

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

2

HOUSE BILL 89  
Second Edition Engrossed 6/19/17

Short Title: Housing Authority Transfers. (Public)

Sponsors: Representative Adams.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government II

February 15, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW MUNICIPALITIES TO TRANSFER THE POWERS, DUTIES, AND  
3 RESPONSIBILITIES OF A PUBLIC HOUSING AUTHORITY TO A REGIONAL  
4 COUNCIL OF GOVERNMENT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 157-4.1 reads as rewritten:

7 "**§ 157-4.1. Alternative organization.**

8 (a) In lieu of creating a housing authority as authorized herein, the council of any city  
9 may, if it deems wise, ~~either~~ designate a redevelopment commission created under the  
10 provisions of Chapter ~~160-160A~~ of the General ~~Statutes-Statutes~~, or a regional council of  
11 government created pursuant to Part 2 of Article 20 of Chapter 160A of the General Statutes, to  
12 exercise the powers, duties, and responsibilities of a housing authority as prescribed herein, or  
13 may itself exercise such powers, duties, and responsibilities. Any such designation shall be by  
14 passage of a resolution adopted in accordance with the procedure and pursuant to the finding  
15 specified in the first and second paragraphs of G.S. 157-4. In the event the council of any city  
16 designates itself to exercise the powers, duties, and responsibilities of a housing authority, then  
17 where any act, proceeding, or approval is required to be done, recommended, or approved both  
18 by a housing authority and by the council of the city, then the performance, recommendation,  
19 or approval thereof once by the council of the city shall be sufficient to make such  
20 performance, recommendation, or approval valid and legal. In the event the council of the city  
21 designates itself to exercise the powers, duties, and responsibilities of a housing authority, it  
22 may assign the administration of the housing programs, projects, and policies to any existing or  
23 new department of the city.

24 (b) The council of any city which has prior to July 1, 1969, created, or which may  
25 hereafter create, a housing authority may, in its discretion, by resolution abolish such housing  
26 authority, such abolition to be effective on a day set in such resolution ~~not less than 90 days~~  
27 ~~after its adoption~~ that will allow sufficient time to wind down the operations of the housing  
28 authority. Upon the adoption of such a resolution, the housing authority of the city is hereby  
29 authorized and directed to take such actions and to execute such documents as will carry into  
30 effect the provisions and the intent of the resolution, and as will effectively transfer its  
31 authority, responsibilities, obligations, personnel, and property, both real and personal, to the  
32 city. Any city which abolishes a housing authority pursuant to this subsection may, at any time  
33 subsequent to such abolition or concurrently therewith, exercise the authority granted by  
34 subsection (a) of this section.

35 On the day set in the resolution of the ~~council~~ council, all of the following apply:



- 1 (1) The housing authority shall cease to exist as a body politic and corporate and  
2 as a public ~~body;~~body.
- 3 (2) All property, real and personal and mixed, belonging to the housing  
4 authority shall vest in, belong to, and be the property of the ~~city;~~city.
- 5 (3) All judgments, liens, rights of liens, and causes of action of any nature in  
6 favor of the housing authority shall remain, vest in, and inure to the benefit  
7 of the ~~city;~~city.
- 8 (4) All rentals, taxes, assessments, and any other funds, charges or fees, owing  
9 to the housing authority shall be owed to and collected by the ~~city;~~city.
- 10 (5) Any actions, suits, and proceedings, pending against, or having been  
11 instituted by the housing authority shall not be abated by such abolition, but  
12 all such actions, suits, and proceedings shall be continued and completed in  
13 the same manner as if abolition had not occurred, and the city shall be a  
14 party to all such actions, suits, and proceedings in the place and stead if the  
15 housing authority and shall pay or cause to be paid any judgments rendered  
16 against the housing authority in any such actions, suits, or proceedings, and  
17 no new process need be served in any such action, suit, or  
18 ~~proceeding;~~proceeding.
- 19 (6) All obligations of the housing authority, including outstanding indebtedness,  
20 shall be assumed by the city, and all such obligations and outstanding  
21 indebtedness shall be constituted obligations and indebtedness of the  
22 ~~city;~~city.
- 23 (7) All ordinances, rules, regulations and policies of the housing authority shall  
24 continue in full force and effect until repealed or amended by the council of  
25 the city.

26 (c) Where the governing body of any municipality has in its discretion, by resolution  
27 abolished a housing authority, pursuant to subsection (b) ~~above, of this section,~~ the governing  
28 body of such municipality may, at any time subsequent to the passage of a resolution abolishing  
29 a housing authority, or concurrently therewith, by the passage of a resolution adopted in  
30 accordance with the procedures and pursuant to the finding specified in G.S. 157-4.1, designate  
31 an existing redevelopment commission created pursuant to ~~Article 37 of Chapter 160~~ Article 22  
32 of Chapter 160A of the General Statutes, or a regional council of government created pursuant  
33 to Part 2 of Article 20 of Chapter 160A of the General Statutes, to exercise the powers, duties,  
34 and responsibilities of a housing authority. Where the governing body of any municipality  
35 designates, pursuant to this subsection, an existing redevelopment commission ~~created pursuant~~  
36 ~~to Article 37 of Chapter 160 of the General Statutes~~ or a regional council of government to  
37 exercise the powers, duties, and responsibilities of a housing authority, on the day set in the  
38 resolution of the governing body passed pursuant to subsection (b) of this section, or pursuant  
39 to subsection (c) of this ~~section;~~section, all of the following apply:

- 40 (1) The housing authority shall cease to exist as a body politic and corporate and  
41 as a public ~~body;~~body.
- 42 (2) All property, real and personal and mixed, belonging to the housing  
43 authority or to the municipality as hereinabove provided in subsections (a) or  
44 (b), shall vest in, belong to, and be the property of the existing  
45 redevelopment commission ~~of the municipality;~~or regional council of  
46 government.
- 47 (3) All judgments, liens, rights of liens, and causes of action of any nature in  
48 favor of the housing authority or in favor of the municipality as hereinabove  
49 provided in subsections (a) or (b), shall remain, vest in, and inure to the  
50 benefit of the existing redevelopment commission ~~of the municipality;~~or  
51 regional council of government.

