



## Committee on Labor & Housing

~MINUTES~

Monday, October 15, 2018

1:01 PM

Committee Chair: Damon Maher

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

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

### CALL TO ORDER

With a quorum present, Chair Damon Maher called the meeting to order at 1:01 PM.

| Attendee Name       | Title                           | Status  | Arrived |
|---------------------|---------------------------------|---------|---------|
| Damon Maher         | Chair                           | Present |         |
| Catherine Borgia    | D9 Legislator                   | Present |         |
| Margaret A Cunzio   | D3 Legislator                   | Present |         |
| Christopher Johnson | D16 Legislator                  | Present |         |
| Catherine Parker    | D7 Legislator (Majority Leader) | Present |         |
| Alfreda Williams    | D8 Legislator (Vice Chair)      | Present |         |
| Benjamin Boykin     | D5 Legislator (Chairman)        | Present |         |

Others In Attendance: BOL: John Testa, Kitley Covill, MaryJane Shimsky, Nancy Barr LAW: John Nonna, Stacey Dolgin-Kmetz Guests: Barry Kramer

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

Meeting jointly with Legislation.

Guests:

LAW: County Attorney John Nonna and Chief Deputy County Attorney Dolgin-Kmetz

1. **RES-2018-155 Resolution – PH - Cooperative Housing Corporation Disclosure Law:**

A RESOLUTION setting a Public Hearing on a proposed "LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." [Public Hearing set for October 29, 2018, at 7:30 p.m.; Local Law Intro No. 10626-2018]

With a motion by Legislator Boykin and seconded by Legislator Borgia the item was approved with a vote of 7-0.

**RESULT: SIGNED BY COMMITTEE**

2. **(ID # 10626) Local Law – LEGISLATORS BORGIA, BARR, L. WILLIAMS, BOYKIN, A. WILLIAMS, PARKER, MAHER AND JOHNSON: Cooperative Housing Corporation Disclosure Law:**

A proposed "LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations."

County Attorney John Nonna and Chief Deputy County Attorney Dolgin-Kmetz joined the Committee to continue the discussion on the proposed (ID # 11060/11626) Local Law: Cooperative Housing Corporation Disclosure Law. Before the members is a new Draft (#3) that eliminates the requirement for a reason, and instead requires a copy be sent to the Human Rights Commission stating the reason for rejection. They have also added a sunset provision. Legislator Borgia spoke on the reason for the sunset provision. After hearing both testimony from both the realtors and Coop Boards, it was suggested that data be collected and rather than hold up the legislation we put in the sunset provision; "This Local Law should take effect immediately and shall expire and be deemed repealed 3 years subsequent there to." The law also changes the times frame in which a purchaser has to apply from 10 to 15 days and changes the time frame the Boards have to respond once an application is deemed completed from 45 - 60 days. Questions and discussion were held regarding the authority of the Human Right Commission and if they had the power to collect the information under the Fair Housing Law, do we (Board of Legislators) need to give them the authority or do they only have the authority to act if a complaint has been made?

County Attorney Nonna discussed that this issues fall between public and policy law, The origin of the law that concerns Boards were rejecting applicants due to discriminatory actions. This local law would be a part of the Fair Housing Law. He said that the issue that could arise is, how do we know discrimination is happening? The new draft leaves it in the hands of the Human rights Commission. They will compile the data, initiate the complaint and then an investigation.

Discussion was held on the original purpose of the law. Legislator Borgia explained that the new draft is a compromise between both sides. She explained that in meetings both sides had valid points and that they felt the new draft was a compromise solution; collect data and activate the Human Right Commission to investigate. She went over the new terms of the Law, a coop board has 15 days to say if an application is complete. Any time up to the 15th day they can go back and tell the purchaser that the application is incomplete. They then have additional 15 days to review the application. Once deemed complete the Board has 60 days to reject or approve the application and shall provide written notice. In the case of rejection, a copy of the notice shall be sent to the Human Rights Commission. The Committee discussed that they felt this was a good compromise but were not ready to move the Legislation forward. They signed out the Public Hearing Resolution only. Please refer to item #1 for votes.

|                |                |
|----------------|----------------|
| <b>RESULT:</b> | <b>PENDING</b> |
|----------------|----------------|

## II. OTHER BUSINESS

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

## III. RECEIVE & FILE

## **ADJOURNMENT**

Moved by Legislator Parker seconded by Legislator Maher the Committee adjourned at 2:00 PM.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

Your Committee believes that prospective purchasers of stock in cooperative housing corporations can potentially face discrimination based on their group identity. However, currently, there is no requirement that the governing boards of cooperative housing corporations disclose the reason for the rejection of a prospective purchaser, which can make it more difficult for the Human Rights Commission to investigate and act on unlawful discriminatory practices. Requiring such governing boards to timely respond to applications to purchase shares of stock in the corporation and disclose the

reason for rejections thereof would both deter discriminatory practices and provide a basis upon which the Human Rights Commission could investigate any claims of discrimination relating to the sale or transfer of shares of stock in cooperative housing corporations.

Therefore, your Committee would recommend the adoption of the attached Local Law, which would require governing boards of cooperative housing corporations to provide applications to purchase shares of stock in the corporation, act on the applications in a timely manner, and provide the reason for the rejection of any application. The attached Local Law would further empower the Human Rights Commission to consider any non-compliance therewith in any investigation or proceeding under the Fair Housing Law.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2018  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ - 2018**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

**LOCAL LAW INTRO. NO. -2018**

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include a new section 700.21-a as follows:

**Section 700.21-a. Applications to purchase shares of stock in cooperative housing corporations.**

A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

B. Within ten days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application.

C. Within forty-five days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock and shall provide written notice thereof which, in the case of a rejection, shall state the reason for such a determination



D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter.

Section 2. This Local Law shall take effect immediately.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

Your Committee believes that prospective purchasers of stock in cooperative housing corporations can potentially face discrimination based on their group identity. However, currently, there is no requirement that the governing boards of cooperative housing corporations disclose the reason for the rejection of a prospective purchaser, which can make it more difficult for the Human Rights Commission to investigate and act on unlawful discriminatory practices. Requiring such governing boards to timely respond to applications to purchase shares of stock in the corporation and disclose the

reason for rejections thereof would both deter discriminatory practices and provide a basis upon which the Human Rights Commission could investigate any claims of discrimination relating to the sale or transfer of shares of stock in cooperative housing corporations.

Therefore, your Committee would recommend the adoption of the attached Local Law, which would require governing boards of cooperative housing corporations to provide applications to purchase shares of stock in the corporation, act on the applications in a timely manner, and provide the reason for the rejection of any application. The attached Local Law would further empower the Human Rights Commission to consider any non-compliance therewith in any investigation or proceeding under the Fair Housing Law.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2018  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ - 2018**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. -2018

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include a new section 700.21-a as follows:

**Section 700.21-a. Applications to purchase shares of stock in cooperative housing corporations.**

A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

B. Within ten days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application.

C. Within forty-five days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock and shall provide written notice thereof which, in the case of a rejection, shall state the reason for such a determination

D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter.

Section 2. This Local Law shall take effect immediately.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

Your Committee believes that prospective purchasers of stock in cooperative housing corporations can potentially face discrimination based on their group identity. However, governing boards of cooperative housing corporations, if seeking to reject a prospective purchaser based on a protected characteristic, can seek to avoid liability by failing to act on an application submitted by a prospective purchaser in a timely manner, or by failing to inform an applicant that an application is incomplete, thus not allowing that applicant to correct any deficiencies. In turn, this can make it more difficult for the Human



Rights Commission to investigate and act on unlawful discriminatory practices. Additionally, given that governing boards are not required to disclose the reasons why an applicant is rejected, and that applicants are only privy to their own rejection, it can be difficult to determine if there is a pattern or practice of discriminatory conduct by a cooperative housing corporation.

Requiring such governing boards to timely respond to applications to purchase shares of stock in the corporation and to provide copies of the rejections thereof to the Human Rights Commission would both deter discriminatory practices and provide a basis upon which the Human Rights Commission could investigate any claims of discrimination, or uncover any patterns or practices of discrimination, relating to the sale or transfer of shares of stock in cooperative housing corporations.

Therefore, your Committee would recommend the adoption of the attached Local Law, which would require governing boards of cooperative housing corporations to provide applications to purchase shares of stock in the corporation, act on the applications in a timely manner, and provide a copy of the rejection to the Human Rights Commission. The attached Local Law would further empower the Human Rights Commission to consider any non-compliance therewith in any investigation or proceeding under the Fair Housing Law, and would impose a fine on any cooperative housing corporation that did not provide a copy of the rejection to the Commission.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its

implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2018  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ - 2018**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

# FISCAL IMPACT STATEMENT

SUBJECT: Unlawful Discrimination in Housing Practices

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A)  GENERAL FUND       AIRPORT       SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost      \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations       Additional Appropriations       Other (explain)

Identify Accounts: No Anticipated Fiscal Impact

Potential Related Operating Budget Expenses:      Annual Amount \$ 0

Describe: No Anticipated Fiscal Impact

Section 700.21 (H) Laws of WC

Would require governing boards of Co-Ops to act on applications in a timely manner and provide the reason for rejection of any application.

Potential Related Revenues:      Annual Amount \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Next Four years: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Carl Maniscalco

*CM*  
*10-15-18*

Title: Sr. Budget Analyst

Department: Budget

Reviewed By: \_\_\_\_\_

*[Signature]*


Budget Director

*10/15/18*

If you need more space, please attach additional sheets.

Attachment: PH-Cooperative Housing Corporation Disclosure Law- DRAFT 3 (RES-2018-155 : PH - Cooperative Housing Corporation Disclosure

TO: Justin Adin  
Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Director of Environmental Planning

DATE: July 2, 2018

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR COOPERATIVE HOUSING CORPORATION DISCLOSURE LAW**

---

Pursuant to your request for an environmental review of the above referenced action, the Planning Department has determined that no environmental review is necessary.

The action involves the adoption of a local law to amend Chapter 700 of the Laws of Westchester County by adding a new section 700.21-a that will require cooperative housing corporations to provide applications to prospective purchasers of shares of stock in its corporation and to establish procedures for approving and denying such applications.

Since the proposed action does not “change the use, appearance or condition of any natural resource or structure,” or otherwise affect the environment, with respect to the State Environmental Quality Review (SEQR) Act, the proposed law does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required.

Please contact me if you need any additional information on this matter.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Norma Drummond, Commissioner of Planning  
Claudia Maxwell, Associate Environmental Planner

LOCAL LAW INTRO. NO. -2018

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include a new section 700.21-a as follows:

**Section 700.21-a. Applications to purchase shares of stock in cooperative housing corporations.**

A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

B. Within fifteen days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application. Where the governing board has informed a prospective purchaser of a defect in an application, upon resubmission of the application the governing board shall have fifteen days to either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any uncured defect in the resubmitted application.

C. Within sixty days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock and shall provide written notice thereof. In the case of a rejection, a copy of the written

notice shall be sent by the governing board to the Human Rights Commission. Said copy must be received by the Human Rights Commission within fifteen days of the notice being provided to the prospective purchaser.

D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter. Furthermore, non-compliance with the requirement that a copy of the rejection notice be provided to the Human Rights Commission shall be an independent violation of this Chapter, and shall be punishable by a fine of \$1,000 for the first offense, \$1,500 for the second offense, and \$2,000 for the third and any subsequent offense.

Section 2. This Local Law shall take effect immediately, and shall expire and be deemed repealed three (3) years subsequent thereto.

