

STATE OF NEW YORK

5575

2025-2026 Regular Sessions

IN ASSEMBLY

February 18, 2025

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

AN ACT to amend the public housing law and the public authorities law, in relation to the New York city housing authority

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

1 Section 1. The opening paragraph of subdivision 4 of section 402 of
2 the public housing law is designated paragraph a and three new para-
3 graphs b, c and d are added to read as follows:

4 b. The chairperson and the other members of the authority, including
5 the additional tenant member, shall: (1) exercise direct oversight of
6 the authority's chief executive officer or general manager and other
7 managers or supervisors in the effective and ethical management of the
8 authority; (2) understand, review and monitor the implementation of
9 fundamental financial and management controls and operational decisions
10 of the authority; (3) adopt a code of ethics for officers and employees
11 of the authority consistent with section eight hundred six of the gener-
12 al municipal law; (4) perform each of their duties as board members,
13 including but not limited to those imposed by this section, in good
14 faith and with that degree of diligence, care and skill which an ordi-
15 narily prudent person in like position would use under similar circum-
16 stances, and may take into consideration the views and policies of any
17 elected official or body, or other person and ultimately apply independ-
18 ent judgment in the best interest of the authority, its mission and the
19 public. At the time that each member takes and subscribes their oath of
20 office, or within sixty days after the effective date of this paragraph
21 if the member has already taken and subscribed their oath of office,
22 execute an acknowledgment, in a form consistent with the one prescribed
23 by the New York independent authorities budget office established pursu-
24 ant to title two of article one of the public authorities law in which
25 the board member acknowledges that they understand their role, and fidu-

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

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1 ciary responsibilities as set forth in subparagraph four of this para-
2 graph, and acknowledges that they understand their duty of loyalty and
3 care to the organization and commitment to the authority's mission and
4 the public interest.

5 c. All board members, including the tenant member, shall participate
6 in training approved by the inspector general of the authority regarding
7 their legal, fiduciary, financial and ethical responsibilities as direc-
8 tors of an authority within one year of appointment to the board. Board
9 members shall participate in such continuing training as may be required
10 to remain informed of best practices, regulatory and statutory changes
11 relating to the effective oversight of the management and financial
12 activities of public corporations and to adhere to the highest standards
13 of responsible governance.

14 d. Notwithstanding any laws to the contrary, the authority shall not,
15 directly or indirectly, extend or maintain credit, arrange for the
16 extension of credit, or renew an extension of credit, in the form of a
17 personal loan to or for any officer, board member or employee of the
18 authority.

19 § 2. Section 402 of the public housing law is amended by adding eleven
20 new subdivisions 12, 12-a, 13, 14, 15, 16, 17, 18, 19, 20 and 21 to read
21 as follows:

22 12. Disposition of property. a. Definitions. For the purposes of this
23 subdivision:

24 (1) "authorities budget office" shall mean the independent authorities
25 budget office established pursuant to section four of the public author-
26 ities law.

27 (2) "city comptroller" shall mean the comptroller of the city of New
28 York.

29 (3) "contracting officer" shall mean the officer or employee of the
30 authority who shall be appointed by resolution of the board of the
31 authority to be responsible for the disposition of property.

32 (4) "dispose", "disposition" or "disposal" shall mean the sale, lease
33 or transfer of title or any other beneficial interest in personal or
34 real property in accordance with paragraph c of this subdivision, and
35 shall also include the demolition of real property.

36 (5) "mayor" shall mean the mayor of the city of New York.

37 (6) "property" shall mean personal property in excess of five thousand
38 dollars in value, real property, and any inchoate or other interest in
39 such property, to the extent that such interest may be conveyed to
40 another person for any purpose, excluding an interest securing a loan or
41 other financial obligation of another party.

42 b. Duties of the authority with respect to the disposal of property.

43 (1) The authority shall adopt by resolution comprehensive guidelines
44 which shall (a) detail the authority's operative policy and instructions
45 regarding the use, awarding, monitoring and reporting of contracts for
46 the disposal of property, and (b) designate a property management offi-
47 cer who shall be responsible for the authority's compliance with, and
48 enforcement of, such guidelines. Such guidelines shall be consistent
49 with, and shall require the authority's disposition activities to comply
50 with this subdivision, the authority's enabling legislation and any
51 other applicable federal laws and regulations for the disposal of prop-
52 erty, except that such guidelines may be stricter than the provisions of
53 this subdivision, the authority's enabling legislation and any other
54 applicable federal laws and regulations for the disposal of property if
55 the authority determines that additional safeguards are necessary to
56 assure the integrity of its disposition activities. Guidelines approved

1 by the authority shall be annually reviewed and approved by the board of
2 the authority. On or before the thirty-first day of March in each year,
3 the authority shall file with the authorities budget office a copy of
4 the guidelines most recently reviewed and approved by the authority,
5 including the name of the authority's designated property management
6 officer. At the time of filing such guidelines with the authorities
7 budget office, the authority shall also post such guidelines on the
8 authority's internet website. Guidelines posted on the authority's
9 internet website shall be maintained on such website at least until the
10 procurement guidelines for the following year are posted on such
11 website.

