

STATE OF NEW YORK

5788

2017-2018 Regular Sessions

IN ASSEMBLY

February 15, 2017

Introduced by M. of A. CYMBROWITZ -- read once and referred to the
Committee on Housing

AN ACT to amend the state finance law, in relation to establishing the senior housing fund, the emergency affordable housing construction fund and the jobs training fund; to direct the commissioner of housing and community renewal to enter into a contract with New York Homes and Community Renewal to make periodic subsidies for one or more projects to assist in developing rental units for seniors and other persons or families having a monthly income at or below seventy percent of the area median income; to increase the amount of the state low income tax credit allowable under article 2-A of the public housing law and to increase the amount of the real property tax exemption allowable under article 18-A of the private housing finance law for certain projects; to establish certain operational subsidies; to require property owners and developers to utilize certified minority and women-owned business enterprises on certain capital projects; to establish a specialized jobs training program; 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. This act shall be known and may be cited as the "emergency
2 affordable housing construction act".

3 § 2. (a) The provisions of this section apply to projects to assist in
4 developing rental units for persons or families all of whom have a
5 monthly income at or below seventy percent of the area median income
6 (AMI) and one-third of whom have a monthly income at or below forty
7 percent of the area median income (AMI) as determined on an annual basis
8 by the U.S. department of housing and urban development.

9 (b) The commissioner of housing and community renewal shall be author-
10 ized to enter into contracts by and through New York Homes and Community
11 Renewal to make periodic subsidies for one or more projects to assist in
12 developing rental units for persons or families having a monthly income

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

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1 at or below seventy percent of the AMI. Any property owner or developer
2 of such a project shall be eligible to receive a capital subsidy for the
3 construction of such unit in an amount not to exceed one hundred thou-
4 sand dollars (\$100,000) per unit. The subsidy shall be administered by
5 New York Homes and Community Renewal and its affiliates. Funding for
6 such subsidy shall come from the emergency affordable housing
7 construction fund established by section 97-zzzz of the state finance
8 law.

9 (c) The commissioner of housing and community renewal shall increase
10 the amount of the state low income housing tax credit allowable under
11 article 2-A of the public housing law to assist in the development of
12 property consisting of units one hundred percent of which are occupied
13 by persons or families all of whom have a monthly income at or below
14 seventy percent of the area median income (AMI) and one-third of whom
15 have a monthly income at or below forty percent of the area median
16 income (AMI) as determined on an annual basis by the U.S. department of
17 housing and urban development, regardless of the designation or market-
18 ing of such property, as follows:

19 (i) the allowable per unit amount shall be increased from twenty thou-
20 sand dollars to twenty-five thousand dollars; and

21 (ii) the allowable per project amount shall be increased from seven
22 hundred fifty thousand dollars to one million dollars.

23 (d) The commissioner of housing and community renewal shall increase
24 the amount of loan funding under the homes for working families program
25 allowable under article 18-A of the private housing finance law to
26 assist in the development of property consisting of units one hundred
27 percent of which are occupied by persons or families having a monthly
28 income at or below seventy percent of the AMI, regardless of the desig-
29 nation or marketing of such property, from thirty-five thousand dollars
30 per unit to forty-five thousand dollars per unit.

31 (e) The commissioner of housing and community renewal shall increase
32 the amount of the state low income housing tax credit allowable under
33 article 2-A of the public housing law for projects to assist in develop-
34 ing rental units for senior housing as follows:

35 (i) the allowable per unit amount shall be fifty thousand dollars; and

36 (ii) an additional annual subsidy of up to three hundred thousand
37 dollars per project shall be allowable for services performed at any
38 qualifying senior housing building that offers preventive health and
39 wellness activities and case management services. Funding for such
40 subsidy shall come from the senior housing fund established by section
41 97-yyyy of the state finance law.

42 (f) The commissioner of housing and community renewal, in conjunction
43 with the state comptroller shall monitor the senior housing fund estab-
44 lished by section 97-yyyy of the state finance law and the emergency
45 affordable housing construction fund established by section 97-zzzz of
46 the state finance law and shall ensure that an initial deposit of twen-
47 ty-five million dollars is placed into each fund.

48 (g) Any subsidy awarded pursuant to the terms of this section shall be
49 subject to the provisions of article 4 of the public housing law.

50 (h) Contracts for projects eligible for subsidies, loans and tax cred-
51 its as provided in this section shall be awarded on a competitive basis.
52 The process for applying for and the criteria for awarding such
53 contracts shall be established by the commissioner of housing and commu-
54 nity renewal, upon consultation with the New York city housing develop-
55 ment corporation or the New York state housing finance agency. Prefer-
56 ence shall be given to projects that are developed in conjunction with

1 non-profit partners or that are located in HUD neighborhoods of opportu-
2 nity or in neighborhoods that are ripe for gentrification as evidenced
3 by increased median household incomes and rent levels in a community
4 ward board or district.

