



# New York State Council Of Churches

## HOUSING

### **Our Ask:**

New York massive affordable housing crisis in New York where we have generated 1.2 million jobs but only built 400,000 new housing units over a ten-year period. The resulting disparity has pushed up prices and is causing an exodus of people from our state to find affordable housing in other states. Moreover, black and brown families are denied housing due to the historical practice favoring whites over people of color in accessing housing.

In response, Governor Hochul proposed the [New York Housing Compact](#)— a measured plan to address many aspects of this housing crisis. Unfortunately most provisions of the Compact were not included in the Senate and Assembly one house budget bills. The New York State Council of Churches calls on the Senate and the Assembly to work with Governor Hochul to develop a compromise which will require municipalities to adopt a plan and if needed to modify zoning laws to increase housing production with the goal of creating 800,000 new units over 10 years. We also urge that New York City and its surrounding suburbs expand transit oriented development. We also embrace proposed tax and regulatory incentives to produce more housing.

We affirm the Governor's plan to fund affordable housing over the next 5 years and also her allocation of funds for homeownership.

In addition to the Compact, we need additional programs to increase production including:

- Vehicles for renters to own their property
- Establishment of an office within HCR to research approaches to building european style social housing and initiating a pilot program.

While the focus on production is essential, we must make housing affordable and keep people in their homes *right now*. As we contend with the fact that we have 90,000 to 100,000 homeless people in New York and in every region, 40-60% of renter households are paying more than 30% income on housing or 50% of New Yorkers overall.

This means, in addition to an increase of housing production, we need:

- Passage of the Housing Access Voucher program which will enable New Yorkers to not have to pay more than 30% of their income on rent.
- Good Cause Eviction law to ensure people are not evicted from their homes for no reason at all.
- Right to Counsel to prevent evictions by giving people access to an attorney in housing court
- \$385 Million in relief for public housing residents in rent arrears
- Increase of \$2.85 billion in investment of capital needs of public housing
- Expansion of funding for services and housing for those with HIV outside of New York City.

We also call on HCR and HPD to work with faith leaders to make regulatory changes which will make it easier to build affordable housing on faith-based property.

### **Political State of Play**

New York State faces a massive shortage of housing across the state and an even worse shortage when it comes to the availability of affordable rental and owner occupied housing. While we have added 1.2 million jobs in the last 10 years, we have only built 400,000 units. In the suburbs of New York City, we have generated far fewer building permits than any other comparable state. We are concerned that people are leaving the state in search of housing they can afford and that companies will also not relocate to New York because their employees can't find homes they can afford. Production is hindered because New York is the most regulated state in the country where it takes 3 to five years or more to secure a housing construction approval. New York is a national leader in limiting new housing.

New York's restrictive housing policies have led to the creation of racially and economically segregated communities which do not respond to the housing needs of all their residents. The Governor's plan seeks to reverse the effects of the Federal government affirmative action programs for white people including only providing government insured loans for whites. While redlining has been illegal for many years, the effects of redlining still persist. For example, favorable credit is more available in wealthier white communities than it is in black and brown communities. Moreover, zoning favors single family homes on larger lots while discriminating against construction of smaller single-family homes or multi-unit developments which require

less acreage. Moreover, any proposals to change these laws have been met with vociferous “Not in My Backyard” (NIMBY) movements to keep any higher density housing, in whatever form, from being built. Developers willing to risk building affordable housing are met with costly delays due to extended litigation.

