

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 454

Short Title: Visitors/Guests Housing Auth.

(Public)

Sponsors: Representatives McMahan; Alexander, Arnold, Barbee, Black, Brawley, Cansler, Capps, Clary, Cocklereece, Culp, Davis, Dickson, Eddins, Edwards, Ives, Kiser, Lemmond, McComas, K. Miller, Nichols, Pulley, Rayfield, Redwine, Reynolds, Robinson, Russell, Sexton, Sharpe, Sherrill, Snowden, Thompson, and G. Wilson.

Referred to: Judiciary I.

March 9, 1995

A BILL TO BE ENTITLED

AN ACT TO APPLY HOUSING AUTHORITY RULES TO VISITORS AND GUESTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 157-9 reads as rewritten:

"§ 157-9. Powers of authority.

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

To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where unsafe, or insanitary dwelling or housing conditions exist; to study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing, replanning and reconstruction of areas in which unsafe or insanitary dwelling or housing conditions exist, and the providing of dwelling accommodations for persons of low income, and to cooperate with any city municipal or regional planning agency; to prepare, carry out and operate housing projects; to approve, assist, and cooperate with, as

1 its instrumentality, a nonprofit corporation in providing financing by the issuance by such
2 nonprofit corporation's obligations (which obligations shall not be or be deemed to be
3 indebtedness of a housing authority) for one or more housing projects, pursuant to the
4 United States Housing Act of 1937, as amended, and applicable regulations thereunder,
5 specifically including, but not limited to, programs to make construction and other loans
6 to developers or owners of residential housing, and to acquire, operate or manage such a
7 housing project, and to administer federal housing assistance subsidy payments for such
8 projects; to provide for the construction, reconstruction, improvement, alteration or repair
9 of any housing project or any part thereof; to take over by purchase, lease or otherwise
10 any housing project located within its boundaries undertaken by any government, or by
11 any city or municipality located in whole or in part within its boundaries; to manage as
12 agent of any city or municipality located in whole or in part within its boundaries any
13 housing project constructed or owned by such city; to act as agent for the federal
14 government in connection with the acquisition, construction, operation and/or
15 management of a housing project or any part thereof; to arrange with any city or
16 municipality located in whole or in part within its boundaries or with a government for
17 the furnishing, planning, replanning, installing, opening or closing of streets, roads,
18 roadways, alleys, sidewalks or other places or facilities or for the acquisition by such city,
19 municipality, or government of property, options or property rights or for the furnishing
20 of property or services in connection with a project; to arrange with the State, its
21 subdivisions and agencies, and any county, city or municipality of the State, to the extent
22 that it is within the scope of each of their respective functions, (i) to cause the services
23 customarily provided by each of them to be rendered for the benefit of such housing
24 authority and/or the occupants of any housing projects and (ii) to provide and maintain
25 parks and sewage, water and other facilities adjacent to or in connection with housing
26 projects and (iii) to change the city or municipality map, to plan, replan, zone or rezone
27 any part of the city or municipality; to lease or rent any of the dwelling or other
28 accommodations or any of the lands, buildings, structures or facilities embraced in any
29 housing project and to establish and revise the rents or charges therefor; to enter upon any
30 building or property in order to conduct investigations or to make surveys or soundings;
31 to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or
32 otherwise any property real or personal or any interest therein from any person, firm,
33 corporation, city, municipality, or government; to acquire by eminent domain any real
34 property, including improvements and fixtures thereon; to sell, exchange, transfer, assign,
35 or pledge any property real or personal or any interest therein to any person, firm,
36 corporation, municipality, city, or government; to own, hold, clear and improve property;
37 to insure or provide for the insurance of the property or operations of the authority
38 against such risks as the authority may deem advisable; to procure insurance or
39 guarantees from a federal government of the payment of any debts or parts thereof
40 secured by mortgages made or held by the authority on any property included in any
41 housing project; to borrow money upon its bonds, notes, debentures or other evidences of
42 indebtedness and to secure the same by pledges of its revenues, and by mortgages upon
43 property held or to be held by it, or in any other manner; in connection with any loan, to

1 agree to limitations upon its right to dispose of any housing project or part thereof or to
2 undertake additional housing projects; in connection with any loan by a government, to
3 agree to limitations upon the exercise of any powers conferred upon the authority by this
4 Article; to invest any funds held in reserves or sinking funds, or any funds not required
5 for immediate disbursement, in property or securities in which savings banks may legally
6 invest funds subject to their control; to sue and be sued; to have a seal and to alter the
7 same at pleasure; to have perpetual succession; to make and execute contracts and other
8 instruments necessary or convenient to the exercise of the powers of the authority; to
9 make and from time to time amend and repeal bylaws, rules and regulations not
10 inconsistent with this Article, to carry into effect the powers and purposes of the
11 authority; to conduct examinations and investigations and to hear testimony and take
12 proof under oath at public or private hearings on any matter material for its information;
13 to issue subpoenas requiring the attendance of witnesses or the production of books and
14 papers and to issue commissions for the examination of witnesses who are out of the
15 State or unable to attend before the authority, or excused from attendance; and to make
16 available to such agencies, boards or commissions as are charged with the duty of abating
17 or requiring the correction of nuisances or like conditions, or of demolishing unsafe or
18 insanitary structures within its territorial limits, its findings and recommendations with
19 regard to any building or property where conditions exist which are dangerous to the
20 public health, morals, safety or welfare. Any of the investigations or examinations
21 provided for in this Article may be conducted by the authority or by a committee
22 appointed by it, consisting of one or more commissioners, or by counsel, or by an officer
23 or employee specially authorized by the authority to conduct it. Any commissioner,
24 counsel for the authority, or any person designated by it to conduct an investigation or
25 examination shall have power to administer oaths, take affidavits and issue subpoenas or
26 commissions. An authority may exercise any or all of the powers herein conferred upon
27 it, either generally or with respect to any specific housing project or projects, through or
28 by an agent or agents which it may designate, including any corporation or corporations
29 which are or shall be formed under the laws of this State, and for such purposes an
30 authority may cause one or more corporations to be formed under the laws of this State or
31 may acquire the capital stock of any corporation or corporations. Any corporate agent, (i)
32 all of the stock of which shall be owned by the authority or its nominee or nominees or
33 (ii) the board of directors of which shall be elected or appointed by the authority or is
34 composed of the commissioners of the authority or (iii) which is otherwise subject to the
35 control of the authority or the governmental entity which created the authority, may to the
36 extent permitted by law exercise any of the powers conferred upon the authority herein.
37 In addition to all of the other powers herein conferred upon it, an authority may do all
38 things necessary and convenient to carry out the powers expressly given in this Article.
39 No provisions with respect to the acquisition, operation or disposition of property by
40 other public bodies shall be applicable to an authority unless the legislature shall
41 specifically so state.

42 (b) Notwithstanding anything to the contrary contained in this Article or in any
43 other provision of law an authority may include in any contract let in connection with a

1 project, stipulations requiring that the contractor and any subcontractors comply with
2 requirements as to minimum wages and maximum hours of labor, and comply with any
3 conditions which the federal government may have attached to its financial aid of the
4 project.

5 (c) To the extent not inconsistent with the constitution or statutes of this State or
6 the United States, an authority may adopt, promulgate, and enforce rules and regulations
7 governing the lawful entry of guests and visitors to its properties, including the visitors
8 and guests of its tenants. Persons who enter or remain on the property of an authority in
9 violation of such rules and regulations, shall be subject to prosecution under the trespass
10 laws of this State. Prior to adopting such rules and regulations, the Authority shall make
11 reasonable efforts to consult with or obtain comments from its tenants or their
12 representatives."

13 Sec. 2. This act becomes effective July 1, 1995, but housing authorities may
14 adopt and promulgate rules under it anytime after ratification.