

Westchester to pursue HUD for held-back grants

Mark Lungariello, mlungariel@lohud.com 10:18 a.m. EDT March 17, 2015

Millions worth of federal grants have been held back since 2011 due to an affordable housing standoff with the federal government.



(Photo: Ricky Flores/The Journal News)

20CONNECT 4TWEETLINKEDIN 1COMMENTEMAILMORE

Westchester County wants a court order to prevent three years' worth of federal grants tagged for local municipalities from being spent elsewhere until a lawsuit against the U.S. Department of Housing and Urban Development is decided.

The county is challenging HUD's authority to withhold or deny a number of annual grants due to what the department views as noncompliance with the terms of a 2009 affordable housing settlement. An appeals court [ruled last month](#) that the county could pursue legal action challenging HUD's authority and seek \$750,000 left from \$7.4 million in 2011 grants that were largely redistributed outside the county by HUD.

County lawmakers voted Monday to also seek what is left from grants withheld by HUD between 2012 and 2014 and to prevent the department from giving any of the money to other programs before the case is ruled upon.

"Our argument is that the actions to the status quo should be maintained until the court has a chance to decide whether or not HUD improperly withheld the monies," county attorney Robert Meehan said.

The 2009 affordable housing settlement required that Westchester provide 750 affordable housing units and conduct an analysis of local zoning codes to identify exclusionary practices. Westchester County Executive Rob Astorino's office filed several analyses, but HUD rejected all of them. Astorino, who came into office in 2010 after the settlement was

signed, said the county's reviews of local zoning didn't find barriers to building fair and affordable housing.

HUD eventually held back federal grants that would have funded projects including sidewalk repairs for municipalities and nonprofits. The appeals court ruled last month that Westchester only had a claim for grant money that hadn't already been reallocated.

The county believes that a large portion of grants, including funds under the federal Community Development Block Grants program, has already been reallocated from 2012. There are roughly \$10 million to \$15 million in funds that may still be available, said Ned McCormack, a spokesman for Astorino.

McCormack said the county was confident in its case and believed the appeals court ruling was already a victory in that it showed HUD could not act unilaterally and was subject to judicial review. HUD shouldn't have acted to withhold the funds based on its own opinion on whether the county's analyses were adequate, McCormack said.

"What was really, really important was that the county was vindicated on the important principle of placing limits on HUD," he said.

Board of Legislators Chairman Michael Kaplowitz, a Somers Democrat, said authorizing the legal action made sense because the county was already pursuing what is left from the 2011 grants.

"We're already going to be in front of the court," he said. "And we would be – one could argue – derelict if we did not do everything we could to try to bring back our dollars to the people of Westchester County."