

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



# 2014 ANNUAL REPORT



Committee on  
**Housing**

*Keith L.T. Wright, Chairman*



KEITH L. T. WRIGHT  
Assemblyman 70<sup>TH</sup> District  
New York County

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STATE OF NEW YORK  
ALBANY

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Committee on Housing

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Puerto Rican/Hispanic Task Force  
High Speed Rail Task Force

December 15, 2014

Honorable Sheldon Silver  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Mr. Speaker:

I am pleased to present the 2014 Annual Report for the Assembly Standing Committee on Housing. In my first full year as Chair of the Housing Committee, I focused on pressing issues directly affecting low- and middle-income families in New York State. Three of the more important of these issues are rent regulation protections, public housing, and Mitchell-Lama housing. Combined, these provide safe, affordable, and accessible housing to millions of New Yorkers.

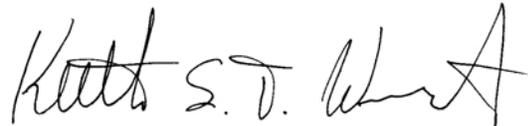
The basis for the rent regulation system is a housing emergency, defined as a municipality having a vacancy rate below five percent. The vacancy rate of rental units in New York City and its surrounding counties has remained well below this threshold for decades. This indicates the need for more housing to provide low- and middle-income households a safe place to live for a price they can afford. This year, the Assembly passed several bills curtailing the inappropriate use of preferential rents, repealing vacancy decontrol, and amending major capital improvement rent adjustments. The Housing Committee will continue to advance its agenda on rent regulation to address these issues.

Ensuring the integrity and sustainability of public housing is one of my top priorities as Chair. The Committee continues to play an important role in regulating and supporting the operation of public housing. This year, the Assembly passed several bills to help provide more complete information regarding leases, vacancy, and notices to tenants of public housing. The Committee remains focused on the New York City Housing Authority's infill proposal, as well as its dedication to preserving, supporting, and creating affordable housing for residents of New York City. The Committee continues to take steps to help improve the operation of housing authorities throughout the State, as public housing provides homes to hundreds of thousands of New Yorkers.

The Mitchell-Lama housing program provides both affordable rental and cooperative housing to moderate- and low-income families in New York. This program has resulted in tens of thousands of units being created across the State. One of the main concerns relating to Mitchell-Lama developments is the voluntary dissolution of the companies. After a period of 20 years and full payment of any outstanding mortgage debt on the property, owners of Mitchell-Lama cooperatives or rentals may voluntarily dissolve their company and leave the program. This year, the Assembly passed a bill that I sponsored, which would prevent any rental Mitchell-Lama development from voluntarily dissolving from the program for a period of four years. During this four-year moratorium, New York State Homes and Community Renewal, in consultation with the New York City Department of Housing Preservation & Development, would undertake a comprehensive study on the preservation, sustainability, reform, and growth of the Mitchell-Lama housing program.

Mr. Speaker, I look forward to our continuing efforts to preserve and develop new housing policies. I wish to extend my sincerest thanks to the members of the Housing Committee, my staff, the staff of the Committee, and to you, Mr. Speaker, for your commitment and support.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L.T. Wright". The signature is fluid and cursive, with a large, stylized initial "K" and a prominent "A" at the end.

Keith L.T. Wright  
Chairman

**2014 ANNUAL REPORT**  
**OF THE**  
**ASSEMBLY STANDING COMMITTEE ON HOUSING**  
**KEITH WRIGHT, CHAIRMAN**

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Dan Quart  
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Christopher Friend  
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Anthony Kergaravat, Legislative Analyst  
Aubree Heydrick, Committee Assistant  
Jeanine R. Johnson, General Counsel  
Francisco Polanco, Committee Clerk  
Cindy Ceniviva, Program and Counsel Secretary

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## I. COMMITTEE JURISDICTION AND PURVIEW

The New York State Assembly Standing Committee on Housing is composed of 25 members. The Committee is responsible for legislation concerning housing development and preservation. Its purview includes rent regulation as well as legislation amending the following volumes of the New York Consolidated Laws:

- *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 Buffalo;
- *Multiple Residence Law*, which covers health and safety standards for buildings with three or more families living independently of each other in all localities outside of New York City and Buffalo;
- *Private Housing Finance Law*, which governs the following State programs: Mitchell-Lama; Limited Dividend Companies; Redevelopment Companies; Housing Trust Fund; Affordable Home Ownership Development; Turnkey; Permanent Housing for Homeless Families; Infrastructure Development Demonstration; Mobile Home Cooperative Fund; Housing Development Fund; Neighborhood Preservation; Rural Preservation; Rural Area Revitalization; Rural Rental Assistance; Special Needs Housing; Urban Initiatives; 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 bills on the subject of these laws, the Committee has jurisdiction over legislation amending the following sections of the New York Unconsolidated Laws: 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; sections of the General Business Law that relate to the conversion of real property from rental to cooperative (co-op) or condominium (condo) status; and the housing-related sections of the Executive Law, Real Property Law, Real Property Actions and Proceedings Law, and Public Authorities Law.

## II. 2014 LEGISLATIVE HIGHLIGHTS

- A. **State and City Entities:** State of New York Mortgage Agency (SONYMA) and the Mortgage Insurance Fund (MIF), New York State Housing Finance Agency (HFA), and the New York City Department of Housing Preservation & Development (HPD)

### 1. Initial Rent for Multiple Dwellings

A.9360 (Wright); Chapter 63 of the Laws of 2014

This law extends the ability of the New York City Department of Housing Preservation & Development (HPD) to establish the initial rent for qualified multiple dwellings for an additional four years, until June 30, 2018. To qualify, multiple dwellings must be located in New York City, acquired by the federal government after a foreclosure on a mortgage that was insured by the federal government, and then conveyed to an owner approved by HPD for the purpose of rehabilitation.

### 2. Properties Rehabilitated or Constructed by Housing Development Fund Companies

A.9363 (Mosley); Chapter 64 of the Laws of 2014

This law extends the authority of the New York City Department of Housing Preservation & Development to establish the initial rent for residential property rehabilitated or constructed by a housing development fund company for an additional four years, until June 30, 2018.

### 3. Properties Rehabilitated or Constructed Using a Municipal Loan

A.9364 (Wright); Chapter 65 of the Laws of 2014

This law extends the authority of the New York City Department of Housing Preservation & Development to establish the initial rent for residential property rehabilitated or constructed with the aid of a municipal loan for an additional four years, until June 30, 2018.

### 4. Mortgage Insurance on Certain Preservation Loans

A.9735 (Wright); Chapter 68 of the Laws of 2014

This law extends the authority of the State of New York Mortgage Agency Mortgage Insurance Fund to provide complete, 100 percent mortgage insurance on certain preservation loans for over leveraged multi-family dwellings, until July 23, 2015.

### 5. Government Sponsored Entities

A.9736 (Wright); Chapter 280 of the Laws of 2014

“Government sponsored enterprises” (GSEs) are defined as privately owned, publicly chartered entities created by Congress that encourage lending and reduce

costs primarily in the housing sector of the economy. This law extends the provision that establishes a statutory definition of GSEs from December 31, 2014 to July 23, 2015, in connection with the second lien program of the State of New York Mortgage Agency. The law also amends the definition of GSEs to include any successor entity or entities created by Congress to continue said purpose.

**6. Bonding Authority of the New York State Housing Finance Agency**

A.9922 Rules (Wright); Chapter 283 of the Laws of 2014

This law increases the bonding authority of the New York State Housing Finance Agency (HFA) by \$1.5 billion to a maximum aggregate of \$18.780 billion. This increase enables HFA to meet the housing demands of New Yorkers, as well as help create jobs and provide economic stimulus, by continuing to issue bonds and notes for its housing programs.

**B. Rent Regulation**

Rent regulation in New York State protects tenants residing in units that are subject to rent control or rent stabilization. Currently, rent regulation laws exist in the City of New York as well as Nassau, Rockland, and Westchester counties. A majority of rent-regulated tenants reside within New York City. The 2011 Housing and Vacancy Survey (HVS) conducted by the U.S. Census Bureau estimates that there are approximately one million rent-regulated units within New York City, representing 47 percent of the City's total rental housing stock.

In order for rent regulation laws to exist, a local municipality must declare a housing emergency, defined as a housing stock vacancy rate of five percent or lower, with its housing stock. According to recent the HVSSs, the rate in New York City and some surrounding counties has stayed under five percent, with the two most recent reports showing a vacancy rate in New York City of 2.91 percent in 2008 and 3.12 percent in 2011. Due to the existence of this housing emergency, intervention is critical in order to protect tenants from unreasonable rent increases and evictions.

**1. Rent Guidelines Board Appointees**

A.104-B (Kavanagh); Passed Assembly

This bill would require the New York City Council to confirm the Mayor's appointees to the New York City Rent Guidelines Board (RGB). This bill would also enhance the qualifications of the public members. By broadening the qualifications that are required for the selection of the public members, this bill would give appointing officials greater latitude in choosing persons of experience in a variety of disciplines. This change would enable the public members to reflect a broader perspective on the rent-setting process and would enhance the deliberations of the RGB.

**2. Submetering Rent Reduction Schedules**

A.171 (Hevesi); Passed Assembly

This bill would require that, when a rent-regulated building converts from master metering for electricity to submetering, all tenants must subsequently pay their own utility costs. The State Division of Housing and Community Renewal would be required to formulate and publish a rent-reduction schedule within six months of the issuance of a housing schedule by the U.S. Census Bureau in order to facilitate fair rent reduction for regulated apartments with electricity factored into the base rent at the time of submetering.

**3. Extension of Rental Overcharge Complaints**

A.748 (Rosenthal); Passed Assembly

This bill would make statutory the rule that a court or hearing officer may consider evidence based on circumstances that occurred more than four years prior to a proceeding, when considering cases of fraud and outstanding orders issued by the State Division of Housing and Community Renewal.

**4. Rental Adjustments**

A.991 (Rosenthal); Passed Assembly

This bill would prohibit a rent guidelines board from granting annual rent increases based on a unit's current rental rate or the amount of time that has elapsed since the unit has experienced a rental increase, thus restricting annual rent increases to the criteria currently governing increases for all rent-stabilized rents.

