

44413

DATE: January 26, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement by and among the County of Westchester and Armonk Commons, LLC, its successor or designee, to supplement the cost of construction of 10 affordable ownership condominiums to be located at 22 Old Route 22 in the Town of North Castle

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement with the Armonk Commons, LLC, its successor or designee, to provide a grant from the Federal HOME Investment Partnership Program (the "HOME Program"). The grant will be used to supplement the cost of construction of 10 affordable, two-bedroom ownership condominiums to be located at 22 Old Route 22 in the Town of North Castle (the "Development"). The proposed agreement will commence upon execution and continue for a term of two years and is contingent upon the Development receiving all necessary approvals and financial commitments.

The Agreement will provide a total of \$370,000.00 of grant funds authorized under the HOME Program and shall specify that said funds shall be allocated to underwrite the financing for a portion of the costs related to the construction of 10 affordable two-bedroom ownership condominiums which will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b) (2) and will be affirmatively marketed as required by the Settlement Agreement (defined below). The affordable AFFH Units will be affordable to families at or below 80% of the County Area Median Income ("AMI") and will remain affordable for a period of not less than fifty (50) years.

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 fair and affordable housing. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units. 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 11, 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 serve the public purpose of providing affordable AFFH units as required in the Settlement Agreement. The goal and objective of this Agreement is to create fair and affordable housing which is safe, secure and energy efficient. The project will create home ownership opportunities for lower

and moderate income individuals and families who may not otherwise be able to afford to purchase or rent a home in Westchester County. 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 this Agreement.

EB/DV/lk
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/19/2015 - JOMARY VIEIRA, 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 (the "Agreement") with Armonk Commons, LLC., its successor or designee, through the federal HOME Investment Partnership Program to supplement the construction of 10 affordable AFFH two-bedroom ownership condominiums to be located at 22 Old Route 22 in the Town of North Castle (the "Development"); and it is further

RESOLVED: that the Agreement shall be in an amount not to exceed \$370,000.00 to be paid pursuant to an approved budget and contingent upon receipt of all required approvals and financial commitments and shall commence upon execution and continue for a term of two years; and it is further

RESOLVED: that Development will provide 10 newly constructed, affordable, two-bedroom ownership condominiums which will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b) (2) and will be affirmatively marketed as required by the Settlement Agreement; and be it further

RESOLVED: that the affordable AFFH Units will be affordable to families at or below 80% of the County Area Median Income ("AMI") and will remain affordable for a period of not less than fifty (50) years; 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

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	173K	4380	T173	\$370,000.00

Budget Funding Year(s) FY 2010 Start Date: Upon execution End Date: Two years from execution

Funding Source Tax Dollars _____
 State Aid _____
\$370,000.00 Federal Aid \$370,000.00— U.S. Department of Housing and Urban Development
 (must match resolution) Other _____