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ANDREW M. CUOMO  
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DEPARTMENT OF STATE

August 30, 2019

Village of Mamaroneck  
Village Hall  
PO Box 369  
Mamaroneck, NY 10543

**RE: Village of Mamaroneck, Local Law 3 2019, filed on 8/28/2019**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492

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SEP - 5 2019

VILLAGE ATTORNEY

NEW YORK  
STATE OF  
OPPORTUNITY  
Department  
of State

## Local Law Filing

(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.

☐ County ☐ City ☐ Town ☒ Village  
(Select one.)

of Mamaroneck

FILED  
STATE RECORDS

AUG 28 2019

DEPARTMENT OF STATE

Local Law No. 3 of the year 2019

A local law to amend Chapter 342 of the Code of the Village of Mamaroneck

(Insert Title)

(Zoning) regarding housing.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village  
(Select one.)

of Mamaroneck as follows:

Please see attached:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2019 of the ~~(County)(City)(Town)~~ (Village) of Mamaroneck was duly passed by the Board of Trustees on August 26, 2019, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (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) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (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) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

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

**4. (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) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject 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.

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

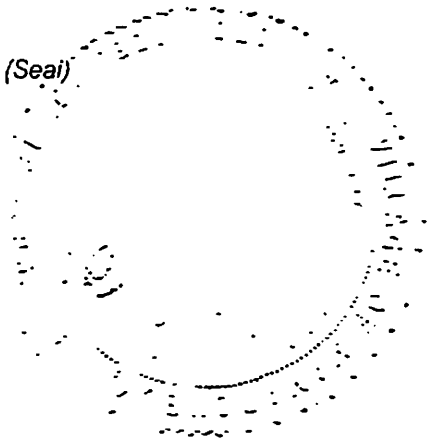
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (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 the 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 27, 2019

## **LOCAL LAW 3 – 2019**

### **A LOCAL LAW TO AMEND CHAPTER 342 OF THE CODE OF THE VILLAGE OF MAMARONECK (ZONING) REGARDING HOUSING.**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK  
AS FOLLOWS:

#### ***Section 1.***

Section 342-3 of the Code of the Village of Mamaroneck is amended by adding the following definitions:

#### **AREA MEDIAN INCOME (AMI)**

The area median income for Westchester County, as defined and periodically updated by the United States Department of Housing and Urban Development in accordance with the exception criteria applicable to Westchester County.

#### **FAIR AND AFFORDABLE HOUSING FAMILY (FAHF)**

A family, the aggregate annual income of the members of which, including the total of all current annual income of all family members from any source whatsoever, but excluding the earnings of those members of the family under 21 years of age attending school full time, does not exceed 80 percent of AMI at the time of application or, in the case of a rental, 120 percent at the time of renewal.

#### **FAIR AND AFFORDABLE HOUSING UNIT (FAHU)**

A dwelling unit reserved for rental by a fair and affordable housing family, the maximum yearly rent for which, excluding utilities, does not exceed 30 percent of 80 percent of AMI at the time of application, or 30 percent of 120 percent of AMI at the time of renewal, or a dwelling unit reserved for sale to a fair and affordable housing family, the maximum gross sales price for which does not exceed 2.5 times 80 percent of AMI.

#### **FAIR AND AFFORDABLE RESIDENCE**

A fair and affordable housing unit or a fair and deeply affordable housing unit.

#### **FAIR AND DEEPLY AFFORDABLE HOUSING FAMILY (FDAHF)**

A family, the aggregate annual income of the members of which, including the total of all current annual income of all family members from any source whatsoever, but excluding the earnings of those members of the family under 21 years of age attending school full time, does not exceed 40 percent of AMI at the time of application or, in the case of a rental, 80 percent at the time of renewal.

#### **FAIR AND DEEPLY AFFORDABLE HOUSING UNIT (FDAHU)**

A dwelling unit reserved for rental by a fair and deeply affordable housing family, the maximum yearly rent for which, excluding utilities, does not exceed 30 percent of 40 percent of AMI at the time of application, or 30 percent of 80 percent of AMI at the time of renewal, or a dwelling unit reserved for sale to a fair and deeply affordable housing family, the

maximum gross sales price for which does not exceed 2.5 times 80 percent of AMI.

**GROCERY STORE, FULL-SERVICE**

A retail store offering a full line of groceries, meat, fruits and produce including general merchandise and health and beauty aids, and which may offer a service deli, baked goods, frozen and prepared foods, a specialty food shop and/or a pharmacy.

**GROUND FLOOR**

The floor of a building at or closest to final grade.

