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HUD Plays Hardball With Westchester County

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The federal Department of Housing and Urban Development is starting to play hardball with Westchester County over its plans for affordable housing units.

HUD is withholding federal money that is due Westchester because, the agency has said, the county's plans for adding affordable housing units within its borders do not adequately satisfy fair-housing laws.

Local officials said Friday that HUD is overreaching its mandate and infringing upon local zoning rules. County Executive Rob Astorino plans to go to Washington later this month to ask HUD Secretary Shaun Donovan to intervene in a standoff between the county and his agency over the implementation of a 2009 agreement that required Westchester to buy or develop affordable homes.

That \$63 million agreement required the county to allocate nearly \$52 million for more than 750 homes, most in areas with few minorities. The county also agreed

to market the affordable homes across the New York metropolitan area.

In June, the Anti-Discrimination Center, the nonprofit group which originally sued the county for allegedly violating fair-housing laws accused the county of skirting its obligations, citing missed deadlines and insufficient planning documents.

HUD earlier this month rejected the county's affordable housing plans for the fifth time. As a result, the agency has withheld \$7.3 million in yearly federal housing funds allocated to the county.

In a letter, HUD called on the county to challenge the zoning practices of its municipalities and outline what it will do if they fail to comply. The agency also asked that half of the affordable dwellings have three bedrooms, a provision that Westchester officials say would be too costly.

Astorino characterized HUD's moves as "unprecedented bureaucratic overreaching" and

"unwarranted trampling of local zoning rights." He said Westchester is a year ahead of schedule on the actual development of affordable homes and that HUD, by quibbling with planning documents, is trying to make the county to more than it can afford to do in the marketplace.

"The county is bound by an agreement that does not contemplate mediation by press conference," said James Johnson, the court-appointed monitor who is working with HUD and the county. "The consent decree provides a mechanism for resolving disputes between HUD and the County. If and when the parties bring their dispute to me, I will work with them to resolve it."

"We've been working for two years now to help Westchester County satisfy its legal obligations under the settlement agreement. Yet, the county continues to fall short of these obligations and shifting the conversation to HUD doesn't change that fact," said an agency

spokesman. “We’ll continue working very hard with the County, but rhetoric like this is unproductive and does not help us reach the goal of expanding fair housing choices for the residents of Westchester County.”

About 1,200 local and state government entities accept HUD funds through the Community Development Block Grant

programs, but those funds are contingent upon a community’s adherence to fair-housing laws.

HUD’s enforcement of the Westchester ruling could have ripple effects in similarly affluent communities across the county. Several cities over the years have enacted prohibitively strict zoning codes in a thinly veiled effort to keep out affordable housing,

despite federal anti-discrimination rules. Weak enforcement could diminish HUD’s authority and furthering racial segregation, the Anti-Discrimination Center said.

“The objective was to overcome the barriers that left Westchester a highly residentially segregated county, not to please local towns and villages,” said Craig Gurian, the center’s executive director.