

5260

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. HASSELL-THOMPSON -- 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 emergency tenant protection act of nineteen seven-  
ty-four and the administrative code of the city of New York, in  
relation to alternates on 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 AND THREE ALTERNATES  
9     appointed by the commissioner of housing and community renewal upon  
10    recommendation of the county legislature, which recommendation shall be  
11    made within thirty days after the first local declaration of an emergen-  
12    cy in such county; two such members AND ONE SUCH ALTERNATE shall be  
13    representative of tenants, two SUCH MEMBERS AND ONE SUCH ALTERNATE shall  
14    be representative of owners of property, and five SUCH MEMBERS AND ONE  
15    SUCH ALTERNATE shall be public [members] REPRESENTATIVES, each of whom  
16    shall have had at least five years experience in either finance, econom-  
17    ics, or housing. One public member shall be designated by the commis-  
18    sioner to serve as [chairman] CHAIRPERSON and shall hold no other public  
19    office. No member, officer, or employee of any municipal rent regulation  
20    agency or the state division of housing and community renewal and no  
21    person who owns or manages real estate covered by this law or who is an  
22    officer of any owner or tenant organization shall serve on a rent guide-  
23    lines board. One public member, one member, THE ALTERNATE representative

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

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1 of tenants, and one member representative of owners shall serve for a  
2 term ending two years from January first next succeeding the date of  
3 their appointment; one public member, one member representative of  
4 tenants, and one member AND THE ALTERNATE representative of owners shall  
5 serve for terms ending three years from the January first next succeed-  
6 ing the date of their appointment; and three public members AND THE  
7 PUBLIC ALTERNATE shall serve for terms ending four years from January  
8 first next succeeding the dates of their appointment. Thereafter, all  
9 members AND ALTERNATES shall serve for terms of four years each. Members  
10 AND ALTERNATES shall continue in office until their successors have been  
11 appointed and qualified. The commissioner shall fill any vacancy which  
12 may occur by reason of death, resignation; or otherwise in a manner  
13 consistent with the original appointment. A member OR ALTERNATE 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 OR HER defense, upon not less  
16 than ten [days] DAYS' notice. Compensation for the members AND ALTER-  
17 NATES of the board shall be at the rate of one hundred dollars per day,  
18 for no more than twenty days a year, except that the [chairman] CHAIR-  
19 PERSON shall be compensated at the rate of one hundred twenty-five  
20 dollars a day for no more than thirty days a year. The board shall be  
21 provided staff assistance by the division of housing and community  
22 renewal. The compensation of such members AND ALTERNATES and the costs  
23 of staff assistance shall be paid by the division of housing and commu-  
24 nity renewal, which shall be reimbursed in the manner prescribed in  
25 section [four] EIGHT of this act. AN ALTERNATE SHALL ONLY PARTICIPATE  
26 AS A VOTING MEMBER IN THE PROCEEDINGS OF THE BOARD AND BE PAID WHEN A  
27 MEMBER, REPRESENTING THE SAME INTEREST AS THE ALTERNATE, IS UNABLE TO  
28 FULFILL HIS OR HER DUTIES ON THE BOARD. ALTERNATES SHALL BE PERMITTED TO  
29 PARTICIPATE IN ALL PROCEEDINGS OF THE BOARD AS NON-VOTING MEMBERS. The  
30 local legislative body of each city having a population of less than one  
31 million and each town and village in which an emergency has been deter-  
32 mined to exist as herein provided [shall be] IS authorized to designate  
33 one person who shall be representative of tenants and one person who  
34 shall be representative of owners of property to serve at its pleasure  
35 and without compensation to advise and assist the county rent guidelines  
36 board in matters affecting the adjustment of rents for housing accommo-  
37 dations in such city, town, or village, as the case may be.

38 S 2. Subdivisions a and c of section 26-510 of the administrative code  
39 of the city of New York are amended to read as follows:

40 a. There shall be a rent guidelines board, to consist of nine members  
41 AND THREE ALTERNATES, appointed by the mayor. Two members AND ONE ALTER-  
42 NATE shall be representative of tenants, two MEMBERS AND ONE ALTERNATE  
43 shall be representative of owners of property, and five MEMBERS AND ONE  
44 ALTERNATE shall be public [members] REPRESENTATIVES, each of whom shall  
45 have had at least five years experience in either finance, economics, or  
46 housing. One public member shall be designated by the mayor to serve as  
47 [chairman] CHAIRPERSON and shall hold no other public office. No  
48 member, officer, or employee of any municipal rent regulation agency or  
49 the state division of housing and community renewal and no person who  
50 owns or manages real estate covered by this law or who is an officer of  
51 any owner or tenant organization shall serve on a rent guidelines board.  
52 One public member, one member, AND ONE ALTERNATE representative of  
53 tenants and one member representative of owners shall serve for a term  
54 ending two years from January first next succeeding the date of their  
55 appointment; one public member, one member representative of tenants  
56 [and], one member, AND ONE ALTERNATE representative of owners shall

1 serve for terms ending three years from the January first next succeed-  
2 ing the date of their appointment; and two public members AND THE PUBLIC  
3 ALTERNATE shall serve for terms ending four years from January first  
4 next succeeding the dates of their appointment. The [chairman] CHAIR-  
5 PERSON shall serve at the pleasure of the mayor. Thereafter, all members  
6 AND ALTERNATES shall continue in office until their successors have been  
7 appointed and qualified. The mayor shall fill any vacancy which may  
8 occur by reason of death, resignation, or otherwise in a manner consist-  
9 ent with the original appointment. A member OR ALTERNATE may be removed  
10 by the mayor for cause, but not without an opportunity to be heard in  
11 person or by counsel, in his or her defense, upon not less than ten  
12 [days] DAYS' notice. AN ALTERNATE SHALL ONLY PARTICIPATE AS A VOTING  
13 MEMBER IN THE PROCEEDINGS OF THE BOARD AND BE PAID WHEN A MEMBER,  
14 REPRESENTING THE SAME INTEREST AS THE ALTERNATE, IS UNABLE TO FULFILL  
15 HIS OR HER DUTIES ON THE BOARD. ALTERNATES SHALL BE PERMITTED TO PARTIC-  
16 IPATE IN ALL PROCEEDINGS OF THE BOARD AS NON-VOTING MEMBERS.

17 c. Such members AND ALTERNATES shall be compensated on a per diem  
18 basis of one hundred dollars per day for no more than twenty-five days a  
19 year, except that the [chairman] CHAIRPERSON shall be compensated at one  
20 hundred twenty-five dollars a day for no more than fifty days a year.  
21 The [chairman] CHAIRPERSON shall be chief administrative officer of the  
22 rent guidelines board and among his or her powers and duties he or she  
23 shall have the authority to employ, assign, and supervise the employees  
24 of the rent guidelines board and enter into contracts for consultant  
25 services. The department of housing preservation and development shall  
26 cooperate with the rent guidelines board and may assign personnel and  
27 perform such services in connection with the duties of the rent guide-  
28 lines board as may reasonably be required by the [chairman] CHAIRPERSON.

29 S 3. This act shall take effect immediately; provided that the amend-  
30 ment to section 4 of the emergency tenant protection act of nineteen  
31 seventy-four made by section one of this act shall expire on the same  
32 date as such act expires and shall not affect the expiration of such act  
33 as provided in section 17 of chapter 576 of the laws of 1974; and  
34 further provided that the amendment to section 26-510 of the rent  
35 stabilization law of nineteen hundred sixty-nine made by section two of  
36 this act shall expire on the same date as such law expires and shall not  
37 affect the expiration of such law as provided under section 26-520 of  
38 such law.