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

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Introduced by M. of A. V. LOPEZ, DIAZ, TOWNS, PERRY -- Multi-Sponsored by -- M. of A. BRENNAN, DESTITO, PHEFFER, P. RIVERA -- read once and referred to the Committee on Housing

AN ACT to amend the public housing law, in relation to providing for a demonstration program for the selection of public housing tenants by a board of tenants

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

Section 1. The public housing law is amended by adding a new article 12-A to read as follows:

ARTICLE XII-A

PUBLIC HOUSING TENANT BOARD DEMONSTRATION PROGRAM

SECTION 310. SHORT TITLE.
311. LEGISLATIVE FINDINGS.
312. DEFINITIONS.
313. DESIGNATION OF PUBLIC HOUSING AUTHORITIES TO PARTICIPATE IN PROGRAM.
314. APPLICATIONS AND PROGRAM REQUIREMENTS.
315. TENANT SELECTION STANDARDS AND COMPLIANCE WITH ANTIDISCRIMINATION LAWS.
316. ADMINISTRATIVE REVIEW.
317. REMOVAL AND REPLACEMENT OF TENANT BOARD MEMBERS.

S 310. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PUBLIC HOUSING TENANT BOARD DEMONSTRATION PROGRAM".

S 311. LEGISLATIVE FINDINGS. IT IS HEREBY DECLARED AND FOUND THAT AMONG THE MAJOR PROBLEMS FACING TENANTS LIVING IN MANY NEW YORK STATE PUBLIC HOUSING PROJECTS IS THE PRESENCE OF CRIME AND THE LACK OF TENANT INPUT INTO THE COMPOSITION OF THEIR HOUSING DEVELOPMENT; THAT PUBLIC HOUSING TENANTS HAVE THE DESIRE AND ABILITY TO EFFECTIVELY PARTICIPATE IN THE TENANT SELECTION PROCESS; THAT TENANT MANAGEMENT PROGRAMS WHICH HAVE BEEN INITIATED IN OTHER STATES INDICATE THAT SUCH TENANT PARTIC-

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

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IPATION IN THE SELECTION PROCESS CAN CONTRIBUTE TO THE REDUCTION OF CRIME AND THE CREATION OF A SAFER AND MORE STABLE ENVIRONMENT IN WHICH PUBLIC HOUSING TENANTS CAN RAISE THEIR FAMILIES; AND THAT NEW YORK STATE SHOULD INITIATE A DEMONSTRATION PROGRAM TO DETERMINE THE BENEFITS OF SUCH TENANT PARTICIPATION IN STATE-ASSISTED PUBLIC HOUSING PROJECTS IN THIS STATE.

S 312. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

1. THE TERM "PUBLIC HOUSING AUTHORITY" MEANS A MUNICIPAL HOUSING AUTHORITY CREATED OR CONTINUED PURSUANT TO ARTICLE THIRTEEN OF THIS CHAPTER WHICH OWNS OR OPERATES ONE OR MORE STATE PROJECTS AS DEFINED IN SECTION THREE OF THIS CHAPTER.

2. THE TERM "PUBLIC HOUSING PROJECT" MEANS A STATE PROJECT AS DEFINED IN SECTION THREE OF THIS CHAPTER.

3. THE TERM "TENANT BOARD" MEANS A PUBLIC HOUSING TENANT BOARD ESTABLISHED PURSUANT TO THIS ARTICLE.

4. THE TERM "PERSONS OR FAMILIES BEING CONSIDERED FOR ADMISSION TO A PUBLIC HOUSING PROJECT" MEANS ANY PERSON LISTED ON AN APPLICATION FOR TENANCY IN A HOUSING PROJECT OWNED OR OPERATED BY A PUBLIC HOUSING AUTHORITY, OR THE SPOUSE OR CHILD OF ANY PERSON SO LISTED PROVIDED THAT SUCH CHILD IS LESS THAN TWENTY-SIX YEARS OF AGE.

