

Housing Meeting Agenda



Committee Chair: Tyrae Woodson-Samuels

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, April 11, 2022

10:00 AM

Committee Room

CALL TO ORDER

MINUTES APPROVAL

1. Monday, March 7, 2022 10:00am

I. ITEMS FOR DISCUSSION

Joint with Budget and Appropriations and Public Works and Transportation

Guests from the Department of Planning:

Commissioner Norma Drummond

Deputy Commissioner Blanca Lopez

Leonard Gruenfeld, Program Administrator (Housing & Community Development)

1. [2022-166](#) **BOND ACT-BPL1A-23 Mulberry Street, Yonkers**

A BOND ACT authorizing the issuance of THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL 1A - Housing Implementation Fund II.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING

2. [2022-167](#) **ACT-IMDA-Yonkers & La Mora, LLC-23 Mulberry Street, Yonkers**

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of Yonkers and La Mora, LLC, its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 60 senior affordable rental units at 23 Mulberry Street in the City of Yonkers, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

George Latimer
County Executive

March 23, 2022

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

Dear Honorable Members of the Board of Legislators:

As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing ("AFFH") in Westchester County (the "County"), the County has established Housing Implementation Fund II ("HIF" or "Capital Project BPL1A") to provide funds to assist in the construction of infrastructure improvements.

The Department of Planning ("Planning") has advised that La Mora, Limited Liability Company, its successors or assigns, (collectively, the "Developer") propose to construct 60 rental units in one building on the approximately +/- 0.8-acre site at 23 Mulberry Street in the City of Yonkers, (the "Property"). All 60 rental units will be available to eligible senior households where all members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester County area median income ("AMI") and will all remain affordable for a period of not less than 50 years (the "Affordable AFFH Units"). The Affordable AFFH Units are expected to include 57 one-bedroom, and 3 two-bedroom units. The building will also include a community room lounge with connected outdoor space, outdoor rooftop patio, management office and laundry facilities on each floor. Also included will be the construction of 30 on-grade parking spaces. Together, the building and the parking comprise the "Development." The Developer is requesting an amount not to exceed \$3,500,000 to be used for infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs.

Planning has advised that the Property is currently owned by the Municipal Housing Authority for the City of Yonkers ("MHACY"). MHACY will lease the land for the building to the Developer for 99 years for \$1 per year.

Transmitted herewith for your review and approval, please find the following two Acts:

Inter-Municipal Developer Agreement Act. An Act (the "IMDA Act") which will authorize the County to enter into an Inter-Municipal Developer Agreement (the "IMDA") with the City of
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



Yonkers (the “City”) and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Affordable AFFH Units as part of the County’s program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide that the City and/or the Developer, its successors or assigns, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements. The IMDA will require the Developer, as a condition of the County’s financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

Construction Financing. A Bond Act (the “HIF Bond Act”) prepared by the firm of Hawkins, Delafield and Wood, LLP, to authorize the issuance of bonds of the County in an amount not-to-exceed \$3,500,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$3,500,000 (the “County Funds”) for the Infrastructure Improvements, which includes costs to cover the County’s legal fees and staff costs.

Planning has advised that the authorization of your Honorable Board is required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

Planning has further advised that additional funding for the Development is anticipated to be provided through a New York State Housing Finance Agency (“HFA”) first mortgage, New York State Homes and Community Renewal (“HCR”) Subsidy Public Housing Preservation Fund, Federal Low Income Housing Tax Credits, Yonkers HOME, and MHACY for an estimated total cost of approximately \$42.8 Million.

On March 1, 2022, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 22-06 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act (“SEQRA”) have been met. The Planning Department has advised that the City of Yonkers Planning Board classified this project as an Unlisted action. On December 9, 2021, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental

Assessment Form. On January 12, 2022, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Based on the importance of increasing the number of 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

Attachments
GL/NAD/DI

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

Your Committee is in receipt of a communication from the County Executive recommending the adoption of two Acts in connection with “Capital Project BPL1A – Housing Implementation Fund II.”

As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing (“AFFH”) in Westchester County (the “County”), the County has established a Housing Implementation Fund II (“HIF” or “Capital Project BPL1A”) to provide funds to assist in the construction of infrastructure improvements.

The Department of Planning (“Planning”) has advised your Committee that La Mora, LLC, its successors or assigns (the “Developer”) propose to construct one building with 60 rental units on the approximately +/- 0.80-acre site at 23 Mulberry Street, in the City of Yonkers (the “Property”). All 60 rental units will be available to eligible senior households where all members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester County area median income (“AMI”), and will all remain affordable for a period of not less than 50 years (the “Affordable AFFH Units”). The Affordable AFFH Units are expected to include 57 one-bedroom, and 3 two-bedroom units. The building will also include a community room with connected outdoor space, outdoor rooftop patio, management office and laundry facilities on each floor. Also included will be the construction of 30 on-grade parking spaces. Together, the building and the parking comprise the “Development.” The Developer is requesting an amount not to exceed \$3,500,000 to be used for infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs.

Planning has advised your Committee that the Property is currently owned by the Municipal Housing Authority for the City of Yonkers (“MHACY”). MHACY will lease the land

for the building to the Developer for 99 years for \$1 per year.

Transmitted herewith for your review and approval, please find the following two Acts:

Inter-Municipal Developer Agreement Act. An Act (the “IMDA Act”) which will authorize the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City of Yonkers (the “City”) and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Affordable AFFH Units as part of the County’s program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide that the City and/or the Developer, its successors, or assigns, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements. The IMDA will require the Developer, as a condition of the County’s financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty.

Construction Financing. A Bond Act (the “HIF Bond Act”) prepared by the firm of Hawkins, Delafield and Wood, LLP, to authorize the issuance of bonds of the County in an amount not-to-exceed \$3,500,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$3,500,000 (the “County Funds”) for the Infrastructure Improvements which includes costs to cover the County’s legal fees and staff costs.

Planning has advised your Committee that your Honorable Board’s authorization is

required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through easements until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

Planning has further advised your Honorable Board that additional funding for the Development is anticipated to be provided through a New York State Housing Finance Agency (“HFA”) first mortgage, New York State Homes and Community Renewal (“HCR”) Subsidy Public Housing Preservation Fund, Federal Low Income Housing Tax Credits, Yonkers HOME and MHACY for an estimated total cost of approximately \$42.8 Million.

Your Committee has been advised that on March 1, 2022, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 22-06 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act have been met. The Planning Department has advised the City of Yonkers Planning Board classified this project as an Unlisted action. On December 9, 2021, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On January 12, 2022, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Based on the foregoing, your Committee believes that the Acts are in the best interest of the County and therefore recommends their adoption, noting that the IMDA Act requires no more than an affirmative vote of the majority of the Board, while the HIF Bond Act requires the

affirmative vote of two-thirds of your Honorable Board.

Dated: _____, 2022
White Plains, New York

C/I/3.16.22

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL1A

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,500,000 PPU 15 Anticipated Interest Rate 1.83%

Anticipated Annual Cost (Principal and Interest): \$ 267,606

Total Debt Service (Annual Cost x Term): \$ 4,014,090

Finance Department: Interest rates from March 9, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Norma V. Drummond

Title: Commissioner

Department: Planning


Date: 3/21/22

Reviewed By: 

Dpty Budget Director

Date:  3/22/22

TO: Leonard Gruenfeld, Program Administrator
Division of Housing & Community Development

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 9, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
BPL1A HOUSING IMPLEMENTATION FUND II
23 MULBERRY STREET, YONKERS**

Pursuant to your request, Environmental Planning staff has reviewed the above referenced project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the provision of County funding under capital project BPL1A - Housing Implementation Fund II (ID #1901) - to facilitate the development of affordable senior housing at 23 Mulberry Street in the City of Yonkers. County funds will be applied towards the cost of certain infrastructure improvements to support the creation of approximately 60 units of affordable rental housing. The project will include the construction of a new 4-story building and approximately 30 parking spaces.

In accordance with SEQR, the City of Yonkers Planning Board classified this project as an Unlisted action. On December 9, 2021, the Yonkers Planning Board circulated a notice of intent to serve as lead agency, along with Part 1 of a Full Environmental Assessment Form. On January 12, 2022, the Yonkers Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Norma Drummond, Commissioner
Blanca Lopez, Deputy Commissioner
William Brady, Chief Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 22- 06

WESTCHESTER COUNTY PLANNING BOARD

**Housing Implementation Fund II
Capital Project Funding Request
23 Mulberry Street, City of Yonkers**

WHEREAS, the County has established Capital Project BPL1A Housing Implementation Fund II (“HIF”) to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

