

8240

2009-2010 Regular Sessions

I N   A S S E M B L Y

May 11, 2009

---

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Housing

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:

1     Section 1. Subdivision a of section 26-510 of the administrative code  
2     of the city of New York is amended to read as follows:  
3     a. There shall be a rent guidelines board to consist of nine members,  
4     appointed by the mayor UPON THE ADVICE AND CONSENT OF THE CITY COUNCIL.  
5     Two members shall be representative of tenants, two shall be representative of owners of property, and five shall be public members [each of  
6     whom]. EACH OF THE PUBLIC MEMBERS shall have had at least five years  
7     experience in [either] PUBLIC SERVICE, PHILANTHROPY, SOCIAL SERVICES,  
8     URBAN PLANNING, ARCHITECTURE, SOCIAL SCIENCES, SERVICE WITH NOT-FOR-PRO-  
9     FIT CORPORATIONS, finance, economics or housing. One public member shall  
10    be designated by the mayor UPON THE ADVICE AND CONSENT OF THE CITY COUN-  
11    CIL to serve as [chairman] CHAIR and shall hold no other public office.  
12    No member, officer or employee of any municipal rent regulation agency  
13    or the state division of housing and community renewal and no person who  
14    owns or manages real estate covered by this law or who is an officer of  
15    any owner or tenant organization shall serve on a rent guidelines board.  
16    One public member, one member representative of tenants and one member  
17    representative of owners shall serve for a term ending two years from  
18    January first next succeeding the date of their appointment; one public  
19    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 two public  
20    members shall serve for terms ending four years from January first next  
21    succeeding the dates of their appointment. [The chairman shall serve at  
22  
23  
24

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

LBD07766-02-9

1 the pleasure of the mayor.] Thereafter, all members shall continue in  
2 office until their successors have been appointed and qualified. The  
3 mayor UPON THE ADVICE AND CONSENT OF THE CITY COUNCIL shall fill any  
4 vacancy which may occur by reason of death, resignation or otherwise in  
5 a manner consistent with the [original appointment] PROVISIONS OF THIS  
6 SUBDIVISION. A member may be removed by the [mayor] CITY COUNCIL for  
7 cause, but not without an opportunity to be heard in person or by coun-  
8 sel, in his or her defense, upon not less than ten days notice. A  
9 SUCCESSOR TO SUCH MEMBER SHALL BE APPOINTED IN ACCORDANCE WITH THE  
10 PROVISIONS OF THIS SUBDIVISION TO SERVE THE BALANCE OF THE TERM OF THE  
11 MEMBER WHO WAS REMOVED.

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

16 a. In each county wherein any city having a population of less than  
17 one million or any town or village has determined the existence of an  
18 emergency pursuant to section three of this act, there shall be created  
19 a rent guidelines board to consist of nine members appointed by the  
20 [commissioner of housing and community renewal] COUNTY EXECUTIVE upon  
21 [recommendation] THE ADVICE AND CONSENT of the county legislature which  
22 [recommendation] APPOINTMENT shall be made within thirty days after the  
23 first local declaration of an emergency in such county; two such members  
24 shall be representative of tenants, two shall be representative of  
25 owners of property, and five shall be public members [each of whom].  
26 EACH OF THE PUBLIC MEMBERS shall have had at least five years experience  
27 in [either] PUBLIC SERVICE, PHILANTHROPY, SOCIAL SERVICES, URBAN PLAN-  
28 NING, ARCHITECTURE, SOCIAL SCIENCES, SERVICE WITH NOT-FOR-PROFIT CORPO-  
29 RATIONS, finance, economics or housing. One public member shall be  
30 designated by the [commissioner] COUNTY EXECUTIVE UPON THE ADVICE AND  
31 CONSENT OF THE COUNTY LEGISLATURE to serve as [chairman] CHAIR and shall  
32 hold no other public office. No member, officer or employee of any  
33 municipal rent regulation agency or the state division of housing and  
34 community renewal and no person who owns or manages real estate covered  
35 by this law or who is an officer of any owner or tenant organization  
36 shall serve on a rent guidelines board. One public member, one member  
37 representative of tenants and one member representative of owners shall  
38 serve for a term ending two years from January first next succeeding the  
39 date of their appointment; one public member, one member representative  
40 of tenants and one member representative of owners shall serve for terms  
41 ending three years from the January first next succeeding the date of  
42 their appointment and three public members shall serve for terms ending  
43 four years from January first next succeeding the dates of their  
44 appointment. Thereafter, all members shall serve for terms of four  
45 years each. Members shall continue in office until their successors  
46 have been appointed and qualified. The [commissioner] COUNTY EXECUTIVE  
47 UPON THE ADVICE AND CONSENT OF THE COUNTY LEGISLATURE shall fill any  
48 vacancy which may occur by reason of death, resignation or otherwise in  
49 a manner consistent with the [original appointment] PROVISIONS OF THIS  
50 SUBDIVISION. A member may be removed by the [commissioner] COUNTY LEGIS-  
51 LATURE for cause, but not without an opportunity to be heard in person  
52 or by counsel, in his defense, upon not less than ten days notice. A  
53 SUCCESSOR TO SUCH MEMBER SHALL BE APPOINTED IN ACCORDANCE WITH THE  
54 PROVISIONS OF THIS SUBDIVISION TO SERVE THE BALANCE OF THE TERM OF THE  
55 MEMBER WHO WAS REMOVED. Compensation for the members of the board shall  
56 be at the rate of one hundred dollars per day, for no more than twenty

1 days a year, except that the [chairman] CHAIR shall be compensated at  
2 the rate of one hundred twenty-five dollars a day for no more than thir-  
3 ty days a year. The board shall be provided staff assistance by the  
4 division of housing and community renewal. The compensation of such  
5 members and the costs of staff assistance shall be paid by the division  
6 of housing and community renewal which shall be reimbursed in the manner  
7 prescribed in THIS section [four of this act]. The local legislative  
8 body of each city having a population of less than one million and each  
9 town and village in which an emergency has been determined to exist as  
10 herein provided shall be authorized to designate one person who shall be  
11 representative of tenants and one person who shall be representative of  
12 owners of property to serve at its pleasure and without compensation to  
13 advise and assist the county rent guidelines board in matters affecting  
14 the adjustment of rents for housing accommodations in such city, town or  
15 village as the case may be.

16 S 3. This act shall take effect immediately; provided that:

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

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

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

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