

# Legislation Meeting Agenda



Committee Chair: Kitley Covill

800 Michaelan Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
www.westchesterlegislators.com

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Monday, April 12, 2021

1:00 PM

Committee Room

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## CALL TO ORDER

## MINUTES APPROVAL

April 5, 2021 at 1:00 p.m.

April 5, 2021 at 4:00 p.m.

## I. ITEMS FOR DISCUSSION

1. [2021-216](#) 2021 Priorities for Federal Legislation and FY 22 Appropriations

Forwarded from the County Executive, his 2021 Priorities for Federal Legislation and FY22 Appropriations.

**COMMITTEE REFERRAL: LEGISLATION AND INTERGOVERNMENTAL SERVICES**

Joint with Intergovernmental Services

Guests: Ellen Hendrickx, Assistant Director of Intergovernmental Services and Kyle McIntyre, Assistant Secretary to the County Executive

2. [2021-212](#) HON. CATHERINE BORGIA - Amendments to the Co-op Disclosure Law

A LOCAL LAW amending Local Law No.11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LABOR & HOUSING**

Joint with Labor & Housing

Guests: Deputy County Attorney Stacey Dolgin-Kmetz and Deputy County Attorney Justin Adin; Hudson Gateway Association of Realtors: Crystal Hawkins, President and Phil Weiden, Director of Government Affairs

3. [2021-213](#) PH - Amendments to the Co-op Disclosure Law

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." [Public Hearing set for \_\_\_\_\_, 2021 at \_\_\_\_\_ .m.]. Local Law Intro 2021-212.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LABOR & HOUSING**


**II. OTHER BUSINESS**

**III. RECEIVE & FILE**

**ADJOURNMENT**

March 19, 2021

TO: Hon. Benjamin Boykin, Chair  
Hon. Alfreda Williams, Vice Chair  
Hon. MaryJane Shimsky, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Westchester County –  
2021 Priorities for Federal Legislation and FY22 Appropriations.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators March 22, 2021 Agenda.

Transmitted herewith is the above-referenced package.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for March 22, 2021 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

## Westchester County -- 2021 Priorities for Federal Legislation and FY22 Appropriations

Westchester County has a population of almost a million people, and covers 500 square miles. With 6 cities, 19 towns and 20 villages, the County has a rich mix of many cultures and landscapes, a blend of vibrant cities, quaint villages and picturesque towns as well as open spaces and a network of beautiful parks. Westchester County is known for top-notch public schools, and a high quality of life, boasting a highly educated workforce, competitive colleges and universities, Fortune 500 companies, world changing non-profits, cutting-edge research centers, many arts and cultural opportunities, and a beautiful river valley and sound shore environment.

We recognize the many financial challenges faced by the Federal, State, County, and local governments in the wake of the coronavirus pandemic and we applaud our federal delegation for their skillful efforts securing the passage of the American Rescue Plan Act this March. Thanks to their hard work, our County, its residents and businesses, will benefit directly from millions of dollars in federal aid. This funding will jumpstart Westchester and support all 45 of our municipalities in their recovery efforts post-COVID. We believe that working together is the best way to find solutions, in a cost effective way, in order to protect our taxpayers while continuing to deliver essential services. Westchester has some of the highest taxes of any county in our nation. Together we must find ways to provide financial relief for our taxpayers, address the daily challenges of COVID-19, and maintain the excellent quality of life we enjoy.

We thank our federal legislative delegation for their leadership and their strong role in advocating for many initiatives important to Westchester. Enclosed you will find information regarding federal appropriations and legislative items that will benefit our County. We look forward to working with you in support of these priorities.

### **Top Priority: State and Local Tax Deductibility (SALT)**

Westchester County strongly supports repeal of the limitations imposed on the amount of state and local taxes that can be deducted from federal income taxes. Prior to enactment of the federal tax reform act in December 2017, New York taxpayers who itemized their federal tax deductions could deduct the full amount of their state and local property and income taxes. This SALT deduction was a major source of tax fairness for high-taxed and donor states like New York, and especially Westchester with its high property taxes. Prior to 2017, 47% of Westchester residents itemized their federal tax deductions and had an average of \$34,300 in SALT deductions. The law now caps the SALT deduction at \$10,000, resulting in double taxation and raised taxes on thousands of middle-class families in Westchester who depended on that deduction. Westchester County greatly appreciated the strong leadership and advocacy of our federal delegation in fighting the 2017 tax reforms, and subsequent efforts to repeal the limits on the SALT deduction. We express our support for S. 85/H.R. 613 due to the level of importance they hold to Westchester residents and ask for bi-partisan legislation to fix this problem:

- S. 85: SALT Deductibility Act (Schumer): A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the deduction for certain taxes, including State and local property and income taxes.
  - Introduced to 117<sup>th</sup> Congress on January 28<sup>th</sup>, 2021 (not included in Cares Act/COVID Stimulus)
- H.R. 613: SALT Deductibility Act (Suozzi, Jones, Zeldin, S.P.Maloney, Bowman, Delgado, C.Maloney)
  - Introduced to 117<sup>th</sup> Congress on January 28<sup>th</sup>, 2021

### **Westchester County's Federal Appropriations Priorities**

#### **Medicaid/Affordable Care Act (ACA)**

Westchester County has reaped tremendous benefits as a result of Enhanced Federal Medicaid Assistance Percentages (eFMAP) that we earned due to our and New York State's expansions of Medicaid programs in conjunction with the ACA. When the Public Health Emergency (PHE) was declared in January of 2020, states saw a 6.2% increase of the federal share of total eFMAP spending. We were very pleased to see the new administration extended this provision through the end of 2021, and encourage that this ambitious reallocation continue beyond COVID-19. Westchester County rejects any cuts to Medicaid and any shift of costs from the federal to state government.

## Westchester County -- 2021 Priorities for Federal Legislation and FY22 Appropriations

- Westchester County opposes block granting and/or privatizing programs such as Medicaid, Medicare, and Social Security that would result in people losing benefits, adding to their financial stress, and thereby turning to other social service programs for needed support.
- Westchester County is pleased that the recent COVID stimulus funds allocated significant funds towards Federally Qualified Health Centers (FQHC). We have active FQHCs throughout the county that provide essential and affordable care and services to underserved populations. We support ongoing funding for these centers, including funding for prevention and treatment for substance abuse and teen pregnancy prevention.
- Westchester County also supports funding for mental health services, and requiring adequate coverage for mental health and substance abuse prevention and treatment. COVID-19 has greatly exacerbated the mental health crisis in our County, and we support community based mental health services for youth and young adults.
- In the wake of COVID-19 access to telehealth and telemedicine resources are more important than ever. These services can reduce the short and long term costs of care and increase access to care, especially for people with mobility issues. The Telehealth Intervention Programs for Seniors (TIPS) can provide a unique collaborative approach with the capacity to reach more people in need of care and help them stay in their homes longer.

### Related Legislation:

- HR 366: Protecting Access to Post-COVID-19 Telehealth Act of 2021 (proposed 1/19/2021): To amend title XI of the Social Security Act to authorize the Secretary of Health and Human Services to waive or modify application of Medicare requirements with respect to telehealth services during any emergency period, and for other purposes.
- HR 341: Ensuring Telehealth Expansion Act of 2021 (proposed 1/5/2021): to make permanent certain telehealth flexibilities in response to COVID-19
- HR 434: Preventing Mental Health and Substance Use Crises During Emergencies Act (proposed 1/21/2021): To direct the Secretary of Health and Human Services to convene a task force to advise the Assistant Secretary for Mental Health and Substance Use on a national strategy for preventing mental health and substance use crises during a public health emergency, and for other purposes.

### **Section 8 Funding**

Westchester County supports full funding for the HUD Section 8 Program. This has not occurred in years and there has been a seen a steady decline in program funding due to budget sequestration. Fully funding this program would reduce Section 8 waiting lists, thereby dramatically reducing the number of homeless people and families. President Biden has pledged to make Section 8 vouchers an entitlement to all eligible families. With such a great need for affordable housing and consistent cuts to funding over many years, Westchester County asks our federal delegation to fully fund the Section 8 program.

### **Maintenance of Existing Funds to Social Services**

Westchester County benefits a great deal from the existing federal allocations of several social programs. As the new administration outlines its budgetary priorities with Congress, we ask our Federal Legislative Partners to fully fund each of the following services:

- Social Services Block Grants (SSBG “Title XX”)
  - The SSBG has 29 broad service categories and funds a wide variety of services, including child care, child and adult protective services, foster care, and special services for the disabled. Westchester County strongly supports the full funding for these critical programs because of the wide variety of services they support in Westchester.
- Temporary Assistance to Needy Families (TANF)
  - While TANF caseloads have steadily decreased in Westchester County with the introduction of the County-run Safety Net Program, any federal cuts to TANF will destabilize this balance and imperil the Safety Net. Additionally, the Flexible Fund for Family Services (FFFS) covers a variety of services including child welfare,

## Westchester County -- 2021 Priorities for Federal Legislation and FY22 Appropriations

domestic violence liaison, drug and alcohol treatment, employment programs, foster care and other TANF services. This would also be subject to reduction if federal cuts forced our County to shift this program to County funding.

- Community Development Block Grants (CDBG) and HOME Programs
  - Within two years of its reinstatement by the current County Administration, the Westchester County Urban Consortium has grown to 31 communities and is preparing to accept a new slate of infrastructural projects. These communities, along with 4 entitled cities, currently rely on CDBG funds for these projects and the tangible benefits they provide. For 2021, the County Consortium received approximately \$4.2 million in CDBG grants, approximately \$1.1 million in HOMES grants, and \$316,000 in Emergency Solutions Grants. We were pleased to see increased funding across the board. Westchester County urges our federal delegation to stand firm on fully funding CDBG, HOME, and ESG Programs.
- Supplemental Nutrition Assistance Program (SNAP)
  - SNAP funding provides crucial assistance to families with the greatest need. Cash assistance and SNAP benefits require that most, but not all, recipients engage in work activity. The County has implemented federal guidelines requiring Able-Bodied Adults Without Dependents (ABAWDs) to participate in a work activity to continue receiving SNAP benefits. We receive federal assistance to implement education and training related to this regulation, and request that SNAP continues to be fully funded by Congress.
- Senior Community Service Employment Program (SCSEP)
  - Under SCSEP, the U.S. Department of Labor distributes grants to states and non-profit organizations to provide part-time work experience in community service activities to unemployed low-income persons aged 55 and older. The goal of the program is to provide income support and work experience to enable clients to transition to unsubsidized employment and avoid public assistance. Westchester County contracts with the Urban League for these services. In 2018 the County budgeted federal funding for this program in the amount of \$322,194, this payment remains intact today. The federal money directed to SCSEP directly funds our Countywide Senior Services Program. Therefore any federal cuts, would defund Westchester County's Senior Services. We ask federal lawmakers to maintain all existing funds to SCSEP.

### Westchester County's Federal Legislative and Agency Priorities

(Note: The legislation listed for each topic is not intended to be exhaustive, but to highlight key related bills introduced or co-sponsored by our delegation members.)

#### **Federal Infrastructure Proposal**

We encourage the resumption of bi-partisan efforts to develop major federal infrastructure legislation. We understand there are many challenges and details to be worked out, but we believe the benefits to our aging infrastructure and the job creation impacts would be worth the efforts. Westchester County asks that following aspects be included in the framework of Congress's final bill:

- A broad definition of infrastructure to include not only roads and bridges but also public transit, airports, dams, water and sewer, electric grid improvements, and high speed broadband access
- Recognition of climate change's vast impact on aging infrastructure, and the incorporation of sustainability and environmental justice into all federal infrastructure projects moving forward
- No decrease in the federal share of the project cost
- Increased flexibility to State, County, and local governments for project design, approval, build, and administration
- The creation of a National Infrastructure Bank, through the reintroduction and passage of H.R. 6422: The National Infrastructure Bank Act of 2020
- Westchester would encourage any infrastructure bill to include the following projects:
  - **Bridge Strikes**



## Westchester County -- 2021 Priorities for Federal Legislation and FY22 Appropriations

- Westchester County seeks the assistance of the delegation in addressing the important public safety concerns regarding trucks striking low bridges on parkways. While this is a nationwide problem, it is of particular concern in northeastern states where there is a greater prevalence of older, lower bridges. While New York State Law Prohibits commercial vehicles of all sizes from using State parkways, many drivers use personal GPS applications that don't mention these state laws. In Westchester County alone there were 329 bridge strikes on County and State parkways between 2017 and 2020. Each bridge strike is dangerous to the travelling public, costly to drivers and companies, and damaging to bridges. Additionally these accidents cause traffic congestion and require a significant time investment by local law enforcement and emergency responders. Trucks striking low bridges on State and County parkways is a problem that will require federal action to alleviate because it usually involves interstate trucking and driving. We seek your assistance in asking the U.S. Department of Transportation to consider the following actions:
  - Work with mapping companies (Google, Waze) to recognize their products are being used by commercial vehicles, either by commercial drivers or drivers using rented trucks, and require the companies to update their software to add warnings for trucks and other commercial vehicles
  - Require the truck height to be posted inside the truck cabin in visible view of the driver
  - Require the low bridge / parkways system to be included in Commercial Drivers License training
  - Require truck rental companies to share information on commercial vehicles route limitations with drivers
  - Require trucking companies to install commercial GPS in the cabs of all 53' trucks and rental companies to do the same with rental vehicles
- **Penn Station Access**
  - Penn Station Access is a project planned by the Metropolitan Transportation Authority in order to allow Metro-North Railroad commuter trains to access Penn Station on Manhattan's West Side, using existing tracks owned by Amtrak. Metro-North trains currently terminate exclusively at Grand Central Station on Manhattan's East Side. This project will have significant benefits for Westchester commuters who travel to the West Side, saving valuable time from their daily commutes. The opening of that project will divert some LIRR trains to Grand Central, thereby opening up slots at Penn Station for Metro-North service. So once completed, Metro-North and the LIRR commuters will have access to both the West side and the East side of Manhattan. The project includes the addition of four new stations in the Bronx on the New Haven Line: Co-op City, Morris Park, Parkchester/Van Nest, and Hunts Point.
  - These new stations will provide transit access to the underserved East Bronx, providing direct rides to Midtown and reverse-commuting trips to Westchester. In order to accommodate more trains, there would be upgraded power and signal systems, the installation of new track and the realignment of existing track, and the replacement of railroad bridges. Yard upgrades at Penn Station and at New Rochelle Yard will be part of the project.
  - The County has strongly advocated for this project, and was very pleased that the MTA and Amtrak came to an agreement and signed a Memorandum of Understanding that would allow the project to move forward. Westchester County appreciates the strong support his project has received from the delegation, and urge its ongoing advocacy for Amtrak's continued and full cooperation, as well as any opportunities for federal funding. MTA's 2015–2019 Capital Program budgeted \$695 million for New Haven Line Penn Station Access work. As New York State seeks to rebuild post-COVID, we are confident this initiative will serve to spur economic development and aide the downstate region's recovery efforts. We ask that our federal legislative representatives prioritize this project, incorporate it into any transit oriented development plans from Congress, and ensure it is completed.
- **Lake Isle Dam Repair**
  - When initially constructed 126 years ago, the Lake Isle dam stemmed the Hutchinson River's flow, created a man-made lake for area residents, and provided drinking water to the city of New Rochelle. Today, the dam

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and its lake are surrounded by several residential communities in Eastchester and New Rochelle. Additionally, the dam is upstream from Mount Vernon and immediately north of the Hutchinson River Parkway. Since the company that owned the dam went insolvent over 30 years ago, the structure is absent an owner. In 2020 the Lake Isle dam was rated unsound by the State of New York's Department of Environmental Conservation (NYS DEC), this report indicated that the dam is structurally compromised in certain areas and could break if enough pressure builds up on its drainage system. In the aftermath of the NYS DEC's 2020 findings, a state lawsuit has been filed. At the moment, there is no municipality claiming responsibility for Eastchester's segment of the dam. With costs ranging from six to twenty million dollars, Westchester County requests the assistance of our federal legislative representatives in creating a system to pay for this repair among the surrounding municipalities, preparing a plan to renovate the dam, and providing the proper allocation of federal funds to go toward the project's ultimate completion.

### ○ **Yonkers Wastewater Treatment Plant**

- The Yonkers Wastewater Treatment Plant on the city's west side caters to approximately 500,000 Westchester residents and filters over a million gallons of waste each day. However, area residents and neighboring municipalities have reported smelling noxious odors ruminating from the plant due to aging scrubbers and poor facility insulation. In response to these claims, the County sponsored an odor control study by CDM Smith completed in June 2019. Based on the findings of this report, Westchester County requests \$69.1 million in budgeted federal grants to address long term infrastructural repairs to the plant's odor insulation. As the new administration has prioritized addressing the intrinsic impacts of environmental justice, we believe this project will improve the quality of life for Yonkers's predominantly Black and Hispanic middle-class communities living on the city's west side.

### ○ **Environmental Protection and Clean Water**

- The Long Island Sound is a natural treasure and an economic engine for the region that draws families, boaters, tourists and anglers to the sound shore communities. We were glad to see the Long Island Sound Future Fund receive approximately \$3.8 million in federal/state grants in 2020. We ask that our congressional representatives reinstate all EPA and environmental funds stripped away by the last administration.
- Clean, safe water is essential. Many communities in Westchester have aging or insufficient waste water and drinking water systems. These systems are very costly to build, maintain, and upgrade, well beyond the reach of most municipalities, so federal and state funding is essential. Despite strong bipartisan backing, the Drinking Water Infrastructure Act of 2020 failed to receive a vote in the 116<sup>th</sup> Congress. If passed, both the Clean Water State Revolving Fund (CWSRF) and the Water Infrastructure Finance and Innovation Act (WIFIA) will be reauthorized. As this federal funding provides critical support for water and sewer projects, many of which are long overdue, Westchester County strongly urges the re-introduction and swift passage of S. 3590 and a sufficient allocation of associated federal funding.
  - S. 3590 (116th): Drinking Water Infrastructure Act of 2020: A bill to amend the Safe Drinking Water Act to reauthorize certain provisions, and for other purposes.

### **Westchester County Airport: PFAS/PFOs remediation – seeking support from the National Defense Authorization Act (NDAA)**

As a result of Air National Guard activities based at the Westchester County Airport decades ago, PFOA and PFOS (PFAS) levels above the current EPA health advisory limit of 70ppt have been found in samples from monitoring wells on the airport property. As part of the training, the ANG they would practice putting out fires using foam manufactured with PFAS. In 2018, the County reinstated the groundwater testing program at the airport that had been discontinued during the prior administration. Based on the sampling and ground water flow patterns, the County, in cooperation with the NYS Department of Environmental Conservation, is developing a remediation plan for the airport. The County is also working closely with the NYC Department of Environmental Protection due to the proximity of the airport to the reservoir system. So far PFAS levels have been non-detectable in the reservoir. We are seeking financial support from the US Dept of Defense to assist with remediation costs due to their responsibility for the contamination.



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- S.231: PFAS Act (proposed 2/4/2021): bill to direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes.

### **Indian Point Energy Center**

The planned closure of the Indian Point nuclear power plant this year creates several economic challenges for the local school district, host municipalities, and the County. When the plant officially closes, there will be significant annual property tax revenue losses for the Hendrick Hudson School District and Library, Village of Buchanan, Town of Cortlandt, Verplanck Volunteer Fire District, and Westchester County. In addition, hundreds of jobs could be lost, and the resulting impact will be felt on businesses throughout the area. The County is working with the communities and the State to identify potential shared services, replacement revenue sources, opportunities for future reuse of the property, and other economic development and workforce development opportunities. We appreciate the federal initiatives designed to assist with these efforts, such as prioritization for EDA grant opportunities. We ask our federal legislators to develop a safe solution for high level radioactive waste transportation and disposal. Without a solution by the federal government, every nuclear power plant, including Indian Point, becomes a defacto long term radioactive waste storage site. This creates environmental and public health risks, emergency preparedness concerns, and severely limits opportunities to re-purpose the Indian Point site in the future. Westchester County urges the federal government to make a decision on how best to safely transport and dispose of the plant's waste once Indian Point closes in 2021. Additionally, we encourage transparency and community involvement in developing the plans, financing, and activities. We ask federal legislators to ensure that the company responsible for decommissioning works with surrounding municipalities and the County to decommission Indian Point in a way that makes the property accessible for future development. The following related bills were introduced in the previous session of Congress. We urge their reintroduction and enactment in this session of Congress.

- H.R. 3970: *STRANDED Act* (proposed in 115<sup>th</sup> and 116<sup>th</sup> Congress)
- H.R. 4440: *Redistribution of Fines to our Communities Act* (failed 2017 in 115<sup>th</sup> Congress)
- H.R. 4441: *Safe and Secure Decommissioning Act* (proposed in 115<sup>th</sup> Congress)
- H.R. 4442: *Removing Nuclear Waste from our Communities Act* (proposed in 115<sup>th</sup> Congress)
- H.R. 4891: *Dry Cask Storage Act* (proposed in 115<sup>th</sup> Congress)
- S. 2396: *Safe and Secure Decommissioning Act* (proposed in 115<sup>th</sup> Congress)

### **Net Neutrality and Reliable, Affordable Broadband Access**

Reliable and affordable access to high speed internet networks, and the free flow of information are essential to a vibrant economy and to our lifestyles. Our businesses, schools, health care facilities, libraries, community centers, and our homes all rely on such access. As all Americans witnessed, the coronavirus amplified the digital divide between communities and schools across our country. Westchester County believes that all students should have access to affordable broadband access, regardless of where they live or where they attend school. We urge our delegation to support net neutrality, Congressional action to overturn the prior administration's FCC decision, and the reintroduction of 2019's Save the Internet Act to both chambers of Congress.

- S.682 and H.R. 1644: Save the Internet Act of 2019 (Schumer, Gillibrand, Engel, Lowey, S.P.Maloney, Espaillat, Suozzi, Meeks, Rose, Tonko, Nadler, Velazquez, Higgins, Clarke, Morelle, Jeffries, C.Maloney, Meng, Ocasio-Cortez, Rice, Serrano, Delgado)

### **Domestic Violence Prevention and Services**

The US Department of Justice, Office on Violence Against Women administers several grant programs designed to reduce domestic violence, dating violence, sexual assault, and stalking by strengthening services and holding offenders accountable. Westchester County, along with our partner non-profit agencies, and most importantly our residents and families, have benefitted from this federal funding. As we strive to end domestic violence through comprehensive

## Westchester County -- 2021 Priorities for Federal Legislation and FY22 Appropriations

services, advocacy, and community education, continued federal funding would provide important support for our ongoing, effective programs and services, and help ensure that every individual has the basic human rights to be free from violence and to engage in relationships with respect, equality, and safety. We support the bipartisan efforts in both chambers to implement the VOCA Fix to Sustain the Crime Victims Fund Act of 2021.

### **Opioid Abuse Prevention, Treatment and Enforcement**

The opioid epidemic has already torn apart too many families and destroyed too many lives, and we must use every tool and resource we have to work together to end this crisis. In 2020 Westchester police departments reported 247 opioid related deaths. The ripple impacts of COVID's social isolation and lack of connection are increased rates of anxiety, depression, and other mental health issues. All of these factors correlate to higher opioid usage, and must be addressed in a multifaceted, coordinated approach through health care and mental health services, and law enforcement to safeguard our communities. We support efforts to limit opioid prescriptions to needed doses and timelines, expanded addiction treatment programs, and continual funding towards law enforcement coordination such as the High Intensity Drug Trafficking Area (HIDTA) program, and INTERDICT ACT Funding – CBP Fentanyl Detection Devices to help stop narcotics from entering through our ports and mail, and assistance with pharmaceutical take back programs. In the wake of the coronavirus pandemic, addressing the opioid crisis is more relevant than ever before. Attached are three pieces of legislation that we encourage our federal delegation to support:

#### Related Legislation:

- H.R. 1026 (proposed 2/4/2021): To amend the Controlled Substances Act to require dispensers of certain opioids and opiates to affix on the container or package thereof a clear, concise warning that the opioid or opiate can cause dependence, addiction, and overdose, and for other purposes.
- S 166 and HR 706 Emergency Use for Substance Abuse Disorders Act (proposed 2/2/2021): A bill to authorize grants to address substance use during COVID-19.
- H.R. 433: Family Support Services for Addiction Act of 2021 (proposed 1/21/2021): To establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families.

### **Flood Hazard Mapping and Risk Analysis Program**

In recent years, climate change has had an undeniable impact of increasing the frequency and severity of rainfall and flooding in Westchester County. The Federal Emergency Management Agency (FEMA) has mapped over a million stream miles in order to communicate flood risks to communities and residents, inform local floodplain management regulations, help communities set minimum floodplain and building standards, determine who is required to purchase flood insurance, and help FEMA to accurately price flood insurance. While a plurality of these maps are up to date, they do not account for rising sea levels and their maintenance requires an ongoing expense. Although this program does not provide direct funding to the County, flood mapping does add significant value to our hazard/disaster mitigation programs in the departments of Planning and Emergency Services, and benefits many communities. The most recent update of Westchester County's Flood Insurance Rate Maps (FIRMs) was in 2007. While updated maps for the County's coastal panels are due to be finished by 2024, our region is still awaiting updated maps, and any budget reductions may further delay their issuance. Recent studies have indicated that the dual impact of climate change and aging infrastructure will combine to put thousands of homeowners at risk across New York State. Westchester County's emergency management mitigation efforts would benefit immensely from updated flood maps, and we ask our federal representatives to make the completion of these maps a top priority.

Resolution No. - 2021

**TO THE COUNTY BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER, NEW YORK**

**WHEREAS**, these Committees have reviewed the following items for the 2021 Westchester County Federal Joint Legislative Package; **Now Therefore Be it**

**RESOLVED**, that after considerable deliberation, it is recommended that this Honorable Board approve these legislative initiatives and that they be presented to and considered by the Westchester County Federal Delegation during the current federal legislative session.

Dated: March 31, 2021  
White Plains, New York

COMMITTEES ON

Legislation

Intergovernmental Services



# Westchester County -- 2021 Priorities for Federal Legislation and FY22 Appropriations

Westchester County has a population of almost a million people, and covers 500 square miles. With 6 cities, 19 towns and 20 villages, the County has a rich mix of many cultures and landscapes, a blend of vibrant cities, quaint villages and picturesque towns as well as open spaces and a network of beautiful parks. Westchester County is known for top-notch public schools, and a high quality of life, boasting a highly educated workforce, competitive colleges and universities, Fortune 500 companies, world changing non-profits, cutting-edge research centers, many arts and cultural opportunities, and a beautiful river valley and sound shore environment.

We recognize the many financial challenges faced by the Federal, State, County, and local governments in the wake of the coronavirus pandemic and we applaud our federal delegation for their skillful efforts securing the passage of the American Rescue Plan Act this March. Thanks to their hard work, our County, its residents and businesses, will benefit directly from millions of dollars in federal aid. This funding will jumpstart Westchester and support all 45 of our municipalities in their recovery efforts post-COVID. We believe that working together is the best way to find solutions, in a cost effective way, in order to protect our taxpayers while continuing to deliver essential services. Together we must find ways to provide financial relief for our taxpayers, address the daily challenges of COVID-19, and maintain the excellent quality of life we enjoy.

We thank our federal legislative delegation for their leadership and their strong role in advocating for many initiatives important to Westchester. Enclosed you will find information regarding federal appropriations and legislative items that will benefit our County. We look forward to working with you in support of these priorities.

## **Top Priority: State and Local Tax Deduction (SALT)**

Westchester County strongly supports the repeal of limitations imposed on the amount of state and local taxes that can be deducted from federal income taxes. Prior to enactment of the Tax Cuts and Jobs Act (TCJA) in December 2017, New York taxpayers who itemized their federal tax deductions could deduct the full amount of their state and local property and income taxes. This SALT deduction was a major source of tax fairness for high-taxed and donor states like New York, and especially Westchester County. Prior to 2017, 70% of Westchester's middle income families (defined as families making less than \$200,000 per year) itemized their federal tax deductions and had an average of \$36,263 in SALT deductions. The law now caps the SALT deduction at \$10,000, resulting in double taxation and raised taxes on thousands of middle-class families in Westchester who depended on that deduction. Westchester County greatly appreciated the strong leadership and advocacy of our federal delegation in fighting the TCJA, and subsequent efforts to repeal the limits on the SALT deduction. We express our support for S. 85/H.R. 613 due to the level of importance they hold to Westchester residents and ask for federal legislation to fix this problem:

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## **Westchester County's Federal Appropriations Priorities**

### **Medicaid/Affordable Care Act (ACA)**

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# Westchester County -- 2021 Priorities for Federal Legislation and FY22 Appropriations

through the end of 2021, and encourage that this ambitious reallocation continue beyond COVID-19. Westchester County rejects any cuts to Medicaid and any shift of costs from the federal to state government.

- Westchester County opposes the block granting and/or privatization of programs such as Medicaid, Medicare, and Social Security that would result in people losing benefits, adding to their financial stress, and thereby turning to other social service programs for needed support.
- Westchester County is pleased that the recent COVID stimulus funds allocated significant funds towards Federally Qualified Health Centers (FQHC). We have active FQHCs throughout the county that provide essential and affordable care and services to underserved populations. We support ongoing funding for these centers, including funding for prevention and treatment for substance abuse and teen pregnancy prevention.
- Westchester County also supports funding for mental health services, and requiring adequate coverage for mental health and substance abuse prevention and treatment. COVID-19 has greatly exacerbated the mental health crisis in our County, and we support community based mental health services for youth and young adults.
- In the wake of COVID-19 access to telehealth and telemedicine resources are more important than ever. These services can reduce the short and long term costs of care and increase access to care, especially for people with mobility issues. The Telehealth Intervention Programs for Seniors (TIPS) can provide a unique collaborative approach with the capacity to reach more people in need of care and help them stay in their homes longer.

## Related Legislation:

- [HR 366](#): Protecting Access to Post-COVID-19 Telehealth Act of 2021 (proposed 1/19/2021): To amend Title XI of the Social Security Act to authorize the Secretary of Health and Human Services to waive or modify application of Medicare requirements with respect to telehealth services during any emergency period, and for other purposes.
- [HR 341](#): Ensuring Telehealth Expansion Act of 2021 (proposed 1/5/2021): to make permanent certain telehealth flexibilities in response to COVID-19
- [HR 434](#): Preventing Mental Health and Substance Use Crises During Emergencies Act (proposed 1/21/2021): To direct the Secretary of Health and Human Services to convene a task force to advise the Assistant Secretary for Mental Health and Substance Use on a national strategy for preventing mental health and substance use crises during a public health emergency, and for other purposes.

## **Section 8 Funding**

Westchester County supports full funding for the HUD Section 8 Program. This has not occurred in years and there has been a steady decline in program funding due to budget sequestration. Fully funding this program would reduce Section 8 waiting lists, thereby dramatically reducing the number of homeless people and families. President Biden has pledged to make Section 8 vouchers an entitlement to all eligible families. With such a great need for affordable housing and consistent cuts to funding over many years, Westchester County asks our federal delegation to fully fund the Section 8 program.

## **Maintenance of Existing Funds to Social Services**

Westchester County benefits a great deal from the existing federal allocations of several social services programs. As the new administration outlines its budgetary priorities with Congress, we ask our Federal Legislative Partners to fully fund each of the following services:

- Social Services Block Grants (SSBG “Title XX”)
  - The SSBG has 29 broad service categories and funds a wide variety of services, including child care, child and adult protective services, foster care, and special services for the disabled. Westchester County strongly supports the full funding for these critical programs because of the wide variety of services they support in Westchester.
- Temporary Assistance to Needy Families (TANF)
  - While TANF caseloads have steadily decreased in Westchester County with the introduction of the County-run Safety Net Program, any federal cuts to TANF will destabilize this balance and imperil the Safety Net.

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Additionally, the Flexible Fund for Family Services (FFFS) covers a variety of services including child welfare, domestic violence liaison, drug and alcohol treatment, employment programs, foster care and other TANF services. This would also be subject to reduction if federal cuts forced our County to shift this program to County funding.

- Community Development Block Grants (CDBG) and HOME Programs
  - Within two years of its reinstatement by the current County Administration, the Westchester County Urban Consortium has grown to 31 communities and is preparing to accept a new slate of infrastructural projects. These communities, along with 4 entitled cities, currently rely on CDBG funds for these projects and the tangible benefits they provide. For 2021, the County Consortium received approximately \$4.2 million in CDBG grants, approximately \$1.1 million in HOMES grants, and \$316,000 in Emergency Solutions Grants. We were pleased to see increased funding across the board. Westchester County urges our federal delegation to stand firm on fully funding CDBG, HOME, and ESG Programs.
- Supplemental Nutrition Assistance Program (SNAP)
  - SNAP funding provides crucial assistance to families with the greatest need. Cash assistance and SNAP benefits require that most, but not all, recipients engage in work activity. We receive federal assistance to implement education and training related to this regulation, and request that SNAP continues to be fully funded by Congress.
- Senior Community Service Employment Program (SCSEP)
  - Under SCSEP, the U.S. Department of Labor distributes grants to states and non-profit organizations to provide part-time work experience in community service activities to unemployed low-income persons aged 55 and older. The goal of the program is to provide income support and work experience to enable clients to transition to unsubsidized employment and avoid public assistance. Westchester County contracts with the Urban League for these services. In 2018 the County budgeted federal funding for this program in the amount of \$322,194, and this payment remains intact today. The federal money directed to SCSEP directly funds our Countywide Senior Services Program. Therefore any federal cuts would defund Westchester County's Senior Services. We ask federal lawmakers to maintain all existing funds to SCSEP.

### Westchester County's Federal Legislative and Agency Priorities

(Note: The legislation listed for each topic is not intended to be exhaustive, but to highlight key related bills introduced or co-sponsored by our delegation members.)

#### **Federal Infrastructure Proposal**

We encourage the resumption of bi-partisan efforts to develop major federal infrastructure legislation. We understand there are many challenges and details to be worked out, but we believe the benefits to our aging infrastructure and the job creation impacts would be worth the efforts. Westchester County asks that following aspects be included in the framework of Congress's final bill:

- A broad definition of infrastructure to include not only roads and bridges but also public transit, airports, dams, water and sewer, electric grid improvements, and high speed broadband access
- Recognition of climate change's vast impact on aging infrastructure, and the incorporation of sustainability and environmental justice into all federal infrastructure projects moving forward
- No decrease in the federal share of the project cost
- Increased flexibility to State, County, and local governments for project design, approval, build, and administration
- The creation of a National Infrastructure Bank, through the reintroduction and passage of [H.R. 6422](#): The National Infrastructure Bank Act of 2020
- Westchester would encourage any infrastructure bill to include the following projects:
  - **Bridge Strikes**

