

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1292 Session of
1997

INTRODUCED BY KIRKLAND, CARN, ITKIN, BELARDI, CLYMER, THOMAS,
TRELLO, PISTELLA, KENNEY, BEBKO-JONES AND MELIO,
APRIL 10, 1997

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 10, 1997

AN ACT

1 Amending the act of May 28, 1937 (P.L.955, No.265), entitled, as
2 amended, "An act to promote public health, safety, morals,
3 and welfare by declaring the necessity of creating public
4 bodies, corporate and politic, to be known as housing
5 authorities to engage in slum clearance, and to undertake
6 projects, to provide dwelling accommodations for persons of
7 low income; providing for the organization of such housing
8 authorities; defining their powers and duties; providing for
9 the exercise of such powers, including the acquisition of
10 property by purchase, gift or eminent domain, the renting and
11 selling of property, and including borrowing money, issuing
12 bonds, and other obligations, and giving security therefor;
13 prescribing the remedies of obligees of housing authorities;
14 authorizing housing authorities to enter into agreements,
15 including agreements with the United States, the
16 Commonwealth, and political subdivisions and municipalities
17 thereof; defining the application of zoning, sanitary, and
18 building laws and regulations to projects built or maintained
19 by such housing authorities; exempting the property and
20 securities of such housing authorities from taxation; and
21 imposing duties and conferring powers upon the State Planning
22 Board, and certain other State officers and departments,"
23 providing for employment of security personnel and police.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 10 of the act of May 28, 1937 (P.L.955,
27 No.265), known as the Housing Authorities Law, amended July 18,
28 1969 (P.L.168, No.69), October 4, 1978 (P.L.1008, No.215) and

1 October 5, 1980 (P.L.690, No.140), is amended to read:

2 Section 10. Powers of an Authority.--An Authority shall
3 constitute a public body, corporate and politic, exercising
4 public powers of the Commonwealth as an agency thereof, which
5 powers shall include all powers necessary or appropriate to
6 carry out and effectuate the purpose and provisions of this act,
7 including the following powers, in addition to others herein
8 granted:

9 (a) To investigate into living, dwelling, and housing
10 conditions, and into the means and methods of improving such
11 conditions.

12 (b) To determine where unsafe or unsanitary dwelling or
13 housing conditions exist, or where there is a shortage of safe
14 and sanitary dwelling accommodations for persons of low income.

15 (c) To study and make recommendations concerning the plan of
16 any city or municipality located within the field of operation
17 of the Authority in relation to the problem of clearing,
18 replanning, and reconstructing areas in which unsafe or
19 unsanitary dwelling or housing conditions exist, and the problem
20 of providing dwelling accommodations for persons of low income.

21 (d) To cooperate with any city, county, regional, Federal or
22 other agency.

23 (e) To prepare, carry out, acquire, lease, and operate
24 housing projects, to provide for the construction,
25 reconstruction, improvement, alteration or repair of any housing
26 project, or any part thereof.

27 (f) To take over by purchase, lease, or otherwise, any
28 housing project located within its field of operation undertaken
29 by any government.

30 (g) To cooperate with and act as agent of the Federal

1 Government for the public purposes set out in this act in
2 connection with the acquisition, construction, operation or
3 management of any housing project, or part thereof.

4 (h) To arrange with any city or other municipality located,
5 in whole or in part, within the Authority's field of operation,
6 or with the Federal or State Government for the furnishing,
7 planning, replanning, installing, opening or closing of streets,
8 roads, roadways, alleys, sidewalks or other places or
9 facilities, or for the acquisition by such city, municipality or
10 the Federal or State Government of property options or property
11 rights, or for the furnishing of property or services in
12 connection with a project.

13 (i) To clear areas of unsafe or unsanitary housing, and to
14 provide for the use of cleared sites for community facilities
15 and for any other public purpose authorized by this act.