WHEREAS, The Mulford Corporation and the Municipal Housing Authority for the City of Yonkers (collectively the “Developer”), its successors or assigns, desires to develop the real property located at 23 Mulberry Street in the City of Yonkers (the “City”), identified on the City tax maps as Section 2; Block 2062; Lot 25 (the “Property”) to create 60 affordable residential rental units in one building which will affirmatively further fair housing (“AFFH”, collectively the “Affordable AFFH Units”);

WHEREAS, the Developer desires the County to fund infrastructure improvements to support the construction of 23 Mulberry Street, a four-story building, with 60 affordable residential rental units and 30 parking spaces (the “Development”); and

WHEREAS, the 60 rental units will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of Westchester County’s Area Median Income (“AMI”); and

WHEREAS, the Affordable AFFH Units will be leased to eligible senior households pursuant to an approved Affirmative Fair Housing Marketing Plan and remain affordable for a minimum of 50 years; and

WHEREAS, a not to exceed amount of \$3,500,000 is requested from Capital Project BPL1A Housing Implementation Fund II to fund eligible expenses that include, but will not be limited to, on-site and off-site paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative costs; and

WHEREAS, the Development is proposed to include green technology such as solar panels, Energy Star appliances, water conserving fixtures and lighting sensors and timers to maximize energy efficiency, reduce heating and cooling costs and conserve natural resources; and

WHEREAS, the Development is subject to approvals by the City of Yonkers; and

WHEREAS, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the

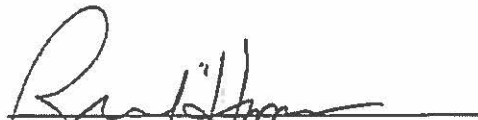
development of “a range of housing types” “affordable to all income levels;” and

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with the construction of the infrastructure improvements; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$3,500,000 for infrastructure improvements for the Development under the terms of the HIF Program, which will support the creation of 60 Affordable AFFH Units which will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of AMI and 30 parking spaces, located at 23 Mulberry Street in the City of Yonkers. Although, the Westchester County Planning Board supports the request for County Funding to develop new affordable housing opportunities, the Westchester County Planning Board also wishes to note its displeasure with the high construction costs of the Development. In addition, a review by staff of Westchester County Planning Board referral records found that the site plan may not have been properly referred to the Westchester County Planning Board to review, as is required under general municipal law. The referral would have been the appropriate time for the Westchester County Planning Board to recommend site plan revisions. The Westchester County Planning Board notes disappointment in not being able to help shape the site plan through this process; and

RESOLVED, that the Westchester County Planning Board amends its report on the 2022 Capital Project Requests to include 23 Mulberry Street in the City of Yonkers, as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 1st day of March 2022.


Richard Hyman, Chair

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 23 MULBERRY STREET, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$3,500,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of infrastructure improvements associated with the construction of affordable housing units on property located at 23

Mulberry Street, in the City of Yonkers (the “AFFH Property”) at a cost to the County of \$3,500,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing (“AFFH”). The infrastructure improvements may include, but shall not be limited to, paving with curbing and/or sidewalks, storm water detention, drainage systems, sanitary sewer systems, water lines, lighting, related signage and landscaping and construction management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$3,500,000, is in support of the construction of 60 Affordable AFFH units. The County shall enter into an Inter-municipal/Developer Agreement (“IMDA”) with the City of Yonkers and LaMora, Limited Liability Company (the “Developer”), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the “Development”). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for the AFFH Property is set forth in the County’s Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,500,000. The plan of financing includes the issuance of \$3,500,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable

real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$3,500,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Act, in the maximum amount of \$3,500,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$3,500,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, and the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on , 20__ and approved by the County Executive on , 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of , 20__.

Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 23 MULBERRY STREET, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted _____, 20__)

Object or purpose: to finance the cost of infrastructure improvements associated with the construction of affordable housing units on property located at 23 Mulberry Street, in the City of Yonkers (the “AFFH Property”) at a cost to the County of \$3,500,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing (“AFFH”). The infrastructure improvements may include, but shall not be limited to, paving with curbing and/or sidewalks, storm water detention, drainage systems, sanitary sewer systems, water lines, lighting, related signage and landscaping and construction management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$3,500,000, is in support of the construction of 60 Affordable AFFH units. The County

shall enter into an Inter-municipal/Developer Agreement (“IMDA”) with the City of Yonkers and LaMora, Limited Liability Company (the “Developer”), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the “Development”). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for the AFFH Property is set forth in the County’s Current Year Capital Budget, as amended.