S 313. DESIGNATION OF PUBLIC HOUSING AUTHORITIES TO PARTICIPATE IN PROGRAM. THE COMMISSIONER, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, SHALL DESIGNATE AT LEAST TWO AND NO MORE THAN SIX PUBLIC HOUSING AUTHORITIES AS PARTICIPANTS IN THIS PUBLIC HOUSING TENANT BOARD DEMONSTRATION PROGRAM. AT LEAST ONE OF THE PUBLIC HOUSING AUTHORITIES DESIGNATED SHALL BE EITHER THE NEW YORK CITY HOUSING AUTHORITY OR AN AUTHORITY CREATED IN A MUNICIPALITY LOCATED IN THE COUNTIES OF NASSAU, SUFFOLK, WESTCHESTER OR ROCKLAND, AND AT LEAST ONE SHALL BE AN AUTHORITY CREATED IN A MUNICIPALITY LOCATED ELSEWHERE IN THE STATE.

S 314. APPLICATIONS AND PROGRAM REQUIREMENTS. 1. TO BE DESIGNATED AS A PARTICIPANT IN THIS DEMONSTRATION PROGRAM, A PUBLIC HOUSING AUTHORITY SHALL SUBMIT AN APPLICATION TO THE COMMISSIONER AT SUCH TIME, IN SUCH MANNER AND ACCOMPANIED BY SUCH INFORMATION AS THE COMMISSIONER MAY REASONABLY REQUIRE.

2. THE COMMISSIONER SHALL NOT MAKE SUCH A DESIGNATION UNLESS A PUBLIC HOUSING AUTHORITY HAS SUBMITTED AN APPLICATION WHICH CONTAINS A PLAN PROVIDING FOR THE FOLLOWING:

A. THE DESIGNATION OF AT LEAST ONE BUT NO MORE THAN THREE PUBLIC HOUSING PROJECTS TO PARTICIPATE IN THIS DEMONSTRATION PROGRAM;

B. THE ESTABLISHMENT OF A TENANT BOARD FOR EACH PUBLIC HOUSING PROJECT WHICH THE PUBLIC HOUSING AUTHORITY DESIGNATES TO PARTICIPATE IN THIS DEMONSTRATION PROGRAM, WHICH TENANT BOARD SHALL BE COMPRISED OF TENANTS WHO RESIDE IN THE PUBLIC HOUSING PROJECT FOR WHICH SUCH BOARD WILL SELECT TENANTS, AND A METHOD FOR SELECTING TENANT BOARD MEMBERS;

C. AUTHORIZATION FOR SUCH TENANT BOARD TO INTERVIEW AND INVESTIGATE POTENTIAL TENANTS FOR SUCH PROJECT AND, IN CONSULTATION WITH THE MEMBERS OF THE PUBLIC HOUSING AUTHORITY, TO DETERMINE THE SELECTION OF TENANTS FOR SUCH PROJECT; PROVIDED THAT SELECTION OF TENANTS SHALL BE SUBJECT TO THE STANDARDS ESTABLISHED BY SECTION ONE HUNDRED FIFTY-SIX OF THIS CHAPTER AND TO THE ANTIDISCRIMINATION PROVISIONS CONTAINED IN SECTION TWO HUNDRED TWENTY-THREE OF THIS CHAPTER AND IN ALL OTHER FEDERAL, STATE AND APPLICABLE LOCAL ANTIDISCRIMINATION LAWS;

D. A METHOD BY WHICH THE PUBLIC HOUSING AUTHORITY MAY REMOVE AND REPLACE ONE OR MORE TENANT BOARD MEMBERS OR TERMINATE PARTICIPATION OF A PUBLIC HOUSING PROJECT IN THIS DEMONSTRATION PROGRAM FOR THE REASONS SET FORTH IN SECTION THREE HUNDRED SEVENTEEN OF THIS ARTICLE; AND

E. A METHOD TO PROVIDE THAT TENANT BOARD MEMBERS WILL BE MADE FAMILIAR WITH ALL STATUTORY OR REGULATORY CONFIDENTIALITY REQUIREMENTS, INCLUDING THOSE UNDER SECTION ONE HUNDRED FIFTY-NINE OF THIS CHAPTER.

