

**34120**

DATE: May 22, 2013

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 Crompond Crossing Housing Development Fund Company Inc., its designee or assigns, to provide non-county share funds from BPL50 to construct infrastructure improvements in support of the construction of 26 affordable AFFH ownership units located at 3372 Old Crompond Road in the Town of Yorktown

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement with Crompond Crossing Housing Development Fund Company Inc., its designee or assigns, (the "Developer") to provide funding in an amount not-to-exceed \$286,500 from the non-county share portion of capital project BPL50. Said funding will be used to construct certain infrastructure improvements in support of 26 affordable three-bedroom ownership units located at 3372 Old Crompond Road in the Town of Yorktown (the "Development"). The Development will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below). The infrastructure improvements will include, but not be limited to, landscaping, excavation, drainage, grading, line painting and signage. The proposed agreement will require compliance with the Community Development Block Grant ("CDBG") Program regulations and shall have a term of two years, commencing June 13, 2013.

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 26 AFFH units which, pursuant to a letter from the Federal Monitor dated September 14, 2011 are eligible units under Section 7(a) of the Settlement Agreement.

It should be noted that the Board of Legislators, by Act No. 160-2011, approved the issuance of bonds of the County, under capital project BPL50, in an amount not-to-exceed \$1,500,000 to fund certain infrastructure improvements in support of the Development. However, the cost of the project infrastructure site work increased from the original budget as a result of additional requirements from the New York City Department of Environmental Protection and the Town of Yorktown, after preliminary site plan approval was obtained. The proposed funding will offset cost increases resulting from landscaping and stormwater retention requirements which increased significantly from the original project budget.

It should be noted that the County filed a Declaration of Restrictive Covenants against the property requiring that the Development, among other things, be affordable to households, selected pursuant to an approved Affirmative Fair Housing Marketing Plan, with incomes at or below 80% of the Westchester County Area Median Income until the expiration of the 50 year period of affordability.

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 home ownership opportunities for lower and moderate income families who may not otherwise be able to afford to purchase a home in Westchester County that is safe, secure and energy efficient. Department of Planning staff will make site visits to ensure that the site work is being conducted according to contract specifications and will monitor compliance with the ongoing affordability requirements.

I recommend approval of this Agreement.

EB/lk/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/20/2018 - JOMAR VEIRA SECRETARY

**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 Crompond Crossing Housing Development Fund Company Inc., its designee or assigns, to provide funding in an amount not-to-exceed \$286,500 from the non-county share portion of capital project BPL50. The proposed agreement will require compliance with the Community Development Block Grant Program regulations and shall have a term of two (2) years, commencing June 13, 2013; and it is further

RESOLVED: that the funds will be used to to construct infrastructure improvements including, but not be limited to, excavation, drainage, grading, line painting and signage, in support of the affordable AFFH housing Development known as Crompond Crossing (the "Development"). The Development will include 26 units that will affirmatively further fair housing (AFFH) as set forth in 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; on July 30, 2012, the County filed a Declaration of Restrictive Covenants against the Property requiring that, for a period of not less than 50 years, the Development be affordable to households who have been selected pursuant to an approved Affirmative Fair Housing Marketing Plan and whose incomes are at or below 80% of the Westchester County Area Median Income 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
318	19	BPL50-06-S	6050		\$286,500.00

Budget Funding Year(s) FY 2010 Start Date June 13, 2013 End Date June 12, 2015

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

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

**\$286,500.00** Federal Aid \$286,500.00 - U. S. Department of Housing & Urban Development

(must match resolution)

Other \_\_\_\_\_