

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1851

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CURLS, BLAND, LOWE, VAN ZANDT, CAMPBELL,
MAYS (50), MONACO (Co-sponsors), HARDING AND RIZZO.

Read 1st time February 7, 2002, and 1000 copies ordered printed.

Read 2nd time February 11, 2002, and referred to the Committee on Urban Affairs, February 21, 2002.

Reported from the Committee on Urban Affairs March 11, 2002, with recommendation that the bill Do Pass.

Taken up for Perfection March 19, 2002. Bill ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

4051L.01P

AN ACT

To repeal sections 99.050 and 99.134, RSMo, and to enact in lieu thereof two new sections relating to housing authorities, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 99.050 and 99.134, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 99.050 and 99.134, to read as follows:

99.050. When the governing body of a city adopts a resolution or other declaration as
2 aforesaid, it shall promptly notify the mayor of such adoption. Upon receiving such notice, the
3 mayor shall appoint five persons who shall be taxpayers who have resided in said city for [five
4 years] **one year** prior to such appointment as commissioners of the authority created for said city.
5 When the governing body of a county adopts a resolution or other declaration as aforesaid, said
6 body shall appoint five persons as commissioners of the authority created for said county. Three
7 of the commissioners who are first appointed shall be designated to serve for terms of one, two,
8 and three years, respectively, from the date of their appointment, and two shall be designated to
9 serve for terms of four years from the date of their appointment. Thereafter commissioners shall
10 be appointed as aforesaid for a term of office of four years except that all vacancies shall be filled
11 for the unexpired term. No commissioner of an authority may be an officer or employee of the
12 city or county for which the authority is created. A commissioner shall hold office until his

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 successor has been appointed and has qualified, unless sooner removed according to sections
14 99.010 to 99.230. A certificate of the appointment or reappointment of any commissioner shall
15 be filed with the clerk and such certificate shall be conclusive evidence of the due and proper
16 appointment of such commissioner. A commissioner shall receive no compensation for his
17 services for the authority, in any capacity, but he shall be entitled to the necessary expenses,
18 including traveling expenses, incurred in the discharge of his duties. The powers of each
19 authority shall be vested in the commissioners thereof in office from time to time. One more
20 than one-half of all commissioners shall constitute a quorum of the authority for the purpose of
21 conducting its business and exercising its powers and for all other purposes. Action may be
22 taken by the authority upon a vote of a majority of a quorum, unless in any case the bylaws of
23 the authority shall require a larger number. The mayor (or in the case of an authority for a
24 county, the governing body of the county) shall designate which of the commissioners shall be
25 the first chairman and he shall serve in the capacity of chairman until the expiration of his term
26 of office as commissioner. When the office of the chairman of the authority thereafter becomes
27 vacant, the authority shall select a chairman from among its commissioners. An authority shall
28 select from among its commissioners a vice chairman, and it may employ a secretary (who shall
29 be executive director), technical experts and such other officers, agents and employees,
30 permanent and temporary, as it may require, and shall determine their qualifications, duties and
31 compensation. For such legal services as it may require, an authority may call upon the chief law
32 officer of the city or the county or may employ its own counsel and legal staff. An authority may
33 delegate to one or more of its agents or employees such powers or duties as it may deem proper.

99.134. [Beginning April 1, 1991, the provisions of this section shall apply to housing
2 authorities of any city with a population of more than three hundred fifty thousand inhabitants
3 which is located in more than one county. The authority shall consist of seven commissioners,
4 appointed by the mayor of the city, with the advice and consent of the city council. One
5 commissioner shall be appointed from each city council district and the seventh commissioner
6 shall be a tenant of any housing project owned or operated by the housing authority. The tenant
7 commissioner shall serve for three years, but only if he remains a tenant of any housing project
8 owned or operated by the authority. Notwithstanding the provisions of this chapter to the
9 contrary, a new authority shall be established under this section. The commissioners of the
10 authority in office on April 1, 1991, shall be deemed members of the new authority and shall
11 serve the remaining portion of their terms. The new members of the authority which bring the
12 total number of members to seven shall serve for four years. Upon the completion of the term
13 of any commissioner, except the tenant commissioner, his replacement shall be appointed for a
14 period of four years. The mayor shall make appointments within ninety days of the vacancy
15 occurring. If no appointment has been made within ninety days by the mayor, the vacancy shall

