

40A:12A-18

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 240

NJSA: 40A:12A-18 (Housing authority—executive director)

BILL NO: A2767 (Substituted for S1725)

SPONSOR(S): Arnone and Farragher

DATE INTRODUCED: January 7, 1999

COMMITTEE: **ASSEMBLY:** Local Government & Housing

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 29, 1999

SENATE: May 24, 1999

DATE OF APPROVAL: October 14, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Assembly Committee Substitute
(Amendments during passage denoted by superscript numbers)

A2767

SPONSORS STATEMENT: (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1725

SPONSORS STATEMENT: (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENTS: [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: [Yes](#)

FOLLOWING WERE PRINTED:

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P.L.1999, CHAPTER 240, *approved October 14, 1999*

Assembly Committee Substitute for
Assembly, No. 2767

1 AN ACT concerning housing authority executive directors and
2 amending P.L.1992, c.79.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 18 of P.L.1992, c.79 (C.40A:12A-18) is amended to
8 read as follows:

9 18. a. A housing authority shall appoint and may enter into a
10 contract to employ an executive director as the authority may
11 determine necessary for its efficient operations. The contract shall set
12 forth the executive director's duties, compensation, and term of office,
13 subject to the limitations set forth in subsection b. of this section, as
14 well as reasons for which the executive director may be removed for
15 cause. An executive director shall be subject to an annual performance
16 evaluation and shall comply with the provisions of section 46 or 47 of
17 P.L.1992, c.79 (C.40A:12A-46 or 47), as appropriate. A housing
18 authority may terminate an executive director for cause; however the
19 contract shall provide an executive director with not less than 120
20 days' notice. A copy of the adopted contract shall be submitted to the
21 Department of Community Affairs and filed with the clerk of the
22 municipality or the county for which the authority has been created.

23 b. (1). The executive director of a housing authority shall have
24 attained a degree from an accredited four year college or university in
25 a public administration, social science, or other appropriate program,
26 and shall have at least five years' experience in public administration,
27 public finance, realty, or similar professional employment. A master's
28 degree in an appropriate program may substitute for two years of that
29 experience. An executive director holding that position prior to or on
30 January 18, 1992 and possessing the required work experience and
31 holding certification as a Public Housing Manager (PHM) from the
32 National Association of Housing and Redevelopment Officials, or
33 equivalent certification from a nationally recognized professional
34 association in the housing and redevelopment field, shall not be
35 required to meet the educational requirement, except as otherwise
36 provided in section 45 of P.L.1992, c.79 (C.40A:12A-45) and shall be
37 deemed qualified for continued employment as executive director of
38 the authority in which he holds that post and eligible for equivalent
39 employment in any other local public housing authority in this State.
40 An individual who meets the qualifications set forth in this paragraph

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

Matter underlined thus is new matter.

1 may be awarded a contract which shall not exceed one year, except
2 that any person serving as an executive director at the time this bill is
3 adopted into law shall be eligible to be awarded a contract not
4 exceeding five years.

5 (2) An individual who, in addition to having met the qualifications
6 set forth in paragraph (1) of this subsection, has served for five years
7 as an executive director of a housing authority, may be awarded a
8 contract which shall not exceed five years.

9 c. **【The】** An executive director who has not entered into a
10 contract of employment shall serve at the pleasure of the members of
11 the authority, and may be relieved of 【his】 the duties of executive
12 director only after not less than 120 days' notice. The authority may
13 provide that the executive director shall be the appointing authority for
14 all or any portion of the employees of the authority. The executive
15 director shall assign and supervise employees in the performance of
16 their duties. A housing authority may elect to adopt or not to adopt
17 the provisions of Title 11A of the New Jersey Statutes regardless of
18 whether the establishing county or municipality has or has not adopted
19 those provisions.

20 (cf: P.L.1997, c.431, s.1)

21

22 2. This act shall take effect immediately.

23

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27 Authorizes housing authority to contract to employ executive directors
28 and establishes employment conditions.

