

Westchester County: Not monitor's call if housing deal violated



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Westchester County faces contempt of court, monthly fines of \$60,000 and may be forced to build more affordable housing.



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Whether Westchester County violated the terms of its fair housing settlement should be decided by the courts and not a federal monitor appointed to oversee implementation of the settlement, County Executive Rob Astorino's office said Monday.

Monitor James E. Johnson [issued a report last week](#) that said Westchester has violated the settlement's requirement to have 450 units with funding in place by the end of 2014 because a 28-unit development in New Castle should not be counted. The county faces monthly fines of \$60,000, potential contempt of court and may be forced to build more affordable housing.

But Phil Oliva, a spokesman for Astorino, said the administration believes it exceeded the benchmark and that the county attorney is "strongly objecting" to the monitor's report and requesting a review.

"Any determination on the county's compliance needs to be resolved through the dispute resolution process and the courts, not the monitor," Oliva said in a statement.

Under the 2009 settlement, Westchester must build or obtain 750 affordable housing units in 31 of its statistically whitest communities and take other actions toward affordable, fair housing in the region.

County lawmakers approved \$2.9 million for the Chappaqua Station development in New Castle last year, but the financing was contingent on state and local approvals. Town officials [have been contesting](#) Conifer Realty's plan to build the development and the two sides have taken their arguments to court.

The monitor said that New Castle was obstructing the housing and that Westchester had violated the provision of the settlement that says the county must take "all available means" when a community does not take actions or hinders development of the housing.

Oliva said the county favors a diplomatic approach rather than litigation against the town, but the monitor said the county needed to be more than a spectator in the dispute.

"Hope, however, is not a strategy," Johnson wrote.