

HAMBURG COMMUNITY DEVELOPMENT

6100 South Park Avenue * Hamburg * New York * 14075

(716) 648-6216 * www.townofhamburgny.com/community-development

Director: Christopher Hull * Assistant Director: Timothy J. Regan



Hamburg Town Supervisor: Randall A. Hoak

Council Members: Megan A. Comerford * Shawn P. Connolly * Elizabeth C. Farrell * Karen L. Hoak

Date: 2022

Name

c/o Development Company

Address 1

Hamburg, New York 14075

Ref: Hamburg, New York Inclusionary Reporting

Dear Mr./Mrs./Ms.

On May 23, 2016, the Town of Hamburg passed Local Law #5, which amended the Town of Hamburg's Fair Housing Law, Chapter 109. The Fair Housing Law had several changes, of which, the following directly pertains to all newly built multi-family complexes over eight (8) units.

§ 109-11; Affirmatively furthering fair housing.

It shall be the policy of the Town to affirmatively further fair housing by adopting zoning ordinances which promote the inclusion of affordable rental housing in all multifamily developments of eight or more units.

- A. Affordable housing shall be defined as housing for which rent and utilities shall constitute no more than 30% of the gross annual income for a household whose income is greater than 50% but does not exceed 80% of the Erie County median income.
- B. The Town shall offer a density bonus which allows the developer to increase the number of market-rate units permitted to be built on a site at a rate of one additional market-rate unit for each affordable unit.
- C. In calculating the number of affordable units, the total number of proposed units shall be multiplied by 10%. If the product produces a fraction, a fraction of 0.5 shall be rounded up to the next higher whole number, and a fraction of less than 0.5 shall be rounded down to the next lower whole number.
- D. In order to assure integration within a multifamily development, affordable units shall not be clustered, but mixed with market-rate units. Additionally, the exterior appearance of affordable units shall be made similar to market-rate units by the provision of exterior finishes and materials of substantially the same type and quality.
- E. Developers shall be required to maintain affordability of designated units for a period of not less than 30 years from the date a certificate of occupancy is issued. In the event a multifamily development is sold, the new owner shall be responsible for maintaining affordability of units for the balance of the regulatory period.

The above changes within the Fair Housing Law were also changed within the R-3 Multi-Family Housing - Zoning Code @ Section 280.51.1 "Affordable Housing". This Town of Hamburg law now requires that multi-family rental dwellings of eight or more units built after the law took effect must include a percentage of its dwelling units to be "affordable" as detailed within the Town of Hamburg law at Chapter 109-11 (see above) and Section 280.51.1 "affordable housing" (For proposed multifamily rental dwellings of eight or more units, the Town of Hamburg requires a percentage of the units to be affordable. See Chapter 109 of the Code of the Town of Hamburg): Therefore, 10% of the units to be developed under your multi-family project must be set-aside for "affordable" or "inclusionary" units.

1) **PDF version of the HUD income calculation user manual for use - attached.**

Using the attached PDF manual/forms, you can figure incomes using a HUD certified process. This may seem intimidating, but actually is not that cumbersome. Using HUD's form(s) are acceptable as long as the correct annual income limits are utilized (ex: 2021 income limits released May, 2021- see below). Return the towns "Inclusionary Zoning Reporting/Verification" form and the print-out from the HUD certified income process to our office for each of the inclusionary units.

The HUD Income Eligibility Calculator User Manual can walk you through the process on how to determine incomes for persons/families under 80% Erie County Median Income (ECMI).

CDBG Income Limits:

Income Eligibility Schedule - As at 5/2021 (As determined by HUD/Subject to change at any time)

Family Maximum

Size:	Allowable Income:
1	\$44,200
2	\$50,500
3	\$56,800
4	\$63,100
5	\$68,150
6	\$73,200
7	\$78,250
8 or more	\$83,300

Family size & income must be below the levels on this chart:

OR

- 2) Utilize the attached "Inclusionary Zoning Reporting/Verification form" which can also be utilized to figure income values of a client. Using this form will also require all pertinent documentation listed on Exhibit "A" of this form. These manual calculations and all income documents will be verified at our office upon receipt for completion.

Inclusionary Zoning Reporting/Verification forms:

Side A) Reporting/Verification form.

Side B) Exhibit "A": Lists required income documentation from client(s) to reside within the "inclusionary unit". (This lists all possible types of documentation to ask for).

Each time an "inclusionary unit" is available or when one becomes available via the rental process (ie: month-to-month, annual, etc.), this process must be completed. This process will be required for any new multi-family units built within the Town of Hamburg from now on. If you should have any questions about this process or its forms, please contact our department at (716) 648 - 6216. Again for each unit/instance, please complete and return the following to our office:

- A) Completed Inclusionary Zoning Reporting/Verification Form.
- B) Income verification documents for the client(s) renting the "inclusionary units", whether by process 1 or 2 above.

Our office suggests that you keep a set of these files/documents for each client/family within your offices as well as returning the required documents to our office so that if/when our office have to monitor the complexes files, you will have the required records on file. Again, thank you for your cooperation with this "inclusionary zoning" process and the Town of Hamburg's Fair Housing Law. We will continue to work with you on this process.

Respectfully,

Hamburg Community Development

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TOWN OF HAMBURG INCLUSIONARY ZONING "REPORTING/VERIFICATION" FORM - PY 2021

DATE: _____

NUMBER OF PEOPLE TO RESIDE WITHIN THE "INCLUSIONARY" RENTAL UNIT: _____

NAME(S) & AGES OF MEMBER(S)
RESIDING WITHIN INCLUSIONARY
RENTAL UNIT: _____

INCLUSIONARY RENTAL UNIT ADDRESS: _____

HOUSEHOLD MEMBERS
PHONE NUMBERS: (H): _____ (W): _____ (Cell): _____

MONTHLY INCOME OF HOUSEHOLD: _____

MONTHLY RENT/UTILITIES FOR INCLUSIONARY RENTAL UNIT: _____

Income Eligibility Schedule - As at 5/1/2021 (As determined by HUD - Subject to change at any time)

Family Size:	Maximum Allowable Income:
1	\$44,200
2	\$50,500
3	\$56,800
4	\$63,100
5	\$68,150
6	\$73,200
	\$78,250
8 or more	\$83,300

Family size & income must be below the levels on this chart:

Utilize the *attached* HUD Income Eligibility Calculator User Manual to learn how to determine incomes for persons/families under 80% Erie County Median Income (ECMI). The HUD Income Eligibility Calculator User Manual 7 details how to figure income and is the basis for figuring rent under the Town of Hamburg's inclusionary zoning law.

Under the Town of Hamburg's Law; an "Inclusionary Rental Unit" is defined as "Housing for which rent and utilities shall constitute no more than thirty percent of the gross annual income for a household whose income is at or less than eighty percent of the Erie County Median Income for their family size".

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EXHIBIT "A"

Town of Hamburg Fair Housing Law Required Income Verification Documents

(Provide copies of the following documents for each person within inclusionary unit(s))

- 1) Copy of **2021 (2020)** federal and state income tax filings, including all schedules & W2's.
- 2) Verification of ALL checking and savings accounts, interest and annuities:
 - * Provide last two (2) months' statements from all of your financial institutions for proof of each account.
- 3) Verifications of employment:
 - * Four (4) most recent pay stubs for all employed persons who are eighteen (18) years of age or older.
- 4) Verification of benefits (Benefit Statement from source is REQUIRED):
 - a) Social Security
 - b) Pension
 - c) SSI
 - d) Disability
 - e) Alimony/child support: Include court documents/transcripts, etc. detailing support payments
 - f) Food stamps/HEAP/Etc.
 - g) Veterans
 - h) Unemployment
 - i) Welfare
 - j) Insurance dividends
 - k) Other
- 5) Verification of ANY land owned: Deed or title to property.
- 6) Verification of ANY Certificates of Deposit: Produce all financial documentation.
- 7) Verification of all other income from insurance policies, annuities, settlements, etc.:
 - * Provide all relevant statements/documentation.
- 8) Copies of divorce settlement papers, etc., if applicable:
 - * Please ensure that you include court transcripts detailing allocation of assets.

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Inclusionary Zoning Confidential Information Release Form

I/We, _____ hereby authorize the release of
[Client(s) Name(s)]

my/our income information to the Town of Hamburg Department of Community Development for the sole purpose of complying with the Town of Hamburg's law pertaining to inclusionary zoning as outlined within the following sections of town code:

§ 109-11: Affirmatively furthering fair housing.

It shall be the policy of the Town to affirmatively further fair housing by adopting zoning ordinances which promote the inclusion of affordable rental housing in all multifamily developments of eight or more units.

- A. Affordable housing shall be defined as housing for which rent and utilities shall constitute no more than 30% of the gross annual income for a household whose income is greater than 50% but does not exceed 80% of the Erie County median income.
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§ 280.51.1 "Affordable Housing" R-3 Multi-Family Housing - Zoning Code.

By completing this form for submission to the Town of Hamburg Department of Community Development, I understand that my income information is being collected for the sole purpose of complying with the above stated Town of Hamburg law/codes. This information will be stored at the offices of the Department of Community Development in secure facilities and is subject to review only by authorized officials of the Town of Hamburg. As part of the income submission, assets are calculated into total income at 5%.

With my/our signature(s) below, I/We authorize the Town of Hamburg to collect this information for lawful purposes.

Client One Signature

Client Two Signature

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On the ____ day of _____, in the year _____, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public