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

1358

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. RABBITT, ERRIGO, CALHOUN, QUINN, FINCH, McDONOUGH, WALKER -- Multi-Sponsored by -- M. of A. CROUCH, RAIA, TOWNSEND -- read once and referred to the Committee on Housing

AN ACT to amend the executive law and the public housing law, in relation to percentage of accessible units in all state funded rehabilitation and new multi-family housing construction

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

Section 1. Section 372 of the executive law is amended by adding five new subdivisions 20, 21, 22, 23 and 24 to read as follows:

20. "ACCESSIBLE DWELLING UNITS" MEANS DWELLING UNITS IN GROUP R-2 AND GROUP R-3 OCCUPANCIES THAT COMPLY WITH SECTION 1107 OF THE BUILDING CODE OF NEW YORK STATE AND APPLICABLE PORTIONS OF CHAPTERS ONE THROUGH NINE OF THE ICC/ANSI A117.1.

21. "ALTERATION" MEANS ANY CHANGE IN A BUILDING, DWELLING, OR FACILITY OR ITS PERMANENT FIXTURES OR EQUIPMENT INCLUDING, BUT NOT LIMITED TO, REMODELING, RENOVATION, REHABILITATION, RECONSTRUCTION, CHANGES OR REARRANGEMENTS IN STRUCTURAL PARTS AND EXTRAORDINARY REPAIRS. ALTERATIONS SHALL NOT INCLUDE NORMAL MAINTENANCE OR REPAIRS, REPROOFING, INTERIOR DECORATING, OR CHANGES TO MECHANICAL SYSTEMS.

22. "MULTI-FAMILY HOUSING" MEANS A REHABILITATION OR NEW CONSTRUCTION PROJECT CONTAINING FIVE OR MORE DWELLING UNITS.

23. "PERSONS WITH MOBILITY IMPAIRMENTS" MEANS A PHYSIOLOGICAL DISORDER OR CONDITION OR ANATOMICAL LOSS AFFECTING ONE OR MORE OF THE FOLLOWING BODY SYSTEMS: NEUROLOGICAL, MUSCULOSKELETAL, RESPIRATORY OR CARDIOVASCULAR.

24. "PERSONS WITH SENSORY IMPAIRMENTS" MEANS A PHYSIOLOGICAL DISORDER OR CONDITION OR ANATOMICAL LOSS AFFECTING THE SPECIAL SENSE ORGANS.

S 2. Subdivision 2 of section 377 of the executive law is amended by adding a new paragraph f to read as follows:

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

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F. INCLUDE IN THE MULTI-FAMILY REHABILITATION AND NEW MULTI-FAMILY HOUSING CONSTRUCTION DEVELOPMENTS REQUIREMENTS THAT NO LESS THAN FIVE PERCENT OF SUCH STATE FUNDED DEVELOPMENTS SHALL BE DEVELOPED TO ENSURE ACCESS BY PERSONS WITH MOBILITY IMPAIRMENTS AND THAT NO LESS THAN TWO PERCENT OF SUCH HOUSING DEVELOPMENTS BE DEVELOPED TO ENSURE ACCESS FOR PERSONS WITH SENSORY IMPAIRMENTS.

S 3. Section 3 of the public housing law is amended by adding five new subdivisions 28, 29, 30, 31 and 32 to read as follows:

28. THE TERM "ACCESSIBLE DWELLING UNITS" MEANS DWELLING UNITS IN GROUP R-2 AND GROUP R-3 OCCUPANCIES THAT COMPLY WITH SECTION 1107 OF THE BUILDING CODE OF NEW YORK STATE AND APPLICABLE PORTIONS OF CHAPTERS ONE THROUGH NINE OF THE ICC/ANSI A117.1.

29. THE TERM "ALTERATION" MEANS ANY CHANGE IN A BUILDING, DWELLING OR FACILITY OR ITS PERMANENT FIXTURES OR EQUIPMENT INCLUDING, BUT NOT LIMITED TO, REMODELING, RENOVATION, REHABILITATION, RECONSTRUCTION, CHANGES OR REARRANGEMENTS IN STRUCTURAL PARTS AND EXTRAORDINARY REPAIRS. ALTERATIONS SHALL NOT INCLUDE NORMAL MAINTENANCE OR REPAIRS, REPROOFING, INTERIOR DECORATING, OR CHANGES TO MECHANICAL SYSTEMS.

