STATE OF NEW YORK

5042

2017-2018 Regular Sessions

IN SENATE

March 6, 2017

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law and the public authorities law, in relation to the New York city housing authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of subdivision 4 of section 402 of the public housing law is designated paragraph a and three new paragraphs b, c and d are added to read as follows:

b. The chairman and the other members of the authority, including the additional tenant member, shall: (1) exercise direct oversight of the authority's chief executive officer or general manager and other managers or supervisors in the effective and ethical management of the authority; (2) understand, review and monitor the implementation of fundamental financial and management controls and operational decisions of the authority; (3) adopt a code of ethics for officers and employees of the authority consistent with section eight hundred six of the general municipal law; (4) perform each of their duties as board members, including but not limited to those imposed by this section, in good faith and with that degree of diligence, care and skill which an ordinarily prudent person in like position would use under similar circumstances, and may take into consideration the views and policies of any elected official or body, or other person and ultimately apply independent judgment in the best interest of the authority, its mission and the public. At the time that each member takes and subscribes his or her oath of office, or within sixty days after the effective date of this paragraph if the member has already taken and subscribed his or her oath of office, execute an acknowledgment, in a form consistent with the one prescribed by the New York independent authorities budget office established pursuant to title two of article one of the public authorities law in which the board member acknowledges that he or she understands his or her role, and fiduciary responsibilities as set forth in subparagraph four of this paragraph, and acknowledges that he or she under-

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

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stands his or her duty of loyalty and care to the organization and commitment to the authority's mission and the public interest.

c. All board members, including the tenant member, shall participate in training approved by the inspector general of the authority regarding their legal, fiduciary, financial and ethical responsibilities as directors of an authority within one year of appointment to the board. Board members shall participate in such continuing training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of public corporations and to adhere to the highest standards of responsible governance.

d. Notwithstanding any laws to the contrary, the authority shall not, directly or indirectly, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any officer, board member or employee of the authority.

§ 2. Section 402 of the public housing law is amended by adding eleven new subdivisions 10, 10-a, 11, 12, 13, 14, 15, 16, 17, 18 and 19 to read as follows:

10. Disposition of property. a. Definitions. For the purposes of this subdivision:

(1) "authorities budget office" shall mean the independent authorities budget office established pursuant to section four of the public authorities law.

(2) "city comptroller" shall mean the comptroller of the city of New York.

(3) "contracting officer" shall mean the officer or employee of the authority who shall be appointed by resolution of the board of the authority to be responsible for the disposition of property.

(4) "dispose", "disposition" or "disposal" shall mean the sale, lease or transfer of title or any other beneficial interest in personal or real property in accordance with paragraph c of this subdivision, and shall also include the demolition of real property.

(5) "mayor" shall mean the mayor of the city of New York.

(6) "property" shall mean personal property in excess of five thousand dollars in value, real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

b. Duties of the authority with respect to the disposal of property. (1) The authority shall adopt by resolution comprehensive guidelines which shall (a) detail the authority's operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the disposal of property, and (b) designate a property management officer who shall be responsible for the authority's compliance with, and enforcement of, such guidelines. Such guidelines shall be consistent with, and shall require the authority's disposition activities to comply with this subdivision, the authority's enabling legislation and any other applicable federal laws and regulations for the disposal of property, except that such guidelines may be stricter than the provisions of this subdivision, the authority's enabling legislation and any other applicable federal laws and regulations for the disposal of property if the authority determines that additional safeguards are necessary to assure the integrity of its disposition activities. Guidelines approved by the authority shall be annually reviewed and approved by the board of the authority. On or before the thirty-first day of March in each year,

the authority shall file with the authorities budget office a copy of the guidelines most recently reviewed and approved by the authority, including the name of the authority's designated property management officer. At the time of filing such guidelines with the authorities budget office, the authority shall also post such guidelines on the authority's internet website. Guidelines posted on the authority's internet website shall be maintained on such website at least until the procurement guidelines for the following year are posted on such website.

