

1587

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the private housing finance law, in relation to authorizing grants to municipalities to provide affordable housing and making an appropriation therefor

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

1 Section 1. The private housing finance law is amended by adding a new
2 article 23 to read as follows:

3 ARTICLE XXIII

4 ZONING INCENTIVE PROGRAM

5 SECTION 1160. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE.

6 1161. DEFINITIONS.

7 1162. ZONING INCENTIVE CONTRACTS.

8 1163. GENERAL AND ADMINISTRATIVE PROVISIONS.

9 S 1160. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE
10 HEREBY FINDS AND DECLARES THAT MANY SUBURBAN AND RURAL COMMUNITIES FACE
11 CRITICAL AFFORDABLE HOUSING SHORTAGES, THAT SOME OF THESE COMMUNITIES
12 ZONE THEIR RESIDENTIAL DISTRICTS FOR LOW DENSITY DEVELOPMENT, AND THAT
13 CERTAIN PROPERTIES ZONED FOR ONLY LOW DENSITY RESIDENTIAL USE COULD BE
14 USED TO DEVELOP AFFORDABLE HOUSING IF THE PROPER INCENTIVES EXISTED. THE
15 LEGISLATURE THEREFORE FINDS THAT A PROGRAM SHOULD BE ESTABLISHED TO
16 PROVIDE A FINANCIAL INCENTIVE FOR LOCALITIES TO USE THEIR ZONING POLI-
17 CIES AS A MECHANISM TO DEVELOP AFFORDABLE HOUSING.

18 S 1161. DEFINITIONS. AS USED IN THIS ARTICLE, THE TERMS:

19 1. "DIVISION" SHALL MEAN THE DIVISION OF HOUSING AND COMMUNITY
20 RENEWAL.

21 2. "MUNICIPALITY" SHALL MEAN A CITY, TOWN OR VILLAGE.

22 3. "BONUS HOUSING" SHALL MEAN A RESIDENTIAL DWELLING.

23 4. "AFFORDABLE BONUS UNIT" SHALL MEAN BONUS HOUSING WHICH IS AFFORDA-
24 BLE TO AND OCCUPIED BY PERSONS EARNING THE LESSER OF THE MEDIAN INCOME

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

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1 OF MUNICIPAL EMPLOYEES IN THE AREA OR THE MEDIAN INCOME FOR THE METRO-
2 POLITAN STATISTICAL AREA.

3 5. "STATE FINANCIAL ASSISTANCE" SHALL MEAN PAYMENTS TO MUNICIPALITIES
4 TO PRODUCE AFFORDABLE BONUS UNITS WHICH PAYMENTS MAY BE USED TO DEFRAY
5 THE COST OF PRODUCING SUCH UNITS.

6 S 1162. ZONING INCENTIVE CONTRACTS. 1. WITHIN THE LIMITS OF FUNDS
7 AVAILABLE, THE DIVISION IS HEREBY AUTHORIZED TO ENTER INTO CONTRACTS
8 WITH MUNICIPALITIES TO PROVIDE STATE FINANCIAL ASSISTANCE FOR ACTIVITIES
9 TO BE CARRIED OUT PURSUANT TO THIS ARTICLE. THE DIVISION SHALL PROVIDE
10 SUCH STATE FINANCIAL ASSISTANCE IN THE FORM OF GRANTS IN AN AMOUNT NOT
11 TO EXCEED TEN THOUSAND DOLLARS FOR EACH AFFORDABLE BONUS UNIT PRODUCED.
12 NO MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT APPROPRIATED PURSUANT TO
13 THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED TO CONTRACTS WITH ANY
14 SINGLE MUNICIPALITY.

15 2. THE DIVISION SHALL NOT ENTER INTO A CONTRACT UNDER THIS ARTICLE
16 EXCEPT WITH A MUNICIPALITY WHICH HAS SUBMITTED AN APPLICATION PURSUANT
17 TO A REQUEST FOR PROPOSALS ISSUED BY THE DIVISION WHICH APPLICATION
18 CONTAINS A PLAN ACCEPTABLE TO THE DIVISION WHICH PROVIDES THAT: (A) THE
19 MUNICIPALITY SHALL AMEND ITS ZONING ORDINANCE WITH RESPECT TO THE PROP-
20 erty FOR WHICH A ZONING INCENTIVE CONTRACT IS SOUGHT TO ALLOW, AT A
21 MINIMUM, TWICE AS MUCH HOUSING DEVELOPMENT AS CURRENTLY ALLOWED;

22 (B) THE MUNICIPALITY SHALL PROVIDE OR CONTRACT TO PROVIDE BONUS HOUS-
23 ING ON THE LAND WHICH IS REZONED; AND

24 (C) AT A MINIMUM ONE-THIRD OF THE BONUS HOUSING PRODUCED SHALL BE
25 AFFORDABLE BONUS UNITS.

26 3. IN DETERMINING AWARDS PURSUANT TO THIS ARTICLE THE DIVISION SHALL
27 GIVE PREFERENCE TO APPLICATIONS BASED UPON THE EXTENT TO WHICH THE MUNI-
28 CIPALITY WILL:

29 (A) SERVE THE LOWEST INCOME HOUSEHOLDS IN THE MUNICIPALITY;

30 (B) UNDERTAKE AND COMPLETE THE PROJECT IN A TIMELY FASHION;

31 (C) UTILIZE INNOVATIVE, COST EFFECTIVE DESIGN TECHNIQUES AND BUILDING
32 MATERIALS WHICH REDUCE CONSTRUCTION OR OPERATING COSTS INCLUDING BUT NOT
33 LIMITED TO FACTORY BUILT OR MODULAR HOMES.

34 S 1163. GENERAL AND ADMINISTRATIVE PROVISIONS. 1. THE DIVISION SHALL
35 ISSUE AND PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION OF
36 THIS ARTICLE.

37 2. THE DIVISION SHALL, ON OR BEFORE JANUARY FIRST IN EACH YEAR, SUBMIT
38 FOR THE PRECEDING FISCAL YEAR A REPORT TO THE GOVERNOR, THE TEMPORARY
39 PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY ON THE IMPLE-
40 MENTATION OF THIS ARTICLE. SUCH REPORT SHALL INCLUDE BUT NOT BE LIMITED
41 TO (A) A DESCRIPTION OF THE DISTRIBUTION OF FUNDS, (B) FOR EACH MUNICI-
42 PALITY RECEIVING A GRANT UNDER THIS ARTICLE, THE NUMBER OF AFFORDABLE
43 UNITS PRODUCED, THE COST OF SUCH NEW UNITS AND A DESCRIPTION OF HOW SUCH
44 UNITS WERE PRODUCED AND (C) THE TOTAL NUMBER OF AFFORDABLE UNITS
45 PRODUCED.

46 S 2. The sum of one million dollars (\$1,000,000), or so much thereof
47 as may be necessary, is hereby allocated from monies appropriated to the
48 state affordable housing corporation and made immediately available to
49 the commissioner of housing and community renewal for expenses in carry-
50 ing out the provisions of this act. Such monies shall be payable on the
51 audit and warrant of the comptroller on vouchers certified or approved
52 in the manner prescribed by law.

53 S 3. This act shall take effect on the one hundred twentieth day after
54 it shall have become a law, provided however, that effective immediate-
55 ly, all actions and procedures with respect to the proposed adoption,
56 amendment, suspension or repeal of any rule or regulation necessary for

1 the timely implementation of this act on its effective date are author-
2 ized and directed to be made and completed on or before such effective
3 date.