

NEW YORK STATE BUILDERS ASSOCIATION 2026 LEGISLATIVE & REGULATORY AGENDA



New York is facing a severe housing shortage that is eroding the quality of life for residents and making it increasingly difficult to attract and retain the workforce and businesses our economy depends on. The imbalance between job growth and housing production has driven housing costs to historic highs, pushing both homeownership and rental housing further out of reach for New York families. At the same time, excessive regulation, lengthy permitting processes, and layers of red tape continue to drive up the cost of building homes and slow the production of desperately needed housing. According to the **National Association of Home Builders (NAHB)**, every \$1,000 increase in the price of a new home prices more than **6,700 New York households out of the market**, demonstrating how regulatory costs can quickly put the dream of homeownership out of reach.

Addressing this crisis requires a straightforward solution: building more housing

The New York State Builders Association (NYSBA) supports Governor Kathy Hochul’s “Let Them Build” agenda, including long-overdue reforms to the State Environmental Quality Review Act (**SEQRA**). Too often, modest infill housing projects with little or no environmental impact are delayed for years or stopped entirely through a process intended to identify and mitigate environmental concerns. Establishing reasonable timelines for SEQRA review and providing targeted relief for moderately sized infill housing built outside environmentally sensitive areas, similar to policies adopted in California, Washington, Massachusetts, and New York City, will help remove unnecessary barriers and allow more homes to be built where they are needed most.

If New York is serious about addressing its housing crisis, policymakers must reduce unnecessary regulatory burdens and allow the residential construction industry to do what it does best—build homes. In short, it’s time to **“Let the Builders Build”**.

BUDGET AGENDA

Support SEQRA Reform

NYSBA supports efforts to modernize the **State Environmental Quality Review Act (SEQRA)** to reduce unnecessary delays while preserving environmental protections. SEQRA reform is critical to shortening approval timelines and increasing housing production.

WE SUPPORT:

- Preserving incentives to build on previously disturbed land using the Governor's definition
- Including all types of housing, both multifamily and single-family
- Changing to Senate language which provides higher thresholds for the housing exemptions
- Clarifying that the exemptions include subdivision approvals, site plan approvals, variances, and zoning text amendments
- Adding a definition of completeness of the EIS application
- Reducing from one year to six months the time allowed to determine whether an EIS is required
- Including using a county's entire population to calculate housing threshold eligibility
- Clarifying the two-year timeline for environmental review means the **final and completed DEIS**

WE OPPOSE:

- Limiting reform to urbanized areas
- Limiting reform to multifamily housing
- Requiring additional sign-offs and certifications to determine whether the exemption applies
- The Senate definition of previously disturbed lands

Reforming the J-51 Program

The **J-51 tax incentive program** is not functioning effectively for pre-1974 rent-stabilized buildings. The program was designed to encourage major capital improvements such as boilers, roofs, elevators, and building envelope upgrades.

- Allow J-51 and MCI to be used together
- Increase the MCI rent cap from 2% to 4%
- Align cost schedules with real construction costs
- Expand eligibility for older rent-stabilized buildings
- Provide full tax abatements on certified rehabilitation costs

LEGISLATIVE AGENDA

Support S.685 (Martinez) / A.6327 (Woerner), providing a clarified and functional grandfathering definition for building projects when New York State’s All-Electric Building Act takes effect.

Although the All-Electric Building Act, which would ban the use of fossil fuels for heating in new construction under seven stories, has been paused in its implementation, the original statutory language, when enacted, does not reflect the on-the-ground reality of construction. Homebuilders and developers incur considerable expense, time, and effort to obtain the necessary project site plan, infrastructure, financing, building permits, and approvals before commencing construction on any project. The development phase for any such project typically spans several years, from conception to the commencement of shovels in the ground.

Accordingly, this bill reflects that reality by amending existing law to exempt any construction project under seven stories for which a site plan or subdivision has been approved by a local zoning board, or a permit has been issued before the implementation deadline. Without a clear grandfathering provision, these projects will face uncertainty and costly redesigns that could stop them entirely.

- Housing projects already underway can proceed
- Housing production is not disrupted during the transition to electrification

Support S.9423 (Skoufis) / A.10632 (Solages) “Redeveloping Empty and Vacant Infrastructure for Vibrant Economies Act”, the “REVIVE Act”

Many older shopping plazas, retail centers, and office parks are in decline due to changing economic conditions, evolving consumer preferences, and the rise of alternative retail and business models. Many such centers and their parking lots have become underutilized or outright vacant, prompting academics and planners to deem them “stranded assets.”

At the same time, New York is confronting a severe housing crisis- the current supply of housing does not meet the demand. Addressing this crisis requires innovative approaches that unlock the potential of stranded assets for housing and community development while thoughtfully balancing statewide housing goals with localities’ needs and preferences.

An efficient way for the State to increase housing supply is to **streamline and open up the processes for converting vacant retail centers and parking lots into new homes**. Converting obsolete retail centers and parking lots into vibrant mixed-use communities would promote the general welfare by revitalizing underused properties, creating new opportunities for housing, businesses, and recreation, and strengthening the economic and social vitality of New York’s municipalities.

To promote the development of **dynamic, mixed-use communities** that serve both local and statewide interests, this bill removes certain barriers to the redevelopment of already-paved lands while balancing municipalities’ desires to unlock numerous housing opportunities for everyday New Yorkers. **At least 14 other states have introduced similar bills**, with many having passed such legislation.