The Governor, through her Housing Compact, proposes a series of “sticks and carrots” to finally get municipalities to break this discriminatory patterns to build 800,000 new units over the next 10 years. The plan, if implemented, will naturally facilitate the construction of 400,000 homes without taking specific actions. For the remaining 400,000 there are three principle approaches:

- Require municipalities to hit housing production targets to unlock 149,000 new units. the Compact requires every locality in the state to grow its housing supply by between one and three percent every three years. The only way to increase production is to directly eliminate procedural, zoning and legal barriers erected by municipalities to build higher density housing. The Governor, however, offers municipalities considerable flexibility to hit their targets offering the right balance of local control while ensuring that statewide housing targets are reached. See (attached FAQ). Greater incentives are offered to municipalities which choose to build affordable housing to reach their housing target. As a very last resort, after a municipality has been given every opportunity to make plans to build more housing, a developer may appeal a decision to a statewide decision making body to possibly override the municipality if the proposed housing is affordable.
- The Compact requires New York City and its suburbs to allow more housing near most train and subway stations to build 190,000 more units.
- The Compact offers tax and regulatory incentives to build 56,000 more units. These incentives include offering a pathway for New York City to legalize basement apartments and suburbs to build Accessory Dwelling Units (ADUS) and permit office conversions. Revision of the 421A law may also contribute towards the 56,000 unit goal.<sup>1</sup>

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<sup>1</sup> **A word about 421A.** The success of the Governor’s Compact is, in part, dependent on providing an alternative to 421A which incentivizes developers to build housing which includes an affordable component. The New York State Council of Churches has been highly critical of 421A because the modest affordable component of these developments was mostly geared to families making 100% to 120% or more of Area Median Income while generating a much larger percentage of market rate housing. It is worth noting, however, that 421A is **the only** program that has successfully helped locate at least some affordable housing in mixed neighborhoods in New York City. Almost all other affordable housing is built in poor and black and brown communities which reinforces segregation—a by-product of redlining and other exclusionary zoning policies.

The next generation of 421A laws should not be abandoned but it must be considerably improved to increase the number of the affordable units in a given development while expanding affordability at 80% of area median income or less. The Governor and the Senate and Assembly have not put anything on the table for a public conversation on how to improve the 421A program which is needed to meet the 800,000 housing goal of the Compact. If Albany is serious about using the market to strengthen production and affordability, a proposal for the next generation of 421A needs to be on the table.

(While it is not in the Compact, the New York State Council of Churches calls on HCR to remove regulatory barriers to houses of worship repurposing property to build affordable housing without being exploited by developers)

Funding for the Compact:

\$250M in initial infrastructure funding to support new development, in addition to existing resources for infrastructure.

\$20M in planning and technical assistance grants to municipalities

This funding complements existing State infrastructure funding (Environmental Bond Act, Water Infrastructure Improvement funding, Clean Water State Revolving Fund, Consolidated Local Street and Highway Improvement Program, etc)

The Senate and the Assembly sadly rejected the Governor's common sense legal approach in favor of providing 500 million (250 million more than the Governor) for municipalities who *might* wish to build housing. According to [a study by the Furman Center](#), "carrot only" incentives like what the legislature is proposing will be ineffective and do nothing to increase production especially in communities which have resisted increasing and diversifying their housing stock.

**We urge the Governor and the Assembly and the Senate to sit down together to work out a compromise providing the right balance of legal requirements and financial incentives which will motivate municipalities to increase housing production.**

Other Provisions of the Governor's Housing Compact include:

- \$500 Million Homeownership Stabilization Fund provides loan products including grants to fix up homes leading to ownership
  - \$400 million over 5 years
  - \$126 Million Zombie Property Acquisition
  - \$36 Million -Affordable Housing Corporation
- Housing and Community Renewal (HCR) has committed funding for affordable home production over a 5-year period

While the Senate and Assembly one house budgets do not include provisions of the Compact, these funding provisions remain for homeownership and the next installment in the five year affordable housing plan.

### **We Need More than the Compact**

New York State Council of Churches supports the Compact. We are clear, however, that the Compact's emphasis on increasing production will only lower prices **in the long term** as more homes are built. While more homes will be produced under the Compact, it is questionable whether increased production will ever lower housing costs enough to make housing affordable to low and moderate-income renters and homeowners. Nonetheless, we need specific remedies to make housing affordable and keep people in their homes *right now*.

