



ERIE COUNTY
SECOND ANNUAL
HOUSING SUMMIT

WEDNESDAY
SEPTEMBER 20, 2023
9:30 AM - 12:00 PM

RURAL OUTREACH CENTER
730 OLEAN ROAD
EAST AURORA, NY 14052





Welcome & Opening Remarks

Deputy County Executive
Lisa Chimera



A hand is holding a small, grey and white model house on a white surface. The house has a brown roof and a white window. A set of keys is hanging from the hand. The background is a blurred indoor setting.

The Need for Affordable Housing

Jason Knight, PhD, AICP
Buffalo State





Rent Burden Meets Zoning



Outline

Defining
Affordability



Assess the rent
burden and
affordable housing
gap



Discuss zoning and
development
standards



How can we
rethink zoning



Defining Affordability

Affordable Housing

- Federal definition: Generally defined as housing on which the occupant is paying no more than 30 percent gross income for housing costs, including utilities (rent or mortgage burden)

Median Income

- Federal definition: This is a statistical number set at the level where half of all households have income above it and half below it. The U.S. Department of Housing and Urban Development Regional Economist data annually in the Federal calculates and publishes this median income Register.

Context matters

30% of \$20,000 is significantly more impactful than 30% of \$1,000,000



Defining Affordability

Erie County Median Income (2023, Family of 4): \$93,900

Extremely Low Income	Very Low Income	Low Income		Moderate Income	
30% AMI	50% AMI	60% AMI	80% AMI	90% AMI	120% AMI
\$28,170	\$46,950	\$56,340	\$75,120	\$84,510	\$112,680
<p>“Workforce Housing”</p>					



Defining Affordability

Fair Market Rents

- Fair Market Rent (FMR) is generally calculated as the 40th percentile of gross rents for regular, standard quality units in a local housing market. This excludes low-quality units, already subsidized units, and units that have been built in the last 2 years.
- The key here is that in two years, **FMRs went up by about 15% on average.**

Year	Efficiency	On-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2023 FMR	\$869	\$908	\$1,069	\$1,309	\$1,470
FY 2022 FMR	\$774	\$812	\$963	\$1,190	\$1,334
FY 2021 FMR	\$743	\$772	\$920	\$1,144	\$1,284

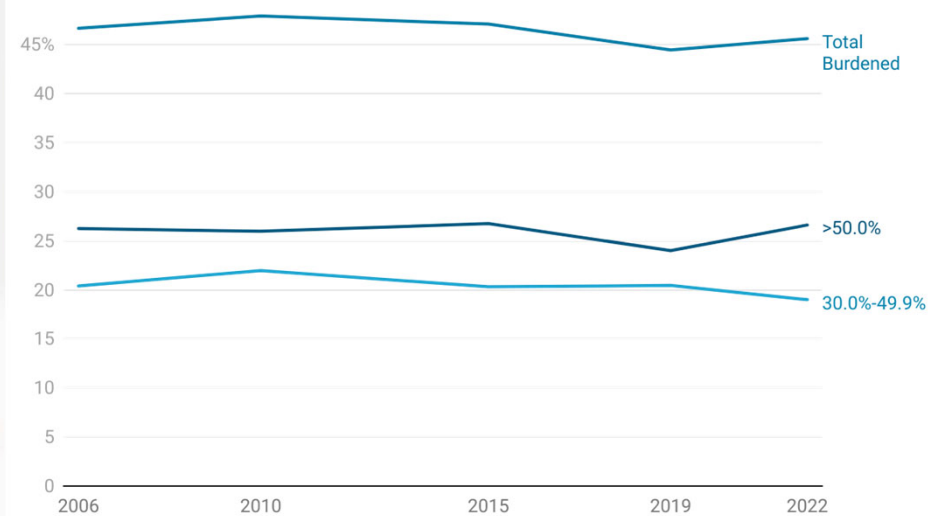


Erie County Rent Burden

Persistent Rent Burden

- What is evident is that regardless of overall economic conditions, the rent burden in Erie County has been stubbornly persistent from the housing foreclosure crisis through covid and into today's increasingly expensive housing market
- **One in four renters are spending more than 50% of their income on housing**

Percent Monthly Income on Gross Rent



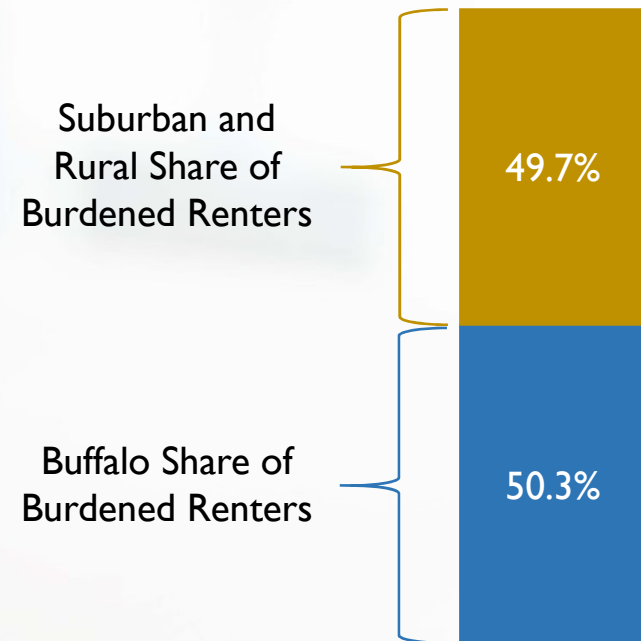
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Year	Renters	30.0%-49.9%	Percent	>50.0%	Percent	Total Burdened	Percent Burdened
2006	127,615	26,029	20.40%	33,517	26.26%	59,546	46.66%
2010	132,936	29,187	21.96%	34,519	25.97%	63,706	47.92%
2015	136,660	27,773	20.32%	36,577	26.76%	64,350	47.09%
2019	141,221	28,885	20.45%	33,888	24.00%	62,773	44.45%
2022	141,427	26,870	19.00%	37,631	26.61%	64,501	45.61%



