



Labor & Housing BOL Meeting Minutes - Final

Committee Chair: Damon Maher

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

Monday, April 5, 2021

1:00 PM

Committee Room

CALL TO ORDER

Meeting jointly with the Committee on Legislation

With a quorum present, Chair Maher called the meeting to order at 1:06 PM.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law.

A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing 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."

Others in Attendance: BOL: Kitley Covill, Colin Smith, Alessandra Restiano, Jill Axelrod, Melanie Montalto, Amy Vele BOL Remote: David Tubiolo, Nancy Barr, MaryJane Shimsky, Vedat Gashi, Ruth Walter LAW: Justin Adin LAW Remote: Stacey Dolgin-Kmetz HRC Remote: Tejash Sanchala FAIR HOUSING Remote: Joshua Levin

Present: Legislator Maher, Legislator Borgia and Legislator Boykin

Absent: Legislator Williams

Remote: Legislator Cunzio, Legislator Johnson, Legislator Parker and Legislator Woodson-Samuels

MINUTES APPROVAL

Monday, March 8, 2021 10 AM Minutes

On motion of Legislator Borgia, seconded by Legislator Maher, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [2021-213](#) **PH - Amendments to the Co-op Disclosure Law**

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending Local Law No. 11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." [Public Hearing set for _____, 2021 at _____ .m.]. Local Law Intro

2021-212.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LABOR & HOUSING

Joint with LEG

Guests: Chief Deputy County Attorney Stacey Dolgin-Kmetz, Deputy County Attorney Justin Adin; Tejash Sanchala, Executive Director, Westchester County Human Rights Commission; Joshua Levin, Fair Housing Director

Mr. Adin discussed the amendments to the co-op disclosure law. The law, which was passed in 2018, required co-op boards to act on an application within a certain time frame, and required reporting to the Human Rights Commission if an application was rejected. It had a three-year sunset provision, which expires on November 29th, 2021. The amended version expands on what the co-op boards are required to disclose to the Human Rights Commission, including the reason for the rejection of an application. The current law provides that a co-op board must pay a fine for failure to disclose a rejection to the HRC. The amended version provides a penalty if a board fails to act within the required time frames as required on the application. It also removes the sunset provision.

Chair Covill asked if we need to add language that this law does not impact the independent right of the buyer or seller to bring an action based on a rejection. Mr. Adin said this would be the same as any other violation of the Fair Housing Law. He said he will check the Fair Housing Law to confirm that the amended law will not impact a buyer or seller's right to bring a third party action.

Mr. Sanchala and Mr. Levin discussed the creation of a model form to be submitted with notice of a rejection, and what information would have to be included. They also discussed what the penalties would be when a co-op board fails to act within the required time frames. Legislator Borgia asked if the HRC could create a fact sheet on fair housing specific to co-ops, and Mr. Sanchala said he would do so. Legislator Borgia said that fair housing training for board members is a good idea, but should not be required by the law.

Legislator Maher asked what happened in response to the 503 rejection notices received by the HRC to date. Mr. Levin said that they had been able to track down less than 10% of the applicants to follow up, so they don't have a complete picture.

Legislator Barr asked Mr. Sanchala to comment on the arguments against the law that it will make lawsuits against the boards more likely, and will increase the cost of insurance for board directors due to the increased potential for liability. He deferred to the Law Department. Mr. Adin said that if a board has a legitimate reason for rejection, there won't be an issue. He said that he doesn't know if there will be an increase in insurance premiums, or how much it would be. Legislator Maher said that Suffolk County has a law like this, and these concerns proved unfounded there. Chairman Boykin said there can be insurance increases for other reasons, including tightening of the insurance market.

Legislator Cunzio noted that the costs of fines and lawsuits will trickle down to the co-op members. Legislator Borgia responded that the law is designed to facilitate the buying and selling of co-ops by making it easier and more transparent, and decrease the likelihood of discrimination.

Ms. Covill said that we will have advocates and supporters of the law address the committees in one meeting, and detractors and those who have arguments against enactment of the law in another.

This RESOLUTION - Public Hearing was tabled

2. [2021-212](#) **HON. CATHERINE BORGIA - Amendments to the Co-op Disclosure Law**

A LOCAL LAW amending Local Law No.11-2018 relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LABOR & HOUSING

Joint with LEG

Guests: Chief Deputy County Attorney Stacey Dolgin-Kmetz, Deputy County Attorney Justin Adin; Tejash Sanchala, Executive Director, Westchester County Human Rights Commission; Joshua Levin, Fair Housing Director

This LOCAL LAW - Amendment to Local Law was tabled

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Johnson, seconded by Legislator Borgia, the Committee adjourned at 1:53 Pm.