

James Nolan

Minority Whip
Legislator, 15th District
Chair, Committee on Appointments



To: Catherine Borgia, Chairwoman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators
Colin Smith, Chair of the Legislation Committee
Tyrae Woodson-Samuels, Chair of the Housing Committee

From: James Nolan, Legislator, District 15
Margaret Cunzio, District 3

Date: March 6, 2023

Re: *Legislative Resolution Against New York Housing Compact*

We request that the attached legislative resolution against the New York Housing Compact be added to the agenda for the March 20, 2023 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees

Please refer to the Legislation Committee and the Housing Committee

RESOLUTION -2023

WHEREAS, GOVERNOR HOCHUL'S FISCAL YEAR 2024 EXECUTIVE BUDGET INCLUDED THE "NEW YORK HOUSING COMPACT"; AND

WHEREAS, THE NEW YORK HOUSING COMPACT CONSISTS OF "THE NEW HOMES TARGET AND FAST TRACK APPROVAL ACT" AND "THE TRANSIENT-ORIENTED DEVELOPMENT ACT OF 2023";

WHEREAS, THE GOVERNOR CLAIMS THAT THE "NEW HOMES TARGETS AND FAST-TRACK APPROVAL ACT" IS NECESSARY IN ORDER TO FORESTALL RESTRICTIVE LAND-USE PRACTICES THAT INHIBIT AND LIMIT HOUSING DEVELOPMENT; AND

WHEREAS, THE GOVERNOR CLAIMS THAT "THE NEW HOMES TARGETS AND FAST-TRACK APPROVAL ACT" AMENDS GENERAL MUNICIPAL LAW AND OVERRIDES LOCAL MUNICIPALITIES' LAND USE REGULATION AS ADOPTED IN THE TOWN'S ZONING CODE AND CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; AND

WHEREAS, THE "NEW HOMES TARGETS AND FAST-TRACK APPROVAL ACT" REQUIRES THE TOWN TO MEET OR EXCEED A RESIDENTIAL DWELLING GROWTH TARGET OR ENACT BY LOCAL LAW TWO OF FIVE "PREFERRED ACTIONS" IN ORDER TO BE CONSIDERED IN "SAFE HARBOR" STATUS; AND

WHEREAS, COUNTY SERVICES LIKE POLICE, EMERGENCY SERVICES, WATER, SEWER, AND THE SCHOOL COMMUNITY WOULD BE GROSSLY IMPACTED; AND

WHEREAS, APPEALS CAN BE BROUGHT TO A NEW STATE HOUSING REVIEW BOARD USURPING THE HOME RULE AUTHORITY OF LOCAL LAND USE BOARDS WHO UNDERSTAND THE LOCAL COMMUNITY; AND

WHEREAS, "THE TRANSIT-ORIENTED DEVELOPMENT ACT OF 2023" WOULD AMEND LOCAL LAWS TO ADOPT LAND USE REGULATION WITHIN THREE YEARS, FOR HIGHER DENSITY DEVELOPMENT FOR AREAS LOCATED WITHIN ONE-HALF MILE OF ANY PUBLICLY ACCESSIBLE AREAS OF AN MTA TRANSIT STATION; AND

WHEREAS, NEW ZONING LAWS WOULD PROHIBIT MUNICIPALITIES FROM ADOPTING REASONABLE AND APPROPRIATE DEVELOPMENT REGULATIONS TO INSURE THE DEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING USES, SUCH AS LOT COVERAGE, OPEN SPACES, BUILDING HEIGHT, SETBACK, FLOOR AREA RATIOS, OR PARKING RESTRICTIONS; AND

WHEREAS, THE GOVERNOR'S PROPOSED TRANSIT-ORIENTED DEVELOPMENT WOULD CREATE ADVERSE IMPACTS WITHIN ALREADY DENSELY POPULATED

MUNICIPALITIES LIKE THE VILLAGE OF BRONXVILLE OR THE HAMLET OF NORTH WHITE PLAINS; AND

WHEREAS, THE GOVERNOR’S PLAN WOULD IMPACT RESIDENTIALLY ZONED NEIGHBORHOODS (SINGLE-FAMILY NEIGHBORHOODS) TREMENDOUSLY; AND

WHEREAS, WESTCHESTER RESIDENTS WILL BE DISENFRANCHISED FROM THEIR LOCAL ELECTED OFFICIALS, AND LOCAL ZONING BOARDS, WHILE RENDERING ALL OF THEIR RESIDENTS’ INPUT MEANINGLESS; AND

WHEREAS, THE ISSUE OF MOST IMPORTANCE IN WESTCHESTER IS NOT NEW HOUSING, BUT NEW AFFORDABLE HOUSING. “THE TRANSIT-ORIENTED DEVELOPMENT ACT OF 2023” DOESN’T REQUIRE THAT NEW UNITS HAVE TO BE AFFORDABLE, THE PROPOSAL DOES NOT ADDRESS THE UNDERLYING CHALLENGE, WHICH IS AFFORDABILITY; AND

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTCHESTER COUNTY BOARD OF LEGISLATORS REQUESTS THAT ANY FURTHER PROCESS OR ACTION ON THESE PROPOSALS BE SUSPENDED UNTIL A TRANSPARENT, COLLABORATIVE PROCESS CAN BE CONDUCTED WITH THE MEANINGFUL PARTICIPATION OF ALL LOCAL ELECTED OFFICIALS THAT WOULD BE AFFECTED BY PROPOSED MANDATES; AND

BE IT FURTHER RESOLVED, THAT THE COUNTY OF WESTCHESTER BOARD OF LEGISLATORS ADAMANTLY OPPOSES THE GOVERNOR’S HOUSING COMPACT AND URGES THE STATE LEGISLATURE TO PRESERVE AND PROTECT MUNICIPAL HOME RULE AND LOCAL ZONING POWERS; AND

BE IT FURTHER RESOLVED, THAT THE CLERK OF THE BOARD OF LEGISLATORS IS DIRECTED TO SEND A COPY OF THIS RESOLUTION TO GOVERNOR KATHY HOCHUL, LIEUTENANT GOVERNOR ANTONIO DELGADO, SENATE MAJORITY LEADER ANDREA STEWART-COUSINS, ASSEMBLY SPEAKER CARL HEASTIE, AND THE MEMBERS OF THE WESTCHESTER COUNTY STATE DELEGATION.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION.