

# STATE OF NEW YORK

489--A

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. WOERNER, ZINERMAN, GIGLIO, BUTTENSCHON -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the private housing finance law, in relation to establishing the small rental housing development initiative

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

1 Section 1. The private housing finance law is amended by adding a new  
2 article 33 to read as follows:

### ARTICLE XXXIII

#### SMALL RENTAL HOUSING DEVELOPMENT INITIATIVE

#### Section 1300. Legislative findings and statement of policy.

##### 1301. Definitions.

##### 1302. Small rental housing development initiative.

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8 § 1300. Legislative findings and statement of policy. The legislature  
9 hereby finds and declares that there exists in many rural areas of the  
10 state a substantial need for affordable rental housing of a size that is  
11 suitable to small communities with limited infrastructure. The findings  
12 set forth in article seventeen of this chapter, with respect to the  
13 special needs and problems of such areas and the significant potential  
14 role of locally based not-for-profit organizations in helping to meet  
15 such needs, are hereby reaffirmed. The legislature hereby determines  
16 that, in addition to the program of state support to help meet the  
17 administrative expenses of such organizations under article seventeen of  
18 this chapter, a further public need exists for state funding for the  
19 development of affordable rental housing of between two and twenty  
20 units. It is the purpose of this article to encourage the acquisition,  
21 rehabilitation, and construction of affordable rental housing including

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

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1 in the rural areas of the state by establishing a dedicated program of  
2 such funding.

3 § 1301. Definitions. For the purposes of this article, the following  
4 terms shall have the following meanings:

5 1. "Corporation" shall mean the housing trust fund corporation estab-  
6 lished in section forty-five-a of this chapter.

7 2. "Small rental housing developments" shall mean affordable rental  
8 apartment buildings of between two and twenty units for low to moderate  
9 income households.

10 3. "Rural area" shall mean cities, towns and villages having a popu-  
11 lation of less than thirty thousand as determined by the last federal  
12 decennial census.

13 4. "Eligible applicant" shall mean a housing or community development  
14 not-for-profit organization eligible to do business in New York state.

15 5. "Low to moderate-income household" shall mean a household with up  
16 to one hundred twenty percent of area median income.

17 6. "Period of affordability" shall mean the required length of time a  
18 project must meet affordability requirements pursuant to this article  
19 and to be specified in the project note and mortgage.

20 § 1302. Small rental housing development initiative. 1. Applicants  
21 acquiring, rehabilitating, or constructing small rental housing develop-  
22 ments shall be eligible for state funding in the form of deferred  
23 payment, at zero percent interest loans, due on sale. Such zero interest  
24 loans may be subject to forgiveness in accordance with the provisions of  
25 subdivision two of this section.

26 (a) The eligible applicant shall have a payback period for such loan  
27 of twenty years.

28 (b) The maximum per-unit subsidy shall be determined by the commis-  
29 sioner.

30 (c) Funds shall be used for the acquisition, rehabilitation, and  
31 construction of residential units and may be used for all rehabilitation  
32 and construction costs necessary for the building, including the  
33 construction of common areas used for the benefit of residents.

34 (d) Funds may be used to cover a part of or all costs required to  
35 acquire, construct, or rehabilitate a small rental housing development.

36 2. (a) Zero interest loans issued in accordance with subdivision one  
37 of this section shall be deferred for the period of affordability. If  
38 the eligible applicant, who is the recipient of a zero interest loan,  
39 remains in compliance with all program requirements for the entirety of  
40 the period of affordability, the zero interest loan may be forgiven and  
41 the mortgage lien placed against the property may be satisfied.

42 (b) If the property of an eligible applicant is sold during the period  
43 of affordability, the sum of any outstanding mortgage must be re-paid.  
44 The mortgage lien may be assumed by a new purchaser only if approved by  
45 the corporation, subject to any conditions or requirements set by the  
46 corporation.

47 (c) The regulatory agreement of the small rental housing initiative  
48 shall run with the property throughout the entirety of the period of  
49 affordability, regardless of any change in ownership.

50 (d) Awards made under this program shall be pursuant to a regulatory  
51 agreement, including rent setting and any and all rent increases during  
52 the affordability period.

53 (e) The developer shall be eligible for a developer's fee of up to  
54 fifteen percent of small rental development initiative funds pursuant to  
55 any requirements established by the corporation relating to such fees.

1 (f) At least sixty percent of the total funds awarded pursuant to this  
2 article in any fiscal year shall be allocated to projects located in  
3 rural areas of the state.

4 3. Applicants with proposals not selected for funding may request a  
5 review and debrief from the corporation of the reasons why the proposal  
6 was not selected for funding.

7 4. The corporation shall develop additional procedures and require-  
8 ments related to the application and award of funding for projects  
9 pursuant to this article as deemed necessary or appropriate to implement  
10 the purposes and provisions of this article.

11 § 2. This act shall take effect immediately.