

LOCAL LAW _____ OF 2012

AMENDING THE ZONING CODE TO INCLUDE PROVISIONS FOR REQUIRING AFFORDABLE HOUSING UNITS IN RESIDENTIAL DEVELOPMENTS INCLUDING FIVE OR MORE DWELLING UNITS

Be it enacted by the Board of Trustees of the Village of Ardsley as follows:

Section: A new Article _____, Fair and Affordable Housing, is hereby added to the Zoning Code of the Village of Ardsley, to read as follows:

**ARTICLE _____
Fair and Affordable Housing**

Section 1 Definitions.

The following terms as used in this article shall have the following meanings:

AMI – Area median income for Westchester County as defined annually by the U.S. Department of Housing and Urban Development (HUD).

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FAIR AND AFFORDABLE HOUSING UNIT –

.A. a for-purchase dwelling unit that is affordable to a household whose income does not exceed 80% of the AMI and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance does not exceed 33% of 80% of AMI, adjusted for family size.

B. a rental dwelling unit that is affordable to a household whose income does not exceed 60% of the AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% of AMI, adjusted for family size.

Section 2 Applicability.

This article shall apply to all subdivisions or site development plans involving the creation of five or more dwelling units approved after [enter the date of this local law].

Section 3 Required fair and affordable housing units

A. Within all residential developments of 10 or more units created by subdivision or site development plan approval, no less than 10% of the total number of units must be created as Fair and Affordable Housing Units.

- B. In residential developments of five to nine units, at least one Fair and Affordable Housing Unit shall be created.

Section 4 Maximum rent and sales price.

The maximum monthly rent, and the maximum gross sales price, for a Fair and Affordable Housing unit shall be established in accordance with United States Department of Housing and Urban Development (HUD) guidelines as published in the current edition of the “Westchester County Area Median Income Sales & Rent Limits.”

Section 5 Time period of affordability

Units designated as Fair and Affordable Housing units must remain affordable for a minimum of 50 years from the date of the initial certificate of occupancy for rental properties and from the date of original sale for for-purchase units.

Section 6 Property restriction.

A property containing any Fair and Affordable Housing units must be restricted by using a mechanism such as a declaration of restrictive covenants, in recordable form acceptable to the Village Attorney, that shall ensure that the Fair and Affordable Housing unit shall remain subject to affordable regulations for the minimum 50 years period of affordability. Among other provisions, the covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the Fair and Affordable Housing unit prior to the issuance of a certificate of occupancy for any dwelling unit on the property.

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Section 7 Reduced lot size.

Notwithstanding any other sections of the zoning code of the Village of Ardsley, within single family developments subject to this article, the Fair and Affordable Housing units may be a single family home or may be incorporated into a two family home. Each single family affordable Fair and Affordable Housing unit may be located on a lot meeting 75% of the minimum lot area for the single family homes in the development. Each Fair and Affordable two family home shall be located on a lot meeting the minimum lot area for the single family homes in the development.

Section 8 Unit appearance and integration.

- A. Within single family developments, all units (including two family units) shall be indistinguishable in appearance, siting and exterior design from the other single family homes in the development to the furthest extent possible.
- B. Within multi family developments, the Fair and Affordable Housing units shall be physically integrated into the design of the development and shall be distributed

among various sizes (efficiency, one, two, three and four bedroom units) in the same proportion as all other units in the development. The Fair and Affordable Housing units shall not be distinguishable from non restricted units from the outside or building exteriors.

Section 9 Minimum floor area.

The minimum gross floor area per Fair and Affordable Housing Unit shall not be less than 80% of the average floor area of non restricted housing units in the development and not less than the following:

<u>Dwelling Unit</u>	<u>Minimum Gross Floor Area</u>
Efficiency	450 square feet
One bedroom	675 square feet
Two bedroom	750 square feet
Three bedroom	1,000 square feet (including at least 1.5 baths)
Four bedroom	1,200 square feet (including at least 1.5 baths)

For the purposes of this section, paved terraces or balconies may be counted toward the minimum gross floor area requirement in an amount not to exceed 1/3 of the square footage of such terraces and balconies.

Section 10 Occupancy standards.

For the sale or rental of Fair and Affordable Units, the following occupancy schedule shall apply, provided these standards comply with the New York State Building, Fire and Property Maintenance Code.

<u>Number of Bedrooms</u>	<u>Number of Persons</u>
Efficiency	Minimum 1; maximum 1
One bedroom	Minimum 1; maximum 3
Two bedroom	Minimum 1; maximum 5
Three bedroom	Minimum 3; maximum 7
Four bedroom	Minimum 4; maximum 9

Section 11 Affirmative marketing.

- A. The Fair and Affordable Housing units created under the provisions of this article shall be sold or rented, and resold and re-rented, during the required period of affordability, only to qualifying income eligible households. Such income eligible households shall be solicited in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan, dated _____, dated So as to ensure outreach to racially and ethnically diverse households.

- B. No preferences shall be utilized to prioritize the selection of income eligible tenants or purchasers of Fair and Affordable Housing units created pursuant to this article.

Section 12 Resale requirements.

In the case of owner occupied Fair and Affordable Housing units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then maximum sales price for said unit, as determined in this article or the sum of:

- (i) the net purchase price (i.e., gross sale price minus subsidies) paid for the unit by selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor Statistics (the "Index") on any date between (a) the month that was two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index, the Village designate a substitute index; and
- (ii) the cost of major capital improvements made by the seller of the unit while said said seller owned the unit, as evidenced by paid receipts depreciated on a straight line basis over a 15 year period from the date of completion; provided, however, that approval of the Administrative and Monitoring Agency identified in Section 12 herein shall be required before the cost of any major capital Improvement is included in the resale price.

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Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 80% AMI at the time of resale.

Section 13 Lease renewal requirement.

- A. A person renting a Fair and Affordable Housing Unit shall sign a lease for a term term of no more than two years. As long, as a renter remains eligible and has complied with the terms of the lease, renter shall be offered renewal leases for a term of no more than two years each.
- B. Renewal of a lease shall be subject to the conditions of federal, state, or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.
- C. If no such provisions are applicable and if a renter's annual gross income should subsequently exceed the maximum then allowable, as defined in this article, then the renter may complete his/her current lease term, and shall be offered a non restricted rental unit in the development, if available, at the end of such lease term. If no such unit is available at said time, the renter may be allowed to sign one

additional one year lease for the Fair and Affordable Housing unit s/he occupies but shall not be offered a renewal of the lease beyond the expiration of that additional one year lease term. If, however, at the end of the additional one year term the renter's income is below the maximum then allowable, the renter shall be offered a two year renewable lease.

Section 14 Administrative and monitoring agency.

The Village Board of Trustees or its designee shall administer the requirements of this article and, among other things, be responsible for monitoring the Fair and Affordable Housing units during the units' periods of affordability and for monitoring compliance with the income and eligibility requirements and affirmative marketing responsibilities applicable to the Fair and Affordable Housing units. The costs of such administration shall be borne by the owner/developer.

Section 15 Expedited review process.

- A. Pre-application meeting. The applicant for development including Fair and Affordable Housing Units shall be entitled to attend at least one pre application meeting at which representatives will be in attendance from each municipal department, board, commission and staff expected to play a role in the review and approval of the development application and construction. The purpose of the pre application meeting will be to expedite the development application review process through: (i) the early identification of issues, concerns, code compliance, and coordination matters that may arise during the review and approval process; and (ii) the establishment of a comprehensive review process outline, proposed meeting schedule and conceptual timeline.
- B. Meeting schedule and timeline. Village departments, boards, commissions, and staff shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the pre application meeting to the greatest extent possible during the review and approval process, subject to the demonstrated cooperation of the applicant to adhere to same. Should the approval process extend beyond one year, an applicant for a development including Fair and Affordable Housing units shall be entitled to at least one additional meeting per year with the same departments, boards, commissions, and staff to review any and all items discussed at previous pre application meetings.

Section 16 Repealer.

All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 17 Effective date.

This local law shall take effect upon filing with the Secretary of State.