

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON HOUSING & PLANNING
Tuesday, May 4, 2010, 9:30 am
MEETING MINUTES**

In Attendance:

Committee Members: Leg. William Burton, Chair; Legislators Peter Harckham, Judy Myers, John Nonna (by phone), Bernice Spreckman and Alfreda Williams. Advisory Members: Geoffrey Anderson and Blanca Lopez. Committee Coordinators: Melanie Montalto and Susan Kirkpatrick. Others: HOC: Shelly Weintraub, George Raymond, Jean Pollack; Richard Hyman, RH Consulting; Ken Belfer, Westhab; Tony Hoetzel, Housing Action Council; Mary Lynn Nicolas-Brewster, Law Dept.; Lisa Buck, The Bridge Fund; A. Webber, ADC; Alexander Roberts, Community Housing Innovations; Katy Delgado, County Exec.'s Office; Karen Schatzel, League of Women Voters of Westchester; Norma Drummond, Planning Dept.

Continuation of discussion on Housing Opportunity Commission (HOC)

No minutes approved

With a quorum present, Leg. Burton opened the meeting continuing the discussion on legislation extending the Housing Opportunity Commission (HOC). Talking about the duties section of the law, he explained that the language describing the duties of the HOC that was proposed at the last meeting was intended to make all committee members feel comfortable to support. However, members of the HOC and other interested parties have since indicated that they find the language unsuitable or insufficient. He went on to describe a conflict in the way the HOC has been historically perceived and the way things have gone. Does the commission have a broader moral authority to raise the issue, do the research and make it clear that there are standards and rules that have to be followed? Home rule makes it almost impossible for the County to set the standards and enforcement except by moral persuasion. Anything beyond that is in uncharted territory. The settlement stipulation has said there may come a time when extraordinary steps will have to be taken if the County does not live up to its commitment. No legislator wants to have the County in the position of suing local governments. Leg. Burton felt that the HOC needs to tell us how to get to the goal and be an advocate for overall success.

Leg. Harckham thought the language was watered down too much. Perhaps some language dealing with the allocation plan and its hard numbers as central to its mission can be placed in the committee report so that they are at least on the record. Leg. Burton suggested the committee report be extended describing the historical mission of the commission and go down the list of duties saying the committee recognizes and encourages them to continue. Leg. Spreckman said that while she does not mind the additions in the report, Leg. Nonna (who had not yet called in) has said he doesn't want to look at the past and use former references. Legislators and the commission have a lot of work to do. She would like to see action get the work started.

Legislators Judy Myers and John Nonna [by phone] joined the meeting. Leg. Burton explained that the committee had received a statement from Alexander Roberts, Executive Director of the Community Housing Innovations, Inc., and a resolution from the Housing Opportunity Commission. Both statements encourage the retention and importance of the Allocation Plan in the mission of the Commission. Leg. Nonna asked what the HOC would like to add that is not in

the legislation draft. Mr. Raymond suggested that the committee report should make it clear that the history of the commission and the thought up to now was basic to its operation and will still be respected in the future. For the benefit of Legs. Nonna and Myers, Leg. Harckham reiterated that he feels the new version went too far. To get more people on board, he would like to put some of the language back that was taken out of the actual legislation, at least in the committee report.

Leg. Nonna said he didn't think we went too far in changing the legislation given the current environment and in light of the settlement. The history shows that there have been some issues and problems with the commission fulfilling its role and that many of the municipalities had not accepted the idea of affordable housing. He feels we have to look at a new way of doing things other than using an allocation plan to tell municipalities what they have to do because it is not going to work. His disagreement was with the role of the Commission in the overall settlement effort.

Mr. Raymond related that they had based their entire approach on things that the County did in the Berenson court decision, which spelled out very clearly what had to be done in New Castle. Leg. Nonna asked why the County was sued recently if the commission was doing its job. Mr. Hyman countered that the commission does not go into municipalities and tell them what to do. The County was sued because of the resistance of municipalities to affordable housing. One cannot blame the commission for the action of individual municipalities. Mr. Raymond spoke about how the Allocation Plan came about and the methodology used. The 750 units in the stipulation would all be in satisfaction of the Allocation Plan. Another concern is about the other 7000 units that the County needs. There is no conflict. These two separate spheres should not be mixed up.

