

BY-LAWS OF THE VILLAGE OF NYACK HOUSING AUTHORITY

ADOPTED March 11, 1960, AS AMENDED APRIL 5, 1960, APRIL 18, 1975, MARCH 2010 and AUGUST 2013

ARTICLE I – THE AUTHORITY

Section 1. Name of the Authority

The name of the Authority is the Village of Nyack Housing Authority.

Section 2. Purpose

The purpose of the Village of Nyack Housing Authority is to provide housing of the citizens of Nyack pursuant to the New York State Codes, Rules and Regulations; 9 Executive (c) (NYSCRR) and the rules and regulations of the Unities States Housing and Urban Development.

Section 3. Seal of Authority

The seal of the Authority, a facsimile of which is attached below, is as follows:

Two concentric circles between their circumference the name of the Authority, the words “New York” and within the circle the figures representing the year of establishment of the Authority: 1960. See appendix A to see seal of authority.

Section 4. Membership

- A. The commissioners of the VILLAGE OF NYACK HOUSING AUTHORITY (hereinafter referred to as “commissioners” or “Members”) shall number seven. Five commissioners shall be appointed by the Mayor of the Village of Nyack, each appointee to serve a five year term.
- B. Two commissioners shall be elected by the tenants of the Authority, pursuant to the procedures set forth in Article XII below.
- C. Members must recuse themselves if there are any apparent conflicts of interest with any tenant, applicant, or participant.

Section 5. Offices of the Authority.

The offices of the Authority shall be at No. 15 Highview Court, Waldron Terrace NYS-115A and No. 60 Depew Manor NYS-115B in the Village of Nyack of the County of Rockland, State of New York, or at such place or places as the Authority may, from time to time, designate by resolution. All books and records of the Authority shall be kept at the offices hereinabove designated unless otherwise provided by Authority resolution.

ARTICLE II – OFFICERS

The officers of the Authority shall be a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer.

ARTICLE III – POWERS AND DUTIES OF OFFICERS

Section 1. Chairperson.

The Chairperson shall preside at all meetings of the Authority and shall sign all official orders thereof, execute all contracts, agreements, bonds, certificates of indebtedness, deeds, mortgages and leases, countersign checks, notes or other instruments for the payment of business affairs of the Authority, subject to the direction of the Authority. At each meeting, the Chairperson shall submit such recommendations and proposals as they may consider proper concerning the business affairs and policies of the Authority.

Section 2. Vice-Chairperson

The Vice-Chairperson shall perform the duties of the Chairperson, in the event that the office of the Chairperson is permanently vacant, until filled as provided in Article V, Section 1, or in the event that the Chairperson is temporarily unable to perform such duties by reason of illness, disability, or absence. The Vice-Chairperson shall be authorized to sign and execute all instruments made by the Authority in the absence or incapacity of the Chairperson.

Section 3. Secretary

The Secretary shall attend all meetings of the Authority and act as Secretary thereof, record all votes and keep a record of the proceedings of the Authority in a minutes book to be kept for the purpose. The Secretary shall cause notice to be given of all meetings of the meetings of the Authority. The Secretary shall keep in safe custody the seal and shall have the authority to have all copies made of all minutes and other records and documents of the Authority and to give certificates under the seal of the Authority to effect that such copies are true copies. The Secretary shall perform such other duties as are incidental to the office and as from time to time may be assigned to him/her by resolution of the Authority.

Section 4. Treasurer

The Treasurer shall supervise the care and maintenance of the books, funds and accounts of the Authority and such other books of account as may be required by law or by the Authority. The Treasurer shall render a statement of the financial condition of the Authority at each regular meeting thereof, and at such other times as the Authority may require. The Treasurer shall make a full financial report at the annual meeting of the Authority.

Section 5. The VILLAGE OF NYACK HOUSING AUTHORITY shall authorize several of the commissioners to be signatories on checks and official instruments at the annual meeting.

ARTICLE IV – ELECTION OF OFFICERS

The officers of the Authority shall be elected at the annual meeting of the Authority, from among the members of the Authority, and shall hold office for one year thereafter or until their successors are elected and have qualified.

