

Notes from Meeting
Lewisboro Housing Committee
Tuesday, May 23, 2017

The meeting was called to order at approx. 7:00 pm. This will be the last meeting before the summer break. Linda Press Wolfe and Nick Danielo were absent.

Linda asked if people wanted to change the meeting time back to 7:30, but everyone seemed okay with keeping the earlier time.

Linda updated the committee on the current status of AFFH housing in town. Open Houses have been held for the two houses in Kitchawan. Big news: the county is buying at least one unit in Oakridge to convert for AFFH housing, so we will have both Middle Income and a little AFFH housing there. That will bring the number of AFFH units in Lewisboro up to 3. Also, since ACE rejected St. Michael's Chapel for possible conversion to AFFH, the County itself is looking at it and is now in negotiations with the Catholic Diocese owners, and is doing tests because of the lack of water / septic. If it goes through, they will renovate and put in 2 or 3 units.

As to Middle Income housing, Linda reported that in Aimee's absence, Building Inspector Peter Barrett is scanning and email the replies as they come in. Compliance is really good so far. Aimee will start coming in part time soon, and will tend to issuing violations as needed.

Linda said she would be away for 6 weeks from the middle of June to August 1, and Jane, Ralph, Tony and Glenn all volunteered to cover for her. There may be new applications, for purchase or rental, and they need to be assessed and a decision made as to whether the applicant qualifies in timely fashion.

The meeting was adjourned at about 8:00 pm. The next meeting will be held in the fall.

Brief Notes
Housing Committee Meeting
March 28, 2017

The meeting, which began promptly at 7:00 pm., was primarily devoted to a report by Linda Press Wolfe, Chair of Westchester County's Housing Opportunities Commission, and a member of the Lewisboro Housing Committee.

Linda P-W gave an extensive report on the current status of the County's compliance with the court-mandated Settlement, and also provided information on demographics in the county. The County is on track to comply with the Settlement's requirement to have 750 housing units on track with financing and building permits as of the end of last year. Construction is proceeding as anticipated with these housing developments, and marketing is being done as required in areas including lower Westchester, and the five boroughs, and sessions have been held across the county for anyone interested in applying. However, it appears that the court (Judge Cote) has once again rejected the most recent Analysis of Impediments. Linda P-W explained that this is the 8th (9th?) version, all contracted with reputable firms. Nevertheless, the County will commission another Analysis to comply with the court mandate.

So far, some 10,000 people have gone to the Homeseeker site and registered for affordable housing, so there is strong interest for AFFH housing. The website lists all available housing in the County, both rentals and for-purchase units. Multiple lotteries have been held, and applicants are then screened for ability to pay, etc. Almost all applicants are from the County. There are one or two from places like Florida, so are probably older people who want to return to be near their families.

Linda also provided fascinating data on demographics including income levels, ethnic / racial composition, etc. of homeseekers as well as residents overall in Westchester County. The Committee asked numerous questions, and thanked Linda for her presentation.

Afterwards, Linda Rae updated the Committee on Rose Noonan's email update. Rose asked us to try and get the word out, which we would like to do anyway to make sure Lewisboro residents get a first crack at these two housing opportunities! (Three actually, as one of the houses has a rental as you all know). Linda said that there is already information on the Town's web page, but has contacted Jennifer at the Town to update and streamline what is up there now, to be sure people can get to the Homeseek site so that they can view the two Lewisboro houses. Rose reported that construction on the two houses in Kitchawan is almost done.

Rose also said that there was a forum for prospective purchasers of AFFH housing information in Peekskill on March 29, but due to the short time, she was not able to post that info on our Town web page in time (and was reluctant to ask Jennifer to post something that had to be taken down right away).

As to our Middle Income Units, Linda R. reported that there is one remaining unit for purchase at Laurel Ridge (the units went fast). There are not 2 units for rent (Fox Run & Laurel Ridge).