3. THE COMMISSIONER SHALL DESIGNATE PUBLIC HOUSING AUTHORITIES TO PARTICIPATE IN THIS DEMONSTRATION PROGRAM BASED UPON:

A. DEMONSTRATED READINESS TO ACTIVELY PARTICIPATE IN A TENANT BOARD ON THE PART OF TENANTS IN THE PROJECT OR PROJECTS DESIGNATED BY THE PUBLIC HOUSING AUTHORITY IN ITS APPLICATION;

B. THE QUALITY OF THE PLAN OF THE PUBLIC HOUSING AUTHORITY, INCLUDING TECHNICAL ASSISTANCE AND TRAINING TO BE PROVIDED TO THE TENANT BOARD; PROVIDED THAT SUCH TRAINING SHALL INCLUDE TRAINING IN ALL ANTIDISCRIMINATION AND CONFIDENTIALITY PROVISIONS APPLICABLE TO THE PUBLIC HOUSING AUTHORITY; AND

C. THE CAPABILITY OF THE PUBLIC HOUSING AUTHORITY TO CARRY OUT THE PLAN.

4. THE COMMISSIONER MAY PROVIDE TECHNICAL SERVICES AND ASSISTANCE TO ELIGIBLE APPLICANTS TO COMPLY WITH THE PROVISIONS AND INTENT OF THIS ARTICLE.

5. THE PUBLIC HOUSING AUTHORITIES SELECTED AS PARTICIPANTS IN THIS DEMONSTRATION PROGRAM UNDER THIS ARTICLE AND THEIR RESPECTIVE TENANT BOARDS SHALL MAKE AVAILABLE WHATEVER INFORMATION AS MAY BE REASONABLY REQUIRED BY THE COMMISSIONER IN ORDER TO ASSESS THE IMPACT AND SUCCESS OF THE DEMONSTRATION PROGRAM. THE COMMISSIONER SHALL REPORT ON THE RESULTS OF THE DEMONSTRATION PROGRAMS TO THE GOVERNOR AND THE LEGISLATURE ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND TEN.

S 315. TENANT SELECTION STANDARDS AND COMPLIANCE WITH ANTIDISCRIMINATION LAWS. A TENANT BOARD MAY ESTABLISH STANDARDS FOR THE SELECTION OF TENANTS SUPPLEMENTARY TO THOSE PROMULGATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL OR ESTABLISHED BY A PUBLIC HOUSING AUTHORITY, PROVIDING THAT SUCH SUPPLEMENTARY STANDARDS ARE NOT IN CONFLICT WITH THE STANDARDS PROMULGATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL OR THOSE ESTABLISHED BY THE PUBLIC HOUSING AUTHORITY, ARE NOT ARBITRARY OR CAPRICIOUS, AND ARE NOT IN VIOLATION OF ANY OTHER LAW OR REGULATION. SELECTION OF TENANTS BY A TENANT BOARD SHALL BE SUBJECT TO THE ANTIDISCRIMINATION PROVISIONS OF SECTION TWO HUNDRED TWENTY-THREE OF THIS CHAPTER AND ALL OTHER FEDERAL, STATE OR APPLICABLE LOCAL ANTIDISCRIMINATION LAWS, AND A VIOLATION OF ANY SUCH ANTIDISCRIMINATION LAW SHALL SUBJECT A MEMBER OF SUCH TENANT BOARD TO REMOVAL PURSUANT TO SECTION THREE HUNDRED SEVENTEEN OF THIS ARTICLE.

S 316. ADMINISTRATIVE REVIEW. IN ANY ADMINISTRATIVE REVIEW OF A DECISION OF A TENANT BOARD, SUCH DECISION SHALL BE GIVEN DEFERENCE UNLESS IT IS IN VIOLATION OF LAW OR EVIDENCES A PATTERN OF DISCRIMINATION OR FAVORITISM.

