

**COMMITTEE ON LEGISLATION JOINT WITH
THE COMMITTEE ON GOVERNMENT OPERATIONS
MINUTES: FEBRUARY 25, 2008**

LEGISLATION

MEMBERS: Chair: Burton; Legislators: Rogowsky, Jenkins, Harckham, Nonna, Myers, Abinanti, Oros, Maisano

GOVERNMENT OPERATIONS

MEMBERS: Chair: Jenkins; Legislators: Burton, Pinto, Harckham, Rogowsky, Myers, Maisano

IN ATTENDANCE: **CE:** B. Randolph; **CA:** S. Dolgin-Kmetz, Mary Nicolas-Brewster, J. Adin; **WCHRC:** D. Brathwaite, J. Levin, M. Bartlett; **BOL:** S. Bass, B. Dodds, A. Stahl, N. Rentz, R. Pezzullo; **GUESTS:** A. Seligsohn, K. Schatzel, D. Gunger

With a quorum present, the Committee on Legislation and the Committee on Government Operations were called to order at 1:45 p.m.

UPDATE OF THE FAIR HOUSING LAW

(Harkham, Myers) motion for the Committee on Legislation, (Pinto, Rogowsky) motion for the Committee on Government Operations, to approve for all purposes, the adoption of the Westchester County Fair Housing Law.

Legislator Nonna analyzed the Federal Fair Housing Act, the County Human Rights Law, and the newly proposed county legislation which was provided by the Law Department.

The Committee discussed that difference between this legislation and federal law is that Westchester included vacant land. Also in the Federal legislation there is a ban on refusal to rent property due to the absence of children who are minors. This means that no longer will renters be discriminated against because they don't have children.

The Committee talked about some of the exemptions in the proposed law. There was a lengthy discussion about single family house exemptions. It was concluded that the county must have a law which is substantially equivalent and in compliance with federal law.

There was a brief discussion about the private club exemption. In the Westchester law private clubs were being regulated yet under the federal law the private clubs will be exempt. In addition, discrimination against brokers will be added due to the federal law.

There was also discussion on how an injunction would be requested and what the relationship between the Secretary and the Human Rights Commission would be. It was explained that the document was put together by the County Attorney, the Human Rights Commission and HUD.

It was confirmed that federal law always supersedes a local law. However since Westchester's law may go beyond and be more strict than the federal law, the committee can look to strengthen their law.

There was also a conversation about the lack of authority of the Fair Housing Board to require assistance of the County Attorney to take legal action. On the same accord a conversation about procedure in regard to litigation started. There was concern about someone filing complaints simultaneously with the courts and with the Human Rights Commission.

Divestiture of jurisdiction was addressed in the HUD letter to the county. There was concern by committee members about a complainant going to multiple forums.

Westchester has the same penalties as the New York State Division of Human Rights. HUD has a tiered penalty system.

There was discussion about religious organizations ability to exclude individuals. The committee came to a consensus to add language which states: "Where membership in such religion is restricted on account of race, color, or national origin".

Motion approved by the Committee on Legislation 5-3 (Oros, Maisano, Abinanti-Nay). Motion approved by the Committee on Governmental Operations 6-1 (Maisano-Nay).

(Myers, Harckham) Move to adjourn the Committee on Governmental Operations. Motion approved 4-0.

(Rogowsky, Maisano) move to adjourn the Committee on Legislation. Motion approved 7-0.

The Committee on Legislation and the Committee on Governmental Operations adjourned at 4:46 P.M.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST