

## FEDERAL

---

New York Housing Conference is calling on President Biden and Congress to pass Enact the [Build Back Better Act \(BBB\)](#), which would invest a historic \$150 billion in affordable housing. This would improve and expand affordable housing in key areas: increasing supply; creating a housing safety net and preserving public housing. In addition to investments in preserving and greening HUD developments, fair housing and community revitalization, BBB includes many of our federal legislative priorities such as:

- **\$25 billion for rental assistance:** This unprecedented expansion of rental assistance would have a significant impact on poverty and housing stability for the most vulnerable New Yorkers. It includes \$22.1 billion for Housing Choice Vouchers and \$1 billion for project-based rental assistance. Of the amount provided for vouchers, \$7.1 billion is set aside for people experiencing or at risk of homelessness, and survivors of domestic violence and trafficking; \$15 billion is set aside for households with extremely low incomes. Nationally, these investments would serve 300,000 households. *New York would receive an additional 28,400 vouchers, serving 62,500 people including 21,400 children, 14,100 individuals with disabilities and 10,000 seniors.*
- **\$65 billion to preserve public housing** and protect the health and safety of its 2.5 million residents. This investment will help remediate immediate health hazards in public housing, increase energy efficiency, and ensure the nation's public housing stock is resilient to climate change and natural disasters. Of the amount provided, \$10 billion is set aside for the Public Housing Capital Fund and \$53 billion is provided for priority investments, as determined by the HUD Secretary. *This would make a significant dent in the \$40 billion capital need for the New York City Housing Authority (NYCHA). We anticipate NYCHA would receive \$2 billion from the capital fund and a large percentage of the priority investment due to its great need.*
- **\$15 billion for the national Housing Trust Fund (HTF)** which could build or preserve more than 150,000 rental homes affordable to households with extremely low incomes. *The National Low Income Housing Coalition (NLIHC) estimates New York would receive over \$1.6 billion*
- **\$10 billion for HOME Investment Partnerships** *Based on past allocations, we estimate New York will receive about \$940 million*
- **\$10 Billion for down payment assistance** to provide first-time, first-generation homebuyers with the greater of \$20,000 or 10% of the purchase price of an eligible home in financial assistance, including for downpayment costs, closing costs, and costs to reduce the rates of interest. Of this amount, \$500 million is provided for housing counseling agencies. *The National Fair Housing Alliance (NFHA) estimates NY currently has more than 466,000 eligible homebuyers*
- **Low Income Housing Tax Credit (LIHTC) provisions** would reduce the 50 percent bond financing requirement to 25 percent for the 4 percent LIHTC for years 2022-2026. It would extend the temporary 12.5 percent increase to the 9 percent credit which expired at the end of the year and increase the allocation by 10 percent plus inflation for 2022, 2023 and 2024. In 2025, it reverts to the 2017 baseline, adjusted for inflation. It would provide a permanent maximum 50 percent basis boost for units serving extremely low-income (ELI) tenants if needed for financial feasibility. At least 20 percent of the units would have to be set aside for ELI households and the boost is available only for those units. In addition, the bill limits the use of qualified contracts and addresses issues with the right of first refusal (ROFR) to protect nonprofit developers, a top priority for many of our partners.

*Novogradac estimates these changes could finance an additional 48,500 affordable units in New York over 10 years.*

