

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 717

Short Title: Asheville/Selection of Housing Comm.

(Local)

Sponsors: Representatives Linney; Cansler, Ives, and Sherrill.

Referred to: Local and Regional Government I.

March 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE ASHEVILLE CITY COUNCIL AND MAYOR
2 SHALL SELECT AND REMOVE HOUSING AUTHORITY COMMISSIONERS,
3 AND TO PROVIDE THAT THE ASHEVILLE CITY COUNCIL MAY NOT
4 DESIGNATE A HOUSING AUTHORITY OR ITSELF TO ACT AS A
5 REDEVELOPMENT COMMISSION IN LIEU OF CREATING A
6 REDEVELOPMENT COMMISSION.
7

8 The General Assembly of North Carolina enacts:

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

10 **"§ 157-5. Appointment, qualifications and tenure of commissioners.**

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

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

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

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

26 Sec. 2. G.S. 157-8 reads as rewritten:

27 **"§ 157-8. Removal of commissioners.**

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

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

40 A commissioner shall be deemed to have acquiesced in a willful violation by the
41 authority of a law of this State or of any term, provision or covenant contained in a
42 contract to which the authority is a party, if, before a hearing is held on the charges
43 against him, he shall not have filed a written statement with the authority of his
44 objections to, or lack of participation in, such violation.

1 In the event of the removal of any commissioner, the mayor and the city council
2 shall file in the office of the city clerk a record of the proceedings together with the
3 charges made against the commissioners and the findings thereon."

4 Sec. 3. G.S. 160A-505 is repealed.

5 Sec. 4. This act applies only to the City of Asheville.

6 Sec. 5. In creating a redevelopment commission to perform duties currently
7 performed by the housing authority pursuant to G.S. 160A-505, the City of Asheville
8 shall provide for an orderly transition and the transfer of any property prior to the
9 effective date of Section 3 of this act.

10 Sec. 6. Sections 1 and 2 of this act are effective upon ratification and apply to
11 appointments and removals occurring on or after that date. Section 3 becomes effective
12 October 1, 1995. The remainder of this act is effective upon ratification.