§ 402. Special provisions with respect to the New York City Housing Authority. 1. It is hereby found and declared, as a result of investigation and study, that enactment of the provisions hereinafter set forth is necessary for reorganization of the authority to enable it to (a) institute improved management procedures; (b) bring about more efficient methods of maintenance and supervision of projects; (c) foster prompt and sound solution of problems relating to occupancy of projects; (d) undertake administration of personnel in consonance with the size and scope of the authority's functions. It is further found and declared that private enterprise should be encouraged to the greatest extent possible to enter the field of housing in which the authority now operates so that the authority may be able to concentrate its activities at the earliest possible moment on providing housing exclusively for the lower income families.

2. Notwithstanding any provisions to the contrary contained in this chapter, or any general, special or local law, the provisions of this section shall govern the number, appointment, removal and compensation of the members of the New York City Housing Authority.

3. The authority shall consist of seven members appointed by the mayor, one of whom shall be designated by the mayor as chairman removable at his or her pleasure. The term of office of each member other than the chairman shall be three years, provided, however, that the initial appointments of the six members other than the chairman shall be as follows: two shall be appointed for one-year terms, two shall be appointed for two-year terms, and two shall be appointed for three-year terms. The mayor shall file with the commissioner of housing a certificate of appointment of the chairman and of each member. Any member other than the chairman may be removed by the mayor upon filing in the office of the commissioner of citywide administrative services and serving upon the member the reasons therefor. Such document setting forth the reasons shall be made available to the general public, which shall include but not be limited to publishing the reasons on the New York city housing authority's website. Three of such members shall be a tenant of record or an authorized member of the tenant household, in good standing, residing in one of the federal projects owned or operated

by the authority, provided, however, that for the initial appointments of the three such members, one shall be among the members initially appointed for one-year terms, one shall be among the members initially appointed for two-year terms, and one shall be among the members initially appointed for three-year terms. A vacancy in the office of a member other than the chairman occurring otherwise than by expiration of term shall be filled for the unexpired term. Further, any vacancy in the office of a tenant member shall only be filled by the appointment of an eligible tenant member, and such appointment shall be made within ninety days of such vacancy.

4. The chairman shall give his or her whole time to his or her duties and shall not engage in any other occupation, profession or employment. The chairman shall receive a salary the amount of which shall be fixed by local law. The other members of the authority shall receive a stipend in the amount of two hundred fifty dollars for every four hours of work performed for the authority, not to exceed one thousand five hundred dollars per month.

5. Notwithstanding any provisions to the contrary contained in this chapter, or any general, special or local law, the New York city housing authority shall have the power in its discretion to provide and maintain a housing police department and a uniformed housing police force. Such department and force shall have the power and it shall be their duty, in and about housing facilities, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and assemblages which obstruct free passage; protect the rights of persons and property; guard the public health; remove all nuisances; enforce and prevent violation of all laws and ordinances; and for these purposes to arrest all persons guilty of violating any law or ordinance and shall provide for the performance, without unnecessary delay, of all recording, fingerprinting, photographing and other preliminary police duties. Appointments to such housing police force shall be made in accordance with applicable provisions of the civil service law and only persons who have never been convicted of a felony, and who are citizens of the United States shall be appointed housing patrol officers on the

housing police force. Each member of such force shall be a police officer as defined by paragraph (e) of subdivision thirty-four of section 1.20 of the criminal procedure law and, while on duty, shall possess all the powers of a police officer of a city in the execution of criminal process; and criminal process issued by any court or magistrate of a city may be directed to and executed by a member of such force.

The authority may appoint a chief and a deputy chief of the housing police department who, in the discretion of the authority, may be selected from the ranks of the housing police force, and assign powers and duties to them and fix their compensation. The chief shall be the head of such department. During the absence or disability of the chief, the deputy chief shall possess all the powers and perform all the duties of the chief. The housing police force shall consist of captains, lieutenants, sergeants and patrolmen. The authority shall maintain a division for detective purposes to be known as the detective division and may, from time to time, detail to service in said division as many members of the force as it may deem necessary, and may at any time within three years of appointment revoke any such detail or a part thereof. If the authority, in its discretion, dissolves the housing authority police department and the housing authority police force, the division for detective purposes shall also be dissolved. Any member of the force while so detailed may be granted an increase in salary above the grade established for his rank in the uniformed force, but shall retain his rank in the force and shall be eligible for promotion the same as if serving in the uniformed force, and the time during which he serves in such division shall count for all purposes as if served in his rank or grade in the uniformed force.

5-a. Receipt of line of duty pay. a. A member of the New York city housing authority police force in the rank of police officer, other than an officer who is detailed or designated as a detective or who holds the position of sergeant or any position of higher rank in such force, shall be entitled pursuant to this section to the full amount of his or her regular salary for the period of any incapacity due to illness or injury incurred in the performance and discharge of duty as a police officer, as determined by the authority.

b. A member of the New York city housing authority police force who is detailed or designated as a detective or who holds the position of sergeant or any position of higher rank in such force shall be entitled pursuant to this section to the full amount of his or her regular salary for the period of any incapacity due to illness or injury incurred in the performance and discharge of duty as a member of the force, as determined by the authority, only in the event that a collective bargaining agreement granting such entitlement pursuant to this section has been entered into by the authority and the certified employee organization representing such member. The first entitlement of any such member of the New York city housing authority police force to the full amount of regular salary under this section shall commence on the date of execution of the collective bargaining agreement providing for such entitlement with respect to such member.

c. Nothing in this section shall be construed to affect the rights, powers and duties of the authority pursuant to any other provision of law, including, but not limited to, the right to discipline a police officer by termination, reduction of salary, or any other appropriate measure; the power to terminate an appointee who has not completed his or her probationary term; and the power to apply for ordinary or accident disability retirement for a police officer.

d. Nothing in this section shall be construed to require payment of salary to a member of the New York city housing authority police force who has been terminated, retired, suspended or otherwise separated from service by reason of death, retirement or any other cause.

e. A decision as to eligibility for benefits pursuant to this section shall not be binding on the medical board or the board of trustees of any pension fund in the determination of eligibility for an accident disability or accidental death benefit.

f. As used in this section the term "incapacity" shall mean the inability to perform full, limited, or restricted duty.

6. In addition to all other powers granted by this chapter, the New York city housing authority shall have the power to act as and be and become a "developer", as that term is defined in subdivision nine of section four hundred fifty-two of the education law, of a combined occupancy structure, as defined in subdivision five of section four hundred fifty-two of such law, which consists of a project, as defined in this chapter, as well as of school accommodations or other facilities of the board of education of the city of New York, and to be and become an "owner", as that term is defined in subdivision fifteen-a of section four hundred fifty-two of the education law, of the non-school portion, consisting of a project as defined in this chapter, of such combined occupancy structure; and to do all things necessary or convenient to carry out such powers, including (a) construction of such combined occupancy structure as a developer pursuant to the provisions of this chapter and article ten of the education law, and conveyance or lease of the school portion thereof, and (b) as an owner, making and entering into contracts for acquisition, lease, sublease or other agreements for or with respect to the non-school portion, consisting of a project as defined in this chapter, pursuant to the provisions of article ten of the education law, and acquiring the same by transfer or conveyance to it of the fee title, or of possession under such lease, sublease or other agreement.

6-a. a. The New York city housing authority shall include with every lease or renewal lease offered to a prospective or current tenant, a separate, clear and conspicuous notice, in at least sixteen-point boldface type, concerning the tenant's ability to add additional legal occupants to the lease agreement.

b. Upon receipt of a tenant's request for a form to add an additional legal occupant to his or her lease agreement, the authority shall, within seven days, provide the tenant with clear information regarding how to apply in person or online, along with a notice informing the tenant of the right to grieve the denial of any occupancy permission request. Any form required by the authority to request such occupancy permission shall be made available for review and submission in person, on the authority's website, and through the authority's mobile

application.

c. Upon receipt of a tenant's request to add an additional legal occupant to his or her lease agreement, the authority shall provide the tenant, in writing, with confirmation of receipt of the application, information regarding how the tenant may inquire as to the status of such request, and the expected date of the authority's response to such request.

7. The authority shall have the power, which shall be in addition to its other powers under this chapter, to adopt rules and regulations relating to the parking, stopping or standing of a motor vehicle within the interior paths, roads, or grounds of its public housing projects. A violation of such rules and regulations shall constitute a "traffic infraction" as defined in the vehicle and traffic law, and such violation shall be heard and tried by the parking violations bureau established and created under and pursuant to title A of chapter forty of the administrative code of the city of New York, as added by chapter one thousand seventy-five of the laws of nineteen hundred sixty-nine. Such rules and regulations shall not be effective until filed as required by section fifty-four of this chapter and, in addition, until filed with the clerk of the municipality in which the principal office of the authority is located. The authority shall post appropriate signs in specific locations within a project as to the rules and regulations governing the parking, stopping or standing of motor vehicles at such locations.

8. All provisions of this chapter applicable to the New York City Housing Authority and not inconsistent with the provisions of this section shall continue to apply to such authority.

9. The chairman shall ensure that at every meeting of the authority the public shall be allotted a period of time, not less than thirty minutes, to speak on any topic on the agenda.

10. Notwithstanding any other provision of law to the contrary, upon the vacancy of a dwelling unit in any project operated by the authority,

such vacant dwelling unit on a lower floor shall first be made available for occupancy to a current New York city housing authority household, containing an authorized member of the household with a disability, as defined by subdivision twenty-one of section two hundred ninety-two of the executive law, that affects mobility and based on either the tenant's preference to move to a first-or-second-floor unit and to remain within their project or to transfer elsewhere, and based on the tenant's position on the authority's transfer waiting list; or to provide reasonable accommodation to a current New York city housing authority household, containing an authorized member of the household with a disability, as defined by subdivision twenty-one of section two hundred ninety-two of the executive law, that affects mobility to transfer to a lower floor within their project or to a lower floor elsewhere, if the request is supported by medical documentation, and based on the tenant's position on the authority's transfer waiting list. The New York city housing authority may give higher preference to individuals requiring an emergency transfer because their units have become uninhabitable.

11. Except where such exclusion is required pursuant to any federal law or rule or regulation, no person shall be denied occupancy in a dwelling in any project or be subjected to eviction from any such dwelling on the sole ground that such person is a formerly incarcerated individual.