


Affordable Housing



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What is the 2020 Census?

- Count of **every** resident living in the United States
- Mandated by Article 1, Section 2 of the U.S. Constitution
- Conducted every 10 years ending in zero since 1790
- **Goal: Count everyone once, in the right place**



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2020 Census is Critical to New York's Future

Why is the Census important?

- Impacts \$53 Billion in federal funding for community services and economic development
- Impacts number of congressional seats and redistricting
- Data is used for planning by government and businesses for the next 10 years

Challenges to a full count

- Hard to Count Communities
 - Urban & Rural, Low Income, Children under 5, Seniors, Language/Limited English Proficiency (LEP)
- Non-Traditional Housing
 - Transient populations
- Access to Technology
 - Limited computer skills, internet access

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2020 Census Timeline

On or between:	You'll receive:
March 12 - 20	An invitation to respond online to the 2020 Census
March 16 - 24	A reminder letter If you haven't responded yet:
March 26 - April 3	A reminder postcard
April 8 - 16	A reminder letter and paper questionnaire
April 20 - 27	A final reminder poster

Other Dates:

- April 1, 2020: **National Census Day**
- June - Oct 2020: Non-response follow-up

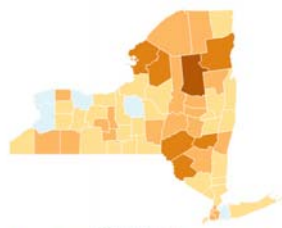
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New York's Response Rate So Far

As of 4/13/20, New York's response rate is 42.6%, lower than the overall US response rate of 48.6%



Self Response Rate (%)

0-15	16-30	31-40	41-50	51-56	57-62	63-68	69-74	75-85	86-100
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<https://2020census.gov/en/response-rates.html>

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2020 Census: General Information

- Respond to the US Census online today! <https://my2020census.gov/>
- US Census Website: <https://2020census.gov/en.html>
- NYS Census 2020 Website: <https://www.ny.gov/programs/2020-census>
- If you have **questions** about completing the Census, you can call the US Census Bureau at 1-800-923-8282 to speak with a local **Census Bureau** representative.
- To **report a scam**, call the NYS Division of Consumer Protection hotline at 1-800-697-1220.

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Overview

- What is Affordable Housing?
- Basics
- History
- Homelessness
- Exclusionary housing practices
- Affordable housing laws, policies and programs
- Land use tools
- Development process
- Preservation

Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.

Matthew Desmond, Evicted: Poverty and Profit in the American City

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Affordable Housing: The Basics

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What is Affordable Housing?



Affordable housing comes in all shapes and sizes

Generally used definition:

- Housing units where the occupant pays no more than 30% of gross income for housing costs, including taxes and utilities.
- Families who pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care.
- Affordable Housing covers housing within the means of households that may occupy middle, moderate, or low-income housing. Covers sale price or rental amount.


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The Need for Affordable Housing in NYS

Working at minimum wage each week, a person in NYS would have to work **95 hours** to afford a modest 1 bedroom apartment at Fair Market Rent

	NYS Overall	Upstate	Downstate
Owners	29.0%	21.4%	34.4%
Renters	53.2%	50.7%	53.0%

- In New York, the Fair Market Rent (FMR) for a two-bedroom apartment is \$1,599. In order to afford this level of rent and utilities, without paying more than 30% of income on housing, a household must earn \$5,331 monthly or \$63,976 annually.

Source: Out of Reach 2019, National Low Income Housing Coalition


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Federal Terms


Lower income people make up 40% of the nation's population


Percentage of median income

LOWER Income: 80% or less of median income

- Low Income:** 50% - 80% of median income
- Very low Income:** ≤ 50% of median income
- Extremely Low Income:** ≤ 30% of median income

Area median incomes (AMI) - calculated annually by HUD
Income is adjusted for household size




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Benefits of Affordable Housing

Who may need help?	Give <u>everyone</u> access to:
<ul style="list-style-type: none"> Young adults Seniors Single parent families Young families Veterans Former employee after downsizing Your family member or friend Potentially anyone of us 	<p>Providing support for everyone helps the entire community</p> <ul style="list-style-type: none"> Quality education Jobs Workforce housing Public services







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Challenges of Affordable Housing

- Rising new housing costs
- Regulations
- Extended development time
- Older housing surplus "filtering down"
- Leadership changes
- Consumer patterns/beliefs
- Exclusionary housing practices

Conclusion: Affordable housing needs are not adequately addressed in the marketplace

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Affordable Housing History





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History - Pre-US to 1950

- Early US: poorhouses; poor farms; company housing
- Tenement House Act, 1901
- 1930's - 1940's: The New Deal; Wagner Act (Public Housing Authority); Public Housing Projects



