

1731

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sens. ESPADA, DIAZ, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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

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

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

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

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

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

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

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

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

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

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