

**PROPOSED LOCAL LAW**

A LOCAL LAW MODIFYING THE  
VILLAGE OF TUCKAHOE  
ZONING CODE REGARDING  
AFFORDABLE AFFIRMATIVELY  
FURTHERING FAIR HOUSING  
(AFFH)

**Village of Tuckahoe – AFFH Considerations**

**Supplementary standards for the provision of affordable housing units.**

**A.**

Definitions. As used in this section, the following terms shall have the meaning 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% of AMI adjusted for family size and that is

marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan.

**B.**

Required affordable AFFH unit component.

**(1)**

Within all residential developments of 10 or more units created after the effective date of this section by subdivision or site plan approval, no fewer 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 units; then continuing in like increments as the number of housing units increases.

**(2)**

No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for AFFH units created under this subsection.

**(3)**

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.

**C.**

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.

**D.**

Time period of affordability. Units designated as AFFH units must remain 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 ownership units.

**E.**

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.

**F.**

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 units 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.

**G.**

Minimum floor area.

**(1)**

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 (square feet)</b>
Efficiency	450
1-bedroom	675

Dwelling Unit	Minimum Gross Floor Area (square feet)
2-bedroom	750
3-bedroom	1,000 (including at least 1.5 baths)
4-bedroom	1,200 (including at least 1.5 baths)

**(2)**

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.

**H.**

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

Number of Bedrooms	Number of Persons
Efficiency	Minimum: 1; maximum: 1
1	Minimum: 1; maximum: 3
2	Minimum: 2; maximum: 5
3	Minimum: 3; maximum: 7
4	Minimum: 4; maximum: 9

**I.**

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, to only 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 so as to ensure outreach to racially and ethnically diverse households.

**J.**

Resale requirements.

**(1)**

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:

**(a)**

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 Tuckahoe will designate a substitute index; and

**(b)**

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.

**(2)**

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.

**K.**

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 section, 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.

**L.**

Administrative and monitoring agency. The County of Westchester or other duly authorized non-for profit appointed by resolution of the Board of Trustees 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.

**M.**

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.

**(2)**

Meeting schedule and timeline. Village departments, boards, 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, or committees to review any and all items discussed at previous preapplication meetings.

**(3)**

Calendar/agenda priority. Municipal departments, boards, 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.