

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON GOVERNMENT OPERATIONS
Wednesday, November 12, 2008, 1:00 pm
MEETING MINUTES**

In Attendance:

Committee Members: Leg. Ken Jenkins, Chair; Leg. Lois Bronz, Leg. Gordon Burrows, Leg. William Burton, Leg. Peter Harckham, Leg. Judy Myers, Leg. Vito Pinto, Leg. Martin Rogowsky. Housing Advisory Members: Albert Annunziata, Dennis McDermott; Committee Coordinator: Barbara Dodds Others: WC Human Rights Comm.: Delores Brathwaite, Florence Sennin, Mayo Bartlett; County Exec.'s Office: Bill Randolph; Westchester Residents Against Income Discrimination: Dean Capote, Karen Tenenbaum; WCDSS: Diane Stern; WC Law: Mary Lynn Nicolas-Brewster; WC Tax Commission: David Jackson; WC Dept. Planning: Susanne Marino, Deborah DeLong, Joyslin Hodge Watson. Town of Ossining: Josette Pulsella; Village of Scarsdale: Navella Albanese; Washingtonville Housing Alliance: Jeremy Ingpin; Building & Realty Institute: Ken Nilsen, Richard Haggerty, Gill Mercurio, Devin Willacy, Kenneth Finger,; Cluster: Jon Shenk; Mt. Vernon United Tenants: Dennis Hanratty; White Plains Housing Authority: Wilford Johnson; The Preservation Company: Karen Gordon; Washingtonville Housing: Jeremy Ingpen; Elith Larsen; Diane L. Bennett, Trevor Eiseman, and Renee Vilerkir.

Items for Discussion:

- Westchester County Tax Commission, Guests: David Jackson, Exec. Dir., WCTC; James Timmings, President, Westchester Assessors Assn.
- #226. 330 Riverdale Avenue, Yonkers Affordable Housing Project
- #187. Westchester County Section 8, Guests: Norma Drummond, Deputy Commissioner, Planning and Delores Brathwaite, Exec. Dir., Human Rights Commission.

Minutes Approved: Nov. 5, 2008

- **County Tax Commission.** With a quorum present, Leg. Jenkins opened the meeting at 1:12 pm. He welcomed Mr. James Timmings, President, Westchester Assessors Assn. and Mr. David Jackson, Exec. Dir. of the Westchester County Tax Commission, to discuss the Tax Commission. Leg. Rogowsky brought to the Committee's attention the chart, prepared by Mr. Jackson, comparing the statutory responsibilities of the county commission under the County Charter with the responsibilities of a real property tax services agency. He said that periodically some colleagues complain that it is not necessary to have a county tax commission. He noted that Rockland County decided to abolish theirs about six or seven years ago and now has brought it back. He also noted that the Westchester staff of four was reduced over the years to two. Mr. Jackson said that right now Rockland has a Real Property Officer who has the same responsibilities as he has.

Mr. Timmings said that over the years Mr. Jackson has provided excellent help on anything that is needed by the association. He does the research, annual proportion of county rolls, state RPS assessment system, annual assessments, expedites processes and corrects any errors or problems with assessment issues. Leg. Jenkins noted that the office also provides regional support and assistance to local assessors. Leg. Bronz asked whether there was anyone else who could do the same service if the office were eliminated. Mr. Jackson said a variety of functions would have to be picked up by other levels of government who would have to hire people. Leg. Myers asked what the municipalities would do if we did not have a county office. Mr. Jackson said that the municipalities themselves would have to hire other people to do the research etc. Personally, he brings a level of expertise, the diversity of his experience as well as his background. Leg. Myers added that this is the kind of service the County, through the efficiency of its size, is trying to get our departments and commissions to

do so that the municipalities don't have to duplicate services. The County can lend a hand so that other hands don't have to be hired. Leg. Jenkins commented that in the state's report on local efficiencies, County government is a recommended regional solution.

Discussion ensued regarding **county-wide reassessment**. Leg. Burrows asked Mr. Jackson if he had an opinion on county-wide reassessment and whether Yonkers specially would benefit from doing it individually. Mr. Jackson said the professional answer is that reassessment of any kind to create equity is a good thing—but legislators make the decision. Since the Yonkers tax is only 20% or less for county tax, he would suggest Yonkers and individual municipalities should consider reassessment, equity and transparency themselves and it may be in the best interests of most residents. Mr. Timmins said that his organization of assessors supports reval but all members report to boards that may hesitate. They have to take into account the variety of legitimate concerns. The association has requested, and the County Executive approved, a state-funded study that is going forward to develop a single method basis of assessments.

Mr. Mercurio of the Westchester Bd. Of Realtors commented that his organization strongly favors a uniform percentage of full value and would like to see assessment at 100% of market rate—the only way people will understand the taxes. There are different kinds of tax rates throughout the county and that makes the process complex. As a matter of good government, there ought to be uniform taxation with a strong county role. Leg. Burrows would like to delve into reassessment right away and asked Leg. Jenkins to advance the agenda to start discussion.

Leg. Jenkins noted that the \$25,000 matching grant the County received from the state was for developing a methodology for a County-wide study. At the completion of that study, the legislators would then have to act. Leg. Burton suggested that there has to be a home rule resolution. Some ten years ago, the resolution that passed the Assembly and was vetoed by Gov. Pataki included a commercial assessment ratio that would have a different rate for income producing properties than for residential—Homestead Provisions. Municipalities don't have to wait for the County, he added. Like Pelham, they can do it themselves if they follow state rules.

Leg. Harckham said a regional approach in the northern towns of his district because school districts there cross over so many towns. Leg. Pinto noted that school taxes take up the biggest part of homeowners' taxes and tax certioris that come up every year come out of the taxpayer's pocket. Leg. Jenkins noted it has to be understood that all exemptions have to be paid for by everybody else. He thanked the assessors for their comments.

- **330 Riverdale Avenue, Yonkers affordable housing project.** Deb DeLong and Susanne Marino from Planning explained that 136 units are affordable of the 170 units in the project in south west Yonkers, and the proposed county funding is only for the affordable part of the project and none for the market rate units. In case the Westchester Housing Trust is set up, the legislation has standard optional language that the land can be sold either to the developer for a dollar or to the land trust for a dollar. Leg. Burton suggested that language be adjusted to include a recapture clause that even though the project closes, the County has the option to acquire the land back for \$1 within a set period and other funders would have to consent. That version would be similar to the last three projects of Symphony Knoll, Clinton Place and Scotts Ridge. That will be added back into the legislation.

Explaining how the affordable and market rate units are separated, Ms. DeLong said the number of market rate units may shrink but not the number of affordable units. Probably there will be fewer studios and more two-bedrooms. Leg. Rogowsky asked again about the proper language regarding the Land Trust. Nothing will change 'unless and until.' The cost of the infrastructure is very high (over \$4 million from HIF funds) because the Yonkers zoning

code requires mandatory parking space for every building unit being built. The majority of the HIF funding is for the parking structure prorated for the affordable units. A motion to approve as amended was made by Leg. Burton and seconded by Leg. Bronz. All voted in favor. Legislators Myers and Burrows were absent for the vote.

- **Continuing discussion on Section 8/source of income discrimination.** In a previous meeting, one of the main issues was application of the proposed legislation to cooperatives. Ms. Drummond explained that coops are allowed in all Section 8 with the coop board as the direct recipient of the Section 8 funds. Leg. Bronz inquired if special language was needed. As written, there is no distinction between rental and coop units. Ms. Drummond said that the Planning Dept. and Westchester Residential Opportunities sensed that coop boards were making decisions about people based on things probably not allowed in any other market. They have been working to get a requirement in writing that spells out why an application is not accepted. Ms. Brathwaite said the law would not change the fact that coops will continue to have the right to make whatever determination they want because there is no legislation to the contrary. However, if an individual reports they are being discriminated against, the Human Rights Commission would investigate the charges and mediate, conciliate or adjudicate with the parties involved. The commission has had only two or three complaints over the past several years. Leg. Jenkins noted that building owners have complained about the expense involved in responding to discrimination charges. Mr. Finger said that his firm, as the counsel for the Condo and Cooperative Council and representing up to 5000 units of coops and condos in about 50 coops and condos in Westchester, have not had more than two discrimination complaints in five years, whereas they have had five or six complaints regarding parking. All their clients automatically turn over a discrimination issue to their legal counsels and insurance companies because of possible liability.

