

**COMMITTEE ON LEGISLATION
MINUTES: FEBRUARY 22, 2010**

LEGISLATION

MEMBERS:

Chair: Nonna; Legislators: Myers, Ryan, Burton, A. Williams, Harckham, Abinanti, Maisano, Pinto, Rogowsky

IN ATTENDANCE:

CE: G. Oros, K. Delgado **LAW:** M. Nicolas-Brewster, S. Dolgin-Kmetz, E. Cipolla **HRC:** D. Brathwaite, J. Levin **BOL:** B. DeSoye, P. Pepe, M. McGovern, L. Goldstein, B. Dodds, M. Montalto **Guests:** D. Schwartz, M. Schueffling, D. Hanratti, L. Buck, A. Klausner, A. Seligson, K. Belfer, K. Schatzel, P.G. Mercurio, K.O. Niksben, A. Annunziata, K. Finger, K. Tenenbaum, J. Shenk, G. Kane

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

Chairman Nonna provided the Committee with an overview of the history of the Source of Income proposed legislation from its inception to its current form. The most up to date draft has been amended to exclude cooperatives and inheritance from the law.

George Oros, Chief of Staff to the County Executive, stated that the County Executive currently does not have a position on the bill and is waiting to speak to the monitor of the ADC settlement before making a decision.

The Committee agreed to invite Nassau County and New York City in to speak to the success or failure of their source of income programs on March 15th.

A discussion ensued between the Committee and several housing advocate agencies and landlord groups regarding the ETPA law and its relationship to section 8. NYS rent control/rent stabilization laws are unique. Under NYS law, landlords must renew leases with rent controlled tenants on the same material terms as the expiring lease. Under federal law, a landlord of a section 8 tenant can opt out of the program at the termination of the lease. A recent Court of Appeals decision held that federal law does not supercede NYS rent control law in this area. This means that, unlike a landlord of non-rent control unit, a landlord of a rent-controlled unit cannot opt out of the Section 8 program at the termination of a lease but must offer the Section 8 rent controlled tenant a renewal lease. Tenant advocates pointed out that landlords have the option to terminate a lease at any time if a tenant, section 8 or not, violates the terms of the lease. Chairman Nonna asked the County Attorney's Office to look into the legal ramifications of ETPA and the proposed law, including the right of succession to a rent control unit and the option NYC included in its source of income law to protect only current section 8 rent control tenants.

Legislator Rogowsky and Chairman Nonna asked that the housing groups get us a list of organizations and the amount of funding available for emergency housing.

Chairman Nonna asked that condominiums be excluded from the law in addition to the cooperatives. He asked that the Committee Counsel to look to see if any of the other laws include annuities, pensions and spousal child support in their definition of source of income.

Legislator Abinanti asked if we have looked into the idea of making this a free standing law and not part of the Human Rights Law. Chairman Nonna stated that we have not but New York City and Nassau did it as a Human Rights Law. Legislator Abinanti asked that we look at other counties and states to see where they put the law and how it is enforced if it is not in the Human Rights Law.

Chairman Nonna asked that all of the housing advocates and realtor agencies provide comments on including annuities, pensions, and child support in the law before the March 15th meeting.

Moved by Legislator Pinto seconded by Legislator Burton the Committee on Legislation adjourned at 2:43 p.m. with a vote of 10-0.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST

DRAFT