

New York State Assembly | Sheldon Silver, Speaker



2009 ANNUAL REPORT

committee on
Housing

Vito J. Lopez, Chair

December 15, 2009

Honorable Sheldon Silver
Speaker of the Assembly
Legislative Office Building
Albany, New York 12248

Dear Mr. Speaker:

I am pleased to present the 2009 Annual Report for the Assembly Committee on Housing highlighting the accomplishments of the past legislative session.

The Assembly advanced several packages of legislation important to the preservation and creation of affordable housing during the 2009 legislative session. The Assembly passed bills to expand the geographical protection offered by the Loft Law and to give loft tenants greater protections. The Assembly again passed a comprehensive package of bills to protect tenants from the continuing threat of buildings “buying out” of the Mitchell-Lama program. The Assembly also passed a package of 14 rent-regulation bills to address problems including rising rents and the loss of regulated housing due to deregulation measures under existing law. These bills also would increase civil penalties for harassment of a tenant (A.2002), prevent the loss of affordable housing units due to vacancy decontrol (A.2005), limit a building owner’s ability to recover rent-regulated apartments for personal use (A.1685), reduce the allowable rent increase following a vacancy (A.465-A), and require that rent surcharges resulting from major capital improvements cease once the cost of the improvement has been recovered (A.1928). Even though only a portion of the legislation was signed into law, the Assembly will continue to advance these bills in the next session and explore additional ways to preserve affordable housing.

The Committee held several public hearings in 2009. On January 16, 2009, the Housing Committee held a public hearing to determine what actions need to be taken to preserve the existing supply of rent-regulated housing in New York State. The Housing Subcommittee on Mitchell-Lama held a public hearing on April 23, 2009, to consider the current state of Mitchell-Lama

housing and to examine what actions can be taken to protect tenants living in current and former Mitchell-Lama buildings. On November 13, 2009, the Housing Committee, in conjunction with the Task Force on People with Disabilities, held a public hearing to examine the challenges that people with disabilities face in locating and securing adequate, accessible, and affordable housing. Additionally, the Housing Committee held a public hearing on December 14, 2009, to evaluate the effectiveness and efficiency of current housing programs in New York State, including programs operated by municipalities.

I am pleased with the many successes of the Committee and look forward to continuing our efforts in what is sure to be an exciting session ahead. I wish to extend my sincerest thanks to the members of the Committee, my staff, the staff of the Housing Committee, and to you, Mr. Speaker, for your commitment and support.

Sincerely,

A handwritten signature in black ink, appearing to read "Vito J. Lopez". The signature is fluid and cursive, with the first name "Vito" being the most prominent part.

Vito J. Lopez
Chairman

2009 ANNUAL REPORT
OF THE
ASSEMBLY STANDING COMMITTEE ON HOUSING

VITO J. LOPEZ, CHAIRMAN

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I. COMMITTEE JURISDICTION AND PURVIEW

The New York State Assembly Committee on Housing is composed of 28 members. The Committee is responsible for legislation concerning housing development and preservation. Its purview includes rent regulation, as well as legislation that amends the following volumes of the New York State Consolidated Laws:

- Multiple Dwelling Law, which encompasses health and safety standards for buildings with three or more families living independently of each other in New York City and Buffalo;
- Multiple Residence Law, which covers health and safety standards for buildings with three or more families living independently of each other in all localities other than New York City and Buffalo;
- Private Housing Finance Law, which governs the following state programs: Mitchell-Lama; Limited Dividend Companies; Redevelopment Companies; Housing Trust Fund; Affordable Home Ownership Development; Turnkey; Permanent Housing for Homeless Families; Infrastructure Development Demonstration; Mobile Home Cooperative Fund; Housing Development Fund; Neighborhood Preservation; Rural Preservation; Rural Area Revitalization; Rural Rental Assistance; Special Needs Housing; Urban Initiatives; Permanent Housing for Homeless Families; several New York City programs; and the administration of the State Housing Finance Agency and New York City Housing Development Corporation; and
- Public Housing Law, which covers the safety, management, and financing of local public housing authorities throughout the state.

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

II. LEGISLATIVE HEARINGS

A. The Preservation of the Existing Supply of Rent-Regulated Housing

On January 16, 2009, the Housing Committee held a public hearing to address the programs and initiatives directed toward affordable housing for low- and medium-income households. During the hearing, the Committee heard from the Legal Aid Society, the City-Wide Taskforce on Housing, the Rent Stabilization Association, and many representatives of housing advocates and tenants, in order to hear their opinions and ideas for improved regulation of housing. The Committee was particularly interested in testimony that addressed the efficacy of legislation passed in the previous year and the incentive programs being used to increase the supply of rent-regulated units. All witnesses agreed that the current economic climate makes it more difficult for the programs designed to help people with rent to achieve their purposes. Also tenant harassment and exploitation remains an issue when dealing with affordable housing. The success of this hearing led to the advancement of many proposals in the rent-regulation package.

B. The Effectiveness of Mitchell-Lama Housing, and the Actions that can be Taken to Preserve Existing Developments

On April 23, 2009, the Housing Committee held a hearing to explore one of its most important affordable-housing initiatives, Mitchell-Lama housing. This program has produced tens of thousands of affordable-housing units across New York State. However, in recent years the number of available units has begun to decrease due to corporations paying off the remainder of their low-interest loans, lawsuits filed to remove buildings from the program, and a lack of new units being developed for the existing program. Borough presidents, the commissioner of the New York City Department of Housing Preservation & Development, and many Mitchell-Lama housing advocates testified on behalf of the need for such housing and their concern that people with lower incomes would be forced out of their current apartments if such units left the program and moved to market rental rates. However, landlords wanted to leave the program to increase rents above the threshold that the program requires. The witnesses emphasized that it is extremely important to keep current buildings in the program, while providing owners proper incentives to agree to stay.

