

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 975 Pasco County Housing Authority, Pasco County

**SPONSOR(S):** Nehr

**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N	Duncan	Hoagland
2) Economic Affairs Committee	15 Y, 0 N	Duncan	Tinker

### SUMMARY ANALYSIS

Florida law creates a housing authority in each Florida County. The area of operation of a housing authority created for a county includes all of the county for which it is created except that portion of the county which lies within the territorial boundaries of any city as defined in the Housing Authorities Law, as amended. These housing authorities may not transact business or exercise their powers until or unless the governing body of the county declares by resolution that there is need for a housing authority in such county. Upon notification of the adoption of such resolution, the commissioners of the housing authority are appointed by the Governor in the same manner as appointments are made by a mayor for a municipal housing authority.

The bill requires the commissioners of the Pasco County Housing Authority to be appointed by the Pasco County Board of County Commissioners rather than the Governor.

According to the Economic Impact Statement, this bill has no fiscal impact.

This bill has an effective date of upon becoming law.

**Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration of local bills. This bill appears to provide an exemption from s. 421.27, F.S.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### County Housing Authorities

Florida law creates a housing authority in each Florida county.<sup>1</sup> The area of operation of a housing authority created for a county includes all of the county for which it is created except that portion of the county which lies within the territorial boundaries of any city as defined in the Housing Authorities Law,<sup>2</sup> as amended.<sup>3</sup> As of January 4, 2012, there are 22 county housing authorities in Florida.<sup>4</sup>

These housing authorities may not transact business or exercise their powers until or unless the governing body of the county declares by resolution that there is need for a housing authority in such county. Upon notification of the adoption of such resolution, the commissioners of the housing authority are appointed by the Governor. These appointments are to be made "in the same manner as the commissioners of a housing authority created for a city may be appointed by the mayor...."<sup>5</sup>

Florida law requires the mayor to appoint no fewer than five persons, and no more than seven persons, as commissioners of the authority. Three of the commissioners who are first appointed are designated to serve for terms of one, two and three years, respectively; the remaining commissioners are designated to serve for terms of four years each, from the date of their appointment. Thereafter, each commissioner is appointed for a four-year term, except that a vacancy is filled for the unexpired term.<sup>6</sup>

Each housing authority is required to have at least one commissioner who is a resident who is current in rent in a housing project or a person of low or very low income who resides within the housing authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the housing authority. In the case of an authority, which does not have a completed project, no tenant-commissioner may be appointed until 10 percent of the units in the first project of the authority have been occupied. The cessation of a tenant-commissioner's tenancy in a housing project or the cessation of rent subsidy removes the tenant-commissioner from office, and another person meeting the qualifications required for the office is appointed for the unexpired portion of the term.<sup>7</sup>

If the commissioners find that no housing project resident or rent subsidy recipient is available to serve as a tenant-commissioner, after all reasonable efforts have been made and documented, the existing vacancy then is filled through the normal appointment procedures. However, such normal appointment does not preclude the requirement to exercise diligence in all succeeding vacancies to attempt to first appoint a tenant-commissioner until at least one tenant-commissioner has been appointed.<sup>8</sup>

No commissioner of an authority may be an officer or employee of the city for which the authority is created. A commissioner holds office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner is filed with the clerk, and such certificate is conclusive evidence of the due and proper appointment of such commissioner. A commissioner receives no compensation for his or her services but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of his or her duties. The requirements of

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<sup>1</sup> Section 421.27(1), F.S.

<sup>2</sup> Part I of ch. 421, F.S.

<sup>3</sup> Section 421.27(3), F.S.

<sup>4</sup> Florida Department of Economic Opportunity, Division of Community Planning and Development, Special District Information Program, Official List of Special Districts Online, *Special District Statewide Totals*, <http://www.floridajobs.org/community-planning-and-development> (last visited January 4, 2012).

<sup>5</sup> Section 421.27(2), F.S.

<sup>6</sup> Section 421.05(1), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

this provision with respect to the number of commissioners of a housing authority apply without regard to the date on which the housing authority was created.<sup>9</sup>

### Pasco County Housing Authority

The Pasco County Housing Authority is an independent special district created by a resolution of the Pasco County Board of County Commissioners dated March 27, 1973. The commissioners of the authority are appointed by the Governor.<sup>10</sup> On September 23, 2011, the Governor announced the appointment of four commissioners to the housing authority's board.<sup>11</sup> The Governor's Appointment Office is seeking a tenant-commissioner for appointment to the housing authority board.<sup>12</sup>

The housing authority owns and manages 12 developments in Pasco County and has over 2000 units under management through various housing programs.<sup>13</sup> The housing authority has been the subject of news articles regarding its poor management since August 2011. The U.S. Department of Housing and Urban Development's Office of the Inspector General and the Pasco County State Attorney's Office have launched investigations into the operations of the housing authority.<sup>14</sup>

### **Effect of Proposed Changes**

The bill requires the commissioners of the Pasco County Housing Authority to be appointed by the Pasco County Board of County Commissioners rather than the Governor.

#### **B. SECTION DIRECTORY:**

Section 1: Requires the commissioners of the Pasco County Housing Authority to be appointed by the Pasco County Board of County Commissioners rather than the Governor.

Section 2: Provides an effective date of upon becoming a law.

## **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 16, 2011

WHERE? *The Tampa Tribune*, a daily newspaper published in Hillsborough County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

According to the Economic Impact Statement, this bill has no fiscal impact.

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<sup>9</sup> *Id.*

<sup>10</sup> Florida Department of Economic Opportunity, Division of Community Development, Special District Information Program, available at <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited December 16, 2011).

<sup>11</sup> Executive Office of the Governor, *Governor Rick Scott Appoints Four to the Pasco County Housing Authority*, September 23, 2011 available at <http://www.flgov.com/2011/09/23/governor-rick-scott-appoints-four-to-the-pasco-county-housing-authority/> (last visited December 16, 2011).

<sup>12</sup> Telephone interview with staff in the Governor's Appointment Office (December 20, 2011).

<sup>13</sup> Pasco County Housing Authority, Home Page and Developments, available at <http://www.pascocountyhousing.org/housing/developments.htm> (last visited December 19, 2011).

<sup>14</sup> WTSP.com, CBS News Affiliate, *10 News Investigators: New Board at Pasco Housing Authority Vows to Look into Problems*, available at <http://www.wtsp.com/news/article/216589/34/New-board-at-Pasco-Housing-Authority-vows-to-look-into-problems> (last visited December 19, 2011).

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

**Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.**

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A.