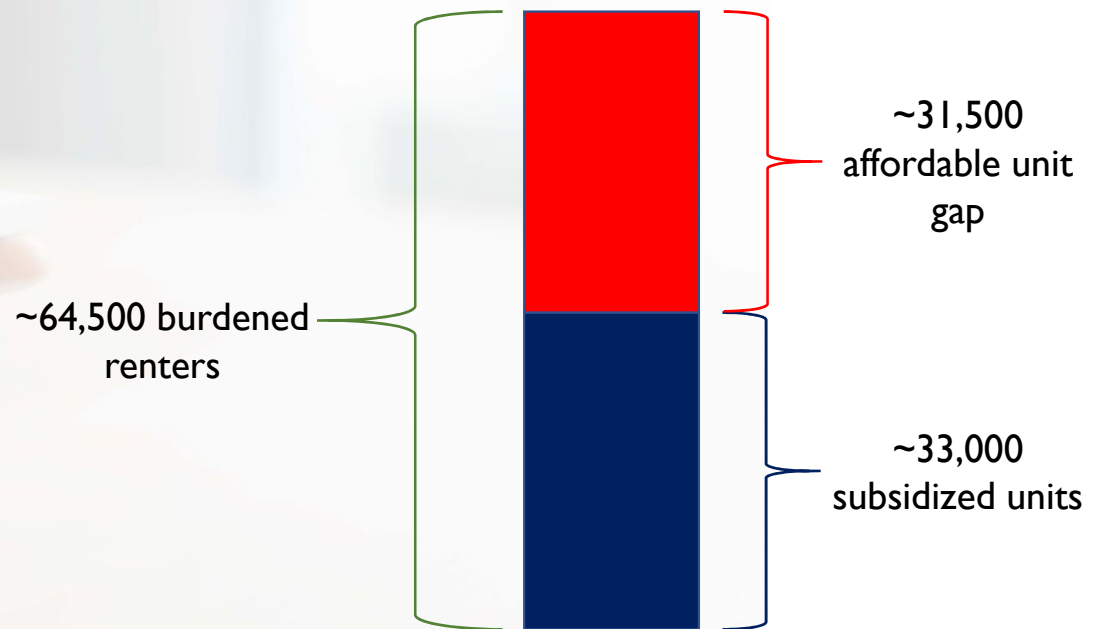
It's Suburban And Rural, Too

- One point that I continually try to make when given the chance is: **THIS IS NOT JUST AN URBAN PROBLEM!**
- Adding affordable housing to **your** community in all likelihood means providing housing for **your** neighbors!
- In other words, the need exists in every single community in Erie County.
- For example: 30% (296) of renters in the Town of Aurora/Village of East Aurora are rent burdened



Erie County Affordability Gap

- What also remains persistent is the undersupply of affordable housing units in the County.
- There are an estimated 33,000 total subsidized units in Erie County but...
- ...there are approximately 64,500 households who are rent burdened
- In other words, there is an **affordability gap of 31,500 units**



A hand holding a key next to a miniature house model on a desk with a clipboard. The background is a bright, blurred window.

ZONING AND DEVELOPMENT STANDARDS





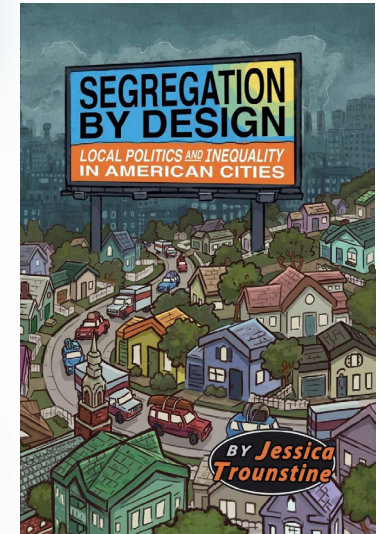
ZONING AND DEVELOPMENT STANDARDS

- To support non-market, affordable housing development to address the affordability gap, we need to understand the role of local zoning and development standards
- Because non-market, affordable housing units require subsidy to reduce the cost to renters, while making a project fiscally viable, local zoning and development standards, as well as the processes and procedures for approval, regularly deter affordable housing development...often by design



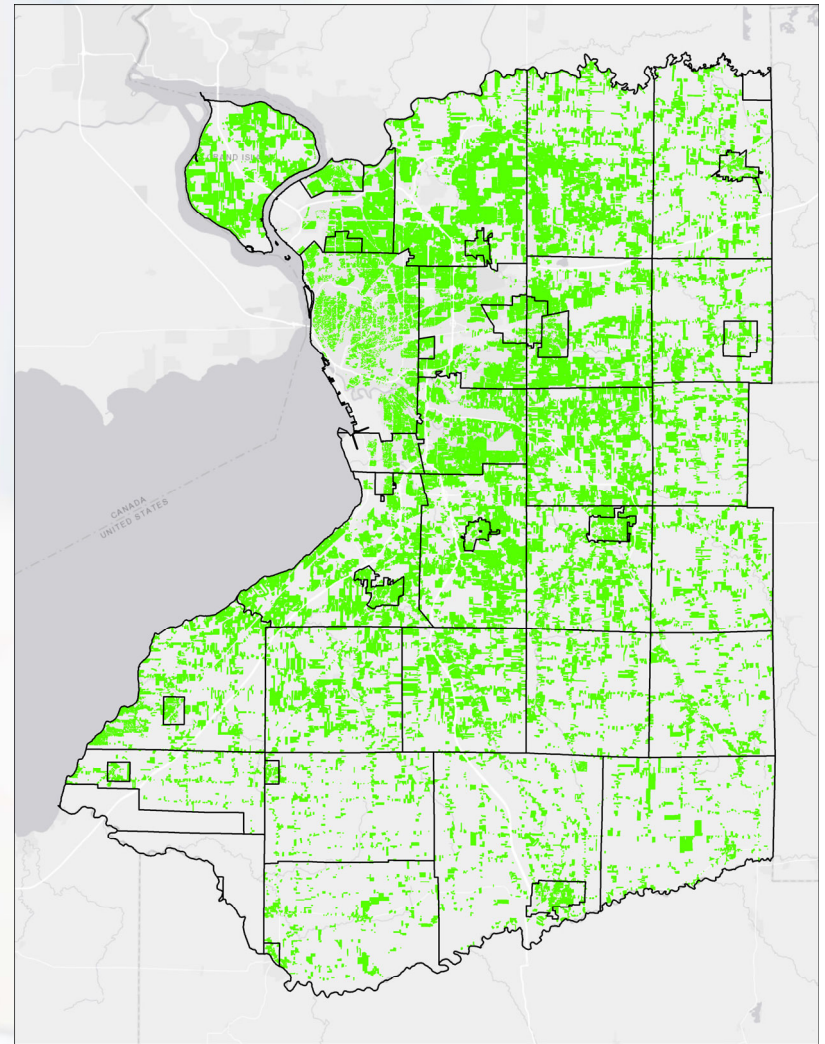
Zoned Out

- Extensive research continues to find that local governments empowered with land use control play a significant role in regional housing markets because they **dictate the location, availability, type, and ultimately, the cost of housing**
- Research also finds that local land use controls support and embed racial segregation and the concentration of poverty in central cities
- So land use controls can be **inclusionary**, providing opportunities for households of all incomes to locate in a community they choose...
- ...or they can be **exclusionary** and restrict access to communities households may prefer



Single Family Dominance

- Although vacant residential land in Erie County is abundant, there is little question that single family zoning dominates
- Residential structures account for ~430 square miles (44.0% of the county land area)
- Single family homes account for ~218 square miles (22.2%)
- Vacant residential accounts for ~62 square miles (6.3%)



Single Family Residential Parcels



Large Homes, Large Lots, and Smaller Households

1950-1959

- Average Household Size – 3.4 people
- Average New Home – 1,403 sq. ft
- Average Lot Size – .39 acres

2010-2022

- Average Household Size – 2.2 people
- Average New Home – 2,282 sq. ft
- Average Lot Size – 1.19 acres

In one of the county's fastest growing and most exclusive communities, where the average household size is 2.6 people, the average single home built between 2010 and 2022 was 2,656 sq. ft. on 0.88 acres with 3.3 bedrooms and 2.7 bathrooms.



