

1. Active Calendar

- 1.I. 5:30 PM Active Calendar For The August 2, 2021 Meeting

Documents:

[ACTIVE CALENDAR AUGUST 2 2021.DOCX](#)

- 1.II. 5:30 PM Agenda For The August 2, 2021 Meeting

Documents:

[21 AGENDA 0802.DOCX](#)

2. Supporting Legislation

- 2.I. 5:30 PM Support Legislation For August 2, 2021 Meeting

3. Minutes

- 3.I. August 2, 2021 Meeting Agenda

Documents:

[21 MINUTES 0802 FINAL.PDF](#)

4. Majority Consent (MC)

5. Supporting Document

6. Public Comment

Albany Common Council Active Calendar Meeting of Monday, August 2, 2021

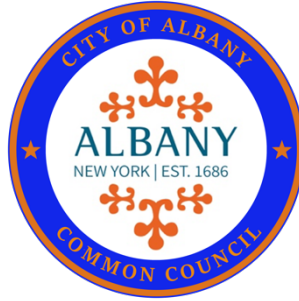
(NOTE: The Active Calendar is meant to indicate items which are anticipated to come up for action at the indicated Common Council meeting. Items on a committee agenda prior to the indicated Council meeting are included subject to committee action and recommendation. New items on the agenda for introduction, but which will not be acted upon on the evening of introduction is not included on the Active Calendar. This Calendar does not preclude the addition of items for action by Majority Consent of the Council. Items added by Majority Consent are those which were not available for the agenda within the required deadline but which cannot wait for the subsequent Council meeting for introduction and/or action.)

Section	Number	Agenda Number	Sponsor	Subject
Local Laws Held	Local Law P of 2021 (MC)	7	Balarin	A LOCAL LAW AMENDING ARTICLE XXIII (PROHIBITION OF EVICTION WITHOUT GOOD CAUSE) OF PART 2 (CITY COURTS ACT) OF CHAPTER 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY AS ADDED BY LOCAL LAW F-2021 ENTITLED: "LOCAL LAW AMENDING PART 2 (COURTS AND LEGAL PROCEDURES) OF CHAPTE 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EVICITION PROCEDURES" IN RELATION TO CERTAIN AMENDMENTS THERETO
Resolutions Introduced (a)	68.81.21R		O'Brien	RESOLUTION OF THE COMMON COUNCIL APPOINTING APRECIA CABEY TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD
Resolutions Introduced (a)	70.81.21R		Finance	A RESOLUTION OF THE COMMON COUNCIL CERTIFYING TO THE COMMISSIONER OF THE STATE DEPARTMENT OF TAXATION AND FINANCE AND TO THE CHIEF FISCAL OFFICER OF THE ALBANY CITY SCHOOL DISTRICT THE LOCALLY-ADJUSTED HOMESTEAD AND NON-

				HOMESTEAD BASE PROPORTIONS FOR SCHOOL TAX YEAR 2021-2022, PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 19
Resolutions Held (b)	49.52.21R (MC)	11	Flynn	RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY ENCOURAGING THAT CAPITAL HOLIDAY LIGHTS IN THE PARK REMAIN IN WASHINGTON PARK

- (a) Pending Discussions at Caucus on July 28, 2021 @5:30pm Council Chamber, 2nd floor City Hall
(b) Pending Discussion at Parks, Recreation and Family Services committee on July 27, 2021 @ 5:30pm Council Chamber, 2nd floor, City Hall

(07/23/2021)



AGENDA
FOR THE REGULAR MEETING
OF THE ALBANY COMMON COUNCIL
Monday, August 2, 2021

The Common Council meets the first and third Monday of each month at 7:00 p.m. (note: when Monday falls on a legal holiday or day of special observance, the Council meeting is ordinarily moved to the following Thursday). It will be live-streamed on [Facebook](#) . If we experience any technical difficulties on Facebook, the video will be streamed to [YouTube](#). For more information on how to be heard please visit our [website](#).

ORDER OF BUSINESS:

Roll Call

Welcome

Pledge of Allegiance

Moment of Silence

Public Hearings

Public Comment Period (30 Minutes)

Approval of Minutes from Previous Meeting

Consideration of Local Laws

Communications from the Mayor, Department Heads and other City Officials

Consideration of Vetoes

Presentation of Petitions and Communications

Reports of Standing Committees

Reports of Ad Hoc Committees

Consideration of Ordinances

Consideration of Resolutions

Additional Public Comment (30 minutes)

Miscellaneous or Unfinished Business

Adjournment

LOCAL LAWS INTRODUCED

LOCAL LAWS HELD

1. Conti LOCAL LAW F - 2019

A LOCAL LAW REPEALING CHAPTER 54 (FINANCIAL DISCLOSURE) OF THE CODE OF THE CITY OF ALBANY AND ENACTING A NEW CHAPTER 54 ENTITLED "ETHICS LAW OF THE CITY OF ALBANY" IN RELATION TO ETHICS AND FINANCIAL DISCLOSURE *Referred to Council Operations and Ethics
2. Conti LOCAL LAW A - 2021

