

**WESTCHESTER COUNTY BOARD OF LEGISLATORS**  
**COMMITTEE ON GOVERNMENT OPERATIONS**  
**October 28, 2008—1:00 pm**  
**MEETING MINUTES**

**IN ATTENDANCE:**

Committee Members: Legislators Kenneth Jenkins, Chair, Lois Bronz, William Burton, Peter Harckham, Judy Myers, Vito Pinto, Martin Rogowsky, Bernice Spreckman; Housing Advisory: Thomas McGrath; Committee Coordinator: Barbara A. Dodds.

Others: WC Planning Dept: Joyslin Hodge-Watson; BOL: Larry Goldstein, Joanne Sold, Rick Pezzullo, Chris Giliberti; The Record Review: Natalia Baage; Housing Action Council: Rose Noonan; White Plains Affordable Housing Committee: Jean Pollack.

**ITEMS DISCUSSED:**

- Academy Place Affordable Housing Project
- Affordable Housing Active Project Report
- Westchester Housing Land Trust

**MINUTES APPROVED:** Oct. 14, 2008

With a quorum present, Legislator Jenkins opened the meeting at 1:10 pm. Minutes from October 14<sup>th</sup> were moved for approval by Leg. Bronz and seconded by Leg. Myers. All voted in favor.

- Leg. Jenkins welcomed Norma Drummond, Deputy Commissioner of Planning, Larry Kelly, and Deb DeLong to discuss four acts to be approved for an affordable housing project of 50 condos known as **Academy Place Affordable Housing** (AKA Rose Condominiums) in Ossining. Ms. Drummond explained that the Housing Land Trust is not an issue in this project since at this time condos are prohibited from having ground leases. In an aside, Leg. Jenkins noted that the New Rochelle Clinton Place project is open and gorgeous and was remarkably completed within one year after much difficulty in getting the legislation passed. Leg. Pinto added that the workers who are residents there are very happy. Six units were designated for veterans. From the sixth floor community room there is a beautiful unobstructed view of Long Island Sound. Other projects opening include the Sleepy Hollow Senior Housing Project (65 units), the 12-unit senior housing in Pound Ridge, the West End Project of 102 assisted living units in New Rochelle, a 14 unit rental building on Division Street and Warburton Avenue in Hastings—the first geo-thermal heat affordable housing project in the county.

Mr. Kelly described the project as very attractive with one and two bedroom--2 bath apartments, an exercise facility and parking, a roof top garden, and a lot of activity happening in the area. There will be 50 affordable units. The cost for a one bedroom unit will be approximately \$140,000 for eligible buyers. Funding will come from NHLA \$1,463,000, HIF \$460,000, HOME \$565,000, Totaling \$2,488,000. There will also be \$40,000 coming from the state per eligible family unit. All approvals are in place with the partnering help of Rose Noonan of Housing Action Council. Modular units will make it a fast construction turn around.

100% of the units will be sold to households earning less than 80% AMI. Fifty years affordability will be monitored by the County Planning Dept. There will be two lotteries with a preference for local residents or local workers. Leg. Rogowsky brought up the concern of county money being used when preferences are in place. Ms. Noonan said the state DHCR has certain criteria when preferences are set that have been complied with and there are no

exclusions. A legal opinion has been obtained that all laws have been complied with. From her experience over the years, the likelihood that all the units will be taken by local residents is very slim and local workers can be from anywhere in the county. Leg. Rogowsky asked if what we are paying the developer more than he paid for the land. Ms. Drummond said that Bond Counsel's ruling is the developer has to show that the land was to be used for affordable housing and the county can reimburse him for what he paid for the land plus reasonable carrying costs up to the appraised value. The developers have to show an affirmative fair housing marketing plan. Restrictions will be put on the face of the deeds. Because there is to be retail space on the lower floor, the purchase is for the air rights over the land.

Leg. Burton said the Village Board has supported this project at every step of the way and the Village is technically the applicant. It is being built on land that was never occupied on the site of the Mt. Pleasant Military Academy Parade Ground. There was no ordinance program so there are no gun shells. Ms. Drummond added that the Village has taken an additional pro-active step by reducing the recreation fees on this site. All issues have been overcome. The motion to approve was moved by Leg. Burton and seconded by Leg. Pinto. All voted in favor.

