COMMITTEE AMENDMENT ADOPTED

April 23, 2019

**S. 506**

Introduced by Senator Jackson

S. Printed 4/23/19--S.

Read the first time February 13, 2019.

**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 3, TITLE 31 OF THE 1976 CODE, RELATING TO CITY HOUSING AUTHORITIES, 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.

Amend Title To Conform

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)(1) 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.

(2) If the municipal housing authority referred to in item (1) has projects in multiple counties, then the county legislative delegations of all counties in which the projects are located shall comprise the appropriate ‘county legislative delegation’ for the purposes of this section.

(B) Upon the adoption of a resolution as provided in subsection (A), all commissioners and the executive director are immediately suspended from office for pending investigation by the appropriate law enforcement authority. If there is no active law enforcement investigation, then the county legislative delegation may request that one be initiated. During this period of suspension, the mayor of the municipality that created the housing authority pursuant to Section 31-3-320, or the mayor’s designee, shall appoint an interim executive director of the housing authority.

(C) If, at the conclusion of the investigation by the appropriate law enforcement authority, the county legislative delegation 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 that created the housing authority pursuant to Section 31-3-320 shall appoint new commissioners, none of whom may be a commissioner who was removed from office.”

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

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