A LOCAL LAW AMENDING SECTION 202 (CONTINUOUS TERMS) OF ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR NONPARTISAN ELECTIONS *Referred to Council Operations and Ethics
3. Doeschate, Conti, Farrell, Frederick, and Hoey LOCAL LAW C - 2021
As Amended

A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART 1 (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART I (ADMINISTRATIVE LEGISLATION) OF THE ALBANY CITY CODE WITH REGARD TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS
TABLED
4. Anane LOCAL LAW D - 2021

A LOCAL LAW AMENDING THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR ADDITIONAL PAID SICK LEAVE * Referred to Finances, Assessment, & Taxation Committee
5. Johnson, Anane, Hoey with Support of President Ellis LOCAL LAW L -
2021

A LOCAL LAW AMENDING CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CREATING A PUBLIC SAFETY COMMISSION
Referred to Public Safety Committee
6. Kimbrough LOCAL LAW M-
2021

A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART I (DEPARTMENT OF

POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART 1 (ADMINISTRATIVE LEGISLATION) OF THE ALBANY CITY CODE WITH REGARD TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS
Referred to Public Safety Committee

7.
2021 (MC)

Balarin

LOCAL LAW P -

A LOCAL LAW AMENDING ARTICLE XXIII (PROHIBITION OF EVICTION WITHOUT GOOD CAUSE) OF PART 2 (CITY COURTS ACT) OF CHAPTER 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY AS ADDED BY LOCAL LAW F-2021 ENTITLED: "LOCAL LAW AMENDING PART 2 (COURTS AND LEGAL PROCEDURES) OF CHAPTE 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EVICTION PROCEDURES" IN RELATION TO CERTAIN AMENDMENTS THERETO

ORDINANCES INTRODUCED

ORDINANCES HELD

1. Anane Ordinance 34.101.18

AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC OF THE CODE OF THE CITY OF ALBANY" IN RELATION TO SPECIAL EVENT PARKING *Referred to Law, Buildings and Code Enforcement
2. Conti & Anane Ordinance 2.12.19

AN ORDINANCE AMENDING ARTICLE II (TRAFFIC REGULATIONS) OF CHAPTER 359 (VEHICLE AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MARKINGS FOR FIRE HYDRANTS *Referred to Law, Buildings and Code Enforcement
3. Flynn Ordinance
12.62.19

AN ORDINANCE AMENDING ARTICLE III (TOW-TRUCK OWNERS AND OPERATORS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE MAXIMUM TOWING CHARGE PERMITTED *Referred to Law, Buildings and Code Enforcement
4. Fahey Ordinance 16.81.19 (MC)

AN ORDINANCE AMENDING CHAPTER 375-3 (USE REGULATIONS) OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) IN ORDER TO CLARIFY THE APPROVAL PROCESS FOR TELECOMMUNICATIONS INSTALLATIONS *Referred to Planning, Economic Development and Land Use
5. Fahey Ordinance 1.21.20

AN ORDINANCE REPEALING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY *Referred to Planning, Economic Development and Land Use
6. Kimbrough Ordinance 11.61.20 As Amended
AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING LOTS IN MU-CU ZONE DISTRICTS *Referred to Planning, Economic Development and Land Use
7. Anane Ordinance 13.72.20

AN ORDINANCE AMENDING CHAPTER 345 (TREES AND VEGETATION) OF PART II OF THE CODE OF THE CITY OF ALBANY REGARDING PLANTING TREES IN THE CITY OF ALBANY *Referred to General Service, Health and Environment

8. Frederick Ordinance 15.81.20

AN ORDINANCE AMENDING PART II OF THE CODE OF THE CITY OF ALBANY (GENERAL LEGISLATION) BY ENACTING A NEW CHAPTER 325 TITLED SURVEILLANCE TECHNOLOGY *Referred to Public

Safety

9. Conti Ordinance 43.112.20 (MC)
AN ORDINANCE AMENDING ARTICLE XLVI (GENERAL PROVISIONS) OF PART 35 (BOARD OF ZONING APPEALS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CONFORMING THE SIZE OF THE BOARD OF ZONING APPEALS WITH THE NYS GENERAL CITY LAW)
*Referred to Planning, Economic Development and Land Use Committee

10. O'Brien Ordinance 3.12.21

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY CLARIFYING VEGETATIVE COVERAGE IN RELATION TO NON-APPLICABILITY TO GREEN ROOFS
*Referred to Planning, Economic Development and Land Use Committee

11. Planning Ordinance
5.32.21

AN ORDINANCE AMENDING ARTICLE I (GENERAL PROVISIONS) OF CHAPTER 375 (USDO) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NECESSARY AMENDMENTS
Referred to Planning, Economic Development and Land-use Committee

12. Planning Ordinance 6.31.21

AN ORDINANCE AMENDING ARTICLE II (ZONING DISTRICTS) OF CHAPTER 375 (USDO) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NECESSARY AMENDMENTS
Referred to Planning, Economic Development and Land-use Committee

13.
7.32.21

Planning

Ordinance

AN ORDINANCE AMENDING ARTICLE III (USE REGULATIONS) OF CHAPTER 375 (USDO) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NECESSARY AMENDMENTS

Referred to Planning, Economic Development and Land-use Committee

14.

