

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON GOVERNMENT OPERATIONS
October 6, 2008—11:30 am
MEETING MINUTES**

IN ATTENDANCE:

Committee Members: Chair, Leg. Kenneth Jenkins, Legislators Lois Bronz, Gordon Burrows, Peter Harckham, Judy Myers, Vito Pinto, Martin Rogowsky, Bernice Spreckman; Committee Coordinator: Barbara A. Dodds.

Litigation Sub-Committee Members: Chair, Leg. John Nonna, Legislators Lyndon Williams, Thomas Abinanti, James Maisano. Committee Coordinator: Tara Bernard.

Others: Planning: Norma Drummond, Deputy Commissioner; Deborah DeLong, Director of Housing; Law: Lori Alesio.

ITEM FOR DISCUSSION:

202. COUNTY ATTORNEY: Lawsuit-White Plains Avenue, LLC: Act authorizing the County Attorney to initiate a lawsuit against White Plains Avenue, LLC, the developer of ten Westchester County affordable housing units for a violation of its contracts with Westchester County that controlled its use of federal funds in the projects. (9/22/08 B&A/GO)

With a quorum present, Leg. Jenkins opened the meeting of the Committee to discuss one of several items on the agenda of the Litigation Sub-Committee, already in session.

Ms. Drummond explained that in 2000 the County provided White Plains LLC (the Developer) with \$377,900 for the construction of 4 affordable housing units on property located at White Plains and Evarts Avenues in the Village of Elmsford. In 2001, the County awarded \$651,413 in HOME Program funds for 5 units on White Plains, Cabot and Sears Avenues in Elmsford. A total of \$1,029,313. All ten of the affordable housing units were built or restored by the Developer and then sold to purchasers who financially qualified under HOME Program's standards – incomes under 80% of Westchester County median income. In addition, HOME requires that the owners must occupy the unit as their principal residence and must notify the County in writing if they intend to sell the property.

The funding agreements between the County and the Developer required the Developer to incorporate and record declarations of restrictive covenant according to HOME rules. Despite several demands from the County, the Developer failed to record these covenants. As a result, the County may be liable to the U.S. Dept of Housing and Urban Development (HUD) for the HOME Program funds invested in the units by the County.

In response to questions about why the Developer did not cooperate, Ms. Drummond said there may have been a misunderstanding about who was responsible for the recording, the Developer or the Planning Dept. Ms. Alesio stated that the County Attorney is seeking a judgment for \$1,029,313, the amount of the HOME investment.

Leg. Jenkins thanked the Chair of the Litigation Sub-Committee for sharing it's inquiry with the Government Operations Committee. Leg. Jenkins made a motion to approve the act authorizing the County Attorney to initiate the lawsuit. Moved by Leg. Pinto and seconded by Leg. Rogowsky. All voted in favor. Leg. Jenkins adjourned the meeting.