

**47510**

DATE: July 1, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing an amendment to the agreement between Westchester County and 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, in order to change the expiration date and reduce the contract amount.

On September 20, 2012, your Honorable Board approved a resolution to enter into an agreement (the "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 Paragraph 33 of the Settlement Agreement (defined below).

Pursuant to 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 County is required 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.

Authority is now being requested for an amendment to reduce the dollar amount from \$46,000 to \$10,000 and extend the term of the above referenced Agreement from September 14, 2015 to September 14, 2017. The reduction in the dollar amount is requested as the affordable housing developers are responsible for paying the housing consultant's fees as outlined in the current 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 they may not all be built and/or marketed by that date and the developers will require marketing services into 2017. 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.

The goal and objective of the Agreement is to assist the County in meeting its obligations to AFFH under the Settlement Agreement, which is in the best interest of the County. The goal and objective of the Agreement is compliance with the Settlement Agreement, including without limitation, through marketing Affordable AFFH Units. Planning Department staff will monitor the work.

Authority to exempt the agreement from the requirements of the County of Westchester Procurement Policy and Procedures, pursuant to Section 3(a)xxi thereof, has been requested from your Honorable Board by a separate resolution of even date herewith.

I recommend approval of this amendment.

EB/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/04/2018 JOAN COCCARDI SECRETARY

**RESOLUTION**

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

RESOLVED: that the County of Westchester is authorized to amend the 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 in order to change the expiration date from September 14, 2015 to September 14, 2017, and be it further

RESOLVED: that the dollar amount is reduced from \$46,000 to \$10,000, and be it further

RESOLVED: that all other terms and conditions of the agreement will remain the same; 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.

Original Agreement           \$ 46,000.00  
This Amendment            \$-36,000.00

TOTAL                                 \$10,000.00

AGREEMENT NUMBER        C-PL-12-375

Account to be Charged/Credited

| Fund | Dept | Major Program, Program & Phase<br>Or Unit | Object/<br>Sub Object | Trust<br>Account | Dollars      |
|------|------|---|-----------------------|------------------|--------------|
| 263  | 11   | 035J                                      | 4250                  | T035             | \$-36,000.00 |

Budget Funding Year(s)       FY 2009                   Start Date September 15, 2012   End Date September 14, 2017  
(must match resolution)

Funding Source                                 Tax Dollars -\$36,000.00

State Aid \_\_\_\_\_

\$-36,000.00   Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_