Multifamily Exclusion

- Communities will often simply outlaw multifamily over two units.
 - Either directly stating multifamily is not permitted “as of right”
 - Or by simply not permitting in any district
 - Local Example: “**Multiple-family developments shall not be considered an "as of right" use within any zoning classification**”
- In most Erie County codes, multifamily is treated as 4+ units, with 2- and 3-units being referred to as two-family-dwelling and three-family dwelling and typically permitted



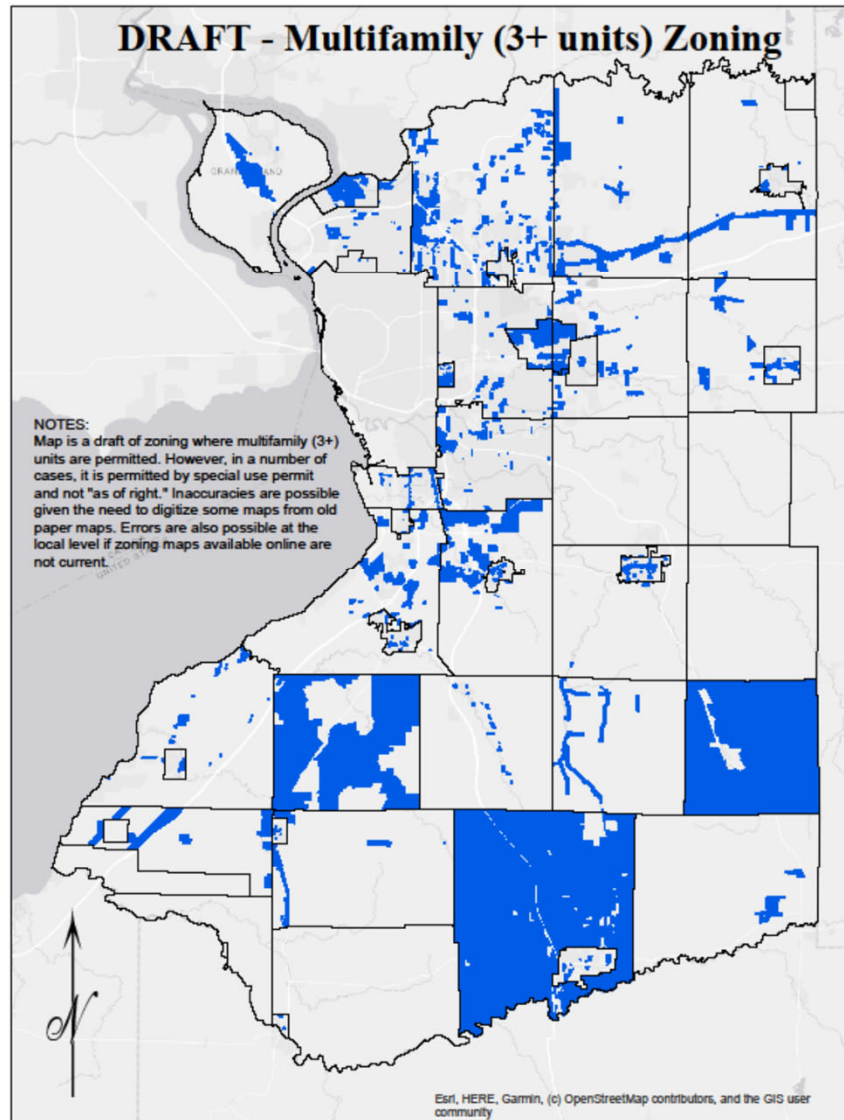
Who's Afraid of Multifamily?

Erie County Municipal Codes

- **Inclusionary** – 33
- **Discretionary** – 7
- **Exclusionary** – 4

- Let's consider a simple way to think about the permissibility of zoning codes for affordable housing:
 - **Inclusionary** – multifamily dwellings (and other non-single-family types) are permitted “as of right,” which represents the majority of communities in Erie County
 - **Restrictive** – Even though communities may permit multifamily units, they often attach design and development standards, like minimum lot sizes, maximum unit density, height maximums, expensive material requirements, and other standards that act to increase the price per unit and reduce affordability, making it unlikely, if not impossible, for affordable housing to be built.
 - **Discretionary** – requires a special use permit or other form of approval
 - **Exclusionary** – a community that excludes multifamily and other forms of housing most likely to be “affordable”

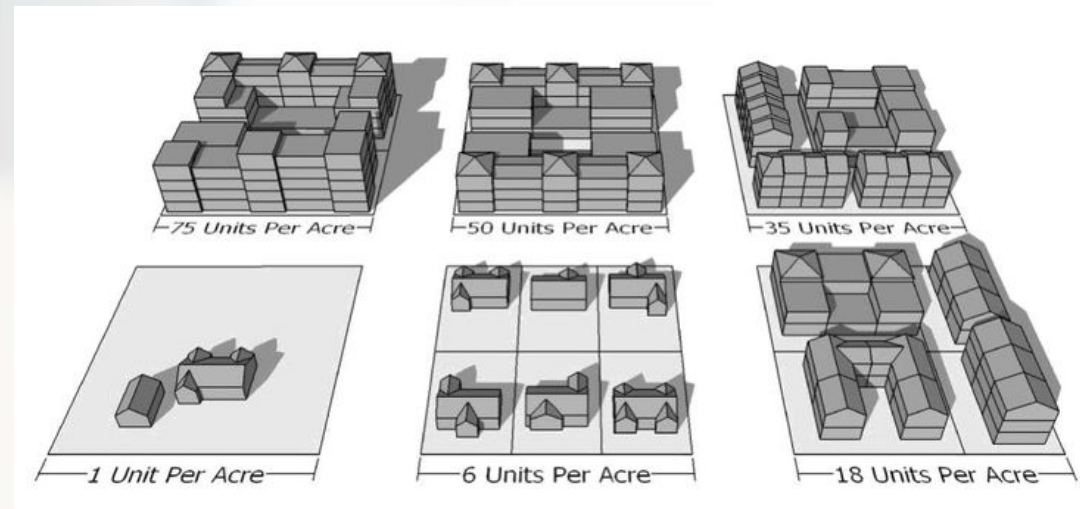




Low Density

- As we continue to build outward, we continue to eat up more land at lower population density while doing so almost entirely via single family homes
- But it is not just single family that has lower densities. Many of the communities that permit multifamily do so in a restrictive manner, with unit densities that are too low to support affordable housing development

Example: One community has an 8-units-per acre maximum for multifamily in their “traditional neighborhood district.” Aside from the ironically misnamed district, high land prices there, as well as other design requirements, assures affordable housing development is never likely to happen



Special Use Permits (SUP)

- One of the more troubling requirements is the so-called “special use permit”
- A SUP functions and operates in most cases as an arbitrary and hard to quantify clause, allowing communities to deny a multifamily project for “cause”
- Terminology for SUPs is often vague and open to interpretation, therefore allowing wide latitude for local governments to deny a project

Local example: “The Town Board shall determine the Town-wide placement of such a multiple-family development based upon its design features, and **its impacts upon the community character**, infrastructure and fiscal sustainability of the Town”



Revise Your Codes and Standards



Remove discretionary approvals such as special use permits and make multifamily permitted “as of right”



Increase the overall areas within your community that are permitted for multifamily, paying attention to areas of walkability and access to public transit if available



