

**31524**

DATE January 7, 2013

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with Graceland Terrace Housing Development Fund Corp. and/or Cottage Landings LLC, to provide grant funds in an amount not to exceed \$720,000 in order to reduce the cost of construction of eighteen affordable housing units to be developed at Edgar Place in the City of Rye, using grant funds to be provided to the County pursuant to a separate agreement between the County and the New York State Affordable Housing Corporation

The attached resolution authorizes the County of Westchester to enter into an agreement with Graceland Terrace Housing Development Fund Corp. and/or Cottage Landings LLC, using grant funds authorized under the Affordable Home Ownership Development Program to be provided to the County pursuant to a separate agreement entered into between the County and the New York State Affordable Housing Corporation ("AHC") that was previously authorized by your Honorable Board by Resolution on December 30, 2010. The funds will underwrite a portion of the cost for construction of eighteen (18) affordable one-bedroom and one-bedroom plus den ownership units ("Affordable AFFH Units") which will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b) (2) and in accordance with the Settlement Agreement (defined below) to be constructed at Edgar Place in the City of Rye. The affordable AFFH Units will be affordable to qualified first-time homebuyers at or below 80% of the County Area Median Income ("AMI"). It should be noted that there will also be four (4) privately funded market rate units constructed on the property for a total of twenty-two (22) units.

The Agreement shall be in the amount not to exceed \$720,000.00 which will be payable at the rate of \$40,000 per each Affordable AFFH Unit. The funds will be provided on or before the sale of each affordable AFFH Unit and will be secured by a note and mortgage as required by AHC. The Agreement shall have a two (2) year term commencing upon the date of execution.

Pursuant to the Stipulation and Order of Settlement of Dismissal (the "Settlement Agreement") entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester, the County was required to ensure the development of 750 units of fair and affordable housing. Pursuant to letter from the federal monitor dated July 13, 2010, the County

has been advised that the proposed AFFH Units appear to constitute eligible units under Section 7(a) of the Settlement Agreement. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units, including the units in the proposed Development.

The goal and objective of this Agreement is to carry out the County's obligations under the Settlement Agreement by constructing affordable AFFH Units in accordance with the terms of said Settlement Agreement. The project will create home ownership opportunities for lower and moderate income individuals and families who would not otherwise be able to afford to purchase a home in Westchester County. It will also enhance the neighborhood with 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/lk  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 01/31/2016 DOMINIQUE WEIRA, SECRETARY

**RESOLUTION**

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: that the County of Westchester is authorized to enter into an Agreement with Graceland Terrace Housing Development Fund Corp. and/or Cottage Landings LLC, to provide grant funds in an amount not to exceed \$720,000.00 in order to reduce the cost of construction of eighteen affordable ownership units that will affirmatively further fair housing (“AFFH”) to be developed at Edgar Place in the City of Rye using grant funds authorized under the Affordable Home Ownership Development Program to be provided to the County pursuant to a separate agreement between the County and the New York State Affordable Housing Corporation (“AHC”) 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 total amount of the Agreement will be \$720,000.00 which will payable at the rate of \$40,000 on or before the sale of each of the eighteen (18) Affordable AFFH Units, which will each be secured by a note and mortgage as required by AHC; and it is further

RESOLVED: that the Agreement shall have a two year term which shall commence 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

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
263	19	157K	4380	T157	\$720,000.00

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

Funding Source

\$720,000.00  
(must match resolution)

Tax Dollars \_\_\_\_\_  
State Aid \$720,000 \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_

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Resolution - Graceland Terrace -Cottage Landings Rye.docx

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/31/2013 - JOMARY VIEIRA, SECRETARY