

**50860**

DATE: February 2, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution amending a prior resolution which authorized the County of Westchester to enter into an intermunicipal-developer agreement with the Town of Bedford and Antioch Baptist Church Housing Development Fund Corp., 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 147, 165, 175 Railroad Avenue, Town of Bedford, in order to change the name from Antioch Baptist Church Housing Development Fund Corp., to Antioch Homes Housing Development Fund Corp. and to change the term of the agreement from a five-year term commencing upon execution to a term to begin on January 1, 2016 and terminate on December 31, 2020

On January 14, 2016, your Honorable Board approved a resolution to enter into an Intermunicipal-Developer Agreement (the "IMDA") with the Town of Bedford and Antioch Baptist Church Housing Development Fund Corp., its successor or assign for the construction of certain infrastructure improvements in support of the affordable affirmatively furthering fair housing ("AFFH") development to be constructed at 147, 165 and 175 Railroad Avenue, Bedford Hills in the Town of Bedford (the "Development") in an amount not to exceed \$500,000 from Capital Project BPL1A Housing Implementation Funds II. The Development will provide twelve (12) fair and affordable rental units that will have rents that are affordable to households with incomes at or below 50% and up to 60% of the Westchester County Area Median Income that will AFFH as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the settlement of a lawsuit titled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement"). The IMDA has not been executed.

The housing development fund corp. has officially been created with a different name than originally anticipated, so the legal corporate name should be corrected to Antioch Homes Housing Development Fund Corporation, its successor or assign. Additionally, the Town of Bedford is in the initial pre-development stage and has begun retaining professional engineering and survey services associated with public infrastructure. The Antioch Baptist Church is also securing all legal approvals to sell the property to the County, which will require approval from the New York State Attorney General's Office and/or the Supreme Court of the State of New York; this process has delayed the execution of the IMDA. Therefore the term of this agreement

requires amending from a five-year term commencing upon execution to a term commencing on January 1, 2016 and terminating on December 31, 2020. All other terms and conditions of the agreement will remain the same.

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 the 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. 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 this Amendment.

EB/cp/eo  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/03/2016 - LISA M. JAH SECRETARY

## RESOLUTION

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

RESOLVED: that the resolution approved on January 14, 2016 authorizing the County of Westchester to enter into an Intermunicipal-Developer Agreement (the "IMDA") with the Town of Bedford and Antioch Baptist Church Housing Development Fund Corp., 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 147, 165 and 175 Railroad Avenue, Town of Bedford, in an amount not to exceed \$500,000 from Capital Project BPL1A Housing Implementation Funds II, is hereby amended in order to change the legal corporate name of the HDFC entity to Antioch Homes Housing Development Fund Corp., its successor or assign and to change the term of the agreement from a five-year term commencing upon execution, to a term commencing on January 1, 2016 and terminating on December 31, 2020; and be it further

RESOLVED: that all other terms and conditions of the agreement will remain the same; 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 the purposes hereof.

Original Agreement	\$500,000.00
This Amendment	\$ 0.00
 TOTAL	 \$ 500,000.00

AGREEMENT NUMBER C-HIF-15-67

Account to be  
Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
318	19	BPL1A-03-S Bond Act 206-2015	6050	N/A	\$0

Budget Funding Year(s) FY 2015 Start Date: January 1, 2016 End Date: December 31, 2020

Funding Source	Tax Dollars <u>\$0</u>
	State Aid _____
<u>\$0</u> (must match resolution)	Federal Aid _____
	Other _____