**5. Repeal of Vacancy Decontrol**

A.1585 (Rosenthal); Passed Assembly

In some cases, vacancy decontrol has incentivized owners of rental housing to withhold services, increase or falsify costs of renovation, and engage in harassment to encourage tenants to vacate their rent-regulated units. This bill would repeal provisions of New York State and New York City laws that remove apartments from rent stabilization or rent control when these apartments are vacated and the authorized rent is \$2,500 or more.

**6. Extension of Alternative Hardship Rental Adjustment**

A.2181 (Kavanagh); Passed Assembly

This bill would increase the number of years a building must be owned before it is eligible for an alternative hardship rent adjustment. The bill would increase the current three-year period to a six-year period before an owner could apply for an alternative hardship exemption. Since the prospect of hardship relief will be contingent on an initial six-year ownership period, this bill would encourage

potential building purchasers to comprehensively consider their assets and to avoid overleveraging.

**7. Regulating Former Mitchell-Lama Housing**

A.4051 (Pretlow); Passed Assembly

This bill would bring into rent regulation buildings that were owned by a limited-profit housing company, established under the Mitchell-Lama Housing Program, and where the company has voluntarily dissolved, regardless of the building's initial occupancy date. This legislation seeks to ensure that tenants can continue to afford to live in their current apartments when such companies "buy out" of the Mitchell-Lama housing program.

**8. Limiting Landlord Recovery of Units**

A.5177 (Wright); Passed Assembly

This bill would expand tenant protections by limiting, to cases of immediate and compelling necessity, a landlord's ability to recover possession of units for his or her personal use. The bill would permit a landlord to recover only one housing accommodation, either: 1. for his or her own personal use and occupancy as a primary residence, or 2. for the use and occupancy of the landlord's immediate family as a primary residence. Additionally, the bill would prohibit such a recovery if a tenant had occupied the apartment for fifteen or more years.

**9. Vacancy Rent Increases**

A.5178 (Wright); Passed Assembly

This bill would reduce, from 20 percent to 7.5 percent, the amount by which rent may be increased upon vacancy. This would reduce the incentive for landlords to artificially induce turnover in rent-regulated apartments.

**10. Major Capital Improvements**

A.5373 (O'Donnell); Passed Assembly

This bill would establish that rental increases associated with major capital improvements (MCIs) are to be surcharges to the legal regulated rent, and must therefore be separately designated and billed as such. Currently, expenses for MCIs in rental housing are recovered in seven years, based on the permissible monthly rent increase. The authorized surcharge for MCIs would cease after the cost of improvements are recovered.

**11. Curtailing the Inappropriate Use of Preferential Rents**

A.5473 (Wright); Passed Assembly

A preferential rent is a rent amount that an owner agrees to charge, which is lower than the legal regulated rent. This bill would prohibit owners from changing that

preferential rent upon the renewal of a tenant's lease. It would also prohibit an increase in the preferential rent upon vacancy if the vacancy is caused by the landlord's violation of the warranty of habitability.

## **12. Major Capital Improvement Rent Adjustments**

A.5827 (Wright); Passed Assembly

This bill would require that major capital improvement (MCI) rent adjustments be offset by 100 percent of the total annual tax abatement benefits. Adjustments would also be offset by any tax abatement benefits that were received prior to such adjustments, if they are a result of participation in the J-51 program. Current statute requires that MCI rent adjustments be offset by 50 percent.

## **13. Inclusion of Former Section 8 Projects in Rent Regulation**

A.5828 (Wright); Passed Assembly

This bill would include former federal Section 8 projects in the category of housing covered by rent regulation statute, even if such projects were constructed after 1974. This would ensure that units dedicated to affordable housing purposes continue to remain affordable for the families that live there.

## **C. Mitchell-Lama Public Housing**

Since the 1950s, the Mitchell-Lama program has provided affordable housing to moderate-income New Yorkers. Around 250 Mitchell-Lama developments exist throughout the State, providing housing to approximately 120,000 families. The continued viability of this housing remains a critical part of the Housing Committee's effort to ensure the availability of affordable housing for the citizens of New York.

To date, owners of thousands of apartments have ended rental or sales restrictions that cover their buildings by repaying loans issued under the Mitchell-Lama guidelines. In New York City, over 40,000 units have left the program and thousands have begun the process to withdraw. These "buy-outs" can have a devastating impact on the families living in these developments, as rents may increase significantly when existing leases expire.

### **1. Maintenance of Essential Services**

A.454 (Dinowitz); Passed Assembly

This bill would ensure that rent increases in Mitchell-Lama buildings are only granted when the essential services are maintained. These services include, but are not limited to, repairs, maintenance, elevator service, and the furnishing of light, heat, hot and cold water. The bill would also require that dwelling accommodations are maintained in proper condition and that any existing hazardous conditions be corrected.

**2. “Unique and Peculiar” Clause Rent Increases**

A.1128 (Rosenthal); Passed Assembly

This bill would ensure the continued affordability of apartments in Mitchell-Lama developments that “buy out” of the program by establishing the last rent paid prior to dissolution as the initial legal regulated rent, therefore prohibiting the application of the “unique and peculiar” clause.

