

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1319 Session of 2013

INTRODUCED BY TOBASH, MILLARD, EVANKOVICH, HELM, GINGRICH,
GOODMAN AND QUINN, MAY 6, 2013

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MAY 6, 2013

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 powers of an authority.

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

26 Section 1. Section 10(gg) of the act of May 28, 1937
27 (P.L.955, No.265), referred to as the Housing Authorities Law,
28 added November 9, 2006 (P.L.1355, No.145), is amended to read:

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

8 * * *

9 (gg) [To] Except for a housing authority that has a contract
10 with the State Civil Service Commission to provide for a merit
11 service system of employment to make, execute and enter into
12 employment agreements, which are necessary or convenient to the
13 exercise of the powers of the Authority, with any individual who
14 is or will be hired to work in any position that is not
15 represented by a bargaining representative under the act of July
16 23, 1970 (P.L.563, No.195), known as the "Public Employe
17 Relations Act," or part of a bargaining unit that has been
18 created by an order of the Pennsylvania Labor Relations Board
19 pursuant to the "Public Employe Relations Act." Such employment
20 agreements must be in writing and must be approved by the
21 Authority and may not be renewed except by the affirmative
22 approval of the Authority. No such employment agreement nor any
23 term thereof shall be enforceable or amended or renewed unless
24 such agreement or amendment is in writing and approved by the
25 Authority as stated above. Any employment agreement created or
26 approved pursuant to this subsection may-- (1) identify the
27 specific terms and conditions of the individual's employment;
28 (2) confer a specific term of tenure in employment which may be
29 for a specific period of time not to exceed five years; (3)
30 otherwise limit or state the power of the Authority to summarily

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

20 Section 2. Any person hired by a lawfully executed
21 employment contract and occupying a position in the classified
22 service prior to the effective date of this section shall
23 continue to serve in the same position and possess the rights of
24 an employe in accordance with the provision of the act of
25 August 5, 1941 (P.L.752, No.286), known as the Civil Service
26 Act, for the duration of service in the position held on the day
27 preceding the effective date of this section.

28 Section 3. This act shall take effect immediately.