

NEW YORK STATE ASSEMBLY

ANNUAL REPORT

2020



COMMITTEE ON
HOUSING

CARL E. HEASTIE
SPEAKER

STEVEN H. CYMBROWITZ
CHAIR



STEVEN H. CYMBROWITZ
Assemblyman 45th District
Kings County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on Housing

COMMITTEES
Codes
Environmental Conservation
Health
Insurance

December 15, 2020

Honorable Carl E. Heastie
Speaker of the Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Mr. Speaker,

It is my honor to present the 2020 Annual Report for the Assembly Standing Committee on Housing. While we have made significant progress in protecting New York's renters and homeowners in recent years, access to stable, affordable housing still isn't guaranteed. That issue is now compounded by the effects of COVID-19 on our communities, with tenants across the State struggling to pay billions of dollars in back rent.

Despite historic State budget deficits and high demand on federal funds, the Assembly Majority successfully fought to provide relief to those renters most in need by helping to create the COVID Rent Relief Program to supplement rent payments for qualifying recipients. That program was a step in the right direction, but the Committee continues to explore more comprehensive, long-term solutions and advocate for the federal funding necessary to create a sustainable path forward for tenants and residential property owners.

The Committee has also continued its work to protect tenants and promote the development and preservation of affordable housing. In addition to fighting cuts to critical programs in the State Fiscal Year (SFY) 2020-21 budget, we advanced legislation to raise awareness of fraudulent rental practices, standardize the use of electronic leases and signatures for rent-regulated tenants, and improve transparency regarding residents' right to add legal occupants to their lease within the New York City Housing Authority (NYCHA).

I have been honored to lead the Assembly Majority working group on Mitchell-Lama housing developments on behalf of the Committee. The group has met throughout the year with overseeing agencies, residents and other stakeholders to explore the most pressing issues facing Mitchell-Lama housing and its residents, as well as the potential to create new affordable homeownership opportunities in today's economy.

Mr. Speaker, I thank you for the continued opportunity to uphold the Assembly's commitment to ensuring that every New Yorker has access to safe, affordable housing. I wish to thank my fellow Committee members for their support and efforts toward achieving this goal, and I look forward to working with you in the coming year.

Sincerely,

A handwritten signature in blue ink that reads "Steven H. Cymbrowitz".

Steven H. Cymbrowitz
Chair, Committee on Housing

**2020 ANNUAL REPORT
OF THE
ASSEMBLY STANDING COMMITTEE ON HOUSING**

STEVEN H. CYMBROWITZ, CHAIR

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Latrice M. Walker
Latoya Joyner
Michael A. Blake
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Patrick Totaro, *Associate Counsel*
Annalyse Komoroske, *Analyst*
Nicole VanAuken, *Program and Counsel Secretary*
Lena DeThomasis, *Committee Clerk*
Lenny Markh, *Chief of Staff*
Adrienne Knoll, *Director of Communications*

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I. COMMITTEE JURISDICTION AND PURVIEW

The New York State Assembly Standing Committee on Housing is responsible for legislation on housing development and preservation. Its purview includes rent regulation, as well as legislation amending the following areas of the New York State Law:

- *Multiple Dwelling Law*, which encompasses health and safety standards for buildings with three or more families living independently of each other in New York City, and any other city, town or village that has chosen to adopt the law;
- *Multiple Residence Law*, which covers health and safety standards for buildings with three or more families living independently of each other in all cities, towns and villages outside of New York City;
- *Private Housing Finance Law*, which governs the following entities and programs: Mitchell-Lamas; Limited Dividend Housing Companies; Low Income Housing Trust Fund; Affordable Home Ownership Development; Permanent Housing for Homeless Families; Manufactured Home Cooperative Fund; Housing Development Fund Companies; Neighborhood Preservation Companies; Rural Area Revitalization; Rural Rental Assistance; Urban Initiatives; Rural and Urban Community Investment Fund; several New York City programs; and the administration of the New York State Housing Finance Agency and New York City Housing Development Corporation; and
- *Public Housing Law*, which covers the safety, management and financing of local public housing authorities throughout the State.

In addition to these laws, the Committee has jurisdiction over legislation amending housing-related sections of the Executive Law, Real Property Law, Real Property Actions and Proceedings Law, and Public Authorities Law, and the following unconsolidated areas of New York Law: the Emergency Housing Rent Control Law; the Local Emergency Housing Rent Control Law; the New York City Rent Stabilization Law; the Emergency Tenant Protection Act of 1974; sections of the New York City Administrative Code and the City of Buffalo Administrative Code; and sections of the General Business Law that relate to the conversion of real property from rental to cooperative or condominium status.

II. 2020 LEGISLATIVE HIGHLIGHTS

A. Rent Regulation & Tenant Protections

Rent regulation has traditionally protected tenants residing in rent-stabilized or rent-controlled apartments in New York City and surrounding counties. A large majority of rent-regulated tenants reside in New York City. Data from the 2017 New York City Housing and Vacancy Survey (HVS), conducted by the U.S. Census Bureau, estimated that there are approximately 988,000 rent-regulated units within New York City, representing around 45% of the City's total rental housing stock. There are 37,560 rent-regulated units outside of New York City: 2,107 in Rockland County, 7,896 in Nassau County and 27,557 in Westchester County.

For rent regulation laws to apply, a municipality must declare a rental housing emergency, defined as a housing stock vacancy rate of 5% or lower. According to the 2017 HVS, the vacancy rate in New York City and some surrounding counties remains under 5%, with the two most recent reports showing a New York City vacancy rate of 3.45% in 2014 and 3.63% in 2017. Due to the existence of this emergency, intervention is critical to protect tenants from unreasonable rent increases and evictions.

Finding and paying an affordable rent are challenges for most New Yorkers, regardless of location or regulation status, with the challenge being most difficult to bear for low-income households. When renters voluntarily leave their apartments or are forced to move, the search for new housing is complicated by the extreme scarcity of affordable units and long waiting lists for public housing and other subsidized housing. Preserving rental affordability and protecting tenants across the State continue to be among the Assembly's top priorities.

Listed below is legislation reported by the Committee related to tenant protection:

1. Lease and Landlord Fraud Awareness Program

A.619-A (Joyner); Passed Assembly

This bill would require the Division of Housing and Community Renewal (DHCR) to create a lease and landlord fraud awareness program to demonstrate the potential risks of signing a fraudulent lease with an individual misrepresenting him or herself as a landlord. DHCR would be required to develop written materials and brochures to be made available to the general public and local municipalities.

2. E-Signatures for Rent-Regulated Leases

A.9834 (Cymbrowitz); Reported to the Committee on Ways & Means

This bill would require the commissioner of the New York State Division of Housing and Community Renewal (DHCR) to promulgate rules that allow for the use of electronic records and signatures for leases and lease renewals of rent stabilized units on a voluntary basis by the tenant. It also requires the commissioner to develop a form that confirms the voluntary use of electronic records by the tenant. The form must be signed by both the

tenant and landlord and be on file with DHCR before any electronic records can be accepted by DHCR.

B. Public Housing

The Committee on Housing continues to play an important role in regulating and supporting the operation of public housing. There are approximately 180 housing authorities across New York State. Of these, the largest is the New York City Housing Authority (NYCHA), which serves over 400,000 residents through more than 326 public housing developments throughout the five boroughs.

1. Notice of Ability to Add Legal Occupants

A.5410-A (Cymbrowitz); Chapter 171 of the Laws of 2020

This law will facilitate the addition of legal occupants to a NYCHA lease by requiring NYCHA to include a notice informing a prospective tenant or current tenant of their ability to add legal occupants to the lease or renewal lease; to make any form required to add additional legal occupants to the lease available for review and submission in person, online, and through NYCHA's app; to acknowledge receipt of any application to add additional legal occupants; to instruct the tenant on how to check the status of their application; and to give an expected date of the authority's response to the request.

2. Recording Outages of Vital Services

A.9127 (Crespo); Chapter 47 of the Laws of 2020

This law amends Chapter 652 of the Laws of 2019 to provide NYCHA adequate time to coordinate with representatives of the court, public housing tenants and legal services providers to record information about unplanned outages in heat, water, electricity, or elevator service conspicuously on its website. Inspections of warranty of habitability issues in NYCHA developments have historically been performed internally, making it difficult for the public and court to determine the severity or duration of any violations.

C. Mitchell-Lama Housing

Since the 1950s, the Mitchell-Lama program has provided affordable housing to moderate-income New Yorkers. More than 250 Mitchell-Lama developments exist throughout the State. The continued viability of this program remains a critical part of the Committee's effort to ensure the availability of affordable housing for the citizens of New York.

To date, owners of thousands of apartments have left the program by repaying loans issued under the Private Housing Finance Law. These "buy-outs" can have a devastating impact on the families living in these developments, as rents can increase significantly when existing leases expire and the affordable housing stock further erodes.

1. Income Thresholds

A.8985 (Cymbrowitz); Reported to the Committee on Ways & Means; Subpart G of Part XX of Chapter 55 of the Laws of 2020

Chapter 726 of the Laws of 2019 increased income limits for admission to Mitchell-Lama developments. This bill would amend that language to clarify that income limits used to calculate the surcharge paid by high-income residents remain unchanged.

D. Other Legislation

1. Additional Appointments to the New York State Housing Finance Agency

A.4129-A (Cymbrowitz); Chapter 306 of the Laws of 2020

This bill would add one director to be appointed by the temporary president of the Senate and one to be appointed by the Speaker of the Assembly to the current composition of the New York State Housing Finance Agency (HFA). The Legislative appointees would serve at the pleasure of their appointing authority, and any vacancies would be filled in the same manner as the original appointment.

2. Solar Panels and Homeowners' Associations

A.5896-A (Galef); Reported to the Floor

This bill would prohibit homeowners' associations from unreasonably restricting the installation or use of a residential rooftop solar power system. An unreasonable restriction would include any provision which inhibits the rooftop solar power system from functioning at its intended maximum efficiency, or increases installation or maintenance costs (including labor and equipment) by more than 10 percent.

The homeowners' association would retain the authority to restrict the installation or use of a rooftop solar power system on property owned by the association or in common by members of the association.

3. Housing Trust Fund Corporation Loan Terms

A.8247 (Cymbrowitz); Reported to the Committee on Ways & Means

This bill would allow the HTFC to issue loans with a maximum loan term of 30 years – consistent with current law – or longer where required to be co-terminus with other financing or regulating agencies participating in a project. This will allow the agency flexibility to participate in more projects, such as those with a first mortgage term of 35 years, and to require a greater length of affordability for financed projects.

III. SFY 2020-2021 BUDGET HIGHLIGHTS

APPROPRIATED AMOUNT

A. Division of Housing and Community Renewal – Capital Projects

Low-Income Housing Trust Fund **\$44.2 million**

The Low-Income Housing Trust Fund provides funding to not-for-profits, localities and private developers for the construction or rehabilitation of affordable rental housing for low-income households.

Affordable Housing Corporation **\$26 million**

This program provides grants and loans of up to \$35,000 per unit (plus an additional \$5,000 in high-cost areas) for rehabilitation and new construction of one- to four-family dwellings for low- and moderate-income New Yorkers.

Homes for Working Families Program **\$14 million**

The Homes for Working Families Program helps finance the construction and rehabilitation of rental housing for low-income families and senior citizens.

Public Housing Modernization Program **\$6.4 million**

The Public Housing Modernization Program allocates funds to New York’s state-supervised public housing authorities for expenses related to maintenance, improvements and repairs.

