

ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER
STEVEN H. CYMBROWITZ, CHAIR

NEW YORK STATE ASSEMBLY
COMMITTEE ON HOUSING



STEVEN H. CYMBROWITZ
Assemblyman 45th District
Kings County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on Housing

COMMITTEES
Codes
Environmental Conservation
Health
Insurance

December 15, 2021

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

Dear Mr. Speaker,

It is my honor to present to you the 2021 Annual Report of the Assembly Standing Committee on Housing. The economic crisis caused by the COVID-19 pandemic continues its grip on our communities, complicating both the scope and the severity of the need for stable, affordable housing for all New Yorkers. However, the Committee remains steadfast in its dedication to this State's residents as it works to reduce barriers to the creation, preservation and attainability of affordable rental and homeownership options.

The Assembly Majority successfully fought to provide relief to those renters most in need by helping to create the Emergency Rental Assistance Program (ERAP) to deliver \$2.6 billion in federal funding to aid eligible renters with rental arrears, utility and home energy costs or arrears, and future rent. Additionally, the Legislature was able to provide \$250 million in State funding to help those not eligible for federal assistance.

The Committee has also continued its important work to protect tenants and promote the development and preservation of affordable housing. In addition to extending critical programs and authorities that help revitalize affordable housing opportunities, we advanced legislation to encourage redevelopment of vacant and underutilized hotel properties for affordable housing through the Housing Our Neighbors with Dignity Act, to require a five-year capital spending plan for housing as part of the State budget process, and to clarify the rights of loft tenants as they relate to court claims of uninhabitability. The Committee was able to advance several pieces of legislation to assist our State housing agency in administering several of its programs and provide better housing assistance.

Of particular importance to the Committee is the State's Mitchell-Lama housing program, which provides important rental and homeowner opportunities. Working with several interested members and after many stakeholder discussions, we were able to advance legislation to improve the corporate governance and transparency of coop buildings and to assist existing coop owners in purchasing a unit that better fits their housing needs through a more efficient use of their existing equity to minimize the cash on hand that the new purchase would require.

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

Sincerely,

Steven H. Cymbrowitz
Chair, Committee on Housing

**2021 ANNUAL REPORT
OF THE
ASSEMBLY STANDING COMMITTEE ON HOUSING**

STEVEN H. CYMBROWITZ, CHAIR

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Nicole VanAuken, *Program and Counsel Secretary*
Lena DeThomasis, *Committee Clerk*
Lenny Markh, *Chief of Staff*
Adrienne Knoll, *Director of Communications*

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I. COMMITTEE JURISDICTION AND PURVIEW

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

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

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

II. 2021 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. Additional Appointments to the New York State Housing Finance Agency

A.970 (Cymbrowitz); Chapter 44 of the Laws of 2021

This law amends Chapter 306 of the Laws of 2020 to require the powers of the Housing Finance Agency (HFA), Housing Trust Fund Corporation (HTFC), and Affordable Housing Corporation (AHC) to be exercised by no fewer than six members – an increase from four to reflect the increase in total number of members of the board from seven to nine effectuated by Chapter 306 of the Laws of 2020. The provisions of this bill also maintain the ability of these entities to delegate powers and duties to one or more of its members, officers, agents or employees.

2. Regional and Multi-State Project-Based Section 8 Contract Administration

A.7328 (Rivera JD); Chapter 231 of the Laws of 2021

This law clarifies that the HTFC and DHCR are the public housing agencies with the authority to take on statewide and multi-state contract administration for project-based Section 8 housing assistance administrative contracts, while local public housing agencies retain the authority to operate in their current jurisdictions.

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

A.7609 (Cymbrowitz); Chapter 598 of the Laws of 2021

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 \$15.5 billion to \$17 billion, an increase of \$1.5 billion, in order to allow the continuation of critical affordable housing initiatives in the City.

4. Bonding Authority of the HFA and Other State & City Authorities

A.7610 (Cymbrowitz); Chapter 232 of the Laws of 2021

This law increases the aggregate bond cap for the HFA from \$29.28 billion to \$31.28 billion, an increase of \$2 billion, and extends current statutory authorizations required to

facilitate the operations of the HFA, the HDC, the State of New York Mortgage Agency (SONYMA), and the Mortgage Insurance Fund (MIF).

5. Rent Restructuring in Housing Development Fund Corporation Rehabilitations

A.7663 (Davila); Chapter 177 of the Laws of 2021

This law extends, until June 30, 2024, the authority of HPD to restructure rents in residential properties rehabilitated or constructed by a housing development fund company under Article 11 of the Private Housing Finance Law.

The ability to restructure rents in municipally-assisted properties allows the City to keep units affordable to residents while ensuring the long-term financial viability of the building.

6. Rent Restructuring in Article 8 Properties

A.7664 (Pichardo); Chapter 226 of the Laws of 2021

This law extends the authority of HPD to establish the initial rent for certain multiple dwellings that have received a municipal rehabilitation loan, pursuant to Article 8 of the Private Housing Finance Law, for an additional three years, until June 30, 2024.

7. Rent Restructuring in UDAAP Properties

A.7665 (Jackson); Chapter 140 of the Laws of 2021

This law extends the authority of HPD to establish the initial rent for residential property rehabilitated or constructed using a participation loan, pursuant to Article 16 of the General Municipal Law, for an additional three years, until June 30, 2024.

8. Evaporation of Article 7-A Municipal Rehabilitation Loans

A.7666 (Davila); Chapter 180 of the Laws of 2021

This law extends the authority of New York City to permit evaporation (or reduction to zero) of liens on Article 7-A properties for municipally-financed repairs until June 30, 2024.

9. Rent Restructuring in 203k Rehabilitation Properties

A.7669 (Zinerman); Chapter 178 of the Laws of 2021

This law extends, until June 30, 2024, the authority of HPD to establish initial rents for rehabilitated multiple dwellings acquired and re-conveyed by the federal government due to foreclosure of a mortgage loan insured or held by the federal government.

10. Rent Restructuring in Article 8-A Properties

A.7711 (De La Rosa); Chapter 179 of the Laws of 2021

This law extends, until June 30, 2024, the authority of HPD to establish the initial rent for certain multiple dwellings that have received a municipal rehabilitation loan pursuant to Article 8-A of the Private Housing Finance Law.

11. Powers of the HTFC

A.7716 (Cymbrowitz); Chapter 235 of the Laws of 2021

This law increases the maximum length of a loan provided by the HTFC from 30 years to 40 years. The law further specifies that the Federal Home Loan Mortgage Corporation (Freddie Mac), the Federal National Mortgage Association (Fannie Mae), and the Governmental National Mortgage Association (Ginnie Mae) are included within the definition of a “governmental agency of the United States” able to directly purchase unrated HFA and HDC loans.

12. SONYMA Lending Authorities

A.7719 (Burdick); Chapter 628 of the Laws of 2021

This law expands the authority of SONYMA to purchase mortgage loans from community development financial institutions and other not-for-profit corporations licensed by the New York State Department of Financial Services; purchase mortgages secured by new construction loans for single-family modular or manufactured housing; and modify its mortgages to assist financially distressed homeowners.

B. Affordable Housing Development

1. Sustainable Affordable Housing Incentive Program

A.3798 (Cymbrowitz); Reported to Ways and Means

Subject to an appropriation, this bill would direct the HTFC to develop and administer a program to promote, through the issuance of payments, grants, and loans, the creation, preservation or improvement of affordable multi-family housing using green design, construction, materials and energy sources to reduce greenhouse gas emissions during both construction and operation of the project.

2. Affordable Housing Five-Year Capital Plan

A.3807-A (Cymbrowitz); Veto 61 of 2021

This legislation would have required the Governor to submit a statewide, comprehensive five-year capital plan to the Legislature to support the development, preservation and capital improvement of affordable housing each year as part of the Executive budget proposal. The bill would have further required DHCR to submit information semi-

annually on the activities undertaken using the funding made available in the currently enacted plan.

