

53330

DATE: November 16, 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 +/- 1.2 acres, which consists of two +/- 0.594 acre lots of real property, located at 324 Saw Mill River Road in the Town of New Castle from the current owner(s) of record, and to subsequently convey the Property to Habitat for Humanity of Westchester, Inc. in order to create two affordable AFFH homeownership units that will affirmatively further fair housing

On November 1, 2016, the Westchester County Board of Legislators adopted Act No. 339-2016 which authorized the County of Westchester (the "County") to purchase approximately 1.2 acres which consists of two +/- 0.594 acre lots of real property, one lot developed with a single-family house and the other a vacant lot, located at 324 Saw Mill River Road in the Town of New Castle (the "Property") in an amount not-to-exceed \$375,000, plus an additional \$6,000 in settlement costs for a total not-to-exceed amount of \$381,000 from Capital Project BPL50, 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 Habitat for Humanity of Westchester, Inc., their successors or assigns, (the "Developer") for the consideration of One Dollar (\$1.00). The Developer will construct a three-bedroom single-family house on the vacant lot. The new construction and the existing single-family house will create two affordable homeownership units that will Affirmatively Further 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 (the "Settlement Agreement"). In addition, on November 1, 2016, the Westchester County Board of Legislators approved Bond Act No. 338-2016 which authorized the issuance of \$381,000 in bonds from Capital Project BPL50 to purchase the Property in an amount not-to-exceed \$375,000 plus an additional \$6,000 in settlement costs.

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 \$375,000, plus an additional \$6,000 in settlement costs, and to grant and accept any property rights necessary in connection therewith, and to then convey the Property to the Developer for the consideration of One Dollar (\$1.00) in order to create two affordable homeownership units that will AFFH ("the affordable AFFH Units"). The purchase and

subsequent 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 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.

Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants against each of the lots of the Property requiring that the affordable AFFH Units will be only available to eligible 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 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 these agreements is to carry out the County's obligations under the Settlement Agreement by creating two affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, it will create homeownership opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home in Westchester County, which is safe, secure and energy efficient. Further, the neighborhood will be enhanced by the design of the rehabilitation. The 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.

EB/cp/lac
Attachment

APPROVED BOARD OF ACQUISITION, CONTRACTS AND FINANCE - LIC. # 001341, SECRETARY

RESOLUTION

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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 approximately 1.2 acres of real property which consists of two +/- 0.594 acre lots, one lot developed with a single-family house and the other to be developed with a newly constructed three-bedroom single-family house, located at 324 Saw Mill River Road in the Town of New Castle (the "Property") from the current owner(s) of record in an amount not-to-exceed \$375,000, plus an additional amount of \$6,000 in settlement costs, and to grant and accept any property rights necessary in connection therewith; and be it further

RESOLVED, that the County is further authorized to enter into any and all agreements necessary to subsequently convey the Property to Habitat for Humanity of Westchester, Inc. their successors or assigns, (the "Developer") for the consideration of One (\$1.00) Dollar who will create two affordable homeownership units that will Affirmatively Further Fair Housing (the "affordable AFFH Units") 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 upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants against each of the lots of the Property requiring that the affordable AFFH Units created 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 purchase and conveyance of the Property shall be by such deeds as approved by the County Attorney; 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 the purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept.	Or Unit	Sub Object	Account	Dollars
318	19	BPL50-82-R Bond Act 338-2016	6280	N/A	\$381,000.00

Budget Funding Year(s) FY 2016

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

Funding Source Tax Dollars \$381,000.00

State Aid _____

\$381,000.00

Federal Aid _____

(must match resolution)

Other _____