

22907

DATE January 20, 2011

TO: Board of Acquisition and Contract

FROM: Edward Buroughs, Commissioner
Department of Planning

SUBJECT: Resolution authorizing an agreement by and between the County of Westchester and Crompond Crossing Housing Development Fund Company, Inc. to supplement the cost of constructing and/or installing eleven affordable AFFH homeownership units at 3372 Old Crompond Road in the Town of Yorktown

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement with Crompond Crossing Housing Development Company, Inc. (the "HDFC") to administer a grant from the Federal HOME Investment Partnership Program (the "HOME Program"). The grant will be used to supplement the construction and/or installation of eleven (11) affordable AFFH ownership units (the "HOME Units") out of a total of twenty-six (26) affordable AFFH ownership units (the "Affordable AFFH Units") to be located at 3372 Old Crompond Road in the Town of Yorktown (the "Development"). The proposed agreement shall have a two year term, commencing upon execution. The grant shall be in an amount not to exceed \$500,000.00 and is contingent upon the Development receiving all necessary approvals and financial commitments.

The Development, including without limitation the HDFC possessing fee title to the real property upon which the proposed development will be located, shall affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b) (2) and shall affirmatively market the Affordable AFFH Units as required by the Settlement Agreement defined below.

Pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester (the "Settlement Agreement"), the County is required to ensure the development of 750 units of Affordable AFFH Units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units that includes the Affordable AFFH Units in the proposed Development. Pursuant to a letter from the federal monitor dated September 14, 2011, the County has been advised that the proposed AFFH Units are anticipated to constitute eligible units under Section 7(a) of the Settlement Agreement.

Act 29-2006, which authorized the County to accept and administer a grant under the HOME Program of \$1,762,211.00, was adopted by the Westchester County Board of Legislators (“BOL”) on March 13, 2006 and approved on April 4, 2006 by the Board of Acquisition and Contract (“BAC”). This project will be partially funded from that fiscal year as well as from fiscal year 2007, pursuant to Act 47-2007, which authorized the County to accept and administer a grant under the HOME Program of \$1,762,211.00, was adopted by the BOL on March 12, 2007 and approved on April 13, 2007 by the BAC.

The Agreement shall provide a total of \$500,000.00 in HOME program authorized funds and shall specify that said funds shall be allocated to underwrite the financing for a portion of the cost for constructing and/or installing eleven (11) HOME Units that shall be affordable to families at or below 80% of the County Area Median Income (“AMI”) and shall remain affordable for a period of not less than fifty (50) years in accordance with a declaration of restrictive covenants that shall be filed in the land records of the Westchester County Clerk’s Office.

The goal and objective of this Agreement is to carry out the County’s obligations under the Settlement Agreement by constructing Affordable AFFH Units in accordance with the terms of said Settlement Agreement. In addition, the Development will create home ownership opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home in Westchester County that is safe, secure and energy efficient. The Development will also enhance the neighborhood through its design and landscaping.

The Department of Planning staff shall monitor and track construction of the Development, as well as monitor compliance with the affordability requirements.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the “Grant Terms”), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

I therefore respectfully recommend your Honorable Board’s adoption of the annexed Resolution.

EB/jw
Attachment

RESOLUTION

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

RESOLVED: that the County of Westchester is hereby authorized to enter into an Agreement (the "Agreement") with Crompond Crossing Housing Development Fund Company, Inc. (the "HDFC") through the Federal HOME Investment Partnership Program ("HOME") to supplement the installation and/or construction of eleven (11) affordable ownership units that shall affirmatively further fair housing at 3372 Old Crompond Road in the Town of Yorktown (the "real property") for the purpose of carrying out the County's obligations pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester; and it is further

RESOLVED: that the Agreement shall be in an amount not to exceed \$500,000.00 to be paid pursuant to an approved budget and contingent upon receipt of all required approvals and financial commitments, including without limitation the HDFC taking fee title to the real property. and shall have a two year term, commencing upon execution; 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

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	173G	4380	T173	\$151,972.00
263	19	173H	4380	T173	\$348,028.00

Budget Funding Year(s) FY 2006 & 2007 Start Date: Upon Execution End Date: Two (2) years from execution

Funding Source

\$500,000.00
(must match resolution)

Tax Dollars _____
State Aid _____
Federal Aid \$500,000.00 – U.S. Department of Housing and Urban Development
Other _____