

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 March 19, 2009.

MEMBERS PRESENT:

Leg. Lynne C. Nowick, Chairperson
Leg. Kate M. Browning, Vice Chair
Leg. Thomas F. Barraga
Leg. Jack Eddington
Leg. DuWayne Gregory

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Kevin Duffy, Budget Review Office
Jill Moss, Budget Review Office
Joe Muncey, Budget Review Office
Patrick Skip Heaney, Commissioner of Economic Development and Affordable Housing
Jill Rosen-Nikoloff, Director of Affordable Housing
Joe Sanseverino, Director of Community Development
Bob Martinez, Aide to Leg. Montano
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Greg Moran, Aide to Leg. Nowick
Maxvel Rose, Aide to Leg. DuWayne Gregory
Jack Caffey, Aide to Presiding Officer
Dennis Brown, County Attorney's Office
Debra Alloncius, Legislative Rep for AME
All other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:14 PM

CHAIRPERSON NOWICK:

Good afternoon. We will start the meeting with the Pledge to the Flag led by Legislator Barraga.

SALUTATION

Welcome everybody to the Committee for Labor, Workforce and Affordable housing.

PUBLIC PORTION

We have two cards. We're going to bring you both up together. And you might as well sit over here and address the Committee almost like a presentation so we have some time.

COMMISSIONER HEANEY:

Good afternoon, members of the Committee. I'm Patrick Skip Heaney, Commissioner of Economic Development and Workforce Housing. And I'm joined with Joe Sanseverino who's the Director of Community Development.

We have two topics today that we want to discuss. Joe will spend some time talking about the impact or the opportunity I should say for the federal Reinvestment and Economic Recovery act because that relates to the Neighborhood Stabilization Program here in Suffolk County. And I would like to address tabled IR 2172, which is a law that is intended to amend Article 36 of administrative code which is the Affordable Housing Opportunity Program.

The purpose of the law is quite straight forward. It's intended to provide opportunities for local municipalities to carve out a local preference in the area of workforce housing for returning veterans from Afghanistan or Iraq or generally under the category of the war against terrorism.

Second component of the law permits the use of infrastructure funds to construct or renovate portions of a house if that returning veteran is disabled as a result of service to this country, to provide universal design elements in order to ease access and movements throughout the house. And there is a component of the law that will also provide the use of funds to install energy conservation equipment that has a useful life greater than five years. That's the sum total of the parts of the law.

There was an earlier version. It contained language that spoke to universal design. There were two laws that were put forward at pretty much the same time. It was unknown at that point in time which one would be adopted first. The second -- the other law was the law put forward by Legislator Stern. It dealt with universal design and accessibility or visitability as some refer to it. Because the language was common in both and that law was adopted first, this was pulled back so that we could amend and remove that particular language from the law so we didn't have that duplicated language. So it's back before you in an amended form and requires compliance with the earlier adopted Stern bill.

CHAIRPERSON NOWICK:

Thank you.

MR. SANSEVERINO:

Good afternoon. My name is Joe Sanseverino. I'm Director of Community Development for Suffolk County. And my purpose of coming here today is, number one, to announce that the County Community Development Program Consortium has been awarded 5.6, almost \$5.7 million in a new program funded by the federal government called Neighborhood Stabilization Program. And that comes out of the first economic stimulus bill that was passed at the end of last summer.

The County will be using those funds to acquire and renovate foreclosed and abandoned properties. The reason I'm here also is HUD approved this. We just got the contracts in. And they are asking us to return signed contracts by April 1st. So what we're doing is we have a resolution that's going to go forward on Tuesday as a Certificate of Necessity. And I just wanted to bring that to your attention. This program is on a very tight time level as far as the federal government is concerned. They're looking to get this money out into the field as quickly as possible. We have basically --

CHAIRPERSON NOWICK:

This CN is just to accept the money on Tuesday; is that what it is?

MR. SANSEVERINO:

It's accept and appropriating the funds, yes. The federal government wants this money committed to particular houses within 18 months of receipt of the grant. As far as they're concerned, the receipt of the grant started March 12th. So if we were to go through the normal process we would probably lose a good six to eight weeks. And we're trying to make sure that we're in conformance with what HUD would like.

