

**LOCAL LAW NO. \_\_ OF 2026**

**A LOCAL LAW AMENDING THE CODE OF THE  
CITY OF MOUNT VERNON TO ESTABLISH AN  
AFFORDABLE HOUSING ORDINANCE TO PROMOTE  
THE DEVELOPMENT OF WORKFORCE HOUSING UNITS.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF  
MOUNT VERNON, as follows:**

**§ 267-103 Title.**

This article shall be known as the "Affordable Housing Ordinance" of the City of Mount Vernon.

**§ 267-104 Declaration of purpose.**

This Affordable Housing Ordinance is adopted in furtherance of the following related and more specific purposes:

- A. To implement a program whereby all future market-rate residential developments set aside no less than ten percent (10%) of total dwelling units for multi-family developments with ten or more (10+) units as fair and affordable housing.
- B. To provide for the construction of rental housing units that will be affordable to households earning between 60% and 80% of the Westchester County area median income (AMI).
- C. To promote the development of workforce housing units throughout the City, making new units accessible to teacher, firefighters, police officers, healthcare workers, and other essential professionals whose income often exceed traditional subsidy thresholds but fall short of prevailing market rents.
- D. To promote economic diversity and long-term community stability.
- E. To provide measures to ensure that affordable housing units remain affordable for specified periods of time.

**§ 267-105 Definition of Terms.**

As used in this article, the following terms shall have the following meanings as indicated:

**AFFORDABLE HOUSING TRUST FUND (AHTF)**

A trust fund created for the use of receiving funds from developers required to provide affordable housing units that have been granted the option of paying into the AHTF in lieu of developing the required number of affordable units. The AHTF Board must apply at least 60% of the AHTF funds to assist projects promoting the construction of units that will be affordable to households earning between 60% and 80% of AMI. All decisions by the AHTF Board regarding the allocation of funds are within its discretion. The AHTF Committee shall apply the remaining 40% of the AHTF funds to such other purposes as it deems appropriate to further the purposes of this article. Nothing in this article shall be construed as providing to any developer or other applicant any AHTF funds or other subsidy from the City as a matter of right.

**AFFORDABLE HOUSING TRUST FUND BOARD (AHTF BOARD)**

A committee composed of the following five voting members: the Mayor of the City of Mount Vernon, or his/her designee; the President of the Mount Vernon City Council, or his/her designee; the President Pro Tem of the Mount Vernon City Council, or his/her designee; the Commissioner of Planning and Community Development of the City of Mount Vernon, or his/her designee; and the Commissioner of Tax and Assessment or

his/her designee. The AHTF Committee shall administer the AHTF and perform such other duties as provided in this article.

#### **AFFORDABLE HOUSING UNIT**

A rental unit that is affordable to a household whose income does not exceed 80% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 60% of 80% AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

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

The most recently updated annual median household income figures, adjusted for family size, calculated and published by the U.S. Department of Housing and Urban Development (HUD) for Westchester County, New York State.

#### **CITY OF MOUNT VERNON**

A municipal corporation established pursuant to the laws of the State of New York with offices at One Roosevelt Square North, Mount Vernon, New York 10550.

#### **DEVELOPER**

The lead entity responsible for the assemblage of property and overseeing the planning, design, financing, construction, marketing, and lease or sale of a multifamily development.

#### **DWELLING UNIT OR DWELLING**

A building, or entirely self-contained portion thereof, containing its own sleeping, sanitary and cooking facilities, occupied or intended to be occupied for residential purposes by one family. (All references to a family herein shall include a single-person family.)

#### **§ 267-106 Required number and distribution of affordable housing units in future residential developments.**

A. Within all future residential developments of 10 or more units created by subdivision or site plan approval, no less than 10% of the total number of units must be created as affordable housing units. In future residential developments of five to nine units, at least one affordable housing unit shall be created. The affordable housing units shall be made available to families (including single-person families) earning between 60% and 80% of AMI.

B. Any development of fewer than 10 units is exempt from the requirements of this article.

C. In calculating the required number of affordable housing units based on the percentage required, a fraction of a unit less than 0.5 shall be rounded down to the nearest whole number, and a fraction of a unit 0.5 or greater shall be rounded up to the nearest whole number.

D. No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable housing units created under this subsection.

#### **§ 267-107 Inclusionary development benefits.**

A. Developers of inclusionary developments and bonus inclusionary developments are eligible for a reduction in parking to one parking space per unit for each affordable housing unit made available to those units provided to households earning between 40%

and 80% of AMI, in lieu of other City of Mount Vernon Zoning Code parking requirements.

B. Developers of bonus inclusionary developments are eligible for a density bonus of 1.5 additional two-bedroom market rate units for each affordable housing unit provided over the required 10%, up to a maximum of 40 density bonus units in a development. All market-rate density bonus units shall be provided on site, except that in a development undertaken in phases, stages or otherwise developed in distinct sections, such units may be located in other phases, stages or sections.

