

INTRODUCTORY LOCAL LAW #6 OF 2024 AFFORDABLE HOUSING

Proposed Zoning Code Section 164-46J (100) (Proposed revisions are redlined)

(100) In order to provide a choice of housing opportunities for a variety of income groups within the Town of Warwick, in accordance with the purposes of this chapter and the policies of the Comprehensive Plan, the Planning Board shall deny any application for a special use permit for a subdivision where affordable housing units are mandatory if the applicant does not comply, at a minimum, with the following requirements for affordable housing units:

[Added 9-11-2003 by L.L. No. 4-2003]

(a)

Subdivisions of land into 10 or more lots for single-family dwellings are required to include 10 percent of the total number of dwelling units within the subdivision as affordable housing units. As an incentive, a density bonus of 10 percent will be granted. For example, in a subdivision containing 10 lots, one lot must contain an affordable housing unit while in a subdivision containing 20 lots, two lots must contain an affordable housing unit; in the ten-lot example, one bonus lot would be approved for a total of 11 lots, while in the twenty-lot example, two bonus lots would be approved for a total of 22 lots. The Planning Board shall review the resources and public facilities available to the subdivision, including transportation, water supply, waste disposal and fire protection, during the mandatory SEQOR review, to ensure the additional density being proposed will not create significant environmentally damaging consequences.

(b)

The requirement for affordable housing units shall be established by constructing new dwelling units or rehabilitating existing dwelling units on the site proposed for subdivision approval, subject to the special permit.

(c)

Siting of affordable units. Where feasible, affordable units constructed or rehabilitated under this chapter shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. In determining feasibility, the Planning Board may consider an applicant's hardship and such factors as house prices, prevailing interest rates, land acquisition costs, infrastructure costs, construction costs, prevailing economic conditions, subdivision layout, lot sizes and the applicant's ability to realize a reasonable return as demonstrated by competent financial evidence.

(d)

Minimum design and construction standards for affordable units. Where feasible, affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in both interior and exterior design, appearance, construction and quality of materials with other units. In determining feasibility, the Planning Board may consider an applicant's hardship and such factors as house prices, prevailing interest rates, land acquisition costs, infrastructure costs, construction costs, prevailing economic conditions, subdivision layout, lot sizes and the applicant's ability to realize a reasonable return as demonstrated by competent financial evidence.

(e)

Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-Rate Unit Affordable Housing Unit

Up to 30%	None required
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

Fractions of units shall not be counted.

(f)

Local preference. First preference for affordable housing units shall be given to existing residents of the Town of Warwick, second preference to residents of other towns but who work as municipal or school district employees in Warwick, third preference to other residents of Orange County, and fourth preference to all others as permitted by law. Proof of residency, such as a driver's license or voter registration card, will be accepted to determine residency.

(g)

Marketing plan for affordable units. Applicants under this chapter shall submit a marketing plan or other method approved by the Town, to the Planning Board for its approval, which describes how the affordable units will be marketed to potential homebuyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

(h)

Maximum incomes and selling prices; initial sale. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and to certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within 30 days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Town of Warwick, and as may be revised from time to time.

(i)

Preservation of affordability; restrictions on resale. Each affordable unit created in accordance with this chapter shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a deed restriction on the property and shall be in force for a period of 40 years. All deeds of affordable housing units shall contain references to the restrictions on resale enumerated herein, and such restrictions shall be placed on the subdivision plat as a condition of approval.

(j)

Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in § 164-46J(100)(i) above. For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this chapter, it has sold for 75 percent of its appraised value. If, several years later, the

appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500, 75% of the appraised value of \$150,000.

[\[2\]](#)

The Planning Board shall require, as a condition for a special use permit under this Zoning Law, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in § [164-46J\(100\)\(i\)](#), above. The Building Inspector shall not issue a certificate of occupancy for any affordable unit until the deed restriction is recorded.