

CONFERENCE COMMITTEE REPORT

HB 690

2015 Regular Session

Lorusso

June 10, 2015

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 690 by Representative Lorusso, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 15 proposed by the Senate Committee on Local and Municipal Affairs and adopted by the Senate on June 4, 2015, be adopted.
2. That Senate Floor Amendment No. 1 proposed by Senator Dorsey-Colomb and adopted by the Senate on June 6, 2015, be adopted.
3. That Senate Floor Amendment No. 1 proposed by Senator Murray and adopted by the Senate on June 6, 2015, be rejected.

Respectfully submitted,

Representative Austin Badon

Senator Yvonne Dorsey-Colomb

Representative Thomas Carmody

Senator Edwin R. Murray

Representative Nick Lorusso

Senator Karen Carter Peterson

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 690

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Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Reduce proposed law number of commissioners on the HANO board from nine to eight by reducing proposed law number of "landlord commissioners" from two to one.
2. Change appointment of "landlord commissioner" from appointment by Landlord Advisory Council to nomination by Landlord Advisory Committee and appointment by mayor.
3. Add requirement that the city council of New Orleans make appointment of the "landlord commissioner" if the mayor fails to make an appointment within 60 days of receipt of nomination.

Report rejects Senate amendments which would have:

1. Changed the nominating authority for one of the two tenant commissioners from the Citywide Tenants Council, Inc., to the Greater New Orleans Fair Housing Action Center.
2. Added a requirement that each tenant commissioner be a resident of the city of New Orleans and a HANO tenant for at least three years.

Digest of the bill as proposed by the Conference Committee

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 eight commissioners. Provides for the appointment of one commissioner as a "landlord commissioner". Provides for the "landlord commissioner" to be appointed by the mayor from a list of three nominees submitted by the Landlords Advisory Committee. 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 the landlord commissioner. Provides that the nominees for the "landlord commissioner" shall be determined by the committee upon a majority vote. Requires the committee to provide notice of the meeting at which nominees will be determined. Provides for notice procedures.

Proposed law provides that if the mayor fails to make an appointment within 60 days of receipt of the nominations, the city council of New Orleans shall make the appointments from the list of names submitted to the mayor within 30 days.

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 commissioner. 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 landlord commissioner will be appointed as provided in proposed law and will serve a term 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 commissioner appointed pursuant to proposed law may be removed by the appointing authority for neglect of duty or misconduct in office. Provides that a 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 commissioner, 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))