Buffalo Commons Student Perspectives

Legislative Authority in the City of Buffalo

By a University at Buffalo Law Student

November 9, 2026

About the Series
The Buffalo Commons Student Perspectives Series gives students an opportunity to share original research and analysis on issues of importance to Partnership for the Public Good and its partners. This paper was prepared in Fall 2026 for the **Lawyers as Change Agents course at the University at Buffalo School of Law**. Thank you to Professor Sam Magavern for facilitating this student research.

Disclaimer
The views and opinions expressed in papers published in this series are those of the student authors and do not necessarily reflect the views or positions of Partnership for the Public Good.

Legislative Authority in the City of Buffalo

By a University at Buffalo Law Student

November 9, 2026

Executive Summary

The City of Buffalo was incorporated in 1832 and operates in accordance with the City Charter.[1] Today, the legislative authority is held by the Common Council,[2] and the executive and administrative powers are vested in the Mayor as the City's chief executive.[3] Legislation can be enacted in multiple ways by local government and City residents. The Common Council has the authority to pass **local laws**[4] and **ordinances**.[5] The Mayor has the ability to issue **executive orders**.[6] **Charter amendments** can be instituted by the Common Council, the Mayor, and the voting public via **ballot initiative**.

Which type of action should advocates for policy change pursue? Advocates seeking immediate change may wish to pursue an executive order; it requires only the Mayor's approval, and there is no waiting period. However, for longevity, advocates should consider codifying their activism in a local law, whether by lobbying the Common Council and Mayor or by involving the voting public.

The Framework: The City Charter

For close to 100 years, the City of Buffalo has been governed by the City Charter.[7] While the Charter has been revised, it is largely the same document that took effect in 1928.[8] A Charter is like an operations manual for a city.[9] It sets out the structure of the city's government, the duties and obligations of city officials, and how the city will operate.[10] It acts as a how-to guide for City government, offering a framework for how the government should operate; it does not actually contain the laws or ordinances. Those regulations are found in the City Code.[11]

The Legislative Branch: The Common Council

The Common Council is the legislative arm of the City of Buffalo. It is authorized to enact local laws, ordinances, rules, and regulations for Buffalo's public purposes.[12] There are nine district Council Members representing each district of the City of Buffalo.[13] Joel P. Feroleto serves as President; Leah M. Halton-Pope, as Majority Leader; and Zeneta B. Everhart, as President Pro Tempore.[14] The Common Council meets weekly; Council members introduce new items and vote on finalized items at its regular meetings, while discussing items in depth at committee meetings.[15] The day before regular meetings, the Council members hold a caucus meeting to plan for the regular meeting.[16] Time-sensitive issues are handled during special meetings.[17]

The Executive Branch: The Mayor

The Mayor of the City of Buffalo serves as chief executive officer.[18] He has a duty to maintain "peace and good order" within the City of Buffalo and to enforce its laws.[19] In addition to powers explicitly listed in the Charter, he also holds the power to perform any duties or exercise any such power set forth in any local law, ordinance, special act, or provision of general law.[20] This is not an unfettered authority. For example, he is unable to approve the passage of a local law without holding a public hearing first.[21]

Local Laws and Ordinances

Local laws and ordinances share a number of similarities. "Once a local government adopts an ordinance or local law, the government is bound by such legislative enactment until it is amended or repealed."[22] However, local laws hold more weight than ordinances and can supersede them.[23] They can even supersede state law if the local government is not restricted in doing so.[24] They differ primarily in where their authority is grounded and in the timing requirements for adoption by the Mayor. Local laws explicitly do not include ordinances.[25]

Mayor Sean Ryan was sworn into office on January 1, 2026. He served as a legislator representing Western New York for over twenty years prior to his inauguration. In 2011 he was elected to the New York State Assembly, and he later served as a State Senator.

