

**48684**

DATE September 29, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing the County to enter into any and all agreements necessary to purchase a two-bedroom condominium located at 60 Oregon Avenue, Unit No. 1-A, in the Town of Eastchester (the "Property") from the current owner(s) of record, to enter into an assignment of the Contract of Sale for the Property, and to re-convey the Property to an eligible buyer to create one affordable home ownership unit that will Affirmatively Further Fair Housing ("AFFH").

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The Westchester County Board of Legislators adopted Act No. 159-2015 on September 8, 2015, which authorized the County to purchase a two bedroom condominium located at 60 Oregon Avenue, Unit No. 1-A, in the Town of Eastchester (the "Property") in an amount not to exceed \$310,700 from Capital Project BPL50, including settlement costs, and to accept and/or release property rights in connection therewith, including the assignment to the County of a Contract of Sale for the Property, and to re-convey the Property to an eligible buyer, in order to create an affordable home ownership unit that Affirmatively Furthers Fair Housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the settlement of a lawsuit entitled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement") and the Westchester County Affordable Housing Plan Statement of Need adopted by Resolution No. 107-1992.

Your Honorable Board's authority is now requested to authorize the County to enter into any and all agreements necessary to purchase the Property from the current owner(s) of record in an amount not to exceed \$305,000, plus an additional amount not to exceed \$5,700, to cover various closing costs such as title insurance and real estate taxes, and to accept and/or release property rights in connection therewith including , but not limited to, the assignment to the County of a Contract of Sale for the Property from the Housing Action Council, Inc., and to re-convey the Property to an eligible buyer, in order to create an affordable home ownership unit that Affirmatively Furthers Fair Housing ("AFFH"). The purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney.

Pursuant to 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.

After purchase, the County will file a Declaration of Restrictive Covenants against the property requiring that the affordable AFFH ownership Unit established thereon will be affordable to households with incomes at or below 80% of the Westchester County Area Median Income ("AMI"), noting that the income limits are subject to change based on the median income levels at the time of initial occupancy, and subsequent occupancy, as established by the U.S. Department of Housing and Urban Development during the period of affordability of the Property which shall be not less than fifty (50) years. The eligible purchasers will be selected pursuant to an approved Affirmative Fair Housing Marketing Plan.

The goal and objective of this purchase and re-conveyance is to carry out the County's obligations under the Settlement Agreement by ensuring that the development of this affordable AFFH Unit is in accordance with the terms of the Settlement Agreement. In addition, it will create home ownership opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home in Westchester County. The unit will be safe and secure. Department of Planning staff will monitor the unit to insure compliance with the ongoing affordability requirements.

For all the foregoing reasons, I recommend that your Honorable Board approve the attached resolution authorizing the County to enter into any and all agreements necessary to purchase and re-convey at 60 Oregon Avenue, Unit No. 1-A, Eastchester, New York to an eligible buyer to create an affordable home ownership unit that will Affirmatively Further Fair Housing.

EB//DI  
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 any and all agreements necessary to purchase a two bedroom condominium located at 60 Oregon Avenue, Unit No. 1-A, in the Town of Eastchester (the "Property") in an amount not to exceed \$305,000, plus an additional amount not to exceed \$5,700, to cover various closing costs such as title insurance and real estate taxes, and to accept and/or release property rights in connection therewith including, but not limited to, the assignment to the County of a Contract of Sale for the Property from the Housing Action Council, Inc.; and be it further

**RESOLVED**, that the County is further authorized to enter into any and all agreements necessary to re-convey the Property to an eligible buyer, in order to create an affordable home ownership unit that Affirmatively Furthers Fair Housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the settlement of a lawsuit entitled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement") and the Westchester County Affordable Housing Plan Statement of Need adopted by Resolution No. 107-1992; and be it further

**RESOLVED**, that the purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney; and be it further

**RESOLVED**, that upon acquisition of the property, the County 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 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 and all actions necessary to effectuate purposes hereof.

Account to be Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit & Bond Act | Object/ Sub Object | Trust Account | Dollars      |
|------|------|---|--------------------|---------------|--------------|
| 318  | 19   | BPL50-23-S BOND ACT 2015-160                      | 6050               | N/A           | \$310,700.00 |
|      |      |   |                    |               |              |

Budget Funding Year(s) FY2015 Start Date October 8, 2015 End Date

Funding Source Tax Dollars \$310,700.00

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

**\$310,700.00** Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_