

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1982 Session of 2011

INTRODUCED BY THOMAS, CALTAGIRONE, W. KELLER, V. BROWN,
MIRABITO, PAYTON AND QUINN, NOVEMBER 15, 2011

REFERRED TO COMMITTEE ON URBAN AFFAIRS, NOVEMBER 15, 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 providing for members of an authority in cities of the first
25 class; further providing for qualifications, tenure and
26 compensation of members of an authority; providing for ethics
27 standards; and further providing for organization of an
28 authority.

29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

31 Section 1. Section 5(b) of the act of May 28, 1937 (P.L.955,

1 No.265), known as the Housing Authorities Law, amended July 15,
2 1968 (P.L.337, No.163), is amended to read:

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

4 (b) [The] Except as otherwise provided in section 5.1, the
5 governing body of any city upon issuing a certificate declaring
6 the need for an Authority to operate in such city or upon
7 receiving notice of the issuance of such certificate by the
8 Governor, shall promptly notify the mayor of such certification.
9 Upon receiving such notice, the mayor, with the approval of the
10 majority of the members of council, shall appoint five citizens,
11 residents of the city, to be members of the housing authority of
12 such city--[(1) that in cities of the first class, the mayor
13 shall appoint two members, the city controller shall appoint two
14 members, and the four members, thus appointed, shall select a
15 fifth member of such Authority;] (2) that in cities of the
16 second class, the mayor shall appoint two additional members for
17 a total of seven members of the housing authority; (3) that in
18 cities of the third class, the mayor, with the approval of the
19 majority of the members of council, shall appoint five persons
20 to be members of the housing authority of such city, such
21 members shall be citizens residing within the city for which the
22 Authority is created.

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

24 Section 5.1. Members of an Authority in Cities of the First
25 Class.--(a) (1) The governing body of any city of the first
26 class upon issuing a certificate declaring the need for an
27 Authority to operate in the city or upon receiving notice of the
28 issuance of such certificate by the Governor shall promptly
29 notify the mayor of such certification.

30 (2) Upon issuance of such notice by the governing body of a

1 city of the first class and the notification of the mayor of
2 such certification, the Authority shall be composed of the
3 following members:

4 (i) Five members appointed by the mayor of the city.

5 (ii) Two members appointed by the governing body of the
6 city.

7 (iii) Two members who shall be public housing residents,
8 nominated by a public housing resident advocacy organization
9 within the city and selected by a majority vote by the other
10 members of the Authority.

11 (3) All members of the Authority must be citizens residing
12 within the city for which a particular housing authority has
13 been created.

14 (4) The initial members of the Authority shall be appointed
15 or approved within ten days of the effective date of this
16 section. A member's term shall begin on the date of appointment.
17 The term of members appointed by the mayor and governing body of
18 the city shall be coterminous with that of the appointing power
19 and shall serve at the pleasure of the appointing power. Members
20 who are approved under paragraph (2)(iii) shall serve terms of
21 two years, shall be eligible for reappoint and may be removed
22 for cause by a unanimous vote of the appointed members of the
23 Authority. However, every member shall hold office until his
24 successor has been appointed. Vacancies among the members of the
25 Authority shall be filled promptly by the appointing or
26 selecting power.

27 (b) Members of the Authority shall not receive compensation
28 for their services as members, but shall receive all necessary
29 expenses incurred in connection with the performance of his
30 duties as members.

1 Section 3. Section 6 of the act, amended July 15, 1968
2 (P.L.337, No.163), is amended to read:

3 Section 6. Qualifications, Tenure and Compensation of
4 Members of an Authority.--(a) No more than two persons holding
5 any other paid public office shall be members of the same
6 housing authority at the same time. The members who are first
7 appointed shall serve for terms of one, two, three, four, and
8 five years, respectively, from the date of their appointment, as
9 shall be specified at the time of their appointment. Thereafter
10 the term of office shall be five years. The two additional
11 members to be appointed in cities of the second class shall
12 serve for terms of five years. A member shall hold office until
13 his successor has been appointed. Vacancies for unexpired terms
14 shall be promptly filled by the appointing power. A member may
15 be removed for cause by the court of quarter sessions of the
16 county in which the Authority is located after having been
17 provided with a copy of the charges against him for at least ten
18 days and full hearing by the court. A member shall receive no
19 compensation for his services, but he shall be entitled to the
20 necessary expenses, including travelling expenses incurred in
21 the discharge of his duties.

22 (b) The provisions of subsection (a) shall not apply to an
23 Authority in a city of the first class.

24 Section 4. The act is amended by adding a section to read:

25 Section 6.1. Ethics Standards.--(a) The members of an
26 Authority shall be deemed public officials under 65 Pa.C.S. Ch.
27 11 (relating to ethics standards and financial disclosure).

28 (b) A person serving in a position with an Authority who
29 meets the definition of the term "public official" as set forth
30 in 65 Pa.C.S. § 1102 (relating to definitions) shall be deemed a

1 public official under 65 Pa.C.S. Ch. 11.

2 (c) An employe of an Authority who meets the definition of
3 the term "public employee" as set forth in 65 Pa.C.S. § 1102
4 shall be deemed a public employe under 65 Pa.C.S. Ch. 11.

5 Section 5. Section 7 of the act is amended to read:

6 Section 7. Organization of an Authority.--The members of an
7 Authority shall select from among themselves a chairman and a
8 vice-chairman. The Authority may employ a secretary, such
9 technical experts, and such other officers, agents, and
10 employes, permanent or temporary, as it may require, and may
11 determine the qualifications of such persons. Three members of
12 an Authority shall constitute a quorum for its meetings, except
13 that a majority of the members of the Authority in a city of the
14 first class shall constitute a quorum for meetings of such an
15 Authority. Any Authority may employ its own counsel and legal
16 staff. Members of an Authority shall not be liable personally on
17 the bonds or other obligations of the Authority, and the rights
18 of creditors shall be solely against such Authority. An
19 Authority may delegate to one or more of its agents or employes
20 such of its powers as it shall deem necessary to carry out the
21 purposes of this act, subject always to the supervision and
22 control of the Authority.

23 Section 6. This act shall take effect in 60 days.