

48720

DATE: September 30, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs Mary Mahon
Commissioner of Planning Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase approximately 0.13+/- acres of real property currently improved with an existing two family house (the "Property") located at 491 Franklin Street, in the Village of Rye Brook from the current owner(s) of record, to enter into an assignment of the Contract of Sale for the Property, and to re-convey the Property to an eligible buyer to create two affordable housing units that will Affirmatively Further Fair Housing

The Westchester County Board of Legislators adopted Act No. 175-2015 on September 21, 2015, which authorized the County of Westchester (the "County") to purchase approximately 0.13+/- acres of real property, currently improved with an existing two family house (the "Property") located at 491 Franklin Street, in the Village of Rye Brook (the "Property") in an amount not to exceed \$427,200 from Capital Project BPL50, which includes approximately \$8,200 in settlement costs, and to accept and/or release property rights in connection therewith, including the assignment of a Contract of Sale to the County for the Property, and to re-convey the Property to an eligible buyer, in order to create two affordable housing units that Affirmatively Further Fair Housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the settlement of a lawsuit entitled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement") and the Westchester County Affordable Housing Plan Statement of Need adopted by Resolution No. 107-1992.

Your Honorable Board's authority is now requested to authorize the County to enter into any and all agreements necessary to purchase the Property from the current owner(s) of record in an amount not to exceed \$419,000, plus an additional amount not to exceed \$8,200, to cover settlement costs, for a total not to exceed amount of \$427,200 and to accept and/or release property rights in connection therewith including, but not limited to, the assignment of a Contract of Sale to the County for the Property from the Housing Action Council, Inc., and to re-convey

the Property to an eligible buyer, in order to create two affordable AFFH units (the Affordable AFFH Units”). Your Honorable Board will note that the not to exceed purchase price amount is less than the amount authorized by the Board of Legislators pursuant to Act No. 175-2015 due to the fact that the not to exceed purchase price was re-negotiated to a lesser amount after the adoption of the Act. The Property will be sold to a household earning at or below 80% of the Westchester County Area Median Income (“AMI”) who will occupy the two-bedroom unit and the one-bedroom unit will be rented to a household earning at or below 60% AMI. The purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney.

Pursuant to the Settlement Agreement, the County is required to ensure the development of 750 affordable AFFH units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH units, including the Affordable AFFH Units proposed herein. The proposed Affordable AFFH Units herein will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants against the Property to require that it remain affordable to eligible households earning at or below 80% and 60% AMI as previously described herein, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy, and subsequent occupancy, as established by the U.S. Department of Housing and Urban Development during the period of affordability of the Property which shall not be less than fifty (50) years. The eligible buyers will be selected pursuant to an approved Affirmative Fair Housing Marketing Plan.

The goal and objective of this purchase and re-conveyance 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 the Settlement Agreement. In addition, it will create a home ownership opportunity and a rental opportunity for lower and moderate income individuals and families who may not otherwise be able to afford to purchase or rent a home which is safe and secure in Westchester County. The staff of the Department of Planning will monitor the Property to ensure compliance with the ongoing affordability requirements.

For all of the foregoing reasons, I recommend that your Honorable Board approve the attached resolution.

EB/cp/lac
Attachment

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 any and all agreements necessary to purchase approximately 0.13+/- acres of real property, currently improved with an existing two family house located at 491 Franklin Street, in the Village of Rye Brook (the "Property") in an amount not to exceed \$419,000, plus an additional amount not to exceed \$8,200, to cover settlement costs, for a total not to exceed amount of \$427,200, and to accept and/or release property rights in connection therewith, including, but not limited to, the assignment of a Contract of Sale to the County for the Property from the Housing Action Council, Inc.; and be it further

RESOLVED, that the County is further authorized to enter into any and all agreements necessary to re-convey the Property to an eligible buyer, in order to create two affordable housing units that Affirmatively Further Fair Housing ("the Affordable AFFH Units") as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the settlement of a lawsuit entitled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York and the Westchester County Affordable Housing Plan Statement of Need adopted by Resolution No. 107-1992; and be it further

RESOLVED that upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants against the Property requiring that the Affordable AFFH Units established thereon will be affordable to households earning at or below 80% of the Westchester County Area Median Income ("AMI") for the two bedroom unit located at the Property and at or below 60% of AMI for the one bedroom rental unit located at the Property for a period of not less than 50 years; and be it further

RESOLVED, that the purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney; 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 the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL50-25-S BOND ACT 2015-176	6050	N/A	\$427,200.00

Budget Funding Year(s) FY 2015 Start Date: October 8, 2015 End Date:

Funding Source Tax Dollars \$427,200.00

State Aid _____

\$427,200.00 Federal Aid _____

(must match resolution)

Other _____