

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 \$250,000, and to grant and accept any property rights necessary in connection therewith including, but not limited to, the assignment to the County of a Contract of Sale for the Property from the Developer, and to then convey the Property to the Developer for the consideration of One (\$1.00) Dollar. Further authority is requested for the County to enter into an agreement with the Developer to provide subsidy funding to the Developer in an amount not to exceed \$50,000 for a two year term for the partial rehabilitation costs to create two affordable homeownership condominium units that will Affirmatively Further Fair Housing ("the affordable AFFH units"). The purchase and subsequent conveyance of the Property shall be by such deeds as approved by the County Attorney.

In furtherance of the Settlement Agreement, the County intends to provide subsidy funding to assist in the rehabilitation of the affordable AFFH units proposed herein, so that the units can be made affordable at a rate not to exceed 80% of AMI as required under Paragraph 7(e) of the Settlement Agreement. The proposed affordable AFFH units 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 requiring that the affordable AFFH units will be only available to eligible households with incomes at or below 80% of the Westchester County Area Median Income, 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 be not 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 these agreements is to carry out the County's obligations under the Settlement Agreement by creating two affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, it will create home ownership opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home in Westchester County, which is safe, secure and energy efficient. Further, the neighborhood will be enhanced by the design of the rehabilitation. The Department of Planning staff will monitor the Property to ensure compliance with the ongoing affordability requirements.

For all the foregoing reasons, we recommend that your Honorable Board approve the attached.

EB/cp/lc
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 0.55 acres of real property currently improved with a single-family house, located at 437 Saw Mill River Road in the Town of New Castle (the "Property") from the current owner(s) of record in an amount not to exceed \$250,000, and to grant and accept any property rights necessary in connection therewith including, but not limited to, the assignment to the County of a Contract of Sale for the Property from Habitat for Humanity of Westchester, Inc. (the "Developer"); and be it further

RESOLVED, that the County is further authorized to enter into any and all agreements necessary to subsequently convey the Property to the Developer for the consideration of One (\$1.00) Dollar who will create two affordable homeownership condominium units that will Affirmatively Further Fair Housing (the "AFFH units") 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"); 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 AFFH units created will be affordable to eligible households with incomes at or below 80% of the Westchester County Area Median Income for a period of affordability of not less than fifty (50) years; and be it further

RESOLVED, that the County is authorized to enter into an agreement with the Developer to provide subsidy funding in an amount not to exceed \$50,000 for a two year term for the partial rehabilitation costs to create the aforesaid AFFH units; and be it further

RESOLVED, that the purchase and 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 agreements, 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	BPL50-41-R Bond Act 265-2015	6280	N/A	\$250,000.00
318	19	BPL50-41-C Bond Act 265-2015	6210	N/A	\$50,000.00

Budget Funding Year(s) FY 2016

Purchase and Sale Contracts Start Date: Upon Execution End Date: _____

Funding Source Tax Dollars \$300,000.00

State Aid _____

\$300,000.00 Federal Aid _____

(must match resolution)

Other _____