

STATE OF NEW YORK

7995

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to authorizing the county of Ulster to establish an affordable housing fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new
2 section 6-w to read as follows:

3 § 6-w. Affordable housing fund in the county of Ulster. 1. Defi-
4 initions. As used in this section, the following terms shall have the
5 following meanings:

6 a. "Affordable housing" means housing for persons or families deemed
7 to be or eligible to be deemed to be of extremely low, very low, low or
8 moderate income by any state or federal housing program, for which the
9 occupant is paying no more than thirty percent of gross income for hous-
10 ing costs including utilities; provided, however, that nothing in this
11 definition shall prevent the county from funding affordable housing
12 either above or below this affordability level when such funding is
13 pursuant to federal or state programs providing housing assistance or
14 where any income-restricted housing, whether intended for rental or
15 homeownership, is subject to a regulatory agreement with a local, state,
16 or federal governmental entity.

17 b. "Board" means the advisory board created pursuant to subdivision
18 six of this section.

19 c. "Fund" means the affordable housing fund authorized pursuant to
20 subdivision two of this section.

21 d. "Primary residential property" means any one- or two-family house,
22 multiple dwelling, cooperative, or accessory dwelling unit.

23 e. "Eligible individual" means unhoused individuals and families or
24 households with an income of up to eighty percent of the area median
25 income of Ulster county.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 f. "Emergency housing" means short-term housing accompanied by support
2 services in which the individual or family being housed does not have a
3 lease. Such housing includes short-term housing provided in a shelter
4 built specifically for such purpose, or in other short-term housing such
5 as that provided by a hotel or motel paid for by the social services
6 district or not-for-profit agency. Emergency housing is limited to fami-
7 lies and individuals who are:

8 (i) homeless;

9 (ii) at-risk of homelessness;

10 (iii) fleeing or attempting to flee domestic violence, dating
11 violence, sexual assault, stalking, or human trafficking; or

12 (iv) recently homeless and for whom providing rental assistance will
13 prevent the family's homelessness or having high risk of housing insta-
14 bility.

15 2. Fund authorized. a. The county legislature of Ulster county is
16 authorized to establish by local law an affordable housing fund pursuant
17 to the provisions of this section.

18 b. Deposits into the fund may include revenues of the local government
19 from whatever source, including but not limited to: (i) all revenues of
20 the county's housing action fund assignment of the general fund estab-
21 lished pursuant to local resolution 330 of 2023; (ii) any proceeds
22 received by the county from the sale or rental of affordable housing
23 produced from revenues of the fund; and (iii) up to twenty-five percent
24 of revenues from the hotel and motel room occupancy tax authorized by
25 subdivision one of section twelve hundred two-1 of the tax law.

26 3. Purposes of the fund. The proceeds of the fund established pursuant
27 to subdivision two of this section shall be utilized for the following
28 purposes:

29 a. the actual production of affordable housing for sale to eligible
30 individuals by the county;

31 b. the actual production of affordable housing, emergency housing or
32 supportive housing for sale to eligible individuals in conjunction with
33 a public/private partnership, where the private partner agrees to comply
34 with the profit guidelines of the New York state affordable housing
35 corporation and the provisions of this section;

36 c. the actual production and maintenance of affordable housing, emer-
37 gency housing or supportive housing for rental to eligible individuals
38 either by the county or in conjunction with a public/private partner-
39 ship, where the private partner agrees to comply with the profit guide-
40 lines of the New York state affordable housing corporation and the
41 provisions of this section;

42 d. the rehabilitation of existing buildings and structures in the
43 county for the purpose of conversion to affordable housing for sale or
44 rental to eligible individuals;

45 e. the acquisition of interests in real property in existing housing
46 units, which will result in the production of affordable housing, or
47 emergency housing or supportive housing for sale or rental to eligible
48 individuals; and

49 f. the provision of housing counseling services by not-for-profit
50 corporations who are authorized by the United States department of hous-
51 ing and urban development to provide such services.

52 4. Fund management. The fund shall be maintained in a separate account
53 by the commissioner of finance of Ulster county. The commissioner of
54 finance of Ulster county may invest the monies in such fund in the
55 manner provided in section eleven of this article. Interest accrued by
56 monies deposited into the fund shall be credited to the fund. Except as

1 specifically authorized in this section, no monies deposited into the
2 fund shall be transferred to any other account.