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- Westchester County seeks the assistance of the delegation in addressing the important public safety concerns regarding trucks striking low bridges on parkways. While this is a nationwide problem, it is of particular concern in northeastern states where there is a greater prevalence of older, lower bridges. While New York State Law Prohibits commercial vehicles of all sizes from using State parkways, many drivers use personal GPS applications that don't mention these state laws. In Westchester County alone there were 329 bridge strikes on County and State parkways between 2017 and 2020. Each bridge strike is dangerous to the travelling public, costly to drivers and companies, and damaging to bridges. Additionally these accidents cause traffic congestion and require a significant time investment by local law enforcement and emergency responders. Trucks striking low bridges on State and County parkways is a problem that will require federal action to alleviate because it usually involves interstate trucking and driving. We seek your assistance in asking the U.S. Department of Transportation to consider the following actions:
  - Work with mapping companies (Google, Waze) to recognize their products are being used by commercial vehicles, either by commercial drivers or drivers using rented trucks, and require the companies to update their software to add warnings for trucks and other commercial vehicles
  - Require the truck height to be posted inside the truck cabin in visible view of the driver
  - Require the low bridge/parkways system to be included in Commercial Drivers License training
  - Require truck rental companies to share information on commercial vehicles route limitations with drivers
  - Require trucking companies to install commercial GPS in the cabs of all 53' trucks and rental companies to do the same with rental vehicles
- **Penn Station Access**
  - Penn Station Access is a project planned by the Metropolitan Transportation Authority in order to allow Metro-North Railroad commuter trains to access Penn Station on Manhattan's West Side, using existing tracks owned by Amtrak. Metro-North trains currently terminate exclusively at Grand Central Station on Manhattan's East Side. This project will have significant benefits for Westchester commuters who travel to the West Side, saving valuable time from their daily commutes. The opening of that project will divert some LIRR trains to Grand Central, thereby opening up slots at Penn Station for Metro-North service. Once completed, Metro-North and the LIRR commuters will have access to both the West side and the East side of Manhattan. The project includes the addition of four new stations in the Bronx on the New Haven Line: Co-op City, Morris Park, Parkchester/Van Nest, and Hunts Point.
  - These new stations will provide transit access to the underserved East Bronx, providing direct rides to Midtown and reverse-commuting trips to Westchester. In order to accommodate more trains, there would be upgraded power and signal systems, the installation of new track and the realignment of existing track, and the replacement of railroad bridges. Yard upgrades at Penn Station and at New Rochelle Yard will be part of the project.
  - The County has strongly advocated for this project, and was very pleased that the MTA and Amtrak came to an agreement and signed a Memorandum of Understanding that would allow the project to move forward. Westchester County appreciates the strong support this project has received from the delegation, and urge its ongoing advocacy for Amtrak's continued and full cooperation, as well as any opportunities for federal funding. MTA's 2015–2019 Capital Program budgeted \$695 million for New Haven Line Penn Station Access work. As New York State seeks to rebuild post-COVID, we are confident this initiative will serve to spur economic development and aide the downstate region's recovery efforts. We ask that our federal legislative representatives prioritize this project, incorporate it into any transit oriented development plans from Congress, and ensure it is completed.
- **Lake Isle Dam Repair**
  - When initially constructed 126 years ago, the Lake Isle dam stemmed the Hutchinson River's flow, created a man-made lake for area residents, and provided drinking water to the city of New Rochelle. Today, the dam and its lake are surrounded by several residential communities in Eastchester and New Rochelle.

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Additionally, the dam is upstream from Mount Vernon and immediately north of the Hutchinson River Parkway. Since the company that owned the dam went insolvent over 30 years ago, the structure is absent an owner. In 2020 the Lake Isle dam was rated unsound by the State of New York's Department of Environmental Conservation (NYS DEC), this report indicated that the dam is structurally compromised in certain areas and could break if enough pressure builds up on its drainage system. In the aftermath of the NYS DEC's 2020 findings, a state lawsuit has been filed. At the moment, there is no municipality claiming responsibility for Eastchester's segment of the dam. With costs ranging from six to twenty million dollars, Westchester County is asking, on behalf of the surrounding municipalities, for the assistance of our federal legislative representatives in creating a system to pay for this repair which will have to be processed and managed by the surrounding municipalities, and would include preparing a plan to renovate the dam, and providing the proper allocation of federal funds to go toward the project's ultimate completion as this is a life and safety issue in Westchester County.

### ○ **Yonkers Wastewater Treatment Plant**

- The Yonkers Wastewater Treatment Plant on the city's west side caters to approximately 500,000 Westchester residents and filters over a million gallons of waste each day. However, area residents and neighboring municipalities have reported smelling noxious odors emanating from the plant due to aging scrubbers and poor facility insulation. In response to these claims, the County sponsored an odor control study by CDM Smith completed in June 2019. Based on the findings of this report, Westchester County requests \$69.1 million in budgeted federal grants to address long term infrastructural repairs to the plant's odor insulation. As the new administration has prioritized addressing the intrinsic impacts of environmental justice, we believe this project will improve the quality of life for Yonkers's predominantly Black and Hispanic middle-class communities living on the city's west side.

### ○ **Environmental Protection and Clean Water**

- The Long Island Sound is a natural treasure and an economic engine for the region that draws families, boaters, tourists and anglers to the sound shore communities. We were glad to see the Long Island Sound Future Fund receive approximately \$3.8 million in federal/state grants in 2020. We ask that our congressional representatives reinstate all EPA and environmental funds stripped away by the last administration.
- Westchester County urges further action pursuant to the completed re-evaluation study of the Mamaroneck & Sheldrake Rivers Basins in Mamaroneck Village by the US Army Corps of Engineers (USACE) which was completed in 2016. Subsequently, a General Re-evaluation Report (GRR) was submitted for consideration in April 2017. The plan, authorized by Congress in the Water Resources Development Act of 1986, required re-evaluation due to changes in engineering, hydrological, hydraulic, economic and environmental data which has changed over the intervening 20-30 years. Additional work was halted during the last administration and we ask our Federal representatives to authorize funding to move the project forward.
- Clean, safe water is essential. Many communities in Westchester have aging or insufficient waste water and drinking water systems. These systems are very costly to build, maintain, and upgrade, well beyond the reach of most municipalities, so federal and state funding is essential. Despite strong bipartisan backing, the Drinking Water Infrastructure Act of 2020 failed to receive a vote in the 116<sup>th</sup> Congress. If passed, both the Clean Water State Revolving Fund (CWSRF) and the Water Infrastructure Finance and Innovation Act (WIFIA) will be reauthorized. As this federal funding provides critical support for water and sewer projects, many of which are long overdue, Westchester County strongly urges the re-introduction and swift passage of S. 3590 and a sufficient allocation of associated federal funding.
  - [S. 3590 \(116th\)](#): Drinking Water Infrastructure Act of 2020: A bill to amend the Safe Drinking Water Act to reauthorize certain provisions, and for other purposes.

**Westchester County Airport: PFAS/PFO remediation – seeking support from the National Defense Authorization Act (NDAA)**

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As a result of Air National Guard (ANG) activities based at the Westchester County Airport decades ago, PFOA and PFOS (PFAS) levels above the current EPA health advisory limit of 70ppt have been found in samples from monitoring wells on the airport property. As part of the training, the ANG would practice putting out fires using foam manufactured with PFAS. In 2018, the County reinstated the groundwater testing program at the airport that had been discontinued during the prior administration. In light of this discovery, Westchester County has filed a lawsuit against the United States federal government, the ANG, the Department of Defense, the United States Air Force, the State of New York, the New York State Air National Guard, as well as the companies responsible for manufacturing this toxic foam. As of July 19, 2019, the litigation was combined into one multidistrict litigation in the federal District Court of South Carolina. The lawsuit is ongoing, and collectively includes over 100 separate plaintiffs. Based on the sampling and ground water flow patterns, the County, in cooperation with the NYS Department of Environmental Conservation, is developing a remediation plan for the airport. The County is also working closely with the NYC Department of Environmental Protection due to the proximity of the airport to the reservoir system. So far PFAS levels have been non-detectable in the reservoir. We are seeking financial support from the US Dept of Defense to assist with remediation costs due to their responsibility for the contamination.

- [S 231](#): PFAS Act (proposed 2/4/2021): bill to direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes.

### Indian Point Energy Center

The planned closure of the Indian Point nuclear power plant this year creates several economic challenges for the local school district, host municipalities, and the County. When the plant officially closes, there will be significant annual property tax revenue losses for the Hendrick Hudson School District and Library, Village of Buchanan, Town of Cortlandt, Verplanck Volunteer Fire District, and Westchester County. In addition, hundreds of jobs could be lost, and the resulting impact will be felt on businesses throughout the area. The County is working with the communities and the State to identify potential shared services, replacement revenue sources, opportunities for future reuse of the property, and other economic development and workforce development opportunities. We appreciate the federal initiatives designed to assist with these efforts, such as prioritization for EDA grant opportunities. We ask our federal legislators to develop a safe solution for high level radioactive waste transportation and disposal. Without a solution by the federal government, every nuclear power plant, including Indian Point, becomes a defacto long term radioactive waste storage site. This creates environmental and public health risks, emergency preparedness concerns, and severely limits opportunities to re-purpose the Indian Point site in the future. Westchester County urges the federal government to make a decision on how best to safely transport and dispose of the plant's waste once Indian Point closes in 2021. We request that the Nuclear Regulatory Commission (NRC) continue its obligation to ensure that the plant's spent fuel rods are safely stored and properly disposed of. Additionally, we encourage transparency and community involvement in developing the plans, financing, and activities. We ask federal legislators to ensure that the company responsible for decommissioning works with surrounding municipalities and the County to decommission Indian Point in a way that makes the property accessible for future development. The following bills were introduced in the previous session of Congress. We urge their reintroduction and enactment in this session of Congress.

- [H.R. 3970](#): *STRANDED Act (proposed in 115<sup>th</sup> and 116<sup>th</sup> Congress)*
- [H.R. 4440](#): *Redistribution of Fines to our Communities Act (failed 2017 in 115<sup>th</sup> Congress)*
- [H.R. 4441](#): *Safe and Secure Decommissioning Act (proposed in 115<sup>th</sup> Congress)*
- [H.R. 4442](#): *Removing Nuclear Waste from our Communities Act (proposed in 115<sup>th</sup> Congress)*
- [H.R. 4891](#): *Dry Cask Storage Act (proposed in 115<sup>th</sup> Congress)*
- [S. 2396](#): *Safe and Secure Decommissioning Act (proposed in 115<sup>th</sup> Congress)*

### Net Neutrality and Reliable, Affordable Broadband Access

Reliable and affordable access to high speed internet networks, and the free flow of information are essential to a vibrant economy and to our lifestyles. Our businesses, schools, health care facilities, libraries, community centers, and our homes



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all rely on such access. As all Americans witnessed, the coronavirus amplified the digital divide between communities and schools across our country. Westchester County believes that all students should have access to affordable broadband access, regardless of where they live or where they attend school. We urge our delegation to support net neutrality and the necessary infrastructure to make the last mile connection for underserved homes and facilities. Additionally, we request Congressional action to overturn the prior administration's FCC decision, and the reintroduction of 2019's Save the Internet Act to both chambers of Congress.

- [S.682](#) and [H.R. 1644](#): Save the Internet Act of 2019 (Schumer, Gillibrand, Engel, Lowey, S.P.Maloney, Espallat, Suozzi, Meeks, Rose, Tonko, Nadler, Velazquez, Higgins, Clarke, Morelle, Jeffries, C.Maloney, Meng, Ocasio-Cortez, Rice, Serrano, Delgado)

### Domestic Violence Prevention and Services

The US Department of Justice, Office on Violence Against Women administers several grant programs designed to reduce domestic violence, dating violence, sexual assault, and stalking by strengthening services and holding offenders accountable. Westchester County, along with our partner non-profit agencies, and most importantly our residents and families, have benefitted from this federal funding. As we strive to end domestic violence through comprehensive services, advocacy, and community education, continued federal funding would provide important support for our ongoing, effective programs and services, and help ensure that every individual has the basic human rights to be free from violence and to engage in relationships with respect, equality, and safety. We support the bipartisan efforts in both chambers to implement the [VOCA Fix to Sustain the Crime Victims Fund Act of 2021](#) and the re-authorization of the Violence Against Women Act.

### Opioid Abuse Prevention, Treatment and Enforcement

The opioid epidemic has already torn apart too many families and destroyed too many lives, and we must use every tool and resource we have to work together to end this crisis. In 2020 Westchester police departments reported 247 opioid related deaths. The ripple impacts of COVID's social isolation and lack of connection are increased rates of anxiety, depression, and other mental health issues. All of these factors correlate to higher opioid usage, and must be addressed in a multifaceted, coordinated approach through health care and mental health services, and law enforcement to safeguard our communities. The financial burden of combatting this epidemic has led many County Departments, including the Department of Correction, Department of Social Services, Department of Public Safety, Department of Laboratories and Research, Department of Health, and Office of Community Mental Health to sustain continuous additional costs. We support efforts to limit opioid prescriptions to needed doses and timelines, expanded addiction treatment programs, and continual funding towards law enforcement coordination such as the High Intensity Drug Trafficking Area (HIDTA) program, and INTERDICT ACT Funding – CBP Fentanyl Detection Devices to help stop narcotics from entering through our ports and mail, and assistance with pharmaceutical take back programs. In the wake of the coronavirus pandemic, addressing the opioid crisis is more relevant than ever before. Attached are three pieces of legislation that we encourage our federal delegation to support:

#### Related Legislation:

- [H.R. 1026](#) (proposed 2/4/2021): To amend the Controlled Substances Act to require dispensers of certain opioids and opiates to affix on the container or package thereof a clear, concise warning that the opioid or opiate can cause dependence, addiction, and overdose, and for other purposes.
- [S 166 and HR 706](#) Emergency Use for Substance Abuse Disorders Act (proposed 2/2/2021): A bill to authorize grants to address substance use during COVID-19.
- [H.R. 433](#): Family Support Services for Addiction Act of 2021 (proposed 1/21/2021): To establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families.

### Flood Hazard Mapping and Risk Analysis Program

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In recent years, climate change has had an undeniable impact of increasing the frequency and severity of rainfall and flooding in Westchester County. The Federal Emergency Management Agency (FEMA) has mapped over a million stream miles in order to communicate flood risks to communities and residents, inform local floodplain management regulations, help communities set minimum floodplain and building standards, determine who is required to purchase flood insurance, and help FEMA to accurately price flood insurance. While a plurality of these maps are up to date, they do not account for rising sea levels and their maintenance requires an ongoing expense. Although this program does not provide direct funding to the County, flood mapping does add significant value to our hazard/disaster mitigation programs in the departments of Planning and Emergency Services, and benefits many communities. The most recent update of Westchester County's Flood Insurance Rate Maps (FIRMs) was in 2007. While updated maps for the County's coastal panels are due to be finished by 2024, our region is still awaiting updated maps, and any budget reductions may further delay their issuance. Recent studies have indicated that the dual impact of climate change and aging infrastructure will combine to put thousands of homeowners at risk across New York State. Westchester County's emergency management mitigation efforts would benefit immensely from updated flood maps, and we ask our federal representatives to make the completion of these maps a top priority.

DRAFT

**LOCAL LAW INTRO. NO. -2021**

A LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

**SECTION 1:** Section 1 of Local Law 2018-11 is hereby amended to read as follows:

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include a new section 700.21-a as follows:

**Section 700.21-a. Applications to purchase shares of stock in cooperative housing corporations.**

A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

B. Within fifteen days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application. Where the governing board has informed a prospective purchaser of a defect in an application, upon resubmission of the application the governing board shall have fifteen days to either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any uncured defect in the resubmitted application.

