

Legislation Meeting Agenda



Committee Chair: Colin Smith

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

Monday, November 18, 2024

1:00 PM

Committee Room

Joint with HP

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.

Joint with Housing & Planning and Budget & Appropriations committees.

Legislator Emiljana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, NY 10591.

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

MINUTES APPROVAL

Monday, October 21st at 1:00 p.m.

Monday, October 28th at 1:00 p.m.

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

Joint with Housing & Planning committee.

Guests: Law Dept.: Assistant Chief Deputy County Attorney Justin Adin and Assistant County Attorney Alida Marcos; Planning Dept.: Susan Darling, Chief Planner and Ted Leimbach, Associate Planner

2. [2024-386](#) LOCAL LAW-Pistol License Fees

A LOCAL LAW to amend the Laws of Westchester County by adding a new Chapter 527-a relating to fees charged for a license to carry a pistol or revolver, purchase or take possession of a semiautomatic rifle, and amend or renew such license.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION

Joint with Budget & Appropriations committee.

Guests: Law Dept.: Stacey Dolgin-Kmetz, Chief Deputy County Attorney; CE's Office: Steve Bass, Director of Intergovernmental Relations

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “AN ACT relating to the reporting of Area Median Income and Local Area Median Income in relation to affordable housing.”

Your Committee is informed that the proposed Act would first memorialize the current practice where the Westchester County Department of Planning (“Planning Department.”) provides the Area Median 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”).

Your Committee is advised 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 the Planning Department 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. Moreover, the 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, however, 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% AMI 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.

As such, this Act also requires the Planning Department to annually calculate the Local Area Median Income ("LAMI") for all applicable municipalities where the U.S. Census Bureau provides the data necessary to complete the local estimate. Your Committee notes 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, the Planning Department would not be able to provide the Local AMI relating to affordable housing for the municipalities listed above.

In addition, this Act would require the Planning Department to: (1) make these annual LAMI calculations publicly available; (2) post these annual LAMI calculations on the Planning Department's website; (3) submit the yearly LAMI calculations for all applicable municipalities within the County to

the Clerk of the Board of Legislators; and (4) send a copy of the yearly LAMI calculation to the Planning Board, Planning Department, Clerk, and Executive of each municipality for whom a LAMI is calculated.

Lastly, this Act would require the Planning Department to provide to the Planning Board the LAMI of the municipality in which a capital project that includes affordable housing units is to be located. This section shall only apply where there is a LAMI calculation for the subject municipality. Currently the Planning Department only provides the AMI for Westchester County.

Enacting this proposal will allow policymakers to better contextualize new affordable housing development in different areas of the County. In addition, the Act promotes transparency and accessibility of the Local AMI information, not only to the public at large, but also to prospective developers and government entities within the applicable local municipalities. The yearly LAMI calculations will allow policymakers and developers within local municipalities to better determine the thresholds for affordable housing development within their respective localities and work to ensure the needs of that local community are met.

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: October ____, 2024
White Plains, New York

COMMITTEE ON

ACT NO. ____ - 2024

AN ACT relating to the reporting of Area Median Income and Local Area Median Income in relation to affordable housing.

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

§ 1. The Westchester County Department of Planning shall calculate the Local Area Median Income (LAMI) for all municipalities where the U.S. Census Bureau provides the data necessary to complete the local estimate. The LAMI of such municipalities shall be calculated on an annual basis by the Westchester County Department of Planning. These annual LAMI calculations shall be made publicly available.

§ 2. On an annual basis, the Westchester County Planning Department shall ensure both the Area Median Income (AMI) and the LAMI calculations made pursuant to Section 1 of this Act are:

- (a) posted on the Westchester County Department of Planning's website;
- (b) submitted to the Clerk of the Board of Legislators; and
- (c) sent to the Planning Board, Planning Department, Clerk, and Executive of each municipality for which a LAMI is calculated.

Each transmission identified in this section shall include a statement indicating that the LAMI calculation is provided for informational purposes.

§ 3. The annual requirements set forth in Sections 1 and 2 of this Act shall be performed by the Westchester County Planning Department each year within 60 days of the release of the U.S. Department of Housing and Urban Development's (HUD) annual area median income estimates for Westchester County.

§ 4. When presenting a capital project to the Westchester County Planning Board that includes affordable housing units subject to income limits calculated off of AMI, the Westchester County Department of Planning shall provide the AMI information.

§ 5. When presenting information required by Section 4 of this Act, the Westchester County Department of Planning shall also be required to provide to the Westchester County Planning Board, the LAMI of the municipality in which the capital project shall be located. This section shall only apply where there is a LAMI calculation for the subject municipality.

§ 6. Effective date. This Act shall take effect upon the provision of the County AMI data from HUD in 2025, which allows for the calculation of the LAMI.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive requesting the adoption of the attached “A LOCAL LAW to amend the Laws of Westchester County by adding a new Chapter 527-a relating to fees charged for a license to carry a pistol or revolver, purchase or take possession of a semiautomatic rifle, and amend or renew such license.”

