

TESTIMONY BY DCAS ON OCCUPATIONAL HEALTH AND SAFETY BILL  
CITY COUNCIL HEARING  
JUNE 20, 2019

- Good morning Chairperson Miller and other members of the committee. My name is Suzanne Lynn and I am the Deputy Commissioner for Legal Affairs and General Counsel to the Department of Citywide Administrative Services. Joining me is Jacqueline Terlonge, the Director of the Citywide Office of Occupational Safety and Health.
- The Citywide Office of Occupational Safety and Health, commonly known as COSH, is housed at DCAS within the Office of the General Counsel.
- Essentially, COSH is an in-house resource for city agencies seeking to protect the health and safety of their employees. Among other things, COSH coordinates employee safety and health initiatives for all city agencies, provides technical assistance to agencies in implementing safety and health programs, and conducts environmental testing and monitoring within city agencies with the goal of reducing workplace hazards and worksite accidents.
- Last year COSH conducted 21 trainings for 54 city agencies on topics ranging from right-to-know/ chemical safety; workplace violence prevention; indoor air quality, and thermal stress. In addition, COSH disseminates safety and health advisories and hosts town hall meetings during emergency events, such as the 2014 Ebola outbreak, the 2016 Zika crisis, and the recent Measles outbreak.
- COSH also conducts inspections of potentially hazardous situations in response to employees' concerns. For instance, if employees at a particular agency complain of the potential presence of asbestos in a worksite, COSH will send someone to inspect the premises. COSH staff are trained to inspect for lead, asbestos, air quality, and mold as well as other conditions. If results of the inspection are positive, COSH will make recommendations to the agency about actions it can take to abate the condition, e.g., increasing air circulation or cleaning the premises with specialized green products.
- COSH also participates in a number of regularly scheduled meetings that give employees and their representatives a chance to raise their concerns to the appropriate parties. For instance, a Video Display Terminal (VDT) Committee, chaired by the Director of COSH, which includes agency

representatives from OLR, DOHMH, HHC and labor unions, convenes monthly to establish citywide ergonomic standards with the goal of reducing musculoskeletal injuries.

- Further, COSH participates in quarterly labor management safety and health committee meetings to address workplace safety issues at the agency level. These meetings are attended by management staff from some of the larger agencies and labor union representatives, and provide a forum for the unions to raise members' concerns directly with management who can address them.
- COSH serves as the primary liaison and reporter to the New York State Department of Labor's Public Employee Safety and Health Bureau (PESH). PESH is the governing authority on occupational safety and health for city agencies, and establishes and enforces regulations, as well as conducting periodic inspections to ensure that city agencies comply with federal and state regulatory requirements.
- Turning to Intro 1604, Section 6 would require city agencies to develop and implement annual accident and illness prevention programs designed to reduce injuries and illnesses.
- Many city agencies currently maintain safety and health programs that include accident and illness prevention components. These agencies include DEP, DOT, DOHMH, and FDNY, among others. COSH evaluates employee safety and health programs and makes recommendations when needed. We support the goals of the bill and will continue to work with agencies to accomplish them.
- In addition, as part of their responsibilities, city agencies already conduct regular safety inspections at their worksites and investigate all accidents. Agencies must analyze accident investigations and submit information directly to the NYS Department of Labor on an annual basis.
- This information helps the agency, employees and PESH evaluate the safety of a workplace, understand industry hazards, and implement employee protections to reduce and eliminate hazards, helping to prevent future work site injuries and illnesses.
- I hope I have clarified the role that COSH plays in the City's efforts to safeguard the health and safety of its employees. COSH remains committed to continuing its work with city agencies to improve employee safety and health programs. We would be happy to answer any questions.



# Demanding Rights in an On-Demand Economy

Key Findings from Year One of NYC's Freelance Isn't Free Act



Bill de Blasio  
Mayor

**Consumer  
Affairs**

Lorelei Salas  
Commissioner

# Demanding Rights in an On-Demand Economy: Key Findings from Year One of NYC's Freelance Isn't Free Act

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# Acknowledgments

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# NYC's Freelance Isn't Free Act

On May 15, 2017, Local Law 140 of 2016, the Freelance Isn't Free Act, took effect in New York City. The law establishes and enhances protections for freelance workers—individuals hired or retained as independent contractors by a hiring party—regardless of immigration status. As the only law of its kind in the nation, the Freelance Isn't Free Act is intended to help solve an all too common problem: nonpayment or late payment for freelance work.

The Freelance Isn't Free Act creates a new right to a written contract for freelance work worth \$800 or more, incentivizes timely payment for services, and empowers freelancers to enforce their rights in court. This new law includes several provisions designed to make it easier for freelancers to initiate and win lawsuits alleging breach of contract for failure to pay for services. Importantly, the law requires hiring parties to pay double damages and attorneys' fees when freelancers prevail in their suits for nonpayment, making relatively small cases more viable for freelancers to pursue.

## Navigation Program for Freelancers

The NYC Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) assists freelancers in exercising their rights through the Navigation Program. The Navigation Program is staffed by two full-time navigators, and is supported by OLPS's legal, outreach, and operations staff. All staff involved has received extensive training on the new law and the unique circumstances of this set of workers due to their freelancer status.

The Navigation Program assists freelancers in a number of ways:

- **Fielding general inquiries** about the law, so both freelancers and hiring parties are well-informed about their rights and obligations.
- **Conducting initial consultations with freelancers** who believe their hiring party may have violated the law. These consultations are designed to ensure freelancers are knowledgeable about how the law applies to their specific circumstances and the available options for pursuing their claim. Often, freelancers are able to use the information they gain through these initial consultations to effectively negotiate with the hiring party, resolving the dispute without needing to pursue further action.
- **Administering a complaint procedure** established by the law. If the freelancer chooses to initiate this process, OLPS will send a notice of complaint to the hiring party, receive a response to the allegations from the hiring party, and communicate the hiring party's response to the freelancer. If the hiring party fails to provide a response to OLPS, in any subsequent civil proceeding the burden will be on the hiring party to demonstrate the freelancer's allegations were false.

### OLPS is NYC's Resource for Workers

DCA's OLPS is the largest municipal labor standards office in the country. OLPS enforces key NYC workplace laws, including the Paid Safe and Sick Leave Law, Fair Workweek Law, Freelance Isn't Free Act, and Commuter Benefits Law. OLPS also conducts outreach to educate workers, as well as employers, about available protections; has a dedicated Paid Care Division; helps workers access and protect their rights and get critical services through intake and referral; conducts original research and develops innovative policies to raise job standards.

- **Guiding freelancers through the process of pursuing their claims in civil court.** If the OLPS complaint procedure does not resolve freelancers’ allegations, a navigator will advise freelancers on how to pursue their claims further through the courts. This includes navigators 1) providing legal referrals to OLPS-vetted low- or no-cost attorneys who are knowledgeable about the law and 2) providing guidance on how freelancers can still pursue their claims in court even without an attorney. If freelancers decide to proceed to court, the navigator can assist them in preparing their case, advise them on what to expect at court appearances, and attend court along with freelancers.
- **Developing and distributing materials to help freelancers exercise their rights and hiring parties fulfill their obligations.** OLPS has developed a suite of tools and other materials that freelancers can use for guidance and hiring parties can use for compliance. These include an annotated model contract, FAQs about the law, and a navigation guide. Over the last year, OLPS has conducted 118 trainings about the law for a variety of audiences and industries, including arts and entertainment, advertising, publishing, construction, and fashion.

### **The Freelance Isn’t Free Act Protects Workers from Retaliation for Exercising Their Rights**

OLPS takes reports of employer retaliation very seriously for all NYC workplace laws, including the Freelance Isn’t Free Act. The law prohibits hiring parties from refusing to work with freelancers because they requested a written contract; blacklisting freelancers who ask to be paid for completed work; or taking any other action to punish freelancers for exercising their rights under the law, including the right to file a complaint with OLPS.

When a freelancer reports retaliation, OLPS navigators act swiftly to inform the hiring party about the law’s prohibitions and secure relief for the freelancer as soon as possible.

