

under capital project BPL50 to finance construction of certain site/infrastructure improvements in support of the Development (defined below) all in accordance with the Community Development Block Grant (“CDBG”) Program regulations, which term will commence upon execution and continue until the satisfaction of the loan. Interest on the loan will accrue at a rate of .25% for not less than 30 years and thereafter, will be paid off at an annual interest rate of .25% pursuant to a 20 year fully amortizing loan schedule.

The authorizations requested herein are in support of an affordable, AFFH development to be known as Bridleside Apartments (the “Development”) which will be constructed on the Property and will provide sixty-five (65) one, two and three-bedroom affordable rental units including a superintendent’s unit (the “Affordable 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 Affordable AFFH Units in the proposed Development. It is anticipated that the proposed Affordable AFFH Units constitute eligible units under Section 7(a) of the Settlement Agreement.

On September 24, 2012, the Westchester County Board of Legislators approved (i) Act No. 135-2012, to purchase and subsequently convey the Property and (ii) Bond Act No. 136-2012 which funds the land acquisition costs.

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. 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.

I recommend approval of these Agreements.

EB/kar/lk
Attachment

RESOLUTION

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 with June Road Development, LLC or the current owner(s) of record to purchase approximately 40.20 acres of real property located at 256-258 June Road in the Town of North Salem (the "Property") for a total amount not to exceed \$4,000,000, noting that the total purchase price will be funded through the issuance of bonds of the County through capital project BPL50 - Fair and Affordable Housing ("FAH"); and be it further

RESOLVED: that the County will file a Declaration of Restrictive Covenants (the "Declaration") against the Property requiring that it be used for the development of the affordable AFFH (defined below) housing to be known as Bridleside Apartments (the "Development"); and be it further

RESOLVED: that the Development will provide sixty-five (65) one, two and three-bedroom affordable rental units which affirmatively further fair housing ("AFFH"), 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 entitled U.S. ex rel. Anti-Discrimination Center vs. Westchester and which, pursuant to the Declaration, will be available to households with incomes at or below 60% of the Westchester County Area Median Income for a period of affordability of not less than 50 years; and be it further

RESOLVED: the County is hereby authorized to enter into an agreement to convey the Property to Bridleside Housing Development Fund Company, Inc. (the "HDFC") and/or WB North Salem, LLC (the "LLC") for One (\$1.00) Dollar; and be it further

RESOLVED: the County is hereby authorized to enter into an agreement with eh HDFC and/or the LLC to provide a loan in an amount not to exceed \$2,800,000 in non-county FAH Funds under capital project BPL50 to finance construction of certain site/infrastructure improvements in support of the Development in accordance with the Community Development Block Grant Program regulations which will commence upon execution and continue until the satisfaction of the loan; and it be it further

RESOLVED: that the interest on the loan will accrue at an interest rate of 0.25% for a period of not less than 30 years and will thereafter be paid off at an annual interest rate of .25% pursuant to a 20 year fully amortizing loan schedule; and it be it further

RESOLVED; that the County is further authorized to accept and/or release any rights in the Property deemed necessary in furtherance of this project, including without limitation easements and/or subordination agreements; and it 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			
318	19	BPL50-09-S	6050	N/A	\$4,000,000
318	19	BPL50-09-S	6050	N/A	\$2,800,000

Budget Funding Year(s) (BPL50 Bonded) FY 2012

Start Date: Upon Execution
End Date: Upon Closing

Budget Funding Year(s) (BPL50 Non-County Shares) FY 2012

Start Date: Upon Execution
End Date: Upon Satisfaction of the Loan

Funding Source

Tax Dollars \$4,000,000.00
State Aid _____

\$6,800,000.00
(must match resolution)

Federal Aid \$2,800,000.00
Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT 10/25/2012 - JOMARY VIEIRA, SECRETARY