

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Erie

FILED
STATE RECORDS
FEB 21 2024

Local Law No. 4 of the year 20 23

DEPARTMENT OF STATE

A local law Authorizing the Funding of Affordable Housing Opportunities in Erie County
(Insert Title)
as a County Purpose.

Be it enacted by the Erie County Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Erie

as follows:

SECTION 1. FINDINGS

The Erie County Legislature recognizes, determines, and finds as follows:

All residents of Erie County deserve safe housing at an affordable cost. Published guidelines by the United States Department of Housing and Urban Development provides that households where more than 30% of total household income is spent on housing is a generally accepted threshold for affordable housing .

(If additional space is needed, attach pages the same size as this sheet, and number each.)

United States Census Data available for the 2018-2022 five-year period identified more than 49.5% of renters in Erie County are now spending more than 30% of their household income on housing cost.

According to the annual *Out of Reach* report prepared by the National Low Income Housing Coalition, a renter in Erie County would need to make \$20.56 an hour to afford a two-bedroom unit at fair market rents or, they would need work 56 hours per week at current minimum wage.

There is now a housing crisis in Erie County, stemming from an alarming scarcity of affordable housing available to many Erie County residents.

Pursuant to Article IX, Section 2(c)(ii) of the New York State Constitution and Municipal Home Rule Law Section 10(1)(ii)(a)(12), Erie County may exercise its broad police powers to provide comprehensive county housing programs¹.

Based upon the critical shortage of affordable housing confronting Erie County residents the Erie County Legislature finds that county affordable housing is a critical need of the residents of Erie County, and the funding of affordable housing programs and projects and funding of said programs and projects is necessary to protect the public health, safety and welfare.

SECTION 2. DEFINITIONS

As used in this law, the following terms shall have the meanings indicated:

- a) **Housing:** shall be defined as and include all Housing Accommodations within Erie County
- b) **Housing Accommodation:** shall be defined as shall be defined as any building, structure, or portion thereof that is occupied, as or intended for occupancy as, a residence by one or more families and any vacant land that is offered for sale or lease for the construction thereon of any building, structure, or portion thereof intended to be so occupied.
- c) **Affordable Housing:** shall be generally defined as Housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities for persons or families deemed to be or eligible to be deemed to be of extremely low, very low, low or moderate income by any state or federal housing program. Nothing in the definition shall prevent the County from funding housing services either above or below this affordability level when such funding is in keeping with federal or state programs providing housing assistance or where any income restricted housing whether intended for rental or homeownership is subject to a regulatory agreement with a local, state, or federal governmental entity.

¹ NYS A.G. Informal Opinion 92-4, dated February 6, 1992, Pg. 2 and Pg. 7

SECTION 3. AUTHORIZATION TO CREATE AND MAINTAIN AFFORDABLE HOUSING AS AN ERIE COUNTY PURPOSE

A. Pursuant to the authority granted to Erie County by the New York State Constitution Sections IX and Municipal Home Rule Law Section 10, and The Charter of Erie County, and otherwise, Erie County may, subject to Erie County Legislature approval, enter into agreements to fund the development, maintenance, management, and provision of Affordable Housing within Erie County to the extent the Erie County Legislature appropriates funding for the same; and

B. This Local Law and the designation set forth herein shall apply to all Affordable Housing initiatives within Erie County.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

SECTION 5. EFFECTIVE DATE AND APPLICABILITY

This Local Law shall be effective upon filing with the Office of the Secretary of State.

Sponsors:

April N.M. Baskin

Howard J. Johnson, Jr.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 24 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on February 1 2024, and was (approved)(~~not approved~~) (~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted on February 16 2023, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2/20/2024

(Seal)

A Public Hearing was held on the foregoing **Local Law Intro. No. 1-1-2024** on **February 14, 2024** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 16 day of **February, 2024**.


Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 1-1-2024** on **February 14, 2024** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of **February, 2024**.

Mark C. Poloncarz