§ 14. Powers and duties of the commissioner; generally. 1. In addition to the powers hereinafter granted, the commissioner, his counsel or any other officer or employee of the division specially designated by the commissioner shall have the following powers:

(a) assist in the preparation of legislation and formulate regulations in relation to authorities and their functions;

(b) investigate into monopolies of building materials, and extortionate, illegal or unfair activities or practices affecting the cost of construction or production of buildings and cooperate with federal and state investigating officers to end such abuses;

(c) make reports from time to time to the governor with respect to matters within his jurisdiction;

(d) investigate into the affairs of authorities and into the dealings, transactions or relationships of authorities with third persons;

(e) administer oaths, take affidavits, hear testimony and take proof under oath at public or private hearings;

(f) make or order inspections of all places to which his duties relate;

(g) subpoena and require the attendance of witnesses and the production of books and papers pertaining to the investigations and inquiries authorized by this chapter and examine them in relation to any matter he has power to investigate;

(h) issue commissions for the examination of witnesses who are out of the state or unable to attend before him or are excused from attendance;

(i) subject to the powers of the state comptroller or of municipal comptroller, as the case may be, prescribe methods and forms for keeping accounts, records and books to be used by an authority;

(j) require an authority to file periodic reports not more often than quarterly, covering its operations and activities, in a form prescribed by him;

(k) investigate the possibility of negotiating a fixed annual wage for laborers, workmen or mechanics employed in the housing industry generally for the purpose of stabilizing employment in such industry;

(l) investigate into housing needs and conditions in the state and into the means of improving such conditions; collect and distribute information relating to housing needs and conditions and methods of dealing therewith.

(m) assist, participate in and otherwise cooperate with, at the request of, the person or persons or department of any county, city, town, village or other local government charged with the enforcement of laws, ordinances, codes and regulations in relation to multiple dwellings in the discharge of such duties.

(n) enter into contracts with the federal government to receive grants to assist in financing tenant services; enter into contracts with and distribute the proceeds of such grants to other state agencies and officials, housing authorities, other public corporations, non-profit and other private organizations when, in the commissioner's discretion, such services might be better provided under such contracts.

(o) apply for and contract with, or receive and accept assistance as an agent of the state, acting by and through the division of housing and community renewal, in the form of gifts, grants, loans of funds or of property, or other aid in any form, from the federal government or any agency or instrumentality thereof for purposes of (i) providing housing for persons of low income, (ii) the clearance, replanning, reconstruction and rehabilitation of substandard or insanitary housing or areas, (iii) the development or redevelopment of distressed, deteriorated or underutilized communities or deteriorating neighborhoods, or (iv) the construction or rehabilitation of recreational and other facilities incidental thereto, and to do any and all things which may be required under any federal law, regulation or contract in connection with such assistance. No action pursuant to this paragraph shall be taken on behalf of or for the benefit of a unit of local government except at the request of or with the consent of such unit. The power herein granted shall not limit the power of any municipality or agency thereof, or any housing authority or other public corporation or any private entity to apply for and contract with the federal government or any agency or instrumentality thereof for purposes of receiving such gifts, grants, loans or other aid.

(p) develop, publish and distribute a land development guide which shall describe those issues which are relevant to the development of an appropriate local land use ordinance for localities of varying size and composition. Such guide may, in the discretion of the commissioner, contain model ordinances, local laws and procedures which may be adopted by localities in regulating the development of land. Such guide shall

describe the merits and problems of procedures which localities may include in any land development law ordinance including but not limited to:

(i) the utilization of a single consolidated application form for use by all local agencies having jurisdiction to review and approve such development;

(ii) coordination of staff review and communications between staff and the applicant;

(iii) the elimination of separate public hearings by reviewing state, county and local agencies having jurisdiction whenever practicable and if requested by the applicant;

(iv) the concurrent running of all applicable time limits for decisions by all approving and reviewing agencies; and

