



**COMMON COUNCIL MEETING
PLANNING, ECONOMIC DEVELOPMENT AND LAND USE
Alfredo Balarin, Chair**

DATE: Wednesday, December 10th, 2025

TIME: 6:15PM

LOCATION: Council Chambers-2nd Floor, City Hall

LIVESTREAM: YouTube— <https://www.youtube.com/@albanycommoncouncil>
Facebook— <https://www.facebook.com/albany.commoncouncil>

TOPIC(S) OF DISCUSSION:

- **ORDINANCE 63.121.25 (BALARIN)**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO AJUSTING THE AFFORDABLE HOUSING REQUIREMENT AND ADDING EXCEPTIONS TO THE AFFORDABLE HOUSING REQUIREMENT
- **ORDINANCE 24.101.25 (As Amended November 17, 2025) (CLARKE)**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO RETURING THE AFFORDABLE HOUSING REQUIREMENT TO ITS ORIGINAL LEVEL

PUBLIC COMMENT PERIOD: YES

The Albany Common Council encourages members of the public to provide public comment in-person or online. To provide in-person commentary, one can show up before the meeting to sign up, or use the link that follows 30 minutes prior to the meeting. One can also email commoncouncil@albanyny.gov to provide written public comment, or use the same link that follows:

<https://albanyny.gov/FormCenter/Common-Council-15/Online-Public-Comment-SignUpSubmission-F-59>

Council Member Balarin, Anane, Farrell, Hoey, Johnson, Kimbrough introduced the following:

ORDINANCE 63.121.25

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO AJUSTING THE AFFORDABLE HOUSING REQUIREMENT AND ADDING EXCEPTIONS TO THE AFFORDABLE HOUSING REQUIREMENT

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

Section 1. Subsection 5 (Incentives and affordable housing requirements) of section 375-401 (Dimensional Standard) of Article IV (Development Standards) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) is hereby amended to read as follows:

- (c) Affordable housing requirement. Each new residential or mixed-use development or redevelopment containing 20 or more new dwelling units shall be required to sell or rent a portion of its new dwelling units at sales or prices affordable to persons providing proof of their earning no more than 60% 70% of the area median household income, as determined by affordability methods used by the United States Department of Housing and Urban Development. The minimum portion of affordable dwellings for each development or redevelopment shall be determined by the following standard.
 - (i) 7% of new dwelling units shall be affordable for developments or redevelopments with 20 or more but no more than 49 new dwelling units; and
 - (ii) 10% of new dwelling units shall be affordable for developments or redevelopments with 50 or more but no more than 60 new dwelling units; and
 - (iii) 12% of new dwelling units shall be affordable for developments or redevelopments with more than 60 but no more than 75 new dwelling units; and
 - (iv) 13% of new dwelling units shall be affordable for developments or redevelopments with 76 or more new dwelling units.
- (d) Exceptions to the Affordable Housing Requirement.
 - (i) An applicant for development or redevelopment with more than 20 units

Matter in ~~strike through~~ to be deleted. Matter underlined is new material.

may reduce the number of units that shall be affordable to 5% by paying, before the date that is ninety (90) days from the date of issuance of a Certificate of Occupancy, \$25,000 per unit that would otherwise be required to be affordable pursuant to paragraph (c) of this subsection excluding the 5% of units that shall be made affordable pursuant to this paragraph.

- (ii) Payments required pursuant to subparagraphs (i) or (ii) of this paragraph shall be payable to the Albany Community Development Agency, which Agency shall put 75% of such funds toward tenant-related assistance programs and 25% of such funds toward homeowners' assistance programs administered by the Albany Community Development Agency as determined by the Commissioner of the Department of Neighborhood and Community Services.
- (iii) The failure of the applicant to submit the payment required pursuant to this paragraph within ninety (90) days of the date of issuance of a Certificate of Occupancy shall render any tax abatement related to the development or redevelopment or held by the applicant for development or redevelopment void, with any payment fees otherwise subject to such tax abatement added to the then-current year's tax bill.
- (iv) Subsection (c) shall not apply to the creation of new residential or mixed-use development or redevelopment containing 20 or more new dwelling units that are wholly senior living facilities, including:
 - a. Independent living
 - b. Assisted living
 - c. Nursing homes or skilled nursing facilities
 - d. Continuing care retirement communities; or
 - e. Active adult communities (limited to residents 55 years and older)

