

## **MAYOR MARVIN'S COLUMN**

Last Friday, October 9<sup>th</sup>, Village Administrator Porr and I attended our assigned meeting with County Executive Andy Spano, the Federal Monitor, County Planning staff and representatives of six other communities to discuss the next steps in the Affordable Housing Settlement plan.

Sadly, it was politized from the onset with our County Legislator Gordon Burrows denied an invitation while all other communities were represented by their respective legislators. What they had in common was a "yes" vote on the plan while Mr. Burrows along with five other legislators who are practicing attorneys voted "no". We subsequently invited Mr. Burrows as part of the Bronxville delegation to attend.

At the meeting, we learned that the County Executive had already asked for an extension on the outside date for finalizing an implementation plan from December 8<sup>th</sup> to January 30<sup>th</sup>. He is awaiting HUD's response.

The location of building sites as well as a plan for building the units is not part of the implementation plan. Rather, the plan involves more process oriented directives.

For example, a committee composed of County Legislators, staffers from the County Planning Department and members of the Westchester Municipal Officials Association has been formed to craft new model planning and zoning laws to facilitate the placement of affordable housing in local communities. The thought is that local governments will then voluntarily adopt this new series of regulations.

To me these kinds of initiatives are particularly troubling as they endeavor to usurp local sovereignty and the concept of home rule.

Established by the State Legislature pursuant to the State Constitution, Home Rule enables local governments to undertake actions over a range of important issues without having to run to the State Legislature for specific authorization. Home Rule also gives local governments power to engage in policy-making concerning local matters.

It is incomprehensible to me that because County Executive Spano and his staff falsified Federal documents in order to receive HUD funding that resulted in no personal legal consequences, Westchester towns and villages are now faced with the potential of having our local planning and zoning

codes supplanted with a one-size-fits-all set of regulations. Our local planning and zoning codes are the result of decades of intelligent and careful crafting to address the unique physical characteristics of our Village.

We were also introduced to the court appointed Federal monitor, Mr. James Johnson, whose task it is to see that the stipulation agreement is carried out and “umpire” any disputes between HUD, the County and the municipalities.

Mr. Johnson is a partner at the New York City law firm of Debevoise & Plympton. His previous public service includes a stint as an Undersecretary of the Treasury in the Clinton Administration and he most recently was appointed by New Jersey Governor, Jon Corzine, to head a commission to investigate charges of racial profiling by the New Jersey State Police. There is no guarantee or contractual obligation requiring Mr. Johnson to remain the monitor for the duration of the stipulation agreement.

The implementation plan will also address how individuals will be selected to receive the housing in a lottery system format. For example, the group discussed whether it should be done electronically through the public library system or whether eligible individuals may submit their names for only selected projects with the idea that perhaps a resident in Mount Vernon might not be interested in a project as far away as Lewisboro.

It was reiterated by the County Executive that units will not be allocated on a per capita basis and that the County is not required to spend more than the \$51 million obligated in the settlement agreement with 50% of the units rental and 50% home ownership. We were also made aware that past affordable housing rental units in Westchester County cost \$230,000 to build while owner occupied units cost \$460,000 to construct which makes meeting the 750 unit obligation impossible without major leveraging of the allotted funds.

There was no financial analysis or overlay on the agreement so data on the impact on local school districts and the tax base of municipalities is non-existent.

I continue to believe that this agreement is one of the worst possible ways to reach a very laudable goal and I will continue to be actively involved to ensure that the interests of the Village are paramount.