
DIGEST

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HB 690 Engrossed

2015 Regular Session

Lorusso

Abstract: Provides relative to the appointment of two landlord commissioners to the housing authority of New Orleans (HANO). Provides for terms and removal of board members. Provides relative to the application of the Code of Governmental Ethics to certain 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.

Proposed law provides that HANO consists of nine commissioners. Provides for the appointment of two additional commissioners who are property owners who provide rental housing in the city of New Orleans through the Housing Choice Voucher Program pursuant to a signed contract with HANO.

Proposed law provides that the two landlord commissioners are appointed by the Landlords Advisory Council. Requires the council to meet within 60 days after the effective date of proposed law to appoint both landlord commissioners. 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 except with respect to the landlord commissioners of HANO. Provides that such commissioners and former such commissioners are not subject to the state Code of Governmental Ethics with respect to their service on the governing board of the housing authority. Requires, however, that a landlord commissioner recuse himself from voting on a matter which vote would be a violation of present law (R.S. 42:1112 or 1113(B)).

(Amends R.S. 40:530, 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.