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Res. No. 222

Resolution calling upon the New York State Legislature to enact A.9230/S.3326-A in relation to Mitchell-Lama and project-based Section 8 housing developments.

By Council Members Palma, Brewer, Chin, Dickens, Lander, Mendez, Vann and Williams

Whereas, In enacting the Mitchell-Lama program the New York State Legislature attempted to remedy a serious shortage of decent housing by providing affordable housing 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, Over thirty year ago, the federal government developed an approach to creating affordable housing subsidies that would keep rents low by creating a Project-based Section 8 program; and

Whereas, Currently, owners of Mitchell-Lama and Project-based Section 8 housing developments 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 on or after January 1,1974 are not subject to rent and eviction protections offered by these laws, except for buildings receiving tax benefits pursuant to section 421-a of the Real Property Tax Law and certain other tax benefit programs; and

Whereas, Many of the Mitchell-Lama and Project-based Section 8 developments 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 not affordable to 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 which is at least partially reflected in a Citywide vacancy rate of only 2.88% as determined in the most recent Housing and Vacancy Survey conducted by the City; and

Whereas, The low vacancy rate will make it difficult for many, if not most, residents of a Mitchell-Lama or Project-based Section 8 development to find similar affordable housing if they are forced to leave their homes; and

Whereas, The Mitchell-Lama and Project-based Section 8 programs were developed to provide stability to both individuals and neighborhoods, and opt outs from these programs, without additional protections, create the potential for destabilization and havoc, especially given the current need for affordable housing; and

Whereas, In the current environment it is extremely difficult to find apartments that are affordable to low, moderate and middle income households; and

Whereas, A.9230/S.3326-A would allow for direct amendments by the City to the Emergency Tenant Protection Act of 1974 to put all Mitchell-Lama and Project-based Section 8 units under the Rent Stabilization Program, which will keep apartments in Mitchell-Lama and Project-based Section 8 developments affordable following an opt-out; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A.9230/S.3326-A in relation to Mitchell-Lama and Project-based Section 8 developments.

LS# 567
BJG
4/22/2010