

JOIN US FOR THE

8th Annual Hudson Valley Affordable Housing Summit

May 15, 2025

**Elisabeth Haub School of Law
White Plains, NY**

Presented By:



AGENDA

8:45 – 9:00

WELCOME & INTRODUCTION

County Executive Ken Jenkins, Westchester County

Tiffany Zezula, Esq., *Staff Consultant, Housing Action Council and Deputy Director, Land Use Law Center*

9:00 – 9:50

SESSION 1: ZONING FOR HOUSING

Devon Chodzin, *Project Manager, National Zoning Atlas*

Jessica A. Bacher, Esq., *Executive Director, Land Use Law Center*

Joseph Liberti, *Founder and Director, Original Civic Research & Action, Mamaroneck High School*

Anna Blanco, *Original Civic Research & Action (OCRA), Mamaroneck High School*

Alex Gross, *Original Civic Research & Action (OCRA), Mamaroneck High School*

Hannah Hehler, *Original Civic Research & Action (OCRA), Mamaroneck High School*

Tyler Prozes, *Original Civic Research & Action (OCRA), Mamaroneck High School*

MODERATOR **Peter Feroe, AICP**, *Vice President, Planning and Land Development, AKRF*

9:50 – 10:40

SESSION 2: ALIGNING COMMUNITY GOALS: SUSTAINABILITY AND CONSERVATION

Rebecca G. Crimmins, *Senior Vice President of Real Estate and Development, Institute for Community Living and Co-Convener, Hudson Valley Alliance of Housing and Conservation*

Andrew Germansky, *Senior Vice President of Real Estate, Westhab, Inc*

Maulin Mehta, AICP, *New York Director, Regional Plan Association (RPA)*

Samantha Pearce, *VP of Sustainability, Office of Housing Preservation, New York State Homes & Community Renewal*

Tiffany B. Zezula, Esq., *Deputy Director, Land Use Law Center*

AGENDA

10:40 – 11:30 SESSION 3: AFFORDABLE HOMEOWNERSHIP....IT'S BACK!

Jessica A. Bacher, Esq., Executive Director, Land Use Law Center

Alexander Roithmayr, *Government Affairs Director, Hudson Gateway Association of Realtors*

Orisha Jennings-Hudgins, MPA, *Director of Housing, City of New Rochelle*

Christina Lazarus, *Manager, Benefits, Northwell Health*

James R. Wendling, *Chief Operating Officer, WBP Development LLC*

11:30 – 12:20 SESSION 4: COMMUNITY PREFERENCING

Michelle Cafarelli Kabat, Esq., Associate, Nixon PeabodyLLP

Harry J. Kelly, Esq., Partner, Nixon PeabodyLLP

MODERATOR: **Jason Labate, Esq.**, *Partner, Goldstein Hall PLLC*

*Thank you
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Summit
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McCullough,
Goldberger
& Staudt, LLP
attorneys at law


NEXUS
creative

ZONING FOR HOUSING

PANELISTS

Devon Chodzin, *Project Manager, National Zoning Atlas*

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Decoding Zoning: Westchester County

zoningatlas.org

LAND
USE
ATLAS

NATIONAL
ZONING
ATLAS

Hudson Valley Affordable Housing Summit | **May 2025**

Speaker



Devon Chodzin

Project Manager
National Zoning Atlas

zoningatlas.org/atlas



NATIONAL ZONING ATLAS

Contents

1. Why the NZA

2. How it's Made

3. Using the NZA

4. Decoding Westchester Zoning



1. Why the NZA

Zoning is Complicated!

As you know, zoning is decentralized, opaque, and hard to understand. We hope to translate codes to provide a standardized understanding in a centralized and accessible location.

What We Do

Centralize

We centralize zoning code information into a one-stop shop through our online map

Standardize

We standardize info to enable apples-to-apples comparisons of zoning rules

Make Accessible

We empower advocates with information they need to change zoning for good



2. How it's Made

Jurisdictions

The NZA team identifies ***jurisdictions***: cities, towns, counties, villages, and other places with zoning authority for each state.

(Here are the 43 jurisdictions in Westchester County.)

Then, we figure out whether each jurisdiction has zoning.

- Ardsley
- Bedford
- Briarcliff Manor
- Bronxville
- Buchanan
- Cortlandt
- Croton-on-Hudson
- Dobbs Ferry
- Eastchester
- Elmsford
- Greenburgh
- Harrison
- Hastings-on-Hudson
- Irvington
- Larchmont
- Lewisboro
- Mamaroneck (Town)
- Mamaroneck (Village)
- Mount Kisco
- Mount Pleasant
- Mount Vernon
- New Castle
- New Rochelle
- North Castle
- North Salem
- Ossining (Town)
- Ossining (Village)
- Peekskill
- Pelham
- Pelham Manor
- Pleasantville
- Port Chester
- Pound Ridge
- Rye
- Rye Brook
- Scarsdale
- Sleepy Hollow
- Somers
- Tarrytown
- Tuckahoe
- White Plains
- Yonkers
- Yorktown

Westchester is 100% Zoned!

Zoning Text

Chapter 295

ZONING

ARTICLE I General Provisions

- § 295-1. Intent; statutory authority; title.
- § 295-2. Purposes.
- § 295-3. Objectives.
- § 295-4. Rules of construction.
- § 295-5. Definitions.

ARTICLE II Establishment of Districts and Schedule

- § 295-6. Enumeration of districts.
- § 295-7. Zoning Map.
- § 295-8. Interpretation of district boundaries.
- § 295-9. Lots in two or more districts.
- § 295-10. Order of restrictiveness.
- § 295-11. Schedule controlling land and buildings.

ARTICLE III Regulations Applicable to All Districts

- § 295-12. Application of general regulations.
- § 295-13. Conformity required.
- § 295-14. Completion of structures issued building permit before chapter.
- § 295-15. Conflicting standards.
- § 295-16. Environmental matters.
- § 295-17. Accessory building attached to main building.
- § 295-18. Building lots and open spaces.
- § 295-19. Required street frontage and access; access to sewers.
- § 295-20. Required yards.
- § 295-21. Height limitations; courts.

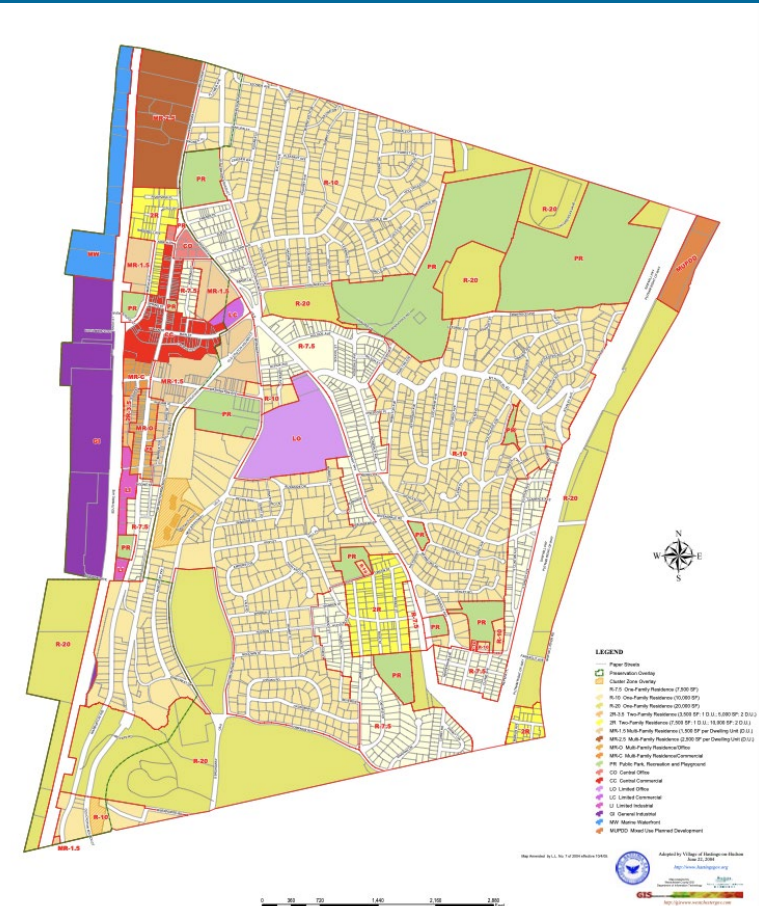
ARTICLE IV Off-Street Parking and Loading

- § 295-22. Application.
- § 295-23. Parking facilities dedicated to Village.
- § 295-24. Existing structures and uses.
- § 295-25. Planning Board approval.
- § 295-26. Location.
- § 295-27. Different uses on single lot.
- § 295-28. Parking and loading area screening.
- § 295-29. Size of parking spaces.
- § 295-30. Additional standards as to size and location of parking spaces.
- § 295-31. Grades, drainage and marking of parking spaces.
- § 295-32. Internal landscaping in parking areas.
- § 295-33. Traffic circulation in parking areas.
- § 295-34. Snow storage in parking areas.
- § 295-35. Commercial vehicles in parking areas.
- § 295-36. Schedule of off-street parking requirements.
- § 295-37. Operation and maintenance of off-street parking facilities.
- § 295-38. Off-street loading requirements.

ARTICLE V Driveways and Sidewalks

- § 295-39. General provisions.
- § 295-40. Driveway grades.
- § 295-41. Maximum driveway size and curbs.
- § 295-42. Driveway alignment and location.
- § 295-43. Sight distance.

Zoning Map



Zoning Districts

The NZA then reviews the zoning text + map to identify ***zoning districts*** in each jurisdiction.

Here are the 12 districts in Larchmont, New York:

Name	↑↓	Type ↑↓	Overlay ↑↓
MF, Multifamily Residence		Primarily Residential	No
R-10, One-Family Residence		Primarily Residential	No
R-12.5, One-Family Residence		Primarily Residential	No
R-15, One-Family Residence		Primarily Residential	No
R-20, One-Family Residence		Primarily Residential	No
R-30, One-Family Residence		Primarily Residential	No
R-5, One-Family Residence		Primarily Residential	No
R-50, One-Family Residence		Primarily Residential	No
R-7.5, One-Family Residence and Townhouse		Primarily Residential	No
RB, Retail Business Commercial		Mixed with Residential	No
RC, Retail Center Commercial		Mixed with Residential	No
W, Waterfront Coastal		Mixed with Residential	No

Zoning Districts

Districts are categorized as one of four main types:

- Primarily Residential
- Mixed with Residential
- Nonresidential
- Overlay not Affecting Use

Name ↑↓	Type ↑↓	Overlay ↑↓
C-3T-3, Commercial-Transition	Nonresidential	No
C-5, Commercial	Nonresidential	No
C-H(O), Commerical Hotel Overlay	Overlay not Affecting Use	Yes
Church	Nonresidential	No
C-PD-M, Medical Use Overlay	Overlay not Affecting Use	Yes
C-R, Commercial-Retail Overlay	Overlay not Affecting Use	Yes
C-R-PD, Commercial Retail Planned Development Overlay	Overlay not Affecting Use	Yes
E-O-PD, Entertainment Office Planned Development Overlay	Overlay not Affecting Use	Yes
M-2S, Industrial	Nonresidential	No
Mixed Use Overlay	Mixed with Residential	Yes
M-PD-2, Mixed Use Planned Development Overlay	Overlay not Affecting Use	Yes
M-PD-3, Mixed Use Planned Development Overlay	Mixed with Residential	Yes
M-PD-4, Mixed Use Planned Development Overlay	Mixed with Residential	Yes
M-PD-5, Mixed Use Planned Development Overlay	Primarily Residential	Yes
One Beverly Hills Overlay Specific Plan	Mixed with Residential	Yes
Parks, Reservoirs, Government	Unzoned (GIS ONLY)	No
P-S, Public Service	Nonresidential	No
R-1, One-Family Residential	Primarily Residential	No
R-1.5, One-Family Residential	Primarily Residential	No
R-1.5X, One-Family Residential	Primarily Residential	No
R-1.5X2, One-Family Residential	Primarily Residential	No

Zoning Districts

Some districts are ***overlay districts***, meaning they contain additional rules that layer on top of the ***base districts***.

Unless specified, overlay districts do not override the base district regulations, but rather modify or supplement them.

Name	Type	Overlay
C-3T-3, Commercial-Transition	Nonresidential	No
C-5, Commercial	Nonresidential	No
C-H(O), Commercial Hotel Overlay	Overlay not Affecting Use	Yes
Church	Nonresidential	No
C-PD-M, Medical Use Overlay	Overlay not Affecting Use	Yes
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R-1.5, One-Family Residential	Primarily Residential	No
R-1.5X, One-Family Residential	Primarily Residential	No
R-1.5X2, One-Family Residential	Primarily Residential	No

Then the Work Begins:

Text Analysis

- Obtain zoning text
- Specify a list of zoning districts
- Extract key text datapoints following standardized methodology

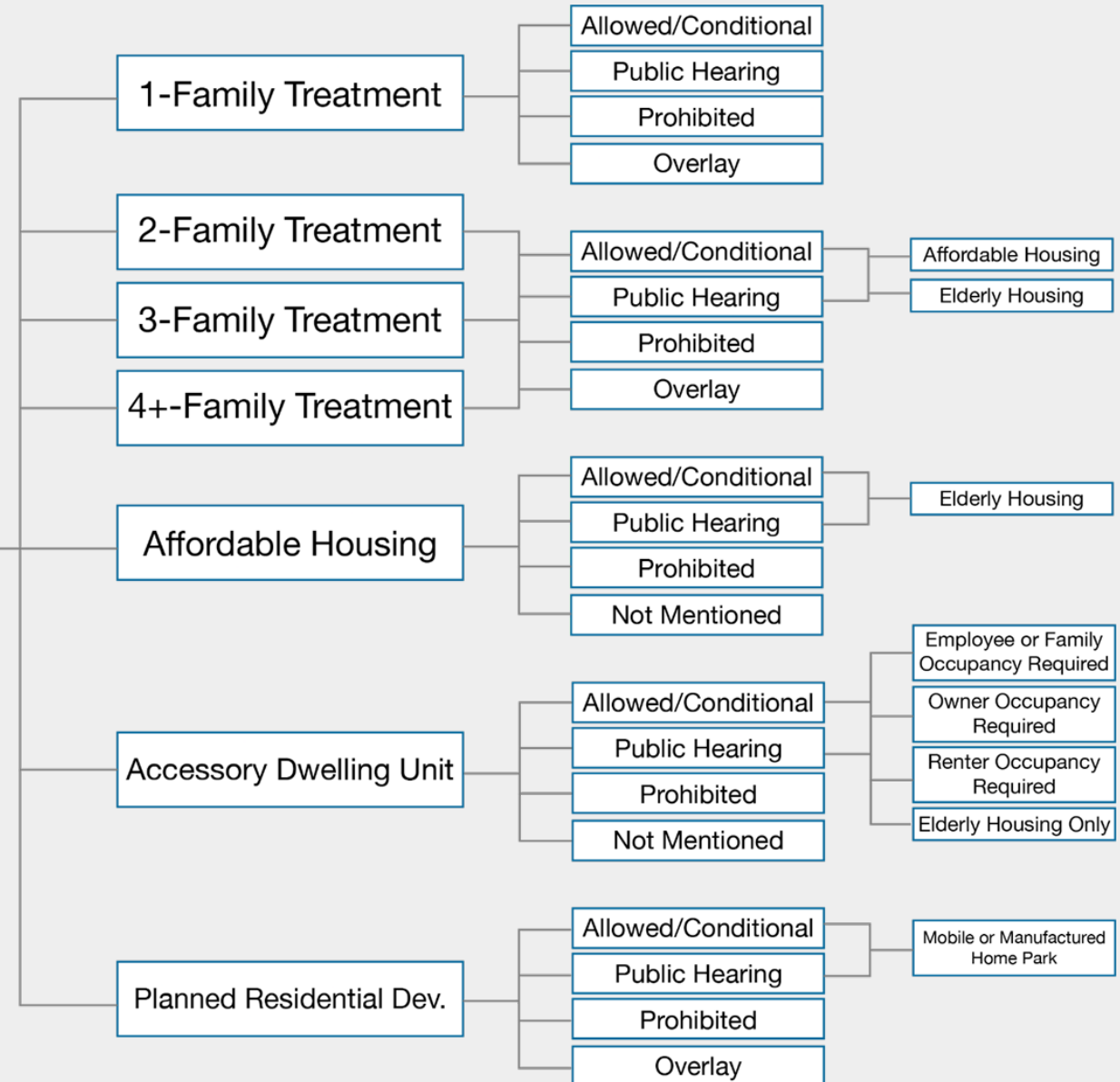
Geospatial Analysis

- Obtain zoning map
- Specify a list of zoning districts
- Digitize the zoning map: create or clean existing geospatial data

•————— **text & map data** —————•
joined and integrated
into NZA

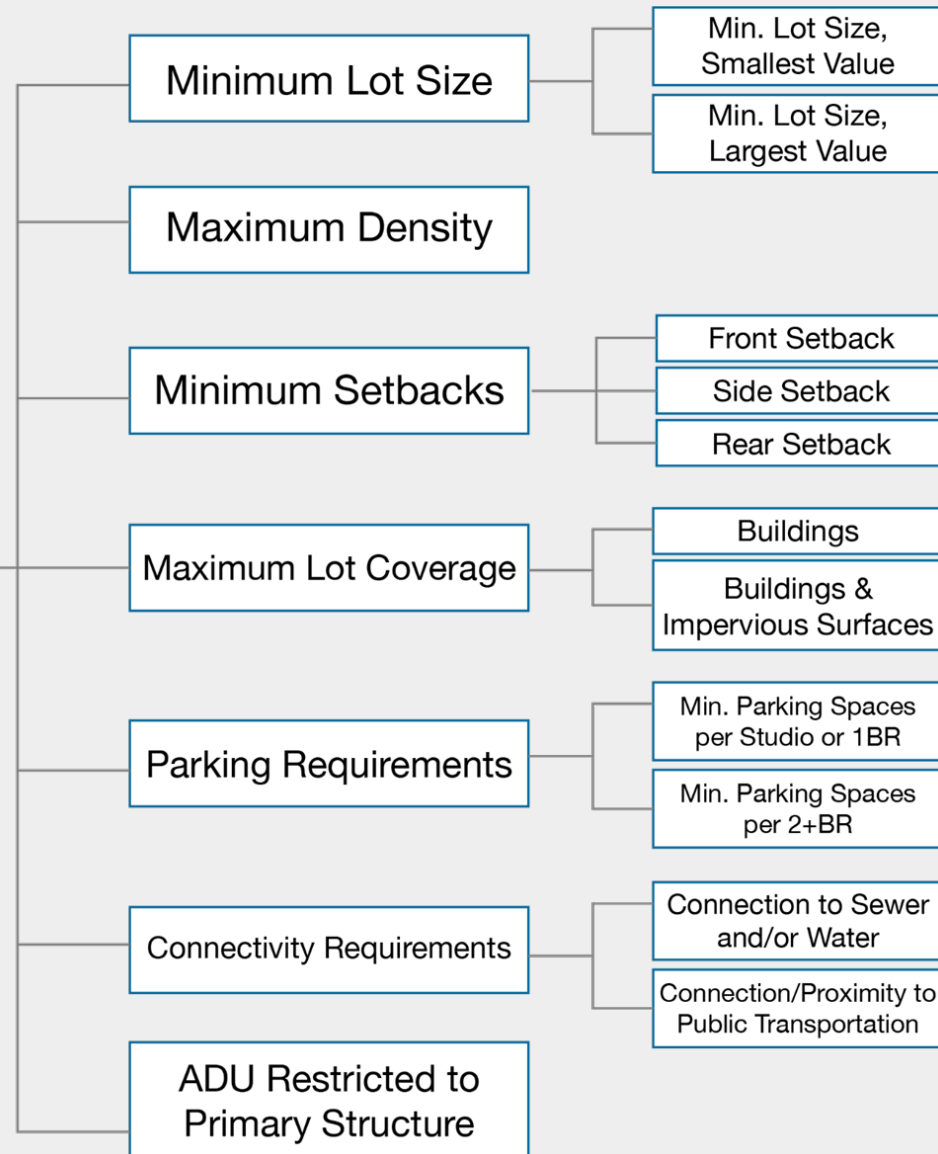
Text Analysis

Use Characteristics



Text Analysis

Lot Characteristics



Text Analysis

Structure Characteristics

Floor to Area Ratio

Maximum Stories

Maximum Height

Unit Size

Maximum ADU Size

Maximum Bedrooms

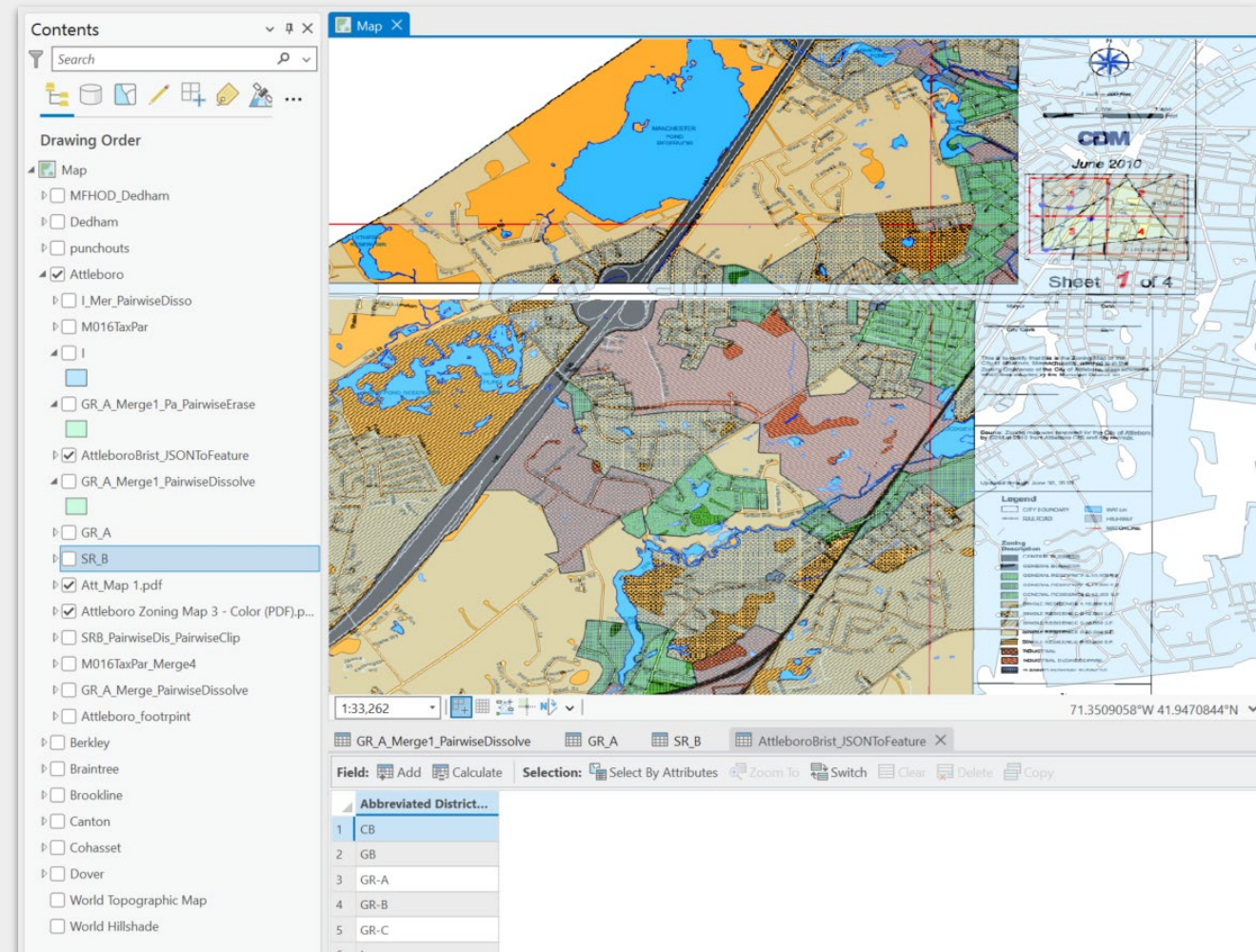
Maximum Units

Geospatial Analysis

Obtain Zoning Data

Get shapefiles from
jurisdictions (state
or local government)

Georeference
(digitize in GIS
software) +
create manually
from PDF map



Geospatial Analysis

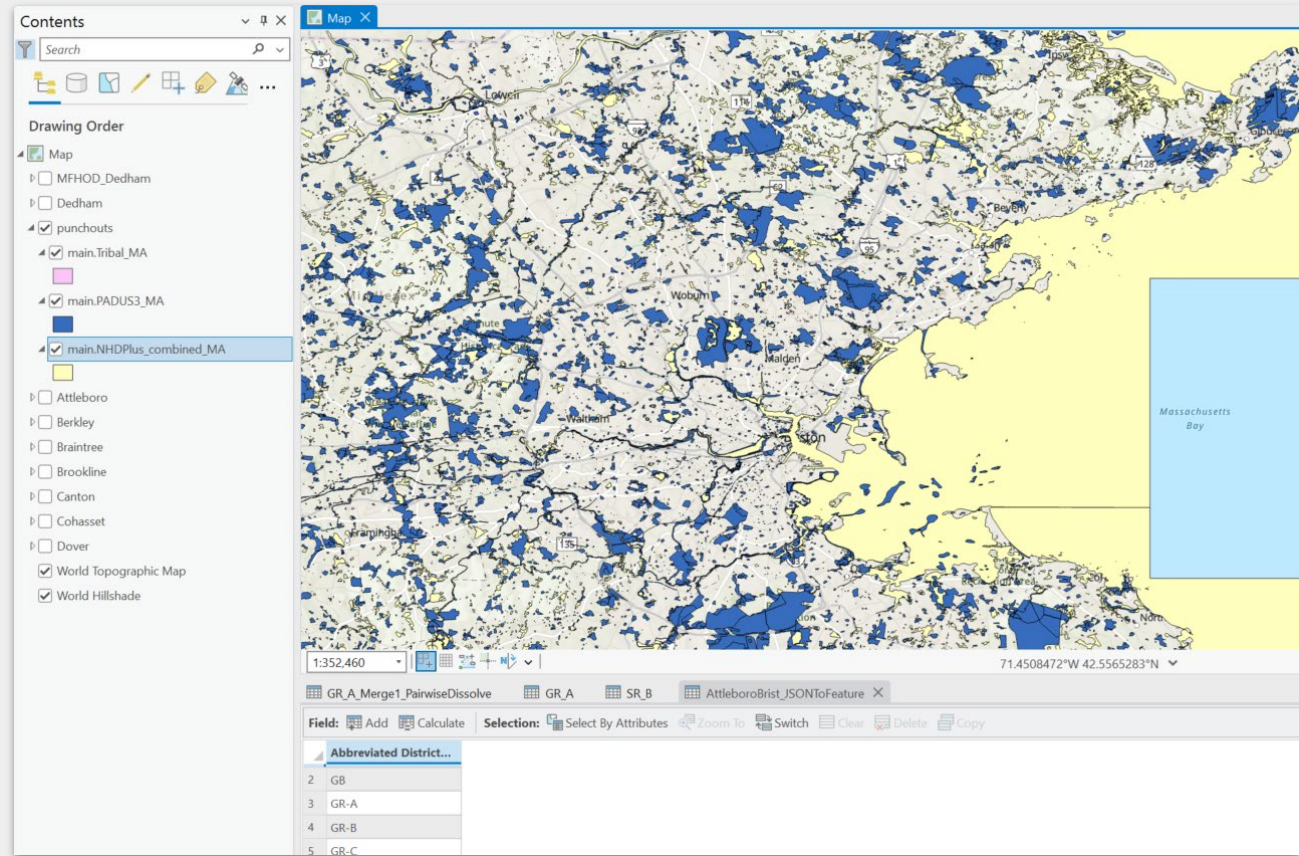
Standardize Data

“Punch Out”

