

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

Title: Sr. Budget Analyst


Department: Budget

Reviewed By: _____

Budget Director

If you need more space, please attach additional sheets.

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.