

1 HOUSE BILL 196
2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY
4 Candy Spence Ezzell
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10 AN ACT

11 RELATING TO REGIONAL HOUSING AUTHORITIES; REMOVING CERTAIN
12 PROVISIONS REQUIRING OVERSIGHT OF REGIONAL HOUSING AUTHORITIES
13 BY THE MORTGAGE FINANCE AUTHORITY; REQUIRING REGIONAL HOUSING
14 AUTHORITIES TO COMPLY WITH THE UNITED STATES HOUSING ACT OF
15 1937 AND TO COOPERATE WITH CERTAIN FEDERAL AGENCIES; INCREASING
16 THE AMOUNT PERMITTED FOR A REGIONAL HOUSING AUTHORITY TO ENTER
17 INTO A CONTRACT, MEMORANDUM OF UNDERSTANDING OR OTHER AGREEMENT
18 WITHOUT PRIOR APPROVAL.
19

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

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

23 "11-3A-6. POWERS OF REGIONAL HOUSING AUTHORITY IN BOARD
24 OF COMMISSIONERS--APPOINTMENT OF BOARD OF REGIONAL HOUSING
25 AUTHORITIES--TERMS.--

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1 A. The powers of each regional housing authority
2 shall be vested in its board of commissioners as the board may
3 be constituted, from time to time. The board of commissioners
4 of the regional housing authority for each of the three regions
5 shall be appointed by the governor and consist of at least
6 seven members who shall be residents of the designated area of
7 the regional housing authority; provided that no more than two
8 members shall be residents of the same county. Appointments
9 shall be for terms of four years and shall be made so that the
10 terms of not more than four commissioners on each board of
11 commissioners expire on July 1 of each year. Vacancies shall
12 be filled for the unexpired term. Commissioners shall serve
13 until their successors have been appointed.

14 B. Members of the board of commissioners of a
15 regional housing authority shall elect an executive committee
16 consisting of a chair, vice chair, treasurer, secretary and one
17 other member of the board to function and meet on a monthly
18 basis as an executive committee. The executive committee shall
19 have the authority to act on behalf of the board of
20 commissioners of the regional housing authority as needed. The
21 executive committee shall submit a report of actions to the
22 full board of commissioners, which shall meet on a quarterly
23 basis.

24 C. Members of the board of commissioners of a
25 regional housing authority may receive per diem and mileage as

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1 provided in the Per Diem and Mileage Act but shall receive no
2 other compensation, perquisite or allowance. A majority of the
3 appointed commissioners of a board of commissioners shall
4 constitute a quorum of the board for the purpose of conducting
5 its business and exercising its powers and for all other
6 purposes. Action may be taken by a regional housing authority
7 upon a vote of a majority of the commissioners present. Each
8 board of commissioners shall organize itself at its annual
9 meeting each year. A board of commissioners may employ an
10 executive director [~~subject to approval by the New Mexico~~
11 ~~mortgage finance authority~~]. With delegated authority from the
12 board of commissioners, the executive director may hire or
13 terminate, according to the procurement and personnel policies
14 and procedures of the regional housing authority, any technical
15 experts, officers, attorneys, agents or employees, permanent or
16 temporary, as the regional housing authority may require.

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

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1 development.

2 E. Commissioners are expected to attend all
3 meetings of the board of commissioners of the regional housing
4 authority, and more than three unexcused absences may be
5 grounds for dismissal from the board. All recommendations for
6 appointments of commissioners shall be forwarded to ~~[and~~
7 ~~reviewed by the New Mexico mortgage finance authority prior to~~
8 ~~recommendation to]~~ the governor by the executive director."

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

11 "11-3A-9. NONPROFIT CORPORATIONS.--Every regional housing
12 authority, in addition to other powers conferred by the
13 Regional Housing Law, shall have, if authorized by resolution
14 of its board of commissioners, the power to create nonprofit
15 corporations to carry out the powers and duties set forth in
16 Section 11-3A-7 NMSA 1978. The articles of incorporation ~~[and~~
17 ~~bylaws]~~ and any subsequent changes shall be ~~[recommended for~~
18 ~~approval by the New Mexico mortgage finance authority]~~
19 submitted to the secretary of state. Such nonprofit
20 corporations shall be subject to all of the duties and
21 limitations imposed on the regional housing authority and its
22 board of commissioners."