(v) other matters that will encourage efficiency and clarity in the land development approval process including the possible use of state inducements for localities to address land use development issues. For the preparation of such guide, the commissioner shall establish and meet regularly with an advisory committee of no more than twelve persons. One member shall be appointed by the temporary president of the senate, one member shall be appointed by the minority leader of the senate, one member shall be appointed by the speaker of the assembly and one member shall be appointed by the minority leader of the assembly. The commissioner shall appoint all other members of the advisory committee and shall designate the chairman of the advisory committee. The advisory committee membership shall be as representative of the various geographical areas of the state as is practicable and shall include representatives of New York city and other local governments, state government, planning agencies, builder organizations, housing development companies, nonprofit housing development organizations, environmental organizations and professional design organizations. Advisory committee members shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

The commissioner shall publish the first such guide, no later than the thirty-first day of March, 1991. Models published pursuant to this subdivision shall be distributed to local governments and other

interested agencies, organizations and persons.

(w) enter into contracts, as an agent of the state, with private entities to encourage the development of new multi-family housing in municipalities found by the legislature to be suffering from a housing emergency at the time of contracting. Such contracts shall include a commitment by the state that any such new housing shall remain exempt from rent control, rent stabilization and any other form of rent regulation for a term of fifty years except where equivalent, co-terminus and general controls of prices and wages are imposed or where the owner or developer of such housing voluntarily agrees to accept such regulation in consideration for tax or other governmental benefits. Notwithstanding any other provision of law to the contrary, an agreement by the developer to build new multi-family housing in an area suffering from a housing emergency shall be deemed good and valid consideration for the foregoing commitment by the state.

(x) enforce the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, the local emergency housing rent control act, the rent stabilization law of nineteen sixty-nine and any regulations, rules and policies enacted pursuant thereto, in addition to any other laws, rules or regulations related to housing that is financed, administered, overseen or otherwise regulated by the agency or its related entities which constitute component parts of the division; such enforcement authority shall include, but not be limited to, all of the powers granted by the other provisions of this subdivision, the statutes, rules, regulations and other documents governing the administration of housing by the division, and, where applicable, the power to issue orders.

2. Subject to approval by the state comptroller, and by the attorney-general as to form, the commissioner shall have power to make and execute contracts and other instruments necessary or convenient to the exercise of his powers relating to state loans and subsidies. The commissioner shall have power to sue in the name of the people of the state; to enforce, by appropriate actions or proceedings, any rights of the state conferred by any law, mortgage, lien, bond, contract or agreement and shall be represented in all litigated matters by the attorney-general.

3. Subject to approval by the state comptroller, the commissioner may consent to the modification of any contract or agreement to which the state is a party pursuant to the provisions of this chapter.

4. The agency shall promulgate regulations, rules and policies which provide for the rights of family members to succeed in certain cases to the rights of tenants protected by the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, the local emergency housing rent control act, the administrative code of the city of New York and any regulations, rules and policies enacted pursuant thereto. Such regulations, rules and policies shall contain provisions which include, but shall not be limited to, the following:

(a) that unless otherwise prohibited by occupancy restrictions based upon income limitations pursuant to federal, state or local law, regulations or other requirements of governmental agencies, any member of the tenant's family, as defined in paragraph (c) of this subdivision, shall succeed to the rights of a tenant under such acts and laws where the tenant has permanently vacated the housing accommodation and such family member has resided with the tenant in the housing accommodation as a primary residence for a period of no less than two years, or where such person is a "senior citizen" or a "disabled person," as defined in paragraph (c) of this subdivision, for a period of no less than one year, immediately prior to the permanent vacating of the housing accommodation by the tenant, or from the inception of the tenancy or commencement of the relationship, if for less than such periods. For the purposes of this paragraph, "permanently vacated" shall mean the date when the tenant of record permanently stops residing in the housing accommodation regardless of subsequent contacts with the unit or the signing of lease renewals or continuation of rent payments. The minimum periods of required residency set forth in this subdivision shall not be deemed to be interrupted by any period during which the "family member" temporarily relocates because he or she:

(i) is engaged in active military duty;

(ii) is enrolled as a full time student;

(iii) is not in residence at the housing accommodation pursuant to a court order not involving any term or provision of the lease, and not

involving any grounds specified in the real property actions and proceedings law;

(iv) is engaged in employment requiring temporary relocation from the housing accommodation;

(v) is hospitalized for medical treatment; or

(vi) has such other reasonable grounds that shall be determined by the commissioner upon application by such person.