Planning

Ordinance 8.32.21

AN ORDINANCE AMENDING ARTICLE IV (DEVELOPMENT STANDARDS) OF CHAPTER 375 (USDO) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NECESSARY AMENDMENTS

Referred to Planning, Economic Development and Land-use Committee

15.

Planning

Ordinance 9.32.21

AN ORDINANCE AMENDING ARTICLE V (ADMINISTRATION AND ENFORCEMENT) OF CHAPTER 375 (USDO) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NECESSARY AMENDMENTS

Referred to Planning, Economic Development and Land-use Committee

16.

Planning

Ordinance 10.32.21

AN ORDINANCE AMENDING ARTICLE VI (RULES OF CONSTRUCTION; DEFINITION) AND ARTICLE VII (APPLICATION FEES) OF CHAPTER 375 (USDO) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NECESSARY AMENDMENTS

Referred to Planning, Economic Development and Land-use Committee

17.

Fahey

Ordinance 13.51.21

AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VII, ENTITLED "SMALL CELL WIRELESS FACILITIES IN CITY RIGHTS OF WAY"

Referred to Planning, Economic Development, and Land Use Committee

18.

Love

Ordinance 21.72.21

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO NATIONAL GRID OF AN EASEMENT IN THE CITY OF ALBANY, OVER A PORTION OF CITY-OWNED PROPERTY AT CORNING RIVERFRONT

PARK, FOR THE INSTALLATION OF AN ELECTRICAL SERVICE HOOKUP

* Referred to Finance, Taxation, and Assessment Committee*

20. Hoey Ordinance 22.72.21

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) IN RELATION TO RECREATION VEHICLES AND CAMPERS AND ALLOW THEM ON DRIVEWAYS

Referred to Planning, Economic Development, and Land Use Committee

RESOLUTIONS **INTRODUCED**

66.81.21R RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE SOUTH-END CONNECTOR PROJECT

67.81.21R RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY AUTHORIZING THE EXECUTION OF AN AMENDED PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT BY AND BETWEEN THE CITY OF ALBANY, AND STEAMBOAT SQUARE HOUSING DEVELOPMENT FUND CORP. AND STEAMBOAT 20 LLC

68.81.21R RESOLUTION OF THE COMMON COUNCIL APPOINTING APRECIA CABEY TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

69.81.21R A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY HONORING THE CONTRIBUTION OF TAILORAMA IN THE CITY OF ALBANY AND RENAMING A PART OF CLINTON AVENUE IN ITS HONOR

70.81.21R A RESOLUTION OF THE COMMON COUNCIL CERTIFYING TO THE COMMISSIONER OF THE STATE DEPARTMENT OF TAXATION AND FINANCE AND TO THE CHIEF FISCAL OFFICER OF THE ALBANY CITY SCHOOL DISTRICT THE LOCALLY-ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR SCHOOL TAX YEAR 2021-2022, PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 19

71.81.21R

A RESOLUTION OF THE COMMON COUNCIL APPROVING THE CITY OF ALBANY'S PARTICIPATION IN AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ALBANY IN RELATION TO THE SHARING OF BYRNE JUSTICE ASSISTANCE GRANT PROGRAM FUNDS

RESOLUTIONS HELD

1. Anane Resolution Number 46.62.18R
(MC)

A RESOLUTION OF THE ALBANY COMMON COUNCIL IN SUPPORT OF THE CITY OF ALBANY WAIVING FEES AGAINST THE NEW YORK STATE POOR PEOPLE'S CAMPAIGN *Referred to Public Safety Committee
2. Anane Resolution Number
25.52.19R

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY RECOGNIZING THE IMPORTANCE OF WALKABILITY THROUGHOUT THE CITY AND CALLING ON THE ALBANY POLICE DEPARTMENT'S TRAFFIC SAFETY DIVISION TO ADOPT A POLICY ENSURING THAT PEDESTRIAN SIGNALS ARE AUTOMATICALLY INCLUDED WHENEVER TRAFFIC SIGNALS ARE CHANGED, UPGRADED OR INSTALLED"
*Referred to Planning, Economic Development and Land Use Committee
3. Love Resolution Number 42.62.19R

