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

7329

I N S E N A T E

April 15, 2016

Introduced by Sen. SANDERS -- 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 public housing law, in relation to requiring the commissioner of community housing and renewal and the superintendent of financial services to create an annual report regarding residential subsidies provided by public agencies

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

Section 1. Legislative findings and intent. There is an affordable housing crisis in New York State, especially for low- and moderate-income families. Developing housing for low- and moderate-income families requires subsidies through municipal programs and federal programs administered by municipalities. Reporting requirements regarding the use of these subsidies will assist the municipal agencies to develop and review housing programs in order to achieve the best use of the limited available resources.

S 2. The public housing law is amended by adding a new section 16-a to read as follows:

S 16-A. REPORTING REQUIREMENTS FOR SUBSIDIZED HOUSING PROGRAMS. A. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. THE TERM "PUBLIC AGENCY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT, IMPROVEMENT DISTRICT OR DISTRICT CORPORATION OF THE STATE OF NEW YORK; AND ANY LOCAL GOVERNMENTAL UNIT, SUBDIVISION, OR SPECIAL DISTRICT OF ANOTHER STATE.

2. "DWELLING" MEANS ANY BUILDING OR STRUCTURE OR PORTION THEREOF WHICH IS OCCUPIED IN WHOLE OR IN PART AS THE HOME, RESIDENCE OR SLEEPING PLACE OF ONE OR MORE HUMAN BEINGS.

3. "DWELLING UNIT" MEANS ANY RESIDENTIAL ACCOMMODATION IN A MULTIPLE DWELLING OR PRIVATE DWELLING.

4. "HOUSEHOLD" MEANS ALL LAWFUL OCCUPANTS OF A RESIDENTIAL UNIT.

5. "HOUSEHOLD INCOME" MEANS, FOR ANY HOUSEHOLD, THE SUM OF THE AMOUNT REPORTED SEPARATELY IN THE MOST RECENT INDIVIDUAL OR JOINT TAX RETURN

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

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FOR WAGE OR SALARY INCOME, NET SELF-EMPLOYMENT INCOME, INTEREST, DIVIDENDS, RENT RECEIVED, ROYALTIES, SOCIAL SECURITY OR RAILROAD RETIREMENT BENEFITS; SUPPLEMENTAL SECURITY INCOME; PUBLIC ASSISTANCE OR WELFARE PAYMENTS; RETIREMENT OR DISABILITY BENEFITS AND ALL OTHER INCOME FOR EACH MEMBER OF THE HOUSEHOLD.

6. "MULTIPLE DWELLING" MEANS A DWELLING WHICH IS EITHER RENTED, LEASED, LET OR HIRED OUT, TO BE OCCUPIED, OR IS OCCUPIED, AS THE RESIDENCE OR HOME OF THREE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER. A MULTIPLE DWELLING DOES NOT INCLUDE A HOSPITAL, CONVENT, MONASTERY, ASYLUM OR PUBLIC INSTITUTION.

7. "PRIVATE DWELLING" SHALL MEAN ANY BUILDING OR STRUCTURE DESIGNED AND OCCUPIED FOR RESIDENTIAL PURPOSES BY NOT MORE THAN TWO FAMILIES. PRIVATE DWELLINGS SHALL ALSO BE DEEMED TO INCLUDE A SERIES OF ONE-FAMILY OR TWO-FAMILY DWELLING UNITS EACH OF WHICH FACES OR IS ACCESSIBLE TO A LEGAL STREET OR PUBLIC THOROUGHFARE, IF EACH SUCH DWELLING UNIT IS EQUIPPED AS A SEPARATE DWELLING UNIT WITH ALL ESSENTIAL SERVICES, AND IF EACH SUCH UNIT IS ARRANGED SO THAT IT MAY BE APPROVED AS A LEGAL ONE-FAMILY OR TWO-FAMILY DWELLING.

8. "PROJECT-BASED SECTION 8 SUBSIDY" MEANS A PROJECT-BASED FEDERAL RENTAL ASSISTANCE PAYMENT, AS DESCRIBED IN SUBDIVISION B OF SECTION 982.1 OF TITLE 24 OF THE CODE OF FEDERAL REGULATIONS.

