



General Assembly

February Session, 2002

Raised Bill No. 383

LCO No. 1300

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT AMENDING THE TERM OF OFFICE FOR CERTAIN MUNICIPAL HOUSING AUTHORITY COMMISSIONERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-41 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) When the governing body of a municipality other than a town
4 adopts a resolution as described in section 8-40, [it] the governing
5 body shall promptly notify the chief executive officer of such adoption.
6 Upon receiving such notice, the chief executive officer shall appoint
7 five persons who are residents of said municipality as commissioners
8 of the authority, except that where the authority operates more than
9 three thousand units the chief executive officer may appoint two
10 additional persons who are residents of the municipality. If the
11 governing body of a town adopts such a resolution, [such] said
12 governing body shall appoint five persons who are residents of said
13 town as commissioners of the authority created for such town. The
14 commissioners who are first so appointed shall be designated to serve
15 for a term of either one, two [,] or three [, four or five] years, except

16 that if the authority has five members, the terms of not more than [one
17 member] two members shall expire in the same year. [Terms] Each
18 term shall commence on the first day of the month next succeeding the
19 date of [their] the appointment, and annually thereafter a
20 commissioner shall be appointed to serve for [five] three years except
21 that any vacancy which may occur because of a change of residence by
22 a commissioner, removal of a commissioner, resignation or death shall
23 be filled for the unexpired portion of the term. If a governing body
24 increases the membership of the authority on or after July 1, 1995,
25 [such] the governing body shall, by resolution, provide for a term of
26 [five] three years for each such additional member. The term of the
27 [chairman] chairperson shall be three years. At least one of such
28 commissioners of an authority having five members, and at least two
29 of such commissioners of an authority having more than five
30 members, shall be a tenant or tenants who live in housing owned or
31 managed by such authority, if any exists, provided that any such
32 tenant shall have resided in such housing for more than one year, and
33 provided further that no such tenant shall have the authority to vote
34 on any matter concerning the establishment or revision of the rents to
35 be charged in any housing owned or managed by such authority. If, on
36 October 1, 1979, a municipality has adopted a resolution as described
37 in section 8-40, but has no tenants serving as commissioners, the chief
38 executive officer of a municipality other than a town or the governing
39 body of a town shall appoint a tenant who meets the qualifications set
40 out in this section as a commissioner of such authority when the next
41 vacancy occurs. No commissioner of an authority may hold any public
42 office in the municipality for which the authority is created. A
43 commissioner shall hold office until [his] a successor is appointed and
44 has qualified. A certificate of the appointment or reappointment of any
45 commissioner shall be filed with the clerk and shall be conclusive
46 evidence of the legal appointment of such commissioner, after [he] the
47 commissioner has taken an oath in the form prescribed in the first
48 paragraph of section 1-25. The powers of each authority shall be vested
49 in the commissioners [thereof] of the authority. Three commissioners

50 shall constitute a quorum if the authority consists of five
51 commissioners. Four commissioners shall constitute a quorum if the
52 authority consists of more than five commissioners. Action may be
53 taken by the authority upon a vote of not less than a majority of the
54 commissioners present, unless the bylaws of the authority require a
55 larger number. The chief executive officer, or, in the case of an
56 authority for a town, the governing body of the town, shall designate
57 which of the commissioners shall be the first [chairman] chairperson,
58 but when the office of [chairman] chairperson of the authority becomes
59 vacant, the authority shall select a [chairman] chairperson from among
60 its commissioners. An authority shall select from among its
61 commissioners a vice [chairman] chairperson, and it may employ a
62 secretary, who shall be executive director, and technical experts and
63 such other officers, agents and employees, permanent and temporary,
64 as it requires, and shall determine their qualifications, duties and
65 compensation, provided, in municipalities having a civil service law,
66 all appointments and promotions, except the employment of the
67 secretary, shall be based on examinations given and lists prepared
68 under such law, and, except so far as may be inconsistent with the
69 terms of this chapter, such civil service law and regulations adopted
70 [thereunder] pursuant to such civil service law shall apply to such
71 housing authority and its personnel. For such legal services as it
72 requires, an authority may employ its own counsel and legal staff. An
73 authority may delegate any of its powers and duties to one or more of
74 its agents or employees. A commissioner, or any employee of the
75 authority who handles [its] the authority's funds, shall be required to
76 furnish an adequate bond. The commissioners shall serve without
77 compensation, but shall be entitled to reimbursement for their actual
78 and necessary expenses incurred in the performance of their official
79 duties.

80 (b) Any tenant organization composed of tenants residing within
81 units owned or managed by the appointing authority may indicate to
82 such authority its desire to be notified of any pending appointment of

83 any such commissioner. A reasonable time before appointing any such
84 commissioner, the appointing authority shall notify any such tenant
85 organization and, in making such appointment, such authority shall
86 consider tenants suggested by such tenant organizations.

87 (c) Notwithstanding any provision of subsection (a) of this section
88 or any other provision of the general statutes, [to the contrary,] a
89 commissioner of an authority may serve as a justice of the peace or a
90 registrar of voters.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

Statement of Purpose:

To provide that municipal housing authority commissioners be appointed to serve a term of three years rather than five years as currently allowed.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]