

Town of Amenia, Dutchess County, NY
Local Law No. __ of 2023

A LOCAL LAW entitled: “A Local Law to Amend Chapter 121 of the Town Code, ‘Zoning’.”

Be it enacted by the Town Board of the Town of Amenia, Dutchess County, New York, as follows:

SECTION 1. LEGISLATIVE INTENT

The Town Board of the Town of Amenia seeks to update the existing Workforce Housing Law and other relevant Zoning Code sections to preserve and encourage affordable housing units within the Town, promote the construction of moderate-income housing units within the Town, and clarify the approvals and administrative process within the Workforce Housing Law.

SECTION 2. AMENDMENT TO CHAPTER 121, ARTICLE III, ‘LAND USE DISTRICT REGULATIONS’, SECTION 121-11, ‘DENSITY AND DIMENSIONAL REGULATIONS’.

Section 121-11.C is hereby amended, in part, as follows:

- C. Minimum floor area. The minimum floor area of a dwelling unit shall be the minimum required by the Building Codes of the State of New York, 800 square feet, and the minimum for an accessory apartment shall be 500 square feet.

SECTION 3. AMENDMENT TO CHAPTER 121, ARTICLE III, ‘LAND USE DISTRICT REGULATIONS’, SECTION 121-12, ‘MULTIPLE AND ACCESSORY DWELLINGS’.

Section 121-12.B.(1) is hereby amended, in part, as follows:

- B. Multifamily and ~~age-restricted senior citizen~~ dwellings.
 - (1) Buildings ~~in existence as of January 1, 2007,~~ may be converted to multifamily use if permitted in the Use Table. Density shall be subject to the applicable bulk and dimensional requirements of the underlying zoning district. Maximum density shall be 50% established by the Planning Board based upon applicable review criteria and the characteristics of the existing building. Conversions to mixed residential and compatible nonresidential uses are encouraged. Nothing in the provision shall preclude the construction of an addition to an existing structure or new structure to accommodate additional units in compliance with the density and dimensional standards of the applicable zoning district.

Section 121-12.C is hereby amended, in part, as follows:

C. Accessory apartments and accessory residential structures. One accessory apartment per attached or detached single-family dwelling may be located in an accessory structure or a principal building as provided in the Use Table. ~~The lot containing the accessory apartment must contain the minimum acreage required by the Dimensional Table, unless it is located in an approved conservation subdivision.~~ The accessory apartment shall not be counted as a residential unit for purposes of determining density. ~~No special A building permit shall not~~ be granted for an accessory apartment without approval or certification from the Dutchess County Department of Health of the adequacy of the septic system to accommodate both the primary and accessory structures.

SECTION 4. AMENDMENT TO CHAPTER 121, ARTICLE V, “OPEN SPACE DEVELOPMENT”.

Section 121-20.C, “Density Bonuses” is hereby amended in part as follows:

C. Density bonuses. The maximum density permitted in Subsection B(2) above may be increased through density bonuses designed to advance important goals of the Comprehensive Plan. These density bonuses may be combined to result in a total density bonus not exceeding 100% of the density calculated in accordance with Subsection B(2). except that the use of a density transfer may increase this percentage up to 150%. The density permitted by this section shall not be reduced as a result of the conservation analysis required in Subsection A above or as a result of the reservation of parkland during the subdivision process. Density bonuses are given at the discretion of the Planning Board based upon written findings by the Planning Board documenting the expected public benefit. Density bonuses shall ~~not be granted as long as without~~ written findings conclude that the proposed density bonus will not adversely affect the environment and will provide one or more of the benefits listed in this section ~~or the availability of affordable housing in the Town of Amenia.~~ Density bonuses are calculated by first determining the allowable base density under Subsection B(2) and then multiplying that number by 100% plus the percentages that follow:

- (1) If the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area): a maximum density bonus of up to 25%.
- (2) If the applicant preserves at least 60% of the parcel as working farmland (including the creation and preservation of new working farmland): a maximum density bonus of up to 25%.
- (3) If the applicant preserves as permanent open space more than the required amount of land: a maximum density bonus of 10% per additional 5% of the net buildable acreage of the parcel preserved as open space.
- (4) If the applicant receives approval for a density transfer under § 121-21: a maximum density bonus equal to 50% of the number of units transferred from the sending parcel, up to a maximum of 50% of the base density of the receiving parcel.

(5) If the applicant designates a minimum of 25% of the onsite units as workforce housing in accordance § 121-42, and all such units have a minimum of two-bedrooms: a maximum density bonus of up to 50%. Applicants seeking a density bonus under this provision shall be exempt from the 10% mandatory workforce housing requirement in Section 121-42.

SECTION 5. AMENDMENT TO CHAPTER 121, ARTICLE VII, ‘SUPPLEMENTARY REGULATIONS’, SECTION 121-38, ‘OFF-STREET PARKING AND LOADING’.

Section 121-38.A(2) is hereby amended, in part, as follows:

- (2) Minimum parking required for residential uses.
 - (a) For single-family or two-family dwelling: two spaces per dwelling unit.
 - (b) For multifamily dwelling: 1 1/2 spaces per dwelling unit.
 - (c) For workforce housing built pursuant to § 121-42: one space per dwelling unit.
 - (⇒) (d) The Planning Board may reduce these requirements ~~These requirements may be reduced~~ for dwelling units with less than 1,000 square feet of floor space, age-restricted senior citizen housing, mixed-use development, or other appropriate circumstances if the Planning Board determines that such reductions are warranted. Appropriate circumstances include, without limitation, if alternate parking exists, or where a substantial portion of the development is located within walking distance of necessary services or public transportation corridor.

SECTION 6. AMENDMENTS TO CHAPTER 121, ARTICLE VII, ‘SUPPLEMENTARY REGULATIONS’, SECTION 121-42, ‘WORKFORCE HOUSING’.

Section 121-42 is hereby amended, in part, as follows:

§ 121-42 Workforce housing.

In any development in which workforce housing is provided in order to obtain a density bonus [see § 121-20C~~(4)~~(5)] or where workforce housing is mandated by any other provisions of this chapter (see §§ 121-16, and 121-42P) or by the Subdivision Law, such housing shall comply with the requirements set forth in Section 121-42. Prior to any approval by the Planning Board, all development applications subject to the requirements of this section shall be referred to the Housing Board for review and recommendations in accordance with the requirements and standards set forth in Section 121-42 and pursuant the Housing Board authority provided therein. The Housing Board shall be required to provide a report and recommendation to the Planning Board within 45 days of receipt of the referral. ~~with the following requirements. The provisions of this section shall not become effective until the Town Board has adopted a program for administering them and has passed a resolution~~

certifying that the Town is prepared to administer the provisions of this § 121-42 as provided in Subsection L below. Applicants shall, however, be required to submit plans showing compliance with this section in anticipation of its coming into effect prior to the time their applications receive final approval. If at the time of final approval of an application, the Town Board has not certified the Town's readiness to administer this program, applicants shall be discharged from the requirements of this § 121-42. An applicant may choose to take advantage of incentives for workforce housing by postponing construction of workforce housing units and any bonus units related to them until the Town has adopted the program described in Subsection L.

A. Purpose and intent. The Town Board of the Town of Amenia recognizes the local housing shortage and that people with moderate incomes ~~who work in Amenia and/or provide volunteer services to the Town~~ lack opportunity to find housing that is affordable to them within the Town. The Town Board further recognizes that there is a need to encourage the construction of housing units ~~for rental or sale~~ in the Town of Amenia that will be affordable to moderate-income residents and to ensure that these units remain affordable in perpetuity for the benefit of the current and future workforce and residents of Amenia.

