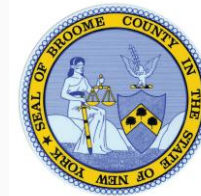
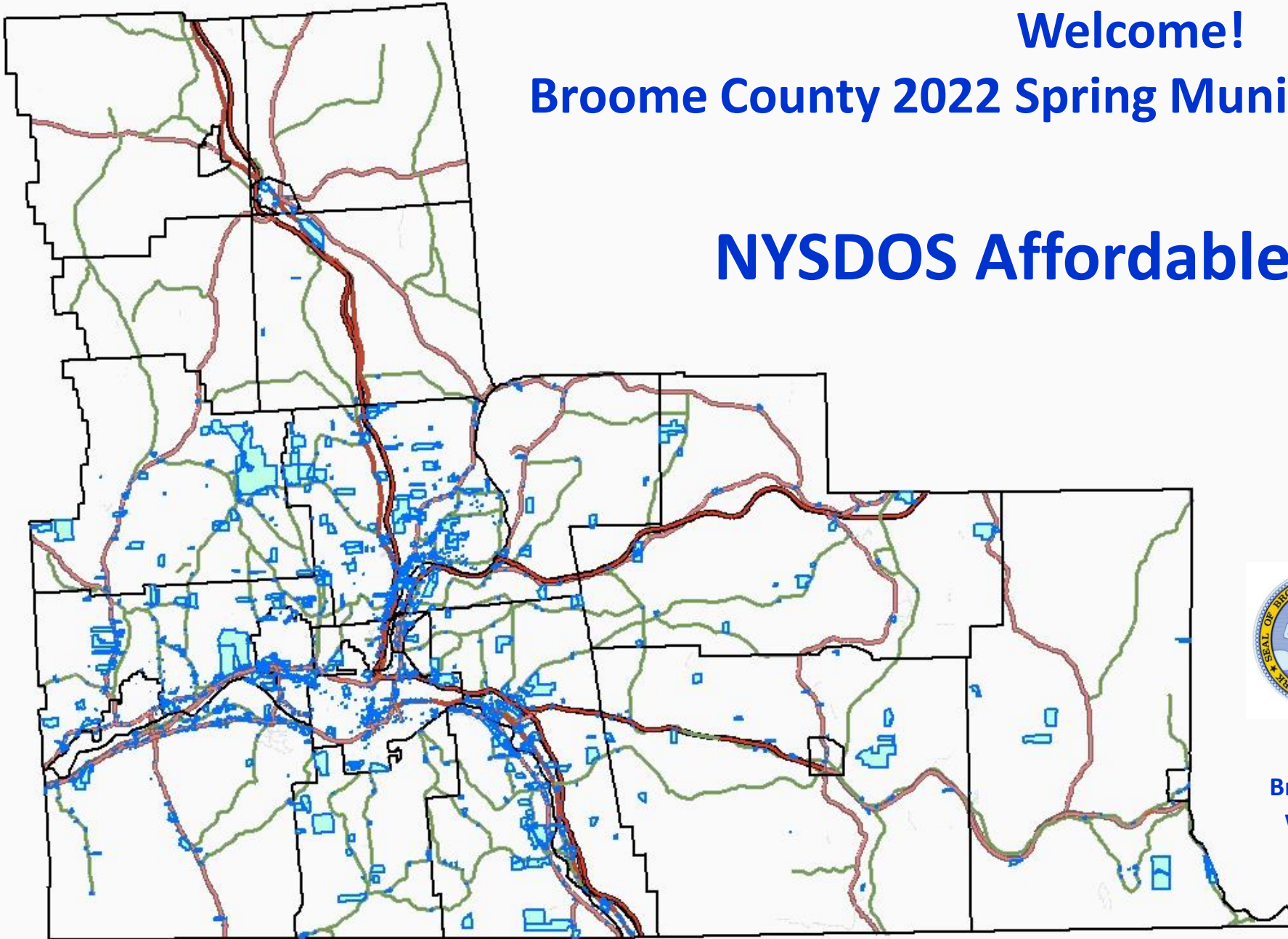


Welcome!

Broome County 2022 Spring Municipal Training Series

NYSDOS Affordable Housing



Division of Local
Government Services

Broome County Department of Planning
www.gobroomecounty.com/planning

Housekeeping

- **Q&A:** Please feel free to type questions in the **Chat** at any time for our NYSDOS presenters. Our NYSDOS presenters will take your questions after their presentation and if possible, midway during their presentation.
- Training Requirement: Members of Planning Boards and Zoning Boards of Appeals
 - 4 Hours of Training Annually
 - Training beyond 4 Hours Can Carry Over to 2023
 - We recommend you receive **2 hours of credit** for attending this NYSDOS training.
- Certificate for PB and ZBA members
- Evaluation Form
- This training will be recorded and put on YouTube for sharing. Look later in your email for the certificate and link to the recording, presentation slides, and evaluation form.
- Questions: Lora Zier 607-778-2370 or Lora.Zier@BroomeCounty.US She returns on Monday.

Upcoming 2022 Spring Municipal Trainings

- May 3rd, 5:00 PM – 7:00 PM: **Overview of the Model Solar Law / NYSERDA**
- May 5th, 5:00 PM – 6:30 PM: **Aging in Place / NYSDOS**
- May 12th, 5:00 PM – 6:30 PM: **Cannabis Planning & Zoning in NY / Coughlin & Gerhart, LLP**
- Tentatively June 2022: **Clean Energy and Your Comprehensive Plan / NYSERDA**

www.gobroomecounty.com/planning/training

Introduction

**Broome County Department of
Planning and Economic Development**

www.gobroomecounty.com/planning



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Gillian will monitor questions in the chat.

