

**53503**

DATE: November 23, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

Adam Rodriguez  
Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase a +/- 0.46 acre parcel of real property improved with a vacant building at 19 Park Avenue, Town of Lewisboro, from the current owner(s) of record and to provide rehabilitation funds to create an affordable homeownership unit and a rental unit that will affirmatively further fair housing

On September 21, 2015, the Westchester County Board of Legislators adopted Act No. 177-2015 which authorized the County to purchase a +/- 0.46 acre parcel of real property developed with a vacant former chapel building at 19 Park Avenue, in the Town of Lewisboro, (the "Property") in an amount not-to-exceed \$200,000 from Capital Project BPL50 Fair and Affordable Housing from the current owner(s) of record, including entering into a contract of sale for the Property and the subsequent conveyance of the Property to to rehabilitate the property to create an two affordable units that affirmatively furthers 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 ("Settlement Agreement").

In addition, on September 21, 2015, the Westchester County Board of Legislators approved Bond Act No. 178-2015 which authorized the issuance of up to \$200,000 in bonds from Capital Project BPL50 to purchase the Property. It should be noted that the Westchester County Board of Legislators approved the conveyance of this property to Allied Community Enterprises, Inc., its designee or assigns. Allied Community Enterprises, Inc., has now authorized the assignment to convey this property to Housing Action Council, Inc.

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 \$200,000, 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 or accepting an assignment of a contract of sale from Housing Action Council, Inc., and to convey the Property to Housing Action Council, Inc. (the "Developer"), for ONE DOLLAR (\$1) in order to support the rehabilitation and adaptive reuse of the building to create one affordable AFFH homeownership and one rental unit. The purchase and conveyance of the Property shall be by such deeds as approved by the County Attorney.

The attached resolution also authorizes the use of grant funding from the New York State Affordable Housing Corporation in an amount-not-to-exceed of \$80,000, and program income received from previous loans made through the County's Community Development Block Grant Property Improvement Program all in accordance with the Program's regulations in the amount-not-to-exceed of \$235,000, in order to substantially rehabilitate and/or reimburse soft costs for the rehabilitation of the Property which will create an affordable AFFH two bedroom ownership home with an accessory rental studio apartment. These two agreements shall have a two-year term commencing December 12, 2016 and ending on December 11, 2018 to be paid pursuant to an approved budget.

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 affordable AFFH housing units, including the affordable AFFH Home proposed herein. The proposed affordable AFFH Home 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 affordable AFFH Homeownership unit established thereon will be affordable to households with incomes at or below 80% for the homeownership unit and 50% for the rental unit, 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 two affordable AFFH units in accordance with the terms of the Settlement Agreement. In addition, it will create homeownership and rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to live in Westchester County. The units will be safe and secure. Department of Planning staff will monitor the Property to ensure compliance with the ongoing affordability requirements.

On April 1, 2011, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the New York State Affordable Housing Corporation to accept a grant totaling \$800,000.00 to provide funding for the acquisition and rehabilitation of properties in certain municipalities in the County. \$80,000 of the funds requested herein will come from that grant.

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 19 Park Avenue, Town of Lewisboro, to create one affordable AFFH homeownership unit and one rental unit.

EB/cp/nd/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 ("County") is hereby authorized to enter into any and all agreements necessary to purchase a +/- 0.46 acre parcel of real property with a vacant former chapel building located at 19 Park Avenue, in the Town of Lewisboro, (the "Property") from the current owner(s) of record in an amount not-to-exceed \$200,000, 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 or accepting an assignment of the contract of sale from Housing Action Council, Inc.; and be it further

**RESOLVED**, that the County is further authorized to enter into any and all agreements necessary to convey the Property to Housing Action Council, Inc. for ONE DOLLAR (\$1) and fund rehabilitation and/or soft costs of \$80,000 from the New York State Affordable Housing Corporation and \$235,000 in program income received from previous loans through the County's Community Development Block Grant Property Improvement Program, , in order to create a two-bedroom affordable homeownership unit and a studio affordable rental unit that will affirmatively further fair housing (" the affordable 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; and be it further

**RESOLVED**, that these agreements shall have a two-year term commencing December 12, 2016 and ending on December 11, 2018 to be paid pursuant to an approved budget; 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 affordable AFFH Units will be affordable to eligible households with incomes at or below 80% for the homeownership unit and 50% for the rental unit 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

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
318	19	BPL50-24-S Bond Act 178-2015	6050	N/A	\$200,000
263	19	085K	4380	T085	\$80,000
263	19	123M	4380	T123	\$235,000

Budget Funding Year(s) FY 2016 Start Date: December 12, 2016 End Date: December 11, 2018

Funding Source

Tax Dollars \$200,000

State Aid \$80,000

**\$515,000**  
(must match resolution)

Federal Aid \$235,000 – U.S. Dept. of Housing & Urban Development

Other \_\_\_\_\_

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APPROVED BOARD OF ACQUISITION & CONTRACT - 12/201/2016 - LISI MRYAJ, SECRETARY