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:

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

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

§ 3. Special joint legislative commission on affordable housing. 1. There is hereby created in the division of housing and community renewal a special joint legislative commission on affordable housing. The commission shall consist of twenty-five members: (a) the chief housing officer of the city of New York, or their designee; (b) eight members to be appointed by the governor including (i) the commissioner of the division of housing and community renewal, or their designee, (ii) the commissioner of the office of temporary and disability assistance, or 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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services, or their designee, and (iv) five members with experience working with issues related to affordable housing; (c) eight members to be appointed by the temporary president of the senate including (i) a tenants' rights advocate with experience in providing legal services to tenants, (ii) a representative of building service or construction trades, (iii) a real estate trade association representative, (iv) one member of the New York state senate, and (v) four members with experience working with issues related to affordable housing; (d) eight members to be appointed by the speaker of the assembly including (i) a tenants' rights advocate with experience in providing legal services to tenants, (ii) a representative of building service or construction trades, (iii) a real estate trade association representative, (iv) one member of the New York state assembly, and (v) four members with experience working with issues related to affordable housing.

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

3. The members of the commission shall serve at the pleasure of their appointing authority. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. No member of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

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

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

6. The division of housing and community renewal shall provide technical assistance and data to the commission as may be necessary for the commission to carry out its responsibilities pursuant to this section. To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any department, division, board, bureau, committee, agency or public authority of the state or any political subdivision thereof as it may reasonably request to properly carry out its powers and duties pursuant to this act.

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

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

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

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

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

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

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

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

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

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

(c) has a population in excess of ten thousand residents but not in excess of twenty thousand residents, and is not contained within a standard metropolitan statistical area.

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

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

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

8. "Middle income household" means a household that has an income of more than one hundred twenty percent of the area median income but no more than one hundred sixty 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.

9. "Moderate income household" means a household income of more than eighty percent of the area median income but no more than one hundred twenty 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.

10. "Low income household" means a household income of more than fifty percent of the area median income but no more than eighty 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.

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

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

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

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

(m) evaluate and make recommendations to the legislature on fair housing, housing equity and inclusion, and reversing the residual effects of redlining; and

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

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

(a) education;

(b) employment;

(c) income level;

(d) disability, and physical and mental health;

(e) nutrition;

(f) access to transportation;

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

(h) geographical location and access to public transportation;

(i) regional economic growth;

(j) home ownership;

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

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

4. The commission may request and shall receive any and all information from any other state or local agency the commission considers necessary to carry out this act.

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

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

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