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## Long Island Weekly



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### ZONING AND LAND USE

BY ANTHONY S. GUARDINO

## *Affordable Housing Options Gain on Long Island*

One of the phrases that more and more Long Islanders, from residents and business owners to government officials, have begun to repeat with greater frequency recently is “affordable housing.” Although once an issue that few wanted to address, the lack of affordable housing is an area many now perceive to be among the most serious issues facing Long Island. For example, some business people fear they may be unable to find sufficient high-quality employees because these employees will not be able to find financially feasible living arrangements.

The worry is so great that Matthew Crosson, the head of the business group known as the Long Island Association, has labeled the shortage of affordable housing “Long Island’s most challenging economic issue.”<sup>1</sup> Indeed, many individuals who now live on Long Island are concerned that they may have to move away if they do not continue to receive sufficient salary increases or if they lose their jobs or retire; they also worry that their children, once they graduate from high school and go to college, will find living costs too overwhelming to be able to return to Long Island when they begin their careers, get married, and have their own children.

Long Island’s towns and villages, Nassau



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and Suffolk counties, the New York State Legislature and the federal government, as well as private businesses, are endeavoring to create solutions to this problem.<sup>2</sup> For example, local legislative efforts — notably in the Long Island village of Greenport, on the North Fork — are intended to alter zoning rules to permit affordable housing. Indeed, affordable housing also has captured the attention of both of Long Island’s county executives. Nassau County Executive Thomas R. Suozzi issued an economic development plan in November 2002 that highlighted “the need for affordable workforce and senior housing,”<sup>3</sup> while Suffolk County Executive Steve Levy recently referred to it as a “crisis” that needs to be tackled “head-on.”<sup>4</sup>

#### **Local Efforts**

Local control of property development through zoning and municipal land use planning powers is a fundamental legal

concept in New York. Interesting local action with respect to affordable housing has been taken recently by the Village of Greenport.<sup>5</sup>

The village changed its zoning code and is now encouraging the development of “accessory apartments.” In that regard, it lowered the required size for apartments in its primary residential zoning district, eliminated the off-street parking obligation in the business district and permitted businesses to add apartments to upper floors of their stores. It even obtained a \$400,000 grant from New York’s Office for Small Cities that is to be divided among more than a dozen low-income homeowners who need financial help to construct accessory apartments.

Certainly, Greenport is not the first municipality on Long Island to support accessory apartments; a decade or so ago, the Town of Islip amended its zoning rules to authorize those apartments in owner-occupied, one-family homes. The Islip action and the Greenport example, as well as similar steps being taken in Riverhead and being considered for New Cassel and elsewhere in Nassau and Suffolk, demonstrate the power that local governments have to try to solve the affordable housing dilemma.

#### **County and State Action**

Suffolk County Executive Levy has supported a five-step housing committee

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plan prepared by Jim Morgo, president of the Long Island Housing Partnership, a non-profit organization that develops and promotes affordable home ownership. Among the proposals: affording incentives to developers who create so-called "work force housing" or housing for low-income home buyers; permitting more homes to be built on property than currently permitted by typical zoning rules; and studying property in Suffolk to determine where work force housing could be developed. The plan also proposes to better use the \$20 million fund that the legislature authorized three years ago when it enacted the Affordable Housing Opportunities program.<sup>6</sup>

In his recent State of the County address, Nassau County Executive Suozzi stated that he has charged the newly created Nassau County Planning Federation with the development of model zoning codes to encourage affordable work force housing throughout Nassau County.

On March 1, the New York State Assembly passed a bill known as the Long Island Workforce Housing Initiative (A.08060) that was introduced by Assemblyman Thomas DiNapoli (D-Thomaston) and State Senator Michael Balboni (R-Mineola). This bill, now pending in the State Senate (S.4899), could have a significant impact on the development of affordable housing on Long Island. Under the bill, when a local government on the Island approves a subdivision plat or site plan for five or more residential units, it must require the developer to set aside at least 10 percent of these units for "affordable workforce housing," units that would be available to persons earning less than 80 percent of the median income on Long Island.

The bill also provides for density bonuses or other incentives for builders and developers. Because the legislation is applicable only to Long Island and is supported by a wide range of interested parties, it very well may be passed by the Senate this year and become law, although it should be noted that the Assembly

passed the bill in June 2003, only to see it die in the Senate earlier this year.<sup>7</sup>

## National Developments

There is much talk about affordable housing from the national stage, too. For example, when President Bush delivered his weekly radio address on March 27, the topic was home ownership. The president pointed out that more homes were sold in 2003 than ever before, and that the nation's 68 percent homeownership rate is the highest ever. He then referred to several initiatives intended to increase home ownership among low-income Americans, including:

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- the American Dream Down Payment Act, S. 811, which the president signed into law on Dec. 16, 2003, and which authorizes \$200 million per year in down payment assistance to at least 40,000 low-income families;
- an administration proposal to make zero down payment loans available to first-time buyers whose mortgages are guaranteed by the Federal Housing Administration, which, the president said, would help 150,000 families buy homes in the first year it takes effect; and
- a proposal to create a tax credit to encourage the construction of affordable homes, which, if enacted, the president stated, would give builders an incentive to provide an additional 200,000 affordable homes

over five years for families with low incomes.

## Conclusion

There are many possible solutions to the affordable housing problem on Long Island, and not all of them have been proposed by government officials. A non-profit organization known as the "Peconic Housing Fund" has proposed an "affordable housing easement," pursuant to which the group would purchase homes for their full value but sell them to low-income families at a discount, with a restriction that they continue to be owned by that family or other low-income families. Assuming the Fund is able to obtain necessary financing, this idea could help eliminate the escalating costs of housing as a problem for lower income individuals.<sup>8</sup>

Despite the various legislative initiatives and innovative measures designed to encourage the construction of affordable housing, Long Island's affordable housing dilemma will not be solved overnight. However, Long Islanders should be encouraged by the steps that have already been taken to reach that goal.

1. Matthew Crosson, "Legislature Should Pass Affordable-Housing Bill," *Newsday*, Jan. 1, 2004, at A28.

2. Of course, affordable housing has a long history on Long Island. In 1947, William Levitt built "Levittown," an affordable housing development for returning World War II veterans in the heart of Nassau County.

3. Nassau County Economic Development Plan, at 10.

4. Christian Murray, "Levy Offers Up Housing Plan," *Newsday*, Feb. 20, 2004, at A07.

5. See, Ellen Mitchell, "Staying Power: Communities look to accessory apartments in homes and above stores to keep modest-income families from leaving the region," *Newsday*, Feb. 27, 2004, at D06.

6. Murray, *supra*.

7. A similar proposal, requiring that developers allocate a portion of their subdivisions for affordable housing, has been made by Southold Supervisor Joshua Horton. See Katie Thomas, "Affordability a must in housing plan," *Newsday*, March 10, 2004 at A06.

8. [www.housingzone.com/news.asp?topicId=14477&docId=1:79892066](http://www.housingzone.com/news.asp?topicId=14477&docId=1:79892066). Another non-profit entity, Habitat for Humanity of Suffolk, has built 75 affordable homes in the county over the past 15 years. See Ed Miller, Letter to the Editor, *Newsday*, April 2, 2004.

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