- Tribal Lands
- Protected Areas Database of the United States (PADUS)
- Water
- Rights-of-way

Clean up

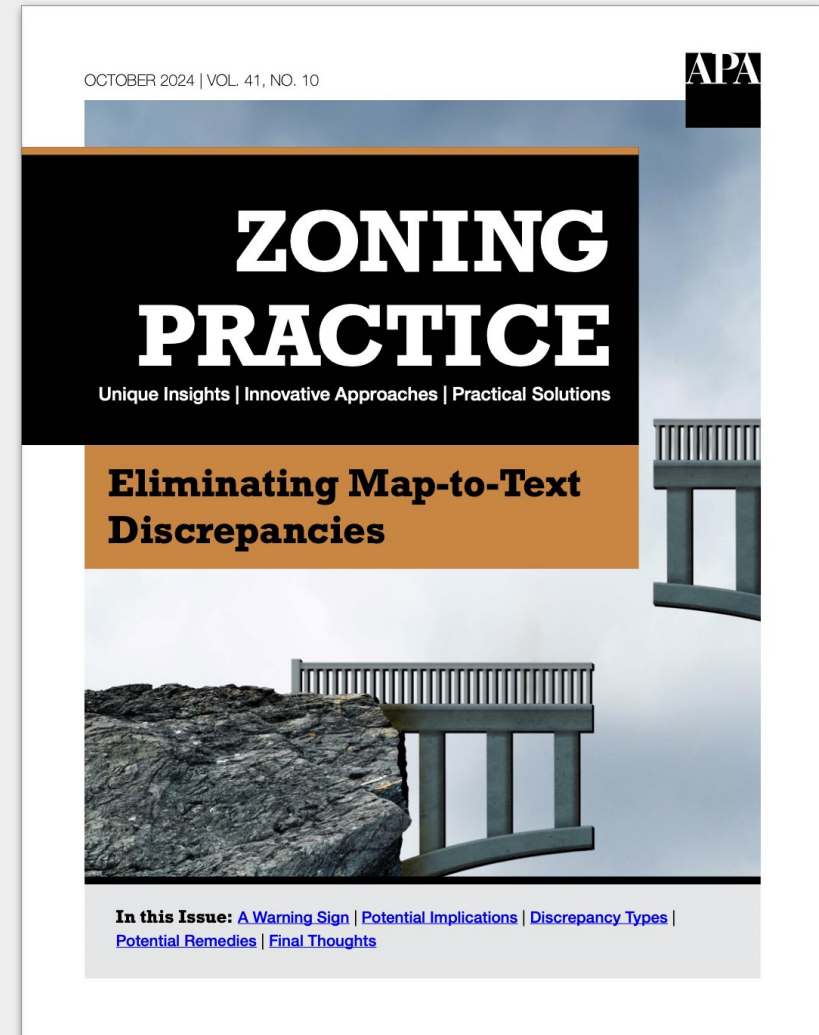
- Overlapping base districts
- Misdrawn maps
- Remove outdated districts
- Missing overlays
- Boundary disputes



Zoning's Challenges

Inconsistencies Between Text and Map

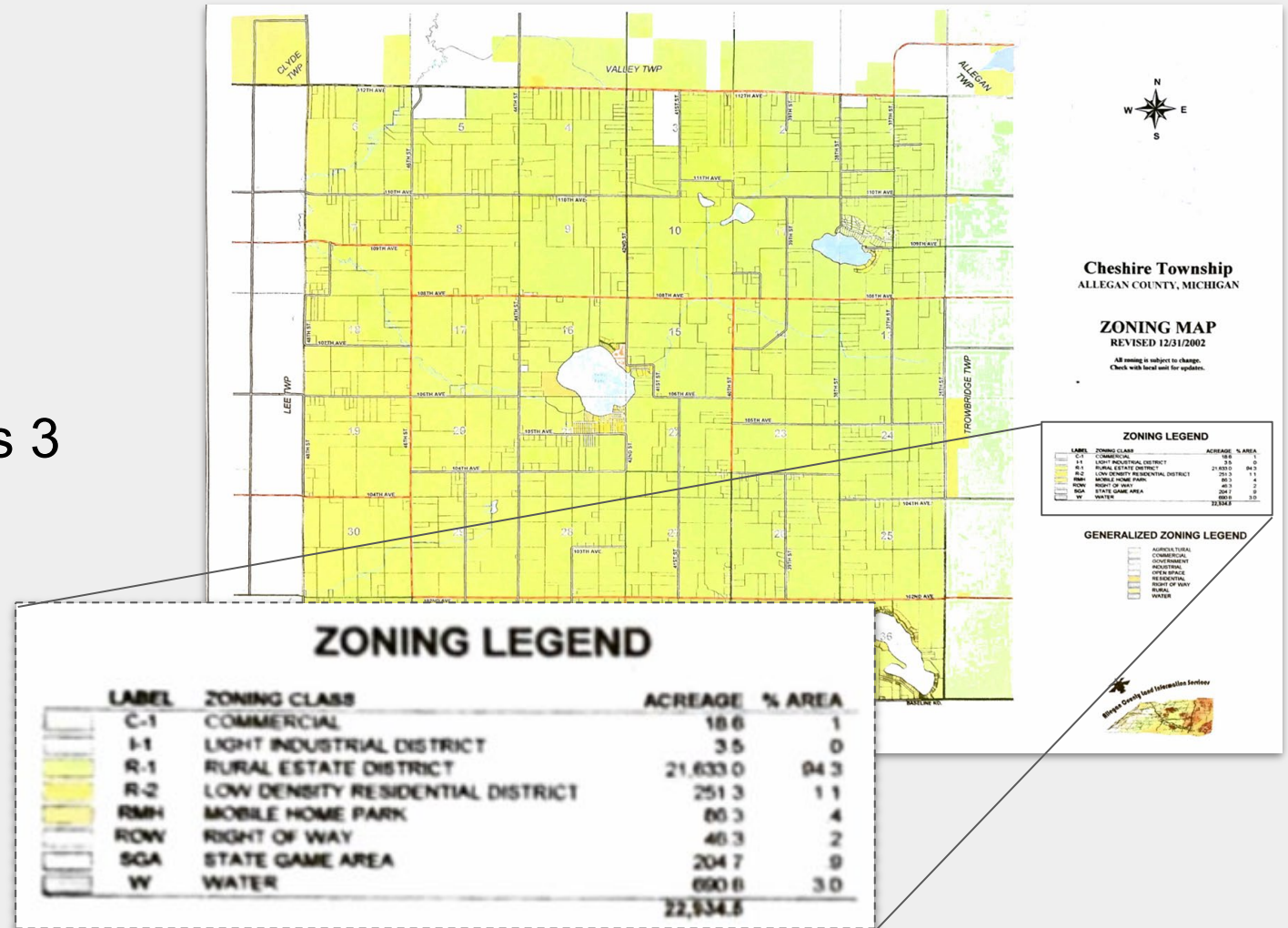
- In this analysis, 36% of sample jurisdictions had major text-to-map discrepancies.
- Example: A zoning map updated before the zoning text and vice versa.
- Example: Clerical errors in conflicting definitions within zoning texts.



Zoning's Challenges

Poor Map Design

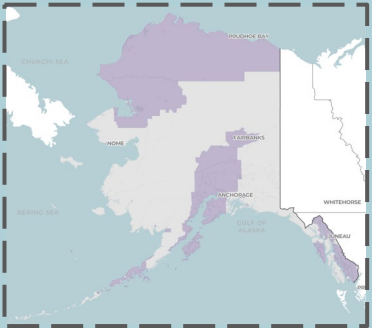
- Some maps are almost impossible to read!
- Example: Cheshire, MI uses 3 slightly different shades of highlighter yellow.

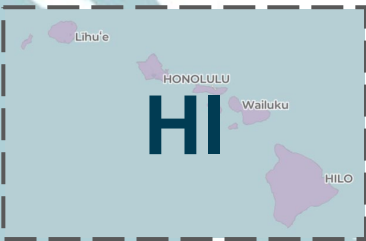
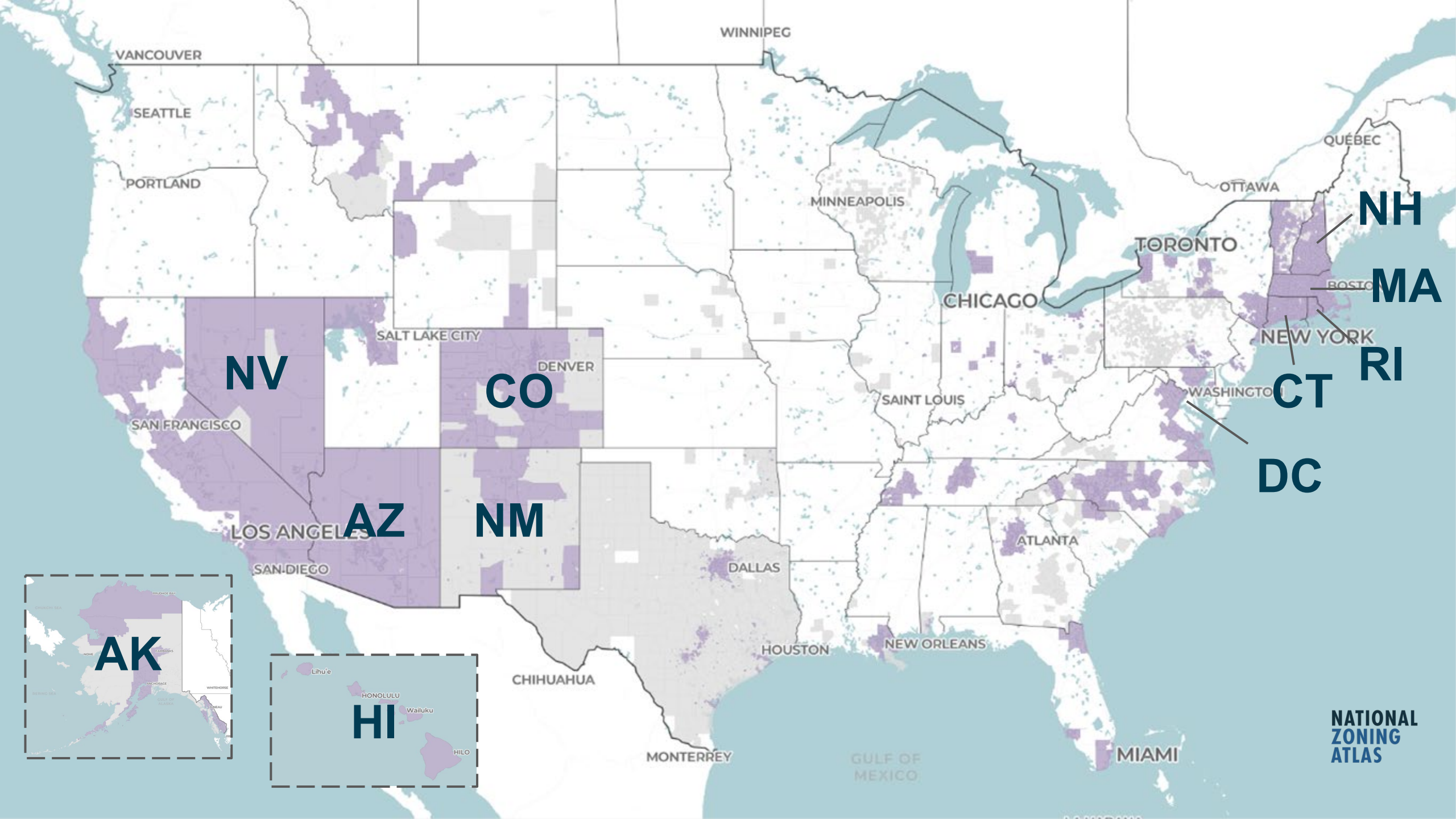




3. Using the NZA

zoningatlas.org/atlas





**NATIONAL
ZONING
ATLAS**

National Progress

Published Jurisdictions:
6,800+

With Zoning: **4,100+**
Without Zoning: **2,600+**

Published Zoning Districts:
73,000+

Pages of Code Read:
755,000+

as of 5/7/25

National Progress

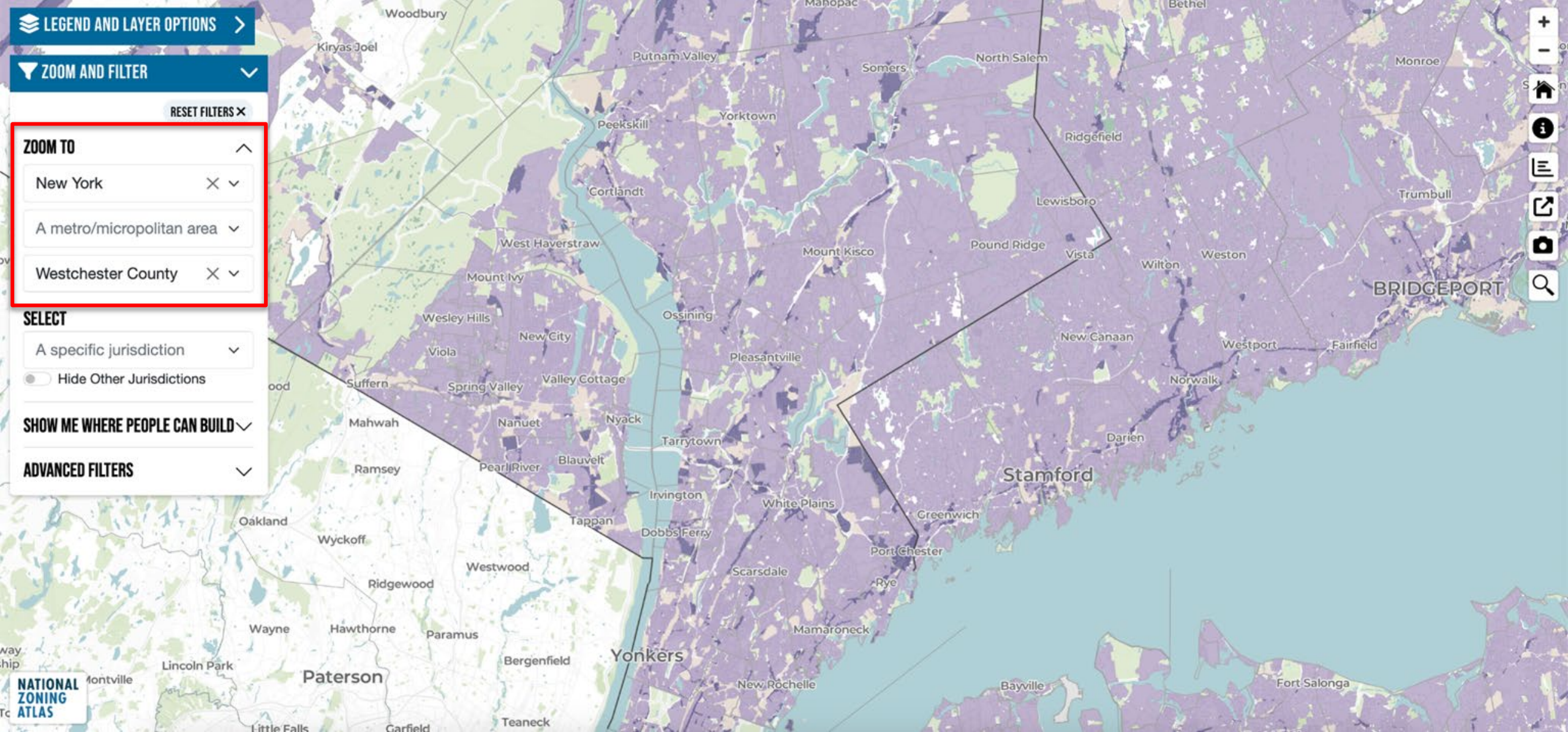
Population Covered:
149,000,000+,
~45% of US residents

Acres Covered
1,100,000,000+,
~49% of total land

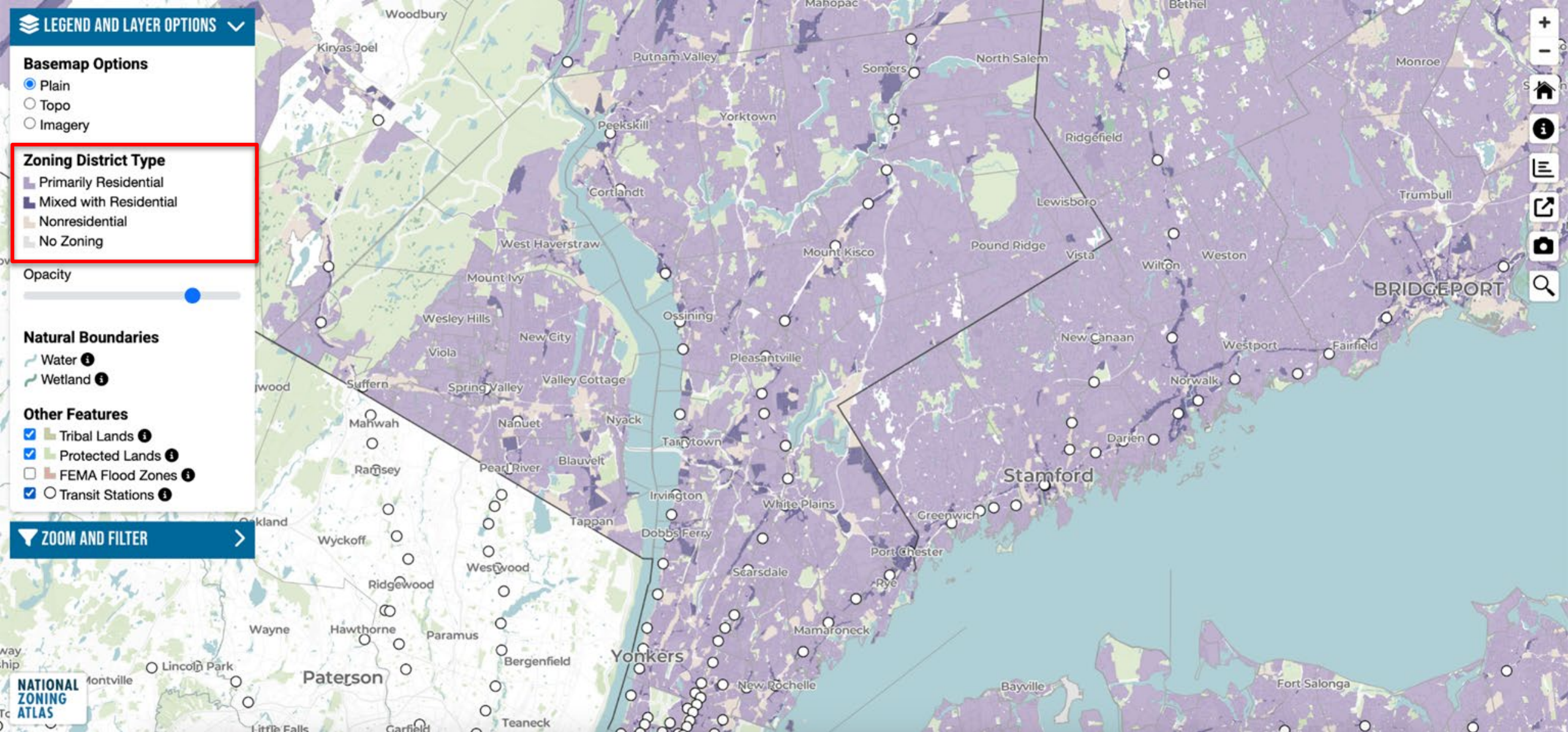
as of 5/7/25



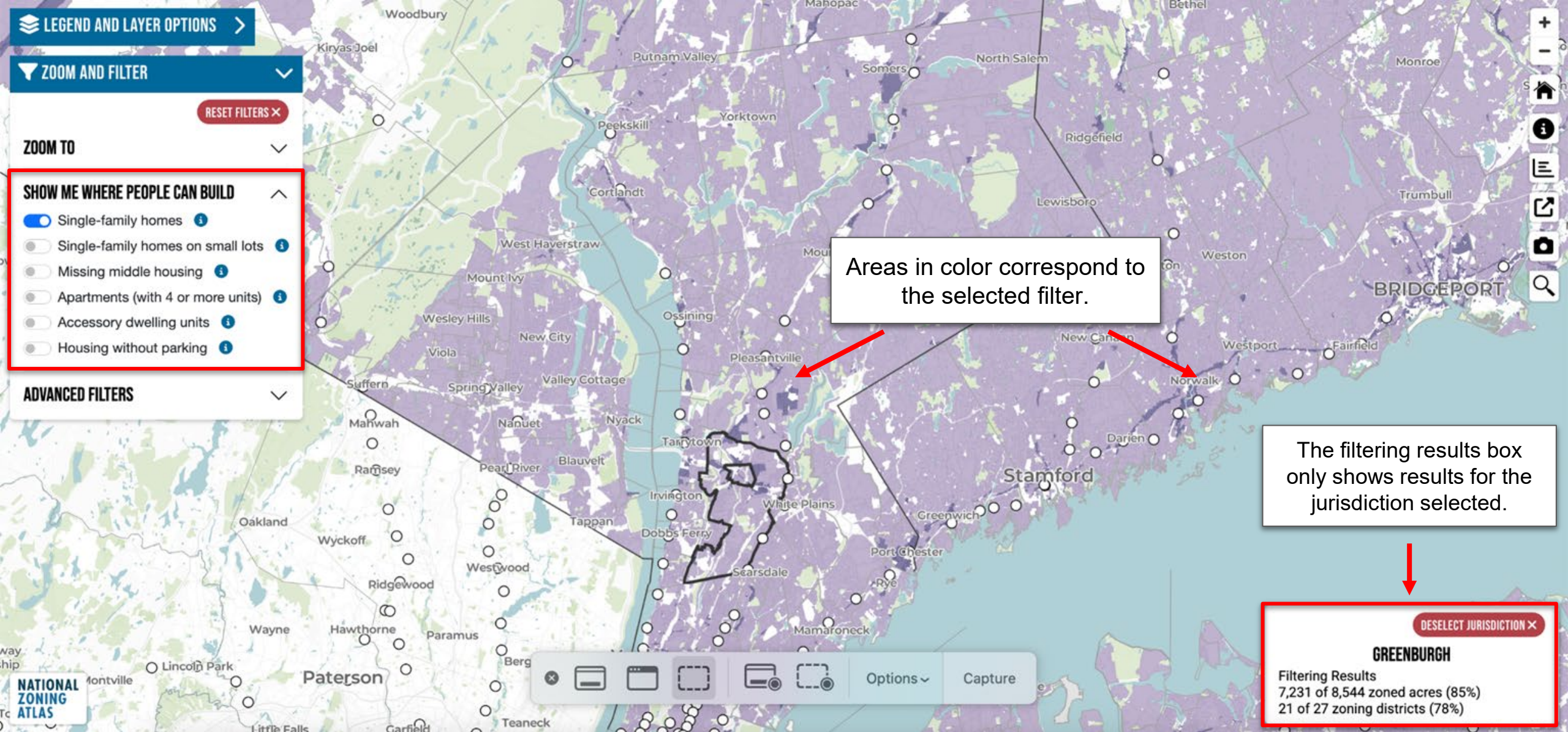
4. Decoding Zoning in Westchester County



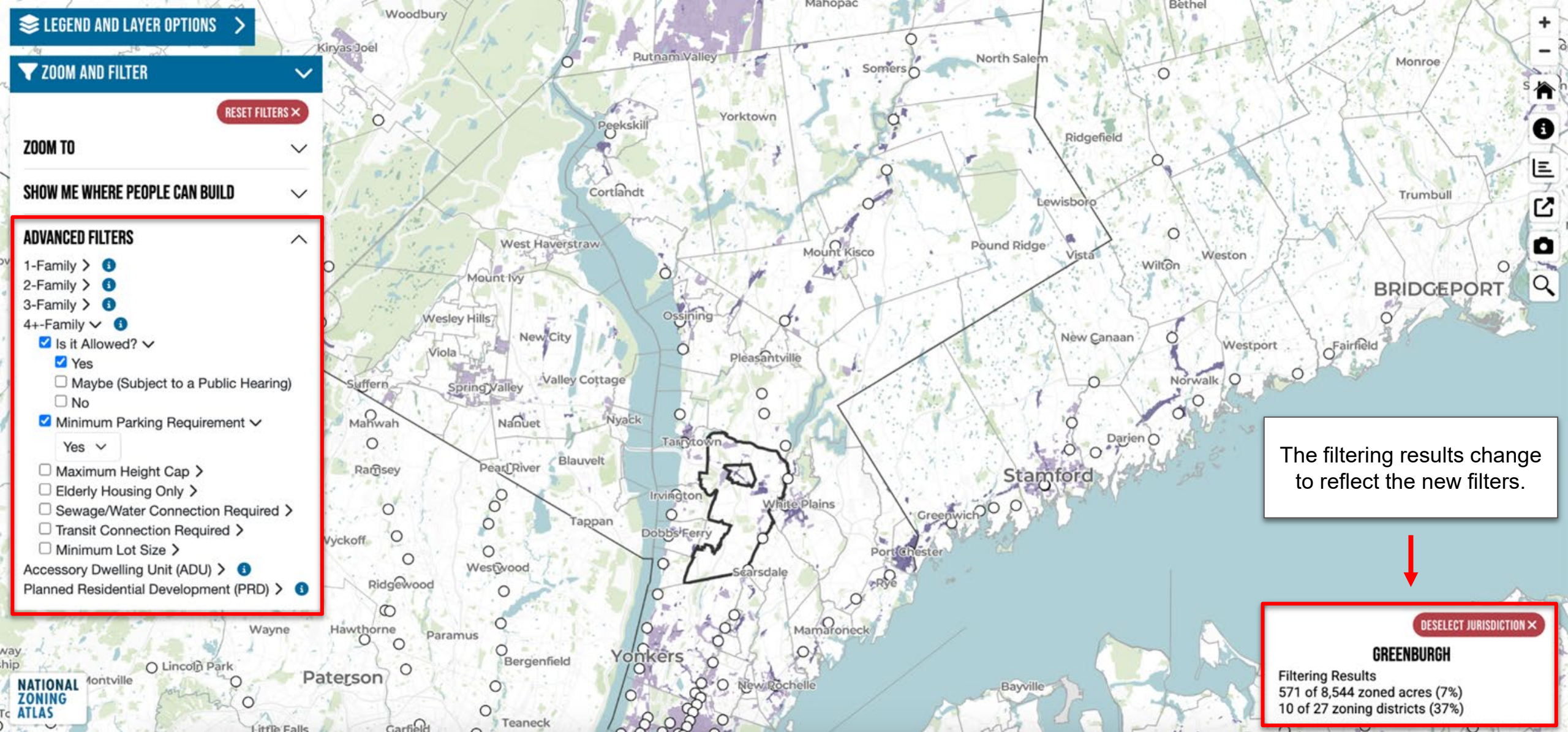
→ Use the **Zoom To** filters to select a state and county. The map will zoom to that area.



