

STATE OF NEW YORK

2856

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. KAVANAGH -- 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 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 § 2. Subdivision a of section 4 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 section 5 of part G of chapter 36 of
15 the laws of 2019, is 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, except that a rent guidelines board created subse-
22 quent to the effective date of the chapter of the laws of two thousand
23 nineteen that amended this section shall consist of nine members
24 appointed by the commissioner of housing and community renewal upon
25 recommendations of the local legislative body of each city having a
26 population of less than one million or town or village which has deter-
27 mined the existence of an emergency pursuant to section three of this
28 act. Such recommendation shall be made within thirty days after the
29 first local declaration of an emergency in such county; two such members
30 shall be representative of tenants, two shall be representative of
31 owners of property, and five shall be public members ~~[each of whom]~~.
32 Each of the public members shall have had at least five years experience
33 in ~~[either]~~ public service, social services, urban planning, social
34 sciences, finance, economics or housing. One public member shall be
35 designated by the commissioner to serve as ~~[chairman]~~ chair and shall
36 hold no other public office. No member, officer or employee of any
37 municipal rent regulation agency or the state division of housing and
38 community renewal and no person who owns or manages real estate covered
39 by this law or who is an officer of any owner or tenant organization
40 shall serve on a rent guidelines board. One public member, one member
41 representative of tenants and one member representative of owners shall
42 serve for a term ending two years from January first next succeeding the
43 date of their appointment; one public member, one member representative
44 of tenants and one member representative of owners shall serve for terms
45 ending three years from the January first next succeeding the date of
46 their appointment and three public members shall serve for terms ending
47 four years from January first next succeeding the dates of their
48 appointment. Thereafter, all members shall serve for terms of four
49 years each. Members shall continue in office until their successors
50 have been appointed and qualified. The commissioner shall fill any
51 vacancy which may occur by reason of death, resignation or otherwise in
52 a manner consistent with the ~~[original appointment]~~ provisions of this
53 subdivision. A member may be removed by the commissioner for cause, but
54 not without an opportunity to be heard in person or by counsel, in his
55 defense, upon not less than ten days notice. A successor to such member
56 shall be appointed in accordance with the provisions of this subdivision

1 to serve the balance of the term of the member who was removed. Compen-
2 sation for the members of the board shall be at the rate of one hundred
3 dollars per day, for no more than twenty days a year, except that the
4 [~~chairman~~] chair shall be compensated at the rate of one hundred twen-
5 ty-five dollars a day for no more than thirty days a year. The board
6 shall be provided staff assistance by the division of housing and commu-
7 nity renewal. The compensation of such members and the costs of staff
8 assistance shall be paid by the division of housing and community
9 renewal which shall be reimbursed in the manner prescribed in section
10 four of this act. The local legislative body of each city having a popu-
11 lation of less than one million and each town and village in which an
12 emergency has been determined to exist as herein provided shall be
13 authorized to designate one person who shall be representative of
14 tenants and one person who shall be representative of owners of property
15 to serve at its pleasure and without compensation to advise and assist
16 the county rent guidelines board in matters affecting the adjustment of
17 rents for housing accommodations in such city, town or village as the
18 case may be.

19 § 3. This act shall take effect on the first of January next succeed-
20 ing the date upon which it shall have become a law; provided that:

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

25 (b) the rent boards as reconstituted pursuant to this act shall be
26 appointed and confirmed within forty-five days after the effective date
27 of this act; and

28 (c) upon the appointment of a rent board pursuant to the provisions of
29 this act, any existing predecessor rent board shall be dissolved and
30 such predecessor rent board shall have no further authority.