Formatted: Strikethrough

B. Definition of "workforce housing unit." As used throughout this section, the term "workforce housing unit" refers to a single or multifamily housing unit or lot in a residential subdivision approved for construction of a single or multifamily housing unit that is owned or rented by an income eligible household, as defined herein, ~~and priced to be affordable to moderate income households whose members live and/or work in the Town of Amenia and who cannot otherwise afford market rate housing.~~

C. Development standards.

(1) Physical integration. All workforce 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 workforce 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. All electrical appliances shall bear the "energy star" rating, ~~and no unit may use electric heat or hot water.~~ The workforce housing units shall be integrated with the market rate units to the extent practical. The Planning Board may waive this requirement where an applicant proposes to build workforce housing units off site, ~~in locations identified as appropriate for such housing in the Comprehensive Plan.~~

(2) Dwelling unit type and size. Workforce housing units may be located in multifamily, single-family attached, or single-family detached dwellings and may be studio, one-, two-, three-, or four-bedroom units.

(3) Minimum floor area. The gross floor area per workforce housing unit shall be no less than ~~the following:~~ the minimum required by the Building Codes of the State of New York.

Unit Type	Minimum Floor Area (square feet)
Studio	400
1-bedroom	500
2-bedroom	700
3-bedroom	1,000
4-bedroom or more	1,200

(4) Phasing.

(a) For any project that will be built in phases, the following schedule shall apply for all workforce housing units:

Phase	Percentage of Workforce Units Receiving Certificates of Occupancy	Percentage of Market Rate Units Receiving Certificates of Occupancy
<u>1</u>	0 (none required) At least 25%	Up to 25%
	At least 10%	25% + 1 unit
<u>2</u>	At least 50%	Up to 50%
<u>3</u>	At least 75%	Up to 75%
<u>4</u>	100%	100%

(b) Certificates of occupancy shall only be issued for market rate units when the required percentage of workforce housing units for the respective phase has been completed and a certificate of occupancy has ~~have~~ been issued for the workforce housing units or the corresponding fee in lieu of building workforce housing has been paid.

(5) Waiver of recreation fee and other requirements. 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 workforce housing units.

(6) Violation. Any developer, owner, property manager, contractor, and/or other responsible person/entity, upon failure to implement the development standards in this Section, shall be subject to enforcement as provided in Town of Amenia Zoning Code § 121-57.

D. Determining applicant eligibility.

(1) Income limits. To be eligible to purchase ~~or rent~~ a workforce housing unit, the household's ~~aggregate~~ annual income shall not exceed 80% of the area median income (AMI) for Dutchess County as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 30% of 80% AMI, adjusted for family size. To be eligible to rent a workforce housing unit, the household's

~~annual income shall not exceed 60% Dutchess County AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size, 80% of the Dutchess County median for owner-occupied units, and 50% for rental units, based upon the Dutchess County median family income.~~

(2) Other assets.

(a) Any family household with net assets exceeding 50% of the for sale cost of a two-bedroom workforce housing unit shall be ineligible to own or rent a workforce housing unit. ~~This limitation shall not apply to any household consisting of only senior citizens over the age of 65, provided that the household meets the income qualifications and that the members' net assets do not exceed 150% of the purchase price of a two-bedroom workforce housing unit.~~

(b) Any non-income-producing assets may be assigned an income-producing value and included as income by the reviewing agency when determining eligibility.

~~(3) Minimum income. The Town Board shall, by resolution, establish annually the minimum income requirements for a household to be considered eligible for the workforce rental and owner-occupied housing programs.~~

~~E. Selection priorities.~~

~~(1) Once an applicant is determined to be eligible to participate in the workforce housing program based on income limits as set forth above, 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 workforce housing unit as his/her primary residence. Applicants seeking 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.~~

~~(a) Volunteer Fire Department or Ambulance Corps members serving the Town of Amenia, with a minimum of six months' consecutive active service: three points; maximum six points per family.~~

~~(b) Paid emergency service personnel serving the Town of Amenia, including police, fire and emergency medical services, with a minimum of six months' employment: two points; maximum four points per family.~~

~~(c) Town of Amenia municipal employees, minimum of six months: two points; maximum four points per family.~~

~~(d) School district employees for any schools that provide educational services to students who live in Amenia, minimum of six months' employment: two points; maximum four points per family.~~

~~(e) — Veteran of U.S. Armed Services, honorably discharged: one point; maximum two points per family.~~

~~(f) — Persons employed in the Town of Amenia: one point; maximum three points per family.~~

~~(g) — Residents of the Town of Amenia who have lived in Amenia for at least three years: one point; maximum two points per family.~~

~~(h) — Former residents of the Town of Amenia who can document that they lived in Amenia for at least five years: one point; maximum two points per family.~~

~~(i) — Dutchess County residents for at least three years, not residing in Amenia: one point; maximum one point per family.~~

~~(j) — All other income eligible households not covered above: one point; maximum one point per family.~~

~~(2) — In the event that two or more households have the same priority score, a lottery shall be held to determine the priority ranking among the households.~~

E. Occupancy requirements.

(1) Standards. To prevent overcrowding ~~or underutilization~~ of workforce housing units, at the time of purchase or rent, the following schedule of occupancy shall apply:

Number of Bedrooms	<u>Maximum Number of Persons</u>
0 (studio)	1 2
1	2-3 4
2	4
3	6
4	8

(2) Residency. All workforce housing units shall be the primary residence of the owners or renters. Owners may not rent their unit to others, and renters may not sublet their unit, except that one-year subleases shall be permitted if the household is required to move temporarily for reasons of employment, health, or family emergency, not to exceed a total of two years. These restrictions shall not apply to the developer of the workforce housing units.

F. Initial sale and resale of workforce housing units.

(1) Calculation of initial sales price. ~~Maximum sale price shall be set by resolution of the Town Board on an annual basis after review of relevant information that may be provided by federal, state, and county housing agencies, as well as by 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 under § 121-

42D(1) above. ~~Maximum sale prices shall be set in such a manner that eligible households will have sufficient income to qualify to purchase such units.~~

(2) Resale of workforce housing units.

(a) Workforce housing units shall only be resold to eligible moderate-income households of similar size, ~~consistent with the Town's point system for establishing priority.~~

(b) The owner of a workforce housing unit shall notify the owner or designate manager of the property ~~Town Board, or an appropriate department as may be designated by the Board,~~ of his or her 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 on an annual basis.~~ The maximum base purchase price shall be calculated to include the purchase price of the workforce housing unit adjusted for the increase in the consumer price index (CPI to be recommended by the Dutchess County Department of Planning and Development) during the period of ownership. In addition to the base purchase price, the maximum permitted resale price shall also include the cost of permanent fixed improvements made by the homeowner (not to exceed 5% of the home's value per year of ownership) and necessary resale expenses.

(d) The original deed and any subsequent deeds or instruments used to transfer title to a workforce housing unit shall include a provision indicating that the housing unit is a workforce housing unit subject to perpetual restrictions on occupancy and resale. The following paragraph 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 workforce housing program established under the Amenia Town Code. All future sales, resale or rental of this dwelling in perpetuity must be to a person who is determined to be eligible pursuant to the criteria ~~and priority system~~ set forth in the Amenia Town Code and at a price determined in accordance with the Town's workforce housing program."

G. Initial lease and renewals of workforce housing rental units.

(1) Calculating permissible rent. Maximum monthly rent, including utilities (heat, hot water and electric), ~~shall be set annually by resolution of the Town Board for each type of rental unit (studio, one bedroom, two bedroom, etc.), for each household size, and shall be amended from time to time after review of relevant information that may be provided by federal and state housing departments, as well as by developers. Rent for a workforce housing unit shall include an estimated cost for utilities and shall not exceed 30% of the maximum family income allowed for such unit. Maximum rent shall be set in such a manner that the eligible households will have sufficient income to qualify to rent such units.~~

