

WESTCHESTER COUNTY

2023 Joint State Legislative Package



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George Latimer, Westchester County Executive

Catherine Borgia, Chair, Westchester County Board of Legislators

Colin Smith, Chair, Committee on Legislation



Catherine Borgia, Chairwoman
Westchester County Board of
Legislators

Westchester
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Westchester County Executive

February 6, 2023

Hon. Kathy Hochul, NYS Governor
Hon. Andrea Stewart-Cousins, NYS Senate Majority Leader
Hon. Carl Heastie, NYS Assembly Speaker
Honorable Senators and Assembly Members, Westchester Delegation

Dear Colleagues,

Over the last few years, we have worked together to keep Westchester's taxpayers safe from a sprawling pandemic and economic upheaval. Together, we balanced Westchester's budget, took action to protect residents at risk of losing their homes, and have helped New York towards a greener, cleaner energy future.

This year, we are again relying on your partnership to protect Westchester's taxpayers from millions of dollars in new, recurring state-imposed expenses and from continued challenges of eviction and housing insecurity. Together, we can take more action to support a greener New York and to support Westchester's flourishing immigrant population.

This document highlights legislation and budgetary action that Westchester County's Board of Legislators and County Executive ask that you consider as you work through this year's legislative session. These items are supported by a bipartisan coalition of elected officials, as they span a number of topics which will – if secured – provide benefit to Westchester's residents, as well as all New Yorkers.

We look forward to working with your offices in order to secure the items submitted herein. Please do not hesitate to contact us if you have any further questions, and we thank you for your consideration and your diligence on behalf of Westchester County.

Sincerely,

Catherine Borgia, Chairwoman
Westchester County Board of Legislators

George Latimer
Westchester County Executive

Colin Smith, Chair
Committee on Legislation

**2023 WESTCHESTER COUNTY JOINT STATE LEGISLATIVE
PACKAGE**

Catherine Borgia, Chairwoman
Westchester County Board of Legislators

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Committee on Legislation

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FINANCE

Section I

**Reauthorize and Make Permanent the
Westchester County Property Taxpayer Protection Act**

REQUEST

Reauthorize Westchester County’s Property Taxpayer Protection Act permanently and eliminate the need for state renewals of county sales tax.

JUSTIFICATION

In 2019, Westchester County sought authorization to raise its sales tax to a level of parity with surrounding localities. At that time, Westchester’s sales tax was the lowest among populous New York State counties. In June of 2019, the NYS Governor signed Chapters 43 and 44 of the Laws of 2019 authorizing the County of Westchester to increase its sales and compensating use tax. The County’s sales tax was reauthorized in 2020 and now expires in 2023.

Westchester County has committed to and fulfilled the requirement to share extra sales tax revenue with local municipalities and school districts, providing relief to local taxpayers through the COVID-19 pandemic. In 2020 alone, Westchester shared \$113 million with local municipalities and \$44 million with local school districts. Westchester County has, as a result, cut county property tax levy in four (4) consecutive budgets – 2020, 2021, 2022 and 2023 – as agreed, to reduce county property taxes.

Making Westchester’s sales tax authorization permanent would also ensure the long term stability of an essential part of Westchester County’s revenue, as well as the revenues of local school districts and municipalities. This permanency would guarantee continued relief to property taxpayers in Westchester and provide school districts and municipalities with more certainty in their budgetary processes. As such, Westchester requests that its sales tax be reauthorized and that the need for continued state renewal of sales tax be eliminated.

HISTORY

This item was requested in the 2020, 2021, and 2022 Joint State Legislative Packages.

- 2019 Westchester receives authorization to raise its sales tax.
- 2020 Westchester’s sales tax authorization is extended to 2023; Sales tax permanency is included in the Executive Budget Proposal but is removed.
- 2021 Sales tax permanency is included in the Executive Budget Proposal, but ultimately is removed.
- 2022 Sales tax permanency is proposed by Gov. Hochul in her Executive Budget, but it is ultimately removed.
- 2023 Sales tax permanency is proposed by Gov. Hochul in her Executive Budget

Give Westchester County the Authority to Set its Own Gun Permit Fees

REQUEST

Give Westchester County parity with surrounding localities by providing it with the authority to set its own gun permit fees.

