2015 Regular Session

1

HOUSE BILL NO. 690

BY REPRESENTATIVE LORUSSO

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 R.S. 40:537(A)(6) is hereby enacted to read as follows: 11 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 eight commissioners, at least two of whom shall be 16 tenants of the housing authority, referred to in this Chapter as "tenant 17 commissioners", and one of whom shall be appointed as provided in Subparagraph 18 (2)(b) of this Subsection, referred to in this Chapter as a "landlord commissioner". 19 (2)(a) The commissioners Seven commissioners, excluding the landlord 20 commissioner, 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 24 three for each vacancy to be filled by a tenant commissioner. Vacancies shall be filled for the unexpired term. 25

AN ACT

Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

HB NO. 690 ENROLLED

(b) The one landlord commissioner shall be appointed by the mayor from a list of three nominees submitted by the Landlords Advisory Committee. No person who has or who is seeking a business or financial relationship with the housing authority or who otherwise has a conflict pursuant to the Code of Governmental Ethics regarding service on the housing authority shall be eligible to be appointed as a landlord commissioner. The committee shall meet within sixty days after any vacancy in the landlord commissioner position and shall nominate the list of landlord commissioners as provided in this Subsection upon a majority vote of the members of the committee present and voting. The committee shall give notice of the purpose, time, and place of such a meeting through the landlord portal on the official website of the housing authority or by publication in the official journal of the city of New Orleans at least seven days prior to the date set for the hearing.

(c) If the mayor fails to make an appointment within sixty days after receipt of the nominations, the city council of New Orleans shall make the appointments from the list of names submitted to the mayor within thirty days.

* * *

§532. Terms of office for local housing authority commissioner

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

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

HB NO. 690 ENROLLED

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

(2) The one landlord commissioner appointed pursuant to R.S. 40:531(B)

(2) The one landlord commissioner appointed pursuant to R.S. 40:531(B) shall serve terms concurrent with the mayor. A vacancy shall be filled in the manner of the original appointment.

* * *

§537. Removal of commissioners

A.

15 * * *

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

B.(1) The chief elected official or the governing body of the municipality or parish, as the case may be, which seeks to remove a commissioner shall send a notice of removal to such commissioner, which notice shall set forth the charges against the commissioner. Unless, within ten days from the receipt of such notice, such commissioner files with the clerk or secretary of the municipality's or parish's governing body a request for a hearing before the governing body, the commissioner shall be deemed removed from office. 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, not sooner than ten days subsequent to the date a hearing is requested, at which the commissioner shall have the right to appear in person or by counsel and

HB NO. 690 ENROLLED

the governing body shall determine whether the removal shall be upheld. If the removal is not upheld by the governing body, the commissioner shall continue to hold office.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES
PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: