

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2459**

55th Legislature  
1998 Regular Session

Passed by the House March 11, 1998  
Yeas 98 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate March 10, 1998  
Yeas 47 Nays 0

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2459** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2459**

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AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

**State of Washington                      55th Legislature                      1998 Regular Session**

**By** House Committee on Trade & Economic Development (originally sponsored by Representatives Veloria, Van Luven, Butler, Cody, Mason, Conway, McDonald, Kenney, Kastama, Dickerson and Keiser)

Read first time 02/05/98. Referred to Committee on .

1            AN ACT Relating to public housing authorities in jurisdictions with  
2 populations over four hundred thousand; amending RCW 35.82.040 and  
3 35.82.050; and adding a new section to chapter 35.82 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 35.82.040 and 1995 c 293 s 1 are each amended to read  
6 as follows:

7            Except as provided in section 2 of this act, when the governing  
8 body of a city adopts a resolution declaring that there is a need for  
9 a housing authority, it shall promptly notify the mayor of such  
10 adoption. Upon receiving such notice, the mayor shall appoint five  
11 persons as commissioners of the authority created for the city. When  
12 the governing body of a county adopts a resolution declaring that there  
13 is a need for a housing authority, it shall appoint five persons as  
14 commissioners of the authority created for the county. The  
15 commissioners who are first appointed shall be designated to serve for  
16 terms of one, two, three, four and five years, respectively, from the  
17 date of their appointment, but thereafter commissioners shall be  
18 appointed for a term of office of five years except that all vacancies  
19 shall be filled for the unexpired term. No commissioner of an

1 authority may be an officer or employee of the city or county for which  
2 the authority is created, unless the commissioner is an employee of a  
3 separately elected county official other than the county governing body  
4 in a county with a population of less than one hundred seventy-five  
5 thousand as of the 1990 federal census, and the total government  
6 employment in that county exceeds forty percent of total employment.  
7 A commissioner shall hold office until a successor has been appointed  
8 and has qualified, unless sooner removed according to this chapter. A  
9 certificate of the appointment or reappointment of any commissioner  
10 shall be filed with the clerk and such certificate shall be conclusive  
11 evidence of the due and proper appointment of such commissioner. A  
12 commissioner shall receive no compensation for his or her services for  
13 the authority, in any capacity, but he or she shall be entitled to the  
14 necessary expenses, including traveling expenses, incurred in the  
15 discharge of his or her duties.

16 The powers of each authority shall be vested in the commissioners  
17 thereof in office from time to time. Except as provided in section 2  
18 of this act, three commissioners shall constitute a quorum of the  
19 authority for the purpose of conducting its business and exercising its  
20 powers and for all other purposes. Action may be taken by the  
21 authority upon a vote of a majority of the commissioners present,  
22 unless in any case the bylaws of the authority shall require a larger  
23 number. The mayor (or in the case of an authority for a county, the  
24 governing body of the county) shall designate which of the  
25 commissioners appointed shall be the first chair of the commission and  
26 he or she shall serve in the capacity of chair until the expiration of  
27 his or her term of office as commissioner. When the office of the  
28 chair of the authority becomes vacant, the authority shall select a  
29 chair from among its commissioners. An authority shall select from  
30 among its commissioners a vice-chair, and it may employ a secretary  
31 (who shall be executive director), technical experts and such other  
32 officers, agents and employees, permanent and temporary, as it may  
33 require, and shall determine their qualifications, duties and  
34 compensation. For such legal services as it may require, an authority  
35 may call upon the chief law officer of the city or the county or may  
36 employ its own counsel and legal staff. An authority may delegate to  
37 one or more of its agents or employees such powers or duties as it may  
38 deem proper.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 35.82 RCW  
2 to read as follows:

3        (1) After the effective date of this section, the governing body of  
4 a city with a population of four hundred thousand or more, that has  
5 created a housing authority under RCW 35.82.040, shall adopt a  
6 resolution to expand the number of commissioners on the housing  
7 authority from five to seven. Upon receiving the notice, the mayor,  
8 with approval of the city council, shall appoint additional persons as  
9 commissioners of the authority created for the city.

10       (2) In appointing commissioners, the mayor shall consider persons  
11 that represent the community, provided that two commissioners shall  
12 consist of tenants that reside in a housing project that is owned by  
13 the housing authority.

14       (3) After the effective date of this section, all commissioners  
15 shall be appointed to serve four-year terms, except that all vacancies  
16 shall be filled for the remainder of the unexpired term. A  
17 commissioner of an authority may not be an officer or employee of the  
18 city for which the authority is created. A commissioner shall hold  
19 office until a successor has been appointed and has qualified, unless  
20 sooner removed according to this chapter.

21       (4) A commissioner may be reappointed only after review and  
22 approval by the city council.