**3. Tenant Notification of Mitchell-Lama Buy-Outs**

A.6568 (Wright); Passed Assembly

This bill would require those Mitchell-Lama housing companies that intend to dissolve to provide notice of such intention to their leaseholders, at least six months prior to the anticipated date of dissolution. The bill specifies the information that must be included in the required notice, and requires that the commissioner or supervising agency prepare and make available to all tenants of the project, a report within three months of receipt of the notice.

**4. Income Thresholds**

A.6569 (Wright); Passed Assembly

This bill would adjust the aggregate household income threshold of persons or families in the Mitchell-Lama program to eight times the rental amount, including the value or cost of heat, light, water, and cooking fuel for their household. In the case of families that have three or more dependents, such ratio would be adjusted to nine to one.

**5. Four-Year Moratorium and Program Study**

A.9114 (Wright); Passed Assembly

This bill would prevent any rental Mitchell-Lama development from voluntarily dissolving from the program for a period of four years. During the four-year moratorium, New York State Homes and Community Renewal, in consultation with the New York City Department of Housing Preservation & Development, would undertake a comprehensive study on the preservation, sustainability, reform, and growth of the Mitchell-Lama housing program.

**D. Public Housing**

The Housing Committee continues to play an important role in regulating and supporting the operation of public housing. There are currently over 18,000 public housing units, operated by 30 public housing authorities in New York State. The New York City Housing Authority alone provides housing to over 400,000 tenants in 334 public housing developments around the five boroughs.

Public housing developments play an important role in the State's efforts to provide affordable housing, but they are also in desperate need of additional assistance in order to make long-overdue capital improvements. However, due to inadequate levels of both federal funding and funding provided by the State's Public Housing Modernization program over the last decade, many of these developments are in need of essential improvements and repairs, and yet they continue to languish.

**1. Notice to Mobility-Impaired Tenants**

A.1742 (Titus); Passed Assembly

This bill would direct the New York City Housing Authority to give mobility-impaired tenants first notice when a unit becomes available on a lower floor, provided that the vacant unit is the same size or smaller.

**2. Resident Advisory Board Consultation and Approval**

A.6595 (Wright); Passed Assembly

This bill would require local housing authorities to consult with and receive approval from resident advisory boards representing tenants who would be impacted by the disposition of any lands, buildings, structures, or facilities owned, leased, or otherwise in the control of a housing authority.

**3. Uniform Land Use Review Procedure**

A.6964 (Wright); Passed Assembly

This bill would require that the New York City Housing Authority (NYCHA) follow the Uniform Land Use Review Procedure for the disposition of NYCHA land or buildings.

**4. Adding Occupants to a Lease**

A.8605 (Wright); Passed Assembly

This bill would give the New York City Housing Authority tenants of notice of their ability to add legal occupants to their leases. The bill would also ensure that requests for documents to add additional legal occupants are fulfilled.

**5. Notice upon Denial of Request**

A.8743 (Wright); Passed Assembly

This bill would require the New York City Housing Authority to provide a tenant, upon the denial of any request that would permit a tenant to institute a grievance procedure, with a written notice specifically articulating its reasons for denial.

## **E. Other Legislation**

### **1. Bedbug Inspection and Extermination**

A.1549-A (Hooper); Passed Assembly

This bill would allow an owner who has knowledge that bedbugs are present in a dwelling to inspect the dwelling for the presence of bedbugs upon 48 hours' notice to all tenants. The bill would also require the owner to keep the premises free from infestations of bedbugs through eradication measures. The owner would be required to provide written notice of at least 48 hours to the tenant or tenants before the implementation of eradication measures.

### **2. Refinancing Provisions in Ground Leases**

A.7269-A (Braunstein); Passed Assembly

This bill would clarify existing procedures and establish new procedures related to refinancing provisions in ground leases. Ground leases are long-term leases of real property that allow the tenant to construct, improve, or renovate structures upon the property.

### **3. Minority- and Women-Owned Business Enterprises**

A.8169-A (Wright); Chapter 461 of the Laws of 2014

This law promotes minority- and women-owned business enterprises (MWBES) that work on the development of one to four-family residential buildings. The bill would also allow agencies to implement measures to facilitate and encourage participation by MWBES.

### **4. Limiting Municipal Restrictions on Manufactured Homes**

A.8223-A (Brindisi); Passed Assembly

This bill would disallow any municipality from prohibiting the installation of manufactured housing on a permanent foundation. The bill would facilitate the utilization of manufactured housing by requiring the equal application of local land-use controls and appearance criteria to both manufactured housing and site-built housing.

### **5. Interim Multiple Dwellings Registration**

A.9545 (Glick); Passed Assembly

This bill would eliminate the six month time limit under which applications for registration as an interim multiple dwelling or for coverage of residential units must occur. Having a deadline on the application process has created an opening for landlords that desire to avoid having to register their properties with the Loft Board. Some landlords do not wish to make the necessary changes to their building in order to comply with fire and safety standards and have used this

limited application window to avoid registering their buildings. This change would allow both tenants and landlords to bring certain interim multiple dwellings in coverage indefinitely, ensuring that these buildings are brought up to residential safety and fire standards.