Amount of obligations to be issued
and period of probable usefulness: \$3,500,000 - fifteen (15) years

Dated: _____, 20____
White Plains, New York

Clerk and Chief Administrative Officer of the County Board
of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* BPL1A	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-23-2022
Fact Sheet Year:* 2022	Project Title:* HOUSING IMPLEMENTATION FUND II	Legislative District ID: 16
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 1901

Overall Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- | | | |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	81,060	46,060	25,000	10,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	81,060	46,060	25,000	10,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 28,782

Current Bond Description: Bonding is requested to provide funding for certain infrastructure improvements for a 60 unit 100% affordable AFFH apartment building with a total of 30 parking spaces at 23 Mulberry Street in the City of Yonkers

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,500,000
Cash:	0
Total:	\$ 3,500,000

SEQR Classification:
UNLISTED

Amount Requested:
3,500,000

Comments:

The County will enter into an Inter-Municipal/Developer Agreement with the City of Yonkers and the LaMora, Limited Liability Company, its successors or assigns (the "Developer") to finance eligible infrastructure improvements associated with multi-family development to be constructed at 23 Mulberry Street in the City of Yonkers (the "City"), identified on the tax maps as Section 2, Block 2062, Lot 25 (the "Property"). The City will be responsible for operation and maintenance of the infrastructure and the county shall own the infrastructure improvements for the life of the County bonds. The developer will construct one four-story building with 60 apartments, all of which will affirmatively furthering fair housing (the "Affordable AFFH Units") which will be affordable to households who earn at or below 30% and up to 60% of Westchester County's Area Median Income ("AMI").

The building will have two elevators and residential amenities such as community room, with outdoor space, outdoor rooftop terrace, management office and on-site laundry services. The building will have 57 one-bedroom and 3 two-bedroom apartments. 30 parking spaces will be constructed. These parking spaces will be for the use of the residents.

A total of \$3,500,000 will finance the construction of infrastructure improvements that may include but will not be limited to on-site and off-site paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative cost.

A deed restriction will be filed against the Property to require that the Affordable AFFH Units be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years.

Energy Efficiencies:

ENERGY EFFICIENT APPLIANCES, LIGHTING AND HEATING SYSTEMS AND WATER-CONSERVING FIXTURES. A SOLAR ARRAY WILL BE INSTALLED ON THE ROOF.

Appropriation History:

Year	Amount	Description
2014	5,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2015	3,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2016	2,500,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2017	3,500,000	GREENBURGH MANHATTAN AVE REDEVELOPMENT SENIOR HOUSING - \$1,000,000; CONTINUATION OF THIS PROJECT - \$2,500,000
2018	4,150,000	CONTINUATION OF THIS PROJECT.
2019	5,910,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	12,000,000	CONTINUATION OF THIS PROJECT \$10,000,000 ; INFRASTRUCTURE BROADBAND \$2,000,000
2022	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

71,060,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
15	170	2,400,000	2,125,395	FAH DEVELOPMENT AT 150 NORTH STREET AND THEODORE FREMD AVE IN CITY OF RYE
15	164	0	0	INFRASTRUCTURE IMPROVEMENTS AT 16 ROUTE 6 IN TOWN OF SOMERS
15	206	500,000	494,506	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS INFRASTRUCTURE IMPROVEMENTS
17	174	2,250,000	1,493,480	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO 1847 CROMPOD ROAD PEEKSKILL
17	210	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	156	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS FOR DEVELOPMENT OF AFFORDABLE HOUSING IN NEW ROCHELLE
18	84	2,400,000	1,329,105	CONSTRUCTION OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN SUPPORT OF HIDDEN MEADOWS DEVELOPMENT
18	188	1,300,000	601,277	INFRASTRUCTURE ASSOCIATED WITH CONSTRUCTION OF AFFORDABLE UNITS AT 25 SOUT REGENT ST IN PORT CHESTER
18	183	4,400,000	0	INFRASTRUCTURE ASSOCIATED WITH AFFORDABLE HOUSING AT 135 S. LEXINGTON AVE IN WHITE PLAINS
19	72	0	0	RESCINDING ACT NO. 156-2018, INFRASTRUCTURE IMPROVEMENTS IN NEW ROCHELLE
19	152	5,760,000	0	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 645 MAIN STREET IN PEEKSKILL
19	179	2,500,000	0	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 11 GRADEN STREET, NEW ROCHELLE
19	180	0	0	RESCINDS BOND ACT 210-2017
20	51	5,000,000	0	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
20	97	5,000,000	0	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN YONKERS
20	201	2,500,000	0	INFRASTRUCTURE IMPROVEMENTS FOR AFFORDABLE HOUSING UNIT AT 48 MANHATTAN AVE., GREENBURG

Total Financing History:

34,010,000

Recommended By:

Department of Planning
WBB4

Date
03-08-2022

Department of Public Works
RJB4

Date
03-08-2022

Budget Department
LMYI

Date
03-10-2022

Requesting Department
WBB4

Date
03-10-2022

HOUSING IMPLEMENTATION FUND II (BPL1A)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	81,060	46,060	28,781	25,000	10,000				
Non County Share			72						
Total	81,060	46,060	28,853	25,000	10,000				

Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year requests fund the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	25,000,000			25,000,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2014	5,000,000	Public infrastructure improvements	COMPLETE
2015	3,000,000	Public infrastructure improvements	COMPLETE
2016	2,500,000	Public infrastructure improvements	COMPLETE
2017	3,500,000	Greenburgh Manhattan Ave Redevelopment Senior Housing - \$1,000,000; continuation of this project -\$2,500,000	COMPLETE
2018	4,150,000	Continuation of this project.	COMPLETE
2019	5,910,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	PARTIALLY IN PROGRESS
2021	12,000,000	Continuation of this project \$10,000,000 ; Infrastructure Broadband \$2,000,000	AWAITING BOND AUTHORIZATION
Total	46,060,000		

**HOUSING IMPLEMENTATION FUND II
(BPL1A)**

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	46,060,000	11,846,894	34,213,106
Others		(71,958)	71,958
Total	46,060,000	11,774,936	34,285,064

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
164 15				
170 15	2,400,000	12/15/17	1,053,460	274,605
		12/15/17	193,426	
		12/15/17	1,634	
		12/10/18	551,309	
		12/10/19	271,876	
		12/10/19	53,689	
206 15	500,000	12/15/17	262,311	5,494
		12/15/17	48,163	
		12/15/17	407	
		12/10/18	183,625	
174 17	2,250,000	12/10/18	24,138	756,520
		12/10/19	127,644	
		12/10/19	25,207	
		04/30/20	192,926	
		10/28/20	985,486	
		10/28/20	138,079	
		10/28/20	38,077	
		10/28/20	(38,077)	
210 17				
84 18	2,400,000	12/10/19	270,781	1,070,895
		12/10/19	53,472	
		04/30/20	560,358	
		10/28/20	389,869	
		10/28/20	54,626	
		10/28/20	15,064	
		10/28/20	(15,064)	
156 18				
188 18	1,300,000	04/30/20	27,188	698,723
		10/28/20	487,032	
		10/28/20	68,239	
		10/28/20	18,818	
183 18	4,400,000			4,400,000

**HOUSING IMPLEMENTATION FUND II
(BPL1A)**

72	19			
152	19	5,760,000		5,760,000
179	19	2,500,000		2,500,000
180	19			
51	20	5,000,000		5,000,000
97	20	5,000,000		5,000,000
201	20	2,500,000		2,500,000
Total		34,010,000	6,043,763	27,966,237

ACT NO. - 2022

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of Yonkers and La Mora, LLC, its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 60 senior affordable rental units at 23 Mulberry Street in the City of Yonkers, 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. The County of Westchester (the "County") is hereby authorized to enter into an inter-municipal developer agreement (the "IMDA") with the City of Yonkers (the "City") and La Mora, LLC, (the "Developer"), its successors or assigns, to finance the construction of certain infrastructure improvements including, but not limited to, construction of on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the "Infrastructure Improvements") in support of 60 senior rental units which will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) (the "Affordable AFFH Units") at 23 Mulberry Street in the City as part of the County's program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein) in an amount not to exceed THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS to finance the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement for a term of fifteen years. The

IMDA will provide that the City, the Developer, its successors or assigns, will be responsible for any and all costs of operation and maintenance of the Infrastructure Improvements.

§2. The IMDA will require the Developer, its successors or assigns, as a condition of the County's financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

§3. The County is hereby authorized to grant and accept any property rights necessary in furtherance of the IMDA and the Affordable AFFH Units.

§4. The period of affordability of the Affordable AFFH Units shall be a minimum of 50 years.

§5. 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.

§6. This Act shall take effect immediately.