NAHB: U.S. Commerce Secretary Pledges the Full Support of the Biden Administration to Resolve the Lumber Price Emergency

WASHINGTON, D.C.

U.S. Commerce Secretary Gina Raimondo, during a meeting with the Senior Officer Team of The National Association of Home Builders (NAHB) on May 28, acknowledged the depth of the lumber price crisis and its effects on the residential construction industry, home buyers and renters.

Secretary Raimondo and NAHB Chief Executive Officer Jerry Howard discussed working together on convening a summit that would include representatives from the U.S. government, the lumber supply chain and the home building industry, NAHB officials said.

"Commerce Secretary Raimondo understands that high lumber costs are adding tens of thousands of dollars to the price of a new home," said NAHB Chairman Chuck Fowke, a custom home builder from Tampa. "She heard our stories and acknowledged that she is concerned - and that Presi-

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Impact

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News for the Building and Realty Industry

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JUNE - JULY 2021 VOL. 20 NO. 3

The "Welcome Home Westchester Campaign" Is Launched to Combat the Housing Shortages in Westchester County

PORT CHESTER

The "Welcome Home Westchester Campaign" has officially begun.

The campaign, a multi-stakeholder effort that will address the lack of affordable housing in Westchester County, was launched at a Press Conference on Jun. 24.

The event featured representatives of the campaign's "Welcome Home Westchester Coalition," including the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI), the coordinator of the campaign. The members of the "Welcome Home Westchester Coalition" believe that the campaign can shine a spotlight on the everyday barriers to providing the Affordable Housing that is needed in Westchester, coalition officials said. Coalition officials added that the lack of affordable housing in Westchester has reached a crisis point in recent years.

The "Welcome Home Westchester Campaign" of the Building and Realty Institute (BRI) was launched at a Jun. 24 Press Conference at the 37 South Regent Street Senior Housing Complex in Port Chester. Pictured at the event, in the first row, from left to right, are Kathy Halas, the Child Care Council of Westchester; Rose Noonan, the Housing Action Council; Lucria Ortiz, Yonkers Family YMCA; Frank Ferrara, Village of Port Chester; Michael Romita, Westchester County Association; Ron Abad, Community Housing Innovations; Victoria Bruno, BRI; Eric Abraham, BRI; Lisa DeRosa, BRI; Tim Foley, BRI; Dan Bsharat; Hudson Hills Partners; John Barrett, RM Friedland; Jan Fisher, NonProfit Westchester; and Michael Murphy, BRI. Pictured in the back of the first row are, from left to right, Rich Nightingale, Westhab; and Joe Pizzimenti, BRI. *– Photo by Anika Nahar, BRI*

More than 40 participants attended the Press Conference, which was at the 37 South Regent Street Senior Housing Complex in Port Chester.

The "Welcome Home Westchester Campaign," officials said, combines several companies involved in the home building and development of housing with economic leaders like the Westchester County Association (WCA) and Nonprofit Westchester, academics and think tanks that have extensively examined the housing question, organizations dedicated to fighting against homelessness and supporting

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Construction Compensation Insurance Group Reports a 25 Percent Dividend for Its Members

Real Estate Group Also Announces a 25 Percent Dividend

By Jeff Hanley, IMPACT Editor

TARRYTOWN

New York State Workers Compensation Group 458, the compensation insurance group of The Builders Institute (BI), recently announced a 25 percent dividend for the policy year ending June 29, 2020.

The dividend was announced at the group's Annual Meeting on Apr. 13. Levitt-Fuirst Insurance, the manager of Group 458 and the insurance manager of The Builders Institute (BI), made the announcement.

The dividend was in addition to the maximum 25 percent advance discount that group members are eligible to receive, spokesmen said. Group 458 officials said that the group has now had 70 consecutive years of dividends.

Group 458 was formed in 1951. A total of 675 construction industry members participate in the program. Contractors, Sub-Contractors, Suppliers and Renovation/Remodeling companies are eligible to be members of Group 458, group officials added.

Group 530 Announces Its Dividend

New York State Workers Compensation Group 530, the compensation insurance group for The Cooperative and Condominium Advisory Council (CCAC), The Apartment Owners Advisory Council (AOAC) and The Advisory Council of Managing Agents (ACMA) of The Building and Realty Institute (BRI), recently announced a 25 percent dividend for the policy year ending June 1, 2020.

Group spokesmen said that the dividend is in addition to the maximum 20 percent upfront discount. The announcement was made during the group's Annual Meeting on Apr. 27. A total of 475 cooperatives, condominiums, apartment buildings and office buildings participate in the program, spokesmen said. Group 530 was formed in 1990.

The Westchester County Rent Guidelines Board Approves Increases of 0.5 Percent and One Percent

By Jeff Hanley, IMPACT Editor

ARMONK

The Westchester County Rent Guidelines Board recently decided on guideline increases for renewal leases affected by The Emergency Tenant Protection Act (ETPA).

Owners and Managers of ETPA properties are mandated by the board to issue a 0.5 percent increase for a One-Year Lease Renewal. For a Two-Year Lease Renewal, Owners and Managers can issue a 1.0 percent increase. The board reached its decisions during its Deliberation and Voting Session (a virtual event) on Jun. 28.

The board conducted two Public Hearings (Jun. 7 and Jun. 21), as well as a Research and Analysis Presentation Meeting (Jun. 9) and a Presentation Meeting (Jun. 23) prior to its final decisions. All of the sessions were virtual events.

The guidelines affect renewal leases between Oct. 1, 2021 and Sep. 30, 2022. The guideline increases are scheduled to be certified at the board's next meeting in September. The date and location of that meeting will be announced in the weeks ahead, according to officials from The New York State Homes and Community Renewal Agency (HCR).

"The Apartment Owners Advisory Council (AOAC), in its testimony to the guidelines board, provided many exhibits and presentations showing that Westchester's Apartment Owners and Managers required a reasonable rate of rent adjustments," said Tim Foley, chief executive officer of the AOAC and its affiliate organization, The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI).

"AOAC representatives consistently stressed the noteworthy increases that Owners and Managers

Continued on p. 7

The Westchester County Board of Legislators Approves Amendments to the County's Co-op Admissions Laws

By Jeff Hanley, IMPACT Editor

WHITE PLAINS

The Westchester County Board of Legislators on Jun. 28 approved legislation that requires Boards of Directors of co-ops to provide written notice of a reason for the rejection of a proposed shareholder.

The new legislation, officials said, also requires co-ops to inform prospective buyers of their co-op's minimum financial requirements, or financial preferences, before home seekers file an application. The measure also requires Fair Housing Training for co-op board members.

The legislation passed by a vote of 15-2. The new law will take effect on August 1, officials said.

Under the legislation, the reason for the rejection of a proposed shareholder must be included when the co-op files a notice of a rejection with The Westchester County Human Rights Commission. The measure is similar to legislation that has been in effect in Suffolk County (Long Island) since 2009.

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From the Editor's Desk

Hanley's Highlights

by Jeff Hanley

Associate Executive Director, Building and Realty Institute (BRI), *Impact* Editor

Reviewing an Unforgettable and Significant Event for the Building and Realty Institute (BRI) and Westchester County

By Jeff Hanley

ARMONK

An occasion to remember.

That phrase is most definitely appropriate for a Jun. 24 event of The Building and Realty Institute (BRI) that launched the organization's "Welcome Home Westchester Campaign."

The campaign, described by BRI officials as a multi-stakeholder effort that will address the lack of affordable housing in Westchester County, was launched at a major Press Conference at the 37 South Regent Street Senior Housing Complex in Port Chester. More than 40 participants attended the event, including members of the local media.

The Press Conference featured many representatives of the campaign's "Welcome Home Westchester Coalition." BRI representatives in attendance were:

- BRI President Lisa DeRosa;
- Tim Foley, chief executive officer, BRI;
- Joseph Pizzimenti, chair of the BRI's Remodelers Advisory Council (RAC);
- Victoria Bruno, vice chair of the BRI's Commercial Builders Advisory Council (CBAC);
- Eric Abraham, a past president of the BRI;
- Angelo Ponzi and Pat Kinsey, vice chairs of the BRI's Suppliers and Service Providers Advisory Council (SSPAC); and
- Michael Murphy, business development manager for BRI Member Murphy Brothers Contracting.

Foley served as the moderator of the event.

Alex Roithmayr, the BRI's strategic research associate; Anika Nahar, campaign communications coordinator for the BRI; and myself were also in attendance. "Outstanding, informative and highly positive" were some of the words used by participants to describe the Press Conference and the efforts of the BRI's staff on the campaign.

Members of the "Welcome Home Westchester Coalition" are stressing that they believe the campaign can shine a spotlight on the everyday barriers to providing the affordable housing that is needed in Westchester. Coalition officials added that the lack of affordable housing in Westchester has reached a crisis point in recent years.

The "Welcome Home Westchester Campaign" combines several companies involved in the home building and development of housing with economic leaders like the Westchester County Association (WCA) and Nonprofit Westchester. Academics and think tanks that have extensively examined the housing question; organizations dedicated to fighting against homelessness and supporting families in need; faith leaders; and community advocates are also members of the coalition, campaign officials said. Officials added that the campaign will attempt to drive forward "a new conversation around housing in Westchester."

The campaign, officials said, intends to focus on several key areas:

- Reforming the ways that volunteer land use boards work;

Continued on p. 6

Insurance Insights

by Ken Fuirst and Jason Schiciano

Levitt-Fuirst Insurance

Lessons from the Building Collapse in Surfside, Florida

By Ken Fuirst and Jason Schiciano, Levitt-Fuirst Insurance

TARRYTOWN

The partial building collapse of a 12-story condominium building in Surfside, Fla. on Jun. 24 has resulted in massive property loss, and an unthinkable number of deaths.

In the days and weeks ahead, the cause of this horrific event will be confirmed. Eventually, the time will come to pursue the rebuilding of the building, and the filing of lawsuits by families who lost loved ones. Insurance (or lack thereof) will play a critical role in the proceedings.

This tragedy is a fitting time to consider three lessons concerning properly written property and liability insurance. While the Surfside building collapse involves a building owned by a condominium, these insurance lessons apply to all types of multi-unit residential buildings, as well as commercial buildings.

Does Insurance Cover Rebuilding After a Collapse?

A properly-written Property insurance policy will pay (per policy terms) for the full cost to replace the portion of a building, damaged from perils such as fire, tornados, storms, etc., to its pre-damaged condition. Most building Property insurance policies also include coverage to re-build the building after a collapse, including collapse from "decay."

However, the coverage may not apply if the decay was known by the insured prior to collapse. Lesson #1: if a landlord or condo/co-op Board suspects, or is advised of a possible building structural problem, the concern should be assessed by a professional, and any repair recommendations should be addressed in a timely manner. Failure to address building structural problems could result in a coverage exclusion, and a multi-million-dollar uninsured reconstruction project.

For Lesson #2, regarding Property insurance, let's assume that a "known decay exclusion" is not applicable. The Surfside building collapse affected only a portion of the building. Part of the building appears to be undamaged. But, the local building department may require the undamaged portion of the building to be demolished, and then will definitely require that all of the new construction be performed in accordance with current building codes and ordinances. For this likely scenario to be fully insured, three important insurance coverages must be present on the policy with the proper coverage limits:

- Demolition - Demolition coverage will address the cost to demolish the undamaged portion of the building, if required by the building department.
- Undamaged Building - Once the undamaged portion of the building is demolished, the cost to rebuild the undamaged portion is covered by Undamaged Building coverage.
- Increased Construction Cost Due to Building Codes and Ordinances - The building department will require the reconstruction of both the damaged (collapsed) portion and undamaged (demolished) portion of the building to be performed in accordance with current building codes and ordinances. Building codes change frequently, so the cost to upgrade a decades-old building to current codes can be substantial. Increased Cost of Construction coverage pays for these required upgrades.

In addition to the above three Ordinance or Law-related coverages, Business Income coverage (for loss of common charges, maintenance fees, or rents, etc.) is also critical. If the condo or co-op bylaws, or building lease, allow residents or tenants to stop paying common charges, maintenance fees, or rents, Business Income coverage will pay (per policy terms) for the lost income during reconstruction. Lesson #2: review your building's Property insurance coverages with your broker to confirm the proper coverages are in-place in sufficient coverage limit amounts.

One more comment on property insurance: owners of condo units or co-op apartments, and tenants of residential apartments or commercial spaces should have their own policies, covering contents and personal liability, as well as expenses associated with a temporary home or

Continued on p. 7

REPORT: The Remodeling Industry Is Fully Recovered From The Pandemic

WASHINGTON, D.C.

Confidence in the remodeling market across the U.S. is continuing to increase.

That was the major finding of a recent survey by the National Association of Home Builders (NAHB) Remodelers, NAHB officials announced on May 4.

NAHB released the survey results, which highlights how the pandemic affected remodelers' businesses, to kick off National Home Remodeling Month in May, NAHB officials added.

"The remodeling market took a hit last year at the start of the pandemic, but it's completely turned around now," said NAHB Remodelers Chair Steve Cunningham, a remodeler from Williamsburg, Va. "Remodelers are now facing intense backlog on projects due to supply-chain delays, continued labor shortages and an abundance of project leads."

The survey said that a total of five percent of remodelers reported that more than half of their projects in 2020 were a direct consequence of the pandemic. Seventy-four percent of all projects were bathrooms, followed by kitchens at 67 percent and whole house remodels at 51 percent. A desire for better/newer amenities was cited as the most common motivation for remodeling, followed by a need to repair or replace older components and a desire or need for more space, NAHB officials added.

"As home owners continue to make modifications to their homes, it's important that they do their research and hire a qualified professional," said Cunningham. "Whether it's a small project or a whole house remodel, a qualified professional remodeler can help home owners create a space that works for them."

STUDY: Housing Starts Across the U.S. Move Forward in March

WASHINGTON, D.C.

Housing production across the U.S. rebounded in March as buyer demand remains solid due to low mortgage interest rates, according to a building and realty industry report.

An analysis from The National Association of Home Builders (NAHB) released on Apr. 16 said that overall housing starts increased 19.4 percent to a seasonally adjusted annual rate of 1.74 million units. The analysis is based on a report from the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau. The NAHB study said the scenario produced the fastest pace for combined single-family and multifamily construction since June of 2006.

The NAHB analysis said that the March reading of 1.74 million starts is the number of housing units builders would begin if development kept this pace for the next 12 months. Within this overall number, single-family starts increased 15.3 percent to a 1.24 million seasonally adjusted annual rate. When comparing the first quarter of 2021 to the first quarter of 2020, single-family starts are up 19.6 percent. The multifamily sector, which includes apartment buildings and condos, increased 30.8 percent to a 501,000 pace, the NAHB analysis added.

"Builder confidence remains strong, pointing to gains for single-family construction in 2021," said Chuck Fowke, NAHB chairman and a custom home builder from Tampa. "However, rising costs for most kinds of building materials continue to impede positive additional momentum in the market."

Added NAHB Chief Economist Robert Dietz: "Demand remains solid due to low mortgage interest rates and a thin level of inventory in the resale market, which is spurring the need for additional supply. The test for the industry this year will be balancing growth and higher construction costs, given ongoing housing affordability challenges."

The NAHB analysis said that, on a regional basis compared to the previous month, combined single-family and multifamily starts are 64 percent higher in the Northeast, 122.8 percent higher in the Midwest, 13.5 percent higher in the South and 13.6 percent lower in the West. The gain in the Midwest is likely weather-related, the NAHB analysis added.

Overall permits increased 2.7 percent to a 1.77 million unit annualized rate in March, the NAHB analysis said. Single-family permits increased 4.6 percent to a 1.20 million unit rate. Multifamily permits decreased 1.2 percent to a 567,000 pace.

Looking at regional permit data compared to the previous month, permits are 8 percent lower in the Northeast, 2 percent higher in the Midwest and 6.4 percent higher in the South. Permits held steady in the West, the NAHB analysis said.

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"Building Knowledge with The Building and Realty Institute (BRI)" Celebrates the Four-Year Anniversary of its Inaugural Broadcast

NEW ROCHELLE

Four years on the air!

That was the milestone "Building Knowledge with The Building and Realty Institute (BRI)" - the BRI's radio show on WVOX 1460 AM and wvox.com - recently reached.

Jeff Hanley, BRI

The program on Jun. 2 marked the fourth anniversary of its first broadcast. The show covers topics of interest to the building, realty and construction industries, as well as to the general business sector. The show is hosted by Jeff Hanley, associate executive director of the BRI. It airs live, every Friday, from 11:30 a.m. to 12 noon.

"I vividly recall the excitement all of us at the BRI felt on Jun. 2, 2017, when our first show went on the air, and I feel the same excitement four years later," Hanley said. "We are very, very happy to be on WVOX 1460 AM and wvox.com and to be covering issues of importance to the building, realty and construction sectors. We are very grateful to Mr. O'Shaughnessy (William O'Shaughnessy, president and chief executive officer of Whitney Global Media, the parent company of WVOX 1460 AM) and all of our colleagues at the station for this opportunity. The BRI is so very happy to be on such a great station like WVOX 1460 AM."

Added Tim Foley, chief executive officer of the BRI: "We feel the program has done a solid job of addressing important issues to the building, realty and construction industries. We are also happy to cover topics of importance to our region's general business community. Jeff Hanley has done a great job of hosting the show. It continues to be well-received by our members and by listeners in our region."

"Jeff Hanley is the ultimate professional - his shows are not only for members of the building, realty and construction industries, but very often for members of the general public," said Dennis Nardone, the co-host of "Good Morning Westchester" on WVOX 1460 AM and wvox.com. "His show is definitely one of the best programs that we have on WVOX. I have a lot of respect for the BRI, and for Jeff."

The BRI is a building, realty and construction industry membership organization. The association, based in Armonk, has more than 1,800 members in 14 counties of New York state. Those members are involved in virtually every area of the building, realty and construction sectors. The BRI is marking the 75th anniversary of its formation throughout 2021, association officials said.

"Congrats on the continued excellence with regard to your slate of guest interviews, Jeff. By no means, an easy task!"

— Michael Murphy, business development manager, Murphy Brothers Contracting, May 13, 2021

"I am a fan of the show, Jeff. I listen all the time. It is a super interesting program and it provides good radio."

— Tom Ralph, principal, T.J. Ralph Real Estate, May 10, 2021

"Jeff, this was undoubtedly one of your very best shows. Bravo to you. You just keep getting bigger and bigger in the broadcast world."

— Diana Virrill, Vice Chair, Cooperative and Condominium Advisory Council (CCAC) of the Building and Realty Institute (BRI), after the April 16, 2021 segment of "Building Knowledge."

"Jeff, we absolutely love your show! You are a true radio professional, and your program content is perfect for our listeners."

— Judy Fremont, President, Stations Divisions, WVOX and WVIP, May 25, 2021.

REPORT:
Signs of Economic Recovery Are Boosting the Outlook for Westchester County's Commercial Market

RYE BROOK

Prospects for an economic recovery spurred by the availability of COVID-19 vaccinations is giving the Westchester County commercial real estate market some hopeful signs of improvement, led by a strong demand for industrial space, the continued resiliency of the multi-family sector and signs of a stabilization in retail vacancy rates.

Those were the assessments that were contained in the Houlihan Lawrence First-Quarter Commercial Market Report for Westchester County released on Apr. 20.

Meanwhile, the report said, an imbalance of supply and demand for Westchester offices has resulted in higher vacancy rates, and investors are still sitting on the sidelines.

Here are the highlights from the report:

Supply-Demand Imbalance Continues to Affect Westchester Offices

The imbalance of supply and demand for Westchester offices has resulted in higher vacancy rates. Vacancy has increased 3 percent since the start of the pandemic. Pricing weakened modestly during the recent quarter. Sublet activity also weakened from the prior quarter.

However, on a positive note, direct leasing activity rebounded modestly from the prior two quarters, indicating that tenants are beginning to establish longer term space positions now that there is some visibility as to controlling the pandemic.

In the short term, office market fundamentals in New York City and the surrounding suburbs will be heavily influenced by a full reopening of public schools - allowing parents to return to a more normal routine. The policies that major financial services employers establish incorporating varying degrees of remote work flexibility will also weigh heavily in the post-pandemic work landscape. As an example, JP Morgan has suggested that with the combination of new office layouts and remote capabilities, they may only need 60 desks for every 100 employees.

The Remarkable Stability of the Westchester Multifamily Sector Continues

Westchester multifamily assets continue to demonstrate resilience. Asking rent per-square-foot has been stable at cyclical highs, and effective rent rate per unit increased modestly during the quarter. New deliveries amounted to approximately 0.5 percent of inventory and fundamentals are relatively steady.

A modest increase in vacancy can be attributed to new deliveries to the market. Additionally, the first quarter tends to be seasonally weaker for new apartment take-up. The exodus from Manhattan has continued and has been a contributor to the Westchester apartment markets' fundamental strength. The second and third quarters of 2021 will be critical in confirming the persistence

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Counsels' Corner

Good News for Building and Realty Industry Members As To the Housing Stability and Tenant Protection Act (HSTPA)


Ken Finger


Dorothy M. Finger


Carl Finger


Dan Finger

By Kenneth J. Finger, Esq., Dorothy M. Finger, Esq., Carl L. Finger, Esq., and Daniel S. Finger, Esq.

WHITE PLAINS

As you are aware, the Building and Realty Institute of Westchester and Putnam Counties, Inc. (BRI), the Apartment Owners Advisory Council (AOAC) and assorted landlord/owners of Emergency Tenant Protection Act (ETPA) rent-regulated multi-family real estate in Westchester County brought litigation challenging the constitutionality of the 2019 Housing Stability and Tenant Protection Act (HSTPA), effective in June, 2019.

Since that time two New York cases, Regina Metro. Co., LLC v. New York State Division of Housing and Community Renewal (DHCR), 35 NY3d 332 (2020) and Harris v. Israel, 191 AD3d 468 (2021) were issued which impacted directly on the constitutionality of the HSTPA as determined in Regina by New York's highest court and a lower court (Harris) following the Regina decision.

Previously, an article discussed Regina, where the court held that Part F of the HSTPA, relating to rent overcharge claims, could not be applied retroactively to pre-HSTPA overcharges. The Court decided and struck down, as a violation of due process and therefore unconstitutional, a provision of the HSTPA as to rent overcharge claims that "extend[ed] the statute of limitations, alter[ed] the method for determining legal regulated rent for overcharge purposes and substantially expand[ed] the nature and scope of owner liability in rent overcharge cases."

Previously, the Emergency Tenant Protection Act (ETPA), absent fraud, limited the rent overcharge period to four years prior to the filing of the complaint. In such cases, consideration of rental history predating the four-year lookback and statute of limitations period was prohibited. This was changed by the HSTPA which extended the lookback to six years and further, allowed consideration of the rental history even prior to the six years. The Court went on to state that "this retroactive effect becomes even more pronounced when considered in tandem with the HSTPA amendments to the record retention requirements" pursuant to which a landlord might have legitimately disposed of records after four years but would now suffer a penalty as to same since the Court or DHCR would be allowed to lookback more than six years.

The landlords, in Regina, successfully argued that "the effective date language does not evince a clear legislative intent to apply the new overcharge calculation provisions retroactively, particularly to cases no longer pending in DHCR or the trial court and further contend[ed], in any event, that retroactive application of the new overcharge calculation methodology to these appeals would violate due process protections in the State and Federal Constitutions."

Significant Issues

The Court of Appeals stated that significant issues were as to whether, or not, the "presumption against retroactive application of statutes" and whether the statutory changes made with the HSTPA were consistent with constitutional due process. The same concept was set forth in Harris as to the ability of an owner to recover the use of an apartment for personal use, citing Regina.

"The Supreme Court, in Cedar Point sets forth the significance that it considers private property rights, even to the extent limited there and the import of a "physical taking" even without 24/7 physical occupation."

In that case, while a lower Appellate court held that the landlord could not get back an apartment since the HSTPA limited an owner to the recovery of only one dwelling and only where it proved an "immediate and compelling necessity," for the owner's use, and also required the owner to provide equivalent housing for any tenant over the age of 62 and in occupancy for 15 years or more, the Appellate Division reversed and said that based on Regina, where this owner had spent several years reclaiming all other units at this building, there was no "indication here that the legislature considered this harsh and destabilizing effect on [the landlords'] settled expectations..." and upheld the eviction. These 2 cases both appear to be limited to the retroactive effective of the HSTPA, but it is an indication that the Courts will look at the law with strict scrutiny.

On the heels of these decisions, the United States Supreme Court for the first time since the passage of the HSTPA, in Cedar Point Nursery v. Hassid, 594 U.S. --- (2021) has weighed in on a matter that we submit is significant in regard to the HSTPA and its regulatory, due process and constitutional infirmities. The Opinion and Decision in Cedar Point is a major decision in a long line of cases discussing "physical takings," "regulatory takings," and the lack of due process.

Cedar Point involved a labor organization case where a California regulation allowed union organizers the right to visit private farms three hours per day, 120 days per year. There was no actual taking of the property; no inhibition on the use of the property; no permanent easement over the property, yet the Supreme Court held that the right granted to the organizing union and legal "visitation" amounted to an unconstitutional appropriation of private property.

To the point are the cases of Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978), holding that there is no 'set formula' which is used to trigger compensation for economic injury [such as imposed by the HSTPA] caused by public action, and which also discussed the economic impact and interference with investment backed expectations; as well as the various factors which set forth the criteria of a regulatory taking, and Loretto v. Teleprompter, 458 U.S. 419 (1982).

The Supreme Court, in Cedar Point sets forth the significance that it considers private property rights, even to the extent limited there and the import of a "physical taking" even without 24/7 physical occupation.

More Good News

Even better news just came to New York's cooperatives, which were the unintended victims of the HSTPA in several regards (limitations on deposits; limitations on background checks, etc.) with the passage of a bill eliminating much of the HSTPA as refers to cooperatives (excluding those subject to the private housing finance law).

Among other provisions, those eliminated were the section as to a deposit or advance; notice as to lease renewal or lack thereof; payment for application to become a cooperator; payment of fees as to background and credit checks (up to cost thereof); having to do with suing for legal fees and "additional rent"; restriction on not allowing certified mail notice; prohibition against attorney's fees in the event of a default, and elimination of late charge restriction up to allowing late fees up to 8 percent of monthly maintenance.

Hopefully, the good news will continue.

***Editor's Note:** The authors are attorneys with Finger and Finger, A Professional Corporation. The firm, based in White Plains, is Chief Counsel to The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI) and its component associations*

CASE STUDY:

RM Friedland, Wilder Balter and Local Entities Work Together On A Tarrytown Transaction That Produces Affordable Housing Units

TARRYTOWN

RM Friedland recently announced the sale of the historic YMCA building in Tarrytown to Wilder Balter for the redevelopment of the four-story brick building into 109 units of affordable housing, plus additional parking for local merchants.

The building sold for the full asking price of $6.45 million, officials said.

Officials stressed that the story behind the transaction is a case study in how the seller, the broker and the developer worked collaboratively with local merchants and Village officials to craft a transaction where everyone came out a winner.

"This really was a partnership from the very beginning between the YMCA, RM Friedland, Wilder Balter, Tarrytown Merchants Council and Village government. We all came together to see what was really important to the Village, while preserving affordable housing," said John Barrett, managing director, investment sales division of RM Friedland, which was the broker for the sale.

The Family YMCA at Tarrytown property is a 41,537-square-foot building that was originally constructed in 1928 and had significant additions and wings added to it over the years. At 62 Main Street, the building sits on prime real estate encompassing 1.2 acres on a hill with frontage on Main Street in the Village's vibrant downtown shopping district, officials said.

Officials said that the YMCA has provided supportive housing for 42 men, as well as providing daycare services and a fitness program. Like many non-profits, they are unable to sustain themselves and decided to continue to provide daycare services and the fitness program and exit the supportive housing business. In order to raise funds, they chose to sell their building and look to acquire a new property. The YMCA hired RM Friedland to handle the sale, officials added.

"We advised them for nine months before they put the property on the market regarding the positioning of the property and how they would announce it to the community," Barrett said.

Since 2005, Barrett has evaluated and marketed over $950 million worth of investment real estate in the New York Metro area for his clients, including non-profits such as Westchester Jewish Community Services, Yonkers Gospel Mission, Grace Church Community Center and The Church of Jesus Christ of Latter-Day Saints. Barrett worked alongside Katelin Van Voorhis of RM Friedland's retail team, who acted as the team lead for the facility relocation component of the assignment. The Tarrytown YMCA is temporarily relocating to the EF International School in Tarrytown, officials said.

"We put it on the market in September of 2019 and within 60 days we received 20 offers. And within 90 days of that we were under hard contract. That's fairly fast for a development site," said Barrett. "And we got the full asking price."

Officials said that the buyer was Wilder Balter, a company well-known for its commitment to affordable housing development. Between the time the contract was signed and closed, Barrett and the buyer met with stakeholders, which included the Tarrytown Merchants Council, Village officials and a local condominium association. It was agreed that the façade of the 93-year-old building was to be preserved. The

Merchants' main concern was the need for additional parking. Developer Bill Balter agreed to provide 100 additional parking spaces for the exclusive use of the merchants, officials added.