LOCAL LAWS: GENERALLY

The Common Council's authority to enact local laws comes from the New York State Constitution[26], as well as the laws of New York State and the United States Constitution.[27] "A local law is the highest form of local legislation."[28] A local law can be adopted by the legislative body, or by a petition or charter commission and ratified by the popular vote.[29] Local governments are authorized to adopt local laws consistent with the New York State Constitution and state law in multiple categories, though this authority has restrictions:

- Broadly, the law must be within the grant of local power, and not a matter of "state concern" that is important enough to require State action.[30]
- To be valid, a local law must not be "pre-empted" This means that the local law must not conflict with a state or federal law or intervene in a field that the state or federal government intended to fully occupy with its own laws.
- In addition to this general theory of pre-emption, New York State's municipal law states that the Common Council lacks the authority to adopt new local laws that supersede state statutes if the new law affects certain fields such as government debt limits, the education system, or the courts.[31]
- When local government seeks to regulate individual conduct, the action must be "reasonable."[32] For a regulation to be reasonable: (1) there must be a problem or harm;

(2) there must be a rational relationship between the harm and the proposed solution; and (3) the action chosen cannot unjustifiably interfere with an individual's fundamental rights.[33]

LOCAL LAWS: PROCEDURE

- A member of the Common Council proposes the local law at a Council meeting.[34]
- There is a seven-day review period once the proposed law is in its final written form, unless there is an emergency requiring immediate passage.[35]
- If a majority of Council members vote in favor, the law passes.[36]
- Once passed, the Clerk certifies the law and presents it to the Mayor for approval.[37]
- If the Mayor approves the law, it is deemed adopted.[38]
- If the Mayor disapproves, he must return it to the Clerk with written objections. The Clerk must then return it to the Common Council so that the objections may be noted.[39]
    - The Common Council has one opportunity to reconsider the proposed law; it shall be deemed adopted if at least two-thirds of the Common Council vote affirmatively.[40]
- If the Mayor does not return a local law to the Clerk within thirty days after it was presented to him, it is deemed adopted as though he approved it.[41]
- Local laws are ultimately filed with the Secretary of State.[42]

ORDINANCES: GENERALLY

In addition to the broad authority to pass local laws, the Common Council has the power to enact ordinances.[43] "An ordinance is an act of local legislation on a subject specifically delegated to local governments by the State Legislature,"[44] rather than the New York State Constitution and the Municipal Home Rule Law. Ordinances are typically used to manage regulatory matters, such as licensing and maintenance.[45] The Common Council is authorized to enact other ordinances consistent with its duties conferred by the Charter or by law, such as for the protection of the citizens and property of the City of Buffalo.[46] Adopting ordinances may be done in furtherance of the police power,[47] such as protecting public health, morals, and safety.

ORDINANCES: PROCEDURE

- An ordinance is presented to the Common Council in an open meeting, included in the minutes, and then stays on file with the City Clerk open for public inspection until the next scheduled Council meeting.[48]
- The proposed ordinance must be published once before the final vote is taken.[49]
- It must be referred to an appropriate Council committee, unless there is an emergency need for immediate passage.[50]
- The ordinance is presented to the Mayor for his approval, unless certain exceptions apply.[51]

- If the Mayor approves the ordinance, he must sign it and return it to the Clerk, and it will be deemed adopted.[52]
- If the Mayor disapproves of the ordinance, he must return it to the Clerk with written objections. The Clerk then presents it to the Council at its next meeting, with the objections recorded.[53]
    - The Common Council then has thirty days and one opportunity to reconsider the ordinance. If the requisite number of votes is reached,[54] it is adopted.
- If the Mayor does not disapprove and return an ordinance to the Clerk within ten days after it was presented, it is deemed adopted.[55]
- Every ordinance, unless otherwise stated within it, is effective immediately upon adoption.[56]

Executive Orders

The Mayor is authorized to supervise administrative departments and to enforce the City's laws, and he can issue executive orders to carry out his powers.[57] While the Mayor has "flexibility in determining proper methods of enforcement," using an executive order to exceed local or state legislation would exceed his power and be invalid.[58]

Mayor Sean Ryan has signed two executive orders since his inauguration in January 2026. The first prohibited using city resources for federal immigration purposes.[59] In a statement, Mayor Ryan said "[w]e don't want people to fear interacting with city government . . . [o]r to fear calling the police because they are afraid it will result in a call to immigration officials."[60] The Common Council supported this Order.[61] Mayor Ryan likely chose to use an executive order rather than legislation because of the immediate effect the order had.

