

9196

I N   A S S E M B L Y

February 3, 2012

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Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Cities

AN ACT to amend the New York city charter, in relation to expanding the membership of the board of standards and appeals to thirteen members

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

1     Section 1. Declaration of legislative findings and intent. Prior to  
2     the 1991 revision of the New York city charter and elimination of the  
3     board of estimate, zoning and special permit decisions made by the board  
4     of standards and appeals could be reviewed by the board of estimate,  
5     comprised of city-wide elected officials including the mayor, the presi-  
6     dent of the city council, the comptroller and the borough presidents.  
7     The effect of this review process was to ensure that the public's voice  
8     was considered in this significant decision-making process. The charter  
9     revision did not continue the review authority of the board of estimate  
10    on zoning issues and such authority was not vested in any other body of  
11    elected officials. Thus the mayor retains sole appointment powers in the  
12    membership of the board of standards and appeals.

13    This amendment to the charter adds eight additional members to the  
14    board of standards and appeals to be appointed by the other major  
15    elected officials in city government, the borough presidents, public  
16    advocate, comptroller and city council. This change introduces a neces-  
17    sary check on the board of standards and appeals' authority and returns  
18    the public voice to the decision-making process in the area of zoning.

19    S 2. Subdivision a of section 659 of the New York city charter, as  
20    added by local law number 49 of the city of New York for the year 1991,  
21    is amended to read as follows:

22    a. There shall be an independent board of standards and appeals  
23    located within the office of administrative trials and hearings. The  
24    board of standards and appeals shall consist of [five] THIRTEEN members  
25    to be termed commissioners, FIVE to be appointed by the mayor [each],  
26    FIVE TO BE APPOINTED, ONE EACH, BY THE BOROUGH PRESIDENTS, ONE TO BE  
27    APPOINTED BY THE PUBLIC ADVOCATE, ONE TO BE APPOINTED BY THE COMPTROLLER  
28    AND ONE TO BE APPOINTED BY THE CITY COUNCIL. EACH MEMBER SHALL SERVE for  
29    a term of six years.

30    S 3. This act shall take effect immediately.

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

LBD13669-01-1