



Robert P. Astorino, Westchester County Executive

---

## NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

**FOR IMMEDIATE RELEASE: Aug. 23, 2012**

### **ASTORINO SENDS DETAILS TO MONITOR ON HOW THE COUNTY WILL COMPLY WITH FEDERAL AFFORDABLE HOUSING SETTLEMENT**

As part of Westchester's ongoing efforts to comply with the federal affordable housing settlement, County Executive Robert P. Astorino today sent a letter to the monitor in the case stating how the county would comply with an Aug. 10 order by U.S. District Judge Denise Cote.

In the letter to James Johnson, the monitor, Astorino makes the following points:

- The county is well ahead of schedule in meeting the benchmarks for building the 750 units of affordable housing required in the 2009 housing settlement signed by former County Executive Andrew J. Spano and ratified by the Board of Legislators.
- The county believes its appeal before the U.S. Second Circuit Court of Appeals will vindicate its position that the federal government's demands go far beyond the terms of the settlement.
- The county's actions continue to demonstrate its compliance with the terms of the settlement.

"Our case continues," Astorino said. "The arguments we have made to the Second Circuit Court of Appeals are strong and grounded in the principles that are fundamental to our Constitution. While I think it would have made much more common sense for the government to wait until the Second Circuit rules in the case, the District Court has told me to move forward on source of income legislation and I am compelled to follow the order of the judge."

The letter to Johnson addresses the three points in Judge Cote's order: reintroduction of source of income legislation, followed by analysis and signing of the legislation.

- On point one, the county executive will submit a letter to Board of Legislators Chairman Ken Jenkins by Aug. 31, asking him to have the board reintroduce the prior source of income legislation that had been before the board.

- On point two, the administration will provide information and assist the board in analyzing the impact of the legislation.
- On point three, the county executive will wait to see the final legislation before making a determination of whether he will sign it because its content will not be known until then.

The last point is at the heart of the county's legal case. The county maintains there is nothing in the settlement that requires the county executive to sign source of income legislation – the agreement says only that he must “promote” it. In addition, the county believes the source of income requirement expired in 2009 because legislation referenced in the settlement was “currently” before the board at that time.

“To compel an elected official to sign legislation sight unseen and to give up his or her responsibility to vote his conscience goes against everything our country stands for,” Astorino said. “We don't think the settlement says that, and that is one of the issues we are fighting in court.”

Astorino has taken a principled stand against source of income legislation because he believes it would take away the rights of property owners and hurt the prospects of building affordable housing. At the heart of the legislation is the requirement that property owners must accept Section 8 vouchers as rent. The program now is voluntary. If made mandatory, every property owner offered a Section 8 vouchers would be required to accept it and be bound by all the rules and regulations and potential fines attached to the program.

Astorino stressed, “I will continue to abide by all lawful orders of the Court in effect at any given time.”

The 2009 housing settlement requires the county government to take steps to ensure that 750 units of fair and affordable housing are built in 31 so-called “eligible,” or mostly white communities.

Just this week, the county exceeded the two key benchmarks for the end of 2012; it has in place 130 building permits and secured financing for 207 units. The settlement required 125 building permits and 200 units with financing by the end of the year.