

BY LAWS  
OF THE



Serving the Community Since 1944

AS REVISED ON  
December 21, 2017

## BY-LAWS OF TROY HOUSING AUTHORITY

**PURPOSE:** The Troy Housing Authority is a municipal housing authority, created and established through New York State Legislation for the city of Troy in the county of Rensselaer for the accomplishment of any or all of the purposes specified in article eighteen of the constitution of the state of New York. The Troy Housing Authority further defines its mission as:

The Troy Housing Authority strives to improve the quality of life within the City of Troy by providing decent, safe and sanitary homes to the families and individuals who choose to live in our settings; increasing the availability of economic opportunities and affordable housing to promote self-sufficiency and homeownership; and assuring equal access to fair housing for everyone in the community.

Recognizing that efficient operations are essential in order to continue to perform the vital role that we play in the community, we commit ourselves to open communication, professionalism and fiscal responsibility as we develop partnerships with others to best meet the needs of our residents, whom we recognize as our most valuable asset.

**SECTION 1 ANNUAL MEETING.** An Annual Meeting of the members of Troy Housing Authority of Troy shall be held in January of each year.

Notice of such meeting, stating the time, place and purpose thereof, shall be served either personally or by mail upon each member of the Authority not less than five, nor more than fifteen days before the meeting. If mailed, such notice shall be directed to each Authority member's address as it appears in the Authority's records, unless such member shall have filed with the Executive Director a written request that notices be sent to some other address, in which case, the notice shall be sent to the address so designated.

**SECTION 2 REGULAR MEETING.** A Regular Meeting of the Authority shall be held every six weeks, the schedule and location of such regular meetings shall be set at the Annual Meeting of the Authority in January of each year. Notice of such meeting shall be sent to the members of the Authority at the address to which notices of Annual Meetings are sent, or at a new address of the member if the Authority has been notified of a new address, at least three days before the date of such Regular Meeting.

**SECTION 3 SPECIAL MEETING.** A Special Meeting of the Authority may be called at any time by a majority of the members of the Authority, or by the Chair or Vice-Chair. If the meeting is called by a majority of members they shall do so with notice to all commissioners being provided by the Executive Director. Every Special Meeting shall be held at such time and place as shall be designated in the notice thereof. When such a Special Meeting is called, such meeting shall be held not less than one day after notice thereof has been given to all members of the Authority. Notice of Special Meetings may be given either by mail or by personal message to each member of the Authority. The call for a Special Meeting shall set forth the subject of the meeting, and no other business may be transacted at such meeting, except upon unanimous consent of all members of the Authority.

In the event of unforeseen circumstances beyond the control of the Authority (e.g. weather related or other disaster) a scheduled meeting, Annual or Regular, may be cancelled and rescheduled to a more convenient date, time and/or location. During such a Rescheduled Meeting the Agenda of the Cancelled Meeting will be followed.

SECTION 4 QUORUM. At any meeting of the Authority, four of the seven members shall constitute a quorum.

SECTION 5 VOTING. At all meetings of the Authority, all questions shall be determined by a voice vote of a quorum of the full board, provided, however, that upon any questions, any member of the Authority may call for a vote by ballot, in which case such a vote must be ordered by the presiding officer. The presiding officer may vote at any meeting. The Executive Director shall act as teller whenever a ballot vote is ordered, or the Authority may select two persons, not connected with the Authority, to act as tellers. On an as needed basis, for situations that require action between meetings, the Executive Director or designee may circulate required action items by hard copy or electronically and post them on the Troy Housing Authority website and Facebook page for public review and comment for not less than 24 hours then canvas the board by telephone or email to obtain a vote on the item needing action.

SECTION 6 ORDER OF BUSINESS. All proceedings of the Troy Housing Authority shall be governed by Robert's Rules of Order. Questions of Order shall be decided upon by the Chair, subject to an appeal by the Commissioners, which shall be decided by majority vote. At meetings of the Housing Authority, no persons except the Commissioners shall have the privilege of the floor except by acknowledgment of the Chair and in accordance with the sign in procedure. Prior to conducting business during meetings there will be an opportunity for anyone who has signed in to speak on any item on the agenda for up to two minutes. During the discussion of old/new business any member of the public who has signed in and requested the opportunity to address the board on a specific topic will be allowed two minutes to present their old or new business to the board. Resolutions to be considered at any REGULAR or SPECIAL Meeting of the Housing Authority not contained in the Agenda of the Housing Authority will require majority consent of the Commissioners present to be placed on the agenda. All Resolutions proposed by the Administration shall be introduced by the Chair of the Troy Housing Authority, and Resolutions to be introduced by Member Commissioners of the Troy Housing Authority shall include the name of the proposed sponsor of the Resolution. At all meetings of the Authority, the following order of business shall be observed, so far as is consistent with the purposes of the meeting:

