



NEW YORK STATE ADVOCACY AGENDA 2024

The Westchester County Association (“WCA”) is the county’s professional roundtable. We unite and mobilize business leaders to advance issues and lead initiatives that strengthen our regional economy. Through collaboration, we drive economic vitality, stimulate new business and job creation, and provide our members with the resources and talent they need to grow.

Our members include hundreds of the mid-Hudson region’s foremost organizations in industries as diverse as healthcare, real estate, finance, law, energy, technology, hospitality, higher education, and the nonprofit sector. They collectively employ hundreds of thousands of workers. For more than 70 years, the WCA has served as the leading independent voice of the professional community.

While the WCA will undertake general business advocacy (responsible budgeting, minimizing tax burden, a light-touch regulatory environment) we, as set forth herein, more specifically address certain top-level priorities consistent with our primary focus areas. This agenda likely will be revised during the legislative session as individual priorities are introduced and advanced.

For additional information about our advocacy initiatives and policy positions on specific items of interest please contact:

Michael N. Romita
President & CEO
Westchester County Association
mnromita@westchester.org
O: (914) 948-3671
C: (914) 906-7821

Amy Allen
Vice President
Westchester County Association
aallen@westchester.org
O: (914) 948-1168
C: (914) 943-7433



HEALTHCARE

The WCA's membership includes hundreds of the region's foremost organizations representing a broad range of industries including healthcare, real estate, finance, law, energy, technology, hospitality, and higher education. One of the WCA's primary focus areas is support for a strong and vibrant healthcare system. Our board members include the heads of every major hospital and healthcare provider in the region. We regularly advocate on behalf of our regional hospitals and healthcare providers, and to expand access to high quality healthcare for our residents and workers.

Healthcare is the largest single economic engine in Westchester County and the surrounding region. Within the lower Hudson Valley alone, our hospitals alone contribute close to \$13 billion in annual economic impact and employ over 54,000 workers. The benefits to the community are both quantitative and qualitative. World class healthcare facilities continuing to expand north of New York City is one of the primary reasons businesses, workers, and residents are attracted to the region.

Fully Fund Medicaid

Medicaid reimburses healthcare providers approximately \$.70 on the dollar, which is not sustainable especially as the Medicaid population continues to grow. Last year's budget saw the first meaningful increases in the Medicaid reimbursement rate in more than a decade -- 7.5% for inpatient services and 6.5% for outpatient services. However, this increase was largely offset by negative changes to the 340B program for some hospitals. Moreover, our hospitals continue to face daunting financial challenges as they emerge from the impacts of the Covid-19 pandemic.

Although federal funding helped to offset many costs of care due to the pandemic, it did not offset inflationary increases in everything from supplies to wages. Staff costs were and continue to be particularly impacted by the need to utilize "travelling nurses" whose wages are often over 40% higher than staff nurses. While the use of traveling nurses has abated somewhat, many recent collective bargaining agreements have met union demands for elevated wage and benefit costs well above inflation. Heightened staffing requirements add to the challenge. Increasing the Medicaid reimbursement rate, especially to ensure the ability of facilities and providers to attract a quality workforce, is critical to ensuring the sustainability of our health care infrastructure.

Fund Our Healthcare Workforce

Healthcare workforce shortages continue to grow in virtually every county in New York State. Shortages preexisting the pandemic are now magnified by recently enacted staffing ratio laws for nursing home and hospitals. The State has made some movement towards alleviating those shortages such as passage in May, 2023 of the Clinical Simulation bill (A3076-A/S447-C) which allows for up to 30% of clinical hours to be earned via simulation training. However unrealistic staffing ratio requirements for nursing homes and hospitals cannot be met. Rather than levy fines for noncompliance, money should be directed towards training and direct workforce funding.

- **Direct Workforce Funding** – Last year’s budget (FY 2023) included more than \$1 billion year for two years for efforts to retain and grow the state’s health care workforce. Maintaining and expanding this funding is a priority to enhance the workforce pipeline and solidify staffing in areas of greatest need. Moreover, it should be specifically directed to providers and should include the flexibility needed to allocate depending on the workforce needs in each of the state’s very diverse regions.
- **Recruitment Initiatives** – We urge the legislature to prioritize workforce recruitment and retention initiatives for the upcoming legislative session. These initiatives include expanded support for the Workforce Development Initiative and the newly created Office of Workforce Development. Most importantly, additional funding achieved through a successful 1115 federal Medicaid waiver application should be directed toward workforce initiatives designed and implemented with provider input.

