

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 277, Article XV, of the Laws of Westchester County, regarding the County Board of Plumbing Examiners and County-wide Plumbing License.”

Your Committee is aware that Article XV of Chapter 277 of the Laws of Westchester County, entitled the Westchester County Board of Plumbing Examiners and County-Wide Plumbing License (“Plumbing Licensing Law”), which became effective January 1, 1996, was enacted to properly protect the public health, safety, and welfare of Westchester County residents by establishing a Board of Plumbing Examiners, and empowering that board to assume all duties within the County regarding the licensure of plumbers and the issuance of a county-wide plumbing license.

Your Committee is further aware that, under the Plumbing Licensing Law, only Westchester County licensed or certified plumbers can perform plumbing work and hire themselves out as plumbers within the County. As enacted, section 277.509(A) of the Plumbing Licensing Law permits plumbers to use their licenses for or on behalf of a business entity, but only if “51 percent or more of the control of the voting capital stock of such partnership, corporation or other business association is owned by one or more holders of a Westchester County master plumbing license [hereafter, the ‘Ownership Requirement’],” and “all work” performed by the entity is performed by or under the direct supervision of a licensed master plumber.

Your Committee has been informed that in 2003, the Supreme Court of the State of New York, Rockland County, struck down as unconstitutional a Rockland County local law containing a clause similar to Westchester County's 51 percent Ownership Requirement. *See Collins, et al. v. Rockland Cnty. Bd. of Plumbing, Heating & Cooling Exam'rs, et al.*, Index No. 7393/01 (Sup. Ct. Rockland Cnty. Feb. 28, 2003) (O'Rourke, J.S.C.). Rockland County's plumbing licensing law prohibited a licensed master plumber, heating or cooling contractor from acting on behalf of a corporation unless the corporation was at least 40 percent owned by Rockland County license holders. The Court in the Rockland case found no rational relationship between Rockland County's 40 percent ownership requirement and the county's stated reason for passing the law—the promotion and protection of the county's public safety and health. Instead, the Court determined that the law functioned as an impermissible bar to competition among corporations seeking to do business in the county. The Court concluded that Rockland County's law was not a proper exercise of the county's police power under section 10 of the New York State Municipal Home Rule Law, and that it was unconstitutional under both the United States and New York State Constitutions as an “unnecessary and unreasonable discriminatory and oppressive restriction.”

Your Committee understands that Westchester's Ownership Requirement is potentially vulnerable to a constitutional challenge for the same reasons that Rockland County's 40 percent requirement was invalidated. Moreover, while the Plumbing Board did not enforce the 51% requirement for an extended period of time following the decision in Rockland County, the Plumbing Board's recent enforcement of the Ownership Requirement has raised numerous issues regarding the Rule's applicability, any of which could raise potential legal issues.

Your Committee has found that eliminating section 277.509(A)'s Ownership Requirement will not undermine the law's fundamental goal of protecting the public health, safety, and welfare. Section 277.509(A) will continue to fulfill the purpose of the law because it will continue to require, among other things, all plumbing work conducted by the relevant businesses to be performed by, or under the direct supervision of, a licensed Westchester County Master Plumber. If the County does not remove the Ownership Requirement from section 277.509(A), however, it risks legal challenges to the provision's validity and applicability.

Your Committee is also aware that under current Section 277.504(B), the Plumbing Board elects its own chairperson, who serves a two-year term, by a majority vote. This Local Law changes the process for selecting the chair, instead authorizing the County Executive to appoint the Plumbing Board's chairperson, from among existing board members, to a two-year term. This new process will allow the leadership of the Plumbing Board to ensure the day-to-day operations of the Plumbing Board run smoothly, and consistently with County policy.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 6, 2026, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

In light of the foregoing, your Committee recommends the adoption of this Local
Law.

Dated: July 13, 2026
White Plains, New York

Four handwritten signatures in blue ink are stacked vertically. The top signature is a long, horizontal stroke. The second signature is a large, circular loop followed by a horizontal line. The third signature is a cursive name that appears to be "Nancy Barr". The bottom signature is a cursive name that appears to be "Cathy" followed by a horizontal line.

COMMITTEE ON
Legislation

Dated: July 13, 2026
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Margaret A. Curcio

Emiliana May

COMMITTEE ON

Legislation

FISCAL IMPACT STATEMENT

SUBJECT: Amendment to Section 277.509

X

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense _____

Total Current Year Revenue _____

Source of Funds (check one):

Current Appropriations	Transfer of Existing
Additional Appropriations	Appropriations Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: Justin R. Adin

Title: Asst. Chief Deputy Cnty Attorney

Department: Law

Date: _____

Approved by: Lawrence Soule

Budget Director

Date: 06/15/2026

Digitally signed by Lawrence Soule
Date: 2026.06.15 12:47:58
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LOCAL LAW INTRO. NO. -2026

A LOCAL LAW amending Chapter 277, Article XV, of the Laws of Westchester County, regarding the County Board of Plumbing Examiners and County-wide Plumbing License

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

Section 1: Section 277.504(B) of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.504. - Board of Plumbing Examiners.

....

B. The ~~board~~ County Executive shall ~~elect its own~~ designate the chairperson ~~by a majority vote~~ from among the members of the board. The chairperson ~~will~~ shall serve for a term of two years.

Section 2: Section 277.509(A) of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.509. - Unlawful use of license or certification; display.

A. No holder of a license or certification issued under this article shall authorize, consent to or permit the use of his or her license or certification by or on behalf of any other person. No person who has not qualified or obtained a license or certification under this article shall represent himself or herself to the public as holder of a license or certification issued under this article, either directly, by means of signs, sign cards, metal plates or stationery, or indirectly in any other manner whatsoever. However, nothing herein shall be construed

to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that 51 percent or more of the control of the voting capital stock of such partnership, corporation or other business association is owned by one or more holders of a Westchester County master plumbing license and that all plumbing work performed by such partnership, corporation or other business association is performed by or under the direct supervision of such license a holder or holders of a Westchester County master plumbing license.

Section 3: This Local Law shall take effect immediately.