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
21st DAY OF NOVEMBER**

Corporation Counsel

To: Shaniqua Jackson, City Clerk
From: Robert Wenner, Research Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: November 21, 2025
Sponsor: Council Member Balarin

ORDINANCE 63.121.25

TITLE

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO AJUSTING THE AFFORDABLE HOUSING REQUIREMENT AND ADDING EXCEPTIONS TO THE AFFORDABLE HOUSING REQUIREMENT

GENERAL PURPOSE OF LEGISLATION

This ordinance seeks to balance maximizing the number of potential beneficiaries of the USDO's affordable housing incentive against promoting development and redevelopment by adjusting certain requirements to its use and adding certain exceptions to the affordable housing requirement. This would encourage more developers to provide affordable housing in a greater number of areas in the city, promoting inclusive housing, while also increasing options for new developments and redevelopments. Through the money generated by the exceptions to the affordable housing requirement, this ordinance would also generate funds for tenant- and homeowner-related programs.

NECESSITY FOR LEGISLATION AND CHANGE TO EXISTING LAW

In order to effect a change to the USDO, an ordinance would be required alongside all requisite reviews and public hearings.

FISCAL IMPACT

The fiscal impact of this legislation is expected to be minimal. Administration of the registry will require modest staff resources within the Albany Community Development Agency.

Council Member Clarke introduced the following:

ORDINANCE 24.101.25 (As Amended November 17, 2025)

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO RETURNING THE AFFORDABLE HOUSING REQUIREMENT TO ITS ORIGINAL LEVEL

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

Section 1. Subsection 5 (Incentives and affordable housing requirements) of section 375-401 (Dimensional Standard) of Article IV (Development Standards) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) is hereby amended to read as follows:

- (e) Affordable housing requirement. Each new residential or mixed-use development or redevelopment containing 20 or more new dwelling units shall be required to sell or rent a portion of its new dwelling units at sales or prices affordable to persons earning no more than ~~60%~~ 100% of the area median household income, as determined by affordability methods used by the United States Department of Housing and Urban Development. The minimum portion of affordable dwellings for each development or redevelopment shall be determined by the following standard.
 - (i) 7% of new dwelling units shall be affordable for developments or redevelopments with 20 or more but no more than 49 new dwelling units;
 - (ii) 10% of new dwelling units shall be affordable for developments or redevelopments with 50 or more but no more than 60 new dwelling units;
 - (iii) 12% of new dwelling units shall be affordable for developments or redevelopments with more than 60 but no more than 75 new dwelling units;
 - (iv) 13% of new dwelling units shall be affordable for developments or redevelopments with 76 or more new dwelling units.
- (f) Exceptions to the Affordable Housing Requirement.
 - (i) An applicant for development or redevelopment with more than 20 units may reduce the number of units that shall be affordable to 5% by paying, within two (2) years from the date of issuance of a Certificate of Occupancy,

\$5,000 per unit that would otherwise be required to be affordable pursuant to paragraph (c) of this subsection excluding the 5% of units that shall be made affordable pursuant to this paragraph.

- (ii) An applicant for a development or redevelopment with more than 20 units may reduce the number of units that shall be affordable to 0% by paying, within two (2) years from the date of issuance of a Certificate of Occupancy, \$10,000 per unit that would otherwise be required to be affordable pursuant to paragraph (c) of this subsection.
- (iii) Payments required pursuant to subparagraphs (i) or (ii) of this paragraph shall be payable to the Albany Community Development Agency, which Agency shall put such funds toward homeownership down payment assistance programs, homeownership emergency repair programs, or other housing grant programs administered by the Albany Community Development Agency as determined by the Commissioner of the Department of Neighborhood and Community Services.
- (iv) The failure of the applicant to submit the payment required pursuant to this paragraph within two (2) years of the date of issuance of a Certificate of Occupancy shall render the Certificate of Occupancy void until payment is submitted.
- (v) Subsection (c) shall not apply to the creation of new residential or mixed-use development or redevelopment containing 20 or more new dwelling units that are wholly senior living facilities, including:
 - f. Independent living
 - g. Assisted living
 - h. Nursing homes or skilled nursing facilities
 - i. Continuing care retirement communities; or
 - j. Active adult communities (limited to residents 55 years and older)

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
THIS 15TH DAY OF
NOVEMBER**

Corporation Counsel