

Robert P. Astorino  
County Executive

Kevin J. Plunkett  
Deputy County Executive

April 24, 2013

Vincent Hom, Director  
Community Planning & Development  
U. S. Department of Housing and Urban Development  
26 Federal Plaza  
New York, N. Y. 10278-0068

Glenda Fussa, Esq.  
Deputy Regional Counsel for New York/New Jersey  
U.S. Department of Housing and Urban Development  
26 Federal Plaza  
New York, N. Y. 10278-0068

Dear Mr. Hom and Ms. Fussa:

The County of Westchester is electronically transmitting herewith an updated Analysis of Impediments ("AI"), in response to the letters of Ms. Fussa and Mr. Hom, dated March 13, 2013 and March 25, 2013, respectively.

The March 25<sup>th</sup> letter that the County received from Mr. Hom was a Notice of Intent to Reallocate \$7.4 Million in FY2011 Formula Spending ("NOI") unless the County provided to HUD, by April 25, 2013, substantial assurances that it would complete a satisfactory zoning analysis and plan to overcome exclusionary zoning practices, as well as a plan to abide by the District Court's ruling on source of income. The updated AI responds to this request.

Ms. Fussa's March 13<sup>th</sup> letter addressed HUD's review of the County's supplemental zoning submissions to the Monitor, which were in response to the Monitor's May 14, 2012 letter, the District Court's July 27, 2012 order, and the Monitor's follow-up requests. The updated AI addresses comments by HUD in the March 13<sup>th</sup> letter.

Since the submission of the July 2011 AI, the County has continually submitted updated information and data addressing each inquiry of the Monitor and HUD and in compliance with the District Court's July 27, 2012 order. The County has taken this opportunity to update additional sections of the AI to reflect additional progress, data and analysis in affirmatively furthering fair housing. For example, in that two year period, the County,

working with the Monitor's team and HUD, developed approved Affirmative Fair Housing Marketing Plans ("AFHMPs"). Accordingly, the approved AFHMPs will be referenced in the updated AI. Further, the AI has been updated to discuss and include all the zoning submissions made to date. Additionally, the updated AI includes the County's Sixth Zoning Analysis, an additional analysis of zoning to address concerns raised by HUD. However, in the County's effort to focus on providing updates responsive to Mr. Hom's NOI and Ms. Fussa's recent communications concerning Chapter 12 of the AI, only that chapter has been updated.

I would also note that, while the County has already been in compliance with the order of the District Court with respect to source of income legislation, the County Executive has taken the further step of submitting legislation to the Board of Legislators today, with a written assurance that he will sign the legislation if passed by the Board. That action more than meets the threshold of substantial assurance that the County will comply with the District Court's order with respect to source of income legislation.

As has been our past practice, following electronic transmittal, we will also send a CD of the full AI with all of its Appendices.

As you know, the County is ahead of schedule in meeting the benchmarks for approvals of AFFH units contained in the Settlement Agreement. We continue to work cooperatively with the "eligible" local communities in furtherance of the Settlement, and we expect to be able to continue the positive approach with all the municipalities. It is through this consensus building process that we believe the requirements of the Settlement Agreement can best be achieved.

The revised AI fully complies with HUD's published guidelines for AI documents. The AI speaks both to the needs of the so-called "non-eligible" municipalities that are the more typical recipients of federal aid, as well as the "eligible" communities, where the County, through the Settlement Agreement, has undertaken specific obligations to affirmatively further fair housing.

As you know, the County's ability to continue to administer the County's Community Development Block Grant and HOME programs is contingent on approval of the County's FY 2011 Action Plan, which we anticipate will be forthcoming immediately based on the submittal of this AI.

Very truly yours,



Kevin J. Plunkett  
Deputy County Executive

Attachment

Cc: Hon. Robert P. Astorino, County Executive  
Mary J. Mahon, Esq., Special Assistant to the County Executive  
Helen Kanovsky, Esq., General Counsel, HUD  
Mirza Orriols, Deputy Regional Administrator, HUD  
Valerie M. Daniele, Esq. Attorney-Advisor, HUD  
Benjamin Torrance, Esq., Asst. U.S. Atty. for the Southern Dist. of N.Y.  
James E. Johnson, Esq., Debevoise & Plimpton, LLP