



Kenneth W. Jenkins
County Executive

Department of Planning

111321

DATE: June 16, 2025

TO: Honorable Board of Acquisition and Contract

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

RE: Authority to amend a resolution approved on June 12, 2025, which authorized the County of Westchester to enter into an agreement with Dorcas Nunez, pursuant to which: i) Dorcas Nunez would agree to assume and comply with all terms and conditions contained within that certain County held Mortgage, which encumbers real property comprising of a one-bedroom condominium located at 17 Broadway, Unit 2C, Harrison, New York; and ii) the County, to ensure the continued affordability and viability of the Property, would subordinate its rights under the County held Mortgage to a new mortgage given by LoanDepot.com, LLC, in order to authorize the County to subordinate its rights under the County held Mortgage to two (2) additional mortgages, one by LoanDepot.com, LLC and another by the New York State Affordable Housing Corporation.

By resolution approved on June 12, 2025 (Resolution No. 111278; the "June 12th Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Dorcas Nunez (the "Borrower"), pursuant to which: i) the Borrower would assume and comply with all terms and conditions contained within that certain County held Mortgage (the "County Mortgage"), which encumbers real property comprising of a one-bedroom condominium located at 17 Broadway, Unit 2C, Harrison, New York (the "Property"); and ii) the County, to ensure the continued affordability and viability of the Property, would subordinate its rights under the County Mortgage to a new mortgage, securing a principal sum of \$136,500.00 (the "New Senior Mortgage"), made by LoanDepot.com, LLC ("LoanDepot"). The Agreement has not yet would been executed.

Following approval of the June 12th Resolution, the County was notified that, in order to acquire all funds necessary to facilitate the purchase of the Property, the Borrower has, in addition to the commitment from the New Senior Mortgage, obtained the following:

- 1) A commitment from LoanDepot for a DPAL Mortgage, securing a principal sum of \$9,108.00 (the "DPAL Mortgage"); and

- 2) A commitment from New York State Affordable Housing Corporation (“NYSAHC”) for a CHI Grant Enforcement Mortgage, securing a principal sum of \$39,600.00 (the “CHI Grant Enforcement Mortgage”)

The County was further notified that, as a condition to lending, LoanDepot and NYSAHC are requiring that the County Mortgage also be subject and subordinate to the DPAL Mortgage and CHI Grant Enforcement Mortgage. After careful analysis, the Department of Planning (the “Department”) in consultation with the Law Department, has determined that the additional subordination of the County Mortgage to the DPAL Mortgage and the CHI Grant Enforcement Mortgage will not affect the County’s rights or repayment and will not affect the Property’s affordability requirements under that certain Declaration of Restrictive Covenants, dated February 2, 2016, which encumbers the Property. Therefore, authority is now requested to amend the June 12th Resolution to authorize the County to subordinate its rights under the County Mortgage to the DPAL Mortgage and CHI Grant Enforcement Mortgage.

Except as specifically amended hereby, all other terms and conditions set forth in the June 12th Resolution shall remain in full force and effect.

The goals and objectives of the Agreement are to continue to carry out the County’s obligations under that certain stipulation and order of settlement and dismissal associated with a lawsuit entitled United States of America ex rel. Anti-Discrimination Center of Metro New York v. Westchester County, New York (the “Settlement Agreement”) by ensuring the development of affordable home ownership units that Affirmatively Furthers Fair Housing, as set 42 U.S.C. Section 5304(b)(2), in accordance with the terms of the Settlement Agreement. Department staff will monitor the Property to ensure compliance with ongoing affordable housing requirements.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

BPL/jpe/sjc
Attachment

RESOLUTION

Upon a communication from the Commissioner of Planning, be it hereby

RESOLVED, that the resolution approved on June 12, 2025 (the “June 12th Resolution”), which authorized the County of Westchester (the “County”) to enter into an agreement (the “Agreement”), with Dorcas Nunez (the “Borrower”), pursuant to which the Borrower would assume and comply with all terms and conditions contained within that certain County held Mortgage (the “Mortgage”), which encumbers real property comprising of a one-bedroom condominium located at 17 Broadway, Unit 2C, Harrison, New York (the “Property”); and the County, to ensure the continued affordability and viability of the Property, would subordinate its rights under the Mortgage to a new mortgage given by LoanDepot.com, LLC, is hereby amended in order to authorize the County to subordinate its rights under the Mortgage to the following additional mortgages:

- i) a DPAL Mortgage given by LoanDepot.com, LLC, and
- ii) a CHI Grant Enforcement Mortgage given by New York State Affordable Housing Corporation.

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the June 12th Resolution 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 documents and take such actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged / Credited:

Fund	Dept.	Major Program, Program & Phase, or Unit	Sub-unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL50-31-S BOND ACT 219- 2015	N/A	6050	N/A	\$0.00

Budget Funding Year(s): 2015 Start Date N/A End Date N/A

(must match resolution)

Funding Source

Tax Dollars \$0.00

State Aid _____

\$0.00

Federal Aid _____

(must match resolution)

Other _____