

Honorable James Maisano
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Republican Legislators Call for Release of \$7 Million in CDBG Funds, Applaud Major Judicial Victory for Astorino Administration

The Republican caucus of the Westchester Board of Legislators was pleased but not surprised to see the ruling of the U.S. Magistrate Judge affirming the actions of County Executive Astorino in his efforts to satisfy the terms of the 2009 housing settlement with the Department of Housing and Urban Development (HUD). The Republicans were troubled, but again, not surprised to see the predictably partisan response to the ruling from Board of Legislators Chairman Ken Jenkins (D-Yonkers). In media interviews yesterday, Jenkins claimed that the ruling from U.S. Magistrate Gabriel Gorenstein was not a victory for the county. Jenkins even refused to support the County Executive in his insistence that HUD release the seven million dollars of funding that they have been withholding because of their objections to the County Executive's implementation of the housing plan.

"Source of Income" (SOI) is the commonly used name for a law that requires landlords to accept section 8 government housing vouchers in the payment of their tenant's rent. A landlord's failure to comply with SOI would make them liable for a fine of up to \$50,000. County Executive Astorino vetoed the SOI Legislation in June of 2010. In his ruling which affirmed the County Executive's right to veto the SOI Legislation, United States Magistrate Gabriel Gorenstein said, "We conclude that the parties did not intend the County's duty to 'promote' obligated the County Executive to sign source-of-income legislation passed by the BOL." The Magistrate also said "Courts must abide by the express terms of a consent decree and may not impose supplementary obligations on the parties even to fulfill the purposes of the decree more effectively." Gorenstein's opinion then goes on to state: "Accordingly, we conclude that the able Monitor erred in concluding that the County Executive violated the Settlement by vetoing the source-of income legislation enacted by the BOL."

Minority Leader Jim Maisano (R-New Rochelle) said, "The federal government through HUD has tried to impose requirements on Westchester County that go way beyond the

scope of the agreement that passed in 2009. It is a great testament to our system of government that the judicial branch has prevented the overreaching and bullying tactics of the federal government in our efforts to fulfill the terms of the housing settlement." Maisano added, "It is unimaginable to me that any county elected official – with a sworn duty to protect the taxpayers - would view this ruling as anything but a vindication of Westchester County's professional approach to completing the terms of the settlement."

Minority Whip Gordon Burrows (R-Yonkers, Bronxville) said, "There have been many dissenting voices heard in this process and all that noise may sound like we are hopelessly at odds with the federal government but the U.S. Magistrate's ruling has cleared up some very important issues that have impeded our progress from the perspective of the federal Monitor in this case." Burrows added, "there remains very few issues for the county to resolve in order to have the Analyses of Impediments document accepted by HUD and I think this ruling clarifies what those issues are. Obviously The County was handed a clear victory regarding source of income legislation. I am fully confident that County Executive Astorino and his staff have provided the necessary data to the federal government to bring us into compliance on the remaining issue of exclusionary zoning and how we will address that on a municipal level."

Legislator John Testa who represents District 1 and was Mayor of Peekskill before being elected to the County Board of Legislators said, "The city of Peekskill has been struggling in this difficult economic climate and quite frankly, we need those CDBG monies to be unfrozen. Peekskill has been a leader in providing affordable housing and for the federal government to continue to withhold this funding is unconscionable."

Legislator Sheila Marcotte who is Vice Chair of the Budget and Appropriations Committee said, "Westchester County has complied with the terms of the agreement that was signed in 2009 and this ruling confirms that. In fact with the number of units that have been built and a much greater number in the approval process, I believe that we will complete the objectives of the agreement ahead of the required timetable."

Freshman Legislator Michael Smith (R-Mount Pleasant) said, "The U.S. Magistrate delivered a victory to the Westchester taxpayers with this ruling. County Executive Astorino and his team are to be commended for shepherding this problematic agreement towards completion. The majority of taxpayers in Westchester do not want their personal and property rights usurped by government. Very simply, there can be no dispute about that. For the Democratic Board of Legislators majority to state that this is not a victory is disgraceful. If the county was found to be wrong on this issue, they could eventually be subject to millions of dollars of fines and penalties. The continuance of the partisan rhetoric of the Board of Legislators Democratic majority will only serve to cloud the issue at hand, which is to develop 750 affordable housing units within the stated agreement. We need to work together to complete our obligations to this settlement and

to continue to promote Westchester County as one of the most vibrant and beautiful places in this country to live regardless of socio-economic status."

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