

not-to-exceed \$860,000 in order for the Developer to substantially rehabilitate both of the Properties in order to create six two-bedroom AFFH affordable rental units for seniors aged 55 and older. The structure located at 41 Old Bedford Road will have two units and the structure at 42 Old Bedford Road will have four units. The purchase and conveyance of the Properties 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 AFFH units, including the AFFH unit proposed herein. The proposed AFFH unit is expected to qualify under Paragraph 7(a) of the Settlement Agreement.

Immediately after purchase, the County will file a Declaration of Restrictive Covenants against the Properties requiring that the AFFH units will be affordable to eligible households with incomes at or below 60% 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 Properties 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 creating six AFFH rental units for seniors in accordance with the terms of said Settlement Agreement. In addition, it will create rental opportunities for lower and moderate income seniors aged 55 and older who may not otherwise be able to afford to 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 convey 41 and 42 Old Bedford Road, Town of Lewisboro to the Developer in order to substantially rehabilitate them to create six affordable senior rental AFFH units.

EB/cp/dlv
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 two parcels with a combined total of +/- 0.97 acre of real property located at 41 and 42 Old Bedford Road in the Town of Lewisboro (the “Properties”) from the current owner(s) of record in an amount not-to-exceed \$250,000, and to grant and accept any and all property rights in connection therewith, including, but not limited to entering into a contract of sale for the Properties 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 Properties to Allied Community Enterprises, Inc. (the “Developer”), its successor or assigns for One Dollar (\$1.00), and fund a portion of rehabilitation costs in an amount not-to-exceed \$860,000 in order for the Developer to substantially rehabilitate the Properties that will affirmatively further fair housing (“AFFH unit”) as set forth in 42 U.S.C. § 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 (“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 Properties, the County will file a Declaration of Restrictive Covenants against the Properties requiring that the six AFFH rental units (two units at 41 Old Bedford Road and four units at 42 Old Bedford Road) will be affordable to eligible seniors aged 55 and older with incomes at or below 60% of the Westchester County area median income for a period of affordability of not less than fifty (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 | BPL50-72-C BOND ACT 283-2016 | 6050 | N/A | \$860,000 |
| 318 | 19 | BPL50-72-R BOND ACT 283-2016 | 6050 | N/A | \$250,000 |

Budget Funding Year(s) FY 2016 FAH Agreement Start Date: October 15, 2016 End Date: October 14, 2018

Funding Source Tax Dollars \$1,110,000

State Aid _____

\$1,110,000 Federal Aid _____

(must match resolution) Other _____