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## **OLR Bill Analysis**

### **sHB 6461**

#### ***AN ACT CONCERNING THE SELECTION OF TENANT COMMISSIONERS.***

#### **SUMMARY:**

This bill:

1. establishes a process for recognizing public housing authority tenant organizations that can elect or designate a tenant commissioner to the authority's board of commissioners;
2. establishes procedures under which a tenant organization may elect or designate a tenant commissioner;
3. provides a mechanism for tenants to petition for an election if no recognized tenant organization exists;
4. expands the definition of "tenants" who are eligible to participate in the selection and serve on the board;
5. authorizes housing authority boards in towns and other municipalities with 3,000 or fewer units to have two additional members (up to seven) under certain circumstances; and
6. removes the prohibition against tenant commissioners voting to establish or revise rents.

Under the bill, "tenant of the authority" means someone who receives housing assistance in a housing program that the authority directly administers (e.g., Section 8 recipients renting from private landlords), as well as someone who lives in housing that the authority owns or manages. The bill thus removes a requirement under which tenants qualify for commissioner only if they have currently or previously lived in authority housing for at least one year.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2011

### **BOARD MEMBERSHIP**

By law, a housing authority in a municipality other than a town (e.g., a city) operating more than 3,000 units must have a five-member board of commissioners comprised of municipal residents and may have up to two additional members. At least two must be tenant members. Under current law, a municipal authority with 3,000 or fewer units must have a five-member board comprised of municipal residents, including at least one tenant member. Similarly, a housing authority in any town must have a five-member board comprised of town residents, including at least one tenant member.

The bill authorizes housing authority boards in towns and other municipalities operating 3,000 or fewer units to have two more members if, after a tenant commissioner is elected, additional appointments are necessary to achieve compliance with (1) federal rules specifying that resident board members are only eligible when they receive direct assistance from the housing authority or (2) state minority representation requirements (see BACKGROUND). Table 1 shows the maximum number of commissioners in towns and other municipalities under current law and the bill; the appointing authority, if any; and the selection method.

***Table 1: Board Membership under Current Law the Bill***

<b><i>Type of Municipality</i></b>	<b><i>Current Law</i></b>	<b><i>The Bill</i></b>
Towns	Governing body appoints five commissioners, including at least one tenant commissioner.	Governing body appoints up to five members and may appoint two more as necessary to achieve compliance with federal rules and state law.  At least one must be a tenant commissioner who may be elected.
Other municipalities where housing authority operates 3,000 or fewer units	Chief executive officer appoints five commissioners, including at least one tenant commissioner.	Chief executive officer appoints up to five members and may appoint two more as necessary

		to achieve compliance with federal rules and state law.  At least one must be a tenant commissioner who may be elected.
Other municipalities where housing authority operates more than 3,000 units	Chief executive office must appoint five members and may appoint at least two additional members. At least two must be tenant commissioners.	Chief executive officer appoints up to five members and may appoint two more.  At least two must be tenant commissioners who may be elected.

**TENANT COMMISSIONER SELECTION**

Under current law, the municipality’s chief executive officer or governing body (i.e., appointing authority) appoints housing authority commissioners, including the tenant commissioners. In doing so, they must consider for appointment tenant commissioners suggested by any existing 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 by-laws. It also provides a mechanism for tenants to petition for an election if no recognized tenant organization exists. Whether an election is required 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 a tenant commissioner or selecting one under a tenant organization’s by-laws are not used, then the appointing authority must select the appointee or appointees by considering tenants the organization suggests, as under current law.

**TENANT ORGANIZATION**

***Recognized Tenant Organization***

The bill formalizes the process for recognizing tenant organizations with the power to recommend or designate tenants for the board of

commissioners. By 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.

The bill gives tenants the explicit authority to establish a tenant organization, which may elect a governing board and may ask the housing authority to 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 (1) fairly and with sufficient notice to all tenants or (2) according to procedures and standards federal regulations set (e.g., an independent third-party oversaw the election).

A recognized organization then has the power to elect or select the tenant commissioner for appointment to the housing authority.

#### ***Official Tenant Organization***

When an official tenant organization is recognized, a tenant 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 by-laws. An alternative means can include selection by the tenant organization's governing board.

#### ***No Official Tenant Organization***

When no official organization has been recognized, 10% of the tenants or 75 tenants, whichever is less, can petition the authority for an election to select a tenant commissioner. In that case, all tenants must receive notice of the election, and the 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 commissioner. Current law allows only current or former housing authority tenants to qualify for tenant commissioner. It also sets a length-of-residency requirement. Specifically, a tenant is eligible only

if, for at least one year, he or she currently or previously resided in authority-owned or -managed housing. A tenant who previously resided in such housing must currently receive housing assistance in a program that the authority administers (for example, individuals residing in privately owned units but whose rents the authority subsidizes).

The bill (1) extends eligibility to individuals who receive housing assistance from the authority but who never lived in authority-owned or -managed housing and (2) eliminates the length-of-residency requirement.

When a tenant commissioner is elected to a five-member board, in either in a town or other municipality, the bill authorizes the housing authority to set the qualifications for a second tenant commissioner to achieve compliance with (1) federal rules specifying that resident board members are only eligible when they receive direct assistance from the housing authority and (2) minority representation requirements.

## **BACKGROUND**

### ***Minority Representation***

The minority representation law restricts the maximum number of members of one political party who can serve on certain state and municipal boards and commissions. Once candidates from the same political party fill the maximum allowable slots, the highest vote getters from any other party or parties, or unaffiliated candidates, fill the remaining positions. Table 2 provides the minority representation requirement.

**Table 2: Minority Representation Requirement**

<b><i>Total Board Membership</i></b>	<b><i>Maximum from One Party</i></b>
3	2
4	3
5	4
6	4
7	5
8	5

9	6
More than 9	Two-thirds of total membership

***Federal Regulations***

Under federal regulations, the governing board of each public housing agency receiving federal assistance must have at least one eligible resident. An “eligible resident” is a person (1) who is directly assisted by a public housing agency, (2) whose name appears on the lease, and (3) is age 18 or older (24 CFR 964.410 and 964.415).

**COMMITTEE ACTION**

Housing Committee

Joint Favorable Substitute

Yea 10    Nay 1    (03/10/2011)