

**TOWN BOARD OF THE TOWN OF NORTH SALEM
WESTCHESTER COUNTY, NEW YORK**

LOCAL LAW # _____ OF THE YEAR 2012

CHAPTER 250, ZONING ORDINANCE AMENDMENTS - AFFORDABLE HOUSING

Section 1. Purpose:

- 1.1 The purpose of this Local Law is to amend existing Chapter 250, Zoning Ordinance of the Code of the Town of North Salem with regard to expanding and promoting affordable housing, consistent with the.

Section 2. Adoption:

- 2.1 Now therefore be it enacted by the Town Board of the Town of North Salem Local Law # _____ of the Year 2012.

Legend to the Code text changes:

...Existing text to remain...~~Existing text to be deleted~~...**New text to be inserted**...

Section 3. §250-5, Definitions of Chapter 250, Zoning is hereby amended as follows:

- 3.1 Add the following definition for Affordable Housing Dwelling:

Dwelling, Affordable Housing -

For-Purchase Housing Unit: 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 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 household size and that is marketed in accordance with the December 29, 2011 Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

Rental Housing Unit: 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 household size and that is marketed in accordance with the December 29, 2011 Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

- 3.2 Delete the existing definition for Householder:

~~Householder - An individual who resides in a dwelling unit and who owns, rents or otherwise has legal possession of such unit for a continuous period of time.~~

- 3.3 Add the following definition for Household:

Household - A person or group of people occupying a single dwelling unit, comprising a family.

- 3.4 Add the following definition for Moderate-Income Dwelling:

Dwelling, Moderate-Income Housing (MIH) - A single-family dwelling unit, the purchase price or rent of which does not exceed the maximum allowable amount set forth in Article XXII of this chapter (includes only the five (5) fee-simple owned units at Salem Chase and the seven (7) rental units at Owensville and Odle Close, all which existed prior to January 1, 2012).

Section 4. §250-18 of Chapter 250, Zoning is hereby amended as follows:

- 4.1 Amend §250-18B(2) as follows:

(2) All subdivisions of 10 or more lots shall be required to provide for the construction of **affordable** moderate-income housing units **dwelling**, in accordance with the **affordable housing regulations contained in Article XXII of this chapter or any amendment thereto**, on 10% of the total number of approved lots. For example, one lot out of ten approved lots shall be for construction of an **affordable** moderate-income housing unit **dwelling**. In the calculation of the required number of lots for **affordable** moderate-income housing **dwelling** units, when ten percent of the total lots results in a fraction of a whole number, fractions of 0.6 or greater shall result in the creation of an additional **affordable** moderate-income housing **dwelling** lot. Alternatively, two **affordable housing rental** moderate-income accessory apartments may be constructed on two out of ~~the~~ ten approved lots in lieu of one **affordable housing** moderate-income single-family dwelling.

- 4.2 Amend §250-18B(3)d as follows:

(d) The provision of a proportion of **affordable** moderate-income housing **dwelling** units above the proportion required herein for 10 or more subdivision lots, or in subdivisions of less than 10 lots, a reasonable proportion or number of **affordable** moderate-income housing **dwelling** units. (NOTE: A "moderate-income housing unit" shall be any unit offered for sale or rent for no more than the maximum sales price and rent as calculated in §§ 250-128 and 250-129 of this chapter.) The sale or rental of all dwelling units proposed under this provision, to obtain a maximum density factor with a

~~bonus, shall be administered by the Housing Board of the Town of North Salem in accordance with the current moderate-income housing regulations contained in Article XXII of this zoning chapter or any amendment thereto.~~

Section 5. §250-19.1 of Chapter 250, Zoning is hereby amended as follows:

5.1 Amend §250-19.1A as follows:

- A. The permitted uses, the maximum permitted density and the required proportion of **affordable** ~~moderate-income~~ housing dwelling units shall be in accordance with the Table of General Use Requirements and the Table of Uses and Density for the R-MF/6 and R-MF/4 Zoning Districts contained herein. The total site area (in acres) shall be used to calculate the maximum number of dwelling units permitted in the R-MF/6, R-MF/4, R-1/4 and GB Zoning Districts. The lot area and dimensions of sites and lots on which the development of single or multifamily use will occur shall be in accordance with the Table of Bulk Requirements contained herein for the corresponding use group indicated in the Table of General Use Requirements. These bulk requirements shall pertain to the overall development within the entire site and the lot dimensions such as width, front, side and rear yards and street frontage shall define the external boundaries of the development.

5.2 Amend §250-19.1B as follows:

- B. The minimum required yards or separation distances between structures that are detached single-family dwellings, including single-family units with one-bedroom **dwellings** ~~apartments~~ and structures with no more than two attached single-family dwellings, except for any type of single-family dwelling in the R-1/4 district, shall be as follows:
- (1) Structures on individual lots shall have yard setbacks of 10 feet from the corresponding lot line for the front, side and rear yards.
 - (2) Structures that are developed on commonly or cooperatively held land (not on individual lots) shall be separated by minimum distances of 20 feet on the side and 30 feet in the rear of adjacent structures. The front of each such structure shall be separated from the edge of the traveled way of the street by a minimum distance of 15 feet.

5.3 Amend §250-19.1D as follows:

- D. All dwelling units created to address specific housing needs of the community, such as **affordable housing dwellings**, moderate-income housing, senior citizen or disabled person housing, as a required proportion of total units for the use category, shall be administered by the Town of North Salem Housing Board in accordance with all pertinent regulations. A minimum of 20% of the total number of proposed dwelling units shall be provided as affordable **housing dwellings** units. ~~For the purpose of this~~

~~section, an "affordable unit" shall be defined as a moderate-income housing (MIH) unit in accordance with **the affordable moderate-income** housing regulations of the Town of North Salem found in ~~the Zoning Ordinance~~, Article XXII of this chapter.~~

5.4 Amend §250-19.1E as follows:

E. For single-family dwelling units with attached one-bedroom dwellings, the following requirements must be met:

- (1) The owner of the property shall occupy at least one of the dwelling units, and the one-bedroom dwelling shall be attached to the single-family dwelling.
- (2) A one-bedroom **dwelling apartment** shall contain a minimum floor area of **300** ~~400~~ square feet. The maximum floor area shall not exceed 750 square feet **or 25% of the habitable space of the main dwelling, whichever is less.**
- (3) The entry to a one-bedroom **dwelling apartment** and its design shall be such that, to the degree feasible, the structure containing the single-family dwelling and the apartment will have the appearance of a single family residence.

Section 6. §250-19.2 of Chapter 250, Zoning is hereby amended as follows:

6.1 Amend §250-19.2C(4) as follows:

- (4) No greater than 30% of the total gross floor area of a site developed for assisted/assistive-living, or multifamily or high-density dwellings for senior citizens or disabled persons, inclusive of the uses of Subsection ~~AG~~ above, shall be occupied by the aggregate gross floor area of all accessory uses.

6.2 Amend §250-19.2C(6) as follows:

- (6) Affordable **housing dwellings** units.
 - (a) A minimum of 10% of the total number of proposed independent-living dwelling units and assisted/assistive-living rooms shall be provided as affordable **housing dwellings** units **as defined in this chapter, fractions of 0.6 or greater shall be rounded up.** For the purpose of this section, an "affordable unit" shall be ~~defined as a~~ affordable moderate-income housing (MIH) unit.
 - (b) Affordable housing dwellings units shall be managed in accordance with **affordable moderate-income** housing regulations of the Town of North Salem found in ~~the Zoning Ordinance~~, Article XXII **of this chapter**.

6.3 Amend §250-19.2C(7)(b) as follows:

- (b) A minimum of 20% of the total number of proposed multifamily or medium-density single-family dwelling units shall be provided as affordable housing dwellings units as defined in this chapter, fractions of 0.6 or greater shall be rounded up. For the purpose of this section, an "affordable unit" shall be defined as a moderate-income housing (MIH) unit which Said units shall be managed in accordance with Article XXII of this chapter herein.

Section 7. Article XXII of Chapter 250, Zoning is hereby amended as follows:

7.1 Amend Article XXII as follows:

ARTICLE XXII
Moderate-Income Housing and Affordable Housing Regulations

§ 250-122. Purpose.

The purpose of this Article is to provide standards for regulation of moderate-income housing (MIH) units (limited to those existing prior to January 1, 2012 as set forth in the definition for moderate-income housing dwelling in § 250-5 of this chapter) and affordable housing dwellings in the Town, including income eligibility, area requirements, maximum sales price of units, ownership of units, resale of units, maintenance and repair of units, maximum rent levels, etc. In addition, this Article establishes a Town Housing Board which is empowered with the authority to implement and oversee the MIH moderate-income housing and affordable housing programs, pursuant to a set of guidelines which are also included in this Article.

