

TOWN OF GUILDERLAND**Planning Department**

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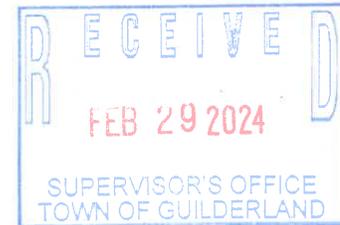
Peter G. Barber
Supervisor**Kenneth Kovalchik, AICP**
Town Planner**MEMORANDUM**

TO: Peter G. Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP, Town Planner

Date: February 29, 2024

SUBJ: **Consideration of Adopting the NYS Pro-Housing Community Resolution**

**What is the Pro-Housing Communities Program**

In 2023, Governor Hochul signed Executive Order No. 30 to establish the Pro-Housing Community Program in order to recognize and reward municipalities actively working to unlock their housing potential and encourage others to follow suit. Localities that have successfully unlocked housing growth or committed to taking important steps to support housing, such as by streamlining permitting and adopting pro-housing policies, and that have applied and submitted critical housing and zoning data to the state, will receive a certification from New York State Homes and Community Renewal that will make them eligible for \$650 million in state discretionary funding. The discretionary funding programs include:

1. Downtown Revitalization Initiative, administered by the Department of State;
2. NY Forward, administered by the Department of State;
3. Regional Council Capital Fund, administered by Empire State Development;
4. New York Main Street, administered by New York State Homes and Community Renewal;
5. Market New York capital grants, administered by Empire State Development;
6. Long Island Investment Fund, administered by Empire State Development;
7. Mid-Hudson Momentum Fund, administered by Empire State Development; and
8. Public Transportation Modernization Enhancement Program, administered by the Department of Transportation.

Localities who submit documentation that their housing stock has increased by one percent in the previous year or 3 percent over the previous three years (downstate) or by 0.33 percent in the last year or 1 percent over the previous three years (upstate) will qualify for the certification. Communities that have not yet seen housing growth can also achieve Pro-Housing Community designation by passing a resolution stating their commitment to Pro-Housing principles along with submitting the required housing and zoning data.

For developers, the Pro-Housing Communities designation achieved by a municipality unlocks additional synergies and tools with which to partner with communities gaining access to these additional state funding sources. State funding can be leveraged and even alleviate financial barriers associated with affordable housing development, making projects economically viable. Pro-Housing Community designations require annual updates to the State to remain certified which presents an opportunity to work with municipalities to further streamline the entitlement process, expedite approvals and incorporate complimentary projects into local planning. These types of proactive stances by local governments certainly send the right signals to the investment and development community. They efficiently allow private and public capital to be deployed where appropriate to deliver vibrant communities with varied types of housing and execute on those projects aligned with community needs and priorities.

Pro-Housing Communities Model Resolution

Any city, town, or village government in New York State can take part in addressing the housing crisis by adopting the Pro-Housing Communities pledge. The resolution must be adopted as written by the highest body of elected officials (e.g., town board or council). The final resolution document must include a signature from the municipal clerk verifying the authenticity of the resolution and indicating the date of passage.

Next Steps

The Planning Department is currently working on completing the necessary documentation to submit to NYS Homes and Community Renewal for consideration of the Town of Guilderland being a designated Pro-Housing Community. Adoption of the Pro-Housing Communities Resolution is an important piece in the Town's application. Planners across the State are supportive of Governor Hochul's efforts in addressing housing affordability and availability. Adoption of the resolution by the Town Board sends a strong message that the elected officials of Guilderland are also supportive of the Governor's efforts.

**TOWN OF GUILDERLAND
RESOLUTION NO. 1 of 2024**

AUTHORIZING THE PRO-HOUSING COMMUNITIES PLEDGE

WHEREAS, the Town of Guilderland (hereinafter “Town”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Town, in order to take positive steps to alleviate the housing crisis, adopts the Pro Housing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF GUILDERLAND

Dated: March 5, 2024

Lynne Buchanan, Town Clerk

DRAFT

Pro-Housing Communities Program – Frequently Asked Questions

Program Overview

1. What is the Pro-Housing Communities Program? Why should my village/town/city apply for the program?

The Governor signed Executive Order 30 in July 2023 emphasizing her continued commitment to addressing the housing shortage throughout NYS, and creating a program to encourage communities to join her in taking action to address the State’s growing housing needs.

The Pro-Housing Communities Program will allow communities to join in the effort to promote housing growth. Communities who are designated as Pro-Housing Communities will receive preference in the evaluations for specific discretionary grant programs.

Communities that share pro-housing values, as shown by submitting their zoning and housing data to NYS and either passing a resolution stating their support or by permitting enough projects to grow by 1% in the past year or 3% over the past three years (MTCD counties) or 0.33% in the past year or 3% over the past three years (upstate counties), will be eligible for a preference in the evaluation of specific discretionary grant programs.

2. Which programs will provide the preference and how significant will the preference be?

The programs currently using the Pro-Housing Communities designation include:

- Downtown Revitalization Initiative (DRI) – Department of State
- NY Forward program – Department of State
- NY Main Street program – Homes and Community Renewal
- Regional Council Capital Fund – Empire State Development
- Market New York (capital grants only) – Empire State Development
- Long Island Investment Fund (LIIF) – Empire State Development
- Mid-Hudson Momentum Fund – Empire State Development
- Public Transportation Modernization Enhancement Program (MEP) – Department of Transportation
- Additional programs may be added in the future

Only municipal applicants are eligible for the Pro-Housing Communities certification. Nonprofit or other entities may still apply for grants from the above programs if they qualify.

Each grant-providing agency will work with HCR to determine the specifics of how Pro-Housing Communities are given preference. Some types of applications may include additional points in the scoring rubric, others may direct reviewers to consider more highly those localities who have joined, depending on the existing judging criteria.

3. Will we be penalized in our application if we do not apply for Pro-Housing certification?

Achieving the Pro-Housing Communities designation is not required prior to applying to any of the above grants, and applicants will not be penalized for not having the designation.

4. What if my community doesn't have any demand for new housing permits/isn't growing?

It is still important to collect zoning and permitting data from all communities in the State, even if your community is not seeing significant housing demand at the moment. Similarly, the pro-housing principles in the resolution can be supported by all types of communities, and we encourage everyone to explore taking part.

5. Does my town need to include all the villages within the town borders?

In communities where the village and town are co-terminus/share the same local government, the templates should be submitted together. Villages should submit only the information for the village. Towns should not include the permitting or zoning for villages within their borders unless the town government has oversight over the village zoning or permitting. Otherwise, towns would submit the zoning for the non-village areas of the town, and remove the total units in the villages within the town. If the town/village has a unique structure not covered here, contact the team at prohousing@hcr.ny.gov.

Applying to the Program

1. Can we change the text of the Model Resolution to adapt it for our village/city/town?

Adopting the resolution is one of the options to obtain the baseline preference level. Similar to the Climate Smart Communities, the resolution must be adopted as is in order to qualify for the designation.

2. How do I learn more about how to fill out the templates?

The templates have instruction guides attached to help the designated staff work through how to input their data into the required format.

HCR will host online information sessions to help local staffers learn how to pull and format the required information. These sessions will be recorded and placed online for interested staff who cannot make the meetings.

For additional questions not answered by the information sessions or by the guides, feel free to contact the Pro-Housing Communities team at prohousing@hcr.ny.gov.

3. Why do you need our zoning map and code?

Supporting open data and transparency continues to be one of the goals of NYS government. Zoning codes and maps can have significant impact on residents' way of life, but are often challenging for an average person to navigate.

By creating a unified format, one that is compatible to the nationwide effort spearheaded by the National Zoning Atlas, having the data on the broad range of NY municipalities' zoning will allow all NYS residents the ability to better understand the zoning code in their own village, town or city, to narrow the information gap that currently benefits those with funds and expertise, and to allow localities to compare themselves to other places – taking lessons learned from good policy practices and sharing them.

4. Why do you need all of our permit data?

As the housing team talked to New Yorkers during last year's budget process, we heard feedback that the Census and/or NYS did not have an accurate understanding of the state's housing challenges.

By tracking permitting data in localities that are supporting housing growth, we can develop a stronger understanding of where growth is (or is not) occurring, explore best practices to support housing growth, and use that data to inform future policy making.

5. What if my village or town does not have a zoning code or our zoning map is only in a physical form?

There are a very small number of localities in NYS that do not have an existing zoning code, and additional communities who may not have a GIS version of their zoning map. If your locality is interested in joining the Pro-Housing Communities Program and has one or both of these situations, please contact us at prohousing@hcr.ny.gov for further discussion.

6. I am a resident who would like my community to become a Pro-Housing Community. What can I do to make that happen?

Residents can encourage their local village, town or city councils or boards to adopt the Pro-Housing resolution and direct the local staff to submit the required documentation. Many local elected officials want to know about local support for pro-housing policies in their municipality.



