

April 16, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

On April 12, 2021, your Honorable Board approved the following Acts in connection with the proposed Point Street and Ravine Avenue, Yonkers Development a portion of which will Affirmatively Further Fair Housing ("AFFH"):

1) Act No. 2021-245 (the "Land Acquisition Act"), which authorized the purchase and subsequent conveyance of approximately +/- 1.38 acres of real property (the "Property") located at 60 & 76 Point Street and 81 Ravine Avenue in the City of Yonkers (the "City") to Point and Ravine, LLC, its successors or assigns, (the "Developer") as part of the County's program to support the construction of to create one hundred forty-six (146) housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act specified that a portion of these units, 44, will be set aside for seniors aged 55 and older.

2) Act No. 2021-246, A New Homes Land Acquisition Bond Act (the "NHLA Bond Act"), prepared by the firm of Hawkins Delafield & Wood LLP, which authorized the issuance of bonds of the County in a total amount not to exceed \$5,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II to purchase the Property from the current owner(s) to create the Affordable AFFH Units.

Subsequent to the adoption of the aforementioned Acts, the Department of Planning ("Planning") was advised by Conifer Realty, LLC/Point Ravine, LLC (the "Developer") that, pursuant to New York State Executive Law Section 292.2-a(e) ("Executive Law 292"), it is prohibited from setting aside the 44 units for seniors aged 55 and older as previously anticipated. The Developer further advised Planning that, although the New York State Division of Human Rights had previously granted a "public policy exemption" from Executive Law 292 prohibition to the Developer, The New York State Housing Finance Agency and The New York State Division of Housing and Community Renewal refused to grant such an exemption.

Therefore, in connection with the foregoing, transmitted herewith for your review and approval please find the following:

Amended Land Acquisition and Conveyance Act (the "Amended Land Acquisition Act") which will authorize the purchase and subsequent conveyance of approximately +/- 1.38 acres of real property (the "Property") located at 60 & 76 Point Street and 81 Ravine Avenue in the City of Yonkers (the "City") to Point and Ravine, LLC, its successors or assigns, (the "Developer") as

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: ceo@westchestergov.com

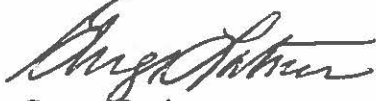


part of the County's program to support the construction of to create one hundred forty-six (146) housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Amended Land Acquisition Act will omit the sentence stating "A portion of these units, 44, will be set aside for seniors aged 55 and older". All other provisions of Act No. 2021-245 will remain in full force and effect.

It should be noted that the NHLA Bond Act (Act No. 2021-246) remains in full force and effect as it did not include reference to the units to be set aside for senior housing.

Based on the importance of creating more affordable AFFH units in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/NAD/JC
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive providing the following background and recommendation:

On April 12, 2021, your Honorable Board approved the following Acts in connection with the proposed Point Street and Ravine Avenue, Yonkers Development a portion of which will Affirmatively Further Fair Housing (“AFFH”):

1) Act No. 2021-245 (the “Land Acquisition Act”), which authorized the purchase and subsequent conveyance of approximately +/- 1.38 acres of real property (the “Property”) located at 60 & 76 Point Street and 81 Ravine Avenue in the City of Yonkers (the “City”) to Point and Ravine, LLC, its successors or assigns, (the “Developer”) as part of the County’s program to support the construction of to create one hundred forty-six (146) housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Land Acquisition Act specified that a portion of these units, 44, will be set aside for seniors aged 55 and older.

2) Act No. 2021-246, A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, which authorized the issuance of bonds of the County in a total amount not to exceed \$5,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II to purchase the Property from the current owner(s) to create the Affordable AFFH Units.

Subsequent to the adoption of the aforementioned Acts, the Department of Planning (“Planning”) was advised by Conifer Realty, LLC/Point Ravine, LLC (the “Developer”) that, pursuant to New York State Executive Law Section 292.2-a(e) (“Executive Law 292”), it is prohibited from setting aside the 44 units for seniors aged 55 and older as previously anticipated. The Developer further advised Planning that, although the New York State Division of Human Rights had previously granted a “public policy exemption” from Executive Law 292 prohibition to the

Developer, The New York State Housing Finance Agency and The New York State Division of Housing and Community Renewal refused to grant such an exemption.

Therefore, in connection with the foregoing, transmitted herewith for your review and approval please find the following:

Amended Land Acquisition and Conveyance Act (the “Amended Land Acquisition Act”) which will authorize the purchase and subsequent conveyance of approximately +/- 1.38 acres of real property (the “Property”) located at 60 & 76 Point Street and 81 Ravine Avenue in the City of Yonkers (the “City”) to Point and Ravine, LLC, its successors or assigns, (the “Developer”) as part of the County’s program to support the construction of to create one hundred forty-six (146) housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Amended Land Acquisition Act will omit the sentence stating “A portion of these units, 44, will be set aside for seniors aged 55 and older”. All othe provisions of Act No. 2021-245 will remain in full force and effect.

It should be noted that the NHLA Bond Act (Act No. 2021-246) remains in full force and effect as it did not include reference to the units to be set aside for senior housing.

Based on the importance of creating more affordable AFFH units in the County, your favorable action on the annexed Acts is respectfully requested.

Dated: , 2021
White Plains, New York

ACT NO. _____ - 2021

AN ACT amending Act No. 2021-245 which authorized the County of Westchester to purchase approximately +/- 1.38 acres of real property located at 60 & 76 Point Street and 81 Ravine Avenue in the City of Yonkers and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 146 affordable rental units, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

SECTION 1. Act No. 2021-245 which authorized the County of Westchester (the "County") to purchase and subsequently convey approximately +/- 1.38 acres of real property located at 60 & 76 Point Street and 81 Ravine Avenue to construct 146 affordable rental housing units that will affirmatively further fair housing, is hereby amended to read as follows:

§2 The County of Westchester (the "County") is hereby authorized to purchase from the current owner(s) of record approximately +/- 1.38 acres of real property located at 60 & 76 Point Street and 81 Ravine Avenue (the "Property") to construct 146 affordable rental housing units including one superintendent's unit that will affirmatively further fair housing (the "Affordable AFFH Units") as set forth in 42 U.S.C. Section 5304(b)(2). The Development Property (defined below) will also include approximately +/- 1.17 acres of real property located at 50 Point Street, 56 Ravine Avenue, 58 Ravine Avenue, 60 Ravine Avenue, 63 Ravine Avenue, 64 Ravine Avenue, 66 Ravine Avenue, 67 Ravine Avenue, 68 Ravine Avenue, 69 Ravine Avenue, 70 Ravine Avenue, 72 Ravine Avenue, 74 Ravine Avenue, 78 Ravine Avenue, 80 Ravine Avenue,

83 Ravine Avenue, and 85 Ravine Avenue, which are, or will be owned by the City of Yonkers Industrial Development Agency, which will transfer these sites to the Developer via a Land Disposition Agreement (combined with the County acquired parcels to be collectively referred to as the “Development Property”).

§3. The County is hereby authorized to contract to pay an amount not to exceed FIVE MILLION DOLLARS (\$5,000,000) to purchase the Property.

§4. The County is hereby authorized to convey the Property to Point and Ravine, LLC, its successors or assigns, for ONE DOLLAR (\$1.00) to construct the 146 Affordable AFFH Units including one superintendent’s unit that will be marketed and leased to households earning at or below 40% and up to 80% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved affirmative fair housing marketing plan, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

§5. The County is hereby authorized to grant and accept any and all property rights necessary in furtherance hereof.

§6. The transfers of the Property shall be by such deeds as approved by the County Attorney.

§7. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§8. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Point St & Ravine Ave Amend

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: April 22, 2021

Reviewed By: 

Budget Director

Date: 4/22/21