### **Additional Federal Legislation to Expand Affordable Housing Opportunities**

- **Fully Fund Section 8 Housing Choice Vouchers:** More than 580,000 people were experiencing homelessness on a single night in January 2020, prior to the COVID-19 pandemic yet Housing Choice Vouchers currently only serve 1 in 4 eligible households. Research shows that expanding vouchers to all eligible households would lift an estimated 9.3 million families out of poverty while the increased housing stability would improve health and education outcomes. We support Chair Waters’s legislation - the [Ending Homelessness Act \(H.R. 4496\)](#) - to increase voucher until the program becomes an entitlement that covers every low-income household in 2030. The bill also provides \$10.5 billion to build homes affordable to people with the greatest needs and bans source of income discrimination. *We estimate over 1.1 million households in New York would ultimately be served by this entitlement and that vouchers would more than double their residual income to cover other necessities.*
- **Strengthening LIHTC:** LIHTC is the nation’s most successful affordable housing finance program producing more than 3 million units by leveraging private investment. In NY, LIHTC has created more than 243,600 affordable units, which has helped over half a million households across the state. We support the Affordable Housing Credit Improvement Act ([S1136 -Cantwell/HR2573-DelBene](#)) legislative provisions which would significantly strengthen the program and make it a more effective tool by simplifying and aligning rules. It would provide a 50 percent increase in Housing Credit allocation authority to states over two years, permanently lower the threshold of Private Activity Bond financing – from 50 to 25 percent – required to trigger the maximum amount of 4 percent Housing Credits and provide up to a 50 percent basis boost (if needed for financial feasibility) for developments serving extremely low-income households in at least 20 percent of the apartments. *This needed expansion could allow up to 119,890 affordable housing units to be built in New York over the next ten years.*
- **Exempt Bonds Used for HUD-Assisted Housing from Volume Cap:** Congress should pass Rep. Katherine Clark’s SAVE Federally Assisted Housing Act ([HR8533](#)), which will allow funding for federally-assisted buildings to be exempt from the volume cap requirement for private activity bonds. Currently federal law limits each state’s private activity bond issuance by a population-based formula to establish a state “volume cap”, but some public priorities, like airports and public educational facilities, are not counted towards volume cap. Preserving public housing should be a similar priority and private activity bonds used in projects in HUD’s RAD program should also be exempt from state volume cap. This will lead to greater private investment in public housing to finance capital repairs.
- **Fully Fund Repairs for Public Housing Capital Backlog and Provide Sufficient Operating Funding:** The New York City Housing Authority is facing a \$40 million capital backlog, which is causing unsafe and unhealthy conditions for tenants, including exposure to mold, lead and other environmental hazards. Robust federal funding through Section 18 Tenant Protection Vouchers and the public housing capital budget are needed to help NYCHA improve conditions for tenants. We fully support Rep. Nydia Velazquez’s legislation – the [Public Housing Emergency Response Act \(HR235\)](#) - and Rep. Waters’s legislation [Housing is Infrastructure \(H.R. 4497\)](#) – to provide \$70 billion in capital funding to public housing authorities across the country
- **Decent, Affordable, Safe Housing for All Act (DASH Act) S2820:** We strongly support the DASH Act, a comprehensive affordable housing investment bill sponsored by [Senator Ron Wyden](#). The bill signals significant support for our housing priorities as Senator Wyden chairs the influential Senate Finance Committee. The includes a combination of key provisions from AHCIA, the Neighborhood Homes Investment Act (NHIA), a new

federal tax credit modeled after the Housing Credit to promote homeownership in low-income communities, a massive expansion of vouchers, \$10 billion over ten years for HTF, incentives to address zoning barriers, and additional funding to build and preserve affordable housing.

## NEW YORK STATE

---

**Gov. Kathy Hochul and the state legislature can make New York a leader by expanding the supply of affordable rental and homeownership opportunities, increasing funding for supportive housing to address homelessness, and by actively preserving existing affordable and public housing. NYHC, along with 16 of our partners, published a report on New York's housing needs and proposed both an ambitious 5-year plan and legislative changes that would meaningfully address our state's housing crisis. Read the full report [here](#).**

- **Fund a bold new 5-year housing plan:** We propose a \$13.5 billion dollar investment (\$6 billion if BBB passes) to meet the housing needs of New Yorkers which includes:
  - \$2.4 billion to construct 7,000 and preserve 3,000 supportive housing units
  - \$1.5 billion to preserve NYCHA. Absent federal funds, Gov. Hochul should work with Mayor Adams to develop a long-term City-State Capital Plan for the New York City Housing Authority, each contributing \$1.5B annually.
  - \$1.4 billion for new affordable housing construction for households with the greatest need
  - \$299.5 million for preservation
  - \$500 million to incentivize greater energy efficiency in affordable housing stock
  - \$427 million for upstate public housing
  - \$395 million for affordable homeownership, including \$100 million for a shared equity housing acquisition program to improve equitable access to homeownership and \$255 million for the Affordable Housing Corporation (AHC) program, New York's only subsidy for affordable homeownership development.
  - \$225 million in capital for senior housing, including \$25 million for a new Affordable Independent Senior Housing Assistance Program to allow for more resident assistants in affordable senior housing developments
  - \$245.2 million for rural housing
  - \$15 million for fair housing
  - \$91.4 million for other initiatives
  - \$7.5 billion for NYCHA if BBB does not pass
- **City and State funding for NYCHA:** Absent federal funding for public housing repairs in Build Back Better, the city and state must work together to develop a funding plan for repairs at the New York City Housing Authority totaling at least \$3 billion per year (\$1.5 billion each from the City and State). NYCHA's capital needs total \$40 billion and growing while tenants live in unsafe and unhealth conditions.
- **Increase Staffing & Reporting at NYS Homes & Community Renewal (HCR)**
  - **Bolster Staff Capacity:** In addition to historic levels of funding for affordable housing we are calling for increased staffing at relevant agencies. We recognize the considerable need for capacity while working to close on capital projects at HCR given the investments we are asking for and the potential funding

