

51885

DATE: April 27, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase a two-bedroom condominium located at 112 Village Road, Unit No. F, Town of Yorktown, (the "Property") from the current owner(s) of record, to enter into an assignment of the Contract of Sale for the Property and to sell the Property to an eligible buyer to create one affordable homeownership unit that will Affirmatively Further Fair Housing

The Westchester County Board of Legislators adopted Act # 51-2016 and Bond Act # 50-2016 on April 18, 2016, which authorized the County to purchase a two-bedroom condominium located at 112 Village Road, Unit No. F, Town of Yorktown, (the "Property") in an amount not to exceed \$228,000 from Capital Project BPL30 New Homes Land Acquisition II, including settlement costs, and to grant and accept any and all property rights necessary in connection therewith, including the assignment to the County of a Contract of Sale for the Property, and to sell the Property to an eligible buyer in order to create an affordable home ownership unit 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 (the "Settlement Agreement"). It should be noted by Your Honorable Board, that as a result of receipt of an appraisal obtained by the County, the purchase price of the Property has been reduced from \$220,000 to \$205,000 and the total acquisition costs have been reduced to a total amount not to exceed \$213,800.

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 \$205,000, plus an additional amount not to exceed \$8,800 in expected settlement costs which includes title insurance and real estate taxes for a total amount not to exceed \$213,800, and to grant and accept any and all 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 sell the Property to an eligible buyer, in order to create an affordable AFFH home ownership unit (the "Affordable AFFH Unit"). The purchase and sale of the Property shall be by such deeds as approved by the County Attorney.

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 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.

After 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 age 55 and older 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.

The goal and objective of this purchase and sale 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 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, I recommend that your Honorable Board approve the attached resolution authorizing the County to enter into any and all agreements necessary to purchase 112 Village Road, Unit No. 7, Town of Yorktown, and sell it to an eligible buyer to create an affordable home ownership unit that will Affirmatively Further Fair Housing.

EB/cp/di
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 any and all agreements necessary to purchase a two bedroom condominium located at 112 Village Road, Unit No. F, Town of Yorktown (the “Property”) in an amount not to exceed \$205,000 plus an additional amount not to exceed \$8,800 in settlement costs for a total amount not to exceed \$213,800, and to grant and accept any and all 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 sell the Property to an eligible buyer, in order to create an affordable home ownership unit 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 titled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the “Settlement Agreement”); and be it further

RESOLVED, that the purchase and sale 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 AFFH Unit established thereon will be affordable to households age 55 and older with incomes at or below 80% of the Westchester County Area Median Income for a period 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 and all 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	BPL30-08-R BOND ACT 50-2016	6050	N/A	\$213,800

Budget Funding Year(s) FY2016 Start Date May 18, 2016 End Date _____

Funding Source Tax Dollars \$213,800

State Aid _____

\$213,800 Federal Aid _____

(must match resolution)

Other _____