The annual survey must be sent out this week, and we have to do this due to Aimee's medical leave. Due to our new methods of enforcing the Code, we are optimistic that compliance will be good this year (we issued several violations last year and had quick response). Linda will contact the committee if she needs help folding, stuffing, stamping, etc.

Putnam-Northern Westchester

Thursday
APRIL 27, 2017

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EXPRESSIONS

Housing monitor ready to dive in

Westchester's case has dragged on since 2009

DAVID MCKAY WILSON
DWILSON3@LOHUD.COM

Tax Watch columnist David McKay Wilson lands an exclusive interview with Westchester's new housing monitor. Stephen Robinson says he is prepared to "engage heavily" in the long-running dispute.

Former U.S. District Judge Stephen Robinson has kept a low-profile since his appointment eight weeks ago as the fed-

eral housing monitor in Westchester's acrimonious fair housing case that has dragged on since 2009.

That, however, is about to change.

In his first interview about the case, Robinson told Tax Watch on Friday he was ready to "engage pretty heavily" in the case. His timing coincides with this week's revelation that the county continues to be out of compliance with a key element of the case, and that the main protagonist in the battle remains steadfast in his position.

Westchester County Executive Rob Astorino reiterated his politically charged contention that the federal government wants to take control of local zoning when he delivered his

state of the county address Thursday night.

Robinson said Astorino's assertion was not borne out by what he has learned.

"I understand that's how some may want to characterize it," he said. "I don't find it helpful in moving us forward."

With those words, the former federal judge set the tone moving forward.

Robinson's emergence in the case comes as the administration of President Donald J. Trump has pushed for Westchester to comply with the settlement, and the requirements of the US Fair Housing Act.

"We here at Skadden are ready to engage in a very different way," said Robinson, a partner at Skadden, Arps, Slate,

Meagher & Flom in Manhattan. "We believe we can move it forward in a way that's respectful of the rights of Westchester County citizens and is also consistent with the terms of the consent decree."

No stranger to controversy

Robinson, who served on the federal bench from 2003 to 2010, is no stranger to hot-button federal cases involving race or ethnicity in Westchester County. In 2010, he ruled that Greenburgh had discriminated against a predominantly African-American congregation, Fortress Bible, which wanted to build a

See TAX, Page 2



DAVE CROSS/SUBMITTED PHOTO
Federal housing monitor Steven Robinson said he's prepared to get involved in the federal housing case.

Tax

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church in predominantly white Hartsdale. His ruling led to Greenburgh taxpayers being on the hook for \$6.5 million to settle the case.

In 2008, he found that Port Chester had violated the US Voting Rights Act because its at-large voting system discriminated against Hispanic residents.

"There is probably going to be pain for both sides in this," Robinson said. "I'm in the middle, and there will be a little pain here too. When I did the Port Chester Voting Rights Act case, I managed to walk the line so that both parties were upset with me."

Now, he's about to wade into the protracted battle. In the settlement, Westchester agreed to spend at least \$51 million to develop 750 units of affordable housing, educate the public about fair housing, and analyze the local housing market to find roadblocks to fair housing choice.

Westchester has faced tough sledding with the US District Court of Appeals, Second Circuit. On March 10, the court

upheld a lower court's finding that Westchester had "acted in bad faith" by failing to create and fund a public education campaign to support fair housing.

On Friday, Westchester County Attorney Robert Meehan argued before that same court that the district court's finding that Westchester had failed to comply with the requirement for the analysis should be overturned because HUD had been "unreasonable" in rejecting the study.

Appeals court Judge Guido Calabresi accused the county of "consistent evasion" to fulfill its obligations under the settlement, the Associated Press reported.

Producing such an analysis that's acceptable to the US Department of Housing and Urban Development has remained elusive. HUD's April 10 rejection of Westchester's 10th attempt at producing an acceptable analysis leaves the county out of compliance for more than seven years. It was due on Dec. 9, 2009.