Reduce lot minimums and height restrictions where appropriate



Rethink parking requirements



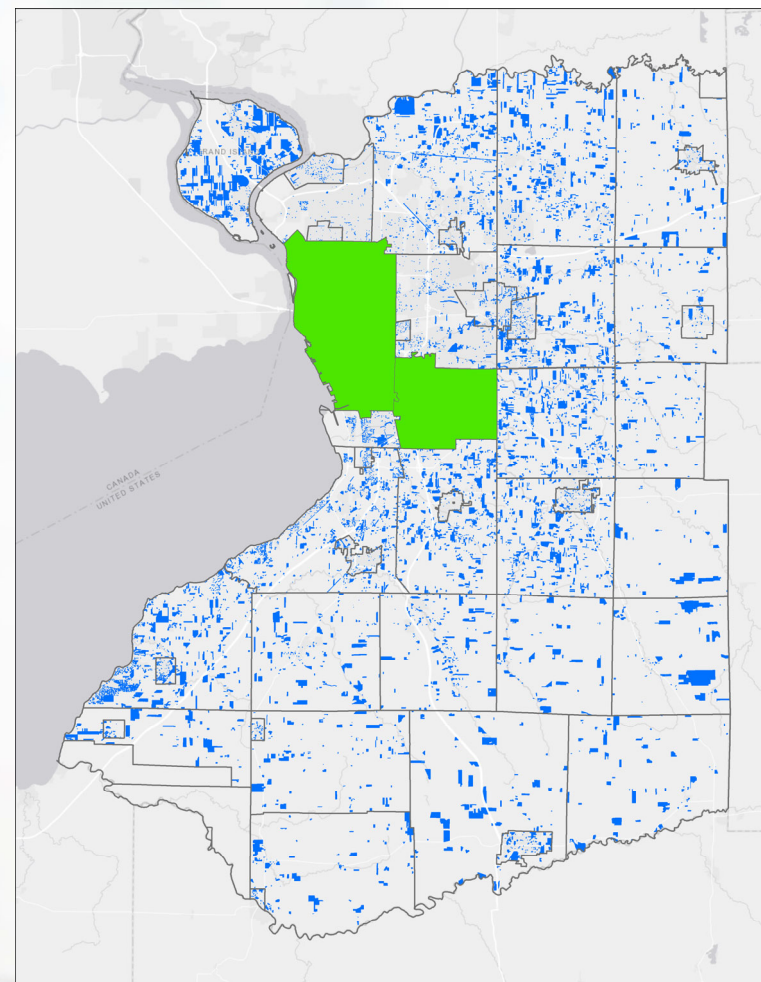
Consider an inclusionary requirement on market rate projects, especially those receiving public subsidy and support



Vacant Land Supply

- Identifying which communities have zoning codes that permit multifamily also requires an assessment of the availability of vacant land in appropriately zoned areas
- One thing is clear: vacant residential land is plentiful in Erie County

This does not mean all this land is developable, but that local assessors have identified it as “vacant residential,” suggesting development is possible



Vacant residential land



Rethink Housing 'Types'

Accessory Dwelling Units: also known as a backyard house, guest house, or casita, is a small home that can be built on the same lot alongside another, larger single-family home

ADUs are "affordable" because they do not require paying for land or major new infrastructure.

Excellent opportunity for providing housing for family members, allowing independent living for those who want to age in place

Examples of Accessory Dwelling Units (ADUs)

ADUs in blue; main residence in white

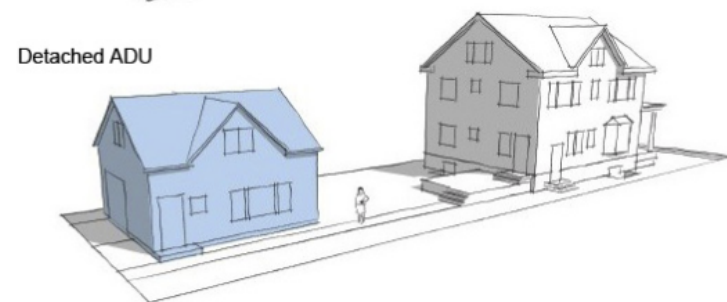
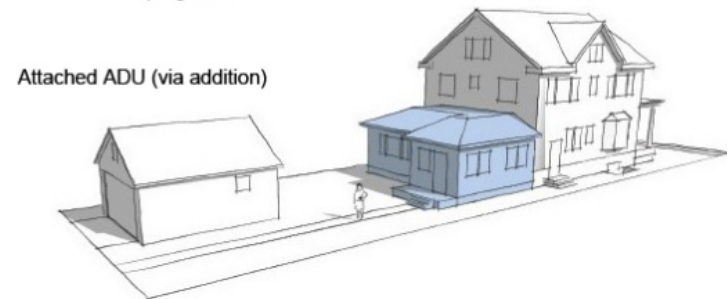
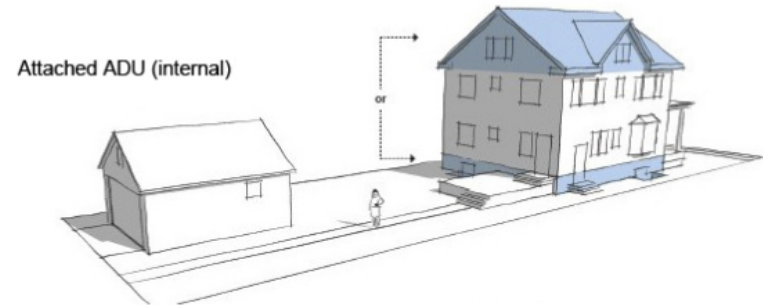


Image credit: City of Saint Paul, MN



Rethink Housing 'Types'

- Mobile/manufactured homes and parks – permitted in some rural communities could add the affordable housing mix
- Micro-units – smaller units, often under 400 sq. ft., goes hand in hand with permitting multifamily
- Tiny homes on smaller lots – tiny house/small houses vary in size (typically less than 600 sq. ft.), are built on a foundation, and constructed to meet building codes



Land Trusts

- Utilize public property to support community land trusts
- A land trust acquires land and maintains ownership of it permanently
- Housing units/structures are constructed and owned by households/families
 - They own the structure, not the land!
- When they sell the structure/unit, only a portion of the increased value (equity) is kept by the owner
- Surplus equity from sale subsidizes the next owner, keeping it affordable



Partnerships



Our remaining speakers will speak to their individual roles within the affordable housing system, but it is important to consider what I think will be a theme: PARTNERSHIPS!

We are all partners, either in existence or potentially.... find committed partners!



The private market builders do not build affordable units because it's not profitable...that means a coalition of the willing is necessary to increase the supply





Thanks!

- knightjc@buffalostate.edu



A hand holding a miniature house model and keys, symbolizing affordable housing. The background is a blurred indoor setting with a window.

Affordable Housing In Rural Communities

Dr. Frank Cerny, PhD
Executive Director, Rural Outreach Center (ROC)



A hand holding a miniature house model with keys, symbolizing real estate or a home sale. The background is a blurred indoor setting with a window.

BREAK
10:30 – 10:45 AM





Developer Perspective

Jason Yots, Esq.
September 20, 2023





YOTS LAW*

Real estate
and
tax credit legal
services



PRESERVATION
STUDIOS*

Historic
preservation
and
tax credit
consulting



COMMON BOND
REAL ESTATE*

Adaptive reuse
and
real estate
development
consulting



URBAN
Vantage

Economic
development
and urban
planning
consulting



COMMON
OWNER

Real estate
investment
funding portal

* Jason Yots is a principal of this company





2018



2020

2024





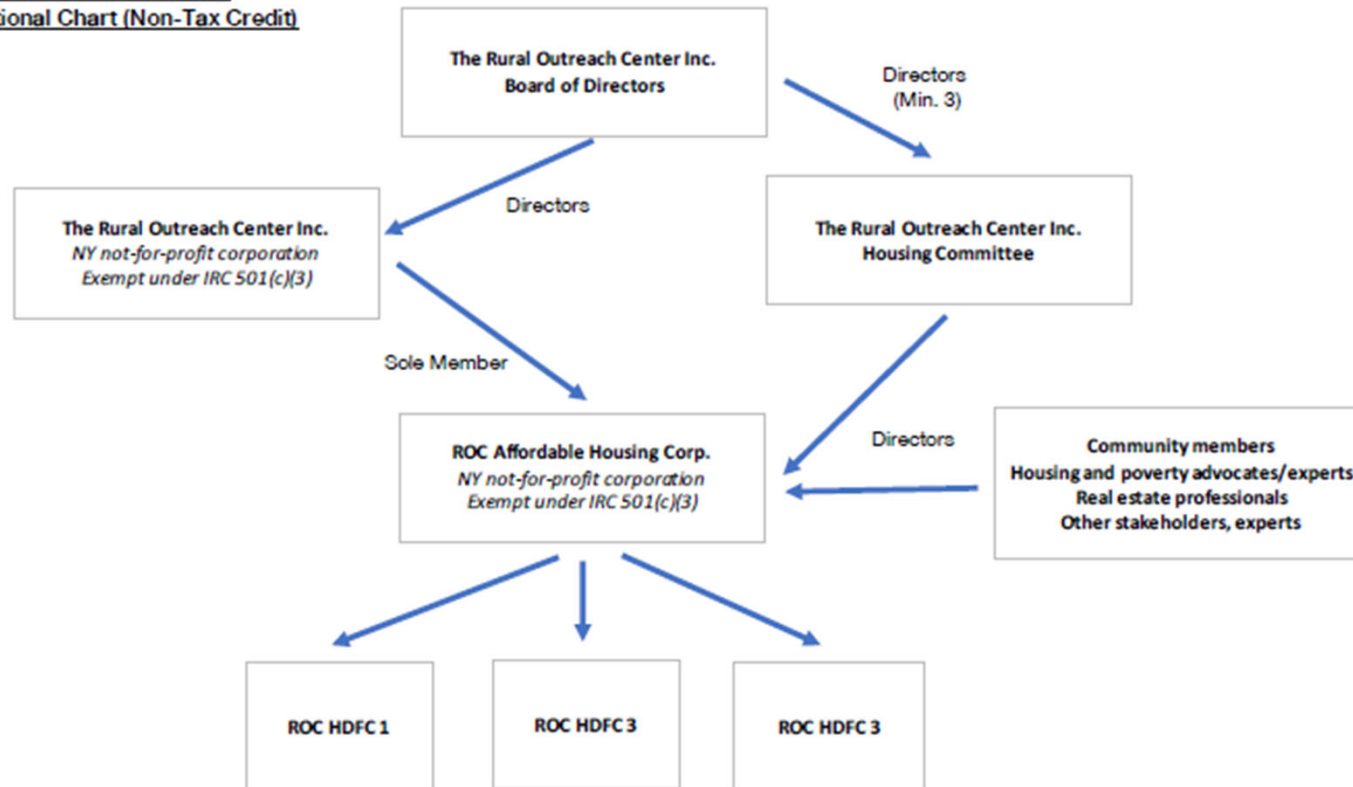
Challenges to Developing Affordable Housing in Rural America

1. Lack of development infrastructure and developer capacity
2. Smaller projects = higher construction costs
3. Inaccessibility of LIHTC Program
4. NIMBYism



Creating Affordable Housing Capacity in Rural Erie County

The Rural Outreach Center Inc. Organizational Chart (Non-Tax Credit)



LIHTC Program

Created in 1986, made permanent in 1993

Requires extensive private sector investment

Average annual taxpayer “cost”: \$13.5 billion

Average annual number of new LIHTC units: 110,000

Per capita LIHTC allocation: \$2.75, as of 2023

Per capita PAB allocation: \$120, as of 2023





Challenges to Accessing LIHTC's

- Extremely high barriers to entry
- 9% (70%) LIHTC program oversubscribed, politicized
- 4% (30%) LIHTC program no PAB allocation
- Syndicated investment approach generally favors larger professional established developers in high cost areas





New Models for Developing Affordable Housing in Erie County

Non-LIHTC Affordable Housing Resources

- Erie County HOME Program
- HCR's Small Building Participation Loan Program
- HCR's Rural Community Investment Fund (CIF)

Non-Housing Economic Development Resources

- Historic Tax Credits
- Brownfield Tax Credits
- Energy Tax Credits
- Erie County IDA
- LISC, Home HQ



New Models for Developing Affordable Housing in Erie County

- **Sponsor:** ROC Affordable Housing Corp.
- **Program:** 16 units affordable to 65% AMI
- **Est. TDC:** \$6.5 million

Anticipated Funding:

- Home HQ (pre-development)
- HCR Small Building PLP
- Erie County HOME Funds
- Historic Tax Credits
- Sponsor Capital Campaign





Municipal Development Process – Town of Amherst

Laurie Stillwell

Community Development Director

Town of Amherst





About Annex

- 129,300 Population (daytime ~188,000)
- Higher Education Institutions
- High Performing school districts
- First-ring suburb (20 min. commute)
- Median Income = \$82,000
- HUD Entitlement Community



57,858

Total Housing Units

15,385

Total Rental Units

2,074

Existing Affordable Units

\$246,300

Median Home Value

\$1,191

Median Gross Rent

55%

Rent Burdened



Amherst Housing Trends

Increasing Housing Values & Mortgage Rates

First-time Home Buyers priced out of the Market

Competition from Investor-Owners (Student Rentals & Airbnb's)

Escalating construction costs = average new build \$200-210/sq ft.

Housing Bottleneck – driving up values at all Price Points

Lack of Affordable, Workforce/Missing Middle & Luxury Units

Waiting lists at 100+ persons for Affordable complexes

Tenant-based Rental Voucher Wait = 10 years



Initiatives Supporting Housing Needs/Trends

Aging Housing Stock = Homeowner Rehab Program

Affordable Housing Development = HOME Rental Subsidy Program & PILOTs

Workforce Housing = AIDA Incentives

Housing In-fill Development = Mixed-use Zoning & Accessory Dwelling Units

Homeownership = Down Payment & Closing Cost Assistance Program

Problem Properties = Zombie Toolkit & Distressed Properties Task Force

Extraction Economics = Code Enforcement, Property Management License & Rental Registry Laws



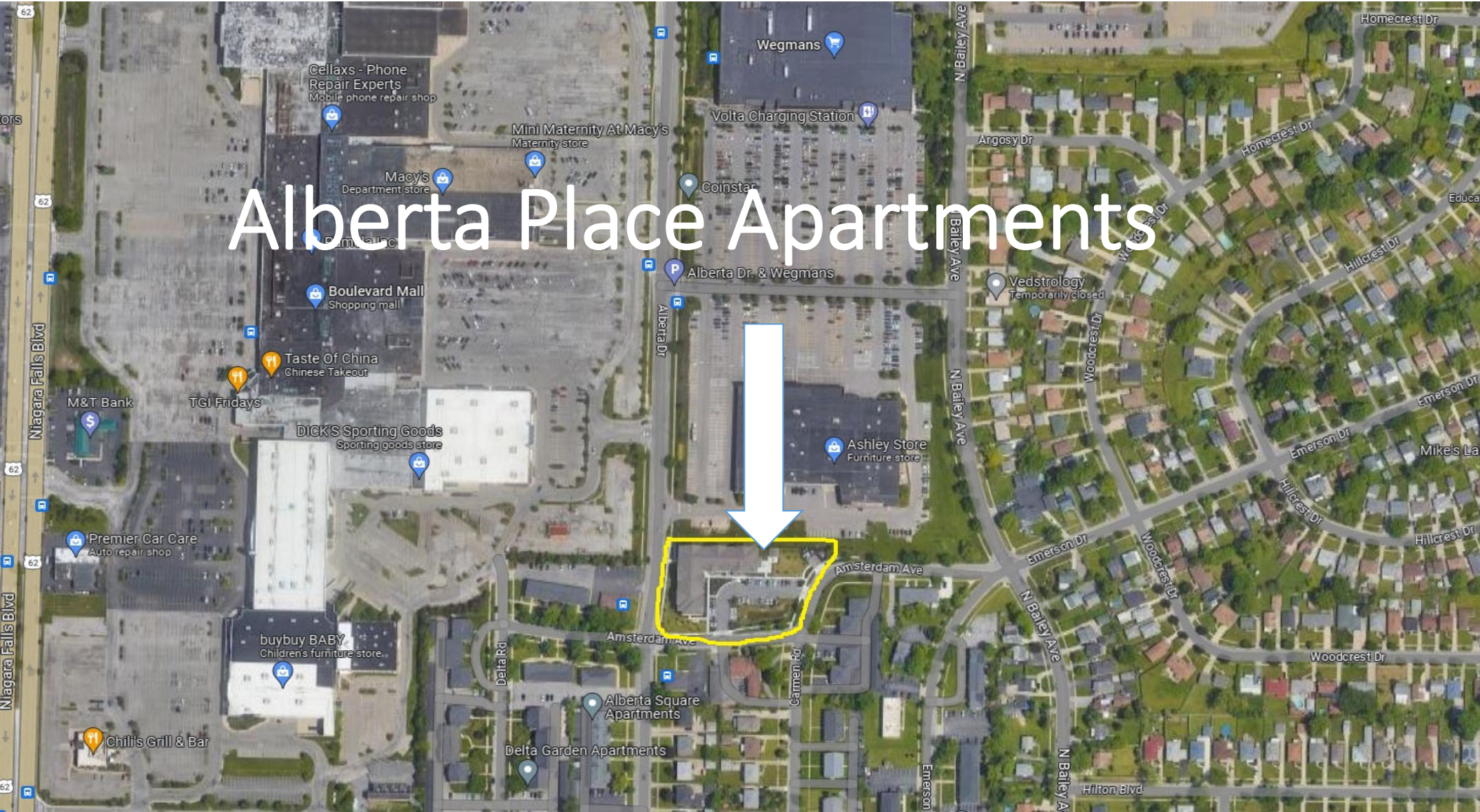


HOME Rental Subsidy Program

- up to \$100,000 per HOME-Assisted Unit
- \$300,000-500,000 Average Award
- Senior and Multi-family Apartments
- Minimum 20+ year Affordability Period
- Gap Funding

*** Local Support is important for Developers in LIHTC Applications***

Alberta Place Apartments



Alberta Place Apartments

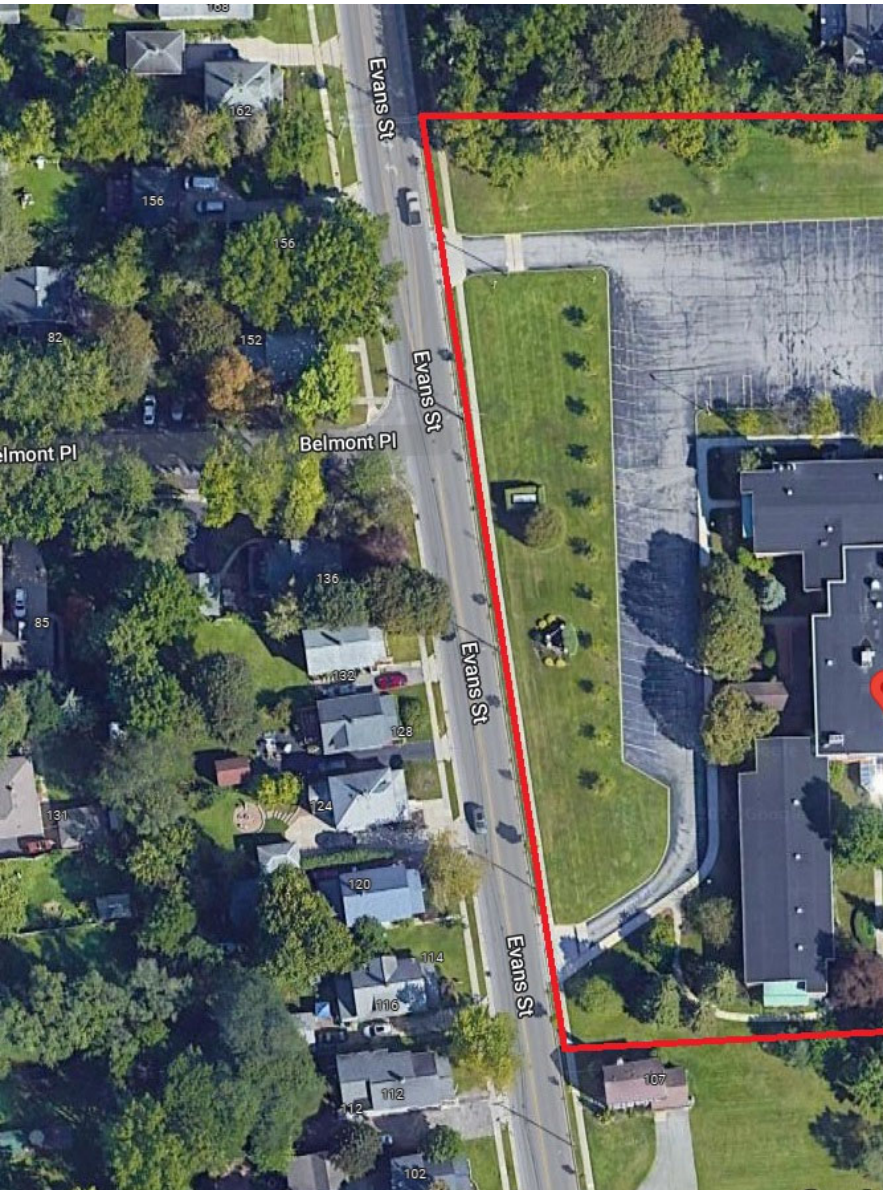
- \$300,000 Amherst HOME Assistance
- 46-Unit Senior Complex
- 3 HOME-Assisted Units
- In-Fill Development of Underutilized Sites
- Walkable to Wegmans & Boulevard Mall
- 30-year Affordability Period
- PILOT



Blocher Homes Apartments

- \$600,000 Amherst HOME Assistance
- \$1.3 Million HOME-ARP Assistance
- 93-Units Family & Supportive Housing
- 11 Total HOME-Assisted Units
- Walkable to Jobs and Retail in Williamsville
- 30-year Affordability Period
- PILOT