16 (j) To arrange with the Commonwealth, its subdivisions and
17 agencies, and any county, city or other municipality of the
18 State, to the extent that it is within the scope of each of
19 their respective functions--(1) to cause the services
20 customarily provided by each of them to be rendered for the
21 benefit of such housing authority, or the occupants of any
22 housing projects of the Authority; and (2) to provide and
23 maintain parks, recreational centers, schools, sewerage,
24 transportation, water, and other municipal facilities adjacent
25 to, or in connection with, housing projects; and (3) to plan,
26 replan, zone or rezone any part of the municipality in
27 connection with any housing project of the Authority.

28 (k) To lease or rent any of the dwellings or other
29 accommodations or any of the lands, buildings, structures or
30 facilities embraced in any housing project, and (subject to the

1 limitations contained in this act) to establish and revise the
2 rents or charges therefor.

3 (l) To enter upon any building or property in order to make
4 surveys or soundings.

5 (m) To purchase, lease, obtain options upon, acquire by
6 gift, grant, bequest, devise, or otherwise, any real or personal
7 property, or any interest therein, from any person, firm,
8 corporation, municipality or government.

9 (n) To acquire by eminent domain any real property,
10 including improvements and fixtures, for the public purposes set
11 forth in this act, in the manner hereinafter provided.

12 (o) To sell, exchange, transfer or assign any real or
13 personal property, or interest therein, to any person, firm,
14 corporation, public or private, when the Authority determines
15 that such property is not needed for the purposes of this act.

16 (p) To own, hold clear, and improve real property.

17 (q) To insure or provide for the insurance of any property
18 or operations of the Authority against any risks or hazards.

19 (r) To procure or agree to the procural of insurance or
20 guarantees from the Federal Government of the payment of any
21 debts, or parts thereof, incurred by said Authority, and to pay
22 premiums in connection therewith.

23 (s) To invest any funds held in reserves or sinking funds,
24 or any funds not required for immediate disbursement in such
25 investments as may be lawful for executors, administrators,
26 guardians, trustees, and other fiduciaries under any law of this
27 Commonwealth.

28 (t) To sue and be sued.

29 (u) To adopt a seal and to alter the same at pleasure.

30 (v) To have perpetual succession.

1 (w) To make and execute contracts and other instruments
2 necessary or convenient to the exercise of the powers of the
3 Authority.

4 (x) To make and from time to time to amend and repeal
5 resolutions, rules, and regulations, not inconsistent with this
6 act, in order better to carry into effect the powers of the
7 Authority.

8 (y) To conduct examinations and investigations and to hear
9 testimony and take proof, under oath or affirmation, at public
10 or private hearings, on any matter material for its information.

11 (z) To issue subpoenas requiring the attendance of witnesses
12 and the production of books and papers pertinent to any hearing
13 before such Authority, or before one or more members of the
14 Authority appointed by it to conduct such hearing.

15 (aa) To apply to any court, having territorial jurisdiction
16 of the offense, to have punished for contempt any witness who
17 refuses to obey a subpoena, or who refuses to be sworn or
18 affirmed or to testify, or who is guilty of any contempt after
19 summons to appear.

20 (bb) To authorize any member or members of such Authority to
21 conduct hearings and to administer oaths, take affidavits, and
22 issue subpoenas.

23 (cc) To make available to such agencies, boards or
24 commissions as are charged with the duty of abating or requiring
25 the correction of nuisances or like conditions or of demolishing
26 unsafe or unsanitary structures within the field of operation of
27 such Authority, its findings and recommendations with regard to
28 any building or property where there exist conditions dangerous
29 to the public health, morals, safety or welfare.

30 (dd) To sell any dwelling unit to any member of a tenant

1 family if the dwelling to be sold is sufficiently separable from
2 other property retained by the public housing authority to make
3 it suitable for sale.

4 [(ee) In a city of the second class, to appoint police
5 officers who shall have the same rights, powers and duties as
6 other peace officers in the Commonwealth with respect to the
7 property and enforcing order on and adjacent to the grounds and
8 buildings of the Authority: Provided, That said police officers
9 complete the same course of instruction as is required for
10 municipal police officers by the act of June 18, 1974 (P.L.359,
11 No.120), referred to as the Municipal Police Education and
12 Training Law.

