

A LOCAL LAW to amend Chapter 300 of the
Code of the Town of Yorktown entitled
“ZONING”

Be it enacted by the Town Board of the Town
of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II.

Section 300-39(A) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

Effect, purpose and intent. It is the purpose and intent of this section to provide guidelines and regulations for affordable housing under the Town’s Affordable Housing Program.

Section 300-39(B) of the Code of the Town of Yorktown is hereby amended by replacing the definition of AFFORDABLE HOUSING with:

A residential dwelling unit made available for sale or rent at a price established in conformance with the provisions hereof.

Section 300-39(D)(3) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

Among income-eligible households which meet the occupancy standards, affordable units will be offered in the order of applicants based on the number on the affordable housing waiting list. The waiting list number will be determined at the discretion of the Community Housing Board either by lottery or by date and time of receipt of the preapplication. If the earliest date of receipt of the preapplication is utilized, in the event there is a tie due to identical dates of receipt of preapplications, a lottery will be used to determine the order of those applications on the list.

Section 300-39(D) of the Code of the Town of Yorktown is hereby amended to include the following new section (5):

(5) All Affordable Housing, whether for purchase or for rent, shall be broadly marketed in a fair and affirmative manner. Such marketing shall include referral to the County of Westchester’s Homeseeker website.

Section 300-39(E)(2)(b) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

The price affordable to a household at 80% of AMI at the time the unit is offered for resale. This price shall be determined such that monthly housing costs shall not exceed 30% of 80% AMI, as adjusted based on unit size using the minimum household size for the unit as per Section D.2. hereinabove, and calculating the mortgage based on 100% of the sales price utilizing an average of prevailing mortgage rates for thirty-year, fixed-rate mortgages. Monthly housing costs shall include the estimated principal and interest on the mortgage loan, estimated property taxes and homeowners' insurance (otherwise known as "PITI"), as well as any estimated common charges, homeowners' association fees, and/or common maintenance fees.

Section 300-39(E)(3) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

(3) Sales price.

- (a) Resale: For resale of existing affordable homeownership units, the price established by the YCHB in accordance with the foregoing shall be the maximum resale price. Should no buyer be eligible under the terms herein contract for and close on the purchase of the affordable housing unit at this maximum price, the homeowner may, at his sole discretion, reduce the price or withdraw the unit from the market. The Town shall not be deemed to guarantee the resale price of the unit, which may be affected by factors such as the housing market and condition of the unit. A buyer of an affordable housing unit shall be deemed to have fully assumed the risks associated with the future value of the unit. The deed restrictions are for the sole purpose of ensuring that the unit is sold to an income-eligible buyer at no more than the maximum resale price as determined above.
- (b) Initial Purchase Price: For calculation of the initial purchase price of an affordable homeownership unit, the YCHB shall establish the maximum gross sales price utilizing the guideline information from the U.S. Department of Housing and Urban Development in the most recent edition of the "Westchester County Area Median Income (AMI) Sales & Rent Limits" published by the County of Westchester. To calculate housing costs for establishment of affordability of for-sale units, the YCHB shall include the estimated principal and interest on the mortgage loan, estimated property taxes and homeowners' insurance (otherwise known as PITI), as well as any estimated common charges, homeowners' association fees, and/or common maintenance fees applying to the units in the development. The maximum initial for-sale price shall be determined such that monthly housing costs shall not exceed 30% of 70% AMI, as adjusted based on unit size using the minimum family size eligible for the unit per the occupancy standards in Section D.2. hereinabove, and calculating the mortgage based on 100% of the sales price utilizing an average of prevailing mortgage rates for 30-year, fixed rate mortgages.

Section 300-39(E)(4)(b) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

To calculate initial rent for the for-rent affordable housing units, the YCHB will use the Low HOME rents based on unit size, as set forth in the most recent edition of the "Westchester County Area Median Income (AMI), Sales and Rent Limits."

Section 300-39(E)(4)(c) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

Minimum floor area.

Minimum Gross Floor Area	
Unit Size of Affordable Units	(square feet)
Efficiency	450
One bedroom	675
Two bedrooms	750
Three bedrooms	1,000
Four bedrooms	1,200

Section 300-39(E)(4)(e) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

One hundred and fifty days prior to the expiration of the lease, the owner or manager shall request income documentation from the tenant. The owner or manager shall review eligibility based on the rent and income guidelines provided by the YCHB and in effect at that time. If the tenant remains eligible, the owner or manager shall offer the tenant a renewal lease at a rent no greater than the Low HOME rent for the unit size occupied. If the tenant fails to submit income documentation for all occupants of a rental affordable housing unit as provided above, the owner shall not offer the tenant a renewal lease and shall terminate the tenant's lease.

Section 300-39(E) of the Code of the Town of Yorktown is hereby amended by adding the following § 300-39(E)(8):

Where development-specific funding agreements from Westchester County, New York State, or United States Government agencies require another methodology for determining rent or sales price, the provisions of such agreements shall supersede the methodology provisions of this local law.

Section 300-39(F)(1)(a) of the Code of the Town of Yorktown is hereby amended in its entirety and replaced with the following language:

The annual review of the implementation of this section and the recommendation of changes in these provisions where necessary. At the request of the Community Housing Board, the Yorktown Town Board may ask the County of Westchester to carry out the administrative duties specified herein, or may engage other government or not-for-profit agencies to perform such duties, and may authorize expenditures from the Yorktown Affordable Housing Trust Fund to pay, if necessary, for the performance of those duties.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not

affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.