

COPY

TOWN OF LLOYD TOWN BOARD

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held in the Town Hall, Thomas Shay Square, 12 Church Street, Highland, New York 12528 on the 21st day of January, 2015, at 7:00 o' clock in the p.m., to consider the adoption of Local Law C - 2015, a local law to amend Chapter 100 of the Code of the Town of Lloyd by revising Section 100-36, "Affordable Housing Regulations". The purpose of the local law is to limit the Affordable Housing Regulations to the R-1, R-1/2, R-1/4, Walkway-Gateway Mixed Use, PUD, and PRD zones, to make said regulations permissive instead of mandatory and to revise an applicant's eligibility to purchase an affordable dwelling unit to provide that the household's aggregate annual income shall not exceed 120% of the Kingston Ulster County Metropolitan Statistical Area median family income, adjusted for household size, and to revise an applicant's eligibility to rent an affordable dwelling unit to provide that the household's aggregate annual income shall not exceed 100% of the Kingston Ulster County Metropolitan Statistical Area median family income, adjusted for household size.

Copies of the proposed local law are available on the Town website at [www.townoflloyd.com](http://www.townoflloyd.com) and are on file in the office of the Town Clerk of the Town of Lloyd, where the same may be inspected during office hours.

ALL PERSONS INTERESTED and citizens shall have an opportunity to question the Town of Lloyd Town Board and shall have the opportunity to be heard on said proposal at the time and place aforesaid.

Dated: December 17, 2014

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LLOYD

By: Rosaria Peplow

Rosaria Peplow  
Town Clerk

RECEIVED

DEC 23 2014

Per \_\_\_\_\_

Town of Lloyd, Ulster County, New York  
Local Law C of the Year 2015

**Section 1. Title**

This local law shall be known as "Amendments to Section 100-36, Affordable Housing Regulations, of Chapter 100 of the Town of Lloyd Code: Zoning."

**Section 2. Purpose**

The purpose of this local law shall be to amend Chapter 100, Article VI, Supplementary Regulations, Section 100-36, Affordable Housing Regulations of the Town of Lloyd Zoning ordinance.

**Section 3.**

Amendments to the Town of Lloyd Code, Chapter 100: Zoning, be enacted by the Town Board of the Town of Lloyd. That the Town of Lloyd Zoning ordinance (the "Zoning Code") is hereby amended as follows:

A. Section 100-36 C. (1) is deleted and replaced in its entirety as follows:

"The provisions of this section apply to all developments that result in or contain 10 or more residential dwelling units or lots in the R-1, R-1/2, R-1/4, Walkway-Gateway Mixed Use, PUD, and PRD zones. The types of development subject to the provisions of this section include, without limitation, the following:"

B. The second sentence of Section 100-36 C. (2) is deleted and replaced in

its entirety as follows:

“An applicant should not avoid this section by submitting piecemeal applications or approval requests for subdivision plats, site or development plans, or building permits.”

C. Section 100-36 D. is deleted and replaced in its entirety as follows:

“In order to encourage developers to include affordable housing in their projects, the following density bonus shall be applied when the developer includes affordable housing units as defined by this section of the Code:”

D. A sentence is added at the end of Section 100-36 E., as follows:

“No more than 10% of the units in the proposed development are allowed to be affordable.”

E. Section 100-36 H. (1) is deleted and replaced in its entirety as follows:

“To be eligible to purchase an affordable dwelling unit, the household’s aggregate annual income shall not exceed 120% of the Kingston Ulster County Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD), and adjusted for household size.”

F. Section 100-36 H. (2) is deleted and replaced in its entirety as follows:

“To be eligible to rent an affordable dwelling unit, the household’s aggregate annual income shall not exceed 100% of the Kingston

Ulster County Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD), and adjusted for household size.”

- G. The second sentence of Section 100-36 J. (3) is deleted and replaced in its entirety as follows:

““This dwelling has been constructed for use by moderate-income families pursuant to Chapter 100 Section 36 of the Town of Lloyd Code.”

**Section 4.**

This local law shall supersede all prior inconsistent local laws.

**Section 5.**

This local law shall take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

Chapter 100. ZONING

Article VI. Supplementary Regulations

§ 100-36. Affordable housing regulations.

