

LABOR, WORKFORCE AND AFFORDABLE HOUSING COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Labor, Workforce and Affordable Housing Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on January 29, 2007.

MEMBERS PRESENT:

Leg. Kate M. Browning, Chairperson
Leg. Ricardo Montano, Vice-Chairman (Not Present)
Leg. Vivian Vilorio-Fisher
Leg. John M. Kennedy, Jr.
Leg. Daniel Losquadro

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
Ian Barry, Assistant Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk
Joe Muncey, Budget Review Office
Jill Moss, Budget Review Office
Marian Zucker, Director of Affordable Housing
Ben Zwirn, Assistant Deputy County Executive
Jim Morgo, Commissioner of Economic Development and Workforce Housing
Ginny Suhr, Aide to Leg. Vilorio-Fisher
Bob Martinez, Aide to Leg. Montano
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Mike DePauli
Diana Weir, Long Island Housing Partnership
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 11:45 AM)

CHAIRPERSON BROWNING:

We'll start with the Pledge of Allegiance led by Linda Bay.

(SALUTATION)

CHAIRPERSON BROWNING:

Okay. We do not yet have a quorum but we can do the presentation. We have Diana Weir from -- who's going to do a presentation on the Long Island Housing Partnership.

Okay. Are you ready? I do want to put it on record Legislator Montano will not be here. He's attending the funeral for the state trooper that was killed.

MS. WEIR:

Thank you, Madam Chairwoman, Legislators for allowing me to speak. My name is Diana Weir. I'm Executive Vice President of the Long Island Housing Partnership. I was asked by the Presiding Officer to come here and share with you the state program that we'll be signing onto probably within the next month or so. And it's called HELP. You may have heard a little bit about it sometime last year. And the state allotted \$25 million in a pilot program for Nassau and Suffolk Counties. This is a lot of money. We're very excited about it. It is an economic development tool. And the purpose of it was to retain and recruit employees on Long Island for Long Island companies.

The grant would be a matching grant; an employer assisted housing program. The employer would contribute from three to \$10,000 depending on the size of the company. \$10,000 is the max. And this program would match that with a three time grant. So it would be -- if an employer give ten thousand, this grant would allow another 30,000 which means an employee could get up to \$40,000 to purchase an existing home or a new home as long as it met the guidelines. And the guidelines are a maximum purchase price of \$450,000.

The County does have an existing employer assisted housing program Suffolk County run by Joe Sanseverino. And we also work with that program as well. That program allows for people at 80% of median income. And then we manage the New York State Affordable Housing Corporation fund which go to a 120% of median income. But these funds will go up to 130% of median income. So entry level professional, this new program. The good thing about the program, as I said now, there's a limit on the house price which is \$450,000; and a limit on the grant match from the employer which is 10,000. But it also has something very important to help rehabilitate some of the aging stock on Long Island. If an employee is able to purchase a home under the guidelines and qualifies, they can receive not only the 40,000, from 12 to 40,000 depending on the employer match, but they can also receive up to \$20,000 for rehab. That means if they find a house that needs a little work, new windows or a new roof or a new boiler, whatever the situation is, sometimes you get a fixer upper, you scrape all your money up to buy the home; and then there is still some repairs that need to be done. This will allow for that as well. So someone making between 120% of median income and 130% is eligible to receive this up to \$60,000. And all it requires is the employer match.

The state in its wisdom also allowed this program not only to private industry but also to union members. And the existing program that the County runs also allows union members to participate. And the way they do that is that the union would allow a loan from the union funds to be considered the match. And then that would trigger the three time match from this program or the match that would come from the other state and county programs. We are extending that as well.

I'm here today to kind of ask your help. And I spoke to Kate about this. The unions are on board. We spoke to the Long Island Federation Delegates and to the Executive Committee last week. And

they're very excited about -- we look to, you know, work with them quite closely. The only little missing link is the public employees. That's the PEF, the CSCA and the AME. Their pension funds are with the state. And we're not quite sure if the state would allow that type of loan from their state pension in order to trigger the match. So we will work with -- I mean I'm meeting with Nick {Lamort} and a lot of the people, Dorothy Datsun from the PEF and the AME and also with Cheryl Felice to try to, you know, figure out how we can do this, where we can lobby to allow this to be given to all our local and municipal employees which is very important. That's a large group of people. And they're also having trouble finding homes. So we feel they should not be left out of the program.

So basically in a nutshell, and I gave literature out so you have this -- the state program and a little brochure that we've developed, and we also worked with Joe Sanseverino to develop a brochure that shows all three programs working together. And if a person qualifies under all three programs, basically meaning they make under 80% of the median income as a family, they can get to \$90,000 because these funds can all be tied in together. So it's a significant amount of money. We're going to work our darndest to make sure that we get the money out to our people here. It's very important because most people can afford that monthly payment. But they just can't cobble up that down payment which makes it very difficult to buy a market rate unit or whatever.

All types of homes are eligible. Condos, co-ops, single and separate. They all qualify under this program. And also manufactured homes but not mobile homes. Mobile homes are excluded but every other type of home is eligible. So we're very excited about that portion of the program.

The second part of the program kind of works well with what the County has been doing as we can see in the Patchogue development and downtown redevelopment and Smart Growth development. And what this program allows, because not only, you know, bringing people into the downtown areas is an economic boom to those communities, what this program does is it allows the developer who is building in a Smart Growth area at the direction of the municipality so the municipality must designate that the particular development is a Smart Growth development in a downtown area, it allows that developer to request from the grant funds \$1.5 million set aside for \$25,000 per person down payment assistance to purchase those homes. So that would be up to 60 units in a development. Each homeowner would be able to receive \$25,000 towards a down payment. The restriction on that fund is that the original cost of the units be less than 273,000 because the assumption is that they're getting density in the downtown area. So the cost of those units cannot be more than 273,000.

Now the good thing about this because they did speak to us as they developed the program is that all those maximums change, you know, the house price. Those types of things, including the income, are tied to the HUD income guidelines. The house price will be tied to the median house price in Nassau Suffolk. And the developer home price will also be tied into an indicator. So as things go up, these levels will also go up and won't require, you know, additional legislation.

