

48732

DATE: September 30, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs Mary Mahon
Commissioner of Planning Director of Real Estate

SUBJECT: Resolution authorizing the County to enter into any and all agreements necessary to purchase approximately 0.67 acres of real property with an existing two (2) family house at 72 Croton Avenue in the Town of Cortlandt (the "Property") from the current owner(s) of record, to enter into an assignment of the Contract of Sale of the Property and subsequently convey the Property to an eligible buyer to create an affordable AFFH ownership house with an affordable AFFH accessory rental apartment that will both Affirmatively Further Fair Housing ("AFFH").

On September 8, 2015, the Westchester County Board of Legislators approved Act No. 152-2015 authorizing the County to purchase approximately 0.67 acres of real property with an existing two (2) family house at 72 Croton Avenue in the Town of Cortlandt (the "Property") from the current owner(s) of record, to enter into an assignment of the Contract of Sale of the Property and subsequently convey the Property to an eligible buyer to create an affordable AFFH ownership house with an affordable AFFH accessory rental apartment that will both Affirmatively Further 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. In addition, on September 8, 2015, the Westchester County Board of Legislators approved Bond Act No. 153-2015 which authorized the issuance of \$493,000.00 in bonds from Capital Project BPL50 for the purchase and renovation of the Property.

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 \$162,000.00, plus an additional amount not to exceed \$11,200.00 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 Housing Action Council, Inc., and to re-convey the Property to an eligible buyer, in order to create an affordable AFFH ownership house

with an affordable AFFH accessory rental apartment 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. In addition, the County will renovate the Property prior to re-conveyance in order to create the two (2) AFFH Units.

Upon acquisition of the Property the County will file a Declaration of Restrictive Covenants against the Property requiring that the affordable AFFH ownership house and accessory rental apartment will be affordable to eligible households with incomes at or below 80% and 60%, respectively, of the Westchester County Area Median Income (“AMI”) for a period of affordability of not less than 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 Affordable AFFH Units. In furtherance of these objectives, the County provides funding to assist in the substantial rehabilitation of the affordable AFFH housing units in the proposed Development. The proposed Affordable AFFH Units will be located in a census block that conforms to Paragraph 7(b) of the Settlement Agreement.

The goal and objective of these Agreements is to carry out the County’s obligations under the Settlement Agreement by creating two (2) affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, the development will create home ownership and rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase or rent a home in Westchester County, which is safe, secure and energy efficient. It will also enhance the neighborhood through its design. Department of Planning staff will monitor the property to ensure 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 the Property to an eligible buyer to create an affordable AFFH ownership house with an affordable AFFH accessory rental apartment that will both Affirmatively Further Fair Housing.

EB/cp/jp
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE DIRECTOR OF REAL ESTATE, BE IT HEREBY

RESOLVED, that the County of Westchester is hereby authorized to enter into any and all agreements necessary to purchase approximately 0.67 acres of real property with an existing two (2) family house at 72 Croton Avenue in the Town of Cortlandt (the "Property") from the current owner(s) of record in an amount not to exceed \$162,000.00, plus an additional amount not to exceed \$11,200.00, 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 AFFH ownership house with an affordable AFFH accessory rental apartment, that will both 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 affordable AFFH ownership house and accessory rental apartment will be affordable to eligible households with incomes at or below 80% and 60%, respectively, of the Westchester County Area Median Income ("AMI") for a period of affordability of not less than 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

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL50-20-R BOND ACT 2015-153	6050	N/A	\$173,200.00

Budget Funding Year(s) FY 2015 Start Date: October 8, 2015 End Date: October 7, 2016

Funding Source Tax Dollars \$173,200.00

State Aid _____

\$173,200.00 Federal Aid _____

(must match resolution)

Other _____