**6. Village of Mastic Beach Housing Authority**

A.9769 (Hennessey); Passed Assembly

This bill would enable the Village of Mastic Beach in Suffolk County to establish a municipal housing authority to help address local housing needs.

## IV. SFY 2014-2015 BUDGET HIGHLIGHTS

### APPROPRIATED AMOUNT

#### A. Division of Housing and Community Renewal Capital Projects

**Low Income Housing Trust Fund** **\$46.7 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. The \$46.7 million total resulted from a combination of capital appropriations and money drawn from the Mortgage Insurance Fund's reserves.

**Affordable Housing Corporation** **\$25 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** **\$10.75 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 State's public housing for expenses related to maintenance, improvement, and repairs.

**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. In the 2014-2015 State Budget, the threshold for providing grants and loans to emergency home repairs programs for the cost of correcting any condition which poses a threat to the life, health, or safety of a low-income elderly homeowner was also increased from \$5,000 to \$10,000.

**Access to Home Program** **\$1 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 wheel chair ramps and lifts, handrails, easy-to-reach kitchen work and storage areas, level handles on doors, and roll-in showers with grab bars, among others.

**B. Aid to Localities**

**Mortgage Settlement Proceeds Trust Fund** **\$312.366 million**

In November 2013, JPMorgan Chase & Co. and the United States Department of Justice agreed to a \$13 billion settlement in the wake of the 2008 financial crisis which left many homeowners facing foreclosure. As a result of the settlement, New York State received a portion of the settlement funds which will be spent over several years to aid New Yorkers facing housing issues as a result of the crisis.

**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 an area population under 200,000 in order to foster communities with decent, affordable housing and suitable living environments. The program also works to expand economic opportunities for persons of low and moderate income.

**Rural Rental Assistance** **\$21.012 million**

The Rural Rental Assistance program helps low-income families and older adults afford their rent payments by providing direct rent subsidies to owners of multi-family housing projects in rural areas of New York State. Eligible owners include public housing authorities, non-profit corporations, and companies associated with the Housing Development Fund, the Mitchell-Lama Program, and Rural Preservation Program. The \$21.012 million total derives from both direct appropriations and funds drawn from the Mortgage Insurance Fund's reserves.

**Neighborhood Preservation Program** **\$10.073 million**

The Neighborhood Preservation Program fosters community preservation and renewal throughout New York State by providing funds to groups that perform community preservation and renewal activities. Such activities include providing services related to home-ownership financial counseling, tenant and client

assistance services, and housing management for the benefit of people with low-to-moderate incomes. Funds may be used for administration and planning expenses necessary to conduct those activities. The \$10.073 million total resulted from a combination of direct appropriations and money drawn from the Mortgage Insurance Fund's reserves.

**Housing Development Fund Program** **\$8.227 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.

**Rural Preservation Program** **\$4.204 million**

The Rural Preservation Program fosters community preservation and renewal in the rural areas of New York State by providing funds to groups that perform community preservation and renewal activities. Such activities include providing services related to home-ownership financial counseling, tenant and client assistance services, and housing management for the benefit of people with low-to-moderate incomes. Funds may be used for administration and planning expenses necessary to conduct those activities. The \$4.204 million total resulted from a combination of direct appropriations and money drawn from the Mortgage Insurance Fund's reserves.

**New York City Housing Authority Tenant Patrol Pilot Program** **\$742,000**

The Tenant Patrol Pilot Program helps ensure that state-constructed NYCHA housing developments remain safe and free from crime by providing monthly stipends to tenants and other volunteers who serve as the "eyes and ears" of the police by patrolling housing developments and community and senior centers. In this year's budget the executive proposed eliminating all funding for this program. The Legislature added \$742,000 to ensure this program continues to receive financial support.

**C. State Operations**

**Grandparent Housing Study** **\$200,000**

According to the 2010 Census, in New York 310,876 children under the age 18 live in homes headed by grandparents, and 129,522 grandparents are responsible

for their grandchildren living with them. Many of these caregivers receive little or no subsidy for the children in their care. Moreover, many grandparents are forced to return to the workforce to provide for them. Some must hold down two jobs to meet expenses, and are often forced to forego their own personal and medical needs to provide for their grandchildren. This study is designed to examine these issues and potential solutions to them.

#### **D. The Mortgage Insurance Fund**

In the 2014-2015 State Budget, Article VII language transferred \$81.418 million 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.

- \$32 million to rehabilitate Mitchell-Lama housing projects;
- \$20.4 million for the Rural Rental Assistance Program;
- \$8.479 million for the Neighborhood Preservation Program;
- \$6.75 million for the Rural and Urban Community Investment Fund;
- \$3.539 million for the Rural Preservation Program;
- \$2.5 million to support the Low Income Housing Trust Fund;
- \$1.75 million for the Homes for Working Families Program; and
- \$6 million for the New York State Supportive Housing Program, the Solutions to End Homelessness Program, or the Operational Support for AIDS Housing Program, or to qualified grantees under those programs.

