

# STATE OF NEW YORK

4835

2023-2024 Regular Sessions

## IN SENATE

February 15, 2023

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the state administrative procedure act, in relation to requiring housing affordability impact notes in relation to certain rules

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

1 Section 1. The state administrative procedure act is amended by adding  
2 a new section 202-g to read as follows:

3 § 202-g. Housing affordability impact notes. 1. Every rule, the  
4 purpose or effect of which is to increase or decrease the cost of  
5 constructing, purchasing, owning or selling a single family residence or  
6 a multi-unit housing development, either directly or indirectly, shall  
7 be accompanied by a brief explanatory statement or note that shall  
8 include a reliable estimate of the anticipated impact on such housing.  
9 These statements or notes shall be known as housing affordability impact  
10 notes.

11 2. Every state agency, excluding the division of housing and community  
12 renewal, the New York state housing finance agency, and the state of New  
13 York mortgage agency, proposing the adoption, repeal or amendment of any  
14 rule to which subdivision one of this section applies, shall present a  
15 copy of the proposal, with the request for a housing affordability  
16 impact note to the New York state division of housing and community  
17 renewal. The housing affordability impact note shall be prepared by the  
18 division and submitted to the agency proposing the rule within five  
19 calendar days, except where, because of the complexity of the measure,  
20 additional time is required for the preparation of the housing affor-  
21 bility impact note. In such case, the division may inform the agency and  
22 the agency may approve an extension of the time within which the note is  
23 to be submitted, not to exceed, however, more than thirty days following

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

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1 the date of the request. The division may seek assistance from a state-  
2 wide trade organization representing the real estate or home building  
3 industry in the preparation of a housing affordability impact note. If,  
4 in the opinion of the division, there is insufficient information to  
5 prepare a reliable estimate of the anticipated impact, a statement to  
6 that effect can be filed and shall meet the requirements of this  
7 section.

8 3. The note shall be factual in nature, as brief and concise as possi-  
9 ble, and shall provide a reasonable estimate in dollars of the rule's  
10 housing impact. In addition, it shall include both the immediate effect  
11 and, if determinable or reasonably foreseeable, the long range effects  
12 of the measure. A housing affordability impact note shall be prepared on  
13 the basis of a single family residence or a multi-unit housing develop-  
14 ment and may include an estimate for a larger development as an analysis  
15 of the long range effect of a measure. If, after careful investigation,  
16 it is determined that no dollar estimate is possible, the note shall  
17 contain a statement to that effect setting forth the reasons why no  
18 dollar estimate can be given. A brief summary or work sheet of computa-  
19 tions used in arriving at housing affordability impact note figures  
20 shall be included.

21 4. No comment or opinion shall be included in the housing affordabili-  
22 ty impact note with regard to the merits of the measure for which the  
23 housing affordability impact note is prepared; however, technical or  
24 mechanical defects may be noted.

25 § 2. This act shall take effect on the first of January next succeed-  
26 ing the date on which it shall have become a law.