23       (5) A certificate of the appointment or reappointment of any  
24 commissioner shall be filed with the clerk and the certificate is  
25 conclusive evidence of the due and proper appointment of the  
26 commissioner.

27       (6) A commissioner shall receive no compensation for his or her  
28 services for the authority, in any capacity, but he or she is entitled  
29 to the necessary expenses, including traveling expenses, incurred in  
30 the discharge of his or her duties.

31       (7) The powers of each authority vest in the commissioners of the  
32 authority in office from time to time. Four commissioners shall  
33 constitute a quorum of the authority for the purpose of conducting its  
34 business and exercising its powers and for all other purposes. Action  
35 may be taken by the authority upon a vote of a majority of the  
36 commissioners present, unless in any case the bylaws of the authority  
37 shall require a larger number.

38       (8) The mayor, with consent of the city council, shall designate  
39 which of the commissioners appointed shall be the first chair of the

1 commission and he or she shall serve in the capacity of chair until the  
2 expiration of his or her term of office as commissioner. When the  
3 office of the chair of the authority becomes vacant, the authority  
4 shall select a chair from among its commissioners. An authority shall  
5 select from among its commissioners a vice-chair, and the authority may  
6 employ a secretary, who shall be executive director, technical experts  
7 and such other officers, agents, and employees, permanent and  
8 temporary, as the authority requires, and shall determine their  
9 qualifications, duties, and compensation.

10 (9) For such legal services as it may require, an authority may  
11 call upon the chief law officer of the city or may employ its own  
12 counsel and legal staff. An authority may delegate to one or more of  
13 its agents or employees such powers or duties as it may deem proper.

14 **Sec. 3.** RCW 35.82.050 and 1965 c 7 s 35.82.050 are each amended to  
15 read as follows:

16 (1) No commissioner ((or)), employee ((of an authority)), or  
17 appointee to any decision-making body for the housing authority shall  
18 ((acquire any interest direct or indirect in any housing project or in  
19 any property included or planned to be included in any project, nor  
20 shall he have any interest direct or indirect in any contract or  
21 proposed contract for materials or services to be furnished or used in  
22 connection with any housing project)) own or hold an interest in any  
23 contract or property or engage in any business, transaction, or  
24 professional or personal activity, that would:

25 (a) Be, or appear to be, in conflict with the commissioner's,  
26 employee's, or appointee's official duties to any decision-making body  
27 for the housing authority duties relating to the housing authority  
28 served by or subject to the authority of such commissioner, employee,  
29 or appointee to any decision-making body for the housing authority;

30 (b) Secure, or appear to secure, unwarranted privileges or  
31 advantages for such commissioner, employee, or appointee to any  
32 decision-making body for the housing authority, or others; or

33 (c) Prejudice, or appear to prejudice, such commissioner's,  
34 employee's, or appointee's to any decision-making body for the housing  
35 authority independence of judgment in exercise of his or her official  
36 duties relating to the housing authority served by or subject to the  
37 authority of the commissioner, employee, or appointee to any decision-  
38 making body for the housing authority.

1       (2) No commissioner, employee, or appointee to any decision-making  
2 body for the housing authority shall act in an official capacity in any  
3 manner in which such commissioner, employee, or appointee to any  
4 decision-making body of the housing authority has a direct or indirect  
5 financial or personal involvement.

6       (3) No commissioner, employee, or appointee to any decision-making  
7 body for the housing authority shall use his or her public office or  
8 employment to secure financial gain to such commissioner, employee, or  
9 appointee to any decision-making body for the housing authority.

10       (4) If any commissioner or employee of an authority or any  
11 appointee to any decision-making body for the housing authority owns or  
12 controls an interest direct or indirect in any property included or  
13 planned to be included in any housing project, he immediately shall  
14 disclose the same in writing to the authority and such disclosure shall  
15 be entered upon the minutes of the authority. Failure ((se)) to  
16 disclose such interest shall constitute misconduct in office. Upon  
17 such disclosure such commissioner ((or)), employee, or appointee to any  
18 decision-making body for the housing authority shall not participate in  
19 any action by the authority affecting such property.

20       (5) No provision of this section shall preclude a tenant of the  
21 public housing authority from serving as a commissioner, employee, or  
22 appointee to any decision-making body of the housing authority. No  
23 provision of this section shall preclude a tenant of the public housing  
24 authority who is serving as a commissioner, employee, or appointee to  
25 any decision-making body of the housing authority from voting on any  
26 issue or decision, or participating in any action by the authority,  
27 unless a conflict of interest, as set forth in subsections (1) through  
28 (4) of this section, exists as to that particular tenant and the  
29 particular property or interest at issue before, or subject to action  
30 by the housing authority.

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