

# **Workforce Housing Coalition**

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Thursday, April 9, 2015

The Hon. Robert Astorino  
Westchester County Executive  
48 Martine Avenue  
White Plains, NY 10601

Re: Request to Intervene

Dear County Executive Astorino:

As a coalition of citizens and organizations in Westchester County, we request that you intervene in the approvals process for new apartments in Harrison, pursuant to your obligations under New York State and federal law.

Exclusionary zoning discriminates against working families and minorities and has produced an exodus of young adults from the county. This hurts the economy and drives away businesses and jobs. Local land regulation has created a mismatch between supply and demand as numerous communities in Westchester, including Harrison, restrict most housing built to expensive single-family houses. When apartments are built, they tend to be luxury units, unfriendly to families with children.

As you know, our coalition applauded your intervention last month in brokering the first units of affordable housing in a quarter century in Harrison, a town two-thirds the size of Manhattan. Seven apartments, however, out of 143 proposed in the MTA/AvalonBay transit oriented development, does not begin to address the shortage of such housing in the county, or even Harrison's "fair share" of the regional need as determined by the county itself.

Today, another 463 units are moving through the approvals process in Harrison without any set aside for affordable workforce housing. We believe the county has a legal obligation under the Consent Decree to insure that each of the named municipalities provides its fair share of housing that is affordable to households at or below 60% of the Area Median Income, or about \$56,000 for a family of three.

In 2004, a study commissioned by Westchester County determined that the Town of Harrison's fair share of the regional need for affordable housing was 756 units, to be completed by the end of last year. The validity of these goals for municipalities was affirmed in the Berenson line of cases, including *Triglia v. The Town of Cortlandt* (1996), decided in the New York State Court of Appeals. Despite Harrison's goal of 756 contained in

the County Housing Allocation Plan, not one unit was produced. Surely, if a private developer like Triglia can successfully assert a claim, the county itself may do so, as well. In February, a public benefit corporation, the Westchester Medical Center, successfully declared itself exempt from the approvals process in another town subject to the settlement, Mount Pleasant, under the state's legal doctrine of "balancing of public interests."

In 2009, as part of the federal Consent Decree with HUD, Westchester County committed to achieving its goals of eliminating exclusionary zoning and producing affordable housing in places like Harrison, by means "including, but not limited to, legal action."

While we support legitimate home rule, it does not license communities like Harrison to deny housing to the over 40 percent of households in the county earning less than 80% of the Area Median Income, and an even higher percentage in the Metropolitan region. It does not license them to perpetuate segregation, either. For these reasons, we call upon you to immediately initiate talks with Harrison to insure the town sets aside at least 10% of the units for affordable housing in the Playhouse Lofts and Corporate Drive projects, pass the Model Zoning Ordinance, and more generally to press Harrison and other communities to ease highly restrictive zoning. Absent voluntary compliance, your obligation under the Consent Decree is to initiate legal action pursuant to the Berenson and County of Monroe line of cases, as well as the Fair Housing Act.

Sincerely,

The Westchester Workforce Housing Coalition

Alexander H. Roberts, Community Housing Innovations, Inc.  
James Killoran, Westchester Habitat for Humanity  
Lena Anderson, White Plains/Greenburgh NAACP  
Graciela Heymann, Westchester Hispanic Coalition  
Dennis Hanratty, Mount Vernon United Tenants and Hunger Action Network  
David Schwartz, Working Families Party  
Greg Maher, The Leviticus Fund  
Nada Khader, WESPAC  
Mara Winokur, ULI Westchester/Fairfield  
Andrea Kocsis, Human Development Services of Westchester  
Fr. Wilfred Tyrrell, S.A. Catholic Chaplain, Director-Duchesne Center/Manhattanville College  
Richard Hyman, Urban Planner  
Charles Pateman, Developer  
Timothy Lewis, Greenburgh Town Attorney

c.c. James Johnson, Esq., HUD Monitor  
Harrison Mayor Ron Belmont