



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

72424

DATE: November 14, 2019

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner, Department of Social Services

SUBJECT: Authority for the County of Westchester to enter into a sublease agreement with Westhab, Inc., pursuant to which Westhab will sublease to the County eight (8) apartments for transitional housing for homeless single persons and families, for a term commencing on August 1, 2019 and continuing through December 31, 2019, for a total amount not-to-exceed \$147,767.50.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into a sublease agreement (the "Agreement") with Westhab, Inc. ("Westhab"), pursuant to which Westhab will sublease to the County eight (8) apartments at 205 South Waverly Street in Yonkers (the "Premises") for transitional housing for homeless single persons and families, for a term commencing on August 1, 2019 and continuing through December 31, 2019, for a total amount not-to-exceed \$147,767.50, payable monthly, at a monthly rent of \$29,553.50.

Under the proposed Agreement, the eight (8) apartments will consist of four (4) furnished one (1) bedroom apartments and four (4) furnished two (2) bedroom apartments. The above-specified rents include gas, electric, water, and sewer utilities.

Under the proposed Agreement, Westhab will agree, for the term of the proposed Agreement, to sublease the remaining twelve (12) units in the Premises to currently homeless persons who are referred to Westhab by the County's Department of Social Services, and to set the rent for such units at the "shelter supplement rent" amount. These twelve (12) units will consist of six (6) studio apartments, two (2) one-bedroom apartments, and four (4) two-bedroom apartments. The tenants subletting the twelve (12) units will pay the cost of gas and electricity for their apartments directly to the utility company.

Under the proposed Agreement, Westhab will provide property management services, security services, maintenance services, and janitorial services for the Premises.

The County previously provided Westhab with \$25,050.00 as a security deposit for a different sublease for apartments at the Premises. That sublease expired on July 31, 2019. Under the proposed Agreement, Westhab will hold, as a security deposit for the proposed Agreement, that same \$25,050.00, which funds were otherwise to be refunded to the County.

Under the proposed Agreement, the County will provide the following indemnification to Westhab:

“Except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the Lessor or the Sublessor, Sublessee shall indemnify and hold harmless Sublessor from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly out of the conduct of Sublessee hereunder, the conduct of the occupants placed in the Premises by Sublessee, or third parties under the direction or control of Sublessee.”

The proposed Agreement will serve a public purpose by providing units of housing for homeless persons for a period of five (5) months.

The goal and objective of the proposed Agreement is to provide units of housing for homeless persons for a period of five (5) months.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of health and safety, as providing housing for homeless persons will help ensure the health and safety of such persons.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Social Services.

As a sublease, the proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof. Under 2 CFR 200.465, which contains the Federal ‘cost principles’ applicable to lease costs for real property where Federal funds are used, “rental costs are allowable to the extent that the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.” My department has determined that, based upon the pertinent factors, the rental costs are reasonable.

I respectfully recommend the adoption of the attached Resolution.

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a sublease agreement (the "Agreement") with Westhab, Inc. ("Westhab"), pursuant to which Westhab will sublease to the County eight (8) apartments at 205 South Waverly Street in Yonkers (the "Premises") for transitional housing for homeless single persons and families, for a term commencing on August 1, 2019 and continuing through December 31, 2019, for a total amount not-to-exceed \$147,767.50, payable monthly, at a monthly rent of \$29,553.50; and be it further

RESOLVED, that under the Agreement, the eight (8) apartments will consist of four (4) furnished one (1) bedroom apartments and four (4) furnished two (2) bedroom apartments; and be it further

RESOLVED, that the above-specified rents include gas, electric, water, and sewer utilities; and be it further

RESOLVED, that under the Agreement, Westhab will agree, for the term of the Agreement, to sublease the remaining twelve (12) units in the Premises to currently homeless persons who are referred to Westhab by the County's Department of Social Services, and to set the rent for such units at the "shelter supplement rent" amount; and that these twelve (12) units will consist of six (6) studio apartments, two (2) one-bedroom apartments, and four (4) two-bedroom apartments; and that the tenants subletting the twelve (12) units will pay the cost of gas and electricity for their apartments directly to the utility company; and be it further

RESOLVED, that under the Agreement, Westhab will provide property management services, security services, maintenance services, and janitorial services for the Premises; and be it further

RESOLVED, that under the Agreement, Westhab will hold, as a security deposit for the Agreement, the \$25,050.00 that the County previously provided to Westhab as a security deposit for the different sublease for apartments at Premises that expired on July 31, 2019, which funds were otherwise to be refunded to the County; and be it further

RESOLVED, that under the Agreement, the County will provide the following indemnification to Westhab:

"Except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the Lessor or the Sublessor, Sublessee shall indemnify and hold harmless Sublessor from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly out of the conduct of Sublessee hereunder, the conduct of the occupants placed

in the Premises by Sublessee, or third parties under the direction or control of Sublessee.”

; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the 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 the 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 such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the 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 the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION, SECRETARY

Account to be
Charged/Credited

Fund	Dept	Unit	Object/ Sub Object	Trust Account	Dollars
101	22	8900	5850	-----	\$59,397
101	22	8900	5860	-----	\$88,370.50

Budget Funding Year(s): 2019 Start Date: 08/01/19 End Date: 12/31/19
(must match resolution)

		<u>5850</u>	<u>5860</u>
Funding Source	Tax Dollars:	1%	71%
	State Aid:	0%	29%
<u>\$147,767.50</u>	Federal Aid:	99%	0%
(must match resolution)	Other:		

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/31/2019 - LISAPRIAJ, SECRETARY