ASSEMBLY, No. 2767

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 7, 1999

Sponsored by:

Assemblyman MICHAEL J. ARNONE

District 12 (Monmouth)

Assemblywoman CLARE M. FARRAGHER

District 12 (Monmouth)

SYNOPSIS

Authorizes five-year term of office for housing authority executive directors.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning housing authority executive directors and
2 amending P.L.1992, c.79.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 18 of P.L.1992, c.79 (C.40A:12A-18) is amended to
8 read as follows:

9 18. a. A housing authority may appoint and may enter into a
10 contract to employ an executive director as the authority may
11 determine necessary for its efficient operations. In the contract, the
12 housing authority shall establish the executive director's duties and
13 compensation and term of office, which shall not exceed five years.
14 Any contract authorized herein shall provide that an executive director
15 shall be entitled to the minimum notice of termination provided in
16 subsection c. herein. A copy of the contract shall be submitted to the
17 Department of Community Affairs, and filed with the clerk of the
18 municipality or the county for which the authority has been created.

19 b. The executive director of a housing authority shall have attained
20 a degree from an accredited four year college or university in a public
21 administration, social science, or other appropriate program, and shall
22 have at least five years' experience in public administration, public
23 finance, realty, or similar professional employment. A master's degree
24 in an appropriate program may substitute for two years of that
25 experience. An executive director holding that position prior to or on
26 January 18, 1992 and possessing the required work experience and
27 holding certification as a Public Housing Manager (PHM) from the
28 National Association of Housing and Redevelopment Officials, or
29 equivalent certification from a nationally recognized professional
30 association in the housing and redevelopment field, shall not be
31 required to meet the educational requirement, except as otherwise
32 provided in section 45 of P.L.1992, c.79 (C.40A:12A-45) and shall be
33 deemed qualified for continued employment as executive director of
34 the authority in which he holds that post and eligible for equivalent
35 employment in any other local public housing authority in this State.

36 c. The executive director **[shall serve at the pleasure of the**
37 **members of the authority, and]** may be relieved of his duties only after
38 not less than 120 days' notice. The authority may provide that the
39 executive director shall be the appointing authority for all or any
40 portion of the employees of the authority. The executive director shall
41 assign and supervise employees in the performance of their duties. A
42 housing authority may elect to adopt or not to adopt the provisions of
43 Title 11A of the New Jersey Statutes regardless of whether the

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

Matter underlined thus is new matter.

1 establishing county or municipality has or has not adopted those
2 provisions.

3 (cf: P.L.1997, c.431, s.1)

4

5 2. This act shall take effect immediately.

6

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STATEMENT

9

10 This bill would authorize a housing authority to appoint and employ
11 an executive director by contract for a term of office not to exceed
12 five years. Under current law an executive director serves at the
13 pleasure of the members of the authority. This bill retains the current
14 statutory requirement giving executive directors a minimum of 120
15 days notice prior to termination.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2767

STATE OF NEW JERSEY

DATED: JANUARY 21, 1999

The Assembly Local Government and Housing Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 2767.

This committee substitute would authorize a housing authority to appoint and employ an executive director by contract. The substitute would require that a contract set forth the executive director's duties, compensation and term of office as well as reasons for which the executive director may be removed for cause. A housing authority executive director would be subject to an annual performance evaluation and would be required to comply with existing continuing education requirements.

The substitute would provide that executive directors who are not employed pursuant to contract would serve at the pleasure of the members of the authority. Appointed executive directors would be entitled to a minimum of 120 days notice prior to being relieved of the duties of an executive director. Executive directors employed pursuant to contract could only be terminated for cause and would be entitled to 120 days notice prior to termination.

The substitute specifies the maximum terms of office for which an individual may be awarded a contract to serve as an executive director of a housing authority. An individual serving as an executive director on the effective date of this bill may be awarded a contract for a period not exceeding five years. Otherwise, an individual who satisfies the educational requirements set forth under current law, or the eligibility standards allowed by current law in lieu of the educational requirements, may be awarded a contract for a period not exceeding one year. Finally, once an individual who has satisfied the educational requirements set forth under current law, or the eligibility standards allowed by current law in lieu of the educational requirements, has served for five years as an executive director, that individual would be eligible to be awarded a contract for a period not exceeding five years.

SENATE, No. 1725

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 15, 1999

Sponsored by:

Senator MARTHA W. BARK

District 8 (Atlantic, Burlington and Camden)

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Authorizes housing authority to contract to employ executive directors and establishes employment conditions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning housing authority executive directors and
2 amending P.L.1992, c.79.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 18 of P.L.1992, c.79 (C.40A:12A-18) is amended to
8 read as follows:

9 18. a. A housing authority shall appoint and may enter into a
10 contract to employ an executive director as the authority may
11 determine necessary for its efficient operations. The contract shall set
12 forth the executive director's duties, compensation, and term of office,
13 subject to the limitations set forth in subsection b. of this section, as
14 well as reasons for which the executive director may be removed for
15 cause. An executive director shall be subject to an annual performance
16 evaluation and shall comply with the provisions of section 46 or 47 of
17 P.L.1992, c.79 (C.40A:12A-46 or 47), as appropriate. A housing
18 authority may terminate an executive director for cause; however the
19 contract shall provide an executive director with not less than 120
20 days' notice. A copy of the adopted contract shall be submitted to the
21 Department of Community Affairs and filed with the clerk of the
22 municipality or the county for which the authority has been created.

