

# DRAFT CHAPTER 12 SUPPLEMENT

## Introduction

The last full version of the Analysis of Impediments was submitted to United States Department of Housing and Urban Development (HUD) on April 24, 2013 in response to letters dated March 13, 2013 and March 25, 2013 from HUD. After the April 2013 submission the County provided two additional zoning analyses, seven and eight, as a supplement to Chapter 12 in the 2013 Analysis of Impediments as detailed below.

### Seventh Zoning Analysis

On June 13, 2013, the County submitted a seventh zoning analysis to HUD and the Monitor. The submission included zoning analyses for the Town of Ossining and the Villages of Ardsley, Bronxville and Pelham, and the Town/Village of Scarsdale. This zoning analysis built on the County's Sixth Zoning Analysis, which is contained in Appendix 51 of the AI, and attempted to address concerns raised by HUD in its May 10, 2013 letter, which provided the reasons for the disapproval of the County's FY 2012 and FY 2013 Annual Action Plans. If the seventh zoning analysis were to be found acceptable by HUD, the County stated that it would conduct a similar analysis with respect to the remaining 26 eligible municipalities.

### Eighth Zoning Analysis

On July 23, 2013, the County submitted an eighth zoning analysis to HUD and the Monitor. The submission included zoning analyses for the Towns of Eastchester, Lewisboro, North Salem, Ossining and Pound Ridge, and the Villages of Ardsley, Bronxville, Pelham and Larchmont, and the Town/Village of Scarsdale. This zoning analysis built on the County's sixth and seventh zoning analysis, which is contained in Appendix 51 of the AI and the zoning analyses for Ardsley, Bronxville, Larchmont, Ossining and Pelham submitted on June 13, 2013. The eighth zoning analysis attempted to address concerns raised by HUD at the technical assistance conference held with HUD on July 2, 2013. If this revised analysis were to be found acceptable by HUD, the County stated that it would conduct a similar analysis with respect to the remaining 21 eligible municipalities.

In response to the County's eighth zoning analysis, HUD issued a letter dated August 9, 2013 stating that the "only issue holding up the acceptability of the County's AI is the inadequacy of its plans to overcome exclusionary zoning practices" (page 1). On page 2 of the August 9, 2013 letter, HUD identified six restrictive zoning practices that HUD expected the County to analyze:

- 1) Restrictions that limit or prohibit multi-family housing development;
- 2) Limitations on the size of a development;
- 3) Limitations directed at Section 8 or other affordable housing, including limitations on such development in a municipality;
- 4) Restrictions that directly or indirectly limit the number of bedrooms in a unit;
- 5) Restrictions on a lot size or other density requirements that encourage single-family housing or restrict multi-family housing; and
- 6) Limitations on townhouse development.

The manner in which the County is complying with these parameters identified in the August 9, 2013 letter is outlined further in Sections 1 and 2 of this supplement.

In response to the previous zoning analyses submitted by the County, the Monitor issued the *Berenson* Report on September 23, 2013 and the *Huntington* Analysis in 2014; both reports analyzed the zoning for each of the 31 municipalities involved in the Settlement. Details of the results of the report can be found in Section 3, Status of Municipal Zoning Analysis, of this supplement to Chapter 12 of the AI. Those reports, along with subsequent correspondence between the municipalities and the Department of Justice, have narrowed down the number of municipalities that require additional actions to further fair and affordable housing within their communities. The remaining municipalities include the Village of Croton-on-Hudson, the Town of Harrison, the Village of Larchmont, the Village of Pelham Manor, and the Town of Lewisboro. This supplement to Chapter 12 of the AI summarizes and updates the plans and initiatives undertaken by Westchester County to overcome exclusionary zoning practices as well as an update on the municipal initiatives of the five remaining communities to promote and provide fair and affordable housing within their communities.

The Chapter 12 Supplement contains three sections. Section 1, entitled Summary of County Efforts Since 2013 AI, details the current Westchester County initiatives to promote fair and affordable housing within the eligible communities defined in the Settlement and Order of Stipulation and Dismissal (Settlement), dated August 10, 2009. Section 2, entitled Summary of 750 Affirmatively Furthering Fair Housing (AFFH), details the current status of all AFFH units administered by Westchester County. Finally, Section 3, entitled Status of Municipal Zoning Analysis, updates and summarizes the current zoning and affordable housing initiatives and implementation strategies of the five remaining communities.

## **Section 1: Summary of County Efforts since 2013 AI**

### **Policies, Plans, and Legislation**

Relative to the provision of fair and affordable housing, Westchester County has enacted various legislation, policies, and plans since its submittal of Chapter 12 of the AI in April 2013. The section below details the current status of all plans and policies implemented prior to April 2013 related to Westchester County's fair and affordable housing obligations and provides an update on efforts undertaken by Westchester County since April 2013.

#### **Westchester County Policy Statement**

In November 2009, the Westchester County Board of Legislators adopted a Local Law supplementing its existing Affordable Housing Statement of Need acknowledging the importance of affirmatively furthering fair housing as set forth in 42 U.S.C. Section 5304(b)(2). The Local Law states the following:

- That actions to affirmatively further fair housing significantly advance the public interest of the County and its municipalities.
- The location of fair and affordable housing is central to fulfilling the County's commitment to affirmatively further fair housing because it determines whether such housing will reduce or perpetuate residential segregation.

- The elimination of any discrimination, including the present effects of past discrimination, and the elimination of any de facto residential segregation are official goals of the County’s housing policies and programs.

The Local Law also instructed the County to analyze, as soon as it was available, the 2010 Census Data at the municipal/census block level which includes data regarding: total population, race, ethnicity, age, and the number of persons per household to evaluate the current fair and affordable housing needs and trends.

*This supplement to the County’s existing affordable housing Statement of Need is still in effect today and was the founding policy to the County’s plans to overcome exclusionary zoning practices.*

#### Westchester County Housing Implementation Plan, Model Ordinance Provisions, and Affirmative Fair Housing Marketing Plan

In August of 2010 Westchester County instituted its Housing Implementation Plan, which outlines the County’s plans and processes for building 750 units of fair and affordable housing in 31 Westchester communities. Along with the Housing Implementation Plan, the County also created Model Ordinance provisions to supplement existing municipal zoning codes in Westchester County municipalities for the purpose of ensuring the provision and promotion of fair and affordable housing development throughout Westchester County. The text contains recommended zoning language as well as advisory comments.

In 2011, the County created its Affirmative Fair Housing Marketing Plan, which identifies the process to promote and publicize affirmative fair housing units and ensure outreach to racially and ethnically diverse households in Westchester County. This is part of a two-pronged approach, in coordination with the Housing Development Affirmative Fair Housing Marketing Plan, to be implemented by housing developers.

*The Housing Implementation Plan, the Model Ordinance, and the Affirmative Fair Housing Marketing Plan are still being promoted and implemented by Westchester County and these documents formulated the basis of the County’s plans to overcome exclusionary zoning practices.*

#### Westchester 2025

Adopted by the Westchester County Planning Board in 2008, the Westchester 2025 plan reviews the County’s planning policies in the context of the challenges facing the region. The plan identifies land use policies and provides a context for a planning partnership between the County and its 45 municipalities. Westchester 2025 is intended to show residents and municipalities the importance of working together.

The plan was amended in January 2010 by the adoption by the Westchester County Planning Board of the “Context and Policies” for the plan. This portion of Westchester 2025 lays out general policies and goals for regional planning efforts. A policy found in Westchester 2025 specific to Fair and Affordable Housing states:

Support development and preservation of permanently affordable housing  
Encourage a range of housing types that are permanently affordable to renters and home buyers, with the County working with each municipality to address its

needs for fair and affordable housing as well as a share of the regional need. The County Planning Board recognizes that the County Board of Legislators adopted a local law on November 22, 2009 that supplements its existing affordable housing Statement of Need. Actions to affirmatively further fair housing significantly advance the public interest of the County and its municipalities. The location of fair and affordable housing is central to fulfilling the County's commitment to affirmatively further fair housing, which adds to the rich fabric and quality of life in Westchester County.

Existing homes and apartments that are currently affordable should be maintained and enhanced as necessary so that they continue to provide housing that meets health and safety standards and stays within affordability guidelines. New means must be identified to preserve the existing housing stock that is currently affordable including housing units whose affordability has sunset clauses or expiration dates. In addition to supporting communities that are adding new fair and affordable units, targeted efforts should be made in areas lacking racial diversity to add new fair and affordable housing that will be vigorously marketed to wider population groups. The County should make available a model ordinance that would promote fair and affordable housing and affirmative marketing which builds on such provisions now in place in many Westchester County municipalities.

*Westchester 2025 and its policies remain in effect. With the addition of this language to Westchester 2025, the County provided a regional framework for the inclusion and creation of affordable housing.*

#### Discretionary Funding Allocation Policy

In January 2012, Westchester County adopted a Discretionary Funding Allocation policy that requires municipal recipients of discretionary funding eligible under the *U.S. ex rel. Anti-Discrimination Center v. Westchester* to demonstrate a commitment to affirmatively further fair housing (AFFH) within its borders in order to receive the grant of discretionary intermunicipal funding, including but not limited to County Open Space funds and CDBG funding. Each Recipient is required to commit to the County, in writing, that it is in compliance with the following:

- (a) Adoption of municipal zoning code provisions and/or policies which demonstrate a commitment to AFFH, including inclusionary zoning standards and a ban on preferences for the award of fair and affordable housing units except to the extent provided in the Westchester County Model Zoning Ordinance Provisions;
- (b) Offering the County of Westchester a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that AFFH; and
- (c) Requiring that the Westchester County Fair and Affordable Housing Affirmative Marketing Plan be adhered to for any and all fair and affordable housing units developed or offered within the its boundaries.

*The Discretionary Funding Allocation policy is still in effect and provides a mechanism for the County to ensure communities receiving discretionary funding demonstrate a commitment to affirmatively further fair housing.*

Sources of Income Legislation

In June 2013 Westchester County Board of Legislators adopted a Local Law amending Westchester County’s Fair Housing Law prohibiting discrimination in the sale, rental, or lease of housing based on sources of income. The law specifically relates to sources of income derived from social security, or any form of federal, state or local public assistance or housing assistance, grant or loan program, including the federal housing subsidy known as “Section 8”, any disability payment, and assistance, grant or loan program from a private housing assistance organization.