No. 30

EXECUTIVE ORDER

DIRECTING STATE AGENCIES, AUTHORITIES, AND ENTITIES TO PRIORITIZE THE ALLOCATION OF CERTAIN DISCRETIONARY FUNDS TO THOSE LOCALITIES THAT PROMOTE THE CONSTRUCTION OF HOUSING

WHEREAS, the cost of housing in New York State is among the most expensive in the nation. The cost to purchase a home or to rent a home is caused, in part, by onerous local government policies that unduly inhibit housing development generally or prohibit the approval of certain housing proposals and thereby increase development costs and restrict the housing supply;

WHEREAS, local policies, practices, and decisions that impede housing development, particularly the production of multifamily units, hamper employment growth; increase the cost of living; contribute to sprawl; worsen traffic problems and commuting times; and constrain housing choice for low-income households and households of color who disproportionately rely on multifamily housing to provide them with housing opportunities that they can afford; thus, such policies, practices, and decisions lead to unintended consequences to public health, safety, and general community welfare;

WHEREAS, the State lacks critical information regarding local planning, land use, and zoning practices, as well as regarding housing production, all of which is necessary for the State to assist localities in housing development and to identify and redress impediments to housing growth throughout New York;

WHEREAS, the State has discretion regarding the prioritization of certain funds awarded by the State on a competitive basis to applicants that may include municipal governmental entities;

WHEREAS, the State has the authority to prioritize the award of some discretionary funds to help further critical state interests;

WHEREAS, it is a matter of State concern and the policy of the State that localities and the municipal entities they support or control must begin to take steps to address overly restrictive local housing policies, practices, and decisions to best ensure and maintain public health, safety, and general community welfare, and to encourage and support the production of housing across New York, especially multifamily, affordable, and supportive housing developments;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York, do hereby order, effective until such time as I may declare, as follows:

Definitions:

- a. "Affected State Entities" means (i) all agencies, offices, and departments over which the Governor has executive authority, and (ii) all public benefit corporations, public authorities, boards, and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey, any interstate or international authorities as defined in section two of the public authorities law, and any local authorities as defined in section two of the public authorities law.
 - b. "Locality" shall refer to all cities, towns, or villages that regulate planning, land use, zoning, and/or local and regional growth and development pursuant to the general city law, the town law, the village law, the municipal home rule law, or other state law, as applicable
 - c. "The Division" shall refer to the Division of Housing and Community Renewal.
 - d. "Pro-Housing Community Programs" includes:
 - i. the following programs:
 - A. the Downtown Revitalization Initiative (DRI) administered by the Department of State;
 - B. the NY Forward program administered by the Department of State;
 - C. the Regional Council Capital Fund program administered by Empire State Development;
 - D. the New York Main Street program administered by New York State Homes and Community Renewal;
 - E. any capital grants made pursuant to the Market New York program administered by Empire State Development;
 - F. the Long Island Investment Fund (LIIF) administered by Empire State Development;
 - G. the Mid-Hudson Momentum Fund administered by Empire State Development;
 - H. the Public Transportation Modernization Enhancement Program (MEP) administered by the Department of Transportation; and
 - ii. any other program whereby the current or any future appropriation for such program designates it as a Pro-Housing Community Program.
 - e. "Pro-Housing Community Program Certification" means a certification granted by the Division, based upon criteria that shall be set forth by the Division, that a Locality has taken steps to prioritize housing growth and provide related information to the Division as it deems necessary. The Division shall have the discretion to establish multiple tiers of Pro-Housing Community Program Certifications to distinguish between Localities based upon which or how many of the criteria that the Division establishes that the Localities meet. In addition, the following terms shall also apply:
 - i. "Certified Locality" shall refer to a locality that has received a Pro-Housing Community Program Certification from the Division; and
 - ii. "Non-Certified Locality" shall refer to a locality that has not received a Pro-Housing Community Program Certification from the Division.
2. An Affected State Entity that administers any Pro-Housing Community Program shall give priority among the Locality applications for such funds to those Locality applications made by Certified Localities, and shall further prioritize among Certified Localities based upon the tier of Pro-Housing Community Program Certification each Certified Locality has received from the Division. Provided, however, that applications made by Non-Certified Localities will not be deprioritized relative to applications from Certified Localities if the application from the Non-Certified Localities is expressly for the purpose of funding housing development, including mixed-use developments that contain housing components, or would fund non-housing investments necessary for and made in relation to a particular housing development. Provided further that this paragraph shall only apply if the Division has begun issuing Pro-Housing Community Program Certifications at the time an Affected State Entity is considering applications for a Pro-Housing Community Program.
3. All Affected State Entities shall consider the goal of creating additional housing in any policy or programmatic decisions and, where appropriate, shall collaborate with other Affected State Entities to effectuate that goal.
4. All Affected State Entities shall review or collaborate in the review of any parcels of developed and undeveloped land under their ownership and control to identify potential sites for housing development and to determine if any such parcels could be used to aid housing development on adjacent or nearby parcels. Such review shall include but not be limited to the following:
- a. parcels owned and controlled by the State University of New York or any of its subsidiaries;

b. parcels owned and controlled by the Metropolitan Transportation Authority or any subsidiaries thereof, including but not limited to existing parking facilities; and

c. parcels owned and controlled by the New York State Department of Transportation or any subsidiaries thereof, including but not limited to existing parking facilities.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of July in the year two thousand twenty-three.

Ruth Hochel

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "W. P. K.", written over a horizontal line.

Secretary to the Governor