



Committee on Social Services

~AGENDA~

Monday, May 20, 2019

2:00 PM

Committee Chair: Kitley Covill

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Joint with Labor & Housing

MINUTES APPROVAL

1. Monday, May 13, 2019 at 10:03 AM
2. Monday, May 13, 2019 at 2:00 PM

I. ITEMS FOR DISCUSSION

1. **(ID # 11811) Resolution – LEGISLATORS JOHNSON, BORGIA, SHIMSKY AND COVILL: Proposed Resolution regarding rent regulations:**

Forwarding a Proposed Resolution regarding rent regulations.

Invited Guests:

Blanca Lopez, Assistant to the County Executive for Housing and Community Development

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT



Committee on Social Services

~MINUTES~

Monday, May 13, 2019

10:03 AM

Committee Chair: Kitley Covill

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

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CALL TO ORDER

Joint with Budget & Appropriations

With a quorum present, Chair Kitley Covill called the meeting to order at 10:14 AM.

Attendee Name	Title	Status	Arrived
Kitley Covill	Chair	Present	
Nancy Barr	D6 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Whip)	Present	
David J. Tubiolo	D14 Legislator	Present	
Alfreda Williams	D8 Legislator (Vice Chair)	Absent	

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. **(ID # 11805) Act – WCHCC-Bilingual Services for Victims of Sexual Assault:**

AN ACT authorizing the County of Westchester to enter into an agreement with the Westchester County Health Care Corporation for the term commencing January 1, 2019 through December 31, 2021 pursuant to which the WCHCC shall provide free culturally-competent bilingual services for victims of sexual assault residing in Westchester County.

Robin Schlaff, Executive Director and Stephanie Dechario, Contract Manager-Office of Women came before the Committees to discuss item # 11805- WCHCC Bilingual Services for the Victims of sexual Assault. The Act would authorize the to enter into an agreement with the Westchester County Health Care Corporation that would provide free culturally competent bilingual services for victims of sexual assault residing in Westchester County for the terms commencing on January 1, 2019 and ending December 31, 2021. Ms. Schlaff explained that this program was originally run by the Westchester Hispanic Coalition. That was recently taken over by Make the Road, and it was determined that this program did not fit in with the mission of Make the Road, which primarily deals with immigration law. Ms. Schlaff explained that this program designates an advocate to the patient, and that advocate helps the patient through the process. The advocate explains the entire process to the patient, asks the patient if they want a rape kit done, what the NYS laws are pertaining to rape kits and how long it is preserved if they so choose to prosecute the attacker. The advocate will accompany to patient to the Police station and spend a great deal of time with them patient. The County provides Rape Kits for all sexual assault victims and most of the major municipalities send their patients to the Medical Center. Transportation is provided under a separate contract. Legislator Borgia asked if the advocates are trained to be culturally sensitive. Ms. Schlaff responded and stated the advocates are formally trained to

Minutes Acceptance: Minutes of May 13, 2019 10:03 AM (MINUTES APPROVAL)

understand ICE as well as U-visas which are the visas that victims of crime are eligible for. The person who took over the program had been formally associated with Westchester Hispanic Coalition and is an immigration attorney. Legislator Tubiolo asked if the service are available for individuals who speak a language other than Spanish. Ms. Schlaff responses that the majority of the patients are Spanish speaking, however, the program is inclusive of all languages.

With a motion by Legislator Barr and seconded by Legislator Tubiolo the item was approved with a vote of 4-0.

RESULT: SIGNED BY COMMITTEE

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Shimsky seconded by Legislator Barr the Committee adjourned at 10:35 AM.

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MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. **(ID # 11811) Resolution – LEGISLATORS JOHNSON, BORGIA, SHIMSKY AND COVILL: Proposed Resolution regarding rent regulations:**

Forwarding a Proposed Resolution regarding rent regulations.

Chair Covill opened the meeting and explained the reason why the Committee requested to have Legal Services of the Hudson Valley at the meeting to have them discuss the impacts of the proposed legislation on tenants and some comments on what they have seen without these regulations in place as well as what they anticipate in seeing with these changes.

Marcie Kobak, Supervising Attorney of Litigation - Legal Services of the Hudson Valley (LSHV) addressed the committee and shared her comments on the proposed legislation. The first pieces of legislation she spoke about is **S2892A/A5030A** prohibiting evictions without good cause would prevent homelessness and improve stability because this regulatory change greatly impacts tenants because under the current law tenants can be evicted for doing nothing wrong which is called a no cause hold over. The practical results of the current law which LSHV has observed include: tenants living in sub-standard housing because they have to move precipitously; tenants being hampered in their ability to assert the warranty of habitability because a month-to-month tenancy can be terminated for no reason and the protection against retaliatory eviction does not offer sufficient protection; tenants with Section 8 vouchers standing to lose their vouchers because they have to find a new Section-8 approved apartment every time their leases are not renewed and HUD caps the time to use a moving voucher; when tenants cannot move in time they end up with eviction proceedings on their records, which can cause a prospective landlord to reject them; eviction prevention agencies seek leases so they are assured payment will save the housing and month-to-month tenants are often denied arrears for this reason.

Legislator Covill asked if there were any income limitations and Ms. Kobak responded no.

Legislator Barr asked what provision are in place where a landlord can decide to not renew the lease.

Ms. Kobak responded that the law does not apply to owner-occupied units with 5 or less units as opposed to larger buildings.

Ms. Kobak continued with her comments on the proposed state bills the next was the impacts of **S0185/A235I** eliminating the 20% vacancy increase provision of ETPA would remove a tremendous incentive to turn over apartments. ETPA requires lease renewals with limited rent increases absent good cause, a critical protection for the reasons noted above. A landlord can impose a guidelines-board approved increase on a renewal lease, these increases have been between 0-3% in recent years. For a "vacancy lease" (a new tenant), a landlord can automatically increase the rent by 20%, plus an additional .06% per year if the last vacancy was more than eight years prior. Each vacancy increase brings the unit closer to deregulation. This generates severe economic pressure to move tenants out. At LSHV, we have seen weak allegations of lease violations and landlords allowing rent arrears to accumulate beyond the point the person can resolve an eviction proceeding based on the arrears.

S2845A/A4349 creating permanency in preferential rents can prevent abuse of ETPA regulations. Currently, tenants who are offered preferential rents need to be given the registered rent amount and the preferential rent in writing with each lease renewal and the information that the registered rent could be imposed with the next lease renewal. The registered rent is often much higher, and this does not usually resonate until it is imposed. It is sometimes imposed in a fit of pique. More damaging is that preferential rents are often offered when the registered rent is based on improper increases- the purported legal regulated rent is actually inflated. ETPA 's rent increase protections are tenant-enforced. The system relies on tenants to make complaints to NYSHCR. Complaints are limited to a four-year "look back" period. Often, a registered rent is excessive based on improper increases charged to the prior tenant or the tenant before that. If these improper increases were more than four years before the current tenant became concerned about the registered rent, the current tenant usually cannot challenge it. LSHV has seen many rent registrations with improper or suspect increases that the tenant only becomes aware of when the preferential rent is revoked. This is particularly true when a tenant has Section 8, and the apartment rent

suddenly becomes significantly more than Section 8 can approve. Preferential rent has the effect of masking how high the registered rent is, decreasing the likelihood of overcharge complaints which are necessary to curbing abuses.

S3770, removing individual apartment improvement increases (IAI's), is connected to the economic incentive for landlords to turnover ETPA apartments. IAI's require tenant sign-off unless they are done while an apartment is vacant. As the memo notes, tenant complaints are the enforcement mechanism, with the four-year look-back period limitation. LSHV has seen rent-burdened tenants frustrated in their ability to challenge IAI's imposed before they moved in. Repealing this provision would likely reduce how quickly apartments are deregulated and prevent unjustified rent increases.

S3693/A6322 eliminating major capital improvements (MCI's) would remove another mechanism to increase ETPA rents. DHCR has a mechanism for tenants to challenge MCIs, however, the time frame is extremely limited for tenants to respond to an owner's request for an MCI. LSHV has seen tenants unable to challenge an MCI because they missed the deadline or did not use the proper form within the deadline.

Vacancy increases, IAI's, and MCI's can all contribute to an apartment rent exceeding what Section 8 can

approve, which creates strain and hardship for LSHV clients.

S2591A/A1198 relates to apartments which have legally exceeded a rent threshold, currently \$2,830.21

in Westchester. Virtually no LSHV clients can afford a rent of \$2,830.

SS040/ A 7046 permits municipalities in other counties to adopt ETPA, it therefore would not directly impact Westchester. Its efficacy depends upon the housing stock. The recent contentious adoption of ETPA in Ossining is instructive.

The committees had additional discussion on the resolution and added language to the resolution. Members of the committees also agreed to invite developers and to the next meeting to have further discussion on the proposed resolution and how it will impact developers.