*The protection of source of income in Westchester County’s Fair Housing Law remains in effect and provides a mechanism for the County to prevent discrimination or regulatory limitations based on the source of income.*

**Education and Outreach- Westchester County**

In furtherance of its legislation, plans and policy efforts outlined above, Westchester County has also conducted numerous education and outreach events in order to generate support for fair and affordable housing and promote diverse and integrated communities, with targeted efforts to promote the development of affordable housing across all communities. *The tables below outline specific education and outreach efforts undertaken by Westchester County since January 2013 which includes work with municipalities and organizations to overcome exclusionary zoning practices to affordable housing.*

**Meeting Attendance**

<b><u>Organization</u></b>		
<i>Westchester Urban County Council (UCC) Meetings</i>	Set policies and program parameters related to the County’s administration of the CDBG funds; offer participant communities technical assistance and trainings to affirmatively further fair housing	2/9/10 – 5/28/14 Regular meetings held approximately four times/year
<i>Westchester Housing Opportunity Commission (HOC) Meetings</i>	Discussions of upcoming or previous education events and/or partnerships and associations concerning fair and affordable housing and related issues; technical assistance	Annually
<i>African American Advisory Board Meeting</i>	Education about the then-current and anticipated affordable housing options, the goals of affordable housing, and the resources available for those in need of affordable housing	6/18/13
<i>Community Design Institute Meetings</i>	Attended meetings of the Community Design Institute to discuss opportunities for redevelopment in the County	3/7/14, 3/14/14
<i>Westchester Institute for Human Development’s Housing Task Force</i>	Served on the Housing Task Force to make recommendations on how to connect disabled individuals, their parents, families, and caregivers with affordable housing opportunities	2015

## **Event Sponsorship and Participation**

<b>Event</b>		
<i>Affordable Housing Expo</i>	Co-sponsor this annual event where non-profit housing counselors, lenders, and realtors are available to assist attendees with a variety of issues and various seminars are offered to educate homebuyers	Annually
<i>Westchester Municipal Planning Federation Land Use Training Institute</i>	Assisted in facilitating the events and presented on the changing demographics in the County and its implications for land use policy, the demographics of the affordable housing community, and the benefits accompanying increased diversity	Annually (3/18/13, 3/20/14, 3/19/15, April 2016)
<i>Westchester Housing Ladies Lunch Bunch</i>	Organized and attended this networking event for women in the affordable housing realm in the County	5/3/13, 5/16/14
<i>Pace Land Use Law Center Executive Roundtable Discussion</i>	Along with representatives from HUD, met with leaders and representatives of local municipalities to advance affordable housing, AFFH strategies, and discuss local concerns about affordable housing	5/9/13
<i>Pattern for Progress Roundtable</i>	Participated in this roundtable to discuss topics such as HCR's position on AFFH and future goals, and NY State's housing policy	6/25/13
<i>League of Women Voters Public Forum</i>	Presented at this public forum about affordable housing and County's progress under the Settlement	9/16/13
<i>Westchester Residential Opportunities and Pace Law School Public Forum</i>	Participated in this public forum entitled "Affirmatively Furthering Fair Housing in Westchester County: The Legal & Social Implications"	9/27/13
<i>Westchester Institute for Human Development Conference</i>	Introduced developers to families with children with special needs; encouraged developers to incorporate new special needs appropriate technology into developments	5/22/14
<i>Westchester Institute for Human Development Roundtable</i>	Participated in roundtable discussions for developers to help families with special needs and learn about special needs appropriate technologies	6/22/14
<i>Pace University Land Use Law Center Advanced Training</i>	Pursuant to a contract with the County, the Law Center organized this three-day training session on planning, financing, zoning, and a public conversation on affordable housing, including a tour of AFFH housing developments.	10/17/14, 10/24/14, 11/7/14
<i>Westchester Institute for Human Development Conference</i>	Attended this conference for service providers and developers to discuss the need for affordable housing for families of children with special needs	11/19/14
<i>League of Women Voters Annual Breakfast</i>	Presented on affordable housing and answered questions on how attendees could encourage more local support of affordable housing proposals	1/12/16

<i>Goldens Bridge Community Association Panel Discussion</i>	Participated in a panel discussion and presented an overview of affordable housing and the County's role and obligations in promoting it	3/19/16
<i>Pace University Land Use Law Center Advanced Training</i>	Pursuant to a contract with the County, the Law Center organized this three-day training session on inclusionary ordinances, affirmative marketing, and land use incentives to create fair and affordable housing.	10/2/15, 10/23/15, 11/13/15

### **Outreach and Support to Public Officials and Local Partners**

<b>Meeting</b>		
<i>Westchester County African American Advisory Board</i>	Met with the newly-appointed Housing Committee Chair to discuss the resources available to promote affordable housing opportunities, and the role the committee could play to help home seekers	1/4/13
<i>Meeting with Town of Mamaroneck Officials</i>	Met with municipal officials and a developer to show the development potential of a project site and how affordable housing could be furthered	8/26/13
<i>Meeting with Town of Pound Ridge Officials</i>	Met with incoming and outgoing supervisors and a developer to discuss potential development opportunities of a site for affordable housing	10/31/13
<i>Meeting with Westchester Institute for Human Development</i>	Assisted representatives in engaging developers in anticipation of a roundtable to be held on July 22, 2014	6/11/14
<i>Meeting with Village of Ardsley</i>	Provided information to the incoming Village Manager on affordable housing, the County's role, and the benefits of integration	10/29/14
<i>Meeting with Town of Harrison Officials</i>	Provided overview of affordable housing to Town of Harrison public officials	12/17/14
<i>Meeting with Village of Buchanan Officials</i>	Discussed potential senior affordable housing, the benefits of affordable housing generally, and requirements under the Settlement Agreement	2/11/15
<i>Meeting with City of White Plains Commissioner of Planning</i>	Discussed how the County could help with resale of units; ultimately included listings in the County's website, Homeseeker	4/15/15
<i>Meeting with SUNY Purchase</i>	Met with the president to discuss the possibility of developing affordable housing on part of the campus	4/29/15
<i>New Castle Town Board Work Session</i>	Discussed the potential of rezoning a portion of a property to allow multi-family affordable housing within the commercial building	5/5/15
<i>Meeting with Interfaith Council for Action</i>	Met with the new Executive Director to provide an overview of affordable housing in the county and the opportunities for applicants	6/11/15

<i>Meeting with Sterling Hudson Valley Bank</i>	Encouraged the bank to facilitate loans to affordable housing developers and purchasers of affordable homeownership units	8/26/15
<i>Town of New Castle Planning Board Meeting</i>	Advocated for zoning changes to permit for Chappaqua Crossing, an affordable housing development; answered questions to educate the planning board and public about affordable housing	8/26/15
<i>Meeting with Village of Sleepy Hollow and Phelps Memorial Hospital</i>	Discussed a potential affordable housing development in the Village of Sleepy Hollow	9/16/15
<i>Meeting with Village of Irvington Officials</i>	Met with municipal officials and a developer to discuss a potential affordable housing site and advocate for the inclusion of affordable housing	10/14/15
<i>Westchester County African American Advisory Board</i>	Updated attendees on the status of affordable housing units and the resources available with respect to affordable housing	10/20/15
<i>Meeting with Town of Ossining Officials</i>	Educated outgoing and incoming town supervisors, as well as a developer, about affordable housing and the benefits of the applicable procedures for affirmative marketing	12/15/15
<i>Meeting with Legal Services of the Hudson Valley</i>	Met new staff and educated attendees on the importance of this agency providing training and outreach for those living in affordable housing	12/16/15
<i>Meetings with Municipal Officials</i>	Held 16 meetings with municipal officials to discuss the development or redevelopment of potential sites for AFFH units; base studies for an update to the Town of North Castle's comprehensive plan	April 2016 – September 2016
<i>Meeting with M&amp;T Bank</i>	Presented on County online resources and fair and affordable housing	6/14/16

### **Outreach to County Residents**

<b>Meeting</b>		
<i>Bedford Town Hall</i>	The County presented on furthering fair and affordable housing at the Bedford Town Hall	5/1/13
<i>Town of North Castle, Meeting with Residents</i>	Educated residents about the role of affordable housing, its benefits and purposes, and how developments can blend into the surrounding community	12/17/13
<i>Local Public Education Campaigns</i>	Educational forums in Bedford, Mamaroneck, and Irvington, organized and facilitated by the Housing Action Council through a contract with the County	2013
<i>Rye City Council Public Hearing</i>	Advocated for the rezoning of a site for an affordable housing development	2/26/14
<i>Pleasantville Presbyterian Church, Presentation</i>	Presented on affordable housing in Pleasantville and demonstration of how affordable housing fit into the community	4/11/14
<i>Village of Buchanan Public Forum</i>	Discussed affordable housing impacts on property values, what restrictions exist, and opportunities are for applicants	4/21/15



<i>Town of Bedford Public Hearing</i>	Spoke about the benefits of proposed zoning changes permitting multi-family use in an industrial zone	9/17/15
<i>Town of New Castle Public Hearing</i>	Spoke about benefits of proposed zoning changes permitting multi-family use in a commercial zone	9/21/15
<i>Public Festivals</i>	Attended ethnic festivals (Albanian, African American, Polish, Hispanic, Italian, Irish and Indian festivals) at the Kensico Dam Plaza for one-on-one consultations with home seekers	April – September 2016
<i>1199 SEIU Benefit and Pension Funds Homeownership Resource Fair</i>	Promoted County resources to home seekers and marketed currently available homes and developments	4/16/16, 9/17/16
<i>The Municipal Credit Union Homebuyer's Seminar</i>	Participated on a panel and ran a booth to advertise affordable housing opportunities	5/21/16, 9/8/16
<i>Annual Community Baptist Church Resource Event</i>	Participated in this annual event in Yonkers	8/13/16
<i>Senior Fair</i>	Participated in this event at the Joseph Caputo Community Center in Ossining	9/29/16

### **Public Support of Affordable Housing**

<b>Event</b>		
<i>Stanley Shear Award Breakfast</i>	Attended this awards ceremony organized by the Westchester Senior Housing and Services Coalition	Annually
<i>Ribbon-Cutting, Yorktown</i>	Spoke at the event about the benefits of the new affordable housing property	5/16/13
<i>Ribbon-Cutting, Village of Ossining</i>	Attended a ribbon-cutting for a new development to demonstrate continued support for affordable housing	6/21/13
<i>Westchester Residential Opportunities Gala</i>	Recognized honorees for their fair housing efforts	11/14/13
<i>Ribbon-Cutting, Briarcliff Manor</i>	Attended the ribbon-cutting for an affordable and fair housing development; spoke about the benefits of affordable housing and opportunities available to homeowners	6/19/14
<i>Press Conference, Rye</i>	Publicized the preservation of 100 affordable housing units	7/23/15
<i>Ribbon-Cutting, Somers</i>	Attended the opening ceremony for an affordable housing development	10/15/15
<i>Fair Housing Poster Initiative</i>	Distributed posters created by the National Fair Housing Alliance, in association with HUD, to local municipalities, nonprofits, and developers; two posters were placed at the Westchester County Airport	April 2016

### **Education and Outreach – Human Rights Commission**

In addition, the Westchester County Human Rights Commission has conducted its own outreach and education campaign to combat discrimination in housing, engage communities in dialogues about racial

and ethnic relations, and promote the benefits of diverse and welcoming communities. These efforts are outlined in the tables below.

### **Fair Housing Trainings**

<b>Organization</b>	<b>Date</b>	<b>Topic</b>
<i>North Tarrytown Housing Authority</i>	4/9/13	Training on the fundamentals of fair housing law and common associated issues, including discussions of why fair housing is important in the local communities and the role housing authorities can play in supporting and advancing fair housing
<i>Yonkers Housing Authority</i>	4/11/13	
<i>New Rochelle Housing Authority</i>	4/16/13	
<i>Tarrytown Municipal Housing Authority</i>	4/17/13	
<i>Tuckahoe Housing Authority</i>	4/24/13	
<i>White Plains Housing Authority</i>	4/30/13	
<i>Community Housing Innovation</i>	2/25/13, 9/23/13	Training session for first-time homebuyers on the Westchester County Fair Housing Law
<i>ERA Realty, Bronxville and North White Plains</i>	7/31/13, 5/19/15	Training on the new source of income law
<i>Bronxville Cooperative Boards</i>	8/7/13, 10/16/13	Trainings on unlawful discrimination in housing
<i>CVR – NY, Section 8 program administrator</i>	9/12/13	Training on the implementation and role of the source of income law
<i>Cooperative Shareholders, Ossining, Scarsdale and Yonkers</i>	4/24/14, 5/22/14 5/30/14	Trainings at the Ossining Public Library, Garth Road Senior Center, and Yonkers Public Library on fair housing law and discrimination
<i>Sterling National Bank and Westchester County Bar Association</i>	1/14/16	Led CLE course explaining the history and import of the federal Fair Housing Act and the major U.S. Supreme Court cases from which the Act has evolved
<i>Association of Towns of the State of New York</i>	2/16/16	Led CLE course providing an overview of the Fair Housing Act and unlawful discrimination in housing, and associated issues

### **Event Sponsorship and Participation**

<b>Event</b>		
<i>Westchester Institute for Human Development Roundtable</i>	Participated in the housing roundtable to discuss housing issues encountered by people with disabilities	9/17/13
<i>American Institute of Architect's Design Expo</i>	Co-sponsored with the Human Rights Commission a speaker from the United Spinal Association to speak about design and construction requirements under the various fair housing laws	10/21/13
<i>Senior Law Day</i>	Participated in a panel discussion concerning unlawful discrimination in housing	10/17/13, 10/19/14, 9/17/16
<i>Panel Discussion</i>	Panelist at a discussion entitled "Creating Housing for People with Intellectual and Developmental Disabilities Living in Westchester County	7/22/14

