

49421

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 0.55 +/- acres of real property with an existing single family house at 11 Westview Avenue in the Town of North Salem (the "Property") from the current owner(s) of record, to enter into an assignment of the Contract of Sale of the Property, and to re-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. 224-2015 authorizing the County to purchase approximately 0.55 +/- acres of real property with an existing single family house at 11 Westview Avenue in the Town of North Salem (the "Property") from the current owner(s) of record") in an amount not to exceed \$315,368 from Capital Project BPL50, including settlement, rehabilitation, marketing and property management costs, and to grant and accept any property rights necessary in connection therewith, including the assignment of the Contract of Sale of the Property and to re-convey the Property to an eligible buyer to create an affordable ownership house 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. In addition, on November 9, 2015, the Westchester County Board of Legislators approved Bond Act No. 225-2015 which authorized the issuance of \$315,368 in bonds from Capital Project BPL50 for the purchase and other cost such as settlement, marketing and property management.

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 \$249,900, plus an additional \$14,000 in settlement costs to cover various costs including title insurance and real estate taxes and \$31,468 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 \$295,368 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 house (the "Affordable AFFH Unit"). The purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney. By separate

contract the Department of Public Works and Transportation will enter into an agreement in an amount not to exceed \$20,000 for rehabilitation of the Property.

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 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.

The goal and objective of this purchase and re-conveyance is to carry out the County’s obligations under the Settlement Agreement by creating one Affordable AFFH Unit 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. 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/eos
Attachment

APPROVED BOARD OF ACQUISITION'S CONTRACT - 12/03/2016 - JOAN COCCARDI, 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 0.550 +/- acres of real property with an existing single family house at 11 Westview Avenue in the Town of North Salem (the "Property") from the current owner(s) of record in an amount not to exceed \$249,900, plus an additional \$14,000 in settlement costs and \$31,468 in carrying costs for a total amount not to exceed \$295,368 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 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 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 documents and/or agreements 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	BPL50-34-R BOND ACT 225-2015	6050	N/A	\$295,368.00

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

Funding Source Tax Dollars \$295,368.00

State Aid _____

\$295,368.00 Federal Aid _____

(must match resolution)

Other _____