

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Linda B. Rosenthal, Chair



2023 ANNUAL REPORT

COMMITTEE ON
HOUSING



LINDA B. ROSENTHAL
Assemblymember 67th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Housing

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Codes
Agriculture
Health

MEMBER
Legislative Women's Caucus
Task Force on Women's Issues

December 15, 2023

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

Dear Mr. Speaker,

I am pleased to present to you the 2023 Annual Report of the Assembly Standing Committee on Housing, reflecting the Committee's continued efforts to address the diverse housing needs of New York's low- and middle-income families by focusing on legislation relating to rent regulation, tenant protections and other affordable housing options.

The Committee has continued its important work to protect tenants and promote the development and preservation of affordable housing. In addition to securing the inclusion of \$25 million in the State Fiscal Year (SFY) 2023-24 budget for grants to assist low- and moderate-income first-time homeowners with closing costs and down payments, we fought to protect the Homeowner Protection Program (HOPP) to continue helping homeowners avoid foreclosure. Furthermore, we advanced legislation to modernize the loan authorities of the New York City Department of Housing Preservation and Development, address the "frankensteining" of rent regulated apartments, and codify the standard for the fraud exception to the look back period in overcharge cases.

Preserving New York's public housing and ensuring the safety of its residents has been a top priority for the Committee and this year we secured new capital funding for the New York City Housing Authority (NYCHA) to continue addressing capital repairs. The Assembly Majority successfully fought to provide \$356 million in funding for the Emergency Rental Assistance Program (ERAP) to address the remaining pending applications from subsidized housing tenants and aid eligible renters with rental arrears, utility and home energy costs or arrears, and future rent. An additional \$35 million in funding was provided for COVID rental arrears for residents of NYCHA.

Mr. Speaker, I thank you for the 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 cursive script that reads "Linda Rosenthal".

Linda B. Rosenthal
Chair, Committee on Housing

**2023 ANNUAL REPORT
OF THE
ASSEMBLY STANDING COMMITTEE ON HOUSING**

LINDA B. ROSENTHAL, CHAIR

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Jared Bove, *Associate Counsel*
Meghan Furcick, *Analyst*
Sally Block, *Program and Counsel Secretary*
Nicholas Guile, *Committee Clerk*

Table of Contents

I. COMMITTEE JURISDICTION AND PURVIEW	4
II. 2023 LEGISLATIVE HIGHLIGHTS.....	5
A. State and City Agencies	5
Annual Report on Access to Home Programs	5
Housing Affordability, Resiliency, and Energy Efficiency Investment Act	5
Bonding Authority of the State of New York Mortgage Agency (SONYMA).....	5
Bonding Authority of the New York City Housing Development Corporation.....	5
State of New York Mortgage Agency (SONYMA) Lending Authorities	6
B. Rent Regulation	6
Penalties for Rent Overcharges.....	6
Biennial Maximum Base Rent Adjustment Hearings	6
Online Database for Major Capital Improvements	7
Study of Non-rental Fees	7
Notification of SCRIE and DRIE	7
Ninety Days to Answer MCI Applications.....	7
Clarifying the Applicability of the HSTPA	7
Rent Registration Statements for Vacant Units	8
Registration Statement Requirements for LLCs	8
Comprehensive Updates to the Rent Regulation Laws.....	8
Demolition of Rent Stabilized Buildings.....	9
Requirements for Vacancy Rate Studies.....	9
C. Tenant Protections	9
Lease Termination for a Deceased Tenant.....	9
Non-Preferential Use of Amenities.....	9
Credit Reporting Late Rent Payments	10
Fees for Dishonored Checks	10
Installation of Appliances by Tenants.....	10
Tenants Organizing Act	10
D. Public Housing.....	11
Gas Disruptions within NYCHA	11
Transfers Village of West Carthage Housing Authority to Town of Wilna Housing Authority	11
NYCHA Water Disruptions.....	11
E. Mitchell-Lama Housing.....	11
Veterans on Mitchell Lama Waiting Lists	12
F. Other Legislation	12
Regulating Smart Access Systems in Multiple Dwellings	12
Resident Contact Information List for Emergencies	12
Owner Approval for Keyless Security Devices	12
Housing Access Voucher Program	13
Lease-Hold Retirement Communities Tenant Protections	13
Manufactured Homes Right of First Refusal	13
Manufactured Homes Rent Increase Justification	13
Low Impact Landscaping Rights Act	13

