

4072

2013-2014 Regular Sessions

I N S E N A T E

March 7, 2013

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the private housing finance law, in relation to enacting the "affordable housing act" relating to the utilization of manufactured housing as affordable housing for persons of lower, moderate or fixed incomes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The private housing finance law is amended by adding a new
2 article 24-A to read as follows:

3 ARTICLE XXIV-A

4 AFFORDABLE HOUSING ACT

5 SECTION 1175. SHORT TITLE.

6 1176. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSES.

7 1177. DEFINITIONS.

8 1178. GENERAL PROVISIONS.

9 S 1175. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
10 THE "AFFORDABLE HOUSING ACT".

11 S 1176. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSES. THE LEGISLA-
12 TURE FINDS AND DECLARES THAT A NEED FOR AFFORDABLE HOUSING EXISTS FOR
13 RESIDENTS AND THAT THE STATE'S RESIDENTS HAVE A RIGHT TO AFFORDABLE
14 HOUSING. THE LEGISLATURE HAS DETERMINED THAT MANUFACTURED HOUSING
15 PROVIDES STATE HOMEOWNERS WITH AN AFFORDABLE SOURCE OF DECENT, SAFE AND
16 SANITARY HOUSING ON A PERMANENT BASIS. THE LEGISLATURE FURTHER FINDS
17 THAT THE IMPROVED DESIGN, APPEARANCE AND SIGNIFICANT TECHNOLOGICAL
18 ADVANCES OF MANUFACTURED HOUSING BUILT TO HOUSING AND URBAN DEVELOPMENT
19 CODE STANDARDS, MAKES MANUFACTURED HOUSING EQUIVALENT TO CONVENTIONAL,
20 SITE-BUILT SINGLE FAMILY DWELLINGS FOR PURPOSES OF LAND-USE CONTROLS AND
21 HOUSING CODE STANDARDS. THEREFORE, THE LEGISLATURE FINDS AND DECLARES

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09642-01-3

1 THAT IT IS IN THE PUBLIC INTEREST FOR THE STATE OF NEW YORK TO PROMOTE
2 THE UTILIZATION OF MANUFACTURED HOUSING IN ORDER TO PROVIDE HOUSING
3 OPPORTUNITIES FOR PERSONS WITH LOWER, MODERATE AND FIXED INCOMES.

4 S 1177. DEFINITIONS. AS USED IN THIS ARTICLE:

5 1. "MANUFACTURED HOME" MEANS A STRUCTURE, TRANSPORTABLE IN ONE OR MORE
6 SECTIONS, WHICH, IN THE TRAVELING MODE, IS EIGHT BODY FEET OR MORE IN
7 WIDTH OR FORTY BODY FEET OR MORE IN LENGTH, OR, WHEN ERECTED ON SITE, IS
8 THREE HUNDRED TWENTY OR MORE SQUARE FEET, AND WHICH IS BUILT ON A PERMA-
9 NENT CHASSIS AND DESIGNED TO BE USED AS A DWELLING WITH OR WITHOUT A
10 PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES, AND
11 INCLUDES THE PLUMBING, HEATING, AIR-CONDITIONING, AND ELECTRICAL SYSTEMS
12 CONTAINED THEREIN. THE TERM SHALL INCLUDE ANY STRUCTURE THAT MEETS ALL
13 OF THE REQUIREMENTS OF THIS SUBDIVISION EXCEPT THE SIZE REQUIREMENTS AND
14 WITH RESPECT TO WHICH THE MANUFACTURER VOLUNTARILY FILES A CERTIFICATION
15 REQUIRED BY THE UNITED STATES SECRETARY OF HOUSING AND URBAN DEVELOPMENT
16 AND COMPLIES WITH THE STANDARDS ESTABLISHED UNDER TITLE 42 OF THE UNITED
17 STATES CODE; AND EXCEPT THAT SUCH TERM SHALL NOT INCLUDE ANY SELF-PRO-
18 PELLED RECREATIONAL VEHICLE.

19 2. "IDENTICAL DEVELOPMENT SPECIFICATIONS AND STANDARDS" INCLUDES
20 ACCESS, BUILDING SETBACK DISTANCE, ENCLOSURES AND VEHICLE PARKING SPACE.

21 3. "PERMANENT FOUNDATION" MEANS A SYSTEM OF SUPPORT INSTALLED EITHER
22 PARTIALLY OR ENTIRELY BELOW GRADE AND CONSTRUCTED OF MATERIAL APPROVED
23 BY A MUNICIPAL AGENCY.

24 S 1178. GENERAL PROVISIONS. 1. NO MUNICIPALITY SHALL PROHIBIT THE
25 INSTALLATION OF MANUFACTURED HOUSING, ON A PERMANENT FOUNDATION, MANU-
26 FACTURED OR CONSTRUCTED UNDER THE AUTHORITY OF THE FEDERALLY PREEMPTIVE
27 NATIONAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS ACT OF
28 1974, 42 U.S.C. S 5401 ET SEQ.

29 2. NO MUNICIPALITY SHALL ENACT OR ENFORCE ZONING ORDINANCES OR OTHER
30 REGULATIONS, INCLUDING PERMITTING PROCEDURES, WHICH HAVE THE EFFECT OF
31 EXCLUDING OR ARBITRARILY RESTRICTING THE USE, LOCATION OR PLACEMENT OF
32 MANUFACTURED HOUSING ON LOTS ZONED FOR SINGLE FAMILY USE IN RESIDENTIAL
33 DISTRICTS, EXCEPT UPON THE IDENTICAL DEVELOPMENT STANDARDS AND REQUIRE-
34 MENTS, INCLUDING AESTHETIC AND ARCHITECTURAL STANDARDS, WHICH ARE APPLI-
35 CABLE TO CONVENTIONAL, SITE-BUILT SINGLE FAMILY DWELLINGS IN RESIDENTIAL
36 DISTRICTS.

37 3. MANUFACTURED HOME PARKS MAY BE ESTABLISHED OR EXISTING PARKS
38 EXPANDED CONSISTENT WITH THIS ARTICLE.

39 S 2. This act shall take effect immediately.