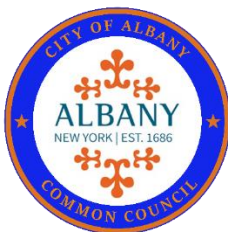


This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albany.gov](mailto:commoncouncil@albany.gov) or the form on our website <https://www.albany.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albany.gov](mailto:commoncouncil@albany.gov)



## COMMON COUNCIL MEETING

### PLANNING, ECONOMIC DEVELOPMENT AND LAND USE COMMITTEE

**Alfredo Balarin, Chair**

**DATES: Wednesday, June 8, 2022**

**TIME: 5:30 p.m.**

**LOCATION: VIRTUALLY ON ZOOM**

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

- **Ordinance 4.21.22 (As Amended 04/26/22)**

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INCREASING THE AFFORDABLE HOUSING REQUIREMENT IN NEW DEVELOPMENTS

- **Ordinance 7.41.22**

AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE PARKING OF ELECTRIC VEHICLES

**PUBLIC COMMENT PERIOD: YES**

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov)

**Council Member Balarin introduced the following:**

**ORDINANCE 4.21.22 (As Amended 04/26/22)**

**AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INCREASING THE AFFORDABLE HOUSING REQUIREMENT IN NEW DEVELOPMENTS**

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

**Section 1.** Paragraph c (Affordable Housing Requirement) of Sub-Section 5 (Incentives and affordable housing requirements) of Section 375-401 (Dimensional Standards) of Article IV (Development Standards) of Chapter 375 is amended to read as follows:

- (c) Affordable housing requirement. Each new residential or mixed-use development or redevelopment containing ~~50~~ 20 or more new dwelling units shall sell or rent at least ~~5~~ 18% of its new dwelling units at sales or prices affordable to persons earning no more than ~~100~~ 50% of the regional median household income, as determined by affordability methods used by the United States Department of Housing and Urban Development.

**Section 2.** This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS  
26<sup>TH</sup> DAY OF APRIL, 2022**

---

**Corporation Counsel**

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov)

**To: Danielle Gillespie, City Clerk**

**From: John-Raphael Pichardo, Esq., Research Counsel  
Brett Williams, Esq., Senior Assistant Corporation Counsel**

**Re: Common Council Legislation  
Supporting Memorandum**

**Date: January 27, 2022**

**Sponsor: Council Member Balarin**

**ORDINANCE 4.21.22 (As Amended 04/26/22)**

**TITLE**

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INCREASING THE AFFORDABLE HOUSING REQUIREMENT IN NEW DEVELOPMENT

**LEGISLATIVE INTENT**

The Common Council Legislature finds that present and historical divestment along income and racial lines have left lasting impacts on the City of Albany. These impacts include a lack of affordable housing, a concentration of affordable housing in low-income neighborhoods, and a high level of residential segregation. Inclusionary housing zoning ordinances are increasingly recognized as an important part of a comprehensive plan to redress these unequal and unjust development patterns.

This ordinance proposed to amend the Code of the City of Albany by modifying the provision thereof commonly referred to as the Affordable Housing Ordinance (AHO). These proposed amendments address two important aspects (1) the level of affordability and (2) City of Albany history of redlining, other key features of the program, with the goal to bring these features in line with national averages and best practices.

The key features are (1) the level of affordability, (2) the minimum project size, and (3) the number of affordable units set-aside. Our proposal seeks to bring Albany in-line with national best practices, and if adopted as proposed would place Albany squarely within national averages for each of these features.

Affordability and Other Key Features

The key features of any AHO are (1) the level of affordability, (2) the minimum project size, and (3) the number of affordable units set-aside. Our proposal seeks to bring Albany in-line with national best practices, and if adopted as proposed would place Albany squarely within national averages for each of these features.

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov)

### *(1) Level of Affordability*

Currently, our AHO contemplates affordability at 100% of area median income (AMI). By contrast, the vast majority of cities aim for a lower affordability rate. Based on data we have reviewed, Albany City AMI is determined by haircutting the regional AMI numbers calculated by HUD, such that 50% AMI in this ordinance is roughly in the same order of magnitude as 60% AMI for the City of Albany. This proposed affordability standard would bring Albany in line with the majority and provide real value for hardworking Albany renters and owners who are feeling the squeeze of rising rents and ownership prices.<sup>1</sup>

### *(2) Minimum Project Size*

Currently, our AHO contemplates a minimum project size of 50 dwelling units. This is far in excess of national averages, which show that 70% of reporting AHO programs set a minimum project size of ten units or less, and a full 27% setting the threshold between 2 and 5 units.<sup>2</sup> Lowering the minimum project sizes provides for a more uniform playing field for developers, and the Furman Center notes in a 2015 white paper that uniform policies are “relatively simple for the city to enforce.”<sup>3</sup> At 20 dwelling units the ordinance would both bring Albany in line with the overwhelming majority of inclusionary housing programs nationwide and create a uniform playing field for developers while leaving untouched small and owner-occupied developments.

