

**23141**

DATE November 21, 2011

TO: Board of Acquisition and Contract

FROM: Edward Buroughs Commissioner, Dept. of Planning Mary Mahon Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester, to enter into an agreement to convey approximately 0.35 acres of real property and fund a portion of the rehabilitation costs for the property, all in support of facilitating the creation of two affordable housing units that will affirmatively further fair housing at 55 Pleasant Avenue in the Village of Pleasantville.

The attached resolution authorizes the County of Westchester (the "County"), to enter into an agreement with Apropos-Housing Opportunities and Management Enterprises, Inc. ("A-HOME") or its designee (the "Developer") to convey approximately .35 acres of real property along the Saw Mill River Parkway at 55 Pleasant Avenue in the Village of Pleasantville (the "Property") identified on the tax map as Section: 106.05, Block: 2, Lot: 73.

Prior to conveyance by the County, a Declaration of Restrictive Covenants will be filed against the Property requiring its use to affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Settlement Agreement for a period of affordability of not less than 50 years.

In addition, this resolution authorizes the County to enter into an agreement with the Developer to provide a portion of the rehabilitation costs to the Property, for an amount not to exceed \$100,000.00 from capital project BPL50-Fair and Affordable Housing. The Property currently includes an existing two story colonial house and two car garage, which will be rehabilitated to create one fair and affordable AFFH homeowner unit and one fair and affordable AFFH accessory rental apartment. The affordable AFFH homeowner unit will be available to a household with an annual income at or below 80% of the County of Westchester Area Median Income ("AMI") and the affordable AFFH accessory rental unit will be affordable to a household with income at or below 60% AMI as established by the U.S. Department of Housing and Urban Development until the expiration of the period of affordability.

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 Affordable AFFH Units to be located at 55 Pleasant Avenue. Pursuant to a letter from the federal monitor dated July 26, 2010, the County has been advised that the proposed AFFH Units are anticipated to constitute eligible units under Section 7(a) of the Settlement Agreement.

On October 3, 2011, the County Board of Legislators pursuant to Act No. 157-2011, authorized the County of Westchester conveyance of the Property to the Developer. In addition, on October 3, 2011 the Board, through Act No. 156-2011, authorized the County to provide funds for rehabilitation improvements to the Property.

It should be noted that the Property is currently held by the New York State Department of Transportation (“NYSDOT”); however pursuant to New York State Transportation Law §71.7 the Property will revert to County ownership. NYSDOT has advised that it will provide a deed to the County memorializing the statutory reversion of the Property. Following receipt of the deed and pursuant to the terms of the proposed Sale Agreement, the County will sell the Property to the Developer for One (\$1.00) Dollar.

The goal and objective of this Agreement is to carry out the County’s obligations under the Settlement Agreement by supporting the creation of affordable AFFH Units in accordance with the terms of said Settlement Agreement. In addition, the Property will create one home ownership and one rental opportunity for lower and moderate income individuals and families who may not otherwise be able to afford to purchase or rent a home in Westchester County, which is safe, secure and energy efficient. Department of Planning staff will monitor and track costs associated with the rehabilitation of the Property, as well as monitor compliance with the affordability requirements.

We recommend approval of the agreement(s).

EB/MM/sm  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/15/2017 - COMPTON, VIERA, SECRETARY

R E S O L U T I O N

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE DIRECTOR OF REAL ESTATE, BE IT HEREBY

RESOLVED: that the County of Westchester is hereby authorized to enter into an agreement to convey approximately .35 acres of real property located at 55 Pleasant Avenue in the Village of Pleasantville (“the Property”) to Apropos-Housing Opportunities and Management Enterprises, Inc. (“A-HOME”) or its designee (the ”Developer”) for One (\$1.00) Dollar; and be it further

RESOLVED: that prior to conveyance, the County will file a Declaration of Restrictive Covenants against the Property requiring its use to affirmatively further fair housing (“AFFH”) as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit entitled U.S. ex rel. Anti-Discrimination Center vs. Westchester for a period of affordability of not less than 50 years (“Period of Affordability”); and be it further

RESOLVED: that the County is hereby authorized to enter into an agreement to fund a portion of the rehabilitation costs to the Property in an amount not to exceed \$100,000 from capital project BPL50-Fair and Affordable Housing (“FAH”), to create one (1) fair and affordable AFFH homeowner unit and one (1) fair and affordable AFFH accessory rental apartment both of which will remain affordable until the expiration of the Period of Affordability; and be it further

RESOLVED, that the term of the agreement(s) will be December 8, 2011 to November 30, 2013; and be it 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.

Recommended for Approval

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
318	19	BPL-50-07-S	6050	N/A	\$100,000.00

Budget Funding Year(s) FY 2011

Sale Contract Start Date: December 8, 2011 End Date: November 30, 2013

FAH Agreement: Start Date: December 8, 2011 End Date: November 30, 2013

Funding Source Tax Dollars \_\_\_\_\_

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

\$100,000.00 Federal Aid \_\_\_\_\_

(must match resolution)

Other \$100,000.00