

Legislation Meeting Agenda



Committee Chair: Colin Smith

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, October 28, 2024

1:00 PM

Committee Room

Joint with H&P

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Joint with Housing & Planning committee.

Legislator Emiljana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, NY 10591.

Legislator Colin Smith will be participating remotely from 1132 main Street, Suit 1, Peekskill, NY 10566.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[2024-494](#) Legislators Williams and Imamura - Proposed Act Requiring Area Median and Local Area Median Income

AN ACT requiring inclusion of Area Median Income and Local Area Median Income by the Westchester County Department of Planning when a Capital Project which includes affordable housing units is presented to the Westchester County Planning Board.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HOUSING & PLANNING

Guests: Law Dept.: Assistant Chief Deputy County Attorney Justin Adin and Assistant County Attorney Alida Marcos; Planning Dept.: Susan Darling, Chief Planner and Ted Leimbach, Associate Planner

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “AN ACT requiring inclusion of the Area Median Income and Local Area Median Income by the Westchester County Department of Planning when a capital project which includes affordable housing units is presented to the Westchester County Planning Board.”

Your Committee is informed that the proposed Act would memorialize the current practice where the Department of Planning (“Planning”) provides the Area Medium Income (“AMI”) for capital projects involving affordable housing units, as defined by the U.S. Department of Housing and Urban Development’s (“HUD”) income limits, when they are presented to the Westchester County Planning Board (“Planning Board”). In addition, this Act would require Planning to define any and all income limits in terms of the relevant municipalities’ Local Area Median Income (“LAMI”) when capital projects involving affordable housing are presented to the Planning Board. The LAMI information would only be required where the U.S. Census Bureau (“Census Bureau”) provides the data necessary to produce the local estimate. Currently the County Planning Department only includes the AMI for Westchester County.

Your Committee advises that according to HUD’s Office of Policy Development and Research, HUD sets income limits that determine eligibility for a variety of housing programs. HUD develops income limits based on median family income estimates and fair market rent area definitions for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county. AMI is a key metric in affordable housing and represents the median family income for a specific area, adjusted for family size. AMI is calculated on an annual basis by HUD.

Your Committee is further informed by Planning that HUD's income limits are required to be used for any program involving federal funding and is used for County housing programs. These limits are also used by New York State and other financiers of housing, such as charitable organizations and banks, when providing funds for housing developments in Westchester. Westchester County uses the AMI standard to set eligibility requirements for its funding programs for both rental and ownership housing. Affordability is broadly defined as a household paying no more than 30% of their monthly gross income towards their housing costs. These income limits are a widely accepted national standard for professionals working with fair and affordable housing issues.

Your Committee recognizes that Westchester County's cities, towns, and villages are socioeconomically diverse, which makes it difficult to assess true affordability using the countywide income limits set by HUD. For example, in 2023 a homeownership unit which was set at 80% Area Median Income would have been available to a four-person household whose income was no more than \$117,450. If the unit was located in an affluent municipality, then its designation as affordable makes sense; but if the same unit was built in a low-income area, then it is anything but affordable. Enacting this Act requiring Planning to provide AMI as well as data showing what County AMI levels equate to in terms of the relevant municipalities local AMI, will allow policymakers to better contextualize new affordable housing development in different areas of the County.

Your Committee notes that the Planning Department has advised that, currently the Census Bureau does not provide median income for municipalities where the income estimate is above \$250,000. To date, municipalities within the County with median incomes above \$250,000 are Ardsley, Briarcliff Manor, Bronxville, Larchmont, New Castle, Pelham Manor, Pound Ridge, Rye City, and Scarsdale. This list of municipalities may change in the coming years' estimates or the Census Bureau

may revise the \$250,000 threshold at some point. However, currently, because of the lack of data from the Census Bureau, Planning would not be able to provide the Local AMI relating to affordable housing for the municipalities listed above.

Additionally, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Act.

Dated: September __, 2024
White Plains, New York

COMMITTEE ON

ACT NO. ____ - 2024

AN ACT requiring inclusion of Area Median Income and Local Area Median Income by the Westchester County Department of Planning when a capital project which includes affordable housing units is presented to the Westchester County Planning Board.

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

Section 1. When presenting a capital project that includes affordable housing units as defined by the U.S. Department of Housing and Urban Development's income limits to the Westchester County Planning Board, the Westchester County Department of Planning shall provide the Area Median Income (AMI) information.

§ 2. Along with the information provided in section 1, the Westchester County Department of Planning shall also be required to provide any and all income limits calculated based off of the relevant municipalities' Local Area Median Income (LAMI) when a capital project that includes affordable housing units is presented to the Westchester County Planning Board. This section shall only apply where the U.S. Census Bureau provides the data necessary to complete the local estimate.

§ 3. Effective date. This Act shall take effect immediately.