



**COMMON COUNCIL MEETING  
FINANCE, ASSESSMENT & TAXATION COMMITTEE  
Ginnie Farrell, Chair**

**DATE:** Thursday, May 14, 2020

**TIME:** 5:00 p.m.

**TOPIC(S) OF DISCUSSION/CONSIDERATION:**

- F - 2020 A LOCAL LAW AMENDING ARTICLE XVI (EXEMPTION FOR FIRST- TIME HOMEBUYERS) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY
- 4.41.20 AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO THE LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK, INC. OF CITY-OWNED LAND AT 69 SHERMAN STREET (Tax Map Parcel No. 65.72-3-24)
- 5.41.20 AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO 39 COLUMBIA STREET ASSOC., LLC OF CITY OWNED LAND ALONG VAN TROMP STREET
- 29.41.20R A RESOLUTION AFFIRMING THE MANNER IN WHICH THE CITY OF ALBANY GRANTS REAL PROPERTY TAX EXEMPTIONS TO VETERANS AND CALLING ON THE STATE LEGISLATURE TO BRING THE STATE-WIDE VETERANS' EXEMPTIONS IN LINE WITH THE CITY OF ALBANY'S PRACTICE

REVIEW FINANCIAL ISSUES WITH BUDGET DIRECTOR MIKE WHEELER, TREASURER DARIUS SHANINFAR AND MAYOR'S CHIEF OF STAFF DAVID GALIN

**PUBLIC COMMENT PERIOD: YES**

Meeting will be held using Zoom and streamed through the Common Council's Facebook. Please submit your public comment via email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx> by Thursday, May 14, 2020 12 p.m which will be read for the record at the meeting.

To stream this video please visit: <https://www.facebook.com/albany.commoncouncil>

**Councilmember Frederick introduced the following:**

**LOCAL LAW F OF 2020**

**A LOCAL LAW AMENDING ARTICLE XVI (EXEMPTION FOR FIRST-TIME HOMEBUYERS) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY**

**BE IT ENACTED** by the Common Council of the City of Albany as follows:

**Section 1. Article XVI of Chapter 333 of Part II of the Code of the City of Albany is hereby amended to read as follows:**

**§ 333-126 Maximum purchase price.**

- A. Any newly constructed primary residential real property within a purchase price limit of [~~\$356,012~~] \$346,310 shall be eligible for the exemption allowed pursuant to this article.

**§ 333-128 Maximum household income.**

~~[A first time homebuyer shall not qualify for the exemption authorized pursuant to this article if the household income exceeds \$77,000.]~~

- A. A first-time homebuyer shall not qualify for the exemption authorized pursuant to this section if the household income exceeds income limits defined by the State of New York mortgage agency low interest rate mortgage program in the non-target, one and two person household category for Albany County and in effect on the contract date for the purchase and sale of such property.

(i) The term “household income” as used herein shall mean the total combined income of all the owners, and of any owners’ spouses residing on the premises, for the income tax year preceding the date of making application for the exemption.

(ii) The term “income” as used herein shall mean the “adjusted gross income” for federal income tax purposes as reported on the applicant’s latest available federal or state income tax return subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed within the one year period preceding taxable status date, “income” shall mean the adjusted gross income that would have been so reported if such a return had been filed. For purposes of this subdivision, “latest available return” shall mean the federal or state income tax return for the year immediately preceding the date of making application,

provided however, that if the tax return for such tax year has not been filed, then the income tax return for the tax year two years preceding the date of making application shall be considered the latest available.

**§ 333-129. Sunset clause.**

No exemption shall be allowed pursuant to this article for any newly constructed primary residential property purchased by a first-time homebuyer on or after [~~December 31, 2016~~] December 31, 2022, unless such purchase is pursuant to a binding written contract entered into prior to [~~December 31, 2016~~] December 31, 2022, provided, however, that any first-time homebuyer who is allowed an exemption pursuant to this article prior to such date shall continue to be allowed further exemptions pursuant to Section 333-125 of this article.

**Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.**

**TO:** Danielle Gillespie, City Clerk  
**FROM:** John-Raphael Pichardo, Esq., Research Counsel  
**RE:** Request for Common Council Legislation  
Supporting Memorandum  
**DATE:** April 23, 2020

**SPONSOR:** Councilmember Frederick

**LOCAL LAW F of 2020**

**TITLE:**

A LOCAL LAW AMENDING ARTICLE XVI (EXEMPTION FOR FIRST-TIME HOMEBUYERS) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY

**GENERAL PURPOSE OF LEGISLATION:**

This local law amends the maximum purchase price allowed by Real Property Tax Law § 457 and as defined by the state of New York mortgage agency low interest rate mortgage program.

This local law further amends the definition of maximum allowed income to be in accordance with the Real Property Tax Law § 457.

This local law extends the sunset clause of this exemption in accordance with Real Property Tax Law § 457.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:**

The Common Council enacted this exemption in 2002 and at the time, the State law was set to sunset in 2005 and renewed it again in 2012 to extend until 2016. Since then, the State legislature has extended the sunset clause and now it is not set to expire until 2022. This local law extends the sunset provision that is contained in the city code.

**FISCAL IMPACT:**

To be determined. As the code sunset in 2016 there may be a decrease in revenue once enacted and eligible homebuyers apply for this exemption.

**Council Member Love offered the following:**

**Ordinance Number 4.41.20**

**AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO THE LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK, INC. OF CITY OWNED LAND AT 69 SHERMAN STREET (Tax Map Parcel #65.72-3-24)**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1.** It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the undeveloped 0.07 +/- acre parcel at 69 Sherman Street (Tax Map Parcel #65.72-3-24), be sold at private sale pursuant to the provisions of Local Law No. 4 of 1984 to the Legal Aid Society of Northeastern New York, Inc.

**SUBJECT** to all easements, restrictions and rights-of-way of record.

**Section 2.** It is hereby determined that the aforesaid property has been abandoned for municipal or public purposes.

**Section 3.** The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

**Section 4.** It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.

**Section 5.** This ordinance shall take effect immediately.

**Approved as to form this 16th day of March, 2020.**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk  
**From:** Robert Magee, Deputy Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** March 3, 2020

**ORDINANCE NUMBER 4.41.20**

**TITLE**

ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE OF A VACANT LOT LOCATED AT 69 SHERMAN STREET, ALBANY, NEW YORK

**GENERAL PURPOSE OF LEGISLATION**

To allow the Legal Aid Society of Northeastern New York, Inc. to develop 69 Sherman Street (Tax Map Parcel #65.72-3-24), along with several adjoining parcels, so as to provide parking for their new offices at 95 Central Avenue.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Sale of city owned property requires Council approval.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

N/A

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

69 Sherman Street (Tax Map Parcel #65.72-3-24) has an appraised value of \$700.

**FISCAL IMPACT(S)**

None identified.

**Council Member Love offered the following:**

**Ordinance Number 5.41.20**

**AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO 39 COLUMBIA STREET ASSOC., LLC OF CITY OWNED LAND ALONG VAN TROMP STREET**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1.** It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the undeveloped 5,989 +/- sq.ft. OR 0.14 +/- acre parcel at Van Tromp Street, bounded and describe as BEGINNING at the intersection of the southerly side of Van Tromp Street with the westerly side of Broadway; THENCE North  $71^{\circ}56'08''$  West a distance of 194.54 feet along the southerly side of Van Tromp Street, to a point; THENCE North  $02^{\circ}22'52''$  West a distance of 4.00 feet through the right of way of Van Tromp Street, to a point; THENCE South  $87^{\circ}44'27''$  East a distance of 178.90 feet through the right of way of Van Tromp Street, to a point THENCE Southeasterly along a curve to the right, radius of 17.50 feet, a distance of 26.90 feet, chord being S  $45^{\circ}45'43''$  E 24.33 feet, creating a new intersection of Van Tromp Street and Broadway, to a point on the westerly side of Broadway; THENCE South  $15^{\circ}21'32''$  West a distance of 41.79 feet along an extension of the westerly side of Broadway, to a point, being the point or place of beginning, be sold at private sale pursuant to the provisions of Local Law No. 4 of 1984 to 39 Columbia Street Assoc. LLC.

SUBJECT to all easements, restrictions and rights-of-way of record.

