

STATE OF NEW YORK

9462

IN SENATE

May 30, 2022

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

AN ACT establishing the special joint legislative commission on affordable housing; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "special joint legislative commission on affordable housing act".

3 § 2. Legislative findings and intent. The legislature hereby finds and
4 declares that New York State and its localities have made significant
5 investments in the development and preservation of affordable housing in
6 recent years, including the implementation of landmark, statewide spend-
7 ing plans targeting various types of housing and those populations most
8 in need of affordable and supportive options. While the state has made
9 progress toward achieving housing goals, additional initiatives are
10 needed to address affordable housing shortages. The purpose of this
11 commission is to examine the overall effectiveness of existing programs
12 that prioritize housing stability and the preservation and development
13 of affordable housing. This commission will also allow the legislature
14 to hear from a broad array of housing stakeholders in order to identify
15 methods to improve existing programs as well as implement new strategies
16 to increase the supply and production of affordable housing units across
17 the state.

18 § 3. Special joint legislative commission on affordable housing. 1.
19 There is hereby created in the division of housing and community renewal
20 a special joint legislative commission on affordable housing. The
21 commission shall consist of twenty-five members: (a) the chief housing
22 officer of the city of New York, or their designee; (b) eight members to
23 be appointed by the governor including (i) the commissioner of the divi-
24 sion of housing and community renewal, or their designee, (ii) the
25 commissioner of the office of temporary and disability assistance, or
26 their designee, (iii) the superintendent of the department of financial

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

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1 services, or their designee, and (iv) five members with experience work-
2 ing with issues related to affordable housing; (c) eight members to be
3 appointed by the temporary president of the senate including (i) a
4 tenants' rights advocate with experience in providing legal services to
5 tenants, (ii) a representative of building service or construction
6 trades, (iii) a real estate trade association representative, (iv) one
7 member of the New York state senate, and (v) four members with experi-
8 ence working with issues related to affordable housing; (d) eight
9 members to be appointed by the speaker of the assembly including (i) a
10 tenants' rights advocate with experience in providing legal services to
11 tenants, (ii) a representative of building service or construction
12 trades, (iii) a real estate trade association representative, (iv) one
13 member of the New York state assembly, and (v) four members with experi-
14 ence working with issues related to affordable housing.

15 2. The commissioner of the division of housing and community renewal
16 shall serve, ex officio, as the chair of the commission. A member of
17 the senate appointed to the commission by the temporary president of the
18 senate and a member of the assembly appointed to the commission by the
19 speaker of the assembly shall be designated by each to serve as the
20 co-chairs of the commission. In appointing members to the commission,
21 appointing authorities shall ensure that such members, as a group,
22 represent diverse perspectives relevant to the duties of the commission
23 and shall represent the geographic diversity of the state.

24 3. The members of the commission shall serve at the pleasure of their
25 appointing authority. Any vacancy that occurs in the commission shall be
26 filled in the same manner in which the original appointment was made. No
27 member of the commission shall be disqualified from holding any other
28 public office or employment, nor shall he or she forfeit any such office
29 or employment by reason of his or her appointment hereunder, notwith-
30 standing the provisions of any general, special, or local law, ordi-
31 nance, or city charter.

32 4. The members of the commission, except those who serve ex officio,
33 shall be allowed their actual and necessary expenses incurred in the
34 performance of their duties under this act but shall receive no addi-
35 tional compensation for services rendered pursuant to this act.

36 5. The commission, on call of the chair, shall meet in-person or via
37 electronic means at least monthly and at such other times as may be
38 necessary. The commission may establish rules and procedures regarding
39 conduct of its meetings and other affairs. A quorum shall be necessary
40 for the conduct of official business by the commission or any committee
41 or subcommittee thereof. Unless otherwise provided by law, fifty percent
42 or more of the appointed members of the commission or any committee,
43 when applicable, shall constitute a quorum. The commission may estab-
44 lish committees and subcommittees.

