

**AFFORDABLE HOUSING COMPLIANCE PLAN**

**Part 1. Policy Guidelines**

In 2017, the City of Albany adopted the Unified Sustainable Development Ordinance (USDO) to regulate land use and development within the City and promote sustainable and equitable economic development.

As part of the USDO, Section 375-4(A)(4)(b) states that: "each new residential or mixed-use development or redevelopment containing 50 or more new dwelling units shall sell or rent at least five percent of its new dwelling units at sales or prices affordable to persons earning no more than 100 percent of the area median household income for the City of Albany, as determined by affordability methods used by the U.S. Department of Housing and Urban Development."

Affordable housing units created pursuant to 375-4(A)(4)(b) shall be:

1. Affordable to households earning no more than 100 percent of the median household income for the City of Albany, pursuant to the Income and Rent Limits set by the Albany Community Development Agency (ACDA) on an annual basis;
2. Rented to households that consist of the minimum number of people as specified within the adopted guidelines;
3. Provided in proportion to the sizes of market rate units included in the development;
4. Comparable in infrastructure (including sewer, water and other utilities), construction quality, and exterior design to the market rate units;
5. Physically integrated with the rest of the development and there shall be no visible exterior indications that units are affordable housing units, such as an alternate entrance;
6. Restricted to principal residences.

**Part 2. General Information**

Project #:	Project Name:
Tax Identification #:	Property Address:

**Part 3. Developer Information**

Developer Name:	
Mailing Address:	
Phone No.:	E-mail:

**Part 4. Unit Information**

Total # of Units Proposed:	# of Affordable Units Required*^:
# of Units for Rent:	# of Units for Sale

**Type of Units Proposed**

# of Studio Units:	Avg. Size of Studio Unit (SF):
# of 1 Bedroom Units:	Average Size of 1 Bedroom Unit (SF):
# of 2 Bedroom Units:	Average Size of 2 Bedroom Unit (SF):
# of 3 Bedroom Units:	Average Size of 3 Bedroom Unit (SF):

\*5% of total units proposed; ^Fractions of 0.5 or greater shall be rounded up to the next whole number

**Part 5. Affordable Unit Itemization**  
 (If more than 10 units, continue unit information on a supplemental page)

No.	Building Address	Unit Number	# of Bedrooms	Square Feet	Tenure (Sale/Rental)
1					

2					
3					
4					
5					
6					
7					
8					
9					
10					

**Part 6. Property Owner Consent**

Initial	I hereby acknowledge the applicability of Section 375-4(A)(4)(b) of the Albany City Code and the corresponding affordable housing guidelines, and attest as follows:		
	I shall ensure that designated affordable units are rented to households that consist of the minimum number of persons specified for the type of unit.		
	I shall engage in good faith marketing and public advertising efforts each time an affordable housing unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of their availability.		
	I shall certify that any person who occupies an affordable housing unit is income-eligible and meets the requirements of the guidelines.		
	I shall be responsible for certifying the income of tenants or buyers to the Albany Community Development Agency at the time of initial rental or sale and annually thereafter, with such information to be submitted on forms provided by the Albany Community Development Agency.		
	I shall be responsible for filing an annual report to the Albany Community Development Agency within 60 days of the end of each calendar year providing information related to affordable housing unit vacancies, waitlists, household turnover, household size, household income, market rate rents, and other relevant information as requested.		
	All statements of fact herein are true and correct to the best of my knowledge and reflect the intent of the Applicant(s).		
<b>Print Owner Name(s):</b>		<b>Owner(s) Signature:</b>	<b>Date:</b>

**Part 6. Submittal Requirement Checklist**

	Required Document	Hard Copies	Electronic Copies	Electronic Submission (.pdf) (Required Document Name)
<b>A. Required for All Housing Compliance Plan Submissions</b>				
	Affordable Housing Compliance Plan Form	0	1	Affordable Housing Compliance Plan
	Project Site Plan	0	1	Site Plan
	Building Floor Plan Identifying Affordable Units	0	1	Floor Plans
	Implementation Phasing Plan (where applicable)	0	1	Phasing Plan
<b>B. Voluntary or Upon Request</b>				
	Any additional information determined to be necessary by the Chief Planning Official	1	1	[Document Name]

Electronic document submissions shall be sent via email to [dpd@albanyny.gov](mailto:dpd@albanyny.gov), USB Flash Drive, or by another medium approved by the City of Albany Planning Staff. CD and DVD submissions are **not** accepted.



## USDO Affordable Housing Guidelines

### 1. Introduction

In 2017, the City of Albany adopted the Unified Sustainable Development Ordinance (USDO) to regulate land use and development within the City and promote sustainable and equitable economic development. As part of the USDO, Section 375-4(A)(4)(b) states that: "each new residential or mixed-use development or redevelopment containing 50 or more new dwelling units shall sell or rent at least five percent of its new dwelling units at sales or prices affordable to persons earning no more than 100 percent of the area median household income for the City of Albany, as determined by affordability methods used by the U.S. Department of Housing and Urban Development."

Section 375-4(A)(4)(b) established the City's policy for inclusionary housing, but it did not include detailed instructions for administration. As a result, these Guidelines have been adopted by the Department of Planning and Development to implement Section 375-4(A)(4)(b).

### 2. Affordable Housing Compliance Plan

The owner or developer of a project that includes fifty or more new dwelling units shall submit an Affordable Housing Compliance Plan to the Chief Planning Official as part of its application for development. This Affordable Housing Compliance Plan shall acknowledge the applicability of Section 375-4(A)(4)(b) and these implementation guidelines, and shall set forth detailed plans for compliance. The Affordable Housing Compliance Plan shall thereafter be incorporated as a condition of approval in any Development Plan issued by the Planning Board or Chief Planning Official.

The Affordable Housing Compliance Plan shall indicate: the number of ownership and/or rental units; the number and size of affordable units; unit floor plans, schematics, and details of phasing of the project as a whole, including the affordable housing units; the name and address of the entity expected to develop the project; and any other information required by the Chief Planning Official relative to Section 375-4(A)(4)(b).

### 3. Affordable Housing Units

In determining the number of affordable housing units required under Section 375-4(A)(4)(b), any fractional requirement shall be rounded pursuant to 375-6(A)(3).

The sizes of affordable housing units shall be provided in proportion to the sizes of market rate units included in the development. Affordable housing units shall not be physically separated from

the rest of the development or use a separate entrance, and there shall be no visible exterior indications that units are affordable housing units.

Affordable housing units shall be comparable in infrastructure (including sewer, water and other utilities), construction quality, and exterior design to the market rate units.

**4. Income and occupancy requirements.**

Affordable housing units created pursuant to Section 375-4(A)(4)(b) must, at initial occupancy, be affordable to households earning no more than 100 percent of the area median household income for the City of Albany, and must be rented to households that consist of the minimum number of people as specified below:

Bedroom Size	Minimum Number of People
0	1
1	1
2	2
3	4

Affordable housing sale and rental limits shall be established by the Albany Community Development Agency and based on affordability limits provided by the U.S. Department of Housing and Urban Development.

Affordable housing units shall be restricted to principal residences. Any person who occupies an affordable housing unit shall certify to the owner or developer that they are income-eligible and meet all other requirements of Section 375-4(A)(4)(b) and these guidelines.

All owners or developers of affordable housing units shall engage in good faith marketing and public advertising efforts each time an affordable housing unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of their availability.

**5. Administration**

The affordable housing requirement in Section 375-4(A)(4)(b) shall be administered by the City of Albany Department of Planning of Development and the Albany Community Development Agency.

The owner or developer of affordable housing units shall be responsible for certifying the income of tenants or buyers to the Albany Community Development Agency at the time of initial rental or sale and annually thereafter, with such information to be submitted on forms provided by the Albany Community Development Agency. The owner or developer of affordable housing units shall also file an annual report to the Albany Community Development Agency within 60 days of the end of each calendar year providing information related to affordable housing unit vacancies, waitlists, household turnover, household size, household income, market rate rents, and any other relevant information.

