

6104

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed 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