

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON HOUSING & PLANNING
Joint Meeting
COMMITTEE ON BUDGET & APPROPRIATIONS
Monday, February 22, 2010, 10:00 am
MEETING MINUTES**

In Attendance:

Housing & Planning Committee Members: Leg. William Burton, Chair; Legislators Peter Harckham, Judy Myers, John Nonna, and Martin Rogowsky. Advisory Members: Geoffrey Anderson, Albert Annunziata, Blanca Lopez and Dennis McDermott. Committee Coordinator: Barbara Dodds.
Budget & Appropriations Committee Members: Leg. Jose Alvarado, Chair; Legislators Thomas Abinanti, William Burton, Peter Harckham, Judith Myers, Vito Pinto, Martin Rogowsky, William Ryan.
Others: BOL: Joanne Sold, Larry Goldstein, Betsy DeSoye, Mindy Berard; Planning Dept.: Anthony Zaino, Dana Sanchez, Norma Drummond; Budget Dept.: Larry Soule, Arthur Vietro; CEO: Katy Delgado; Ken Belfer, WestHab; Lisa Buck, The Bridge Fund; Henry Grullon, Westchester Mediation Center, CLUSTER; LWVW: Karen Schatzel, Barbara Strauss; A. Webber, ADC.

MINUTES APPROVED: 2/16/2010

Item discussed: Urban County Federal Grant Applications

Leg. Burton opened the meeting and recognized Norma Drummond, Anthony Zaino and Dana Sanchez of the Planning Dept. requesting that their presentation include remarks on issues that have arisen related to the settlement stipulation.

Ms. Drummond presented the legislation to allow the Urban County Consortium to apply for its 35th year of Community Development Block Grant (CDBG) funding and additional funding for the HOME program and the Emergency Shelter Grant (ESG).

In this package, an amendment called the 2010 Action Plan, is being filed to the 2009-2013 Consolidated Plan. The County is required to file a 5-year plan to identify the needs of the County, analyze the housing market, and present a strategic plan to address the County's priorities for the five year period. Each year the plan must be updated with an action plan for the year.

Specific allocation grant dollars are not known at this time but, based on the passage of the bill increasing funding for CDBG, an increase is expected of between 7 and 7 ½% for CDBG—approximately \$6,378,239, a 3% decrease for the HOME program bringing funding to \$1.8 million, and level funding for ESG of approximately \$250,000. The application and the action plan cover all three programs and the 40 municipalities of the consortium. Not included are the four large cities of Yonkers, Mt. Vernon, New Rochelle and White Plains, which have their own CDBG applications, and the Town of Mt. Pleasant which chooses not to participate. Mt. Pleasant will have another opportunity to apply later this spring.

A record number of 228 applications were received; 146 from 33 municipalities and 82 from 36 non-profits. The deadline for applications for the 2009-2011 cycle was July 1, 2009 and public hearings were held in January and February of 2010. The application deadline is March 15 2010.

The County's priorities for funding are:

- Affordable Housing,
 - Investment in Sustainable Communities,
 - Opportunities for Youth and,
 - based on low and moderate income data in the 2000 census,
- the 10 neediest communities: Port Chester, Peekskill, Ossining Village, Sleepy Hollow, Mount Kisco, Mamaroneck Village, Buchanan, Tuckahoe, Tarrytown, Elmsford. Other project application

considerations include the income level of the beneficiaries, the municipal or non-profit's ability to complete projects and available matching funds.

A number of projects have been moved from one fiscal year to another.

Following the HUD rules, no more than 20% of funding can be spent on administration, and 15% on public service activities. At least 70% must benefit low and moderate populations. In this recommended action plan, 11 affordable housing projects are included, mostly housing counseling services, and some rehabilitation projects. Eighteen projects are for investment in sustainable communities and 12 projects are for youth opportunities.

Historically, HOME program funds are used for the construction of new and affordable housing and the rehabilitation of multi family units. \$1.2 m is available for new construction projects. Grants are awarded on a first-ready basis. The County is required to spend up to 15% on community housing development organization (CHODO) projects but other funding resources must be in place and no more than 15% can be used for administration.

Emergency Shelter Grant funding is awarded to not-for-profit agencies to serve people who are homeless or at risk of being homeless. Recommendations are based on other funding available and the agency's ability to reach the populations in the consortium. \$75,000 is for eviction prevention services, \$65,000 for staffing of services, \$97,000 for operating programs such as food pantries, a part-time recreation worker at Grasslands shelter and the rent for the furniture sharehouse, and \$12,000 for county administration. Based on submitted proposals, six non profit agencies have been recommended to operate eviction prevention services in 2010.

Leg. Alvarado asked if the CDBG programs for youth that were cut last year would be funded this year. Ms. Drummond said that these applications were originally filed in 2008. CDBG is for new programs and projects cannot be accepted if other federal funding is available to those programs. He noted the importance of preventive programs for youth. Leg. Alvarado asked for clarification on the first-ready basis for awarding HOME funds with concern that it was a fair process to all. Ms. Drummond said that materials and directions are widely distributed. The County has a 2-year limit in which to commit the funds and a 5-year limit to spend. It would deprive other projects if money was tied up for many years on a project that might take as long as 15 years to complete.