<i>Affordable Housing Expo</i>	Presented on fair housing and associated issues	3/14/15
<i>Muslim American Society of Upper New York Annual Community Dinner</i>	Spoke about the importance of remaining vigilant against discrimination in our community arising from larger global events	3/26/15
<i>Yonkers Hispanic Community Fair</i>	Spoke about immigration / national origin issues and discrimination generally	9/26/15
<i>Pace Women's Justice Center</i>	Presented on the Human Rights Commission and the protections contained in the human rights and fair housing laws for women	10/22/15

### **Public Outreach and Support to Local Partners**

<b>Organization</b>		
<i>William Raveis Legends Realty Group</i>	Met with real estate agents and brokers to discuss implementation and role of the source of income law amendment	9/25/13
<i>Houlihan Lawrence Real Estate Agents</i>	Presented on general fair housing discrimination and sources of income amendments to the local fair housing law	December 2013, 1/28/14, 1/30/14, 2/11/14
<i>Scarsdale Middle School</i>	Presented at Human Rights Day about the importance of housing and location in securing educational opportunities	1/15/14
<i>Hugh Doyle Senior Center</i>	Spoke about fair housing law to attendees	2/28/14
<i>New Rochelle High School</i>	Spoke with the African History classes about fair housing discrimination and the related legal cases; presented on how racial relations can impact communities	3/10/14, 3/12/14 3/26/14, 4/3/14
<i>Nellie A. Thornton High School</i>	Conducted a monthly afterschool series on various topics, including demographic and economic makeup of their city and community	Spring 2014
<i>Westchester Cooperative and Condominium Advisory Council</i>	Presented on "Accommodations for the Handicapped: What your Building or Complex Should Know"	4/2/14
<i>Westchester County Hispanic Advisory Board</i>	Presented on the Human Rights Commission and types of discrimination, including housing discrimination	7/14/14
<i>League of Women Voters</i>	Presented on the Human Rights Commission and types of discrimination, including housing discrimination	9/8/14
<i>Larchmont-Mamaroneck Human Rights Commission</i>	Met to discuss the County's human rights and fair housing laws and assisted group in organizing and reconstituting its human rights committee	9/24/14
<i>Trump Park Board Members</i>	Discussed fair housing and discrimination	September 2014
<i>El Centro Hispano</i>	Presented on unlawful discrimination in fair housing with emphasis on protections afforded to new immigrants	9/28/14
<i>Scarsdale High School</i>	Presented at Human Rights Day on civil rights and whether we have made progress in race relations, and the benefits of positive race relations in our local community	10/2/14
<i>Fulton Gardens staff</i>	Presented on fair housing discrimination	10/23/14

<i>Greenburgh Human Rights Committee</i>	Met with municipal officials and interested residents to help set up the human rights committee, which became operational in early 2015	2014
<i>Family Service Society of Yonkers</i>	Presented to the Homestead Program on reasonable accommodations and fair housing at the offices of Westchester Disabled on the Move, Inc.	12/10/14
<i>City of Yonkers African American Advisory Board</i>	Presented on the Human Rights Commissions efforts in enforcing and administering the County's fair housing and human rights laws, and what persistent issues face the community	2/19/15
<i>Town of Yorktown condominium board</i>	Presented on fair housing and discrimination issues	2/25/15
<i>New York Law Journal</i>	Published article on Interactive Process in Housing and Public Accommodations	4/1/15
<i>Yonkers Hispanic Advisory Board</i>	Presented on fair housing discrimination	4/14/15
<i>73 Hyland Avenue Tenants Association</i>	Spoke at a fair housing town hall meeting about the rationale, purpose, and role of fair housing	4/16/15
<i>Immaculeta Presentation Church, Yonkers</i>	Guest spoke at a forum on human rights issues, including fair housing principles and laws as pertaining to new immigrants and Hispanic residents of Yonkers	5/28/15
<i>Mount Vernon Tenants Association</i>	Guest spoke at an open discussion concerning the source of income law and discrimination in housing	9/21/15
<i>WESTCOP's Victim's Assistance Service</i>	Presented on the Human Rights Commission and its role in fair housing discrimination protections	10/28/15
<i>Pace Land Use Law Institute</i>	Presented to municipal officials on the County's source of income law	11/13/15
<i>Hispanic Community Resource Center</i>	Presented on fair housing laws to counselors at the Center	7/6/16

### **Reports and Resource Guides – Westchester County**

The following reports and resource guides are currently available on Westchester County's website to facilitate the development of fair and affordable housing in the County, assist homebuyers, and promote existing affordable homes and developments.

#### **Adapting Underutilized Office Parks for Housing - March 2008, Reissued September 2010**

This study demonstrates the feasibility of building housing, including fair and affordable housing, on underutilized office park land and proposes model zoning district standards that would enable local municipalities to implement such development.

#### **A Resource Guide for Homeowners of Westchester County Fair and Affordable Housing Units**

This handbook is written for owners of subsidized housing and it details many fair and affordable housing programs and their requirements for participation. Includes program summaries, FAQs and links for additional information. Sample letters and documents are included to make it easier to refinance or make changes to your mortgage.

### A Roof Over Your Head: A Guide to Housing Resources – September 2010

A question and answer guide to the Westchester County housing market, with the most commonly-asked questions on housing resources available to tenants, landlords, homeowners, elderly, and the disabled. The guide includes information on the general background, practices and rules regarding housing in Westchester County.

### Housing Resource Guide for Autism Spectrum Disorder/Intellectual and Developmental Disabilities – February 2015

A guide created by the Westchester Institute for Human Development for families seeking housing in Westchester County for their adult children with Autism Spectrum Disorder and other Intellectual and Developmental Disabilities.

### Accessible Apartment Building Guide and Database

The guide that rates more than 700 multi-family housing dwellings in Westchester for their quality of accessibility and provides information on how to interpret the database.

### **Online Resources – Westchester County**

In addition to the resources above, the following online resources are currently active and available on Westchester County's website to facilitate the development of fair and affordable housing in the County, assist homebuyers, and promote existing affordable homes and developments.

#### Westchester Government Reports and Resources Page

<http://homes.westchestergov.com/resources>

Includes links to federal home financing providers, including the Federal Home Loan Banks, Fannie Mae, Freddie Mac, and Ginnie Mae, and other local housing support and resources, including Westchester Residential Opportunities, Inc. and the HUD Fair Housing App, an app developed by HUD to provide fair housing rights information and a platform for filing housing discrimination complaints.

#### Housing Opportunities Sign-Up Page

<http://homes.westchestergov.com/homeseeker-housing/sign-up-form>

An opportunity for those seeking affordable housing to be notified of upcoming fair and affordable homes for sale or rent. This information is provided in both English and Spanish.

#### Westchester Government Tenants Resources Page

<http://homes.westchestergov.com/tenants>

Includes links to:

- Finding an apartment - <http://homes.westchestergov.com/tenants/find-an-apartment>
- Accessibility resources - <http://homes.westchestergov.com/accessibility-resources>
- Rent control and rent stabilization laws- <http://homes.westchestergov.com/tenants/rent-control>
- Tenant rights- <http://homes.westchestergov.com/tenants/right-to-organize>
- Code enforcement - <http://homes.westchestergov.com/code-enforcement-tenants>
- Westchester County Lead Safe programs - <http://homes.westchestergov.com/tenants/lead-paint>
- Discrimination and Fair Housing and Fair Lending laws - <http://homes.westchestergov.com/discrimination-landlord>
- Rental Assistance - <http://homes.westchestergov.com/tenants/rental-assistance>

- Eviction prevention - <http://homes.westchestergov.com/tenants/eviction-prevention>

#### Westchester Government Homeseeker Page

<http://homes.westchestergov.com/homeseeker-housing>

This list offers helpful information for tenants and allows landlords to list available apartments. The Homeseeker page provides links to the Housing Opportunities sign-up page and the Homeseekers map which provides affordable housing information geographically. As of the last Westchester Fair and Affordable Housing Implementation Plan Quarterly Report, a total of 10,015 households have signed up on this website since its inception.

#### Westchester Government Homeownership Resources Page

<http://homes.westchestergov.com/homeownership>

Includes links to:

- Information on forms of homeownership - <http://homes.westchestergov.com/forms-of-homeownership>
- House hunting - <http://homes.westchestergov.com/forms-of-homeownership/house-hunting>
- Homebuyer counselling - <http://homes.westchestergov.com/homebuyer-counseling>
- Foreclosure prevention - <http://homes.westchestergov.com/keeping-your-home>
- House hunting information - <http://homes.westchestergov.com/forms-of-homeownership/house-hunting>
- HUD income guidelines - <http://homes.westchestergov.com/resources/hud-income-guidelines>
- Down payment and closing assistance - <http://homes.westchestergov.com/homeownership/down-payment-and-closing-cost-assistance>

## Section 2: Current Status of the 750 AFFH Units

Since 2009, there are a total of 902 AFFH units within the 31 eligible communities that were either constructed or are in various stages of approvals or construction. This is 152 additional AFFH units above and beyond the Settlement's required 750 AFFH units. The following statistics are related to the current completion, construction, or approval status of the 902 AFFH units. Appendix A contains specific information on each unit as of September 30, 2016, which was the end of the 3rd quarter of 2016.

- 771 units have financing in place.
- 647 units have building permits or Certificates of Occupancy in place.
- 118 units under approval or construction in 28 municipalities.
- A total of 327 of the 902 units are located in the least diverse blocks according to the 2000 Census. These are blocks that had zero percent African American and zero percent Hispanic population in 2000.

There are a total of 384 units in 22 developments with units completed and occupied as a result of the County's affirmative marketing efforts. There is significant diversity in the race and ethnicity of the new tenants and owners. Additional units have been completed and marketed, but not yet occupied. Affirmative fair housing marketing efforts, in compliance with the Affirmative Fair Housing Marketing Plan approved by the Monitor, are still being undertaken by the County.

- A total of 8,381 applications have been received for all of the affordable AFFH units marketed to date. Of these applications, 35% of the heads of households identified themselves as White, 35% as African American, 3% as Asian, 8% as Multi-Racial and 29% as Hispanic.
- The County has approved the use of \$57,413,871 in subsidies, *exceeding* the \$51.6 million it is required to spend on the 750 units.
- The County's funding has leveraged another \$172.5 million in other public funding, including over \$39.7 million from the U.S. Department of Housing and Urban Development.

The 118 active sites include developments in 28 municipalities. Currently, there are three eligible municipalities with no active sites: the Villages of Bronxville and Tuckahoe and the Town of Mamaroneck. According to the Settlement Agreement Section 7 (a) through (j) sets forth the terms and conditions of the AFFH 750 units. Tuckahoe is categorized as a municipality that would fall within Section 7 (c) of the Settlement Agreement. This section only provides for 60 of the 750 units to be developed within a municipality that "according to 2000 Census data, a single race African-American only population less than fourteen (14) percent and a Hispanic population less than sixteen (16) percent, as calculated after removing people living in group quarters from the relevant population are now identified". The 60 AFFH units that fall within Section 7(c) are accounted for and as a result, no additional sites are being pursued in The Village of Tuckahoe at this time. However, sites in the Village of Bronxville and the Town of Mamaroneck continue to be reviewed for feasibility.

The AFFH units range in size between studios to five bedroom units. The bedroom unit mix will allow for people with the following family sizes to occupy those units as displayed in Table 1.

