



City of Newburgh Council Work Session
*Sesion de trabajo del Concejal de la
Ciudad de Newburgh*
November 6, 2023
6:00 PM

Council Meeting Presentations/ Presentaciones de la Reunion General

1. Public Hearing - 2024 Budget

There will be a public hearing on Monday, November 13, 2023 to receive comments from the public concerning the City's annual budget for 2023

Habr  una audiencia p blica el lunes 13 de noviembre para recibir comentarios del p blico sobre el presupuesto anual de la Ciudad para 2023

Work Session Presentations/ Presentaciones de la Session de Trabajo

2. City of Newburgh IDA Presentation

Presentaci n del IDA de la Ciudad de Newburgh

3. Vacancy Study

Presentation of a Vacancy Study conducted by the City of Newburgh

Presentaci n de un Estudio de Viviendas Desocupadas realizado por la Ciudad de Newburgh

Engineering/Ingenier a

4. PIN No. 8761.57 Lake Street (Route 32) Bridge Rehabilitation Project HVEA Addendum No. 2

Resolution authorizing the City Manager to accept a proposal and execute a contract amendment with Hudson Valley Engineering Associates, P.C. for construction inspection services related to the Route 32/ Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project BIN No. 2022260 at a cost of \$48,805.95

Resoluci n que autoriza al Gerente de la Ciudad a aceptar una propuesta y ejecutar una modificaci n de contrato con Hudson Valley Engineering Associates, P.C. para servicios de inspecci n de la construcci n relacionados con el Proyecto de Rehabilitaci n BIN No. 2022260 del Puente Ruta 32/Puente Culvert del Arco de Metal (Puente de Lake Street) por un monto de \$48,805.95

5. PIN No. 8761.40 Walsh Road Bridge Replacement Proposal with WSP
Resolution authorizing the City Manager to accept a proposal to add construction inspection and support services to the agreement with WSP USA Inc. at a cost of \$693,692.00 in the Walsh Road Bridge over Quassaick Creek Replacement Project (BIN 2223620/PIN 8761.40)

Resolución que autoriza al Gerente de la Ciudad a aceptar una propuesta para añadir servicios de inspección de la construcción y de apoyo al acuerdo con WSP USA Inc. por un monto de \$693,692.00 en el Proyecto de Sustitución del Puente de Walsh Road sobre Quassaick Creek (BIN 2223620/PIN 8761.40)

Finance/Finanza

6. Energy Services Contract - Electric Bid
Resolution awarding a bid and authorizing the City Manager to execute a contract with Smartestenergy US, LLC for electric supply to the City of Newburgh for a twenty-four (24) month term at a cost of \$0.09435 per kilowatt hour

Resolución que otorga una licitación y autoriza la otorgación de una licitación y la ejecución de un contrato con Smartestenergy US, LLC para el suministro eléctrico a la Ciudad de Newburgh por un plazo de veinticuatro (24) meses a un costo de \$0.09435 por kilovatio hora

Planning and Economic Development/Planificación y Desarrollo Económico

7. 55 City Terrace - Release of Restrictive Covenants
Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Manny G. and Carol Pereira to the premises known as 55 City Terrace (Section 29, Block 4, Lot 7)

Resolución que autoriza la ejecución de una liberación de cláusulas restrictivas y derecho de reingreso de una escritura emitida a Manny G. y Carol Pereira a las instalaciones conocidas como 55 City Terrace (Sección 29, Bloque 4, Lote 7)

8. 364 Liberty Street - Release of Restrictive Covenants
Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to William Michalski to the premises known as 364 Liberty Street (Section 10, Block 1, Lot 24)

Resolución que autoriza la ejecución de una liberación de cláusulas restrictivas y derecho de reingreso de una escritura emitida a William Michalski a las instalaciones conocidas como 364 Liberty Street (Sección 10, Bloque 1, Lote 24)

Grants/Contracts/Agreements / Becas /Contratos/Convenios

9. Accept FY2024 Community Development Block Grant (CDBG) Annual Action Plan (AAP)

Resolution adopting the City of Newburgh's Consolidated Housing and Community Development Strategy and Action Plan for Fiscal Year 2024

Resolución que adopta la estrategia de Viviendas Consolidadas y Desarrollo Comunitario y Plan de Acción de la Ciudad de Newburgh para el Año Fiscal 2024

10. Renewal of Agreement for American Sign Language/English Interpreting Services with Taconic Resources for Independence, Inc. and the program of Mid-Hudson Interpreter Service

Resolution authorizing the renewal of an agreement between the City of Newburgh and the Mid-Hudson Interpreter Service Program of Taconic Resources for Independence, Inc. for American Sign Language/English Interpreting services

Resolución que autoriza la renovación de un acuerdo entre la Ciudad de Newburgh y el Programa de Servicios de Interpretación del Medio Hudson de Taconic Resources for Independence, Inc. para los Servicios de interpretación de lenguaje de señas americano/inglés

11. Orange County Youth Employment Program

Resolution authorizing the City Manager to enter into an agreement with the County of Orange for the 2024 Youth Employment and Training Program to provide young people to work for the City of Newburgh

Resolución que autoriza al Gerente de la Ciudad a entrar en un acuerdo con el Condado de Orange para el Programa de Empleo y Formación Juvenil 2024 para proporcionar a los jóvenes que trabajen para la Ciudad de Newburgh

12. Contract with Engineering & Surveying Properties, P.C. - Land Survey of Parcels In/Around West Street

Resolution authorizing the City Manager to execute a contract with Engineering & Surveying Properties, P.C. for professional land surveying services of 17 parcels of property near West Street, Keefe Street, and Cassedy Street in the amount of \$24,500.00

Resolución que autoriza al Gerente de la Ciudad a celebrar un contrato con Engineering & Surveying Properties, P.C. para servicios profesionales de topografía de 17 parcelas de propiedad cerca de West Street, Keefe Street y Cassedy Street por el monto de \$24,500.00

13. To accept a State and Municipal (SAM) Facilities Capital Program Funding in

the amount of \$500,000 for Roadway Reconstruction

Resolution authorizing the City Manager to apply for and accept State and Municipal Facilities Program funding in the amount of \$500,000.00 for roadway reconstruction and rehabilitation

Resolución que autoriza al Gerente de la Ciudad a solicitar y aceptar financiación del Programa de Instalaciones Estatales y Municipales por el monto de \$500,000.00 para la reconstrucción y rehabilitación de carreteras

14. To Apply for and Accept if Awarded a DCJS Law Enforcement Technology (LETech) Grant for \$1,750,000

Resolution authorizing the City Manager to apply for and accept if awarded a New York State Division of Criminal Justice Services Law Enforcement Technology Program Grant in an amount not to exceed \$1,750,000.00 with no City match

Resolución que autoriza al Gerente de la Ciudad a solicitar y aceptar si se le otorga una Subvención del Programa de Tecnología para la Aplicación de la Ley de la División de Servicios de Justicia Penal del Estado de Nueva York en una cantidad que no exceda \$1,750,000.00 el cual no requiere que la Ciudad iguale los fondos

15. To apply for and Accept if awarded a DHSES-FY2021 Cybersecurity Grant for \$50,000 to enhance the City's Cybersecurity preparedness capabilities.

Resolution authorizing the City Manager to apply for and accept if awarded a New York State Department of Homeland Security and Emergency Services FY 2021 Cybersecurity Program Grant in the amount of \$50,000.00 with no City match

Resolución que autoriza al Gerente de la Ciudad a solicitar y aceptar si es otorgado un Subsidio del Programa de Ciberseguridad del Año Fiscal 2021 del Departamento de Seguridad Nacional y Servicios de Emergencia del Estado de Nueva York por el monto de \$50,000.00 el cual no requiere que la Ciudad iguale los fondos

Local Laws/Leys Locales

16. Local Law authorizing a Property Tax Levy in Excess of the GML Section 3-c Limit

Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c

Ley Local que autoriza un impuesto sobre propiedades en exceso del límite establecido en la Sección 3-c de la Ley General Municipal

Executive Session/ Sesión Ejecutiva

17. Proposed, pending or current litigation
Litigio propuesto, pendiente o actual

RESOLUTION NO.: 209 - 2023

OF

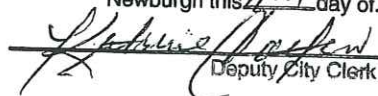
OCTOBER 10, 2023

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR NOVEMBER 13, 2023
TO RECEIVE COMMENTS CONCERNING THE ADOPTION OF THE
2024 BUDGET FOR THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that pursuant to Charter Section C8.15 a public hearing will be held to receive comments concerning the adoption of the 2024 Budget for the City of Newburgh; and that such public hearing be and hereby is duly set for a City Council meeting of the Council to be held at 7:00 p.m. on the 13th day of November, 2023, in the Third Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

I, Katrina Cotten, Deputy City Clerk of the City of Newburgh
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held OCT. 10, 2023
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 11th day of OCT. 20 23


Deputy City Clerk

Rental Vacancy Study

Newburgh, New York

November 6, 2023



Prepared by the City of Newburgh Department of Planning and Development

1. Introduction

The City of Newburgh City Council directed the undertaking of a rental vacancy study (“Study”) in part to determine a rental vacancy rate for the City’s housing accommodations potentially subject to regulation pursuant to the Emergency Tenant Protection Act of 1974 (“ETPA”). The Study was also intended as a tool to assist the City Council in making an informed decision as to whether it may declare a housing emergency pursuant to the ETPA. The City Council may declare a housing emergency if it finds a vacancy rate of less than five (5) percent of all eligible classes of rental housing accommodations as defined in the ETPA¹.

Data collection for the Study commenced in late May of 2023 and was completed in August 2023. The City of Newburgh Department of Planning and Development conducted the Study, with extensive support from the Code Compliance Bureau, the Water Division, and the Tax Assessor’s Office.

2. Methodology

New York State, by and through the New York State Department of Homes and Community Renewal (“HCR”), has neither adopted nor required a specific methodology for municipalities to use when conducting a rental vacancy study. As such, the City modeled a methodology based on established practices used in ETPA surveys conducted by other municipalities in New York State. Specifically, the City of Newburgh referenced recent rental vacancy studies conducted by the City of Kingston (2020 and 2022), the City of Rochester (2021), and the Village of Ossining (2018). Prior to commencing the Study, City staff reviewed each of these methodologies, sought guidance from professionals involved in the rental vacancy studies from those municipalities, and reviewed and monitored relevant case law.

The Study considered housing accommodations that could be subject to ETPA regulations (“Eligible Property”). Thus, the Study only considered housing accommodations with six (6) units or more legally established residential units built prior to January 1, 1974. The following types of properties were also exempted from ETPA regulations and were excluded from the Study:

- Housing accommodations containing five (5) or fewer dwelling units;
- Housing accommodations completed on, or after, January 1, 1974;
- Housing accommodations built as commercial prior to 1974 and converted to residential after 1974;
- Housing accommodations in buildings completed or building substantially rehabilitated² as residential units on or after January 1, 1974;
- Motor courts;

¹ Emergency Tenant Protection Act, Unconsolidated Laws §8625.

² The City considers “substantially rehabilitated” as a Level III alteration, pursuant to the New York State Uniform Fire Prevention and Building Code.

- Tourist homes;
- Rent controlled apartments, including buildings owned by the Newburgh Housing Authority, or buildings that are subject to rent regulation through the New York State affordable housing program or similar Federal programs³ (the list of properties is annexed as **Appendix A**);
- Not-for-profit units, including buildings owned by hospitals, colleges, or not-for-profit entities operating for charitable or educational purposes (the list of properties is annexed as **Appendix B**).

The methodology used the U.S. Census Bureau’s definition of Rental Vacancy Rate, defined as “the proportion of rental inventory which is vacant for rent”.⁴ For purposes of the Study, rental inventory was calculated as the total number of legal units according to Certificates of Occupancy for Eligible Property⁵. Units “vacant for rent” were calculated as the total number of legal units according to Certificates of Occupancy for Eligible Property, less: (a) confirmed occupied units; (b) vacant units due to construction, repairs, or being used for storage or for some other non-residential use; and (c) vacant units not made available for rent by the property owner.⁶

Staff assembled a property list used for the Study in May 2023. Staff primarily relied on data and information from the City Tax Assessor’s Office and Code Compliance Bureau. The list of ETPA-eligible properties included 68 parcels of real property and a total of 738 dwelling units.

The list included the owner’s mailing address of record. Staff used the mailing address of record for the Study’s two (2) survey mailings.

Staff mailed the first survey mailing to property owners by regular mail on May 19, 2023. The mailing included a cover letter on City of Newburgh Department of Planning and Development letterhead, the survey, and an owner proxy statement. Sample copies of the cover letter, survey, and proxy statement are available in **Appendix C**.

The cover letter explained the survey and included a link to an HCR factsheet regarding ETPA. The letter also included a statement in bold text that “If the City is unable to obtain any credible occupancy data, the City will assume that no vacancies exist in your building for purposes of the survey.” The survey contained twelve (12) questions to be completed by the property owner or authorized property manager. The letter requested a response to the survey by Monday, June 19, 2023. The letter also

³ For example, project-based vouchers recognized by the United States Department of Housing and Urban Development. The City did not exempt units that accept Housing Choice Vouchers or other subsidies given directly to individuals.

⁴ <https://www.census.gov/housing/hvs/definitions.pdf>

⁵ The City relied upon Certificates of Occupancy of record to determine legally established residential units. In some instances, use and occupancy pre-dated local requirements for a Certificate of Occupancy. In those instances, the City relied on data and information from the City Tax Assessor’s Office, Code Compliance Bureau, property owner survey data, and field observations in determining legally established residential units.

⁶ Some property owners represented a total number of available units that was less than what the Certificate of Occupancy allowed. In these instances, the methodology considered this unit differential as “units not available for rent by owner.” Some property owners appeared to count a “unit under repair” also as a “unit not available for rent by owner.” In these instances, and where information from the Code Compliance Bureau supported, the methodology considered this data only once and listed the unit as “under repair.”

requested that all survey responses be notarized and either e-mailed, mailed, or delivered in-person to the City's Planning and Development Department.

Staff sent a second mailing by certified mail on June 22, 2023. This mailing was directed to all property owners who failed to respond to the first survey mailing. Sample copies of the cover letter, survey, and proxy statement cover letters and surveys used for the May mailing are available in **Appendix D**. The survey questions remained the same. The June survey letter requested a response by July 18, 2023. Staff confirmed receipt of mailings by using the USPS certified mailing tracking system.

One (1) month following the certified mailing, and due to poor response rate in the mail surveys, Staff began accepting survey responses by telephone. Staff obtained viable telephone numbers, called property owners or authorized property managers, and asked each of the twelve (12) survey questions over the phone. Staff received a much higher response rate using this method of contact and communication.

Staff documented the telephonic answers for each property address. Following each phone survey response, Staff followed up with an e-mail to the property owner or authorized property manager that confirmed the telephone survey response. The e-mail requested the property owner or authorized property manager to reply to the e-mail and confirm the response was an accurate representation of the phone survey responses. An example of the e-mail correspondence with redacted property owner information is available in **Appendix E**.

Several property owners were completely unresponsive to the City's survey, both in writing and over the telephone. In addition to the two (2) mailings, Staff called each property owner or manager a minimum of three (3) times. For properties where contact information could not be obtained from City records, City staff conducted site visits to ascertain property owner or manager contact information from residents living in the subject properties and relied on information obtained during those site visits.

Supplementing the mailings and telephonic contact attempts, City staff used several layers of data in order to corroborate survey responses. For example, the Water Division provided water usage data for Eligible Property. The Code Compliance Bureau provided Certificates of Occupancy stating the authorized number of units for a building. The Code Compliance Bureau also provided building permit data for responses indicating that a unit was under repair. City staff conducted site visits in an attempt to resolve any discrepancies between a survey response, water usage data, authorized number of units, and building permit data. Site visits included observations of working electric meters, gas meters, and other evidence of occupancy (e.g. live plants in windows, operating air conditioning units in windows, residents entering or exiting the building, and attempting contact with building residents).

The data collection phase of the Study closed on August 25, 2023, at 4:00 p.m. The chart summarizing the data collected is available in **Appendix F**.

3. Survey Findings

The 68 properties included in the Study represent 738 dwelling units. Based on data collection and application of the study methodology, 622 were occupied, 24 were not available for rent by owner, and 63 were under repair, leaving 29 units as vacant.

Using the methodology established by the U.S. Census Bureau, Staff determined the net vacancy rate for this class of rental properties in the City of Newburgh to be 3.930%.

Table 1. Net Vacancy Rate Calculation

Properties Included in Survey	68
Units Included in Survey	738
Occupied Units	622
Units not available for rent by owner	24
Vacant units due to construction, repairs, or being used for storage or for some other non-residential use	63
Vacant Units Available for Rent (VUAR)	29
Net Vacancy Rate (VUAR / Units Included in Survey)	3.930%
Units Excluding Non-Responses	661
Net Vacancy Rate (VUAR / Units Excluding Non-Responses)	4.387%

4. Conclusion

The City's survey found the vacancy rate for the Eligible Property is 3.930%. Even excluding Eligible Property counts for non-responsive property owners, the net vacancy rate would be 4.387%. Both rates would be sufficient to declare a housing emergency for Eligible Property under the ETPA.

APPENDIX A

**Appendix A: Rent controlled apartments, or buildings subject to rent regulation through the
New York State affordable housing program or similar Federal programs**

Address	Name	Notes
90 Grand Street	Hudson Pointe	Use change and renovations from a hotel to senior housing in 1990
173 Lander Street	Land Street Houses	Low income housing tax credits
154 Lander Street	Lander Street Houses II	Low income housing tax credits
128 Lander Street	Lander Street Houses III	Low income housing tax credits
9 Catherine Street	Works IV	Low income housing tax credits
48 Johnston Street	Works III	Low income housing tax credits
104 Dubois Street	Dubois Street Apartments	Low income housing tax credits
19 S. Miller Street	East End Apartments	Low income housing tax credits
206 Broadway	City Terrace Apartments	Low income housing tax credits
150 Smith Street	Bourne Apartments	Low income housing tax credits
55 Walsh Road	Kenney Apartments	Low income housing tax credits
57 Lake Street	Lake Street Apartments	Low income housing tax credits
11 Washington Terrace	Independence Square	Low income housing tax credits
35 Cerone Place	Cerone Place Apartments	Low income housing tax credits
36 Cerone Place	Burton Towers	Low Income, Elderly, and Special Needs Housing
69 South Street	Varick Homes	Low Income, Elderly, and Special Needs Housing
497 Liberty Street	Liberty Square	Low income housing tax credits
223 West Street	High Pointe	Low income housing tax credits
21 Brady Avenue	Community Residence Brady Avenue	Low Income, Elderly, and Special Needs Housing
40 Walsh Road	Mullins Apartments	Newburgh Public Housing (Newburgh Housing Authority)
162 Johnston Street	Fogarty Apartments	Newburgh Public Housing (Newburgh Housing Authority)

APPENDIX B

**Appendix B: Not-for-profit units, including buildings owned by hospitals, colleges,
or not-for-profit entities operating for charitable or educational purposes**

Address	Name	Notes
107 Broadway	Safe Harbors of the Hudson	Not-for-profit
279 Liberty St	Boys and Girls Club	Not-for-profit
135 Washington St	Emergency Housing Group	Not-for-profit
9 Hasbrouck St	Regional Economic Community	Not-for-profit
40 Walsh Rd	Newburgh Housing Authority	Not-for-profit
162 Johnston St	Newburgh Housing Authority	Not-for-profit

APPENDIX C



CITY OF NEWBURGH

Department of Planning & Development

123 Grand Street, Newburgh, New York 12550

(845) 569-9400/Fax (845) 569-9700

www.cityofnewburgh-ny.gov

May 19, 2023

Dear Property Owner,

As the owner of a building built prior to 1974 with six (6) or more residential units, the City of Newburgh is requesting your assistance in completing a survey questionnaire regarding vacancy rates for larger rental properties in the City. The results of the survey will assist the City in quantifying current rental market conditions to determine whether the City can opt into the New York State Emergency Tenant Protection Act (ETPA). General information on ETPA can be found here: <https://hcr.ny.gov/system/files/documents/2022/09/fact-sheet-08-09-2022.pdf>

Please complete the enclosed survey questionnaire in a thorough and accurate manner. In addition, the survey must be notarized prior to returning it to the Planning and Development office. Please answer or return the survey no later than **Monday, June 19, 2023**.

Please note that the City of Newburgh may attempt to obtain information and/or verify your answers by other methods, including but not limited to review of public documents of record and requests for site visit. If the City is unable to obtain any credible occupancy data, the City will assume that no vacancies exist in your building for purposes of the survey.

If you need clarification regarding the survey questions or have general questions about the survey, feel free to contact the undersigned at (845) 569-7381 or via email at jmidler@cityofnewburgh-ny.gov.

Sincerely,

Jonathan Midler
City Planner
Planning and Development Department
City of Newburgh
123 Grand Street
Newburgh, NY 12550



THE CITY OF
NEWBURGH
NEW YORK



CITY OF NEWBURGH

Department of Planning & Development

123 Grand Street, Newburgh, New York 12550

(845) 569-9400/Fax (845) 569-9700

www.cityofnewburgh-ny.gov

City of Newburgh Rental Vacancy Survey

1. Please provide the address that was listed in your letter from the City of Newburgh.

2. Are you the current owner of this property? _____ Yes _____ No
3. If answered "no" to question two (2), are you the designated property manager of this property?
_____ Yes _____ No
4. How many rental units are on the subject property? _____
5. How many units are subject to any State or Federal housing subsidies? _____
6. As of today's date, how many units are occupied? _____
7. As of today's date, how many units are not occupied? _____
8. Are any of the unoccupied units you listed above currently off the market or unavailable to rent? _____ Yes _____ No
9. If you answered "yes" to question eight (8), how many units are off the market and why? (e.g. undergoing renovation, uninhabitable, a tenant is moving in at a later date, etc.)

10. If answered "yes" to question eight (8), have any units been substantially renovated since on or after January 1, 1974?



CITY OF NEWBURGH

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11. Please provide a phone number and/or email address where we can reach you to verify the information you have provided:

12. Is there anything else we should know that may inform the study?

Return this survey to:

City of Newburgh Planning & Development Department

Attention: Jonathan Midler

123 Grand Street

Newburgh, NY 12550

OR via e-mail to:

jmidler@cityofnewburgh-ny.gov



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To Be Completed by Property Owner or Property Manager

On this the ____ day of _____, 2023, before me, _____ (name of notary), the undersigned officer, personally appeared _____ (name of affiant), known to me (or satisfactorily proven) to be the person(s) whose name(s) (is or are) subscribed to the within instrument and acknowledged that (he, she or they), first being duly sworn, deposes and swears that:

☐ I answered the rental vacancy survey truthfully and to the best of my knowledge.

☐ I am the owner of the property located at:

Street Address: _____
City: Newburgh State: NY Zip: 12550

☐ I am authorized to act on behalf of the owner of the property located at:

Street Address: _____
City: Newburgh State: NY Zip: 12550

Signature of Affiant

Printed Name of Affiant

Subscribed and sworn to before me this ____ day of _____, 2023.

Notary Public

APPENDIX D



CITY OF NEWBURGH

Department of Planning & Development

123 Grand Street, Newburgh, New York 12550

(845) 569-9400/Fax (845) 569-9700

www.cityofnewburgh-ny.gov

June 22, 2023

Dear Property Owner,

This certified letter serves as a follow up request to complete the Rental Vacancy Study Survey (enclosed). A response was not received to the City's initial letter, which was mailed to this address on May 19, 2023. If the City is unable to obtain a response, follow up calls and site visits may occur. **If the City is unable to obtain any credible occupancy data, the City will assume that no vacancies exist in your building for purposes of the Study.**

Please complete the enclosed survey questionnaire in a thorough and accurate manner. The survey must be notarized prior to returning by mail or email it to the Planning and Development office. Please answer or return the survey no later than **Friday, July 28, 2023**, to:

City of Newburgh Planning & Development Department
Attention: Jonathan Midler
123 Grand Street
Newburgh, NY 12550

OR via e-mail to:

jmidler@cityofnewburgh-ny.gov

General background on the Study is available on the City's website: <https://www.cityofnewburgh-ny.gov/628/Vacancy-Rental-Study>. If you need clarification regarding the survey questions or have general questions about the survey, feel free to contact the undersigned at (845) 569-7381.

Sincerely,

Jonathan Midler
City Planner
Planning and Development Department
City of Newburgh
123 Grand Street
Newburgh, NY 12550



THE CITY OF
NEWBURGH
NEW YORK



CITY OF NEWBURGH

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City of Newburgh Rental Vacancy Survey

1. Please provide the address that was listed in your letter from the City of Newburgh.

2. Are you the current owner of this property? _____ Yes _____ No

3. If answered "no" to question two (2), are you the designated property manager of this property?

_____ Yes _____ No

4. How many rental units are on the subject property? _____

5. How many units are subject to any State or Federal housing subsidies? _____

6. As of today's date, how many units are occupied? _____

7. As of today's date, how many units are not occupied? _____

8. Are any of the unoccupied units you listed above currently off the market or unavailable to rent? _____ Yes _____ No

9. If you answered "yes" to question eight (8), how many units are off the market and why? (e.g. undergoing renovation, uninhabitable, a tenant is moving in at a later date, etc.)

10. If answered "yes" to question eight (8), have any units been substantially renovated since on or after January 1, 1974?



CITY OF NEWBURGH

Department of Planning & Development

123 Grand Street, Newburgh, New York 12550

(845) 569-9400/Fax (845) 569-9700

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11. Please provide a phone number and/or email address where we can reach you to verify the information you have provided:

12. Is there anything else we should know that may inform the study?

Return this survey to:

City of Newburgh Planning & Development Department

Attention: Jonathan Midler

123 Grand Street

Newburgh, NY 12550

OR via e-mail to:

jmidler@cityofnewburgh-ny.gov



CITY OF NEWBURGH

Department of Planning & Development

123 Grand Street, Newburgh, New York 12550

(845) 569-9400/Fax (845) 569-9700

www.cityofnewburgh-ny.gov

To Be Completed by Property Owner or Property Manager

On this the ____ day of _____, 2023, before me, _____ (name of notary), the undersigned officer, personally appeared _____ (name of affiant), known to me (or satisfactorily proven) to be the person(s) whose name(s) (is or are) subscribed to the within instrument and acknowledged that (he, she or they), first being duly sworn, deposes and swears that:

☐ I answered the rental vacancy survey truthfully and to the best of my knowledge.

☐ I am the owner of the property located at:

Street Address: _____
City: Newburgh State: NY Zip: 12550

☐ I am authorized to act on behalf of the owner of the property located at:

Street Address: _____
City: Newburgh State: NY Zip: 12550

Signature of Affiant

Printed Name of Affiant

Subscribed and sworn to before me this ____ day of _____, 2023.

Notary Public

APPENDIX E

From: [REDACTED]
To: [Midler, Jonathan](#)
Subject: [REDACTED]
Date: Thursday, July 20, 2023 4:02:09 PM
Attachments: [image001.png](#)

Jonathan,

All confirmed, and no further questions.

Good luck with the rest of the survey!



On Thu, Jul 20, 2023 at 3:39 PM Midler, Jonathan <JMidler@cityofnewburgh-ny.gov> wrote:

Hi [REDACTED]

This is a follow up email to our phone conversation on 7/20/2023 at around 2:45 pm. Below are the survey questions. I have filled them out based on our phone conversation **in red**. Please confirm that these answers are accurate by responding to this email. I have left question twelve (12) blank – feel free to provide any further information that may better inform this study (I will include your answer in the Study results).

Thank you and I appreciate your time in speaking with me.

1. Please provide the address that was listed in your letter from the City of Newburgh. [REDACTED]
2. Are you the current owner of this property? **Owner is [REDACTED]. Sole partners are [REDACTED] and [REDACTED].**
3. If answered “no” to question two (2), are you the designated property manager of this property? **N/A**
4. How many rental units are on the subject property? **Six (6) units**
5. How many units are subject to any State or Federal housing subsidies? **Zero (0) units**
6. As of today’s date, how many units are occupied? **Six (6) units**
7. As of today’s date, how many units are not occupied? **Zero (0) units**
8. Are any of the unoccupied units you listed above currently off the market or unavailable to rent? **N/A; No vacancies**
9. If you answered “yes” to question eight (8), how many units are off the market and why? (e.g. undergoing renovation, uninhabitable, a tenant is moving in at a later date, etc.)? **N/A; No vacancies**
10. If answered “yes” to question eight (8), have any units been substantially renovated since on or after January 1, 1974? **N/A; No vacancies**
11. Please provide a phone number and/or email address where we can reach you to verify the information you have provided: [REDACTED] [REDACTED]

12. Is there anything else we should know that may inform the study?

All the best,

Jonathan Midler

Planner

Planning and Development Department

[City of Newburgh](#)

[123 Grand Street](#)

[Newburgh, NY 12550](#)

o: 845.569.7381

jmidler@cityofnewburgh-ny.gov

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APPENDIX F

Appendix F - Data Collection

	Parcel ID	Building Address	Survey Form Completed Over Mail?	Survey Completed Over the Phone?	Total Authorized Units (C of O)	Total Units (Tax Assessor Record)	Total Units (Survey Response)	Total Units Included in Study	Occupied Units	Total Units Not Available for Rent by Owner	Total Units Under Repair	Vacant Units Available for Rent
1	31-1-9	69 Grand Street	No	Yes	6	6	6	6	6	0	0	0
2	35-2-25	6-12 William & 192 Ann Street	Yes	No	No C of O on file	9	15	15	4	0	11	0
3	12-1-24	348 Liberty Street	Yes	No	7	7	7	7	5	2	0	0
4	38-4-38	90 William Street	No	Yes	6	6	6	6	6	0	0	0
5	10-2-2.1	55 Broad Street	No	No	7	7	No response	7	7	0	0	0
6	24-12-3	97 Grand Street	No	Yes	13	13	13	13	11	0	0	2
7	18-7-6	147 Grand Street	No	Yes	8	8	8	8	7	1	0	0
8	48-10-12	45 1/2 Henry Avenue	Yes	No	6	6	6	6	6	0	0	0
9	18-6-6	203 Grand Street	Yes	No	6	6	6	6	6	0	0	0
10	27-2-39	494 Broadway & 10-12 West Street	Yes	No	No C of O on file	10	8	10	8	2	0	0
11	36-5-7	151 Ann Street	No	Yes	6	6	7	6	4	0	0	2
12	35-3-9.1	221-223 Ann Street	No	Yes	6	6	6	6	6	0	0	0
13	18-10-1.2	120 Johnston Street	Yes	No	8	8	8	8	6	0	0	2
14	22-1-14	257 Third Street	Yes	No	6	6	6	6	6	0	0	0
15	22-3-12	83 Dubois Street	No	Yes	8	8	8	8	8	0	0	0
16	29-9-1	59 Van Ness Street	No	Yes	6	6	6	6	6	0	0	0
17	10-1-14	281 Grand Street	Yes	No	8	8	8	8	5	0	0	3
18	36-5-6	155-159 Ann Street	Yes	No	6	6	3	6	3	3	0	0
19	12-2-18.1	238 Grand Street	Yes	No	6	6	6	6	6	0	0	0
20	12-1-5	261 Grand Street	No	No	7	7	7	7	5	0	0	2
21	22-2-3	237-239 Third Street	Yes	No	6	6	6	6	5	0	0	1
22	10-2-28	298 Grand Street	Yes	No	No C of O on file	6	6	6	6	0	0	0
23	30-1-27	172 Broadway	Yes	No	No C of O on file	6	6	6	0	0	6	0
24	33-3-7	109 Washington Terrace	Yes	No	6	6	6	6	6	0	0	0

	Parcel ID	Building Address	Survey Form Completed Over Mail?	Survey Completed Over the Phone?	Total Authorized Units (C of O)	Total Units (Tax Assessor Record)	Total Units (Survey Response)	Total Units Included in Study	Occupied Units	Total Units Not Available for Rent by Owner	Total Units Under Repair	Vacant Units Available for Rent
25	39-3-14	97 Liberty Street	No	Yes	97 Liberty Street: 6 101 Washington: 3	9	6	9	6	3	0	0
26	39-2-22	81-83 William Street	No	Yes	6	6	6	6	2	2	2	0
27	35-2-24.2	193 Broadway	Yes	No	No C of O on file	6	7	7	1	0	6	0
28	24-6-6	19 Front Street	No	Yes	8	8	8	8	8	0	0	0
29	37-2-1	77-79 Broadway	Yes	No	11	17	17	11	11	0	0	0
30	18-1-30	138-140 Dubois Street	Yes	No	10	10	7	10	5	3	0	2
31	18-6-19	153 Grand Street	Yes	No	7	7	7	7	6	0	0	1
32	23-4-2	123 Third Street	No	Yes	8	8	8	8	6	0	0	2
33	36-1-9	10 Clark Street	Yes	No	6	6	6	6	5	0	1	0
34	36-5-10	156 Washington Street	Yes	No	6	6	6	6	6	0	0	0
35	38-1-16.1	194-196 W. Parmenter Street	No	No	196 W Parmenter: 3 units 194 W. Parmenter: No C of O on file.	6	No response	6	6	0	0	0
36	45-5-3	25 Benkard Avenue	Yes	No	6	6	6	6	5	0	0	1
37	3-7-18	433 Powell Avenue	Yes	No	6	6	6	6	5	0	0	1
38	45-8-15	89 S. Lander Street	No	No	6	6	No response	6	6	0	0	0
39	48-2-24	68 Courtney Avenue	No	No	6	6	6	6	5	0	0	1
40	23-5-7	193 Liberty Street	No	Yes	7	7	7	7	7	0	0	0
41	10-1-16	277 Grand Street	No	Yes	No C of O on file	6	6	6	4	2	0	0
42	10-2-1	324 Grand Street	Yes	No	7	7	7	7	6	0	0	1
43	18-2-26	128 N. Miller Street	No	No	6	6	No response	6	6	0	0	0
44	22-3-4	99 Dubois Street	Yes	No	6	7	7	6	6	0	0	0
45	29-2-7	53 Carpenter Avenue	No	No	6	6	6	6	6	0	0	0
46	11-5-1	200 Chambers Street	Yes	No	6	6	7	6	0	0	6	0

	Parcel ID	Building Address	Survey Form Completed Over Mail?	Survey Completed Over the Phone?	Total Authorized Units (C of O)	Total Units (Tax Assessor Record)	Total Units (Survey Response)	Total Units Included in Study	Occupied Units	Total Units Not Available for Rent by Owner	Total Units Under Repair	Vacant Units Available for Rent
47	29-5-24	23 Dubois Street	Yes	No	6	6	6	6	6	0	0	0
48	45-10-4	185 Renwick Street	No	Yes	6	6	6	6	6	0	0	0
49	38-2-3	263-265 Washington Street	No	No	7	7	No response	7	7	0	0	0
50	37-1-2	87 Broadway	No	Yes	6	6	6	6	6	0	0	0
51	30-5-37	36 Chambers Street	Yes	No	10	10	10	10	10	0	0	0
52	38-2-1	271 Washington Street	No	Yes	6	6	6	6	6	0	0	0
53	39-3-16	93 Liberty Street	No	Yes	6	6	6	6	6	0	0	0
54	48-2-1	102 S. Lander & 65 Overlook Place	Yes	No	6	6	6	6	6	0	0	0
55	16-10-5	2 Farrell Street	No	No	8	8	8	8	6	0	0	2
56	16-9-5	21 Farrell Street	No	No	8	8	8	8	6	0	0	2
57	16-10-1	20 Farrell Street	No	No	8	8	8	8	7	0	0	1
58	16-1-10	20 Norton Street	No	Completed the survey via email.	8	8	8	8	8	0	0	0
59	16-6-1	17 Norton Street	No	Completed the survey via email.	8	8	8	8	8	0	0	0
60	38-1-7	283 Washington Street	No	Yes	7	6	6	7	5	1	0	1
61	9-1-16	428 Liberty Street	No	Yes	14	20	14	14	0	0	14	0
62	13-3-13	43 Hawthorne Avenue	No	No	12	12	No response	12	12	0	0	0
63	14-1-24	38 Hawthorne Avenue	No	No	25	20	No response	25	20	5	0	0
64	4-8-24	51 Leroy Place	Yes	No	78	78	78	78	76	0	0	2
65	3-7-21.1	379 Powell Avenue (aka 2 Chadwick)	Yes	No	162	166	166	162	149	0	13	0
66	39-4-14	9 E Parmenter Street	Yes	No	6	6	6	6	2	0	4	0
67	34-1-2	487 Broadway	No	No	8	8	No response	8	8	0	0	0
68	33-2-6.1	41 Ellis Avenue	Yes	No	6	6	6	6	6	0	0	0
							Totals:	738	622	24	63	29

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION SCHEDULING A PUBLIC HEARING
FOR DECEMBER 11, 2023 TO HEAR PUBLIC COMMENT CONCERNING
THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE REGULATION OF
CERTAIN RESIDENTIAL RENTS IN THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning the existence of a public emergency requiring the regulation of certain residential rents in the City of Newburgh; and that such public hearing be and hereby is duly set for a regular meeting of the Council to be held at 7:00 p.m. on the 11th day of December, 2023.

RESOLUTION NO: 146 - 2021

OF

JUNE 14, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
ADOPTING THE NEWBURGH HOUSING POLICY REPORT
AS THE CITY OF NEWBURGH'S LONG-TERM STRATEGY FOR MEETING
THE HOUSING NEEDS OF CITY RESIDENTS

WHEREAS, the Newburgh Housing Report was undertaken as a year-long initiative by the Leviticus Fund with financial support from the JP Morgan Foundation and technical direction from Kevin Dwarka LLC and Pace Land Use Law Center;

WHEREAS, the year-long engagement process for the Newburgh Housing Report involved extensive outreach to the City of Newburgh staff, the Newburgh City Council, the Newburgh Housing Coalition, a broad cross-section of housing stakeholders including both private and non-profit housing developers, along with direct outreach to the City of Newburgh residents;

WHEREAS, the Newburgh Housing Policy Report was finalized in May 2021 with the completion of two companion documents, the Newburgh Housing Needs Assessment and the Newburgh Housing Policy Framework; and

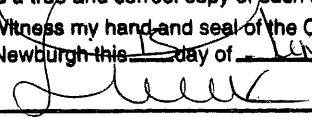
WHEREAS, the City Council has reviewed the Newburgh Housing Policy Report, along with the Newburgh Housing Needs Assessment and the Newburgh Housing Policy Framework, and as a next step, and finds that adopting the Newburgh Housing Policy Report and its companion documents is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Council after reviewing the full contents of the Newburgh Housing Report and all associated deliverables, and declares that the Newburgh Housing Report shall serve as the City's long-term strategy for meeting the housing needs of City residents; and

BE IT FURTHER RESOLVED, that the Newburgh Housing Report shall be used as the tool for prioritizing and implementing proposed actions while seeking funding opportunities for implementation through the New York State Consolidated Funding Application.

I, Lorene Vittek, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held June 14, 2021
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 14 day of June 20 21


City Clerk



NEWBURGH HOUSING REPORT

WORKING PAPER I: HOUSING NEEDS ASSESSMENT

JUNE 4TH, 2021



ACKNOWLEDGMENTS

The Newburgh Housing Report is a multi-disciplinary planning initiative aimed at evaluating current housing needs in the City of Newburgh and stimulating new thinking about the city's long-term housing policies. The report was completed thanks to a generous grant from the JP Morgan Chase Foundation and managed by a not-for-profit community development loan fund, the Leviticus 25:23 Alternative Fund ("Leviticus Fund").

Kevin Dwarka LLC, a land use and economic consulting practice in New York City, was engaged to lead the technical aspects of the report with additional policy expertise and community engagement services provided by Pace Land Use Law Center.

This project would not have been possible without ongoing guidance from the City of Newburgh's Department of Planning & Development, the Newburgh City Council, Newburgh Housing Coalition, and most importantly, the residents of Newburgh.

PROJECT TEAM

Greg Maher, Executive Director of the Leviticus Fund

Kayla Jeffrey, Senior Loan Officer of Leviticus Fund

Kevin Dwarka, Land Use & Economic Consultant

Jessica Bacher, Executive Director of Land Use Law Center

Tiffany Zezula, Deputy Director of Land Use Law Center

Diane Boston, Researcher

Aaron Magloire, Researcher

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INTRODUCTION

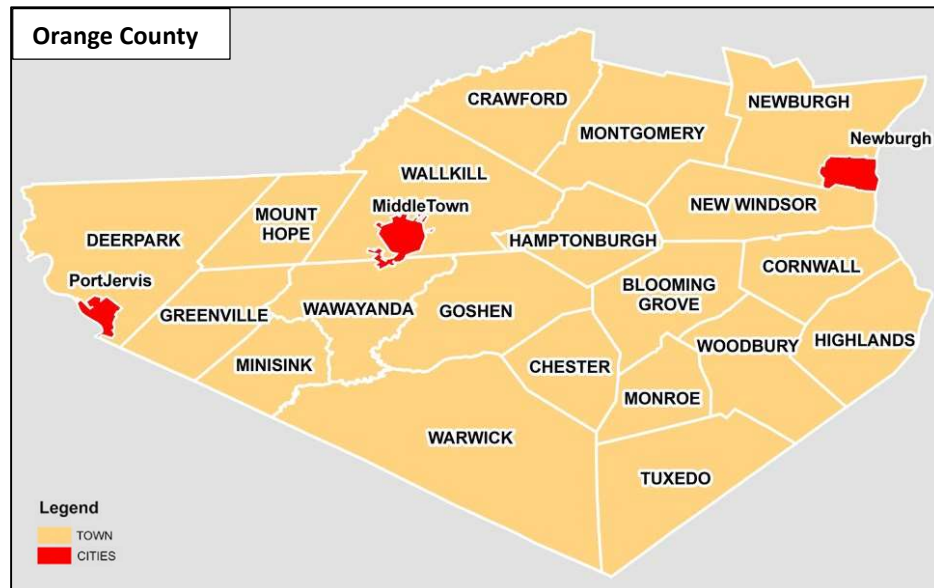
As the first of two working papers in the Newburgh Housing Report, this document includes four sections:

- **Section I** analyzes data related to the city’s demographic composition, housing conditions and economic trends.
- **Section II** describes the ways that the housing needs assessment was informed by various community engagement activities including facilitation of online listening sessions and administration of a resident survey.
- **Section III** reviews the City of Newburgh’s existing housing policies, programs, and policies.
- **Section IV** synthesizes the information from the preceding three sections in order to identify the key housing needs in the City of Newburgh.

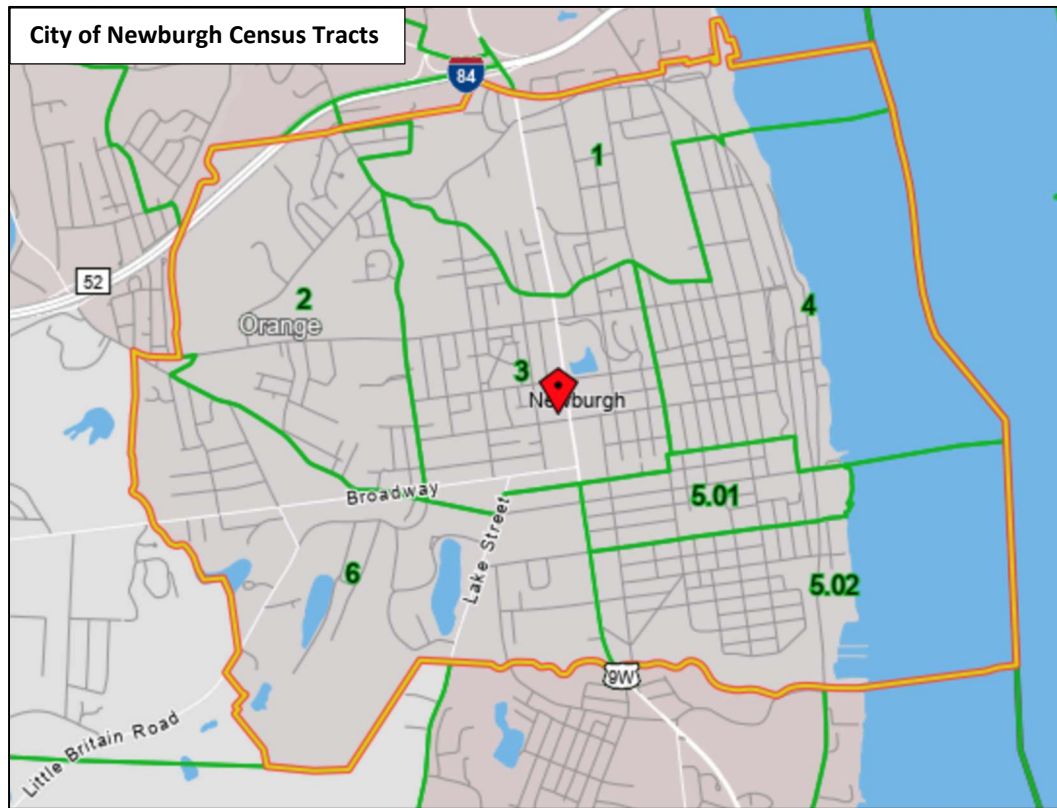
The Housing Needs Assessment was presented at multiple resident engagement and stakeholder outreach meetings as documented in Section II. The findings were then used to draft **Working Paper II: Newburgh Housing Policy Framework**.

SECTION I: DEMOGRAPHIC, HOUSING, & ECONOMIC TRENDS

This section draws largely upon data from the US Census American Community Survey (“ACS”) to compare the City of Newburgh to Orange County with regard to demographic composition, housing conditions, and economic trends. Data for certain metrics were also analyzed on a tract level in order to identify disparities existing between Newburgh’s seven census tracts: 1, 2, 3, 4, 5.01, 5.02, and 6.



Source: Real Estate Hudson Valley NY



Source: US Census OnTheMap

DEMOGRAPHIC PATTERNS

This section examines the city's demographics in terms of population, household composition, race and ethnicity, income, poverty levels, educational attainment, unemployment, work transportation, and job sector.

Population Trends

While Orange County experienced a net population increase of nearly 11% from 2000 to 2014/18, Newburgh's population experienced less than 1% over the same time period. Newburgh makes up about 7.5% of the total Orange County population.

Total Population (2000 – 2014/18)				
Place	2000	2010	2014/18	Percent Change (2000 – 2014/18)
City of Newburgh, NY	28,233	29,001	28,282	.2%
Orange County, NY	341,367	370,201	378,227	10.8%

Source: US Census Decennial, ACS

Racial Composition

Compared to Orange County as a whole, Newburgh has significantly larger shares of residents who identify as Black or African-American alone (24.3%) and Hispanic or Latino (50.8%), and a significantly smaller

NEWBURGH HOUSING NEEDS ASSESSMENT

share of residents who identify as White alone (20.2%).¹ The two geographies have similar shares of residents who identify as Asian alone or some other race alone.

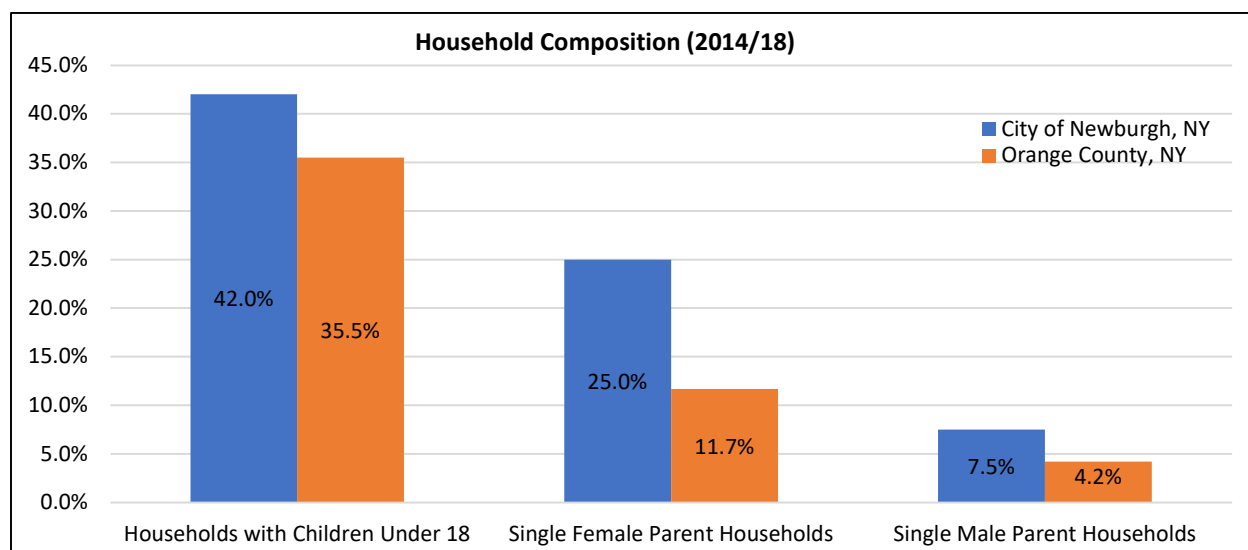
The racial composition of both Newburgh and Orange County has remained relatively consistent over time, though Newburgh's share of Black or African-American alone residents decreased by nearly 5% from 2007/11 to 2014/18.

Racial Composition and Hispanic Identification (2007/11 – 2014/18)								
	City of Newburgh, NY				Orange County, NY			
	2007/11		2014/18		2007/11		2014/18	
	#	%	#	%	#	%	#	%
Total:	28,999		28,282		371,833		378,227	
White alone	6,077	21%	5,698	20.2%	256,245	68.9%	245,605	64.9%
Black or African-American alone	8,444	29.1%	6,858	24.3%	34,300	9.2%	37,246	9.9%
Asian alone	125	0.4%	301	1.1%	8,941	2.4%	9,913	2.6%
Other race	414	1.4%	1,058	3.7%	7,390	2%	9,758	2.6%
Hispanic or Latino	13,939	48.1%	14,367	50.8%	64,957	17.5%	75,705	20%

Source: US Census ACS

Household Composition

Less than half of households in both Newburgh and Orange County have children under the age of eighteen. There are twice as many single female parent households as single male parent households in both geographies. Notably, single female parent households make up a quarter of all Newburgh households.

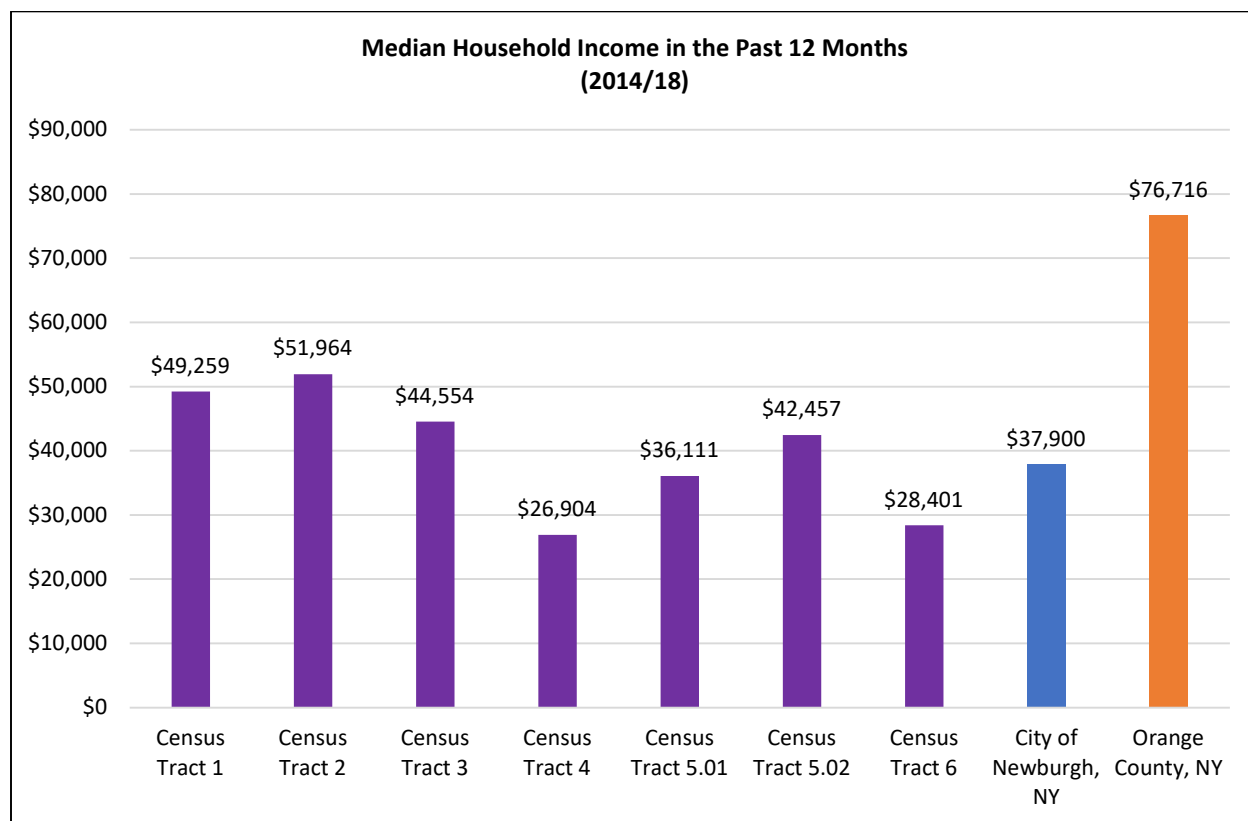


Source: US Census ACS

¹ Individuals identifying as "White alone" "Black of African-American alone" or "Asian alone" identify as only one race and do *not* identify as Hispanic. The term "Hispanic or Latino" indicates populations of any race who also identify as Hispanic or Latino.

Median Household Income

Newburgh's median household income is less than half that of Orange County. Median household income in Newburgh also varies considerably by census tract: the median household income of \$26,904 in Census Tract 4 is the lowest in the city, while the median household income of \$51,964 in Census Tract 2 is the highest in the city. Though some tracts perform better than others, Newburgh as a whole still struggles significantly in comparison to Orange County. About 61% of Newburgh households make less than \$50,000 per year; this figure drops to 34% of households in Orange County.



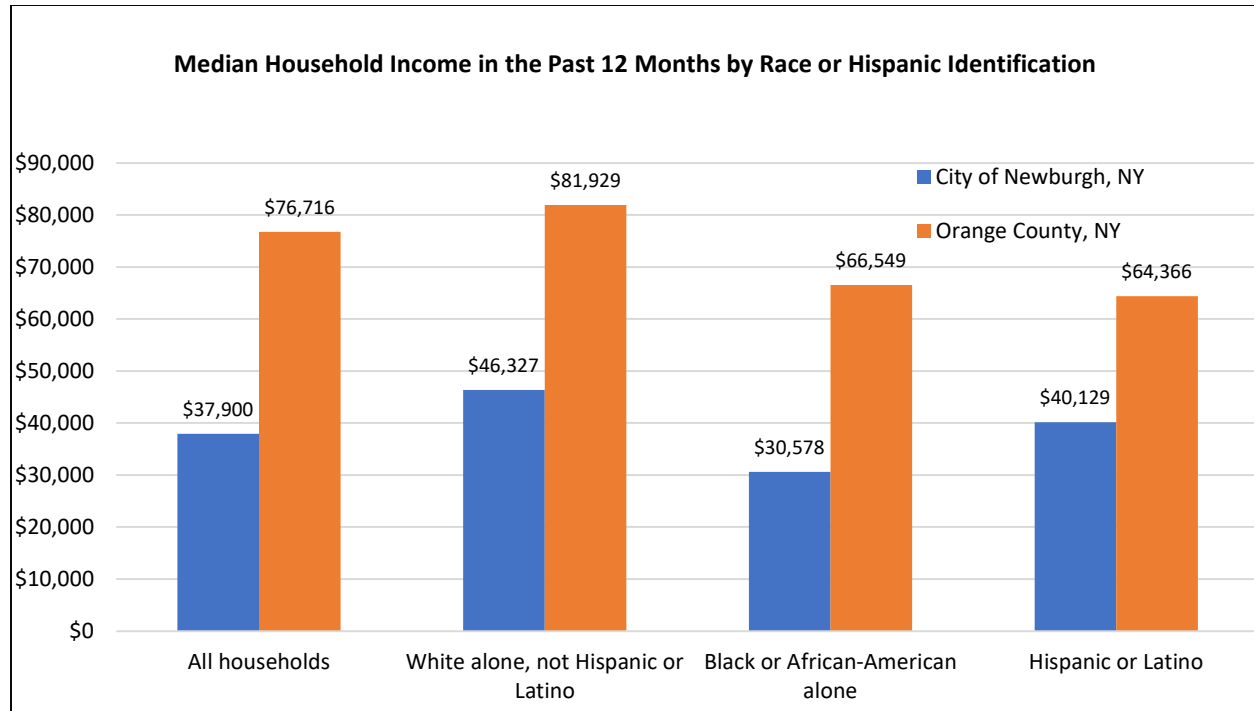
Source: US Census ACS

Between 2000 and 2014/18, Newburgh's median household income increased by 25%, from \$30,332 to \$37,900. Over the same time period, Orange County's median household income increased by 47%, from \$52,058 to \$76,716.

Median Household Income (2000 – 2014/18)			
Place	2000	2007/11	2014/18
City of Newburgh, NY	\$30,332	\$37,671	\$37,900
Orange County, NY	\$52,058	\$70,294	\$76,716

Source: US Census Decennial, ACS

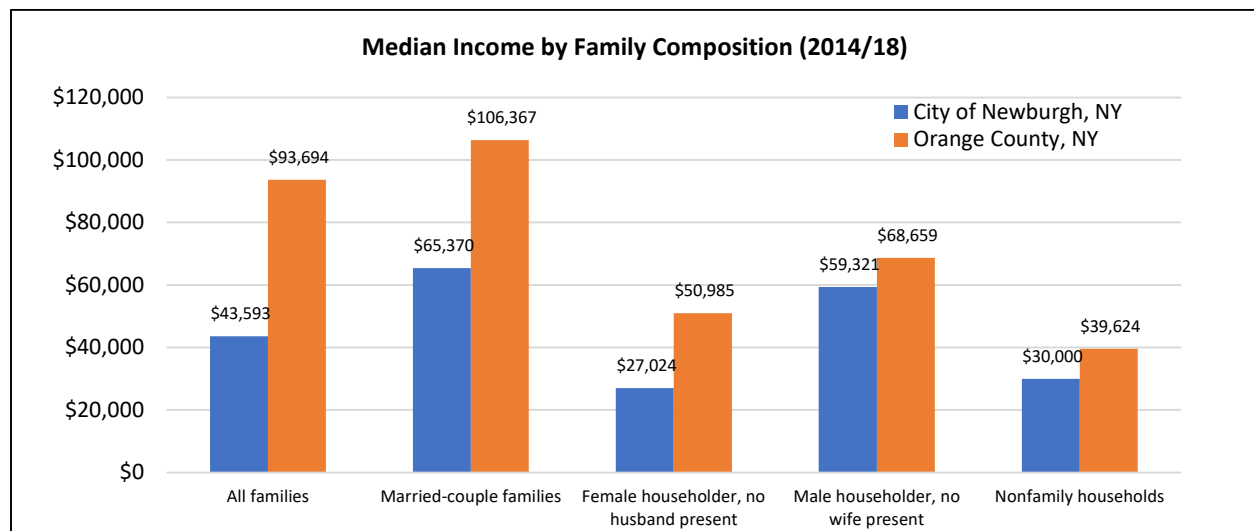
Regardless of race or Hispanic identification, median household income is lower in Newburgh than it is in Orange County. This disparity between the two geographies is the largest for households with Black or African-American alone householders; in Newburgh, these households make \$35,971 less than their Orange County counterparts.



