STATE OF NEW YORK

10736

IN SENATE

November 13, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, the highway law and the state finance law, in relation to the creation of a state-wide catalog for preapproved, construction-ready housing plans; and directing a study to be completed concerning minimum prescriptive requirements necessary to include certain multi-family dwellings within the scope of the residential code of New York state

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

Section 1. The executive law is amended by adding a new section 94-e to read as follows:

§ 94-e. Empire state homes catalog. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Catalog" means the empire state homes catalog established pursuant to subdivision two of this section.

(b) "Department" means the department of state.

(c) "Neighbors encouraging smart and thoughtful growth community" or "NEST community" means a municipality certified as such by the secretary of state pursuant to subdivision five of this section.

(d) "Previously disturbed land" means any site where human activity, development, grading, clearing, or compaction has significantly altered the natural landscape, soil profile, or native plant community.

2. Empire state homes catalog. (a) The department shall develop, maintain and publish a catalog which shall be known as the "empire state homes catalog" which shall consist of construction-ready, preapproved housing plans, which shall, at a minimum, include overall floor plans, reflected ceiling plans, elevators, sections, partition types, finishes, appliances and fixtures, and envelop specifications sufficient for a general contractor to price and construct a project. The catalog shall include complete construction-ready plans for each of the following housing typologies:

(i) accessory dwelling units;

(ii) single-family dwellings;

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

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(iii) small clusters of single-family homes up to six units, commonly known as cottage courts;
(iv) two-unit dwellings;
(v) four-unit dwellings;
(vi) six-unit dwellings; and
(vii) eight-unit dwellings.
(b) The secretary of state may further define the housing typologies under paragraph (a) of this subdivision pursuant to rule or regulation.
(c) (i) For each housing typology under paragraph (a) of this subdivision, the department shall provide plans that include dimensional standards for lot sizes that maximize affordability of housing production, and that adds to a neighborhood scale and density that supports transit and pedestrian-friendly communities with neighborhood scale retail. The department shall specify for each such housing typology the maximum number of parking spaces per dwelling unit that a municipality may require.
(ii) In initially developing such plans pursuant to subparagraph (i) of this paragraph, the department shall hold at minimum three public hearings distributed geographically across the state to receive feedback on how to best develop such plans to include cost effective, energy efficient, and residential quality of life technology. The department shall update such plans to include latest best practice cost effective, energy efficient, and residential quality of life technology every two years, and shall hold at least one public hearing before the development of each such update.
3. Preapproved project lot split standards. (a) The department shall establish uniform standards for preapproved project lot splits dividing a lot, tract, or parcel into two or more lots, tracts, or parcels. Such standards shall include requirements under which each such divided portion of a lot, tract, or parcel maintains frontage on a public way.
(b) No municipality shall be designated as a NEST community under subdivision five of this section unless it has adopted rules for the ministerial allowance of preapproved project lot splits or zoning changes, consistent with the standards developed by the department pursuant to paragraph (a) of this subdivision, for applicants who apply for a lot split or zoning changes to build a form of preapproved housing published on the catalog.
(c) Notwithstanding any inconsistent provision of the general city law, town law, village law, local law, ordinance, rule or regulation:
(i) no public hearing shall be required or held on an application for a preapproved project lot split where each resulting lot satisfies the standards for frontage on a public way established pursuant to paragraph (a) of this subdivision;
(ii) no procedural or substantive requirement shall be imposed for a preapproved project lot split that is more stringent than the requirements under this section or contained in a municipality's local rules and/or regulations otherwise applicable; and
(iii) where review of an application for a preapproved project lot split is conducted by a municipal planning board or other equivalent municipal body, a determination shall be made by a majority of the members present and voting and shall be limited to whether such application satisfies the applicable objective standards established under this section.
(d) The provisions of this subdivision shall only apply to previously disturbed land that:

(i) is not currently being used for agricultural purposes and has not been used for such purposes within either:

(1) the last two years before the application for a preapproved project lot split was filed; or

(2) three of the last five years before the application for a preapproved project lot split was filed;

(ii) is not located in a designated coastal erosion hazard area; and

(iii) either:

(1) (A) is not located in a one hundred-year flood zone, as determined by the Federal Emergency Management Agency (FEMA), or a special flood hazard area, provided that the relevant municipality has not adopted a law requiring new construction to be elevated above the base flood elevation, as defined by the Federal Emergency Management Agency (FEMA);

(B) has been substantially altered by an occupied, formerly occupied, or demolished building, or by another improvement or use at least two years prior to the application for a preapproved project lot split being filed; and

(C) if located outside of an urban area, as defined by the United States Census Bureau, abuts, adjoins, or is opposite from another parcel that is or has been occupied or formerly occupied by a building, or demolished building, or another improvement or use at least two years prior to the application for a preapproved project lot split being filed, provided that such abutting, adjoined, or opposite parcel is not occupied by an industrial or agricultural use; or

(2) is located on residential, commercial, or industrial zoned land that is not located in a one hundred-year flood zone as determined by the Federal Emergency Management Agency (FEMA) or a special flood hazard area, provided that the relevant municipality has not adopted a law requiring new construction to be elevated above the base flood elevation, as defined by the Federal Emergency Management Agency (FEMA).

