

**53504**

DATE November 23, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with Housing Action Council, Inc. in order to provide funds for costs related to the acquisition of an existing single family house located 18 Minkel Road, in the Town of Ossining, to create one affordable ownership home 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") in order to provide funds to purchase a parcel of approximately 0.49 acre of real property with an existing single family house, located at 18 Minkel Road in the Town of Ossining (the "Property") in an amount not to exceed \$278,050 which includes \$269,000 for acquisition, plus an additional \$9,050 for settlement costs to be funded from program income received from previous loans made through the Community Development Block Grant Program all in accordance with the Program's regulations (the "Agreement").

In accordance with the Agreement, the County will provide a short-term zero interest loan secured by a mortgage against the Property, in an amount not-to-exceed \$115,000 and a grant in the not-to-exceed amount of \$163,050 to be used toward the acquisition and settlement costs. The loan will be repaid to the County upon the sale of the Property to an eligible homebuyer with an income at or below 80% of the Westchester County Area Median Income

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 ownership unit established thereon that affirmatively furthers fair housing ("AFFH") 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 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 December 12, 2016 and terminates on December 11, 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(c) 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 homeownership 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/  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/10/2016 - LIS/MP/AJ/SECRETARY

## 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”) in order to provide funds for the Developer to purchase a parcel of approximately 0.49 acres of real property with an existing single-family home located at 18 Minkel Road, Town of Ossining (the “Property”) from the current owner(s) of record for a not to exceed amount of \$269,000, plus an additional \$9,050 in expected settlement costs for a total amount not to exceed \$278,050 in order to affirmatively further fair housing (“AFFH”). The term of this agreement shall begin on December 12, 2016 and terminate on December 11, 2018 (the “Agreement”); and be it further

**RESOLVED**, that the Agreement will provide for a short-term zero interest loan in an amount not to exceed \$115,000 which will be secured by a mortgage against the Property that will be repaid to the County upon the sale of the Property to an eligible homebuyer as well as a grant in the not-to- exceed amount of \$163,050 to be used toward the acquisition and settlement costs of the acquisition of the Property; and be it further

**RESOLVED**, that the funding source for the Agreement will be from program income received from previous loans made through the Community Development Block Grant in the amount of \$278,050, and be it further

**RESOLVED**, that the Agreement will provide funding for the acquisition and settlement, 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, grant and accept any and all property rights in connection herewith and take any actions necessary to effectuate purposes hereof.

Account to be Charged/Credited

|      |      | Major Program,<br>Program & Phase | Object/<br>Sub Object | Balance Sheet<br>Account | Trust<br>Account | Dollars   |
|------|------|-----------------------------------|-----------------------|--------------------------|------------------|-----------|
| Fund | Dept | Or Unit                           |                       |                          |                  |           |
| 263  | 19   | 123M                              | 4380                  |                          | T123             | \$278,050 |

Budget Funding Year(s) FY 2016

Start Date: December 12, 2016 End Date: December 11, 2018

Funding Source

Tax Dollars \_\_\_\_\_

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

**\$278,050**  
(must match resolution)

Federal Aid \$278,050 – U.S. Dept. of Housing & Urban Development

Other \_\_\_\_\_

S:\ADMINISTRATION\CONTRACTS\Completed Contracts\FAH\CFAH16119\Resolution 48 Minkel Road Ossining.doc

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/01/2016 - USA MRIJAH SECRETARY