File #: Int 1031-2023, **Version:** A

Int. No. 1031-A

By The Speaker (Council Member Adams) and Council Members Sanchez, Salamanca, Riley, Louis, Ayala, Powers, Abreu, Avilés, Bottcher, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Rivera, Stevens, Ung, Velá zquez, Williams, Won, Brewer, Hanks and Brooks-Powers

A Local Law to amend the New York city charter, in relation to a fair housing plan, and to repeal local law number 133 for the year 2018, relating to affordable housing plans

Be it enacted by the Council as follows:

Section 1. Local law number 133 for the year 2018 is REPEALED.

§ 2. Chapter 1 of the New York city charter is amended is by adding a new section 16-a to read as follows:

§ 16-a. Fair housing plan and housing reports. a. Definitions. As used in this section, the following terms have the following meanings:

Administrating agency. The term “administrating agency” means an office or agency designated by the mayor to implement the provisions of this subdivision.

Affordable dwelling unit. The term “affordable dwelling unit” means an income-restricted dwelling unit in an affordable housing building.

Affordable housing. The term “affordable housing” means a residential building subject to a regulatory agreement, restrictive declaration, or other similar instrument with a federal, state, or city governmental entity or instrumentality that provides for the creation of one or more affordable dwelling units.

Anti-displacement and anti-harassment resources. The term “anti-displacement and anti-harassment resources” means initiatives developed or provided by a city agency that are intended to protect tenants from

residential displacement, including but not limited to legal services, education, outreach, and targeted inspection and enforcement by the department of housing preservation and development or the department of buildings.

Deeply affordable housing unit. The term "deeply affordable housing unit" means an affordable housing unit required, pursuant to a regulatory agreement, restrictive declaration, or other similar instrument with a federal, state, or city governmental entity or instrumentality, to be affordable to a household that has an income of no more than 60 percent of the area median income adjusted for the size of the household.

Equitable development data tool. The term "equitable development data tool" means the online resource that provides data about housing affordability, displacement, and racial equity in the city created and maintained by the department of housing preservation and development and the department of city planning pursuant to section 25-117 of the administrative code.

High displacement-risk area. The term "high displacement-risk area" means a community district that the administrating agency determines is in an area where tenants are within the upper 2 quintiles of risk of displacement based on the displacement risk index of the equitable development data tool, and any other factor deemed relevant by such administrating agency.

Housing serving formerly homeless households. The term "housing serving formerly homeless households" means a dwelling unit dedicated to formerly homeless individuals or families, inclusive of supported housing units accessible to tenants at risk of homelessness.

HUD. The term "HUD" means the federal department of housing and urban development.

Limited affordability area. The term "limited affordability area" means a community district at or below 30 percent of all community districts ranked by number of low-cost dwelling units as determined by the administrating agency, provided, however, that such administrating agency may by rule adopt a different definition of limited affordability area based on updated technical standards or data that is consistent with the intent of the definition provided herein.

Neighborhood equity investments. The term "neighborhood equity investments" means capital and programmatic public investments designed to address structural disadvantages that residents of a neighborhood experience because of the race, ethnicity, disability, religion, or other protected characteristic of the residents of such neighborhood.

Overcrowding. The term "overcrowding" has the meaning ascribed to such term in the New York city housing and vacancy survey, as required by the local emergency housing rent control act, chapter 21 of the laws of 1962.

Preservation. The term "preservation" means financial assistance for existing residential buildings provided by a city, state, or federal government entity.

Rent burdened. The term "rent burdened" means paying more than 30 percent of household income toward rent and utilities.

Underserved area. The term "underserved area" means a community district determined by the administrating agency to have structural disadvantages associated with the race, ethnicity, disability, religion, or other protected characteristics of its residents, including disparate access to high-quality resources and services.

b. Fair housing plan. In accordance with the schedule required for the submission of a fair housing plan required by HUD, or in the absence of such required schedule no later than October 1, 2025 and every 5 years thereafter, the administrating agency shall submit a fair housing plan to the mayor and the speaker of the council and post such plan on its website. Such plan shall include, but need not be limited to:

1. An analysis of citywide data relating to fair housing, including but not limited to fair housing data provided by HUD and any other data the administrating agency determines to be necessary and appropriate for affirmatively furthering fair housing;

2. Policy goals and strategies, responsive to data, policy analysis, and public engagement conducted by the administrating agency, that affirmatively further fair housing. Such goals and strategies shall include, but need not be limited to:

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(a) Combatting discrimination;

(b) Facilitating equitable housing development;

(c) Preserving existing housing and combatting residential displacement;

(d) Strengthening rental assistance programs and addressing discrimination based on lawful source of income in accordance with section 8-107 of the administrative code;

(e) Creating independent and integrated living options for individuals with disabilities;

(f) Making public investments to address discrimination, segregation, and poverty; and

(g) Any other fair housing issues identified by the administrating agency through public engagement.

c. Long-term housing needs assessment. No later than 1 year after the date required for the submission of a fair housing plan pursuant to subdivision b of this section, the administrating agency shall conduct a citywide assessment of the total number of housing units, affordable housing units, deeply affordable housing units, and housing serving formerly homeless households that such agency determines is needed to provide housing opportunity for households of all socio-economic levels. Such analysis shall consider, among other factors deemed relevant by the administrating agency: expected changes in total population, jobs, and housing units; demographic trends in the composition of the city's population, including aging; overcrowding and prevalence of rent burdened households; and other relevant data from the equitable development data tool.

d. Housing production targets. No later than 1 year after the submission of a fair housing plan pursuant to subdivision b of this section, the administrating agency shall submit to the mayor and the speaker of the council and post on its website:

1. A 5-year citywide housing production target for each of the following housing types: total housing units; affordable housing units; deeply affordable housing units; housing serving formerly homeless households; and the preservation of housing units. In determining such targets, the administrating agency shall consider, among other factors it deems relevant, the long-term housing needs assessment developed pursuant to subdivision c of this section.

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2. For each community district, 5-year housing production targets for the following housing types identified in paragraph 1 of this subdivision: total housing units; affordable housing units; deeply affordable housing units; and housing serving formerly homeless households. In determining such targets, the administrating agency shall consider, among other factors it deems relevant:

(a) The total number of housing units, affordable housing units, deeply affordable housing units, and housing serving formerly homeless households produced over the previous 10 years;

(b) A community district's status as a limited affordability area or a high displacement-risk area;

(c) Relevant data from the equitable development data tool or other sources on access to transit, employment opportunities, open space, and other neighborhood amenities and public services; and

(d) Impacts associated with climate change.

e. Strategic equity framework. No later than 1 year after the submission of a fair housing plan pursuant to subdivision b of this section, the administrating agency shall submit to the mayor and the speaker of the council and post on its website a strategic equity framework that assesses obstacles to and identifies goals and strategies for furthering fair housing citywide and across community districts. Such framework shall include, but need not be limited to:

1. An assessment of progress toward the housing production targets identified in subdivision d of this section;

2. An assessment of obstacles to furthering fair housing across community districts and strategies to overcome those obstacles including but not limited to the construction of new rental housing, new affordable housing, new deeply affordable housing units, new housing serving formerly homeless households, or new multi-family housing, the preservation of existing housing, zoning or other regulatory changes, anti-displacement and anti-harassment resources, and mobility counseling and related supports. Such assessment shall include relevant data from the equitable development data tool and any other data deemed relevant by the administrating agency;

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3. An assessment of obstacles to citywide housing access experienced by older adults, households experiencing homelessness, and households exiting the shelter system, including obstacles to the construction of new affordable housing and new housing serving formerly homeless households, preservation of existing affordable housing, homeowner resources, rental assistance, and any other program or service designed to expand housing access, and strategies to overcome those obstacles;

4. An assessment of obstacles to citywide housing stability experienced by households at risk of displacement, including obstacles to accessing anti-displacement and anti-harassment resources or preservation programs in high displacement-risk areas, and strategies to overcome those obstacles; and

5. An assessment of obstacles to increasing the amount of neighborhood equity investments in underserved areas and strategies to overcome those obstacles.

f. Public input. 1. The administrating agency shall release a preliminary version of the plan required by subdivision b available at least 30 days before the submission of such final plan.

2. In developing the plan required by subdivision b of this section, the administrating agency shall meet with the public prior to the submission of such final plan to address borough-specific considerations, provided that at least one such meeting shall occur after the release of the preliminary plan.

3. In developing the long-term housing needs assessment required by subdivision c of this section, housing targets required by subdivision d of this section, and the strategic equity framework required by subdivision e of this subdivision, the administrating agency shall release preliminary versions at least 30 days before the submission of such final assessment, targets, and framework and meet with the public after the release of the preliminary versions and before the submission of the final assessment, targets, and framework.

g. Report. No later than October 1, 2026, and annually thereafter, the administrating agency shall submit to the mayor and the speaker of the council and post on its website an annual update on the city's progress relating to the goals and strategies identified pursuant to subdivision b of this section, except that no such annual update shall be due in any year for which a plan pursuant to subdivision b or a report pursuant to

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subdivisions c, d, or e of this section is due.

§ 3. This local law takes effect immediately.

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11/7/23 1:15am