C. Within sixty days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock

and shall provide written notice thereof. In the case of a rejection, [a copy of the written notice shall be sent by] the governing board shall provide to the Human Rights Commission notice of the rejection. This notice shall be in a form promulgated by the Executive Director of the Human Rights Commission, and published on the Human Rights Commission website. The form shall, at a minimum, require the following information:

1. the full legal name and address of the Cooperative Housing Corporation;
2. the full address and unit number of the unit that had been applied for;
3. the full names, addresses, telephone numbers, and e-mail addresses (if available) for the denied applicant(s) and seller(s);
4. the full names, addresses, telephone numbers and e-mail addresses (if available) for all legal counsel and real estate brokers involved in the rejected transaction;
5. the date of receipt of the initial application;
6. the date of receipt of the completed application;
7. the date of rejection; and
8. the reason for rejection.

The completed notice of rejection form shall be transmitted to the Human Rights Commission within fifteen days of the notice being provided to the prospective purchaser. The Human Rights Commission shall include instructions on how it may be transmitted to the Human Rights Commission.

D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter. Furthermore, non-compliance with [the requirement that a copy of the rejection notice be provided to the Human Rights Commission] any of the requirements set forth in this section shall be an independent violation of this Chapter, and

shall be punishable by a fine of \$1,000 for the first offense, \$1,500 for the second offense, and \$2,000 for the third and any subsequent offense. Any such violation shall be brought within one year of the violation, except that any violation initiated by the Executive Director shall be brought within one year of when the Human Rights Commission first learned of the violation.

**SECTION 2:** Section 2 of Local Law 2018-11 is hereby amended to read as follows:

Section 2. This Local Law shall take effect immediately. [, and shall expire and be deemed repealed three (3) years subsequent thereto].

**SECTION 3:** This Local Law shall take effect immediately.



TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

In 2018, this Honorable Board enacted Local Law No. 11-2018, which added a new Section 700.21-a to the Fair Housing Law, which set forth time limits for cooperative housing corporations to inform prospective purchasers of any deficiencies in an application and act on completed applications. This law also requires the cooperative housing corporation to provide notice of the rejection to the Human Rights Commission.

However, in reviewing the law with the Human Rights Commission, your Committee has learned that the Commission does not always receive sufficient information upon which

it can properly investigate potential discriminatory practices. Further, while failing to report to the Human Rights Commission is an independent violation of the Fair Housing Law, failing to comply with the time frames for dealing with applicants is not. This undercuts the effectiveness of the law, as cooperative housing corporations can still sit on applications for an extended period of time.

In order to remedy these deficiencies, your Committee recommends adoption of the attached Local Law, which would amend Section 700.21-a to require that the notice of rejection sent to the Commission contain certain information necessary to allow for a proper review and investigation of any potentially discriminatory acts. Included among this information is the reason why the application was rejected. Requiring a cooperative housing corporation to identify the reason why an application was rejected will allow the Commission to determine whether or not the reason was pretextual, thus making way for enforcement of the Fair Housing Law where appropriate and applicable.

The amendments would also make a failure to comply with the deadlines to act on an application an independent violation of the Fair Housing Law, punishable by fines. The proposed amendment also makes the statute of limitations for these violations clear, and removes the sunset provision from this law.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations,

and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2021  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ – 2021**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2021, entitled “A LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.” The public hearing will be held at \_\_.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

**LOCAL LAW INTRO. NO. -2021**

A LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

**SECTION 1:** Section 1 of Local Law 2018-11 is hereby amended to read as follows:

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B. Within fifteen days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application. Where the governing board has informed a prospective purchaser of a defect in an application, upon resubmission of the application the governing board shall have fifteen days to either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any uncured defect in the resubmitted application.

C. Within sixty days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock

and shall provide written notice thereof. In the case of a rejection, [a copy of the written notice shall be sent by] the governing board shall provide to the Human Rights Commission notice of the rejection. This notice shall be in a form promulgated by the Executive Director of the Human Rights Commission, and published on the Human Rights Commission website. The form shall, at a minimum, require the following information:

1. the full legal name and address of the Cooperative Housing Corporation;
2. the full address and unit number of the unit that had been applied for;
3. the full names, addresses, telephone numbers, and e-mail addresses (if available) for the denied applicant(s) and seller(s);
4. the full names, addresses, telephone numbers and e-mail addresses (if available) for all legal counsel and real estate brokers involved in the rejected transaction;
5. the date of receipt of the initial application;
6. the date of receipt of the completed application;
7. the date(s) of any interview;
8. the date of rejection; and
9. the reason for rejection.

The completed notice of rejection form shall be transmitted to the Human Rights Commission within fifteen days of the notice being provided to the prospective purchaser. The Human Rights Commission shall include instructions on how it may be transmitted to the Human Rights Commission.

D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter. Furthermore, non-compliance with [the requirement that a copy of the rejection notice be provided to the Human Rights Commission] any of the

requirements set forth in this section shall be an independent violation of this Chapter, and shall be punishable by a fine of \$1,000 for the first offense, \$1,500 for the second offense, and \$2,000 for the third and any subsequent offense. Any such violation shall be brought within one year of the violation, except that any violation initiated by the Executive Director shall be brought within one year of when the Human Rights Commission first learned of the violation.

**SECTION 2:** Section 2 of Local Law 2018-11 is hereby amended to read as follows:

Section 2. This Local Law shall take effect immediately. [, and shall expire and be deemed repealed three (3) years subsequent thereto].

**SECTION 3:** This Local Law shall take effect immediately.



**Catherine Borgia**Legislator, 9<sup>th</sup> District

Chair, Budget &amp; Appropriations Committee

**Committee Assignments:**

Appointments  
Environment & Health  
Intergovernmental Services  
Labor & Housing  
Legislation  
Planning, Economic Development & Energy  
Social Services

To: Ben Boykin, Chairman of the Board of Legislators  
Sunday Vanderberg, Clerk of the Board of Legislators

From: Catherine Borgia, 9<sup>th</sup> District

Date: March 17, 2021

Re: Amendments to the Co-op Disclosure Law

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Please refer the attached Local Law amending the Co-op Disclosure Law, to the appropriate committees on the March 22, 2021 Westchester County Board of Legislators agenda.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

In 2018, this Honorable Board enacted Local Law No. 11-2018, which added a new Section 700.21-a to the Fair Housing Law, which set forth time limits for cooperative housing corporations to inform prospective purchasers of any deficiencies in an application and act on completed applications. This law also requires the cooperative housing corporation to provide notice of the rejection to the Human Rights Commission.

However, in reviewing the law with the Human Rights Commission, your Committee has learned that the Commission does not always receive sufficient information upon which

it can properly investigate potential discriminatory practices. Further, while failing to report to the Human Rights Commission is an independent violation of the Fair Housing Law, failing to comply with the time frames for dealing with applicants is not. This undercuts the effectiveness of the law, as cooperative housing corporations can still sit on applications for an extended period of time.

In order to remedy these deficiencies, your Committee recommends adoption of the attached Local Law, which would amend Section 700.21-a to require that the notice of rejection sent to the Commission contain certain information necessary to allow for a proper review and investigation of any potentially discriminatory acts. The amendments would also make a failure to comply with the deadlines to act on an application an independent violation of the Fair Housing Law, punishable by fines. The proposed amendment also makes the statute of limitations for these violations clear, and removes the sunset provision from this law.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2021  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ – 2021**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2021, entitled “A LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.” The public hearing will be held at \_\_.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.