JUSTIFICATION

The fees charged by Westchester County for new pistol licenses and amendments are capped by New York State Penal Law section 400.00(14). Westchester's pistol license applications are capped at \$10, while the cost to perform the necessary work has been generally estimated at roughly \$300. These fees have not increased in decades and we currently operate this program at a significant annual loss of over \$300,000. This means that Westchester's taxpayers are essentially subsidizing the bureaucratic costs incurred by those seeking firearms licenses.

Westchester is obligated to follow the New York State cap, while surrounding localities do not have this restriction. These localities have higher licensing fees, allowing them to cover a larger share of this cost, placing a lighter burden on their taxpayers. For example, Nassau County charges \$200 for pistol permit applications and New York City charges \$340. If granted similar authority, Westchester County will fully analyze and publicize the actual costs, and establish a rate commensurate to cover these costs.

Subsequently, Westchester County requests that it be provided with this same authorization through the budget process in order to reduce costs for taxpayers and to expedite the process by which these fees are amended in the future.

HISTORY

This item was requested as part of the 2022 Joint State Legislative Package.

2021-22 [S.6659](#) (Mayer)
 [A.7939](#) (Otis)

Provide a Pay Raise to 18-B Assigned Counsel Attorneys

REQUEST

Authorize and fund a pay raise for 18-B assigned counsel attorneys.

JUSTIFICATION

18-B assigned counsel pay has remained at \$60 per hour for misdemeanors and \$75 for felonies since 2004, reducing the number of attorneys willing to do this crucial work, and imposing heavy financial pressure on those who do. By comparison, assigned counsel rates in New York's federal courts have been to a rate of \$158 per hour. New York State has the sole authority to increase the pay of these attorneys.

The New York State Bar Association has commenced lawsuits in order to secure these raises. These lawsuits, which proceed under the theory that this lack of equitable pay deprives the children and indigent adults who receive these legal services of their constitutional right to meaningful and effective representation, have already been successful in jurisdictions like New York City.

Westchester believes that these attorneys should be paid more, but through the current mechanism, counties pay these attorneys. An increase – along the lines which the NYS Bar Association has sued to secure – would generate \$11 million in additional recurring expenses for Westchester County. Westchester is unable to absorb a recurring expense of that size, and accordingly requests that New York State fund the pay raise.

Legislation has been proposed by Senator Bailey and supported by Senator Harckham, which would fund and secure this pay raise. Westchester County supports this legislation as a feasible solution.

HISTORY

2021-22 [S.3527B](#) (Bailey; Harckham co-sponsor)
 [A.6013B](#) (Magnarelli; Sayegh, Galef co-sponsors)

Authorize Installation of Red Light Cameras for Westchester County

REQUEST

Pass legislation providing Westchester County with authorization to install up to 50 Red Light Cameras at intersections it maintains.

JUSTIFICATION

Across New York State, the rate of serious injury from traffic accidents is on the rise. A study by the Insurance Institute for Highway Safety (IIHS) found that red light cameras reduced fatal red light running in large cities by 21% and the rate of all types of fatal crashes at signalized intersections by 14%. Many municipalities have received authorization to install red light cameras in order to combat this problem.

Authorization has been provided to the following municipalities within Westchester County: Yonkers, Mount Vernon, New Rochelle, White Plains and Pelham Manor. Red light cameras are also installed in Nassau and Suffolk Counties, which are comparable in size to Westchester.

Westchester County requests the same authorization which has been provided to other municipalities within the county's boundaries and which has been provided to counties of comparable size. Such legislation has been introduced previously and would provide authorization for Westchester to install up to 50 red light cameras at intersections it runs and maintains. We seek no authority greater than what has already been granted to comparable counties, and the cities and villages within our county which have already received this authority. We will commit to additional protections in our local enabling legislation, which will be subject to public hearings and public dialogue. Any issues that relate to local municipalities will be cooperatively negotiated and agreed upon before any plan is implemented.

HISTORY

2019-20 [S.6493A](#) (Stewart-Cousins)
 [A.8287A](#) (Pretlow)

2021-22 [A.2186](#) (Pretlow)

Authorize Design-Build for Westchester County

REQUEST

Provide Westchester County with authorization to utilize Design-Build project delivery.

JUSTIFICATION

In 2019, seven New York City agencies received authorization to utilize Design-Build project delivery (as opposed to Design-Bid-Build) through the Public Works Investment Act (PWIA). Design-Build consolidates projects into one point of responsibility on the basis, of which, design and construction team can deliver the best project at the best value. Westchester County believes this novel strategy would allow it to save money and deliver an enhanced level of quality on forthcoming projects.

Under the current Design-Bid-Build model, the ‘Design’ and ‘Build’ components of a project are barred from collaboration, slowing project schedules, increasing cost, and resulting in lower quality in final completed projects. New York City is required to provide annual reports on design-build projects, including short lists and proposers, cost savings, time savings and MWBE utilization within the project. Westchester County would be willing to provide this information as well. We intend to work closely with organized labor representatives in implementing this program.

In order to save costs for taxpayers and implement a more logistically robust project delivery system, Westchester requests authorization from New York State to utilize Design-Build.

HISTORY

This item is a new request.

Continue Funding Statewide Eviction-Prevention Initiatives

REQUEST

Continue funding programs to address the backlog of eviction cases by providing legal representation to those at risk of eviction and develop a long term eviction prevention program for New York State.

JUSTIFICATION

As of January 5, 2023, Westchester County residents have submitted 9,879 applications to the Emergency Rental Assistance Program (ERAP). 4,601 of these applications were paid through October 31st, 2022, totaling \$66 million in back rent and prospective rent. Funding for this program is now depleted – the application portal remained open until January 15, 2023, but due to a lack of funding, applications submitted after October 31, 2022 are ineligible for consideration. Originally, Legal Services of the Hudson Valley (LSHV) received funding from New York State to manage these cases, however, this funding was authorized for only two years.

Westchester County requests that this funding be renewed and continued, and that the State adopt some statewide solution to the glut of eviction cases and necessitated legal representation of those seeking relief through these programs. Legislation was proposed in the 21-22 legislative cycle which would have established and funded a statewide office of civil representation to provide access to legal services in eviction proceedings. As the ERAP program essentially accomplishes this in a de-facto fashion, Westchester believes this would be a viable solution.

HISTORY

This item is a new request.

2021-22 [S.6678C](#) – May
 [A.7570C](#) – Joyner

Fund Two Additional Opportunity Centers in Westchester County

REQUEST

Authorize and provide funding for two additional Opportunity Centers in Westchester County.

JUSTIFICATION

The 2020 census named Westchester County the fourth most diverse County in New York – behind Queens County, Kings County, and New York County. The census highlighted significant increases in Westchester’s Hispanic/Latino population, which saw a 5% increase from 2010 (21.8%) to 2020 (26.8%). Westchester County has maintained a large foreign born population for many years, and the 2020 census found that this continues – roughly 25.3% of the County’s population is foreign born, slightly ahead of New York State.

The census also found that 33.5% of residents spoke a language other than English at home, and 11.8% of all residents spoke English ‘less than very well’. The number of new U.S. citizens nationwide hit a 15-year high in 2022, following pandemic-related delays to the naturalization process.

New Americans – in Westchester and the rest of the State – need support: job training, help finding housing, civics test preparation, legal consultation, and more. As Westchester’s immigrant population continues to grow, more work is necessary to support their needs.

Department of State ‘[Opportunity Centers](#)’ offer free services crucial to support these populations as they strive to work in our county. As such, Westchester requests funding and authorization for 2 additional Opportunity Centers in support of our flourishing immigrant population.

HISTORY

This item is a new request.

Develop a PILOT Program for Shelter Cost Reimbursement and Client Trust Accounts

REQUEST

Development of a PILOT program fully reimbursing Westchester County for shelter costs, and allowing the Department of Social Services to transfer their clients' shelter payments to trust accounts.

JUSTIFICATION

At present, the Westchester County Department of Social Services (DSS) receives a portion of the income from their individuals (clients) who enter shelters in order to offset County expenses incurred from their operation. All remaining costs of providing care are reimbursed through New York State's federally-sourced Temporary Assistance for Needy Families (TANF) funding.

