

**AMENDED AND RESTATED BYLAWS**

**OF  
THE  
HOUSING AUTHORITY**

**OF THE CITY OF ASHEVILLE**  
Effective as of \_\_\_\_\_, 2025

**ARTICLE I  
THE AUTHORITY**

**1.01 Name of Entity.** The name of the entity is Housing Authority of the City of Asheville (the "Authority"). The Authority is a North Carolina public body and a body corporate and politic organized in accordance with the provisions of the Housing Authorities Law, codified at Chapter 157, Article 1 of the North Carolina General Statutes (the "Housing Authorities Law").

**1.02 Creation of Authority.** The Authority was formed upon the filing of a Certificate of Incorporation with the North Carolina Secretary of State on May 30, 1940.

**ARTICLE II  
OFFICES**

**2.01- Offices of Authority.** The offices of the Authority shall be located at 165 South French Broad Avenue, Asheville, Buncombe County, North Carolina 28801, or at such other place as the Authority may designate by resolution of the Board of Commissioners.

**ARTICLE III  
POWERS AND DUTIES**

**3.01- Powers.** The Authority shall constitute a public body and a body corporate and politic, exercising public powers, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Housing Authorities Law, as codified in sections 9 and 9.2 therein.

**3.02- Duties.** The Authority shall be under a statutory duty to comply or to cause compliance strictly with all provisions of the Housing Authorities Law and the laws of North Carolina and in addition thereto, with each and every term, provision, and covenant in any contract of the Authority on its part to be kept or performed.

**3.03- Rentals and Tenant Selection.** The Authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the cost of dwelling

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accommodations for persons of low income at the lowest possible rates, consistent with its providing decent, safe, and sanitary dwelling accommodations. Accordingly, the Authority shall observe the additional duties enumerated in section 29, subsection (b), of the Housing Authorities Law with respect to rentals and tenant selection.

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#### ARTICLE IV BOARD OF COMMISSIONERS

**4.01- General Powers.** The property, affairs, and business of the Authority shall be managed by the Board of Commissioners. Notwithstanding anything herein to the contrary, the Authority shall be governed, and the provisions of these Bylaws shall be construed, consistent with the requirements of the Housing Authorities Law.

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**4.02- Number.** The Board of Commissioners shall consist of ~~five (5)~~ nine (9) commissioners appointed by the Mayor of ~~Asheville, the City of Asheville (the "Mayor"). The Asheville City Council may at any time by resolution or ordinance increase or decrease the membership of the Authority. However, at all times, the Board of Commissioners shall consist of at least five (5) and no more than eleven (11) commissioners.~~

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**4.03- Qualifications.** No commissioner shall be an official of the City of Asheville. ~~At least one of the commissioners shall be a person who is directly assisted by the Authority unless the Authority operates less than three hundred (300) public housing units, provides reasonable notice to the resident advisory board of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and is not notified by the resident advisory board of the intent of any such person to serve within a reasonable time after receipt of the notice by the resident advisory board. No (3) but not more than one-third (1/3) of the commissioners shall be persons who are directly assisted by the Authority, including tenants of the Authority or recipients of housing assistance through any program operated by the Authority. (the "resident members"). The Mayor shall appoint the initial resident members to staggered terms such that one member is appointed to each of the next three successive board seats as they become available.~~

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**4.04- Appointment.** ~~The mayor of the City of Asheville (the "Mayor")~~ shall appoint each of the Authority's commissioners, including the commissioner(s) directly assisted by the Authority. The Mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

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**4.05- Terms of Office.** Each commissioner shall hold office for a period of four (4) years, until such person's successor has been appointed and has qualified.

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**4.06- Compensation.** Commissioners shall not receive any compensation for their

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services as such; provided, however, that they may be reimbursed for necessary expenses incurred in the discharge of their duties, including travel expenses.

