

52018

DATE: May 12, 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 0.09-acre of real property developed with a single-family house at 5 Stanley Avenue, Town of Ossining, 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 ownership home that will Affirmatively Further Fair Housing

On April 18, 2016, the Westchester County Board of Legislators adopted Act No. 60-2016 which authorized the County to purchase 0.09-acre of real property developed with a single-family house located at 5 Stanley Avenue, Town of Ossining, (the “Property”) in an amount not-to-exceed \$210,800, including settlement costs, and to grant and accept any property rights necessary in connection therewith, including a contract of sale for the Property with the current owner(s) of record and the subsequent 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 titled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the “Settlement Agreement”). In addition, on April 18, 2016, the Westchester County Board of Legislators approved Bond Act No. 59-2016 which authorized the issuance of \$210,800 in bonds from Capital Project BPL30 New Homes Land II to purchase the property, including acquisition and settlement 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 \$200,000, plus an additional \$10,800 in settlement costs to cover costs such as title insurance and real estate taxes, for a total amount not-to-exceed \$210,800 and to grant and accept any property rights necessary in connection therewith, including but not limited to entering in to a contract of sale with the current owner(s) of record and to re-convey the Property to an eligible buyer, in order to create an affordable AFFH ownership home. The

purchase and re-conveyance 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 home proposed herein. The proposed affordable AFFH unit is expected to qualify under Paragraph 7(c) 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 fifty (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 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 5 Stanley Avenue, Town of Ossining, to an eligible buyer to create an affordable AFFH unit.

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 0.09-acre of real property developed with a single-family house located at 5 Stanley Avenue, Town of Ossining, (the "Property") from the current owner(s) of record in an amount not-to-exceed \$200,000, plus an additional \$10,800 in expected settlement costs, for a total amount not-to-exceed \$210,800, and to grant and accept any and all property rights in connection therewith including, but not limited to, entering into a contract of sale with the current owner(s) of record; 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 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 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 & Bond Act	Object/ Sub Object	Trust Account	Dollars
318	19	BPL30-11-R BOND ACT 59-2016	6050	N/A	\$210,800

Budget Funding Year(s) FY 2016 Purchase and Sale Contracts Start Date: June 2, 2016 End Date: _____

Funding Source Tax Dollars \$210,800
 State Aid _____
\$210,800 Federal Aid _____
 (must match resolution) Other _____