RESOLUTION NO. \_\_\_\_ - 2018

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." The public hearing will be held at \_\_\_\_m. on the \_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

DATED: Oct 15, 2018  
 WHITE PLAINS, NEW YORK

*Alfreda Wilkins*  
*Alvin B.*  
*Benjamin [unclear]*  
*Ann D. Brown (wop)*  
*John B. [unclear] (wop)*  
*K. [unclear]*  
*[unclear]*  
 Committee on Legislation

*Wally*  
*Carl Parker*  
*Alfreda Wilkins*  
*[unclear]*  
*Margaret A. Cego*  
*Alvin B.*  
*Benjamin [unclear]*  
 Committee on Labor & Human

Attachment: PH-Cooperative Housing Corporation Disclosure Law- SIGNED BY COMMITTEE (RES-2018-155 : PH - Cooperative Housing



TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

Your Committee believes that prospective purchasers of stock in cooperative housing corporations can potentially face discrimination based on their group identity. However, governing boards of cooperative housing corporations, if seeking to reject a prospective purchaser based on a protected characteristic, can seek to avoid liability by failing to act on an application submitted by a prospective purchaser in a timely manner, or by failing to inform an applicant that an application is incomplete, thus not allowing that applicant to correct any deficiencies. In turn, this can make it more difficult for the Human

Rights Commission to investigate and act on unlawful discriminatory practices. Additionally, given that governing boards are not required to disclose the reasons why an applicant is rejected, and that applicants are only privy to their own rejection, it can be difficult to determine if there is a pattern or practice of discriminatory conduct by a cooperative housing corporation.

Requiring such governing boards to timely respond to applications to purchase shares of stock in the corporation and to provide copies of the rejections thereof to the Human Rights Commission would both deter discriminatory practices and provide a basis upon which the Human Rights Commission could investigate any claims of discrimination, or uncover any patterns or practices of discrimination, relating to the sale or transfer of shares of stock in cooperative housing corporations.

Therefore, your Committee would recommend the adoption of the attached Local Law, which would require governing boards of cooperative housing corporations to provide applications to purchase shares of stock in the corporation, act on the applications in a timely manner, and provide a copy of the rejection to the Human Rights Commission. The attached Local Law would further empower the Human Rights Commission to consider any non-compliance therewith in any investigation or proceeding under the Fair Housing Law, and would impose a fine on any cooperative housing corporation that did not provide a copy of the rejection to the Commission.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its

implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2018  
White Plains, New York



*Legislation*

COMMITTEE ON

*Labor + Housing*

Attachment: PH-Cooperative Housing Corporation Disclosure Law- SIGNED BY COMMITTEE (RES-2018-155 : PH - Cooperative Housing

# FISCAL IMPACT STATEMENT

SUBJECT: Unlawful Discrimination in Housing Practices

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A)  GENERAL FUND       AIRPORT       SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost      \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations       Additional Appropriations       Other (explain)

Identify Accounts: No Anticipated Fiscal Impact

Potential Related Operating Budget Expenses:      Annual Amount \$ 0

Describe: No Anticipated Fiscal Impact

Section 700.21 (H) Laws of WC

Would require governing boards of Co-Ops to act on applications in a timely manner and provide the reason for rejection of any application.

Potential Related Revenues:      Annual Amount \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four years: \_\_\_\_\_

Prepared by: Carl Maniscalco

Title: Sr. Budget Analyst

Department: Budget

*CM*  
*10-15-18*

Reviewed By: \_\_\_\_\_

*[Signature]*


Budget Director

*10/15/18*

If you need more space, please attach additional sheets.

Attachment: PH-Cooperative Housing Corporation Disclosure Law- SIGNED BY COMMITTEE (RES-2018-155 : PH - Cooperative Housing

TO: Justin Adin  
Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Director of Environmental Planning

DATE: July 2, 2018

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR COOPERATIVE HOUSING CORPORATION DISCLOSURE LAW**

---

Pursuant to your request for an environmental review of the above referenced action, the Planning Department has determined that no environmental review is necessary.

