

STATE OF NEW YORK

8903--A

IN ASSEMBLY

January 26, 2024

Introduced by M. of A. BURDICK, LEVENBERG, GONZALEZ-ROJAS, EPSTEIN --
read once and referred to the Committee on Local Governments --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the general municipal law, the general city law, the
town law and the village law, in relation to requiring municipalities
to include a housing needs assessment using the HUD median income
calculations in their comprehensive plans; and to amend the general
city law, in relation to making a technical correction

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

1 Section 1. Paragraphs (o) and (p) of subdivision 1 of section 239-d of
2 the general municipal law, as added by chapter 451 of the laws of 1997,
3 are amended and a new paragraph (q) is added to read as follows:

4 (o) Any and all other items which are consistent with the protection,
5 enhancement, orderly growth and development of the county; [~~and~~]

6 (p) Consideration of cumulative impacts of development, and other
7 issues which promote compliance with the state environmental quality
8 review act under article eight of the environmental conservation law and
9 its implementing regulations[~~-~~]; and

10 (q) A housing needs assessment to establish a data-based foundation
11 for the creation and preservation of housing in the county, utilizing
12 the U.S. department of housing and urban development median income
13 calculations. Such assessment must address housing needs within five
14 levels as follows: (i) at or below thirty percent of the county's AMI
15 (area median income); (ii) between thirty-one percent and fifty percent
16 of the county's AMI; (iii) between fifty-one percent and sixty percent
17 of the county's AMI; (iv) between sixty-one percent and eighty percent
18 of the county's AMI; and (v) between eighty-one percent and one hundred
19 percent of the county's AMI.

20 § 2. Subdivision 4 of section 28-a of the general city law is amended
21 by adding a new paragraph (p) to read as follows:

22 (p) A housing needs assessment to establish a data-based foundation
23 for the creation and preservation of housing in the city, utilizing the

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

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1 U.S. department of housing and urban development median income calcu-
 2 lations. Such assessment must address affordable housing needs within
 3 five levels as follows: (i) at or below thirty percent of the city's AMI
 4 (area median income); (ii) between thirty-one percent and fifty percent
 5 of the city's AMI; (iii) between fifty-one percent and sixty percent of
 6 the city's AMI; (iv) between sixty-one percent and eighty percent of the
 7 city's AMI; and (v) between eighty-one percent and one hundred percent
 8 of the city's AMI.

9 § 3. Subdivision 3 of section 272-a of the town law is amended by
 10 adding a new paragraph (p) to read as follows:

11 (p) A housing needs assessment to establish a data-based foundation
 12 for the creation and preservation of housing in the town, utilizing the
 13 U.S. department of housing and urban development median income calcu-
 14 lations. Such assessment must address housing needs within five levels
 15 of affordability as follows: (i) at or below thirty percent of the
 16 town's AMI (area median income); (ii) between thirty-one percent and
 17 fifty percent of the town's AMI; (iii) between fifty-one percent and
 18 sixty percent of the town's AMI; (iv) between sixty-one percent and
 19 eighty percent of the town's AMI; and (v) between eighty-one percent and
 20 one hundred percent of the town's AMI.

21 § 4. Subdivision 3 of section 7-722 of the village law is amended by
 22 adding a new paragraph (p) to read as follows:

23 (p) A housing needs assessment to establish a data-based foundation
 24 for the creation and preservation of housing in the village, utilizing
 25 the U.S. department of housing and urban development median income
 26 calculations. Such assessment must address housing needs within five
 27 levels as follows: (i) at or below thirty percent of the village's AMI
 28 (area median income); (ii) between thirty-one percent and fifty percent
 29 of the village's AMI; (iii) between fifty-one percent and sixty percent
 30 of the village's AMI; (iv) between sixty-one percent and eighty percent
 31 of the village's AMI; and (v) between eighty-one percent and one hundred
 32 percent of the village's AMI.

33 § 5. Article 3 of the general city law is amended by adding a new
 34 article heading to read as follows:

35 ZONING AND PLANNING

36 § 6. Municipalities shall not have the obligation to perform a housing
 37 needs assessment if no federal, state, county, or third-party funding
 38 has been awarded, granted or otherwise obtained.

39 § 7. This act shall take effect immediately.