

**44083**

DATE December 31, 2014

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner, Department of Planning

SUBJECT: Resolution authorizing the County of Westchester to prepare an application for and enter into a Grant Agreement with the New York State Affordable Housing Corporation, to accept grant funds in a not-to-exceed amount of \$400,000 authorized under the Affordable Home Ownership Development Program to finance a portion of the cost of construction and/or downpayment assistance of ten affordable AFFH Units at 22 Old Route 22 in the Town of North Castle

The attached resolution authorizes the County of Westchester, acting by and through the Department of Planning (the "Department"), to apply for and enter into a grant agreement (the "Grant Agreement") with the New York State Affordable Housing Corporation or its designees, ("AHC") to accept an award of grant funds authorized under the Affordable Home Ownership Development Program ("AHODP") in a not-to-exceed amount of \$400,000. The grant funds will be used to underwrite the cost of construction of an affordable AFFH (defined below) development to be constructed on approximately 0.7 acres of property at 22 Old Route 22 (the "Property") in the hamlet of Armonk, Town of North Castle (the "Development"). These funds will be secured by notes and mortgages as required under the Grant Agreement. The Grant Agreement shall be for the term commencing on the execution of such Grant Agreement and expiring (unless otherwise terminated in accordance with the terms contained therein) on the last to occur of, a) the date after the latest expiring recapture period specified in a grant enforcement mortgage and note has passed, b) the date when the last of the amounts, if any, due from homeowners has been received by the County and paid to AHC, or c) the date when AHC has agreed in writing to accept the performance of the County as satisfying its obligations under the Grant Agreement.

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 (the "Settlement Agreement"), the County is required to ensure the development of 750 units of affordable housing that affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2). In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units. This Development, when completed, will include ten affordable AFFH two-bedroom homeowner units (the "AFFH

Units”) and related facilities. The proposed affordable AFFH Units will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

The Grant Agreement will provide a total of \$400,000 of AHC funds authorized under the AHODP and shall specify that said funds shall be allocated to underwrite the financing for a portion of the cost for construction and/or downpayment assistance of the AFFH Units which will be affordable to families at or below 80% of the County Area Median Income (“AMI”). In furtherance of the foregoing, a Declaration of Restrictive Covenants will be recorded against the Property which will require that the AFFH Units constructed thereon will remain affordable to eligible families at or below 80% of AMI for a period of not less than 50 years.

The goal and objective of the Grant 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 Grant Agreement will serve the public purpose of providing 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. The Development 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 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.

EB/DLV/lk  
Attachment

**RESOLUTION**

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

RESOLVED: the County of Westchester is hereby authorized to apply for and enter into an agreement (the "Grant Agreement") with New York State Affordable Housing Corporation or its designees, ("AHC") to accept an award of grant funds authorized under the Affordable Home Ownership Development Program in the total amount of \$400,000 to underwrite a portion of the cost of construction and/or downpayment assistance of ten affordable AFFH ownership units on approximately 0.7 acres of real property located at 22 Old Route 22(the "Property") in the Town of North Castle (the "Development"); and it is further

RESOLVED: the Development, will include ten affordable AFFH two-bedroom homeowner units that affirmatively further fair housing ("AFFH") as set forth in 432 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement, and will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement; and it is further

RESOLVED: that the Grant Agreement will require, and the County will assure, that a Declaration of Restrictive Covenants will be filed against the Property requiring that the AFFH Units will be affordable to families at or below 80% of the County Area Median Income for period of not less than 50 years; and it is further

RESOLVED: that the Grant Agreement shall be for the term commencing on the execution of such Grant Agreement and expiring (unless otherwise terminated in accordance with the terms contained therein) on the last to occur of, a) the date after the latest expiring recapture period specified in a grant enforcement mortgage and note has passed, b) the date when the last of the amounts, if any, due from homeowners has been received by the County and paid to AHC, or c) the date when AHC has agreed in writing to accept the performance of the County as satisfying its obligations under the Grant Agreement.

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/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
263	19	157Q	9854	T-157	\$400,000.00

Budget Funding Year(s) FY 2015 Start Date Upon execution End Date See Resolved # 4  
(must match resolution)

Funding Source	Tax Dollars _____
<b><u>\$400,000.00</u></b>	State Aid <b><u>\$400,000.00</u></b>
	Federal Aid _____
	Other _____