The action involves the adoption of a local law to amend Chapter 700 of the Laws of Westchester County by adding a new section 700.21-a that will require cooperative housing corporations to provide applications to prospective purchasers of shares of stock in its corporation and to establish procedures for approving and denying such applications.

Since the proposed action does not “change the use, appearance or condition of any natural resource or structure,” or otherwise affect the environment, with respect to the State Environmental Quality Review (SEQR) Act, the proposed law does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required.

Please contact me if you need any additional information on this matter.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Norma Drummond, Commissioner of Planning  
Claudia Maxwell, Associate Environmental Planner

LOCAL LAW INTRO. NO. -2018

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include a new section 700.21-a as follows:

**Section 700.21-a. Applications to purchase shares of stock in cooperative housing corporations.**

A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

B. Within fifteen days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application. Where the governing board has informed a prospective purchaser of a defect in an application, upon resubmission of the application the governing board shall have fifteen days to either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any uncured defect in the resubmitted application.

C. Within sixty days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock and shall provide written notice thereof. In the case of a rejection, a copy of the written

notice shall be sent by the governing board to the Human Rights Commission. Said copy must be received by the Human Rights Commission within fifteen days of the notice being provided to the prospective purchaser.

D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter. Furthermore, non-compliance with the requirement that a copy of the rejection notice be provided to the Human Rights Commission shall be an independent violation of this Chapter, and shall be punishable by a fine of \$1,000 for the first offense, \$1,500 for the second offense, and \$2,000 for the third and any subsequent offense.

Section 2. This Local Law shall take effect immediately, and shall expire and be deemed repealed three (3) years subsequent thereto.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW adding a new Chapter 689 to the Laws of Westchester County: requiring the governing boards of Cooperative Housing Corporations to provide prospective purchasers with an application; requiring such governing boards to provide prospective purchasers with timely determinations of their applications; requiring such governing boards to disclose the reasons for the denial of applications; and allowing for the consideration and receipt into evidence of any compliance or non-compliance with the foregoing requirements in proceedings commenced pursuant to Westchester County Human Rights Law or the Westchester County Fair Housing Law.”

Your Committee believes that persons seeking to purchase shares of stock in a Cooperative Housing Corporation whose request to do so is denied by the governing board of such corporation are entitled to know the reason for such a denial. Requiring such governing boards to provide such an explanation would promote the purpose of deterring discriminatory practices. If adopted, the attached Local Law would require such governing boards to make timely responses to applications to purchase stock that would include, in the case of a rejection, the reason for such a determination. Furthermore, the attached Local Law, if adopted, would provide that compliance or non-compliance with its requirements may be considered and received into evidence in any proceeding commenced pursuant to Westchester County Human Rights Law or the Westchester County Fair Housing Law.



Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2018  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ – 2018**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled “A LOCAL LAW adding a new Chapter 689 to the Laws of Westchester County: requiring the governing boards of Cooperative Housing Corporations to provide prospective purchasers with an application; requiring such governing boards to provide prospective purchasers with timely determinations of their applications; requiring such governing boards to disclose the reasons for the denial of applications; and allowing for the consideration and receipt into evidence of any compliance or non-compliance with the foregoing requirements in proceedings commenced pursuant to Westchester County Human Rights Law or the Westchester County Fair Housing Law.” The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

**LOCAL LAW INTRO. NO. -2018**

A LOCAL LAW adding a new Chapter 689 to the Laws of Westchester County: requiring the governing boards of Cooperative Housing Corporations to provide prospective purchasers with an application; requiring such governing boards to provide prospective purchasers with timely determinations of their applications; requiring such governing boards to disclose the reasons for the denial of applications; and allowing for the consideration and receipt into evidence of any compliance or non-compliance with the foregoing requirements in proceedings commenced pursuant to Westchester County Human Rights Law or the Westchester County Fair Housing Law.

