

**Topic:** Affordable Housing; Local Boards  
**Resource Type:** Regulations  
**State:** New York  
**Jurisdiction Type:** Municipal  
**Municipality:** Town of Goshen  
**Year (adopted, written, etc.):** 2005  
**Community Type - applicable to:** Suburban; Rural  
**Title:** Town of Goshen Moderate Income & Affordable Housing Law  
**Document Last Updated in Database:** May 5, 2017

***Abstract***

The Moderate Income and Affordable Housing Local Law recognizes the need for affordable housing and establishes development standards, eligibility requirements (priority given to emergency personnel and municipal employees), maintenance and tax assessments for affordable housing units. Additionally, the ordinance establishes a Housing Review Board to oversee and administer these program objectives.

***Resource***

<i>Local Law Filing</i>	NEW YORK STATE DEPARTMENT OF STATE  41 STATE STREET, ALBANY, NY 12231
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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

<b>County</b>	
<b>City</b>	of <u>    Goshen    </u>
<b>Town</b>	
<b>Village</b>	
Local Law No. <u>    9    </u> of the year 2005	

A local law “Moderate Income and Affordable Housing Local Law”

(Insert Title)

Be it enacted by the Town Board

(Name of Legislative Body)

County	
City	of <u>          Goshen          </u>
Town	
Village	

**Section 1.** Chapter 97 entitled “Zoning” §97-24 entitled “Affordable Housing” shall be amended in its entirety to read as follows:

**§ 97-24 Affordable Housing**

In any open space or TND development in which affordable housing is provided, it shall comply with the following requirements.

**1. Purpose.**

The Town Board of Goshen hereby recognizes that there is a lack of opportunity for individuals, couples and small families with moderate incomes to find housing that is affordable in the Town of Goshen. The Town Board further recognizes that there is a need to encourage the construction of housing units for rental or sale that will be affordable to households earning between 60% and 150% of the Orange County (Town of Goshen) median income and to ensure that these units remain affordable in perpetuity for the benefit of current and future residents of Goshen.

**2. Definition of Affordable Housing Units.**

As used throughout this section, the term “affordable housing unit” refers to a single or multi-family housing unit that is owned or rented by an eligible household and priced so as to be affordable to the people who live and work in the Town and Village of Goshen who cannot otherwise afford market-rate housing.

**3. Development Standards:**

1. *Physical Integration:* All affordable housing units must be physically

integrated into the design of the development and constructed with the same quality building materials as the market-rate units. The exterior finishes for affordable housing units shall be indistinguishable from all other units. The developer may, however, substitute different appliances and interior hardware or other interior finishes where such substitutions would not adversely impact the livability of the unit. The affordable housing units shall be integrated with the market rate units in such a manner that no more than two affordable housing units abut one another

- 2. *Minimum Floor Area:* The gross floor area per affordable housing unit shall be no less than 80% of comparable market rate units in the development or meet the following minimum gross floor area standards, at the discretion of the Planning Board:

<b>Unit Type</b>	<b>Minimum Floor Area</b>
1 Bedroom	700 square feet
2 Bedroom	900 square feet
3 Bedroom	1,100 square feet
4 Bedroom or more	1,500 square feet

- 3. *Dwelling Unit Size and Distribution:* Affordable housing units shall be located throughout the development and be distributed among one-, two-, three- or four bedroom units, in multi-family, single-family attached and single family detached dwellings, in the same proportion as all other units in the development. However, if the total number of single family detached dwelling units in the entire development equals or exceeds 50% of the total number of proposed dwelling units in the development, then the Planning Board may, upon request, reduce the required percentage of single family detached affordable housing units to 20% of the total number of affordable dwelling units. The remaining affordable units shall be built as multi-family and/or single family attached units and the number of bedrooms shall be in proportion to all other units in the development.
- 4. *Phasing:* For any project that will be built in phases (or stages), the following schedule shall apply for all affordable housing units:

**Percentage of Market Rate**

**Percentage of Affordable**

<b>Units Receiving Certificates of Occupancy</b>	<b>Units Receiving Certificates of Occupancy</b>
Up to 25%	0 (none required)
25% +1 unit	At least 10%
50%	At least 50%
75%	At least 75%
100%	100%

Certificates of occupancy shall be issued for market rate units when the required percentage of affordable housing units for the respective phase (stage) has been completed.

5. *Waiver of Permit and other Fees:* The Planning Board, at its discretion, may waive any site plan, subdivision and other fees directly related to the affordable housing units in an effort to assist the applicant/developer in reducing development costs. Similarly, when a recreation fee is calculated in lieu of an approved reservation of recreation lands, the Planning Board may calculate such fee based on the total number of dwelling units exclusive of those which are affordable units.

**Determining Applicant Eligibility:**

6. *Income Limits:* To be eligible to purchase or rent an affordable housing unit, the household's aggregate annual income shall not exceed an established percentage of the Orange County median family income for a family of a particular size as determined by the US Department of HUD, and/or the Town Board.
7. *Other Assets:*
  1. Any family with net assets exceeding 50% of the cost of a two-bedroom affordable housing unit is deemed ineligible to own or rent an affordable housing unit.
  2. Any non-income producing assets may be assigned an income producing value and included as income by the reviewing agency when determining eligibility.
  3. The net worth of an applicant (individual or family) may not exceed 25% of the purchase price of an appropriate affordable unit.

8. *Certification of Income:* Families must declare to the best of their knowledge that their income will not exceed 1.5 times the limits as set by the Town Board for three years from the date of application.
4. **Selection priorities:** Once an applicant is determined to be eligible to participate in the affordable housing program based on income limits as set forth above or as amended by resolution of the Town Board from time to time, priority preference will be given to applicants on the basis of the following factors. An “applicant” shall be defined to include any and all family members who have reached the age of majority and who will occupy the affordable housing unit as their primary residence. Applicants seeking priority preference based on voluntary service or employment must provide a certification letter from an authorized person within such organization attesting to the applicant’s length of volunteer service or employment.
1. Volunteer Fire Department or Ambulance Corp members with a minimum of 24 months consecutive active service. (3 points) maximum 6 points per family.
  2. Paid emergency service personnel, including police, fire and emergency medical services, with a minimum of 24 months employment. (2 points) maximum 4 points per family.
  3. Village and Town of Goshen full-time municipal employees, minimum of 12 months. (2 points) maximum 4 points per family.
  4. School district employees for any schools that provide educational services to students who live in Goshen, minimum of 12 months employment. (2 points) maximum 4 points per family.
  5. Veteran of US Armed Services, honorably discharged. (2 points) maximum 4 points per family.
  6. Health care workers, including skilled professions such as, nurses and medical technicians, as well as orderlies working at a facility that regularly serves patients from Goshen, with a minimum of 12 months employment. (1 point) maximum 2 points per family.
  7. Elderly (65 years of age or older) or disabled residents of the Town. (1 point)
  8. Persons employed in the Town or Village of Goshen. (1 point) maximum 2 points per family.
  9. Town residents who reside in the Town or their immediate relatives (children or parents). (1 point) maximum 2 points per family

- 10. Former residents who resided in the Town. 1 point per family, 2 points per family.
- 11. Other residents of Orange County. (1 point) maximum 1 point per family.

**F. Occupancy Requirements:**

- 1. *Standards:* To prevent underutilization of affordable housing units, at the time of purchase or rent, the following schedule of minimum occupancy shall apply:

<b>Number of Bedrooms</b>	<b>Minimum Number of Persons</b>
1	1
2	2
3	3
4	4

- 1. *Residency:* All affordable housing units shall be the primary residence of the owners or renters. Owners may not rent their unit to others and renters may not sub-let their unit. These restrictions shall not apply to the developer of the affordable units. Partial rentals, such as renting out a bedroom, and seasonal rentals are also prohibited.

**G. Initial Sale and Resale of Affordable Housing Units:**

- 1. *Financial Counseling:* The Town Board will periodically provide financial counseling workshops which shall be open to all eligible applicants interested in purchasing an affordable housing unit. Attendance at a counseling workshop shall be a pre-requisite to purchasing an affordable housing unit.
- 2. *Calculation of initial sales price:* Maximum sale price shall be set by resolution of the Town Board and amended from time to time after review of relevant information that may be provided by federal and state affordable housing departments, as well as developers. The initial sales price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes and insurance (PITI) and common charges, as applicable, shall not exceed 30% of the maximum family income allowed for such unit.
- 3. *Resale of affordable housing units:*
  - a. Affordable housing units shall only be resold to eligible moderate income households of substantially similar size.

- b. The owner of an affordable housing unit shall notify the Town Board, or an appropriate department as may be designated by the Board, of their intent to sell prior to contact with any realtor or purchaser.
- c. The maximum base resale price shall be set by resolution of the Town Board and amended from time to time. The maximum base purchase price shall be calculated to include the purchase price of the affordable housing unit, adjusted for the increase in the consumer price index during the period of ownership. At no time shall the total resale price exceed the base purchase price, as set forth above, plus the cost of permanent fixed improvements and reasonable and necessary resale expenses.
- d. The subdivision map, original deed and any subsequent deeds or instruments used to transfer title to an affordable housing unit shall include a provision indicating that the housing unit is an affordable housing unit subject to restrictions on occupancy and resale. Evidence of the inclusion of such restrictions on, at a minimum, on the filed subdivision map shall be made prior to issuing a C.O. for any unit in the subdivision. The following paragraph or such language and/or additional restrictions as the Town board may deem appropriate must be included in all deeds and other transfer instruments:

“This dwelling has been constructed for use by moderate income families pursuant to a special affordable housing program established under the Goshen Town Code and must be the principal dwelling of the homeowner. All future sales, resale or rental of this dwelling must be to a person who is determined to be eligible pursuant to the income limitations set forth by the Goshen Town Board and at a price determined in accordance with the Town’s affordable housing program.” If any affordable housing unit is sold for an amount in excess of the maximum amount as set by the Town Board or the provisions of the Town’s Zoning Code (Chapter 97), the Town retains the right to recapture the excess payment or unit as it deems appropriate.