## **6. Enforcement and Penalties.**

No project-specific development approval, building permit, or certificate of occupancy shall be issued for projects subject to Section 375-4(A)(4)(b) unless an Affordable Housing Compliance Plan has been submitted pursuant to subsection 2 above. If the owner or developer violates Section 375-4(A)(4)(b), including not constructing the required affordable housing units, the City may deny, suspend, or revoke any and all development approvals and pursue penalties as provided for in Section 375-5(G) of the USDO. Any decision of the Chief Planning Official may be appealed according to the appeals procedures set forth in Section 375-5(D)(12).

## **Income and Rent Schedule (as of June 2019)**

### **MAXIMUM RENT CAPS**

1. The maximum rent (including utilities) in the inclusionary housing is set by ACDA and determined using the U.S. Department of Housing and Urban Development figures.
2. Rent per unit cannot exceed 30% of the tenant's adjusted monthly household income. Effective June 28, 2019, the rent caps listed below will apply to the inclusionary housing units. If 30% of the tenant's household income is higher than the corresponding rent cap, the lower of the two amounts must be used.

<b># of Bedrooms</b>	<b>Rent</b>
0	\$768.00
1	\$904.00
2	\$1,115.00
3	\$1,397.00
4	\$1,507.00
5	\$1,733.00

3. If the tenant pays utilities, the rent will be reduced by the Section 8 utility allowance. For multi-family units, the utility allowance is as follows:

<b># of Bedrooms</b>	<b>Gas</b>	<b>Electric</b>
0	\$70.00	\$99.00
1	\$91.00	\$128.00
2	\$120.00	\$169.00
3	\$148.00	\$210.00
4	\$180.00	\$253.00
5	\$201.00	\$281.00

### **INCOME CERTIFICATION**

<b>Household Size</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
100% City median income	\$44,066	\$50,400	\$56,700	\$62,930	\$67,970	\$73,010	\$78,050	\$83,090

Signed income certification forms will be required as follows:

1. All initial occupants as well as existing occupants of inclusionary housing units at the time of application are required to provide proof of income (i.e. current pay stub, most recent tax return) as well as a signed income certification form. Subsequent annual accountings certifications must be submitted with updated proof of income. ACDA staff will determine the income for the occupants based on the information provided and will determine if the tenant is eligible.

2. All new tenants at turnover of units.  
It is the responsibility of the landlord to get a signed certification form from each new tenant selected and forward it to ACDA Compliance Monitoring staff.
3. It is the responsibility of the owner to get a signed certification form from each inclusionary housing unit on the anniversary date of the completion of the project and forward them to ACDA Compliance Monitoring staff for the period of affordability.

### **CHANGE OF INCOME AFTER INITIAL ELIGIBILITY**

Income will be re-certified on an annual basis. At this time, the certified income of tenant household may change and the rents will be changed accordingly.

1. A tenant whose household income increases after initial eligibility determination and exceeds 100% of the median adjusted for household size will be allowed to remain in the inclusionary housing unit.

#### **(a) New Income exceeding 100% median**

The rent (including utilities) on that unit will be adjusted so that the tenant is not paying more than 30% of the household's annual adjusted income. If the tenant pays utilities, the rent will be reduced by the utility allowance.

When the unit becomes vacant, the rent will be reduced back to the maximum cap even if it was increased due to the increased income of the previous occupant.

### **TENANTS WITH SECTION 8 CERTIFICATES AND VOUCHERS**

- (a) Tenants in place with Section 8 Certificates and Vouchers are income eligible for inclusionary housing because both programs require an annual household income under 50% of the median.
- (b) The above rent caps will apply to the unit.

Owners may not discriminate against applicants for inclusionary housing unit because they have a Section 8 Certificate or Voucher.