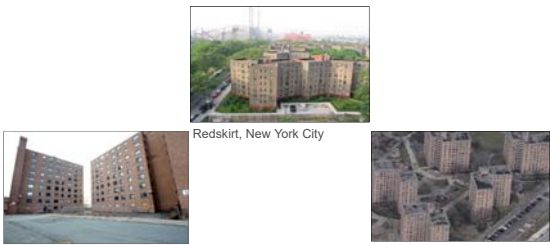
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History - The Perfect Storm

- 1950's & 1960's - Perfect storm of changes
- Suburbanization
 - Urban renewal
 - Highway construction
 - New rules for housing projects
 - Residents vacate if income rises
 - Must accept poorer households

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History - Changing Times



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History - Last 50 Years

1960 -1980 Federal Model Shift: role reduced

- Johnson: Great Society; Sec 236 (rental); Sec 235 (home ownership)
- Nixon: Housing allowances
- Ford: Section 8 rental subsidy
- Carter: Increase Section 8 units

1980 - Present

- Reagan: Low Income Housing Tax Credit – mainstay
- G. H. W. Bush: HOME Program; Housing Block Grants – remains mainstay
- Clinton: Community Reinvestment Act home ownership, especially lo income
- G. W. Bush: Programs to increase home-ownership rate
- Obama: Home Affordable Modification Program and the Home Affordable Refinance Program

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History - Public Housing Units - 1949-1999

Year	Cumulative Number of Public Housing Units	Average Annual Change From Prior Decade
1949	150,000	
1959	401,000	+25,100
1969	768,000	+36,700
1979	1,178,000	+41,000
1989	1,401,000	+22,200
1999	1,296,000	(-10,400)

Source: Listokin, David. "Federal Housing Policy and Preservation: Historical Evolution, Patterns, and Implications" HUD data.

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History - Homelessness

Why the sudden problem in 1970's?

- Higher housing cost burdens
- Urban Renewal - Loss of housing
- Federal income support programs lost value
- Deinstitutionalization of mentally ill
- Weakening family ties
- War Vets – PTS
- Drug/alcohol use

Strategies



- 1987 McKinney-Vento Act
- Emergency shelters
- Transitional housing
- Housing First model
- Social Programs
 - Job training
 - Rehabilitation programs
 - Faith based partnerships




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Exclusionary Housing

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Exclusionary Housing

Suburban exclusion of affordable housing is real and commonplace, even in states with strong fair housing statutes and areas with strong local laws





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Affordable Housing Laws and Case Law

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Federal Laws


US Constitution

- Bars discrimination based on race


Federal Fair Housing Act – 1968

Zoning to prevent racially integrated subsidized housing may be a violation:

- Has racially discriminatory EFFECT, even without overt evidence of discriminatory INTENT



EQUAL HOUSING OPPORTUNITY

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Court Challenges - Euclid

Village of Euclid v. Ambler Realty Co., 272 U.S. 365

Landmark case by U.S. Supreme Court

- Generally - upheld validity of conventional zoning
- Specifically - held that a municipality could exclude apartment buildings from residential zones
 - Protect residential character
 - Protect neighborhood desirability as place of detached homes



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Court challenges - Mt Laurel

Mt Laurel I - 1975


Southern Burlington NAACP et al. v. Township of Mt Laurel, NJ

- Influential case challenging exclusionary practices in NJ
- Key results - All NJ municipalities must zone for high density, low and moderate income housing
- Downside – court offered no direction on need determination process

Mt Laurel II - 1983

South Burlington County NAACP v. Township of Mount Laurel, 456 A.2d 390 (N.J. 1983)

- Based on widespread failure to comply with MT Laurel I decision
- Builder's Remedy - Failure to plan for affordable housing means lower courts can overturn local housing denials and grant "builder's remedy"



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New York State - Berenson

Berenson v. Town of New Castle, 38 NY.2d 102 (1975)

- Court ruled that town's zoning must reflect regional needs, including "residents in Westchester County as well as the larger New York City metropolitan region [who] may be searching for multiple-family housing in the area to be near their employment or for a variety of other social and economic reasons"


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New York State Case Law Exclusionary Zoning

- Berenson v. Town of New Castle (1975)
- Robert Kurzuis v. Village of Upper Brookville (1980)
- Blitz v. T New Castle (1983)
- Asian Americans for Equality v. Koch (1988)
- Continental Building Co v Town of North Salem (1995)
- Gernatt Asphalt Products, Inc. v. Town of Sardinia (1996)

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Local Land Use Tools and Affordable Housing

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Tools: Comprehensive Plan

Future Housing Needs

- Demographics
- Housing inventory
- Assessment of need
- Sources of information
 - U.S. Census
 - Regional Planning Agency
 - NYS HCR
 - Local non-profit housing orgs
 - U.S. HUD



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Tools: Comp Plan - examples


Orange County

*"Encourage the provision of a **wide spectrum of housing types and choices** including affordable housing, providing **options for rural, suburban, and urban living...** This should include housing at a **range of densities, styles and owner and renter types**"*

Southampton

- Creation of **planned residential communities** providing an **array of housing** meeting the **social and economic needs of the residents** of the hamlets, the **town, and the region.**
- Provide the opportunity for affordable housing for **senior citizens**, age fifty-five years and older

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Tools: Inclusionary Housing

BEST PRACTICE

Provide alternative methods of compliance in order to avoid constitutional vulnerability

Inclusionary Regulations:

Developer requirements for affordable housing are part of the market-driven development activity:

- Include affordable housing in development. or
- Build units off-site, or
- Contribute cash or land in lieu of construction

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Inclusionary Housing: How it works

Typical mandatory inclusionary regulation specifies:

Size threshold of developments

- Often as few as 5 to 30+ units

Income range (defined in relation to Area Median Income)

- From below 30% to as high as 130% of AMI

Percentage of affordable units required to "set aside"

- Varies widely, from 5% to 25% or more
- Suburban: most require 15-20%
- Urban areas: usually require less
- Trade off: can lower percentage for very low income units

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Inclusionary Housing: How it works

Typical mandatory inclusionary regulation specifies:

Unit design and size standards

- Same design features (interior/exterior), size, bedrooms as market units?

Unit layout and placement

- Dispersed or clustered; not isolated or placed on unsuitable part of site

Timeframe

- When will units be built, in parallel with market units?

Controls to ensure units remain affordable

- Specify period (normally 30-40 years)
- Deed restrictions and covenants

Incentives and offsets

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Inclusionary Housing Incentives and Offsets

Incentives:
Municipality offers benefits to developer

Offsets:
Public sector reduces the affordability gap

- Municipality requires developer to address regional housing needs in new development
- Developer did little or nothing to create the condition
- NYS court determined municipality must offer developer "offsetting benefit"

GOAL

- Reduce gap
- Mitigate ordinance's economic effect on developer
- Keep projects economically feasible

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Inclusionary Housing Incentives and Offsets

Incentives	Offsets
<p>Zoning</p> <ul style="list-style-type: none"> Density bonuses Setbacks Height and bulk bonuses Open space <p>Parking space reductions</p> <p>Expedited permitting</p>	<p>Reduce developer costs</p> <ul style="list-style-type: none"> Waive permit fees Waive sewer hookup fees Infrastructure subsidies <p>Increase developer return</p> <ul style="list-style-type: none"> Tax abatement Reduce carrying cost to future lower income owner, allowing developer to charge more for unit Capital Subsidy – give subsidy on affordable units from HOME or a state or local housing trust fund

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Tools: Voluntary Inclusionary Zoning

Not mandatory - Cannot be required

- Pros - Less opposition
- Cons - Not as effective as mandatory programs

Incentives in exchange for affordable housing units

- Zoning waivers in exchange for identified amenities
- Incentives may be on a sliding scale, based on:
 - percentage of affordable housing
 - levels of affordability

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Tools: Workforce Housing

Affordable housing for households with earned income insufficient to secure quality housing in reasonable proximity to the workplace

- Target "essential workers"
- An expanded understanding of affordable housing
- For gainfully employed who "drive till they qualify"
- Definitions ranging from 50% to 120% of Area Median Income (AMI)

Multifamily "Speed Dating"
Meet the Developer - or Town - of Your Dreams!

Connecticut multifamily housing market is hot! Demand from workers, families, young professionals, Baby Boomers and many others is moving dozens of municipalities to actively identify locations where smaller, denser, more affordable, energy-efficient, walkable and, if possible, transit-promote housing can be built.

BUT THERE'S A PROBLEM:
Many towns are inexperienced in developing or understanding self and other denser housing, and often don't know what developers need.

AND:
Many builders and developers don't know towns want to hook up with them!

THE SOLUTION:
Bring builders, developers, municipalities, lenders, planning consultants, and other experts together along with...

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Long Island Workforce Housing Program

- Nassau or Suffolk Counties (effective 1/1/09)
 - Applications to build 5 or more residential units
 - Developer gets at least 10% density bonus
- Local government requires one of the following:
 - At least 10% affordable workforce housing unit set aside (households at or below 120% of median income)
 - Construction of units on site or in municipality
 - Fee payment for each unit required to build

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Tools: Cluster Development

Planning Board needs authorization to review

- Zoning may designate districts where cluster is authorized
- Cluster lots may not exceed number of lots if developed conventionally
- Lower site development costs
- Lower building costs presents opportunity to encourage addition of affordable units



Allows units to be clustered on small section of the property

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Tools: Accessory Dwelling Units (ADU)



ADU: second residential unit contained in single family home or garage; aka "in-law apartment"

- Allowed as of right, or by special use permit
 - SUP: can address design, density, and health and safety issues
- Cost-effective affordable rental housing
- Older persons can stay in neighborhood
- Common in larger, older houses, in existence for many years



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Tools: Manufactured Housing

Levels of Regulation:

Federal

- Construction and Safety


State

- Installation Standards
- Uniform Code
- Manufacturer's Manual
- Sanitary Code Part 17

Local

- Location, lot size, setback
- Home site development

- Freestanding; permanent chassis
- 20-30% less expensive than site built homes
- Privacy and amenities associated with home ownership



Across-the-board exclusion from municipality prohibited
(Town of Pompey v. Parker)

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Tools: Manufactured Housing Laws

- N.Y. Executive Law, Article 21-B, Title 2, effective November 20, 2015
- A manufactured home that is affixed to a permanent foundation and conforms with the identical development specification and standards, including general aesthetic and architectural standards, applicable to conventional, site-built single-family dwellings in the residential district in which the manufactured home is to be sited, **shall be deemed to be a conforming single family dwelling** for purposes of the applicable local zoning law or ordinance.

N.Y. Executive Law, Article 21-B, Title 2, §616, 617

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Tools: Manufactured Home Parks

- What can local governments regulate:
 - Location
 - Lot size
 - Setback
 - Vehicle parking, etc
- Can require site plan review
- Should be reviewed the same way as any other single-family housing development
- Don't discriminate against manufactured housing



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Tools: Senior Housing Needs






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Tools: Senior Housing Zones

DISTRICT OR ZONE

- Senior Housing District
- Retirement Community District
- Golden Age Housing Zone

MEANS OF IMPLEMENTATION

- Overlay district
- Floating zone



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Tools: SEQR and Affordable Housing

18. Consistency with Community Character
 The proposed project is inconsistent with the existing community character. NO YES
 (See Part 1, C.2, C.3, D.2, E.3)
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

Statement	Relevant Part 1 Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of publicly recognized or designated public resources.	C4, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

SEQR: The Full Environmental Assessment Form, Part 2 has a question on Affordable Housing needs of the area of the proposed project.

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Tools: Housing Boards and Regional Planning Commissions

Local Government Housing Boards

- Assess area and regional housing needs
- Research, promote, and coordinate funding
- Formulate/develop policy and programs
- Implement and monitor policies
- Observe rights of lower income households and homeless

Regional Planning Commissions

- Provide census data and analysis
- Forecast housing and employment numbers
- Coordination of plans
- Stormwater/sewer overflow regulations
- Coordination of housing with other related entities

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NYS Homes and Community Renewal (NYSHCR)

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NYSHCR - Major Housing and Community Renewal Agencies

- Housing Trust Fund Corporation
- Housing Finance Agency
- Division of Housing and Community Renewal
- Affordable Housing Corporation
- State of NY Mortgage Agency

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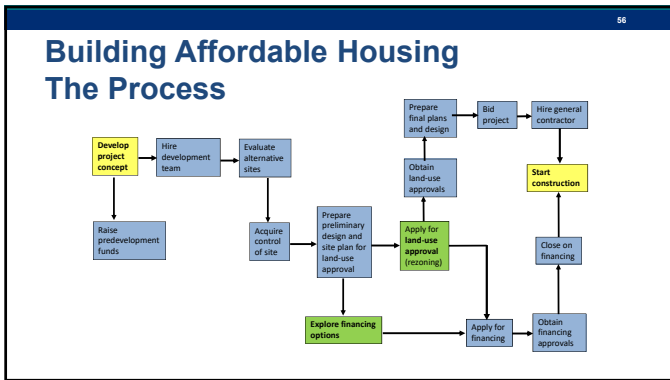
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Development Processes and Preservation

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Principle Site Selection Criteria

Category	Elements	Key Questions
Zoning	Use, height, setback, coverage, parking, open space, design review	Is project consistent? If not, is variance or SUP needed?
Unit size mix	A mix of housing sizes, for various groups including single parent families, large families, seniors, and people with disabilities	What is adequate? Ideal? Universal design features? Combination of unit sizes effect project's impact on community.
Infrastructure	Sewer, water, roads	Available? If not, can it be brought in or provided on site?
Environmental Constraints	Wetlands, flood plains, steep slope, resources, contamination	If yes, can it be adequately mitigated?
Suitability	Access to public transportation, jobs, services, recreation	If not, can it be improved or provide services on-site?
Compatibility with surrounding uses	Proximity to incompatible uses	If yes, can it be mitigated through design or other means?
Special consideration or constraints	Historic district, farmland, easements, regional plans, specific funding program criteria	If yes, can it be addressed in ways that protect both?

