

25873

DATE: March 29, 2012

TO: Board of Acquisition and Contract

FROM: Edward Burroughs
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement by and among the County of Westchester and 445 North State Road Partners, LLC, its successor or designee, to supplement the cost of construction of eleven affordable affirmatively further fair housing (AFFH) homeownership units at 445 North State Road in the Village of Briarcliff Manor

The attached resolution authorizes the County of Westchester to enter into an agreement with 445 North State Road Partners, LLC, its successor or designee, to provide a grant from the Federal HOME Investment Partnership Program. The HOME funds will be used to supplement the construction of eleven (11) affordable AFFH HOME homeownership units of a total of fourteen (14) affordable AFFH homeownership units to be located at 445 North State Road in the Village of Briarcliff Manor (the "Development"). The proposed agreement shall have a term of two years, commencing upon execution. The HOME funds shall be in an amount not to exceed \$300,000.00 and are contingent upon the Development receiving all necessary approvals and financial commitments.

The Development will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and will be affirmatively marketed 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, including the 14 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 constitute eligible units under Section 7(a) of the Settlement Agreement.

Act No. 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 Westchester County Board of Legislators on March 12, 2007 and approved on April 13, 2007 by the Board of Acquisition and Contract. This project will be funded from that fiscal year.

The Agreement will provide a total of \$300,000.00 of HOME Program funds authorized under the HOME program and shall specify that said funds shall be allocated to underwrite the financing for a portion of the cost for construction of the eleven (11) HOME Units which will be affordable to families at or below 80% of the Westchester County Area Median Income ("AMI") and will remain affordable for a period of not less than fifty (50) years.

The goal and objective of this agreement is to carry out the County's obligations under the Settlement Agreement by supporting the construction of affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, the project 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, which is safe, secure and energy efficient. It will also enhance the neighborhood through its design and landscaping. Department of Planning staff will 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.

EB/lk
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/19/2017 - JIMMY VERA, SECRETARY

R E S O L U T I O N

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 with 445 North State Road Partners, LLC., its successor or designee, through the Federal HOME Investment Partnership Program to supplement the construction of eleven (11) affordable ownership units that will affirmatively further fair housing at 445 North State Road in the Village of Briarcliff Manor 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 \$300,000.00 to be paid pursuant to an approved budget and contingent upon receipt of all required approvals and financial commitments 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	173H	4380	T173	300,000.00

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

Funding Source Tax Dollars _____
 State Aid _____
\$300,000.00 Federal Aid \$300,000.00 – U.S. Department of Housing and Urban Development
 (must match resolution) Other _____