45 6. The division of housing and community renewal shall provide tech-
46 nical assistance and data to the commission as may be necessary for the
47 commission to carry out its responsibilities pursuant to this section.
48 To the maximum extent feasible, the commission shall be entitled to
49 request and receive and shall utilize and be provided with such facili-
50 ties, resources and data of any department, division, board, bureau,
51 committee, agency or public authority of the state or any political
52 subdivision thereof as it may reasonably request to properly carry out
53 its powers and duties pursuant to this act.

54 7. Appointments to the commission shall be made no later than thirty
55 days after the effective date of this act.

1 8. Any vacancy in the commission shall not affect the powers of the
2 commission, and shall be filled in the same manner as the original
3 appointment.

4 9. The commission shall meet not later than thirty days after the date
5 on which a majority of the members of the commission have been
6 appointed.

7 § 4. Definitions. As used in this act, the following terms shall have
8 the following meanings:

9 1. "Affordable housing" means a dwelling unit that does not cost-bur-
10 den an extremely low income household, a very low income household, a
11 low income household, a moderate income household, or a middle income
12 household, as the case may be.

13 2. "Low income housing" and "public housing" shall have the same mean-
14 ings given to those terms in 42 U.S.C. 1437a (b).

15 3. "Commissioner" means the commissioner of the division of housing
16 and community renewal.

17 4. "Rural" or "rural area" means any open county, or any place, town,
18 village, or city which is not part of or associated with an urban area
19 and which:

20 (a) has a population not in excess of twenty-five hundred residents;

21 (b) has a population in excess of twenty-five hundred residents but
22 not in excess of ten thousand residents if such area is rural in nature;
23 or

24 (c) has a population in excess of ten thousand residents but not in
25 excess of twenty thousand residents, and is not contained within a stan-
26 dard metropolitan statistical area.

27 5. "Urban" or "urban area" means an area as designated by the United
28 States census bureau having a population of five thousand or more and
29 not within any urbanized area, within boundaries to be fixed by state
30 and local officials in cooperation with each other. Such boundaries
31 shall encompass, at a minimum, the entire urban area as designated by
32 the United States census bureau.

33 6. "Urbanized area" means an area with a population of fifty thousand
34 or more designated by the United States census bureau, within boundaries
35 to be fixed by state and local officials in cooperation with each other.
36 Such boundaries shall encompass, at a minimum, the entire urbanized area
37 as designated by the United States census bureau.

38 7. "Suburb" or "suburban area" means a mixed-use or residential area,
39 existing either as part of a city or urban area, or as a separate resi-
40 dential community that is not an urban area within commuting distance of
41 a city.

42 8. "Middle income household" means a household that has an income of
43 more than one hundred twenty percent of the area median income but no
44 more than one hundred sixty percent of the area median income, adjusted
45 for the size of the household, as determined by the United States
46 department of housing and urban development.

47 9. "Moderate income household" means a household income of more than
48 eighty percent of the area median income but no more than one hundred
49 twenty percent of the area median income, adjusted for the size of the
50 household, as determined by the United States department of housing and
51 urban development.

52 10. "Low income household" means a household income of more than fifty
53 percent of the area median income but no more than eighty percent of the
54 area median income, adjusted for the size of the household, as deter-
55 mined by the United States department of housing and urban development.

11. "Very low income household" means a household income of more than thirty percent of the area median income but no more than fifty percent of the area median income, adjusted for the size of the household, as determined by the United States department of housing and urban development.

12. "Extremely low income household" means income not in excess of thirty percent of the area median income, adjusted for the size of the household, as determined by the United States department of housing and urban development.

§ 5. Duties and responsibilities of the commission. 1. The mission of the commission is to make specific recommendations to the legislature on how to preserve and maintain existing affordable housing, to support the development of new affordable housing in the state of New York, to strengthen and grow diverse and stable communities, and to maximize the impact of private, state, local and federal resources by ensuring long term affordability.

