

**A LOCAL LAW AUTHORIZING THE AMENDMENT
OF CHAPTER 267 (ZONING) OF THE CODE OF
THE CITY OF MOUNT VERNON TO ESTABLISH AN
AFFORDABLE HOUSING SET ASIDE PROGRAM**

BE IT ENACTED by the City Council of the City of Mount Vernon, in the County of Westchester, State of New York, as follows:

Section 1. Title. This Local Law shall be known and may be cited as:

“A Local Law Amending the Mount Vernon City Code to Establish an Affordable Housing Set Aside Program.”

Section 2. Legislative Findings and Purpose.

WHEREAS, There is a national shortage of affordable housing, with over 50,000 units in Westchester alone and

WHEREAS, the City of Mount Vernon is committed to diverse housing opportunities and

WHEREAS the County has provided a model ordinance to help municipalities provide housing in cooperaton with local developers, and

WHEREAS the City Council received a referral letter dated January 22, 2026 from the Office of the Mayor and a supplemental letter dated January 26, 2026 from the Department of Planning and Community Development requesting legislation requiring 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 affordable housing; and

WHEREAS, the proposed local law would provide for the construction of rental housing units that will be capped between 80% and 130% of AMI the Westchester County area median income on a project by project basis, and

WHEREAS, a goal of the proposed local law would be to promote economic diversity and long-term community stability through the development of affordable housing units throughout the City; and

WHEREAS, the stated goals of the ordinance are aligned with recommendations in Mount Vernon’s Comprehensive Plan regarding housing access for all, neighborhood diversity, and inclusion.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Mount Vernon as follows:

Section 3. Amendment to Section § 267-4 the Mount Vernon City Code.

§ 267-4 Definitions

The Code of the City of Mount Vernon is hereby amended to add the following in the appropriate alphabetical order:

AFFORDABLE HOUSING TRUST FUND (AHTF)

A trust fund created for the use of receiving funds from applicants 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. Nothing in this article shall be construed as providing any developer with 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: two members appointed by the Mayor of the City of Mount Vernon; two members appointed by the Mount Vernon City Council; and one member appointed by the Comptroller of the City of Mount Vernon. 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 is at least 80% of area AMI 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.

Section 4. Amendment to Chapter 267 of the Mount Vernon City Code.

Chapter 267 is hereby amended to add a new Article XVI, entitled “Affordable Housing,” comprising the following provisions:

Article XVI – Affordable Housing Program

§ 267-103 Purpose.

The Mayor and City Council of the City of Mount Vernon are deeply concerned that there are insufficient opportunities for individuals and families of earning at least 80% of AMI to purchase or rent dwelling units in the City. In order to enhance the public welfare and to promote the well-being of the City's current and future residents, the Mayor and City Council believe that it is essential that new residential and mixed-use developments involving the construction of ten or more new dwelling units be required to include dwelling units for individuals and families earning at least 80% of AMI or, in the alternative, be required to make payments to an Affordable Housing Trust Fund to assist in the development of housing opportunities for individuals and families earning at least 80% of AMI.

§ 267-104 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. The affordable housing units shall be made available to families (including single-person families) earning at least 80% of AMI. These unit obligations will be floating and will not be linked to any specific unit in a building.
- 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 except that developers are required to market the available unit to individuals and families currently residing in the City of Mount Vernon prior to marketing beyond the boundaries of the City.

§ 267-105 Payment-in-lieu.

- A. Notwithstanding any provision set forth herein to the contrary, an applicant subject to the provisions of this article may make application to the Mount Vernon City Council or their designee for discharge of such obligation by a fee-in-lieu contribution to the Affordable Housing Trust Fund (AHTF) to be used for the purchase and/or development of affordable housing at other suitable locations within the City in accordance with the terms herein.
- B. The determination of the City Council or designee over the application to allow a fee-in-lieu contribution instead of requiring affordable housing to be provided on the development site shall be discretionary, depending on all the facts and circumstances it determines are relevant and applicable to the particular application.
- C. Any fee-in-lieu application requires the approval of Mount Vernon City Council.
- D. If a request for a fee-in-lieu contribution is approved, the per-unit fee, regardless of unit size, shall be 1.5 times the AMI for a household of four for the year in which the project is approved.
- E. The fee shall be set annually by the City Council based on the market construction rate of a unit.

§ 267-106 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 housing 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 housing unit prior to the issuance of a Certificate of Occupancy for the development.
- B. Affordable housing units shall be rented or purchased only by households meeting (at the time of rental) the affordability criteria detailed in this article 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.

§ 267-107 Applicant prescreening; qualification and enforcement.

The developer shall be responsible for prescreening, qualifying and selecting applicants who wish to occupy affordable housing units in compliance with this article and any other applicable law and/or regulation relating to the provision of affordable housing units subject to monitor by the AHTF and guided by HUD regulations. The developer must 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 and other applicable laws and regulations, 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 and or to enforce a penalty on the Owner equal to all illegally collected funds from the tenant to be used for future housing opportunities.

§ 267-108 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.

§ 267-109 Lease Renewal Requirements for Rental Housing Units.

- A. Applicants for affordable housing units shall, if eligible and if selected for occupancy, sign leases for a term of no more than two years. Income verification shall be done by an accepted nonprofit agency. 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.
- B. 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) – the landlord shall provide another vacant unit as affordable and offer the existing unit to tenant at full market rate.

§ 267-110 Minimum Floor Area.

- A. 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	400
1 bedroom	675
2 bedrooms	750
3 bedrooms	1,000 (including at least 1.5 baths)
4 bedrooms	1,200 (including at least 1.5 baths)

- B. 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.
- C. 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.

§ 267-111 Occupancy standards.

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

Number of Bedrooms	Number of Persons
Efficiency	Minimum:1 , Maximum:2
1 Bedroom	Minimum:1 , Maximum:3
2 Bedrooms	Minimum:2 , Maximum:5
3 Bedrooms	Minimum:3 , Maximum:7
4 Bedrooms	Minimum:4 , Maximum:9

§ 267-112 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 or the Mount Vernon Urban Renewal Agency shall be responsible for monitoring the affordable housing units during the units' periods of affordability.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date. This ordinance shall take effect upon review and acceptance by the City Council.