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COUNCIL OF THE DISTRICT OF COLUMBIA

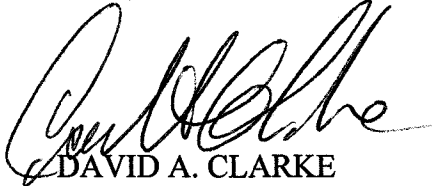
NOTICE

D.C. LAW 10- 243

"District of Columbia Housing Authority Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-671 on first and second readings, November 1, 1994 and December 6, 1994, respectively. Following the signature of the Mayor on December 28, 1994, this legislation was assigned Act No. 10-388, and published in the January 6, 1995, edition of the D.C. Register (Vol. 42 page 91) and transmitted to Congress on February 3, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-243, effective March 21, 1995.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13,14,15,16,17,20

AN ACT

Codification
District of Columbia Code
(1995 Supplement)

D.C. ACT 10-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 1994

To create the District of Columbia Housing Authority to operate as the District's public housing authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Act of 1994".

Sec. 2. Purpose.

(a) The Council of the District of Columbia hereby finds: (1) That the quality of life for those citizens who require housing assistance is inextricably linked to safe and affordable housing; (2) That quality public housing sustains and creates opportunities for self-sufficiency, and social and economic improvement; (3) That the inability of some residents to provide shelter for themselves and their families compels them to live in unsafe and unhealthy conditions; and (4) That these conditions are detrimental to the health and welfare of District residents and adversely affect the economy of the District.

(b) The Council determines that it is necessary and in the public interest to create an independent housing authority in the District of Columbia and to confer and vest in the authority all powers necessary or appropriate in order that it may engage in providing and maintaining quality public housing in the District of Columbia.

Sec. 3. Definitions.

For the purposes of this act:

- (1) "Act" means the District of Columbia Housing Authority Act of 1994.
- (2) "Authority" means the District of Columbia Housing Authority.
- (3) "Board" means the Board of Commissioners of the District of Columbia Housing Authority.
- (4) "Council" means the Council of the District of Columbia.
- (5) "Commissioner" means a member of the Board of Commissioners of the District of Columbia Housing Authority.
- (6) "DPAH" means the Department of Public and Assisted Housing.
- (7) "Executive Director" means the Executive Director of the District of Columbia Housing Authority.

New
Section
5-121

(8) "Housing properties" means any low-income housing (as defined in the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888; 42 U.S.C. 1401 *et seq.*), the development or administration of which is assisted by the United States Department of Housing and Urban Development.

(9) "Mayor" means the Mayor of the District of Columbia.

(10) "Resident Council" or "Resident Councils" means all resident councils within the meaning of the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888, 42 U.S.C. 1401 *et seq.*), as amended, all related statutes, rules regulations, and orders of the United States, and all related statutes, rules, regulations, and orders of the District of Columbia.

(11) "Tenant" or "Tenants" means all persons lawfully residing under lease in all public housing properties within the District of Columbia.

Sec. 4. Establishment of the District of Columbia Housing Authority.

(a) There shall be established, as a corporate body which has a legal existence separate from the District government but which is an instrumentality of the District government, the District of Columbia Housing Authority.

New,
Section
5-122

(b) The Authority shall govern public housing and implement the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888; 42 U.S.C. 1401 *et seq.*), in the District of Columbia.

(c) The Authority shall be a public housing agency as that term is defined by the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888; 42 U.S.C. 1401 *et seq.*).

(d) The Authority shall be governed by a Board of Commissioners. The powers of the Authority shall be vested in the Board.

Sec. 5. Dissolution of the Department of Public and Assisted Housing.

(a) The Department of Public and Assisted Housing as established by Reorganization Plan No. 1 of 1987, effective December 15, 1987, D.C. Code, Vol. 1, at 335-338, shall be abolished on the effective date of this act.

New,
Section
5-123

(b) All of the functions related to the powers, duties, operations and administration of the Department of Public and Assisted Housing shall be transferred to the District of Columbia Housing Authority within 180 days of the effective date of this act.

