

H. B. No. 406 (AS PASSED HOUSE AND SENATE)

By: Representatives Skipper of the 137th, Shanahan of the 10th, Royal of the 164th, Jamieson of the 22nd, Smith of the 12th and others

A BILL TO BE ENTITLED
AN ACT

1	To amend Article 1 of Chapter 3 of Title 8 of the Official	22
2	Code of Georgia Annotated, relating to housing authorities,	23
3	so as to provide for resident commissioners of city, county,	24
4	and regional housing authorities in compliance with federal	25
5	law; to provide for greater clarity; to provide for related	
6	matters; to repeal conflicting laws; and for other purposes.	26
7	BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:	29
8	SECTION 1.	31
9	Article 1 of Chapter 3 of Title 8 of the Official Code of	33
10	Georgia Annotated, relating to housing authorities, is	34
11	amended by striking Code Section 8-3-50, relating to the	35
12	appointment, qualification, and tenure of commissioners, and	
13	inserting in lieu thereof a new Code section to read as	36
14	follows:	
15	"8-3-50.	38
16	(a) (1) When the governing body of a city adopts a	40
17	resolution as provided in Code Section 8-3-5, it shall	41
18	promptly notify the mayor of such adoption. Upon	
19	receiving such notice, the mayor shall appoint five	42
20	persons as commissioners of the authority created for	43
21	such city. In the event the mayor fails or refuses to	44
22	submit appointments within 30 days after notice from the	
23	governing body of approval of a resolution of necessity	45
24	or termination of existing appointments, the governing	46
25	body may appoint the commissioners of the authority	
26	created for said <u>such</u> city.	47
27	(2) <u>Reserved. In any city other than a city described in</u>	50
28	<u>subparagraphs (a) (3) (A) and (a) (3) (B) of this subsection</u>	51
29	<u>in which the governing body thereof has adopted a</u>	53
30	<u>resolution as provided in Code Section 8-3-5 and the</u>	
31	<u>authority has passed a resolution so requesting, the</u>	54
32	<u>mayor shall appoint, in addition to the other</u>	55
33	<u>commissioners authorized in paragraph (1) of this</u>	
34	<u>subsection, one or two additional commissioners of whom</u>	56

1 at least one is directly assisted by the public housing 57
 2 authority in such city and who shall be known as a
 3 resident commissioner. Each resident commissioner shall 58
 4 be appointed for initial and subsequent terms of office 59
 5 of one year and shall have full voting rights. Each
 6 authority shall determine how many commissioners shall 60
 7 constitute a quorum of such authority. In the event any 61
 8 person serving as a resident commissioner ceases to be 62
 9 directly assisted by the public housing authority within
 10 such city, then such person shall cease to be a resident 63
 11 commissioner and a vacancy shall result. Vacancies in 64
 12 the office of resident commissioner shall be filled for 65
 13 the unexpired term by appointment of the mayor.

14 (3) (A) In any city with a population of 350,000 or 67
 15 more according to the United States decennial census 68
 16 of 1970 or any future such census in which the 69
 17 governing body has adopted a resolution as provided in
 18 Code Section 8-3-5, the mayor shall appoint, in 70
 19 addition to the other commissioners authorized under 71
 20 paragraph (1) of this subsection, two commissioners to 72
 21 be known as resident commissioners who shall be
 22 residents of a housing project in said such city. 73
 23 These resident commissioners shall be appointed for a 74
 24 term of office of one year. The two resident 75
 25 commissioners shall be voting members and four
 26 commissioners shall constitute a quorum of such 76
 27 authority for the purpose of conducting its business 77
 28 and exercising its powers and for all other purposes.
 29 In the event any person serving as a resident 78
 30 commissioner ceases to be a resident of a housing 79
 31 project in said such city, then such person shall
 32 cease to be a resident commissioner and a vacancy 80
 33 shall result. Vacancies in the office of resident 81
 34 commissioner shall be filled for the unexpired term by
 35 appointment by the mayor of said city. 82