Source: US Census ACS

Family Income

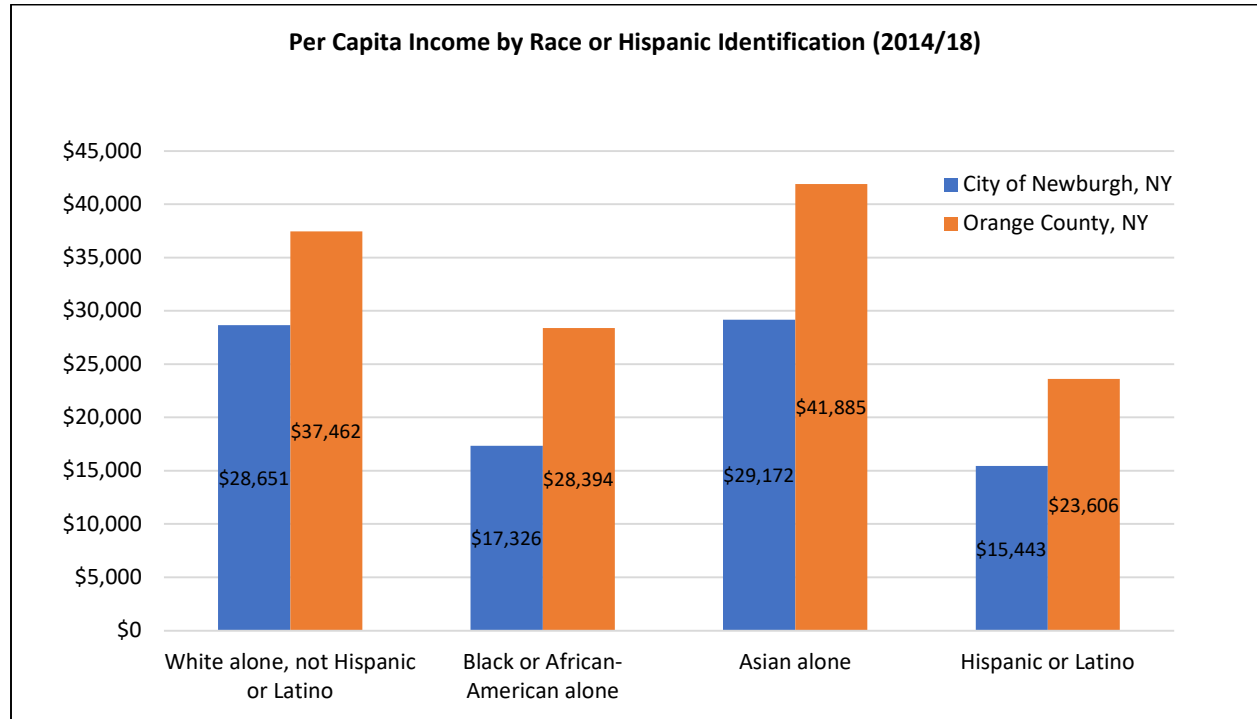
As with median household income, family income in Newburgh is lower than that of Orange County, regardless of factors such as family composition, number of earners, or family size. In both geographies, median family income plummets significantly (by \$16,569 in Newburgh and by \$42,709 in Orange County) for families led by single female parents and increases significantly (by \$21,777 in Newburgh and by \$12,673 in Orange County) for married-couple families. The median income for all Newburgh families is \$43,593, compared to \$93,694 for all Orange County families, making for a disparity of more than \$50,000.



Source: US Census ACS

Per Capita Income

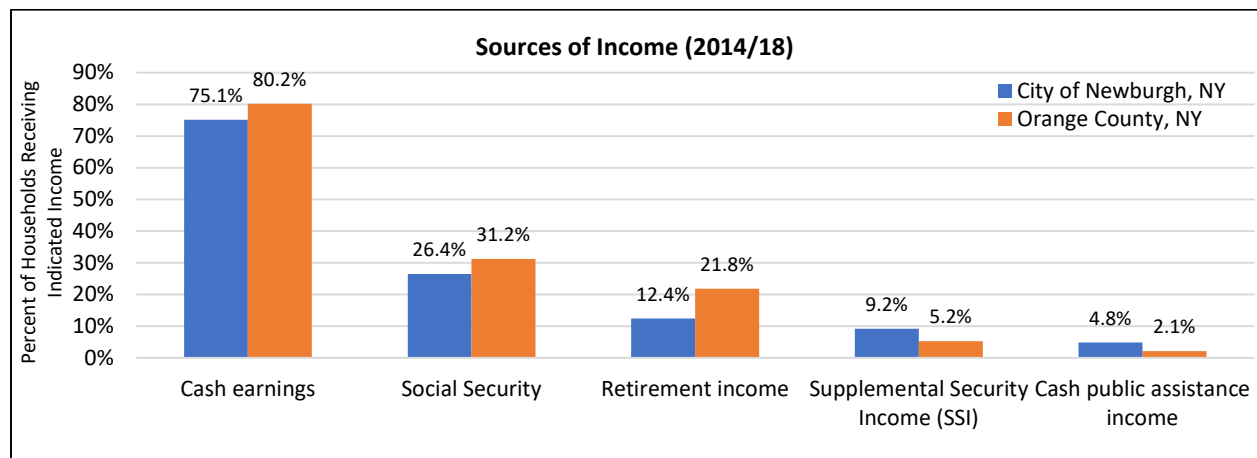
Regardless of race or Hispanic identification, per capita income is lower in Newburgh than it is in Orange County. In both geographies, Hispanic or Latino residents have the lowest per capita income, while Asian alone residents have the highest.



Source: US Census ACS

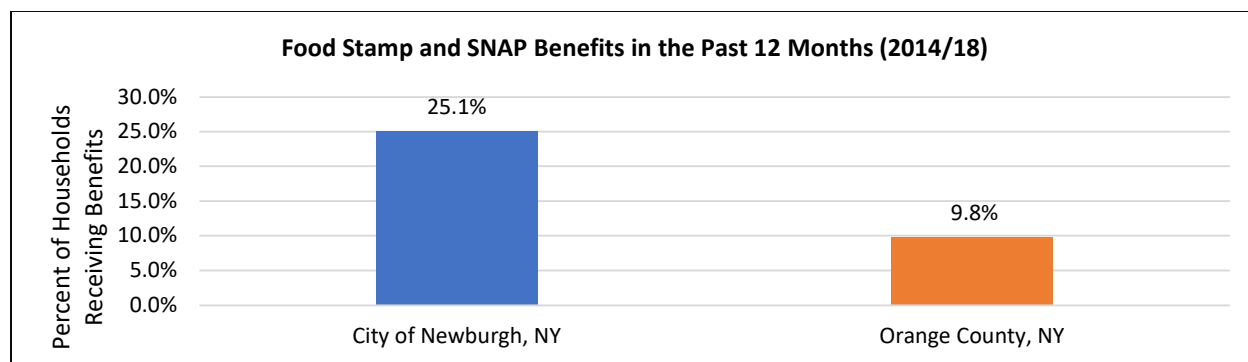
Sources of Income

In Newburgh and in Orange County, similar shares of households receive cash earnings, social security, and Supplemental Security Income (SSI). The share of households that receive retirement income in Newburgh is 10 percentage points lower than that of Orange County. Less than 5% of Newburgh households receive cash public assistance. However, a quarter of Newburgh households receive food stamp/SNAP benefits.



Source: US Census ACS

NEWBURGH HOUSING NEEDS ASSESSMENT



Source: US Census ACS

Poverty

Nearly a third of all people in Newburgh are living below the federal poverty level, compared to 11.8% of all people in Orange County. Within the City of Newburgh, poverty rate varies significantly by census tract, ranging from a low of 16.5% of all people in Census Tract 1 to a high of 52.1% of all people in Census Tract 6. Poverty status for individuals also varies by age. In Newburgh, the poverty rate for all individuals under 18 is 42.4%, while this number drops to 25% for all individuals 18 to 64 years of age, and drops even further to 14.3% for all individuals 65 years and older. Similar but less drastic shifts are seen in the Orange County population.

Poverty Status in the Past 12 Months for All People with Determined Poverty Status (2014/18)									
	Census Tract 1	Census Tract 2	Census Tract 3	Census Tract 4	Census Tract 5.01	Census Tract 5.02	Census Tract 6	City of Newburgh NY	Orange County NY
	Percent below poverty level								
All people with determined poverty status	16.5%	16.5%	27.5%	33.1%	28.7%	25.1%	52.1%	29.5%	11.8%
Under 18 years	36.2%	33%	42%	43.2%	31.4%	29.3%	69.5%	42.4%	18.6%
Under 5 years	43.7%	39.5%	51.3%	45.5%	56.9%	5.6%	68.1%	46.5%	21.9%
5 to 17 years	33.7%	30.4%	38.3%	41.6%	26.5%	37.5%	70.3%	40.6%	17.5%
Related children of householder under 18 years	36.2%	33%	41.8%	43%	31.4%	29.3%	69.5%	42.3%	18.3%
18 to 64 years	13.7%	10.8%	22.3%	33.3%	27%	21.6%	42.7%	25%	9.9%
18 to 34 years	14.2%	1.7%	28.6%	38.2%	32.6%	14.9%	40.9%	26.5%	12.6%
35 to 64 years	13.2%	16%	17.9%	29.2%	23.8%	27%	44.3%	23.8%	8.5%
60 years and over	1%	2.4%	10.7%	15.5%	25.3%	27.1%	35.6%	16%	7.6%
65 years and over	0.7%	3%	6.2%	7.8%	33.9%	31.3%	36.4%	14.3%	7.1%
Unrelated individuals 15 years and over	15.4%	11.9%	26.7%	39.1%	39.8%	39%	37.6%	30.8%	21.4%

Source: US Census ACS

NEWBURGH HOUSING NEEDS ASSESSMENT

Twenty seven percent of all families in Newburgh are living below the federal poverty level, compared to 8.5% of all families in Orange County. Within the City of Newburgh, poverty rate varies significantly by census tract, ranging from a low of 12.5% of all families in Census Tract 2 to a high of 49.8% of all families in Census Tract 6. Poverty status for families also varies by family type. In Newburgh, the poverty rate is 14.8% for married-couple families, 9.9% for single male parent families, and 46.2% for single female parent families. Similar but less drastic shifts are seen in Orange County families as well, though the poverty rate for Orange County married-couple families is slightly lower than that of Orange County single male parent families, while the opposite is true in Newburgh.

Poverty Status in the Past Twelve Months by Family Type (2014/18)									
	Census Tract 1	Census Tract 2	Census Tract 3	Census Tract 4	Census Tract 5.01	Census Tract 5.02	Census Tract 6	City of Newburgh NY	Orange County NY
Percent below poverty level									
All families:	19%	12.5%	22.8%	30.9%	24.2%	24.3%	49.8%	27%	8.5%
Married-couple family	0%	10.9%	8%	14.3%	16.1%	25.7%	28.5%	14.8%	5.9%
Male householder, no wife present	0%	0%	0%	37.7%	16.5%	3.2%	40.8%	9.9%	7.5%
Female householder, no husband present	46.2%	18.7%	46.6%	38.9%	41.6%	43%	73.1%	46.2%	20.8%

Source: US Census ACS

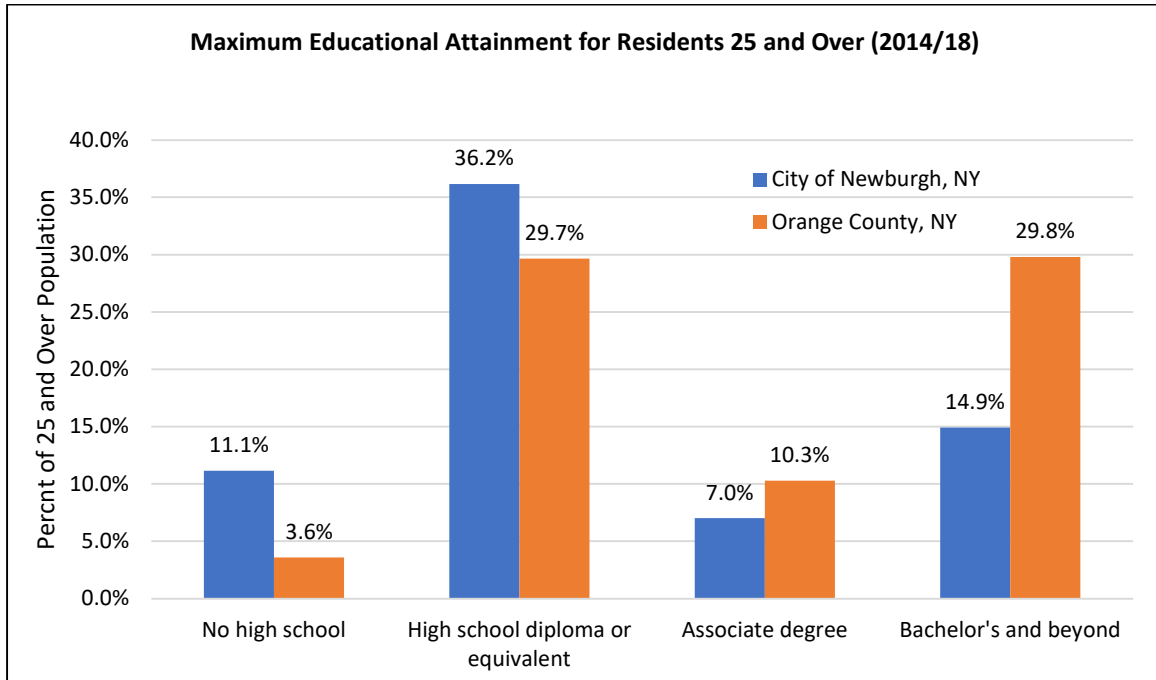
By race or Hispanic identification, individuals and families in both Newburgh and Orange County experience similar rates of poverty. In both geographies, individuals and families identifying as Black or African-American alone; Hispanic or Latino; and Other race experience similar poverty rates. White alone non-Hispanic individuals and families experience slightly lower poverty rates, and Asian alone individuals and families experience significantly lower poverty rates.

Poverty Status in the Past Twelve Months by Race or Hispanic Identification (2014/18)		
	City of Newburgh, NY	Orange County, NY
Individuals	% below poverty level	
White alone, not Hispanic or Latino	23.2%	10.8%
Black or African-American alone	35.7%	13.4%
Asian alone	5.7%	8.8%
Other race	32.2%	16.6%
Hispanic or Latino	29.7%	14.9%
Families, by householder	% below poverty level	
White alone, not Hispanic or Latino	20.8%	7.5%
Black or African-American alone	33.2%	9.8%
Asian alone	0%	4.6%
Other race	28.8%	13.8%
Hispanic or Latino	27.4%	11.5%

Source: US Census ACS

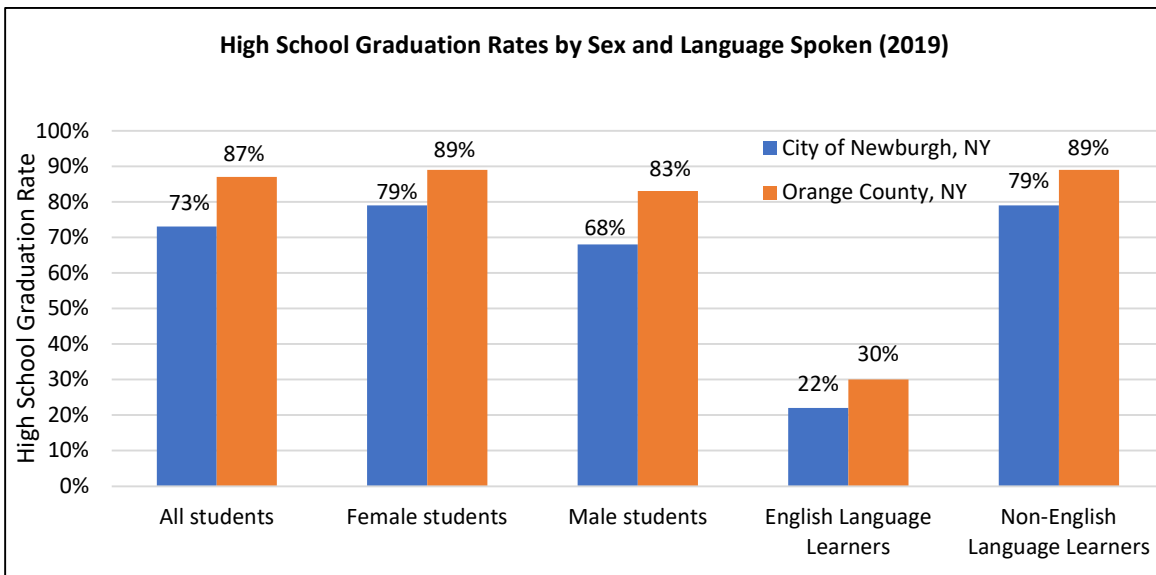
Educational Attainment

Newburgh's share of residents 25 years and older who have a bachelor's degree or beyond is just half that of Orange County. Meanwhile, Newburgh's share of residents 25 years and older who did not attend high school is more than three times that of Orange County.



Source: US Census ACS

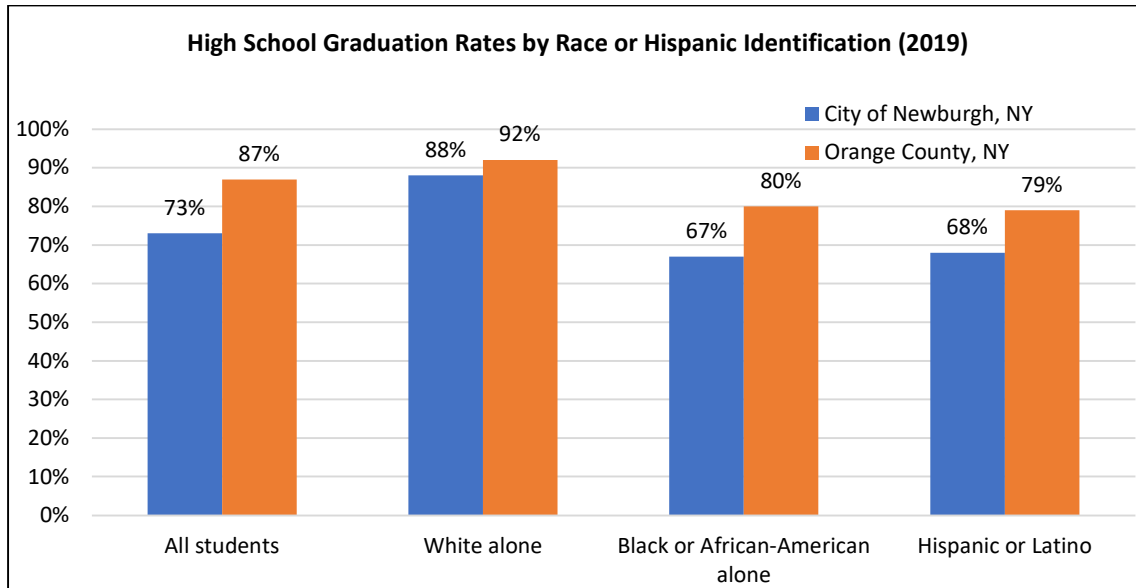
Newburgh has a high school graduation rate for all students of 73%, compared to Orange County's rate of 87%. In both geographies, this rate increases slightly for female students, decreases slightly for male students, and decreases drastically for students who are English Language Learners (ELL).



Source: NYS Education Department

NEWBURGH HOUSING NEEDS ASSESSMENT

Newburgh's graduation rate increases by 15 percentage points for White alone students but drops by about 6 percentage points for Black or African-American alone and Hispanic or Latino students. Similar shifts occur in Orange County. Notably, when the City of Newburgh is removed from graduation rate calculations for Orange County, the graduation rate of Black or African-American alone students in Orange County jumps to 87%, creating a graduation rate difference of 20 percentage points between Newburgh and non-Newburgh Black students in Orange County.



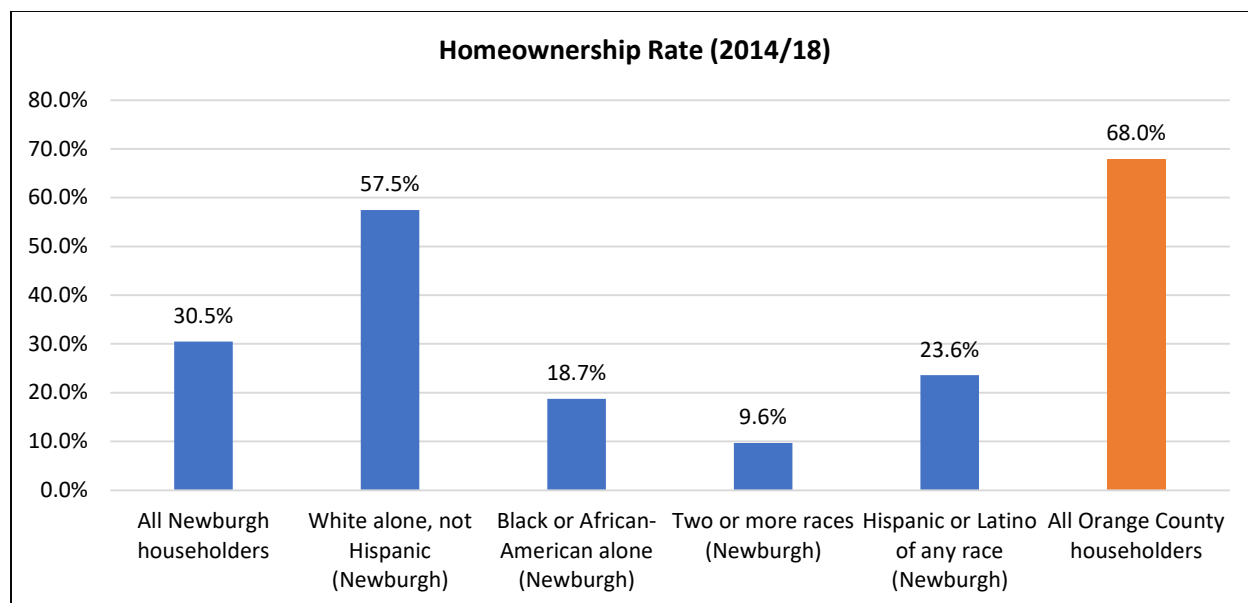
Source: NYS Education Department

HOUSING CONDITIONS

This section examines the city's housing conditions in terms of homeownership rates, number of units, year of construction, median home value, rent and selected monthly homeowner costs, cost burden rates, and vacancy rates. For most variables, the City of Newburgh is compared to Orange County, and for some variables, Newburgh data is analyzed on a tract level.

Homeownership Rate

Newburgh's homeownership rate (30.5%) is less than half that of Orange County (68%). Within Newburgh, residents who are White alone, non-Hispanic have the highest homeownership rate at 57.5%, a rate three times higher than that of Black or African-American residents (18.7%) and 2.4 times higher than that of Hispanic or Latino residents (23.6%).



Source: US Census ACS

Units per Housing Structure

Only one-third of Newburgh's housing structures are single-family, compared to almost three-quarters of Orange County's housing structures. Newburgh's share of multi-family housing structures (3 or more units) is more than twice that of Orange County. Furthermore, 16.6% of Orange County's multi-family units exist in Newburgh. There are 1,063 multi-family units per square mile in Newburgh, while there are only 6 multi-family units per square mile in Orange County.

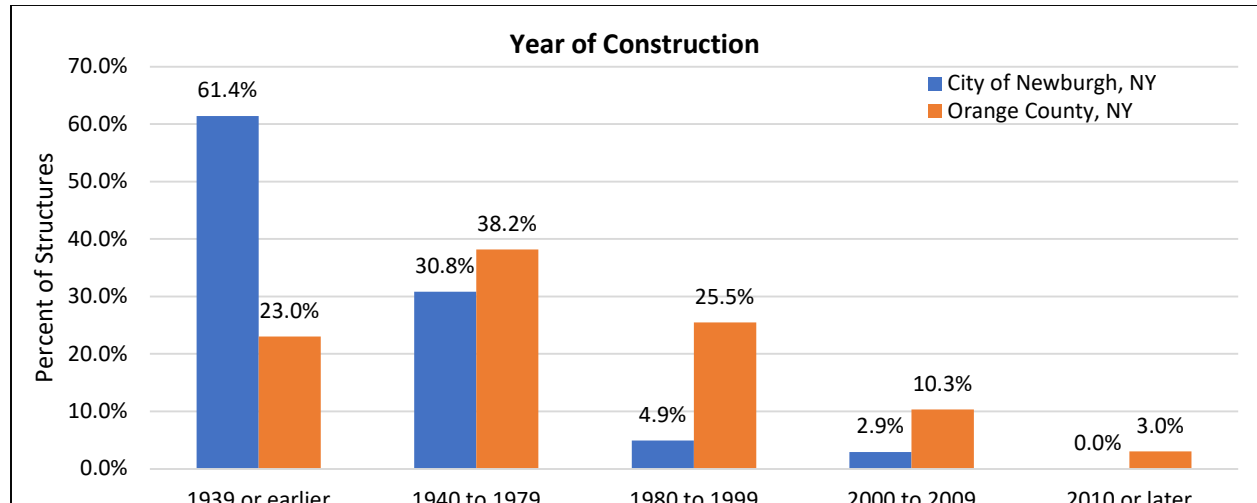
Units per Housing Structure (2014/18)				
	City of Newburgh, NY		Orange County, NY	
	# of structures	% of total	# of structures	% of total
Total structures:	11,765		142,360	
1-unit	3,924	33.4%	102,497	72%
2-unit	2,758	23.4%	9,289	6.5%
3 or more units	5,083	43.2%	30,574	21.5%

Source: US Census ACS

Year of Construction

Newburgh's housing structures are largely older than those of Orange County. More than 60% of Newburgh's structures were built before 1940, while this is true for less than a quarter of Orange County structures. Conversely, less than 3% of Newburgh housing structures were built in the 21st century, compared to just over 13% of Orange County structures.

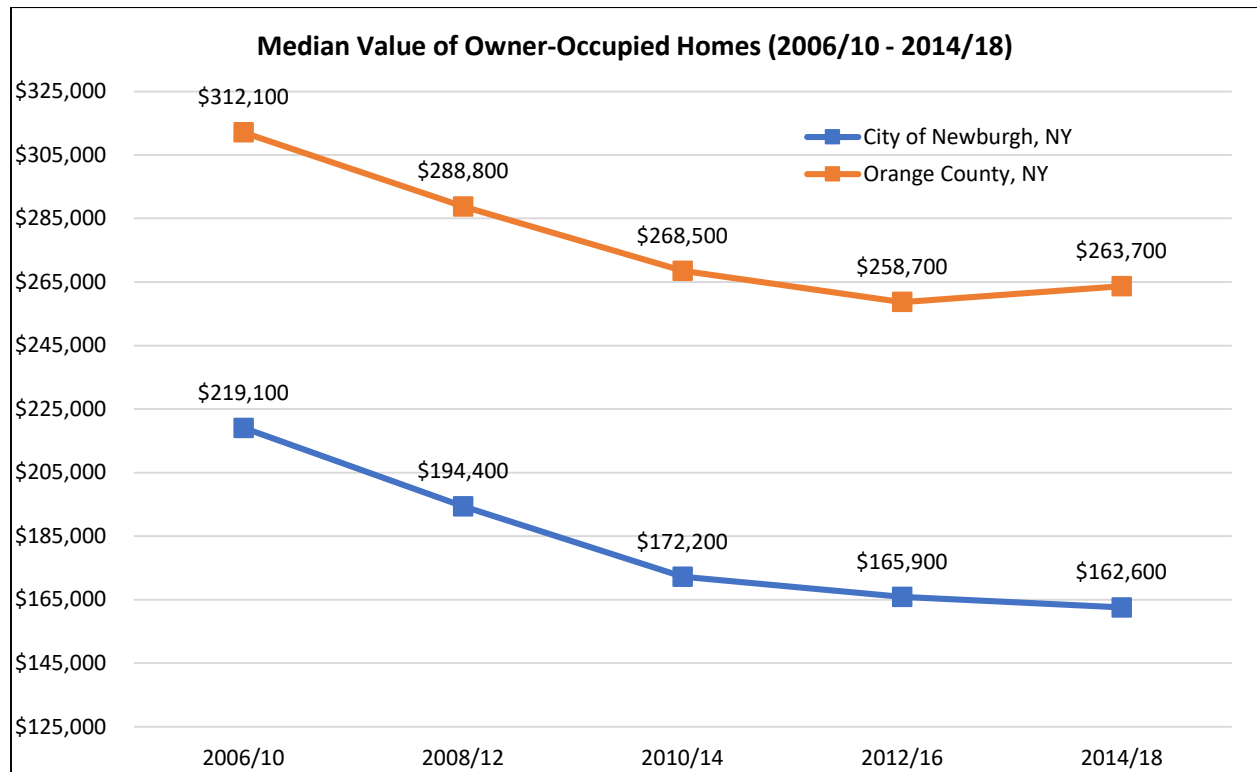
NEWBURGH HOUSING NEEDS ASSESSMENT



Source: US Census ACS

Value of Owner-Occupied Homes

From 2006/10 to 2014/18, the median value of owner-occupied homes in Newburgh steadily decreased. A similar downward trend also occurred in Orange County. However, Orange County saw a slight increase in median value from 2012/16 to 2014/18. In 2006/10, the median value of owner-occupied homes was \$219,100 in Newburgh and \$312,100 in Orange County; in 2014/18, these values were \$162,600 and \$263,700, respectively.



Source: US Census ACS

The decline of housing value in both geographies is also indicated by their increasing shares of owner-occupied homes valued under \$200,000 and their decreasing shares of more expensive homes. Newburgh

NEWBURGH HOUSING NEEDS ASSESSMENT

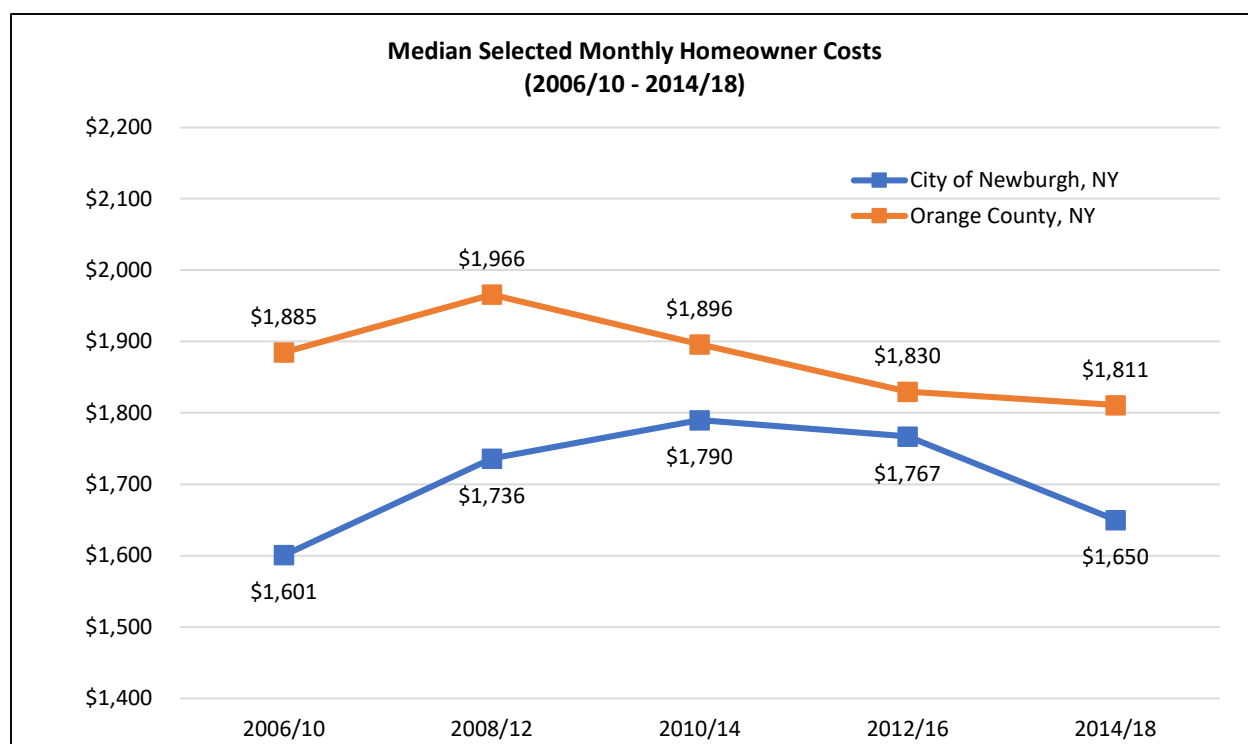
remains a less expensive housing market than Orange County, but both markets have become less expensive over time.

Value of Owner-Occupied Homes				
	City of Newburgh, NY		Orange County, NY	
Value	2007/11	2014/18	2007/11	2014/18
Total homes:	3,214	2,855	88,027	86,266
Under \$200,000	45.8%	64.5%	19.2%	29.4%
\$200,000 to \$999,999	54.2%	35.1%	79.7%	69.6%
\$1,000,000 or more	1%	0.4%	1.1%	1%

Source: US Census ACS

Selected Monthly Homeowner Costs

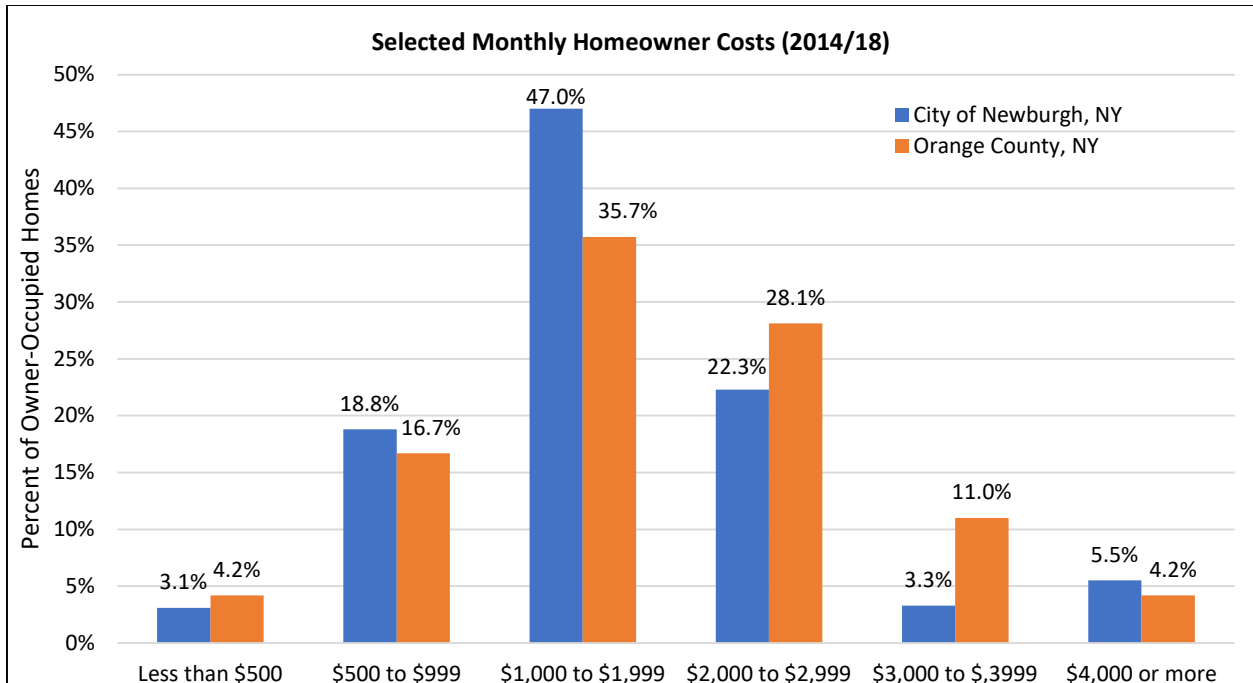
Between 2006/10 and 2014/18, the median selected monthly homeowner costs for both Newburgh and Orange County remained relatively consistent. Newburgh's median selected monthly homeowner costs experienced a slight net increase, while that of Orange County experienced a slight net decrease.



Source: US Census ACS

Though median values for both geographies sit below \$2,000, 22.3% of owner-occupied Newburgh homes and 28.1% of owner-occupied Orange County homes have selected monthly homeowner costs of \$2,000 to \$2,999. Selected monthly homeowner costs of \$3,000 or more, as well as costs less than \$500, are relatively infrequent in both geographies.

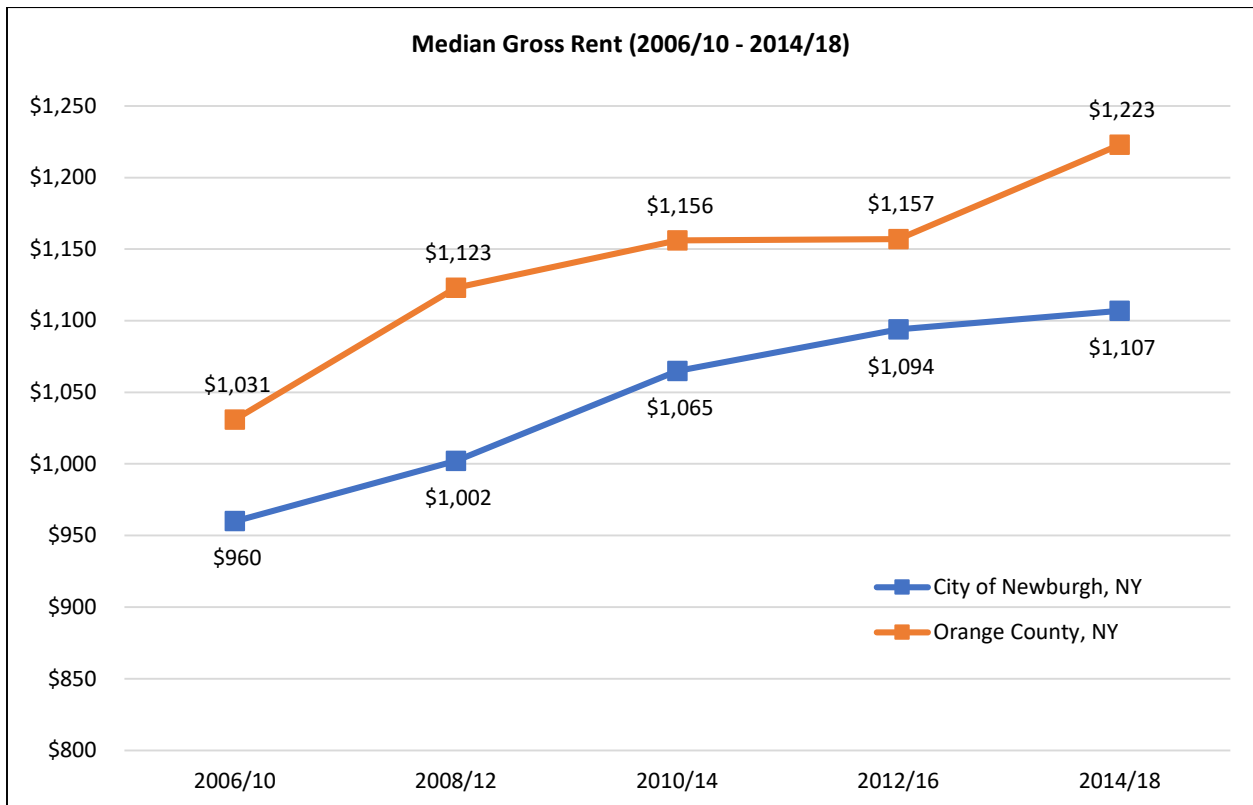
NEWBURGH HOUSING NEEDS ASSESSMENT



Source: US Census ACS

Gross Rent

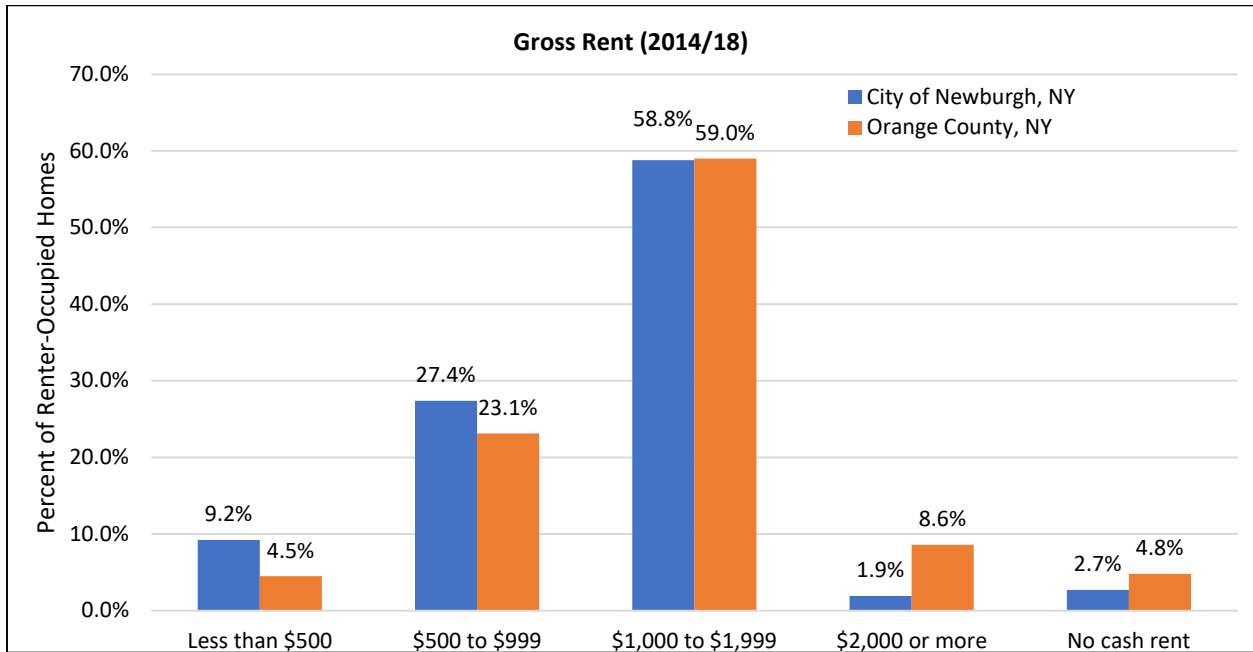
From 2006/10 to 2014/18, median gross rent experienced a net increase in both Newburgh and Orange County.



Source: US Census ACS

NEWBURGH HOUSING NEEDS ASSESSMENT

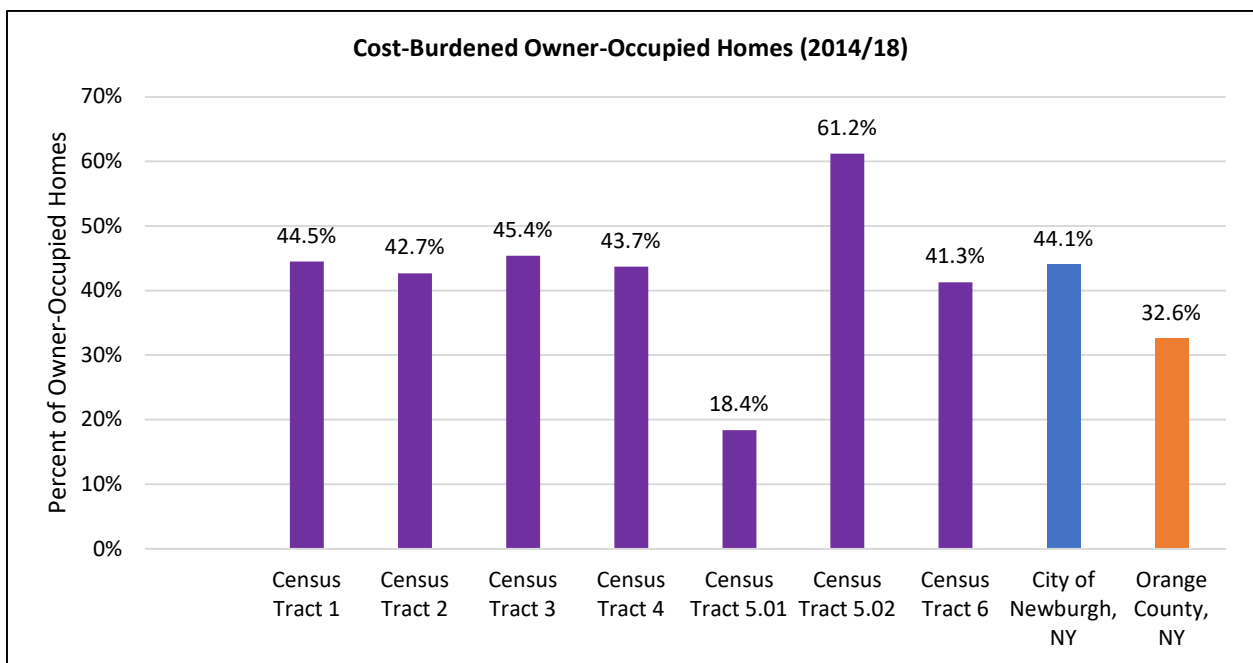
Gross rent values of \$2,000 or more are relatively infrequent in both geographies, as are households that have no cash rent or rent less than \$500. Nearly 60% of renter-owned households in both geographies have gross rent values of \$1,000 to \$1,999.



Source: US Census ACS

Cost Burden

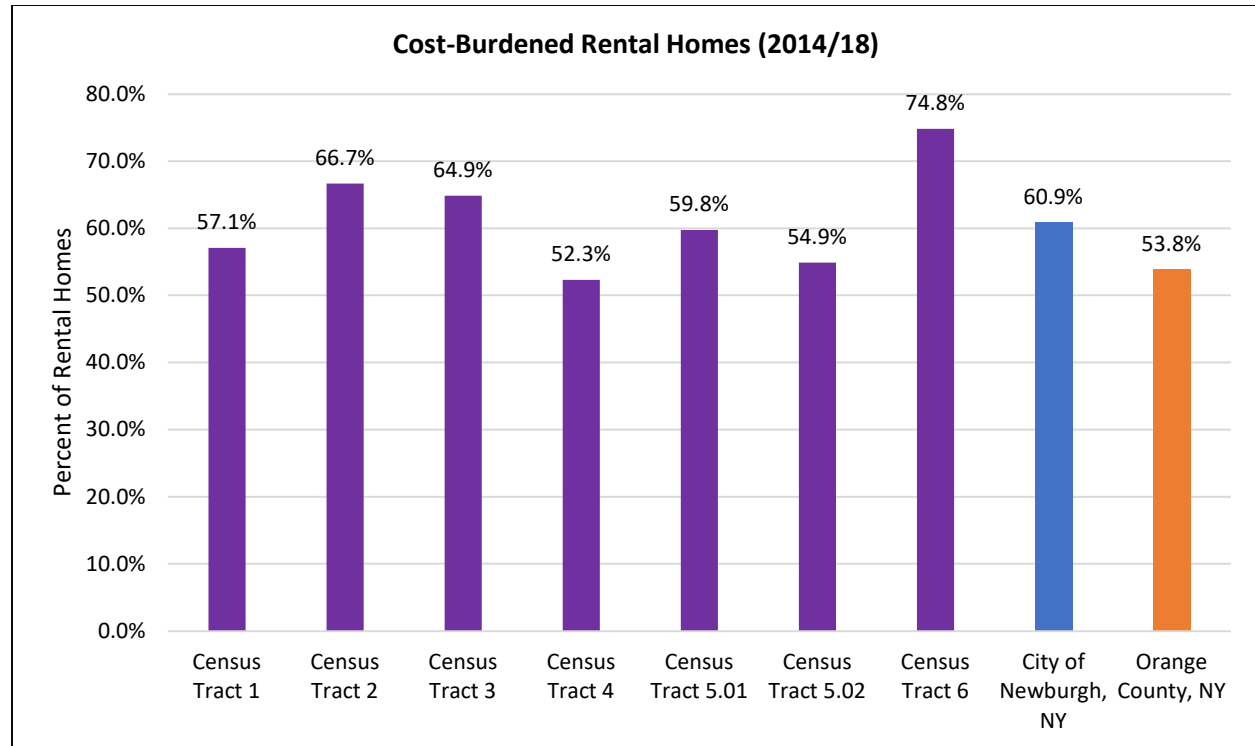
In Newburgh, 44.1% of owner-occupied homes are cost-burdened, compared to 32.6% of owner-occupied Orange County homes. Within Newburgh, the cost burden rates of the census tracts mirror that of the city as a whole, except in Census Tracts 5.01 and 5.02.



Source: US Census ACS

NEWBURGH HOUSING NEEDS ASSESSMENT

Cost burden rates increase significantly for renter-occupied homes in both geographies: Newburgh's cost burden rate for rental homes is 60.9%, while Orange County's is 53.8%. Within Newburgh, there is no census tract with a cost burden rate below 50%. The highest rate is found in Census Tract 6, at 74.8%, while the lowest, 52.3%, is found in Census Tract 4.



Source: US Census ACS

Vacancy

Newburgh's vacancy rate is almost double that of Orange County, though the vacancy rate of both geographies has increased over time. Within Newburgh, Census Tracts 4 and 5.02 experience inordinately high vacancy rates.

Vacant Housing Units (2007/11 – 2014/18)				
Place	2007/11		2014/18	
	#	% of all housing units	#	% of all housing units
Census Tract 1	164	13.9%	182	14.4%
Census Tract 2	28	3.0%	127	12.0%
Census Tract 3	303	14.0%	442	18.0%
Census Tract 4	665	26.0%	854	32.9%
Census Tract 5.01	159	13.0%	192	13.9%
Census Tract 5.02	330	22.2%	450	29.2%
Census Tract 6	109	7.8%	160	10.6%
City of Newburgh, NY	1,758	16.1%	2,407	20.5%
Orange County, NY	11,392	8.4%	15,584	10.9%

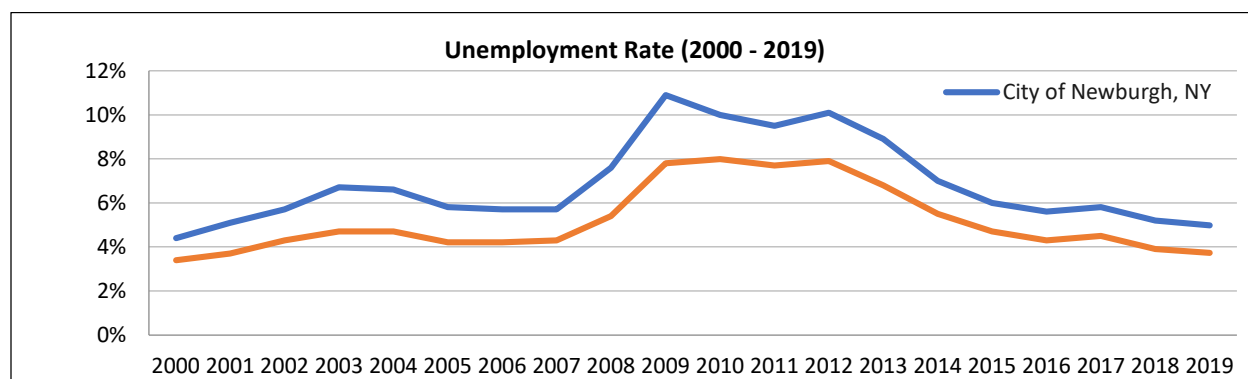
Source: US Census ACS

ECONOMIC TRENDS

This section examines the city's economic trends in terms of unemployment trends, the jobs held by Newburgh residents, commuting patterns and the jobs located within the City of Newburgh.

Unemployment

Barring a spike during the Great Recession (2007-2009), unemployment rates in Newburgh and Orange County remained relatively consistent from 2000 to 2019, with Newburgh's rates consistently 1-2% higher than those of Orange County. Newburgh's unemployment rate peaked in 2009 at 10.9%, while Orange County's unemployment rate peaked in 2010 at 8%.



Source: Bureau of Labor Statistics

More than 17% of Newburgh residents aged 16 to 19 are both out of school and out of work (either unemployed or not in the labor force), compared to 7.9% of Orange County residents in the same age group. In Newburgh, there is a striking sex-based disparity within this population: 274 Newburgh males aged 16 to 19 (26.9% of males in that age group) are both out of school and out of work, while the same is true for only 74 Newburgh females aged 16-19 (7.5% of females in that age group). This disparity is less striking in Orange County, where 8.1% of males aged 16-19 and 7.6% of females aged 16-19 are both out of school and out of work.

Sectoral Distribution of Working Residents

About one-third of the jobs held by working residents in both Newburgh and Orange County exist in either Health Care and Social Assistance or Retail Trade. Orange County has a higher share of jobs in the Educational Services sector than Newburgh, though the sector is relatively popular in both geographies.

Newburgh Working Resident Job Count by NAICS Industry Sector (2017)		
NAICS Industry Sector	# of jobs	% of total
Total jobs:	11,469	
Health Care and Social Assistance	1,979	17.3%
Retail Trade	1,590	13.9%
Accommodation and Food Services	1,020	8.9%
Administration & Support, Waste Management and Remediation	909	7.9%
Educational Services	901	7.9%
All other sectors	5,070	44.2%

Source: US Census OnTheMap

Orange County Working Resident Job Count by NAICS Industry Sector (2017)		
NAICS Industry Sector	# of jobs	% of total
Total jobs:	167,409	
Health Care and Social Assistance	27,740	16.6%
Retail Trade	21,095	12.6%
Educational Services	20,222	12.1%
Accommodation and Food Services	11,676	7.0%
Public Administration	9,814	5.9%
All other sectors	76,862	45.8%

Source: US Census OnTheMap

Locations of Jobs Held by Residents

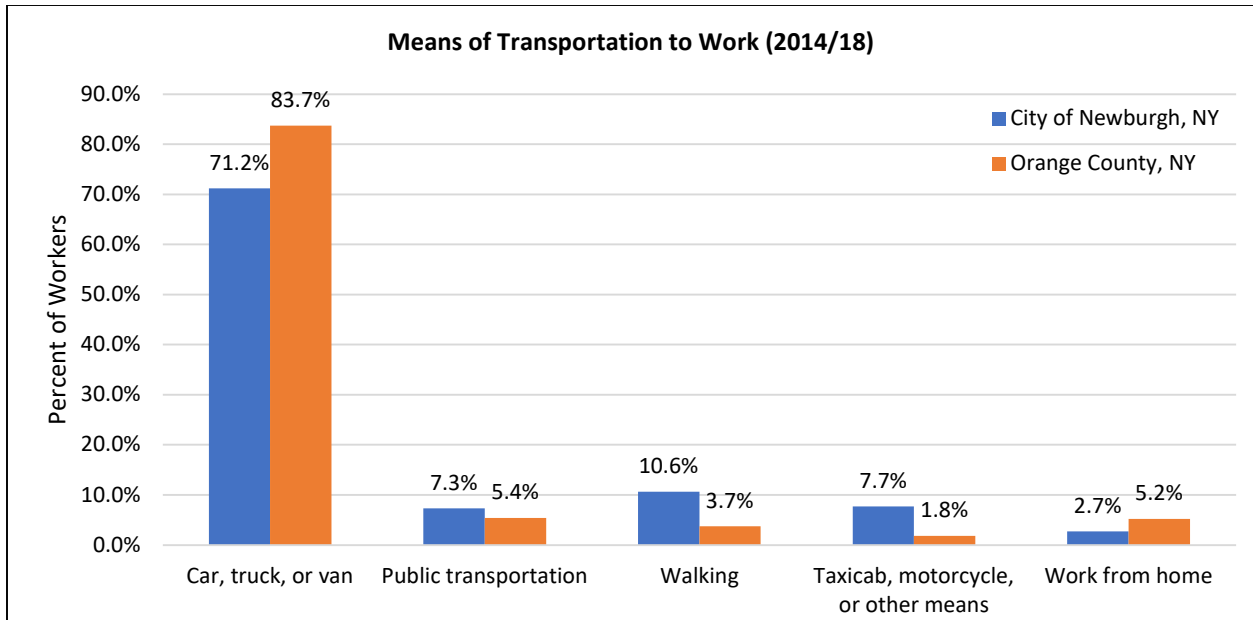
In 2017, the five places with the five largest shares of jobs held by Newburgh residents were Newburgh, New York City, and the CDPs of Gardnertown, New Windsor, and Orange Lake. The majority (63%) of working Newburgh residents, however, are employed in a variety of other locations.

Job Counts by Places Where Newburgh Working Residents are Employed (2008, 2012, 2017)						
	2008		2012		2017	
Place of Employment	#	%	#	%	#	%
All places:	10,952		7,887		11,469	
City of Newburgh, NY	1,350	12.3%	1,273	16.1%	1,578	13.8%
City of New York, NY	1,357	12.4%	657	8.3%	1,911	16.7%
Gardnertown CDP, NY	305	2.8%	309	3.9%	214	1.9%
New Windsor CDP, NY	208	1.9%	207	2.6%	296	2.6%
Orange Lake CDP, NY	308	2.8%	305	3.9%	243	2.1%
All other locations	7,424	67.8%	5,136	65.1%	7,227	63.0%

Source: US Census OnTheMap

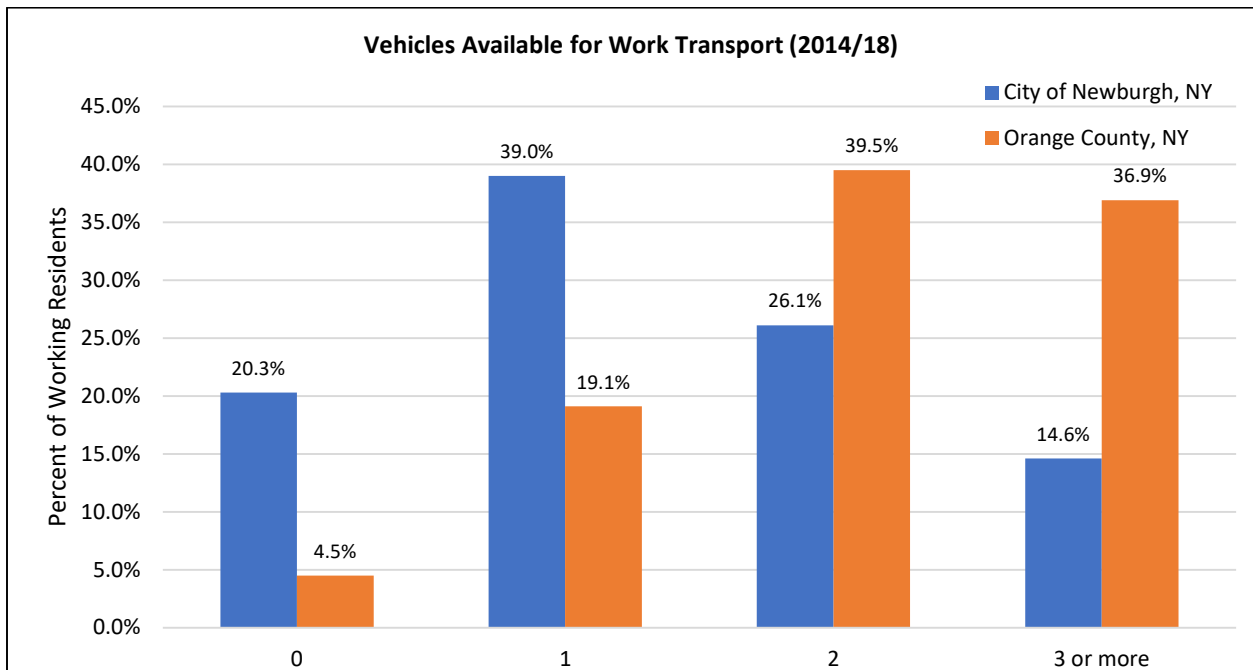
Commuting Patterns

In total, 11,501 jobs are held by people employed in Newburgh, and 11,469 jobs are held by Newburgh residents. 1,578 jobs are held by people who both live and work in Newburgh, while 9,923 jobs are held by people who work, but do not live, in Newburgh, and 9,891 jobs are held by people who live, but do not work, in Newburgh. In both Newburgh and Orange County, the overwhelming majority of working residents commute to work by car, truck, or van. Public transportation usage and working from home are relatively infrequent in both geographies.