Presenters

New York State Department of State

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**Division of Local
Government Services**

Affordable Housing

A Division of the New York Department of State

Overview

- What is Affordable Housing?
- History
- Homelessness
- Affordable housing laws, policies and programs
- Land use tools and strategies
- Funding programs
- Development process
- Preservation

Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.

Matthew Desmond, *Evicted: Poverty and Profit in the American City*


A State and Nation in Crisis?

F Forbes

Inflation, Soaring Rents, And The Housing Crisis

Of course, the lower the household income, the worse the problem. The National Low Income Housing Coalition found that the combination of rising...

2 weeks ago

 Fingerlakes1.com

Housing crisis: Americans are overpaying for homes, affordable housing is gone

The housing market is on fire. Mortgage rates are still low, even as interest rates begin to rise. Many say a housing crisis is imminent.



G Governing Magazine

Record Inflation Deepens America's Affordable Housing Crisis

A January Pew survey found that almost five in 10 Americans consider the lack of affordable housing in their communities to be a "major problem,..."



Affordable Housing: The Basics

What is Affordable Housing?

Commonly used definition:

- Housing units where the occupant pays no more than 30% of gross income on housing costs, including taxes and utilities
- Families that pay more than 30% of their income on housing are considered cost-burdened; those that pay 50% or higher are “severely cost burdened”
- Affordable Housing covers housing within the means of households that may occupy middle, moderate, or low-income housing. Covers sales price or rental amount

The Need for Affordable Housing in NYS

In NYS, the Fair Market Rent (FMR) for a two-bedroom apartment is \$1,770. In order to afford this level of rent and utilities, without paying more than 30% of income on housing, a household must earn \$5,899 monthly or \$70,782 annually.

Percentage of Cost Burdened Households Paying More Than 30% of Household Income on Housing

	NYS Overall	Upstate	Downstate
Owners	28.0%	19.2%	34.5%
Renters	52.2%	49.2%	53.2%

Source: U.S. Census Bureau & Out of Reach 2021, National Low Income Housing Coalition



Working at
minimum wage

\$12.50/hr



Each week you
have to work

94
HOURS!



To afford a modest
1 bedroom
rental home at
Fair Market Rent

Federal Terms

Lower income people make up 40% of the nation's population



Percentage of median income

Lower Income:

80% or less of median income

❑ Low Income:

50% - 80% of median income

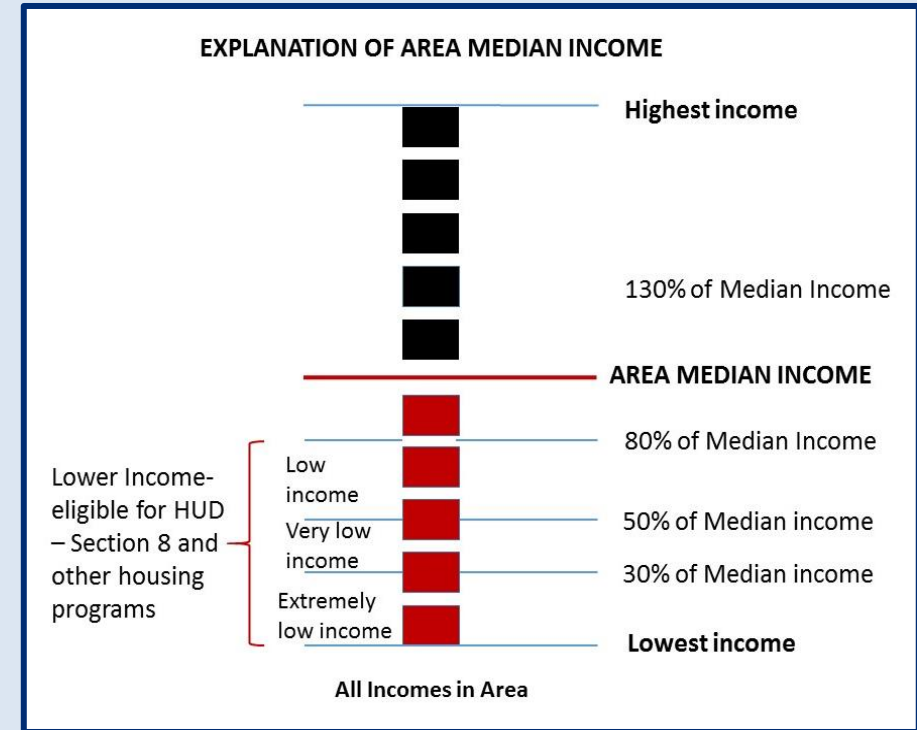
❑ Very low Income:

≤ 50% of median income

❑ Extremely Low Income:

≤ 30% of median income

Area median incomes (AMI) - calculated annually by HUD
Income is adjusted for household size



HUD's Area Median Incomes (AMI)

Area Median Income (AMI) - \$60,000

Household Size	30% of AMI	50% of AMI	80% AMI
	extremely low income	very low income	lower income
1	\$18,050	\$30,100	\$48,100
2	\$20,600	\$34,400	\$55,000
3	\$23,200	\$38,700	\$61,850
4	\$25,750	\$42,950	\$68,700

The area median income (AMI)

