

5584

2015-2016 Regular Sessions

I N A S S E M B L Y

February 27, 2015

Introduced by M. of A. KAVANAGH, ROSENTHAL, MOSLEY, ROBINSON -- Multi-Sponsored by -- M. of A. FARRELL, GOTTFRIED, PERRY -- read once and referred to the Committee on Housing

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
20 tenants and one member representative of owners shall serve for terms
21 ending three years from the January first next succeeding the date of
22 their appointment and two public members shall serve for terms ending
23 four years from January first next succeeding the dates of their

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

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

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

16 a. In each county wherein any city having a population of less than
17 one million or any town or village has determined the existence of an
18 emergency pursuant to section three of this act, there shall be created
19 a rent guidelines board to consist of nine members appointed by the
20 commissioner of housing and community renewal upon recommendation of the
21 county legislature which recommendation shall be made within thirty days
22 after the first local declaration of an emergency in such county; two
23 such members shall be representative of tenants, two shall be represen-
24 tative of owners of property, and five shall be public members [each of
25 whom]. EACH OF THE PUBLIC MEMBERS shall have had at least five years
26 experience in [either] PUBLIC SERVICE, SOCIAL SERVICES, URBAN PLANNING,
27 SOCIAL SCIENCES, finance, economics or housing. One public member shall
28 be designated by the commissioner to serve as [chairman] CHAIR and shall
29 hold no other public office. No member, officer or employee of any
30 municipal rent regulation agency or the state division of housing and
31 community renewal and no person who owns or manages real estate covered
32 by this law or who is an officer of any owner or tenant organization
33 shall serve on a rent guidelines board. One public member, one member
34 representative of tenants and one member representative of owners shall
35 serve for a term ending two years from January first next succeeding the
36 date of their appointment; one public member, one member representative
37 of tenants and one member representative of owners shall serve for terms
38 ending three years from the January first next succeeding the date of
39 their appointment and three public members shall serve for terms ending
40 four years from January first next succeeding the dates of their
41 appointment. Thereafter, all members shall serve for terms of four
42 years each. Members shall continue in office until their successors
43 have been appointed and qualified. The commissioner shall fill any
44 vacancy which may occur by reason of death, resignation or otherwise in
45 a manner consistent with the [original appointment] PROVISIONS OF THIS
46 SUBDIVISION. A member may be removed by the commissioner for cause, but
47 not without an opportunity to be heard in person or by counsel, in his
48 defense, upon not less than ten days notice. A SUCCESSOR TO SUCH MEMBER
49 SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION
50 TO SERVE THE BALANCE OF THE TERM OF THE MEMBER WHO WAS REMOVED. Compen-
51 sation for the members of the board shall be at the rate of one hundred
52 dollars per day, for no more than twenty days a year, except that the
53 [chairman] CHAIR shall be compensated at the rate of one hundred twen-
54 ty-five dollars a day for no more than thirty days a year. The board
55 shall be provided staff assistance by the division of housing and commu-
56 nity renewal. The compensation of such members and the costs of staff

1 assistance shall be paid by the division of housing and community
2 renewal which shall be reimbursed in the manner prescribed in section
3 four of this act. The local legislative body of each city having a popu-
4 lation of less than one million and each town and village in which an
5 emergency has been determined to exist as herein provided shall be
6 authorized to designate one person who shall be representative of
7 tenants and one person who shall be representative of owners of property
8 to serve at its pleasure and without compensation to advise and assist
9 the county rent guidelines board in matters affecting the adjustment of
10 rents for housing accommodations in such city, town or village as the
11 case may be.

12 S 3. This act shall take effect January 1, 2016; provided that:

13 (a) the amendments to section 26-510 of the rent stabilization law of
14 nineteen hundred sixty-nine made by section one of this act shall expire
15 on the same date as such law expires and shall not affect the expiration
16 of such law as provided under section 26-520 of such law;

17 (b) the amendments to section 4 of the emergency tenant protection act
18 of nineteen seventy-four made by section two of this act shall expire on
19 the same date as such act expires and shall not affect the expiration of
20 such act as provided in section 17 of chapter 576 of the laws of 1974;

21 (c) the rent boards as reconstituted pursuant to this act shall be
22 appointed and confirmed within forty-five days after the effective date
23 of this act; and

24 (d) upon the appointment of a rent board pursuant to the provisions of
25 this act, any existing predecessor rent board shall be dissolved and
26 such predecessor rent board shall have no further authority.