

## *Local Law Filing*

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(Use this form to file a local law with the Secretary of State.)

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.

County    City    Town    Village  
(select one.)

of **Montgomery**

FILED  
state Records

MAR 26 2024

DEPARTMENT OF STATE

**Local Law No. 3 of the year 2024**

**A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2022 WHICH ESTABLISHED A  
PROCEDURE TO CREATE AN AFFORDABLE, SUPPORTIVE AND VETERANS  
SUPPORTIVE HOUSING FLOATING ZONE**

**Be it enacted by the Town Board of the Town of Montgomery as follows:**

See attached.

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

**TOWN OF MONTGOMERY**

**LOCAL LAW NO. 3 OF 2024**

**A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2022 WHICH ESTABLISHED A PROCEDURE TO CREATE AN AFFORDABLE, SUPPORTIVE AND VETERANS SUPPORTIVE HOUSING FLOATING ZONE**

Be it enacted by the Town Board of the Town of Montgomery, County of Orange, State of New York as follows:

**Section 1.**                    **Title.**

This Local Law shall be referred to as “**A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2022 WHICH ESTABLISHED A PROCEDURE TO CREATE AN AFFORDABLE, SUPPORTIVE AND VETERANS SUPPORTIVE HOUSING FLOATING ZONE**”.

**Section 2.**                    **Statement of Intent.**

The Town Board has determined that it is necessary to amend Local Law No. 5 of 2022, in order to clarify that workforce and senior housing would be available categories in order to qualify for approval of a floating zone and that every eligible category for floating zone designation need not be included in a project if said project includes a substantial number of qualifying categories.

**Section 3.**                    **Amendments to Town Code**

The Town of Montgomery Code Section 235-6.6 entitled “Affordable, Supportive and Veterans Supportive Housing Floating Zone is hereby amended as follows:

**A. Section 235-6.6 title and abbreviation changed.**

1. Town Code Section 235-6.6 shall henceforth have the following section heading:

“The Senior, Affordable, Workforce, Supportive and Veterans Supportive Housing Floating Zone”

2. All references to the section title within the text of the section shall be deemed to be amended to the foregoing title and all abbreviations within the section shall be changed from “ASVS” to “SAWSVS”.

**B. Section 235-6.6(A) amended.**

Subsection 235-6.6(A) entitled: “Statement of Intent and Objectives” is hereby amended to add a subsection 3 as follows:

(3) It is not necessary that the proposed project for which a floating zone is sought include each category of targeted housing specified in Recommendation 21.8 of the Montgomery Comprehensive Plan. For example, a project may be landed as a floating zone under this section if housing is provided exclusively for the senior, workforce and veterans populations, or the project is specifically designed for the senior and special needs populations. The goal is to attract projects that address a substantial community need using some, but not necessarily all, of the identified housing categories.

**C. Section 235-6.6(C)(5) amended.**

Subsection 235-6.6(C)(5) entitled: “Criteria for authorization of SAWSVS Floating Zone” is hereby amended to include the following bolded language:

(5) Proposed units must be funded and/or **income-restricted** under the supervision of a department of New York State, Orange County, or the Town of Montgomery for the purposes of providing dwellings with or without supportive services to households whose householder meets qualifying criteria on a continuing basis by way of age, **income level**, veteran status, or disability.

**Section 4. Severability.**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Montgomery hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 5. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 6. Effective Date.**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2024 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Town Board of the Town of Montgomery on March 20, 2024, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Tara Stickle

Tara Stickle, Town of Montgomery Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

Date: 3/22/2024

