

**AFFORDABLE RENTAL HOUSING PROGRAM
RULES AND PROCEDURES
CITY OF WHITE PLAINS**

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Revised incomes and rents, effective May 1, 2006

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I. Statement of Policy

- A.** The City of White Plains has established the White Plains Affordable Rental Housing Program (“White Plains ARHP”), originally dated February 24, 2003, adopted March 3, 2003, and revised through January 1, 2012, to provide that, in the case of an “ARHP Applicable Rental Project”, a minimum of 10% of the units in each ARHP Applicable Rental Project must be affordable to Families at 60% to 100% of Median Family Income, with the average income of all Families leased up under the White Plains ARHP in a particular ARHP Applicable Rental Project being no more than 80% of Median Family Income. At the option of the Common Council, the number of affordable rental units may be established at 6% where all required affordable rental units in a specified ARHP Applicable Rental Project are affordable to Families at incomes between 60% and 79% of Median Family Income. (See Section II for the definition of capitalized terms.)

For new residential rental units in new multifamily and mixed-use with residential rental projects, the Common Council shall include in each housing project approval that the distribution of the affordable rental units by Unit Size and bedroom composition comparable to the distribution of the market rate rental units. Each project approval for a new multifamily or mixed use with residential rental development shall specify the percentage of affordable rental units and the affordability range (i.e. between 60% and 100% of Median Family Income), as provided in these “Affordable Rental Housing Program Rules and Procedures, City of White Plains,” originally dated February 24, 2003, as the same have been from time to time amended.

- B.** The Rules and Procedures of the White Plains ARHP shall apply to new rental units in new multifamily rental and mixed-use residential rental developments in the following zoning districts as defined in the Zoning Ordinance and shown on the Zoning Map of the City of White Plains, as the same may be from time to time amended:
1. The percentage of new affordable rental units required under the White Plains ARHP shall be applicable to all dwelling units in ARHP Applicable Rental Projects in the following Zoning Districts:

RM-0.35,
RM-0.4,
B-3 in the Central Parking Area,
CB-1,
CB-2,
CB-3,
CB-4,
UR-4,
BR-1 and BR-2 Districts pursuant to footnote (m) of Section 5.3 "Schedule of Dimensional Regulations: Non-residential" of the Zoning Ordinance of the City of White Plains,
B-1,
any subsequently created multifamily districts.

2. The percentage of new affordable rental units required under the White Plains ARHP shall be applicable to all rental new projects in excess of 30 units in ARHP Applicable Rental Projects in the following Zoning Districts where located in Census Tract Block Groups with low/moderate income concentrations greater than the City Low/moderate Income Percentage:

B-3 outside the Central Parking Area,
RM-0.7,
RM-1,
RM-1.5,
RM-1.5T,
RM-2.5
any subsequently created multifamily districts.

3. The percentage of new affordable rental units required under the White Plains ARHP shall be applicable to all rental new projects in excess of 10 units in ARHP Applicable Rental Projects in the following Zoning Districts where located in Census Tract Block Groups with low/moderate income concentrations less than the City Low/moderate Income Percentage:

B-3 outside the Central Parking Area,
RM-0.7,
RM-1,
RM-1.5,
RM-1.5T,
RM-2.5,
any subsequently created multifamily districts.

A current list of all affordable rental units approved under the White Plains ARHP shall be maintained by and be available to the public at the Department of Planning.

- C. The City of White Plains further establishes that a Designated Project Owner, at

the request of the White Plains ARHP, may convert two required units affordable to families at 80% of median income to one required unit affordable for families at 60% of median income at a ratio of two to one (2:1). Conversions would involve two 1-bedroom units to one 1 bedroom unit, two 2 bedroom units to one 2 bedroom unit, two studios to one studio, etc. The City of White Plains further establishes that a Designated Project Owner, at the request of the White Plains ARHP may convert two units affordable to families up to 80% of median income to one unit affordable to a family up to 60% of median income and one unit affordable to a family up to 100% of median income. Conversions would involve like sized units.

II. Definitions

- ***Affordable Rental Housing/Affordable Rents:*** For purposes of the White Plains ARHP, Affordable Rental Housing and Affordable Rents shall mean rental housing for which the annual rent for an affordable rental unit is set annually as provided in Section IV of these regulations based on the gross annual income for a Family adjusted for Family size. Maximum income limits are derived from income limits for Westchester County adjusted for Family size published annually by the U.S. Department of Housing and Urban Development (“HUD”), and Maximum Permitted Occupancy of the housing unit.
- ***Affordable Rental Housing Program (“ARHP”):*** The program established by the City of White Plains, with the adoption of these Rules and Procedures, to assist families between 60%, and 100% of Family Median Income to obtain rental housing in ARHP Applicable Rental Projects. The ARHP shall be administered by the White Plains Department of Planning. The ARHP Director shall be the Commissioner of Planning.
- ***Applicant:*** An Applicant shall consist of all persons in the Family intending to occupy an affordable rental unit under the White Plains ARHP.
- ***ARHP Applicable Rental Project:*** a new multifamily rental and mixed-use residential rental project located in and having the required number of affordable rental units as established in Section I.B.
- ***Census Tract:*** An area of the city identified and numbered in the most recent Federal Census as a Census Tract, for purposes of census enumeration and data collection and reporting.
- ***Census Tract Block Group:*** The grouping of blocks within a delineated Census Tract identified and numbered in the most recent Federal Census for purposes of census enumeration and data collection and reporting.
- ***City Low/Moderate Income Percentage:*** The city-wide percentage of households

with incomes at or below 80% of city median income according to the most recent federal census. According to the 2010 ACS Census estimates, the City Low/Moderate Income Percentage was 41.7% based on a median household income of \$73,522.

- **Designated Project Owner:** A Designated Project Owner is the owner or controlling entity, and its and its successors and assigns, of an ARHP Applicable Rental Project.
- **Family:** For purposes of these Rules and Procedures, the term Family shall include immediate Family and households comprised of related and/or unrelated persons living together in a rental unit as a single housekeeping unit, sharing rent and unit amenities, as permitted under the Maximum Permitted Occupancy for the unit. A single person household is referred to herein as a Family size of one person.
- **Family Income:** Family income shall consist of the total income from all sources of all persons in the Family who are over eighteen (18) years of age and not registered more than 1/2 time at an accredited college or university.
- **Family Size Adjustments:** Family Size Adjustments are adjustments to income according to the number of persons in the Family. The Median Family Income limits adjusted for number of persons, are reported annually by HUD for Westchester County. For example, for purposes of the ARHP, the Moderate Family Income limits adjusted for Family Size Adjustments are calculated by multiplying the Median Family Income limits adjusted for Family Size Adjustments by 80% or 0.8.
- **Immediate Family:** As used in Section V hereinafter, immediate Family shall include spouse, parent, grandparent, natural or adopted child.
- **Low Family Income:** Low Family Income is defined herein as 60% of Westchester County Median Family Income. The 60% of the Median Family Income for Westchester County is reported annually by HUD. For 2012, the 60% of median Family Income for a four person Family is \$64,740 which is calculated from the Median Family Income reported by HUD.
- **Maximum Permitted Occupancy:** The maximum occupancy permitted for a dwelling unit is determined by the Commissioner of Building based on the codes, rules and regulations of the City of White Plains including, but not limited to, the White Plains Building and Fire Prevention Code.
- **Median Family Income:** Median Family Income is defined herein as 100% of Westchester County Median Family Income. The median Family Income for Westchester County for a family of four is reported annually by HUD. For 2012,

the Westchester County Median Family Income reported by HUD for a four person Family is \$107,900.

- **Moderate Family Income:** Moderate Family Income is defined herein as 80% of Westchester County Median Family Income. The moderate Family income for Westchester County is 80% of the Median Family Income reported annually by HUD. For 2012, the Moderate Family Income for a four person Family reported by HUD is \$86,300.
- **Planning Department:** The Planning Department is the Planning Department of the City of White Plains.
- **Priority Status:** Priority Status shall mean the priority ranking of an Applicant for housing under the White Plains ARHP as described in Section V hereof.
- **Unit Size:** For units in an ARHP Applicable Rental Project, the average floor area for all units shall be no more than 1,000 square feet in area. If the average size exceeds 1,000 square feet, the 6% or 10% of affordable rental units, as determined by the Common Council and these Rules and Procedures, shall be calculated by dividing the total area of all of the units by 1,000 and then calculating the applicable 6% or 10% of that number to determine the number of affordable rental units required.

