

10647

I N A S S E M B L Y

April 13, 2010

Introduced by M. of A. MONTESANO -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to
requiring housing affordability impact notes in relation to certain
rules

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

1 Section 1. The state administrative procedure act is amended by adding
2 a new section 202-f to read as follows:
3 S 202-F. HOUSING AFFORDABILITY IMPACT NOTES. 1. EVERY RULE, THE
4 PURPOSE OR EFFECT OF WHICH IS TO INCREASE OR DECREASE THE COST OF
5 CONSTRUCTING, PURCHASING, OWNING OR SELLING A SINGLE FAMILY RESIDENCE,
6 EITHER DIRECTLY OR INDIRECTLY, SHALL BE ACCOMPANIED BY A BRIEF EXPLANA-
7 TORY STATEMENT OR NOTE THAT SHALL INCLUDE A RELIABLE ESTIMATE OF THE
8 ANTICIPATED IMPACT ON SUCH HOUSING. THESE STATEMENTS OR NOTES SHALL BE
9 KNOWN AS HOUSING AFFORDABILITY IMPACT NOTES.
10 2. EVERY STATE AGENCY, EXCLUDING THE DIVISION OF HOUSING AND COMMUNITY
11 RENEWAL, THE NEW YORK STATE HOUSING FINANCE AGENCY, AND THE STATE OF NEW
12 YORK MORTGAGE AGENCY, PROPOSING THE ADOPTION, REPEAL OR AMENDMENT OF ANY
13 RULE TO WHICH SUBDIVISION ONE OF THIS SECTION APPLIES, SHALL PRESENT A
14 COPY OF THE PROPOSAL, WITH THE REQUEST FOR A HOUSING AFFORDABILITY
15 IMPACT NOTE TO THE NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY
16 RENEWAL. THE HOUSING AFFORDABILITY IMPACT NOTES SHALL BE PREPARED BY THE
17 DIVISION AND SUBMITTED TO THE AGENCY PROPOSING THE RULE WITHIN FIVE
18 CALENDAR DAYS, EXCEPT WHERE, BECAUSE OF THE COMPLEXITY OF THE MEASURE,
19 ADDITIONAL TIME IS REQUIRED FOR THE PREPARATION OF THE HOUSING AFFORDA-
20 BILITY IMPACT NOTE. IN SUCH CASE, THE DIVISION MAY INFORM THE AGENCY AND
21 THE AGENCY MAY APPROVE AN EXTENSION OF THE TIME WITHIN WHICH THE NOTE IS
22 TO BE SUBMITTED, NOT TO EXCEED, HOWEVER, MORE THAN THIRTY DAYS FOLLOWING
23 THE DATE OF THE REQUEST. THE DIVISION MAY SEEK ASSISTANCE FROM A STATE-
24 WIDE TRADE ORGANIZATION REPRESENTING THE REAL ESTATE OR HOME BUILDING
25 INDUSTRY IN THE PREPARATION OF A HOUSING AFFORDABILITY IMPACT NOTE. IF,
26 IN THE OPINION OF THE DIVISION, THERE IS INSUFFICIENT INFORMATION TO
27 PREPARE A RELIABLE ESTIMATE OF THE ANTICIPATED IMPACT, A STATEMENT TO

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

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1 THAT EFFECT CAN BE FILED AND SHALL MEET THE REQUIREMENTS OF THIS
2 SECTION.

3 3. THE NOTE SHALL BE FACTUAL IN NATURE, AS BRIEF AND CONCISE AS POSSI-
4 BLE, AND SHALL PROVIDE A REASONABLE ESTIMATE IN DOLLARS OF THE RULE'S
5 HOUSING IMPACT. IN ADDITION, IT SHALL INCLUDE BOTH THE IMMEDIATE EFFECT
6 AND, IF DETERMINABLE OR REASONABLY FORESEEABLE, THE LONG RANGE EFFECTS
7 OF THE MEASURE. A HOUSING AFFORDABILITY IMPACT NOTE SHALL BE PREPARED ON
8 THE BASIS OF A SINGLE FAMILY RESIDENCE AND MAY INCLUDE AN ESTIMATE FOR A
9 LARGER DEVELOPMENT AS AN ANALYSIS OF THE LONG RANGE EFFECT OF A MEASURE.
10 IF, AFTER CAREFUL INVESTIGATION, IT IS DETERMINED THAT NO DOLLAR ESTI-
11 MATE IS POSSIBLE, THE NOTE SHALL CONTAIN A STATEMENT TO THAT EFFECT
12 SETTING FORTH THE REASONS WHY NO DOLLAR ESTIMATE CAN BE GIVEN. A BRIEF
13 SUMMARY OR WORK SHEET OF COMPUTATIONS USED IN ARRIVING AT HOUSING
14 AFFORDABILITY IMPACT NOTE FIGURES SHALL BE INCLUDED.

15 4. NO COMMENT OR OPINION SHALL BE INCLUDED IN THE HOUSING AFFORDABILI-
16 TY IMPACT NOTE WITH REGARD TO THE MERITS OF THE MEASURE FOR WHICH THE
17 HOUSING AFFORDABILITY IMPACT NOTE IS PREPARED; HOWEVER, TECHNICAL OR
18 MECHANICAL DEFECTS MAY BE NOTED.

19 S 2. This act shall take effect on the first of January next succeed-
20 ing the date on which it shall have become a law.