

STATE OF NEW YORK

3388

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sen. BAILEY -- 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 emergency tenant protection act of nineteen seventy-four, in relation to qualifications of public members of rent guidelines 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 4 of section 4 of chapter 576 of
2 the laws of 1974, constituting the emergency tenant protection act of
3 nineteen seventy-four, as amended by section 5 of part G of chapter 36
4 of the laws of 2019, is amended to read as follows:
5 a. In each county wherein any city having a population of less than
6 one million or any town or village has determined the existence of an
7 emergency pursuant to section three of this act, there shall be created
8 a rent guidelines board to consist of nine members appointed by the
9 commissioner of housing and community renewal upon recommendation of the
10 county legislature, except that a rent guidelines board created subse-
11 quent to the effective date of the chapter of the laws of two thousand
12 nineteen that amended this section shall consist of nine members
13 appointed by the commissioner of housing and community renewal upon
14 recommendations of the local legislative body of each city having a
15 population of less than one million or town or village which has deter-
16 mined the existence of an emergency pursuant to section three of this
17 act. Such recommendation shall be made within thirty days after the
18 first local declaration of an emergency in such county; two such members
19 shall be representative of tenants, two shall be representative of
20 owners of property, and five shall be public members each of whom shall
21 have had at least five years experience in either finance, economics or
22 housing. One public member shall be designated by the commissioner to
23 serve as chairman and shall hold no other public office. No member,

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

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1 officer or employee of any municipal rent regulation agency or the state
2 division of housing and community renewal and no person who owns or
3 manages real estate covered by this law or who is an officer of any
4 owner or tenant organization shall serve on a rent guidelines board;
5 provided, further, however, no person who owns or manages more than four
6 rental units within the state of New York shall serve as a public member
7 on a rent guidelines board. One public member, one member represen-
8 tative of tenants and one member representative of owners shall serve
9 for a term ending two years from January first next succeeding the date
10 of their appointment; one public member, one member representative of
11 tenants and one member representative of owners shall serve for terms
12 ending three years from the January first next succeeding the date of
13 their appointment and three public members shall serve for terms ending
14 four years from January first next succeeding the dates of their
15 appointment. Thereafter, all members shall serve for terms of four
16 years each. Members shall continue in office until their successors
17 have been appointed and qualified. The commissioner shall fill any
18 vacancy which may occur by reason of death, resignation or otherwise in
19 a manner consistent with the original appointment. A member may be
20 removed by the commissioner for cause, but not without an opportunity to
21 be heard in person or by counsel, in his defense, upon not less than ten
22 days notice. Compensation for the members of the board shall be at the
23 rate of one hundred dollars per day, for no more than twenty days a
24 year, except that the chairman shall be compensated at the rate of one
25 hundred twenty-five dollars a day for no more than thirty days a year.
26 The board shall be provided staff assistance by the division of housing
27 and community renewal. The compensation of such members and the costs of
28 staff assistance shall be paid by the division of housing and community
29 renewal which shall be reimbursed in the manner prescribed in this
30 section [~~four of this act~~]. The local legislative body of each city
31 having a population of less than one million and each town and village
32 in which an emergency has been determined to exist as herein provided
33 shall be authorized to designate one person who shall be representative
34 of tenants and one person who shall be representative of owners of prop-
35 erty to serve at its pleasure and without compensation to advise and
36 assist the county rent guidelines board in matters affecting the adjust-
37 ment of rents for housing accommodations in such city, town or village
38 as the case may be.

39 § 2. This act shall take effect on the thirtieth day after it shall
40 have become a law and shall apply to public members currently serving on
41 a rent guidelines board.