

DATE September 24, 2010

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Acting Commissioner

SUBJECT: Resolution Authorizing an Agreement By and Among the County of Westchester, Graceland Terrace Housing Development Fund Corp. and Cottage Landings, LLC, to Provide Funds for the Acquisition of Land and the Construction of Publicly Owned Infrastructure Improvements in Support of the Edgar Place Fair and Affordable Housing Development in the City of Rye.

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Graceland Terrace Housing Development Fund Corp. (the "HDFC") and Cottage Landings, LLC, its designee or assigns, (the "Developer") to provide a grant in the total amount of \$1,356,000 from capital project BPL50 - Fair and Affordable Housing ("FAH") in support of the proposed Edgar Place fair and affordable housing development (the "Development") on approximately 0.9 acres of real property located at 15 Edgar Place in the City of Rye (the "Property"). The Development when completed will, in compliance with the requirement that the County affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below), include 18 one-bedroom ownership and one-bedroom plus den units (the "AFFH Units"). It should be noted that there will also be four privately funded market rate units constructed on the property for a total of 22 units.

Pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit entitled U.S. ex rel. Anti-Discrimination Center vs. Westchester (the "Settlement Agreement"), the County was required to develop 750 units of fair and affordable housing. Pursuant to letter from the federal monitor dated July 13, 2010, the County has been advised that the proposed AFFH Units constitute eligible units under Section 7(a) of the Settlement Agreement. . In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units, including the units in the proposed Development.

The Agreement will provide a total of \$1,356,000 of FAH funds and shall specify that said funds shall be allocated to construct 18 AFFH Units which will be affordable to families at or below 80% of the County Area Median Income ("AMI") for a period of not less than 50 years as follows: (i) \$1,227,000 shall fund the acquisition of the AFFH share of the Property by the HDFC, noting that the HDFC will act as nominee for the Developer, which will hold beneficial

ownership of the Property and (ii) \$129,000 shall be used to fund the construction of publicly owned infrastructure improvements in support of the Development. The proposed agreement shall have a term of 2 years, anticipated to commence as of October 7, 2010. It should be noted that the total acquisition price of the Property is \$1,500,000. The Agreement will require that a Declaration of Restrictive Covenants be filed against the property requiring a period of affordability of not less than 50 years.

On September 20, 2010 the Westchester County Board of Legislators authorized, by Act # 2010-123, amendment of the 2010 County Capital Budget to increase the appropriation for Capital Project BPL50 by \$1,356,000 to fund acquisition of the Property and construction of publicly owned infrastructure improvements in support of the Development. In addition, on September 20, 2010, the County was authorized by the Westchester County Board of Legislators through Act # 2010-124 to accept, at no cost, a grant of any property rights necessary in connection with the Development.

The Agreement will serve the public purpose of providing affordable AFFH units. The goal and objective of this Agreement is to create fair and affordable housing which is safe, secure and energy efficient. The project will create home ownership opportunities for lower and moderate income individuals and families who would not otherwise be able to afford to purchase a home in Westchester County. It will also enhance the neighborhood with interactive design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the affordability requirements.

EB/lk
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT # 101-210 JUMARA VEIRA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: the County of Westchester is hereby authorized to enter into an Agreement with Graceland Terrace Housing Development Fund Corp. and Cottage Landings, LLC, its designee or assigns (the "Developer") to provide a grant in the total amount of \$1,356,000 from capital project BPL50 - Fair and Affordable Housing ("FAH") in support of the proposed Edgar Place fair and affordable housing development (the "Development") on approximately 0.9 acres of real property located at 15 Edgar Place in the City of Rye (the "Property"); and it is further

RESOLVED: the Development will, in compliance with the requirement that the County affirmatively further fair housing ("AFFH") as set forth in 432 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below), include 18 one-bedroom and one-bedroom with den ownership units (the "AFFH Units"); and it is further

RESOLVED: that the total amount of the agreement of \$1,356,000 is comprised of \$1,227,000 which shall fund acquisition of the AFFH share of the Property and \$129,000 shall be used to fund the construction of publicly owned infrastructure improvement in support of the Development; and it is further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Account to be
Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
318	19	BPL50-01S	6050	N/A	\$1,356,000.00

Budget Funding Year(s) FY 2010 Start Date October 7, 2010 End Date October 6, 2012
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$1,356,000.00 Federal Aid _____

Other \$1,356,000.00