(e) If there is adequate concern that the land subject to a preapproved project lot split may have contaminants due to previous uses, the municipality may require the applicant for such lot split to certify that a Phase I Environmental Site Assessment has been conducted in accordance with federal Environmental Protection Agency standards and all appropriate regulations regarding inquiries under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 40 CFR § 312, and that such applicant has followed or will follow all applicable recommendations and hazardous waste laws.

4. Approval of applications. (a) A municipality shall approve any application for construction of housing consistent with a preapproved plan from the catalog, where such application is found to be objectively consistent with the requirements under this section, including dimensional standards under paragraph (b) of subdivision two of this section.

(b) A NEST community shall be exempt from the preapproved project lot split requirements under subdivision three of this section if it demonstrates that it has added three percent or more to its overall housing stock over the previous or current calendar year with homes from the empire state homes catalog or the equivalent local substitute.

5. NEST community requirements. (a) Municipalities that allow by-right permitting of housing constructions from plans under the catalog on the equivalent lot sizes for each respective housing type shall be certified by the secretary of state as NEST communities.

6. Consolidated local highway assistance payments. (a) The commissioner of housing and community renewal, in conjunction with the commissioner of transportation, shall be authorized to reduce and withhold up to

half of the funding received by a municipality under section ten-c of the highway law, if such municipality is found not to have complied with the provisions of this section. Such withheld funds shall be deposited into the housing infrastructure fund created pursuant to section ninety-nine-uu of the state finance law.

(b) The commissioner of housing and community renewal may make payments to NEST communities, from funds held in the housing infrastructure fund under section ninety-nine-uu of the state finance law, to support infrastructure improvement and creation of housing in such NEST communities.

7. Rules and regulations. The department, the division of housing and community renewal, and the department of transportation shall be authorized to promulgate any rules and/or regulations necessary to effectuate the provisions of this section.

§ 2. Subdivision 4 of section 10-c of the highway law is amended by adding a new paragraph (f) to read as follows:

(f) (i) Notwithstanding any provision of this section to the contrary, for any state fiscal year commencing after the effective date of this paragraph, the commissioner, in consultation with the commissioner of housing and community renewal, may reduce by not more than fifty percent the apportionment otherwise payable under this section to a city, town or village that is not certified as a NEST community pursuant to section ninety-four-e of the executive law.

(ii) An amount withheld pursuant to this paragraph shall be paid to the housing infrastructure fund established pursuant to section ninety-nine-uu of the state finance law.

§ 3. The state finance law is amended by adding a new section 99-uu to read as follows:

§ 99-uu. Housing infrastructure fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund to be known as the "housing infrastructure fund".

2. The fund shall consist of amounts transferred pursuant to paragraph (a) of subdivision six of section ninety-four-e of the executive law, amounts appropriated thereto, and any grants, gifts or other moneys received by the state for the purposes of the fund.

3. Moneys of the fund shall be made available to the division of housing and community renewal for payments to NEST communities for support of infrastructure improvements and creation of housing pursuant to paragraph (b) of subdivision six of section ninety-four-e of the executive law.

4. Moneys of the fund shall be kept separate and shall not be commingled with any other moneys in the custody of the state comptroller and the commissioner of taxation and finance.

§ 4. Residential code study. 1. The department of state shall conduct a study concerning the modification and establishment of minimum prescriptive requirements necessary to include three-family, four-family, five-family and six-family dwellings within the scope of the residential code of New York state.

2. The study shall address, at a minimum:

(a) whether automatic fire sprinkler systems are necessary in three-family, four-family, five-family and six-family dwellings where wall, floor and ceiling separation assemblies provide a fire-resistance rating of not less than two hours; and

(b) the circumstances under which an automatic sprinkler system designed in accordance with NFPA 13D may provide sufficient protection,

together with fire-resistance, detection, alarm, egress or other measures, in lieu of a system designed in accordance with NFPA 13R.

3. No later than one year after the effective date of this section, the department of state shall submit a report of its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly.

§ 5. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.