

**27148**

DATE: May 29, 2012

TO: Board of Acquisition and Contract

FROM: Edward Burroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement by and between the County of Westchester and Hastings-on-Hudson Affordable Housing Development Fund Company Inc. to provide funds for the acquisition and rehabilitation of a three-family residence in the Village of Hastings-on-Hudson to create three affordable affirmatively furthering fair housing (AFFH) ownership units

The attached resolution authorizes the County of Westchester to enter into an agreement with Hastings-on-Hudson Affordable Housing Development Fund Company Inc, its designee or assigns, (the "Developer") to provide a combination of a grant and loan in the total amount of \$761,500.00 from capital project BPL50 - Fair and Affordable Housing under the County's Acquisition and Rehabilitation Program. The funds will support the acquisition and rehabilitation of a vacant three-family residence at 52 Washington Avenue, Hastings-on-Hudson in order to create three affordable ownership units that will affirmatively further fair housing as set forth in 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below). The proposed agreement shall have a term of two years, commencing upon execution.

Pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center of Metro New York, Inc. vs. Westchester, the County is required to ensure the development of 750 affordable AFFH units. The three proposed AFFH Units are anticipated to constitute units eligible under Section 7(a) of the Settlement Agreement. Pursuant to a letter from the federal monitor dated October 25, 2011, the County has been advised that the proposed use of funds would further the goals of the Settlement Agreement.

The agreement will require that upon acquisition of the property, the Developer will file a Declaration of Restrictive Covenants against the property requiring that the affordable AFFH Units established thereon will be affordable to households with incomes at or below 80% of the Westchester County Area Median Income ("AMI") for a period of affordability of not less than 50 years.

The agreement will provide a not-to-exceed total of \$761,500.00 of Fair and Affordable Housing funds in the form of a grant in the amount of \$176,500.00 and a short term loan in the amount of \$585,000.00, which loan will be repaid to the County as part of a revolving loan fund upon the sale of the AFFH Units. The agreement shall specify that said funds will be allocated to the acquisition and rehabilitation of the existing house to create two affordable three- bedroom and one affordable two-bedroom condominium AFFH Units, all in accordance with the Community Block Grant Program regulations.

The goal and objective of this agreement is to carry out the County's obligations under the Settlement Agreement by ensuring the development of affordable AFFH Units in accordance with the terms of said Settlement Agreement. In addition, the development 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. The units will be safe, secure and energy efficient and will also enhance the neighborhood by rehabilitating a vacant and distressed residence. Department of Planning staff will make site visits to ensure that the renovations are being conducted according to contract specifications and will monitor compliance with the ongoing 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.

I recommend approval of this Agreement.

EB/lk/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/20/22 - HONARY VERA, 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 with Hastings-on-Hudson Affordable Housing Development Fund Company Inc, its designee or assigns, (the "Developer") to provide a combination of a grant and loan in the total amount of \$761,500.00 from capital project BPL50 - Fair and Affordable Housing under the County's Acquisition and Rehabilitation Program. The proposed agreement shall have a term of two years, commencing upon execution; and it is further

RESOLVED: that the funds will support the acquisition and rehabilitation of a vacant three-family residence at 52 Washington Avenue, Hastings-on-Hudson, in order to create three affordable ownership units that will affirmatively further fair housing in compliance with 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester; and be it further

RESOLVED: that the agreement will provide a not-to-exceed total of \$761,500.00 of Fair and Affordable Housing funds which will be allocated to the acquisition and rehabilitation of the property in accordance with the Community Block Grant Program regulations in the form of a grant in the amount of \$176,500.00 and a short term loan in the amount of \$585,000.00 which loan will be repaid to the County upon the sale of the AFFH Units; and it is further

RESOLVED: that a declaration of restrictive covenants will be filed against the property requiring that the AFFH Units will be affordable to households at or below 80% of the County Area Median Income 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	BPL50-90-S	6370	N/A	\$761,500.00

Budget Funding Year(s) FY 2011 Start Date Upon Execution End Date Two Years from Execution

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

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

**\$761,500.00** Federal Aid \$761,500.00  
(must match resolution)

Other \_\_\_\_\_