

Governor Hochul Executive Actions on Housing – Summary

On July 18, 2023, Governor Hochul [announced](#) several executive actions to promote housing growth including:

- I. Declaring an Executive Order establishing priority in certain discretionary funding programs for localities across the state that comply with a new “Pro-Housing Community” certification process;
- II. Creating a program to advance residential projects halted by the expiration of 421-a that include affordable housing; limited to within the Gowanus rezoning area in Brooklyn;
- III. Requiring all state entities to identify the potential for state-owned lands to support housing;
- IV. Recent and forthcoming regulatory initiatives to identify opportunities for greater efficiencies to promote housing growth;
- V. Launching of the beta version of a new, interactive portal to collect and share community-level housing and zoning data and information.

I. Executive Order No. 30 (Declared July 18, 2023)

Title: Directing State Agencies, Authorities, and entities to prioritize the allocation of certain state discretionary funds to those localities that promote the construction of housing.

Duration: This Executive Order **does not** have a stated expiration date; instead the order is effective until such time as the governor may declare.

Summary: On July 18, 2023, Governor Hochul signed an Executive Order creating the “Pro-Housing Community Program” – new policy designed to prioritize the distribution of certain state funds to localities (cities, towns, or villages) that receive a new “Pro-Housing Community Program Certification” from the state Division of Housing and Community Renewal (DHCR).

Localities that receive the “Pro-Housing Community Program Certification” designation will receive priority in their applications for discretionary funding programs (totaling up to \$650 million), including:

- the [Downtown Revitalization Initiative](#) (DRI),
- the [NY Forward program](#),
- the [Regional Council Capital Fund](#),
- capital projects from the [Market New York program](#),
- the [New York Main Street program](#),
- the [Long Island Investment Fund](#) (LIIF),
- the [Mid-Hudson Momentum Fund](#), and
- the [Public Transportation Modernization Enhancement Program](#) (MEP)

Localities are required to submit an application to DHCR to be designated as a “Pro-Housing Community.” The application will use templates provided by DHCR to document and verify local zoning codes, local housing assessment data, and information detailing local housing permit approvals over the past five years. The new certification process will also be based on factors such as streamlining permitting and adopting of pro-housing policies, and whether such locality has

submitted housing and zoning data to the state to help identify challenges and progress on housing growth. For additional prioritization on discretionary applications, localities can submit documentation that their housing stock has increased by 1% annually downstate or by 0.33% annually upstate.

DHCR will review program applications on a rolling basis, providing approval or denial within 90 days of submission. Localities must resubmit their housing permit data and any updates to their zoning on an annual basis to remain certified and qualify for prioritization.

II. Facilitating Development of Housing, Including Affordable Housing, through proposed Gowanus Program in Brooklyn

The Governor announced a program aimed at targeting specific benefits and housing obligations in line with the former 421-a tax abatement program for development proposals currently vested in the expired program limited to the Gowanus rezoning area in Brooklyn. The proposed program will be presented to the Empire State Development (ESD) Directors this week for approval.

Developer proposals would respond to a request for applications administered by ESD. For eligible proposals, ESD would purchase the privately owned properties for a nominal fee, lease the property back to the original owners for a long-term lease term that would parallel the 421-a benefit period, and deed the property back to the original owner at the conclusion of the benefit period. In exchange, the property owner would make payments equivalent to the reduced taxes the property would have paid if it were to complete construction prior to the expired 421-a program completion deadline of June 15, 2026. Proposals would need to comply with affordability, labor, and other requirements similar to those of the 421-a program and meet certain eligibility criteria.

III. Identifying State-Owned Sites for Potential Housing

Executive Order No. 30 also mandates that all state entities must review lands in their ownership and control to determine whether the sites could be used either for housing development or to support nearby housing developments.

IV. Addressing Regulatory Hurdles to Housing Production

The Governor also announced recent and forthcoming administrative actions to address state regulatory hurdles to building new housing. The Department of State has initiated regulatory updates that will align its regulations under the State Environmental Quality Review Act ("SEQR") with other agencies' SEQR regulations and will help facilitate obtaining variances under the Uniform Fire Prevention and Building Code and Energy Conservation Construction Code. The Department of Environmental Conservation will look for opportunities to balance identifying efficiencies in its SEQR regulations to promote environmentally friendly housing growth.

V. New Portal for Housing Data

Governor Hochul announced the launch of the beta version of a [Housing Data Dashboard](#) to share statistics and information about housing and zoning trends and practices from around the state. The Housing Data Dashboard will provide information to help the state and municipalities identify challenges and track progress on housing growth.