Make Scope of Practice Flexibility Permanent

During the pandemic, numerous temporary measures were enacted through executive order that provided scope of practice flexibility among the various health care professions. The pandemic proved the value of those provisions. They remain an invaluable tool in ensuring access to services otherwise unavailable due to staffing shortages.

Some provisions -- added flexibility for non-patient specific standing orders for nurses, and a temporary extension on community paramedicine -- were adopted during the last session. Facilities were able to continue to operate their departments, such as radiology, without interruption. However, the state continues to suffer from long-term workforce shortages. To ease these workforce issues, every clinician should be allowed to use the fullest extent of her training. **More specifically, permit individuals who meet federal requirements for performing high complexity testing to perform such testing.**

Enact Medical and Nurse Licensure Compact Legislation

Enacting the Medical and Nurse Licensure Compact was included in Governor Hochul’s State of the State address but was not supported by the legislature. We advocate for passage 2023_A3391 (O’Donnell) to enact the interstate medical licensure compact and the nurse licensure compact. This bill would

strengthen access to health care by providing a streamlined process for NY clinicians to become licensed in multiple states. Currently 39 states are part of these compacts.

Rein In For-Profit Health Insurers

The Covid-19 pandemic illustrated the acute market imbalance between the national for-profit health insurers and those who provide, consume and purchase healthcare services. Hospital margins erode while insurance profits climb. Even though consumers significantly curtailed medical care during the pandemic, insurers continued to collect the same level of premiums. Other insurance industries such as auto insurers gave their customers a break due to decreased level of driving. Not so health insurers. Collectively, the largest for-profit health insurers recorded a staggering sum of **\$41 billion in profit in 2022**. All of this in an environment where hospital margins are at best 1% and many are below zero.

- **Enact Pay and Pursue Legislation to Protect Patients and Providers** – Healthcare providers and patients alike are routinely denied or delayed care deemed medically necessary and included as part of a contractual insurance plan. Insurers have intentionally made it part of their profit model to deny and delay payment for claims. By some estimates, an average of \$4.9 million per hospital has been put at risk due to denials. Enacting “Pay and Pursue” legislation would mitigate the cash flow impact to hospitals for withheld payments and ensure that patients receive the treatment they need without delay. Any health plan would still be able to challenge any procedure it believes not medically necessary but would no longer be able to lever its unfair financial advantage by holding hostage caregivers and patients.
- **Enact a Healthcare Reinvestment Act** -- The large national health insurers are often domiciled outside of New York and their significant profits are funneled back to their corporate headquarters and to shareholders. The banking industry is encouraged by law to invest in communities in which they do business through the Community Reinvestment Act. For-profit health insurers should do likewise where they derive significant profit. The reinvestment should be earmarked for technology and capital upgrades, workforce training programs and other community-based health initiatives.

Do Not Saddle the Healthcare Industry with Unnecessary, Outdated, and Costly Administrative Mandates

The State Department of Health imposes a myriad of requirements on healthcare providers that are unrealistic and/or cost prohibitive. These requirements include:

- **HERDS Reporting** – Holdovers from the COVID-19 era such as daily HERDS reporting are no longer relevant and yet consume valuable staff resources.
- **COVID-19 Pay** – The outdated requirement that staff who contract COVID-19 be paid full salary without requiring the use of Paid Time Off must be ended.

- **Cybersecurity** – Mandatory requirements to address cybersecurity issues without funding places another unnecessary burden on our hospitals and healthcare providers.

Wrongful Death Legislation

The WCA opposes the Grieving Families Bill -- S6636/A.6698 (Hoylman-Sigal/Weinstein) and urges veto. An earlier version of this “Wrongful Death” legislation was vetoed in 2022. This legislation would vastly inflate medical malpractice premiums (45% or higher by some estimates) by expanding the kinds of damages recoverable in a wrongful death as well as the pool of potential claimants. Healthcare providers in the Hudson Valley already pay some of the highest malpractice premiums in the region. If the projected increases come to pass, providers will be driven out of New York to competing markets and access to care will be limited.



REAL ESTATE AND HOUSING

The Westchester County Association’s 2024 real estate agenda is focused on statewide solutions to address local zoning and land use barriers to building the housing we need. As you are aware, despite the need to address our housing shortage rising to the top of the State’s legislative agenda, last year’s legislative session did not advance any meaningful reform to address the crisis.