**4.07- Removal for Inefficiency, Neglect of Duty, or Misconduct.** Any commissioner is subject to removal by the Mayor for inefficiency, neglect of duty, or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him or her, which may be made by the Mayor, at least ten (10) days before the hearing thereon, and had an opportunity to be heard in person or by counsel. The Board of Commissioners may recommend to the Mayor removal of a commissioner for inefficiency, neglect of duty, or misconduct in office. In the event of the removal of any commissioner for inefficiency, neglect of duty, or misconduct in office, the Mayor shall file in the office of the city clerk a record of the proceedings together with the charges made against the commissioner and the findings thereon. For purposes of this Section 4.08, "inefficiency, neglect of duty, or misconduct" shall include the following:

- Waste of time or energy, incapability, incompetency, or failure to produce the effect intended or desired;
- Failure to comply strictly with all the provisions of the Housing Authorities Law and all contracts to which the Authority is a party; and
- As further described in Section 7.01 of these Bylaws, failure to disclose any interest in any housing project or property included or planned to be included in any housing project (e.g., a contract for materials to be furnished in connection with a housing project), or other wrongful, unlawful, dishonest, or improper conduct performed under the color of authority for a commissioner.

**4.08-09 Abolishment of Office.** If any commissioner directly assisted by the Authority ceases to receive such assistance, such person's office shall be abolished and another person who is directly assisted by the housing authority shall be appointed by the Mayor. is directly assisted by the housing authority shall be appointed by the Mayor.

**4.09-10 Vacancies.** The Mayor shall appoint a commissioner to fill any vacancy occurring in the Board of Commissioners for the unexpired term.

## **ARTICLE V OFFICERS**

**5.01- Officers.** The officers of the Authority shall consist of a first chair (a "Chairman") and a Vice-Chairman of the Board of Commissioners, selected from among its commissioners, and a Secretary. The offices of Chairman and Vice-Chairman of the Board of Commissioners may not be held by the same commissioner. The Secretary shall be Executive Director of the Authority.

**5.02- Election or Appointment.** The Board of Commissioners shall elect the Chairman and Vice-Chairman of the Board of Commissioners from its membership at the annual meeting of the Authority; held in October. The Board of Commissioners shall appoint a Secretary; provided, however, that no commissioner shall be eligible to serve as Secretary except as a temporary

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appointee.

**5.03- Terms of Office.** The Chairman and Vice-Chairman of the Board of Commissioners shall hold office for one (1) year or until their successors are elected and qualified. The Secretary shall have such term as the Board of Commissioners fixes.

**5.04- Vacancies.** Should the office of Chairman of the Board of Commissioners become vacant, the Board of Commissioners shall elect a successor from its membership at the next regular meeting of the Authority, and such election shall be for the unexpired term of said office. Should the office of Vice-Chairman of the Board of Commissioners become vacant, the Board of Commissioners shall elect a successor from its membership at the next regular meeting of the Authority, and such election shall be for the unexpired term of said office. When the office of Secretary becomes vacant, the Board of Commissioners shall appoint a successor, as aforesaid.

**5.05- Chairman of the Board of Commissioners.** The Chairman of the Board of Commissioners shall preside at all meetings of the Authority. At each meeting, the Chairman of the Board of Commissioners shall submit such recommendations and information as such person may consider proper concerning the business, affairs, and policies of the Authority. Except as otherwise authorized by resolution of the Board of Commissioners, the Chairman of the Board of Commissioners shall sign all contracts, deeds, and other instruments.

**5.06- Vice-Chairman of the Board of Commissioners.** The Vice-Chairman of the Board of Commissioners shall perform the duties of the Chairman of the Board of Commissioners in the absence or incapacity of the Chairman of the Board of Commissioners, and in the event of the resignation or death of the Chairman of the Board of Commissioners, the Vice-Chairman of the Board of Commissioners shall perform such duties as are imposed on the Chairman of the Board of Commissioners until such time as the Board of Commissioners shall select a new Chairman of the Board of Commissioners.

