

2015 Regular Session

HOUSE BILL NO. 690

BY REPRESENTATIVE LORUSSO

HOUSING/AUTHORITIES: Provides with respect to the Housing Authority of New Orleans

1 AN ACT

2 To amend and reenact R.S. 40:531(B), 532, and 537(B) and to enact R.S. 40:537(A)(6),
3 relative to the Housing Authority of New Orleans; to provide relative to the
4 governing board of the authority; to provide relative to the appointment, terms, and
5 removal of board members; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:531(B), 532, and 537(B) are hereby amended and reenacted and
11 R.S. 40:537(A)(6) is hereby enacted to read as follows:

12 §531. Appointment of commissioners to local housing authority

13 * * *

14 B.(1) In the city of New Orleans, the governing authority of the housing
15 authority shall consist of ~~seven~~ nine commissioners, at least two of whom shall be
16 tenants of the housing authority, referred to in this Chapter as "tenant
17 commissioners", and two of whom shall be appointed as provided in Subparagraph
18 of (2)(b) of this Subsection, referred to in this Chapter as "landlord commissioners".

19 (2)(a) The ~~commissioners~~ Seven commissioners, excluding landlord
20 commissioners, shall be appointed by the mayor of the city of New Orleans ~~and shall~~
21 ~~serve terms concurrent with that of the mayor.~~ The two tenant commissioners shall
22 be chosen from a list of names submitted to the mayor by the Citywide Tenants
23 Council, Inc., of the housing authority. The number of names submitted shall be

1 three for each vacancy to be filled by a tenant commissioner. ~~Vacancies shall be~~
2 ~~filled for the unexpired term.~~

3 (b) The two landlord commissioners shall be appointed by the Landlords
4 Advisory Council. No person who has or who is seeking a business or financial
5 relationship with the housing authority or who otherwise has a conflict pursuant to
6 the Code of Governmental Ethics regarding service on the housing authority shall be
7 eligible to be appointed as a landlord commissioner. The council shall meet within
8 sixty days after any vacancy in a landlord commissioner position and shall appoint
9 landlord commissioners as provided in this Subsection upon a majority vote of the
10 members of the council present and voting. The council shall give notice of the
11 purpose, time, and place of such a meeting through the landlord portal on the official
12 website of the housing authority or by publication in the official journal of the city
13 of New Orleans at least seven days prior to the date set for the hearing.

14 * * *

15 §532. Terms of office for local housing authority commissioner

16 A. In the case of local housing authorities, the commissioners who are first
17 appointed shall be designated to serve for terms of one, two, three, four and five
18 years, respectively, from the date of their appointment, but thereafter commissioners
19 shall be appointed for terms of five years. All commissioners shall, except as
20 otherwise provided in R.S. 40:536 and 537, continue to serve until their successors
21 have been duly appointed.

22 B.(1)(a) Notwithstanding the provisions of Subsection A of this Section,
23 seven commissioners of the Housing Authority of New Orleans, excluding landlord
24 commissioners, shall serve five-year terms after serving initial terms as provided in
25 this Subparagraph. One member shall serve an initial term of one year, one shall
26 serve two years, one shall serve three years, two shall serve four years, and two shall
27 serve five years as determined by lot at the first meeting of the board.

28 (b) The seven commissioners serving on August 1, 2015, shall continue to
29 serve until the expiration of their terms. The successors of such commissioners shall

1 be appointed as provided in R.S. 40:531(B). Vacancies shall be filled in the manner
2 of the original appointment; however, if a vacancy occurs prior to the expiration of
3 a term of any such commissioner serving on August 1, 2015, the mayor of the city
4 of New Orleans shall appoint a commissioner to fill the vacancy in the same manner
5 as the original appointment. The commissioner appointed shall serve for the
6 remainder of the unexpired term.

7 (2) The two landlord commissioners appointed pursuant to R.S. 40:531(B)
8 shall serve terms concurrent with the mayor. Vacancies shall be filled in the manner
9 of the original appointment.

10 * * *

11 §537. Removal of commissioners

12 A.

13 * * *

14 (6) Notwithstanding any other provision of law to the contrary, landlord
15 commissioners appointed pursuant to R.S. 40:531(B) may be removed by the
16 appointing authority for neglect of duty or misconduct in office. Any landlord
17 commissioner convicted of a felony while serving as a commissioner shall be
18 disqualified and removed from office by the appointing authority.

19 B.(1) The chief elected official or the governing body of the municipality or
20 parish, as the case may be, which seeks to remove a commissioner shall send a notice
21 of removal to such commissioner, which notice shall set forth the charges against the
22 commissioner. Unless, within ten days from the receipt of such notice, such
23 commissioner files with the clerk or secretary of the municipality's or parish's
24 governing body a request for a hearing before the governing body, the commissioner
25 shall be deemed removed from office. If a request for hearing is so filed, the
26 governing body of the municipality or parish, as the case may be, shall hold a
27 hearing, not sooner than ten days subsequent to the date a hearing is requested, at
28 which the commissioner shall have the right to appear in person or by counsel and
29 the governing body shall determine whether the removal shall be upheld. If the

1 removal is not upheld by the governing body, the commissioner shall continue to
2 hold office.

3 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
4 appointing authority seeking to remove a commissioner pursuant to Paragraph (A)(6)
5 of this Section shall send a notice of removal to such commissioner, which notice
6 shall set forth the charges against the commissioner. Unless such commissioner files
7 with the appointing authority a request for a hearing before the appointing authority
8 within ten days after receipt of such notice, the commissioner is deemed removed
9 from office. If a request for hearing is so filed, the appointing authority shall hold
10 a hearing no earlier than ten days after the filing of the request for a hearing at which
11 hearing the commissioner has the right to appear in person or by counsel and the
12 appointing authority shall determine whether the removal is to be upheld. If the
13 removal is not upheld by the appointing authority, the commissioner shall continue
14 to hold office.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 690 Reengrossed

2015 Regular Session

Lorusso

Abstract: Provides relative to the appointment of two commissioners to the housing authority of New Orleans (HANO) by the Landlords Advisory Council. Provides for terms and removal of board members.

Present law (R.S. 40:531) authorizes the governing body of any municipality or parish to determine by resolution that it is expedient to establish a local housing authority when there exists a shortage of decent, safe, and sanitary dwelling accommodations in such parish or municipality. Provides that when such determination is made, the chief elected official of the municipality or parish, or if no such official exists then the governing body itself shall appoint five persons to constitute the housing authority's governing body. Provides that the members of the governing body are called commissioners.

Proposed law retains present law.

Present law (R.S. 40:531) provides for exceptions relative to the number of commissioners for certain housing authorities. Provides that HANO shall consist of seven commissioners appointed by the mayor. Provides that at least two commissioners are tenants of the housing authority chosen from a list of three names submitted by the Citywide Tenants Council, Inc, referred to as "tenant commissioners".

Proposed law provides that HANO consists of nine commissioners. Provides for the appointment of two additional commissioners who are appointed by the Landlords Advisory Council and who are referred to as "landlord commissioners". Specifies that no person who has or is seeking a business or financial relationship with HANO or who otherwise has a conflict pursuant to present law (ethics code) regarding service on HANO shall be eligible to be appointed as a landlord commissioner. Provides that the landlord commissioners will be appointed upon majority vote of council members present and voting. Requires the council to provide notice of the meeting. Provides for notice procedures.

Present law (R.S. 40:531) provides that the housing authority commissioners serve five-year staggered terms. Provides that the commissioners of HANO serve terms concurrent with the mayor.

Proposed law changes the terms of seven commissioners of HANO, not including the landlord commissioners. Provides that such commissioners shall serve five-year staggered terms. Provides that the seven commissioners serving on the effective date of proposed law will continue to serve until the expiration of their terms. Provides that the successors of such commissioners will be appointed as provided in proposed law. Provides that the mayor will fill a vacancy which occurs prior to the expiration of a term of any commissioner serving on the effective date of proposed law. Provides that the two landlord commissioners will be appointed as provided in proposed law and will serve terms concurrent with the mayor.

Present law (R.S. 40:537) provides that a commissioner of a local housing authority may be removed for neglect of duty, misconduct in office, or conviction of any felony by the chief elected official of the municipality or parish appointing the commissioner, or if no chief elected official exists, then by the governing body of such municipality or parish.

Proposed law retains present law but provides that the landlord commissioners appointed pursuant to proposed law may be removed by the appointing authority for neglect of duty or misconduct in office. Provides that any landlord commissioner convicted of a felony while serving as a commissioner must be disqualified and removed from office by the appointing authority.

Present law (R.S. 40:537) requires the chief elected official or the governing body of the municipality or parish, as the case may be, which seeks to remove a commissioner to send notice of removal to such commissioner, which notice must set forth the charges against the commissioner. Grants the commissioner 10 days from the receipt of such notice to file with the clerk or secretary of the municipality's or parish's governing body a request for a hearing. Provides that if the commissioner fails to request the hearing he will be deemed removed from office, but if a request for hearing is so filed, the governing body of the municipality or parish, as the case may be, shall hold a hearing within 10 days. Grants the commissioner the right to appear in person or by council. Requires the governing authority to determine if the removal shall be upheld, but if the removal is not upheld, the commissioner must continue to hold office.

Proposed law retains present law, but with respect to the landlord commissioners, requires the appointing authority rather than the parish or municipality to send notice of removal. Requires the appointing authority to follow the same procedures set forth in present law.

Present law (R.S. 40:530) provides that all housing authority officials and employees are subject to the state Code of Governmental Ethics. Proposed law retains present law.

(Amends R.S. 40:531(B), 532, and 537(B); Adds R.S. 40:537(A)(6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Add requirement that a landlord commissioner recuse himself from voting in certain circumstances.
2. Remove provisions that require property owners who provide rental housing in the city of New Orleans through the Housing Choice Voucher Program pursuant to a signed contract with the HANO to appoint the two landlord commissioners and instead require the Landlords Advisory Council to appoint the commissioners.
3. Remove provisions that require that the two landlord commissioners be appointed at the same time. Additionally remove provisions that require a majority vote of property owners present and voting to approve the appointments and instead require a majority vote of the members of the council present and voting.
4. Remove proposed provisions that require HANO to adopt procedures to provide for the method of reimbursement of funds owed to HANO.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Remove provisions with respect to the landlord commissioners of HANO that required such commissioners to be property owners that provide rental housing through the Housing Choice Voucher Program and granted an exception from the ethics code with respect to such service on HANO and such contract along with specified recusal provisions.
2. Add a prohibition of appointment of a person who has or is seeking certain relationships with HANO or who has other ethics conflicts regarding service on HANO as a landlord commissioner.