→ At this scale the legend updates to show **Zoning District Type**, where medium purple areas are Primarily Residential, dark purple areas are Mixed with Residential, and tan areas are Nonresidential. (White areas are unzoned—these are typically rights-of-way, like roads.)



- Use the **Show Me Where People Can Build** toggles for quick filtering.
- The **Filtering Results Box** shows the % of zoned acres and districts satisfying selected filters.



→ Use **Advanced Filters** for detailed options like whether residential zones require public hearings, allow accessory units, are part of a Planned Residential Development, or have minimum lot sizes.

CARDS OF ZONING DISTRICTS IN SELECTED AREA FOR CHOSEN JURISDICTION

Showing 10 out of 27 zoning districts in Greenburgh

The districts that appear in the grid meet the criteria of the filters selected on the map.

CB, CLOSE BUSINESS

Mixed with Residential
13 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

HC, HARTSDALE CENTER

Mixed with Residential
8 acres; 100% match your filters

1-Family: Prohibited
2-Family: Prohibited
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

M-10, MULTIFAMILY RESIDENCE

Primarily Residential
106 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

M-14, MULTIFAMILY RESIDENTIAL

Primarily Residential
176 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

M-174, HIGH-RISE MULTIFAMILY RESIDENCE

Primarily Residential
17 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

M-22, MULTIFAMILY RESIDENCE

Primarily Residential
3 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

M-25, HIGH-RISE MULTIFAMILY RESIDENCE

Primarily Residential
17 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

M-6, MULTIFAMILY RESIDENCE

Primarily Residential
122 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

PH, SCATTER-SITE PUBLIC HOUSING

Primarily Residential
13 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

UR, URBAN RENEWAL

Mixed with Residential
100 acres; 100% match your filters

1-Family: Allowed/Conditional
2-Family: Allowed/Conditional
3-Family: Allowed/Conditional
4+ Family: Allowed/Conditional
ADU: Not Mentioned

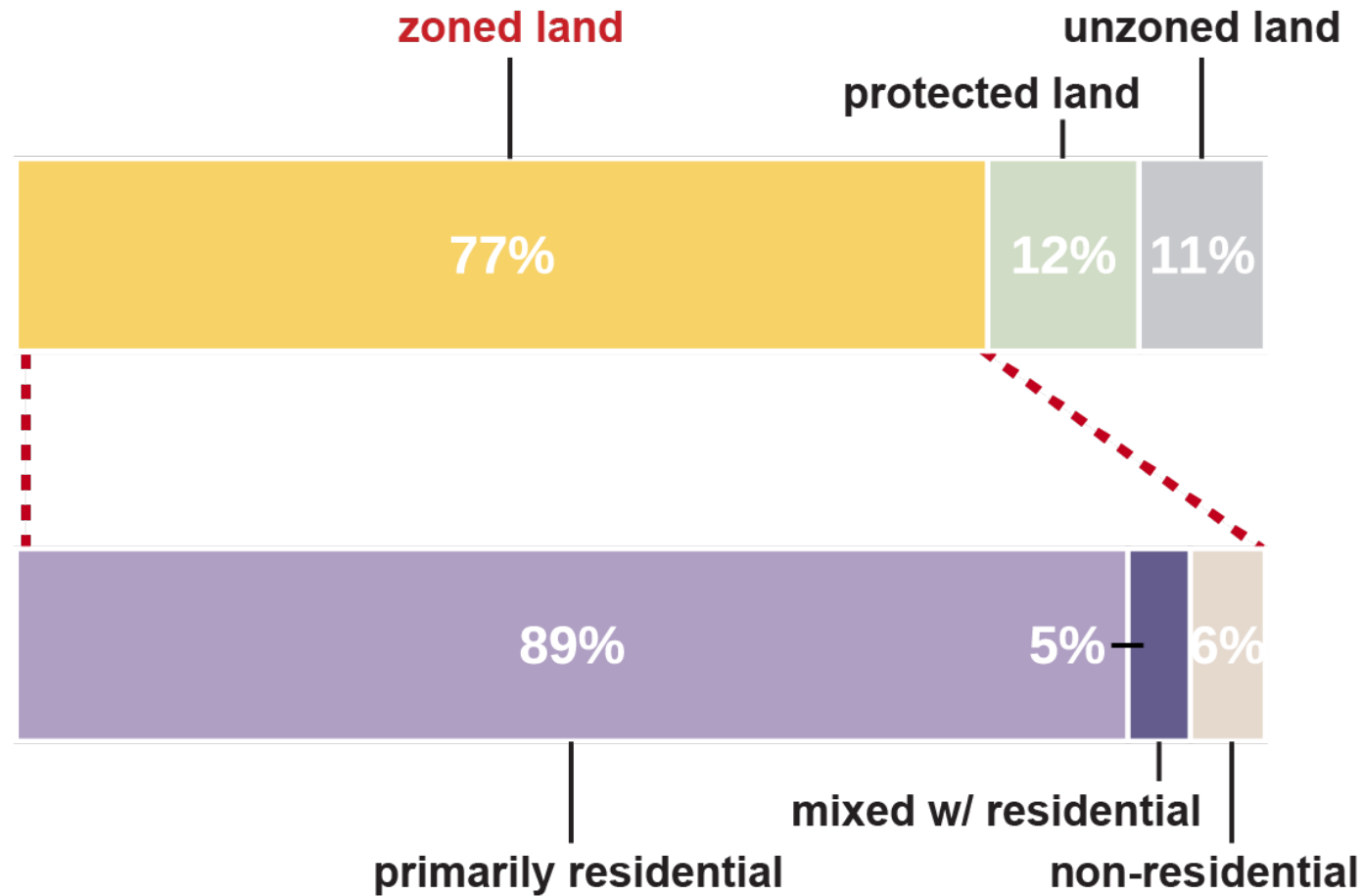
[SHOW MORE DETAILS](#)
[ZOOM TO DISTRICT](#)

- Scroll below the map to see a grid of “cards” for each of the districts represented on the map.
- Click **Show More Details** for a detailed summary of the district’s use, lot, and structure characteristics.

How Does all of Westchester Zone?

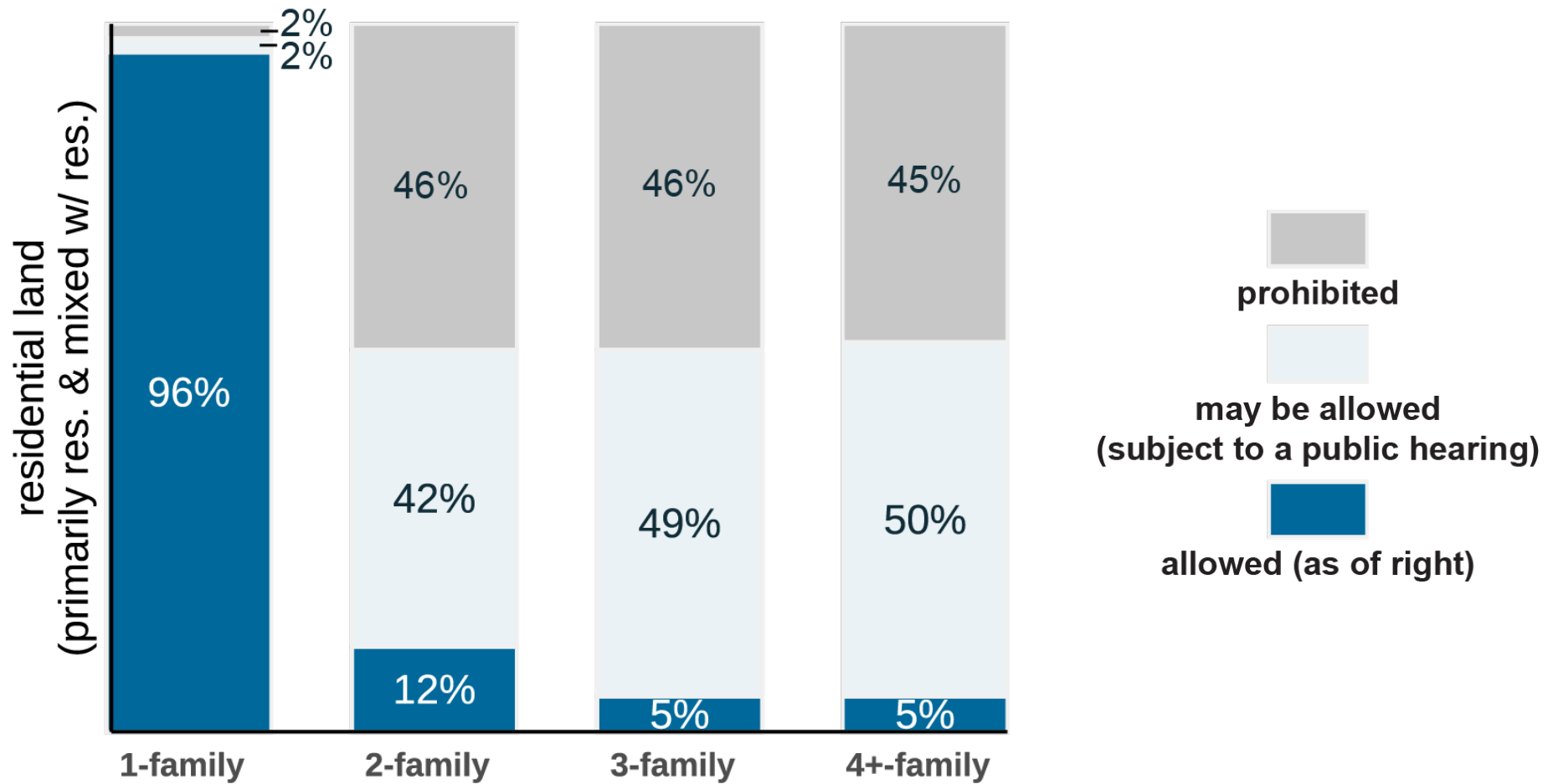
Online and here, we have a “Zoning Snapshot” that illuminates key characteristics.