III. SFY 2023-2024 BUDGET HIGHLIGHTS.....	14
A. Division of Housing and Community Renewal - Capital Projects.....	14
B. Division of Housing and Community Renewal - Aid to Localities	16
C. Division of Housing and Community Renewal - State Operations	17
D. The Mortgage Insurance Fund	18
E. The COVID-19 Emergency Rental Assistance Program (ERAP)	18
IV. LEGISLATIVE HEARINGS.....	20
V. OUTLOOK FOR 2024.....	20
APPENDIX A	21
APPENDIX B	22
APPENDIX C	23
APPENDIX D	25

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. 2023 LEGISLATIVE HIGHLIGHTS

A. State and City Agencies

State and City housing agencies, including but not limited to the Division of Housing & Community Renewal and the New York City Department of Housing, Preservation and Development (HPD), continue to play an integral role in meeting the State's affordable housing needs through the creation, preservation, and rehabilitation of low- and moderate-income homes and units.

The following is legislation advanced by the Committee this year relating directly to these and associated agencies:

1. Annual Report on Access to Home Program

A.1686-A (Hunter); Chapter 633 of the Laws of 2023

This law requires the Division of Housing and Community Renewal (DHCR) to issue an annual report on the Access to Home programs. The law specifies information that must be included in the report to increase transparency of program utilization. The law also requires DHCR to undertake an ongoing effort to promote the Access to Home programs to eligible applicants and persons with eligible properties.

2. Housing Affordability, Resiliency, and Energy Efficiency Investment Act of 2023

A.6655-A (Rosenthal L); Chapter 535 of the Laws of 2023

This law enacts comprehensive reforms to the various loan granting authorities for New York City Housing Preservation and Development (HPD). The reforms remove restrictions on loans for ground leases and trusts, allow loans for acquisition and refinancing, remove statutory limits on the lengths of loans HPD can provide, remove statutory limits on loan amounts, and allow loans for non-residential uses.

3. Bonding Authority of the State of New York Mortgage Agency (SONYMA) and Other State & City Authorities

A.7209 (Rosenthal L); Chapter 205 of the Laws of 2023

This law increases the aggregate bond cap for the SONYMA from \$10.22 billion to \$10.72 billion, an increase of \$500 million, and extends current statutory authorizations required to facilitate the operations of the New York State Housing Finance Agency (HFA), the New York City Housing Development Corporation (HDC), SONYMA, and the Mortgage Insurance Fund (MIF).

4. Bonding Authority of the New York City Housing Development Corporation

A.7359 (Lucas); Chapter 534 of the Laws of 2023

This law authorizes the New York City Housing Development Corporation (HDC) to increase the maximum aggregate principal amount of its outstanding bonds and notes

from \$18 billion to \$19 billion, an increase of \$1 billion, in order to allow the continuation of critical affordable housing initiatives in the City.

5. State of New York Mortgage Agency (SONYMA) Lending Authorities

A.7403-A (McMahon); Chapter 605 of the Laws of 2023

This law authorizes the State of New York Mortgage Agency (SONYMA) to purchase mortgages for personal property constituting modular or manufactured housing which would enable to SONYMA to offer programs to assist low- and moderate-income buyers with purchasing modular and manufactured homes similar to the programs offered for buyers of 1-4 family homes.

B. Rent Regulation

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 2021 New York City Housing and Vacancy Survey (HVS), conducted by the U.S. Census Bureau, estimated that there are approximately 1,006,000 rent-regulated units within New York City, representing around 44% of the City's total rental housing stock. There are 32,217 rent-regulated units outside of New York City: 1,209 in Rockland County, 6,871 in Nassau County and 24,137 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 2021 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 3.63% in 2017 and 4.54% in 2021. Due to the existence of this emergency, intervention is critical to protect tenants from unreasonable rent increases and evictions.

