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

3738

2011-2012 Regular Sessions

I N A S S E M B L Y

January 27, 2011

Introduced by M. of A. CAMARA, CASTRO, ROBINSON -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law and the retirement and social security law, in relation to authorizing the use of public retirement or pension funds for the purpose of establishing permanent affordable housing; and establishing a permanent affordable housing advisory board

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

Section 1. Legislative findings and declarations. The legislature finds and determines that there continues to exist in the state a seriously inadequate supply of safe and sanitary dwelling accommodations for persons of low income. This condition is contrary to the public interest and threatens the health, safety, welfare, comfort and security of the people of the state.

The legislature further finds and declares that many homeless families live in overcrowded and often dilapidated welfare hotels; that temporary housing is expensive and yet offers only minimal services; and that the state must continue to develop cost effective alternatives to temporary housing, ultimately permanent housing is the only real answer to the housing crisis.

The legislature further finds and reveals that the ordinary operations of private enterprise cannot provide an adequate supply of safe and sanitary dwelling accommodations rentals which families and persons of low income can afford. The legislature therefore finds that the state should dedicate a portion of the New York state pension funds to create a sinking bond for the creation of permanent affordable housing for families and persons who are homeless, at risk of being homeless, and/or low income families and persons. To promote business in the state of New York, it shall be the intent of the legislature to encourage small businesses to participate in the rehabilitation and construction of dwell-

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

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ings to provide permanent affordable housing throughout the state of New York.

S 2. Subdivision 7 of section 45-a of the private housing finance law is amended by adding a new paragraph (i) to read as follows:

(I) INVEST ANY FUNDS OF THE CORPORATION IN PROJECTS WHICH PROVIDE FOR THE REHABILITATION OF EXISTING DWELLINGS OR THE CONSTRUCTION OF NEW DWELLINGS WHICH ARE TO BE USED FOR THE PURPOSE OF PROVIDING PERMANENT AFFORDABLE HOUSING.

S 3. Section 177 of the retirement and social security law is amended by adding a new subdivision 9-a to read as follows:

9-A. BONDS ISSUED BY THE NEW YORK STATE HOUSING FINANCE AGENCY FOR THE REHABILITATION OF EXISTING DWELLINGS OR THE CONSTRUCTION OF NEW DWELLINGS WHICH ARE TO BE USED FOR THE PURPOSE OF PROVIDING PERMANENT AFFORDABLE HOUSING.

S 4. (a) There is hereby established a permanent affordable housing advisory board which shall identify and evaluate the state's housing needs and provide for an increase in the supply of decent, safe and affordable permanent housing. The permanent affordable housing advisory board shall consist of seven members, to be appointed as follows: one member shall be appointed by the governor; one member shall be appointed by the temporary president of the senate; one member shall be appointed by the speaker of the assembly; one member shall be appointed by the chairman of the senate finance committee; one member shall be appointed by the chairman of the assembly ways and means committee; one member shall be appointed by the comptroller; and one member shall be appointed by the New York state housing finance agency.

(b) Any representative so designated shall have the power to attend and to vote at any meeting of such board from which the member is absent with the same force and effect as if the member designating him or her were present and voting. Such designation shall be by written notice filed with the members. The designation of such person shall continue until revoked at any time by the members. Notwithstanding any inconsistent provisions of law, no officer or employee of the state shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of acceptance of membership on the board established by this section.

(c) In carrying out its duties under this section the permanent affordable housing board may request the assistance of appropriate city and state agencies, public benefit corporations and public authorities. The aforesaid agencies, public benefits corporations and public authorities are authorized to provide such assistance within their respective functions as the permanent affordable housing board may require.

(d) No officer or member of the advisory board shall receive any additional compensation, either direct or indirect, other than the reimbursement for actual and necessary expenses incurred in the performance of his or her duties, by reason of his or her serving as a member.

(e) The permanent affordable housing advisory board shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the construction program for affordable housing dwellings created pursuant to the provisions of this act.

(f) The board established by this section shall establish measures and procedures by which an economically viable tenant mixture is assured.

S 5. (a) (1) In the award of contracts for the design, construction, reconstruction, rehabilitation or improvement of affordable housing

dwellings pursuant to this act, minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The permanent affordable housing advisory board established pursuant to section four of this act shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the construction program for affordable housing dwellings, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this act shall be construed to limit the ability of the permanent affordable housing advisory board to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes of this section, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are Black, Hispanic, Asian or American Indian, and such ownership interest is real, substantial and continuing; and "women-owned business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are women, and such ownership interest is real, substantial and continuing.

The provisions of this paragraph shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

(2) In the implementation of this section, the contracting agency shall consider compliance by any contractor with the requirements of any federal, state, or local law concerning minority and women-owned business enterprises, which may effectuate the requirements of this section. If the contracting agency determines that by virtue of the imposition of the requirements of any such law, in respect to capital project contracts, the provisions thereof duplicate or conflict with such law, the contracting agency may waive the applicability of this section to the extent of such duplication or conflict.

(3) Nothing in this section shall be deemed to require that overall state and federal requirements for participation of minority and women-owned business enterprises in programs authorized under this act be applied without regard to local circumstances to all projects or in all communities.

(b) In order to implement the requirements and objectives of this section, the permanent affordable housing advisory board shall establish procedures to monitor the contractors' compliance with the provisions of this section, provide assistance in obtaining competing qualified minority and women-owned business enterprises to perform contracts proposed to be awarded, and take other appropriate measures to improve the access of minority and women-owned business enterprises to these contracts.

S 6. This act shall take effect immediately.