So we present this to you. We ask you that you help support our employees that work for municipalities and unions. And maybe I would like to meet with Kate and Peter Elkowitz, our President, to discuss how we can lobby the State to allow our employees here at the county level and the town level to access those funds because we think it's a very important thing for Long Island to help our working people. And I'll answer any questions that anyone would like to ask.

CHAIRPERSON BROWNING:

Legislator Viloría-Fisher has a question.

LEG. VILORIA-FISHER:

Actually you may have answered my question because my question was about municipalities as employers. For example, Suffolk Community College has stated over and over again that they do have nationwide searches. And yet it's very difficult to attract people to come and join their faculty because of the high cost of living here. Is there any way other than through the unions that the

college can do that?

MS. WEIR:

If there are -- yes. I mean, Hofstra, some of the other colleges are just --

LEG. VILORIA-FISHER:

I'm talking about Suffolk County Community College which is -- or Stony Brook University; both.

MS. WEIR:

Right. If they can set aside money either from an endowment fund, make it a loan, I mean there has to be funds that are not the employee's funds to trigger the match. So, like I said, with municipal employees the only other funds are the pension funds. But with, for instance, a bank; a bank can give an employee a reduced mortgage rate. That match can be used as a match. So however the creative way is, and I don't know how the financial structure of Suffolk Community College is, but if there is some type of endowment or other type of funding that is not pension that can be used as a loan to trigger the match, that could be used.

LEG. VILORIA-FISHER:

And so then the County other than the Community College couldn't do it at all unless they did it through AME? AME?

MS. WEIR:

Yes. That's why we're meeting with AME and PEF and CSCA to try to figure a way to get that match from the state or from whoever.

LEG. VILORIA-FISHER:

I'm thinking the colleges could do it through the endowment because that's separate.

MS. WEIR:

Yes. That's why I said endowment.

LEG. VILORIA-FISHER:

Yeah, that's a good --

MS. WEIR:

I think some of the universities are doing it that way. And it would be a loan to be repaid over ten years or whatever structure the employer in this case, the university or the college, would want to utilize.

LEG. VILORIA-FISHER:

I see.

MS. WEIR:

And the same thing with the employer on the private sector; it's very, very flexible. However the employee wants to structure the program as long as the net effect is that the employee gets either 3,000, 5,000, up to 10,000, that will trigger the money. So they made the program very loose and very customized so that people can do what they need to get this money out. And we want to get it out soon because you know how government is. You don't spend it, you're not going to get it back so --

CHAIRPERSON BROWNING:

So true.

LEG. VILORIA-FISHER:

Don't use it, you lose it.

MS. WEIR:

Maybe they'll do it again, you know, when this money runs out.

CHAIRPERSON BROWNING:

Okay. Legislator Kennedy, you have a question.

LEG. KENNEDY:

Yes, thanks, Madam Chair. Hi, Diana, how are you? First of all, I guess I would just say knowing firsthand about the great work that you folks do, I'm pleased to see this expand. You have had programs similar to this. I'm directly familiar with Computer Associates Match Component and the Rehab piece that does work well for first timers.

Two questions, though. That term first timer is sometimes somewhat elusive in that people may have had an interest in a home previously where they may have occupied it, they may not have occupied it. What is -- what is the parameter in order for somebody to be eligible?

MS. WEIR:

Well, just so you know the health program does not put a restriction on first time home buyer.

LEG. KENNEDY:

Okay.

MS. WEIR:

Because they're figuring the employers want to recruit people. You may be recruiting somebody from Ohio that's going to sell a home there and come here. So for the health program there is no first time home buyer requirement. And I think for the New York State Program, I'm not quite sure now, either the New York State or the HUD program does not require it either. So there's only one of the programs that requires that first time home buyer guideline. And that's usually three years of not having owned a home.

LEG. KENNEDY:

Okay.

MS. WEIR:

So it's not horrible. You could have owned a home but not during the last three years.

LEG. KENNEDY:

So this may even be a program for young individuals who may be in, you know, a bungalow situation or something and trying to ratchet up and get into maybe that three bedroom ranch or something along those lines.

MS. WEIR:

Absolutely. The health program is geared with no first time home buyer requirement. And as I said, it is a recruitment tool so that's part of why -- and even if you had to move from Nassau to Suffolk, that would be considered relocation, you know, so it's very flexible.

LEG. KENNEDY:

Great. The other part that I guess I'd go to is the Smart Growth Development Assistance piece. And that designation by the municipality, and I'm thinking of my own home town of Smithtown, is it -- I just do not know directly -- again, I have some familiarity out in Riverhead with Greens where, you know, that project worked very well. And that was, I guess, by virtue of Riverhead Town going along and partnering with yourselves and developing, you know, a really marginal area into a very nice subdivision. But --

MS. WEIR:

Usually the main component of Smart Growth is that it is close to -- I think the main hook is that transportation hook and close to amenities. So close to a downtown, close to a railroad station like the Patchogue Village Development Copper Beach Village that they're doing in downtown Patchogue. That's close to the railroad. You can walk. It's close to main street shopping. You can walk. So it's basically walkable communities that will prevent that traffic increase and allow for a more community field.

LEG. KENNEDY:

Okay.

MS. WEIR:

So that's kind of what Smart Growth is.

LEG. KENNEDY:

All right. If I can, Madam Chair, as I'm speaking with Diana, I'm seeing Commissioner Morgo in the back as well, though. And my question goes, again, I guess to what act is it that has to occur at the town level or what is that we might -- I might be able to do to go ahead and try to promote that? Or do we have an inventory? Do each one of the ten towns have designations as far as Smart Growth areas?

MS. WEIR:

Usually the downtown hamlet centers. So each municipality -- you know we have a lot of different municipalities there. They like to think they're all special and they all have their own, you know, way of doing things. So the Patchogue Village is an example but it could also be in Brookhaven or in the Mastic area that's close to shopping and close to a main artery. So each municipality would have that prerogative. You don't want to designate or dictate to them because you know how cranky they are at the local level when you try to tell them what to do. So it really was very flexible allowing those municipalities to say we feel this is a Smart Growth type of initiative.

LEG. KENNEDY:

Then perhaps what I should do is initiate some discussion with Supervisor Foley because I've got an interest in the area right around the Ronkonkoma Train Station. Really ripe for development. And something that I've been in discussion with the Supervisor. And as a matter fact contacted Chairman Calico. And certainly the ability to access this type of funding, I guess, would go a long way towards being able to try to help promote an affordable housing scheme there.

MS. WEIR:

Absolutely. Because these funds again can you be used in conjunction with all the other funds. If the County uses their acquisition or infrastructure funds. If the State uses a -- you know if we use AHC funds, all these funds can be tied together. So it can help those -- you know and uses the homeowner actually get into a home that's a good affordable price. And it helps the developers open their window of opportunity to be able to sell to someone at a little lower income because this 25,000 will help them, you know, make that down payment.

LEG. KENNEDY:

Okay. Thank you, Diana. Madam Chair, I guess I'm going to yield to you being brand new -- a newbie on the committee here. But I would like an opportunity, I guess, to just to carry the dialogue on with Commissioner Morgo a little bit further if we can at whatever point is appropriate.

CHAIRPERSON BROWNING:

Okay. We can do that.

LEG. KENNEDY:

Great. Thank you, Diana.

CHAIRPERSON BROWNING:

Legislator Losquadro, you wanted to say something?

LEG. LOSQUADRO:

Yes. And again also being a new member of the committee, I just wanted to say hello to previous members of the committee. But I do think that the flexibility is a very good thing because even areas that traditionally have not been looked at such as in my district downtown Rocky Point which is undergoing a revitalization and where we're encouraging the type of development, you know, second floor living space above -- you know, above businesses. So to be able to think outside of the traditional parameters and give that type of flexibility, I think, is something that's very important.

MS. WEIR:

It is very, very flexible. So we're here to ask you not only to promote it to your community and your businesses -- I mean just to give you an example, the County program which has been in existence for probably about four or five years since it was developed, originally started with a handful of employers. Last year we saw that almost quadruple because now the employers are really starting to feel the pinch of not being able to keep those employees. So we went from about 12 employers to about 76 employers over three years. And now we haven't even started the health program. And I have about 80 different employers that are not those 70 that have already asked for help with the health program. So we're talking a lot of employers. Small and big. This could be a five person, two person. As long as it's not mother and son or, you know, father and son or whatever. So this is open to every business on Long Island. And we hope that you would help us spread the word and help us to be able to reach that money for our municipal employees as well.

CHAIRPERSON BROWNING:

Well, I'm very anxious to work with you on this. As I told you my son's a state employee. So he's not eligible. And I know that Jim and I have talked about, you know, Colonel {Canders} at the 106, we got to get him moving and trying on working on something because retaining the service members of the 106, also the Army National Guard, it's been very hard. Sitting here talking to Ian. Ian, do you have a home? And he says no, he can't afford it. So we're going to help Ian to get a house.

MS. WEIR:

I have a daughter there, too.

CHAIRPERSON BROWNING:

Absolutely. Who's got one? So thank you, Diana. Really appreciate you coming.

MS. WEIR:

Please, we offer our services at the partnership for anything that you need. If you have questions, anything that you want from us we're always there for you. And we appreciate all your support over the years.

LEG. KENNEDY:

Madam Chair, just one more question for Diana.

CHAIRPERSON BROWNING:

Okay.

LEG. KENNEDY:

A little bit off of this, Diana, but it is something that I know that Housing Partnership does or has in the past done work on it. I just want to make sure that you're still in the process of doing this. It's been my experience that first time home buyers sometimes are -- they're not savvy to the process. And they wind up migrating to a particular lender who's got some of that flash that's out there often times that can be at the least predatory and other times, you know, far worse than that.

MS. WEIR:

Absolutely.

LEG. KENNEDY:

The Housing Partnership continues to do basically like a mortgage counseling or --

MS. WEIR:

Yes.

LEG. KENNEDY:

-- the ABC's associated with the whole process.

MS. WEIR:

All of those services are free of charge. We still do home ownership education. We do mortgage counseling. We do default counseling for those people that are maybe just about ready to go into default and may need some help or they're out of work for a month or two. We have a grant program that the state gave us the Home Emergency Mortgage Assistance Program. So we have a lot of education programs and other things that can help potential home buyers and existing home buyers. We do lunch-and-learn's all over the County, all over Nassau County to teach people what to do and what to look out for. We call it a don't-borrow-trouble program on these predatory lenders.

We have a situation now that's been happening over the last two years where these unsavory companies will target minority communities because the homeowners there have realized the tremendous amount of equity with the increase in home prices. And they call them up and say, hey, you know, you can get \$50,000 of your house or you can get another 75,000. And people don't understand. And they kind of fall in that trap. So we see a lot of that. And our job, of course, is to try to educate as much as we can. We don't have a huge advertising budget but the lunch-and-learns and the programs that we do -- we also have a first time home buyer club where people come for six months once a month. They have a banker come in. They have a lawyer come in. They have a real estate person come in teaching them what to look out for and what the process is like. They save money every month. And a bank matches that money three to one up to \$5,000. So not only are they learning, they're learning good habits of saving but then get a benefit at the end. All those programs are free of charge. And any of your constituents please free to recommend them to the partnership. We're there for you.

LEG. KENNEDY:

Credit Rehab, too, as a matter of fact you'll wind up doing with folks so that they can get those ficos up and be qualified for the better --

MS. WEIR:

Exactly.

LEG. KENNEDY:

Okay.

MS. WEIR:

So anything you have for your constituents, please if you need literature, we'll have it sent to your office. We're there for you.

LEG. KENNEDY:

Okay.

MS. WEIR:

So we appreciate it. Thank you very much.

CHAIRPERSON BROWNING:

Well, I can tell you in advance, yes, we need that literature; because I do get those calls.

MS. WEIR:

Send them on over. Send them on down.

CHAIRPERSON BROWNING:

Thank you, Diana.

LEG. LOSQUADRO:

Thank you.

CHAIRPERSON BROWNING:

Before we get to the agenda, Marian? Marian would like to come up and speak on something.

MS. ZUCKER:

Thank you Legislator Browning for this opportunity. Since this committee has been in a sense my home at the Legislature, I wanted to tell you in person that this morning I submitted my resignation to the County. In two weeks I'm going to be joining the New York State Housing Finance Agency as the Senior Vice President for Housing Programs and Policy.

In that role I'll be overseeing the State of New York Mortgage Agency, the Affordable Housing Corporation, Mortgage Insurance Fund and the Housing Finance Agency as multi-family activities. For me it's a great opportunity to take this position. It combines my investment banking experience with the work I've done here at the County for the last five years. I'd like to think also it's a great opportunity for the County because you know now that you have somebody watching out for you at the state FHA.

Pricilla {Amadover} is the newly appointed Executive Director of the Housing Finance Agency. And she and I have had extensive discussions about the need to make sure that resources are brought to the suburbs particularly Long Island. In fact, just this morning Pricilla and I had a conversation about the Ronkonoma Train Station. So that -- the train station has been, I feel like tilting after windmills about that site for years.

LEG. KENNEDY:

You're the Don Quixote.

MS. ZUCKER:

That's right. I'm so excited to hear about your interest in that. I've spoken also actually this morning to Mitch {Pally} about it as well. It's definitely on our radar screen.

LEG. KENNEDY:

Good.

MS. ZUCKER:

We want to make sure that something can happen there. As I said, I wanted to share this news with you in person and tell you it's been a pleasure working with you; and I look forward to the opportunity to do so in the future.

I also did want to tell you, Legislator Kennedy, that the County is operating a housing website which has lots of information for first time home buyers. It has not only links to the Long Island Housing Partnership and other housing counseling firms but information that people can directly access from their homes to teach them. There are tutorials about how to become first time home buyers. So as your constituents call your offices and look for information, please direct them. That's housed under the Economic Development Website and it's the first link on the left-hand side for affordable housing. Thank you.

CHAIRPERSON BROWNING:

Thank you, Marian. I just want to say having this past year having to get used to government and affordable housing projects and what I have to do in my committee, you have always been very good. And I've always been able to talk to you. And we turn to you for advise and information and --

MS. ZUCKER:

You still can.

CHAIRPERSON BROWNING:

I appreciate everything you've done. Thank you.

LEG. VILORIA-FISHER:

Good luck to you, Marian.

MS. ZUCKER:

Thank you.

CHAIRPERSON BROWNING:

Don't go anywhere.

LEG. LOSQUADRO:

I was just going to say congratulations to you. And that it's been a pleasure these past three years. Best of luck.

LEG. KENNEDY:

Marian, thank you also. As a matter of fact, we've had the opportunity to have a lot of good conversations about different affordable housing ventures.

The other thing I'll say to you is again from a different part of my life I know firsthand how important it is to get that SUNNY MAE approval when it comes to the actual purchase process. And I'm thrilled that you're going to be there because sometimes where sellers want to go ahead and have a quick process, it is something that maybe a dissuasion on the part of a purchaser to go the SUNNY MAE route because of what's perceived sometimes as the longer time period associated with getting the SUNNY MAE approval. And as you know and I know, pretty much these days SUNNY MAE still is one of the best rates around as far as interest and down payment and things such as that. So for us here I guess you having the knowledge and the savvy and the firsthand experience, I'm hopeful that we'll be able to go ahead and get some progress with that. Or at least a number to reach out to scream to. All right. Thank you.

MS. ZUCKER:

You're welcome.

CHAIRPERSON BROWNING:

Thank you, Marian. Okay.

TABLED RESOLUTIONS

And we will now go to the agenda. We have tabled resolution **2091, local law to encourage affordable housing and workforce housing initiatives in towns and villages. (Schneiderman)** And, Jim, could you please come up and speak on this or -- Marian, if you'd like to join him. This is one that's been tabled many, many times.

COMMISSIONER MORGO:

Yeah, before I address it, I thank you for calling on me to speak. I never want to prolong these

meetings so I don't offer myself. But I think all of you know and I think all the Legislators know how much the Department is going to miss Marian. And how much time personally I'm going to miss her. I'm very excited for her opportunity. I know we'll still be in touch. Pricilla {Amadover} who she mentioned was Governor Spitzer's key housing person during the campaign. And I was on the transition team as you know. And I didn't suggest Marian because I'm not a masochist. But when the opportunity -- when the opportunity expressed itself, I told her I thought it would be great. And I think it would be terrific for all the suburbs in New York State especially Suffolk. Okay.

CHAIRPERSON BROWNING:

Thank you.

COMMISSIONER MORGO:

Speaking of this resolution, what it would be in effect is an hauling of the Suffolk Planning Commission in favor of affordable housing. As you know also, I work very closely with the Director of Planning; with Tomes Isles. And I said when have you ever -- when have you ever not given an approval to an affordable housing development? He said we never have. No, we've never said no in other words. So as someone phrased this, this is a solution in search of a problem. So it's -- I mean symbolically, I suppose it's nice; but I don't think it's a reason for legislation.

CHAIRPERSON BROWNING:

Okay. Legislator Losquadro has a question.

LEG. LOSQUADRO:

Sometimes history can be a bit deceiving because recently I saw a ruling come out of the Commission that I never in a million years would have thought would have been the case. Not a single moratorium in the history of the Suffolk County Planning Commission has ever not been given a local determination. Yet a moratorium proposed in the Rocky Point -- excuse me -- in the Shoreham area from the Wading River/Brookhaven town line through into Shoreham was recently denied by the Suffolk County Planning Commission. Never before in the Commission's history have they not given a local determination for something like this.

So things can happen that are out of the ordinary. Whether or not erroneous information is presented and whether or not a town board wants to seek to overturn that ruling is another matter. But it makes it much more difficult when they need that super majority. And as I said, you know, in the past, you know, that may have been the case. But recently we've seen some decisions. And I don't necessarily think this is a bad thing because I've seen something happen right in the middle of my district that is now causing a very significant problem to the local community having a say as to what happens, you know, as their community moves forward. And I think that's very disturbing.

CHAIRPERSON BROWNING:

Would you like to respond?

COMMISSIONER MORGO:

Yeah. I just want to make sure I understand it, your comments, Legislator. You're saying that because the Suffolk County Planning Commission did not approve the moratorium for your area, that -- somehow that's related --

LEG. LOSQUADRO:

Well, all I'm saying is because you said -- your point was that historically the Planning Commission has never not approved one of these. And I'm saying that historically in this case the Planning Commission had never not given a local determination for a moratorium. And what I'm saying is history can change. You know -- from what I took from your point was it's a, you know, it's a solution in search of a problem because this has never happened. And up until recently I would have agreed with you on a number of issues, affordable housing being one of them, moratoriums being another. But recently we just saw a change in that pattern. So at what I'm saying is don't --

when you speak to them, don't bank on the fact that just because historically it hasn't happened, that it won't change in the future.

COMMISSIONER MORGO:

Well, let me be more direct, then. I get your point. My first reaction to this bill was give me a break. It's not -- it's not the Suffolk County Planning Commission that's saying we shouldn't have the density necessary or the -- it's always the locales. And some of the towns are coming around. Some of the towns can actually learn from facts. A lot of decisions are based on political consensus and not facts. But to say that we need something to tell the local towns, to overrule the local towns for affordable housing because our Planning Commission is against it but the locality is for it, it's almost like I'm living in a parallel universe here. It's not the way it happens.

LEG. LOSQUADRO:

Phrased that way is a bit different. But what I am saying you're still basing somewhat of your argument on the fact that this has never happened in the past. And, you know, the old James Bond, never say never again; these things can and do transpire. And as I said until recently, actually if you look back historically at the actions of the Planning Commission, I would not have disagreed with you. But a recent action on the part of the Planning Commission has made me question that. I'm just bringing that point up to you.

COMMISSIONER MORGO:

I get the point. I get the point. But our Suffolk County Planning Commission, in fact, when they're looking for a change of zone for residential asked for a 20% affordable. So this is just like the opposite --

LEG. VILORIA-FISHER:

Right.

CHAIRPERSON BROWNING:

Okay.

LEG. LOSQUADRO:

It's just a point of your argument that I wanted to address based on their recent actions.

CHAIRPERSON BROWNING:

Okay. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Actually, Jim, my point was the one you just made. Having served on the Affordable Housing Commission, it is the local municipalities where we have had the most problems getting them off the dime on affordable housing. And maybe sometime down the road when the towns are really up and going and really believe in affordable housing, this would be appropriate. And I think the intent is very good, but I just don't see any need for it now because we really have been dragging the -- in fact, the New York State Senate has been -- has been unwilling to support Balboni's bill in the past because they were concerned about the town's reactions to it and the town's, you know, home rule and many of the towns being averse to affordable housing restrictions or -- not restrictions but affordable housing, incentives being codified into laws or -- or requirements, I should say; being codified into law. So it really is that parallel universe you had described that would be addressed by this particular legislation. And we're not living in that parallel universe so I will suggest that we continue to table this because I really don't see that there's any need for it at this point in time.

COMMISSIONER MORGO:

Yeah, just a point of clarification because I don't want to seem overly negative towards our municipalities. We have seen a significant change in the attitudes of many of the municipalities. So people are getting the awareness. And most towns and villages that set land use policy are

becoming more responsive on the issue.

CHAIRPERSON BROWNING:

Yeah. Okay, Legislator Kennedy.

LEG. KENNEDY:

Just to go a little bit further down that road as far as maybe some of the evolution from the towns' perspective, I think -- and you've always been sensitive to this, working on a sewerage project in Smithtown right now, the actual construction of the units is really only one piece of the total -- I don't want to say burden -- but the total impact or significance that devolves to the town itself associated with these decisions. So while at first blush there may not have been a willingness to go there for a variety of reasons, some of it, I think, goes to the additional investments that are necessary in order to support these types of ventures for infrastructure, which is not always, you know, sexy or fancy or whatever, but still very necessary.

COMMISSIONER MORGO:

Sewers are not sexy but necessary.

LEG. KENNEDY:

Absolutely. So -- so hopefully that aspect of promoting this, you know, in our areas may lead to, you know, a willingness to go forward to actually allow for the density because we'll have the kind of connectivity.

COMMISSIONER MORGO:

Agree.

CHAIRPERSON BROWNING:

Okay. Well, at this time then I will make a motion -- okay. I will make the motion to table. Do I have a second? Vivian's out of the room.

LEG. KENNEDY:

Yeah, I'll make the motion.

LEG. LOSQUADRO:

On the motion.

CHAIRPERSON BROWNING:

Go ahead. Go ahead.

LEG. LOSQUADRO:

Madam Chair.

CHAIRPERSON BROWNING:

Okay.

LEG. LOSQUADRO:

Well, what will your new job entail in the state? Do I see a -- oh, never mind.

CHAIRPERSON BROWNING:

I need a second on that motion, Vivian.

LEG. VILORIA-FISHER:

I was getting somebody to get me lunch. There's no second?

CHAIRPERSON BROWNING:

No second yet. I made the motion. Waiting for your second.

LEG. VILORIA-FISHER:

Oh, I thought I had made the motion. Okay. I'll second it.

CHAIRPERSON BROWNING:

Okay. All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

Opposed.

CHAIRPERSON BROWNING:

Opposed? Legislator Losquadro's opposed. Abstentions? Okay. Motion carries. It's tabled. **(Vote: 3-1-0-1. Leg. Losquadro opposed. Leg. Montano not present.)**

2527, a local law conforming Article II of Chapter 712 of the Suffolk County Code for implementation of Workforce Housing projects. (County Executive) Jim, I guess we'll make a motion to table anyway for Public Hearing. However, I think, Vivian wanted to --

LEG. VILORIA-FISHER:

Yeah, it's subject to public hearing.

CHAIRPERSON BROWNING:

Okay.

LEG. VILORIA-FISHER:

I'll second the motion.

CHAIRPERSON BROWNING:

Okay. Okay. Didn't you want Jim to speak on this? Okay. The public hearing was closed? Okay. The public hearing was closed?

LEG. VILORIA-FISHER:

Oh, it was?

CHAIRPERSON BROWNING:

Yes, it was.

LEG. VILORIA-FISHER:

I'm still going to make a motion to table.

CHAIRPERSON BROWNING:

Okay. So Legislator Vioria Fisher made a motion to table. I'll second it. And do you want to have any discussion on it?

LEG. VILORIA-FISHER:

You've made a change, which I'm happy to see on this, which is the name of the ETRB that we just add -- make it Environmental and Workforce Housing Trust Review Board.

COMMISSIONER MORGO:

That came from our discussion at your committee.

LEG. VILORIA-FISHER:

Right. And I would be fine with that change. But I don't agree with the change in the membership of it because I believe that the County -- the County Executive already has a couple of appointments

and that though he can make the decision within those parameters as to who he would put on the committee, I don't believe that we should have another -- another County Executive appointment on that particular committee. And so I would like to table it and ask that just number eleven be -- pardon?

LEG. LOSQUADRO:

I have a problem with this bill. I'm serious.

LEG. VILORIA-FISHER:

Okay. Did you want to say something?

LEG. LOSQUADRO:

No.

LEG. VILORIA-FISHER:

Okay.

LEG. LOSQUADRO:

I've said my piece on this bill.

LEG. VILORIA-FISHER:

Okay. Well, they made the concession to -- you know, on the name of it. But I don't want to add additional members to the committee.

COMMISSIONER MORGO:

Marian doesn't want me. I feel --

LEG. VILORIA-FISHER:

Well, you know what? We could have you instead of Carrie. Or you instead of Vito, or, you know.

COMMISSIONER MORGO:

You know, the Commissioner may not always be --

LEG. VILORIA-FISHER:

You're right.

COMMISSIONER MORGO:

The thing is by broadening it and bringing in-house, and that was the idea, you wouldn't want to eliminate the environmental commissioner and you wouldn't want to eliminate the waste water person who knows more about it than anybody else, I think. But, you know, we can talk about this in between.

CHAIRPERSON BROWNING:

But my question, too, is though -- because it really is more about -- the Environmental Trust Review Board is more about land acquisition more than anything. And so to put it in the Workforce Affordable Housing Committee is -- I feel it should be in the Environment Committee. That seems to be the most appropriate committee.

LEG. LOSQUADRO:

That's where it was.

CHAIRPERSON BROWNING:

I think it's been assigned in the wrong one so --

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON BROWNING:

Go ahead, Jack.

LEG. KENNEDY:

My experience with this, I guess, is that just the pragmatic aspect of ETRB I see that often times, and some of the acquisitions I've dealt with, it's not uncommon for them to have an agenda of 10 or 15 particular land acquisitions. And the scope, as I understand it, is really supposed to go to just the review of the appraised value being presented. And was that done, you know, in a legitimate fashion? And is there merit to the offer that's been arrived at? To expand their scope to now go into this other venue and area is only going to take this committee, in my opinion, and just slow down what's already, not a slow process but again a process that's somewhat cumbersome. And, you know, all things being equal, we're still in a market where land values are appreciating, you know, at 5, 10, 15% per anum. And so sellers don't have the ability to continue to hold as we work through our administerial process on this side. So I would not be in support of this.

COMMISSIONER MORGO:

I could not agree with you more on the idea of we don't want anything to hold up the process. But as I discussed with Legislator Losquadro when I was before the Environmental Committee, we're aware that the ETRB, as it's called now, is not about policy. It's not about policy. However, in its mission to be sure that the offered price is subject to fair appraisals, there are -- and we saw this with Carpet Beach Village and the Cottages at Mattituck where I was there for the executive session in the valuation -- in evaluating, as you well know, John, in evaluating the appropriate value for a parcel. The zoning is key. And with housing, density is key. And that was the idea of why we needed someone familiar with acquisitions from a housing point of view in addition to from an open space point of view. That was the reasoning behind it.

It was also the perception, as you correctly pointed out, when you're in negotiation with someone, and you have to tell them you have to go to the Environmental Trust Review Board and you say this is going to be for housing, that was the key. But as Legislator Losquadro made the point very well last time, we realize this is not a committee about policy; it's setting a fair value.

LEG. KENNEDY:

And the points that you bring forward are important perhaps maybe in a different way we need to look at something that addresses this aspect of it. But my early out of the shoot sense with this is, I'd rather preserve, you know, the process with ETRB; if anything I'd like to see ETRB somewhat streamlined so that we continue to move it. And I know they move ambitiously and rapidly now.

CHAIRPERSON BROWNING:

Okay, Vivian.

LEG. VILORIA-FISHER:

Actually, John, although you're saying you're coming into this late, you're really articulating because of having attended meetings of ETRB, we have a very narrow mission. And that is the review of the appraisals. And I've learned a lot be zoning being a member of ETRB, looking at every -- every town has a different zoning structure and names. You know, there's R-10 and P-1 and -- so every time we're there it's an education. But we don't make judgments as to policy in that particular committee. We make judgement as to were there comparable values, were the comps appropriate comps, what is the zoning, what is the likelihood of there being a variance, you know, allowed there? We look at what is. We are not creating or interpreting zoning laws. We're relying on the professional two appraisers and then our internal appraisals in Real Estate.

COMMISSIONER MORGO:

I think that's what -- we're agreeing. That's what I said.

LEG. VILORIA-FISHER:

But if we're agreeing, then there's no need to change the membership. However, we are also agreeing on your very important statement as to the perception. And that's why that part of the legislation is okay with me with adding workforce housing. I would be willing to support that. But I don't think we need to change the membership because the underlying implication of that is that we're policy makers. And we are not.

COMMISSIONER MORGO:

That's clear. I can give you a quick example that just came to me. Why having someone with a familiarity with housing and housing prices is relevant and helpful. I'm not going to get into specifics because those are all executive sessions, but there was one where there was the question about what would be a fair price per unit in a specific development. In other words, what in an acquisition price is something reasonable to pay. Now that's not policy. That's your looking at the market as it is. And someone with familiarity with housing and density and those issues would seem to be relevant.

CHAIRPERSON BROWNING:

Okay, Dan, you have a question.

LEG. LOSQUADRO:

Really just a statement having served on the ETRB. I'm not familiar with exactly which situation you're talking about. But as far as an appraisal review goes, the members of the board would not approve a price that had to be reworked based on the input of a single member of the review board if additional information was presented to them that would be tabled. It would go back for further review and then come back us to once that was properly vetted out. So if they wanted to get information on a specific topic, they would do that during their appraisal review process whether it came to us on the first, second or third time. We're not going to approve something because someone happens to say, well, as a member of the board, I think this would be the price per unit or this would be the price per acre.

I offer insight on land in my district on the east end. You know, we're always amused at the highest and best use for a 60 acre water front parcel is for one residence. You know, it's a very different animal depending on where you're looking throughout the County. And once again, I know we talked about some compromise here, but I know -- and this is not meant to be insulting because I know it's something obviously you're very passionate about, but I do not think that the proposed title change to this is appropriate either.

I think when we were talking about a measure of compromise, it would have been something along the lines of the Land Acquisition Trust Review Board or something like -- if you wanted to take environment out of it, which I don't think is appropriate to begin with, that's fine. But to insert a specific usage for a property into the title of this, again, is putting policy into this process which is supposed to be devoid of it. So, no, I still do not support this bill in its current form.

CHAIRPERSON BROWNING:

Okay. And I would like to ask is there a possibility we can move this out of this committee to the Environment Committee because I do think it's more appropriate because it's about land acquisition.

LEG. LOSQUADRO:

I'm ready to vote on it.

LEG. KENNEDY:

Madam Chair, I'm just going to offer one more comment to the Commissioner because some of what he raises, I think, is key; but it's key almost as a precedent to ETRB because in a word it's yield. That's really what it all gets down to. And as you well know, yield is something that can only be modified by the town or village planning board or the town board. And so if there are prospective

parcels that may be appropriate for this, then some indication out of the town or village planning boards and/or town boards available for an appraiser to go ahead and work with would be some tangible basis then for an appraiser to go ahead and point to towards yield.

COMMISSIONER MORGO:

Yeah, we don't come to the committee until we know what the yield is going to be. And that's what -- the appraisal is based on what the yield has been decided to be. But --

LEG. KENNEDY:

Yield is subject, though, to what is and what may be entertained as far as what's being sought as we both know as well.

COMMISSIONER MORGO:

And that yield would have to be accepted. That's where you'd have to be. And if -- the question was needing more information then we'll table it. That really doesn't fast track the process. The thing is ETRB evaluate appraisals for two purposes; environment and workforce housing. But it's already been said you're going to have a -- you're going to have a hearing on it anyway so nothing's going to happen here if you table it.

LEG. KENNEDY:

Okay.

CHAIRPERSON BROWNING:

Okay. So we did have a motion to table and a second. I don't remember who made the motion and who seconded.

MS. ORTIZ:

Fisher; then you made the second.

CHAIRPERSON BROWNING:

Thank you.

LEG. VILORIA-FISHER:

You know what? I think what Commissioner Morgo has said, if we're tabling it --

LEG. LOSQUADRO:

Use the mike.

LEG. VILORIA-FISHER:

I'm sorry. I thought I had it on.

CHAIRPERSON BROWNING:

Go ahead.

LEG. VILORIA-FISHER:

If we table it and then make substantive changes, it would have to go through the public hearing anyway. So we should -- I think I'll make a motion -- change my motion to a motion to approve so we can get it off of our agenda.

CHAIRPERSON BROWNING:

It has to be tabled anyway for public hearing; right?

LEG. VILORIA-FISHER:

The public hearing was closed we were told by Counsel.

CHAIRPERSON BROWNING:

Okay.

COMMISSIONER MORGO:

Never mind.

CHAIRPERSON BROWNING:

Okay.

LEG. VILORIA-FISHER:

So I'm going to make a motion to approve --

LEG. LOSQUADRO:

Second.

LEG. VILORIA-FISHER:

-- in order to defeat it because I think it would have to be reintroduced in any case to go through public hearing again.

CHAIRPERSON BROWNING:

Okay. And we have a second from Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. VILORIA-FISHER:

Opposed.

CHAIRPERSON BROWNING:

Okay. So here we go. **(Tabled Resolution 2527 fails. Vote: 1-3-0-1. Legislators Losquadro, Viloría-Fisher and Kennedy opposed. Legislator Montano not present)**

INTRODUCTORY RESOLUTIONS

CHAIRPERSON BROWNING:

Okay. Next one. **IR 2579** -- I'm definitely going to have to get glasses -- **adopting a local law to broaden eligibility under the 72-H Transfer Program. (Schneiderman)** We do have to make a motion to table for a public hearing. Second, Legislator Kennedy. All in favor? Opposed? Abstentions? Okay.

COMMISSIONER MORGO:

Madam Chairwoman?

CHAIRPERSON BROWNING:

Yes?

COMMISSIONER MORGO:

I would ask Ms. Zucker to give her perspective on this particularly since she's been in charge --

CHAIRPERSON BROWNING:

Okay.

COMMISSIONER MORGO:

-- of the 72-H process. And when you meet again, she will not be available to make her comments.

CHAIRPERSON BROWNING:

Okay.

COMMISSIONER MORGO:

So I'd like this to be her parting shot.

CHAIRPERSON BROWNING:

Your parting shot. Okay. Thank you, Marian.

MS. ZUCKER:

A parting shot actually is appropriate. The 72-H Program now restricts the use of those properties for people who earn under 80% of median income. I feel very strongly that this is a policy goal that should be considered. This is a very small resource that the County controls. We have expanded our Workforce Housing Program to promote housing for those who earn up to 120% of median income. But here where we have this very finite resource of land that we transfer to towns at no cost, I think, we should keep it focused on those who earn under 80% of median income.

We have houses being built throughout the County by Habitat for Humanity and the Long Island Housing Partnership and other non-profit groups that can meet this restriction. This resolution in my opinion came about because the Town of Southampton wrote me a letter and asked that I increase the guidelines. I had asked the town prior to that to give me some proof as to why they couldn't deliver a house for under 80% of median income where I had given them the land for free. They never provided that documentation. The housing person didn't provide the documentation. The letter was subsequently written by one of the town board members.