The mandate for municipalities to conduct an "analysis of impediments" dates back to 1988, when it became a requirement for governments receiving federal community development block grant funding. A federal court ruling in February 2009 found that the county had

"utterly failed" to meet its obligations to "affirmatively further fair housing," and that certifications that it had done so were "false or fraudulent."

Astoria at his State of the County address on Thursday claimed: "The record shows we fulfilled our obligations. And we did it by protecting our constitutional home rule rights of our communities."

However, Westchester has yet to submit an acceptable analysis of impediments. Astoria, meanwhile, has insisted that exclusionary zoning does not exist in the 31 predominantly white municipalities where the settlement's housing was to be built.

"HUD was wrong about our zoning, it is not exclusionary," Astoria said Thursday. "And 790 units of fair and affordable housing are proof."

Robinson said he'd found no indication that the federal government wanted to take control of Westchester zoning.

"From the discussions I've had with HUD officials and the US attorneys, there is no desire on their part to take over zoning in Westchester County," he said. "However, there is a desire to make sure that zoning is not an impediment to fair housing, and that's something that's talked about in the consent decree."

Interviews with state Sen. George

Latimer, D-Rye, and county Legislator Ken Jenkins, D-Yonkers, who are seeking the Democratic nomination to face Astoria in November, say they'd pursue policies to resolve the case. They said Astoria's ideological opposition to federal housing policy has cost taxpayers, and prevented resolution of the court case. "The county executive's continued recalcitrance has not been helpful," said Jenkins. "There seems to be political interest on his part to keep this false fight going. Rob Astoria wants to keep it alive because it works politically for him."

Finding common ground between Westchester and HUD on the analysis of impediments is high on his priority list. For seven years, Astoria and HUD have remained at loggerheads. Now it's Stephen Robinson's chance to resolve it.

"The reality is that HUD looked at the AI and doesn't think it's sufficient," he said. "I want to get beyond the name-calling and invective, and see how we can move it forward in a way that the county will be comfortable with, and HUD is satisfied. Let's see how we can get to the finish line."

David McKay Wilson is an opinion columnist for *The Journal News* at journalnews.com and writes the weekly *Tax Watch* column.

Subject: RE: New Fair & Affordable Homeownership Opportunities in Lewisboro & Elsewhere
From: Rosemarie Noonan <rnoonan@affordablehomes.org>
Date: 3/22/2017 6:02 PM
To: 'Linda Rae' <lindasrae@optonline.net>

Linda,

I wanted to make sure that you are aware of additional fair & affordable homeownership opportunities in Lewisboro that we are currently marketing that have an application deadline of April 24. See attached Property Listing which includes the Lewisboro properties. We are also conducting a Homebuying Workshop in Peekskill on March 29 to discuss the "in's and out's" of securing a mortgage and the process and eligibility requirements for these fair & affordable homes. See attached flyer. I would appreciate your passing this information on to the members of the Lewisboro Housing Committee and also letting your networks know of these opportunities.

Should you wish us to conduct an information session in Lewisboro, we would be happy to do that. I would need your help in securing space and getting the word out.

With regard to the properties on 2 Spruce Road and 106 Lake Kitchawan Drive, we are nearing completion of the rehabilitation of both properties and actively finalizing the purchasers.

Thanks for helping to get the word out. Please call me if you have questions.

Rose Noonan, Executive Director
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Tarrytown, NY 10591
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Tel: 914-332-4144
Fax: 914-332-4147

— Attachments: —

2017 Flyer with Property Listing of Fair and Affordable Housing_03.09.17.pdf	989 KB
Flyer for 03.29.17 workshop.pdf	152 KB

Notes from Lewisboro Housing Committee Meeting

February 21, 2017

Lewisboro Town House

The meeting was convened at a little after 7:00 PM. Linda Press Wolfe was absent, all others in attendance.

The order of the agenda was reversed, in order to begin with our guest, Joan Arnold, Executive Director of ACE (Allied Community Enterprises).