12 (2) The authority shall:

13 (a) maintain adequate inventory controls and accountability systems
14 for all property under its control;

15 (b) periodically inventory such property to determine which property
16 shall be disposed of; and

17 (c) produce a written report of such property in accordance with
18 subparagraph three of this paragraph.

19 (3) (a) The authority shall publish, at least annually, a report list-
20 ing all real property owned, controlled or operated by the authority.
21 Such report shall include a list and full description of all property
22 disposed of during such period. The report shall contain the price
23 received by the authority and the name of the purchaser for all such
24 property disposed of by the authority during such period.

25 (b) The authority shall deliver copies of such report to the independ-
26 ent authorities budget office, the mayor, the city comptroller, the New
27 York city council and the state legislature.

28 c. Disposal of authority property. (1) Except as otherwise provided in
29 this subdivision, the property management officer designated by the
30 authority shall have supervision over the disposition of property of the
31 authority.

32 (2) The custody and control of the property of the authority, pending
33 its disposition, and the disposal of such property, shall be performed
34 by the authority.

35 (3) Subject to subparagraph five of this paragraph, the authority may
36 dispose of property for not less than the fair market value of such
37 property by sale, lease, exchange, or transfer, for cash, credit, or
38 other property, with or without warranty, and upon such other terms and
39 conditions as the authority deems proper, provided that such terms and
40 conditions are consistent with industry practices and are comparable to
41 terms and conditions contained in similar agreements or contracts
42 between and by private parties, and it may execute such documents for
43 the transfer of title or other interest in property and take such other
44 action as it deems necessary or proper to dispose of such property under
45 the provisions of this subdivision provided, however, that no disposi-
46 tion of real property, or any interest in real property, shall be made
47 unless an appraisal of the value of such property has been made by an
48 independent appraiser and included in the record of the transaction,
49 and, provided further, that no disposition of any other property, which
50 because of its unique nature or the unique circumstances of the proposed
51 transaction is not readily valued by reference to an active market for
52 similar property, shall be made without a similar appraisal.

53 (4) (a) All disposals or contracts for disposal of property of the
54 authority made or authorized by the authority shall be made after
55 publicly advertising for bids except as provided in clause (c) of this
56 subparagraph.

1 (b) Whenever public advertising for bids is required under clause (a)
2 of this subparagraph:

3 (i) the advertisement for bids shall be made at such time prior to the
4 disposal or contract, through such methods, and on such terms and condi-
5 tions as shall permit full and free competition consistent with the
6 value and nature of the property;

7 (ii) all bids shall be publicly disclosed at the time and place stated
8 in the advertisement; and

9 (iii) the award shall be made with reasonable promptness by notice to
10 the responsible bidder whose bid, conforming to the invitation for bids,
11 will be most advantageous to the authority, price and other factors
12 considered; provided, that all bids may be rejected when it is in the
13 public interest to do so.

14 (c) Disposals and contracts for disposal of property may be negotiated
15 or made by public auction without regard to clauses (a) and (b) of this
16 subparagraph but subject to obtaining such competition as is feasible
17 under the circumstances, if:

18 (i) the personal property involved has qualities separate from the
19 utilitarian purpose of such property, such as artistic quality, antiqui-
20 ty, historical significance, rarity, or other quality of similar effect,
21 that would tend to increase its value, or if the personal property is to
22 be sold in such quantity that, if it were disposed of under clauses (a)
23 and (b) of this subparagraph, would adversely affect the state or local
24 market for such property, and the estimated fair market value of such
25 property and other satisfactory terms of disposal can be obtained by
26 negotiation;

27 (ii) the fair market value of the property does not exceed fifty thou-
28 sand dollars;

29 (iii) bid prices after advertising therefor are not reasonable, either
30 as to all or some part of the property, or have not been independently
31 arrived at in open competition;

32 (iv) the disposal will be to the state or any political subdivision,
33 and the estimated fair market value of the property and other satisfac-
34 tory terms of disposal are obtained by negotiation;

35 (v) under those circumstances permitted by subparagraph five of this
36 paragraph; or

37 (vi) such action is otherwise authorized by law.

38 (d) (i) An explanatory statement shall be prepared of the circum-
39 stances of each disposal by negotiation of:

40 (A) any personal property which has an estimated fair market value in
41 excess of fifty thousand dollars;

42 (B) any real property that has an estimated fair market value in
43 excess of fifty thousand dollars; or

44 (C) any real property disposed of at below fair market value or for a
45 nominal price.

46 (ii) Each such statement shall be transmitted to the persons entitled
47 to receive copies of the report required under paragraph b of this
48 subdivision not less than ninety days in advance of such disposal, and a
49 copy thereof shall be preserved in the files of the authority.

50 (5) (a) No property owned, leased or otherwise in the control of the
51 authority may be sold, leased, or otherwise alienated for less than its
52 fair market value except:

53 (i) if the purchaser, lessee or transferee is a government or other
54 public entity, and the terms and conditions of the disposition require
55 that the ownership and use of the asset will remain with the government
56 or any other public entity; or

1 (ii) if the authority seeks to dispose of property for less than its
2 fair market value to other than a governmental entity the authority
3 shall provide written notification thereof to the mayor, the city comp-
4 troller, the state legislature and the New York city council.

5 (b) In the event a below fair market value property disposition is
6 proposed, the following information must be provided to the mayor, the
7 city comptroller, the state legislature and the New York city council
8 and the general public:

9 (i) a full description of the property;

10 (ii) an appraisal of the fair market value of the property and any
11 other information establishing the fair market value;

12 (iii) a description of the purpose of the disposition and a statement
13 of the kind and amount of the benefit to the residents of the authori-
14 ty's housing resulting from the disposition, including but not limited
15 to, the benefits, if any, to the communities in which the property is
16 situated;

17 (iv) a statement of the financial value to be received by the authori-
18 ty and by the private parties participating or otherwise involved in the
19 property compared to the fair market value, including the projected or
20 potential value of any tax credits, exemptions, government subsidies or
21 grants, or real property tax abatements given to the private parties;

22 (v) the names of any private parties participating in the disposition,
23 and if different than the statement required by subclause (iv) of this
24 clause, a statement of the value to the private party;

25 (vi) the names of other private parties who have made an offer for
26 such property, the value offered, and the purpose for which the property
27 was sought to be used; and

28 (vii) an analysis comparing the value or consideration received by the
29 authority for a disposition of authority real property with the value or
30 consideration that a private party purchaser or lessor would receive for
31 disposing of similarly-situated or comparable real property and explain-
32 ing the differences or discrepancies between two values or consider-
33 ation.

34 (c) Before approving the disposal of any property for less than fair
35 market value, the board shall consider the information described in
36 clause (b) of this subparagraph and make a written determination that
37 there is no reasonable alternative to the proposed below-market disposi-
38 tion that would achieve the same purpose of such disposition. The deter-
39 mination shall include the reasons for disposing of the property at
40 below fair market value.

41 d. Public hearings. (1) In addition to the public hearings required
42 pursuant to federal laws and regulations, the authority shall also
43 conduct at least one public hearing at the development, project, house
44 or site in which the disposition is being planned or proposed, as
45 follows:

46 (a) at least ten days prior to the date when the application to
47 dispose of the affected property is presented to the authority's govern-
48 ing board for approval. The hearing shall include a full and detailed
49 presentation on the appraisal of the subject property;

50 (b) if the authority makes a significant amendment to the application
51 at any time after the public hearing conducted pursuant to clause (a) of
52 this subparagraph. The authority may not submit the amendment and
53 forward the amended application to the federal department of housing and
54 urban development until the authority has conducted a public hearing on
55 the significant amendment. For the purposes of this clause, "significant
56 amendment" shall mean: any change to the application that will in any

1 way impair, change or affect the rights of, and benefits to, the
2 affected residents, the affected housing development or project or the
3 residents of public housing; and that is not merely correcting a typo-
4 graphical error, or making conforming or technical amendments; and

5 (c) within fifteen days after the authority has received approval from
6 the federal department of housing and urban renewal on the application
7 to dispose of the property. The authority shall not be authorized to
8 implement the approved application until such public hearing has been
9 held.

10 (2) The authority shall provide written notice in a manner and form
11 sufficient to inform the affected residents, tenant organizations and
12 the public at least ten days before the date of any public hearing is
13 conducted pursuant to this paragraph.

