

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
IMPLEMENTATION PLAN
August 9, 2010**

Appendix D-2(iii): Act #11-2010 by BOL RE: Approval of FY 2010 Application to HUD

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if adopted, would 1) authorize the filing of the 35th Year Application to the U.S. Department of Housing and Urban Development ("HUD") for approximately \$8,473,589 from three (3) federal sources: Community Development Block Grant ("CDBG") funds, the Federal HOME Program and the Emergency Shelter Grant ("ESG") Program; and 2) authorize the County to submit to HUD an amendment to the FY 2009-2013 Consolidated Plan (the "Plan") including an Action Plan for Fiscal Year 2010. Your Honorable Board, by Act No. 152-2005, authorized the County to enter into cooperation agreements with forty (40) municipalities participating in the programs, as the first step in qualifying these municipalities to receive these funds during Fiscal Year 2010 (May 1, 2010, to April 30, 2011).

The Plan has been developed in consultation with members of the County Planning Board, Westchester Urban County Council, and the Community Development Advisory Group, and has been subject to public comment on a local level before project submissions, and on a County level as a whole Plan. The Federal award will provide approximately \$6,378,239 from CDBG, \$1,845,350 from HOME and \$250,000 from ESG. One original and two (2) copies of the Plan and the FY 2010 Plan's project Listings have been submitted with the proposed Act.

Prior to the disbursement of any funds hereunder, each participating municipality shall be required to certify, as appropriate, that it shall actively further implementation of the Settlement Agreement and Order in *United States of America ex.rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY* through their land use regulations and other affirmative measures to assist development of affordable housing, under such terms and conditions as approved by the County Attorney. Please note, your Committee has been advised that the Planning Department has determined that under the State Environmental

Quality Review Act Regulations, your Board is not required to make any determinations because this legislation is a "Type II" action. Your Committee concurs with this conclusion.

Over the past 34 years, the County has received over \$176 million of non-repayable federal funding to undertake activities such as housing rehabilitation, public improvements in designated target areas, code enforcement, and a complete array of community development activities on behalf of the municipalities participating in the program. Once the Act is adopted by a majority of your Board, a resolution must then be submitted to the Board of Acquisition and Contract for approval. All approvals must be completed prior to submission of the 35th Year Application, which must be submitted to the Federal government no later than March 15, 2010.

After thorough consideration, your Committee concurs with the County Executive's recommendation to adopt the annexed Act.

Dated: *March 1,*
White Plains, New York

2010

[Handwritten signatures of Housing & Planning Committee members]
Judith Hyman
Wanda Burt
Gedda Williams

Housing & Planning

[Handwritten signatures of Budget & Appropriations Committee members]
J. J. Alvarado
William J. Ryan
Judith Hyman
Wanda Burt

COMMITTEE ON

Budget & Appropriations

ACT NO.

- 2010

An Act to authorize the County to submit an Urban County Application under the Federal Community Development Block Grant, Emergency Shelter Grant, and HOME, including an amendment to the FY 2009-2013 Consolidated Plan, and to accept such Grants.

BE IT ENACTED BY the Board of Legislators by the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to file an application, including all understandings and assurances contained therein and an amendment to the FY 2009-2013 Consolidated Plan, including an Action Plan for Fiscal Year 2010, as required by Federal regulations, as an Urban County, to the United States Department of Housing and Urban Development for the purpose of undertaking a Community Development Program pursuant to the Housing and Community Development Act of 1974 as amended, and the Housing and Urban/Rural Recovery Act of 1983.

Section 2. The County is hereby authorized to receive a grant of approximately \$8,473,239 from the United States Department of Housing and Urban Development ("HUD") for the purpose of implementing the Community Development Program.

Section 3. Prior to disbursement of any grant funds received by the County under the application authorized hereby, any recipient must commit in writing to affirmatively further fair housing ("AFFH") within its borders. Pursuant thereto, such recipient shall agree to certify in writing to the County that it is in compliance with the following terms and conditions, as appropriate, in connection with its commitment to AFFH, in that it will actively further implementation of the Settlement Agreement and Order in *United States of America ex.rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY* through Recipient's land use regulations and other affirmative measures to assist development of affordable housing, under such terms and conditions as approved by the County Attorney.

Section 4. The County Executive, or his authorized designee, is hereby authorized and empowered to take all action necessary or appropriate to effectuate the purposes of this Act.

Section 5. This Act shall take effect immediately.