

55:14A-4 and 6

LEGISLATIVE HISTORY CHECKLIST

NJSA 55:14A-4; 55:14A-6

COPY NO. 2

Laws of 1975 Chapter 239

Bill No. A1143

Sponsor(s) Baer

Date Introduced Feb. 4, 1974

Committee: Assembly Municipal Gov't.

Senate County & Municipal Gov't.

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly April 16, 1974

Senate April 28, 1975

Date of approval May 5, 1975

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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[SECOND OFFICIAL COPY REPRINT] APPROVED 10-24-75 LAWS OF N. J. 1975

ASSEMBLY, No. 1143

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1974

By Assemblyman BAER

Referred to Committee on Municipal Government

AN ACT to amend the "Local Housing Authorities Law," approved March 8, 1938 (P. L. 1938, c. 19).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. R. S. 55:14A-4, added to the Revised Statutes by P. L. 1938,
2 c. 19, is amended to read as follows:

3 55:14A-4. Any governing body may, by resolution in the case
4 of counties, or ordinance in the case of municipalities, create a
5 body corporate and politic to be known as the "Housing Authority
6 of " inserting the name of the municipality
7 or county creating such authority. Such authority shall constitute
8 an agency and instrumentality of the municipality or county creat-
9 ing it. The authority shall consist of **[six]** *seven* members who
10 shall be appointed and hold office for the terms as hereinafter pro-
11 vided. The governing body shall appoint **[five]** ***[six]*** ***five***
12 commissioners of the authority ***and the chief executive officer or*
13 *the director of the board of chosen freeholders, as may be appro-*
14 *priate in the case of counties, or the mayor in the case of municipi-*
15 *palities, hereinafter referred to as the chief executive, shall appoint*
16 *one commissioner***. ***[These]*** ***The*** commissioners first
17 appointed ***[by the governing body]*** shall be designated to serve
18 for *the following* terms: **[of 1, 2, 3, 4 and 5 years, respectively, from**
19 **the date of their appointment, but thereafter commissioners so**
20 **appointed shall hold office for a term of 5 years, except that all**
21 **vacancies shall be filled for the unexpired term]** *one for a term of 1*
22 *year, one for a term of 2 years, one for a term of 3 years, one for a*
23 *term of 4 years and two for terms of 5 years, and until their respec-*

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

23A *tive successors are appointed and have qualified. The *****[governing**
 23B *body]******* ***chief executive*** of a county or municipality which has
 23C *heretofore created a housing authority consisting of five members*
 23D *appointed by the governing body**,** shall forthwith appoint one*
 23E *additional commissioner for a 5-year term.*

24 *After the initial appointments, commissioners so appointed shall*
 25 *hold office for a term of 5 years, and until their respective successors*
 26 *are appointed and have qualified, except that all vacancies shall*
 27 *be filled for the unexpired term. The director shall, on receipt of*
 28 *notification of the creation of a housing authority, appoint one*
 29 *member thereof who shall hold office* **[at his pleasure]** ***[for a term***
 30 *of 5 years and until his successor is appointed and has qualified]***
 31 **at his pleasure**. The governing body of two or more municipi-
 32 *palities may by joint action or ordinances create a public body*
 33 *corporate and politic to be known as “*.....
 34 *Regional Housing Authority,” with such additional designation as*
 35 *may be provided in the joint ordinances. Such regional authority*
 36 *shall constitute an agency and instrumentality of the municipalities*
 37 *creating it. Upon the adoption of a joint ordinance as aforesaid, a*
 38 *copy thereof certified by the clerk of each of the municipalities shall*
 39 *be filed with the director. [The authority shall consist of six mem-*
 40 *bers who shall be appointed and hold office for the terms as herein-*
 41 *after provided.] Thereupon the respective clerks shall promptly*
 42 *notify the respective governing bodies of such adoption. Upon*
 43 *receiving such notice, each governing body shall appoint two com-*
 44 *missioners of the regional authority for a term of 5 years except*
 45 *that all vacancies shall be filled for the unexpired term. The*
 46 *governing body of the municipality which has the greatest popula-*
 47 *tion of any of the municipalities creating the regional authority*
 48 *shall appoint one additional commissioner of the authority for a*
 49 *like term. The clerks of the governing bodies shall file with the*
 50 *director the names of persons appointed as commissioners. The*
 51 *director shall, on receipt of notification of the creation of said hous-*
 52 *ing authority, appoint* **[one member]** *two members* thereof who
 53 shall hold office **[at his pleasure]** ***[for terms of 5 years and until***
 54 *their successors are appointed and have qualified]*** **at his*
 55 *pleasure**. The said **[person]** *persons* appointed by the director
 56 shall be entitled to vote as **[a member]** *members* of the housing
 57 authority and shall be entitled to all other privileges of membership
 58 on such authority. The director may remove *any* such person **[and**
 59 *designate a new one at any time or] ***[, for inefficiency or neglect of***
 60 *duty or misconduct in office, after a public hearing at which he shall****

61 *be afforded an opportunity to be heard, either in person or by*
 62 *counsel, and at least 10 days prior to the holding of which he shall*
 63 *be served with a copy of the charges.]* *and designate a new one*
 64 *at any time or* ***[The director also may]*** fill the vacancy caused*
 64A *by the removal, death or resignation of any such person.*

65 No municipality which has created an authority pursuant to
 66 this section shall thereafter join in the creation of a regional
 67 authority. No municipality which has been included with its consent
 68 within the area of operation of a county housing authority shall
 69 thereafter create an authority or join the creation of a regional
 70 authority. Where there is no housing authority in existence in
 71 any municipality of a county, the governing body of said county
 72 may create a housing authority; provided, the director shall certify
 73 that there is a need for housing within said county; thereafter, no
 74 municipality within said county shall create an authority or join
 75 in the creation of a regional authority without the consent of the
 76 governing body of said county and without the consent of the
 77 county housing authority.

