

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT THE BOARD OF TRUSTEES OF THE VILLAGE OF SAG HARBOR, AT A MEETING THEREOF DULY HELD ON JANUARY 13, 2009 DULY ADOPTED LOCAL LAW # 2 OF 2009 AS FOLLOWS:

LOCAL LAW # 2 OF 2009

A LOCAL LAW adding a new chapter 53B (Workforce Housing) to the Village code of the Village of Sag Harbor

Be it enacted by the Village Board of Trustees of the Village of Sag Harbor as follows:

Section 1. Legislative findings.

By Chapter 444 of the Laws of 2008, the New York State Legislature did enact the Long Island Workforce Housing Act. By this local law, the Village of Sag Harbor does hereby implement this state act.

Section 2. The Village Code of the Village of Sag Harbor is hereby amended by adding a new Chapter 53-B (Workforce Housing) to read as follows

**CHAPTER 53B
WORKFORCE HOUSING**

Section 53B-1. Definitions

A. As used in this local law:

1. "Affordable workforce housing" means housing for individuals and families at or below one hundred thirty percent of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development. For the purposes of this local law, the affordable workforce housing units shall be of consistent design to those of the rest of the development.
2. "Density bonus" means a density increase of at least ten percent over the otherwise maximum allowable residential density under the Village Zoning Code (Chapter 55), as of the date of the application by the applicant to the Village. All density calculations resulting in fractional units shall be rounded up to the nearest whole number. The granting of a density bonus shall not require, in and of itself, a comprehensive plan amendment, zoning change or other approval. The density bonus shall not be included as part of the calculation which determines the number of affordable units that constitute ten percent of the total.

Section 53B-2.

Workforce Housing Program.

A. When the village planning board approves a subdivision plat or site plan for five or more residential units or a mixed-use development that incorporates five or more residential units, except as otherwise provided in subsection B of this section, the applicant shall receive a density bonus or other incentive pursuant to a written agreement between the applicant and the village and the village shall require of the applicant:

1. the set aside of at least ten percent of such units for affordable workforce housing on site; or

2. the provision of other land and the construction of the required affordable workforce housing units that are not part of the applicant's current subdivision plat or site plan but are to be provided on another site within the village; or

3. the payment of a fee equal to two times the median income for a family of four for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development, for each additional unit which results, or would have resulted, from the density bonus or, when such fee exceeds the appraised value of each lot resulting from such density bonus, then such fee shall be equal to the appraised value of the lot or lots, or the equivalent thereof, for each additional unit created by the density bonus. All fees collected by the village as provided in this section shall, at the sole discretion of the village, be:

(a) deposited in a single trust fund under the control of the village to be kept in trust and separate and apart from all other monies of the village, for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing. Pending expenditures from such trust fund, monies therein may be invested in the manner provided by law. Any interest earned or capital gain realized on the monies so deposited shall accrue to and become part of such trust fund; or

(b) paid to another local government within the Suffolk County pursuant to an intermunicipal agreement, to be kept in trust and separate and apart from all other monies of such other local government, for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing within such other local government. Pending expenditures from such trust fund, monies therein may be invested in the manner provided by law. Any interest earned or capital gain realized on the monies so deposited shall accrue to and become part of such trust fund; or

(c) paid into a single trust fund under the control of the Long Island Housing Partnership to be kept in trust and separate and apart

from all other monies of such partnership, fifty percent of which shall be used for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing within Suffolk County. The remaining fifty percent of such funds shall be used to provide downpayment assistance to eligible homebuyers who qualify for the existing employer assistance housing benefit program administered by such partnership.

B. The provisions of this local law shall not apply when an applicant elects a lesser percentage than the maximum allowable residential density under the Village Zoning Code (Chapter 55).

C. The Village shall ensure that all affordable housing units created pursuant to this local law remain affordable. Subsequent purchasers of such units shall have at the time of purchase, pursuant to the definition of "affordable workforce housing", an income at or below one hundred thirty percent of the median income for the Nassau-Suffolk primary statistical area as defined by the federal Department of Housing and Urban Development.

D. Within six months of the establishment of a trust fund, the Village shall issue guidelines and policies which shall govern the expenditure of trust fund monies.

E. Mortgage counseling for the Long Island workforce housing program. Persons purchasing affordable workforce housing created pursuant to this local law, or who receive downpayment assistance pursuant to this local law, must attend homebuyer education and mortgage counseling provided free of charge through the Long Island Housing Partnership.

Section 3. Severability.

If any provision of this local law shall be duly adjudged illegal, unlawful, unconstitutional, invalid or void by a court of competent jurisdiction or if the application of any such provision shall be so adjudged, such judgment shall not be deemed to affect the remainder thereof nor the application of such provision to facts, persons or circumstances other than those concerned in the matter litigated.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York; provided that, the provisions of this local law shall not apply to any development or project for which a valid application has been filed with the Village before January 1, 2009.