Westchester County requests that New York State allow DSS clients entering a County shelter to deposit their income into trust accounts, instead of paying the county to offset costs. This would provide clients with funds – on the expected transfer out of the shelter system – in order to secure new housing.

While New York State would be required to provide 100% reimbursement for all shelter costs, individuals with a source of income are a small percent of those in the shelter system. Westchester estimates that the cost of such a program would be between \$110,000 and \$210,000 in TANF funding, depending on how many clients return to shelters as the pandemic ebbs. Westchester County would also need to allocate between \$96,000 and \$234,000 of its own funds in order to launch this pilot, a step which the County is willing to take. The proposed PILOT program would take a significant step towards achieving long-term housing solutions for many Westchester residents, and could be replicated on a wider scale statewide in order to combat rising rates of homelessness.

HISTORY

This item is a new request.

Provide Funding Parity for State Transportation Aid

REQUEST

Amend the State Operating Assistance (STOA) Formula to provide Westchester County financial parity with Nassau County's transit assistance.

JUSTIFICATION

Westchester County's Bee Line Bus Service has a larger ridership than Nassau County, but receives less in State Transportation Operating Assistance (STOA); the STOA formula currently prioritizes the distance of a transportation system rather than its ridership. This favors counties like Nassau and provides Westchester with a more limited allocation despite its higher ridership and significant transportation issues. 51% of Westchester's riders are transit-dependent, meaning they rely on the Bee Line and do not have a car for their use.

Westchester's public transit policies have included providing free rides for 4 months in 2022, a first ever action in Westchester, and the conversion of its bus fleet from diesel to hybrid-electric and fully electric, ensuring reduced environmental impacts. We believe these policies place our system at the vanguard of transportation implementation and reform; amending the STOA formula will allow us to expand this work to better serve residents of Westchester County.

As New York State continues to recover from the coronavirus pandemic and strives to meet its net zero carbon emissions goals, supporting Westchester's public transportation system will have significant environmental and economic benefits. Westchester County therefore requests that the STOA formula be amended to give Westchester County financial parity with Nassau County.

HISTORY

This item was requested in the 2020, 2021, and 2022 Joint State Legislative Packages.

2020 – Westchester County receives \$12.9M less than Nassau County.

2021 – Westchester County receives \$12.6M less than Nassau County.

2022 – Westchester County receives \$17.9M less than Nassau County.

Provide Funding for County Patrols of New York State Parkways in Westchester

REQUEST

Allocate \$3 million in funding to cover costs associated with police patrols to New York State Parkways which are provided by Westchester County.

JUSTIFICATION

The Westchester County Department of Public Safety, under a grant agreement with New York State, patrols the State Parkways in the County (Hutchinson River Parkway, Saw Mill River Parkway and Cross County Parkway). In 2021, the state appropriated \$2,235,000 to support this program. This year, the Executive Budget Proposal contains no appropriation of funding for this purpose.

Westchester's budgeted cost for providing this service was roughly \$3 million. This does not include fringe benefits of approximately \$3 million. Including fringe, our total cost is over \$5 million. This does not include the cost of vehicles, fuel, maintenance, computers, firearms, and other associated equipment. Westchester County's Department of Public Safety has patrolled the parkway system since 1920, and relies on this State funding to provide public safety services to travelers using these parkways.

These patrols generate some \$2.1 million in revenue to the State and \$2.3 million in revenue to local municipalities as a result of local summons activity. Westchester County receives no money from the fines for the tickets we issue, while combatting issues unique to these parkways, including flooding, bridge strikes, and wrong way driver accidents. The funding and additional appropriation is necessary to cover the cost of the county's patrols, and would help minimize the property tax burden of Westchester taxpayers.