§250-123. Town Housing Board.

A. The Town Housing Board will be composed of a Chairman and four members appointed by the Town Board. All are to be residents of North Salem. Members are appointed for three-year terms. Initially, one member is to be appointed for one year, two for two years and two for three years. On expiration of these terms of appointment, members will be appointed for full three-year terms of office. This procedure assures staggered expiration of terms, providing stability and continuity for the Town Housing Board.

B. The Housing Board shall have the following responsibilities:

(1) **MIH units - For purchase or rent.**

- (a) Acceptance and review of applications ~~submitted by families~~ for MIH units for purchase or rent. Applications, ~~to be submitted by families,~~ will be are accepted for evaluation and placement on the eligibility priority list following public notice of the availability of such dwelling units ~~within a residential housing development. Applicants may specifically apply for an announced project or for several available projects simultaneously.~~ Applications shall be

~~submitted~~ should be sent by registered mail, return receipt requested, to the Housing Board Chairman, Town Hall, North Salem, New York 10560. A receipt and reference number shall be issued upon receipt of an application for consideration by the Housing Board.

~~(b)~~ (2) Maintenance of an eligibility priority list in accordance with the criteria set forth in the accompanying table, entitled "Table of Eligibility Priority List and Residency Requirement, which shall be a part of this chapter as well as annual certification and recertification of applications placed on the eligibility priority list according to the provisions of this Article. Individual eligibility priority lists shall be maintained for each available MIH project and shall be revised on a yearly basis. Designation (placement) on the list for a specific MIH project shall remain in effect for one year. An applicant on an eligibility priority list will receive a letter from the Housing Board, sent to his address on file, requesting the applicant's intention as to having his application remain on that eligibility priority list, at which time a MIH unit for sale or rent becomes available. ~~Letters are to be mailed no later than one year after the initial notice of the availability of the MIH project.~~ Failure to respond will remove such applicant from the eligibility priority list. Responses are to be sent by registered mail, return receipt requested, to the Housing Board Chairman, Town Hall, North Salem, New York 10560. Applicants requesting continuing consideration shall certify to the Housing Board that their total family income complies with the terms of this Article. It is the responsibility of applicants to have all documentation necessary for review of their application received by the Housing Board no later than 45 days after receipt of a letter inquiring about their intention to remain on an eligibility priority list. An eligible purchaser or renter of an MIH unit shall reply to an offer to purchase or rent an available MIH unit within a period of time stipulated by the Housing Board or forfeit their opportunity to purchase or rent the available MIH unit. An applicant's rejection of an offer shall be designated in writing and kept on file in the Town Clerk's office for a minimum of three years. An applicant rejecting a particular offer of an MIH unit shall not thus forfeit future offers provided they remain eligible.

~~(c)~~ (3) Establishment of a lottery for selecting applicants when such applicants have equal priority list placement.

~~(d)~~ Establishment of the maximum purchase price or rent of a MIH unit. The maximum gross purchase price or rent shall be established in accordance with the standards set forth in § 250-129 of this chapter.

~~(e)~~ Monitoring of MIH units to ensure continued adherence to the standards of affordable eligibility.

(2) Affordable housing dwellings - For purchase or rent.

(a) Acceptance and review of applications submitted for affordable housing dwellings, including those for purchase or for rent. Applications will be accepted for evaluation following public notice of the availability of such

dwelling units. Applicants may apply for any or all available affordable housing dwellings simultaneously. Applications shall be submitted and processed according to the marketing provisions set forth in § 250-133 of this chapter.

(b) Establishment of the maximum purchase price or monthly rent of affordable housing dwellings. The maximum gross purchase price or monthly rent shall be established in accordance with U.S. Department of Housing and Urban Development (HUD) guidelines consistent with the definition set forth in this chapter for an affordable housing dwelling.

(c) (4) Maintenance of an inventory of existing affordable housing dwellings approved within the Town of North Salem to assist Assistance to the Town Board in the determination of an appropriate number of affordable housing dwelling MHH units as provided for in § 250-124A(1) of this chapter.

(d) Monitoring of affordable housing dwellings to ensure continued adherence to the standards of affordable eligibility.

(e) Monitoring compliance with the marketing responsibilities as set forth in § 250-133 of this chapter of those creating affordable housing dwellings.

(3) (5) Authority to take any other action to effectuate the purpose of this Article.

C. At the time of the issuance of a certificate of occupancy, the Building Inspector shall send a copy of such certificate to the Housing Board, which shall then inform the applicants of the maximum sales price or rent of the MHH units in such development and the maximum annual gross family income for eligibility for purchase or rent of said units. The Housing Board shall canvass the list for qualified applicants starting with the first applicant on the eligibility priority list. An applicant receiving an offer of an MHH unit shall reply to such offer within a period of time stipulated by the Housing Board or forfeit his opportunity to purchase or rent the MHH unit. An applicant's rejection of an offer shall be designated in writing and kept on file in the Town Clerk's office for a minimum of three years. An applicant rejecting a particular offer of an MHH unit shall maintain his position on the eligibility priority list for the duration of that list.

§ 250-124. Standards for Planning Board consideration.

- A. The Planning Board, in granting density with bonus for affordable housing dwellings MHH units, in accordance with § 250-18E(2)(d) of this chapter the Zoning Code, shall consider the following:
- (1) The Town-wide number of affordable housing dwellings MHH units that the Housing Board and/or the Town Board deem necessary to achieve the purpose and intent of this Article and the affordable housing policy and needs as articulated by the Town and the Housing Board as created therein.
 - (2) The relative concentration of affordable housing dwellings MHH units within a specific area of the Town in order to balance the impact of increased density among

various areas. The density bonus for affordable ~~moderate-income~~ housing dwelling units is to be encouraged in all residential zones.

- B. Applicants before the Planning Board are required to consider the affordable ~~moderate-income~~ housing needs for the Town. Applicants are to receive a declaration that the Planning Board actively encourages applications for bonuses for affordable ~~moderate-income~~ housing dwelling units and a copy of the se Affordable Moderate-Income Housing Regulations.

§ 250-125. Distribution of units.

Such MIH Affordable housing dwelling units shall be physically integrated into the design of the development. All such units shall be indistinguishable in appearance, siting and exterior design from the market rate units in the development. All units shall have access to the same amenities as the market rate units. The units shall consist of studio/efficiency, one-, two and/or three-bedroom units in a proportion approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of North Salem and the surrounding region. The Planning Board shall receive and consider the recommendation of the Housing Board in determining the proportion of studio/efficiency, one-, two- and three- bedroom units.

§ 250-126. Minimum floor area.

Minimum gross floor area (living space) per dwelling MIH unit and per affordable housing dwelling shall not be less than the following:

- A. Studio/Efficiency: 450 square feet.
- B. A. One-bedroom: 675 ~~700~~ square feet.
- C. B. Two-bedroom: 750 ~~900~~ square feet.
- D. C. Three-bedroom: 1,000 ~~1,100~~ square feet (including at least 1.5 baths).

§ 250-127. Occupancy standards.

At the time of purchase or rent, ~~t~~The following schedule of occupancy shall apply to all MIH units and all affordable housing dwellings:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
<u>Studio/Efficiency</u>	<u>1</u>	<u>1</u>
1	1	2
2	2	4
3	3	6

§ 250-128. Income eligibility.

A. MIH units - For purchase.

(1) For the purpose of computing family income under an income eligibility section of this article for purchase of an MIH Unit, The base index for eligibility for the purchase of a MIH unit shall be the mean (average) annual salary paid to Town of North Salem full-time employees as set forth in the Town's most current adopted budget shall be used.

(2) B: The following table shall be used to determine the income factor:

Number of Bedrooms	Income Factor
1-bedroom	1.3
2-bedroom	1.5
3-bedroom	1.7

(3) C: The above mean (average) annual income (see § 250-128A(1)) shall then be multiplied by the income factor for the number of bedrooms (see § 250-128A(2)) in an MIH unit to determine the maximum income allowed for eligibility. Families with income in excess of this figure will not be eligible for the purchase of an MIH units. The Housing Board will require complete disclosure of all income and assets. Family income shall include the gross income from all sources for all family members, utilizing the latest federal income tax returns in addition to full disclosure of assets. Non-income-producing assets may be assigned an income-producing value and deemed income by the Housing Board. Complete disclosure of income and assets is to be made on forms and/or applications provided by the Housing Board. Full income and asset disclosure is the responsibility of the applicant and is to be provided to the Housing Board with an affidavit.

(4) D: For the purposes of these regulations, a "family" shall be defined as provided in § 250-5 of this chapter the Zoning Code.

(5) E: For the purposes of these regulations, family income shall exclude an earned income from a minor or full-time student, up to a maximum of \$5,000.

BF. MIH units - For rent.

(1) MIH Moderate-income housing units available on a rental basis shall be available to applicants who meet the maximum family income whose income does not exceed 60% of the then current area median income (AMI) for Westchester County as defined annually by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size and other factors established by the Westchester County Division of Housing and Community Development for its Multifamily Property Improvement Program.

C. Affordable housing dwellings - For purchase or rent.

- (1) Income eligibility shall be based on the then current AMI for Westchester County as defined annually by HUD, adjusted for household size and other factors as set forth in the definition for affordable housing dwelling as provided in § 250-5 of this chapter.**

§ 250-129. Maximum sales price, resale, and rent and renewal.

A. MIH units - For purchase or rent.

- (1) The maximum sales price for an MIH unit for purchase shall not exceed 2 1/2 times the maximum family income allowed for eligibility for a moderate-income family, as defined in § 250-128 of this article, for the maximum size family eligible for such units as specified in § 250-127 of this article.**
- (2) The maximum resale price for an existing MIH unit for purchase shall take into consideration any additional factors affecting such pricing (such as improvements) but in no event shall the seller of an MIH unit be entitled to a profit obtained from a selling price in excess of the maximum sales price as determined in Subsection (1) above.**
- (3) The maximum monthly rent of a MIH unit shall be 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 household size, as shall be established in accordance with HUD guidelines as published in the then current edition of the Westchester County Area Median Income, Sales and Rent Limits available from the County of Westchester.**

B. Affordable housing dwellings - For purchase or rent. The maximum monthly rent for MIH rental units shall be set by the Town Housing Board.

- (1) The maximum initial gross sales price for an affordable housing dwelling unit shall be established in accordance with HUD guidelines as published in the then current edition of the Westchester County Area Median Income, Sales and Rent Limits available from the County of Westchester. Housing costs to be included in the calculation for the gross sales price shall include the expected principal and interest on the mortgage loan, property taxes, homeowners insurance, any common charges, homeowners' association fees and/or maintenance fees.**
- (2) The maximum resale gross price for an existing affordable housing dwelling shall take into consideration any additional factors affecting such pricing (such as improvements) but in no event shall the seller of an affordable housing unit be entitled to a profit obtained from a selling price in excess of the maximum sales price as determined in Subsection (1) above.**

- (3) The maximum monthly initial and renewal rent for an affordable housing dwelling unit shall be established in accordance with U.S. Department of Housing and Urban Development guidelines as published in the then current edition of the Westchester County Area Median Income, Sales and Rent Limits available from the County of Westchester.**

§ 250-130. Owner to be resident.

All MIH units and all affordable housing dwellings shall be occupied by either the person(s) owning or renting such units. All eligible applicants who are owners of any other residences shall satisfy the Housing Board of their intent to sell or otherwise divest themselves of any other residences prior to the purchase or rent of an MIH unit or the purchase or rent of an affordable housing dwelling. For the purposes of these regulations, real estate used by the applicant to derive income shall be excluded. Such income is to be calculated in determining the applicant's gross annual family income. Notwithstanding the above, it is intended that lenders retain all of their rights in foreclosure such that a lender may take title to the premises for the limited purpose of transferring title to the same or rental of such premises only to a purchaser or lessee qualified under and pursuant to this chapter.

§ 250-131. Rental terms Eligibility priority list; residency requirement.

A. For the purpose of these regulations, the minimum residency requirement is as follows:

- (1) North Salem: two years.
- (2) Westchester County: two years.

B. Whenever an applicant qualifies in more than one category, the highest point value within that category applies. An "applicant" shall be defined as any member of a family whose income is included in the eligibility requirements of § 250-128 of this Article.

C. The priority list shall be as follows:

Category	Point Value
1. North Salem Town resident	5
North Salem head of family 62 years of age or older	40
North Salem head of family 35 years of age or younger	40
Nonresident relative, over 62 years of age, of a qualified Town resident	3
All others	4

2:	North Salem municipal employee, full-time, minimum of 24 months	5
	North Salem Police, part-time [Added 7-13-1993 by L.L. No. 4-1993]	3
	Other persons employed in North Salem	2
	Other persons employed in Westchester County	4
3:	North Salem School District employee, full-time, minimum 24 months	5
4:	North Salem Volunteer Ambulance Corps member, minimum of 24 consecutive months of active service [Amended 7-13-1993 by L.L. No. 4-1993]	8
	North Salem Volunteer Fire Department member, minimum of 24 consecutive months of active service [Amended 7-13-1993 by L.L. No. 4-1993]	8
5:	Veterans of United States Armed Services	2
6:	Physically handicapped resident of North Salem, certified by a physician	4
	Physically handicapped relative of North Salem resident, certified by a physician	3
7:	Former resident of North Salem, minimum of 10 years	2
	Former MIH unit owner	
8:	"Growing family," already in a North Salem MIH unit	5
	Resident of Westchester County	2

AD: A two **one**-year lease shall be offered to all **households** tenants of **MIH units and moderate-income affordable housing dwellings** units available on a rental basis.

B. **All household members eighteen and older shall sign the lease, and under no circumstances shall the rental premises be occupied by, subleased or boarded to anyone other than the lease holders.**

C. **A minimum of 60-days prior to** At time of renewal, a **household seeking to renew their lease** tenant shall resubmit all financial information required by the Housing Board to determine continued income eligibility. **Provided a renewing household is still income eligible and has complied with the terms of the lease, renewal of the lease for a term of no more than one year shall be offered. Renewal of a lease shall be subject to the terms and conditions of the original lease.**

D. Renewal of a lease shall be subject to the conditions of Federal, State or Westchester 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 a lease shall not be renewed in instances where a **household's** tenant's income **exceeds the current eligibility standards**, has risen by 20% or more, and ~~s~~**Such households** tenants **shall complete their current lease term and shall be offered a month to month lease, not to exceed four months, in order to provide time** shall be given one year within which to relocate. **Additional months may be offered at the discretion of the Housing Board, not to exceed two additional increments of four months each.**

§ 250-132. Ownership; deed restrictions.

- A. Ownership of an MIH unit **and an affordable housing dwelling** shall be on a fee-simple, condominium or cooperative basis, and title to the same shall vest in the eligible purchaser either individually, as joint tenant with other eligible purchasers or as tenants by the entirety. MIH rental units **and affordable housing dwellings for rent** may be owned by individuals or corporations, who or which will offer such units at rent levels which conform to the criteria established by the Town Housing Board. The deed of ownership of any MIH unit or any **affordable housing dwelling** shall contain a covenant and restriction, **in perpetuity**, that **said unit** is subject to the moderate-income **and affordable** housing provisions of the Zoning **Ordinance** Code of the Town of North Salem, as amended from time to time, and that such provisions include restrictions on occupancy, **the number of bedrooms, gross floor area, rent thereof** and resale, **among other provisions as may be required by the Planning Board and/or other public funding agency**. The covenants and restrictions imposed on an MIH unit **or on an affordable housing dwelling** shall be in form and content so as to enable the same to be recorded with the County Clerk, Division of Land Records of Westchester County, and shall be satisfactory to the attorneys to the Town of North Salem. **Among other provisions, the covenants and restrictions shall require that the unit be the primary residence of the income eligible resident household selected to occupy the unit.**
- B. Upon the death of the last of the eligible owners to die, the executor or administrator of the estate of the deceased owner shall place the MIH unit **or affordable housing dwelling** for resale on the basis as set forth herein. In no event shall the beneficiaries of the estate, distributees or heirs at law of the deceased owner be entitled to occupy the MIH unit **or affordable housing dwelling** or be entitled to ownership status, unless the eligibility provisions of these regulations are separately adhered to and complied with.
- C. Under no circumstances shall an MIH unit **or an affordable housing dwelling**, whether available for ownership or on a rental basis, be offered for rental, lease, sublease, boarding, timeshare or any other basis whereby persons other than the eligible owners and qualifying family members reside in the MIH unit **or affordable housing dwelling** on either a temporary (more than one week) or permanent basis.

§ 250-133. Marketing Resale.

The Housing Board shall calculate the resale price as provided in § 250-129, taking into consideration any additional factors affecting such pricing (such as improvements), and shall offer such unit to the next eligible purchaser as provided for in § 250-131. In no event shall the seller of an MIH unit be entitled to a profit obtained from a selling price in excess of the maximum sales price as determined in § 250-129.

A. MIH units - For purchase or rent.

- (1) For purchase or rent MIH units shall be sold or rented, and resold or re-rented to only qualifying income-eligible families as defined in this chapter. Such income-eligible families shall be solicited in accordance with the current Town Housing Board policy.**

B. Affordable housing units - For purchase or rent.

- (1) Affordable housing dwellings for purchase or rent shall be sold or rented, and resold or re-rented to only qualifying income-eligible households as defined in this chapter. Such income-eligible households shall be solicited in accordance with the requirements, policies and protocols established in the December 29, 2011 Westchester County Fair and Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.**
- (2) The marketing of available affordable housing dwellings for purchase and/or for rent shall be the responsibility and at the sole cost of the developer, Homeowners' Association and/or owner, as the case may be, subject to the oversight of the Housing Board.**
- (3) For any affordable housing units involving public funding from or through Westchester County, Westchester County may be designated as the primary responsible entity to provide administrative and monitoring services to ensure compliance with these marketing requirements, as well as in regard to initial sales, subsequent resales, refinancings, leasing and releasing, including renewal leases, of rental units and appropriate sale, resale or rent prices.**

§ 250-134. Maintenance, upkeep and repairs.

- A. All MIH units **and all affordable housing dwellings** shall be maintained in a satisfactory manner as prescribed by the Housing Board. The owner of such a unit shall first obtain the written permission and approval of the Housing Board prior to engaging in any major repair or rehabilitation requiring a building permit. Emergency structural repairs must be approved by

the Building Inspector, and the Building Inspector shall be responsible for inspecting the repair work when completed and for notifying the Housing Board when said work is completed. Under no circumstances shall the Housing Board approve any addition in size to the structure **or any change in the number of bedrooms**. The original square footage of the unit shall be maintained through the unit's existence.

- B. All MIH units **and all affordable housing dwellings** shall be, **at minimum**, maintained at the original builder's specification level.
- C. At the time of resale **of a for purchase unit**, the Housing Board shall be authorized to impose such assessments as necessary, for conditions indicative of owner neglect, to reasonably return the unit to its original condition; said assessment shall be deducted from that portion of the selling price reverting to the seller of the **for purchase MIH or affordable housing** unit.
- D. The Housing Board shall be authorized to require the owner of a for rent MIH or affordable housing unit to reasonably return any such unit found to be indicative of owner neglect to its original condition. Failure to comply with the requirements of the Housing Board may lead to the suspension or revocation of the Certificate of Occupancy for said unit.**

§ 250-135. Administration

The Town Board shall establish a Town Housing Board which shall be responsible for the administration of the Moderate-Income Housing **and Affordable Housing** Programs and the housing units created under **these** programs.

§ 250-136. Appeals.

The Town Board shall review and decide appeals from any determination of the Housing Board. Applicants requesting an appeal must do so, in writing, within five days of receipt of the determination of the Housing Board from which the appeal is filed. The Town Board shall render its decision within 15 days thereafter.

Section 8. The following Table shall be added at the end of Chapter 250, Zoning:

8.1 Add the following Table at the end of Chapter 250, Zoning Ordinance:

Table of Eligibility Priority List and Residency Requirement
Moderate-Income Housing Dwellings

A. Minimum residency requirement shall be as follows:

- (1) North Salem: two years.**
- (2) Westchester County: two years.**

B. Whenever an applicant qualifies in more than one category, the highest point value within that category applies. An "applicant" shall be defined as any member of a family whose income is included in the eligibility requirements of § 250-128 of Article XXII of this chapter.

C. The priority list shall be as follows:

<u>Category</u>	<u>Point Value</u>
<u>1. North Salem Town resident</u>	<u>5</u>
<u>North Salem head of family 62 years of age or older</u>	<u>10</u>
<u>North Salem head of family 35 years of age or younger</u>	<u>10</u>
<u>Nonresident relative, over 62 years of age, of a qualified Town resident</u>	<u>3</u>
<u>All others</u>	<u>1</u>
<u>2. North Salem municipal employee, full-time, minimum of 24 months</u>	<u>5</u>
<u>North Salem Police, part-time [Added 7-13-1993 by L.L. No. 4-1993]</u>	<u>3</u>
<u>Other persons employed in North Salem</u>	<u>2</u>
<u>Other persons employed in Westchester County</u>	<u>1</u>
<u>3. North Salem School District employee, full-time, minimum 24 months</u>	<u>5</u>
<u>4. North Salem Volunteer Ambulance Corps member, minimum of 24 consecutive months of active service</u>	<u>8</u>
<u>North Salem Volunteer Fire Department member, minimum of 24 consecutive months of active service</u>	<u>8</u>
<u>5. Veterans of United States Armed Services</u>	<u>2</u>
<u>6. Physically handicapped resident of North Salem, certified by a physician</u>	<u>4</u>
<u>Physically handicapped relative of North Salem resident, certified by a physician</u>	<u>3</u>
<u>7. Former resident of North Salem, minimum of 10 years</u>	<u>2</u>
<u>Former MIH unit owner</u>	<u>2</u>
<u>8. "Growing family," already in a North Salem MIH unit</u>	<u>5</u>
<u>Resident of Westchester County</u>	<u>2</u>

Section 9. The Table of Bulk Requirements of Chapter 250, Zoning is hereby amended as follows:

9.1 Amend footnotes (1) and (2) of the existing Table of Bulk Requirements set forth in Chapter 250, Zoning Ordinance as follows:

¹ In conjunction with site development plan approval, the Planning Board may modify said requirements for existing detached buildings which are rehabilitated for as affordable housing for ~~moderate-income housing~~. The Planning Board may also modify the side yard requirements for new attached dwellings which are constructed as affordable housing for ~~moderate-income housing~~.

² Said requirements may be increased to no more than the maximum requirements listed below, provided that at least 1/3 of the total number of housing units constructed are affordable housing ~~moderate-income housing~~ units in accordance with the provisions of Article XXII. In conjunction with site development plan approval, the Planning Board may also modify the side yard requirement for attached dwellings which are constructed as affordable housing for ~~moderate-income housing~~.

- (a) Maximum development coverage: 60%.
- (b) Maximum building coverage: 25%.
- (c) Maximum floor area ratio (F.A.R.): 0.40.

Section 10. The Table of Uses and Density for the R-MF/6 District of Chapter 250, Zoning is hereby amended as follows:

10.1 Amend the existing Table of Uses and Density for the R-MF/6 District set forth in Chapter 250, Zoning Ordinance as follows:

**Town of North Salem
 Table of Uses and Density for the
 R-MF/6 (Residential-Multi-Family/High Density) District
 [Added 12-12-2000 by L.L. No. 4-2000]**

Type of Use	Total Units Per Acre	Affordable Housing Dwelling (Moderate-Income) Units Per Acre	Market-Rate Units Per Acre
Multifamily dwelling units	6	1.2 (20%)	4.8
High-density single-family and single-family attached units	6	1.2 (20%)	4.8
High-density single-family with one-bedroom dwellings	6 ¹	1.2 (20%)	4.8
Multifamily units/senior citizens and disabled persons	8	1.6 (20%)	6.4

NOTES:

¹ The density of six total units per acre would result in 3 single-family units per acre each with a one-bedroom dwelling.

Section 11. The Table of Uses and Density for the R-MF/4 District of Chapter 250, Zoning is hereby amended as follows:

11.1 Amend the existing Table of Uses and Density for the R-MF/4 District set forth in Chapter 250, Zoning Ordinance as follows:

**Town of North Salem
 Table of Uses and Density for the
 R-MF/4 (Residential-Multi-Family/Medium Density) District
 [Added 12-12-2000 by L.L. No. 4-2000]**

Type of Use	Total Units Per Acre	Affordable Housing Dwelling (Moderate-Income) Units Per Acre	Market-Rate Units Per Acre
Multifamily dwelling units	4	0.8 (20%)	3.2
Medium-density single-family and single-family attached units	4	0.8 (20%)	3.2
Medium-density single-family with one-bedroom dwellings	4 ¹	0.8 (20%)	3.2
Multifamily units/senior citizens and disabled persons	6	1.2 (20%)	4.8

NOTES:

¹ The density of four total units per acre would result in 2 single-family units per acre each with a one-bedroom dwelling.

Section 12. Severability:

- 12.1 If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 13. Effective Date:

- 13.1 This Local Law shall be effective upon filing with the New York State Secretary of State.