

**46142**

DATE: April 15, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing agreements 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 rehabilitation of an existing one-bedroom condominium located at 289 Manville Road, Unit 3A in the Village of Pleasantville to create one affordable ownership unit that will affirmatively further fair housing.

The attached resolution will authorize the County of Westchester to enter into an agreement with the Housing Action Council Inc, its designee or assigns, (the "Developer") to provide grants and a loan funding in the not-to-exceed total amount of \$269,000.00 from the Federal HOME Investment Partnership Program and program income received from previous loans made through the Community Development Block Grant Program. The funds will support the expenses related to the acquisition and rehabilitation of an existing one-bedroom condominium located at 289 Manville Road, Unit 3A in the Village of Pleasantville to create one affordable ownership unit 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).

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 County (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 Paragraph 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 HOME agreement will provide a short-term zero interest loan in the not to exceed amount of \$140,000.00 that will be repaid to the County upon the sale of the condominium to an eligible homebuyer and a grant in the not to exceed amount of \$12,000.00 to be used toward the acquisition or rehabilitation of the unit. Both of these amounts will come from the Federal HOME Investment Partnership Program. The term of the proposed HOME agreement will commence upon execution and terminate on May 31, 2015.

The HOME 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 AFFH unit established thereon will be affordable to households with incomes at or below 80% 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 second agreement will be a grant from program income received from previous loans made from the Community Development Block Grant in the not to exceed amount of \$117,000.00. The agreement shall specify that said funds will be allocated to the acquisition, rehabilitation and resale of the existing condominium to create the affordable AFFH unit, all in accordance with the HOME and Community Development Block Grant Program regulations. The proposed Community Development Block Grant agreement shall have a term of two years, commencing upon execution

The goal and objective of these agreements is to carry out the County's obligations under the Settlement Agreement by ensuring the development of an affordable AFFH unit in accordance with the terms of said Settlement Agreement. In addition, it will create a homeownership opportunity for a lower and moderate income family who may not otherwise be able to afford to purchase a home in Westchester County. The unit will be safe, secure and energy efficient. 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

## 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 the Housing Action Council Inc., its designee or assigns, (the "Developer") to provide a short-term zero interest loan in the not to exceed amount of \$140,000.00 that will be repaid to the County upon the sale of the condominium to a eligible family and a grant in the not to exceed amount of \$12,000.00 to be used toward the acquisition and rehabilitation of the unit; both of these funds will come from the federal HOME Investment Partnership Program. The term of this agreement shall commence upon execution and terminate May 31, 2015; and it is further

RESOLVED: that the County of Westchester is also authorized to enter into an agreement with the Developer which will be a grant from the program income received from the Community Development Block Grant in the not to exceed amount of \$117,000.00. This agreement shall have a term of two years, commencing upon execution; and it is further

RESOLVED: that the funds will support the acquisition, rehabilitation and resale of the condominium located at 289 Marville Road Unit 3A in the Village of Pleasantville to create one affordable ownership unit 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. ex rel. Anti-Discrimination Center vs. Westchester; and be it further

RESOLVED: that the agreements will provide a not-to-exceed total amount of \$269,000.00 in Community Development Block Grant and HOME funds that will be allocated to the acquisition, rehabilitation and resale 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 unit established thereon will be affordable to a household with an income at or below 80% 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
263	19	123M	4380	T123	\$117,000
263	19	173K	4380	T173	\$152,000

Budget Funding Year(s) FY 2010 & FY 2012 Start Date Upon Execution End Date Two Years from Execution For T123  
 Start Date Upon Execution End Date May 31, 2015 For T173

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_

**\$269,000.00**  
(must match resolution)

Federal Aid \$152,000.00 – U.S. Dept. of Housing & Urban Development & \$117,000.00 Federal

Other \_\_\_\_\_

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APPROVED BOARD OF ACQUISITION & CONTRACT - 05/07/2015 - JOMARY VIEIRA, SECRETARY