

52162

DATE: June 2, 2016

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase +/- 0.23 acre of real property developed with a single-family house at 6 Myrtle Drive, Town of Somers, from the current owner(s) of record and to subsequently convey the Property to an eligible buyer to create an affordable AFFH ownership home that will Affirmatively Further Fair Housing.

On May 16, 2016, the Westchester County Board of Legislators adopted Act No. 156-2016 which authorized the County to purchase +/- 0.23 acre of real property developed with a single-family house at 6 Myrtle Drive, Town of Somers, (the "Property") in an amount not to exceed \$375,000 from Capital Project BPL50 from the current owner(s) of record, and to grant and accept any property rights necessary in connection therewith, including entering into a Contract of Sale for the Property 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 May 16, 2016, the Westchester County Board of Legislators approved Bond Act No. 155-2016 which authorized the issuance of \$395,000 in bonds from Capital Project BPL50 to purchase the property, including acquisition and settlement costs, and \$14,000 in marketing and property management costs while the County holds title. The Westchester County Board of Legislators also adopted Act No. 154-2016 which amended the Capital Budget appropriation by increasing the amount authorized by \$395,000 to BPL50. It should be noted that your Honorable Board approved a resolution on January 12, 2016 authorizing the County to pay Housing Action Council Inc. post-purchase marketing and property management services for properties that have been approved for purchase by the County that will AFFH.

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 \$6,000 in expected settlement costs to cover various costs such as title insurance and real estate taxes, for a total amount not to exceed \$381,000, to grant and accept any property rights necessary in connection therewith, including but not limited to entering into a contract of sale for the Property with the current owner of record, and to convey the Property to an eligible buyer in order to create an affordable AFFH ownership home. The purchase and 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 home 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 with incomes at or below 80% of the Westchester County Area Median Income, noting that the income limits are subject to change based on the median income levels 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 re-conveyance is to carry out the County's obligations under the Settlement Agreement by creating one affordable AFFH home 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 agreement necessary to purchase and convey 6 Myrtle Drive, Town of Somers, to an eligible buyer to create an affordable AFFH home.

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 (the "County") is hereby authorized to enter into any and all agreements necessary to purchase +/- 0.23 acres of real property improved with a single-family house located at 6 Myrtle Drive, Town of Somers, (the "Property") from the current owner(s) of record for an amount not to exceed \$375,000, plus an additional \$6,000 in expected settlement costs for a total amount not to exceed \$381,000, 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 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 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 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	Object/ Sub Object	Trust Account	Dollars
318	19	BPL50-55-R Bond Act 155-2016	6050	N/A	\$381,000

Budget Funding Year(s) FY 2016

Purchase and Sale Contracts Start Date: June 30, 2016 End Date: _____

Funding Source Tax Dollars \$381,000

State Aid _____

\$381,000
(must match resolution) Federal Aid _____

Other _____