A. Intent and purpose. The Town of Lloyd recognizes that there is a lack of affordable housing opportunities in the Town and the region for moderate-income households, such as residents of retirement age with fixed or reduced incomes, young adults of modest means forming new households, government and school district employees in moderate-income ranges, single-parent families, and health care, retail and service personnel needed to serve the expanding residential and commercial base in the Town. The inadequate supply of housing in the Town and the region for persons of moderate income results in commuting from outside the area to places of employment within the Town, thereby overtaxing existing roads and transportation facilities, significantly contributing to air and noise pollution, and engendering greater-than-normal personnel turnover in the business, industry and public agencies of the Town, all adversely affecting public health, safety and welfare and resulting in an added financial burden on the citizens of the Town. Without intervention, the trend toward increasing housing prices and the local and regional shortage of affordable housing for Town residents and local employees will have a negative impact on the ability of local employers to maintain an adequate local work force. The purpose of this section is to enhance the public health, safety, and welfare by promoting high-quality, moderately priced housing located in neighborhoods throughout the community for households of moderate-income levels in order to meet the Town's goal, as expressed in the Town's Comprehensive Plan, of preserving and promoting a culturally and economically diverse population in the Town, and to meet existing and anticipated future employment and volunteer needs in the Town.

B. Exemptions. Affordable dwelling units that are constructed with federal or state subsidies and/or with tax incentives shall be exempt from the provisions of this section.

C. Covered development projects.

(1) The provisions of this section apply to all developments that result in or contain 10 or more residential dwelling units or lots in the ~~Town of Lloyd~~ R-1, R-1/2, R-1/4, Walkway-Gateway Mixed Use, PUD, and PRD zones. The types of development subject to the provisions of this section include, without limitation, the following:

(a) A development that is new residential lots, new residential construction, or new mixed-use construction with a residential component.

(b) A development that is the renovation or reconstruction of an existing multifamily residential structure that increases the number of residential units from the number of units in the original structure.

(c) A development that will change the use of an existing building from nonresidential to residential.

(d) A development that includes the conversion of rental property to condominium property.

(2) In calculating whether a covered development contains a total of 10 or more dwelling units for the purposes of this section, the development includes all land at one location owned or controlled by the applicant. An applicant ~~must~~ should not avoid this section by submitting piecemeal applications or approval requests for subdivision plats, site or development plans, or building permits. Any applicant may apply for an approval for fewer than 10 dwelling units or lots at any time, but the applicant must agree in writing that the applicant will comply with this section when the total number of dwelling units or lots at one location reaches 10 or more.

D. Inclusionary percentage. ~~Ten percent of the total number of residential units or lots in any covered development shall be affordable to moderate-income households and shall be located on the site of the covered development. Resulting fractional obligations shall be rounded as follows: a fraction of 0.5 or more shall be rounded up, and a fraction of less than 0.5 shall be rounded down. In order to encourage developers to include affordable housing in their projects, the following density bonus shall be applied when the developer includes affordable housing units as defined by this section of the Code:"~~

E. Density bonuses. For all covered developments under this section, a density bonus shall be provided equal to one market rate unit for each affordable housing unit required under this section. No more than 10% of the units in the proposed development are allowed to be affordable.

F. Affordable housing plan. As part of the approval of a covered development project, the applicant shall submit to the Town of Lloyd Planning Board an affordable housing plan that outlines and specifies the covered development's compliance with each of the applicable requirements of this section. The plan shall specifically contain, at a minimum, the following information:

(1) A general description of the development, including whether the development will contain rental units or individually owned units, or both.

(2) The total number of market rate units or lots and affordable units or lots in the development.

(3) The number of bedrooms in each market rate unit and each affordable unit.

(4) The square footage of each market rate unit and each affordable unit.

(5) The location within any multifamily residential structure, mixed-use building, townhouse, and single-family detached residential development of each market rate unit or lot and each affordable unit or lot.

(6) The pricing for each affordable dwelling unit or lot.

(7) The phasing and construction schedule for each market rate unit and each affordable unit.

(8) Documentation and plans regarding the exterior appearances, and exterior and interior materials and finishes of the development and each of its individual units.

G. Development standards. Affordable housing units must meet the following standards:

(1) Location of affordable dwelling units or lots. All affordable housing units or lots shall be dispersed among the market rate units or lots throughout the covered development.

(2) Exterior appearances and finishes. The exterior finishes and appearances of the affordable dwelling units shall be indistinguishable from the market rate units in the covered development and shall be constructed of the same quality building materials.

(3) Interior finishes. Affordable dwelling units may differ from market rate units with regard to interior finishes, and the developer may substitute different appliances and interior hardware as long as the following minimum construction standards are met:

(a) Kitchen cabinets and vanities shall be new and doors shall be made from solid wood or plywood (no flakeboards, pressboard, etc.).

(b) Moisture-resistant sheetrock shall be used in bathrooms.

(c) Doors, windows, boilers, furnaces, hot-water heaters, air-conditioning units (if applicable) and appliances shall meet Energy Star specifications.

(d) Kitchen and bath faucets shall be ceramic valve type.

(e) Flooring for kitchen, bath and entry foyer (if applicable) shall be ceramic tile, hardwood, or vinyl composite tile/vinyl sheet flooring of 0.075 inch mil thickness or greater.

(f) Overhead light fixtures in bedrooms, apartment hallways and dining areas shall be permanently installed and activated by switches.

(g) Each unit shall contain a thirty-inch-wide stove and a refrigerator of 19 cubic feet or larger.

(h) Carpets shall be pile type, builder grade, with appropriate underlayment. No indoor/outdoor types shall be used.

(4) Size. Affordable dwelling units may differ from market rate units with regard to size, provided that:

(a) The housing types (multifamily, townhouse, single-family detached, etc.) of the affordable units shall be in equal proportion to the market rate units in the covered development, unless the Planning Board has determined that there is a lack of diversity in affordable unit types, and an analysis of the list of eligible households shows a clear

need for different housing types, in which case the Planning Board may approve alternative types of affordable units.

(b) In all zoning districts except the TND District, the bedroom mix of affordable units shall be in equal proportion to the bedroom mix of the market rate units, except that no affordable unit shall have more than three bedrooms. In the TND District, the goal shall be that 50% of the affordable units shall contain three bedrooms, 25% shall contain two bedrooms, and 25% shall contain one bedroom.

(c) The gross floor area of the affordable dwelling units shall meet the following minimum size requirements:

Number of Bedrooms	Unit Type	
	Detached Single-Family (square feet)	All Other Types (square feet)
Efficiency (studio)	—	450
1	—	600
2	1,000	750
3	1,200	1,100

(5) Phasing of construction. For all phased developments, the construction of required affordable units or lots shall be sequenced to coincide with the construction of market rate units or lots, as provided below. Certificates of occupancy (CO) shall be issued for market rate units when the required percentage of affordable dwelling units for the respective phase has been completed.

Percentage of Market Rate Units Receiving CO	Percentage of Affordable Units Receiving CO
20%	None
40%	At least 20%
60%	At least 60%
80%	At least 100%
100%	100%

(6) Development of affordable residential lots. In cases where the covered development project results in the subdivision of residential lots without development of dwelling units, the following provisions shall apply:

(a) Where such lots are ultimately to be developed by the applicant or are restricted such that they are required to be developed by a specific developer upon sale of the lots, the applicant or developer shall construct the required affordable dwelling units on the lots in accordance with the provisions of this section.

(b) Where such lots are to be sold without development and without restrictions regarding who may develop the lots, the lots shall be encumbered with a restrictive covenant stipulating that said lots can only be developed with an affordable dwelling unit that satisfies the requirements of this section.

H. Determining applicant eligibility. Applicant eligibility shall be determined by the Town's housing administrator as follows:

(1) To be eligible to purchase an affordable dwelling unit, the household's aggregate annual income shall not exceed ~~80~~120% of the Kingston Ulster County Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD), and adjusted for household size.

(2) To be eligible to rent an affordable dwelling unit, the household's aggregate annual income shall not exceed ~~65~~100% of the Kingston Ulster County Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.

(3) The Town Board shall annually revise the standard of eligibility, which shall specify moderate-income levels for varying sizes of households and shall include different income eligibility standards for buyers and renters.

I. Preference to purchase or rent.

(1) Once a household is determined to be eligible to participate in the affordable housing program based on income limits as set forth above, the Town's housing administrator will give preference to purchase or rent affordable housing units to eligible households on the basis of the factors listed below. For the purpose of determining preferences, a household shall include any and all household members who have reached the age of majority and who will occupy the affordable dwelling unit as their primary residence. Households seeking priority preference based on employment or voluntary service must provide a certification letter from an authorized person within such organization attesting to the household's length of employment or volunteer service. First preference shall be given to a household in which, as of the time of

application, at least one person has lived and/or worked in the Town of Lloyd for two or more years. In accordance with the Fair Housing Act, the Town of Lloyd prohibits discrimination based on race, color, national origin, religion, sex, familial status, physical or mental disability, or any other classifications protected by law.

(a) An active and continuous member of a Volunteer Fire Department or emergency medical service within the Town of Lloyd with a minimum of 24 months' consecutive active service: six points (maximum 12 points per household).

(b) Health care workers, including skilled professions such as paramedics, nurses and medical technicians, as well as orderlies, working at a facility located within 20 miles of the border of the Town of Lloyd, minimum of 24 months' employment: six points (maximum 12 points per household).

