

113584

DATE April 28, 2026

TO: Board of Acquisition and Contract

FROM: Blanca P. Lopez
Commissioner of Planning

Christopher D. Steers
Director of Countywide Administrative Services & Real Estate

SUBJECT: Resolution authorizing the County of Westchester to:

- (i) enter into any and all agreements necessary to purchase and subsequently convey approximately 0.20 acres of real property located at 41 North Division Street in the City of Peekskill through the New Homes Land Acquisition Program to create 22 affordable rental-housing units that will affirmatively further fair housing;
- (ii) enter into an inter-municipal developer agreement with the City of Peekskill and The Children's Village, Inc., its successors and/or assigns, to fund the construction of certain infrastructure improvements through the Housing Implementation Fund II Program located at 41 North Division Street in the City of Peekskill;
- (iii) enter into a first amendment of an agreement between the County of Westchester and the United States Department of Housing and Urban Development to accept additional HOME-American Rescue Plan Program grant funds in the amount of \$5,996, thereby increasing the total amount of grant funds from the HUD HOME-American Rescue Plan Program to a new total amount not to exceed \$4,011,053.00; and
- (iv) amend a prior resolution approved on February 18, 2025 which authorized the County to enter into any and all agreements with The Children's Village, Inc. pursuant to the U.S. Department of Housing and Urban Development HOME-American Rescue Plan Program in an amount not to exceed \$554,804 commencing upon execution and terminating fifty years thereafter for the acquisition and construction of ten (10) units of affordable residential rental housing that will

affirmatively further fair housing located at 41 North Division Street in the City of Peekskill, in order to increase the amount not to exceed by \$5,996, for a new total amount not to exceed \$560,800.

On June 30, 2025, the Westchester County Board of Legislators (“BOL”) approved Act No. 134-2025 authorizing the County of Westchester (the “County”), acting by and through its Department of Planning (the “Department”), to purchase approximately 0.20 acres of real property located at 41 North Division Street in the City of Peekskill (the “Property”) from the current owner(s) of record for an amount not to exceed \$1,531,800 and to then convey the Property to The Children’s Village, Inc. its successors or assigns, or any entity created to carry out the purposes of the proposed transaction, (the “Developer”) for One (\$1.00) Dollar for the purpose of developing twenty-two (22) affordable rental units that will affirmatively further fair housing (the “Development”) in connection with the County’s New Homes Land Acquisition Program (“NHLA Program”).

Your Honorable Board’s authority is now requested to authorize the County to enter into any and all agreements necessary to purchase the Property from the current owner(s) of record, in an amount not to exceed \$1,531,800, which will be funded from Capital Project BPL30-New Homes Land Acquisition II, and to convey fee title to the Property to the Developer for One (\$1.00) Dollar for the purpose of creating twenty-two (22) affordable rental units that will affirmatively further fair housing (the “Affordable AFFH Units”).

Upon acquisition of the Property, and prior to conveyance, the County will file one or more declarations of restrictive covenants against the Property requiring that the Affordable AFFH Units will be affordable to eligible households with incomes at or below 50% and up to 60% of the Westchester County Area Median Income (“AMI”) as defined by the U.S. Department of Housing and Urban Development (“HUD”) and adjusted for family size, for a period of affordability of not less than fifty (50) years, and that the Affordable AFFH Units will be marketed and rented pursuant to an approved affirmative fair housing marketing plan. Ten (10) of the Affordable AFFH Units will be available to youth who are aging out of foster care and have an income at or below fifty (50%) percent of AMI. Marketing of these units will be conducted through the County Continuum of Care program.

In addition, on June 30, 2025, the BOL approved Act No. 135-2025 authorizing the County, acting by and through the Department to enter into an inter-municipal developer agreement (the “IMDA”) with the City of Peekskill (the “City”) and the Developer in order to finance the construction of a portion of the infrastructure improvements associated with the construction of twenty-two (22) parking spaces in a 144 space addition to the existing James Street Municipal Parking Garage and will include, but not be limited to new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Development. The twenty-two (22) parking spaces will be set aside for the exclusive use of the residents of the Development. The term of the IMDA shall commence upon execution and shall continue for fifteen (15)

years, or until the County has retired the bonds, whichever comes later, and to grant and accept all necessary property rights in connection therewith.

The IMDA will provide that the City and/or the Developer will be responsible for all costs of operation and maintenance of the Infrastructure Improvements. The IMDA will also require the Developer, as a condition of the County's financing of the Infrastructure Improvements from Capital Project BPLA1 Housing Implementation Fund II ("HIF") in an amount not to exceed \$1,870,000, to record a declaration of restrictive covenant approved 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 with the County's requirements and affirmative fair housing market plan, for a period of not less than fifty (50) years.

On November 9, 2023, your Honorable Board approved a resolution which authorized County to enter into a grant agreement with HUD" to accept a grant in the amount of approximately Four Million Five Thousand Fifty-Seven Dollars from the HUD HOME-American Rescue Plan Program (the "HUD HOME-ARP Agreement"). The HUD HOME-ARP Agreement was executed on or about September 22, 2021.

On or about May 21, 2025, the County was advised by HUD that the County was inadvertently allocated less HOME-ARP Program funds than the County was legally entitled to receive, in the amount of \$5,996. As such, the Department is requesting that your Honorable Board retroactively authorize the County to enter into a first amendment to the HUD HOME-ARP Agreement, in order to accept the additional grant funds in the amount of \$5,996, for a new total amount of \$4,011,053.00.