ARTICLE V - PERMANENT AND TEMPORARY VACANCIES AMONG OFFICERS

Section 1. Permanent Vacancy

The Authority shall, should any vacancy among the officers occur by death, resignation, or for any other reason, elects a successor at its next regular meeting to serve until the next annual meeting.

Section 2. Temporary Vacancy

The Authority may, should any officer other than the Chairperson, become temporarily unable to perform the duties of their office by reason of illness, disability or absence, elect a member to perform such duties until the officer resumes his/her duties.

ARTICLE VI – EMPLOYEES

Section 1. The authority shall employ and retain a staff necessary to accomplish the purpose of the VILLAGE OF NYACK HOUSING AUTHORITY.

Section 2. The authority shall review job titles and descriptions, and compensation annually.

ARTICLE VII – MEETINGS

Section 1. Annual Meeting

- a. The annual meeting of the members of the Authority shall take place at a date and time determined by the Commissioners of VILLAGE OF NYACK HOUSING AUTHORITY.
- b. The notice of the meeting and its purpose, date, time and place, shall be posted at all facilities operated by the Authority including its offices and the village hall of Nyack, New York, at least thirty days before such meeting.
- c. Commissioners of the Housing Authority shall be notified in writing of the date, time and place of the annual meeting unless such notice is waived by unanimous consent.

Section 2. Regular Meetings

- a. The VILLAGE OF NYACK HOUSING AUTHORITY shall set a regular monthly meeting date and time at the annual meeting
- b. Notice of the regular monthly meeting shall be posted at all VILLAGE OF NYACK HOUSING AUTHORITY facilities and the Village Hall of Nyack, NY, and the Authority shall inform in writing the Mayor and Trustees of the Village of Nyack of the time and place of the regular monthly meeting.
- c. Members that miss three (3) consecutive meetings without an adequate excuse may be removed in accordance with the Public Housing Law.
- d. Members may attend meetings by electronic means if circumstances permit.

Section 3. Special Meeting.

The Chairperson of the Authority may, when they deem it necessary or proper, and shall, upon written request of two (2) members of the Authority, call a special meeting for the purpose of transacting any business, upon notice as set forth herein. Every special meeting shall be held at such time and place as shall be designated in the notice thereof, which shall be served either personally, by email, or by mail upon each member of the Authority at least two days prior to the time set for the meeting. Such notice shall specify the purpose of the meeting and/or the business to be considered at such special meeting. Such notice may be waived by unanimous consent of the members of the Authority.

Section 4. Postponement and Adjournment

Any meeting may be postponed or adjourned to a later date upon two days notice to any absent member of the date and place of the postponed or continued meeting.

ARTICLE VIII – QUORUM

A majority of the members of the Authority shall constitute a quorum for the transaction of business. The vote upon any motion, resolution, or question shall be taken by ayes and nays and the names of the members present and their votes shall be entered in the minutes. All voting shall be in accordance with Robert’s Rules of Order, Revised, except that there may be no voting by proxy. Any resolution or other action by the Authority requires the approval of a majority of the Authority’s total authorized membership.

ARTICLE IX – ORDER OF BUSINESS

The board shall publish an order of business at the beginning of each meeting. The following draft will be approved at beginning of each meeting after roll call:

1. Roll Call (including waiver of notice of meeting, if any).
2. Reading and Approval of Minutes of Previous Meeting.
3. Bills and Communications.
4. Report of Project Manager.
5. Report of Officers and Committees.
6. Unfinished Business.
7. New Business.
8. Adjournment.

ARTICLE X – AMENDMENTS

The by-laws of the Authority shall be amended with the approval of at least a majority of the authorized membership of the Authority at a regular or special meeting, but no such amendment shall be adopted unless at least seven (7) days’ written notice of such meeting and the amendment or amendments to be proposed thereat has been previously given to all members of the Authority.

ARTICLE XI – EFFECTIVE DATE

These By-Laws and any amendments thereto shall become effective upon their approval by the New York State Division of Housing and Community Renewal.

