

**Dedicating Funding To Housing Affordability, Establishing A Policy For Its Use, And Authorizing The Release Of A Notice Of Funding Availability (NOFA) For 2023 – Department Of Planning**

Referred to: The Economic Development, Planning, Education, Employment, Arts and Agriculture Committee (Chairman Cahill and Legislators Corcoran, Criswell, Hewitt, Litts, Maloney and Sperry), The Health, Human Services and Housing Committee (Chairman Uchitelle and Legislators Corcoran, Erner, Lopez, Nolan, Petit, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Criswell, Roberts, and Ronk)

Chairman of the Health, Human Services and Housing Committee, Abe Uchitelle, offers the following:

WHEREAS, all residents of Ulster County deserve safe and decent housing at an affordable cost; and

WHEREAS, affordable housing is generally considered housing in which the occupant is paying no more than 30% of their annual income for housing costs, including utilities; and

WHEREAS, Ulster County's Housing Action Plan, documenting the housing crisis facing Ulster County, revealed:

- 28% of renter households and 14% of owner households in Ulster County spend more than half their income on housing costs (severely cost burdened);
- Median income of renters in Ulster County declined 1% between the period of 2010 to 2018, while median rent increased by 16%;
- Ulster County residents earning an average wage would be required to work sixty-seven (67) hours per week to afford the County's Fair Market Rent as set by HUD;
- Housing vacancy rates for rental and for-sale properties remain well below the 5% benchmark that demonstrates a healthy balanced housing market; and

WHEREAS, in January of 2020 a point-in-time count found 438 homeless individuals in Ulster County and 576 students experiencing periodic homelessness during the 2018-2019 school year; and

WHEREAS, average home sale prices have increased nearly \$100,000 compared to 2019 levels, according to the Ulster County Board of Realtors; and

WHEREAS, more recent statistics illustrate that the Covid-19 pandemic and the growth of short-term rentals have contributed to declining availability and affordability of rental and owner-occupied housing units in the County; and

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WHEREAS, an affordable, diverse housing stock is of fundamental importance to the overall health and well-being of all communities and represents a critical part of the social and economic infrastructure of the community whose benefits include improved health and education, employment outcomes, higher civic engagement, and reduced public service costs; and

WHEREAS, Ulster County, in response to the need for housing the County completed in 2021 the Ulster County Housing Action Plan, and in keeping with its recommendations established the Housing Smart Community Initiative to assist local governments in removing barriers to the creation of additional housing with a focus on affordability, and has sought to create incentives for doing so; and

WHEREAS, in recognition of the need for housing assistance and its positive community benefits the County has utilized nearly six million (\$6,000,00.00) dollars of its American Rescue Plan Act funds to provide for housing development, including funding for supportive housing in the Town of Ulster, affordable senior housing in the Town of Lloyd and affordable intergenerational housing and emergency housing in the City of Kingston as well as funding for a county-wide landbank; and

WHEREAS, in April 2023, the County Legislature adopted Local Law No. 3 of 2023, designating the development, maintenance, management, and/or provision of Affordable Housing as a public purpose in accordance with the New York State Constitution; and

WHEREAS, Recommendation #5 in Ulster County's Housing Action Plan calls for the establishment of a housing fund for Ulster County to assist in the creation of new affordable housing, promote supportive housing development, and preserve existing affordable housing; and

WHEREAS, Ulster County's unassigned Fund Balance as of December 31, 2021 exceeded the adopted Fund Balance threshold by approximately \$53 million dollars, offering an opportunity to implement the recommendation in the Housing Action Plan; and

WHEREAS, it is appropriate from a fiscal management and budget operations perspective to utilize unassigned funds in Ulster County's Fund Balance by creating an assigned fund balance for Housing Affordability purposes; now, therefore be it

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RESOLVED, that the sum of fifteen million dollars (\$15,000,000.00) of Ulster County's current unassigned Fund Balance shall be assigned to Affordable Housing to be utilized in compliance with Local Law No. 3 of 2023, and the Commissioner of Finance of the County is hereby authorized, empowered, and directed to transfer from said unassigned fund balance the said sum of fifteen million dollars (\$15,000,000.00) dollars to said Fund; and, be it further

RESOLVED, such fund is to be known as the "Housing Action Fund of the County of Ulster" (the "HAF"); and, be it further

RESOLVED, that the purpose of the HAF is to support the construction, development, and redevelopment of housing that residents can afford, prioritizing the County's most vulnerable populations, including unhoused individuals and families and households making up to 80% of Ulster County Area Median Income (AMI); and

RESOLVED, that all projects funded by the HAF are required to meet New York State Housing and Community Renewal Sustainability Guidelines for New Construction and Existing Buildings; and

RESOLVED, that HAF funds shall not apply to units already required by local law to be affordable; and

RESOLVED, that HAF funds ~~may~~ **shall** be used to support the development of emergency, supportive, and permanent housing, housing-related infrastructure, and non-traditional housing projects such as co-housing, tiny homes, and accessory dwelling units; and

RESOLVED, the HAF shall be accounted for within the Assigned Fund Balance; and, be it further

RESOLVED, the HAF shall be accounted for separate and apart from all other funds of the County of Ulster, and such accounting shall show: the source, date and amount of each sum paid into the Fund; the interest earned by such Fund; capital gains or losses resulting from the sale of investments of the Fund; the order, source thereof, date and amount of each appropriation from this Fund; the assets of the Fund, indicating cash balance and a schedule of investments; and, be it further

