

19482

DATE: June 1, 2011

TO: Board of Acquisition and Contract

FROM: Edward Burroughs
Commissioner, Department of Planning

SUBJECT: Resolution authorizing an agreement by and among the County of Westchester and Armonk Commons, LLC., its successor or designee, to supplement the cost of construction of ten affordable AFFH homeownership units at 22 Old Route 22 in the Hamlet of Armonk, Town of North Castle

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement with Armonk Commons, LLC, its successor or designee, to provide a grant from the federal HOME Investment Partnership Program (the "HOME Program"). The grant will be used to supplement the construction of ten (10) Affordable AFFH home ownership units to be located at 22 Old Route 22 in the Hamlet of Armonk, Town of North Castle (the "Development"). The proposed agreement shall have a term of two years, with an anticipated start date of July 1, 2011. The grant shall be in an amount not to exceed \$425,000.00 and is contingent upon the project receiving all necessary approvals and financial commitments. Approval of additional funding support for this development by the Westchester County Board of Legislators is expected to be sought in the near future. No HOME funds will be provided until the other approvals and financial commitments are in place and a construction closing to build the units has occurred.

The Development will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b) (2) and will be affirmatively marketed as required by the Settlement Agreement (defined below). When completed, the Development will include ten two-bedroom home-ownership units (the "AFFH Units").

Pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester (the "Settlement Agreement"), the County is required to ensure the development of 750 units of 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 AFFH Units in the proposed Development. Pursuant to a letter from the federal monitor dated April 20, 2011, the County has been advised that the proposed AFFH Units constitute eligible units under Section 7(a) of the Settlement Agreement.

Act 11-2010, which authorized the County to accept and administer a grant under the HOME Program of \$1,845,350.00, was adopted by the Westchester County Board of Legislators ("BOL") on March 11, 2010 and approved on April 29, 2010 by the Board of Acquisition and Contract. This project will be funded from that fiscal year.

The Agreement will provide a total of \$425,000.00 of Home Program funds authorized under the HOME program and shall specify that said funds shall be allocated to underwrite the financing for a portion of the cost for construction of 10 AFFH Units which will be affordable to families at or below 80% of the County Area Median Income (“AMI”) and will remain affordable for a period of not less than fifty (50) years.

The goal and objective of this Agreement is to carry out the County’s obligations under the Settlement Agreement by constructing Affordable AFFH Units in accordance with the terms of said Settlement Agreement. In addition, the project 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, which is safe, secure and energy efficient. It will also enhance the neighborhood through its design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the affordability requirements.

EB/jw
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/20/21 - JAMES VIEIRA, SECRETARY

RESOLUTION

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

RESOLVED: that the County of Westchester is hereby authorized to enter into an Agreement (the "Agreement") with Armonk Commons, LLC., its successor or designee, through the Federal HOME Investment Partnership Program ("HOME") to supplement the construction of ten Affordable Units that will Affirmatively Further Fair Housing at 22 Old Route 22 in the Hamlet of Armonk, Town of North Castle for the purpose of carrying out the County's obligations pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester; and it is further

RESOLVED: that the Agreement shall be in an amount not to exceed \$425,000.00 to be paid pursuant to an approved budget and contingent upon receipt of all required approvals and financial commitments and shall have a two year term, anticipated to commence as of July 1, 2011; 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
263	19	173K	4380	T173	425,000.00

Budget Funding Year(s) FY 2010 Start Date: July 1, 2011 End Date June 30, 2013

Funding Source Tax Dollars _____
 State Aid _____
\$425,000.00 Federal Aid \$425,000.00 – U.S. Department of Housing and Urban Development
 (must match resolution) Other _____