3 5. Eligible expenses. For the purposes of this section, eligible
4 expenses relating to the production of affordable housing, emergency
5 housing or supportive housing, and the rehabilitation of existing build-
6 ings and structures under the fund shall include but not be limited to
7 land acquisition, planning, engineering, construction costs, the instal-
8 lation or upgrading of water and sewer lines to a public connection, the
9 installation or upgrading of private wells and sanitary systems, storm
10 sewers, other site improvements or site preparation necessary for the
11 creation of affordable housing, emergency housing or supportive housing
12 and, where required by local zoning ordinances, road and sidewalk
13 construction, and other hard and soft costs directly related to the
14 construction, rehabilitation, purchase or rental of housing pursuant to
15 this section and pursuant to the Ulster county housing action plan. All
16 projects funded pursuant to this section shall be required to meet New
17 York state housing and community renewal sustainability guidelines for
18 new construction and existing buildings. All revenues received by the
19 county from the sale or rental of community homes, or the repayment of
20 loans shall be deposited in the fund.

21 6. Advisory board established. The Ulster county board shall create an
22 advisory board pursuant to local resolution number 330 of 2023 to review
23 and make recommendations regarding the county's housing action plan
24 required by subdivision seven of this section. Such board shall consist
25 of five members who are not employees of Ulster county, with two
26 appointments made by the county executive, one appointment made by the
27 chair of the Ulster county legislature, one appointment made by the
28 majority leader of the Ulster county legislature, and one appointment
29 made by the minority leader of the Ulster county legislature. Members of
30 the board shall serve without compensation. The board shall act in an
31 advisory capacity to the county executive.

32 7. Adoption of housing plan. a. Before Ulster county may expend any
33 funds pursuant to this section, the county board shall first adopt, or
34 have adopted, a county housing plan, including but not limited to Ulster
35 county resolution number 171 of 2021, which establishes an implementa-
36 tion plan for the provision of affordable housing opportunities by the
37 fund. Such plan shall be adopted by local law or resolution and shall
38 adhere to the smart growth public infrastructure criteria as provided in
39 subdivision two of section 6-0107 of the environmental conservation law.

40 b. Such plan may include the establishment of a map or maps that
41 delineate the housing implementation recommendations proposed by the
42 county.

43 c. Such plan shall be updated at least once every five years.

44 d. The county housing plan may be an element of the county's compre-
45 hensive plan.

46 e. Such plan shall ensure that all affordable housing, emergency hous-
47 ing or supportive housing created pursuant to this section remains
48 affordable. Subsequent purchasers of such affordable housing, emergency
49 housing or supportive housing shall have, at the time of purchase, an
50 income not in excess of eighty percent of the area median income of
51 Ulster county.

52 f. Such plan shall provide for the equitable distribution of afforda-
53 ble housing, emergency housing or supportive housing opportunities among
54 all the communities of the county. The plan shall ensure that no commu-
55 nity has an undue concentration of affordable housing, emergency housing
56 or supportive housing opportunities that would substantially alter the

1 character of the community. In determining equitable distribution of
2 affordable housing, emergency housing or supportive housing opportu-
3 nities, existing affordable housing, emergency housing or supportive
4 housing opportunities in a community shall be considered.

5 8. Certification of deposits. On or before the first day of January
6 each year, the commissioner of finance of Ulster county shall certify to
7 the Ulster county legislature the amount of money deposited in the
8 affordable housing fund during the preceding calendar year as the result
9 of revenue derived pursuant to subdivision two of this section and from
10 grants, gifts and bequests.

11 9. Expiration of fund. The fund shall expire thirty years after the
12 effective date of this section, unless the special reserve fund is
13 extended pursuant to the following procedure:

14 a. the county legislature board shall adopt a local law, not earlier
15 than two years prior to the expiration of the special reserve fund,
16 which extends the special reserve fund for not less than five years nor
17 more than twenty years; and

18 b. such local law shall not go into effect unless approved at a manda-
19 tory referendum held pursuant to section twenty-three of the municipal
20 home rule law.

21 10. Transfer of funds. Upon the expiration of the fund, or if no
22 additional funds are required to complete the housing action plan, all
23 funds shall be transferred to the county stabilization fund or retire-
24 ment reserves fund by the commissioner of finance of Ulster county.

25 § 2. This act shall take effect immediately.