(2) Lease terms and renewal. Applicants for workforce housing rental units shall, if eligible and selected for occupancy, sign leases for an initial term of one year. As long as the household remains eligible and has complied with the terms of the lease, the household shall be offered a one-year renewal every year. If at the time of renewal the household's annual gross income exceeds the maximum income limit as established by the Amenia Town Code as set by the Town Board, such household shall be offered a market rate rental unit in the development, if available. If no such unit is available at a rental price that the household can afford, the household may renew the lease at the workforce housing rental rate for one more year, subject to the condition that should a market rate unit become available, the household shall be required to move to such unit. At the end of the lease for such additional year, the household shall have no further right to reside in the workforce housing unit at the restricted workforce housing rent. At that time, the landlord shall have the option of increasing the rent of the unit to a market rate, provided that the landlord makes a comparable unit available to another eligible household at the restricted workforce housing rental rate.

(3) Town Housing Board review. All lease terms shall be reviewed and approved periodically by the Town Board Housing Board or an appropriate department or qualified third-party consultant to the Town as designated by the Housing Board.

H. Maintenance, upkeep and repairs.

(1) All workforce housing units shall be maintained in a satisfactory manner as prescribed by the Town Board Building Inspector/Code Enforcement Officer, Housing Board, or by an appropriate department as may be designated by the Town Board. Neither owners nor renters of workforce housing units shall make any improvements which that require a building permit without prior written permission from the owner/managing company, 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 workforce housing units shall be maintained at least at the original builder's specification level. At the time of resale, the owner/managing agent 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.

I. Tax assessment. The Town Assessor shall consider the limited resale value of workforce housing units when determining the appropriate assessment on such units.

~~K. Incorporation of conditions of approval. Any special permit, site plan, or subdivision approval involving the creation of workforce housing under this § 121-42 shall include specific conditions referencing the requirements of this section, which shall also be noted on any approved site plan or subdivision plat and incorporated in any deeds, as required by Subsection G above. In any phased development, such conditions shall also establish a phasing schedule to ensure that any required workforce housing units are built or fees in lieu of building such units~~

are paid on a pro rata basis as the development is built out. Such schedule may provide flexibility for the substitution of a fee in lieu for construction of units at a later date.

J. Process. Any special permit, site plan, subdivision, or other application involving the creation of workforce housing under this Section 121-42 shall be referred to the Housing Board for a report and recommendation. The Housing Board shall be required to provide a report and recommendation within 45 days of receipt of the referral. Workforce housing requirements for Planning Board review:

(1) Any application involving the creation of workforce housing shall include the plans, descriptive information, and other documents sufficient to clearly portray the intentions of the applicant with respect to workforce housing and demonstrate compliance with the development standards required by Subsection C of Section 121-42 and shall include such other information as the Housing Board deems necessary to conduct and informed review. Such information shall include:

(a) Management Company required. A private developer proposing to build workforce housing units shall retain by contract a qualified Management Company approved by the Housing Board that specializes in income-restricted housing, or the developer may enter into a contract with Dutchess County to manage the income-restricted units in accordance with the terms of this section. The developer's application shall include the qualifications of the management company shall demonstrate its capacity to fulfill the following responsibilities:

[1] Screening the residents and managing the workforce housing units for each project for which it has been retained.

[2] Managing the sale, resale, and rental of all housing units and monitor the same for compliance with Town Code and applicable New York State laws.

[3] Accepting and processing all resident applications.

[4] Filing annual reports with the Housing Board. Such reports shall be due to the Housing Board on June 15th of each year, or as specified by the Housing Board.

[5] Certifying tenant/purchaser eligibility pursuant to this chapter.

[6] Certifying that the workforce housing units are being maintained in accordance with this section and the NY State Building Code.

[7] Certifying its compliance with all applicable terms of Section 121-42.

[8] Such other requirements as promulgated by the Housing Board.

(2) Incorporation of conditions of approval. Any special permit, site plan, or subdivision approval involving the creation of workforce housing under this § 121-42

shall include specific conditions referencing the requirements of this section, which shall also be noted on any approved site plan or subdivision plat and incorporated in any deeds, as required by this section. In any phased development, such conditions shall also establish a phasing schedule to ensure that any required workforce housing units are built or fees in lieu of building such units are paid on a pro rata basis as the development is built out.

