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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2014

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**Re: Amendments to Cooperation Agreements with Town of West Seneca and
Town of Hamburg for HOME Investment Partnership Program
Participation**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution pertaining to certain amendments to existing agreements between Erie County and the Towns of Hamburg and West Seneca. The amendments are required by the federal Department of Housing and Urban Development (HUD) to insure the continued participation by those communities in the HOME Investment Partnership Program administered through the Erie County Department of Environment and Planning.

Should your Honorable Body require further information, I encourage you to contact Thomas J. Dearing, Deputy Commissioner, at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Maria R. Whyte, Commissioner
Thomas J. Dearing, Deputy Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Environment and Planning
Re: Amendments to Cooperation Agreements with Town of West Seneca and Town of Hamburg for HOME Investment Partnership Program Participation
Date: March 1, 2014

SUMMARY

The resolution requests authorization for the County Executive to execute First Amendatory Agreements to contracts between the County and the Town of West Seneca and Town of Hamburg. Amendments are being required by the federal Department of Housing and Urban Development (HUD) to insure compliance with certain federal regulations.

FISCAL IMPLICATIONS

The amendments do not involve the expenditure or award of County funds, thus this action is budget neutral.

REASONS FOR RECOMMENDATION

The original contracts with the Town of West Seneca and Town of Hamburg were executed on February 12, 2003 and June 5, 2002 respectively. Since that time HUD has expanded the definition of the automatic renewal provisions required for HOME Cooperation Agreements. This expanded definition must be added to the original agreements with both municipalities.

BACKGROUND INFORMATION

The thirty-four Erie County municipalities comprising the Urban County Community Development Block Grant Consortium, Town of West Seneca, and Town of Hamburg (inclusive of the Villages of Hamburg and Blasdell) formed the HOME Investment Partnership Consortium approximately fifteen years ago. The Consortium members have identified Erie County as the lead entity for administering the program. Each year approximately \$700,000 is received by the Consortium and utilized for a variety of affordable housing programs ranging from homebuyer assistance to housing rehabilitation.

The Consortium has been established through Cooperation Agreements executed between Erie County (representing the Urban County municipalities) and the Towns of West Seneca and Hamburg. The Agreements contain automatic renewal provisions which are triggered following each three-year cycle. These provisions within the Agreements require updating through a contract amendment to reflect language defined by HUD.

CONSEQUENCES OF NEGATIVE ACTION

The Towns of West Seneca and Hamburg would no longer be able to participate in the Erie County HOME Consortium and those affordable housing programs currently available to eligible Town residents.

STEPS FOLLOWING APPROVAL

The Department of Environment and Planning will coordinate the execution of the amendments with the Towns of West Seneca and Hamburg, and the County Executive. Comm. 5E-14

**A RESOLUTION SUBMITTED BY:
ENVIRONMENT AND PLANNING**

RE: Amendments to Cooperation Agreements with Town of West Seneca and Town of Hamburg for HOME Investment Partnership Program Participation

WHEREAS, the Town of Hamburg and Erie County executed a Cooperation Agreement on June 5, 2002; and

WHEREAS, the Town of West Seneca and Erie County executed a Cooperation Agreement on February 12, 2003; and

WHEREAS, the purpose of said Agreements was to form a Consortium for the HOME Investment Partnership Program; and

WHEREAS, said Consortium is comprised of the thirty-four Erie County Community Development Block Grant Consortium municipalities, Town of West Seneca, and Town of Hamburg (inclusive of the Villages of Blasdell and Hamburg); and

WHEREAS, Erie County is the lead entity identified in said Agreements for the purposes of administering the HOME Program; and

WHEREAS, said Consortium receives approximately \$700,000 annually for various affordable housing programs through the federal Department of Housing and Urban Development (HUD); and

WHEREAS, the aforementioned Cooperation Agreements with the Towns of Hamburg and West Seneca include automatic renewal provisions following three-year cycles; and

WHEREAS, HUD requires all Cooperation Agreements to include certain new language clarifying the automatic renewal provisions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a First Amendatory Agreement to the June 5, 2002 Cooperation Agreement with the Town of Hamburg as pertains to forming a Consortium for the HOME Investment Partnership Program; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute a First Amendatory Agreement to the February 12, 2003 Cooperation Agreement with the Town of West Seneca as pertains to forming a Consortium for the HOME Investment Partnership Program; and be it further

RESOLVED, that said amendments shall contain the automatic renewal provisions for successive three-year qualification periods as so required by HUD; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Division of Budget and Management, the County Attorney; the Deputy Commissioner of the Department of Environment and Planning; and the Commissioner of Environment and Planning, Rath Building, 10th Floor.