

LOCAL LAW NO. “G” FOR 2025

A LOCAL LAW DESIGNATING THE DEVELOPMENT OF AFFORDABLE HOUSING AS A GOVERNMENTAL AND PUBLIC PURPOSE OF THE COUNTY OF ALBANY, NEW YORK

Introduced: 7/14/25

By Cunningham and Willingham:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

Section 1. Title.

The Albany County Affordable Housing Initiatives, is hereby created.

Section 2. Legislative Findings and Intent.

Affordable housing is one of the greatest challenges throughout New York State, and Albany County is no different. It is traditionally accepted that people should pay no more than thirty percent (30%) of the area’s median income for housing. But nearly fifty percent (41%) of Albany County renters are spending over 30% of their income on housing. Annually, renters’ purchasing power fails to keep up with increasing rent. From 2022 to 2023, renter’s wages increased by an average of 3.3%, while apartment rents increased by an average of 8.8%. As rents continue to climb, this crisis continues to grow.

Beyond renting, individuals making the median income in Albany County cannot afford homeownership either. Single-income households with median incomes face a significant shortfall on their annual mortgage, even under generous interest and loan terms, a shortfall that wouldn’t be fully bridged in a multi-income household. Too many residents in Albany County are financially unable to purchase homes within the County. With homeownership directly tied to the growth of generational wealth, educational attainment, and family stability, it is imperative that this crisis is addressed.

An increase in housing supply, both in the rental and ownership markets, will aid in easing the financial burden on renters and owners in the County. However, affordable housing development faces substantial challenges. Interested parties struggle to secure the necessary investment to rehabilitate or construct housing in the urban and rural areas where housing is most needed and effective. Decades of residential flight, neglect, and blight have created a financing environment where predevelopment funding for architectural or engineering needs is hard to acquire. As investment continues to lag behind development, the crisis exacerbates.

To respond to these crises, and pursuant to Article IX of the New York State Constitution and Municipal Home Rule Law Section 10, Albany County may exercise its broad police powers to provide for comprehensive affordable housing initiatives.

Based upon the critical shortage of affordable housing confronting Albany County, the Albany County Legislature finds that creating affordable housing initiatives serves a valid governmental and public purpose.

Section 3. Definitions.

- A. Affordable Housing: shall be generally defined as housing in which the occupant is paying no more than thirty (30%) percent of their gross income for housing costs, including utilities for persons or families deemed to be or eligible to be deemed to be of extremely low, very low, low, or moderate income by any federal or state housing program. Nothing in the definition shall prevent the County from funding housing services either above or below this affordability level when such funding is in keeping with federal or state programs providing housing assistance or where any income restricted housing, whether intended for rental or homeownership, is subject to a regulatory agreement with a local, state, or federal governmental entity.
- B. Housing Accommodation: shall be defined as any building, structure, or portion thereof that is occupied as or intended for occupancy as a residency by one or more families and any vacant land that is offered for sale or lease for the construction thereon of any building, structure, or portion thereof intended to be so occupied.
- C. Housing: shall be defined as and include all Housing Accommodations as herein defined.

Section 4. Public Purpose.

- A. The Albany County Legislature hereby determines that the development, maintenance, management, and/or provision of Affordable Housing is a public purpose in accordance with the New York State Constitution Section IX and Municipal Home Rule Law Section 10.
- B. To address the housing supply, housing affordability, and housing development challenges in Albany County, this Local Law authorizes, pursuant to rules and regulations adopted by the Legislature:

- i. The creation of a Committee, housed within the Advance Albany County Alliance, empowered to address Affordable Housing;
- ii. The development of a revolving loan fund to connect developers with financial, advisory, or educational assistance for the development of Affordable Housing;
- iii. The undertaking and creation of grants, loans, and/or other support services tailored to expanding Affordable Housing;
- iv. Efforts to expand the housing supply by the provision of financial, educational, and advisory services to developers of Affordable Housing; and
- v. The establishment of a reserve fund and/or the use of a portion of the unassigned fund balance to support the provision of the above initiatives.

C. This Local Law and the designations set forth herein shall apply to all housing initiatives within Albany County.

Section 5. Procedure for Authorization.

Any grant, loan, support service or development fund initiative made by the County may be further conditioned by the County Legislature on its approval of a subsequent agreement as may be necessary or convenient to accomplish the purposes of this Local Law and set forth the terms and conditions of any such grant, loan, support service, or development fund initiative. The preparation, creation, negotiation, finalization, approval, execution, and delivery of any such agreement is hereby authorized by this Local Law. No such authorization shall provide for the funding of any such advance, grant, loan, subsidy, or contribution out of proceeds of obligations issued by the County pursuant to the New York State Finance Law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, corporation or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm, corporation or circumstance directly involved in the controversy in which such judgment or order may be rendered.

Section 7. SEQRA Compliance.

This County Legislature determines that this Local Law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 8. Effective Date.

The Local Law shall take effect immediately upon its filing with the Secretary of State.