

MARKET RATE / SENIOR HOUSING POLICY

The Agency will consider market rate housing and for-profit senior housing projects under the general commercial project interpretation that defines residential rentals as a commercial activity. New York General Municipal Law (GML) Section 854 defines “project” to include “commercial” facilities. In 1985, the Office of the New York State Comptroller (“OSC”) was asked whether the construction of an apartment complex where apartment units would be rented and not sold as a condominium or co-op, constituted a “commercial” project within the meaning of the GML and thereby a proper project for IDA assistance (OSC Opinion 85-51). This opinion provides in part that, in order to qualify as a commercial activity, and therefore a permissible project, a project should be one that promotes employment opportunities and prevents economic deterioration in the area served by the IDA. The opinion further provides that the determination of whether the construction of an apartment complex qualifies as “commercial” in the context of the GML must be made by local officials (IDA board members) based upon all the relevant facts.

In determining whether to consider a market rate housing project and/or a senior housing project for IDA incentives, The Agency will look at each project individually and determine whether one or more of the following factors and/or considerations exist.

Considerations for Senior Housing projects

- The social and economic value to communities and to seniors if seniors are able to remain in or near their home community when they relocate to senior housing.
- The social policy of providing high quality living opportunities to seniors who are above the poverty level but have relatively modest income and wealth.
- The projected growth of the Niagara County senior population will strain the existing supply of senior citizen housing particularly since many seniors’ plan to remain in Niagara County.
- The role of rental senior housing in reviving abandoned or underutilized buildings in city, town and village centers through the adaptive reuse process where walkable communities can be created or strengthened through the introduction of senior housing.
- The difficulty in locating senior citizen facilities in many of Niagara County’s smaller communities due to their small population base and the absence of economies of scale in such senior citizen projects.

Consideration for Market Rate Housing Projects

- The project faces unique development obstacles.
- The project can provide documented unique costs associated with the development of the project, which can include such unique costs such as brownfield costs.
- The project will advance or address a larger community need for such housing.