Manufactured Home Advantage Program **\$5 million**

The Manufactured Home Advantage Program offers park owners and residents the opportunity to maintain safe, affordable communities by utilizing low-interest loans to acquire, rehabilitate and refinance manufactured homes and parks.

Main Street Program **\$4.2 million**

The Main Street Program helps revitalize and improve village centers and historic downtowns by supplying grants for building renovations, façade and streetscape improvements, and capital funding for projects that will anchor downtown districts. The appearance and functionality of main street buildings often determine the success of community revitalization efforts, and this program creates incentives for strategic investment of public and private resources.

Housing Opportunities Program for the Elderly **\$1.4 million**

The Housing Opportunities Program for the Elderly helps to provide safe, decent and affordable housing for older adults in New York State. The program offers contracts to not-

for-profit corporations and municipalities to provide financial assistance for the administration of emergency home repairs programs, which deliver grants and loans in an amount of up to \$10,000 per unit for the cost of correcting any condition which poses a threat to the life, health or safety of a low-income elderly homeowner.

B. Division of Housing and Community Renewal – Aid to Localities

Small Cities Community Development Block Grant Program **\$40 million**

The Small Cities Community Development Block Grant Program provides financial assistance to eligible cities, towns and villages with populations under 50,000 and counties with a population under 200,000. The purpose of this program is to support the growth of affordable housing and suitable living environments. The program also works to expand economic opportunities for persons of low- and moderate- income.

Low-Income Weatherization Program **\$32.5 million**

The Weatherization Assistance Program assists income-eligible families and individuals by reducing their heating and cooling costs and addressing health and safety issues in their homes through energy-efficiency measures. Weatherization services reduce the amount of energy required to heat and cool homes and provide hot water, thus reducing energy consumption, while minimizing the impact of higher fuel costs on low-income families.

Housing Development Fund Program **\$15 million**

The Housing Development Fund loan fund was established in 1966 under the Private Housing Finance Law and is administered by the New York State Division of Housing and Community Renewal. The purpose of this program is to provide loans to not-for-profit organizations to develop low-income housing projects. These loans may be used for pre-development costs, site acquisition, construction/rehabilitation financing and other project development costs and to provide short-term financing repaid from equity contributed by investors in low-income housing credit projects.

Local Areas Program **\$2.98 million**

The Local Areas Program allows for the payment of periodic subsidies to cities, towns, villages and housing authorities in accordance with the public housing law.

C. Division of Housing and Community Renewal – State Operations

The Division of Housing and Community Renewal is an executive branch agency responsible for the supervision, maintenance and development of affordable low- and moderate-income housing in New York State. It is one of five agencies, along with the Housing Trust Fund Corporation, the Housing Finance Agency, the State of New York Mortgage Agency, and the Affordable Housing Corporation, that together constitute New York State Homes and

Community Renewal. Within these five agencies are 17 offices, some of which receive funding to perform certain functions, and which are outlined below.

The Office of Finance and Development is responsible for investing billions of dollars each year to stimulate the development or preservation of affordable rental housing and to help low- and moderate-income homebuyers purchase their first home. The department's multifamily programs are driven by federal and State Low-Income Housing Tax Credits and tax-exempt bonds, and augmented by an array of State-funded programs targeted to a range of housing and community development needs.

- **Community Development Program** **\$8.97 million**

The Office of Community Renewal manages 18 housing, community and economic development programs including the Affordable Housing Corporation, the New York State Community Development Block Grant Program, the New York Main Street Program, the Neighborhood and Rural Preservation programs, and the Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE).

- **Community Renewal Program** **\$327,000**

The Office of Housing Preservation (OHP) operates programs that maintain and enhance existing affordable housing, including public, privately owned, and previously subsidized housing. These include the Asset Management Unit, the Statewide Section 8 Program and Weatherization Assistance Programs.

