

#28880

DATE August 24, 2012

TO: Board of Acquisition and Contract

FROM: Robert P. Astorino
County Executive

SUBJECT: Authorization for the County of Westchester to enter into an agreement with Pace University, acting by and through Pace University School of Law's Land Use Law Center ("Pace"), pursuant to which Pace will provide expert advice and assistance in furtherance of the County's obligations to affirmatively further fair housing under paragraph 33 of the Settlement Agreement.

The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Pace University, acting by and through Pace University School of Law's Land Use Law Center, ("Pace") pursuant to which the Pace will provide the County with expert advice and assistance, as more fully described in Schedule "A" to the annexed resolution, in furtherance of the County's obligations to affirmatively further fair housing ("AFFH") under paragraph 33 of the Stipulation and Order of Settlement in *United States, etc. v. Westchester County*, No. 06 Civ 2860 (DLC), in the United States District Court for the Southern District of New York (the "Settlement Agreement"). The proposed Agreement shall be for an amount not-to-exceed \$160,000.00, to be paid at the hourly rates as set forth in Schedule "B" to the annexed resolution. The proposed Agreement shall commence on September 1, 2012 and continue through December 31, 2013.

Under the proposed Agreement, Pace would assist the County in promoting the Settlement Agreement by, among other things, implementing education and outreach initiatives in eligible communities. Such activities would include outreach to local officials to, among other things, build leadership teams to resolve zoning issues, promote adoption of the model ordinance, and encourage project best practices. Pace has advised that it will coordinate closely with County staff and the Housing Action Council, Inc. ("HAC"), an approved subconsultant, to provide such services to the County.

The proposed Agreement will serve a public purpose as it will assist the County in meeting its obligations to AFFH under the Settlement Agreement, which is in the best interest of the County. The goal and objective of the proposed Agreement is compliance with the Settlement Agreement, including without limitation, through education and outreach. Planning Department staff will monitor the work.

The proposed Agreement is exempt from the Westchester County Procurement

Policy (the “Policy”) pursuant to Section 3(a)(ix) of that Policy, which exempts contracts with teachers, lecturers, and other educational professional or experts.

Based on the foregoing, I recommend approval of the attached resolution.

RPA/kar/nn
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/06/2012 - JOMARY VIEIRA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COUNTY EXECUTIVE, BE IT HEREBY

RESOLVED: that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with Pace University, acting by and through Pace University School of Law's Land Use Law Center ("Pace"), pursuant to which Pace will provide the County with expert advice and assistance, as more fully described in Schedule "A" hereto, in furtherance of the County's obligations to affirmatively further fair housing ("AFFH") under paragraph 33 of the Stipulation and Order of Settlement in *United States, etc. v. Westchester County*, No. 06 Civ 2860 (DLC), in the United States District Court for the Southern District of New York (the "Settlement Agreement"); and be it further

RESOLVED: that the Agreement shall be for an amount not-to-exceed \$160,000.00, to be paid at the hourly rates as set forth in Schedule "B" hereto; and be it further

RESOLVED: that the Agreement shall commence on September 1, 2012 and continue through December 31, 2013; and be it further

RESOLVED: that Housing Action Council, Inc. ("HAC") is hereby approved as a subconsultant; and be it 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			
263	11	035J	4250	T035	\$160,000.00

Budget Funding Year(s)
(must match resolution)

FY 2012/2013

Start Date Sept. 1, 2012

End Date

December 31, 2013

Funding Source

Tax Dollars _____

State Aid _____

\$160,000.00
(must match resolution)

Federal Aid _____

Other \$160,000

SCHEDULE "A"

Affirmatively Furthering Fair Housing in Westchester Proposed Zoning and Project Promotion and Public Education Strategies: September- December, 2013 Submitted by the Land Use Law Center

Overview: Under this proposal the Land Use Law Center will assist the County of Westchester to implement several initiatives to affirmatively further fair housing in consortium communities. These activities advance discrete efforts to provide affirmatively marketed affordable housing, while concentrating on developing an effective communication system, involving county leaders and staff, local officials and advocates, civic organizations, the Monitor, and HUD in a way that build a base for further productive collaboration in implementing the Westchester Housing Settlement.

The Land Use Law Center will coordinate closely with County staff and engage the Housing Action Council and its Community Housing Resource Center to assist in carrying out all these activities, providing its services to complement those of the County, where needed.

