S T A T E O F N E W Y O R K

4072

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. THIELE, WALKER, ALFANO, BARRA -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law, in relation to providing state assistance to municipalities which provide affordable workforce housing, and making an appropriation therefor

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

Section 1. Legislative findings. The legislature hereby finds that it is the public policy of the state of New York to foster the goal of home ownership and the provision of affordable workforce housing in the state. It is further found by this legislature that municipalities have a responsibility to assist in providing a fair share of the regional need for affordable housing. Furthermore, each municipality has the responsibility to establish a comprehensive land use plan that provides balanced and diverse housing options for all segments of the community.

This act would provide an incentive of state financial assistance for municipalities which establish a comprehensive land use plan and zoning local laws or ordinances which require the provision of affordable workforce housing as a condition of approval for site plans, subdivisions or other land use approvals for residential or mixed use development proposals with five or more residential units. The state assistance would be based upon the number of affordable workforce housing units actually produced.

Municipalities may also provide a density bonus as part of their comprehensive land use plans and zoning local laws or ordinances to promote the economic feasibility of providing affordable workforce housing.

S 2. The private housing finance law is amended by adding a new article 23 to read as follows:

ARTICLE XXIII

AFFORDABLE WORKFORCE HOUSING INCENTIVE PROGRAM

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

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SECTION 1160. DEFINITIONS.
1161. AFFORDABLE WORKFORCE HOUSING INCENTIVE AGREEMENTS.
1162. GENERAL PROVISIONS.

S 1160. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: 1. "AFFORDABLE WORKFORCE HOUSING" MEANS HOUSING FOR INDIVIDUALS OR FAMILIES AT OR BELOW EIGHTY PERCENT OF THE MEDIAN INCOME IN THE MUNICIPALITY AS PROVIDED BY THE MOST RECENT INFORMATION FROM THE UNITED STATES CENSUS BUREAU.

2. "DIVISION" MEANS THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

3. "MUNICIPALITY" MEANS A CITY, TOWN, OR VILLAGE.

4. "DENSITY BONUS" MEANS A DENSITY INCREASE OF TEN PERCENT OR MORE OVER THE OTHERWISE PERMITTED MAXIMUM ALLOWABLE RESIDENTIAL DENSITY.

5. "STATE FINANCIAL ASSISTANCE" MEANS PAYMENTS TO A MUNICIPALITY TO PRODUCE AFFORDABLE WORKFORCE HOUSING UNITS WHICH SHALL BE USED TO REDUCE THE COST OF SUCH UNITS FOR ELIGIBLE INDIVIDUALS OR FAMILIES.

S 1161. AFFORDABLE WORKFORCE HOUSING INCENTIVE AGREEMENTS. 1. WITHIN THE LIMITS OF FUNDS AVAILABLE, THE DIVISION IS HEREBY AUTHORIZED TO ENTER INTO CONTRACTS WITH MUNICIPALITIES TO PROVIDE STATE FINANCIAL ASSISTANCE FOR ACTIVITIES TO BE CARRIED OUT PURSUANT TO THIS ARTICLE. THE DIVISION SHALL PROVIDE SUCH STATE FINANCIAL ASSISTANCE IN THE FORM OF GRANTS IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR EACH UNIT OF AFFORDABLE WORKFORCE HOUSING PRODUCED. NO MORE THAN TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT APPROPRIATED PURSUANT TO THIS ARTICLE SHALL BE ALLOCATED TO CONTRACTS WITH ANY SINGLE MUNICIPALITY.

2. THE DIVISION SHALL NOT ENTER INTO A CONTRACT UNDER THIS ARTICLE EXCEPT WITH A MUNICIPALITY WHICH HAS SUBMITTED AN APPLICATION PURSUANT TO A REQUEST FOR PROPOSALS ISSUED BY THE DIVISION WHICH APPLICATION CONTAINS A PLAN ACCEPTABLE TO THE DIVISION WHICH PROVIDES THAT:

(A) THE MUNICIPALITY SHALL AMEND ITS ZONING LOCAL LAW OR ORDINANCE TO REQUIRE THE PROVISION OF AFFORDABLE WORKFORCE HOUSING ON THE PROPERTY FOR WHICH AN AGREEMENT IS SOUGHT EQUAL TO AT LEAST TEN PERCENT OF THE MAXIMUM ALLOWABLE DENSITY PERMITTED ON THE PROPERTY WITHOUT A DENSITY BONUS.

(B) WHERE A DENSITY BONUS IS INCLUDED AS PART OF THE DEVELOPMENT PROPOSAL THAT AT LEAST ONE-HALF OF THE DENSITY BONUS SHALL BE FOR AFFORDABLE WORKFORCE HOUSING UNITS.

(C) THE STATE FINANCIAL ASSISTANCE PROVIDED FOR HEREIN SHALL BE USED FOR THE PROVISION OF GRANTS TO ELIGIBLE INDIVIDUALS OR FAMILIES FOR THE PURCHASE OF AN AFFORDABLE WORKFORCE HOUSING UNIT.

(D) SAID AFFORDABLE WORKFORCE HOUSING SHALL REMAIN AFFORDABLE IN PERPETUITY.

S 1162. GENERAL PROVISIONS. 1. THE DIVISION SHALL ISSUE AND PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION OF THIS ARTICLE.

2. THE DIVISION SHALL PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES THAT ARE DRAFTING LOCAL LAWS AND ORDINANCES TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

S 2. The sum of five million dollars ($5,000,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated, and made immediately available to the commissioner of housing and community renewal for expenses in carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved in the manner prescribed by law.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediate-

ly, the addition, amendment and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date are authorized to be made and completed on or before such effective date.