

FEDERAL

New York Housing Conference is calling on President Biden and Congress to improve and expand affordable housing in four key areas: Expand affordable housing supply through preservation and development; create a housing safety net; preserve public housing; and reverse damaging regulations passed or initiated under former-President Donald Trump.

1. Expand Housing Supply Through Preservation and Development of Affordable Housing

The federal government has the ability to marshal significant resources for many purposes, and affordable housing should be one of their priorities. By increasing appropriations and increasing or improving tax credits, bonds and other financing mechanisms, Congress and President Biden can expand the supply of affordable housing and fight the nationwide housing crisis.

Federal Funding

- **Increase Federal Funding to Expand and Preserve the Supply of Affordable Housing:** There is a nationwide shortage of affordable housing and the federal government should increase funding to build and preserve affordable housing. This includes funding the National Housing Trust for \$40 billion, \$5 billion to the HOME program, and \$10 billion for CDBG.
- **Expand Funding for Affordable Senior Housing Programs:** With 10,000 Americans turning 65 every day, and 40 percent of seniors depending on only Social Security in retirement, more resources than ever are needed to help build and preserve senior affordable housing units to meet this growing demand. It is critical that Section 202 funding for new senior housing continues to increase.
- **Align and Streamline Income Certifications for Tenants:** Annual Income certification requirements in Section 8, HOME and LIHTC are burdensome on tenants, owners and program administrators. They should be streamlined across programs to reduce administrative burdens on each party.

Tax Credit and Bond Reform

- **Strengthen Low Income Housing Tax Credit (LIHTC):** LIHTC is the nation's most successful affordable housing finance program producing more than 3 million units by leveraging private investment. In NY, it has created more than 200,000 affordable units, which has helped about half a million households across the state. We support President-elect Joe Biden's campaign priority for a \$10 billion investment in LIHTC. In addition, the Affordable Housing Credit Improvement Act ([S1136 -Cantwell/HR2573-DelBene](#)) legislative provisions would significantly strengthen the program and provide a 50% increase in Housing Credit allocation authority to states. This needed expansion would allow 15,425 affordable housing units to be built in New York over the next ten years.
 - **Expand Eligible Uses of Recycled Bonds:** Currently recycled bonds may only be used to finance multifamily housing. Congress should pass legislation to include single family housing and economic development projects, which will allow for more efficient allocation of limited resources by states. If New York State can dedicate recycled bonds to these uses that do not utilize Low Income Tax Credits, it will preserve \$100-200 million in volume cap annually in non-recycled private activity bonds, which would generate an additional \$80-160 million in as-of-right 4% Low Income Tax Credits for multifamily housing.

- **Reduce 50% requirement in Private Activity Bonds (PAB):** In order to be eligible to claim private activity bonds, at least 50 percent of a project's aggregate basis of land and building must be financed by PABs. Congress should lower this threshold, which will allow free up PAB bond cap and create millions of more units nationwide.
- **Exempt Bonds Used for HUD-Assisted Housing from Volume Cap:** Congress should pass Rep. Katherine Clark's SAVE Federally Assisted Housing Act ([HR8533](#)), which will allow funding for federally-assisted buildings to be exempt from the volume cap requirement for private activity bonds. Currently federal law limits each state's private activity bond issuance by a population-based formula to establish a state "volume cap", but some public priorities, like airports and public educational facilities, are not counted towards volume cap. Preserving public housing should be a similar priority and private activity bonds used in projects in HUD's RAD program should also be exempt from state volume cap. This will lead to greater private investment in public housing to finance capital repairs.
- **Support Affordable Homeownership:** Congress should support the Neighborhood Homes Investment Act ([HR3316](#))([S4073-Cardin/HR3316-Higgins](#)) which would create a tax credit, similar to LIHTC, that would generate equity for the development and renovation of 1-4 family homes in distressed urban, suburban and rural neighborhoods. A \$1 billion investment would support 25,000 homes built or renovated.

Housing Finance

- **Reauthorize U.S. Treasury Federal Financing Bank ([HR8824-Velazquez](#)):** FFB Risk-Share has been used to finance more than 20,000 affordable homes nationwide. The Biden administration should restart this program, which could refinance properties in distress due to COVID.
- **Ensure Housing Finance Reforms Benefit Affordable Multi-Family Rental Housing and Low-Income Communities:** Reform the nation's housing finance system to ensure that the role of the Government Sponsored Entities allows for accessible lending for both single family and multi-family housing, while maintaining affordable housing goals.

2. Create a Housing Safety Net

America is facing an ongoing housing crisis that has been made worse by the pandemic and only the federal government can provide the resources to truly fight the crisis. By expanding and fully-funding current programs and providing emergency aid to homeowners and renters, Congress and President Biden can create a real safety net for American households.

- **Fully Fund Section 8 Housing Choice Vouchers so that every qualifying household receives assistance.** More than 11 million households nationwide are severely rent-burdened, paying more than 50% of their income in rent, including 75% of all extremely low-income families, while more than 565,000 people experience homelessness each night and 900,000 Americans are evicted annually. Housing Choice Vouchers however currently only serve 1 in 4 eligible households. Research shows that expanding vouchers to all eligible households would lift an estimated 9.3 million families out of poverty while the increased housing stability would improve health and education outcomes. We support President Biden's campaign pledge and Rep. Waters's legislation - the [Ending Homelessness Act](#) (H.R. 4496) - to fund Housing Choice Vouchers to cover every eligible household.
- **Move Section 8 and Section 9 funding to the mandatory side of the budget to ensure funding stability.** Section 8 – both project-based and tenant choice vouchers – and public housing provide necessary affordable housing to low-income people across the country. They provide truly affordable housing that is too important to be subject to the whims of Congressional appropriations each year. Funding should be on the mandatory side of the budget to ensure housing stability of everyone that relies on this housing funding.

- **Create a National Housing Stabilization Fund to Provide Emergency Rental Assistance to Households in Crisis:** Congress and President Biden should invest in federal funding to provide short-term, emergency assistance to help renters avoid eviction and remain stably housed.
- **Set a Goal to Produce 7 Million Affordable Homes Nationally:** A lack of affordable housing is a problem nationally. The Biden Administration should launch a national 10-year housing supply goal to produce 7 million affordable homes to kickstart the economy. A new Affordable Housing Taskforce can oversee the progress by coordinating across tax and budget programs (HUD, Treasury, USDA, VA, IHC, others).
- **Improve Equitable Access to Homeownership Through Expanded or New Programs:** Counseling, down payment assistance and low-interest borrowing programs can make access to homeownership more equitable and more affordable.
- **Combat Homelessness:** New York and the nation are facing a growing homelessness crisis. More than 92,000 New Yorkers were homeless on any given night across the state. Across our state more than 900,000 households will pay more than half of their income on rent this month and are at risk of becoming homeless. Rep. Maxine Waters’s bill [Ending Homelessness Act](#) would provide \$10.5 billion over five years to critical housing programs to combat this preventable crisis (as well as making vouchers available to every eligible household – see above). President-Elect Joe Biden supported the bill during his campaign and Congress should pass this bill.
- **Expand Renter Protections:** Congress should establish renter protections including a law to prohibit discrimination based on a tenant’s source of income to help ensure that landlords do not discriminate against renters with rental assistance or other sources of income and establish and fund a national right to counsel to help more renters stay in their homes and mitigate harm when eviction is unavoidable. Rep. Waters’s [Ending Homelessness Act](#) bans source of income discrimination and Congress should pass it.

3. Preserve Public Housing

The federal government has been underfunding the nation’s public housing for decades, leading to deteriorating and unhealthy conditions. It is long overdue for the federal government to provide housing authorities across the country the funding they need to repair and maintain their buildings.