Barrett said: "This transaction was a success on many levels. We increased the number of affordable units and boosted the parking for downtown Tarrytown, a vital component of the success of downtown village shopping. It's a win-win for everyone involved – the seller, the purchaser, the merchants, the Village government and the community!"

RM Friedland, which celebrated its 50th anniversary last year, is the largest commercial real estate brokerage company in Westchester County, officials said. The company specializes in industrial, investment, retail and office transactions in New York and Connecticut.

Home Building Across the U.S. at the Fastest Pace in Areas with the Shortest Commute Times, Industry Analysis Says

WASHINGTON, D.C.

Recent home building across the U.S. expanded the fastest in places with the shortest commute times.

That evaluation was contained in the quarterly National Association of Home Builders (NAHB) Home Building Geography Index (HBGI) released on Jun 1. The HBGI also shows that the suburban shift in new home construction to low-density, low-cost markets stemming largely from the COVID-19 pandemic and first reported in the second quarter of 2020 continued into 2021.

"The first-quarter HBGI indicates that home building not only continued to overperform in lower-cost markets like suburbs and exurbs, but also expanded the most rapidly for single-family and multifamily construction in areas with the shortest commutes," said NAHB Chief Economist Robert Dietz. "As workplaces increasingly adopt hybrid work models for roughly 30 to 40 percent of the American workforce, renters and buyers will have increased market power to minimize travel times and reduce both housing and transportation cost burdens."

With a nationwide mean commuting time of 26 minutes, the latest HBGI shows that single-family home building was the highest in the top two (longest) commute quintiles, with a combined market share of 63.6 percent. Growth in the first quarter of 2021, however, was strongest in the bottom quintile (shortest commutes), with four-quarter moving average year-over-year growth rates of 22.2 percent, the report added.

The index said that, in other words, while longer-commute areas have a much greater market share in single-family home building, the single-family construction growth rates in the first quarter of 2021 were strongest in the areas with the shortest commuting times.

Meanwhile, the counties with the longest commute times significantly lost market share for multifamily construction, decreasing from 40 percent to 35.6 percent over the past year. Areas with the shortest commute times posted the strongest apartment construction growth rate of 24.2 percent, the index said.

Continuing a trend from the beginning of last year, the HBGI indicates that low- density, low-cost markets continued to outperform other regional geographies with respect to home construction at the start of 2021.

"With the shift to telework brought on by the COVID-19 pandemic, housing demand continued to show the strongest gains in lower-density markets in the first quarter as people have flexibility to live further out and even outside some metro areas," said NAHB Chairman Chuck Fowke, a custom home builder from Tampa. "Given the regulatory burdens and lack of lots in higher-density, higher-cost markets, builders are better able to meet demand in suburban, exurban and rural areas because of the lower cost to build."

Key Data

Regarding the suburban shift for home building, the first-quarter HBGI found that:

♦ For single-family home building, the market share for large metro core counties declined from 18 percent in the first quarter of 2020 to 16.9 percent in the first quarter of 2021.

♦ Outlying counties (outer suburbs) of large and small metros expanded from 17.2 percent to 17.9 percent.

♦ Outer suburbs of small metros posted the strongest growth rates for single-family construction over the last four quarters (21.7 percent), while large metro core areas exhibited the slowest growth rate (9.7 percent).

♦ For multifamily, the impact was even more significant - the combined market share for large core and suburban counties declined from 67 percent to 63.4 percent between the first quarter of 2020 and the first quarter of 2021.

♦ Over the same period, small metros (core and suburbs) saw gains for apartment construction from 24.7 percent to 27.1 percent as multifamily development moved to lower-density areas.

New Home Sales Across the U.S. Soften in April with Growing Housing Affordability Concerns, Study Says

WASHINGTON, D.C.

Rising building materials costs and low inventory have caused new home sales prices to jump 20 percent on a year-over-year basis across the U.S., harming housing affordability and driving down the pace of new home sales, a recent building and realty industry report said.

Sales of newly built, single-family homes fell 5.9 percent following a significant downward revision of the March estimate, to an 863,000 seasonally adjusted annual rate, according to an analysis released by The National Association of Home Builders (NAHB) on May 25. The analysis is based on data contained in a recent report by the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau.

"Affordability factors are clearly affecting new home sales," said Chuck Fowke, chairman of NAHB and a custom home builder from Tampa. "A growing number of builders are limiting sales in order to manage supply chains, including access and cost factors associated with lumber, appliances, and other building materials. Policymakers need to find ways to improve the supply-chain, by facilitating more domestic production, or in cases where that cannot be done, suspending tariffs to allow for more imports."

> ***"Affordability factors are clearly affecting new home sales. A growing number of builders are limiting sales in order to manage supply chains, including access and cost factors associated with lumber, appliances, and other building materials. Policymakers need to find ways to improve the supply-chain, by facilitating more domestic production, or in cases where that cannot be done, suspending tariffs to allow for more imports."***
>
> — Chuck Fowke, NAHB Chairman

"After a period of builders holding back price increases, new home prices were 20 percent higher year-over-year per the April Census data," added NAHB Chief Economist Robert Dietz. "Higher costs have priced out buyers, particularly at the lower end of the market. A year ago, 45 percent of new home sales were priced below $300,000. In April of 2021, only 27 percent of new home sales were priced below $300,000."

A new home sale occurs when a sales contract is signed or a deposit is accepted. The home can be in any stage of construction: not yet started, under construction or completed. In addition to adjusting for seasonal effects, the April reading of 863,000 units is the number of homes that would sell if this pace continued for the next 12 months after the reading, the NAHB study said.

Inventory remains low at a 4.4-month supply, with 316,000 new single-family homes for sale, 33.3 percent lower than April of 2020. Completed homes continue to fall as a share of the market, representing only about 11 percent of the inventory in April, compared to 24 percent a year ago, the NAHB study added.

The NAHB analysis said the median sales price was $372,400, up from the $310,100 median sales price posted a year earlier.

Regionally, on a year-to-date basis, the NAHB study said that new home sales rose in all four regions, up 50.7 percent in the Northeast, 45.7 percent in the Midwest, 45.5 percent in the South, and 3.6 percent in the West. These significant increases are due in part to lower sales volume during the Covid crisis a year ago, the study added.

Building and Realty Industry Report:

The Confidence Level of The Remodeling Industry Rises Significantly During The First Quarter

WASHINGTON, D.C.

The Remodeling Market Index (RMI) of The National Association of Home Builders (NAHB) recorded a reading of 86 during the first quarter, up 38 points from the first quarter of 2020, NAHB officials announced on Apr. 8.

The reading, NAHB officials added, is a signal of residential remodelers' confidence across the U.S. in their respective markets, for projects of all sizes.

"The remodeling market has recovered from the pandemic and continues to grow as the economy strengthens," said NAHB Remodelers Chair Steve Cunningham, a remodeler from Williamsburg, Va. "Increased household savings during the second half of 2020 have lifted budgets available for home improvement projects. However, demand is stronger than many remodelers can handle, resulting in remodelers being forced to turn work away."

The RMI survey asks remodelers to rate five components of the remodeling market as "good," "fair," or "poor." Each question is measured on a scale from 0 to 100, where an index number above 50 indicates that a higher share view conditions as good than poor, the index said.

The Current Conditions Index is an average of three of these components: The Current Market for Large Remodeling Projects, Moderately-Sized Projects and Small Projects. The Future Indicator Index is an average of the other two components - The Current Rate at Which Leads and Inquiries Are Coming In and The Current Backlog of Remodeling Projects. The overall RMI is calculated by averaging the Current Conditions Index and the Future Indicator Index. Any number over 50 indicates that more remodelers view remodeling market conditions as good than poor, according to the index.

In the first quarter, the index said, all components and subcomponents of the RMI were 82 or above. The Current Conditions Index averaged 89, a 31-point increase from the first quarter of 2020, with Large Remodeling Projects ($50,000 or more) yielding a reading of 85, Moderately-Sized Remodeling Projects (at least $20,000, but less than $50,000) at 90 and Small Remodeling Projects (under $20,000) with a reading of 92. The readings were all up substantially year-over-year, indicating the strength for remodeling across all types of projects.

The Future Indicator Index averaged 84, up 45 points from the first quarter of 2020, with The Rate at Which Leads and Inquiries Are Coming In at 86 and The Backlog of Remodeling Jobs at 82, the index added.

"The large year-over-year increase in the RMI signals a very strong recovery in remodeling activity since the onset of the pandemic, and activity should continue to grow into 2021 as the economy accelerates with an easing of the pandemic," said NAHB Chief Economist Robert Dietz. "However, material availability and prices continue to be a challenge for remodelers and their customers."

NAHB officials said that the RMI was redesigned in 2020 to ease respondent burden and improve its ability to interpret and track industry trends. As a result, readings cannot be compared quarter to quarter until enough data are collected to seasonally adjust the series.

To track quarterly trends, the redesigned RMI survey asks remodelers to compare market conditions to three months earlier, using a 'better,' 'about the same,' 'worse' scale. In the first quarter, 41 percent of respondents indicated that the market is 'better' and only four percent rated it 'worse' than the fourth quarter of 2020, NAHB officials added.

Building Materials Top Housing Concerns, Industry Report Says

WASHINGTON, D.C.

Builder confidence across the U.S. held stable in May despite growing concerns over the price and availability of most building materials, including lumber, according to a building and realty industry report.

The latest National Association of Home Builders (NAHB)/ Wells Fargo Housing Market Index (HMI) released on May 17 showed that builder confidence in the market for newly built single-family homes was 83 in May, unchanged from April.

"Builder confidence in the market remains strong due to a lack of resale inventory, low mortgage interest rates and a growing demographic of prospective home buyers," said NAHB Chairman Chuck Fowke, a custom home builder from Tampa. "However, first-time and first-generation home buyers are particularly at risk for losing a purchase due to cost hikes associated with increasingly scarce material availability. Policymakers must take note and find ways to increase the production of domestic building materials, including lumber and steel, and suspend tariffs on imports of construction materials."

Added NAHB Chief Economist Robert Dietz: "Low interest rates are supporting housing affordability in a market where the cost of most materials is rising. In recent months, aggregate residential construction material costs were up 12 percent year-over-year, and our surveys suggest those costs are rising further. Some builders are slowing sales to manage their own supply-chains, which means growing affordability challenges for a market in critical need of more inventory."

With labor and lot availability a challenge in many markets, Dietz cautioned that "home buyers should expect rising prices throughout 2021 as the cost of materials, land and labor continue to rise."

Derived from a monthly survey that NAHB has been conducting for 35 years, the NAHB/Wells Fargo HMI gauges Builder Perceptions of Current Single-Family Home Sales and Sales Expectations for the Next Six Months as "good," "fair" or "poor," NAHB officials said.

The survey also asks builders to rate the Traffic of Prospective Buyers as "high to very high," "average" or "low to very low." Scores for each component are then used to calculate a seasonally adjusted index where any number over 50 indicates that more builders view conditions as good than poor, NAHB officials added.

NAHB officials said that the HMI index gauging Current Sales Conditions held steady at 88, and the gauge charting Sales Expectations in the Next Six Months rose one point to 81. The component measuring the Traffic of Prospective Buyers fell one point to 73.

Looking at the three-month moving averages for regional HMI scores, the index said that the South rose one point to 84 and the West held steady at 90. The Northeast fell four points to 82 and the Midwest posted a three-point drop to 75.

HMI tables can be found at nahb.org/him, NAHB officials said.

Building Industry Report:
Construction Cools as Costs Climb

WASHINGTON, D.C.

Housing production across the U.S. fell in April due to the increased costs of building materials that have priced out potential home buyers.

That was the main assessment contained in a May 18 study by The National Association of Home Builders (NAHB). The analysis said that overall housing starts decreased 9.5 percent to a seasonally adjusted annual rate of 1.57 million units, according to data in a recent report from the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau.

The April reading of 1.57 million starts is the number of housing units builders would begin if development kept this pace for the 12 months after the reading. Within this overall number, single-family starts decreased 13.4 percent to a 1.09 million seasonally adjusted annual rate. The multifamily sector, which includes apartment buildings and condos, increased 0.8 percent to a 482,000 pace, the study said.

"Housing starts and permits posted a monthly decline in April, as escalating prices for lumber and other building materials price out some home buyers from an otherwise hot housing market," said Chuck Fowke, chairman of NAHB and a custom home builder from Tampa. "Policymakers need to prioritize the U.S. supply chain for items like building materials to ensure builders can add the additional inventory the housing market desperately needs."

Added NAHB Chief Economist Robert Dietz: "The decline in single-family permits indicates that builders are slowing construction activity as costs rise. While housing starts were strong at the beginning of the year, due to home builders constructing homes that were sold pre-construction, higher costs and limited availability of building materials have now paused some projects."

Overall permits increased 0.3 percent to a 1.76 million unit annualized rate in April. Single-family permits decreased 3.8 percent to a 1.15 million unit rate. Multifamily permits increased 8.9 percent to a 611,000 pace, the study said.

Looking at regional permit data compared to March, the study said that permits are 8.4 percent higher in the Northeast, 9.9 percent lower in the Midwest, 3.9 percent higher in the South and 4.1 percent lower in the West.

The number of single-family homes permitted but not started construction continued to increase in April, rising to 131,000 units. This is 47 percent higher than a year ago, as building material cost increases and delays slow some home building, the study said.

SERVICES CASE STUDY:
Universal Builders Supply (UBS) Debuts "The Canopy"

NEW ROCHELLE

When the Center for Architecture in Greenwich Village learned that upcoming facade work on its building would require overhead protection, they looked to Universal Builders Supply (UBS) for an innovative solution.

Traditional protection systems used in construction are typically fabricated from metal posts, braces, plywood, and beams creating a dark walkway and often blocking visibility of the building from the street. The new Canopy system designed by UBS is an option that combines a more open, minimalist construct that incorporates unique design and lighting, while maintaining structural soundness required to protect the public. The luminous white structure was installed in just two days and immediately drew the attention of passersby, officials said.

"Our vision for the Canopy product line is to offer a stylish and functional solution for construction projects that elevates both the project and the customer's image," said Chris Evans, president of UBS. "We have been installing high-end overhead protection systems with unique finishes, lighting, and signage since 1931, but the Canopy takes it to another level. We appreciate the Center for Architecture giving us the opportunity to showcase the Canopy, as it represents how beautiful design can blend and enhance a traditional construction project and provide more 'architecturally finished' overhead protection without sacrificing public safety."

Officials said that this is not the first time that UBS and the Center for Architecture have teamed up. In 2017 they partnered to create the center's

Continued on p. 10

The "Welcome Home Westchester Campaign" Is Launched to Combat the Housing Shortages in Westchester County, Continued from p. 1

families in need, faith leaders and community advocates. Officials said the campaign will attempt to drive forward a new conversation around housing in Westchester.

Specifics

The campaig intends to focus on several key areas:

- Reforming the way volunteer land use boards work;
- Re-examining zoning to produce stronger, more resilient, and more economically dynamic communities;
- Addressing the impact that the housing shortage has had on the economy, how it increases the difficulties in tackling climate resiliency, and how it significantly affects extremely low-income renters, people with disabilities, senior citizens, large families, and the homeless.

"When it comes to housing, inaction has costs," said Tim Foley, chief executive officer and executive vice president of the BRI. "Outdated processes in need of reform at the municipal level have costs. 'The way we've always done it' has costs. Right now, Westchester residents are paying for all of them."

Foley added: "We believe that a multi-stakeholder campaign like this one can make the invisible visible, with respect to the everyday barriers to providing the housing we need, and encourage communities to make different, better choices to secure a Westchester that is welcoming to all who wish to live and work here – to our shared prosperity!"

"At the Westchester County Association (WCA), we are pleased to be working with Tim Foley and the Building and Realty Institute (BRI) on its 'Welcome Home Westchester Campaign,' " said Michael Romita, president and chief executive officer of the Westchester County Association (WCA). "The WCA has identified the shortage of affordable housing as one of our region's principal economic challenges and last year we revised our Real Estate Policy Playbook to include a separate section on this issue. Adequate housing impacts directly the availability of a skilled local workforce for our businesses and nonprofits. It is not simply that there is not enough residential real estate. It is that the cost of housing is fast becoming out of reach for middle-class families. That threatens the long-term health of our economy. The BRI has heard the call and is helping take on this challenge."

"Economic inequality in income and wealth has continued to widen since the Great Recession of 2009," said Jan Fisher, executive director of Nonprofit Westchester. "With home equity accounting for nearly 30 percent of household wealth, affordable housing and home ownership must be a priority and a legislative objective for communities committed to realizing opportunity for all people. This will begin to address the life-limiting issues in health care, education and other critical areas resulting from systemic racism. We are proud to collaborate with the BRI, government partners and other stakeholders in advancing affordable housing in Westchester."

"There is no amount of taxpayer subsidy that will solve the problem without an adequate supply of affordable housing," said Alexander Roberts, former chief executive officer and co-founder of Community Housing Innovations (CHI). "And the key to that is allowing the free market to operate without the discriminatory local zoning that has discouraged less expensive housing models."

Reactions

"Along with many of Westchester's parents, non-profit workers who provide direct care to children are among those who are most directly affected by our county's housing crisis," said Kathy Halas, executive director of the Child Care Council of Westchester. "The Welcome Home Westchester campaign is an opportunity to help these individuals, who serve as the backbone of our economy and quality of life, obtain the safe, affordable housing everyone deserves."

"A diverse housing stock that is affordable to all members of our community isn't an issue that affects a small subset of residents in Westchester, but instead an issue that affects the vitality and vibrancy of our County and all stakeholders," said Rich Nightingale, president and chief executive officer of Westhab, Inc. "Westhab is proud to be a part of 'Welcome Home Westchester' as we pursue a more equitable and thriving community together."

"We at Lifting Up Westchester believe that having a safe, stable and affordable place to live is the foundation on which all other economic and social advancement can be built. We are proud to stand with the other members of the 'Welcome Home Westchester Campaign' who share our belief that if Westchester County has a range of housing options at all income levels our communities will thrive," said Anahaita Kotval, chief executive officer of Lifting Up Westchester.

"ULI Westchester/Fairfield (Conn.) supports fair, equitable and sustainable zoning practices that serve all segments of the housing market, while strengthening neighborhoods. We are proud to support the Building and Realty Institute's 'Welcome Home Westchester' initiative," said Mara Winokur, senior director, Urban Land Institute (ULI) of Northern New Jersey and Westchester/Fairfield.

"As a provider of single-room occupancy housing in Yonkers, the YMCA is completely attuned to this crisis in affordable housing. The men who live at the Y, mostly low-income and working-class workers, need focused support from case managers in order to find permanent stable housing in Westchester County, which can take many months. We look forward to being a part of this campaign in order to continue to bring awareness and actionable change," said Lucria Ortiz, president and chief executive officer of the Yonkers Family YMCA .

"Since Habitat for Humanity New York City announced our expansion into Westchester County we have been welcomed with open arms by residents and communities throughout the region – so it is in this spirit that we add our voices to the 'Welcome Home Westchester Campaign' to ensure more New Yorkers can access a safe, healthy, and affordable home," said Karen Haycox, chief executive officer of Habitat for Humanity New York City and Westchester County. "Joining the advocacy effort to streamline and update systems and structures to advance the cause of affordable housing is one of our first contributions to the affordable housing effort in the county and just the beginning of our commitment to building and preserving homes from New Rochelle to Peekskill."

"Wilder Balter Partners recognizes the local and regional need for affordable housing and are proud to be part of the solution in the Hudson Valley, and specifically Westchester County. We believe in working cooperatively with all stakeholders to find answers and to get the best results, more high-quality housing, for all parties involved. We applaud the Building and Realty Institute for formulating the 'Welcome Home Westchester Campaign' and are pleased to be a part of it," said Jim Wendling, vice president of Wilder Balter Partners.

"The Housing Action Council is pleased to join the 'Welcome Home Westchester' campaign. Through this effort, we can collectively direct greater attention to our housing needs and provide the advocacy and educational support necessary for change," said Rose Noonan, executive director of the Housing Action Council.

Further Thoughts

"Westchester is a great county to "Live, Work, and Play." We just need more 'Live' space, whether it's affordable, workforce, market-rate, 55-plus, or senior living," said Chris Murphy, co-owner of Murphy Brothers Contracting. "As a lifelong Westchester County contracting firm, we'd like to see the county work together with the local land-use boards to simplify the building approval process for all types of housing."

Campaign officials said that the location of the Press Conference, the South Regent Senior Apartments, was chosen as an example of the type of high-quality housing options that the county needs more of, particularly for seniors, millennials, those needing supportive housing services, and working families. The senior housing building was a joint venture between developers Lou Larriza and Michael Martino and the non-profit Housing Action Council. Both partners have extensive affordable housing experience.

Officials added that the Village of Port Chester supported the funding applications and expedited the land use process providing the fundamental approvals, making the development a reality.

Members of the "Welcome Home Westchester Coalition" said that they hope the campaign, in addition to steering the conversation on housing in Westchester, will create more and consistent opportunities for further conversation and positive change on the issues of affordable housing.

Officials said that through the public education of the 'low-hanging fruit' of revitalizing underutilized downtown areas and the "new Rust Belt" of unused office parks and commercial spaces, the inspiration and education of grassroots activists and volunteers, and dialogues around the extensive policy recommendations made by the Westchester County Association's Policy Playbook and the Westchester County Housing Needs Assessment, the "Welcome Home Westchester Campaign" will help place Westchester at the forefront of the discussion on affordable housing and zoning reform.

For more information on the "Welcome Home Westchester Campaign," please visit welcomehomewestchester.org.

– An IMPACT Staff Report

Report: Single-Family Starts Across the U.S. Were Steady in May

WASHINGTON, D.C.

Overall housing starts across the U.S. increased 3.6 percent in May to a seasonally adjusted annual rate of 1.57 million units off of a downwardly revised April reading, according to a report from the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau.

The data was contained in an analysis of the report by The National Association of Home Builders (NAHB). The NAHB analysis was released on Jun. 16, association officials said.

NAHB officials said that the May reading of 1.57 million starts is the number of housing units builders would begin if development kept this pace for the next 12 months. Within this overall number, single-family starts increased 4.2 percent to a 1.10 million seasonally adjusted annual rate. The multifamily sector, which includes apartment buildings and condos, increased 2.4 percent to a 474,000 pace, NAHB officials added.

"Single-family starts held firm in May as demand remains strong despite recent gains in new home costs," said Chuck Fowke, NAHB chairman and a custom home builder from Tampa. "However, single-family permits posted a decline as higher construction costs are deterring some residential construction activity. Policymakers need to help the industry's supply-chains in order to protect housing affordability."

Added NAHB Chief Economist Robert Dietz: "Single-family permits declined to the lowest pace since September of 2020 as the home building market cools somewhat to adjust to higher prices and longer delivery times of building materials. The count of single-family homes permitted but not started construction is up 53 percent over the last year due to both gains for home construction since the onset of the 2020 virus crisis and the delay of some building projects due to higher costs for materials and labor."

Background

On a regional and year-to-date basis (January through May of 2021 compared to that same time frame a year ago), combined single-family and multifamily starts are 46.3 percent higher in the Northeast, 37.2 percent higher in the Midwest, 19.0 percent higher in the South and 26.4 percent higher in the West. The gains come off of depressed activity levels from last spring, NAHB officials said.

NAHB officials added that overall permits decreased 3.0 percent to a 1.68 million unit annualized rate in May. Single-family permits decreased 1.6 percent to a 1.13 million unit rate. Multifamily permits decreased 5.8 percent to a 551,000 pace.

Looking at regional permit data on a year-to-date basis, permits are 43.2 percent higher in the Northeast, 36.2 percent higher in the Midwest, 29.9 percent higher in the South and 33.7 percent higher in the West, according to NAHB officials.

The NAHB analysis said that the number of single-family homes permitted but not started construction continued to increase in May, rising to 142,000 units. The figure is 52.7 percent higher than a year ago.

Meanwhile, the analysis added, the number of single-family homes under construction is up 27.8 percent year-over-year, having increased to 652,000 homes. The number of apartments currently under construction is relatively flat at 672,000 units.

Reviewing an Unforgettable and Significant Event for the Building and Realty Institute (BRI) and Westchester County, Continued from p. 2

- Re-examining zoning to produce stronger, more resilient, and more economically dynamic communities;
- Addressing the impact that the housing shortage has had on the economy, how it increases the difficulties in tackling climate resiliency, and how it significantly affects extremely low-income renters, people with disabilities, senior citizens, large families, and the homeless.

"When it comes to housing, inaction has costs," Foley said at the Press Conference. "Outdated processes in need of reform at the municipal level have costs. 'The way we've always done it' has costs. Right now, Westchester residents are paying for all of them."

Foley added: "We believe that a multi-stakeholder campaign like this one can make the invisible visible, with respect to the everyday barriers to providing the housing we need, and encourage communities to make different, better choices to secure a Westchester that is welcoming to all who wish to live and work here – to our shared prosperity."

A full report on the memorable Press Conference, and comments from members of the coalition who attended it, begins on page one. Other noteworthy reports in this issue include:

- A page one story on the recent actions of The Westchester County Rent Guidelines Board in approving a 0.5 percent increase for a One-Year Lease Renewal and a 1 percent increase for a Two-Year Lease Renewal for owners and managers whose properties are affected by the Emergency Tenant Protection Act (ETPA).
- A page one article on The Westchester County Board of Legislators recently approving proposed amendments to Westchester County's Co-op Admissions Laws.
- A report on page one on the dividends recently announced by New York State Workers Compensations Groups 458 and 530 of the BRI.
- A page one story reviewing how U.S. Commerce Secretary Gina Raimondo, during a meeting with the Senior Officer Team of The National Association of Home Builders (NAHB) on May 28, acknowledged the depth of the lumber price crisis and its effects on the residential construction industry, home buyers and renters. Raimondo and NAHB Chief Executive Officer Jerry Howard discussed working together on convening a summit that would include representatives from the U.S. government, the lumber supply chain and the home building industry, NAHB officials said in the comprehensive report.
- An analysis stressing that the prospects for an economic recovery spurred by COVID-19 vaccinations is giving the Westchester County commercial real estate market some hopeful signs of improvement, led by a strong demand for industrial space, the continued resiliency of the multi-family sector and signs of a stabilization in retail vacancy rates. Those were the assessments that were contained in the Houlihan Lawrence First-Quarter Commercial Market Report.
- A report from the NAHB on how the remodeling industry has fully recovered from the pandemic. The story stresses that confidence in the remodeling market across the U.S. is continuing to increase, according to a May 4 assessment from the NAHB.
- A Case Study citing how the joint efforts of local entities produced a 109-unit affordable housing project in Tarrytown. The project involves the redevelopment of the YMCA building in the village. Officials termed the effort as "a partnership from the very beginning between the YMCA, RM Friedland, Wilder Balter Partners, the Tarrytown Merchants Council and village government."
- A story on a noteworthy milestone for "Building Knowledge with The Building and Realty Institute (BRI)," the BRI's radio show on WVOX 1460 AM and wvox.com. The program, on Jun. 2, marked the fourth anniversary of its first broadcast. The show covers topics of interest to the building, realty and construction industries, as well as to the general business sector. The show airs live, every Friday, from 11:30 a.m. to 12 noon. The BRI also has a weekend radio program, "Constructive Conversations with The Building and Realty Institute (BRI)." The show airs live, every Sunday, on 710 WOR AM and 710wor.iheart.com, from 6:30 p.m. to 7 p.m.
- An NAHB analysis citing that builder confidence across the U.S. held stable in May despite growing concerns over the price and availability of most building materials, including lumber. The latest NAHB/Wells Fargo Housing Market Index (HMI) released on May 17 showed that builder confidence in the market for newly built single-family homes was 83 in May, unchanged from April.
- A report from The National Association of Realtors (NAR) stressing that decades of underinvestment and underbuilding have created a shortage of housing in the U.S. that is more dire than previously expected and will require a concerted, longterm nationwide commitment to overcome. The report was released on Jun. 16 by NAR. It was authored by the Rosen Consulting Group, NAR officials said.

The staff of the BRI extends its best wishes to our readers for the remainder of the summer. As my Grandmother Ethel Hanley once said, enjoy the season when you can, because "as you grow older, summers become nothing more than long weekends."

Enjoy the issue.

STUDY: "A Once-In-A-Generation Response" Is Needed to Focus on the Housing Supply Crisis Across the U.S.

WASHINGTON, D.C.

Decades of underinvestment and underbuilding have created a shortage of housing in America that is more dire than previously expected and will require a concerted, long-term nationwide commitment to overcome, a realty industry report recently said.

The report was released on Jun. 16 by The National Association of Realtors (NAR). It was authored by the Rosen Consulting Group.

The study is titled "Housing is Critical Infrastructure: the Social and Economic Benefits of Building More Housing." It outlines causes and offers numerous potential solutions for both federal and local-level policymakers to consider, but warns that immediate action must be taken across all levels of government, no matter the approach, NAR officials said.

"The state of America's housing stock is dire, with a chronic shortage of affordable and available homes needed to support the nation's population," the report said. "A severe lack of new construction and prolonged underinvestment have led to an acute shortage of available housing, to the detriment of the health of the public and the economy. The scale of underbuilding and the existing demand-supply gap is enormous and will require a major national commitment to build more housing of all types," the report added.