I wrote back to the town board member and asked him for proof as to why they of all the towns within Suffolk County couldn't deliver a house for people who earn up to no more than 80% of median income. I now understand that they have hired a firm to do the work that could provide that proof. So in my opinion this came about -- Jay was cc'd on the letter from the town board member. George reached out to me to tell me about this. I told him I wasn't in favor of that. I would say we either kill this or -- you can't kill it now because it's subject to public hearing, but at least this is a resolution that is very premature. We're waiting for a response back from the Town of Southampton. I do expect that that will come in and they will show us one way or another whether they can or can't deliver a house for this target population. I do want to say -- Jim wants get in here.

COMMISSIONER MORGO:

Yeah.

MS. ZUCKER:

In so many other instances when I have seen that there's an issue at the town level, that's why we made some tweaks at the Workforce Housing -- on the Workforce Housing Acquisition and Infrastructure Program; that I see that the town has certain guidelines and we have certain guidelines. So I have worked to change the flexibility to accommodate that. And I would say that it's always important for the County to stay open-minded to be able to help our towns meet their needs. In my opinion I don't understand why this change needs to be made.

COMMISSIONER MORGO:

One thing, if I can.

CHAIRPERSON BROWNING:

Okay.

COMMISSIONER MORGO:

Something to keep in mind. Under 80% -- affordable to households under 80% is something that had been, as Marian said, gospel from the beginning of the program. It was through the Workforce Housing Commission recommendations that we became more flexible; and then the Legislation showed the flexibility.

One of the things you should be aware of home dollars -- the federal program known as Home Community Development Block Grant Dollars are restricted to those under 80% or below. In other words, if someone were going to get one of our properties 72-H and you went along with this legislation, you could not put any federal dollars into that because the federal dollars are already restricted to 80% or below. When Diana Weir was talking about the new Home Program, which is terrific because it goes all the way up to 130%. But that's more of an economic development program, which, you know, having that \$20 million is wonderful for Long Island, but that has the flexibility. And when Diana talked about the most you could access, that's for people under 80%. So we already have these tiers. And if this were passed Southampton would never be able to use home money or {CDBG} money because that's still restricted to 80. And it's at best premature.

CHAIRPERSON BROWNING:

Legislator Kennedy.

LEG. KENNEDY:

Just if you would, please, frame the issue a little bit for me. What did we for do in the way of 72-H transfers last year approximately? 50 parcels, 100 parcels?

MS. ZUCKER:

Not quite that many unfortunately. I would say perhaps 30.

LEG. KENNEDY:

Okay. And the Long Island Affordable Housing Partnership or Habitat, generally when they're constructing, they're constructing something 1500 square foot ranch, 1600 square foot ranches?

MS. ZUCKER:

If that much. They construct modest houses. Habitat Homes typically sell for about 60 or \$70,000 with a lot of subordinate financing on it. The Partnership homes, probably about 150 to \$170,000.

LEG. KENNEDY:

Yeah. At a buck ten a square foot, I was figuring 1500, you'd have about 175,000 as far as hard cost to construct. So --

MS. ZUCKER:

Right

LEG. KENNEDY:

And 80%, I guess, what is that approximately at this point as far as income? What's that translate to?

COMMISSIONER MORGO:

For a family of four about 72.

LEG. KENNEDY:

Okay. So this expansion would for all intent and purposes even further reduce the opportunity to folks at that level might have because they would be --

MS. ZUCKER:

Right. And I feel really strongly especially in some of the western Suffolk towns. You know, there's

always pressure when a property is transferred to non-profit groups. Some are -- are more purely non-profit than others. But there's a push to start to push that purchase price up and to start to try to hit a higher income group. And I feel that this is such a precious resource, I'd like to see it remain focussed on those earning less than 80% median income

LEG. KENNEDY:

I couldn't agree with you more.

CHAIRPERSON BROWNING:

Okay. And I would like to ask that someone could come to the public hearing on this one. I'll put something on record.

COMMISSIONER MORGO:

It will be next Tuesday?

CHAIRPERSON BROWNING:

Yes, next Tuesday. Thank you.

And I do have to say we have a gentleman, a Mike DePauli. He would like to come and speak on the housing for veterans. If you'd like to come up.

LEG. LOSQUADRO:

Did we vote on that?

CHAIRPERSON BROWNING:

I don't think we did, did we? Okay. So we made a motion to table for public hearing. I have the second. All in favor? Opposed? **Okay, it's tabled (IR 2579) (Vote: 4-0-0-1. Legislator Montano not present)**

Mr. DePauli, you have three minutes.

MR. DePAULI:

My name is Mike DePauli.

LEG. LOSQUADRO:

I don't think your mike's on.

MR. DePAULI:

My name is Mike DePauli. I'm a Vietnam vet. I'm a resident of Suffolk County. I'm here today just to bring to the attention of the Suffolk County Legislature especially at this particular committee meeting the idea or concept that veterans should be a part and parcel of any housing project and any labor project and any project that Suffolk County Legislature has to consider.

We wouldn't have our freedoms today, we wouldn't be here today if it wasn't for veterans. So there should be some consideration right across the board just as Levittown was built in reserves for veterans; that each and every member here consider housing for veterans as a preference, not as a favor, but as a preference.

And the same thing in labor in hiring civil service employees or civil service tests, they consider waiving the fees for civil service tests. And I ask each and every County Legislator right now to look at their own staff members including the County Executive. And ask or answer how many veterans are on your staff? So we show, we lead by example. So I'm just here today just to bring to your attention perhaps consideration for veterans. Thank you.

LEG. LOSQUADRO:

Thank you.

LEG. VILORIA-FISHER:

Thank you, Mike.

CHAIRPERSON BROWNING:

Thank you. Okay. So I believe we're done for today. So motion to adjourn. Second. We're adjourned.

(THE MEETING WAS CONCLUDED AT 12:45 PM)

{ } DENOTES SPELLED PHONETICALLY