Source: US Census ACS

Though car, truck, or van is the most popular form of work transport in Newburgh, just over 20% of Newburgh's working residents are without access to a vehicle, compared to less than 5% of Orange County working residents.

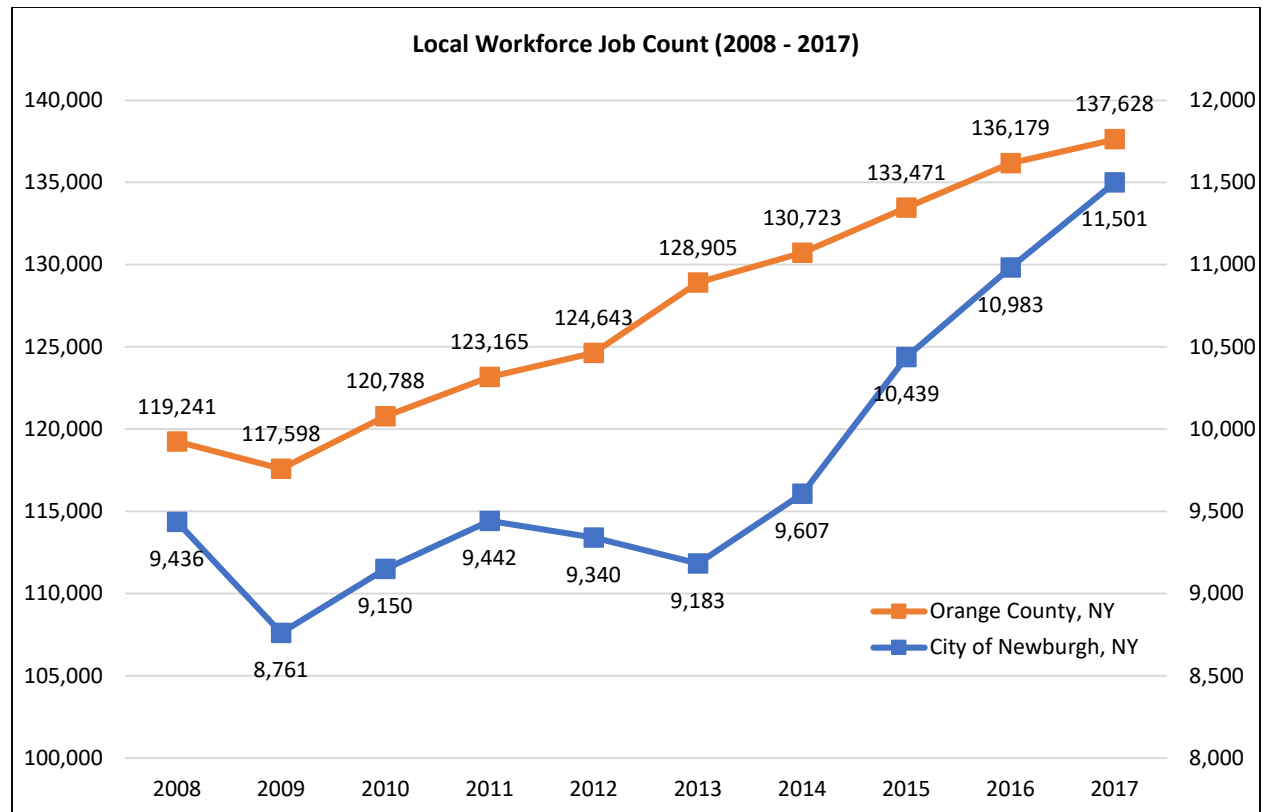


Source: US Census ACS

Newburgh's Economic Base

The total number of jobs located in both Newburgh and Orange County decreased from 2008 to 2009, a time period notably marked by the Great Recession. While the number of Orange County's jobs steadily increased from 2009 to 2017, Newburgh's jobs experienced another decline in 2012 and in 2013.

NEWBURGH HOUSING NEEDS ASSESSMENT



Source: US Census OnTheMap

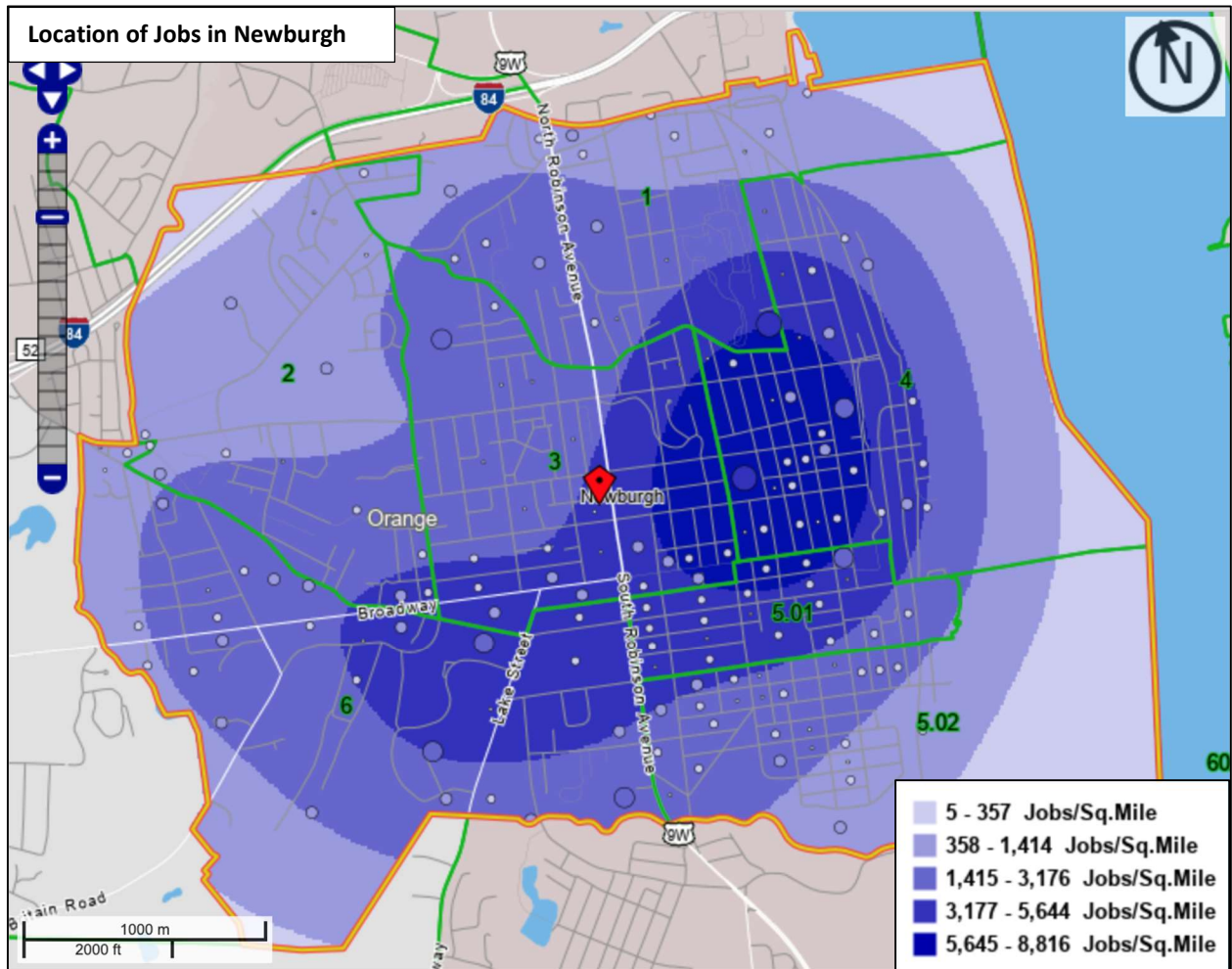
More than a quarter of the jobs located within Newburgh and nearly 20% of the jobs in Orange County exist in the Health Care and Social Assistance Sector. While the Retail Trade sector contains more than 15% of the jobs in Orange County, the sector contains less than 3% of Newburgh jobs.

Jobs Located in Newburgh and Orange County by Sector (2017)					
Newburgh			Orange County		
NAICS Industry Sector	Jobs (#)	% of total	NAICS Industry Sector	Jobs (#)	% of total
Total jobs:	11,501		Total jobs:	137,628	
Health Care and Social Assistance	3,078	26.8%	Health Care and Social Assistance	24,311	17.7%
Educational Services	2,224	19.3%	Retail Trade	20,978	15.2%
Administration & Support, Waste Management and Remediation	1,642	14.3%	Educational Services	15,355	11.2%
Manufacturing	647	5.6%	Accommodation and Food Services	9,611	7.0%
Accommodation and Food Services	606	5.3%	Administration & Support, Waste Management and Remediation	8,692	6.3%
All other sectors	3,304	28.7%	All other sectors	58,681	42.6%

Source: US Census on the Map

NEWBURGH HOUSING NEEDS ASSESSMENT

As shown in the heat map below, most of Newburgh's jobs are located within the city's downtown. Further from the center of the city, there are fewer jobs per square mile.



Source: US Census OnTheMap

SECTION II: COMMUNITY ENGAGEMENT

As a means of further understanding Newburgh's housing needs, the consulting team undertook a robust community engagement process that included outreach to (1) residents; (2) the City of Newburgh; (3) the Newburgh City Council; (4) members of the Newburgh Housing Coalition; and (5) housing stakeholders. Presented below is a summary of the various ways these groups helped identify housing needs and also evaluate the responsiveness of proposed policy solutions to meeting these needs.

Newburgh Residents

The residents of Newburgh were actively engaged in four critical ways. First, information about the Newburgh Housing Policy report was published on the Leviticus Fund website. The City of Newburgh and the city's housing stakeholders posted links to the documents on social media sites to help build community awareness of the project. Second, four online community listening sessions were held in September 2020 to collect direct input from local residents. Third, the project team launched an online housing needs survey in December 2020 to collect information on housing needs from residents who might not have been able to participate in the online listening sessions. Lastly, three City Council presentations were made publicly viewable and recorded. These presentations, along with media reports about the Newburgh Housing Policy Report, helped to encourage residents to draft individual letter responses on draft versions of the policy framework. This final round of community input was then integrated into the report's final housing policy framework. Presented below is a summary of the findings from the community listening sessions and the survey.

Housing Survey

The Newburgh Housing Survey was administered during the months of December 2020 and January 2021. Made available online in both English and Spanish, the survey was broadly advertised on social media.

Most of the 192 respondents of the survey resided in Newburgh for more than 10 years (61%), with a large portion (36%) having lived in Newburgh from 2-10 years. By comparison, only a small percentage (3%) are new residents who have moved to the area within the last year. Almost half the respondents (48%) report that they have been residing in their current unit from between 2-5 years. Around a quarter of the residents have lived in their current unit for more than 10 years, with 16.5% reporting residing in their current unit from 5-10 years. There is a sizeable minority (9.5%) who have resided in their current unit for less than one year.

Most respondents (55%) are renters with most other respondents (38%) reporting to own their residences. It is important to note that 3% of respondents identify as homeless with 4% reporting that they live in some other housing situation like room sharing. There are numerous complaints from residents about the conditions of their housing with 47% of respondents reporting deterioration in their building façade, 44% reporting plumbing issues and 41.5% reporting electrical problems. Just over 40% report poorly maintained yards around their housing units. Almost 39% of respondents report the presence of mold within their units with 21% reporting poor ventilation. Around a quarter of respondents claim that their units have insufficient heating (28.5%) and a lack of air conditioning (24.5%). Many residents report a host of upkeep issues such as broken fixtures or appliances (29%), broken or missing windows (24%), and deteriorated steps. Interestingly, only 11% of respondents claim that their landlord was unreachable, but 16% report harassment from their landlords.

Almost 42% of residents report increased housing costs of less than 10%, and 39% of residents report increases of between 10-20%. Just over 19% report monthly housing costs increases of over 20%. These increases put a burden on many residents' financial position, with many residents (43%) reporting spending more than 40% of their income on housing costs. Just over 23% of respondents report between 30-40% of their income going to housing costs and 33% spend less than 30%.

Rental costs (40%) and property taxes (20%) create the largest economic challenges for residents of Newburgh. An overwhelming 77% of respondents report that they may leave the community because of housing costs. About 29% of respondents would like to move to another housing unit within Newburgh and 31% would like to find housing outside of the city. About half of the respondents are searching for single family houses. More than 85% of respondents are looking for apartments of various sorts, with 7.5% looking for studios, 20% looking for one bedrooms, 32.5% looking for two bedrooms, and 24.5% looking for three-bedroom units. About 40.5% of respondents would prefer to own and live in their own housing, while a smaller proportion (33%) are fine with renting.

Most residents report experiencing issues with their neighborhood including the presence of abandoned buildings (53%), deteriorated buildings (59.5%), and poor maintenance (51%). Crime is a large concern (55%) as well as the danger posed by high traffic volumes and reckless driving (45%). Employment opportunities (43%) are also reported to be a major challenge with a lack of educational opportunities (16%) compounding these issues. Respondents also observe an insufficient level of neighborhood resources including a lack of parking places (41.5%), lack of grocery stores (27%), lack of open space (21%), lack of community space (21%), and insufficient retail stores (28.5%).

Community Listening Sessions

The Leviticus Fund, in partnership with Kevin Dwarka LLC and Pace Land Use Law Center conducted four community listening sessions in September 2020. Stakeholders, community organizers, the City, and others assisted in promoting the event online and through email distribution. Below is a record of the housing needs that residents raised during the sessions. Housing needs have been grouped into four topic areas: (1) Housing Conditions (2) Housing Affordability (3) Housing Supply and (4) Neighborhood Vitality

Housing Conditions

- Apartments may still have lead paint thereby creating a health concern for families.
- The quality of affordable housing matters. The condition can be inhumane.
- Some folks say we have plenty of affordable housing, but the quality of this housing is paramount.
- Some housing is still in need of mold and lead abatement.
- Newburgh is clear on the responsibility of landlords to meet inspection requirements. Unfortunately, code enforcement can lead to condemnation, thereby leaving people homeless.
- People often fail to report situations that are condemnable because they do not want to lose their home. Fear of losing one's home is a reality of high-cost burdens.
- Working with outside contractors is not good. Residents need to be more involved with any housing put up.
- There is a decline in a landlord's ability to find renters with an income level appropriate for a property they want to rent.
- Employed applicants attempting to lease available housing units may not make enough money to be a safe rental prospect to the landlord.

NEWBURGH HOUSING NEEDS ASSESSMENT

- Under the current way that housing courts work, landlords are restricted in dealing with people who do not pay their rent. These tenants may include residents who may be low-income, but they may not qualify for rental assistance.
- Tenants face repercussions from landlords because they complained about housing conditions.
- The City of Newburgh has a set of regulations that plumbing and electrical work be done by a limited supply of contractors.
- There are challenges around preservation and new development. We need to preserve housing units but the changing market dynamic in Hudson Valley is driving up sales and rental prices.
- Code enforcement is an issue.
- Property managers are disregarding the newly adopted tenant protection laws. These laws are in effect, but they need to be used effectively.
- Residents do not have sufficient access to the courts to address housing condition concerns.
- There is a disconnect between landlords and renters. With poverty, there is sometimes this perception that landlords only do the bare minimum with regard to maintenance and upkeep, justifying lower standards on the basis that the housing is cost assisted. With rental assistance, the landlord may actually be getting the equivalent of fair market value for the rent but not providing fair market amenities.
- It is difficult to get in touch with landlords.
- Landlords own properties but they do not live in Newburgh.
- Buildings have leaks that need to be patched up and faucets that need to be replaced.
- There is a need for extermination.
- It is hard to get a landlord to accept temporary assistance as payment for rent.
- Landlord refuses to make repairs on plumbing (frozen pipes).
- Tenants do not have a place to turn to for legal advice and do not qualify for the legal services that are provided for low-income residents.
- Newburgh does not really have tenant associations.
- We may have information and data via Building Blocks but there needs to be education to make sure the data leads to actual physical improvements.

Housing Affordability

- People renewed their leases and rents went up but that was not supposed to be done.
- A lot of people searching for housing experience financial troubles paying for the application fee and security deposits.
- It is hard for housing seekers to find one-bedroom apartments at the fair market rent that they can afford.
- Finding low-income housing is hard.
- Keeping up with high taxes creates a burden for both property owners and renters.
- High taxes lead to deterioration of housing conditions.
- Renovations can lead to existing tenants to be priced out of that unit. They are no longer eligible for them.
- Housing is expensive.
- So many people are applying for low-income housing, but they fail to qualify in terms of income requirements and then left with nothing.
- Landlords insist upon a certain level of income.
- The fee to fill out a housing application is a barrier.
- Landlords are not after evicting people, but they are after their rent.

NEWBURGH HOUSING NEEDS ASSESSMENT

- The housing market is hot and there is a drive for housing stock in our area right now.
- There is no easy path to go from being a renter to becoming a homeowner (like coops or land trusts) without incurring all the costs of homeownership.
- Real impediment to affordability and homeownership is property taxes which can be as high as the mortgage and make it harder to rent out at affordable levels.
- Because homes are being purchased and then rented out, rents are astronomical. People cannot afford even renting home.
- 1BRs are \$1200 and up.
- Rents are high. They are Westchester rents. I can get an apartment for \$1100, but it may not be quality housing.
- Rent is rising even in senior citizen homes.
- Rent is rising by \$45 with each renewal.
- Senior housing stops being senior housing, forcing seniors to have to move in with their children.
- There is a migration of folks coming from New York City, and that is who landlords want to rent today.
- The volumes of people moving up and having cash readily available is astonishing.
- Lower income, middle-income households are challenged in obtaining first time home.
- Income level have either stayed flat or declined, and yet the cost of housing rises with rising fees, taxes, burdens in terms of compliance with ever changing regulations, making for a more complicated more charged relationship with those who want housing and those that are supplying housing.
- Renters need to understand that the cost of maintenance is horrendous for landlords. Plumbing is the highest cost of maintaining properties, especially 100-year-old properties. A renter may be employed and not pay rent in spite of receiving federal assistance. The landlord still has to pay water, taxes, school taxes. Landlord meets these costs by using retirement income.
- There is a high cost of houses because of gentrification.
- Residents with housing vouchers have housing voucher units have faced astronomical rent increases.
- There is a long-standing issue with affordability and pushing people out of their homes.
- Public utility rates are rising in Hudson Valley.
- There are intimidation tactics in which landlords attempt eviction without due process. Legal services may not find a resolution.
- Even if you grew up in Newburgh your whole life, you cannot find an apartment.
- There is a cycle in which roads get fixed up, housing costs rise, and people who have been in the community for a while get pushed out.
- New management companies are taking over properties in Newburgh. They are making apartments affordable but requiring prospective tenants to make considerably more than the rent and have high credit score.
- There is a certain stigma attached to affordable housing that is hard for us to name. It makes it hard for us to have a broader policy conversation. There are various needs for affordable housing. We need a framework that lays out those needs.
- There is a wide gap between Orange County AMI and Newburgh's AMI.
- The restrictions and rules with low-income housing are problematic. If a resident of a low-income housing unit makes more money, they may end up being penalized by having to pay more.

NEWBURGH HOUSING NEEDS ASSESSMENT

- The way landlords evaluate credit position and the application fee are barriers to housing.
- Some can only afford to rent rooms rather than a whole apartment.
- Abuse directed toward undocumented community is atrocious – residents are being charged for utilities they are not even using.
- Landlords overcharge undocumented residents by demanding security deposit, first month rent, last month rent.

Housing Supply

- The lack of small affordable units makes it challenging for singles and couples.
- We also need 2/3 bedrooms as well.
- There is a need for homeownership and affordable homeownership. The state is proposing a new source for homeownership that could perhaps be used in Newburgh.
- There is a challenge of making housing accessible for seniors and homeowners.
- Rental units are needed.
- Aging in place is hard.
- There is a lack of housing stock.
- There is not enough low-income housing.
- The burden on meeting regional housing needs is on Newburgh.
- There is lack of transparency in trying to obtain affordable buildings from the City of Newburgh.
- The City's disposition of City-owned properties does not let residents invest in homes in the way that they can.
- There is confusion in the process of obtaining and upholding a City-owned property.
- There is an 18-month requirement for renovating a City-owned building once acquired by a resident. This renovation can be hundreds/thousands of dollars.
- Non-profit organizations do not pay taxes.

Neighborhood Vitality

- The physical condition of streets is getting better.
- The City of Newburgh is helpful with the land use approval process.
- There are challenges of finding property owners of vacant property. This has been a challenge with our scattered site development.
- Landlords may have multiple LLCs and have a lot of land. We need to know which LLCs are attached to which person. We need to know who is responsible for taking care of the housing stock.
- Homeowners have challenges in keeping up their homes (putting on a roof, painting, etc). The City is not offering sufficient support for renovation.
- We have missed the boat on ensuring diverse housing.
- Need better transportation for seniors, including ways for seniors to get out on Sundays and need better communication with seniors on infrastructure upgrades
- In the school district, we see a lot of children who are homeless. They have had to get up early in the morning to be bussed into Newburgh from outside areas. The impacts of homelessness on family and children have been incredible.
- People have been here for generations and now they cannot afford to live here. This is a social emotional aspect that we have to address when we talk about housing security. We need to focus more on children and families.
- As much as we need affordable housing and jobs, we need wrap around services.
- Grocery stores are too far away and hard to reach by public transportation.

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- It is hard to get back and forth to Beacon.
- There is lots of turnover in the City of Newburgh.
- It is hard to get to employment opportunities through public transportation.
- There is no major corporate employer.
- There is not too much of a chance of people breaking into middle class, so you have to provide working class housing.
- We have to grapple with the legacy of urban renewal and segregation.
- Redlining is still happening and still going on.
- There is straight up discrimination in housing.
- Landlords refuse to rent to a single mother with low income.

The City of Newburgh

Throughout the year-long planning process, the City of Newburgh's Department of Planning & Development played an active role in helping the project team document housing needs by providing relevant documents, reviewing draft versions of the housing needs assessment, and connecting the project team to relevant department heads.

Newburgh City Council

Throughout the project, Newburgh's City Council was regularly informed of progress on the housing needs assessment and early versions of the Newburgh Housing Policy Framework. The project team conducted stakeholder interviews with most members of the Council. In addition, the project team appeared before Council at a work session held on April 8th. At this meeting, the preliminary policy themes, goals, and actions were presented to the Council with an invitation to them to provide further feedback and suggestions for improving the policy framework. The project team again appeared before Council on May 15th as part of a formal housing summit in which the Council Members reviewed the proposed housing policy actions and undertook an exercise in prioritizing them for future consideration.

The Newburgh Housing Coalition

The project team regularly attended the monthly housing coalition meetings, provided updates, made formal presentations, and collected feedback from coalition members on the plan's draft documents. The Coalition also played an active role in helping to distribute information from the Newburgh Housing Policy report to the broader community while also promoting the community listening sessions and housing needs survey.

Housing Stakeholders

Although the Newburgh Housing Coalition includes representation from a wide constellation of housing stakeholders, the project team also conducted extensive interviews with housing providers, both non-profit and private housing developers, community organizations, and representatives from Orange County. Two cycles of roundtables were held for housing stakeholders, one in August 2020 that was focused on housing needs assessment and a second cycle in March 2021 that was focused on reviewing draft housing policies. In addition, the project team attended special organizational meetings hosted by the Newburgh Strategic Economic Development Advisory Committee and the Newburgh Human Rights Commission.

SECTION III: EXISTING HOUSING POLICIES, PROGRAMS AND PROJECTS

This section summarizes some of the major policy frameworks, programs, and development projects that relate to housing in the City of Newburgh.

POLICIES AND REGULATIONS

Newburgh Comprehensive Plan (2008)

The housing section of the Plan-It Newburgh Sustainable Master Plan (the “Plan”) proposes solutions for a number of housing-related problems including weak housing infrastructure; absentee landlords; low homeownership rates; lack of affordability for low-income residents; stalled or nonexistent rehabilitation efforts for deteriorating structures; and lack of energy-efficient residential structures. The table below presents the Plan’s goals, targets, and strategies.

NEWBURGH PLAN-IT SUSTAINABLE MASTER PLAN HOUSING GOALS (2008)		
GOAL	TARGETS	STRATEGIES
#1: A continuum of housing opportunities, in terms of form, balance of ownership and rental and affordability will be provided and maintained to meet the present and future needs of residents. This continuum will include emergency and transitional housing, supportive housing, housing that meets the needs of individuals with all forms of mental, physical, and/or social special needs, public housing, affordable and market-rate housing.	<p>1. By 2009 the City will develop a ‘Continuum of Housing Plan’ which will be reviewed and revised every three years and, at minimum, will address the following:</p> <ul style="list-style-type: none"> -Current inventory of housing by affordability, type and scale. -Targets for ensuring on-going and continuing supply of varied housing options to meet the current and future needs of residents. <p>2. By 2010 the City will adopt a program which includes recommendations, incentives and requirements, to encourage development which addresses visitability and accessibility for the disabled.</p> <p>3. By 2016 no citizen of the city will be unsheltered except those individuals unsheltered by choice.</p> <p>4. A complete continuum of housing will be achieved by 2020.</p> <p>5. By 2020 approximately 10% of each census tract will contain permanent affordable and special needs housing opportunities.</p>	<p>1. Develop a Housing Consortium to assist in meeting the goals of the Continuum of Housing Plan, whereby the members of the consortium represent all levels of the Housing Continuum.</p> <p>2. Facilitate re-use of vacant, abandoned, tax delinquent and publicly owned properties to support the continuum of housing within areas designated for residential and/or mixed-use development. This shall include instances where land assemblages of City owned properties and residences on the market can be achieved.</p> <p>3. Provide assistance to interest groups, special needs groups, non-profit groups and the private sector to provide housing opportunities at each level of the housing continuum. Such assistance will include technical assistance, incentives and partnership arrangements.</p> <p>4. Develop an Accessibility/Visitability Program with input from the local design, construction and development community as well as members of the disabled community and their advocates that include required and recommended practices and incentives that are intended to improve access for individuals with disabilities.</p> <p>5. Seek educational programs and pursue grants that further efforts to meet the City’s continuum of housing needs.</p> <p>6. Advocate for continued supportive services provided by Orange County for individuals with special needs that place them at risk of homelessness.</p>

NEWBURGH HOUSING NEEDS ASSESSMENT

NEWBURGH PLAN-IT SUSTAINABLE MASTER PLAN HOUSING GOALS (2008)		
GOAL	TARGETS	STRATEGIES
		<p>7. Continue participating in the Orange County Continuum of Care Consortium.</p> <p>8. Explore the introduction of inclusionary zoning measures in larger development projects based on recommendations from the 'Continuum of Housing Plan'</p> <p>9. Promote the Fair Share Housing Doctrine to ensure equal access to housing opportunities is available throughout the city.</p>
#2: Newburgh's housing landscape supports the city's vision as a pedestrian friendly, livable, high quality and fully integrated community which is in harmony with the natural and cultural environment.	<p>1. By 2011 the size and number of zoning districts is balanced to accommodate all types of land use, including mixed-use development.</p> <p>2. By 2012 the City will develop a transportation plan that supports the city's vision for integrated neighborhoods by providing a variety of options regarding modes of transportation.</p>	<p>1. Encourage a variety of housing and mixed-use developments that aims to establish a balance between regional and community needs.</p> <p>2. Provide flexible zoning and land use ordinances that support a walkable, livable, high quality and fully integrated community (i.e., smart growth, new urbanism and sustainability principles). These modifications shall follow the adoption of the land use plan.</p> <p>3. Encourage development that efficiently uses sewer, water, transportation and all other infrastructure.</p> <p>4. Promote mixed use development to increase opportunities for working at home, living close to work and to encourage walking and cycling for local travel needs.</p> <p>5. Develop strategies that enable the housing landscape to maximize the protection and enhancement of the natural environment.</p>
#3. The existing stock of housing will be conserved, maintained, replenished and expanded. New housing supply will be encouraged through intensification and infill that is consistent with this Plan and architecturally	<p>1. The future land-use plan in 2009 shall assess where residential development can be accommodated at increased densities in appropriate areas.</p> <p>2. The 2010 Census reflects the upward population trend experienced</p>	<p>1. Areas for mid to high density infill development are identified based on their proximity to the Broadway Corridor and ability to bring vitality to the business district.</p> <p>2. Develop a comprehensive historic preservation strategy to address the economic, educational and housing impact of historic preservation.</p>

NEWBURGH HOUSING NEEDS ASSESSMENT

NEWBURGH PLAN-IT SUSTAINABLE MASTER PLAN HOUSING GOALS (2008)		
GOAL	TARGETS	STRATEGIES
sensitive to the surrounding environs.	<p>in 1990 and 2000, signifying increased investment in the City of Newburgh.</p> <p>3. By 2014 the number of vacant residential buildings in the City will be reduced by 75% from end of the year 2007 figures.</p>	<p>3. Revisit and, if appropriate, redefine the boundaries of the historic district in order to reassess properties and neighborhoods.</p> <p>4. Provide support for rehabilitation of homes in the Historic District by marketing the New York State Historic Homeownership Tax Credit program</p> <p>5. Ensure the maintenance and rehabilitation of existing housing stock through the enforcement of the City of Newburgh Zoning Ordinance. This shall not preclude the demolition of existing housing that has deteriorated to the point where it represents an irremediable safety or fire hazard.</p> <p>6. Create a "Youth Build Newburgh Campaign" to partner Newburgh's most at risk youth population with the trade unions to fast track their education and mentoring in the trade occupations.</p> <p>7. Develop innovative ownership alternatives to fee-simple homeownership and for-profit rentals, such as community land trusts, limited-equity condominiums and cooperatives.</p> <p>8. Encourage organizations to start home rehabilitation programs to combat abandoned and neglected property issues.</p>
#4: Harmonious uses are permitted within the city to increase efficiency and affordability for people to redevelop property consistent with the intent of this plan.	<p>1. By 2010 the zoning ordinance and other city land use regulations have been revised to facilitate rehabilitation of housing and other buildings.</p> <p>2. By 2008 design guidelines for the City's Historic and Waterfront Districts have been drafted and adopted.</p> <p>3. By 2008 the city's development approvals process is coordinated and explicit in order to facilitate construction efforts in the City.</p>	<p>1. Flexible codes and a more efficient permit process promote affordable housing and the redevelopment of historic properties.</p> <p>2. Revise zoning to support the subdivision of units that may cause economic hardship as solely single-family homes.</p> <p>3. Amend zoning to encourage consideration of a mix of housing types, density, and scale.</p> <p>4. Develop educational tools for property owners within the Historic District to understand the economic value of historic preservation and the approvals process involved in the rehabilitation of historic properties.</p> <p>5. Implement an educational and outreach program for property owners to understand and navigate the public approvals process (i.e., Architectural Review Commission, Zoning Board of Appeals).</p>

NEWBURGH HOUSING NEEDS ASSESSMENT

NEWBURGH PLAN-IT SUSTAINABLE MASTER PLAN HOUSING GOALS (2008)		
GOAL	TARGETS	STRATEGIES
#5: Assure long-term availability of affordable housing opportunities.	1. By 2010 the City has explored adopting affordable housing provisions into the ordinance which will establish a mechanism for creating and supporting permanently affordable housing opportunities.	<p>1. Take action to create housing units that are permanently affordable through the support of a Community Land Trust, cooperative housing, and other forms of local ownership.</p> <p>2. City owned properties, and properties that have been returned to the City by people who have failed to renovate the properties (the ‘reverters’) can be transferred to the Community Land Trust and other housing organizations to provide the housing units needed for permanent affordability.</p> <p>3. Explore options and create housing units that are permanently affordable through the use of methods including but not limited to inclusionary zoning ordinances, Community Land Trust, cooperative housing and other forms of local ownership.</p> <p>4. Assist non-profit housing providers to locate and acquire housing in neighborhoods where affordable housing is limited.</p>
#6: Empower residents to purchase and retain private market homes.	1. By 2040 70% of all single-family housing units will be owner occupied; 60% of all two-family homes will be owner occupied; 50 % of all three and four family dwellings will be owner occupied.	<p>1. Support home ownership for the working poor through programs in higher education and job creation that increases individual income.</p> <p>2. Provide incentives for existing landlords to implement rent to own programs for their tenants.</p> <p>3. Support a program in coordination with private and public employers to encourage employees to purchase homes in the city through grants, mortgage assistance program, or the sale of city properties (i.e., to St. Luke’s Hospital & Mount St. Mary’s homebuyer assistance program).</p> <p>4. Provide financial and technical support for the renovation of both rental housing and owner-occupied homes for income eligible residents.</p> <p>5. Expand the availability of Spanish language information about housing policy, programs, and opportunities.</p> <p>6. Build the capacity of nonprofit organizations engaged in housing and related services and/or community development through investments targeted at increasing their financial or professional capacity.</p>

NEWBURGH HOUSING NEEDS ASSESSMENT

NEWBURGH PLAN-IT SUSTAINABLE MASTER PLAN HOUSING GOALS (2008)		
GOAL	TARGETS	STRATEGIES
#7: All residents of Newburgh have safe, energy efficient homes that support preservation and sustainability of public health and the environment.	<p>1. By 2011 the City will adopt a program which includes requirements, recommendations and incentives to encourage the development of 'green' buildings.</p> <p>2. By 2015 the number of health and safety code violations pertaining to residential housing will be reduced by 10 compared to the number of violations in 2006.</p> <p>3. By 2015 the City of Newburgh will be recognized nationally as a city which integrates green building design principles with historic preservation.</p> <p>4. By 2020 the amount of fossil fuel consumed for residential heating in the City of Newburgh will be reduced by 20%.</p>	<p>1. A Green Building Program will be developed with input from the local design, construction and development community. The Program will include required and recommended practices and incentives that are intended to reduce life-cycle environmental impacts associated with the construction and operation of residential, commercial and municipal developments and major renovation projects in the city.</p> <p>2. Support the use of HOME, low-income housing tax credits and other applicable programs to stimulate rehabilitation of housing that are currently in a substandard condition.</p> <p>3. Work with private financial institutions to implement programs for Energy-Efficient Mortgages and Location – Efficient Mortgages encouraging homeowners to save energy and reduce commuting costs where possible.</p> <p>4. Implement an educational and outreach program to encourage energy efficiency practices. This will include the promoting of a shift to sustainable construction and development through leadership and partnerships.</p>
#8: Encourage and support housing development through a coordinated effort from all levels of government which implements a range of strategies including effective taxation, regulation, administrative policies and incentives.	<p>1. Recognizing housing as a regional issue, by 2011 the City will present the 'Continuum of Housing Plan' to the County to facilitate discussion regarding regional housing issues and enable the city to meet the goals of this plan.</p>	<p>1. Advocate for the establishment of an inter-municipal task force to develop joint policies and initiatives which address the housing needs of the area.</p> <p>2. Assist the County in the coordination of the Inter-municipal Task Force as a forum for sharing information on local housing strategies, identifying potential conflicts and developing ways to ensure that local housing plans effectively address current and future housing needs.</p> <p>3. Advocate for the development of a fair share housing strategy that supports the city's ability to meet the goals of this plan.</p> <p>4. Identify ways to work cooperatively with the County to deconcentrate low-income housing and help families move from subsidized housing to non-subsidized housing.</p>

Newburgh Zoning Code

Newburgh is made up of 12 traditional or form-based zoning districts, all of which govern land use development in the city, and 4 overlay districts. As noted in the tables below, almost all of the traditional and form-based districts permit residential usage, and all four of the overlay districts exist at least partially on top of traditional or form-based districts where residential use is permitted.

NEWBURGH HOUSING NEEDS ASSESSMENT

Zoning Districts in Newburgh		
Zoning Code	Summary Description of Zoning Code	Residential Uses Permitted
Traditional zoning districts		
R-1	Single-Family District	Yes
R-Low	Residential - Low-Density	Yes
R-Med	Residential - Medium-Density	Yes
R-High	Residential - High-Density	Yes
PO	Planned Office District	?
CD	Commercial District	Yes
CDD	Conservation Development District	Yes
IND	Industrial District	No
Form-based districts		
BC	Broadway Corridor	Yes
DN	Downtown Neighborhood	Yes
WG	Waterfront Gateway	Yes
PWD	Planned Waterfront District	Yes
Overlay districts		
EEH	East End Historic District Overlay	Yes
CTA	Colonial Terraces Architectural Design District Overlay	Yes
WPO	Waterfront Protection Overlay	Yes
NC	Neighborhood Commercial Overlay	Yes

Source: City of Newburgh Zoning Code

NEWBURGH HOUSING NEEDS ASSESSMENT

Types of Housing Permitted

Presented below are the types of housing units that are permitted in the Newburgh zoning districts permitting residential use.

Type of Housing Units Permitted in Newburgh Zoning Districts											
Residential Use	R-1	R-Low	R-Med	R-High	CD	NC	CDD	BC	DN	WG	PWD
Apartment house			P*	P		P*	P*	P	P*	P*	P*
Four-family dwelling			P	P*		P*	P*	P	P*	P*	P*
Two- or three-family dwelling		P*	P	P			P*	P	P	P*	P*
Row or attached dwelling (townhome)		P*	P				P*		P	P*	P*
Two-family detached dwelling		P*	P	P			P*		P	P*	
One-family detached dwelling	P	P*	P	P			P*		P	P*	P*
Residential care facility			S	S			P*	P	P	P*	P*
Cooperative house		P	P	P				P	P	P*	P*
Accessory apartment	A;S	A	A	A							
Bed-and-breakfast		A;S	A;S	A;S			A;S	A;S	A;S	A;S	A;S
Short-term in-home lodging	A;S	A	A	A			A;S	A	A	A	
Boardinghouse		S	S								
Customary home occupation		A;S	A;S	A;S			A;S	A;S	A;S	A;S	A;S
Rooming house					S			S	S	S	S
Mixed use with residential			P*	P*				P*	P*	P*	P*
Live/work			P*	P*				P*	P*	P*	P*

Note: P stands for permitted; P* stands for permitted, subject to plan review; S stands for permitted by special use permit; A stands for permitted as a use accessory.

NEWBURGH HOUSING NEEDS ASSESSMENT

Dimensional Standards for Single Family and Low-Density Residential Districts

The table below summarizes the dimensional standards for residential development within Newburgh's Single-Family District (R-1) and Low-Density Residential District (R-Low):

Newburgh R-1, R-Low Districts: Schedule of Bulk, Area and Parking Regulations											
Use	Use Type	Min. Area Lot (ft²)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Yard (ft.)	Min. Side Yard Each (ft.)	Min. Rear Yard (ft.)	Max. Height (stories)	Max. Height (ft.)	Max. Lot Coverage (%)	Off-Street Parking Required (number of spaces)
One-family detached dwelling; two- or three-family dwelling (new construction)	P*	2,500	25	95	15	10	20	3	40	30%	2 per dwelling unit
Row or attached townhouse	P	2,500	25	95	10	5	20	3	40	40%	1 per dwelling unit
Two- or three-family dwelling within a preexisting building	P*	2,500	25	95	15	10	20	3	40	30%	2 per dwelling unit
Residential care facility	S	2,500	25	95	10	5	20	3	40	30%	Determined by Planning Board
Cooperative house	P	2,500	25	95	15	10	20	3	40	30%	2 per 3 bedrooms or portion thereof
Bed-and-breakfast	A;S	2,500	25	95	10	5	20	3	40	30%	1 per guest room; 1 for dwelling unit
Boardinghouse	S	3,500	30	80	10	5	20	3	40	40%	2 per 3 bedrooms or portion thereof
Home occupation/home professional office	A;S	2,500	25	95	15	10	20	3	40	30%	Dwelling unit requirement plus 1 per nonresident employee

Note: P stands for permitted; P* stands for permitted, subject to plan review; S stands for permitted by special use permit; A stands for permitted as a use accessory.

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Dimensional Standards for Medium-Density Residential District

The table below summarizes the dimensional standards for residential development within Newburgh's Medium-Density Residential District (R-Med):

Newburgh R-Med District: Schedule of Bulk, Area and Parking Regulations											
Use	Use Type	Min. Area Lot (ft ²)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Yard (ft.)	Min. Side Yard Each (ft.)	Min. Rear Yard (ft.)	Max. Height (stories)	Max. Height (ft.)	Max. Lot Coverage (%)	Off-Street Parking Required (number of spaces)
Apartment house	P*	1,800 per dwelling unit	45	80	10	10	20	4	45	50%	0.75 per bedroom
One-family detached dwelling; two- or three-family dwelling (new construction)	P	2,500	25	95	10	5	20	3	40	30%	2 per dwelling unit
Row or attached townhouse	P	2,500	25	95	10	5	20	3	40	40%	1 per dwelling unit
Two-, three-, or four-family dwelling within a preexisting building	P	2,500	25	95	10	5	20	3	40	30%	1 per dwelling unit
Residential care facility	S	2,500	25	95	10	5	20	3	40	30%	As determined by Planning Board
Cooperative house	P	2,500	25	95	10	5	20	3	40	30%	2 per 3 bedrooms or portion thereof
Bed-and-breakfast	A;S	2,500	25	95	10	5	20	3	40	30%	1 per guest room; 1 for dwelling unit
Boardinghouse	S	3,500	30	80	10	5	20	3	40	40%	2 per 3 bedrooms or portion thereof
Home occupation/home professional office	A;S	2,500	25	95	10	5	20	3	40	30%	Dwelling unit requirement plus 1 per nonresident employee
Live/work	P*	2,500	25	95	10	5	20	3	40	40%	2
Nursing home	S	15,000	100	150	0	10	20	6	60	55%	1 per 4 beds, or as determined by City Planning Board

Note: P stands for permitted; P* stands for permitted, subject to plan review; S stands for permitted by special use permit; A stands for permitted as a use accessory.

NEWBURGH HOUSING NEEDS ASSESSMENT

Dimensional Standards for High-Density Residential District

The table below summarizes the dimensional standards for residential development within Newburgh's High-Density Residential District (R-High):

Newburgh R-High District: Schedule of Bulk, Area and Parking Regulations											
Use	Use Type	Min. Area Lot (ft ²)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Yard (ft.)	Side Yard Each (ft.)	Min. Rear Yard (ft.)	Max. Height (stories)	Max. Height (ft.)	Max. Lot Coverage (%)	Off-Street Parking Spaces Required
Apartment house	P	500/unit	30	70	0	10	20	6	60	55%	0.75 per bedroom
Two-, three-, or four-family dwelling within a preexisting building	P	2K	20	70	0	5	20	4	45	55%	As determined by City Planning Board
One-family detached dwelling; two- or three-family dwelling (new construction)	P	2K	20	70	0	5	20	3.5	45	55%	None
Residential care facility	S	2K	20	70	0	5	20	4	45	55%	0.33 per bedroom (or as determined by City Planning Board)
Cooperative house	P	2K	20	70	0	5	20	4	45	55%	None
Bed-and-breakfast	A;S	2K	20	70	0	5	20	4	45	55%	1 space per guest room (in addition to those required for dwelling unit)
Home occupation/home professional office	A;S	2K	20	70	0	5	20	4	45	55%	0.33 per nonresident employee, in addition to dwelling unit requirement
Live/work	P*	2K	20	70	0	5	20	4	45	55%	2
Hotel/motel	P*/P	7.5K	75	100	0	20	20	4	45	60%	1.0 per room, plus parking for accessory uses
Nursing home	S	15K	100	150	0	10	20	6	60	55%	1 per 4 patient beds, or as determined by City Planning Board

Newburgh Fair Housing Policy

The City of Newburgh does not have an updated fair housing law or a system for enforcing local, state, or federal fair housing laws. Adopted in 1983, Section 38 of the Newburgh City Code establishes a city policy for providing fair housing. The code renders unlawful discriminatory practices on the basis of race, color, religion, sex, or national origin. However, the code does not reflect the evolution of federal and state fair

housing laws to include a wide spectrum of protections that render illegal discrimination based upon the above factors but also other ones including family status (children under 18 in a household), disability (mental or physical), creed, age, sexual orientation, marital status, military status, gender identity or expression, and source of income.

In 1991, Newburgh's City Council established the Human Rights Commission. The Commission does not maintain a dedicated office within the City of Newburgh, investigate complaints, conciliate or mediate cases.

PROGRAMS

Social Service Programs

The City of Newburgh does not provide direct social services. Instead, services are largely provided largely from non-profit organizations, often in coordination with Orange County Social Services Department. However, City of Newburgh residents form a significant proportion of the social service clients in Orange County. Moreover, the City of Newburgh is eligible as an entitlement community for federal funding programs such as the Community Development Block Grant or monies disbursed under the CARES Act. Service providers in Newburgh include:

- Orange County's Economic Independence Division: provides financial assistance to families and individuals through a range of programs including Medicaid, SNAP, Temporary Assistance, and Home Energy Assistance Program.
- Orange County Social Services Department: provides childcare assistance to low-income parents receiving public assistance
- Catholic Charities: provides case management services, substance abuse counseling, and mental health services at its Newburgh clinic.
- Newburgh Interfaith Project Life: provides case management and childcare for clients in transitional housing as well as clients who have transitioned into permanent housing through the Rapid Rehousing program.
- Cornerstone Family Healthcare: provides healthcare to patients regardless of their ability to pay.
- Newburgh Ministries: provides case management services to clients housed at Winterhaven homeless shelter; provides peer coaching to help low-income individuals and families build economic resiliency through the Fragile Economies Project supported by the Empire State Poverty Reduction Initiative; operates mobile medical services in partnership with Cornerstone Family Medical Center; operates a hospitality center providing counseling, daycare services, and phone access.
- Independent Living / Independent Home Care: provides supports and services to individuals and families including physical health, mental health, substance use disorder, and developmental challenges.

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- Fearless Hudson Valley: aids victims and survivors of interpersonal violence, human trafficking and sexual violence, and other types of crime victimization.
- RECAP: provides wide range of social services including assistance securing public benefits; obtaining personal documents; managing re-entry of formerly incarcerated persons into society; and operates a youth anti-violence program. Also provides employment support and training including resume writing, job readiness and training, post-employment services, and job development.
- Safe Harbors of the Hudson: provides supportive services to tenants of a supportive housing project on Broadway.

Homeless Programs

The City of Newburgh's homeless population can access housing through Orange County's Department of Social Services and a network of several non-profit organizations. Services include:

- The Housing Resource Center: A collaborative effort of the Orange County Department of Social Services and Catholic Charities of Orange, Sullivan, and Ulster. the Center helps people experiencing an emergency housing situation locate housing options and manages an after-hours hotline.
- Newburgh Interfaith Project Life: Operator of transitional housing shelter and permanent housing (184 First Street) for low-income single parents with one child; assistance in placing clients in permanent housing through Rapid Rehousing Program.
- Newburgh Ministries: Operator of the 19-bed Winterhaven transitional housing facility (9 Johnston Street) and a 31-bed warming station (104 South Lander Street) that is owned by the City of Newburgh; there are no other warming stations are located within the City of Newburgh.
- Perfect Room RJR LLC: Single-room occupancy hotel (222 Broadway)

Newburgh's homeless facilities have reached capacity. When there is not room at an available shelter, Orange County will opt to place a homeless individual in a motel. Expanding the total number of beds in Newburgh as well as an expansion of the Rapid Rehousing program could help reduce the number of unsheltered people in the City and permanently end the cycle of homelessness experienced by the City's most vulnerable populations.

Eviction Prevention Programs

One of the greatest contributors to homelessness is the eviction of a tenant who lacks the financial resources and personal relationships to find alternative shelter upon the loss of a home. The anticipated suspension of COVID-related moratoriums on eviction claims is widely expected to introduce a new set of vulnerabilities for low-income residents unable to pay their rent. Three pathways to preventing eviction are (1) financial counseling (2) rental assistance and (3) legal representation.

Newburgh Ministries provides financial counseling through the Fragile Economies Project. However, there is no other client-based eviction prevention program provided within the City of Newburgh. The

NEWBURGH HOUSING NEEDS ASSESSMENT

Newburgh Housing Authority does not provide a Family Self-Sufficiency Program, a federally funded program that is aimed at removing dependency on public assistance as well as averting evictions.

Rental assistance is provided by Orange County Department of Social Service. The recent award of \$500,000 to the City of Newburgh under the CARES Act includes money for rental assistance to prevent eviction and homelessness.

Legal representation and mediation services for tenants facing an eviction claim is provided by the non-profit organization Legal Services of Hudson Valley. However, the organization's services are limited in scope due to capacity constraints. No other organization in Newburgh provides free legal representation or mediation services in an eviction claim.

Housing Choice Voucher Program

Newburgh Housing Authority manages the Housing Choice Voucher Program. This program provides housing assistance to eligible low- and moderate-income families. This program enables families to obtain decent, safe and sanitary housing by subsidizing a portion of each tenant's monthly rent. This subsidy is paid directly and promptly to the property owner on a monthly basis. Any type of private rental housing that meets applicable health, safety and habitability standards is eligible. Single-family dwellings, high-rise buildings, townhouses, and congregate housing units are eligible.

Newburgh Housing Authority calculates the amount of assistance each family receives. The level of assistance is based on family size and income. A family is expected to pay approximately thirty (30) percent of its income towards rent. When a family finds a unit and signs a lease, the Newburgh Housing Authority signs a Housing Assistance Payments Contract with the owner. Each month the Newburgh Housing Authority makes housing assistance payments directly to the owner. Vouchers may be used in the City of Newburgh, the Town of Newburgh, and parts of New Windsor.

Community Capital Affordable Housing Remediation Fund

In 2015, in order to encourage developers to invest more readily in building remediation in Newburgh, Community Capital New York, through their Feasibility Fund and in partnership with the City of Newburgh and the Newburgh Land Bank, launched a Remediation Fund. The Fund's first initiative was to provide loans of up to \$5,000 to developers to put towards the costs of lead and asbestos inspections for residential properties in need of rehabilitation. If the inspections found that rehabilitation of the property would be financially infeasible, the loan would be forgiven; if the inspections find that rehabilitation of the property for the purpose of developing affordable residential units is feasible, then developers would repay the loan at the close of construction financing.

The second initiative of the Remediation Fund was its Remediation Grants, which would be given to buildings found after inspections to not be economically viable but still structurally or culturally important to area redevelopment. The maximum amount for remediation grants would be determined by Community Capital, in consultation with community leaders. Properties eligible for loans or grants were those located in an area bounded by South Street, Broadway, Liberty Street, or Carpenter Street; priority will be given to properties on North Miller Street, Lutheran Street, and Lander Street. All affordable housing units developed with the help of the Remediation Fund would be reserved for households at or below 80% AMI.

In order to ensure not only adequate funding but also adequate experience in the realm of affordable housing development, the initiative partnered with both private and non-profit organizations. Its lead sponsor was J.P. Morgan Chase & Co. Other participating sponsors include Walden Savings Bank, Orange County Trust Company, Hudson Valley Federal Credit Union, KeyBank, M&T Bank, and TD Charitable Foundation.

PROJECTS

Alembic's 2 Montgomery Street Proposal

In response to a 2017 RFP released by Newburgh's Department of Planning and Development, Alembic Community Development proposed a plan to transform the 1.8-acre vacant parcel at 2 Montgomery Street into a residential and commercial space comprising: 84 mixed-income residential units with rents ranging from \$972 to \$3,143 per month, 56 supportive housing units with rents ranging from \$190 to \$380 per month, 18,690 square feet of commercial space (for storefronts, etc.), and rooftop gardens.

The plan also proposed restoration of the Dutch Reformed Church at 132 Grand St. in order to ultimately repurpose it as some sort of community space, as well as the rehabilitation of the long-dilapidated City Club at 120 Grand St., which would then be used as both a commercial and residential space, housing eight apartments on its upper level.

The 84 mixed-income residential units at 2 Montgomery Street were to be reserved for households earning between \$53,922 per year and \$122,980 per year, and were to be a mix of studios, one-bedrooms, two-bedrooms, and three-bedrooms. The supportive housing units were to be reserved for those in more dire need of housing and support.

In order to fund the \$70 million project, Alembic planned to partner with an assortment of federal and state programs for middle-income and low-income housing and would potentially seek a PILOT agreement starting at \$300,000 a year and rising 2 percent annually. In October 2018, Newburgh City Council voted to terminate Alembic's proposal.

Wireworks Building (109 South William Street)

The former spring factory located at 109 South William Street was purchased by the City of Newburgh in 2017. The City then put out an RFP to redevelop and repurpose the vacant building. In April 2018, Newburgh selected a proposal from BOM Newburgh LLC, a collaboration between Baxter Building Corp., 'Wichcraft co-founder Sisha Ortúzar, and design and architecture studio Mapos. The proposal outlines a \$2.7 million project that intends to turn 109 South William Street into a mixed-use building with seven bi-level loft apartments; two live/work artist studios; a 2,500 square foot commercial space for both retail and restaurant uses; an adjacent 675 square foot space that opens onto an exterior courtyard; and the BEAHIVE Newburgh, a shared community workspace with rentable suites and offices.

Mill Street Housing Mid-Broadway Project

In 2012, Newburgh approved a plan by Magnusson Architecture and Planning (MAP) on behalf of Mill Street Partners to construct 91 affordable housing units in a vacant city-owned property on Mid-Broadway. The units were to be a mix of studios, one-bedrooms, two-bedrooms, and three-bedrooms, while the ground floor of the structure was to contain office spaces and 14,000 square feet of retail space. The building was also to house a number of green initiatives, such as solar panels and a high-efficiency HVAC system. Mired in administrative delays and litigation, the project has not moved forward.

RUPCO Newburgh Progress

In March 2019, RUPCO, in partnership with Blacc Vanilla Community Foundation, Bridges of New York, Center of Creative Education, Habitat for Humanity of Greater Newburgh, and the Newburgh Community Land Bank, announced Newburgh Progress, an initiative to develop, through a mixture of new construction and revitalization of existing historic structures, 62 affordable housing units. The units are planned to be developed at 24 different Newburgh addresses in the historic East End district, in a four-block radius of Broadway, South Street, DuBois Street, and Grand Street.

Fifteen of these apartments would be reserved for households making 30% AMI; 26 would be reserved for households making 50% AMI; 10 would be reserved for those making 60% AMI; and 10 would be reserved for those making 60-70% AMI.

This initiative also aims to target and enhance community wealth-building by rehabilitating the former First United Methodist Church for community usage and by transforming a vacant school building into a community center offering job training, daycare, and community services and events. The project is expected to generate 217 construction jobs during its development and 12 permanent jobs upon its completion.

SECTION IV: SUMMARY OF HOUSING NEEDS

Based on the information presented in the preceding sections, the project team identified three core kinds of interlocking housing needs: Equity, Livability, and Vitality. These three types of needs were designated as the building blocks for drafting new housing policies, actions, and implementation steps.

EQUITY NEEDS

The quantitative data on housing cost burden levels in tandem with information collected from residents through the survey and community listening sessions highlights the degree to which housing affordability is a major concern for many residents. The escalation of housing values and rents both before and during the Covid-19 pandemic have led many residents to fear that they will be displaced from their homes as a result of market pressures and the acquisition of the housing stock by newcomers and outside investors. Meanwhile, demographic data shows significant racial disparities with regard to income levels and levels of homeownership. These disparities are further compounded by the relatively limited supply of multifamily and affordable housing in Orange County, thereby creating broader spatial patterns of racial segregation with far-reaching impacts not only on housing access but also job opportunities and economic mobility. Although renters face an especially high level of challenge in finding and maintaining affordable housing, Newburgh's homeowners are also cost burdened in part because of property taxes. Given the continuing financial strain that Newburgh residents are experiencing with housing costs, a greater supply of affordable housing alongside social services, homelessness prevention, eviction prevention, and fair housing enforcement would help heal some of the enduring inequities and racial disparities that have persisted for decades. Meanwhile, proactive efforts toward diversifying and strengthening the City's tax base are essential in order to ensure that existing homeowners are not unduly burdened while also creating new pathways for local residents to become homeowners.

LIVABILITY NEEDS

In recent years, many distressed residential buildings in Newburgh have been rehabilitated and placed back into productive use as a result of redevelopment strategies undertaken by the City of Newburgh, the Newburgh Land Bank, Habit for Humanity, and RUPCO. However, the information collected from the City, stakeholder interviews, and residents suggests that habitability issues are persisting for much of Newburgh's aging housing stock. The City's efforts to improve code enforcement procedures merit continuation and expansion alongside new programs and coordination efforts that will incentivize both tenants and landlords to work collaboratively on the physical improvement of buildings.

VITALITY NEEDS

The housing needs assessment revealed the importance of linking housing policy reform with broader economic development and neighborhood revitalization initiatives. While housing cost burdens are driven in part by rising rental costs and property tax burdens, relatively low-income levels and multi-generational poverty have made it difficult for many residents to pay market rents or build wealth through homeownership. The absence of a coordinated strategy aimed at increase tax revenue from commercial development places an increased burden on residential property owners and makes homeownership more elusive for long-time renters. Advancing strategies for redeveloping Newburgh's underutilized commercial properties and devising new pathways toward affordable homeownership could help improve the vitality of the City's neighborhoods while also strengthening residents' shared sense of community, inclusion, and opportunity.



NEWBURGH HOUSING REPORT

WORKING PAPER II: HOUSING POLICY FRAMEWORK

JUNE 4TH, 2021



LEVITICUS FUND

Faith Capital For Building Communities



Kevin Dwarka LLC
Land Use & Economic Consulting



ACKNOWLEDGMENTS

The Newburgh Housing Report is a multi-disciplinary planning initiative aimed at evaluating current housing needs in the City of Newburgh and stimulating new thinking about the city's long-term housing policies. The report was completed thanks to a generous grant from the JP Morgan Chase Foundation and managed by a not-for-profit community development loan fund, the Leviticus 25:23 Alternative Fund ("Leviticus Fund").

Kevin Dwarka LLC, a land use and economic consulting practice in New York City, was engaged to lead the technical aspects of the report with additional policy expertise and community engagement services provided by Pace Land Use Law Center.

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INTRODUCTION

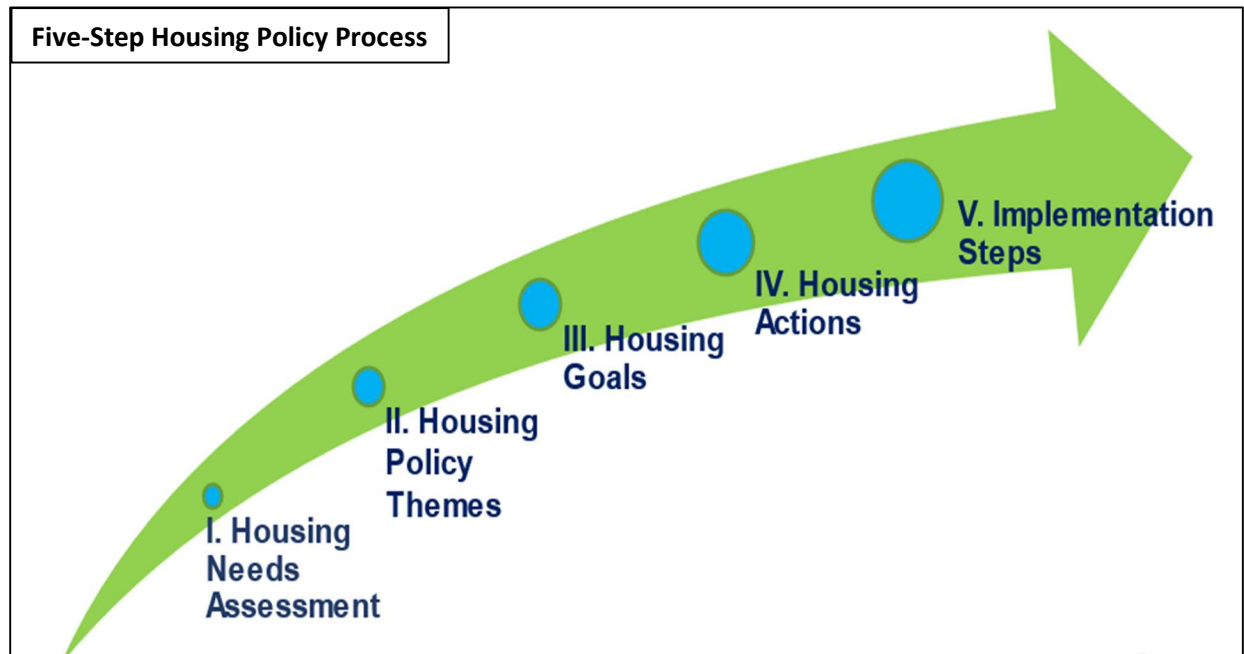
As the second of two working papers comprising the Newburgh Housing Report, this document outlines policy themes, goals, and actions that could potentially shape the City of Newburgh's long-term strategy for meeting local housing needs. This document is supported by three appendices:

- **Appendix A** offers a plan for implementing the proposed actions in three phasing sequences.
- **Appendix B** presents a selection of case studies and best practices that can help guide the transformation of the proposed actions into concrete programmatic, regulatory, and operational changes.
- **Appendix C** represents a dynamic, in-progress, implementation tracker that the City's housing stakeholders are invited to use as an editable tool for refining implementation steps, assigning responsible parties, identifying funding opportunities, and tracking progress on key actions.

This outline follows the completion of Working Paper I, an extensive housing needs assessment that included a review of existing housing policies, programs, and projects; presentation of demographic, housing, and economic trends; and a summary of the community engagement process. That analysis revealed the importance of advancing policy changes that ensure social equity, promote livability, and advance vitality.

STRUCTURE OF THE POLICY FRAMEWORK

The graphic below illustrates the five-step process that defines the formation and implementation of the policy framework. As mentioned above, the project team began the policy-making process by conducting a comprehensive housing needs assessment. The findings, both qualitative and quantitative, from this assessment were then used to define three core policy themes. Within each theme, a set of housing goals were developed and refined with extensive input from residents and housing stakeholders. Concrete actions were then attached to each goal. The policy themes, goals, and actions were drafted to serve as the housing element of the City's comprehensive plan. The specific steps required to implement the actions are presented in Appendix C. It is expected that these implementation steps will continue to be refined by the City's leadership in lockstep with its diverse housing stakeholders and ongoing community input.



POLICY THEMES

The housing needs assessment suggested the need for policies organized into three interlocking themes: Vitality, Livability, and Equity.

EQUITY

Equity encompasses the affordability of a city's housing stock to residents of all income, the racial and economic integration of neighborhoods, and the protection of all residents from housing discrimination of all kinds. Discussions regarding a community's housing policy frequently devolve into a debate over affordable housing with polarized camps holding vastly divergent views on the definition of "affordable housing" and its perceived impacts. An equity framework moves past this stalemate by examining the full spectrum of housing inclusion issues and presenting an expansive set of housing choices at all price points and levels of tax burden. A housing equity lens also considers the ways that regional market forces and the land use regulations of other localities affect access to affordable high-quality housing and compliance with federal and state fair housing laws.

LIVABILITY

Livability relates to the physical condition of a housing unit including the quality of its interior spaces, maintenance of its facades, delivery of utility services, and insulation from pests, pollutants, and mold. Livability is shaped by a locality's code enforcement practices, public health regulations, rehabilitation incentives, and building practices. Livability is also affected by the communication linkages between landlords and tenants so that rights and responsibilities are sensibly shared while building defects are resolved amicably and efficiently. Achieving livability requires overcoming the legal and administrative barriers to high quality housing conditions.

VITALITY

Vitality refers not only to quality of life within a housing unit but the overall physical, fiscal, and cultural health of the surrounding neighborhood. A vital neighborhood is comprised of an engaged and diverse community enjoying cultural centers, community spaces, parks, healthcare resources, neighborhood services, retail goods, and pathways to homeownership and local entrepreneurship. Housing policies sometimes focus singularly on the housing stock while neglecting the myriad ways that neighborhood vitality shapes the way communities experience their homes and directly affects their feelings of inclusion, opportunity, and mobility. But housing needs must be understood in relation to neighborhood needs.

POLICY GOALS

The graphic below shows the housing goals that are attached to each of the three housing policy themes.

1. Equity	2. Livability	3. Vitality
<p>GOAL 1A: PREVENT DISCRIMINATION AND DISPLACEMENT</p> <p>GOAL 1B: PREVENT HOMELESSNESS</p> <p>GOAL 1C: REDUCE HOUSING COSTS</p> <p>GOAL 1D: PRESERVE AND EXPAND AFFORDABLE HOUSING SUPPLY</p>	<ul style="list-style-type: none"> • GOAL 2A: REFORM CODE ENFORCEMENT PROCESS • GOAL 2B: HELP BUILDING OWNERS REHAB THEIR BUILDINGS • GOAL 2C: INVOLVE TENANTS IN IMPROVING HOUSING CONDITIONS 	<ul style="list-style-type: none"> • GOAL 3A: LINK HOUSING POLICY TO ECONOMIC DEVELOPMENT • GOAL 3B: IMPROVE HOMEOWNERSHIP OPPORTUNITIES • GOAL 3C: IMPROVE COMMUNITY CONNECTIONS

POLICY ACTIONS

Presented below are the actions associated with each theme's associated set of policy goals.

POLICY THEME I: EQUITY

GOAL 1A: PREVENT HOUSING DISCRIMINATION, RACIAL SEGREGATION, AND DISPLACEMENT

ACTION 1A1: Document the City's Experience with Urban Renewal, Displacement, and Segregation

Like many American cities subject to state and federal urban renewal policies, the City of Newburgh experienced the demolition of its waterfront district during the 1960s. The erasure of this part of Newburgh also resulted in the displacement of a significant number of African American households and businesses. Meanwhile, the process of suburbanization accelerated racial segregation in Orange County, leading to the contemporary bifurcation of the region by race and class. The full effects of urban renewal and its long-term effect on land use patterns, demographic composition, and racial disparities has been documented by media stories as well as a few academic papers. However, the lived experience of Newburgh's residents most adversely affected by urban renewal and systemic racism has not yet been fully told. The records of urban renewal are archived and available for analysis. The information should be packaged in a multi-media format that highlights the stories and experiences of displaced Newburgh residents in their own words.

ACTION 1A2: Update the City's Fair Housing Laws & Enforcement Mechanisms

The City of Newburgh does not have an updated fair housing law or a system for enforcing local, state, or federal fair housing laws. Adopted in 1983, Section 38 of the Newburgh City Code establishes a City policy for providing fair housing. The code renders unlawful discriminatory practices on the basis of race, color, religion, sex, or national origin. However, the code does not reflect the evolution of federal and state fair housing laws to include a wide spectrum of protections that render illegal discrimination based upon the above factors but also other ones including family status (children under 18 in a household); disability (mental or physical); creed; age; sexual orientation; marital status; military status; gender identity or expression; and source of income. Revising the City Code and Local Laws to ensure alignment with current fair housing policies is not an onerous undertaking whereas developing a local enforcement mechanism would constitute an ongoing administrative and financial burden for the City. However, the appointment of a multi-lingual local point of contact, perhaps through a non-profit organization, would significantly help residents access legal support in instances of housing discrimination.

ACTION 1A3: Partner with Orange County on Regional Affordable Housing Plan

Relative to other localities within Orange County, the City of Newburgh carries a significantly greater share of multi-family and income restricted housing. Less than 22% of Orange County's housing stock includes residential buildings with more than 2 units compared to 43% of the City of Newburgh's housing inventory. Part of this disparity is attributable to the higher building densities within the City of Newburgh. However, these densities are also the product of single-family zoning that prevails throughout much of Orange County, hinders the development of lower-priced rental apartments, and perpetuates racial segregation. Currently, the City and County coordinate on affordable housing needs through the Continuum of Care programs and community development initiatives. In order to ensure that the region's affordable housing needs are met through a variety of localities and undo racial segregation, the City of Newburgh should also work collaboratively with Orange County Planning Department on a regional affordable housing plan.

GOAL 1B: PREVENT HOMELESSNESS

ACTION 1B1: Improve Coordination and Information Sharing Between the City, County, and Social Service Providers for Programs Targeting Newburgh's Most Vulnerable Populations

The City of Newburgh does not provide direct social services to its most vulnerable population. Instead, services are provided largely from non-profit organizations, sometimes in coordination with Orange County Social Services Department. These entities collaborate through the Newburgh Housing Coalition and the Orange County Continuum of Care / Housing Consortium. In spite of these coordinating bodies, the various entities involved with social service delivery do not all share the same information regarding community needs, client housing arrangements, service availability, and funding programs. One way of improving coordination would be to generate regularized reporting on social service needs through a monthly data dashboard similar to the one that was created under the New York State's Community, Opportunity, Reinvestment (CORE) initiative.

ACTION 1B2: Strengthen and Expand Eviction Prevention Programs

The anticipated suspension of COVID-related moratoriums on eviction claims is widely expected to introduce a new set of vulnerabilities for low-income residents unable to pay their rent. In year 2019, prior to the onset of COVID and the moratoriums, the total number of landlord-tenant cases filed in Newburgh City Court was 785, of which 668 cases were related to the non-payment of rent. Widening the scope of the financial counseling in tandem with increased access to rental assistance and legal representation could help reduce incidents of eviction leading to homelessness.

ACTION 1B3: Expand Shelter Facilities and Permanent Housing for Newburgh's Homeless and Most Vulnerable Populations

The City of Newburgh's homeless population can access housing through Orange County's Department of Social Services and a network of several non-profit organizations. Newburgh's homeless facilities have reached capacity. When there is not room at an available shelter, Orange County will opt to place a homeless individual in a motel. Due to the limited supply of affordable rental housing within the City of Newburgh, finding permanent housing for homeless individuals is also challenging. The City should build more housing including shelter beds as well as permanent housing for vulnerable populations.

GOAL 1C: REDUCE HOUSING COSTS

ACTION 1C1: Reduce Property Taxes for Homeowners

Newburgh homeowners have experienced rising taxes, which increased sharply during the recent reassessment process. One way of reducing the homeowner tax burden is to diversify the tax base with more commercial development. The City should also analyze the potential for a broader range of administrative and fiscal changes to reduce residential property taxes including consolidated services, income taxes, tax break programs for homeowners, and vacant property taxes.

ACTION 1C2: Evaluate City's Eligibility for Adopting Rent Stabilization

The City of Newburgh has not yet invoked rent stabilization as possible under the 1974 New York State Emergency Tenant Protection Act that was amended under the Housing Stability and Tenant Protection Act of 2019. Although Newburgh has a sizeable inventory of older housing units, only a limited number of units would likely be eligible for the program. Based on 2018 American Community Survey census data, at least 82% of Newburgh's total housing units would be completely ineligible for rent stabilization due to their location in buildings with a small number of units. Of the units potentially eligible for rent stabilization, the pool of qualifying buildings could be even smaller if certain eligible building were not built before 1974 or if it is already covered by another governmental housing program. Nonetheless, a vacancy analysis and building inventory should be undertaken in order to ascertain the City's eligibility for rent stabilization given the measure's potential to preserve rental affordability, avert unfair evictions, and ensure code compliance for selected buildings.

ACTION 1C3: Evaluate Procedures for Existing Rental Assistance Programs

Newburgh Housing Authority and Pathstone manage the Housing Choice Voucher Program. This program provides housing assistance to eligible low- and moderate-income families. This program enables families to obtain decent, safe and sanitary housing by subsidizing a portion of each tenant's monthly rent. Under

federal COVID-19 relief monies, a greater pool of Newburgh residents will be able to receive rental assistance. The exact procedures for determining eligibility for rental assistance and approach to finding suitable housing for recipients merit further evaluation.

GOAL 1D: PRESERVE AND EXPAND AFFORDABLE HOUSING SUPPLY

ACTION 1D1: Undertake Affordable Housing Re-Education Program

Newburgh residents hold divergent views on the need for affordable housing in the City. Some residents see the provision of increased affordable housing as a public policy imperative given the high housing cost burden levels experienced by many residents. Other residents charge that there already is too much affordable housing within Newburgh and that the increased supply of affordable housing will only intensify concentrated poverty; exasperate community impacts like traffic; impose greater fiscal costs than benefits; and elevate the tax burdens of homeowners. This debate has led to heated controversies around at least two housing development proposals, the Mid-Broadway project and the Alembic proposal. One source of the intractability of these controversies is a lack of community agreement on housing needs, the definition of affordable housing, the wide range of housing typologies that fall under the umbrella term of “affordable housing”, and the impacts of various approaches to building, designing, and financing affordable housing. To help Newburgh residents reach a shared vision on housing policy, the City should broadly distribute information on housing needs, various typologies of housing, and clear information on the fiscal impacts of affordable housing developments built in other parts of the surrounding region.

ACTION 1D2: Assess Potential for Increasing Allowable Densities Throughout the Broadway Corridor

The City of Newburgh updated its zoning code in 2015. The new code retained traditional zoning classifications but also adopted a form-based code for certain sections of the City including the Broadway corridor and the waterfront. The code was designed to allow flexibility of land uses in the City’s downtown core while also allowing for the possibility of significant building heights along Broadway (up to six stories) and the waterfront (eight stories). However, the “Broadway corridor” could be more expanded to include all of the areas in the City that are located within a ¼ mile either north and south of Broadway and extending from the downtown all the way to the western boundary of the City. The City could analyze the potential for further upzoning this entire area in order to encourage the development of more multi-family rental housing, limited equity coops, small units, and live-work spaces for artists and home businesses. All of these units will be more affordable than purchasing a single-family home and allow for the redevelopment of Newburgh’s primary commercial corridor that expands housing access and reduces the threat of displacement. Higher densities do not necessarily need to be made available as-of-right under the zoning code. Developers could be granted generous density bonuses within the Broadway corridor provided that they build a certain amount of affordable housing or meet other public policy objectives.

ACTION 1D3: Promote and Enable a Wider Variety of Affordable Housing Units

The City’s housing stock largely consists of single-family homes, 2-family homes, and 3-4-unit row-houses. The City should work with non-profit housing associations to design the regulatory system, administrative

process, developer outreach, and marketing strategies that would enable production of a wider variety of units including:

- Efficiency studios and 1-bedroom apartments (rentals and condominiums)
- Live-work spaces
- Limited equity coops (through conversions of existing buildings or newly constructed buildings)
- Permanently affordable rental and sales units of all kinds through a community land trust

ACTION 1D4: Adopt Mandatory Inclusionary Housing Options for Multifamily Development on Both Privately Owned and City Owned Land

The City of Newburgh adopted a new zoning code in 2015. This new code combines traditional zoning with a form-based code in order to provide greater flexibility of land uses in key parts of the City including the Broadway corridor and the waterfront. However, the new zoning code did not include any affordability housing requirements even in areas where higher density housing was permitted. In order to ensure that new development includes a wide mix of price points, the City should adopt an inclusionary housing ordinance that mandates developers of new multi-family housing to comply with one of several options for providing a certain amount and type of on-site affordable housing for households at all income levels including low-income and very low-income residents.

POLICY THEME II: LIVABILITY

GOAL 2A: REFORM CODE ENFORCEMENT PROCESS

ACTION 2A1: Increase the Capacity, Knowledge Base, and Skill Levels of the City's Code Compliance Department

Training opportunities for employees in the City of Newburgh's Building Department are limited. The New York State Department of State Division of Building Standards and Codes offers a sequence of courses. However, Newburgh's Code Enforcement Officers do not receive on-site practical training that is focused on specific aspects of the City's unique challenges, enforcement procedures and regulations. As a result, there is not consistency across code enforcement officers in terms of the level, depth, or accuracy of their code knowledge. One positive step toward redressing the training gap is the provision under the City RISE grant for additional staff training. Expanding opportunities for on-site training performed by a building code consultant could help create a more effective code enforcement process. Another opportunity for delivering training opportunities is the City's Code Enforcement Coordination Committee, an internal group that can exchange information on building regulations and also organize customized training sessions.

ACTION 2A2: Improve the Use of Technology as a Tool for Tracking and Publishing Violations, Enforcement Steps, Owner Response, and Judicial Status

The Department currently uses Integrated Property System (IPS) and Building Blocks to track code enforcement cases. The IPS software has limited capabilities, and cannot accurately capture, aggregate and export information. The City of Newburgh is in the process of transitioning from IPS to a new platform,

MuniCity, a cloud-based program with more robust reporting functions. The use of these portals will help make information on building conditions more accurate while also making information more publicly available, thereby improving accountability by all parties.

ACTION 2A3: Increase Compliance with the Existing Rental Registry Program and Make it More Robust.

The City of Newburgh maintains a Rental Registry, which requires owners of a rental property to submit a rental license application with the Newburgh Code Department or authorized official. The City has recently not been as aggressive in using this program though it has been perceived as being effective. The system can be improved by hiring staff to manage the registry, provide various tiers for compliance depending on building conditions, and public release of the registry.

ACTION 2A4: Provide Education and Training to Landlords on Code Compliance, Building Management Best Practices, and Rehabilitation Techniques

The City does not currently provide landlords with any formal training in code compliance, building management, or rehabilitation techniques. The City could establish a training program in partnership with other housing providers, non-profit organizations, lenders, and educational institutions. The training could be made optional for all landlords but mandated for landlords deemed non-compliant as part of the rental registry inspection process.

ACTION 2A5: Mandate Minimum Penalties for Building Code Violations to Ensure Compliance

Localities have the legal authority and broad discretion to determine the financial and criminal penalties for building code violations. Violations of the building code can result in fines not exceeding \$250 for each day of the violation and a maximum of 15 days of imprisonment. The code only establishes a maximum fine while providing for no minimum fine. Instead of this process, the City could mandate minimum financial penalties for building code violations as well as failures to reply with court orders in accordance with the code enforcement recommendations prepared by the New York State Senate Committee on Investigations and Government Operations. Previously assessed minimum per diem fines could be discounted based on the speed of corrections after fines are assessed.

ACTION 2A6: Improve Compliance with Vacant Property Registry

The City of Newburgh requires the owner of any vacant property to file a registration statement with the Newburgh Code Department, along with any applicable fee. The owner of the property is required to renew the registration and pay a fee annually for the period the building remains vacant. The City could standardize the procedure for maintaining the registry so that the functions can be shared between multiple staff persons within the Department of Building. Reports on the Vacant Property Registry through Building Blocks could be made widely available to the public. A Vacant Property Working Group, housed within the Code Enforcement Coordination Committee, could be charged with supervising compliance with the registry by landowners. The City should develop best practice guides for rehabilitation and redevelopment of vacant properties along with clear directions for property owners to navigate the building permit and land use approval process.

GOAL 2B: HELP BUILDING OWNERS REHAB THEIR BUILDINGS

ACTION 2B1: Provide More Financial Assistance to Homeowners to Improve the Physical Condition of their Homes

The City has limited funds available to help homeowners offset the costs of repairs. These monies are made available through Community Development Block Grant and Cities Rise monies to households meeting a certain income level and available only for interventions deemed as emergencies by a City Agency. The program is not publicized since it is emergency driven and not application based. This program should be expanded so that a wider pool of households may receive support for interventions that are not necessarily “emergency” but still improve the condition and public safety of the home.

ACTION 2B2: Help Multi-Family Developers and Property Owners Better Access Financial Assistance to Rehabilitate Their Properties

There are two programs in Newburgh that help property owners rehabilitate multi-family housing units. Community Capital New York and Key Bank partnered in 2015 to launch the Newburgh Housing Remediation Fund, a program providing financial incentives for redressing lead and asbestos issues in Newburgh’s Housing Stock. Meanwhile, RUPCO currently manages the Landlord Ambassador Program (“LAP”) which is funded by the New York State Attorney General and assists landlords of distressed properties obtain financing for repairs or find new, responsible developers to take over the buildings. Both programs should be expanded in scale, perhaps by using monies made available under COVID-19 relief or other federal funding programs.

ACTION 2B3: Evaluate Potential Adoption of Green Building Codes, Stretch Codes, and Healthy Homes Guidelines

The environmental conditions within a home have profound implications on public health, natural resource preservation, and climate change. Beyond the building code, the City of Newburgh does not currently have policy measures that advance green building and healthy homes concepts. These concepts could be promoted and incentivized through modification of the building code, changes in the development approval process, public education and outreach campaigns, and the establishment of special loan fund or grant programs. As part of the City’s update of environmental policies within the Comprehensive Plan, the effectiveness of mandatory sustainability requirements for buildings could be evaluated alongside the costs and benefits of other municipal commitments to environmental protection.

GOAL 2C: INVOLVE TENANTS IN IMPROVING HOUSING CONDITIONS

ACTION 2C1: Educate Tenants About the Building Code and Involve Them in Code Enforcement Process

The City’s website includes information on the building code in both English and Spanish. Another way of conveying this information would be through live community meetings or webinars that help residents better understand their rights and responsibilities as tenants. The City could also issue regular reports from MuniCity and Building Blocks so that residents understand the location and status of building code violations. Residents could also be enlisted to participate in neighborhood inspections in which potential building code issues are identified based upon exterior appearance.

ACTION 2C2: Convene Landlord Tenant Mediation Forum

Landlords and tenants do not have a neutral forum in which to address broader building condition concerns and develop collaborative strategies for improving the quality of residential life. If a tenant has a complaint, they can address the landlord directly or they can file a complaint with the City of Newburgh by calling the Code Compliance Department, thereby triggering a potentially protracted and contentious adjudication process. The City could help establish a Landlord-Tenant Forum that would provide building code education and training programs for both tenants and landlords, enable mediation services for landlord-tenant disputes, distribute materials on landlord and tenant rights of responsibilities under the rental registry, and provide periodic updates on rental and vacant property registries.

POLICY THEME III: VITALITY

GOAL 3A: LINK HOUSING POLICY TO ECONOMIC DEVELOPMENT

ACTION 3A1: Update Newburgh's Comprehensive Plan with an Economic Development Strategy

The City of Newburgh has not updated its comprehensive plan since 2008. The Newburgh Housing Policy Framework has been designed to update the housing chapter of the City's comprehensive plan. Newburgh's housing policies related to redevelopment, homeownership, and community building can all contribute to the revitalization of the city's neighborhoods, waterfront, and the Broadway corridor. However, these policies will have only limited economic impact in the absence of a parallel economic development strategy defined with a clear statement of values, concrete goals, and implementation steps. As such, the City should draft an economic development strategy that is fully integrated with the housing policy framework. All other parts of the City's comprehensive plan including the transportation, environmental, land use, and community development elements should also be updated and linked to each other.

ACTION 3A2: Draft a Coordinated Development Strategy for Underutilized or Vacant Sites

The City of Newburgh has two options for disposing of the properties that it has acquired. The first option is for the City to sell the property to a private buyer. A second option is for the City to give the property for an insignificant sum to a non-profit housing provider such as the Newburgh Land Bank or Habitat for Humanity. The City of Newburgh is currently developing new guidelines outlining its approach to the acquisition, disposition, and rehabilitation of distressed properties. These new guidelines provide an opportunity for prioritizing the disposition of City-owned land to non-profit housing providers in order to meet the unmet need for affordable housing.

However, the guidelines do not constitute a strategic plan for redeveloping vacant or underutilized properties in accordance with optimal reuse strategies. A Strategic Development Strategy would entail inventory of key opportunity sites and the production of clear strategies for redeveloping those sites in accordance with community benefits, fiscal optimization, and environmental protection. The properties inventoried in this strategy would include all of the vacant, tax delinquent, or physically distressed buildings in the City. However, the strategy would emphasize properties whose redevelopment would have the greatest impact on achieving the City's housing and economic development goals. As such, the plan would focus largely on crafting redevelopment scenarios for properties along the full length of the Broadway corridor (including Broadway itself and all properties within a ¼ mile radius of it) as well as the waterfront. The Coordinated Development Strategy would include approaches for property acquisition,

land assembly, land use mix, developer outreach, and redevelopment financing. The strategy would also identify the public infrastructure investments required to advance the proposed redevelopment scenarios and analyze the overall fiscal impact of these scenarios.

ACTION 3A3: Publish Clear Development Guidelines on Housing Approvals, Incentives, and Disposition of City-owned Land

A relatively small number of new housing units have been built in Newburgh over the past ten years. Besides market impediments, developers do not have a clear understanding of the best way for navigating the development process. One way that the City could help provide greater predictability in the development process and attract a wider pool of housing developers would be to prepare a step-by-step guide to building in the City of Newburgh.

Previous proposals for affordable housing have been impeded by complex approval processes and community disagreements over the appropriate level of tax abatement that should be granted to projects fulfilling a demonstrated housing need. Engaging the community in a participatory effort to define approval and funding guidelines for proposed housing developments could help preclude future conflicts, reduce the risks and costs of prospective developers, and inspire a greater pool of developers to build within the City of Newburgh.

GOAL 3B: IMPROVE HOMEOWNERSHIP OPPORTUNITIES

ACTION 3B1: Help Newburgh Residents Finance Homes in Newburgh

Newburgh residents face myriad challenges to buying their own homes in Newburgh. Homeownership rates are especially low for individuals identifying as Hispanic or Black. Barriers to homeownership include high housing prices; limited access to information; and challenges to secure financing based upon income levels, credit ratings, and the cost for building acquisition and rehabilitation. To help make it easier for Newburgh residents to buy homes and remove racial disparities, more information could be provided by the City and local banks on the pathways to homeownership. More money could be allocated from federal finance programs such as Community Development Block Grant or CARES Act allocations to homeownership. A local bank – or a consortium of banks – could be enlisted to serve residents of Newburgh. The City and its housing stakeholders should also closely monitor and advocate for federal and state policy initiatives as well as new funding programs that may make it easier for Newburgh residents to purchase homes.

ACTION 3B2: Provide more Diverse Pathways to Homeownership

Besides the financial barriers to homeownership that Newburgh residents experience on account of their economic position, the composition of the City's older housing stock presents further obstacles. For a low-income household, acquiring a single-family home can be daunting given the ongoing maintenance costs required and real property taxes to be paid, which can never be amortized or retired over time like a mortgage. The city's inventory lacks a rich supply of affordable high-quality apartments that can be purchased as condominiums.

Although Newburgh does have a sizeable supply of multi-family housing, most of these units are in smaller 3-4-unit rowhomes rather than apartment houses. Significant city-wide renovations in the last five years

have made these multi-family rowhouses unaffordable to the average first-time homebuyer. Many of the more affordable multi-family buildings are severely distressed, requiring extensive remediation to bring them into alignment with the building code, environmental regulations, and historic preservation requirements. Banks do not provide mortgages that can cover the full costs of the remediation of these buildings as well as their acquisition price, and first-time homebuyers cannot compete with investors to purchase renovated multi-family buildings.

With regard to new construction, there have been only limited additions of new sale units. Most of the new homeownership units provided by Habitat for Humanity and the Land Bank have been single-family or 2-unit homes. RUPCO's new units have been entirely rental.

If the City of Newburgh had a greater variety of smaller housing units located within multi-family buildings, it would be easier for lower income residents to become homeowners by virtue of the lower sale costs, absence of rehabilitation costs, and shared maintenance costs. Examples of housing types that would be easier for low-income residents to finance include smaller units (include micro-units, studios, 1-bedroom apartments, and live-work spaces in condominiums); limited equity coops; and housing units made available for sale through the community land trust concept.

GOAL 3C: IMPROVE COMMUNITY CONNECTIONS

ACTION 3C1: Expand Services, Programs, and Resources at Community Centers

The City of Newburgh is blessed with several community spaces including the Armory, Newburgh Free Library, the Boys and Girls Club of Newburgh, Safe Harbors of the Hudson, and the Newburgh Jewish Community Center. These institutions along with houses of worship help to foster community connections while also providing valuable spaces for recreation, social service delivery, information sharing, and cultural activity. More resources should be directed to these institutions to ensure not only their ability to expand their on-site programming but also to work collaboratively with each other and build stronger linkages between the City's diverse communities.

ACTION 3C2: Enhance the Safety and Aesthetic Beauty of City Streets, Parks, and Playgrounds

The quality and condition of the public spaces in Newburgh's neighborhoods have profound impacts on the way that residents are able to feel "at home" both inside and outside their spaces of dwelling. To that end, the City should attempt to secure more funding for improvements to the public realm including traffic calming, trees and landscaping, street furniture, creation of new pocket parks, and enhancement of recreation areas.

ACTION 3C3: Expand Support for Neighborhood Serving Businesses

Many of Newburgh's neighborhoods are underserved by retail establishments, food stores, dining establishments and personal services. Meanwhile a number of commercial spaces along Broadway remain vacant. Creating a more vibrant mix of neighborhood serving businesses along the downtown stretch of Broadway would help revitalize the neighborhoods north and south of the City's main commercial corridor by creating more foot traffic and eyes on the street. Meanwhile, adding pockets of small businesses to Newburgh's residential neighborhoods would provide residents with greater access to goods and services while also helping to create more points for social interaction.

NEWBURGH HOUSING POLICY FRAMEWORK

APPENDIX A: Phasing Plan for Proposed Actions

Phase 1 Actions (Completed Within 12 Months)

ACTION 1A1: Document the City's Experience with Urban Renewal, Displacement, and Segregation

ACTION 1A2: Update the City's Fair Housing Laws & Enforcement Mechanisms

ACTION 1B1: Improve Coordination and Information Sharing Between the City, County, and Social Service Providers

ACTION 1B2: Strengthen and Expand Eviction Prevention Programs

ACTION 1C2: Evaluate City's Eligibility for Adopting Rent Stabilization

ACTION 1D1: Undertake Affordable Housing Re-Education Program

ACTION 1D2: Assess Potential for Increasing Allowable Densities Throughout the Broadway Corridor

ACTION 1D4: Adopt Mandatory Inclusionary Housing Options for Multifamily Development on Both Privately Owned and City Owned Land

ACTION 2A2: Improve the Use of Technology as a Tool for Tracking and Publishing Violations, Enforcement Steps, Owner Response, and Judicial Status

ACTION 2A3: Increase Compliance with the Existing Rental Registry Program and Make it More Robust.

ACTION 2A5: Mandate Minimum Penalties for Building Code Violations to Ensure Compliance

ACTION 2A6: Improve Compliance with Vacant Property Registry

ACTION 2C1: Educate Tenants About the Building Code and Involve Them in Code Enforcement Process

ACTION 2C2: Convene Landlord Tenant Mediation Forum

ACTION 3A1: Update Newburgh's Comprehensive Plan with an Economic Development Strategy

Phase 2 Actions (Completed within 1-2 Years)

ACTION 1A3: Partner with Orange County on Regional Affordable Housing Plan

ACTION 1B3: Expand Shelter Facilities and Permanent Housing for Newburgh's Homeless and Most Vulnerable Populations

ACTION 1C3: Evaluate Procedures for Existing Rental Assistance Programs

ACTION 1D3: Attract a Wide Variety of Affordable Housing Developers

ACTION 2A1: Increase the Capacity, Knowledge Base, and Skill Levels of the City's Code Compliance Department

ACTION 2A4: Provide Education and Training to Landlords on Code Compliance, Building Management Best Practices, and Rehabilitation Techniques

ACTION 2B1: Provide More Financial Assistance to Homeowners to Improve the Physical Condition of their Homes

ACTION 2B2: Help Multi-Family Developers and Property Owners Better Access Financial Assistance to Rehabilitate Their Properties

ACTION 2B3: Evaluate Potential Adoption of Green Building Codes, Stretch Codes, and Healthy Homes Guidelines

ACTION 3A2: Undertake a Coordinated Development Strategy for Underutilized Sites

ACTION 3B1: Help Newburgh Residents Finance Homes in Newburgh

ACTION 3C2: Expand Support for Neighborhood Serving Businesses

Phase 3 Actions (Completed after 2 years)

ACTION 1C1: Reduce Property Taxes for Homeowners

ACTION 3B2: Provide more Diverse Pathways to Homeownership

ACTION 3C2: Enhance the Safety and Aesthetic Beauty of City Streets, Parks, and Playgrounds

NEWBURGH HOUSING POLICY FRAMEWORK:

APPENDIX B: CASE STUDIES AND BEST PRACTICES

GOAL 1A: PREVENT DISCRIMINATION AND DISPLACEMENT

ACTION 1A1: Document the City's Experience with Urban Renewal, Displacement, and Segregation

- Washington DC - "Black Broadway on U" is a multimedia documentary project that catalogs the people, stores, organizations, and cultural institutions that defined U Street, Washington DC's legendary "Black Broadway".¹ Produced by multimedia maker and storyteller, Shellee M. Haynesworth, the project features archival photographs, oral histories, video footage, and interactive digital walking tours.
- Kingston (NY) - "Lost Rondout: A Story of Urban Removal" is a documentary chronicling the history and impact of urban renewal in a Kingston neighborhood.² Completed in 2016, the documentary was produced and directed by Stephen Blauweiss and Lynn Woods.

ACTION 1A2: Update the City's Fair Housing Laws & Enforcement Mechanisms

- Syracuse (NY) – By amending its housing discrimination laws in 2016 to include source of income protections, Syracuse rendered it unlawful for a landlord to deny housing to someone because of their use of housing vouchers to pay rent. At the time of the law's adoption, New York State had not yet outlawed source of income discrimination, a change which was adopted only in 2019 as an amendment to the New York State Human Rights Law.

ACTION 1A3: Partner with Orange County on Regional Affordable Housing Plan

- Montgomery County (MD) - Though it is rare for counties to exercise leadership on housing supply since they typically lack control over land use laws or housing production targets, Montgomery County, Maryland, provides an example of a county taking initiative to address housing supply. County leadership strategies employed by Montgomery County with regard to housing planning include a county-wide housing needs assessment, a county General Plan, development of model strategies to address housing needs for local implementation, and initiation of community-specific plans that address housing goals established at the county level.³
- Westchester County (NY) - In 2019, Westchester County undertook a Housing Needs Assessment to establish a data-based foundation for the creation and preservation of affordable housing in Westchester County.⁴ Prepared by Pattern for Progress, the assessment examines the County's history of housing policies; identifies demographic and housing conditions; estimates the amount of affordable housing needed; and provides recommendations, including best practices from across the country, to help the County move forward in meeting its affordable housing needs.

¹ <https://blackbroadwayonu.com>

² <http://www.lostrondoutproject.com>

³ <https://montgomeryplanning.org/planning/housing/attainable-housing-strategies-initiative/missing-middle-housing/>

⁴ <https://homes.westchestergov.com/resources/housing-needs-assessment>

GOAL 1B: PREVENT HOMELESSNESS

ACTION 1B1: Improve Coordination and Information Sharing Between the City, County, and Social Service Providers for Newburgh's Most Vulnerable Populations

- Community, Opportunity, Reinvestment (COrE) was a New York State initiative to improve the well-being of New York's most distressed communities. As a neighborhood-based community change model to address disparities in employment, public safety, education, health, and housing, the initiative used an innovative data tool, COrE STAT, to direct attention to the people and places that are most in need. The program, administered in Newburgh and Albany, offered a model for improving data-sharing and coordination between various service providers and community organizations.

ACTION 1B2: Strengthen and Expand Eviction Prevention Programs

- Cities with Just Cause Eviction Laws include San Francisco, New York City, Seattle, Oakland, Berkeley, and Washington DC. Albany, New York, is contemplating legislation introduced by Mayor Kathy Sheehan that would make it harder for landlords to evict tenants, requiring "just cause" for an eviction. New York State Senator Julia Salazar has introduced the Good Cause Eviction Bill into New York State Senate.^{5 6}
- Madison (WI) - The Tenant Resource Center is a non-profit organization that promotes good relationships between tenants and landlords in Madison, Wisconsin. Services offered by the Center include Housing Counseling to educate about rights and to provide forms and information on critical topics, Housing Law Seminars, Eviction Prevention Clinics, Housing Mediation Services, and services specifically for University of Wisconsin students.⁷

ACTION 1B3: Expand Shelter Facilities and Permanent Housing for Newburgh's Homeless and Most Vulnerable Populations

- New York City (NY) - Breaking Ground, a supportive and transitional housing provider in New York City, opened up a drop-in day center in Ozone Park (Queens) to serve the street homeless population.⁸ Unlike traditional shelters, this facility was not opened with a residential component. Instead, the homeless population is able to access the facility during the day, receive a hot meal, shower, and also received a spectrum of "wrap-around" services including medical care, psychiatric counseling, and counsel on accessing other city services.
- Washington DC - In 2018, Washington DC and the DowntownDC Business Improvement District opened the Downtown Day Services Center at New York Avenue Presbyterian Church. The \$1.7 million facility is funded by the city and managed by the BID. A non-profit organization, Pathways to Housing DC, provides a comprehensive suite of social service programs including housing, legal,

⁵ <https://www.wamc.org/post/good-cause-eviction-proposal-albany-gets-support-advocates-opposition-landlords>

⁶ <https://www.nysenate.gov/legislation/bills/2019/s2892>

⁷ <https://www.tenantresourcecenter.org/>

⁸ <https://breakingground.org/news-events/ny1-visits-queens-drop-in-center>; <https://www.ny1.com/nyc/queens/news/2017/07/19/ozone-park-homeless-drop-in-center-opens--some-opponents-now-support-facility->;

healthcare, and case management services. In addition, the 7,600 sq. ft facility also provides food, showers, computers, and laundry machines.

GOAL 1C: REDUCE HOUSING COSTS

ACTION 1C1: Reduce Property Taxes for Homeowners

- New Rochelle (NY) – The City of New Rochelle has undertaken an especially aggressive approach to attracting new commercial development. The effective property tax for homeowners in New Rochelle is also notably lower than most other cities in New York State. The relationship between New Rochelle’s redevelopment approach and homeowner tax burdens merits further analysis, especially as Newburgh charts a long-term economic development strategy.

ACTION 1C2: Evaluate City’s Eligibility for Adopting Rent Stabilization

- Ossining (NY) - The Village of Ossining adopted rent stabilization in 2019. The adoption has been controversial and been subject to continued debate and efforts toward revision.⁹ Other cities in New York State that recently contemplated rent stabilization but did not proceed toward its adoption include Kingston and Hudson.

ACTION 1C3: Evaluate Procedures for Existing Rental Assistance Programs

- Although federal regulations establish rules and parameters for the housing choice voucher programs, there are various strategies that public housing authorities may use to optimize voucher programs, maximizing their impact on economic mobility and ensuring geographic flexibility. The Furman Institute has conducted extensive research on the housing choice voucher program and identified ways it could be reformed.¹⁰

GOAL 1D: PRESERVE AND EXPAND AFFORDABLE HOUSING SUPPLY

ACTION 1D1: Undertake Affordable Housing Re-Education Program

- Minnesota (MN) - The State of Minneapolis undertook a Housing Minnesota campaign to spread a statewide message that “the diversity of backgrounds and circumstances among affordable housing residents, how housing encourages integration into the community and the idea that diversity of housing types and costs creates strong communities”. This message was delivered by highlighting the needs of groups that are “central to the social fabric of society” such as teachers, seniors, and children who benefit from affordable housing.¹¹
- Brea (CA) – The City Council in Brea, California, engaged in a community outreach campaign to respond to community concerns about high density development. To obtain community feedback, the City Council formed a steering committee and undertook a community survey. Concerns that emerged from the survey included maintenance, development and redevelopment, and traffic. Task forces consisting of 100+ people “new to city issues” were formed to address each of these concerns. In addition, the City held a weekend-long charrette run by facilitators where 100+ community members from a broad range of city groups contributed

⁹ <https://www.theexaminernews.com/etpa-repealed-in-village-of-ossining-amid-allegations/>

¹⁰ <https://furmancenter.org/thestoop/entry/housing-a-nation-housing-choice-vouchers>

¹¹ https://www.researchgate.net/publication/263225197_Opposition_to_Affordable_Housing_in_the_USA_Debate_Framing_and_the_Responses_of_Local_Actors/link/55ab912c08aea3d08682949c/download

ideas for city planning. Charrette results were carefully documented and used as a resource to guide city planning efforts.¹²

ACTION 1D2: Increase Allowable Densities Throughout the Broadway Corridor

- Minneapolis (MN) - Up-zoning is a municipal-driven legal strategy to densify cities to satisfy housing needs. Increasing the allowable building size and number of housing units per property in development zones permits the growth of “missing middle” housing, ranging from duplexes to small-scaled apartment buildings, that meets a variety of affordable housing needs. While up-zoning is commonly used to address an increase in housing demand in boom times, up-zoning has recently been adopted in Minneapolis, Minnesota, as a result of the City’s 2020 comprehensive plan, “as part of the solution to addressing the enduring effects of policies that intentionally and systematically discriminated against communities of color”. Minneapolis has a low housing vacancy rate, the nation’s lowest black home-ownership rate, a lack of affordable housing (especially “missing middle” properties), 70% of the city is single-family zoned, and 52% of the city’s residents are renters. Minneapolis 2040 is the City’s comprehensive plan which was effective as of January, 2020, and has generated zoning updates to (1) allow two- and three-family housing in single-family zones, (2) require affordable housing as a component of all 20-unit or larger housing developments, and (3) establish Built Form Overlay Districts which control floor area ratios, floor areas, building heights, lot dimensions, yards, impervious surfaces, and bonuses for “premium” building uses (such as affordable housing). Goals of the plan include building more housing, building less expensive housing, and building less expensive housing in a variety of locations. While zoning in Minneapolis has been amended to permit denser development, the success of these measure in Minnesota and elsewhere depends on ongoing municipal support. A range of resources, policies, and programs to encourage affordable housing are needed, along with municipal laws to ease excessive parking minimums, lessen strict building codes, and decrease lot size minimums.^{13 14 15 16}

ACTION 1D3: Promote and Enable a Wider Variety of Affordable Housing unit types

- Pasadena (CA) - The City of Pasadena has embraced micro-units as one strategy to meet housing goals put in place by the State of California. To help remedy the housing shortage and provide additional legal housing type options for developers, Pasadena has adopted land use law revisions to encourage micro-units through expedited permitting and more flexibility in unit size. The land use law change in Pasadena was implemented by expanding on the previously defined Single Room Occupancy (SRO) land use, whose definition closely describes micro-units. Unless specifically providing for renters of below medium household income, the micro-units do not meet the city or state affordable housing standards for inclusionary zoning. Yet, micro-units do

¹² https://transweb.sjsu.edu/sites/default/files/mti_03-02_0.pdf

¹³ <https://www.lincolnst.edu/publications/articles/2020-01-rezoning-history-minneapolis-policy-shift-links-affordability-equity>

¹⁴ <https://lms.minneapolismn.gov/download/Agenda/1323/Built%20form%20staff%20report%20and%20attachments.pdf/49786/2063/Built%20Form%20Policies>

¹⁵ <https://www.brookings.edu/blog/the-avenue/2018/12/12/minneapolis-2040-the-most-wonderful-plan-of-the-year/>

¹⁶ <https://www.enterprisecommunity.org/blog/2019/08/people-are-talking-about-up-zoning-here-is-what-you-should-know>

NEWBURGH HOUSING POLICY FRAMEWORK: APPENDIX B (CASE STUDIES & BEST PRACTICES)

help localities meet broader housing goals by providing small below market units in dense urban locations.^{17 18}

- Montgomery County (MD) - The Montgomery County Planning Department has focused on a county-wide need for “Missing Middle Housing”, multi-family housing that ranges from 2-4 stories and provides a transition between single-family and commercial neighborhoods, to address affordable housing needs. To enable the growth of Missing Middle Housing, the county planning department suggests local zoning changes to encourage housing in commercial areas and to allow multi-family homes in select transition areas that are currently single-family zoned.¹⁹

ACTION 1D4: Adopt Mandatory Inclusionary Housing Options for Multifamily Development on Both Privately Owned and City Owned Land

- White Plains (NY) - In May 2019, the City of White Plains expanded its Affordable Rental Housing Program (“ARHP”).^{20 21} The prior program required multi-family developments in the city’s downtown to provide a 10% set-aside of affordable units reserved for those at 80% of the Westchester County Area Median Income (AMI) range. Alternatively, a developer could seek Common Council approval to provide 6% affordable units at the lower 60% AMI range. The expanded program includes the following changes:
 - The ARHP is now applicable citywide in areas where multi-family housing with 10 or more units is permitted by the zoning code.
 - Households with incomes at 50% AMI are now eligible for the program. Developers have the option of meeting set aside requirements either by providing 12% of units at 80% AMI or 8% of units at 50% and 60% AMI.
 - Developers have the option of contributing to the Affordable Housing Assistance Fund in lieu of building the set-aside units. The fund may be used for down payment assistance, the rehabilitation of existing properties, to subsidize existing housing stock, to purchase properties for public-private partnerships, and to defray a portion of the city’s administrative costs associated with management of the program.
 - Dedicated AHRP units must remain affordable for the life of the project.
- Newark (NJ) - The City of Newark requires most future residential development projects involving new construction of more than 30 dwelling units or substantial rehabilitation of more than 40 dwelling units, to set aside 20% of dwelling units to be affordable to lower-income households.²²
- New York (NY) - In 2016, New York City adopted a mandatory inclusionary housing program in which developers in up-zoned neighborhoods (or in buildings granted a variance for increased development rights) must build 20% to 30% of the total units as units affordable to households earning between 40% and 115% of Area Median Income.^{23 24} The precise requirements vary not

¹⁷ <https://www.pasadenastarnews.com/2019/09/08/pasadena-has-more-affordable-housing-than-its-neighbors-but-its-still-not-meeting-state-goals/>

¹⁸ http://ww2.cityofpasadena.net/councilagendas/2020%20Agendas/Mar_09_20/agenda.asp

¹⁹ <https://montgomeryplanning.org/planning/housing/attainable-housing-strategies-initiative/missing-middle-housing/>

²⁰ <https://www.cityofwhiteplains.com/CivicAlerts.aspx?AID=817>

²¹ <https://www.cityofwhiteplains.com/DocumentCenter/View/1994/Affordable-Rental-Housing-Program-Regulations---May-2019>

²² <https://newark.legistar.com/View.ashx?M=F&ID=5497734&GUID=FC57DA1D-BB46-4773-8F30-6394D37B610C>

²³ <https://www1.nyc.gov/assets/housing/downloads/pdf/mih-fact-sheet.pdf>

²⁴ <https://www.manhattan-institute.org/deblasios-mandatory-inclusionary-housing-program>

only by neighborhood but also by the terms set by the city council member representing that area as well as compliance options selected by the developer.

POLICY THEME II: LIVABILITY

GOAL 2A: REFORM CODE ENFORCEMENT PROCESS

ACTION 2A1: Increase the Capacity, Knowledge Base, and Skill Levels of the City's Code Compliance Department

- Brooklyn Center (MN) - Brooklyn Center has a potential hiring pool for inspectors from a Building Inspection Technology Certificate program taught at an area community college. The certificate program consists of 4 evening classes that prepare a student for the Minnesota Certified Building Official Limited exam: Foundations of Construction Codes and Inspections, Residential Plan Review and Field Inspections, Commercial Plan Review and Field Inspections, and Legal and Administrative Aspects of Construction Codes. Officials from the Brooklyn Center government were involved in developing and teaching these courses that help generate skilled government employees.²⁵

ACTION 2A2: Improve the Use of Technology as a Tool for Tracking and Publishing Violations, Enforcement Steps, Owner Response, and Judicial Status

- Buffalo (NY) - Active code violations in Buffalo are publicly mapped on their website using CitiStat Buffalo, an initiative to increase transparency.²⁶
- Cleveland (OH) - In conjunction with the Center of Human Poverty and Community Development at Case Western Reserve University, Cleveland developed a parcel-based property identification system, NEOCANDO, the Northeast Ohio Community and Neighborhood Data for Organizing, to process City administrative data and make useful public information.²⁷
- New York (NY) - New York City periodically publishes the names of building violators. The New York City Department of Housing Preservation and Development (HPD) provides a list of Housing Maintenance Code Violations that can be used to warn tenants to avoid poorly managed rentals, as in the annual "Worst Landlords Watchlist" made available online by NYC Public Advocate, Jumaane Williams, based on the HPD data.^{28 29}
- Minneapolis, (MN) - As part of their Rental Licensing program, Minneapolis, Minnesota provides a link to a public listing of all properties and their history of violations on the City website in order to openly share the work of the program with a goal for safer and healthier communities. The

²⁵ <https://nhcc.edu/academic-programs/degrees-and-certificates/construction/building-inspection-technology-cert>

²⁶ <https://data.buffalony.gov/stories/s/CitiStat-Buffalo-Code-Violations/h6gi-zqw4>

²⁷ <https://neocando.case.edu/>

²⁸ <https://data.cityofnewyork.us/Housing-Development/Housing-Maintenance-Code-Violations/wvxf-dwi5>

²⁹ <https://landlordwatchlist.com/landlords>

listing includes the property location, the owner's name, and the nature and status of each violation.³⁰

ACTION 2A3: Increase Compliance with the Existing Rental Registry Program and Make it More Robust.

- Brooklyn Center (MN) – The Brooklyn Center, Minnesota, rental registry program has tiered compliance requirements based on property code violations and police service calls. Worse performers require more frequent inspections and increasing participation in a Crime Free Housing Program. With improved performance, landowners can shift to higher tiers. The Brooklyn Center City Council adopted a Rental License Category Criteria Policy that clearly defines fee basis, minimum inspection standards, violation and police service call criteria, and defines each tier:³¹
 - Type I
 - 1 inspection/3 years
 - Phase I Crime Free Housing recommended
 - Type II
 - 1 inspection/2 years
 - Phase I Crime Free Housing required
 - Type III
 - 1 inspection/1 year
 - Phases I and II Crime Free Housing required
 - Action Plan required
 - Type IV
 - 1 inspection/6 months Phases I, II, III Crime Free Housing required
 - Mitigation Plan required
- Addison (IL) – Addison manages a Residential Rental Licensing Program where good performers are inspected every 2 or 3 years rather than annually, and all rental property owners must participate in an 8-hour Crime-Free Multi-Housing Class.³²
- Minneapolis (MN) – In Minneapolis, a 3-tiered Rental Licensing is offered with an optional Rental Property Management Course where course attendance provides the landlord or property manager with a \$250 discount on conversion fees.³³

ACTION 2A4: Provide Education and Training to Landlords on Code Compliance, Building Management Best Practices, and Rehabilitation Techniques

- Raleigh (NC) - Landlord Training Sessions in Raleigh consist of a one-day training course taught by the Raleigh Housing Authority on how to reduce nuisance violations and illegal activity on rental

³⁰ [https://tableau.minneapolismn.gov/views/OpenDataRegulatoryServices-](https://tableau.minneapolismn.gov/views/OpenDataRegulatoryServices-Violations/Introduction?iframeSizedToWindow=true&:embed=y&:showAppBanner=false&:display_count=no&:showVizHome=no)

[Violations/Introduction?iframeSizedToWindow=true&:embed=y&:showAppBanner=false&:display_count=no&:showVizHome=no](https://tableau.minneapolismn.gov/views/OpenDataRegulatoryServices-Violations/Introduction?iframeSizedToWindow=true&:embed=y&:showAppBanner=false&:display_count=no&:showVizHome=no)

³¹ <https://www.ci.brooklyn-center.mn.us/government/departments/administration/business-licensing/rental-dwellings>

³² <https://mayorscaucus.org/wp-content/uploads/2015/10/Addison-Residential-Rental-Program-Outline.pdf>

³³ <https://www2.minneapolismn.gov/business-services/licenses-permits/business-licenses/rental-licenses/>

properties. Target audiences for the classes are rental property managers, real estate agents, and lawyers.³⁴

- Chicago (IL) - The Chicago Community Investment Corporation (CIC) has training program for landlords. The CIC was established to bring together the work of nonprofits and banks to act as a loan consortium for affordable rental housing. The CIC provides a series of workshops that teach landlords “to better market, manage, and maintain residential property”, funded by government partnerships and lending institutions.³⁵
- Minneapolis (MN) - The Minneapolis Rental Licensing program includes an optional free 3-hour Rental Property Management Course, taught by the City Housing inspections staff, where course attendance provides the landlord or property manager a \$250 discount on conversion fees.³⁶

ACTION 2A5: Mandate Minimum Penalties for Building Code Violations to Ensure Compliance

- Islip (NY) - The Town of Islip increased fines on illegal subdivisions, fire code violations, and other matters of safety. The Town made \$1 million in extra revenue as a result of increased fines and enforcement.

ACTION 2A6: Improve Compliance with Vacant Property Registry

- Albany (NY) – Albany utilizes a Vacant Property Task Force that coordinates the city’s management of vacant properties which is led by a senior city official and was launched using a NY state grant.³⁷
- Baltimore (MD) - To better address vacancy in Baltimore, the City put into place the Vacants for Value program, a data-driven targeted compliance effort for more time-effective handling of a greater number of vacant buildings.³⁸
- Altoona (PA) – Altoona put in place a “classic” vacant property registry with a with an escalating fee provision. The annual vacant property fee increases depending on how long the property is vacant, from 0\$ for less than one year, and increasing around \$500 every additional year. This practice encourages property sale, lease or renovations, discouraging property degeneration and lessening municipal vacant property responsibilities while generating revenues. The property owner is responsible for vacant property registration, and the registration is often triggered by government discovery.³⁹
- Chula Vista (CA) – The Chula Vista vacant property registry “seeks to require mortgage lenders and servicers foreclosing on residential buildings to maintain the buildings after the former owners vacate the buildings”. Lenders are required to inspect foreclosed properties for vacancy upon foreclosure, file vacant properties with the local government, and maintain vacant properties. The city regulation requires lenders to utilize the “Abandonment and Waste Clause” in most mortgages to gain legal access to the property for inspection and maintenance. Chula Vista saw vacant property improvements through this program since lenders were encouraged to comply to avoid fees and liens. Key to the success in Chula Vista is a robust code enforcement program, including

³⁴ <https://raleighnc.gov/Community/content/CommServices/Articles/LandlordTraining.html>

³⁵ <https://www.cicchicago.com/programs/property-management-training/>

³⁶ <https://www2.minneapolismn.gov/business-services/licenses-permits/business-licenses/rental-licenses/rental-property-owner-workshops/>

³⁷ https://www.communityprogress.net/filebin/TASP_Albany_Final_Report.pdf

³⁸ <https://dhcd.baltimorecity.gov/nd/vacants-value>

³⁹ https://www.researchgate.net/publication/43015175_Vacant_Property_Registration_Ordinances

weekly property inspections, which is funded by program fees. Different from the “classic” model, at Chula Vista, both the owner and the lender are obligated to register with the vacant property registry, and registration is triggered by the foreclosure process.⁴⁰

GOAL 2B: HELP BUILDING OWNERS REHAB THEIR BUILDINGS

ACTION 2B1: Provide More Financial Assistance to Homeowners to Improve the Physical Condition of their Homes

- Kingston (NY) - Kingston’s Office of Economic and Community Development (OECD) has been administering a residential rehabilitation program with federal funding since at least 1988. Over the last three years, with the aid of Community Development Block Grant monies, the City’s OECD has made an annual allocation of \$250,000 to its housing rehabilitation program. The purpose of the funds is to help residential building owners undertake minor to substantial repairs, resolve building code violations, and make necessary structural improvements. Under the program guidelines, financial assistance is available to low- and moderate-income households making less than 80% of area median income. A maximum of \$20,000 is available to each homeowner. OECD does not cover the full cost of the rehabilitation. The building owner must absorb 25% of the total costs of the rehabilitation project through cash investment, in-kind contributions, or sweat equity. Recipients do not need to refund the grants to OECD so long as they stay in the building for ten years.⁴¹

ACTION 2B2: Help Multi-Family Developers and Property Owners Better Access Financial Assistance to Rehabilitate Their Properties

- Chicago (IL) - The City of Chicago loaned HUD grant money to the Delta Reinvestment Institute who matched the public funds with private funds to finance lead-abatement work in affordable rental housing through loans to landlords. The Chicago Department of Environment provided funding for free window replacements to landlords who participated in the lead-abatement financing program. This was a challenging program to administer since dedicated staff was needed and there was a long wait time for loan applications due to the complicated funding structure.⁴²
- Chicago (IL) – The Community Investment Corporation in Chicago runs a multi-family housing rehabilitation grant program, Tax Increment Financing Neighborhood Improvement Program, which pays for 50% of exterior or life safety improvement.⁴³
- Milwaukee (WI) - TCF Bank established a Target Area Home Improvement Program in Milwaukee for loans to rental buildings to match local lead abatement grant programs.⁴⁴
- Omaha (NE) - First National Bank in Omaha provided low interest loans for lead abatement work in specific communities; the money could be used alone or paired with public grant money where eligible.⁴⁵

⁴⁰ https://www.researchgate.net/publication/43015175_Vacant_Property_Registration_Ordinances

⁴¹ https://kingston-ny.gov/filestorage/8399/8469/8547/2019_RESIDENTIAL_REHAB__GUIDELINES.8.26.19a.pdf

⁴² <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.592.9840&rep=rep1&type=pdf>

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

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- Rhode Island - Medicaid funds were used in Rhode Island for “targeted case management services and window replacement”.⁴⁶
- Missouri – In Missouri, \$1 of every \$1000 of Real Estate Transfer Tax Fee is earmarked for use in lead abatement.⁴⁷
- Suffolk and Nassau Counties (NY) - The Long Island Housing Partnership (LIHP), a land trust, manages a Landlord Ambassador Program funded by the New York State Attorney General “to stabilize the physical and financial health of small medium-sized multi-family buildings (5-50 units) by helping owners navigate (the) process of applying for Homes and Community Renewal (HCR) and other low-cost financing options”. LIHP uses a Property Owner Intake Form, also offered in Spanish, to collect preliminary information prior to the first building inspection. The LIHP website assures applicants that they can help owners with low interest loans and access to public resources even if they are facing foreclosure, have liens, or have violations.⁴⁸
- New York (NY) - Enterprise Community Partners manages a Landlord Ambassador Program with the New York City Department of Housing Preservation and Development. Enterprise tasks local non-profits (Mutual Housing Association of New York – MHANY Management, Northwest Bronx Community and Clergy Coalition, and RiseBoro Community Partnership) to find and engage property owners to enroll in a City regulatory program to guide them in building management practices and to help them gain access to resources for housing preservation, with the goal of keeping helping small-scale landlords keep rents affordable.⁴⁹

ACTION 2B3: Evaluate Potential Adoption of Green Building Codes, Stretch Codes, Energy Efficiency Programs, and Healthy Homes Guidelines

- Syracuse (NY) – The City of Syracuse Lead Program pays for and assists in lead abatement in City residences by EPA Certified contractors. Through this program, the City distributes to eligible applicants U.S. Department of Housing and Urban Development lead-based paint hazard control grant funds awarded to the City.⁵⁰
- Buffalo, Syracuse, Troy, Schenectady, Albany (NY) – These 5 New York Cities have committed to participate in the Green Healthy Home Initiative (GHHI) as official sites where the mission is “to break the link between unhealthy housing and unhealthy families by creating and advocating for healthy, safe, and energy efficient homes”. GHHI focuses on the needs of low-income residents by providing funding and guidance to communities for the development of strategies that create green, safe and healthy homes, and community-based jobs.⁵¹
- Long Island (NY) – Between 2007 and 2009, 10 out of 13 towns in Nassau and Suffolk Counties passed stretch codes that increased energy efficiency requirements for residential buildings in

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ <http://www.lihp.org/>

⁴⁹ <https://www.lihp.org/lap.html>

⁵⁰ <http://www.syr.gov.net/lead/>

⁵¹ <https://www.greenandhealthyhomes.org/>

local building codes by adopting ENERGY STAR Homes or “Home Energy Rating Index” (HERS) laws. New residential construction in these jurisdictions must either meet ENERGY STAR Homes guidelines or achieve an adequate HERS rating based on analysis by independent HERS raters. The Long Island Power Authority offered \$25,000 incentives to towns that adopted the energy efficiency stretch codes.⁵²

- Austin (TX) – The City of Austin is implementing a citywide electronic water meter program, concurrent with the city-wide installation of electronic smart meters by Austin Energy. At no charge to residents, existing water meters, many of which require monthly reading on foot by public workers, will be replaced by new electronic water meters. The new smart meter system for both water and electricity will provide more accurate, real-time information to utilities and users, increasing system efficiencies, wasting fewer resources, and decreasing utility costs for property owners.^{53 54}
- Syracuse (NY) – The Greater Syracuse Land Bank (GSLB) provides a model for municipal land sales by enforcing energy efficiency standards for purchasers that include air sealing, insulation, and Energy Star appliances. The document also provides to the developer resources for grants and incentives for energy efficient construction work. The land bank conducts inspections to ensure construction work meets energy requirements so that building users will be comfortable and experience reduced heating and cooling bills. The land bank provides additional incentives for implementation of their energy efficiency standards by holding up project financing until these standards are met using an “enforcement mortgage”.⁵⁵
- Chicago (IL) - Community Investment Corporation (CIC), a lender for affordable housing in Chicago, offers to multifamily building owners an Energy Savers Program that includes a free building energy assessment and access to energy upgrade grants and loans. The energy assessment guides the building owner to seal air leaks, increase building insulation, and improve the efficiency of appliances and heating and cooling systems, increasing building comfort and lowering heating and electric bills⁵⁶.

