

***EXHIBIT A***  
***(description)***

Submitted at the 12/17/12 PBM by D Gaglio

All that certain piece, plot or parcel of land situate lying and being in the Village and Town of Pawling, County of Dutchess, State of New York, being Lot #7 on "Final Subdivision Plat of Property Being Baxter Green" filed in the Dutchess County Clerk's Office on December 10, 1999 as Filed Map No. 10936.

" EXHIBIT B "

Submitted at the 12/17/12 PBM by D Gaglio

**DECLARATION OF COVENANT & RESTRICTION**

THIS DECLARATION is made the 1<sup>st</sup> September ~~August~~, 2005 by JAMES J. MANSFIELD residing at 29 Baxter Road, Pawling, New York 12564, hereinafter referred to as the DECLARANT,

**WITNESSETH:**

**WHEREAS**, by deed of Baxter Green Associates, LLC, delivered this date, the Declarant is now the owner in fee simple of certain premises in the Village and Town of Pawling, County of Dutchess and State of New York with the improvements thereon and more particularly described on "Schedule A" attached; and

77N WATER ST  
GREENWICH CT 06830

**WHEREAS**, the premises were planned and made available to DECLARANT by virtue of an affordable housing plan developed by the Village of Pawling Planning Board and enabled by a local law known as *Village of Pawling Affordable Housing Law*, being *Local Law No. 1 of 2002*; and

**WHEREAS**, DECLARANT wishes to document his involvement in said affordable housing plan and to restrict their property to its benefits and obligations;

**NOW, THEREFORE, THE DECLARANT DECLARES AS FOLLOW:**

**THAT** the terms and conditions of the aforesaid *Village of Pawling Affordable Housing Law*, as the same may be amended from time to time, and any supplemental rules or regulations promulgated thereunder, shall touch, appertain, and run with the land described on "Exhibit A" and shall be deemed a covenant and restriction thereon; and

**THAT** any sale or resale of the real property described in "Exhibit A" shall satisfy the purchase price requirements contained in the *Village of Pawling Affordable Housing Law* as may be amended from time to time, and any supplemental rules or regulations promulgated thereunder; and

**THAT** said covenant and restrictions shall apply to the DECLARANT'S heirs, successors and assigns in ownership of said premises; and

**THAT** the Village of Pawling shall be the party benefited by this declaration and shall have the power to enforce, modify, release, or otherwise act with regard thereto.

  
JAMES J. MANSFIELD

**Village of Pawling  
Moderately Priced Housing Program**

~~\$187,460~~  
# 232080

The sale prices for the units at the Baxter Green Subdivision are ~~\$187,460~~ and \$235,322. Units may be purchased through an application process to financially eligible households as described in the village's ordinance. To be eligible, applicant's household income must be at or below the following:

- 1 person household - \$38,335\*
- 2 person household - \$43,817\*
- 3 person household - \$49,300\*
- 4 person household - \$54,740\*
- 5 person household - \$59,160\*
- 6 person household - \$63,537\*

Subject to change annually by HUD.

Household income shall include the income of all household members who will occupy the unit. The unit must be used as the buyer's primary residence.

In addition, the ordinance establishes the following priority order for applications:

**Category 1.**

1. Village and Town of Pawling Municipal employees for at least two years
2. Pawling Central School District employees for at least two years
3. Volunteer Fire Company and Ambulance Corps members for at least 5 years
4. Military Veterans who were residents for at least 2 years prior to service

**Category 2**

1. Households whose head of household or spouse is thirty(30) years of age or younger and is employed by the Village or Town of Pawling
2. Households whose head of Household or spouse is sixty-two(62) years of age or older

**Category 3**

1. Other persons employed in the Village or Town of Pawling
2. Other persons employed by employers whose business serve the Village of Pawling area

**Category 4**

1. All other financially-Eligible Households

The Village or the Town does not provide financing for these units. You must be able to qualify for a mortgage, make a down payment and pay the closing costs that are necessary to purchase a unit. To obtain a mortgage you need good credit, steady income and the unit must be affordable for your household's income.

NHC-DC will review all applications and develop a priority list, omitting the ineligible applications, and NHC-DC will issue an "Eligibility Certificate" to one (1) household and one (1) alternate for each unit available. The priority household will then contact the homeowner to tour the unit and enter into a purchase contract. Eligibility Certificates will be valid for 30 days from the date of issuance with the option to extend for another 30 days upon the approval of the Town and the seller. During this time the eligible household must enter into a contract with the developer to purchase the unit.

Applicants to the Program should take the following steps:

1. Complete and submit the Program application.
2. Assemble and submit the following documents:
  - a. Complete copies of the 2009 and 2010 Federal Tax Returns for each household member, with corresponding forms (W-2, 1099, etc.)
  - b. Four (4) consecutive weeks of most recent pay stubs for each employed household member.
  - c. Additional verification forms may be requested.
  - d. Proof of the ability to obtain a mortgage including:
    1. Pre-approval letter for a mortgage. (There should not be a fee to obtain this letter).

Applications with missing documentation will not be accepted.

For a detailed description of the program, please refer to the Affordable Housing section of the Village of Pawling's zoning law.

Applications can be downloaded at [www.hudsonriverhousing.org](http://www.hudsonriverhousing.org) and at [www.villageofpawling.org](http://www.villageofpawling.org). Applications will be accepted at NeighborWorks HomeOwnership Center of Dutchess County (NHC-DC), 291 Mill Street, Poughkeepsie, NY 12601 or the Village of Pawling, 9 Memorial Avenue, Pawling, NY 12564. You can also stop by either location to pick up an application packet. Applications will be accepted May 20, 2011 through June 20, 2011.

**DUTCHESS COUNTY/CITY OF POUGHKEEPSIE  
FIRST TIME HOMEBUYER PROGRAM GUIDELINES**

The Program is conducted through the NeighborWorks HomeOwnership Center of Dutchess County. Funded by the Dutchess County/City of Poughkeepsie HOME Program through the U.S. Department of Housing and Urban Development (HUD).

**Section I - General Requirements**

1. Applicant must meet the HUD definition of a first time homebuyer. Generally, an applicant cannot have owned a home in the past 3 years. The full HUD Definition is available at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/ref/sfhp3-02](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/ref/sfhp3-02).
2. Applicant must be a lawful, permanent resident of the United States of America and either a resident of Dutchess County or be employed in or have an accepted job offer in Dutchess County.
3. Applicant must be credit worthy and have the ability to qualify for a 30-year fixed-rate mortgage with a participating lender. The maximum ratio of monthly housing expenses to gross monthly income is 33%. The maximum ratio of total monthly debt (housing plus other debt such as car, student loan, credit card...) to gross monthly income is 38%. The Program may consider exceptions to these ratios upon the recommendation of a participating lender.
4. Applicant must be income eligible according to the following HUD guidelines:

Maximum gross annual household income\*-

Family Size	Income Limits	Family Size	Income Limits
1	\$45,500	5	\$70,200
2	\$52,000	6	\$75,400
3	\$58,500	7	\$80,600
4	\$65,000	8	\$85,800

Minimum gross annual household income - \$20,000.

Annual income is the gross income anticipated to be received by all adults (18 years of age or older) in a household during the 12 months following application submission. Anticipated income is determined by annualizing current income for the next 12 months. Income includes but is not limited to: wages/overtime, commissions/bonuses, net income from business/real or personal property, dividends/interest, social security/retirement funds/pension, annuities, income from assets (imputed based on HUD guidelines if asset is not generating income), welfare, unemployment, worker's compensation, and alimony/child support.

Applicant must submit the following documents with the preliminary application: most recent 3 months pay stubs, 2012 annual benefit statements (pensions and social security), and other income documentation as applicable. Applicant must also submit 2010 and 2011 Federal Income Tax

5. Applicant must complete an approved first time homebuyer course. Purchasers of a two-family home must also take a landlord training course. In Dutchess County, these courses are offered by the NeighborWorks HomeOwnership Center. All courses must have been taken within the past 3 years. Other courses may be considered by the HomeOwnership Center upon submission of a certificate of completion and an outline of the course components.

6. Applicant must be able to pay at least 3% of the purchase price from personal savings as a down payment. Applicants must have at least \$2,000 at the time the preliminary application is submitted. A copy of a bank statement must be submitted to verify savings. Applicants must be able to pay non-eligible closing costs (fuel adjustment, homeowner's insurance and excessive attorney fees).

7. The maximum assistance per household/purchaser is \$10,000 for the eligible expenses. However, an income eligible purchaser must pay 25% or more of their household's gross monthly income towards the proposed mortgage payment (including principal, interest, taxes and insurance) to be eligible for maximum assistance. The amount of assistance shall be reduced from the maximum if the proposed mortgage payment is less than 25% of a household's gross monthly income.

### Section II - Eligible Properties

1. Any existing single or two-family home, townhouse, or condominium located in any Dutchess County municipality is an eligible property.