16 be filled by a majority of the city council present and voting at a regular meeting.] **1. Beginning**
17 **on the effective date of this section, and notwithstanding any conflicting provision of**
18 **section 99.050, this section shall apply to housing authorities in any home rule city with**
19 **more than four hundred thousand inhabitants and located in more than one county, and**
20 **the following provisions shall govern the composition of the housing authority and the**
21 **selection of the members thereof.**

22 **2. There shall be seven members of the housing authority commission, all of whom**
23 **shall be residents of the jurisdiction of the housing authority. Six members shall be**
24 **appointed by the mayor with the advice and consent of the city council, and one member**
25 **shall be elected by the tenants of the housing authority. At least one of the appointed**
26 **members must be a resident in good standing receiving housing assistance from the federal**
27 **Department of Housing and Urban Development under section 8 of the United States**
28 **Housing Act of 1937, as amended, and who is participating in or who has successfully**
29 **completed a self-sufficiency program. The appointed members of the housing authority**
30 **commission shall be nominated by a nominating committee consisting of five members.**
31 **Three members of the nominating committee shall be selected by the housing authority**
32 **commissioners in office before the effective date of this section. The remaining two**
33 **members shall be disinterested persons, of which one must be a public housing resident,**
34 **and the other a person receiving housing assistance from the federal Department of**
35 **Housing and Urban Development under section 8 of the United States Housing Act of 1937,**
36 **as amended, and both disinterested persons shall be selected by the jurisdiction-wide**
37 **resident organization.**

38 **3. The election of the elected member of the commission shall be conducted by the**
39 **jurisdiction-wide resident organization and overseen by an independent third party. The**
40 **election shall be by written ballot, and each tenant of the housing authority eighteen years**
41 **of age or older shall be entitled to one vote. In addition to the qualifications required for**
42 **the office by sections 99.010 to 99.230, the elected member of the commission shall be a**
43 **tenant in good standing.**

44 **4. Commissioners of the housing authority required by this section to be tenants**
45 **of the housing authority or tenants receiving housing assistance from the federal**
46 **Department of Housing and Urban Development under section 8 of the United States**
47 **Housing Act of 1937, as amended, shall not be employed in any capacity by the housing**
48 **authority and shall not be construed, because of such tenancy or receipt of such housing**
49 **assistance, to have a direct or indirect interest in any housing authority project or in any**
50 **property included or planned to be included in any project, or in proposed contract for**
51 **materials or services within the meaning of section 99.060.**

52 **5. Each elected commissioner shall serve a term of four years. Of the six appointed**
53 **members of the commission first appointed pursuant to this section, two shall serve a term**
54 **of one year, two shall serve a term of two years, and two shall serve a term of three years.**
55 **Thereafter all commissioners shall serve a term of office of four years. Vacancies on the**
56 **commission shall be filled for the unexpired term in the same manner as the commissioner**
57 **was originally appointed or elected.**

58 **6. The commissioners shall select from among their members a chair and a vice**
59 **chair. A quorum shall consist of at least four commissioners.**

60 **7. Each commissioner shall receive a stipend of two hundred dollars per month for**
61 **the commissioner's services to the housing authority in any capacity in addition to**
62 **reimbursement for expenses incurred for special travel or conference expenses incurred**
63 **in the discharge of the commissioner's duties. The expenses shall not exceed the sum of one**
64 **thousand dollars per year per commissioner. The commission shall have the power to**
65 **adjust the stipend amount annually to reflect changes in the consumer price index or other**
66 **similar prudent and objective preescalator methods.**

 Section B. Because immediate action is necessary to provide a housing authority
2 commission the appropriate areas of this state, the repeal and reenactment of section A of this
3 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and
5 the repeal and reenactment of section A of this act shall be in full force and effect upon its
6 passage and approval.