(2) The authority shall:

(a) maintain adequate inventory controls and accountability systems for all property under its control;

(b) periodically inventory such property to determine which property shall be disposed of; and

(c) produce a written report of such property in accordance with subparagraph three of this paragraph.

(3) (a) The authority shall publish, at least annually, a report listing all real property owned, controlled or operated by the authority. Such report shall include a list and full description of all property disposed of during such period. The report shall contain the price received by the authority and the name of the purchaser for all such property disposed of by the authority during such period.

(b) The authority shall deliver copies of such report to the independent authorities budget office, the mayor, the city comptroller, the New York city council and the state legislature.

c. Disposal of authority property. (1) Except as otherwise provided in this subdivision, the property management officer designated by the authority shall have supervision over the disposition of property of the authority.

(2) The custody and control of the property of the authority, pending its disposition, and the disposal of such property, shall be performed by the authority.

(3) Subject to subparagraph five of this paragraph, the authority may dispose of property for not less than the fair market value of such property by sale, lease, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the authority deems proper, provided that such terms and conditions are consistent with industry practices and are comparable to terms and conditions contained in similar agreements or contracts between and by private parties, and it may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of this subdivision provided, however, that no disposition of real property, or any interest in real property, shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction, and, provided further, that no disposition of any other property, which because of its unique nature or the unique circumstances of the proposed transaction is not readily valued by reference to an active market for similar property, shall be made without a similar appraisal.

(4) (a) All disposals or contracts for disposal of property of the authority made or authorized by the authority shall be made after publicly advertising for bids except as provided in clause (c) of this subparagraph.

(b) Whenever public advertising for bids is required under clause (a) of this subparagraph:

(i) the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the property;

(ii) all bids shall be publicly disclosed at the time and place stated in the advertisement; and

(iii) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the authority, price and other factors considered; provided, that all bids may be rejected when it is in the public interest to do so.

(c) Disposals and contracts for disposal of property may be negotiated or made by public auction without regard to clauses (a) and (b) of this subparagraph but subject to obtaining such competition as is feasible under the circumstances, if:

(i) the personal property involved has qualities separate from the utilitarian purpose of such property, such as artistic quality, antiquity, historical significance, rarity, or other quality of similar effect, that would tend to increase its value, or if the personal property is to be sold in such quantity that, if it were disposed of under clauses (a) and (b) of this subparagraph, would adversely affect the state or local market for such property, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

(ii) the fair market value of the property does not exceed fifty thousand dollars;

(iii) bid prices after advertising therefor are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;

(iv) the disposal will be to the state or any political subdivision, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation;

(v) under those circumstances permitted by subparagraph five of this paragraph; or

(vi) such action is otherwise authorized by law.

(d) (i) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:

(A) any personal property which has an estimated fair market value in excess of fifty thousand dollars;

(B) any real property that has an estimated fair market value in excess of fifty thousand dollars;

(C) any real property disposed of at below fair market value or for a nominal price.

(ii) Each such statement shall be transmitted to the persons entitled to receive copies of the report required under paragraph b of this subdivision not less than ninety days in advance of such disposal, and a copy thereof shall be preserved in the files of the authority.

(5) (a) No property owned, leased or otherwise in the control of the authority may be sold, leased, or otherwise alienated for less than its fair market value except:

(i) if the purchaser, lessee or transferee is a government or other public entity, and the terms and conditions of the disposition require that the ownership and use of the asset will remain with the government or any other public entity; or

(ii) if the authority seeks to dispose of property for less than its fair market value to other than a governmental entity the authority

shall provide written notification thereof to the mayor, the city comptroller, the state legislature and the New York city council.

