

**COMMITTEE ON LEGISLATION
MINUTES: MARCH 15, 2010**

LEGISLATION

MEMBERS:

Chair: Nonna; Legislators: Myers, Ryan, Burton, A. Williams, Harckham, Abinanti, Maisano, Pinto, Rogowsky, Burrows

IN ATTENDANCE:

CE: G. Oros, K. Delgado **LAW:** M. Nicolas-Brewster, E. Cipolla **Planning:** N. Drummond **HRC:** B. Kramer **BOL:** B. DeSoye, C. Giliberti, L. Goldstein, B. Dodds, M. Montalto **Guests:** M. Rodriguez, A. Seligson, K. Schatzel, P.G. Mercurio, K. Niksroy, J. Guagliano, A. Annunziata, C. Finger, K. Tenenbaum, J. Shenk, G. Kane, L. Neil, A. Webber (ADC)

MINUTES:

With a quorum present, the Committee on Legislation was called to order at 1:45 p.m.

Chairman Nonna provided the Committee with an overview of the history of the Source of Income proposed legislation from its inception to its current form. The most up to date draft has been amended to exclude cooperatives and inheritance from the law.

Chairman Nonna asked Margarlie Rodriguez, Esq., Supervisor of the Investigations & Compliance Unit of the Nassau County Human Rights Commission, to tell the Committee how the law is working in Nassau County.

Ms. Rodriguez explained to the Committee that the Source of Income Law was much needed in Nassau County, where the Human Rights Commission was receiving up to 30 complaint calls a week on the issue. She stated that they currently have 20 active cases, but most of them are rectified by a phone call to the landlord. She stated approximately 15 cases have gone beyond the conciliation phase since the laws inception in 2007. Ms. Rodriguez also stated that the Nassau County Law does not exempt co-ops and condominiums.

George Oros, Chief of Staff to the County Executive, stated that the housing implementation plan shows that the County has been making an effort to pass this legislation and they hope this satisfies the monitor of the housing discrimination settlement.

Mary-Lynn Nicholas-Brewster and Stacey Dolgin-Kmetz of the County Attorney's Office spoke to the Committee about their legal opinion on whether the proposed Source of Income legislation would mandate the landlord to continue to participate in Section 8 program. Ms. Nicholas-Brewster stated that their opinion is that it does not make such a requirement based on a previous case named Rosario. The County Attorney's office stated that the proposed Westchester County law is an anti-discrimination law, and that the ETPA state law, not ours, requires that a renewal lease continue to accept Section 8

vouchers. A copy of the legal opinion is on file and available for review. A discussion ensued regarding Section 8 and ETPA requirements.

A discussion ensued regarding the definition of Source of Income. The Committee discussed temporary emergency funding from not-for-profits as an acceptable form of income based on its temporary status. After much discussion the Committee agreed to remove annuities and pensions because it relates to amount of income rather than the source of income. The Committee also decided that court-ordered payments and payments from third parties, such as spousal support, should not be accepted because the third party may stop making the payments.

Chairman Nonna asked the Law Department to strike annuities, pensions, court-ordered payments, child and spousal support from the definition of Source of Income. The Chairman asked that condominiums be exempted from the law. The Chairman also asked that the line in the Committee Report regarding source of Income in Chicago be removed.

Legislator Abinanti asked if the law could stand alone and not be included in the Human Rights Law. Legislator Rogowsky stated that the representative from Nassau County stated a need for the law and said they received a lot of phone calls every week complaining about the issue. Mr. Rogowsky requested that the Committee find out if there are complaints in Westchester and if there is actually a need for this law in Westchester.

Moved by Legislator Harckham and seconded by Legislator Alfreda Williams, agenda item number 2, source of income passed with a vote of 6-3, with Legislator Pinto voting without prejudice, and Legislators Rogowsky, Abinanti, and Maisano voting no. Legislators Ryan and Burrows were not in the room at the time of the vote.

Moved by Legislator Pinto seconded by Legislator Burton the Committee on Legislation adjourned at 3:25 p.m. with a vote of 9-0.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST