

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
IMPLEMENTATION PLAN
August 9, 2010**

**Appendix H-1(ii): Local Law Intro #9-2010 by BOL RE: Reauthorization of the
Housing Opportunity Commission**

LOCAL LAW INTRO NO. 9 - 2010

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of "A LOCAL LAW amending Article XII of Chapter 277 of the Laws of Westchester County, in relation to the Westchester County Housing Opportunity Commission" (the "Commission").

Your Committee is advised that the Commission was originally established by your Honorable Board pursuant to Local Law 6 of 1994, which local law has subsequently been amended on several occasions to extend the expiration date of the Commission's term, as described further in the footnote below.¹ Noting that the June 30, 2010 expiration date for the current term of the Commission is approaching, the annexed Local Law would, among other things, eliminate the sunset date for the Commission altogether in light of the continued need for housing policy guidance.

Among the duties assigned to the Commission was the development of an affordable housing allocation plan, which resulted in the facilitation of the *2004 Affordable Housing Needs Assessment* by the Center for Urban Policy Research at Rutgers University. Since the issuance of the *2004 Affordable Housing Needs Assessment* and the subsequent Allocation Plan, the Commission has been actively engaged in securing a consensus among the local municipalities within the County of Westchester concerning the acceptance and implementation of this housing

¹ Local Law No. 6-1995 deleted former Article XII of Chapter 277 of the Laws of Westchester County, enacted a new Article XII and created the Commission. Local Law 15-1997 amended Section 277.371 of the Laws of Westchester County by extending the expiration date of the Commission from December 31, 1997, to December 31, 2003. Local Law 20-2003 further amended Section 277.371 by extending the expiration of the Commission to December 31, 2004. Local Law 1-2005 further amended Section 277.371 by extending the expiration of the Commission to December 31, 2009. Finally, Local Law 12 - 2009 further amended Section 277.371 by extending the expiration of the Commission to June 30, 2010.

allocation, the anticipated completion of which will extend many years beyond the Commission's current authority which expires on June 30, 2010.

The Committee recognizes and approves that the Commission has historically been charged to play a key advisory role in the development of planning and policy tools for the acceptance of fair and affordable housing by municipalities throughout the County of Westchester, recognizing the responsibilities of all municipalities under applicable case law.

In light of the Stipulation and Order of Settlement entered in *U.S. ex rel. Anti-Discrimination Center v. Westchester* ("Stipulation"), as well as in the development of all future Westchester County fair and affordable housing projects, whether required by the Stipulation or proposed pursuant to the *2004 Affordable Housing Needs Assessment* and the subsequent Allocation Plan or some successor plan, the Committee encourages the Commission to continue and expand its role by advising and supporting the County Executive, the County Planning Board, and the Board of Legislators in all aspects of the implementation of the Stipulation.

Given that the County's fair and affordable housing program is an ongoing program which the County intends to maintain indefinitely, the Committee expects that the Commission will advocate for maximizing the terms of affordability of all current and future affordable housing units, encourage a balance between rental and ownership housing, encourage additional incentives to municipalities to facilitate the development of fair and affordable housing, recommend a reporting and monitoring system to allow certification by the County of local performance, and report from time to time to the County Executive, the County Planning Board,

and the Board of Legislators on opportunities for improvement of County housing policies and procedures.

Given the critical role of the Commission in facilitating activities and outreach in support of that program, this Committee strongly recommends that the annexed Local Law be adopted so that the sunset date for this valuable Commission may be eliminated altogether, rather than merely extended for a limited term. Requiring renewal of the Commission every five years is an administrative burden not shared or required by other County advisory boards and commissions, and is wholly unnecessary.

Your Committee is further informed that the proposed Local Law would also amend Article XII of Chapter 277 of the Laws of Westchester County, in relation to the composition and operation of the Commission, in the following manner:

- (1) reduce the number of Commission members from fifteen (15) to eleven (11). This change is necessitated by the fact that there has been some difficulty in recruiting volunteer members to serve on the Commission in recent years. Current Commission members support the reduction of the total number of members to better enable the seating of quorums and to increase operational efficiencies.
- (2) alter the composition of the Commission. The law currently requires that at least two (2) members of the Commission reside in each of the six sub-county regions established by the census, amounting to a total of twelve (12) geographically-specific members. This

geographic requirement has also complicated the County's ability to recruit volunteers to serve on this Commission. As an alternative, the annexed Local Law would provide for more flexibility in the recruitment of volunteers, as follows:

- (a) one (1) member from the Westchester County Planning Board;
 - (b) one member from each of the (5) County planning regions established by Patterns and Westchester 2025, for a total of five (5) regionally-determined members; and
 - (c) five (5) at large members, which are residents of Westchester County.
- (3) change the requirement that the Commission meet once a month, except during the summer months, and set the number of meetings to a minimum of six (6) times per year. This change is supported by the Commission as a means of streamlining operations, and setting a more manageable schedule for its volunteer membership.

In sum, the above-referenced changes to the composition and operation of the Commission's volunteer membership are a necessary tool to ensure more effective and efficient operations in the future.

Your Committee is advised that additional revisions within the annexed Local Law include the substitution of existing language requiring that the Commission prepare a report within six (6) months of appointment to the County Executive, as this report has long since been completed, with new language that requires the Commission to serve in an advisory capacity: (a) in the preparation of any reports by the County which identify impediments to implementation of

fair and affordable housing, in conformance with the requirements of the United States Department of Housing and Urban Development, and (b) in connection with any updates to the existing affordable housing needs assessment, as this language more nearly reflects the Commission's ongoing role in the assessment of housing needs in Westchester County.

Finally, your Committee is informed that the proposed Local Law would delete the requirement that the Commission assure that all housing will maintain its affordability for a term of (99) years. This is necessary due to the fact that current County policy as to the duration of housing affordability varies on a project-by-project basis, and does not typically reach the ideal term of (99) years as is currently reflected in the law. In addition, this affordability requirement is not consistent with the County's obligations under the Stipulation, which Stipulation requires an affordability term of not less than fifty (50) years. Therefore, in order to ensure consistency with County policy and the variations in project options, the proposed Local Law provides, as an alternative, that the Commission shall make recommendations which would maximize the term of affordability for fair and affordable housing projects undertaken within Westchester County.

The enactment of these amendments to the Laws of Westchester County would allow the Commission to continue its advocacy in support of the development of more fair and affordable housing units in Westchester County. In light of the Stipulation, as well as the growing need to provide fair and affordable housing solutions throughout the County, it seems clear that the Housing Opportunity Commission remains of critical importance to the County's efforts, and is the best vehicle to help support, advance and monitor our progress in this endeavor.

As you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The Department of Planning has advised that based on its review, the proposed local law constitutes a Type II action. As such, no further environmental review is required. Your Committee concurs with this conclusion.

Your Committee has carefully considered the proposed legislation and recommends that your Honorable Board adopt the proposed Local Law which would amend the Laws of Westchester County with respect to the Commission. It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Local Law.

Dated: *May 11*, 2010
White Plains, New York

Walter B...
Art C...
Richard...
R. W. M.
Richard William
Housing & Planning
COMMITTEE ON

LOCAL LAW INTRO. NO. 9 - 2010

A LOCAL LAW to amend Article XII of Chapter 277 of the Laws of Westchester County, in relation to the Westchester County Housing Opportunity Commission.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. Section 277.371 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.371. Commission established.

1. There shall be a Westchester County Housing Opportunity Commission which shall consist of [~~fifteen (15)~~eleven (11)] members. The members shall be appointed by the County Executive subject to the approval of the County Board and shall serve at the pleasure of the County Executive. One (1) member shall be designated by the County Executive as Chairperson.