As I said the program is directed at foreclosed, abandoned properties. Our proposal to HUD has been accepted and approved. We had to target the funds to particular communities based on some standards that the federal government put forward.

Just as an aside, my office handles all the communities in the County except Islip, Babylon and Huntington which have their own programs. And Islip is receiving about \$3.7 million under this program. And Babylon's get being about \$2.1 million under the program. That will not come through the County. Those will go directly to the townships. Huntington Township did not receive any funding directly from the federal government. They will get their funding or they'll have to apply through the state and we're working with them and the state to get them funding.

But as far as the money coming into the County, the communities, we have about six or seven communities that we have determined to be high risk, high need neighborhoods based on the number of foreclosures and the scores that HUD provided us with. Those communities would include Mastic, Mastic Beach, Shirley, Selden, Centereach, East Patchogue, Coram, Medford. Those are the areas that we will be targeting these funds to.

As I said the program hopefully will be set up in such a way that as we acquire houses, renovate them and sell them, we'll be able to reuse those funds from the sale of the properties. The Program is directed to first time home buyers. There will be re-sale restrictions on the program as far as reselling the homes as well as requirements that they must live in the house as the -- as a principal residency.

So I just wanted to bring it to your attention that there will be a CN for this legislation so that we can stay in step with what HUD is looking for us to do in the program. And if you had any questions --

CHAIRPERSON NOWICK:

Joe, just a few questions and maybe my colleagues have questions as well. The CN is coming. Is it a 100 percent?

MR. SANSEVERINO:

Yes, it's 100 percent federally funded.

CHAIRPERSON NOWICK:

So that's a pretty good thing. But did you say that -- is it 5.5?

MR. SANSEVERINO:

Almost 5.7 million.

CHAIRPERSON NOWICK:

5.7. Out of the 5.7, 3.7 is already going to Islip?

MR. SANSEVERINO:

Oh, no, no; that's in addition. That 3.7 is additional money.

CHAIRPERSON NOWICK:

Oh, addition. Okay. But the other monies are going to be spread through the communities that you just mentioned?

MR. SANSEVERINO:

Right, that's correct.

CHAIRPERSON NOWICK:

Those are the ones that you've chosen to --

MR. SANSEVERINO:

Correct.

CHAIRPERSON NOWICK:

-- that are in dire need of that.

MR. SANSEVERINO:

Right. Yes.

CHAIRPERSON NOWICK:

Okay. Did anybody have any questions? Legislator Barraga.

LEG. BARRAGA:

I want to ask a question with reference to the legislative intent. In the first paragraph, section one, there's reference made to the State of New York Mortgage Agency, SONY MAE which launched a program for homes for veterans that provides favorable interest rates on mortgages obtained by military veterans. Is that particular program limited to those who have served in Iraq and Afghanistan? Because the terminology here just says military veterans. Does anyone know?

MR. SANSEVERINO:

I believe that's what they were directed at, was military veterans from Iraq and Afghanistan.

LEG. BARRAGA:

Just Iraq and -- not military veterans -- for example if someone served in Desert Storm or the Vietnam war?

COMMISSIONER HEANEY:

No, it was not intended for that. It was intended to be an amendment to the 72-H Transfer Program to provide housing opportunities for first time home buyers who as a local preference have served in the military in Iraq or Afghanistan or deployed elsewhere in the world in the war against --

LEG. BARRAGA:

So what you're saying, that's what the state program specifically states?

COMMISSIONER HEANEY:

That's the purpose of our law.

LEG. BARRAGA:

It's limited to those who have served in Iraq and Afghanistan?

COMMISSIONER HEANEY:

No, I'm not saying that. The 72-H Program is much more broader than that. But within a hierarchy of local preferences, that can be established in terms of housing. And that might be those living within a town, those living within a zip code, those living within a school district. We're authorizing an additional local preference for returning veterans.

