

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. 40:530, 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; to provide relative to the application of the Code of  
6 Governmental Ethics to certain board members; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:530, 531(B), 532, and 537(B) are hereby amended and reenacted  
12 and R.S. 40:537(A)(6) is hereby enacted to read as follows:

13 §530. Conflict of interest

14 A. All housing authority officials and employees are subject to the state  
15 Code of Governmental Ethics.

16 B.(1) Notwithstanding the provisions of Subsection A of this Section, no  
17 landlord commissioner serving on the governing board of the Housing Authority of  
18 New Orleans, pursuant to R.S. 40:531(B), or former landlord commissioner, shall be  
19 subject to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes  
20 of 1950, as amended, with respect to his service on such board and a contract with  
21 the authority to provide rental housing through the Housing Choice Voucher  
22 Program.

1           (2) If any landlord commissioner, in the discharge of a duty or responsibility  
2           of his position, would be required to vote on a matter which vote would be a  
3           violation of R.S. 42:1112 or 1113(B), he shall recuse himself from voting.

4           §531. Appointment of commissioners to local housing authority

5                                               \*           \*           \*

6           B.(1) In the city of New Orleans, the governing authority of the housing  
7           authority shall consist of ~~seven~~ nine commissioners, at least two of whom shall be  
8           tenants of the housing authority, referred to in this Chapter as tenant commissioners,  
9           and two of whom shall be property owners who provide rental housing in the city of  
10           New Orleans through the Housing Choice Voucher Program pursuant to a signed  
11           contract with the housing authority, referred to in this Chapter as landlord  
12           commissioners.

13           (2)(a) ~~The commissioners~~ Seven commissioners, excluding landlord  
14           commissioners, shall be appointed by the mayor of the city of New Orleans and shall  
15           serve terms concurrent with that of the mayor. The two tenant commissioners shall  
16           be chosen from a list of names submitted to the mayor by the Citywide Tenants  
17           Council, Inc., of the housing authority. The number of names submitted shall be  
18           three for each vacancy to be filled by a tenant commissioner. ~~Vacancies shall be~~  
19           filled for the unexpired term.

20           (b) The two landlord commissioners shall be appointed by the Landlords  
21           Advisory Council. The council shall meet within sixty days after any vacancy in a  
22           landlord commissioner position and shall appoint landlord commissioners as  
23           provided in this Subsection upon a majority vote of the members of the council  
24           present and voting. The council shall give notice of the purpose, time, and place of  
25           such a meeting through the landlord portal on the official website of the housing  
26           authority or by publication in the official journal of the city of New Orleans at least  
27           seven days prior to the date set for the hearing.

28                                               \*           \*           \*

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

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

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

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

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

24                                   \*           \*           \*

25           §537. Removal of commissioners

26           A.

27                                   \*           \*           \*

28           (6) Notwithstanding any other provision of law to the contrary, landlord  
 29 commissioners appointed pursuant to R.S. 40:531(B) may be removed by the

1 appointing authority for neglect of duty or misconduct in office. Any landlord  
2 commissioner convicted of a felony while serving as a commissioner shall be  
3 disqualified and removed from office by the appointing authority.

4 B.(1) The chief elected official or the governing body of the municipality or  
5 parish, as the case may be, which seeks to remove a commissioner shall send a notice  
6 of removal to such commissioner, which notice shall set forth the charges against the  
7 commissioner. Unless, within ten days from the receipt of such notice, such  
8 commissioner files with the clerk or secretary of the municipality's or parish's  
9 governing body a request for a hearing before the governing body, the commissioner  
10 shall be deemed removed from office. If a request for hearing is so filed, the  
11 governing body of the municipality or parish, as the case may be, shall hold a  
12 hearing, not sooner than ten days subsequent to the date a hearing is requested, at  
13 which the commissioner shall have the right to appear in person or by counsel and  
14 the governing body shall determine whether the removal shall be upheld. If the  
15 removal is not upheld by the governing body, the commissioner shall continue to  
16 hold office.

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

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**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)]

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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.