

Chapter 132

HOUSING, AFFORDABLE

GENERAL REFERENCES

Housing standards — See Ch. 129.

Subdivision of land — See Ch. 178.

§ 132-1. Short title.

This chapter shall be known as "Chapter 132, Housing, Affordable," and may be cited as the "Village of New Paltz Affordable Housing Law."

§ 132-2. Village Housing Board establishment and responsibilities.

- A. The Village Board of Trustees shall establish a Village Housing Board which shall be responsible for the administration of the Affordable Housing Program and the housing units created under the program.
- B. The Village Housing Board will be composed of five members appointed by the Mayor and subject to the approval of the Village Board of Trustees. Members must be residents of the Village of New Paltz and eligible to vote in Village elections. The term of each appointment after the appointment and establishment of the first Housing Board shall be three years. The first appointments of the Village Board to the Housing Board shall be staggered as follows: one member 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 three-year terms of office. Vacancies are to be reported to the Village Board.
- C. The Housing Board shall have the following responsibilities:
 - (1) Acceptance and review of applications submitted for affordable housing (AH) units. A receipt and reference number shall be issued to the applicant by the Housing Board no later than three business days after receipt of a completed application is confirmed at a meeting of the Housing Board.
 - (2) Maintenance of an eligibility priority list as well as certification of applications placed on the eligibility priority list according to the provisions of this chapter. Eligibility priority lists will be reviewed at least annually. An applicant on an eligibility priority list will receive a letter from the Housing Board, sent to his/her address set forth on his/her application, requesting that the applicant confirm the applicant's intention to remain on the eligibility priority list and certifying to the Housing Board that his/her total family income complies with the criteria established in this chapter and with the information provided on his/her application. Such inquiries may be sent as deemed necessary or proper by the Housing Board.

- (3) Certify as eligible all applicants for rental or sales of AH units and annually re-examine, or cause to be re-examined, each renter occupant's family income and assets. Within 90 days of the adoption of this chapter, and on or before March 30 of each year thereafter, the Housing Board shall notify the owner or manager of each multifamily development containing AH units as to the rent, sales and income eligibility requirements for such units derived from the preceding calendar year, together with a copy of this chapter. The owner or manager of each multifamily development shall certify to the Housing Board within 30 days of receipt of such notification, or on or before May 31 of each year, whichever is later, that the current rental or sales prices and income eligibility of all AH units and their occupants comply with the criteria established in this chapter.
- (4) Provide an annual report to the Village Board, documenting current housing needs indicating:
 - (a) The number of applicants on the eligibility priority list;
 - (b) The affordable housing stock within the Village as of the time of the report;
 - (c) The number of AH units currently filled by purchase or rental and the number of vacancies.
- (5) Take any other action and promulgate rules to effectuate the purpose of this chapter, subject to approval of the Village Board, which are not contrary to this or any other chapter of the New Paltz Code, and to make recommendations to the Village Board as to policies or local laws which in its view would advance the purposes of this chapter.

§ 132-3. Housing unit standards.

- A. Qualifying developments; density bonus. Applicants who propose a qualifying development under this chapter are required to set aside at least 10% of all units for the affordable housing needs of the Village. A "qualifying development" shall be defined as a proposal to develop 10 or more dwelling units ("base density") for sale or rent, whether on one or more contiguous parcels, wherein the applicant can demonstrate to the satisfaction of the Village Attorney and Village Engineer that the base density can be accomplished in accordance with existing bulk and area requirements for the zoning district in which it is situated. When the base density calculation is not a whole number, it will be rounded up to the next whole number. Where the applicant proposes to provide more than 10% of the units of a qualifying development as AH units, the applicant shall be entitled to increased total density equal to the number of additional AH units proposed over 10% on a one-for-one basis ("density bonus market rate units").

Calculation Example: By way of example, if an applicant proposes a base density of 20 units, the developer is only required to provide two AH units. If, instead, the developer proposes four AH units, or 20%, then the developer has proposed a base density of 20 units, with 16 market rate units and four AH units, thus exceeding the number of required AH units by two units. The developer then qualifies for two additional market rate units, resulting in a total density of 22 units (16 market rate base density units + 4 AH units + 2 density bonus market rate units).

- B. Approval. Where a qualified development would require site plan, special permit, subdivision, or variance approval, the application shall be made to the appropriate board or boards as the Code would otherwise require, and, except where modified by this chapter, shall be processed in accordance with the procedures set forth in the Village Code for such applications. Notwithstanding the foregoing, where the proposed total density is more than 30% of the base density, the application shall first be made to the Village Board, which shall in such cases render conceptual approval of the proposed project. In such cases, the Village Board shall thereafter refer the application to the Planning Board for its review and determination as to site plan, special permit and/or subdivision, which review shall be undertaken by the Planning Board in accordance with the Village Code and all applicable laws, rules and regulations, including SEQRA, for such applications as if the application had been made directly to the Planning Board, subject to payment by the applicant of all appropriate application fees and escrow deposits. The Village Board shall be empowered to modify the bulk and area requirements of this chapter and the Village of New Paltz Zoning Code to accommodate approved bonus density where it is found that to do so would advance the interests of this chapter without significantly adversely impacting the health, safety and welfare of the community. The applicant shall be entitled to waiver of 50% of the recreation fee attributable to the creation of AH units.
- C. Exemptions.
- (1) Projects in the Village proposed and funded in accordance with the standards of a federal or state affordable housing program and subject to a verifiable regulatory compliance agreement to ensure affordability shall be exempt from the requirements of this chapter, except that the provisions of § 132-3B concerning modified bulk and area requirements and recreation fee waiver shall apply.
 - (2) Projects in the Village approved under Article 46 of the Public Health Law of New York State as continuing-care retirement communities shall be exempt from the requirements of this chapter.
- D. Integration of units. All AH units shall be physically integrated into the design of the subdivision or development. AH units shall be constructed to the same quality standards as market-rate units, and they shall include a comparable number of bedrooms. The exterior finishes of AH

units shall be indistinguishable from all other units. The developer may, however, propose different appliances and interior hardware where such substitutions would not adversely impact the habitability of the unit. All AH units shall be physically distributed throughout the subdivision or development in the same proportion as other housing units.

- E. Minimum gross floor area (living space) per dwelling unit shall not be less than the following:
 - (1) Efficiency: 450 square feet.
 - (2) One-bedroom: 700 square feet.
 - (3) Two-bedroom: 900 square feet.
 - (4) Three-bedroom: 1,100 square feet.
 - (5) Four-bedroom: 1,200 square feet with at least 1.5 baths.
- F. At the time of sale or lease, the following schedule of occupancy shall apply to AH units:

Number of Persons		
Number of Bedrooms	Minimum	Maximum
Efficiency	1	1
1	1	2
2	2	4
3	3	6
4	4	8

§ 132-4. Income eligibility.

- A. To qualify for rental housing, family income must be at or below 60% of the Ulster County median income adjusted for family size. To qualify for purchased housing, family income must be at or below 100% of the Ulster County median income adjusted for family size.
- B. The Housing Board shall 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 a notarized certification of accuracy and completeness of all information provided.

- C. For the purposes of these regulations, "family" shall be defined as it is applied by HUD at the time of the application submission.
- D. For the purposes of these regulations, family income shall exclude any earned income from a minor or full-time student, up to a maximum of \$5,000.
- E. Applicants for AH rental units referred to in this section shall, if eligible and if certified for occupancy by the Housing Board, sign leases for a term of no more than two years.
- F. In the case of an owner-occupied AH unit, title to said property shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then-maximum sales price for said AH unit, regardless of improvement or condition.
- G. All personal and financial information submitted by applicants shall be kept confidential by the Village and shall not be subject to disclosure under New York's Freedom of Information Law. Disclosure of such information shall only be made pursuant to the laws, rules and regulations of any local, federal or state agency having jurisdiction over affordable housing matters or by a so-ordered subpoena issued by a court of competent jurisdiction.

§ 132-5. Maximum sales price and rent.

- A. The maximum sales price for an AH unit shall not exceed two times the maximum family income allowed for eligibility for a moderate-income family, as defined in this chapter, for the maximum-size family eligible for such units as specified in this chapter.
- B. Maximum monthly rent; lease.
 - (1) The maximum monthly rent for an AH unit shall not exceed 1.75%, excluding utilities (gas, oil, electricity, water and sewage, common charges), or 2%, if utilities and common charges are included, of the multiple assigned to the number of bedrooms in the dwelling unit times the average of the last three-year median income levels published by HUD for the Kingston Metropolitan Statistical Area (MSA).
 - (2) A two-year lease shall be offered to all tenants of moderate-income housing units available on a rental basis.