Your Committee is aware that the fees charged by counties for new pistol licenses are regulated by New York State Penal Law § 400.00(14). Pursuant to this New York State law, Westchester’s pistol license applications have been capped at \$10 for new applications, \$10 for renewal applications, and \$3 for change to restriction/amendment applications. The costs associated with the work necessary to process these applications is significantly higher than what the current fee structure provides. The costs can be broken down as follows:

- **New Permit**
 - Public Safety Staff Costs: \$438
 - Clerk Costs: \$93
 - Total Cost: \$531
- **Renewal Permit**
 - Public Safety Staff Costs: \$194
 - Clerk Costs: \$33
 - Total Cost: \$227
- **Restriction Change/Amendment**
 - Public Safety Staff Costs: \$122
 - Clerk Costs: \$25
 - Total Cost: \$147

The current licensing fee structure has been in place since 1984. As such, Westchester County operates the firearms licensing program at a significant annual loss. The licensing fees bring in roughly \$75,000 to finance the program, while costing the County over \$2 million (to fund eight full time staff and one part-time staff member). Further, the review process has become especially onerous as New York State has passed laws requiring the County to review additional elements of an applicant's background and history. The County has thoroughly explored the mechanisms through which this process can be expedited, streamlined, and any ways in which technology can be used to improve the speed and quality of service. However, state law prevents the County from modifying the review process any further; for example, state law does not permit Westchester to process renewals through the State, a benefit afforded to many upstate counties.

As a result, Westchester's taxpayers subsidize the costs incurred by those seeking firearms licenses. Comparable counties, such as Nassau County as well as New York City, have received state authorization to charge fees in line with the cost of providing the licensing service. These localities have higher licensing fees, allowing them to cover a larger share of this cost, placing a lighter burden on their taxpayers. For example: New York City charges \$340 per application, Nassau County charges \$200 per application, and Oneida County charges \$110 per application.

Your Committee is aware that other fees factor into the total that a resident pays to receive a permit. In Westchester, this breaks out as follows: Residents pay the \$10 permit cost, a \$17 fingerprint processing fee, and roughly \$103 for a New York State mandated background

and social media check. The money from the state mandated check is passed directly to New York State; Westchester receives none of this money. New York City, Nassau and Oneida all charge a higher permit cost, and additionally collect the State mandated pass through fee, bringing the total amount a resident would pay in those localities to (NYC) \$443, (Nassau) \$303 and (Oneida) \$213 – all far in excess of the roughly \$140 that a resident of Westchester would pay to license their firearm.

Your Committee is advised that New York State law governs the process and structure of pistol licensing – and as such, it is not feasible at this time to reduce the cost of this service. Applications pass through the County Clerk’s office, and must be approved by a Judge before they can be finalized. New York State does not allow Westchester County to rely on the State to recertify licenses, unlike other counties, pursuant to Penal Law 400.00(10). Your committee has been further advised of the scope of work necessary to process a new license, to renew a license, and to amend a license. The 8 full time members and one part-time member of the Westchester County Department of Public Safety’s Pistol Licensing Unit (PLU) are required by state law to follow a specific process. State law requires the PLU to conduct in-person interviews; statewide database checks; mental health inquiries; national, state, and local level crime inquiries; verify the veracity of interviews and testimony; and develop detailed investigative reports to be utilized by the Judge in issuing their determination. The PLU must review over 7,500 applications, renewals and changes annually.

Your Committee is advised that, on September 15, 2023, the Governor signed into law an amendment to subdivision 14 of section 400.00 of the New York State Penal Law, to allow

the County, through this Board, to fix the fees to be charged for a license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle and to provide for disposition of such fees. In order to improve the quality and speed of service for those seeking a firearms license, and in order to shift the cost of this service from the general taxpayer and onto those utilizing the service, Westchester County has analyzed other counties' programs, and worked to determine a fee structure that allows the County to recoup a larger amount of the program's costs while keeping licensing fees lower than those charged by other counties.

Your Committee is further advised that this proposed Local Law, if adopted, would set the fees for a license to possess or carry a pistol or revolver, to purchase or take possession of a semiautomatic rifle or to renew a pistol license at \$175, to amend a restriction on a pistol license at \$125, and for any other amendment to a pistol license at \$25.00. Any other firearms licensing fees, including but not limited to: Duplicate licenses and license transfers between counties follow New York State law. Westchester County may only issue exemptions for retired police officers, retired uniformed court officers, and retired corrections officers; the County is barred by state law from issuing exemptions to any populations beyond those stated above. Moreover, all fees collected under this proposed Local Law would be paid into the general fund of the County, as is the current procedure regarding these fees.

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.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated: November 18, 2024
White Plains, New York

COMMITTEE ON

CC-10-24-24

A LOCAL LAW to amend the Laws of Westchester County by adding a new Chapter 527-a relating to fees charged for a license to carry a pistol or revolver, purchase or take possession of a semiautomatic rifle, and amend or renew such license.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. A new Chapter 527-a is hereby added to the Laws of Westchester County to read as follows:

Chapter 527-a

FEES CHARGED FOR A LICENSE TO CARRY A PISTOL OR REVOLVER, OR TO PURCHASE OR TAKE POSSESSION OF A SEMIAUTOMATIC RIFLE IN THE COUNTY OF WESTCHESTER

Sec. 527-a.01 Fees.

a. The County firearms licensing officer shall collect fees related to firearms licensing pursuant to the provisions of article 400 of the New York State Penal law.

b. The fees to obtain a license to carry or possess a pistol or revolver, to purchase or take possession of a semiautomatic rifle or to renew a license to carry or possess a pistol or revolver in the County shall be one hundred and seventy-five (\$175.00) dollars. If concurrent applications are made only the single highest fee shall be collected. Such fees provided for in this subdivision shall be in addition to the fees charged for a background check and fingerprints which are required to obtain a license pursuant to this Chapter.

c. The fee to amend a restriction on a pistol license shall be one hundred and twenty-five (\$125.00) dollars and the fee for any other amendment to a pistol license shall be twenty-five (\$25.00) dollars.

d. Any other firearms licensing fees including but not limited to duplicate licenses, license transfers between counties and waivers of license fees shall be set in compliance with New York State law.

Sec. 527-a.11 Disposition of Fees.

All fees collected under this chapter shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.

Section 2. This Local Law shall take effect immediately.