(b) In the event a below fair market value property disposition is proposed, the following information must be provided to the mayor, the city comptroller, the state legislature and the New York city council and the general public:

(i) a full description of the property;

(ii) an appraisal of the fair market value of the property and any other information establishing the fair market value;

(iii) a description of the purpose of the disposition and a statement of the kind and amount of the benefit to the residents of the authority's housing resulting from the disposition, including but not limited to, the benefits, if any, to the communities in which the property is situated;

(iv) a statement of the financial value to be received by the authority and by the private parties participating or otherwise involved in the property compared to the fair market value, including the projected or potential value of any tax credits, exemptions, government subsidies or grants, or real property tax abatements given to the private parties;

(v) the names of any private parties participating in the disposition, and if different than the statement required by subclause (iv) of this clause, a statement of the value to the private party;

(vi) the names of other private parties who have made an offer for such property, the value offered, and the purpose for which the property was sought to be used; and

(vii) an analysis comparing the value or consideration received by the authority for a disposition of authority real property with the value or consideration that a private party purchaser or lessor would receive for disposing of similarly-situated or comparable real property and explaining the differences or discrepancies between two values or consideration.

(c) Before approving the disposal of any property for less than fair market value, the board shall consider the information described in clause (b) of this subparagraph and make a written determination that there is no reasonable alternative to the proposed below-market disposition that would achieve the same purpose of such disposition. The determination shall include the reasons for disposing of the property at below fair market value.

d. Public hearings. (1) In addition to the public hearings required pursuant to federal laws and regulations, the authority shall also conduct at least one public hearing at the development, project, house or site in which the disposition is being planned or proposed, as follows:

(a) at least ten days prior to the date when the application to dispose of the affected property is presented to the authority's governing board for approval. The hearing shall include a full and detailed presentation on the appraisal of the subject property;

(b) if the authority makes a significant amendment to the application at any time after the public hearing conducted pursuant to clause (a) of this subparagraph. The authority may not submit the amendment and forward the amended application to the federal department of housing and urban development until the authority has conducted a public hearing on the significant amendment. For the purposes of this clause, "significant amendment" shall mean: any change to the application that will in any way impair, change or affect the rights of, and benefits to, the affected residents, the affected housing development or project or the

residents of public housing; and that is not merely correcting a typographical error, or making conforming or technical amendments; and

(c) within fifteen days after the authority has received approval from the federal department of housing and urban renewal on the application to dispose of the property. The authority shall not be authorized to implement the approved application until such public hearing has been held.

(2) The authority shall provide written notice in a manner and form sufficient to inform the affected residents, tenant organizations and the public at least ten days before the date of any public hearing is conducted pursuant to this paragraph.

e. Board action. (1) As a condition for its submission to the federal department of housing and urban development, the application to dispose of real property shall be approved by the members of the authority pursuant to a board resolution, as provided in this paragraph.

(2) The resolution must be dated after the date of the last resident meeting and after the date of any letter of support from the appropriate government officials relating to the application, and shall set forth, among other things:

(a) the dates and a description of the consultation with residents, tenant organizations and other interested parties;

(b) the dates and a description of any consultation with local government officials; and

(c) letters of support from the appropriate tenant organizations and public officials.

10-a. Project tracking system. a. The authority shall establish and maintain a system to track, monitor and assess the status and progress of all capital projects, and all disposition projects approved by the federal department of housing and urban development and of every maintenance or repair project performed by the department. The information contained in any such system shall include, at a minimum:

(1) a description of the project, including its location;

(2) the category or type of repair, if applicable;

(3) the original start date;

(4) the actual start date, if different than the original start date;

(5) the original budget;

(6) the current budget;

(7) the final cost of the project;

(8) the current phase of the project;

(9) the original completion date; and

(10) the actual completion date, if different than the original completion date.

b. The system shall be open and available to the authority's residents. The authority shall ensure that the information contained in the tracking system is available on the authority's website.

c. The authority shall issue a report, at least annually, setting forth and explaining the information contained in the tracking system, including:

(1) the total number of requests for repairs, broken down by work types or categories;

(2) the total number of pending or outstanding projects, broken down by work types or categories;

(3) the total number of projects completed;

(4) the average number of days to complete maintenance or repair projects, broken down by the different work types or categories;

(5) the total number of maintenance and repair projects not completed, broken down by the different work types or categories;

(6) an estimate of the number of days required to complete all of the projects, including any backlogs;

(7) an explanation or reasons for any delays in the completion of a project in a timely manner; and

(8) an explanation or reasons why the costs of a project exceeded the original budget, if applicable.

