

24265

DATE February 22, 2012

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing an amendment to the agreement between the County of Westchester and Martino Real Estate, LLC, for professional services to assist with the identification and acquisition of foreclosed properties, in order to change the expiration date and increase the dollar amount

On March 4, 2010, your Honorable Board approved a resolution to enter into an agreement with Martino Real Estate, LLC, to provide professional services to assist with the implementation of the NSP Program to purchase foreclosed properties and coordinate the rehabilitation and resale of those units. The term of the agreement is March 1, 2010 to February 28, 2012 with the option to renew said agreement for one (1) or two (2) year(s) period with the same prices, terms and conditions, based on the success of the program. The amount of the grant is \$70,000.00 to be paid pursuant to an approved budget.

The attached resolution authorizes the County of Westchester to amend the agreement with Martino Real Estate, LLC, to change the contract expiration date from February 28, 2012 to February 28, 2014 and increase the dollar amount from \$70,000.00 to \$85,000.00 an increase of \$15,000.00. The additional funds will come from the Community Development Block Grant Property Improvement Program. All other terms and conditions of the agreement will remain the same.

Martino Real Estate, LLC, has requested an amendment as additional time is necessary in order to complete the second phase of purchasing properties and to assist with the identification of additional properties that might qualify under the Acquisition and Rehabilitation program. The second phase of the NSP purchases is expected to begin in 2012. The additional funds will be used to identify additional foreclosed housing units that would be rehabilitated and included as affordable Affirmatively Furthering Fair Housing units.

The goal and objective of the original agreement is to provide assistance in the furtherance of building fair and affordable housing in Westchester County. The project will be monitored by the Planning Department staff who will have regular meetings with Mr. Martino and will review the documents to ensure all contractual obligations are met.

Act # 11-2010, adopted March 15, 2010, by the Westchester County Board of Legislators, authorized the County to file an FY 2009-2013 Consolidated Plan application consisting of an Action Plan for Fiscal Year 2010 as an Urban County to the United States Department of Housing and Urban Development (HUD).

On April 29, 2010, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the United States Department of Housing and Urban Development for the thirty-fifth year grant totaling \$8,473,589.00 from HUD. The allocation for the Community Development Block Grant Program is \$6,378,239.00. This project will be funded from the thirty-fifth year CDBG allocation.

Pursuant to Act No. 11-2010, prior to disbursement of any grant funds received by the County in connection herewith, any recipient must commit in writing to affirmatively further fair housing ("AFFH") within its borders. Pursuant thereto, such recipient shall agree to certify in writing to the County that it is in compliance with the following terms and conditions, as appropriate, in connection with its commitment to AFFH, in that it will actively further implementation of the Stipulation and Order of Settlement and Dismissal in *United States of America ex. rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY* through recipient's land use regulations and other affirmative measures to assist development of affordable housing, under such terms and conditions as approved by the County Attorney.

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 recommend approval of this amendment.

EB/cp
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to amend the agreement with Martino Real Estate, LLC, to provide professional services to assist with the identification and purchase of foreclosed properties, in order to change the contract expiration date from February 28, 2012 to February 28, 2014, and increase the dollar amount from \$70,000.00 to \$85,000.00 an increase of \$15,000.00. The additional funds will come from the Community Development Block Grant Property Improvement Program, and it is further

RESOLVED, that all the other terms and conditions of the agreement will remain the same, 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.

Recommended for Approval

Original Agreement	\$70,000.00
This Amendment	\$15,000.00
 TOTAL	 \$85,000.00
 AGREEMENT NUMBER	 C-NSP-10-01

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
263	19	067K	4380	T067	\$15,000.00

Budget Funding Year(s) (must match resolution) FY 2009 Start Date March 1, 2010 End Date February 28, 2014

Funding Source Tax Dollars _____

State Aid _____

\$15,000.00 Federal Aid \$15,000.00 – U.S. Housing and Urban Development

(must match resolution)

Other _____