1 2. R. S. 55:14A-6, added to the Revised Statutes by P. L. 1938,
 2 c. 19, is amended to read as follows:

3 55:14A-6. Authority; commissioners; misconduct; removal.

4 Not more than one commissioner of any authority may be an
 5 officer or employee of the municipality or county for which the
 6 authority is created. All commissioners shall hold office until their
 7 successors have been appointed and have qualified. A certificate
 8 of the appointment or reappointment of any commissioner shall
 9 be filed with the clerk and such certificate shall be conclusive
 10 evidence of the due and proper appointment of such commissioner.
 11 A commissioner shall receive no compensation for his services but
 12 he shall be entitled to the necessary expenses, including traveling
 13 expenses incurred in the discharge of his duties. The powers of
 14 each authority shall be vested in the commissioners thereof in office
 15 from time to time. **[Three]** *Four* members shall constitute a
 16 quorum of the authority for the purpose of conducting its business
 17 and exercising its powers and for all other purposes. Action may
 18 be taken by the authority upon the affirmative vote of the majority,
 19 but not less than three, of the commissioners present, unless in any
 20 case the bylaws of the authority shall require a larger number.
 21 The authority shall select a chairman and a vice-chairman from
 22 among its commissioners, and it may employ a secretary (who shall
 23 be executive director), technical experts and such other officers,
 24 agents and employees, permanent and temporary, as it may require,

25 and shall determine their qualifications, duties and compensation.
26 For such legal services as it may require, an authority may call
27 upon any chief law officers of the municipality, municipalities or
28 the county, as the case may be, or may employ its own counsel and
29 legal staff. An authority may delegate to one or more of its agents
30 or employees such powers and duties as it may deem proper. No
31 commissioner or employee of an authority shall acquire any interest
32 direct or indirect in any housing project or in any property included
33 or planned to be included in the project nor shall he have any
34 interest direct or indirect in any contract or proposed contract for
35 materials or services to be furnished or used in connection with any
36 housing project. If any commissioner or employee of an authority
37 owns or controls an interest direct or indirect in any property
38 included or planned to be included in a housing project he immedi-
39 ately shall disclose the same in writing to the authority and such
40 disclosure shall be entered upon the minutes of the authority.
41 Failure so to disclose such interest shall constitute misconduct
42 in office. Upon such disclosure such commissioner or employee
43 shall not participate in any action by the authority affecting such
44 property. For inefficiency or neglect of duty or misconduct in
45 office, a commissioner of an authority may be removed by the
46 appointing authority which made the original appointment, but a
47 commissioner shall be removed only after he shall have been given
48 a copy of the charges at least ten days prior to the hearing thereon
49 and had an opportunity to be heard in person or by counsel. In
50 the event of the removal of any commissioner, a record of the
51 proceedings, together with the charges and findings thereon, shall
52 be filed in the office of the clerk.

1 3. This act shall take effect 30 days after its enactment.

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STATEMENT

Prior to 1948, local housing authorities consisted of five voting members appointed by the local governing body and one non-voting member appointed by the appropriate State official. The five voting members afforded the traditional odd number to avoid deadlocks and to create a majority for action. This law was amended in 1948 (P. L. 1948, c. 262) to give the State-appointed member voting rights. The existence of the sixth voting commissioner of the authority tends to result in deadlock situations generally adverse to the public interest. The purpose of this proposed amendment is to increase the number of commissioners to an odd number, i.e., seven, and thus reduce the likelihood of split decisions.

This is a companion to a similar bill for local redevelopment authorities.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1143

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1974

Assembly Bill No. 1143 (OCR):

(1) Increases the total number of housing authority commissioners from 6 to 7 members, with the additional member being a citizen member to be appointed by the governing body, as are the other 5 citizen members;

(2) Retains the existing requirement that the appointee of the Commissioner of Community Affairs ("the director") to a local housing authority shall serve in such capacity at the pleasure of the commissioner;

(3) Provides for the appointment by the commissioner of two members to any regional housing authority, and that such members shall serve at the pleasure of the commissioner;

(4) Increases from three to four the quorum requirements for such authorities; and

(5) Clarifies existing statutory language.

The Senate Committee Amendments require that one of the six citizen members of the authority be appointed by the chief executive officer of the county or municipality creating the authority. In the case of already constituted authorities, this would require that the new or sixth citizen member be appointed by the mayor. The provisions of the amendment would not apply to regional authorities.

The sponsor's statement to the original bill contends that the increase in membership is made necessary by (1) the increased workload of such authorities, and (2) the need to reduce voting deadlocks which are a characteristic of even-numbered bodies.