Land & Zoning Categories

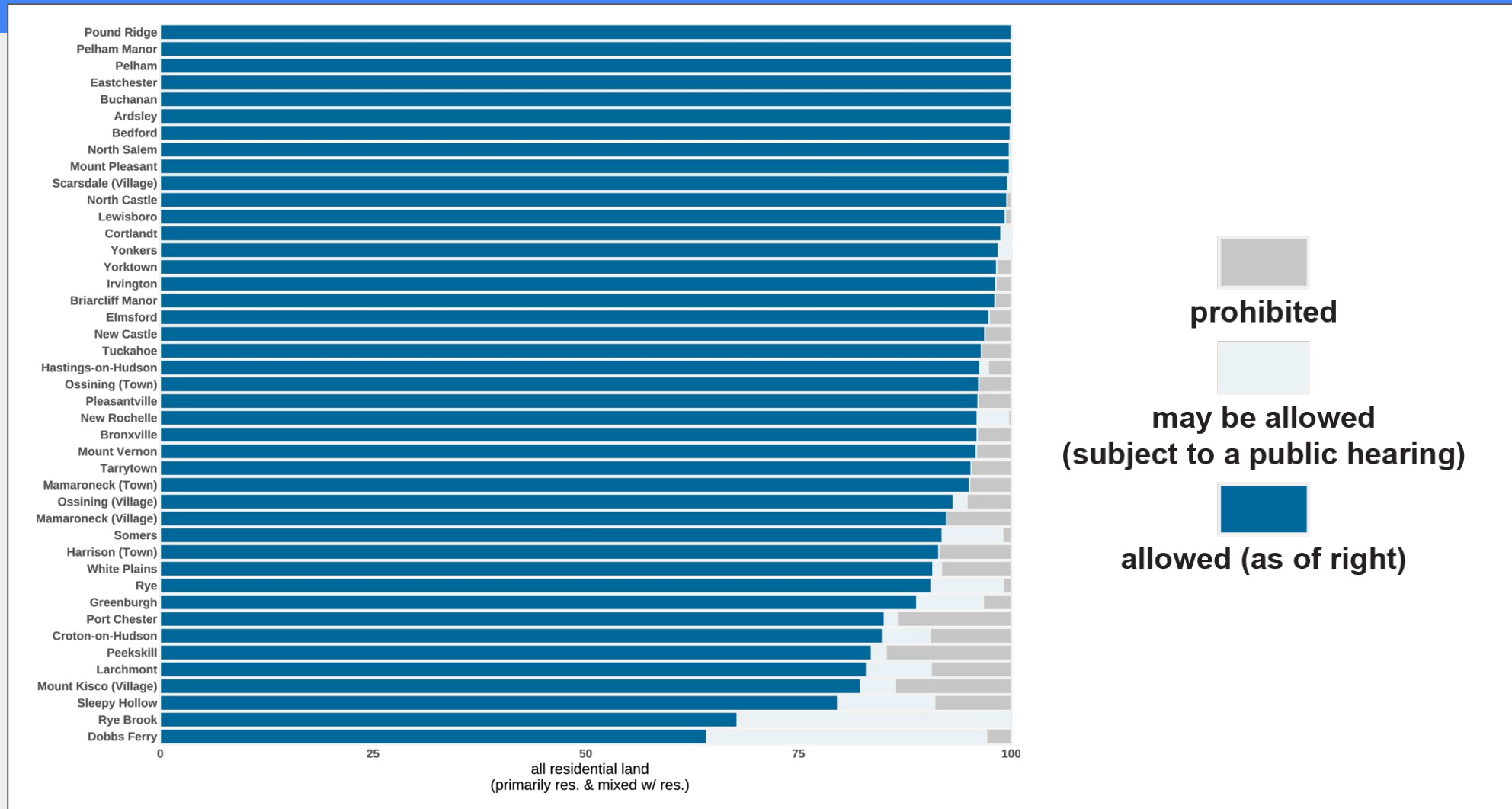


as of

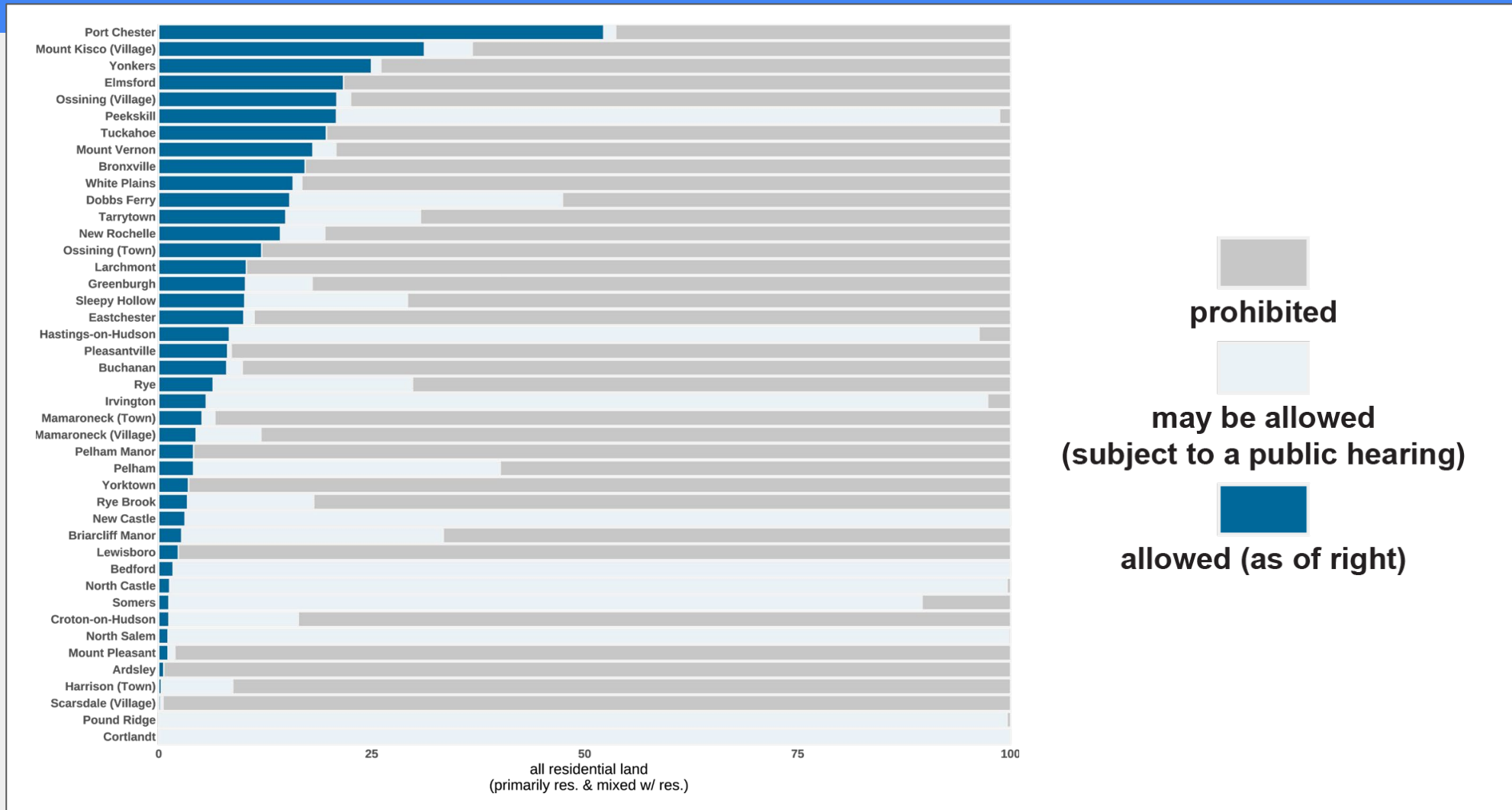
Unit Allowances



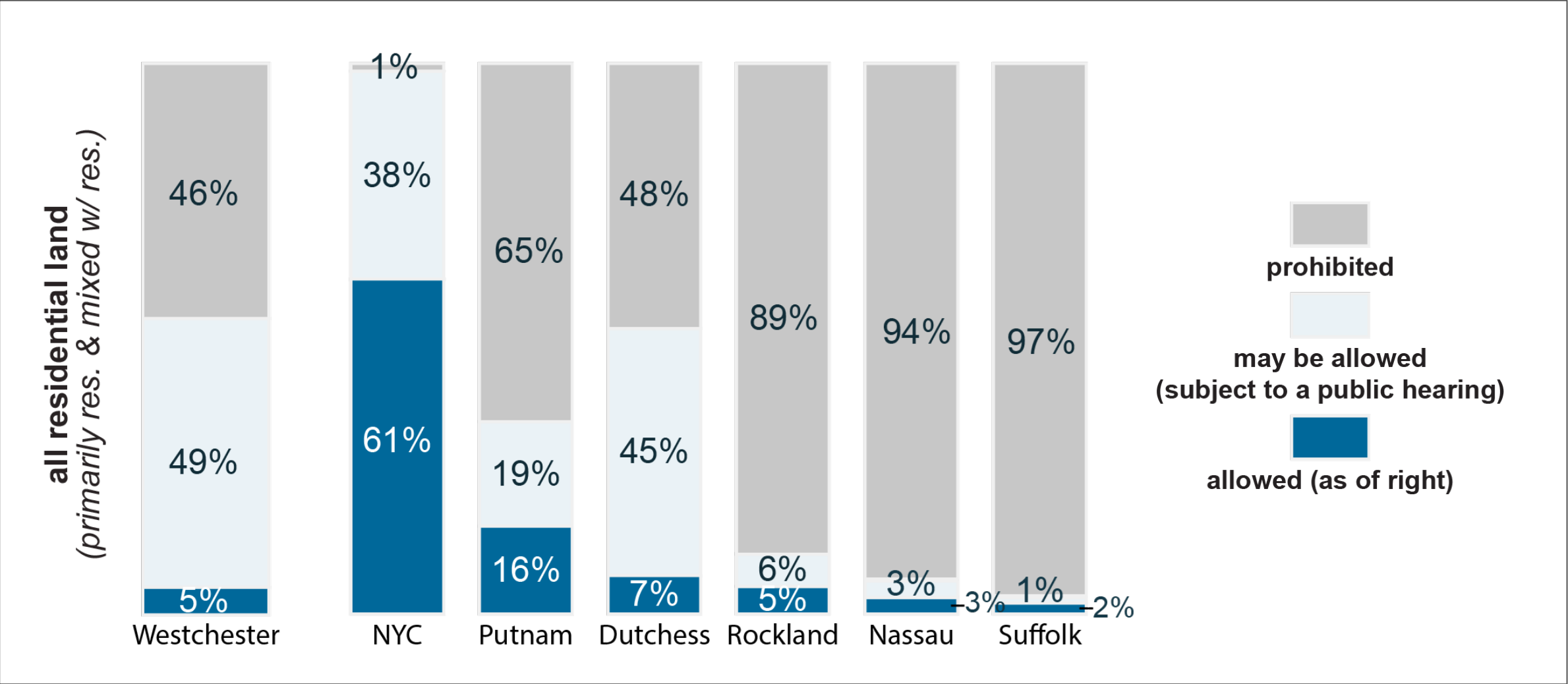
1-Family Unit Allowances



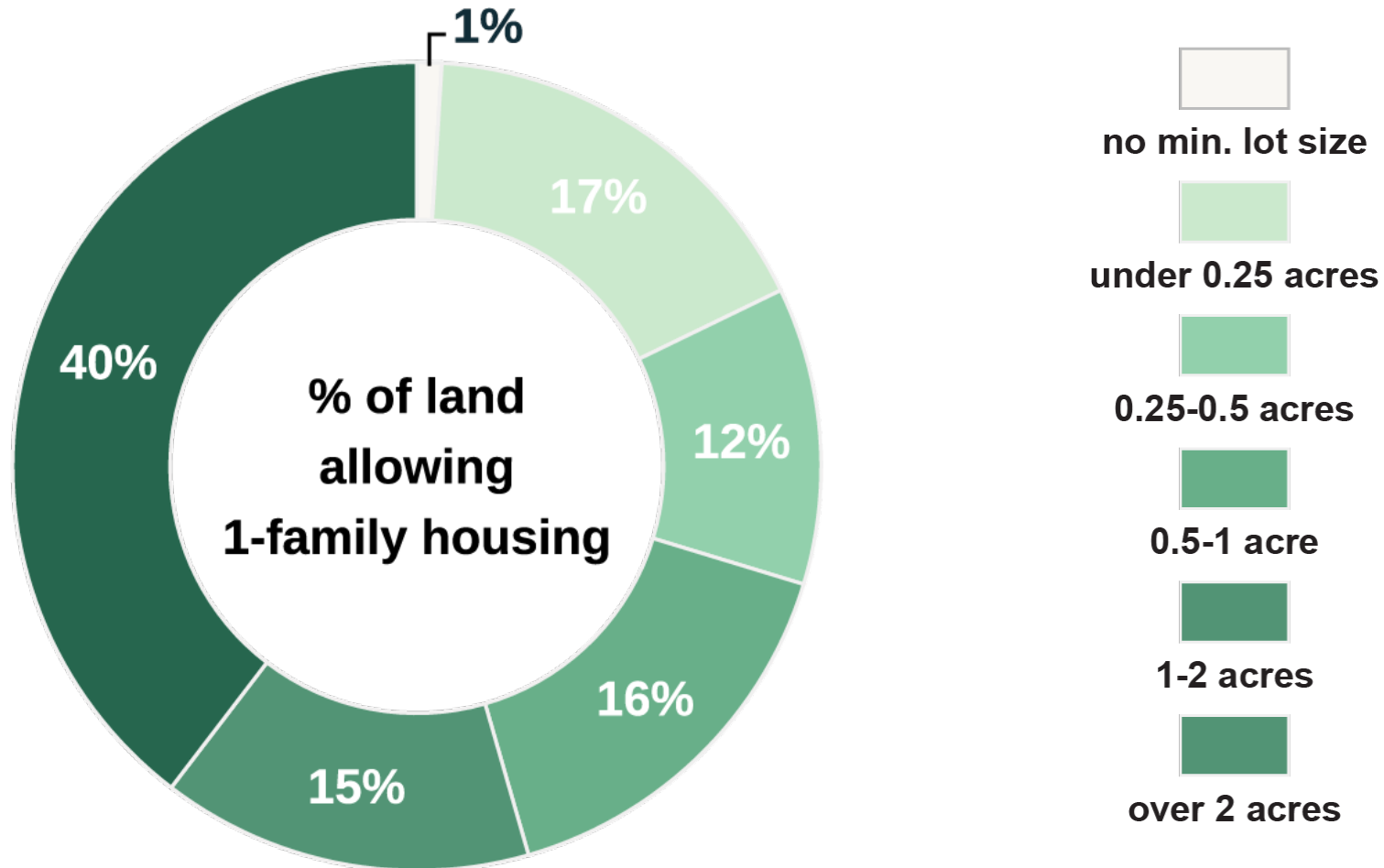
4+-Family Unit Allowances



Regional 4-Fam Unit Allowances

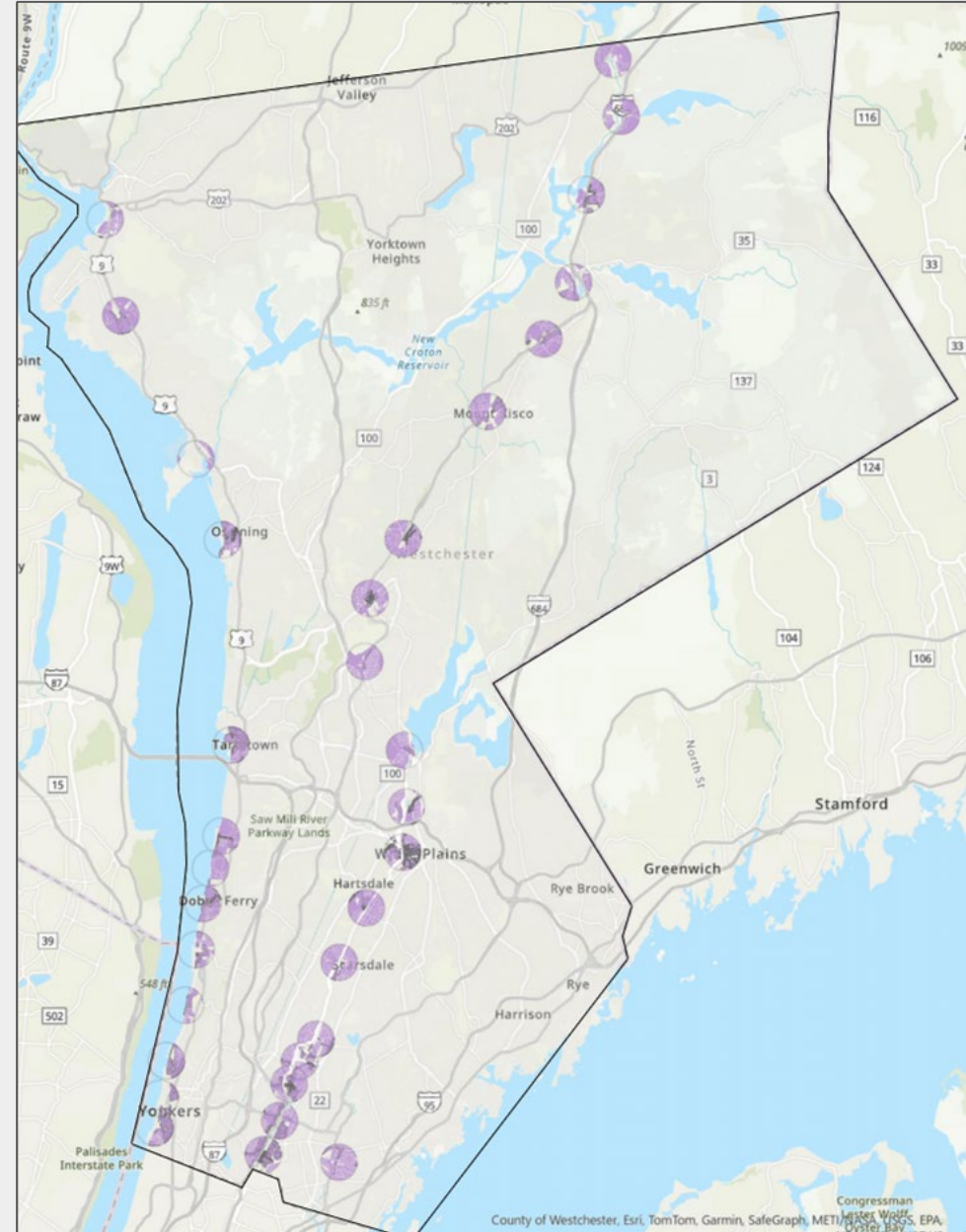


Minimum Lot Sizes

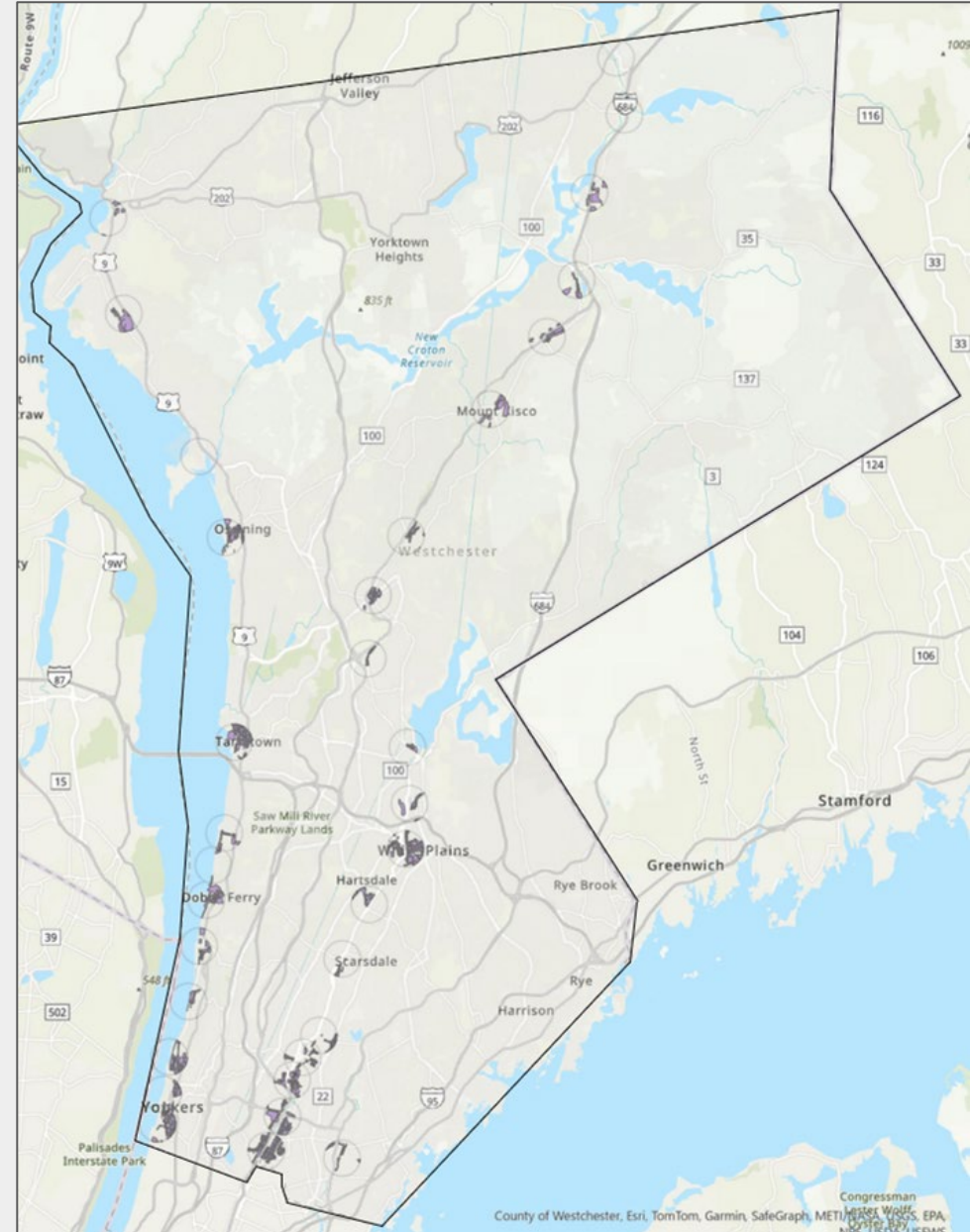


as of

1-Family Zoning in Proximity to Transit Stations



4+-Family Zoning in Proximity to Transit Stations



Create A Zoning Snapshot

zoningatlas.org/snapshots

A Zoning Snapshot is a visual, statistical summary of any jurisdiction, county, or metro/micropolitan area published to the NZA.

JURISDICTION

(filter by state, optional) ▼

(select a jurisdiction) ▼

COUNTY

(filter by state, optional) ▼

(select a county) ▼

westchester

Westchester County, New York

METRO/MICROPOLITAN AREA

(select a metro/micropolitan area) ▼

WESTCHESTER COUNTY, NY

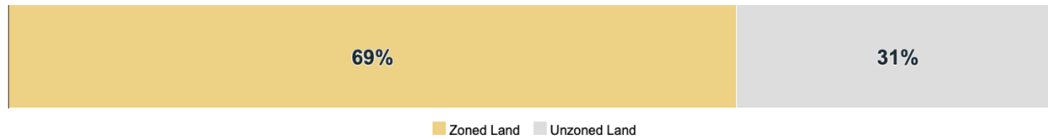
Population — 995,525 Land Area — 304,427 acres

COUNTY ZONING SNAPSHOT

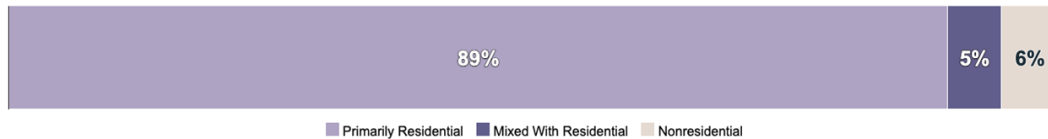
ZONING CODES OVERVIEW

43 Jurisdictions Analyzed **43** out of 43 Jurisdictions Have Zoning **7,430** Pages of Zoning Text Analyzed **909** Total Districts Mapped

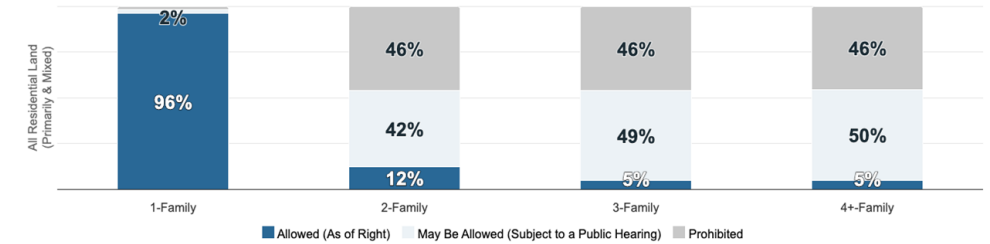
LAND CATEGORIES



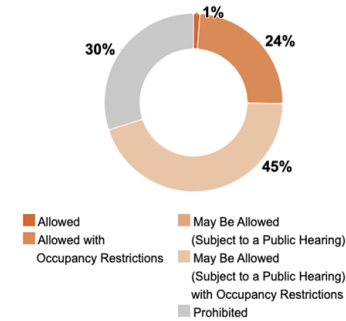
ZONING CATEGORIES



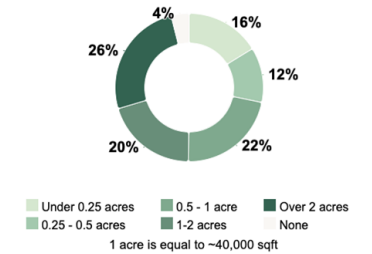
HOUSING UNITS ALLOWED



ACCESSORY DWELLING UNITS PERCENT OF LAND ALLOWING 1-FAMILY HOUSING



1-FAMILY MINIMUM LOT SIZES PERCENT OF LAND ALLOWING 1-FAMILY HOUSING



SPECIAL PROVISIONS



Of Residential Land Has a Minimum Parking Requirement

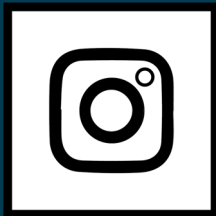
Use the NZA & Share What you Find!



zoningatlas.org



info@zoningatlas.org



[@zoningatlas](https://www.instagram.com/zoningatlas)



Questions

ZONING FOR HOUSING

PANELISTS

Devon Chodzin, *Project Manager, National Zoning Atlas*

Jessica A. Bacher, Esq., *Executive Director, Land Use Law Center*

Joseph Liberti, *Founder and Director, Original Civic Research & Action, Mamaroneck High School*

Anna Blanco, *Original Civic Research & Action (OCRA), Mamaroneck High School*

Alex Gross, *Original Civic Research & Action (OCRA), Mamaroneck High School*

Hannah Hehler, *Original Civic Research & Action (OCRA), Mamaroneck High School*

Tyler Prozes, *Original Civic Research & Action (OCRA), Mamaroneck High School*

Moderator: **Peter Feroe, AICP**, *Vice President, Planning and Land Development, AKRF*

Q&A



ALIGNING COMMUNITY GOALS: HOUSING SUSTAINABILITY AND CONSERVATION

PANELISTS

Maulin Mehta, AICP, *New York Director, Regional Plan Association*

Andrew Germansky, *Senior Vice President of Real Estate, Westhab, Inc*

Samantha Pearce, *VP of Sustainability, Office of Housing Preservation, New York State Homes & Community Renewal*

Rebecca G. Crimmins, *Senior Vice President of Real Estate and Development, Institute for Community Living and Co-Convener, Hudson Valley Alliance of Housing and Conservation*

Tiffany B. Zezula, Esq., *Deputy Director, Land Use Law Center*



Averting Crisis

Zoning to Create Resilient Homes for All

Cornell AAP
Legal Constructs Lab

 **Cornell
Atkinson**
Center for
Sustainability

**NEW YORK
ZONING
ATLAS**

May 15, 2025

Hudson Valley Affordable Housing Summit

Maulin Mehta, New York Director

Zoning Capacity Represents 84% of Future Housing Needs

The practical zoned capacity under current regulations is about 94,800 DUs, **approximately 84% of the total housing that will be needed** by year 2040 in Westchester County.

Practical zoning development capacity needs to increase by a factor of 1.2 in order to accommodate current and prospect needs, including those related to flooding (deficit ratio).

Subregion	County	Incremental Needs by 2040 (DUs)	Zoning Capacity (DUs)	Net Deficit (DUs)	Deficit Ratio
Long Island	Nassau	138,159	57,969	-80,190	2.4
	Suffolk	118,684	44,283	-74,401	2.7
Hudson Valley	Westchester	112,712	94,811	-17,901	1.2
New York City	Kings	277,074	100,687	-176,386	2.8
	Queens	243,324	82,447	-160,877	3.0
	New York	176,406	89,900	-86,506	2.0
	Bronx	172,242	97,269	-74,973	1.8
	Richmond	26,184	16,273	-9,911	1.6
Total		1,264,784	583,638	-681,146	2.2

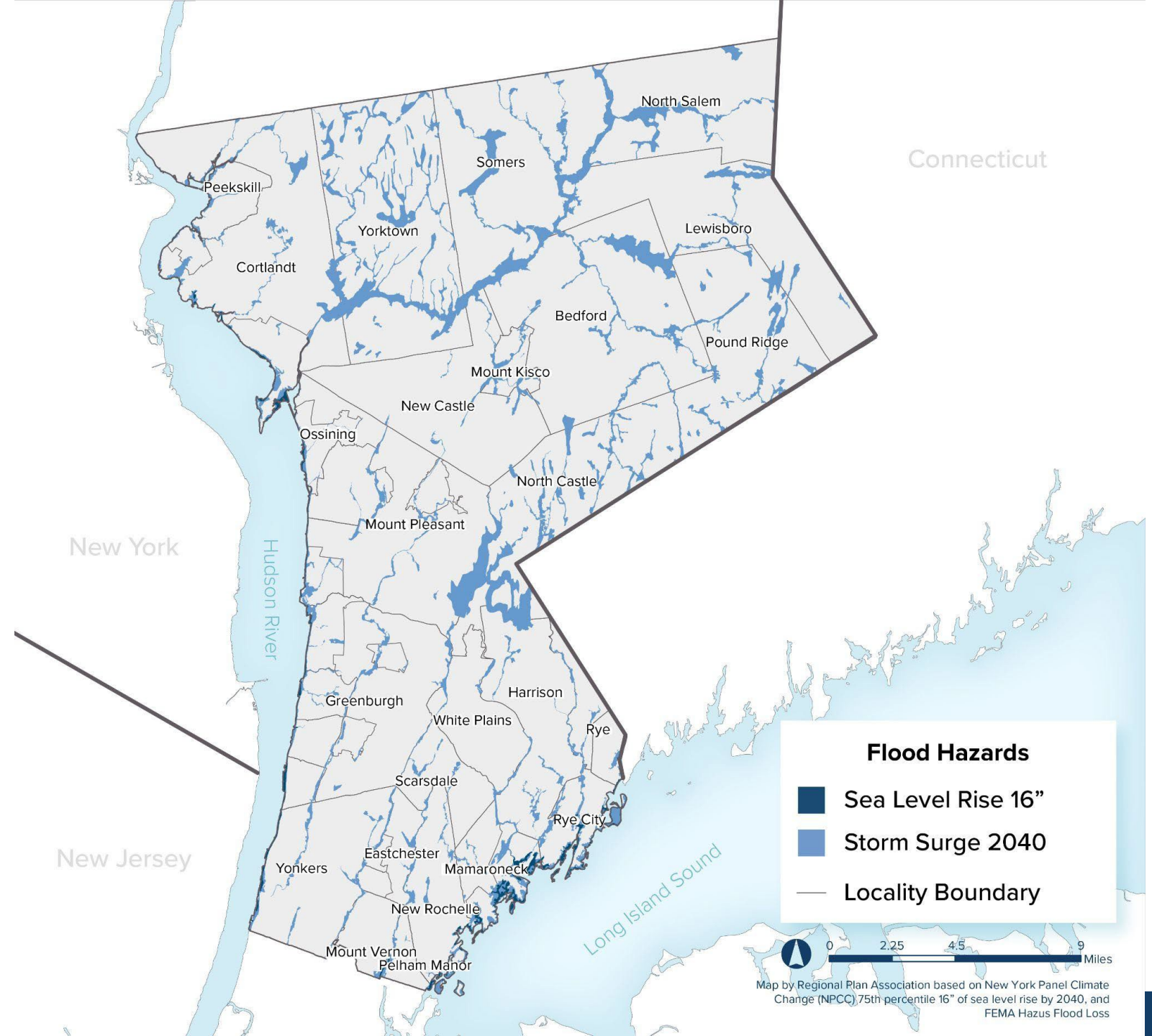
The analysis considers the incremental housing stock unlocked by the adopted reforms from “City of Yes Housing Opportunity.” Regional Plan Association based on National Zoning Atlas (Long Island and Westchester), New York City Department of City Planning (MapPluto 2023), City of Yes Final Environmental Assessment Statement (CEQR # 24DCP033Y), 2020 Decennial Census, American Communities Survey Table DP04 2023 1-Year, New York Panel Climate Change (NPCC), FEMA Hazus Flood Loss, Urban Footprint Base Canvas, and RPA Gateway and the Post-Covid Economy (2022).

Flood Risk

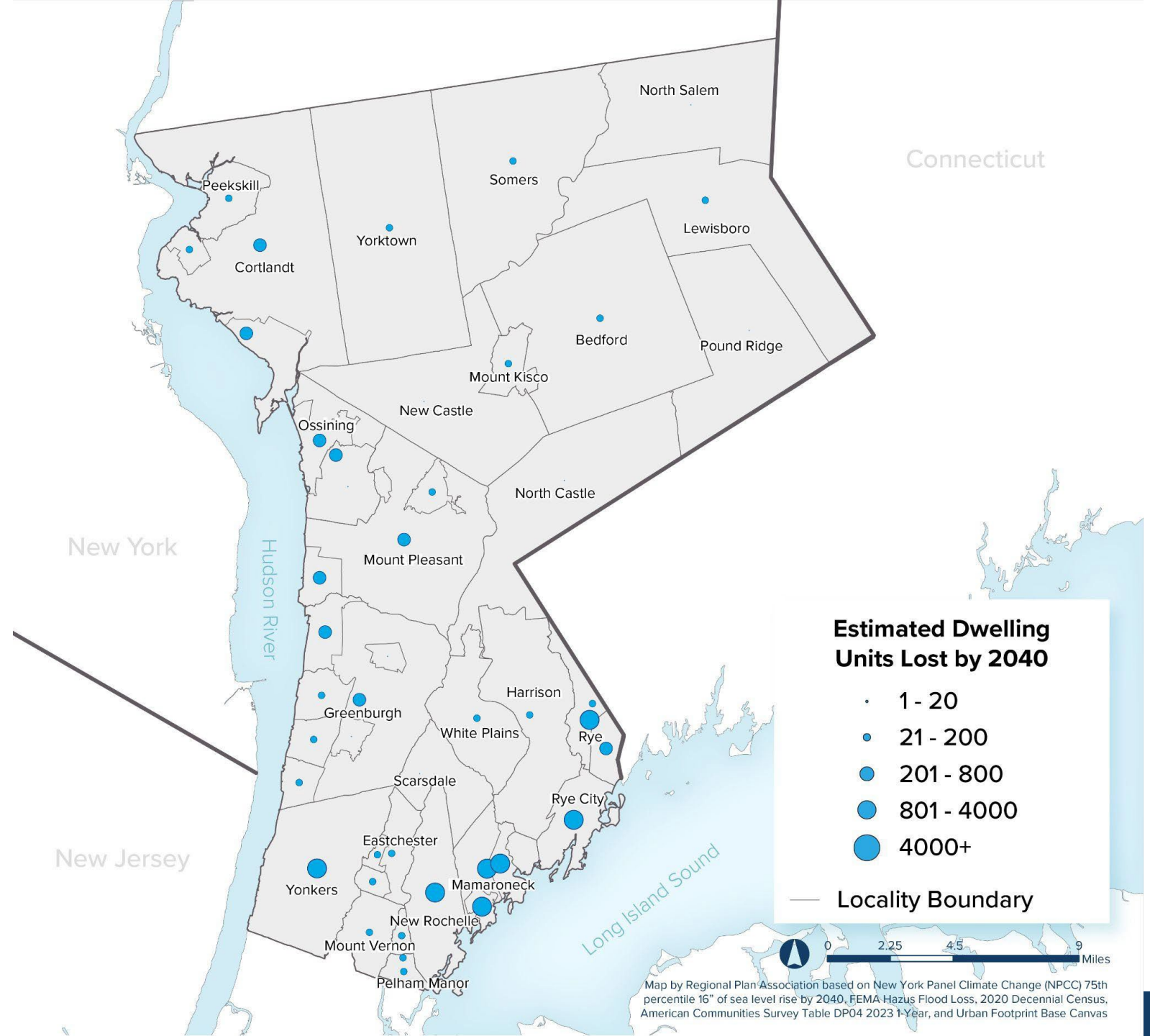
Flood Hazards by Year 2040

Sea-Level Rise and Storm-related flooding (coastal and riverine)

4.3% of residential land - 4,100 acres

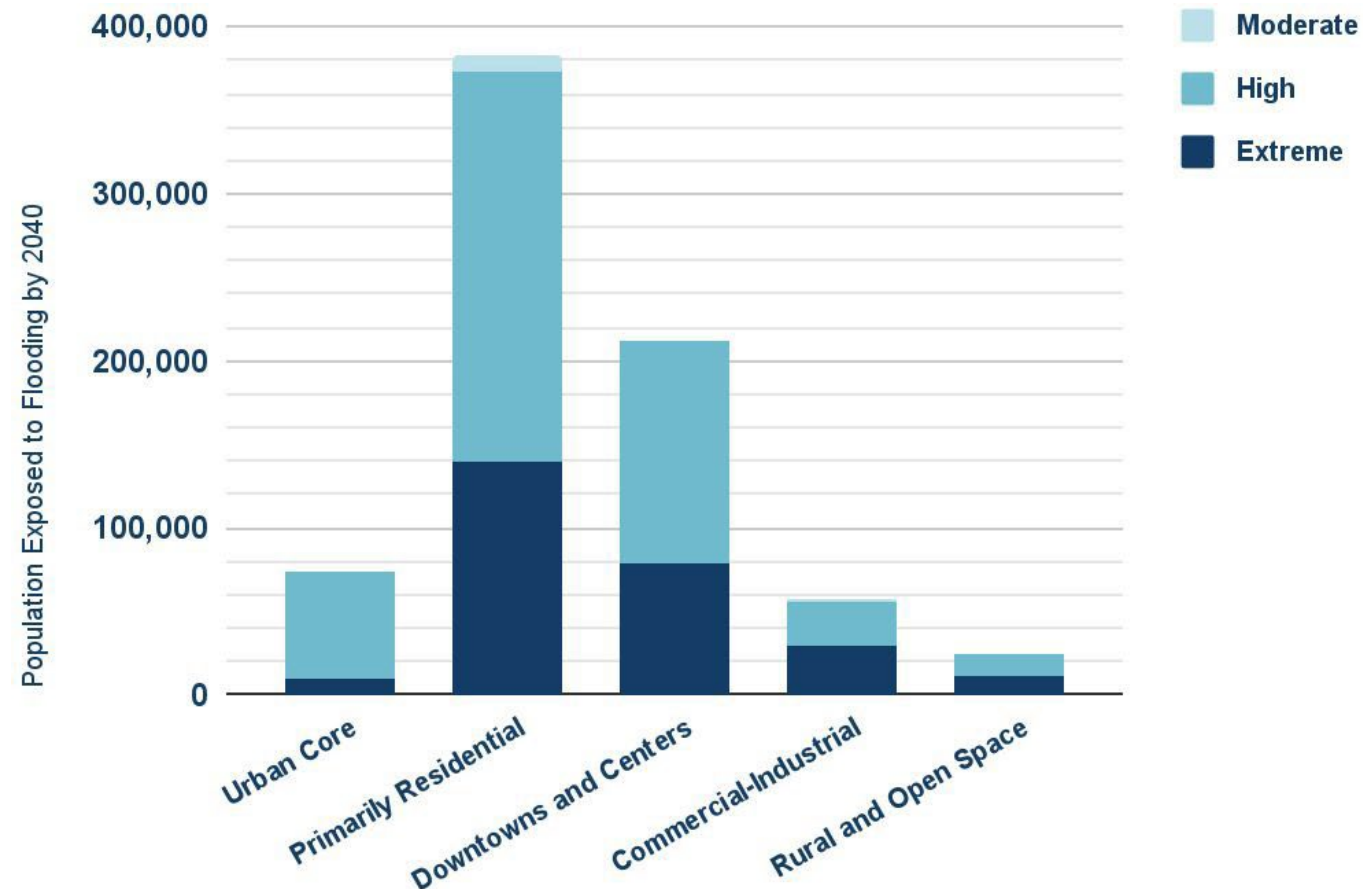


84% of localities
in Westchester
are at risk of
losing at least 20
units of housing
to flooding



750k People Exposed to Flooding by 2040

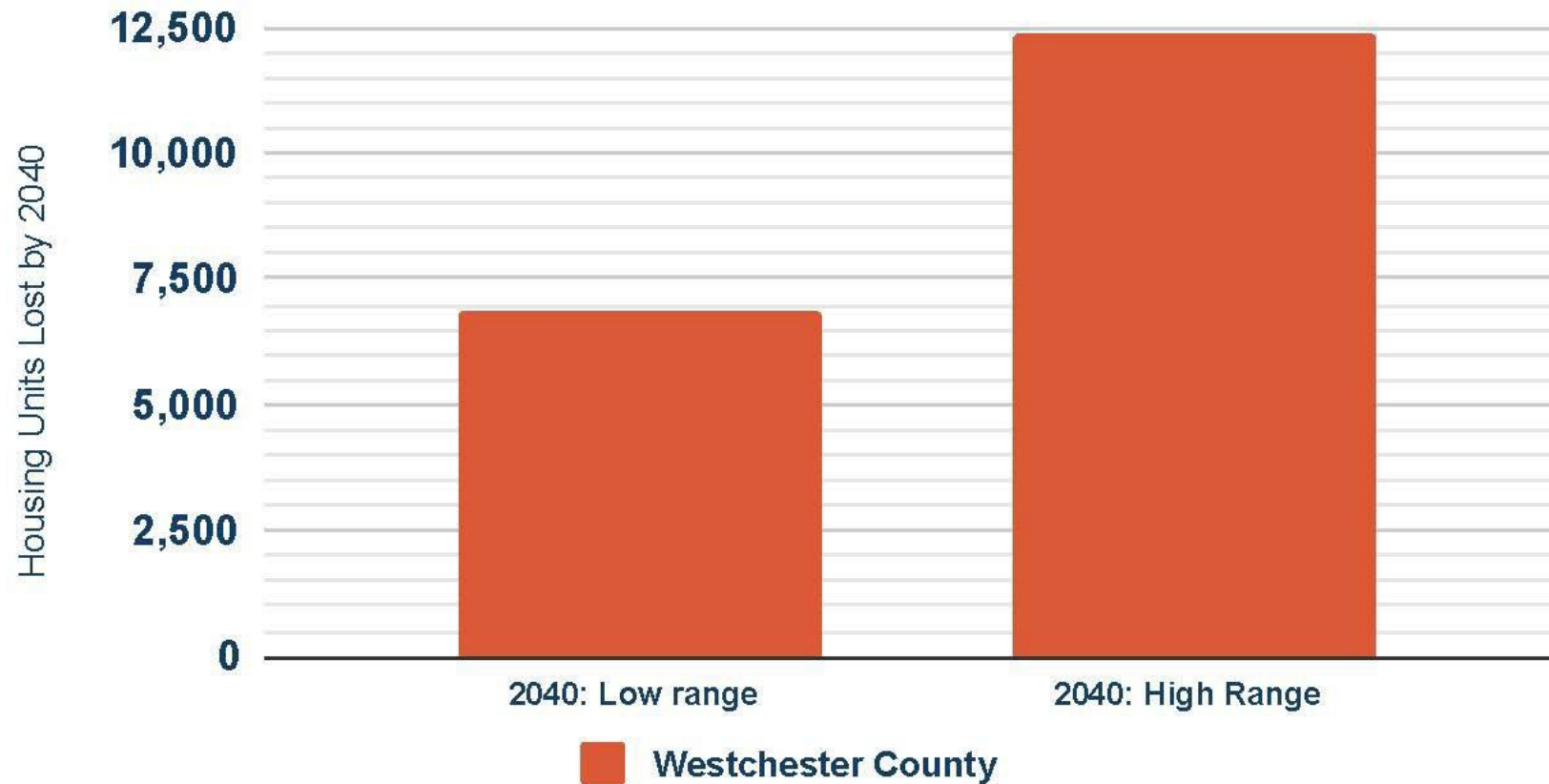
Population Exposed to Future Flooding by Land Use Typology



Degree of exposure based on the amount of surface area impacted by future flooding: (i) Extreme, more than 70%; (ii) High, between 50% and 70%; and (iii) Moderate, less than 50%. Analysis based on the New York Panel Climate Change (NPCC) and RPA "Gateway and Post Covid Economy" (scenario A).

