



# State of New York

## Executive Chamber

No. 30

### EXECUTIVE ORDER

#### **DIRECTING STATE AGENCIES, AUTHORITIES, AND ENTITIES TO PRIORITIZE THE ALLOCATION OF CERTAIN DISCRETIONARY FUNDS TO THOSE LOCALITIES THAT PROMOTE THE CONSTRUCTION OF HOUSING**

**WHEREAS**, the cost of housing in New York State is among the most expensive in the nation. The cost to purchase a home or to rent a home is caused, in part, by onerous local government policies that unduly inhibit housing development generally or prohibit the approval of certain housing proposals and thereby increase development costs and restrict the housing supply;

**WHEREAS**, local policies, practices, and decisions that impede housing development, particularly the production of multifamily units, hamper employment growth; increase the cost of living; contribute to sprawl; worsen traffic problems and commuting times; and constrain housing choice for low-income households and households of color who disproportionately rely on multifamily housing to provide them with housing opportunities that they can afford; thus, such policies, practices, and decisions lead to unintended consequences to public health, safety, and general community welfare;

**WHEREAS**, the State lacks critical information regarding local planning, land use, and zoning practices, as well as regarding housing production, all of which is necessary for the State to assist localities in housing development and to identify and redress impediments to housing growth throughout New York;

**WHEREAS**, the State has discretion regarding the prioritization of certain funds awarded by the State on a competitive basis to applicants that may include municipal governmental entities;

**WHEREAS**, the State has the authority to prioritize the award of some discretionary funds to help further critical state interests;

**WHEREAS**, it is a matter of State concern and the policy of the State that localities and the municipal entities they support or control must begin to take steps to address overly restrictive local housing policies, practices, and decisions to best ensure and maintain public health, safety, and general community welfare, and to encourage and support the production of housing across New York, especially multifamily, affordable, and supportive housing developments;

**NOW, THEREFORE, I, KATHY HOCHUL**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York, do hereby order, effective until such time as I may declare, as follows:

Definitions:

- a. "Affected State Entities" means (i) all agencies, offices, and departments over which the Governor has executive authority, and (ii) all public benefit corporations, public authorities, boards, and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey, any interstate or international authorities as defined in section two of the public authorities law, and any local authorities as defined in section two of the public authorities law.
  - b. "Locality" shall refer to all cities, towns, or villages that regulate planning, land use, zoning, and/or local and regional growth and development pursuant to the general city law, the town law, the village law, the municipal home rule law, or other state law, as applicable
  - c. "The Division" shall refer to the Division of Housing and Community Renewal.
  - d. "Pro-Housing Community Programs" includes:
    - i. the following programs:
      - A. the Downtown Revitalization Initiative (DRI) administered by the Department of State;
      - B. the NY Forward program administered by the Department of State;
      - C. the Regional Council Capital Fund program administered by Empire State Development;
      - D. the New York Main Street program administered by New York State Homes and Community Renewal;
      - E. any capital grants made pursuant to the Market New York program administered by Empire State Development;
      - F. the Long Island Investment Fund (LIIF) administered by Empire State Development;
      - G. the Mid-Hudson Momentum Fund administered by Empire State Development;
      - H. the Public Transportation Modernization Enhancement Program (MEP) administered by the Department of Transportation; and
    - ii. any other program whereby the current or any future appropriation for such program designates it as a Pro-Housing Community Program.
  - e. "Pro-Housing Community Program Certification" means a certification granted by the Division, based upon criteria that shall be set forth by the Division, that a Locality has taken steps to prioritize housing growth and provide related information to the Division as it deems necessary. The Division shall have the discretion to establish multiple tiers of Pro-Housing Community Program Certifications to distinguish between Localities based upon which or how many of the criteria that the Division establishes that the Localities meet. In addition, the following terms shall also apply:
    - i. "Certified Locality" shall refer to a locality that has received a Pro-Housing Community Program Certification from the Division; and
    - ii. "Non-Certified Locality" shall refer to a locality that has not received a Pro-Housing Community Program Certification from the Division.
2. An Affected State Entity that administers any Pro-Housing Community Program shall give priority among the Locality applications for such funds to those Locality applications made by Certified Localities, and shall further prioritize among Certified Localities based upon the tier of Pro-Housing Community Program Certification each Certified Locality has received from the Division. Provided, however, that applications made by Non-Certified Localities will not be deprioritized relative to applications from Certified Localities if the application from the Non-Certified Localities is expressly for the purpose of funding housing development, including mixed-use developments that contain housing components, or would fund non-housing investments necessary for and made in relation to a particular housing development. Provided further that this paragraph shall only apply if the Division has begun issuing Pro-Housing Community Program Certifications at the time an Affected State Entity is considering applications for a Pro-Housing Community Program.
3. All Affected State Entities shall consider the goal of creating additional housing in any policy or programmatic decisions and, where appropriate, shall collaborate with other Affected State Entities to effectuate that goal.
4. All Affected State Entities shall review or collaborate in the review of any parcels of developed and undeveloped land under their ownership and control to identify potential sites for housing development and to determine if any such parcels could be used to aid housing development on adjacent or nearby parcels. Such review shall include but not be limited to the following:
- a. parcels owned and controlled by the State University of New York or any of its subsidiaries;

b. parcels owned and controlled by the Metropolitan Transportation Authority or any subsidiaries thereof, including but not limited to existing parking facilities; and

c. parcels owned and controlled by the New York State Department of Transportation or any subsidiaries thereof, including but not limited to existing parking facilities.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of July in the year two thousand twenty-three.

*Ruth Hochul*

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "W. P. K.", written over a horizontal line.

Secretary to the Governor