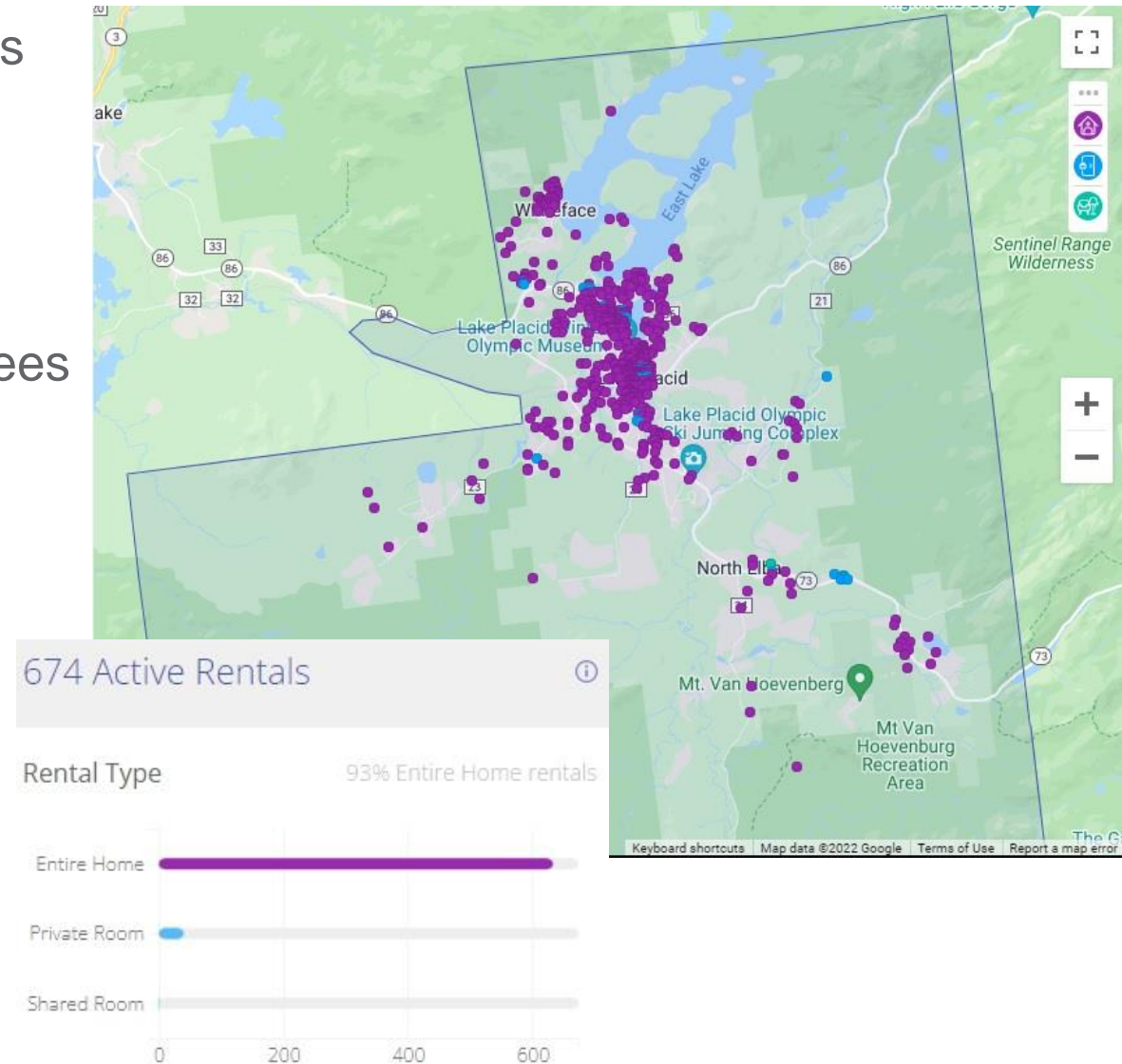
- Calculated annually to determine Section 8 income eligibility limits
- Based on the estimated area median family income (MFI).
- <https://www.huduser.gov/portal/datasets/il.html#2020>

Trends: State of Housing

- Persistent unaffordability
 - Even before COVID, the nation was facing crisis-level housing affordability issues
 - In 2019, 30.2% of households were housing cost burdened; 1 in 7 spending 50% or more of income on housing
- Growing racial disparities
 - Racial gap in homeownership grows
 - In 2019, black homeownership remained virtually flat at 42.8% compared to 73.3% for white, 46.3% Hispanic, 57.3% Asian households
 - Housing cost burdens were greater for households of color, especially renters
- Widespread housing insecurity
 - Economic fallout of pandemic, combined with ongoing housing unaffordability has put millions at risk of losing their homes
 - Renters & homeowners of color & low-income households disproportionately lost income following onset of pandemic; many still struggling to make housing payments
- Major barriers to homeownership
 - Supply shortages, down payment barriers, tighter credit continue to pose challenges for renters seeking homeownership

Trends: Short Term Rental Pressure

- STRs routinely yield 30% more profits for investors than long-term leases; presence increases surrounding property values and long-term rent costs, sometimes further pricing out locals
- Especially difficult to house lower-income employees in tourist hotspots
- Municipalities sometimes lose out on occupancy taxes, hard to track
- See the STRs in your community:
<https://www.airdna.co/>



Trends: Corporate Investment in Housing

- Wall Street firms have been buying single-family homes for cash in hot markets
- Homes become rental housing to many people who are now priced out of being first time homebuyers
- Some firms are also building new residential subdivisions for the purposes of renting
- Tech impact: online platforms make it easier & faster for investors to buy

B Bloomberg.com

First-Time Homebuyers Are Getting Squeezed Out by Wall Street

Build-to-rent is all the rage on Wall Street, reducing the number of ... Now with institutional investors such as KKR & Co. buying up houses...



ST Surviving Tomorrow

1 in 7 Homes Sold Last Year Was Purchased by Wall Street

One in seven family homes sold this year is now owned by Wall Street. 1 in 7. It's even worse for starter-priced houses, which are purchased by investors at...

Feb 11, 2022



TRD The Real Deal

Inside Roofstock's grand plan for single-family rentals

Individual investors can buy and sell homes that already have renters ... according to Green Street data cited by the Wall Street Journal.

6 days ago



CBS CBS News

Would-be home buyers may be forced to rent the American dream, rather than buy it - 60 Minutes

Well, it turns out that big Wall Street firms are playing a role, ... we come in and buy a home, we have to pay a market price for the home.