Up to 12,400 units lost to flooding by 2040

Housing Flood Loss Estimates by Subregion in 2040



Estimates do not factor resiliency projects under consideration or with future completion dates. RPA analysis based on New York Panel Climate Change (NPCC), FEMA Hazus Flood Loss, 2020 Decennial Census, and American Communities Survey Table DP04 2023 1-Year

Housing Needs

112,700 New Housing Units Needed by 2040

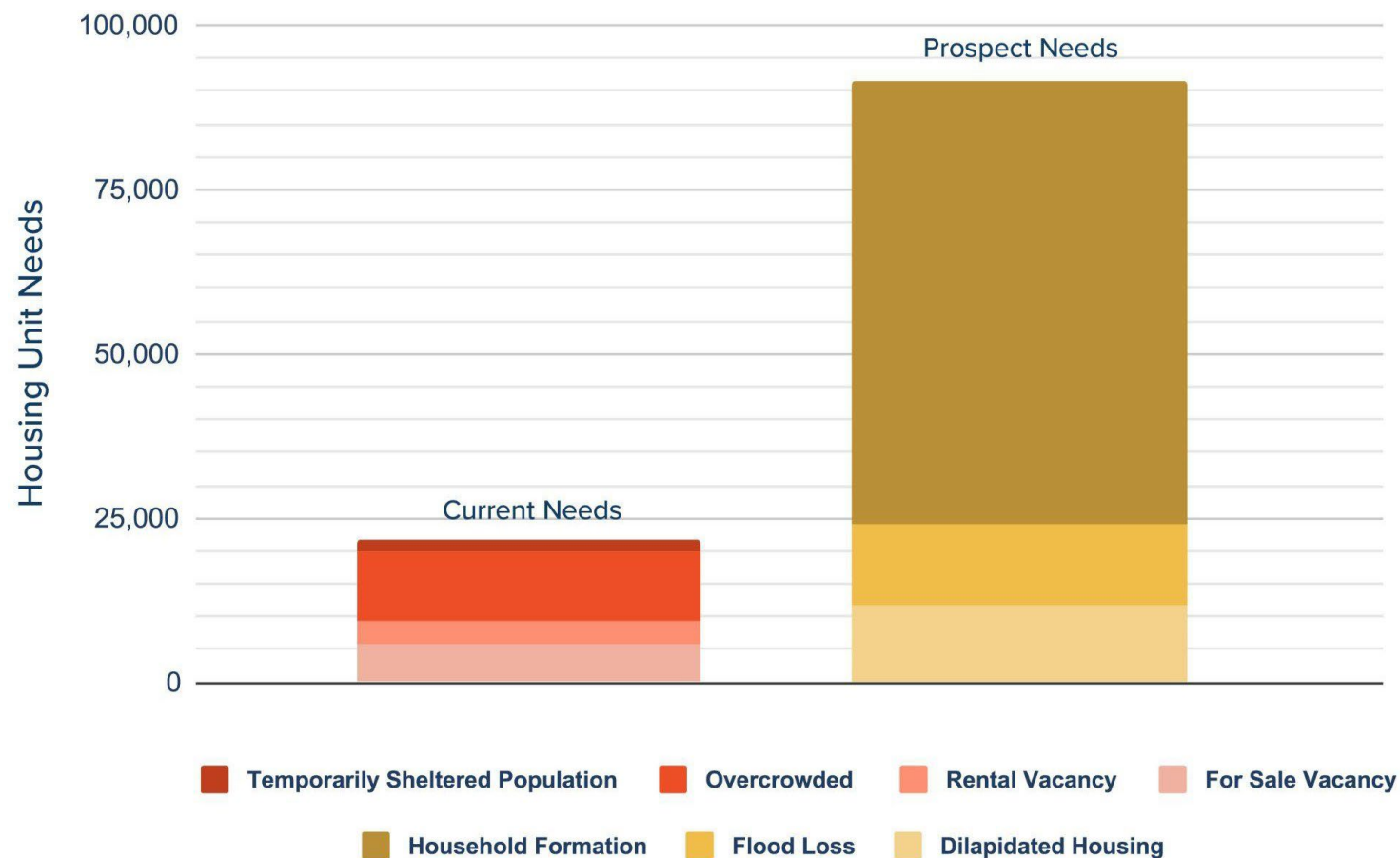
Housing Units: Existing 2023 vs Needed by 2040



RPA analysis based on 2020 Decennial Census, American Communities Survey Table DP04 2023 1-Year, New York Panel Climate Change (NPCC), FEMA Hazus Flood Loss, RPA Gateway and the Post-Covid Economy (2022), and McKinsey Co. Affordability Squeeze (2024).

Current and Prospective Needs

Current and Prospective Housing Units Needed by Category



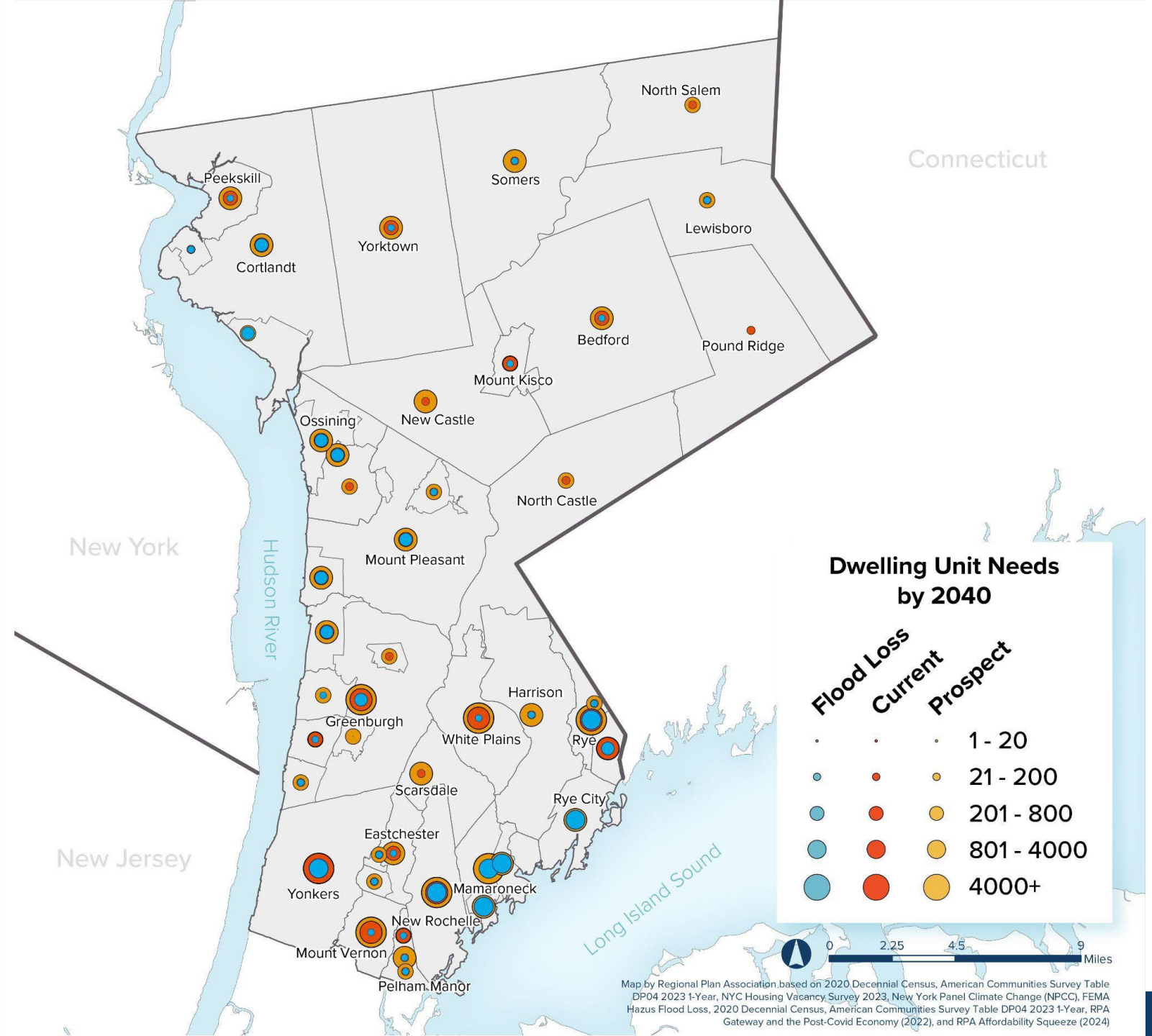
Total Needs (2040)

Current: 21.4k DUs (19%)

Prospect Flood: 12.4k DUs (11%)

Other Prospect: 78.9k DUs (70%)

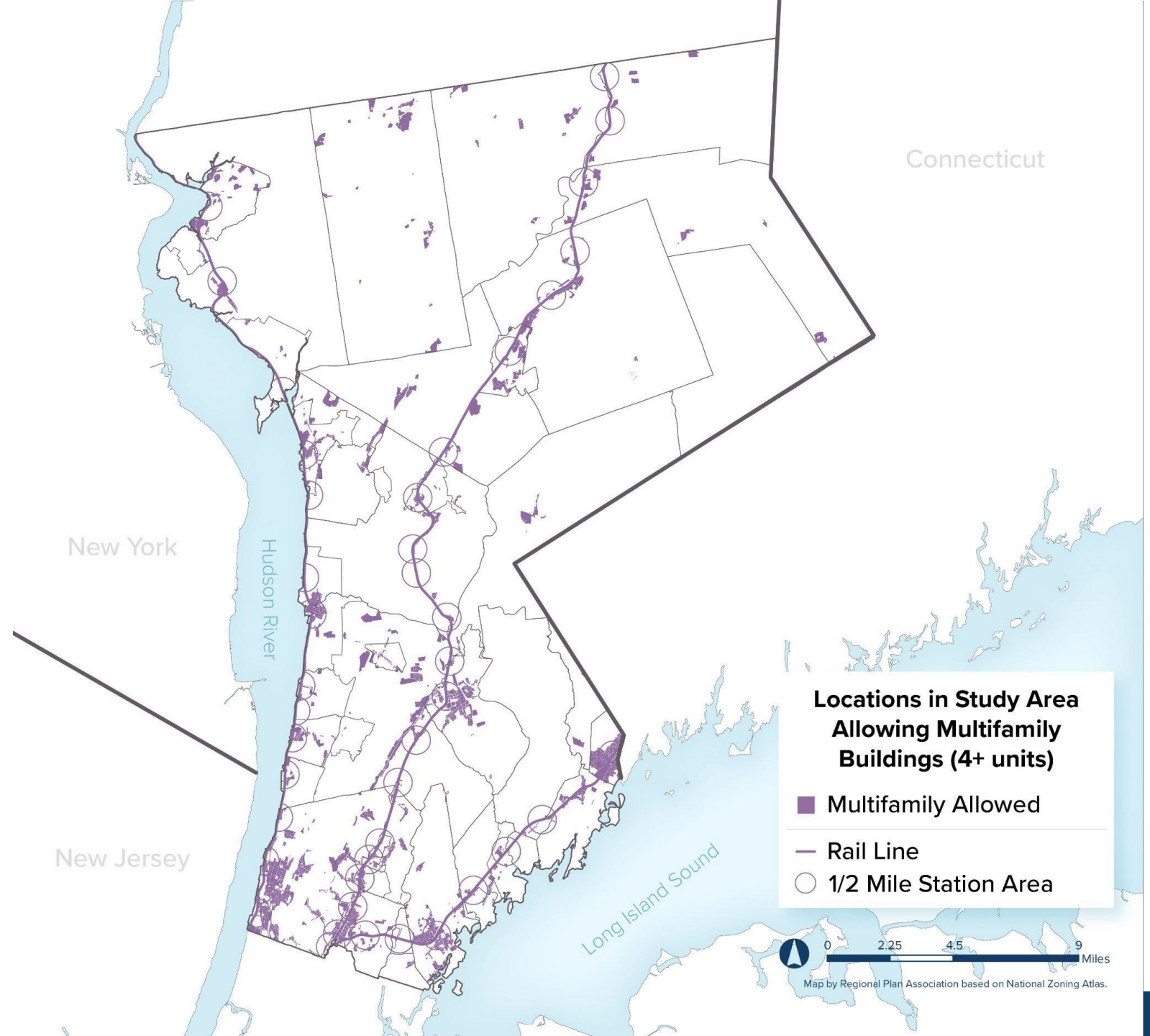
Total: 112,700 DUs



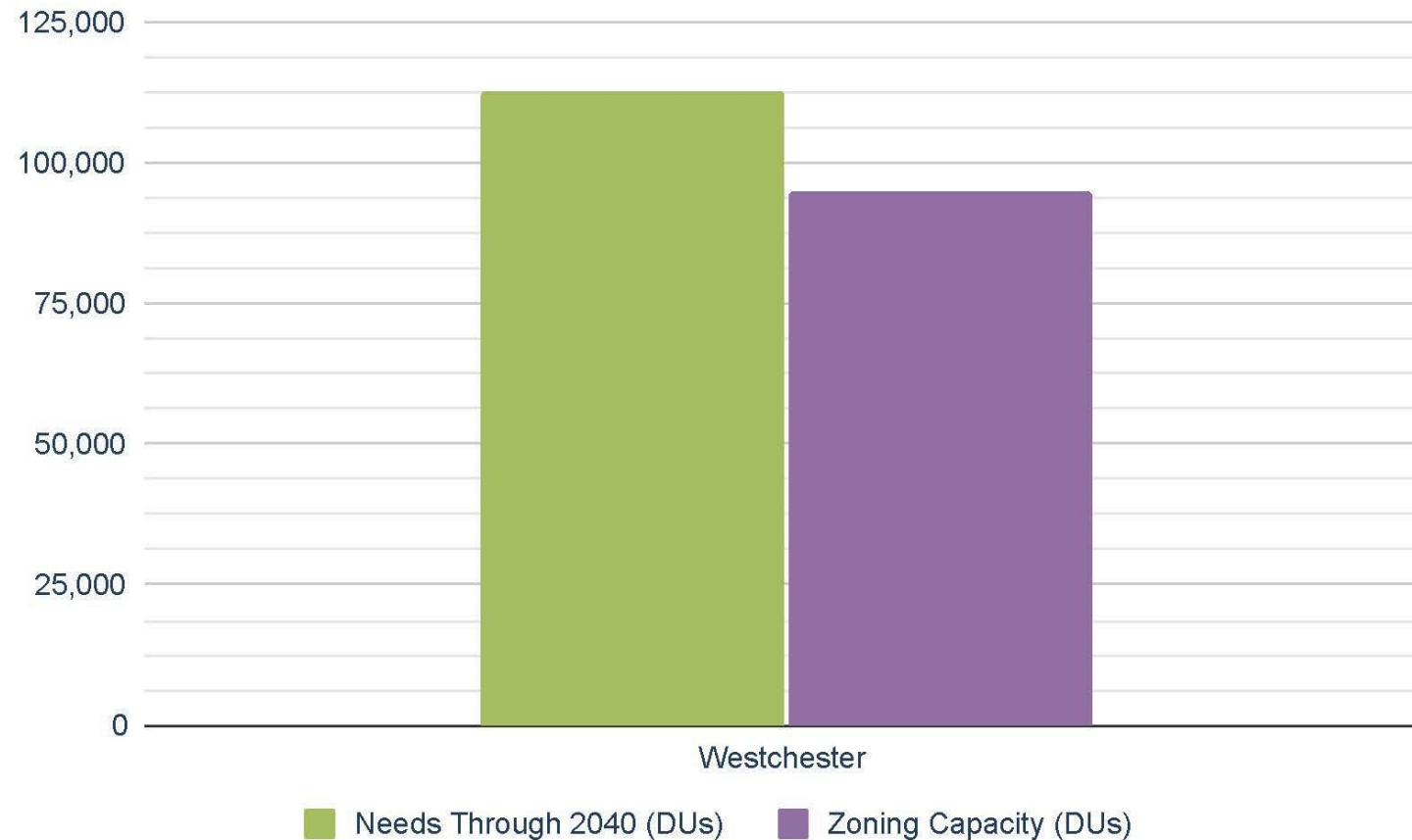
Zoning Capacity & Deficit

Zoning Districts Allowing 4+ Units

Only 45% percent of
residential zoning
districts allowing 4+ DUs
as-of-right

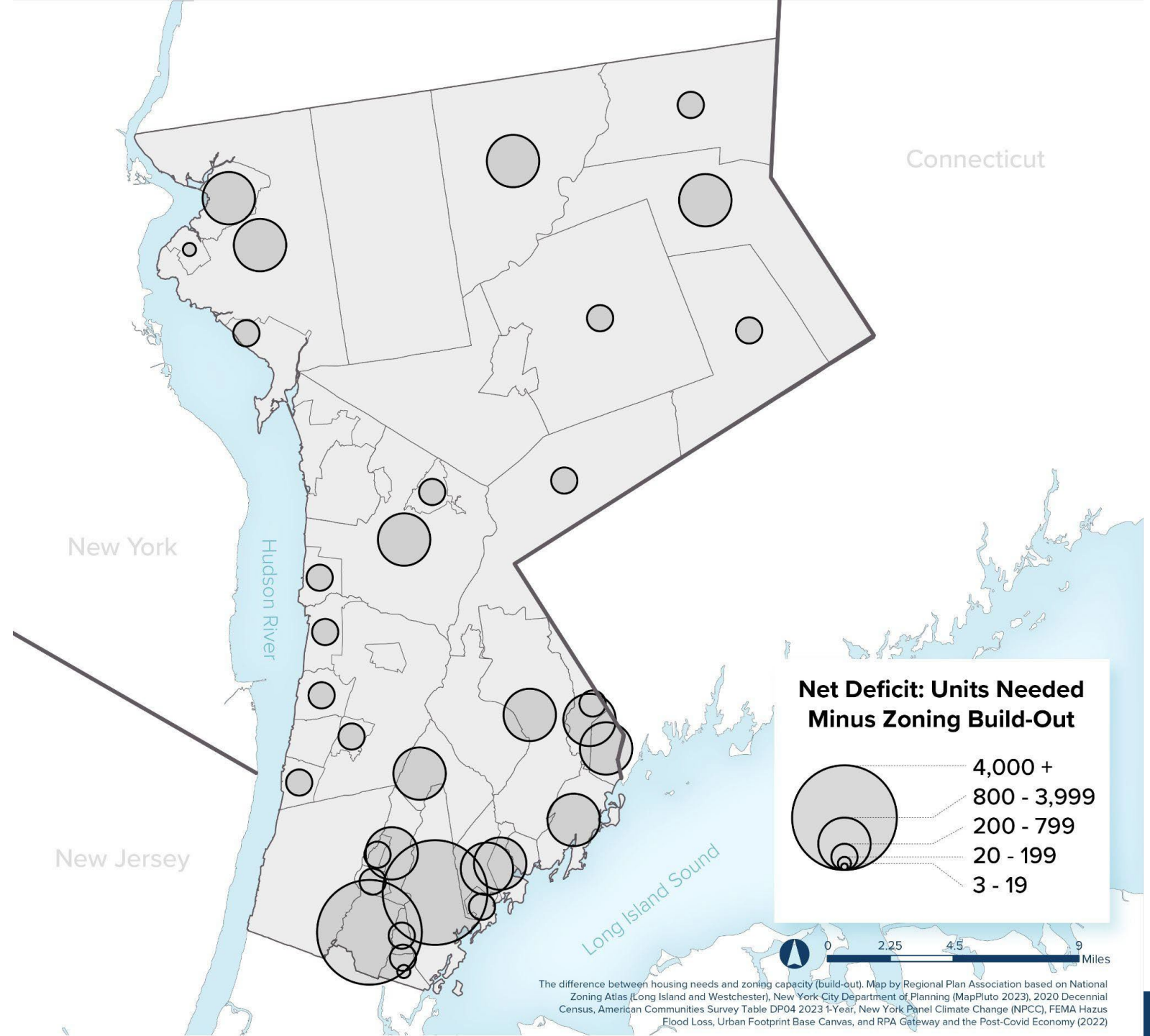


Deficit: Units Needed vs Zoning Capacity



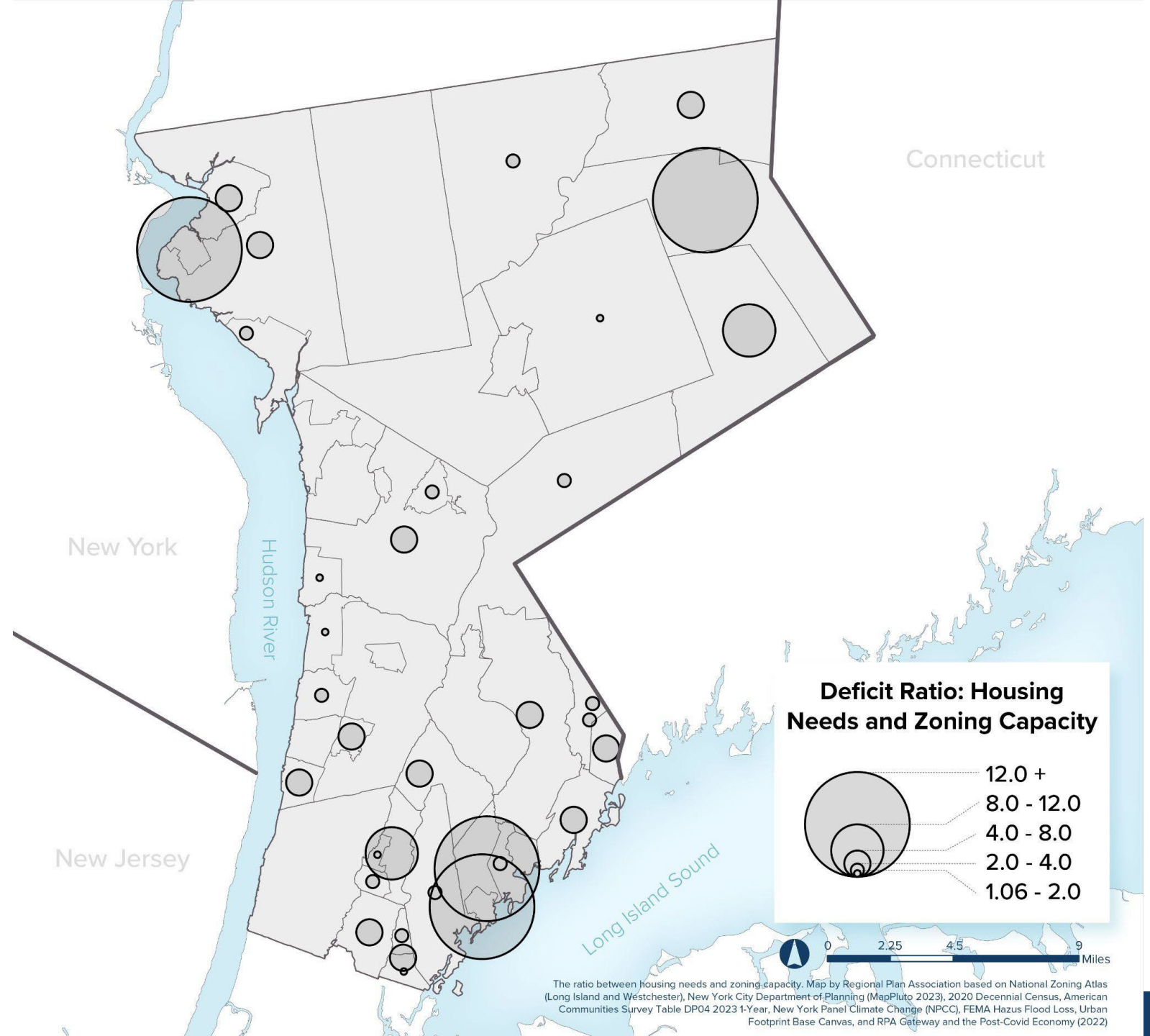
RPA analysis based on National Zoning Atlas (Long Island and Westchester), New York City Department of City Planning (MapPluto 2023), City of Yes Final Environmental Assessment Statement (CEQR # 24DCP033Y), 2020 Decennial Census, American Communities Survey Table DP04 2023 1-Year, New York Panel Climate Change (NPCC), FEMA Hazus Flood Loss, Urban Footprint Base Canvas, and RPA Gateway and the Post-Covid Economy (2022)

Housing needs - zoning build-out



Deficit Ratio 1.2

Housing needs divided by zoned capacity



Zoning Capacity Represents 84% of Future Housing Needs

Westchester's practical zoned capacity under current regulations is about 94,800 DUs, **approximately 84% of the total housing that will be needed** by year 2040.

Practical zoning development capacity needs to increase by a factor of 1.2 in order to accommodate current and prospect needs, including those related to flooding (deficit ratio).

