

Summary of Governor Hochul's Proposed Housing Compact

February 24, 2023

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Housing Compact

- **Four Components**

- a. New Homes Targets and Fast-Track Approval Act
- b. Transit-Oriented Development Act of 2023
- c. Housing Production Reporting
- d. Financial Incentives



New Homes Targets & Fast-Track Approval Act

- Fast-Track Approval

- a. Beginning January 1, 2027
- b. If a Municipality has Not Qualified for Safe Harbor Status
- c. "Qualified Projects" Would be Able to Apply for Fast-Track Approval



New Homes Targets & Fast-Track Approval Act

- Qualified Projects

- a.
 - i. Outside the MTA Commuter District, at Least 10 Dwelling Units
 - ii. In the MTA Commuter District, at Least 20 Dwelling Units, **AND**



New Homes Targets & Fast-Track Approval Act

- Qualified Projects

- b. i. at Least 20 Percent of Dwelling Units Are Affordable Housing Units Restricted to Households at or Below 50 Percent of AMI or
- ii. at Least 25 Percent of Dwelling Units Are Affordable Housing Units Restricted to Households at or Below 80 Percent of AMI



New Homes Targets & Fast-Track Approval Act

- Qualified Projects

- c. "Metropolitan Transportation Commuter District" Is Defined As Bronx, Kings (Brooklyn), New York, Richmond (Staten Island), Queens, Westchester, Orange, Putnam, Dutchess, Rockland, Nassau, & Suffolk Counties



New Homes Targets & Fast-Track Approval Act

- Qualified Projects

- d. Municipalities Not in Safe Harbor Would be Required to Approve Qualified Projects on "Previously Disturbed Land" w/i 120 Days for Projects Less Than 100 Units & w/i 180 Days for Projects More Than 100 Units
- e. Exempt from SEQRA



New Homes Targets & Fast-Track Approval Act

- Qualified Projects

- f. Local Government Review Could Consider
 - i. Drinking Water & Wastewater Service Capacity
 - ii. Local Utility Infrastructure Capacity, &
 - iii. Project Aesthetics Based on Locally Adopted Objective Standards



New Homes Targets & Fast-Track Approval Act

- Qualified Projects

g. State Approval

- i. Local Denial Could be Appealed to the Newly Created State Housing Review Board or Court



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

a. New Homes Targets

- i. If, In Previous Three-Year Cycle, Municipality “Permitted the Construction of New Eligible Residential Dwelling Units”
 - 3 Percent - MTA Serviced Communities
 - 1 Percent - All Other Municipalities



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

b. Preferred Actions

- 1. Municipality Adopts at Least 2 of 5 Preferred Actions**



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

b. Preferred Actions

- 2. Accessory Dwelling Units (ADUs) - Municipality Amends Its Regulations to Allow ADUs as of Right In All Areas That Allow Single-Family & Multi-Family Uses, Subject To Limited Restrictions;**



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

b. Preferred Actions

3. Lot Splits - Municipality Amends Its Regulations to Allow for Lots to be Split as of Right, Subject to Limited Restrictions;



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

b. Preferred Actions

4. Remove Exclusionary Measures - Municipality Would Amend Its Regulations to Remove Any Exclusionary Land Use Regulations;



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

b. Preferred Actions

5. Smart Growth Rezonings - Municipality Would Amend Its Land Use Regulations In Accordance with Fair Housing Laws to Permit Housing with an Aggregate Density of at Least 25 Dwelling Units Per Acre



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

b. Preferred Actions

6. Adaptive Reuse Rezonings - Municipality Would Amend Its Land Use Regulations to Permit Housing With an Aggregate Density of at Least 25 Dwelling Units Per Acre In An Area That Previously Permitted Only Commercial Use



New Homes Targets & Fast-Track Approval Act

- Safe Harbor Status

b. Preferred Actions

7. Exempt from SEQRA



The Transit-Oriented Development Act of 2023

- Local Governments Required to Amend Local Regulations to Allow for TOD within 3 Years of Enactment within 0.5 Miles of an MTA Transit Station

- Transit Station is Defined Broadly



The Transit-Oriented Development Act of 2023

- Would be Four Tiers of TOD

- 1. Tier 1 TOD Zone** - Stations Located **No More Than 15 Miles** From NYC, Required to Allow Minimum Average Density of at **Least 50 Residential Dwelling Units Per Acre**;
- 2. Tier 2 TOD Zone** - Stations Located **More Than 15 Miles But No More Than 30 Miles** From NYC, Minimum Average Density of at **Least 30 Residential Dwelling Units Per Acre**;

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The Transit-Oriented Development Act of 2023

- Would be Four Tiers of TOD

- 3. Tier 3 TOD Zone** - Stations Located **More Than 30 Miles But No More Than 50 Miles** From NYC, Minimum Average Density of at **Least 20 Residential Dwelling Units Per Acre**; And
- 4. Tier 4 TOD Zone** - Stations Located **More Than 50 Miles** From NYC, Minimum Average Density of at **Least 15 Residential Dwelling Units Per Acre**

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The Transit-Oriented Development Act of 2023

- **Enactment of Local TOD Regulations Would be Exempt From SEQRA**
- **Failure to Enact Local TOD Regulations Would Allow for TOD Development that Meets the Applicable Density as of Right Via the "Transit-Oriented Development Review Process"**



The Transit-Oriented Development Act of 2023

- **"TOD Review Process" - Municipal Review Limited as Follows:**
 1. **Review, Approval or Denial Completed & Delivered to Applicant Within 120 Days of Application's Submission;**



The Transit-Oriented Development Act of 2023

- "TOD Review Process" - Municipal Review Limited as Follows:

- 2. Municipality's Review of Substantive Issues Limited to:**
 - a. Drinking Water & Wastewater Infrastructure Capacity;**
 - b. Utility Infrastructure Capacity; &**
 - c. Objective Aesthetics Standards**



The Transit-Oriented Development Act of 2023

- "TOD Review Process" - Municipal Review Limited as Follows:

- 3. Exempt from SEQRA**
- 4. Municipality Would Shoulder the Burden of Defending Denial of Applications Subject to Clear and Convincing Evidence Standard of Judicial Review**



Housing Production Reporting

- **Local Governments Would be Required to Submit Annual Reports to HCR with Detailed Data Regarding New Construction, Conversion, Alteration, Demolition, or Consolidation of Housing in the Municipality**
- **Municipalities Would Also Be Required to Submit Annual Reports to HCR Regarding the Municipality's Zoning & Land Use Regulations**



Financial Incentives

- **\$20 Million for Planning & Technical Assistance Grants to Municipalities**
- **\$250 Million in Infrastructure Funding to Support New Housing Development**
- **Amend the Tax Cap So Residential PILOTs Do Not Count Towards the Cap**



Financial Incentives

- **Create Property Tax Exemption Outside NYC to Incentivize Affordable Housing**
- **Expand Property Tax Exemptions Specifically for ADUs**