14 e. Board action. (1) As a condition for its submission to the federal
15 department of housing and urban development, the application to dispose
16 of real property shall be approved by the members of the authority
17 pursuant to a board resolution, as provided in this paragraph.

18 (2) The resolution must be dated after the date of the last resident
19 meeting and after the date of any letter of support from the appropriate
20 government officials relating to the application, and shall set forth,
21 among other things:

22 (a) the dates and a description of the consultation with residents,
23 tenant organizations and other interested parties;

24 (b) the dates and a description of any consultation with local govern-
25 ment officials; and

26 (c) letters of support from the appropriate tenant organizations and
27 public officials.

28 12-a. Project tracking system. a. The authority shall establish and
29 maintain a system to track, monitor and assess the status and progress
30 of all capital projects, and all disposition projects approved by the
31 federal department of housing and urban development and of every mainte-
32 nance or repair project performed by the department. The information
33 contained in any such system shall include, at a minimum:

34 (1) a description of the project, including its location;

35 (2) the category or type of repair, if applicable;

36 (3) the original start date;

37 (4) the actual start date, if different than the original start date;

38 (5) the original budget;

39 (6) the current budget;

40 (7) the final cost of the project;

41 (8) the current phase of the project;

42 (9) the original completion date; and

43 (10) the actual completion date, if different than the original
44 completion date.

45 b. The system shall be open and available to the authority's resi-
46 dents. The authority shall ensure that the information contained in the
47 tracking system is available on the authority's website.

48 c. The authority shall issue a report, at least annually, setting
49 forth and explaining the information contained in the tracking system,
50 including:

51 (1) the total number of requests for repairs, broken down by work
52 types or categories;

53 (2) the total number of pending or outstanding projects, broken down
54 by work types or categories;

55 (3) the total number of projects completed;

1 (4) the average number of days to complete maintenance or repair
2 projects, broken down by the different work types or categories;

3 (5) the total number of maintenance and repair projects not completed,
4 broken down by the different work types or categories;

5 (6) an estimate of the number of days required to complete all of the
6 projects, including any backlogs;

7 (7) an explanation or reasons for any delays in the completion of a
8 project in a timely manner; and

9 (8) an explanation or reasons why the costs of a project exceeded the
10 original budget, if applicable.

11 13. Reporting requirements. a. The authority shall submit to the
12 independent authorities budget office established pursuant to section
13 four of the public authorities law, the mayor and the comptroller of the
14 city of New York and the state legislature, within ninety days after the
15 end of its fiscal year, a complete and detailed report or reports to the
16 extent that such matters are not fully reported or disclosed in the
17 annual independent audit report pursuant to this subdivision setting
18 forth: (1) its financial reports, including (a) audited financials in
19 accordance with all applicable regulations and following generally
20 accepted accounting principles, (b) grant and subsidy programs, (c)
21 operating and financial risks, and (d) long-term liabilities, including
22 leases and employee benefit plans; (2) a compensation schedule that
23 shall include, by position, title and name of the person holding such
24 position or title, the salary, compensation, allowance and/or benefits
25 provided to any officer, director or employee in a decision making or
26 managerial position of such authority whose salary is in excess of one
27 hundred thousand dollars; (3) biographical information, not including
28 confidential personal information, for all directors and senior manage-
29 ment; (4) an assessment of the effectiveness of its internal control
30 structure and procedures; (5) a description of the authority and its
31 board structure, including (a) names of committees and committee
32 members, (b) lists of board meetings and attendance, (c) descriptions of
33 major authority divisions, departments and bureaus, and (d) the total
34 number of full and part-time employees; (6) its by-laws; (7) a listing
35 of material changes in operations and programs during the reporting
36 year; (8) at a minimum, a four-year financial plan, including (a) a
37 current and projected capital budget, and (b) an operating budget
38 report, including an actual versus estimated budget, with an analysis
39 and measurement of financial and operating performance; (9) a
40 description of the total amounts of assets or services or both assets
41 and services bought or sold without competitive bidding, including (a)
42 the nature of those assets or services, (b) the names of the parties to
43 the transaction, and (c) where the contract price for assets or services
44 purchased exceeds fair market value, or where the contract price for
45 assets or services sold is less than fair market value, a detailed
46 explanation of the justification for making the purchase or sale without
47 competitive bidding, and a certification by the chairperson and chief
48 financial officer of the authority that they have reviewed the terms of
49 such purchase or sale and determined that it complies with applicable
50 law and procurement guidelines; (10) a list and description of the
51 disposition projects undertaken by the authority in the past fiscal
52 year, in the current fiscal year, and in the following fiscal year; (11)
53 a list and description of all real property owned, controlled or oper-
54 ated by the authority, regardless of size or value; (12) a list and
55 description of any real property acquired by the authority for a price
56 of fifty thousand dollars or more in the current fiscal year, regardless