#### H. **Initial Lease and Renewals of Affordable Housing Rental Units**

1. *Calculating permissible rent:* Maximum monthly rent, including utilities (heat, hot water and electric), shall be set by resolution of the Town Board and amended from time to time after review of relevant information that may be provided by federal and state affordable housing departments, as well as developers. Rent for an affordable housing unit shall include an estimated cost for utilities and shall not exceed 30% of the maximum family income allowed for such unit.
2. *Lease Terms and Renewal:* Applicants for affordable housing rental units

shall, if eligible and selected for occupancy, sign leases for a term of not more than two years. As long as the resident remains eligible and has complied with the terms of the lease, said resident shall be offered a renewal every two-years. If at any time during the term of the lease, a resident's annual gross income should exceed the maximum income limit as set by the Town Board, said resident must notify the Town Board and owner of the rental unit in writing within 30 days. Such resident may complete his/her current lease term and shall be offered a market rate rental unit in the development, if available. In the event such market rate unit is not available, or in case of hardship, the tenant may apply to the Town board for such relief as may be available.

3. *Town Board Review:* All lease terms shall be reviewed and approved periodically by the Town Board, or an appropriate department as designated by the Board.

**I. Maintenance, Upkeep and Repairs:**

1. All affordable housing units shall be maintained in a satisfactory manner as prescribed by the Town Board, or by an appropriate department as may be designated by the Board. Neither owners nor renters of affordable housing units shall make any improvements, which shall require a building permit, without prior written permission from the Town Board or an appropriate department as may be designated by the Board. Under no circumstances shall the Town Board or any agency or department approve any addition in size to the structure. The original square footage of the unit shall be maintained throughout the unit's existence.
2. All affordable housing units shall be maintained at the original builder's specification level. At the time of resale, the Town Board may determine that the unit has not been properly maintained and shall be authorized to impose such assessments as necessary to reasonably return the unit to its original condition. Said assessment shall be deducted from that portion of the selling price reverting to the seller of the unit.

- J. Tax Assessment:** The Town Assessor shall consider the limited resale value of affordable housing units when determining the appropriate assessment on such units.

- K. Administration.** A Housing Review Board is hereby established, which is responsible for the administration of the affordable housing program. The following list identifies the responsibilities and duties of a Housing Review Board.

1. Accept and review applications;
2. Maintain eligibility priority list, annually certify and re-certify applicants.



3. Establish lottery procedures for selecting applicants that have equal priority;
4. Assist Town Board/Planning Board in determining and reviewing applications to build affordable units;
5. Recommend annual maximum income limits; rental prices; resale values.
6. Review certification from owners and lessors of rental units certifying that units are occupied by eligible families.
7. Maintain list of all affordable units in the Town;
8. Review all deed restrictions for affordable units;
9. Review all lease terms for affordable units; and
10. Promulgating rules and regulations as necessary.

**L. Appeals**

Any person aggrieved by a decision of the Housing Review Board may appeal such decision to the Town Board.

**Section 2.** This local law shall take effect immediately.

**5. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2005

of the ~~(County)~~(City)(Town)(Village) of Goshen was duly passed by the

Town Board on July 28, 2005, in accordance with the applicable provisions of law.

*(Name of Legislative Body)*

**6. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the

\_\_\_\_\_ on \_\_\_\_\_ 20\_, and was (approved)(not

approved)(repassed after

*(Name of Legislative Body)*

disapproval by the \_\_\_\_\_ and was deemed duly adopted on 20\_\_

*(Elective Chief Executive Officer\*)*

in accordance with the applicable provisions of law.

**7. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of was duly passed by the

\_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after

*(Name of Legislative Body)*

disapproval by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted

*(Elective Chief Executive Officer\*)*

to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_ in accordance with the applicable provisions of law.

**8. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of was duly passed by the

\_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after

*(Name of Legislative Body)*

disapproval by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was subject

*(Elective Chief Executive Officer\*)*

to permissive referendum and no valid petition requesting such referendum was filed as of 20\_ in accordance with the applicable provisions of law.

**\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

**9. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20

of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of

section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20

became operative.

**10. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification)**

I further certify that I have compared the preceding local law with the original on file in this office and that same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph  1 , above.

\_\_\_\_\_  
Valma Eisma, Town Clerk of the Town of Goshen

**(Seal)**

Date:

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK

COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
John C. Cappello

\_\_\_\_\_  
Attorney for Town\_\_\_\_\_

Title

Count y	of _____ Goshen_____
City	
Town	
Villag e	

Date: August 2, 2005