ARTICLE XII – ELECTION OF TENANT REPRESENTATIVES

Section 1. Pursuant to Chapter 482 and 483 of the Laws of 1974, two tenant representatives shall be elected by the tenants of the Authority for two year terms. One tenant representative shall be from Waldron Terrace NYS-115A and one tenant representative shall be from Depew Manor NYS-115B. Such elected representative shall be members of the Authority.

Section 2. All residents whose names are listed with the Authority who have resided in an Authority project for at least ninety days prior to the date set for the election and are eighteen years of age or older on the date of election shall be eligible to nominate, vote for and be a tenant representative.

Section 3. a. Not more than ninety nor less than thirty days prior to the date set for the election, nominating petitions for the tenant members will be accepted by the Authority. Such nominating petitions shall identify the person nominated and each signatory by name, address and apartment number, and shall be substantially in the form of the petition annexed hereto as Appendix B. All nominees with at least twenty-five residents or ten per cent of the residents eligible to vote, whichever is less, having signed 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 his eligibility for the office, his willingness to have his name on the ballot, and that he will serve, if elected, within ten (10) days after a request by the Authority. In addition, all nominees must be in good standing with the authority as described in Appendix C. Names shall be placed on the ballot in alphabetical order and shall be posted at each polling place at least ten days prior to the date of election.

b. Each person who secures names 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 eighteen years of age and a resident of the Authority for at least ninety days prior to the date set for the election. An eligible voter can sign only one petition.

Section 6. Election shall be by secret ballot to be provided by the Authority, supervised by the County Board of elections and members of the Authority. The nominee with the highest number of votes from Waldron Terrace and the nominee with highest number of votes from Depew Manor shall be elected for a term of two years. In each subsequent election, the members elected shall be elected for terms of two years.

Section 7. There shall be a provision on the ballot for a voter to write in the name of and vote for a person not on the ballot.

Section 8. Any person whose name appeared on the ballot may ask for a recount of the ballots within five days after the date of election and may be granted a recount.

Section 9. Polling places shall be as follows:

- a. Waldron Terrace Community Hall, 15 Highview Court, Waldron Terrace, Nyack, NY.
- b. Depew Manor Community Hall, 60 Depew Manor, Depew Ave, Nyack, NY.

Section 10. Ballot boxes shall be provided at each polling place.

Section 11. The tenant member shall cease to be a member of the Authority upon termination of their tenancy. A vacancy in the office of a tenant member shall be filled as soon practical by a new election to fill out the term of the vacated office holder.

Section 12. The additional income of an elected tenant for service as a member of the Authority, if any, shall not affect his eligibility for occupancy or membership of the Authority, but shall be considered additional income for rent purposes.

Section 13. The Authority shall provide the petition forms and make them available to all candidates.

Section 14. The election shall take place on the fourth Tuesday of March, or as necessary.

Section 15. A tentative list of eligible voters shall be prepared by the Authority and posted at each polling place not less than ninety 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, in writing, not less than sixty days prior to the election. A final list of eligible voters shall be prepared by the Authority and posted at each polling place not less than forty-five days prior to the election.

Section 16. Tenants unable to vote on the day set for the election shall be allowed to submit an absentee ballot five days prior to the election. Such ballot must be in a sealed envelope and will not be opened until all ballots are cast and it is determined that the person did not vote. No absentee ballot will be accepted unless accompanied by a signed statement by the tenant, stating his name, address and apartment number, and that he is eligible to vote. Such statement shall also contain the reason the person cannot vote on the date of election.

End of Amendment

Date of Adoption: August 27, 2013

Nyack, NY

APPENDIX A
AUTHORITY SEAL

APPENDIX B
Nominating Petition

APPENDIX C

NOMINEES GOOD STANDING

No tenant will be eligible as a nominee as follows:

- 1) Tenants that are in the eviction process
- 2) Tenants that have given notice to move

- 3) Convictions of a violent, drug related, or fraud related crime within the past five years
- 4) Housing Authority Employee
- 5) Tenants that are not willing to complete the Rockland County Ethics form