

44161

DATE: January 7, 2015

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 the Housing Action Council Inc, its designee or assigns, to provide funds for costs related to the acquisition and engineering and architectural work for the rehabilitation of an existing single-family residence located at 2 Spruce Road in South Salem in the Town of Lewisboro to create one affordable ownership unit and one affordable accessory rental unit that both will affirmatively further fair housing

The attached resolution authorizes the County of Westchester to enter into an agreement with the Housing Action Council Inc, its designee or assigns, (the "Developer") to provide grants in the total not-to-exceed amounts of \$285,325.00 from capital project BPL50 - Fair and Affordable Housing and \$22,000.00 from the Federal HOME Investment Partnership Program. The funds will support the expenses related to the acquisition of an existing single-family residence located at 2 Spruce Road in South Salem in the Town of Lewisboro to create one affordable ownership unit and one affordable accessory rental unit that will each affirmatively further fair housing (AFFH) 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 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 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 proposed herein. The proposed affordable AFFH units will be located in a census block that conforms to Section 7(a) of the Settlement Agreement.

Act 11-2010, which authorized the County to accept and administer a grant under the HOME Program of \$1,845,350.00, was adopted by the Westchester County Board of Legislators on March 1, 2010 and approved on April 29, 2010 by the Board of Acquisition and Contract. This project will be funded from that fiscal year.

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 ownership and rental AFFH Units established thereon will be affordable to households with incomes at or below 80% (for the ownership unit) and 60% (for the rental unit) of the Westchester County Area Median Income and who have been selected pursuant to an approved Affirmative Fair Housing Marketing Plan. The period of affordability is 50 years.

The agreement will provide grants in the not-to-exceed totals of \$285,325.00 from the Capital Project BPL50 Fair and Affordable Housing fund and \$22,000.00 from the federal HOME Investment Partnership Program. The agreements shall specify that said funds will be allocated to the acquisition and rehabilitation of the existing house to create the 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 and rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home or rent an apartment 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 review all requests for payment to make sure all contract specifications are met 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/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/20/2010 - JONATHAN VEIRA, 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 agreements with the Housing Action Council Inc., its designee or assigns, (the "Developer") to provide grants in the amount of \$285,325.00 from Capital Project BPL50 - Fair and Affordable Housing and \$22,000.00 from the Federal HOME Investment Partnership 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 soft costs of the residence located at 2 Spruce Road in South Salem in the Town of Lewisboro to create one affordable ownership unit and one affordable accessory rental unit that both will affirmatively further fair housing (AFFH) as set forth in 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 agreements will provide a not-to-exceed total of \$307,325.00 in Fair and Affordable Housing and HOME Funds which will be allocated to the acquisition and soft costs of the property; and it is further

RESOLVED: that upon acquisition of the property, the Developer will file a Declaration of Restrictive Covenants against the property requiring that the AFFH Units established thereon will be affordable to households with incomes at or below 80% (for the ownership unit) and 60% (for the rental unit) of the Westchester County Area Median Income respectively 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 ACT 2011-177 & 178	6050	N/A	\$285,325.00
263	19	173K	4380	T173	\$22,000.00

Budget Funding Year(s) FY 2010 & FY 2015 Start Date Upon Execution End Date Two Years from Execution

Funding Source Tax Dollars _____

State Aid _____

\$307,325.00 Federal Aid \$285,325.00 – U.S. Dept. of Housing & Urban Development & \$22,000.00 Federal
(must match resolution)

Other _____