



Legislation Details (With Text)

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**Title:** 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, in relation to affordable housing plans

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**Attachments:** 1. Summary of Int. No. 1031, 2. Int. No. 1031, 3. May 11, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 5-11-23, 5. Minutes of the Stated Meeting - May 11, 2023, 6. Committee Report 9/26/23, 7. Hearing Testimony 9/26/23

Date	Ver.	Action By	Action	Result
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9/26/2023	*	Committee on Housing and Buildings	Hearing Held by Committee	
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9/26/2023	*	Committee on Land Use	Hearing Held by Committee	
9/26/2023	*	Committee on Land Use	Laid Over by Committee	

Int. No. 1031

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, Velázquez, Williams, Won and Brewer

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, in relation 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 Local law number 133 for the year 2018 is REPEALED.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. Section 16 of the New York city charter, as amended by local law number 138 for the year 2013, is amended to read as follows:

§ 16. Report on social indicators, [and] equity, true cost of living measure and fair housing. a. Social indicators. For purposes of this [section] subdivision, the term "gender" includes actual or perceived sex and [shall] also include a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth. The mayor shall submit an annual report to the council, borough presidents, and community boards analyzing the social, economic and environmental health of the city, including any disparities among populations including gender, racial groups, income groups and, sexual orientation, where relevant data is available, and proposing strategies for addressing the issues raised in such analysis. The report shall present and analyze data on the social, economic and environmental conditions, and gender, racial, and income disparities, and, disparities relating to sexual orientation, as available, as well as other disparities as may be identified by the mayor within such conditions, which may include, national origin, citizenship status, age, and disability status, where relevant data is available, which are significantly related to the jurisdiction of the agencies responsible for the services specified in section [twenty seven hundred four] 2704, the health and hospitals corporation, and such other agencies as the mayor shall from time to time specify. The report shall include the generally accepted indices of economic security and mobility, poverty, education, child welfare, housing affordability and quality, homelessness, health, physical environment, transportation, criminal justice and policing, civic participation, public employment and such other indices as the mayor shall require by executive order or the council shall require by local law, including where possible generally accepted data or indices regarding gender, racial, and income-based disparities and disparities relating to sexual orientation, as available, within each indexed category of information, in addition to disparities based upon other population characteristics that may be identified by the mayor. Such report shall be submitted no later than [sixty] 60 days before the community boards are required to submit budget priorities pursuant to

section [two hundred thirty] 230 and shall contain: (1) the reasonably available statistical data, for the current and previous [five] 5 years, on such conditions in the city and, where possible, in its subdivisions disaggregated by gender, racial group, and income group, and sexual orientation to the extent that such data is available; and a comparison of this data with such relevant national, regional or other standards or averages as the mayor deems appropriate; (2) a narrative discussion of the differences and the disparities in such conditions by gender, racial group and income group, and sexual orientation, as available, and among the subdivisions of the city and of the changes over time in such conditions; and (3) the mayor's short and long term plans, organized by agency or by issue, for responding to the significant problems and disparities evidenced by the data presented in the report.

b. Equity. No later than March [thirty-first] 31 of each year, the mayor shall submit an annual report to the council, borough presidents and community boards that shall contain (1) a description of the city's efforts to reduce the rate of poverty in the city as determined by the poverty measure and poverty threshold established by the New York city center for economic opportunity or its successor or by an analogous measure based upon the recommendations of the national academy of sciences; (2) information on the number and percentage of city residents living below the poverty threshold and the number and percentage of city residents living between [one hundred one] 101 percent and [one hundred fifty] 150 percent of the poverty threshold; (3) poverty data disaggregated by generally accepted indices of family composition, ethnic and racial groups, age ranges, employment status, and educational background, and by borough for the most recent year for which data is available and by neighborhood for the most recent [five] 5 year average for which data is available, along with a comparison of this data with such relevant national, regional or other standards or averages as deemed appropriate; (4) budgetary data, with a description of and outcomes on the programs and resources allocated to reduce the poverty rate in the city and estimates on the poverty reducing effects of major public benefit programs available throughout the city and how such programs serve key subgroups of the city's population including, but not limited to, children under the age of [eighteen] 18, the working poor, young persons age [sixteen] 16 to [twenty-four] 24, families with children, and residents age [sixty-five] 65 or older;

and (5) a description of the city's short and long term plans to reduce poverty.

