

Legislation Meeting Agenda



Committee Chair: Colin Smith

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

Monday, June 13, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committee on Housing

MINUTES APPROVAL

May 23, 2022 at 1:00 PM Minutes

June 1, 2022 at 1:00 PM Minutes

I. ITEMS FOR DISCUSSION

[2022-261](#) **PH-Office of Housing Counsel**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel." [Public Hearing set for _____, 2022 at _____ .m.]. LOCAL LAW INTRO: 2022-262.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HOUSING

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney; The Building & Realty Institute of Westchester - Phil Weiden, Government Affairs Director

[2022-262](#) **LOCAL LAW-Office of Housing Counsel**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HOUSING

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney; The Building & Realty Institute of Westchester - Phil Weiden, Government Affairs Director

[2022-288](#) **PH-Use of Videoconferencing**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the use of videoconferencing for members of public bodies of the County's executive branch." [Public Hearing set for _____, 2022 at _____ .m.]. LOCAL LAW INTRO: 2022-289.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney

[2022-289](#) **LOCAL LAW-Use of Videoconferencing**

A LOCAL LAW authorizing the use of videoconferencing for members of public bodies of the County's executive branch.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney

[2022-301](#) **HON. CATHERINE BORGIA- PH - Videoconferencing for the Board of Legislators**

A RESOLUTION to set a Public Hearing on a "Local Law authorizing the use of videoconferencing for members of the County Board, its committees and its subcommittees." [Public Hearing set for _____, 2022 at _____ .m.]. LOCAL LAW INTRO: 2022-302.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney

[2022-302](#) **HON. CATHERINE BORGIA - Proposed LL - Videoconferencing for the Board of Legislators**

A LOCAL LAW authorizing the use of videoconferencing for members of the County Board, its committees and its subcommittees.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney


II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

May 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **LOCAL LAW – Office of Housing Counsel.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 9, 2022 Agenda.

Transmitted herewith for your review and approval is a Local Law amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 9, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

May 9, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Local Law amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

According to the 2020 Annual Homeless Assessment Report (AHAR) to Congress by the U.S. Department of Housing and Urban Development, New York State has the highest rate of homelessness in the country, with 92,000 New Yorkers currently experiencing homelessness. Moreover, as stated in a 2016 report by Stout Risius Ross, a global advisory firm, a staggering 1.2 million households are behind on rent and landlords are actively trying to evict more than 236,000 tenants statewide. According to the New York City Right to Counsel Coalition, 220,000 evictions are pending in New York courts, including town, village, and justice courts.

Across the state an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. Currently, low-income tenants in Westchester County do not have guaranteed access to legal counsel in eviction proceedings. Right to counsel, where legal counsel is provided at no cost to low income tenants, has proven to be very successful at preventing evictions and protecting tenants' rights, especially now, given the recently enacted complex tenant protection laws. *See, Chapter 127 of the Laws of New York, 2020, Safe Harbor Act; Chapter 417 of the Laws of New York, 2021.* According to the Westchester County Right to Counsel Coalition ("WCRTCC"), in normal years, when more than 10,000 eviction proceedings are filed in Westchester County Courts, 93% of landlords are represented by counsel, while only 7% of tenants have attorneys. Eviction judgments are made on average in about 4 minutes, and settlements are often reached in a court hallway, away from the judge. Without representation, tenants are often evicted on false premises of lease violations they didn't commit or excess rent that they do not legally owe.

In 2017, New York City became the first city in the country to pass right to counsel legislation. Since then, according to the New York City Office of Civil Justice 2020 Annual Report, landlords are suing tenants less and 86 percent of tenants who had a lawyer provided to them won their case and were able to remain in their homes. The Stout Risius Ross 2016 Report

also indicates that the seven cities that now have a right to counsel program including New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder and Baltimore, have seen up to a 77 percent reduction in evictions. Across the country, movements for statewide right to counsel are gaining traction. Washington State, Connecticut, Maryland recently passed right to counsel and Minnesota, Nebraska, and Delaware are not far behind. There is currently a bill pending in the New York State legislature to establish a right to counsel program in eviction proceedings within the state.

