



# Legislation

## BOL Meeting Minutes - Final

Committee Chair: Colin Smith

800 Michaelan Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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Wednesday, May 18, 2022

3:00 PM

Committee Room

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### CALL TO ORDER

Joint with the Committee on Housing

*This meeting will be held pursuant to Chapter 56 of the New York State Laws of 2022, which authorize any public body to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>.*

*With a quorum present, Legislator Maher called the meeting to order at 3:07 PM.*

*Others in Attendance: Department of Law - Jordan Hardy; BOL - Melanie Montalto, Marcello Figueroa, Anand Singh, Dayana Gomez; Legal Services of the Hudson Valley - Jill Bradshaw Soto*

**Present:** Legislator Boykin and Legislator Maher

**Absent:** Legislator Cunzio

**Remote:** Committee Chair Smith, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Johnson and Legislator Shimsky

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

##### [RES-2022-92](#) [PH - Flood History Disclosure Law](#)

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 581 requiring landlords to provide tenants with a flood history disclosure." [Public Hearing set for June 13, 2022 at 7:30 p.m.]. LOCAL LAW INTRO 2022-46.

***Submitted by: COMMITTEES ON LEGISLATION AND HOUSING***

Guests: Department of Law - Justin Adin, Deputy County Attorney; The Building & Realty Institute - Tim Foley, Executive Director; Hudson Valley Gateway Association of Realtors - Mike Nepl, Government Affairs Director

*Mr. Foley spoke on the legislation and briefly discussed how the proposed County law related to the NYS bill on flood disclosure. He raised several points of concern, specifically in relation to how insurance companies process claims. First, he suggested changing the definition of flooding in the legislation to mirror the one used by the National Flood Insurance program, and*

*added that that the inclusion of mud flow and erosion would be beneficial to the law. Second, he was concerned about the transmittal of information during a property transfer, pointing out the fact that sellers are allowed to pay \$500 in order to circumvent disclosing flooding and that between 100-150 properties change hands per month in Westchester. Legislator Maher asked if this would make properties uninsurable or increase rates, to which Mr. Foley said yes or that it make it difficult to get adequate insurance. He added that he hoped the committee would bring someone in from the insurance industry to speak on this. Legislator Maher asked about the makeup multifamily dwellings owners in environmentally challenged areas and Mr. Foley said that there is wide variation with the majority being duplexes to those with 20-30 units. Legislator Maher asked if the \$500 exemption regarding flood disclosure is appropriate and Mr. Foley that's something that is set by state law. Legislator Parker addressed Mr. Foley's concerns saying that this legislation was primarily meant to save people from life- or economically-threatening conditions, and that the omission of certain issues he raised was intentional. A discussion ensued about how this proposed law wouldn't excessively burden landlords and how it would help promote transparency. Mr. Neppl spoke next speaking about the ethics and standards of practice that realtors are bound by in order to help their clients make informed decisions. He addressed some of the concerns about sale of property disclosure statements and believed that this knowledge should be extended to more than just those in the industry. He concluded that his organization views this legislation purely as one of disclosure that is limited in scope and helpful to all parties involved, adding that he hopes this information would be able to be disseminated in the future. Legislator Maher asked if the \$500 disclosure exemption applied to commercial sales in addition to residential sales, and Mr. Neppl said he would have to find out. Legislator Maher asked what percentage of sellers currently fill out the disclosure form as opposed to paying the \$500 and Mr. Neppl said the form as a whole cannot be waived, only the portion regarding flooding, noting that there is currently legislation at the state level to raise the fee to \$1000 but thinks the Westchester law is still indispensable. Legislator Parker noted that after conferring with the Department of Consumer Protection, she agreed that it does not belong on their website, in order to prevent them from being pulled into landlord/tenant disputes, and that she was working with the Law Department to make the necessary changes.*

On motion of Borgia, seconded by Legislator Johnson, the above item was signed by committee to the Board of Legislators committee. The motion carried by the following vote:

**Aye:** Committee Chair Smith, Legislator Barr, Borgia, Legislator Johnson and Legislator Maher

**Absent:** Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi and Legislator Shimsky

**2022-46      LEGISLATORS PARKER AND SMITH: LL - Flood History Disclosure Law**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 581 requiring landlords to provide tenants with a flood history disclosure.