2. The appraised value\* of the property may not exceed:

1-family - \$247,285
2-family - \$316,578

3. The property must meet HUD Housing Quality Standards (HQS). These guidelines are available at: <http://www.hud.gov/offices/adm/hudclips/guidebooks/7420.10G/7420g10GUID.pdf>. The program will conduct a visual inspection for deteriorated paint. Any deteriorated paint must be stabilized prior to the homebuyer moving in and must be done in accordance with safe work practices. The property must pass clearance testing upon completion of the work. Information on safe work practices and clearance is available from Dutchess County Planning and Development or <http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>.

### Section III - Program Benefits

1. Participating lenders may offer financing up to 97% of the purchase price or appraisal value, whichever is less, for 30 years at a fixed rate.

2. The Program offers a deferred payment loan of up to \$10,000 to assist with down payment and closing costs. Funds can be used to pay:

- Down payment

- All program eligible closing costs. Please note that homeowner's insurance, fuel adjustments, excessive attorney fees and excessive lender processing fees are not eligible closing costs. The program will pay lender required tax escrows or adjustments.

The term of the deferred payment loan is 10 years. The full amount of the loan will be due if the property is sold or ceases to be utilized as an owner-occupied property by the first time homebuyer during the first full five years measured from the date of acquisition. During the sixth through tenth years, the amount due decreases by 20% for each full year the borrower remains in the property. At closing a buyer acknowledgement and promissory note will be signed and a restriction will be placed in the deed to ensure compliance. Residency will be verified annually.

Section IV – Application and Closing Process

STEP 1 – Application

1. Applications are to be submitted to the Neighborworks Homeownership Center of Dutchess County. Applications will be accepted first-come, first-serve. A waiting list will be kept once all funds are allocated. Upon approval of the preliminary application, applicant will receive an eligibility certificate good for approximately 4 months.

STEP 2 – Processing

1. Upon execution of a purchase contract on a property, submit a standard mortgage application, with the Program eligibility certificate, to a participating lender.
2. Contact the Homeownership Center to notify it of the execution of a purchase contract and submission of mortgage application so it can arrange the inspection and work with the participating lender to prepare for the closing.

Participating Lenders

<u>Name</u>	<u>Phone</u>	<u>Contact Person</u>
Citizens Bank	(914) 213-0559	Scott Wallingford
HSBC	(845) 473-9236	Kathleen Wirth
Hudson Valley Federal Credit Union	(845) 463-3011	Nancy Lilly-Hamilton
M&T Bank	(914) 456-2975	Melissa Landolfi
Putnam County Savings Bank	(845) 297-7101	Mark Pawliczko
Rhinebeck Savings Bank	(845) 790-1546	Susan Utter
Salisbury Bank & Trust	(800) 222-9801	Sarah O'Connell
Ulster Savings Bank	(845) 297-5985	Michael Kienle

Contact Information

Mary Linge, Director of HomeOwnership & Education  
 NeighborWorks HomeOwnership Center, 291 Mill Street, Poughkeepsie, NY 12601  
 (845) 454-9288, [mlinge@hudsonriverhousing.org](mailto:mlinge@hudsonriverhousing.org)

\*Updated annually by the HUD

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~  
~~City~~  
~~Village~~

of Pawling  
Local Law No. 1 of the year 2002

A local law Amending and Supplementing the Existing Affordable Housing Provisions in the Zoning Code  
(Insert Title)

Be It enacted by the Board of Trustees of the  
(Name of Legislative Body)

~~XXXXXX~~  
~~City~~  
~~Village~~

of Pawling as follows:

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

Section 1. Purpose and Intent. The Zoning Code of the Village of Pawling contains regulations for the authorization for and construction of affordable housing. The following amendments authorize establishment of an Affordable Housing Board and list its powers and duties, and set forth occupant selection standards for affordable housing

Section 2. Article I Chapter 98 Section 3 of the Zoning Code of the Village of Pawling is amended hereby by amending the existing definition of Affordable Housing and adding a definition of Financially-Eligible Households, which shall read as follows:

Affordable Housing -- Dwellings that have been designated as Affordable Housing by the Village of Pawling Affordable Housing Board for the purpose of providing housing to Financially-Eligible Households. Affordable Housing shall have a sale or rental price determined by the Affordable Housing Board in consultation with the Dutchess County Department of Planning as a function of what a Financially-Eligible Household could reasonably afford.

Financially-Eligible Households -- Households whose income does not exceed the median income of households in the Village of Pawling as determined by the Affordable Housing Board based on information available from the Dutchess County Department of Planning at the time of the determination.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

### 3. Affordable Housing

Submitted at the 12/17/12 PBM by D Gaglio

- A. Establishment and Maintenance in Perpetuity. Fifteen percent (15%) of the dwelling units (exclusive of accessory dwellings) in the applicable development must be Affordable Housing. The Affordable Housing must be integrated within the development in terms of unit type, design, and location to the satisfaction of the Planning Board. The applicant must also establish a mechanism such as a covenant or deed restriction controlling resale or rental levels of the individual units that assures that the housing will remain affordable in perpetuity. This mechanism may be a state or federal guideline, but it must be acceptable to the Planning Board.
- B. Establishment of Village Affordable Housing Board

The Village Board shall establish an Affordable Housing Board composed of five (5) members. It shall be the purpose of this Board to properly administer the provisions of this chapter so that its purpose and intent are realized. The Affordable Housing Board shall have the following responsibilities:

- (i) The annual review of the implementation of this chapter and the recommendation of changes in these provisions, where necessary.
- (ii) The supervision over the criteria for determining Financially-Eligible Households in each calendar year.
- (iii) The certification of the eligibility of all households applying for the purchase or rental of Affordable.
- (iv) The maintenance of a list of eligible households for each unit of Affordable Housing.
- (v) The establishment of a formula for determining, and the designation of, Affordable Housing.
- (vi) The establishment and control of a lottery for selecting Financially-Eligible Households.
- (vii) The promulgation by resolution from time to time of such rules and regulations necessary to implement the requirements, intent and purpose of this chapter.
- (viii) The authority to take any other actions necessary to effectuate the purpose and intent of this chapter.

#### C. Occupant Selection Standards.

The Affordable Housing Board shall use the following standards in developing a priority list of households eligible to buy or rent each unit of Affordable Housing:

paragraph (v) below, applications for sale or lease of Affordable Housing must demonstrate that the applicant is a Financially-Eligible Household as defined in section 98-3 of the Zoning Code of the Village of Pawling, and, in the case of purchase, able to obtain adequate financing for the purchase. Submitted at the 12/17/13 BWM and D Gaglio

- (ii) Preference Categories. Among Financially-Eligible Households, preference to purchase an Affordable Housing unit shall be given to those households that contain an individual in one of the following categories, listed in descending order of priority:
- a. Category 1
    1. Village and Town of Pawling municipal employees who have been so employed for at least two years;
    2. Pawling Central School District employees who have been so employed for at least two years;
    3. Volunteer Fire Company and Ambulance Corps members actively serving the Town or Village of Pawling for at least five years;
    4. United States military service veterans who were a resident of the Town or Village of Pawling at least two (2) years prior or subsequent to their military service.
  - b. Category 2
    1. Households whose head of household or spouse is thirty (30) years of age or younger and employed in the Village or Town of Pawling;
    2. Households whose head of household or spouse is sixty-two (62) years of age or older.
  - c. Category 3
    1. Other persons employed in the Village of Pawling
    2. Other persons employed by employers whose businesses serve the Village of Pawling area.
  - d. Category 4  
All other Financially-Eligible Households.
- (iii) Lottery. The Affordable Housing Board shall compile a list by Category of all Financially-Eligible Households who have submitted applications to purchase the available unit of Affordable Housing. The Affordable Housing Board shall first hold a lottery of all Category 1 households as designated on the list. If there are no Category 1 households, the Affordable Housing Board shall hold a lottery of Category 2 households from the list, and so on, until an eligible purchaser is found for the Affordable Housing.
- (iv) Time Period to Solicit Purchasers or Renters. Commencing on the date a unit of Affordable Housing is available for sale or lease, the Affordable Housing Board shall make reasonable efforts to solicit purchasers or renters for such housing for a continuous period of twenty-five (25) days (the "Open Solicitation Period"). If no Financially-Eligible Households

- (v) No Eligible Households. If no Financially-Eligible Households apply to purchase or rent, as the case may be, a particular unit of Affordable Housing within the Open Application Period, a second Open Application Period shall commence wherein applications shall be accepted from households who are not otherwise financially-eligible. At the end of the second Open Application Period, preference shall be given, in descending order, to (1) Financially-Eligible Households in accordance with sections (ii) and (iii) above, and (2) non Financially-Eligible Households with preference given to the household that is the closest to qualifying as a Financially-Eligible Household.

D. Review of Affordable Housing Board Decisions.

Decisions of the Affordable Housing Board are final and may be appealed by filing an action under Article 78 of the New York State Civil Practice Law and Rules.

Section 4. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.