## **IV. LEGISLATIVE HEARINGS**

### **A. Mitchell-Lama Housing**

On February 6, 2014, the Assembly Standing Committee on Housing held a hearing to examine the current stock of Mitchell-Lama housing, including options to preserve or rehabilitate existing developments. In recent years, Mitchell-Lama developments have chosen to exit the program, subjecting long-time residents to significant rent increases. This threatens to destabilize communities, as families have been forced to leave their units in order to find affordable housing. This hearing also explored options to encourage owners to remain in the Mitchell-Lama program, thereby ensuring the continued affordability of these units.

In May 2013, 44 Mitchell-Lama properties were transferred from the Empire State Development Portfolio to the New York State Housing Finance Authority. This included 8,628 middle- and low-income housing units. Thirty-five of these units were identified as severely distressed, in need of crucial care and necessary maintenance. In the SFY 2013-14 Budget, the Legislature supported providing these developments with approximately \$17.6 million to aid in their rehabilitation. This hearing examined the transfer and rehabilitation of Mitchell-Lama developments, as well as rehabilitation efforts in other developments.

The Committee heard testimony from invited witnesses, including the Commissioner of New York State Homes and Community Renewal, the Assistant Commissioner of Government Affairs and Research, the Assistant Commissioner of Housing Supervision from the New York City Department of Housing Preservation and Development, as well as several tenant advocacy groups. Their testimony explored options to encourage owners to stay in the Mitchell-Lama program, examined the transfer and rehabilitation of severely distressed developments, and considered rehabilitation efforts in other developments.

### **B. Examination of New York's Current Housing Programs**

On December 2, 2014, the Assembly Standing Committee on Housing held a hearing to examine and evaluate New York State's current housing programs and their funding. Across the State, many New Yorkers are in need of adequate, safe, and affordable housing. Addressing these housing issues can be difficult; the availability of and accessibility to different types of housing can vary from community to community and neighborhood to neighborhood. Given these challenges, New York State's housing programs are designed to address these housing issues in different community settings with a focus on individuals and families of varying income levels and with particular housing needs. It is important that these programs undergo regular review to ensure that they are continuing to meet the needs of New York's residents.

In this year's budget, the Assembly also championed the creation of a study to examine housing needs for grandparents and other elderly relatives who take care of children. This population of elderly caregivers has been growing in recent years, and the study is intended to explore the unique challenges that face these households and to investigate which existing or potential housing program would best suit their needs.

### **C. Housing Development Fund Companies**

On December 8, 2014, the Assembly Standing Committee on Housing held a hearing to examine the creation, oversight, and operation of Housing Development Fund Companies in New York State. State law authorizes the creation and support of Housing Development Fund Companies, and it was the intention of the Legislature that these entities would become sophisticated and well-developed providers of affordable housing. Affordable housing construction is often funded from multiple sources that take advantage of federal, state, and local housing programs. Navigating these programs, and the construction and operation of the affordable housing development, can be a time-consuming and expensive prospect.

This hearing focused on the current state of Housing Development Fund Companies and the lessons that can be drawn from those that have experienced success, as well as those that have run into difficulties. Additionally, the hearing examined the oversight mechanisms in place.

## V. OUTLOOK FOR 2015

Meeting the goal of providing safe and affordable housing in New York State continues to be challenging due to budget shortfalls during a difficult economic climate. The Housing Committee strives to meet this challenge by developing policies that leverage private resources, encourage individual home ownership, lead to the creation of new housing opportunities, and lower the cost of affordable housing development. The Committee also recognizes that, with limited resources, it is important to ensure that our existing programs are efficient and provide the greatest benefit possible to families in need.

A priority for the Committee is to identify capital funding dedicated to the construction of affordable housing. Ensuring that both the New York State Housing Finance Agency (HFA) and the State of New York Mortgage Agency (SONYMA) have sufficient funds available to them so that they may continue to finance affordable housing throughout the State is critical.

The New York City Housing Authority (NYCHA) is the largest housing authority in the country. In recent years, NYCHA has fallen behind in its ability to address and remedy tenant complaints, including mold, roof leaks, burst pipes, damaged walls, broken windows and elevators, and security. Due to a lack of adequate funding, NYCHA's response to these complaints often takes months. In light of this problem, the Committee will be dedicated to securing capital funding to help with much-needed repairs to NYCHA buildings in the upcoming State budget. The Committee will also remain focused on NYCHA's infill proposal, as well as its dedication to preserving, supporting, and creating affordable housing for residents of New York City. The Committee will continue to take steps to help improve the operation of housing authorities throughout the State, as public housing provides homes to hundreds of thousands of New Yorkers.

Another priority of the Housing Committee in the upcoming session will be to extend and strengthening existing rent regulation laws in an effort to protect tenants from losing their homes. Especially during our current economic condition, people with low- to middle-incomes cannot afford repeated rent increases that would eventually force them out of their homes. The Committee will continue to advance legislation that would repeal vacancy decontrol, require proper repairs to apartments and buildings to improve living conditions for tenants, and make other much-needed improvements to housing governed by the rent regulation laws.