**5.07- Secretary.** The Secretary shall: (a) be the Executive Director of the Authority and, as such, shall have general supervision over the administration of its business and affairs, subject to the direction of the Board of Commissioners; (b) be charged with the management of the housing projects of the Authority; (c) keep the records of the Authority; (d) act as secretary of the meetings of the Authority and record all votes; (e) keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purpose; (f) keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority; (g) have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Board of Commissioners may select; (h) keep regular books of accounts showing receipts and expenditures; (i) render to the Board of Commissioners, at each regular meeting (or more often when requested), an account of such person's transactions and also of the financial condition of the Authority; and (j) perform all duties incident to such person's office.

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**5.08- Bonds.** The Secretary and the Assistant Secretary shall give such bond for the faithful performance of their duties as the Board of Commissioners shall determine.

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**5.09- Compensation.** The Chairman and Vice-Chairman of the Board of Commissioners shall not receive any compensation for their services as such; provided, however, that they may be reimbursed for necessary expenses incurred in the discharge of their duties, including travel expenses. The compensation of the Secretary shall be determined by the Board of Commissioners; provided, however, that a temporary appointee selected from among the commissioners of the Board of Commissioners shall serve without compensation (other than the payment of necessary expenses).

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**5.10- Other Officers, Agents, and Employees.** The Authority may from time to time employ technical experts and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The Authority may employ its own counsel and legal staff. The Board of Commissioners may delegate to one or more of the Authority's agents or employees such powers or duties as it may deem proper.

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**5.11- Other Duties.** The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Board of Commissioners, these Bylaws, or rules and regulations of the Authority.

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## **ARTICLE VI MEETINGS OF THE BOARD OF COMMISSIONERS**

**6.01- Annual Meetings.** The annual meeting of the Authority shall be held on the ~~4th~~fourth Wednesday of October at 4:00 P.M. at the regular meeting place of the Authority. In the event such day is a legal holiday, the annual meeting shall be held on the next succeeding secular day.

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**6.02- Regular Meetings.** Monthly or semi-monthly meetings may be held without notice at the times and places as adopted by resolution of the Board of Commissioners from time to time. For the purposes of this section and until changed by resolution of the Board of Commissioners, the regular monthly meeting shall be held on the fourth Wednesday of each month (except in ~~May~~, November and December which are on the third Wednesday in order to avoid holiday weeks) at ~~64~~ P.M. in the Authority Board Room at ~~Aston Park Towers~~HACA Central Office, 165 South French Broad Avenue, Asheville, Buncombe County, North Carolina 28801, or at ~~one of such other~~ location as established by the development offices Board.

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**6.03- Special Meetings.** The Chairman of the Board of Commissioners may, when the

Chairman seems it expedient, and shall, upon the written request of two commissioners of the Board of Commissioners, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each commissioner or may be mailed to the business or home address of each commissioner at least twenty-four hours prior to the date of such special meeting. At such special meeting no business shall be considered other than as designated in the call, but if all of the commissioners are present at a special meeting, any and all business may be transacted at such special meeting.

**6.04- Quorum.** ~~A majority of the commissioners shall constitute a quorum.~~ The powers of the Authority shall be vested in the Board of Commissioners thereof in office from time to time. ~~Three~~ **A majority of the** commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Board of Commissioners upon a vote of a majority of the commissioners present.

**6.05- Procedure.** All meetings of the Authority shall be conducted in accordance with Robert's Rules of Order, except as otherwise provided in these Bylaws. Robert's Rules of Order may be suspended by majority vote. If suspended, meetings must be conducted in accordance with generally accepted procedures for public meetings, except as otherwise provided in these Bylaws.

**6.06 Order of Business.** At the regular meetings of the Authority the following shall be the order of business:

1. Roll call;
2. Reading and approval of the minutes of the previous meeting;
3. Bills and communications;
4. Report of the Secretary;
5. New business;
6. Unfinished business;
7. Public comment;
8. Adjournment.

**6.06-07 Resolutions.** All resolutions of the Board of Commissioners shall be in writing and shall be copied in a journal of the proceedings of the Authority.

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**6.07-08 Manner of Voting.** The voting on all questions coming before the Authority shall be by roll call, and the yeas and nays shall be entered upon the minutes of such meeting, except in the case of elections when the vote may be by ballot.

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**6.08-09 Interested Commissioners.** No commissioner who is also a person directly assisted by the public housing authority shall be qualified to vote on matters affecting such person's official conduct or matters affecting such person's own individual tenancy, as distinguished from matters affecting tenants in general.

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**6.09-10 Meeting by Use of Electronic Means.** The Authority may hold annual meetings, monthly or semi-monthly meetings, and special meetings by use of electronic means including, but not limited to, conference telephone, Zoom, Skype, or similar online platforms, so long as communication between commissioners is simultaneous. If the Authority holds a meeting by use of electronic means, it shall provide a location and means whereby members of the public can listen to the meeting. The Authority shall give public notice of the time of the meeting and the location whereby members of the public can listen to the meeting in accordance with N.C. Gen. Stat. § 143-318.12. If the Authority holds an annual meeting by electronic means and the Board of Commissioners elects the Chairman and Vice-Chairman by ballot, each commissioner shall sign said person's ballot, the minutes shall show the vote of each commissioner voting, and the ballots shall be made available for public inspection in the office of the Secretary immediately following the meeting at which the vote took place and until the next regular meeting of the Authority.

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## **ARTICLE VII INTERESTED PERSONS**

**7.01- Interested Commissioners or Employees.** No commissioner or employee of the Authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall such person have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of the Authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, such person shall immediately disclose the same in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. Failure to so disclose such interest shall constitute misconduct in office.

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## **ARTICLE VIII GENERAL PROVISIONS**

**8.01- Seal of Authority.** The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority.

**8.02- Reports.** The Authority shall at least once a year file with the Mayor a report of

its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry the Authority's purposes.

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**8.03- Orders and Checks for the Payment of Money.** Except as otherwise authorized by resolution of the Board of Commissioners, and under direction of the Board of Commissioners, all orders and checks for the payment of money shall bear the signatures of at least two of the following: The five commissioners of the Board of Commissioners, the Secretary-Executive Director, and the Assistant Secretary employed by the Authority.

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**8.04- Area of Operation.** The boundaries or area of operation of the Authority shall include the City of Asheville and the area within ten (10) miles from its territorial boundaries, but in no event shall it include the whole or a part of any other city, except as otherwise provided in section 39.1 of the Housing Authorities Law.

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**8.05- Bonds.** The Authority may issue bonds in accordance with sections 14 through 16 of the Housing Authorities Law.

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**8.06- Security for Funds Deposited.** The Authority may by resolution of the Board of Commissioners provide that (a) all moneys deposited by it shall be secured by obligations of the United States or of the State of a market value equal at all times to the amount of such deposits or (b) by any securities in which savings banks may legally invest funds within their control or (c) by an undertaking which such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon, and all banks and trust companies are authorized to give any security for such deposits.

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**8.07- Cooperation of Authorities.** The Authority may join or cooperate with any one or more authorities in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing (including the issuance of bonds, notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects located within the boundaries of any one or more of said authorities. For such purpose, the Authority may by resolution of the Board of Commissioners prescribe and authorize any other housing authority or authorities, so joining or cooperating with the Authority, to act on behalf with respect to any or all of such powers. In the event the Authority joins or cooperates with another, it may by resolution of the Board of Commissioners appoint from among its commissioners an executive committee with full power to act on behalf of the Authority with respect to any or all of its powers, as prescribed by resolutions of the Board of Commissioners.

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**8.08- Severability.** The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability, or effect of the balance of these Bylaws.

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**8.09- Captions.** The captions herein are inserted only as a matter of convenience and for reference and in no way define, limit, or describe the scope of these Bylaws or the intent of

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any provision thereof.

**8.10- Gender and Grammar.** The use of the masculine gender in the Bylaws shall be deemed to include the feminine gender, and the use of the singular shall be deemed to include the plural, whenever the context so requires. ~~plural, whenever the context so requires.~~

**8.11- Amendments.** The Bylaws of the Authority shall be amended only with the approval of at least three of the commissioners of the Board of Commissioners at a regular or a special meeting, but no such amendments shall be adopted unless at least three days written notice thereof has been previously given to all commissioners of the Board of Commissioners.

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