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:

Section 1. Each local government shall prepare and adopt an affordable housing plan. For the purposes of this act, "local government" shall mean a city, town, or village. Such plan shall identify the regional need for affordable housing, as well as the need for affordable housing within the local government. Such plan shall specify how the municipality intends to increase the number of affordable housing units in the region and local government. In preparing the plan, the local government shall examine, but not be limited to the following options to create affordable housing: (a) the provision of financial assistance to homebuyers; (b) the production of affordable housing for sale; (c) the production of affordable housing for rent; (d) the production of affordable housing in conjunction with public/private partnerships; (e) the rehabilitation of existing buildings and structures for the purpose of conversion to affordable housing; (f) the acquisition of interests in real property in existing housing stock to produce affordable housing; (g) the creation of accessory dwelling units; (h) the creation of mixed use developments that include affordable housing; and (i) the provision of housing counseling services.

§ 2. Such plan shall adhere to the following land use principles: (a) account for and minimize social, economic, and environmental costs of new development, including infrastructure costs such as transportation, sewers, and wastewater treatment, water, schools, recreation, and loss of open space and agricultural land; (b) encourage development in areas where transportation, water, and sewage infrastructure are available or practical; (c) protect, preserve, and enhance the state's resources, including agricultural land, forests, surface waters, groundwater, recreation and open space, scenic areas, and significant historic and 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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ment decisions and cooperation among communities to work toward the most efficient, planned and cost-effective delivery of government services by, among other means, facilitating cooperative agreements among adjacent communities, and to coordinate planning to ensure compatibility of one's community development with development of neighboring communities; (e) strengthen communities through development and redevelopment strategies that include integration of all income and age groups, mixed land uses, and compact development, traditional neighborhood development, planned unit development, open space districts, downtown revitalization, brownfield redevelopment, enhanced beauty in public spaces, and diverse and community housing in close proximity to places of employment, recreation, and commercial development; (f) provide transportation choices, including increasing public transit and alternative modes of transportation, in order to reduce automobile dependency, traffic congestion, and automobile pollution; (g) ensure predictability in building and land use codes; and (h) provide for and encourage local governments to develop, through a collaborative community-based effort, plans that include long term land use and permit predictability and coordination, efficient decision making and planning implementation.

§ 3. Such plan may include the establishment of a map or maps that delineate the affordable housing recommendations proposed by the local government. Such plan shall be updated at least once every five years. Such plan shall ensure that all housing created remains affordable. Such plan shall provide for the equitable distribution of affordable housing opportunities in the local government and region. The plan shall ensure that no community has an undue concentration of affordable housing opportunities that would substantially alter the character of the community. In determining equitable distribution of affordable housing opportunities, existing affordable housing opportunities in a community shall be considered.

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

(b) The governing body of the local government shall hold at least one public hearing on the draft plan and one public hearing on the final plan. The local government shall post a copy of any draft plan or amendment to such plan on the website of the local government.

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

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

§ 6. This act shall take effect immediately.