

**49416**

DATE: November 10, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs                      Adam Rodriguez  
Commissioner of Planning              Acting Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase approximately 0.25 acres of real property with an existing single family house at 106 Lake Kitchawan Drive, South Salem in the Town of Lewisboro (the "Property") from the current owner(s) of record, to enter into an assignment of the Contract of Sale for the Property and to subsequently convey the Property to an eligible buyer to create an affordable AFFH ownership home that will Affirmatively Further Fair Housing ("AFFH").

On November 9, 2015, the Westchester County Board of Legislators adopted Act Nos. 228-2015 and 229-2015 which authorized the County to purchase approximately 0.25 acres of real property with an existing single family house, located at 106 Lake Kitchawan Drive, South Salem in the Town of Lewisboro (the "Property") in an amount not to exceed \$376,275 from BPL50, including settlement, renovation, marketing and property management costs from the current owner(s) of record, and to grant and accept any property rights necessary in connection therewith, including the assignment to the County of the Contract of Sale for the Property and the subsequently conveyance of the Property to an eligible buyer to create an affordable ownership home 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. In addition, on November 9, 2015, the Westchester County Board of Legislators approved Bond Act No. 228-2015 which authorized the issuance of \$376,275 in bonds from Capital Project BPL50 to purchase the property, including acquisition, settlement, rehabilitation, marketing and property management costs.

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 \$293,000, plus an additional \$7,500 in expected settlement costs to cover various costs such as title insurance and real estate taxes, and \$20,280 in carrying costs which include AFFH marketing, taxes, utilities, document review and property management fees for a total amount not to exceed \$320,780, and to grant and accept any property rights necessary 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 AFFH ownership home that will AFFH. The purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney. By separate Resolution, the Department of Public works will enter into a contract in an amount not to exceed \$55,494 for renovation of the Property.

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 the affordable AFFH housing unit, including the Affordable AFFH home proposed herein. The proposed Affordable AFFH nit 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 unit will be affordable to eligible 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 50 years. The eligible buyers will be selected pursuant to an approved Affirmative Fair Housing Marketing Plan.

The goal and objective of these Agreements is to carry out the County’s obligations under the Settlement Agreement by creating one affordable AFFH home in accordance with the terms of said 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 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, we 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 106 Lake Kitchawan Drive, South Salem, New York to an eligible buyer to create an Affordable AFFH Unit that will Affirmatively Further Fair Housing.

EB/cp/DI  
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 0.25 acres of real property with a single family house, located at 106 Lake Kitchawan Drive, South Salem in the Town of Lewisboro (the "Property") from the current owner(s) of record in an amount not to exceed \$293,000, plus an additional \$7,500 in expected settlement costs, and \$20,280 in carrying costs for a total amount not to exceed \$320,780, and to grant and accept any property rights necessary 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; 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 ownership home that will 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; 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 unit will be affordable to eligible households with incomes at or below 80% 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 agreements, 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	BPL50-35-R Bond Act 229-2015	6050	N/A	\$320,780

Budget Funding Year(s) FY 2015

Purchase and Sale Contracts Start Date: December 3, 2015 End Date: \_\_\_\_\_

Funding Source Tax Dollars \$320,780.00

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

**\$320,780.00**  
\_ (must match resolution) Federal Aid \_\_\_\_\_

Other \_\_\_\_\_