

# STATE OF NEW YORK

9072

## IN SENATE

April 16, 2024

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT in relation to directing local governments to prepare and adopt an affordable housing plan no later than December 31, 2024

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

1 Section 1. Each local government shall prepare and adopt an affordable  
2 housing plan. For the purposes of this act, "local government" shall  
3 mean a city, town, or village. Such plan shall identify the regional  
4 need for affordable housing, as well as the need for affordable housing  
5 within the local government. Such plan shall specify how the munici-  
6 pality intends to increase the number of affordable housing units in the  
7 region and local government. In preparing the plan, the local government  
8 shall examine, but not be limited to the following options to create  
9 affordable housing: (a) the provision of financial assistance to home-  
10 buyers; (b) the production of affordable housing for sale; (c) the  
11 production of affordable housing for rent; (d) the production of afford-  
12 able housing in conjunction with public/private partnerships; (e) the  
13 rehabilitation of existing buildings and structures for the purpose of  
14 conversion to affordable housing; (f) the acquisition of interests in  
15 real property in existing housing stock to produce affordable housing;  
16 (g) the creation of accessory dwelling units; (h) the creation of mixed  
17 use developments that include affordable housing; and (i) the provision  
18 of housing counseling services.

19 § 2. Such plan shall adhere to the following land use principles: (a)  
20 account for and minimize social, economic, and environmental costs of  
21 new development, including infrastructure costs such as transportation,  
22 sewers, and wastewater treatment, water, schools, recreation, and loss  
23 of open space and agricultural land; (b) encourage development in areas  
24 where transportation, water, and sewage infrastructure are available or  
25 practical; (c) protect, preserve, and enhance the state's resources,  
26 including agricultural land, forests, surface waters, groundwater,  
27 recreation and open space, scenic areas, and significant historic and  
28 archeological sites; (d) promote coordination of state and local govern-

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

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1 ment decisions and cooperation among communities to work toward the most  
2 efficient, planned and cost-effective delivery of government services  
3 by, among other means, facilitating cooperative agreements among adja-  
4 cent communities, and to coordinate planning to ensure compatibility of  
5 one's community development with development of neighboring communities;  
6 (e) strengthen communities through development and redevelopment strate-  
7 gies that include integration of all income and age groups, mixed land  
8 uses, and compact development, traditional neighborhood development,  
9 planned unit development, open space districts, downtown revitalization,  
10 brownfield redevelopment, enhanced beauty in public spaces, and diverse  
11 and community housing in close proximity to places of employment, recre-  
12 ation, and commercial development; (f) provide transportation choices,  
13 including increasing public transit and alternative modes of transporta-  
14 tion, in order to reduce automobile dependency, traffic congestion, and  
15 automobile pollution; (g) ensure predictability in building and land use  
16 codes; and (h) provide for and encourage local governments to develop,  
17 through a collaborative community-based effort, plans that include long  
18 term land use and permit predictability and coordination, efficient  
19 decision making and planning implementation.

20 § 3. Such plan may include the establishment of a map or maps that  
21 delineate the affordable housing recommendations proposed by the local  
22 government. Such plan shall be updated at least once every five years.  
23 Such plan shall ensure that all housing created remains affordable. Such  
24 plan shall provide for the equitable distribution of affordable housing  
25 opportunities in the local government and region. The plan shall ensure  
26 that no community has an undue concentration of affordable housing  
27 opportunities that would substantially alter the character of the commu-  
28 nity. In determining equitable distribution of affordable housing oppor-  
29 tunities, existing affordable housing opportunities in a community shall  
30 be considered.

31 § 4. (a) The governing body of the local government shall hold public  
32 hearings and other informational meetings and organize other activities  
33 to inform residents about the process of preparing the plan.

34 (b) The governing body of the local government shall hold at least one  
35 public hearing on the draft plan and one public hearing on the final  
36 plan. The local government shall post a copy of any draft plan or amend-  
37 ment to such plan on the website of the local government.

38 (c) The final plan shall be adopted by the governing body by local law  
39 or resolution, as appropriate, no later than December 31, 2024. All  
40 public hearings shall be on at least ten days' notice to the public. All  
41 notices of public hearings shall be published in the official newspaper  
42 of the local government and posted on the official signboard and website  
43 of the local government. After adoption of the plan, the local govern-  
44 ment shall file the final plan in the office of the clerk of such local  
45 government and post the plan on the website of the local government.  
46 Following such adoption, the local government shall regularly review and  
47 maintain such plan.

48 § 5. If any clause, sentence, subdivision, paragraph, section or part  
49 of this act shall be adjudged by any court of competent jurisdiction to  
50 be invalid, and such decision is not reversed or is otherwise deemed to  
51 be final, such judgment shall not have the effect of rendering this act  
52 invalid, inoperative and void.

53 § 6. This act shall take effect immediately.