

subsequently sell the Property to an eligible buyer after the completion of the necessary marketing and selection process. The purchase and conveyance of the Property shall be by such deeds as approved by the County Attorney.

Pursuant to the Settlement Agreement, the County is required to ensure the development of 750 AFFH units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of AFFH units, including the AFFH unit proposed herein. The proposed AFFH unit is expected to qualify under Paragraph 7(c) of the Settlement Agreement.

Immediately after purchase, the County will file a Declaration of Restrictive Covenants against the Property requiring that the AFFH unit will be affordable 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 this purchase and conveyance is to carry out the County's obligations under the Settlement Agreement by creating one AFFH 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.

For all the foregoing reasons, we recommend that your Honorable Board approve the attached resolution authorizing the County to enter into any and all agreements necessary to purchase and convey 3 Fowler Avenue, Town of Cortlandt to the Developer in order to construct an affordable AFFH home and sell it to an eligible buyer.

EB/cp/DI
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 +/-0.53-acre of real property located at 3 Fowler Avenue in the Town of Cortlandt (the “Property”) from the current owner(s) of record in an amount not-to-exceed \$35,000, and to grant and accept any and all property rights in connection therewith, including, but not limited to entering into a contract of sale for the Property with the current owner(s) of record; and be it further

RESOLVED, that the County is further authorized to enter into any and all agreements necessary to convey the Property to Community Housing Innovation, Inc. (the “Developer”) its successor or assigns for One Dollar (\$1.00), and fund a portion of construction costs in an amount not-to-exceed \$75,000 in order for the Developer to construct a two-bedroom single-family affordable ownership home on the Property that will affirmatively further fair housing (“AFFH unit”) as set forth in 42 U.S.C. § 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 (“Settlement Agreement”); 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 upon acquisition of the property, the County will file a Declaration of Restrictive Covenants against the Property requiring that the AFFH unit 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 & Bond Act	Object/ Sub Object	Trust Account	Dollars
318	19	BPL50-66-C BOND ACT 200-2016	6050	N/A	\$75,000
318	19	BPL50-66-R BOND ACT 200-2016	6050	N/A	\$35,000

Budget Funding Year(s) FY 2016 FAH Construction Agreement Start Date: July 7, 2016 End Date: January 6, 2018

Funding Source Tax Dollars \$110,000
 State Aid _____
\$110,000 Federal Aid _____
 (must match resolution) Other _____