1. Penalties for Rent Overcharges

A.106-A (Rosenthal L); Advanced to Third Reading

This bill would increase the penalties for owners of property who overcharge tenants above the legal authorized rent from three times to five times the overcharge amount for the first offense and ten times the overcharge amount for any subsequent offenses.

2. Biennial Maximum Base Rent Adjustment Hearings

A.222 (Rosenthal L); Passed Assembly

This bill would repeal current law requiring hearings to establish biennial maximum base rents for rent controlled tenants in New York City. The Housing Stability and Tenant Protection Act (HSTPA) limited rent increases for rent controlled to the lesser of 7.5% or the average of the last five Rent Guidelines Board increases for one-year stabilized renewals making these hearings unnecessary.

3. Online Database for Major Capital Improvements

A.589-A (Rosenthal L); Reported to Ways and Means

This bill would require DHCR to create an online database for major capital improvements pursuant to rent regulation. The database would include descriptions of items or repairs that includes: the cost, make and model, where the item was purchased, the name of company or individual conducting the installation, and the installation cost.

4. Study of Non-Rental Fees

A.718 (Dinowitz); Reported to Rules

This bill would require DHCR to prepare a report on non-rental fees imposed by landlords of housing accommodations subject to rent regulations. The report would include a description of fees commonly or frequently charged, the amounts of such fees, how fees are determined, and any other data or information deemed pertinent. The report would be required to be submitted to the legislature by April 1, 2025.

5. Notification of SCRIE and DRIE

A.3283-A (Rosenthal L); Reported to Rules

This bill would require rent regulated landlords to include information regarding the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) programs on all new and renewal leases and on any rent bills, including any electronic communication.

6. Ninety Days to Answer MCI Applications

A.3818-A (Rosenthal L); Reported to Rules

This bill would provide rent regulated tenants 90 days to respond when they receive notice that an owner has filed for an adjustment of rent pursuant to a major capital improvement (MCI). The bill would also require an owner to provide all copies of permits for MCI work with the application for an MCI increase. Applications with fraudulent permits or without permits shall be denied.

7. Clarifying the Applicability of the HSTPA

A.4047-B (Dinowitz); Veto 132 of 2023

This bill would clarify the prospective reach of Part F of the Housing Stability and Tenant Protection Act of 2019 (HSTPA) by codifying the main holding of *Regina Metro v. DHCR* providing overcharges occurring prior to the HSTPA are subject to the pre-HSTPA rules and overcharges occurring post-HSTPA are subject to Part F of the HSTPA. The bill would also specify even if there has already been a determination of pre-HSTPA rent, that does not prohibit a recalculation of post-HSTPA rent.

8. Rent Registration Statements for Vacant Units

A.5692 (Rosenthal L); Advanced to Third Reading

This bill would require if a rent regulated unit is registered as vacant on the annual statement, an additional rent registration statement must be filed at three-month intervals until the unit has a tenant in occupancy.

9. Registration Statement Requirements for LLCs

A.5693-A (Rosenthal L); Advanced to Third Reading

This bill would require when a limited liability company registers a rent regulated unit with the Division of Housing and Community Renewal, the registration shall include a list of all direct and indirect owners of the membership interests of the limited liability company and the proportion of each direct or indirect member's ownership interest in the limited liability company.

10. Comprehensive Updates to the Rent Regulation Laws

A.6216-B (Rosenthal L); Chapter 760 of the Laws of 2023

This law provides comprehensive updates related to the rent regulation laws to, in part, address issues that have arisen since the enactment of the HSTPA in 2019. The law provides parameters for setting a new legal regulated rent when a regulated unit has been combined with regulated or unregulated unit(s). It provides a definition of permanently vacated related to succession rights. It also requires an owner claiming exemption from the Emergency Tenant Protection Act (ETPA) on the basis of substantial rehabilitation to seek approval from DHCR within one year of completion of the substantial rehab and provides grounds for denial of substantial rehabilitation exemption.