Activities:

1. *Executive Roundtable* – The Center will assist the County in hosting meetings of selected local officials, HUD representatives, and the Monitor’s office to discuss and advance all of the other activities contained in this proposal. HUD will be asked for its assistance in providing Westchester with examples of successful AFFH strategies and the Monitor engaged in reviewing activities before they are implemented. We will secure the involvement of HUD and Monitor in the following:
 - Sessions of Executive Roundtable: initially 3 and more as needed.
2. *CEO Roundtable* – The Center will assist the County in convening the Chief Elected Officials of the local governments implicated by the Settlement, to secure their input regarding and support for the initiatives proposed as well as to answer questions, review progress and strategies, urge additional initiatives and policies, and select local residents to create a FAH leadership team in each locality.
 - CEOs involved in Roundtables: Minimum of 2 events.
3. *Local Leader Training and Formation of Leadership Teams* (The LULA Training Program) Building on the local leaders that the Center and its subcontractor have trained and with whom they have worked on AFFH zoning and project promotion, they will work with County staff to identify additional key local leaders (mainly from communities that have not been fully engaged to date) to train in zoning and project best practices and to build leadership teams in the Settlement communities whose task will be to insure that each community promotes the Settlement. The local CEOs also will be consulted in recruiting trainees. The Land Use Leadership Alliance Training (“LULA”) will take place

over three days with trip to investigate successful projects in Westchester scheduled on day three. The training will support the development of a local AFFH Plan and a public education campaign for each leadership team to promote locally.

- Leaders selected and trained: Approximately 40 in 3 day program from the 31 eligible communities.
- Creation of new leadership teams and enhancement of existing leadership teams: Approximately 8-10.

4. *Clinics With AFFH leaders* – The Center will work with County staff to organize and hold two clinics for local leaders working on AFFH at the local level, not only those trained in the LULA but for other local leaders as well. The first will be on the Model Inclusionary Zoning Ordinance and other zoning strategies for AFFH and the other will be on best practices for furthering local affordable housing projects that will be affirmatively marketed. These clinics will build on but extend the techniques and information taught in the LULA. The clinics will be conducted so that the current challenges of each community are examined and problems solved with respect to each one. Local leaders and staff from communities that have successfully implemented inclusionary zoning and approved AFFH projects will be actively involved. The ongoing work of county staff on these matters will be the centerpiece of these clinics. HUD's contributions will be solicited to add successful strategies from communities in other regions and states. These clinics will review strategies that have actually been successful in communities and analyze why and how they work. Developers involved in these successful efforts will be involved in the clinics. Communities involved in employing techniques will be encouraged to evaluate and refine their approaches.

- Clinics With AFFH leaders: approximately 2 events.

5. *Technical Assistance to Leadership Teams*: The Center will assist County staff in providing on-site assistance to the Leadership Teams to confront and resolve impediments to progress in adopting inclusionary zoning techniques or furthering affordable housing projects or programs that will be affirmatively marketed. The Center will assist the County maintain on-going dialogue with the communities as that will be key to identifying their technical assistance needs.

- Technical assistance delivered to teams: a minimum of 7 meetings will be scheduled with leadership teams to assist them in specific impediments.

6. *Local Workshops Organized by Leadership Teams*: The Center will assist County Staff to participate in local workshops organized by the Leadership Teams where they need to secure stronger local support for, or work out problems with, AFFH zoning and project initiatives. The Local Workshops and the Local Public Education Campaign (below) will be coordinated together.

- Local workshops: up to 7 workshops will be held in individual eligible municipalities.

7. *Local Public Education Campaigns*: The Center will assist the County in identifying and engaging civic organizations such as the League of Women Voters, the Junior League, PTA, etc. that have chapters or groups that work at the local level to become involved with the Leadership Teams and local constituents to carry out a public education campaign, coordinated with other

such efforts. This campaign will focus on heightening awareness of the value of diversity to communities as well as to those who benefit from the housing, dispelling the myths (property values, impact on schools, large scale developments, etc.), highlighting successful fair and affordable housing initiatives, the importance of fair housing to sustainable development, economic development, and smart growth, etc. A core group of individuals will be recruited to develop and implement this campaign, coordinating with any regional campaign developed under the Settlement or otherwise and linked to the work of the local leadership teams.

8. *Develop Framework for local AFFH Plans:* Work with local leaders in the LULA training and clinics and develop a model plan/sample plan that will be based on a variety of items that local governments can adopt. The Center will work in these contexts to shape the individual initiatives into a framework for a local plan that each community can review as a comprehensive approach to AFFH. This framework and the narrative descriptions of each component within it should be helpful to the County and the communities in continuing progress in the new calendar year.

9. *Develop Outline for Best Practices Manual:* Based on the training materials and the materials used in clinics and local workshops, the Center will develop an outline of a manual for AFFH focusing on zoning and other techniques employed by Westchester communities to overcome impediments to fair and affordable housing as a guide for the future within Westchester and a useful document for communities outside Westchester. This outline can be filled in as progress continues.

- Report on progress of communities in adopting inclusionary zoning provisions, moving projects forward, and initiating other programs that AFFH.
- Outline of best practices found.

SCHEDULE "B"

LIST OF KEY PERSONNEL & HOURLY RATES

Name:	Hourly Rate:
John R. Nolon Professor of Law Founder & Faculty Liaison Land Use Center Pace University School of Law	\$250.00
Tiffany Zezula Land Use Center, Pace University School of Law	\$115.00
Housing Action Council (approved sub-contractor)	\$150.00

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/06/2012 - ROMARY VIEIRA, SECRETARY