S T A T E O F N E W Y O R K

6104

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the New York city charter, in relation to expanding the membership of the board of standards and appeals to thirteen members

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Declaration of legislative findings and intent. Prior to the 1991 revision of the New York city charter and elimination of the board of estimate, zoning and special permit decisions made by the board of standards and appeals could be reviewed by the board of estimate, comprised of city-wide elected officials including the mayor, the president of the city council, the comptroller and the borough presidents. The effect of this review process was to ensure that the public's voice was considered in this significant decision-making process. The charter revision did not continue the review authority of the board of estimate on zoning issues and such authority was not vested in any other body of elected officials. Thus the mayor retains sole appointment powers in the membership of the board of standards and appeals.

This amendment to the charter adds eight additional members to the board of standards and appeals to be appointed by the other major elected officials in city government, the borough presidents, public advocate, comptroller and city council. This change introduces a necessary check on the board of standards and appeals' authority and returns the public voice to the decision-making process in the area of zoning.

S 2. Subdivision a of section 659 of the New York city charter, as added by local law number 49 of the city of New York for the year 1991, is amended to read as follows:

a. There shall be an independent board of standards and appeals located within the office of administrative trials and hearings. The board of standards and appeals shall consist of [five] THIRTEEN members to be termed commissioners, FIVE to be appointed by the mayor [each], FIVE TO BE APPOINTED, ONE EACH, BY THE BOROUGH PRESIDENTS, ONE TO BE APPOINTED BY THE PUBLIC ADVOCATE, ONE TO BE APPOINTED BY THE COMPTROLLER AND ONE TO BE APPOINTED BY THE CITY COUNCIL. EACH MEMBER SHALL SERVE for a term of six years.

S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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