



Legislation Details (With Text)

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Int. No. 823

By Council Members Holden, Ariola, Borelli, Paladino and Vernikov

A Local Law to amend the administrative code of the city of New York, in relation to rent stabilized housing disclosures by council members

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 12 of the administrative code of the City of New York is amended by adding a new section 12-110.1 to read as follows:

§ 12-110.1 Rent stabilized housing disclosures by council members. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Conflicts of interest board. The term “conflicts of interest board” means the conflicts of interest board appointed pursuant to section 2602 of the charter.

Rent stabilized housing accommodation. The term “rent stabilized housing accommodation” means any housing accommodation subject to the rent stabilization law of 1969 or the emergency tenant protection act of

1974.

b. Disclosure report. 1. Each council member shall file with the conflicts of interest board an annual disclosure report, no later than such date designated by the conflicts of interest board each year, indicating whether the primary residence of such council member is a rent stabilized housing accommodation. Such report shall not require disclosure of the address or other location information of any rent stabilized housing accommodation.

2. Reports required pursuant to this section shall, except as otherwise provided by the conflicts of interest board, be filed electronically, in such form as the board shall prescribe.

3. Any amendments or changes to a report required pursuant to this section made after its filing shall be made on a form as prescribed by the conflicts of interest board.

c. Public inspection of reports and privacy considerations. Information filed in reports required pursuant to this section shall be maintained by the conflicts of interest board and shall be made available for public inspection, upon written request on such form as the board shall prescribe. The availability of reports for public inspection pursuant to this subdivision is subject to the following provisions:

1. Any council member required to file a report pursuant to this section may, at the time the report is filed or at any time thereafter, except when a request for inspection is pending, submit a request to the conflicts of interest board, in such form as the board shall prescribe, to withhold any item disclosed therein from public inspection on the ground that the inspection of such item by the public would constitute an unwarranted invasion of such council member's privacy or a risk to the safety or security of such council member. Such request shall be in writing and in such form as the conflicts of interest board shall prescribe and shall set forth the reason such council member believes the item should not be disclosed. During the time for evaluation of such a request, such report shall not be available for public inspection.

2. The conflicts of interest board shall evaluate such request and any such item shall be withheld from public inspection upon a finding by the board that the inspection of such item by the public would constitute an

unwarranted invasion of privacy or a risk to the safety or security of such council member. In making this determination, the board shall consider the following factors:

(a) Whether the item is of a highly personal nature;

(b) Whether the item in any way relates to the duties of the council member, including whether there are security or safety issues relating to such duties;

(c) Whether the disclosure poses a risk to the security or safety of the council member; and

(d) Whether the item involves an actual or potential conflict of interest.

3. The conflicts of interest board shall provide a written notification of the board's determination to the council member who requested that information be withheld from public inspection and shall not release the information subject to the request until at least 10 days after mailing of the notification. Such notification shall advise the council member of such council member's right to seek review of such determination by the supreme court of the state of New York and that the conflicts of interest board will not release the information subject to the request until 10 days after the mailing of the notification.

4. Where a council member required to file a report pursuant to this section files an amendment to a previously submitted report, both the original submission and the amendment shall be available for public inspection, subject to the provisions of this subdivision.

5. The conflicts of interest board shall establish procedures governing the withholding of information on the ground of privacy, safety or security. Such procedures shall include provision for the council member who filed the information to appear in person to set forth, or submit a written statement setting forth, the reasons why the information should be withheld from public inspection.

d. Retention of reports. Reports filed pursuant to this section shall be retained by the conflicts of interest board for a period of 2 years following the termination of the public employment or service of the council member who filed the report. Such reports shall thereafter be destroyed by the board. In lieu of the destruction of such reports, the board, in its discretion, may establish procedures providing for their return to the council

member who filed them.

e. Penalties. Any council member required to file a report pursuant to this section who has not so filed at the end of one week after the date required for filing as designated by the conflicts of interest board shall be subject to a fine of not less than \$250 nor more than \$1,000. Factors to be considered by the conflicts of interest board in determining the amount of the fine shall include, but not be limited to, the length of delay in filing the report and the council member's failure in prior years to file a report in a timely manner.

§ 2. This local law takes effect 120 days after it becomes law, except that the conflicts of interest board shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

DPM
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11/7/22