This year, more than \$23 million in new funding was allocated to OHP's Rent Administration Program to support the agency's administration and enforcement of the state's system of rent regulation, including \$8 million to fund the addition of approximately 94 full-time employees.

- **Housing Program** **\$21.95 million**
- **Low-Income Weatherization Program** **\$4.72 million**
- **Rent Administration Program** **\$66.75 million**

The Office of Professional Services includes shared support functions such as Human Resources, Facilities, Procurement, Finance, Information Technology and Corporate Compliance.

- **Administration Program** **\$13.48 million**

D. The Mortgage Insurance Fund

In the 2020-2021 State budget, Article VII language transferred \$51.19 million to utilize reserves in the Mortgage Insurance Fund (MIF) to support programs that target affordable housing, supportive housing, urban and rural preservation, as well as property rehabilitation. The following is a breakdown of how the funding was dispersed to various housing programs:

- \$21 million for the Rural Rental Assistance Program;
- \$12.83 million for the Neighborhood Preservation Program;
- \$12 million for the City of Albany; and
- \$5.36 million for the Rural Preservation Program.

E. Office of Rent Administration Billing Intercept

In the 2020-2021 State budget, Article VII language modified the billing process between the State and New York City for the administration of rent regulation by authorizing the State to reduce local assistance payments to the City in an amount equal to what the State spends on rent administration, rather than billing the City for costs incurred.

F. New York City Housing and Vacancy Survey

The Housing and Vacancy Survey (HVS) is a triennial survey of New York City's housing stock, required by law to continue the regulation of rents and evictions in the City and typically performed by the U.S. Census Bureau. Article VII language in the 2020-2021 State budget authorized the City to delay the HVS by one year in any year when conducting the survey conflicts with the federal decennial census.

G. Farmworker Housing Program Maximum Loan Amounts

The Farmworker Housing Program is a component of the Housing Development Fund which provides no-interest loans to farmers to assist in the rehabilitation, improvement or new construction of housing for farmworkers. In the 2020-2021 State budget, Article VII language increased the maximum loan per year from \$100,000 to \$200,000.

H. Mitchell-Lama Admission Income Limits

Chapter 726 of the Laws of 2019 increased income limits for admission to Mitchell-Lama developments. Article VII language in the 2020-2021 State budget amended that language to clarify that income limits used to calculate the surcharge paid by high-income residents remain unchanged.

IV. LEGISLATIVE HEARINGS

The New York City Housing Authority's *Blueprint for Change*

The Committee held a hearing on December 8, 2020, to gather public feedback on the New York City Housing Authority's (NYCHA's) *Blueprint for Change* proposal to address its capital needs. The plan provides for the reorganization and modernization of the Authority's operations, and also contemplates the potential to leverage federally-issued Tenant Protection Vouchers (TPVs) by creating a Public Housing Preservation Trust to oversee \$18 billion to \$25 billion in capital repairs and improvements in approximately 110,000 units.

Following introductory testimony from NYCHA Chairman and CEO Gregory Russ, several witnesses provided statements to the Committee regarding the efficacy of NYCHA's current and past rehabilitation and development efforts, the potential scope of the proposed development entity, and the impact that any changes might have on the housing authority's more than 400,000 residents, stressing the continuing need to provide opportunities for resident and community feedback on NYCHA capital projects.

Repurposing Vacant Real Estate for Affordable Housing Development

On December 15, 2020, the Committee invited oral testimony from the affordable housing community on how best to identify and utilize vacant office and hotel spaces left in the wake of COVID-19 to continue creating affordable rental and homeownership opportunities.

Agency officials, affordable housing developers and community advocates provided statements regarding the pervasive need for additional affordable and supportive housing units, the benefits of and challenges to converting commercial spaces for residential use, and the ways in which current policies and programs could be leveraged to meet our communities' housing needs in a post-pandemic landscape.