HISTORY

- 2019 – New York State appropriated \$1.9 million; Westchester incurred costs of \$5.3 million and received re-appropriated funding of \$1.2 million.
- 2020 – New York State appropriated \$2.2 million and re-appropriated \$1.2 million; Westchester incurred costs of \$5.5 million and received no funding
- 2021 – New York State appropriated \$2.2 million; Westchester incurred costs of \$5.8 million
- 2022 – New York State cut all funding for this program in the Executive Budget; Westchester anticipates costs of \$6 million

Support Extended Producer Responsibility (EPR) Legislation

REQUEST

Support the passage of Extended Producer Responsibility legislation.

JUSTIFICATION

New York State currently disposes of an estimated 860,000 tons of potentially recyclable materials ever year. These products end up in the trash and are often costly for municipalities to dispose of or recycle. Extended Producer Responsibility (EPR) legislation exists and/or has been submitted during the last few legislative cycles which would resolve this issue.

EPR legislation encourages improvements to these products in order to reduce non-recyclable waste and to require producers to bear the cost of recycling their products. Legislation may establish a framework for an organization to manage funding from producers or a direct fee on products, to reimburse municipalities for the cost of recycling, or by directly managing recycling of the product.

Westchester supports the following legislative solutions to this problem:

Bottle Bill Expansion

2021-2022 Legislative Session: [S.8651](#)(Parker)/[A.8668A](#)(Cahill)

Efforts to expand the Bottle Bill, which created the five cent returnable bottle deposit, have been ongoing for years. In particular, the inclusion of additional glass bottles (wine, liquor) could increase glass recycling, creating more recycled product to support markets for reuse of recycled glass.

Rechargeable Battery Recycling Expansion

2022-2023 Legislative Session: [S.643](#) (Kavanaugh)

2021-2022 Legislative Session: [S.2906](#) (Kavanaugh)

2019-2020 Legislative Session: [S.2331](#) (Kavanaugh) / [A.4559](#) (Rozić)

Current NYS law requires the recycling of certain batteries. The law does not include large batteries (over 25lbs), vehicle batteries (electric vehicle, mobility devices, marine batteries, etc.), or solar generator batteries. As these items become more popular and age out of use, proper disposal becomes more important, especially considering that many of these batteries are lithium ion that can result in fires from improper disposal.

HISTORY

This item was requested in the 2021 Joint State Legislative Package.

Authorize State Indemnification for ad Litem Attorneys

REQUEST

Authorize indemnification for Westchester Guardians ad Litem (GAL) to allow them to continue providing crucial representation to those at-risk of or eviction.

JUSTIFICATION

Westchester County established a Guardian ad Litem (GAL) program for those facing eviction in 2022. Guardians ad Litem are assigned to assist persons with physical or mental challenges who cannot come to court or represent their rights and interests for the duration of the case. Specifically, GALs are assigned for litigants who are deemed to be ‘impaired’, but have not yet been judicially declared ‘incapacitated’.

GALs assist litigants in obtaining essential services in the community, such as local Social Service agencies, utility providers, and local building departments, etc. They provide the judge with a global assessment of the litigant’s needs in order to assist the court in reaching a comprehensive and lasting resolution of a legal conflict. Without this support, those qualified for GAL support face eviction and homelessness. Many also face the exacerbation of any existing mental or physical impairments they may have.

Westchester has been forced to suspend its program – which had already helped many facing eviction – because compensated GALs are not provided with defense and indemnification by New York Public Officers Law §17. New York City obtained this authority in 2010, which allowed them to significantly expand their GAL program. Although, uncompensated GALs throughout New York State are entitled to State indemnification, historically, it has been impossible to get GALs to serve in local courts due to the lack of compensation.

GALs in Westchester County are required to receive training and certification from the Office of Court Administration (OCA) before they can begin their work, and are monitored by the OCA. OCA training and oversight is designed to ensure that malpractice – and the possible need for State indemnification – is very unlikely. Due to the extensive OCA-based training of judges, GALs and attorneys, providing defense and indemnification is extremely unlikely to generate substantial new costs for New York State.

In summary, Westchester requests that its Guardians ad Litem be authorized to receive State indemnification by amending New York State Public Officer’s Law, §17(w), similar to New York City’s authorization. This authorization will incur limited, if any, substantive cost to New York State, and will allow Westchester County to continue providing crucial representation to incapacitated persons at risk of eviction, keeping those persons in their home and ensuring they receive the support services they need.