**Table 1: Minimum and Maximum Persons per Bedroom Unit Type**

<b>Number of Bedrooms</b>	<b>Number of Persons</b>
Efficiency	Minimum:1 Maximum:1
1 Bedroom	Minimum:1 Maximum:3
2 Bedroom	Minimum:2 Maximum:5
3 Bedroom	Minimum:3 Maximum:7
4 Bedroom	Minimum:4 Maximum:9

The 902 AFFH units will be located throughout and include both homeownership (287 units) and rentals (615 units). Approximately 68% of the housing developed is rental. 189 of the units are senior housing. The 902 units are found within 80 development projects and 43 (53%) of those projects contain 3 or more bedroom units. Family size units are being distributed throughout the various development projects and eligible communities. Based on Westchester County's maximum person per bedroom standards, even 1 bedroom units allow for a family of 3 to reside within the unit.

The Homeseeker Central Intake system at [www.westchestergov.com/homeseeker](http://www.westchestergov.com/homeseeker) continues to garner interest with more households signing up. A total of 10,015 households have signed up on this website since its inception to receive information on affordable housing opportunities. The AFFH units that have been and are being developed reflect the needs of the Homeseeker households. Those that have signed up come from 32 states, New York City, other New York counties and all over Westchester County. Data from the Homeseeker Central Intake system show that approximately 28% of households are looking for homeownership opportunities, 31% are interested in rental opportunities, and 41% are open to both homeownership and rental opportunities. Household size needs vary amongst those that have signed up for the Homeseeker website. Table 2 displays the percentage of household size need submitted on the website. Approximately 72% of the requests are for 1-3 person households, which can be accommodated in one or two-bedroom units. Based on the Homeseeker website, which provides an up to date indication of need, the AFFH units being constructed or proposed by the County meet the needs of those looking for housing in both housing type (rental or ownership) as well as bedroom unit size.

**Table 2: Percentage of Household Size Needs**

<b>Household Size</b>	<b>Percentage</b>
1 Person	19%
2 People	28%
3 People	25%
4 People	17%
5 People	7%
6 People	3%
7+ People	1%

Homeseekers Central Intake system 10/20/2016



In totality, the initiatives undertaken by Westchester County through its policies, plans, and legislative initiatives as well as its vigorous education and outreach do demonstrate implementation of their earlier policies and plans specifically Westchester County's Affordable Housing Statement of Need Policy, Westchester County's Housing Implementation Plan, Model Ordinance Provisions, and Affirmative Fair Housing Marketing Plan. The actions undertaken by the County specifically aim to help promote and implement fair and affordable housing within Westchester County and help communities overcome exclusionary zoning practices. With its robust education and outreach, the County continues to advocate for affordable housing. Furthermore, the efforts undertaken by Westchester County to develop AFFH units throughout the County have amounted to 152 additional AFFH units above and beyond the Settlement's required 750 AFFH units. This includes use of \$57,413,871 in subsidies, exceeding the \$51.6 million Westchester County is required to spend on the 750 units. The County continues its work on securing approvals and funding for its AFFH units. Finally, the AFFH units are distributed throughout 28 out of the 31 eligible municipalities identified in the Settlement and provide for families, both large and small.

## Section 3: Status of Municipal Zoning Analyses

The following information and analyses build upon prior analyses conducted by the County and Westchester municipalities in consultation with the court-appointed federal monitor (“Monitor”) for the Settlement Agreement.

On September 13, 2013, the Monitor issued the Final Report on Westchester County’s Analysis of Municipal Zoning (“*Berenson Report*”). The *Berenson Report* provided an analysis under *Berenson v. Town of New Castle*, 38 N.Y.2d 102 (1975) to determine whether zoning practices in the 31 Westchester County municipalities eligible under the Settlement and Order of Stipulation and Dismissal, dated August 10, 2009, were exclusionary on the basis of socioeconomic status.

The *Berenson Report* also took an “initial step in identifying whether the municipal zoning ordinances” were problematic under Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601-3631; United States Department of Housing and Urban Development (“HUD”) regulations, 24 C.F.R § 100.500; and *Huntington Branch, NAACP v. Town of Huntington*, 844 F.2d 926 (2d Cir. 1988). The *Huntington* legal standard considers whether zoning codes have a discriminatory impact on racial and ethnic minorities. The *Berenson Report* identified “further analytical steps” to be taken by the County under *Huntington* in a future, more fulsome report.

### A. Berenson Report and Municipal Progress

The 2013 *Berenson Report* identified steps the County should take to complete the analysis of impediments to fair housing choice required by the Settlement and Order of Stipulation and Dismissal dated August 10, 2009, and HUD regulations, *see* 24 C.F.R. § 570.601(a)(2), including an analysis of each eligible municipality’s zoning code under the *Huntington* standard. Applying New York’s *Berenson* test, the *Berenson Report* found evidence that seven municipalities had exclusionary zoning on the basis of socioeconomic status because of barriers they erected against affordable housing development. The *Berenson Report* analyzed each municipality for two specific Prongs: 1) did the municipality provide a properly balanced and well-ordered plan for the community; and 2) did the municipality consider, weigh, and balance both local and regional housing needs, due to the ripple effects zoning may have on areas outside a municipality’s boundaries? If a municipality’s zoning ordinance was ranked exclusionary under either or both prongs of the *Berenson* test, then the community must demonstrate that the zoning practices were, in actuality, not exclusionary. Communities were ranked in one of three Categories: Category 1 – not exclusionary; Category 2- not exclusionary but warrants improvement; and Category 3- Exclusionary. The “Category 3” municipalities identified were: The Village of Croton-on-Hudson, Town/Village of Harrison, Town of Lewisboro, Town of Mamaroneck, Town of Ossining, Village of Pelham Manor, and Town of Pound Ridge.

Following the *Berenson Report*, Towns of Mamaroneck, Pound Ridge, and Ossining made considerable progress in amending their zoning codes to expand opportunities for affordable housing development. Mamaroneck enacted, among other zoning changes, the model affordable housing ordinance, and recently approved the construction of 10 affordable housing units. As a result of Mamaroneck’s efforts to make inclusionary amendments to its zoning code, the Monitor issued a progress report in February 2014 removing them from *Berenson* Category 3.

Ossining has undertaken recent efforts to make its zoning code more inclusionary. The Town amended its zoning ordinance to permit as-of-right multi-family housing development in three districts, which occupy 9% of Ossining's land area. Ossining's Town leadership also met frequently with the Monitor to discuss its efforts to erase barriers to affordable housing within its community. Ossining's good-faith willingness to reform its zoning code is expected to be the focus of a subsequent *Berenson* progress report removing them from Category 3. Ossining has also built five units of affordable housing.

Pound Ridge has also undertaken recent efforts to amend its zoning code. This year the Town amended its zoning code to require the creation of affordable housing units in any residential development of ten or more units and to expand the areas where multi-family housing is permitted by special permit to include several residential zoning districts. Pound Ridge's Town leadership has also met with the Monitor to discuss its efforts to remove barriers to affordable housing and participated in an initiative to explore practical methods of designing affordable housing in its community. Pound Ridge was subsequently removed from Berenson Category 3. Pound Ridge is in the process of getting approvals for construction of six units of affordable housing.

The Village of Croton-on-Hudson, Town/Village of Harrison, Town of Lewisboro, and Village of Pelham Manor remain as Category 3 municipalities.

## **B. The Huntington Analysis**

The 2014 *Huntington* Analysis examined demographic data and zoning ordinances of the 31 eligible municipalities. In conducting the *Huntington* Analysis, the Monitor engaged John Shapiro and Brian Kintish (Housing Consultants), experts from the Pratt Graduate Center for Planning and the Environment. Together, the Monitor and Housing Consultants collected, reviewed, and analyzed data provided by the County pursuant to a methodology approved by the Chairman of the Westchester County Board of Legislators and HUD. Zoning regulations for each municipality were reviewed and analyzed pursuant to the methodology. After the Housing Consultants prepared preliminary factual reports, each municipality was provided an opportunity to correct and comment on those reports. The Monitor also granted HUD and the County's executive and legislative branches an opportunity to review and provide comments on the preliminary reports. Feedback from the County, HUD, and municipalities was reviewed, considered, and incorporated into the report as appropriate.

Consistent with *Huntington*, applicable HUD regulations, and the methodology used within the report, the Huntington Analysis examined the discriminatory impact each municipality's zoning code might have on the County's minority residents. However, the Huntington Analysis did not make findings with respect to whether any municipality drafted its zoning code with the intent to discriminate against minorities.

After applying the *Huntington* legal standard to the data, the Huntington Analysis reached the conclusion that the zoning ordinances of 25 out of 31 eligible municipalities were not exclusionary under the *Huntington* standard. Those municipalities were: Ardsley; Bedford; Briarcliff Manor; Bronxville; Buchanan; Cortlandt; Croton-on-Hudson; Dobbs Ferry; Eastchester; Hastings-on-Hudson; Irvington; Mamaroneck; Mount Pleasant; New Castle; North Salem; Ossining; Pelham; Pleasantville; Pound Ridge; Rye; Scarsdale; Somers; Tarrytown; Tuckahoe; and Yorktown.

According to the *Huntington* Analysis, there was evidence that the remaining six municipalities have zoning codes that are presumptively exclusionary under the *Huntington* standard. They were the Town

of North Castle, Village of Rye Brook, Town of Harrison, Town of Lewisboro, Village of Pelham Manor, and Village of Larchmont. According to these analyses, these municipalities have zoning regulations that either: perpetuate clustering by restricting multi-family or two-family housing to districts that have disproportionately high minority household populations; or disparately impact the County’s minority household population by restricting the development of housing types most often used by minority residents.

**Municipalities with Zoning that Violates One or Both Huntington Prongs As Identified in the Huntington Analysis**

Huntington Prong 1: Prima Facie Evidence of Perpetuation of Clustering	
<b>Harrison</b>	59.7% of Harrison’s minority household population resided in a single zoning district, which was zoned for as-of-right two- family housing development.
<b>Larchmont</b>	50.4% of Larchmont’s minority household population resided in the only zoning districts allowing as-of-right multi-family housing development.
<b>North Castle</b>	North Castle’s only zoning district permitting as-of-right two-family housing development was home to 30.8% of North Castle’s minority residents, and minority residents made up 34.5% of the district’s household population.
<b>Rye Brook</b>	50.8% of Rye Brook’s minority household population resided in the sole zoning district providing a meaningful supply of two-family housing, and minority residents made up 41.3% of the district’s household population.
Huntington Prong 2: Prima Facie Evidence of a Disparate Impact Violation	
<b>Harrison</b>	Harrison restricts as-of-right multi-family housing development to 0.3% of its total land area, has not adopted the model affordable housing zoning ordinance, provides no affordable housing incentives or mandates, and has not built or approved any affordable housing since 2000.
<b>Lewisboro</b>	Lewisboro restricts as-of-right multi-family housing development to 0.8% of its total land area, does not possess a sufficient diversity of housing types, and has not adopted the model affordable housing zoning ordinance, provides no affordable housing incentives or mandates, and has not built or approved any affordable housing since 2000.

<b>Pelham Manor</b>	Pelham Manor restricts as-of-right multi-family and two-family housing development to one district, prohibits mixed-use and accessory apartment housing, and has not adopted the model affordable housing zoning ordinance, provides no affordable housing incentives or mandates, and has not built or approved any affordable housing since 2000..
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Source: Monitor’s Huntington Analysis of Westchester County Zoning, 2014

Following the *Huntington* Analysis each municipality has been given the opportunity to provide additional information to the Monitor to rebut the presumption of a violation. Pursuant to this next step, each affected municipality is able to submit reasons, supported by evidence, as to why: the zoning restrictions are necessary to achieve one or more substantial and legitimate governmental interests; and no less discriminatory alternatives to the restrictions exist.

**C. On-Going Progress and Current Status of the Municipalities identified in the Berenson and Huntington Reports**

In a letter dated July 7, 2016 from the Monitor to the Court, the Monitor updated the Court on the progress of seven municipalities that, as of the date of the Monitor’s Third Biennial Assessment of Westchester County’s Compliance (“Assessment”), “continue[d] to have zoning that could result in liability under either *Berenson* or *Huntington*.” In that Assessment, dated April 28, 2016, the Monitor had encouraged the United States Department of Justice (DOJ) to “give serious consideration to bringing legal action against” these seven municipalities, so long as there remained an “absence of remediation” on their part.

The letter, dated July 7, 2016, summarized the progress each of the municipalities had made to address remediation. In particular, the Monitor’s letter of July 7, 2016 withdrew the recommendation that the DOJ should consider bringing legal action against two of the seven communities: the Town of North Castle and the Village of Rye Brook. Further, the other five communities (Village of Croton-on-Hudson, Town/Village of Harrison, Town of Lewisboro, Village of Pelham Manor, and Village of Larchmont) have undertaken various initiatives that have directly resulted in the development of affordable housing and/or expanded possibilities for the creation of affordable housing. A summary of actions undertaken since the 2013 *Berenson* Report and 2014 *Huntington* Analysis is provided below.

**Town of North Castle**

The Town amended its zoning code to create more opportunities for the development of fair and affordable housing, including the adoption of model zoning ordinance provisions and expanding areas that permit as-of-right multi-family and mixed-use housing development and accessory apartments. A 10-unit affordable housing development is underway in Armonk and an additional 15 affordable housing units are in various stages of development. The Town Supervisor also provided information on the environmental and infrastructural issues that constrain residential housing development in the Town, including limited sewage treatment capacity and protected watershed areas. On account of this progress, the Monitor withdrew the recommendation that the DOJ should consider bringing legal action against North Castle for its zoning.<sup>1</sup>

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<sup>1</sup> Letter from Monitor James E. Johnson to Hon. Denise L. Cote, July 7, 2016.

### **Village of Rye Brook**

Rye Brook modified its zoning code to provide greater opportunities for affordable housing development and has been proactive in identifying and publicizing potential sites for such housing. Affordable housing is currently under construction within the Village. The Monitor has communicated to the DOJ that he no longer recommends that legal action be taken against the Village.<sup>2</sup>

### **Village of Croton-on-Hudson**

According to the *Berenson* Report, the Village of Croton-on-Hudson was ranked a Category 3 for Prong 2 on the basis of zoning restrictions that were placed on multi-family and accessory apartment regulations. Specifically, the zoning failed to provide a provision for multi-family housing as-of-right or significantly reduced or limited such housing due to the limited areas within which multi-family homes could be built. Moreover, the zoning placed age restrictions on accessory apartments by stating that either the owner of the premises or the lessee of the accessory apartment had to be at least 55 years of age.

In response to that report, the Village of Croton-on-Hudson has amended its zoning code and its Local Waterfront Revitalization Program (LWRP) consistency review process to consolidate reviews; thereby promoting development of multi-family housing. For accessory apartments, the code was amended to eliminate age requirements. The Village is also currently in the process of considering adoption of a local law based on the County's model affordable housing zoning ordinance. The law has previously been discussed at a work session of the Village Board and the expectation is that adoption will be voted on early in 2017.

Given the character of its existing development patterns, the Village has focused on streamlining application procedures and providing in-fill opportunities (such as mixed-use development and accessory apartments) to remove barriers to affordable housing development. The Village currently has one affordable housing unit that contributes to implementation of the County's Housing Implementation Plan. Larger development opportunities within this small and built-out community are very limited.

#### Summary of Municipal Progress:

- The Village is in the process of reviewing a local law based on the County's model affordable housing zoning ordinance. It is anticipated that the law will be enacted in early 2017 following completion of the required public hearing and the SEQRA process.
- In June 2012, the Village expanded and amended the Harmon Overlay Mixed Use District, a commercial gateway district near the Metro-North Railroad station, to permit mixed-use buildings with an additional story and floor area ratio. Since the amendment, two mixed-use developments have been applied for and have received site plan approval by the Village: 379 South Riverside Avenue, a three story mixed-use building with 11 dwelling units received approval in May 2016; and 370 South Riverside Avenue, a three story mixed-use building with six dwelling units received approval in July 2015.

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<sup>2</sup> Ibid, p. 1-2.

- The Village expanded opportunities for obtaining approval for an accessory apartment by removing age restrictions and streamlining procedures. Local Law 9, adopted in October 2015, streamlined the approval process by removing provisions requiring a special permit that had to be renewed every three years. The law also removed previous restrictions that the owner of the premises or the lessee of the accessory apartment had to be at least 55 years of age. The Planning Board has since approved one application for a new accessory apartment and renewed an existing accessory apartment.
- In October 2015, the Village adopted Local Law 8 to streamline procedures for obtaining a consistency review with the Village's Local Waterfront Revitalization Program (LWRP). The entire Village is located within the coastal zone and is subject to the LWRP, therefore, any application requiring Village approval or funding must be reviewed by the Village's Waterfront Advisory Committee (WAC). Local Law 8 reduced the number of reviews by the WAC from two to one, thereby streamlining the application process by an estimated two or more weeks.
- In order to alleviate taxes for lower income residents, in October 2015 the Village adopted a tax abatement for rent-controlled and rent-regulated properties occupied by senior citizens or persons with disabilities. Thus far, one person has applied for this tax abatement.

Based on the actions as detailed above, the Village of Croton-on-Hudson has adequately addressed the zoning restrictions and limitations raised in the *Berenson* Report.

### **Town/Village of Harrison**

According to the *Berenson* Report and the *Huntington* Analysis, the Town/Village of Harrison received a *Berenson* ranking of Category 3 for Prong 2 and did not meet the *Huntington* Analysis Prong 2. The *Berenson* Report ranked the Town/Village of Harrison as a Category 3 for Prong 2 on the basis that zoning restrictions were placed on multi-family and accessory apartment regulations. Specifically, that the zoning failed to provide a provision for multi-family housing as-of-right or that it significantly reduced or limited such housing due to the limited area within which multi-family homes could be built. In addition, accessory apartments are prohibited. The *Huntington* report found that the Town/Village did not meet Prong 2 due to prima facie evidence of perpetuation of clustering. The report found that 59.7% of Harrison's minority household population resided in a single zoning district, which was zoned for as-of-right two-family housing development. The *Huntington* report also found prima facie evidence of a disparate impact violation because zoning restricts as-of-right multi-family housing development to 0.3% of its total land area, and it has not adopted the model affordable housing zoning ordinance, provided any affordable housing incentives or mandates, or built or approved any affordable housing since 2000.

Approximately 40% of Harrison's housing stock is composed of two-family and multi-family dwellings. Beyond the four residential districts that permit either two-family or multi-family dwellings as-of-right, multi-family uses and/or mixed uses are permitted with a Special Exception Use Permit in five out of Harrison's eight business districts. Multi-family and mixed uses (which includes multi-family development above first floor non-residential development) are the only residential uses permitted in any of Harrison's business districts, providing a rationale for the Special Exception Use Permit in these districts. While the *Berenson* Report raised the Special Exception Use Permit as a restriction placed on multi-family housing, the Special Exception Use Permit allows for the development of residential units in non-residential zoning

districts. As stated previously, multi-family housing is the only type of housing allowed in the non-residential districts.

Since the *Berenson* and *Huntington* reports, the Town/Village of Harrison has expanded the potential for constructing additional multi-family units including AFFH units by adopting a new use within the SB-O district in 2016 entitled SB-O multiple dwellings. Previously, the SB-O district prohibited multiple dwelling units. In addition, a zoning change currently undergoing SEQRA review by the Town/Village Board would allow for additional multi-family units within the Harrison downtown through the creation of a Transit Oriented Development (TOD) zone. Both of these changes to the zoning are located outside of the B-Two Family District, therefore alleviating the perpetuation of clustering as identified in the *Huntington* Report.

The Town's 2013 Comprehensive Plan states a need to improve housing choice specifically through development of multi-family housing. To that end, the Comprehensive Plan promotes development of multi-family dwellings in downtown Harrison near the Metro-North Railroad station and prioritizes multi-family development in the Platinum Mile area to replace vacant corporate parks. As noted below, two recent development proposals have taken advantage of these zoning changes identified in the Comprehensive Plan and then implemented by Harrison.

Within the Town/Village, there are 49 new AFFH units either approved or in the approval process. As a result of the adopted and proposed zoning changes, a total of 564 new multi-family units, 49 of which will be affordable, will be developed within two new developments. This demonstrates Harrison's interest in expanding its multi-family housing stock and expanding the stock in other areas of the Town/Village. Further, a few years ago, the Town/Village's Zoning Board of Appeals granted variances for a proposed 36 unit multi-family development located near the Metro-North Railroad Station. Although this development has not yet been constructed, it demonstrates Harrison's desire to accommodate a variety of housing options.

#### Summary of Municipal Progress:

- Harrison has increased the potential for constructing additional multi-family units including AFFH units by adopting a new use within the SB-O district in 2011 entitled SB-O multiple dwellings. A zoning change currently undergoing SEQRA review by the Town/Village Board would allow for additional multi-family units including AFFH units within the Harrison downtown through the creation of a Transit Oriented Development (TOD) zone.
- A 421 unit multi-family development has been approved for the SB-O district and will contain 42 affordable units, 10% of the development. The proposal has received site plan approval and the affordable units have been made a condition of the special exception use permit. Another seven affordable housing units, 5% of the development, are proposed to be included as part of a transit oriented development in the downtown which will include 143 units. These 49 affordable units will contribute to the County's AFFH units. All of these units are located outside of the B-Two Family District, therefore alleviating the perpetuation of clustering.
- Besides the affordable units being provided within new multi-family developments, the County has converted an additional six existing units throughout the Town/Village to affordable units to be resold to qualified buyers.



The Town/Village of Harrison is addressing the zoning issues raised in *Berenson* and *Huntington* report. The Town/Village has expanded the potential for multi-family development by enacting zoning changes and is continuing to pursue the expansion of additional multi-family development with other pending zoning changes. As a result of these zoning changes, a total of 564 new multi-family units will be built, of which 49 will be AFFH units.

### **Town of Lewisboro**

According to the *Berenson* Report and the *Huntington* Analysis, the Town of Lewisboro received a *Berenson* ranking of Category 3 for Prong 1 and Prong 2, and did not meet the *Huntington* Analysis Prong 2. The *Berenson* Report ranked the Town of Lewisboro as a Category 3 for Prong 1 and Prong 2 on the basis that the last comprehensive plan was created in 1985 and that Lewisboro did not have a properly balanced and well-ordered plan. While the Comprehensive Plan has not been updated, it does contain the following, which remains in effect:

#### Goal 1: A Residential Community

C. Opportunities should be provided for a range of housing including type, cost and character.

In addition, the Town did not meet *Berenson* Prong 2 due to zoning restrictions placed on multi-family and accessory apartment regulations. Specifically, that the zoning limits the minimum lot size for multi-family housing and places bedroom restrictions on accessory apartments. The *Huntington* analysis found that the Town did not meet Prong 2 due to prima facie evidence of a disparate impact violation because Lewisboro restricts as-of-right multi-family housing development to 0.8% of its total land area, does not possess a sufficient diversity of housing types, and has not adopted the model affordable housing zoning ordinance.

Potential new development within the Town of Lewisboro is significantly hampered by regulatory constraints imposed by the New York City Department of Environmental Protection (NYCDEP). According to the Town of Lewisboro, approximately 75% of the Town's land is located in the New York City East-of-Hudson Watershed and tributary to various reservoirs within the NYCDEP Watershed Area and drinking water supply. The remaining 25% of the Town's land is tributary to drinking water reservoirs for portions of the State of Connecticut. These constraints limit the location and density of development in a significant portion of the Town.

Because new development opportunities are limited, the Town has sought other methods of providing affordable housing options including streamlining their accessory permit regulations and supporting the efforts of local not-for-profit organizations to acquire and redevelop vacant and deteriorated buildings. The Town has also expanded the area zoned to allow as-of-right multi-family housing in an effort to further diversify its housing stock.

