

**53328**

DATE: November 14, 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 and subsequently convey +/- 0.17 acre of real property located at 98 Washington Avenue, Village of Pleasantville, and to provide development financing all in support of the fair and affordable housing development to be constructed thereon and to grant and accept all necessary property rights in connection therewith

The attached resolution authorizes the County of Westchester to enter into agreements to (i) purchase +/-0.17 acre of real property located at 98 Washington Avenue, Village of Pleasantville, identified on the tax maps Section: 106.6, Block: 1, Lot: 44 (the "Property") from Migi Asset Acquisition, LLC, its successors or assigns (collectively the "Developer") or the current owner(s) of record for an amount not to exceed \$1,800,000 which will be funded from Capital Project BPL10 - New Homes Land Acquisition II and (ii) convey fee title to the Property to the Developer, their successors or assigns, for One Dollar all in support of the construction of 14 affordable affirmatively further fair housing ("AFFH") rental units (the "Affordable AFFH units") to be constructed thereon (the "Development") and to grant and accept all necessary property rights in connection therewith. The 14 units will be affordable for households with incomes at or below 50% and 60% of the Westchester County Area Median Income ("AMI").

Upon acquisition of the Property and prior to conveyance thereof, the County will file a Declaration of Restrictive Covenants against the Property requiring that the affordable AFFH units constructed thereon will AFFH as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Settlement Agreement (defined below). The Declaration will also require that the affordable AFFH units will be affordable for a period of not less than 50 years.

The attached resolution further authorizes the County to enter into an agreement with the Developer to finance a portion of the development costs in support of the Development (the "Fair and Affordable Housing Development Agreement") in an amount not to exceed \$993,000 from Capital Project BPL50 - Fair and Affordable Housing ("FAH"). The FAH Development Agreement will have a two-year term commencing on December 2, 2016.

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 (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 Section 7(a) of the Settlement Agreement.

On June 6, 2016 the Westchester County Board of Legislators authorized the County, i) to purchase and subsequently convey the Property; ii) to sell bonds in order to fund the land acquisition of the Property; and iii) to sell bonds in order to fund the FAH Development Agreement, through Act No. 176-2016, Bond Act No. 174-2016 and Bond Act No. 175-2016, respectively.

The goal and objective of these agreements is to carry out the County's obligations under the Settlement Agreement by constructing affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, the Development, which will be safe, secure and energy efficient, will provide rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to live in Westchester County. The Development will also enhance the neighborhood through its design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the marketing, sale and on-going affordability requirements.

For all the foregoing reasons, we recommend that your Honorable Board approve the attached.

EB/cp/jpi  
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 agreement(s) necessary to purchase +/- 0.17 acre of real property located at 98 Washington Avenue, Village of Pleasantville, identified on the tax maps Section: 106.6, Block: 1, Lot: 44 (the “Property”) from Migi Asset Acquisition, LLC, its successors or assigns, (collectively the “Developer”) or the current owner(s) of record, for a total amount not to exceed \$1,800,000, noting that the total purchase price will be funded from Capital Project BPL10 - New Homes Land Acquisition II ; and be it further

RESOLVED: that the Development will contain fourteen (14) affordable AFFH rental units which affirmatively further fair housing (“AFFH”), in compliance with 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit titled *U.S. ex rel. Anti-Discrimination Center vs. Westchester*; and be it further

RESOLVED: that following the purchase, the County will file a Declaration of Restrictive Covenants against the Property requiring that the fourteen affordable AFFH units constructed thereon will be affordable to households with incomes at or below 50 % and 60% of Westchester County Area Median Income (“AMI”). The Declaration will also require that the rental units will have a period of affordability of not less than fifty (50) years; and be it further

RESOLVED: the County is hereby authorized to enter into an agreement to convey the Property to the Developer for One Dollar (\$1.00); and be it further

RESOLVED: the County is hereby authorized to enter into an Fair and Affordable Housing (“FAH”) Development Agreement with the Developer to provide FAH grant funding in an amount not to exceed \$993,000 to finance a portion of the development costs in support of the Development, having a two (2) year term beginning December 2, 2016 and ending on December 1, 2018 which will be funded from Capital Project BPL50 - Fair and Affordable Housing; and be it further

RESOLVED, that the County is hereby authorized to grant and accept all necessary property rights in connection herewith; 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 the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL10 54-R Bond Act 174-2016	6050	N/A	\$1,800,000
318	19	BPL50-57-S Bond Act 175-2016	6050	N/A	\$993,000

Budget Funding Year(s) FY 2016

Purchase and Sale Contracts: Start Date: December 2, 2016 End Date: December 1, 2018

FAH Development Agreement: Start Date: December 2, 2016 End Date: December 1, 2018

Funding Source Tax Dollars \$2,793,000

State Aid \_\_\_\_\_

**\$2,793,000** Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_

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APPROVED BOARD OF ACQUISITION & CONTRACT - 11/23/2016 - LISA MRIJAJ, SECRETARY