13 (ff) In the city of the first class, to appoint security
14 officers who shall have the same rights, powers and duties as
15 police officers in the Commonwealth in and upon the grounds and
16 buildings of the Authority and in instances of hot pursuit
17 within the boundaries of the city of the first class and who
18 shall be authorized to arrest persons for the commission of any
19 offense and the keepers of the jails and other places of
20 detention in the city of the first class shall receive all
21 persons arrested by such security officers for purposes of
22 detention until they are dealt with according to law: Provided,
23 however, That such security officers successfully complete the
24 course of instruction provided under the act of June 18, 1974
25 (P.L.359, No.120), referred to as the Municipal Police Education
26 and Training Law. The Authority shall, to the maximum extent
27 practicable, give preference in hiring security officers first
28 to any person living in public housing and receiving any form of
29 State or Federal public assistance, and second, to any other
30 person living in public housing.]

1 Section 2. The act is amended by adding a section to read:

2 Section 10.1. Employment of Security Personnel and Police.--(a)

3 (1) Housing authorities may contract for security guard
4 personnel services to perform services not usually performed by
5 municipal law enforcement agencies on a routine basis, such as
6 patrolling inside buildings, providing guard services at
7 building entrances to check for resident identifications or
8 patrolling and checking car parking lots for appropriate parking
9 decals.

10 (2) As part of a security personnel contract, the Authority,
11 the provider (contractor) of the security personnel and the
12 local municipal law enforcement agency shall enter into and
13 execute a written agreement that describes the specific
14 activities to be performed by the security personnel, their
15 scope of authority and how they will coordinate their activities
16 with the local municipal law enforcement agency, and the types
17 of activities that such security personnel are expressly
18 prohibited from undertaking.

19 (3) Contract security personnel shall meet all relevant
20 requirements of the act of August 21, 1953 (P.L.1273, No.361),
21 known as "The Private Detective Act of 1953," and if applicable
22 all relevant requirements of the act of October 10, 1974
23 (P.L.705, No.235), known as the "Lethal Weapons Training Act."

24 (b) (1) Housing authorities may appoint police officers,
25 who shall be referred to as housing authority police and who
26 shall have the same rights, powers and duties as municipal
27 police officers in this Commonwealth as set forth in 42 Pa.C.S.
28 Ch. 89 Subch. D (relating to municipal police jurisdiction) in
29 and upon the grounds and buildings of the Authority, in the
30 immediate and adjacent vicinity of these buildings and grounds,

1 and, in instances of hot pursuit, within the boundaries of the
2 city or county for which a particular housing Authority was
3 created. Housing authority police officers shall be authorized
4 to arrest persons for the commission of any offense, and the
5 keepers of the jails and other places of detention shall receive
6 all persons arrested by such police officers for purposes of
7 detention until they are dealt with according to law.

8 Additionally, while in transit from one Authority housing
9 community to another and while engaged in the discharge of their
10 duties as housing authority police officers, such police
11 officers shall have the right to detain, without warrant,
12 persons who commit any crime in their view, pending the arrival
13 of a municipal police officer with jurisdiction for the
14 municipality.

15 (2) Housing authority police officers shall complete the
16 same course of instruction as is required for municipal police
17 officers by 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
18 police education and training).

19 (3) Under no circumstances shall the act of June 24, 1968
20 (P.L.237, No.111), referred to as the Policemen and Firemen
21 Collective Bargaining Act, be construed to apply to housing
22 authority police officers for the purposes of bargaining and
23 binding arbitration.

24 (4) An Authority shall, to the maximum extent practicable,
25 give preference in hiring housing authority police officers
26 first to any qualified person living in public housing and
27 receiving any form of Federal or State public assistance, and
28 second to any other qualified person living in public housing.

29 (5) Housing authorities may contract with the Pennsylvania
30 State Police or a municipal police force for police protection

1 and services.

2 Section 3. This act shall take effect in 60 days.