RESOLUTION OF THE COMMON COUNCIL RECOGNIZING THE NEED FOR A GREATER EMPHASIS ON SENIOR SERVICES THROUGHOUT THE CITY OF ALBANY
4. Anane Resolution Number
95.102.20R

RESOLUTION IN SUPPORT OF THE CITY OF ALBANY MAKING ELECTION DAY A PAID HOLIDAY *Referred to Finance, Assessment and Taxation Committee
5. Finance Resolution Number
25.31.21R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF ONE FULL TIME POSITION AND THE CREATION OF ANOTHER, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2021 BUDGET (DEPARTMENT OF RECREATION)
*Referred to Finance, Assessment, & Taxation Committee
6. Anane Resolution Number
37.42.21R

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY FRANCHISE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON CITY-OWNED RIGHTS-OF-WAY

*Referred to Planning, Economic Development, and Land Use Committee

7. Fahey Resolution Number 38.42.21R

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY FRANCHISE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON CITY-OWNED RIGHTS-OF-WAY

Referred to Planning, Economic Development, Land Use Committee

8. Finance Resolution Number 41.51.21R

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENT OF SALARIES FOR CERTAIN POSITIONS IN THE 2021 BUDGET (DEPARTMENT OF LAW)

Referred to Finance, Assessment, & Taxation Committee

9. Finance Resolution Number 42.51.21R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A POSITION, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2021 BUDGET (ALBANY COMMUNITY DEVELOPMENT AGENCY)

Referred to Finance, Assessment, & Taxation Committee

10. Fahey Resolution Number 47.52.21R

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY REQUESTING IMMEDIATE ACTION BY OUT STATE AND FEDERAL OFFICIALS TO UNDERTAKE A THOROUGH AND COMPLETE EVALUATION OF THE USE OF CHEMICAL GAS ON INDIVIDUALS BY LAW ENFORCEMENT AND DETERMINE WHETHER TO BAN ITS USE

Referred to Public Safety Committee

11. Flynn Resolution Number 49.52.21R
(MC)

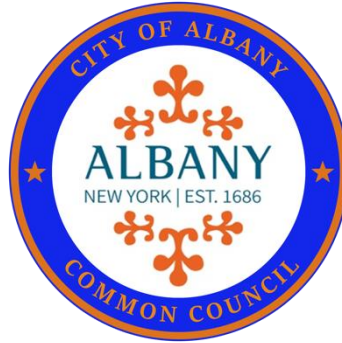
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY ENCOURAGING THAT CAPITAL HOLIDAY LIGHTS IN THE PARK REMAIN IN WASHINGTON PARK

Referred to Parks, Recreation, and Family Services Committee

12. Kimbrough Resolution Number 56.62.21R

RESOLUTION HONORING THE LIFE AND LEGACY OF CHARLES E.
TRAYNHAM AND RENAMING A PORTION OF MOHAWK STREET IN HIS
HONOR

*Referred to General Services, Health, and Environment Committee



MINUTES OF A REGULAR MEETING MONDAY, AUGUST 2, 2021

The Common Council convened at 7:00 p.m. and was called to order by President Ellis. The meeting was live-streamed to the City of Albany's Common Council's Facebook page to allow remote participation for the public.

The roll being called, the following answered to their names: Balarin, Fahey, Farrell, Flynn, Hoey, Johnson, Kimbrough, Love, and O'Brien

The following members joined the meeting after the roll call: Anane (7:16 p.m.) and Robinson (7:21 p.m.)

Also present was the following staff: Danielle Gillespie, John-Raphael Pichardo, and Brett Williams

Council President Ellis led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 214 Lark St., Albany, NY 12210 (Community Violence)
2. Charles Obar Robinson, 404 Livingston Avenue, Albany, NY 12206 (Buildings and Regulatory Compliance and compliance issues)

After the above speakers provided their public comment and there being no further speakers, the President declared the Public Comment Period closed.

Approval of Minutes

President Pro Tem Kimbrough made a motion to approve the minutes of July 19, 2021 meetings of the Council, which was duly seconded, and APPROVED by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS:

Councilmen Balarin noticed Local Law P of 2021 as Amended August 2, 2021

LOCAL LAW P OF 2021 (MC) (As Amended 08/02/2021)

A LOCAL LAW AMENDING ARTICLE XXIII (PROHIBITION OF EVICTION WITHOUT GOOD CAUSE) OF PART 2 (CITY COURTS ACT) OF CHAPTER 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY AS ADDED BY LOCAL LAW F-2021 ENTITLED: “LOCAL LAW AMENDING PART 2 (COURTS AND LEGAL PROCEDURES) OF CHAPTE 30 (COURTS AND LEGAL PROCEDURES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EVICITION PROCEDURES” IN RELATION TO CERTAIN AMENDMENTS THERETO

