

# STATE OF NEW YORK

2208--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 15, 2025

Introduced by M. of A. ROSENTHAL, REYES, TAYLOR, LEE -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public housing law, in relation to the conversion and transfer of real property in public housing developments

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

1 Section 1. Legislative findings. The legislature finds and declares  
2 that supplemental protections, enhanced resident engagement, and trans-  
3 parency in reporting are crucial for the stability and welfare of public  
4 housing residents during conversions of public housing projects, as  
5 authorities seek to use private public partnerships to renovate, reha-  
6 bilitate, rebuild, and take measures to preserve public housing develop-  
7 ments.

8 § 2. The public housing law is amended by adding a new section 62 to  
9 read as follows:

10 § 62. Supplemental tenant rights and protections. 1. For the purposes  
11 of this section, the following terms shall have the following meanings:

12 (a) "Conversion" shall include acts by an authority to dispose, trans-  
13 fer, convey, sublease, lease, or mortgage real property, or a leasehold  
14 interest in real property, in a public housing development or ancillary  
15 property owned by such public housing agency, in accordance with the RAD  
16 program, section eighteen of the federal housing act of 1937 (42 U.S.C.  
17 § 1427p), or similar plan approved by the federal department of housing  
18 and urban development.

19 (b) "Management agent" shall mean the entity being contracted with  
20 through a management agreement or similar contract for the maintenance  
21 of a property following a conversion;

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

LBD05754-04-6

1 (c) "RAD program" shall mean the rental assistance demonstration  
2 program pursuant to 42 U.S.C. § 1437f.

3 2. Upon the provision to tenants of notice that a public housing  
4 development is under consideration for the RAD program, as required  
5 pursuant to such program, an authority shall:

6 (a) provide notice to tenants, tenant associations, as described by  
7 part nine hundred sixty-four of title twenty-four of the code of federal  
8 regulations, and any group, committee, and any other organization  
9 comprised of tenants that conducts meetings authorized pursuant to  
10 section two hundred thirty of the real property law that the development  
11 is under consideration for a conversion;

12 (b) distribute RAD handbooks, as described by subdivision three of  
13 this section, to residents between the time the authority gives notice  
14 that the development is under consideration for a conversion pursuant to  
15 paragraph (a) of this subdivision and the first meeting conducted pursu-  
16 ant to RAD program notice requirements; and

17 (c) with the consultation of the tenant association at the development  
18 where the conversion is being considered, or, where there is no such  
19 existing organization, with the approval of the commissioner, create and  
20 implement an engagement plan that lasts no less than a period of one  
21 hundred days to provide tenants with information relating to the  
22 proposed conversion, including but not limited to the difference between  
23 section nine and section eight housing, the tenant rights and  
24 protections, and the process which precedes the conversion.

25 3. The commissioner shall create, contract for the creation of, or  
26 select an existing document to serve as a RAD handbook. Such handbook  
27 shall include but not be limited to a brief description of the differ-  
28 ence between section nine and section eight housing, as they relate to a  
29 proposed conversion, the rights and protections afforded tenants in  
30 converted properties, including the supplemental protections provided by  
31 this section, a fair and objective review of risks involved in remaining  
32 in section nine housing and converting to section eight housing, dispo-  
33 sitions and demolitions under section eighteen of the federal housing  
34 act of 1937 (42 U.S.C. § 1427p) and the RAD program, and other relevant  
35 facts and information, as determined by the commissioner. The RAD hand-  
36 book should be updated upon the occurrence of relevant changes to feder-  
37 al regulation, code, state law, and/or administrative and industry prac-  
38 tice.

39 4. An authority shall include in any contract or agreement with a  
40 managing agent that such managing agent shall, for the duration of the  
41 agreement and any subsequent agreement as managing agent:

42 (a) invite tenant associations, as described by part nine hundred  
43 sixty-four of title twenty-four of the code of federal regulations, and  
44 any group, committee, and any other organization comprised of tenants  
45 that conducts meetings authorized pursuant to section two hundred thirty  
46 of the real property law to all meetings held by such managing agents  
47 relating to tenants;

48 (b) meet regularly with tenant associations to discuss emerging  
49 property-wide issues, particularly during the construction and rehabili-  
50 tation process. Managing agents should consult the tenant associations  
51 in scheduling such meetings and the frequency of such meetings. If there  
52 is no tenant association at a development, the managing agent shall meet  
53 with tenants and inform them of the right to form a tenant association,  
54 the federal requirements for managing agents to provide no less than  
55 twenty-five dollars per unit per year for tenant participation activ-  
56 ities, which may include education, organizing around resident issues,

1 and trainings, and no less than fifteen dollars per unit per year for  
2 tenant organization-eligible activities, and other relevant information;

3 (c) adhere to a set of procedures for tenant grievances and lease  
4 termination proceedings that will take effect upon conversion. Such  
5 procedures shall be uniform for each converted development and shall be  
6 implemented by each managing agent. Every managing agent shall provide  
7 ongoing orientations regarding the details and procedures for tenants to  
8 sign new leases;

9 (d) explicitly notify residents of their rights to eligibility deter-  
10 mination and succession and how these differ from typical section eight  
11 eligibility and succession rights, including rights resulting from the  
12 definition of family pursuant to subdivision five of this section; and

13 (e) allow tenants of converted developments to engage in profit-making  
14 businesses within their units.

