

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

6394--B

2011-2012 Regular Sessions

I N A S S E M B L Y

March 16, 2011

Introduced by M. of A. KAVANAGH, ROSENTHAL -- Multi-Sponsored by -- M. of A. GOTTFRIED -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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, SOCIAL SERVICES, URBAN PLANNING,
9 SOCIAL SCIENCES, 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] RECEIVES
15 COMPENSATION AS an officer of any owner or tenant organization shall
16 serve on a rent guidelines board. One public member, one member repre-
17 sentative of tenants and one member representative of owners shall serve
18 for a term ending two years from January first next succeeding the date
19 of their appointment; one public member, one member representative of

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

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

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

20 a. In each county wherein any city having a population of less than
21 one million or any town or village has determined the existence of an
22 emergency pursuant to section three of this act, there shall be created
23 a rent guidelines board to consist of nine members appointed by the
24 commissioner of housing and community renewal upon recommendation of the
25 county legislature which recommendation shall be made within thirty days
26 after the first local declaration of an emergency in such county; two
27 such members shall be representative of tenants, two shall be represen-
28 tative of owners of property, and five shall be public members [each of
29 whom]. EACH OF THE PUBLIC MEMBERS shall have had at least five years
30 experience in [either] PUBLIC SERVICE, SOCIAL SERVICES, URBAN PLANNING,
31 SOCIAL SCIENCES, finance, economics or housing. One public member shall
32 be designated by the commissioner 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 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 for cause, but
51 not without an opportunity to be heard in person or by counsel, in his
52 defense, upon not less than ten days notice. A SUCCESSOR TO SUCH MEMBER
53 SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION
54 TO SERVE THE BALANCE OF THE TERM OF THE MEMBER WHO WAS REMOVED. Compen-
55 sation for the members of the board shall be at the rate of one hundred
56 dollars per day, for no more than twenty days a year, except that the

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