### *(3) Minimum Set-Aside*

Currently, our AHO contemplates a minimum set-aside of 5% of a development's units. This is drastically out of line with the national average, where a full 84% of programs set aside more than 10% of units.<sup>4</sup> “This study identifies a total of 1,019 inclusionary housing programs in 734 jurisdictions at the end of 2019.” (p. 5) Nationwide, the “average set-aside for affordable units is 16%” and of the 1k+ programs across the country (as of 2019), “29% of IH [Inclusionary Housing] programs require 20% or more” set-aside. (p.5)<sup>5</sup>

---

<sup>1</sup> See, e.g., Ruoni Wang & Sowmya Balachandran, *Inclusionary Housing in the United States Prevalence, Practices, and Production in Local Jurisdictions as of 2019*, GROUNDED SOLUTIONS NETWORK (2021).

<sup>2</sup> Ruoni Wang & Sowmya Balachandran, *Inclusionary Housing in the United States Prevalence, Practices, and Production in Local Jurisdictions as of 2019*, GROUNDED SOLUTIONS NETWORK (2021) at pg. 31.

<sup>3</sup> Josiah Madar, *Inclusionary Housing Policy in New York City: Assessing New Opportunities, Constraints, and Trade-offs*, NYU Furman Center (March 26, 2015).

<sup>4</sup> Stephanie Reyes & Ruoni Wang, *Inclusionary Housing: Secrets to Success*, SHELTERFORCE (March, 2021), using data from Ruoni Wang & Sowmya Balachandran, *Inclusionary Housing in the United States Prevalence, Practices, and Production in Local Jurisdictions as of 2019*, GROUNDED SOLUTIONS NETWORK (2021).

<sup>5</sup> Stephanie Reyes & Ruoni Wang, *Inclusionary Housing: Secrets to Success*, SHELTERFORCE (March, 2021), using data from Ruoni Wang & Sowmya Balachandran, *Inclusionary Housing in the United States Prevalence, Practices, and Production in Local Jurisdictions as of 2019*, GROUNDED SOLUTIONS NETWORK (2021).

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov)

While mandatory inclusionary housing policies such as the AHO are only one of many policy tools that must be mobilized to satisfy the unmet demand for affordable housing, they are increasingly recognized as important policy tools to combat residential segregation.<sup>6</sup>

### **Address the City of Albany's History with Redlining**

Over the last few years, we have seen several media publications highlighting the negative history of the City of Albany and our redlined neighborhoods. The articles have publicly shown the history that we can all see as we walk about city. As this coverage has shown, the residential investment and demographic patterns we see today map almost perfectly onto the redlining pattern established nearly a century ago. A recent Times Union article explains how redlining worked: "Parts of the city were "redlined" beginning in 1938 as part of a post-Depression survey conducted by the federal Home Owners' Loan Corp., an entity established to stem the tide of home foreclosures. Officials composed maps of hundreds of U.S. cities that categorized certain neighborhoods based on what local banks and realtors perceived to be the market for real estate investment. Those deemed too "hazardous" for investment were shown in red."<sup>7</sup> The impact of redlining was severe: areas shown in red on the HOLC maps were unable to secure loans from most banks, and lenders that did lend in redlined areas commonly did so on predatory terms.

Today when you look at a map of where we are currently building affordable housing compared to where we are building market rate housing, the lines still match up many of those invisible borders from 1938. On Central Ave towards Livingston Ave, you have affordable house being built, and on the other side of Central Ave from Washington Ave towards New Scotland Ave we have market rate housing being built. This bill will be a small step in correcting our past failures.

### **GENERAL PURPOSE OF LEGISLATION**

This legislation lowers the threshold of dwelling units from 50 to 20, increases the minimum requirement of affordable units from 5% to 18% and lowers the area median household income requirement from 100% to 50% of regional AMI.

### **FISCAL IMPACT(S)**

None.