Finally, the Committee will continue to fight to ensure that the State budget provides adequate funding to assist in the development of affordable housing, the rehabilitation of existing units, and the expansion of housing opportunities for the homeless, elderly, and those with special needs.

**APPENDIX A**

**2014 Summary Sheet  
Summary of Action on All Bills Referred to the Committee on Housing**

| <b>Final Action</b>                                       | <b>Assembly Bills</b> | <b>Senate Bills</b> | <b>Total Bills</b> |
|---|-----------------------|---------------------|--------------------|
|   |                       |                     |                    |
| <b>Bills Reported With or Without Amendment</b>           |                       |                     |                    |
| To Floor; Not Returning to Committee (Favorable)          | 16                    | 0                   | 16                 |
| To Ways and Means   | 12                    | 0                   | 12                 |
| To Codes  | 11                    | 0                   | 11                 |
| To Rules  | 1                     | 0                   | 1                  |
| To Judiciary  | 0                     | 0                   | 0                  |
| Total   | 40                    | 0                   | 40                 |
|   |                       |                     |                    |
| <b>Bills Having Committee Reference Changed</b>           |                       |                     |                    |
| To Judiciary  | 1                     | 0                   | 1                  |
| Total   | 1                     | 0                   | 1                  |
|   |                       |                     |                    |
| <b>Senate Bills Substituted or Recalled</b>               |                       |                     |                    |
| Substituted   |                       | 1                   | 1                  |
| Recalled  |                       | 0                   | 0                  |
| Total   |                       | 1                   | 1                  |
|   |                       |                     |                    |
| <b>Bills Defeated in Committee</b>                        | 0                     | 0                   | 0                  |
| <b>Bills Held for Consideration with a Roll-Call Vote</b> | 17                    | 0                   | 17                 |
| <b>Bills Never Reported, Died in Committee</b>            | 140                   | 5                   | 145                |
| <b>Bills Having Enacting Clauses Stricken</b>             | 5                     | 0                   | 5                  |
| <b>Motions to Discharge Lost</b>                          | 0                     | 0                   | 0                  |
|   |                       |                     |                    |
| <b>Total Bills in Committee</b>                           | 203                   | 6                   | 209                |
|   |                       |                     |                    |
| <b>Total Number of Committee Meetings Held</b>            | 7                     |                     |                    |
|   |                       |                     |                    |

**APPENDIX B**

**Bills that Passed the Assembly**

| <b>BILL #</b> | <b>SPONSOR</b> | <b>DESCRIPTION</b>  |
|---------------|----------------|---|
| A.104-B       | Kavanagh       | Would require the New York City Council to provide advice and consent regarding mayoral appointments to the rent guidelines board in New York City. The bill also would also expand the list of qualifications for appointment as public members to a rent guidelines board.              |
| A.171         | Hevesi         | Would require a specific timeline to which the Division of Housing and Community Renewal (DHCR) must adhere when setting rent reduction schedules so that rent-regulated apartments that have electricity factored into their base rent have a fair reduction at the time of submetering. |
| A.454         | Dinowitz       | Would require limited-profit housing companies to show maintenance of essential services before approval of rent increases.   |
| A.748         | Rosenthal      | Would allow orders issued and fraud that occurred before the four year statute of limitations period to be considered in rent overcharge cases.   |
| A.991         | Rosenthal      | Would prohibit a rent guidelines board from establishing rent adjustments for class A dwelling units based on the current rental cost of a unit or on the amount of time that has elapsed since another rent increase was authorized.   |
| A.1128        | Rosenthal      | Would prohibit an owner from applying for a rent increase based on unique and peculiar circumstances when a project withdraws from the Mitchell-Lama Program.   |
| A.1549-A      | Hooper         | Would allow a landlord who has knowledge of a bedbug presence to inspect for bedbugs in the dwelling upon 48 hours' notice. Would also require the owner of a dwelling keep the premises free from infestations of bedbugs through eradication measures.                                  |
| A.1585        | Rosenthal      | Would repeal provisions in the New York State and New York City statutes that allow apartments to be removed from rent stabilization or rent control upon being vacated if the rent exceeds \$2,500 per month.  |
| A.1742        | Titus          | Would direct the New York City Housing Authority to give mobility-impaired tenants first notice when a unit becomes available on a lower floor.   |
| A.2181        | Kavanagh       | Would extend the number of ownership years from three to six in respect to eligibility for an alternative hardship rent adjustment.   |
| A.4051        | Pretlow        | Would include in the rent-regulation system buildings that were owned by a company established under Article 2 of the Private Housing Finance Law and are no longer owned by such company by reason of a voluntary dissolution, regardless of the date of initial occupancy.              |