Housing development is both good for the local economy and good for the community. It creates jobs and decreases the tax burden for essential services without overly encumbering school systems or stretching the delivery of those services. It integrates people of diverse backgrounds and fosters a sense of shared belonging. A housing shortage this dramatic is bad for Westchester’s future and impacts our ability to remain competitive in attracting new employers who will create new jobs, the ability of existing employers to hire high-quality workers, and the ability for local municipalities and school districts to stabilize the growth of already-high property taxes.

The economic, social, and environmental costs of inadequate housing transcend local boundaries and affect the entire region. Although we share this issue with other states, New York stands alone in its inability to marshal statewide solutions. According to research by the Brookings Institute, NYU’s Furman Center and others, as amongst our peers, only New York lacks the statutory tools to promote land-use reform and housing production in its suburban communities. Decades of experience with a piecemeal, jurisdictional approach to the housing crisis has failed to yield the necessary results and we need a statewide fix.

HOUSING REFORM

Create a Reasonable and Predictive SEQRA Process for High-Value Housing Projects

The State Environmental Quality Review Act (SEQRA) is creating costly and unjustifiable delays in the development of new housing. The law’s noble underpinnings are designed to protect the environment by avoiding hasty decision-making. But SEQRA has become weaponized by overuse and has morphed into a procedural quicksand of delay. Reform it by creating fast-track consideration for certain classes of development – e.g., housing with a certain level of affordability, housing with certain policy benefits like passive house construction or other climate mitigation features, or housing in a particular valuable zone for redevelopment as part of a Downtown Revitalization Initiative grant. Environmental review is the most time-consuming and costly phase of the land use decision-making process. It is also unpredictable and unevenly applied across local jurisdictions.

The WCA supports a streamlined local zoning and land use approval process subject to strict deadlines for qualifying housing developments. Local land use decisions should remain with local governments. However, the state retains the power to set the terms and standards for local review and it should exercise that power to advance statewide goals. Some specific suggestions for SEQRA application:

- Create a streamlined process for projects which meet clear and objective planning standards. Establish a tiered but finite timeline for the municipal application review process depending on whether the review is short-form or long-form and the size of the development. Extensions can be accommodated presuming they are supported by reasonable circumstances with a specific and clear path for process conclusion.
- Reduce the number of topics to review outside of those with direct environmental impacts.
- Increase size threshold triggering environmental review.
- Exemptions for projects with clear environmental impacts and unlikely to have adverse impacts.
- Support appeals process for zoning changes rejected by local governments.
- Support “vested rights” reform to prevent zoning changes from negatively impacting developments in process.

Existing bills that partially take this approach:

[A.4933A \(Kelles\) / S.925A \(May\)](#) -- provides that housing and infill projects where the applicants have been certified by an expert that they do not violate state environmental laws, meet an affordability threshold, and where the application receives certification for sustainable construction techniques, should either have a limited SEQRA review or be deemed exempt from SEQRA.

[A.3111 \(Kelles\) / S.0668 \(May\)](#) provides that qualifying projects with a substantial percentage of low- and moderate-income housing shall receive an up-or-down decision within 40 days of the end of a public hearing on the project and enumerates a concrete list of factors that would justify a no vote.

Pursue Transit Oriented Development Which Maintains Local Decision-Making Authority

Although last session’s transit-oriented development (“TOD”) discussion created a firestorm, the concept does need to be pursued as one of the most high-value ways of increasing housing stock. Increasing housing capacity near public transit hubs and commercial corridors is low hanging fruit. However, there are approaches that would yield better results and less opposition to the blunt circle-drawing as-of-right zones envisioned within last year’s Housing Compact. Local authorities can retain discretion to establish their own solutions so long as they commit to take action.

Examples Include:

[Massachusetts Transit-Oriented Development law](#) (Sec. 3A of MGL 40A) requires the 170 MBTA communities to submit a plan for an as-of-right TOD density zone within half a mile of transit stations but allows the local community to pick the zone so long as it is “of reasonable size” rather than hold the entire radius of land to a prescribed density. Local governments retain the authority to undertake their own zoning decisions.

[New Jersey’s Transit Village Initiative](#) represents another approach. This incentive-only, multi-agency Smart Growth partnership creates incentives for municipalities who meet certain Transit Village Criteria and complete a Transit Village Application. Those so designated receive technical assistance and priority consideration for grant funding by the state agencies that make up the Transit Village Task Force.

Require Communities to Create a Local Housing Action Plan

The oft-expressed virtue of local control is that those closest to the community have the best sense of local needs and can plan accordingly. Unfortunately, only a handful of Westchester communities have wrestled with the housing needs in their community and the region with thoughtful planning. Many have comprehensive plans that are decades out of date or barely mention housing. Generic Environmental Impact Studies are rare. Most housing applications are still considered as one-offs rather than as part of a local plan to address the severe needs for housing while also factoring in infrastructure concerns, available lands, the redevelopment of underutilized buildings, and the specific needs of that community in terms of income levels, housing costs, and at-risk communities. Similarly, each community need not use the same tools and strategies.

As with the 2020 executive order requiring each local government in New York State to adopt a policing reform plan, each community should be required to produce a local housing plan reflecting the needs of the community and local factors established through a preponderance of evidence, rather than the particular concerns of a small number of individuals at a single public hearing.

Existing bills that partially take this approach:

[A.2017 \(Thiele\)](#) requires local governments to prepare and adopt an affordable housing plan with public input and update it every five years. Unfortunately, the current version of the bill includes a “character of community,” element which is both vague and also has an unfortunate history of misuse.

Strongly Incentivize Comprehensive Plans Which Contain a Robust Housing Element

Ideally, a local housing plan would be accompanied by a comprehensive plan for a holistic look at the community. This is a large endeavor, however, and many municipalities lack funding, bandwidth, or expertise to run the whole process. The state should take a leading role with incentives so that more municipalities can employ any of the following options:

1. Funding for adopting comprehensive plan component that furthers one or more housing types that meet local market, social, and environmental needs.
2. Amended SEQRA rule declaring these housing types receive presumptively negative declarations.
3. Create a class of sustainable development projects that are eligible for administrative review and approval and waiver of land use regulations.
4. Provide infrastructure funding to support sustainable development projects.
5. Enhance set asides of LIHTC and other affordable housing funding.
6. Incentivize housing development through increased eligibility for real property tax abatement, more AIM funding, school funding, and bonus consideration for other relevant state funds.

Utilize Infrastructure and Other Funding to Incentivize Housing

Sufficient funding for infrastructure improvement grants tied to measurable progress in addressing the statewide housing shortage is a fundamental building block for progress, and a must in next year’s state budget. We also recommend additional financial supports for municipalities who can demonstrate that they are addressing housing, including:

- Grants for the process to update a municipality’s comprehensive plans.
- Incentive funding to cover the costs of a Generic Environmental Impact Statement (GEIS) for communities that have created a housing growth overlay zone or other rezoning to support increased multifamily.
- Adding an annual bonus to Aid in Municipality (AIM) funding tied specifically to achieving pro-housing actions or bringing new housing online.
- Creating additional points or AIM bonuses for achieving key pro-housing milestones, like completing a comprehensive plan update, or achieving a threshold of new units open for sale/rental in a calendar year, with increased weight for affordable units.

Create An Enforcement Mechanism

The WCA supports legislation establishing a state-level appeals procedure with the authority to review decisions on qualified low-or-moderate income housing applications when found to be unreasonable and not consistent with local needs. Local decision-making should be retained but must be held accountable when not supported by objective standards and empirical facts. An effective set of solutions will include both carrots and sticks. Housing incentives are necessary and valuable. Many of our towns and villages need financial and technical assistance. In addition, for the sake of equity among municipalities and to combat historical patterns of housing exclusion and even housing discrimination, some enforcement mechanism should be available.

Examples include:

[A.3111 \(Kelles\) / S.0668 \(May\)](#) -- Creates a state zoning board of appeals to consider applications for low or moderate-income housing development that may have been wrongly rejected at the local level.

[The New Jersey Mt. Laurel Doctrine](#) -- Sets a "Fair Share" percentage goal of housing that must be affordable in each town, and allows for enforcement if towns fail to comply with their fair share obligations, including builder’s remedy lawsuits and other compliance challenges in court. It does not privilege one type of meeting the housing goal over another but does allow for judicial enforcement if a town falls short.

