

Tax Watch: Westchester towns face brunt of Astorino's fair-housing fight

Written by David McKay Wilson
Apr 11

lohud.com

County Executive Rob Astorino's escalating defiance of Westchester's federal fair-housing consent decree is about to hit county taxpayers, with the federal government prepared to revoke \$7.4 million in funds April 25, and more losses promised to come.

Astorino continues to thumb his nose at the fair-housing settlement, signed by his predecessor, and its requirements that the county work to overcome exclusionary zoning practices in local municipalities and promote source-of-income legislation before the county Board of Legislators.

It could become much uglier if the federal government decides to enforce the consent decree signed in August 2009 and seek the kinds of fines that brought Yonkers to its knees in 1988 after the city refused to comply with a federal housing desegregation order.

Playing the Yonkers card may be popular in the political sphere, but it could prove costly for the very Westchester taxpayers Astorino has courted with his pledge to hold the line on county taxes.

In March, the U.S. Department of Housing and Urban Development warned Westchester that, after three years, it would reallocate \$7.4 million in federal Community Development Block Grant funds if the county fails to submit what it called an "analysis of impediments" to fair housing. That analysis must include Astorino's strategy to combat exclusionary zoning in predominantly white municipalities.

Astorino's response? To attack the federal government for overreaching, just as Yonkers Mayor Hank Spallone and his coterie did in Westchester's largest city in the 1980s until U.S. District Judge Leonard Sand threatened ever-escalating fines.

On Wednesday, in inflammatory language, Astorino demanded a hearing with HUD in Washington to dispute its decision to rescind the funding. The county maintains HUD has no authority under the settlement to rescind these funds.

"What HUD is doing is extortion based on nothing more than its unsupported opinions," Astorino maintained in a seven-page letter to HUD Secretary Shaun Donovan.

A review of correspondence between Westchester and HUD reveals a much different story, with the county failing since 2009 to satisfy HUD's request for an analysis that singles out the zoning ordinances that restrict multifamily housing in so many Westchester municipalities.

Westchester signed the consent decree in 2009, to avoid fines of \$156 million, in which it agreed to submit an analysis deemed acceptable by HUD. Astorino wants the feds to give Westchester a pass on this requirement because it has tried. HUD disagrees.

"It shouldn't take this long," Deputy HUD Secretary Maurice Jones told Tax Watch. "This is basic: Westchester voluntarily entered into this agreement for the cause of fair housing. Westchester has to do the right thing."

Westchester taxpayers are beginning to feel the pinch. The April 25 deadline applies to the county's \$7.4 million in CDBG funds for 2011, which include support for infrastructure, affordable-housing projects and emergency shelter programs in communities outside of Westchester's big cities. HUD also has withheld the county's allocation for 2012.

Losing funding will be projects in Bedford, Dobbs Ferry, Greenburgh, Mamaroneck, Ossining, Peekskill, Pelham, Port Chester, Sleepy Hollow, Tuckahoe and Yorktown.

Croton-on-Hudson was counting on \$200,000 for its \$2 million project to improve sewers and sidewalks on

Farrington Street. Village Manager Abraham Zambrano says Westchester Deputy Planning Commissioner Norma Drummond told him last fall that the chances of obtaining the federal money were “nil to none.”


“We’re putting out the project for bid in May,” Zambrano says, noting local taxpayers will pick up what would have come from the federal government.

Astorino’s resistance is part of a political calculation, aimed to energize his suburban base, much as he did in 2009, when his opposition to the housing settlement fueled his campaign to unseat incumbent Andy Spano. He has remained in campaign mode ever since. His administration’s report to the court on local land-use ordinances found not one instance of exclusionary zoning, which he insisted meant he didn’t need to draw up a plan to combat it.

A federal appeals panel April 5 found that he had failed, as promised in the consent decree, to promote legislation barring landlords from discriminating against tenants with Section 8 housing vouchers.

Instead Astorino has trumpeted municipal home rule and property rights. And he revived his failed strategy to ask the county legislature to resubmit the source-of-income legislation he’d already vetoed.

“It’s a filthy politics of trying to appeal to people’s fears,” says attorney Craig Gurian, who brought the fair-housing case

. “Astorino is really good at stomping up and down on source-of-income. But the court found him to be utterly  without merit. I’m still waiting for the federal government to go back to court and seek the most basic thing: that the violator of the consent decree be held in contempt. ”