

Act 504 of the 1989 Regular Session.

Act 504

HB1073

By: Representatives Lipton, Dawson, Arrington,
Forgey, Balton, Porter, Hinshaw and Newman

"AN ACT TO AMEND THE HOUSING AUTHORITIES ACT TO PROVIDE THAT THE BOARDS OF COMMISSIONERS OF THE AUTHORITIES SHALL APPOINT THEIR SUCCESSORS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 14-169-208(c)(2)(B) is hereby amended to read as follows:

"(B) When the term of office of a commissioner expires or other vacancy occurs in the commissioners of an authority, the commissioners shall appoint a successor to fill the vacancy, subject to confirmation by the municipal or county governing body. If the commissioners fail to appoint a successor within forty-five (45) calendar days from the date a commissioner's term expires or other vacancy occurs, the governing body shall appoint a successor. If the governing body fails to confirm or reject the commissioners' appointment within forty-five (45) calendar days after receiving written notice of the appointment, the appointment shall be deemed confirmed and the governing body shall have no power to act on the appointment thereafter. If the governing body rejects such appointment within forty-five (45) calendar days after receiving written notice of the appointment, the commissioners shall within thirty (30) calendar days after receiving written notice of such rejection appoint another person to fill the vacancy. If the commissioners fail to make the appointment within the thirty (30) day period, the governing body shall appoint a successor."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that confusion exists regarding whether the commissioners of a housing authority are to appoint their successors; that it has been the practice for 51 years that the commissioners appoint their successors and that was the intent of the General Assembly when it enacted the Housing Authorities Act; that in order to meet federal requirements the housing authorities must be autonomous bodies; that since housing authorities contract with local governments the local governments should not be appointing the members to the housing authorities; that this Act clarifies the law by specifically indicating that the commissioners of housing authorities designate their successors upon the expiration of their terms of office or when necessary to fill vacancies; and that this Act should be given effect immediately in order to clarify the law as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 13, 1989