[Chapter 40B in Massachusetts \(a.k.a. “the Builder’s Remedy”\)](#) – Sets a fixed percentage of housing units that must be affordable for each municipality. If the municipality is under that goal, and if it has rejected an application for housing, the applicant can appeal that decision to a State Zoning Board of Appeals. If it is empirically determined that the municipality is under its goal, the rejection can be overruled. This policy has been in place since the 1960s.

Connecticut CGS 8-30g – Creates a housing appeals procedure similar to Massachusetts 40B and places a reasonableness burden on local boards that deny proposals for affordable housing developments. [TTL8\\$30GU \(ct.gov\)](#).

Encourage Hotel and Hospitality Conversion in Westchester

In 2021, New York became the latest state to pass legislation that seeks to convert distressed hotels or other commercial properties into affordable housing. The Housing our Neighbors with Dignity Act

(HONDA) allocates state financing for the acquisition or conversion of distressed hotels and other commercial properties. This concept should be expanded to encompass Westchester where we have seen the closure of numerous hotels and convention centers in the past several years.

OPPOSE “GOOD CAUSE” EVICTION LEGISLATION

The WCA continues to oppose “good cause” eviction or any efforts to create universal rent control.

Legislation proposed in recent years – such as S.3082/A.5573 -- would establish a new regulatory framework for certain rental units and would apply to all market rate rental units statewide. This bill has been introduced on the heels of legislation enacted last session that already includes provisions to protect against unwarranted evictions where the tenant has rightfully called code enforcement or has withheld rent due to unsafe living conditions. Such proposals often include stringent caps on annual rent increases that do not cover basic cost increases or allow for appropriate building maintenance or upgrades; eliminate the efficacy of lease agreements; muddies the process of rent recovery; and restricts the ability of the landlord get the unit back whether it be for repairs or for family. Legislation of this type also impinges on the development of new housing units, as its provisions would not only apply existing units but also to newly constructed units.



ENERGY AND SUSTAINABILITY

With passage of the Climate Leadership and Community Protection Act of 2019 (“Climate Act”), New York has embarked on an ambitious state-level effort to address climate change. As required by the Climate Act, the state’s Climate Action Council has circulated a draft scoping plan providing a road map on how to meet the Climate Act’s greenhouse gas emissions reduction targets. The WCA supports these efforts. The WCA has published supportive opinion pieces and has launched the region’s first ever sustainability conference – *Profit & Purpose*. Moreover, the WCA has created practical tools to assist in a transition to a clean energy future which includes its proprietary Clean Energy Portal. [WCA Clean Energy Portal](#).

However, by advancing a law without a fulsome understanding of its economic impact, New York has made a policy decision notwithstanding that impact. The law will alter the state economy without related appropriations or a plan for how to finance the transition. Moreover, the up-front costs will be largely internal while the benefits diffuse. Accordingly, those costs should not fall presumptively to the private sector. Rather, they should be spread widely with state and federal assistance.

Building Electrification and Conversion will Require Massive State and Federal Funding Mechanisms

Last year’s passage of the All-Electric Buildings Act requires most newly constructed buildings in New York to be built with electric heat and appliances beginning in 2026 for smaller buildings and 2029 for larger buildings. Certain exemptions applied for hospitals, medical facilities, factories and industrial facilities. Due to pre-existing natural gas service constraints, most new buildings throughout Westchester were already being built electric.

However, legislation introduced last session to phase out fossil fuel use in *existing* buildings under an accelerated timeline was not successful. That is wise. **Putting aside energy supply and reliability concerns, the WCA does not support an accelerated fossil fuel phase out in existing buildings absent major funding mechanisms and technical assistance programs tied to the increased costs of construction or conversion.** The Climate Action Council’s Scoping Plan concludes that, at 32 percent, buildings are the single largest contributor to statewide emissions. Particularly with respect to energy reliability concerns, the pace of decarbonization will depend as much on the speed at which the built environment can physically transition from fossil fuels as on the timeline for developing new sources of supply.

In Westchester, while few if any buildings have yet to explore retrofits, new building construction is mostly electric due to the existing Con Edison natural gas moratorium. However, the gas moratorium has been lifted. Furthermore, according to numerous developers in the Hudson Valley, increased costs

for new residential construction carry premiums greater than 10 percent project-wide over traditional, fossil fuel-based construction.