C. The Challenges that People With Disabilities Face in Securing Adequate and Affordable Housing

On November 13, 2009, the Housing Committee and the Task Force on People with Disabilities held a hearing on the housing needs of people with disabilities. People within New York's disabled community face unique challenges in securing housing that meets their specific needs. Among the main challenges has been finding housing that is accessible for people with disabilities and affordable for those who lived on fixed incomes. Witnesses testified that there is a shortage of housing for people with disabilities, and that affordable and adequate housing is an important component in integration to society. Also, many testified that state and city programs need to be

improved to expedite application processes for such housing, and that tenant discrimination must be addressed to ensure affordable and accessible housing will be attainable by those with disabilities.

D. The Evaluation of New York State's Current Housing Programs and the Budgetary Influence on These Programs

On December 14, 2009, the Housing Committee held a hearing to examine the effectiveness and efficiency of current housing programs in New York State and state-authorized programs in New York City. The hearing also explored the effect of this year's annual housing budget on these programs. The housing programs in the State of New York are designed to help those in need with all things regarding housing. This includes the search for affordable housing, capital improvements on current structures, financial assistance for loan or rent payments, and research on improving the current structure of these programs. The common theme at the hearing was the need for continued financial assistance to help run and improve the housing programs for the state. Given the economic climate, certain programs face a decrease in financial assistance, forcing them to cut spending.

III. 2009 LEGISLATIVE HIGHLIGHTS

A. State of New York Mortgage Agency (SONYMA) and Housing Finance Agency (HFA)

1. Increasing the HFA Bonding Cap

A.8528 Rules (Camara); Chapter 176 of the Laws of 2009

This legislation increases the maximum bonding authority of the New York State Housing Finance Agency (HFA) by \$500 million. This increases the total value of bonds that HFA may issue from \$13.78 billion to \$14.28 billion.

2. Extending the Sunset Date of SONYMA's Mortgage Insurance Fund

A.8691 (Lopez, V.); Chapter 192 of the Laws of 2009

This legislation extends the sunset date of the SONYMA Mortgage Insurance Fund until July 16, 2011, allowing the Fund to provide pool insurance for mortgages on one- to four-family homes on multi-family projects when loans are made by lenders who meet certain criteria.

3. Extending SONYMA's Authority to Purchase Mortgages and Issue Bonds

A.8529 (Lopez, V.); Chapter 177 of the Laws of 2009

This legislation extends SONYMA's authority to purchase forward commitment mortgages for an additional year from July 16, 2009, until July 16, 2010. This legislation also authorizes SONYMA to issue taxable and tax-exempt bonds for an additional year from July 16, 2009, until July 16, 2010. This section allows SONYMA to issue an additional \$300 million in bonds, increasing the total value of bonds that SONYMA may issue from \$8.42 billion to \$8.72 billion.

4. Expediting Additional Affordable Home Ownership Development Projects

A.3031 (Christensen) & A.3036 (Christensen); Passed Assembly

These bills would permit qualifying not-for-profit housing organizations involved in affordable home ownership development programs and rural area revitalization projects to apply up to ten percent of the program or project grant they are awarded toward the organization's operating expenses, including expenses related to the administration of the contract. They would also stipulate that no payment, loan, or grant under the affordable home ownership development program may exceed 60 percent of the project cost if an acquisition is involved or 100 percent of the project cost if there is no acquisition.

5. Revising the Definition of "Mortgage"

A.5753 (Lopez V.): Chapter 432 of the Laws of 2009

This law authorizes SONYMA to issue and insure second mortgages for down payment and closing cost assistance to potential homeowners. It provides that the term "mortgage" includes a loan owed to a bank secured by a second lien, under certain limited circumstances, if the second lien secures a loan purchased by the agency and is made at the same time as a first lien securing a loan purchased by the agency.

B. Mitchell-Lama Housing

Since the 1950s, the Mitchell-Lama program has provided affordable housing to moderate-income New Yorkers. More than 400 Mitchell-Lama developments, housing approximately 150,000 families, are scattered throughout the State. The continued viability of this housing remains a critical part of New York State's effort to ensure the availability of affordable housing for each of its citizens.

To date, owners of thousands of apartments have ended rental or sales restrictions that cover their buildings by repaying loans issued under the Mitchell-Lama guidelines. In New York City over 36,629 units have left the program and an additional 12,952 have begun the process to withdraw from the program. These "buy-outs" can have a devastating impact on the families living in these buildings as rents may double or triple when existing leases expire.

Since 1999, the Assembly has responded by passing bills designed to protect Mitchell-Lama tenants. The Committee continued to advance a package of legislation in 2009. Unfortunately, the Senate has not addressed this issue by passing the comprehensive package.

1. Conditioning Rent Increases on Maintenance of Essential Services

A.540 (Dinowitz); Passed Assembly

This bill would establish a definition of "essential services" for individuals living in Mitchell-Lama housing. It would also require landlords to provide all essential services, as defined by the bill, and would require that the dwelling accommodations be maintained in proper condition and any hazardous conditions that might exist be corrected.

2. Requiring Municipally-aided Projects to Post Waiting Lists

A.7681 (Lopez, V.); Chapter 322 of the Laws of 2009

This law requires all municipally-aided projects in New York City to post the first and last names of all persons on each waiting list maintained by such project in the

chronological order of receipt by the project's management office. If there is no management office on the site, the list would be posted in the project's lobby.

3. Strengthening Supervision of Mitchell-Lama Projects

A.859 (Bing); Passed Assembly

This bill would require the Division of Housing and Community Renewal or the New York City Department of Housing Preservation and Development, which supervise Mitchell-Lama housing projects, to take the necessary steps to remedy any violation or potential violation of applicable laws and regulations by the owners of Mitchell-Lama housing.

4. Protecting Former Mitchell-Lama Tenants

A.2498 (Pretlow); Passed Assembly

This bill would authorize municipalities in Nassau, Westchester, and Rockland counties to declare a housing emergency for former Mitchell-Lama buildings that have voluntarily dissolved pursuant to section 35 of the Private Housing Finance Law, thus subjecting those units to rent regulation. It would also provide rent and eviction protection to the tenants of buildings after they leave the supervision of the program.