23 b. (1) The executive director of a housing authority shall have
24 attained a degree from an accredited four year college or university in
25 a public administration, social science, or other appropriate program,
26 and shall have at least five years' experience in public administration,
27 public finance, realty, or similar professional employment. A master's
28 degree in an appropriate program may substitute for two years of that
29 experience. An executive director holding that position prior to or on
30 January 18, 1992 and possessing the required work experience and
31 holding certification as a Public Housing Manager (PHM) from the
32 National Association of Housing and Redevelopment Officials, or
33 equivalent certification from a nationally recognized professional
34 association in the housing and redevelopment field, shall not be
35 required to meet the educational requirement, except as otherwise
36 provided in section 45 of P.L.1992, c.79 (C.40A:12A-45) and shall be
37 deemed qualified for continued employment as executive director of
38 the authority in which he holds that post and eligible for equivalent
39 employment in any other local public housing authority in this State.
40 An individual who meets the qualifications set forth in this paragraph
41 may be awarded a contract which shall not exceed one year, except
42 that any person serving as an executive director at the time this bill is
43 adopted into law shall be eligible to be awarded a contract not

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

Matter underlined thus is new matter.

1 exceeding five years.

2 (2) An individual who, in addition to having met the qualifications
3 set forth in paragraph (1) of this subsection, has served for five years
4 as an executive director of a housing authority, may be awarded a
5 contract which shall not exceed five years.

6 c. **[The]** An executive director who has not entered into a contract
7 of employment shall serve at the pleasure of the members of the
8 authority, and may be relieved of **[his]** the duties of executive director
9 only after not less than 120 days' notice. The authority may provide
10 that the executive director shall be the appointing authority for all or
11 any portion of the employees of the authority. The executive director
12 shall assign and supervise employees in the performance of their
13 duties. A housing authority may elect to adopt or not to adopt the
14 provisions of Title 11A of the New Jersey Statutes regardless of
15 whether the establishing county or municipality has or has not adopted
16 those provisions.

17 (cf: P.L.1997, c.431, s.1)

18

19 2. This act shall take effect immediately.

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21

22

STATEMENT

23

24 This bill would authorize a housing authority to appoint and employ
25 an executive director by contract. The contract would be required to
26 set forth the executive director's duties, compensation and term of
27 office as well as reasons for which the executive director may be
28 removed for cause. A housing authority executive director would be
29 subject to an annual performance evaluation and would be required to
30 comply with existing continuing education requirements.

31 The bill provides that executive directors who are not employed
32 pursuant to contract would serve at the pleasure of the members of the
33 authority. Appointed executive directors would be entitled to a
34 minimum of 120 days notice prior to being relieved of the duties of an
35 executive director. Executive directors employed pursuant to contract
36 could only be terminated for cause and would be entitled to 120 days
37 notice prior to termination.

38 The bill would establish maximum terms of office for which an
39 individual may be awarded a contract to serve as an executive director
40 of a housing authority. An individual serving as an executive director
41 on the effective date of this bill may be awarded a contract for a period
42 not exceeding five years. Otherwise, an individual who satisfies the
43 educational requirements set forth under current law, or the eligibility
44 standards allowed by current law in lieu of the educational
45 requirements, may be awarded a contract for a period not exceeding
46 one year. Finally, once an individual who has satisfied the educational

S1725 BARK, SINGER

4

1 requirements set forth under current law, or the eligibility standards
2 allowed by current law in lieu of the educational requirements, has
3 served for five years as an executive director, that individual would be
4 eligible to be awarded a contract for a period not exceeding five years.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1725

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1999

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1725 with committee amendments.

Senate Bill No. 1725, as amended by the committee, would authorize a housing authority to appoint and employ an executive director by contract. The contract would be required to set forth the executive director's duties, compensation and term of office as well as reasons for which the executive director may be removed for cause. A housing authority executive director would be subject to an annual performance evaluation and would be required to comply with existing continuing education requirements.

