



**Open New York Testimony for the 2023 Joint Legislative Budget Hearing on
Housing**

March 1, 2023

Thank you, Chair Weinstein and Chair Krueger, for the opportunity to share testimony in support of the pro-housing provisions in the Executive Budget. My name is Annemarie Gray and I serve as the Executive Director of Open New York. Open New York is an independent, grassroots, pro-housing nonprofit with hundreds of volunteer members across the state.

As you have heard from other witnesses, New York is in a dire housing crisis that has real and direct human consequences: high rents, displacement, segregation, tenant harassment, homelessness, and countless other problems. A key reason why New York has failed to produce enough housing over the past 30 years is the lack of a statewide framework for promoting housing growth and affordability. Unlike many other states, New York allows local governments absolute power to ban housing growth, which perpetuates and worsens our housing crisis each year.

The interrelated proposals in the Executive Budget that would encourage cities, towns, and villages to revamp their zoning codes to allow more housing are vital first steps in shifting away from the broken status quo. Open New York is especially excited about ELFA Part G, or the Transit-Oriented Development (“TOD”) Act of 2023, which would encourage housing growth in walkable, sustainable areas and would bring needed ridership and revenue to the Metropolitan Transportation Authority.

Most importantly, ELFA Parts F and G, the New Homes Targets and Fast-Track Approval Act and the TOD Act, rebalance the relationship between the State and local governments to ensure that housing is allowed to grow where there is demand for it. We also support the inclusion of additional infrastructure funds to address the need for additional capacity for water, sewer, utilities, and other infrastructure investments. If these acts become law, local governments will have a framework and guidelines under which to operate, but they will no longer have unchecked authority to block all housing growth. We believe that this is a necessary change if New York is ever to leave its housing crisis behind.

Open New York’s main concern with these acts, as drafted, is their lack of strong enforcement provisions. In other states that have adopted similar frameworks – particularly California, Massachusetts, and New Jersey – local governments have



extensively delayed required zoning actions or failed to provide legally required building permits. The only efficient way to discourage this behavior and ensure that these acts achieve their purpose is to empower private non-profits to sue non-cooperative localities and to invoke monetary penalties for noncompliance. California's Housing Accountability Act provides exemplary provisions for this kind of enforcement.

Additionally, we believe the Legislature should consider including affordable housing growth targets for localities that have very little affordable housing in their communities today. The Housing Compact can be a powerful tool to address fair housing concerns and correct for patterns of exclusion, and all options to strengthen the outcomes toward fair housing goals should be explored.

Finally, building the housing we need will take time. A comprehensive approach to solving our housing crisis must also include tenant protections for those who are struggling to pay rent right now. We hope that the final budget will include expanded tenant protections such as Good Cause eviction and more funds to support government capacity for investing and innovating in the creation of affordable housing.

New York is in a housing crisis, but this year's budget gives us the opportunity to create a statewide solution. When young adults can afford to live in the communities they grew up in, seniors can age in place, and we can welcome new neighbors without fear of displacing long-time residents, we'll be glad we rose to the challenge. Thank you for your time