

48979

DATE October 14, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing an agreement by and between the County of Westchester, the Town of Somers and Kearney Realty and Development Group, Inc., and/or its designee or the current owners(s) of record for costs related to the construction of infrastructure improvements in support of the affordable affirmatively furthering fair housing development to be constructed at 16 Route 6 in the Town of Somers to create sixteen affordable units

The authorization requested herein is in support of an affirmatively furthering fair housing (“AFFH”) development to be known as Hidden Meadows at Somers (the “Development”) which will be a multi-family residential development containing 53 units to be constructed on the Property (defined below). The Development will provide 16 affordable AFFH units that will include eight three-bedroom ownership units and eight one-bedroom rental units (the “Affordable AFFH Units”) which will AFFH as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Settlement Agreement (defined below).

The attached resolution authorizes the County of Westchester (the “County”) to enter into an Inter-Municipal-Developer Agreement (the “IMDA”) with the Town of Somers (the “Town”) and Kearney Realty and Development Group, Inc., and/or its designee (the “Owner”) or the current owner(s) of record, for the construction of certain infrastructure improvements in support of the Development to be constructed at 16 Route 6 in the Town of Somers (the “Property”) in an amount not to exceed \$1,600,000.00 and to grant and accept all necessary property rights in connection therewith. The infrastructure improvements to be constructed along Route 6 will include, but not be limited to, paving, installation of stormwater basin, a portion of the expansion of the public water and sewer connections, onsite stormwater management and related work (the “Infrastructure Improvements”). The IMDA will commence upon execution and continue for a term of 15 years or until the County has retired the bonds funding construction of the Infrastructure Improvements, whichever comes first, and is contingent upon the Development receiving all necessary approvals and financial commitments.

Prior to the execution of the IMDA, the Owner of the Property will file a Declaration of Restrictive Covenants (the "Declaration") against the Property requiring that the Affordable AFFH Units constructed thereon will AFFH as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Settlement Agreement (defined below). The Declaration will also require that the Affordable AFFH Units will be affordable to households with incomes at or below 80% for the three-bedroom ownership units and 60% for the one-bedroom rental units of the Westchester County Area Median Income 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 affordable AFFH units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH units, including the affordable AFFH units proposed herein. The proposed Affordable AFFH Units will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

On September 8, 2015 the Westchester County Board of Legislators authorized the County, through Act 2015-163, to enter into an Inter-Municipal/Developer Agreement with the Town of Somers and Kearney Realty and Development Group, Inc. and/or its designee to fund Infrastructure Improvements in support of the Development and to accept any necessary property rights in connection therewith and, through Bond Act 2015-164, to fund the construction of the Infrastructure Improvements in a not to exceed amount of \$1,600,000 as described above.

The goal and objective of this agreement is to carry out the County's obligations under the Settlement Agreement by ensuring the development of affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, the Development will provide homeownership 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. The Development will also enhance the neighborhood through its design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the affordability requirements.

EB/cp/eos
Attachment

RESOLUTION

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

RESOLVED: that the County of Westchester (the "County") is hereby authorized to enter into an Inter-Municipal-Developer Agreement ("IMDA") with the Town of Somers and Kearney Realty and Development Group, Inc., and/or its designee (the "Owner") or the current owner(s) of record, to finance the construction of infrastructure improvements in an amount not to exceed \$1,600,000.00 in support of the affordable affirmatively furthering fair housing ("AFFH") development (the "Development") to be constructed at 16 Route 6 in the Town of Somers (the "Property") and to grant and accept all necessary property rights in connection therewith; and be it further

RESOLVED: that the IMDA will commence upon execution and continue for a term of fifteen years or until the County has retired the bonds funding construction of infrastructure improvements, whichever comes first, unless the IMDA is terminated sooner; and be it further

RESOLVED: that the Development to be constructed on the Property will contain sixteen affordable AFFH units that will include eight three-bedroom ownership units and eight one-bedroom rental units (the "Affordable AFFH Units") within the total 53 unit Development which AFFH in compliance with 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 prior to the execution of the IMDA, the Owner of the Property will file a Declaration of Restrictive Covenants against the Development requiring that the Affordable AFFH Units constructed thereon will be affordable to households with incomes at or below 80% for the three-bedroom ownership units and 60% for the one-bedroom rental units of the Westchester County Area Median Income for a period of affordability of not less than fifty 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 the purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
19	318	BPL1A-01-S Bond Act No. 164- 2015	6050	N/A	\$1,600,000.00

Budget Funding Year(s) FY 2015 Start Date: Upon Execution End Date: Fifteen years from execution

Funding Source Tax Dollars \$1,600,000.00
 State Aid _____
\$1,600,000.00 Federal Aid _____
 (must match resolution) Other _____