

53039

DATE: October 25, 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 improved with a single-family house at 280 Bleakley Avenue, Village of Buchanan, from the current owner(s) of record and to subsequently convey the Property to an eligible buyer to create an affordable AFFH homeownership unit that will affirmatively further fair housing

On October 17, 2016, the Westchester County Board of Legislators adopted Act Nos. 316-2016 and 318-2016 which authorized the County to purchase +/- 0.23-acre of real property improved with a single-family house, located at 280 Bleakley Avenue, Village of Buchanan, ("Property") in an amount not-to-exceed \$350,000, plus an additional amount not-to-exceed \$5,000 for expected settlement costs, from the current owner(s) of record, and to grant and accept any property rights necessary in connection therewith, and the subsequent conveyance of the Property to an eligible buyer to create an affordable homeownership unit that affirmatively furthers fair housing (the "affordable AFFH unit") 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"). In addition, on October 17, 2016, the Westchester County Board of Legislators approved Bond Act No. 317-2016 which authorized the issuance of \$377,000 in bonds from Capital Project BPL50 for the acquisition, settlement, marketing and property management costs related to the Property. 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 \$350,000, plus an additional \$5,000 in expected settlement costs, for a total amount not-to-exceed \$355,000, to grant and accept any property rights necessary in

connection therewith including but not limited to accepting an assignment of a contract of sale for the Property from the current owner of record and to convey the Property to an eligible buyer, in order to create an 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 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.

Immediately 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 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. The Department of Planning staff will monitor the Property to ensure compliance with the ongoing affordability requirements.

EB/cp/jc
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 +/- 0.23-acre of real property located at 280 Bleakley Avenue, Village of Buchanan, (“the Property”) from the current owner(s) of record for a not-to-exceed amount of \$350,000, plus an additional \$5,000 in expected settlement costs for a total amount not-to-exceed \$355,000, and to grant and accept any and all property rights in connection therewith; 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 a four-bedroom affordable homeownership unit that will affirmatively further fair housing (“affordable AFFH unit”) 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 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 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	Object/ Sub Object	Trust Account	Dollars
318	19	BPL50-78-R Bond Act 317-2016	6050	N/A	\$355,000

Budget Funding Year(s) FY 2016

Purchase and Sale Contracts Start Date: _____ End Date: _____

Funding Source Tax Dollars \$355,000

State Aid _____

\$355,000 Federal Aid _____

(must match resolution)

Other _____