

**113635**

DATE: May 1, 2026

TO: Board of Acquisition and Contract

FROM: Blanca P. Lopez, M.S.  
Commissioner of Planning

SUBJECT: Resolution amending a prior resolution approved on March 19, 2026, which authorized the County of Westchester to enter into a Tenth Amendment to its agreement with Housing Action Council, Inc., in order to: (i) reflect the fact that the Tenth Amendment is exempt from procurement pursuant to Section 3(a)(xvi) of the Westchester County Procurement Policy and Procedures; and (ii) revise the funding source reflected in the budget box from Tax Dollars to Federal Aid.

On November 5, 2015, your Honorable Board approved a resolution authorizing the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Housing Action Council Inc. ("HAC") to provide pre-purchase document review and post-purchase marketing and property management services for properties approved for purchase by the County that will affirmatively further fair housing ("AFFH") in an amount not-to-exceed \$200,000 (the "November 5, 2015 Resolution"). The Agreement was subsequently executed.

Thereafter, on January 21, 2016, your Honorable Board approved a resolution authorizing the County to amend the Agreement with HAC in order to provide additional services and to increase the amount of the Agreement from \$200,000 to an amount not-to-exceed \$700,000, as the number of properties had increased (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, on November 23, 2016, your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC in order to increase the Agreement from \$700,000 to an amount not-to-exceed \$1,187,366 and change the expiration date from June 30, 2017 to June 30, 2018, as the number of properties had increased (the "Second Amendment"). The Second Amendment was subsequently executed.

Thereafter, on April 12, 2018, your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC in order to increase the Agreement from \$1,187,366 to an amount not-to-exceed \$1,642,606 and change the expiration date from June 30, 2018 to December 30, 2018 as most of the properties had

not yet been resold and were taking longer to sell, requiring additional carrying costs (the "Third Amendment"). The Third Amendment was subsequently executed.

Thereafter, on August 9, 2019, your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC in order to increase the Agreement from \$1,642,606 to an amount not-to-exceed \$2,316,606, an increase of \$674,000 and change the expiration date from December 30, 2018 to December 31, 2020, due to the extended time needed to rehabilitate some of the properties and sell them (the "Fourth Amendment"). The Fourth Amendment was subsequently executed.

Thereafter, on October 28, 2021, your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC in order to increase the amount of the Agreement from \$2,316,606 to an amount not-to-exceed \$2,822,934, an increase of \$506,328 and change the expiration date from December 31, 2020 to December 31, 2022, due to the extended time needed to rehabilitate some of the properties and sell them (the "Fifth Amendment"). The Fifth Amendment was subsequently executed.

Thereafter, on May 4, 2023, your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC in order to change the expiration date from December 31, 2022 to December 31, 2023 (the "Sixth Amendment"). The Sixth Amendment was subsequently executed.

Thereafter, on May 23, 2024, your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC in order to change the expiration date from December 31, 2023 to December 31, 2024 and increase the amount of the Agreement from \$2,822,934 to an amount not-to-exceed \$2,922,934 an increase of \$100,000 (the "Seventh Amendment"). The Seventh Amendment was subsequently executed.

Thereafter, on January 16, 2025, your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC in order to change the expiration date from December 31, 2024 to December 31, 2025 (the "Eighth Amendment"). The Eighth Amendment was subsequently executed.

Thereafter, on July 3, 2025 your Honorable Board approved a resolution authorizing the County to further amend the Agreement with HAC by increasing the not-to-exceed amount from \$2,922,934 to \$2,952,934, an increase of \$30,000 (the "Ninth Amendment"). The Ninth Amendment was subsequently executed.

Thereafter, on March 19, 2026, your Honorable Board approved a resolution (the "March 19<sup>th</sup> Resolution") authorizing the County to further amend the Agreement with HAC by increasing the not-to-exceed amount from \$2,952,934 to \$3,052,934, representing an increase of \$100,000, and retroactively extending the term thereof from December 31, 2025, to December 31, 2026 (the "Tenth Amendment"). The Tenth Amendment was subsequently executed.

