

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 96

Short Title: Visitors/Guests Housing Auth.

(Public)

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Sponsors: Representatives Black and Lemmond (cosponsors); Flaherty, Griffin, Wood, Bowman, Wilson, and Easterling.

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Referred to: Rules, Calendar, and Operations of the House.

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February 14, 1994

A BILL TO BE ENTITLED

1 AN ACT TO APPLY HOUSING AUTHORITY RULES TO VISITORS AND  
2 GUESTS.  
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4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 157-9 reads as rewritten:

6 "**§ 157-9. Powers of authority.**

7 (a) An authority shall constitute a public body and a body corporate and politic,  
8 exercising public powers, and having all the powers necessary or convenient to carry  
9 out and effectuate the purposes and provisions of this Article, including the following  
10 powers in addition to others herein granted:

11 To investigate into living, dwelling and housing conditions and into the means and  
12 methods of improving such conditions; to determine where unsafe, or insanitary  
13 dwelling or housing conditions exist; to study and make recommendations concerning  
14 the plan of any city or municipality located within its boundaries in relation to the  
15 problem of clearing, replanning and reconstruction of areas in which unsafe or  
16 insanitary dwelling or housing conditions exist, and the providing of dwelling  
17 accommodations for persons of low income, and to cooperate with any city municipal or  
18 regional planning agency; to prepare, carry out and operate housing projects; to  
19 approve, assist, and cooperate with, as its instrumentality, a nonprofit corporation in  
20 providing financing by the issuance by such nonprofit corporation's obligations (which  
21 obligations shall not be or be deemed to be indebtedness of a housing authority) for one  
22 or more housing projects, pursuant to the United States Housing Act of 1937, as  
23 amended, and applicable regulations thereunder, specifically including, but not limited

1 to, programs to make construction and other loans to developers or owners of residential  
2 housing, and to acquire, operate or manage such a housing project, and to administer  
3 federal housing assistance subsidy payments for such projects; to provide for the  
4 construction, reconstruction, improvement, alteration or repair of any housing project or  
5 any part thereof; to take over by purchase, lease or otherwise any housing project  
6 located within its boundaries undertaken by any government, or by any city or  
7 municipality located in whole or in part within its boundaries; to manage as agent of any  
8 city or municipality located in whole or in part within its boundaries any housing project  
9 constructed or owned by such city; to act as agent for the federal government in  
10 connection with the acquisition, construction, operation and/or management of a  
11 housing project or any part thereof; to arrange with any city or municipality located in  
12 whole or in part within its boundaries or with a government for the furnishing, planning,  
13 replanning, installing, opening or closing of streets, roads, roadways, alleys, sidewalks  
14 or other places or facilities or for the acquisition by such city, municipality, or  
15 government of property, options or property rights or for the furnishing of property or  
16 services in connection with a project; to arrange with the State, its subdivisions and  
17 agencies, and any county, city or municipality of the State, to the extent that it is within  
18 the scope of each of their respective functions, (i) to cause the services customarily  
19 provided by each of them to be rendered for the benefit of such housing authority and/or  
20 the occupants of any housing projects and (ii) to provide and maintain parks and  
21 sewage, water and other facilities adjacent to or in connection with housing projects and  
22 (iii) to change the city or municipality map, to plan, replan, zone or rezone any part of  
23 the city or municipality; to lease or rent any of the dwelling or other accommodations or  
24 any of the lands, buildings, structures or facilities embraced in any housing project and  
25 to establish and revise the rents or charges therefor; to enter upon any building or  
26 property in order to conduct investigations or to make surveys or soundings; to  
27 purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or  
28 otherwise any property real or personal or any interest therein from any person, firm,  
29 corporation, city, municipality, or government; to acquire by eminent domain any real  
30 property, including improvements and fixtures thereon; to sell, exchange, transfer,  
31 assign, or pledge any property real or personal or any interest therein to any person,  
32 firm, corporation, municipality, city, or government; to own, hold, clear and improve  
33 property; to insure or provide for the insurance of the property or operations of the  
34 authority against such risks as the authority may deem advisable; to procure insurance  
35 or guarantees from a federal government of the payment of any debts or parts thereof  
36 secured by mortgages made or held by the authority on any property included in any  
37 housing project; to borrow money upon its bonds, notes, debentures or other evidences  
38 of indebtedness and to secure the same by pledges of its revenues, and by mortgages  
39 upon property held or to be held by it, or in any other manner; in connection with any  
40 loan, to agree to limitations upon its right to dispose of any housing project or part  
41 thereof or to undertake additional housing projects; in connection with any loan by a  
42 government, to agree to limitations upon the exercise of any powers conferred upon the  
43 authority by this Article; to invest any funds held in reserves or sinking funds, or any  
44 funds not required for immediate disbursement, in property or securities in which

