

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING  
IMPLEMENTATION PLAN  
August 9, 2010**

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**Appendix D-3(ii): Resolution of the Westchester County Planning Board  
Endorsing the Substantive Provision of the Model Ordinance, Approved on  
February 2, 2010**

RESOLUTION 10-~~00~~3

WESTCHESTER COUNTY PLANNING BOARD

Endorsement of Fair and Affordable Housing Model Inclusionary  
Zoning Ordinance Provisions

**WHEREAS**, Section 191.51 of the Westchester County Charter directs the County Planning Board to “formulate and recommend development policies ...with the object of achieving a physical development of the county that will be orderly, harmonious, economically sound and of attractive appearance” and that “such policies shall relate among other things to land use; population density; transportation facilities including roads and highways; parks, recreation areas and other open space; community appearance; and public buildings;” and

**WHEREAS**, on May 6, 2008, the County Planning Board adopted, after public notice and hearing, the document, *Context for County and Municipal Planning in Westchester County and Proposed Policies to Guide County Planning*; and

**WHEREAS**, the Board adopted an amendment to *Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* on January 5, 2010 so as to more precisely discuss the demand and need for fair and affordable housing and policies to affirmatively further fair housing; and

**WHEREAS**, the policies as amended include the statement, “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;” and

**WHEREAS**, pursuant to the Stipulation and Settlement and Dismissal entered in *U.S. ex rel. Anti-Discrimination Center v. Westchester* (“Stipulation”), the County of Westchester has produced an Implementation Plan which outlines the County’s proposed plan and process for the development of 750 units of fair and affordable housing as required by the Stipulation; and

**WHEREAS**, a component of the Implementation Plan is a document titled, “Fair and Affordable Housing Model Inclusionary Zoning Ordinance Provisions;” and

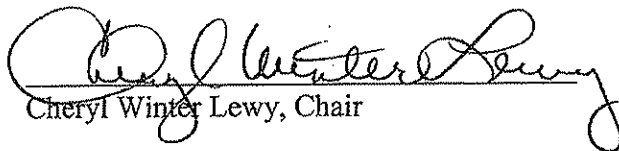
**WHEREAS**, this document includes a suggested requirement that in all residential developments of 10 or more units, no less than 10% of the total number of units must be created as fair and affordable units and also includes model provisions that address definitions of households eligible for the housing units, affirmative marketing of new fair and affordable units to ensure outreach to racially and ethnically diverse households, expedited application review and legal mechanisms to ensure continued affordability of new fair and affordable units; and

**WHEREAS**, the model ordinance provisions were developed by County staff utilizing portions of ordinances already included within municipal zoning ordinances in Westchester County municipalities to promote fair and affordable housing and these provisions have been reviewed by representatives of the Westchester Municipal Officials Association; and

**WHEREAS**, the Planning Board has reviewed and discussed the model ordinance provisions and finds that their application would further the development of fair and affordable housing in Westchester County but recognizes that the process of review and discussion and analysis of impacts must continue to best improve housing opportunities and standards of living throughout Westchester County; now therefore be it

**RESOLVED**, the Westchester County Planning Board finds the "Fair and Affordable Housing Model Inclusionary Zoning Ordinance Provisions" included in the Fair and Affordable Housing Implementation Plan are consistent with the *Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* as amended on January 5, 2010, and the Board endorses these model provisions and recommends their consideration by Westchester municipalities and incorporation into the municipalities' respective zoning laws.

Adopted this 2<sup>nd</sup> day of February 2010

  
Cheryl Winter Lewy, Chair