3 weeks ago



Trends: COVID & Evictions

- COVID-19 eviction moratorium in NYS expired on 1/15/2022
- The \$2B Emergency Rental Assistance Program (ERAP) is supposed to keep tenants in place but the program ran out of money
- Advocates say there wasn't enough funding in the program; not all landlords signed paperwork to allow renters to collect from program



Trends: COVID & Foreclosures

- COVID-19 Emergency Eviction & Foreclosure Prevention Act of 2020 ended on 1/15/2022
- Provided a mandatory stay of any foreclosure or eviction proceeding in which a person filed a hardship declaration with the court
- Homeownership Assistance Fund: \$539M to assist homeowners who are behind on mortgage payments
- Since NYS is a judicial foreclosure state, we have yet to see the long-term impact of COVID



Challenges of Affordable Housing

- Rising new housing costs
- Regulations
- Extended development time
- Older housing surplus “filtering down”
- Leadership changes
- Consumer patterns/beliefs
- Exclusionary housing practices

Conclusion: Affordable housing needs are not adequately addressed in the marketplace

TOP REASON U.S. RENTERS DO NOT CURRENTLY OWN A HOME

Not enough saved for a down payment

SHARE OF MILLENNIALS WHO CAN'T AFFORD TO BUY A HOME

74%

Benefits of Affordable Housing

Who may need help?

- Young adults
- Seniors
- Single parent families
- Young families
- Veterans
- Former employee after downsizing
- Your family member or friend
- Potentially any one of us

Give everyone access to:

Providing support for everyone helps the entire community

- Quality education
- Jobs
- Workforce housing
- Public services



Does Affordable Housing Deflate Property Values?

- Not generally. However, there are strategies to minimize the negative effects of opposition
- Design
 - Housing that is attractively designed & fits in with surroundings may be more likely to have no effect or a positive effect on nearby property values
- Management
 - Well-managed & well-maintained housing is more likely to have a neutral or positive effect on surrounding properties
- Revitalization
 - Rehab of distressed property for affordable housing has proven beneficial to neighboring home values
 - Neighbors likely to prefer quality housing over vacant lots or dilapidated buildings
- Strong Neighborhoods
 - Locating housing in neighborhoods with high home values & low poverty rates unlikely to have adverse effects on nearby property values

Affordable Housing History



History: Pre-US to 1950

- Early US: poorhouses; poor farms; company housing
- Tenement House Act, 1901
- 1930s - 1940s: The New Deal; Wagner Act (Public Housing Authority); Public Housing Projects



History: The Perfect Storm

1950s - 1960s: Perfect storm of changes

- Suburbanization
- Urban renewal
- Highway construction
- New rules for housing projects
 - Residents vacate if income rises
 - Must accept poorer households

History: Changing Times



Redskirt, New York City



NYC



Taylor Apartments, Troy, NY

A Division of the New York Department of State



Division of Local
Government Services

History: Last 60 Years

1960-1990: Federal model shift: role reduced

- Johnson: Great Society; Sec 236 (rental); Sec 235 (home ownership)
- Nixon: Housing allowances
- Ford: Section 8 rental subsidy
- Carter: Increase Section 8 units
- Reagan: Low Income Housing Tax Credit

1990-Present

- G.H W. Bush: HOME Program; Housing Block Grants
- Clinton: Community Reinvestment Act: Home ownership, especially low-income
- G. W. Bush: Programs to increase home-ownership rate
- Obama: Home Affordable Modification Program and the Home Affordable Refinance Program

History: Public Housing Units - 1949-1999

Year	Cumulative Number of Public Housing Units	Average Annual Change From Prior Decade
1949	150,000	
1959	401,000	+25,100
1969	768,000	+36,700
1979	1,178,000	+41,000
1989	1,401,000	+22,200
1999	1,296,000	(-10,400)

Source: Listokin, David. "Federal Housing Policy and Preservation: Historical Evolution, Patterns, and Implications" HUD data

History: Public Housing

- Housing Act of 1937
 - Construction of public housing begun, continued into the 1970s
 - Encouraged segregation; construction often limited to black neighborhoods in urban communities
- 1934: creation of Federal Housing Administration
 - Deliberately promoted segregated housing
 - Redlining allowed white families to receive federally backed home loans in suburbs
- 1968: Fair Housing Act
 - Prohibited racial discrimination in housing
- 1974: Nixon moratorium on public housing spending;
 - Section 8 housing vouchers introduced
 - Federal government's investment in maintaining more affordable housing declines
 - Shift to housing vouchers in the private market;
- 1980s: Reagan administration eliminates any new public housing beyond replacements
- 1998: Clinton signed Faircloth Amendment
 - Prohibits the construction of public housing if it would result in a net increase over 1999 levels
 - Continued disinvestment in public housing
- 2000-2016: 140,000 dilapidated public housing units demolished

History: Homelessness

Why the sudden problem in 1970s forward?

- Higher housing cost burdens
- Urban Renewal, loss of housing
- Federal income support programs lost value
- Deinstitutionalization of mentally ill
- Weakening family ties
- War Vets: PTSD
- Drug/alcohol use; opioid crisis

Strategies

- 1987 McKinney-Vento Act
- Emergency shelters
- Transitional housing
- Housing First model
- Social Programs
 - Job training
 - Rehabilitation programs
 - Faith based partnerships



Affordable Housing Laws and Case Law

Exclusionary Housing

- Zoning that makes affordable housing difficult to build and all but mandates expensive housing via:
 - Square footage minimums
 - Large lot size minimums
 - Prohibition of multi-unit housing



Federal Laws

US Constitution

- Bars discrimination based on race



Federal Fair Housing Act: 1968

- Zoning to prevent racially integrated subsidized housing may be a violation:
 - Has racially discriminatory EFFECT, even without overt evidence of discriminatory INTENT

