



## Committee on Labor & Housing

~MINUTES~

Monday, May 13, 2019

2:00 PM

Committee Chair: Damon Maher

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

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### CALL TO ORDER

Joint with the Committee on Social Services.

With a quorum present, Chair Damon Maher called the meeting to order at 2:08 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	

Others In Attendance: BOL: Kitley Covill, MaryJane Shimsky, Tina Limengo, Alessandra Restiano GUESTS: Marcie Kobak, Rachel Halperin

### MINUTES APPROVAL

1. Monday, May 06, 2019 at 2:00 PM

### I. ITEMS FOR DISCUSSION

Guests: Rachel Chazin Halperin, Chief Program Officer and Marcie Kobak, Supervising Attorney of Litigation - Legal Services of the Hudson Valley

1. **(ID # 11811) Resolution – Proposed Resolution regarding rent regulations:**

A proposed RESOLUTION supporting the passage of several New York State Senate and Assembly bills, as revised or amended, regarding rent regulations.

Rachel Halperin, Chief Program Officer and Marcie Kobak, Supervising Attorney of Litigation from Legal Services of the Hudson Valley. Legal Services of the Hudson Valley (LSHV) has offices in four locations in Westchester. There are 19 attorneys that represent Westchester residents in housing court.

Ms. Halperin and Kobak went over the State proposed bills, starting with the ones that have the greatest impact on their clients, specifically low-income and otherwise vulnerable tenants.

S2892A/A5030A prohibits evictions without good cause. This affects their clients directly. LSHV feels that this would prevent homelessness and improve stability. Under current law tenants can be evicted for no reason, even if they are current on their rent and most landlords can increase rent without limit. Tenants with Section-8 vouchers can lose their

vouchers because they have to find new Section-8 approved apartments every time their leases are not renewed. 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. The Department of Social Services can provide renter rear assistance but if the family doesn't have a lease, the family is usually rejected.

S0185/A2351 eliminating the 20% vacancy increase provision of ETPA would remove the incentive to turn over apartments. The ETPA currently requires lease renewals with limited rent increases absent good cause, otherwise they are entitled to a renewal lease that a landlord can impose a guideline-board-approved increase. These increases have been between 0-3% in recent years. A vacancy lease, the landlord can automatically increase rent by 20%, plus an additional .06% per year if the vacancy was more than eight years prior. The increases can cause the unit to be deregulate, forcing economic pressure on the tenant and essentially forcing them out. LSHV deals with these types of violations and the landlord allowing rent arrears to accumulate beyond the point a person can resolve. Currently in Westchester 5 of 6 cities and 16 towns/villages have adopted the Emergency Tenant Protection Act (ETPA). The Act can only apply to dwellings with 6 units or more constructed or rehabilitated before 1974.

S2845A/A4349 Creating permanency in preferential rents can prevent abuse of the ETPA regulations. Tenants who are offered preferential rents need to be given the registered amount and the preferential rent in writing with each rent renewal including the information that the registered rent could impose with the next lease renewal. Registered rent is higher, and preferential rents are often offered when the registered rent is based on improper increase, sometimes actually inflated. ETPA rent increase protections are tenant enforced, the system relies on the tenant to complain to the NYSHCR and are limited to a four-year period. This is because registered rent is often excessive and improperly charged to the previous tenant and if over four years old the current tenant cannot challenge. This becomes a bigger problem when the tenant has a Section-8, and the rent becomes more than Section-8 can approve. Preferential rent often hides how high the registered rent is, and the tenant is less likely to complain.

S3770 removing an individual apartment improvement increase (IAI) is a direct incentive for landlords to turn over ETPA apartments. IAI require approval of the tenant unless done while apartment is vacant. LSHV has seen rent burdened tenants frustrated in their ability to change IAI's imposed before they move in. Repealing this provision would likely reduce how quickly apartments are deregulate and prevent unjustified rent increases.

S3693/A6322 eliminating capital improvements (MCIs) would remove another mechanism to increase EPTA rents. DHCR allows tenants to challenge MCI's but there is a very limited time frame. LSHV has seen tenants unable to challenge because they have missed the deadline. Vacancy, IAI's and MCI's can all contribute to apartments exceeding what Section can approve.

S2591A/A1198 relates to apartments which have legally exceeded a rent threshold currently \$2,830.21 in Westchester. LSHV clients cannot afford rent that high.

S540/A7046 permits municipalities in other counties to adopt ETPA. This would have no impact on Westchester.

The Committee made changes to the resolution. After every "BE IT FURTHER RESOLVED" the members would like to add in parenthesis (***as revised or amended***).

The members amended the RESOLUTION to add in the following after "***THEREFORE BE IT RESOLVED that the Westchester County Board of Legislators expresses its full support for the bills referenced below and for its principles contained within those bills;***"

No action was taken.

<b>RESULT:</b>	<b>PENDING</b>
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## II. OTHER BUSINESS

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

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Legislator A. Williams seconded by Legislator Johnson the Committee adjourned at 3:01 PM.