For example, when a photographer reported to OLPS being denied work with a prominent retailer after requesting a written contract, an OLPS navigator sent a notice of complaint to the retailer by overnight mail and called the retailer the next day. After reaching the Human Resources Director, the navigator informed the director about the retailer’s obligations under the law and the costs it could incur if the freelancer decided to proceed to court. The retailer acknowledged its mistake and quickly agreed to pay the freelancer \$1,500, the full value of the original contract.

## About This Report

This report summarizes key findings from the Freelance Isn’t Free Act’s first year. Findings are based primarily on data and case notes from the Navigation Program. Case notes reflect navigators’ communications with freelancers and hiring parties, reviews of written materials provided by the parties, and freelancer responses to a follow-up survey OLPS administers on resolution of a complaint or at six months, whichever occurs first. Key information relating to each complaint is recorded in OLPS’s case tracking system. Information about “complaint outcomes” and “complainant characteristics” is self-reported by complainants and, as a result, is not available for all complaints. Statistics presented in this report reflect only those complaints for which sufficient information was available for a given measure.

Because the law covers agreements entered into on or after May 15, 2017, OLPS received relatively few complaints during the first few months the law was in effect, given the time that usually elapses between an initial agreement and a violation. OLPS considers a complaint to be any report from a freelancer of a possible violation, whether or not OLPS, with the consent of the complainant, initiates the formal complaint procedure provided for by the law.

This report reflects all inquiries and complaints to OLPS’s Navigation Program between May 15, 2017 and April 30, 2018. Data on NYC’s freelancer workforce comes from the Census Bureau’s American Community and Current Population Surveys.

## Key Findings

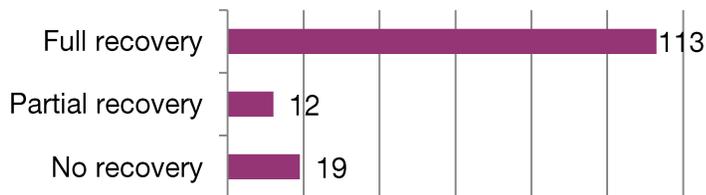
In year one, OLPS received 299 inquiries about the law and 264 complaints from freelancers alleging violations. On the whole, the Navigation Program appears to be highly effective in securing payment for complainants. After reporting payment violations to OLPS, 37 percent of freelancers received payment within 30 days, 54 percent within 60 days, and 61 percent within 90 days.<sup>1</sup> Of freelancers who received payment following a complaint, 90 percent received the full amount they alleged was owed. In total, freelancers were paid \$254,866 by hiring parties after engaging OLPS. The average recovery was \$2,039, equivalent to 4.3 percent of the median annual income reported by complainants (\$47,500).

**Table 1. Inquiries, Complaints, and Recoveries in Year One of Freelance Isn’t Free Act**

Inquiries	299
Complaints	264
Total recoveries	\$254,866
Average recovery	\$2,039

Source: Case notes from the Navigation Program.

**Figure 1: Outcomes for Freelancers Alleging Nonpayment**



Source: Case notes from the Navigation Program.

Notes: Outcomes are as of April 30, 2018. Excludes complaints in which a payment violation was not alleged (5) or that were still being pursued (47) or when the status and outcome were unknown (68).

<sup>1</sup> OLPS dates the time to recovery based on the date OLPS first learns that the freelancer received payment. As a result, the reported values overstate the length of time to recovery. All time to recovery measures include only those complaints when the full observation period elapsed prior to April 30, 2018 (e.g., the 90-day recovery rate excludes complaints made after January 30, 2018).

**Freelancers who report violations to OLPS most commonly allege late payment or nonpayment for their services.**

- 98 percent of complaints allege a payment violation, including not being paid at all, being paid late, and being paid less than the amount owed.
- 8 percent of complaints allege refusal to enter into written contracts.
- 7 percent of complaints allege retaliation.

**Most complainants who secured payment did not need to pursue their claims in court.**

- Among complainants who received payment after engaging OLPS, 21 percent received payment following the initial consultation with a navigator, 77 percent received payment after a navigator sent a notice of complaint to the hiring party, and 2 percent were paid after the freelancer filed a suit in civil court.
- Of the five suits filed in civil court by freelancers, in three cases the freelancer and hiring party reached settlement before the parties' first court appearance. In two cases, the freelancers received judgments in their favor and are currently awaiting payment.<sup>2</sup>

**Complainants come from a wide range of industries and occupations, though workers in the arts and entertainment industry are overrepresented.**

- The most common occupations among complainants were photographers (11%), film and video editors (9%), and journalists (8%). These occupations were overrepresented among OLPS complainants in comparison to the NYC freelance workforce as a whole. Photographers comprise only 2 percent of NYC freelancers, and film and video editors and journalists comprise less than 0.5 percent and 0.3 percent, respectively.
- Overall, 72 percent of complainants work in the arts and entertainment industry. Other common occupations among complainants in this industry include audio and video technicians (7%), producers and directors (7%), and camera operators (5%).
- OLPS also has assisted with complaints from freelancers in personal care and service occupations (4%, typically hair and makeup artists) and computer occupations (4%, typically IT specialists or computer programmers), among others.

**Compared to all NYC freelancers, complainants to OLPS were more likely to be young, English-speaking, highly educated, and had higher incomes.**

- Forty-six percent (46%) of complainants to OLPS were aged 18-29, compared to 9 percent for the NYC freelancer population as a whole.
- Complainants tended to have higher levels of education (86% bachelor's degree or higher compared to 49%), greater incomes (\$47,500 median annual income compared to \$30,000), and were far more likely to report English as their primary language (97% compared to 50%).

**Complainants who responded to an OLPS survey reported high levels of satisfaction with the Navigation Program.**

- Respondents highlighted navigators' quick responsiveness, their high level of knowledge about the law, and the sense of caring and support they provided.

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<sup>2</sup> The two cases, *Avis v. Artmedia Antiques, LLC*, Index No. 667/2018 and *Leone v. Peart*, Index No. 406/18 were filed in Civil Court of the City of New York.

## The Freelance Isn't Free Act is underused by NYC's freelance workers.

- OLPS estimates that more than 150,000 NYC freelancers experience late payment or nonpayment on an annual basis.<sup>3</sup>
- Based on this estimate, OLPS extrapolates that fewer than two out of every 1,000 workers who could have engaged OLPS for assistance in the past year did so.

### Freelancers Helped Under the Freelance Isn't Free Act

#### Adam, Gaffer

*The [navigator] that worked with me was incredibly helpful. After more than 6 months of the company not returning email or calls I filed with OLPS. Within 2 weeks the company called me back and scheduled a payment. I would not have been paid without OLPS and I am exceedingly grateful. Thank you.*

After filing a complaint with OLPS, Adam received \$688.75 from a marketing agency that had hired him to prepare lighting for video shoots.

#### Clare, Journalist

*Just my informing [the hiring party] that I was filing a formal complaint with your office ... prompted a payment. I'm so grateful that you guys exist. Thank you!*

After contacting OLPS, Clare received \$1,170 from a publishing company for the article she had written but had not received payment.

#### Cristina, Writer and Editor

*I think my [navigator] was wonderful at explaining the process to me and giving me all the information and steps. He made a potentially daunting situation a lot clearer and logical.*

After filing a complaint with OLPS, Cristina received \$2,400 that was overdue from the publishing company that had hired her to manage its website. She is planning to file a suit in small claims court to recover the remaining \$4,800 she believes she's still owed, plus damages.

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<sup>3</sup> OLPS estimates the number of violations by applying a published national estimate of the frequency with which freelancers experience late payment and nonpayment to OLPS's original coverage estimate of the number of freelancers covered by the Freelance Isn't Free Act (*see* Discussion for estimates and further detail).

# Discussion

In an economy increasingly marked by alternative employment arrangements, freelancers—sometimes referred to as independent contractors—are not afforded the basic protections that come with traditional employment. Legal protections for these workers are sorely needed. Frequently, freelancers are not even paid for their work. In a recent national survey, 36 percent of freelancers reported experiencing late payment in the past year, and 27 percent reported being paid less than they were owed.<sup>4</sup> Additionally, freelancers do not have access to employer-sponsored health benefit plans, retirement funds, or other fringe benefits that contribute toward overall compensation.

