STATE OF NEW YORK

6795

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. BLANKENBUSH -- read once and referred to the Committee on Housing

AN ACT to amend the public housing law, in relation to the transfer of the West Carthage housing authority to the town of Wilna housing authority; and providing for the repeal of certain provisions of such law relating thereto

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

Section 1. Title 149 of article 13 of the public housing law is REPEALED.

§ 2. Section 471 of the public housing law, as added by chapter 684 of the laws of 1960, is amended to read as follows:

§ 471. Town of Wilna housing authority. **1.** A municipal housing authority, to be known as the town of Wilna housing authority is hereby created and established for the town of Wilna in the county of Jefferson for the accomplishment of any or all of the purposes specified in article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members. It shall have the powers and duties now or hereafter conferred by this chapter upon municipal housing authorities. It shall be organized in the manner prescribed by and subject to the provisions of this chapter and the authority, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of this chapter.

2. Notwithstanding any other provision of law, rule or regulation to the contrary, the West Carthage housing authority, in its entirety, shall be transferred to the town of Wilna housing authority. All powers and duties of the West Carthage housing authority pursuant to section thirty-seven of this chapter or any other provision relating to municipal housing authorities under article three of this chapter shall be transferred to and assumed by the town of Wilna housing authority.

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

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§ 3. Transfer of functions. All of the functions and powers possessed by, and all of the obligations and duties of the West Carthage housing authority are transferred and assigned to, assumed by and devolved upon the town of Wilna housing authority, in accordance with and pursuant to the provisions of this act.

§ 4. Transfer of employees. Notwithstanding any other provision of law, rule, or regulation to the contrary, upon the transfer of functions from the West Carthage housing authority pursuant to this act, all employees of the West Carthage housing authority shall be transferred to the town of Wilna housing authority. Employees transferred pursuant to this section shall be transferred without further examination or qualification and shall retain their respective civil service classifications, status and collective bargaining unit designations and collective bargaining agreements.

§ 5. Transfer of records. All books, papers, and property of the West Carthage housing authority shall be provided to and deemed to be in the possession of the town of Wilna housing authority.

§ 6. Continuity of authority. For the purpose of succession of all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the town of Wilna housing authority shall be deemed and held to constitute the continuation of the West Carthage housing authority.

§ 7. Completion of unfinished business. Any business or other matter undertaken or commenced by the West Carthage housing authority pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the town of Wilna housing authority and pending on the effective date of this act, may be conducted and completed by the town of Wilna housing authority in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the West Carthage housing authority.

§ 8. Continuation of rules and regulations. All rules, regulations, acts, orders, determinations, and decisions of the West Carthage housing authority pertaining to the functions and powers transferred and assigned pursuant to this act, in force at the time of such transfer and assumption, shall continue in full force and effect as rules, regulations, acts, orders, determinations and decisions of the town of Wilna housing authority until duly modified or abrogated by the board of such authority.

§ 9. Terms occurring in laws, contracts and other documents. Whenever the West Carthage housing authority, or the board thereof, is referred to or designated in any contract or document pertaining to the functions, powers, obligations and duties hereby transferred to and assigned to the town of Wilna housing authority, such reference or designation shall be deemed to refer to the town of Wilna housing authority or such authority's board, as applicable.

§ 10. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by any provisions of this act.

§ 11. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the West Carthage housing authority, or the board thereof, shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the town of Wilna housing authority, or the board thereof. In all such actions and proceedings, the town of Wilna housing authority, upon application of the court, shall be substituted as a party.

§ 12. Transfer of assets and liabilities. All assets and liabilities of the West Carthage housing authority are hereby transferred to and assumed by the town of Wilna housing authority.

§ 13. This act shall take effect immediately.