

52789

DATE September 21, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing a second amendment to the agreement between the County of Westchester and Housing Action Council Inc., in order to provide additional funds for construction expenses related to the rehabilitation of an existing single-family residence located at 2 Spruce Road, South Salem in the Town of Lewisboro in order to increase the dollar amount and change the expiration date.

On January 22, 2015, your Honorable Board approved a resolution to enter into an agreement with Housing Action Council, Inc., its designee or assigns, to provide grants in the total not-to-exceed amounts of \$285,325 from FAH Community Development Block Grant Funds under Capital Project BPL50 and \$22,000 from the federal HOME Investment Partnership Program (the "Agreement"). The initial funds were used towards the acquisition/engineering/architectural expenses needed to prepare this property for the rehabilitation of the existing single-family residence. Following completion of the renovations, this property, located at 2 Spruce Road, South Salem in the Town of Lewisboro will provide one affordable ownership unit and one affordable accessory rental unit, together, these two (2) units will each affirmatively further fair housing (AFFH) as set forth in 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement (defined below).

On June 25, 2015, your Honorable Board approved a resolution authorizing an amendment to the agreement between the County of Westchester and Housing Action Council Inc., in order to increase the not-to-exceed dollar amount from \$285,325 to \$568,325, an increase of \$283,000 from program income received from previous loans made from the FAH Community Development Block Grant Acquisition Rehabilitation Revolving Loan Fund.

Authority is now requested to again amend the above referenced Agreement in order to extend the expiration date from February 19, 2017 to February 19, 2018 and increase the not-to-exceed dollar amount from \$568,325 to \$586,825, an increase of \$18,500 from the Community Development Block Grant Program. These additional funds will be used to continue the rehabilitation at the above-referenced home and are necessary since as further deterioration was found when the walls were opened.

Pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester County (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 units proposed herein. The proposed affordable AFFH units will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

The goal and objective of the original agreement 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 said Settlement Agreement. In addition, the development will create home ownership and rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home or rent an apartment in Westchester County. The units will be safe, secure and energy efficient and will also enhance the neighborhood by rehabilitating a vacant and distressed residence. Department of Planning staff will review all requests for payment to make sure all contract specifications are met and will monitor compliance with the ongoing affordability requirements.

I recommend approval of this second amendment.

EB/cp/jpi
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
USA MRBA SECURITY

RESOLUTION

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

RESOLVED: that the County of Westchester is authorized to execute a second amendment to the agreement with Housing Action Council Inc., to provide funds for construction expenses to rehabilitate an existing house located at 2 Spruce Road in South Salem in the Town of Lewisboro to create one affordable ownership unit and one affordable accessory rental unit that will affirmatively further fair housing in order to increase the not-to-exceed amount from \$568,325 to \$586,825 an increase of \$18,500 from the Community Development Block Grant Program funds and change the expiration date from February 19, 2017 to February 19, 2018; and it is further

RESOLVED: that except as amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original FAH Agreement \$285,325
 First Amendment \$283,000
This Amendment \$ 18,500

TOTAL \$586,825

AGREEMENT NUMBER C-FAH-15-30

Account to be
 Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	
Fund	Dept	Or Unit			Dollars
263	19	067K	4380	T067	\$18,500

Budget Funding Year(s) FY2015 Start Date February 20, 2015 End Date February 19, 2018

Funding Source Tax Dollars _____

State Aid _____

\$18,500 Federal Aid \$18,500 – U.S. Dept. of Housing & Urban Development

(must match resolution)

Other _____