

U. Affordable Affirmatively Furthering Housing Units.

1. Purpose.

It is the purpose of this Section to enhance the public welfare by requiring the inclusion in certain development projects of units for families and other Persons meeting the criteria in Section 345.405.U.3 below.

2. Applicability

This Section shall apply to all new Development of Dwellings containing the number of total units set forth below.

3. Definitions.

As used in this Chapter, “Affordable Affirmatively Furthering Fair Housing Unit” (“AAFFH”) means:

- a. With respect to a for-purchase housing unit, a unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester County, as defined annually by the U.S. 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 & Affordable Housing Affirmative Marketing Plan; and
- b. With respect to a rental housing unit, a unit that is affordable to a household whose income does not exceed a range of 30% to 80% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of a range of 30% to 80% AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

4. Required AAFFH Unit Component.

- a. No less than 30% of the total number of Dwelling Units in a new Development that contains ten (10) or more Dwelling Units shall be created and set aside as AAFFH units. Income eligibility for these affordable units shall be divided as follows:
 - i. 8% priced for families earning up to 30% of Westchester AMI (or \$31,650 for a family of 3).
 - ii. 8% priced for families earning up to 50% of Westchester AMI (or \$52,700 for a family of 3).
 - iii. 8% priced for families earning up to 60% of Westchester AMI (or \$63,200 for a family of 3).
 - iv. 6% priced for families earning up to 80% of Westchester AMI (or \$84,300 for a family of 3).

- b. In calculating the minimum number of required AAFHH units, any partial units shall be rounded up to the nearest whole unit.

5. Preferences.

The following preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for AAFHH units created under this Section, in order of preference:

- a. An income-eligible Port Chester resident that had resided in a Building or Structure that was removed to allow for the new Development.
- b. An income-eligible Port Chester resident.
- c. All other income-eligible persons.

6. Marketing Plan.

All AAFHH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

7. Maximum Rent and Sales Price.

The maximum monthly rent for an AAFHH unit and the maximum gross sales price for an AAFHH unit shall be established in accordance with U.S. Department of Housing and Urban Development guidelines as published in the current edition of the “Westchester County Area Median Income (AMI) Sales & Rent Limits” available from the County of Westchester.

8. Length of Designation as AAFHH Units.

Units designated as AAFHH 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.

9. Property Restriction.

A property containing any AAFHH units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to the Village Attorney, which must ensure that the AAFHH unit remains subject to affordable regulations for the minimum 50 year period of affordability. Among other provisions, the covenants must require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration must be recorded against the property containing the AAFHH unit prior to the issuance of a Certificate of Occupancy for the development.

10. Unit Appearance and Integration.

- a. Within Single-Family Residential developments, the AAFFH units may be Single-Family Dwellings or may be incorporated into one or more Two-Family Dwellings. Each Single-Family AAFFH unit may be located on a Lot meeting seventy- five per cent (75%) of any minimum Lot area for the Single-Family Dwellings in the development. Each unit of a Two-Family Dwelling must be located on a Lot meeting the minimum lot area for the Single-Family Dwellings in the development.
- b. All such units must be indistinguishable in appearance, siting and exterior design from the other non-AAFFH Dwellings in the development, to the greatest 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 AAFFH units.
- c. Within Multi-Family developments, AAFFH units must be physically integrated into the design of the development and must be distributed among various sizes (efficiency, one-, two-, three- and four-bedroom units) in the same proportion as all other units in the development.
- d. The AAFFH units must not be distinguishable from non-AAFFH 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 AAFFH units.

11. Minimum Floor Area.

- a. The minimum gross floor area per AAFFH unit must not be less than 80% of the average floor area of non-AAFFH units in the development and no less than the following:

TABLE 345.405.U-1 (MINIMUM SIZE OF AAFFH UNITS)

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)

- b. For the purposes of this Section 345.405.U.11, 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.

12. Occupancy Standards.

For the sale or rental of AAFFH units, the following occupancy schedule shall apply:

TABLE 345.405.U-2 (OCCUPANCY SCHEDULE FOR AAFHH UNITS)

# of bedrooms	# of Persons
Efficiency	Min: 1 - Max: 1
1 bedroom	Min: 1 - Max: 3
2 bedroom	Min: 2 - Max: 5
3 bedroom	Min: 3 - Max: 7
4 bedroom	Min: 4 - Max: 9

13. Affirmative Marketing.

The AAFHH units created under this Section 345.405.U must 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 & Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.

14. Resale Requirements.

In the case of owner-occupied AAFHH units, the title to said property must be restricted so that in the event of any resale by the home buyer or any successor, the resale price must not exceed the then-maximum sales price for said unit, as determined in this Section 345.405.U, or the sum of:

- a. The net purchase price (i.e. gross sales price 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, or If the Bureau stops publishing such index and fails to designate a successor index, a substitute index designated by the Village (as so published, and as may be succeeded or substituted, the “Index”) on any date between
 - i. The month that was two (2) months earlier than the date on which the seller acquired the unit and
 - ii. The month that is two (2) months earlier than the month in which the seller contracts to sell the unit; 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 (15) year period from the date of completion and such approval, must be requested for said major capital improvement no later than the time the seller of the unit desires to include it in the resale price.
- c. 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 re-sale.

15. Lease Renewal Requirements.

Applicants for rental AAFHH units must, 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 must 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. 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:

- a. May complete their current lease term and must be offered a nonrestricted rental unit available in the 30% development at the termination of such lease term, if available; or if no such unit is available at said time, the resident may sign one additional one-year lease for the AAFHH unit they occupy but must not be offered a renewal of the lease beyond the expiration of said term; or
- b. Must pay the greater of
 - i. The rent amount payable under the provisions of this Section or
 - ii. 30% of the resident's monthly adjusted household income provided that the increased rent may not exceed the market rent in that development for units with the same number of bedrooms; or
- c. Must pay the greater of
 - i. The rent amount payable under the provisions of this ordinance or
 - ii. 30% of the resident's monthly adjusted household income provided that the increased rent may not exceed the market rent in that development for units with the same number of bedrooms for a term of not more than one (1) year.

16. Administrative and Monitoring Agency.

The Board of Trustees must be responsible for administering the requirements of this Section 345.405.U and may designate a board or commission to monitor the AAFHH units during the units' periods of affordability and for monitoring compliance with the affirmative marketing responsibilities of those creating the AAFHH units. The Zoning Administrator shall serve as staff to the Board of Trustees or any such board or commission so designated.

17. Certification.

Prior to occupancy or before title is transferred, there shall be an annual certification to the Village that the requisite number of units are so affordable and that the residents of said units meet the income requirements in Section 345.405.U.3.

18. Enhanced Project Review Process.

- a. The Applicant for a development including AAFHH units shall be entitled to attend at least one pre-application meeting at which representatives will be in attendance from each municipal agency, 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, compliance, and coordination matters that may arise during the review and approval process.
 - ii. The establishment of a comprehensive review process outline, proposed meeting schedule and conceptual timeline.
- b. Municipal departments, agencies, authorities, boards, commissions, councils, 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 during the review and approval process, subject to the demonstrated cooperation of Applicant to adhere to same. Should the approval process extend beyond one (1) year, an Applicant for a development that includes AAFH units shall be entitled to at least one (1) additional meeting per year with the same departments, agencies, authorities, boards, commissions, councils or committees to review any and all items discussed at previous preapplication meetings.
- c. Municipal departments, agencies, authorities, boards, commissions, councils or committees with review or approval authority over applications for developments that include AAFH units shall give priority to such applications by placing them first on all meeting and work session calendars and agenda 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.