11. Reporting requirements. a. The authority shall submit to the independent authorities budget office established pursuant to section four of the public authorities law, the mayor and the comptroller of the city of New York and the state legislature, within ninety days after the end of its fiscal year, a complete and detailed report or reports to the extent that such matters are not fully reported or disclosed in the annual independent audit report pursuant to this subdivision setting forth: (1) its financial reports, including (a) audited financials in accordance with all applicable regulations and following generally accepted accounting principles, (b) grant and subsidy programs, (c) operating and financial risks, and (d) long-term liabilities, including leases and employee benefit plans; (2) a compensation schedule that shall include, by position, title and name of the person holding such position or title, the salary, compensation, allowance and/or benefits provided to any officer, director or employee in a decision making or managerial position of such authority whose salary is in excess of one hundred thousand dollars; (3) biographical information, not including confidential personal information, for all directors and senior management; (4) an assessment of the effectiveness of its internal control structure and procedures; (5) a description of the authority and its board structure, including (a) names of committees and committee members, (b) lists of board meetings and attendance, (c) descriptions of major authority divisions, departments and bureaus, and (d) the total number of full and part-time employees; (6) its by-laws; (7) a listing of material changes in operations and programs during the reporting year; (8) at a minimum, a four-year financial plan, including (a) a current and projected capital budget, and (b) an operating budget report, including an actual versus estimated budget, with an analysis and measurement of financial and operating performance; (9) a description of the total amounts of assets or services or both assets and services bought or sold without competitive bidding, including (a) the nature of those assets or services, (b) the names of the parties to the transaction, and (c) where the contract price for assets or services purchased exceeds fair market value, or where the contract price for assets or services sold is less than fair market value, a detailed explanation of the justification for making the purchase or sale without competitive bidding, and a certification by the chairperson and chief financial officer of the authority that they have reviewed the terms of such purchase or sale and determined that it complies with applicable law and procurement guidelines; (10) a list and description of the disposition projects undertaken by the authority in the past fiscal year, in the current fiscal year, and in the following fiscal year; (11) a list and description of all real property owned, controlled or operated by the authority, regardless of size or value; (12) a list and description of any real property acquired by the authority for a price of fifty thousand dollars or more in the current fiscal year, regardless of whether the purchase was for cash, mortgage, in-kind services or any other consideration; (13) a list and description of any other assets or

property, the value of which exceeds ten thousand dollars; (14) a list and description of any service or employment contracts, the value of which exceeds fifty thousand dollars, to which the authority is a party; (15) the extent of participation by minority and women-owned enterprises in authority contracts and services; (16) employment numbers relating to the authority's resident employment program for the reporting fiscal year, including but not limited to, the total number of positions available, broken down by the type of jobs; the number of applicants for each position; the length of employment of each position; the rate of pay and benefits for each position; and the number of positions that led to full-time employment for participating residents; and (17) a description of any material pending litigation in which the authority is involved as a party during the reporting year.

b. (1) The authority shall make accessible to the public, via its official web site, the report or reports required pursuant to paragraph a of this subdivision except information that is exempt from disclosure pursuant to article six of the public officers law. The authority shall also prepare and make accessible a summary in plain English of the principal information in its operating and capital budget and conclusions to be drawn from it. Any financial information required to be posted on the website pursuant to the provisions of this section shall be presented in a downloadable, searchable format.

(2) The authority shall also prepare and make available for public inspection on its website: (a) information that details the sources of data and the assumptions and methods of estimation used to calculate all operating and capital budget projections, consistent with generally accepted budgetary practices; (b) within sixty days of the release of the adopted budget, monthly projections for the current fiscal year of all revenue and expenses, and staffing for the authority; (c) the status of capital projects by capital element, including but not limited to commitments, expenditures and completions; and (d) an explanation of material variances from the capital plan, such as cost overruns and delays.

c. Every financial report submitted under this subdivision shall be approved by the board and shall be certified in writing by the chief executive officer and the chief financial officer of the authority that based on the officer's knowledge (1) the information provided therein is accurate, correct and does not contain any untrue statement of material fact; (2) does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made; and (3) fairly presents in all material respects the financial condition and results of operations of the authority as of, and for, the periods presented in the financial statements.

d. At the request of the authority, the authorities budget office may determine that the reports, records, data and any other information submitted by the authority pursuant to federal laws, rules or regulations fully complies with or otherwise satisfies the reporting requirements set forth in this subdivision. The authorities budget office shall inform the authority of its determination and may waive compliance with paragraph a of this subdivision or shall specify those matters set forth in such paragraph a that the authority shall be required to submit a report on. Any determination made by the authorities budget office pursuant to this paragraph shall be final and not subject to judicial review.

12. Annual independent audit report. a. The authority shall submit to the independent authorities budget office established pursuant to the public authorities law, the mayor and comptroller of the city of New York, and the state legislature, together with the report described in subdivision eleven of this section, a copy of the annual independent audit report, performed by a certified public accounting firm in accordance with generally accepted auditing standards, and management letter and any other external examination of the books and accounts of the authority.

b. The certified independent public accounting firm that performs any audit required by this subdivision shall timely report to the board members of the authority: (1) all critical accounting policies and practices to be used; (2) all alternative treatments of financial information within generally accepted accounting principles that have been discussed with management officials of the authority, ramifications of the use of such alternative disclosures and treatments, and the treatment preferred by the certified independent public accounting firm; and (3) other material written communications between the certified independent public accounting firm and the management of the authority, such as the management letter along with management's response or plan of corrective action, material corrections identified or schedule of unadjusted differences, where applicable.

c. Notwithstanding any other provision of law to the contrary, the certified independent public accounting firm providing such authority's annual independent audit will be prohibited in providing audit services to the authority if the lead (or coordinating) audit partner (having primary responsibility for the audit), or the audit partner responsible for reviewing the audit, has performed audit services for the authority in each of the five previous fiscal years.

d. The certified independent public accounting firm performing the authority's audit shall be prohibited from performing any non-audit services to such authority contemporaneously with the audit, unless receiving previous written approval by the board including: (1) bookkeeping or other services related to the accounting records or financial statements of such authority; (2) financial information systems design and implementation; (3) appraisal or valuation services, fairness opinions, or contribution-in-kind reports; (4) actuarial services; (5) internal audit outsourcing services; (6) management functions or human services; (7) broker or dealer, investment advisor, or investment banking services; and (8) expert services unrelated to the audit.

e. It shall be prohibited for any certified independent public accounting firm to perform for the authority any audit service if the chief executive officer, chief financial officer, chief accounting officer, or any other person serving in an equivalent position for the authority, was employed by that certified independent public accounting firm and participated in any capacity in the audit of the authority during the one year period preceding the date of the initiation of the audit.

f. Notwithstanding any provision of law to the contrary, the authority may exempt information from disclosure or report, if the counsel of such authority deems that such information is covered by article six of the public officers law.

13. Whistleblower protection. a. For the purposes of this subdivision:

(1) "attorney general" shall mean the attorney general of the state of New York.

(2) "employees" means those persons employed at the authority, including but not limited to: full-time and part-time employees, those employees on probation, and temporary employees.

(3) "inspector general" shall mean the inspector general of the authority appointed pursuant to subdivision fifteen of this section.