1 savings banks may legally invest funds subject to their control; to sue and be sued; to  
2 have a seal and to alter the same at pleasure; to have perpetual succession; to make and  
3 execute contracts and other instruments necessary or convenient to the exercise of the  
4 powers of the authority; to make and from time to time amend and repeal bylaws, rules  
5 and regulations not inconsistent with this Article, to carry into effect the powers and  
6 purposes of the authority; to conduct examinations and investigations and to hear  
7 testimony and take proof under oath at public or private hearings on any matter material  
8 for its information; to issue subpoenas requiring the attendance of witnesses or the  
9 production of books and papers and to issue commissions for the examination of  
10 witnesses who are out of the State or unable to attend before the authority, or excused  
11 from attendance; and to make available to such agencies, boards or commissions as are  
12 charged with the duty of abating or requiring the correction of nuisances or like  
13 conditions, or of demolishing unsafe or insanitary structures within its territorial limits,  
14 its findings and recommendations with regard to any building or property where  
15 conditions exist which are dangerous to the public health, morals, safety or welfare. Any  
16 of the investigations or examinations provided for in this Article may be conducted by  
17 the authority or by a committee appointed by it, consisting of one or more  
18 commissioners, or by counsel, or by an officer or employee specially authorized by the  
19 authority to conduct it. Any commissioner, counsel for the authority, or any person  
20 designated by it to conduct an investigation or examination shall have power to  
21 administer oaths, take affidavits and issue subpoenas or commissions. An authority may  
22 exercise any or all of the powers herein conferred upon it, either generally or with  
23 respect to any specific housing project or projects, through or by an agent or agents  
24 which it may designate, including any corporation or corporations which are or shall be  
25 formed under the laws of this State, and for such purposes an authority may cause one  
26 or more corporations to be formed under the laws of this State or may acquire the  
27 capital stock of any corporation or corporations. Any corporate agent, (i) all of the stock  
28 of which shall be owned by the authority or its nominee or nominees or (ii) the board of  
29 directors of which shall be elected or appointed by the authority or is composed of the  
30 commissioners of the authority or (iii) which is otherwise subject to the control of the  
31 authority or the governmental entity which created the authority, may to the extent  
32 permitted by law exercise any of the powers conferred upon the authority herein. In  
33 addition to all of the other powers herein conferred upon it, an authority may do all  
34 things necessary and convenient to carry out the powers expressly given in this Article.  
35 No provisions with respect to the acquisition, operation or disposition of property by  
36 other public bodies shall be applicable to an authority unless the legislature shall  
37 specifically so state.

38 (b) Notwithstanding anything to the contrary contained in this Article or in any  
39 other provision of law an authority may include in any contract let in connection with a  
40 project, stipulations requiring that the contractor and any subcontractors comply with  
41 requirements as to minimum wages and maximum hours of labor, and comply with any  
42 conditions which the federal government may have attached to its financial aid of the  
43 project.

1       (c) To the extent not inconsistent with the constitution or statutes of this State or  
2 the United States, an authority may adopt, promulgate, and enforce rules and regulations  
3 governing the lawful entry of guests and visitors to its properties, including the visitors  
4 and guests of its tenants. Persons who enter or remain on the property of an authority in  
5 violation of such rules and regulations, shall be subject to prosecution under the trespass  
6 laws of this State."

7               Sec. 2. This act becomes effective July 1, 1994, but housing authorities may  
8 adopt and promulgate rules under it anytime after ratification.