

# Housing & Planning Meeting Agenda



Committee Chair: Shanae Williams

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

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**Monday, September 23, 2024**

**1:00 PM**

**Committee Room**

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**Joint with LMC & LEG**

## CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Colin Smith will be participating from 1132 Main Street, Suite 1, Peekskill, NY 10566

## MINUTES APPROVAL

1. Wednesday, May 15, 2024 at 1:00pm
2. Wednesday, September 18, 2024 at 3:30 PM

## I. ITEMS FOR DISCUSSION

1. [2024-494](#) **Legislators Williams and Imamura - Proposed Act Requiring Area Median and Local Area Median Income**

AN ACT requiring inclusion of Area Median Income and Local Area Median Income by the Westchester County Department of Planning when a Capital Project which includes affordable housing units is presented to the Westchester County Planning Board.

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

Guests:

Justin Adin - Assistant Chief Deputy County Attorney, and Alida Marcos - Assistant County Attorney  
Law Department

Susan Darling - Chief Planner, and Ted Leimbach - Associate Planner

Department of Planning

## II. OTHER BUSINESS

## III. RECEIVE & FILE

1. [2024-431](#) **REPORT - Westchester County Office of Housing Counsel  
Implementation Plan**

Forwarded from the County Executive, a copy of the Office of Housing Counsel's Implementation Plan; the submission of this implementation plan at the September 16, 2024 meeting of the Board of Legislators initiates the four-year sunset period, meaning that Local Law 8-2023 shall expire on September 16, 2028, unless extended or renewed by the Board of Legislators.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, HOUSING & PLANNING  
AND LAW & MAJOR CONTRACTS**

Guest: Office of Housing Counsel  
George Asante, Director

## ADJOURNMENT

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of “AN ACT requiring inclusion of the Area Median Income and Local Area Median Income by the Westchester County Department of Planning when a capital project which includes affordable housing units is presented to the Westchester County Planning Board.”

Your Committee is informed that the proposed Act would memorialize the current practice where the Department of Planning (“Planning”) provides the Area Medium Income (“AMI”) for capital projects involving affordable housing units, as defined by the U.S. Department of Housing and Urban Development’s (“HUD”) income limits, when they are presented to the Westchester County Planning Board (“Planning Board”). In addition, this Act would require Planning to define any and all income limits in terms of the relevant municipalities’ Local Area Median Income (“LAMI”) when capital projects involving affordable housing are presented to the Planning Board. The LAMI information would only be required where the U.S. Census Bureau (“Census Bureau”) provides the data necessary to produce the local estimate. Currently the County Planning Department only includes the AMI for Westchester County.

Your Committee advises that according to HUD’s Office of Policy Development and Research, HUD sets income limits that determine eligibility for a variety of housing programs. HUD develops income limits based on median family income estimates and fair market rent area definitions for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county. AMI is a key metric in affordable housing and represents the median family income for a specific area, adjusted for family size. AMI is calculated on an annual basis by HUD.

Your Committee is further informed by Planning that HUD's income limits are required to be used for any program involving federal funding and is used for County housing programs. These limits are also used by New York State and other financiers of housing, such as charitable organizations and banks, when providing funds for housing developments in Westchester. Westchester County uses the AMI standard to set eligibility requirements for its funding programs for both rental and ownership housing. Affordability is broadly defined as a household paying no more than 30% of their monthly gross income towards their housing costs. These income limits are a widely accepted national standard for professionals working with fair and affordable housing issues.

Your Committee recognizes that Westchester County's cities, towns, and villages are socioeconomically diverse, which makes it difficult to assess true affordability using the countywide income limits set by HUD. For example, in 2023 a homeownership unit which was set at 80% Area Median Income would have been available to a four-person household whose income was no more than \$117,450. If the unit was located in an affluent municipality, then its designation as affordable makes sense; but if the same unit was built in a low-income area, then it is anything but affordable. Enacting this Act requiring Planning to provide AMI as well as data showing what County AMI levels equate to in terms of the relevant municipalities local AMI, will allow policymakers to better contextualize new affordable housing development in different areas of the County.

