



Legislation

BOL Meeting Minutes - Final

Committee Chair: Colin Smith

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

Monday, June 6, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committees on Housing and Health

This meeting will be held pursuant to Chapter 1 of the New York State Laws of 2022 and Executive Order 11, as extended, 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, Chair Smith called the meeting to order at 1:12 PM.

Others in Attendance: BOL - Legislator James Nolan, Legislator Catherine Parker, Legislator Jewel Williams Johnson, Legislator Tyrae Woodson-Samuels, Melanie Montalto, Marcello Figueroa, Dayana Gomez, Anand Singh, Amy Vele, Karen Vele

Present: Committee Chair Smith, Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi and Legislator Maher

Remote: Legislator Borgia, Legislator Johnson and Legislator Shimsky

MINUTES APPROVAL

May 23, 2022 at 1:00 PM Minutes

I. ITEMS FOR DISCUSSION

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.

Submitted by: COMMITTEES ON LEGISLATION AND HOUSING

Guests: Department of Law - Justin Adin, Deputy County Attorney; Planning Department - Dave Kvinge, Assistant Commissioner

Mr. Adin spoke about the change to the legislation, noting that it will now be on the Planning Department's website and they will be responsible for creating the form and having copies on hand. Mr Kvinge spoke about how Planning would be involved before proposing an amendment to subsection 1a of Sec. 581.21 of the legislation which would include acknowledgement regarding whether the property was located in a special flood hazard area as defined by FEMA. Legislator Barr asked if there was a mechanism to register forms to show that they've been received by tenants, to which Legislator Parker highlighted it being

part of the lease package, and Mr. Kvinge confirmed they don't have a way of tracking this but hoped they would in the future. Legislator Boykin asked if government entities would be included or exempted from the legislation and Mr. Adin confirmed that they would be. Legislator Cunzio asked how this would apply with properties owned by the county but leased to another party, and Mr. Adin said that if the lease is already in effect the property would not be covered but any new leases or renewals would trigger the law. Chair Smith said that filling out this form would not affect the vast majority of properties in the county, but would help address those that have a history of flooding. Legislator Parker asked if 30 days was enough time for the Planning Department to create the form and notify the public and Mr. Kvinge confirmed it was, however the effective date was set for August 15, 2022.

On motion of Committee Chair Smith, seconded by Legislator Barr, the above item was signed by committee to the Board of Legislators committee, due back on 6/13/2022. The motion carried by the following vote:

Aye: Committee Chair Smith, Legislator Barr, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher and Legislator Shimsky

Absent: Legislator Johnson

[LL 9-2022](#)

LL - Proposed Clinic Access Legislation

A LOCAL LAW adding Chapter 425 to the Laws of Westchester County to ensure safe access to reproductive health care facilities.

Submitted by: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Shawna Macleod, Senior Assistant County Attorney

Chair Smith spoke about various items that would be added to the legislative record, including news articles, records of incidents, and social media posts. Discussion ensued on the merit of including such items before the Department of Law spoke about changes made to the legislation, including making it align more with NYS penal law and existing case law.

Legislator Borgia spoke about the importance of making this law as content neutral as possible, before Legislator Maher asked about an implied request in relation to counseling. Ms. Macleod said that harass only appears in the law once and said that any court rulings made would be largely fact specific. Mr. Figueroa noted that in the proposed law, affirmative consent to approach relates to the floating buffer, whereas a request to cease relates to the fixed buffer. Legislator Cunzio asked about no solicitation signs and Ms. Macleod said it would be up to the individual facilities, with additional discussion ensuing on the practicalities of the boundaries.

Legislator Nolan noted that some first amendment lawyers that he spoke to had concerns about the law and Chair Smith indicated that people would have an opportunity to speak on the law at the upcoming Public Hearing at the June 13th Regular Meeting.

Ms. Macleod spoke about changes to legislation including changes to definitions and prohibited conduct. Legislator Shimsky voiced concerns about significant changes being made so late and discussion ensued on why these changes were necessary to balance protecting a facility while not infringing on any first amendment rights, and Ms. Macleod confirmed that the

law was written as closely as possible to laws that have been upheld. Legislator Barr noted that the law should not be watered down too much, and spoke on why the legislation was content neutral, and not content based.

Legislator Maher voiced concerns about the definition of harass along with implied or implicit non-consent and discussion ensued on whether this was a significant change, as they wanted to avoid material challenges. Mr. Figueroa cited a portion of opinion regarding the Griep case as to why the law was written as such, with further discussion ensuing on the Legislator Maher's concerns.

On motion of Legislator Barr, seconded by Borgia, the above item was signed by committee to the Board of Legislators committee, due back on 6/13/2022. The motion carried by the following vote:

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

Absent: Legislator Boykin and Legislator Cunzio

WO Prejudice: Legislator Maher

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Barr, seconded by Legislator Shimsky, the Committee adjourned at 3:59 PM.