



General Assembly

February Session, 2010

Raised Bill No. 320

LCO No. 1590

01590_____HSG

Referred to Committee on Housing

Introduced by:
(HSG)

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 Section 8-41 of the general statutes is repealed and the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) When the governing body of a municipality other than a town
4 adopts a resolution as described in section 8-40, it shall promptly
5 notify the chief executive officer of such adoption. Upon receiving such
6 notice, the chief executive officer shall appoint five persons who are
7 residents of said municipality as commissioners of the authority,
8 except that where the authority operates more than three thousand
9 units the chief executive officer may appoint two additional persons
10 who are residents of the municipality. If the governing body of a town
11 adopts such a resolution, such body shall appoint five persons who are
12 residents of said town as commissioners of the authority created for
13 such town. The commissioners who are first so appointed shall be
14 designated to serve for a term of either one, two, three, four or five
15 years, except that if the authority has five members, the terms of not
16 more than one member shall expire in the same year. Terms shall

17 commence on the first day of the month next succeeding the date of
18 their appointment, and annually thereafter a commissioner shall be
19 appointed to serve for five years except that any vacancy which may
20 occur because of a change of residence by a commissioner, removal of
21 a commissioner, resignation or death shall be filled for the unexpired
22 portion of the term. If a governing body increases the membership of
23 the authority on or after July 1, 1995, such governing body shall, by
24 resolution, provide for a term of five years for each such additional
25 member. The term of the chairman shall be three years. At least one of
26 such commissioners of an authority having five members, and at least
27 two of such commissioners of an authority having more than five
28 members, shall be a tenant or tenants selected pursuant to subsection
29 (c) of this section who live in housing owned or managed by such
30 authority, if any exists, provided that any such tenant shall have
31 resided in such housing for more than one year or is a tenant who
32 previously resided in such housing for more than one year and is
33 receiving housing assistance in a housing program directly
34 administered by such authority and provided further that no such
35 tenant shall have the authority to vote on any matter concerning the
36 establishment or revision of the rents to be charged in any housing
37 owned or managed by such authority. If, on October 1, 1979, a
38 municipality has adopted a resolution as described in section 8-40, but
39 has no tenants serving as commissioners, the chief executive officer of
40 a municipality other than a town or the governing body of a town shall
41 appoint a tenant who meets the qualifications set out in this section as
42 a commissioner of such authority when the next vacancy occurs. No
43 commissioner of an authority may hold any public office in the
44 municipality for which the authority is created. A commissioner shall
45 hold office until his successor is appointed and has qualified. A
46 certificate of the appointment or reappointment of any commissioner
47 shall be filed with the clerk and shall be conclusive evidence of the
48 legal appointment of such commissioner, after he has taken an oath in
49 the form prescribed in the first paragraph of section 1-25. The powers
50 of each authority shall be vested in the commissioners thereof. Three

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

79 (b) Tenants residing within units owned or managed by the
80 authority may form a tenant organization that shall have the power to
81 recommend tenants for appointment to tenant commissioner in
82 accordance with subsection (c) of this section. Upon the election of the
83 governing board of a tenant organization, such organization may
84 request to be recognized by the authority as an official tenant

85 organization representing tenants residing within units owned or
86 managed by the authority. If the authority determines that the election
87 of the governing board was conducted fairly and with sufficient notice
88 of the election to all tenants residing within units owned or managed
89 by the authority, it shall recognize the tenant organization as an official
90 tenant organization.

91 [(b)] (c) Any tenant organization composed of tenants residing
92 within units owned or managed by the [appointing] authority may
93 indicate to such authority its desire to be notified of any pending
94 appointment of any such commissioner. A reasonable time before
95 appointing any such commissioner, the [appointing] authority shall
96 notify any such tenant organization, [and, in making such
97 appointment, such authority shall consider tenants suggested by such
98 tenant organizations.] If a tenant organization has been recognized by
99 the authority as an official tenant organization, then the appointee to
100 tenant commissioner shall be selected by (1) a fair election by the
101 tenants residing within units owned or managed by the authority,
102 provided all such tenants received sufficient notice of such election, or
103 (2) other means provided for in the by-laws adopted by such tenant
104 organization, including, but not limited to, selection by the governing
105 board. If a tenant association has not been recognized by the authority
106 as an official tenant organization or if no tenant organization has been
107 formed, the authority shall, with sufficient notice to all tenants residing
108 within units owned or managed by the authority, conduct a fair
109 election of the appointee by the tenants residing within units owned or
110 managed by the authority, provided ten per cent of such tenants have
111 petitioned the authority for an election. If a tenant organization has not
112 been recognized by the authority as an official tenant organization and
113 if ten per cent of tenants have not petitioned the authority for an
114 election, then the authority shall select the appointee to tenant
115 commissioner. In making such selection, the authority shall consider
116 any tenants suggested by tenant organizations.

117 [(c)] (d) Notwithstanding any provision of subsection (a) of this

118 section or any other provision of the general statutes, [to the contrary,]
119 a commissioner of an authority may serve as a justice of the peace or a
120 registrar of voters.

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

Statement of Purpose:

To provide for greater tenant participation in the selection of tenant commissioners of housing authorities.

[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.]