3. Affordable Housing Corporation Grant Maximums

A.4341-A (Walker); Chapter 777 of the Laws of 2021

This law increases the per-unit amount of grants distributed by the Affordable Housing Corporation (AHC) from \$35,000 to \$50,000, and from \$40,000 to \$75,000 in high-cost areas. This law also requires the AHC to establish tiered project funding levels based on the length and depth of affordability and authorize grantees to establish resale restrictions for up to 99 years for units receiving an award of more than \$40,000 to ensure long-term affordability.

4. The Housing Our Neighbors with Dignity Act (HONDA)

A.6593-B (Reyes); Chapter 396 of the Laws of 2021

This law creates a State program to finance the acquisition and conversion of distressed hotels and commercial spaces across the State by not-for-profits for use as permanent affordable and supportive housing for low-income households and those experiencing homelessness.

C. 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 2017 New York City Housing and Vacancy Survey (HVS), conducted by the U.S. Census Bureau, estimated that there are approximately 988,000 rent-regulated units within New York City, representing around 45% of the City's total rental housing stock. There are 34,538 rent-regulated units outside of New York City: 1,924 in Rockland County, 7,478 in Nassau County and 25,136 in Westchester County.

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

1. E-Signatures for Rent-Regulated Leases

A.2679 (Cymbrowitz); Chapter 677 of the Laws of 2021

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

voluntary use of electronic records by the tenant. The form must be signed by both the tenant and landlord and be on file with DHCR before any electronic records can be accepted by DHCR.

2. Habitability for Loft Tenants

A.7667 (Glick); Chapter 639 of the Laws of 2021

This law provides that it is unlawful for the owner of any interim multiple dwelling unit or building covered by the “Loft Laws” to interrupt, deny or discontinue essential services to, or impair the habitability of, the covered unit or building. The law also clarifies that occupants of interim multiple dwelling units are authorized to bring cases involving violations of this section, such as violations of housing and maintenance codes as well as denial of essential services and impairment of habitability, to housing court.

3. COVID-Related Extension of the New York City Housing and Vacancy Survey

A.7918 (Cymbrowitz); Chapter 597 of the Laws of 2021

The COVID-19 pandemic caused significant disruptions in hiring and recruitment of staff, rollout of field work, and ability to conduct outreach for the 2021 New York City Housing and Vacancy Survey (HVS). This law extends by three months, until July 1, 2022, the date by which the triennial survey must be completed and the City must make a local determination of a housing emergency.

D. 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. Limited Key-Replacement Fees

A.2065 (Cruz); Chapter 345 of the Laws of 2021

This law regulates fees levied on tenants for the reproduction of rental keys by limiting the amount a landlord may charge for a replacement key to 110 percent of the actual cost of reproduction for the first three replacements for a single unit in a calendar year.

2. Legal Fees for Residential Tenants

A.5040 (Dinowitz); Chapter 695 of the Laws of 2021

This law prohibits landlords from collecting any fee, surcharge, or other charges for legal services related to the operation or rental of a residential unit, unless authorized pursuant

to a court order. Any agreement or assessment to the contrary would be void as contrary to public policy.

3. Lease and Landlord Fraud Awareness Program

A.5869 (Joyner); Passed Assembly

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

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. Agency Oversight and Intervention

A.2337 (Rosenthal L); Reported to the Floor

This bill would require, rather than authorize, the Commissioner of New York State Homes & Community Renewal or the New York City Department of Housing, Preservation & Development to intervene when the supervising agency has a reasonable belief that a Mitchell-Lama housing company under its purview is violating or may be about to violate any law or regulation.

2. Voting and Dissolution Reform

A.7272 (Rosenthal L); Chapter 749 of the Laws of 2021

This law improves transparency in the governance and operations of Mitchell-Lama cooperatives and preserves affordability of Mitchell-Lama housing companies at risk of dissolution by reforming voting procedures and board operations in Mitchell-Lama cooperatives; modifying requirements relating to privatization actions in all Mitchell-Lama housing companies; prohibiting dissolution during the COVID-19 state of emergency; and clarifying the right of tenants and shareholders to participate in a residents' rights group.