Growth in America's housing inventory has slowed significantly since the turn of the century, particularly over the past decade. The trend affects every region of the country, creating what the NAR report calls an "underbuilding gap" of 5.5 to 6.8 million housing units since 2001.

"There is a strong desire for homeownership across this country, but the lack of supply is preventing too many Americans from achieving that dream," said Lawrence Yun, NAR's chief economist. "It's clear from the findings of this report and from the conditions we've observed in the market over the past few years that we'll need to do something dramatic to close this gap."

Among other, more specific policy recommendations, the report's authors argue that lawmakers must work to expand access to resources, remove barriers to and incentivize new development, and make housing construction an integral part of a national infrastructure strategy.

"A number of factors from the past 20 years are responsible for the massive housing investment gap we see in America today, but what's important now is that we find solutions that will get us out of this crisis and provide more stability in future markets," said NAR President Charlie Oppler, who noted adequate increases in housing construction this decade would add an estimated 2.8 million American jobs and $50 billion in new, nationwide tax revenue.

Oppler added: "Additional public funding and policy incentives for construction will very clearly provide huge benefits to our nation's economy, and our work to close this gap will be particularly impactful for lower-income households, households of color and millennials."

The Jun. 16 release of the report comes on the heels of a separate report unveiled by NAR earlier this year. That study is titled "State and Local Policy Strategies to Advance Housing Affordability." It recommends that lawmakers pursue solutions through financial policy measures, policies aimed at increasing the supply of housing and zoning, and permitting policy reform, NAR officials said.

NAR is the largest trade association in the U.S., representing more than 1.4 million members involved in all aspects of the residential and commercial real estate industries, association officials said.

Above is a rendering of the 153,062-square-foot e-commerce distribution center at 211 Saw Mill River Road (Route 9A) in Hawthorne

Mount Pleasant IDA Approves Financial Incentives for the Construction of a 153,062 Square Foot E-Commerce Distribution Center on Rt. 9A

VALHALLA

The Mount Pleasant Industrial Development Agency (IDA) has voted approval of approximately $3.8 million in sales tax exemptions for the construction of a 153,062-square-foot e-commerce distribution center at 211 Saw Mill River Road (Route 9A) in Hawthorne, officials recently announced.

Officials said the project, which received approval at the IDA's Apr. 21 meeting, represents a total private investment of more than $99 million. According to the developer, the project is expected to create 100 full-time and part-time jobs, as well as 1,000 construction jobs throughout the duration of the project. The project will also generate additional tax revenue on a property that has been historically underutilized. The project developer, USRE Hawthorne LLC, is not seeking a mortgage recording tax exemption or a PILOT for the project, officials added.

The one-story distribution center, which is on 10.475 acres, will consist of 136,214 square feet of warehouse space, 16,848 square feet of office space, 181 passenger car parking spaces, 597 van parking spaces, 12 truck loading spaces and 62 van loading spaces at grade. In addition to significant onsite improvements, the developer is in the permitting stages with the New York State Department of Transportation (NYSDOT) to construct a traffic signal on Route 9A at Belmont Road and a left turning lane from the south which serves both the proposed project and the existing NYSCO Products building. The proposed roadway improvements will create needed traffic flow and traffic calming measures in the corridor for residents and businesses of the Town of Mount Pleasant, officials said.

"The IDA is pleased to provide incentives for this important project, which represents a significant private investment in our Town. In addition to creating much-needed new jobs, it will also generate tax revenue for the Town and School District without adding any new students and will contribute toward road improvements to Route 9A. This is a win-win for the Town and School District," said Town Supervisor Carl Fulgenzi, who serves as IDA Chairman.

Fulgenzi added that the facility will be paying full property taxes estimated to be over $1.5 million annually when completed.

The Westchester County Rent Guidelines Board Approves Increases of 0.5 Percent and One Percent, Continued from p. 1

are facing, specifically in terms of repairs and renovations," Foley added. "This was the category most obviously affected by the COVID-19 pandemic, as many non-emergency repairs were postponed throughout 2020, necessitating that 2021 should be a 'catch up year' to prevent a noticeable decline in the quality of these buildings."

Foley added that representatives also noted the historic level of surging prices for supplies and materials, including lumber, windows, doors, and appliances due to shortages from an equivalent surge in demand in the post-pandemic economy.

AOAC officials stressed that, unique to this year, they noted that any tenant undergoing a financial hardship sufficient to receive funds through the COVID-19 Emergency Rental Assistance Programs (ERAP) would have their rent frozen for one year, no matter what the guidelines board decided. The AOAC also stressed the need for fair Guideline Increases for Owners and Managers due to the enactment of The Housing Stability and Tenant Protection Act (HSTPA) in June of 2019 and its many negative effects on Owners and Managers, as well as the challenges that the building and realty industry face in the future.

But, according to building and realty industry officials, neither anecdote nor evidential data were able to overcome board members' concerns for tenants during a period of economic difficulty and unemployment.

"Many thanks should be given to the AOAC members and representatives, and members/representatives of the BRI, for their testimony on behalf of the building and realty industry during the board's Public Hearings," Foley said. "Your participation is appreciated."

Foley also stressed that recognition should be given to the Guidelines Board Owner Members, Ken Finger and Eliot Cherson, for their services to the Owners' interests.

Building and realty industry members with any questions or comments can call the AOAC/BRI offices at (914) 273-0730, Foley added.

The AOAC represents more than 300 Owners and Managers of rental apartment buildings and complexes. Those Owners and Managers are responsible for more than 17,000 rental units, AOAC officials said.

The BRI is a building, realty and construction industry membership organization. The association has more than 1,800 members in 14 counties of New York State. Those members are involved in virtually every aspect of the building, realty and construction sectors.

Lessons from The Building Collapse in Surfside, Florida, Continued from p. 2

office, during reconstruction. Condo/co-op owners also must commonly insure the improvements/betterments made to the unit/apartment (review the bylaws or proprietary lease for specifics).

Legal Liability Relating to Collapse – The Importance of a High-Limit Umbrella

The loss of multiple lives in the Surfside tragedy will result in lawsuits against the condominium. The possible knowledge of structural defects prior to the building collapse may increase legal liability, and award amounts granted to the plaintiffs, which will need to be paid by the condo, or its insurance.

Buildings commonly are insured for $1,000,000 of General Liability (GL) insurance. The GL policy responds, among other things, to "bodily injury" claims (e.g. slip-and-fall lawsuits, death claims, etc.), and for covered claims. It's the first policy to pay for legal (attorney) defense costs, and monetary judgments/settlements.

If the $1,000,000 GL policy is exhausted, because the costs of a lawsuit, or multiple lawsuits, stemming from one occurrence (e.g. a building collapse) exceeds the $1,000,000, then the Umbrella (or Excess) Liability policy is triggered. The GL policy must cover the first $1,000,000 of liability claim costs, before the Umbrella will begin paying (to clarify an often-misunderstood point: the Umbrella policy does not pay on a property claim to rebuild the owner's building. It only pays for legal liability, including that for bodily injury, and damage to other people's property).

For extreme liability scenarios - like the multiple deaths at the Surfside condo, or multiple injuries/deaths from a building fire, or crane collapse - legal liabilities often far exceed $1,000,000. Most Westchester County and New York City condos, co-ops, and apartments maintain a "high-limit" Umbrella, with a policy limit commonly ranging from $10,000,000 to $100,000,000. Most commercial properties (office buildings, strip malls, etc.) have Umbrellas with limits commonly ranging from $5,000,000 to $25,000,000.

If both the $1,000,000 GL coverage limit and the Umbrella limit are exhausted in payment of liability claims stemming from one occurrence, then the property owner has to pay "out-of-pocket" for the uninsured amount of the claims.

Umbrella premiums have risen sharply in recent years, increasing by 50 percent to 100 percent, or more. In many cases, insureds have decided to accept lower Umbrella policy limits upon renewal, in order to save in premiums. An office building owner may decide that a $5,000,000 Umbrella is adequate, given the cost to renew a $10,000,000 Umbrella. A condo or co-op board may elect to save $1,000 by selecting a $25,000,000 Umbrella, instead of a $50,000,000 Umbrella, rationalizing that it's difficult to imagine a single claim scenario that could possibly exceed $25,000,000 in total legal liability.

Difficult to imagine, perhaps - until the Surfside, Florida building collapse. Lesson #3: in order to fully protect your building asset from legal liability exposure, place enough Umbrella liability insurance to address legal liability from an "unimaginable" catastrophe, because sometimes, the unimaginable becomes reality - and that's what insurance is for.

If you have questions about your organization or company insurance for catastrophic claims, contact your insurance broker, or Levitt-Fuirst Insurance, at (914) 457-4200, or Jason Schiciano at jschiciano@levittfuirst.com.

Editor's Note: *Levitt-Fuirst Insurance is the Insurance Manager for The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and the Mid-Hudson Region. Ken Fuirst and Jason Schiciano are Co-Presidents of Levitt-Fuirst Insurance. The firm is based in Tarrytown.*

HOUSING CASE STUDY:

Ginsburg Development Companies (GDC) Joins with Local Officials to Celebrate the Grand Opening of 1 Martine at City Square in White Plains

WHITE PLAINS

Officials from White Plains and Westchester County joined with Ginsburg Development Companies (GDC) on Jun. 17 to celebrate the transformation of a former office tower into 1 Martine at City Square, a new luxury rental.

Officials said the facility features loft-style apartments and a wealth of luxurious amenities, including a private park and an art gallery.

The facility has 188 spacious apartments featuring 11-foot concrete ceilings, large windows, track lighting and exposed ductwork that give the apartments what officials termed as an exciting urban vibe. Officials said that it is the first major office building in Westchester to be converted into luxury rental apartments. 1 Martine at City Square represents a private investment of $43.7 million, officials added.

Each apartment features wide plank luxury LVT flooring in the living room and bedrooms; Soho-inspired kitchens featuring custom cabinetry, quartz countertops and stainless-steel appliances; designer bathrooms with porcelain tiles, custom vanities and large mirrors; bedroom ceiling fans; a washer and a dryer; and extra-large walk-in closets. Many of the apartments include unique bedroom cabinetry, gallery track lighting and modern chandeliers. The 1-bedroom/1 bath apartments and the 2-bedroom/2 bath apartments range in size from 425 to 1,170 square feet. Monthly rents range from $2,250 to $5,450, officials said.

One of the most unique features of 1 Martine at City Square, officials said, is the City Square Central Park, a private one-acre space on the roof deck of the parking garage that connects all buildings and features fountains, waterfalls, walking paths, putting greens and outdoor dining at City Square Café, all on a beautifully landscaped space.

Details

Luxury amenities at 1 Martine at City Square include an elegant art-inspired lobby with 24/7 concierge service and package acceptance; a Club Lounge with a roof deck for hosting building events and available for private parties; a state-of-the-art Fitness Center; a ground floor art gallery with resident discounts; a Cinema Screening Room; a Conference Room; a pet wash; and indoor garage parking with available electric charging stations, officials said.

1 Martine at City Square also boasts a 20,000-square-foot art gallery on the ground floor open to the public offering original paintings and reproductions, sculptures and home decor for residents to personalize their apartments with exclusive resident discounts, officials added.

Located in the heart of downtown White Plains, 1 Martine at City Square, officials said, is just steps from the Metro-North Station, which is a 38-minute commute to Grand Central Station. It is also a short walk to more than a dozen fine restaurants and shopping.

Setting A Trend

City Square is an art-inspired reinvention by GDC's Martin Ginsburg of a full square city block surrounding the private City Square Central Park. It is the new live-work-play destination at the gateway to downtown White Plains, officials said.

"1 Martine at City Square is not only Westchester's most exciting luxury rental, it's also a transformational development that is setting a trend for rental housing in this region. With more and more people working from home, empty office buildings may become new residential apartments," said Ginsburg, the founder of GDC. "Nothing about 1 Martine is cookie cutter or ordinary. Our apartment layouts are truly unique, and our art-inspired amenities create a Soho vibe that is quite unexpected in Westchester County."

"We are thrilled to welcome 1 Martine at City Square to its premiere location in the heart of downtown White Plains," said Westchester County Executive George Latimer. "This luxury living community offers dozens of desirable amenities and a vibe that is unique to Westchester County, along with the convenience of a 38-minute commute to New York City. Congratulations to Ginsburg Development Companies on the successful conversion of empty office space into an exciting new rental opportunity."

"Congratulations to Ginsburg Development Companies on the creation of this exceptional and forward-thinking living space. 1 Martine at City Square aligns with our vision for the White Plains Transit District and its unique vibe and proximity to transit is sure to make it very desirable," said White Plains Mayor Tom Roach.

The lobby at 1 Martine at City Square features murals by Raymond Saá, whose works have been exhibited nationally and internationally. Saá, who is a graduate of Parsons School of Design, works with collage, drawing and painting mediums, officials said.

"I am delighted to have my work exhibited in this exciting new residence in the heart of downtown White Plains," Saá said, adding, "I commend Martin Ginsburg and ArtsWestchester for their commitment to public art."

Last year, GDC - in partnership with ArtsWestchester - unveiled the work of nine artists from the greater Westchester area as part of GDC's investment in its art collection for 50 Main Street. The unveiling was part of a Grand Opening of the first phase of GDC's reinvention of the 50 Main Street office building which includes a new mezzanine amenity level. A key feature of the new common space is a contemporary art collection curated by ArtsWestchester that features numerous Hudson Valley artists. A newly designed and expanded lobby at 50 Main Street is nearing completion, officials said.

Plans are underway, officials added, to install a monumental sculpture by an international artist under the arches of the 15-story 50 Main Street office tower. The modern sculpture will measure nearly 18 feet in height and be made of polished stainless steel.

Founded in 1964 by Ginsburg, GDC is a premier residential developer in the northern suburbs of New York City, officials said.

With 50 years of experience and market leadership, officials added, GDC has built many of the region's most successful and prestigious luxury developments, many with a Hudson River and/or transit-friendly focus, including Harbors at Haverstraw, Livingston Ridge in Dobbs Ferry, Ichabod's Landing in Sleepy Hollow, Mystic Pointe in Ossining, Marbury Corners in Pelham and Christie Place in Scarsdale.

GDC's developments have won numerous design and community planning awards. GDC also owns and manages a portfolio of commercial properties, located primarily in Westchester, officials said.

Robert Martin Company Announces the Sale of Two Buildings Totaling 130,000 Square Feet of Office Space at South Westchester Executive Park

ELMSFORD

Robert Martin Company on Apr. 29 announced the sale of 3 Executive Boulevard (59,542-plus square feet) and 3 Odell Plaza (71,065-plus square feet) in Yonkers, totaling more than 130,000 square feet of office space.

The selling price was $36.6 million, which represents a record price for suburban Westchester County office sales at $280 per square foot, officials said.

