

**30814**

DATE: December 3, 2012

TO: Board of Acquisition and Contract

FROM: Edward Burroughs  
Commissioner

SUBJECT: Resolution authorizing the agreement between the County of Westchester and the Housing Action Council Inc. its designee or assigns to provide funds from the New York State Housing Finance Agency Neighborhood Stabilization Program for the acquisition and rehabilitation of the property located at 17 Kaldenberg Place, Village of Tarrytown

The attached resolution authorizes the County of Westchester to enter into an agreement with the Housing Action Council Inc., its designee or assigns, to provide a grant through the New York State Housing Finance Agency's (NYSHFA) Neighborhood Stabilization Program (NSP). The grant will be used for the acquisition and rehabilitation of the vacant two-family home located at 17 Kaldenberg Place, Village of Tarrytown in order to create 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, and the total amount of the grant is \$150,000.00, to be paid pursuant to an approved budget.

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. The agreement will serve the public purpose of creating affordable housing units in Westchester County.

On February 19, 2009, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the NYSHFA for a grant totaling \$6,680,000.00 from the NSP Program from which the proposed funds are to be drawn and an agreement with the New York State Affordable Housing Corporation for grant in the amount of \$640,000.00 for a total amount of \$7,320,000.00. This procurement is exempt from the requirements of the County Procurement Policy and Procedures pursuant to Section 3(a) xii, thereof, which exempts procurements which involve the expenditure of federal or state assistance where and to the extent that federal or state law, rules or regulation conflict with the provisions of this policy.

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/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/03/2013 - JOSEFA VEIRA, 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 the Housing Action Council Inc., its designee or assigns, through the New York State Housing Finance Agency Neighborhood Stabilization Program (NSP), in the amount of \$150,000.00. The proposed agreement shall have a term of two years, commencing upon execution; and it is further

RESOLVED: that the funds will support costs related to the acquisition and/or rehabilitation of a vacant two-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

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	914K	4380	T914	\$150,000.00

Budget Funding Year(s) (must match resolution)      FY 2010    Start Date      Upon execution    End Date      two years from execution

Funding Source      Tax Dollars \_\_\_\_\_  
    State Aid      \$150,000.00 \_\_\_\_\_  
**\$150,000.00**  
 (must match resolution)      Federal Aid \_\_\_\_\_  
    Other \_\_\_\_\_