3. Standardized Training for Board Members

A.7637 (Cymbrowitz); Chapter 684 of the Laws of 2021

While training opportunities are currently available to Mitchell-Lama shareholders elected to serve on their company's board of directors, training is not required by statute, standardized, or guaranteed to be offered to all boards on a regular and timely basis. This law requires the supervising agencies to develop, and mandate standardized financial and regulatory training to be completed at least once every three years by shareholders elected to serve on the boards of both State- and city-supervised companies.

4. Transparency and Transfer of Equity

A.7671 (Pheffer Amato); Chapter 265 of the Laws of 2021

This law requires Mitchell-Lama co-ops to provide a written statement of equity to a shareholder upon request, and also requires Mitchell-Lama co-ops to allow a shareholder who intends to purchase a different unit within the same company for use as their primary residence to apply their current equity, regardless of the sale of the current unit but less any legal charges due and owing to the co-op, toward the new unit before asking them to pay out of pocket.

F. Residential Cooperatives and Condominiums

While most do so diligently and transparently, the boards of residential cooperatives and condominiums exercise a uniquely broad authority over the rights and financial interests of residents living in these communities. The Committee on Housing remains dedicated to protecting this critical housing stock and ensuring unit owners and shareholders are treated fairly.

1. Residential Cooperative and Condominium Owners' Bill of Rights

A.2387 (Cymbrowitz); Reported to Ways & Means

This bill would clarify protections for residential condominium owners and residential cooperative shareholders in relation to their boards by requiring the organizational and operating documents of every such entity to guarantee certain basic rights to its residents and authorizing the Attorney General to enforce those provisions. The clarified and expanded duties of the board would revolve around transparency, including measures such as requiring written responses to requests and complaints; requiring board members who no longer live in the community to resign; making notice of meetings prominently available to residents; and requiring certain financial agreements to be available to or approved by residents.

G. Other Legislation

1. Solar Panels and Homeowners' Associations

A.1933 (Galef); Chapter 342 of the Laws of 2021

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

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

2. Landlord Training Classes and Activities

A.5393-A (Epstein); Chapter 706 of the Laws of 2021

This law amends the definitions of "neighborhood preservation activities" and "housing preservation and community renewal activities" in Private Housing Finance Law to ensure that administration of landlord training classes is recognized as an eligible activity for Neighborhood and Rural Preservation Companies.

3. State Obligation to Affirmatively Further Fair Housing

A.5428-A (Cymbrowitz); Chapter 690 of the Laws of 2021

This law requires New York State agencies administering housing programs or enforcing housing laws, including the New York State Division of Housing and Community Renewal (DHCR), as well as localities receiving State funds to administer housing programs or enforce housing laws, to carry out those activities in a manner that affirmatively furthers fair housing. The law further requires covered housing agencies to take meaningful action to identify and overcome patterns of residential segregation and housing discrimination, eliminate disproportionate housing needs, provide opportunity for public comment on fair housing issues, and maintain compliance with applicable anti-discrimination and fair housing laws.

III. SFY 2021-22 BUDGET HIGHLIGHTS

APPROPRIATED AMOUNT

A. Division of Housing and Community Renewal – Capital Projects

Public Housing Program **\$325 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 weatherization, heating needs, elevators, lead remediation, and other crucial maintenance projects in public housing authorities, with \$200 million dedicated to NYCHA and \$125 million to other public housing.

Multi-Year Supportive Housing Program **\$186 million**

Supportive housing units are affordable units that include wraparound services to help keep at-risk individuals and families in the home. These funds will supplement the expiring capital spending plan to support the development of thousands of supportive housing units throughout the state.

Governor’s Office of Storm Recovery **\$130 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.

Adaptive Reuse Affordable Housing Program **\$100 million**

In addition to intensifying our housing crisis, the COVID-19 pandemic has left many hotels shuttered and could lead to the permanent closure of a significant portion of New York’s hotel rooms. This funding will be used to support the creation of a program to finance conversion of distressed hotels and commercial properties in New York City for use as permanent affordable housing.

Affordable Housing Corporation **\$51 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.

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.

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

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

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

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

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

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

Main Street Program **\$4.2 million**

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

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

The Housing Opportunities Program for the Elderly helps to provide safe, decent and affordable housing for older adults in New York State. The program offers contracts to not-for-profit corporations and municipalities to provide financial assistance for the administration of emergency home repairs programs, which deliver grants and loans in an amount of up to \$10,000 per unit for the cost of correcting any condition which poses a threat to the life, health or safety of a low-income elderly homeowner.

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 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

Homeownership Relief and Protection Program **\$600 million**

These funds will be used for homeownership relief in the wake of the COVID-19 pandemic, including \$60 million to pay for three years of the Homeowner Protection Program, which provides critical foreclosure prevention and housing counseling services, and assistance with principal reduction; helping homeowners reinstate a mortgage or pay other housing costs associated with a period of forbearance, delinquency or default; and payment for utilities, internet service, insurance, and homeowners' or condominium association fees or common charges.

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.

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

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

Local Areas Program **\$2.98 million**

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

C. Division of Housing and Community Renewal – State Operations

The Division of Housing and Community Renewal is an executive branch agency responsible for the supervision, maintenance and development of affordable low- and moderate-income housing in New York State. It is one of five agencies, along with the Housing Trust Fund Corporation, the Housing Finance Agency, the State of New York Mortgage Agency, and the Affordable Housing Corporation, that together constitute New York State Homes and Community Renewal. Within these five agencies are 17 offices, some of which receive funding to perform certain functions, and which are outlined below.

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

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

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

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

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

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

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

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

- **Administration Program**

\$13.48 million

D. The Mortgage Insurance Fund

In the 2021-2022 State Budget, Article VII language transferred \$128.94 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:

- \$65.57 million to reimburse adult shelter costs for New York City;
- \$45.18 million for the Homeless Housing and Assistance Corporation;
- \$12.83 million for the Neighborhood Preservation Program; and
- \$5.36 million for the Rural Preservation Program.

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 \$2.3 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. Amendments to the 2021-22 State budget passed during extraordinary session held in September 2021 recognized an additional \$300 million allocated at the federal level for this purpose, bringing the total amount of federal funding available for the program to \$2.6 billion.

Localities receiving a direct allocation of federal rent relief funding were required to opt in to the State program in order for residents of that locality to access and benefit from the centralized portal. To the extent consistent with federal guidance, both landlords and tenants were authorized to initiate an application and self-attestation was deemed an acceptable form of documentation.

IV. LEGISLATIVE HEARINGS

Oversight of the State Fiscal Year 2021-2022 Budget

The Committee held a hearing on October 27, 2021, to review the impact and implementation of the 2021-2022 State Fiscal Year budget for New York State Homes and Community Renewal. The Committee has always sought and valued feedback on how the State's investments are affecting housing stability and the preservation and development of affordable housing that works for all New Yorkers, and this year also welcomed testimony regarding the expiring five-year capital spending plans for affordable housing as well as the need for a new spending plan to support preservation and development of affordable units moving forward.

Several witnesses provided testimony to the Committee members present regarding the impact of the 2021-2022 budget on their organizations' operations and stressed the continued importance of steady, reliable funding in achieving New York's housing goals.

V. OUTLOOK FOR 2022

The COVID-19 pandemic has had, and continues to have, devastating effects on New York's low- and middle-income renters and homeowners. With this in mind, in the coming session, the Assembly Standing Committee on Housing will continue and redouble its longstanding commitment to ensuring the availability of safe, affordable housing for all. Of particular priority will be the development of a five-year capital spending plan for affordable housing with funding attached.

