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SENATE BILL 398

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Nancy Rodriguez

AN ACT

RELATING TO MUNICIPALITIES; ALLOWING A COMMISSIONER OF A HOUSING AUTHORITY TO HOLD OFFICE OR EMPLOYMENT FOR THE SAME CITY FOR WHICH THE AUTHORITY IS CREATED.

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

SECTION 1. Section 3-45-5 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-46-5, as amended) is amended to read:

"3-45-5. CREATION OF AUTHORITY.--

A. Every city, in addition to other powers conferred by the Municipal Housing Law, shall have power and is authorized, by proper resolution of its governing body, to create an authority to be known as the "housing authority" of the city as a public body politic and corporate separate from the city. The city may delegate to the authority the power to construct, maintain, operate and manage any housing project or

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1 affordable housing programs of the city and may delegate to the
2 authority any or all of the powers conferred on the city by the
3 Municipal Housing Law.

4 B. When the governing body of a city adopts a
5 resolution pursuant to Subsection A of this section:

6 (1) the mayor shall appoint three, five or
7 seven persons as commissioners of the authority as follows:

8 (a) at least three commissioners if the
9 municipality is a village, town or county that does not contain
10 a metropolitan statistical area as defined by the United States
11 census; or

12 (b) at least five but no more than seven
13 commissioners if the municipality is a city or a county that
14 contains a metropolitan statistical area as defined by the
15 United States census; and

16 (2) the commissioners who are first appointed
17 shall be designated to serve staggered terms of one to five
18 years from the date of their appointment, depending on the size
19 of the authority. Thereafter, commissioners shall be appointed
20 for a term of office of five years, except that all vacancies
21 shall be filled for the unexpired term. ~~[A commissioner of an~~
22 ~~authority shall not hold any other office or employment of the~~
23 ~~city for which the authority is created.]~~ A commissioner shall
24 hold office until a successor has been appointed and has
25 qualified, unless sooner removed according to law. A

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1 commissioner may serve two or more successive terms of office.
2 A certificate of the appointment or reappointment of any
3 commissioner shall be filed with the clerk, and the certificate
4 shall be conclusive evidence of the due and proper appointment
5 of the commissioner. A commissioner shall receive no
6 compensation for services for the authority in any capacity,
7 but shall be entitled to the necessary expenses, including
8 traveling expenses, incurred in the discharge of duties.

9 C. Two or more cities joined together pursuant to
10 Subsection B of Section 3-45-4 NMSA 1978 shall establish their
11 commissioners in accordance with Subsection B of this section,
12 except that each city shall have equitable representation on
13 the commission. The commissioners representing each city shall
14 be appointed by the mayor of the city.

15 D. Any powers delegated by a city to an authority
16 shall be vested in the commissioners of the authority in office
17 from time to time. A majority of commissioners shall
18 constitute a quorum of the authority for the purpose of
19 conducting its business and exercising its powers and for all
20 other purposes. Action may be taken by the authority upon a
21 vote of a majority of the commissioners present. The
22 commission shall organize itself at its annual meeting each
23 even-numbered year. Any city creating a housing authority may
24 authorize the authority to employ a secretary, who shall be
25 executive director and who shall be removable only for cause.

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1 With the delegated authority from the commission, the executive
2 director may hire or terminate, according to the procurement
3 and personnel policies and procedures of the authority,
4 technical experts and such other officers, attorneys, agents
5 and employees, permanent and temporary, as the authority may
6 require; determine their qualifications, duties and
7 compensation; and delegate to one or more of them such powers
8 or duties as the authority may deem proper."

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