c. True cost of living measure. 1. For purposes of this subdivision, the following terms [shall] have the following meanings:

(a) Public assistance. The term “public assistance” means all forms of public benefits provided by the federal government, state of New York, or city [of New York] including but not limited to: cash assistance, public housing, rental assistance programs, rent increase exemptions, homeowner assistance programs, public health benefits, childcare subsidies, and food assistance programs.

(b) Private or informal assistance. The term “private or informal assistance” means all forms of subsidies or assistance provided by private entities or through informal networks, including, but not limited to, unpaid childcare, food banks, mutual aid, and shared housing arrangements.

(c) True cost of living measure. The term “true cost of living measure” means a citywide measure of the average amount necessary to cover the cost of essential needs at an adequate level, including, but not limited to, housing, childcare, child and dependent expenses, food, transportation, healthcare, clothing and shoes, menstrual products, general hygiene products, cleaning products, household items, telephone service, internet service, and other necessary costs, which could include costs such as tax obligations, without offsetting those costs through public assistance or private or informal assistance.

2. Not later than March 31, 2024, and on or before March [thirty-first] 31 of every year thereafter, the mayor shall produce and submit to the speaker of the council, borough presidents and community boards a report, which may be consolidated with any other report due on [such] that date under this charter, containing the true cost of living measure, in accordance with any requirements in this charter, as determined:

(a) [u] Using generally accepted indices of household size;

(b) [u] Using generally accepted indices of family composition, as soon as necessary data is available;

and

(c) [u] Using any other generally accepted indices, as appropriate.

d. Fair housing. 1. Definitions. As used in this subdivision, the following terms have the following meanings:

Anti-displacement resources. The term “anti-displacement resources” means initiatives intended to reduce the risk of residential displacement, including but not limited to legal services, education, outreach, and targeted inspection and enforcement by the department of housing preservation and development and the department of buildings.

Community district. The term “community district” means each of the 59 areas delineated pursuant to section 2701.

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 local law number 78 for the year 2021.

High displacement-risk community districts. The term “high displacement-risk community districts” means community districts, based on their corresponding neighborhood tabulation areas, which have a majority of their areas ranked higher or highest on the displacement risk index, as identified by the equitable development data tool.

High-opportunity community districts. The term “high-opportunity community districts” means community districts that have a majority of their areas within the top 2 quintiles of an aggregate index of the quality of life and access to opportunity indicators identified in the equitable development data tool.

Low-income affordable housing. The term “low-income affordable housing” means a residential building with units that are required to be affordable to a household that has an income of less than 60 percent of the area median income adjusted for the size of the household, pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or city governmental entity or instrumentality.

Neighborhood equity investments. The term “neighborhood equity investments” means capital and

programmatic investments to address disparities in access to opportunity and community assets.

Overcrowding. The term “overcrowding” means a ratio of occupants per room in excess of 1.5.

Preservation. The term “preservation” means physical rehabilitation or financial operating assistance for existing buildings, in exchange for adhering to affordability restrictions for existing and future tenants.

Rent burden. The term “rent burden” means the cost of rent and utilities for a household that exceed 30 percent of such household’s income.

Supportive housing. The term “supportive housing” means a residential building that provides on-site supportive services to tenants pursuant to a regulatory agreement with a federal, state or city government entity.

Underserved community districts. The term “underserved community districts” means the group of community districts that have a majority of their areas within the bottom quintile of an aggregate index of the quality of life and access to opportunity indicators identified in the equitable development data tool.

Voucher utilization. The term “voucher utilization” means the percentage of rental housing units rented with the use of a federal, state, or city housing voucher.

