

52583

DATE August 16, 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 a one-bedroom townhouse located at 142 Stone Meadow Court, Town of Lewisboro, from the current owner(s) of record, to enter into an assignment of the Contract of Sale for the Property, and to convey 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 No. 257-2016 and Bond Act No. 258-2016 on August 1, 2016, which authorized the County to purchase a one bedroom townhouse located at 142 Stone Meadow Court, Town of Lewisboro (the "Property") in an amount not to exceed \$180,900 plus an additional \$6,000 in settlement and \$24,150 in marketing and property management costs while the County holds title from Capital Project BPL50, and to accept and/or release any and all property rights in connection therewith, including the assignment to the County of a Contract of Sale for the Property, and to convey the Property to an eligible buyer, in order to create an affordable home ownership unit that Affirmatively Furthers Fair Housing ("AFFH unit") 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 ("Settlement Agreement"). 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 affirmatively further fair housing.

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 \$180,900, plus an additional \$6,000 for settlement cost for a total amount not to exceed \$186,900, and to accept and/or release any and all property rights in connection therewith including , but not limited to, the assignment to the County of a Contract of Sale for the Property from the Current owner(s) of record, and to convey the Property to an eligible buyer, in order to create an AFFH unit. 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 AFFH units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of the AFFH units, including the AFFH Unit proposed herein. The proposed 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 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 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 conveyance is to carry out the County's obligations under the Settlement Agreement by ensuring the development of 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.

EB/cp/jrc
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into any and all agreements necessary to purchase a one bedroom townhouse located at 142 Stone Meadow Court, Town of Lewisboro (“Property”) in an amount not to exceed \$180,900, plus an additional \$6,000 for settlement costs, for a total not to exceed amount of \$186,900 and to accept and/or release any and all property rights in connection therewith including, but not limited to, the assignment to the County of a Contract of Sale for the Property from 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 home ownership unit that Affirmatively Furthers Fair Housing (“AFFH unit”) 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; 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 it is 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 with incomes at or below 80% of the Westchester County Area Median Income for a period of not less than fifty (50) years; and it is 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

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit & Bond Act			
318	19	BPL50-70-R Bond Act 258-2016	6050	N/A	\$186,900

Budget Funding Year(s) FY2016 Start Date _____ End Date _____

Funding Source Tax Dollars \$186,900

State Aid _____

\$186,900 Federal Aid _____

(must match resolution)

Other _____