

RESOLUTION No. 28 of 2014

**INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2014 ENTITLED,
"A LOCAL LAW ESTABLISHING A FEE TO BE PAID IN LIEU OF PROVIDING
WORKFORCE HOUSING" AND TO SCHEDULE A PUBLIC HEARING
ON SAID LOCAL LAW AND TO AUTHORIZE PUBLICATION OF
NOTICE OF SAID PUBLIC HEARING**

At a regular meeting of the Town Board of the Town of Amenia, held at the Amenia Town Hall on the 24th day of July, 2014, at 7:00 p.m., Town Supervisor, Victoria Perotti called the meeting to order, and V. Perotti, seconded by Councilwoman/Councilman V. Doyle, introduced the following Local Law to be known as Proposed Local Law No. 2 of 2014, entitled, "A Local Law Establishing a Fee to be Paid in Lieu of Providing Workforce Housing";

NOW, THEREFORE, BE IT ENACTED by the Town Board of the Town of Amenia as follows:

Section 1. Statement of Purpose and Intent.

The Town Board of Town of Amenia ("the Town Board") previously adopted the "Town of Amenia, New York, Zoning Law" ("the Zoning Law") on or about July 19, 2007 in which the Town Board recognized the need for affordable housing in the Town of Amenia ("the Town"). The Zoning Law provides, in relevant part, at Section 121-42(N) that, "The Town Board may establish, by separate law, a fee to be paid into a dedicated Town workforce housing trust fund as an alternative to the construction of workforce housing, where such housing is either mandated or available as a condition of a density bonus." The Town Board has determined that it is in the best interest of the Town of Amenia to adopt a local law establishing a fee to be paid into a dedicated Town workforce housing trust fund as an alternative to the construction of workforce

housing, where such housing is either mandated or available as a condition of a density bonus, and it is the purpose and intent of this local law to establish such fee.

Section 2. Amendment of Town Code and Town Zoning Law.

A new Section "N. 1." is hereby added to Section 121-42 entitled, "WORKFORCE HOUSING", of Chapter 121 entitled, "ZONING", of the Town Code of the Town of Amenia, the language of which is annexed hereto as Attachment A.

Section 3. Supersession.

Pursuant to New York State Municipal Home Rule Law, the provisions of this law are intended to supersede any inconsistent provisions of State or local law.

Section 4. Effective Date.

The local law shall take effect immediately upon filing with this State's Secretary of State.

Pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing on this local law. V. Perotti offered the following resolution, which was seconded by Councilman/Councilwoman V. Doyle, who moved its adoption:

WHEREAS, on July 24th, 2014, the Town Board introduced this proposed local law for the Town of Amenia, to be known as Town of Amenia Proposed Local Law No. 2 of 2014, entitled "A Local Law Establishing a Fee to be Paid in Lieu of Providing Workforce Housing,"

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held in relation to said proposed local law as set forth in the form of notice hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on August 28th, 2014, at 7:00 o'clock p.m., and that notice of said hearing shall be published in the official newspaper of general circulation in the Town of Amenia by the Town Clerk, at

least five (5) days before such hearing, and that such notice shall be in the following form:

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NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Amenia will hold a public hearing at the Town Hall, 4988 Route 22, Amenia, New York on August 28th, 2014 at 7:00 o'clock p.m., on Proposed Local Law No. 2 of 2014, entitled "A Local Law Establishing a Fee to be Paid in Lieu of Providing Workforce Housing";

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Town of Amenia Town Hall, 4988 Route 22, Amenia, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing;

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Amenia, New York

July 24, 2014

Dawn Marie Klingner
DAWN MARIE KLINGNER, TOWN CLERK

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Perotti	<input checked="" type="radio"/> Yes <input type="radio"/> No	<u>Vote Perotti</u>
Councilwoman Doyle	<input checked="" type="radio"/> Yes <input type="radio"/> No	<u>Yvonne Doyle</u>
Councilwoman Hitselberger	Yes <input checked="" type="radio"/> No	<u>Michelle Hitselberger</u>
Councilman Perotti	<input checked="" type="radio"/> Yes <input type="radio"/> No	<u>[Signature]</u>
Councilman Delango	<input checked="" type="radio"/> Yes <input type="radio"/> No	<u>[Signature]</u>

DATED: Amenia, New York
July 24th, 2014

[Signature]
DAWN MARIE KLINGNER, TOWN CLERK

ATTACHMENT A

A LOCAL LAW ESTABLISHING A FEE TO BE PAID IN LIEU OF PROVIDING WORKFORCE HOUSING

Be it enacted by the Town Board of the Town of Amenia ("Town Board") as follows:

§121-42 (N)