36 (B) In any city of this state having a population of 84
 37 not less than 95,000 nor more than 130,000 according 85
 38 to the United States decennial census of 1990 or any 86
 39 future such census in which the governing body has
 40 adopted a resolution as provided in Code Section 87
 41 8-3-5, the mayor shall appoint, in addition to the 88
 42 commissioners authorized in paragraphs (1) and (2) of
 43 this subsection, an additional commissioner who shall 89
 44 be a recipient of direct assistance from the public 90
 45 housing authority within the city. Such additional

1 commissioner shall be appointed for a term of office 91
 2 of five years and until the appointment and 92
 3 qualification of a successor. Successors shall also
 4 be appointed for terms of five years. 93

5 (4) Reserved. 95

6 (b) (1) When the governing body of a county adopts a 97
 7 resolution as provided in Code Section 8-3-5, said body 98
 8 shall appoint five persons as commissioners of the 99
 9 authority created for said county.

10 (2) ~~In--addition--to--the--five--commissioners--otherwise~~ 101
 11 ~~provided--for--in--paragraph--(1)--of--this--subsection,--the~~ 102
 12 ~~authority--in--any--county--of--this--state---having--a~~ 103
 13 ~~population--of--550,000--or--more--according--to--the--United~~ 104
 14 ~~States--decennial--census--of--1970--or--any--future--such~~ 105
 15 ~~census--shall--include--an--additional--two--members--who--shall~~
 16 ~~be--subject--to--the--provisions--of--this--Code--section--in--the~~
 17 ~~same--manner--as--the--five--commissioners--otherwise--provided~~ 106
 18 ~~for---in---paragraph---(1)--of--this--subsection,---Each~~ 107
 19 ~~commissioner--provided--for--in--this--paragraph--shall--be~~
 20 ~~appointed--for--a--term--of--five--years--and--until--the~~ 108
 21 ~~appointment--and--qualification--of--his--successor,--except~~ 109
 22 ~~that--the--initial--appointment--of--one--of--the--positions~~
 23 ~~created--by--this--paragraph--shall--be--for--a--term--of--four~~ 110
 24 ~~years--and--until--the--appointment--and--qualification--of--his~~ 111
 25 ~~successor. In any county other than a county described~~ 112
 26 in subparagraph (b) (3) of this subsection in which the 113
 27 governing body thereof has adopted a resolution as
 28 provided in Code Section 8-3-5 and the authority has 114
 29 passed a resolution so requesting, the governing body 115
 30 shall appoint, in addition to the other commissioners
 31 authorized in paragraph (1) of this subsection, one or 116
 32 two additional commissioners of whom at least one is 117
 33 directly assisted by the public housing authority in
 34 such county and who shall be known as a resident 118
 35 commissioner. Each resident commissioner shall be 119
 36 appointed for initial and subsequent terms of office of
 37 one year and shall have full voting rights. Each 120
 38 authority shall determine how many commissioners shall 121
 39 constitute a quorum of such authority. In the event any 122
 40 person serving as a resident commissioner ceases to be a
 41 recipient of direct assistance from the public housing 123
 42 authority within such county, then such person shall 124
 43 cease to be a resident commissioner and a vacancy shall
 44 result. Vacancies in the office of resident commissioner 125

1 shall be filled for the unexpired term by appointment of 126
 2 the governing body of such county.

3 (3) In any county with a population of 550,000 or more 128
 4 according to the United States decennial census of 1990 129
 5 or any future such census in which the governing body 130
 6 has adopted a resolution as provided in Code Section
 7 8-3-5, the governing body shall, in addition to the 131
 8 other commissioners authorized under paragraph (1) of 132
 9 this subsection,;

10 (A) Appoint appoint two commissioners to be known as 135
 11 'resident commissioners' who shall be residents of a
 12 housing project located within the unincorporated 136
 13 areas of said such county. The tenants of each 137
 14 housing project located within the unincorporated
 15 areas of the county shall, upon request of the 138
 16 governing body of the county, be entitled to nominate 139
 17 one resident of said such housing project for the
 18 appointment as resident commissioner, and the 140
 19 governing body shall appoint two of said such nominees 141
 20 as resident commissioners. Such resident
 21 commissioners shall be appointed for terms of office 142
 22 of one year and shall be voting members. In the event 143
 23 any person serving as resident commissioner ceases to 144
 24 be a resident of a housing project located within the
 25 unincorporated area of said such county, then such 145
 26 person shall cease to be a resident commissioner and a 146
 27 vacancy shall result. Vacancies in the office of
 28 resident commissioner shall be filled for the 147
 29 unexpired term by appointment by the governing body of 148
 30 said such county; and

