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

208--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. SQUADRON, AVELLA, HOYLMAN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to the establishment of rent boards

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

Section 1. Subdivision a of section 26-510 of the administrative code of the city of New York is amended to read as follows:

a. There shall be a rent guidelines board to consist of nine members, appointed by the mayor UPON THE ADVICE AND CONSENT OF THE CITY COUNCIL. Two members shall be representative of tenants, two shall be representative of owners of property, and five shall be public members [each of whom]. EACH OF THE PUBLIC MEMBERS shall have had at least five years experience in [either] PUBLIC SERVICE, SOCIAL SERVICES, URBAN PLANNING, SOCIAL SCIENCES, finance, economics or housing. One public member shall be designated by the mayor UPON THE ADVICE AND CONSENT OF THE CITY COUNCIL to serve as [chairman] CHAIR and shall hold no other public office. No member, officer or employee of any municipal rent regulation agency or the state division of housing and community renewal and no person who owns or manages real estate covered by this law or who [is] RECEIVES COMPENSATION AS an officer of any owner or tenant organization shall serve on a rent guidelines board. One public member, one member representative of tenants and one member representative of owners shall serve for a term ending two years from January first next succeeding the date of their appointment; one public member, one member representative of tenants and one member representative of owners shall serve for terms

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

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ending three years from the January first next succeeding the date of their appointment and two public members shall serve for terms ending four years from January first next succeeding the dates of their appointment. [The chairman shall serve at the pleasure of the mayor.] Thereafter, all members shall continue in office until their successors have been appointed and qualified. The mayor UPON THE ADVICE AND CONSENT OF THE CITY COUNCIL shall fill any vacancy which may occur by reason of death, resignation or otherwise in a manner consistent with the [original appointment] PROVISIONS OF THIS SUBDIVISION. A member may be removed by the mayor OR CITY COUNCIL for cause, but not without an opportunity to be heard in person or by counsel, in his or her defense, upon not less than ten days notice. A SUCCESSOR TO SUCH MEMBER SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION TO SERVE THE BALANCE OF THE TERM OF THE MEMBER WHO WAS REMOVED.

S 2. Subdivision a of section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 349 of the laws of 1979, is amended to read as follows:

a. In each county wherein any city having a population of less than one million or any town or village has determined the existence of an emergency pursuant to section three of this act, there shall be created a rent guidelines board to consist of nine members appointed by the commissioner of housing and community renewal upon recommendation of the county legislature which recommendation shall be made within thirty days after the first local declaration of an emergency in such county; two such members shall be representative of tenants, two shall be representative of owners of property, and five shall be public members [each of whom]. EACH OF THE PUBLIC MEMBERS shall have had at least five years experience in [either] PUBLIC SERVICE, SOCIAL SERVICES, URBAN PLANNING, SOCIAL SCIENCES, finance, economics or housing. One public member shall be designated by the commissioner to serve as [chairman] CHAIR and shall hold no other public office. No member, officer or employee of any municipal rent regulation agency or the state division of housing and community renewal and no person who owns or manages real estate covered by this law or who is an officer of any owner or tenant organization shall serve on a rent guidelines board. One public member, one member representative of tenants and one member representative of owners shall serve for a term ending two years from January first next succeeding the date of their appointment; one public member, one member representative of tenants and one member representative of owners shall serve for terms ending three years from the January first next succeeding the date of their appointment and three public members shall serve for terms ending four years from January first next succeeding the dates of their appointment. Thereafter, all members shall serve for terms of four years each. Members shall continue in office until their successors have been appointed and qualified. The commissioner shall fill any vacancy which may occur by reason of death, resignation or otherwise in a manner consistent with the [original appointment] PROVISIONS OF THIS SUBDIVISION. A member may be removed by the commissioner for cause, but not without an opportunity to be heard in person or by counsel, in his defense, upon not less than ten days notice. A SUCCESSOR TO SUCH MEMBER SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION TO SERVE THE BALANCE OF THE TERM OF THE MEMBER WHO WAS REMOVED. Compensation for the members of the board shall be at the rate of one hundred dollars per day, for no more than twenty days a year, except that the [chairman] CHAIR shall be compensated at the rate of one hundred twen-

ty-five dollars a day for no more than thirty days a year. The board shall be provided staff assistance by the division of housing and community renewal. The compensation of such members and the costs of staff assistance shall be paid by the division of housing and community renewal which shall be reimbursed in the manner prescribed in section four of this act. The local legislative body of each city having a population of less than one million and each town and village in which an emergency has been determined to exist as herein provided shall be authorized to designate one person who shall be representative of tenants and one person who shall be representative of owners of property to serve at its pleasure and without compensation to advise and assist the county rent guidelines board in matters affecting the adjustment of rents for housing accommodations in such city, town or village as the case may be.

S 3. This act shall take effect January 1, 2014; provided that:

(a) the amendments to section 26-510 of the rent stabilization law of nineteen hundred sixty-nine made by section one of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law;

(b) the amendments to section 4 of the emergency tenant protection act of nineteen seventy-four made by section two of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974;

(c) the rent boards as reconstituted pursuant to this act shall be appointed and confirmed within forty-five days after the effective date of this act; and

(d) upon the appointment of a rent board pursuant to the provisions of this act, any existing predecessor rent board shall be dissolved and such predecessor rent board shall have no further authority.