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection A of section 30-328 (Grounds for removal of tenants) of Article XXIII (Prohibition of Eviction Without Good Cause) and section 30-331 (Severability) of Part 2 (City Court Act) of Chapter 30 (Courts and Legal Procedures) of Part I (Administrative Legislation) of the Code of the City of Albany as added by Local Law F of 2021 as adopted by the Common Council is hereby amended to read as follows:

Article ~~XIII~~ XXIII Prohibition of Eviction Without Good Cause

§ 30-328 Grounds for removal of tenants

- A. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established one of the following grounds as good cause for removal or eviction:
- (1) The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unconscionable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases that is imposed for the purpose of circumventing this article, the Court may consider, among other factors, i) the rate of the increase relative to the tenant's ability to afford said increase, ii) improvements made to the subject unit or common areas serving said unit, iii) whether the increase was precipitated by the tenant engaging in the activity described at section 223-b (1(a)-(c) of the Real Property Actions and Proceedings Law, iv) significant market changes relevant to the subject unit, and v) the condition of the unit or common areas serving the unit, and it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent;
 - (2) The tenant is violating a reasonable obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten days of receipt of such written notice,

provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article;

- ~~(3) The tenant is committing or permitting a nuisance in such housing accommodation, or is maliciously or by reason of negligence damaging the housing accommodation; or the tenant's conduct, including but not limited to, smoking inside the residential unit where smoking inside the residential unit has been prohibited by the landlord and such prohibition has been communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the residential unit is located in accordance with relevant laws, and causing the accumulation of excessive rubbish and/or garbage in the residential unit and common areas, is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures; The tenant is committing or permitting a nuisance in such housing accommodation, common areas, or other areas of the property, or is maliciously or by reason of negligence damaging the housing accommodation, common areas, or other areas of the property; or the tenant's conduct is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures, including but not limited to, smoking inside the residential unit where smoking inside the residential unit has been prohibited by the landlord and such prohibition has been communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the residential unit is located in accordance with relevant laws, repeatedly engaging in activities that cause an unreasonable amount of noise or allowing others to do so without taking appropriate steps to mitigate such noise, and causing the accumulation of excessive rubbish and/or garbage in the residential unit and common areas;~~
- (4) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefor; provided however that the City of Albany or other qualified governmental entity has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws;
- (5) The tenant is using or permitting the housing accommodation to be used for an illegal purpose;

- (6) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;
- (7) The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as principal residence of their partner, spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-five years of age or older or who is a disabled person;
- (8) The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy such housing accommodations as their principal residence;
- (9) The owner-landlord has in good faith entered into a contract for the sale of the housing accommodation and such contract requires that the housing accommodation be transferred free and clear of any and all residential tenancy obligations as a condition of such sale where the owner-landlord has no shared financial or other interest with the potential buyer other than the sale of the housing accommodation in question and submitted sufficient proof to the court thereof
- (10) Where the tenant has refused in bad faith to enter into a written lease which has been offered in good faith to the tenant by the landlord, subject to the following:
 - (a) The proposed written lease must have been offered to the tenant in writing on at least two occasions at least two weeks apart, ~~which such written offer to include,~~ and such written offer shall include:
 - (i) an original and one copy of the proposed written lease, executed by the landlord or their designee;
 - (ii) notice of the landlord's intention to pursue eviction if the tenant rejects the proposed written lease and/or does not enter into said lease within forty-five days of the initial offer and specifying that the landlord may pursue eviction at any time between the expiration of the 45 days and 120 days of the date of such offer;
 - (iii) clear instructions to the tenant concerning the manner in which the tenant is to communicate to the landlord acceptance or rejection of the written lease; and
 - (iv) Notice of any proposed increase in rent equal to or greater than 5% shall be provided in compliance with ~~RPL-sect 226-C~~ section 226-C of the NYS Real Property Law;

(b) the proposed written lease shall not supersede an existing, active lease to which the landlord and the tenant are parties;

(c) The terms of the proposed written lease may not:

(i) be unconscionable and/or mandate or proscribe activities not rationally related to the regulation of activities ~~which—that~~ would create a nuisance at the property, ~~cause damage to the housing accommodation, common areas, or other parts of the property~~ or cause discomfort to the tenants or occupants of the same or adjacent buildings or structures, including, but not limited to activities described in subdivision (3) of subsection A(3) above; or

(ii) substantially alter the terms any of any existing lease other than to provide reasonable clarification of the terms and conditions of the tenancy;

(d) the proposed written lease shall not be offered for the purposes of circumventing this article;

(e) the tenant shall be entitled to dismissal of any eviction petition brought for the tenant's refusal to enter into a lease according to these terms if:

(i) the tenant consents to enter into the proposed written lease presented in the first offer pursuant to subparagraph (a) of this paragraph at any time prior to the earlier of the execution of the warrant of eviction or the good faith execution of an enforceable lease agreement between the landlord and a different party in an arms-length transaction for the premises occupied by the tenant regardless of landlord's willingness to accept said consent at the time it is communicated; and/or

(ii) prior to the commencement of the eviction proceeding the tenant attempted in good faith to negotiate the terms of the proposed written lease without substantially altering the terms of the prior lease agreement and that the landlord refused in bad faith to engage in such negotiation; and/or

(iii) the tenant's failure to enter into the proposed written lease was due to a good faith failure to comprehend the terms of the proposed written lease;

(iv) the tenant is a victim of domestic violence as defined by NY Social Service Services Law §459-A and is unable to safely enter into the proposed written lease due to good faith concerns for the tenant's personal safety; and/or

(v) the proposed written lease includes an increase in rent or increase in the tenant's responsibility for recurring payments associated with the tenancy ~~which—that is unconscionable or imposed for the purposes of circumventing the intent of this article~~ per would violate the terms or intent of subdivision (1) of subsection (A)(4) above;

(f) that any proceeding for eviction pursuant to this subsection shall have been commenced within 120 days of the proposed written lease first having been offered to

the tenant, provided, however, the landlord may commence the process for execution of a lease pursuant to this subdivision by submitting a new or revised lease to the tenant that would recommence the 120 day time period for a potential eviction action pursuant to this subdivision.

§ 30-331 Severability.

If any provision of this ~~act~~ article, 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~~ article, 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 application of this article are severable.

Section 2. This local law shall take effect on the same date and in the same manner as Local Law F of 2021 as adopted by the Common Council after final passage, public hearing and filing with the Secretary of State.

No action was taken on Local Law P of 2021 (MC) as amended because of the aging requirement.

President Pro Tem Kimbrough held the remaining Local Laws on the pending agenda.

REPORTS OF STANDING COMMITTEES:

General Services Health and Environment: Chair O'Brien reported on the upcoming joint meeting with Parks, Recreation, and Family Services on August 18, 2021. Discussion during the upcoming meeting will include Ordinance 13.72.20 regarding planting trees in the City of Albany, Resolution 56.62.21R honorary street renaming to celebrate the life of Charles E. Traynham, a report from the Department of General Services on the RFB for Sidewalk Snow Removal, and the discussion of remediation of hazardous materials, garbage, downed trees, and other safety issues at Woodlawn Park.

Planning, Land Use and Economic Development Committee: Chair Fahey discussed the upcoming meeting on August 3, 2021 which will continue the review on USDO revisions, Ordinance 13.51.21 regarding small cell wireless in the City's Right of Way, and Resolutions 37.42.21R and 38.42.21R regarding franchise agreements with carriers (AT&T and Verizon).

Parks, Recreation and Family Services: Chair Flynn discussed that the committee met on July 27, 2021 to continue discussions on resolution 49.52.21R (MC) regarding the Holiday Lights In the Park. During this meeting several stakeholders were invited to share how the Lights in the Park impacts their quality of life and share their respective concerns.

CONSIDERATION OF ORDINANCES

President Pro Tem Kimbrough held the remaining Ordinances on the pending agenda.

CONSIDERATION OF RESOLUTIONS

Council Member Johnson, noticed the introduction of Resolution 66.81.21R as follows, which was introduced and held for further consideration:

RESOLUTION NUMBER 66.81.21R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE SOUTH END CONNECTOR PROJECT

WHEREAS, the City is planning to start construction on updates on the much used link between the Helderberg-Hudson Rail Trail and the Mohawk-Hudson Bike-Hike Trail; and

WHEREAS, the South End Connector is a key piece of the region's growing network of alternative transportation paths that when finished, will offer amenities on the protected path for cyclists and pedestrians along the two miles from the rail trail's South End trailhead and the Mohawk-Hudson trail on the Hudson River; and

WHEREAS, this project will to offer people within the South End a safer and more dynamic way to the riverfront.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be and is authorized and empowered to enter into and execute a license agreement with the New York State Department of Transportation for the use and occupancy of State-owned lands in connection with the South End Connector Project to connect and enhance the existing Albany County Rail and Mohawk-Hudson Bike-Hike Trails.

President Pro Tempore Kimbrough referred this to the Finance, Assessment, and Taxation Committee.