5 (i) As used in this section, "senior housing" means any rental proper-
6 ty consisting of units one hundred percent of which are occupied by
7 tenants, substantially all of whom are over sixty-two years of age and
8 all of whom have a monthly income at or below seventy percent of the
9 area median income (AMI) and one-third of whom have a monthly income at
10 or below forty percent of the area median income (AMI) as determined on
11 an annual basis by the U.S. department of housing and urban development,
12 regardless of the designation or marketing of such property.

13 § 3. The state finance law is amended by adding two new sections
14 97-yyyy and 97-zzzz to read as follows:

15 § 97-yyyy. Senior housing fund. 1. There is hereby established in the
16 joint custody of the state comptroller and the commissioner of taxation
17 and finance a fund to be known as the "senior housing fund".

18 2. Such fund shall consist of twenty-five million dollars, or so much
19 thereof as may be necessary, appropriated to the division of housing and
20 community renewal from any moneys in the state treasury in the abandoned
21 property fund established by section ninety-five of this article, not
22 otherwise appropriated, and all other moneys credited or transferred
23 thereto from any other fund or source pursuant to law.

24 3. Moneys of the fund shall be expended for projects to assist in the
25 development of senior housing in cities having a population of ninety-
26 five thousand or more persons as provided in the chapter of the laws of
27 two thousand seventeen which added this section. Moneys shall be paid
28 out of the fund on the audit and warrant of the state comptroller on
29 vouchers approved by the commissioner of housing and community renewal.
30 Any interest received by the comptroller on moneys on deposit in the
31 senior housing fund shall be retained in and become part of such fund.
32 No money from such fund may be withdrawn, transferred, or used by any
33 person for any purpose other than as permitted in this section.

34 4. As used in this section, "senior housing" means any rental property
35 consisting of units one hundred percent of which are occupied by
36 tenants, substantially all of whom are over sixty-two years of age,
37 regardless of the designation or marketing of such property.

38 § 97-zzzz. Emergency affordable housing construction fund. 1. There
39 is hereby established in the joint custody of the state comptroller and
40 the commissioner of taxation and finance a fund to be known as the
41 "emergency affordable housing construction fund".

42 2. Such fund shall consist of twenty-five million dollars, or so much
43 thereof as may be necessary, appropriated to the division of housing and
44 community renewal from any moneys in the state treasury in the abandoned
45 property fund established by section ninety-five of this article, not
46 otherwise appropriated, and all other moneys credited or transferred
47 thereto from any other fund or source pursuant to law.

48 3. Moneys of the fund shall be expended for projects to assist in the
49 development of low income housing in cities having a population of nine-
50 ty-five thousand or more persons as provided in the chapter of the laws
51 of two thousand seventeen which added this section. Moneys shall be
52 paid out of the fund on the audit and warrant of the state comptroller
53 on vouchers approved by the commissioner of housing and community
54 renewal. Any interest received by the comptroller on moneys on deposit
55 in the housing fund shall be retained in and become part of such fund.

1 No money from such fund may be withdrawn, transferred, or used by any
2 person for any purpose other than as permitted in this section.

3 4. As used in this section, "low income housing" means any rental
4 property consisting of units one hundred percent of which are occupied
5 by persons or families all of whom have a monthly income at or below
6 seventy percent of the area median income (AMI) and one-third of whom
7 have a monthly income at or below forty percent of the area median
8 income (AMI) as determined on an annual basis by the U.S. department of
9 housing and urban development, regardless of the designation or market-
10 ing of such property.

11 § 4. (a) New York Homes and Community Renewal shall establish an oper-
12 ational subsidy in the amount of eight million dollars (\$8,000,000) for
13 the purpose of providing rental assistance to persons or families having
14 a monthly income at or below forty percent of the area median income
15 (AMI) as determined on an annual basis by the U.S. department of housing
16 and urban development. The subsidy shall be administered by New York
17 Homes and Community Renewal and its affiliates. Funding for such subsi-
18 dy shall come from the emergency affordable housing construction fund
19 established by section 97-zzzz of the state finance law.

20 (b) The subsidy shall consist of project-based rental assistance and
21 shall be specific to qualifying units in qualifying projects to ensure
22 long-term affordability.

23 (c) The amount of rental assistance paid on behalf of eligible tenants
24 shall be the difference between the tenant contribution and the contract
25 rent for the qualifying unit. The tenant contribution shall be twenty
26 percent of the family's monthly income or thirty percent of the tenant's
27 monthly adjusted gross income less a utility allowance, whichever is
28 greater.

29 (d) New York Homes and Community Renewal shall take all measures
30 necessary to implement the processing of the subsidy, including develop-
31 ing application and distribution procedures.

32 § 5. (a) Any property owner or developer of projects receiving a capi-
33 tal subsidy or an operating subsidy pursuant to the provisions of
34 section two of this act shall enter into a minority and women-owned
35 business enterprise (MWBE) utilization agreement with New York Homes and
36 Community Renewal regarding the utilization of certified minority and
37 women-owned business enterprises on capital projects during the applica-
38 ble period of such subsidy.

