

52845

DATE September 29, 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 condominium located at 70 West Street, Unit A8, Town/Village of Harrison, from the current owner(s) of record and to subsequently 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. 281-2016 on September 12, 2016, which authorized the County to purchase a one-bedroom condominium located 70 West Street, Unit A8 in the Town/Village of Harrison, ("Property") in an amount not-to-exceed \$197,000 plus an additional \$5,000 in settlement costs from Capital Project BPL50, from the current owner(s) of record and to grant accept any and all property rights in connection therewith, including entering into an assignment to the County of the Contract of Sale for the Property from the Housing Action Council, Inc., and to subsequently convey the Property to an eligible buyer, in order to create an affordable home ownership unit 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 ("Settlement Agreement").

Also on September 12, 2016, the Westchester County Board of Legislators adopted Bond Act No. 280-2016 which authorized the issuance of \$224,776 in bonds from BPL50 of the County to purchase the Property which includes acquisition costs of \$197,000 plus settlement costs of \$5,000 and marketing and property management costs while the County holds title of \$22,776. It should be noted that your Honorable Board approved a resolution on January 12, 2016 authorizing the County to pay Housing Action Council Inc. to provide 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 \$197,000, plus an additional \$5,000 in expected settlement costs such as title insurance and real estate taxes, for a total amount not-to-exceed \$202,000, and to grant and accept any and all property rights in connection therewith including, but not limited to, entering

into an assignment to the County of the Contract of Sale for the Property from the Housing Action Council, Inc. and to subsequently convey the Property to an eligible buyer, in order to create an affordable AFFH home ownership unit (the "Affordable 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 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 Unit proposed herein. The proposed Affordable 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 Affordable AFFH Unit established thereon will be affordable to 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 this purchase and conveyance 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 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 agreements necessary to purchase and convey 70 West Street, Unit A8, in the Town/Village of Harrison, to an eligible buyer to create an affordable home ownership unit that will Affirmatively Further Fair Housing.

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 (“County”) is hereby authorized to enter into any and all agreements necessary to purchase a one-bedroom condominium located at 70 West Street, Unit A8, in the Town/Village of Harrison, (“Property”) from the current owners of record, in an amount not to exceed \$197,000, plus an additional \$5,000 in expected settlement costs, for a total not-to-exceed amount of \$202,000 and to grant and accept any and all property rights in connection therewith including, but not limited to, entering into the assignment to the County of a Contract of Sale for the Property from Housing Action Council, Inc.; 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”) 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; 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 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 be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any documents, grant and accept any and all property rights in connection herewith and take any and all 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	BPL50-73-R Bond Act 280-2016	6050	N/A	\$202,000

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

Funding Source Tax Dollars \$202,000

State Aid _____

\$202,000 Federal Aid _____

(must match resolution)

Other _____