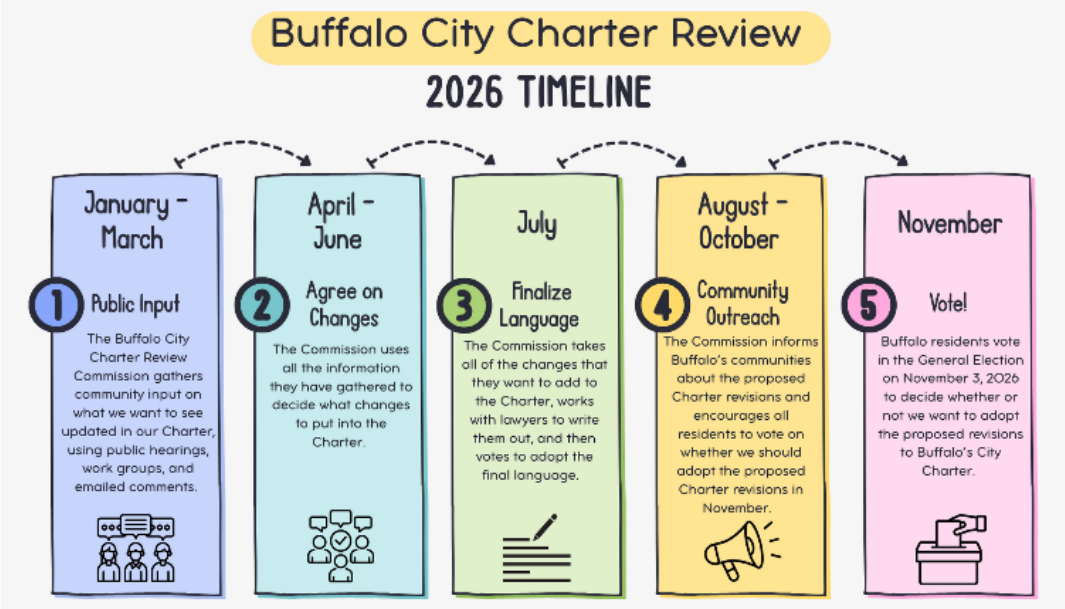
The second declared a sixty-day pause on issuing certain demolition permits.[62] The pause was enacted to provide time for the administration to evaluate the city's demolition policies.[63] Shortly after the moratorium ended, Ryan announced the Stabilization First Demolition Diversion Policy, which "prioritizes stabilization and rehabilitation over demolition in an effort to . . . address Buffalo's ongoing housing storage," among other goals.[64] There was no public comment from the Common Council indicating support or opposition to this executive order. The benefit to pursuing this moratorium via executive order was again likely due to its immediacy.

Charter Amendments

The legislative branch is authorized to adopt a local law establishing a charter commission to draft a new charter or revise the existing one.[65] The Common Council is alternatively able to submit the following question to the City residents to vote on: "Shall there be a commission to draft a new or revised city charter as proposed by local law number for the year?"[66] The Mayor has similar authority to create a charter commission to draft a new charter or make revisions.[67]

Additionally, Buffalo residents themselves can initiate the Charter amendment process. They can file a petition with the City Clerk with a proposed local law to create a commission to amend the Charter.[68] If the petition is valid, the Common Council must submit the local law to the voters at the next general election.[69] Alternatively, they can file a petition with the Clerk with a proposed Charter amendment itself.[70] This petition requires less signatures than a petition to create a commission under Municipal Home Law § 36.[71] The Common Council can directly adopt the proposed amendment if no mandatory referendum is required; otherwise, it may submit it for the general election. If the Common Council fails to either adopt the amendment or submit it for a vote, electors who did not sign the original petition can sign and file a new petition to force the submission of the proposal at the next general election.[72]

A Charter Revision Commission was established in April 2025 with a goal of "conducting a comprehensive review of the charter of the City of Buffalo to ensure that the needs of the



City of Buffalo Charter Amendment Infographic, https://www.buffalony.gov/1958/City-Charter-Revision-Commission-Infogra

residents are best addressed, reflects the best practices of modern government, and aligns with both state and federal laws."[73] The Commission accepted suggestions and comments, with public forums scheduled throughout October 2026.[74] The people of Buffalo can vote on the Commission's recommendations in the general election in November 2026.[75] Proposals include a standard Charter review every ten years, limits on board terms, and the creation of a Buffalo Human Rights Commission.[76]

Choosing the Right Avenue

The doctrine of "separation of powers" does not apply in the City of Buffalo the same way it is understood to apply to the federal government; often the legislative and executive branches

overlap.[77] The Mayor does not lose his authority to act within his powers if the Common Council exercises the same executive function.[78]

Advocates often encourage mayors to issue executive orders to enact policies,[79] as they generally do not require Common Council approval. However, under the same authority that the current Mayor has to issue an executive order, a future mayor may rescind a prior administration's executive order, unlike a law or ordinance passed by the legislature.[80] Conversely, while a local law takes more time to pass, especially if brought forth by voters, it would require a future legislative act to repeal it.

If an advocate is pushing for action to be taken, pursuing an executive order is an attractive pathway, so long as the sphere of interest falls under the Mayor's authority. It is faster than legislation involving the Common Council, and it only requires the buy-in of the Mayor, rather than a group of nine people. There are no public hearings or waiting periods required with an executive order. For action that may be unpopular or politically risky, an executive order can be easier to achieve, since only the Mayor needs to sign off on it. However, executive orders can face court challenges as an abuse of authority, while courts typically show deference to the legislature's authority to create new laws.

Advocates pursuing change that the Common Council seems to support may consider seeking to enact a local law, particularly if the Mayor does not endorse it and there are enough Council votes to override a Mayoral veto. The legislative process requires public hearings and as a result, often serves to successfully bolster public education campaigns. Enacting a local law, compared to issuing an executive order, provides more weight; it follows the traditional democratic process and ensures the law will endure beyond the present mayoral administration. The nature of the democratic process necessitates higher visibility and public awareness of issues, as well as greater accountability. However, the process is much longer and there are more opportunities for delay or for the law to be rejected outright.

Advocates seeking to enact institutional change, by rescinding or overturning laws and ordinances already on the books, must go through legislative channels, as an executive order cannot supersede statutes or the Council's authority. If the Council is not supportive, advocates can pursue change on their own through ballot initiatives by proposing new laws or charter amendments.

Both executive orders and legislation enacted by the Common Council have natural strengths and weaknesses, but they can work together. If an issue requires an immediate response, the Mayor can issue an executive order. To protect that order from later reversal in a new administration and ensure that the regulations remain in effect, the legislation can then be opened for public review and commentary, with the Common Council codifying the regulation by enacting a local law.

[1] "The Buffalo Common Council - Through the Years," City of Buffalo, accessed October 15, 2026, https://www.buffalony.gov/441/History.
[2] Buffalo, N.Y., Charter ch. C, art. 2, § 2-2; art. 3, § 3-7, accessed October 15, 2026, https://ecode360.com/13550993#13550993.
[3] *Ibid.* at art. 2, § 2-3; *see In re Buffalo Softball League, Inc.*, 135 Misc. 2d 973, 976 (Erie Cnty. Sup. Ct. 1987).
[4] Buffalo, N.Y., Charter ch. C, art. 3, § 3-7; § 3-17, accessed October 15, 2026, https://ecode360.com/13550993#13550993.
[5] *Ibid.* at art. 3, § 3-18; § 3-19.
[6] *Ibid.* at art. 2, § 2-3; art. 4, § 4-1.
[7] The Buffalo Common Council - Through the Years," City of Buffalo, accessed October 15, 2026, https://www.buffalony.gov/441/History.
[8] *Ibid.*
[9] "Model City Charter," National Civic League, accessed October 15, 2026, https://www.nationalcivicleague.org/resources/model-city-charter-9th-edition/.
[10] *Ibid.*
[11] City of Buffalo Code, accessed October 15, 2026, https://ecode360.com/11767239
[12] Buffalo, N.Y., Charter ch. C, art. 2, § 2-2; art. 3, § 3-7, accessed October 15, 2026, https://ecode360.com/13550993#13550993; *see generally* "Rules of the Common Council," City of Buffalo, accessed October 15, 2026, https://www.buffalony.gov/1534/Common-Council-Rules.
[13] "Common Council Members," City of Buffalo, accessed October 15, 2026, https://www.buffalony.gov/362/Common-Council (Joel P. Feroleto, Delaware District; Leah M. Halton-Pope, Ellicott District; Mitchell P. Nowakowski, Fillmore District; Byran J. Bollman, Lovejoy District; Zeneta B. Everhart, Masten District; David A. Rivera, Niagara District; Joseph Golombek, Jr., North District; Christopher P. Scanlon, South District; Rasheed N.C. Wyatt, University District).
[14] *Ibid.*
[15] "Buffalo Common Council Procedures and How You Can Get Involved," Partnership for the Public Good, accessed October 15, 2026, https://ppgbuffalo.org/files/documents/government/local_government_bodies/government-_buffalo_common_council_procedures_and_how_you_can_get_involved.pdf.
[16] *Ibid.*
[17] *Ibid.*
[18] Buffalo, N.Y., Charter ch. C, art. 4, § 4-1, accessed October 15, 2026, https://ecode360.com/13550993#13550993.
[19] *Ibid.*
[20] *Ibid.* at art. 2, § 2-3.
[21] *Ibid.* at art. 4, § 4-8.
[22] "Local Government Handbook," New York State Division of Local Government Services, § 4.1.6, p. 49.
[23] *See* N.Y. Mun. Home Rule Law Chapter 36-A, Art. 3 § 22.
[24] "Adopting Local Laws in New York State," New York State Division of Local Government Services, accessed October 15, 2026, https://dos.ny.gov/system/files/documents/2026/02/adopting-local-laws-in-nys.pdf.
[25] N.Y. Mun. Home Rule Chapter 36-A, Art. 1 § 2(9).
[26] "Local Government Handbook," New York State Division of Local Government Services, § 4.2.1, p. 41.
[27] Buffalo, N.Y., Charter ch. C, art. 3, § 3-7, accessed October 15, 2026, https://ecode360.com/13550993#13550993.
[28] "Local Government Handbook," New York State Division of Local Government Services, § 4.2.1, p. 41.
[29] N.Y. Mun. Home Rule Chapter 36-A, Art. 1 § 2(9).
[30] Adopting Local Laws in New York State," New York State Division of Local Government Services, accessed October 15, 2026, https://dos.ny.gov/system/files/documents/2026/02/adopting-local-laws-in-nys.pdf; "Local Government Handbook," New York State Division of Local Government Services, § 4.2.3, p. 42.
[31] N.Y. Mun. Home Rule Chapter 36-A, Art. 2 § 11.
[32] *Ibid.*
[33] *Ibid.*; *see Safee v. Buffalo*, 204 A.D. 561, 565 (App. Div. 4th Dept. 1923).
[34] Buffalo, N.Y., Charter ch. C, art. 3, § 3-17(a), last accessed October 15, 2026, https://ecode360.com/13550993#13550993.
[35] *Ibid.* at § 3-17(b).

[36] *Ibid.* at § 3-17(c).
[37] *Ibid.* at § 3-17(d).
[38] *Ibid.*
[39] *Ibid.* at § 3-17(e).
[40] *Ibid.* at § 3-17(f).
[41] *Ibid.* at § 3-17(g).
[42] "Local Government Handbook," New York State Division of Local Government Services, § 4.2.1, p. 41.
[43] Buffalo, N.Y., Charter ch. C, art. 3, § 3-18(1), § 3-18(9)), last accessed October 15, 2026, https://ecode360.com/13550993#13550993.
[44] "Local Government Handbook," New York State Division of Local Government Services, § 4.2.1, p. 41.
[45] Buffalo, N.Y., Charter ch. C, art. 3, § 3-17, last accessed October 15, 2026, https://ecode360.com/13551020#13551073.
[46] *Ibid.* at § 3-18(17).
[47] 1913 N.Y. Op. Att'y Gen. 162, 163 (1913).
[48] Buffalo, N.Y., Charter ch. C, art. 3, § 3-19(a), last accessed October 15, 2026, https://ecode360.com/13551020#13551073.
[49] *Ibid.*
[50] *Ibid.* at § 3-19(b).
[51] These exceptions are: legislation that exercises the Common Council's power of appointment, certifies voting canvasses, directs the preparation of plans, or is an advertising for bids for improvements. *Ibid.* at § 3-19(c).
[52] *Ibid.* at § 3-19(d).
[53] *Ibid.*
[54] Two-thirds vote if it initially required a majority vote, or three-fourths vote if it initially required a two-thirds vote. *Ibid.* at § 3-19.
[55] *Ibid.* at § 3-19(f).
[56] *Ibid.* at § 3-19(g).
[57] *Ibid.* at § 2-3, § 4-1.
[58] *See Broidrick v. Lindsay*, 39 N.Y.2d 641, 646-47 (1976).
[59] *See* Sean Ryan, Exec. Order No. 2026-001, "Executive Order Prohibiting the Use of City Personnel or Resources for Federal Civil Immigration Purposes and Strengthening the City's Commitment to Ensure the Safety, Dignity and Legal Protections of All City Residents, Regardless of Immigration Status or Country of Origin," January 26, 2026, https://www.buffalony.gov/DocumentCenter/View/15826/Ryan-Executive-Order-12626---ICE.
[60] Rob Petree, "Buffalo Mayor to Ban City Workers, Police from Helping ICE with 'Civil Immigration Enforcement,'" *WIVB News 4*, January 18, 2026, https://www.wivb.com/news/local-news/buffalo/buffalo-mayor-to-ban-city-workers-police-from-helping-ice-with-civil-immigration-enforcement/.
[61] Kim DeGeorge, "Buffalo Mayor Blocks Use of City Resources for Federal Immigration Enforcement," *WGRZ*, January 27, 2026, https://www.wgrz.com/article/news/local/mayor-sean-ryan-blocks-use-of-buffalo-city-resources-for-federal-civil-immigration-enforcement/71-4169eba1-7f5b-4a65-9818-243238f1d945.
[62] *See* Sean Ryan, Exec. Order No. 2026-02, "Executive Order Prohibiting the Issuance of Permits for Demolition of Principal Structures Located in The City of Buffalo on a Temporary Basis, with Exception for Emergency Demolition," https://www.buffalony.gov/m/newsflash/Home/Detail/1615.
[63] Alex Simone, "Mayor Ryan Pushes for Alternative to Demolishing Blighted Properties," *Buffalo Toronto Public Media*, March 19, 2026, http://btpm.org/local/2026-03-19/mayor-ryan-pushes-for-alternative-to-demolishing-blighted-properties.
[64] "Mayor Sean Ryan Enacts 'Stabilization First' Policy Following 60-Day Demolition Moratorium," City of Buffalo, "https://www.buffalony.gov/m/newsflash/Home/Detail/1625.
[65] N.Y. Mun. Home Rule Chapter 36-A, Art. 4 § 36(2).
[66] *Ibid.*
[67] N.Y. Mun. Home Rule Chapter 36-A, Art. 4 § § 36(4)(a).
[68] N.Y. Mun. Home Rule Chapter 36-A, Art. 4 § § 36(3). This method requires either fifteen percent of the "total number of votes cast for governor at the last gubernatorial election in such city, or forty-five thousand, whichever is less . . . ."
[69] N.Y. Mun. Home Rule Chapter 36-A, Art. 4 § 36(3).
[70] N.Y. Mun. Home Rule Chapter 36-A, Art. 4 § 37.
[71] *Ibid.* (either ten percent of the number of votes cast for governor or thirty thousand, whichever is less).

[72] N.Y. Mun. Home Rule Chapter 36-A, Art. 4 § 37(7) (this new petition must be signed by qualified electors who did not sign the initial petition, numbering either five percent of the number of votes cast for governor or fifteen thousand, whichever is less).
[73] "City of Buffalo Charter Revision Commission," City of Buffalo, accessed October 15, 2026, https://www.buffalony.gov/1802/City-of-Buffalo-Charter-Revision-Commiss.
[74] *Ibid.*; emails can be sent to charterrevision@buffalony.gov.
[75] "Charter Revision Commission, Common Questions," City of Buffalo, accessed October 15, 2026, https://www.buffalony.gov/1816/FAQs.
[76] "Buffalo Charter Revisions – Your Guide to the 11 Proposed Changes on the November Ballot," City of Buffalo, accessed October 15, 2026, https://www.buffalony.gov/1802/City-of-Buffalo-Charter-Revision-Commiss.
[77] *See In re Buffalo Softball League, Inc.*, 135 Misc. 2d 973, 977 (Erie Cnty. Sup. Ct. 1987).
[78] *See In re Buffalo Softball League, Inc.*, 135 Misc. 2d 973, 976 (Erie Cnty. Sup. Ct. 1987).
[79] *See, e.g.,* Pheben Kassahun, "WKBW: 'Community members call for executive order to halt Buffalo City budget vote,'" May 19, 2022, https://ppgbuffalo.org/news-and-events/news/article:05-19-2022-12-00am-wkbw-community-members-call-for-executive-order-to-halt-buffalo-city-budget-vote/; Maki Becker, "'WKBW: "Buffalo council members call on Mayor Ryan to change 2020 executive order limiting arrests,'" July 17, 2026, https://ppgbuffalo.org/news-and-events/news/article:07-17-2026-12-00am-wkbw-buffalo-council-members-call-on-mayor-ryan-to-change-2020-executive-order-limiting-arrests/.
[80] "Accepting a grant of authority is not the same as a requirement to exercise the authority. [If] the Mayor accepted [a] grant of authority to act, . . . he [does] not obligate himself to act in a specific manner. He [does] not give up the inherent discretion lodged in his office to later decide not to execute the grant." *Buffalo & Fort Erie Pub. Bridge Auth. v. City of Buffalo*, 182 Misc. 2d 159, 162 (Erie Cnty. Sup. Ct. 1999).