§ 132-6. Resale price and lease renewal requirements.

- A. Resale requirements.
 - (1) All AH units shall contain a deed or share restriction providing that in the event of any resale by the owner 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:

- (a) 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 Wage Earners in Ulster County, as published by the United States Bureau of Labor Statistics (the "Index") on any date between:
 - [1] The month that was two months earlier than the date on which the seller acquired the unit; and
 - [2] 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 Village Board shall designate a substitute index; and
 - (b) The cost of major capital improvements made by the seller of the unit during his/her ownership period evidenced by paid receipts depreciated on a straight-line basis over a fifteen-year period from the date of completion.
- (2) Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 100% of area median income at the time of the resale.
- B. Lease renewal requirements. As long as a household remains eligible and has fully complied with all the terms of the lease, said household shall be offered renewal leases for a term of no more than one year each. At the time of renewal, a tenant shall resubmit all financial information required by the Housing Board to determine continued income eligibility. A lease shall not be renewed in instances where a tenant's income has risen above the qualifying limit, subject to review by the Housing Board, and such tenants shall be given one year within which to relocate. Renewal of a lease shall be subject to the conditions of federal, state or county requirements 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 and if a household's annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then said household may complete its current lease term and shall be offered a market-rate rental unit available in the development at the expiration of such lease term, if available. If no such dwelling unit shall be available upon lease expiration, the resident may be allowed to sign one additional six-month lease for the AH unit he or she occupies at market rate but shall not be offered a renewal of the lease beyond the expiration of said term.
 - C. All tenants of rental AH units shall be required to verify their family incomes upon renewal of their leases. If the tenant's family income exceeds 80% of the county area median income at the time of any renewal, the lease shall be renewed, but not for more than six months

in length at the tenant's option, during which renewal period the rent may be adjusted to market rate. Upon expiration of such renewed lease, the tenant shall be required to vacate the AH unit unless at that time there is no eligible renter on the Board's eligibility list who is ready, willing and able to take tenancy and the present tenant meets the eligibility standards at that time. The tenant shall be notified of such a requirement prior to signing a lease, and a clause setting forth this requirement shall be included in the lease.

§ 132-7. Tax assessment.

The limited rental income and/or sales value of AH units shall be taken into consideration by the Town Assessor in determining the full value basis for assessments on such units.

§ 132-8. Occupancy requirements.

All AH units shall be occupied by the qualified person(s) owning or renting such units. All eligible applicants who are owners of any other residences shall satisfy the Housing Board that they have divested themselves of any other residences prior to the purchase of an AH unit. For the purposes of this section, real estate used by the applicant to derive income shall be excluded from this requirement. Such income is to be calculated in determining the applicant's gross annual family income. Notwithstanding the foregoing, 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 or leasing of such premises only to a purchaser or lessee qualified under and pursuant to this chapter.

§ 132-9. Eligibility priority list; income eligibility for lease renewals.

- A. The eligibility priority list shall be established as follows. Applicants may be awarded the indicated point(s) for each category for which they qualify:

Category	Point Value
Current or former New Paltz Village or Town resident	
Current 6 months to 1 year resident	1
Current 1+ years to 2 years resident	2
Current 2+ years to 3 years resident	3
Current 3+ years to 5 years resident	4
Current 5 or more years resident	5
Current New Paltz resident, 65 years of age or older	1

Category	Point Value
Former resident of Village, with aggregate prior residency of at least 2 years	1
Village of New Paltz municipal employee; full time or qualified retiree, minimum of 24 months	1
New Paltz Police, part time or full time, with a minimum of at least 24 months' aggregate service for full time, or 24 months' consecutive service for part time	1 per qualifying category
New Paltz School District or BOCES full time employee with a minimum of at least 24 months' aggregate service	1
New Paltz Rescue Squad member in good standing as certified by NPRS with a minimum of at least 24 months' aggregate service	1
Active duty U.S. military veteran	1
Physically and/or mentally disabled resident of Village with at least 50% disability as verified by a physician	1

B. Nothing contained herein shall be construed to allow the foregoing priorities to supersede the requirements of the federal fair housing standards. If there is any conflict between these priority assignments and the federal fair housing standards, the federal fair housing standards shall prevail. Where such a conflict exists, the priority points system may be used to prioritize between two or more applicants identically situated under the federal fair housing standards.