The law codifies the standard for the fraud exception to the four-year look back period for overcharges prior to the HSTPA by providing an owner is deemed to have committed fraud if they committed a material breach of any duty to disclose truthfully rent or lease information for claiming an unlawful rent or claiming to have deregulated a unit, regardless of whether it's fraud under the common law and regardless of whether complaining tenant specifically relied on untruthful or misleading statements. The law also provides that conduct presumed to be the product of fraud is unlawful deregulation, including deregulation from claiming an unlawful increase bringing the rent above the luxury deregulation threshold, unless owner can prove a good faith reliance on directive from DHCR or beginning 10/1/2011, failing to register as rent stabilized any unit in a building receiving J-51 or 421-a benefits.

Furthermore, the law provides an increased penalty for delinquent rent registration statements of \$500 per unit per month. Finally, the law provides DHCR with enforcement mechanisms, including the power to issue orders, for the rent regulation laws.

11. Demolition of Rent Stabilized Buildings

A.6276-A (Rosenthal L); Advanced to Third Reading

This bill would require when not renewing a lease, a rent stabilized building owner must establish to the satisfaction of DHCR a good faith intention to demolish a building and construct a new building, have obtained permits from the Department of Buildings for the demolition project and approved plans for the new building construction project, and the financial ability to complete the project.

12. Requirements for Vacancy Rate Studies

A.6843-A (Clark); Chapter 698 of the Laws of 2023

This law requires that owners in municipalities that are completing a vacancy rate survey respond to the survey and provide certain information about rent records and occupied or vacant units. Refusal by the owner to participate in the survey may be deemed cause to deny a rental permit or certificate of occupancy. The municipality may also impose a civil penalty or fee on the owner of up to \$1000. A non-respondent owner is deemed to have zero vacancies. The law also requires identifying data to be kept confidential and cannot be shared.

C. Tenant Protections

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.

1. Lease Termination for a Deceased Tenant

A.458 (Epstein); Chapter 632 of the Laws of 2023

This law allows the estate of a deceased tenant the option to terminate a lease for premises for residential use or partly residential use and partly professional use for such tenant upon notice given to the landlord. The termination is effective on the date the tenant's estate notifies the landlord of the election to terminate and surrenders possession of the premises.

2. Non-Preferential Use of Amenities

A.759 (Rosenthal L); Reported to Rules

This bill would require that every rental tenant in a building of six or more units be provided with the opportunity to use certain amenities that are accessible to any occupant and/or not unique to an individual unit, including, but not limited to: pools, fitness centers, storage spaces, parking, and roofs or gardens accessible to building tenants.

An owner could establish uniformly applicable rules for use of such amenities and charge a fee for the use of amenities, provided that such a fee is not prohibitive to the tenant(s) and is not part of their rent, and is not required as a condition of renting a unit. Any violation by an owner in granting equal access to amenities would be given 30 days to cure the violation, and if after 30 days the violations remain, the owner could be charged with a fine not to exceed \$2000. The Commissioners of HPD and HCR would be charged with establishing rules and regulations to provide an enforcement mechanism and creating a system of receiving and investigating complaints regarding violations.

3. Credit Reporting of Late Rent Payments

A.2192-A (Rosenthal L); Advanced to Third Reading

This bill would prohibit a lessor or their agent from reporting to any consumer reporting agency, any late payment of rent.

4. Fees for Dishonored Checks

A.4750-A (Epstein); Advanced to Third Reading

This bill would prohibit landlords from charging tenants a fee for a dishonored check unless the fee was provided for in the initial lease. The fee charged could not exceed the actual costs incurred or \$20, whichever is less.

5. Installation of Appliances by Tenants

A.5694 (Rosenthal L); Advanced to Third Reading

This bill would provide a landlord cannot restrict the installation of appliances or fixtures by a residential tenant if the appliances or fixtures comply with applicable building codes and the residential tenant has sought and obtained written consent from the landlord. The landlord would be required to respond to requests within 30 days and any denial must include the reason and reference the specific applicable building code or other provision of law where the installation would not be in compliance. A landlord would not be required to alter the unit's utilities for the installation. If the tenant pays for the applicable utility service, the landlord would be prohibited from imposing a surcharge.

