

**52114**

DATE May 25, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement by and between the County of Westchester and the Housing Action Council Inc., its designee or assigns, to provide funds for costs related to the acquisition and affirmative fair housing marketing and resale of an existing one-bedroom condominium located at 114 Quail Court, Yorktown, to create one affordable ownership unit that will affirmatively further fair housing

The attached resolution will authorize the County of Westchester (the "County") to enter into an agreement with the Housing Action Council Inc., its designee or assigns, (the "Developer") to provide funds to purchase an existing one-bedroom condominium located at 114 Quail Court in the Town of Yorktown (the "Property") in the not-to-exceed total amount of \$273,000 which includes \$234,900 for acquisition costs, plus an additional \$11,950 for settlement costs and \$26,150 for marketing, resale and property management costs with program income received from previous loans made through the Community Development Block Grant Program all in accordance with the Program's regulations (the "Agreement").

The Agreement will provide a short-term zero interest loan in the not-to-exceed amount of \$125,000 that will be repaid to the County upon the sale of the condominium to an eligible homebuyer with an income at or below 80% of the Westchester County Area Median Income and a grant in the not-to-exceed amount of \$148,000 to be used toward the acquisition, settlement, marketing, resale and property management costs.

The Agreement will require that upon acquisition of the Property, the Developer will file a Declaration of Restrictive Covenants against the Property requiring that the affordable AFFH ownership unit established thereon will be affordable to households with incomes at or below 80% of the Westchester County Area Median Income and who have been selected pursuant to an approved Affirmative Fair Housing Marketing Plan. The period of affordability is fifty (50) years.

This purchase will create one affordable AFFH ownership unit that will affirmatively further fair housing (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 proposed Agreement shall have a two year term that begins on June 16, 2016 and terminates on June 15, 2018.

Pursuant to 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 the affordable AFFH housing unit, including the affordable AFFH home proposed herein. The proposed affordable AFFH unit is expected to qualify under 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 creating one affordable AFFH ownership unit - 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 and secure. Department of Planning staff will monitor the Property to ensure compliance with the ongoing affordability requirements.

EB/cp/nvd/lc  
Attachment

APPROVED BOARD OF ACQUISITION & CONSTRUCTION

05/02/2016 15:18:13

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement with the Housing Action Council Inc., its designee or assigns, (the “Developer”) to provide funds for the Developer’s purchase of a one bedroom condominium located at 114 Quail Court, Town of Yorktown (the “Property”) from the current owner(s) of record in an amount not-to-exceed \$234,900, plus an additional \$11,950 in settlement costs and \$26,150 in marketing and property management costs, for a total amount not- to-exceed \$273,000. The term of this agreement shall begin on June 16, 2016 and terminate on June 15, 2018 (the “Agreement”); and be it further

**RESOLVED**, that the Agreement will provide a short-term zero interest loan in the not-to- exceed amount of \$125,000 that will be repaid to the County upon the sale of the condominium to an eligible homebuyer and a grant in the not-to- exceed amount of \$148,000 to be used toward the acquisition, settlement, marketing, resale and property management costs; and be it further

**RESOLVED**, that the funds will be from program income received from the Community Development Block Grant in the not-to-exceed amount of \$273,000; and it is further

**RESOLVED**, that the funds will support the acquisition, settlement, marketing, resale and property management costs for the Property in order to create an affordable ownership unit 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; and be it further

**RESOLVED**, that upon acquisition of the Property, the Developer will file a Declaration of Restrictive Covenants against the Property requiring that the affordable AFFH ownership unit established thereon 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 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
263	19	123M	4380	T123	\$273,000

Budget Funding Year(s)   FY2012   Start Date: June 16, 2016 End Date: June 15, 2018

Funding Source \_\_\_\_\_ Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$273,000  
(must match resolution)

Federal Aid \$273,000 – U.S. Dept. of Housing & Urban Development

Other \_\_\_\_\_

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APPROVED BOARD OF ACQUISITION & CONTRACT - 06/02/2016 - LISA MRHAJ, SECRETARY