

**54448**

DATE: January 10, 2017

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 a +/-0.11 acre parcel of real property improved with a four-family house at 214 Hillside Place, Town of Eastchester, from the current owner(s) of record and to subsequently convey the Property to Community Housing Innovations, Inc. in order to create four affordable AFFH rental units that will affirmatively further fair housing.

On November 14, 2016, the Westchester County Board of Legislators adopted Act No. 350-2016 which authorized the County to purchase a +/- 0.11 acre parcel of real property improved with a four-family house at 214 Hillside Place, Town of Eastchester, (the "Property") in an amount not-to-exceed \$688,000 from Capital Project BPL50 from the current owner(s) of record, and to grant and accept any property rights necessary in connection therewith, including the assignment to the County of the Contract of Sale for the Property from Community Housing Innovations, Inc. (the "Developer") and the subsequent conveyance of the Property to the Developer for the consideration of One (\$1.00) Dollar that will create four (one one-bedroom, two two-bedrooms and one three-bedroom) affordable rental units 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 ("Settlement Agreement").

In addition, on November 14, 2016, the Westchester County Board of Legislators approved Bond Act No. 349-2016 which authorized the issuance of up to \$696,000 in bonds from Capital Project BPL50 to purchase the Property, including acquisition costs of \$688,000 and settlement costs of \$8,000.

Your Honorable Board's authority is now requested to authorize the County to enter into an assignment to the County of the Contract of Sale for the Property from the Developer for the purchase price of \$750,000, of which the County will contribute an amount not-to-exceed \$688,000, plus an additional \$8,000 in expected settlement costs to cover various costs such as title insurance and real estate taxes, for a total amount not-to-exceed \$696,000. The Developer will fund the remaining \$62,000 purchase price by obtaining a separate mortgage on the

Property. The County will subsequently convey the Property to the Developer for the consideration of One (\$1.00), in order to create four (one one-bedroom, two two-bedroom and one three-bedroom) affordable AFFH rental units (“ the affordable AFFH Rental Units”). 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 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 Rental Units proposed herein. The proposed affordable AFFH Rental Units 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 Rental Units established thereon will be affordable to households with incomes at or below 60% 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 renters 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 four affordable AFFH Rental Units in accordance with the terms of the Settlement Agreement. In addition, it will create affordable rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to lease apartments in Westchester County. The units will be safe and secure. Department of Planning staff will monitor the affordable AFFH Rental Units 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 214 Hillside Place, Town of Eastchester, to the Developer to create four affordable AFFH rental units.

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 (“County”) is hereby authorized to enter into any and all agreements necessary to purchase a +/- 0.11 acre parcel of real property improved with a single-family house located at 214 Hillside Place, Town of Eastchester, (“Property”) from the current owner(s) of record in an amount not-to-exceed \$688,000, plus an additional \$8,000 in expected settlement costs, for a total amount not-to-exceed \$696,000, and to grant and accept any property rights necessary in connection therewith, including the assignment to the County of the Contract of Sale for the Property from Community Housing Innovations, Inc. (the “Developer”) pursuant to which the Developer will pay \$62,000 to the current owner(s) of record for a total purchase price of \$750,000, and the subsequent conveyance of the Property to the Developer for the consideration of One (\$1.00) Dollar; and be it further

**RESOLVED**, that the County is further authorized to enter into any and all agreements necessary to convey the Property to the Developer, in order to create four (one one-bedroom, two two-bedroom and one three-bedroom) rental units that will affirmatively further fair housing (“ the affordable 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; 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 Rental Units will be affordable to eligible households with incomes at or below 60% 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	BPL50-83-R Bond Act 349-2016	6050	N/A	\$696,000

Budget Funding Year(s) FY 2016

Purchase and Sale Contracts Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Funding Source Tax Dollars \$696,000  
 State Aid \_\_\_\_\_  
**\$696,000**  
 (must match resolution) Federal Aid \_\_\_\_\_  
 Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/02/2017 - LISA MRIJAJ, SECRETARY