6. Tenants Organizing Act

A.7057-A (Kelles); Reported to Rules

This bill would provide parameters regarding the recognition and activity of a tenant organization. The bill would define a tenants' organization as representing occupied units in a property with five or more units. It would allow tenants' organizations to engage in various organizing activities, provide a process for establishment and recognition of a tenant organization, and require good faith engagement discussions between landlords and a tenants' organization.

D. 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 335 public housing developments throughout the five boroughs.

1. Gas Disruptions within NYCHA

A.3866-A (Jackson); Passed Assembly

This bill would add gas as a vital service for which NYCHA is required to include certain information on their outage dashboard. It would require NYCHA to remedy interruptions of gas service as expeditiously as possible by applying for any permits necessary to make repairs and coordinating with any agencies and gas corporations on a plan to restore service.

The bill would also require NYCHA to notify affected residents of the plan to restore service by communicating with the residents and resident association president, regularly scheduling meetings to update residents and the resident association president about progress, and posting a notice in the lobby of the building affected and estimating the date of service restoration.

2. Transfers Village of West Carthage Housing Authority to Town of Wilna Housing Authority

A.6795-A (Blankenbush); Chapter 599 of the Laws of 2023

This law transfers the Village of West Carthage Housing Authority to the Town of Wilna Housing Authority.

3. NYCHA Water Disruptions

A.7273 (Rosenthal L); Chapter 645 of the Laws of 2023

This law requires NYCHA to provide written notice to residents when NYCHA has been advised by a public utility or local, state, or federal agency that certain residents should avoid the use of water for drinking or cooking. The law also requires NYCHA to establish appropriate measures, procedures, and guidelines to ensure all contractors and subcontractors comply with federal, state, and local laws, rules, and regulations when collecting or examining water samples on behalf of NYCHA.

E. Mitchell-Lama Housing

Since the 1950s, the Mitchell-Lama program has provided affordable housing to moderate-income New Yorkers. Approximately 220 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. Veterans on Mitchell Lama Waiting Lists

A.1084 (Walker); Chapter 621 of the Laws of 2023

This law provides the number of people given preference as a veteran or surviving spouse of a veteran for limited-profit housing companies must be published adjacent to the application to be on the waiting list.

F. Other Legislation

1. Regulating Smart Access Systems in Multiple Dwellings

A.48-B (Rosenthal L); Advanced to Third Reading

This bill would allow owners of multiple dwellings statewide to install smart access systems, that may include biometric components, for entrance to the building from the street and for entrance to dwelling units. It would regulate such smart access systems by defining the data to be collected for using such systems, limiting an entity’s ability to share or retain such data, and ensuring that a traditional key be provided to any tenant who requests one for religious reasons.

2. Resident Contact Information List for Emergencies

A.2134-A (Dinowitz); Chapter 635 of the Laws of 2023

This law requires owners and agents of units subject to the multiple dwelling or multiple residence laws to maintain a list with the names and contact information for all residents and to provide such list to emergency service personnel upon request during an emergency. The list must be updated upon a new lease, lease renewal, or lease amendment. Residents must provide specific and informed written consent to be included on the list. The list shall only be used for emergency evacuation and cannot be disseminated, used, or accessed for any other reason.

3. Owner Approval for Keyless Security Devices

A.2258-B (Simon); Chapter 637 of the Laws of 2023

This law prohibits any person, firm, partnership, association, or corporation from installing any keyless security device to control and secure access to the common areas of a residential building without the express written consent of the owner, board of managers, board of directors or other authorized party of the property. When authorization is provided, the installation must be performed by or with the consent of the owner, property manager, board of managers, board of directors, or authorized party in place in the building.

4. Housing Access Voucher Program

A.4021-A (Rosenthal L); Reported to Ways and Means

This bill would establish the Housing Access Voucher Program. It would direct HCR to implement a rental assistance program for eligible individuals/families who are homeless or at risk of homelessness. Assistance would be paid directly to the landlord in the form of a voucher, which could be used anywhere in the state.

5. Lease-Hold Retirement Communities Tenant Protections

A.4955-B (Thiele); Passed Assembly

This bill would provide protections to residents of lease-hold retirement communities similar to those protections afforded to residents of manufactured homes. This would include a requirement to offer long term leases, public disclosure of the rules and regulations of communities, requiring fees be disclosed in the lease, providing a warranty of habitability for the premises, prohibiting retaliation for good faith complaints of health and safety violations, and providing lease-hold retirement communities are subject to the rent increase provisions which apply to manufactured home parks.

6. Manufactured Homes Right of First Refusal

A.5549-A (Thiele); Chapter 593 of the Laws of 2023

This law removes a requirement that the purchaser of a manufactured home park intends to change the use of the land in order for homeowners to have the right to purchase the home park. Homeowners in manufactured home parks would have the right to purchase the manufactured home park when the park owner has received a bona fide offer to purchase the park.

7. Manufactured Homes Rent Increase Justification

A.5704 (Barrett); Advanced to Third Reading

This bill would require manufactured home park owners to provide written justification of rent increases of 3% of the current rent. For an increase in costs to justify a rent increase above 3%, the community owner must demonstrate the work performed was necessary to meet the community owner's warranty of habitability and demonstrate the increase imposed was no more than necessary to cover the actual and reasonable cost of the work performed.

8. Low Impact Landscaping Rights Act

A.6317 (Glick); Advanced to Third Reading

This bill would prohibit homeowners' associations from unreasonably restricting the installation or maintenance of low impact landscaping. The homeowners' association would retain the authority to restrict the installation or maintenance of low impact landscaping on property owned by the association or in common by members of the association.

III. SFY 2023-24 BUDGET HIGHLIGHTS

APPROPRIATED AMOUNT

A. Division of Housing and Community Renewal – Capital Projects

New York City Housing Authority Program **\$135 million**

There are approximately 180 housing authorities across New York State, with the largest being the New York City Housing Authority (NYCHA). This funding can be used for capital projects and other improvements at housing developments owned or operated by NYCHA.

Mitchell-Lama Preservation Program **\$50 million**

This funding supports the preservation and improvement of Mitchell-Lama properties in the state.

Homeowner Stabilization Fund **\$50 million**

The Homeowner Stabilization Fund finances home repairs in communities statewide, that have been identified as having high levels of low-income homeowners of color and homeowner distress.

Affordable Housing Corporation **\$40.5 million**

This program provides grants and loans of up to \$50,000 per unit (plus an additional \$25,000 in high-cost areas) for rehabilitation and new construction of one- to four-family dwellings for low- and moderate-income New Yorkers.

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.

Governor's Office of Storm Recovery **\$28 million**

The Governor's Office of Storm Recovery operates a Housing Recovery Program to facilitate home repairs, rehabilitation, mitigation, and elevation efforts for homeowners affected by extreme weather events in New York State. This funding will supplement projects not otherwise covered by federal grants and aid.

Lead Abatement Program **\$20 million**

The Lead Abatement Program provides funding to support lead abatement outside of New York City.

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.

Housing Opportunities Program for the Elderly **\$8.4 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.

Small Rental Housing Development Initiative **\$7 million**

The Small Rental Housing Development Initiative supports capital developments under 20 units.

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.

Access to Home Program **\$3 million**

The Access to Home Program enables individuals with disabilities to live safely and comfortably in their homes by providing funds to help outfit homes with accessibility features such as wheelchair ramps and lifts, handrails, kitchen modifications to create easy-to-reach work and storage areas, and roll-in showers with grab bars, among other improvements.

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

Homeowner Protection Program

\$40 million

The Homeowner Protection Program provides critical foreclosure prevention and housing counseling services to homeowners in order to promote community stabilization and help homeowners avoid foreclosure.

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 less than 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.

Legal Representation for Eviction Cases Program

\$50 million

The Legal Representation for Eviction Cases Program provides legal services and representation for renters living outside of New York City who cannot afford to pay for counsel during eviction proceedings.

First-time Homeowners

\$25 million

The First-time Homeowners program assists low- and moderate-income first-time homeowners with closing costs and down payments. The program provides grants to first-time homeowners with incomes between 50 percent and 120 percent of the area median income for costs associated with home purchases including single family homes, condominiums, and cooperatives for owner-occupancy in New York State.