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

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

APPENDIX A

**2021 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)	5	0	5
To Ways and Means	11	0	11
To Codes	4	0	4
To Rules	10	0	10
To Judiciary	0	0	0
Total	30	0	30
Bills Having Committee Reference Changed			
Total	0	0	0
Senate Bills Substituted or Recalled			
Substituted	0	0	0
Recalled	0	0	0
Total	0	0	0
Bills Defeated in Committee	0	0	0
Bills Held for Consideration with a Roll-Call Vote	0	0	0
Bills Never Reported, Held in Committee	0	0	0
Bills Having Enacting Clauses Stricken	12	0	12
Motions to Discharge Lost	0	0	0
Total Bills in Committee	209	16	225
Total Number of Committee Meetings Held		3	

APPENDIX B

Bills that Passed the Assembly in 2021

BILL #	SPONSOR	DESCRIPTION
A.3807-A	Cymbrowitz	Would require the Governor to submit a statewide, comprehensive five-year capital plan to the Legislature to support the development, preservation and capital improvement of affordable housing each year as part of the Executive budget proposal, and require DHCR to submit information semi-annually on the activities undertaken using the funding made available in the currently enacted plan.
A.5869	Joyner	Would require DHCR to create a lease and landlord fraud awareness program to demonstrate the potential risks of signing a fraudulent lease with an individual misrepresenting him or herself as a landlord.

APPENDIX C

Chapters of 2021 – Bills Signed into Law by the Governor

CHAPTER	ASSEMBLY BILL # (SPONSOR)	SENATE BILL # (SPONSOR)	DESCRIPTION
44	A.970 (Cymbrowitz)	S.871 (Kavanagh)	Amends Chapter 306 of the Laws of 2020 to require the powers of the Housing Finance Agency (HFA), Housing Trust Fund Corporation (HTFC), and Affordable Housing Corporation (AHC) to be exercised by no fewer than six members – an increase from four to reflect the increase in total number of members of the board from seven to nine effectuated by Chapter 306 of the Laws of 2020 – and to maintain the ability of these entities to delegate powers and duties to one or more of its members, officers, agents or employees.
140	A.7665 (Jackson)	S.6609 (Jackson)	Extends, until June 30, 2024, the authority of HPD to restructure rents in residential properties rehabilitated or constructed using a participation loan pursuant to Article 16 of the General Municipal Law.
177	A.7663 (Davila)	S.6605 (Jackson)	Extends, until June 30, 2024, the authority of HPD to restructure rents in residential properties rehabilitated or constructed by a housing development fund company under Article 11 of the Private Housing Finance Law.
178	A.7669 (Zinerman)	S.6606 (Liu)	Extends, until June 30, 2024, the authority of HPD to establish initial rents for rehabilitated multiple dwellings acquired and re-conveyed by the federal government due to foreclosure of a mortgage loan insured or held by the federal government.
179	A.7711 (De La Rosa)	S.6607 (Jackson)	Extends, until June 30, 2024, the authority of HPD to establish the initial rent for certain multiple dwellings that have received a municipal rehabilitation loan pursuant to Article 8-A of the Private Housing Finance Law.
180	A.7666 (Davila)	S.6608 (Kavanagh)	Extends the authority of New York City to permit evaporation (or reduction to zero) of liens on Article 7-A properties for municipally-financed repairs until June 30, 2024.
226	A.7664 (Pichardo)	S.6604 (Jackson)	Extends the authority of HPD to establish the initial rent for certain multiple dwellings that have received a municipal rehabilitation loan, pursuant to Article 8 of the Private Housing Finance Law, for an additional three years, until June 30, 2024.

