STATE OF NEW YORK

6329

2021-2022 Regular Sessions

IN SENATE

April 22, 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 private housing finance law, in relation to certain duties of a board of directors of a limited-profit housing company

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

Section 1. Section 17 of the private housing finance law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. Notwithstanding the provisions of any law, general or special, a board of directors of a company created pursuant to the provisions of this article shall:

(a) Hold at least six meetings of its members annually. Such meetings shall be open to the shareholders and residents, except that they may include executive sessions open only to directors for the sole purpose of discussing confidential personnel issues, legal advice and counsel from an attorney to whom the housing company is a client, or confidential issues affecting individual shareholders or residents, or contract negotiation.

(b) File with the commissioner or the supervising agency, as the case may be, a record of any vote on a resolution of such board, including specification of how each director voted. Such record shall be a matter of public record.

(c) Promptly give notice of and make available to all shareholders any communication to the housing company from the commissioner or the supervising agency, as the case may be, or the office of the attorney general, regarding regulations, changes in regulations, taxation, finances, refinancing, or, in the event of a proposed dissolution and reincorporation, the review of any version of an offering plan.

(d) Investigate any substantive allegation that a tenant is not occupying his or her dwelling unit as his or her primary residence.

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

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5. (a) No housing company shall interfere with the right of a shareholder or tenant to form, join or participate in the lawful activities of any group, committee or other organization formed to protect the rights of shareholders and tenants; nor shall any housing company harass, punish, penalize, diminish, or withhold any right, benefit or privilege of a shareholder or tenant under their proprietary lease or tenancy for exercising such right.

(b) Shareholder and/or tenants' groups, committees or other shareholder and/or tenants' organizations shall have the right to meet without being required to pay a fee in any location on the premises including a community or social room where use is normally subject to a fee which is devoted to the common use of all shareholders and/or tenants in a peaceful manner, at reasonable hours and without obstructing access to the premises or facilities. No housing company shall deny such right.

(c) The board of directors shall take all necessary and appropriate actions to ensure that a manager or agent of the housing company complies with the requirements in this subdivision.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.