- **Fully Fund Repairs for Public Housing Capital Backlog and Provide Sufficient Operating Funding:** The New York City Housing Authority is facing a \$40 million capital backlog, which is causing unsafe and unhealthy conditions for tenants, including exposure to mold, lead and other environmental hazards. Robust federal funding through Section 18 Tenant Protection Vouchers and the public housing capital budget are needed to help NYCHA improve conditions for tenants. We fully support Rep. Nydia Velazquez’s legislation – the [Public Housing Emergency Response Act](#) (HR235) - and Rep. Waters’s legislation [Housing is Infrastructure](#) (H.R. 4497) – to provide \$70 billion in capital funding to public housing authorities across the country.

4. Reverse Damaging Rules Changes Enacted Under Former-President Trump

Former-President Trump initiated or implemented a half-dozen rule changes that will have negative consequences on the nation’s housing and households. President Biden needs to stop or reverse the following rule changes.

- **Affirmatively Furthering Fair Housing:** The Trump administration eliminated this rule, which required federal agencies and grantees to further the purposes of the Fair Housing Act. Given the persistent racial homeownership gap and findings of housing discrimination by realtors and landlords, this rule needs to be reinstated.
- **Community Reinvestment Act:** The Office of the Comptroller of the Currency under the Trump administration changed rules to weaken the CRA and would allow banks to get credit for activities that have little impact on the communities they are meant to serve. The changes should be reversed and CRA should be strengthened and

expanded. Mixed-Status Families: Families with mixed immigration status would not be allowed to receive housing assistance under a proposal by the Trump administration. This proposal would lead to families with children that are citizens to become homeless and it must be reversed.

- SNAP work requirements: A Trump administration rule would limit the ability of recipients of food stamps to receive work requirement waivers. If this rule goes into effect, 700,000 people could lose access to food stamps.
- Protections for Transgender People at Shelters: The Trump administration has attempted to eliminate rules protecting transgender people from discrimination at shelters. These critical protections need to be protected and the rule changes abandoned.
- Public Charge Rule: The Trump administration added benefits that DHS considers when declaring noncitizens to be a “public charge” which can lead to people being denied admission or a green card. This rule change has led to people dropping out of critical programs and needs to be reversed.

NEW YORK STATE

Gov. Andrew Cuomo and the state legislature can use state and federal resources to expand and protect affordable housing statewide. The New York Housing Conference calls on the state to expand funding and pass new laws to increase the supply of affordable rental and owner housing, to preserve public housing, enforce fair housing, and address the homelessness and affordability crises.

1. SUPPORT CONTINUATION OF A STATEWIDE HOUSING PLAN

The state Five-Year Housing Plan ends this year, and without a new commitment and additional funding, New York faces a production gap. We call for a new five-year plan totaling at least \$3 billion. The continuous availability of affordable housing financing resources from the State is necessary for affordable housing developers to continue building a pipeline of affordable housing sites and buildings. The funding is also fiscally-responsible, adding modest funding in debt service while providing needed stimulus and taking advantage of low interest rates. For supportive housing, the cornerstone of new construction in the current plan, nonprofit developers will be stalled in their efforts to acquire sites and advance deals without the guarantee of an ESSHI commitment for supportive services.

- **Codify a Five-Year Housing Plan requirement:** Enact a requirement that a statewide affordable housing plan be developed and funded at least every 5 years. Ensure this plan includes a five-year capital budget commitment and is targeted towards New York State’s most pressing housing development and preservation needs with annual public reporting requirements. We support legislation ([S2193/A3807](#)) by Housing Chairs, Senator Kavanagh and Assemblyman Cymbrowitz to codify this requirement into law.
- **Authorize ESSHI Continuation:** It is critical that the 2021-22 enacted budget authorize the continuation of the ESSHI program by statutorily committing funding for capital and services for the next five years. The State’s commitment will signal to investors, syndicators, service providers, and developers that it will finance 7,000 units of the Gov. Cuomo’s ESSHI commitment over the next 5 years.
- **Extend State Low-Income Housing Credits:** The state Low-Income Housing Tax Credit helps expand affordable housing in New York by providing credits to develop low-income housing projects. Gov. Cuomo’s executive budget proposes an additional \$400 million over five years. The legislature should include this in the final adopted budget.