LEG. BARRAGA:

But if the SONY MAE -- I want to make sure it's clear in my mind. If the SONY MAE Program is open to military veterans, is that all military veterans? Because what your legislation does with the 72-H property transfer, it limits it to those serving in Iraq and Afghanistan. So my question is do you have a problem later on with somebody coming forward and saying wait a minute, state program says we could do this; your legislation limits to just two elements, Iraq and Afghanistan. *I served in Desert Storm, I served in Vietnam, why can't -- and I'm military veteran, why don't I, you know, qualify for this 72H program?*

COMMISSIONER HEANEY:

I don't know that that would result in an exclusion. If the person was a first time home buyer, they would not necessarily have to be a veteran.

LEG. BARRAGA:

But there's a preference here otherwise you wouldn't be making the change in the 72-H Transfer Program. As I understand it, I'm not even sure if they have to even make income qualifications, these veterans? The eighty percent of HUD?

COMMISSIONER HEANEY:

Yes. Less than 80 percent, you know.

LEG. BARRAGA:

So why did you add -- so why -- what do they get from this program that anybody else normally gets? I mean it seems to me like --

COMMISSIONER HEANEY:

There are a number of smaller not-for-profit housing organizations. One in particular that comes to mind is Builders Care. And that is a not-for-profit arm of the Long Island Builders Institute that have decided as a mission statement to build and renovate housing for returning veterans from the Iraqi/Afghanistan conflict areas. And what we wanted to do was to simply provide a provision whereby a local jurisdiction could add to an already broad array of local preferences, an additional local preference, that would allow housing to be constructed specifically for a veteran returning who met the conditions that are laid out in this law. Rather than restrict, I think, that what we're attempting to do is to broaden the opportunities for first time home purchasers.

LEG. BARRAGA:

Yeah, my concern is those veterans who might feel that they've been excluded as a result of this legislation.

COMMISSIONER HEANEY:

Legislator, I worked extremely close with Tom Ronayne who's the Director of Veterans Agency here in Suffolk County. And the reaction that we got uniformly was one of appreciation and gratefulness that we were recognizing that the sacrifices made by some on behalf of the rest of us had -- herein lied an opportunity to say thank you.

CHAIRPERSON NOWICK:

Did you want Counsel to weigh in?

LEG. BARRAGA:

No.

CHAIRPERSON NOWICK:

Legislator Browning, you have a question?

LEG. BROWNING:

Yeah. I'm looking at the bill because if you look --

CHAIRPERSON NOWICK:

Is your mike on?

LEG. BROWNING:

It's not on? Okay. Now we're here. It says *the Director of Suffolk County Veterans Service Agency shall verify to the participating municipality that an applicant possesses a form DD 214 to verify honorable service. And one or more of the following awards, metals in order to qualify under this article.* Now it lists a bunch them. It mentions Afghanistan, Iraq, the global war on terrorism but then it continues down to combat action ribbon, combat action badge, combat medical badge and I think there's two other -- purple heart, silver star. But it's not specifically mentioning Iraq/Afghanistan so that --

COMMISSIONER HEANEY:

It's just that --

LEG. BROWNING:

So if you were in Desert Storm and got the combat action ribbon --

LEG. BARRAGA:

No, you don't get this.

LEG. BROWNING:

You don't get these ribbons --

LEG. BARRAGA:

No, you don't get --

LEG. BROWNING:

-- from Desert Storm?

LEG. BARRAGA:

-- the benefit of this proposal because you're not -- you were in Desert Storm or Vietnam, you don't get the benefit.

LEG. BROWNING:

Yeah, but here I'm reading in the section A part and it's not -- it's listing a bunch in there.

LEG. BARRAGA:

My assumption --

LEG. BROWNING:

I'm trying to understand --

LEG. BARRAGA:

-- here these metals are being generated from Iraq and Afghanistan, not Desert Storm.

COMMISSIONER HEANEY:

That's correct because if you read the language above, it's very specific. And it says that they shall be made available to military veterans pursuant to such local preference who served during expeditionary service in a theatre of conflict in Iraq or Afghanistan as verified by the Director of the Suffolk County Veterans Agency.

