

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING TITLE IX OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED "ZONING, PLANNING, BUILDINGS AND STRUCTURES" BY AMENDING CHAPTER 9-7, ENTITLED "AFFORDABLE HOUSING REGULATIONS".

The Common Council of the City of White Plains hereby ordains and enacts as follows:

§ 1. Title IX of the White Plains Municipal Code is hereby amended by amending Chapter 9-7 as follows:

ARTICLE I:

AFFORDABLE RENTAL HOUSING REGULATIONS

9-7-1. Statement of Policy

The City of White Plains finds that having housing that is affordable to a range of income groups is necessary in order to ensure the continued social and economic diversity of its population, which is one of its defining characteristics. The City finds that Fair Market Rents are unaffordable to low- and moderate-income households, and that there is a shortage of affordable housing due to the high cost of existing housing, land, and construction in the region.

In the interest of reducing the number of cost-burdened households (those spending more than 30% of gross income on housing costs), the City has established a policy requiring that Affordable Rental Housing be a component of the development of multi-family or mixed-use residential rental developments greater than ten (10) dwelling units, including the conversion of existing non-residential buildings to residential, or substantial renovation of vacant residential structures.

9-7-2. Definitions

- (A) **AFFORDABLE RENTAL HOUSING:** Rental housing for which the monthly rent is established using Westchester County Rent Limits published annually by the US Department of Housing and Urban Development (HUD) which is rented to an Income Eligible Household.
- (B) **AFFORDABLE RENT:** Monthly rent, based on income limits for Westchester County published annually by the US Department of Housing and Urban Development (HUD), which is adjusted for unit- size, utilities, and amenities.
- (C) **AFFORDABLE RENTAL HOUSING PROGRAM (ARHP):** The program established by the City of White Plains to assist families with incomes between 40% and 110% of Area Median Income (AMI) to obtain rental housing in ARHP Applicable Rental Projects. The ARHP shall be administered by the White Plains Department of Planning, or other agency approved by the Common Council, and operated under the oversight of the Commissioner of Planning.
- (D) **AFFORDABLE HOUSING ASSISTANCE FUND (AHAF):** A fund held and maintained by the City of White Plains which may be used for: down payment assistance; land acquisition or project construction expenses for the development or rehabilitation of affordable housing; program administration costs; and other actions taken for the furtherance of increasing affordable housing city-wide.
- (E) **AFFORDABLE UNITS:** Dwelling units that are designated for rental to income-qualified Households pursuant to these regulations.
- (F) **APPLICANT:** The person(s) under whose name the apartment will be leased.

- (G) **AREA MEDIAN INCOME (AMI):** The midpoint of Westchester County’s income distribution, with equal parts falling below and above the median income. Each year, Westchester County distributes the Westchester County Area Median Income, Sales and Rent Limits Guide, which is used by the City to determine income eligibility and rents for the ARHP.
- (H) **ARHP ADMINISTRATIVE AGENT:** City of White Plains Planning Department or other agency contracted by the City of White Plains to administer the ARHP, with oversight by the Commissioner of Planning.
- (I) **ARHP APPLICABLE RENTAL PROJECT:** Any multi-family rental or mixed-use development, including age-restricted/senior housing, that contains ten (10) or more residential rental units including new construction, conversion of non-residential structures to residential use, or substantial renovation of vacant residential structures.
- (J) **HOUSEHOLD:** Related and/or unrelated persons living together in a rental unit as a single housekeeping unit.
- (K) **HOUSEHOLD ASSETS:** Monies in savings or checking accounts, certificates of deposit, trusts, stocks and bonds, and the value of any real property, less outstanding debt.
- (L) **HOUSEHOLD INCOME:** The total gross income of all members of a household who are 18 years of age or older. This includes wages, salaries, benefits and other sources of income before taxes, in accordance with [24 CFR § 5.609 - Annual Income](#).
- (M) **INCOME ELIGIBLE HOUSEHOLD:** A Household with an annual income between 40% and 110% of the AMI for Westchester County, as adjusted annually by the US Department of Housing and Urban Development (HUD). Applicants with rental subsidies may qualify for an ARHP unit with an annual Household Income below the required eligible AMI levels.
- (N) **IN-LIEU HOUSING FEE:** Fee paid to the Affordable Housing Assistance Fund (AHAF) in lieu of providing Affordable Units in an ARHP Applicable Rental Project.
- (O) **MARKET RATE UNIT:** A dwelling unit that is not rent restricted.
- (P) **MAXIMUM PERMITTED OCCUPANCY:** The maximum number of people that can occupy a dwelling unit as determined by the Commissioner of Building based on the New York State Building and Fire Prevention Code and the White Plains Supplemental Building Code.
- (Q) **PLANNING DEPARTMENT:** The City of White Plains Department of Planning.
- (R) **RENTAL APPLICANT POOL:** A pre-qualified (eligible) waiting list or “pool” of individuals or households who have expressed interest in, and meet the eligibility criteria for the ARHP. Applicants in the pool will be selected for available rental units based on application date, income level, household size, and local preference, in accordance with all other program guidelines.
- (S) **WHITE PLAINS LOCAL PREFERENCE:** Priority given to eligible individuals or households who are current residents of the City of White Plains and have been so for a continuous period of not less than six months, or who are employed by the City of White Plains, the White Plains Housing Authority, the White Plains Urban Renewal Agency, or the White Plains School District.