Court Challenges: Euclid

Village of Euclid v. Ambler Realty Co., 272 U.S. 365

- Landmark case by U.S. Supreme Court
- Generally - upheld validity of conventional zoning
- Specifically - held that a municipality could exclude apartment buildings from residential zones
 - Protect residential character
 - Protect neighborhood desirability as place of detached homes

Court Challenges: Mt. Laurel

Mt. Laurel I – 1975

Southern Burlington NAACP et al v. Township of Mt Laurel, NJ

- Influential case challenging exclusionary practices in NJ
- Key results: All NJ municipalities must zone for high density, low- and moderate-income housing
- Downside: court offered no direction on need determination process

Mt. Laurel II – 1983

South Burlington County NAACP v. Township of Mt Laurel, 456 A.2d 390 (N.J. 1983)

- Based on widespread failure to comply with Mt. Laurel I decision
- Builder's Remedy - Failure to plan for affordable housing means lower courts can overturn local housing denials and grant "builder's remedy"

New York State: Berenson

Berenson v. Town of New Castle, 38 NY.2d 102 (1975)

- **Court ruled that town's zoning must reflect regional needs**, including “residents in Westchester County as well as the larger New York City metropolitan region [who] may be searching for multiple-family housing in the area to be near their employment or for a variety of other social and economic reasons”

New York State Case Law

Exclusionary Zoning

- Berenson v. Town of New Castle (1975)
- Robert Kurzuis v. Village of Upper Brookville (1980)
- Blitz v. T New Castle (1983)
- Asian Americans for Equality v. Koch (1988)
- Continental Building Co v Town of North Salem (1995)
- Gernatt Asphalt Products, Inc. v. Town of Sardinia (1996)

Local Land Use Tools and Strategies

Tools: Comprehensive Plan

- The comprehensive plan is a great place to start
- Create a housing inventory to examine current and future housing needs
 - Current demographics
 - Existing housing (types, age, condition)
 - Financials (home prices, rental prices, cost burden analysis, etc)
 - Assessment of need (current and future)



Strategies: Comp Plan Examples

Orange County

- “Encourage the provision of a **wide spectrum of housing types and choices** including affordable housing, providing **options for rural, suburban, and urban** living... This should include housing at a **range of densities, styles and owner and renter types**”

Southampton

- Creation of planned residential communities providing an **array of housing** meeting the **social and economic needs of the residents** of the hamlets, the **town, and the region**.
- Provide the opportunity for affordable housing for **senior citizens**, age fifty-five years and older

Tools: Inclusionary Housing

BEST PRACTICE:

Provide alternative methods of compliance in order to avoid constitutional vulnerability

Inclusionary Regulations:

Developer requirements for affordable housing are part of the market-driven development activity:

- Include affordable housing in development, or
- Build units off-site, or
- Contribute cash or land in lieu of construction

Inclusionary Housing: How it works

Typical mandatory inclusionary regulation specifies:

- Size threshold of developments
 - Often as few as 5 to 30+ units
- Income range (defined in relation to Area Median Income)
 - From below 30% to as high as 130% of AMI
- Percentage of affordable units required to “set aside”
 - Varies widely, from 5% to 25% or more
 - Suburban: most require 15-20%
 - Urban areas: usually require less
 - Trade off: can lower percentage for very low-income units
- Unit design and size standards
 - Same design features (interior/exterior), size, bedrooms as market units?
- Unit layout and placement
 - Dispersed or clustered; not isolated or placed on unsuitable part of site
- Timeframe
 - When will units be built?
- Controls to ensure units remain affordable
 - Specify period (normally 30-40 years)
 - Deed restrictions and covenants

Inclusionary Housing: Incentives & Offsets

Incentives:
Municipality
offers benefits to
developer

Offsets:
Public sector
reduces the
affordability gap

- Municipality requires developer to address regional housing needs in new development
- Developer did little or nothing to create the condition
- NYS court determined municipality must offer developer “offsetting benefit”

Goal:

- Reduce affordability gap
- Mitigate ordinance’s economic effect on developer
- Keep projects economically feasible

Inclusionary Housing: Incentives & Offsets

Incentives

- Zoning
 - Density bonuses
 - Setbacks
 - Height and bulk bonuses
 - Open space
- Parking space reductions
- Expedited permitting

Offsets

- Reduce developer costs
 - Waive permit fees
 - Waive sewer hookup fees
 - Infrastructure subsidies
- Increase developer return
 - Tax abatement
 - Reduce carrying cost to future lower income owner, allowing developer to charge more for unit
 - Capital Subsidy: give subsidy on affordable units from HOME or a state or local housing trust fund

Tools: Voluntary Inclusionary Zoning

- Not mandatory: Cannot be required
 - Pros: Less opposition
 - Cons: Not as effective as mandatory programs
- Incentives in exchange for affordable housing units
 - Zoning waivers in exchange for identified amenities
 - Incentives may be on a sliding scale, based on:
 - Percentage of affordable housing
 - Levels of affordability

Tools: Workforce Housing

Affordable housing for households with earned income insufficient to secure quality housing in reasonable proximity to the workplace

- Target "essential workers"
- An expanded understanding of affordable housing
- For gainfully employed who "drive till they qualify"
- Definitions ranging from 50% to 120% of Area Median Income (AMI)



PARTNERSHIP FOR STRONG COMMUNITIES

HOMECONNECTICUT
For Our Economy, Our Families, Our Future
a campaign of the Partnership for Strong Communities

APA CT

Multifamily "Speed Dating"

Meet the Developer - or Town - of Your Dreams!!

Connecticut's multifamily housing market is hot! Demand from workers, families, young professionals, Baby Boomers and many others is moving dozens of municipalities to actively identify locations where smaller, denser, more affordable, energy-efficient, walk-able and, if possible, transit-proximate housing can be built.