Leg. Nonna asked, with regard to the discrimination settlement, what certifications are being submitted to affirmatively further the fair housing obligations for CDBG funding. Ms. Drummond replied that under the consolidated plan there is a certification that we have to sign that states "jurisdiction will affirmatively further fair housing which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard." A consultant under contract is currently doing an analysis of impediments, an annual report is made to the federal government on actions that have been taken in the past year and records are maintained.

Leg. Nonna confirmed with Ms. Drummond that the County of Westchester complies with the certification requirements. A number of approved projects are in communities that have been identified in the settlement but not all are recommended for grants in 2010—only six, Harrison, North Castle, Pleasantville, and Rye Brook, are in "7A and 7B." Tarrytown and Tuckahoe are in "7C." Only four of the 29 eligible communities recommended in 2010 fall within the eligible communities of 7A and 7B.

Leg. Nonna asked what steps are being taken to help the municipalities comply. Last year the Planning Dept. met with Harrison to identify a potential site and also met with a developer in North Castle that is ready to go. Pleasantville and Rye Brook have already done affordable housing projects and have met with us to identify others. Tarrytown and Tuckahoe have also done a number of affordable housing projects but are in 7C. Bedford is an eligible area where an affordable housing project was recently completed and it is identifying other potential sites. There is no CDBG grant recommended for Eastchester in 2010. Among those that have been recommended for grants for 2010 but are not in the eligible areas are Elmsford, Greenburgh, Sleepy Hollow,

What is the criteria that the County is using to ascertain that municipalities are complying with the cooperation agreement of the settlement in regard to CDBG? In active discussions with the municipality about conducting a new development in their communities, eliminating preferences, trying to streamline the process, and putting the language directly in each individual project. By Jan. 30, 2011, they would have to have adopted the compliance language in order to accept CDBG funds. The Planning Board just adopted the model ordinance policy. Leg. Nonna asked Ms. Drummond to provide a memorandum for a follow-up meeting confirming all the policy points and affirmations she made today before the committee votes out the agreement. Leg. Abinanti suggested that some of these monies should be used as incentives to help eligible communities that are going forward with housing. Leg. Burton said that 2010 is already in place and 2011 might be where that suggestion could be considered. Ms. Drummond said that projects still have to abide with CDBG guidelines. Leg. Abinanti said that small communities trying to cooperate should be rewarded with funds to assist. Leg. Rogowsky said one could argue that if those communities had done what they should have done six years ago we would not be where we are. We got in trouble because of those communities. Leg. Harckham commented that there are other programs for the purpose of new housing projects. Leg. Myers said we are very sensitive to learning from the past and not doing business as usual. Discussion ensued on specific projects. There are other municipalities that have done more than their share of affordable housing.

Leg. Rogowsky terms of the discrimination settlement we are in active discussions within their communities put the language in the contract of each individual project.

Leg. Ryan commented that we need to recognize that we are transitioning into a new period in this settlement . Because CDBG was an element in the settlement, it is understandable that we are sensitive to worthwhile projects and need to make sure that we keep on file some of the suggestions. Perhaps we could make another investment to help our communities. Leg. Rogowsky said we have to learn from what happened. It seems to me that the county is underwriting for the federal government, the county executive certified on behalf of the county that all these municipalities are furthering fair and affordable housing. In fact, this is somewhat subjective. Are the municipalities signing a certification for their contracts? Ms. Drummond said no, they signed in the application agreement. Leg. Rogowsky pointed out if the towns and villages are coming to us, somewhere along the line they should also make a certification and an indemnification to make them directly responsible. Three years from now new bureaucrats will see that at least we did what we could to be fair and appropriate. In Legacy programs we require that municipalities pay us back if they do not do what they promised.

Discussion continued.

Before the next meeting, Leg. Nonna and Leg. Abinanti will work with the County Attorney to add language to the act that incorporates the concerns of Nonna and Rogowsky and Ms. Drummond will provide the memorandum. In another joint meeting on Monday, the committees will review and sign out the legislation. The consultant for impediments is W. Frank Newon Inc., Georgia. Leg. Pinto pointed out that agreements from municipalities should be made before disbursement of funds and that municipalities are aware of these requirements. But this agreement should be approved as is for the deadline stated. Leg. Ryan said we have time to decide on language and processes—until January 2011. Ms. Drummond reiterated that CDBG funds cannot be used to construct housing. CDBG is a sticks & bricks program to benefit low & moderate income neighborhood residents.

The next meeting will be held on Monday, March 1st at 10:00 am. Leg. Alvarado made a motion to adjourn Budget & Appropriations, moved by Leg. Abinanti and seconded by Leg. Pinto. All voted in favor. Leg. Burton made a motion to adjourn Housing & Planning, moved by Leg. Rogowsky and seconded by Leg. Harckham. All voted in favor.