**MARKET RATE HOUSING UNIT**

A housing unit that is not a fair and affordable housing unit or a fair and deeply affordable housing unit.

**MIXED-USE DEVELOPMENT**

A development that contains both residential and non-residential uses.

***Section 2.***

Section 342-30(A)(1)(p) of the Code of the Village of Mamaroneck is amended as follows:

(p) Residence uses in accordance with § 342-50. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)

***Section 3.***

Section 342-30.1 of the Code of the Village of Mamaroneck is amended as follows:

- A. Purpose and intent. The Transit-Oriented Development (TOD) Overlay District is based upon recommendations in the Transit-Oriented Development (TOD) Zoning Study of the Village of Mamaroneck dated February 2013. The TOD Zoning Study recommends the creation of a TOD Overlay District to capitalize on development and redevelopment potential resulting from proximity to the Mamaroneck train station and Central Business District, while creating tangible benefits for existing residents and property owners within and adjacent to the TOD Overlay District.
- B. Mapping of TOD Overlay District. The area comprising the Transit-Oriented Development Overlay District is indicated on the Zoning Map of the Village of Mamaroneck.
- C. Permitted principal and accessory uses. Any principal or accessory use allowed in the underlying C-1 General Commercial District shall be allowed in the TOD Overlay District, as may be modified by the provisions hereof.
- D. Special permit uses. The Planning Board may grant special permits for residence uses in the TOD Overlay District in accordance with the requirements of § 342-50. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)
- E. Parking for any permitted principal or accessory use must meet the parking requirements of § 342-56, except that for multifamily housing, the requirement shall be one space per dwelling unit, plus 1/4 space per bedroom. For a building containing a mix of multifamily residential

and nonresidential uses, the required parking for the residential use may be reduced to one space per dwelling unit, plus 1/4 space per bedroom in excess of one bedroom. Required parking for a mixed-use development must be shared among the uses on the site and not assigned to any one user, as acceptable to the Planning Board.

#### ***Section 4.***

Section 342-31(A)(1)(d) of the Code of the Village of Mamaroneck is amended as follows:

- (d) Residence uses in accordance with § 342-50. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)

#### ***Section 5.***

Section 342-37(A)(3) of the Code of the Village of Mamaroneck is amended as follows:

- (3) Any principal uses, other than a residence use, permitted in a C-1 General Commercial District, but subject to the restrictions § 342-47.

#### ***Section 6.***

Section 342-50 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-50 Residence uses in commercial districts and the Transit-Oriented Development Overlay District.

A. Special permit for residence uses. The Planning Board may grant special permits for residence uses in the following areas in accordance with the requirements of this section and the approval procedure set forth in Article X:

- (1) as a principal use in that portion of the C-1 Districts not located on Boston Post Road or on the southwestern side of Old White Plains Road northwest of Center Avenue or on Mamaroneck Avenue north of Nostrand Avenue;
- (2) as a use accessory to a permitted principal use on the Boston Post Road in the C-1 Districts;
- (3) as a principal use in the Transit-Oriented Development Overlay District; and
- (4) as a principal use in the C-2 Districts.

B. Requirements for residence uses where permitted in the commercial districts and the Transit-Oriented Development Overlay District. Each permitted residence use in the commercial districts and the Transit-Oriented Development Overlay District must satisfy the following requirements.

- (1) Separate entrance. The entrance to the residentially used portion of the building must be through either a common lobby or plaza or an area that is separated from the area used for non-residential purposes.
- (2) Reserved parking. Except in the Transit-Oriented Development Overlay District, parking for the residences of any mixed-use structure, where required or provided, must be in a separate parking area for the use of residents only or in a reserved section of a common parking area. The reserved section must be adequately marked, landscaped and otherwise

demarcated from commercial parking. To allow for visitor parking, the Planning Board may require up to 15 percent more off-street parking for the use of residents than would otherwise be required by Article VIII.

- (3) Compatibility of use. The Planning Board may allow residence uses above or in conjunction with commercial uses only if the Planning Board determines that the proposed commercial uses will be compatible with residences. In making that determination, the Planning Board must consider noise, odors, hours of operation and traffic anticipated to result from the proposed non-residential uses. Motor vehicle service stations, public garages, printing plants, cabarets, transformer stations and motels are presumed to be incompatible with residence uses, but the Planning Board may determine, on the basis of proof submitted by the applicant, that those uses are compatible with residences.
- (4) Green building elements and infrastructure. The development must incorporate green building elements and/or green infrastructure to the satisfaction of the Planning Board.
- (5) The development may not contain a building, structure or parking area within 50 feet from the mean high-water line of Long Island Sound or any body of water which flows into Long Island Sound, and the Planning Board may not grant a permit for such a building structure or parking area under section 240-30 of this Code for development under this section, unless the building, structure or parking area is water-dependent, as that term is defined in section 240-30.
- (6) In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies established by the Village Comprehensive Plan, residence uses in the commercial districts must provide fair and affordable housing units in accordance with Article XV and the following schedule:

Zoning District	Maximum FAR or coverage - 5 or more units	Percentage Required
C-1	0.8	5-10 units: 1 FAHU 11 to 20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number
C-2	2.0	5-10 units: 1 FAHU 11-20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number
TOD	.8 (up to 1.1 if other TOD incentives are utilized)	5-10 units: 1 FAHU 11-20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number

C. Additional requirements for residence uses in the C-1 Districts. Residence uses, where



permitted as principal uses in C-1 Districts, must meet the following standards, in addition to the standards set forth in § 342-50(B), above:

- (1) Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article XV of this chapter.
  - (2) Floor area ratio. Except as provided in Article XV, the permitted maximum floor area ratio (FAR) may not exceed 0.60 for developments with four or fewer residential units and 0.80 for developments with five or more residential units.
  - (3) Height, setback and yard controls.
    - (a) Minimum lot width and frontage: 50 feet.
    - (b) Minimum lot depth: 100 feet.
    - (c) Minimum habitable floor area (per unit): 450 square feet.
    - (d) Maximum stories: three.
    - (e) Maximum height: 35 feet.
    - (f) Maximum coverage: 30 percent, except that a maximum coverage of 35 percent is permitted for a development in which all of the residences are fair and affordable residences in accordance with Article XV of this chapter.
    - (g) Minimum required yards:
      - [1] Front: 20 feet.
      - [2] Lesser side: 10 feet.
      - [3] Two sides combined: 20 feet.
      - [4] Rear yard: 25 feet.
      - [5] Required side yards must be landscaped as reasonably determined by the Planning Board.
      - [6] The Planning Board may require that any required side yard that is adjacent to a residential district be twice the size that would otherwise be required.
    - (h) Minimum setback for parking and driveways: five feet. The setback area must be landscaped and where the setback area is adjacent to a residential district, the Planning Board may require that the setback be up to 10 feet.
    - (i) Off-street parking and loading: as required by Article VIII.
    - (j) Open space: 300 square feet per unit.
- D. Additional requirements for residence uses on Boston Post Road in the C-1 Districts. Residence uses on Boston Post Road in the C-1 Districts, where permitted as accessory to a permitted principal use, must meet the following standards, in addition to the standards set forth in § 342-50(B), above:
- (1) Height, setback and yard controls.
    - (a) Site size. There is no minimum or maximum site size requirement.

- (b) Maximum stories: one story of residential use.
- (c) Maximum height: 25 feet.
- (d) Maximum coverage: 30 percent, except that a maximum coverage of 35 percent is permitted for a development in which all of the residences are fair and affordable residences in accordance with Article XV of this chapter.
- (e) Minimum required yards:
  - [1] Front: 20 feet.
  - [2] Lesser side: 10 feet.
  - [3] Two sides combined: 20 feet.
  - [4] Rear yard: 25 feet.
  - [5] Required side yards must be landscaped as reasonably determined by the Planning Board.
  - [6] The Planning Board may require that any required side yard that is adjacent to a residential district be twice the size that would otherwise be required.
- (f) Minimum setback for parking and driveways: five feet. The setback area must be landscaped and where the setback area is adjacent to a residential district, the Planning Board may require that the setback be up to 10 feet.
- (g) Off-street parking and loading: as required by Article VIII.
- (h) Open space requirement: 300 square feet per market-rate unit, 150 square feet per fair and affordable housing unit or fair and deeply affordable housing unit.

E. Additional requirements for residence uses in the Transit-Oriented Development Overlay District. Residence uses in the Transit-Oriented Development Overlay District must meet the following standards, in addition to the standards set forth in § 342-50(B), above:

- (1) Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article XV of this chapter.
- (2) Floor area ratio. The permitted FAR for the entire building, including residential and nonresidential uses is 0.6 for buildings with four or fewer residential units and 0.8 for buildings with five or more residential units, except that the FAR may be increased by up to 0.3 for mixed-use development that includes a full-service grocery store not more than 25,000 square feet in gross floor area, but if the grocery store ever ceases to operate, the area in which the grocery store was located must be leased to the Village of Mamaroneck for community use for one dollar per year.
- (3) Maximum height: 40 feet, but 50 feet on Mamaroneck Avenue as long as the stories above the first story are set back at least five feet more from the front lot line than the first story.
- (4) Maximum stories: three, but four stories on Mamaroneck Avenue.
- (5) Maximum coverage: 50 percent.
- (6) Minimum required yards:

- (a) Front: five feet.
- (b) Two sides combined: 20 feet.
- (c) Lesser side: eight feet.
- (d) Rear: 25 feet.
- (e) Required side yards must be landscaped as reasonably determined by the Planning Board.