resulting from recent federal infrastructure and reconciliation bills. The delayed roll out of the State's Covid-related rental assistance programs, including ERAP, have taught us the importance of having appropriate staff levels in place to efficiently administer an influx of historic federal resources.

- **Reporting and Transparency:** In the next 5-year housing plan, public reporting on progress for the plan should be posted on NYS Housing & Community Renewal's website on an annual basis. Both production and spending should be reported in total and on a regional basis by unit, affordability level, new construction v preservation, homeownership v rental with indication of any special populations served such as seniors, formerly homeless, veterans, etc. A list of projects should also be made available indicating developer, location and project description.

- **Legislative Action**

- **5-Year Housing Plan Requirement [S2193/A3807 \(Kavanagh/Cymbrowitz\)](#):** This bill passed the legislature last session but was vetoed by the Governor would codify funding for a new five-year capital plan every fifth year thereafter. It would ensure that future administrations are forced to consider long-term implications of policy choices and engage in long-term planning for housing.
- **NYCHA Blueprint Procurement Provisions [S6999A/A7805 \(Kavanagh/Cymbrowitz\)](#):** If NYCHA receives significant federal funding, it will require procurement relief from the state to be more efficient in its bidding process regarding both use of funds and timely deployment. This bill specifies within the broader legislation, needed procurement flexibility that will be critical to effective use of federal funds.
- **Accessory Dwelling Unit (ADU) Legalization [S4547/A4854 \(Harckham/Epstein\)](#):** While other states and cities have worked to make ADUs possible, New York City and State have yet to act to legalize ADUs. This bill would create the regulatory framework for localities to adopt local ADU policies. Currently, 15 percent of New York City is zoned only for single-family detached units. Most of the space is in Staten Island and Queens, which are 25 and 22 percent zoned for single-family homes, respectively.
- **Housing Access Voucher Program (HAVP) [S2804-B \(Kavanagh\)](#):** HAVP is a statewide tenant-based rental voucher to prevent eviction and homelessness. Low-income families in unstable or unsuitable housing situations or those facing eviction would receive a voucher with a payment standard at 100 percent of Fair Market Rate (FMR). Like HUD's Housing Choice Vouchers, tenants will pay 30 percent of their incomes with the voucher covering the rest of the rent. Separate from the HCR budget, this program would require an additional \$1 billion in funding, which would cover ~50,000 vouchers.
- **SCRIE Reform:** To address the many seniors who are and may soon be overburdened with rising housing costs, the State should enact three pieces of legislation to keeping seniors affordably housed; increase renter education and program salience. This includes [S2897 \(Kavanagh\)](#): CPI Increase allows the income threshold to increase accounting for 5.9% COLA for social security; [S512/A719, \(Krueger/Rosenthal\)](#): SCRIE lease notice rider; and [S3920/A2474 \(Sander/Reyes\)](#): Freeze rent at original date of eligibility.
- **Fair Community Land Trust Housing Taxation [S6326A /A7930 \(Brouk/Davila\)](#):** CLTs limit the resale price of homes, which helps maintain affordability for the next generation of land trust residents and protects against the loss of scarce affordable housing. However, the State still does not have any guidance on how such properties should be taxed, leaving it up to local assessing authorities to determine the taxable value of each home. This leads to significant uncertainty across the State with some assessors treating the homeowners fairly and others taxing them as if they were market-rate homes. This bill would qualify CLT-owned land as tax exempt under the not-for profit 420-a tax law and directs taxing authorities to assess the homes at a fair, appropriate, and reduced rate in accordance with the resale

value. This change would empower local assessors to treat these permanently affordable homes fairly and ensure income-qualified homebuyers will have the ability to afford the purchase for generations to come.

## NEW YORK CITY

---

The city has an ongoing crisis of housing affordability and homelessness and Mayor Eric Adams in partnership with the NYC Council should increase spending to finance affordable housing and expand rental assistance while targeting to the deepest affordability where there is the greatest need. Absent federal funds, Mayor Adams should work with Gov. Kathy Hochul to develop a long-term City-State Capital Plan for the New York City Housing Authority, each contributing \$1.5B annually as noted below.