GOAL 2C: INVOLVE TENANTS IN IMPROVING HOUSING CONDITIONS

ACTION 2C1: Educate Tenants About the Building Code and Involve Them in Code Enforcement Process

- Nevada County (CA) - The Building Department of Nevada County prepared a “Did You Know?” campaign aimed at increasing public awareness of the building code through distribution of quarterly newsletters. With a combination of simple text and photographs, the brochures highlighted common code issues⁵⁷.
- Albany (NY) - Albany developed a Vacant Land Working Group to “build social cohesion” around vacancy through community engagement in city process. Using grant money, the committee develop the Albany Vacant Land Tool Kit to educate residents about reuse of vacant land.⁵⁸

⁵² <https://www.aceee.org/files/proceedings/2012/data/papers/0193-000256.pdf>

⁵³ <https://www.austinmonitor.com/stories/2020/03/digital-meter-reading-coming-to-austin-water/>

⁵⁴ <https://austinenenergy.com/ae/residential/residential-services/smart-meters>

⁵⁵ <http://syracuselandbank.org/>

⁵⁶ <https://www.cicchicago.com/programs/energy-savers/>

⁵⁷ <https://www.ca-tt.com/newsletter/december-2017/nevada-county-building-department-news>

⁵⁸ https://www.communityprogress.net/filebin/TASP_Albany_Final_Report.pdf

- Cicero (IL) - The Cicero Building Department provides on one electronic page a user-friendly list of information regarding building permits, code enforcement, property maintenance, property transfers, and vacant buildings, including commonly asked questions, and a 7-step description of the building permit process.⁵⁹
- San Diego (CA) - San Diego encourages citizen reporting of code violations through an online complaint violation report system, violations are prioritized and acted on based on the nature of the violation. The San Diego Code Enforcement web page provides a link to the National Conflict Resolution Center, a mediating service, to encourage citizens to work directly with the property owner to manage code violations prior to reporting to the City.⁶⁰
- Baltimore (MD) - Baltimore took a community approach to fighting blight. In Baltimore, due to legal action, community groups can have standing in nuisance suits. Residents often have inside knowledge about the owners of the blighted properties and can direct action away from the shell companies or LLCs to the actual owners.⁶¹

ACTION 2C2: Convene Landlord Tenant Mediation Forum

- Addison (IL) - Addison created a village Tenant Landlord Commission comprised of 7 members, 4 rental landlords, and 3 tenants, who meet monthly and are charged with reviewing the Housing Inspection Rental Program and developing programs to support the landlord/rental community.⁶²
- New York (NY) - New York City put into place a Citywide Landlord-Tenant Mediation Project in July, 2020, through non-profit Community Dispute Resolution Centers, such as the New York Peace Institute, providing free mediation for tenants and small landlords to manage rental issues related to COVID-19 to avoid litigation and eviction.⁶³
- Brooklyn Center (MN) - Brooklyn Center developed the Association for Responsible Management (ARM), a property manager networking resource with bimonthly meetings at Town Hall to encourage dialogue between city, property owners and tenants.⁶⁴

POLICY THEME III: VITALITY

GOAL 3A: LINK HOUSING POLICY TO ECONOMIC DEVELOPMENT

ACTION 3A1: Update Newburgh's Comprehensive Plan with an Economic Development Strategy

- Hudson Valley (NY) - Other cities in the Hudson Valley that recently completed a comprehensive planning process include New Rochelle, Nyack, Tarrytown, New Castle, Marlboro and Ardsley.

⁵⁹ <https://thetownofcicero.com/departments/building-department/#7Steps>

⁶⁰ <https://www.sandiego.gov/development-services/code-enforcement>

⁶¹ <https://www.communityprogress.net/blog/baltimore-detroit-aggressive-nuisance-properties>

⁶² https://www.addisonadvantage.org/government/village_departments/residential_rental_program.php

⁶³ <https://www1.nyc.gov/site/hpd/news/032-20/mayor-de-blasio-taskforce-racial-inclusion-equity-citywide-landlord-tenant#/0>

⁶⁴ <https://www.ci.brooklyn-center.mn.us/government/departments/community-development/rental-program>

ACTION 3A2: Draft a Coordinated Development Strategy for Underutilized Sites

- Hudson (NY) - The City of Hudson has embarked upon a housing development plan aimed at identifying reuse opportunities for City owned properties. The development plan follow's the City of Hudson's completion of a housing needs assessment.
- Buffalo (NY) - Urban planning students at the State University of New York mapped vacant properties owned by the City of Buffalo using real property data and geographic information systems (GIS) to count over 7,000 vacant lots and analyze strategies for their reuse. With the goal of guiding vacant property reuse policy in the City of Buffalo City, the project was shared with city council members and local non-profits and included recommendations for vacant lot development goals and strategies. In a similar project undertaken by SUNY Buffalo planning students in 2018, the West Side neighborhood of Buffalo was surveyed and mapped for use in property acquisition by the Buffalo Neighborhood Stabilization Company, a non-profit affordable housing developer. These efforts demonstrate how the technical expertise and financial resources of higher education institutions can be utilized to compile reliable property data and develop goals and strategies that benefit community planning work. Important to the success of this type of collaborative work is outreach to stakeholders to understand needs and challenges, the use of a property mapping data system that aligns with systems already in use, and a commitment to training and ongoing system management to ensure that the system will be properly implemented.^{65 66}
- Trenton (NJ) – The NJ Vacant Property Inventory in Trenton sought to document the scale and condition of vacancy in Trenton to aid in redevelopment efforts. Using grant funding, the Trenton Neighborhood Restoration Campaign developed a comprehensive parcel-based property survey of vacant buildings and land in Trenton.⁶⁷
- Detroit (MI) – Since access to municipal property-based data can be limited and organized for agency use, the Motor City Mapping in Detroit sought to make use of the information less challenging for non-profits and the public. The first phase of Detroit vacant parcel documentation was undertaken by 150 Detroit who surveyed and took photos of Detroit properties. Land surveys are kept current on an electronic database available to the public through a parcel-by-parcel City map, and current public record information is accessible on the City of Detroit's Open Data Portal.⁶⁸

ACTION 3A3: Publish Clear Development Guidelines on Housing Approvals, Incentives, and Disposition of City-owned Land

- New Rochelle (NY) – The City of New Rochelle published a step-by-step guide for development in New Rochelle's downtown overlay zone. The guide shows the boundaries of the overlay zone, summarizes all the key land use regulations, outlines density bonuses, presents potential development scenarios, provides clear guidance on mitigation fees, and outlines affordability requirements.⁶⁹

⁶⁵ https://www.comm-dev.org/images/CDS_Practice/KnightEtal2018.pdf

⁶⁶ <https://suny.buffalostate.edu/news/urban-planning-students-id-vacant-city-lots-possible-reuse>

⁶⁷ <https://www.restoringtrenton.org/map>

⁶⁸ <https://motorcitymapping.org/#t=overview&s=detroit&f=all>

⁶⁹ <https://www.newrochelleny.com/DocumentCenter/View/6823/Step-by-Step-Guide?bidid=>

GOAL 3B: IMPROVE HOMEOWNERSHIP OPPORTUNITIES

ACTION 3B1: Help Newburgh Residents Finance Homes in Newburgh

- Troy (NY) - The City of Troy has partnered with TRIP to provide clear information on homeownership assistance programs that are made available to local residents.⁷⁰
- Capital District (NY) - Many Capital District localities in New York have used HOME funds to provide down payment or closing cost assistance to first-time homebuyers. These localities include Troy, Schenectady, Colonie, and Albany.
- Duluth (MN) - One Roof's Community Land Trust program in Duluth offers free one-on-one homebuyer counseling sessions and requires buyers applying for land trust homes to complete an eight-hour, HUD-certified homebuyer education class and attend an orientation session about the community land trust program.⁷¹

ACTION 3B2: Provide more Diverse Pathways to Homeownership

- Cleveland (OH) – The Cleveland Housing Network converts Low-income Housing Tax Credit (LIHTC) scatter site rentals to homeownership opportunities. Annually, the Cleveland Housing Network gains control of 50-100 scattered site single-family homes, establishes a Limited Partnership, applies for tax credits, then manages the properties for 15 years in a lease-to-purchase program. Tenants must have household incomes below 60% AMI and are offered guidance and financial support as their rental payments build toward home ownership.⁷²
- Hempstead (NY) - The Hempstead Community Land Trust was set up and funded by the Hempstead Community Development Agency as a generational wealth-building model where land ownership is retained by the land trust, and resale of affordable housing units are based on a formula that allows a small amount of appreciation to keep the housing affordable for multiple families. The Hempstead Community Land Trust benefits by a close government relationship with the Hempstead Community Development Agency that provides the land trust with funding, fiscal agency, grant monitoring and oversight, homeowner down payment and closing cost assistance, expedited town approvals, and homeowner tax abatement programs. Homeowner success is further aided by land trust screening of potential property owners, guidance on the purchasing and renovation process, and ongoing “housing counseling sessions” to help troubleshoot homeownership problems.⁷³
- Chicago (IL) - The Chicago Community Land Trust is a part of the City of Chicago Department of Housing and Economic Development and engages in affordable housing development without land trust ownership of land. Chicago inclusionary zoning requirements generate the Chicago Community Land Trust affordable housing development work. The Chicago organization sells affordable homes to new owners bound by restrictive covenants that limit resale at an affordable price, establish a maximum income level for the buyer, and require owner-occupancy. As a government entity, the land trust coordinates with the county Assessor's Office to keep affordable

⁷⁰ <http://www.triponline.org/homeownership/homebuyer-down-payment-assistance/>

⁷¹ <https://www.1roofhousing.org/programs-services/community-land-trust-program/>

⁷² <https://chnhousingpartners.org/real-estate-and-partner-services/explore-our-projects/project/lease-purchase-homes/>

⁷³ <https://www.youtube.com/watch?v=QUdRcf9WaYA&list=PLSJFUS0hHgXTslkrGZUTOLQGUTaj1Q0qh&index=3>

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housing property taxes low by using the affordable price rather than the market value as a tax basis.⁷⁴

- Burlington (VT) - Faced with rising housing costs in Burlington, the Champlain Housing Trust was developed from a network of local nonprofits focused on affordable housing development. Following goals established by the City of Burlington, the Champlain Housing Trust takes properties out of the private market through to develop a range of permanent affordable housing types for both renters and homeowners providing “stepping stones” to home ownership, and eventual market-rate home ownership. The Champlain Housing Trust benefits from a broad range of partners in Burlington which generates a powerful network of political advocacy and legislative support for the local CLT work.⁷⁵
- Washington (DC) – The E Street Cooperative is a 10-unit limited equity cooperative in a Washington, DC, neighborhood experiencing rapidly increasing property values. The cooperative was initiated through the tenant purchase of the building in 2008 and secured through renovations and financing put in place in 2017 by City First Enterprises, a Community Development Financial Institution. Limited equity cooperatives can provide deeply affordable and long-term housing through shared building ownership that enforce restricted resale values and limit income levels for potential members. Local governments can support limited equity cooperatives through public financing, property tax breaks, right of first refusal, and general support. Popular in the '60s and '70s in new buildings when a variety of housing financing options were available, this housing tool has more recently been utilized through the conversion of existing buildings.^{76 77}
- Boston (MA) - The Doña Betsaida Gutiérrez Cooperative was established in the Jamaica Plain neighborhood of Boston in 2010 as a redevelopment of a former church into housing. Ideally sized between 20 and 50 units where an economy of scale is reached without diluting collective governance, the 36-unit project is owned by the limited equity cooperative, built by local developers, and funded by Harvard's 20/20/2000 Initiative, a low interest loan program for Boston and Cambridge neighborhoods.^{78 79}
- San Francisco (CA) - In 1998, tenants in a building in San Francisco's Chinatown protested to save their home from demolition and were awarded an option for building ownership. In 2006, the San Francisco Community Land Trust obtained community support to finance the purchase of the 21-unit mixed-use building and worked with the residents to set up the Columbus United Cooperative and undertake substantial building renovations. In San Francisco, the formation of the limited equity cooperative was driven by the needs of the tenant community and made possible by the land trust through land ownership, financing expertise, and stewardship. Community land trusts can serve a cooperative by removing the cost of the land from the collectively owned cooperative,

⁷⁴ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2344781

⁷⁵ <https://docs.google.com/viewerng/viewer?url=https://community-wealth.org/sites/clone.community-wealth.org/files/downloads/paper-niedt-silver.pdf>

⁷⁶ <https://shelterforce.org/2017/04/25/will-limited-equity-co-ops-make-comeback/>

⁷⁷ <https://www.cfenterprises.org/affordable-housing/>

⁷⁸ <https://news.harvard.edu/gazette/story/2010/11/a-housing-dream-come-true/>

⁷⁹ <https://groundedsolutions.org/sites/default/files/2018-11/Limited%20Equity%20Co-ops%20by%20Community%20Land%20Trusts.pdf>

and by providing an opportunity for a blanket mortgage for a multi-unit property making it easier for homeowners to obtain financing.⁸⁰

GOAL 3C: INCREASE COMMUNITY CONNECTIONS

ACTION 3C1: Expand Services, Programs, and Resources at Community Centers

- The Metropolitan Alliance of Connected Communities is an alliance of St. Paul community centers, social service providers, health clinics, and youth organizations. Formed in 1999, the Alliance facilitates coordination and information sharing between its members.⁸¹

ACTION 3C2: Enhance the Safety and Aesthetic Beauty of City Streets, Parks, and Playgrounds

- New Haven (CT) – The Urban Resource Initiative (URI), a program of the Hicks Center for Urban Ecology at the Yale School for the Environment, in partnership with the City of New Haven Parks, Recreation and Tree Department, runs a free tree planting program. Residents can request to have a tree planted near their home in exchange for weekly watering of the tree for 3 years and notification to URI of any problems with the new tree. The URI uses their Greenskills program to plant the tree that “provides meaningful paid work experience to youth and adults transitioning back to the labor force”.^{82 83}
- Baltimore (MD) – Project Creating Opportunities for Renewal and Enterprise (C.O.R.E.) is a joint project between The Maryland Department of Housing and Community Development and the City of Baltimore “to demolish or rehabilitate vacant and blighted properties in Baltimore City to create green space for redevelopment”. In one example, groups of buildings are demolished and replaced by a community park. Demolition of homes in Baltimore is perceived by some as biased against local black residents.^{84 85}

ACTION 3C2: Expand Support for Neighborhood Serving Businesses

- Best practices for supporting local businesses in smaller towns can be found through Main Street America.⁸⁶

⁸⁰ <https://sfclt.org/properties>

⁸¹ <https://macc-mn.org/AboutUs/OurStory.aspx>

⁸² <https://uri.yale.edu/get-involved/request-free-tree>

⁸³ <https://uri.yale.edu/programs/greenskills>

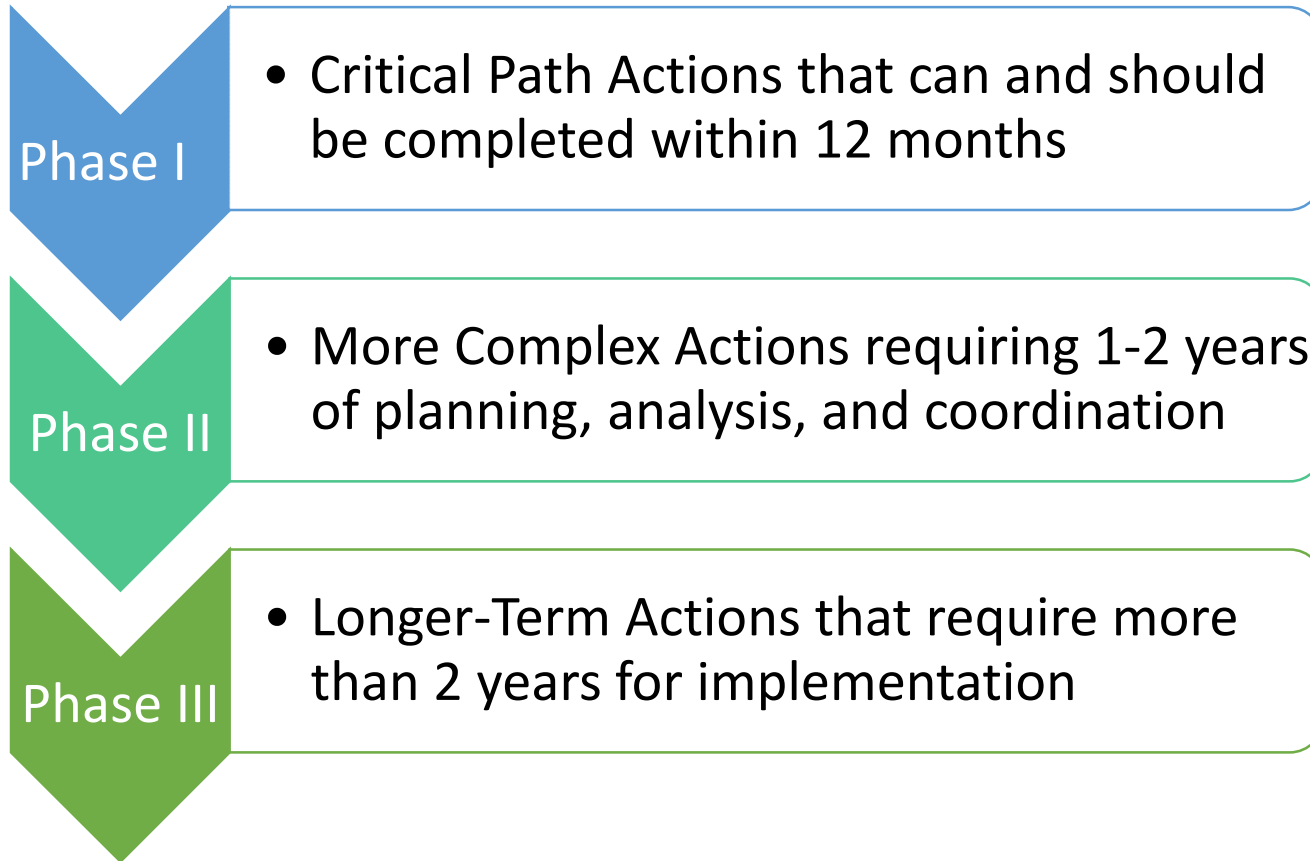
⁸⁴ <https://dhcd.maryland.gov/projectcore/Pages/default.aspx>

⁸⁵ <https://www.washingtonpost.com/graphics/local/baltimore-life-death-and-demolition/>

⁸⁶ <https://www.mainstreet.org/home>

Newburgh Housing Policy Framework Appendix C - Implementation Tracker

The Implementation Tracker is a tool to help the City's housing stakeholders implement the actions proposed in the Newburgh Housing Policy Framework. The tracker should not be considered a fixed document but rather one that is continually updated to reflect changing housing needs, the formation of new implementation partners, the release of new funding opportunities, and the milestones achieved on each action.



EQUITY GOAL 1A: PREVENT HOUSING DISCRIMINATION, RACIAL SEGREGATION & DISPLACEMENT

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 1A1: Document the City's Experience with Urban Renewal, Displacement, and Segregation	<p>Increased community awareness of urban renewal history and its enduring effects.</p> <p>Reversal of urban renewal's impacts through the removal of racial and economic barriers to housing access.</p>	Phase I	<p>Housing Coalition with support from City of Newburgh Department of Planning and Development;</p> <p>City of Newburgh Library;</p> <p>Professional historians & multi-media Producers.</p>	<p>(1) Prepare a research & production agenda for urban renewal documentary.</p> <p>(2) Draft RFP for historians & multi-media producers.</p> <p>(3) Produce documentary of Newburgh's experience with urban renewal.</p> <p>(4) Broadly distribute documentary to all residents and housing stakeholders.</p>	NYS Funding; Foundations	
ACTION 1A2: Update the City's Fair Housing Laws & Enforcement Mechanisms	Elimination of housing discrimination claims by City of Newburgh residents.	Phase I	<p>City of Newburgh Law Department</p> <p>Housing Coalition</p> <p>Newburgh Human Rights Commission;</p> <p>Hudson Valley Legal Services;</p> <p>Newburgh City Council</p>	<p>(1) Revise Newburgh's Fair Housing Code and the Newburgh Human Rights law to align with federal and state housing laws.</p> <p>(2) Publicize the revised law to all property owners, thereby giving "notice" to landlords and property managers that housing discrimination is illegal under Newburgh's Local Laws while also enhancing tenant awareness of fair housing protections.</p> <p>(3) Determine the feasibility of providing fair housing reporting and enforcement mechanisms either within the City of Newburgh through a resurrected Office of Fair Housing or through a newly created private nonprofit fair housing organization that serves City of Newburgh residents.</p> <p>(4) Integrate recommendations from Newburgh Anti-displacement Study into the Work Plan for the Office of Fair Housing.</p>	HUD's Fair Housing Initiative Program	
ACTION 1A3: Partner with Orange County on Regional Affordable Housing Plan	<p>Increased number of multi-family and affordable housing units in Orange County across Orange County.</p> <p>Removal of racial disparities in housing access.</p> <p>Racial and economic integration of Orange County's racially and economically diverse populations.</p>	Phase II	<p>City of Newburgh Department of Planning & Development with support from Housing Coalition</p> <p>Orange County Department of Planning</p>	<p>(1) Engage Orange County Department of Planning & Development in a series of conversations on regional housing policy strategies.</p> <p>(2) Form an Orange County Housing Policy Working Group.</p> <p>(3) Undertake an Orange County Housing Needs Assessment and Policy Framework.</p>		

GOAL 1B: PREVENT HOMELESSNESS

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 1B1: Improve Coordination and Information Sharing Between the City, County, and Social Service Providers for Programs Targeting Newburgh's Most Vulnerable Populations	Reduction in the number of homeless persons in the City of Newburgh.	Phase I	City of Newburgh Department of Planning & Development Orange County Social Services Department Social Service Providers (Catholic Charities; Newburgh Interfaith Project Life, Independent Living / Independent Home Care; Fearless Hudson Valley; RECAP; Safe Harbors of the Hudson)	(1) Reconvene CORE Stakeholder Group including representatives from all the key social service providers within the City of Newburgh. (2) Prepare Community Social Services Needs Assessment Update. (3) Prepare a Quarterly Tracking Report (similar to the data dashboard from CORE) that tracks socio-economic conditions, tracks progress in meeting social service needs and connects all social services entities through a common data platform.	New York State; Private Foundations	
ACTION 1B2: Strengthen and Expand Eviction Prevention Programs	Reduction in the number of evictions in the City of Newburgh.	Phase I	Non-Profit Organizations (Legal Services of Hudson Valley, Newburgh Ministries); Newburgh Housing Authority; Newburgh Housing Authority Orange County Landlord Association Enforcement Bodies (City of Newburgh City Court; City of Newburgh Legal Department; City of Newburgh City Marshall; Orange County Supreme Court; Orange County Sheriff Civil Unit).	(1) Work with Newburgh Housing Authority to establish a Family Self-Sufficiency Program. (2) Scale up work of the Legal Services of Hudson Valley to provide tenant education sessions and organize tenants into tenant advocacy groups. Ensure easy access to legal resources through City organizations and websites. (3) Explore the benefits of a state-wide organization to offer tenant education services rather than a city or county organization. (4) Evaluate potential of a Just Cause Eviction Law.	HUD funding for FSS programs; Emergency Shelter Grants; CDBG monies	
ACTION 1B3: Expand Shelter Facilities and Permanent Housing for Newburgh's Homeless and Most Vulnerable Populations	Increased number of temporary and permanent housing units for very low-income residents.	Phase II	Orange County Department of Social Services; City of Newburgh Department of Planning & Development Non-Profit Organizations (Legal Services of Hudson Valley, Newburgh Ministries);	(1) Secure funding for expansion of the City's warming center, Project Life's housing facilities, and Newburgh Ministries shelter. (2) Secure increase funding to expand the Rapid Rehousing program.	HUD Emergency Shelter Grants, FEMA Housing Monies	

GOAL 1C: REDUCE HOUSING COSTS

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 1C1: Reduce Property Taxes for Homeowners	Stabilization of property tax increases especially for low-income population.	Phase III	City of Newburgh Department of Planning & Development with support from SEDAC	<p>(1) Update Newburgh's Comprehensive Plan with an Economic Development Strategy to increase revenues from commercial properties and reduce the homeowner tax burden.</p> <p>(2) Develop shared services plan with neighboring localities and Orange County.</p>	New York State Shared Services Initiative	
ACTION 1C2: Evaluate City's Eligibility for Adopting Rent Stabilization	Conclusion about the scale of effectiveness of rent stabilization in reducing housing cost burdens.	Phase I	City of Newburgh Department of Planning & Development	<p>(1) Engage a consultancy to perform the vacancy analysis and building inventory.</p> <p>(2) Determine the number of units that would be eligible for rent stabilization and the impact on housing cost burdens.</p>	NYS Grant	
ACTION 1C3: Evaluate Procedures for Existing Rental Assistance Programs	<p>Expansion of the number of households eligible for rental assistance.</p> <p>Increased diversity of housing types and geographic range of homes available to voucher holders.</p> <p>Prioritization of households with most critical needs for rental assistance; Increased diversity and geographic range of housing units available to voucher holders.</p>	Phase II	<p>Newburgh Housing Authority;</p> <p>Pathstone;</p> <p>Orange County Department of Social Services;</p> <p>Hudson Valley Legal Services.</p>	<p>(1) Evaluate the criteria and procedure for determining the granting of vouchers.</p> <p>(2) Analyze the effects of the Housing Voucher program on residential mobility, both geographic and economic.</p> <p>(3) Review the buildings, housing types, and locations in which Housing Voucher recipients are housed in terms of quality of life, access to resources, and racial integration.</p>		

GOAL 1D: PRESERVE AND EXPAND AFFORDABLE HOUSING SUPPLY

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 1D1: Undertake Affordable Housing Re-Education Program	Better understanding by Newburgh's diverse communities of the broad kinds of housing that constitute "affordable housing" and the full range of housing needs in Newburgh.	Phase I	City of Newburgh Department of Planning & Development	<p>(1) Broadly present Newburgh's housing needs assessment.</p> <p>(2) Anchor housing needs within broader context of Newburgh's history and enduring racial disparities.</p> <p>(3) Present communities the broad range of building scales, design approaches, unit mixes, and price points that characterize various kinds of affordable housing.</p>	Private Foundation	
ACTION 1D2: Assess Potential for Increasing Allowable Densities Throughout the Broadway Corridor	Higher number of new housing units that are built within a 1/4 mile distance of the full length of Broadway.	Phase I	City of Newburgh Department of Planning & Development	(1) Rezone the Broadway Corridor as a Transit Oriented District, providing an incentive based system that grants developers the ability to build at significantly higher densities in exchange for providing community benefits including higher amounts of affordable housing for residents at all price points including very low-income households living substantially below the City of Newburgh's AMI.		
ACTION 1D3: Attract a Wide Variety of Affordable Housing Developers	Higher number of affordable housing developers in Newburgh.	Phase II	<p>City of Newburgh Department of Planning & Development</p> <p>All of Newburgh's non-profit housing associations</p>	<p>(1) Collaborate with non-profits to create funding mechanisms and development partnerships that would enable limited equity coops and community land trusts.</p> <p>(2) Identify opportunities to attract a greater variety of affordable housing developers through tax incentives, streamlined land use approvals, and density bonuses.</p>		

GOAL 1D: PRESERVE AND EXPAND AFFORDABLE HOUSING SUPPLY

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 1D4: Adopt Mandatory Inclusionary Housing Options for Multifamily Development on Both Privately Owned and City Owned Land	(1) Creation of new housing supply that is affordable at all price points for City of Newburgh residents including low-income and very low-income residents.	Phase I	City of Newburgh Department of Planning & Development w/ support from Housing Coalition	(1) Apply mandatory inclusionary housing to all housing development in which more than 10 units are proposed for construction.		
	(2) Economic and racial integration of new tenant population through requirement of wide price points as well as the building of affordable housing on the site of the new development. (3) Utilization of city-owned land to address long-standing economic and racial barriers to quality housing		City of Newburgh Legal Department City of Newburgh City Council	(2) Define affordability in terms of tenants paying no more than 30% of their income for housing; (3) For housing development on private land, provide a variety of ways that developers can meet affordability requirements such as making 20% of all units affordable to households making less than 60% of AMI or 15% of all units at less than 50% AMI. Offer other options aimed at even deeper levels of affordability. (3) For housing development on city owned land, provide a variety of ways that developers can meet affordability requirement such as making 30% of all units affordable to households making less than 60% of AMI or 25% of all units at less than 50% of AMI. Offer other options aimed at even deeper levels of affordability. (4) For all properties subject to inclusionary housing requirements, require that all affordable units be built on-site. (5) Require that all affordable units built under inclusionary housing requirements remain affordable for a period of no less than 50 years.		

GOAL 2A: REFORM CODE ENFORCEMENT PROCESS

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 2A1: Increase the Capacity, Knowledge Base, and Skill Levels of the City's Code Compliance Department	Creation of a regularized on-site and customized training program for code compliance staff.	Phase II	City of Newburgh's Department of Buildings & Code Compliance	<p>(1) Re-evaluate the hiring process historically used for recruiting staff in the Code Enforcement Department and contact other municipal building departments for guidance on recruitment strategies.</p> <p>(2) Revise the job descriptions, pay grades, and qualification requirements for the City of Newburgh's Code Enforcement Officers.</p> <p>(3) Identify a Code Enforcement Training Consultant who can provide on-site training to code enforcement officers for onboarding as well as regularized refresher courses. The Training Consultant should also ensure all Department workers are fully versed in the building department's standard operating procedure as well as the City's two technology platforms, Building Blocks and Muncity.</p> <p>(4) Deploy the Department's expanded and better trained labor force to increase the number of inspections, undertake quality of life sweeps, track violations, and follow-up with compliance efforts.</p> <p>(5) Identify opportunities for adding more specialized positions such as inspectors focused on building approvals.</p>		
ACTION 2A2: Improve the Use of Technology as a Tool for Tracking and Publishing Violations, Enforcement Steps, Owner Response, and Judicial Status	Real time publication of all building code violation status updates.	Phase I	City of Newburgh's Department of Buildings & Code Compliance	<p>(1) Complete transition from IPS to Muncity.</p> <p>(2) Continue path to making Building Blocks universally available and create opportunities for the public to learn how to use it.</p> <p>(3) Use the technology platforms to track inspections, quality of life sweeps, building violations, and code resolutions.</p> <p>(4) Use the new technology platforms to develop targeted neighborhood specific code enforcement strategies that focus upon areas within the city where there may be clusters of abandoned, distressed, or vacant buildings.</p> <p>(5) Use the reporting functions from the two technology platforms in tandem with the vacant and rental registries to regularly update other agencies and the public at large about code enforcement violations, remedies pursued, and the ongoing status of resolution.</p>	City RISE	

GOAL 2A: REFORM CODE ENFORCEMENT PROCESS

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 2A3: Increase Compliance with the Existing Rental Registry Program and Make it More Robust.	100% compliance with the rental registry.	Phase I	City of Newburgh's Department of Buildings & Code Compliance	<p>(1) Hire Rental Registry Clerks to administer the rental registry program, monitor compliance, and share the registry data with other agencies.</p> <p>(2) Evaluate the potential for strengthening the Rental Registry Program by distinguishing code compliant buildings from non-code compliant buildings. Require noncompliant landlords to obtain a license type that imposes more onerous standards and mandates training. Reward compliance landlords with fewer licensing requirements, inspections and renewals, and more training requirements.</p> <p>(3) Encourage owner compliance with the Rental Registry Program by publishing code enforcement violations through Building Blocks.</p>	City RISE	
ACTION 2A4: Provide Education and Training to Landlords on Code Compliance, Building Management Best Practices, and Rehabilitation Techniques	Creation of a regularized on-site and customized training program for code compliance staff.	Phase II	City of Newburgh's Department of Buildings & Code Compliance	<p>(1) Establish a building code training program in partnership with other housing providers, non-profit organizations, lenders, and educational institutions.</p> <p>(2) Make the training available to all landlords but mandate it for all landlords deemed non-compliant as part of the rental registry inspection process.</p>	City RISE	
ACTION 2A5: Mandate Minimum Penalties for Building Code Violations to Ensure Compliance	Reduction in building code violations.	Phase I	City of Newburgh Legal Department	(1) Mandate minimum financial penalties for building code violations as well as failures to reply with court orders in accordance with the code enforcement recommendations prepared by the New York State Senate Committee on Investigations and Government Operations.		
ACTION 2A6: Improve Compliance with Vacant Property Registry	100% Compliance with vacant property registry.	Phase I	City of Newburgh's Department of Buildings & Code Compliance	<p>(1) Standardize the procedure for maintaining the registry so that the functions can be shared between multiple staff persons within the Department of Building.</p> <p>(2) Continue to publish reports on the Vacant Property Registry through Building Blocks and make these reports widely available to the public.</p> <p>(3) As part of the Code Enforcement Task Force, form a Vacant Property Working Group charged with supervising compliance with the registry by landowners.</p> <p>(4) Continue to use FYI Newburgh as a means for residents to report vacant buildings to the City.</p> <p>(5) Develop best practice guides for rehabilitation and redevelopment of vacant properties and sites along with clear directions for property owners to navigate the building permit and land use approval process.</p>	City RISE	

GOAL 2B: HELP BUILDING OWNERS REHAB THEIR BUILDINGS

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 2B1: Provide More Financial Assistance to Homeowners to Improve the Physical Condition of their Homes	Reduction in building code violations.	Phase II	City of Newburgh Department of Planning & Development	<p>(1) Evaluate potential administrators for a housing rehabilitation fund including the City of Newburgh as well as non-profit financial institutions.</p> <p>(2) Establish income requirements that limit eligibility for financial assistance to low-income homeowners.</p> <p>(3) Formalize an application process in which recipients are required to provide the scope of the proposed rehabilitation and affirm ability to match the financial assistance with a personal contribution.</p> <p>(4) Supervise completion of the rehabilitation efforts and inspect the building for code compliance.</p>	New York State Downtown Revitalization Initiative	
ACTION 2B2: Help Multi-Family Developers and Property Owners Better Access Financial Assistance to Rehabilitate Their Properties	Reduction in building code violations.	Phase II	<p>City of Newburgh Department of Planning & Development;</p> <p>Banks and Financial Institutions (Community Capital, Key Bank);</p> <p>RUPCO.</p>	<p>(1) Evaluate the effectiveness of the existing rehabilitation funds, the Newburgh Housing Remediation Fund and the Landlord Ambassador Program.</p> <p>(2) Initiate partnerships with other financial and philanthropic institutions receptive to loan programs for rehabilitation initiatives in targeted Newburgh neighborhoods.</p>	Banks and Financial Institutions	
ACTION 2B3: Evaluate Potential Adoption of Green Building Codes, Stretch Codes, and Healthy Homes Guidelines	Reduction in the carbon footprint of all housing units in the City of Newburgh.	Phase II	City of Newburgh Department of Buildings & Code Compliance with support from City of Newburgh Conservation Advisory Council	<p>(1) Evaluate, document, survey, and map public health and environmental hazards in Newburgh's housing stock. These hazards include:</p> <ul style="list-style-type: none"> - Lead and Asbestos Levels - Mold - Pests - Water contamination - High Energy utilization <p>(2) Prepare best practice guide for green and healthy home interventions.</p> <p>(3) Identify potential methods for incentivizing property owners to comply with best practices including:</p> <ul style="list-style-type: none"> - Low interest loans or grants for energy efficiency retrofits - Streamlined development approvals - Waiving of development fees - Tax abatements <p>(4) Distribute information on metering systems and NYSERDA's Home Energy Efficiency Program to all Newburgh property owners and tenants.</p>	NYSERDA	

GOAL 2C: INVOLVE TENANTS IN IMPROVING HOUSING CONDITIONS

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 2C1: Educate Tenants About the Building Code and Involve Them in Code Enforcement Process	Reduction in building code violations.	Phase I	City of Newburgh's Department of Buildings & Code Compliance with support from Housing Coalition Hudson Valley Legal Services	<p>(1) Distribute a Tenant Rights and Responsibilities Guide that provide residents with the following information:</p> <ul style="list-style-type: none"> - Key requirements under the building code - Tenant rights including those adopted under the New York State Tenant Protection Act - Tenant responsibilities including those outlined under the Rental Property Registry - Resources including pathways for reporting a building violation or securing legal representation - Using the newly formed Code Enforcement Task Force, host regular neighborhood outreach events that share information about the building code, illegal violations, and pathways for resolution. <p>(2) In addition to posting code enforcement information on the City website, also publish regular reports from BuildingBlocks and Muncity so that residents are able to identify, map, and track building violations and their eventual corrections.</p> <p>(3) Recruit members of the community to participate in a "Citizen Inspector Program" in which citizens are trained by Code Enforcement Officers to identify potential code enforcement issues through community led exterior inspections and quality of life sweeps.</p>	Private Foundations	
ACTION 2C2: Convene Landlord Tenant Mediation Forum	Reduction in building code violations.	Phase I	Newburgh Housing Coalition and Community Voices Heard Orange County Landlord Association Newburgh Tenant Associations Hudson Valley Legal Services	<p>(1) Establish a Landlord-Tenant Forum comprised of both landlords and tenants with the following activities:</p> <ul style="list-style-type: none"> - Delivery of building code education and training programs for both tenants and landlords - Provision of mediation facilities for landlord-tenant disputes - Distribution of materials on landlord and tenant rights of responsibilities under the rental registry - Periodic updates on rental and vacant property registries 		

GOAL 3A: LINK HOUSING POLICY TO ECONOMIC DEVELOPMENT

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 3A1: Update Newburgh's Comprehensive Plan with an Economic Development Strategy	identification of the economic barriers faced by Newburgh residents and formulation of concrete strategies for attracting jobs, vocational training, investment, ratables, and opportunities for building community equity to the City of Newburgh	Phase I	City of Newburgh Department of Planning & Development and SEDAC Orange County Departments of Economic Development & Planning Newburgh Industrial Development Agency Newburgh Housing Coalition	(1) Establish leadership for economic development. (2) Assess local and regional economic base. (3) Document Socio-economic conditions and disparities. (4) Analyze barriers to economic opportunity. (5) Align Housing Policies and Economic Policies.		
ACTION 3A2: Undertake a Coordinated Development Strategy for Underutilized Sites	Increase in tax revenue from commercial properties	Phase II	City of Newburgh Department of Planning & Development and SEDAC Orange County Departments of Economic Development & Planning Newburgh Industrial Development Agency Newburgh Housing Coalition	(1) Inventory the City's underutilized, vacant, and distressed properties including abandoned residential buildings, underperforming commercial or industrial sites, and houses of worship. (2) Identify sites and clusters of sites with the greatest potential for achieving the City's housing and economic development goals. (3) Attach development sites to recommended land use scenarios (4) Undertake detailed area planning for the Broadway corridor and the waterfront in which core planning principles are defined to stipulate the optimal mix of land uses, unit mix, affordability targets, and urban design approach. (5) Identify the public infrastructure improvements including transit service and open space that would be required for the proposed reuse strategies. (6) Advance implementation of the reuse strategies through the coordinated efforts of the City of Newburgh's Planning Department, Orange County, current land owners, private developers, and non-profit developers including the proposed Community Land Trust.	NYS ESD	

GOAL 3A: LINK HOUSING POLICY TO ECONOMIC DEVELOPMENT

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 3A3: Publish Clear Development Guidelines on Housing Approvals, Incentives, and Disposition of City-owned Land	Attraction of development to Newburgh that is responsive to community needs.	Phase I	City of Newburgh Department of Planning & Development and SEDAC Orange County Departments of Economic Development & Planning Newburgh Industrial Development Agency Newburgh Housing Coalition	(1) Clarify the rules and requirements regarding housing development in the City of Newburgh including inclusionary housing requirements, zoning requirements, tax policies, and the affordable housing trust fund. (2) Establish clear criteria for approving housing developments on private as well as City-owned land. (3) Establish clear threshold requirements for awarding tax abatements to housing developments based upon their fulfilling critical housing needs, serving economic development objectives, and achieving fiscal returns. (4) Broadly engage the community in a review of the proposed criteria for both project approvals and tax abatement awards. (5) Prepare a guidebook that clearly presents the City’s development rules and requirements.		

GOAL 3B: IMPROVE HOMEOWNERSHIP OPPORTUNITIES

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 3B1: Help Newburgh Residents Finance Homes in Newburgh	Increased levels of homeownership in Newburgh especially for lower-income households and elimination of the racial disparities in housing access.	Phase II	<p>City of Newburgh Department of Planning and Development</p> <p>Non-profit organizations and housing providers (Pathstone, RUPCO, Habitat, RDAC, Newburgh Land Bank)</p> <p>Mortgage Lending Institutions (TD Bank, Sterling National Bank, Ulster Bank, Rhinebeck Bank)</p>	<p>(1) Prepare a homeownership guide for Newburgh residents that outlines all available federal, state, county, local, and private resources.</p> <p>(2) Increase the City's funding for homeownership assistance through the CDBG.</p> <p>(3) Designate one of the City's non-profit organizations with the creation of a homeownership information center that provides a local contact and repository of information.</p> <p>(4) Establish a relationship with a local bank, perhaps the one used by the City of Newburgh, that will assume a more proactive role in homeownership counseling and local mortgage lending.</p>		
ACTION 3B2: Provide more Diverse Pathways to Homeownership	Increase levels of homeownership in Newburgh especially for lower-income households and elimination of the racial disparities in housing access.	Phase III	<p>City of Newburgh Department of Planning and Development</p> <p>Non-profit organizations and housing providers (Pathstone, RUPCO, Habitat, RDAC, Newburgh Land Bank)</p> <p>Banks and Financial Institutions (Community Preservation Corporation, Community Capital, Leviticus Fund)</p>	<p>(1) Rezone Newburgh's Broadway corridor to allow for higher density housing for the entire area within ¼ mile of Broadway.</p> <p>(2) Identify existing multi-family buildings, vacant or underutilized suites that are suitable for limited equity coops.</p> <p>(3) Help multi-family housing developers better access the financing required to ensure that new units are affordable.</p> <p>(4) Advocate for Adoption of Federal Homeownership Assistance Programs.</p> <p>(5) Encourage existing non-profit organizations in Newburgh to continue exploring different opportunities for creating affordable owner occupied units.</p>		

GOAL 3C: INCREASE COMMUNITY CONNECTIONS

ACTION	TARGETED OUTCOMES	IMPLEMENTATION PHASE	RESPONSIBLE PARTIES	IMPLEMENTATION STEPS	FUNDING OPPORTUNITIES	CURRENT STATUS
ACTION 3C1: Expand Services, Programs, and Resources at Community Centers	Increased community utilization of community services; Increased collaborations between different community centers; greater level of social cohesion and integration of Newburgh's diverse populations.	Phase II	Orange County Department of Social Services	(1) Convene Community Center Alliance		
ACTION 3C2: Enhance the Safety and Aesthetic Beauty of City Streets, Parks, and Playgrounds	Higher quality of life and access to park space in Newburgh neighborhoods.	Phase III	Newburgh Departments of Public Works, Engineering, and Recreation	(1) Draft City of Newburgh's Open Space & Recreation Plan		
ACTION 3C2: Expand Support for Neighborhood Serving Businesses	Increased number of locally owned businesses and reduction in commercial storefront vacancies.	Phase II	SEDAC	(1) Evaluate impact of zoning on small business preservation and development. . (2) Organize business community into a local chamber of commerce. (3) Partner with State University of New York Orange County to create training programs for entrepreneurship in partnership with local businesses. (4) Expand access to capital for local businesses. (5) Identify opportunities for marketing small businesses in Newburgh.		

McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four

McK.Unconsol.Laws T. 23, Ch. 5, Refs & Annos

[Currentness](#)

McKinney's Unconsolidated Laws T. 23, Ch. 5, Refs & Annos, NY UNCON LAWS T. 23, Ch. 5, Refs & Annos
Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

End of Document

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8621

§ 8621. Short title

[Currentness](#)

This act ¹ shall be known and may be cited as the “emergency tenant protection act of nineteen seventy-four”.

Credits

(L.1974, c. 576, § 4 [§ 1].)

Footnotes

¹ L.1974, c. 576, § 4.

McKinney's Unconsolidated Laws § 8621, NY UNCON LAWS § 8621

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8622

§ 8622 Legislative finding

Effective: June 14, 2019

[Currentness](#)

The legislature hereby finds and declares that a serious public emergency continues to exist in the housing of a considerable number of persons in the state of New York, that such emergency necessitates the intervention of federal, state and local government¹ in order to prevent speculative, unwarranted and abnormal increases in rents; that there continues to exist in many areas of the state an acute shortage of housing accommodations caused by continued high demand, attributable in part to new household formations and decreased supply, in large measure attributable to reduced availability of federal subsidies, and increased costs of construction and other inflationary factors; that a substantial number of persons residing in housing not presently subject to the provisions of this act or the emergency housing rent control law² or the local emergency housing rent control act³ are being charged excessive and unwarranted rents and rent increases; that preventive action by the legislature continues to be imperative in order to prevent exaction of unjust, unreasonable and oppressive rents and rental agreements and to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health, safety and general welfare; that in order to prevent uncertainty, hardship and dislocation, the provisions of this act⁴ are necessary and designed to protect the public health, safety and general welfare; that the transition from regulation to a normal market of free bargaining between landlord and tenant, while the ultimate objective of state policy, must take place with due regard for such emergency; and that the policy herein expressed shall be subject to determination of the existence of a public emergency requiring the regulation of residential rents within any city, town or village by the local legislative body of such city, town or village.

Credits

(L.1974, c. 576, § 4 [§ 2]. Amended L.2019, c. 36, pt. G, § 2, eff. June 14, 2019.)

Footnotes

¹ So in original. Probably should be “governments”.

² McK. Unconsol. Laws § 8581 et seq.

³ McK. Unconsol. Laws § 8601 et seq.

⁴ L.1974, c. 576, § 4.

McKinney's Unconsolidated Laws § 8622, NY UNCON LAWS § 8622

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8623

§ 8623. Local determination of emergency; end of emergency

Currentness

a. The existence of public emergency requiring the regulation of residential rents for all or any class or classes of housing accommodations, including any plot or parcel of land which had been rented prior to May first, nineteen hundred fifty, for the purpose of permitting the tenant thereof to construct or place his own dwelling thereon and on which plot or parcel of land there exists a dwelling owned and occupied by a tenant of such plot or parcel, heretofore destabilized; heretofore or hereafter decontrolled, exempt, not subject to control, or exempted from regulation and control under the provisions of the emergency housing rent control law,¹ the local emergency housing rent control act² or the New York city rent stabilization law of nineteen hundred sixty-nine;³ or subject to stabilization or control under such rent stabilization law, shall be a matter for local determination within each city, town or village. Any such determination shall be made by the local legislative body of such city, town or village on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for regulating and controlling residential rents within such city, town or village. A declaration of emergency may be made as to any class of housing accommodations if the vacancy rate for the housing accommodations in such class within such municipality is not in excess of five percent and a declaration of emergency may be made as to all housing accommodations if the vacancy rate for the housing accommodations within such municipality is not in excess of five percent.

b. The local governing body of a city, town or village having declared an emergency pursuant to subdivision a of this section may at any time, on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for continued regulation and control of residential rents within such municipality, declare that the emergency is either wholly or partially abated or that the regulation of rents pursuant to this act⁴ does not serve to abate such emergency and thereby remove one or more classes of accommodations from regulation under this act. The emergency must be declared at an end once the vacancy rate described in subdivision a of this section exceeds five percent.

c. No resolution declaring the existence or end of an emergency, as authorized by subdivisions a and b of this section, may be adopted except after public hearing held on not less than ten days public notice, as the local legislative body may reasonably provide.

Credits

(L.1974, c. 576, § 4 [§ 3]. Amended L.1980, c. 69, § 4.)

Footnotes

- 1 [McK. Unconsol. Laws § 8581 et seq.](#)
- 2 [McK. Unconsol. Laws § 8601 et seq.](#)
- 3 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617.](#)
- 4 L.1974, c. 576, § 4.

McKinney's Unconsolidated Laws § 8623, NY UNCON LAWS § 8623

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8624

§ 8624. Establishment of rent guidelines boards; duties

Effective: June 14, 2019

Currentness

a. In each county wherein any city having a population of less than one million or any town or village has determined the existence of an emergency pursuant to [section three](#) of this act ¹, there shall be created a rent guidelines board to consist of nine members appointed by the commissioner of housing and community renewal upon recommendation of the county legislature, except that a rent guidelines board created subsequent to the effective date of the chapter of the laws of two thousand nineteen that amended this section shall consist of nine members appointed by the commissioner of housing and community renewal upon recommendations of the local legislative body of each city having a population of less than one million or town or village which has determined the existence of an emergency pursuant to [section three](#) of this act. Such recommendation shall be made within thirty days after the first local declaration of an emergency in such county; two such members shall be representative of tenants, two shall be representative of owners of property, and five shall be public members each of whom shall have had at least five years experience in either finance, economics or housing. One public member shall be designated by the commissioner to serve as chairman and shall hold no other public office. No member, officer or employee of any municipal rent regulation agency or the state division of housing and community renewal and no person who owns or manages real estate covered by this law or who is an officer of any owner or tenant organization shall serve on a rent guidelines board. One public member, one member representative of tenants and one member representative of owners shall serve for a term ending two years from January first next succeeding the date of their appointment; one public member, one member representative of tenants and one member representative of owners shall serve for terms ending three years from the January first next succeeding the date of their appointment and three public members shall serve for terms ending four years from January first next succeeding the dates of their appointment. Thereafter, all members shall serve for terms of four years each. Members shall continue in office until their successors have been appointed and qualified. The commissioner shall fill any vacancy which may occur by reason of death, resignation or otherwise in a manner consistent with the original appointment. A member may be removed by the commissioner for cause, but not without an opportunity to be heard in person or by counsel, in his defense, upon not less than ten days notice. Compensation for the members of the board shall be at the rate of one hundred dollars per day, for no more than twenty days a year, except that the chairman shall be compensated at the rate of one hundred twenty-five dollars a day for no more than thirty days a year. The board shall be provided staff assistance by the division of housing and community renewal. The compensation of such members and the costs of staff assistance shall be paid by the division of housing and community renewal which shall be reimbursed in the manner prescribed in [section four](#) of this act. ² The local legislative body of each city having a population of less than one million and each town and village in which an emergency has been determined to exist as herein provided shall be authorized to designate one person who shall be representative of tenants and one person who shall be representative of owners of property to serve at its pleasure and without compensation to advise and assist the county rent guidelines board in matters affecting the adjustment of rents for housing accommodations in such city, town or village as the case may be.

a-1. Notwithstanding the provisions of subdivision a of this section to the contrary, in each county that became subject to this act pursuant to the chapter of the laws of two thousand nineteen that amended this section, the commissioner shall reconstitute the existing rent guidelines board subsequent to any initial local declaration of emergency within such county for the purpose of

ensuring representation of all cities having a population of less than one million and all towns and villages within such county having determined the existence of an emergency in accordance with this act are represented, pursuant to rules and regulations promulgated by the division of housing and community renewal.

b. A county rent guidelines board shall establish annual guidelines for rent adjustments which, at its sole discretion may be varied and different for and within the several zones and jurisdictions of the board, and in determining whether rents for housing accommodations as to which an emergency has been declared pursuant to this act³ shall be adjusted, shall consider among other things (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of housing accommodations and over-all vacancy rates, (2) relevant data from the current and projected cost of living indices for the affected area, (3) such other data as may be made available to it. As soon as practicable after its creation and thereafter not later than July first of each year, a rent guidelines board shall file with the state division of housing and community renewal its findings for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for one or more classes of accommodation subject to this act, authorized for leases or other rental agreements commencing during the next succeeding twelve months. The standards for rent adjustments may be applicable for the entire county or may be varied according to such zones or jurisdictions within such county as the board finds necessary to achieve the purposes of this subdivision. A rent guidelines board shall not establish annual guidelines for rent adjustments based on the current rental cost of a unit or on the amount of time that has elapsed since another rent increase was authorized pursuant to this chapter.

The standards for rent adjustments established annually shall be effective for leases commencing on October first of each year and during the next succeeding twelve months whether or not the board has filed its findings and statement of the maximum rate or rates of rent adjustment by July first of each year. If such lease is entered into before such filing by the board, it may provide for the rent to be adjusted by the rates then in effect, subject to change by the applicable rates of rent adjustment when filed, such change to be effective as of the date of the commencement of the lease. Said lease must provide that, if the new rates of rent adjustment differ for leases of different terms, the tenant has the option of changing the original lease term to any other term for which a rate of rent adjustment is set by the board, with the rental to be adjusted accordingly.

Where a city, town or village shall act to determine the existence of public emergency pursuant to [section three](#) of this act¹ subsequent to the establishment of annual guidelines for rent adjustments of the accommodations subject to this act,³ the rent guidelines board as soon as practicable thereafter shall file its findings and rates of rent adjustment for leases or other rental agreements for the housing accommodations in such a city, town or village, which rates shall be effective for leases or other rental agreements commencing on or after the effective date of the determination.

A county rent guidelines board shall establish annual guidelines for rent adjustments which, at its sole discretion may be varied and different for and within the several zones and jurisdictions of the board, and in determining whether rents for housing accommodations as to which an emergency has been declared pursuant to this act shall be adjusted, shall consider among other things (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of housing accommodations and over-all vacancy rates, (2) relevant data from the current and projected cost of living indices for the affected area, (3) such other data as may be made available to it. As soon as practicable after its creation and thereafter not later than July first of each year, a rent guidelines board shall file with the state division of housing and community renewal its findings for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for one or more classes of accommodation subject to this act, authorized for leases or other rental agreements commencing during the next succeeding twelve months. The standards for rent adjustments may be applicable for the entire county or may be varied according to such zones or jurisdictions within

such county as the board finds necessary to achieve the purposes of this subdivision. A rent guidelines board shall not establish annual guidelines for rent adjustments based on the current rental cost of a unit or on the amount of time that has elapsed since another rent increase was authorized pursuant to this chapter.

c. In a city having a population of one million or more, the rent guidelines board shall be the rent guidelines board established pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine⁴ as amended, and such board shall have the powers granted pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine⁴ as amended.

d. Maximum rates of rent adjustment shall not be established more than once annually for any housing accommodation within a board's jurisdiction. Once established, no such rate shall, within the one-year period, be adjusted by any surcharge, supplementary adjustment or other modification.

e. Notwithstanding any other provision of this act, the adjustment for vacancy leases covered by the provisions of this act shall be determined exclusively pursuant to [section ten](#) of this act. Rent guidelines boards shall no longer promulgate adjustments for vacancy leases.

Credits

(L.1974, c. 576, § 4 [§ 4]. Amended L.1976, c. 486, § 1; L.1979, c. 348, § 1; L.1979, c. 349, § 1; L.1980, c. 330, § 1; L.1983, c. 403, §§ 53, 54; L.2019, c. 36, pt. C, §§ 2, 3, pt. G, § 5, eff. June 14, 2019; L.2019, c. 39, pt. Q, §§ 2, 3, eff. June 24, 2019, deemed eff. June 14, 2019.)

Footnotes

1 [McK. Unconsol. Laws § 8623.](#)

2 See [McK. Unconsol. Laws § 8628.](#)

3 L.1974, c. 576, § 4.

4 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617.](#)

McKinney's Unconsolidated Laws § 8624, NY UNCON LAWS § 8624

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8625

§ 8625. Housing accommodations subject to regulation

Effective: June 14, 2019

[Currentness](#)

a. A declaration of emergency may be made pursuant to [section three](#)¹ as to all or any class or classes of housing accommodations in a municipality, except:

(1) housing accommodations subject to the emergency housing rent control law,² or the local emergency housing rent control act,³ other than housing accommodations subject to the New York city rent stabilization law of nineteen hundred sixty-nine;⁴

(2) housing accommodations owned or operated by the United States, the state of New York, any political subdivision, agency or instrumentality thereof, any municipality or any public housing authority;

(3) housing accommodations in buildings in which rentals are fixed by or subject to the supervision of the state division of housing and community renewal under other provisions of law or the New York city department of housing preservation and development or the New York state urban development corporation, or, to the extent that regulation under this act is inconsistent therewith aided by government insurance under any provision of the National Housing Act;⁵

(4)(a) housing accommodations in a building containing fewer than six dwelling units, other than any plot or parcel of land in cities having a population of one million or more which had been rented prior to May first, nineteen hundred fifty, for the purpose of permitting the tenant thereof to construct or place his own dwelling thereon and heretofore or hereafter decontrolled, exempt, not subject to control or exempted from regulation and control under the provisions of the emergency housing rent control law² or the local emergency housing rent control act³ and on which plot or parcel of land there exists a dwelling owned and occupied by a tenant of such plot or parcel;

(b) for purposes of this paragraph four, a building shall be deemed to contain six or more dwelling units if it is part of a multiple family garden-type maisonette dwelling complex containing six or more dwelling units having common facilities such as a sewer line, water main or heating plant and operated as a unit under common ownership, notwithstanding that certificates of occupancy were issued for portions thereof as one- or two-family dwellings.

(5) housing accommodations in buildings completed or buildings substantially rehabilitated as family units on or after January first, nineteen hundred seventy-four;

(5-a) housing accommodations located outside of a city with a population of one million or more in any such buildings that were vacant and unoccupied on June first, two thousand nineteen and had been vacant and unoccupied for at least the one-year period immediately preceding such date;

(6) housing accommodations owned or operated by a hospital, convent, monastery, asylum, public institution, or college or school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis other than (i) those accommodations occupied by a tenant on the date such housing accommodation is acquired by any such institution, or which are occupied subsequently by a tenant who is not affiliated with such institution at the time of his initial occupancy or (ii) permanent housing accommodations with government contracted services, as of and after June fourteenth, two thousand nineteen, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness; provided, however, that the terms of leases in existence as of June fourteenth, two thousand nineteen, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations, the legal regulated rent for such housing accommodations shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

(7) rooms or other housing accommodations in hotels, other than hotel accommodations in cities having a population of one million or more not occupied on a transient basis and heretofore subject to the emergency housing rent control law,² the local emergency housing rent control act³ or to the New York city rent stabilization law of nineteen hundred sixty-nine;⁴

(8) any motor court, or any part thereof, any trailer, or trailer space used exclusively for transient occupancy or any part thereof; or any tourist home serving transient guests exclusively, or any part thereof;

The term “motor court” shall mean an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as motor, auto or tourist court in the community.

The term “tourist home” shall mean a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

(9) non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if:

(a) no more than two tenants for whom rent is paid (husband and wife being considered one tenant for this purpose), not members of the landlord's immediate family, live in such dwelling unit, and

(b) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family.

(10) housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis except for permanent housing accommodations with government contracted services, as of and after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness; provided, however, that the terms of leases in existence as of the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations, the legal regulated rent for such housing accommodations

shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

(11) housing accommodations which are not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in [section four hundred fifty-nine-a of the social services law](#), who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. For the purposes of this paragraph, where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants. For the purposes of this paragraph, where a housing accommodation is rented to a not-for-profit for providing, as of and after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, permanent housing to individuals who are or were homeless or at risk of homelessness, affiliated subtenants authorized to use such accommodations by such not-for-profit shall be deemed to be tenants. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds.

(12) *Repealed by L.2019, c. 36, pt. D, § 6, eff. June 14, 2019; L.2019, c. 39, pt. Q, § 5, eff. June 24, deemed eff. June 14, 2019.*

(13) *Repealed by L.2019, c. 36, pt. D, § 3, eff. June 14, 2019.*

(14) (i) housing accommodations owned as a cooperative or condominium unit which are or become vacant on or after the effective date of this paragraph, except that this subparagraph shall not apply to units occupied by non-purchasing tenants under [section three hundred fifty-two-eee of the general business law](#) until the occurrence of a vacancy. (ii) This paragraph shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations. In connection with such course of conduct any other general enforcement provision of this act shall also apply;

b. Notwithstanding any other provision of this section, nothing shall prevent the declaration of an emergency pursuant to [section three](#) of this act¹ for rental housing accommodations located in buildings or structures which are subject to the provisions of article eighteen of the private housing finance law.

Credits

(L.1974, c. 576, § 4 [§ 5]. Amended L.1978, c. 655, § 137; L.1980, c. 69, § 5; L.1983, c. 403, § 55; L.1984, c. 940, § 3; L.1985, c. 67, § 5; L.1993, c. 253, §§ 8, 17; L.1997, c. 116, § 7-a, eff. June 19, 1997, § 9, eff. Jan. 1, 1998; L.2003, c. 82, § 2, eff. June 20, 2003; L.2010, c. 422, § 3, eff. Aug. 30, 2010; L.2011, c. 97, pt. B, §§ 10, 29, eff. June 24, 2011; L.2015, c. 20, pt. A, § 8, eff. June 26, 2015, deemed eff. June 15, 2015; L.2019, c. 36, pt. D, §§ 3, 6, pt. G, § 4, pt. J, § 1, eff. June 14, 2019; L.2019, c. 39, pt. Q, §§ 5, 17, eff. June 24, 2019, deemed eff. June 14, 2019.)

Footnotes

- 1 [McK. Unconsol. Laws § 8623.](#)
- 2 [McK. Unconsol. Laws § 8581 et seq.](#)
- 3 [McK. Unconsol. Laws § 8601 et seq.](#)
- 4 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617.](#)
- 5 [12 USCA § 1701 et seq.](#)

McKinney's Unconsolidated Laws § 8625, NY UNCON LAWS § 8625

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8625-a

§ 8625-a. Repealed by L.2019, c. 36, pt. D, § 7, eff. June 14, 2019;
L.2019, c. 39, pt. Q, § 6, eff. June 24, 2019, deemed eff. June 14, 2019

Effective: June 14, 2019

[Currentness](#)

McKinney's Unconsolidated Laws § 8625-a, NY UNCON LAWS § 8625-a

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8626

§ 8626. Regulation of rents

Effective: November 21, 2022

[Currentness](#)

a. Notwithstanding the provisions of any lease or other rental agreement, no owner shall, on or after the first day of the first month or other rental period following a declaration of emergency pursuant to [section three](#),¹ which date shall be referred to in this act² as the local effective date, charge or collect any rent in excess of the initial legal regulated rent or adjusted initial legal regulated rent until such time as a different legal regulated rent shall be authorized pursuant to guidelines adopted by a rent guidelines board pursuant to [section four](#).³

b. The initial legal regulated rents for housing accommodations in a city having a population of less than one million or a town or village as to which a declaration of emergency has been made pursuant to this act shall be:

(1) For housing accommodations subject to the emergency housing rent control law⁴ which become vacant on or after the local effective date of this act, the rent agreed to by the landlord and the tenant and reserved in a lease or provided for in a rental agreement; provided that such initial legal regulated rent may be adjusted on application of the owner or tenant pursuant to [subdivision a of section nine](#) of this act;⁵ and provided further that no increase of such initial regulated rent pursuant to annual guidelines adopted by the rent guidelines board shall become effective until the expiration of the first lease or rental agreement taking effect after the local effective date, but in no event before one year from the commencement of such rental agreement.

(2) For all other housing accommodations, the rent reserved in the last effective lease or other rental agreement; provided that an initial rent based upon the rent reserved in a lease or other rental agreement which became effective on or after January first, nineteen hundred seventy-four may be adjusted on application of the tenant pursuant to [subdivision b of section nine](#) of this act or on application of either the owner or tenant pursuant to subdivision a of such section; and further provided that if a lease is entered into for such housing accommodations after the local effective date, but before the effective date of the first guidelines applicable to such accommodations, the lease may provide for an adjustment of rent pursuant to such guidelines, to be effective on the first day of the month next succeeding the effective date of such guidelines.

c. The initial legal regulated rents for housing accommodations in a city having a population of one million or more shall be the initial rent established pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine as amended.⁶

d. Provision shall be made pursuant to regulations under this act for individual adjustment of rents where:

(1) there has been a substantial modification or increase of dwelling space, or installation of new equipment or improvements or new furniture or furnishings, provided in or to a tenant's housing accommodation, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The temporary increase in the legal regulated rent for the affected housing accommodation shall be one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, of the total actual cost incurred by the landlord up to fifteen thousand dollars in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and a prohibition on common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this paragraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen. Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.

(2) there has been since January first, nineteen hundred seventy-four an increase in the rental value of the housing accommodations as a result of a substantial rehabilitation of the building or the housing accommodation therein which materially adds to the value of the property or appreciably prolongs its life, excluding ordinary repairs, maintenance, and replacements, or

(3) there has been since January first, nineteen hundred seventy-four a major capital improvement essential for the preservation, energy efficiency, functionality, or infrastructure of the entire building, improvement of the structure including heating, windows, plumbing and roofing, but shall not be for operation costs or unnecessary cosmetic improvements. An adjustment under this paragraph shall be in an amount sufficient to amortize the cost of the improvements pursuant to this paragraph over a twelve-year period for a building with thirty-five or fewer housing accommodations, or a twelve and one-half period for a building with more than thirty-five housing accommodations and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board, for any determination issued by the division of housing and community renewal after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph. Temporary major capital improvement increases shall be collectable prospectively on the first day of the first month beginning sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases for any renewal lease commencing on or after June 14, 2019, due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year for any tenant in occupancy on the date the major capital improvement was approved, or

(3-a) an application for a temporary major capital improvement increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply. The state division of housing and community renewal shall provide any responding tenant with the reasons for the division's approval or denial of such application; or

(4) an owner by application to the state division of housing and community renewal for increases in the rents in excess of the rent adjustment authorized by the rent guidelines board under this act establishes a hardship, and the state division finds that the rate of rent adjustment is not sufficient to enable the owner to maintain approximately the same ratio between operating expenses, including taxes and labor costs but excluding debt service, financing costs, and management fees, and gross rents which prevailed on the average over the immediate preceding five year period, or for the entire life of the building if less than five years, or

(5) as an alternative to the hardship application provided under paragraph four of this subdivision, owners of buildings acquired by the same owner or a related entity owned by the same principals three years prior to the date of application may apply to the division for increases in excess of the level of applicable guideline increases established under this law based on a finding by the commissioner that such guideline increases are not sufficient to enable the owner to maintain an annual gross rent income for such building which exceeds the annual operating expenses of such building by a sum equal to at least five percent of such gross rent. For the purposes of this paragraph, operating expenses shall consist of the actual, reasonable, costs of fuel, labor, utilities, taxes, other than income or corporate franchise taxes, fees, permits, necessary contracted services and non-capital repairs, insurance, parts and supplies, management fees and other administrative costs and mortgage interest. For the purposes of this paragraph, mortgage interest shall be deemed to mean interest on a bona fide mortgage including an allocable portion of charges related thereto. Criteria to be considered in determining a bona fide mortgage other than an institutional mortgage shall include; condition of the property, location of the property, the existing mortgage market at the time the mortgage is placed, the term of the mortgage, the amortization rate, the principal amount of the mortgage, security and other terms and conditions of the mortgage. The commissioner shall set a rental value for any unit occupied by the owner or a person related to the owner or unoccupied at the owner's choice for more than one month at the last regulated rent plus the minimum number of guidelines increases or, if no such regulated rent existed or is known, the commissioner shall impute a rent consistent with other rents in the building. The amount of hardship increase shall be such as may be required to maintain the annual gross rent income as provided by this paragraph. The division shall not grant a hardship application under this paragraph or paragraph four of this subdivision for a period of three years subsequent to granting a hardship application under the provisions of this paragraph. The collection of any increase in the rent for any housing accommodation pursuant to this paragraph shall not exceed six percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. No application shall be approved unless the owner's equity in such building exceeds five percent of: (i) the arms length purchase price of the property; (ii) the cost of any capital improvements for which the owner has not collected a surcharge; (iii) any repayment of principal of any mortgage or loan used to finance the purchase of the property or any capital improvements for which the owner has not collected a surcharge; and (iv) any increase in the equalized assessed value of the property which occurred subsequent to the first valuation of the property after purchase by the owner. For the purposes of this paragraph, owner's equity shall mean the sum of (i) the purchase price of the property less the principal of any mortgage or loan used to finance the purchase of the property, (ii) the cost of any capital improvement for which the owner has not collected a surcharge less the principal of any mortgage or loan used to finance said improvement, (iii) any repayment of the principal of any mortgage or loan used to finance the purchase of the property or any capital improvement for which the owner has not collected a surcharge, and (iv) any increase in the equalized assessed value of the property which occurred subsequent to the first valuation of the property after purchase by the owner.

This subdivision shall apply to accommodations outside a city of one million or more.

e. Notwithstanding any contrary provisions of this act, on and after July first, nineteen hundred eighty-four the legal regulated rent shall be the rent registered pursuant to section twelve-a of this act⁷ subject to any modification imposed pursuant to this act.

f. Notwithstanding any inconsistent provision of law, rule, regulation, contract, agreement, lease or other obligation, no owner, in addition to the authorized collection of rent, shall demand, receive or retain a security deposit or advance payment which exceeds the rent of one month for or in connection with the use or occupancy of a housing accommodation by (i) any tenant who is sixty-five years of age or older for any lease or lease renewal entered into after July 1, 1996 or (ii) any tenant who is receiving disability retirement benefits or supplemental security income pursuant to the federal social security act⁸ for any lease or lease renewal entered into after July 1, 2002.

f-1. An owner, lessor or agent thereof shall be prohibited from assessing a lessee any fee, surcharge or other charges for legal services in connection with the operation or rental of a residential unit unless the owner, lessor or agent has the legal authority to do so pursuant to a court order. Legal services include, but are not limited to, court fees, legal representation, attorney fees, notary public charges, and administrative fees incurred by the owner, lessor or agent in connection with management of the building, including actions and proceedings in a court of law. Any agreement or assessment to the contrary shall be void as contrary to public policy.

g. No owner of a housing accommodation subject to the provisions of this section shall impose any surcharge for the installation and use of a tenant-installed air conditioner unit where the tenant pays for electric utility service.

Credits

(L.1974, c. 576, § 4 [§ 6]. Amended L.1983, c. 403, §§ 2, 55-a; L.1984, c. 102, § 1; L.1990, c. 749, § 4; L.1993, c. 253, § 20; L.1996, c. 256, § 1; L.1997, c. 116, § 23, eff. June 19, 1997; L.2002, c. 532, § 1, eff. Sept. 17, 2002; L.2011, c. 97, pt. B, § 18, eff. June 24, 2011; L.2015, c. 20, pt. A, § 30, eff. June 26, 2015, deemed eff. June 15, 2015; L.2019, c. 36, pt. B, § 4, pt. K, §§ 1, 9, 13, eff. June 14, 2019; L.2019, c. 39, pt. Q, §§ 18, 26, eff. June 24, 2019, deemed eff. June 14, 2019; L.2021, c. 695, § 2, eff. Dec. 21, 2021; L.2022, c. 619, § 2, eff. Nov. 21, 2022.)

Footnotes

1 [McK. Unconsol. Laws § 8623.](#)

2 [L.1974, c. 576, § 4.](#)

3 [McK. Unconsol. Laws § 8624.](#)

4 [McK. Unconsol. Laws § 8581 et seq.](#)

5 [McK. Unconsol. Laws § 8629.](#)

6 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617.](#)

7 [McK. Unconsol. Laws § 8632-a.](#)

8 [42 USCA § 301 et seq.](#)

McKinney's Unconsolidated Laws § 8626, NY UNCON LAWS § 8626

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8627

§ 8627. Maintenance of services

Currentness

a. In order to collect a rent adjustment authorized pursuant to the provisions of [subdivision b of section four](#),¹ the owner of housing accommodations subject to this act² located in a city having a population of less than one million or a town or village must file with the state division of housing and community renewal on a form which it shall prescribe, a written certification that he is maintaining and will continue to maintain all services furnished on the date upon which this act becomes a law or required to be furnished by any law, ordinance or regulation applicable to the premises. In addition to any other remedy afforded by law, any tenant may apply to the state division of housing and community renewal for a reduction in the rent to the level in effect prior to its most recent adjustment, and the state division of housing and community renewal may so reduce the rent if it finds that the owner has failed to maintain such services. The owner shall be supplied with a copy of the application and shall be permitted to file an answer thereto. A hearing may be held upon the request of either party, or the state division of housing and community renewal may hold a hearing upon its own motion. The state division of housing and community renewal may consolidate the proceedings for two or more petitions applicable to the same building. If the state division of housing and community renewal finds that the owner has knowingly filed a false certification, it shall, in addition to abating the rent, assess the owner with the reasonable costs of the proceeding, including reasonable attorneys' fees, and impose a penalty not in excess of two hundred fifty dollars for each false certification. The amount of the reduction in rent ordered by the state division of housing and community renewal under this subdivision shall be reduced by any credit, abatement or offset in rent which the tenant has received pursuant to [section two hundred thirty-five-b of the real property law](#), that relates to one or more conditions covered by such order.

b. In order to collect a rent adjustment authorized pursuant to the provisions of [subdivision c of section four](#), the owner of housing accommodations located in a city having a population of more than one million shall comply with the requirements with respect to the maintenance of services of the New York city rent stabilization law of nineteen hundred sixty-nine.³

Credits

(L.1974, c. 576, § 4 [§ 7]. Amended L.1997, c. 116, § 41, eff. June 19, 1997.)

Footnotes

¹ [McK. Unconsol. Laws § 8624.](#)

² [L.1974, c. 576, § 4.](#)

- 3 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617](#).

McKinney's Unconsolidated Laws § 8627, NY UNCON LAWS § 8627

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8628

§ 8628. Administration

Effective: April 3, 2020

[Currentness](#)

a. Whenever a city having a population of less than one million, or a town or village has determined the existence of an emergency pursuant to [section three](#) of this act,¹ the state division of housing and community renewal shall be designated as the sole administrative agency to administer the regulation of residential rents as provided in this act.² The costs incurred by the state division of housing and community renewal in administering such regulation shall be paid by such city, town or village. Such local resolution shall forthwith be transmitted to the state division of housing and community renewal and shall be accompanied by an initial payment in an amount previously determined by the commissioner of housing and community renewal as necessary to defray the division's anticipated first year cost. Thereafter, annually, after the close of the fiscal year of the state, the commissioner of housing and community renewal shall determine the amount of all costs incurred and shall certify to each such city, town or village its proportionate share of such costs, after first deducting therefrom the amount of such initial payment. The amount so certified shall be paid to the commissioner by such city, town or village within ninety days after the receipt of such certification. In the event that the amount thereof is not paid to the commissioner as herein prescribed, the commissioner shall certify the unpaid amount to the comptroller, and the comptroller shall withhold such amount from the next succeeding payment of per capita assistance to be apportioned to such city, town or village.

b. The legislative body of any city, town or village acting to impose regulation of residential rents pursuant to the provisions of this act may impose on the owner of every building containing housing accommodations subject to such regulation an annual charge for each such accommodation in such amount as it determines to be necessary for the expenses to be incurred in the administration of such regulation.

c. Whenever a city having a population of one million or more has determined the existence of an emergency pursuant to [section three](#) of this act,¹ the provisions of this act² and the New York city rent stabilization law of nineteen hundred sixty-nine³ shall be administered by the state division of housing and community renewal as provided in the New York city rent stabilization law of nineteen hundred sixty-nine, as amended, or as otherwise provided by law. The costs incurred by the state division of housing and community renewal in administering such regulation shall be paid by such city. All payments for such administration shall be transmitted to the state division of housing and community renewal as follows: on or after April first of each year commencing with April, nineteen hundred eighty-four, the commissioner of housing and community renewal, in consultation with the director of the budget, shall determine an amount necessary to defray the division's anticipated annual cost, and one-quarter of such amount shall be paid by such city on or before July first of such year, one-quarter of such amount on or before October first of such year, one-quarter of such amount on or before January first of the following year and one-quarter of such amount on or before March thirty-first of the following year. After the close of the fiscal year of the state, the commissioner, in consultation with the director of the budget, shall determine the amount of all actual costs incurred in such fiscal year and shall certify such amount to such city. If such certified amount shall differ from the amount paid by the city for such fiscal year, appropriate adjustments shall be made in the next quarterly payment to be made by such city. In the event

that the amount thereof is not paid to the commissioner, in consultation with the director of the budget, as herein prescribed, the commissioner, in consultation with the director of the budget, shall certify the unpaid amount to the comptroller, and the comptroller shall, to the extent not otherwise prohibited by law, withhold such amount from any state aid payable to such city. In no event shall the amount imposed on the owners exceed twenty dollars per unit per year.

d. Notwithstanding subdivision c of this section or any other provision of law to the contrary, whenever the state has incurred any costs as a result of administering the rent regulation program for a city having a population of one million or more in accordance with subdivision c of this section, on or after April first of each year, the commissioner of housing and community renewal, in consultation with the director of the budget, shall determine an amount necessary to defray the state's anticipated annual cost. In the event that the division does not send a bill to the city to defray such costs in accordance with subdivision c of this section, it shall submit to the city an invoice showing all such costs as soon as practicable after the start of the state fiscal year in which the costs are to be incurred. The director of the budget may direct any other state agency to reduce the amount of any other payment or payments owed to such city or any department, agency, or instrumentality thereof; provided however, that such reduction shall be made no sooner than thirty days after the transmittal of the invoice of costs, and shall be in an amount equal to the costs incurred by the state in administering the rent regulation program for such city in accordance with subdivision c of this section. Within thirty days of the receipt of the invoice of costs, the city may send to the division, in written form, requests for additional information relating to such costs, including any recommendations on which local assistance payment would be reduced. If the director of the budget makes such direction in accordance with this subdivision, the impacted city shall not make the payments required by subdivision c of this section, and the division of housing and community renewal shall notify such city in writing of what payment or payments will be reduced and the amount of the reduction and shall suballocate, as necessary, the value of the costs it incurred to the agency or agencies which reduces the payments to such city or any department, agency or authority thereof in accordance with this subdivision.

e. The failure to pay the prescribed assessment not to exceed twenty dollars per unit for any housing accommodation subject to this act² or the New York city rent stabilization law of nineteen hundred sixty-nine³ shall constitute a charge due and owing such city, town or village which has imposed an annual charge for each such housing accommodation pursuant to subdivision b of this section. Any such city, town or village shall be authorized to provide for the enforcement of the collection of such charges by commencing an action or proceeding for the recovery of such fees or by the filing of a lien upon the building and lot. Such methods for the enforcement of the collection of such charges shall be the sole remedy for the enforcement of this section.

f. The division shall maintain at least one office in each county which is governed by the rent stabilization law of nineteen hundred sixty-nine³ or this act;² provided, however, that the division shall not be required to maintain an office in the counties of Nassau, Rockland, or Richmond.

Credits

(L.1974, c. 576, § 4 [§ 8]. Amended L.1983, c. 403, § 3; L.1997, c. 116, § 29, eff. June 19, 1997; L.2000, c. 61, pt. F, § 1, eff. April 1, 2000; L.2009, c. 57, pt. O, § 1, eff. April 7, 2009; L.2010, c. 56, pt. Z, § 5, eff. June 22, 2010, deemed eff. April 1, 2010; L.2019, c. 36, pt. K, § 16, eff. June 14, 2019; L.2020, c. 56, pt. I, §§ 1, 2, eff. April 3, 2020.)

Footnotes

1 McK. Unconsol. Laws § 8623.

2 [McK. Unconsol. Laws § 8621 et seq.](#)

3 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617](#).

McKinney's Unconsolidated Laws § 8628, NY UNCON LAWS § 8628

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8629

§ 8629. Application for adjustment of initial legal regulated rent

Currentness

a. The owner or tenant of a housing accommodation described in [paragraph one or two of subdivision b of section six](#)¹ may, within sixty days of the local effective date of this act or the commencement of the first tenancy thereafter, whichever is later, file with the state division of housing and community renewal an application for adjustment of the initial legal regulated rent for such housing accommodation. The state division of housing and community renewal may adjust such initial legal regulated rent upon a finding that the presence of unique or peculiar circumstances materially affecting the initial legal regulated rent has resulted in a rent which is substantially different from the rents generally prevailing in the same area for substantially similar housing accommodations.

b. The tenant of a housing accommodation described in [paragraph two, subdivision b, of section six](#) may file with the state division of housing and community renewal, within ninety days after notice has been received pursuant to subdivision c of this section, an application for adjustment of the initial legal regulated rent for such housing accommodation. Such tenant need only allege that such rent is in excess of the fair market rent and shall present such facts which, to the best of his information and belief, support such allegation. The rent guidelines board shall promulgate as soon as practicable after its creation guidelines for the determination of fair market rents for housing accommodations as to which an application may be made pursuant to this subdivision. In rendering a determination on an application filed pursuant to this subdivision b, the state division of housing and community renewal shall be guided by such guidelines. Where the state division of housing and community renewal has determined that the rent charged is in excess of the fair market rent it shall order a refund, of any excess paid since January first, nineteen hundred seventy-four or the date of the commencement of the tenancy, whichever is later. Such refund shall be made by the landlord in cash or as a credit against future rents over a period not in excess of six months.

c. Upon receipt of any application filed pursuant to this [section nine](#),² the state division of housing and community renewal shall notify the owner or tenant, as the case may be, and provide a copy to him of such application. Such owner or tenant shall be afforded a reasonable opportunity to respond to the application. A hearing may be held upon the request of either party, or the division may hold a hearing on its own motion. The division shall issue a written opinion to both the tenant and the owner upon rendering its determination.

d. Within thirty days after the local effective date of this act the owner of housing accommodations described in [paragraph two of subdivision b of section six](#), as to which an emergency has been declared pursuant to this act,³ shall give notice in writing by certified mail to the tenant of each such housing accommodation on a form prescribed by the state division of housing and community renewal of the initial legal regulated rent for such housing accommodation and of such tenant's right to file an application for adjustment of the initial legal regulated rent of such housing accommodation.

e. The initial legal regulated rents for housing accommodations in a city having a population of one million or more shall be subject to adjustment in accordance with the provisions of the New York city rent stabilization law as amended.⁴

Credits

(L.1974, c. 576, § 4 [§ 9].)

Footnotes

1 [McK. Unconsol. Laws § 8626.](#)

2 This section.

3 L.1974, c. 576, § 4.

4 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617.](#)

McKinney's Unconsolidated Laws § 8629, NY UNCON LAWS § 8629

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8630

§ 8630. Regulations

Effective: June 14, 2019

[Currentness](#)

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act¹ by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic tenancies and shall require owners to grant a new one or two year vacancy or renewal lease at the option of the tenant, except where a mortgage or mortgage commitment existing as of the local effective date of this act provides that the owner shall not grant a one-year lease; and shall prescribe standards with respect to the terms and conditions of new and renewal leases, additional rent and such related matters as security deposits, advance rental payments, the use of escalator clauses in leases and provision for increase in rentals for garages and other ancillary facilities, so as to ensure that the level of rent adjustments authorized under this law will not be subverted and made ineffective. Any provision of the regulations permitting an owner to refuse to renew a lease on grounds that the owner seeks to recover possession of a housing accommodation for his or her own use and occupancy or for the use and occupancy of his or her immediate family shall permit recovery of only one housing accommodation, shall require that an owner demonstrate immediate and compelling need and that the housing accommodation will be the proposed occupants' primary residence and shall not apply where a member of the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation under this subdivision shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subdivision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.

(a-1) Repealed by L.2019, c. 36, pt. B, § 2, eff. June 14, 2019.

(a-2) Where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon vacancy thereof, may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and other increases authorized by law. For any tenant who is subject to a lease on or after the effective date of a chapter of the laws of two thousand nineteen which amended this subdivision, or is or was entitled to receive a renewal or vacancy lease on or after such date, upon renewal of such lease, the amount of rent for such housing accommodation that may be charged and paid shall be no more than the rent charged to and paid by the tenant prior to that renewal, as adjusted by the

most recent applicable guidelines increases and any other increases authorized by law. Provided, however, that for buildings that are subject to this statute by virtue of a regulatory agreement with a local government agency and which buildings receive federal project based rental assistance administered by the United States department of housing and urban development or a state or local [section eight](#) administering agency, where the rent set by the federal, state or local governmental agency is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged with the approval of such federal, state or local governmental agency upon renewal or upon vacancy thereof, may be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases or other increases authorized by law; and further provided that such vacancy shall not be caused by the failure of the owner or an agent of the owner, to maintain the housing accommodation in compliance with the warranty of habitability set forth in [subdivision one of section two hundred thirty-five-b of the real property law](#).

b. For cities having a population of one million or more, this act may be implemented by regulations adopted pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine, as amended,² or as otherwise provided by law.

c. Each owner of premises subject to this act shall furnish to each tenant signing a new or renewal lease, a copy of the fully executed new or renewal lease bearing the signatures of owner and tenant and the beginning and ending dates of the lease term, within thirty days from the owner's receipt of the new or renewal lease signed by the tenant.

Credits

(L.1974, c. 576, § 4 [§ 10]. Amended L.1983, c. 403, § 56; L.1984, c. 234, § 3; L.1984, c. 439, § 1; L.1997, c. 116, § 20, eff. June 19, 1997, deemed eff. June 15, 1997; L.2003, c. 82, § 3, eff. June 20, 2003; L.2011, c. 97, pt. B, §§ 8, 13, eff. June 24, 2011; L.2015, c. 20, pt. A, §§ 11, 16-b, eff. June 26, 2015, deemed eff. June 15, 2015; L.2019, c. 36, pt. B, § 2, pt. E, § 1, pt. I, § 3, eff. June 14, 2019; L.2019, c. 39, pt. Q, §§ 11, 15, eff. June 24, 2019, deemed eff. June 14, 2019.)

Footnotes

1 L.1974, c. 576, § 4.

2 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617](#).

McKinney's Unconsolidated Laws § 8630, NY UNCON LAWS § 8630

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8630-a

§ 8630-a. Right to sublease

Currentness

Units subject to this law may be sublet pursuant to [section two hundred twenty-six-b of the real property law](#) provided that (a) the rental charged to the subtenant does not exceed the legal regulated rent plus a ten percent surcharge payable to the tenant if the unit sublet was furnished with the tenant's furniture; (b) the tenant can establish that at all times he has maintained the unit as his primary residence and intends to occupy it as such at the expiration of the sublease; (c) an owner may terminate the tenancy of a tenant who sublets or assigns contrary to the terms of this section but no action or proceeding based on the non-primary residence of a tenant may be commenced prior to the expiration date of his lease; (d) where an apartment is sublet the prime tenant shall retain the right to a renewal lease and the rights and status of a tenant in occupancy as they relate to conversion to condominium or cooperative ownership; (e) where a tenant violates the provisions of subdivision (a) of this section the subtenant shall be entitled to damages of three times the overcharge and may also be awarded attorneys fees and interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to [section five thousand four of the civil practice law and rules](#); (f) the tenant may not sublet the unit for more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The provisions of this subdivision (f) shall only apply to subleases commencing on and after July first, nineteen hundred eighty-three; (g) for the purposes of this section only, the term of the proposed sublease may extend beyond the term of the tenant's lease. In such event, such sublease shall be subject to the tenant's right to a renewal lease. The subtenant shall have no right to a renewal lease. It shall be unreasonable for an owner to refuse to consent to a sublease solely because such sublease extends beyond the tenant's lease; and (h) notwithstanding the provisions of [section two hundred twenty-six-b of the real property law](#), a not-for-profit hospital shall have the right to sublet any housing accommodation leased by it to its affiliated personnel without requiring the landlord's consent to any such sublease and without being bound by the provisions of subdivisions (b), (c) and (f) of this section. Commencing with the effective date of this subdivision, whenever a not-for-profit hospital executes a renewal lease for a housing accommodation, the legal regulated rent shall be increased by a sum equal to fifteen percent of the previous lease rental for such housing accommodation, hereinafter referred to as a vacancy surcharge, unless the landlord shall have received within the seven year period prior to the commencement date of such renewal lease any vacancy increases or vacancy surcharges allocable to the said housing accommodation. In the event the landlord shall have received any such vacancy increases or vacancy surcharges during such seven year period, the vacancy surcharge shall be reduced by the amount received by any such vacancy increase or vacancy surcharges.

Credits

(L.1974, c. 576, § 4 [§ 10-a], as added L.1983, c. 403, § 57; amended L.1984, c. 940, § 4.)

McKinney's Unconsolidated Laws § 8630-a, NY UNCON LAWS § 8630-a

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8630-b

§ 8630-b. Major capital improvements and individual apartment improvements in rent regulated units

Effective: June 14, 2019

[Currentness](#)

(a) Notwithstanding any other provision of law to the contrary, the division of housing and community renewal, the “division”, shall promulgate rules and regulations applicable to all rent regulated units that shall:

1. establish a schedule of reasonable costs for major capital improvements, which shall set a ceiling for what can be recovered through a temporary major capital improvement increase, based on the type of improvement and its rate of depreciation;
2. establish the criteria for eligibility of a temporary major capital improvement increase including the type of improvement, which shall be essential for the preservation, energy efficiency, functionality or infrastructure of the entire building, including heating, windows, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements. Allowable improvements must additionally be depreciable pursuant to the Internal Revenue Service, other than for ordinary repairs, that directly or indirectly benefit all tenants; and no increase shall be approved for group work done in individual apartments that is otherwise not an improvement to an entire building. Only such costs that are actual, reasonable, and verifiable may be approved as a temporary major capital improvement increase;
3. require that any temporary major capital improvement increase granted pursuant to these provisions be reduced by an amount equal to (i) any governmental grant received by the landlord, where such grant compensates the landlord for any improvements required by a city, state or federal government, an agency or any granting governmental entity to be expended for improvements and (ii) any insurance payment received by the landlord where such insurance payment compensates the landlord for any part of the costs of the improvements;
4. prohibit temporary major capital improvement increases for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;
5. prohibit individual apartment improvement increases for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;
6. prohibit temporary major capital improvement increases for buildings with thirty-five per centum or fewer rent-regulated units;

7. establish that temporary major capital improvement increases shall be fixed to the unit and shall cease thirty years from the date the increase became effective. Temporary major capital improvement increases shall be added to the legal regulated rent as a temporary increase and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the local rent guidelines board;

8. establish that temporary major capital improvement increases shall be collectible prospectively on the first day of the first month beginning sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, for any renewal lease commencing on or after June 14, 2019, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year for any tenant in occupancy on the date the major capital improvement was approved;

9. ensure that the application procedure for temporary major capital improvement increases shall include an itemized list of work performed and a description or explanation of the reason or purpose of such work;

10. provide, that where an application for a major capital improvement rent increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply;

11. establish a notification and documentation procedure for individual apartment improvements that requires an itemized list of work performed and a description or explanation of the reason or purpose of such work, inclusive of photographic evidence documenting the condition prior to and after the completion of the performed work. Provide for the centralized electronic retention of such documentation and any other supporting documentation to be made available in cases pertaining to the adjustment of legal regulated rents; and

12. establish a form in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such form shall be completed and preserved in the centralized electronic retention system to be operational by June 14, 2020. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

(b) The division shall establish an annual inspection and audit process which shall review twenty-five percent of applications for a temporary major capital improvement increase that have been submitted and approved. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under the law for temporary major capital improvement increases. Inspections shall include in-person confirmation that such improvements have been completed in such way as described in the application.

(c) The division shall issue a notice to the landlord and all the tenants sixty days prior to the end of the temporary major capital improvement increase and shall include the initial approved increase and the total amount to be removed from the legal regulated rent inclusive of any increases granted by the applicable rent guidelines board.

Credits

(L.1974, c. 576, § 4 [§ 10-b], as added L.2019, c. 36, pt. K, § 6, eff. June 14, 2019. Amended L.2019, c. 39, pt. Q, § 23, eff. June 24, 2019, deemed eff. June 14, 2019.)

McKinney's Unconsolidated Laws § 8630-b, NY UNCON LAWS § 8630-b

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

End of Document

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8631

§ 8631. Non-waiver of rights

[Currentness](#)

Any provision of a lease or other rental agreement which purports to waive a tenant's rights under this act¹ or regulations promulgated pursuant thereto shall be void as contrary to public policy.

Credits

(L.1974, c. 576, § 4 [§ 11].)

Footnotes

¹ L.1974, c. 576, § 4.

McKinney's Unconsolidated Laws § 8631, NY UNCON LAWS § 8631

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

End of Document

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8632

§ 8632. Enforcement and procedures

Effective: June 14, 2019

[Currentness](#)

a. (1) Subject to the conditions and limitations of this paragraph, any owner of housing accommodations in a city having a population of less than one million or a town or village as to which an emergency has been declared pursuant to [section three](#),¹ who, upon complaint of a tenant or of the state division of housing and community renewal, is found by the state division of housing and community renewal, after a reasonable opportunity to be heard, to have collected an overcharge above the rent authorized for a housing accommodation subject to this act² shall be liable to the tenant for a penalty equal to three times the amount of such overcharge. If the owner establishes by a preponderance of the evidence that the overcharge was neither willful nor attributable to his negligence, the state division of housing and community renewal shall establish the penalty as the amount of the overcharge plus interest at the rate of interest payable on a judgment pursuant to [section five thousand four of the civil practice law and rules](#). After a complaint of rent overcharge has been filed and served on an owner, the voluntary adjustment of the rent and/or the voluntary tender of a refund of rent overcharges shall not be considered by the division of housing and community renewal or a court of competent jurisdiction as evidence that the overcharge was not willful. (i) Except as to complaints filed pursuant to clause (ii) of this paragraph, the legal regulated rent for purposes of determining an overcharge, shall be deemed to be the rent indicated in the most recent reliable annual registration statement for a rent stabilized tenant filed and served upon the tenant six or more years prior to the most recent registration statement, (or, if more recently filed, the initial registration statement) plus in each case any subsequent lawful increases and adjustments. The division of housing and community renewal or a court of competent jurisdiction, in investigating complaints of overcharge and in determining legal regulated rent, shall consider all available rent history which is reasonably necessary to make such determinations. (ii) As to complaints filed within ninety days of the initial registration of a housing accommodation, the legal regulated rent for purposes of determining an overcharge shall be deemed to be the rent charged on the date six years prior to the date of the initial registration of the housing accommodation (or, if the housing accommodation was subject to this act for less than six years, the initial legal regulated rent) plus in each case, any lawful increases and adjustments. Where the rent charged on the date six years prior to the date of the initial registration of the accommodation cannot be established, such rent shall be established by the division.

(a) The order of the state division of housing and community renewal shall apportion the owner's liability between or among two or more tenants found to have been overcharged by such owner during their particular tenancy of a unit.

(b)(i) Except as provided under clauses (ii) and (iii) of this subparagraph, a complaint under this subdivision may be filed with the state division of housing and community renewal or in a court of competent jurisdiction at any time, however any recovery of overcharge penalties shall be limited to the six years preceding the complaint.

(ii) A penalty of three times the overcharge shall be assessed upon all overcharges willfully collected by the owner starting six years before the complaint is filed.

(iii) Any complaint based upon overcharges occurring prior to the date of filing of the initial rent registration as provided in subdivision b of section twelve-a of this act³ shall be filed within ninety days of the mailing of notice to the tenant of such registration.

(c) Any affected tenant shall be notified of and given an opportunity to join in any complaint filed by an officer or employee of the state division of housing and community renewal.

(d) An owner found to have overcharged shall, in all cases, be assessed the reasonable costs and attorney's fees of the proceeding, and interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to [section five thousand four of the civil practice law and rules](#).

(e) The order of the state division of housing and community renewal awarding penalties may, upon the expiration of the period in which the owner may institute a proceeding pursuant to article seventy-eight of the civil practice law and rules, be filed and enforced by a tenant in the same manner as a judgment or, in the alternative, not in excess of twenty percent thereof per month may be offset against any rent thereafter due the owner.

(f) Unless a tenant shall have filed a complaint of overcharge with the division which complaint has not been withdrawn, nothing contained in this section shall be deemed to prevent a tenant or tenants, claiming to have been overcharged, from commencing an action or interposing a counterclaim in a court of competent jurisdiction for damages equal to the overcharge and the penalty provided for in this section, including interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to [section five thousand four of the civil practice law and rules](#), plus the statutory costs and allowable disbursements in connection with the proceeding. The courts and the division shall have concurrent jurisdiction, subject to the tenant's choice of forum.

(2) In addition to issuing the specific orders provided for by other provisions of this act, the state division of housing and community renewal shall be empowered to enforce this act and its regulations by issuing, upon notice and a reasonable opportunity for the affected party to be heard, such other orders as it may deem appropriate.

(3) If the owner is found by the commissioner:

(i) to have violated an order of the division the commissioner may impose by administrative order after hearing, a civil penalty at minimum in the amount of one thousand but not to exceed two thousand dollars for the first such offense, and at minimum in the amount of two thousand but not to exceed three thousand dollars for each subsequent offense; or

(ii) to have harassed a tenant to obtain vacancy of his housing accommodation, the commissioner may impose by administrative order after hearing, a civil penalty for any such violation. Such penalty shall be at minimum in the amount of two thousand but not to exceed three thousand dollars for the first such offense, and at minimum in the amount of ten thousand but not to exceed eleven thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation.

Such order shall be deemed a final determination for the purposes of judicial review. Such penalty may, upon the expiration of the period for seeking review pursuant to article seventy-eight of the civil practice law and rules, be docketed and enforced in the manner of a judgment of the supreme court.

(4) Any proceeding pursuant to article seventy-eight of the civil practice law and rules seeking review of any action pursuant to this act shall be brought within sixty days of the expiration of the ninety day period and any extension thereof provided in subdivision c of this section or the rendering of a determination, whichever is later. Any action or proceeding brought by or against the commissioner under this act shall be brought in the county in which the housing accommodation is located.

(5) Violations of this act or of the regulations and orders issued pursuant thereto may be enjoined by the supreme court upon proceedings commenced by the state division of housing and community renewal or the tenant or tenants who allege they have been overcharged. The division shall not be required to post bond.

(6) In furtherance of its responsibility to enforce this act, the state division of housing and community renewal shall be empowered to administer oaths, issue subpoenas, conduct investigations, make inspections and designate officers to hear and report. The division shall safeguard the confidentiality of information furnished to it at the request of the person furnishing same, unless such information must be made public in the interest of establishing a record for the future guidance of persons subject to this act.

(7) In any action or proceeding before a court wherein a party relies for a ground of relief or defense or raises issue or brings into question the construction or validity of this act or any regulation, order or requirement hereunder, the court having jurisdiction of such action or proceeding may at any stage certify such fact to the state division of housing and community renewal. The state division of housing and community renewal may intervene in any such action or proceeding.

(8) Except where a specific provision of this law requires the maintenance of rent records for a longer period, including records of the useful life of improvements made to any housing accommodation or any building, any owner who has duly registered a housing accommodation pursuant to section twelve-a of this act³ shall not be required to maintain or produce any records relating to rentals of such accommodation more than six years prior to the most recent registration or annual statement for such accommodation. However, an owner's election not to maintain records shall not limit the authority of the division of housing and community renewal and the courts to examine the rental history and determine legal regulated rents pursuant to this subdivision.

(9) The division of housing and community renewal and the courts, in investigating complaints of overcharge and in determining legal regulated rents, shall consider all available rent history which is reasonably necessary to make such determinations, including but not limited to (a) any rent registration or other records filed with the state division of housing and community renewal, or any other state, municipal or federal agency, regardless of the date to which the information on such registration refers; (b) any order issued by any state, municipal or federal agency; (c) any records maintained by the owner or tenants; and (d) any public record kept in the regular course of business by any state, municipal or federal agency. Nothing contained in this paragraph shall limit the examination of rent history relevant to a determination as to:

(i) whether the legality of a rental amount charged or registered is reliable in light of all available evidence including, but not limited to, whether an unexplained increase in the registered or lease rents, or a fraudulent scheme to destabilize the housing accommodation, rendered such rent or registration unreliable;

- (ii) whether an accommodation is subject to the emergency tenant protection act;
- (iii) whether an order issued by the division of housing and community renewal or a court of competent jurisdiction, including, but not limited to an order issued pursuant to [section seven](#) of this act, or any regulatory agreement or other contract with any governmental agency, and remaining in effect within six years of the filing of a complaint pursuant to this section, affects or limits the amount of rent that may be charged or collected;
- (iv) whether an overcharge was or was not willful;
- (v) whether a rent adjustment that requires information regarding the length of occupancy by a present or prior tenant was lawful;
- (vi) the existence or terms and conditions of a preferential rent, or the propriety of a legal registered rent during a period when the tenants were charged a preferential rent;
- (vii) the legality of a rent charged or registered immediately prior to the registration of a preferential rent; or
- (viii) the amount of the legal regulated rent where the apartment was vacant or temporarily exempt on the date six years prior to a tenant's complaint.

b. Within a city having a population of one million or more, the state division of housing and community renewal shall have such powers to enforce this act as shall be provided in the New York city rent stabilization law of nineteen hundred sixty-nine, as amended,⁴ or as shall otherwise be provided by law. Unless a tenant shall have filed a complaint of overcharge with the division which complaint has not been withdrawn, nothing contained in this section shall be deemed to prevent a tenant or tenants, claiming to have been overcharged, from commencing an action or interposing a counterclaim in a court of competent jurisdiction for damages equal to the overcharge and the penalty provided for in this section, including interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to [section five thousand four of the civil practice law and rules](#), plus the statutory costs and allowable disbursements in connection with the proceeding. The courts and the division shall have concurrent jurisdiction, subject to the tenant's choice of forum.

c. The state division of housing and community renewal may, by regulation, provide for administrative review of all orders and determinations issued by it pursuant to this act. Any such regulation shall provide that if a petition for such review is not determined within ninety days after it is filed, it shall be deemed to be denied. However, the division may grant one extension not to exceed thirty days with the consent of the party filing such petition; any further extension may only be granted with the consent of all parties to the petition. No proceeding may be brought pursuant to article seventy-eight of the civil practice law and rules to challenge⁵ any order or determination which is subject to such administrative review unless such review has been sought and either (1) a determination thereon has been made or (2) the ninety-day period provided for determination of the petition for review (or any extension thereof) has expired.

Credits

(L.1974, c. 576, § 4 [§ 12]. Amended L.1983, c. 403, § 4; L.1984, c. 102, §§ 2, 3; L.1987, c. 600, § 2; L.1993, c. 253, § 24; L.1997, c. 116, § 28-c, eff. July 19, 1997; L.1997, c. 116, § 31, 32, eff. June 19, 1997; L.2009, c. 480, § 5, eff. Oct. 9, 2009;

L.2009, c. 480, § 6; L.2015, c. 20, pt. A, § 27, eff. June 26, 2015, deemed eff. June 15, 2015; L.2015, c. 20, pt. A, § 28; L.2019, c. 36, pt. F, §§ 1 to 3, eff. June 14, 2019; L.2019, c. 39, pt. Q, § 13, eff. June 24, 2019, deemed eff. June 14, 2019.)

Footnotes

- 1 [McK. Unconsol. Laws § 8623.](#)
- 2 [L.1974, c. 576, § 4.](#)
- 3 [McK. Unconsol. Laws § 8632-a.](#)
- 4 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617.](#)
- 5 So in original. Probably should be “challenge”.

McKinney's Unconsolidated Laws § 8632, NY UNCON LAWS § 8632

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8632-a

§ 8632-a. Rent registration

Currentness

- a. Each housing accommodation in a city having a population of less than one million or a town or village as to which an emergency has been declared pursuant to [section three](#)¹ of this act which is subject to this act² shall be registered by the owner thereof with the state division of housing and community renewal prior to July first, nineteen hundred eighty-four upon forms prescribed by the commissioner of such division. The data to be provided on such forms shall include the following: (1) the name and address of the building or group of buildings or development in which such housing accommodation is located and the owner and the tenant thereof; (2) the number of housing accommodations in the building or group of buildings or development in which such housing accommodation is located; (3) the number of housing accommodations in such building or group of buildings or development subject to this act and the number of such housing accommodations subject to the emergency housing rent control law;³ (4) the rent charged on the registration date; (5) the number of rooms in such housing accommodation; and (6) all services provided in the last lease or rental agreement commencing at least six months prior to the local effective date of this act.
- b. Registration pursuant to this section shall not be subject to the freedom of information law,⁴ provided that registration information relative to a tenant, owner, lessor or subtenant shall be made available to such party or his authorized representative.
- c. Housing accommodations which become subject to this act after the initial registration period must be registered within ninety days thereafter. Registration of housing accommodations subject to the emergency housing rent control law immediately prior to the date of filing the initial registration statement as provided in this section shall include, in addition to the items listed above, where existing, the maximum rent immediately prior to the date that such housing accommodations became subject to this act.
- d. Copies of the registration shall be filed with the state division of housing and community renewal in such place or places as it may require. In addition, one copy of that portion of the registration statement which pertains to the tenant's unit must be mailed by the owner to the tenant in possession at the time of initial registration or to the first tenant in occupancy if the apartment is vacant at the time of initial registration.
- e. The failure to file a proper and timely initial or annual rent registration statement shall, until such time as such registration is filed, bar an owner from applying for or collecting any rent in excess of the legal regulated rent in effect on the date of the last preceding registration statement or if no such statements have been filed, the legal regulated rent in effect on the date that the housing accommodation became subject to the registration requirements of this section. The filing of a late registration shall result in the prospective elimination of such sanctions and provided that increases in the legal regulated rent were lawful except for the failure to file a timely registration, the owner, upon the service and filing of a late registration, shall not be found to have collected an overcharge at any time prior to the filing of the late registration. If such late registration is filed subsequent to

the filing of an overcharge complaint, the owner shall be assessed a late filing surcharge for each late registration in an amount equal to fifty percent of the timely rent registration fee.

f. An annual statement shall be filed containing the current rent for each unit and such other information contained in subdivision a of this section as shall be required by the division. The owner shall provide each tenant then in occupancy with a copy of that portion of such annual statement as pertains to the tenant's unit.

g. Within a city having a population of one million or more, each housing accommodation subject to this act shall be registered with the state division of housing and community renewal as shall be provided in the New York city rent stabilization law of nineteen hundred sixty-nine.⁵

h. Each housing accommodation for which a timely registration statement was filed between April first, nineteen hundred eighty-four and June thirtieth, nineteen hundred eighty-four, pursuant to subdivision a of this section shall designate the rent charged on April first, nineteen hundred eighty-four, as the rent charged on the registration date.

Credits

(L.1974, c. 576, § 4 [§ 12-a], as added L.1983, c. 403, § 5. Amended L.1984, c. 102, § 4; L.1993, c. 253, § 25.)

Footnotes

1 [Unconsolidated Laws § 8623](#).

2 L.1974, c. 576, § 4.

3 [McK. Unconsol. Laws § 8581 et seq.](#)

4 [Public Officers Law § 84 et seq.](#)

5 [McK. Unconsol. Laws § 26-501 et seq.](#) of the Administrative Code of the City of New York, set out following [McK. Unconsol. Laws § 8617](#).

McKinney's Unconsolidated Laws § 8632-a, NY UNCON LAWS § 8632-a

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8633

§ 8633. Cooperation with other governmental agencies

[Currentness](#)

The state division of housing and community renewal and any rent guidelines board may request and shall receive cooperation and assistance in effectuating the purposes of this act¹ from all departments, divisions, boards, bureaus, commissions or agencies of the state and political subdivisions thereof.

Credits

(L.1974, c. 576, § 4 [§ 13]. Amended L.1983, c. 403, § 6.)

Footnotes

¹ L.1974, c. 576, § 4.

McKinney's Unconsolidated Laws § 8633, NY UNCON LAWS § 8633

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated

Unconsolidated Laws (Refs & Annos)

Title 23. Rent Control

Chapter 5. Emergency Tenant Protection Act of Nineteen Seventy-Four (Refs & Annos)

McK.Unconsol.Laws § 8634

§ 8634 Application of act

Effective: June 14, 2019

[Currentness](#)

The provisions of this act¹ shall be applicable:

a. in the city of New York; and

b. in all counties within the state of New York outside the city of New York and shall become and remain effective only in a city, town or village located therein as provided in [section three](#) of this act.²

Credits

(L.1974, c. 576, § 4 [§ 14]. Amended L.2019, c. 36, pt. G, § 3, eff. June 14, 2019.)

Footnotes

¹ L.1974, c. 576, § 4.

² [McK. Unconsol. Laws § 8623](#).

McKinney's Unconsolidated Laws § 8634, NY UNCON LAWS § 8634

Current through L.2023, chapters 1 to 538. Some statute sections may be more current, see credits for details.

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE A CONTRACT AMENDMENT WITH
HUDSON VALLEY ENGINEERING ASSOCIATES, P.C.
FOR CONSTRUCTION INSPECTION SERVICES RELATED TO
THE ROUTE 32/ METAL ARCH CULVERT BRIDGE (LAKE STREET BRIDGE)
REHABILITATION PROJECT BIN NO. 2022260 AT A COST OF \$48,805.95**

WHEREAS, by Resolution No. 225-2014 of September 8, 2014, the City of Newburgh approved an agreement with McLaren Engineering Group for inspection and engineering design services for the Route 32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (the "Project"); and

WHEREAS, the Project was suspended until the City was awarded a New York State Department of Transportation Bridge NY 2016 Program grant to fund the Project; and

WHEREAS, by Resolution No. 16-2021 of February 8, 2021, the City Council approved a contract with Hudson Valley Engineering Associates, P.C. in the amount of \$284,441.36. for professional engineering and construction inspection services for the Project; and

WHEREAS, by Resolution No. 88-2023 of May 22, 2023, the City Council approved Change Order No. 6 to extend the Project construction contract completion date until September 30, 2023; and

WHEREAS, Hudson Valley Engineering Associates, P.C. has submitted a proposal for a contract amendment to the professional engineering services agreement to continue to provide construction inspection services for the Project through the construction contract extension at a cost of \$48,805.95 with funding for the additional services to be derived from NYSDOT Touring Route Program Funds; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that continuing with such work as proposed would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute a contract amendment with Hudson Valley Engineering Associates, P.C. for professional engineering and construction inspection services in connection with repairing and rehabilitating the Route 32/Metal Arch Culvert Bridge (Lake Street Bridge) BIN No. 2022260 Rehabilitation Project at a cost of \$48,805.95.



October 17, 2023

Jason Morris, P.E.
City of Newburgh Engineer
City Hall
83 Broadway
Newburgh, New York 12550

**Re: Construction Inspection Services
PIN 8761.57 Lake Street Bridge Rehabilitation Project**

Dear Mr. Morris:

The first Amendment to our Contract for Construction Inspection Services extended the timeframe of our services to cover the contractor's time extension to March 2023. As the contractor was given a third extension to complete the project and drainage alterations, we respectfully request supplemental funds to cover the additional inspection time required.

Attached please find a workup for the anticipated time needed to complete the construction and close-out activities.

If you have any questions, please call me.

Sincerely,

HVEA Engineers

A handwritten signature in blue ink, appearing to read "JG", is written over a light blue circular stamp.

Jack Gorton, P.E.

ADDENDUM #2 to Contract

This Addendum No. 2 ("Addendum No. 2") is effective as of July 30, 2023 (the "Addendum Effective Date") and entered into by and between the **CITY OF NEWBURGH**, a municipal corporation and a city of the State of New York with principal offices at 83 Broadway, Newburgh, New York 12550 (the "City"); and **HUDSON VALLEY ENGINEERING ASSOCIATES, P.C. d/b/a HVEA ENGINEERS**, a domestic professional corporation with principal offices at 560 Route 52, Suite 201, Beacon, New York 12508 (the "**Firm**"), (each, a "Party," together, the "Parties").

RECITALS

WHEREAS, the Parties entered into an agreement for construction inspection services necessary to rehabilitate the bridge carrying Lake Street over Quassaick Creek known as the "Lake Street Bridge Rehabilitation" PIN 8761.57 (hereinafter, the "Agreement"); and

WHEREAS, additional services are needed for construction inspection; and

WHEREAS, the Parties have agreed to amend the Agreement to provide for additional services necessary to complete the construction inspection and increase the not-to-exceed amount by FORTY-EIGHT THOUSAND, EIGHT HUNDRED FIVE AND 95/100 (\$48,805.95) DOLLARS accordingly, as indicated below.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the Parties agree as follows:

AGREEMENT

1.) ARTICLE 3 – COMPENSATION METHODS, RATES AND PAYMENT. Table 3.1 is hereby deleted in its entirety and replaced with a new Table 3.1 attached hereto and made a part hereof.

2.) ATTACHMENT A. Attachment A is hereby deleted in its entirety and replaced with a new Attachment A attached hereto and made a part hereof.

3.) ATTACHMENT C. Attachment C is hereby deleted in its entirety and replaced with a new Attachment C attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties have duly executed this Addendum effective the day and year below written.

Reference: Municipality Contract # _____

Municipality	Consultant
by: _____	by: _____
Date: _____	Date: _____

STATE OF NEW YORK

ss:

COUNTY OF ORANGE

On this _____ day of _____, 20 _____ before me, the subscriber, personally appeared to me known, who, being by me duly sworn, did depose and say; that he/she resides in the _____, New York; that he/she is the _____ of municipality described in and which executed the foregoing instrument; that he/she is the authorized with the execution of the matter herein provided for, and that he/she signed and acknowledged the said instrument in his/her position as a duly authorized representative of Municipality.

Notary Public, Orange County, N.Y.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

On this _____ day of _____, 20 _____ before me, the subscriber, personally appeared to me known, who, being by me duly sworn, did depose and say; that he/she resides in the _____, New York; that he/she is the _____ of the corporation described in and which executed the foregoing instrument; that he/she is the authorized with the execution of the matter herein provided for, and that he/she signed and acknowledged the said instrument in his/her position as a duly authorized representative of Consultant.

Notary Public, Dutchess County, N.Y.

p 3.1 Cost Plus Fixed Fee Method

ITEM	DESCRIPTION OF ITEMS WITHIN METHOD	APPLICABLE RATE/ AMOUNT OR PERCENTAGE	INTERIM PAYMENTS:
Item I	<p>nActual Direct Technical Salaries, regular time plus straight time portion of overtime compensation of all employees assigned to this PROJECT on a full-time basis for all or part of the term of this Agreement, plus properly allocable partial salaries of all persons working part-time on this PROJECT.</p> <p>nThe cost of Principals', Officers' and Professional Staffs' salaries (productive time) included in Direct Technical Salaries is eligible for reimbursement if their comparable time is also charged directly to all other projects in the same manner. Otherwise, Principals' salaries are only eligible as an overhead cost, subject to the current limitations, generally established therefore by the Municipality.</p> <p>nIf, within the term of this Agreement, any direct salary rates are paid in excess of the maximums shown in Attachment A, the excess amount shall be borne by the CONSULTANT WITHOUT REIMBURSEMENT either as a direct cost or as part of the overhead allowance.</p>	<p>nActual costs incurred in the performance of this agreement as identified in Attachment C or otherwise approved in writing by the Municipality or its representative.</p> <p>nNot to exceed the maximum allowable hourly rates of pay described in Attachment C of this Agreement, all subject to audit.</p> <p>nActual overtime premium portion of Direct Technical Salaries, all subject to audit and prior approval by the Municipality.</p>	<p>nThe CONSULTANT shall be paid in Monthly progress payments based on the maximum salary rates and allowable costs incurred during the period as established in Attachment C.</p> <p>nBills are subject to approval of the Municipality and Municipality's Representative.</p>
Item II	Actual Direct Non-Salary Project-related Costs incurred in fulfilling the terms of this Agreement; all subject to audit.	All reimbursement for travel, meals and lodging shall be made at actual cost paid but such reimbursement shall not exceed the per diem rates established by the NY State Comptroller. All reimbursement shall not exceed the prevailing wage rates established by the NYS Department of Labor.	
Item III	Items required to be purchased for this project not otherwise encompassed in Direct Non-Salary Project-related costs require pre-authorization by the Sponsor. These items become the property of the Sponsor at the completion of the work or at the option of the Sponsor.	Salvage value	

p 3.1 Cost Plus Fixed Fee Method

ITEM	DESCRIPTION OF ITEMS WITHIN METHOD	APPLICABLE RATE/ AMOUNT OR PERCENTAGE	INTERIM PAYMENTS:
Item IV	<p>nOverhead Allowance based on actual allowable expenses incurred during the term of this Agreement, subject to audit. Submitted overhead amounts will be audited based upon the Federal Acquisition Regulations, sub-part 1-31.2 as modified by sub-part 1-31.105 ("FAR "), and applicable policies and guidelines of the Municipality, NYSDOT and FHWA.</p> <p>nFor the purpose of this Agreement, an accounting period shall be the CONSULTANT's fiscal year. An audit of the accounting records of the CONSULTANT shall be made by the Municipality for each accounting period. For monthly billing purposes, the latest available overhead percentage established by such audit shall be applied to the charges made, under Item IA of this subdivision to determine the charge to be made under this Item.</p>	<p>nThe overhead allowance shall be established as a percentage of Item IA only (Actual Direct Technical Salaries) of this ARTICLE, and shall be a FAR compliant rate initially established as 117%.</p>	
Item V	<p>nNegotiated Lump Sum Fixed Fee.</p> <p>nPayment of the Fixed Fee for the described scope of services is not subject to pre-audit and is not subject to review or modification based on cost information or unless this Agreement is formally amended or supplemented by reason of a substantial change in the scope, complexity or character of the work to be performed.</p>	<p>nA negotiated Lump Sum Fee which in this AGREEMENT shall equal \$44,991.14.</p>	
Item VI	<p>The Maximum Amount Payable under this Agreement including Fixed Fees unless this agreement is formally amended or supplemented by reason of a substantial change in the scope, complexity or character of the work to be performed.</p>	<p>Maximum Amount Payable under this Method shall be \$440,858.80.</p>	

Attachment A

Project Description and Funding

Attachment A
Architectural/ Engineering Consultant Agreement
Project Description and Funding

PIN: 8761.57

Term of Agreement Ends: April 30, 2024

BIN:

☐ Main Agreement ☒ Amendment to Contract [2] ☐ Supplement to Contract

Phase of Project Consultant to work on:

☐ P.E./Design

☐ ROW Incidentals

☐ ROW Acquisition

☒ Construction, C/I, & C/S

PROJECT DESCRIPTION:

Construction Inspection of:

Lake Street Bridge Rehabilitation

Project Location:

City of Newburgh, Orange County

Consultant Work Type(s): See Attachment B for more detailed Scope of Services

MAXIMUM AMOUNT OF FUNDS FOR ALL COMPENSATION PAYABLE UNDER THIS AGREEMENT FOR THE SCOPE OF WORK DESCRIBED IN ATTACHMENT B FOR THE PROJECT DESCRIBED IN THIS ATTACHMENT A, OTHERWISE IN ACCORDANCE WITH THE CHOSEN METHOD OF COMPENSATION AND OTHER TERMS OF THIS AGREEMENT:

\$440,858.80

Footnotes:

Attachment C

Staffing Rates, Hours, and Estimated Direct Non-Salary Costs

Exhibit A, Page 1
Salary Schedule

JOB TITLE	ASCE (A) OR	AVERAGE ENGINEERING SALARY RATES			MAX RATE 2023	OVERTIME
	NICET (N)	PRESENT	PROJECTED	PROJECTED		
	GRADE	(1/2)	(12/22)	(1/23)		CATEGORY
Project Manager	VI (A)	\$78.28	\$78.28	\$81.41	\$86.00	A
Resident/Office Engineer	IV (A)	\$53.56	\$59.00	\$61.36	\$68.00	C
Project Engineer	IV (A)	\$53.56	\$53.56	\$55.70	\$72.00	B
Chief Inspector	IV (N)	\$48.55	\$56.56	\$58.82	\$63.86	C
Office Engineer	III (N)	\$46.35	\$50.97	\$53.01	\$53.01	C
Senior Inspector	III (N)	\$42.23	\$48.92	\$50.88	\$61.64	C
Inspector	II (N)	\$35.02	\$36.84	\$38.31	\$45.08	C

OVERTIME POLICY

Category A - No overtime compensation.
Category B - Overtime compensated at straight time rate.
Category C - Overtime compensated at straight time rate x 1.50.

Exhibit A, Page 2
Staffing Table

JOB TITLE	ASCE OR NICET GRADE	2021												Hours	Rate	Premium Portion of Overtime	Direct	Labor
		J	F	M	A	M	J	J	A	S	O	N	D					
Project Manager	VI (A)													0	\$78.28			\$0.00
Resident/ Office Engineer	IV (A)				170	170	170	170	170	170	170			1190	\$53.56			\$63,736.40
Overtime														0	\$53.56			\$0.00
Project Engineer	IV (A)			40	40	16	16	16	16	16				160	\$53.56			\$8,569.60
Chief Inspector	IV (N)													0	\$48.55			\$0.00
Office Engineer	III (N)													0	\$46.35			\$0.00
Senior Inspector	III (N)													0	\$42.23			\$0.00
Overtime														0	\$42.23	\$0.00		\$0.00
Inspector	II (N)				170	170	170	170	170	170				1020	\$35.02			\$35,720.40
Overtime						10	10	10	10					40	\$35.02	\$700.40		\$1,400.80
														2,410		\$700.40		\$109,427.20

JOB TITLE	ASCE OR NICET GRADE	2022			2023								Hours	Rate	Premium	Direct	Labor	
		O	N	D	J	F	M	A	A	S	O	N			D			Portion of Overtime
Project Manager	VI (A)													0	\$81.41			\$0.00
Resident/ Office Engineer	IV (A)				86	86	86	86		40	40	86	86	596	\$61.36			\$36,570.56
Overtime														0	\$61.36			\$0.00
Project Engineer	IV (A)													0	\$55.70			\$0.00
Chief Inspector	IV (N)													0	\$58.82			\$0.00
Office Engineer	III (N)													0	\$53.01			\$0.00
Senior Inspector	III (N)													0	\$50.88			\$0.00
Overtime														0	\$50.88	\$0.00		\$0.00
Inspector	II (N)			100	170	170	170					120		730	\$38.31			\$27,968.93
Overtime														0	\$38.31	\$0.00		\$0.00
														1,326		\$0.00		\$64,539.49

Exhibit B, Page 1
Estimate of Direct Non-Salary Cost

1. TRAVEL

a) On-Job Travel -

1 inspectors x 21 days/month x 6 months x 10 miles/day = \$1,260.00

Total On-Job Travel- 1,260 mi. x \$0.580 /mi.= \$730.80

1 inspectors x 21 days/month x 3 months x 10 miles/day = \$630.00

Total On-Job Travel- 630 mi. x \$0.625 /mi.= \$393.75

SUBTOTAL, TRAVEL \$1,124.55

b) Material Testing - as needed

SUBTOTAL, MATERIAL TESTING \$15,000.00

c) Construction Management Software

26 inspector Months - Appia Construction Estimating Software @ \$158.33 per month \$4,116.58

SUBTOTAL, SOFTWARE \$4,116.58

TOTAL DIRECT NON-SALARY COST \$20,241.13

Exhibit C
Summary

Item IA, Direct Technical Salaries (estimated) subject to audit	\$173,966.69
Item IA, Direct Technical Salaries, Premium Portion of Overtime (estimated) subject to audit	\$700.40
Item II, Direct Non-Salary Cost (estimated) subject to audit	\$20,241.13
Item III, Overhead, 113% subject to audit	\$200,959.44
Item IV, Fixed Fee (12%) (applied to Items IA & III)	<u>\$44,991.14</u>
Total:	\$440,858.80

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
TO ADD CONSTRUCTION INSPECTION AND SUPPORT SERVICES
TO THE AGREEMENT WITH WSP USA INC. AT A COST OF \$693,692.00 IN
THE WALSH ROAD BRIDGE OVER QUASSAICK CREEK REPLACEMENT PROJECT
(BIN 2223620/PIN 8761.40)**

WHEREAS, the City of Newburgh has undertaken a Project for the Bridge Replacement of Walsh Road over Quassaick Creek (BIN 2223620) in the City of Newburgh, Orange County, PIN 8761.40 (the “Project”) by approving a Master Federal Aid Local Project Agreement with the New York State Department of Transportation (“NYSDOT”); and

WHEREAS, the City Council approved agreements with WSP USA, Inc. for professional engineering services for the design, preliminary engineering, and right-of-way acquisition services for the Project; and

WHEREAS, the federally funded projects require complete oversight during construction to ensure the project is completed according to the plans and specifications and WSP USA Inc. has submitted a letter proposal for has submitted a proposal to add construction inspection services to its existing contract with City of Newburgh for the Project at a cost of \$693,692.00; and

WHEREAS, the funding for the construction inspection services shall be derived from the Federal Aid Local Project Agreement with NYSDOT, with the required 20% local match coming from the 2016 BAN and the City's allocation of NYSDOT Touring Route Funds; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that continuing with such work as proposed would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with WSP USA Inc. for construction inspection services related to the Walsh Road Bridge over Quassaick Creek Replacement Project (BIN 2223620/PIN 8761.40) at a cost of \$693,692.00.



October 27, 2023

Mr. Jason Morris, P.E.
Commissioner of Public Works & City Engineer
83 Broadway
Newburgh, New York 12550

Re: *PIN 8761.40 Replacement of Walsh Road Bridge over Quassaick Creek*
Proposal for Construction Inspection and Construction Support Services

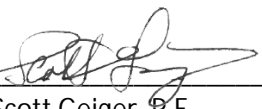
Dear Mr. Morris:

As requested, attached herein is WSP's cost proposal and associated scope of services to provide Construction Inspection and Construction Support services for the above-referenced locally administered federally-aided bridge replacement project. WSP is pleased to include HVEA Engineers (a certified DBE engineering firm) as a subconsultant to provide secondary construction inspection field staff in this project.

The estimated cost for the described scope of work is not to exceed \$693,692 as per the breakdown in the attached summary pages.

Please review and contact Nicole Shute, the Project Manager for this Task at (914) 449-9095, if you have any questions or need additional information. We look forward to working with you on this task.

Very truly yours,
WSP USA Inc.

By 

Scott Geiger, P.E.
WSP Senior Vice President
Business Line Leader, NY East

cc: file

Section 8 - Construction Support

8.01 Construction Support

The Consultant will provide design response to unanticipated or changed field conditions, analyze and participate in proposed design changes, and interpret design plans.

Work under this section will always be in response to a specific assignment from the Sponsor under one of the tasks below:

- In response to unanticipated and/or varying field conditions or changes in construction procedures, the Consultant will conduct on-site field reconnaissance and, where required, prepare Field Change Sheets modifying pertinent contract plan sheets.
- The Consultant will analyze and make recommendations on the implementation of changes proposed by the Sponsor or the construction contractor. This includes the Traffic Control Plan.
- The Consultant will interpret and clarify design concepts, plans and specifications.
- The Consultant will review and approve shop drawings for construction.

Not reimbursable under this Section are:

- Corrections of design errors and omissions
- Straightforward interpretations of plans and designer intentions

Section 9 - Construction Inspection

9.01 Equipment

The Contractor will furnish office space and basic office furnishings for the Consultant, as part of the contract.

The Consultant will furnish all other office, field and field laboratory supplies, and equipment required to properly perform the inspection services listed below.

9.02 Inspection

The Consultant must provide, to the satisfaction of the Sponsor, contract administration and construction inspection services from such time as directed to proceed until the completion of the final agreement and issuance of final payment for the contract. The Consultant must assume responsibility, as appropriate, for the administration of the contract including maintaining complete project records, processing payments, performing detailed inspection work and on-site field tests of all materials and items of work incorporated into

the contract consistent with federal policies and the specifications and plans applicable to the project.

9.03 Municipal Project Manager

The Sponsor will assign a Project Manager to the contract covered by this agreement. This Project Manager will be the Sponsor's official representative on the contract and the Consultant must report to and be directly responsible to said Project Manager.

9.04 Ethics

Prior to the start of work, the Consultant will submit to the Sponsor a statement regarding conflicts of interest.

9.05 Health and Safety Requirements

The Consultant must provide all necessary health and safety related training, supervision, equipment and programs for their inspection staff assigned to the project.

9.06 Staff Qualifications and Training

The Consultant must provide sufficient trained personnel to adequately and competently perform the requirements of this agreement. The Consultant will recommend inspectors to the Sponsor for approval prior to their assignment to the project. Resumes, proof of required certification and the proposed initial salary shall be furnished. The Sponsor may want to interview before approval, and reserves the right to disapprove any application. The employment of all consultant personnel is conditional, subject to satisfactory performance, as determined by the Sponsor.

For all construction inspection agreements, it is mandatory that all technician personnel be identified by the National Institute for Certification in Engineering Technologies (NICET) certification levels in the staffing tables. In addition, all Transportation Engineering Technicians-Construction assigned to the project at and above level III, Engineering and Senior Engineering Technicians, must be certified by NICET. Transportation Engineering Technicians-Construction below level III assigned to the project must have successfully completed the General Work Element requirements and at least those Special Work Elements which apply to their specific project assignments at the level of their rating.

Inspectors designated as the responsible person in charge of work zone traffic control must have sufficient classroom training, or a combination of classroom training and experience, to develop needed knowledge and skills. Acceptable training should consist of a formal course presented by a recognized training program which includes at least two full days of classroom training. A minimum

of two days classroom training is normally required, although one day of classroom training plus responsible experience may be considered. Recognized training providers include American Traffic Safety Services Association (ATSSA), National Safety Council (NSC), Federal Highway Administration's National Highway Institute (FHWA-NHI), and accredited colleges and universities with advanced degree programs in Civil/Transportation/Traffic Engineering. Former DOT employees may be considered on the basis of at least one day of formal classroom training combined with responsible M&PT experience.

9.07 Scope of Services / Performance Requirements

The Consultant will enforce the specifications and identify in a timely manner to the Sponsor local conditions, methods of construction, errors on the plans or defects in the work or materials which would conflict with the quality of work, and conflict with the successful completion of the project.

The work to be performed in this project is described in the following sub-tasks:

9.071 General and Pre-Construction Activities

Pre-construction Work - The Consultant shall review and become thoroughly familiar with all aspects of the work to be performed by the Contractor.

The Consultant shall prepare a table showing all procedures for routing of correspondence and submittals and shall identify all appropriate parties and channels. The Sponsor will review this table and approve it prior to the preconstruction meeting.

The Consultant shall review thoroughly the project Construction Management Plan (CMP) and sign his/her name at the designated location.

Project File - The Consultant shall establish and maintain a project file at the work site. The file shall provide for a records control system that records and files all correspondence and related documents from construction commencement through final closeout. All records shall be kept in accordance with the Manual of Uniform Record Keeping (MURK).

The adoption of an automated records keeping software based on MURK procedures and documents is required, such as APPIA, Field Manager or equivalent application. The purchase and maintenance cost of this software application to document project administration activities is reimbursable as per the table of costs submitted by the Consultant and approved by the Sponsor.

9.072 Contractor Monitoring and Coordination

Contractor's Plant, Personnel and Performance - The Consultant shall assess the adequacy of the contractor's personnel and procedures, including safety, certifications, equipment, materials, means and methods, in the performance of the work.

Easements, Permits, and Variances - The Consultant shall verify that the contractor has identified and is in compliance with all easements, permits and variances as may be required.

Contractor's Compliance with Contractual Reporting Requirements - The Consultant shall monitor and ensure the contractor's compliance with contractual reporting requirements for bonds, insurance, certified payroll, DBE goals, safety, quality control and other programs as specified in the Construction Management Plan.

Submittals - The Consultant shall have the overall responsibility for coordination and expedition of all submittals and ensuring timely submittal turnarounds.

For related design submittals, including shop drawings, product data and material samples, the Designer shall have the primary responsibility for approval. In such cases, the Designer will solicit comments from the Sponsor and the Consultant before processing the submittals.

For field related submittals, such as safety, erection plans, and temporary construction, the Consultant will have the primary responsibility for approval. In such cases the Consultant will solicit comments from the Sponsor and the Designer before processing the submittals.

Deliverables - The Consultant shall receive, log, review, distribute, coordinate and monitor all contractor deliverables to verify that they are received in accordance with the schedule, and are in conformance with construction contract requirements, and take corrective actions as necessary where such deliverables are missing or deficient.

Field Inspection and Testing - The Consultant shall ensure that the work is performed according to the construction contract documents, and that all specified quality control functions are instituted and carried out.

In this regard, the Consultant shall implement a Quality Assurance Plan to ensure that the contractor's work is performed and completed in conformance with the construction contract documents.

The Consultant shall implement Quality Assurance on behalf of the Sponsor and will establish material testing and acceptance process. The material testing procedures must be tailored based on NYSDOT CIM. The

Consultant shall hire an independent testing company to approve/certify construction materials as per the Construction Management Plan (CMP). The Consultant must inform the Contractor of the proper notification process for in-plant testing performed by NYSDOT-Region 8 Materials.

When necessary the Consultant shall provide the services of a survey party to monitor the layout of any replacement structures, verify elevations and confirm the accuracy of the contractor's survey control.

Materials Monitoring - The Consultant shall identify a time frame for all of the long lead items, track the contractor's delivery of materials and equipment and inspect the materials using inspections guidelines to identify non-conforming materials. The Consultant shall document any material deficiencies along with their resolution.

Safety - The contractor has the primary responsibility for the safety of his/her employees. The contractor shall be required to prepare a written Safety Program and submit it to the Sponsor for review. The Consultant will review the contractor's Safety Program and provide recommendations to the Sponsor. Specific requirements of the contractor's Safety Program are detailed in the project specifications.

Work Zone Traffic Control - The Consultant is responsible for monitoring the Contractor's and Subcontractor's efforts to maintain traffic and protect the public from damage to person and property within the limits of, and for the duration of the contract.

The Consultant shall monitor the contractor's work practices for compliance with the approved Safety Program and Work Zone Traffic Control Plan. Non-compliance and unsafe work practices shall be discussed with the Contractor at the time of observation, further discussed during construction progress meetings and documented in the meeting minutes. In addition, safety issues and their resolution shall be reported in the Consultant's Monthly Report.

9.073 Meetings, Schedules, and General Administration

Meetings - The Consultant shall attend all meetings required to manage the project including: the pre-construction meeting, progress meetings, , special activity meetings (pre-pour, pre-lift, etc.), construction schedule meetings, and coordination meetings with environmental agencies and other organizations or municipalities affected by the project as may be required. In addition, the Consultant shall chair progress meetings, construction schedule meetings, and coordination meetings.

The Consultant shall schedule, establish an agenda, notify the appropriate attendees, and issue detailed minutes for all project meetings

chaired by the Consultant. Copies of the minutes shall be distributed to all attendees as well as others determined by the Consultant. Minutes shall be distributed so that all parties receive them within seven calendar days of the meeting. The Consultant shall include a detailed list of action items resulting from each meeting, listing the date the item was established, the responsible party and the target date for resolution. The Consultant shall follow-up with the responsible party until the action item is completed.

Minutes of meetings shall not be used as a vehicle to direct the contractor to do certain work, rather, separate letters shall be issued to the contractor with specific directions and all appropriate parties shall receive a copy of such letters.

The Consultant shall keep the Sponsor, through its designated representatives, apprised of the contractor's anticipated work schedule approximately weekly. The Sponsor will at its discretion notify the area residents, businesses, and emergency services of any sidewalk, travel lane, or shoulder closures, and any other Project-related events that may affect them.

Construction Schedule - The Consultant shall review and monitor the contractor's construction schedule to ensure that the schedule reflects all work necessary to complete the project, that it is reasonable and complete, meets Sponsor operational requirements, and is in accordance with the technical requirements of the contract drawings and specifications. The contractor shall be required to keep this schedule up to date. The Consultant shall advise the contractor if the schedule should become out of date and require an update. Variations from the schedule shall be brought to the contractor's attention by the Consultant with a request to submit corrective actions to maintain course. A copy of the contractor's current schedule shall be maintained by the Consultant for review at the project office.

Contractor's Payments - The Consultant shall review the contractor's payment requests for accuracy and recommend for acceptance by the Sponsor. The invoices shall be processed in sufficient time to enable the Sponsor to make payment in accordance with prompt payment provisions in the contract.

Clarification of Contract Documents (RFI) - The Consultant shall have the overall responsibility for coordination and expedition of the replies to the contractor's requests for information regarding the information depicted in the contract drawings and specifications. The Consultant shall expedite and schedule all replies with the design engineer to ensure the project is not delayed.

For design related questions, the Designer will have the primary responsibility for responding. In such cases, the Designer will solicit comments from the Sponsor and the Consultant before preparing a response.

For field related questions, the Consultant will have the primary responsibility for approval. In such cases the Consultant will solicit comments from the Sponsor and the Designer before preparing a response to the contractor.

Change Orders / Orders on Contract - Change orders will be processed in accordance with the current NYSDOT Order on Contract forms. The Consultant shall evaluate any change request for validity, scope, schedule and cost implications and will recommend approval to the Sponsor's Project Manager. The Sponsor will review and approve the change order. Where it is determined that the Designer shall perform a revision to the design, the Consultant shall coordinate the Designer's work and assist the Sponsor to incorporate the change into the construction contract documents in a timely manner.

Inspection Daily Reports - At the end of each day following commencement of contract work, each inspector shall prepare and enter into the file an Inspector's Daily Report and Engineers Diary in accordance with MURK. The report will record and summarize, within the shift and area of oversight, the contractor's activities. In addition, the Consultant shall add any pertinent information and approve the inspector reports.

Public Relations - The Consultant shall address any public issues that may arise at the construction site on an immediate basis. This project will require close coordination with the Sponsor, local residences, local businesses, as well as the general public. In addition, the Consultant shall coordinate with various utility owners for scheduled work and resolve any disputes that arise during construction. The Consultant will be required to foster a good working relationship between the contractor, the Sponsor, utility owners as well as the public. This may require attendance and participation at public information meetings.

The Consultant shall not release any information that may be proprietary or controversial to anyone other than the Sponsor unless authorized by the Sponsor's Project Manager. All inquiries from the news reporters, public officials, or others not directly impacted by the construction shall be referred to the Sponsor.

Monitoring of Disadvantaged Business Enterprise (DBE) Goal - The Consultant shall monitor Contractor's compliance with the goals. The Consultant shall perform monthly reviews of the approved DBE utilization reports and data entered into the New York State Department

of Transportation Equal Employment Opportunity reporting software, which is currently "Equitable Business Opportunities" (EBO). The Contractor and all subcontractors and suppliers will utilize this reporting software. The Consultant shall collect and review the data to ensure that the DBE firms are, in fact, performing their work. A DBE status report shall be submitted to the Sponsor on a monthly basis. Should any deviation from the originally approved DBE Utilization reports take place, the Consultant will require the prime contractor to submit revised data listed in the forms: AAPHC-89-1, DBE Utilization Worksheet Amendment and AAP-19, DBE Schedule of Utilization.

EEO Compliance - The Consultant must assign to one individual the responsibility of monitoring the Contractor's adherence to Equal Opportunity and Labor requirements contained in the contract. When monitoring the Contractor's Equal Opportunity and Labor compliance, the Consultant, will utilize the guidance contained in the contract, standard specifications, and the Sponsor's policies. The Consultant is also to input required disadvantaged business enterprise (DBE) information into the NYSDOT maintained Equitable Business Opportunities (EBO) database. The Consultant shall take responsibility to ensure EEO goals are met and ensure corrective actions are taken if goals are not met and shall keep the Sponsor informed.

Wage Rate Compliance - The Consultant shall perform wage rate interviews and ensure compliance by the contractor. The Consultant shall compare the weekly certified copies of payroll to satisfy that the contractor/subcontractor is paying prevailing wages.

Monthly Report - The Consultant shall prepare and deliver to the Sponsor a detailed Monthly Report. The Monthly Report shall be submitted electronically by the tenth of each month covering the work of the previous month.

The Monthly Report shall specifically address the progress, problems, resolutions, compliance, deviations and status of each sub-task as individually delineated in this Work Statement. At a minimum, the Monthly Report shall provide information on the following aspects of the work:

- 1) Executive Summary
- 2) Project Cost - The Consultant is responsible for monitoring and reporting of the overall project cost. The Monthly Report shall provide a cost summary report and the following information for the Construction contract and the Consultant's contract:
 - Original Budget
 - Current Budget
 - Expenditure to Date

Change Orders/Orders on Contract to date
Change Orders/Orders on Contract anticipated in the next month
Estimate at Completion

- 3) Project Schedule and Progress:
 - Narrative
 - Schedule to Complete
 - Summary of Contractor's Activities
 - Schedule of Activities for the Coming Month
 - Summary of Force Account Activities
 - Physical Progress Curve Graph and Table
 - Work in Progress Report
- 4) Construction Contract Status:
 - Narrative
 - Public Relations/Issues
 - Accident Frequency Graph
 - Safety Statistical Summary
- 5) Quality Control
 - Narrative
 - Non-Conformance

Monthly Progress Photographs - The Consultant shall furnish once a month during the period of construction contract copies of 5 quality digital photographs in JPEG format per work site showing the progress made during the previous monthly period. The photographs shall be clearly marked and each picture shall identify and describe the view and location. All photographs shall be clear and sharp in detail, and free of light streaks or other blemishes.

The photographs shall be furnished as follows:

- 1) Electronically as a PDF file.
- 2) 2 USB drives containing all the photographs in their original resolution taken during the entire project.

9.074 Post Construction, Close-out, and Acceptance

Contract Closeout - The Consultant shall conduct initial, pre-final and final inspections, and shall develop two punch lists for the contractor at the completion of each phase. The punch lists shall consist of a compilation of items, actions, activities, retrofits, rework, defects, incomplete or omitted work, and unacceptable work that must be completed in order to comply with the requirements of the construction contract documents. The two formal punch lists are the physical, which

denotes work in place, and the deliverable, for items such as as-built drawings, warranties and material certificates that must be turned over to the Sponsor, and collectively constitute the remaining work. The Consultant shall monitor, schedule and expedite performance of all work described in the punch lists.

The Consultant shall verify that all contractual obligations have been provided by the contractor in accordance with the construction contract prior to recommending final payment.

As-Built Drawings - The Consultant shall ensure that during the course of the work the contractor is maintaining an accurate set of "as-built" drawings and that these documents are turned over to the Sponsor as the conclusion of the project. The Consultant will maintain a set throughout the job for use in verifying that the contractor has brought the drawings into conformance with the as-built condition. The contractor will certify said drawings as "as-built" and the Consultant will accept them as "as-built" by performing a review for accuracy and completeness prior to submission to the Sponsor.

The as-built drawings shall be in redline format and wherever possible kept in digital format for clarity of presentation and data preservation. Failure of the contractor to maintain a set of "as-built" drawings does not absolve the Consultant of maintaining and submitting these documents to the Sponsor.

Construction Records - The Consultant shall inventory and coordinate the final documentation and turn over to the Sponsor all project records and documents including those stored in the records management software (APPIA or equivalent), in archive condition, with a detailed index. All records shall be organized, scanned and submitted digitally with hard copies provided as a secondary backup.

Section 10 - Estimating and Technical Assumptions

10.01 Estimating Assumptions

The following assumptions have been made for estimating purposes:

- | | |
|-----------|---|
| Section 8 | Construction Support will include but not be limited to: <ul style="list-style-type: none">• Site visits by design staff to address field conditions (estimate 4 visits)• Design coordination with utilities and railroad• Providing technical support during construction on questions relating to the design. (estimate 20 RFIs)• Review submittals / shop drawings (estimate 20 submittals) |
| Section 9 | Estimate full-time on-site construction supervision will begin on <u>March 1, 2024</u> and will be completed by <u>December 1, 2024</u> . |

10.02 Technical Assumptions

- | | |
|-----------|---|
| Section 9 | Assume the preconstruction and closeout period will be staffed part-time over a two-week period, with a 9-month construction duration. If the construction duration exceeds 9 months and the inspection budget is exhausted, continued inspection services will be provided and billed at an hourly rate. |
|-----------|---|

A full-time RE and a full time OE/Chief Inspector will be provided for the duration of the project, with part-time staffing during pre-construction and close-out. See Staffing Worksheet for full explanation of hours for each title.

Exhibit A.1
WSP Salary Schedule

JOB TITLE	ASCE (A) OR NICET (N) GRADE	AVERAGE HOURLY RATES		OVERTIME CATEGORY
		PRESENT	PROJECTED	
		1/2023	1/2024	
Principal-in-Charge	IX (A)	\$148.00	\$152.44	A
Sr Engineering Manager	VIII (A)	\$118.00	\$121.54	A
Sr Supervising Engineer	VII (A)	\$95.30	\$98.16	A
Supervising Engineer	VI (A)	\$77.35	\$79.67	B
Project Manager	V (A)	\$70.75	\$72.87	B
Lead Engineer	V (A)	\$64.40	\$66.33	B
Senior Engineer	IV (A)	\$52.30	\$53.87	B
Engineer II	III (A)	\$47.75	\$49.18	B
Engineer I	I/II (A)	\$38.50	\$39.66	B
CAD Detailer	N/A	\$47.87	\$49.31	B
Resident Engineer	IV (A)	\$89.01	\$91.68	B
Sr Inspector / Office Engineer	IV (N)	\$62.13	\$63.99	C
Inspector	III (N)	\$55.03	\$56.68	C

OVERTIME POLICY

Category A - No overtime compensation.

Category B - Overtime compensated at straight time rate.

Category C - Overtime compensated at straight time rate x 1.50.

Overtime applies to hours worked in excess of the normal working hours of 8 hours per day.

Actual Rates to be billed

Exhibit B.1
WSP Staffing Worksheet

Straight Time									
Section	Task	Sr Engineering Manager	Supervising Engineer	Project Manager	Senior Engineer	Engineer II	CAD Detailer	Resident Engineer	Sr Inspector / Office Engineer
SECTION 8 Construction Support	8.01 Construction Support	24	80	96	80	180			
	<i>Subtotal, Section 8</i>	24	80	96	80	180	0	0	0
SECTION 9 Construction Inspection	9.071 General and Pre-Construction Activities							40	
	9.072 Contractor Monitoring and Coordination							1400	
	9.073 Meetings, Schedules, and General Admin							200	
	9.074 Post-Construction, Close-out, and Acceptance							80	
	<i>Subtotal, Section 9 (Straight Time)</i>	0	0	0	0	0	0	1720	0
Premium Time (See Exhibit A, Page 1 for Overtime compensation)									
	9.071 General and Pre-Construction Activities								
	9.072 Contractor Monitoring and Coordination								
	9.073 Meetings, Schedules, and General Admin								
	9.074 Post-Construction, Close-out, and Acceptance								
	<i>Subtotal, Section 9 (Premium Time)</i>	0	0	0	0	0	0	0	0
<i>Total hours</i>		24	80	96	80	180	0	1720	0
Total Hours		2180							
Average Hourly Rates		\$121.54	\$79.67	\$72.87	\$53.87	\$49.18	\$49.31	\$91.68	\$63.99
Technical Labor		\$2,916.96	\$6,373.64	\$6,995.76	\$4,309.52	\$8,852.85	\$0.00	\$157,690.12	\$0.00
Total Office		\$29,448.73							
Total Field		\$157,690.12							
Total Technical Labor		\$187,139							

Assumptions:

1. Construction duration is estimated to be starting full time in March 2024 and ending by November 2024.
2. Rates are the average rates as computed in the salary schedule. Actual rates will be billed.
3. Project will be staffed with: (1) full-time Resident Engineer, (1) full-time Inspector/Office Engineer during construction (subconsultant)
4. Any additional staff will be with prior approval by the City.
5. Premium time will be as per Exhibit A, Page 1 - Salary Schedule. All time is budgeted as straight time.

Exhibit C.1
WSP Direct Non-Salary Expense**1. Travel**

PM to attend meetings - 60 miles per meeting

8 meetings 480 miles @ \$0.665 = \$319.20

On-site vehicle usage - 5 miles/day/field staff

1 staff person 2200 miles @ \$0.665 = \$1,463.00TOTAL TRAVEL: SAY \$1,790.00**2. Independent Testing (As Required)**

Precast plant inspection \$8,700.00

CIP Concrete Testing \$12,500.00

Asphalt Testing \$4,500.00

Fill / Backfill Testing \$8,500.00

TOTAL TESTING: \$34,200.00**3. Record Keeping and Payment Accounting Software (APPIA)**

Cost per license per year: \$ 2,100.00

No. of years: 1 (Licenses are per yr or portion thereof)

No. of licenses: 2 (RE & OE/Chief Insp)

TOTAL LICENSING FEES: \$4,200.00**TOTAL DIRECT NON-SALARY COST \$40,190.00**

Exhibit A.2
HVEA Salary Schedule

JOB TITLE	ASCE (A) OR NICET (N) GRADE	AVERAGE HOURLY RATES	
		PRESENT	PROJECTED
		1/2023	1/2024
Sr Inspector	IV (N)	\$64.25	\$66.18
Inspector III / Office Engineer	III (N)	\$55.69	\$57.36
Inspector I/II	I/II (A)	\$45.50	\$46.87

OVERTIME POLICY

Category A - No overtime compensation.

Category B - Overtime compensated at straight time rate.

Category C - Overtime compensated at straight time rate x 1.50.

Overtime applies to hours worked in excess of the normal working hours of 8 hours per day.

Actual Rates to be billed

Exhibit B.2
HVEA Staffing Worksheet

Straight Time				
Section	Task	Sr Inspector	Inspector III / Office Engineer	Inspector I/II
SECTION 8 Construction Support	8.01 Construction Support			
	<i>Subtotal, Section 8</i>	0	0	0
SECTION 9 Construction Inspection	9.071 General and Pre-Construction Activities		1600	
	9.072 Contractor Monitoring and Coordination			
	9.073 Meetings, Schedules, and General Admin			
	9.074 Post-Construction, Close-out, and Acceptance			
	<i>Subtotal, Section 9 (Straight Time)</i>	0	1600	0
Premium Time (See Exhibit A, Page 1 for Overtime compensation)				
	9.071 General and Pre-Construction Activities			
	9.072 Contractor Monitoring and Coordination			
	9.073 Meetings, Schedules, and General Admin			
	9.074 Post-Construction, Close-out, and Acceptance			
	<i>Subtotal, Section 9 (Premium Time)</i>	0	0	0
<i>Total hours</i>		0	1600	0

Total Hours	1600		
Average Hourly Rates	\$66.18	\$57.36	\$46.87
Technical Labor	\$0.00	\$91,776.00	\$0.00
Total Office	\$0.00		
Total Field	\$91,776.00		
Total Technical Labor	\$91,776		

Assumptions:

1. Construction duration is estimated to be starting full time in March 2024 and ending by November 2024.
2. Rates are the average rates as computed in the salary schedule. Actual rates will be billed.
3. Any additional staff will be with prior approval by the City.
4. Premium time will be as per Exhibit A, Page 1 - Salary Schedule.

1. Travel

$$\$0.655 = \underline{\underline{\$1,768.50}}$$

TOTAL TRAVEL: \$1,768.50

TOTAL DIRECT NON-SALARY COST	\$1,768.50
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Exhibit D.2
HVEA Summary

Item 1, Direct Technical Salaries		\$91,776.00
Item II, Direct Non-Salary Cost		\$1,768.50
Item III, Overhead (Field)	113%	\$103,706.88
Item IV, Fixed Fee	11%	\$21,503.12
<hr/>		
Total Estimated Cost		\$218,754.50
Maximum Amount Payable		\$218,755

Exhibit D.1
Project Summary

Item IA, Direct Technical Salaries (Section 8) WSP Office		\$29,449
Item IB, Direct Technical Salaries (Section 9) WSP Field		\$157,690
Item IIA, Direct Non-Salary Cost (WSP)		\$40,190
Item IIB, Direct Non-Salary Cost (HVEA Sub)		\$218,755
Item IIIA, Overhead (WSP Office)	139%	\$40,934
Item IIIB, Overhead (WSP Field)	106%	\$167,152
Item IV, Fixed Fee (10%)		\$39,522
<hr/>		
Total Estimated Cost		\$693,692
Maximum Amount Payable		\$693,692

Exhibit A, Page 3
Personnel Schedule

	2023			2024												2025
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
RE																
Inspector / Office Engineer																
CAD / Dgn Eng As-Built																

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AWARDING A BID AND AUTHORIZING THE CITY MANAGER
TO EXECUTE A CONTRACT WITH SMARTESTENERGY US, LLC
FOR ELECTRIC SUPPLY TO THE CITY OF NEWBURGH
FOR A TWENTY-FOUR (24) MONTH TERM
AT A COST OF \$0.09435 PER KILOWATT HOUR**

WHEREAS, on behalf of the City of Newburgh, M & R Energy Resources Corporation has duly advertised for bids for the electric supply services contract; and

WHEREAS, bids were duly received and opened and SmartestEnergy US, LLC is the low bidder for the electric supply services; and

WHEREAS, the City Council finds that accepting and awarding the electric supply bid to SmartestEnergy US, LLC for a twenty-four (24) month term at a cost of \$0.09435 per kilowatt hour is in the best interests of the City of Newburgh'

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh New York, hereby accepts and awards the bid for the electric supply services contract to SmartestEnergy US, LLC for a twenty-four (24) month term at a cost of \$0.09435 per kilowatt hour; and that the City Manager be and he is hereby authorized to execute a contract and other documentation for the provision of electric services and administer and take such further actions as may be appropriate and necessary to administer the electrical supply contract.

RESOLUTION NO.: _____-2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO
MANNY G. AND CAROL PEREIRA TO THE PREMISES KNOWN AS
55 CITY TERRACE (SECTION 29, BLOCK 4, LOT 7)**

WHEREAS, on August 31, 1995, the City of Newburgh conveyed property located at 55 City Terrace, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 4, Lot 7, to Manny G. and Carol Pereira; and

WHEREAS, the attorney for the current owner, Newburgh Ventures Corp., has requested a release of the restrictive covenants contained in the deed from the City of Newburgh in order to facilitate a sale of the property; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, and 4 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 55 City Terrace, Section 29, Block 4, Lot 7 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, and 4 in a deed dated August 31, 1995, from THE CITY OF NEWBURGH to MANNY G. AND CAROL PEREIRA, recorded in the Orange County Clerk's Office on April 8, 1996, in Liber 4366, Page 188 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2023

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: _____-2023

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of November in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, 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.

RESOLUTION NO.: _____-2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO
WILLIAM MICHALSKI TO THE PREMISES KNOWN AS
364 LIBERTY STREET (SECTION 10, BLOCK 1, LOT 24)**

WHEREAS, on July 8, 1994, the City of Newburgh conveyed property located at 364 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 10, Block 1, Lot 24, to William Michalski; and

WHEREAS, the attorney for the current owner, North Street Capital II, LLC, has requested a release of the restrictive covenants contained in the deed from the City of Newburgh in order to obtain a loan connected to the property; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, and 4 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 364 Liberty Street, Section 10, Block 1, Lot 24 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, and 4 in a deed dated July 9, 1994, from THE CITY OF NEWBURGH to WILLIAM MICHALSKI, recorded in the Orange County Clerk's Office on October 25, 1994, in Liber 4128, Page 293 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2023

THE CITY OF NEWBURGH

By: _____
Todd Venning, City Manager
Pursuant to Res. No.: _____-2023

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of November in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, 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.

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION ADOPTING THE CITY OF NEWBURGH'S CONSOLIDATED
HOUSING AND COMMUNITY DEVELOPMENT STRATEGY AND ACTION PLAN FOR
FISCAL YEAR 2024**

WHEREAS, the City of Newburgh has prepared a five-year Consolidated Housing and Community Development Strategy and Plan in accordance with the planning requirements of the Housing and Community Development Act of 1974 and applicable regulations; and

WHEREAS, this Consolidated Plan was prepared in accordance with all statutory requirements, including those related to citizen participation; and

WHEREAS, the City has now prepared a one-year Action Plan in order to implement various elements of the strategies identified in its Consolidated Plan during the third year it is in effect; and

WHEREAS, the City must also submit a Citizens Participation Plan, a Language Access Plan, due to the high percentage of non-native English, and also submit a draft of the 2024 Annual Action Plan and Budget, which may be revised; and

WHEREAS, this one-year Action Plan contains the following proposed activities and budget for the City's 2024 Community Development Block Grant Entitlement Program;

Expenditures 2024	
Housing (In-Rem Property Program)	\$180,000
Housing (Home Assistance Repair Program)	\$15,000
Infrastructure Improvements (curb ramps & sidewalk improvements)	\$280,000
Infrastructure Improvements (public accessibility to City buildings, parks)	\$110,000
Economic Development	\$25,000
Quality of Life Improvements/Neighborhood Services (Summer Film Festival)	\$15,000
Quality of Life Improvements/Neighborhood Services (Community Outreach)	\$15,000
Quality of Life Improvements/Neighborhood Services (Workforce Training)	\$25,000
Administration	\$165,000
TOTAL BUDGET	\$830,000

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York does hereby approve and adopt the attached one-year Action Plan, subject to further revisions as may be necessary to meet federal requirements; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh, New York does hereby accept a grant allocation under the Community Development Block Grant Program in the amount of \$830,000.00, and in the event that award funding is greater than \$830,000.00, as presented in the FY 2024 CDBG Annual Action Plan, the additional funding will be applied in the established, corresponding projects of the existing FY 2024 CDBG Annual Action Plan; and

BE IT FURTHER RESOLVED, that the City Manager be and is hereby designated the official representative of the City of Newburgh and he is hereby authorized to submit the one-year Action Plan and execute the appropriate forms and certifications; that the City Manager be and is hereby further directed and authorized to act in connection with the submission of a one-year Action Plan and to provide such additional information as may be required; and that the City Manager be and is hereby authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby; and

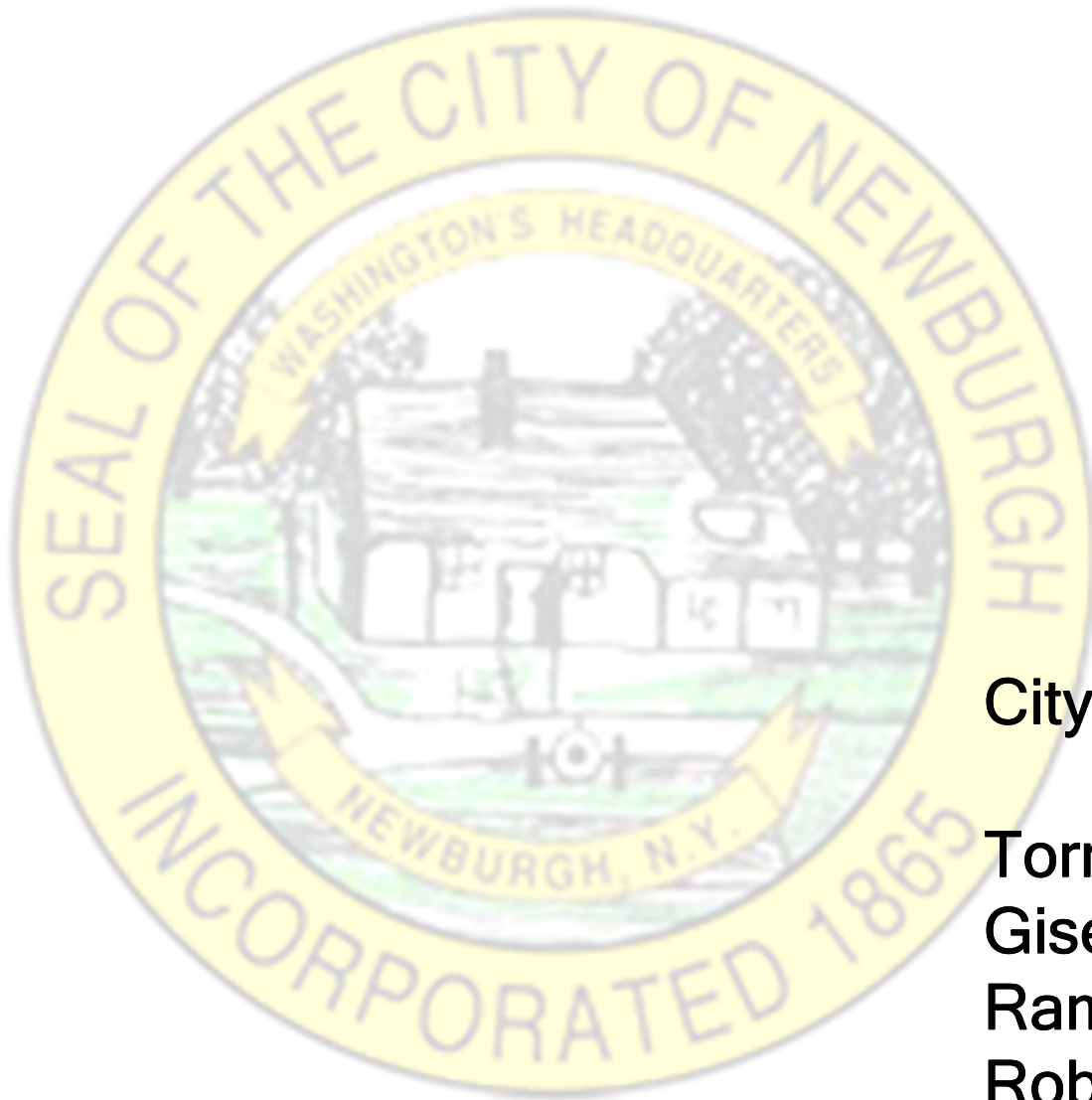
BE IT FURTHER RESOLVED, that the Secretary of Housing and Urban Development be and hereby is assured full compliance by the City of Newburgh with said certifications.



Community Development Block Grant (“CDBG”) FY2024 Annual Action Plan

Department of Planning &
Development
June, 2023





City of Newburgh City Council:

Torrance Harvey, Mayor

Giselle Martinez, Ward 1

Ramona Monteverde, Ward 2

Robert Sklarz, Ward 3

Patty Sofokles, Ward 4

Anthony Grice, At-Large

Omari Shakur, At-Large



City of Newburgh Community Development Goals - Refresher

- Economic Development without Displacement.
- Enhance outreach and communications with the community.
- Support a climate that values diversity, rewards independence, nourishes creativity, and brings all of us together.

Successful community building requires reestablishing trust, which takes time, patience, outreach and communication.



“CDBG” - Brief Primer



- Community Development Block Grant (CDBG) - Administered by the U.S. Department of Housing and Urban Development (HUD)
- Allocated to local and state governments on a formula basis.
- The City of Newburgh is under the Orange County Consortium (Orange County, City of Newburgh, City of Middletown).
- The City of Newburgh is required to prepare and submit a **Consolidated Plan** that establishes goals for the use of CDBG funds. The current City of Newburgh Consolidated Plan: **FY2020-FY2024**
- Projects **MUST** be consistent with national priorities for CDBG:
 - Activities that benefit low- and moderate-income people;
 - The prevention or elimination of slums or blight; or
 - Community development activities to address an urgent threat to health or safety.



Proposed FY2024 CDBG Projects/Funding

	Priority Need Addressed	Project Name	Proposed Activities (Examples)	Project Funding
Projects Funded through Entitlement Grant	Housing	Housing	In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	\$180,000.00
	Housing	Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient. (Funding to be increased as needed)	\$15,000.00
	Infrastructure Improvements	Infrastructure Improvements	To continue funding Curb Ramp & Sidewalk Improvements project.	\$280,000.00
	Infrastructure Improvements	Public Facility Improvements	Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	\$110,000.00
	Economic Development	Economic Development	Economic Development Activities. Examples of activities include a business sign pilot project.	\$25,000.00
	Quality of Life Improvements	Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	\$15,000.00
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Police/Fire Cadet Youth Program)	\$15,000.00
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the-Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00
	Administration	Administration	Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	\$165,000.00
Proposed Total FY2024 Allocation				\$830,000.00



Contingency Funding

If the actual annual allocation amount exceeds the proposed estimate, the project budgets will increase by:

Projects Funded through Entitlement Grant	Priority Need Addressed	Project Name	Proposed Activities (Examples)	Project Funding	% Project increase, if HUD allocation greater than proposed (approx.)
	Housing	Housing	In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	\$180,000.00	No Change
	Housing	Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient. (Funding to be increased as needed)	\$15,000.00	30%
	Infrastructure Improvements	Infrastructure Improvements	To continue funding Curb Ramp & Sidewalk Improvements project.	\$280,000.00	30%
	Infrastructure Improvements	Public Facility Improvements	Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	\$110,000.00	20%
	Economic Development	Economic Development	Economic Development Activities. Examples of activities include a business sign pilot project.	\$25,000.00	No Change
	Quality of Life Improvements	Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	\$15,000.00	5%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Police/Fire Cadet Youth Program)	\$15,000.00	5%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the-Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00	10%
	Administration	Administration	Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	\$165,000.00	No Change
	Proposed Total FY2024 Allocation			\$830,000.00	



Contingency Funding

If the actual annual allocation amount is less than the proposed estimate, the project budgets will decrease by:

Projects Funded through Entitlement Grant	Priority Need Addressed	Project Name	Proposed Activities (Examples)	Project Funding	% Project decrease, if HUD allocation less than proposed (approx.)
	Housing	Housing	In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	\$180,000.00	10%
	Housing	Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient. (Funding to be increased as needed)	\$15,000.00	10%
	Infrastructure Improvements	Infrastructure Improvements	To continue funding Curb Ramp & Sidewalk Improvements project.	\$280,000.00	20%
	Infrastructure Improvements	Public Facility Improvements	Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	\$110,000.00	10%
	Economic Development	Economic Development	Economic Development Activities. Examples of activities include a business sign pilot project.	\$25,000.00	10%
	Quality of Life Improvements	Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	\$15,000.00	10%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Police/Fire Cadet Youth Program)	\$15,000.00	10%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the-Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00	10%
	Administration	Administration	Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	\$165,000.00	10%
	Proposed Total FY2024 Allocation			\$830,000.00	



Project: Housing

Proposed Activities:

- In Rem Property Program
- Homeowner Repair Assistance Program
(Implemented by City of Newburgh
Housing Partner)



Proposed Housing Activity: In Rem Property Program

Budget: \$180,000.00

Description:

- Activity staffed by 2 full-time Department of Public Works employees and 1 employee of the Planning & Development Department dedicated to the in rem program.
- Provides maintenance and security of vacant properties. Keeps properties habitable, neighborhoods looking good, maintains/increases property values.



Proposed Housing Activity: Home Repair Assistance Program

Budget: \$15,000.00 (Funding to be increased as needed)



Description:

- Funding for Home Repair Assistance Program for Low/Moderate Income City of Newburgh Homeowners.* Implemented through City of Newburgh Housing Partner.

*Repairs may include: roofs, railings, steps, etc., as identified by City of Newburgh Housing Partner.



Proposed Infrastructure Improvements Activity: Curb Ramp and Sidewalk Upgrades

Budget: \$280,000.00

Description:

- Funding to continue funding Curb Ramp & Sidewalk Improvements project.



Proposed Infrastructure Improvements

Activity: Public Facility Improvements

Budget: \$110,000.00

Description:

- Funding for Public Accessibility
Improvements to City of Newburgh
Buildings, Parks, Other Public Spaces.



Proposed Economic Development Activity:

Business Assistance

Budget: \$25,000.00

Description:

- Funding for business assistance, such as business signage.



Proposed Quality of Life Activity: Neighborhood Services

Budget: \$15,000.00

Description (Anticipated Services):

- 2023 Summer Film Festival
- National Night Out

Important: Public Service Activity, subject to 15% Annual Allocation Cap.



Proposed Quality of Life Activity: Neighborhood Services

Budget: \$15,000.00

Description (Anticipated Services):

- City of Newburgh Community Outreach Activities, such as Community Violence Intervention (CVI) Activities.

Important: Public Service Activity, subject to 15% Annual Allocation Cap.



Proposed Quality of Life Activity: Neighborhood Services

Budget: \$25,000.00

Description (Anticipated Services):

- Workforce On-the Job-Training (Activities Subject to City of Newburgh operational approval)

Important: Public Service Activity, subject to 15% Annual Allocation Cap.



Proposed Activity: Administration

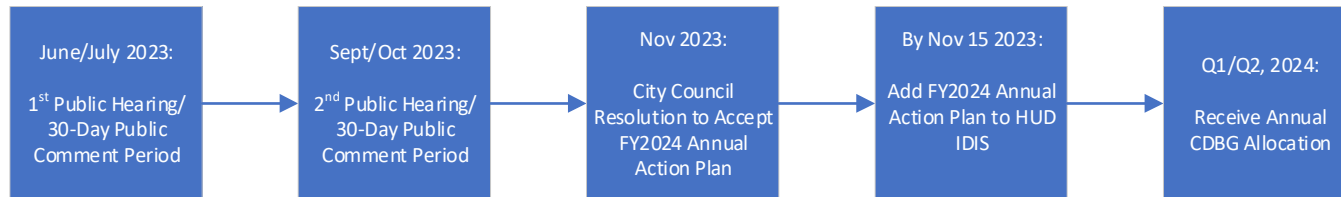
Budget: \$165,000.00

Description:

- Funding for program administration, staff salary and benefits, language translation services, program operating costs (including mailings), program trainings/conference.



FY2024 CDBG AAP Timeline



**FY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROJECTS TIMELINE**



Desarrollo comunitario Subvención en bloque (“CDBG”) Plan de acción anual FY2024

**Departamento de Planificación y
Desarrollo
Junio, 2023**





Consejo Municipal de la Ciudad de Newburgh:

Torrance Harvey, Alcalde

Giselle Martinez, Distrito 1

Ramona Monteverde, Distrito 2

Robert Sklarz, Distrito 3

Patty Sofokles, Distrito 4

Anthony Grice, el comité asesor

Omari Shakur, el comité asesor



Metas de desarrollo comunitario de la ciudad de Newburgh - Actualización

- Desarrollo económico sin desplazamiento.
- Mejorar la difusión y la comunicación con la comunidad.
- Apoyar un clima que valore la diversidad, recompense la independencia, alimente la creatividad y nos una a todos.

Para construir con éxito una comunidad es necesario restablecer la confianza, lo que requiere tiempo, paciencia, promoción y comunicación.



"CDBG" - Breve introducción



- Community Development Block Grant (CDBG) - Administrado por el Departamento de Vivienda y Desarrollo Urbano de EE.UU. (HUD)
- Asignado a los gobiernos locales y estatales según un sistema basado en una fórmula.
- La ciudad de Newburgh pertenece al Consorcio del Condado de Orange (Condado de Orange, ciudad de Newburgh, ciudad de Middletown).
- La ciudad de Newburgh está obligada a preparar y presentar un **Plan Consolidado** que establezca objetivos para el uso de los fondos CDBG. El actual Plan Consolidado de la Ciudad de Newburgh: **FY2020-FY2024**
- Los proyectos DEBEN ser coherentes con las prioridades nacionales del CDBG:
 - Actividades que beneficien a personas con ingresos bajos y moderados;
 - La prevención o eliminación de barrios marginales o deterioro; o
 - Actividades de desarrollo comunitario para hacer frente a una amenaza urgente para la salud o la seguridad.



Proyectos/fondos CDBG propuestos para el año fiscal 2024

	Necesidad prioritaria atendida	Nombre del proyecto	Actividades propuestas (Ejemplos)	Financiación del
Proyectos financiados				
	Vivienda	Vivienda	Programa de Propiedad In Rem: Para seguir financiando los	\$180,000.00
	Vivienda	Vivienda	Programa de reparación de viviendas gestionado por la ciudad de Newburgh Subreceptor. (La financiación se incrementará según sea necesario)	\$15,000.00
	Mejoras de las	Mejoras de las infraestructuras	Seguir financiando el proyecto de mejora de la acera y la	\$280,000.00
	Mejoras de las	Mejoras en las instalaciones públicas	Mejoras de accesibilidad pública en edificios, parques y	\$110,000.00
	Desarrollo económico	Desarrollo económico	Actividades de desarrollo económico. Entre los ejemplos de	\$25,000.00
	Mejoras en la calidad de vida	Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$25,000.00
	Administración	Administración	Administración Sujeta al Límite de Asignación Anual del 20%.	\$165,000.00
			Asignación total propuesta para el año fiscal 2024	\$830,000.00



Fondos de contingencia

Si el total de la asignación anual excede la estimación propuesta, los presupuestos de los proyectos aumentarán:

	Necesidad prioritaria atendida	Nombre del proyecto	Actividades propuestas (Ejemplos)	Financiación del	% Incremento del
Proyectos financiados					
	Vivienda	Vivienda	Programa de Propiedad In Rem: Para seguir financiando los	\$180,000.00	Ningún cambio
	Vivienda	Vivienda	Programa de reparación de viviendas gestionado por la ciudad de Newburgh Subreceptor. (La financiación se incrementará según sea necesario)	\$15,000.00	30%
	Mejoras de las	Mejoras de las infraestructuras	Seguir financiando el proyecto de mejora de la acera y la	\$280,000.00	30%
	Mejoras de las	Mejoras en las instalaciones públicas	Mejoras de accesibilidad pública en edificios, parques y	\$110,000.00	20%
	Desarrollo económico	Desarrollo económico	Actividades de desarrollo económico. Entre los ejemplos de	\$25,000.00	Ningún cambio
	Mejoras en la calidad de vida	Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00	5%
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00	5%
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$25,000.00	10%
	Administración	Administración	Administración Sujeta al Límite de Asignación Anual del 20%.	\$165,000.00	Ningún cambio
			Asignación total propuesta para el año fiscal 2024	\$830,000.00	

Fondos de contingencia

Si el total de la asignación anual es inferior a la estimación propuesta, los presupuestos de los proyectos se reducirán:

	Necesidad prioritaria atendida	Nombre del proyecto	Actividades propuestas (Ejemplos)	Financiación del	% Disminución del
Proyectos financiados	Vivienda	Vivienda	Programa de Propiedad In Rem: Para seguir financiando los	\$180,000.00	10%
	Vivienda	Vivienda	Programa de reparación de viviendas gestionado por la ciudad de Newburgh Subreceptor. (La financiación se incrementará según sea necesario)	\$15,000.00	10%
	Mejoras de las	Mejoras de las infraestructuras	Seguir financiando el proyecto de mejora de la acera y la	\$280,000.00	20%
	Mejoras de las	Mejoras en las instalaciones públi	Mejoras de accesibilidad pública en edificios, parques y	\$110,000.00	10%
	Desarrollo económico	Desarrollo económico	Actividades de desarrollo económico. Entre los ejemplos de	\$25,000.00	10%
	Mejoras en la calidad de vida	Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00	10%
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00	10%
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$25,000.00	10%
	Administración	Administración	Administración Sujeta al Límite de Asignación Anual del 20%.	\$165,000.00	10%
			Asignación total propuesta para el año fiscal 2024	\$830,000.00	

Proyecto: Vivienda

Actividades propuestas:

- Programa de Propiedad In Rem
- Programa de ayuda a la reparación de viviendas (ejecutado por el socio de vivienda de la ciudad de Newburgh)

Actividad de vivienda propuesta: Programa de Propiedad "In Rem"

Presupuesto: \$180,000.00

Descripción:

- Actividad a cargo de 2 empleados a tiempo completo del Departamento de Obras Públicas y 1 empleado del Departamento de Planificación y Desarrollo dedicado al programa "in rem".
- Se proporciona mantenimiento y seguridad a las propiedades desocupadas. Mantiene las propiedades habitables, los barrios en buen estado y el valor de las propiedades.



Propuesta de actividad en materia de vivienda:
Programa de ayuda a la reparación de la vivienda
Presupuesto: \$15,000.00 (La financiación se incrementará según sea necesario)



Descripción:

- Financiamiento para el Programa de Asistencia para Reparación de Viviendas para Propietarios de Viviendas de la Ciudad de Newburgh con Ingresos Bajos/Moderados.* Implementado a través del Socio de Vivienda de la Ciudad de Newburgh.

*Las reparaciones pueden incluir: techos, barandillas, escalones, etc., según lo identificado por el Socio de Vivienda de la Ciudad de Newburgh.

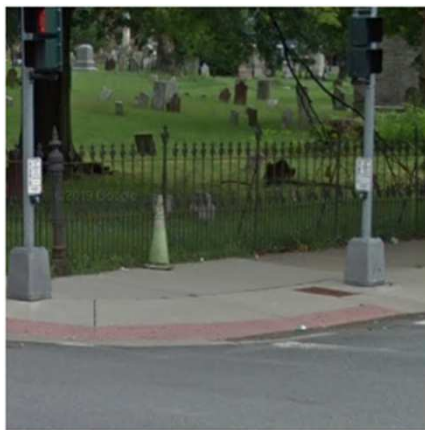


Propuesta de actividades para la realización de mejoras en las infraestructuras: Actualizaciones de aceras y rampas para bordillos

Presupuesto: \$280,000.00

Descripción:

- Fondos para seguir financiando el proyecto de renovación de aceras y rampas para bordillos.



Propuestas de obras de infraestructura

Actividad: Mejoras de las instalaciones públicas

Presupuesto: \$110,000.00

Descripción:

- Financiación de mejoras de accesibilidad pública en edificios, parques y otros espacios públicos de la ciudad de Newburgh.



Actividad propuesta de desarrollo económico:

Asistencia a empresas

Presupuesto: \$25,000.00

Descripción:

- Fondos de ayuda a las empresas, de carteles comerciales.



Actividad de Calidad de Vida Propuesta:

Servicios de Vecindario

Presupuesto: \$15,000.00

Descripción (servicios previstos):

- Festival de Cine de Verano 2023
- Noche Nacional Afuera “National Night Out”

**Importante: Actividad de servicio público,
sujeta a un límite de asignación anual del 15%.**



Actividad de Calidad de Vida Propuesta:

Servicios de Vecindario

Presupuesto: \$15,000.00

Descripción (servicios previstos):

- Actividades de difusión comunitaria de la ciudad de Newburgh, como las actividades de intervención comunitaria contra la violencia (CVI).

Importante: Actividad de servicio público, sujeta a un límite de asignación anual del 15%.



Actividad de Calidad de Vida Propuesta:

Servicios de proximidad

Presupuesto: \$25,000.00

Descripción (servicios previstos):

- Capacitación laboral en el lugar de trabajo (actividades sujetas a la aprobación operativa de la ciudad de Newburgh)

Importante: Actividad de servicio público, sujeta a un límite de asignación anual del 15%.



Actividad propuesta: Administración

Presupuesto: \$165,000.00

Descripción:

- Fondos para la administración del programa, salario y beneficios del personal, servicios de traducción de idiomas, gastos de funcionamiento del programa (incluido el correo), formaciones/conferencias del programa.



Calendario del PAA del CDBG para el año fiscal 2024



**Año fiscal 2024 CALENDARIO DE PROYECTOS DE LA
SUBVENCIÓN DE BLOQUE PARA EL DESARROLLO
COMUNITARIO (CDBG)**

	Necesidad prioritaria atendida	Nombre del proyecto	Actividades propuestas (Ejemplos)	Financiación del	% Incremento del	% Disminución del
Proyectos financiados	Vivienda	Vivienda	Programa de Propiedad In Rem: Para seguir financiando los	\$180,000.00	Ningún cambio	10%
	Vivienda	Vivienda	Programa de reparación de viviendas gestionado por la ciudad de Newburgh Subreceptor. (La financiación se incrementará según sea necesario)	\$15,000.00	30%	10%
	Mejoras de las infraestructuras	Mejoras de las infraestructuras	Seguir financiando el proyecto de mejora de la acera y la rampa del	\$280,000.00	30%	20%
	Mejoras de las infraestructuras	Mejoras en las instalaciones públicas	Mejoras de accesibilidad pública en edificios, parques y otros	\$110,000.00	20%	10%
	Desarrollo económico	Desarrollo económico	Actividades de desarrollo económico. Entre los ejemplos de	\$25,000.00	Ningún cambio	10%
	Mejoras en la calidad de vida	Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00	5%	10%
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$15,000.00	5%	10%
		Servicios a Vecindarios	Actividad de servicio público, sujeta a un límite de asignación	\$25,000.00	10%	10%
	Administración	Administración	Administración Sujeta al Límite de Asignación Anual del 20%. Las	\$165,000.00	Ningún cambio	10%
Asignación total propuesta para el año fiscal 2024				\$830,000.00		

**FY2024 Annual Action Plan
Community Development Block Grant (CDBG)**

	Priority Need Addressed	Project Name	Proposed Activities (Examples)	Project Funding	% Project increase, if HUD allocation greater than proposed (approx.)	% Project decrease, if HUD allocation less than proposed (approx.)
Projects Funded through Entitlement Grant	Housing	Housing	In Rem Property Program: To continue funding the salaries/benefits of 3 City of Newburgh Employees. Also fund materials needed to maintain foreclosed properties, such as snow shovels, weed wackers, locks/keys.	\$180,000.00	No Change	10%
	Housing	Housing	Homeowner Assistance Repair Program Managed by City of Newburgh Subrecipient. (Funding to be increased as needed)	\$15,000.00	30%	10%
	Infrastructure Improvements	Infrastructure Improvements	To continue funding Curb Ramp & Sidewalk Improvements project.	\$280,000.00	30%	20%
	Infrastructure Improvements	Public Facility Improvements	Public Accessibility Improvements to City of Newburgh Buildings, Parks, Other Public Spaces.	\$110,000.00	20%	10%
	Economic Development	Economic Development	Economic Development Activities. Examples of activities include a business sign pilot project.	\$25,000.00	No Change	10%
	Quality of Life Improvements	Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Summer Film Festival (Activities Subject to City of Newburgh operational approval).	\$15,000.00	5%	10%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: City of Newburgh Community Outreach Activities (Police/Fire Cadet Youth Program)	\$15,000.00	5%	10%
		Neighborhood Services	Public Service Activity, Subject to 15% Annual Allocation Cap. Examples of Activities: Workforce On-the Job-Training (Activities Subject to City of Newburgh operational approval).	\$25,000.00	10%	10%
	Administration	Administration	Administration Subject to 20% Annual Allocation Cap. Activities include: Program Administration, Staff Salary and Benefits, language translation services, program operating costs (including mailings), program trainings/conference.	\$165,000.00	No Change	10%
	Proposed Total FY2024 Allocation			\$830,000.00		

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE RENEWAL OF AN AGREEMENT BETWEEN
THE CITY OF NEWBURGH AND THE MID-HUDSON INTERPRETER SERVICE
PROGRAM OF TACONIC RESOURCES FOR INDEPENDENCE, INC.
FOR AMERICAN SIGN LANGUAGE/ENGLISH INTERPRETING SERVICES**

WHEREAS, by Resolution No. 55-2023, the City Council of the City of Newburgh approved an agreement with The Mid-Hudson Interpreter Service Program of Taconic Resources for Independence, Inc. to provide American Sign Language/English Interpreting services to ensure that Community Development Block Grant (CDBG) public meetings are accessible to individuals with hearing impairments and to comply with Title II of the Americans with Disabilities Act; and

WHEREAS, to remain in compliance with CDBG program requirements and Title II of the Americans with Disabilities Act, the City of Newburgh proposes to renew the agreement with The Mid-Hudson Interpreter Service Program of Taconic Resources for Independence, Inc. to provide American Sign Language/English Interpreting services; and

WHEREAS, the cost of these services will be derived from CDBG Administration budget line CD1.8686.0100.8000.2023; and

WHEREAS, this Council has determined that entering into a renewal agreement is in the best interests of the City of Newburgh;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into a renewal agreement with The Mid-Hudson Interpreter Service Program of Taconic Resources for Independence, Inc. to provide American Sign Language/English Interpreting services.



Providing effective communication and advocacy for the Deaf and Hard of Hearing since 1989

AGREEMENT FOR AMERICAN SIGN LANGUAGE/ENGLISH INTERPRETING SERVICES

This agreement entered into by and between Taconic Resources for Independence, Inc. and the program of Mid-Hudson Interpreter Service, hereinafter referred to as "MHIS" and City of Newburgh, hereinafter referred to as "Customer".

Dates of Service are from January 1, 2024 through December 31, 2024

****Be advised; rates valid for 30 days. Timely return of signed agreement ensures retention of rates enclosed for above dates.**

SCOPE OF SERVICES

To provide effective communication utilizing but not limited to; Sign/Visual Language(s), Oral, and/or Tactile methods of interpreting services. MHIS is available seven (7) days a week. Requests shall be made with a recommended ten (10) days' notice. MHIS shall use its best effort to provide communication services when requested for any and all appointments. MHIS shall serve as the contact to all parties via various communication modes or at person-to-person meetings. MHIS shall process related documents and payment to the interpreters.

1. REQUEST INFORMATION

1.1 Customer shall request interpreting services directly to MHIS at 845-452-3913 extension 102. Emergency requests, or any request being less than three (3) full business days' notice, shall be made by contacting MHIS office telephone number as well as calling the on-call telephone number at 845-797-3799.

1.2 Prior to providing interpreting services, a fully executed contract must be on file at the MHIS office. A request for information to adequately prepare the agency and the interpreter(s) shall be required. The MHIS staff will request the following information including, but not limited to: the date(s), beginning and approximate ending time(s), address and location(s), description of assignment, requester's name and contact information, communication mode, copies of any written materials, and knowledge of any audio and/or visual equipment to be used.

2. ASSIGNMENT LENGTH

2.1 The requested, scheduled, or reserved timeframe is the billable time, to the next full hour, when outside of the 2-hour minimum Appearance Fee. For assignment(s) exceeding the requested time, the interpreter(s) shall have the option to remain or depart at the designated ending time. Upon the interpreter(s) remaining beyond the initial requested end time, additional hourly rates shall be charged in accordance with the terms and conditions stated below. If the assignment ends early, the billable time is still the full reserved timeframe.

3. RATES

3.1 Rates shall be paid to MHIS in accordance with the following service schedule. A two (2) hour minimum Appearance Fee is required for all services, per interpreter. Hourly rates thereafter are per interpreter.

3.2 Weekday services (8:00am to 5:00pm): Ninety-Five Dollars (\$95.00) per hour, or any part thereof, per interpreter.

3.3 Weeknights (5:00pm to 8:00am), Weekends & Holidays (8:00am to 5:00pm) services: One Hundred Five Dollars (\$105.00) per hour, or any part thereof, per interpreter.

Mid-Hudson Interpreter Service 82 Washington St. - Suite 214 Poughkeepsie, NY 12601

845.452.3913 voice 845.485.3196 fax 845.330.2083 VP 845.485.8110 TTY

www.taconicresources.org mhis@taconicresources.org

3.4 Weekends and Holidays (5:00pm to 8:00am) services: One Hundred Fifteen Dollars (\$115.00) per hour, or any part thereof, per interpreter.

3.5 Emergency Services and Rework Fees: Services requested and/or rework of services previously confirmed with less than three (3) full business days' notice shall incur an additional Fifteen Dollars (\$15.00) per hour to above rates, per interpreter.

3.6 Travel: Coinciding with above rates, hourly fees for travel shall apply when travel is forty-five (45) clock minutes or more, one way, from the interpreter's starting point to the requested location.

3.7 Legal Rate: Should the assignment involve any legal proceedings or legal type meetings, all above rates would increase by Ten Dollars (\$10.00) per hour, per interpreter to allow for the specialized interpreting that would be involved in the assignment.

4. CANCELLATION POLICY - Emergency Cancellations: ***Should the Customer need to cancel an assignment with less than 3 full business days' notice, the Customer must call the 24-hour Emergency # 845-797-3799 and also call 845-452-3913 Ext. 102 to leave a detailed message and to ensure cancellation was received in time. Otherwise, an email to MHIS@taconicresources.org or calling either phone numbers are acceptable for any non-emergency cancellation with more than 72 business hours' notice.

4.1 Full payment, per interpreter, shall be made to MHIS for one day assignments, being one (1) day or less, when cancellation notice is given to the MHIS office with less than three (3) full business days prior to the scheduled assignment.

4.2 Full payment, per interpreter, shall be made to MHIS for multiple day assignments, being one (1) week or less, when cancellation notice is given to the MHIS office with less than five (5) full business days prior to the scheduled assignments.

4.3 Full payment, per interpreter, shall be made to MHIS for numerous assignments, being one (1) week or longer, when cancellation notice is given to the MHIS office with less than ten (10) full business days prior to the scheduled assignment.

4.4 Weather: In the event of inclement weather cancellations, the Customer will be charged for the entire scheduled time if the cancellation is not made to MHIS by the Customer prior to interpreter leaving their base for the scheduled assignment. MHIS reserves the right to cancel in event of inclement weather or catastrophic event, and in that event MHIS shall have no liability under this contract beyond providing similar substitute Services at another mutually agreeable time and place.

4.5 MHIS reserves the right to charge for the full assignment time upon untimely notices. Upon the interpreter(s) arrival on site for the assignment and if any party does not arrive for any reason after thirty (30) minutes of the starting time, the interpreter(s) shall have the option to depart and charge for the entire scheduled time.

5. BILLING

5.1 MHIS will invoice customer who will be responsible for full payment of invoice to MHIS. MHIS will not split invoices between requesting customer and other entities. All payments shall be made by check and payable to Mid-Hudson Interpreter Service or via direct deposit (ACH/EFT). MHIS invoice numbers shall be noted on all checks/payments. Send payment to Attention: Financial Director. Payment shall be due upon receipt. A Rebilling Fee of Ten Dollars (\$10.00) per each month delinquent will be applied to all invoices that are 30 days past due. Customer shall be liable for all legal and collection fees.

5.2 Surcharges to Consumer: The cost of Interpreting Services cannot be billed or transferred in any way to the consumer as per Title II of the Americans with Disability Act II-3.5400. States as follows: "Surcharges: Although compliance may result in some additional cost, a public entity may not place a surcharge only on particular individuals with disabilities or groups of individuals with disabilities to cover these expenses."

6. INTERPRETERS – All Private Practice Interpreters (PPI) set their own availability with our agency.

6.1 PPIs shall be selected at the discretion of the MHIS staff. Customer will be notified prior to confirming any assignment if more than one interpreter will be required to accommodate a request. The decision to use a team rather than an individual interpreter is based on a number of factors, including, but not limited to: the length and/or complexity of the assignment, the unique needs of the persons being served, the physical and emotional dynamics of the setting, and avoidance of repetitive stress injuries (RSIs) for interpreters.

6.2 In the event that Customer requires that interpreters provide evidence of or undergo specific clearance procedures (e.g. medical testing, physical exams, fingerprinting, background checks, etc.) as an additional condition to performing services pursuant to this Agreement, (i) the requirement for such clearance procedures shall be disclosed not less than sixty (60) days in advance to MHIS, and (ii) the cost of any such procedures shall be at the sole expense of Customer and not MHIS or the individual interpreter.

6.3 INTERN / MENTOR / MENTEE PROGRAM

INTERNS - Occasionally TRI/MHIS will work with college students studying to become Sign Language Interpreters by allowing them to intern with our agency by shadowing Interpreters on our roster. These interns would be passively observing scheduled interpreters during appointments.

MENTEE/MENTOR - Occasionally TRI/MHIS will work with college students studying to become Sign Language Interpreters. These students are required to complete a number of practical interpreting hours while supervised by a Certified Interpreter acting as their Mentor. The student would be actively interpreting while under the guidance and supervision of their assigned Mentor.

Interns and Mentees working with MHIS and the MHIS office personnel strictly follow and adhere to HIPAA, Parent's Bill of Rights, RID Code of Ethics, and confidentiality guidelines regarding the privacy of all information whether verbal, written or digital from their Educational Institution as well as MHIS.

There is no additional fee associated with this program should you Opt In. Indicate preference on signature page.

7. CONFIDENTIALITY & SECURITY

7.1 All PPIs working with MHIS and the MHIS office personnel strictly follow and adhere to HIPAA, Parent's Bill of Rights, RID Code of Ethics and confidentiality guidelines regarding the privacy of all information whether verbal, written or digital.

7.2 All MHIS Interpreters receive a background check before being placed on our roster. Educational Interpreters are fingerprinted at their expense before being placed in educational settings.

8. CONTRACT TERMS

8.1 Policies are subject to change. Any changes in the terms and conditions of this contract shall be subject to written approval by all respective parties acknowledging acceptance.

9. TERMINATION OF CONTRACT

9.1 NON-COMPETE: This agreement may be terminated by either party upon thirty (30) days written notice. Customer agrees not to privately contract and/or hire any of the interpreter(s) that were previously provided by MHIS during the period of this agreement and for one year after termination of this agreement.

9.2 The completion and return of this contract constitutes agreement to follow its policies. This Agreement shall be effective for an initial period of one (1) year and may renew for subsequent terms of one (1) calendar year in duration with a fully executed Renewal Agreement, unless terminated by either party as provided in this Agreement, or a change is submitted in writing by MHIS.

10. INDEMNITY

10.1 Each party shall indemnify and hold harmless the other party, its directors, officers, and employees from any and all claims or other loss that may arise from or are in connection with the indemnifying party's negligence, willful misconduct or breach of this Agreement, except to the extent that such loss was caused by the negligence, willful misconduct, or breach of the other party.

11. TRAINING

11.1 As a customer of MHIS we offer educational trainings free of charge to your employees. Our trainings are focused on creating an understanding of working with the Deaf/Hard of Hearing community and how the Americans with Disabilities Act (ADA) is applicable to them. Should you be interested in these trainings, please reach out to our Program Director at 845-452-3913 x103 or J.byernes@taconicresources.org .

12. DEAF CONSUMER DIRECTORY

12.1 The Deaf/Hard of Hearing Community has difficulty finding organizations that understand the need for effective communication. TRI/MHIS has put together a list of organizations that provide sign language interpreters through our agency to better help the community know who provides services in their language.

We would like to include your organization in our Deaf Consumer Directory as an entity that provides interpreters, please confirm if this is agreeable to you. Please circle choice: YES or NO

I have read, understand, and hereby agree to all terms and conditions of the contract stated within.

Authorized Customer Signature

Date

Print Name & Title

Email address

Company/Agency

Invoices: Attention to (if different than above)

Address

Phone

Town/City, State, Zip Code

Please indicate your Intern / Mentee preference below from item #6.3:

_____ Opt In – We welcome student Interns

_____ Opt Out – We prefer not to have student Interns

Below this line is for TRI/MHIS administration

Licia A. Valleau - MHIS Contract Manager

Date

Lisa Tarricone – Executive Director

Date

Rev 10/2022

From: [Licia Valleau](#)
To: [Fillo, Ellen](#)
Subject: 2024 Renewal of Sign Language Services MHIS/City of Newburgh
Date: Wednesday, October 11, 2023 2:06:46 PM
Attachments: [image001.png](#)
[City of Newburgh 2024.pdf](#)
Importance: High

Good afternoon Ellen,

I hope this email finds you well. Attached is the Agreement to renew our Sign Language Services for the upcoming year.

We have been able to delay any increases these past years, but due to increasing interpreter rates, we find ourselves increasing our rates for the first time in several years.

As a reminder, there is no cost associated with having a signed agreement on file. Fees are only incurred if a request for services is made. Aside from protecting your business from any rate increases during the course of the year, having an agreement on file also means that in the event an interpreter is needed, you will be able to make a request for interpreting services without having to complete a new agreement.

We recommend keeping an active agreement for services on file because it costs nothing and makes it easier to request services should the need unexpectedly arise. In addition to the obvious benefits, you are also ensuring your business is in compliance with the Americans with Disabilities Act Law (ADA), Title III, under section 36.303 Auxiliary Aids and Services.

Our agency first requires all private practice interpreters to undergo a background check prior to being added to our roster. This is not the case with all language agencies.

Our agency employs a holistic approach to services for the Deaf/Hard of Hearing beyond simply providing interpreters. It is our belief that our customers, interpreters, and the Deaf community all mutually benefit from education surrounding working with the Deaf/Hard of Hearing. To this end, we are proud to offer free trainings to your staff about cultural competency, working with the Deaf/Hard of Hearing, & working with interpreters. If you are interested in discussing or scheduling an educational training, please contact our Program Manager, Jeanine Byrnes, at j.byrnes@taconicresources.org or at 845-452-3913 x103.

Once reviewed, approved, completed, and signed, please email the entire document to me for the countersignatures to avoid any delay or interruption of services.

Please do not hesitate to contact me with any questions or concerns.

We look forward to continuing our working association.

Warm regards,

Licia

Licia Valleau, (she/her/hers)
MHIS Billing & Contract Manager



Taconic Resources for Independence, Inc.
82 Washington St., Suite 214,
Poughkeepsie, NY 12601

L.valleau@taconicresources.org

Office: 845-452-3913 ext. 106 (7am-2pm)

Fax: 845-485-3196

845.345.8416 (Video Phone for Deaf/ Hard of Hearing)

845.485.8110 (TTY)

www.taconicresources.org

Follow TRI on our social media pages to keep up to date with events and community resources:

<https://www.facebook.com/TaconicResources/>

<https://www.instagram.com/taconicresources/>

[Click Here to Sign up for TRI's Newsletter and Alerts](#)

Taconic Resources for Independence, Inc. (TRI) was founded in 1986 and is Dutchess County's leading disability advocacy organization, dedicated to empowering individuals with disabilities to lead self-directed lives. TRI works within the community to provide disability awareness and advocacy for the removal of barriers.

This communication, including any attachments, may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail, delete and destroy all copies of the original message. No responsibility is accepted by Taconic Resources for Independence, Inc. or Mid-Hudson Interpreter Service for any loss or damage arising in any way from receipt of this message.

RESOLUTION NO.: 55 - 2022

OF

MARCH 14, 2022

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN
THE CITY OF NEWBURGH AND THE MID-HUDSON INTERPRETER SERVICE
PROGRAM OF TACONIC RESOURCES FOR INDEPENDENCE, INC.
FOR AMERICAN SIGN LANGUAGE/ENGLISH INTERPRETING SERVICES

WHEREAS, to ensure that Community Development Block Grant (CDBG) public meetings are accessible to individuals with hearing impairments and to comply with Title II of the Americans with Disabilities Act, the City of Newburgh wishes to enter into the attached agreement with The Mid-Hudson Interpreter Service Program of Taconic Resources for Independence, Inc. to provide American Sign Language/English Interpreting services; and

WHEREAS, the cost of these services will be derived from CDBG contractual services lines CD1.8686.0400.8000.2021 and CD1.8686.0400.8000.2022; and

WHEREAS, this Council has determined that entering into this agreement is in the best interests of the City of Newburgh;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with The Mid-Hudson Interpreter Service Program of Taconic Resources for Independence, Inc. to provide American Sign Language/English Interpreting services.

I, Lorene Vittek, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 3/14/22
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 14 day of March 2022

City Clerk

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ORANGE
FOR THE 2024 YOUTH EMPLOYMENT AND TRAINING PROGRAM TO PROVIDE
YOUNG PEOPLE TO WORK FOR THE CITY OF NEWBURGH**

WHEREAS, the County of Orange is once again offering a Youth Employment and Training Program for the purpose of providing meaningful work experience for participants; and

WHEREAS, the City of Newburgh wishes to apply for 11 youth participants to work in the Water Department, Department of Public Works, Code Compliance Bureau and Recreation Department; and

WHEREAS, this Council finds that entering into the attached agreement with Orange County for this purpose is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement and other necessary documents with the County of Orange in order to participate in the 2024 Youth Employment and Training Program which provides young people to work in the City of Newburgh.



EMPLOYMENT & TRAINING ADMINISTRATION

Stephen Knob
Director

Steven M. Neuhaus
County Executive

18 Seward Ave, 1st Floor
Middletown, NY 10940
TEL: (845) 360-0325 FAX: (845) 360-9303
E-MAIL: Kfabiano@orangecountygov.com
www.orangecountygov.com

TO: Prospective 2024 Youth Employment Program Worksites

FROM: Karina Fabiano, Employment Services Youth Coordinator

DATE:

RE: 2024 YOUTH EMPLOYMENT & TRAINING PROGRAM WORKSITE APPLICATION

**Applications can be downloaded at www.orangecountygov.com/eta
Click on Application for Worksites**

The Orange County Employment & Training Administration (OCETA) operates a state-funded Youth Employment Program (YEP) for economically disadvantaged youth between the **ages of 14 and 20**. The YEP provides youth with paid employment for up to 30 hours per week. **OCETA pays youth participants at minimum wage or slightly higher.**

We are in the process of planning for the 2024 Youth Employment Program (YEP). The program tentatively will run from January 1st through June 30th. The participants will go through an orientation before the Youth Program. They will then continue their employment at their perspective worksite.

As in years past the funding for this program is uncertain. However, we are moving forward with anticipation that funding will be forthcoming. If you are interested in serving as a worksite, please complete and return the application by **November 17, 2023 by either:**

Fax to Karina Fabiano at (845) 360-9303 or email
kfabiano@orangecountygov.com

Worksites are selected based on a commitment to provide a learning-enriched employment experience for young workers. Please be advised that all *youth participants are insured by the Orange County for worker compensation coverage.*

After completing and returning your application, it will be forwarded to the respective departments to gather the approved signatures and be executed. If you have any questions, please feel free to contact me at (845) 360-0325.

We hope to work with you, and we thank you in advance for your willingness to guide and nurture the county's developing workforce.

Karina Fabiano
Employment & Training Administration
18 Seward Ave, 1st Floor
Middletown, NY 10940



EMPLOYMENT & TRAINING ADMINISTRATION

Stephen Knob
Director

Steven M. Neuhaus
County Executive

18 Seward Ave, 1st Floor
Middletown, NY 10940
TEL: (845) 360-0325 FAX: (845) 360-9303
E-MAIL: Kfabiano@orangecountygov.com
www.orangecountygov.com

Youth Employment Program Worksite Application 2024

Agency's Legal Name _____

Address _____

Phone Number _____ Fax _____ E-Mail _____

Proposal Prepared By: _____

Person to Contact (if different than above) _____

Phone Number _____ Fax _____ E-Mail _____

Contact Person: _____

Phone Number _____ Fax _____ E-Mail _____

Total Number of Positions (Youth) Requested _____

IMPORTANT INFORMATION

- ***Participants can only work up to 30 hours per week (excluding unpaid lunch).***
- ***Based on NY State Labor Laws participants can take half hour or one hour of unpaid lunch.***
- ***Participants cannot work more than 6 hours per day.***
- ***Participants can work from 8:30AM to 5:00PM, Monday through Friday (NO WEEKENDS).***
- ***Participants cannot participate in any recreational field trips.***

YEP Application 2024

1. Will your agency be able to accommodate youth participating in the program who must work less than 30 hours per week?

Yes No

2. If applicable, how does the worksite plan to accommodate youth during inclement weather?

3. Does your agency require youth participants to meet any specific qualifications in order to perform Work duties? (Please keep in mind program participants have little or no work experience)

Yes No
If yes, please explain:

4. Does your agency require to pre-screen program prior to program start up?

Yes No
If yes, please explain:

5. **JOB DESCRIPTION: Provide a job description for each position you are requesting. Please be specific about the tasks the participant(s) will be responsible for. If more space is needed, please attach separate sheets.**

1. Youth’s JOB TITLE

Number of Positions Requested

Specific Hours of Work

Specific Days of Work

Supervisor's Name

Phone Number (s)

Address to report to on Day 1 (Where the youth will be If different from above)

JOB DESCRIPTION:

2.

Youth's JOB TITLE

Number of Positions
Requested

Specific Hours of Work

Specific Days of Work

Supervisor's Name

Phone Number (s)

**Address to report to on Day 1 (Where the youth will be
If different from above)**

JOB DESCRIPTION:

3.

Youth's JOB TITLE

Number of Positions
Requested

Specific Hours of Work

Specific Days of Work

Supervisor's Name

Phone Number (s)

**Address to report to on Day 1 (Where the youth will be
If different from above)**

JOB DESCRIPTION:

4.

Youth's JOB TITLE

Number of Positions
Requested

Specific Hours of Work

Specific Days of Work

Supervisor's Name

Phone Number (s)

(con't 4)

Address to report to on Day 1 (Where the youth will be
If different from above)

JOB DESCRIPTION:

5.

Youth's JOB TITLE

Number of Positions
Requested

Specific Hours of Work

Specific Days of Work

Supervisor's Name

Phone Number (s)

Address to report to on Day 1 (Where the youth will be
If different from above)

JOB DESCRIPTION:

6.

Youth's JOB TITLE

Number of Positions
Requested

Specific Hours of Work

Specific Days of Work

Supervisor's Name

Phone Number (s)

Address to report to on Day 1 (Where the youth will be
If different from above)

JOB DESCRIPTION:

Check the following statements accordingly:

YES

NO

1. Can your agency provide transportation for YEP participants? _____
2. Agency is a bona fide non-profit organization operating on a Year Round basis with verification of tax exempt status? _____
3. YEP participants must have a supervisory ratio of 12:1. The number of regular employees plus program participants equals this ratio. _____
4. Work location is large enough to accommodate both staff and the number of participants requested. _____
5. Sheltered facilities are available in the event of inclement weather. _____
6. Is your worksite(s) free from hazardous conditions? _____
7. Location has all the equipment and supplies necessary for youth to perform work activities. _____
8. Work activities proposed are sufficient to employ each youth working up to 30 hours per week. _____
9. Has your agency previously participated in the SYEP or YEP? _____

If yes, when? _____

PLEASE NOTE

The program is scheduled to run (tentatively) from January 1, 2024 to June 30, 2024.

The following criteria must be met **BEFORE** the program's inception:

- All work locations must be inspected and monitored by the YEP staff.
- Worksite must complete worksite agreement with YEP staff.
- Worksite supervisors or support staff **must** attend the worksite orientation provided by YEP staff prior to program start up. This orientation will take place at your worksite.
- **If photos will be taken of participants for marketing purposes, a consent form must be completed, signed, and returned to Karina Fabiano to keep on file.**

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE A CONTRACT WITH ENGINEERING & SURVEYING PROPERTIES, P.C.
FOR PROFESSIONAL LAND SURVEYING SERVICES OF
17 PARCELS OF PROPERTY NEAR WEST STREET, KEEFE STREET,
AND CASSEDY STREET IN THE AMOUNT OF \$24,500.00**

WHEREAS, the City of Newburgh intends to undertake a review of the area around parcels near West Street, Keefe Street, and Cassedy Street for potential development; and

WHEREAS, the City has solicited and received proposals to provide professional land surveying services as an important first step in the development process; and

WHEREAS, the City received a proposal from Engineering & Surveying Properties, P.C., to provide land surveying services to 17 parcels of property in the subject area; and

WHEREAS, the funding for the land surveying services shall be derived from A.8684.0448; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that accepting the proposal and entering into a contract for such work as proposed is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to accept a proposal and execute a contract for professional land surveying services with Engineering & Surveying Properties, P.C. in the amount of \$24,500.00 in connection with future development of property near West Street, Keefe Street, and Cassedy Street.

CITY OF NEWBURGH
Land Survey Services Agreement

This agreement ("Agreement") is made and entered into this _____ day of _____, 2023, by and between the City of Newburgh, a municipal corporation, with an office address of 83 Broadway, Newburgh, New York 12550 ("City"), and Engineering & Surveying Properties, P.C., with an office address of 71 Clinton Street, Montgomery, New York 12549 ("Contractor").

WITNESSETH

WHEREAS, Contractor, in consideration of the terms and conditions herein, agrees to furnish labor, materials, and equipment, and to perform work necessary to complete, in a skillful and professional manner, land surveying services related to 17 parcels of real property located in and around West Street, Orchard Street, and Cassedy Street, all in the City of Newburgh, New York.

WHEREAS, Contractor shall provide such services as more fully described in this Agreement, along with any schedules or exhibits, which are incorporated by reference and made part of this Agreement, as follows:

- **Schedule A** – Contractor Scope of Services

WHEREAS, the term shall begin upon receipt of a fully-executed Agreement by Contractor from the City, with work elements being started during the term and continuing to completion and acceptance by the City.

WHEREAS, Contractor assumes responsibility for the services and deliverables proposed in **Schedule A**.

WHEREAS, the services amount to be expended under this Agreement shall not exceed **twenty-four thousand five hundred and 00/100 dollars (\$24,500.00)**, with payment being made in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, In consideration of the statements and conditions herein, the City does hereby engage Contractor to perform the services in **Schedule A**, and Contractor does hereby agree to perform such services described herein. The City and Contractor agree as follows:

[Remainder of this page intentionally left blank. Terms and conditions to follow.]

1. DEFINITIONS

The following terms as used in this Agreement are defined as follows:

- 1.1 Agreement: The Agreement executed by both the City and Contractor.
- 1.2 Additional Services: A written authorization for additional work beyond that required to be provided by Section 2, Scope of Services.
- 1.3 Base Design: The design arising out of the provision of the Contractor's basic services that meets project scope and budget.
- 1.4 Budgeted Direct Construction Cost: The City's budgeted cost to construct the project.
- 1.5 City: The City of Newburgh.
- 1.6 Contractor: The individual or design firm represented who is identified on the signature line of the Agreement.
- 1.7 Contract: Same as Agreement.
- 1.8 Contract Documents: Any Requests for Proposals, Technical and Cost Proposals, this Agreement, Construction Documents, Bid Proposal Form, Notice to Contractors, bonds, and insurance certificates relative to the project.
- 1.9 Cost Control Report: Documentation providing cost data for the continuing evaluation of the work. The cost figures shall be a reasonable estimate of expenditures at the end of the reporting period based on current information.
- 1.10 Final Design Documents: The design drawings, specifications, design analysis, cost estimate, general conditions, supplementary general conditions, and special conditions developed to convey in detail the design, function and construction of the project.
- 1.11 Normal Consulting and Engineering Services: Professional services provided by architect, civil engineer, landscape architect, structural, electrical, and mechanical engineers, design-assist or design-build trade contractors, and cost estimators which are necessary and appropriate to define the project's design and direct the project's construction.
- 1.12 Principal(s): The individual(s) of the Contractor authorized on behalf of the firm to act as signatories to agreements for this project.
- 1.13 Project Manager: A representative of the City designated to act on behalf of the City with respect to the project.

2. SCOPE OF SERVICES

- 2.1 Contractor shall render all services and furnish all materials and equipment necessary to provide the City with plans, estimates, and other services and deliverables more specifically described in **Schedule A** in a timely and professional manner.
- 2.2 Contractor shall ascertain the applicable practices of the City, New York State (including any relevant agencies thereto) and/or the United States of America (including any relevant agencies thereto), as applicable, before beginning any of the work of this Project. All work required under this Contract shall be performed in accordance with these practices, sound design and engineering standards, practices and criteria, and any special requirements as may be described in **Schedule A**.
- 2.3 Prior to the start of work, Contractor shall submit for approval by the City the names of any subcontractor firms and key individuals proposed for the project design team. The City shall have the exclusive discretion to accept or reject for cause any subcontractor or individual proposed. If a subcontractor is rejected, the Contractor shall propose an alternate subcontractor acceptable to the City. Nothing in this Agreement shall create any contractual relationship between the City and any subcontractor retained by the Contractor.
- 2.4 Prior to the start of work, Contractor shall review the document needs and organization, including coordination with the Project Manager. Based on this review, Contractor shall issue a letter to the Project Manager describing measures to be employed by the design team to ensure document coordination on the project.
- 2.5 Prior to the start of work, Contractor shall propose the number of visits and meetings as required to meet the scope and complete the phase. Project meetings/site visits shall be provided with the Scope of Services and as described in **Schedule A**. Absent specific agreement, no less than the following minimums shall be provided:
 - 2.5.1 One (1) start meeting, which shall include a site visit.
 - 2.5.2 One (1) project progress review meeting.
 - 2.5.3 One (1) project completion meeting.
- 2.6 Contractor will commence work no later than ten (10) days after receiving written notice to proceed from the City.
- 2.7 Physical prints and electronic copies of documents shall be provided upon request by the City at any time, including after project completion, at Contractor's sole cost and expense. Absent specific exclusion no less than the following minimums shall be provided:

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- 2.7.1 One (1) full size print copies of completed work, with size to be determined by the City.
 - 2.7.2 One (1) electronic copy of all plans, and specification in an electronic format acceptable to the City.
 - 2.7.3 One (1) copy of an integrated 3D BIM model (if applicable), DWG, Word, and/or PDF of plans and specifications.
- 2.8 Contractor's performance of this Contract within the compensation provided shall be continuously reviewed in good faith by Contractor. Contractor shall notify the City of the results of those reviews in writing by submitting of a Cost Control Report to the Project Manager. Such Cost Control Report shall be submitted to the City monthly or at such alternative interval as may be described in **Schedule A**.
- 2.9 If Contractor believes that any work the Contractor has been directed to perform is beyond the Scope of Services as outlined in Section 2 and in the Agreement, and constitutes Additional Services, the Contractor shall promptly notify the City, in writing, of its objections prior to the commencement of the objected to work. The City shall review said objections in good faith and, in its sole discretion, decide whether such work is beyond the Scope of Services and in the Agreement generally, and constitutes Additional Services. If the City determines that such work does constitute Additional Services, the City shall provide extra compensation to the Contractor as provided for in Sections 3 and 4, below. In this instance, an amendment to the Agreement, providing the compensation and describing the work authorized, shall be prepared and issued by the City.

3. ADDITIONAL SERVICES

- 3.1 During the project, the City may elect to seek additional work that, in its discretion, is substantially beyond that required to be provided by Section 2 (Scope of Services). Such work shall be considered Additional Services.
 - 3.2 Additional Services require pre-authorization in writing by the parties. When Additional Services are authorized and accepted, they shall be provided by the Contractor and shall be paid for by the City as provided in Section 4 (Compensation).
 - 3.3 The following services are expressly not covered by Section 2 (Scope of Services) of this Agreement and are considered extra services unless otherwise described in **Schedule A**:
 - 3.3.1 Revising previously approved work, notwithstanding Section 3.4.2.
 - 3.3.2 Providing additional design assessments and remedial documentation for the replacement of work during construction damaged by fire or other causes not the fault of the Contractor.
-

-
- 3.3.3 Providing additional professional services made necessary through no fault of the Contractor.
 - 3.3.4 Providing additional professional services made necessary to affect a material change of the Agreement requested by the City.
 - 3.3.5 Providing special delineations or renderings, other than that required in Section 2 (Scope of Services).
 - 3.4 The following services are expressly covered by Section 2 (Scope of Services), of this Agreement and shall not be considered extra services:
 - 3.4.1 Changes required by Federal, New York State, or local code laws, rules, or regulations, as may be applicable.
 - 3.4.2 Changes resulting from Contractor's errors, omissions, or design deficiencies.

4. COMPENSATION

- 4.1 This Contract shall be deemed only executory to the extent of the monies available, and no liability shall be incurred by the City beyond the monies legally available for the purposes hereof.
- 4.2 Compensation for Contractor's Scope of Services shall be as indicated in **Schedule A**.
- 4.3 Fee proposals by the Contractor shall be reflective of the actual effort necessary to design and document the condition identified in Section 2 (Scope of Services).
- 4.4 For Contractor's Additional Services, as described in Section 3 (Additional Services), the compensation to be paid will be identified in a supplemental agreement as applicable.
- 4.5 Payments under this Agreement shall be made in arrears of work increment(s) completed to the satisfaction of the City and upon submittal of an invoice to the City. If not otherwise specified, payment for services rendered will be processed within thirty (30) days upon presentation of the invoice.
- 4.6 At the conclusion of work on the project, the Contractor shall submit a final invoice for any remaining amounts due. This invoice shall be prominently identified as 'FINAL INVOICE'.
- 4.7 Contractor agrees that no charges or claim for damages shall be made by it for any delays or hindrances from any cause whatsoever during the progress of any portion of the services specified in this Agreement. Such delays or hindrances, if any, shall be

compensated for by an extension of time for such reasonable period as the City may decide, it being understood, however, that the permitting of the Contractor to proceed to complete any services or any part of them after the date of completion or after the date to which the time of completion may have been extended, shall in no way operate as a waiver on the part of the City of any of its rights herein. Nothing in this Section will prevent the Contractor from exercising his rights under Section 2 (Scope of Services) of this contract.

- 4.8 All subcontractors performing work on this project shall be bound by the same required contract provisions as the Contractor. All agreements between the Contractor and a subcontractor shall include all standard required contract provisions, and such agreements shall be subject to review by the City.
- 4.9 Payment to Contractor is subject to the following audit rights of the City:
 - 4.9.1 For Cost Plus Fixed Fee Method - All costs are subject to audit, i.e. labor, direct non-salary, overhead, and fee.
 - 4.9.2 For Specific Hourly Rate Method - Labor hours and direct non-salary costs are subject to audit. If elements subject to audit are less than \$300,000, an audit may be waived by the City.
 - 4.9.3 For Lump Sum Cost Plus Reimbursables Method - Only direct non-salary costs are subject to audit. If elements subject to audit are less than \$300,000, an audit may be waived by the City.

5. CITY RESPONSIBILITIES

- 5.1 The City shall make any surveys, reports, or other documents in the City's possession that the parties deem relevant to the project available to the Contractor as required, at City expense. Said documents shall be for reference only, and the City makes no representations as to the quality, propriety, or accuracy of the information contained in said documents.
- 5.2 To the best of its ability, the City shall provide site information that indicates lines of streets, alleys, pavements, and adjoining property; rights-of-way, restrictions, easements, encroachments, deed restrictions, boundaries, grades and contours of the site; locations, dimensions and data pertaining to known utilities, existing structures, landscaping and trees, and other improvements.
- 5.3 The City shall provide a geotechnical report, test borings, test pit information, soil bearing values, and other geotechnical assessments appropriate to define sub-surface conditions, if available.

6. CONTRACTOR RESPONSIBILITIES

- 6.1 Contractor shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by the Contractor under this Agreement. The Contractor shall, without additional compensation, correct or revise any errors or deficiencies in its designs, drawings, specifications, and other services as determined by the City.
- 6.2 Neither the City's review, approval or acceptance of, nor payment for, the services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and the Contractor shall be and remain liable to the City in accordance with applicable law for all damages to the City caused by the Contractor's negligent performance or breach of contract of any of the services furnished under this Agreement.
- 6.3 The rights and remedies of the City provided for under this contract are in addition to any other rights and remedies provided by law.

7. OWNERSHIP AND USE OF DOCUMENTS

- 7.1 Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (collectively called the "Records"). The Records must be kept for a minimum of six (6) years from the date of creation or three (3) years after final payment is remitted by the City, whichever is later. Any authorized representatives of the City, New York State, or Federal Government shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, a mutually agreeable reasonable venue within the State, for the term specified above for inspection, auditing, and copying.
- 7.2 All technical data related to this Agreement that exists in the offices of the City or in the offices of the Contractor shall be made available to the other party to this Agreement upon written request and without expense to such other party.
- 7.3 Contractor agrees that designs, drawings, specifications, electronic equivalents and other technical data produced in the performance of this Agreement, whether in draft or final form, shall become the property of the City. The City shall have access, during regular business hours, to inspect and obtain copies of notes, designs, drawings, specifications, electronic files, calculations, and other technical data pertaining to the work performed under this Agreement.
- 7.4 The City reserves the right to use documents prepared under this Agreement regardless of whether the Agreement is terminated or the project is suspended or abandoned. This right allows the City to use these documents in the future for the same project, a modified version of it, or for one that is similar.

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- 7.5 At the time of completion of the work, the Contractor shall make available to the City all survey notes, computations, maps, tracings, original aerial film and photo indices if any, and all other documents and data pertaining to the work or to the project which material at all times shall be the property of the City. Or in the event that this Agreement is terminated for any reason, then, within ten (10) days after such termination, the Contractor shall make available to the City all the aforementioned data and material. All original tracings of maps and other engineering data furnished to the City by the Contractor shall bear thereon the endorsement of the Contractor. All plans, estimates, and other data prepared in accordance with this Agreement shall be considered confidential and shall be released only to the City.
- 7.6 Contractor agrees that if patentable discoveries or inventions should result from work described herein, all rights accruing from such discoveries or inventions shall be the sole property of the Contractor. However, the Contractor agrees to, and does hereby grant, to the City, the State of New York, and the Federal Government, a nonexclusive, nontransferable, paid-up license to make, use, and sell each subject invention throughout the world, all in accordance with the provisions of 48 CFR 1-27.

8. TERMINATION

- 8.1 The City may terminate this Agreement or suspend or abandon the project upon fourteen (14) days written notice to the Contractor. Contractor may terminate this Agreement only if the City substantially fails to perform in accordance with Section 5 (City Responsibilities) of this Agreement. Prior to Contractor terminating this Agreement, a Notice of Termination must be given in writing and in accordance with the notice provision is Section 10 (Miscellaneous Provisions), below, to the City that allows the City fourteen (14) days to correct any default. If the default is corrected/cured, Contractor may not terminate this Agreement.
- 8.2 In the event the City terminates this Agreement, suspends the project for more than 180 days, abandons the project or the Contractor terminates this Agreement in accordance with Section 8.1, the City shall pay to the Contractor full payment for services performed and expenses incurred under this Agreement as follows:
- 8.2.1 The sum due under Section 4 (Compensation) as shall have become payable because of progress in the work plus a pro-rata portion of the next succeeding and uncompleted step, if any, for services actually rendered by Contractor, plus any pro-rata sums due to Contractor for Additional Services.
- 8.2.2 In ascertaining the services actually rendered up to the date of termination of this Agreement, suspension or abandonment of the project, consideration will be given to completed work and work in process including incomplete drawings and other documents whether delivered to the City or in the possession of the Contractor.

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- 8.3 The City may immediately cancel this Agreement on notice to Contractor if the City receives information that any work under this Agreement conflicts with the provisions of any applicable law establishing a Code of Ethics for Federal, State or City officers and employees.

9. INSURANCE AND RISK MANAGEMENT

- 9.1 The parties agree that Contractor, its agents, officers, and employees, in the performance of this Agreement, shall act in an independent capacity and not as officers, employees, or agents of the City.
- 9.2 Contractor agrees to hold harmless, defend, and indemnify the City, and the officers, agents, and employees of the City from all claims, damages, losses, causes of action and demands, and all costs and expenses incurred in connection therewith, resulting from or in any manner arising out of or in connection with any negligent act or omission or willful misconduct on the part of the Contractor, its officers, agents, and employees, in the performance of this Agreement. This provision shall survive the expiration or termination of this Agreement.
- 9.3 Contractor shall not commence work until the City has received evidence of the insurance required in this section and approved the same.
- 9.4 Contractor shall obtain the following policies and coverages. The insurance furnished by the Contractor under this section shall provide coverage in amounts not less than the following unless a different amount is stated herein:
- 9.4.1 Comprehensive or Commercial Form General Liability Insurance, on an occurrence basis, shall cover work done or to be done by or on behalf of the Contractor and shall provide insurance coverage for bodily injury, personal injury, property damage, and contractual liability. The aggregate limit shall apply separately to the work.
- The minimum liability limits shall be as follows:
- | | |
|-------------|---|
| \$3,000,000 | General Aggregate |
| \$1,000,000 | Each Claim - combined single limit for bodily injury and property damage. |
- 9.4.2 Business Automobile Liability Insurance, on an occurrence basis, shall cover owned, scheduled, hired, and non-owned automobiles used by or on behalf of the Contractor and shall provide insurance coverage for bodily injury, property damage, and contractual liability.

The minimum liability limits shall be as follows:

\$1,000,000 Each Accident - combined single limit for bodily injury and property damage.

- 9.4.3 Workers' Compensation Insurance, shall include Employer Liability limits of \$1,000,000 and other limits required under New York law.
- 9.4.4 Professional Liability Insurance (a/k/a Errors and Omissions insurance) on an occurrence basis, shall cover work done or to be done by or on behalf of the Contractor and provide insurance for professional liability in the amount of \$1,000,000 each occurrence. At a minimum Contractor shall obtain and maintain professional liability insurance on a claims-made basis for no less than \$1,000,000 each claim and \$2,000,000 annual aggregate, and certification of coverage shall be submitted to the City upon signing of this Agreement. If the total contract amount exceeds \$1,000,000, the Contractor shall renew and keep such insurance in effect for at least ten (10) years after the recordation of the notice of completion.
- 9.4.5 Insurers shall be authorized in the State of New York to transact insurance and shall hold a current A.M. Best's rating of no less than A: VII or carrier acceptable to the City.
- 9.4.6 Contractor shall submit to the City certificates of insurance and endorsements to the policies of insurance required by the Agreement as evidence of the insurance coverage.
- 9.4.7 The scope of coverage and deductible shall be shown on the certificate of insurance.
- 9.4.8 The certificates of insurance and endorsements shall provide for no cancellation of coverage without thirty (30) days written notice to the City, and without ten (10) days' notice for non-payment of premium.
- 9.4.9 Renewal certifications shall be timely filed by the Contractor for coverage until the work is accepted as complete.
- 9.4.10 Contractor shall notify the City in writing of any material change in insurance coverage.
- 9.4.11 Insurance policies shall contain, or be endorsed to contain, the following provisions and/or endorsements:
 - 9.4.11.1 For the general and automobile liability policies, the City of Newburgh, its officers, employees, representatives,

volunteers, and agents shall be covered as additional insureds.

- 9.4.11.2 For claims related to the work, Contractor's insurance coverage shall be primary insurance as respects the City of Newburgh, their officers, employees, representatives, volunteers, and agents. Insurance or self-insurance maintained by the City, their officers, employees, representatives, volunteers, and agents shall be in excess of the Contractor's insurance and shall not contribute with it.
- 9.4.11.3 Supplementing sections 9.4.11.1 and 9.4.11.2, the City of Newburgh Industrial Development Agency, its officers, employees, representatives, volunteers, and agents shall also be named and covered as additional insureds.
- 9.4.11.4 Each insurance policy required by this section shall state that coverage shall not be canceled, except after thirty (30) days prior written notice by mail, return receipt requested, has been given to the City, ten (10) days' notice for non-payment of premium.
- 9.4.11.5 The City, their officers, employees, representatives, volunteers, and agents shall not by reason of their inclusion as additional insureds incur liability to the insurance carriers for payment of premiums for such insurance.
- 9.4.12 Any deductible under any policy of insurance required in this section shall be the Contractor's liability.
- 9.4.13 Acceptance of certificates of insurance by the City shall not limit the Contractor's liability under the Agreement.
- 9.4.14 If the City is damaged by the failure of Contractor to provide or maintain the required insurance, the Contractor shall pay the City for such damages.
- 9.4.15 Contractor's obligations to obtain and maintain required insurance are non-delegable duties under this Agreement.

10. MISCELLANEOUS

- 10.1 Contractor, in accordance with his status as an independent contractor, covenants and agrees that he will conduct himself consistent with such status, that he will neither hold himself out as, nor claim to be, an officer or employee of the City by reason hereof, and that he will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the City, including but

not limited to Worker's Compensation coverage, Unemployment Insurance benefits, Social Security coverage or Retirement membership or credit.

- 10.2 Contractor agrees to comply with all applicable Federal, State and City Civil Rights and Human Rights laws with reference to equal employment opportunities and the provision of services. In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal Statutory and constitutional non-discrimination provisions, Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability or marital status. Furthermore, Contractor agrees that neither it nor its sub-Contractors shall, by reason of race, creed, color, disability, sex or national origin; (a) discriminate in hiring against any citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this Agreement.
- 10.3 Contractor certifies compliance with providing a drug-free workplace.
- 10.4 Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Contractor, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability, or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.
- 10.5 Contractor warrants that no officer or employee of the City of Newburgh has received, or shall receive, compensation from the Contractor or subcontractors for work performed in the execution of this Agreement, or for any architectural or engineering services, public or private, performed for the Contractor or its subcontractors.
- 10.6 This Agreement shall be binding on, and inure to the benefit of, the successors and permitted assigns of the parties.
- 10.7 Contractor may not assign, transfer, convey, sublet or otherwise dispose of the Agreement or its right, title or interest therein, or its power to execute such Agreement, to any other person, company or corporation, without written consent of the City. If this provision is violated, the City may revoke and annul the Agreement and the City shall be relieved from all liability and obligations thereunder to the person, company or corporation to whom the Contractor shall purport to assign, transfer, convey, sublet or otherwise dispose of the Agreement without such consent in writing of the City.
- 10.8 Notice for either party may be served by delivering it in writing via any form of United States Postal Service that contains a tracking number, or by Federal Express, or by

United Parcel Service, to the respective party and address as shown on the Agreement page.

10.8.1 Notice served upon the City shall be delivered to:

City of Newburgh
attn.: City Clerk
83 Broadway
Newburgh, New York 12550

with copy to:

City of Newburgh
attn.: City Engineer
83 Broadway
Newburgh, New York 12550

10.8.2 Notice served upon Contractor shall be delivered to:

Engineering & Surveying Properties, P.C.
71 Clinton Street
Montgomery, New York 12549

- 10.9 In the event of any claims made or any actions brought against the City in connection with the Agreement, Contractor agrees to provide all information and assistance in the City's opinion that is reasonably necessary to defend such Claim.
- 10.10 The State courts located in New York State, County of Orange, shall have exclusive jurisdiction to adjudicate any disputes arising out of or relating to, this Agreement. Each party hereto consents to the jurisdiction of such court and waives any right it may otherwise have to challenge the appropriateness of the forum for any reason. Arbitration shall not be used to resolve any claims, controversies, or disputes between the parties.
- 10.11 This Agreement shall be governed and construed in accordance with the laws of the State of New York, without giving effect to any conflict of laws principles that may apply.
- 10.12 This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all other prior agreements and understandings, both written and oral, between the parties with respect to the subject matter hereof. Any changes to this Agreement may be amended by mutual consent of the parties hereto in writing.

10.13 This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

10.14 In the event that any provision of this Agreement is held to be unenforceable under applicable law, this Agreement will continue in full force and effect without such provision and will be enforceable in accordance with its terms.

11. CERTIFICATION FOR FEDERAL-AID CONTRACTS (IF APPLICABLE)

11.1 Should this Agreement, or any portion thereof, be funded with federal aid, Contractor certifies, by signing this Agreement, to the best of its knowledge and belief, that:

11.1.1 No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

11.1.2 If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the standard "Disclosure Form to Report Lobbying," in accordance with its instructions.

11.1.3 The signator to this Contract, being duly sworn, certifies that its company and any person associated therewith in the capacity of owner, partner, director, officer, or major stockholder (five percent or more ownership):

11.1.3.1 Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;

11.1.3.2 Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;

11.1.3.3 Does not have a proposed debarment pending; and

-
- 11.1.3.4 Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years.

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[Signature and Acknowledgment Pages to Follow]

DRAFT

Signature Page
Agreement for Land Survey Services
City of Newburgh with Engineering & Surveying Properties, P.C.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

DATED: _____, 2023

CITY OF NEWBURGH

By: _____

Name: Todd Venning
Title: City Manager

DATED: _____, 2023

ENGINEERING & SURVEYING
PROPERTIES P.C.

By: _____

Name: Brian D. Babcock
Title: Authorized Signor

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

NOTARY PUBLIC

STATE OF _____)
) ss.:
COUNTY OF _____)

NOTARY PUBLIC

SCHEDULE A – CONTRACTOR SCOPE OF SERVICES

Contractor will perform a boundary survey of the listed properties (17 parcels total), set pins, and prepare a single survey plat showing all properties which will be certified to the owner as well as necessary financial institutions and/or title insurers, which will include but not be limited to, the following details:

- Location of all underground utilities including sanitary sewer manholes, stormsewer catch basins, pipe inverts, pipe sizes, pipe direction, pipe material type, water mains, water main valves, water services, hydrants, gas mains, gas services, electric (underground and overhead), and communication utilities (underground and overhead).
- Location of abutting streets and utilities including sidewalks, placement types, utility structures with overhead lines, manholes, hydrants, catch basins (with pipe sizes and invert where accessible), and other visible and marked drainage and utility structures.
- Location of all man-made improvements including stone walls and fences.
- Location of all natural features including water bodies, wet areas and significant rock outcroppings
- Limits of clearings and limits of woodline/treeline
- Limits of asphalt
- Existing property corner pins and monuments
- Encroachments (sheds, fences, debris, etc.)
- Notes of recorded records, maps and deeds, deed plots, and recorded easements.
- Topographic mapping derived from available 2014 NYS LiDAR data. The topographic surface will be expressed in 2-foot contour intervals, with field observations taken to assure continuity between field and LiDAR. Survey mapping will correspond to NAD83 horizontal datum and NAVD88 vertical datum.
- Deliverables shall include final maps signed and sealed by a currently registered New York State Licensed Land Surveyor, along with a digital copy of the complete survey in AutoCAD format provided either on a compact disc or flash drive
- Contractor shall provide a unit cost to set rebar pins after the survey is completed in draft form and submitted to the City for review and comment. Unit cost shall be on a per pin basis.

The Survey will be prepared in accordance with the current existing code of practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc.

List of Properties for Survey

Tax Map	Address	Owner
14-3-26.1	159 West Street	City of Newburgh IDA
14-3-26.2	141 West Street	City of Newburgh
14-3-26.3	155 West Street	City of Newburgh
14-3-26.4	143 West Street	City of Newburgh
14-3-26.52	151 West Street	City of Newburgh
14-3-26.3	Undedicated Road	City of Newburgh
14-3-56.2	96 Orchard Street	City of Newburgh
26-3-8.2	117 Orchard Street	City of Newburgh
No SBL	Orchard Street (paper street portion)	City of Newburgh
14-3-50	Keefe Street (paper street)	City of Newburgh IDA
14-3-49	Keefe Street (paper street)	City of Newburgh IDA
14-3-48	Keefe Street (paper street)	City of Newburgh
No SBL	Keefe Street (paper street)	City of Newburgh
14-3-62	Cassedy Street (paper street)	City of Newburgh
14-3-63	Cassedy Street (paper street)	City of Newburgh
14-3-59	Cassedy Street (paper street)	City of Newburgh IDA
No SBL	Cassedy Street (paper street)	City of Newburgh

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
STATE AND MUNICIPAL FACILITIES PROGRAM FUNDING
IN THE AMOUNT OF \$500,000.00
FOR ROADWAY RECONSTRUCTION AND REHABILITATION**

WHEREAS, Assembly Member Jonathan Jacobson has nominated the City of Newburgh for State and Municipal Facilities Program funding administered through the Dormitory Authority of the State of New York in the amount of \$500,000.00 for roadway reconstruction and rehabilitation in the City of Newburgh; and

WHEREAS, there is no match required for the funding which will be used to fund compliance with ADA sidewalk and roadway requirements and road paving activities; and

WHEREAS, the City Council find it to be in the best interests of the City of Newburgh and its citizens to accept such funding;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept State and Municipal Facilities Program funding administered by the Dormitory Authority of the State of New York in the amount of \$500,000.00 to fund roadway reconstruction and rehabilitation in the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND
ACCEPT IF AWARDED A NEW YORK STATE DIVISION OF CRIMINAL JUSTICE
SERVICES LAW ENFORCEMENT TECHNOLOGY PROGRAM GRANT
IN AN AMOUNT NOT TO EXCEED \$1,750,000.00 WITH NO CITY MATCH**

WHEREAS, the City of Newburgh Police Department proposes to apply for a New York State Division of Criminal Justice Services Law Enforcement Technology program grant to purchase new equipment and related services for the City of Newburgh Police Department; and

WHEREAS, the grant funding in the amount of \$1,750,000.00 requires no City match;
and

WHEREAS, this Council has determined that applying for such grant and accepting if awarded is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Division of Criminal Justice Services Law Enforcement Technology program grant in the amount of \$1,750,000.00 with no City match for the purchase of equipment and related services; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED A NEW YORK STATE
DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES
FY 2021 CYBERSECURITY PROGRAM GRANT
IN THE AMOUNT OF \$50,000.00 WITH NO CITY MATCH**

WHEREAS, the New York State Department of Homeland Security and Emergency Services is soliciting applications for funding under its FY2021 State Homeland Security Program for eligible applicants to enhance and sustain their cybersecurity posture as well as ensure that their information systems are secure and protected from cyber incidents; and

WHEREAS, the City of Newburgh is an eligible applicant and proposes to apply for grant funding in the amount of \$50,000.00 to purchase equipment that will improve and upgrade the City's information systems and cybersecurity; and

WHEREAS, this Council has determined that applying for and accepting if awarded said grant is in the best interest of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a New York State Department of Homeland Security and Emergency Services FY2021 State Homeland Security Program Preserve New York program grant in the amount of \$50,000.00 to purchase equipment that will improve and upgrade the City's information systems and cybersecurity; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

LOCAL LAW NO.: _____ - 2023

OF

NOVEMBER 13, 2023

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c**

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Newburgh to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Newburgh, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.