(4) "whistleblower" shall mean any employee of the authority who discloses information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member of the authority, concerning the authority's investments, travel, acquisition of real or personal property, the disposition of real or personal property and the procurement of goods and services.

b. The board of the authority shall establish written policies and procedures protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance or other inappropriate behavior by a board member or an employee of the authority, including but not limited to, investments, travel, the acquisition of real property, the disposition of real or personal property, and the procurement of goods and services.

c. The inspector general, after consultation with the attorney general, shall develop a whistleblower access and assistance program which shall include, but not be limited to:

(1) evaluating and commenting on whistleblower programs and policies by board;

(2) establishing toll-free telephone and facsimile lines available to employees;

(3) offering advice regarding employee rights under applicable state and federal laws and advice and options available to all persons; and

(4) offering an opportunity for employees to identify concerns regarding any issue at the authority.

d. Any communications between an employee and the inspector general pursuant to this subdivision shall be held strictly confidential by the inspector general, unless the employee specifically waives in writing the right to confidentiality, except that such confidentiality shall not exempt the inspector general from disclosing such information, where appropriate, to any law enforcement authority.

e. The authority shall not fire, discharge, demote, suspend, threaten, harass or discriminate against an employee because of the employee's role as a whistleblower, insofar as the actions taken by the employee are legal.

14. Lobbying contacts. a. As used in this subdivision:

(1) "lobbyist" shall have the same meaning as defined in the legislative law.

(2) "lobbying" shall mean and include, but not be limited to, any attempt to influence:

(a) the adoption or rejection of any rule or regulation having the force and effect of law by the authority; or

(b) any determination involving or relating to any contracts or agreements in any amount of the authority, including procurement contracts.

(3) "contact" shall mean any conversation, in person or by telephonic or other remote means, or correspondence between any lobbyist engaged in the act of lobbying and any person within the authority who can make or influence a decision on the subject of the lobbying on behalf of the authority, and shall include, at a minimum, all members of the board and all officers of the authority.

b. The authority shall maintain a record of all lobbying contacts made with such authority.

c. Every board member, officer or employee of the authority who is contacted by a lobbyist shall make a contemporaneous record of such contact containing the day and time of the contact, the identity of the lobbyist and a general summary of the substance of the contact.

d. The authority shall adopt a policy implementing the requirements of this subdivision. Such policy shall appoint an officer to whom all such records shall be delivered. Such officer shall maintain such records for not less than seven years in a filing system designed to organize such records in a manner so as to make such records useful to determine whether the decisions of the authority were influenced by lobbying contacts.

15. Office of inspector general. a. Establishment and organization. (1) There is hereby established the office of the inspector general in the authority. The head of the office shall be the inspector general who shall be appointed by, and report to, the commissioner of the department of investigation of the city of New York.

(2) The inspector general shall hold office at the discretion of the commissioner and until his or her successor is appointed and has qualified.

(3) The inspector general may appoint one or more deputy inspectors general to serve at his or her pleasure, who shall be responsible for conducting investigations in the authority.

b. Functions and duties. The inspector general shall have the following duties and responsibilities:

(1) receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, criminal activity, conflicts of interest or abuse in the authority;

(2) inform the board and chief executive director of such allegations and the progress of investigations related thereto, unless special circumstances require confidentiality;

(3) determine with respect to such allegations whether disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, state or local agency is warranted, and to assist in such investigations;

(4) prepare and release to the public written reports of such investigations, as appropriate and to the extent permitted by law, subject to redaction to protect the confidentiality of witnesses. The release of all or portions of such reports may be deferred to protect the confidentiality of ongoing investigations;

(5) review and examine periodically the policies and procedures of the authority with regard to the prevention and detection of corruption, fraud, criminal activity, conflicts of interest or abuse;

(6) recommend remedial action to prevent or eliminate corruption, fraud, criminal activity, conflicts of interest or abuse;

(7) establish programs for training authority officers and employees regarding the prevention and elimination of corruption, fraud, criminal activity, conflicts of interest or abuse in covered agencies.

c. Powers. The inspector general shall have the power to:

(1) subpoena and enforce the attendance of witnesses;

(2) administer oaths or affirmations and examine witnesses under oath;

(3) require the production of any books and papers deemed relevant or material to any investigation, examination or review;

(4) notwithstanding any law to the contrary, examine and copy or remove documents or records of any kind prepared, maintained or held by the authority;

(5) require any officer or employee of the authority to answer questions concerning any matter related to the performance of his or her official duties. No statement or other evidence derived therefrom may be used against such officer or employee in any subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of any officer or employee to answer questions shall be cause for removal from office or employment or other appropriate penalty;

(6) monitor the implementation by the authority of any recommendations made by the inspector general;

(7) perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of office.

d. Responsibilities of authority officers and employees. Every officer or employee of the authority shall report promptly to the inspector general any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another authority officer or employee relating to his or her office or employment, or by a person having business dealings with the authority relating to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the inspector general improper governmental action shall not be subject to dismissal, discipline or other adverse personnel action.