While the Governor did not include **Housing Access Vouchers** in her budget, we are pleased that both the Senate and Assembly included the program in their one house budgets to the tune of 250 million.

**Good Cause Eviction** legislation would cap yearly rent increases and give tenants the right to renew leases in most apartments statewide. While the, "**Good Cause Eviction**" bill was not included in the Governor's or legislature budgets, the legislature made a positive step to embrace the principles of Good Cause eviction. The Council calls on the legislature and Governor to include Good Cause principles in the final budget with **the same strength** as what is proposed in the current Good Cause eviction bill.

Throughout the state, many people are not able to defend themselves in housing court from eviction because they don't have access to a lawyer to represent them. We need a statewide **Right to Counsel** law. The Assembly has proposed a state office which would eventually offer legal counsel in housing court but it offers no funding. There is no right to counsel legislation included in the Senate one house. We call on both the Assembly and the Senate to pass the full Right to Counsel proposal which not only creates an office but actually offers funding for housing court lawyers. Please see [this statement by the Right to Counsel Coalition](#).

There are proposals which we think have merit which did not find their way into the Governor's budget or the Legislature's one house budgets

**Public Housing Investment.** Because of the Federal Government's massive decline in investment in improving the nation's public housing stock, there are two mechanisms which have been employed to make repairs but turn over control of public housing to private entities. Those two programs are **RAD** and the **Housing Preservation Fund**. We need funding for capital improvements for public housing **which is not** dependent on RAD and Housing Preservation Fund for capital repairs. The Governor offered no funding for capital improvements while the Assembly only offered \$350 million. The Senate offered no funding. We propose **2.85 billion for Capital funding** for New York City Housing Authority and **additional dollars** for capital needs of public housing outside New York City.

**Assistance to renters in public housing who are in arrears.** The Governor proposed no funding to help public housing residents behind on their rent. The Assembly and Senate proposed \$385 million in rental relief.

We recommend passage of the **Tenant Opportunity To Purchase Act ( TOPA) A03353/S221)** While the Housing Compact increases production, there is a need to ensure that people are not displaced due to upzoning or gentrification. TOPA establishes the "tenant opportunity to purchase act" to prevent the displacement of lower-income tenants in New York and preserves affordable housing by providing an opportunity for tenants to own or remain renters in the properties in which they reside. \$200 million in funding for the first year would be used to convert 1,600 homes to democratically controlled social housing.

We also propose **creation of a social housing office** housed within HCR to create an enabling framework for building social housing. We do not recommend creation of a separate agency. We need sufficient funding to establish the office which would develop a couple of pilot projects for social housing.

**Expansion of AIDS Housing.** The original proposal was to use 10 million dollars from the budget of Office for Temporary to provide for people diagnosed with HIV who receive public assistance and reside outside of New York City with the same benefits as what is received by people in New York City including a 30 % rent cap and additional support (such as transportation and nutrition) and services. The Assembly and Senate took different approaches in their budget which need to be reconciled and comport with the original proposal for 10 million.

**Using faith-based property for housing.** Most importantly, we need to have a commitment from the legislature to look at the barriers that prevent houses of worship from using their considerable property to build affordable housing and then come up with recommendations to eliminate those barriers.

## **IMMIGRATION**

### **The Ask:**

The New York State Council of Churches calls on Governor and Legislative leaders to authorize at least 1 billion in assistance to help New York welcome asylum seekers especially in need of temporary shelter. In addition, more money than the Governor's proposed 30 million needs to be added to empower communities **outside of New York City** to offer shelter, legal and other services.