2. PRESERVE PUBLIC HOUSING

Public Housing is a critically important housing resource that requires federal, state and city resources. NYCHA's capital repairs needs were recently estimated to have reached \$40 billion. This number will grow without immediate investment in repairs.

- **Commit to ongoing state funding for Public Housing:** The 2021-2022 state budget includes \$325 million for public housing, including \$200 million for NYCHA. This is a good step, but the state should commit to annual appropriations for public housing to help address NYCHA's \$40 billion repair needs.
- **Advance NYCHA's Public Housing Preservation Trust:** In the summer of 2020, NYCHA released Blueprint for Change, the first plan that could lead to the preservation of all of its housing stock. The plan calls for the creation of a Public Housing Preservation Trust, which would maintain ownership of 110,000 units not planned for RAD / PACT and utilize Section 18 funding to secure financing to capitalize the units. This plan would maintain public ownership of public housing, bring necessary funding to repair NYCHA units and would improve procurement flexibility. We hope this important legislative proposal will advance by gaining the support of residents and including their input.

3. ADDRESS HOUSING POVERTY & HOMELESSNESS

As you know, New Yorkers across the state are struggling to afford rental housing. Nearly 900,000 severely rent-burdened families pay more than half their income in rent each month. In NYC, 1 in 10 public school children will experience homelessness during the year. Tonight, 92,000 New Yorkers will sleep in a shelter or on the street. The solutions are more affordable housing and rental assistance supported by NY State.

- **State-Funded Rental Assistance:** Rental assistance programs are effective at keeping people in housing and out of costly homeless shelters. The state should implement a statewide rent supplement for families and individuals who are eligible for public assistance benefits and who are facing eviction, homelessness, or loss of housing due to domestic violence or hazardous living conditions such as the program described in the Home Stability Support Act ([S856-Krueger/A2278-Hevesi](#))

4. AFFORDABLE HOMEOWNERSHIP

Owning a home can increase a family's financial security. People of color significantly lag in homeownership rates, a major factor contributing to the racial wealth gap. For example, in Albany the white homeownership rate is 68.9% compared to the black homeownership rate at 20.1%. Modernizing and expanding the State's homeownership programs should be a priority.

- **Homeowner Protection Program (HOPP) Funding (\$20 million):** Sustain current foreclosure prevention services.
- **Increase the Funding for the Affordable Housing Corporation (AHC program) (\$40 million):** Increase funding from \$26 million to \$44 million for homeownership construction and rehabilitation to reflect increased construction costs over the last 35-years. We also support legislation ([S3372-Bailey](#)) that would increase the AHC subsidy for affordable homeownership units from \$40,000 to \$75,000 per unit.

5. ENFORCING FAIR HOUSING

The gap between income and rent is the primary cause of high rent burdens but access to housing is also an ongoing issue in many communities as shown in Newsday's report on housing discrimination. With a new source of income

discrimination law on the books, efforts should be made to enforce this law. Current efforts are inadequate.

- **Enforcement of Source of Income Protections (\$5.5 million):**
Seeking a total of \$27.5 million over 5 years to provide funding to public and private agencies for education and enforcement of the new income protection law.

6. PREPARE FOR AN AGING POPULATION

- **Senior Resident Assistant Program (\$10 million):**
The state should commit \$10 million over five years to enhance resident assistance in existing and new senior housing. This will help low-income seniors access an array of services focusing on wellness and healthy aging so they may remain independent and avoid moving from their homes to a costlier level of care.