K. ~~Administration-Administrative and Monitoring Agency.~~ The Town Board shall appoint a Housing Board, which shall promote, administer and monitor the workforce housing program. The Town Board, in consultation with the Housing Board, may retain a qualified Administrative Entity to facilitate the administration and monitoring of the workforce housing program including workforce housing built and/or owned by the Town. The Housing Board would have direct oversight of the Administrative Entity, which could be a not-for-profit organization, government agency, private consultant, staff, or other entity qualified to perform the responsibilities specified in this Section as delegated by the Housing Board, or by contract with Dutchess County, also hire staff or contract with Dutchess County or a qualified not for profit organization, government agency, or private consultant to administer all or a portion of the workforce housing program under the direction and oversight of the Housing Board. The following list identifies the responsibilities and duties of the Housing Board:

(1) Oversee the administration and monitoring of the workforce housing program. Administrative items, which the Housing Board may delegate to the Administrative Entity, include: Accept and review applications.

- (a) Accept and review applications.
- (b) Maintain eligibility list, annually certify and recertify applicants.
- (c) Review certification from owners and lessors of rental units certifying that units are occupied by eligible families.
- (d) Maintain list of all workforce housing units in the Town.
- (e) Review all deed restrictions for workforce housing units.
- (f) Review all lease terms for workforce housing units.

~~(2) — Maintain eligibility priority list, annually certify and recertify applicants.~~

~~(3) — Establish lottery procedures for selecting applicants who have equal priority.~~

~~(2)(4)~~ Assist the Town Board/Planning Board in determining and reviewing applications to build workforce housing units.

~~(3)(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 workforce housing units in the Town.~~

- ~~(8) — Review all deed restrictions for workforce housing units.~~
- ~~(9) — Review all lease terms for workforce housing units.~~
- ~~(4)(10) Recommend ~~Promulgate~~ rules and regulations as necessary.~~
- ~~(5) — Review annual reports from management companies.~~
- ~~(6) — Seek public-private partnerships to develop workforce housing.~~
- ~~(7) — Assess and report on the Town’s workforce housing needs.~~

L. Appeals. Any person aggrieved by a decision of the ~~management company~~ Housing Board may appeal such decision to the ~~Town~~ Housing Board.

M. Fee ~~to be paid~~ in lieu of providing workforce housing.

(1) Purpose and intent. The Town Board hereby implements § 121-42N 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.

(2) ~~Town~~ Workforce Housing Trust Fund.

(a) ~~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 The Workforce Housing Trust Fund receives~~ funds from payments and/or fees collected by the Town pursuant to ~~the Town’s Workforce Housing Law and this section~~ establishing this Section, which establishes a fee to be paid in lieu of providing workforce housing and allows funds from any gifts of property or grants for the purpose of providing workforce housing. Deposits into the Workforce Housing Trust Fund shall include, at a minimum, all revenues from payments and revenues 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.

(b) ~~Such~~ The 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. Funds in the Workforce Housing Trust Fund may also be allocated toward within the Town and/or to provide or make capital improvements to water and/or sewer infrastructure to the hamlets of Amenia or Wassaic, provided that 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.

(c) 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.

(d) 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.

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

(3) 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.

(a) 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:

~~{1} 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 \$11,000 (i.e., per unit fee); and~~

~~{2} 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 \$25,000 (i.e., per unit fee).~~

{1} For each workforce housing unit that would be required to be built pursuant to § 121-42, the per unit fee, regardless of unit size (bedroom count), shall be 1.25 times (1.25X) the U.S. Housing and Urban Development (HUD) Dutchess County area median income (AMI) for a Household of four for the year in which the project is approved.

~~(b) — 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.~~

(b) 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 § 121-42C(4), the applicant shall be obligated to pay the fee in lieu before any certificates of occupancy for market rate units are issued in that respective phase. The fee in lieu shall be based on the rates in effect at the time payment is made into the Workforce Housing Trust Fund. The applicant 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 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 § 121-42C(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.

~~(c) — In accordance with the provisions of § 121-42C(4) of the Zoning Law, certificates of occupancy may be issued for the market rate units only after 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 § 121-42C(4).~~

(4) 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.

~~N. — Exception for employee housing. An applicant may satisfy the workforce housing requirements of this § 121-42 by providing housing for persons or families who have at least one member employed on the same property or on another property in the same ownership within Amenia. In such a case, the income and other eligibility requirements in this § 121-42, including the selection priorities in Subsection E, shall not apply to such employees. However, in order for such employee housing to qualify as workforce housing under this section, the applicant must place a restrictive covenant on the employee housing property declaring that in the event the housing is not used for employee housing, it shall be subject to all of the requirements in Subsections D through H of this § 121-42.~~

N. Mandatory workforce housing.

(1) In any development of 10 or more dwelling units, or a subdivision of 10 or more lots, at least 10% of the units/lots shall be ~~classified~~ developed as workforce housing under this § 121-42. In computing this number, fractional units of 0.5 or more shall be rounded up. The workforce housing units shall be added to the allowable unit count ~~allowed pursuant to established under~~ this chapter. For example, if an applicant is permitted to build 25 dwelling units under this chapter, the applicant shall be required to build at least three workforce housing units in addition, bringing the total allowable unit count to 28.

(2) The applicant may, instead of building the workforce units on site, substitute one or more of the following alternative measures, if such measures are consistent with the Town of Amenia Comprehensive Plan and the purposes of this § 121-42:

(a) Pay a fee in lieu of constructing the workforce housing units as provided in Subsection ~~N~~ M above.

(b) Construct the required workforce housing units in another location approved by the Planning Board.

~~(c)~~ (d) Place a restrictive covenant that satisfies the requirements of Subsection ~~G(2)(d) above on one or more existing dwelling units located on the same property or on adjoining property.~~

~~(d)~~ (c) Make a substantial contribution toward the cost of providing public water and/or sewer infrastructure ~~to the Hamlet of Amenia or Wassaie~~. In order to allow this contribution to substitute for satisfying the workforce housing requirement, the Planning Board in consultation with the Town Board and Housing Board must find that:

[1] The contribution substantially advances the Town's goal of providing such infrastructure; and

[2] The provision of such water and sewer infrastructure will result in an increase in the availability of housing for persons who are the intended beneficiaries of the workforce housing program as described in this § 121-42.

O. ~~Recreation fee. Fees.~~ New workforce housing units shall be exempt from site plan, recreation, and building permit fee requirements that would otherwise apply. Where the new workforce housing units are part of an application that includes non-workforce housing components the fee shall be calculated for the total development and a proportional share deducted for the workforce housing units. Accessory dwelling units shall be exempt from recreation fees.

SECTION 7. AMENDMENT TO CHAPTER 121, ATTACHMENT 1, 'USE TABLE'.

Attachment 1, 'Use Table', is hereby amended, in part, as follows:

Use Category	Use Districts								Section Reference
	RA	RR	HM	HR	SR	HC	OC	M	
Residential Uses									
Single-family dwelling	P	P	P	P	P	S	S	—	
Two-family dwelling	S	S	P	P	S	S	S	—	§ 121-12A

Multifamily dwelling (conversion)	S	S	PS	S	—	S	S	—	§ 121-12B
Multifamily dwelling (new)	S	S	PS	S	—	S	S	—	§ 121-12B
Accessory apartment	P	P	P	P	P	SP	SP	—	§ 121-12C
Mobile homes/mobile home parks	See § 121-44.								
Upper-floor apartments in mixed-use building	S	S	PS	PS	S	PS	PS	—	
Residential care facility	S	S	S	S	—	—	—	—	§ 121-52
Solar energy systems									

SECTION 8. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 9. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.