



How State Housing Policy May Impact Municipalities

Westchester Municipal Planning Federation
Land Use Training Institute
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Why does the State care?

- Housing shortage is a statewide issue with impacts on the economy and the people
 - Issue for businesses attracting workers
 - High demand and low supply increases housing costs, leading to gentrification and displacement
 - Increase in overcrowding and substandard housing and a strain on social services
 - Reduced economic mobility

Governor's actions

- For the last two years the Governor has recognized the housing shortage throughout New York State and has made efforts to have the legislature adopt laws requiring municipalities to incorporate certain provisions into local Zoning Codes to encourage residential development, and in particular multi-family residential development. These proposals faced significant opposition from many parts of the state and so did not move forward.
- In July 2023 the Governor took a new approach and developed the Pro-Housing Community Program by Executive Order

Pro-Housing Community Program

- Designed to reward local governments that are working hard to address New York's housing crisis.
- Localities that achieve the Pro-Housing Communities certification will receive priority in their applications for key discretionary funding programs
- Governor's 2024 Budget included a proposal to make the Pro-Housing Community certification a prerequisite to applying for certain funding programs.

Pro-Housing Community Program



**Program is administered by NYS
Department of Housing and Community
Renewal**



**Process begins by sending a letter of
intent**



Two avenues to becoming certified

Having achieved certain growth rates

Adopting the Pro-Housing Community Resolution

Pro-Housing Communities Submission Requirements

- All applicants must submit
 - Zoning map file in a format readable by standard GIS software
 - Zoning Code Summary in the format required by DHCR
 - Housing, Planning and Building Permit information from prior five (5) years

Cost to municipality of putting together data is an impediment

Requirements for Certification

- Permitting data showing
 - Permits increasing their housing stock by 1% (downstate) or 0.33% (upstate) over the past year OR
 - Permits increasing their housing stock by 3% (downstate) or 1% (upstate) over the past THREE years,

OR

- Pass Pro-Housing Resolution

Pro-Housing Resolution

RESOLUTION No: [INSERT RESOLUTION NUMBER]

[Member of highest body of elected officials] _____ moved and [other member of highest body of elected officials] _____ seconded that

WHEREAS, the City/Town/Village of _____ (hereinafter “local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE,

IT IS HEREBY RESOLVED that City/Town/Village of _____, in order to take positive steps to alleviate the housing crisis, adopts the ProHousing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

Pro-Housing Resolution

- No changes can be made to this language, must be adopted exactly as written
- What is the effect – what happens if no further steps are taken?
- Can they force actions?

NO ONE KNOWS

Pro-Housing Communities

On February 7, 2024 Governor Hochul announced the first 20 communities to be certified as Pro-Housing Communities

In Westchester, 3 communities have been certified

- City of White Plains
- City of New Rochelle
- Village of Croton-on-Hudson

Each of these had met the growth criteria with permits indicating an increase in housing stock of 3% over the past 3 years.

Impediments to developing more housing

- High land costs
- High construction costs
- Lengthy and expensive approval processes
- Limited available land
- Zoning
- Infrastructure (water and sewer primarily)
- Public opposition
 - NIMBY
 - Schools
 - Traffic
 - Density
 - “character”

Financial Incentives and Feasibility

Developers will build what is financially feasible and generally most profitable.

Subsidies exist for building affordable housing, or it would not be built as developers would lose money.

Absent such subsidies, a developer will build high end luxury housing to be financially feasible.

The result is a lack of middle income housing being built, although a significant demand exists. Without incentive and help to make it financially feasible, middle income housing will not get built.

Zoning Amendments to encourage the development of additional housing

- Allow mixed-use or multi-family residential development in all zoning districts other than one- and two-family zoning districts as a principal permitted use (no special permit required).
- Provide for the highest density be permitted in downtown/ transit-oriented areas; and reduce the parking requirements in these areas.
- Allow for/encourage adaptive reuses of certain property types, including: large single-family houses, industrial properties, historic properties, vacant offices and retail/malls and existing underutilized housing stock for multi-family use. Allow for such residential use in the existing building as configured, regardless of zoning code requirements for setbacks, coverage, etc. and without separate approval for change of use.
- Encourage the redevelopment of vacant/abandoned/zombie homes.

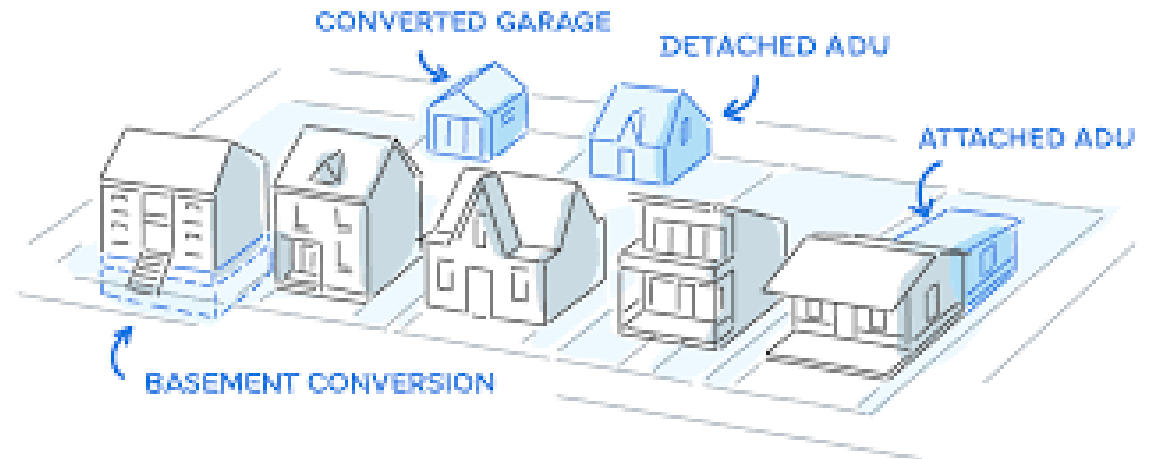
Zoning Amendments to encourage the development of additional housing

- Encourage the option of permitting multi-family use in one- and two-family zoning districts provided the structure meets all the dimensional requirements for the district. This will result in a structure which will look like a large, permitted one- or two-family house, but will house additional units.



Zoning Amendments to encourage the development of additional housing

- Permit accessory dwelling units as-of-right or by special use permit. Encourage amendment to existing laws for accessory dwelling units to permit them more broadly.





Zoning Amendments to encourage the development of additional housing – increased density for middle income housing

- Allowing or encouraging “tiny homes” or “micro-sized” apartments.
- Decrease the physical dimension requirements (e.g. minimum lot sizes, floor-area-ratios, minimum frontages, setbacks, maximum unit per acre, etc.), and permit smaller housing units and attached housing (i.e. townhouses) especially for infill development.
- Reduce parking requirements, especially in areas around public transit.
- Using form-based codes (or overlays) instead of Euclidean zoning, with the intent of encouraging mixed uses and higher density.

Discussion



What should your municipality do, or what has it already done?