1. Fee to be Paid in Lieu of Providing Workforce Housing:

a. Purpose and Intent: The Town Board hereby implements §121-42(N) by establishing a fee to be paid into a dedicated Town Workforce Housing Trust Fund as an alternative to the construction of workforce housing where such housing is either mandated or available as a condition of a density bonus, and by authorizing the creation of a Town Workforce Housing Trust Fund for the purpose of receiving funds from payments and/or fees and/or gifts collected or received by the Town pursuant to the Town's Workforce Housing Law and this Section.

b. Town Workforce Housing Trust Fund: There is hereby authorized to be created, pursuant to §10 of the New York State Municipal Home Rule Law, a Town Workforce Housing Trust Fund ("Workforce Housing Trust Fund") for the purpose of receiving funds from payments and/or fees collected by the Town pursuant to the Town's Workforce Housing law and this Section establishing a fee to be paid in lieu of providing workforce housing, and funds from any gifts for the purpose of providing workforce housing. Deposits into the Workforce Housing Trust Fund shall include, at a minimum, all revenues from payments and fees collected by the Town pursuant to the Town's Workforce Housing law and this Section and any gifts for the purpose of providing workforce housing.

Such Workforce Housing Trust Fund shall be a segregated municipal fund administered by the Town Board. The Workforce Housing Trust Fund shall be used exclusively to provide for the acquisition, purchase, planning, development, construction, improvement, rehabilitation, sale or resale, rental, subsidy, support, or other legal means of creating or supporting more workforce housing for income-qualified households within the Town, and/or to provide or make improvements to water and/or sewer infrastructure to the hamlets of Amenia or Wassaic provided the Town Board, after consultation with the Town Housing Board ("Housing Board"), shall determine that such contribution to such infrastructure substantially advances the Town's goal of increasing the availability of workforce housing for the persons who are the intended beneficiaries of the Workforce Housing program as described in §121-42.

Interest earned or accrued on moneys deposited in the Workforce Housing Trust Fund shall be credited to and become part of said fund. Pending expenditures from such Workforce Housing Trust Fund, moneys therein may be invested in the manner provided by law.

Except as previously set forth herein, in no event shall moneys deposited in the Workforce Housing Trust Fund be transferred to any other account unless such transfer shall be determined by the Town Board, after consultation with the Housing Board, to be in furtherance of the workforce housing goals of the Town as set forth in §121-42.

Costs of administering the Workforce Housing Trust Fund as it is applied toward advancing the Workforce Housing program shall not exceed ten (10) percent of the average fund balance for each calendar year.

c. Fee: The Town Board hereby establishes a fee to be paid into the Workforce Housing Trust Fund as an alternative to the construction of workforce housing where such housing is either mandated or available as a condition of a density bonus. Fees paid as an alternative to the construction of workforce housing shall be paid to and deposited into the Town of Amenia Workforce Housing Trust Fund.

After review and consideration of the provisions of §121-42, consultation with the Housing Board, review and consideration of an economic analysis performed at the request of the Town Board, and the standard of practice that workforce housing units be of the same or similar quality and size as the market rate units, the Town Board establishes a fee to be paid into the Workforce Housing Trust Fund in lieu of providing workforce housing as follows:

- (a) For each workforce housing unit that would be required to be built pursuant to §121-42 consisting of two or fewer bedrooms, a fee of ELEVEN THOUSAND AND NO/100 DOLLARS (\$11,000.00) (i.e., per unit fee); and
- (b) For each workforce housing unit that would be required to be built pursuant to §121-42 consisting of three or more bedrooms, a fee of TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) (i.e., per unit fee).

The Town Board hereby reserves the right, in its sole discretion, to annually review, obtain a new analysis of, reconsider, recalculate, and revise the amounts of fees to be paid in lieu of constructing workforce housing, as set forth herein, due to market changes or any other factors.

Where an applicant for a phased development shall elect to pay a fee in lieu of constructing workforce housing ("the fee in lieu") in accordance with a phasing schedule as described in §121-42 (C) (4), the applicant shall be obligated to pay the fee in lieu in effect at the time payment is made into the Workforce Housing Trust Fund for that portion of workforce housing units which would then be due pursuant to the phased schedule set forth in §121-42(C)(4); however, the applicant, alternatively, may elect to pay the fee in lieu at an earlier time in accordance with the fee in lieu schedule in effect at the earlier time of payment.

In accordance with the provisions of §121-42(C)(4) of the Zoning Law, certificates of occupancy may be issued for the market rate units when payments for the fee in lieu of constructing workforce housing have been made into the Workforce Housing Trust Fund for the required percentages of units set forth in the phasing schedule of §121-42(C)(4).

d. **Financial Guarantee or Security:** The Town Board has the right to require the posting of a financial guarantee and/or security to the satisfaction of the Town Board to ensure timely payments required as an alternative to the construction of workforce housing.