

48847

DATE: October 6, 2015

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County to enter into agreements to purchase and approximately 0.30 +/- acres of real property located at 300 King Street in the Hamlet of Chappaqua, Town of New Castle (the "Property") and to convey the Property to Habitat for Humanity of Westchester, Inc., its designee or assigns for the purpose of developing two affordable AFFH ownership units that will both Affirmatively Further Fair Housing ("AFFH").

On August 10, 2015, the Westchester County Board of Legislators approved two acts associated with the development of affordable housing including (1) Act No. 139-2015 authorizing the County to purchase approximately 0.30 +/- acres of real property located at 300 King Street in the Hamlet of Chappaqua, Town of New Castle (the "Property") from the current owner(s) of record and to re-convey the property to Habitat for Humanity of Westchester, Inc., its designee or assigns for the purpose to developing two affordable AFFH ownership units that will both Affirmatively Further Fair Housing ("AFFH"); and (2) Bond Act No. 140-2015 to finance the acquisition of land in the amount of \$300,000.00.

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 for an estimated amount of \$300,000.00 which will be funded from capital project BPL50 - Fair and Affordable Housing, and to accept and/or release property rights in connection therewith, and to re-convey the Property to Habitat for Humanity of Westchester, Inc., its designee or assigns for the purpose of developing two affordable AFFH ownership units that will both Affirmatively Further Fair Housing ("AFFH").

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 ownership units to be rehabilitated thereon will be affordable to eligible households with incomes at or below 80% of the Westchester County Area Median Income ("AMI") for a period of affordability of not less than 50 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 substantial rehabilitation of the affordable AFFH housing units in the proposed Development. The proposed Affordable AFFH Units will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

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 development will create two home ownership 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 the rehabilitation of the Development, as well as monitor compliance with the affordability requirements.

I recommend approval of these agreements.

EB/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS
WALTER C. RODRIGUEZ, 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 any and all agreements necessary to purchase approximately 0.30+/- acres of real property located at 300 King Street in the Hamlet of Chappaqua, Town of New Castle (the "Property") from the Owner(s) of Record and to accept and/or release property rights in connection therewith, for a total estimated amount of \$300,000.00. All County funds will be allocated from the Capital Project BPL50 - Fair and Affordable Housing fund; and be it further

RESOLVED: that the County is hereby authorized to enter into any and all agreements to convey the Property to the Habitat for Humanity of Westchester, Inc., or its designee or assigns (the "Developer") for one dollar (\$1.00) and to accept and/or release property rights in connection therewith; 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 will file a Declaration of Restrictive Covenants against the Property requiring that the two affordable AFFH ownership three-bedroom units to be constructed thereon will be affordable to eligible households with incomes at or below 80% 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 this will create two three-bedroom units that will both Affirmatively Furthers 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; and be it further; 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	BPL50-18-S ACT 2015-140	6050	N/A	\$300,000

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

Funding Source Tax Dollars \$300,000.00

State Aid _____

\$300,000.00 Federal Aid _____

(must match resolution)

Other _____