The Town currently has approximately 60 affordable units proposed or under development that will contribute to the County's AFFH units. These units include 46 affordable units proposed in a private development in Goldens Bridge which is located in an area zoned for multi-family housing and which is undergoing site plan review by the Planning Board. The Board is currently focusing on the issue of how to safely handle school bus pick-ups and drop-offs at the site. A traffic consultant has been retained by the Planning Board to review the design and their report is due to be submitted by December 20<sup>th</sup>. It is

anticipated by the Town that a negative declaration under SEQRA could then follow shortly afterwards. There are also 15 or more affordable units in various stages of development by local not-for-profit groups including the Housing Action Council and Allied Community Enterprises. These units will result from the rehabilitation of existing dwelling units that are vacant and in need of renovation before being re-occupied as affordable units.

In assessing the Town's housing supply, it should also be noted that there are 45 existing income restricted middle income units available at the Oakridge development (now referred to as Laurel Ridge). While the income limits on these units do not match those of the County's current definition of affordable housing, they have long provided a housing resource in Lewisboro that is available to a range of households. Similarly, the Town maintains two units which it rents to local volunteer firefighters.

#### Summary of Municipal Progress:

- In September 2016, the Town adopted a zoning amendment to permit the establishment of accessory apartments as-of-right instead of requiring a special permit to promote more affordable housing options throughout the Town.
- As of September 2016, there were six affordable units on offer by the Housing Action Council, a local not-for-profit housing organization. An estimated 10 more existing housing units are being considered for conversion to affordable units by the Housing Action Council and Allied Community Enterprises, both not-for-profit housing organizations.
- In July 2015, the Town expanded the area zoned to allow multi-family housing. The zoning amendment accomplished the following: allowed multi-family units within the CC-20, SU, RB, and GB Districts; allowed dwelling units on floors above permitted principal nonresidential buildings in the CC-20 District (this use was already allowed in the RB and GB Districts); increased the bonus density from 40% to 50% when the applicant proposes at least 1/3 of the additional density units as middle income or AFFH units; reduced the mandatory open space set aside; and eliminated a requirement that multi-family developments provide at least 1/3 of the required parking spaces in a garage. The Planning Board is currently considering an application to build 46 affordable units in the re-zoned area, subject to agreement on a site design that will safely accommodate school bus pick-up and drop-off for the future residents of the development.

The Town currently has approximately 60 affordable units proposed or under development that will contribute to the County's AFFH units. As of the *Huntington* Report, the Town did not have any AFFH units being built nor had it approved any affordable housing since 2000. Based on the actions as detailed above, the Town of Lewisboro has adequately addressed the zoning restrictions and limitations raised in the *Berenson* and *Huntington* Analysis by amending their accessory apartment regulations and expanding the potential for additional multi-family housing.

#### **Village of Pelham Manor**

Based on the *Berenson* Report and the *Huntington* Analysis, the Village of Pelham Manor received a Berenson ranking of Category 3 and was not meeting the Huntington Prong 2. The Berenson Report ranked the Village of Pelham Manor as a Category 3 for Prong 1 on the basis of that the Village does not have a Comprehensive Plan. The Berenson Report also ranked the Village a Category 3 for Berenson Prong

2 due to zoning restrictions placed on multi-family and accessory apartment regulations. Specifically, mixed use development is limited to one district and accessory apartments are prohibited. The Village of Pelham Manor did not meet Prong 2 due to prima facie evidence of a disparate impact violation. Pelham Manor restricts as-of-right multi-family and two-family housing development to one district, prohibits mixed-use and accessory apartment housing, and has not adopted the model affordable housing zoning ordinance.

The Village of Pelham Manor, with a 2010 population of 5,486, was established in 1891. Most of its 1.36 square miles have been completely built-out. Approximately 26% of its housing stock is multi-family. While most of the Village's multi-family housing is located within the Multi-Family district, there are several multi-family developments and multiple dwelling homes scattered throughout the Village's single-family residential districts.

The Village does not contain any vacant land that is suitable for residential development and there are very few, if any, parcels of land that are underutilized and ripe for redevelopment. The buildings within the multi-family district were typically constructed at a higher density than what is currently permitted, making redevelopment of these properties unlikely. Several of the multi-family dwellings are further restricted because they are situated in an area of the Village that the New York State Historic Preservation Office has stated is eligible for listing as a historic district on State and National Registers of Historic Places. There are very limited opportunities for redevelopment within the single-family residential districts as well. For example, there have only been approximately four residential lots subdivided within the past 20 years, yielding approximately four new single-family houses. Single-family house tear-downs followed by new home construction are just as rare due to relatively small lot sizes and historic resources throughout the Village<sup>3</sup>. According to the 2010-2014 American Community Survey five-year estimates, nine housing units have been constructed since the year 2000. These include the four subdivisions and teardowns. The small lots sizes in the single-family districts also prohibit accessory units.

The Village contains one affordable housing unit which contributes to the County's AFFH units. This unit was purchased by the County and is in the process of being sold to a qualified buyer. Because new development opportunities are limited, conversion of existing housing units into affordable units is the only real feasible option for providing additional affordable units in the Village, which is the course of action being undertaken by the Village of Pelham Manor.

### **Village of Larchmont**

Based on the *Huntington* Analysis, the Village of Larchmont is not meeting Prong 1 due to prima facie evidence of perpetuation of clustering because 50.4% of Larchmont's minority household population resides in the only zoning districts allowing as-of-right multi-family housing development.

On December 19, 2016 the Village of Larchmont passed a local law based on the County's model affordable housing zoning ordinance. This affordable housing law will encourage the construction of affordable units throughout the Village to alleviate the perpetuation of clustering found in the *Huntington* Analysis. The Eighth Zoning Submission, dated July 23, 2013, as well as the *Huntington* analysis, noted that the Village's zoning ordinance does not permit accessory apartments. However, the Village has a roomer and boarder accessory use provision within its zoning code, which essentially allows for up to two additional borders in a single family house within all of its single family housing zoning districts. This provision

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<sup>3</sup> Based on conversation with John Pierpont, Pelham Manor Village Manager, on 11/22/16.

provides the same benefit as accessory apartments by permitting lower-cost housing options within single-family housing districts, thereby helping to lessen clustering of such districts.

Further discussed below is the Village's progress in obtainment of affordable units through the construction of Pinebrook Condominium, a multi-family development with 51 affordable units, 46 of which contribute to the County's AFFH units.

#### Summary of Municipal Progress:

- The Village Board passed a local law on December 19, 2016 that follows the County's model affordable housing zoning ordinance. In accordance with the model ordinance, the required affordable AFFH unit component will apply to all residential developments of 10 or more units, including developments in single-family districts as well as multi-family districts.
- Pinebrook Condominium, a multi-family residential development with 51 units of affordable housing, was constructed in 2015 in the RB, Retail Business Commercial District. The RB District permits multi-family dwellings as-of-right. The Planning Board encouraged the development of affordable housing on the site and the Zoning Board granted variances enabling denser development to allow for additional units. Of the 51 units, 46 units qualify under the County's AFFH units. Pinebrook Condominium is located in the downtown area of Larchmont, a desirable section of the village that is in close proximity to shopping and services, Interstate-95 and the Larchmont Metro-North Railroad Station.

Based on the actions as detailed above the Village of Larchmont has adequately addressed the zoning restrictions and limitations raised in the *Huntington* Analysis with the recent adoption of the affordable housing law. This would effectively encourage the construction of affordable units throughout the Village to alleviate the perpetuation of clustering found in the *Huntington* Analysis. Further, the Village already has on the books the ability to provide lower-cost housing options within single-family housing districts through its roomer and boarder accessory use provisions.

#### **Conclusion**

As described above, the five subject communities have each made measureable progress toward facilitating and achieving the development of affordable housing. This progress has been made possible by each municipality undertaking steps that reflect their unique local physical, environmental, and market characteristics. In this manner, affordable housing can be developed in a way that blends into its surroundings and becomes a part of the broader community.

3Q 2016 AFFH Sites Progress List

All Sites																					
Development										Site Description			Developer		Approvals, Funding and Development Progress						
Site Name/Address	Municipality	Total No. of Units	No. of AFFH Units	Stipulation Area Designation	Census Tract	Census Block	School District	No. of Senior Units <sup>1</sup>	No. of Existing Units <sup>2</sup>	No. of Eligible Rental Units <sup>3</sup>	No. of Eligible Ownership Units <sup>4</sup>	Unit Size & Configuration	Within 1 mile of Public Transportation	Existing Public Water Service	Existing Public Sewers	Developer NFP-Not for Profit FP-For Profit	Non-County Financing	All Financing in Place	Building Permits Issued for AFFH Units	Current Status	Next 90 Days
Waterwheel 867 Saw Mill River Rd	ARD	22	17	A	106	1004	Ardley Union Free				17	2 and 3 BRs	yes	yes	yes	Architectura (FP)	AHC	17	17	Under construction	Construction finishes and sales begin
208 Harris Rd Unit DA5	BED	145	1	A	128	8011	Bedford Central		1		1	2 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Rehab complete	Qualify buyer
208 Harris Rd Unit HA6	BED	145	1	A	128	8011	Bedford Central		1		1	1 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
147-175 Railroad Ave	BED	12	12	A	128	3013	Bedford Central			12		1 and 2 BRs	yes	yes	no	Antioch Homes HDFC (NFP)	NYS CDBG	12		County funding approvals in place and securing land use approvals; NYS funding approved	Complete land use approvals and close on property.
106 Nottingham Rd Unit B	BED	75	1	A	128	2001	Bedford Central		1		1	1 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Complete marketing	Qualify buyer
108 Nottingham Rd Unit G	BED	75	1	A	128	2001	Bedford Central		1		1	1 BR	yes	yes	no	Housing Action Council (NFP)				Seeking County funding approvals	Secure County funding and close on property
7 Ridge St	BED	1	1	A	126	3011	Katonah/Lewisboro		1		1	2 BR	yes	yes	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
41 Church St	BED	1	1	A	128.02	8020	Bedford Central		1		1	3 BR	yes	yes	no	Housing Action Council (NFP)				Seeking County funding approvals	Secure County funding and close on property
Bleakley & John Walsh Blvd	BUC	42	35	A	140	1002	Hendrick Hudson	11		11		1 and 2 BRs	yes	yes	yes	Community Housing Innovations (NFP)	LIHTC			Rezoning complete	Developer seeking land use approvals
176 Henry Street	BUC	1	1	A	140	2005	Hendrick Hudson		1		1	2 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
194 Ketchum Ave	BUC	1	1	A	140	1008	Hendrick Hudson		1		1	3 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Closed on property	Begin marketing
280 Bleakley Ave	BUC	1	1	A	140	1004	Hendrick Hudson		1		1	4 BR	yes	yes	no	Steward Redevelopment (FP)				Seeking County funding approvals	Secure County funding and close on property
208 Centre St	BUC	1	1	A	140	3005	Hendrick Hudson		1		1	2 BR	yes	yes	no	Steward Redevelopment (FP)				Seeking County funding approvals	Secure County funding and close on property
72 Croton Ave	CTD	2	2	(B)C <sup>9</sup>	146.07	3008	Lakeland Central		2	1	1	1 and 2 BRs	yes	yes	no	Housing Action Council (NFP)		2	2	Rehab underway	Rehab continues and qualify buyer
25 Oak Rd	CTD	1	1	(B)C <sup>9</sup>	146.07	1006	Hendrick Hudson		1		1	4 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
104 Pine St	CTD	1	1	(B)C <sup>10</sup>	146.07	3007	Lakeland Central		1		1	3 BR	yes	yes	no	Steward Redevelopment (FP)		1	1	Complete	Qualify buyer
9 Watson St	CTD	1	1	C	147.03	1000	Lakeland Central		1		1	3 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Closed on Property	Begin marketing
34 Lockwood Rd	CTD	1	1	(B)C <sup>10</sup>	147.03	4000	Lakeland Central				1	3 BR	no	yes	yes	Community Housing Innovations (NFP)	NYSAHC	1	1	County funding approvals in place	Developer to begin construction
22 Pierce St	CTD	1	1	(B)C <sup>10</sup>	147.03	4006	Putnam Valley		1		1	3 BR	yes	yes	no	Danisher (FP)		1	1	County funding approvals in place	Close on house and begin marketing
3 Fowler Ave	CTD	1	1	(B)C <sup>10</sup>	147.01	1001	Lakeland Central				1	3 BR	no	yes	no	Community Housing Innovations (NFP)		1	1	County funding approvals in place	Close on property and Developer to begin construction
Danforth Square 100 Danforth Ave	DBF	202	10	(B)C <sup>9</sup>	105	2001	Ardley Union Free			10		5 - 1 BRs 5 - 2 BRs	yes	yes	yes	Lincoln Property (FP)	Private Conventional	10	10	Under construction	Construction continues
100 Cedar Street Unit A44	DBF	91	1	(B)C <sup>9</sup>	104	3000	Dobbs Ferry		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
60 Oregon Ave Unit 1-A (Bronxville)	ECH	74	1	A	520	1004	Eastchester		1		1	2 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
20 Oregon Ave Unit B (Bronxville)	ECH	74	1	A	520	1004	Eastchester		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
MTA	HAR	143	7	A	84.04	1005	Harrison			7		1 and 2 BRs	yes	yes	yes	Avalon (FP)	Private Conventional			Developer seeks land use approvals	Developer continuing land use approval process
70 West St Unit A17	HAR	53	1	A	84.04	3006	Harrison		1		1	2 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
70 West St Unit A8	HAR	53	1	A	84.04	3006	Harrison		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
240 Halstead Ave. Unit C-4	HAR	34	1	A	84.04	5001	Harrison		1		1	2 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
240 Halstead Ave. Unit 2B	HAR	34	1	A	84.04	5001	Harrison		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
17 Broadway Unit 2C	HAR	20	1	C	84.04	5000	Harrison		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
163 Halstead Ave Unit 1B	HAR	6	1	A	84.04	5007	Harrison		1		1	2 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
184 Farragut Ave	HAS	2	2	A	102	4002	Hastings Union Free			1	1	3 BR owner & Studio rental	yes	yes	yes	Hastings-on-Hudson Affordable HDFC (NFP)	NYS AHC	2	2	Get construction bids	Construction begins
Saw Mill Lofts 425 Saw Mill River Road	HAS	66	12	A	102	1000	Hastings Union Free			12		Studio 1 BRs, 2 BRs, 3 BRs	yes	yes	yes	Saw Mill Lofts, LLC (FP)	Private Conventional	12	12	Under construction	Continue construction
30 South Broadway	IRV	26	6	A	113	3000	Invington			6			yes	yes	yes	DeNardo (FP)	Private Conventional			Obtained preliminary site plan approval	Developer to complete land use approval process and get building permits
Pinebrook Condominiums 2101-2105 Palmer Ave	LAR	51	46	A	71	5007	Mamaroneck			46		8 - 1 BRs 38 - 2 BRs	yes	yes	yes	Wilder/Balter Partners (FP)	NYS AHC	46	46	Construction completed; sales and occupancy begins	Complete occupancy

1. Pursuant to paragraph 7(i) of the Stipulation, this number cannot exceed 107 and no senior units can be funded until 175 non-senior units have received building permits. Once the 175 non-senior unit benchmark has been reached, 90 senior units can be counted and the remaining 97 (of the 187) senior units won't be eligible until 350 non-senior units have received building permits.  
 2. Pursuant to paragraph 7(h) of the Stipulation, this number cannot exceed 187 units.  
 3. A minimum of 375 units must be in this category.  
 4. A maximum of 375 units can be in this category.

3Q 2016 AFFH Sites Progress List

All Sites																					
Development											Site Description			Developer		Approvals, Funding and Development Progress					
Site Name/Address	Municipality	Total No. of Units	No. of AFFH Units	Stipulation Area Designation	Census Tract	Census Block	School District	No. of Senior Units <sup>1</sup>	No. of Existing Units <sup>2</sup>	No. of Eligible Rental Units <sup>3</sup>	No. of Eligible Ownership Units <sup>4</sup>	Unit Size & Configuration	Within 1 mile of Public Transportation	Existing Public Water Service	Existing Public Sewers	Developer NFP-Not for Profit FP-For Profit	Non-County Financing	All Financing in Place	Building Permits Issued for AFFH Units	Current Status	Next 90 Days
19 Park Ave (South Salem)	LEW	2	2	A	125.01	2019	Katonah/Lewisboro			1	1	2 BR owner & Studio rental	yes	no	no	Housing Action Council (NFP)		2		Pre-construction work in progress	Close on property and obtain building permits
106 Lake Kitchawan Dr.	LEW	1	1	A	125.03	1000	Katonah/Lewisboro		1		1	3 BR	no	no	no	Housing Action Council (NFP)		1	1	Qualify buyer	Qualify buyer
Route 22	LEW	46	46	A	125.01	2001	Katonah/Lewisboro			46			yes	no	no	Wilder/Balter Partners (FP)	LIHTC			Seeking land use approvals	Developer continuing land use approval process
34 Bittersweet Ln	LEW	268	1	A	125.03	1025	Katonah/Lewisboro		1		1	2 BR	no	no	no	Housing Action Council (NFP)		1	1	Closed on Property	Marketing
124 Lake kitchawan Dr	LEW	1	1	A	125.03	1000	Katonah/Lewisboro		1		1	2BR	no	no	no	Ken Kearney (FP)		1	1	County funding approvals in place	Close on property and begin marketing
142 Stone Meadow Court	LEW		1	A	125.03	1024	Katonah/Lewisboro		1		1	1 BR	no	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
41 Old Bedford Rd	LEW	4	4	A	125.01	2021	Katonah/Lewisboro	4	4	4		2BR	yes	yes	no	Allied Community Enterprises (NFP)		4		County funding approvals in place	Close on property and begin rehab
42 Old Bedford Rd	LEW	2	2	A	125.01	2020	Katonah/Lewisboro	2	1	2		2BR	yes	yes	no	Allied Community Enterprises (NFP)		2		County funding approvals in place	Close on property and begin rehab
734 Warren Ave	MTP	1	1	A	0121.02	1020	Mount Pleasant		1		1	3 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
Cockren Commons 22 Old Route 22	NOC	10	10	A	123.03	9014	Byram Hills Central				10	2 BRs	yes	yes	yes	Pawling Holdings (FP)	Private & NYS AHC	10	10	Construction complete	Qualify buyers
162 Bedford Rd	NOC	36	6	A	123.03	1008	Byram Hills Central			6		Studios, 1 and 2 BRs	yes	yes	yes	TBD	Private Conventional			Submit for building permits	Obtain building permits
Brynwood Country Club 568 Bedford Rd	NOC	73	7	A	123.04	2000	Byram Hills Central				7		yes	yes	no	FP	Private Conventional			Seeking land use approvals	Developer to continue local approvals process
125 Old Mt Kisco Rd	NOC	16	2	A	012303	1016	Byram Hills Central	2		2			yes	no	no	Frank Madonna (FP)	Private Conventional			Seeking land use approvals	Developer continuing land use approval process
23 General Heath Ave	NOC	1	1	A	012301	2000	Valhalla		1		1	3 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
3 Maryland Ave	NOC	1	1	A	123.03	1006	Byram Hills Central		1		1	3 BR	yes	no	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
30 Grove Rd	NOC	1	1	A	123.01	1003	Valhalla		1		1	3 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
11 Westview Ave.	NSM	1	1	A	150	8016	North Salem		1		1	3 BR	no	yes	no	Housing Action Council (NFP)		1	1	Under construction	Complete rehab and qualify buyer
Chappaqua Station 54 Hunts Place	NWC	28	28	A	131.04	9020	Chappaqua			28		1 and 2 BRs	yes	yes	yes	Conifer (FP)	LIHTC	28	28	Construction preparation	Obtain all third party approvals
Chappaqua Crossing 200 Readers Digest Rd	NWC	120	28	A	131.02	2001	Chappaqua			28		1, 2 and 3 BRs	yes	yes	yes	Wilder/ Balter Partners (FP)	LIHTC	28	28	Closed and begin construction	Under construction
120-126 King Street	NWC	14	2	A	131.02	4011	Chappaqua			2			yes	yes	yes	Garson (FP)	Private Conventional			Application for land use approvals	Seeking land use approvals
300 King Street	NWC	2	2	A	131.02	4005	Chappaqua			2			yes	yes	yes	Habitat for Humanity (NFP)		2		Interior demolition in process	Under construction
437 Saw Mill River Rd	NWC	2	2	A	131.03	9065	Chappaqua		1		2	1 and 2 BR	yes	yes	no	Habitat for Humanity (NFP)		2		Interior demolition in process	Begin construction
558 North State Rd	OST	12	3	(B)C <sup>9</sup>	137	1000	Ossining Union Free			3		2 BRs	yes	yes	yes	Zappico (FP)	Private Conventional	3	3	Marketing	Qualify buyers
5 Stanley Ave	OST	1	1	(B)C <sup>9</sup>	137	4013	Ossining Union Free		1		1	2 BR	yes	yes	yes	Private		1	1	County funding approvals in place and marketing	Qualify buyer
18 Minkel Rd	OST	1	1	(B)C <sup>9</sup>	137	3001	Ossining Union Free		1		1	4 BR	yes	yes	yes	Steward Redevelopment (FP)		1	1	County funding approvals in place and marketing	Qualify buyer
Lower Trinity Pass	PDR	44	5	A	124	2014	Bedford Central			5			no	no	no	(FP)	Private Conventional			Inclusionary units. Developer seeking land use approvals	Developer to continue to seek land use approvals
256 Westchester Ave	PDR	1	1	A	124	4003	Bedford Central		1		1	4 BR	no	no	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
485 - 501 Washington Ave	PLV	68	7	A	122	1010&1004	PLV Union Free			7			yes	yes	yes	Toll Brothers Inc (FP)	Private Conventional	7	7	Under construction	Under construction
117 Washington Ave	PLV	14	1	A	122	6022	PLV Union Free			1		1 BR	yes	yes	yes	Tiberius Assoc.(FP)	Private Conventional	1	1	Under construction	Under construction
98 Washington Ave	PLV	14	14	A	122	6021	PLV Union Free			14		1 and 2 BR	yes	yes	yes	York Funding (FP)		14		County funding in place	Developer secure final approvals, close on property and begin construction
580 Bedford Rd Unit 7	PLV	66	1	A	122	4010	PLV Union Free		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Marketing	Close on purchase of unit and qualify buyer
914 Wynnewood Rd Unit 2R	PMR		1	A	55	1012	Pelham		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Begin marketing