On February 18, 2025, your Honorable Board approved a resolution (the "February 18th Resolution") authorizing a loan agreement ("Loan Agreement") with the Developer, in the amount of \$554,804 for the receipt of HUD HOME-American Rescue Plan Program funds for the construction of ten units within the Development. The Loan Agreement has not yet been executed. Due to the increase in the available HUD HOME-ARP funds, your Honorable Board's approval is requested to amend the February 18th Resolution in order to increase the amount of the Loan Agreement by \$5,996, for a new total amount not to exceed \$560,800.

On September 11, 2025, your Honorable Board approved a resolution authorizing the County to enter into an agreement to provide HOME Investment Partnership Program funds in an amount not to exceed \$1,413,556.80 to support the construction of the Development.

Further, on December 5, 2024, your Honorable Board approved a resolution authorizing the County to enter into any and all agreements necessary for a loan to the Developer in an amount not to exceed \$982,219 from the Westchester County Affordable Housing Investment Fund, also known as the Westchester County Housing Flex Fund Program.

These Agreements will serve a public purpose by providing the Affordable AFFH Units. The goal and objective of these Agreements is to create fair and affordable rental units which are safe, secure and energy efficient. The construction of the Development will

create opportunities for low and moderate income families and youth who may not otherwise be able to afford to live in Westchester County. It will also enhance the neighborhood through its design and landscaping. Department staff will track and monitor the construction of the Development, as well as monitor compliance with the ongoing affordable requirements.

Your Honorable Board's approval of the attached resolution is respectfully requested.

BPL/Ig/LAC/MB
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE DIRECTOR OF COUNTY-WIDE ADMINISTRATIVE SERVICES & REAL ESTATE, BE IT HEREBY

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into any and all agreements necessary to purchase approximately 0.20 acres of real property located at 41 North Division Street in the City of Peekskill (the "Property") from the current owner(s) of record in an amount not to exceed ONE MILLION FIVE HUNDRED THIRTY ONE THOUSAND EIGHT HUNDRED (\$1,531,800.00) DOLLARS and to subsequently convey the Property to The Children's Village, Inc., its successors or assigns, or any entity created to carry out the purposes of the proposed transaction (the "Developer") for One (\$1.00) Dollar and to grant and/or accept any and all property rights in connection therewith, in connection with the County's New Homes Land Acquisition Program for the purpose of the construction of twenty-two (22) affordable rental units that will affirmatively further fair housing (the "Affordable AFFH Units"); and be it further

RESOLVED, that the purchase and conveyance of the Property shall be by such deed as approved by the County Attorney; and be it further

RESOLVED, that following the purchase of the Property, the County will file one or more declarations of restrictive covenants against the Property requiring that the Affordable AFFH Units to be constructed thereon be marketed and rented to households with incomes at or below 60% of the Westchester County Area Median Income ("AMI") with ten (10) of the Affordable AFFH Units available to youth who are aging out of foster care and have an income at or below fifty (50%) percent of AMI, and that all of the Affordable AFFH Units remain affordable for a period of not less than fifty (50) years; and be it further

RESOLVED, that the County is hereby authorized to enter into an inter-municipal developer agreement (the "IMDA") with the City of Peekskill and the Developer, in an amount not to exceed \$1,870,000 from Capital Project BPL1A-Housing Implementation Fund II ("HIF Program") to fund a portion of the construction costs of certain infrastructure improvements for the construction of twenty-two (22) parking spaces dedicated for residents of the Affordable AFFH units in a new 144 parking space addition to the James Street Municipal Parking Garage in the City of Peekskill, which infrastructure improvements will include, but not be limited to new ramps, concrete flooring, drainage, electrical systems, fire suppression systems, signage, landscaping, waterproofing, construction management and County administrative costs and other related work, and to grant and accept all necessary property rights in connection therewith; and be it further

RESOLVED, that upon execution of the IMDA, the Developer will record a declaration of restrictive covenants against the Property, in connection with the HIF Program requiring that the Affordable AFFH Units be marketed and rented to households with incomes at or below 60% of AMI with ten (10) of the Affordable AFFH Units to be available to youth who are aging out of foster care and have an income at or below 50%

percent of AMI and will remain affordable for a period of not less than fifty (50) years; and be it further

RESOLVED, that the County is hereby retroactively authorized to enter into a First Amendment to an agreement with HUD, in order to accept additional grant funds in the amount of \$5,996, thereby increasing the total amount of grant funds from the HUD HOME-American Rescue Plan Program to a new total not to exceed amount of \$4,011,053.00; and be it further

RESOLVED, that the Resolution approved by this Board on February 18, 2025 (the "February 18th Resolution"), which authorized the County of to enter into a loan agreement with The Children's Village, Inc. pursuant to the U.S. Department of Housing and Urban HOME-American Rescue Plan Program in an amount not to exceed \$554,804 commencing upon execution and terminating fifty years thereafter for the acquisition and construction of ten (10) units of affordable residential rental housing that will affirmatively further fair housing located at 41 North Division Street in the City of Peekskill, is hereby amended in order to increase the not to exceed amount by \$5,996, for a new total not to exceed amount of \$560,800; and be it further

RESOLVED, that all of the remaining terms and conditions of the February 18th Resolution 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 the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Bond Act	Dollars
263	19	BPL30-41-R	6280		132-2025	\$1,531,800.00
263	19	BPL1A-20-S	6210		133-2025	\$1,870,000.00
263	19	173W	4998	T173		\$560,800.00

Budget Funding Year(s) FY 2021 (HOME ARP), 2026 (NHLA & HIF) Start Date: upon execution

End Date: 50 years thereafter

Funding Source

Tax Dollars \$3,401,800

State Aid _____

\$3,962,600.00

Federal Aid \$560,800.00— U.S. Department of Housing and Urban Development

(must match resolution)

Other _____