

Title 70: In Rem Foreclosure Release Board

Chapter 1: Rules of Procedure

§ 1-01 Meetings.

(a) *Regular Meetings.*

(1) The regular meetings of the Board shall be held twice each month at 10:00 a.m. in City Hall, or as otherwise directed by the Board. The Mayor's Office of Contracts, Public Hearings Unit shall prepare and distribute to Board members twice annually a schedule of meetings showing the dates and locations of the regular meetings of the Board for the first and second halves of the calendar year. The Mayor's Office of Contracts, Public Hearings Unit, shall provide Board members notice of any change in a date shown on a schedule at least thirty calendar days prior to the meeting to which the change relates.

(2) Applications for the release of property located in the boroughs of Manhattan, Queens and Staten Island shall be considered at the first regular meeting of each month. Applications for the release of property located in the boroughs of Brooklyn and The Bronx shall be considered at the second regular meeting of each month.

(3) In the event the Board directs that one regular meeting be held during a specified month, the Board shall at such meeting consider applications for the release of property located in all boroughs.

(b) *Special Meetings.*

(1) Special meetings may be called by the Chair.

(2) Notice of a special meeting shall be sent to each member by the Mayor's Office of Contracts, Public Hearings Unit no later than seven calendar days prior to such meeting. The notice shall be accompanied by copies of all agency reports for the matters to be considered at the special meeting.

(c) *Chair.* The Mayor shall preside at all meetings as Chair.

(d) *Quorum.* Except as provided in subdivision (a) of 70 RCNY § 1-05, a majority of the members of the Board entitled to vote on a matter before the Board shall constitute a quorum for action on such matter, provided that a quorum shall be deemed present only where such majority includes at least one of either the Speaker or the affected Borough President.

(e) *Votes.*

(1) Except as provided in subdivision (a) of 70 RCNY § 1-05, any action respecting a matter before the Board shall require the affirmative vote of a majority of the members of the Board entitled to vote on such matter.

(2) The Hearing Secretary shall conduct a roll call upon every matter to be acted upon and all votes shall be taken by the ayes and nays. A roll call shall be conducted at the request of the Chair, unless the matter is laid over pursuant to subdivision (k) of 70 RCNY § 1-01.

(3) The vote of any member abstaining shall be considered a negative vote.

(4) The vote upon every matter acted upon shall be recorded by the Hearing Secretary.

(5) Except as otherwise provided by law, all matters before the Board shall be voted upon at meetings open to the public.

(f) *Attendance.* Members, or their delegates, shall remain in attendance during a meeting of the Board unless excused by the Chair. A request to be excused shall be formally made and entered upon the record.

(g) *Disqualification.* A member shall be excused from voting upon any matter upon the member's statement of the reasons for disqualification. The vote of any member so disqualified shall not be considered a negative or an affirmative vote.

(h) *Recesses.* At any regular meeting of the Board, recesses shall not aggregate more than one hour and any recess called shall specify a time for the return of the members of the Board for the resumption of the meeting's business. Recesses shall be called by the Chair.

(i) *Order of Business.* The order of business before the Board shall be as follows:

(1) Roll call.

(2) Matters laid over for consideration by the Board.

(3) New matters for consideration by the Board.

(j) *Calendar Calls.* There shall be no more than three calendar calls by the Hearing Secretary at each regular meeting. At the conclusion of the third call, all matters shall have been either acted upon, laid over or withdrawn in accordance with these Rules.

(k) *Layovers.*

(1) In the event a submitting agency recommends denial of an application for the release of property and the applicant fails to appear at the first meeting at which the resolution disapproving such application is calendared for consideration by the Board, the matter shall be automatically laid over to the next meeting at which applications for the release of property in that borough are to be considered. There shall be no further layovers by reason of the applicant's failure to appear at a meeting.

(2) At the request of any member of the Board entitled to vote on an application for the release of property, such application shall be laid over from the first or second meeting at which the resolution approving or disapproving the application is calendared for consideration by the Board to the next meeting at which applications for the release of property in that borough are to be considered. No layover may be made with respect to an application pursuant to this subdivision more than one time.

(3) Any layovers in addition to those provided for in paragraphs 1 or 2 of this section may be made only upon the affirmative vote of a majority of the members entitled to vote on the matter. No matter may be laid over more than three times.

(l) *Withdrawals.* A matter may be withdrawn from consideration by the Board at the request of the submitting agency. Any such request shall be passed upon by the Chair, who shall specify a date by which the matter shall be resubmitted for the Board's consideration.