2. Plan. No later than January 1, 2025, and every five years thereafter, the department of housing preservation and development and the department of city planning, in coordination with any other relevant city agency, shall submit to the mayor and the speaker of the council and post online a fair housing plan. The plan shall include, but need not be limited to, the following for the five-year period beginning on that date:

(a) An analysis of citywide data relating to fair housing, including but not limited to, fair housing data provided by the federal department of housing and urban development in relation to its rule on affirmatively furthering fair housing, and the categories, data and indicators identified in subdivision c of section 25-117 of the administrative code;

(b) Policy goals and strategies to address the housing disparities identified by the analysis in subparagraph (a) and to affirmatively further fair housing in the city, including but not limited to, combatting discrimination by expanding resources and protections for city residents, facilitating an equitable distribution of

market-rate and rent-restricted housing development across the city, preserving affordable housing and preventing displacement of city residents, enabling more effective use of rental assistance benefits, creating more independent and integrated living options for individuals with disabilities, making equitable investments to address discrimination, segregation and poverty, especially in neighborhoods with a history of discrimination, segregation and poverty, and other fair housing issues identified through the required public engagement process;

(c) A citywide assessment of the total number and type of housing units that need to be produced or preserved to achieve affordable access to housing by households of all socio-economic levels, including low-income affordable housing units. The citywide assessment should take into account the particular needs of older adults and residents in need of supportive housing, and the services provided by the city to meet these needs. The citywide assessment shall be based on analysis that shall include, but not be limited to, the following criteria:

(1) Growth of population, jobs, and housing units for the previous 10 years and projected growth for the upcoming 10 years;

(2) Demographic trends in the composition of the city's population, including but not limited to age and family size;

(3) The total number of housing units available compared to the number of jobs available in the city;

(4) Overcrowding; and

(5) Rent burden;

(d) Citywide housing production targets for the five-year period of the plan, including total housing units, low-income affordable housing units, housing units that can accommodate aging households, and supportive housing units, and a citywide housing preservation target for low-income affordable housing units;

(e) Allocation of the five-year citywide housing targets for production, preservation, low-income affordable housing units, and supportive housing units in subparagraph (d) among all the community districts

based on consideration of criteria, at the community district level, that includes, but is not limited to, the following:

(1) The total number of housing units, low-income affordable housing units, and supportive housing units produced over the previous 10 years;

(2) Access to opportunity based on the equitable development data tool;

(3) Displacement risk and vulnerability based on the equitable development data tool;

(4) Infrastructure capacity, including water and wastewater, schools, and public transit; and

(5) Climate change vulnerability as measured by the 100-year floodplain;

(f) A strategic equity framework that specifies goals and strategies for:

(1) Increasing the production and preservation of low-income affordable housing and voucher utilization in high-opportunity community districts;

(2) Increasing the number of low-income affordable housing units preserved and the availability and effectiveness of anti-displacement resources in high displacement-risk community districts;

(3) Increasing the amount of neighborhood equity investments in underserved community districts, especially those that have experienced significant housing development; and

(g) Any challenges or issues faced by the city in attempting to meet the goals described in this subdivision.

3. Public input. The department of housing preservation and development, in coordination with the department of city planning, shall conduct periodic community engagement to solicit feedback and identify the housing needs and goals for the plan required by paragraph 2 of this subdivision. The community engagement must include, but need not be limited to, consultation with stakeholders, advocates, and policy experts, and at least 1 public meeting in each borough at least 6 months before submission of the plan required by paragraph 2 of this subdivision.

4. Report. No later than April 1, 2026, and annually thereafter, the department of housing preservation



and development, in coordination with the department of city planning, shall submit to the mayor and the speaker of the council a report on the city's progress relating to the goals, strategies and production of housing units citywide and in each community district contained in the plan required by paragraph 2 of this subdivision.

§ 3. This local law takes effect immediately.

JEF  
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5/9/23 2:00pm