1 of whether the purchase was for cash, mortgage, in-kind services or any
2 other consideration; (13) a list and description of any other assets or
3 property, the value of which exceeds ten thousand dollars; (14) a list
4 and description of any service or employment contracts, the value of
5 which exceeds fifty thousand dollars, to which the authority is a party;
6 (15) the extent of participation by minority and women-owned enterprises
7 in authority contracts and services; (16) employment numbers relating to
8 the authority's resident employment program for the reporting fiscal
9 year, including but not limited to, the total number of positions avail-
10 able, broken down by the type of jobs; the number of applicants for each
11 position; the length of employment of each position; the rate of pay and
12 benefits for each position; and the number of positions that led to
13 full-time employment for participating residents; and (17) a description
14 of any material pending litigation in which the authority is involved as
15 a party during the reporting year.

16 b. (1) The authority shall make accessible to the public, via its
17 official website, the report or reports required pursuant to paragraph a
18 of this subdivision except information that is exempt from disclosure
19 pursuant to article six of the public officers law. The authority shall
20 also prepare and make accessible a summary in plain English of the prin-
21 cipal information in its operating and capital budget and conclusions to
22 be drawn from it. Any financial information required to be posted on the
23 website pursuant to the provisions of this section shall be presented in
24 a downloadable, searchable format.

25 (2) The authority shall also prepare and make available for public
26 inspection on its website: (a) information that details the sources of
27 data and the assumptions and methods of estimation used to calculate all
28 operating and capital budget projections, consistent with generally
29 accepted budgetary practices; (b) within sixty days of the release of
30 the adopted budget, monthly projections for the current fiscal year of
31 all revenue and expenses, and staffing for the authority; (c) the status
32 of capital projects by capital element, including but not limited to
33 commitments, expenditures and completions; and (d) an explanation of
34 material variances from the capital plan, such as cost overruns and
35 delays.

36 c. Every financial report submitted under this subdivision shall be
37 approved by the board and shall be certified in writing by the chief
38 executive officer and the chief financial officer of the authority that
39 based on the officer's knowledge (1) the information provided therein is
40 accurate, correct and does not contain any untrue statement of material
41 fact; (2) does not omit any material fact which, if omitted, would cause
42 the financial statements to be misleading in light of the circumstances
43 under which such statements are made; and (3) fairly presents in all
44 material respects the financial condition and results of operations of
45 the authority as of, and for, the periods presented in the financial
46 statements.

47 d. At the request of the authority, the authorities budget office may
48 determine that the reports, records, data and any other information
49 submitted by the authority pursuant to federal laws, rules or regu-
50 lations fully complies with or otherwise satisfies the reporting
51 requirements set forth in this subdivision. The authorities budget
52 office shall inform the authority of its determination and may waive
53 compliance with paragraph a of this subdivision or shall specify those
54 matters set forth in such paragraph a that the authority shall be
55 required to submit a report on. Any determination made by the authori-

1 ties budget office pursuant to this paragraph shall be final and not
2 subject to judicial review.

3 14. Annual independent audit report. a. The authority shall submit to
4 the independent authorities budget office established pursuant to the
5 public authorities law, the mayor and comptroller of the city of New
6 York, and the state legislature, together with the report described in
7 subdivision thirteen of this section, a copy of the annual independent
8 audit report, performed by a certified public accounting firm in accord-
9 ance with generally accepted auditing standards, and management letter
10 and any other external examination of the books and accounts of the
11 authority.

12 b. The certified independent public accounting firm that performs any
13 audit required by this subdivision shall timely report to the board
14 members of the authority: (1) all critical accounting policies and prac-
15 tices to be used; (2) all alternative treatments of financial informa-
16 tion within generally accepted accounting principles that have been
17 discussed with management officials of the authority, ramifications of
18 the use of such alternative disclosures and treatments, and the treat-
19 ment preferred by the certified independent public accounting firm; and
20 (3) other material written communications between the certified inde-
21 pendent public accounting firm and the management of the authority, such
22 as the management letter along with management's response or plan of
23 corrective action, material corrections identified or schedule of unad-
24 justed differences, where applicable.

25 c. Notwithstanding any other provision of law to the contrary, the
26 certified independent public accounting firm providing such authority's
27 annual independent audit will be prohibited in providing audit services
28 to the authority if the lead (or coordinating) audit partner (having
29 primary responsibility for the audit), or the audit partner responsible
30 for reviewing the audit, has performed audit services for the authority
31 in each of the five previous fiscal years.

32 d. The certified independent public accounting firm performing the
33 authority's audit shall be prohibited from performing any non-audit
34 services to such authority contemporaneously with the audit, unless
35 receiving previous written approval by the board including: (1) book-
36 keeping or other services related to the accounting records or financial
37 statements of such authority; (2) financial information systems design
38 and implementation; (3) appraisal or valuation services, fairness opin-
39 ions, or contribution-in-kind reports; (4) actuarial services; (5)
40 internal audit outsourcing services; (6) management functions or human
41 services; (7) broker or dealer, investment advisor, or investment bank-
42 ing services; and (8) expert services unrelated to the audit.

43 e. It shall be prohibited for any certified independent public
44 accounting firm to perform for the authority any audit service if the
45 chief executive officer, chief financial officer, chief accounting offi-
46 cer, or any other person serving in an equivalent position for the
47 authority, was employed by that certified independent public accounting
48 firm and participated in any capacity in the audit of the authority
49 during the one year period preceding the date of the initiation of the
50 audit.

51 f. Notwithstanding any provision of law to the contrary, the authority
52 may exempt information from disclosure or report, if the counsel of such
53 authority deems that such information is covered by article six of the
54 public officers law.

55 15. Whistleblower protection. a. For the purposes of this subdivi-
56 sion:

1 (1) "attorney general" shall mean the attorney general of the state of
2 New York.

3 (2) "employees" means those persons employed at the authority, includ-
4 ing but not limited to: full-time and part-time employees, those employ-
5 ees on probation, and temporary employees.

6 (3) "inspector general" shall mean the inspector general of the
7 authority appointed pursuant to subdivision seventeen of this section.

8 (4) "whistleblower" shall mean any employee of the authority who
9 discloses information concerning acts of wrongdoing, misconduct, malfea-
10 sance, or other inappropriate behavior by an employee or board member of
11 the authority, concerning the authority's investments, travel, acquisi-
12 tion of real or personal property, the disposition of real or personal
13 property and the procurement of goods and services.

14 b. The board of the authority shall establish written policies and
15 procedures protecting employees from retaliation for disclosing informa-
16 tion concerning acts of wrongdoing, misconduct, malfeasance or other
17 inappropriate behavior by a board member or an employee of the authori-
18 ty, including but not limited to, investments, travel, the acquisition
19 of real property, the disposition of real or personal property, and the
20 procurement of goods and services.

21 c. The inspector general, after consultation with the attorney gener-
22 al, shall develop a whistleblower access and assistance program which
23 shall include, but not be limited to:

24 (1) evaluating and commenting on whistleblower programs and policies
25 by board;

26 (2) establishing toll-free telephone and facsimile lines available to
27 employees;

28 (3) offering advice regarding employee rights under applicable state
29 and federal laws and advice and options available to all persons; and

30 (4) offering an opportunity for employees to identify concerns regard-
31 ing any issue at the authority.

32 d. Any communications between an employee and the inspector general
33 pursuant to this subdivision shall be held strictly confidential by the
34 inspector general, unless the employee specifically waives in writing
35 the right to confidentiality, except that such confidentiality shall not
36 exempt the inspector general from disclosing such information, where
37 appropriate, to any law enforcement authority.

38 e. The authority shall not fire, discharge, demote, suspend, threaten,
39 harass or discriminate against an employee because of the employee's
40 role as a whistleblower, insofar as the actions taken by the employee
41 are legal.

42 16. Lobbying contacts. a. As used in this subdivision:

43 (1) "lobbyist" shall have the same meaning as defined in the legisla-
44 tive law.

45 (2) "lobbying" shall mean and include, but not be limited to, any
46 attempt to influence:

47 (a) the adoption or rejection of any rule or regulation having the
48 force and effect of law by the authority; or

49 (b) any determination involving or relating to any contracts or agree-
50 ments in any amount of the authority, including procurement contracts.

51 (3) "contact" shall mean any conversation, in person or by telephonic
52 or other remote means, or correspondence between any lobbyist engaged in
53 the act of lobbying and any person within the authority who can make or
54 influence a decision on the subject of the lobbying on behalf of the
55 authority, and shall include, at a minimum, all members of the board and
56 all officers of the authority.

1 b. The authority shall maintain a record of all lobbying contacts made
2 with such authority.

3 c. Every board member, officer or employee of the authority who is
4 contacted by a lobbyist shall make a contemporaneous record of such
5 contact containing the day and time of the contact, the identity of the
6 lobbyist and a general summary of the substance of the contact.

7 d. The authority shall adopt a policy implementing the requirements of
8 this subdivision. Such policy shall appoint an officer to whom all such
9 records shall be delivered. Such officer shall maintain such records for
10 not less than seven years in a filing system designed to organize such
11 records in a manner so as to make such records useful to determine
12 whether the decisions of the authority were influenced by lobbying
13 contacts.

14 17. Office of inspector general. a. Establishment and organization.
15 (1) There is hereby established the office of the inspector general in
16 the authority. The head of the office shall be the inspector general who
17 shall be appointed by, and report to, the commissioner of the department
18 of investigation of the city of New York.

19 (2) The inspector general shall hold office at the discretion of the
20 commissioner and until such inspector general's successor is appointed
21 and has qualified.

22 (3) The inspector general may appoint one or more deputy inspectors
23 general to serve at such inspector general's pleasure, who shall be
24 responsible for conducting investigations in the authority.

25 b. Functions and duties. The inspector general shall have the follow-
26 ing duties and responsibilities:

27 (1) receive and investigate complaints from any source, or upon their
28 own initiative, concerning allegations of corruption, fraud, criminal
29 activity, conflicts of interest or abuse in the authority;

30 (2) inform the board and chief executive director of such allegations
31 and the progress of investigations related thereto, unless special
32 circumstances require confidentiality;

33 (3) determine with respect to such allegations whether disciplinary
34 action, civil or criminal prosecution, or further investigation by an
35 appropriate federal, state or local agency is warranted, and to assist
36 in such investigations;

37 (4) prepare and release to the public written reports of such investi-
38 gations, as appropriate and to the extent permitted by law, subject to
39 redaction to protect the confidentiality of witnesses. The release of
40 all or portions of such reports may be deferred to protect the confiden-
41 tiality of ongoing investigations;

42 (5) review and examine periodically the policies and procedures of the
43 authority with regard to the prevention and detection of corruption,
44 fraud, criminal activity, conflicts of interest or abuse;

45 (6) recommend remedial action to prevent or eliminate corruption,
46 fraud, criminal activity, conflicts of interest or abuse; and

47 (7) establish programs for training authority officers and employees
48 regarding the prevention and elimination of corruption, fraud, criminal
49 activity, conflicts of interest or abuse in covered agencies.

50 c. Powers. The inspector general shall have the power to:

51 (1) subpoena and enforce the attendance of witnesses;

52 (2) administer oaths or affirmations and examine witnesses under oath;

53 (3) require the production of any books and papers deemed relevant or
54 material to any investigation, examination or review;

1 (4) notwithstanding any law to the contrary, examine and copy or
2 remove documents or records of any kind prepared, maintained or held by
3 the authority;

4 (5) require any officer or employee of the authority to answer ques-
5 tions concerning any matter related to the performance of such employ-
6 ee's official duties. No statement or other evidence derived therefrom
7 may be used against such officer or employee in any subsequent criminal
8 prosecution other than for perjury or contempt arising from such testi-
9 mony. The refusal of any officer or employee to answer questions shall
10 be cause for removal from office or employment or other appropriate
11 penalty;

12 (6) monitor the implementation by the authority of any recommendations
13 made by the inspector general; and

14 (7) perform any other functions that are necessary or appropriate to
15 fulfill the duties and responsibilities of office.

16 d. Responsibilities of authority officers and employees. Every officer
17 or employee of the authority shall report promptly to the inspector
18 general any information concerning corruption, fraud, criminal activity,
19 conflicts of interest or abuse by another authority officer or employee
20 relating to such officer or employee's office or employment, or by a
21 person having business dealings with the authority relating to those
22 dealings. The knowing failure of any officer or employee to so report
23 shall be cause for removal from office or employment or other appropri-
24 ate penalty. Any officer or employee who acts pursuant to this subdivi-
25 sion by reporting to the inspector general improper governmental action
26 shall not be subject to dismissal, discipline or other adverse personnel
27 action.

28 18. Financial disclosure. Notwithstanding any other provisions of law
29 to the contrary, board members, officers, and employees of the authority
30 shall file annual financial disclosure statements as required by section
31 12-110 of the administrative code of the city of New York.

32 19. Compliance with building codes. Housing and other buildings or
33 structures that are owned, controlled or operated by the authority shall
34 be maintained in accordance with the building code of the city of New
35 York. Such city shall enforce the building code with respect to build-
36 ings and structures of the authority pursuant to the city charter and
37 the administrative code of the city of New York.

38 20. Tenant assistance. a. For the purposes of this subdivision:

39 (1) "CCOP" shall mean the citywide council of presidents, a body
40 established by the authority consisting of every president of a resident
41 association recognized by the authority; and

42 (2) "RAB" shall mean a resident advisory board, a board consisting of
43 authority residents, required to be established pursuant to federal
44 rules and regulations.

45 b. At the beginning of every calendar year, the authority shall inform
46 the CCOP executive board regarding, and make available to such executive
47 board, the amount of federal funds appropriated or allocated to, or
48 otherwise held by, the authority for the purposes of providing technical
49 assistance or education to the residents or resident organizations of
50 the authority.

51 c. (1) The CCOP executive board shall expend or use such funds to: (a)
52 retain or employ housing and real estate experts, such as attorneys,
53 accountants, financial advisors, real property appraisers, to provide
54 advice, counsel and other assistance to affected residents or resident
55 associations or organizations on any real property demolition or dispo-

1 sition project planned or proposed by the authority; or (b) for any
2 other expenditures authorized in applicable laws, rules and regulations.

3 (2) The CCOP executive board shall inform each RAB of the availability
4 of such experts and any other resources. At the request of a RAB, the
5 CCOP executive board shall make such experts and other resources avail-
6 able to any RAB affected by a planned or proposed disposition by the
7 authority.

8 (3) Such experts shall be paid directly from the funds appropriated,
9 allocated or held for such purpose, and shall report directly to the
10 CCOP executive board.

11 d. At the end of the calendar year, the CCOP executive board shall
12 prepare and submit a report to the authority setting forth the total
13 amount of funds that were expended during the calendar year and a
14 detailed account on how such funds were expended.

15 21. Sole source contacts. a. The authority shall notify the city
16 comptroller of the city of New York of any contracts or categories of
17 contracts, the value of which exceeds one million dollars, where the
18 contract or categories of contracts is proposed to be awarded by the
19 authority to a single source, a sole source or pursuant to any other
20 method of procurement that is not competitive. Notwithstanding any
21 provisions of law to the contrary, such contract or categories of
22 contracts are subject to the approval of such city comptroller. Such
23 notification shall identify the process for submission, the contract or
24 categories of contracts at issue and the time period for which such
25 submission is to take place. The city comptroller shall promulgate such
26 rules and regulations as may be necessary to carry out their responsi-
27 bilities under this subdivision, including but not limited to the stand-
28 ards for determining which contracts will be subject to their review and
29 for approving such contracts.

30 b. Where the city comptroller, pursuant to paragraph a of this subdivi-
31 vision, has notified the authority that a contract or category of
32 contracts is subject to such comptroller's approval, if the comptroller
33 has not approved or disapproved any contract subject to such comp-
34 troller's approval within ninety days of submission to such comp-
35 troller's office, such contract shall become valid and enforceable with-
36 out such approval.

37 c. This subdivision shall not apply to contracts entered into for the
38 procurement of goods, services or both goods and services made to meet
39 emergencies arising from unforeseen causes or to effect repairs to crit-
40 ical infrastructure that are necessary to avoid a delay in the delivery
41 of critical services that could compromise tenant or public safety or
42 welfare.

43 § 3. Section 1678 of the public authorities law is amended by adding a
44 new subdivision 33 to read as follows:

45 33. To enter into a construction management agreement with the New
46 York city housing authority, pursuant to which one or more buildings,
47 facilities or structures owned, controlled or operated by the New York
48 city housing authority located in the city of New York are to be
49 constructed, reconstructed, rehabilitated, improved, modernized, reno-
50 ated or expanded for such authority.

51 § 4. Severability. If any clause, sentence, paragraph, section or part
52 of this act shall be adjudged by any court of competent jurisdiction to
53 be invalid, the judgment shall not affect, impair, or invalidate the
54 remainder thereof, but shall be confined in its operation to the clause,
55 sentence, paragraph, section or part thereof directly involved in the
56 controversy in which the judgment shall have been rendered.

1 § 5. This act shall take effect on the ninetieth day after it shall
2 have become a law. Effective immediately, the addition, amendment and/or
3 repeal of any rule or regulation necessary for the implementation of
4 this act on its effective date are authorized to be made and completed
5 on or before such date.