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

4126

2011-2012 Regular Sessions

I N S E N A T E

March 21, 2011

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the private housing finance law, in relation to enacting the affordable housing act relating to the utilization of manufactured housing as affordable housing for persons of lower, moderate or fixed incomes

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

Section 1. The private housing finance law is amended by adding a new article 24-A to read as follows:

ARTICLE XXIV-A

THE AFFORDABLE HOUSING ACT

SECTION 1175. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSES.
1176. DEFINITIONS.
1177. GENERAL PROVISIONS.

S 1175. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSES. THE LEGISLATURE FINDS AND DECLARES THAT A NEED FOR AFFORDABLE HOUSING EXISTS FOR RESIDENTS AND THAT ITS RESIDENTS HAVE A RIGHT TO AFFORDABLE HOUSING. THE LEGISLATURE HAS DETERMINED THAT MANUFACTURED HOUSING PROVIDES STATE HOMEOWNERS WITH AN AFFORDABLE SOURCE OF DECENT, SAFE AND SANITARY HOUSING ON A PERMANENT BASIS. THE LEGISLATURE FURTHER FINDS THAT IN THE LAST DECADE THE IMPROVED DESIGN, APPEARANCE AND SIGNIFICANT TECHNOLOGICAL ADVANCES OF MANUFACTURED HOUSING BUILT TO HOUSING AND URBAN DEVELOPMENT CODE STANDARDS, MAKES MANUFACTURED HOUSING EQUIVALENT TO CONVENTIONAL, SITE-BUILT SINGLE FAMILY DWELLINGS FOR PURPOSES OF LAND-USE CONTROLS AND HOUSING CODE STANDARDS. THEREFORE, THE LEGISLATURE FINDS AND DECLARES THAT IT IS IN THE PUBLIC INTEREST FOR THE STATE OF NEW YORK TO PROMOTE THE UTILIZATION OF MANUFACTURED HOUSING IN ORDER TO PROVIDE HOUSING OPPORTUNITIES FOR PERSONS WITH LOWER, MODERATE AND FIXED INCOMES.

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

LBD10094-01-1

S 1176. DEFINITIONS. 1. "MANUFACTURED HOME" MEANS A SINGLE FAMILY DWELLING WHICH: (A) CONSISTS OF ONE OR MORE TRANSPORTABLE SECTIONS WHICH ARE SUBSTANTIALLY CONSTRUCTED OFF SITE, AND, IF MORE THAN ONE SECTION, ARE JOINED TOGETHER ON SITE; (B) IS BUILT ON A PERMANENT CHASSIS; (C) IS DESIGNED TO BE USED, WHEN CONNECTED TO UTILITIES, AS A DWELLING ON A PERMANENT FOUNDATION; AND (D) IS MANUFACTURED IN ACCORDANCE WITH AND CERTIFIED PURSUANT TO THE STANDARDS PROMULGATED FOR A MANUFACTURED HOME PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, 42 U.S.C. S 5401 ET SEQ.

2. "IDENTICAL DEVELOPMENT SPECIFICATIONS AND STANDARDS" INCLUDES ACCESS, BUILDING SETBACK DISTANCE, ENCLOSURES AND VEHICLE PARKING SPACE.

3. "PERMANENT FOUNDATION" MEANS A SYSTEM OF SUPPORT INSTALLED EITHER PARTIALLY OR ENTIRELY BELOW GRADE AND CONSTRUCTED OF MATERIAL APPROVED BY A MUNICIPAL AGENCY.

4. "ROOF OVERHANG, ROOFING MATERIAL AND SIDING MATERIAL" MEANS ROOF APPEARANCE AND MATERIALS COMMONLY USED ON SITE-BUILT HOMES.

S 1177. GENERAL PROVISIONS. 1. NO MUNICIPALITY SHALL PROHIBIT THE INSTALLATION OF MANUFACTURED HOUSING, ON A PERMANENT FOUNDATION, MANUFACTURED OR CONSTRUCTED UNDER THE AUTHORITY OF THE FEDERALLY PREEMPTIVE NATIONAL MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, 42 U.S.C. S 5401 ET SEQ.

2. NO MUNICIPALITY SHALL ENACT OR ENFORCE ZONING ORDINANCES OR OTHER REGULATIONS, INCLUDING PERMITTING PROCEDURES, WHICH HAVE THE EFFECT OF EXCLUDING OR ARBITRARILY RESTRICTING THE USE, LOCATION OR PLACEMENT OF MANUFACTURED HOUSING ON LOTS ZONED FOR SINGLE FAMILY USE IN RESIDENTIAL DISTRICTS, EXCEPT UPON THE IDENTICAL DEVELOPMENT STANDARDS AND REQUIREMENTS WHICH ARE APPLICABLE TO CONVENTIONAL, SITE-BUILT SINGLE FAMILY DWELLINGS IN RESIDENTIAL DISTRICTS.

3. NO MUNICIPALITY SHALL ENACT OR IMPOSE AESTHETIC AND ARCHITECTURAL STANDARDS OR OTHER REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL DWELLINGS THAT WOULD HAVE THE EFFECT OF EXCLUDING MANUFACTURED HOUSING; UNIFORM STANDARDS FOR ROOF OVERHANG, ROOFING MATERIAL AND SIDING MATERIAL MAY BE IMPOSED CONSISTENT WITH THIS RESTRICTION.

4. MOBILE HOME PARKS MAY BE ESTABLISHED CONSISTENT WITH THIS ARTICLE.

S 2. This act shall take effect immediately.