

RESOLUTION NO. 98 - 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. 212- 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 ^{7:30} 9.m. on the 10th day of May, 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.

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 also add protection for buyers and sellers of cooperatives through enhanced disclosure requirements and training. Cooperatives will be required to inform applicants of the timelines required under this law, and to disclose any minimum financial qualifications, so that applicants can fairly determine if they wish to apply, before spending hundreds, or even thousands, of dollars on application fees. Members of governing boards will be required to undergo fair housing training, to ensure that they understand their obligations under the law.

The amendments also strengthen the law by making the failure to comply with any of these requirements 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: 5/10 2021
White Plains, New York

Benjamin Boyfante
Kit Stovall
Colleen M.

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W.M.
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COMMITTEE ON

Legislation

Labor & Housing

Dated: May 10, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Legislation



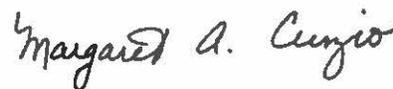


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