

**109605**

DATE July 22, 2024

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to enter into an amendment to an Intermunicipal Developer Agreement with the City of Yonkers, 178 Warburton Limited Partnership, CPG Phase VI Limited Partnership, its successors and/or assigns, and the Municipal Housing Authority for the City of Yonkers, in order to amend the affordability requirements so that 92 Affordable AFFH Units will be available to seniors aged 62 and older with incomes between 30% and 60% of the area median income, to be located at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers.

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On August 6, 2020, your Honorable Board approved a resolution authorizing the County of Westchester (the "County") to enter into an Intermunicipal Developer Agreement (the "IMDA") with the City of Yonkers ("City"), 178 Warburton Limited Partnership and CPG Phase VI Limited Partnership (the "Developer"), its successors and/or assigns to finance the construction of certain infrastructure improvements in support of 173 affordable rental units that will affirmatively further fair housing (the "Affordable AFFH Units") to be constructed at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers, in an amount not to exceed \$5,000,000 from Capital Project BPL 1A-Housing Implementation Fund II and to grant and accept all necessary property rights in connection therewith (the "Development"). The Development is a component of a multi-phased Planned Urban Redevelopment known as "Cottage Place Gardens Redevelopment" (the "Redevelopment"). The Development comprises Phases V and VI of the Redevelopment. The IMDA was subsequently executed.

The Developer and the Municipal Housing Authority for the City of Yonkers ("MHACY") have requested that the affordability requirements for one of the buildings, which is known as Phase VI, which comprises 92 Affordable AFFH Units, be changed from Affordable AFFH Units available to households with incomes at or below 30% and up to 90% of the area median income for Westchester County ("AMI"), to Affordable AFFH Units available to seniors aged 62 and older, with incomes between 30% and 60% of AMI.

Further, MHACY was a signatory to the IMDA, although the Resolution approved by your Honorable Board on August 6, 2020 did not include MHACY as a party to same, although it is a related party to the Developer.

On March 18, 2024, the County Board of Legislators (the "Board"), by Act No. 43-2024, approved an amendment to the IMDA in order to change the affordability requirements for the 92 Affordable AFFH Units for Phase VI so that these units are available to seniors aged 62 and older with incomes at or below 30% and up to 60% of AMI. Further by Act No. 43-2024, the Board ratified the IMDA to include MHACY as a signatory.

Based upon the foregoing, it is requested that your Honorable Board approve an amendment to the IMDA in order to change the affordability requirements as described herein and to ratify the IMDA to include MHACY as a signatory.

Except as specifically provided herein, all remaining terms and conditions of the IMDA shall remain in full force and effect.

Accordingly, I respectfully recommend your Honorable Board's approval of the attached Resolution.

BPL/lc/cp/lg  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/01/2024 - RAYMOND SCULL, SECRETARY

## RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is authorized to enter into an amendment to the Intermunicipal Developer Agreement with the City of Yonkers, 178 Warburton Limited Partnership, CPG Phase VI Limited Partnership, its successors and/or assigns, and the Municipal Housing Authority for the City of Yonkers ("MHACY") in order to change the affordability requirements for 92 affordable rental units that affirmatively further fair housing so that these units are available to seniors aged 62 and older with incomes at or below 30% and up to 60% of the Westchester County Area Median Income ("AMI") instead of households with incomes between 30% and 90% of AMI; and be it further

RESOLVED, that the IMDA is ratified to include MHACY as a signatory; and be it further

RESOLVED, that all of the remaining terms and conditions of the IMDA except as modified herein, shall remain in full force and effect; 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.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL1A-13S Bond Act 97-2020	6050	N/A	\$0.00

Budget Funding Year(s) FY 2020 Start Date: October 22, 2020 End Date: 15 years after Execution or County retires Bonds

Funding Source Tax Dollars 0.00  
 State Aid \_\_\_\_\_  
\$ 0.00 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_