(m) *Additions to the Calendar.* A matter not appearing on the Calendar for a meeting of the Board may be added to the Calendar for consideration at

such meeting only upon the unanimous vote of the members entitled to vote upon such matter.

(n) *Miscellaneous.*

(1) Members of the Board or their delegates and City employees designated by the Board shall be the only persons permitted within the guard rail of the dais during meetings of the Board.

(2) Members of the Board shall be addressed in the third person and by title only.

§ 1-02 Public Testimony at Regular Meetings.

(a) *Order of Testimony.* Speakers opposed to a resolution shall be heard first and then speakers in favor thereof, unless otherwise ordered by the Chair. Applicants and other members of the public may testify on their own behalf or may be represented by counsel.

(b) *Time Available.* The time available to each member of the public for speaking at a meeting of the Board shall be limited to three minutes. A speaker may be heard only once on a particular resolution.

(c) *Hearing Slips.* A member of the public who wishes to speak at a meeting of the Board shall first complete a hearing testimony slip indicating his or her name and address, the address of the property with respect to which he or she wishes to testify, and his or her affiliation, if any. Slips shall be available from the Clerk sitting by the speaker's microphone. A speaker shall state his or her name and affiliation, if any.

(d) *Written Statements.* A member of the public may submit a written statement in lieu of or in addition to oral testimony. An original and twelve copies of any such statement shall be submitted. All copies must bear the Calendar number for the matter and indicate the meeting date. Copies submitted prior to the meeting date shall be delivered to the Mayor's Office of Contracts, Public Hearing Unit, 51 Chambers St., Room 1202, Borough of Manhattan. Copies submitted upon the meeting date shall be delivered to the Hearing Secretary at City Hall no later than one-half hour prior to the meeting.

(e) *Agency Testimony.* Representatives of the submitting agency shall be available to testify with regard to a resolution at the time it is being considered by the Board.

§ 1-03 Calendars.

(a) *Preparation of Calendar.* The Mayor's Office of Contracts, Public Hearings Unit shall prepare and cause to be printed a Calendar including a description of all matters to be presented and considered at each meeting of the Board. The resolutions shall be arranged in the order prescribed in subdivision (i) of 70 RCNY § 1-01. The Mayor's Office of Contracts, Public Hearings Unit shall also keep a record of matters which have been laid over.

(b) *Calendar Closing Date.* The Mayor's Office of Contracts, Public Hearings Unit shall close the Calendar at 12 o'clock noon fifteen calendar days prior to a regular meeting of the Board.

(c) *Distribution of Calendar.* The Mayor's Office of Contracts, Public Hearings Unit, shall make Calendar page proofs of the Calendar for a regular meeting of the Board available to Board members seven calendar days prior to the meeting. Copies of the calendar for a regular meeting shall be available to the Board members and to members of public three calendar days prior to the meeting.

§ 1-04 General Rules.

(a) *Submission of Agency Reports.* All agency reports intended for the Board's consideration at a regular meeting shall be addressed to the Board and delivered by the submitting agencies to the Mayor's Office of Contracts, Public Hearings Unit at least fifteen days before the meeting at which the matters to which they relate are to be considered. Such reports shall consist of an original accompanied by twelve copies thereof.

(b) *Availability of Agency Reports to Members.* The Mayor's Office of Contracts, Public Hearings Unit shall make copies of all agency reports intended for the Board's consideration at a regular meeting available to the members upon receipt of such copies from the submitting agencies pursuant to subdivision (a) of this section.

(c) *Transmittal of Resolutions.* The Mayor's Office of Contracts, Public Hearings Unit shall transmit to the submitting agencies certified copies of all resolutions adopted by the Board affecting such agencies.

(d) *Designation of Member Delegates.* Each Board member may, by written authority filed with the Hearing Secretary, designate any two officers or employees of such member to act as the delegates of such member at meetings of the Board. Either such officer or employee, so designated, may act in the place of the member at meetings of the Board, whenever such member is absent from such meetings. In the event that an officer or employee, so designated, is absent from a meeting of the Board, a Board member may, by written authority filed with the Hearing Secretary, designate another officer or employee of such member to act as the substitute delegate of such member at such meeting. A substitute delegate, so designated, shall not be replaced during the course of such meeting by the absent delegate.

§ 1-05 Amendment of Rules.

(a) *Vote Required.* The provisions of these Rules may be amended by a four-fifths vote of the members of the Board. The borough presidents shall designate one borough president to serve as a member of the Board for the purpose of voting upon any such amendment. For purposes of this section, a quorum shall consist of four members of the Board.