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The Process

DESIGN

Site selection

- Near jobs and services

Design for target group

- Age distribution, number of children, single household families
- Elderly, disabled, workforce housing, immigrants, ethnic, religious groups

Economics – what design features can you afford to build

- Income ranges- % of AMI
- Subsidies; incentives ; offsets


TYPE OF HOUSING

Apartments

- Low rise, high rise
- Garden apartments, townhouses
- Unit sizes, location, universal design?

Houses

- Size
- Same location or scattered?
- Features; design
- Traditional or condo
- Risks and rewards



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Housing Preservation

- Preservation has economic and social benefits
 - Prevent loss of existing affordable housing
 - Ensure future affordable housing remains affordable
- Tools
 - Spatial mapping programs for comprehensive view
 - Preservation compacts- a collaborative & multipronged approach to affordable rental housing preservation
 - Analyzing data for at-risk properties
 - Facilitating partnerships across levels of government; reduce costs



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The Future




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Trends Affecting Housing

<p>Demographic, Geographic, & Environmental Trends</p> <ul style="list-style-type: none"> • Supply shrinking; demand increasing • Aging population • Movement back to the city and along urban waterfronts • Many urban areas are located in 100 year floodplains. • Job types and locations may change 	<p>Economic Trends</p> <ul style="list-style-type: none"> • Land scarcity in <ul style="list-style-type: none"> – Most desirable locations – Urban areas • Complex government funding programs; subject to change • Regulations slow development process • Energy concerns • Greater economic divide • Economy slow to recover • Aging housing stock • Stress from short term rentals • "Durational stipulations" on some housing
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COVID-19 and Housing

<p style="text-align: center;">Renters</p> <ul style="list-style-type: none"> • 3/20/20: Executive Order 202.8 • 90 moratorium on residential and commercial evictions • No moratorium on a tenant's obligation to pay rent or an owner's obligation to provide essential services 	<p style="text-align: center;">Homeowners</p> <ul style="list-style-type: none"> • 3/24/20: Executive Order 202.9 • NYS mortgage servicers are providing 90-day mortgage relief to homeowners. The directive also includes: <ul style="list-style-type: none"> • No negative reporting to credit bureaus • Grace period for loan modification • No late payment fees or online payment fees • Postponing or suspending foreclosures
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HCR COVID-19 FAQs: <https://hcr.ny.gov/covid-19-helpful-links-and-faqs>
<https://www.governor.ny.gov/executiveorders>

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Conclusions

- Address housing needs in Comprehensive Plan
- Encourage inclusionary housing policies
- Promote workforce housing
- Use land use tools to attain goals
- Housing integration is key
 - Meet housing needs
 - Maximize benefits
 - Minimize negatives
- Foster regional equality
- Educate public officials and constituency

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Resources

The U.S. Department of Housing and Urban Development (HUD)

- Offers a Low-Rent Apartment Search for those who qualify for HUD housing assistance (find low-rent apartments for senior citizens, people with disabilities, families, and individuals).
- https://www.hud.gov/states/new_york/renting

NYS Homes and Community Renewal

- Main Toll-Free Phone Number: 1-866-ASK-DHCR (1-866-275-3427)
HCR resources for Municipalities/Non-Profits
<https://hcr.ny.gov/community-renewal>
- Albany**
Hampton Plaza, 38-40 State Street, Albany, NY 12207
Phone: 518-473-2526
<https://hcr.ny.gov/find-affordable-housing>

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Resources: Manufactured Housing

- Manufactured Home Tenant's Bill of Rights: <https://hcr.ny.gov/summary-new-york-state-manufactured-home-park-tenants-rights-under-section-233-real-property-law>
- HCR Manufactured Home 24 hour help hotline: 1-800-432-4210
- Mobile & Manufactured Home Replacement Program:
<https://hcr.ny.gov/mobile-manufactured-home-replacement-program-mmhr>
- James A. Coon Technical Series: Municipal Regulation of Manufactured Housing:
<https://www.dos.ny.gov/lq/publications/Municipal%20Regulation%20of%20Manufactured%20Homes.pdf>

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Senior Housing Resources

NYS Office for the Aging

The Livable New York Resource Manual – goal is to help local officials, professionals and residents plan, zone and develop for livable communities, aging-in-place and sustainable neighborhoods – stressing future-based planning on evolving demographic trends.