9-7-3. Affordable Housing Requirements

(A) Affordable Housing Obligation by Project Size.

- (1) ARHP Applicable Rental Projects approved after September 15, 2025 are required to provide Affordable Units in accordance with the following table. Projects containing 15 or more units may select either the 8% or 12% set-aside requirement.

Total Units in Development	Number / Percentage of required ARHP units	AMI Level
1-9	None	---
10-14	1	60% AMI
15+	12%	60% AMI
	8%	40% AMI

- (2) ARHP Applicable Rental Projects providing affordable housing pursuant to a site plan approved prior to September 15, 2025, remain subject to the terms and conditions of the resolution approving the project.
- (3) For amendments made to site plans approved prior to September 15, 2025, the regulations herein will be applied to any increase in dwelling units beyond the previously approved plan. Site Plan extensions are not classified as site plan amendments.
- (4) If calculating the number of required Affordable Units results in a decimal of 0.5 or greater, the number of affordable dwelling units required shall be the next greater whole number.

(B) Term of Affordability.

The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project.

(C) Affordable Unit Allocation by Size and Percent of AMI.

- (1) Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
- (2) Affordable Units shall be distributed throughout the building(s), except that for any building ten (10) or more stories in height, the top four floors may be reserved for Market Rate Units.
- (3) Each Affordable Unit in a development shall be designated as a 40% unit or a 60% unit, and it shall retain that designation regardless of whether tenant income fluctuations or market conditions necessitate a change to the Affordable Rent.
- (4) Affordable Units shall maintain the AMI designation assigned at the time of site-plan approval, except if subsequently revised by the ARHP Administrative Agent upon request by the property owner or manager. Any such revision is permitted only if it increases the number of affordable units on site and/or provides deeper affordability (i.e. serves households at a lower AMI level).

(D) Marketing.

The marketing of Affordable Units shall be in compliance with Federal and State Fair Housing Laws. The Planning Department maintains a pool of eligible ARHP households, and will refer them to leasing agents as units become available in participating buildings.

(E) Dwelling Unit Size and Quality.

The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.

Affordable Units must be maintained and updated on the same schedule and in the same manner as Market Rate Units.

All tenants in the Affordable Units shall have access to the same amenities as the tenants in Market Rate Units.

(F) Occupancy.

An ARHP Affordable Unit must be the primary residence of the Household. Only persons listed on the ARHP application or recertification form shall occupy an ARHP unit. Any change to Household composition must be reported to the ARHP Administrative Agent. Affordable Units may not be sublet.

(G) Timing of Construction.

The Affordable Units shall be constructed and issued certificates of occupancy concurrently with, or prior to, the Market Rate Units in the development. If a project has phased construction, Affordable Units shall be provided on a pro rata basis.

