

**COMMITTEE ON LEGISLATION**  
**MINUTES: May 10, 2010**

**LEGISLATION**

**MEMBERS:**

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

**IN ATTENDANCE:**

**CE:** K. Delgado **LAW:** M. Nicholas-Brewster, J. Adin, L. Cipolla, L. Trentacosta **HRC:** D. Brathwaite **BOL:** B. DeSoye, M. Berard, P. Pepe, J. Sold, L. Goldstein, C. Giliberti, M. Montalto **Guests:** K. Finger, A. Webber, D. Schwartz, A. Klausner

**MINUTES:**

With a quorum present, the Committee on Legislation was called to order at 12:40 p.m.

The Committee discussed the source of income legislation with the Law Department. Mary Lynn Nickolas-Brewster reviewed the exemptions in the law for the Committee.

The Committee discussed the exemption of allowing a landlord to own two buildings, one which they live in, and not be covered under the source of income legislation. Several questions arose over this issue and the Committee agreed that this issue was discussed several times in the past three years and they are satisfied with the exemption as it stands.

The Committee discussed the addition of the sunset clause. Legislator Burton stated as the third sponsor on the bill he is skeptical about adding the sunset but will agree to it in order to move the legislation forward.

Legislator Maisano stated that he feels the penalties are too high. Chairman Nonna stated that he would like to table the discussion and proposed changes to the penalties because it implicates the entire fair housing law section and warrants a separate conversation.

Delores Brathwaite, Executive Director of the Human Rights Commission stated that if substantive changes are made to the law, such as changing the penalties, the entire fair housing law would have to be sent back to HUD for review and scrutiny. She stated that if you make the changes only to the source of income law we will not have to go to HUD because it is a new law and not changing the existing law.

Legislator Maisano moved to modify the penalties in the fair housing law with regard only to the source of income law to remove the penalty not to exceed \$100,000 and add it to read a penalty not to exceed \$50,000. Legislator Burton changed the language, so that it reads as follows:

Except in cases of unlawful discriminatory real estate practices on the basis of source of income under Section 700.20(V) of this article, [A]assessing a civil penalty, in an amount not to exceed \$50,000.00, to be paid to the County of Westchester by a respondent found to have committed an unlawful discriminatory real estate practice, or not to exceed \$100,000.00 to be paid to the County of Westchester by a respondent found to have committed an unlawful discriminatory real estate practice which is found to be willful, wanton or malicious;

f-1. For unlawful discriminatory real estate practices on the basis of source of income under Section 700.20(V) of this article, assessing a civil penalty, in an amount not to exceed \$50,000.00, to be paid to the County of Westchester by a respondent found to have committed an unlawful discriminatory real estate practice which is found to be willful, wanton or malicious;

The motion was seconded by Legislator Maisano and was approved with a vote of 10-0.

Moved by Legislator Williams and seconded by Legislator Harckham agenda item number 2, source of income, was approved with a vote of 7-3 as amended, with Legislators Abinanti , Burrows, and Rogowsky voting no.

The Committee discussed the eminent domain draft with the County Attorney's Office. The Committee discussed the Law Department's previous opinions on this bill from 2005 and 2006. Linda Trentacosta and Justin Adin of the County Attorney's Office went through the updated opinion for this year, and their proposed changes to the bill that would allow us to change the eminent domain law without being preempted by the state. At the County Attorney's suggestion the Committee agreed to change the definition of public use and the definition of Westchester County Government, to clarify the findings and to remove the private right of action, and to modify the affordable housing clause to comply with the ADC settlement from the bill. The Committee asked the Law Department to draft a new bill with these provisions.

Moved by Legislator Maisano and seconded Myers by Legislator agenda items B29, B30, B32, and B33 were received and filed with a vote of 9-0

Moved by Legislator Maisano seconded by Legislator A. Williams the Committee on Legislation adjourned at 2:20 p.m. with a vote of 9-0.

**AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST**