

40A: 12-18

**LEGISLATIVE HISTORY CHECKLIST**  
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(Local housing authority  
law--revision)

**NJSA:** 40A:12-18

**LAWS OF:** 1993 **CHAPTER:** 344

**BILL NO:** A2830

**SPONSOR(S)** Bagger and others

**DATE INTRODUCED:** October 14, 1993

**COMMITTEE:** **ASSEMBLY:** Housing  
**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** December 2, 1993  
**SENATE:** December 16, 1993

**DATE OF APPROVAL:** December 27, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[FIRST REPRINT]  
ASSEMBLY, No. 2830

STATE OF NEW JERSEY

INTRODUCED OCTOBER 14, 1993

By Assemblymen BAGGER, RUSSO and Wolfe

1 AN ACT concerning local housing authorities and amending and  
2 supplementing P.L.1992, c.79 (C.40A:12A-1 et seq.).

3

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

6 1. Section 17 of P.L.1992, c.79 (C.40A:12A-17) is amended to  
7 read as follows:

8 17. a. Except as provided in subsection b. of this section, the  
9 governing body of any county or municipality may, by ordinance,  
10 or by resolution in the case of a county whose charter does not  
11 provide for the adoption of ordinances, create a body corporate  
12 and politic to be known as the "Housing Authority of . . . ,"  
13 inserting the name of the county or municipality. The authority  
14 shall constitute an agency and instrumentality of the municipality  
15 or county creating it. A housing authority shall be created  
16 pursuant to the procedures of the "Local Authorities Fiscal  
17 Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). The  
18 authority shall consist of seven members[, of whom] . In a county  
19 that operates under the "county executive plan" set forth in the  
20 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et  
21 seq.), six members shall be appointed by the county executive  
22 with the advice and consent of the board of chosen freeholders,  
23 and one member shall be appointed by the Commissioner of  
24 Community Affairs. In all other counties and municipalities, five  
25 members shall be appointed by the governing body of the county  
26 or municipality, as the case may be, one by the mayor or other  
27 chief executive officer of the municipality, or in the case of a  
28 county by the director of the board of chosen freeholders or by  
29 the chief executive officer of the county if the county's charter  
30 provides for such an officer, and one by the Commissioner of  
31 Community Affairs. The members shall serve for terms of five  
32 years and until their respective successors have been appointed  
33 and qualified; except that of the five members first appointed by  
34 the governing body one shall be appointed for a term of one year,  
35 one for a term of two years, one for a term of three years, one  
36 for a term of four years and one for a term of five years. All  
37 appointments shall be subject to and made in the manner required  
38 by the law under which the county or municipality is governed.  
39 Vacancies shall be filled in the same manner as the original  
40 appointments were made, but for the unexpired term. If a  
41 vacancy is not filled by the county executive, governing body or  
42 chief executive officer within 90 days of the occurrence of the  
43 vacancy, the Commissioner of the Department of Community

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 floor amendments adopted December 2, 1993.

1 Affairs shall notify the county executive, governing body or chief  
2 executive officer of his intent to fill the vacancy if it is not filled  
3 in 30 days. If the vacancy is not filled within that 30 day period,  
4 the commissioner may appoint a member for the unexpired term.

5 In any county or municipality which has heretofore created a  
6 housing authority pursuant to R.S.55:14A-4, the members of the  
7 authority who were appointed by the governing body and the chief  
8 executive officer of the county or municipality and who are in  
9 office upon the effective date of this act shall continue in office  
10 until the expiration of the terms for which they are appointed and  
11 qualified in accordance with the terms of this act.

12 b. No municipality which has been included with its consent  
13 within the area of operation of a county housing authority shall  
14 thereafter create a municipal housing authority. Where there is  
15 no housing authority in existence in any municipality of a county,  
16 the governing body of that county may create a housing  
17 authority, and thereafter no municipality within that county shall  
18 create an authority without the consent of the county governing  
19 body and the county housing authority.

20 c. A county may provide such publicly assisted housing  
21 programs as it chooses anywhere within the county; but it may  
22 provide such programs in municipalities which are within the area  
23 of operation of a county or municipal housing authority only after  
24 adoption of a resolution of the housing authority consenting  
25 thereto.

26 d. No more than one member of a housing authority may be an  
27 officer or employee of the municipality or county by which the  
28 authority is created. A certificate of the appointment or  
29 reappointment of any member shall be filed with the clerk of the  
30 municipality or the county, as the case may be, and that  
31 certificate shall be conclusive evidence of the due and proper  
32 appointment of that member. A member of an authority shall  
33 receive no compensation for his services, but shall be entitled to  
34 reimbursement for actual expenses necessarily incurred in the  
35 discharge of the duties of membership, including travel expenses.  
36 The powers of the authority shall be vested in the members  
37 thereof in office from time to time. Four members shall  
38 constitute a quorum of the authority for the purpose of  
39 conducting its business and exercising its powers and all other  
40 purposes. Action may be taken by the authority upon the  
41 affirmative vote of the majority, but not less than four of the  
42 members present, unless in any case the bylaws of the authority  
43 shall require a larger number. The authority shall select a  
44 chairman and a vice-chairman from among its members, and shall  
45 employ an executive director, who shall be its secretary.

46 e. No member or employee of an authority shall acquire any  
47 interest, direct or indirect, in any housing project or in any  
48 property included or planned to be included in such a project, nor  
49 shall he have any interest, direct or indirect, in any contract or  
50 proposed contract for materials and services to be furnished or  
51 used in connection with any housing project. If any member or  
52 employee of an authority owns or controls an interest, direct or  
53 indirect, in any property included or planned to be included in a  
54 housing project he shall immediately disclose the same in writing

1 to the authority and the disclosure shall be entered upon the  
2 minutes of the authority. Failure to disclose such an interest shall  
3 constitute misconduct in office. A member or employee required  
4 by this subsection to make such a disclosure shall not participate  
5 in any action by the authority affecting the property with respect  
6 to which such disclosure is required. For inefficiency or neglect  
7 of duty or misconduct in office a member of an authority may be  
8 removed by the governing body or officer by which he was  
9 appointed; but a member may be removed only after he has been  
10 given a copy of the charges at least 10 days prior to a hearing  
11 thereon and has had the opportunity to be heard in person or by  
12 counsel. In the event of a removal of any member of an authority  
13 a record of the proceedings, together with the charges and  
14 findings thereon, shall be filed in the office of the clerk of the  
15 county or municipality.

16 (cf: P.L.1992, c.79, s.17)

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

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

39 The executive director shall serve at the pleasure of the  
40 members of the authority, and may be relieved of his duties only  
41 after not less than 120 days' notice. The authority may provide  
42 that the executive director shall be the appointing authority for  
43 all or any portion of the employees of the authority. The  
44 executive director shall assign and supervise employees in the  
45 performance of their duties. [If the county or municipality which  
46 established the housing authority has adopted the provisions of  
47 Title 11A of the New Jersey Statutes, the executive director  
48 shall be in the unclassified service of civil service, and all other  
49 employees shall be in the classified service of civil service,  
50 except as may be otherwise provided by that title.] A housing  
51 authority may elect to adopt or not to adopt the provisions of  
52 Title 11A of the New Jersey Statutes [separately from] regardless  
53 of whether the establishing county or municipality has or has not  
54 adopted those provisions.

55 (cf: P.L.1992, c.79, s.18)

1       3. (New section) A person who was an employee of a local  
2 housing authority in the position of Deputy Executive Director or  
3 Assistant Executive Director on the effective date of <sup>1</sup>[P.L.1992,  
4 c.79 (C.40A:12A-1 et seq.)] this act<sup>1</sup>, who possesses the required  
5 work experience to be eligible for a position as executive director  
6 of a housing authority pursuant to section 18 of P.L.1992, c.79  
7 (C.40A:12A-18) and who holds certification as a Public Housing  
8 Manager (PHM) from the National Association of Housing and  
9 Redevelopment Officials or equivalent certification from a  
10 nationally recognized professional association in the housing and  
11 redevelopment field, shall not be required to meet the  
12 educational requirement specified by section 18 of P.L.1992, c.79  
13 (C.40A:12A-18), except as otherwise provided in section 45 of  
14 P.L.1992, c.79 (C.40A:12A-45), and shall be deemed to be  
15 qualified for employment as executive director of the authority  
16 in which the person is employed and eligible for equivalent  
17 employment in any other local housing authority in this State.

18       4. This act shall take effect immediately.

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Makes changes to law concerning local housing authorities.

- 1       3. (New section) A person who was an employee of a local  
2 housing authority in the position of Deputy Executive Director or  
3 Assistant Executive Director on the effective date of P.L.1992,  
4 c.79 (C.40A:12A-1 et seq.), who possesses the required work  
5 experience to be eligible for a position as executive director of a  
6 housing authority pursuant to section 18 of P.L.1992, c.79  
7 (C.40A:12A-18) and who holds certification as a Public Housing  
8 Manager (PHM) from the National Association of Housing and  
9 Redevelopment Officials or equivalent certification from a  
10 nationally recognized professional association in the housing and  
11 redevelopment field, shall not be required to meet the  
12 educational requirement specified by section 18 of P.L.1992, c.79  
13 (C.40A:12A-18), except as otherwise provided in section 45 of  
14 P.L.1992, c.79 (C.40A:12A-45), and shall be deemed to be  
15 qualified for employment as executive director of the authority  
16 in which the person is employed and eligible for equivalent  
17 employment in any other local housing authority in this State.  
18       4. This act shall take effect immediately.

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21                                       STATEMENT  
22

23       This bill changes the appointing authority for certain members  
24 of housing authorities in counties operating under the "county  
25 executive plan" of the "Optional County Charter Law," P.L.1972,  
26 c.154 (C.40:41A-1 et seq.). It also gives housing authorities  
27 permission to adopt or not to adopt the provisions of Title 11A of  
28 the New Jersey Statutes (Civil Service), regardless of whether  
29 the county or municipality establishing the housing authority has  
30 or has not adopted those provisions.

31       This bill also exempts persons who were employed by a local  
32 housing authority, in the position of Deputy Executive Director or  
33 Assistant Executive Director, on the effective date of P.L.1992,  
34 c.79 (C.40A:12A-1 et seq.) from the requirement of holding a  
35 degree as a prerequisite for being appointed to the position of  
36 executive director of a local housing authority. Such persons  
37 would be required under this bill to meet all other prerequisites  
38 for serving as the executive director of a housing authority, such  
39 as five years of work experience and certification as a Public  
40 Housing Manager (PHM) from the National Association of Housing  
41 and Development Officials or equivalent certification from a  
42 nationally recognized professional association in the housing and  
43 redevelopment field, pursuant to section 18 of P.L.1992, c.79  
44 (C.40A:12A-18). They also would be required to satisfactorily  
45 complete the course of study prescribed by the Commissioner of  
46 Community Affairs to assist executive directors to acquire the  
47 knowledge and skills necessary to do their jobs, pursuant to  
48 section 45 of P.L.1992, c.79 (C.40A:12A-45).

49       This bill would permit persons who were in a position to be  
50 appointed or promoted to the position of executive director of a  
51 local housing authority prior to the enactment of P.L.1992, c.79  
52 (C.40A:12A-1 et seq.) to be so promoted or appointed without  
53 being required to hold a degree.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2830

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1993

The Assembly Housing Committee reports Assembly Bill No. 2830 favorably.

This bill changes the appointing authority for certain members of housing authorities in counties operating under the "county executive plan" of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.). It also gives housing authorities permission to adopt or not to adopt the provisions of Title 11A of the New Jersey Statutes (Civil Service), regardless of whether or not the county or municipality establishing the housing authority has adopted those provisions.

This bill also exempts persons who were employed by a local housing authority, in the position of Deputy Executive Director or Assistant Executive Director, on the effective date of P.L.1992, c.79 (C.40A:12A-1 et seq.) from the requirement of holding a degree as a prerequisite for being appointed to the position of executive director of a local housing authority. These persons would be required under this bill to meet all other prerequisites for serving as the executive director of a housing authority, such as five years of work experience and certification as a Public Housing Manager (PHM) from the National Association of Housing and Development Officials or equivalent certification from a nationally recognized professional association in the housing and redevelopment field, pursuant to section 18 of P.L.1992, c.79 (C.40A:12A-18). They also would be required to satisfactorily complete the course of study prescribed by the Commissioner of Community Affairs to assist executive directors to acquire the knowledge and skills necessary to do their jobs, pursuant to section 45 of P.L.1992, c.79 (C.40A:12A-45).

This bill would permit persons who were in a position to be appointed or promoted to the position of executive director of a local housing authority prior to the enactment of P.L.1992, c.79 (C.40A:12A-1 et seq.) to be so promoted or appointed without being required to hold a degree.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2830

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1993

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2830 (1R).

This bill changes the appointing authority for certain members of housing authorities in counties operating under the "county executive plan" of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.). It also gives housing authorities permission to adopt or not to adopt the provisions of Title 11A of the New Jersey Statutes (Civil Service), regardless of whether the county or municipality establishing the housing authority has or has not adopted those provisions.

The bill also exempts persons who are employed by a local housing authority, in the position of Deputy Executive Director or Assistant Executive Director, on the bill's effective date from the requirement of holding a degree as a prerequisite for being appointed to the position of executive director of a local housing authority. Persons receiving the exemption would be required to meet all other prerequisites for serving as the executive director of a housing authority, such as five years of work experience and certification as a Public Housing Manager (PHM) from the National Association of Housing and Development Officials or equivalent certification from a nationally recognized professional association in the housing and redevelopment field, pursuant to section 18 of P.L.1992, c.79 (C.40A:12A-18). In addition, they would be required to satisfactorily complete the course of study prescribed by the Commissioner of Community Affairs to give executive directors the knowledge and skills necessary to do their jobs, pursuant to section 45 of P.L.1992, c.79 (C.40A:12A-45).

This bill is identical to Senate Bill No. 2224, which was amended and released by the committee on this date.