HISTORY

This item is a new request.

Increase Victims of Crime Act Funding

REQUEST

Urge Governor Hochul to increase funding to Victims of Crime Act programs to support essential victims' services.

JUSTIFICATION

Resources for victims of domestic violence and sexual assault are funded through Victims of Crime Act (VOCA) Grants, administered by the NYS Office of Victim Services (OVS). Last year, OVS commenced a new process issuing three-year contracts to victim assistance providers covering a wide range of services for New Yorkers experiencing these crimes, including services for survivors of domestic violence, child abuse, sexual violence, and more.

Nearly half of victim assistance service providers funded under prior contracts received less funding in the first year of the new contracts (2022-2023) than received in the last year of the prior contracts (2021-2022) – a combined loss of \$8.5 million. This translates to a loss of \$25.5 million over the three-year term of the contracts. Legal service providers fared worse; 75% received less funding in 2022-2023 than in 2021-2022, amounting to cuts of \$3.3 million over the full term of the three-year contracts. Failure to act will be catastrophic to many organizations that Westchester residents rely on for life-saving and life-changing services.

In addition to carrying forward an anticipated \$14.4 million transfer to the state Office of Victim Services' (OVS) Criminal Justice Improvement Account, Westchester County requests an increase of \$10 million for OVS administered funding for Victim Assistance providers. Westchester County recommends this funding be used specifically to supplement funding to those victim assistance providers that received less funding under the 2022 RFA than under prior OVS contracts.

HISTORY

This item was requested in the 2022 Joint State Legislative Package.

LEGISLATIVE INITIATIVES

Section II

Establish the Crime of Forcible Touching of Correction Officers and Increasing Associated Penalties

REQUEST

Westchester County urges the adoption of legislation that establishes the crime of forcible touching of a correction officer and increases criminal penalties for certain sexual offenses committed against correction officers.

JUSTIFICATION

At present, NYS Penal Code treats forcible touching as a Class A Misdemeanor, defining it as intentionally touching the sexual or intimate parts of someone else for no reason or in order to receive sexual gratification. For inmates at correctional facilities who may have sentences lasting years or decades, the punishment for the crime is inadequate. This loophole allows perpetrators to commit these heinous acts without fear of serious repercussions, while officers are often left with trauma and no meaningful avenues of justice.

The proposed legislation rectifies this by amending Section 130 of the NYS Penal Code to establish the crime of forcible touching against a correction officer, and would also significantly elevate the associated sexual misconduct charges against the perpetrator. This legislation will create stronger laws that will better protect correction officers in Westchester County and will help in the prosecution of those who abuse them.

HISTORY

This item was requested in the 2022 Joint State Legislative Package.

2023-24 [A.1606](#) – Weprin

2021-22 [S.8027B](#)– Savino
[A.8647A](#) – Weprin

Expansion and Enhancement of Emergency Medical Services

REQUEST

Westchester County urges the adoption of legislation that relates to emergency medical services (EMS) and includes the establishment of an EMS quality and sustainability assurance program, a statewide comprehensive EMS plan, and an EMS training program.

JUSTIFICATION

Emergency Medical Service (EMS) systems throughout our nation have been facing a crisis in recent years. The problems leading to this situation have been building, and have now been pushed to the point of crisis by the Coronavirus pandemic. This situation exists here in Westchester County, where staffing shortages have led to dramatic increases in mutual aid calls and increases in wait times for a responding ambulance. In 2021 over 7,000 requests for EMS mutual aid were received, a 58% increase from the previous year. When someone is having a critical health emergency and calls for an ambulance, time matters, and a delayed response to a critical patient can make the difference between life and death.

EMS is often thought of as an essential service that everyone in the state expects to be available at all times and in all locations. Many people are surprised to learn that EMS is not designated as an "essential service" by state or federal law, as police and fire service are, resulting in fewer revenue opportunities. As a result, EMS providers, including those in Westchester, are struggling to find and retain staff. EMS personnel report feeling that they are undervalued and under respected, exacerbating an already serious problem.

