

51607

DATE: March 28, 2016

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase and subsequently convey 0.36 acre of real property located at 164 Phyllis Court, Town of Yorktown, in support of establishing a single-family home that will Affirmatively Further Fair Housing ("AFFH")

On March 7, 2016, the Westchester County Board of Legislators approved (1) Act No. 2016-17 authorizing the County to purchase 0.36 acre of real property located at 164 Phyllis Court, Town of Yorktown, (the "Property") from the current owner(s) of record and (2) Bond Act No. 2016-18 to finance the acquisition of the Property in an amount not to exceed of \$385,000 from Capital Project BPL30 New Homes Land Acquisition II ("NHLA II").

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 for an amount not to exceed of \$385,000 from NHLA II of which up to \$365,000 will be for acquisition costs and up to \$20,000 will be for settlement costs, 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.

Immediately after the purchase, the County will file a Declaration of Restrictive Covenants against the Property requiring that the Affordable AFFH Unit established thereon will be affordable to 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 fifty (50) years. The eligible buyers will be selected pursuant to an approved Affirmative Fair Housing Marketing Plan.

Pursuant to the Settlement Agreement between the United States and the County, 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 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 ensuring the development of 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 Affordable AFFH Unit will be safe and secure. Department of Planning staff will monitor the Property to ensure compliance with the ongoing affordability requirements.

EB/cp/jp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION

USA-MRIJAS-SECRET

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into any and all agreements necessary to purchase 0.36 acre of real property located at 164 Phyllis Court in the Town of Yorktown (the "Property") from the current owner(s) of record for a total not to exceed amount of \$385,000 from Capital Project BPL30 New Homes Land Acquisition II of which up to \$365,000 will be for acquisition costs and up to \$20,000 will be for settlement costs, and to accept and/or release any and all property rights in connection therewith; 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 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 titled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York; 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 & Bond Act	Object/ Sub Object	Trust Account	Dollars
318	19	BPL30 05-R Bond Act 2016-18	6050	N/A	\$385,000

Budget Funding Year(s) FY 2016 Start Date: April 25, 2016 End Date: _____

Funding Source Tax Dollars \$385,000
 State Aid _____
\$385,000 Federal Aid _____
 (must match resolution) Other _____