Joan informed the Committee about ACE's mission and history. The organization originated in 2005 as a branch of A-Home (of which Joan was formerly Exec. Dir.), to develop properties for that organization. It has since become an entirely separate organization whose mission is to develop and advocate for affordable community housing, and explore other related issues, such as community septic solutions. ACE works with communities to develop properties that are in keeping with that community. It is a not-for-profit organization with a board, and is not affiliated with any other group. ACE is working with several towns in Northern Westchester, including Bedford, Croton Falls and Chappaqua.

Joan then described possible housing initiatives in Lewisboro. She is looking at St. Michael's Chapel in Old Goldens Bridge for Westchester County, for 2 or 3 units. However, it does not have water or septic so might not be feasible, added to which the property belongs to the Catholic Diocese of NY, which is looking for a high price. Studies are currently underway to determine feasibility. ACE is also looking at a couple of other properties in Lewisboro for possible senior housing, but it is only in the earliest stages.

After Joan's departure, the Committee briefly discussed resubmitting our original Model Ordinance proposal. We feel that the Committee has taken such care to adapt it for Lewisboro, that it would be worth it to ask the Town Board to have another look. Linda reminded the Committee on the status of the AFFH houses in the Kitchawan area that are currently being renovated. The Housing Action Council is managing the lottery and selection of applicants, and the marketing of the units, which can be seen on the Westchester County Homeseeker site.

The Annual Survey was also discussed, and the new figures for sales, rentals and incomes was reported. Linda asked for volunteers to help her send out the survey, since Aimee Hodges is out on medical leave.

Agenda
Lewisboro Housing Committee Meeting
Tuesday, February 21, 2017

- 1—Update on proposed Model Ordinance status
- 2—Update on AFFH units (available or under consideration) in town
- 3—March 30 survey to Middle Income unit owners and renters: new figures for sales and rental. Our secretary, Aimee Hodges, is on medical leave, so we will need to send survey.
- 4—Visitor: Joan Arnold, Exec. Director of ACE. Joan will speak to us about what ACE does, including possible housing initiatives in Lewisboro

*Proposal from the Lewisboro Housing Committee
To the Lewisboro Town Board
To adopt a version of the Model Ordinance, revised for the Town of Lewisboro*

The following recommendations represent an amended and updated version of those sections of the December 14, 2014, draft proposal to the Town Board to amend Lewisboro's Zoning Code, that pertain to a Model Ordinance for Lewisboro regarding affordable housing. The proposal was developed by a Joint Task Force consisting of the Housing Committee, Planning Board, Zoning Board of Appeals and ACARC during meetings during the summer and fall of 2014. Its recommendations, which were drafted by Town Attorney Anthony Mole and presented to the Town Board, included three proposals; 1) to adopt a version of the County Model Ordinance; 2) to allow accessory apartments as of right; and 3) to permit multifamily housing in areas zoned for business and commercial use. Proposals #2 and 3 were approved by the Town Board, and one was tabled.

During the fall of 2017, the Housing Committee extensively revised the proposal pertaining to the Model Ordinance, adapting it specifically for the Town of Lewisboro. At its meeting on January 24, 2017, the Committee voted to recommend that the Town Board consider adopting the revised proposal. It follows below.

Notes in red font detail and explain where the Housing Committee has departed from the original December 14 Joint Task proposal, or from the County's Model Ordinance. Where there are no notes, the language is similar or identical to the County document. All references to the Lewisboro Middle Income program are, of course, unique to the Lewisboro proposal. Similarly, references to the Planning Board are also specific to the version recommended for Lewisboro.

Section 220-2. Definitions and word usage.