Officials said that both properties are leased through 2032 to Montefiore Medical Center, a wholly owned subsidiary of Montefiore Health System, one of the largest healthcare systems in the New York City region with 10 hospitals and a primary and specialty care network of more than 200 locations. The two buildings are part of Robert Martin's South Westchester Executive Park, where the company continues to own and operate nine buildings totaling 650,000 square feet of primarily flex/industrial space.

CBRE's Capital Markets and Institutional Properties Group of Stamford (Conn.) – represented by Vice Chairman Jeffrey Dunne, Senior Vice President Steven Bardsley, Senior Vice President David Gavin and Vice President Stuart Mackenzie – marketed the property, officials said.

"Today's announcement reflects Robert Martin's continued formula for success, which is seizing upon emerging business opportunities - developing, managing, or selling - that enhance the value of the company's overall portfolio," said Robert Martin Company Chief Executive Officer Tim Jones. "These are two, strong assets leased by one of the region's leading healthcare providers, but by selling the buildings at a premium, we are providing a greater financial return for the firm as we look toward strengthening our investments in high-growth sectors in the Westchester market, such as flex/industrial space and multifamily residential rentals."

Robert Martin Company President Greg Berger added: "We are not the company we were nearly 65 years ago. Real estate development and management today is far more demanding and complex. The tenants' needs are changing with the times, and we remain uniquely positioned with our portfolio and strong personnel to accommodate their requirements and additional demand. We value our core competencies that successfully got us this far and will continue pursuing those strategic opportunities that will propel us into the future."

Founded by the late Robert Weinberg and Martin Berger, Robert Martin Company is a fully integrated real estate company with a proven track record of successfully acquiring, developing, and managing investment properties throughout its history, officials said.

Led by Jones and Berger, the company has been a leader in real estate investment, development, and management for more than 60 years. Emerging from its start as a local home builder and becoming, for several decades, Westchester County's largest diversified developer and builder, Robert Martin Company and its affiliates have developed and acquired more than 20 million square feet of real estate across virtually every asset class, officials added.

Officials said that the company and its partners hold a portfolio that includes millions of square feet of office, retail, industrial, and residential properties, as well as developable land. The company has been at the forefront of change and innovation in real estate investment, development and management across Westchester and Fairfield (Conn.) counties for more than six decades and is widely regarded as a pioneer in the development of executive office parks across the counties.

Robert Martin Company also played a significant role in the urban renewal development of Greenburgh, Tarrytown, Port Chester and downtown White Plains, officials added.

Report: Luxury Home Sales in Markets North of New York City Recorded Double- and Triple-Digit Gains in the First Quarter

RYE BROOK

Sales of luxury homes $2 million and higher in the first quarter registered double- and triple-digit gains compared to the first quarter of 2020, according to a realty industry study released on Apr. 8.

Robust buyer demand during the typically slow holiday period of late fall/early winter yielded the strongest first quarter of closed sales in a decade, according to the Houlihan Lawrence Luxury Market Report.

"One year ago, when the country was in a COVID-19 lockdown, it was hard to imagine that residential real estate would experience a V-shaped recovery fueled by seismic shifts in consumer behavior. Luxury real estate north of New York City is the beneficiary of these well-documented changes. A substantially larger buyer pool, coupled with declining inventory, has generated a consistent rise in luxury sales since last summer," said Anthony P. Cutugno, senior vice president, director of private brokerage, Houlihan Lawrence.

The report said that, with so many buyers competing for a limited number of luxury homes, well-priced listings are being quickly absorbed, many with multiple offers, especially in the lower end of the market.

"It is safe to assume that listings sitting on the market are being overlooked because buyers reject the price. Pricing matters, even in a supply-constrained environment. When the price is adjusted to align with market values, buyers respond positively," Cutugno said.

In Westchester County, luxury sales ($2 million and higher) skyrocketed in the first quarter, the report said. Interestingly, the study added, the ultra-luxury segment ($5 million and higher) is the only price bracket to have more inventory post-COVID than pre-COVID. With a wide selection of homes to choose from, this echelon of buyers is motivated by desire, not need, and tend to be highly selective about their purchase, unaffected by current market dynamics. Consequently, days on market are often higher than homes trading quickly in the lower end of the luxury market.

Putnam and Dutchess counties' luxury properties ($1 million and higher) are increasingly on the radar of New York City buyers who are gravitating to the Hudson Valley for its rural charm, pastoral beauty, and relative value. This remains a second home purchase for many buyers, while other luxury buyers are putting down roots with their primary home purchase, the report said.

In Greenwich, Conn., ($3 million and higher), closed and pended sales have increased at every price point. Darien, New Canaan, and Rowayton posted gains up to the $5 million price point, the report added.

"The question on everyone's mind is, how long will this last?" Cutugno said. "Pending sales are up, showing activity is strong and days on market are down, pointing to a solid market through the summer. As we move toward long-awaited herd immunity, we are closely monitoring what changes are here to stay and those that will return to pre-pandemic norms."

The Markets At A Glance

Westchester County Luxury Home Sales, $2 Million and Higher:

Homes Sold: Up 82.2 percent

Median Sale Price: Down 4.4 percent

Highest Sale Price: $7,150,000, Scarsdale

Putnam and Dutchess County Luxury Home Sales, $1 Million and Higher:

Homes Sold: Up 207.7 percent

Median Sale Price: Up 33.6 percent

Highest Sale Price, Putnam: $2,125,000, Garrison

Highest Sale Price, Dutchess: $7,000,000, Rhinebeck

Greenwich Luxury Home Sales, $3 Million and Higher:

Homes Sold: Up 159.3 percent

Median Sale Price: Up 8.9 percent

Highest Sale Price: $45,000,000

Darien Luxury Home Sales, $2 Million and Higher:

Homes Sold: Up 62.5 percent

Median Sale Price: Down 0.3 percent

Highest Sale Price: $4,650,000

New Canaan Luxury Home Sales, $2 Million and Higher:

Homes Sold: Up 233.3 percent

Median Sale Price: Down 17.5 percent

Highest Sale Price: $4,590,000

Houlihan Lawrence is the leading real estate brokerage serving New York City's northern suburbs, company officials said. Founded in Bronxville in 1888, the company has 30 offices and 1,300-plus agents serving Westchester, Putnam, Dutchess, Columbia, Ulster and Orange counties in New York and Fairfield County in Connecticut.

NAHB: U.S. Commerce Secretary Pledges the Full Support of the Biden Administration to Resolve the Lumber Price Emergency, Continued from p. 1

dent Biden is concerned - about the effect of the lumber price problem on the broader economy."

"There is a disconnect between lumber supply and housing demand," said NAHB First Vice Chairman Jerry Konter, a home builder from Savannah, Ga. "U.S. sawmill output increased 3.3 percent in 2020. But over the same period, single-family construction increased 12 percent to almost 1 million housing starts, and the remodeling market expanded 7 percent. We feel this mismatch between domestic production and rising demand for building materials is at the root of the unsustainable increases in lumber prices."

Current prices, according to the Random Lengths Framing Lumber Composite Index - the industry benchmark - have more than quadrupled since April of 2020 to more than $1,500 per thousand board feet. Lumber prices alone are adding nearly $36,000 to the price of a new home, pricing millions of middle-class households out of the market at a level they previously could afford, an NAHB analysis shows.

Looking at domestic timber, NAHB Second Vice Chair Alicia Huey pointed out the decline in the domestic harvest, noting that as recently as the mid-1990's, roughly 10 billion board feet of lumber was harvested from the nation's forests each year. Over the last 10 years, the harvest has fallen below 3 billion board feet most years. Huey, a home builder from Birmingham, Ala., asked the secretary to advocate for better, more active forest management goals from U.S. national forests to help ease the current shortage, NAHB officials said.

NAHB Third Vice Chairman Carl Harris, a home builder from Wichita, Kan., encouraged the secretary to push for a lasting softwood lumber agreement with Canada.

"We need trade policy that actually serves the interests of the American people and increases housing opportunity for first-generation home buyers," he said.

The effect of high lumber prices on low- and moderate-income families is a top concern of NAHB and the Biden administration, noted NAHB's Immediate Past Chairman Greg Ugalde.

"My company works with many first-time, first-generation home buyers," said Ugalde, a home builder from Torrington, Conn. "After all these lumber costs get added to the price of a home, those first-time home buyers are often the first to be eliminated from the market."

Raimondo noted that NAHB proposed tangible ideas for moving forward on the lumber problem, including better forest management, increased production from the nation's sawmills and working toward a more lasting agreement with Canada.

Editor's Note: *NAHB officials announced on Jul. 16 that they participated in a White House home building materials supply chain summit to seek out solutions to end production bottlenecks that have resulted in soaring material prices. NAHB officials participated in a virtual discussion regarding current challenges across the home building supply chain, its implications for the broader housing market, and possible solutions. NAHB officials said that the issues of rising material prices and supply shortages "has now been brought front and center to the Biden administration." NAHB officials added that it was stressed at the meeting that it is imperative that lumber mill producers boost production in order to meet rising demand.*

Commercial Realty Commentary:

Buy, Sell or Hold – Advice on Current Industry Questions

By Robert Withers, President and Chief Executive Officer, M1 Capital Corporation

WHITE PLAINS

During these turbulent times, many lenders are suspending activity or taking very conservative views on ongoing business. Investors are in a panic, not knowing what their best path will be going forward.

Having navigated previous financial crises from the Savings and Loan scandal to 9/11 to the Great Recession (of 2008 and 2009) and with more than 30 years of experience in the commercial mortgage industry, I can shed light on what property owners need to understand as they struggle with the financial impacts of COVID-19.

While some financial institutions have curtailed loans, revised their parameters or removed certain lending programs from their offerings, this should be temporary. But, even after this crisis is over, the concern of valuation and risk margin will linger, hindering a full recovery in the industry at least in the short term. Lenders will undoubtably pull back on the aggressive lending practices they were demonstrating before this crisis hit.

People are understandably worried about the current financial climate and for weeks we have been fielding calls with clients asking if lenders are still lending, is their property still worth what they paid for it, and what happens when tenants don't pay their rent. They don't know if they should contact their lenders, and if so, how should they approach them. This is especially critical when dealing with SPEC construction loans and debt workouts with current lenders if the relationship has soured.

In these cases, commercial property owners need to have an advocate for structuring or arranging financing for their properties: someone who represents them - not the lenders - and who understands the processes and terms required to negotiate with a commercial lender, which is significantly different than a standard residential real estate transaction.

This advice also applies to larger investors who have "over-leveraged" their portfolios, landlords burdened with vacancies and businesses of any size who need to refinance their loans. A good advocate can counsel clients on the most important factors to elaborate on when applying for a loan, as well as what information it is best not to mention.

> *"A good advocate can counsel clients on the most important factors to elaborate on when applying for a loan."*

Ways to Take Action

For anyone thinking about acquiring a commercial property asset in this environment, consider doing the following:

- Reviewing the credit quality of the subject property's tenants with your real estate broker
- Identifying if the tenants have requested a loan via the CARES Act / American Rescue Plan
- Ensuring that retail tenants on commercial and mixed-use properties have solid financials and a "make sense" business model, especially in this economic environment
- Securing any prior property reports including appraisals, environmental and engineering inspections that may be available
- Having upfront preliminary discussions with a lending professional to understand exactly how financing parameters have been impacted by the current market, including "turn-around" time in obtaining a loan.

If you decide to purchase a commercial property, be sure to obtain the best legal representation with in-depth experience in commercial real estate transactions, and ensuring they are available from contract negotiations through closing.

Additional Important Points

Next, what are the questions or information that people should consider before calling an advocate? Here are they are:

- Should I consider a commercial real estate investment during these uncertain times?
- Does the investment fit into my investment risk tolerances?
- What are the "hot" markets to consider now?
- Is the property I am considering a viable investment, long and short term?
- Will the commercial lending liquidity markets dry up?
- How will the markets deal with the pent-up demand for products and services once this emergency is over?
- How will commercial lenders deal with missed mortgage payments if that happens?
- How can a first-time investor weigh the pros and cons of owning and managing a commercial piece of property as an investment at this time?

More Noteworthy Thoughts

If you own an investment property and it has become destabilized, or any mortgage debt that maybe present is in distress, please note the following:

- Who is reviewing the leases and expenses to make sure they are still operable in this environment?
- Have you requested a forbearance from your lender?
- Have you considered applying for a mortgage modification?
- There is plenty of assistance and advice out there for residential and commercial tenants. Who is helping you?

Editor's Note: Robert Withers has a 30-year track record of providing solutions for commercial real estate industry clients. M1 Capital Corporation has offices in White Plains and in New York City. The company specializes in acquisition, refinancing outstanding loans, restructuring current debt and delivering effective solutions through a variety of loan options, officials said.

Realty Industry Organizations Complete Their Joint Initiative to Support Housing Providers Across the U.S.

ARLINGTON, VA

Four associations who serve the rental housing industry, with funding from leading property management software provider Yardi Systems (Yardi), have completed their COVID-19 Rental Housing Support Initiative designed to bolster the industry as it continues to face the impacts of the pandemic.

The Institute of Real Estate Management (IREM), the National Apartment Association (NAA), the National Multifamily Housing Council (NMHC) and the National Association of Residential Property Managers (NARPM) joined together on the collaboration at what officials termed as "a pivotal time for the industry."

The completion of the joint initiative was announced on May 6 by representatives of the program.

The initiative, officials said, features four key components, each designed to provide solutions for the challenges that the industry faces:

A mental health resource library designed to help the industry cope with the effects of mental health through the pandemic.

A liability resource library aimed to keep industry owners and operators updated on new guidelines and ongoing legislation.

An education to legislation site for informing decision-makers on how their choices affect the industry.

Two comprehensive industry facts toolkits to provide rental housing industry constituents with some positive information about the industry that they can share with the general public.

Specifics

"Yardi is committed to a healthy and thriving rental housing industry. We have been honored to partner with four outstanding organizations to provide needed resources for a challenging time. Our hats are off to NAA, NMHC, IREM and NARPM for the work that they have done on behalf of their members," said Esther Bonardi, vice president of Yardi.

"At IREM, we know that the effects of the pandemic have taken a toll on individuals and businesses, which is why these resources are so important," said Chip Watts, president of IREM. "We are grateful to our partners at Yardi and these industry associations for their commitment to positioning residential real estate for long-term growth. These shared resources will help us all navigate the personal, legislative, operational, and economic issues facing us today."

"NAA is proud of the incredible work this collaboration has provided thanks to the generous support of our friends at Yardi," said Robert Pinnegar, president and chief executive officer of NAA. "These timely resources will supply housing providers across the country with the tools, knowledge and support they need to continue to weather the pandemic and thrive beyond it."

