

45240

DATE: March 6, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement between the County of Westchester and Freedom Gardens for the Handicapped, Inc., to provide funds for the rehabilitation of an existing single-family cottage located at 1680 Strawberry Road, Unit 5 in the hamlet of Mohegan Lake in the Town of Yorktown to create one affordable rental unit that will affirmatively further fair housing

The attached resolution authorizes the County of Westchester to enter into an agreement with Freedom Gardens for the Handicapped, Inc., (Freedom Gardens) to provide a grant in the not-to-exceed amount of \$95,470.00 from Capital Project BPL50 - Fair and Affordable Housing. The funds will support the expenses related to the rehabilitation of an existing one-bedroom single-family cottage located at 1680 Strawberry Road, Unit 5 in the hamlet of Mohegan Lake in the Town of Yorktown to create one affordable rental unit for a physically disabled person that will 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 unit proposed herein. The proposed affordable AFFH unit will be located in a census block that conforms to Section 7(a) of the Settlement Agreement.

On February 23, 2015, the Westchester County Board of Legislators approved, through Act No. 22-2015, the amendment to the 2015 Capital Budget to add the affordable AFFH unit located at 1680 Strawberry Road, Unit 5 in the Town of Yorktown to Capital Project BPL50 Fair and Affordable Housing.

The agreement will require that Freedom Gardens file a Declaration of Restrictive Covenants against the property requiring that the affordable rental AFFH unit established thereon will be affordable to households with incomes at or below 60% 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 a grant in the not-to-exceed amount of \$96,470.00 from the Capital Project BPL50 Fair and Affordable Housing. The agreement shall specify that said funds will be allocated to the rehabilitation of the existing cottage to create one affordable AFFH unit. The rehabilitation work will include, but is not limited to, a new roof, replacement of windows, electrical updates, a new kitchen and a barrier free shower, 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 a rental opportunity for a lower and moderate income physically disabled person who may not otherwise be able to afford to rent an apartment in Westchester County. The unit 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 recommend approval of this Agreement.

EB/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 10/02/2015 - JOMAR VILLERAY 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 with Freedom Gardens for the Handicapped, Inc., to provide a grant in the not to exceed amount of \$96,470.00 from Capital Project BPL50 - Fair and Affordable Housing. The proposed agreement shall have a term of two years, commencing upon execution; and it is further

RESOLVED: that the funds will support the rehabilitation of the one-bedroom cottage located at 1680 Strawberry Road, Unit 5 in the hamlet of Mohegan Lake in the Town of Yorktown, to create one affordable rental unit for a physically disabled person that 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. exrel. Anti-Discrimination Center vs. Westchester; and be it further

RESOLVED: that Freedom Gardens for the Handicapped, Inc., will file a Declaration of Restrictive Covenants against the property requiring that the AFFH Unit established thereon will be affordable to households with incomes at or below 60% of the Westchester County Area Median Income 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	BPL50-17-S	6050	N/A	\$96,470.00

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

Funding Source Tax Dollars _____

State Aid _____

\$96,470.00 Federal Aid \$96,470.00

(must match resolution)

Other _____