5. Ensuring Early Notification of Mitchell-Lama Buy-Outs

A.2361 (Lopez, V.); Passed Assembly

This bill would require Mitchell-Lama housing companies that intend to dissolve to provide notice of such intention to all their leaseholders at least six months prior to the anticipated date of dissolution. The bill specifies certain information that must be included in the required notice, and it also requires that the commissioner or supervising agency prepare and make available to all tenants of the project a report within three months of receipt of the notice. The report would include the following information relating to the tenants, which would be broken down according to household income in \$5000 intervals: the number of dwellings and tenants in each income range; the number of tenants in each income range who are senior citizens; the number of tenants in each income range receiving rental assistance; and the number of tenants in each income range who are disabled.

6. Continuation of Limited Profit Housing Companies in New York City

A.2933 (Lopez, V.); Passed Assembly

This bill would alter several provisions that affect limited-profit housing companies and would provide incentives for these companies to remain in the Mitchell-Lama program. Additionally, the bill would grant additional protection to tenants. It would authorize Mitchell-Lama developments to pay dividends in excess of six percent with the approval of the Department of Housing Preservation and Development (HPD). The bill would also allow such developments to increase rents annually at a rate established by the New York City Rent Guidelines Board without a public hearing or approval from the supervising agency, when the owner and tenants association execute an agreement regarding their respective rights and obligations. Additionally, it would alter existing law so that post-1974

Mitchell-Lama rental developments that voluntarily dissolve would be covered by rent stabilization laws and would establish the initial rents if such a dissolution were to occur. Further, the bill would establish provisions to manage units that are occupied by individuals under the Section 8 voucher program.

7. Protecting Tenants from Rent Increases Based on Unique and Peculiar Circumstances

A.857-A (Bing); Passed Assembly

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

8. Allowing Starrett City to Finance for Redevelopment

A.8838 (Barron); Chapter 199 of the Laws of 2009

This law allows the commissioner of DHCR up to a year from the effective date to approve a loan and encumbrance in excess of the actual project cost of the Starrett City Mitchell-Lama development; in return the project must meet certain conditions including: the rents for tenants may not be increased for payment of any consequent increase in indebtedness attributed to project cost; the owner must agree to remain in the program for at least an additional thirty years from the loan issuance; and the greater of twenty-five percent or \$40 million of the proceeds must be dedicated to capital improvements of the existing structures and facilities.

C. Public Housing

The State of New York continues to play an important role in regulating and supporting the operation of public housing. Currently, over 18,000 units of state-regulated public housing are operated by 30 public housing authorities. In New York City alone, state-supervised public housing developments provide housing to over 30,000 people.

These developments, which play an important role in the state's efforts to provide affordable housing, desperately need additional assistance in order to make long overdue capital improvements. However, due to the inadequate levels of federal funding and funding provided through the state's Public Housing Modernization program over the last decade, many essential improvements and repairs continue to languish. Increased funding for modernization remains one of the Committee's top priorities.

1. Expanding the Rights of Public Housing Tenants

A.1401 (Wright); Passed Assembly

This bill would allow any organization composed of public housing tenants to use common areas owned by their housing authority to conduct meetings free of charge. It would require

meetings to be announced at least three days in advance, conducted during reasonable hours and in a peaceful manner.

D. Neighborhood and Rural Preservation Programs

The Neighborhood and Rural Preservation programs (NPP and RPP) provide grants to cover the costs of not-for-profit community groups engaged in a variety of housing activities ranging from housing development and rehabilitation to homebuyer counseling and tenant assistance. These not-for-profits are known as neighborhood and rural preservation companies (NPCs and RPCs). Since 1990, NPCs and RPCs have played an instrumental role in the creation of over 32,000 units of affordable housing. According to the New York State Division of Housing and Community Renewal (DHCR), for every dollar invested in NPCs and RPCs, \$20 and \$21 are leveraged respectively from private and other public sources for affordable housing. Earlier this year, a provision that removed the aggregate funding cap for NPCs and RPCs participating in these programs was incorporated into one of the budget bills. This will allow successful NPCs and RPCs to remain in the program and receive operational support from the state.

1. Affordable Home Ownership Development

A.3031 (Christensen); Passed Assembly

This bill would permit qualifying not-for-profit housing organizations involved in affordable home ownership development programs to apply up to ten percent of the program or project cost they are awarded to the organization's operating expenses, including expenses related to and the administration of the contract.

2. Facilitating Rural Area Revitalization

A.3036 (Christensen); Passed Assembly

This bill would permit qualifying not-for-profit housing organizations involved in certain rural area revitalization projects to apply up to ten percent of the program or project cost they are awarded to the organization's operating expenses, including expenses related to their operating support and the administration of the contract.

E. Cooperatives and Condominiums

The purchase of a cooperative or condominium is for many urban dwellers the preferred and often the only affordable form of home ownership. Buying a co-op or condo is often a complex process requiring a substantial investment of time and money on the part of the purchaser.

Upon purchase, a co-op shareholder or condo unit-owner acquires an interest in his or her individual dwelling unit and by virtue of the collective form of ownership, a substantial stake in the management of the property. But unlike owning a home, where an individual owner has the final say as to property management decisions, an elected board has these

responsibilities in a co-op or condo. Condo unit-owners elect a board of managers, while co-op shareholders elect a board of directors.

1. Requiring Notification of Rights

A.620 (Kavanagh); Passed Assembly

This bill would define a “self-dealing contract” and require sponsors of cooperative or condominium conversions to notify cooperative shareholders or condominium owners of their right, as provided by federal law, to terminate such a contract.

F. Department of Housing Preservation and Development (HPD)

New York City's housing needs are among the largest in the nation. As a result, the Housing Committee works with New York City's Department of Housing Preservation and Development (HPD) to ensure that those needs are met.

1. Reducing Liens for Municipally Financed Repairs

A.7247-A (Meng); Chapter 265 of the Laws of 2009

This law extends the city of New York’s authority to reduce the liens on Article 7-A properties to zero for municipally financed repairs. This will assist in encouraging reinvestment in these properties. Additionally, the law includes revised reporting requirements.