WCRTCC has indicated that eviction is a stigma which follows a family forever by cutting off access to safe, stable housing from reputable landlords and perpetuating the cycle of poverty for generations. Evictions make it harder to rent another apartment and cause psychological trauma especially for children who lose the security of believing their parents can provide a home. Eviction proceedings are complex processes that are nearly impossible to navigate alone. The Right to Counsel NYC Coalition reports that evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences. Moreover, evictions disproportionately impact black and brown tenants, with women facing the greatest burdens. The WCRTCC further states that feasibility studies have routinely shown that programs providing attorneys at no cost to low-income tenants in eviction proceedings are significantly less expensive than expected, sometimes even saving the jurisdiction money. Studies have shown that right to counsel programs save public money that would be otherwise spent on shelter and emergency room costs and homeless services.

According to the WCRTCC, right to counsel programs reduce the number of eviction filings, which in turn reduces the strain on local courts. In addition, attorneys can help connect low-income tenants to financial assistance when necessary and help tenants raise defenses based on poor housing conditions. This ensures that financial assistance does not go towards delinquent landlords who do not maintain their properties, thereby reducing the financial assistance needed to keep tenants housed, and compelling necessary repair to help preserve the housing stock. Attorneys for tenants can ensure that landlords do not overcharge tenants by including illegal fees which reduce the financial assistance necessary to preserve a tenancy. Westchester County residents should have equal opportunities for safe and stable housing which a right to counsel program can provide.

This proposed legislation, if enacted, will establish an Office of Housing Counsel within the County Department of Social Services to be administered by a Director, responsible for provision of a right to counsel program in Westchester County. Six months after enactment of this proposed Local Law, the Director will be required to develop an implementation plan for establishment of a program to provide access to legal services for income-eligible individuals (a person whose household income is not in excess of 300 percent of the federal poverty guidelines), who are subject to eviction proceedings in city courts within the County or in administrative proceedings for tenants of buildings operated by public housing authorities located in cities within the County. Further, within thirty-six (36) months of enactment of this Local Law, the Director shall ensure access to legal services for income eligible individuals who are subject to eviction proceedings in town and village courts or in administrative proceedings in towns and villages within the County. The legal services will be provided to tenants at no cost by not-for-profit organizations or qualified professionals selected by the County pursuant to the

County procurement process. In addition, the Director will undertake community engagement and education to inform tenants of their right to legal counsel in eviction proceedings. Annual reports on the implementation of this program and efforts at community engagement and education will be required as well. As many Westchester residents are at risk of eviction, especially now in the aftermath of the pandemic, it is critical to establish a county-wide right to legal counsel program in Westchester to prevent evictions.

The proposed legislation 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 14, 2022, which is on file with the Clerk of the Board of Legislators.

I respectfully request that your Honorable Board adopt the attached Local Law amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

Sincerely,



GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.”

Your Committee is informed that according to the 2020 Annual Homeless Assessment Report (AHAR) to Congress by the U.S. Department of Housing and Urban Development, New York State has the highest rate of homelessness in the country, with 92,000 New Yorkers currently experiencing homelessness. Moreover, as stated in a 2016 report by Stout Risius Ross, a global advisory firm, a staggering 1.2 million households are behind on rent and landlords are actively trying to evict more than 236,000 tenants statewide. According to the Right to Counsel NYC Coalition, 220,000 evictions are pending in New York courts, including town, village, and justice courts.

Your Committee is further informed that across the state an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. Currently, low-income tenants in Westchester County do not have guaranteed access to legal counsel in eviction proceedings. Right to counsel, where legal counsel is provided at no cost to low income tenants, has proven to be very successful at preventing evictions and protecting tenants’ rights, especially now, given the complicated recently enacted tenant protection laws. *See, Chapter 127 of the Laws of New York, 2020, Safe Harbor Act; Chapter 417 of the Laws of New York, 2021.* According to the Westchester County Right to Counsel Coalition (“WCRTCC”), in normal

years, when more than 10,000 eviction proceedings are filed in Westchester County Courts, 93% of landlords are represented by counsel, while only 7% of tenants have attorneys. Eviction judgments are made on average in about 4 minutes, and settlements are often reached in a court hallway, away from the judge. Without representation, tenants are often evicted on false premises of lease violations they didn't commit or excess rent that they do not legally owe.

Your Committee is advised that in 2017, New York City became the first city in the country to pass right to counsel legislation. Since then, as stated in the New York City Office of Civil Justice 2020 Annual Report, landlords are suing tenants less and 86 percent of tenants who had a lawyer provided to them won their case and were able to remain in their homes. The Stout Risius Ross 2016 Report also indicates that the seven cities that now have a right to counsel program including New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder and Baltimore, have seen up to a 77 percent reduction in evictions. Across the country, movements for statewide right to counsel are gaining traction. Washington State, Connecticut, Maryland recently passed right to counsel and Minnesota, Nebraska, and Delaware are not far behind. There is currently a bill pending in the New York State legislature to establish a right to counsel in eviction proceedings within the state.

