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

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I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. BRODSKY, KAVANAGH, WRIGHT, SPANO, POWELL -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seventy-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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 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 AND THREE ALTERNATES 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 AND ONE SUCH ALTERNATE shall be representative of tenants, two SUCH MEMBERS AND ONE SUCH ALTERNATE shall be representative of owners of property, and five SUCH MEMBERS AND ONE SUCH ALTERNATE shall be public [members] REPRESENTATIVES, each of whom shall have had at least five years experience in either finance, economics, or housing. One public member shall be designated by the commissioner to serve as [chairman] CHAIRPERSON 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, THE ALTERNATE representative

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

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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 AND THE ALTERNATE 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 AND THE PUBLIC ALTERNATE shall serve for terms ending four years from January first next succeeding the dates of their appointment. Thereafter, all members AND ALTERNATES shall serve for terms of four years each. Members AND ALTERNATES 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. A member OR ALTERNATE may be removed by the commissioner 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] DAYS' notice. Compensation for the members AND ALTERNATES 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] CHAIRPERSON shall be compensated at the rate of one hundred twenty-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 ALTERNATES 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] EIGHT of this act. AN ALTERNATE SHALL ONLY PARTICIPATE AS A VOTING MEMBER IN THE PROCEEDINGS OF THE BOARD AND BE PAID WHEN A MEMBER, REPRESENTING THE SAME INTEREST AS THE ALTERNATE, IS UNABLE TO FULFILL HIS OR HER DUTIES ON THE BOARD. ALTERNATES SHALL BE PERMITTED TO PARTICIPATE IN ALL PROCEEDINGS OF THE BOARD AS NON-VOTING MEMBERS. 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] IS 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 2. Subdivisions a and c of section 26-510 of the administrative code of the city of New York are amended to read as follows:

a. There shall be a rent guidelines board, to consist of nine members AND THREE ALTERNATES, appointed by the mayor. Two members AND ONE ALTERNATE shall be representative of tenants, two MEMBERS AND ONE ALTERNATE shall be representative of owners of property, and five MEMBERS AND ONE ALTERNATE shall be public [members] REPRESENTATIVES, each of whom shall have had at least five years experience in either finance, economics, or housing. One public member shall be designated by the mayor to serve as [chairman] CHAIRPERSON 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, AND ONE ALTERNATE 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, AND ONE ALTERNATE representative of owners shall

serve for terms ending three years from the January first next succeeding the date of their appointment; and two public members AND THE PUBLIC ALTERNATE shall serve for terms ending four years from January first next succeeding the dates of their appointment. The [chairman] CHAIRPERSON shall serve at the pleasure of the mayor. Thereafter, all members AND ALTERNATES shall continue in office until their successors have been appointed and qualified. The mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise in a manner consistent with the original appointment. A member OR ALTERNATE may be removed by the mayor 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] DAYS' notice. AN ALTERNATE SHALL ONLY PARTICIPATE AS A VOTING MEMBER IN THE PROCEEDINGS OF THE BOARD AND BE PAID WHEN A MEMBER, REPRESENTING THE SAME INTEREST AS THE ALTERNATE, IS UNABLE TO FULFILL HIS OR HER DUTIES ON THE BOARD. ALTERNATES SHALL BE PERMITTED TO PARTICIPATE IN ALL PROCEEDINGS OF THE BOARD AS NON-VOTING MEMBERS.

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

S 3. This act shall take effect immediately; provided that the amendment to section 4 of the emergency tenant protection act of nineteen seventy-four made by section one 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; and further provided that the amendment to section 26-510 of the rent stabilization law of nineteen hundred sixty-nine made by section two 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.