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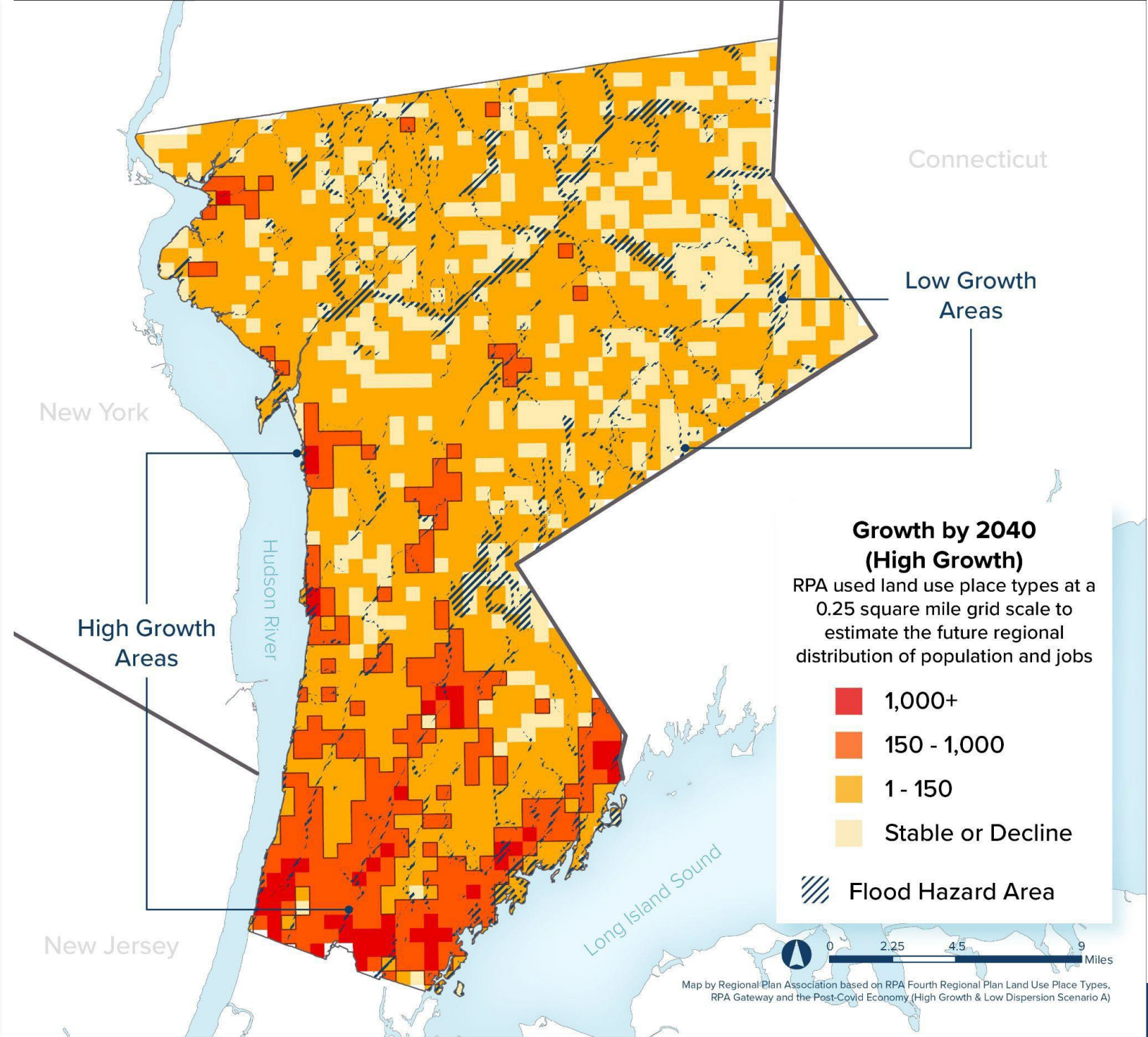
Recommendations

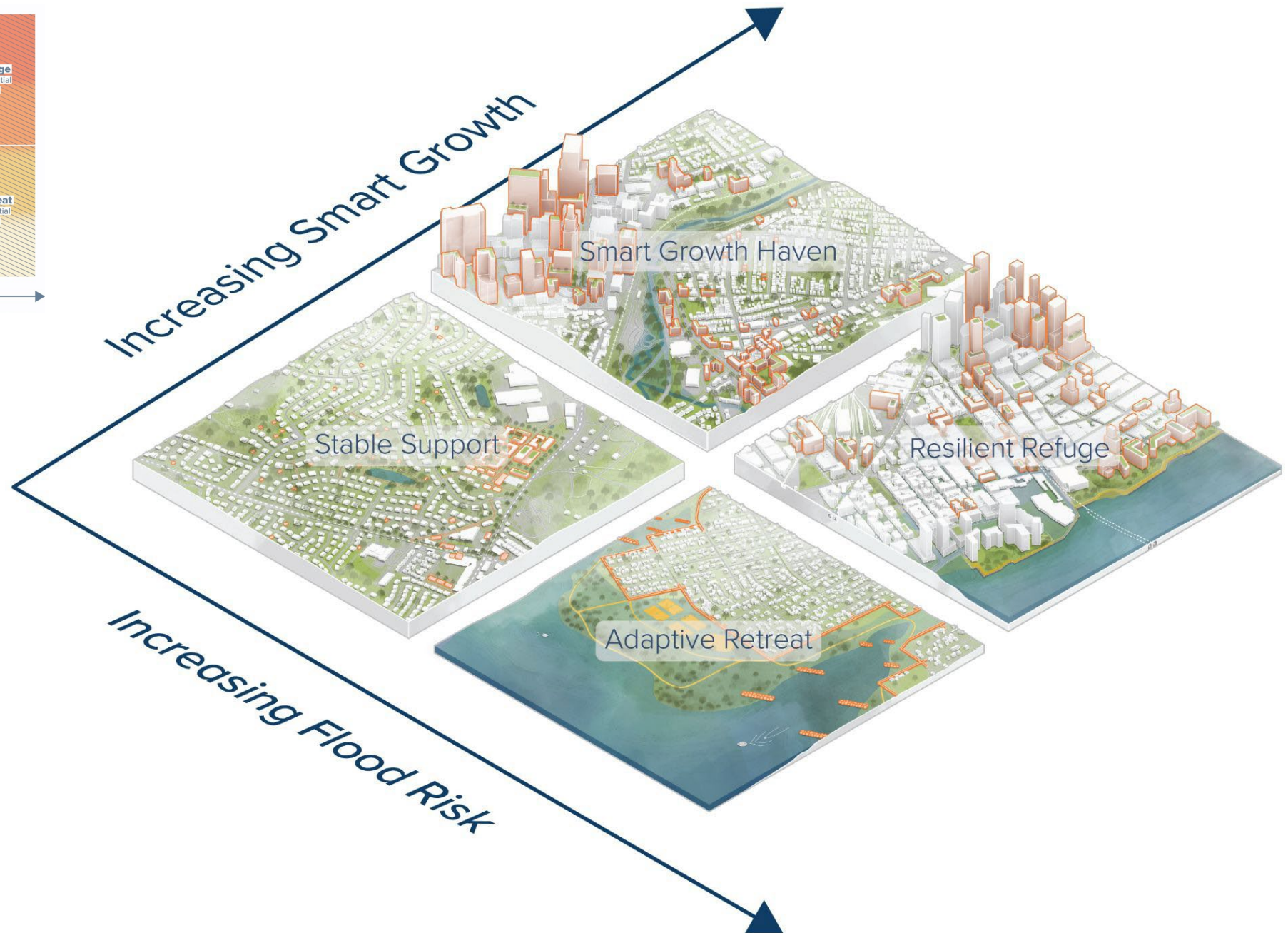
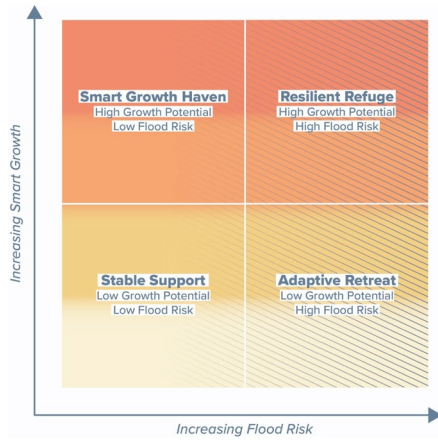
Growth & Risk Profiles



Growth and Flood Hazards by 2040

Scenario A: High Growth & Low Dispersion





Thank You

maulin@rpa.org | Read the full “Averting Crisis” report at rpa.org





40+ Years of
Building
Communities.
Changing
Lives.


WESTHAB

Building Communities + Changing Lives

Affordable Housing Development

Services & Support

Community Development Impact



Westhab, Inc.

Building Communities. Changing Lives.

- Largest non-profit developer of affordable housing and provider of related community development services in Westchester
- Built, rehabbed, or financed almost 1,700 units of affordable, supportive, and transitional housing with a total investment of over \$575 Million
- Portfolio includes workforce and affordable housing, supportive housing, and service-enriched housing programs for seniors, young adults, veterans, and people with disabilities
- Comprehensive service model which provides community-based employment programs, youth centers, and social services, among other programming
- Social service programs include job training and job placement programs as well as 8 out-of-school-time youth programs delivering services to more than 1,650 homeless and at-risk youth annually



Westhab Experience

Recently Completed Affordable Housing Developments

Summit on Hudson 76 Locust Ave, Yonkers, NY	Dayspring Commons & Community Center 227 Elm Street, Yonkers, NY	Ludlow Commons 7 Ludlow Street, Yonkers, NY
<ul style="list-style-type: none">6-story, 101,142 SF residential building over a two-level parking garage including 84 parking spaces113 units of multifamily affordable and supportive housing restricted to 60% of AMI and lowerTotal development costs of \$55.3 millionCompleted Summer 2024Recipient of Buildings of Excellence Award for Green Design	<ul style="list-style-type: none">6-story, 69,000 SF residential building over a two-level parking garage including approx. 55 parking spaces63 units of multifamily affordable and supportive housing restricted to 50% of AMI and lowerTotal development costs of \$40.4 millionCompleted 2021Full service community center	<ul style="list-style-type: none">8-story, 62,793 SF residential building over surface and on-grade parking including approx. 37 parking spaces71 units of affordable senior housing restricted to 50% of AMI and lowerTotal Development Cost of \$26.7 millionCompleted 2017LEED Gold Certified



Westhab Experience

Affordable Housing Developments – In-construction or in the pipeline

La Olazul 1940 Jerome Avenue, Bronx, NY
<ul style="list-style-type: none">13-story, 98,000 SF residential building115 units of multifamily affordable and supportive housing restricted to 60% of AMI and lowerTotal development costs of \$81 millionCompletion anticipated 2026Recipient of Future Housing Initiative Award and Passive House Certification



30 West 30 West Street, Village of Haverstraw
<ul style="list-style-type: none">4-story, 139,000 SF residential building over a two-level parking garage including approx. 136 parking spaces81 units of multifamily affordable housing restricted to 60% of AMI and lowerTotal development costs of \$50 millionFinancing anticipated 2025Partnership with the Village of Haverstraw in Rockland County



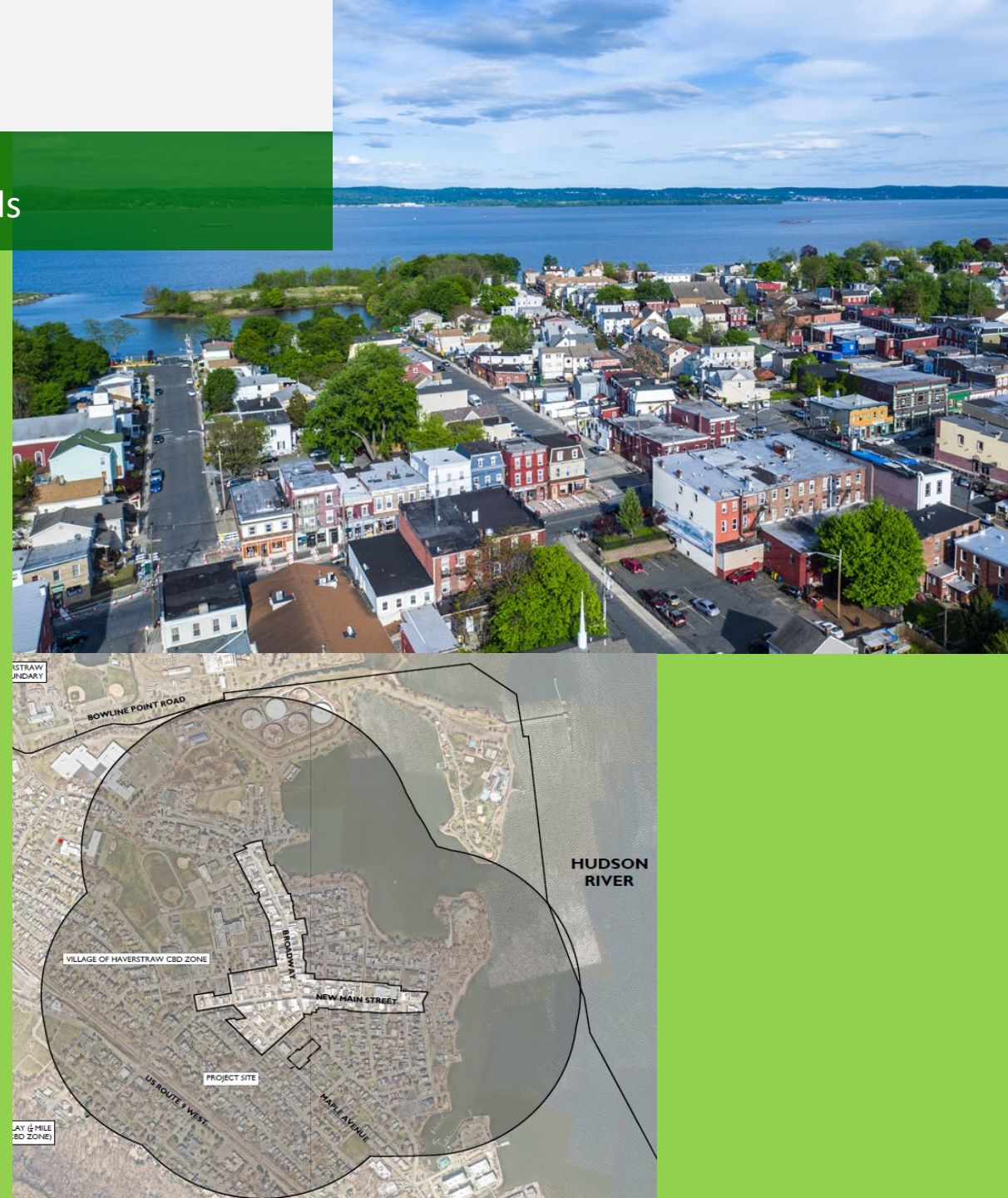
2134 Coyle 2134 Coyle Street, Brooklyn, NY
<ul style="list-style-type: none">7-story, 124,000 SF residential building. 26,000 SF for building services and programming. 10 parking spaces.175 transitional housing units for familiesTotal Development Cost of \$124 millionCompletion anticipated 2027Non-Profit Shelter (Purpose Built) with debt service payments and shelter operations paid through a NYC DHS contract.



Public / Private Partnership

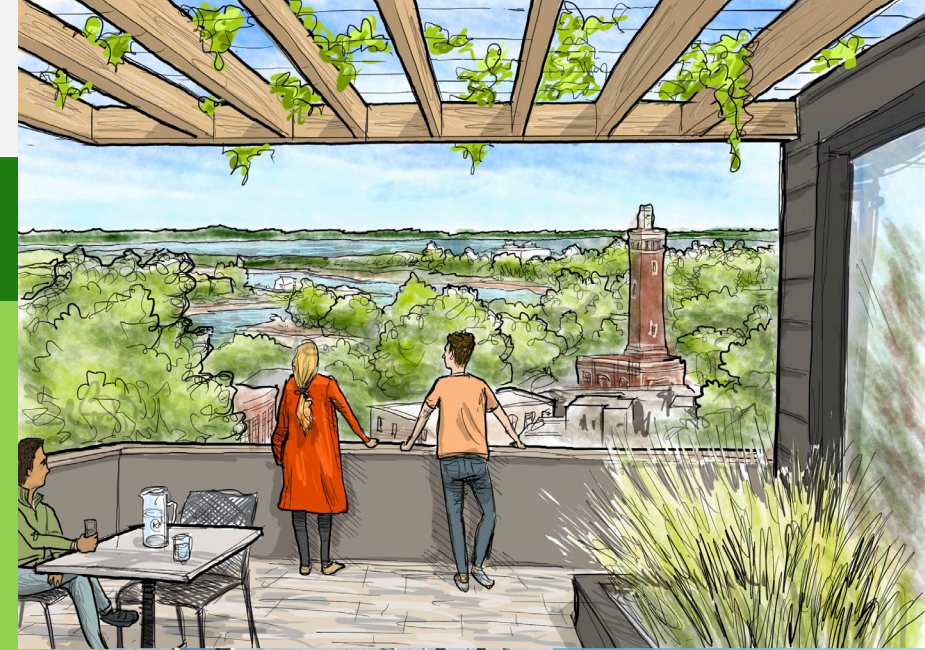
Partnerships to Create Housing Tailored to Each Community's Needs

- Conceptual development
 - Community needs assessments
 - Targeted affordability programs
 - Design intent (i.e. no. of units, parking needs, building height, community features, etc.)
- Open and transparent land disposition and real estate tax agreement negotiations
 - Pros and cons of conveyance vs. long term ground leases
 - Options for shared public/community parking
- Entitlements and SEQRA Strategies
 - Collaboration on zoning that supports the community's needs
- Community engagement
 - Data collection and analysis
 - Public hearings and community presentations
 - Tech strategies to facilitate communication



Contextual Design that Incorporates Green Space and Tenant Amenities

- Design and construction
 - Luxury quality housing at affordable rents
 - Thoughtful and contextual design, reflecting and complementing the surrounding neighborhood
 - High quality and durable materials
 - Financeable
- Green Space and Tenant Amenities
 - Landscaped courtyards and/or penthouse or rooftop amenity spaces
 - Multipurpose amenity spaces
 - On-site laundry
 - Free high speed wi-fi access
 - Bicycle storage
 - On-site parking



Sustainability

Green Building Strategies

- Passive House design to reduce energy consumption
- Robust building envelopes that include high levels of continuous insulation and high-performance triple-pane windows
- Building systems that are 100% electric
- Large solar photovoltaic (PV) arrays to offset building energy use
- ENERGY STAR certified appliances, ultra high efficiency LED light fixtures, and water-saving low-flow plumbing fixtures
- EV charging stations for a minimum of 5% of all parking spaces
- Elective emergency generators for backup power and resiliency
- Feasibility analysis for geothermal (ground source) heating/cooling systems.
- Integration of smart technologies and networked building systems that maximize energy efficiency





Thank You

Andrew Germansky

914 419 4863

Andrew.Germansky@Westhab.org

www.Westhab.org





**Homes and
Community Renewal**

Sustainability Unit

Office of Housing Preservation

Samantha Pearce, VP Sustainability
New York State Homes & Community Renewal

MAY 26, 2025

NYS Homes and Community Renewal

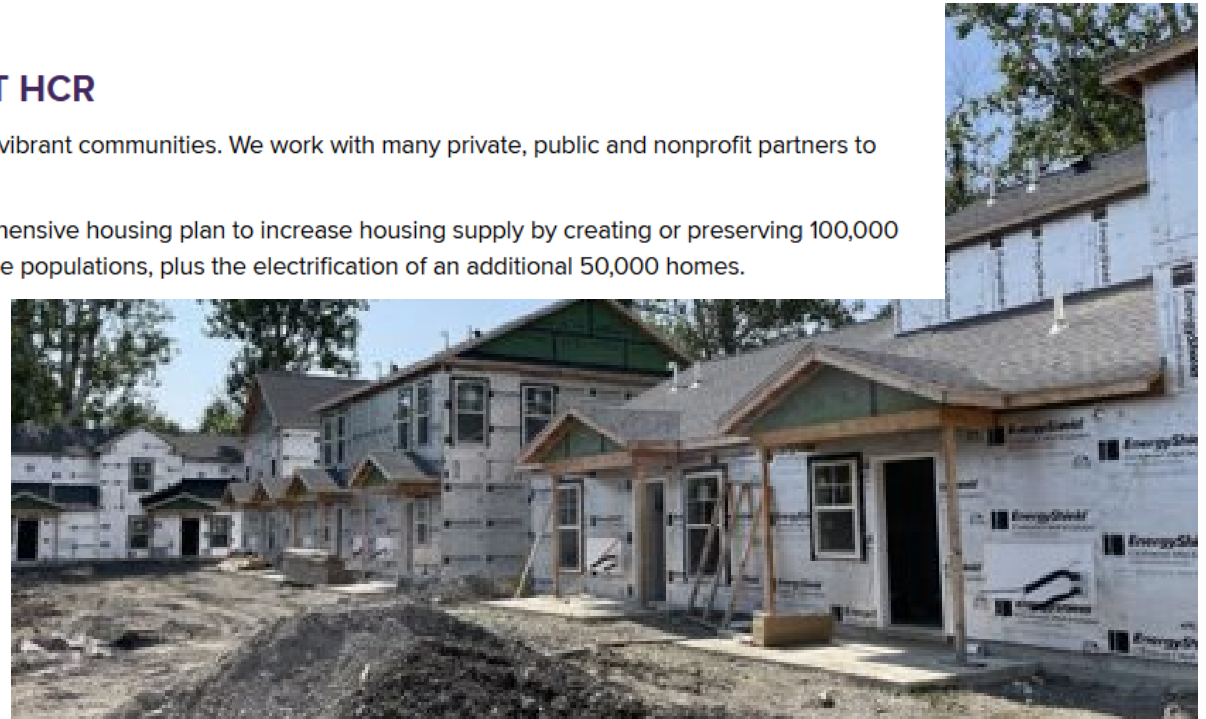
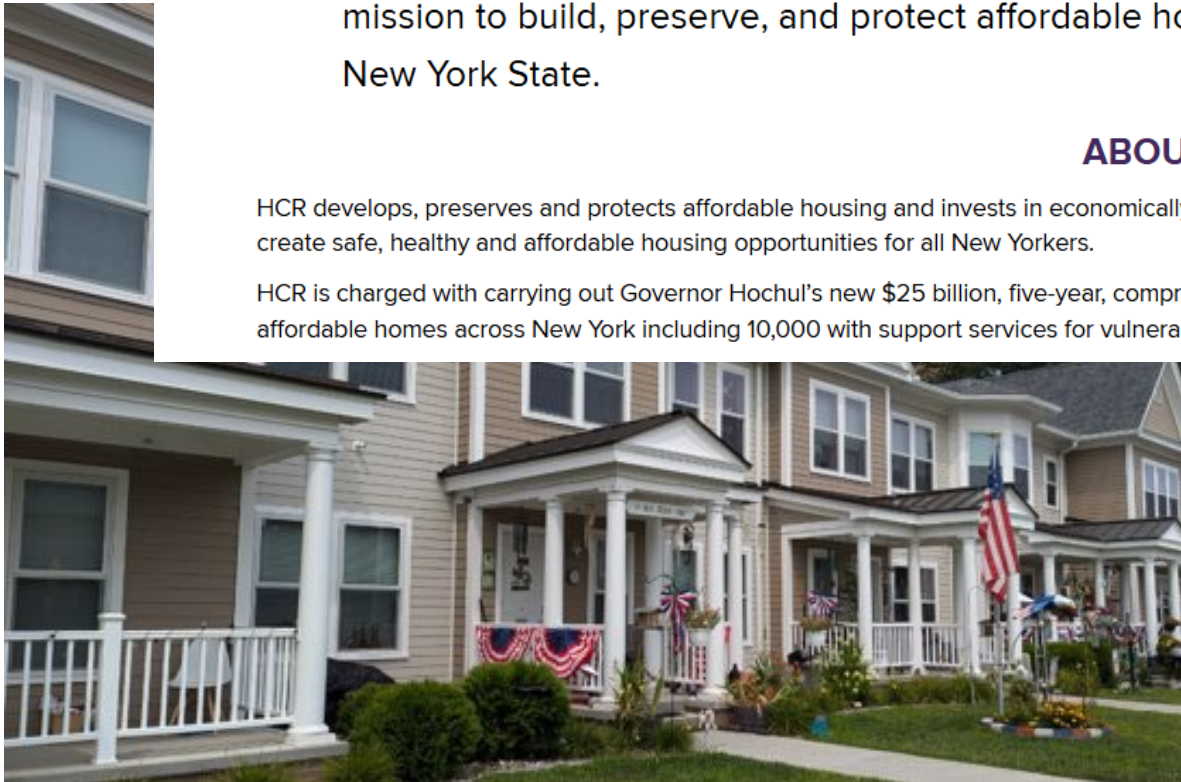
MISSION STATEMENT

“New York State Homes and Community Renewal (HCR) is the State’s affordable housing agency, with a mission to build, preserve, and protect affordable housing and increase homeownership throughout New York State.

ABOUT HCR

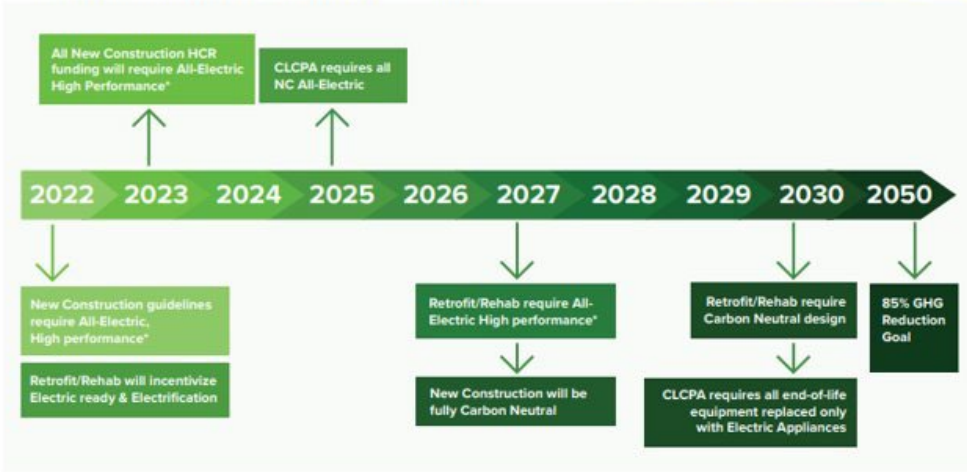
HCR develops, preserves and protects affordable housing and invests in economically vibrant communities. We work with many private, public and nonprofit partners to create safe, healthy and affordable housing opportunities for all New Yorkers.

HCR is charged with carrying out Governor Hochul’s new \$25 billion, five-year, comprehensive housing plan to increase housing supply by creating or preserving 100,000 affordable homes across New York including 10,000 with support services for vulnerable populations, plus the electrification of an additional 50,000 homes.



Policy for Sustainability in Housing

SUSTAINABILITY STANDARDS ROADMAP



IMPLEMENTATION OF NEW YORK'S CLIMATE ACT IS ON TRACK AND MOVING FORWARD EXPEDITIOUSLY.

At least

35%

of benefits directed to disadvantaged communities



70%

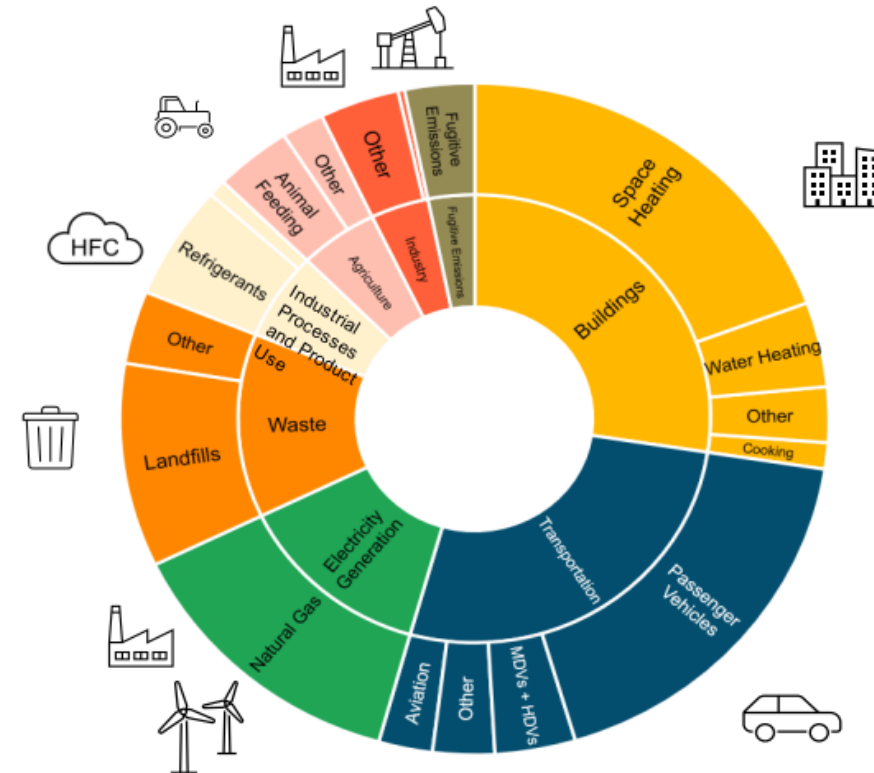
of the State's electricity will be generated by renewable energy by 2030



100%

zero-emissions electricity by 2040

Current Estimated GHG Emissions by Sector



Sustainability Guidelines



HCR SUSTAINABILITY GUIDELINES: NEW CONSTRUCTION

HCR.NY.GOV
2023



Homes and
Community Renewal

Kathy Hochul, Governor
RuthAnne Visnauskas, Commissioner/CEO

INTRODUCTION

APPLICATION *Continued*

CONSTRUCTION TYPES

The following construction types relate solely to the application of these Guidelines and shall not be used to define project requirements or scopes outside of the criteria defined in these Guidelines.

- **New Construction:** Ground-up construction of a new building or buildings.
- **Adaptive Reuse Rehabilitation:** A substantial renovation that occurs in a building or space that undergoes a change of use to Residential occupancy, as defined by the applicable building code.
- **Substantial Rehabilitation:** A renovation where the majority of the interior walls, finishes, systems and MEP infrastructure are demolished and a new scope of work is constructed within the existing building shell. These projects are also sometimes referred to as "gut" rehabilitations.
- **Moderate Rehabilitation Level 1:** A renovation where the dwelling unit demising walls, most interior walls and MEP infrastructure remain, and the new scope of work is built within the existing dwelling unit compartment. This type of rehabilitation often includes replacement of fixtures, finishes and equipment (FF&E) and roofing. It may include window replacement, siding replacement and additional roofing scopes.
- **Moderate Rehabilitation Level 2:** A renovation where the dwelling unit demising walls and most of the interior walls remain. This type of rehabilitation includes many of the scoping items of a Level 1 Moderate Rehabilitation, but also includes replacement of mechanical, electrical and plumbing (MEP) infrastructure and equipment, either in part or in full.



John P. 1

Sustainability Design Booklet: New Con

NEW CONSTRUCTION

12

STRUCTURE SUSTAINABILITY GUIDELINE REQUIREMENTS

This booklet is divided into three sections:



Section 1:
Core Sustainability
Requirements



Section 2:
Building Performance
Requirements



Section 3:
Additional Sustainability
Requirements

Each section addresses a specific set of goals or standards that HCR has established as a baseline for all New Construction Projects to meet. These are referred to as **Baseline Requirements**. Each section also contains a number of **Stretch Goals** which all development teams are encouraged to meet, as they set the precedent for future baseline standards.

TERMINOLOGY: BASELINE REQUIREMENTS AND STRETCH GOALS

BASELINE REQUIREMENTS	STRETCH GOALS
Baseline Requirements outline mandatory criteria that are required on every project.	Stretch Goals are not mandatory , but projects should consider all Stretch Goals outlined in this document unless meeting those goals proves to be cost prohibitive to the project. Stretch standards can be met in whole or in part, meaning a developer can choose to achieve some Stretch Goals in one section but not another. Competitive projects can receive additional points for achieving some or all of the stretch standards as outlined in the applicable RFP.

Sustainability Design Booklet: New Construction | www.hcr.ny.gov

Sustainability Unit Programs



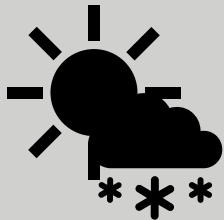
Clean Energy Initiative

Fund multifamily projects that are refinancing with the Housing Agency to upgrade and/or replace existing fossil fuel burning appliances with energy efficient heating systems and reduce energy burden. \$100M through end of 2025 – awarded \$70M to date



Climate Friendly Homes Fund

Provides funding to small multifamily properties during mid-cycle operations to replace failing or inefficient fossil fuel systems with all-electric systems. Can be used as stand-alone funding or combined with other incentives. \$250M through March 2027



Weatherization Assistance Program

Federally funded program, Department of Energy, to provide single family and multifamily homes and apartments within unit and building envelope upgrades to reduce the cost of utilities for the occupants. Can fund lighting, appliances and insulation, as an example ~\$70M annually, serving ~6,500 units/year



Solar For All: Solar program

Federally funded program, Environmental Protection Agency, to install solar arrays in housing across the country and ensure direct benefits to LMI households. Planning to launch Summer 2025

Room Enough for Both: Planning for Affordable Housing and Conservation Together With Climate as the common denominator



Organizing Principle

Healthy communities need abundant, affordable housing ***and*** protected land for clean water, food production, and climate resilience...

But too often they're seen as mutually exclusive or opposed.



THE HUDSON VALLEY IS INCREASINGLY UNAFFORDABLE, FRAGMENTED AND VULNERABLE.



**Skyrocketing housing
costs**



**Scattered
development
fragmenting
landscape**



Climate impacts

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***Land trusts:* committed to climate resilience and community-centered conservation**

***Affordable housing:* as climate-smart and land use- efficient as development gets**

Word cloud based on participating organizations' missions



OUR SHARED VISION:

We are banding together to take a holistic approach to these complex and urgent problems, and to have a larger-scale impact.

Our Vision: The Hudson Valley is a sustainable and inclusive home to an economically and racially diverse community. Our work helps the region develop a holistic, equitable and proactive approach to housing, climate change, and land conservation.

Where We're Going

- Collaborative Projects
- Policy Solutions
- Municipal Engagement
- Communicating Differently

Recommendations for Housing and Conservation Planning

Hudson Valley Alliance for Housing & Conservation

February 2025



Healthy and vibrant communities need a range of housing options that can be affordable for people of all income levels, and protected land that supports clean water, food production, climate resilience, and outdoor recreation. An integrated approach to simultaneously planning for housing and open space can help communities achieve a balance between growth and protection of resources now and into the future.

The following are a few recommendations from the Hudson Valley Alliance for Housing & Conservation, developed for local communities.

A. Find ways for housing and open space planners and advocates to regularly collaborate:

- Include people with affordable housing expertise on conservation-related boards and committees, and likewise incorporate conservation expertise into housing-related boards and committees.
- Share available data and reports, and engage stakeholders to talk about your community's housing and conservation needs and opportunities.
- Create a collaborative community-supported plan that integrates open space and housing priority areas, with an accompanying map when feasible. Update, combine and/or modify existing open space and/or community preservation plans as appropriate.

Q&A



AFFORDABLE HOMEOWNERSHIP...IT'S BACK

PANELISTS

Jessica A. Bacher, Esq., *Executive Director, Land Use Law Center*

Alexander Roithmayr, *Government Affairs Director, Hudson Gateway Association of Realtors*

James R. Wendling, *Chief Operating Officer, WBP Development LLC*

Orisha Jennings-Hudgins, MPA, *Director of Housing, City of New Rochelle*

Christina Lazarus, *Manager, Benefits, Northwell Health*

REGIONAL MARKET UPDATES

April 2025



About Hudson Gateway Association of REALTORS®

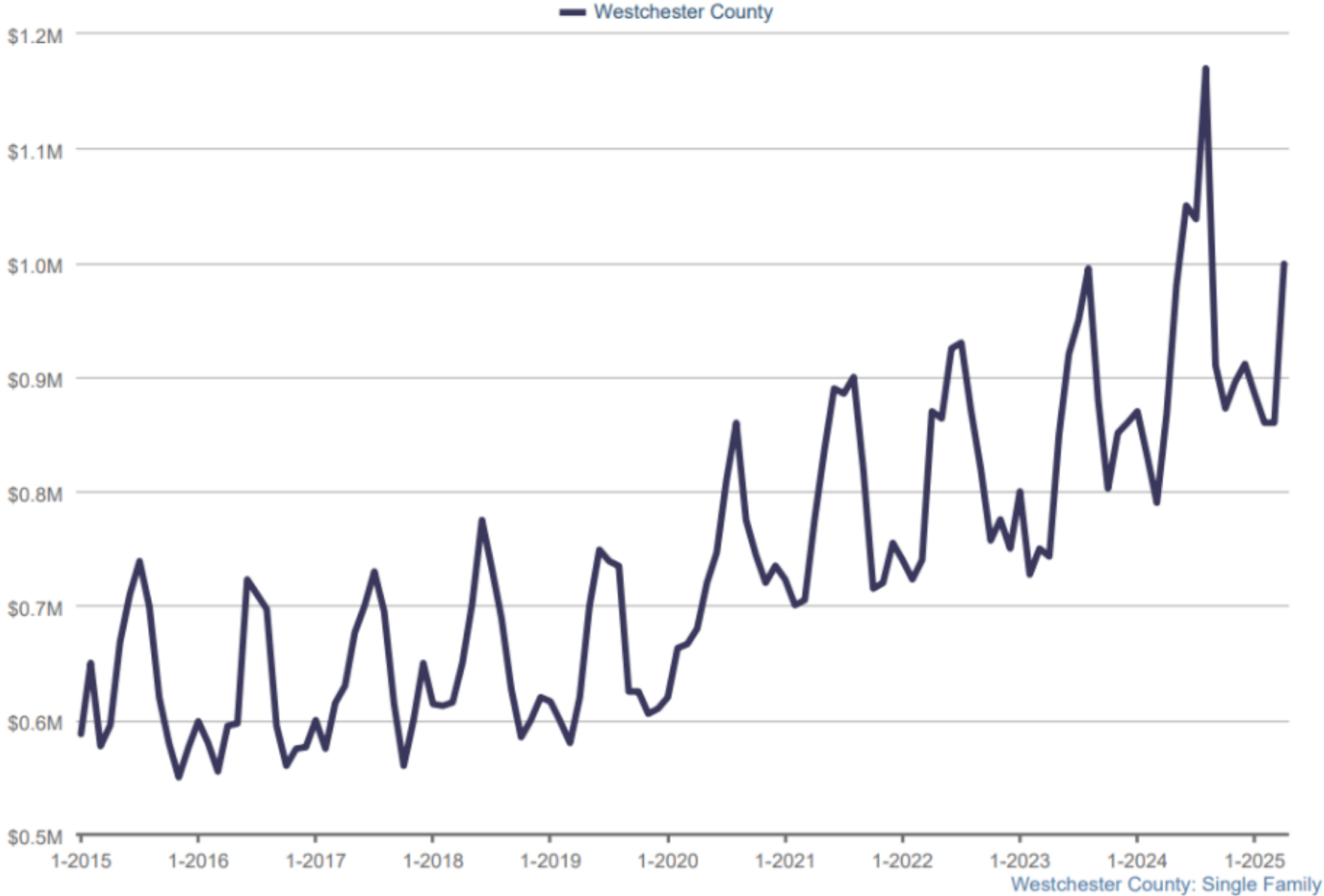
- Serving 13,000 Members in NYC, Westchester, Orange, Putnam and Rockland Counties
- HGAR empowers members to grow their businesses and succeed in their communities by focusing on **Advocacy, Professionalism, and Engagement**



A group of people, including a woman in the foreground, are holding hands in a circle. A blue square is overlaid on the image, containing the word AFFORDABILITY in white, bold, uppercase letters.

AFFORDABILITY

Median Sales Price



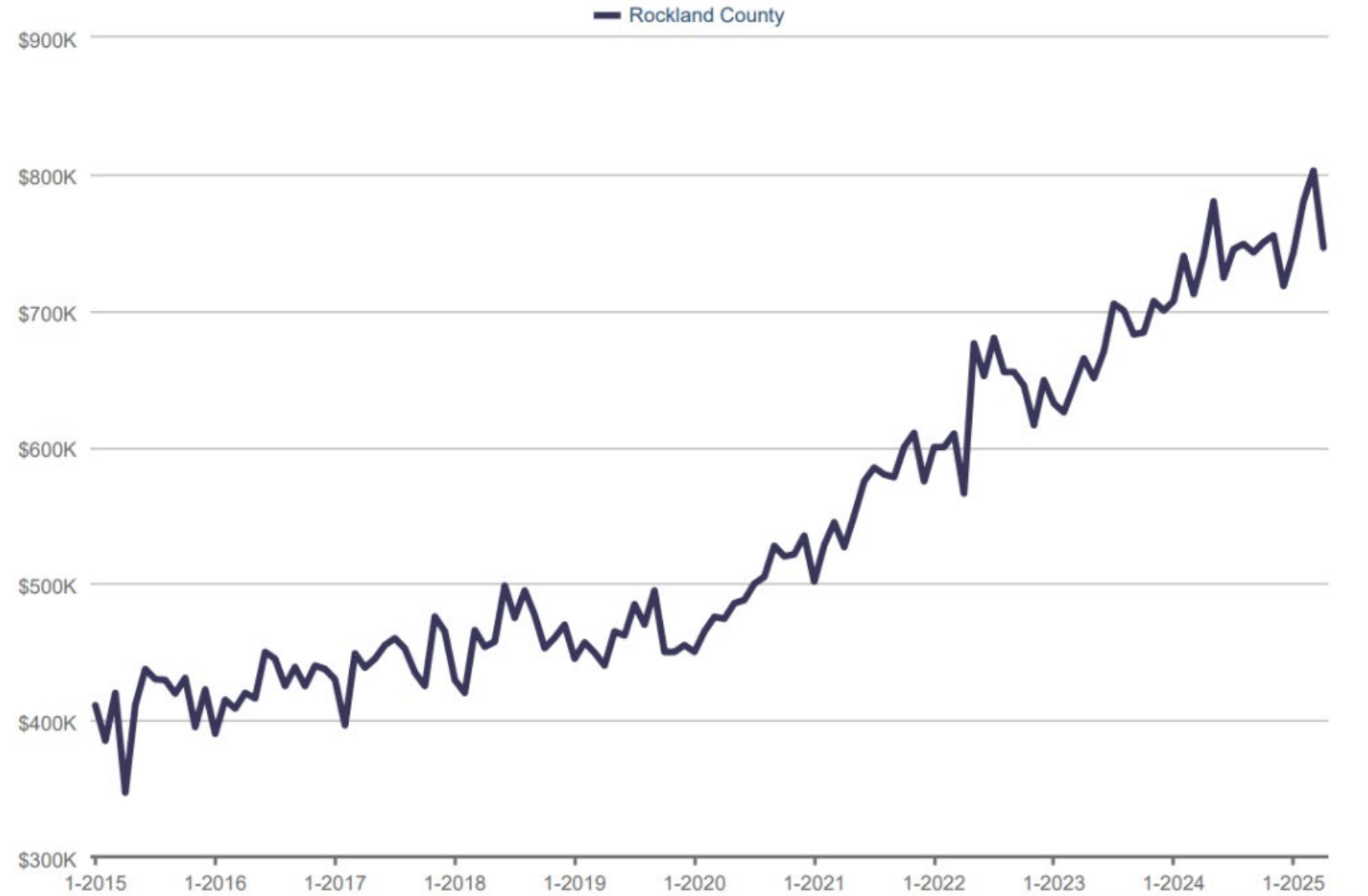
Each data point is one month of activity. Data is from May 13, 2025.

Housing Affordability

WESTCHESTER COUNTY, NY: SINGLE FAMILY HOMES

- January 2015: Median Sales Price, **\$587,750**
- April 2025: Median Sales Price, **\$999,000**
- An increase of **51%** from 2015 to 2025

Median Sales Price



Rockland County: Single Family

Each data point is one month of activity. Data is from May 13, 2025.

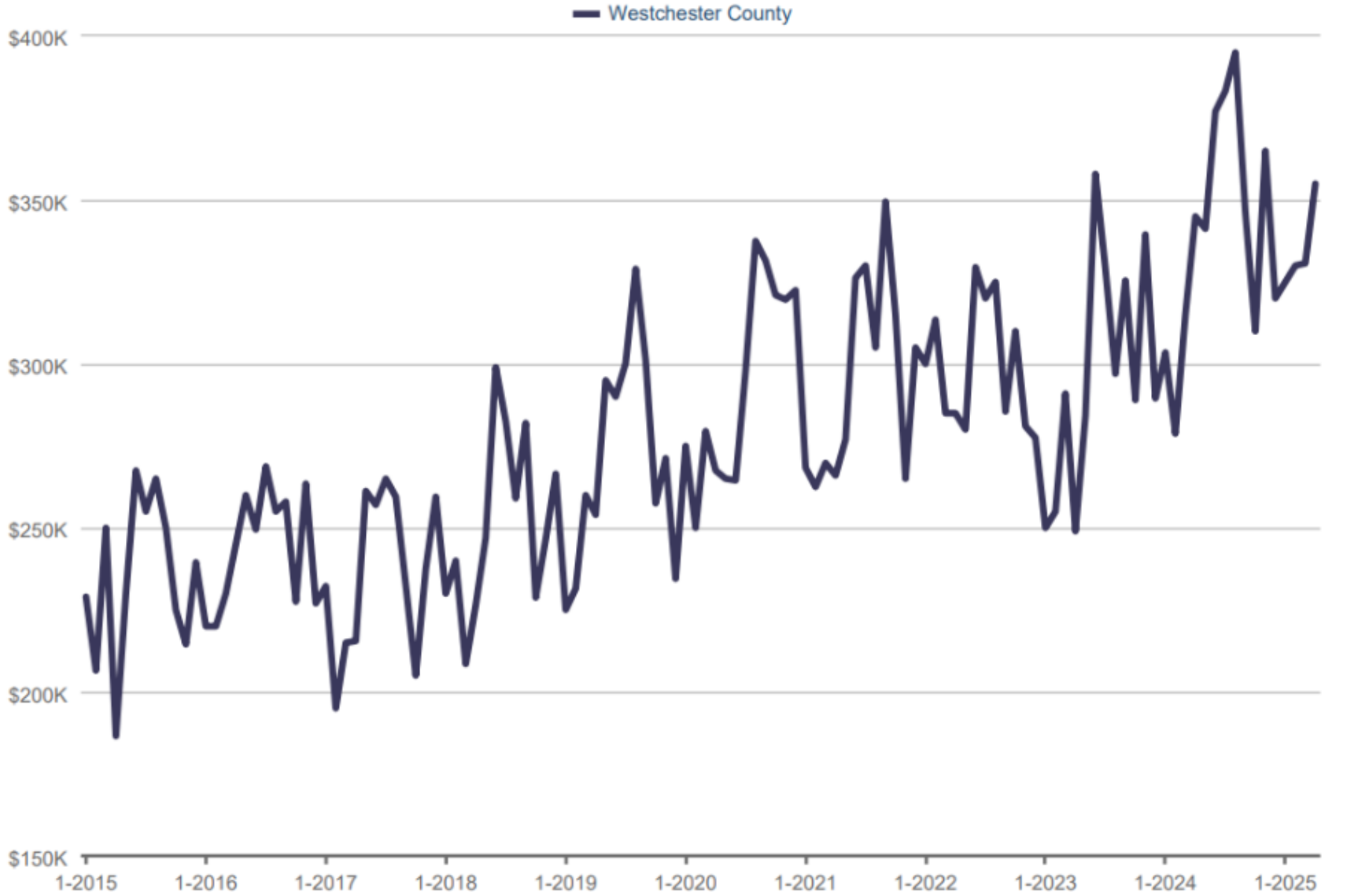
All data from OneKey® MLS. InfoSparks © 2025 ShowingTime Plus, LLC.

Housing Affordability

ROCKLAND COUNTY, NY: SINGLE FAMILY HOMES

- January 2015: Median Sales Price, **\$411,000**
- April 2025: Median Sales Price, **\$746,000**
- An increase of **58%** from 2015 to 2025

Median Sales Price



Westchester County: Condominium & Co-operative & Townhouse

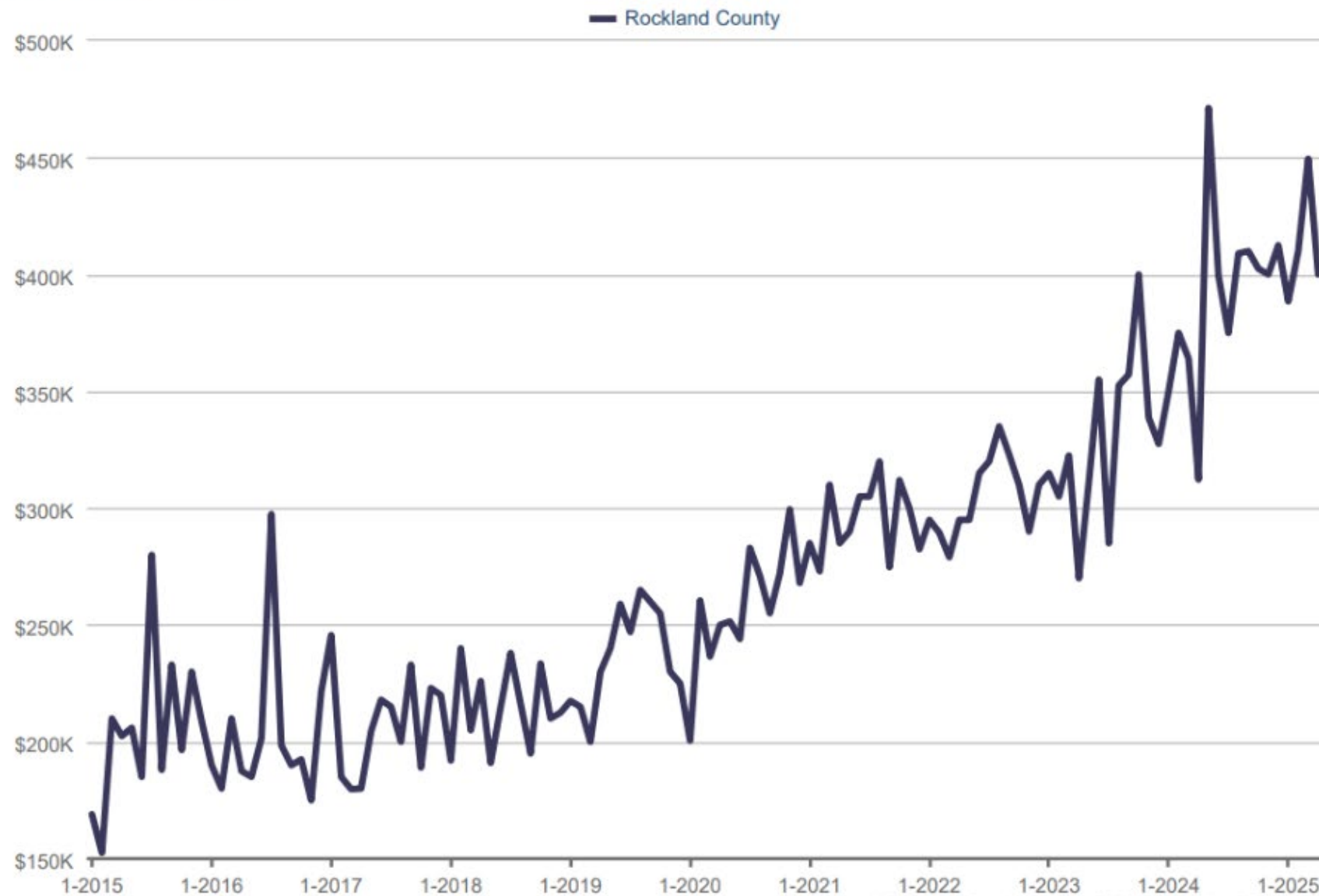
Each data point is one month of activity. Data is from May 13, 2025.

Housing Affordability

ROCKLAND COUNTY, NY: MULTI- FAMILY HOMES (CO-OP/CONDO/TOWNHOUSE)

- January 2015: Median Sales Price, **\$229,000**
- April 2025: Median Sales Price, **\$355,000**
- An increase of **43%** from 2015 to 2025

Median Sales Price



Rockland County: Condominium & Co-operative & Townhouse

Each data point is one month of activity. Data is from May 13, 2025.

All data from OneKey® MLS. InfoSparks © 2025 ShowingTime Plus, LLC.

Housing Affordability

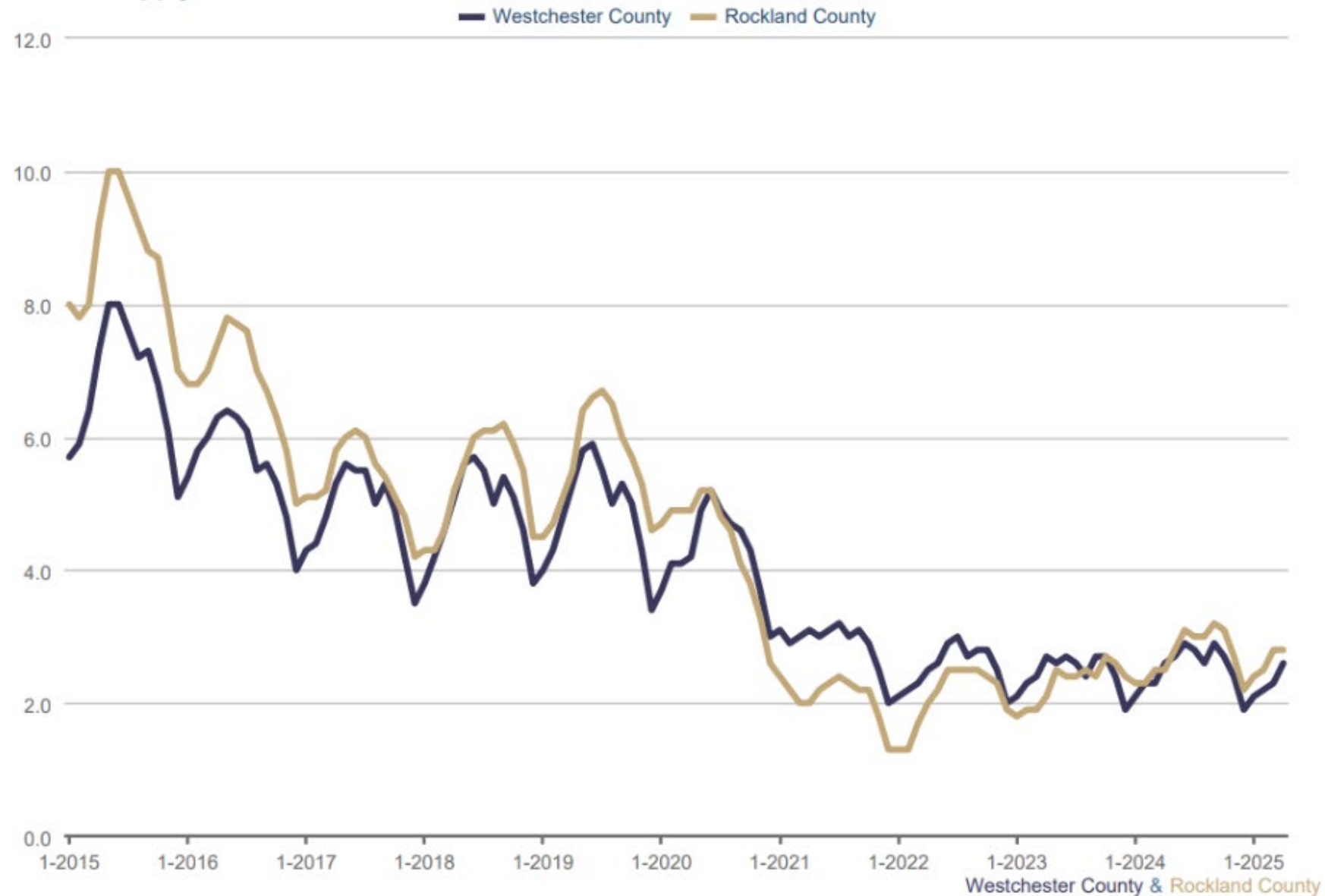
ROCKLAND COUNTY, NY: MULTI- FAMILY HOMES (CO-OP/CONDO/TOWNHOUSE)

- January 2015: Median Sales Price, **\$169,000**
- April 2025: Median Sales Price, **\$400,000**
- An increase of **81%** from 2015 to 2025

A top-down view of a desk with a laptop, keyboard, red notebook, pen, and a small plant. The word "INVENTORY" is centered in a blue box.