- 1 (4) All rentals, taxes, assessments, and any other funds, charges, or fees owing  
 2 to the housing authority or owing to the municipality as hereinabove  
 3 provided in subsections (a) or (b), shall be owed to and collected by the  
 4 existing redevelopment commission ~~of the municipality;~~or regional council  
 5 of government.
- 6 (5) Any actions, suits, and proceedings pending against or having been instituted  
 7 by the housing authority or the municipality, or to which the municipality  
 8 has become a party as hereinabove provided in subsections (a) or (b), shall  
 9 not be abated by such abolition but all such actions, suits, and proceedings  
 10 shall be continued and completed in the same manner as if abolition had not  
 11 occurred, and the existing redevelopment commission ~~of the municipality or~~  
 12 regional council of government shall be a party to all such actions, suits, and  
 13 proceedings in the place and stead of the housing authority or the  
 14 municipality, and shall pay or cause to be paid any judgments rendered in  
 15 such actions, suits, or proceedings, and no new processes need be served in  
 16 such action, suit, or ~~proceeding;~~proceeding.
- 17 (6) All obligations of the housing authority or the municipality as hereinabove  
 18 provided in subsections (a) or (b), including outstanding indebtedness, shall  
 19 be assumed by the existing redevelopment commission ~~of the municipality;~~  
 20 or regional council of government; and all such obligations and outstanding  
 21 indebtedness shall be constituted obligations and indebtedness of the  
 22 existing redevelopment commission ~~of the municipality;~~or regional council  
 23 of government.
- 24 (7) All ~~ordinances,~~ rules, regulations, and policies of the housing authority ~~or~~  
 25 ~~the municipality~~ as hereinabove provided in subsections (a) or (b), shall  
 26 continue in full force and effect until repealed and amended by the existing  
 27 redevelopment commission ~~of the municipality or~~regional council of  
 28 government.
- 29 (8) Notwithstanding G.S. 157-5 and G.S. 157-8, the term of office for all  
 30 commissioners shall expire.

31 (d) A redevelopment commission or regional council of government designated by the  
 32 governing body of any municipality to exercise the powers, ~~duties~~duties, and responsibilities  
 33 of a housing authority shall, when exercising the same, do so in accordance with Chapter 157  
 34 of the General Statutes. ~~Otherwise~~Otherwise, the redevelopment commission shall continue to  
 35 exercise ~~the its~~ powers, ~~duties~~duties, and responsibilities ~~of a redevelopment commission in~~  
 36 accordance with ~~Article 37 of Chapter 160~~Article 22 of Chapter 160A of the General  
 37 ~~Statutes.~~Statutes, and the regional council of governments shall continue to exercise its powers,  
 38 duties, and responsibilities in accordance with Part 2 of Article 20 of Chapter 160A of the  
 39 General Statutes.

40 (e) Upon passage of a resolution pursuant to subsection (b) or (c) of this section, the  
 41 city council may appoint an interim executive director who will work with the housing  
 42 authority to facilitate any transfer to the city, redevelopment commission, or regional council of  
 43 government, and who will serve in that capacity until the transfer is complete. The interim  
 44 executive director shall have all the powers and duties granted to an executive director pursuant  
 45 to G.S. 157-5(e) along with the rules, regulations, and policies of the housing authority."

46 **SECTION 2.** G.S. 160A-475 reads as rewritten:

47 "**§ 160A-475. Specific powers of council.**

48 The charter may confer on the regional council any of the following powers:

49 ...

- 50 (7a) For the purpose of meeting the regional council's office space and program  
 51 needs, to acquire real property by purchase, gift, or otherwise, and to

1 improve that property. The regional council may pledge real property as  
2 security for indebtedness used to finance acquisition of that property or for  
3 improvements to that real property, subject to approval by the Local  
4 Government Commission as required under G.S. 159-153. A regional  
5 council may not exercise the power of eminent domain.

6 (7b) To carry out the powers, duties, and responsibilities granted pursuant to  
7 Chapter 157 of the General Statutes except the power of eminent domain.

8 (8) Any other powers that are exercised or capable of exercise by its member  
9 governments and desirable for dealing with problems of mutual concern to  
10 the extent such powers are specifically delegated to it from time to time by  
11 resolution of the governing board of each of its member governments which  
12 are affected thereby, provided, that no regional council of governments shall  
13 have the authority to construct or purchase buildings, or acquire title to real  
14 property, except for the purposes permitted under subdivision (7a) of this  
15 section or in order to exercise the authority granted by Chapter 260 of the  
16 Session Laws of ~~1979~~,1979, or the powers, duties, and responsibilities  
17 granted to the regional council pursuant to Chapter 157 of the General  
18 Statutes. Nothing in this subdivision permits a regional council to exercise  
19 the power of eminent domain."

20 **SECTION 3.** This act does not apply to cities with a population of greater than  
21 250,000 according to the latest federal decennial census.

22 **SECTION 4.** This act is effective when it becomes law.