LEG. BROWNING:

Sometimes, you know, say someone served way back in Desert Storm. Way back? It's not that far along, but owned a home, maybe foreclosed, lost their home. And there's a certain period of time, isn't there, where you -- maybe you were a homeowner at one time and now you could be eligible as a first time home buyer; am I correct?

MR. SANSEVERINO:

As far as the federal programs when we operate them, usually if you haven't owned a home for three years, you can reapply as a first time home buyer. And we also have exceptions in the case of, you may have a divorce where the house is lost or something like that, there are exceptions in that situation also. So there are some leeway there.

LEG. BROWNING:

So is there something that we can do? Because I understand what you're saying. People who served in Desert Storm are not that old. And even, you know, ones that have served in Vietnam could possibly need to purchase a home, so, you know, it would be nice to be able to include them. And I agree with Tom, I think -- I don't want to see us eliminate anybody.

COMMISSIONER HEANEY:

Yeah, we have no particular problem or opposition to providing opportunity to a broader number of veterans whose income levels and whose service and status as a first time home buyer would qualify them. We simply were looking at military people tied to the conflict that exists in our world today. And we were trying to provide, and I think we have, provided a mechanism by which a housing program that we have here in the County that is rather successful could be expanded in order to be responsive to the desires and goals of certain organizations that are housing advocates that want to express their gratitude by working either with sweat equity or with grants to provide housing for returning veterans. And as you can see there was even thought that was put into providing accommodation in the case of someone coming home disabled as a result of that military service. So there's certainly no effort to be exclusive here or restrictive. We were simply trying to respond to that which is contemporary.

LEG. BROWNING:

It's certainly a great idea. I'm very supportive of it. But I understand your concern about the Dessert Storm people that we don't want to exclude them.

COMMISSIONER HEANEY:

I don't know if it's a concern or an opportunity.

LEG. BROWNING:

-- we don't want to exclude them. That's basically all we're saying.

MR. SANSEVERINO:

Are we looking to go Desert storm? How far back? Vietnam?

COMMISSIONER HEANEY:

How open ended do we wish to be?

CHAIRPERSON NOWICK:

Well, if I could just interrupt for a second. If this legislation passes as written, are you saying that

you -- the way it's written there is the ability still to -- no, there's no ability to accept anybody from Desert Storm or Vietnam.

COMMISSIONER HEANEY:

That doesn't mean that someone who's served in Desert Storm doesn't qualify for first time housing under this program under a different tier within a hierarchy of local preferences.

CHAIRPERSON NOWICK:

This is just an expansion.

COMMISSIONER HEANEY:

Someone could be -- a town could have a program that says, you know, preference for EMS volunteers. That person could be also an EMS volunteer. It could say individuals living in a town who work in the town. It could be someone who lives within a particular zip code within a town. It could be somebody who works in a town but lives out of the town. The towns' programs and the not-for-profit programs are permitted under statute to establish a hierarchy of local preferences in order to satisfy different sets of marketing goals. And what we're doing is simply adding an additional tier.

CHAIRPERSON NOWICK:

I'm going ask Legislative Counsel if he would like to weigh in on this.

MR. NOLAN:

No, I just was wondering, Commissioner --

COMMISSIONER HEANEY:

Sure.

MR. NOLAN:

If those local other entities, local governments, non-profits can include these folks in the hierarchy, is this law really necessary?

COMMISSIONER HEANEY:

The funding is what differentiates this.

MR. NOLAN:

So we're mandating that this require this group in the hierarchy of preferences somewhere?

COMMISSIONER HEANEY:

We're not mandating it. But what is made available, somebody comes back and is disabled, we will make available infrastructure funding to make renovations to the house in order to accommodate movement within the house.

CHAIRPERSON NOWICK:

All right, I understand. Okay. Legislator Eddington, you had a question?

LEG. EDDINGTON:

Yeah. I mean I have no problem with your targeted population. I understand you have to start somewhere from a framework. This is for active duty people that served in Iraq or Afghanistan.

COMMISSIONER HEANEY:

Or generally under the -- they could have been deployed elsewhere in the world, you know, in the war against terror.

LEG. EDDINGTON:

Oh, that was my question. What if you're United States Navy and you serve nine months on an

aircraft carrier in the Persian Gulf?

COMMISSIONER HEANEY:

If you're associated with the war against terrorism, you would qualify.

LEG. EDDINGTON:

Okay. I don't know how that's defined. I mean I know if you're a marine or a soldier in Iraq or Afghanistan, you're going to qualify. But the people that are associated aren't given the same considerations.

COMMISSIONER HEANEY:

I would say that if you're on the dirt and you qualify, and the next person is on the sea associated with the same effort, you qualify whether you're in a boat or in boots.

LEG. EDDINGTON:

Well, I hear what you're saying but like even the VFW has specific qualifications. But I'm just wondering if -- I want to make sure all servicemen serving overseas would be entitled to the currently -- during this conflict. I don't like when we separate veterans from a combat veteran and a veteran. If you're serving during the Iraq/Afghanistan crisis, I don't care where in the planet you're serving, you should be qualified for that program. Not saying the disabled veteran or combat veterans maybe should be get some other priority somewhere, but I want to make sure everybody's included. That's all I'm saying.

COMMISSIONER HEANEY:

I think that the language anticipated that. And that's why there was the catchall language that said deployed in the war against terrorism.

LEG. EDDINGTON:

Okay, good. Thank you. Thank you.

COMMISSIONER HEANEY:

All right. I'm certain that that was the intent of that language.

CHAIRPERSON NOWICK:

Legislator Browning, did you have a question?

LEG. BROWNING:

Yeah, and I actually was thinking, Tom could maybe answer this one, because I'm looking at the current conflict. If you're serving during Operation Enduring Freedom, my husband was deployed to Bosnia under Operation Enduring Freedom right after 9/11. So he wouldn't qualify? Not that we're first time home buyers.

LEG. BARRAGA:

No.

LEG. BROWNING:

But he wouldn't have qualified.

LEG. BARRAGA:

Not specifically based on what Mr. Heaney is saying.

LEG. BROWNING:

Not on this one?

LEG. BARRAGA:

He wasn't in Iraq and he wasn't in Afghanistan, he would not qualify.

LEG. BROWNING:

Okay. Because, you know, in going back to Vietnam, because you had Vietnam war but you had veterans who served who are Vietnam veterans because they served on the dirt, like you said, and then you have the Vietnam era veterans who weren't actually in conflict. So aren't they all in the end the same?

LEG. BARRAGA:

You would like to think they're the same, but the trouble is even veterans groups make a delineation between a combat veteran and someone who served during war time but never served in a combat zone.

LEG. EDDINGTON:

If I could? Would you mind? Because I have to tell you, and I hate to have you guys see it, but the back of my hair just stood up because I had to deal with that, you know. My mother passed away but she was clear to let people know she was a World War II veteran. She in the WAVES, in the navy stationed in the naval bureau of -- in Washington DC. And if you said to her she was a World War II era veteran, she would have clocked you.

CHAIRPERSON NOWICK:

What's an era veteran?

LEG. EDDINGTON:

Well, because again what different groups are trying to do is delineate and separate. And I believe veterans have to stay together. There's always been a distinction between combat veterans. Those words make it very clear. But if you served during Vietnam, you're a Vietnam veteran. I gave four years of my life. They sent me wherever they wanted. I volunteered for Vietnam. They put me on an aircraft carrier in the North Sea. I left my home for four years. I resent the "era" piece. I don't like it. I am a Vietnam veteran. I'm in the Vietnam Veterans of America. And I won't sit here and listen to the separation of veterans. I'm opposed to that. That's why I asked my question. I want all veterans during that period of Iraq or Afghanistan to qualify for that program. I am not going to allow veterans groups to work against each other. We need to stay together in the time of war, not separate.

LEG. BROWNING:

That was my point. That was my point, whether you served during the era, whether it was in combat or not in the combat, you're still have a Vietnam veteran. That's what I said.

LEG. EDDINGTON:

This says theatre of conflict.

LEG. BROWNING:

Yeah. And so now I'm finding out my husband served in Bosnia during Operation Enduring Freedom. It was a war zone. He was in a war zone. And I know there was conflict but he doesn't qualify. So I guess I won't say anymore.

