

# Memorandum of Understanding

## Between

### City of Albany and 1415 Washington Property, LLC

#### Statement of Purpose

The purpose of this Memorandum of Understanding (“MOU”) between the City of Albany (“City”) and 1415 Washington Property, LLC (“Applicant”) is to set forth the obligations, responsibilities, and commitments of the Applicant to comply with and promote the goals and objectives of the City of Albany’s Affordable Housing Initiatives set forth in City of Albany Uniform Sustainable Development Ordinance (USDO) §374(A)(4)(b) and policies adopted thereto. The Applicant has a demonstrated history of supporting and promoting affordable housing goals and objectives within the municipalities where they have previously developed housing projects and, by this MOU, renews this commitment in the City of Albany.

#### Background

In 2017, the City of Albany enacted the City of Albany Uniform Sustainable Development Ordinance (USDO) to replace the City of Albany Zoning Code. The USDO is now the primary land use regulation and zoning code in effect within the City of Albany.

As part of the enacted USDO, the City of Albany included a provision to support and promote the City’s goal to increase the availability of affordable housing opportunities. USDO §374(A)(4)(b) requires that new multi-family dwellings containing more than 50 units approved within the City of Albany shall set aside at least 5% of its units to be available to persons meeting income threshold eligibilities. The City Planning Department has enacted policies to implement this section of the USDO.

In 2020, the Applicant submitted an application to the City for land use approvals to allow for the construction of a 560+/- bed private student dormitory to be located at 1415 Washington Ave. The City has determined that the Applicant’s project is a residential development subject to the affordable unit set aside requirements pursuant to USDO §374(A)(4)(b).

The Applicant’s project contains unique characteristics not found in traditional multi-family projects that would make strict application of the City’s affordable housing policy difficult to effectively implement, manage and monitor. This is primarily due to the fact that the Applicant’s project will rent by the bed not by the individual dwelling unit (as is the case with traditional multi-family/apartment projects). In addition, financial assistance for students including assistance for housing costs is available from a variety of state and federal funding sources. Recognizing these facts, city staff has expressed a willingness to consider alternative methods of compliance with the requirements of USDO§374(A)(4)(b) should be pursued for private student dormitory projects provided that such alternative compliance equally promotes the goals and objectives of USDO §374(A)(4)(b) and its adopted implementation policies. To achieve such alternative but equally effective support for the City’s affordable housing goals and objectives, the parties to this MOU hereby agree as set forth below.

### Responsibilities of the Parties

In order to assist the City of Albany achieve its affordable housing program goals and to help to provide affordable and permanent housing opportunities for families, the Applicant agrees to make a one-time financial contribution to the Albany chapter of Habitat for Humanity, Inc. in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00). Habitat for Humanity will provide to the City and Applicant written commitment that such funding will be utilized solely to leverage additional funding to allow for the construction of owner occupied and affordable single family homes to be constructed in the City of Albany. The City of Albany shall consider payment of these funds to be a suitable and acceptable alternative means for the Applicant to achieve compliance with the overall beneficial goals and intent of USDO §374(A)(4)(b).

Upon proof of payment of these funds to Habitat for Humanity, strict compliance with the specific requirements of USDO §374(A)(4)(b) shall be waived for the Applicant's private student dormitory project to be located at 1415 Washington Ave.

### Modification

Either Party may propose modifications to this MOU. Modifications must be in writing and executed by authorized representatives of the parties hereto.

### Effective Date and Duration

This MOU shall be effective upon execution by the parties.

Dated: \_\_\_\_\_, 2021

Dated: \_\_\_\_\_, 2021

City of Albany

1415 Washington Property, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

STATE OF NEW YORK }  
COUNTY OF \_\_\_\_\_ } ss.:

On this \_\_\_\_ day of \_\_\_\_\_ 2021, before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK }  
COUNTY OF \_\_\_\_\_ } ss.:

On this \_\_\_\_ day of \_\_\_\_\_ 2021, before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public





We build strength, stability and self-reliance  
through affordable homeownership.

July 14, 2021

Department of Planning & Development  
200 Henry Johnson Blvd  
Albany, NY 12210

To whom it may concern:

Habitat for Humanity Capital District has been in conversation with the developers of 1415 Washington Avenue. After learning more about their proposed project, we believe that the affordable housing requirement for this project would be most effectively met through a partnership to build permanent affordable homeownership units.

The project at 1415 Washington Avenue, owned by 1415 Washington Property LLC, is a 240+/- unit student dormitory serving students from University at Albany or other nearby colleges and universities. By nature, university students tend to be transient, with many students attending from out of town or leaving after graduation.

Habitat for Humanity supports the inclusionary zoning and affordability requirements for developers. In most cases, we believe it is appropriate and fair to require developers to include units designated for lower-income households as it adds much-needed inventory to our market and promotes housing opportunity and integration. In this narrow case of student dormitory-style housing, however, we believe that the affordability requirement would be better addressed through collaboration.

Habitat for Humanity Capital District has built and sold quality, affordable homes in Albany since 1988. With more than 30 years of experience in our city, we have made it possible for 150 local families to purchase a home of their own. Habitat reinvests millions of dollars each year in historically-redlined neighborhoods to create opportunity, attract additional investments and transfer property back into community control. Habitat would use affordable housing set-aside funds from the 1415 Washington Avenue project to build safe, energy-efficient single-family townhomes in partnership with first-time, low-income homebuyers in the city of Albany.

Habitat stands as a ready partner to leverage this specific project into quality, affordable homeownership units for low-income Albany households.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Schudde".

Christine Schudde  
Executive Director