BUT THERE'S A PROBLEM:
Many towns are inexperienced in developing or redeveloping infill and other denser housing, and often don't know what developers need

AND
Many builders and developers don't know towns want to hook up with them!

THE SOLUTION:
Brings builders, developers, municipalities, lenders, planning consultants and other experts together along with:

Long Island Workforce Housing Program

- Nassau or Suffolk Counties (effective 1/1/09)
 - Applications to build 5 or more residential units
 - Developer gets at least 10% density bonus
- Local government requires one of the following:
 - At least 10% affordable workforce housing unit set aside (households at or below 120% of median income)
 - Construction of units on site or in municipality
 - Fee payment for each unit required to build

Tools: Cluster Development

- Planning Board needs authorization to review
- Zoning may designate districts where cluster is authorized
- Cluster lots may not exceed number of lots if developed conventionally
- Lower site development costs
- Lower building costs presents opportunity to encourage addition of affordable units



Allows units to be clustered on small section of the property

Tools: Accessory Dwelling Units (ADU)



- Allowed as of right, or by special use permit
 - SUP: can address design, density, and health and safety issues
- Cost-effective affordable rental housing
- Older persons can stay in neighborhood
- Common in larger, older houses, in existence for many years

ADU: second residential unit contained in single family home or garage; aka “in-law apartment”



Strategies: Accessory Dwelling Units

- ADUs are being increasingly promoted as a means of providing affordable housing in high-cost markets
- California implemented state-level ADU laws to make it cheaper, faster and easier to develop ADUs in communities
 - Owner occupancy not required
 - Homeowners' association restrictions overruled
 - Size, lot and setback requirements eased
 - More financial aid; fees removed
 - Faster and easier permitting
 - Reduced parking requirements



Manufactured Housing

Levels of Regulation:

Federal

- Construction and Safety

State

- Installation Standards
- Uniform Code
- Manufacturer's Manual
- Sanitary Code Part 17

Local

- Location, lot size, setback
- Home site development

- Freestanding; permanent chassis
- 20-30% less expensive than site-built homes
- Privacy and amenities associated with home ownership



Across-the-board exclusion from municipality prohibited (*Town of Pompey v. Parker*)

Tools: Manufactured Housing Laws

N.Y. Executive Law, Article 21-B, Title 2, § 616, § 617, effective November 20, 2015

- A manufactured home that is affixed to a permanent foundation and conforms with the identical development specification and standards, including general aesthetic and architectural standards, applicable to conventional, site-built single-family dwellings in the residential district in which the manufactured home is to be sited, **shall be deemed to be a conforming single-family dwelling** for purposes of the applicable local zoning law or ordinance

Tools: Manufactured Home Parks

- What can local governments regulate:
 - Location
 - Lot size
 - Setback
 - Vehicle parking, etc
- Can require site plan review
- Should be reviewed the same way as any other single-family housing development
- Don't discriminate against manufactured housing



Senior Housing Needs

- Building affordable housing for seniors is generally less controversial
- Providing that housing can be difficult because many seniors live on fixed incomes
- Difficult for some senior homeowners to age in place
 - Rising tax burdens
 - Energy costs
 - Accessibility modifications to remain safe
 - Routine maintenance & repairs
- Aging population demographics; demand for affordable senior housing is higher than supply available



Tools: Zoning for Senior Housing

District or Zone

- Senior Housing District
- Retirement Community District
- Golden Age Housing District

Means of Implementation

- Overlay district
- Floating Zone



Missing Middle Housing

- A range of house-scale buildings with multiple units, compatible with detached single-family homes in walkable neighborhoods
- “Missing” because they were typically illegal to build since the mid-1940s and “middle” because they sit in the middle of the spectrum of houses from single-family to mid/high rise buildings
- Often serve as a transition to higher-density and main street contexts
- Form based zoning can encourage development



Naturally Occurring Affordable Housing (NOAH)

- Existing multifamily rental properties that are affordable without public subsidy to low-income households
- Constitutes the largest supply of affordable units in US
- Greatest risk of being lost due to market speculation and upgrades that result in higher rents and lost affordability
- Not well-tracked



Strategies: Naturally Occurring Affordable Housing

- Partner with local housing agencies or community loan funds to offer low-cost repair loans
- Connect landlords with local resources for assistance
- Tool libraries and repair workshops
- Partner with utilities to offer energy efficiency improvements



Tools: SEQR and Affordable Housing

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.

☐ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

SEQR: The Full Environmental Assessment Form, Part 2 has a question on Affordable Housing needs of the area of the proposed project.

Tools: Housing Boards & Regional Planning Commissions

Local Government Housing Boards

- Assess area and regional housing needs
- Research, promote, and coordinate funding
- Formulate/develop policy and programs
- Implement and monitor policies
- Observe rights of lower income households and homeless

Regional Planning Commissions

- Provide census data and analysis
- Forecast housing and employment numbers
- Coordination of plans
- Stormwater/sewer overflow regulations
- Coordination of housing with other related entities

Funding Programs

Housing Choice Voucher Program

- Founded in 1974, and originally known as “Section 8”
- Program provides vouchers to beneficiaries and covers enough that most people need to pay only 30% of their income on housing; housing subsidy is paid to the landlord directly by public housing agency
- Limited number of vouchers (2.2M nationwide), estimates less than a quarter of those who qualify receive assistance; waiting lists are often 10-20 years long
- Recipient has 2-4 months to find housing, or you lose the voucher

Low-Income Housing Tax Credit (LIHTC)

- Biggest federal program for creation of affordable housing
- If a development project meets criteria set by the state for housing, developers can apply for a tax credit
- Tax credits can be sold to investors, like banks, for cash that they can then use to build housing
- About \$100 billion in private capital has been leveraged through the credit since 1986

Low-Income Housing Tax Credit (LIHTC)

