

1989

Session Law 89-033

Florida Senate & House of Representatives

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S 269 GENERAL BILL by Malchon (Identical H 202)

Housing Authorities; revises provisions re appointment of tenant-commissioner of authority; provides for normal appointment procedures under certain circumstances. Amends 421.05. Effective Date: 10/01/89.

02/15/89 SENATE Prefiled

03/24/89 SENATE Referred to Community Affairs

04/04/89 SENATE Introduced, referred to Community Affairs -SJ 31

04/14/89 SENATE Extension of time granted Committee Community Affairs; On Committee agenda—Community Affairs, 04/18/89, 1:00 pm, Room-C-(LL-32)

04/18/89 SENATE Comm. Report: Favorable by Community Affairs, placed on Calendar -SJ 180

05/09/89 SENATE Placed on Special Order Calendar -SJ 275; Passed; YEAS 37 NAYS 0 -SJ 281

05/10/89 HOUSE In Messages

05/11/89 HOUSE Received, placed on Calendar -HJ 460; Substituted for HB 202 -HJ 465; Read second time; Read third time; Passed; YEAS 113 NAYS 0 -HJ 465

05/16/89 Ordered enrolled -SJ 368

05/23/89 Signed by Officers and presented to Governor -SJ 448

05/31/89 Became Law without Governor's Signature; Chapter No. 89-33 -SJ 619

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Bradley <i>AB</i></u>	<u>Buck <i>OB</i></u>	1. <u>CA</u>	<u>Favorable</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Housing Authorities

BILL NO. AND SPONSOR:

SB 269 by
Senator Malchon

I. SUMMARY:

A. Present Situation:

Part I of chapter 420, Florida Statutes; the Housing Authorities Law, creates in each city a housing authority as a public body corporate and politic which may operate pursuant to a resolution by the local governing body. Pursuant to s.421.05, the mayor, with approval of the governing body, must appoint at least five persons as commissioners. Each housing authority must have at least one commissioner who is a housing project resident and is current in his rent or who is a low-income person and is receiving a rent subsidy through a program administered by the authority. If the tenant commissioner moves out of the housing project, another person meeting the qualifications must be appointed to complete the term. Pursuant to s.421.27, F.S., commissioners for county housing authorities must be appointed by the Governor in the same manner as commissioners for a city housing authority are appointed by the mayor.

According to representatives of the Florida Association of Housing and Redevelopment Officials (FAHRO) three of Florida's 83 housing authorities have encountered difficulty in recruiting and maintaining a tenant commissioner. This problem has recurred for Brevard County Housing Authority, the City of Cocoa Housing Authority, and the Dunedin Housing Authority. Although the latter authority appears to have resolved the problem, at least for the time being, the other two housing authorities have been without a tenant commissioner for from one to two years, despite repeated efforts to fill the seat.

B. Effect of Proposed Changes:

The bill amends s.421.05, F.S., to create additional qualifying language relating to the tenant commissioner. The person may be of very-low income; however, very-low income persons are subsumed by the current criteria that the tenant commissioner be of low income. As an alternative to receiving a rent subsidy through a program administered by the authority (as is currently required), the tenant commissioner may be the recipient of a rent subsidy from a public housing agency with jurisdiction for the same locale served by the housing authority. In addition, the tenant commissioner must reside within the housing authority's jurisdiction. The bill also closes a loophole by providing for the removal of a tenant commissioner from office upon cessation of the rent subsidy.

If, after all reasonable efforts have been made and documented, a tenant commissioner meeting the statutory criteria cannot be found, the vacancy is to be filled through the normal appointment procedure (i.e. by the mayor or by the Governor). However, for all succeeding vacancies a diligent effort must be

made to appoint a qualified tenant commissioner until at least one tenant commissioner has been appointed.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STORAGE NAME: h0202.ca
DATE: April 18, 1989

HB 202

HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMUNITY AFFAIRS
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 202

RELATING TO: Housing Authorities/Tenant Commissioner

SPONSOR(S): Representative Rehm

EFFECTIVE DATE: October 1, 1989

COMPANION BILL(S): Identical SB 269 by Senator Malchon

OTHER COMMITTEES OF REFERENCE: (1) None
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Section 421.05, F.S. was amended by section 1 of chapter 84-250, Laws of Florida to require housing authorities to have at least one commissioner who is a resident, "current in rent in a housing project or a low-income person who is receiving rent subsidy through programs administered by the authority," once 10 percent of the units in the authority's first project have been occupied. When the tenant-commissioner vacates a housing authority unit, a new tenant-commissioner is to be appointed to fill the unexpired term.

According to the Florida Association of Housing and Redevelopment Official (FAHRO), three of the 83 Florida housing authorities have had some problem in acquiring a tenant-commissioner to serve on their board. The President of FAHRO, relates it's a reoccurring problem. The Executive Director of the Dunedin Housing Authority (DHA) reports difficulty in filling this tenant-commissioner requirement in this authority of 50 units. Despite its efforts, DHA states it is unable to find a tenant who would agree to serve as a tenant-commissioner for a period of a year. A tenant has however, agreed within the last month, to serve in the capacity of commissioner, and is doing so pursuant to appointment by the Dunedin City Commission. The Executive Director of four county housing authorities within the Brevard County area, reports difficulty in the past in the appointment of a tenant-commissioner to the Brevard County (625 units) and Cocoa Housing Authorities (440 units). The Brevard County Housing Authority, in which appointments are made by the Governor pursuant to s. 421.27, F.S., went without a tenant-commissioner for approximately two years. The City of Cocoa Housing Authority went without a tenant-commissioner for a period of one year.

B. EFFECT OF PROPOSED CHANGES:

The proposed bill broadens the criteria for selection of a housing authority tenant-commissioner by: adding very low income persons receiving rent subsidy; and allowing for residency within the housing authority's jurisdiction and receiving rent subsidy from a public housing agency within the same jurisdiction. Provides for "normal appointment procedures", after all reasonable efforts have been made and documented to appoint a tenant-commissioner; however there is no specification for "normal appointment procedures".

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Broadens the scope of selection criteria for a tenant-commissioner to allow for selection of a tenant of very low income receiving rent subsidy from the authority or a "public housing agency" that has overlapping jurisdiction. Adds the cessation of rent subsidy as a condition for removal and replacement of a tenant-commissioner.

Requires that, after all reasonable efforts to appoint a tenant-commissioner to the housing authority board, "normal appointment procedures" shall be exercised in filling commissioner vacancies. Requires the "exercise" of "diligence" to appoint a tenant-commissioner in all succeeding vacancies until at least one tenant-commissioner has been appointed. There is no specification of "normal appointment procedures".

Section 2. Provides an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

N/A

2. Recurring or Annualized Continuation Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Appropriations Consequences:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise, and Employment Markets:

N/A

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

None.

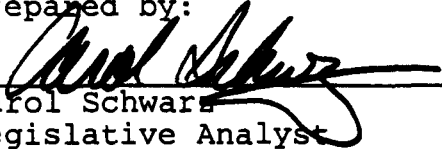
V. AMENDMENTS:

None.

VI. SIGNATURES:

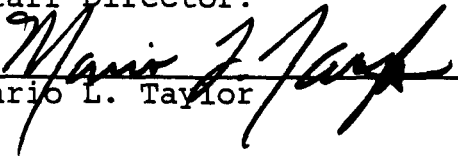
SUBSTANTIVE COMMITTEE:

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Mario L. Taylor

SECOND COMMITTEE OF REFERENCE:
Prepared by:

Staff Director:

APPROPRIATIONS:
Prepared by:

Staff Director:
