

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1844 Session of  
2011

INTRODUCED BY TOBASH, DENLINGER, GEIST, ROSS AND TOOHIL,  
SEPTEMBER 14, 2011

REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 14, 2011

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 further providing for appointment of members of an authority,  
24 for qualifications, tenure and compensation of members of  
25 authority, for organization of authority and for powers of  
26 authority.

27 The General Assembly of the Commonwealth of Pennsylvania  
28 hereby enacts as follows:

29 Section 1. Sections 5(b) and 6 of the act of May 28, 1937  
30 (P.L.955, No.265), known as the Housing Authorities Law, amended

1 March 21, 1968 (P.L.69, No.25) and July 15, 1968 (P.L.337,  
2 No.163), is amended to read:

3 Section 5. Appointment of Members of an Authority.--\* \* \*

4 (b) The governing body of any city upon issuing a  
5 certificate declaring the need for an Authority to operate in  
6 such city or upon receiving notice of the issuance of such  
7 certificate by the Governor, shall promptly notify the mayor of  
8 such certification. Upon receiving such notice, the mayor, with  
9 the approval of the majority of the members of council, shall  
10 appoint five citizens, residents of the city, to be members of  
11 the housing authority of such city--(1) that in cities of the  
12 first class, the mayor shall appoint [two members, the city  
13 controller shall appoint two members, and the four members, thus  
14 appointed, shall select a fifth member of such Authority] nine  
15 persons to be members of the housing authority of such city; (2)  
16 that in cities of the second class, the mayor shall appoint two  
17 additional members for a total of seven members of the housing  
18 authority; (3) that in cities of the third class, the mayor,  
19 with the approval of the majority of the members of council,  
20 shall appoint five persons to be members of the housing  
21 authority of such city, such members shall be citizens residing  
22 within the city for which the Authority is created.

23 Section 6. Qualifications, Tenure and Compensation of  
24 Members of an Authority.--No more than two persons holding any  
25 other paid public office shall be members of the same housing  
26 authority at the same time. The members who are first appointed  
27 shall serve for terms of one, two, three, four, and five years,  
28 respectively, from the date of their appointment, as shall be  
29 specified at the time of their appointment, except that members  
30 of the housing authority of a city of the first class shall

1 serve for terms concurrent with the term of the appointing  
2 mayor. Thereafter the term of office shall be five years, except  
3 as otherwise provided with respect to members of the housing  
4 authority of a city of the first class. The two additional  
5 members to be appointed in cities of the second class shall  
6 serve for terms of five years. A member shall hold office until  
7 his successor has been appointed. Vacancies for unexpired terms  
8 shall be promptly filled by the appointing power. A member may  
9 be removed for cause by the court of quarter sessions of the  
10 county in which the Authority is located after having been  
11 provided with a copy of the charges against him for at least ten  
12 days and full hearing by the court; except that members of the  
13 housing authority of a city of the first class shall serve at  
14 the pleasure of the mayor of such city. A member shall receive  
15 no compensation for his services, but he shall be entitled to  
16 the necessary expenses, including travelling expenses incurred  
17 in the discharge of his duties.

18 Section 2. Section 7 of the act is amended to read:

19 Section 7. Organization of an Authority.--The members of an  
20 Authority shall select from among themselves a chairman and a  
21 vice-chairman. The Authority may employ a secretary, such  
22 technical experts, and such other officers, agents, and  
23 employes, permanent or temporary, as it may require, and may  
24 determine the qualifications of such persons. Three members of  
25 an Authority shall constitute a quorum for its meetings. A  
26 majority of the members of the Authority in a city of the first  
27 class shall constitute a quorum of meetings of such Authority.

28 Any Authority may employ its own counsel and legal staff.  
29 Members of an Authority shall not be liable personally on the  
30 bonds or other obligations of the Authority, and the rights of

1 creditors shall be solely against such Authority. An Authority  
2 may delegate to one or more of its agents or employees such of  
3 its powers as it shall deem necessary to carry out the purposes  
4 of this act, subject always to the supervision and control of  
5 the Authority.

6 Section 3. Section 10(gg) of the act, added November 9, 2006  
7 (P.L.1355, No.145), is amended to read:

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

15 \* \* \*

16 (gg) [To] Except for a housing authority that has a contract  
17 with the State Civil Service Commission to provide for a merit  
18 service system of employment to make, execute and enter into  
19 employment agreements, which are necessary or convenient to the  
20 exercise of the powers of the Authority, with any individual who  
21 is or will be hired to work in any position that is not  
22 represented by a bargaining representative under the act of July  
23 23, 1970 (P.L.563, No.195), known as the "Public Employee  
24 Relations Act," or part of a bargaining unit that has been  
25 created by an order of the Pennsylvania Labor Relations Board  
26 pursuant to the "Public Employee Relations Act." Such employment  
27 agreements must be in writing and must be approved by the  
28 Authority and may not be renewed except by the affirmative  
29 approval of the Authority. No such employment agreement nor any  
30 term thereof shall be enforceable or amended or renewed unless

1 such agreement or amendment is in writing and approved by the  
2 Authority as stated above. Any employment agreement created or  
3 approved pursuant to this subsection may-- (1) identify the  
4 specific terms and conditions of the individual's employment;  
5 (2) confer a specific term of tenure in employment which may be  
6 for a specific period of time not to exceed five years; (3)  
7 otherwise limit or state the power of the Authority to summarily  
8 dismiss such employe and the circumstances under which such  
9 dismissal shall be exercised; or (4) any combination of  
10 subclauses (1) through (3) above; however, any employment  
11 agreement created or approved pursuant to this clause which  
12 confers a specific term or tenure of employment under subclause  
13 (2) above must also enumerate the circumstances under which the  
14 Authority may terminate the employment agreement for cause,  
15 including the lack of funding, prior to the expiration of the  
16 expressed term or agreement. If such agreement does not contain  
17 the items stated in subclause (2) or (3), the employe may be  
18 summarily dismissed by the Authority, and the agreement  
19 terminated at any time. Under no circumstances shall the mayor  
20 or any individual employe, official agent, attorney or member of  
21 the Authority be personally liable for any provision contained  
22 in any such employment agreement. Any employment agreement into  
23 which the Authority enters pursuant to this clause shall not be  
24 subject to the provisions of section 11 or to the contract  
25 procurement provisions, rules or regulations to which the  
26 Authority is otherwise subjected.

27 Section 4. This act shall take effect immediately.