Your Committee notes that the Planning Department has advised that, currently the Census Bureau does not provide median income for municipalities where the income estimate is above \$250,000. To date, municipalities within the County with median incomes above \$250,000 are Ardsley, Briarcliff Manor, Bronxville, Larchmont, New Castle, Pelham Manor, Pound Ridge, Rye City, and Scarsdale. This list of municipalities may change in the coming years' estimates or the Census Bureau

may revise the \$250,000 threshold at some point. However, currently, because of the lack of data from the Census Bureau, Planning would not be able to provide the Local AMI relating to affordable housing for the municipalities listed above.

Additionally, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Act.

Dated: September \_\_, 2024  
White Plains, New York

COMMITTEE ON

ACT NO. \_\_\_\_ - 2024

AN ACT requiring inclusion of Area Median Income and Local Area Median Income by the Westchester County Department of Planning when a capital project which includes affordable housing units is presented to the Westchester County Planning Board.

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

Section 1. When presenting a capital project that includes affordable housing units as defined by the U.S. Department of Housing and Urban Development's income limits to the Westchester County Planning Board, the Westchester County Department of Planning shall provide the Area Median Income (AMI) information.

§ 2. Along with the information provided in section 1, the Westchester County Department of Planning shall also be required to provide any and all income limits calculated based off of the relevant municipalities' Local Area Median Income (LAMI) when a capital project that includes affordable housing units is presented to the Westchester County Planning Board. This section shall only apply where the U.S. Census Bureau provides the data necessary to complete the local estimate.

§ 3. Effective date. This Act shall take effect immediately.

# Westchester County

George Latimer  
County Executive

September 4, 2024

Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue, 8<sup>th</sup> Floor  
White Plains, New York 10601

Dear Honorable Members of the Board:

Enclosed, please find a copy of the Office of Housing Counsel's Implementation Plan, pursuant to Section 187.61(a) of the Laws of Westchester County. As per Section 187.101 of the Laws of Westchester, the submission of this implementation plan at the September 16, 2024 meeting of the Board of Legislators initiates the four-year sunset period, meaning that Local Law 8-2023 shall expire on September 16, 2028, unless extended or renewed by your Honorable Board.

Sincerely,



GEORGE LATIMER  
County Executive

GL/nn  
Enclosure

# Westchester County Office of Housing Counsel Implementation Plan

Asante, George  
8-1-2024



## **I. Overview**

The Westchester County Board of Legislators, on April 17, 2023, signed and adopted Local Law 2023-262 amending the Laws of Westchester County (“County”) by adding a new chapter 187 (“Law”) relating to the creation of the Office of Housing Counsel (“OHC”). The implementation and future success of the OHC program would not be possible without the vision and leadership of our County Executive, the Board of Legislators, and the tireless advocacy of the Westchester County Right to Counsel Coalition (“WCRTCC”).

In 2023, there were 8,264 eviction filings in Westchester County, resulting in 4,799 warrants issued by County City Courts.<sup>1</sup> Tax warrant data from Towns and Villages, administrative agency terminations data and all other eligible out-of-court housing matter data was not available. OHC’s mission and purpose is to provide access to legal counsel to covered individuals and income-eligible individuals in housing matters involving covered proceedings. This program will enable tenants and occupants facing covered proceedings to be given a fair chance to access legal protections and stay in their homes.<sup>2</sup>

The Law calls for an implementation plan (“Plan”) regarding the establishment of an OHC program. This plan is required to address the program timeline, priorities, scope, and operations of the OHC. OHC’s Implementation timeline will begin in August of 2024 and extend through December of 2024. OHC implementation, priority and scope will be to establish a County-wide program to provide access to legal counsel for covered individuals in covered proceedings through designated organizations<sup>3</sup> or qualified professionals<sup>4</sup> where all covered individuals in a covered proceeding receive access to brief legal assistance or full legal representation, if income eligible.<sup>5</sup>

Plan considerations encompass OHC staffing, facilities, pilot testing and request for proposals (“RFP”), court system coordination, and community outreach. We estimate that the RFP will be prepared in fall of this year. We hope to review RFP submissions by November 2024, and hope to conclude decisions regarding the RFP by December 2024: This would allow program rollout or full implementation to begin in 2025.