(7) Usable open space requirement: 150 square feet per unit.

F. Residence uses in C-2 Districts must meet the following standards, in addition to the standards set forth in § 342-50(B), above:

- (1) Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article XV of this chapter.
- (2) There must be at least five residential units in the building.
- (3) The maximum permitted floor area ratio for residence uses is 2.0. The maximum permitted floor area ratio may be increased in accordance with the bonus provisions of Article XV of this chapter.
- (4) The maximum permitted building height is 40 feet. The maximum permitted building height may be increased in accordance with the bonus provisions of Article XV of this chapter.
- (5) Off-street parking spaces must be provided as required by Article VIII of this chapter.
- (6) No ground floor space with frontage on Mamaroneck Avenue may be used for residential occupancy.

#### **Section 7.**

Section 342-56(A) of the Code of the Village of Mamaroneck is amended by adding the following requirement:

Use	Minimum Number of Spaces
Fair and affordable residences in a multifamily dwelling	3/4 space per dwelling unit plus 1/4 space per bedroom in excess of one.

#### **Section 8.**

Article XV of the Code of the Village of Mamaroneck is amended as follows:

Article XV Fair and Affordable Residence Uses.

§ 342-103 Development bonuses for affordable residence uses

- A. In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies established by the Village Comprehensive Plan, residence uses providing fair and affordable residences are entitled to the development bonuses set forth in the following schedule:

Zoning District	Bonus	Maximum FAR or coverage - 5 or more units	Percentage of fair and affordable housing units required to achieve bonus	Percentage of fair and deeply affordable housing units required to achieve bonus
C-2	.5 FAR	FAR 2.5	100% of units	10% of units
RM-1	20% unit bonus	2,500 square feet of land/unit	50% of bonus	No requirement
RM-2	20% unit bonus	1,500 square feet of land/unit	50% of bonus	No requirement
RM-3	20% unit bonus	1,000 square feet of land/unit	50% of bonus	No requirement

B. If 100 percent of the dwelling units in a development in the C-2 Districts for which a special permit is granted under § 342-50(B) are fair and affordable residences in accordance with this article and the development is undertaken in cooperation with a state or local affordable housing program or in conjunction with a not-for-profit corporation whose purpose is the creation of fair and affordable housing, the Planning Board may allow the development to be up to six stories and 60 feet, but not more than five stories and 50 feet on Mamaroneck Avenue, and may allow the floor area ratio (FAR) to be up to 2.5.

C. In order to achieve a compatible building environment, the portion of the building stories above 40 feet must be setback a minimum of ten feet from the front lot line.

#### § 342-104 Development standards.

- A. Design. Fair and affordable residences must be physically integrated into the design of the development in a manner satisfactory to the Planning Board and must be distributed among efficiency, one-, two- and three-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board because it is better related to the housing needs, current or projected, of the Village of Mamaroneck. The fair and affordable residences must not be distinguishable from market rate units from the outside of the unit or the building exterior.
- B. Minimum floor area. The minimum gross floor area per dwelling unit for fair and affordable residences must not be less than the comparable market rate housing unit in the development, or the following minimums, whichever is less:
  - (1) Efficiency: 450 square feet.
  - (2) One bedroom: 650 square feet.
  - (3) Two bedrooms: 850 square feet.
  - (4) Three bedrooms: 1,100 square feet, including at least 1 1/2 baths.