It was subsequently discovered that, due to an administrative oversight, the 'budget box' included in March 19<sup>th</sup> Resolution inadvertently indicated that the funds provided under the Tenth Amendment would be County Tax dollars, when it should have instead indicated that the Federal Aid funds were being utilized. Additionally, the March 19<sup>th</sup> Resolution omitted the fact that the Tenth Amendment is exempt from procurement pursuant to Section 3(a)(xvi) of the Westchester County Procurement Policy and Procedures (the "Policy"), which exempts "Contracts with Recipients for the disbursement of grants or loans under the Community Development Block Grant Program.

Therefore, transmitted herewith is a resolution which, if approved by your Honorable Board, will amend the March 19<sup>th</sup> Resolution authorizing the Tenth Amendment to the Agreement with HAC in order to: (i) reflect the fact that the Tenth Amendment is exempt from procurement pursuant to Section 3(a)(xvi) of the Policy, and (ii) revise the funding source reflected in the budget box from Tax Dollars to Federal Aid.

Except as specifically amended hereby, all other terms and conditions set forth in the March 19<sup>th</sup> Resolution shall remain in full force and effect.

As per the Settlement Agreement (defined below) these properties require marketing and property management services until they are sold to eligible buyers. The additional time is requested as some of the properties have not yet been sold and the property management services must cover the time when the properties are marketed and the potential purchasers pursue their mortgage financing.

Pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement"), the County is required to ensure the development of 750 units of affordable AFFH units. In furtherance of these objectives, the County provides funding to assist in the development and rehabilitation of affordable AFFH units located in eligible census blocks as defined in the Settlement Agreement.

The goal and objective of this amendment is to provide services necessary to create and market affordable AFFH units in accordance with the terms of said Settlement Agreement. Department of Planning staff will review HAC's performance to ensure all contractual requirements are met.

This procurement was made in compliance with the County of Westchester Procurement Policy and Procedures, specifically Section 3(a) xvi, which exempts contracts for the disbursement of grants or loans under the Community Development Block Grant Program.

Act # 12-2022, adopted June 30, 2022, by the Westchester County Board of Legislators, authorized the County to submit an Urban County Application under the Federal Community Development Block Grant, Emergency Solutions Grant, and HOME

Investment Partnership Program, including a FY 2019-2023 Consolidated Plan to include the FY 2022 Action Plan, and to accept such Grants.

On June 30, 2022, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the United States Department of Housing and Urban Development (HUD) to accept a grant totaling \$4,164,264 in Community Development Block Grant (CDBG) funds.

I recommend approval of the amendment to the prior resolution.

BPL/je/tf  
Attachment

# RESOLUTION

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

**RESOLVED:** that the resolution approved on March 19, 2026 (the “March 19<sup>th</sup> Resolution”), which authorized the County of Westchester (the “County”) to enter into a Tenth Amendment to its agreement with Housing Action Council, Inc. (“HAC”) is hereby amended in order to: (i) reflect the fact that the Tenth Amendment is exempt from procurement pursuant to Section 3(a)(xvi) of the Westchester County Procurement Policy and Procedures; and (ii) revise the funding source reflected in the budget box from Tax Dollars to Federal Aid; and be it further

**RESOLVED:** that, except as specifically amended hereby, all remaining terms and conditions of the March 19<sup>th</sup> Resolution and the underlying Agreement shall remain in full force and effect; and be it further

**RESOLVED:** that the County Executive, or his duly authorized designee, is hereby authorized to execute any and all documents and take any actions necessary to effectuate the purposes hereof.

Original Agreement	\$ 200,000
First Amendment	\$ 500,000
Second Amendment	\$ 487,366
Third Amendment	\$ 455,240
Fourth Amendment	\$ 674,000
Fifth Amendment	\$ 506,328
Sixth Amendment	\$ 0.00
Seventh Amendment	\$ 100,000
Eighth Amendment	\$ 0.00
Ninth Amendment	\$ 30,000
Tenth Amendment (as amended)	<u>\$ 100,000</u>

TOTAL \$3,052,934

AGREEMENT NUMBER C-67-10-T53 & C-PL-16-415-10A

Account to be  
Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	067X	4200	T067	\$100,000

Budget Funding Year(s) FY 2022 Start Date July 1, 2015 End Date December 31, 2026

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$100,000** Federal Aid \$100,000 \_\_\_\_\_

Other \_\_\_\_\_