2. Restructuring Rent for Dwelling Units Acquired by the Federal Government

A.7473 (Lopez, V.); Chapter 414 of the Laws of 2009

This law grants New York City the authority to restructure the rents of dwelling units in buildings acquired by the federal government as a result of foreclosure of a mortgage loan insured or held by the government. This restructuring is contingent on the properties being rehabilitated, and the authority is extended to June 30, 2014.

G. Loft Law

Originally passed in 1982, the Loft Law provides a mechanism for legalizing commercial lofts in New York City that had been converted in the early 1980's to residential or combined commercial and residential use. The law also provides these residential tenants with protections against arbitrary evictions and rent hikes. The law was scheduled to expire on May 31, 2008, and these tenants, long-term residents of the city, many of whom provide strong support for its prominence in artistic fields, are threatened by changing demographics and need greater protections.

Currently it is estimated that in Brooklyn alone, 10,000 people who live in buildings zoned for commercial or manufacturing use are not protected by the existing Loft Law. When the

Assembly became aware of the large number of tenants threatened with eviction, it developed a package of bills to address the situation. By expanding the Loft Law, the Assembly seeks to increase the number of residents who would be covered under the existing statute and to provide important tenant protections for residents whose loft apartments are not currently covered.

1. Ensuring Continuation of Services

A.6940 (Lopez, V.); Passed Assembly

This bill would prohibit interruption of services in "would-be" interim multiple dwellings if the unit is used for residential purposes with the knowledge and consent of the owner. Essential services that have customarily been provided could be interrupted only for repairs, an emergency, or by order of a court or other governmental organization. The bill would further provide that if the services have been interrupted or discontinued, the owner must restore services for as long as residential occupancy continues.

2. Providing Additional Oversight and Remedies for Loft Dwellings and Residents

A.6368 (Glick); Passed Assembly

This bill would extend the Loft Law until May 31, 2014. It would also provide additional oversight for interim multiple dwellings, and would provide for additional remedies for residents of such dwellings when landlords fail to maintain the building or comply with the law. It would also protect tenants who have occupied their lofts for twenty years or more from eviction due to an owner's claim that he or she wants to use the unit or let a family member use the unit. Furthermore, this bill would make additional provisions relating to the financing of repairs to such dwellings.

3. Expanding Loft Law Coverage

A.5667-A (Lopez, V.); Passed Assembly

This bill would amend the definition of "interim multiple dwelling" to include buildings illegally occupied for residential purposes for at least one year, from January 1, 2008, to December 31, 2009. The bill would also extend the Loft Law to May 31, 2014.

H. Rent Regulation

New York's rent-regulation laws provide protection to over 2.5 million tenants throughout the state. The basis for both rent control and rent stabilization is a housing emergency, defined as a vacancy rate below five percent, which still exists in some areas of the state. Due to the existence of this emergency, government intervention is critical to protect tenants from unreasonable rent increases and evictions.

1. Detering and Penalizing Tenant Harassment

A.2002 (Silver); Chapter 480 of the Laws of 2009

This law amends the administrative code of New York City and increases the penalties for tenant harassment and violation of an order issued by the commissioner of the Division of Housing and Community Renewal (DHCR). It increases the penalty for tenant harassment by owners to \$2,000 for a first offense and up to \$10,000 for each subsequent offense. It increases the penalty for a violation of an order of the commissioner to \$1,000 for a first offense and to \$2,000 for each subsequent offense.

2. Limiting Recovery of Rent-regulated Housing for Owners' Personal Use

A.1685-A (Lopez, V.); Passed Assembly

This bill would limit an owner's ability to take possession of rental units for his or her personal use. It would prohibit an owner from recovering more than one unit for personal use and would prohibit recovery of any unit that has been occupied continually by the same tenant for twenty or more years.

3. Improving the Operations of Rent Guideline Boards

A.2736 (Brotsky); Passed Assembly

This bill would provide an additional three members as alternates to the nine-member rent guidelines board. They would represent, respectively, the public, landlords, and tenants. The alternates would be permitted to participate in all proceedings of the board as non-voting members. They would only be allowed to participate as voting members and receive a per diem when a regular member is unable to attend the proceeding.

4. Limiting Rent Increases after Vacancy

A.1686 (Lopez, V.); Passed Assembly

This bill would lower from 20 percent to 10 percent the amount a landlord could increase rent upon vacancy, and would prohibit a landlord from taking more than one such increase in any one calendar year.

5. Protection of Former Housing Choice Voucher Program Residents

A.1687 (Lopez, V.); Passed Assembly

This bill would extend rent and eviction protections, pursuant to the Emergency Tenant Protection Act of 1974, to tenants living in former federal Section 8 projects.

6. Repealing the Urstadt Law
A.1688 (Lopez, V.); Passed Assembly

This bill would amend the Local Emergency Housing Rent Control Act by removing the provision that prohibits cities of one million or more from strengthening rent-regulation laws to provide more comprehensive coverage than provided by state laws.

7. Limiting Deregulation of “Demolished” Housing Units
A.2558-B (Glick); Passed Assembly

This bill would define “demolition” for the purpose of deregulation as the complete razing of the entire building including exterior walls. It would also require the Division of Housing and Community Renewal to hold a hearing when the building contains rent-regulated units on the owners’ application for permission to demolish the building and DHCR must approve the application before demolition can proceed.

8. Limiting Increases of Preferential Rents
A.465-A (Jeffries); Passed Assembly

This bill would prohibit owners from adjusting the amount of preferential rent upon the renewal of a tenant’s lease. It would also prohibit the raising of a preferential rent upon vacancy if the vacancy is caused by the landlord’s failure to maintain the unit in a habitable condition.

9. Adjusting High-Income Decontrol Thresholds for Inflation
A.860 (Bing); Passed Assembly

This bill would increase the rent and income deregulation thresholds in cases of high-income decontrol. It would also provide for similar increases on a periodic basis in the future based on inflation.

