~~ the person is a tenant of the authority or a recipient of housing assistance through any program operated by the ~~authority; provided, that no such authority.~~ No commissioner shall be qualified to vote on matters affecting ~~his~~ the commissioner's official conduct or matters affecting ~~his~~ the commissioner's own individual tenancy, as distinguished from matters affecting tenants in ~~general; and further provided, that no~~ general. No more than one third of the members of any housing authority commission shall be tenants of the authority or recipients of housing assistance through any program operated by the authority. Avery, Beaufort, Bertie, Burke, Caldwell, Camden, Cherokee, Chowan, Clay, Cleveland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Graham, Halifax, Haywood, Henderson, Hertford, Hoke, Hyde, Jackson, Jones, Lenoir,

1 Macon, Martin, Nash, Northampton, Onslow, Pasquotank, Perquimans, Pitt, Polk,  
2 Robeson, Rowan, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Watauga,  
3 Wilkes, Wilson and Yadkin Counties are exempted from any provision of law allowing a  
4 person who is a tenant of the authority to serve as a commissioner of a housing authority.  
5 The council may at any time by resolution or ordinance increase or decrease the  
6 membership of an authority, within the limitations herein prescribed.

7 The ~~mayor-city council~~ shall designate overlapping terms of not less than one nor  
8 more than five years for the commissioners first appointed. Thereafter, the term of office  
9 shall be five years. A commissioner shall hold office until ~~his~~ the commissioner's  
10 successor has been appointed and has qualified. Vacancies shall be filled for the  
11 unexpired term. A majority of the commissioners shall constitute a quorum. The ~~mayor~~  
12 city manager shall file with the city clerk a certificate of the appointment or  
13 reappointment of any commissioner and ~~such~~ the certificate shall be conclusive evidence  
14 of the due and proper appointment of ~~such~~ the commissioner. A commissioner shall  
15 receive no compensation for ~~his~~ the commissioner's services but ~~he~~ shall be entitled to the  
16 necessary expenses including traveling expenses incurred in the discharge of ~~his~~ the  
17 commissioner's duties.

18 When the office of the first chairman of the authority becomes vacant, the authority  
19 shall select a chairman from among its members. An authority shall select from among its  
20 members a vice-chairman, and it may employ a secretary (who shall be executive  
21 director), technical experts and such other officers, agents and employees, permanent and  
22 temporary, as it may require, and shall determine their qualifications, duties and  
23 compensation. An authority may call upon the corporation counsel or chief law officer of  
24 the city for such legal services as it may require or it may employ its own counsel and  
25 legal staff. An authority may delegate to one or more of its agents or employees such  
26 powers or duties as it may deem proper."

27 Section 2. G.S. 157-8 reads as rewritten:

28 **"§ 157-8. Removal of commissioners.**

29 The ~~mayor-city council~~ may remove a commissioner for inefficiency or neglect of  
30 duty or misconduct in office, but only after the commissioner ~~shall have~~ has been given a  
31 copy of the charges against ~~him~~ the commissioner (which may be made by the ~~mayor-city~~  
32 council) at least 10 days prior to the hearing thereon and had an opportunity to be heard  
33 in person or by counsel.

34 Any obligee of the authority may file with the ~~mayor-city council~~ written charges that  
35 the authority is violating willfully any law of the State or any term, provision or covenant  
36 in any contract to which the authority is a party. The ~~mayor-city council~~ shall give each of  
37 the commissioners a copy of ~~such~~ the charges at least 10 days prior to the hearing thereon  
38 and an opportunity to be heard in person or by counsel and shall within 15 days after  
39 receipt of ~~such~~ the charges remove any commissioners of the authority who shall have  
40 been found to have acquiesced in any such willful violation.

41 A commissioner shall be deemed to have acquiesced in a willful violation by the  
42 authority of a law of this State or of any term, provision or covenant contained in a  
43 contract to which the authority is a party, if, before a hearing is held on the ~~charges against~~

1 ~~him, he~~ charges, the commissioner shall not have filed a written statement with the  
2 authority of ~~his~~ the commissioner's objections to, or lack of participation in, ~~such~~ the  
3 violation.

4 In the event of the removal of any commissioner, the ~~mayor~~ city manager shall file in  
5 the office of the city clerk a record of the proceedings together with the charges made  
6 against the commissioners and the findings thereon."

7 Section 3. This act is effective when it becomes law. Section 1 of this act does  
8 not affect the term or qualifications of any current commissioner.