RESULT: PENDING

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

Christopher A. JohnsonLegislator, 16th District

Chair, Committee of Appointments

Committee Assignments
Labor & Housing
Public Safety

To: Ben Boykin, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

From: Christopher Johnson, Legislator, 16th District
Catherine Borgia, Legislator, 9th District

Date: April 17th, 2019

Re: Proposed Resolution regarding rent regulations

Please refer the attached proposed Resolution supporting several bills before the New York State Senate & Assembly with regard to rent regulations throughout the state, to the appropriate committee(s) on the April 23, 2019 Westchester County Board of Legislators agenda.

Attachment: RESO - Proposed Resolution regarding rent regulations - DRAFT (11811 : Proposed Resolution regarding rent regulations)

RESOLUTION 2019

WHEREAS, the County of Westchester is conducting a Housing Needs Assessment to document and identify unmet needs for affordable housing opportunities to serve low and moderate income residents; and

WHEREAS, according to United States Census data, Westchester has several municipalities with rent burdened tenants; tenants paying over 30% of their income on rent; and

WHEREAS, housing cost are increasing dramatically, the displacement of working families and middle class residents has reached crisis proportions, emphasizing the need for affordable housing; and

WHEREAS, under the current ETPA law only municipalities in Nassau, Westchester, Rockland counties and New York City are eligible to adopt a form of rent stabilization, resulting in rent control only applying to tenants in 8 of the state's 62 counties; and

WHEREAS, Major Capital Improvement (MCI) increases are not considered rent increases, and tenants often carry the additional burden of paying for the cost of MCI's included in their rent, often years and sometimes decades, after the cost of the improvements are fully paid; and

WHEREAS, the ability of landlords to annually increase the prices of rent-regulated apartments that have become vacant, can rapidly transform an affordable apartment into one that is unaffordable for median income Westchester Residents; and

WHEREAS, some tenants are evicted without cause, allowing landlords to take unfair advantage of their ability to increase rents; now

THEREFORE BE IT RESOLVED, that the Westchester County Board of Legislators call upon our leaders in Albany to strike the geographic restrictions from the ETPA so that local governments can take an active role addressing the cost of rental housing and to provide critical rental rights to tenants across the state;

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse [S2845A/A4349](#) which would prohibit owners from adjusting the amount of preferential rent upon the renewal of a lease; and,

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse [S0185/A2351](#) which relates to rent increases after vacancy of a housing accommodation and would eliminate the vacancy bonus; and,

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse [S3770](#) which would prevent landlords from being able to take apartments out of rent regulation when existing tenants leaves; and,

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse S.3693/A.6322 which eliminates rent increases for major capital improvements; and,

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse S.2591A/A1198 which repeals provisions of law relating to individual apartment improvement rent increases; and

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse S2892A/A1198 which relates to prohibiting evictions without good cause; and,

BE IT FURTHER RESOLVED, that the Clerk of the Board of Legislators is directed to send a copy of this resolution to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, bill sponsors Senator Kreuger, Assembly Member Cymbrowitz, Senator Serrano, Assembly Member Pichardo, Senator Kavanaugh, Senator Salazar, Assembly Member Hunter, Senator Giannaris, Assembly Member Barnwell, Assembly Member Rosenthal and the Members of the Westchester County State Delegation.

Date
White Plains, NY

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THEREFORE BE IT RESOLVED, that the Westchester County Board of Legislators call upon our leaders in Albany to pass S5040/A7046, to strike the geographic restrictions from the ETPA so that local governments can take an active role addressing the cost of rental housing and to provide critical rental rights to tenants across the state;

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse S2845A/A4349 which would prohibit owners from adjusting the amount of preferential rent upon the renewal of a lease; and,

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WHEREAS, some tenants are evicted without cause, allowing landlords to take unfair advantage of their ability to increase rents; now

THEREFORE BE IT RESOLVED that the Westchester County Board of Legislators expresses its support for the bill referenced below and for its principles contained within those bills;

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators call upon our leaders in Albany to pass S5040/A7046, (as revised or amended) to strike the geographic restrictions from the ETPA so that local governments can take an active role addressing the cost of rental housing and to provide critical rental rights to tenants across the state;

BE IT FURTHER RESOLVED that the Westchester County Board of Legislators support and endorse S2845A/A4349, (as resided or amended) which would prohibit owners from adjusting the amount of preferential rent upon the renewal of a lease; and,

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Dated: _____, 2019
White Plains, NY

COMMITTEE ON

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Labor & Housing