

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

5042--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. CLARK,
GOTTFRIED -- read once and referred to the Committee on Housing --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the emergency tenant protection act of nineteen seven-
ty-four, in relation to qualifications of public members of rent
guidelines boards

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

1 Section 1. Subdivision a of section 4 of section 4 of chapter 576 of
2 the laws of 1974, constituting the emergency tenant protection act of
3 nineteen seventy-four, as amended by chapter 349 of the laws of 1979, is
4 amended to read as follows:
5 a. In each county wherein any city having a population of less than
6 one million or any town or village has determined the existence of an
7 emergency pursuant to section three of this act, there shall be created
8 a rent guidelines board to consist of nine members appointed by the
9 commissioner of housing and community renewal upon recommendation of the
10 county legislature which recommendation shall be made within thirty days
11 after the first local declaration of an emergency in such county; two
12 such members shall be representative of tenants, two shall be represen-
13 tative of owners of property, and five shall be public members each of
14 whom shall have had at least five years experience in either finance,
15 economics or housing. One public member shall be designated by the
16 commissioner to serve as chairman and shall hold no other public office.
17 No member, officer or employee of any municipal rent regulation agency
18 or the state division of housing and community renewal and no person who
19 owns or manages real estate covered by this law or who is an officer of
20 any owner or tenant organization shall serve on a rent guidelines board;
21 PROVIDED, FURTHER, HOWEVER, NO PERSON WHO OWNS OR MANAGES MORE THAN FOUR
22 RENTAL UNITS WITHIN THE STATE OF NEW YORK SHALL SERVE AS A PUBLIC MEMBER

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

LBD08279-02-9

1 ON A RENT GUIDELINES BOARD. One public member, one member represen-
2 tative of tenants and one member representative of owners shall serve
3 for a term ending two years from January first next succeeding the date
4 of their appointment; one public member, one member representative of
5 tenants and one member representative of owners shall serve for terms
6 ending three years from the January first next succeeding the date of
7 their appointment and three public members shall serve for terms ending
8 four years from January first next succeeding the dates of their
9 appointment. Thereafter, all members shall serve for terms of four
10 years each. Members shall continue in office until their successors
11 have been appointed and qualified. The commissioner shall fill any
12 vacancy which may occur by reason of death, resignation or otherwise in
13 a manner consistent with the original appointment. A member may be
14 removed by the commissioner for cause, but not without an opportunity to
15 be heard in person or by counsel, in his defense, upon not less than ten
16 days notice. Compensation for the members of the board shall be at the
17 rate of one hundred dollars per day, for no more than twenty days a
18 year, except that the chairman shall be compensated at the rate of one
19 hundred twenty-five dollars a day for no more than thirty days a year.
20 The board shall be provided staff assistance by the division of housing
21 and community renewal. The compensation of such members and the costs
22 of staff assistance shall be paid by the division of housing and commu-
23 nity renewal which shall be reimbursed in the manner prescribed in
24 section four of this act. The local legislative body of each city
25 having a population of less than one million and each town and village
26 in which an emergency has been determined to exist as herein provided
27 shall be authorized to designate one person who shall be representative
28 of tenants and one person who shall be representative of owners of prop-
29 erty to serve at its pleasure and without compensation to advise and
30 assist the county rent guidelines board in matters affecting the adjust-
31 ment of rents for housing accommodations in such city, town or village
32 as the case may be.

33 S 2. This act shall take effect on the thirtieth day after it shall
34 have become a law and shall apply to public members currently serving on
35 a rent guidelines board; and provided further that the amendment to
36 section 4 of the emergency tenant protection act of nineteen seventy-
37 four made by section one of this act shall expire on the same date as
38 such act expires and shall not affect the expiration of such act as
39 provided in section 17 of chapter 576 of the laws of 1974, as amended.