**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑3‑375 SO AS TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH A COUNTY LEGISLATIVE DELEGATION MAY DECLARE A STATE OF EMERGENCY, TO PROVIDE THAT A STATE OF EMERGENCY RESULTS IN THE SUSPENSION OF HOUSING AUTHORITY COMMISSIONERS, TO PROVIDE FOR A REVIEW OF THE SUSPENSION BY THE MAYOR OF THE MUNICIPALITY IN WHICH THE HOUSING AUTHORITY EXISTS, TO PROVIDE FOR THE PERMANENT REMOVAL FROM OFFICE OF THE COMMISSIONERS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR NEW COMMISSIONERS WHEN NECESSARY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 3, Title 31 of the 1976 Code is amended by adding:

“Section 31‑3‑375. (A) The county legislative delegation may adopt a resolution declaring that there exists a state of emergency with regard to a municipal housing authority located within the delegation’s jurisdiction if, to the satisfaction of a majority of the legislative delegation, there is convincing evidence that the housing authority has taken action, or failed to take an action, resulting in any or all of the housing authority’s residents being systemically subjected to unreasonably hazardous conditions or being subjected to conditions that led to the death of one or more residents.

(B) Upon the adoption of a resolution as provided in subsection (A), all commissioners are immediately suspended from office for ninety days. During this period of suspension, the mayor, or the mayor’s designee, shall exercise the powers and duties of the housing authority. Concurrently, the council of the municipality shall conduct an independent investigation into the circumstances under which the state of emergency was declared. Commissioners have the right to be heard in person or by counsel during the mayor’s investigation.

(C) If the council of the municipality finds that the housing authority took an action, or failed to take an action, resulting in the residents being subjected to unreasonably hazardous conditions or being subjected to conditions that led to the death of one or more residents, then the commissioners are immediately removed from office. The provisions contained in Section 31‑3‑370 do not apply for removal from office under this section.

(D) Upon the removal from office of the commissioners pursuant to subsection (C), the council of the municipality shall appoint new commissioners.”

SECTION 2. This act takes effect upon approval by the Governor.

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