Two types of tax credits

9% new construction credit

- Extremely competitive
- Allows developer to claim about 9% of a project's qualified cost basis every year for 10 years
- If in a dire area for housing, credit can increase to 30%
- Credits usually cover about 60-70% of new housing construction or renovation costs

4% tax credit

- Less competitive
- Investors can claim some tax deductions based on depreciation and losses on projects
- These can be used to further reduce their income tax burden

Low-Income Housing Tax Credit (LIHTC)

Drawbacks

- During the Great Recession, the use of LIHTC to build and maintain housing fell by almost 50% from 116,000 units in 2004 to just over 61,000 units in 2010
- It has mostly recovered, but it's still behind
- Reducing corporate income taxes also reduces the value of the incentive to invest in tax credits like LIHTC, which means less affordable homes built
- After compliance period, buildings can be sold and converted to market-rate housing

HOME Investment Partnership Program

- Goal: Acquire, rehabilitate, construct affordable housing or provide assistance to low-income home-buyers or renters
- Period of affordability between 5-20 years
- Eligible applicants for funding: Local governments, nonprofits, public housing authorities, community development orgs
- Administered by NYS Housing Trust Fund Corporation

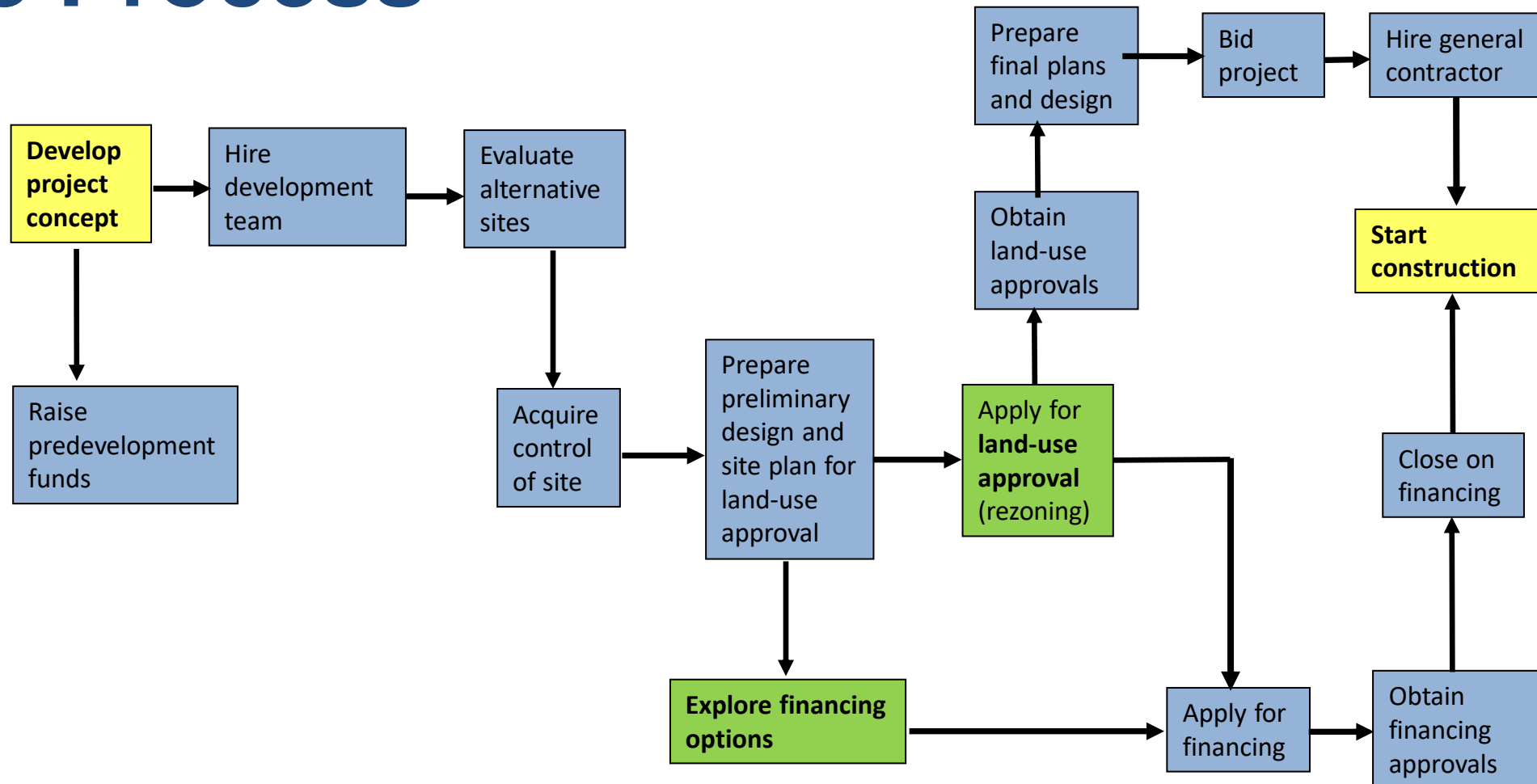
Community Development Block Grants (CDBG)

- Provides financial assistance to municipalities to develop affordable housing, and expand economic opportunity
- 3 types of housing projects are eligible for funding:
 - Housing rehab
 - Homebuyer down payment assistance
 - Private water/wastewater system assistance
- 70% of state's CDBG funds must be used to benefit low- and moderate-income people



Development Processes and Preservation

Building Affordable Housing The Process



Site Selection Criteria

Category	Elements	Key Questions
Zoning	Use, height, setback, coverage, parking, open space, design review	Is project consistent? If not, is variance or SUP needed?
Unit size mix	A mix of housing sizes, for various groups including single parent families, large families, seniors, and people with disabilities	What is adequate? Ideal? Universal design features? Combination of unit sizes effect project's impact on community.
Infrastructure	Sewer, water, roads	Available? If not, can it be brought in or provided on site?
Environmental Constraints	Wetlands, flood plains, steep slope, resources, contamination	If yes, can it be adequately mitigated?
Suitability	Access to public transportation, jobs, services, recreation	If not, can it be improved or provide services on-site?
Compatibility with surrounding uses	Proximity to incompatible uses	If yes, can it be mitigated through design or other means?
Special consideration or constraints	Historic district, farmland, easements, regional plans, specific funding program criteria	If yes, can it be addressed in ways that protect both?