OHC implementation plan considerations are focused on internal and external initiatives, but final determinations will be made during the RFP phase and are subject to the County procurement process and any other County laws and procedures related to County contracts.

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<sup>1</sup> Statewide Landlord-Tenant Eviction Dashboard.

<sup>2</sup> LL 187 § 187.21.

<sup>3</sup> One or more not-for-profit organizations or associations that have the capacity to provide legal services and have been designated by the County to provide legal services...

<sup>4</sup> Lawyers with experience handling landlord tenant matters and who have been designated by the County to provide legal services...

<sup>5</sup> Covered individual whose annual gross household income is not in excess of either 300 percent of the federal poverty or 60 percent of the county AMI (Area Median Income) whichever is higher.

## **II. Internal Initiatives**

OHC's internal program effectiveness and success require investment in administrative and oversight capacity. OHC staffing, facilities, screening mechanics, and technology are crucial to OHC function, effectiveness, and impact.

### **A. Staffing**

OHC shall hire a program administrator and administrative assistant to assist with implementation considerations and program operations. The program administrator and administrative assistant will work closely with the Director to accomplish all implementation goals. Additional OHC staffing will be determined in 2025. Consideration will be given for any additional role/position identified as necessary as we work to implement the OHC, and any such positions will be part of the 2025 Budget discussion.

### **B. Facilities**

OHC facilities will be located at the Westchester County Department of Social Services ("DSS"). OHC's main operations will be located at the main DSS office located at 112 E. Post Road, in White Plains. Offsite locations will be collocated with local DSS district offices, as necessary, and we will work to coordinate with the court system to collocate additional dedicated spaces in local courts throughout Westchester, where appropriate.

### **C. Helpline and Intake**

For OHC to ensure that eligible clients have access to our services, an intake screening system must be established. OHC will establish a housing matter screening line or tenant helpline ("Line"). OHC will also establish an online intake screening portal ("Portal") where information is gathered for appropriate OHC response and/or referral. The OHC's 'Line' and 'Portal' will function as a centralized hub where County residents at risk of displacement or facing housing related issues can access information regarding tenant's rights, and as a mechanism where these residents can be connected to providers and resources. The OHC 'Line' and 'Portal' shall gather the following;

- Postal code of residential rental premises
- Approximate household income
- Household size
- Length of tenancy or occupancy
- Contact information
- Case/background information

OHC's 'Line' and 'Portal' may electronically refer eligible tenants to a designated organization or qualified professionals. OHC will transmit data securely through designated case management systems ("CMS"). 'Line' and 'Portal' contact mechanisms – and the information gathered therein – will be necessary for OHC's operation, but they will not serve as a substitute for any

partner or provider's in-house intake procedures, though they may be utilized to support any relevant partners or providers.

### **III. External Initiatives**

OHC's external program effectiveness and success require a system rooted in collaboration and partnership. In order to ensure function, impact and effectiveness, OHC intends to pay close attention to the methods through which OHC programs are employed, intends to coordinate closely with courts throughout the County, intends to publicly market and promote its services, and intends to conduct community outreach to inform future operations.

#### **A. RFP for Brief and Full Legal Services and Eviction Prevention**

Eviction prevention legal services will include brief legal services and full representation in covered proceedings concerning eviction proceedings in County Courts.<sup>6</sup> Secondly, OHC will implement eviction prevention services in covered proceedings that do not require representation and/or housing matters not yet at the eviction stage.

The OHC program to provide access to legal counsel for covered individuals in covered proceedings may be implemented through contracts with designated organizations or contract with qualified professionals.<sup>7</sup> OHC's implementation goal to establish capacity can be achieved by contracting with both designated organizations and qualified professionals to address the volume of evictions in county courts, administrative agency terminations and all other covered proceedings set forth by the Law.

OHC shall create and develop an RFP subject to the timeline set forth above and the framework below. The final determination is to be made during the RFP phase and subject to the County procurement process and any other County laws and procedures related to County contracts.

OHC will create and develop a pilot RFP for the designated organization, a pilot RFP for an attorney panel and law firm or law office participation, and pilot RFP for a law school partnership to establish capacity. There shall be a pilot RFP for eviction prevention legal services, which will ensure that all income-eligible individuals receive access to full representation and brief legal assistance in covered proceedings. There will additionally be a pilot RFP for eviction prevention, that will ensure all covered individuals receive access to brief legal assistance to provide, at a minimum, an overview of the legal process in covered proceedings.

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<sup>6</sup> Brief legal services defined as individualized legal assistance provided in a single consultation to a covered individual in connection with a covered proceeding. Full representation defined as ongoing legal representation provided by any designated organization or qualified professional to an income-eligible individual and all legal advice, advocacy and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance

<sup>7</sup> LL 187 § 187.51(b).

## B. Court Coordination

OHC is tasked with coordinating with the courts concerning procedures and other programmatic issues and concerns. Specifically, the Law calls for regular meetings with the Supervising Judge of the Ninth Judicial District, local courts, and any other appropriate court personnel. OHC will prioritize partnership with the courts to promote and ensure access to legal counsel to covered individuals and income-eligible individuals.<sup>8</sup>

OHC initiatives to achieve optimal coordination shall include, but are not limited to, securing dedicated spaces in local courts staffed by OHC or OHC providers, referrals from the courts to OHC, and developing and publicizing signage and printed materials directing litigants to OHC or OHC providers. More impactful procedures and interventions will include OHC attachments to petitions and administratively adjourning covered proceedings for counsel and eligibility screening.

## C. Community Outreach

Effective implementation of the OHC program requires intentional efforts to ensure equity of access to and competency in the delivery of legal services to covered individuals. Language support, ADA support, and general interpreter services are crucial to support populations who might not otherwise be able to connect with OHC. OHC will need to invest in infrastructure to ensure language access, disability access and accommodation and effective education and outreach. County residents with disabilities, seniors, veterans, the undocumented, and those with limited English proficiency faced with a range of barriers to learning and understanding their legal rights and how to access services shall be ensured access through targeted outreach and various language and special service programs and initiatives.

OHC will engage in County-wide marketing and outreach. Marketing shall be conducted through DSS marketing staff, while outreach will be led by dedicated OHC outreach personnel in partnership and collaboration with designated community groups.<sup>9</sup> OHC will take actions related to community engagement and education through collaborative efforts and contracts with designated community groups. OHC will work to ensure equity in access by holding education sessions, conducting community forums, distributing written information, and facilitating meaningful referrals.

OHC's purpose and mission align with existing county programs related to housing and family stability. OHC will continue to work with all County departments and existing providers to offer support to all programs and initiatives through partnership and collaboration where appropriate. This includes programs supporting the disabled, seniors, veterans, children, families, domestic violence survivors, the homeless and other populations.

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<sup>8</sup> LL 187 § 187.71(n).

<sup>9</sup> A not-for-profit organization that has the capacity to conduct tenant outreach, engagement, education and information provision.

#### **IV. Reporting and Compliance**

OHC will prepare an annual report that will be submitted to the County Executive and the County Board of Legislators following the implementation of any part of the program. The report will be posted online no later than December 31 of each year and will contain information for the preceding 12 months of each year. The contents of the Annual Report are set forth by Law and shall include a review of OHC and information regarding the implementation and effectiveness of such a program.<sup>10</sup>

OHC will establish processes and procedures for data reporting and reviews. OHC will develop and implement a program for regular on-site review of OHC program provider operations and performance. OHC may require providers to submit annual client service data and semi-annual reports describing the operation and impact of their OHC-related activities and undertakings.

#### **V. Summary**

OHC will ensure that covered individuals involved in covered proceedings will be provided with access to professional client-centered legal services and access to brief legal assistance and legal representation when income-eligible. OHC will innovate and leverage existing programs and systems to meet the challenges of housing instability in the County.

OHC will engage in purposeful coordination and communication to have greater impact. OHC will establish a foundation of community, collaboration, and partnership between the courts, providers, and stakeholders. OHC will continue to consult and engage with the WCRTCC, court administrators, administrative agencies, and stakeholders regarding the implementation and operation of the OHC program.

OHC's goal is to establish dialogue, identify challenges, issue spots, solve problems, and employ a collaborative method to ensure effective operation of the OHC program.

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<sup>10</sup> LL 187 § 187.71.