(H) Methods of Meeting the Affordable Housing Obligation.

The affordable housing requirement may be satisfied through one or both of the following methods:

- (1) Inclusion of Affordable Units within an ARHP development as described in Section C above;

-OR-

- (2) Payment of a fee-in-lieu of providing Affordable Units within the ARHP development. A fee-in-lieu payment is permitted for up to 35 Affordable Units. The per unit fee shall be 130% (1.30X) of the HUD Westchester County AMI for a four (4) Person Household, and shall be made before the project receives its first temporary or final Certificate of Occupancy (CO).

For projects where it may be possible for an Applicant to make a fee-in-lieu payment for their entire affordable housing obligation, the Affordable Unit requirement is calculated at 12% of total project units. Applicants selecting the 8% set-aside option may choose to make a fee-in-lieu payment for a portion of their affordable housing obligation provided a minimum of 5 ARHP Affordable Units are constructed within the project.

Fee-in-lieu payments shall be calculated based on the Westchester County Area Median Income, Sales and Rent Limits Guidelines in effect at the time of payment and may be made any time after project approval but prior to the issuance of the first temporary or final Certificate of Occupancy for each building within the development. Fee-in-lieu payments will be deposited into the Affordable Housing Assistance Fund. If a project has phased construction, payments for Affordable Units shall be provided on a pro-rata basis.

The selected method of satisfying an affordable housing obligation may be modified prior to the issuance of the first Certificate of Occupancy without requiring a site plan amendment, provided that any such modification complies with and remains subject to the affordable housing regulations herein.

(I) Rental Terms.

- (1) Qualifications: Other than income requirements, ARHP tenants are subject to the same leasing qualifications as those required for market rate tenants.
- (2) Application Fees: Application fees charged by the developer or management agency (including the charge for any credit check) shall not exceed 5 percent of the monthly rent of the applicable ARHP Affordable Unit. Except for a security deposit, additional up-front fees shall not exceed 20 percent of the monthly rent.
- (3) Rent: The maximum monthly rental rate for the ARHP Affordable Units shall be established using the Westchester County Area Median Income, Sales and Rent Limits Guide, minus the appropriate utility allowance contained therein and adjusted annually. The rent for an ARHP unit shall not be higher than the rent for a market rate unit.
- (4) Additional Rental Fees: Tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. Tenants may be charged fees for optional services they choose, such as pet or parking fees associated with the rental in the same manner as other tenants of the building. However, any mandatory fees shall be considered a part of the rent and there will be a corresponding reduction in the ARHP monthly rent. No additional fees or charges shall be added to the Affordable Rent.
- (5) Utilities: The ARHP rent will be reduced for utility costs not included in the rent. The deduction(s) will be made pursuant to the Utility Allowance Schedule published annually by HUD for Westchester County.
- (6) A written lease is required for each ARHP rental unit, and a copy shall be provided to the ARHP Administrative Agent. The lease shall state which utilities are the tenant's responsibility, if any.
- (7) All Household members 18 years and older must sign the lease.
- (8) Under no circumstances shall the Affordable Unit premises be occupied by, subleased, or boarded to anyone other than the ARHP tenant (s).
- (9) Renewal of a lease shall be subject to the terms and conditions of the original lease and the conditions of Federal, State, or Westchester County provisions that may be imposed by the terms of the original funding agreements for the development, and the determination of continued eligibility by the ARHP Administrative Agent.

9-7-4. Rental Unit Assignments and Occupancy.

(A) Rental Unit Assignments.