The Process

Design

- Site selection
 - Near jobs and services
- Design for target group
 - Age distribution, number of children, single household families
 - Elderly, disabled, workforce housing, immigrants, ethnic, religious groups
- Economics: what design features can you afford to build
 - Income ranges- % of AMI
 - Subsidies; incentives; offsets

Type of Housing

- Apartments
 - Low rise; high rise
 - Garden apartments, townhomes
 - Unit sizes, location, universal design?
- Houses
 - Size
 - Same location or scattered?
 - Features; design
 - Traditional or condo

The Future



Trends Affecting Housing

Demographic, Geographic & Environmental Trends

- Supply shrinking; demand increasing
- Demographic shifts; losing or growing population; Aging population
- Movement back to the city and along urban waterfronts
- Many urban areas are located in 100-year floodplains
- Job types and locations may change; work from home; post-COVID recovery

Economic Trends

- Land scarcity in
 - Most desirable locations
 - Urban areas
- Complex government funding programs; subject to change
- Regulations slow development process
- Energy concerns
- Greater economic divide
- Financialization of housing
- Economy slow to recover
- Aging housing stock
- Stress from short term rentals
- “Durational stipulations” on some housing

Overcoming Neighborhood Opposition

- Be proactive
 - Neighborhood opposition typically occurs very early in the development process
- Use respect, not stereotypes
 - Show respect for residents and their anxieties
- Activate supporters
 - There might be a base of support that isn't the loudest group
- Craft the message carefully
 - “Affordable housing” can conjure images of crime-ridden public housing complexes; instead talk about the need for housing for your own community
- Leverage what you got
 - Personal stories from community members who need affordable housing can be incredibly powerful
- Think bigger and encourage neighbors to do so, too
 - Think about ways to encourage housing development by making it easier and faster for developers

Housing Preservation

- Preservation has economic and social benefits
 - Prevent loss of existing affordable housing
 - Ensure future affordable housing remains affordable
- Tools
 - Spatial mapping programs for comprehensive view
 - Preservation compacts- a collaborative & multipronged approach to affordable rental housing preservation
 - Analyzing data for at-risk properties
 - Facilitating partnerships across levels of government; reduce costs



What Can Local Governments Do to Help?

- Examine local housing data
 - Is this a problem in your community?
 - Are there ways to make it easier for development of affordable housing?
- Educate the public
 - Address regional housing needs in comprehensive plan but continue dialogue about the local need. Can young adults or aging seniors afford to stay?
- Examine local housing needs and think about ways to enhance
- Engage in public-private partnerships

Conclusions

- Address housing needs in Comprehensive Plan
- Educate public officials and constituency
- Encourage inclusionary housing policies
- Promote a variety of housing types and sizes
- Use land use tools to attain goals; consider addressing in zoning
- Foster regional partnerships and equality
- Partner with housing experts in your community

Resources

U.S. Department of Housing and Urban Development (HUD)

- Offers a low-rent apartment search for those who qualify for HUD housing assistance
- https://www.hud.gov/states/new_york/renting

NYS Homes and Community Renewal

- Main phone number: 1-866-ASK-DHCR (1-866-275-3427)
- Resources for Municipalities: <https://hcr.ny.gov/community-renewal>
- Housing search: <https://nyhousingsearch.gov/>

Resources: Manufactured Housing

- Manufactured Home Tenant's Bill of Rights: <https://hcr.ny.gov/summary-new-york-state-manufactured-home-park-tenants-rights-under-section-233-real-property-law>
- HCR Manufactured Home help hotline: 1-800-432-4210
- Mobile & Manufactured Home Replacement Program: <https://hcr.ny.gov/mobile-manufactured-home-replacement-program-mmhr>
- James A. Coon Technical Series: Municipal Regulation of Manufactured Housing: <https://dos.ny.gov/system/files/documents/2021/09/municipal-regulation-of-manufactured-housing.pdf>

Resources: Senior Housing

NYS Office for the Aging

- The Livable New York Resource Manual – goal is to help local officials, professionals and residents plan, zone and develop for livable communities, aging-in-place and sustainable neighborhoods – stressing future-based planning on evolving demographic trends
- Manual addresses housing, transportation, mobility, green buildings, energy alternatives and including planning
- <https://aging.ny.gov/livable-new-york-resource-manual>
- Senior Housing Regulations – Two Model Laws:
<https://dos.ny.gov/system/files/documents/2021/09/senior-housing-regulations-two-model-laws.pdf>

Other Resources:

Housing Agencies & Organizations

- National Low Income Housing Coalition - <https://nlihc.org/>
- National Housing Conference - <http://www.nhc.org/>
- NYSAFAH - NYS Association for Affordable Housing - www.nysafah.org
- SHNNY - Supportive Housing Network of New York - <http://shnny.org/>
- NY Housing Conference - <http://thenyhcn.org/>
- Neighborhood Preservation Coalition of NYS - <http://npcnys.org/>
- NYS Rural Housing Coalition - <https://ruralhousing.org/>
- NYC Department of Housing Preservation and Development - www.nyc.gov/hpd
- The Furman Center for Real Estate and Urban Policy - <http://furmancenter.org/>
- National Center for Assisted Living Report - <https://www.ahcancal.org/Assisted-Living/Pages/default.aspx>
- Senior Housing Network - <http://www.seniorhousingnet.com/>

New York Department of State

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