Council Member Farrell noticed the introduction of Resolution 67.81.21R as follows, which was introduced and held for further consideration:

RESOLUTION NUMBER 67.81.21R

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY AUTHORIZING THE EXECUTION OF AN AMENDED PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT BY AND BETWEEN THE CITY OF ALBANY, AND STEAMBOAT SQUARE HOUSING DEVELOPMENT FUND CORP. AND STEAMBOAT 20 LLC

WHEREAS, Steamboat Square Housing Development Fund Corp. (the “HDFC”) is a not-for-profit corporation established under 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”), and is controlled by or under the common control with the Albany Housing Authority (the “AHA”); and

WHEREAS, the HDFC is a “housing development fund company” as that term is defined in Section 572 of the PHFL and shall remain so during the entire term of this agreement; and

WHEREAS, Steamboat 20 LLC (the “Company”) is a limited liability company controlled by or under common control with the AHA; and

WHEREAS, the Company’s and the HDFC’s revised plans for the use of the Property consists of the redevelopment of eighty-eight (88) mixed-income affordable residential rental units, constitutes a “housing

project” as that term is defined in Section 572 of the PHFL (the “Project”), which Project is located at 20 Rensselaer Street (the “Property”);

WHEREAS, the HDFC is the sole managing member of the Company and is expected to be the leasehold owner of the Property as nominee of the Company; and

WHEREAS, pursuant to Section 577(1) of the PHFL, the local legislative body of a municipality may exempt a project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project for a period of up to forty (40) years;

WHEREAS, pursuant to authorization of the City Council under Resolution Number 93.121.18R, the City, the HDFC, and the Company entered into an Agreement for Payment In Lieu of Taxes for the Project in 2018 when the Project involved the rehabilitation of 51 apartment units (the “Original PILOT”) and now desire to amend the Original PILOT so that it applies to the revised Project which will now rehabilitate a total of 88 residential apartment units;

NOW THEREFORE, BE IT RESOLVED, that the Property and the Project shall be exempt from real property taxes to the extent described in Section 577(1) of the PFHL for a period of thirty (30) years, including city, county and school taxes, other than assessments for local improvements, and that the Mayor of the City of Albany is hereby authorized and empowered to execute and enter into an Amended PILOT agreement with the HDFC and the Company in a form approved by the Corporation Counsel, together with such other and further forms, documents and agreements necessary to amend, supplement or effectuate the same; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

President Pro Tempore Kimbrough referred this to the Finance, Assessment, and Taxation Committee.

Council Member O’Brien noticed the introduction of Resolution 68.81.21R as follows, which was introduced and adopted by voice vote:

RESOLUTION NUMBER 68.81.21R

Council Member O’Brien introduced the following, which was approved:

Resolution Number 68.81.21R

RESOLUTION OF THE COMMON COUNCIL APPOINTING APRECIA CABEY TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

WHEREAS, pursuant to Section 42-376 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Cable Television Public, Education and Government Access Oversight Board (“PEGAOB”).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Aprecia Cabey to the PEGAOB for a term ending July 1, 2024.

The following Council Member(s) spoke prior to passage: O'Brien

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

** Resolution 68.81.21R was co-sponsored by Council Members Anane, Balarin, Fahey, Farrell, Flynn, Hoey, and Robinson,*

Affirmative – Anane, Balarin, Fahey, Farrell, Flynn, Hoey, Johnson, Kimbrough, Love, O'Brien, and Robinson

Affirmative 11 Negative 0 Abstain 0

Council Member Love noticed the introduction of Resolution 69.81.21R as follows, which was introduced and adopted by voice vote:

RESOLUTION NUMBER 69.81.21R

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY HONORING THE CONTRIBUTION OF TAILORAMA IN THE CITY OF ALBANY AND RENAMING A PART OF CLINTON AVENUE IN ITS HONOR

WHEREAS, Armando and Juanita DeLuca were newlyweds when they opened up their tailoring and dry cleaning shop, "Tailorama" on February 14, 1964; and

WHEREAS, Armando immigrated to the United States in 1956 and began working as a tailor as soon as he arrived, landing a job at an exclusive men's shop, C.E. Summers. He learned to sew at the age of 6 at the urging of his father, since "no matter how hot or cold it is, people have to wear pants." By age 10 he made his first suit; and

WHEREAS, being a staple in the Arbor Hill/Sheridan Hollow area, many people know Juanita as "Ma"; and

WHEREAS, for the first 25 years, it was half a beauty salon and half a tailoring business; and

WHEREAS, Tailorama being in the same location for over 50 years has seen the neighborhood change but refuse to leave; and

WHEREAS, Tailorama has tailored and cleaned clothes for some of Albany's more notable residents, including former Albany County Executive Jim Coney, Former Assemblyman Richard Connors, and former State Senator Howard Nolan;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany honors the contributions of Tailorama in the City of Albany and renames a part of Clinton Ave at the Corner of Swan Street and Clinton Ave as "Tailorama Way" in its honor.

