

**§ 230-48. Supplementary standards for the provision of affordable housing units.<sup>1</sup>**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT**

- (1) A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the United States Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit, including common charges, principal, interest, taxes and insurance (PITI), does not exceed 33% of 80% AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan; and
- (2) A rental unit that is affordable to a household whose income does not exceed 60% 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% AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan.

**AFFORDABLE HOUSING INVESTMENT FUND**

A special purpose fund that shall be used to foster affordable housing within the Village.

B. Required affordable AFFH unit component.

- (1) Within all residential developments of 10 or more units created by subdivision or site plan approval, no less than 10% of the total number of units must be created as AFFH units. Rounding shall be done as follows: for 10 to 14 housing units: one AFFH unit; for 15 to 24 housing units: two AFFH; then continuing in like increments as the number of housing units increase.
- (2) Notwithstanding the above, all such AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan in place at the time.

C. Waivers & Fees in Lieu. ~~for creation of additional fair and affordable housing.~~

- (1) If a site plan or subdivision applicant wishes to voluntarily provide more AFFH units than are required by Subsection B above, the Village Board shall have the discretionary authority, but not the obligation, to waive such zoning and other land use regulations as it deems appropriate to allow additional dwelling unit(s) to be constructed, beyond the number which would otherwise be permitted under the Village's Zoning Code and other land use regulations if all of their requirements were adhered to. In order to qualify to be considered for this waiver, an applicant must demonstrate that, without the waiver, the inclusion of the additional AFFH unit(s) would impose a financial burden that would prevent the applicant from realizing a reasonable economic return on its development.
- (2) A developer may request to pay a fee in lieu of providing the affordable units required under this chapter. The Village Board shall have sole discretionary authority to approve or deny the developer's request. The fee amount shall be

established by resolution of the Board of Trustees and set forth in the Master Fee Schedule, as may be amended from time to time. Fees-in-lieu paid under this section shall be deposited into the Affordable Housing Investment Fund and used for the following purposes:

- a. The granting of credits within the Village for qualified individuals making under 100% of the AMI for Westchester as defined annually by HUD;
- b. Other legal means of helping to advance the Village's affordable housing program or the new construction or rehabilitation of affordable housing units in the Village.

The Village Manager and Village Treasurer shall be responsible for the administration and distribution of the funds deposited into the Affordable Housing Investment Fund as directed by resolution of the Village Board. Notwithstanding the foregoing provision, the Village Board may, by resolution, appoint, retain or hire individual(s), organization(s) and the like to administer and/or authorize approvals as outlined in this Chapter, and the Affordable Housing Investment Fund may pay administrative fees for such services.

- D. Maximum rent and sales price. The maximum monthly rent for an AFFH unit and the maximum gross sales price for an AFFH unit shall be established in accordance with United States Department of Housing and Urban Development guidelines as published in the current edition of the "Westchester County Area Median Income (AMI) Sales and Rent Limits" available from the County of Westchester.
- E. Time period of affordability. Units designated as AFFH units must remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.
- F. Property restriction. A property containing any AFFH units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to Municipal Counsel which shall ensure that the AFFH unit shall remain subject to regulations for the minimum fifty-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 AFFH unit prior to the issuance of a certificate of occupancy for the development.
- G. Unit appearance and integration.
  - (1) Within single-family developments, the AFFH units may be single-family homes or, if the Planning Board so elects, they may be incorporated into one or more two-family homes. If the Planning Board so elects, one or more AFFH unit(s) may be located on a lot meeting 75% of the minimum lot area for the single-family homes in the development. Each such two-family home shall be located on a lot meeting the minimum lot area for the single-family homes in the development. All such units shall be indistinguishable in appearance, siting and exterior design from the other single-family homes in the development, to the furthest extent possible. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.

- (2) Within multifamily developments, the AFFH units shall be physically integrated into the design of the development and, where multiple AFFH units are required, to the extent feasible, they 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 AFFH units shall not be distinguishable from other market rate units from the outside or building exteriors. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.

H. Minimum floor area.

The minimum gross floor area per AFFH unit shall not be less than 80% of the average floor area of nonrestricted housing units in the development and no less than the following:

| <b>Dwelling Unit</b> | <b>Minimum Gross Floor Area<br/>(square feet)</b> |
|----------------------|---------------------------------------------------|
| Efficiency           | 450                                               |
| 1-bedroom            | 675                                               |
| 2-bedroom            | 750                                               |
| 3-bedroom            | 1,000 (including at least 1.5 baths)              |
| 4-bedroom            | 1,200 (including at least 1.5 baths)              |

- (1) 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 or balconies.
- (2) As an alternative or supplemental standard if the Planning Board so elects: The minimum gross floor area per AFFH unit shall be in accordance with the standards set forth by the New York State Division of Housing and Community Renewal and the New York State Housing Trust Fund Corporation in Section 4.03.03 of the most recent edition of its joint Design Manual. See: [http://nysdhcr.gov/Publications/DesignHandbook/UF2009\\_DesignHandbook.pdf](http://nysdhcr.gov/Publications/DesignHandbook/UF2009_DesignHandbook.pdf) or its successor.

I. Occupancy standards. For the sale or rental of AFFH units, the following occupancy schedule shall apply:

| <b>Number of Bedrooms</b> | <b>Number of Persons</b> |
|---------------------------|--------------------------|
| Efficiency                | Minimum: 1; maximum: 1   |
| 1-bedroom                 | Minimum: 1; maximum: 3   |
| 2-bedroom                 | Minimum: 2; maximum: 5   |
| 3-bedroom                 | Minimum: 3; maximum: 7   |
| 4-bedroom                 | Minimum: 4; maximum: 9   |

Affirmative marketing. The AFFH units created under the provisions of this section 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 requirements, policies and protocols established in the Westchester County Fair and Affordable Housing Affirmative Marketing Plan then in effect.

Resale requirements.

In the case of owner-occupied AFFH 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 section, or the sum of (i) the net purchase price (i.e., gross sales prices minus subsidies) paid for the unit by the 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 date on which the seller acquired the unit and (b) the month that is 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 of Croton-on-Hudson will designate a substitute index; and (ii) the cost of major capital improvements made by the seller of the unit while said seller of the unit owned the unit as evidenced by paid receipts depreciated on a straight line basis over a fifteen-year period from the date of completion and such approval shall be requested for said major capital improvements no later than the time the seller of the unit desires to include it in the resale price.

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

J. Lease renewal requirements.

- (1) Applicants for rental AFFH units shall, if eligible and if selected for occupancy, sign leases for a term of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered renewal leases for a term of no more than two years each. 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.
- (2) If no such provisions are applicable and if a resident's annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then said resident may complete their current lease term and shall be offered a nonrestricted rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the AFFH unit they occupy but shall not be offered a renewal of the lease beyond the expiration of said term.

- K. Administrative and monitoring agency. The County of Westchester shall be responsible for monitoring the AFFH units during the units' periods of affordability and for monitoring compliance with the affirmative marketing responsibilities of those creating the AFFH units. The Village Board may appoint by resolution, from time to time, a third-party administrative and monitoring agency for its Affordable Housing Investment Fund.

L. Expedited project review process.

- (1) Preapplication meeting. The Planning Board's preapplication meeting process shall be

followed in connection with developments which include AFFH units. The purposes of the preapplication meeting will include discussion of means to expedite the development 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.

Meeting schedule and timeline. Village departments, boards, commissions, committees and staff shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the preapplication process 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 AFFH units shall be entitled to at least one additional meeting per year with the same departments, boards, commissions, or committees to review any and all items discussed at previous preapplication meetings.

- (2) Calendar/agenda priority. Municipal departments, boards, commissions, or committees with review or approval authority over applications for developments which include AFFH units shall give priority to such applications by placing applications for developments including AFFH units high enough on all meeting and work session calendars and agendas so they will not be bumped to a subsequent meeting, because of lack of time and, when feasible based on the ability to conduct required reviews and public notice, with the intent of shortening minimum advance submission deadlines to the extent practicable.