

51526

DATE: March 16, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs Adam Rodriguez
Commissioner of Planning Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase and subsequently convey 0.49 acre of real property at 80 Bowman Avenue in the Village of Rye Brook and to provide development financing all in support of the fair and affordable housing development to be constructed thereon and to grant and accept all necessary property rights in connection therewith

The attached resolution authorizes the County of Westchester to enter into agreements to (i) purchase 0.49 acre of real property located at 80 Bowman Avenue in the Village of Rye Brook, identified on the tax maps as Section: 141.27, Block: 1, Lot: 26 and Section: 141.27, Block: 1 and Lots: 31 and 32 (the "Property") from Bowridge Realty LLC, its successors or assigns (the "Developer") or the current owner(s) of record for an amount not to exceed \$1,840,000 which will be funded from Capital Project BPL30 - New Homes Land Acquisition II ("NHLA II") and (ii) convey fee title to the Property back to the Developer for One Dollar (\$1.00) all in support of the construction of eight one-bedroom and eight two-bedroom ownership units for a total of 16 affordable AFFH ownership units (the "affordable AFFH units") to be constructed thereon (the "Development") and to grant and accept all necessary property rights in connection therewith. The purchase agreement and the sale agreement shall both have a two-year term commencing on April 1, 2016.

Upon acquisition of the Property and prior to conveyance thereof, the County will file a Declaration of Restrictive Covenants against the Property requiring that the affordable AFFH units constructed thereon will affirmatively further fair housing (AFFH) as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Settlement Agreement (defined below). The Declaration will also require that the affordable AFFH units will be affordable to households with incomes at or below 80% of the Westchester County Area Median Income for a period of affordability of not less than 50 years.

The attached resolution further authorizes the County to enter into an agreement with the Developer to finance a portion of the development costs in support of the Development (the

“FAH Development Agreement”) in an amount not to exceed \$1,120,000 from Capital Project BPL50 - Fair and Affordable Housing (“FAH”) and to grant and accept all necessary property rights in connection therewith. The FAH Development Agreement will have a two-year term commencing on April 1, 2016.

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 Section 7(a) of the Settlement Agreement.

On November 9, 2015 the Westchester County Board of Legislators authorized the County, through Act No. 234-2015, to purchase and subsequently convey the Property; by Bond Act No. 235-2015, approved the funds for the land acquisition; and by Bond Act No. 236-2015 approved the funds for the FAH Development Agreement.

The goal and objective of these agreements 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, which will be safe, secure and energy efficient, will provide homeownership 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 marketing, sale and on-going affordability requirements.

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

EB/lk/cp
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 agreement(s) necessary to purchase 0.49 acres of real property located at 80 Bowman Avenue in the Village of Rye Brook, identified on the tax maps as Section: 141.27, Block: 1, Lot: 26 and Section: 141.27, Block: 1 and Lots: 31 and 32 (the "Property") from Bowridge Realty LLC its successors or assigns (the "Developer") or the current owner(s) of record for a total amount not to exceed \$1,840,000, noting that the total purchase price will be funded from Capital Project BPL30 - New Homes Land Acquisition II ("NHLA II"), with a two year term beginning April 1, 2016 and ending on March 30, 2018; and be it further

RESOLVED: that the Development will contain eight one-bedroom and eight two-bedroom ownership units for a total of 16 affordable AFFH units which affirmatively further fair housing ("AFFH"), 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: that following the purchase, the County will file a Declaration of Restrictive Covenants against the Property requiring that the affordable AFFH units constructed thereon will be affordable to households with incomes at or below 80% of the Westchester County Area Median Income for a period of affordability of not less than 50 years; and be it further

RESOLVED: the County is hereby authorized to enter into an agreement to convey the Property to the Developer for One (\$1.00) Dollar in support of the Development and to grant and accept all necessary property rights in connection therewith; and be it further

RESOLVED: the County is hereby authorized to enter into an FAH Development Agreement with the Developer to provide FAH grant funding in an amount not to exceed \$1,120,000 to finance a portion of the development costs in support of the Development, for a two (2) year term beginning April 1, 2016 and ending on March 30, 2018 and will be funded from Capital Project BPL50 - Fair and Affordable Housing (FAH) 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
19	318	BPL30 02-R Bond Act 235-2015	6050	N/A	\$1,840,000
19	318	BPL50-38-S Bond Act 236-2015	6050	N/A	\$1,120,000

Budget Funding Year(s) FY 2016

Purchase and Sale Contracts: Start Date: April 1, 2016 End Date: March 31, 2018

FAH Development Agreement: Start Date: April 1, 2016 End Date: March 31, 2018

Funding Source

Tax Dollars \$2,960,000.00

State Aid _____

\$2,960,000.00
(must match resolution)

Federal Aid _____

Other _____

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APPROVED BOARD OF ACQUISITION & CONTRACT - 04/07/2016 - LISA MARIJAJ, SECRETARY