- **Fund \$4 billion for housing capital:** United for Housing, a coalition of 90 organizations made consensus recommendations to address the housing and homelessness crisis, called for \$4 billion per year for housing capital, one of our main priorities for the new mayoral administration. The funding should include \$2.5 billion for HPD housing production and \$1.5 billion for NYCHA. This funding is necessary for the city to start to meaningfully address the housing and homelessness crisis.
  - **Ensure Sufficient Staffing at HPD to Complete Development Projects:** HPD staff evaluate and approve affordable housing preservation and new construction developments. HPD must have sufficient staffing to complete projects. This will be even more important if the City gets additional federal funding. Insufficient staffing would therefore mean building fewer units of affordable housing than funding would allow and leaving federal funding on the table.
- **Prioritize permanent housing and shelter exits by adding \$200 million for rental assistance:** New York City may be the only locality that provides locally-funded rental assistance to fight homelessness but it needs to be greatly expanded. As the City Council and state legislature both passed a law increasing the top rate for their rental assistance programs to match federal Section 8 rental assistance, it should become easier for individuals to find housing with the voucher. Expanding funding will allow more people to avoid and exit homelessness. The City should also expand eligibility so more people can use the vouchers, including allowing people with income above the Federal Poverty Level to access the vouchers and eliminate the work requirement.
- **Produce a new housing plan:** New York Housing Conference is calling on Erica Adams to produce a new housing plan that addresses the city's ongoing housing crisis, using the [report](#) published by [United for Housing](#), a coalition of 90 organizations led by the New York Housing Conference, as a foundation. The plan should start with the principles that guided United for Housing:
  1. Confront and undo a legacy of systemic racial discrimination in housing
  2. Prioritize the preservation of public housing in a citywide affordable housing plan,
  3. Expand affordable housing supply through preservation and development,
  4. Improve housing affordability for the lowest-income New Yorkers, and
  5. Reduce homelessness through coordinated housing and homeless policy.

The plan will need to address a wide range of issues using many different policies and programs but will need to include:

- Policies to champion the voice and decision-making of public housing residents
  - Building mixed-income housing with deep affordability levels that meet the most pressing supply needs, including setting a target of 8,000 units of housing for households that have extremely low incomes or are experiencing homelessness.
  - Expanding new homeownership supply and opportunities
- 
- **Every neighborhood must contribute to a citywide housing plan:** The homelessness and housing affordability crisis is citywide and every neighborhood must contribute to the solution. Every City Councilmember must support affordable housing development in their district, especially neighborhoods that are predominantly white and have higher incomes where there has been less affordable housing development in the past.
  - **Use a diverse range of metrics to evaluate the effectiveness of policies and programs:** The next mayor should develop metrics that connect housing investment to the real housing needs in the city and other broad objectives including improving public health, outcomes for children, racial integration, environmental standards, homelessness and other important priorities.
  - **City and State funding for NYCHA:** Absent federal funding for public housing repairs in Build Back Better, the city and state must work together to develop a funding plan for repairs at the New York City Housing Authority totaling at least \$3 billion per year (\$1.5 billion each from the City and State). NYCHA’s capital needs total \$40 billion and growing while tenants live in unsafe and unhealth conditions.
  - **Convert underused hotels to affordable housing:** Mayor Eric Adams should work with Gov. Kathy Hochul to allocate funding and identify zoning and building code changes and state legislation to amend the Multiple Dwelling Law (MDL) to allow hotels to be converted quickly and efficiently.
  - **Prevent evictions:** The state eviction moratorium will likely expire early in 2022 and hundreds of thousands of households in New York state are still behind on their rent due to the economic and health effects of COVID-19. The city will need to prevent this potential flood of evictions and can do so by increasing outreach, expanding HomeBase homelessness prevention and one-shot payments and preparing streamlined rental assistance and legal assistance to keep people in their homes.
  - **Reform the Third Party Transfer Program:** New York City’s Third Party Transfer Program, which was created in 1996 to transfer ownership and rehabilitate buildings with significant municipal charges and poor housing conditions while keeping tenants in place, needs reform. The City Council should work with HPD, with adequate time for input from tenants, owners and community groups, to introduce and pass legislation to reform the program along the lines of the recommendations of the [TPT Working Group](#), which was convened by HPD and included a range of external stakeholders.