

**42517**

DATE: October 6, 2014

TO: Board of Acquisition and Contract

FROM: Edward Burroughs  
Commissioner, Department of Planning

SUBJECT: Resolution authorizing an agreement by and among the County of Westchester and Hastings-on-Hudson Affordable Housing Development Fund Company Inc., its successor or designee, to supplement the cost of construction of an affordable ownership house and an affordable accessory rental apartment to be located at 184 Farragut Avenue in the Village of Hastings-on-Hudson

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement with the Hastings-on-Hudson Affordable Housing Development Fund Company Inc., its successor or designee, to provide a grant from the Federal HOME Investment Partnership Program (the "HOME Program"). The grant will be used to supplement the cost of construction of an affordable ownership house and an affordable accessory rental apartment to be located at 184 Farragut Avenue in the Village of Hastings-on-Hudson (the "Development"). The proposed agreement will commence upon execution and continue for a term of two (2) years. The grant shall be in an amount not to exceed \$50,000.00 and is contingent upon the project receiving all necessary approvals and financial commitments.

The Development will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b) (2) and will be affirmatively marketed as required by the Settlement Agreement (defined below). When completed, the Development will include an affordable AFFH ownership house and an affordable AFFH accessory rental apartment.

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 fair and affordable housing. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units. The proposed Affordable AFFH Units will be located in a census block that conforms to Section 7(a) of the Settlement Agreement.

Act 11-2010, which authorized the County to accept and administer a grant under the HOME Program of \$1,845,350.00, was adopted by the Westchester County Board of Legislators on March 11, 2010 and approved on April 29, 2010 by the Board of Acquisition and Contract. This project will be funded from that fiscal year.

The Agreement will provide a total of \$50,000.00 of HOME Program funds authorized under the HOME program and shall specify that said funds shall be allocated to underwrite the financing for a portion of the costs related to the construction of the 2 affordable AFFH units which will be affordable to families at or

below 80%, for the ownership unit and 50%, for the rental unit, of the County Area Median Income (“AMI”) and will both remain affordable for a period of not less than fifty (50) years.

The Agreement will serve the public purpose of providing affordable AFFH units. The goal and objective of this Agreement is to create fair and affordable housing which is safe, secure and energy efficient. 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. 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/LK/CP  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT 10/29/2014 - JONATHAN VERBA 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 (the "Agreement") with Hastings-on-Hudson Affordable Housing Development Fund Company Inc., its successor or designee, through the Federal HOME Investment Partnership Program to supplement the construction of an affordable ownership house and an affordable accessory rental apartment to be located at 184 Farragut Avenue in the Village of Hastings-on-Hudson, and it is further

RESOLVED: that the Agreement shall be in an amount not to exceed \$50,000.00 to be paid pursuant to an approved budget and contingent upon receipt of all required approvals and financial commitments and shall commence upon execution and continue for a term of two (2) 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.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	173K	4380	T173	\$50,000.00

Budget Funding Year(s) FY 2010 Start Date: Upon execution End Date: Two years from execution

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$50,000.00 Federal Aid \$50,000.00 – U.S. Department of Housing and Urban Development  
 (must match resolution) Other \_\_\_\_\_