

**45633**

DATE: March 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 Trinity Associates/Tiberius Associates, LLC, its successor or assign, to supplement the cost of construction of one affordable one-bedroom rental unit in the mixed use development to be located at 101-117 Washington Avenue in the Village of Pleasantville

The attached resolution authorizes the County of Westchester (the "County") to enter into an agreement with Trinity Associates/Tiberius Associates, LLC, its successor or assign, to provide a grant from the federal HOME Investment Partnership Program (the "HOME Program"). The grant will be used to supplement the cost of one of the fourteen (14) rental units in the new construction mixed use building to be located at 101-117 Washington Avenue in the Village of Pleasantville (the "Development"). The proposed agreement will commence upon execution and expire May 31, 2015.

The Agreement will provide a total of \$125,000.00 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 one affordable one-bedroom rental unit 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 unit will be affordable to families at or below 60% of the Westchester 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 unit 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 an affordable AFFH unit 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 a rental opportunity for lower and moderate income individuals and families who may not otherwise be able to afford to 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/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/23/2015 - 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 Trinity Associates/Tiberius Associates, LLC, its successor or assign, to provide a grant from the Federal HOME Investment Partnership Program (the "HOME Program"). The grant will be used to supplement the cost of one of the fourteen (14) rental units in the new construction mixed use building to be located at 101-117 Washington Avenue in the Village of Pleasantville (the "Development"); and it is further

RESOLVED: that the Agreement shall be in an amount not to exceed \$125,000.00 to be paid pursuant to an approved budget and shall commence upon execution and expire on May 31, 2015; and it is further

RESOLVED: that the Agreement will specifically provide funds associated with the cost of one newly constructed, affordable one-bedroom rental unit which will affirmatively further fair housing ("AFFH") and will be affirmatively marketed as required by the Settlement Agreement; and be it further

RESOLVED: that the affordable AFFH unit will be affordable to families at or below 60% of the Westchester 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

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
263	19	173K	4380	T173	\$125,000.00

Budget Funding Year(s)      FY 2010      Start Date: Upon execution      End Date: May 31, 2015

Funding Source      Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$125,000.00      Federal Aid \$125,000.00- U.S. Department of Housing and Urban Development  
 (must match resolution)      Other \_\_\_\_\_