23 SECTION 3. Section 11-3A-30 NMSA 1978 (being Laws 2007,
24 Chapter 50, Section 6, as amended) is amended to read:

25 "11-3A-30. FEDERAL COMPLIANCE--FINANCIAL AND OPERATIONAL

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1 OVERSIGHT.--

2 A. Every regional housing authority shall comply
3 with the requirements of the United States Housing Act of 1937,
4 as amended, and shall cooperate with the United States
5 department of housing and urban development and with all other
6 departments of the state and local governments in the
7 enforcement and administration of the provisions of the United
8 States Housing Act of 1937, as amended, and the rules and
9 regulations issued pursuant to that act; provided that
10 compliance shall be in the manner prescribed in this section,
11 or as otherwise provided by law.

12 B. Every regional housing authority shall:

13 (1) make reports in such form and containing
14 such information as required by the agency or instrumentality
15 of the United States, with which the regional housing authority
16 is cooperating; and

17 (2) comply with the provisions required by the
18 agency or instrumentality of the United States, as provided in
19 Paragraph (1) of this subsection, to assure the correctness and
20 verification of a required report.

21 ~~[A.]~~ C. Without the prior approval of the ~~[New~~
22 ~~Mexico mortgage finance authority]~~ appropriate agency of the
23 federal government, no regional housing authority shall:

24 (1) enter into any contract, memorandum of
25 understanding or other agreement with a value greater than ~~[one~~

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1 ~~hundred thousand dollars (\$100,000)]~~ one hundred fifty thousand
2 dollars (\$150,000); or

3 (2) transfer, sell or liquidate any real or
4 personal property with a value greater than one hundred
5 thousand dollars (\$100,000) that was purchased in whole or in
6 part using federal funding.

7 [~~B. Not less than thirty days prior to the~~
8 ~~beginning of its fiscal year, each regional housing authority~~
9 ~~and each nonprofit corporation established pursuant to Section~~
10 ~~11-3A-9 NMSA 1978 shall submit a final operating budget for the~~
11 ~~subsequent fiscal year to the New Mexico mortgage finance~~
12 ~~authority for review.~~

13 ~~G.]~~ D. The financial affairs of every regional
14 housing authority and any nonprofit corporation created by a
15 regional housing authority shall be thoroughly examined and
16 audited annually by the state auditor, by personnel of the
17 state auditor's office designated by the state auditor or by
18 auditors approved by the state auditor. The audits shall be
19 conducted in accordance with generally accepted auditing
20 standards. Each regional housing authority shall submit to the
21 state auditor, the department of finance and administration
22 [~~the New Mexico mortgage finance authority, the Mortgage~~
23 ~~Finance Authority Act oversight committee]~~ and the legislative
24 finance committee, within thirty days following the receipt of
25 the annual audit of the regional housing authority, a copy of

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1 that audit.

2 [D. ~~Every regional housing authority shall submit~~
3 ~~an annual report of its financial and operational activities to~~
4 ~~the New Mexico mortgage finance authority for review and~~
5 ~~analysis and for dissemination to the department of finance and~~
6 ~~administration, the Mortgage Finance Authority Act oversight~~
7 ~~committee and the legislative finance committee. Each report~~
8 ~~shall set forth a complete operating and financial statement~~
9 ~~covering its operations since the previous report was~~
10 ~~presented.~~]

11 E. Failure on the part of a regional housing
12 authority to correct any qualified audit within one year of the
13 release of the audit shall result in the abatement of any state
14 funds until such corrective actions are taken. If a regional
15 housing authority should receive a qualified audit opinion for
16 more than two consecutive years, the [~~oversight agency~~] state
17 auditor shall recommend corrective action to be taken."