(c) All property, assets, records, obligations and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the powers, duties, functions, operations, and administration of the Department of Public and Assisted Housing shall be transferred to the District of Columbia Housing Authority within 180 days of the effective date of this act.

(d) Until the Board of Commissioners is appointed and confirmed according to section 6, and the Executive Director is appointed and confirmed according to section 7, the Mayor shall continue to govern the authority consistent with this act.

Sec. 6. Board of Commissioners of the District of Columbia Housing Authority.

(a) The Board shall consist of 7 Commissioners who shall be appointed by the Mayor with the consent of the Council. Of the members appointed, 1 shall be designated by the Mayor as the Chairperson of the Board for a term of 4 years. The 1st Board shall be appointed as hereinafter specified within 180 days of the effective date of this act.

(1) The terms of Commissioners shall be 4 years. Of the members first appointed, 2 shall hold office for 1 year; 2 shall hold office for 2 years; 2 shall hold office for 3 years; and 1 shall hold office for 4 years; and 1 of the initial appointees shall be designated by the Mayor as the Chairperson for a term of 2 years.

(2) Each vacancy in an unexpired term shall be filled within 60 days in the same manner as the appointment was made and shall be for the unexpired term.

(3) The Commissioners shall select a Vice Chairperson of the Board for a term of 4 years, and in the event of a vacancy in the office of the Vice Chairperson, to fill the vacancy for the remainder of the unexpired term.

(b) All Commissioners shall reside within the District of Columbia.

(c) Two Commissioners shall be residents of public housing or recipients of rent subsidies through a program administered by the Authority.

(1) One of the 2 Commissioners appointed pursuant to this subsection shall be a senior citizen over 62 years of age.

(2) Commissioners appointed pursuant to this section shall not be in violation of their contractual or rent obligations to the Authority.

(3) Subject to a final determination through the applicable process, an eviction or cessation of tenancy in public housing, or decertification for a rent subsidy program, shall be cause for the removal of a Commissioner appointed pursuant to this section.

(d) One Commissioner shall be an official of organized labor.

(e) Except as provided in subsections (c) and (d) of this section, all other Commissioners shall have demonstrated experience in any of the following professional fields: banking, real estate development or management, architecture, engineering, or finance.

(f) Except as provided in section 6(d), no person shall be eligible for appointment to the Board who is an employee of the District of Columbia. No person shall be eligible for appointment to the Board who is a member of any District of Columbia board or commission including purely advisory ones, a spouse of a head of a department or agency of the District of Columbia, or a spouse of an elected official.

(g) Commissioners appointed pursuant to this section shall receive no compensation, but shall be entitled to a reimbursement of up to \$50 per meeting, not to exceed \$4,000 per annum, for travel and other necessary expenses.

(h) No Commissioner may be held personally liable for any action taken in the course of his or her official duties and responsibilities as set forth in this act.

(i) The Mayor may remove a Commissioner for official misconduct, neglect of duty, or incompetence, but only after the Commissioner shall have been given a copy of the charges and an opportunity to be heard

in person or by counsel. The Mayor may suspend a Commissioner pending the determination of charges.

(j) In addition to those powers conferred elsewhere in this act, the Board is hereby charged with the duty to govern all affairs of the Authority and shall have all powers necessary or convenient to carry out the purposes of this act, including but not limited to the following:

- (1) To establish public housing policies to ensure quality services to public housing residents;
- (2) To coordinate professional expertise with administrative, financial, and public housing residents' needs;
- (3) To acquire and prepare sites, lease and operate housing properties, and construct or provide for the construction, reconstruction, improvement, alteration, or repair of any such housing properties or any part thereof;
- (4) To employ an Executive Director and other officers, agents, and employees as it requires; to adopt personnel rules and regulations; to determine the number and types of employee assigned to organizational units, work projects or tour of duty; and to determine the technology for performing its work or its internal security practice;
- (5) To review and approve all contracts over \$250,000;
- (6) To enter into contracts to achieve any or all of its purposes, and to receive contributions, gifts, grants, subsidies, and loans of money, property, labor or other things of value from any source to be used for the purposes of this act and subject to conditions upon which the contributions, gifts, grants, subsidies, and loans are made;
- (7) To sue and be sued, to have a seal and to alter same at will;
- (8) To make rules and regulations necessary and proper for the effective administration of the Authority and for the fulfillment of the purposes of this act;
- (9) To administer tenant elections for Resident Councils and for the Resident Council Advisory Board. Such elections shall be supervised by an independent expert in election monitoring, to be selected by the Board;
- (10) To promulgate such rules and regulations, not inconsistent with this act, as may be necessary and proper for the administration of tenant elections for Resident Councils and for the Resident Council Advisory Board; and
- (11) To perform such other functions as are needed to ensure the provision of quality services to public housing residents.

Sec. 7. Executive Director.

(a) An Executive Director shall be appointed by the Board subject to the advice and consent of the Council. The Executive Director shall be an employee of the Authority, but shall not be a member of the Board. The Executive Director shall receive compensation as shall be fixed by the Board.

(b) The Board may appoint the Executive Director for a term of up to 3 years, but shall require the Executive Director to achieve specific performance standards established by the Board.

(c) The Executive Director shall be the Secretary to the Board. He or she shall keep a record of the proceedings of the Board, and shall

New
Section
5-125

maintain and be the custodian of all books, documents, papers filed with the Board, minutes book or journal of the Board, and of its official seal.

(d) The Executive Director shall, subject to the direction and supervision of the Board:

(1) Administer, manage, and direct the affairs and activities of the Authority; and

(2) Supervise the staff of the Authority, make all final personnel decisions, and employ other assistants and employees as necessary in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601 *et seq.*).

Sec. 8. Resident Council Advisory Board and tenant election of members of Resident Councils and Resident Council Advisory Board.

(a) Subject to the determination of the Board of Commissioners, the provisions of this section shall apply to the extent that they further the purposes of and are not inconsistent with, any relevant statutes, rules, and regulations of the United States or the District of Columbia.

(b) The District of Columbia Resident Council Advisory Board, as created by Mayor's Order 93-18, effective February 26, 1993, is abolished on the effective day of this act.

(c) There is established in the District of Columbia a Resident Council Advisory Board, which shall have the following powers and duties:

(1) The Resident Council Advisory Board shall advise the Mayor, the Council, the Board, and the Authority on the management of the Authority and the quality of life for the tenants of all housing properties within the District of Columbia.

(2) The Resident Council Advisory Board shall make recommendations on the needs of public housing tenants and propose programs to meet those needs.

(3) The Resident Council Advisory Board shall consist of the President of each Resident Council and not more than 15 members elected by the tenants in accordance with this section.

(4) Elected members of the Resident Council Advisory Board shall serve terms of 2 years.

(5) Members of the Resident Council Advisory Board shall serve without compensation.

(d) Tenant elections shall be held, no later than 6 months after the effective date of this act, to select tenants to serve on Resident Councils and on the Resident Council Advisory Board. Those elections shall be conducted as follows:

(1) Only tenants shall serve on Resident Councils and on the Resident Council Advisory Board.

(2) All members of all Resident Councils and of the Resident Council Advisory Board shall be tenants.

(3) All tenants aged 18 years or older shall be eligible to vote in such elections and to serve on Resident Councils and on the Resident Council Advisory Board.

(4) Such elections shall be held at least every 2 years and shall be conducted by secret ballot.

New
Section
5-126

Sec. 9. Social services teams in public housing.

New
Section
5-127

(a) The Authority shall, subject to availability of funds, establish social service teams at each public housing complex. The social service teams shall consist of, but not be limited to, the following:

- (1) Recreation and Education After School Coordinator;
- (2) Volunteer Coordinator;
- (3) Security, Rules, and Regulations Coordinator;
- (4) Employment and Training Coordinator;
- (5) Social Work and Health Services Coordinator; and
- (6) Tenant Advocacy Coordinator.

(b) Nothing in this section shall be construed to prohibit other District or United States government departments and agencies from providing social services to public housing residents.

Sec. 10. Transfer of DPAH's Employees to the Authority.

New
Section
5-128

All employees of the Department of Public and Assisted Housing shall be transferred to the Authority and continue to be employees of the District of Columbia government; except that all new employees hired after the effective date of this act shall be classified as Excepted Service in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601 *et seq.*).

Sec. 11. Procurement.

New
Section
5-129

(a) No Commissioner, officer, or employee designated to do purchasing for the Authority shall have any material interest, either directly or indirectly, in any contract for the purchase of supplies, materials, equipment, or services.

(b) The Board shall develop standards for purchases of, and contract for, supplies and services consistent with applicable laws. Emergency purchases shall be allowed subject to the approval of persons delegated to do so by the Board, and a full written determination and finding of the circumstances of such emergency purchase, along with the purchase documents, shall be immediately open to public inspection. The Authority shall be exempt from the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*).

Sec. 12. Conflict of interest.

New
Section
5-130

(a) For a period of 1 year after termination or expiration of his or her term as a Commissioner, no former Commissioner or Executive Director shall appear before any court or government department or agency as agent or attorney for anyone other than the Authority in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the Authority is substantially interested, and with respect to which he or she took any action or made any decision as a Commissioner or Executive Director at any time within a period of 1 year prior to the termination or expiration of that position.

(b) No Commissioner, Executive Director, or any officer of the Authority shall have any interest either directly or indirectly, in any firm or agency interested directly or indirectly in any transaction with the

Authority, including, but not limited to, builders, real estate developers or management companies.

Sec. 13. Local law.

(a) The provisions of the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Code § 45-1901 *et seq.*) shall not apply to the property managers of housing properties within the jurisdiction of the Authority. The activities of property managers of housing properties shall be regulated by the applicable statutes, rules, and regulations of the United States in effect at the time of the effective date of this act.

New
Section
5-131;
Note,
Section
45-1901

(b) Execution or other judicial process shall not issue against the real property of the Authority nor shall any judgment against the Authority be a charge or lien upon its real property. This section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage on property of the Authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees, and revenues.

Sec. 14. Tax exemption.

Assets and income of the Authority are exempt from the District taxation. The Authority may make, at its discretion, payment in lieu of taxation.

New
Section
5-132

Sec. 15. Disposition of assets on dissolution.

If the Authority is dissolved by repeal of this act or ceases to exist for any other reason, all of its assets (including, but not limited to, cash, accounts receivable, reserve funds, real or personal property, and contract and other rights) shall automatically be assigned to and become the property of the District.

New
Section
5-133

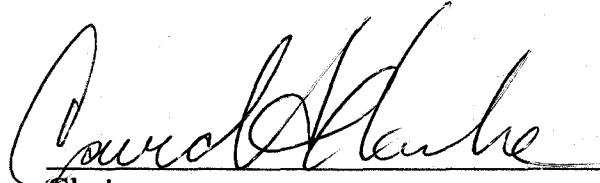
Sec. 16. Severability.

If any provision of this act or the application thereof to any person or circumstances shall be held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

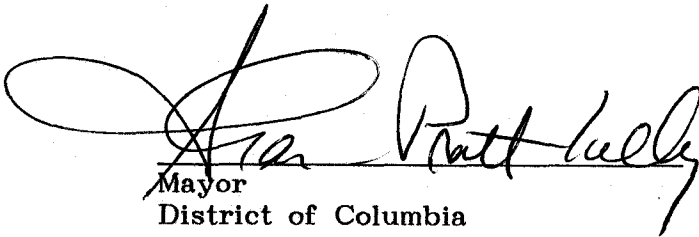
Sec. 17. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved

December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 28, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-671

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-1-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Nathanson

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-6-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Evans, Lightfoot, Nathanson and Ray

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date