

31094

DATE: December 18, 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 Pawling Holdings, LLC, its designee or assigns, to pay a portion of the construction costs related to the affordable affirmatively furthering fair housing (AFFH) units at 525 Ellendale Avenue in the Village of Rye Brook

The attached resolution authorizes the County of Westchester to enter into an agreement with Pawling Holdings, LLC, its designee or assigns, to provide a grant from the Federal HOME Investment Partnership Program. The grant will be used to pay a portion of the construction costs related to the affordable affirmatively furthering fair housing (AFFH) units at 525 Ellendale Avenue in the Village of Rye Brook. These funds will create four one bedroom homeownership HOME AFFH units (the "Development"). The proposed agreement shall have a term of two years, commencing upon execution. The grant shall be in an amount not to exceed \$160,000.00 and is contingent upon the Development receiving all necessary approvals and financial commitments.

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. The proposed units are anticipated to constitute eligible units under the Settlement Agreement. In addition to funds requested herein and by separate Acquisition and Rehabilitation Agreements, the County will provide FAH funds consisting of a grant in the amount of \$300,000.00.

Act # 34-2009 which authorized the County to accept and administer a grant under the HOME Program of \$1,902,422.00, was adopted by the Westchester County Board of Legislators on March 5, 2009 and approved on May 28, 2009 by the Board of Acquisition and Contract. This project will be funded from this fiscal year.

This Agreement will provide a total of \$160,000.00 of HOME funds to pay a portion of the construction costs in support of the creation of four affordable HOME AFFH one bedroom homeownership units that will be for households with incomes at or below 80% of the area median income (AMI) that will affirmatively further fair housing. The AFFH Units will remain affordable for a period of not less than fifty 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.

I recommend approval of this Agreement.

EB/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/17/2019 - CLERK OF SUPERIOR COURT

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 Pawling Holdings, LLC, its designee or assigns, through the Federal HOME Investment Partnership Program to pay a portion of the cost of construction related to the affordable affirmatively furthering fair housing (AFFH) development located at 525 Ellendale Avenue in the Village of Rye Brook for the purpose of creating four one bedroom homeownership units that will be for households with incomes at or below 80% AMI which are affirmatively further fair housing units that will remain affordable for a period of not less than fifty years. This agreement will carry 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 this Agreement shall be in an amount not to exceed \$160,000.00 to be paid pursuant to an approved budget and contingent upon receipt of all necessary financial commitments and required approvals 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 |
|------|------|--|--------------------|---------------|--------------|
| 63 | 19 | 173J | 4380 | T173 | \$160,000.00 |

Budget Funding Year(s) FY 2009 Start Date: Upon Execution End Date: Two (2) years from Execution

Funding Source Tax Dollars _____
 State Aid _____
\$160,000.00 Federal Aid \$160,000.00 – U.S. Department of Housing and Urban Development
 (must match resolution) Other _____