

49419

DATE: November 10, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

Adam Rodriguez
Acting Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase approximately 0.55 +/- acres of real property with an existing single family house at 25 Oak Road, Montrose 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 ownership house that will Affirmatively Further Fair Housing ("AFFH").

On November 9, 2015, the Westchester County Board of Legislators approved Act No. 220-2015 authorizing the County to purchase approximately 0.55 +/- acres of real property with an existing single family house at 25 Oak Road, Montrose 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 ownership house 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. 221-2015 which authorized the issuance of \$402,711 in bonds from Capital Project BPL50 for the purchase and other cost such as marketing, property management and settlement.

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 \$375,000, plus an additional \$11,500 in settlement costs to cover various costs which include title insurance and real estate taxes and \$16,211 in carrying costs which include but are not limited to AFFH marketing, taxes, utilities, common charges, document review and consultant/property management fees for a total amount not to exceed \$402,711, and to grant and accept any property rights in connection therewith, and to re-convey the Property to an eligible buyer, in order to create an affordable AFFH home ownership unit (the "Affordable AFFH Unit"). The purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney.

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.

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 Unit in the proposed Development. The proposed Affordable AFFH Unit will be located in a census block that conforms to Paragraph 7(b) of the Settlement Agreement.

The goal and objective of this purchase and re-conveyance is to carry out the County’s obligations under the Settlement Agreement by ensuring the development of 750 affordable AFFH units 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 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 the Property to an eligible buyer to create an Affordable AFFH Unit that will Affirmatively Further Fair Housing.

EB/cp/dlv
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12032015 JAMES COCCOPOLI, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE ACTING 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 0.55 +/- acres of real property with an existing single family house at 25 Oak Road, Montrose in the Town of Cortlandt (the "Property") from the current owner(s) of record in an amount not to exceed \$375,000, plus an additional \$11,500 in settlement costs to cover various costs which include title insurance and real estate taxes and \$16,211 in carrying costs which include but are not limited to Affirmatively Further Fair Housing ("AFFH") marketing, taxes, utilities, common charges, document review and consultant/property management fees for a total amount not to exceed \$402,711, and to grant and accept any 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 four bedroom ownership house that will 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 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	BPL50-32-S BOND ACT 221-2015	6050	N/A	\$402,711.00

Budget Funding Year(s) FY 2015 Start Date: December 3, 2015 End Date: _____

Funding Source Tax Dollars \$402,711.00

State Aid _____

\$402,711.00 Federal Aid _____

(must match resolution)

Other _____