B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT – 1) 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 family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan. 2) A rental unit that is affordable to a household whose income does not exceed 60% of AMI and for which the annual housing cost of the unit, defined as rent plus any tenancy paid utilities, does not exceed 30% of 60% AMI adjusted for family size, and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

Section 220-25.1, Inclusionary Affirmatively Furthering Fair Housing (AFFH) Dwelling Units” is hereby enacted to read as follows:

- A. Required Affordable AFFH Dwelling Units. Within all residential developments of ten (10) or more dwelling units created by subdivision or site plan, one affordable AFFH dwelling unit must be created for each ten market-rate units planned.” [The County Model Ordinance wording is that in all developments of ten or more units “...no less than 10% of the total number of units must be created as affordable AFFH units.. In residential development of five to nine units, at least one affordable unit shall be created.” The Housing Committee felt that these requirements would be too onerous for developers, and would serve to discourage the creation of affordable units.]

No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable AFFH dwelling units created under this section. Notwithstanding the above, all such affordable AFFH dwelling units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

This section shall not apply to any development of dwelling units constructed prior to the enactment of this section, or to any development of dwelling units to be constructed which has received Planning Board approval prior to the enactment hereof. Previously approved middle-income dwelling units shall continue to comply with Section 220-26 (F) of this chapter. [This section is to make it clear that the Middle Income program is grandfathered and will not be affected by proposals pertaining to AFFH housing, and that any other proposals underway would not be covered by the ordinance.]

- B. Time period of affordability and property restriction. Dwelling units designated as affordable AFFH dwelling units must remain affordable for a minimum of 50 years from the date of initial certificate of occupancy for rental properties, or of original sale for ownership units. [The December 14 Joint Working Group recommendation called for the designation to be in perpetuity, presumably to accord with Lewisboro’s Middle-Income provisions. On discussion this fall, the Housing Committee felt that this was not necessary, as the Middle-Income program is entirely separate, and that furthermore, such a designation could unduly restrict and discourage development of AFFH units].

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

- C. Eligibility. Such affordable AFFH dwelling units shall be available for sale, resale or continuing rental only to income-eligible families for AFFH dwelling units as defined in Section 220.2 of this chapter.

D. Unit Appearance and integration.

- (1) Within one-family dwelling developments, the affordable AFFH dwelling units may be one-family dwellings or may be incorporated into one or more two-family dwellings, subject to the review and approval of the Planning Board. [The housing committee has left in the Joint Committee's stipulation that this is subject to review of the Planning Board, which does not appear in the Model Ordinance]. Each one-family affordable AFFH dwelling unit may be located on a lot meeting 75%* of the minimum lot area for the one-family dwellings in the development. [The original recommendation was for 50% of the minimum lot area. The Housing Committee did not feel there was any reason to depart from the County's recommendations here, which would appear to be preferable for Lewisboro, in requiring a larger lot size.]
- (2) Each two-family affordable AFFH dwelling and each multifamily affordable AFFH dwelling unit shall be located on a lot meeting the minimum lot area for the one-family dwellings in the development. All such affordable AFFH units shall be as indistinguishable as possible in appearance from the other one-family dwellings in a development. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the affordable AFFH dwelling units. [The wording differs slightly from the 2014 version, which stipulates that "the Planning Board shall require that AFFH units be as indistinguishable as possible"; however, to avoid dictating to the Planning Board, we have instead adopted the more neutral language of the Model Ordinance].
- (3) Within multifamily developments, affordable AFFH dwelling units shall be physically integrated into the design of the development, subject to review by the Planning Board, and shall be distributed among efficiency, one-, two-, three- and four- bedroom units in the same proportion as all other units in the development. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the affordable AFFH dwelling units. [Once again, the Housing Committee had adopted the more generic language of the Model ordinance as less specific and constraining than that in the original Joint Task Force proposal]
- (4) The Planning Board must consider authorizing the clustering of dwelling units in a residential development in order to permit the construction of the minimum number of affordable AFFH units required by this section. Any type of housing units may be incorporated into a residential development for this purpose. The Planning Board is not to distinguish the affordable AFFH units any more than is necessary to accommodate the construction of the minimum number of affordable AFFH units required by this section in a residential development. [The Joint Working Group has added this proposal, which is not included in the Model Ordinance, as part of a Lewisboro approach dating back to the Master Plan.]

