



110239

DATE: January 7, 2025

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing an amendment to an agreement between the County of Westchester and Housing Action Council Inc. in order to change the expiration date from December 31, 2024 to December 31, 2025.

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 (the "Services") for properties approved for purchase by the County that will affirmatively further fair housing ("AFFH") for a term commencing on July 1, 2015 and continuing through June 30, 2017 in an amount not-to-exceed \$200,000 . 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, due to an increase in the number of properties which required HAC's Services (the "First Amendment"). The Amendment was subsequently executed.

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

Thereafter, on April 12, 2018, your Honorable Board approved a resolution authorizing the County to approve a third amendment to the Agreement with HAC in order to increase the not-to-exceed amount from \$1,187,366 to an amount not-to-exceed \$1,642,606 and to 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, thus 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 approve a fourth amendment to the Agreement with HAC in order to increase the not-to-exceed amount from \$1,642,606 to an amount not-to-exceed \$2,316,606, and to 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 approve a fifth amendment to the Agreement with HAC in order to increase the not-to-exceed amount from \$2,316,606 to an amount not-to-exceed \$2,822,934, and to 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 approve a sixth amendment to 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 approve a seventh amendment to the Agreement with HAC in order to change the expiration date from December 31, 2023 to December 31, 2024 and to increase the amount of the Agreement from \$2,822,934 to an amount not-to-exceed \$2,922,934 (the "Seventh Amendment"). The Seventh Amendment was subsequently executed.

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County to further amend the Agreement with HAC in order to change the expiration date from December 31, 2024 to December 31, 2025, in order for HAC to provide post purchase property management and marketing expenses as well as repairs and maintenance of the remaining properties (the "Eighth Amendment").

Except as specially amended hereby, all other terms and conditions of the Agreement, as previously amended, will remain the same.

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.

It should be noted that the proposed Eighth Amendment is exempt from application of the Westchester County Procurement Policy pursuant to Section 3(a)xvi thereof, which exempts "[c]ontracts with recipients for the disbursement of grants or loans under the Community Development Block Grant Program."

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.

I recommend approval of this Eighth Amendment to the Agreement.

BPL/je/tf
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/16/2025 RAYMOND S. BUCKLE SECRETARY

RESOLUTION

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

RESOLVED: that the County of Westchester is authorized to further amend an agreement with the Housing Action Council, Inc. (the "HAC"), as previously amended, pursuant to which HAC agreed to provide marketing and property management services for certain properties approved for purchase by the County, for a term commencing on July 15, 2015 and continuing through December 31, 2024, for an amount not-to-exceed \$2,922,934 (the "Agreement"), in order to change the expiration date from December 31, 2024 to December 31, 2025 and be it further

RESOLVED: that except as specially amended hereby, all other terms and conditions of the same will remain the same; 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.

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
TOTAL	\$2,922,934

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

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	\$0.00
263	19	067K	4380	T067	\$0.00
263	19	067U	4380	T067	\$0.00
263	19	067V	4380	T067	\$0.00
263	19	067W	4380	T067	\$0.00
263	19	123M	4380	T067	\$0.00
263	19	793R	4380	T067	\$0.00
276	19	2039	N/A	N/A	\$0.00
318	19	BPL50	6050	N/A	\$0.00

Budget Funding Year(s) FY 2010, 2012, 2016, 2020 & 2021 Start Date July 1, 2015 End Date December 31, 2025

Funding Source Tax Dollars \$0.00

State Aid _____

\$0.00 Federal Aid \$0.00 – U.S. Department of Housing and Urban Development

Other _____