III. 2012 Extremely Low to Median Family Incomes for Westchester County by Family Size

- The following table sets forth the 2012 Extremely Low to Median Family Income for families in Westchester County adjusted for Family Size Adjustments.

TABLE 1

<u>Income Group</u>	<u>Family Size</u>				
	1	2	3	4	5
Family Income (100% of median)	\$75,550	\$86,350	\$97,150	\$107,900	\$116,550
Family Income (80% of median)	\$60,400	\$69,100	\$77,700	\$86,300	\$93,200
Family Income (60% of median)	\$45,360	\$51,840	\$58,320	\$64,740	\$69,960
Family Income (50% of median)	\$37,800	\$43,200	\$48,600	\$53,950	\$58,300
Family Income (40% of median)	\$30,220	\$34,540	\$38,860	\$43,160	\$46,620
Family Income (30% of median)	\$22,650	\$25,900	\$29,150	\$32,350	\$34,950

(Effective January 1, 2012, based on HUD Income Limits for Westchester Co. for 2012)

- The 2012 income limits shall remain in effect until superseded by new Median Family Income data reported by HUD. When new Median Family Income data is issued by HUD, the calculated income limits, each adjusted for Family Size Adjustments, shall be amended by the Department of Planning within 30 days of issuance of the data by HUD. The new incomes and rents shall apply to all families who have not yet executed a lease for an affordable rental unit under the ARHP.
- If the tenant is responsible for paying for utilities or other services in addition to the monthly rent, an allowance for tenant furnished utilities and other services will be calculated on a unit by unit basis. The allowances for services will be a direct cost reduction in the monthly rent. The allowances for utilities reflect those permitted in the Section 8 Rental Assistance Program. These allowances are periodically adjusted by HUD. Rent adjustments for allowances will be calculated based on the HUD approved allowance schedule in effect for the Section 8 Rental Assistance Program (“HUD Utility Allowance Schedule”) at the time of lease-up and will be adjusted for any subsequent increases for applicable utilities in the (“HUD Utility Allowance Schedule”). See Table 3 for 2012 rents adjusted for utility allowances

where all utilities are paid by tenant.

IV. 2012 Affordable Rents by Unit Size, Bedroom Composition **and Permitted Occupancy**

- The following table sets forth the 2012 Affordable Rents for affordable rental units subject to the requirements of the White Plains ARHP.
- The 2012 Affordable Rents for affordable rental units subject to the requirements of the White Plains ARHP shall remain in effect until superseded by new Affordable Rents calculated, as provided herein. When a new Median Family Income level is issued by HUD, the Affordable Rents shall be revised by the Planning Department within 30 days of the issuance date of the new data by HUD. The new incomes and rents shall apply to all families who have not yet executed a lease for an affordable rental unit under the ARHP.

TABLE 2
2012 Maximum Rent When Owner Pays All Utilities

Maximum Rent When Owner Pays All Utilities

<i>Unit Size, Bedroom Composition and Maximum Occupancy</i>	<i>Maximum Rent</i> 60% of median income	<i>Maximum Rent</i> 80% of median income	<i>Maximum Rent</i> 100% of median income
Studio - single person occupancy	\$1134	\$1510	\$1889
1 Bedroom - two person occupancy	\$1296	\$1728	\$2159
2 Bedroom - three person occupancy	\$1458	\$1943	\$2429
3 Bedroom- four person occupancy	\$1619	\$2158	\$2698

* As of January 1, 2012, there are no three bedroom units available in the Affordable Rental Housing Program.

TABLE 3
2012 Maximum Rent When Tenant Pays All Utilities

<i>Unit Size, Bedroom Composition and Maximum Occupancy</i>	<i>Maximum Rent</i> 60% of median income	<i>Maximum Rent</i> 80% of median income	<i>Maximum Rent</i> 100% of median income
Studio - single person occupancy:	<u>\$1027</u>	<u>\$1403</u>	<u>\$1782</u>
1 Bedroom - two person occupancy:	<u>\$1167</u>	<u>\$1599</u>	<u>\$2030</u>
2 Bedroom - three person occupancy:	<u>\$1297</u>	<u>\$1782</u>	<u>\$2268</u>
3 Bedroom - four person occupancy	<u>\$1424</u>	<u>\$1963</u>	<u>\$2503</u>

* As of January 1, 2012, there are no three bedroom units available in the Affordable Rental Housing Program.

- Although 30% of annual income for a Family earning 80% of Median Family Income sets the maximum Affordable Rent, as averaged for all affordable rental units, an Applicant for an affordable rental unit regulated under the White Plains ARHP is not restricted by this Program from paying more than 30% of gross annual income for rent. Parallel to Section 8 regulations, the Family may be approved by the Planning Department to pay up to 39% of gross annual income, based on a review of other obligations and expenses of the Family .

- For example, if an Applicant Family of three persons has a gross annual income of \$68,240 (\$9,460 less than the maximum Moderate Family Income for a Family of three), the Family qualifies for the White Plains ARHP. This Family, at 30% of gross annual income could pay \$1,706 a month for rent. To rent a qualifying two bedroom apartment with a maximum occupancy of three persons, this Family would pay \$1,943 or approximately 34% of gross annual income. If this Family rented a qualifying three bedroom apartment with a permitted occupancy of four persons, the Family would pay \$2,158 or approximately 38% of gross annual income.
- If unrelated persons with combined incomes at or below the maximum permitted income for that number of persons wish to rent an affordable rental unit and all will be tenant occupants of the unit, their combined incomes will form the basis of determining eligibility. If they meet the income qualification, they may be considered for an affordable rental unit based on the permitted occupancy.
- The Planning Department will submit information on the eligibility of a Family to the owner of any building with qualifying affordable rental units meeting the specifications stated by the Applicant. If the Applicant meets all other underwriting criteria of the owner, it would be between the owner and the Applicant to decide upon the actual unit to be rented.

V. Eligibility for Affordable Rental Housing Under the White Plains Affordable Rental Housing Program.

- A. All Applicants applying to the White Plains ARHP must have an annual income at the time of income certification of no greater than the maximum Family Income level for the appropriate Family size listed in Section III hereof. The Family size for the affordable rental units is limited by the maximum permitted occupancy of the affordable rental unit for which an Applicant applies.
- B. Priority Status will be given to Applicants based on the following ranking and point allocation:
 1. Applicants who are employees of the City of White Plains or White Plains School District, or who have an immediate Family member who will also reside in the affordable rental unit who is an employee of the City of White Plains or White Plains School District. **Points: 5**
 2. Applicants who are retirees of the City of White Plains or White Plains School District, or who have an immediate Family member who will also reside in the affordable rental unit who is a retiree of the City of White Plains or White Plains School District. **Points: 4**

3. Applicants who currently reside in White Plains and are employed or retired in White Plains. *Points: 2*

4. Applicants who are employed in White Plains and wish to reside in the city. *Points: 1*

VI. Application and Income Certification

- A. All Applicants interested in affordable rental housing under the White Plains ARHP must submit their name and current address to the City of White Plains Planning Department. The applicant is solely responsible for ensuring that the Planning Department has correct and current address information.
- B. The Planning Department shall mail out a copy of these Rules and Procedures and an application form to each Applicant that has submitted name and current address information to the Department. The initial application mailing will be made within 10 business days of the approval of these Rules and Procedures by the Common Council. At minimum, a mailing will be sent on the anniversary date of the first mailing to new names that were not on the list at the time of the prior year mailing. However, during the initial lease up period, the Planning Department shall make periodic mailings to ensure the maximum pool of eligible Applicants.
- C. Applicants who wish to be considered for affordable rental housing under the White Plains ARHP must return the completed application form to the Department of Planning.
- D. Applications returned to the Department of Planning will be ordered according to the following criteria in the order listed:
1. Priority rank by point allocation,
 2. Within each priority rank, by date of receipt,
 3. For each date, by order received.
- E. The Planning Department will examine each application in order of priority rank, date of receipt and order of receipt, to determine preliminary program eligibility, Priority Status, Family size and Unit Size qualification.
- F. The Planning Department will notify by mail each Applicant for their preliminary eligibility and Priority Status. Applicants who have been preliminarily determined to be eligible will be asked to make an appointment with the Department of Planning for an income verification session. Appointments will be made in order of Priority Status.
- G. Each Applicant determined to be preliminarily eligible must bring the following information to the scheduled income verification session:

For each employed person intending to reside in the affordable rental unit:

1. Copies of most recent Federal and State Income Tax Returns,
2. Copy of most recent bank statement,
3. Copy of forms reporting unearned income (investment income, dividends, support payments, SSI, SSD, etc.),
4. Copies of last four (4) pay check stubs,
5. Proof of residency.

For each retired person intending to reside in the affordable rental unit:

1. Copies of most recent Federal and State Income Tax Returns,
2. Copy of most recent bank statement,
3. Copy of forms reporting unearned income (investment income, dividends, support payments, SSI, SSD, etc.),
4. Copy of Pension Award statement, if any,
5. Copy of Social Security Statement,
6. Proof of residency.

H. The Planning Department reserves the right, if deemed necessary, to request additional information to verify income, employment/retirement status, Family composition, current residency and location of employment.

IX. After completing the income verification and application review, the Planning Department will notify the Applicant by mail of final eligibility and Priority Status.

1. Those determined ineligible for the White Plains ARHP will receive a letter stating that they are not eligible and the reason for such determination.
2. Those determined eligible for the White Plains ARHP will be notified of (a) their eligibility for a specified Unit Size and bedroom composition, (b) their priority ranking and placement within that ranking based on date and order of receipt of application, and (c) a list of the buildings having affordable rental units meeting their specified apartment occupancy(s) available under the White Plains ARHP at the time of notification by the Planning Department. The name and address of the building(s) and the contact information for each building will be included.
3. The Planning Department will send to each building participating in the White Plains ARHP a list of the names, addresses and Priority Status of each eligible Applicant.

J. Except for income eligibility, affordable rental unit rent, and Priority Status, selection of Applicants as tenants by a building owner is based on the same criteria as applied by that building owner for the lease up of all other units in the

building. For example, the Planning Department will not conduct credit checks or other enquiries into an Applicant's background, but the owner may do so if such a procedure is followed for other unit lease-ups in the building not covered by the White Plains ARHP.

VII. Annual Recertification

- A. Once an Applicant is leased up in a participating building, the Applicant, as tenant, is required to have all Family Income recertified at least 30 days prior to the annual lease anniversary date.
- B. If the Planning Department certifies to the owner that the annual Family Income has decreased during the lease term, the tenant will not be subject to a rent increase for the forthcoming year.
- C. If the Planning Department certifies to the owner that the annual Family Income has increased during the lease term, subject to all other terms and conditions in the lease, the landlord may increase the rent to an amount equal to the greater of 30% of the newly certified annual Family Income or the Affordable Rent for that year as reported by the Planning Department based on Family Income data reported by HUD for the effective year of the lease. But in no case, will the Affordable Rent be more than the rent for a comparable market rate unit subject to an annual increase for the same term.
- D. In no case will a tenant in an affordable rental unit regulated under the White Plains ARHP pay a monthly rent greater than the higher of 30% of gross annual income or the rent for the specified Unit Size, bedroom composition, and permitted occupancy listed in Section IV herein above, as adjusted annually with the issuance of new Median Family Income levels by HUD.
- E. If the recertification demonstrates that the annual Family Income has not increased, or has decreased, the rent shall remain unchanged for the next lease term.
- F. If the owner elects to increase rents by less than the amount provided for under these regulations, the rent established by the owner shall apply during the lease term. The owner may not elect to increase rents above the limits set by these ARHP regulations.
- G. At recertification, adjustments for utility allowances shall be made by the City for the new lease term, based on the then applicable HUD utility allowances.
- H. Separate charges for basic services, such as sewage, trash collection and water, or any renewal fees, except the cost of a new credit report, and excluding amenities, will be calculated under the ARHP regulations as part of the basic rent. Any

separate fees charged for such services shall be applied only to the extent that such fees are within the affordable rents established herein. Separate fees for building amenities, including parking, shall not be included in the basic rent and shall be the separate responsibility of the tenant.