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.

Land Banks **\$10 million**

This program supports the services and expenses of land banks.

Fair Housing Testing **\$2 million**

The Fair Housing Testing Program provides additional fair housing testing and education, including in counties that have not been previously served by local fair housing organizations.

Community Controlled Affordable Housing **\$1 million**

This fund supports the operating expenses and provides technical assistance for the boards of Community Controlled or Social Affordable Housing developments.

Fair Chance Housing Reforms **\$250,000**

This fund provides for services and expenses of fair chance credit check reform and improving access to housing for people with prior arrests or conviction records.

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 (OF&D) 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** **\$9.093 million**

The Office of Community Renewal (OCR) 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.

- **Housing Program** **\$22 million**
- **Low-Income Weatherization Program** **\$44.72 million**
- **Rent Administration Program** **\$85.84 million**

The Office of Professional Services (OPS) 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 2023-2024 State Budget, Article VII language transferred \$97.68 million to utilize reserves in the Mortgage Insurance Fund (MIF) and available resources from the Housing Finance Agency (HFA) to support programs that target affordable housing, supportive housing, urban and rural preservation, and property rehabilitation. The following is a breakdown of how the funding was dispersed to various housing programs:

- \$17.63 million for the Neighborhood Preservation Program;
- \$7.56 million for the Rural Preservation Program;
- \$21.7 million for the Rural Rental Assistance Program; and
- \$50.78 million for homeless housing programs administered by the Office of Temporary and Disability Assistance.

E. The COVID-19 Emergency Rental Assistance Program (ERAP)

The 2021-22 State budget created a rent relief program, under the statewide administration of the Office of Temporary and Disability Assistance (OTDA) partnered with municipalities and community-based organizations, to utilize up to \$2.4 billion in federal funding to assist renters earning up to 80 percent of the Area Median Income (AMI) with up to 12 months of rent and utility arrears, plus three months' prospective rent where the household is rent burdened and the payment is needed to ensure housing stability. The 2022-23 State budget provided \$800 million in state funds and an additional \$150 million in federal aid for a total of an additional \$950 million in funding for the program. In addition, \$125 million in funding was provided for the Landlord Rental Assistance Program (LRAP). Applications for ERAP closed on January 20, 2023. The 2023-24 State budget provided \$356 million in state funds

to address the remaining pending applications. An additional \$35 million in funding was provided for COVID rental arrears for residents of NYCHA.

In total, \$2.87 billion in federal funding and \$1.57 billion in state funds were provided to support ERAP and LRAP. These vital funds were crucial to ensuring housing stability throughout the COVID-19 pandemic.

IV. LEGISLATIVE HEARINGS

The Committee held a hearing on December 18, 2023, to assess affordable housing needs across New York State, what steps are currently being taken to address these needs, and further actions the State can take to increase access to affordable housing in every region.

Stakeholders including agency officials, affordable housing developers, union representatives, and community advocates provided vital testimony on the persistent need for additional affordable and supportive housing units, the tools to create affordable housing units, and ways to keep housing stock affordable. Their testimonies focused on the need for new tax incentive programs to build affordable housing that include strong labor standards, lifting the floor area ratio cap in New York City, tenant protections, and the Housing Access Voucher Program.

V. OUTLOOK FOR 2024

In the coming session, the Assembly Standing Committee on Housing will redouble its longstanding commitment to ensuring the availability of safe, affordable housing for New York's low- and middle-income families.

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 remain focused on identifying and securing funding to support the preservation and development of affordable and supportive housing statewide. 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.

