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:

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

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

a. "Affordable housing" means housing 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 state or federal housing program, for which the occupant is paying no more than thirty percent of gross income for housing costs including utilities; provided, however, that nothing in this definition shall prevent the county from funding affordable housing either above or below this affordability level when such funding is pursuant to 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. "Board" means the advisory board created pursuant to subdivision six of this section.

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

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

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

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

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

(i) homeless;

(ii) at-risk of homelessness;

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

(iv) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

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

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

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

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

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

c. the actual production and maintenance of affordable housing, emergency housing or supportive housing for rental to eligible individuals either by the county or in conjunction with a public/private partnership, where the private partner agrees to comply with the profit guidelines of the New York state affordable housing corporation and the provisions of this section;

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

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

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

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

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

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

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

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

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

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

d. The county housing plan may be an element of the county's comprehensive plan.

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

f. Such plan shall provide for the equitable distribution of affordable housing, emergency housing or supportive housing opportunities among all the communities of the county. The plan shall ensure that no community has an undue concentration of affordable housing, emergency housing or supportive housing opportunities that would substantially alter the

character of the community. In determining equitable distribution of affordable housing, emergency housing or supportive housing opportunities, existing affordable housing, emergency housing or supportive housing opportunities in a community shall be considered.

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

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

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

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

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

§ 2. This act shall take effect immediately.