#### § 342-105. Ownership and occupancy standards.

- A. Occupancy guidelines. In renting or selling, the owners of fair and affordable residences must observe the following guidelines in determining the rental and sale prices of those units:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
Efficiency	1	1
1	1	2
2	2	4
3	3	6

- B. Period of affordability. Owner-occupied fair and affordable residences must remain affordable in accordance with the provisions of this chapter for a period of 99 years. Renter-occupied fair and affordable residences must remain affordable in accordance with the provisions of this chapter for so long as any portion of the site is used for residential purposes.
- C. Rental and sale of units. During the period of affordability, fair and affordable housing units created under the provisions of this article may be sold, re-sold or rented only to fair and affordable housing families and fair and deeply affordable housing units created under the provisions of this article may be sold, re-sold or rented only to fair and deeply affordable families.
- D. Maximum rent and sale price.
- (1) During the period of affordability, the maximum yearly rent, excluding utilities, for a fair and affordable housing unit must not exceed 30 percent of 80 percent of AMI at the time of application, or 30 percent of 120 percent of AMI at the time of renewal, and the maximum gross sales price must not exceed 2.5 times 80 percent of AMI.
  - (2) During the period of affordability, the maximum yearly rent, excluding utilities, for a fair and deeply affordable housing unit must not exceed 30 percent of 40 percent of AMI at the time of application, or 30 percent of 120 percent of AMI at the time of renewal, and the maximum gross sales price must not exceed 2.5 times 80 percent of AMI.
- E. Recording. Prior to obtaining a certificate of occupancy, the owner of the development must record an instrument, acceptable in form to the Village Attorney, which obligates the owner, its successors and assigns to maintain the fair and affordable housing residences in accordance with the requirements of this article for the period of affordability.

#### §342-106 Eligibility Standards.

- A. Eligibility priorities. Eligible families applying for fair and affordable housing units and fair and deeply affordable housing units will be selected for occupancy on the basis of a lottery drawing conducted on an as-needed basis by the Town of Mamaroneck Public Housing Agency. The Town of Mamaroneck Public Housing Agency will establish the list of lottery winners based on bedroom count and provide the list to the owner or manager. The owner or manager will then notify the selected families.

**B. Continued eligibility.**

- (1) **Rental.** Families selected for fair and affordable rental units and fair and deeply affordable rental units must be offered leases for terms of not more than two years. As long as the family remains eligible and has complied with the terms of the lease, the family must be offered a two-year lease renewal at the end of each lease term. If a family's aggregate annual income at the time of renewal exceeds the maximum permissible income for eligibility and if there is at that time an otherwise eligible family for the unit, the family may complete its current lease term and must be offered a market rate housing unit available in the development at the termination of the lease term, if available. If no market rate housing unit is available at the time, the family may be allowed to sign one additional one-year lease for the fair and affordable housing unit or fair and deeply affordable housing unit it occupies but may not be offered a renewal of the lease beyond the expiration of that term.
- (2) **Sales.** Title to owner-occupied fair and affordable housing units and fair and deeply affordable housing units must be restricted so that when the family sells the unit, the sale price does not exceed either the then-maximum sales price for the unit, plus an allowable appreciation of equity equal to five percent of the initial purchase price multiplied by the number of years the family has owned the unit or the sum of the amount of any principal payments made by the family, the remaining principal due on the mortgage, the value of any fixed improvements made by the family and not otherwise and included and the reasonable and necessary expenses incidental to the sale, whichever is greater.

**§342-107 Administration.**

- A. The Town of Mamaroneck Public Housing Agency will be responsible for the administration of the purchase and rental of fair and affordable residences and for the promulgation of rules and regulations as may be necessary to implement these requirements. The owner or manager of the fair and affordable residence is responsible initially for determining and certifying eligibility and must provide certification and documentation of eligibility to the Town of Mamaroneck Public Housing Authority in accordance with its rules and regulations prior to the fair and affordable housing families or fair and deeply affordable housing families being placed on the list for the lottery drawing.
- B. At the time of the issuance of a certificate of occupancy, the Building Inspector must send a copy of the certificate to the Town of Mamaroneck Public Housing Agency, including a description of the fair and affordable housing units or fair and deeply affordable housing units and applicable limitations. The Town of Mamaroneck Public Housing Agency will then inform the owner of the maximum rental or sales charge which may be established for those units and the eligibility requirements for occupancy of those units.
- C. Based upon the information provided by the owner or manager of the fair and affordable residence, the Town of Mamaroneck Public Housing Agency will certify fair and affordable housing families and fair and deeply affordable housing families as eligible for rental or sales and will annually reexamine or cause to be reexamined each family's income.
- D. On or before April 1 of each year thereafter, the Town of Mamaroneck Public Housing Agency must notify the owner or manager of each development containing fair and affordable residences as to the rent, sales and income eligibility requirements for those residences.

- 
- E. The owner or manager of each development containing fair and affordable residences must certify to the Town of Mamaroneck Public Housing Agency on or before June 1 of each year that the current rental or sales prices of all fair and affordable housing residences comply with the requirements of this article.

***Section 9.***

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

***Section 10.***

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

***Section 11.***

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.