39 (b) The MWBE utilization agreement shall include terms consistent with
40 the following provisions:

41 (i) the property owner or developer shall use best efforts to meet a
42 goal of thirty percent utilization of certified minority and women-owned
43 business enterprises on all capital projects during the applicable term
44 of the subsidy or subsidies;

45 (ii) the property owner or developer shall submit an annual report to
46 New York Homes and Community Renewal indicating its compliance with the
47 MWBE utilization agreement;

48 (iii) such other terms deemed necessary by New York Homes and Communi-
49 ty Renewal to carry out the provisions of this act.

50 (c) Notwithstanding the provisions of subdivision (b) of this section,
51 capital projects entailing a total expenditure of less than ten million
52 dollars (\$10,000,000) shall be exempted from the MWBE utilization agree-
53 ment.

54 (d) As used in this section:

1 (i) "applicable period" means the period of time up to, but not longer
2 than, the period required to complete the initial construction of the
3 project;

4 (ii) "capital project" means any construction project with an esti-
5 mated value equal to or exceeding forty million dollars (\$40,000,000);
6 and

7 (iii) "certified minority and women-owned enterprises" means a minori-
8 ty or women-owned business enterprise certified by the director of the
9 division of minority and women's business development in the department
10 of economic development pursuant to section 314 of the executive law.

11 § 6. A specialized job training program will be established within the
12 department of labor for the purposes of: (i) assisting eligible job
13 trainees to study for and pass the GED examination; (ii) provide techni-
14 cal skills training; and (iii) link basic education to occupational or
15 trade skills development.

16 (a) The job training program shall be funded by the jobs training fund
17 established pursuant to section 97-ss of the state finance law.

18 (b) The training program will be administered by the department of
19 labor.

20 (c) The training program administrator will use best efforts to:

21 (i) allocate seventy-five percent of the funds in the jobs training
22 fund established pursuant to section 97-ss of the state finance law to
23 provide training through locally based not-for-profit organizations;
24 provided that the provisions of this paragraph shall not include
25 programs operated by trade organizations; and

26 (ii) direct training first to recently incarcerated persons, persons
27 on parole, persons sentenced to probation for commission of a felony or
28 a misdemeanor as defined in section 55.10 of the penal law, and sixteen
29 to twenty-four year old "disconnected youth".

30 § 7. The state finance law is amended by adding a new section 97-ss to
31 read as follows:

32 § 97-ss. Jobs training fund. 1. There is hereby established in the
33 joint custody of the state comptroller and the commissioner of taxation
34 and finance a fund to be known as the "jobs training fund".

35 2. Such fund shall consist of twenty-five million dollars, or so much
36 thereof as may be necessary, appropriated to the division of housing and
37 community renewal from any moneys in the state treasury in the abandoned
38 property fund established by section ninety-five of this article, not
39 otherwise appropriated, and all other moneys credited or transferred
40 thereto from any other fund or source pursuant to law.

41 3. Moneys of the fund shall be expended for educational instruction
42 for young adults sixteen to twenty-four years of age, low wage workers
43 and households with income at or below two hundred and fifty percent of
44 the federal poverty guidelines as set by the U.S. department of health
45 and human services, as provided in the chapter of the laws of two thou-
46 sand seventeen which added this section. Moneys shall be paid out of
47 the fund on the audit and warrant of the state comptroller on vouchers
48 approved by the commissioner of labor. Any interest received by the
49 comptroller on moneys on deposit in the jobs training fund shall be
50 retained in and become part of such fund. No money from such fund may
51 be withdrawn, transferred, or used by any person for any purpose other
52 than as permitted in this section.

53 § 8. The sum of two hundred million dollars (\$200,000,000), or so much
54 thereof as may be necessary, is hereby appropriated to the division of
55 housing and community renewal from any moneys in the state treasury in
56 the general fund to the credit of the local assistance account, not

1 otherwise appropriated, for the purposes of carrying out the provisions
2 sections two and six of this act. Such sum shall be payable on the
3 audit and warrant of the state comptroller on vouchers certified or
4 approved by the commissioner of housing and community renewal, or his or
5 her duly designated representative in the manner provided by law. No
6 expenditure shall be made from this appropriation until a certificate of
7 approval of availability shall have been issued by the director of the
8 budget and filed with the state comptroller and a copy filed with the
9 chair of the senate finance committee and the chair of the assembly ways
10 and means committee. Such certificate may be amended from time to time
11 by the director of the budget and a copy of each such amendment shall be
12 filed with the state comptroller, the chair of the senate finance
13 committee and the chair of the assembly ways and means committee.

14 § 9. This act shall take effect on the one hundred eightieth day after
15 it shall have become a law; provided that, effective immediately, the
16 division of housing and community renewal, the New York city housing
17 development corporation and the New York state housing finance agency
18 shall make and implement all rules, regulations and standards and take
19 such other actions as are necessary to implement this act on or before
20 its effective date.