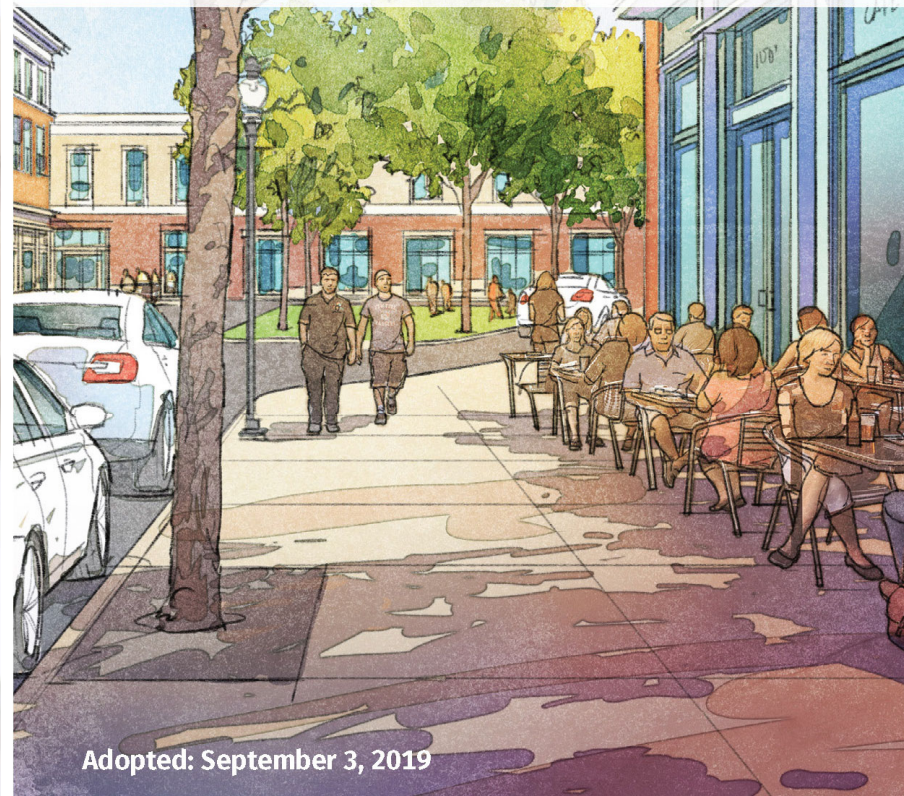
Blocher Homes Apartments

- Approached Town in 2019
- Advocacy & Addressing Misunderstandings
- RFP for HUD funds in 2021
- PILOT Negotiations
- Construction Gap Needs
- SEQR Art. 78 Tracking
- NEPA Review Process (HUD funding)
- Navigation on Departmental Hold-ups or Delays

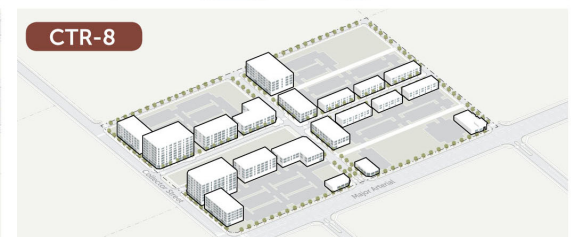
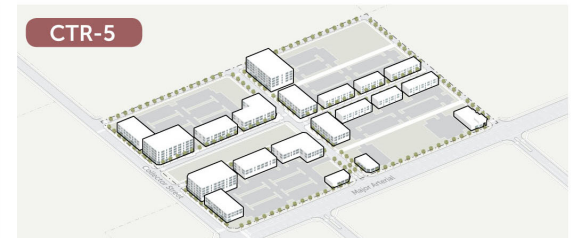
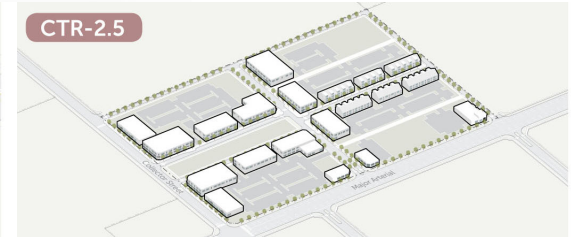
Mixed Use Zoning/Land Use changes

Chapter 203. Zoning

SECTION 5A. MIXED USE DISTRICTS



Adopted: September 3, 2019



MIXED-USE RETROFIT DISTRICTS



In-Fill Development

MAPLE RIDGE PLAZA EXISTING





MAPLE RIDGE PLAZA CONCEPT



SHERIDAN CENTER EXISTING

Walmart Supercenter

The UPS Store

Taisho Bistro Japanese Izakaya Buffalo

Masonic Lodge

McDonald's

324

324

N Bailey

N Bailey Ave

per Bazaar

Empress Ave

Hartford



SHERIDAN CENTER CONCEPT



Boulevard Mall

- 62 acres
- \$--- in lost value
- 2 Main Owners
- Potential Light-rail Extension

Proactive Approach:

- Rezoning
- Generic Environmental Impact Statement (GEIS) – Census Tract 92
- Urban Renewal Agency
- Eminent Domain Action

An aerial architectural rendering of a large-scale urban development project. The scene shows a dense cluster of multi-story buildings in various styles, including brick and modern concrete structures. A central green space with trees and a small pool is visible. The surrounding area includes existing buildings and parking lots. The text 'Boulevard Mall' is overlaid in the upper left, and 'Early Rendering' is in the lower right.

Boulevard Mall

Priorities for Redevelopment:

- Dynamic Mix Land Uses
- Pedestrian-oriented Urban Blocks
- Residential Density of 24 units/acre
- Public Park & Programming

Early Rendering



Boulevard Mall, Cont.

Housing Build-Out:

- Multi-Family – 1,240,940 Square Feet
- Roughly 1,700 Housing Units:
 - Diverse Set of Offerings
 - 15% Affordable (Senior & Mixed Income)
 - Workforce (80% Median Income)
 - Luxury/Market Rate
 - Student Housing

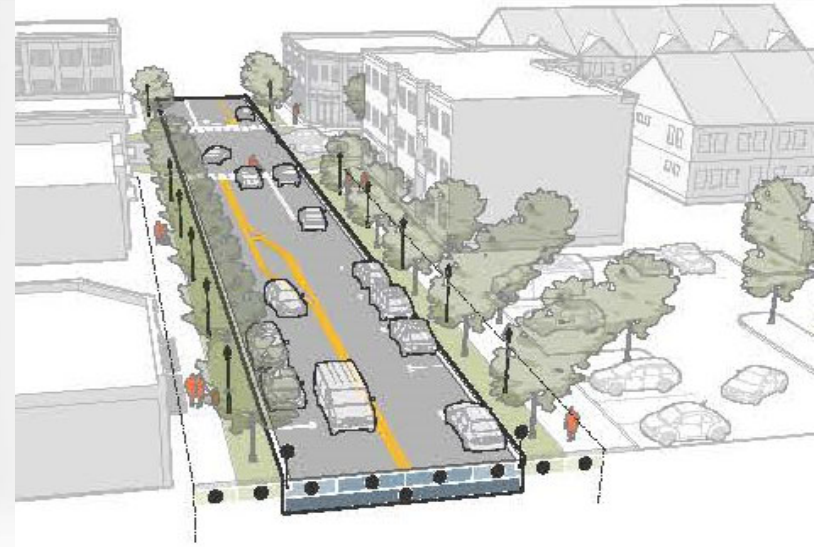
Draft



Boulevard Mall, Cont.

