

1 HOUSE BILL NO. 439

2 INTRODUCED BY H. JACOBSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE APPOINTMENT PROCESS FOR HOUSING
5 AUTHORITY COMMISSIONERS; REQUIRING THAT TWO COMMISSIONERS BE INDIVIDUALS WHO ARE
6 DIRECTLY ASSISTED BY THE HOUSING AUTHORITY; ELIMINATING THE REQUIREMENT THAT HOUSING
7 AUTHORITY COMMISSIONERS REPRESENT FAMILY TENANTS, ELDERLY TENANTS, AND TENANTS
8 WITH DISABILITIES; ELIMINATING THE REQUIREMENT THAT NOMINEES TO THE COMMISSION PRESENT
9 A PETITION SIGNED BY A CERTAIN NUMBER OF TENANTS; REQUIRING THE STAFF OF THE HOUSING
10 AUTHORITY TO NOTIFY HOUSEHOLDS ASSISTED BY THE AUTHORITY OF CERTAIN VACANCIES ON
11 THE COMMISSION; AND AMENDING SECTIONS 7-15-4431, 7-15-4432, AND 7-15-4435, MCA."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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15 **Section 1.** Section 7-15-4431, MCA, is amended to read:

16 **"7-15-4431. Appointment of commissioners.** (1) An authority consists of seven commissioners
17 appointed by the mayor. The mayor shall designate the first presiding officer. A commissioner may not be
18 a city official.

19 (2) Two of the commissioners must be ~~tenants of~~ directly assisted by the housing authority and
20 are known as resident commissioners. ~~One tenant commissioner shall represent family tenants, and one~~
21 ~~tenant commissioner shall represent elderly tenants and tenants with disabilities. Nominees for tenant~~
22 ~~commissioner shall submit to the city clerk a petition signed by not less than 25 adult tenants of the~~
23 ~~authority or 25% of the adult tenants of the authority, whichever is greater. The city clerk shall submit~~
24 ~~a list of the tenant nominees to the mayor for appointment to the housing authority. The staff of the~~
25 housing authority may not involve itself in the nomination or appointment of ~~tenant~~ resident
26 commissioners, except that the housing authority shall notify all of the households directly assisted by the
27 housing authority when a resident commissioner position is vacant.

28 (3) The mayor shall file with the city clerk a certificate of the appointment or reappointment of
29 any commissioner, and the certificate is conclusive evidence of the proper appointment of the
30 commissioner."

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2 **Section 2.** Section 7-15-4432, MCA, is amended to read:

3 **"7-15-4432. Term of office.** (1) ~~The~~ Subject to subsection (2), the commissioners who are first
4 appointed must be designated by the mayor to serve for terms of 1, 2, 3, 4, and 5 years, respectively,
5 from the date of their appointment. ~~Thereafter~~ After the initial appointments, the term of office is 5 years.

6 (2) The ~~tenant~~ resident commissioners who are first appointed shall serve for terms of 1 and 2
7 years, respectively, from the date of their appointment. ~~Thereafter~~ After the initial appointments, the term
8 of office is 2 years.

9 (3) A commissioner shall hold office until ~~his~~ the commissioner's successor has been appointed
10 and qualified."

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12 **Section 3.** Section 7-15-4435, MCA, is amended to read:

13 **"7-15-4435. Control of conflict of interest.** (1) ~~Except as provided in 7-15-4431, a~~ A
14 commissioner or employee of an authority may not acquire any interest, direct or indirect, in ~~any~~ a housing
15 project or in any property included or planned to be included in ~~any~~ a project. A commissioner may not
16 have any interest, direct or indirect, in ~~any~~ a contract or proposed contract for materials or services to be
17 furnished or used in connection with ~~any~~ a housing project.

18 (2) (a) If a commissioner or employee of an authority owns or controls an interest, direct or
19 indirect, in any property included or planned to be included in ~~any~~ a housing project, ~~he~~ the commissioner
20 shall immediately disclose the interest in writing to the authority, and the disclosure must be entered upon
21 the minutes of the authority.

22 (b) Failure to disclose an interest constitutes misconduct in office."

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