Project developers agree that net-zero building conversion will be very expensive. Our information indicates that converting a typical commercial office building to electric would cost upwards of \$45 per GSF even before factoring in contractor mark-ups and contingencies. There are cost differences due to vintage, size, height, and rigging. **Even so, with this simplified calculation, retrofitting many buildings in Westchester would not be supported by any reasonable payback period on its lifecycle.**

Extrapolating this data to the residential market, the damage would be particularly severe for cooperatives, condominiums, and other buildings which house working class families.

These concerns are currently playing out in New York City pursuant to implementation of Local Law 97 and the financial impacts will be magnified in Westchester where compliance costs will be similar but asset values are significantly less. Cost concerns are heightened in commercial real estate's currently high inflation, tight credit market.

The CLCPA's Accounting Methodology Should Be Fixed

The WCA supports S6030/A6039 which would align the State's GHG emissions accounting system with federal standards consistent with the Intergovernmental Panel on Climate Change.

The accounting methodology employed by the CLCPA for measuring greenhouse gas emissions reductions is an outlier amongst other states which have undertaken similar measures and also within the international community. Without a legislative fix, it will hurt New York businesses and consumers by placing the State at a competitive disadvantage. In addition, inconsistencies with other similar programs will severely complicate a regional approach to meeting New York's emissions reduction goals and will hinder available federal funding from reaching the State.

Local Land Use Restrictions Which Hinder Clean Energy Siting Must Be Overcome

As with housing, local land use and zoning restrictions often impede the development of small-scale renewables and smart building technologies. The Climate Action Council's Scoping Plan identifies the need to address local land use restrictions and clean energy siting as one of its goals primarily through public outreach and education. Recent experience in the housing context foreshadows the need for a cohesive statewide approach and a stronger, more proactive legislative hand. This will take a combination of mandates and incentives. Moreover, just as with the dedicated ORES to streamline and expedite the siting of renewable energy supply, New York will require SEQRA workarounds and statewide zoning requirements to create more environmentally favorable projects such as transit-oriented development ("TOD"), multi-family development, and utility scale solar, wind, battery storage and geothermal projects.

Another model that New York State should consider following is the federal Telecommunications Act of 1996 (the "TCA"), which does not preempt local zoning authority by its terms. Rather, it prohibits discrimination among wireless providers and prevents a municipality from completely banning wireless facilities within its borders. A similar New York State statute would require municipalities to

accommodate appropriately sited alternative energy facilities and provide for expedited appeals of denials which are based on community opposition as opposed to substantial evidence in the written record.

Support for “Cap and Invest”

The WCA is strongly supportive of a cap and invest approach for reaching the goals of 2019’s CLCPA. However, as the Department of Environmental Conservation and NYSERDA rulemaking play out pursuant to 6 NYSRR Part 252 a multitude of questions remain concerning, *inter alia*, emissions accounting, reporting requirements, allowance mechanisms, compliance, and (importantly) the availability of trading. **The WCA supports a trading mechanism which will improve the efficiency of any cap and invest program, and which is sensitive to the concerns of disadvantaged communities.**

Support for Large Scale Renewable Energy Projects

The WCA strongly supports continuing statewide efforts to streamline large-scale renewable energy infrastructure projects (production and transportation) through the Public Service Commission and the Office of Renewable Energy Siting. Public private partnerships such as the Clean Path NY supply and transmission project are critical to advancing our energy goals, cutting emissions of carbon and other criteria pollutants, and spurring job creation.

In addition, the State should extend credits and other incentives for distributed generation through the NY-Sun program, with a focus on the mid-Hudson and downstate markets.

Put the Environmental Bond Act to Use

Deploy expeditiously last year’s \$4.2 billion Clean Water, Clean Air and Green Jobs Environmental Bond Act. Maximize opportunities for project funding through recent federal funding streams from the Inflation Reduction Act and the Infrastructure Investment and Jobs Act. Specific priorities most impactful for Westchester and the mid-Hudson region include: (a) water quality improvement, resiliency, and flood risk reduction; and (b) support for green infrastructure and carbon emissions reduction in the built environment.

Complete the Statewide Climate Impact Assessment

The State’s Climate Impact Assessment was to have been completed in 2023. The Assessment will provide a comprehensive scientific analysis of how climate change is affecting New Yorkers and look at strategies for adaptation and resilience. It should be published without further delay.