2. The commission shall:

(a) evaluate and measure access to affordable housing for extremely low income, very low income, low income, moderate income, and median income households in urban, rural and suburban areas across the state, including, but not limited to, single family homes with four units or less, multiple residences, multiple dwellings, public housing accommodations, and mobile and manufactured homes;

(b) evaluate and quantify the costs incurred by other state, and local programs due to a lack of affordable housing;

(c) evaluate and make recommendations to the legislature on how to address affordable housing access for higher need populations, including but not limited to people of color, veterans, persons with disabilities, independent seniors, workforce and public servants, single parents and kinship care, and extremely low income households;

(d) evaluate and make recommendations to the legislature on how to address affordable housing access across the state, by geography, region, size of localities, and proximity to public transportation;

(e) evaluate and make recommendations to the legislature on how to use affordable housing to improve the effectiveness of state, and local programs and improve life outcomes including, but not limited to, greater income stability, better education and physical and mental health outcomes for adults and children;

(f) evaluate and make recommendations to the legislature on how to support the development of more affordable housing, preserve existing affordable housing and how to use affordable housing to improve the effectiveness of state and local programs and improve life outcomes for individuals living in New York;

(g) evaluate and make recommendations to the legislature on real property tax assessments, abatement and exemption incentives to support the development of more affordable housing and preserve existing affordable housing, and homeowner assistance;

(h) evaluate and make recommendations to the legislature on eviction protections, stabilizing rents, and the impact short term rentals have on housing vacancy rates;

(i) evaluate and make recommendations to the legislature on labor and worker concerns during the construction and post-construction phases of affordable housing development, including wages, work-site safety, and employment protections;

(j) evaluate and make recommendations to the legislature on zoning laws and rules and land use restrictions, housing density and accessory

1 dwelling units, vacant property conversions, and transit oriented
2 affordable housing development;

3 (k) evaluate and make recommendations to the legislature on Federal
4 housing and urban development section 8 and section 9 public housing
5 programs, housing assistance vouchers and supplemental payments;

6 (l) evaluate and make recommendations to the legislature on affordable
7 homeownership opportunities, foreclosure prevention, rehabilitation and
8 restoration options, demolition and reconstruction, new construction,
9 and down payment assistance;

10 (m) evaluate and make recommendations to the legislature on fair hous-
11 ing, housing equity and inclusion, and reversing the residual effects of
12 redlining; and

13 (n) evaluate and make recommendations to the legislature on the
14 conversion of existing vacant or blighted property into affordable or
15 supportive housing.

16 3. The commission shall utilize any available survey and statistical
17 data related to the purpose of the commission to complete comprehensive
18 reports that evaluate and quantify the impact that a lack of affordable
19 housing has on current conditions and future life outcomes for individ-
20 uals living in New York, including:

21 (a) education;

22 (b) employment;

23 (c) income level;

24 (d) disability, and physical and mental health;

25 (e) nutrition;

26 (f) access to transportation;

27 (g) the poverty level of the neighborhood in which individuals live;

28 (h) geographical location and access to public transportation;

29 (i) regional economic growth;

30 (j) home ownership;

31 (k) neighborhood and rural community stability and revitalization; and

32 (l) other areas of life and future life outcomes related to the
33 purpose of the commission necessary to complete a comprehensive report.

34 4. The commission may request and shall receive any and all informa-
35 tion from any other state or local agency the commission considers
36 necessary to carry out this act.

37 5. The commission may hold such hearings, take such testimony and
38 receive such evidence as the commission considers advisable to carry out
39 this act. The commission shall also hold at least one public hearing in
40 the city of New York and two public hearings outside of the city of New
41 York in different regions of the state.

42 6. Reports and recommendations to the legislature by the commission
43 shall be submitted to the legislature annually, the first report shall
44 be due no later than December 31, 2022.

45 § 6. This act shall take effect immediately and shall expire and be
46 deemed repealed one year after the date on which all members of the
47 commission are first appointed pursuant to section three of this act;
48 provided that the co-chairs of the commission shall jointly notify the
49 legislative bill drafting commission upon the occurrence of such
50 appointments in order that the commission may maintain an accurate and
51 timely effective data base of the official text of the laws of the state
52 of New York in furtherance of effectuating the provisions of section 44
53 of the legislative law and section 70-b of the public officers law.