Discussion ensued about what the HOC feels should be reinstated in the new draft. They would be most comfortable with what was in the Nov. 2009 version from the last administration. Mr. Hyman asked the committee if the revised language of four duties would continue the needs assessment and the Allocation Plan that are supposed to go through to 2015? If they are not included does this mean that both disappear? If not, why couldn't they be put back. Although not all the municipalities accepted the Allocation Plan, many did and only two were in strong opposition.

Leg. Burton moved on to discuss the structure of the legislation, approving some changes proposed by the 2009 committee report and requested by the HOC. 1) 11 members instead of 15; 2) county executive would designate the chair; 3) one member would be appointed from each of the patterns planning regions for a total of 5 and the remaining 5 members from the county as a whole; 4) vacancies filled in the same manner as original appointments, 5) meeting six times a year instead of once a month.

Leg. Harckham suggested that Mr. Roberts should explain his statement that was distributed. Mr. Roberts said that taking the numbers out the HOC simply becomes another advocacy group. The settlement has moved the ball forward by telling the county that state and federal law overrides home rule such as in the Fair Housing Law. In the Monroe line of cases, counties have sued municipalities based on their greater interest than that of the local zoning power. In fact, Westchester has used that argument in a suit against Elmsford overturning the building code to build a homeless shelter. The answer is to at least keep the HOC's moral suasion the way it is and reference the traditional role in upholding the allocation plan with any changes made with a lot of considered research and discussion.

Ken Belfer of Westhab and the Yorktown Affordable Housing Board, said that HOC has been important in keeping the issue of affordable housing in the forefront and the allocation plan before the municipalities. Unless there is some obligation being put forward you have nothing at all. It does not matter how much the numbers are, town boards refuse to accept any allocation but it helps remind them of the need for affordable housing locally and regionally. There should be something in the legislation on the mission of the commission that speaks to its work with the municipalities and the allocation plan to meet the county's needs. Otherwise it is being watered down too much. It should be part of their role to encourage the municipalities and give them a specific target.

Leg. Spreckman asked Belfer do people in Yorktown realize there is a difference between the Yonkers low cost housing suit and affordable housing? He said they are constantly educating people about what affordable housing is but the county settlement agreement has raised the profile of the issue all across the county but 750 units is a drop in the bucket of the need.

Tony Hoetzel, Director of the Community Housing Resource Center, said he supports the need for at least reference to the allocation plan. We can't lose sight of the fact that most municipalities have formally accepted the allocation plan even though they haven't all been able to achieve their targets. Over the last 8 years, thousands of units of affordable housing have been created in the county, not the 10,000 that the Rutgers Study said there should be but progress was made because there was a target out there of what the need was. The allocation plan sets a path and a vision and gives us something to work towards.

Jean Pollack, long-time member of the HOC, told how years ago the old implementation committee decided that there had to be some kind of method to show what the housing needs were in the county. Looking at all the issues—sewer, environmental, etc., they came up with numbers for each community. It was not that the communities had to create those units, but if a developer came in and wanted to develop affordable housing there would be an obligation on the part of the community to not block the plan. To eliminate the allocation plan entirely would be a big mistake. Although legislators do not want legislation that might hurt their chances for re-election, this legislation should include the allocation plan even if only a reference in the committee report. Leg. Nonna commented he was not motivated by any political concerns and supported affordable housing. Perhaps the allocation plan should be put back into the legislation. He suggested taking another look at the allocation plan and reconsidering the numbers, to make the commission more effective. Ms. Pollack said she was also concerned about the affordable housing that is expiring, there is nothing in the proposed law about preserving present affordable housing. Leg. Burton commented he thought it would be better to keep the language as broad as possible.

Mr. Raymond announced that he was being given a Lifetime Achievement Award by the Westchester Municipal Planning Federation on June 10th. Leg. Burton said that the the communities they represent. Mr. Raymond commented that the county has a role award was symbolic and recognizes all that Mr. Raymond has done for the members and dealing with multiple issues that may prevent municipalities from creating affordable housing. The county should work at facilitating, helping and initiating the kinds of things that overcome some of the impediments to affordable housing.

The discussion will continue at a meeting next week. Motion to adjourn moved by Leg. Harckham and seconded by Leg. A. Williams. All voted in favor.