(c) Full-time municipal employees of the Town of Lloyd, minimum of 24 months' employment: four points (maximum eight points per household).

(d) Employees of a public or private school serving to educate children living within the Town of Lloyd, minimum of 24 months' employment: four points (maximum eight points per household).

(e) Residents of the Town of Lloyd or their immediate relatives (children or parents): four points (maximum eight points per household).

(f) Veteran of U.S. Armed Services, active or honorably discharged: four points (maximum eight points per household).

(g) Senior (65 years of age or older) or disabled residents of the Town of Lloyd: two points (maximum four points per household).

(2) Eligible households lacking the minimum two-year residency or work standard shall constitute a second and subordinate class of preferred purchasers or tenants, and the same priorities set forth in Subsection I(1) shall apply within this class.

J. Period of affordability. Affordable dwelling units shall be resold or rented to moderate-income households in perpetuity. At the time of subdivision or development approval for any covered development, the applicant and the developer, if different, shall execute and record restrictive covenants to restrict the future sales price and/or rental terms of the affordable dwelling units in accordance with the provisions of this section. The restrictive covenants shall assure that:

(1) The restrictions of this section run with the land in perpetuity.

(2) The covenants shall bind the applicant, any heir, assignee, mortgagee or buyer, and all other parties that receive title to the property. The covenants shall be subordinate only to the first mortgage lien held by an institutional lender on the affordable dwelling unit and in no way shall

impair the institutional first mortgagee's ability to exercise all remedies available to it in the event of any default of such mortgage, as set forth more fully in the Town's Affordable Housing Executive Regulations.

(3) The covenants shall include a provision requiring that every deed conveying title to an affordable dwelling unit shall include the following paragraph, subscribed to in the instrument by both seller and buyer, to inform all future sellers and buyers that this unit is an affordable dwelling unit subject to the provisions of this section:

"This dwelling has been constructed for use by moderate-income families pursuant to Chapter 100 Section ~~35~~-36 of the Town of Lloyd Code. Its future sale (including resale) or rent must be to persons who qualify under that Section's income requirements at a price in accordance with the Lloyd Town Code. The Town of Lloyd shall have the power to enforce this clause and to recover reasonable attorney's fees and other costs incurred in successful efforts to remedy breaches of said provisions of local law. This covenant shall run with the land."

K. Calculations of initial sales price and permissible rent. Maximum rental and sales prices for affordable dwelling units shall be set by resolution of the Town Board and amended from time to time in accordance with the following procedures:

(1) Initial sales price. The initial sales price for a particular affordable housing unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, insurance and common charges, as applicable, shall not exceed 30% of the income for an eligible household, as determined by Subsection H(1) above. Prices shall be calculated on the basis of an available fixed-rate thirty-year mortgage consistent with the average rate published from time to time by Freddie Mac and a down payment of no more than 5% of the purchase price.

(2) Permissible yearly rent. The maximum yearly rent, including utilities (heat, water and electric), for a particular affordable housing unit shall not exceed 30% of the income for an eligible household, as determined by Subsection H(2) above.

(3) In calculating the maximum rental and sales prices of affordable dwelling units, the following relationship between unit size and household size shall apply:

(a) Efficiency and one-bedroom units: one-person household.

(b) Two-bedroom units: three-person household.

(c) Three-bedroom units: four-person household.

L. Improvements. Neither owners nor renters of affordable dwelling units shall make any improvements that require a building permit without prior written permission from the Town's housing administrator.

Under no circumstances shall the Town's housing administrator approve any increase in the size of the habitable space of any affordable dwelling unit.

M. Resale of affordable dwelling units.

(1) Affordable dwelling units shall only be resold to eligible moderate-income households.

(2) The owner of an affordable dwelling unit shall notify the Town's housing administrator, as provided for in Subsection Q, of his or her intent to sell prior to contact with any realtor or purchaser.

(3) The Town's housing administrator will calculate the maximum resale price for an affordable dwelling unit according to the following factors:

(a) The base must be the original price paid for the unit, plus an allowance equal to the rate of increase in the consumer price index for New York-New Jersey and Long Island between the month and year of initial sale and the current month and year.

(b) To this base, the Town's housing administrator must add the current fair market value of capital improvements, as determined by the Town's housing administrator, made to the unit after the date of purchase. Improvements must be permanent in nature and clearly add to the market value of the unit. Normal owner maintenance, general repair work, and decorative items or work must not be included in the resale price determination.

(c) The owner must provide an itemized list of all capital improvements and upgrades for which credit is requested as part of the resale price. All improvements claimed must be documented with receipts, contracts or other evidence supporting their value. The Town's housing administrator may establish standard fair market values for certain improvements, and this value may be used by the Town's housing administrator rather than cost data records of the improvements submitted by the owner.

(d) All affordable dwelling units shall be maintained at the original builder's specification level. At the time of resale, if the Town's housing administrator determines that there is evidence of physical deterioration, abnormal wear and tear, or obsolescence because of neglect, abuse, or insufficient maintenance, the value allowed for the improvements may be reduced based on a depreciation schedule adopted by resolution of the Town Board.

(e) Normal owner maintenance includes, but is not limited to, replacement of major building systems (roof, hot-water heater, furnace, deck/porch) which have reached their useful life (e.g., replacement of a roof after 20 years). The Town reserves the right to establish a schedule outlining the "useful life" of common major building systems.

(f) Capital improvements completed without a building permit as required by the New York State Building Code and any applicable local regulations shall not be added to the maximum resale price.

(g) Appliances shall be depreciated on a ten-year straight-line basis from the initial purchase price.

(h) The owner must permit a representative of the Town to inspect the unit upon request to verify the existence and value of any improvements that are being claimed by the owner.

N. Continued eligibility to rent.

(1) An applicant(s) for an affordable rental unit shall, if eligible and selected for occupancy, be entitled to a lease for a term of no more than two years. As long as the resident remains eligible and complies with the terms of the lease, said resident shall be offered two-year lease renewals.

(2) The rental resident(s) shall annually provide a verified statement of the identity of household occupants and their respective incomes to the Town's housing administrator, and shall otherwise comply with additional reasonable requests for household income verification made by the Town, as a condition of the right to continue in residence. If a rental unit's occupying household's income shall come to exceed by more than 20% the maximum then allowable, as defined in this section, and if there is at that time another eligible household, said occupants may complete the current lease term and shall be offered a market rate rental unit in the development, if available as of the end of the lease term. In the event such market rate unit is not available, the occupants shall be allowed to sign one additional one-year lease for the affordable rental dwelling unit, but renewal of the lease shall not be offered at expiration of the one-year lease.

(3) All leases shall include a clause, suitable to the Town's housing administrator, that the landlord is obligated to take all relevant and timely steps, including litigation, to recover possession of an affordable dwelling unit in which ineligible occupants hold over beyond a legitimate lease term and that the holdover occupants will be responsible to defray the expenses, including but not limited to reasonable attorney's fees and court costs incurred by the landlord in pursuit of efforts to recover possession.

O. Occupancy requirements.

(1) Standards.

(a) At the time of purchase or rent, the maximum number of residents who may reside in an affordable dwelling unit shall be two persons for efficiency and one-bedroom units, four persons for two-bedroom units, and no more than two persons for each additional bedroom thereafter.

(b) Three-bedroom affordable housing units shall not be sold or rented to one-person households.

(2) Residency. All affordable dwelling units shall be the primary residence of the owners or renters. Owners may not rent their unit to others, and renters may not sublet their unit. These restrictions shall not apply to the developer of the affordable units. Partial rentals, such as renting out a bedroom, and seasonal rentals are also prohibited.

P. Tax assessment. The Town Assessor shall consider the limited resale value of affordable dwelling units when determining the appropriate assessment of such units.

Q. Administration and enforcement.

(1) The Town Board may administer the affordable housing requirements of this section. Alternatively, the Town Board may appoint an employee(s), establish a committee, or contract with an outside entity to administer the affordable housing requirements of this section (the "Town's housing administrator").

(2) Prior to the issuance of a certificate of occupancy, the Town's housing administrator shall inform the owner and/or the project manager of the maximum rental or sales price which may be established for the affordable dwelling unit(s) and the maximum gross household income for eligibility for occupancy of said units. On or before April 1 of each year thereafter, the administrator shall notify the owner and/or the project manager of any annual changes in such information.

(3) The owner and/or the project manager, as appropriate, shall annually provide proof to the Town's housing administrator, on or before June 1 of each year, that the current rental price of all affordable units complies with the terms of this section.

(4) The owner of an affordable unit, before the sale of such unit, shall provide proof to the Town's housing administrator that the sales price complies with the terms of this section and shall provide a copy of the proposed deed to the administrator for approval in advance of sale.

(5) The following identifies additional responsibilities and duties of the Town's housing administrator:

(a) Maintain eligibility priority list, annually certify and recertify applicants for affordable housing.

(b) Establish lottery procedures for selecting applicants that have equal priority.

(c) Review certification for owners and lessors of rental units certifying that units are occupied by eligible households.

(d) Maintain list of all affordable units in the Town.