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Municipal Corporations—Change of City Ward Boundaries; Effect on County Electoral System

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COURT OF APPEALS, 1958 TERM

It is submitted that although this decision adds little substantively to the law of public authorities, it does reflect an important point of policy in this area of law. The exigencies of government have caused the number of public authorities, performing a wide variety of functions, to increase and multiply in recent years. They might as well not be created if their separate, corporate existences are to be overridden whenever it is convenient to do so. It was not the intention of the Legislature to establish public authorities in name only, having the powers but lacking status and responsibilities of independent corporate entities. In that event their standing would be undermined and their usefulness impaired.

CHANGE OF CITY WARD BOUNDARIES: EFFECT ON COUNTY ELECTORAL SYSTEM

During the 1958 Term, the Court of Appeals was presented with the question of the power of a city to change its ward boundaries, that power being exercised without referendum. A challenge to the exercise of power was grounded upon the effect of the change upon the election of county supervisors. *Baldwin v. City of Buffalo* is not noted here in view of its inclusion in a general treatment of the problem by Dean Jacob D. Hyman and Emil Cohen, appearing at 9 BUFFALO L. REV. 1, *supra*.

PROPERTY

ABATEMENT OF TAX BASIS FOR ADJUSTMENT OF CONTROLLED RENT

Does the State Rent Administration have the power to revise rent increases which were previously granted to compensate a landlord for the installation of a capital improvement when the landlord thereafter obtains an abatement of taxes by reason of the same improvement? This was the question presented in the case of *225 East 70th Street v. Weaver*.¹

In 1955 the appellant's predecessor installed central heating and obtained an increase in rents on the basis of such installation.² On December 31, 1955 the City of New York enacted a law permitting tax abatement to any owner who installed central heating.³ The owner made an application in 1956 for such benefit, which was granted. In 1957 the appellant purchased the premises and in connection with the sale, submitted the rent roll, which reflected the increases earlier allowed, to the Rent Commission. The Commission certified the rent roll as submitted. In 1958 the Local Rent Administration began a proceeding under Section 33 of the Rent Regulations⁴ to revise and adjust the 1955 allowances to the appellant's predecessor on the ground that there had been a substantial change in the basis on which the allowances had been granted. Some weeks later the rents were reduced by order of the Local Ad-

1. 6 N.Y.2d 225, 189 N.Y.S.2d 175 (1959).

2. N.Y. UNCONSOL. LAWS, Appendix, Rent and Eviction Regulations, § 33.

3. N.Y. CITY LOCAL LAWS 1955, No. 118.

4. *Supra* note 2.