10. Reforming Major Capital Improvement Rent Increases
A.1928 (O’Donnell); Passed Assembly

This bill would reform the method by which owners of rent-regulated buildings are compensated for major capital improvements (MCIs). In addition to improving the methodology for determining MCI rent increases, this bill would require that rent increases associated with MCIs be treated as a surcharge that would not become part of the legal regulated rent by which annual rent increases are calculated. It would also require that rent surcharges authorized for MCIs cease once the cost of the improvement has been recovered.

11. Removing Apartments from Rent Stabilization

A.2005 (Rosenthal); Passed Assembly

This bill would repeal provisions in the New York State and New York City statutes that allow landlords to remove apartments from rent control or rent stabilization upon being vacated if the monthly rental exceeds \$2,000. This would remove the incentive for landlords to falsify renovation costs in order to drive apartment rents above the deregulation threshold and would stop the loss of regulated units due to inflation.

12. Calculating Rent Increases for Apartment Improvements

A.5316-A (Silver); Passed Assembly

This bill would lengthen the time over which expenses are recovered for individual apartment improvements in regulated rental housing to seven years when calculating permissible maximum rent increases. The maximum rent for the affected housing accommodation would equal 1/84th of the total cost incurred by the landlord. The bill would also require the Division of Housing and Community Renewal to approve such increases for vacant apartments.

13. Submetering Rent Reduction Schedules

A.193-A (Hevesi); Passed Assembly

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

14. Challenging Deregulation and Claim of Overcharge

A.7598 (Jeffries); Passed Assembly

This bill would provide that the statute of limitations for challenging deregulation of a rent-regulated apartment and filing a claim of overcharge is properly tolled if the landlord does not file and serve the appropriate notice to the new tenant. This notice would include the last regulated rent, the reason it is not subject to this act of the Emergency Housing Rent Control Law, an explanation of how the new rent was derived, and a statement that the last legal rent can be verified by contacting DHCR. The amount of additional time an individual has to challenge the deregulation of a unit would be equal to the amount of time the landlord fails to file the notice.

I. Other

1. Providing Funding for Projects in Former Brownfield Sites

A.2364 (Lopez); Passed Assembly

This bill would direct the commissioner of the Division of Housing and Community Renewal and the Affordable Housing Corporation to grant preference in the award of Housing Trust Fund and Affordable Homeownership Development contracts during unified funding rounds to economically feasible projects that are located on brownfield sites, provided that the brownfield site has received a certificate of completion from the Department of Environmental Conservation.

2. Meeting the Need for Affordable Housing in the Peconic Bay Region

A.4071 (Thiele); Passed Assembly

This bill would create the Peconic Bay Region Housing Opportunity Act, which would establish a community housing opportunity fund to provide loans to eligible residents.

3. Increasing the Minimum Heating Requirement

A.5698 (Lopez, V.); Passed Assembly

This bill would provide that certain multiple dwellings must be heated to a minimum temperature of 62 degrees Fahrenheit from October 1 to May 31 between 10 p.m. and 6 a.m. The current minimum temperature requirement is 55 degrees Fahrenheit.

4. Leasehold Condominiums

A.1569-A (Bing); Chapter 234 of the Laws of 2009

This law authorizes the development of a leasehold condominium building in Manhattan by allowing the New York City Educational Construction Fund to build condominiums, bound on a block located between 2nd and 3rd avenues, and 56th and 57th streets.

5. Ezra Prentice Homes Project

A.6329-B (Canestrari); Chapter 368 of the Laws of 2009

This law authorizes the Albany Housing Authority, with the approval of the commissioner of the Division of Housing and Community Renewal, to refinance the Ezra Prentice Homes project for the purpose of rehabilitating the project for low-income families.

6. New York Main Street Program

A.7967-A (Hoyt); Chapter 389 of the Laws of 2009

This law creates the New York Main Street Program to be administered by the Housing Trust Fund Corporation (HTFC). The purpose of the program is to provide support for the renewal of cities, towns, and villages by providing funds from the HTFC for streetscape

improvement, façade renovation, and building rehabilitation. Contracts may not exceed \$500,000.

7. Affordable Rental Housing Applications

A.5888-A (Lopez, V.); Passed Assembly

This bill would define an “affordable rental housing development.” Additionally, it would allow any person or entity whose application for such housing is denied or is approved with restrictions that would have a substantial adverse effect on the economic viability of the proposed affordable housing development to apply to the supreme court of that locality for relief.

8. Accessible Housing for Those With Disabilities

A.7851 (Titus); Passed Assembly

This bill would require that any program that is receiving federal assistance must adhere to section 504 of the Federal Rehabilitation Act and make their housing accessible and marketable to those eligible applicants with disabilities.

9. Approval of a Real Property Tax Abatement

A.5567-A (Lopez, V.); Chapter 73 of the Laws of 2009

This law requires that the local legislative body responsible for approving or disapproving a requested tax exemption for a Housing Development Funding Company do so within 120 days of its receipt of submission.

10. Extension of Housing Finance Agency’s Authority to Finance of Multi-Family Housing

A.7087-A (Barron); Chapter 76 of the Laws of 2009

This law amends the Private Housing Finance Law and Real Property Tax Law to allow the Housing Development Corporation to continue to assist the financing of newly constructed and rehabilitated low- and moderate-income housing in New York City by entering into direct loan agreements as well as joint financing programs for an additional two years.

11. Approval of Loan and Encumbrance

A.8112 (Bing); Chapter 273 of the Laws of 2009

This law permits the supervising agency to approve a loan and encumbrance in an amount in excess of the actual cost of the project when a redevelopment company undergoes a comprehensive redevelopment plan, provided that such cost represents capital improvements, redevelopment, or acquisition by a new owner. Any consequent rent increase must not be unduly burdensome on the tenants. Furthermore, the company must agree to stay subject to these provisions for no less than fifteen years.

12. Removal of Unsanitary Conditions in a Rehabilitation Project

A.8842 (Crespo); Chapter 408 of the Laws of 2009

This law authorizes the New York City Department of Housing Preservation and Development to issue loans to owners of multiple dwellings to remove substandard or unsanitary conditions to be paid back by the end of the life of the rehabilitation project, which is defined as no longer than thirty years, or a shorter period as determined by the agency. Each loan shall not exceed \$35,000 per dwelling unit.

IV. 2009 BUDGET HIGHLIGHTS

A. Mortgage Insurance Fund Projects

Legislative Appropriation

Subprime Assistance \$25 million

This program provides assistance to homeowners who have subprime or unconventional mortgages and who are facing default or foreclosure. The funds go to not-for-profit agencies and legal assistance providers who provide homeowners with mediation services, legal representation, and counseling regarding mortgage default and credit issues.

B. DHCR Capital Projects

Low Income Housing Trust Fund

\$29 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.

Affordable Housing Corporation

\$25 million

This program provides grants and loans of up to \$35,000 per unit (plus an additional \$5,000 in high-cost areas) for rehabilitation and new construction of one- to four-family dwellings for low- to moderate-income New Yorkers.

Public Housing Modernization Program

\$12.8 million

This program provides funding to modernize state-aided public housing projects and to address structural problems that threaten the safety of tenants.

Homes for Working Families Program

\$7 million

The Homes for Working Families program helps finance the construction and rehabilitation of rental housing projects for low-income families and senior citizens. This program will receive the \$7 million recommended by the governor for the upcoming year.

HOPE/Restore

\$400,000

The HOPE/RESTORE program provides funds to help elderly residents make emergency repairs needed to eliminate hazardous conditions when the homeowner cannot afford to make repairs in a timely fashion. This program will receive the \$400,000 recommended by the governor in funding for the coming year.

C. Aid to Localities

Neighborhood Preservation Program

\$13.8 million

The Neighborhood Preservation Program fosters community preservation and renewal throughout New York State by providing funds to groups that perform community preservation and renewal activities. Such activities include providing services related to home ownership financial counseling, tenant and client assistance services, and housing management for the benefit of people with low- to moderate-incomes. Funds may be used for administration and planning expenses necessary to carry those activities out. The executive proposed this year that the Neighborhood Preservation Program receive only \$8.2 million in funding. However, during budget negotiations the Legislature added approximately \$5.6 million in additional funding to support this program.

NYCHA Tenant Patrol Pilot Program

\$742,000

The Tenant Patrol Pilot Program helps ensure that state-constructed housing developments remain safe and free from crime by providing monthly stipends to tenants and other volunteers who serve as the “eyes and ears” of the police by patrolling housing developments and community and senior centers. This program will receive almost \$1 million in new funding for the coming year. In this year’s budget the executive would have eliminated all funding for this program. During budget negotiations the Legislature added \$742,000 to ensure this program continues to receive financial support.

Rural Preservation Program

\$5.8 million

The Rural Preservation Program fosters community preservation and renewal in the rural areas of New York State by providing funds to groups that perform community preservation and renewal activities. Such activities include providing services related to home ownership financial counseling, tenant and client assistance services, and housing management for the benefit of people with low- to moderate-incomes, and funds may be used for administration and planning expenses necessary to carry those activities out. During this year’s budget negotiations the executive initially proposed that this program only receive \$3.6 million in funding. The Legislature added an additional \$2.2 million in funding to support this program.

Rural Rental Assistance

\$16.1 million

The Rural Rental Assistance Program helps low-income families and the elderly afford their rent payments by providing direct rent subsidies to owners of multi-family housing projects in rural areas of New York State. Eligible owners include public housing authorities, non-profit corporations, and companies associated with the Housing Development Fund, the Mitchell-Lama Program, and the Rural Preservation Program. This program will receive \$16.1 million in funding for the coming year.

Lead Paint Poisoning Demonstration Program **\$150,000**

This demonstration program provides funding to eligible not-for-profits to help them identify lead paint risks, educate and relocate families/individuals impacted by lead poisoning, and assist in abatement activities. This program will receive \$150,000 for the coming year.

D. Federal Stimulus Funds

Low-Income Weatherization Program **\$305.6 million**

This program provides grants to improve the energy efficiency of low-income households. The program was expanded to allow for additional funds to be used for training and technical assistance. Additionally, income thresholds and awards were expanded so a larger portion of the population will be able to qualify.

Tax-Credit Assistance Program **\$253 million**

These funds will be used in connection with the federal tax-credit program. The additionally money will be used to generate affordable housing for low- and middle-income households through the sale of tax-credits to investors. Funds will be directed to projects that are having difficulty gathering the necessary funds to begin development.

Public Housing Capital Funds **\$502.3 million**

These funds will go directly to municipal housing authorities located throughout the state. The usage of the funds is left to the discretion of the local housing authority. This money is designed to assist the housing authorities with operational and maintenance costs.

Community Development Block Grant **\$92.4 million**

Community Development Block Grants are used for a wide variety of activities including: homeownership; maintenance of city-owned units; senior services; daycare services; homeless services; emergency demolition; vacant lot clean-up; planning and policy analysis; and parks and recreation areas. These funds were awarded to dozens of municipalities across the state.

V. OUTLOOK FOR 2010

The challenge of providing safe and affordable housing in New York State is continually increasing due to the current continued budget shortfalls during our difficult economic climate. The Committee seeks to achieve this goal by developing policies that leverage private resources, encourage individual home ownership, lead to the creation of new housing opportunities, and lower the cost of affordable housing development. The Assembly's commitment to housing remains strong, and the Committee is eager to work with the executive and Senate to realize this commitment and develop new policies to ease the statewide housing crisis.

One of the top priorities for the Housing Committee in the upcoming session will be to improve the laws governing rent regulation so that tenants are protected and so that working families do not lose their homes. Especially during our current economic state, people with low and middle incomes cannot afford continual rent increases that would eventually force them out of their currently affordable housing. That is why tenant protections need to be expanded by repealing vacancy decontrol and by requiring proper repairs to apartments and buildings to improve living conditions for tenants.

The Committee will also focus on continuing the Service Contract Obligation Revenue (SCOR) Bond program to ensure an uninterrupted flow of state resources to affordable housing development. Since 1991, the SCOR Bond program has financed the rehabilitation and/or construction of over \$1 billion of affordable housing throughout New York State.

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

The subprime lending crisis continues to have a severe, deleterious impact on the housing market. Many people are being forced out of their homes due to burdensome mortgages, which they entered without accurate disclosure by the lenders. The Housing Committee will work with other Assembly committees and housing advocates to ameliorate the effects this crisis.

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

I look forward to my seventeenth year as chairman with enthusiasm and will make every effort to uphold the Assembly's commitment to quality, affordable housing for all of New York State's citizens.

APPENDIX A
2009 Summary Sheet
Summary of Action on All Bills Referred to the Committee on Housing

<u>FINAL ACTION</u>	<u>ASSEMBLY</u> <u>BILLS</u>	<u>SENATE</u> <u>BILLS</u>	<u>TOTAL</u> <u>BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	19	0	19
TO FLOOR; RECOMMITTED AND DIED	0	0	0
TO WAYS AND MEANS	15	0	15
TO CODES	12	0	12
TO RULES	8	0	8
TO JUDICIARY	0	0	0
TOTAL	54	0	54
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO JUDICIARY COMMITTEE	1	0	1
TOTAL	1	0	1
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED	0	3	3
RECALLED	0	0	0
TOTAL	0	3	3
BILLS DEFEATED IN COMMITTEE			
BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE	2	0	2
BILLS NEVER REPORTED, HELD IN COMMITTEE	204	0	204
BILLS HAVING ENACTING CLAUSES STRICKEN	6	0	6
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	267	3	270
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	9		

APPENDIX B
Bills That Passed the Assembly

BILL #	SPONSOR	SUBJECT
A.193-A	Hevesi	Would establish procedures for the Division of Housing and Community Renewal (DHCR) and New York Rent Guidelines Board to ensure fair rent-reduction schedules of apartments with electricity factored into the base rent.
A.465-A	Jeffries	Would prohibit an owner from increasing the amount of preferential rent upon the renewal of a lease and would allow the owner to make such adjustments only upon a vacancy that is not the result of the failure of the owner to maintain a habitable residence.
A.540	Dinowitz	Would ensure the delivery of essential services in Mitchell-Lama housing by requiring the delivery of those services and the correction of any hazardous conditions that might exist prior to the Division of Housing and Community Renewal approval of rent-increase applications.
A.620	Kavanagh	Would define a “self-dealing contract” and require sponsors of co-op or condominium conversions to notify unit owners or tenant shareholders of their right to terminate such contracts.
A.857-A	Bing	Would protect tenants in Mitchell-Lama developments that become subject to rent stabilization or the Emergency Tenant Protection Act by prohibiting an owner from applying for a rent increase based on a claim that the transition is a “unique and peculiar circumstance” when a project withdraws from the program.
A.859	Bing	Would require agencies that supervise Mitchell-Lama developments to take the necessary steps to remedy violations of the applicable laws and regulations by owners of such Mitchell-Lama developments.
A.860	Bing	Would increase the thresholds for high-income decontrol and provide for annual adjustments in the future.
A.1401	Wright	Would allow public housing tenants to conduct reasonable meetings free of charge in common areas of their building.
A.1685-A	Lopez, V.	Would limit the ability of a landlord to take possession of rental units for his or her own personal use; would limit such recovery to a single unit per landlord and prohibit any recovery if a tenant has occupied the unit for twenty or more years.
A.1686	Lopez, V.	Would decrease from 20 percent to 10 percent the amount a landlord could increase rent upon vacancy, and would prohibit a landlord from making more than one increase in any one calendar year.

BILL #	SPONSOR	SUBJECT
A.1687	Lopez, V.	Would extend rent and eviction protections, pursuant to the Emergency Tenant Protection Act of 1974, to tenants living in former federal Section 8 projects.
A.1688	Lopez, V.	Would amend the Local Emergency Housing Rent Control Act by removing the provision that prohibits cities of one million or more from strengthening rent-regulation laws to provide more comprehensive coverage than provided by state laws.
A.1928	O'Donnell	Would establish a new methodology by which owners of rent-regulated buildings are compensated for major capital improvements (MCIs). Would require that rent increases associated with MCIs be treated as a surcharge that would not become part of the legal regulated rent by which annual rent increases are calculated and would require that rent surcharges authorized for MCIs cease once the cost of the improvement has been recovered.
A.2005	Rosenthal	Would repeal provisions in the New York State and New York City statutes that allow apartments to be removed from rent stabilization or rent control upon being vacated if the rent exceeds \$2,000 per month.
A.2361	Lopez, V.	Would require Mitchell-Lama housing companies that intend to dissolve into private ownership to provide notice of such intention to all their leaseholders at least six months prior to the anticipated date of dissolution.
A.2364	Lopez, V.	Would give preferences to former brownfield sites with respect to Division of Housing and Community Renewal (DHCR) unified funding rounds. Would also provide that the commissioner of DHCR has discretion to determine contract awards through a competitive application process.
A.2498	Pretlow	Would provide rent and eviction protection to the tenants in former Mitchell-Lama buildings by allowing municipalities in Nassau, Westchester, and Rockland counties to extend rent stabilization to the building after it leaves the Mitchell-Lama program.
A.2558-B	Glick	Would define "demolition" for purposes of deregulation under the Rent Stabilization Law as the complete razing of the entire building, including exterior walls. Would also require owners seeking deregulation to demonstrate good faith in a hearing before the Division of Housing and Community Renewal.

BILL #	SPONSOR	SUBJECT
A.2736	Brodsky	Would provide an additional three members as alternates to the nine-member rent guidelines board. These new members would represent the public, landlords, and tenants.
A.2933	Lopez, V.	Would authorize municipally aided Mitchell-Lama rental developments in New York City to pay dividends or interest in excess of six percent per year with the approval of the Department on Housing Preservation and Development. Would also provide rent stabilization protection for tenants in Mitchell-Lama developments that still choose to buy out of the program. Would exempt developments where the tenants association and owner have executed an agreement regarding their respective rights and obligations.
A.3031	Christensen	Would permit qualifying not-for-profit housing organizations involved in affordable home ownership development programs to apply up to ten percent of the program or project cost they are awarded toward the organization's operating expenses, including expenses related to and the administration of the contract.
A.3036	Christensen	Would permit qualifying not-for-profit housing organizations involved in certain rural area revitalization projects to use up to ten percent of the program or project cost they are awarded for the organization's operating expenses, including expenses related to operating support and the administration of the contract.
A.4071	Thiele	Would assist in easing the need for affordable housing in the Peconic Bay region by creating the Peconic Bay Region Workforce Housing Opportunity Act, which would establish a community housing opportunity fund to provide loans to eligible residents.
A.5316-A	Silver	Would lengthen the time in which expenses are recovered for individual apartment improvements in rental housing to seven years when calculating permissible monthly rent increases. Would authorize the Division of Housing and Community Renewal (DHCR) to approve such increases for vacant apartments.
A.5667-A	Lopez, V.	Would amend the definition of "interim multiple dwelling" to include buildings occupied for residential purposes for twelve consecutive months during the period starting January 1, 2008, and ending December 31, 2009, and extend existing Loft Law protections to tenants in these buildings . Would also extend the Loft Law to May 31, 2014.

BILL #	SPONSOR	SUBJECT
A.5698	Lopez, V.	Would provide that multiple dwellings of two stories or more must be heated to a minimum temperature of 62 degrees Fahrenheit from October 1 to May 31 between 10 pm and 6 am.
A.5888-A	Lopez, V.	Would allow any person or entity whose affordable rental housing application is denied or is approved with restrictions that would have a substantial adverse effect on the economic viability of the proposed affordable housing development to apply to the supreme court in that locality for relief.
A.6368	Glick	Would extend the Loft Law until May 31, 2014. Would also provide additional oversight for interim multiple dwellings, and would provide for additional remedies for residents of such dwellings if the owner fails to comply with applicable laws.
A.6940	Lopez, V.	Would prohibit owners who have rented commercial spaces for residential purposes from interrupting or discontinuing any services that have customarily been provided to the residential tenants. Would further provide that if the services have been interrupted or discontinued, the owner must restore such services for so long as residential occupancy continues.
A.7598	Jeffries	Would provide that the limitations period for challenging deregulation of a rent-regulated apartment and claim of overcharge is tolled if the landlord does not file and serve the appropriate notice.
A.7851	Titus	Would require any program or activity receiving federal assistance to adhere to the Federal Rehabilitation Act, and make its housing accessible and marketable to those with disabilities.

APPENDIX C
Bills Signed into Law by the Governor

CHAPTER	BILL and SPONSOR	SUBJECT
234	A.1569-A Bing	Allows for the renovation of two education facilities by allowing the New York City Educational Construction Fund to build leasehold condominiums on the same property, which is located in Manhattan.
480	A.2002 Silver	Amends the administrative code of the city of New York and the emergency tenant protection act of 1974 in relation to civil penalties imposed for violation of administrative orders or for harassment of tenants to obtain vacancy of unit.
73	A.5567-A Lopez, V.	Ensures that when a Housing Development Fund Company is eligible for a real property tax through Article 11, the local legislative body who approves the exemption must act within 120 days of its submission. This law only applies to cities with a population of one million or more.
432	A.5753 Lopez, V.	Would provide that the term "mortgage" in the statute setting forth the powers of the State of New York Mortgage Agency shall also include a loan secured by a second lien on real property located in the state and improved by a residential structure, provided, however, that such second lien secures a loan purchased by the Agency and is made at the same time as a first lien securing a loan purchased by the Agency.
368	A.6329-B Canestrari	Authorizes the Albany Housing Authority to refinance the Ezra Prentice Homes project for the purpose of rehabilitation.
76	A.7087-A Barron	Allows the Housing Development Corporation (HDC) to continue to finance certain low- and moderate-income housing in New York City for an additional two years.
265	A.7247-A Meng	Extends for an addition three years the authority of the city of New York to eliminate the liens on Article 7-A properties for municipally financed repairs. Additionally, it amends the reporting requirements in order to account for this three year extension.
414	A.7473 Lopez, V.	Extends the authority of New York City to restructure the rents of dwelling units in buildings acquired by the federal government as a result of foreclosure of a mortgage loan insured or held by the federal government. This authority now will expire on June 30, 2014.

CHAPTER	BILL and SPONSOR	SUBJECT
322	A.7681 Lopez, V.	Requires all municipally aided Mitchell-Lama projects in New York City to post the names of all persons on each waiting list maintained in the lobby of the project.
389	A.7967-A Hoyt	Establishes the New York Main Street Program, and designates the Housing Trust Fund Corporation as the administering organization.
273	A.8112 Bing	Provides that when a redevelopment company undergoes a redevelopment plan, the supervising agency may approve a loan and encumbrance of such property in an amount in excess of the project cost, provided that it represents the costs for capital improvements, redevelopment, or acquisition by a new owner.
176	A.8528 Rules (Camara)	Extends the New York State Housing Finance Agency's authority to issue bonds until June 30, 2011, and increases the Agency's maximum bonding authority to \$14.28 billion.
177	A.8529 Rules (Lopez)	Extends the authority of the State of New York Mortgage Agency (SONYMA) until July 16, 2010, to purchase forward commitment mortgages and to issue new tax-exempt bonds and taxable bonds. Further, it increases the maximum bonding authority of SONYMA to \$8.72 billion.
192	A.8691 Lopez, V.	Extends the sunset date of various provisions of the Mortgage Insurance Fund until July 16, 2011.
199	A.8838 Barron	Allows Starrett City to finance in excess of its actual project costs for redevelopment and capital improvements in return for thirty additional years in compliance with the provisions of the Mitchell-Lama program.
408	A.8842 Crespo	Requires each note loaned to owners of multiple dwellings to remove substandard or unsanitary conditions to be paid back within thirty years or such shorter period as determined by the supervising agency.