Within each ARHP Project, individual Affordable Units will be designated for occupancy by a Household that is income qualified, as follows:

- (1) Households with income between 40% and 59% of AMI will qualify for an Affordable Unit that has rent based on 40% of the AMI.
- (2) Households with income between 60% and 79% of AMI will qualify for an Affordable Unit that has rent based on 60% of the AMI.
- (3) Households with income between 80% and 99% of AMI will qualify for an Affordable Unit that has rent based on 80% of the AMI.
- (4) Households with income between 100% and 110% of AMI will qualify for an Affordable unit that has rent based on 100% of the AMI.
- (5) An Applicant may rent an ARHP Unit in a higher rent designation as long as the rent does not exceed 39% of the gross monthly Household Income.
- (6) Applicants with rental subsidies may qualify for an ARHP Affordable Unit with an annual Household Income below the required AMI levels provided the combination of income and subsidy is sufficient to cover the monthly Affordable Rent.

(B) Occupancy.

ARHP tenants will be assigned a unit size based on the number of persons in the Household, as follows:

Household Size	Studio	One Bedroom	Two Bedrooms	Three Bedrooms
1	*	*		
2	*	*	*	
3		*	*	*
4			*	*
5 or more				*

9-7-5. Qualification, Application, and Recertification

(A) Income and Asset Qualification.

The ARHP Administrative Agent determines eligibility for participation in the program based on income. Eligible households must have an annual income that falls between 40% and 110% of the Area Median Income level for the appropriate Household Size listed in the Westchester County Area Median Income, Sales and Rent Limits Guide.

- (1) Income Sources. Income documentation must be provided for all household members aged 18 and older. Sources may include: employment, Social Security, pension, SSI, SSD, child support, alimony, investment income, dividends, etc. Applicants who have rental subsidies must provide a copy of their voucher or other award letter stating the amount of the subsidy.
- (2) Household Asset Limits. The combined value of Household Assets must not exceed the 100% AMI for that Household size, as reported annually by US Department of Housing and Urban Development (HUD) and published by Westchester County. Retirement and dedicated education savings accounts will not be counted toward assets.

(B) Application.

- (1) Applications for the ARHP can be obtained from the City of White Plains [website](#) or at the Planning Department Office.
- (2) Applications require submittal of the following income documentation for each person 18 years and older who will reside in the apartment:
 - (a) Most recent Federal and State Income Tax Returns
 - (b) Copy of forms reporting unearned income (child support, alimony, SSI, SSD, investment income, dividends, etc.)
 - (c) Copy of three (3) most recent bank statements
 - (d) Copies of pay check stubs covering two months prior to application submission
 - (e) Copy of Pension Award statement, if any
 - (f) Copy of Social Security Statement, if any
 - (g) Enrollment verification from an accredited school for any full-time student over age 18.
 - (h) An Employment Verification Form completed by the Employer of each Household member over 18 years old.
 - *Applications will not be processed until all of the above-listed documents have been submitted.*
 - The ARHP Administrative Agent reserves the right to request additional information to verify/confirm any information required above.
 - Completed applications and supporting documents can be mailed, emailed, hand delivered, or faxed to the Planning Department.
- (3) To qualify for the White Plains Local Preference, applicants must submit additional documentation (see Section (C) below).
- (4) Completed applications submitted to the Department of Planning with all required supporting documentation will be date and time-stamped.
- (5) The ARHP Administrative Agent will review each application in the order received to determine income eligibility, Household size, AMI category, unit size qualification, and local preference (See Section (C) Local Preference).
- (6) When a completed application with all required documentation has been reviewed, the ARHP Administrative Agent will notify each Applicant of their eligibility.

- (a) Those determined ineligible for the White Plains ARHP will be notified that they are ineligible and the reason for such determination.
- (b) Applicants deemed eligible for the White Plains ARHP will be notified as to the availability of a unit that fits their household size and AMI category, or be placed in the Rental Applicant Pool.
- (c) Preference for available units will be given to eligible individuals or households who are current residents of the City of White Plains and have been so for a continuous period of not less than six months, or who are employed by the City of White Plains, the White Plains Housing Authority, the White Plains Urban Renewal Agency, or the White Plains School District. To be considered for the White Plains Residency Preference (local preference), see Section (C) Documentation Requirements, below.

(C) Local Preference

Preference will be given to residents of the City of White Plains, employees of the City of White Plains, the White Plains Housing Authority, the White Plains Urban Renewal Agency, or the White Plains School District.

- (1) Residency Preference. To qualify for residency preference¹, applicants must provide documentation that proves they currently reside in the City of White Plains and have so for a continuous period of not less than six months. Proof of the minimum six-month residency requirement can be verified by the following three options:

Option 1: Provide one document from Category A and one document from Category B; or

Option 2: Provide three documents from Category B; or

Option 3: Provide two documents from Category B and two documents from Category C.

Category A	Category B	Category C
<ul style="list-style-type: none"> ● Apartment Lease ● Property Deed or Cooperative Stock Certificate 	<ul style="list-style-type: none"> ● New York State ID ● School Enrollment Form/Report Card showing address ● Car Registration ● Paycheck stub with address ● Public Benefit Letter or Statement ● Utility Bill (electric, gas, oil, cable) 	<ul style="list-style-type: none"> ● Bank or other Financial Institution Statement ● Credit Card Statement ● Cell Phone Bill

- (2) Employee Preference. Proof of employment by the City of White Plains, the White Plains Housing Authority, the White Plains Urban Renewal Agency, or the White Plains School District can be provided by submitting a recent pay stub/W-2 Form **and** a current signed employment verification letter on official letterhead.

¹ In order to qualify for the White Plains Residency Preference, you must reside within the boundaries of the City of White Plains. Individuals or households living in other surrounding Towns or Villages with a White Plains P.O. are not eligible for the Residency Preference.

(D) Rental Applicant Pool

- (1) The ARHP Administrative Agent will maintain a Rental Applicant Pool of all eligible Applicants sorted and separated by household/unit size, AMI Category and local preference. Applications within each pool will be ordered by the date in which the completed Application is received by the Planning Department.
- (2) When a unit becomes available, applicants who are at the top of the list for their pool will be notified by the ARHP Administrative Agent.
- (3) The ARHP Administrative Agent will provide the contact information to the leasing agent of the building. The ARHP Administrative Agent will notify the leasing agent that a qualified Applicant will be contacting them to schedule a tour of the unit and property.
- (4) If an applicant decides to move forward with leasing a unit, and is approved by the leasing agent, they will enter into a lease agreement with the property management company of that building.
- (5) If the Applicant declines the available unit, or is determined to not meet the leasing criteria of the rental building, then that unit will be offered to the next eligible applicant in the appropriate Rental Applicant Pool.
- (6) If an applicant declines an available unit at three separate properties, the applicant will be placed at the bottom of the waiting pool and may not be offered an available unit for at least 180 days.
- (7) Once in the Rental Applicant Pool, it is the Applicant's responsibility to notify the ARHP Administrative Agent of any change of address, household size, income, mailing address, or other circumstance that may affect eligibility or placement in the Rental Applicant Pool.

(E) Recertification of Eligibility for Continued Participation in the ARHP.

Recertification of eligibility will occur every two years. At least 60 days prior to the lease renewal date, the ARHP Administrative Agent will notify the tenant to complete a recertification form and submit all required documentation in order to determine continued income eligibility for participation in the program.

- (1) Changes to Income and/or Household Size.
 - (a) Tenants have up to one year to move to a smaller or larger unit due to a change in Household size.
 - (b) If Household Income has increased to a higher AMI category, the rent will be based on the higher AMI category.
 - (c) If Household Income has decreased to a lower AMI category, the rent will remain in the same AMI category as the most recent recertification.
 - (d) If Household Income is 110% AMI or greater, the tenant will be determined ineligible for continued participation in the ARHP.
- (2) Determination of Ineligibility. If an ARHP tenant is determined ineligible upon recertification, the tenant must vacate the ARHP unit within 90 days.

(F) Rent Adjustments.

Rents will be adjusted annually. Adjustments to rent and utility allowances shall be made by the City for the new lease term, based on the HUD rent limits and utility allowances established for Westchester County.

(G) Landlord Notification.

Based on tenant recertification, the landlord shall be notified in writing by the ARHP Administrative Agent of any changes to tenant eligibility and changes to rent.

§ 2. This ordinance shall take effect September 15, 2025.