CHAIRPERSON NOWICK:

Does anybody have any other questions? Okay. We're going to go onto the agenda then.

LEG. BROWNING:

Well, I think, you know, I think this is --

COMMISSIONER HEANEY:

We really want your input. Because at the end of the day, this is the type of legislation that should have 18 co-sponsors.

LEG. BROWNING:

We don't need to table it. I mean if we passed it couldn't we --

LEG. BARRAGA:

What if you expanded the bill? I call it expanding the bill to have all military veterans qualify. They would have to provide, you know, certain information on the DD 214, but just leave it to military veterans. Just change the terminology. This way you're not restricting it to, you know, Iraq or Afghanistan.

CHAIRPERSON NOWICK:

It wouldn't be that overwhelming because of the --

LEG. BARRAGA:

Right.

CHAIRPERSON NOWICK:

The military veterans from Vietnam already have had their homes and --

COMMISSIONER HEANEY:

There are still many people who had served nobly in World War II, you know, who are still among us.

CHAIRPERSON NOWICK:

But usually they have their homes and --

COMMISSIONER HEANEY:

Well --

CHAIRPERSON NOWICK:

It's the Iraq and Afghanistan. There are going to be more first time home buyers because most of them are younger. Not all of them, most of them.

LEG. BARRAGA:

Mr. Heaney, with all due respect World War II veterans are not much of an issue with this bill, I mean, predicated on their age, you know, but I think that probably -- you could probably -- Vietnam veterans, maybe some of them coming forward, maybe some from Desert Storm, Bosnia, you know, people who feel they should qualify. So if you left it the term military veterans as opposed to specifics -- I know there's an honorable intent here. I'm not disputing that. I just think you have to expand a little bit.

COMMISSIONER HEANEY:

Does the -- the idea is put forward here about putting a beginning date or an earliest date, maybe we would say those who had served prior to some year.

CHAIRPERSON NOWICK:

Well, that would be the same problem then. It still would be not what you're looking for, right, Tom? I think the point is, though, if you did include everybody, it's not going to overwhelm the County. There's not going to be so many from World War I and so many from Vietnam or World War II, excuse me. I watched a World War I movie --

COMMISSIONER HEANEY:

I was not being facetious. But when the language is a catchall and it just says all military personnel, you know, we just need to be candid about what that means.

CHAIRPERSON NOWICK:

Would, if the Committee would agree, would tabling it for one cycle and maybe you could work on the wording and then we could get it through committee next time, would that be agreeable?

COMMISSIONER HEANEY:

You know, I think I would prefer that. I have some reluctance here. It had been my hope to have Tom Ronayne with us. He unfortunately had to attend a funeral service and had to cancel out with matters military. It would have been my preference that he address those specific questions that you might have.

CHAIRPERSON NOWICK:

So the tabling would be --

COMMISSIONER HEANEY:

So it's not inappropriate to do that.

CHAIRPERSON NOWICK:

Okay, fine. Thank you. Okay.

COMMISSIONER HEANEY:

Okay, thank you.

TABLED RESOLUTIONS

Now we can go to the agenda. **IR 1092, amending the Suffolk County Classification and salary plan in connection with a new position title in Suffolk County Community College (College Personnel Officer).** I'm going to make a motion to table, second by Legislator Browning. All in favor? Opposed? **IR 1092 is tabled. (Vote: 5-0)**

IR 2172, adopting a local law enhancing Article XXXVI of the Suffolk County Administration Code to add a local preference to benefit certain military veterans, to provide additional funding incentives for energy conservation measures, and to add elements of universal design adaptability. (Co. Exec.) I will take a motion to table by Legislator Browning, second by Legislator Barraga. All in favor? Opposed? **2172 is tabled. (Vote: 5-0)**

If there's nobody else that wants to address the Committee, I'll take a motion to adjourn. Motion by Legislator Eddington, seconded by myself. All in favor? Opposed? We're adjourned.

**THE MEETING CONCLUDED AT 1:44 PM
{ } DENOTES SPELLED PHONETICALLY**