

WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON HOUSING & PLANNING
Tuesday, April 20, 2010, 9:30 am
MEETING MINUTES

In Attendance:

Committee Members: Leg. William Burton, Chair; Legislators Peter Harckham, Judy Myers, Martin Rogowsky, Bernice Spreckman and Alfreda Williams. Advisory Members: Albert Annunziata. Committee Coordinator: Barbara Dodds.

Others: Norma Drummond, Planning Dept.; Ken Belfer, Westhab; Housing Opportunity Commission (HOC): George Raymond, Richard Hyman; Katy Delgado, CE's Office; BOL: Chris Crane, Larry Goldstein, Mindy Berard, Betsy DeSoye; Mary Lynn Nicolas-Brewster. Law Dept.; Ken Belfer, WestHab; Karen Schatzel, LWVW.

▪ **Continuation of Discussion on Housing Opportunity Commission (HOC) Legislation.**

With a quorum present, Legislator Burton opened the meeting. Since he had to leave the last meeting early and no consensus was reached on the duties of the HOC, he asked Leg. Harckham to review the issues that came up in the committee after he left. Leg. Harckham said one of the sticking points was how can we focus HOC efforts in a more concrete way vis a vis the housing settlement. The proposed language referencing the allocation plan was another point that concerned some members. George Raymond and Richard Hyman made the case that the housing needs of the county are far broader than just the housing settlement and the allocation plan was central to their work.

Leg. Burton reviewed how the legislators got to this point and asked if there was a consensus on why we want the commission to continue. Various housing advocates have said the commission served a serious role in the broader sense of the housing needs of the County. Leg. Rogowsky commented that some of the language on the current duties of the HOC supposes that the County is running everything when it is really municipality by municipality.

Looking at paragraph two in the legislation, Leg. Burton said we know that the purpose of the allocation plan was to set goals, encourage, hold feet to the fire and, in some cases, to embarrass communities who failed to do anything. Leg. Rogowsky suggested replacing the allocation plan with commitments to affordable housing in the wording. Additional discussion ensued regarding the allocation plan. Leg. Myers jokingly remarked that perhaps if we offered the municipalities something they want like a baseball field, we might get somewhere. She was referring to the Legacy Program which was designed to offer incentives and has been in place for a number of years. She asked if the HOC has gone out to the municipalities.

Mr. Raymond discussed the Berensen vs. New Castle where all the New Castle land was zoned for single family detached housing. The Court ruling was that the regional need was the greater need and the ultimate decision, including the right of first refusal, was not the municipality's alone. He mentioned other case law regarding housing in the County. Mr. Hyman said they had met with Scarsdale, Pound Ridge, Harrison and a number of other towns. Mr. Raymond said they did not press any community to do what they didn't want to do. If they didn't want affordable housing because it better belonged in communities like Peekskill and Mount Vernon and other cities, that was not a valid reason under the Berensen decision.

Leg. Spreckman suggested municipalities need to be told what they have to do under the settlement stipulation because that's the law. Leg. Burton agreed and that is what the HOC has been doing—they oversaw the housing needs study, drew up the formula and went out to the communities advocating for that. Leg. Spreckman said that legislators should go too—part of this committee should go with them. Leg. Myers asked if the HOC to date has done anything on

the stipulation agreement? Has there ever been any interaction with the administrations on the settlement? Mr. Hyman said the people of this administration in charge of the settlement have come to three Commission meetings. The previous administration invited Mr. Raymond to discuss it with them but the HOC was never involved in the drafting of any language. Leg. Myers asked if there is a role that the HOC plays with the current administration regarding the settlement. Ms. Drummond noted that the HOC meetings were attended by administration senior staff members Mary Mahon and Christine Sculti, in which education and advocacy were discussed.

Leg. Burton asked if this allocation plan would have to be thrown out because of the census and a new plan done. Mr. Hyman said the current allocation plan goes through to 2015—a new needs assessment would have to be done based on the 2010 census but the results of that would not be available until about 2013.

Leg. Rogowsky asked if other counties did allocation plans or is Westchester unique. Ms. Drummond reported that Westchester is unique. Dutchess, Orange and Ulster are just now working on their allocation numbers coming out at the beginning of June and have used Westchester as their model. But why was Westchester the leader, he asked. These other counties have no allocation plans and have no case law. There seems to be an assumption that every ten years we need to be another allocation plan. Commission members responded that it was because all the case law is in Westchester. *Berensen vs New Castle*, *Continental vs North Salem*, *Triglia vs Cortlandt*. Leg. Rogowsky asked if it is because we did the study that we have the case law? A lot of counties that have not done these plans don't have case law. Leg. Burton explained that these municipalities were sued because of the expanding urban nature of the New York Metropolitan area that led more people to want to move into the county meeting increased resistance from the communities. We just happened to be first—It is geography. Our job here has not gone away because others are now having the problems.

Leg. Rogowsky continued, making the point that the Commission's job for the last ten years has been to go out and promote affordable housing but after all this good work, we got sued. The reality is are we going to be able to build the 750 units? We need to recognize that there is a number out there that doesn't cover Port Chester or Mount Vernon or Yonkers. Is it a more appropriate role for the HOC to educate and hold workshops in those communities while everybody else is working to get the 750? When he advocated for affordable housing he was thrown out of office. The benefit of the stipulation is that these towns now know what they have to do. We don't necessarily need a commission to encourage Rye Brook. Help the system identify the impediments and what we can do about it. This was done before a consultant was hired from Georgia. That would have been an appropriate function for the HOC. Is no. 6 in the legislation obliterated because the consultants group from Atlanta has been hired. Mr. Raymond replied, what kind of impediments can we analyze when we meet with the communities talking about the wonderful advantages of affordable housing and they do nothing when we go away. We are doing what is being suggested but that's not enough authority invested in the Commission even with the County having established a housing need.

Mr. Hyman said it is harder for the administration or elected officials to play the tough guy. Besides being the conscience, the HOC can publicly put on the record what others cannot. Leg. Rogowsky remarked, perhaps the toughest communities are where you are needed the most.

Mr. Annunziata said there comes a point when the municipalities have to hear that they can't pick and choose that which they get from state case law they want and hide behind home rule. There has got to be a way to start with that 750 and then piggy back on the powerful leverage of the federal government and the lawsuit to begin to draw down on a portion of the allocation. Leg. Spreckman pointed out that the situation is different now, there was no lawsuit before. Leg. Rogowsky commented that if the County decides to enforce the stipulation the way the

HUD wants us to, then we don't need anything else—the power and the force. One could argue, Leg. Williams commented that there is a role for HOC in doing the educational piece because there is so much misunderstanding in the communities.

Leg. Burton will attempt to re-draft the duties portion over the weekend based on the committee discussion. He called for a follow-up meeting at the same time next week and made a motion to adjourn, moved by Leg. Spreckman and seconded by Leg. Myers. All in favor.