- A. Call of Roll
- B. Public discussion of any Item on the Agenda
- C. Consideration of the Minutes of the preceding meeting
- D. Review, Discussion and Action of All Agenda Items
- E. Report of Committees, i.e., Public Safety, Finance, etc.
- F. Discussion of old/new business
- G. Report by the Executive Director

SECTION 7 OFFICERS AND QUALIFICATIONS. The officers of the Authority shall be a Chair, Vice-Chair/Treasurer and Executive Director as provided by these By-Laws, and such other officers, agents and employees (permanent and/or temporary) as it may require and from time to time authorize, and the Authority shall determine the qualifications, duties and compensation of all officers and employees. The Executive Director does not have to be a member of the Authority.

SECTION 8 ELECTION OF OFFICERS. The officers of the Authority shall be elected by the Authority at the Annual Meeting of the Authority, and shall hold office until their successors are duly chosen and qualify. The Authority may contract with any officer or employee for a term of service for a longer or shorter period than one year (in its discretion).

SECTION 9 DUTIES AND POWERS OF OFFICERS. The duties and powers of the officers of the Authority shall be as follows:

A. Chair

1. Preside at all meetings of the Authority;
2. Call Regular and Special Meetings of the Authority in accordance with these By-Laws;
3. Counter-sign the checks, notes or other instruments for the payment of funds of the Authority. The Board may designate up to two additional members as signatories, however, one signature on all checks must be the Executive Director;
4. See that all books, reports, statements and certificates required by statute are properly kept, made and filed according to law;
5. Make emergency appointments to the staff, and fix the salary of the same during the period of the emergency;
6. Enforce these By-Laws and perform all duties incidental to the position of Chair, which are required by law.

B. Vice-Chair/Treasurer

1. During the absence or disability of the Chair to perform his/her duties or exercise his/her powers as set forth in these By-Laws, or in the laws under which this Authority is organized, the Vice Chair shall perform the duties of the Chair, to include the countersigning of checks when the convenience of the authority and the prompt execution of its business will be served by such action;
2. When the Vice-Chair is so acting in place of the Chair, the Vice-Chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the Chair;
3. As the Treasurer, shall monitor the care and custody of all funds and/or securities of the Authority;
4. Counter-sign checks in place of the Chair of the Authority or any other member of the Authority, as provided for below in this section, and he/she shall do and perform all other duties pertaining to the office of the Treasurer. In the event of the disability or absence of the Treasurer, or resignation, or refusal to act, the Chair shall discharge pro tempore, the duties of the Treasurer, and the signature of the Chair, when made in pursuance of such circumstances, shall be honored, provided that the voucher, check, or other instrument so signed or executed be counter-signed by the Vice-Chair of said Authority, or in the absence or disability or refusal to act by the Vice-Chair then by any other member of the Authority;

C. Executive Director:

1. Keep the minutes of all meetings of the Authority;
2. Give and serve all notices required by law or by these By-Laws;
3. Present at each Annual Meeting of the Authority a report of the condition of the business and affairs of the Authority;
4. Attend to all correspondence and perform all duties incidental to the office.
5. Execute all major contracts, agreements, bonds, mortgages, deeds, leases, or deeds of trust in the name of the Authority, with Board approval and see that the same are properly executed. Execute and process all routine agreements, requisitions, vouchers as set forth in accordance with the Authority's procurement policy.
6. Be responsible for supporting and implementing the policies and directions of the Housing Authority, and shall have general supervision over the administration of its business and affairs, subject to the control of the Authority.
7. Administer the affairs of the Authority in accordance with the operational, fiscal, personnel and other policies adopted by the Board, and applicable Federal and State statutes and regulations.
8. Advise and make recommendations to the Board on all matters requiring policy determination.
9. Appoint administrative, management and maintenance staff in accordance with recognized personnel practices and the Personnel Rules and Regulations adopted by the Board of Commissioners.
10. To make recommendations to the Board of Commissioners for the establishment and the classification or reclassification of all positions in the agency for Board approval.
11. To make recommendations for, and after adoption by the Board of Commissioners, to administer rates of compensation covering all classes of positions in the agency.
12. Perform such other duties and responsibilities as may be prescribed by the Board.
13. The Executive Director should provide, to the Board of Commissioners, reports of occupancy and vacancy statistics, rent collecting and evictions, maintenance and procurement contracts, staffing levels including salaries, bonuses, hirings and terminations and budget expenditures and financial data on a quarterly basis and/or upon request by the Board.

SECTION 10 VACANCIES, HOW FILLED. Should the office of Vice Chair become vacant by death, resignation or otherwise, the same shall be filled, for the completion of the term, by vote at the next regular meeting of the Authority.

SECTION 11 AUDIT. The Authority shall appoint an independent CPA firm to annually audit the accounts of the Authority and provide a written statement as to the financial condition.

SECTION 12 AMENDMENTS. These By-Laws may be altered, amended, repealed or added to by the affirmative vote of a majority of the Authority, at any meeting of the Authority provided that a written notice shall have been sent to each member of the Authority, at the address to which notices of meetings are sent at least three days before the date of the meeting, at which such amendment, alteration, or repeal of such By-Laws is to be considered, provided, however, that if an emergency shall arise which, in the judgment of a majority of the members of the Authority, requires the immediate repeal, alteration or amendment of any section of the By-Laws, such change may be made temporarily at any meeting of the Authority, and immediately following such meeting, notices of such action shall be sent to any member of the Authority not present at such meeting, together with notice that at the next Regular Meeting of the Authority, such action shall be reviewed for confirmation, amendment, or repeal. Any action taken by the Authority or its officers or employees, acting in good faith on such emergency order shall be deemed the legal, valid and authorized act of the Authority.

SECTION 13 TENANT COMMISSIONERS. Pursuant to Public Housing Law, Section 30, Sub-Division 5, the Troy Housing Authority has prepared the By-Laws for the election of two Tenant Commissioners for the Troy Housing Authority. These By-Laws are pursuant to 24 CFR (Code of the Federal Register) 964 Subpart E. Two Tenant Commissioners shall be elected by the tenants of the Authority for two-year terms each. Such elected Commissioners shall then become Members of the Authority, and they shall have the same rights and duties as the appointed Commissioners. The elected Tenant Commissioners shall be entitled to the same privileges and compensation as the appointed Commissioners.

All residents whose names are listed on the lessee's application, who reside in an apartment owned or operated by the Authority, including the John F. Kennedy Towers, or are participants in the Section 8 Program on May 1st of the election year, and who are 18 years of age or older on the date of election, shall be eligible to nominate or become a candidate for the office of Tenant Commissioner. A tenant who fulfills the obligations set forth above, who is 18 years of age or older on the date of election, shall be able to vote for a Tenant Commissioner. Section 8 residents are eligible to vote in the Tenant Commissioner election provided that they were included in our files on May 1st of the election year, and who are 18 years of age or older on the date of election.

The Tenant Commissioner election of the Troy Housing Authority shall be conducted on the last Wednesday of August of each election year, and at no time shall the election be held after December 1st of the election year.

- A. Notification of the Tenant Commissioner election process will occur prior to May 1 of the election year and be done to each individual household either attached to a scheduled publication or separately. Nominating petitions for the tenant members will be accepted by the Authority from May 1 through June 15 of the election year. Such nominating petitions shall identify the person nominated and each signatory by name, address, apartment number, and date signed, and shall be substantially in the form of the petition attached. All Tenant Commissioner nominees with at least 50 signatures of qualified residents on their petition will be placed on the ballot, except that no name shall appear on the ballot unless the person nominated submits to the Authority a signed statement indicating eligibility for the office and willingness to have his/her name on the ballot and that he will serve, if elected. This deposition must be presented to the Authority at the time the petition is submitted. Names shall be placed on the ballot in alphabetical order and shall be posted at each polling place at least five days prior to the date of election.

- B. Each person who secures a name on a nominating petition shall be required to attach to the petition an affidavit as to the method of obtaining the signatures and that each person signing stated to the person making the affidavit that such person is over 18 years of age and a resident of the Authority on May 1st of the election year. An eligible voter may sign two petitions only. If a tenant signs more than two petitions, the petitions having the tenant's signature with the earliest date will be the ones acceptable, and if a tenant's signature appears on a third petition at a later date, that signature will be disallowed. If a tenant signs three or more petitions with the same date the Clerk of the Election will interview the tenant to determine which two petitions were signed first, all subsequent signatures made by this tenant will be disallowed. If the tenant cannot recall which two were signed first, all signatures of said tenant will be disallowed.
- C. Election shall be by secret ballot. The two nominees with the highest number of votes shall be elected Members of the Authority for a term of two years each. The nominees who are elected will assume their office on January 1<sup>st</sup> following the election. All Commissioners must be bondable. If, after election, it is discovered that the newly-elected Commissioner is not bondable, the person receiving the next highest number of votes shall receive the office. In the event of a tie vote, another election must be conducted within thirty days, and that election will be only between those candidates who have received an equal number of votes.
- D. Any person whose name appeared on the ballot may ask for a recount of the ballots within three working days after the election and may be granted a recount. The Chair of the Authority shall certify to the City Clerk of Troy, New York the results of the election.
- E. Polling places shall be at convenient locations to assure that residents in each low-rent housing development operated through Federal or State subsidy under the jurisdiction of the Troy Housing Authority have an opportunity to vote. The polling places shall be easily accessible to the residents of the Authority and Section 8 participants.
- F. Balloting will be accomplished by machines supplied from the City of Troy, New York or by paper ballot – the method to be chosen by the Clerk of the Election and the neutral group conducting the election. Voting hours will be from 2:00 P.M. until 6:00 P.M.
- G. During the election, and while the polls are open, no person is to do any electioneering within the polling place or in any public area within a 100 foot radius measured from the designated entrance to such polling place or within such distance in any place in a public manner, and no political banner, button, poster or placard shall be allowed in or upon the polling place or within such 100 feet radius. The voting area shall be kept free of all those persons not engaged in the actual voting process.
- H. The Tenant Commissioner shall cease to be a Commissioner of the Authority upon termination of tenancy. A vacancy in the office of a tenant member shall be filled as soon as practical by a new election to fill out the term of the vacated office holder. A vacancy occurring ninety days prior to an election shall be filled by the regular election.
- I. The additional income of an elected tenant for service as a Member of the Authority shall not affect eligibility for occupancy or membership of the Authority and, in accordance with HUD Rules published in 24 CFR 5.609(c)(8)(iv), shall not be considered additional income for rent calculation purposes.
- J. A "Clerk" for the Tenant Commissioner Election shall be designated to act as the liaison among the voters, candidates, inspectors and persons designated as voting machine operators.

- K. The election shall be conducted by Troy Housing Authority Staff or the League of Women Voters or another neutral group if determined necessary by the Board of Commissioners. The Authority shall provide the petition forms and make them available to all candidates. In the event of uncontested elections, a streamlined voting process will be followed. The streamlined process shall consist of the Clerk of the Elections confirming that a sufficient number of valid signatures have been obtained by the candidate(s) and then declaring the election.
- L. A list of eligible voters shall be prepared by the Authority on May 1st of each election year. All eligible voters will be notified of their eligibility, either by public posting at each polling place or by direct mail to each household, at least thirty days prior to the date set for the election. Any objection to the eligibility of a person appearing on said list or an omission of a person shall be communicated to the Authority. A final list of eligible voters shall be prepared by the Authority and posted at each polling place on the day of the election.
- M. Tenants eligible to vote, but unable to vote on the day set for the election, shall be allowed to submit an application for an absentee ballot. The absentee ballot application is also attached to these By-Laws and is made part of them.
- N. The staff of the Troy Housing Authority may not use their official position to hinder, aid, cause hardship or impediment to the activities of any member of the resident body seeking nominating petitions or election to the office of Tenant Commissioner.
- O. No regular or part-time employee shall be eligible to run for Tenant Commissioner. No financial assistance or management of a campaign from outside organizations shall be permitted.
- P. Challenges to balloting must be made prior to the vote being recorded. Employees, excluding the designated Clerk and those appointed to assist him or her in the process, are barred from any participation in the Tenant Commissioner Election process during their working hours. Equipment owned by the Troy Housing Authority shall not be used for election purposes, except as needed by the Clerk of the Election and his or her designees.