Continue Funding for the Climate Smart Communities Program

According to the N.Y. State Climate Action Council’s Scoping Plan, tasked with creating a blueprint for meeting New York’s ambitious clean energy goals, local decisions on the way we use land, where to develop, and how to arrange and design that development constitute critical first steps in addressing climate change. These decisions directly impact the ability to achieve carbon mitigation, sequestration, and adaptation and resilience goals.

The Climate Smart Communities Program encourages local municipalities to implement projects focused on climate change adaptation and greenhouse gas emissions mitigation through competitive grant funding. Although the vast majority of Westchester communities have registered for the program, less than half have taken any further action. Program funding should be continued and our downstate communities should be strongly encouraged to take full advantage.



BROADBAND AND DIGITAL CONNECTIVITY

The Westchester County Association regularly convenes a Digital Connectivity and Broadband Working Group comprising broadband companies, government officials and community partners to advance digital connectivity throughout the region designed to enhance economic growth. Westchester County’s Office of Economic Development recently released a strategic report concluding that “the digital divide...is a key hurdle in economic development” (Westchester Economic Development Strategy, Recovery & Implementation Plan, Dec 2020). Moreover, a recent NY State comptroller’s report illustrates both that there is an overweighted need for broadband infrastructure and connectivity in the mid-Hudson region and that this region is not seeing our share of state grant funding. See <https://www.osc.state.ny.us/reports/availability-access-and-affordability-understanding-broadband-challenges-new-york-state>

Data published in 2019 by the U.S. Census Bureau based upon information developed by the American Communities Survey identifies 40,000 households in Westchester County without an internet subscription. Further, these households are strongly concentrated in impoverished and/or minority neighborhoods. This same data shows a gap in device ownership, or reliance on smartphones only, affecting 20,000 households.

Leverage Federal Funding

The federal government is deploying billions of dollars in post-pandemic stimulus funding focused on improving connectivity. The state should maximize funding opportunities by removing policy barriers inhibiting rapid infrastructure deployment needed for fast and reliable internet service to our businesses and residents.

Streamline Regulation and Broadband Construction

The WCA advocates for pro-broadband state legislation including streamlining permitting of fiber and wireless projects and/or municipal implementation of pro-broadband policies. Layers of duplicative regulations add unnecessary expense to infrastructure build-out. The WCA further opposes the dissemination or amplification of scientifically bogus theories concerning the health impacts of mobile infrastructure which would delay the implementation of 5G technology.

Support Legislation Eliminating Certified Survey Requirements for Broadband Infrastructure Builds

The WCA supports passage of legislation to repeal the DOT survey law such as last session’s bill A.9894 / S.8472. The State has taken several actions since 2019 which have caused a significant backlog in the deployment of fiber-optic facilities throughout New York State and, as such, have delayed the availability of broadband services to many New York residents and businesses. In 2019, New York

became the first state in the nation to charge fees on fiber cables used for broadband deployment when the fiber is placed on state highway rights-of-way. This fee has since been repealed.

However, in 2020, the DOT added a new requirement to the expanded consolidated permit application for the deployment of fiber used for broadband deployment. Specifically, this new requirement requires an applicant to provide certified engineering surveys for all infrastructure (both the applicant's infrastructure and third-party infrastructure) located in the State's own rights-of-way (ROW) -- even when the applicant proposes to install or modify facilities on infrastructure that already exists in the rights-of-way. This unnecessary, costly, and burdensome step adds significant expense and time to the deployment process and there is no reasonable or rational need for such a survey in this circumstance. A better solution is to eliminate all requirements for certified surveys as New York seeks to invest billions towards broadband builds across the State to close the digital divide and to catapult New York toward the top of the list of the states that lead the technology curve. This is particularly true in Westchester, where there exist some 40,000 homes without reliable internet service and where 20,000 homes rely solely on a smartphone for on-line access.

Support Digital Equity Initiatives

The WCA is running innovative projects designed to connect underserved populations to the digital economy. It's Y-Zone digital opportunity zone in Yonkers, N.Y. – now expanded into Connect Westchester -- brings a direct physical presence to the community for digital navigator assistance to enable households to source free or low-cost internet from existing broadband providers and fund new devices and critical tech education. This creates economic opportunity through workforce training and job development, healthcare access, digital banking, and connection to on-line resources. Library System, these efforts are now taking place throughout Westchester County.

We advocate for the expansion of statewide programs such as the Statewide Digital Equity Plan to support use of the internet and promote participation in the federal government's Affordable Connectivity Program.