Your Committee notes that the WCRTCC has indicated that an eviction is a stigma which follows a family forever by cutting off access to safe, stable housing from reputable landlords and perpetuating the cycle of poverty for generations. Evictions make it harder to rent another apartment and cause psychological trauma especially for children who lose the security

of believing their parents can provide a home. Eviction proceedings are complex processes that are nearly impossible to navigate alone. The Right to Counsel NYC Coalition reports that evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences. Moreover, evictions disproportionately impact black and brown tenants, with women facing the greatest burdens. The WCRTCC further states that feasibility studies have routinely shown that programs providing attorneys at no cost to low-income tenants in eviction proceedings are significantly less expensive than expected, sometimes even saving the jurisdiction money. Studies have shown that right to counsel programs save public money that would be otherwise spent on shelter and emergency room costs and homeless services.

Your Committee advises that according to the WCRTCC, right to counsel programs reduce the number of eviction filings, which in turn reduces the strain on local courts. In addition, attorneys can help connect low-income tenants to financial assistance when necessary and help tenants raise defenses based on poor housing conditions. This ensures that financial assistance does not go towards delinquent landlords who do not maintain their properties, thereby reducing the financial assistance needed to keep tenants housed, and compelling necessary repair to help preserve the housing stock. Attorneys for tenants can ensure that landlords do not overcharge tenants by including illegal fees which reduce the financial assistance necessary to preserve a tenancy. All Westchester County residents should have equal opportunities for safe and stable housing which a right to counsel program can provide.

Your Committee is advised, that this proposed legislation, if enacted, will establish an Office of Housing Counsel within the County Department of Social Services to be administered by a Director, responsible for provision of a right to counsel program in Westchester County. Six months after enactment of this proposed Local Law, the Director will be required to develop an implementation plan for establishment of a program to provide access to legal services for income-eligible individuals (a person whose household income is not in excess of 300 percent of the federal poverty guidelines), who are subject to eviction proceedings in city courts within the County or in administrative proceedings for tenants of buildings operated by public housing authorities located in cities within the County. Further, within thirty-six (36) months of enactment of this Local Law, the Director shall ensure access to legal services for income eligible individuals who are subject to eviction proceedings in town and village courts or in administrative proceedings in towns and villages within the County. The legal services will be provided to tenants at no cost by not-for-profit organizations or qualified professionals selected by the County pursuant to the County procurement process. In addition, the Director will undertake community engagement and education to inform tenants of their right to legal counsel in eviction proceedings. Annual reports on the implementation of this program and efforts at community engagement and education will be required as well. As many Westchester residents are at risk of eviction, especially now in the aftermath of the pandemic, it is critical to establish a county-wide right to legal counsel program in Westchester to prevent evictions.

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 14, 2021, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

Sdk-5-5-22

RESOLUTION NO. ____ - 2022

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. ____ - 2022, entitled "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel." The public hearing will be held at __.m. on the ____ day of _____, 2022 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.

A LOCAL LAW
amending the Laws of
Westchester County
by adding a new
Chapter 187 relating
to the creation of the
Office of Housing
Counsel.

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

Section 1. A new Chapter 187 is hereby added to the Laws of Westchester
County to read as follows:

Chapter 187

OFFICE OF HOUSING COUNSEL

Sec. 187.11. Short Title.

Sec. 187.21. Purpose.

Sec. 187.31. Definitions.

Sec. 187.41. Director, Appointment, Term.

Sec. 187.51. Director, Powers and Duties.

Sec. 187.61. Provision of Legal Services.

Sec. 187.71. Annual Report.

Sec. 187.81. Rules and Regulations.

Sec. 187.91. Severability.

Sec. 187.101. Reverse Preemption

Sec. 187.11 Short Title.

This Chapter shall be known as and cited as “The Office of Housing
Counsel.”

Sec. 187.21 Establishment, Purpose

There shall be a program known as the Office of Housing Counsel
located within the Department of Social Services, the purpose of which is to
provide legal counsel to individuals in housing matters involving eviction. The
provision of housing counsel will guarantee that qualified individuals are
provided high quality legal representation at the County’s expense in all covered
proceedings and will enable tenants facing the complex process of eviction

proceedings to be given a fair chance to access legal protections and stay in their homes. The Office of Housing Counsel will ensure that tenants facing eviction will be provided with professional client centered legal representation.