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

Section 1. A new Chapter 689 is hereby added to the Laws of Westchester

County to read as follows:

**Chapter 689**

**FAIRNESS IN COOPERATIVE HOME OWNERSHIP**

**Section 689.01. Applications.**

**Section 689.02. Use in Evidence.**

**Section 689.01. Applications.**

1. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

2. Within ten days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application.

3. Within forty-five days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock and shall provide written notice thereof which, in the case of a rejection, shall state the reason for such a determination

**Section 689.02. Use in Evidence.**

Compliance or non-compliance with any of the requirements set forth in Section 689.01 of this Chapter may be considered and received into evidence in any proceeding commenced pursuant to Westchester County Human Rights Law or the Westchester County Fair Housing Law.

§2. This Local Law shall take effect immediately.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

Your Committee believes that prospective purchasers of stock in cooperative housing corporations can potentially face discrimination based on their group identity. However, currently, there is no requirement that the governing boards of cooperative housing corporations disclose the reason for the rejection of a prospective purchaser, which can make it more difficult for the Human Rights Commission to investigate and act on unlawful discriminatory practices. Requiring such governing boards to timely respond to applications to purchase shares of stock in the corporation and disclose the

reason for rejections thereof would both deter discriminatory practices and provide a basis upon which the Human Rights Commission could investigate any claims of discrimination relating to the sale or transfer of shares of stock in cooperative housing corporations.

Therefore, your Committee would recommend the adoption of the attached Local Law, which would require governing boards of cooperative housing corporations to provide applications to purchase shares of stock in the corporation, act on the applications in a timely manner, and provide the reason for the rejection of any application. The attached Local Law would further empower the Human Rights Commission to consider any non-compliance therewith in any investigation or proceeding under the Fair Housing Law.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2018  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ – 2018**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled “A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.” The public hearing will be held at \_\_.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.



**LOCAL LAW INTRO. NO. -2018**

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include a new section 700.21-a as follows:

**Section 700.21-a. Applications to purchase shares of stock in cooperative housing corporations.**

A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

B. Within ten days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application.

C. Within forty-five days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock and shall provide written notice thereof which, in the case of a rejection, shall state the reason for such a determination

D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter.

Section 2. This Local Law shall take effect immediately.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations.”

Westchester County’s Fair Housing Law, Article II of Chapter 700 of the Laws of Westchester County, is aimed at preventing and addressing discrimination in relation to housing practices. Among the housing practices regulated by the Fair Housing Law is the sale and transfer of shares of stock in cooperative housing corporations. Under the Fair Housing Law, it is an unlawful discriminatory practice for the governing board of a cooperative housing corporation to refuse to permit the sale or transfer of stock to a person on the basis of the group identity of the prospective purchaser(s) as defined in Section 700.21(H) of the Fair Housing Law.

Your Committee believes that prospective purchasers of stock in cooperative housing corporations can potentially face discrimination based on their group identity. However, governing boards of cooperative housing corporations, if seeking to reject a prospective purchaser based on a protected characteristic, can seek to avoid liability by failing to act on an application submitted by a prospective purchaser in a timely manner, or by failing to inform an applicant that an application is incomplete, thus not allowing that applicant to correct any deficiencies. In turn, this can make it more difficult for the Human

Rights Commission to investigate and act on unlawful discriminatory practices. Additionally, given that governing boards are not required to disclose the reasons why an applicant is rejected, and that applicants are only privy to their own rejection, it can be difficult to determine if there is a pattern or practice of discriminatory conduct by a cooperative housing corporation.

Requiring such governing boards to timely respond to applications to purchase shares of stock in the corporation and to provide copies of the rejections thereof to the Human Rights Commission would both deter discriminatory practices and provide a basis upon which the Human Rights Commission could investigate any claims of discrimination, or uncover any patterns or practices of discrimination, relating to the sale or transfer of shares of stock in cooperative housing corporations.

Therefore, your Committee would recommend the adoption of the attached Local Law, which would require governing boards of cooperative housing corporations to provide applications to purchase shares of stock in the corporation, act on the applications in a timely manner, and provide a copy of the rejection to the Human Rights Commission. The attached Local Law would further empower the Human Rights Commission to consider any non-compliance therewith in any investigation or proceeding under the Fair Housing Law, and would impose a fine on any cooperative housing corporation that did not provide a copy of the rejection to the Commission.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its

implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law in order to deter discriminatory housing practices.

Dated: 2018  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ - 2018**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations." The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

# FISCAL IMPACT STATEMENT

SUBJECT: Unlawful Discrimination in Housing Practices       NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A)  GENERAL FUND       AIRPORT       SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost      \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations       Additional Appropriations       Other (explain)

Identify Accounts: No Anticipated Fiscal Impact

Potential Related Operating Budget Expenses:      Annual Amount \$ 0

Describe: No Anticipated Fiscal Impact

Section 700.21 (H) Laws of WC

Would require governing boards of Co-Ops to act on applications in a timely manner and provide the reason for rejection of any application.

Potential Related Revenues:      Annual Amount \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four years: \_\_\_\_\_

Prepared by: Carl Maniscalco

*CM*  
*10-15-18*

Title: Sr. Budget Analyst

Department: Budget

Reviewed By: \_\_\_\_\_

*[Signature]*


Budget Director

*10/15/18*

If you need more space, please attach additional sheets.

Attachment: LL-Cooperative Housing Corporation Disclosure Law- DRAFT 3 (10626 : Cooperative Housing Corporation Disclosure Law)

TO: Justin Adin  
Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Director of Environmental Planning

DATE: July 2, 2018

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR COOPERATIVE HOUSING CORPORATION DISCLOSURE LAW**

---

Pursuant to your request for an environmental review of the above referenced action, the Planning Department has determined that no environmental review is necessary.

The action involves the adoption of a local law to amend Chapter 700 of the Laws of Westchester County by adding a new section 700.21-a that will require cooperative housing corporations to provide applications to prospective purchasers of shares of stock in its corporation and to establish procedures for approving and denying such applications.

Since the proposed action does not “change the use, appearance or condition of any natural resource or structure,” or otherwise affect the environment, with respect to the State Environmental Quality Review (SEQR) Act, the proposed law does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required.

Please contact me if you need any additional information on this matter.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Norma Drummond, Commissioner of Planning  
Claudia Maxwell, Associate Environmental Planner



LOCAL LAW INTRO. NO. -2018

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to applications for prospective purchasers of stock in Cooperative Housing Corporations..

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

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include a new section 700.21-a as follows:

**Section 700.21-a. Applications to purchase shares of stock in cooperative housing corporations.**

A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.

B. Within fifteen days of the receipt of a purchaser's application, such a governing board shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in an application. Where the governing board has informed a prospective purchaser of a defect in an application, upon resubmission of the application the governing board shall have fifteen days to either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any uncured defect in the resubmitted application.

C. Within sixty days of its receipt of a properly completed application, such a governing board shall either reject or approve an application to purchase shares of its stock and shall provide written notice thereof. In the case of a rejection, a copy of the written

notice shall be sent by the governing board to the Human Rights Commission. Said copy must be received by the Human Rights Commission within fifteen days of the notice being provided to the prospective purchaser.

D. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Chapter. Furthermore, non-compliance with the requirement that a copy of the rejection notice be provided to the Human Rights Commission shall be an independent violation of this Chapter, and shall be punishable by a fine of \$1,000 for the first offense, \$1,500 for the second offense, and \$2,000 for the third and any subsequent offense.

Section 2. This Local Law shall take effect immediately, and shall expire and be deemed repealed three (3) years subsequent thereto.