(b) that a tenant may in a form prescribed by the division of housing and community renewal, at any time, advise the landlord of, or a landlord may at any time but no more often than once in any twelve months, request from the tenant, the names of all persons other than the tenant who are residing in the housing accommodation, and the following information pertaining to such persons:

(i) if the person is a "family member" as defined in paragraph (c) of this subdivision; and

(ii) if the person is, or upon the passage of the applicable minimum period of required residency, may become a person entitled to be named as a tenant on a renewal lease or to protection from eviction pursuant to paragraph (a) of this subdivision, and the date of the commencement of such person's primary residence with the tenant; and

(iii) if the person is a "senior citizen" or a "disabled person" as defined in paragraph (c) of this subdivision.

Failure of the tenant to provide such information to the landlord, regardless of whether the landlord requests the information, shall place upon all such persons not so made known to the landlord, who seek to exercise the right to be named as a tenant on a renewal lease or the right to protection from eviction as provided for in this subdivision, the affirmative obligation to establish such right.

(c) that for the purposes of such regulations: (i) "family member" shall be defined as a husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter, daughter-in-law, son-in-law, mother-in-law or father-in-law of the tenant; or any other person residing with the tenant in the housing accommodation as a primary residence who can prove emotional and financial commitment, and interdependence between such person and the tenant. Although no single

factor shall be solely determinative, evidence which is to be considered in determining whether such emotional and financial commitment and interdependence existed, may include, without limitation, such factors as listed below. In no event would evidence of a sexual relationship between such persons be required or considered.

(A) longevity of the relationship;

(B) sharing of or relying upon each other for payment of household or family expenses, or other common necessities of life;

(C) intermingling of finances as evidenced by, among other things, joint ownership of bank accounts, personal and real property, credit cards, loan obligations, sharing a household budget for purposes of receiving government benefits, or such other factors as may be determined by regulation;

(D) engaging in family-type activities by jointly attending family functions, holidays and celebrations, social and recreational activities, or such other factors as may be determined by regulation;

(E) formalizing of legal obligations, intentions, and responsibilities to each other by such means as executing wills naming each other as executor or beneficiary, conferring upon each other a power of attorney or authority to make health care decisions each for the other, entering into a personal relationship contract, making a domestic partnership declaration, or serving as a representative payee for purposes of public benefits, or such other factors as may be determined by regulation;

(F) holding themselves out as family members to other family members, friends, members of the community or religious institutions, or society in general, through their words or actions;

(G) regularly performing family functions, such as caring for each other or each other's extended family members, or relying upon each other for daily family services;

(H) engaging in any other pattern of behavior, agreement, or other action which evidences the intention of creating a long-term, emotionally-committed relationship.

(ii) a "senior citizen" is defined as a person who is sixty-two years of age or older;

(iii) a "disabled person" is defined as a person who has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled

substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which substantially limit one or more of such person's major life activities.

5. In order to effectuate the collection, administration and payment of rent payments pursuant to article seven of the real property actions and proceedings law, the division of housing and community renewal shall, in cooperation with the office of court administration, select through a competitive process, approved by the state comptroller, a competent financial institution for the deposit and management of such payments.

6. Wherever the commissioner has the discretion to determine contract awards through a competitive application process, the commissioner shall give preference to applications that propose feasible projects to be developed and will be located on a brownfield site that has received a certificate of completion.

7. The lease rider promulgated by the commissioner pursuant to the emergency tenant protection act of nineteen hundred seventy-four or the rent stabilization law of nineteen hundred sixty-nine which is provided to tenants shall set forth information relating to fees which an owner may charge tenants separate and apart from and in addition to the rent for the housing accommodation, as well as a description of such fees.