

Appendix D
Village Affordable Housing
Regulations

LOCAL LAW NO. _ OF 2012

A Local Law Amending the Zoning Code of the Village of Hastings-on-Hudson with Respect to the Set-aside of Housing Units and Lots for Affordable and Workforce Housing (*Revised November 20, 2012*)

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 295-5 of the Zoning Code of the Village of Hastings-on-Hudson (“Zoning Code”) is hereby amended by adding the following new definitions:

AFFORDABLE HOUSING UNIT – Each of the following is an affordable housing unit:

- A. A for-purchase housing unit that must be sold 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 70% of the AMI, adjusted for household size, and that must be marketed in accordance with the requirements, policies and protocols established by the County of Westchester, as amended from time to time.
- B. A rental unit that must be leased 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 the AMI, adjusted for household size, and that must be marketed in accordance with the requirements, policies and protocols established by the County of Westchester, as amended from time to time.

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

WORKFORCE HOUSING UNIT – Each of the following is a workforce housing unit:

- A. A for-purchase housing unit that must be sold to a household whose income does not exceed 120% 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 100% of the AMI, adjusted for household size.

- B. A rental unit that must be leased to a household whose income does not exceed 90% 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 80 % of the AMI, adjusted for household size.

Section 2: Section 295-112.1 of the Zoning Code is hereby deleted and replaced with the following:

§ 295-112.1. Affordable and workforce housing set-aside.

- A. Set-aside requirement. Before the Planning Board may approve a site plan for a residential development containing eight or more dwelling units, whether in single-family, two-family or multifamily buildings, such site plan shall show affordable and workforce housing units as follows:
 - (1) Fifteen percent of all units in such development shall meet either the definition of an “affordable housing unit” or a “workforce housing unit.” At least 2/3 of these units shall be affordable housing units. The remaining 1/3 may be either affordable housing units or workforce housing units.
 - (2) Affordable housing units and workforce housing units shall generally be distributed evenly throughout the development. Notwithstanding, the Planning Board may use discretion in reviewing and approving distribution.
 - (3) The exterior appearance of affordable housing units and workforce housing units shall not distinguish them as a class from other units.
 - (4) Affordable housing units and workforce housing units shall be distributed among one-, two-, three- or four-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better suited to the housing needs of the Village.
 - (5) Alternatives to set-aside. There is a strong preference that units be on-site. However, where the Planning Board determines that the on-site location of affordable and workforce housing units is not practical, the Planning Board may:
 - (a) Require the applicant to construct the affordable and workforce housing units at another location in the Village;

or

(b) Require the applicant to pay a fee equal to the cost necessary to acquire a site and to develop the required number of affordable and workforce housing units into a Special Affordable Housing Fund.

(6) Minimum floor area. The minimum gross floor area per affordable and workforce 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 unless the applicant can establish to the satisfaction of the Village that the development is subject to maximum floor area requirements imposed by federal, state or county funding sources or a different floor area requirement is approved by the Planning Board as being better suited to the housing needs of the Village:

<u>Dwelling Unit</u>	<u>Minimum Gross Floor Area</u>
Efficiency	450 square feet
One-bedroom	675 square feet
Two-bedroom	850 square feet
Three-bedroom	1,100 square feet (<i>must</i> include at least 1.5 baths)
Four-bedroom	1,300 square feet (<i>must</i> include at least 1.5 baths)

For 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 or balconies.

(7) Occupancy standards. For affordable and workforce housing units, the following occupancy schedule shall apply, so long as these standards comply with the New York State Building, Fire and Property Maintenance Codes:

<u>Number of Bedrooms</u>	<u>Number of Persons</u>
Efficiency	Minimum 1; maximum 1
One-bedroom	Minimum 1; maximum 3
Two-bedroom	Minimum 2; maximum 5
Three-bedroom	Minimum 3; maximum 7

Four-bedroom

Minimum 4; maximum 9.

- (8) Reduced lot size. Notwithstanding Article IX of this chapter, a single-family affordable or workforce housing unit may be located on a lot meeting 75% of the minimum lot area for the single-family homes in the development.
- (9) Density bonus. The Planning Board may permit the number of dwelling units and bedrooms to exceed the maximum number of dwelling units and bedrooms otherwise permitted by the Zoning Code, but in no event by more than 10%, if for every market rate dwelling unit in excess of the maximum, one affordable housing unit is also provided.
- (10) Certificate of occupancy. A certificate of occupancy for the affordable and workforce housing units must be issued at or before the certificate of occupancy for the market rate units, except that for a subdivision development being constructed in phases, the certificates of occupancy for the required 15% of the affordable and workforce housing units in each phase must be issued before the certificates of occupancy for the market rated units.

B. Administration.

- (1) Time period of affordability. Units designated as affordable or workforce housing units must remain affordable for a minimum of 100 years from the date of the initial certificate of occupancy for rental properties and from the date of original sale for for-purchase units.
- (2) Primary residence. Any affordable housing unit or workforce housing unit shall be the primary residence of the resident household selected to occupy the unit.
- (3) No priorities. No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable or workforce housing units. *This section shall not apply to affordable housing units created before March 1, 2012.*

- (4) Maximum sales price/rent.
- (a) The maximum gross sale price for an affordable housing unit *shall be based on an annual housing cost*, including common charges, principal, interest, taxes, and insurance, ~~shall that does~~ not exceed 33% of 70% of the AMI, adjusted for the median household size for the unit, as set forth in § 295-112.1.A(7).
 - (b) The maximum monthly rent for a rental affordable housing unit, plus any tenant paid utilities, shall not exceed 30% of 60% of the AMI, adjusted for the median household size for the unit, as set forth in § 295-112.1.A(7).
 - (c) The maximum gross sale price for a workforce housing unit *shall be based on an annual housing cost*, including common charges, principal, interest, taxes, and insurance, ~~shall that does~~ not exceed 33% of 100% of the AMI, adjusted for the median household size for the unit, as set forth in § 295-112.1.A(7).
 - (d) The maximum monthly rent for a workforce housing unit, plus any tenant paid utilities, shall not exceed 30% of 80% of the AMI, adjusted for the median household size for the unit, as set forth in § 295-112.1.A(7).
- (5) Rental units.
- (a) A person renting an affordable housing unit or workforce housing unit shall sign a lease for a term of no more than two years. As long as a renter remains eligible and has complied with the terms of the lease, the 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 development funding agreements, if any, 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 section, 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 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, the renter's income falls below the maximum during the additional one-year term, the renter shall be offered a two-year renewal lease.

- (d) Every new or renewal lease must be approved by the Hastings-on-Hudson Affordable Housing Development Fund Co., to ensure compliance with the income guidelines and other requirements of this Affordable and Workforce Housing Set-aside section.
 - (e) The owner of any multifamily building subject to this section shall annually certify to the satisfaction of the Hastings-on-Hudson Affordable Housing Development Fund Co., Inc. that the requisite number of affordable and workforce rental units have been rented to income-eligible tenants as required by this section and that any new tenants of the affordable and workforce units meet the income guidelines in effect when said new tenants take occupancy. Annual certifications shall include unit designations and occupant names and shall be signed by the owner of the building.
- (6) Sale of individually owned units. In the case of owner-occupied affordable or workforce housing units, the title to such 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 section, or the sum of:
- (a) the net purchase price (i.e., gross sale price minus *any* subsidies) paid for the unit by the 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 (i) the month that was two months earlier than the month in which the seller contracts to sell the unit and (ii) 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, and fails to designate a successor index, the Village will designate a substitute index; and

- (b) the cost of major capital improvements made by the seller of the unit while 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 the improvements were approved by the Affordable Housing Development Fund Co.
 - (c) Notwithstanding subsections (a) and (b), in no event shall the resale price exceed the maximum sales price as determined by § 295-112.1B(4).
- (7) Property restriction. A property containing any affordable or workforce housing unit must be restricted by using a mechanism such as a declaration of restrictive covenants, in recordable form acceptable to the Village Attorney, which shall ensure that the units shall remain subject to affordable regulations for the minimum 100-year 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 affordable or workforce unit prior to the issuance of a certificate of occupancy for any dwelling unit on the property.
- (8) The developer and/or owner is responsible for the affirmative marketing of the affordable and workforce housing units and shall solicit income eligible households in accordance with the requirements, policies and protocols established in the Westchester County Fair and Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.
- (9) The Village Board of Trustees shall be responsible for the affordable housing requirements of this Affordable and Workforce Housing Set-aside section and shall have the authority to

promulgate such rules and regulations as may be necessary to implement them.

- (10) The Village Board of Trustees may designate such additional person(s), authorities and procedures as necessary to monitor compliance with the provisions of this section.

C. Expedited project review process.

- (1) Pre-application meeting. The applicant for a development including affordable and/or workforce housing units shall be entitled to attend at least one pre-application meeting at which representatives will be in attendance from each municipal department, agency, board, committee and staff expected to play a role in the review and approval of the development application and construction. The purpose of this meeting will be to expedite the application review process through:

- (a) The early identification of issues, concerns, code compliance and coordination matters that may arise during the review and approval process.
- (b) The establishment of a comprehensive review process outline, proposed meeting schedule and conceptual timeline.

- (2) Meeting schedule and timeline. Municipal departments, agencies, boards, committees and staff shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the pre-application to the greatest extent possible, subject to the demonstrated cooperation of applicant to adhere to same. Should the approval process extend beyond one year, an application for a development including affordable and/or workforce housing units shall be entitled to at least one additional meeting per year with the same departments, agencies, boards, committees, and staff, to review any and all items discussed at previous pre-application meetings.

D. The limited sales value or rent levels of affordable housing units or workforce housing units shall be taken into consideration by the Village Assessor in determining the basis for assessment on such units.

Section 3: A new section 295-133.1 is hereby added to Article XIII (Subdivision of Land) of the Zoning Code, to read as follows:

§ 295-133.1. Affordable housing set-aside.

- A. Any subdivision creating eight or more lots that is not also undergoing site plan review shall require the set aside of at least 15% of the lots for the development of affordable housing units or workforce housing units, as defined in § 295-5. At least 2/3 of such lots shall be set aside for development as affordable housing units. The remaining 1/3 of such lots shall be set aside for development as either affordable housing units or workforce housing units. All such affordable and workforce housing units shall be subject to the provisions of § 295-112.1 of this chapter.
- B. The Planning Board shall include in the resolution granting subdivision approval conditions to insure that construction of the affordable and/or workforce housing units will be substantially completed before certificates of occupancy are granted for houses on at least 20% of the unrestricted lots.

Section 4: Section 295-112 (Site Plan Approval/Reservation of Parkland) is hereby amended by adding the following new subsection:

- D. This section shall not apply to affordable housing units or workforce housing units, as defined in this chapter.

Section 5: Section § 295-133.A (Subdivision of Land/Park reservations) is hereby amended by adding the following new subsection:

- (5) This subsection A shall not apply to lots set aside for affordable housing units or workforce housing units, as defined in this chapter.

Section 6: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 7: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

