

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON GOVERNMENT OPERATIONS
Monday, April 6, 2009, 9:15 am
MEETING MINUTES**

In Attendance:

Committee Members: Leg. Ken Jenkins, Chair; Legislators Gordon Burrows, William Burton, Peter Harckham, Judy Myers, Martin Rogowsky and Bernice Spreckman.
Committee Coordinator: Barbara Dodds
Others: CEO: Andrew Neuman, Bill Randolph, Sal Carrera; DOC: Clyde Blay, Jos Spano, Greg Stay; Law Dept.: Justin Adin, Marty Gleeson, MaryLynn Nicholas-Brewster; Delores Brathwaite, HRC; Karen Tannenbaum, WRAID; Sonja Brown, Town of Greenburgh.

Item for Discussion:

187. Amended proposed local law to add to the Laws of Westchester County the prohibition of discrimination in housing on the basis of source of income.

Minutes Approved: January 13, 2009 with corrections

Moved by Legislator Rogowsky, seconded by Leg. Burton. All voted in favor.

With a quorum present, Leg. Jenkins opened the meeting at 9:25 am. He welcomed members of the Law Dept. to the table to discuss a modification made at the request of the Legislation Committee to the proposed legislation adding 'source of income' to the classifications of discrimination under "group identity."

Ms. Nicholas-Brewster summarized the new modification, a so-called "Mrs. Murphy" exemption, which refers to small owner situations where housing discrimination laws would not apply:

This Local Law is applicable to all housing accommodations, except those already exempted from the provisions of the Fair Housing Law, and except buildings, that contain housing accommodations, other than publicly-assisted housing accommodations, for not more than four families living independently of each other, provided that the owner thereof owns no more than one such building in which the owner does not actually reside.

She said that Dolores Brathwaite, the Executive Director of the Human Rights Commission, verified with HUD Westchester's ability to expand exemptions since "source of income" is a new category that is not included in the federal Fair Housing Law. Many of the issues surrounding the modification will not come up until an investigation is underway.

The owners who live in one four family building and own one other four family building are exempted in this modification.

Leg. Jenkins recounted a complaint from a constituent with Section 8 who lives in a 25-story building coming out of a Mitchell-Lama program. The owner told the renters that Section 8 voucher holders could not live in a unit above the 9th floor or in a unit with a terrace. Under other requirements of the Mitchell-Lama program, remaining tenants are given Sec. 8 vouchers but without the protection of a law such as this, landlords feel bold enough to openly restrict their accommodations.

Discussion ensued in which Leg. Rogowsky reiterated the landlord arguments that have been discussed in committee meetings since early 2008. He brought up the question of owner identity where buildings, even small ones, can be under different names and legal entities. Mr. Gleeson from the Law Dept. said that it depends on how questions are put to the owners and how they respond. Leg. Burton suggested that the law get passed and then see if adjustments are needed based on the experience of the Human Rights Commission.

To Leg. Rogowsky's questions on numbers of vouchers in Westchester, Leg. Jenkins read the response provided on October 20, 2008 from Norma Drummond of the Planning Dept.: 4,271 vouchers were available for Westchester County, 3,968 that the County is paying rent for, 156 applications that were pending, 223 voucher holders were searching for housing. He added that instead of losing their vouchers, many people waiting will take apartments anywhere rather than wait for their desired location.

Leg. Harckham said that when Sec. 8 was founded by the Nixon administration, it was to use private sector housing stock to create affordable housing. Goes right to the heart of the availability issue to use the voucher to enable people on the cusp to pay private market rates.

Leg. Jenkins pointed out regarding a county-wide criteria for housing inspection, the response from HUD on February 25th was that there was already a federal guideline and there is nothing to prevent the county from standardizing the process. Also there is a regular meeting of county Section 8 officials in May where inspection issues will be discussed. We understand that this item will expose many issues and concerns and there is no intent to let them go. We will continue to work to support the constituencies and to prevent inconsistencies.

All problems will not go away said Leg. Burton. We don't have a department of housing and this is exactly why the Human Rights Commission was passed to enforce these things. We are doing what we need to do now. We are utilizing the structure we already have. Leg. Rogowsky commented that this issue as part of the human rights law would not have passed ten years ago. Leg. Bronz said that all of the concerns that have been brought to our attention have been addressed we've given due respect to all the issues. She added that she is glad that the issue did not come up ten years ago and that it came at a time when we were ready for it.

A motion to approve was moved by Leg. Bronz and seconded by Leg. Burton. All voted in favor, with Leg. Rogowsky voting without prejudice.

A motion to adjourn was made by Leg. Harckham and seconded by Leg. Myers. All voted in favor. Leg. Jenkins closed the meeting at 10:00 am.