

**23420**

DATE December 1, 2011

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner, Department of Planning

SUBJECT: Resolution authorizing an agreement by and between the County of Westchester and Apropos Housing Opportunities & Management Enterprises, Inc., d/b/a A-HOME, to provide funds related to acquisition of real property, pre-development soft costs and carrying costs for an existing single family property in the Town of North Salem, New York, that is expected to create two affordable housing units that will affirmatively further fair housing in the Town of North Salem

The attached resolution authorizes the County of Westchester to enter into an agreement with Apropos Housing Opportunities & Management Enterprises, Inc. d/b/a A-HOME, to provide funding from the Community Development Block Grant (CDBG) Property Improvement Program to support acquisition of real property, pre-development soft costs and carrying costs in order to conduct redevelopment of a single-family residence located at 900 Peach Lake Road (the "Property") in the Town of North Salem. The Property will be redeveloped to create two rental housing units affordable to households at or below 60% of the Westchester County Area Median Income, as established by the U.S. Department of Housing and Urban Development, which will affirmatively further fair housing ("AFFH"). The Property, which includes an existing single family home and a garage, is being donated to A-Home by the current owner of record. The amount of the grant is \$29,000, and the term is December 23, 2011 to December 22, 2012.

A-HOME, a non-profit 501(c)(3) corporation founded in 1985, acquires, rehabilitates, develops and manages affordable housing in Northern Westchester for low and moderate income households. A-HOME, which is an eligible subrecipient of CDBG funds, has applied to the County for this grant. The Property will be donated to A-HOME which will then seek local approvals to substantially rehabilitate the Property to create two AFFH rental units. The CDBG funds requested will include, but not be limited to a Phase I environmental assessment, architect and engineering costs, closing costs, title insurance, maintenance to secure the Property and taxes all in support of facilitating the creation of two AFFH rental 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 County, 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 to be located at 900 Peach Lake Road which are anticipated to constitute eligible units under Section 7(a) of the Settlement Agreement

The Agreement will provide that a Declaration of Restrictive Covenants be filed against the Property requiring its use as affordable AFFH units, 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.

This procurement is in compliance with the County of Westchester Procurement Policy Procedures, pursuant to Section 3(a)xvi, which states that contracts with recipients for disbursement of grants or loans under the Community Development Block Grant Program are exempt.

Act #11-2010, adopted March 15, 2010, by the Westchester County Board of Legislators, authorized the County to file an FY 2009-2013 Consolidated Plan application consisting of an Action Plan for Fiscal Year 2010 as an Urban County to the United States Department of Housing and Urban Development (HUD).

On April 29, 2010, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the United States Department of Housing and Urban Development for the thirty-fifth year grant totaling \$8,473,589.00 from HUD. The allocation for the Community Development Block Grant Program is \$6,378,239.00. This project will be funded from the thirty-fifth year CDBG allocation.

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 two opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to 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.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

We recommend approval of the agreement.

EB/MM/sin  
Attachment

R E S O L U T I O N

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 with Apropos-Housing Opportunities and Management Enterprises, Inc. ("A-HOME") or its designee (the "Developer") to provide funds from the Community Development Block Grant Program ("CDBG") in the amount of \$29,000 for costs related to the acquisition of real property, pre-development soft costs and carrying costs for a single family property located at 900 Peach Lake Road (the "Property") in the Town of North Salem to create two affordable housing units that will affirmatively further fair housing; and be it further

RESOLVED: that A-HOME, a non-profit 501(c)(3) corporation, founded in 1985, acquires, rehabilitates, develops and manages affordable rental housing in Northern Westchester for low and moderate income households is an eligible recipient of CDBG funds; and be it further

RESOLVED: that the Property will be donated to A-HOME by the current owner of record and A-HOME will then seek local approvals to substantially rehabilitate the property to create two AFFH rental units; and be it further

RESOLVED: that 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; and be it further

RESOLVED: that the County is hereby authorized to enter into an agreement to fund costs for acquisition of real property, pre-development soft costs and carrying costs for an existing single-family property in an amount not to exceed \$29,000 from the CDBG Property Improvement Program, so as to create two fair and affordable AFFH units 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 23, 2011 to December 22, 2012; 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.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
263	19	067K	4380	T067	\$29,000

Budget Funding Year(s) FY 2011 Start Date: December 23, 2011 End Date: December 22, 2012

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

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

\$29,000.00 Federal Aid \$29,0000 – U. S. Department of Housing & Urban Development

(must match resolution)

Other \_\_\_\_\_