Legislation proposed by Senator Shelley Mayer takes steps to recognize EMS as an essential service that must be provided in every area of the state. Requiring at least a minimum level of uniform EMS service ensures that all residents receive these public health and safety protections, especially during emergencies, and have access to early intervention health care which will help provide better care for patients, assist medical providers at the hospital, and lower overall medical costs. Additionally, to incentivize retention among EMS personnel, this bill expands access to health insurance and retirement benefits available to EMS providers.

HISTORY

2023-24 [S.4020](#) – Mayer
 [A.3392](#) – Otis

2021-22 [S.8432A](#) – Mayer (Reichlin-Melnick co-sponsor)
 [A.9509A](#) – Otis

Amend Custodial Intake and Interrogation Procedures for Minors

REQUEST

Westchester County urges the adoption of legislation, which would amend procedures required and for taking juveniles and sixteen and seventeen year olds into police custody and for the custodial interrogation of children in order to provide additional protections.

JUSTIFICATION

Minors taken into custody by law enforcement are often unaware of their rights, and may waive them believing it will help their case, resulting in custodial interrogation by law enforcement before they have ever consulted with an attorney. History shows that the rights of youth, especially those of minority demographics, have not been sufficiently protected in this regard, as evidenced by the “Central Park Five” case.

Legislation proposed by Senator Bailey helps to clarify and protect the rights of children in custody, as well as making associated changes to NYS Criminal Procedure Law to help ensure minors in police custody understand their rights before deciding whether or not to give them up and would seek to raise to age 18 existing protections for youth under the age of 16. Additionally, this legislation also requires that a minor arrested without a warrant be brought directly to court, instead of the police station, if a parent or legally responsible adult is not expected to appear for them and they are not being questioned, unless otherwise required by law.

This change would be beneficial to youth as they are still developing, both neurologically and socially. Young people may not understand their rights or the consequences of waiving them. Additionally, the historically tenuous relationship between youth, especially those of color, and law enforcement makes it difficult for young people to assert their rights or make clear-headed decisions about waiving them. The proposed legislation addresses deficiencies in existing law by considering both science and power dynamics when youth are in the custody of law enforcement and validates their rights by ensuring counsel is granted that will help them understand these rights.

HISTORY

This item was requested in the 2022 Joint State Legislative Package.

2023-23 [S.1099](#) – Bailey
 [A.1963](#) – Joyner

2021-22 [S.2800C](#) – Bailey
 [A.5891C](#) – Joyner

2019-20 [S.4980B](#) – Bailey
 [A.6982B](#) – Joyner

Installation of Climb Deterrent Fencing on Bridges

REQUEST

Westchester County urges the adoption of legislation that requires the installation of climb deterrent fencing on all bridges under the jurisdiction of the New York State Bridge Authority

JUSTIFICATION

Suicide is a serious public health problem. Prior to the COVID-19 pandemic, suicide was the 2nd leading cause of death in the United States for individuals aged 10-34. As we continue to grapple with the effects of the COVID-19 pandemic, job loss, social isolation, and other factors have highlighted the deteriorating mental health for more individuals for a myriad of reasons, sometimes resulting in attempted or completed suicide. According to the American Foundation for Suicide Prevention, bridges and other publicly accessible areas of significant height pose a risk for suicide attempts and despite increased investment in suicide prevention, education, and research by Westchester County, it still occurs on bridges throughout Westchester.

Legislation introduced by Senator Pete Harckham seeks to require the NYS Bridge Authority to install climb deterrent fencing on all bridges under their jurisdiction, including the Governor Mario M. Cuomo Bridge and Bear Mountain Bridge. These barriers act as a delay or deterrent to an individual at risk, providing more time to get through the intense, often brief, moment of suicide crisis. Barrier installation is a proven method of increasing this crucial time for individuals at risk for suicide by jumping.

HISTORY

This item was requested in the 2022 Joint State Legislative Package.

2023-23 [S.2708](#) - Harckham

2021-22 [S.7310](#) – Harckham
 [A.8273](#) – Gunther (Burdick co-sponsor)

Parkland Exemption for Renewable Energy Projects

REQUEST

Westchester County urges the adoption of legislation that provides an exemption from requirements for the alienation of parkland for certain renewable energy generating projects.

JUSTIFICATION

Under current law, municipalities must request an act from the legislature to alienate parklands which includes airspace directly above real property being used for vehicle parking. As New York State looks for ways to implement the Climate Leadership and Community Protection Act (CLCPA), interest in solar projects in the airspace above vehicle parking has increased. Solar panels are known as a source of clean, renewable energy, which provides cost savings and generates revenue.

Legislation proposed by Senator Pete Harckham will allow solar energy projects under 2 megawatts, located directly above real property, which are currently being used for vehicle parking, to bypass the procedure of requesting an act from the Legislature. This would result in certain solar projects being replicated more efficiently, saving time, and reducing Westchester's carbon footprint.

HISTORY

This item was requested in the 2022 Joint State Legislative Package.

2023-24 [S.1179](#) – Harckham

2021-22 [S.2995](#) – Hackham (Biaggi, Reichlin-Melnick co-sponsors)
[A.6838](#) – Galef (Paulin, Abinanti, Burdick co-sponsors)

2019-20 [S.8635](#) – Harckham

State Delegation Support List

Section III

State Delegation Support List

1. [S.1819](#) (Stavisky) / [A.2122](#) (Rozic) – Relates to tax abatement for rent-controlled and rent-regulated property occupied by and real property owned by senior citizens or persons with disabilities.
2. [S.286](#) (Stewart-Cousins) / [A.308](#) (Burdick) – Prohibits the termination of tenancy in housing occupied by substantially all persons over sixty-five years of age and/or persons with disabilities without cause; prohibits increasing rent more than one percent above the percentage change.
3. [S.8828A](#) (Mayer) / [A.10053A](#) (Otis) – Requires the Department of Environmental Conservation to authorize and encourage the use of nature-based solutions as the preferred alternative for stabilizing tidal shorelines in the state; provides such solutions should be considered when promulgating and implementing rules and regulations relating to such. (2021-22)
4. [S.2237](#) (Rivera; Harckham, Mayer co-sponsors) / [A.3020](#) (Gonzalez-Rojas; Paulin co-sponsor) – Provides for coverage for health care services under the basic health program for individuals whose immigration status renders him or her ineligible for federal financial participation and who meet additional requirements
5. [A.103](#) (Sayegh) – Enacts the “School Aid Equity Act”; Increases foundation aid for school districts that meet five variables impacting academic success: free or reduced lunch, English language learners, wealth ratio, enrollment, special education, and being located in a high wealth ratio county.
6. [S.1066A](#) (Mayer) - Relates to providing protections to health service providers who perform legally protected health activities, including protection from extradition, arrest and legal proceedings in other states relating to such services; restricts the use of evidence relating to the involvement of a party providing legally protected health activities to persons located out of state.
7. [S.290](#) (Stewart-Cousins) / [A.87](#) (Sayegh) – Provides for the trustees of the State University of New York to establish a college of engineering and applied sciences in the City of Yonkers.
8. [A.344](#) (Burdick) – Authorizes the Department of Transportation to conduct a study pertaining to traffic flow and safety of State Route 35 and State Route 202 from the Hudson River to the border of Connecticut.
9. [S.2457](#) (Comrie, Harckham co-sponsor) – Relates to storm hardening and system resiliency plans; Requires each electric corporation to submit a storm hardening and system resiliency plan to the Public Service Commission for review and approval; makes related provisions.
10. [A.74](#) (Sayegh) – Provides additional tax exemptions for two qualified veterans living in the same household; Provides additional tax exemptions on qualifying residential real property where two or more qualified veterans live in the same household.

11. [A.207](#) (Sayegh) – Enacts the “Drag Racing and Speed Enforcement Act”; Imposes five points on a person’s license for being convicted of participating in speed contests and races.

12. [S.562A](#) (Kavanaugh; Harckham, Mayer co-sponsors) / [A.920A](#) (Gallagher, Burdick, Paulin, Sayegh, Pretlow cosponsors) – Enacts the “All-Electric Building Act”; Provides that the state energy conservation construction code shall prohibit fossil fuels in new construction statewide no later than December 31, 2023 if the building is less than seven stories and July 1, 2027 if the building is seven stories or more.