| <b>BILL #</b> | <b>SPONSOR</b> | <b>DESCRIPTION</b>  |
|---------------|----------------|---|
| A.5177        | Wright         | Would limit the ability of a landlord to take possession of rental units for his or her own personal use and would limit such recovery to a single unit per landlord and prohibit any recovery if a tenant has occupied the unit for 20 or more years.  |
| A.5178        | Wright         | Would decrease from 20 percent to 7.5 percent the amount a landlord could increase rent upon vacancy and would prohibit a landlord from making more than one increase in any one calendar year.   |
| A.5373        | O'Donnell      | Would establish a new method by which owners of rent-regulated buildings are compensated for major capital improvements (MCIs). Would require that rent increases associated with MCIs be treated as a surcharge that would not become part of the legal regulated rent and would require that rent surcharges authorized for MCIs cease once the cost of the improvement has been recovered. |
| A.5473        | Wright         | Would prohibit an owner from increasing the amount of preferential rent upon the renewal of a lease and would allow the owner to make such adjustments only upon a vacancy that is not the result of the failure of the owner to maintain a habitable residence.  |
| A.5827        | Wright         | Would require MCI rent adjustments to be offset by 100 percent of the total annual tax abatement benefits and any tax abatements benefits received prior to such MCI rent adjustment that result from participation in the J-51 program.  |
| A.5828        | Wright         | Would extend rent and eviction protections, pursuant to the Emergency Tenant Protection Act of 1974 to tenants living in former federal Section 8 projects.   |
| A.6568        | Wright         | Would require Mitchell-Lama housing companies that intend to dissolve to provide notice of such intention to all their leaseholders at least six months prior to the anticipated date of dissolution.   |
| A.6569        | Wright         | Would raise the income limits for families that would be eligible for Mitchell-Lama housing.  |
| A.6595        | Wright         | Would require housing authorities to consult with and receive approval from the resident advisory boards that represent tenants who would be impacted by the disposition of any lands, buildings, structures, or facilities owned, leased or otherwise in the control of a housing authority.   |
| A.6964        | Wright         | Would require that the New York City Housing Authority follow the Uniformed Land Use Review Procedure for the disposition of NYCHA land or buildings.   |
| A.7269-A      | Braunstein     | Would clarify existing and establish new procedures related to refinancing provisions in ground leases. Ground leases are long-term leases of real property that allow the tenant to construct, improve, or renovate structures upon the property.  |

| BILL #   | SPONSOR  | DESCRIPTION   |
|----------|----------|---|
| A.8223-A | Brindisi | Would limit a municipality's ability to place restrictions on the siting of manufactured homes.   |
| A.8605   | Wright   | Would give New York City Housing Authority tenants notice of their ability to add legal occupants to their leases. Would also ensure that requests for documents to add additional legal occupants are fulfilled.   |
| A.8743   | Wright   | Would require the New York City Housing Authority to provide a tenant, upon the denial of any request that would permit a tenant to institute a grievance procedure, with a written notice specifically articulating its reasons for such denial.   |
| A.9114   | Wright   | Would prevent any rental Mitchell-Lama development from voluntarily dissolving from the program for a period of four years in order for the New York City Department of Housing Preservation & Development to undertake a comprehensive study on the preservation, sustainability, reform, and growth of the Mitchell-Lama housing program. |

**APPENDIX C**

**Chapters of 2014 – Bills Signed into Law by the Governor**

| <b>CHAPTER</b> | <b>ASSEMBLY<br/>BILL #<br/>(SPONSOR)</b> | <b>SENATE<br/>BILL #<br/>(SPONSOR)</b> | <b>DESCRIPTION</b>  |
|----------------|--|--|---|
| 63             | A.9360<br>(Wright)                       | S.6878<br>(Young)                      | Grants the New York City Department of Housing Preservation & Development the ability to establish the initial rent for qualified multiple dwellings for an additional four years, until June 30, 2018.   |
| 64             | A.9363<br>(Mosley)                       | S.7065<br>(Young)                      | Extends the authority of the New York City Department of Housing Preservation & Development to establish the initial rent for residential property rehabilitated or constructed by a housing development fund company for an additional four years, until June 30, 2018.  |
| 65             | A.9364<br>(Wright)                       | S.7021<br>(Young)                      | Extends the authority of the New York City Department of Housing Preservation & Development to establish the initial rent for residential property rehabilitated or constructed using a participation loan for an additional four years, until June 30, 2018.   |
| 68             | A.9735<br>(Wright)                       | S.7162<br>(Young)                      | Extends the authority of the State of New York Mortgage Agency Mortgage Insurance Fund (MIF) to provide complete, 100 % mortgage insurance on certain preservation loans for over leveraged multi-family dwellings, until July 23, 2015.  |
| 280            | A.9736<br>(Wright)                       | S.7146<br>(Young)                      | Extends the provision that establishes a statutory definition of “government sponsored enterprises” (GSEs) from December 31, 2014 to July 23, 2015, in connection with the second lien program of the State of New York Mortgage Agency. Also amends the definition of GSEs to include any successor entity or entities created by Congress to continue said purpose. |
| 283            | A.9922<br>(Wright)                       | S.7149<br>(Young)                      | Increases the bonding authority of the New York State Housing Finance Agency by \$1.5 billion to a maximum aggregate of \$18.780 billion.   |
| 461            | A.8169-A<br>(Wright)                     | S.5928<br>(Young)                      | Promotes minority or women-owned business enterprises that work on the development of one to four-family residential buildings. Also allows agencies to implement measures to facilitate and encourage participation by minority or women-owned enterprises.  |