The bill, as amended, provides that executive directors who are not employed pursuant to contract may be relieved of their duties, but only after not less than 120 days' notice and for cause. Similarly, executive directors employed pursuant to contract can only be terminated for cause and would be entitled to 120 days' notice prior to termination, under the provisions of the bill.

An individual who satisfies the educational requirements set forth under current law or the eligibility standards allowed by current law in lieu of the educational requirements may be awarded a contract for a period not exceeding five years. Once an individual who has satisfied the educational requirements set forth under current law or the eligibility standards allowed by current law in lieu of the educational requirements has served for five years as an executive director, that individual would be eligible to be awarded a contract for a period not exceeding five years.

The committee amendments extend to five years the maximum term of a contract which may be awarded to the executive director of a housing authority. As referred to the committee, the bill would have allowed for a one year contract.

STATEMENT TO
[First Reprint]
SENATE, No. 1725

with Senate Floor Amendments
(Proposed By Senator BARK)

ADOPTED: MAY 10, 1999

This amendment concerns the maximum terms of office for which an individual may be awarded a contract to serve as an executive director of a housing authority. The amendment provides that an individual who satisfies the educational requirements set forth under current law, or the eligibility standards allowed by current law in lieu of the educational requirements, may be awarded a contract for a period not exceeding one year. The amendment would authorize an individual serving as an executive director on the effective date of this bill to be awarded a contract for a period not exceeding five years. Additionally, the amendment would authorize the award of a contract for a period not exceeding five years to an individual who, in addition to having met the educational requirements or eligibility standards, has served for five years as an executive director.

STATEMENT TO
[First Reprint]
SENATE, No. 1725

with Senate Floor Amendments
(Proposed By Senator BARK)

ADOPTED: MAY 10, 1999

This amendment concerns the maximum terms of office for which an individual may be awarded a contract to serve as an executive director of a housing authority. The amendment provides that an individual who satisfies the educational requirements set forth under current law, or the eligibility standards allowed by current law in lieu of the educational requirements, may be awarded a contract for a period not exceeding one year. The amendment would authorize an individual serving as an executive director on the effective date of this bill to be awarded a contract for a period not exceeding five years. Additionally, the amendment would authorize the award of a contract for a period not exceeding five years to an individual who, in addition to having met the educational requirements or eligibility standards, has served for five years as an executive director.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: October 14, 1999

Governor Christie Whitman today signed the following legislation:

A-1974, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and Gerald Luongo (R-Camden/Gloucester) and Senators Diane Allen (R-Burlington/Camden) and James Cafiero (R-Atlantic/Cape May/Cumberland), appropriates \$70,000 to the Department of Environmental Protection, for the study and identification of historic sites associated with significant historic women in the state and the development of the "New Jersey Women's Heritage Trail." The New Jersey Historic Preservation Office will be responsible for identifying and documenting sites and will recommend how to develop a "New Jersey Women's Heritage Trail" tourism guide.

A-2767, sponsored by Assembly Members Michael Arnone (R-Monmouth) and Clare Farragher (R-Monmouth) and Senators Martha Bark (R-Atlantic/Burlington/Camden) and Robert Singer (R-Burlington/Monmouth/Ocean), authorizes housing authorities to enter into employment contracts with housing authority executive directors.

A-2161, sponsored by Assemblymen John Kelly (R-Bergen/Essex/Passaic) and Joseph V. Doria, Jr. (D-Hudson) and Senators Jack Sinagra (R-Middlesex) and Joseph M. Kyrillos, Jr. (R-Middlesex/Monmouth) requires public works contractors to register with the Department of Labor (DOL) to ensure compliance with labor laws. The bill will enable DOL to better monitor and enforce existing State and federal labor laws concerning wages, unemployment and temporary disability insurance, workers compensation insurance and payment of payroll taxes.

ACS for A-2454/2273, sponsored by Assemblywomen Barbara Buono (D-Middlesex), Carol Murphy (R-Essex/Morris/Passaic) and Barbara Wright (R-Mercer/Middlesex), establishes the "New Jersey Women's Micro-Business Pilot Program" in the Department of Community Affairs. The two-year pilot program will provide loans, loan guarantees, training and technical

assistance to potential female entrepreneurs looking to start a home-based or part-time business. The program targets, but is not limited to, women with little or no prior business experience and women who have a gross annual personal income less than 125% of the official poverty line.