

# STATE OF NEW YORK

566

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

Introduced by Sens. KAVANAGH, MANNION -- 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 estab-  
lishing the sustainable affordable housing incentive program

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The private housing finance law is amended by adding a new  
2 article 32 to read as follows:

### ARTICLE XXXII

#### SUSTAINABLE AFFORDABLE HOUSING INCENTIVE PROGRAM

#### Section 1290. Statement of legislative findings and purpose.

##### 1291. Definitions.

##### 1292. Sustainable affordable housing incentive program.

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8 § 1290. Statement of legislative findings and purpose. The legislature  
9 finds and declares that climate change is having a significant impact  
10 upon our environment, health, and safety and it is necessary to imple-  
11 ment programs and policies that immediately reduce greenhouse gas emis-  
12 sions. The legislature further finds that residential housing is a  
13 source for such emissions and we can only address climate change in a  
14 meaningful manner if we change our practices and behaviors as they  
15 relate to the construction of and improvements to such housing, such as  
16 the use of environmentally-sensitive design and the construction prac-  
17 tices and materials; the installation of energy efficient products; and  
18 access to renewable energy sources. Establishing a new program to  
19 encourage and publicly subsidize more environmentally-friendly practices  
20 and materials will reduce greenhouse gas emissions from multi-unit hous-  
21 ing throughout New York state and help address climate change for future  
22 generations.

23 § 1291. Definitions. For the purposes of this article, the following  
24 terms shall have the following meanings:

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

LBD01709-01-3

1 1. "Corporation" shall mean the housing trust fund corporation estab-  
2 lished in section forty-five-a of this chapter.

3 2. "Sustainable affordable housing activities" shall mean activities  
4 by an eligible applicant for a specific work or series of works for the  
5 creation, preservation or improvement of affordable housing which will  
6 reduce greenhouse gas emissions through the use of design, construction,  
7 materials and products, and access to renewable energy sources that  
8 exceed a greenhouse gas emissions baseline for such housing, as deter-  
9 mined by the corporation in consultation with the New York state energy  
10 research and development corporation.

11 3. "Eligible applicant" shall mean a not-for-profit corporation or  
12 charitable organization, or a wholly-owned subsidiary of such a corpo-  
13 ration or organization, or a private for-profit developer such as a  
14 person, corporation, partnership or limited liability company.

15 4. "Affordable residential development" shall mean a multiple family  
16 dwelling which is subject to a regulatory agreement with a local, state,  
17 or federal government entity.

18 § 1292. Sustainable affordable housing incentive program. 1. Within  
19 amounts appropriated or otherwise available therefor, the corporation  
20 shall develop and administer a sustainable affordable housing incentive  
21 program which shall provide assistance in the form of payments, grants  
22 and loans for reasonable and necessary expenses to an eligible applicant  
23 for sustainable housing activities.

24 2. The corporation shall develop procedures, criteria and requirements  
25 related to the application and award of projects pursuant to this  
26 section which shall include: eligibility, market demand, feasibility  
27 and funding criteria; the funding determination process; supervision and  
28 evaluation of contracting applicants; reporting, budgeting and record-  
29 keeping requirements; provisions for modification and termination of  
30 contracts; and such other matters not inconsistent with the purposes and  
31 provisions of this article as the corporation shall deem necessary or  
32 appropriate.

33 § 2. This act shall take effect immediately.