#### **§ 267-108 Payment-in-lieu.**

Developers may satisfy affordable housing obligations through a fee-in-lieu contribution of five percent (5%) per affordable housing unit. Such payment shall be submitted to the AHTF prior to issuance of the first building permit for construction of a new residential development.

#### **§ 267-109 Term and transfer restrictions.**

A. Units designated as affordable housing units must remain affordable for a minimum of 50 years from date of initial certificate of occupancy. A property containing any affordable AFFH units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to the AHTF Board which shall ensure that the affordable housing unit shall remain subject to affordable regulations for the minimum 50 year period of affordability. Among other provisions, the covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.

B. Affordable housing units shall be rented only to households meeting (at the time of rental) the affordability criteria in § 267-106 of this chapter as from time to time adjusted for Westchester County by the United States Department of Housing and Urban Development (HUD). Such units shall be the primary residence of the occupants; subletting and assignments to avoid these requirements shall be prohibited.

#### **§ 267-110 Applicant prescreening; qualification and enforcement.**

The developer shall be responsible for prescreening, qualifying and selecting applicants who wish to occupy affordable housing units. The developer may contract with a qualified housing services provider to assist in outreach, screening and certifications. The AHTF Board and designated City staff shall be permitted to review and monitor a developer's ongoing compliance with the provisions of this article, including the long-term enforcement of affordability covenants. In the event a developer fails to enforce the long-term affordability requirements of this article, the AHTF Board and the City shall have the right to elect to take control of said function and enforce the requirements of this article.

#### **§ 267-111 Maximum Rent.**

The maximum monthly rent for an affordable housing unit shall be established in accordance with U.S. Department of Housing and Urban Development guidelines as published in the current edition of the "Westchester County Area Median Income (AMI) Sales & Rent Limits" available from the County of Westchester.

#### **§ 267-112 Lease Renewal Requirements.**

Applicants for affordable housing units shall, if eligible and if selected for occupancy, sign leases for a term of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered renewal leases

for a term of no more than two years each. Renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.

If no such provisions are applicable and if a resident's annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then:

**Option (a):** said resident may complete their current lease term and shall be offered a non-restricted rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the affordable AFFH unit they occupy but shall not be offered a renewal of the lease beyond the expiration of said term.

**-OR-**

**Option (b):** said resident shall pay the greater of (1) the rent amount payable under the provisions of this ordinance or (2) 30% of the resident's monthly adjusted household income provided that the increased rent may not exceed the market rent in that development for units with the same number of bedrooms.

**-OR-**

**Option (c):** said resident shall pay the greater of (1) the rent amount payable under the provisions of this ordinance or (2) 30% of the resident's monthly adjusted household income provided that the increased rent may not exceed the market rent in that development for units with the same number of bedrooms for a term of not more than one (1) year.

**§ 267-113 Minimum Floor Area.**

The minimum gross floor area per affordable housing unit shall not be less than 80% of the average floor area of non-restricted market-rate housing units in the development and no less than the following:

| Dwelling Unit | Minimum Gross Floor Area (square feet) |
|---------------|--|
| Efficiency    | 450                                    |
| 1 bedroom     | 675                                    |
| 2 bedroom     | 750                                    |
| 3 bedroom     | 1,000 (including at least 1.5 baths)   |
| 4 bedroom     | 1,200 (including at least 1.5 baths)   |

For the purposes of this section, paved terraces or balconies may be counted toward the minimum gross floor area requirement in an amount not to exceed 1/3 of the square footage of such terraces or balconies.

As an alternative or supplemental standard -- The minimum gross floor area per affordable housing unit shall be in accordance with the standards set forth by the New York State Division of Housing and Community Renewal & the New York State Housing Trust Fund Corporation in Section 4.03.03 of the most recent edition of its joint Design Manual.

**§ 267-114 Occupancy standards.**

For the rental of affordable housing units, the following occupancy schedule shall apply:

| Number of Bedrooms | Number of Persons     |
|--------------------|-----------------------|
| Efficiency         | Minimum:1 , Maximum:1 |
| 1 Bedroom          | Minimum:1 , Maximum:3 |

|           |                       |
|-----------|-----------------------|
| 2 Bedroom | Minimum:2 , Maximum:5 |
| 3 Bedroom | Minimum:3 , Maximum:7 |
| 4 Bedroom | Minimum:4 , Maximum:9 |

**§ 267-115 Administration.**

- A. The AHTF Board shall be responsible for establishing rules, regulations and procedures necessary for the implementation and administration of the AHTF as created by this article.
  
- B. The Department of Planning and Community Development shall be responsible for monitoring the affordable housing units during the units' periods of affordability.