SUBJECT to a covenant not to erect any structure on the land to be sold or engage in any activity which would damage municipal infrastructure currently running through the subterranean portion of the parcel,

**Section 2.** It is hereby determined that the aforesaid property has been abandoned for municipal or public purposes.

**Section 3.** The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

**Section 4.** This ordinance shall take effect immediately.

**Approved as to form this 16<sup>th</sup> day of March, 2020.**

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Corporation Counsel

**To: Danielle Gillespie, City Clerk**

**From: Robert Magee, Deputy Corporation Counsel**

**Re: Request for Common Council Legislation  
Supporting Memorandum**

**Date: March 3, 2020**

**ORDINANCE NUMBER 5.41.20**

**TITLE**

ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE OF VACANT LAND LOCATED ALONG VAN TROMP STREET, ALBANY, NEW YORK.

**GENERAL PURPOSE OF LEGISLATION**

To allow 39 Columbia Street Assoc., LLC to maintain and improve the lot in conjunction with its rehabilitation of 39 Columbia Street.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Sale of city owned property requires Council approval.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

N/A

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

The land has been used as parking for occupants of 39 Columbia St, notwithstanding the City's ownership heretofore. The proposed use of the land does not involve additional building construction. The appraised value of the land in question is \$25,000.

**FISCAL IMPACT(S)**

None identified.



**Councilmember Farrell introduced the following:**

**RESOLUTION NUMBER 29.41.20R**

**A RESOLUTION AFFIRMING THE MANNER IN WHICH THE CITY OF ALBANY GRANTS REAL PROPERTY TAX EXEMPTIONS TO VETERANS AND CALLING ON THE STATE LEGISLATURE TO BRING THE STATE-WIDE VETERANS' EXEMPTIONS IN LINE WITH THE CITY OF ALBANY'S PRACTICE**

**WHEREAS**, Article XII of Chapter 333 of Part II of the Code of the City of Albany allows for certain exemptions from real property taxation for Veterans; and

**WHEREAS**, subsections 1 and 2 of section 458-a of the Real Property Tax Law provide certain exemptions for veterans as well; and

**WHEREAS**, The City of Albany has been allowing for certain exemptions for combat veterans of forty percent (40%), which is in excess of what State Law allows; and

**WHEREAS**, veterans have contributed so much to our freedom and safety that we will not turn our backs on them and will do what is necessary;

**NOW THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby affirms that the City will still allow for the same exemption amounts that it has historically granted to veterans; and

**BE IT FURTHER RESOLVED** that the Common Council grants the necessary City Departments authority to administer those exemptions as they have done historically; and

**BE IT FURTHER RESOLVED** that the Clerk will send this resolution to our representatives in both the State Senate and Assembly to encourage our representatives to amend our State laws to bring them into accord and agreement with the more generous manner in which the City of Albany administers real property tax exemptions to veterans; and

**BE IT FURTHER, RESOLVED**, that the Common Council of the City of Albany will work with our State Representatives and call for a Home Rule to allow and further authorize the City of Albany to continue exempting real property owned by our Veterans from taxation in the manner and amount that it historically has.

**To: Danielle Gillespie, City Clerk**

**From: John-Raphael Pichardo, Esq., Research Counsel**

**Re: Request for Common Council Legislation  
Supporting Memorandum**

**Date: March 19, 2020**

**RESOLUTION NUMBER 29.41.20R**

**TITLE**

A RESOLUTION AFFIRMING THE MANNER IN WHICH THE CITY OF ALBANY GRANTS REAL PROPERTY TAX EXEMPTIONS TO VETERANS AND CALLING ON THE STATE LEGISLATURE TO BRING THE STATE-WIDE VETERANS' EXEMPTIONS IN LINE WITH THE CITY OF ALBANY'S PRACTICE

**GENERAL PURPOSE OF LEGISLATION**

To allow the necessary departments the authority to grant these exemptions in the interim and to call on our State Representatives of the need to change state law to allow Albany to continue offering these exemptions.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

The City of Albany is not in compliance with the State law. We need to change the state law to allow for this exemption. However, we will not turn our backs on our veterans and will still grant these exemptions.

**FISCAL IMPACT(S)**

None. We will be continuing the exemptions as they have been administered historically