Sec. 187.31 Definitions.

- a. Brief legal assistance. Individualized legal assistance provided in a single consultation by a designated organization or qualified professional to a covered individual in connection with a covered proceeding.
- b. Designated community group. A not-for-profit organization that has the capacity to conduct tenant outreach, engagement, education and information provision, as determined by the Director.
- c. Covered individual. A tenant of a rental dwelling unit located within the County including any tenant in a building operated by a public housing authority who is a respondent, or has legal standing to be a respondent, in a covered proceeding.
- d. Covered proceeding. Any summary proceeding in any of the courts in the County or before any administrative agency administering housing programs to evict a covered individual, including a summary proceeding to seek possession for the non-payment of rent or a holdover, or an appeal of such a proceeding, or an administrative proceeding conducted by a public housing authority or other administrative agency which would result in the termination of tenancy, rental subsidy, or other rental assistance.
- e. Department. The Department of Social Services.
- f. Designated organization. One or more not-for-profit organizations or associations that have the capacity to provide legal services and have been designated by the County to provide legal services pursuant to the County procurement process and any other County laws and procedures related to County contracts.
- g. Director. The person who administers the Office of Housing Counsel and reports to the Commissioner of Social Services.
- h. Full legal representation. Ongoing legal representation provided by any designated organization or qualified professional to an income-eligible individual and all legal advice, advocacy and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the income-eligible individual in a covered proceeding.
- i. Housing court. Any court located in Westchester County in which a summary proceeding or other action or proceeding seeking possession of a

residential rental unit is adjudicated.

- j. Income-eligible individual. A covered individual whose annual gross household income is not in excess of 300 percent of the federal poverty guidelines as updated periodically in the federal register by the United States Department of Health and Human Services pursuant to subsection (2) of section 9902 of title 42 of the United States code.
- k. Legal services. Either brief legal assistance or full legal representation.
- l. Qualified Professional. Lawyers with experience handling landlord tenant matters and who have been designated by the County to provide legal services pursuant to the County procurement process and any other County laws and procedures related to County contracts.

Sec. 187.41. Director; appointment, qualifications, term

- a. The County Executive shall appoint a Director. The following qualifications shall be considered in the appointment of the Director: possession of a license to practice law in the State of New York, administrative experience, knowledge and experience in eviction proceedings, and commitment to ensuring quality representation in landlord tenant matters;
- b. The Director shall serve full time and shall not engage in the private practice of law during their appointment;
- c. The Director shall report to the Commissioner of Social Services.

Sec. 187.51. Director; Powers and Duties

- a. The Director shall be the administrative head of the office, and shall have the duty to ensure that all covered individuals and income eligible individuals are provided with quality legal representation as soon as practicable in a covered proceeding in housing court or in any administrative proceeding related to evictions. The position of Director shall be designated in the exempt class for purposes of civil service jurisdictional classification;
- b. Develop and monitor policies, standards and operational procedures of the Office of Housing Counsel regarding preparation of a Request For Proposals (RFP) to obtain designated organizations or qualified professionals, for the provision of legal counsel including but not limited to: qualifications for attorneys providing legal counsel, number of attorneys required at each housing court or any administrative

proceedings, limitations on attorney caseloads, method of payment for attorneys, supervision and review of attorney caseloads and quality of legal representation;

- c. In consultation with the Commissioner of Social Services, the Budget Director and the Commissioner of Human Resources, identify the staffing needs necessary to administer the Office of Housing Counsel program;
- d. Recommend to the Commissioner of Social Services and the County Executive designated organizations to provide legal services to covered individuals in covered proceedings based upon the response to the RFP and ensure that any contracts for designated organizations are approved by the appropriate body or board;
- e. Meet regularly with appropriate persons from the designated organizations and qualified professionals to review cases, attorney work product, caseloads and case outcomes;
- f. Prepare an annual Budget proposal for the Office of Housing Counsel as part of the Budget for the Department for submission to the County Budget Department pursuant to County law and policy;
- g. Maintain records of accounts and expenditures of the Office of Housing Counsel in compliance with all applicable law and County policy;
- h. Serve as an information resource;
- i. Establish procedures for submission, investigation and resolution of complaints from clients, client family members, co-counsel, opposing counsel and the Judiciary regarding legal representation;
- j. Ensure compliance with County laws, policies and procedures;
- k. Make application for other sources of state and federal funding or from any other funding resources to meet the budgetary and programmatic needs of the Office of Housing Counsel;
- l. Prepare an Annual Report regarding the housing counsel program for submission to the County Executive and Board of Legislators. The Annual Report shall also be posted online;
- m. Undertake community engagement and education regarding right to counsel by working with designated community groups to educate and inform tenants about their rights in housing court and in administrative proceedings related to evictions, including but not limited to holding know your rights education sessions, distributing written information to

tenants and facilitating referrals of tenants to designated community groups.

n. Meet regularly with the Supervising Judge of the Ninth Judicial District and any other appropriate Court personnel to discuss Court procedures and any other programmatic issues related to the provision of counsel in tenant eviction proceedings.

o. Any other duties necessary to carry out the purposes of this Chapter.

Sec. 187.61 Provision of Legal Services.

a. No later than six (6) months following enactment of this Chapter, the Director shall develop an implementation plan for establishment of a program to provide access to legal services for covered individuals in covered proceedings in housing courts located in any of the cities within the County through designated organizations or qualified professionals; access to legal services for all covered individuals in all town and village courts within the County through designated organizations or qualified professionals shall be provided within thirty-six (36) months following enactment of this Chapter. Such program shall ensure that:

1. all covered individuals receive access to brief legal assistance as soon as practicable in a covered proceeding in housing court; and
2. All income-eligible individuals receive access to full legal representation as soon as practicable in a covered proceeding in housing court.

b. No later than six (6) months following enactment of this Chapter, the Director shall develop an implementation plan for establishment of a program to provide access to legal services in administrative proceedings for tenants of buildings operated by public housing authorities, tenants of private buildings who receive tenant- or project-based rental subsidies, or other rental assistance, and have been served with notices for administrative proceedings for termination of tenancy or rental subsidy or other rental assistance located in cities within the County through designated organizations or qualified professionals; access to legal services for tenants in administrative proceedings for termination of tenancy or rental subsidy or other rental assistance in all towns and villages through designated organizations or qualified professionals within the County within thirty-six (36) months following enactment of this Chapter.

c. The Director shall comply with all County budgetary procedures and submit estimates for the operation of the Office of Housing Counsel for the ensuing year to the Commissioner of the Department of Social

Services for submission as part of the Department's proposed Budget.

- d. The County shall annually review the performance of designated organizations and qualified professionals.
- e. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.
- f. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the County or any agency, official, or employee thereof.

Sec. 187.71 Reporting.

- a. Following implementation of any part of a program to provide legal services to covered individuals pursuant to this Chapter, the Director shall prepare an Annual Report which shall be submitted to the County Executive, the Board of Legislators and shall be posted online, no later than December 31st of each year containing information for the preceding 12 months of each year;
- b. The Annual Report shall contain, to the extent such information is available, a review of the program established by this Chapter and information regarding implementation of such program and shall include but not be limited to:
 - 1. The estimated number of covered individuals;
 - 2. The number of individuals receiving legal services, including the following characteristics of such individuals:
 - i. City and postal code of residence;
 - ii. Household size;
 - iii. Estimated length of tenancy;
 - iv. Approximate household income;
 - v. Type of legal services provided.
 - 3. Outcomes immediately following the provision of full legal

representation, as available, subject to applicable privacy and confidentiality restrictions, including but not limited to, the number of:

i. Case dispositions allowing individuals to remain in their residence;

ii. Case dispositions requiring individuals to be displaced from their residence;

iii. Instances where the attorney was discharged or withdrew.

4. The number of non-payment and holdover petitions filed in housing court, warrants of eviction issued in housing court, and residential evictions conducted by marshals.

5. Expenditures for the program established pursuant to this Chapter.

6. Community engagement and education activities conducted pursuant to this Chapter detailing metrics from designated community groups, including but not limited to:

i. number of buildings in which outreach was conducted;

ii. number of know your rights education sessions held;

iii. number of attendees at education sessions;

iv. number of people referred to nonprofits for legal assistance; and

v. number of community forums conducted.

Sec. 187.81. Rules and Regulations

The Director, shall establish rules and regulations for the administration of the Office of Housing Counsel.

Sec. 187.91. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this ordinance, or in its application to the person, individual, corporation, firm,

partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Sec 187.101. Expiration.

This Local Law shall expire and become null and void in the event that the State of New York enacts legislation providing for the civil right to counsel in eviction proceedings.

§2. This Local Law shall take effect six (6) months after enactment.

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A Local Law authorizing the use of videoconferencing for members of public bodies of the County’s executive branch.”

Your Committee is aware that on April 9, 2022, Governor Hochul signed Chapter 56 of the Laws of 2022, relating to the New York State budget for the 2022-2023 fiscal year. This law also included an amendment to the Open Meetings Law (“OML”)—amending section 103(c) of the New York State Public Officers law, and adding a new section 103-a—enabling public bodies to expand, until July 1, 2024, the use of videoconferencing to conduct open meetings.

Your Committee understands that under the new State law, a county’s governing board—i.e., the County Board—may adopt a local law if it wishes to authorize members of the County’s other public bodies, at the discretion of the chair of each public body, to attend meetings through videoconferencing without disclosing their remote locations due to extraordinary circumstances. Such a local law would allow members of public bodies of the County, including boards and commissions whose members are appointed by the County Executive (hereafter, the “executive branch public bodies”), and excluding the County Board of Legislators and its committees and subcommittees, to participate in a meeting from a remote location that is not open to the public, provided that a quorum of board members is present in the same physical location or locations where the public can attend. The new State law explains that the term “extraordinary circumstances” includes “disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance” at a meeting.

Your Committee is aware that, prior to the passage of the new State law, the OML authorized remote participation in meetings by public body members through videoconferencing only if “an opportunity for the public to attend, listen and observe at any site at which a member participates” was provided. The unprecedented nature of the COVID-19 pandemic demonstrated the unworkability of in-person meetings and public attendance at any location from which a member participated. Emergency declarations and authorizations during the height of the pandemic allowed public bodies to use remote means, such as videoconferencing and teleconferencing, on a temporary basis to conduct their open meetings. Currently, these measures are set to expire on June 14, 2022. Your Committee understands that the New York State Legislature modified the OML by adding section 103-a in an attempt to expand the pre-pandemic scope of videoconferencing, and make such videoconferencing available for a longer duration.

Your Committee has been informed that in order to conduct meetings through videoconferencing pursuant to new OML § 103-a, the following conditions apply: the public body must follow written procedures, as established by the Office of the County Executive, that govern member and public attendance, setting forth the contours of the “extraordinary circumstances” under which a member may participate through videoconferencing, and the public body must post the procedures conspicuously to its public website; any member videoconferencing into a meeting from a remote location not open to in-person public attendance due to extraordinary circumstances may not count towards a quorum, but may participate and vote in the meeting if there is a quorum of members convened at a location (or locations) open to the public; members must be heard, seen, and identified while the meeting is being conducted; the notice for the meeting must inform the public about the use of videoconferencing, and must provide instructions so the public can view

and/or participate in—to the extent participation is permitted—the meeting and locate relevant records; the minutes of meetings involving videoconferencing must explicitly identify which, if any, members participated in the meeting remotely; all meetings conducted using videoconferencing must be recorded, with the recordings posted on or linked to the public body’s website within five business days, and must remain available on the site for at least five years; upon request, the recorded meetings must be transcribed; local public bodies using videoconferencing must maintain an official website; and meetings that are broadcast or videoconferenced must use technology that permits access by individuals with disabilities, consistent with the Americans with Disabilities Act. The new State law provides that the in-person participation requirements do not apply during states of emergency declared at the state or local levels, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability to hold an in-person meeting.

Your Committee believes that it is in the best interests of the County to pass a local law authorizing the use of videoconferencing for members of executive branch public bodies, their committees, and their subcommittees, consistent with New York State Public Officers Law § 103-a, and the written procedures established by the Office of the County Executive.

Finally, your Committee is informed that this Local Law does not meet the definition of an action under SEQRA and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends adoption of this Local Law.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

SCM-06/13/2022

RESOLUTION NO. ____ – 2022

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. ____ - 2022, entitled “A Local Law authorizing the use of videoconferencing for members of public bodies of the County’s executive branch.” The public hearing will be held at __.m. on the ____ day of _____, 2022, 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. - 2022

A LOCAL LAW authorizing the use of videoconferencing for members of public bodies of the County's executive branch.

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

Section 1. Chapter 110 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 110.61. Authorization for the use of videoconferencing to conduct meetings.

