

40A:12A-12

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 79

NJSA: 40A:12A-12 (Changes educational degree requirements for executive directors of housing authorities)

BILL NO: A3481 (Substituted for S2100)

SPONSOR(S): Van Drew

DATE INTRODUCED: November 4, 2004

COMMITTEE: **ASSEMBLY:** Housing and Local Government
SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 14, 2005

SENATE: March 14, 2005

DATE OF APPROVAL: April 26, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)

A3481

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

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

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2100

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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No

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No

IS 5/15/07

P.L. 2005, CHAPTER 79, *approved April 26, 2005*
Assembly, No. 3481 (*Second Reprint*)

1 AN ACT concerning executive directors of housing authorities ¹and
2 redevelopment agencies¹ and 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 ¹1. Section 12 of P.L.1992, c.79 (C.40A:12A-12) is amended to
8 read as follows:

9 12. The executive director of a redevelopment agency shall have
10 attained a degree from an accredited four year college or university [in
11 a public administration, social science or other appropriate program],
12 and shall have at least five years' experience in public administration,
13 public finance, realty, or similar professional employment. A master's
14 degree in an appropriate program may substitute for two years of that
15 experience. The executive director holding that position at the time
16 ²[this act] P.L. ., c. (C.)(pending before the Legislature as this
17 bill)² becomes effective, possessing the required work experience and
18 holding appropriate certification from the National Association of
19 Housing and Redevelopment Officials, or equivalent certification from
20 a nationally recognized professional association in the housing and
21 redevelopment field, shall not be required to meet the educational
22 requirement, except as otherwise provided in section 45 of P.L.1992,
23 c.79 (C.40A:12A-45) and shall be deemed qualified for continued
24 employment as executive director of the agency in which he holds that
25 post and eligible for equivalent employment in any other local
26 redevelopment agency in this State. The executive director shall serve
27 at the pleasure of the commissioners of the agency, and may be
28 relieved of his duties only after 120 days' notice. The redevelopment
29 agency may provide that the executive director shall be the appointing
30 authority for all or any portion of the employees of the agency. The
31 executive director shall assign and supervise employees in the
32 performance of their duties. If the municipality which established the
33 redevelopment agency has adopted the provisions of Title 11A of the
34 New Jersey Statutes, the executive director shall be in the unclassified
35 service of civil service, and all other employees shall be in the
36 classified service of civil service, except as may be otherwise provided
37 by that title. A redevelopment agency may adopt the provisions of
38 Title 11A of the New Jersey Statutes separately from the establishing

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHO committee amendments adopted December 2, 2004.

² Senate SCU committee amendments adopted January 24, 2005.

1 municipality.¹
2 (cf: P.L.1992, c.79, s.12)

3
4 ¹[1.] 2.¹ Section 18 of P.L.1992, c.79 (C.40A:12A-18) is
5 amended to read as follows:

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

20 b. (1) The executive director of a housing authority shall have
21 attained a degree from an accredited four-year college or university
22 ¹[in a public administration, social science, or other appropriate
23 program]¹, and shall have at least five years' experience in public
24 administration, public finance, realty, or similar professional
25 employment. A master's degree in an appropriate program may
26 substitute for two years of that experience. An executive director
27 holding that position prior to or on ²[January 18, 1992] the effective
28 date of P.L. , c. (C.)(pending before the Legislature as this bill)²
29 and possessing the required work experience and holding certification
30 as a Public Housing Manager (PHM) from the National Association of
31 Housing and Redevelopment Officials, or equivalent certification from
32 a nationally recognized professional association in the housing and
33 redevelopment field, shall not be required to meet the educational
34 requirement, except as otherwise provided in section 45 of P.L.1992,
35 c.79 (C.40A:12A-45) and shall be deemed qualified for continued
36 employment as executive director of the authority in which he holds
37 that post and eligible for equivalent employment in any other local
38 public housing authority in this State. An individual who meets the
39 qualifications set forth in this paragraph may be awarded a contract
40 which shall not exceed one year, except that any person serving as an
41 executive director at the time this bill is adopted into law shall be
42 eligible to be awarded a contract not exceeding five years.

