

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1844 Session of
2011INTRODUCED BY TOBASH, DENLINGER, GEIST, ROSS, TOOHL AND
JOSEPHS, SEPTEMBER 14, 2011AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 13, 2012

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~~ ←

~~(P.L.955, No.265), known as the Housing Authorities Law, amended March 21, 1968 (P.L.69, No.25) and July 15, 1968 (P.L.337, No.163), is amended to read:~~

~~Section 5. Appointment of Members of an Authority. * * *~~

~~(b) The governing body of any city upon issuing a certificate declaring the need for an Authority to operate in such city or upon receiving notice of the issuance of such certificate by the Governor, shall promptly notify the mayor of such certification. Upon receiving such notice, the mayor, with the approval of the majority of the members of council, shall appoint five citizens, residents of the city, to be members of the housing authority of such city (1) that in cities of the first class, the mayor shall appoint [two members, the city controller shall appoint two members, and the four members, thus appointed, shall select a fifth member of such Authority] nine persons to be members of the housing authority of such city; (2) that in cities of the second class, the mayor shall appoint two additional members for a total of seven members of the housing authority; (3) that in cities of the third class, the mayor, with the approval of the majority of the members of council, shall appoint five persons to be members of the housing authority of such city, such members shall be citizens residing within the city for which the Authority is created.~~

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

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

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

~~Section 7. Organization of an Authority. The members of an
Authority shall select from among themselves a chairman and a
vice chairman. The Authority may employ a secretary, such
technical experts, and such other officers, agents, and
employees, permanent or temporary, as it may require, and may
determine the qualifications of such persons. Three members of
an Authority shall constitute a quorum for its meetings. A
majority of the members of the Authority in a city of the first
class shall constitute a quorum of meetings of such Authority.
Any Authority may employ its own counsel and legal staff.
Members of an Authority shall not be liable personally on the~~

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

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

9 SECTION 1. SECTION 10(GG) OF THE ACT OF MAY 28, 1937
10 (P.L.955, NO.265), KNOWN AS THE HOUSING AUTHORITIES LAW, ADDED
11 NOVEMBER 9, 2006 (P.L.1355, NO.145), IS AMENDED TO READ:

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

19 * * *

20 (gg) [To] Except for a housing authority that has a contract
21 with the State Civil Service Commission to provide for a merit
22 service system of employment to make, execute and enter into
23 employment agreements, which are necessary or convenient to the
24 exercise of the powers of the Authority, with any individual who
25 is or will be hired to work in any position that is not
26 represented by a bargaining representative under the act of July
27 23, 1970 (P.L.563, No.195), known as the "Public Employe
28 Relations Act," or part of a bargaining unit that has been
29 created by an order of the Pennsylvania Labor Relations Board
30 pursuant to the "Public Employe Relations Act." Such employment

1 agreements must be in writing and must be approved by the
2 Authority and may not be renewed except by the affirmative
3 approval of the Authority. No such employment agreement nor any
4 term thereof shall be enforceable or amended or renewed unless
5 such agreement or amendment is in writing and approved by the
6 Authority as stated above. Any employment agreement created or
7 approved pursuant to this subsection may-- (1) identify the
8 specific terms and conditions of the individual's employment;
9 (2) confer a specific term of tenure in employment which may be
10 for a specific period of time not to exceed five years; (3)
11 otherwise limit or state the power of the Authority to summarily
12 dismiss such employe and the circumstances under which such
13 dismissal shall be exercised; or (4) any combination of
14 subclauses (1) through (3) above; however, any employment
15 agreement created or approved pursuant to this clause which
16 confers a specific term or tenure of employment under subclause
17 (2) above must also enumerate the circumstances under which the
18 Authority may terminate the employment agreement for cause,
19 including the lack of funding, prior to the expiration of the
20 expressed term or agreement. If such agreement does not contain
21 the items stated in subclause (2) or (3), the employe may be
22 summarily dismissed by the Authority, and the agreement
23 terminated at any time. Under no circumstances shall the mayor
24 or any individual employe, official agent, attorney or member of
25 the Authority be personally liable for any provision contained
26 in any such employment agreement. Any employment agreement into
27 which the Authority enters pursuant to this clause shall not be
28 subject to the provisions of section 11 or to the contract
29 procurement provisions, rules or regulations to which the
30 Authority is otherwise subjected.

1 Section ~~4~~ 2. This act shall take effect immediately.