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

The following Council Member(s) spoke prior to passage: Johnson and Love

** Resolution 69.81.21R was co-sponsored by Council Members Anane, Balarin, Fahey, Farrell,*

Flynn, Hoey, Johnson, Kimbrough, O'Brien, and Robinson

Affirmative – Anane, Balarin, Fahey, Farrell, Flynn, Hoey, Johnson, Kimbrough, Love, O'Brien, and Robinson

Affirmative 11 Negative 0 Abstain 0

Council Member Farrell noticed the introduction of Resolution 70.81.21R and asked for its passage, as follows:

Council Member Farrell on behalf of the Finance, Assessment, & Taxation Committee introduced the following, which was approved:

RESOLUTION NUMBER 70.81.21R

A RESOLUTION OF THE COMMON COUNCIL CERTIFYING TO THE COMMISSIONER OF THE STATE DEPARTMENT OF TAXATION AND FINANCE AND TO THE CHIEF FISCAL OFFICER OF THE ALBANY CITY SCHOOL DISTRICT THE LOCALLY-ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR SCHOOL TAX YEAR 2021-2022, PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 19

WHEREAS, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real Property Tax Law relating to the establishment and certification of the local adjustments to the adjusted base proportions of homestead and non-homestead classes; and

WHEREAS, pursuant to section 1903(6)(a) of the Real Property Tax Law, the governing body of an assessing unit in which a school district is wholly contained must “annually certify to the chief fiscal officer of each should district wholly contained within such assessing unit and to the commissioner, the applicable locally-adjusted homestead proportions and locally-adjusted non-homestead proportions.”

WHEREAS, the Albany City School District is wholly contained within the City of Albany and is the only school district within the City of Albany; and

WHEREAS, by Resolution 117.121.20R (MC), the Common Council adopted a locally-adjusted homestead base proportion of 54.87 percent and a locally-adjusted non-homestead base proportion of 45.13 percent for the 2021 tax year, which are both based on rates provided to the City by the New York State Office of Real Property Tax Services;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby certifies to the Chief Fiscal Officer of the Albany City School District and to the Commissioner of the New York State Department of Taxation and Finance that, for the 2021-22 school tax year, the locally-adjusted homestead base proportion is 54.87 percent and the locally-adjusted non-homestead base proportion is 45.13 percent; and

BE IT FURTHER RESOLVED, that copies of this resolution shall, upon passage, be transmitted to the Chief Fiscal Officer of the Albany City School District and to the Commissioner of the New York State Department of Taxation and Finance.

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

Affirmative – Anane, Balarin, Fahey, Farrell, Flynn, Hoey, Johnson, Kimbrough, Love, O’Brien, and Robinson

Affirmative 11 Negative 0 Abstain 0

Council Member Farrell noticed the introduction of Resolution 71.81.21R and asked for its passage as follows:

RESOLUTION 71.81.21R

A RESOLUTION OF THE COMMON COUNCIL APPROVING THE CITY OF ALBANY’S PARTICIPATION IN AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ALBANY IN RELATION TO THE SHARING OF BYRNE JUSTICE ASSISTANCE GRANT PROGRAM FUNDS

WHEREAS, the Edward Byrne Memorial Justice Assistance Grant (“JAG”) Program is a source of federal funding to state and local governments, administered by the United States Department of Justice, the funds from which local governments may use to support a range of justice-related topics, including law enforcement, prosecution, indigent defense, courts, crime prevention and education, drug treatment, technology improvement, mental health programs, etc.; and

WHEREAS, the City and County of Albany both believe it to be in their best interests to accept and allocate JAG funds; and

WHEREAS, the City and County of Albany desire to enter into an Intermunicipal Agreement to formalize and agreement between the parties to allocate JAG funds between themselves; and

WHEREAS, under the proposed Intermunicipal Agreement, the City of Albany will act as agent for both parties for all matters associated with the JAG Program; and

WHEREAS, under the proposed Intermunicipal Agreement, the City of Albany will receive the total of the JAG funds and the County of Albany will receive no JAG funds; and

WHEREAS, the proposed Intermunicipal Agreement is made under section 119-o of the General Municipal Law, which requires that any agreement entered into under that section “shall be approved by each participating municipal corporation ... by a majority vote of the voting strength of its governing body.”

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany, as the governing body of such City, hereby authorizes the Mayor of the City of Albany to enter, on the City’s behalf, into an Intermunicipal Agreement with the County of Albany relating to the administration and allocation of JAG program funds.

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

Affirmative – Anane, Balarin, Fahey, Farrell, Flynn, Hoey, Johnson, Kimbrough, Love, O’Brien, and Robinson

Affirmative 11 Negative 0 Abstain 0

President Pro Tem Kimbrough held the pending Resolutions on the agenda for further consideration

MISCELLANEOUS AND UNFINISHED BUSINESS

Council member Johnson spoke regarding the consideration of the Second Ward during the consideration of legislation

Council member Hoey spoke about resident complaints in his ward concerning garbage removal and the leakage of garbage goop onto the streets and sidewalks

Council member Kimbrough addressed Council members Johnson's concerns and apologized.

Council member Flynn spoke regarding the daytime burglaries in his ward and the increase of crime in various wards.

Council President Ellis spoke regarding the increase of crime throughout the wards

ADJOURNMENT:

There being no further business, President Pro Tem Kimbrough made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Ellis declared the meeting adjourned at approximate 7:37 pm.

**Danielle Gillespie
City Clerk**