

Local Law Number 3 Of 2023

County of Ulster

A Local Law Designating Affordable Housing As An Ulster County Public Purpose

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT.

The Ulster County Legislature finds that all residents of Ulster County deserve safe housing at an affordable cost. As articulated in Ulster County's Housing Action Plan for 2021, ("UCHAP"), there is a housing crisis in Ulster County, stemming from an alarming scarcity of affordable housing available to Ulster County residents.

The UCHAP revealed that there is an insufficient inventory of homes at an affordable price point and that 28% of renter households and 14% of owner households in Ulster County spend more than half their income on housing costs, confirming that housing represents a cost burden that is untenable for many of Ulster County's residents.

The UCHAP further revealed that an Ulster County resident earning an average wage would be required to work sixty-seven (67) hours per week to afford the average market rent in Ulster County.

The UCHAP set forth that the median income of renters in Ulster County declined by 1% between the period of 2010 and 2018, while median rent increased by 16% and the median sale price for a home in Ulster County in 2021 was \$349,900, an increase of nearly \$100,000 from 2019.

Pursuant to Article IX, Section 2(c)(ii) of the New York State Constitution and Municipal Home Rule Law Section 10(1)(ii)(a)(12), Ulster County may exercise its broad police powers to provide comprehensive county housing programs. (NYS A.G. Informal Opinion 92-4, dated February 6, 1992, Pg. 2 and Pg. 7)

Based upon the critical shortage of affordable housing confronting Ulster County residents the Ulster County Legislature finds that county affordable housing programs serve a valid public purpose, (NYS Constitution Article VIII, Section 1), by promoting public health, safety and well-being. New York State Constitution, Article IX, Section 2(c)(ii) and NYS Municipal Home Rule Law, Section 10(1)(ii). See also, AG Informal Opinion 92-4, dated February 6, 1992, Pg. 6-7.

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SECTION 2. DEFINITIONS

- A. Housing: shall be defined as and include all Housing Accommodations within Ulster County.
- B. Housing Accommodation: shall be defined as any building, structure, or portion thereof that is occupied, as or intended for occupancy as, a residence by one or more families and any vacant land that is offered for sale or lease for the construction thereon of any building, structure, or portion thereof intended to be so occupied.
- C. Affordable Housing: shall be generally defined as Housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities 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. Nothing in the definition shall prevent the County from funding housing services either above or below this affordability level when such funding is in keeping with 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.

SECTION 3. DESIGNATING HOUSING AS A COUNTY PURPOSE.

- A. The Ulster County Legislature hereby determines that the development, maintenance, management, and/or provision of Affordable Housing is a public purpose in accordance with the New York State Constitution Sections IX and Municipal Home Rule Law Section 10.
- B. This Local Law and the designation set forth herein shall apply to all Affordable Housing initiatives within Ulster County.

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SECTION 4. SEVERABILITY

If any provision of this act, or any application of any provision of this article, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this article, which can be given effect without that provision or application; and to that end, the provisions and applications of this article are severable.

SECTION 5. EFFECTIVE DATE.

This Local Law shall become effective immediately upon the filing with the Office of the Secretary of State of the State of New York.

Adopted by the County Legislature: April 18, 2023

Approved by the County Executive: May 12, 2023

Filed with New York State Department of State: June 9, 2023