

ASSEMBLY, No. 1670

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman GARY R. CHIUSANO

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Requires that the members of a housing authority must reside in the municipality in which the housing authority was created.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning members of housing authorities and amending
2 P.L.1992, c.79.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 17 of P.L.1992, c.79 (C.40A:12A-17) is amended to
8 read as follows:

9 17. a. Except as provided in subsection b. of this section, the
10 governing body of any county or municipality may, by ordinance,
11 or by resolution in the case of a county whose charter does not
12 provide for the adoption of ordinances, create a body corporate and
13 politic to be known as the "Housing Authority of . . . ," inserting the
14 name of the county or municipality. The authority shall constitute
15 an agency and instrumentality of the municipality or county
16 creating it. A housing authority shall be created pursuant to the
17 procedures of the "Local Authorities Fiscal Control Law,"
18 P.L.1983, c.313 (C.40A:5A-1 et seq.). The authority shall consist
19 of seven members. In a county that operates under the "county
20 executive plan" set forth in the "Optional County Charter Law,"
21 P.L.1972, c.154 (C.40:41A-1 et seq.), six members shall be
22 appointed by the county executive with the advice and consent of
23 the board of chosen freeholders, and one member shall be appointed
24 by the Commissioner of Community Affairs. In all other counties
25 and municipalities, five members shall be appointed by the
26 governing body of the county or municipality, as the case may be,
27 one by the mayor or other chief executive officer of the
28 municipality, or in the case of a county by the director of the board
29 of chosen freeholders or by the chief executive officer of the county
30 if the county's charter provides for such an officer, and one by the
31 Commissioner of Community Affairs. After the effective date of
32 P.L. , c. (pending before the Legislature as this bill), no
33 person shall be appointed as a member of a housing authority unless
34 that person is resident of the county, in the case of a county housing
35 authority, or municipality, in the case of a municipal housing
36 authority, that created the housing authority. The members shall
37 serve for terms of five years and until their respective successors
38 have been appointed and qualified; except that of the five members
39 first appointed by the governing body one shall be appointed for a
40 term of one year, one for a term of two years, one for a term of
41 three years, one for a term of four years and one for a term of five
42 years. All appointments shall be subject to and made in the manner
43 required by the law under which the county or municipality is
44 governed. Vacancies shall be filled in the same manner as the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 original appointments were made, but for the unexpired term. If a
2 vacancy is not filled by the county executive, governing body or
3 chief executive officer within 90 days of the occurrence of the
4 vacancy, the Commissioner of the Department of Community
5 Affairs shall notify the county executive, governing body or chief
6 executive officer of his intent to fill the vacancy if it is not filled in
7 30 days. If the vacancy is not filled within that 30 day period, the
8 commissioner may appoint a member for the unexpired term.

9 In any county or municipality which has heretofore created a
10 housing authority pursuant to R.S.55:14A-4, the members of the
11 authority who were appointed by the governing body and the chief
12 executive officer of the county or municipality and who are in
13 office upon the effective date of this act shall continue in office
14 until the expiration of the terms for which they are appointed and
15 qualified in accordance with the terms of this act.

16 b. No municipality which has been included with its consent
17 within the area of operation of a county housing authority shall
18 thereafter create a municipal housing authority. Where there is no
19 housing authority in existence in any municipality of a county, the
20 governing body of that county may create a housing authority, and
21 thereafter no municipality within that county shall create an
22 authority without the consent of the county governing body and the
23 county housing authority.

24 c. A county may provide such publicly assisted housing
25 programs as it chooses anywhere within the county; but it may
26 provide such programs in municipalities which are within the area
27 of operation of a county or municipal housing authority only after
28 adoption of a resolution of the housing authority consenting thereto.

29 d. No more than one member of a housing authority may be an
30 officer or employee of the municipality or county by which the
31 authority is created. A certificate of the appointment or
32 reappointment of any member shall be filed with the clerk of the
33 municipality or the county, as the case may be, and that certificate
34 shall be conclusive evidence of the due and proper appointment of
35 that member. A member of an authority shall receive no
36 compensation for his services, but shall be entitled to
37 reimbursement for actual expenses necessarily incurred in the
38 discharge of the duties of membership, including travel expenses.
39 The powers of the authority shall be vested in the members thereof
40 in office from time to time. Four members shall constitute a quorum
41 of the authority for the purpose of conducting its business and
42 exercising its powers and all other purposes. Action may be taken
43 by the authority upon the affirmative vote of the majority, but not
44 less than four of the members present, unless in any case the bylaws
45 of the authority shall require a larger number. The authority shall
46 select a chairman and a vice-chairman from among its members,
47 and shall employ an executive director, who shall be its secretary.

1 e. No member or employee of an authority shall acquire any
2 interest, direct or indirect, in any housing project or in any property
3 included or planned to be included in such a project, nor shall he
4 have any interest, direct or indirect, in any contract or proposed
5 contract for materials and services to be furnished or used in
6 connection with any housing project. If any member or employee
7 of an authority owns or controls an interest, direct or indirect, in
8 any property included or planned to be included in a housing project
9 he shall immediately disclose the same in writing to the authority
10 and the disclosure shall be entered upon the minutes of the
11 authority. Failure to disclose such an interest shall constitute
12 misconduct in office. A member or employee required by this
13 subsection to make such a disclosure shall not participate in any
14 action by the authority affecting the property with respect to which
15 such disclosure is required. For inefficiency or neglect of duty or
16 misconduct in office a member of an authority may be removed by
17 the governing body or officer by which he was appointed; but a
18 member may be removed only after he has been given a copy of the
19 charges at least 10 days prior to a hearing thereon and has had the
20 opportunity to be heard in person or by counsel. In the event of a
21 removal of any member of an authority a record of the proceedings,
22 together with the charges and findings thereon, shall be filed in the
23 office of the clerk of the county or municipality.
24 (cf: P.L.1993, c.344, s.1)

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26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill requires that no person shall be appointed as a member
32 of a housing authority unless that person is resident of the county,
33 in the case of a county housing authority, or municipality, in the
34 case of a municipal housing authority, that created the housing
35 authority.