- Ms. Drummond presented the county **affordable housing project update**. Of the total of 3,094 units, 2,599 are rental and 495 are home ownership. Because of the number of projects successfully approved, NHLA (New Homes Land Acquisition) and HIF (Housing Infrastructure Fund) are out of funds. New appropriations of \$5 million for NHLA and \$3 million for HIF will be added to the 2009 Capital Budget. Also, the Budget Department has been asked to unappropriate money from previously approved projects like Drum Hill II Senior Housing (\$800,000) and Liberty Plaza (\$4.2 million) that have not moved.

Last year's biggest issue was expiring Mitchell-Lamas and this year it is foreclosures. According to the County Clerk's office, in the 21 months between 11/1/07 and 9/30/08, there were 4400 default notices, 1525 foreclosures and 818 in 2008 alone. The Housing and Economic Recovery Act (HERA) has created the **Neighborhood Stabilization Program** which set aside \$3.92 billion to put money into CDBG entitlements (cities & counties) to buy vacant and abandoned foreclosures. The properties would be bought, rehabilitated and sold to income eligible homeowners to stabilize neighborhoods. The bulk of the money went to California, Florida and Ohio with about \$100 million coming to New York. The distribution was based on a formula that looked at the percentage of mortgages issued from 2004 to 2006 which had defaulted in 2008. Since no one Westchester entitlement could qualify for state money alone, Planning called together Mount Vernon, Yonkers, White Plains and New Rochelle, and with the Westchester County Urban Consortium, to put in a single application for funding which will require legislature approval for an IMA to work together as one grantee. They will focus on 2 to 4--family houses in areas that have the highest numbers of foreclosures. The Housing Action Council, Westchester Residential Opportunities and Human Development Services of Westchester will be partners with the County for family counseling. The federal government is allowing up to 120% AMI (a first) for eligibility to buy so a family of four earning up to \$121,000 can participate.

As one grantee, the plan is to apply for about \$8 million. The state requires that the funds must be used within 18 months which can then be recycled after it is used. Twenty-five percent of the funds must be used to benefit persons at or below the 50% AMI. Ms. Drummond described the necessity for speed and federal scrutiny. This could be a potential use for the land trust and presents an opportunity to create a longer period of affordability for a higher level of income. Data research is being done looking at which zip codes are most active, which banks originated mortgages, and who the actual owners are. Leg. Rogowsky

said some defendants may argue against foreclosure by questioning who are the real owners of the mortgage.

- Discussion ensued regarding specific properties followed by the role of the proposed **Westchester Housing Land Trust**. Leg. Jenkins brought up the question when assets are controlled by the county and being managed or passed through by the land trust, can those assets then be utilized as leverage for other activities. County would be transferring title to the land trust but with a filed deed restriction in place. Prohibits the use of this property for leverage without approval of the County. Given some of the other legal action the County may be involved with currently, are we exposing ourselves to some additional liability in the stabilization program. Ms. Drummond responded that this is more a preservation of housing rather than initiating new housing.

Leg. Rogowsky brought up the original goal of taking the management and monitoring of County supported properties from the Planning Dept. Concern to the extent that the powers, beyond mere transfer of property, of control would be transferred—we would lose some of that control with gifts for example: it seems we have delegated control beyond the original goal.

The land trust was conceived as a stand alone not for profit just like any other. Land donated to the Land Trust will have a set of guidelines as to what donations it will accept. That would also limit the need for monitoring by municipalities who want to donate land for affordable housing. The procedure requires first approval by the municipality anyway. Suppose an individual who has had difficulties with the local municipality decides to donate their land to the Land Trust? The Land Trust will have set of criteria. Leg. Jenkins asked, As part of those criteria could one be first approval by the Board of Legislators? Leg. Rogowsky mentioned another other issue on control--how many appointees of the 15-member board of directors will the Board of Legislators have? It was suggested that language be added that any operating guidelines and any modifications in those principles must be approved by Board of Legislatures. For the third sector, government representatives, it suggested that we use the process we have now that all appointees must be reviewed before the Board of Legislatures. In addition, all appointees must be confirmed by the BOL. Leg. Jenkins suggested that these changes be in place as soon as possible for review in November. Leg. Burton made a motion to adjourn, seconded by Leg. Bronz. All voted in favor. Leg. Jenkins closed the meeting at 2:50.