15 5. (a) For the purposes of determining eligibility and household  
16 composition for public housing occupancy and continued occupancy,  
17 authorities shall define a "family" as:

18 (i) a single person, who may be an elderly, displaced, or near-elderly  
19 person, or any other single person;

20 (ii) an otherwise eligible youth who is at least eighteen years of age  
21 but not more than twenty-four years of age and who has left foster care,  
22 or will leave foster care within ninety days, in accordance with a tran-  
23 sition plan described in section 475(5)(H) of the federal social securi-  
24 ty Act (42 U.S.C. § 675(5)(H)), or who is at least sixteen years of age  
25 and is homeless or at risk of becoming homeless; or

26 (iii) a group of persons residing together that includes, but is not  
27 limited to, a family with or without children, including children who  
28 are temporarily away from the home because of placement in foster care,  
29 an elderly family, a near-elderly family, a family with one or more  
30 persons with disabilities, a displaced family, the remaining member of a  
31 tenant family, or a group of individuals who would otherwise be eligible  
32 to reside in public housing who reside together.

33 (b) The definition of family pursuant to paragraph (a) of this subdivi-  
34 vision may not be restricted to kin, descendants, marital relations, or  
35 relatives.

36 § 3. Section 38 of the public housing law, as amended by chapter 260  
37 of the laws of 1945, is amended to read as follows:

38 § 38. Proposed projects. 1. For the purposes of this section, the  
39 following terms shall have the following meanings:

40 (a) "Conversion" shall include acts by an authority to dispose, trans-  
41 fer, convey, sublease, lease, or mortgage real property, or a leasehold  
42 interest in real property, in a public housing development or ancillary  
43 property owned by such public housing agency, in accordance with the RAD  
44 program, section eighteen of the federal housing act of 1937 (42 U.S.C.  
45 § 1427p), or similar plan approved by the federal department of housing  
46 and urban development.

47 (b) "Management agent" shall mean the entity being contracted with  
48 through a management agreement or similar contract for the maintenance  
49 of a property following a conversion.

50 (c) "RAD program" shall mean the rental assistance demonstration  
51 program pursuant to 42 U.S.C. § 1437f.

52 2. (a) An authority shall file with the commissioner a copy of each  
53 proposed project embodying the plans, layout, estimated costs and  
54 proposed method of financing. Any change made in the project shall be  
55 filed with the commissioner by the authority. With reasonable promptness  
56 after each project shall have been completed, and from time to time

1 prior to completion upon request of the commissioner, an authority shall  
2 file with the commissioner a detailed statement of the cost thereof.

3 (b) Upon receipt of a copy of a proposed state project, or of any  
4 proposed change therein, the commissioner may transmit [~~his~~] their crit-  
5 icisms and suggestions with reasonable promptness to the authority or  
6 the municipality. No change in a state project may be made by an author-  
7 ity or a municipality without the approval of the commissioner.

8 3. (a) Within thirty days of being requested by the commissioner, an  
9 authority shall provide the commissioner with the following information:

10 (i) the name of such authority;

11 (ii) the name of the public housing development;

12 (iii) the total number of units in such development;

13 (iv) the distribution of units by bedroom count, race, income, elderly  
14 status, and disability status;

15 (v) the status of a development's subsidy, broken down by units,  
16 detailing the number of units counted as section nine housing on an  
17 annual contributions contract with the federal department of housing and  
18 urban development, a project-based voucher or project-based rental  
19 assistance via conversions or other conditions such as vacancy, both  
20 funded and unfunded, and/or under other federal department of housing  
21 and urban development programs outside of those that result from RAD  
22 program conversions;

23 (vi) the application date of any proposed conversion, disposition, or  
24 demolition to the federal department of housing and urban development;

25 (vii) the approval date of any proposed conversion, disposition, or  
26 demolition by the federal department of housing and urban development,  
27 and date of approval of such project by the commissioner;

28 (viii) a summary of the criteria used to justify any section eight or  
29 RAD program demolition application to the federal department of housing  
30 and urban development;

31 (ix) information on the relocation of affected residents and the  
32 amount of persons displaced by a project, conversion, or demolition  
33 approved by the federal department of housing and urban development; and

34 (x) details regarding the cost test conducted, if applicable, as  
35 required by the federal department of housing and urban development.

36 (b) By December thirtieth of each year, the commissioner shall post on  
37 a public webpage the information required pursuant to paragraph (a) of  
38 this subdivision and other relevant information regarding projects and  
39 conversion and any section eighteen dispositions or demolitions approved  
40 by the federal department of housing and urban development, as deter-  
41 mined by the commissioner.

42 (c) The commissioner shall maintain a centralized online database  
43 where the information required pursuant to this subdivision can be  
44 accessed. Such information shall be listed on such database based on  
45 the year of their publication.

46 § 4. This act shall take effect immediately.