APPENDIX A

2023 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)	9	0	9
To Rules	8	0	8
To Ways and Means	9	0	9
To Judiciary	0	0	0
To Codes	7	0	7
Total	33	0	33
Bills Having Committee Reference Changed			
To Ways and Means	2	0	2
To Local Governments	1	0	1
Total	3	0	3
Senate Bills Substituted or Recalled			
Substituted	0	0	0
Recalled	0	0	0
Total	0	0	0
Bills Defeated in Committee			
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	6	0	6
Motions to Discharge Lost	0	0	0
Total Bills in Committee			
	196	15	211
Total Number of Committee Meetings Held			
	5		

APPENDIX B

Bills that Passed the Assembly in 2023

BILL #	SPONSOR	DESCRIPTION
A.222	Rosenthal L	Would repeal current law requiring hearings to establish biennial maximum base rents for rent controlled tenants in New York City.
A.3866-A	Jackson	Would include gas as a vital service for the New York City Housing Authority (NYCHA), require NYCHA to remedy interruptions of gas service as expeditiously as possible, and require NYCHA to notify affected residents of the plan to restore service.
A.4955-B	Thiele	Would provide protections to residents of lease-hold retirement communities similar to those protections afforded to residents of manufactured homes.

APPENDIX C

Chapters of 2023 – Bills Signed into Law by the Governor

CHAPTER	ASSEMBLY BILL # (SPONSOR)	SENATE BILL # (SPONSOR)	DESCRIPTION
205	A.7209 (Rosenthal L)	S.6943 (Kavanagh)	Increases the aggregate bond cap for SONYMA by \$500 million and extends current statutory authorizations required to facilitate the operations of the HFA, the HDC, SONYMA, and the MIF.
534	A.7359 (Lucas)	S.6750 (Chu)	Authorizes HDC to increase the maximum aggregate principal amount of its outstanding bonds and notes by \$1 billion.
535	A.6655-A (Rosenthal L)	S.2985-C (Kavanagh)	Enacts comprehensive reforms to HPD's various loan granting authorities by removing restrictions on loans for ground leases and trusts, allowing loans for acquisition and refinancing, removing statutory limits on lengths of loans they can provide, removing statutory limits on loan amounts, and allowing loans for non-residential uses.
593	A.5549-A (Thiele)	S.5881-A (Skoufis)	Provides homeowners in manufactured home parks the right to purchase the manufactured home park when the park owner has received a bona fide offer to purchase including if the purchaser has not certified that they intend to change the use of the land.
599	A.6795-A (Blankenbush)	S.6879-A (Walczyk)	Transfers the Village of West Carthage Housing Authority to the Town of Wilna Housing Authority.
605	A.7403-A (McMahon)	S.7541 (Comrie)	Authorizes SONYMA to purchase mortgages for personal property constituting modular or manufactured housing.
621	A.1084 (Walker)	S.2372 (Bailey)	Provides the number of people given preference as a veteran or surviving spouse of a veteran for limited-profit housing companies be published adjacent to the application to be on the waiting list.
632	A.458 (Epstein)	S.548 (Hoylman-Sigal)	Allows the estate of a deceased tenant to terminate a lease.
633	A.1686-A (Hunter)	S.3139-A (Mannion)	Requires the Division of Housing and Community Renewal (DHCR) issue an annual report on the Access to Home programs.
635	A.2134-A (Dinowitz)	S.2294-A (Mayer)	Requires owners and agents of multiple dwellings to maintain a list with the names and contact information of residents and to provide such list to emergency personnel upon request during an emergency.

637	A.2258-B (Simon)	S.358-B (Thomas)	Prohibits the installation of keyless security devices used to control access to common areas of a residential building without the written permission of the owners, board of managers, board of directors, or authorized party of such property.
645	A.7273 (Rosenthal L)	S.7456 (Kavanagh)	Requires the New York City Housing Authority (NYCHA) to provide written notice to residents when NYCHA has been advised that certain residents should avoid the use of water.
698	A.6843-A (Clark)	S.1684-A (Hinchey)	Requires that owners in municipalities that are completing a survey to determine the vacancy rate respond to such survey and provide certain information.
760	A.6216-B (Rosenthal L)	S.2980-C (Kavanagh)	Provides comprehensive updates related to the rent regulation laws to, in part, address issues that have arisen since the enactment of the Housing Stability and Tenant Protection Act (HSTPA) in 2019.

APPENDIX D

Vetoes of 2023 – Bills Vetoed by the Governor

VETO	ASSEMBLY BILL # (SPONSOR)	DESCRIPTION
132	A.4047-B (Dinowitz)	Would clarify the applicability of Part F of the Housing Stability and Tenant Protection Act of 2019 (HSTPA).