- The manual addresses housing, transportation, mobility, green buildings, energy alternatives and inclusive planning.
- Available on-line: <http://www.test.aging.ny.gov/livableny/index.cfm>

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Other Resources: Housing Agencies & Organizations

- NYSAFAH - NYS Association for Affordable Housing - www.nysafah.org
- SHNNY-Supportive Housing Network of New York - <http://shnny.org/>
- National Center for Assisted Living Report - <https://www.ahcancal.org/ncal/>
- Senior Housing Network - <http://www.seniorhousingnet.com/>
- The Furman Center for Real Estate and Urban Policy - <http://furmancenter.org/>
- National Housing Conference - <http://www.nhc.org/>
- Neighborhood Preservation Coalition of NYS - <http://npcnys.org/>
- NYC Department of Housing Preservation and Development - www.nyc.gov/hpd
- NY Housing Conference - <http://thenyhcn.org/>
- NYS Rural Housing Coalition - <https://ruralhousing.org/>

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Density Bonus for affordable housing

Village of Briarcliff Manor, NY
Wednesday, October 24, 2012

§ 220-10. Residential Townhouses RT4B District.

A. Statement of purpose.

- (1) This chapter recognizes that it is necessary to enable and encourage flexibility of design and development of residences in the Village of Briarcliff Manor so as to provide opportunities for individuals, couples, and small families of all ages to find housing of relatively moderate cost in appropriate locations within the Village.
- (2) This chapter also recognizes the Village Master Plan's objectives to reduce the amount of commercially zoned land, thereby reducing the potential for traffic growth and general pressure for further rapid growth and congestion.

B. General provisions. The following standards, conditions and provisions shall be administered by the Planning Board during the course of site plan review. All site development plan applications for development in a RT4B zone shall, in addition to complying with all other standards and requirements of these regulations, also satisfy the following standards and conditions. The terms "family" and "persons" may be used interchangeably.

- (1) Development density. The basic density per acre allowed by these regulations shall not exceed four dwelling units per gross acre, except as permitted and regulated below. The maximum permitted density may be increased by 50% of the total basic density as a bonus if the applicant constructs at least 50% of the permitted increase as moderate cost dwelling units, which dwelling units shall hereinafter be known as "moderate income dwelling units." During the process of detailed site plan review, the Planning Board shall have the authority to limit the basic density and the bonus density where the Board determines that such may be necessary or appropriate because of the specific characteristics of the individual site.
- (2) Development quality. In order to help achieve the objectives of this section, to achieve a high quality of development, to protect and preserve valuable natural resources and to ensure that all moderate cost dwelling units are of equal quality, appearance, amenities and construction as comparable to the market rate dwelling units and development on the site, Planning Board review shall include but not be limited to floor plans and elevations of all dwelling unit types and site amenities. In a manner similar to that provided for subdivision review and approval under § 220-7, in the course of site plan review the Planning Board may modify the standards listed in Columns 6 through 24 of the schedule *Editor's Note: The schedule is included at the end of this chapter.* as long as the total number of units permitted on the overall site does not exceed that permitted in Subsection B(1), development density, above.
- (3) Selection priorities of moderate income families. Moderate income families applying for moderate income dwelling units to be used as primary residences shall be selected on the basis of the following order or priority:
 - (a) Village of Briarcliff Manor municipal employees.
 - (b) Briarcliff Manor and Ossining School District employees.
 - (c) Residents of the Village of Briarcliff Manor.
 - (d) An active member of the Briarcliff Manor Fire Department as defined by Article VI of the Fire Council Bylaws where such member has at least two years of such active service.
 - (e) Former residents of the Village of Briarcliff Manor who owned or still own residential property in

the Village.

(f) Other persons employed in the Village of Briarcliff Manor.

(g) Relatives of residents of the Village of Briarcliff Manor.

(h) Other residents of Westchester County.

(i) All others.

(4) Selection categories.

(a) Within each of the above categories, priority shall be given to:

[1] Active members of the Briarcliff Manor Fire Department as defined by Article VI of the Fire Council Bylaws where such members have at least two years of such active service [refers to priorities (a), (b) and (c) only in Subsection B(3) above].

[2] Families or persons displaced by governmental action.

[3] Families or persons of which the head or spouse is 62 years or older.

[4] Families or persons of which the head or spouse is handicapped (certified by a physician).

[5] The year of initial application.

(b) In the event that the number of applicants exceeds the available units, a lottery shall be held to select applicants. Such lotteries would be conducted based on the selection priorities and categories.

(5) Occupancy standards. The following occupancy limitations shall apply to moderate income dwelling units:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6
4	4	8

(6) Eligibility.

(a) The Board of Trustees may serve as, or establish a Moderate Income and Affordable Housing Review Board (hereinafter called the "Review Board"). The Review Board shall maintain a list of eligible moderate income families, as defined in Subsection B(3), and in accordance with the Selection Priorities and Categories listed in Subsection B(3) and (4) above. Where the number of eligible moderate income families in the same priority classification exceeds the number of available units, applicants shall be selected by lottery.

(b) The Review Board shall annually examine or cause to be examined the financial eligibility of all applicants.

(c) The Review Board may require additional assurances from the owners of moderate income dwelling units, including deed restrictions, to ensure the continuing guarantee of use to eligible moderate income families.

(7) Sales price.

(a) The maximum sales price will be determined by the size of the moderate income dwelling unit and the median income of full-time employees of the Village of Briarcliff Manor for the preceding year, as follows:

[Amended 10-18-2001 by L.L. No. 2-2001; 6-19-2003 by L.L. No. 4-2003]

Unit Size* (square feet)	Related Village Employee Median Salary Multiple
800	2.60
900	2.70
1,000	2.90
1,100	3.10
1,200	3.325
1,300	3.575
1,400	3.85
1,500	4.16

*Average livable floor area, see Column 23 of the schedule. *Editor's Note: The schedule is included at the end of this chapter.*

Sales prices for units of intervening size shall be established by the Review Board by such means as interpolation or projection.

(b) Resale price. The title to each moderate income dwelling unit 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 sale price for said unit, as determined in accordance with Subsection B(7)(a) of this section, or (the sum of) the following, whichever is greater: The original purchase price, plus the value of any fixed improvements legally made by the home buyer, and not included within the above categories. The seller additionally is entitled to add to the resale price any reasonable and necessary expenses incidental to the resale.

C. Approvals.

(1) The Planning Board shall review each residential townhouse project, its detailed site plan and its subdivision in accordance with the provisions set forth herein and the other pertinent provisions of the Village Zoning Chapter and Chapter 190, Subdivision of Land. Site plan fees, subdivision fees, environmental and other fees directly related to the moderate cost dwelling units may be waived at the discretion of the Planning Board in an effort to assist the applicant/developer in reducing development cost.

- (2) When a recreation fee is calculated in lieu of an approved reservation of recreation lands, such fee shall be based on the total number of dwelling units exclusive of those which are affordable units.

D. Administration.

- (1) The Review Board shall be responsible for the administration of the moderate income housing requirements of this section and shall have the authority to promulgate such rules and regulations as may be necessary to implement such requirements. Until the establishment of such Review Board, the Board of Trustees shall exercise all the functions of such Review Board.
- (2) At the time of the issuance of a building permit, the Building Inspector shall send a copy of such certificate to the Review Board who shall then inform the prospective owner-seller (applicant) of the maximum sales charge which may be established for the moderate income dwelling units in such development, and the maximum annual gross family income for eligibility for occupancy of said units.
- (3) The Review Board shall certify annually as eligible all applicants for sale of moderate income dwelling units. Moderate income dwelling units shall only be used as the eligible occupant's primary residence.
- (4) Prior to the initial sale of each moderate cost dwelling unit, the Review Board shall notify the owner or manager of each development containing moderate cost units as to the sales and income eligibility requirements for each unit.

E. Criteria for establishing moderate cost dwelling units and moderate income family eligibility shall be as follows:

- (1) A dwelling unit the sale price of which does not exceed the maximum allowable level established by Subsection B(7) shall constitute a moderate cost dwelling unit.
- (2) Moderate income family eligibility shall be as follows:
 - (a) Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of working minors (under 21 years of age) attending school full time, shall not exceed the following multiples of the median annual Village-paid wages of all full-time employees of the Village of Briarcliff Manor during the preceding calendar year:

[Amended 2-20-1996 by L.L. No. 2-1996; 6-19-2003 by L.L. No. 4-2003]

Unit Size* (square feet)	Village Employee Median Salary Multiple
800	1.65
900	1.70
1,000	1.75
1,100	1.80
1,200	1.85
1,300	1.90
1,400	1.95

1,500

2.00

*Average livable floor area; see Column 23 of the schedule. *Editor's Note: The schedule is included at the end of this chapter.*

- (b) Families whose intent is to utilize the residential townhouse moderate income units as their principal place of residence. Rental or subleasing of moderate income units shall not be permitted except under extenuating circumstances as determined and approved by the Review Board.
 - (c) Families must declare under oath to the best of their knowledge that their income will not exceed 1.5 times the limits defined in Subsection E(2)(a) above, for three years from the date of application.
- F. Tax assessment. The limited sales value of moderate income dwelling units shall be taken into consideration by the Village Assessor in determining the basis for assessment on such units.