Leg. Jenkins asked Ms. Drummond to explain the different leases in Section 8. There are three agreements: 1) the standard lease between tenant and landlord 2) the voucher between the tenant and Section 8, and 3) the HAP (Housing Assistance Payment) contract between the County and the landlord. Section 8 does require an addendum lease. The addendum is attached to the tenant/landlord lease making sure that all the basic items are covered and the Section 8 responsibilities for the landlord and the tenant are spelled out. This addendum is legal and supercedes the lease.

Leg. Rogowsky commented that the legislation sounds like a government mandate on a financial decision. Ms. Tannenbaum said that this discrimination legislation is no different than others that the Human Rights Commission investigates. Discussion ensued regarding financial standards for all applicants. To have a standard is to look at all former and current records, possibly invading the tenants right to privacy. Ms. Gordon from the Preservation Company in Peekskill and Mr. Ingpen, of Washingtonville Housing Alliance in Mamaroneck, said that as landlords, they use the rent addendum to spell out requirements on both sides. Renters receiving social security, veterans' benefits, or Section 8 should not be treated any differently than other tenants. Two landlords from Yonkers and Mt. Vernon complained that under this law, Section 8 is the only category that requires dealing with a government agency. Landlords do not have the usual flexibility to accommodate tenants and, in some instances, city inspectors take the opportunity to sweep the whole building for violations. There is also no common standard of inspections. Because of bad experiences with Yonkers and Mt. Vernon officials they do not want to rent to Section 8 tenants. Section 8 ends up costing them time and money. Many are not set up to deal with this.

Leg. Jenkins asked how we can deal with the bureaucracy issues with 17 different Section 8 programs in the County with different processes and procedures. Everything depends on the quality of the program administrators. Responding to Leg. Rogowsky's question about ETPA buildings, Ms. Drummond said that Section 8 pays market rate and can go above rent in

ETPA buildings. But a participant differed and said in an ETPA building you cannot charge more. Question to be researched.

Mr. Annunziata said the market conditions may require higher credit worthiness. Very few instances of discrimination have been reported yet the Section 8 participation is very high in Westchester. Perhaps the system is working and one has to wonder if the pain is worth the gain.

Leg. Jenkins said that legislators are concerned about a certain level of protection as conditions change. We are looking at more government not less. Increased government assistance and market conditions that determine credit and credit worthiness may now have to be viewed differently. Historical financial criteria and decisions are irrelevant in these times. Conditions change. Nothing is guaranteed even employment. If there is a low level of incidents then perhaps the problem is not as onerous as it seems. There's a necessity to have this extra level of protection to make sure that discrimination will not take place because more people will be getting assistance. The legislation will be crafted in a way that makes sense and gets utilized—unlike the law in New York City. We are also making sure we do not hurt people as we are trying to help.

A resident talked about his problem getting a shelter verification letter from his landlord who refused to sign in an effort to get him to move from his low rent apartment. He suggested a public referendum on Section 8 if it does not pass in the Board of Legislators.

Mr. Hanratty talked about the pain suffered by residents whose landlords refused to sign the shelter verification form for emergency rent arrears. The issue of emergency payment of rent is huge with landlords refusing the sign the form and causing the people to become homeless. Leg. Jenkins asked if it would help to require landlords to sign the form?

Ms. Scheffling of Disabled on the Move said for disabled people it is not whether you're going to move to a nicer neighborhood it is more a choice of spending years in a nursing home waiting for a Section 8 voucher and then lose it because it is almost impossible to find an accessible apartment that will accept Section 8. It comes down to people's freedom.

Ms. Gordon made several comments. Having city and Section 8 inspectors one and the same presents a conflict of interest. Many people are successful at using their vouchers because a lot of non-profits are using their resources to advocate for them. Landlords have found that refusing to sign the shelter verification for emergency rent arrears subsidy is the easiest way to evict somebody for something else that's harder to prove.

Questions to be researched by Law Department:

- 1) Threshold issue—law already provides for exemptions. Four families or less if you reside there. Does apply to single family home rented through real estate broker and publication. [applies to under four families as well?]
- 2) Whether ETPA buildings have a rent cap—use of Section 8 rent
- 3) Can the County mandate that city and Section 8 inspectors not be the same?

A motion to approve Nov. 5 minutes was moved by Leg. Pinto and seconded by Leg. Bronz. Motion to adjourn moved by Leg. Pinto, seconded by Leg. Bronz. All in favor—meeting adjourned by Leg. Jenkins at 3:43 pm.