

DATE January 28, 2010

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Acting Commissioner

SUBJECT: Resolution Authorizing the Agreement Between the County of Westchester and the Housing Action Council, Inc., to Provide Technical Assistance to Not-for-Profit Developers of New Fair and Affordable Housing Projects.

The attached resolution authorizes the County of Westchester to enter into an agreement with the Housing Action Council, Inc., (HAC) for the provision of technical assistance for not-for-profit developers of new fair and affordable housing projects. The amount of the agreement shall not exceed \$100,000.00, pursuant to an approved budget, and the term of the agreement is January 1, 2010, to December 31, 2010.

The Housing Action Council, Inc., will facilitate fair and affordable housing projects by assisting not-for-profits with completing grant applications, determining financial feasibility and securing federal, state and private funds. Housing Action Council, Inc., will also assist in obtaining local approvals for housing projects and working with non-profit organization boards to implement new housing projects. It is anticipated that Housing Action Council, Inc., will assist twelve (12) non-profit organizations during the term of the agreement. Housing Action Council, Inc., has been providing these services to the County for the past several years and has been deemed to possess the requisite skills and experience to meet the needs of those in our Community who require these services.

In 2009, the Housing Action Council, Inc., exceeded its goal of assisting four (4) organizations by assisting seven (7) organizations with specific projects that resulted in the completion of over 162 fair and affordable housing units. HAC also exceeded its goal of providing technical assistance to six (6) organizations by providing assistance to twelve (12) organizations and evaluating the feasibility of twelve (12) housing projects. HAC also reached its goal of exploring the feasibility of further development of fifteen (15) projects. In 2010, the Housing Action Council will provide organizational assistance services such as, but not limited to, assisting various organizations with their housing development options, developing and educating Boards of Directors, helping to set or clarify housing goals and objectives, and preparing applications for federal tax exemption under 501(c)3 of the Internal Revenue Code. The Housing Action Council, Inc., will provide technical services such as, but not limited to, assessing the potential of housing development or preservation on specific sites, preparing preliminary development and operating budgets, presenting options on maintaining affordability, advising on zoning, site planning and other approvals, guiding through the acquisition and development processes, preparing loan and grant applications, and coordinating development and construction oversight. We anticipate that the Housing Action Council, Inc., will continue to meet or exceed these service goals in 2010.

This agreement will provide fair and affordable housing by assisting residents, local employees and other low income households to live in the County. It will aid both the local government and the County with fiscal responsibility through the increase in tax dollars received from these properties, that would not provide a similar tax payment if not put to productive use, and increase Mortgage Tax revenues as the

homes are sold and resold to new families. Lastly, the fair and affordable housing will contribute to the economic viability of the County by retaining or attracting a skilled workforce attractive to employers, school districts, hospitals, etc.

This agreement will serve the public purpose of providing fair and affordable housing and exhibiting fiscal responsibility through the increase in tax revenue.

The goal and objective of this agreement is to assist in the provision of fair and affordable housing in Westchester County. The organization assistance and technical services provided by the Housing Action Council, Inc., are essential to the provision of fair and affordable housing in Westchester County as the Department of Planning does not have the staff necessary to provide these valuable services. The program will be monitored by the Department of Planning staff, who will review all payment requests to make sure all contractual requirements are met. The program will also submit quarterly reports and an annual report to the Department of Planning.

Should this agreement not be approved, valuable fair and affordable housing construction projects will decline in Westchester County. With the assistance of the Housing Action Council, Inc., Westchester County was able to acquire an additional 162 fair and affordable housing units in 2009. This level of increase will not be realized in 2010 should this agreement not be authorized.

Authority to exempt the agreement from the requirements of the County of Westchester Procurement Policy and Procedures, pursuant to Section 3(a)xxi thereof, has been granted by your Honorable Board in accordance with a separate resolution of even date herewith.

I recommend approval of this agreement.

EB/dg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 5/6-2/10 JOURNAL OF THE SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: that the County of Westchester is hereby authorized to enter into an agreement with the Housing Action Council, Inc., through the Westchester County Planning Department's Operating Budget in an amount not to exceed \$100,000.00, pursuant to an approved budget, for a period beginning January 1, 2010, and ending December 31, 2010, to provide technical assistance for not-for-profit developers of new fair and affordable housing projects by assisting them in the process of securing funds and obtaining local approval for housing projects, and be it further

RESOLVED: that this Agreement is subject to County appropriations, and be it further

RESOLVED: that this Agreement is also subject to further financial analysis of the impact of any New York State budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this agreement upon reasonable prior written notice; 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 purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
101	19	0100	4420	n/a	\$100,000.00

Budget Funding Year(s) ~~FY~~ 2010 Start Date January 1, 2010 End Date December 31, 2010
(must match resolution)

Funding Source Tax Dollars \$100,000.00
State Aid _____
\$100,000.00 Federal Aid _____
(must match resolution) Other _____