

48848

DATE: October 7, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing the County to enter into an intermunicipal-developer agreement with the City of Rye and Pawling Holdings, LLC to fund the construction of site work and infrastructure improvements all in support of the affordable affirmatively furthering fair housing development to be constructed at 150 North Street in the City of Rye

The attached resolution authorizes the County to enter into an intermunicipal-developer agreement with the City of Rye and Pawling Holdings, LLC and/or its successor or assign for the construction of certain infrastructure improvements in support of the affordable affirmatively furthering fair housing development to be constructed at 150 North Street in the City of Rye (the "IMDA") in an amount not to exceed \$2,200,000.00 from Capital Project BPL1A Housing Implementation Funds II and to grant and accept all necessary property rights in connection therewith. The IMDA will commence upon execution and continue for a term of five (5) years.

The authorizations requested herein are in support of the construction of the residential development known as "The Courtyard at Theodore Fremd" which will provide 40 affordable rental apartments for seniors of at least 55 years of age with incomes at 50% and 60% of the Westchester County Area Median Income, plus one affordable superintendent's unit for a total of 41 affordable AFFH units in a four-story building ("the Development").

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 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 proposed herein. The proposed affordable AFFH units will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

On September 8, 2015 the Westchester County Board of Legislators authorized the County, through Act No.158-2015, to enter into the IMDA and on September 21, 2015 by Bond Act No.170-2015, approved the funds for the costs of the infrastructure improvements.

The goal and objective of this agreement is to carry out the County's obligations under the Settlement Agreement by enabling the construction of affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, the Development, which will be safe, secure and energy efficient, will provide rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to live in Westchester County. The Development 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.

EB/lk/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/20/2015 - COURTESY, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: The County is authorized to enter into an Intermunicipal-Developer Agreement (the "IMDA") with the City of Rye and Pawling Holdings, LLC, and/or its successor or assign for the construction of certain infrastructure improvements in support of the affordable affirmatively furthering fair housing development to be constructed at 150 North Street in the City of Rye in an amount not to exceed \$2,200,000.00 from Capital Project BPL1A Housing Implementation Funds II and to grant and accept all necessary property rights in connection therewith; and be it further

RESOLVED: the development will provide 40 affordable rental apartments for seniors of at least 55 years of age with incomes at 50% and 60% of the Westchester County Area Median Income, plus one affordable superintendent's unit for a total of 41 affordable units which affirmatively further fair housing, 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 titled U.S. ex rel. Anti-Discrimination Center vs. Westchester; and be it further

RESOLVED: the IMDA will commence upon execution and continue for a term of five (5) 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 the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL1A-02-S Bond Act No.170-2015	6050	N/A	\$2,200,000

Budget Funding Year(s) FY 2015

IMDA: Start Date: Upon Execution End Date: Five years from execution

Funding Source Tax Dollars \$2,200,000.00

State Aid _____

\$2,200,000.00 Federal Aid _____

(must match resolution)

Other _____