

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1174 Session of 2011

INTRODUCED BY YAW, KITCHEN, FONTANA, M. WHITE, BRUBAKER, D. WHITE, FERLO AND BREWSTER, SEPTEMBER 29, 2011

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JUNE 29, 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 authority,
24 for qualifications, tenure and compensation of members of
25 authority and for organization of authority; and providing
26 for whistleblower hotline, for requirements regarding tenants
27 and landlords in cities of the first class and for reporting
28 by authorities in cities of the first class.

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

1 Section 1. Sections 5(b) and 6 of the act of May 28, 1937
2 (P.L.955, No.265), known as the Housing Authorities Law, amended
3 March 21, 1968 (P.L.69, No.25) and July 15, 1968 (P.L.337,
4 No.163), are amended to read:

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

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

25 (c) (1) In cities of the first class, the mayor, with the
26 approval of the majority of the members of council, shall
27 appoint a total of nine members, two of whom shall be residents
28 of housing owned or controlled by the Authority.

29 (2) The two members required to be residents of housing
30 owned or controlled by the Authority shall be chosen pursuant to

1 a nomination process agreed upon by the mayor, council president
2 and the executive director of the Authority.

3 (3) With respect to vacancies existing at the time this
4 subsection becomes effective, if council fails to act on any
5 proposed appointee to such a vacancy within sixty (60) days of
6 the mayor's submission of the proposed appointee to council, the
7 mayor may, without the approval of council, appoint such person
8 to be a member of the Authority; as many proposed appointees may
9 be appointed in this manner as may be necessary to bring
10 membership on this Authority to five members. A member appointed
11 without the approval of council may be subsequently approved by
12 council, or may be replaced by another member appointed by the
13 mayor, with the approval of the majority of the members of
14 council.

15 Section 6. Qualifications, Tenure and Compensation of
16 Members of an Authority.--No more than two persons holding any
17 other paid public office shall be members of the same housing
18 authority at the same time. No elected official shall be a
19 member of a housing authority in a city of the first class. The
20 members who are first appointed shall serve for terms of one,
21 two, three, four, and five years, respectively, from the date of
22 their appointment, as shall be specified at the time of their
23 appointment, except that all members of the housing authority of
24 a city of the first class shall serve for terms concurrent with
25 the term of the appointing mayor. Thereafter the term of office
26 shall be five years, except as otherwise provided with respect
27 to members of the housing authority of a city of the first
28 class. The two additional members to be appointed in cities of
29 the second class shall serve for terms of five years. A member
30 shall hold office until his successor has been appointed.

1 Vacancies for unexpired terms shall be promptly filled by the
2 appointing power. A member may be removed for cause by the court
3 of quarter sessions of the county in which the Authority is
4 located after having been provided with a copy of the charges
5 against him for at least ten days and full hearing by the court,
6 except effective January 4, 2016, in a city of the first class,
7 the mayor of such city may, without cause, remove up to five
8 members of an Authority of such city during any calendar year,
9 with resulting vacancies to be filled pursuant to section 5(c);
10 removal of any member in excess of five in a single calendar
11 year shall be as otherwise provided in this section. A member
12 shall receive no compensation for his services, but he shall be
13 entitled to the necessary expenses, including travelling
14 expenses incurred in the discharge of his duties.

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

16 Section 7. Organization of an Authority.--(a) The members
17 of an Authority shall select from among themselves a chairman
18 and a vice-chairman. The Authority may employ a secretary, such
19 technical experts, and such other officers, agents, and
20 employes, permanent or temporary, as it may require, and may
21 determine the qualifications of such persons. Three members of
22 an Authority shall constitute a quorum for its meetings, except
23 that a majority of the members of the Authority then in office
24 in a city of the first class shall constitute a quorum for
25 meetings of such an Authority. Any Authority may employ its own
26 counsel and legal staff. Members of an Authority shall not be
27 liable personally on the bonds or other obligations of the
28 Authority, and the rights of creditors shall be solely against
29 such Authority. An Authority may delegate to one or more of its
30 agents or employes such of its powers as it shall deem necessary

1 to carry out the purposes of this act, subject always to the
2 supervision and control of the Authority.

3 (b) In an Authority in a city of the first class, the
4 executive director and staff with executive duties who report
5 directly to either the executive director or members of the
6 Authority shall be at-will employes of the Authority and shall
7 serve at the pleasure of the members of the Authority. The
8 Authority shall not provide any payment or other thing of value
9 to such employes in connection with their separation from
10 employment, other than salary and benefits to which they are
11 entitled for regular employment through the date of separation.

12 Section 3. The act is amended by adding sections to read:

13 Section 10.2. Whistleblower Hotline.--An Authority of a city
14 of the first class shall maintain and monitor a whistleblower
15 hotline for the reporting of fraud, waste, abuse or any
16 wrongdoing in connection with the affairs of the Authority.

17 Section 13.1. Requirements Regarding Tenants and Landlords
18 in Cities of the First Class.--(a) An Authority of a city of
19 the first class shall take such measures as are necessary to
20 ensure compliance with all requirements imposed on the Authority
21 by Federal law regarding criminal activity by tenants and
22 prospective tenants, including, but not limited to, all
23 requirements regarding background checks.

24 (b) (1) An Authority of a city of the first class shall not
25 approve or renew any person or firm as a landlord in the Housing
26 Choice Voucher Program established pursuant to 24 CFR Pt. 982
27 (relating to section 8 tenant based assistance: housing choice
28 voucher program) if such person or firm is delinquent on any
29 property tax due with respect to the property for which approval
30 or renewal is sought.

1 (2) For purposes of this subsection, a person or firm that
2 is current on a payment agreement with the taxing authority for
3 the property tax delinquency shall not be considered delinquent
4 with respect to the outstanding property tax liability covered
5 by such agreement, but a person or form that is in breach of
6 such agreement shall be considered delinquent.

7 Section 24.1. Reporting by Authorities in Cities of the
8 First Class.--Any Authority in a city of the first class shall,
9 annually, no later than thirty (30) days after the end of the
10 fiscal year of the Authority, submit a comprehensive written
11 report to the Secretary of Community and Economic Development,
12 the Majority and Minority Leaders of the Senate, the chair and
13 minority chair of the Committee on Urban Affairs and Housing of
14 the Senate, the Majority and Minority Leaders of the House of
15 Representatives, the chair and minority chair of the Committee
16 on Urban Affairs of the House of Representatives, the Mayor and
17 the President of Council regarding the Authority's operations,
18 administration, management, finances, legal affairs, housing
19 production and development and other relevant activities. The
20 report shall be produced and approved by the members and the
21 executive director of the Authority.

22 Section 4. This act shall take effect in 60 days.