V. OUTLOOK FOR 2021

The COVID-19 pandemic has had, and continues to have, devastating effects on New York's low- and middle-income renters and homeowners. With this in mind, in the coming session, the Assembly Standing Committee on Housing will continue and redouble its longstanding commitment to ensuring the availability of safe, affordable housing for all.

This will include residents of public housing, manufactured home parks, condominiums and cooperatives, and other specialized housing options. These families, too, need our continued support, and in the coming year, the Committee will continue its work to bring stakeholders together to develop and promote policies that help ensure these much-needed affordable housing choices are preserved for generations to come. The Committee will also work to advance legislation that leads to the creation of new housing opportunities, and will reexamine existing programs to ensure that they are effective, efficient and yielding the greatest possible benefit to New York's families.

Additionally, the Committee will remain focused on identifying and securing funding to support tenants and homeowners in recognition of the need for a sound economic plan that will help improve the housing market and set a foundation for the continued development and preservation of affordable housing post-COVID-19.

APPENDIX A

**2020 Summary Sheet
Summary of Action on All Bills Referred to the Committee on Housing**

Final Action	Assembly Bills	Senate Bills	Total Bills
Bills Reported With or Without Amendment			
To Floor; Not Returning to Committee (Favorable)	3	0	3
To Ways and Means	4	0	4
To Codes	1	0	1
To Rules	0	0	0
To Judiciary	0	0	0
Total	8	0	8
Bills Having Committee Reference Changed			
Total	1	0	1
Senate Bills Substituted or Recalled			
Substituted	0	0	0
Recalled	0	0	0
Total	0	0	0
Bills Defeated in Committee	0	0	0
Bills Held for Consideration with a Roll-Call Vote	0	0	0
Bills Never Reported, Held in Committee	3	0	3
Bills Having Enacting Clauses Stricken	4	0	4
Motions to Discharge Lost	0	0	0
Total Bills in Committee	273	8	281
Total Number of Committee Meetings Held		3	

APPENDIX B

Bills that Passed the Assembly in 2020

BILL #	SPONSOR	DESCRIPTION
A.619-A	Joyner	Would require the Division of Housing and Community Renewal (DHCR) to establish a lease and landlord fraud awareness program by developing written materials and brochures to be made available to the general public and local municipalities.
A.4129-A	Cymbrowitz	Adds one director to be appointed by the temporary president of the Senate and one to be appointed by the Speaker of the Assembly to the current composition of the New York State Housing Finance Agency (HFA).
A.5410-A	Cymbrowitz	Requires NYCHA to include a notice informing a prospective tenant or current tenant of their ability to add legal occupants to the lease or renewal lease and to make certain reforms to the review process for such applications.
A.9127	Crespo	Amends Chapter 652 of the Laws of 2019 to allow NYCHA adequate time to coordinate with representatives of the court, public housing tenants and legal services providers to record information about unplanned outages in heat, water, electricity, or elevator service conspicuously on its website.

APPENDIX C

Chapters of 2020 – Bills Signed into Law by the Governor

CHAPTER	ASSEMBLY BILL # (SPONSOR)	SENATE BILL # (SPONSOR)	DESCRIPTION
47	A.9127 (Crespo)	S.6943 (Bailey)	Amends Chapter 652 of the Laws of 2019 to allow NYCHA adequate time to coordinate with representatives of the court, public housing tenants and legal services providers to record information about unplanned outages in heat, water, electricity, or elevator service conspicuously on its website.
306	A.4129-A (Cymbrowitz)	S.7757-A (Kavanagh)	Adds one director to be appointed by the temporary president of the Senate and one to be appointed by the Speaker of the Assembly to the current composition of the New York State Housing Finance Agency (HFA).
171	A.5410-A (Cymbrowitz)	S.5342-A (Comrie)	Requires NYCHA to include a notice informing a prospective tenant or current tenant of their ability to add legal occupants to the lease or renewal lease and to make certain reforms to the review process for such applications.