

**52586**

DATE: August 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 +/- 0.46 acre of real property developed with a single-family house at 3841 Valleyview Street, Town of Yorktown, from the current owner(s) of record and to subsequently convey the Property to an eligible buyer to create an affordable ownership home that will Affirmatively Further Fair Housing.

On August 1, 2016, the Westchester County Board of Legislators adopted Act No. 264-2016 which authorized the County to purchase +/- 0.46 acre of real property developed with a single-family house at 3841 Valleyview Street, Town of Yorktown, ("Property") in an amount not to exceed \$325,000 from Capital Project BPL50 from the current owner(s) of record, and to grant and accept any property rights necessary in connection therewith, including entering into a Contract of Sale for the Property and the subsequent conveyance of the Property to an eligible buyer to create an affordable ownership home that Affirmatively Furthers Fair Housing ("AFFH unit") 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 ("Settlement Agreement").

In addition, on August 1, 2016, the Westchester County Board of Legislators approved Bond Act No. 263-2016 which authorized the issuance of \$314,376 in bonds from Capital Project BPL50 to partially pay for purchasing the Property. The Westchester County Board of Legislators also adopted on August 1, 2016 Act No. 262-2016 which amended the Capital Budget appropriation by increasing the amount authorized by \$315,000 to BPL50. Funds for this property will be disbursed from the following accounts; \$39,275 from acquisition and rehabilitation revolving loan funds (BPL50), \$15,349 from HUD Funds (BPL50), and the issuance of \$314,376 in bonds for a total not to exceed amount of \$369,000. The total funding for this property is \$369,000 which will be allocated as follows; acquisition costs of \$325,000, settlement costs of \$6,000, rehabilitation cost of \$10,000 and marketing and property management costs while the County holds title of \$28,000. It should be noted that your Honorable Board approved a resolution on January 12, 2016 authorizing the County to pay Housing Action Council Inc. post-purchase marketing and property management services for properties that have been approved for purchase by the County that will affirmatively further fair housing.

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 \$325,000, plus an additional \$6,000 in expected settlement costs to cover various costs such as

title insurance and real estate taxes, \$10,000 for rehabilitation costs for a total amount not to exceed \$341,000, to grant and accept any property rights necessary in connection therewith including but not limited to entering into a contract of sale for the Property with the current owner of record and conveying the Property to an eligible buyer, in order to create an AFFH unit. 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 will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

After purchase, the County will file a Declaration of Restrictive Covenants against the Property requiring that the AFFH Unit established thereon will be affordable to 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 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 the 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. The unit will be safe and secure. Department of Planning staff will monitor the Property to ensure compliance with the ongoing affordability requirements.

EB/cp/jrc  
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 (“County”) is hereby authorized to enter into any and all agreements necessary to purchase +/- 0.46 acre of real property with a single-family house located at 3841 Valleyview Street, Town of Yorktown, (“Property”) from the current owner(s) of record for an amount not to exceed \$325,000, plus an additional \$6,000 in expected settlement costs and \$10,000 in rehabilitation costs for a total amount not to exceed \$341,000, and to grant and accept any and all property rights in connection therewith including, but not limited to, entering into a contract of sale with the current owner(s) of record; and be it further

**RESOLVED**, that the funds in the amount of \$54,624 will come from non-County Community Development Block Grant and \$314,376 will be the County Share of the cost. The funds will be allocated as follows; \$39,275 from acquisition and rehabilitation revolving loan funds (BPL50), \$15,349 from HUD Funds (BPL50), and the issuance of \$314,376 in bonds for a total not to exceed amount of \$369,000; and be it further

**RESOLVED**, that the County is further authorized to enter into any and all agreements necessary to convey the Property to an eligible buyer, in order to create a four-bedroom affordable ownership home that will Affirmatively Further Fair Housing (“AFFH unit”) 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 (“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	Object/ Sub Object	Trust Account	Dollars
318	19	Bond Act 263-2016			
		BPL50-71-C	6050	N/A	\$ 10,000
		BPL50-71-R	6050	N/A	\$291,725
		Resolution Number 2016-100 NCS BPL50-90-S	6050	N/A	\$ 39,275

Budget Funding Year(s) FY 2016 Purchase and Sale Contracts Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Funding Source Tax Dollars \$301,725  
 State Aid \_\_\_\_\_  
\$341,000 Federal Aid \$39,275  
 (must match resolution) Other \_\_\_\_\_