INVENTORY

Months Supply of Homes for Sale



Months of Supply

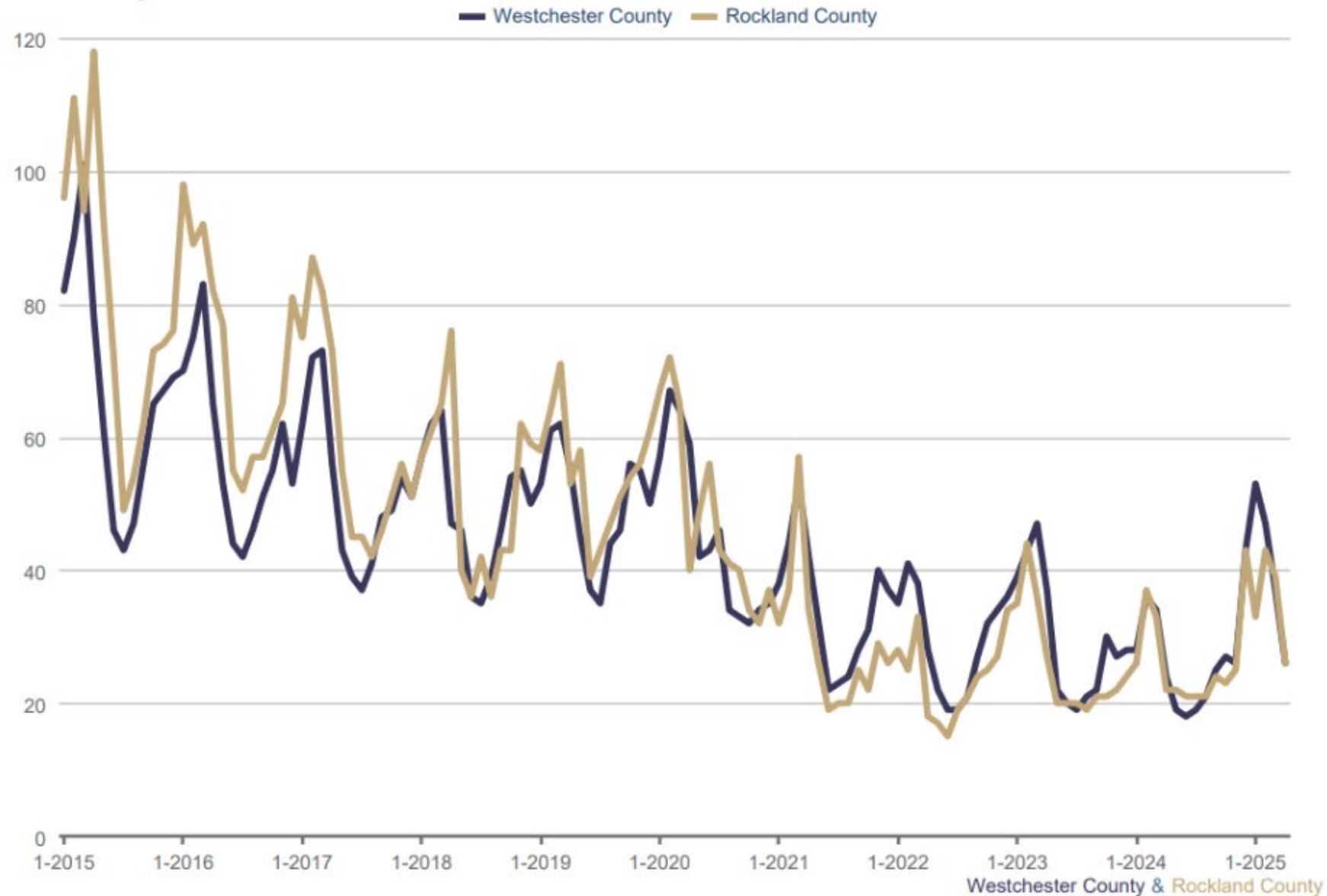
ROCKLAND COUNTY, NY

- January 2015: **8 Months** of Supply
- April 2025: **2.8 Months** of Supply
- A decrease of **65%** from 2015 to 2025

WESTCHESTER COUNTY, NY

- January 2015: **5.7 Months** of Supply
- April 2025: **2.6 Months** of Supply
- A decrease of **54%** from 2015 to 2025

Median Days on Market



Each data point is one month of activity. Data is from May 13, 2025.

All data from OneKey® MLS. InfoSparks © 2025 ShowingTime Plus, LLC.

Days on Market

ROCKLAND COUNTY, NY

- January 2015: **96 Days on Market**
- April 2025: **26 Days on Market**
- A decrease of **73%** from 2015 to 2025

WESTCHESTER COUNTY, NY

- January 2015: **82 Days on Market**
- May 2025: **26 Days on Market**
- A decrease of **68%** from 2015 to 2025

Alexander Roithmayr
Government Affairs Director
Alexander.Roithmayr@hgar.com



AFFORDABLE HOMEOWNERSHIP

NYS HCR AHOP

- *To create and encourage affordable homeownership projects*
 - o *New construction (single family, town homes, multi-family and adaptive re-use)*
 - o *Conversion of regulated rental projects reaching the end of their affordability period*
- *Sale Prices* *set at 80% or 100% AMI*
- *Eligible Household income* *up to 100% AMI, 120% AMI (**band often overlooked**)*
- *Subsidy Amount* *- up to \$150,000 per unit for 100% AMI / \$200,000 for 80% AMI units*
- *Affordability Period* *- 30-years (unless another source requires a longer period)*
- *Marketing* *- widespread marketing then hold a Lottery*

Household Factors					
			120%	100%	80%
VLI 1 pers	70%	Studio	142,800	119,000	95,200
VLI 2 pers	80%	1 Bedroom	163,200	136,000	108,800
VLI 3 pers	90%	2 Bedroom	183,600	153,000	122,400
VLI 4 pers	100%	3 Bedroom	204,000	170,000	136,000

Why it's Hard:

Costs aren't less than Market Rate:

- Acquisition
- Construction
- Soft costs
- Interest rates
- Operate / manage

- Taxes (if taxes are too high SPs will be too low and the deal won't pencil)
- Amenity package should be similar to a market rate development
- Relatively tight band of eligible buyers (HCR adds 20% band to create a wider band)

Additional assistance is needed to help make a development viable:

- Westchester County New Homes Land Acquisition
- Affordable Housing subsidy and / or Down Payment Assistance help from municipality
- PILOT

Unit Distribution Summary										Average	Average		
Unit		Net Rent		Average	Monthly	Annual	Average	Average	33% of AMI	Actual			
Type	Units	SF Total	Sellout	Sales	RE Taxes	RE Taxes	Condo	Condo	on Housing	on Housing			
				Prices			Dues	Dues	Annually	Monthly			
1 Bedroom	24 units	18,240 SF	\$7,978,302	\$332,429	\$427	\$5,127	\$464	\$5,564	\$35,904	\$2,992			
2 Bedroom	36 units	33,512 SF	\$12,957,060	\$359,918	\$523	\$6,279	\$568	\$6,815	\$40,392	\$3,366			
3 Bedroom	8 units	9,440 SF	\$2,982,212	\$372,776	\$664	\$7,968	\$720	\$8,639	\$44,880	\$3,740			

Sale Prices are based on 33% of Gross Income spent on Housing (above assumes Sale Prices set at 80% AMI):

1. Taxes
2. Common Charges
3. 33% of Income less Taxes less Common Charges equals amount remaining for monthly Mortgage payment

6 Cottage
White Plains, NY
40 Affordable Condos



99 Church
White Plains, NY
68 Affordable Condos



455 Main St
New Rochelle, NY
126 Units (in partnership w/ L+M
Development Partners)



CITY OF NEW ROCHELLE

DOWN PAYMENT ASSISTANCE ORIENTATION FOR FIRST-TIME HOME BUYERS

May 15, 2025 – PACE UNIVERSITY

**8th Annual Hudson Valley Affordable
Housing Summit**



NEW ROCHELLE
IDEALLY YOURS

Program Overview

Presented by:
Orisha Jennings-Hudgins
City of New Rochelle
Director of Housing



The **City of New Rochelle (CNR)** presents an opportunity for residents to become first-time homebuyers through its **First-Time Homebuyer Down Payment Assistance Program (NR DPAP)** in their City. To participate in this program, individuals need to meet specific qualifications, with funding sourced from both local and federal resources. Specifically, the program is funded through the City's HOME program overseen by the **United States Department of Housing and Urban Development (HUD)**, alongside the **New Rochelle's Affordable Housing Fund**.

- Eligible applicants can receive assistance of up to **19%** of the purchase price of a single-family home, contingent upon the homebuyer's qualifications. This funding aims to support the down payment for a new home, with the resident responsible for the remaining **1%**.
- CNR working with Westchester Residential Opportunities (WRO), Inc., the program's administrator, which has partnered with six (6) approved mortgage lenders to facilitate the NR DPAP. For qualified applicants, they offer **additional incentives**, including assistance with **closing costs** and **supplementary down payment funding**.
- Since its inception, the program has successfully assisted **eight (8) families** in purchasing their first homes, with **two (2) potential closings** expected shortly.
- **10+ residents currently** looking for homes in New Rochelle.

Income Eligibility And Resident Qualifications



The **2025 Income Guidelines** stipulate that the maximum allowed gross annual household income for applicants must not exceed **80% of the area median annual household income**, as determined by the **Department of Housing and Urban Development (HUD)**. The specific amounts are as follows:

Household Size	Maximum Allowable Income	Minimum Annual Income
1	\$95,200	\$40,000
2	\$108,800	\$40,000
3	\$122,400	\$40,000
4	\$136,000	\$40,000
5	\$146,900	\$40,000
6	\$157,750	\$40,000

- ☐ You **MUST** be a New Rochelle Resident. (**minimum of 12 months permanent residency**)
- ☐ Must be a First-Time Homebuyer.
- ☐ Must purchase a single family home, COOP or Condo in the City of New Rochelle.
- ☐ Have **sufficient financial resources** and **credit** to qualify for a mortgage.
- ☐ Have a documented minimum annual income of at least **\$40,000.00**.
- ☐ Be a **Low-to-Moderate Income** Household.

Program Status

Critical Issues Identified:

- Financial Preparedness
- Availability of Qualifying Properties

In Response, New Rochelle Has:

- Launched the **Financial Capability Academy (FCA)**, a complimentary program offering four classes designed to assist residents in improving their financial skills to afford housing in existing and new housing developments or to achieve homeownership. Classes are available in **English** and **Spanish**.
 - Scheduled classes for **2025** are underway with the final set of classes will start in **December 2025** and conclude in the **first quarter of 2026**.
 - Classes are available in **English** and **Spanish**.
- Investigating ways to support **property owners** in managing necessary repairs to sell or rent their properties to City's residents.



Northwell Health - Housing Program



About Northwell Health

Currently New York's largest private employer and health care provider.

Officially joined together with Nuvance Health to form a new integrated regional health system that will enhance care for communities across greater New York and Connecticut, serving a population of more than 13 million.

- 22,000 nurses and 13,500 providers at 28 hospitals, more than 1,050 ambulatory care and 73 urgent care locations.
- More than 104,000 employees caring for millions of individuals and their families who share our neighborhoods and communities.

Northwell believes that caring for your overall well-being is key to a happier and healthier you.

Housing Benefit

The Long Island Housing Partnership (LIHP) has been a valued community partner for Northwell Health. Through this partnership, we can offer a down payment assistance program with rehabilitative funds. LIHP secure other grants from federal, state and local sources that help the employee, by matching the employer contribution.

Due to continued growth outside Long Island, Northwell Health has been looking to expand its partnership with LIHP in Westchester and Staten Island.



- LIHP was established over 37 years ago and is a not-for-profit organization whose mission is to provide housing opportunities for those persons who, through the ordinary, unaided operation of the marketplace, would be unable to afford decent and safe homes.
- This mission is accomplished through development, technical assistance, community lending, education and advocacy.

Housing Benefit

2006

- Program inception:
✓ 20 employees per year - \$3,000

2008

- A recruitment tool/program expansion:
✓ 20 employees per year - \$10,000 nurses, \$5,000 non-nurses

2016

- Let's help more employees!
✓ 40 employees a year - \$5,000

Eligibility requirements:

- Minimum one-year of employment
- Full and part-time employees (working .5 or greater)
- Not a current homeowner, or a homeowner at the time of application
- Interested in housing in Nassau or Suffolk counties (housing includes houses, condos and co-ops)
- Employee must be able to secure a mortgage if accepted into the program
- Meet income requirements established by The Dept. of Housing and Urban Development (HUD)
 - For example, 2024 maximum income requirement for a household of 1 in the first category was \$86,200

Employee is referred to the Long Island Housing Partnership



- LIHP evaluates financial information and other criteria by reviewing W-2 Statement and past Income Tax Returns
- If the employee is approved, they are required to attend two meetings with LIHP:
 - Financial meeting to determine if they are eligible for a mortgage
 - Information meeting discussing Grant allocation
- Employee then actively looks for a home
 - Employees who cannot find their desired home will rollover as eligible in the next year
- When employee finds a home through the program, LIHP notifies Northwell to process payment to employee for closing.

Example of the benefit

Northwell Funds \$5,000 for the down payment or closing costs.

County funds:

\$25,000 Nassau, \$12,000-Suffolk, Town of Babylon, Town of Brookhaven, or Town of Islip

- 10 year lien on property-Nassau
- 5 year lien on property- Suffolk

NYSAHC funds:

(\$40,000: (\$14,000 for down payment, \$24,000 for rehab, \$2,000 program delivery fee)

- 10 year lien on property

\$70,000 benefit in Nassau/\$57,000 in Suffolk!

Maximum purchase price:

Nassau County: \$608,000

Suffolk County: \$551,000



Thank you

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Benefits Manager
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Q&A



COMMUNITY PREFERENCING

PANELISTS

Michelle Cafarelli Kabat, Esq., *Associate, Nixon Peabody LLP*

Harry J. Kelly, Esq., *Partner, Nixon Peabody LLP*

Moderator: **Jason Labate, Esq.**, *Partner, Goldstein Hall PLLC*

FAIR HOUSING: IMPACTS ON AFFORDABLE HOUSING AND COMMUNITY PREFERENCES

Harry J. Kelly, Esq., Partner, Nixon Peabody LLP

Michelle Cafarelli Kabat, Esq., Associate, Nixon Peabody LLP

Moderator: Jason Labate, Esq., Partner, GoldsteinHall PLLC



I 34 PART I: FAIR HOUSING LAW—OVERVIEW

Sources of Fair Housing Law:

Federal Law:

- Fair Housing Act (FHAAct)
- Title VI of 1964 Civil Rights Act
- Section 504 of 1973 Rehabilitation Act
- Americans With Disabilities Act

State and Local Law:

- New York State Human Rights Law (NYSHRL)
- New York City Human Rights Law (NYCHRL)
- Westchester County Fair Housing Law (WCFHL)

135 FAIR HOUSING LAW—OVERVIEW

Fair Housing Act (42 USC §§ 3601 et seq)(FHAct):

- Adopted in 1968 in response to assassination of MLK JR
- **Who is protected?**
 - Race
 - Religion
 - Color
 - National origin
 - Sex
 - Familial status (legally-recognized relation to minor child)
 - Handicap (or disability)

I 36 FAIR HOUSING LAW—OVERVIEW

What actions are prohibited (42 USC § 3604)?

- Refusing to sell or rent housing.
- Refusing to negotiate for housing.
- Making housing unavailable.
- Discrimination against any person in the terms, conditions or privileges of sale or rental.
- Discrimination in the provision of services or facilities.
- Making or publishing statements or advertisements concerning sale or rental of housing, that indicates a preference with respect to protected classes.
- Falsely representing to a person that a dwelling is not available.

137 FAIR HOUSING LAW—OVERVIEW

Enforcement Under FHAct:

- **Administrative Actions:** Private actions/HUD-initiated actions
 - HUD administrative complaints (1-year SOL)
 - Conciliation/investigation mechanisms
 - If HUD determines causes exists to support claim, action goes to HUD ALJ or to federal district court
- **Private actions:** US district court litigation (2-year SOL)
- **Justice Department Actions**
 - “Pattern and Practice”

I 38 FAIR HOUSING LAW—OVERVIEW

Protected Classes under State/Local Laws:

- **New York State Human Rights Law**
 - Age
 - Sex
 - Sexual orientation
 - Gender identity or expression
 - Military status
 - Domestic violence victim status
 - Arrest records and past criminal convictions
 - Citizenship and immigration status
 - Lawful Source of Income

I 39 FAIR HOUSING LAW—OVERVIEW

New York City Human Rights Law

- Additional protected classes in housing:
 - Criminal record
 - Lawful occupation
 - Lawful source of income
 - The presence of children (compare to familial status)
 - Status as a victim of domestic violence, stalking, and sex offenses

I 40 FAIR HOUSING LAW—OVERVIEW

Westchester Human Rights Law

- Also more expansive than FHAct:
 - Race/Color
 - National Origin
 - Alienage/Citizenship
 - Disability
 - Source of Income (including HCV/Section 8)
 - Religion
 - Marital Status and Familial Status (including pregnancy or anyone securing custody of a child under the age of 18)
 - Military Status
 - Age
 - Gender/Gender Identity/Gender Expression
 - Sexual Orientation
 - Status as a Victim of Domestic Violence, Sexual Abuse, or Stalking

141 FAIR HOUSING LAW—OVERVIEW

Theories of liability:

- Courts recognize two theories of liability under the FHAct:
 - **Disparate Treatment:** Intentional action to treat persons in a protected class differently from the general population
 - **Disparate Impact:** Facially-neutral action/policy/practice that has a harsher impact on protected classes than on the general population

I 42 FAIR HOUSING LAW—OVERVIEW

Proving Disparate Treatment cases

- Where there is direct evidence of discrimination (written or verbal statements indicating an intent to discriminate), proof is straightforward
 - Evidence of discriminatory action and a statement indicating discriminatory intent towards a protected class will prove a violation
 - Needless to say, direct evidence of discriminatory intent is less common today.

I 43 FAIR HOUSING LAW—OVERVIEW

Disparate Impact – Why is it relevant?

- Disparate impact liability has potentially broad reach because it scrutinizes action that is not, on its face, discriminatory
 - Is DI a way to punish intentional liability that is carefully masked by neutral policies?
 - Or is it meant to counter entirely well-meaning action that has an inadvertently harsher impact on protected classes
 - DI is useful for plaintiffs, because no need to show intent

I 44 FAIR HOUSING LAW—OVERVIEW

HUD Disparate Impact Rule

- In 2011 – days after SCOTUS accepted cert on first DI case – HUD announced disparate impact rulemaking
 - Attempt to deflect SCOTUS action?
- In 2013, HUD adopted new regulations (24 CFR §100.500) establishing rules to establish disparate impact liability in Fair Housing Act cases:
 - Definition: A practice has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin.

I 45 FAIR HOUSING LAW—OVERVIEW

- **HUD DI Regulation:**

1. The Plaintiff (or charging party) must make a *prima facie* showing of either a disparate impact or a segregative effect.
2. If the discriminatory effect is shown, the burden of proof shifts to the respondent to show “challenged practice is necessary to achieve one or more substantial, nondiscriminatory interest of respondent.”
3. If the respondent satisfies the burden, then the charging party/plaintiff may still establish liability by proving that these interests could be served by another practice that has a less discriminatory effect.

- 2025: Trump administration limits use of disparate impact

FAIR HOUSING LAW OVERVIEW

2015 *Inclusive Communities Project Decision*

- US Supreme Court affirms use of disparate impact analysis as part of Fair Housing Act
- Imposes “safeguards” to prevent “abusive” DI cases and improper second-guessing of otherwise legitimate decisions, including
 - Showing “robust causal connection” between challenged practice and resulting discrimination
 - Focus on “artificial, arbitrary, and unnecessary” rules/practices

147 FAIR HOUSING LAW—OVERVIEW

- **Affirmatively Furthering Fair Housing (AFFH) Regulation**
 - FHAct originally required federal agencies to promote goals of fair housing (“affirmatively furthering”)
 - Later laws imposed duty to affirmatively further fair housing on HUD grantees
 - HUD required grantees to prepare “analysis of impediments” to fair housing
 - Consensus: insufficient HUD guidance, data cherrypicking by grantees possible, limited oversight/enforcement by HUD
 - **Westchester County Litigation:** Local government opposition to extending affordable housing in suburbs
 - **2025: Trump administration rolls back AFFH rules to 1994 posture**

I 48 COURT TREATMENT OF PREFERENCES IN HOUSING

Zoning v. Community Preferences Case Law

- Zoning – more established case law
- Community Preferences – case law less established

149 PART II: COURT TREATMENT OF PREFERENCES IN HOUSING

Seminal Disparate Impact Case: U.S. v. City of Black Jack, Missouri (E.D. Mo. 1974)

- Zoning Ordinance prohibiting construction of any new multi-family housing units
- DOJ brought case on theory that ordinance was racially discriminatory and violated Fair Housing Act
- City offered justifications including concerns about property values, traffic congestion, and preserving character of the community

150 COURT TREATMENT OF PREFERENCES IN HOUSING

U.S. v. City of Black Jack, Missouri (cont'd)

- Disparate Treatment Analysis
 - The District Court analyzed whether ordinance was enacted with discriminatory intent, concluded evidence was insufficient
- Disparate Impact Analysis
 - Prima Facie Case – Plaintiff demonstrated a statistical disparity—City of Black Jack was 99% White, a marked contrast to composition of other parts of the St. Louis area.

151 COURT TREATMENT OF PREFERENCES IN HOUSING

U.S. v. City of Black Jack, Missouri (cont'd)

- Takeaway: The court considered whether the zoning ordinance had a discriminatory effect, regardless of the city's intent. The court found that the ordinance disproportionately affected African American families, who were more likely to need low-income housing.

152 COURT TREATMENT OF PREFERENCES IN HOUSING

2nd Circuit Treatment of Disparate Impact: Mhany Management v. County of Nassau (2nd Cir. 2016)

- County scrapped plan to rezone and make way for development of multifamily housing.
- MHANY Management, Inc., a non-profit affordable housing developer and manager, brought case against the County in ED of NY alleging discriminatory housing practices that violated Fair Housing Act of 1968.

153 COURT TREATMENT OF PREFERENCES IN HOUSING

Mhany Management v. County of Nassau (2nd Cir. 2016) (cont'd)

- How did the courts look at this issue?
 - District Court
 - 2nd Circuit Appellate Court
 - District Court (upon remand)

I 54 COURT TREATMENT OF PREFERENCES IN HOUSING

What are examples of preferences in housing?

- Local-Resident/Community Housing Preferences
- Veteran-Based Housing Preferences
- Workforce Housing Preferences
- Artist-Based Housing Preferences

155 COURT TREATMENT OF PREFERENCES IN HOUSING

Policy objectives of Community Preferences

- Protect Local Residents
- Overcome NIMBYism
- Maintain neighborhood stability

Do Community Preferences Reinforce Segregation?



156 COURT TREATMENT OF PREFERENCES IN HOUSING

The NYC Cases: Winfield v. City of New York/ Noel v. City of New York

- City of New York has longstanding policy established set-asides for up to 50% of the units in new affordable housing developments for residents of the neighborhoods in which those units were developed
- Plaintiffs alleged that the City's Community Preference policy (CP) for affordable housing had a discriminatory effect, causing a disparate impact on the basis of race and perpetuating segregation.

157 COURT TREATMENT OF PREFERENCES IN HOUSING

The NYC Cases: Winfield v. City of New York/ Noel v. City of New York (cont'd)

- Procedural History: How did the court analyze this issue under a Disparate Impact theory?
 - Motion to Dismiss (Memo opinion and order)
 - Cross Motion for Summary Judgment (Order)

I 58 COURT TREATMENT OF PREFERENCES IN HOUSING

Court's evaluation under New York City Human Rights Law (NYCHRL)

- The court found that the plaintiffs had sufficiently pleaded their NYCHRL claims, as the allegations of disparate impact and disparate treatment under the FHA were also applicable to the NYCHRL claims.
- But it denied the Plaintiff's motion for summary judgment pursuant to the same reasoning as on the FHAct claims.

159 COURT TREATMENT OF PREFERENCES IN HOUSING

The NYC Cases: Winfield v. City of New York/ Noel v. City of New York (cont'd)

- Settlement Terms
 - Reduction of 50% set-aside to 20% this past April, and then to 15% beginning May 1, 2029.
 - Preference will only be applicable to the first occupancy of a unit and will not apply to developments where the sole obligation for affordable housing is the NYC 421-a partial tax exemption program and developments resulting from the purchase and land-purchase and leaseback program unless otherwise required by New York State law.

160 COURT TREATMENT OF PREFERENCES IN HOUSING

San Francisco Community Preference (2015)

- SF adopted similar district-based preference that prioritized 40% of units for nearby residents.
- HUD raised concerns that the policy could perpetuate segregation.
- HUD approved alternative proposal wherein SF residents with an elevated risk of displacement could gain priority for 40% of units.
- Takeaways

161 COURT TREATMENT OF PREFERENCES IN HOUSING

Other Community/Resident Preference Cases in New York

- Vargas v. Town of Smithtown (E.D.N.Y. 2009) (Section 8 Housing Vouchers)
- U.S. v. Town of Oyster Bay (E.D.N.Y. 2014) (Affordable Housing Units)
- Fair Housing Justice Center, Inc., et al v Town of Bedford et al (2017) (Middle Income Housing Units)

162 COURT TREATMENT OF PREFERENCES IN HOUSING

- Key Takeaways
 - No safe harbors regarding geographic scope or percentage of set-aside units
 - Courts will consider “full historical context”
 - Policymakers must assess impact on protected classes, and if there is any, and consider less discriminatory alternatives

I63 MITIGATING DISPARATE IMPACT/OTHER MODELS?

If no safe harbor, what other policies can be implemented to promote development of affordable housing?

Q&A



CONTINUING EDUCATION CREDITS

CLE Credits

*3 Professional Practice and
1 Diversity, Inclusion & Elimination of Bias*

NYS Planning & Zoning Credits

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