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RESOLVED, not later than ninety (90) days after the start of each fiscal year the Commissioner of Finance shall furnish to the Legislature and the Executive a detailed report of the operation and condition of the Fund during the preceding fiscal year which shall include a statement of receipts and disbursements, and a statement of the balance of the Fund as of the last day of such preceding fiscal year and such other dates as may be specified by the Legislature and/or County Executive; and not later than thirty (30) days prior to the last date provided by the Ulster County Charter for the filing of the executive operating budget, the Commissioner of Finance shall furnish to the County Executive a statement of the current balance of the Fund; and, be it further

RESOLVED, there ~~may~~ **shall** be paid into such Fund additional amounts as ~~may~~ be provided therefore by Legislative Resolution; and, be it further

RESOLVED, moneys in such HAF shall be appropriated pursuant Local Law No. 3 of 2023; and, be it further

RESOLVED, that a Housing Policy and Oversight Committee (HPOC) shall be created whose membership shall consist of ~~seven~~ **five** members who **are not employees of Ulster County** ~~do not serve on the County Legislature or County Executive Staff~~, with ~~four~~ **two** appointments made by the County Executive, ~~and three~~ **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 of whom shall be recommended appointment made** by the Minority Leader; and, be it further

RESOLVED, that of the HPOC members first appointed, one County Executive appointment shall be appointed for a term of one year; one County Executive appointment shall be appointed for a term of two years; ~~and two County Executive appointments shall be appointed for a term of three years~~; further, one County Legislature appointment shall be for a term of one year; one County Legislature appointment shall be for a term of two years; and one County Legislature appointment shall be for a term of three years; and, be it further

RESOLVED, members ~~may~~ **shall** continue to serve after the expiration of their respective terms of office until their respective successors have been appointed and confirmed; the successors of all members of the HPOC thereafter shall be appointed for terms of three years; and, be it further

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RESOLVED, that the HPOC's objective is to provide guidance on the goals and objectives of the HAF, review annual funding applications through the NOFA process, and make recommendations to the County Executive on which projects to fund and the amount to be awarded; and, be it further

RESOLVED, that the HPOC shall first meet no later than 30 days after the appointments to said Committee are made, and no later than ~~September~~ **November 1, 2023**, and shall continue to meet no less than quarterly; and, be it further

RESOLVED, that the HPOC shall, by a majority vote of its members, adopt by-laws governing the HPOC's conduct; and, be it further

RESOLVED, that the first meeting of the HPOC shall be convened by the County Executive and at said meeting, the members of the Committee shall choose one of its members to be the Chair of the HPOC; and, be it further

RESOLVED, a liaison from the Legislature and from the County Executive shall advise the Legislature on housing policy and to make recommendations to the Legislature and the County Executive for the use of the funds from the HAF; and, be it further

RESOLVED, staff from the Ulster County Planning Department shall be assigned to the HPOC for the purpose of providing administration, support and recording services as requested by the Committee; and, be it further

RESOLVED, on or before March 1 of each year, the HPOC shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the Committee, including the administration of the HAF, and the commitment and distribution of funds and the application review process; and, be it further

RESOLVED, the HPOC shall make such other reports at such times as ~~may~~ **shall** be required by the County Legislature **and/or** County Executive, with copies of all reports being filed with the Clerk of the County Legislature and the County Executive; and be it further

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RESOLVED, that the distribution of funds from the HAF shall be in accordance with the Housing Action Fund Program Standards as filed with the Clerk of the Legislature, and such standards shall be reviewed and updated annually based on the current housing needs of the County and in consultation with the Housing Policy and Oversight Committee (HPOC); and, be it further

RESOLVED, that the annual budget process shall include recommendations for the total amount of HAF funds to be made available each year **considering all anticipated revenue sources, including but not limited to sources as prescribed by legislative resolution, and anticipated state/federal/local funding**; and, be it further

RESOLVED, the applications for funding utilizing the HAF shall be through a Notice of Funds Available (NOFA) solicitation developed by the Planning Department, in accordance with the Housing Action Fund Program Standards; and, be it further

RESOLVED, that applications submitted for funding shall be reviewed by the HPOC with recommendations for funding awards provided to the County Executive and the County Legislature as part of the annual budget process, or as needed; and, be it further

RESOLVED, that for fiscal year 2023 the County Legislature hereby anticipates up to three million dollars (\$3,000,000.00) of the Housing Action Fund will be made available for competitive proposals through the release of a NOFA; and, be it further

RESOLVED, the award of funding from the HAF ~~may~~ **shall** be appropriated only by a majority vote of the Legislature; and, be it further

RESOLVED, the Commissioner of Finance in his/her/their discretion, may invest the moneys in such Fund in the manner provided by Law of the State of New York and consistent with the Policies of Ulster County, and any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the Fund; and, be it further

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RESOLVED, that no section of this resolution shall be interpreted as augmenting or abrogating the existing legislative process for expenditures, including the expenditure of monies from the assigned fund balance account for housing affordability,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 19                      NOES: 2  
(Noes: Legislators Maloney and Roberts)  
(Absent: Legislators Heppner and Stewart)

Postponed in Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture on May 30, 2023

Passed Committee: Health, Human Services and Housing as amended on May 31, 2023

Postponed in Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture on July 6, 2023

Passed Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture on August 1, 2023

Passed Committee: Ways and Means as amended on August 15, 2023

FINANCIAL IMPACT:  
\$15,000,000.00 – ASSIGNED FUND BALANCE

