

44415

DATE: January 26, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing the County to enter into an Inter-Municipal-Developer Agreement with the Town of North Castle and Armonk Commons, LLC, its successor or assign, and to fund through Capital Project BPL01: Housing Implementation Fund the construction of infrastructure improvements in support of the affordable affirmatively furthering fair housing development to be constructed at 22 Old Route 22 in the Town of North Castle and to grant and accept all necessary property rights in connection therewith

The attached resolution authorizes the County of Westchester to enter into an Inter-Municipal-Developer Agreement (the "IMDA") with the Town of North Castle and Armonk Commons, LLC, its successor or assign, for the construction of certain infrastructure improvements in an amount not to exceed \$250,000.00 from Capital Project BPL01: Housing Implementation Fund and to grant and accept all *necessary property rights in connection therewith*. *The infrastructure improvements to be constructed along Old Route 22 will include, but not be limited to, paving, new curbing, parking, catch basins, drainage, new street lights, new sidewalks, landscaping and other related work.* The IMDA will commence upon execution and continue for a term of five years and is contingent upon the affordable AFFH Development (described below) receiving all necessary approvals and financial commitments.

The funding authorization requested herein is in support of the construction of ten (10) affordable AFFH two-bedroom ownership condominium units (the "Development") which will be constructed at 22 Old Route 22 in the hamlet of Armonk, Town of North Castle ("the Property"). Prior to the execution of the IMDA, the current owner of the Property will file a Declaration of Restrictive Covenants against the Property requiring that the affordable units constructed thereon will affirmatively further fair housing (AFFH) as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Settlement Agreement (defined below). The declaration will also require that the affordable AFFH units will be affordable to households with incomes at or below 80% of the Westchester County Area Median Income for a period of affordability of not less than 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 affordable AFFH units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH units, including the affordable AFFH units proposed herein. The proposed affordable AFFH units will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

On January 5, 2015 the Westchester County Board of Legislators authorized the County, through Act No. 7-2015, to enter into the IMDA and, through Bond Act No. 6- 2015, approved the funds for the costs of the infrastructure improvements.

The goal and objective of these agreements 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. In addition, the Development, will provide homeownership 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.

EB/DV/lk
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/19/2015 - OLIVERA, SECRETARY

RESOLUTION

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

RESOLVED: that the County is hereby authorized to enter into an Inter-Municipal-Developer Agreement (“IMDA”) with the Town of North Castle and Armonk Commons, LLC, its successor or assign, to provide grant funding from Capital Project BPL01: Housing Implementation Fund in an amount not to exceed \$250,000.00 to finance the construction of certain infrastructure improvements in support of the affordable AFFH development at 22 Old Route 22 (the “Property”) in the Town of North Castle and to grant and accept all necessary property rights in connection therewith; and be it further

RESOLVED: that the IMDA will commence upon execution and continue for a term of five years; and be it further

RESOLVED: that prior to execution of the IMDA, a Declaration of Restrictive Covenants will be recorded against the Property requiring that the affordable AFFH units constructed thereon will be affordable to households with incomes at or below 80% of the Westchester County Area Median Income for a period of affordability of not less than 50 years; and be it further

RESOLVED: that the development to be constructed on the Property will contain ten (10) affordable AFFH two-bedroom ownership condominium 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 titled U.S. ex rel. Anti-Discrimination Center vs. Westchester; 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 the purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
318	19	BPL01-30-S Bond Act No. 6- 2015	6050	N/A	\$250,000.00

Budget Funding Year(s) FY 2015 Start Date: Upon Execution End Date: Five years from execution

Funding Source Tax Dollars \$250,000.00
 State Aid _____
\$250,000.00 Federal Aid _____
 (must match resolution) Other _____