31 (B) Appoint an additional two members who shall be 150
 32 subject to the provisions of this Code section in the 151
 33 same manner as the five commissioners otherwise 152
 34 provided for in paragraph (1) of this subsection.
 35 Each commissioner provided for in this subparagraph 153
 36 shall be appointed for a term of office of five years 154
 37 and until the appointment and qualification of his or
 38 her successor, except that the initial appointment of 155
 39 one of the positions created by this subparagraph 156
 40 shall be for a term of office of four years and until
 41 the appointment and qualification of his or her 157
 42 successor.

43 (c) Except as provided otherwise in this Code section, the 159
 44 The commissioners who are first appointed shall be 160

1 designated to serve for terms of office of one, two, 161
 2 three, four, and five years, respectively, from the date
 3 of their appointment; but thereafter commissioners shall 162
 4 be appointed for a term of office of five years, except 163
 5 that all vacancies shall be filled for the unexpired term. 164

6 (d) No commissioner of an authority may be an officer or 166
 7 employee of the city or county for which the authority is 167
 8 created.

9 (e) A commissioner shall hold office until his or her 169
 10 successor has been appointed and has qualified. 170

11 (f) A certificate of the appointment or reappointment of 172
 12 any commissioner shall be filed with the clerk, and such 173
 13 certificate shall be conclusive evidence of the due and 174
 14 proper appointment of such commissioner. 175

15 (g) A commissioner shall receive no compensation for his 177
 16 or her services; but he or she shall be entitled to the 178
 17 necessary expenses, including traveling expenses, incurred 179
 18 in the discharge of his or her duties. 180

19 ~~{h}-In---addition--to--the--five--commissioners--otherwise 182~~
 20 ~~provided-for-in-this-Code-section;-the-authority--in--each 183~~
 21 ~~city--of--this--state-having-a-population-of-not-less-than 184~~
 22 ~~95,000-nor-more--than--130,000--according--to--the--United 185~~
 23 ~~States--decennial-census-of-1990-or-any-future-such-census 186~~
 24 ~~shall-have-an--additional--commissioner--who--shall--be--a 187~~
 25 ~~resident--of--a--housing--project--within--the--city.-Such 188~~
 26 ~~additional-commissioner-shall-be-appointed-for-a--term--of 189~~
 27 ~~five--years-and-until-the-appointment-and-qualification-of 190~~
 28 ~~a-successor.--Successors-shall-also-be-appointed-for-terms 191~~
 29 ~~of-five-years;--The-first-additional-commissioner-provided 192~~
 30 ~~for-herein-shall-be-appointed-to-take-office--on--July--1, 193~~
 31 ~~1982."~~

32 SECTION 2. 193

33 Said article is further amended by striking Code Section 195
 34 8-3-106, relating to the appointment by counties of regional 196
 35 housing authority commissioners, and inserting in lieu 197
 36 thereof a new Code section to read as follows:

37 "8-3-106. 199

38 The governing bodies of the counties desiring to form a 201
 39 regional housing authority shall have the right to 202
 40 establish by resolution the composition and size of the 203
 41 board of commissioners of the regional housing authority;

1 provided, however, that each county shall have at least 204
 2 one commissioner on the board of commissioners of the 205
 3 regional housing authority and that at least one of the
 4 commissioners shall be a recipient of direct assistance 206
 5 from a public housing authority located within such 207
 6 region. The governing body of each county shall appoint 208
 7 the successors of the commissioner or commissioners
 8 appointed by it. A certificate of the appointment of any 209
 9 commissioner appointed pursuant to this Code section shall 210
 10 be filed with the clerk of the county, and such
 11 certificate shall be conclusive evidence of the due and 211
 12 proper appointment of such commissioner." 212

13 SECTION 3. 215

14 All laws and parts of laws in conflict with this Act are 217
 15 repealed.