S 317. REMOVAL AND REPLACEMENT OF TENANT BOARD MEMBERS. 1. A PUBLIC HOUSING AUTHORITY PARTICIPATING IN THIS DEMONSTRATION PROGRAM MAY REMOVE ANY OR ALL MEMBERS OF A TENANT BOARD OR TERMINATE THE PARTICIPATION OF A PUBLIC HOUSING PROJECT IN THIS DEMONSTRATION PROGRAM IF THE ACTIONS OF A TENANT BOARD MEMBER OR OF THE ENTIRE BOARD SHOW A PATTERN OF DISCRIMINATION OR FAVORITISM. IN ADDITION, A MEMBER OF A TENANT BOARD SHALL BE REMOVED IF CONVICTED OF A CRIME AND MAY BE REMOVED FOR GROSS DERELICTION OF HIS OR HER DUTY AS A TENANT BOARD MEMBER OR FOR BREACH OF THE CONFIDENTIALITY REQUIREMENT OF SECTION ONE HUNDRED FIFTY-NINE OF THIS CHAPTER. IF ONE OR MORE TENANT BOARD MEMBERS ARE REMOVED FOR ANY OF THE ABOVE REASONS BUT PARTICIPATION IN THE DEMONSTRATION PROGRAM IS NOT TERMINATED, THE PUBLIC HOUSING AUTHORITY SHALL TAKE IMMEDIATE STEPS TO

REPLACE SUCH TENANT BOARD MEMBERS WITH OTHER TENANTS OF THE PUBLIC HOUSING PROJECT.

2. IF A PUBLIC HOUSING AUTHORITY TERMINATES THE PARTICIPATION OF A PUBLIC HOUSING PROJECT FROM THIS DEMONSTRATION PROGRAM AS SET FORTH IN SUBDIVISION ONE OF THIS SECTION, SUCH PUBLIC HOUSING AUTHORITY MAY DESIGNATE A NEW PUBLIC HOUSING PROJECT FOR PARTICIPATION IN THIS DEMONSTRATION PROGRAM UPON APPLICATION TO, AND APPROVAL OF, THE COMMISSIONER.

S 2. Section 159 of the public housing law, as amended by chapter 559 of the laws of 1997, is amended to read as follows:

S 159. Disclosure of certain information prohibited. Information acquired by an authority, the division of housing and community renewal or a municipality or by an officer or employee thereof OR BY A MEMBER OF A PUBLIC HOUSING TENANT BOARD PURSUANT TO ARTICLE TWELVE-A OF THIS CHAPTER from applicants for dwellings in projects of an authority or municipality or other housing programs administered by a housing authority, municipality or the division of housing and community renewal, or from tenants of dwellings thereof or from members of the family of any such applicant or tenant or from employers of such persons or from any third person, whether voluntarily or by compulsory examination as provided in this chapter, shall be for the exclusive use and information of the authority, division of housing and community renewal or municipality OR THE PUBLIC HOUSING TENANT BOARD in the discharge of its duties under this chapter and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the authority, division of housing and community renewal, municipality, PUBLIC HOUSING TENANT BOARD or successor in interest thereof is a party or complaining witness to such action or proceeding. Notwithstanding the foregoing, the authority or municipality shall furnish to the commissioner of housing and community renewal full and complete reports relating to any such applicant or tenant whenever the commissioner of housing and community renewal shall request such reports. Also, nothing herein contained shall operate to prevent an authority or municipality from making full and complete reports to the commissioner of housing and community renewal or to the municipality in which an authority operates or to the federal government or any agency thereof relating to the administration of this chapter or of any project or relating to any such applicant or tenant, nor to prohibit an authority or municipality or any government or agency receiving such information of an authority or municipality, from publishing statistics or other general information drawn from information received from such applicants or tenants.

S 3. This act shall take effect immediately.