

3874

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. WALKER, ALFANO, McKEVITT, McDONOUGH, RAIA, SALADINO -- Multi-Sponsored by -- M. of A. BARRA, CONTE, THIELE -- 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 ASSEMBLY, 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-

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

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1 WIDE TRADE ORGANIZATION REPRESENTING THE REAL ESTATE OR HOME BUILDING  
2 INDUSTRY IN THE PREPARATION OF A HOUSING AFFORDABILITY IMPACT NOTE. IF,  
3 IN THE OPINION OF THE DIVISION, THERE IS INSUFFICIENT INFORMATION TO  
4 PREPARE A RELIABLE ESTIMATE OF THE ANTICIPATED IMPACT, A STATEMENT TO  
5 THAT EFFECT CAN BE FILED AND SHALL MEET THE REQUIREMENTS OF THIS  
6 SECTION.

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

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

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