7. EXPAND ACCESS TO HOUSING

- **Support Expansion of Basement Apartments and Accessory Dwelling Units Statewide:** ADUs are smaller, secondary homes on the same lot as a primary dwelling and can provide needed affordable housing. State and local rules make it difficult or expensive for a homeowner to create an ADU. The state should pass legislation ([S4547-Harckham/A4854-Epstein](#)) making a streamlined process for homeowners to create ADUs.

8. SUPPORT NONPROFIT CAPACITY BUILDING

- Increase funding for Rural and Neighborhood Preservation Program, which funds community-based organizations serving underserved or unserved low income households including \$6.2 million for the Rural Preservation Program and \$14.5 million for the Neighborhood Preservation Program
- Restore funding for technical assistance coalition funding for community-based organizations serving low income households including \$200,000 for Rural Preservation Coalition and \$200,000 for Neighborhood Preservation Coalition.

9. MAKE ENVIRONMENTAL SUSTAINABILITY AN AFFORDABLE HOUSING PRIORITY

- **Sustainable Affordable Housing Program (\$50 million):** Develop and fund sustainable building solutions and maintenance practices in affordable housing developments, including energy efficiency and construction. We support legislation sponsored by Senator Kavanagh and Assemblyman Cymbrowitz ([S2732/A3798](#)) to create this program.

NEW YORK CITY

New York City commits more money to affordable housing than any other locality, but more needs to be and can be done. The city must maintain robust capital spending, do its share to preserve public housing, and address fair housing and combat homelessness.

HOUSING BUDGET AND CAPITAL FUNDING

- **Reverse Cuts to FY 2020 HPD Capital Budget:** Maintain \$1.4 billion in the preliminary budget for HPD capital. The FY 2021 and 2022 budgets provide \$1.4 billion for HPD, almost completely reversing the cuts Mayor de Blasio implemented last year after NYHC showed that the cuts saved at most \$30 million to the city's operating budget, proving the cuts were unnecessary and unwise.
- **Ensure Sufficient Staffing at HPD to Complete Development Projects:** HPD staff evaluate and approve affordable housing preservation and new construction developments. HPD must have sufficient staffing to complete projects. This will be even more important if the City gets additional federal funding. Insufficient staffing would therefore mean building fewer units of affordable housing than funding would allow and leaving federal funding on the table.

PUBLIC HOUSING

- **Prioritize the Preservation of Public Housing:** NYCHA is home to more than 400,000 New Yorkers, providing the most affordable rental housing in New York City. Preserving this housing stock should be a top priority and must include a substantial plan for capital improvements, operations and management improvements and resident engagement. NYCHA Blueprint for Change strategies should be implemented, including the creation of a preservation public trust, while protecting the rights of residents and guarding long-term affordability for future generations.
- **Improve management and operations at NYCHA for better service delivery for tenants.**
- **Improve resident engagement and decision-making in their capital programs.**

HOMELESSNESS

- **Prioritize Permanent Housing and Shelter Exits by Increasing the City Rental Assistance Voucher Amount:** Increasing the City FHEPS allowable rents to Fair Market Rent ([Int146-Levin](#)) would make it easier for thousands of homeless New Yorkers struggling to find a permanent home they can afford.

FAIR HOUSING

- **Implement Where We Live Recommendations:** Last year NYC released their draft AFH assessment and recommendations to address fair housing and racial inequality across the city. While this voluntary effort is to be applauded, NYC must pivot from researching and listening to implementing actionable goals and strategies to make this a fairer and more equitable city.
- **End Housing Discrimination Against People with Conviction Records:** The City Council should pass the ([Int 2047-Levin](#)) that would ban discrimination in housing against people with conviction records.
- **Support Upzonings in Higher Income Neighborhoods:** Affordable housing rezonings under Mayor Bill de Blasio have thus far been exclusively in lower-income neighborhoods, predominantly of color. There are plans however to upzone in SoHo and Gowanus and these should proceed and serve as examples for future rezonings.