30. THE TERM "MULTI-FAMILY HOUSING" MEANS A REHABILITATION OR NEW CONSTRUCTION PROJECT CONTAINING FIVE OR MORE DWELLING UNITS.

31. THE TERM "PERSONS WITH MOBILITY IMPAIRMENTS" MEANS PHYSIOLOGICAL DISORDER OR CONDITION OR ANATOMICAL LOSS AFFECTING ONE OR MORE OF THE FOLLOWING BODY SYSTEMS: NEUROLOGICAL, MUSCULOSKELETAL, RESPIRATORY OR CARDIOVASCULAR.

32. THE TERM "PERSONS WITH SENSORY IMPAIRMENTS" MEANS A PHYSIOLOGICAL DISORDER OR CONDITION OR ANATOMICAL LOSS AFFECTING THE SPECIAL SENSE ORGANS.

S 4. Paragraph (w) of subdivision 1 of section 14 of the public housing law, as added by chapter 116 of the laws of 1997, is amended to read as follows:

(w) enter into contracts, as an agent of the state, with private entities to encourage the development of new multi-family housing in municipalities found by the legislature to be suffering from a housing emergency at the time of contracting. SUCH CONTRACTS SHALL INCLUDE COMMITMENTS BY SUCH PRIVATE ENTITIES TO ENSURE ACCESS BY PERSONS WITH MOBILITY IMPAIRMENTS IN NO LESS THAN FIVE PERCENT OF SUCH NEW MULTI-FAMILY HOUSING AND TO ENSURE ACCESS BY PERSONS WITH SENSORY IMPAIRMENTS IN NO LESS THAN TWO PERCENT OF SUCH MULTI-FAMILY HOUSING, AND THAT SUCH UNITS WILL BE MARKETED TO PERSONS WITH MOBILITY AND SENSORY IMPAIRMENTS, AS FURTHER PROVIDED IN SUBDIVISION SIX OF THIS SECTION. Such contracts shall include a commitment by the state that any such new housing shall remain exempt from rent control, rent stabilization and any other form of rent regulation for a term of fifty years except where equivalent, [co-terminus] COTERMINUS and general controls of prices and wages are imposed or where the owner or developer of such housing voluntarily agrees to accept such regulation in consideration for tax or other governmental benefits. Notwithstanding any other provision of law to the contrary, an agreement by the developer to build new multi-family housing in an area suffering from a housing emergency shall be deemed good and valid consideration for the foregoing commitment by the state.

S 5. Section 14 of the public housing law is amended by adding a new subdivision 6 to read as follows:

6. (A) NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, ALL PUBLIC OR PRIVATE REHABILITATION OF MULTI-FAMILY HOUSING OR NEW MULTI-FAMILY HOUSING CONSTRUCTION DEVELOPMENTS THAT RECEIVE STATE FUNDING OR FINANCING SHALL REQUIRE, IN EXCHANGE FOR SUCH STATE FUNDING

OR FINANCING, THAT SUCH DEVELOPERS ENSURE ACCESS BY PERSONS WITH MOBILITY IMPAIRMENTS IN NO LESS THAN FIVE PERCENT OF SUCH HOUSING UNITS AND TO ENSURE ACCESS BY PERSONS WITH SENSORY IMPAIRMENTS IN NO LESS THAN TWO PERCENT OF SUCH HOUSING UNITS.

(B) SUCH DEVELOPERS, OWNERS, MANAGERS, OR ANY OTHER PERSON RESPONSIBLE TO MARKET SUCH HOUSING UNITS SHALL RESERVE AND MARKET THE ACCESSIBLE HOUSING UNITS TO PERSONS WITH MOBILITY AND SENSORY IMPAIRMENTS.

(C) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT AND ENFORCE THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION.

S 6. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.