



Legislation Details (With Text)

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Title: Resolution calling upon the New York State Legislature to pass legislation to protect Section 8 and Mitchell-Lama residents by: placing units in buildings that opt out of these programs into rent regulation; extending the period before which Mitchell-Lama buildings can opt out of the program; and requiring those buildings that do opt out of the Mitchell-Lama program to provide one year notice to the current residents.

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Res No. 1151

Resolution calling upon the New York State Legislature to pass legislation to protect Section 8 and Mitchell-Lama residents by: placing units in buildings that opt out of these programs into rent regulation; extending the period before which Mitchell-Lama buildings can opt out of the program; and requiring those buildings that do opt out of the Mitchell-Lama program to provide one year notice to the current residents.

By Council Members Lopez, Perkins, Freed, Linares, Marshall, Miller, Moskowitz, Quinn, Reed, (in conjunction with the Manhattan Borough President); also Council Members DiBrienza, Foster, McCaffrey, Michels, Rivera, Robinson and Rodriguez.

Whereas, In enacting the Mitchell-Lama program the Legislature attempted to remedy a serious shortage of decent housing by providing affordable rental units for individuals and families whose incomes were too high for public housing, but not high enough to afford housing developed through private enterprise; and

Whereas, Currently, owners of Mitchell-Lama buildings are permitted to buy out their mortgages and take their buildings out of this program after 20 years, and there are thousands of apartments in buildings where landlords currently have this option; and

Whereas, Under the current rent protection laws buildings that were first occupied after 1974 are not subject to rent and eviction protections offered by these laws; and

Whereas, Many of the Mitchell-Lama buildings were first occupied between 1974 and 1979, and are now all subject to possible landlord opt outs, which could then permit the landlords to raise the rents to levels that are untouchable by the overwhelming majority of their current residents thus forcing them to leave their neighborhoods; and

Whereas, New York City is facing a crisis in affordable housing as documented by reports by the New York State Comptroller and numerous private and academic studies that have been published in the past two years; and

Whereas, The Mitchell-Lama program was developed to provide stability to both individuals and neighborhoods, and such opt outs without additional protections create destabilization and havoc, especially given the current dearth of affordable housing; and

Whereas, Section 8 project housing was built at approximately the same time as the Mitchell-Lama housing, but for a population with lower incomes, and contains the same 20 year opt out provision, thus creating a situation where even more units can be lost to poor and middle class families at the same time; and

Whereas, The current New York City housing market has been driven higher and higher during the last decade, thus creating a situation where landlords feel that they can reap windfall profits on newly deregulated apartments, making it more likely that both Section 8 and Mitchell-Lama landlords will choose to opt out of their respective programs; and

Whereas, In the current environment it is extremely difficult to find apartments that are affordable to low, moderate and middle income households, and the current law only requires three months prior notice to residents of buildings that want to opt out of the Mitchell-Lama program, a period woefully inadequate for individual tenants, community groups or housing agencies to identify appropriate housing for those

who are likely to be forced to move; and

Whereas, New York State is responsible for the Mitchell-Lama program and the rent protection laws, both of which are necessary to protect New York City residents and neighborhoods from the destruction that would occur if significant numbers of Section 8 and Mitchell-Lama buildings leave these programs; now therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass legislation to protect Section 8 and Mitchell-Lama residents by: placing units in buildings that opt out of these programs into rent regulation; extending the period before which Mitchell-Lama buildings can opt out of the program; and requiring those buildings that do opt out of the Mitchell-Lama program to provide one year notice to the current residents.

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