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

Guests: Department of Law - Justin Adin, Deputy County Attorney; The Building & Realty Institute - Tim Foley, Executive Director; Hudson Valley Gateway Association of Realtors - Mike Neppl, Government Affairs Director

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*For discussion on the item, please refer to 2022-45.*

[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 - Stacey Dolgin-Kmetz, Chief Deputy County Attorney; Legal Services of the Hudson Valley - Rachel Halperin, Chief Executive Officer; Hudson Valley Justice Center - Virginia Foulkrod, Esq., Executive Director; Westchester County Right to Counsel Coalition - Jason Mays, Co-Chair, Barbara Finkelstein, Co-Chair

*Ms. Dolgin-Kmetz gave an overview of the legislation which establishes a program of housing counsel within the Department of Social Services, the purpose of which, is to provide legal counsel in housing matters to those in Westchester County facing eviction, before going through the different sections of the law, including those who would be covered by the law and necessary qualifications, those who are providing the services, the operational aspects of the law and leadership of the office, reporting requirements, community engagement initiatives, and most importantly that a program be created to provide these services no more than 6 months the effective date of this law and that within 36 months of this law it be extended to all municipalities within Westchester in a staggered rollout.*

*Ms. Halperin thanked the County for their efforts and spoke about the work that Legal Services of the Hudson Valley (LSHV) has done on this over the years, along with why this legislation is vitally important. She spoke about the benefits it would provide to not only the County, but to Westchester taxpayers as well. She stated that this was more than just landlords getting their money, it was about ensuring that the quantity of affordable housing in Westchester isn't diminished, before speaking about the significant increase in evictions throughout the County pre-pandemic, and that since the NYS eviction moratorium has expired, it has only gotten worse. She suggested that a working group be created in order for this legislation to have the full effect and ensure equal access to all in Westchester.*

*Ms. Foulkrod thanked the County for their efforts and echoed Ms. Halperin's comments, noting that the Hudson Valley Justice System is an affiliate of LSHV whose focus is on assisting the immigrant population in Westchester. She spoke about the increasing number of immigrants in the county and how they are especially vulnerable in regards to housing, often choosing to self-evict when faced with threats. She continued speaking about ways that the law will help with clients, and agreed with Ms. Halperin's request for the establishment of a working group.*

*Mr. Mays echoed the previous comments and spoke about the collaborative efforts alongside the County Attorney's office in drafting this legislation. He noted that right to counsel legislation has generally resulted in cost savings for local governments, before speaking about other efforts around the country. He stated that the Westchester County Right to Counsel Coalition (WCR2CC) supports any and all efforts, encouraged the committee to learn from previous efforts, noting that his co-chair, Barbara Finkelstein, will speak more on their list of recommendations. Ms. Finkelstein echoed the previous comments before going through her full list of recommendations. Legislator Maher asked if Mr. Mays would be able to send us studies and documentation regarding one of the recommendations and Mr. Mays said that he would. Additional discussion on the recommendations ensued, with Ms. Finkelstein stating that they look forward to working with the committee and hopes the legislators support this.*

*Legislators Woodson-Samuels and Parker both voiced their support for the legislation and looked forward to seeing it move forward.*

*Legislator Barr asked about the rollout of the program and how municipalities were chosen, and Legislator Borgia suggested that maybe it was possible if there was some negotiation to allow some of the larger municipalities be prioritized in the earlier rollout. Legislator Williams-Johnson concurred with this idea, stating that Greenburgh has one of the most active court systems in the County and Legislator Maher said that he knows that Greenburgh, Port Chester, Yonkers, Mount Vernon, among others, have landlord tenant cases every day whereas other municipalities have them less frequently. Legislator Johnson asked a question about the qualifications for the program, in relation to poverty level and where a case was located. Mr. Mays spoke about how this was determined and a report that they did. Ms. Finkelstein said they can provide this, but noted that Ms. Halperin probably has more information. Ms. Halperin spoke about a small PILOT program LSHV did in Yonkers, but that it ran out of funding after the initial year, noting that Yonkers and Mount Vernon account for more than 50% of landlord tenant cases.*

[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 - Stacey Dolgin-Kmetz, Chief Deputy County Attorney; Legal Services of the Hudson Valley - Rachel Halperin, Chief Executive Officer; Hudson Valley Justice Center - Virginia Foulkrod, Esq., Executive Director; Westchester County Right to Counsel Coalition - Jason Mays, Co-Chair, Barbara Finkelstein, Co-Chair  
*For discussion on the item, please refer to 2022-261*

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

On motion of Legislator Barr, seconded by Legislator Johnson, the above item was adjourned. The motion carried unanimously.