

**TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee has reviewed “A LOCAL LAW amending section 277.509(A) of the Laws of Westchester County, eliminating the master plumber 51 percent business ownership requirement.”

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

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

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

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

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

Your Committee is 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 (NYCRR). The proposed legislation 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 9, 2026, which is on file with the Clerk of the Board of Legislators.

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

Dated: 2026
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ – 2026

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. ____ - 2026, entitled “A LOCAL LAW amending Section 277.509(A) of the Laws of Westchester County, eliminating the master plumber 51 percent business ownership requirement.” The public hearing will be held at __.m. on the ____ day of _____, 2026 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.

