

17070

DATE: January 25, 2011

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner

SUBJECT: Resolution authorizing an Agreement by and between the County of Westchester and 42 First Ave LLC to provide funds for Rehabilitation of an existing 3 Family Residence in the Village of Pelham, New York to create 3 Affordable AFFH Units

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement (the "Agreement") with 42 First Ave LLC, its designee or assigns, (the "Owner/Contractor") to provide a grant in the total amount of \$120,000.00 from capital project BPL50 - Fair and Affordable Housing ("FAH") in support of the proposed rehabilitation of an existing 3 family residence at 42 First Avenue, Pelham, New York (the "Property") in order to create 3 fair and affordable housing units. Upon completion of the rehabilitation, the property will be in compliance with the requirement that the County affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below), include 1 homeowner unit and 2 rental units (the "Affordable AFFH Units").

Pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit entitled U.S. ex rel. Anti-Discrimination Center of Metro New York, Inc. vs. Westchester (the "Settlement Agreement"), the County is required to develop 750 affordable AFFH units. Pursuant to a letter from the federal monitor dated November 25, 2010, the County has been advised that the 3 proposed affordable AFFH Units constitute units eligible under Section 7(b) of the Settlement Agreement.

The Agreement will provide a total of \$120,000.00 of FAH funds and shall specify that said funds be allocated to rehabilitate the existing Property to create 3 Affordable AFFH Units of which one homeowner unit will be affordable to a household at or below 80% of the County Area Median Income ("AMI") and 2 rental units will be affordable to households at or below 60% AMI. The Agreement will require that a Declaration of Restrictive Covenants be filed against the property requiring a period of affordability of not less than 50 years.

On January 3, 2011 the Westchester County Board of Legislators authorized, by Act No. 5-2011, amendment of the 2010 County Capital Budget to increase the appropriation for Capital Project BPL50 by \$120,000.00 to fund the rehabilitation of the Property located at 42 First Avenue in the Village of Pelham for the creation of 3 affordable AFFH Units.

The Agreement will serve the public purpose of providing affordable AFFH units. The goal and objective of this Agreement is to create fair and affordable housing which is safe, secure and energy efficient. The project will create one home ownership opportunity and two rental opportunities for lower and moderate

income households who would not otherwise be able to afford to purchase or rent a unit in Westchester County. The location of the Property is accessible to transportation, shopping, schools, houses of worship and cultural resources. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the affordability requirements
I recommend approval of this Agreement.

EB/sm/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-10-2011 - JOMARY VIEIRA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: the County of Westchester is hereby authorized to enter into an agreement with 42 First Ave LLC, its designee or assigns, to provide funds for rehabilitation of an existing 3 family residence in the Village of Pelham, New York to create 3 affordable AFFH Units (defined below); and it is further

RESOLVED: the Development will, in compliance with the requirement that the County affirmatively further fair housing (“AFFH”) as set forth in 432 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below), include 1 homeowner unit and 2 rental units (the “affordable AFFH Units”); and it is further

RESOLVED: the agreement will be in an amount not-to-exceed \$120,000.00, which will be allocated to rehabilitate the existing Property to create the 3 affordable AFFH Units of which one homeowner unit will be affordable to a household at or below 80% of the County Area Median Income (“AMI”) and 2 rental units will be affordable to households at or below 60% AMI for a period of not less than 50 years; and it is further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any 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	BPL50-03.S	6050	N/A	\$120,000.00

Budget Funding Year(s) FY 2010 Start Date February 14, 2011 End Date February 13, 2012

Funding Source Tax Dollars _____

State Aid _____

\$120,000.00
(must match resolution) Federal Aid _____

Other \$120,000.00