

**30809**

DATE: December 5, 2012

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement by and between the County of Westchester and the Housing Action Council Inc., its designee or assigns, to provide Community Development Block Grant Property Improvement Program funds for a portion of the hard and soft costs related to the acquisition and rehabilitation of a two-family residence in the Village of Tarrytown to create two affordable affirmatively furthering fair housing (AFFH) units

The attached resolution authorizes the County of Westchester to enter into an agreement with the Housing Action Council Inc., its designee or assigns, (the "Developer") to provide \$285,000 in funding from the Community Development Block Grant Property Improvement Program for a portion of the costs relating to the acquisition and rehabilitation of a two-family house at 17 Kaldenberg Place, Village of Tarrytown. The funds will be in the form of: 1) a \$200,000 loan to be repaid upon the sale of the property and 2) a grant of \$85,000. The proposed funding will support the creation of one affordable owner-occupied unit and one affordable rental unit that will both affirmatively further fair housing as set forth in 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below). The proposed agreement shall have a term of two years, commencing upon execution.

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 proposed AFFH Units which are anticipated to constitute eligible units under Section 7(c) of the Settlement Agreement

It should be noted that upon acquisition of the property, the Developer will file a Declaration of Restrictive Covenants against the property requiring that the affordable AFFH Units established thereon will be affordable to households with incomes at or below 80% (for the ownership unit) and 60% (for the rental unit) of the Westchester County Area Median Income who have been selected pursuant to an approved Affirmative Fair Housing Marketing Plan. The period of affordability is 50 years.

This procurement is in compliance with the County of Westchester Procurement Policy Procedures, pursuant to Section 3(a)xvi, which states that contracts with recipients for disbursement of grants or loans under the Community Development Block Grant Program are exempt.

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.

The goal and objective of this agreement is to carry out the County's obligations under the Settlement Agreement by ensuring the development of affordable AFFH Units in accordance with the terms of said Settlement Agreement. In addition, the development will create a home ownership opportunity for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home in Westchester County. The units will be safe, secure and energy efficient and will also enhance the neighborhood by rehabilitating a vacant and distressed residence. Department of Planning staff will make site visits to ensure that the renovations are being conducted according to contract specifications and will monitor compliance with the ongoing 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 recommend approval of this Agreement.

EB/lk/cp  
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 with Housing Action Council Inc., its designee or assigns, (the "Developer") to provide a not to exceed amount of \$285,000.00 in the form of a loan in the amount of \$200,000.00, which will be repaid upon the sale of the property and a grant in the amount of \$85,000 from the Community Development Block Grant Property Improvement Program. The proposed agreement shall have a term of two years, commencing upon execution; and it is further

RESOLVED: that the funds will support a portion of the soft and hard costs related to the acquisition and rehabilitation of a vacant single-family residence at 17 Kaldenberg Place, Village of Tarrytown, in order to create one affordable ownership unit and one affordable rental unit that will both will affirmatively further fair housing in compliance with 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester; and be it further

RESOLVED; upon acquisition of the property the Developer will file a Declaration of Restrictive Covenants against the property requiring that the AFFH Units will be affordable to households with incomes at or below 80% (for the ownership unit) and 60% (for the rental unit) of the County Area Median Income for a period of not less than 50 years; 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.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
276	19	N/A	2030	N/A	\$285,000.00

Budget Funding Year(s) FY 2010 Start Date Upon Execution End Date Two Years from Execution

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$285,000.00** Federal Aid \$285,000.00 - U. S. Department of Housing & Urban Development

(must match resolution)

Other \_\_\_\_\_