§ 132-10. Ownership; deed restrictions.

- A. Ownership of an AH unit 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. AH rental units 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 Village Board. The deed of ownership of any AH unit shall contain a covenant and restriction that ownership, rental and sale are subject to the moderate-income housing provisions of the Code of the Village of New Paltz, as amended from time to time, and that such provisions include restrictions on occupancy and resale.
- B. Upon the death of the last of the eligible owners of an AH unit, the executor or administrator of the estate of the deceased owner shall

place the AH unit 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 AH unit 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 AH unit, 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 AH unit on either a temporary (more than one week) or permanent basis.
- D. All requirements of this section and of this chapter are to be memorialized in covenants and deed restrictions imposed on AH units in a form and content acceptable to the County Clerk for recording and approved by the Village Attorney.

§ 132-11. Maintenance and repairs.

- A. Prior to engaging in any nonemergency repair or rehabilitation of an AH unit requiring a building permit, the owner shall first obtain the written permission and approval of the Housing Board. In the case of emergency structural repairs, such repairs must be approved by the Village 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 or any other Board of the Village of New Paltz approve any addition in size to the structure. The original square footage of the unit shall be maintained throughout the unit's existence.
- B. All AH units shall be maintained at the standard up to the original builder's specification level. At the time of resale, the Housing Board shall be authorized to: 1) determine the expense of repairs; 2) examine the unit for conditions indicative of owner neglect; and 3) reasonably return the unit to its original condition; said assessment(s) and determinations shall be deducted from that portion of the selling price reverting to the seller of the unit, unless such remedial work is performed prior to ownership transfer by the seller with the prior approval of the Housing Board.

§ 132-12. Procedures for purchaser/tenant selection.

- A. This procedure shall apply to the filling of all new units and the filling of units that become vacant.
- B. The following steps shall be followed to choose the applicant for the available unit:
 - (1) The Housing Board shall canvass the eligibility list for qualified applicants with a family size in the range allowed for the available

unit, as per the occupancy schedule in this chapter, and create a priority list for each size unit. Applicants may be on more than one priority list so long as they meet the criteria for eligibility for the size of the unit.

- (2) The highest-priority applicant with the earliest received application will be selected. If two or more applications from this list were submitted on the same day, then a lottery shall determine the selected applicant, drawn by the Chair.
- (3) The selected applicant shall be notified by the Board of the available unit and its rental or sales price. The applicant will be directed to provide documentation necessary to verify the applicant's family income eligibility and priority as per this chapter. The selected applicant must respond within 10 business days of his/her intent to occupy the available unit and with the documentation requested. This documentation shall be verified by the Housing Board and kept by the Village Clerk for the length of the tenant's occupancy in the AH unit.
- (4) If the selected applicant rejects the offer, cannot provide the necessary documentation, or does not respond in the time specified, the Housing Board shall choose the next available applicant in the same manner. An applicant rejecting a particular offer of an AH unit shall maintain his position on the eligibility priority list for the duration of that list, unless the applicant fails to meet the eligibility requirements at the time of the offer. Notwithstanding the foregoing, an applicant who rejects an offer, despite remaining eligible, or who fails to respond to the offer, on three occasions, shall be removed from the list.

§ 132-13. Cooperation with local, state, or federal agencies.

The Housing Board may delegate or partner with any local, state or federal agency to accomplish the requirements and administration of this chapter, with the prior approval of the Village Board.

§ 132-14. Enforcement.

The Village Board or the Village Building Inspector may institute a proceeding in New York State Supreme Court to enforce compliance with this chapter against developers, applicants, owners, or tenants of the AH units and the developments in which they are situate, including relief at law or equity.

§ 132-15. Appeals.

The Village Board of Trustees shall review and decide appeals from any determination of the Housing Board. Applicants requesting an appeal must do so, in writing, within 10 business days of receipt of the determination

of the Housing Board from which the appeal is filed. The Village Board of Trustees shall render its decision within 30 days thereafter.