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

1 ¹[(3) For the purposes of this subsection, a degree in any of the
2 following disciplines shall be deemed a degree in social science:
3 anthropology; communications; economics; linguistics; political
4 science; psychology; sociology; education; public health; demography
5 and population studies; law; social policy.]¹

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

17 (cf: P.L.1999, c.240, s.1)

18

19 ¹[2.] 3.¹ This act shall take effect immediately.

20

21

22

23

24 _____
25 Changes the educational degree requirements for executive directors
of housing authorities and redevelopment agencies.

ASSEMBLY, No. 3481

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED NOVEMBER 4, 2004

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

SYNOPSIS

Clarifies the educational degree requirements for executive directors of housing authorities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/23/2004)

1 AN ACT concerning executive directors of housing authorities 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 is 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 (3) For the purposes of this subsection, a degree in any of the
7 following disciplines shall be deemed a degree in social science:
8 anthropology; communications; economics; linguistics; political
9 science; psychology; sociology; education; public health; demography
10 and population studies; law; social policy.

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

22 (cf: P.L.1999, c.240, s.1)

23

24 2. This act shall take effect immediately.

25

26

27

STATEMENT

28

29 This bill clarifies the educational degree requirements under the
30 "Local Redevelopment and Housing Law" for executive directors of
31 housing authorities. Current law requires executive directors to have
32 a degree from a four-year college or university in "public
33 administration, social science, or other appropriate program."
34 Although the regulations promulgated by the Department of
35 Community Affairs concerning this statute specify that an "appropriate
36 program" includes urban planning, community development, finance,
37 or business administration, the regulations do not elaborate as to what
38 a "social science" program entails. Some potential executive directors
39 have been ruled by the department to be unqualified to hold the
40 position, based on the fact that their degree did not meet the statutory
41 requirements as the department interprets them. It is the intent of the
42 sponsor to clarify the types of disciplines that fall under the category
43 of social sciences. A review of leading lexicons indicates that the field
44 of social sciences encompasses a variety of disciplines, and, in general,
45 can be stated to be the "application of scientific methods to the study
46 of the human aspects of the world." The bill therefore includes the

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1 major areas of studies in the definition of social sciences, being
2 anthropology, communications, economics, linguistics, political
3 science, psychology, sociology, education, public health, demography
4 and population studies, law, and social policy. None of the statutory
5 requirements for an executive director concerning job experience or
6 education are changed by the bill's provisions.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3481

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 2, 2004

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 3481.

This bill, as amended, amends the educational degree requirements under the "Local Redevelopment and Housing Law" for executive directors of housing authorities and redevelopment agencies. The bill would change the statutory educational requirement to a degree from a four-year college or university without a specified major. None of the other statutory requirements for either position are changed by the bill's provisions.

Current law requires executive directors to have a degree from a four-year college or university in "public administration, social science, or other appropriate program." Although the regulations promulgated by the Department of Community Affairs concerning this statute specify that an "appropriate program" includes urban planning, community development, finance, or business administration, the regulations do not elaborate as to what a "social science" program entails. Some potential executive directors, even though highly qualified on other bases such as job experience, have been ruled by the department to be unqualified to hold the position, based on the fact that their specific degree did not meet the statutory requirements as interpreted by the department.

Committee amendments

The committee amended the bill to change the statutory educational requirements for executive directors of housing authorities and redevelopment agencies to a degree from a four-year college or university without a specified major. None of the other statutory requirements for either position are changed by the bill's provisions.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3481

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly, No. 3481(1R).

This bill, as amended by the committee, would amend the educational degree requirements under the "Local Redevelopment and Housing Law" for executive directors of housing authorities and redevelopment agencies. The bill would change the statutory educational requirement to a degree from a four-year college or university without a specified major. The bill, as amended by the committee, would also update the grandfather clauses contained in those laws from 1992 to the effective date of this bill. None of the other statutory requirements for either position are changed by the bill's provisions.

Current law requires executive directors to have a degree from a four-year college or university in "public administration, social science, or other appropriate program." Although the regulations promulgated by the Department of Community Affairs concerning this statute specify that an "appropriate program" includes urban planning, community development, finance, or business administration, the regulations do not elaborate as to what a "social science" program entails. Some potential executive directors, even though highly qualified on other bases such as job experience, have been ruled by the department to be unqualified to hold the position, based on the fact that their specific degree did not meet the statutory requirements as interpreted by the department.

The committee amended the bill to update the grandfather clauses contained in the laws governing qualifications for executive directors of housing authorities and redevelopment agencies from 1992 to the effective date of this bill.

As amended, Assembly, No. 3481 (2R) is identical to Senate, No. 2100, also amended this day.

SENATE, No. 2100

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED DECEMBER 6, 2004

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Clarifies the educational degree requirements for executive directors of housing authorities.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning executive directors of housing authorities 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 is 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 (3) For the purposes of this subsection, a degree in any of the
7 following disciplines shall be deemed a degree in social science:
8 anthropology; communications; economics; linguistics; political
9 science; psychology; sociology; education; public health; demography
10 and population studies; law; social policy.

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

22 (cf: P.L.1999, c.240, s.1)

23

24 2. This act shall take effect immediately.

25

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STATEMENT

28

29 This bill clarifies the educational degree requirements under the
30 "Local Redevelopment and Housing Law" for executive directors of
31 housing authorities. Current law requires executive directors to have
32 a degree from a four-year college or university in "public
33 administration, social science, or other appropriate program."
34 Although the regulations promulgated by the Department of
35 Community Affairs concerning this statute specify that an "appropriate
36 program" includes urban planning, community development, finance,
37 or business administration, the regulations do not elaborate as to what
38 a "social science" program entails. Some potential executive directors
39 have been ruled by the department to be unqualified to hold the
40 position, based on the fact that their degree did not meet the statutory
41 requirements as the department interprets them. It is the intent of the
42 sponsor to clarify the types of disciplines that fall under the category
43 of social sciences. A review of leading lexicons indicates that the
44 field of social sciences encompasses a variety of disciplines, and, in
45 general, can be stated to be the "application of scientific methods to
46 the study of the human aspects of the world." The bill therefore

S2100 B. SMITH

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1 includes the major areas of studies in the definition of social sciences,
2 being anthropology, communications, economics, linguistics, political
3 science, psychology, sociology, education, public health, demography
4 and population studies, law, and social policy. None of the statutory
5 requirements for an executive director concerning job experience or
6 education are changed by the bill's provisions.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2100

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate, No. 2100.

This bill, as amended by the committee, would amend the educational degree requirements under the "Local Redevelopment and Housing Law" for executive directors of housing authorities and redevelopment agencies. The bill would change the statutory educational requirement to a degree from a four-year college or university without a specified major. The bill, as amended by the committee, would also update the grandfather clauses contained in those laws from 1992 to the effective date of this bill. None of the other statutory requirements for either position are changed by the bill's provisions.

Current law requires executive directors to have a degree from a four-year college or university in "public administration, social science, or other appropriate program." Although the regulations promulgated by the Department of Community Affairs concerning this statute specify that an "appropriate program" includes urban planning, community development, finance, or business administration, the regulations do not elaborate as to what a "social science" program entails. Some potential executive directors, even though highly qualified on other bases such as job experience, have been ruled by the department to be unqualified to hold the position, based on the fact that their specific degree did not meet the statutory requirements as interpreted by the department.

The committee amended the bill to change the statutory educational requirements for executive directors of housing authorities and redevelopment agencies to a degree from a four-year college or university without a specified major. The committee also amended the bill to update the grandfather clauses contained in the laws governing qualifications for executive directors of housing authorities and redevelopment agencies from 1992 to the effective date of this bill.

As amended, Senate, No. 2100 is identical to Assembly, No. 3481 (2R), also amended this day.