16. Financial disclosure. Notwithstanding any other provisions of law to the contrary, board members, officers, and employees of the authority shall file annual financial disclosure statements as required by section 12-110 of the administrative code of the city of New York.

17. Compliance with building codes. Housing and other buildings or structures that are owned, controlled or operated by the authority shall be maintained in accordance with the building code of the city of New York. Such city shall enforce the building code with respect to buildings and structures of the authority pursuant to the city charter and the administrative code of the city of New York.

18. Tenant assistance. a. For the purposes of this subdivision:

(1) "CCOP" shall mean the citywide council of presidents, a body established by the authority consisting of every president of a resident association recognized by the authority; and

(2) "RAB" shall mean a resident advisory board, a board consisting of authority residents, required to be established pursuant to federal rules and regulations.

b. At the beginning of every calendar year, the authority shall inform the CCOP executive board regarding, and make available to such executive board, the amount of federal funds appropriated or allocated to, or otherwise held by, the authority for the purposes of providing technical assistance or education to the residents or resident organizations of the authority.

c. (1) The CCOP executive board shall expend or use such funds to: (a) retain or employ housing and real estate experts, such as attorneys, accountants, financial advisors, real property appraisers, to provide advice, counsel and other assistance to affected residents or resident associations or organizations on any real property demolition or disposition project planned or proposed by the authority; or (b) for any other expenditures authorized in applicable laws, rules and regulations.

(2) The CCOP executive board shall inform each RAB of the availability of such experts and any other resources. At the request of a RAB, the CCOP executive board shall make such experts and other resources avail-

able to any RAB affected by a planned or proposed disposition by the authority.

(3) Such experts shall be paid directly from the funds appropriated, allocated or held for such purpose, and shall report directly to the CCOP executive board.

d. At the end of the calendar year, the CCOP executive board shall prepare and submit a report to the authority setting forth the total amount of funds that were expended during the calendar year and a detailed account on how such funds were expended.

19. Sole source contacts. a. The authority shall notify the city comptroller of the city of New York of any contracts or categories of contracts, the value of which exceeds one million dollars, where the contract or categories of contracts is proposed to be awarded by the authority to a single source, a sole source or pursuant to any other method of procurement that is not competitive. Notwithstanding any provisions of law to the contrary, such contract or categories of contracts are subject to the approval of such city comptroller. Such notification shall identify the process for submission, the contract or categories of contracts at issue and the time period for which such submission is to take place. The city comptroller shall promulgate such rules and regulations as may be necessary to carry out his or her responsibilities under this subdivision, including but not limited to the standards for determining which contracts will be subject to his or her review and for approving such contracts.

b. Where the city comptroller, pursuant to paragraph a of this subdivision, has notified the authority that a contract or category of contracts is subject to his or her approval, if the comptroller has not approved or disapproved any contract subject to his or her approval within ninety days of submission to his or her office, such contract shall become valid and enforceable without such approval.

c. This subdivision shall not apply to contracts entered into for the procurement of goods, services or both goods and services made to meet emergencies arising from unforeseen causes or to effect repairs to critical infrastructure that are necessary to avoid a delay in the delivery of critical services that could compromise tenant or public safety or welfare.

§ 3. Section 1678 of the public authorities law is amended by adding a new subdivision 29 to read as follows:

29. To enter into a construction management agreement with the New York city housing authority, pursuant to which one or more buildings, facilities or structures owned, controlled or operated by the New York city housing authority located in the city of New York are to be constructed, reconstructed, rehabilitated, improved, modernized, renovated or expanded for such authority.

§ 4. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.