"This collaborative project, generously supported by Yardi, has been a testament to the commitment of the multifamily industry to supporting our members, residents and employees," said Doug Bibby, NMHC president. "When this effort began, the future was far from clear. Today, while we still have a way to go, there are increasing reasons to be hopeful about the short and long-term prospects for the industry. We are looking forward to ongoing success as demand returns and the economic recovery strengthens."

"The collaboration of efforts by the four organizations, and the generous financial support by Yardi, brings the rental housing industry resources to deal with the pandemic challenges that were not available prior to this project," said Gail S. Phillips, chief executive officer of NARPM. "These tools are built to outlive the current pandemic and assist the industry into the future."

Background

IREM officials said that the association provides the world's strongest voice for the real estate management industry. Almost 20,000 leaders in commercial and residential management utilize IREM for education, support and networking, officials added.

NAA serves as a leading voice and resource through advocacy, education and collaboration on behalf of the rental housing industry, officials said. As a federation of 151 affiliates, NAA encompasses over 93,000 members representing more than 10 million apartment homes globally.

Based in Washington, D.C., NMHC officials said that their association is the leadership of the trillion-dollar apartment industry. Officials added that the organization brings together prominent apartment owners, managers and developers who help create thriving communities by providing apartment homes for 40 million Americans. NMHC, officials added, provides a forum for insight, advocacy and action that enables both members and the communities they help build to thrive.

Association officials said that NARPM provides resources for single-family/small multifamily residential property management professionals. NARPM, officials said, is the premiere association designed for real estate professionals who know first-hand the unique challenges of managing single-family and small residential properties. NARPM provides an effective, professional learning environment for owners of property management companies and their employees, officials added.

Yardi develops and supports industry-leading investment and property management software for all types and sizes of real estate companies. Established in 1984, Yardi is based in Santa Barbara, Calif., and serves clients worldwide, officials said.

Report: Signs of Economic Recovery Are Boosting The Outlook for Westchester County's Commercial Market, Continued from p. 3

of household flows into Westchester. With apartment rental prices in New York City down around 15 percent on average, some households planning a move may reconsider their decision.

Westchester Retail Stabilizes During the Quarter

Westchester's retail supply-demand imbalance became less pronounced during the first quarter, and the vacancy rate increased only a modest 0.1 percent, according to Costar data.

In general, Southern Westchester retail real estate has maintained a better occupancy ratio than in other nearby geographies. Retail rents also remained stable during the quarter. The presence of an affluent consumer is a strong driver for new retailers and service companies interested in expanding premium brands. Underscoring retailer interest in the area is the construction on Target's first location in Yonkers at the Cross County Shopping Center. Target will occupy a former Macy's space at the location.

Westchester's Industrial Segment Continues to Be in High Demand

Industrial and flex space demand continues to escalate at both the national and local levels. In Southern Westchester, the stock of industrial space tends to be older, with limited trailer access, and not always accessible to major highways. As such, some fluctuations in occupancy are to be expected as tenants compete to identify suitable options, landlords holdout for credited tenants, and/or upgrades are implemented.

The development of state-of-the-art warehouses is very difficult as Westchester's zoning regulations are strict. The re-purposing of obsolete retail space, while possible in other geographies, is extremely difficult, at present, in most Westchester municipalities. Considering these factors, it is not surprising to see Costar statistics reflect a modest increase in Industrial/Flex vacancy and a plateauing of lease rates at cyclical highs, the report said.

The Investment Sales "Quietude" Is Nearing an End

The reduced number of investor driven transactions observed over the last few quarters has brought about a lack of transparent price setting, resulting in hesitancy from investors and/or their financial partners. Slightly higher interest rates also may require higher down-payments to hit the desired debt service coverage ratios, making deal financing harder to secure.

On the other hand, the recovering economy, rising property replacement values resulting from supply disruption and considerably higher construction costs, combined with still attractive interest rates, will eventually trigger a rebound in transactions.

Looking ahead to the rest of the year, the report offers some signs of optimism.

"The sustained population movements out of densely populated urban areas into the suburbs and more rural areas is a pandemic-spurred silver lining to watch. It is reviving occupancy trends and investment into the weaker areas of Westchester's property market, and may benefit office and retail properties long term, as users shift out of the office space in the New York City urban core," said Tom LaPerch, director of Houlihan Lawrence Commercial.

LaPerch noted that increased flexibility offered by a hybrid work environment has been shown to benefit workers, particularly parents with young families, and it may become a talent retention tool. However, he said a recent survey indicates that employees do not favor the establishment of satellite offices, indicating that if they are going to be working in a corporate office, they prefer to do so at the company's headquarters or main location in the area.

Houlihan Lawrence is the leading real estate brokerage serving New York City's northern suburbs, company officials said. Founded in Bronxville in 1888, the company has 30 offices and 1,300-plus agents serving Westchester, Putnam, Dutchess, Columbia, Ulster and Orange counties in New York and Fairfield County in Connecticut.

A New Marketing Campaign Cites Yonkers' Riverfront Renaissance

YONKERS

As one of the world's great rivers, the majestic Hudson has long been attracting attention from early explorers, to major industries, to today's residents who live in the growing number of residential towers that dot the Yonkers riverfront.

The Hudson is now the focus of a new and innovative marketing campaign unveiled on Jun. 28 by Yonkers Mayor Mike Spano to celebrate the city's remarkable riverfront renaissance where residents can live, work and play, officials recently announced. The goal of the campaign is to rebrand the Yonkers riverfront, which has emerged as a vibrant and diverse community that is attracting new residents, restaurants and shops, officials added.

Officials said that the theme is Yonkers On The River with the tagline Go Anywhere From Here. The tagline has an aspirational meaning for anyone, with endless options for career, home or play. It also refers to Yonkers unmatched accessibility with two Metro-North train lines, easy access to all major highways and parkways, only 40 minutes to every major airport in the Tri-State region and only 20 minutes to Grand Central Terminal.

"The incredible revitalization under way in our city's riverfront community is nothing short of extraordinary. Whether you're dining at one of our award-winning restaurants, taking in an outdoor concert, kayaking on the river or simply enjoying the spectacular views of the Palisades, the Yonkers riverfront has something for everyone. With this exciting new marketing campaign, we are letting everyone know that Yonkers On The River is the place to be," Spano said.

The new campaign, which will run through the end of the year, is the next generation of the highly successful Generation Yonkers campaign that has positioned Yonkers as the region's next go-to urban center, officials said.

As the City of Yonkers has evolved, officials said, so has the marketing campaign over the years. Now in its eighth year, the Generation Yonkers campaign is credited with putting Yonkers on the map and contributing to the city's tremendous growth which has seen more than $4 billion in private investment and over 9,100 multifamily units planned, completed, under construction and approved for developments.

The Yonkers On The River marketing campaign, which was developed by the Westchester-based communications and advertising agency Thompson & Bender, features an integrated media mix including social, digital, TV, outdoor and signage, officials said. Yonkers On The River signage is being prominently displayed along the Yonkers riverfront and throughout parts of the city. The Generation Yonkers website is updated with a new domain: YonkersOnTheRiver.com, which will be displayed on all advertising and signage. The website features testimonials from residents who live along the riverfront, as well as businesses that are located there.

The Yonkers riverfront is drawing significant private investment by major residential developers such as RXR, Extell, Avalon, Hudson Park, Apex, Ginsburg Development, AMS Acquisitions and Confier Realty, officials said. In another big boost for the Yonkers riverfront, Lionsgate Studios is nearing completion of a $100 million TV and film studio at the iPark site. The project is expected to bring more than 400 full-time jobs to the area, officials added.

The residential boom underway along the Yonkers riverfront is being driven by the business-friendly climate created under the leadership of Mayor Spano, as well as the work of the Yonkers Industrial Development Agency (IDA), which provides financial incentives to development projects, officials said.

Over the past two years, the Yonkers IDA has provided financial incentives to development projects representing a total private investment of approximately $1.1 billion. The developments are projected to create approximately 2,700 new residential units, 234,400 square feet of commercial and industrial space, and approximately 3,450 in construction, permanent and part-time jobs. A total of 10 percent of all new residential units are set aside for affordable housing, officials said.

The Westchester County Board of Legislators Approves Amendments to the County's Co-op Admissions Laws, Continued from p. 1

Officials for The Westchester County Board of Legislators said that the requirement to provide a reason for the rejection of a proposed shareholder will allow The Westchester County Human Rights Commission "to better identify any pattern of illegal discrimination, if it occurs." Officials added that The Westchester County Human Rights Commission will prepare a form that co-ops will have to use for the notification.

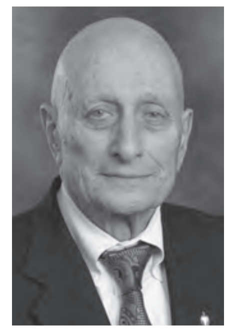
As of press time, The Cooperative and Condominium Advisory Council (CCAC) and The Building and Realty Institute (BRI) were scheduled to host two information sessions in July (Jul. 20 and Jul 21) for co-op board members, managing agents, and other interested parties to get an overview of the requirements, to share further information and clarification provided by The Westchester County Human Rights Commission to assist in implementing the law, and to answer any questions from members of the co-op sector.

CCAC/BRI officials said that the two information sessions were slated to be identical in content. The presenters were scheduled to be Tim Foley, chief executive officer of the CCAC/BRI, and Daniel Finger, Esq., of Finger and Finger, A Professional Corporation. Finger and Finger is Chief Counsel to the BRI/CCAC.

The BRI, association officials added, will also host monthly Fair Housing Training for co-op board members, as required by the new law, beginning in August. The trainings will be offered free of charge to CCAC members who are current in their dues. Details will soon be sent to CCAC/BRI members, association officials said.

The CCAC/BRI, for months, aggressively campaigned against the new legislation. The associations cited what it termed as "well-documented concerns about the increased number of legal challenges that could arise as a result of the enactment of the legislation." CCAC/BRI officials also stressed that co-ops could face corresponding increases in legal fees, as well as higher premiums for their Directors and Officers Insurance as a result of the new legislation being approved.

The CCAC represents more than 500 co-ops and condos throughout the Westchester and Mid-Hudson Region. The BRI is a building, realty and construction industry membership organization. The association has more than 1,800 members in 14 counties of New York State, officials said.



Charlie Goldberger

Goldberger Honored for His Volunteer Service With the YMCA

WHITE PLAINS

Charlie Goldberger, counsel to the firm at McCullough, Goldberger and Staudt, has been recognized for his work shepherding the YMCA of Central and Northern Westchester through a critical time in the organization's revitalization.

Goldberger was among those honored in a virtual ceremony on Apr. 22 held by the City of White Plains and the White Plains Youth Bureau honoring volunteers who have made the city a better place through their contributions as part of National Volunteer Month, officials said.

As Chairman of the YMCA's Board of Directors for the past five years, Goldberger advised the organization on the sale of its building at 250 Mamaroneck Avenue in White Plains and the relocation of residents there. His law firm also helped to find a new home for the organization's popular after-school program, which is now thriving at its new location at 148 Hamilton Avenue, officials added.

"We can't thank Charlie Goldberger enough for all he has done for the YMCA and his assistance in helping us to put this organization on firm footing and for his assistance with the relocation of our early learning center. As chairman of our Board of Directors, Charlie has helped lead this organization, and we are very grateful," said Cynthia Rubino, president and chief executive officer of the YMCA of Central and Northern Westchester.

Officials said that Goldberger, who has served as Chairman of the YMCA's board for the past five years, is stepping down as Chairman, but will continue to serve on the board. He will also continue to serve as its legal counsel. Goldberger is active in the White Plains community as a long-time member of the Rotary and as a leader and organizer of the Loucks Track and Field Games.

McCullough, Goldberger and Staudt, LLP represents a diverse group of clients. The firm, officials said, has been an integral part of the Westchester community for more than 60 years

Officials added that the firm offers a wide range of services, including land use, commercial and residential real estate, banking law, trusts and estates, municipal law, construction law and all types of litigation. Its clients include corporations, insurance companies, municipalities, co-op, condo and homeowners' associations, developers, golf and country clubs and not-for-profits, as well as individual property owners. Services are provided by a team headed by four partners, two of counsel attorneys and seven associates, officials added.

McCullough, Goldberger and Staudt, LLP is a member of The Building and Realty Institute (BRI) of Westchester and the Mid-Hudson Region. The BRI publishes this newspaper.

Services Case Study: Universal Builders Supply (UBS) Debuts "The Canopy," Continued from p. 5

Scaffolding exhibit - a show that explored the history and extraordinary applications of scaffolding and demonstrated how this utilitarian system could become a compelling installation. Canopy is a case in point, officials added.

"The Center for Architecture is honored to debut the Canopy, the stylish new overhead protection system recently developed by Universal Builders Supply. In order to accommodate necessary facade repairs to our building, we turned to UBS. Working closely with the Center for Architecture, UBS agreed to provide us with their Canopy system instead of a basic sidewalk shed. The Canopy exceeds our expectations - its elegant white structure, transparent ceiling, and dynamic lighting have brightened and enhanced our entryway," said Ben Prosky, Assoc. AIA, Executive Director, AIA New York and the Center for Architecture.

While UBS has been offering variations of more upscale overhead protection solutions for decades, increased customer demand for more aesthetically pleasing options drove the entire UBS team to develop a formal product offering, officials said.

Members of the engineering, fabrication, project management, and execution departments collaborated to come up with the unique Canopy concept that offers multiple benefits, including a more appealing contemporary look, better sight lines of the building under construction, wider openings, more spacing for pedestrian traffic, and colorful, customizable LED lighting, as well as dramatic night lighting, a durable weather resistant finish, and the option to include laser engraved signage on the structure itself, all while meeting code and maintaining structural integrity, officials added.

Specifics

The UBS Canopy, officials said, has a 300psf rating, the most stringent in North America, enabling the Canopy Protection System to be deployed throughout the U.S. for new construction, façade restoration, and maintenance projects. Frame components are made from aluminum which is a high-strength, lightweight, and durable material and the 4-layer painted finish is resistant to all weather conditions, enabling it to maintain a clean appearance for long periods of time. The open mesh parapet is also designed to accommodate custom signage, and the deck construction is available in a variety of materials.

While new construction projects are the main users of protection systems and scaffolding, the New York City Facade Inspection Safety Program (formerly Local Law 11), requires that buildings taller than six stories have their facades inspected and repaired every five years. Those inspections require that protection systems and scaffolding be in place. Ensuring that the retail establishments and restaurants at the street level are still visible during the inspection period is critical and the Canopy offers that opportunity. The system also offers flexible design options since every project presents a unique set of challenges, officials said.

UBS is a family-owned business with a 90-year history, having been established in 1931 in New York City by Harold A. O'Callaghan Sr., an electrical engineer and provider of steel and other specialty supplies for the construction of the Empire State Building. Harold's son, Tony (O'Callaghan), joined the company in 1954 and together with his son Kevin led the UBS team that was contracted to install the scaffolding around the Statue of Liberty for the restoration in honor of the centennial celebration in 1986. Kevin O'Callaghan, grandson of Harold, is the current Chairman and Chief Executive Officer of UBS. Under his leadership UBS opened offices in Washington, D.C., Canada, and the U.K. He personally worked on the Time Warner Headquarters in New York City, The Washington Monument, St. Patrick's Cathedral, and Grand Central Terminal, officials said.

UBS, officials added, is a trusted and experienced supplier to the construction industry known for innovative engineering, design, and state-of-the-art inventories of high-speed hoists, aluminum access equipment, and the latest patented access and protection systems. The company is recognized for its innovative engineering and overhead protection solutions, high-capacity sidewalk sheds, vertical perimeter protection and unique hoisting solutions.

UBS's goal, officials said, has always been to create a safe environment for the public who come into close proximity to construction work. During the lengthy restoration of Grand Central Terminal, UBS provided the scaffolding spanning the expansive main ceiling while 500,000 people commuted through its hall each day without incident or interruption.

UBS, officials added, has participated in some of the most prestigious and challenging projects in the world, including Saint Patrick's Cathedral, the Washington Monument, the Statue of Liberty, the Museum of Modern Art, and many others. In the private sector, UBS projects include the World Trade Center, Battery Park City, AOL Time Warner World Headquarters, as well as the entire Canary Wharf Project in London and The Olympia Ritz Carlton in Barcelona.

Happy 75th Anniversary

to

The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region!

The BI/BRI, a building, realty and construction industry membership organization, was formed on February 11, 1946.

The association is one of the largest business membership groups in New York State. Members of the BI/BRI are involved in virtually every area of the building, realty and construction sectors.

Based in Armonk, the organization has helped lead the building, realty and construction industries for decades.

Here's to the many accomplishments of
the BI/BRI and its proud history!
Congratulations on this milestone event!!

The Builders Institute
The Building & Realty Institute
of Westchester & the Mid-Hudson Region

80 Business Park Drive, Suite 309, Armonk, N.Y. 10504
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Houlihan-Parnes Realtors and GHP Office Realty Arrange Financing for a White Plains Office Building

WHITE PLAINS

Bryan Houlihan, Christie Houlihan and Rachel Greenspan of Houlihan-Parnes Realtors, LLC and GHP Office Realty, LLC recently announced the closing of a new first mortgage of approximately $4,500,000 on a four-story, recently renovated Class A office building at 297 Knollwood Road in White Plains.

Officials said that the property is in a prime central Westchester location on a rare four-way intersection of Interstate 287. The building's irreplaceable location also provides easy access to the Sprain Brook Parkway, the Bronx River Parkway, the Saw Mill River Parkway and the Taconic State Parkway. The nearly 35,000 square foot, multi-tenanted property is very stable with 25 tenants of varying industries in occupancy, officials added.

The property had positive absorption during the COVID-19 pandemic with five new leases signed. Most recently, the United States General Services Administration's White Plains Office for the Department of Social Services signed a 15-year lease renewal at the property, officials added.

Favorable terms were negotiated on the property, officials said, with an established local bank using a 30-year amortization schedule. The loans have a fixed rate of 3.75 percent for 10 years of the 15-year term. The remaining five years of the loan will be determined by the greater of 3.75 percent or the five-year FHLBNY advanced rate. The loan also features a flexible pre-payment schedule.

The 297 Knollwood Road facility has been managed and leased by GHP Office Realty since the current owners purchased the property in 1999. The borrower was represented by John Hogan of Goldberg Weprin Finkel Goldstein, LLP. Title was arranged by John Hughes of The Great American Title Agency, Inc., officials said.

Houlihan-Parnes Realtors, LLC is a privately owned, vertically integrated commercial real estate investment and management firm, with a presence throughout the U.S. Owning more than 6 million square feet of office, retail and industrial space, the firm also owns or manages approximately 15,000 multifamily units. Founded in 1891 and operated by the fourth and fifth generations of the Houlihan family, the company is headquartered in White Plains. The firm is engaged in acquisition, property and construction management, consulting services, leasing and mortgage brokerage for all commercial real estate asset classes, both for the company's portfolio and for third parties, officials said.

GHP Office Realty is a division of Houlihan-Parnes Realtors, LLC. GHP is presently one of the New York area's leading owners, operators and purchasers of suburban New York commercial and industrial space, according to company officials. GHP Office Realty has acquired, financed, redeveloped, leased and managed more than 7,000,000 square feet. Regionally, the partners presently own and manage buildings in Westchester and Rockland counties, in Fairfield County (Conn.) and in Bergen County, N.J.

Windward School to Sell Its Former Campus in White Plains

WHITE PLAINS

The Windward School, which recently relocated to a larger campus on Mamaroneck Avenue in White Plains, recently announced plans to sell its former White Plains campus.

RM Friedland announced that it has been retained as advisor and exclusive broker for the sale. The property is being marketed without an asking price.

RM Friedland officials said that the 5.35-acre development site is at 5 &13 Windward Avenue, a desirable residential dead-end street that backs up to Saxon Woods Park. The campus is currently vacant with 38,000 square feet of space in four buildings of varying construction and size. The property is zoned R1-12.5 residential for single-family homes.

The campus is in the Rosedale neighborhood of White Plains in the southeast part of the city, just off the Hutchinson River Parkway. The site is only miles away from the corporate headquarters of Dannon, Heineken USA, Bunge Limited, ITT Inc. and White Plains Hospital. It is also less than four miles from the Metro-North station which is only a 31-minute express train commute to midtown Manhattan, RM Friedland officials said.

"This is a unique opportunity to acquire a property that is zoned residential for single-family home development in a highly desirable and centrally located neighborhood in White Plains," said John Barrett, managing director, investment sales division of RM Friedland, who, along with Alison Luisi, is the broker for the property.

The Windward School is a coeducational, independent day school dedicated to providing a proven instructional program for children with language-based learning disabilities. The multisensory curriculum is designed for students of average to superior intelligence who can benefit from the unique educational experience provided, officials said.

Windward currently has two campuses in Westchester County: Lower School (grades 1-5) at 1275 Mamaroneck Avenue in White Plains (the new location) and Middle School (grades 6-9) at 40 West Red Oak Lane, White Plains. There is also a Manhattan campus at 212 East 93rd Street, officials said.

The former campus, officials said, has a rich history. Led by educator Isabel Greenbaum Stone, the original Windward School opened in 1930 in an English Manor-style school house at 13 Windward Avenue. In the span of 91 years, the historic property operated as a school for several thousand students of all ages from nursery school through high school. Starting in 1988, the school began transforming the lives of children who many schools had given up on due to their learning disabilities. Beginning with 129 students in 1988, the school has grown dramatically, attracting students from across the tri-state area and even throughout the world. The school plans to enroll nearly 1,000 students for 2021-2022 across its campuses in Westchester and New York City.

Shifting an entire lower school community to a new campus was not originally in the plans for the 2020-2021 school year, officials said.

"When it was evident that our 13 and 15 Windward Avenue campus was not sufficient to provide in-person instruction for all our Westchester Lower School students due to health and safety guidelines caused by the pandemic, we had to make some fast decisions," said Jamie Williamson, headmaster of the school.

Those decisions included taking a former office building at 1275 Mamaroneck Avenue down to its studs and turning it into a bright, inviting learning atmosphere for all Westchester Lower School students, faculty, and staff members a year ahead of schedule, officials said.

Beth Foltman, who started at Windward as an assistant teacher and is currently assistant head of school for enrollment management, said: "While we will miss our former home where it all began, it truly is our students, families, faculty, and staff members who make Windward the extraordinary community it is, not just the building."

RM Friedland officials said that the company is excited about the opportunity.

"A migration out of New York City has created explosive demand for residential development sites. We believe there will be great interest in the former Windward campus," said Luisi, vice president, investment sales at RM Friedland.

RM Friedland, which celebrated its 50th anniversary last year, specializes in industrial, development, investment, retail and office brokerage in the New York Metro Area, company officials said.

Waterstone of Westchester Set for Early 2022 Opening on Bloomingdale Road in White Plains

Officials: Project to Generate $500,000 in Annual Taxes and Create 180 Construction Jobs, 40 Full-Time Jobs

WHITE PLAINS

Waterstone of Westchester, an independent living community for those 62-plus which features what officials said are first-class amenities, 132 beautifully appointed residences and supportive services, is rising rapidly on Bloomingdale Road in White Plains.

Waterstone Executive Director Margaret Minichini recently met with Westchester County Executive George Latimer, Director of Operations Joan McDonald and Director of Economic Development Bridget Gibbons to explain the benefits the project would bring to White Plains and Westchester County, officials said.

Scheduled to open in the first quarter of 2022, Waterstone of Westchester, officials said, is expected to generate $500,000 a year in taxes and create 180 construction jobs and 40 full-time jobs. Those jobs are anticipated to result in projected annual salary and benefits of $2.6 million once the project is up and running.

Waterstone of Westchester is also projected to boost economic development in the area as improvements to the property will benefit the city's downtown. It will also provide needed housing for older adults. A survey of senior housing by developer National Development and operator Epoch Senior Living shows that there is an unmet need for such housing within a 20 minute-drive of the project, officials added.

"We are thrilled to welcome Waterstone of Westchester to its premiere location in downtown White Plains," said Latimer. "This independent living community will serve a great need for our seniors, providing them with a beautiful facility filled with dozens of amenities, and the added benefit of home care services through VNS Westchester. The development will also bring a boost to the local economy, with the addition of $500,000 in taxes annually and nearly 200 construction jobs."

Features

Located in a vibrant and walkable neighborhood of downtown White Plains, Waterstone of Westchester will offer its residents a full array of exceptional amenities. They include a movie theater, fitness center, indoor pool, lobby bar, art studio and salon. Services include chauffeured car service, parking and on-site concierge. Gourmet cuisine, which is served in a variety of on-site dining venues, is prepared by professional chefs who use locally sourced and seasonal ingredients, officials said.

Officials added that residents will also benefit from access to home care services through an on-site partnership with VNS Westchester.

Waterstone of Westchester features a choice of spacious one-bedroom, two-bedroom and two-bedroom plus den apartments, complete with elegant high-end finishes and upgrades. Unlike other senior living communities, Waterstone of Westchester is a rental property so there is less upfront financial commitment, officials said.

"With the growth of the senior population and so many Westchester residents looking to remain in their home communities, we are pleased to be opening one of the premier independent living facilities in Westchester County, Waterstone of Westchester," said Joanna Cormac Burt, chief executive officer of Epoch Senior Living. "This extraordinary community goes way beyond expectations by offering a luxurious setting with supportive services and a multitude of social opportunities. We are particularly excited about our location in downtown White Plains, a vibrant city with restaurants, shops and cultural activities all within walking distance, perfect for our new community."

Officials said that Waterstone of Westchester is the latest best-in-class independent senior living community created by leaders in the field, EPOCH Senior Living and National Development. EPOCH Senior Living operates 12 senior-living communities, with four currently under construction. Waterstone of Westchester is the company's first independent senior living community in New York State.

The Westchester County IDA Votes Its Final Approval of Financial Incentives for the Acquisition of a Natural Food Distribution Center in Mount Vernon

WHITE PLAINS

The Westchester County Industrial Development Agency (IDA) voted final approval on May 6 of financial incentives for the acquisition of a wholesale natural food distribution center in Mount Vernon, officials recently announced.

Officials added that the acquisition will retain 47 jobs and create 12 new jobs.

"Companies such as Ace Natural, which has been doing business in our county for some 20 years, are the backbone of our economy, creating jobs and generating revenue. We are delighted to provide IDA benefits so they can complete this acquisition and continue to grow and prosper," said Westchester County Executive George Latimer.

The facility, which is occupied by Ace Natural, Inc., is at 249-257 East Sanford Boulevard. The property consists of 50,000 square feet of warehouse space and 5,000 square feet of office space on a 2.42-acre lot.

Officials added that Applicant Vierling Family LLC, which is the majority shareholder of Ace Natural, has an option to acquire the property from the existing owner for $7.2 million. Vierling Family is requesting a mortgage recording tax exemption of $63,500.

For more than 20 years, Ace Natural has been delivering a large selection of organic and natural foods directly to restaurants, caterers, food retailers and distributors in the New York Metro area. The company is considered one of the pioneers in New York's organic food movement, officials said.

"The IDA is very pleased to provide final approval of incentives for this acquisition which will retain and create 59 jobs, but is also projected to generate over $319,000 in County sales tax revenue over the next 10 years. A project such as this aligns with the IDA's mission of assisting businesses so they can expand and thrive," said Westchester County IDA Chairperson Joan McDonald.

Dewey Joins the Investment Sales Division of RM Friedland

HARRISON

With the rapid ascension of adaptive reuse concepts transforming commercial properties into expanding healthcare campuses, experiential activity centers and new residential hubs, RM Friedland recently said that it is further capitalizing on this emerging trend by announcing the addition of veteran real estate executive Charles Dewey to the firm's investment sales division.

In his new role, Dewey will provide strategic marketplace analysis of clients' properties, as land and building owners everywhere are (or will be) assessing the highest and best use of their assets in a rapidly changing real estate environment and are seeking experienced counsel from frontline experts, company officials said.

Dewey will also serve as a development consultant for RM Friedland's broader portfolio of clients, company officials added.

"Charlie's exceptional knowledge and keen understanding of the commercial real estate industry, fused with his strong track record of success and specific expertise in development and finance, will markedly enhance the services we provide to our clients," said RM Friedland President Sarah Jones-Maturo.

Dewey began his career as Director of New Business and Development for Pappas Enterprises, a Boston-based developer. Dewey spearheaded large-scale real estate projects in downtown White Plains, developing more than three million square feet of space, including Gateway I. Subsequently, Dewey held top-level positions with Mutual of New York and Advantage Real Estate Services, company officials said.

A resident of Scarsdale, Dewey most recently served as President and Managing Member of DDDG, LLC which specializes in real estate development, financing, acquisitions and dispositions, and co-investment opportunities. Dewey received his B.A. from the University of Pennsylvania and his M.B.A. from the Wharton School of Business.

"I am excited to join RM Friedland, because I admire their commitment to excellence and their reputation as a leading marketplace innovator," said Dewey. "Dramatic changes are underway in today's commercial real estate market creating both challenges and opportunities, so this is a pivotal time to assess values and potentially monetize those assets."

RM Friedland, which celebrated its 50th anniversary last year, specializes in development, industrial, multifamily, office and retail brokerage in New York and Connecticut, company officials said.