2. One (1) member of the [~~fifteen (15)~~eleven (11)] members shall be appointed from the membership of the Westchester County Planning Board. One (1) [At least two (2)] member shall reside in each of the five (5) [six (6) subcounty regions established by the 2000 United States Census] County Planning Regions as established by Patterns and Westchester 2025. The remaining five (5) members shall be Westchester County residents.

3. A vacancy in the membership shall be filled in the same manner as the original appointment. [The Commission shall expire on June 30, 2010.]

Section 2. Section 277.391 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.391. Duties of the commission.

The commission shall assist the Board of Legislators, the County Executive, and the Westchester County Planning Board by:

1. [Solicit the support of federal and state officials, units of local government, Westchester businesses, corporations and labor organizations, the clergy of all denominations and nonprofit and service organizations for an equitable allocation of affordable housing in Westchester County based on its regional need, as determined by the County Board, including adequate permanent housing for Westchester's homeless]Educating itself, elected and appointed officials at all levels within the County of Westchester, and the general public about issues involving fair and affordable housing need, including but not limited to legal authorities, regulatory issues, public perception and misperception, and any other issues that are relevant to this duty;

2. [Work with municipalities to develop a consensus implementation plan for an affordable housing allocation based first on the work of the Housing Implementation Commission and then on any successor county policy on the subject as adopted by the County Planning Board or the County Board and to assist municipal governments in implementing affordable housing consistent with the regional housing needs of the County of Westchester]Advocating before the relevant committees of the Board of Legislators, to the County Executive, to the Westchester County Planning Board and to the municipalities for specific and general policies that it feels are appropriate and relevant to the issue of fair and affordable housing need;

3. [Provide recommendations to the County Executive, the County Planning Board and the County Board of additional incentives to municipalities, encouraging their contribution of affordable housing to assist the county in its efforts to attain the objectives of its regional housing policy]Accepting specific assignments from the Board of Legislators and the County Executive for preparing research projects; and

4. [Recommend procedures to the County Executive, the County Planning Board and the County Board that:

(a) Preclude a disproportionate concentration of housing affordable to only the upper levels of the income eligibility range;

(b) Assure that the affordable housing offered by each municipality to meet its allocation will serve county-wide as well as local needs;

(c) Assure that all housing will maintain its affordability for a term of at least 99 years;

(d) Assure a balance between ownership and rental housing that will serve the county's needs;]Serving in an advisory capacity in the preparation of any reports by the County, which identifies impediments to implementation of fair and affordable housing, in conformance with the requirements of the United States Department of Housing and Urban Development.

[5. Recommend a reporting and monitoring system that would allow certification by the county of local performance;

6. Prepare a report within six months of appointment to the County Executive and the County Board which identifies impediments to implementation of affordable housing and recommends potential ways of addressing these impediments;

7. Provide annual reports of commission activities and progress to the County Executive and the County Board;

8. Perform such other related duties as the County Executive or the County Board may direct from time to time; and

9. Adopt all rules necessary for transaction of the business of the commission.]

Section 3. Section 277.401 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.401. Meetings.

The commission shall meet at least [once per month, except during summer months]six times per year, at such times and places as the chairperson of the commission shall determine.

Each member shall be entitled to cast one vote.

§ 4. This Local Law shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Housing Opportunity Comm.

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

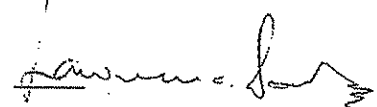
Current Year: _____

Next Four years: _____

Prepared by: Norma Drummond 

Title: Deputy Commissioner

Department: Planning

Reviewed By: 

Budget Director

If you need more space, please attach additional sheets.

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Local Law, Local Law Intro No. 9 - 2010, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Local Law, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 7, 2010, and approved by the County Executive on June 10, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the corporate seal of said County Board of Legislators on this 16th day of June, 2010.



Tina Seckerson

Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

(seal)