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Affordable Housing Alert

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New York advances affordable housing commission

By Deborah VanAmerongen

The New York Legislature passed legislation that would create a “Joint Legislative Commission on Affordable Housing,” which will be forwarded to Governor Hochul for signature in the coming weeks.



What's the Impact?

- / The Commission is tasked with studying existing housing programs and identifying opportunities to improve those programs
- / It will also implement new strategies to improve housing stability and the preservation and development of affordable housing

The Commission would consist of 25 members, including the Chief Housing Officer of New York City and eight members to be appointed by the governor consisting of representatives of Homes & Community Renewal (“HCR”), the Office of Temporary Disability & Assistance, the Department of Financial Services, and five public members with experience in affordable housing. The president pro tempore of the Senate and the speaker of the Assembly would each also appoint eight members, including one each of a tenants’ rights advocate, a representative of building service or construction trades, a real estate trade association representative, a member of their legislative body, and four members with experience working with issues related to affordable

housing. The commissioner of HCR would serve as chair. Each of the appointing authorities would be directed to ensure geographic representation of communities throughout the state in their appointments.

The Commission would be tasked with assessing the state of affordable housing throughout the state, and the costs incurred by state and local programs due to a lack of affordable housing. The Commission would make recommendations on: how to address affordable housing access for higher need populations; how to address affordable housing needs in different regions of the State; how to use affordable housing to improve the effectiveness of other state and local programs to promote greater income stability, better education, and physical and mental health outcomes for adults and children; real property tax assessments, abatement, and exemption incentives to support the development of more affordable housing and preserve existing affordable housing; eviction protections and the impact short-term rentals have on the housing market; labor and worker concerns, including wages and work-site safety; zoning laws and rules and land use restrictions, housing density and accessory dwelling units, vacant property conversions, and transit-oriented housing development; affordable homeownership opportunities; fair housing; and conversion of vacant or blighted property into affordable housing.

The Commission would hold at least one public hearing in New York City and two outside of New York City in different regions of the state. The first report from the Commission would be required to be delivered to the State Legislature by December 31, 2022.

This Commission can be seen as a reaction to several proposals that have been advanced in recent years, including proposals in this year's governor's budget that would have had the state play a more active role in local land use policy, which was ultimately withdrawn, and two highly anticipated and debated issues—a "good cause" eviction bill and 421-a program replacement or renewal, neither of which were enacted in this year's legislative session.

What's next?

Nixon Peabody will continue to provide insights on additional developments related to New York affordable housing legislative updates.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

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