### **EXPLANATION OF AMENDMENTS**

As it was originally introduced, this ordinance required that affordable housing units be offered at "sales or prices affordable to persons earning no more than ~~400~~ 50% of the area

---

<sup>6</sup> A study of two localities with inclusionary zoning (IZ) policies similar to the AHO (Montgomery County, MD and Suffolk County, NY) found that "tracts where IZ units were built became more racially integrated than neighborhoods without IZ units." Kontokosta, Constantine E, *Mixed-Income Housing and Neighborhood Integration: Evidence from Inclusionary Zoning Programs*, Journal of Urban Affairs 36 (4): 716-41 (2014).

<sup>7</sup> Massarah Mikati & Eduardo Medina, *A City Divided: How New York's capital city was splintered along racial lines*, Times Union (June 6, 2021), available at: <https://www.timesunion.com/projects/2021/albany-divided/>

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov)

median household income for the City of Albany, as determined by affordability methods used by the United States Department of Housing and Urban Development.”

Under this amendment, “area median household income for the City of Albany” has been changed to “the regional median household income” as determined by HUD – a broader geographic designation which may encompass a wider range of incomes.

**Council Member Balarin introduced the following:**

**ORDINANCE 7.41.22**

**AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE PARKING OF ELECTRIC VEHICLES**

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

**Section 1.** Subsection (A) of section 359-22 (Parking, standing and stopping restrictions) of Article II (Traffic Regulations) of Chapter 359 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Albany is hereby amended by adding a new paragraph (11) to read as follows:

- (11) In a space designated as provided in this paragraph for the exclusive purpose of charging an electric vehicle at an electric vehicle charging station, unless such vehicle is an electric vehicle connected such charging station, provided, however, that an electric vehicle disconnected from the electric vehicle charging station for no more than thirty continuous minutes while stopped, standing, or parked in such designated space shall not be in violation of this paragraph. Parking spaces designated for the exclusive purpose of charging an electric vehicle at an electric vehicle charging station shall be clearly identified, and such designation shall include conspicuous and permanently installed signs or markings which identify such space as an electric vehicle charging station, indicate that such space is only for electric vehicle charging, and include any day or time restrictions. For the purposes of this paragraph, the term “electric vehicle” shall mean a motor vehicle that is propelled at least in part by an electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operations, and that draws electricity from a battery or hydrogen fuel cell that is capable of being recharged from an external source of electricity, such that the external source of electricity cannot be connected to the vehicle while the vehicle is in motion. For purposes of this paragraph, the term “electric vehicle charging station” shall mean the equipment needed to convey electric power from

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov)

the electric grid or another power source to an onboard motor vehicle energy storage system.

**Section 2.** Subsection (E) of section 359-87 (Schedule of fines) of Article IX (Penalties for Parking Violations) of Chapter 359 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Albany is hereby amended by adding a new paragraph (19) to read as follows:

(19) Parking in a space designated for charging electric vehicles in violation of section 359-22(A)(11) of this Chapter.

**Section 3.** This ordinance shall take effect 60 days after enactment.

**APPROVED AS TO FORM THIS  
24<sup>TH</sup> DAY OF MARCH, 2022**

---

**Corporation Counsel**

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/ or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov)

**To: Danielle Gillespie, City Clerk**

**From: Brett Williams, Esq., Sr. Assistant Corporation Counsel**

**Re: Common Council Legislation  
Supporting Memorandum**

**Date: March 24, 2022**

**Sponsor: Council Member Balarin**

## **ORDINANCE 7.41.22**

### **TITLE**

**AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE PARKING OF ELECTRIC VEHICLES**

### **GENERAL PURPOSE OF LEGISLATION**

This ordinance updates parking regulations within City Code to reflect the existence of the roadside electric vehicle charging stations now located in various areas of the City, and to provide that the parking spaces adjacent to such charging stations are reserved for the exclusive use of electric vehicles.

### **NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW**

Section 1 of the ordinance updates § 359-22 (A) of the Code, which lays out the areas and situations in which “no person shall [s]top, stand or park a vehicle...” The new paragraph (11) provides that only electric vehicles may park in such spaces, either while using the adjacent charging station to charge, or for no more than a half hour if not actively charging.

Section 359-87 of the Code, which Section 2 of this ordinance amends, lays out the schedule of fines for parking violations. The new paragraph (E)(19) provides for a fine of \$35 for improperly parking in an electric vehicle charging spot.

### **FISCAL IMPACT(S)**

The Division of Traffic Engineering may incur some expenses related to updating signage in accordance with Section 1 of this ordinance.

Fines of \$35 will be issued for violations of Section 1 of the ordinance.