9. "RESIDENTIAL PROJECT" MEANS THE ACQUISITION, CONSTRUCTION, DEVELOPMENT, REHABILITATION OR RENOVATION OF ANY PROPERTY, INCLUDING BUILDINGS, ZONED FOR RESIDENTIAL USE FOR WHICH ANY PUBLIC AGENCY PROVIDES ANY RESIDENTIAL SUBSIDY.

10. "RESIDENTIAL SUBSIDY" MEANS A BENEFIT OR INCENTIVE PROVIDED BY ANY PUBLIC AGENCY TO ANY PERSON IN CONNECTION WITH ANY RESIDENTIAL PROJECT, INCLUDING, BUT NOT LIMITED TO, LOANS, LOAN GUARANTEES, LOAN PARTICIPATION, LETTERS OF CREDIT, GRANTS, SALES OR LEASES OF PROPERTY AT LESS THAN FAIR MARKET VALUE, TAX EXEMPTIONS, TAX ABATEMENTS, THE ALLOCATION BY A PUBLIC AGENCY TO A RESIDENTIAL PROJECT OF LOW-INCOME HOUSING TAX CREDITS OR PROJECT-BASED SECTION 8 SUBSIDIES, BUT SHALL NOT INCLUDE TAX EXEMPTIONS OR TAX ABATEMENTS RELATED TO HISTORIC PRESERVATION OR ENERGY CONSERVATION, AND BENEFITS OR INCENTIVES GRANTED DIRECTLY TO A NATURAL PERSON OR PERSONS FOR THE PURCHASE OF A ONE- TO FOUR-FAMILY DWELLING AS THE PRINCIPAL RESIDENCE OF SUCH PERSON OR PERSONS.

B. THE COMMISSIONER AND THE SUPERINTENDENT OF FINANCIAL SERVICES SHALL JOINTLY PREPARE AN ANNUAL REPORT WHICH SHALL BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE ON OR BEFORE THE FIRST DAY OF JANUARY, REGARDING RESIDENTIAL SUBSIDIES PROVIDED BY ANY PUBLIC AGENCY DURING THE IMMEDIATELY PRECEDING FISCAL YEAR, INCLUDING THE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN. EVERY PUBLIC AGENCY THAT PROVIDES A RESIDENTIAL SUBSIDY SHALL PROVIDE THE INFORMATION REQUIRED IN SUCH REPORT TO THE COMMISSIONER AND THE SUPERINTENDENT OF FINANCIAL SERVICES WITHIN SIXTY DAYS FROM THE END OF THE FISCAL YEAR FOR WHICH THE REPORT IS BEING PREPARED. THIS REPORT SHALL CONTAIN, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

1. THE DOLLAR AMOUNT OF SUCH RESIDENTIAL SUBSIDIES BY CATEGORY OF RESIDENTIAL SUBSIDY;

2. THE DOLLAR AMOUNT OF RESIDENTIAL SUBSIDIES BY AREAS, AS DETERMINED BY THE COMMISSIONER;

3. THE DOLLAR AMOUNT OF RESIDENTIAL SUBSIDIES PROVIDED TO CREATE RENTAL DWELLING UNITS, INCLUDING, BUT NOT LIMITED TO, THOSE CREATED BY MUTUAL HOUSING ASSOCIATIONS;

4. THE DOLLAR AMOUNT OF RESIDENTIAL SUBSIDIES PROVIDED TO SALE PROGRAMS, INCLUDING BUT NOT LIMITED TO, THOSE ASSISTING IN THE PURCHASE

OF ONE- TO FOUR-FAMILY DWELLINGS, MULTIPLE DWELLINGS, DWELLING UNITS OWNED AS CONDOMINIUMS AND DWELLING UNITS OWNED COOPERATIVELY;

5. THE DOLLAR AMOUNT OF RESIDENTIAL SUBSIDIES PROVIDED FOR EACH RESIDENTIAL PROJECT; AND

6. THE NUMBER OF DWELLING UNITS IN RESIDENTIAL PROJECTS RECEIVING RESIDENTIAL SUBSIDIES, DIVIDED ACCORDING TO THE FOLLOWING HOUSEHOLD INCOME GROUPS AS PERCENTAGES OF MEDIAN INCOME FOR THE AREA: 0-24; 25-40; 41-60; 61-90; 91-120; 121-150; 151-200; 201-250; 251-300; ABOVE 300%.

S 3. This act shall take effect ninety days after it shall have become a law.