



TESTIMONY OF THE LONG ISLAND BUILDERS INSTITUTE TO THE NEW YORK STATE ASSEMBLY COMMITTEE ON HOUSING
PUBLIC HEARING ON DECEMBER 15, 2020

REPURPOSING VACANT AND UNDERUTILIZED REAL ESTATE FOR AFFORDABLE HOUSING DEVELOPMENT

HONORABLE STEVEN CYMBROWITZ, CHAIRMAN

The Long Island Builders Institute is the largest residential and mixed-use trade association in New York State and one of the largest in the country. Our members of almost 600 consist of the largest builders of such housing on Long Island as well a variety of associate members of all types of companies who work in the residential real estate industry. We are committed to ensuring that all of our residents have a decent place to live in all communities on Long Island.

With this in mind, the Long Island Builders Institute, in conjunction with the Suffolk County and Nassau County Planning departments have undertaken a significant analysis of the ability to transform vacant and underutilized retail and mall properties into residential housing, especially affordable rental housing. Such properties are located mainly along our main highways, with ample parking and have the necessary sewage infrastructure appropriate for redevelopment, which is especially important in Suffolk County where only 35% of the land is located in a sewer system. As we are working to include all sizes of rental apartments to ensure affordability, we have already had success in having the Suffolk County health department reduce the flow rates for apartments of under 450 sq ft to allow for additional development of such size and affordable apartments in these types of developments. In addition, Suffolk County is looking to assist our towns and villages, which have the final zoning authority over the transformation of such properties, by doing a Generic Environmental Impact Statement for the zoning changes necessary. In addition, both the Suffolk and Nassau County Industrial Development Agencies have agreed to provide new funding opportunities for the redevelopment of such properties.

However, having said all of this, there are a number of initiatives which this legislative body and the State of New York could provide which would assist in the redevelopment of such properties. On Long Island, our process is very time-consuming and inefficient and is still at the whim of all of our local towns and villages which have zoning powers. As the State of New York accomplished when it passed the Padavan law in the 1970's to override local zoning powers in some circumstances to allow us to provide new housing opportunities for our mentally and physically challenged members of our society, we need to pass legislation which will not allow our towns and villages to arbitrarily prohibit such redevelopments for affordable housing on these already developed sites. It is inconceivable for our state to allow a local municipality to impede the public policy of the State of New York, which is to provide for such housing for all of our residents, simply because it will not change the local zoning code to allow such properties to be converted, in whole or in part, to affordable residential housing. LIBI and its members should not be required to go from municipality to municipality and beg them to change their zoning codes to allow for the redevelopment of such properties, and not be allowed to build such housing on such vacant and underutilized properties only because the local municipality does not want it. All of our municipalities, regardless of size, location, demographics, wealth or current zoning should be required to ensure that their zoning codes do not impede the public policy of New York State.

Second, all of our municipal zoning codes should include properties, whether these properties or other properties, which can be developed for affordable rental or for sale housing as of right, without the requirement of a zoning change or a special permit from the local town or village board. It is these types of zoning changes which significantly impede or delay the building of such affordable housing. Every municipality should be required to provide such properties as of right, for only in this way will such affordable housing actually be built on Long Island in the numbers necessary for our residents. To try and encourage that to take place, LIBI along with a number of other business and civic organizations, such as the Regional Plan Association, the Long Island Community Foundation, the Community Development Corporation and others wrote to the office of the Attorney General of the State of New York back in July to ask her office to write to all of our municipalities to ask them for a list of such properties in their

jurisdiction which could be used for affordable rental housing as of right. Unfortunately, we have not received any response from the office of the Attorney General as of yet and no letter has been sent to any municipal officials in this regard. Our discussions with the office of the Attorney General have been ongoing in this matter for over two years but no action has been taken.

Third, the State of New York must ensure that our local school districts on Long Island do not engage in lobbying activities at the local level to encourage the local zoning authority not to approve such affordable housing applications. It is common place on Long Island for the local school district to express its opposition to such housing and such opposition often sways the local municipal officials in defeating such zoning changes or significantly reducing the number of units which can be built if approval is granted. Some school districts have even filed litigation against the local zoning authority to prohibit the zoning changes necessary t build such housing. The State of New York provides billions of dollars to our school districts and should not allow such lobbying or litigation efforts against such development to defeat the building of such affordable rental housing to continue.

In addition to these issues, LIBI has a variety of other recommended changes in the development process, such as self-certification of licensed professionals for applications, penalties for our local municipalities which do not adhere to current DEC time periods for responses for either scoping or environmental impact statements and time periods for building permits. We are hopeful that the State Assembly will look favorably on such legislation which it is introduced in the 2021 session.

The Island Builders institute is committed to both build such affordable rental housing and to build much of such necessary housing on the vacant and underutilized commercial properties which are located on Long Island but we need your assistance to do so. We look forward to continuing our efforts and to work with you and your legislative colleagues to make it happen.

Mitchell H. Pally
Chief Executive Officer