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AN ACT

RELATING TO HOUSING; AMENDING SECTIONS OF THE REGIONAL HOUSING LAW; CHANGING THE REQUIRED COUNTY OF ORIGIN DISTRIBUTION FOR REGIONAL HOUSING AUTHORITY BOARD COMMISSIONERS; REMOVING STATE BOARD OF FINANCE APPROVAL FOR CREATION OF NONPROFIT CORPORATIONS AND THEIR ARTICLES OF INCORPORATION AND BYLAWS PRIOR TO APPROVAL BY THE NEW MEXICO MORTGAGE FINANCE AUTHORITY; CLARIFYING THE OWNERSHIP OF PROPERTY BY REGIONAL HOUSING AUTHORITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 11-3A-6 NMSA 1978 (being Laws 1994, Chapter 132, Section 6, as amended) is amended to read:

"11-3A-6. POWERS OF REGIONAL HOUSING AUTHORITY IN BOARD OF COMMISSIONERS--APPOINTMENT OF BOARD OF REGIONAL HOUSING AUTHORITIES--TERMS.--

A. The powers of each regional housing authority shall be vested in its board of commissioners as the board may be constituted, from time to time. The board of commissioners of the regional housing authority for each of the three regions shall be appointed by the governor and consist of at least seven members who shall be residents of the designated area of the regional housing authority; provided that no more than two members shall be residents of the same county. Appointments shall be for terms of four

1 years and shall be made so that the terms of not more than  
2 four commissioners on each board of commissioners expire on  
3 July 1 of each year. Vacancies shall be filled for the  
4 unexpired term. Commissioners shall serve until their  
5 successors have been appointed.

6 B. Members of the board of commissioners of a  
7 regional housing authority shall elect an executive committee  
8 consisting of a chair, vice chair, treasurer, secretary and  
9 one other member of the board to function and meet on a  
10 monthly basis as an executive committee. The executive  
11 committee shall have the authority to act on behalf of the  
12 board of commissioners of the regional housing authority as  
13 needed. The executive committee shall submit a report of  
14 actions to the full board of commissioners, which shall meet  
15 on a quarterly basis.

16 C. Members of the board of commissioners of a  
17 regional housing authority may receive per diem and mileage  
18 as provided in the Per Diem and Mileage Act but shall receive  
19 no other compensation, perquisite or allowance. A majority  
20 of the appointed commissioners of a board of commissioners  
21 shall constitute a quorum of the board for the purpose of  
22 conducting its business and exercising its powers and for all  
23 other purposes. Action may be taken by a regional housing  
24 authority upon a vote of a majority of the commissioners  
25 present. Each board of commissioners shall organize itself

1 at its annual meeting each year. A board of commissioners  
2 may employ an executive director, subject to approval by the  
3 New Mexico mortgage finance authority. With delegated  
4 authority from the board of commissioners, the executive  
5 director may hire or terminate, according to the procurement  
6 and personnel policies and procedures of the regional housing  
7 authority, any technical experts, officers, attorneys, agents  
8 or employees, permanent or temporary, as the regional housing  
9 authority may require.

10 D. The threshold requirements for commissioners of  
11 boards of regional housing authorities are that commissioners  
12 have expertise and experience in housing construction, real  
13 estate, architecture, law, banking, housing finance,  
14 business, property management, accounting, residential  
15 development, public housing programs, community development,  
16 social services or health care. The requirements set forth  
17 in this section shall not apply to commissioners serving  
18 pursuant to requirements of the federal department of housing  
19 and urban development.

20 E. Commissioners are expected to attend all  
21 meetings of the board of commissioners of the regional  
22 housing authority, and more than three unexcused absences may  
23 be grounds for dismissal from the board. All recommendations  
24 for appointments of commissioners shall be forwarded to and  
25 reviewed by the New Mexico mortgage finance authority prior

1 to recommendation to the governor."

2 SECTION 2. Section 11-3A-9 NMSA 1978 (being Laws 1994,  
3 Chapter 132, Section 9, as amended) is amended to read:

4 "11-3A-9. NONPROFIT CORPORATIONS.--Every regional  
5 housing authority, in addition to other powers conferred by  
6 the Regional Housing Law, shall have, if authorized by  
7 resolution of its board of commissioners, the power to create  
8 nonprofit corporations to carry out the powers and duties set  
9 forth in Section 11-3A-7 NMSA 1978. The articles of  
10 incorporation and bylaws, and any subsequent changes, shall  
11 be recommended for approval by the New Mexico mortgage  
12 finance authority. Such nonprofit corporations shall be  
13 subject to all of the duties and limitations imposed on the  
14 regional housing authority and its board of commissioners."

15 SECTION 3. Section 11-3A-31 NMSA 1978 (being Laws 2009,  
16 Chapter 48, Section 20) is amended to read:

17 "11-3A-31. TRANSITIONAL PROVISIONS--COMMISSIONERS--  
18 CONTRACTS AND AGREEMENTS.--

19 A. Members of boards of commissioners of regional  
20 housing authorities appointed prior to March 31, 2009 shall  
21 continue to serve as members of boards of commissioners until  
22 their terms expire or their successors are appointed and  
23 qualified pursuant to the provisions of Laws 2009, Chapter  
24 48.

25 B. All contracts and agreements of regional

1 housing authorities in effect on March 31, 2009 shall  
2 continue in effect.

3 C. Property or an interest in property owned by a  
4 regional housing authority prior to the consolidation of  
5 regional housing authorities pursuant to Laws 2009, Chapter 48  
6 shall be deemed to be owned by the regional housing authority  
7 whose region pursuant to Section 11-3A-4 NMSA 1978 includes  
8 the county where the property is located." \_\_\_\_\_

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