231	A.7328 (Rivera JD)	S.6974 (Kavanagh)	Clarifies that the HTFC and DHCR are the public housing agencies with the authority to take on statewide and multi-state contract administration for project-based Section 8 housing assistance administrative contracts.
232	A.7610 (Cymbrowitz)	S.6975 (Kavanagh)	Increases the aggregate bond cap for the HFA by \$2 billion and extends current statutory authorizations required to facilitate the operations of the HFA, the HDC, SONYMA, and the MIF.
235	A.7716 (Cymbrowitz)	S.7149 (Krueger)	Increases the maximum length of a loan provided by the HTFC from 30 years to 40 years, and specifies that the Federal Home Loan Mortgage Corporation (Freddie Mac), the Federal National Mortgage Association (Fannie Mae), and the Governmental National Mortgage Association (Ginnie Mae) are included within the definition of a “governmental agency of the United States” able to directly purchase unrated HFA and HDC loans.
265	A.7671 (Pheffer Amato)	S.7026 (Kavanagh)	Requires Mitchell-Lama co-ops to provide a written statement of equity to a shareholder upon request, and also requires Mitchell-Lama co-ops to allow a shareholder who intends to purchase a different unit within the same company for use as their primary residence to apply their current equity toward the new unit before asking them to pay out of pocket.
342	A.1933 (Galef)	S.2997 (Parker)	Prohibits homeowners’ associations from unreasonably restricting the installation or use of a residential rooftop solar power system.
345	A.2065 (Cruz)	S.3666 (Comrie)	Limits the amount a landlord may charge for a replacement key to 110 percent of the actual cost of reproduction for the first three replacements for a single unit in a calendar year.
396	A.6593-B (Reyes)	S.5257-C (Gianaris)	Creates a State program to finance the acquisition and conversion of distressed hotels and commercial spaces by not-for-profits for use as permanent affordable and supportive housing for low-income households and those experiencing homelessness.
597	A.7918 (Cymbrowitz)	S.6916-A (Kavanagh)	Extends by three months, until July 1, 2022, the date by which New York City must complete the triennial Housing and Vacancy Survey and make a local determination of a housing emergency.
598	A.7609 (Cymbrowitz)	S.6917 (Kavanagh)	Authorizes the New York City Housing Development Corporation ("HDC") to increase the maximum aggregate principal amount of its outstanding bonds and notes by \$2 billion.

628	A.7719 (Burdick)	S.7185 (May)	Expands the authority of SONYMA to purchase mortgage loans from community development financial institutions and other not-for-profit corporations licensed by the New York State Department of Financial Services; purchase mortgages secured by new construction loans for single-family modular or manufactured housing; and modify its mortgages to assist financially distressed homeowners.
639	A.7667 (Glick)	S.6950 (Salazar)	Provides that it is unlawful for the owner of any interim multiple dwelling unit or building covered by the “Loft Laws” to interrupt, deny or discontinue essential services to, or impair the habitability of, the covered unit or building.
677	A.2679 (Cymbrowitz)	S.4742 (Kaminsky)	Requires the commissioner of the New York State Division of Housing and Community Renewal (DHCR) to promulgate rules that allow for the use of electronic records and signatures for leases and lease renewals of rent stabilized units on a voluntary basis by the tenant.
684	A.7637 (Cymbrowitz)	A.7079 (Kavanagh)	Mandates and standardizes financial and regulatory training for shareholders elected to serve on the board of both State- and city-supervised Mitchell-Lama cooperative housing companies.
690	A.5428-A (Cymbrowitz)	S.1353-A (Kavanagh)	Requires State agencies administering housing programs or enforcing housing laws to carry out those activities in a manner that affirmatively furthers fair housing.
695	A.5040 (Dinowitz)	S.2014 (Jackson)	Prohibits landlords from collecting any fee, surcharge, or other charges for legal services related to the operation or rental of a residential unit, unless authorized pursuant to a court order.
706	A.5393-A (Epstein)	S.4485-A (Harckham)	Ensures that administration of landlord training classes is recognized as an eligible activity for Neighborhood and Rural Preservation Companies.
749	A.7272 (Rosenthal)	S.6412 (Kavanagh)	Improves transparency in the governance and operations of Mitchell-Lama cooperatives and preserve affordability of Mitchell-Lama housing companies at risk of dissolution
777	A.4341-A (Walker)	S.3372 (Bailey)	Increases the per-unit amount of grants distributed by the Affordable Housing Corporation (AHC) from \$35,000 to \$50,000, and from \$40,000 to \$75,000 in high-cost areas.