

COMMITTEE ON LEGISLATION
MINUTES: MAY 3, 2010

LEGISLATION

MEMBERS:

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

IN ATTENDANCE:

CE: K. Delgado, G. Oros **LAW:** M. Nicholas-Brewster, J. Adin, L. Cipolla L. Trentacosta **Planning:** N. Drummond **HRC:** D. Braithwaite, J. Levine **BOL:** B. DeSoye, M. Berard, P. Pepe, J. Sold, L. Goldstein, C. Giliberti, B. Dodds, T. Martin, M. Montalto **Guests:** A. Annunziata, D. Finger, B. Lozito, M. Zarin, K. Tenenbaum, S. Solari, A. Welmslin, D. Schwartz, L. Buck

MINUTES:

With a quorum present, the Committee on Legislation was called to order at 1:40 p.m.

Chairman Nonna turned the floor over to Legislator Maisano to discuss his requests to change the source of income bill. Legislator Maisano stated that he requested a 5 year sunset clause which is in the draft that we have before us due to the fact that we are unsure of the need for this law in Westchester. He then asked the County Attorney's office for an explanation of the penalties in the bill, as they were questioned during the public hearing last week. A discussion ensued regarding the penalties listed in the bill.

A discussion ensued regarding the sunset clause. The Committee agreed to modify the sunset clause so the sunset begins when the entire law goes into effect, 6 months after it is enacted.

Dorothy Finger expressed a concern for landlords who chose to accept one tenant under section 8, the law states that they must always accept section 8 tenants, and once they have a lease, you cannot deny a renewal of the lease based on section 8. A discussion ensued regarding Section 8, the ETPA law and the sunset clause.

Dolores Brathwaite and Josh Levine of the Human Rights Commission discussed the Commissions understanding of Willful Wanton and Malicious and the penalties of the law. Ms. Brathwaite stated that the Board of the Commission so orders a decision on a case and a law judge determines penalty. She further stated that the \$50,000 penalty has never been utilized and was put into the law more as a deterrent than with the intention to impose a penalty that large on someone.

After much discussion the Committee agreed to continue this topic next week.

Bruce Lozito, AICP, ESQ., and Michael Zarin of Zarin & Steinmetz gave their opinion on eminent domain to the Committee. A copy of their testimony is on file and available for review.

Chairman Nonna asked that the Committee meet at 12:30 next week to further discuss Source of Income and Eminent Domain. He asked that at next week's meeting, the County Attorney speak to their 2005 opinion and have an updated opinion on eminent domain. He also asked that they determine if eminent domain legislation will require a public referendum. He asked that the Committee discuss the bills in the Senate and Assembly defining blight, and the proposed changes to eminent domain throughout the state. Chairman Nonna further asked that Mr. Zarin provide information on the Florida statute.

Chairman Nonna asked the Law Department to determine, with regard to the source of income legislation, if a landlord is required to take section 8 all the time if the landlord has accepted it in the past and the tenant has now moved out. He asked that this question be determined both if the apartment is an EPTA apartment and if it is not an EPTA apartment. He also asked if a landlord has to keep that tenant once the lease expires if they want to stay. Look at penalty provisions to see if we can modify

Moved by Legislator Abinanti and seconded by Legislator Maisano the Distinguished Service Award for Vito Pinto was approved with a vote of 5-0.

Moved by Legislator Maisano and seconded by Legislator Burton agenda items B36-B38 were approved with a vote of 5-0.

Moved by Legislator Maisano seconded by Legislator Myers the Committee on Legislation adjourned at 3:40 p.m. with a vote of 5-0.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST