



Senate

General Assembly

File No. 131

February Session, 2010

Substitute Senate Bill No. 320

Senate, March 25, 2010

The Committee on Housing reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE SELECTION OF TENANT 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 Section 8-41 of the general statutes is repealed and the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, 2010*):

3 (a) For purposes of this section, a "tenant of the authority" means a
4 tenant who lives in housing owned or managed by a housing authority
5 or who is receiving housing assistance in a housing program directly
6 administered by such authority. When the governing body of a
7 municipality other than a town adopts a resolution as described in
8 section 8-40, it shall promptly notify the chief executive officer of such
9 adoption. Upon receiving such notice, the chief executive officer shall
10 appoint five persons who are residents of said municipality as
11 commissioners of the authority, except that where the authority
12 operates more than three thousand units the chief executive officer
13 may appoint two additional persons who are residents of the
14 municipality. If the governing body of a town adopts such a resolution,

15 such body shall appoint five persons who are residents of said town as
16 commissioners of the authority created for such town. The
17 commissioners who are first so appointed shall be designated to serve
18 for a term of either one, two, three, four or five years, except that if the
19 authority has five members, the terms of not more than one member
20 shall expire in the same year. Terms shall commence on the first day of
21 the month next succeeding the date of their appointment, and annually
22 thereafter a commissioner shall be appointed to serve for five years
23 except that any vacancy which may occur because of a change of
24 residence by a commissioner, removal of a commissioner, resignation
25 or death shall be filled for the unexpired portion of the term. If a
26 governing body increases the membership of the authority on or after
27 July 1, 1995, such governing body shall, by resolution, provide for a
28 term of five years for each such additional member. The term of the
29 chairman shall be three years. At least one of such commissioners of an
30 authority having five members, and at least two of such
31 commissioners of an authority having more than five members, shall
32 be a tenant or tenants [who live in housing owned or managed by such
33 authority, if any exists, provided that any such tenant shall have
34 resided in such housing for more than one year or is a tenant who
35 previously resided in such housing for more than one year and is
36 receiving housing assistance in a housing program directly
37 administered by such authority and provided further that no such
38 tenant shall have the authority to vote on any matter concerning the
39 establishment or revision of the rents to be charged in any housing
40 owned or managed by such authority] of the authority selected
41 pursuant to subsection (c) of this section. If, on October 1, 1979, a
42 municipality has adopted a resolution as described in section 8-40, but
43 has no tenants serving as commissioners, the chief executive officer of
44 a municipality other than a town or the governing body of a town shall
45 appoint a tenant who meets the qualifications set out in this section as
46 a commissioner of such authority when the next vacancy occurs. No
47 commissioner of an authority may hold any public office in the
48 municipality for which the authority is created. A commissioner shall
49 hold office until [his] such commissioner's successor is appointed and

50 has qualified. A certificate of the appointment or reappointment of any
51 commissioner shall be filed with the clerk and shall be conclusive
52 evidence of the legal appointment of such commissioner, after [he]
53 such commissioner has taken an oath in the form prescribed in the first
54 paragraph of section 1-25. The powers of each authority shall be vested
55 in the commissioners thereof. Three commissioners shall constitute a
56 quorum if the authority consists of five commissioners. Four
57 commissioners shall constitute a quorum if the authority consists of
58 more than five commissioners. Action may be taken by the authority
59 upon a vote of not less than a majority of the commissioners present,
60 unless the bylaws of the authority require a larger number. The chief
61 executive officer, or, in the case of an authority for a town, the
62 governing body of the town, shall designate which of the
63 commissioners shall be the first chairman, but when the office of
64 chairman of the authority becomes vacant, the authority shall select a
65 chairman from among its commissioners. An authority shall select
66 from among its commissioners a vice chairman, and it may employ a
67 secretary, who shall be executive director, and technical experts and
68 such other officers, agents and employees, permanent and temporary,
69 as it requires, and shall determine their qualifications, duties and
70 compensation, provided, in municipalities having a civil service law,
71 all appointments and promotions, except the employment of the
72 secretary, shall be based on examinations given and lists prepared
73 under such law, and, except so far as may be inconsistent with the
74 terms of this chapter, such civil service law and regulations adopted
75 thereunder shall apply to such housing authority and its personnel.
76 For such legal services as it requires, an authority may employ its own
77 counsel and legal staff. An authority may delegate any of its powers
78 and duties to one or more of its agents or employees. A commissioner,
79 or any employee of the authority who handles its funds, shall be
80 required to furnish an adequate bond. The commissioners shall serve
81 without compensation, but shall be entitled to reimbursement for their
82 actual and necessary expenses incurred in the performance of their
83 official duties.

84 (b) Tenants of the authority may form a tenant organization that

85 shall have the power to recommend or designate tenants for
86 appointment as tenant commissioner in accordance with subsection (c)
87 of this section. Upon the election of the governing board of a tenant
88 organization, such organization may request to be recognized by the
89 authority as an official tenant organization representing all tenants of
90 the authority. If the authority determines that the election of the
91 governing board was conducted fairly and with sufficient notice of the
92 election to all tenants of the authority, it shall recognize the tenant
93 organization as the official tenant organization.

94 [(b)] (c) Any tenant organization composed of tenants [residing
95 within units owned or managed by the appointing] of the authority
96 may indicate to such authority its desire to be notified of any pending
97 appointment of any such commissioner. A reasonable time before
98 appointing any such commissioner, the [appointing] authority shall
99 notify any such tenant organization. [and, in making such
100 appointment, such authority shall consider tenants suggested by such
101 tenant organizations.] If a tenant organization has been recognized by
102 the authority as the official tenant organization, then the appointee as
103 tenant commissioner shall be selected by (1) a fair election by the
104 tenants of the authority, provided all such tenants received sufficient
105 notice of such election, or (2) other means provided for in the by-laws
106 adopted by such tenant organization, including, but not limited to,
107 selection by its governing board. If a tenant association has not been
108 recognized by the authority as the official tenant organization and if
109 ten per cent of the tenants of the authority or seventy-five tenants,
110 whichever is less, petition the authority for an election, then the
111 appointee as tenant commissioner shall be selected by a fair election by
112 the tenants of the authority, provided all such tenants received
113 sufficient notice of such election. If an appointee as tenant
114 commissioner has not been selected by an election of the tenants of the
115 authority or by other means pursuant to the by-laws adopted by an
116 official tenant organization, then the authority shall select the
117 appointee. In making such selection, the authority shall consider any
118 tenants suggested by tenant organizations.

119 (d) For any election conducted pursuant to subsections (b) and (c) of
 120 this section, the authority shall use its best efforts to secure a neutral
 121 third-party organization to administer such election. To the extent
 122 practicable, such third-party organization shall be selected with the
 123 agreement of the official tenant organization, if any.

124 [[c)] (e) Notwithstanding any provision of subsection (a) of this
 125 section or any other provision of the general statutes, [to the contrary,]
 126 a commissioner of an authority may serve as a justice of the peace or a
 127 registrar of voters.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	8-41

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which modifies and adds methods for selecting tenant commissioners on a public housing authority's board of directors, results in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 320*****AN ACT CONCERNING THE SELECTION OF TENANT COMMISSIONERS.*****SUMMARY:**

This bill adds methods for selecting tenant commissioners for a public housing authority's board of directors. Currently, the municipality's chief executive officer or governing body appoints housing authority commissioners, including the tenant commissioners. In doing so, they must consider for appointment tenant commissioners suggested by any tenant organization. The bill establishes a process for recognizing tenant organizations that may elect or designate tenants to the board according to the organization's bylaws.

The bill also provides a mechanism for tenants to petition for an election if no recognized organization exists. Whether an election is held under an organization's bylaws or petitioned by the tenants, the housing authority must use its best efforts (in agreement with the tenant organization, to the extent practicable) to arrange for a neutral third-party organization to administer the election.

If the bill's provisions for electing the tenant commissioner or selecting one under a tenant organization's bylaws are not utilized, then the appointing authority must select the appointee by considering tenants the organization suggests, as under current law.

EFFECTIVE DATE: October 1, 2010

TENANT COMMISSIONER SELECTION***Recognized Tenant Organization***

The bill formalizes the process for recognizing tenant organizations

with the power to recommend or designate tenants for the governing board. Under current law, any tenant organization can (1) indicate its interest in receiving notice of a pending housing authority appointment and (2) suggest candidates for the position of tenant commissioner.

Under the bill, a tenant organization must elect a governing board and request that the housing authority recognize it as representing all the authority's tenants. The authority must recognize the organization as official if it determines that the governing board's election was conducted fairly and with sufficient notice to all tenants.

A recognized organization then has the power to recommend or designate tenants for appointment to the authority.

Official Tenant Organization

When a tenant organization has been recognized, the commissioner appointee must be selected (1) in an election by all tenants who have received sufficient notice of the election or (2) by another means specified in the organization's bylaws. An alternative means can include selection by the organization's governing board.

No Official Tenant Organization

When no official organization has been recognized, 10% or 75 tenants, whichever is less, can petition the authority for an election. In that case, all tenants must receive notice of the election and the tenant commissioner is selected by a vote of all the tenants.

TENANT COMMISSIONER QUALIFICATIONS AND AUTHORITY

The bill reduces the criteria a tenant must meet to serve as a commissioner. By law, the commission that oversees a local housing authority must include at least one member who is a tenant of the authority. The number of tenant commissioners depends on the commission's size. Those with five or fewer members must include at least one tenant member; those with more than five must have at least two. In both cases, a tenant can serve as a commissioner if he or she resided in a unit owned or managed by the authority for at least one

year. A “tenant” also includes people who previously resided for at least one year in housing owned or managed by the authority and no longer do but currently receive housing assistance directly from the authority. These people would include, for example, those residing in privately owned units and whose rents are being subsidized by the authority. Under current law, tenant commissioners are barred from voting on any matter concerning rental charges.

The bill deletes the length-of-residency requirement, permitting any tenant who lives in authority-owned and -managed housing or who receives housing assistance in a program directly administered by the authority to serve.

It also removes the restriction on a tenant commissioner voting on establishing or revising the rents the authority charges.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/11/2010)