Support S.256A (Martinez) / A. 9299 (Solages) promoting housing production through Industrial Development Agencies (IDAs)

The bill would add clarity to the enabling legislation for **Industrial Development Agencies (IDAs)** and other public authorities to formally include in their missions support for building new housing in the communities where the IDA operates. The role that local IDAs in Westchester County have played in supporting new housing developments, including affordable housing, over the past decade cannot be overstated. However, in other Hudson Valley counties, there have been mixed opinions on whether housing projects fall within the mission of those IDAs. This bill would resolve those questions with a statement of policy that part of the goal should be to increase housing options and opportunities, including but not limited to affordable, workforce, and senior housing.

Support S.5940 (Skoufis) and A.7282(McDonald) Creating a new, more cost-effective option in the New York Energy Code

to insulate unvented attics through the prescriptive path at R-30, which is more cost-effective than the R-49 requirement. This bill will provide additional options for home builders to meet code requirements by updating the code to allow for a more appropriate R-value for air-impermeable insulation applied to the roof deck in unvented attics and unvented enclosed rafter assemblies. This code change will decrease the cost of utilizing air-impermeable insulation for home builders and homeowners, making a better product more affordable for New Yorkers. This bill would not dictate a specific method for meeting code requirements; rather, it would provide an additional option to meet building code requirements.

Support S.7217A (Martinez) / A.7675A (Stern), allowing municipal building departments to accept self-certification by a registered architect or professional engineer as sufficient for some administrative tasks

This bill would allow municipalities within certain large counties to accept self-certification by a registered architect or professional engineer for the issuance of a building permit. It permits municipalities to establish programs that mirror practices already allowed in New York City for Certificate of Occupancy and are already utilized in other states. Licensed professionals knowledgeable about a particular project must also be aware of the Uniform Fire Prevention and local building codes, saving both time and money for the municipality. These programs would also maintain a high level of safety for the general public through a random audit process of certified construction documents, ensuring that the reduction in bureaucracy does not negatively affect safety.

Support S. 9135 (Cooney) / A.10224 (Weprin) establishing the crime of staging a construction site accident, which would be a class E Felony and protect affordable housing construction in New York

Fraudulent staged accidents impact everyone. These accidents burden contractors and developers with excessively high insurance costs, which are ultimately passed on to New Yorkers through higher housing costs.

Support the HOME Act for down payment assistance for homebuyers – A.787 (Solages) / S.3150 (Cooney)

This bill, known as the **Home Ownership Market Expansion Act**, or HOME Act, would create a first-time home buyer grant program. This program would complement federal efforts by providing an additional \$10,000 for New Yorkers to assist with costs for first-time homeowners. It's our responsibility to take action on all levels of government to help our communities achieve the American dream, and New York has a unique opportunity to lead the way.

Support the creation of the New York State First Home Savings Program S. 1157 (Cooney) / A. 5098 (Ramos)

This bill would establish the **New York State First Home Savings Program**, designed to help residents save for their first home. The bill allows individuals to deduct up to \$5,000 and married couples up to \$10,000 in annual deposits from their state income. When those accounts have accumulated sufficient funds, those funds can be used to purchase or construct a primary residence, including houses, townhouses, and condominiums.

REGULATORY AGENDA

Strengthening the Pro-Housing Community Program

NYSBA supports the Governor's \$650 million investment in Pro-Housing Communities as an incentive for local housing growth and urges legislators to strengthen this initiative **to promote housing production and reward communities** willing to meet the challenge of addressing New York's housing crisis

- Allow one to two family housing in all areas where single-family homes are currently allowed
- Reduce minimum lot sizes
- Reduce or eliminate parking mandate
- Allow accessory dwelling units (ADUs) as-of-right
- Increase density through cluster zoning
- Simplify approvals for smaller projects
- Increase density by incorporating cluster regulations (Town Law Section 278) into at least 50% of the area that currently allows housing

Clarification of Freshwater Wetlands Jurisdictional Determinations

The expanded freshwater wetlands law enacted under **Chapter 49 of the Laws of 2023**, effective January 1, 2025, has created significant confusion regarding when a **Jurisdictional Determination (JD)** is required by the **New York State Department of Environmental Conservation (DEC)**.

Current DEC website language and wetlands mapping have led to a widespread assumption that projects located near mapped wetlands must obtain a JD. As a result, builders, developers, landowners, and municipalities are treating JDs as mandatory rather than case-specific. Although DEC has informally indicated that JDs are not required in all instances, municipalities routinely require them as a condition of approval, creating a de facto mandate that does not exist in law.

This misinterpretation is driving significant unintended consequences, including project delays, increased costs of approximately \$5,000–\$10,000 per project, growing backlogs at DEC, and slower housing production. These impacts are compounded by unclear guidance, overreliance on imprecise wetlands maps, and the lack of recognition of qualified design professionals' expertise.

DEC should provide clear, unambiguous guidance stating that JDs are not universally required, define when they are necessary versus optional, improve the accuracy of mappings, and affirm that qualified design professionals' determinations may be relied upon. Municipalities should also be encouraged to align with this guidance and avoid blanket JD requirements.

Without clarification, the implementation of this law will continue to add costs, delays, and uncertainty, undermining its intent and hindering the production of much-needed housing across New York.