While we need as much money as possible to address the immediate needs of asylum seekers, we need as a state to make more structural changes to repair our broken immigration system. Those structural changes include:

- Passage of a Housing Access Voucher program which would be accessible to undocumented people.
- Passage of the Access to Representation legislation so that immigrants facing deportation have access to legal counsel, including funding to support its first year of implementation.
- Access to quality, low-cost health insurance coverage for all undocumented immigrants through New York's Essential Plan.
- Increased funding for the Office for New American and Liberty Defense Project fund and other basic support services to immigrants, whatever their legal status.
- Requirements that local police departments and other government offices may not cooperate or coordinate with ICE
- Work policies to facilitate all people, no matter their legal status, to obtain work permits and licensing.
- Funding for the unemployment bridge program which offers assistance to unemployed undocumented people, self-employed individuals, small businesses and the formerly incarcerated.
- Expansion of the Language Access policies to include more languages, as well as including language access mandates for DMV and the Education Department.

We also call on the Biden Administration to **not** implement a proposed rule which would *de facto* reinstitute family detention at the border and decimate the right to asylum in this country. Instead, we ask the Administration to fulfill its promise to work for authentic federal immigration reform legislation.

### **Political State of Play**

The New York State Council of Churches applauds Governor Hochul for offering a billion dollars in assistance to help New York welcome asylum seekers. Her commitment is consistent with our history as a state to open our doors to immigrants.

The money, however, largely goes to New York City to offer temporary shelter with the exception of 30 million for the rest of the state to provide not only shelter but a range of other services.

We agree with Mayor Adams that the rest of the state needs to be better equipped to welcome asylum seekers to spread the load so that the burden does not rest on New York City alone. The money from the state needs to be more robust to help other communities our side the City to step up.

As we address the immediate asylee crisis, we need as a state to make more structural changes to repair our broken immigration system.

- We applaud both the Assembly and Senate for providing health care for all undocumented people through the NY Essential Plan and not just those under the age of 18 and over 65. While the Governor has committed 137 million for health care for asylum seekers,, we think it would be a wiser investment to take that and available federal funds to provide coverage for all.
- While the Governor did offer temporary housing assistance, we are disappointed that she did not include any money for the Housing Access Voucher program or more permanent housing solutions. We are encouraged, however, that both the Assembly and the Senate allocated 250 million for the Housing Access Voucher program which is a Section 8 type program which will be available to all New Yorkers including undocumented people.
- While the Governor did propose an increase in money needed for legal assistance for immigrants, we are disappointed that neither the Governor or the Assembly and the Senate have proposed passage and funding of the Access to Representation Act which would provide legal counsel to people facing deportation in immigration court.



- We are disappointed that no money has been proposed by the Governor or included in either the Assembly or Senate one house budgets to fund the bridge unemployment program which would help not only undocumented people who become unemployed but also freelancers, small business owners, and the formerly incarcerated—none of which can access traditional unemployment.
- We are disappointed that the New York for All legislation, which would uniformly require that all police departments and other governmental entities across the state, **not** cooperate with Immigration and Customs Enforcement (ICE). NY for All was not proposed by the Governor or included in either of the one house bills.
- While New York has made a good start in providing language access through the establishment of the new State Office of Language Access, we ask that the State's language access mandate be expanded to include DMV and the Education Dept. We also ask that the language access policy allow for each region of the state to add non-English languages spoken in their geographic area.
- One of the best ways to help immigrants get on their feet and be less dependent on the state for assistance is to give them authorization to work. Currently asylum seekers are required to wait six months before receiving their work permits. We ask our elected officials to advocate for the passage of federal legislation (HR 1325) to shorten this waiting period to one month. We also ask for the establishment of a NY Empire Licensing law that would provide access to work-related licenses, permits and certificates for all New Yorkers, no matter their citizenship or immigrant status.
- Finally, we call on the state of New York to vociferously speak out **against** two immigrant policies currently being considered by the Biden Administration: (1) to change the asylum process rules to stop almost all people from being able to seek asylum in the United States (i.e. create a near-total asylum ban; and (2) to reinstate the practice of placing families including their children in immigration detention centers.