

LOCAL LAW NO. ____ OF 2007

**TOWN BOARD
TOWN OF OSSINING, NEW YORK**

**LOCAL LAW AMENDING CHAPTER 200, ZONING,
OF THE TOWN CODE WITH REPECT TO AFFORDABLE HOUSING**

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “A Local Law Amending the Chapter 200, Zoning, of the Town Code with Respect to Affordable Housing.”

Section 2: Legislative Intent

The intent of this law is to employ the use of density bonuses to encourage the creation of new or rehabilitated Below Market Rate (BMR) Units within the single-family, Multifamily and General Business zoning districts in the Town.

Section 3: Zoning Amendments

- 1. Section 200-53.A of the Zoning Law shall be revised by means of adding the following new definitions in their proper alphabetical order:**

BELOW MARKET RATE (BMR) UNIT – A new or rehabilitated housing unit which is restricted as to sale or rent to remain affordable to a BMR Unit Eligible Household by generally not exceeding 30% of the aggregate gross income of the household. Said housing unit must be the primary residence of the household and shall not be sublet without the consent of the Town Board or its designee.

BMR UNIT ELIGIBLE HOUSEHOLD – A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 80% of the Westchester County median annual income for its household size (based on the US Census and as updated by the Department of Housing

and Urban Development (HUD)). In addition, the net assets of the household at the time prior to purchase or lease may not exceed 50% of the purchase price of the unit, except where such households rely, due to age or disability, on the assets in lieu of income.

For example, for the year 2006, limitations are as follows:

Persons in Household	1	2	3	4	5	6+
Maximum eligible Income (80% of median)	\$54,050	\$61,750	\$69,500	\$77,200	\$83,400	\$89,550
Maximum housing cost (30% of gross income)						
Annually	\$16,215	\$18,525	\$20,850	\$23,160	\$25,020	\$26,865
Monthly	\$1,351	\$1,544	\$1,738	\$1,930	\$2,085	\$2,239
Maximum Sale Price (at 5.8% interest w/ 30 year mortgage)	\$157,920	\$192,500	\$227,235	\$260,900	\$298,550	\$317,120
Eligible Unit Types	Studio or 1 BDR	Studio, 1 BDR, or 2 BDR	2 BDR or 3 BDR	2 BDR, 3 BDR or 4 BDR	3 BDR or 4 BDR	3 BDR or 4 BDR

EFFICIENCY OR STUDIO HOUSING UNIT – A housing unit that combines a single bedroom use with one or more other rooms and uses, such as living and dining rooms. A kitchenette may be in a separate room or as a part of the larger multiple-use room.

2. The following *new* Article VI, Affordable Housing, shall be added to the Zoning Law and shall read as follows:

ARTICLE VI
Affordable Housing

§ 200-32. Findings.

The Town Board of the Town of Ossining acknowledges the high cost of housing compared to average earnings in the County, and this trend has grown more noticeable as land and housing values have increased in recent years. Maintaining and ensuring a balanced mix of housing types and sizes that are affordable to a range of incomes is essential to ensuring the long-term health of the community. Such balanced housing stock enables a variety of residents to live and work in the Town, maintain family ties, and participate in community services, such as emergency services. Balanced housing is also essential to attracting and maintaining an adequate workforce, a healthy business environment, and a balanced tax base that supports local services and the quality of life. It is therefore important to maintain a mix of housing choices and to encourage and/or require the construction of Below Market Rate (BMR) units in future development.

§ 200-33. Multifamily and General Business districts.

To achieve the purposes above, the approval authority may require that a residential density bonus be granted for multiple, row or attached dwellings constructed or rehabilitated in the MF and GB Districts with one-half of said density bonus consisting of Below Market Rate units as defined and regulated in this article. The maximum permitted density bonus shall be in accordance with the following schedule:

Size of Property	Maximum Permitted Density Bonus
10 acres or more	20%
more than 5 acres but less than 10 acres	30%
less than or equal to 5 acres	40%

§ 200-34. Cluster developments in one-family residence districts.

To achieve the purposes above, in cluster developments pursuant to §200-31 of this chapter, the approval authority may require that a residential density bonus be granted with one-half of said density bonus consisting of Below Market Rate units as defined and regulated in this article. The maximum permitted density bonus shall be in accordance with the schedule in § 200-33 above.

§ 300-35. Below Market Rate units.

- A. Finishes, amenities, size, distribution and mix. BMR units shall have exterior finishes and general amenities comparable to the market rate units within the development, shall be no less than 80% of the size of said market rate units, and shall be reasonably distributed throughout the project. Further, the BMR units shall be provided in a mix of unit types in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Ossining.
- B. Minimum gross floor area. Notwithstanding §§ 200-21 and 200-22 of this chapter, the minimum gross floor area per dwelling unit shall not be less than the following:
 - (1) Studio/efficiency unit: 350 square feet
 - (2) One bedroom unit: 600 square feet
 - (3) Two bedroom unit: 800 square feet
 - (4) Three bedroom unit: 1,000 square feet
- C. Occupancy standards. The minimum and maximum occupancy of a BMR unit shall be as follows:

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

- D. BMR Unit Eligible Household. Households must meet the criteria established in § 200-53.A, under “BMR Unit Eligible Household.”
- E. Maximum rent and sales price. The monthly rent including utilities for BMR units shall not exceed 30% of the aggregate gross monthly income of an eligible household as defined in § 200-53.A, under “BMR Unit Eligible Household,” for the maximum size household that may occupy such unit as set forth in subsection C above. The maximum gross sales price for a BMR unit shall not exceed a figure based on a maximum household expense of 30% of the aggregate gross monthly

income of an eligible household as defined in § 200-53.A for the maximum size household that may occupy such unit as set forth in subsection C above, relating to the sum of principal, interest, taxes, and insurance, based on industry-standard mortgage underwriting guidelines, prevailing interest rates, and a 5% down payment.

- F. Households applying for BMR units shall be selected on the basis of the following categories of priority:
- (a) Town of Ossining municipal employees.
 - (b) Persons serving as emergency responders for the Town of Ossining.
 - (c) All other residents of the Town of Ossining.
 - (d) Employees of the Ossining School District.
 - (e) Other persons employed in the Town of Ossining.
 - (f) Relatives of residents of the Town of Ossining.
 - (g) Other residents of Westchester County.
 - (h) Other persons employed in Westchester County.
 - (i) All others.

Within each of the above categories, the following special groups shall receive priority in the following order:

- (a) Households whose head of household or spouse is sixty-two (62) years of age or older.
 - (b) First-time homebuyers.
 - (c) Households whose head of household or spouse is thirty (30) years of age or younger.
- G. The following statement shall be included in the deed, certificate of occupancy and/or rental agreement, as appropriate, for each BMR dwelling unit:

“This is a Below Market Rate unit as defined in Section 200-53 of the Code of the Town of Ossining, New York, and is subject to all restrictions and limitations as set forth therein.”

- H. Resale. In the case of owner-occupied BMR units, the title to said property shall be restricted so that in the event of any resale by the homeowner or any successor, the resale price shall not exceed the maximum sales price for said unit, as determined in subsection E, plus the depreciated value of capital improvements based on their estimated life for up to 5% of the price of the unit.
- I. Administration. The Town Board shall be responsible for administering these regulations and may designate a board, commission or other organization to monitor compliance.

Section 4: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.