

47508

DATE: July 1, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing an exemption from the County of Westchester Procurement Policy and Procedures for an agreement with Housing Action Council, Inc., to provide certain marketing and related services in furtherance of the County's obligations to affirmatively further fair housing under Paragraph 33 of the Settlement Agreement, pursuant to section 3(a)xxi of the Westchester County procurement policy

The County of Westchester is implementing the requirements of the Stipulation and Order of Settlement and Dismissal, filed as of August 10, 2009, entered into in connection with the settlement of the lawsuit titled, *U.S. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County* ("Settlement Agreement"). The Settlement Agreement requires the County to ensure the development of at least seven-hundred and fifty (750) fair and affordable housing units (the "Affordable AFFH Units") which will affirmatively further fair housing ("AFFH"), as set forth in 42 U.S.C. §5304(b)(2). Of this number, an estimated 301 are already being or have been marketed under an approved marketing plan. The remaining Affordable AFFH Units will be in developments of various sizes, ranging from 1-4 family units to developments of 50 units or larger (each individual project an "Affordable AFFH Development" and/or a "Development") and are in need of marketing assistance.

On September 20, 2012, your Honorable Board approved a resolution to enter into an agreement with Housing Action Council, Inc. (HAC) to provide the County with certain marketing services and related services in furtherance of the County's obligations to AFFH (defined below) pursuant to Section 33 of the Settlement Agreement.

HAC is a regional not-for-profit organization charged with expanding and preserving housing opportunities for low and moderate income households, including special needs populations throughout Westchester, Rockland and Putnam counties and New York City. Its role is that of a catalyst, providing technical assistance to community organizations, human service organizations, not-for-profit and limited profit developers and municipalities so that they may carry out successful fair and affordable housing developments. HAC's marketing monitoring results have been reported to the Monitor in quarterly reports. During the past ten years, HAC

has helped facilitate the development of over 1,650 housing units throughout Westchester County, including rental and homeownership.

The County of Westchester proposes to amend its current agreement with HAC by reducing the dollar amount and extending the term of this agreement to September 14, 2017. The reduction in the dollar amount from \$46,000 to \$10,000 is requested as the affordable housing developers are responsible for paying the housing consultant's fees as outlined in the agreement. The additional time is needed as the County is required under the Settlement Agreement to have financing in place and building permits on all 750 units by December 31, 2016, however all units may not be built and/or marketed by that date and the developers will require marketing services into 2017. The additional time will not require any additional cost to the County as the developers are responsible for paying the housing consultants fees as outlined in the current agreement. The original agreement was for three years because the Monitor's approval of the AFFH Marketing Plan required the County to evaluate its results. The County determined that three years would be a reasonable timeframe for evaluation as it would take a few years to get enough units built and marketed before they could be evaluated. In the event that the results did not demonstrate a diverse pool of applicants, it was expected that new templates would be required or the County may have wanted to revisit HAC's ability to do the work, which would have necessitated a new RFP and contract. This however is not the case. Based on its evaluation the County has determined that it is getting great diversity in the applications and is satisfied with HAC's work to date.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. Based upon the foregoing facts, it would be in the best interest of the County of Westchester to continue to retain Housing Action Council, Inc., to provide those marketing services.

Accordingly, a resolution to exempt the procurement with Housing Action Council, Inc., is hereby submitted for your consideration.

A separate resolution of even date requesting authority to amend the agreement with Housing Action Council, Inc., for the above-mentioned services is being submitted for your approval.

I recommend approval of this exemption.

EB/cp
Attachment

RESOLUTION

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

RESOLVED: that pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedure requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interest of the County in conjunction with the procurement of an agreement with Housing Action Council, Inc., for the provision of certain marketing services and related services in furtherance of the County's obligations to affirmatively further fair housing pursuant to Paragraph 33 of the Settlement Agreement.

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APPROVED BOARD OF ACQUISITION & CONTRACT - 09/08/2015 JOHN BOCCIARDI, SECRETARY