SECTION 14 WAIVER OF NOTICE. Whenever under the provisions of these By-Laws any member of the Authority is entitled to notice of any Regular, Special or other Meeting of the Authority, or of any action to be taken by the Authority, such meeting may be held, or such action may be taken without the giving of such notice, provided every member of the Authority entitled to such notice shall, in writing, waive the requirement of these By-Laws in respect thereto.

SECTION 15 REPEAL. All previous resolution adopted by the Authority inconsistent with these By-Laws are hereby repealed.

SECTION 16 ATTACHMENTS. The following attachments are incorporated as part of these By Laws:

- A Public Sign In form for all Meetings of The Authority
- An Absentee Ballot Application for Tenant Commissioner Elections



## PUBLIC SIGN IN

### BOARD OF COMMISSIONERS MEETING

DATE:

AGENDA ITEMS:   ITEM I:  
                           ITEM II:  
                           ETC.

I wish to speak at the Board of Commissioners Meeting today. I understand that my comments will be limited to two minutes and restricted to the topic(s) I indicate below. I further understand that if the topic I wish to speak about is an Agenda Item my opportunity to speak will occur immediately after the Call of Roll and before the Action on the Agenda Item. I also understand that if the topic I wish to speak about pertains to Old or New Business that is not an Agenda Item for today's meeting, my opportunity to speak will occur after the Report from Committees and before the Report by the Executive Director.

Name	Topic(s)	Is the topic an Agenda Item for today's meeting? (as noted above)	
		Yes	No
		Yes	No
		Yes	No
		Yes	No
		Yes	No
		Yes	No
		Yes	No

# TROY HOUSING AUTHORITY ABSENTEE BALLOT APPLICATION

- Check One:**     Due to Duties, Occupation, Business, Studies or Vacation (Complete Parts I & III)  
 Due to Illness or Disability (Complete Parts II & III)

**To The Clerk of The Election:**

\_\_\_\_\_ (Print Name), an applicant for an Absentee Ballot, states as follows:

I reside at \_\_\_\_\_ (Full Address), and I am an eligible voter of the Troy Housing Authority for the Tenant Commissioner Election.

**Part I – Absence Due To Duties, Occupation, Business, Studies or Vacation**

I expect to be absent from Troy, NY on (*date of election*) from 12:00 to 8PM, the day of the Tenant Commissioner Election because my Duties, Occupation, Business, Studies or Vacation require me to be elsewhere as follows:

1. Explain briefly the reason you will be out of town: \_\_\_\_\_  
\_\_\_\_\_
2. Place or places you expect to be: \_\_\_\_\_
3. Name of employer: \_\_\_\_\_  
Address of Employer: \_\_\_\_\_  
Telephone Number of Employer: \_\_\_\_\_
4. If this application is due to confinement pending trial in a criminal proceeding or for conviction of a crime or other offense, give particulars: \_\_\_\_\_

**Part II – Absence Due To Illness or Disability**

I have been advised by my medical practitioner that it would be impractical for me to get to my polling place on (*date of election*) from 12 to 8PM the day of the Tenant Commissioner Election due to my Illness or Disability.

Name of Practitioner: \_\_\_\_\_  
Address of Practitioner: \_\_\_\_\_  
Telephone Number of Practitioner: \_\_\_\_\_

**Part III – To Be Completed By All Applicants**

Delivery of Ballot (check one):

- Mail my Absentee Ballot to me at (application must be received at least 5 days before the election): \_\_\_\_\_
- I will pick up my Ballot personally at 1 Eddy’s Lane, Troy, NY
- I authorize the following person to pick up my Ballot at 1 Eddy’s Lane, Troy, NY \_\_\_\_\_

I certify that the information on this form is true. I understand that this application will be accepted as the equivalent of an affidavit and if it contains a false statement it shall subject me to the same penalties as a duly sworn affidavit.

Date: \_\_\_\_\_ Signature or Mark of Voter: \_\_\_\_\_

Witness (if Voter is not able to Sign and only affixes a Mark):    Witness Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Witness Telephone: \_\_\_\_\_

Witness Address: \_\_\_\_\_