STATE OF NEW YORK

5788

2017-2018 Regular Sessions

IN SENATE

April 28, 2017

Introduced by Sen. KLEIN -- 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, in relation to providing for the appointment of an independent monitor for the New York city housing authority, and providing for the powers and duties of such monitor

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

Section 1. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. Independent monitor. 1. There shall be established within the division of housing and community renewal, an office of independent monitor for the New York city housing authority. The head of such office shall be the New York city housing authority independent monitor, who shall be appointed by the governor, with the advice and consent of the senate for a term of three years; provided, however, that an independent monitor may be removed, by the governor, prior to the expiration of his or her term, after an opportunity to be heard, for substantial neglect of duty, gross misconduct in office, or inability to carry out the duties of such office. Any vacancy in the office of New York city housing authority independent monitor prior to the expiration of his or her term shall be filled in the same manner as provided for the original appointment for the remainder of such unexpired term. Upon the expiration of the term of any independent monitor, his or her successor shall be appointed for a term of four years.

2. The New York city housing authority independent monitor shall employ and may remove such personnel as he or she may deem necessary for the performance of the duties of the office of independent monitor for the New York city housing authority pursuant to this section, and fix their compensation within the amounts made available therefor.

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

LBD09672-01-7

3. (a) Such independent monitor, or any officer or employee of the office of independent monitor for the New York city housing authority as shall be designated by him or her, shall have the authority to, and may, in his or her sole discretion, require review and oversight, in whole or in part, of any project, and make recommendations regarding required corrective or other action to the New York city housing authority in connection with such project.

(b) For the purposes of this section, the term "project" shall mean any work associated with the planning, acquisition, design, engineering, environmental analysis, construction, reconstruction, restoration, rehabilitation, establishment, improvement, renovation, extension, repair, revitalization, management and development of a capital asset as defined in section two of the state finance law.

(c) The New York city housing authority upon undertaking such project shall fully cooperate with any determination of the New York city housing authority independent monitor, and provide access to all personnel, books, records, plans, specifications, data and other information as may be necessary for such independent monitor to perform his or her duties.

(d) In the event the New York city housing authority independent monitor determines that corrective or other action is necessary for such a project, then the independent monitor shall have the authority to direct that the New York city housing authority shall implement all corrective or other action as shall be required to accomplish the project, to the extent practicable, on time, within budget and at an acceptable overall cost to such authority. Such corrective or other action shall include, but not be limited to:

(i) Modification of such plans, specifications, designs and estimates of costs for the construction of the project and equipment of facilities;

(ii) Detailed analysis of the project schedule;

(iii) Detailed analysis of project budget;

(iv) Detailed analysis of change orders and/or payments to prime contractors, subcontractors and other parties;

(v) Detailed analysis of records of construction observations, inspections and deficiencies;

(vi) Termination of contracts, contractors, subcontractors or other consultants;

(vii) Procurement of independent auditors, project managers, legal counsel, or other professionals for the benefit of the project;

(viii) Regular reporting of project status and milestones to the public;

(ix) Active project management review and oversight utilizing additional resources provided by the New York city housing authority independent monitor; and

(x) Periodic project review and audit by the New York city housing authority independent monitor on a suitable time interval determined by such monitor.

(e) The New York city housing authority upon proposing a public works project having a total or aggregate construction value in excess of one million dollars shall include a summary of the provisions of this subdivision in all such proposal and/or bid documents for such projects.

(f) All contract documents shall expressly incorporate the provisions of this section and include compliance with the provisions hereof as a condition of performance.

4. The independent monitor shall, on or before February first each year, submit to the governor, each conference of the legislature, the

authority, and the mayor and the city council of the city of New York, a report on his or her activities pursuant to this section during the previous calendar year, including any corrective actions that were required to be taken, and shall also report upon the status of all projects under taken by the New York city housing authority and whether such projects are progressing on schedule and within budget.

§ 2. This act shall take effect immediately.