

42515

DATE: October 6, 2014

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

Mary J. Mahon
Director of Real Estate

SUBJECT: Resolution authorizing the County to enter into agreements to purchase and subsequently convey approximately 0.2+/- acres of real property and fund the construction of site work and infrastructure improvements all in support of the affordable AFFH development at 184 Farragut Avenue in the Village of Hastings-on-Hudson

The authorizations requested herein are in support of an affordable, affirmatively furthering fair housing ("AFFH") development to be known as 184 Farragut Avenue (the "Development") which will be constructed on the Property (defined below) and will provide an affordable AFFH ownership house with an affordable AFFH accessory rental apartment (the "Affordable AFFH Units") both of which will AFFH as set forth in 42 U.S.C. Section 5304(b) (2) and in accordance with the Settlement Agreement (defined below).

The attached resolution authorizes the County of Westchester (the "County") to enter into agreements to (i) purchase approximately 0.2+/- acres of real property located at 184 Farragut Avenue in the Village of Hastings-on-Hudson (the "Property") from John R. McDonald and Cagle McDonald or the current owner(s) of record in an amount not to exceed \$125,000.00 which will be funded from capital project BPL50 - Fair and Affordable Housing ("FAH").

Upon acquisition of the Property and prior to conveyance, the County will file a Declaration of Restrictive Covenants against the Property requiring that the affordable affirmatively furthering fair housing ("AFFH") ownership house and accessory rental apartment to be constructed thereon will be affordable to eligible households with incomes at or below 80% and 50%, respectively, of the Westchester County Area Median Income ("AMI") for a period of affordability of not less than 50 years.

The attached resolution further authorizes the County to enter into an agreement with the Hastings-on-Hudson Affordable Housing Development Fund Company Inc. (the "Developer") to (i) convey fee title to the Property for \$1.00 and accept, at no cost to the County, any necessary property rights; and (ii) enter an agreement with the Developer to provide FAH grant funding in an amount not to exceed \$120,000.00 in Non-County FAH Community Development Block Grant Funds under capital project BPL50 to finance construction of certain site/infrastructure improvements in support of the Development, which agreement will commence upon execution and continue for a term of two (2) years.

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 Affordable AFFH Units in the proposed Development. The proposed Affordable AFFH Units will be located in a census block that conforms to Section 7(a) of the Settlement Agreement.

On September 22, 2014, the Westchester County Board of Legislators approved (1) Act No. 169-2014, to purchase and subsequently convey the Property and (2) Bond Act No. 170-2014 which funds (i) the land acquisition costs in the amount of \$125,000.000 as described above and (ii) the funds for the construction of certain site/infrastructure improvements in a not to exceed amount of \$120,000.00.

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. In addition, the project will create home ownership and rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase or rent 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 recommend approval of these agreements.

EB/lk/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONSTRUCTION CONTRACT 16/30/2014 - COUNTY VETERINARY SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE DIRECTOR OF REAL ESTATE, BE IT HEREBY

RESOLVED: that the County of Westchester (the "County") is hereby authorized to enter into an agreement with John R. McDonald and Cagle McDonald or the current owner(s) of record to purchase approximately 0.2+/- acres of real property located at 184 Farragut Avenue in the Village of Hastings-on-Hudson (the "Property") for a total amount not to exceed \$125,000.00, noting that the total purchase price will be funded as follows: from capital project BPL50 - Fair and Affordable Housing ("FAH"); and be it further

RESOLVED: that the County will file a Declaration of Restrictive Covenants against the Property requiring that the affordable AFFH ownership house and accessory rental apartment to be constructed thereon will be affordable to eligible households with incomes at or below 80% and 50%, respectively, of the Westchester County Area Median Income ("AMI") for a period of affordability of not less than 50 years; and be it further

RESOLVED: that the Development will provide an affordable ownership house with an affordable accessory rental apartment which will both affirmatively further fair housing ("AFFH"), 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 entitled U.S. ex rel. Anti-Discrimination Center vs. Westchester; and be it further

RESOLVED: that the County is hereby authorized to enter into an agreement to convey the Property to the Hastings-on-Hudson Affordable Housing Development Fund Company Inc. or its designee (the "Developer") for One (\$1.00); and be it further

RESOLVED: that the County is also authorized to enter into an agreement with the Developer to provide FAH grant funding in an amount not to exceed \$120,000.00 in Non-County FAH Funds under capital project BPL50 to finance construction of certain site/infrastructure improvements in support of the Development, which agreement will commence upon execution and continue for a term of two (2) years; and be it 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
318	19	BPL50-13-S Bond Act No. 170-2014	6050	N/A	\$125,000
318	19	BPL50-13-S	6050	N/A	\$120,000

Budget Funding Year(s) FY 2014 Start Date: Upon execution End Date: Two years from execution

Funding Source Tax Dollars \$125,000

State Aid _____

\$245,000.00 Federal Aid \$120,000

(must match resolution)

Other _____

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\$125,000.00

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\$120,000.00