E. Minimum Floor area.

(1) The minimum gross Floor area per dwelling unit shall not be less than the following:

Dwelling Unit	Minimum Gross Floor Area (square feet)
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)

[Note: the original task force recommendations adopted the same measurements as for Lewisboro's Middle-Income units (220-26 F. (2)), which are slightly higher than the County's recommendations. The Housing Committee felt it was not necessary to accord with the Middle Income program, and so recommends adopting the measurements of the Model Ordinance]

(2) For purposes of this section, the Planning Board may allow paved terraces or balconies to be counted toward the minimum gross floor area requirements in an amount not to exceed 1/3 of the square footage of such terraces or balconies.

F. Occupancy standards. For the sale or rental of affordable AFFH units, the following occupancy schedule shall apply, subject to the New York State Uniform Fire Prevention and Building Code requirements:

Number of bedrooms	Number of persons
Efficiency	1
1-bedroom	2
2-bedroom	5
3-bedroom	7
4-bedroom	9

[Note: the County allows 3 people in a 1-bedroom unit; the Housing Committee felt that current Middle Income requirement of 2 people was more appropriate.]

G. Affirmative marketing. The affordable dwelling units created under the provisions of this section shall be sold or rented, and resold and re-rented during the required period of affordability, to only qualifying income-eligible households. Such income-eligible household shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

H. Continued eligibility for occupancy of rental dwelling unit.

(1) Applicants for rental units referred to in this section shall, if eligible and if selected for occupancy according to Section J of this chapter (220-25.1), sign leases for a term of not more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered renewal leases for a term of no more than two years each. [The December 14 proposal stated "...if selected for occupancy by the owner or manager of the development in accordance with the

provisions of this Chapter...” The Housing Committee notes that the responsibility for selection of occupants rests with the County and the organizations to whom it delegates the task. See Section J, Administration.]

If a resident’s annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then:

Option (a): said resident may complete their current lease term and shall be offered a non-restricted (AFFH) rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the affordable AFFH unit they occupy but shall not be offered a renewal of the lease beyond the expiration of said term. [The original recommendation followed the Middle Income stipulation that the income would need to exceed the maximum allowable amount by more than 20%. The Housing Committee did not see any reason to adopt the Middle Income rule in this case, and preferred the County’s language]

OR

Option (b): said resident shall pay the greater of (1) the rent amount payable under the provisions of this ordinance or (2) 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

Option (c): said resident shall pay the greater of (1) the rent amount payable under the provisions of this ordinance or (2) 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. [Options b and c, which appear in the Model Ordinance, were left out of the joint task force proposals, but appear to offer additional solutions to the problem of a renter who exceeds the income, so were added back in.]

(2) Notwithstanding the foregoing, 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.

I. Resale requirements. In the case owner-occupied affordable AFFH dwelling units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in this chapter, or the sum of:

(1) The net purchase price (i.e., gross sales prices 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 (the “Index”) on any date between (a) the month that was two months earlier than the date on which the seller acquired the unit and (b) the month that is two months earlier than

the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index, and fails to designate a successor index, the Town will designate a substitute index; and

(2) 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 15-year period from the date of completion and such approval shall 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.

(3) 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.

J. Administration. The administration of the compliance and eligibility related to the rental, sales and marketing of such AFFH dwelling units shall be performed by the County of Westchester or an organization or agency designated by the County.

[The Committee decided not to include a clause on tax assessment in the original proposal as unnecessary for this chapter. The Committee also did not adopt the Model Ordinance's provisions for an expedited project review process, as inherently unfair to smaller developments that do not include affordable housing].

Respectively Submitted

February 1, 2017

Linda S. Rae, Chair, Lewisboro Housing Committee