3Q 2016 AFFH Sites Progress List

All Sites																					
Development												Site Description			Developer		Approvals, Funding and Development Progress				
Site Name/Address	Municipality	Total No. of Units	No. of AFFH Units	Stipulation Area Designation	Census Tract	Census Block	School District	No. of Senior Units	No. of Existing Units	No. of Eligible Rental Units	No. of Eligible Ownership Units	Unit Size & Configuration	Within 1 mile of Public Transportation	Existing Public Water Services	Existing Public Sewers	Developer NFP-Not for Profit FP-For Profit	Non-County Financing	All Financing in Place	Building Permits Issued for AFFH Units	Current Status	Next 90 Days
259 North Ridge St	RYB	10	8	A	83.02	3000	Blind Brook				8	2 BRs	yes	yes	yes	Lazz Development (FP)	NYS AHC & NSP			Developer pursuing local approvals	Developer to secure local approvals and complete County funding approval process
80 Bowman Ave	RYB	16	16	A	83.01	4001	Port Chester-Rye Union				16	1 and 2 BRs	yes	yes	yes	Bowridge Realty LLC	NYS AHC	16		Construction preparation	Begin construction
King Street / International Blvd	RYB	110	10	A	83.02	9011	Blind Brook				10	2 and 3 BRs	yes	yes	yes	Sun Homes (FP)	Private Conventional	10	10	Construction begins	Under construction
491 Franklin St	RYB	2	2	A	83.01	4001	Port Chester-Rye Union		2	1	1		yes	yes	yes	Housing Action Council (NFP)		2	2	Qualify buyer	Qualify buyer
Theodore Fremd / 150 North St	RYC	41	41	A	77	3016	Rye City	40		41		1 and 2 BRs	yes	yes	yes	Lazz Development (FP)	LIHTC	41	41	Under construction	Under construction
2-4 Weaver St	SCD	11	1	A	98	6016	Scarsdale				1	2 BR	yes	yes	yes	F.S.Fish Investment (FP)	Private Conventional	1	1	Under construction	Under construction
Hidden Meadows 16 Route 6	SOM	53	16	A	149.08	2008	Somers			8	8	8 - 3BRs owners 8 - 1BRs renters	yes	no	no	Ken Kearney (FP)	NYS AHC	16	16	Construction preparation	Begin construction
Avalon Bay Route 6 & Mahopac Avenue	SOM	152	10	A	149.08	2000	Somers			10		1, 2 and 3 BRs	yes	yes	yes	Avalon (FP)	Private Conventional	10	10	Construction begins	Close on purchase of property
57 Route 6	SOM	64	58	A	149.08	2002	Somers	52		58		1 and 2 BRs	yes	yes	yes	Ken Kearney (FP)	LIHTC	58		County funding approvals in place	Close on property and obtain building permits
5 Liberty Way	SOM	3	3	A	149.08	1005	Somers		3	2	1	1 - 2 BRs owner 2 - 2 BR renters	no	yes	no	Housing Action Council (NFP)		3	3	County funding approvals in place	Close on property and begin marketing
6 Myrtle Dr	SOM	1	1	A	149.07	1029	Somers		1		1	3 BR	no	no	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
20 Tighe Rd	SOM	1	1	A	149.07	2005	Somers		1		1	2 BR	no	no	no	Housing Action Council (NFP)		1	1	Closed on Property	Complete marketing and qualify buyer
55 Leroy Ave	TTN	1	1	C	114	3005	Tarrytown Union Free		1		1	3 BR	yes	yes	yes	New Life Properties Inc (FP)	Private Conventional	1	1	Begin marketing	Complete marketing and qualify buyer
322 Kear St	YTN	12	12	A	148.09	2004	Yorktown Central			12		1 and 2 BRs	yes	yes	yes	Marathon Development	HCR	12		County funding approvals in place	Apply for building permits and close on purchase
27 Walden Ct Unit # M	YTN	1	1	A	014807	9016	Lakeland Central	1	1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place, closed on property purchase and marketing	Qualify buyer
164 Phyllis Ct	YTN	1	1	A	148.11	9021	Lakeland Central		1		1	4 BR	yes	yes	no	Steward Redevelopment (FP)		1	1	Marketing	Close on purchase and qualify buyer
112 Village Rd Unit # F	YTN	1	1	A	148.10	9008	Lakeland Central	1	1		1	2 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place, closed on property purchase and marketing	Qualify buyer
3771 Valleyview St	YTN	1	1	A	148.04	5003	Lakeland Central		1		1	4 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Closed on Property	Marketing
3271 Lincoln Dr	YTN	1	1	A	148.04	4013	Lakeland Central		1		1	3 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Closed on Property	Marketing
114 Quail Court	YTN	1	1	A	148.06	1018	Lakeland Central		1		1	1 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	Closed on Property	Marketing
1633 Strawberry Rd	YTN	1	1	A	148.04	5010	Lakeland Central		1		1	4 BR	yes	yes	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
3841 Valleyview St	YTN	1	1	A	148.04	5001	Lakeland Central		1		1	4 BR	yes	yes	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
3318 Old Yorktown Rd	YTN	1	1	A	148.06	1032	Lakeland Central		1		1	3BR	yes	yes	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
15 Granite Springs Rd	YTN	1	1	A	148.08	1000	Yorktown Central		1		1	4 BR	no	yes	no	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
3408 Deerhaunt St	YTN	1	1	C	148.07	9022	Lakeland Central		1		1	5 BR	yes	yes	yes	Housing Action Council (NFP)		1	1	County funding approvals in place	Close on property and begin marketing
2906 Old Yorktown Rd	YTN	1	1		148.06	3003	Yorktown Central		1		1	4Br	yes	no	no	Housing Action Council (NFP)				Seeking County funding approvals	Secure County funding and close on property
3758 Old Jefferson Valley Rd	YTN	1	1	A	148.06	1003	Lakeland Central		1		1	3 BR	yes	yes	no	Housing Action Council (NFP)		1	1	Closed on Property	Complete marketing and qualify buyer
<b>Existing Occupied Housing 7</b>																					
37 Wildwood Rd (Katonah)	BED	7	3	A	126	3011	Katonah/Lewisboro		3	3		1 BRs	yes	yes	yes	A-HOME (NFP)	Leviticus	3	3	Complete	AFFH units to be leased as they are vacated
240 Underhill Ave	YTN	60	32	A	148.09	3009	Yorktown Central		32	32		1,2,3 & 4 BRs	yes	yes	yes	Marathon Development Group (FP)	LIHTC	32	32	Complete	AFFH units to be leased as they are vacated.
<b>Acquisition/Rehabilitation Revolving Loan Fund</b>																					
52 Washington Ave	HAS	3	3	A	103	3001	Hastings Union Free		3	3		2 - 3 BRs 1 - 2 BR	yes	yes	yes	Hastings-on-Hudson Affordable HDFC (NFP)	NYS AHC	3	3	Construction complete	Sale of units
2 Spruce Rd (South Salem)	LEW	2	2	A	125.03	1000	Katonah/Lewisboro		2	1	1	3 BR owner 1 BR renter	no	no	no	Housing Action Council (NFP)	NYS AHC	2	2	Rehab underway	Continue rehabilitation
21 Cooley St	PLV	3	3	A	122	4005	PLV Union Free		3	2	1	2 BR owner and 1 & 2 BR renters	yes	yes	yes	Housing Action Council (NFP)	NYS AHC	3	3	Construction complete	Qualify purchaser and close on sale

3Q 2016 AFFH Sites Progress List

All Sites																					
Development												Site Description			Developer		Approvals, Funding and Development Progress				
Site Name/Address	Municipality	Total No. of Units	No. of AFFH Units	Stipulation Area Designation	Census Tract	Census Block	School District	No. of Senior Units <sup>5</sup>	No. of Existing Units <sup>6</sup>	No. of Eligible Rental Units <sup>7</sup>	No. of Eligible Ownership Units <sup>8</sup>	Unit Size & Configuration	Within 1 mile of Public Transportation	Existing Public Water Service	Existing Public Sewers	Developer NFP-Not for Profit FP-For Profit	Non-County Financing	All Financing in Place	Building Permits Issued for AFFH Units	Current Status	Next 90 Days
<b>Completed AFFH Developments</b>																					
Comstock Heights 445 North State Road	BMR	14	14	A	132.02	4000	Briarcliff Manor Union Free				14	2 BRs	yes	yes	yes	Comstock Residential Contracting, (FP)	NYS AHC	14	14	Completed	Completed
230 Westchester Ave	BUC	1	1	A	140	1006	Hendrick-Hudson		1		1	3 BR	yes	yes	yes	Housing Action Council (NFP)	NYS AHC	1	1	Completed	Completed
Roundtop Rt 9A (Montrose)	CTD	92	83	57B and 26C	146.03	9000	Hendrick-Hudson			83		1 and 2 BRs	yes	yes	no	Wilder/Balter Partners (FP)	LIHTC	83	83	Completed	Completed
Symphony Knoll 15-25 Mount Airy Rd	CRO	12	1	(B)C <sup>9</sup>	139	9021	Croton Harmon	1		1		1 BR	yes	yes	yes	Croton Housing Development Fund Company, Inc (NFP)		1	1	Completed	Completed
37 Stewart Place	ECH	2	2	A	50.02	4007	Eastchester		2	1	1	2 BR owner 2 BR renter	yes	yes	yes	Housing Action Council (NFP)	NYS AHC	2	2	Completed	Completed
42 First Ave	PEL	3	3	B	53	5008	Pelham Union Free		3	2	1	2 BR owner and 1 & 2 BR renter	yes	yes	yes	Pawling Holdings(FP)	NYS AHC	3	3	Completed	Completed
55 Pleasant Ave	PLV	2	2	A	122	5017	PLV Union Free			1	1	3 BR owner 1 BR renter	yes	yes	yes	A-HOME (NFP)	NYS AHC	2	2	Completed	Completed
293 Marville Rd	PLV	1	1	A	112	6022	PLV Union Free		1		1	2 BR	yes	yes	yes	Pleasantville Housing Development Fund Company (NFP)		1	1	Completed	Completed
289 Marville Rd	PLV	1	1	A	112	6022	PLV Union Free		1		1	2 BR	yes	yes	yes	Housing Action Council (NFP)	N/A	1	1 <sup>6</sup>	Completed	Completed
527 Ellendale Ave	RYB	4	4	C	83.01	1009	Port Chester-Rye Union				4	1 BRs	yes	yes	yes	Pawling Holdings (FP)	NYS AHC	4	4	Completed	Completed
15 Edgar Place	RYC	22	18	A	77	1002	Rye City				18	11 - 1 BRs 7 - 1 BRs + den	yes	yes	yes	Pawling Holdings (FP)	NYS AHC	18	18	Completed	Completed
Bridleside Apartments 256 June Rd	NSM	65	65	A	150	8000	North Salem Central			65		1 BRs, 2 BRs, 3 BRs	no	no	no	Wilder/Balter Partners (FP)	LIHTC	65	65	Completed	Completed
602 Route 22 (Croton Falls)	NSM	1	1	A	150	1018	North Salem Central		1		1	3 BR owner 1 BR renter	yes	no	no	ACE (NFP)	NYS AHC	1	1	Completed	Completed
The Ambassador at Scarsdale 25 Saxon Woods Rd	SCD	138	4	A	98	2000	Scarsdale			4		SROs	yes	yes	yes	Renamba LLC (FP)	HUD	4	4	Completed	Completed
The Mews at Baldwin Place Clayton Blvd.	SOM	75	75	A	149.09	2000	Somers	75		75		61 - 1 BRs 14 - 2 BRs	yes	yes	yes	Ken Kearney (FP)	LIHTC	75	75	Completed	Completed
17 Kaldenberg Pl	TTN	2	2	C	115	1005	Tarrytown Union Free		2	1	1	2 BR owner 2 BR renter	yes	yes	yes	Housing Action Council (NFP)	NYS AHC & NSP	2	2	Completed	Completed
Freedom Gardens Units 10,11,12 1680 Strawberry Rd. (Mohegan Lake)	YTN	12	3	A	148.04	5000	Lakeland Central			3		1 BRs	yes	yes	yes	Freedom Gardens for the Handicapped, Inc. (NFP)	DHCR, Leviticus, FHLB	3	3	Completed	Completed
Freedom Gardens Unit 5 1680 Strawberry Rd. (Mohegan Lake)	YTN	12	1	A	148.04	5000	Lakeland Central	1		1		1 BR	yes	yes	yes	Freedom Gardens for the Handicapped, Inc. (NFP)		1	1	Complete	Complete
Crompond Crossing 3372 Crompond Rd	YTN	26	26	A	148.0	1004	Yorktown Central				26	3 BRs	yes	yes	yes	Old Crompond Rd. LLC (FP)	NYS AHC	26	26	Completed	Completed
<b>TOTALS</b>		<b>3141</b>	<b>902</b>					<b>189</b>	<b>121</b>	<b>591</b>	<b>287</b>							<b>773</b>	<b>649</b>		

5. Eligible after removing the group quarters from this census tract  
6. Rehabilitation is not required at this time, so no new building permits required. The original building permit/Certificate of Occupancy remains viable  
7. Potential AFFH Units not yet eligible due to the issue of current occupancy.  
8. Estimated Number  
9. The Monitor has agreed that units in "B" communities can also count as "C" units