Incentives & Tools:

- Site ownership – RFP Process
- GEIS – Mitigation Fees (known costs)
- Streamlined Permitting & Approval Process
- HUD HOME Rental Development Subsidy
- AIDA Workforce Housing Incentives





The Municipal Role in Affordable Housing

- Understand your Community:
 - Trends? In Land Use, Housing, Economic Development.
 - What's Palatable to your Citizens? What do they care about?
- Hold Conversations:
 - Educate & Discuss the stats, facts & trends
 - ID Potential Sites
 - Use Housing as a tool to fill-in streetscape
- Guide Developers
- Have Early Conversations (pre-development meetings)
- Provide an Internal Liaison/Point person

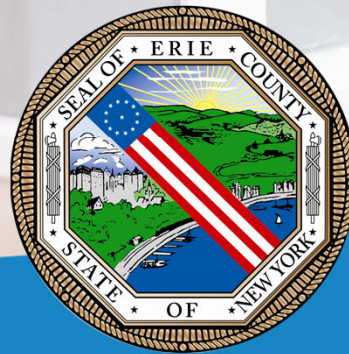


Questions?



ERIE COUNTY HOUSING INITIATIVE

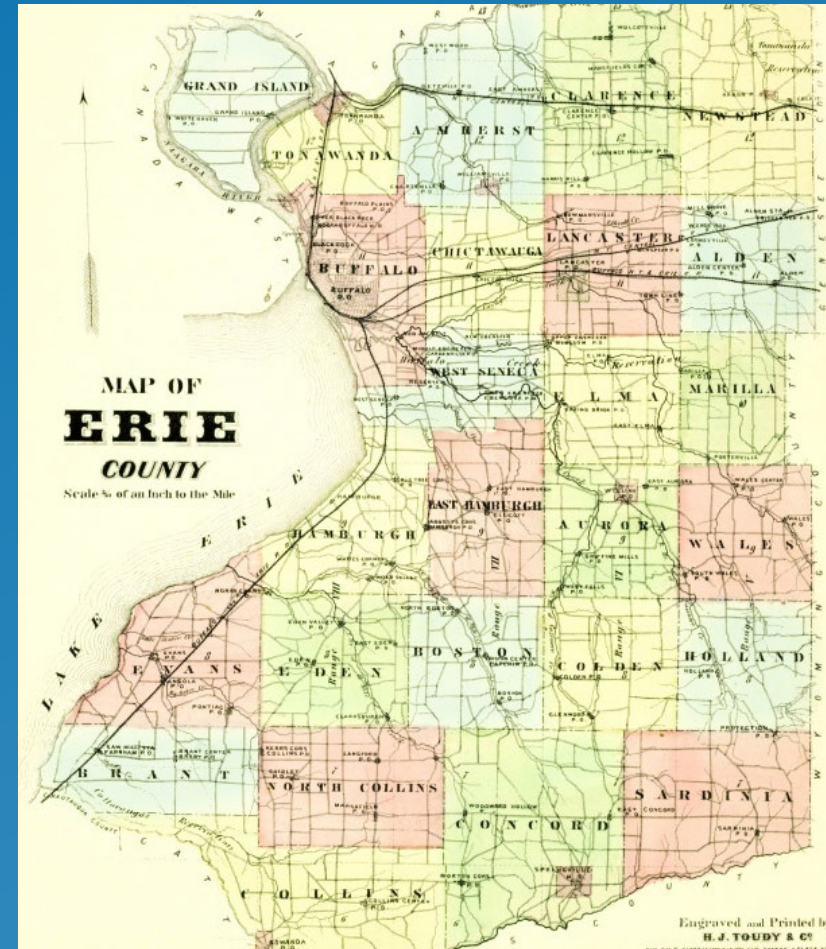
Thomas E. Baines Esq., Deputy Commissioner
Erie County Environment and Planning



ERIE COUNTY
SECOND ANNUAL
HOUSING SUMMIT

HOUSING NEEDS IN ERIE COUNTY

- Erie County needs to build over 1,250 annually new rental units to keep up with demand- currently there are only 500 permitted for construction
- Majority of units and rehabs are market-rate or luxury apartments
- Working class residents have very few options, exacerbated by the significant residual impacted stemming from the pandemic



ERIE COUNTY HOUSING INITIATIVE

THE AMERICAN RESCUE PLAN ACT

American Rescue Plan Act (ARPA) State & Local Fiscal Recovery Funds (SLFRF)

- Address vacant property in communities disproportionately impacted by the pandemic
- Address the ongoing lack of affordable housing options exacerbated by the pandemic within Erie County
- Provide diverse housing opportunities for low-and moderate-income families



**ERIE COUNTY
HOUSING INITIATIVE**

**THE
AMERICAN
RESCUE PLAN
ACT**

**Multi-Family Development Program
&
In-fill Housing Development Program**



Multi Family Development Program

- Acquisition
- Construction
- Rehabilitation



- ✓ Housing will be in the form of mixed-use, owner-occupied, or rental housing
- ✓ EC Currently seeking proposals from non-profits, cooperatives, developers
Awards accepted on a rolling basis
- ✓ Target Demo: up to 80% AMI
- ✓ Projects must be completed by: 12/31/2026

\$6 Million

RFP IS PUBLISHED AT: WWW.ERIE.GOV/PURCHASING



In-fill Housing Development Program

- Address vacant property issue in Erie County
- Increase supply and diversity of housing while addressing lack of affordable housing options
- Create wealth building opportunities for low/mod income families through homeownership
- Develop and build single-family homes in Erie County



\$13.5 Million

RFP IS PUBLISHED AT: WWW.ERIE.GOV/PURCHASING



In-fill Housing Development Program (continued)

- Establish a partnership agreement with the Buffalo and Erie Niagara Land Improvement Corporation (BENLIC) to construct on vacant lots to be conveyed to, or already owned by BENLIC
- Develop approximately forty (40) single family homes
- BENLIC will also oversee construction, marketing, homebuyer financing, identify income eligible homebuyers, as well as homebuyer counseling.
- Target Demo: up to 100% AMI
- Projects must be completed by 12/31/2026

\$13.5 Million

RFP IS PUBLISHED AT: WWW.ERIE.GOV/PURCHASING



CURRENT HOUSING INITIATIVES

Developer	Project	Municipality	# of Units
Home Leasing	Clinton Street Housing Community	West Seneca, NY	11 HOME/121 units
People Inc.	Juniper Apartments	Hamburg, NY	7 HOME/65 units
Rural Outreach Center	Village of North Collins Housing	Village of N. Collins, NY	3 HOME/12 units
Park Grove Realty	Riley Brook Apartments	Town of Hamburg	3 HOME /70 units
Episcopal Community Housing Development Inc.	St. Paul's Place Apartments	Village of Angola	8 HOME/52 units
Tonawanda Housing Authority	THA Senior Housing	City of Tonawanda	8 HOME /119 units



Developer Contact List



WEDNESDAY, SEPTEMBER 20, 2023

DEVELOPER CONTACTS

Brandi Barrett
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Peggy Hill
Rochester Management Group
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phill@rochestermanagementgroup.com



A hand holding a miniature house model and keys, symbolizing real estate closing. The background is a blurred indoor setting with a window.

Closing Remarks

Lisa Chimera, Deputy County Executive



A hand is shown holding a small, grey miniature house model with a brown roof and white trim. The hand is also holding a set of silver keys. Below the hand, a document is visible on a clipboard. The background is a bright, out-of-focus indoor setting.

THANK YOU FOR ATTENDING!