1. All public bodies of the County, including boards and commissions whose members are appointed by the County Executive, their committees, and their subcommittees (hereafter, the "executive branch public bodies"), and excluding the County Board of Legislators and its committees and subcommittees, are authorized to use videoconferencing to conduct meetings in a manner consistent with the requirements set forth in New York State Public Officers Law §103-a, and subject to the following conditions:
 - a. A quorum of the subject executive branch public body shall be physically present in the same physical location or locations where the public can attend;
 - b. Members of executive branch public bodies, at the respective Chair's discretion and under extraordinary circumstances, may participate in meetings through the use of videoconferencing from locations not accessible to the public. Each executive branch public body shall follow written procedures established by the Office of the County Executive, governing member and public attendance, and setting forth what constitutes "extraordinary circumstances" (which shall include disability, illness,

caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at a meeting), and the procedures for the certification of extraordinary circumstances by members on a case-by-case basis. The written procedures shall be conspicuously posted on the public website of each executive branch public body as applicable;

- c. A member of an executive branch public body experiencing an extraordinary circumstance and participating in a meeting through videoconferencing need not (i) notice the remote location from which the member participates or (ii) allow for in-person physical attendance by the public at the member's remote location;
- d. Any member of an executive branch public body not physically present at a meeting and participating remotely in a meeting through the use of videoconferencing due to extraordinary circumstances shall not count towards a quorum; however, such member may participate and vote through the use of videoconferencing if there is a quorum of other members physically present at the meeting in the same physical location or locations where the public can attend;
- e. Except in the case of executive sessions, all members of an executive branch public body, including any member experiencing an extraordinary circumstance and participating in a meeting through videoconferencing, must be heard, seen, and identified while the meeting is being conducted;
- f. The minutes of meetings involving videoconferencing must include which, if any, members of an executive branch public body participated remotely;
- g. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall (i) inform the public (A) that videoconferencing will be used, (B) where the

public can view and/or participate in the meeting, (C) where required documents and records will be posted or available, and (ii) identify the physical location for the meeting where the public can attend;

- h. Meetings conducted using videoconferencing shall be recorded and the recording shall be posted on or linked to the public website of the subject executive branch public body within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. These recordings must be transcribed upon request;
 - i. If videoconferencing is used to conduct a meeting, the subject executive branch public body shall provide the public with the opportunity to view the meeting through video and participate, to the extent public participation is authorized, through videoconferencing in real time, and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.
2. Severability. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. Effective Date.

This Local Law shall take effect immediately and shall expire and be deemed repealed July 1, 2024, unless extended.

SCM-06/13/2022

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A Local Law authorizing the use of videoconferencing for members of the County Board, its committees, and its subcommittees.”

Your Committee is aware that on April 9, 2022, Governor Hochul signed Chapter 56 of the Laws of 2022, relating to the New York State budget for the 2022-2023 fiscal year. This law also included an amendment to the Open Meetings Law (“OML”)—amending section 103(c) of Article 7 of the New York State Public Officers law, and adding a new section 103-a—enabling public bodies to expand, until July 1, 2024, the use of videoconferencing to conduct open meetings.

Your Committee understands that under the new State law, a county’s governing board—i.e., the County Board—may adopt a local law if it wishes to authorize its members, at the board’s discretion, to attend meetings through videoconferencing without disclosing their remote locations due to extraordinary circumstances. Such a local law would allow a member to participate in a meeting from a remote location that is not open to the public, provided that a quorum of board members is present in the same physical location or locations where the public can attend. The new State law explains that the term “extraordinary circumstances” includes “disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance” at a meeting.

Your Committee is aware that, prior to the passage of the new State law, the OML authorized remote participation in meetings by public body members through videoconferencing only if “an opportunity for the public to attend, listen and observe at any site at which a member

participates” was provided. The unprecedented nature of the COVID-19 pandemic demonstrated the unworkability of in-person meetings and public attendance at any location from which a member participated. Emergency declarations and authorizations during the height of the pandemic allowed public bodies to use remote means, such as videoconferencing and teleconferencing, on a temporary basis to conduct their open meetings. Currently, these measures are set to expire in the near future, pursuant to Chapters 1 and 56 of the New York State Laws of 2022 and Executive Order 11, which extends the state disaster emergency. The State disaster emergency, as extended by Executive Order 11, suspends requirements of the Open Meetings Law to allow public bodies to conduct remote meetings and may be extended for only 30 day increments.

Your Committee understands that with Chapter 56 of the Laws of 2022, the New York State Legislature modified the OML by adding section 103-a in an attempt to expand the pre-pandemic scope of videoconferencing, and make such videoconferencing available for a longer duration. Your Committee also understands the new State law provides that the in-person participation requirements do not apply during states of emergency declared at the state or local levels, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability to hold an in-person meeting.

Your Committee has been informed that in order to conduct meetings through videoconferencing pursuant to new OML § 103-a, the following conditions apply: the public body must establish written procedures that govern member and public attendance, setting forth the

contours of the “extraordinary circumstances” under which a member may participate through videoconferencing, and the public body must post the procedures conspicuously to its public website; any member videoconferencing into a meeting from a remote location not open to in-person public attendance due to extraordinary circumstances may not count towards a quorum, but may participate and vote in the meeting if there is a quorum of members convened at a location (or locations) open to the public; members must be heard, seen, and identified while the meeting is being conducted; the notice for the meeting must inform the public about the use of videoconferencing, and must provide instructions so the public can view and/or participate in—to the extent participation is permitted—the meeting and locate relevant records; the minutes of meetings involving videoconferencing must explicitly identify which, if any, members participated in the meeting remotely; all meetings conducted using videoconferencing must be recorded, with the recordings posted on or linked to the public body’s website within five business days, and must remain available on the site for at least five years; upon request, the recorded meetings must be transcribed; local public bodies using videoconferencing must maintain an official website; and meetings that are broadcast or videoconferenced must use technology that permits access by individuals with disabilities, consistent with the Americans with Disabilities Act.

Your Committee believes that it is in the best interests of the County to pass a local law authorizing the use of videoconferencing for members of the County Board, its committees, and its subcommittees, consistent with New York State Public Officers Law, Article 7, § 103-a, and the written procedures established by the County Board.

Finally, your Committee is informed that this Local Law does not meet the definition of an action under SEQRA and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends adoption of this Local Law.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

SCM-05/11/2022

RESOLUTION NO. ____ – 2022

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. ____ - 2022, entitled “A Local Law authorizing the use of videoconferencing for members of the County Board, its committees, and its subcommittees.” The public hearing will be held at __.m. on the ____ day of _____, 2022, 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. - 2022

A LOCAL LAW authorizing the use of videoconferencing for members of the County Board, its committees, and its subcommittees.

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

Section 1. Chapter 107 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 107.101. Authorization for the use of videoconferencing to conduct meetings.

1. The County Board, its committees, and its subcommittees are authorized to use videoconferencing to conduct meetings in a manner consistent with the requirements set forth in New York State Public Officers Law, Article 7, §103-a, and subject to the following conditions:
 - a. A quorum of the County Board, committee, or subcommittee shall be physically present in the same physical location or locations where the public can attend;
 - b. Members of the County Board, its committees, and its subcommittees, at the respective discretion of the Chair of the County Board and under extraordinary circumstances, may participate in meetings through the use of videoconferencing from locations not accessible to the public. The County Board shall establish written procedures governing member and public attendance, and setting forth what constitutes “extraordinary circumstances” (which shall include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at a meeting), and the

procedures for the certification of extraordinary circumstances by members on a case-by-case basis. The written procedures shall be conspicuously posted on the public website of the County Board, committee, or subcommittee, as applicable;

- c. A member experiencing an extraordinary circumstance and participating in a meeting through videoconferencing need not (i) notice the remote location from which the member participates or (ii) allow for in-person physical attendance by the public at the member's remote location;
- d. Any member not physically present at a meeting and participating remotely in a meeting through the use of videoconferencing due to extraordinary circumstances shall not count towards a quorum; however, a member may participate and vote through the use of videoconferencing if there is a quorum of other members physically present at the meeting in the same physical location or locations where the public can attend;
- e. Except in the case of executive sessions, all members, including any member experiencing an extraordinary circumstance and participating in a meeting through videoconferencing, must be heard, seen, and identified while the meeting is being conducted;
- f. The minutes of meetings involving videoconferencing must include which, if any, members participated remotely;
- g. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall (i) inform the public (A) that videoconferencing will be used, (B) where the public can view and/or participate in the meeting, (C) where required documents

and records will be posted or available, and (ii) identify the physical location for the meeting where the public can attend;

- h. Meetings conducted using videoconferencing shall be recorded and the recording shall be posted on or linked to the public website of the County Board, or of the relevant committee or subcommittee, within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. These recordings must be transcribed upon request;
 - i. If videoconferencing is used to conduct a meeting, the County Board, committee, or subcommittee, as applicable, shall provide the public with the opportunity to view the meeting through video and participate, to the extent public participation is authorized, through videoconferencing in real time, and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.
 - j. In person participation requirements for members shall not apply during a state disaster emergency declared by the Governor of New York, or a local state of emergency proclaimed by the Westchester County Executive, if the County Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the County Board or its committees to hold in person meetings.
2. Severability. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to

the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. Effective Date.

This Local Law shall take effect immediately and shall expire and be deemed repealed July 1, 2024, unless extended.

SCM-05/11/2022