Chapter 213. ZONING

Article VI. District Regulations

§ 213-22.4. Residential Multifamily-Single Structure (R-MF-SS).

[Added 6-9-2010 by L.L. No. 4-2010]

In an R-MF-SS District, all such uses shall be subject to site plan approval in accordance with Article VIII of this chapter.

- A. **Intent.** This district is established in order to increase the supply of dwelling units suitable for smaller families or individuals, to secure superior land planning and to increase the supply of moderate-cost housing. In addition, this district shall promote the creation of middle-income dwelling units in proximity to the downtown area in order to mitigate existing parking conditions and to promote business activity within the hamlet area.
- B. Allowable density: an FAR of 0.9, computed in accordance with the net density requirements of § 213-22B(2) of this chapter, all within the same single structure.
- C. Middle-income units. A minimum of 35% of all units within the single structure shall be Town-regulated middle-income units and shall be provided according to the provisions of § 213-22I of the Town Code.
- D. Water and sewage facilities. All single-structure multifamily dwellings shall be served by public water and sewage treatment facilities only, and no certificate of occupancy shall be issued until all dwelling units are connected to approved and functioning public water and sewage treatment systems.
- E. Antenna system. A central television antenna, a dish antenna or cable service shall be provided.
- F. Parkland reservations: compliance with the requirements of Chapter 143 of the Town Code entitled "Parkland Reservations."
- G. Design considerations. In order that multifamily developments will be properly planned in relation to the community and personal needs of people, the following design elements shall be considered by the Planning Board and the Architectural Board of Review in addition to the normal factors examined in site plan review:
 - (1) Visual privacy shall be preserved for residents through the proper design of rear yards, terraces, decks or patio spaces. Proper screening through the use of vegetation and fencing shall be provided.
 - (2) Audio privacy shall be maintained by requiring proper standards for party walls that will satisfactorily limit sound transmission between adjoining dwelling units.
 - (3) Private outdoor space shall be provided through the use of decks, terraces or patios for each unit within the single structure, if deemed appropriate by the Planning Board.
- H. Required parking. Parking spaces shall be provided in number and design according to the provisions of Article IX of this chapter.
- I. Detached accessory garages shall not require a rear yard setback if the subject parcel and detached accessory garages are directly adjacent to public land and the location of such garages is deemed appropriate by the Planning Board.

SAMPLE CODES

The following is a list of sample codes with examples of the types of legislation local municipalities have adopted to help further fair and affordable housing. Local context is important, and municipalities should work with your municipal attorney to tailor these samples to meet the particular needs and conditions of the community.

Albuquerque, NM City Housing Policies, including Affordable Housing

Greece, NY Town Senior Citizen Districts: Single Family and Multiple-Family

Briarcliff Manor, NY Village Residential Townhouses: Density Bonus for affordable housing

Ellington, CT Town Age Restricted Clustered Housing Zone: Market Rate Senior Housing

Ellington, CT Town Workforce Cluster Housing Zone: Moderate Income Housing

Port Chester, NY Village Set-asides for moderate-income housing

Lewisboro, NY Town Multi-family residence district: density bonus

Goshen, NY Town Mandatory affordable housing law: prioritizes emergency personnel and Town workers

East Fishkill, NY Town Density bonus for affordable housing

Bedford, NY Town Affordable Housing Incentives, including expedited reviews

Briarcliff Manor, NY Village Eldercare Community (EC) District (congregate residential area for elderly)

Hartland, NY Town Echo uses (Elder Cottage Housing Opportunity)

Clarence, NY Town Traditional Neighborhood District – allows mixed uses

Kingston, NY City Mixed Use overlay to promote affordable housing, encourage adaptive reuse

Kingston, NY City Traditional Neighborhood Development Overlay: allows mixed use, promotes affordable housing, encourages “mix of dwelling types”

Hilton Head Island, SC Town Redevelopment Floating Zone: encourage redevelopment

Hilton Head Island, SC Town Reduced Fees & Permits Ordinance: lowers permit fees for affordable housing targeting low to moderate income households

Huntington, NY Town Accessory Apartments law

Lewisboro, NY Town Accessory Apartments law

Bainbridge Island, WA City Accessory Dwelling Unit law

Hastings-on-Hudson, NY Village Inclusionary zoning: affordable set-aside

New York State Enabling Legislation: General Town Law for Incentive Zoning (similar provisions are in City and Village Law).

Wilson, NY Town Incentive Zoning in a specific Town