The Freelance Isn't Free Act is the first law of its kind in the nation, providing enhanced protections to the approximately 400,000 freelancers who work or live in New York City:<sup>5</sup>

- The requirement to provide a freelancer with a written contract ensures that both parties have clear expectations at the outset about the arrangement.
- The default 30-day payment term means there is no ambiguity about when payment is due.
- The requirement that hiring parties pay double damages for nonpayment deters hiring parties from failing to pay on time and in full.
- The provision of attorneys' fees makes it more likely that freelancers will be able to obtain representation should they need to proceed to court.

The Freelance Isn't Free Act is also a step toward remedying a loophole in the law that facilitates and encourages employers to hire independent contractors or to misclassify employees as independent contractors as a means to skirt obligations employers have in traditional employment arrangements. A 2007 study estimated that more than 700,000 workers in New York State are misclassified as independent contractors annually.<sup>6</sup>

OLPS's experience implementing the Freelance Isn't Free Act reveals that the assistance OLPS provides to freelancers under the law is a powerful tool with great potential for helping New Yorkers get paid what they're owed. Indeed, in year one of the law's implementation, OLPS has achieved positive results for freelancers. And freelancers who filed complaints with OLPS report a high level of satisfaction with the Navigation Program.

However, because the law is in its early stages, there is still very little experience with how courts will adjudicate violations. Also, OLPS has not been advised of any freelancer who filed a complaint with the Office and proceeded to arbitration or mediation, which are options available under the law.

Over the past year, OLPS has sought to ensure that workers know their rights under the new law and that hiring parties are aware of their obligations. OLPS has established partnerships with worker organizations in industries where freelance work is common, conducted in-person trainings and webinars, spread awareness through social media, and distributed printed materials widely. OLPS is currently exploring

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<sup>4</sup> Krueger, Alan B. "Independent Workers: What Role for Public Policy." Princeton University Industrial Relations Section Working Paper 615, September 2017.

<sup>5</sup> OLPS estimates the law's coverage based on a count of self-employed workers who work or reside in NYC (obtained from the American Community Survey) adjusted by the share of self-employed NYC residents who report no paid employees (obtained from the Current Population Survey). Separate estimates were generated for unincorporated and incorporated self-employment, then summed. Estimate only includes persons 18 or older who were employed at the time of the interviews. The resulting figure (384,465) does not capture workers who perform freelance work as a supplement to regular employment or work remotely for hiring parties based in NYC, though both types of workers are covered by the Freelance Isn't Free Act. Further, this figure is a point-time estimate for the average of 2016 and, therefore, understates the cumulative number of people who perform covered work during at least some part of a year. Though no exact figure for coverage is available, OLPS believes 400,000 is a conservative estimate.

<sup>6</sup> Donahue, Linda, James Lamare, and Fred Kotler. "The Cost of Worker Misclassification in New York State." Cornell University, School of Industrial and Labor Relations Research Studies and Reports, February 1, 2007.

additional strategies to reach more workers who could benefit from the law's protections, including through new paid advertising campaigns and greater use of social media. A particular emphasis will be on targeting outreach to freelancer populations that were under-represented among users of the Navigation Program, in particular low-income, immigrant, and other vulnerable workers. OLPS will continue to assess what it learns through the Navigation Program and, in consideration of all available data, make recommendations about how to improve upon the Freelance Isn't Free Act to strengthen protections for this growing workforce more broadly.

## Appendix: Freelance Isn't Free Act by the Numbers

Table A1. Complaints to OLPS by value of contract and section of law alleged to have been violated

	Written Contract Required (§ 20-928)	Unlawful Payment Practices (§ 20-929)	Retaliation (§ 20-930)	Total
<\$500	0	46	0	46
\$500-\$1K	4	42	1	42
>\$1K-\$1.5K	2	28	2	28
>\$1.5K-\$2K	1	28	2	28
>\$2K-\$2.5K	1	18	0	18
>\$2.5K-\$3K	3	18	1	18
>\$3K-\$3.5K	2	9	4	10
>\$3.5K-\$4K	1	12	0	12
>\$4K-\$4.5K	2	6	0	6
>\$4.5K-\$5K	1	10	0	10
>\$5K-\$5.5K	0	4	0	4
>\$5.5K-\$6K	0	2	1	2
>\$6K-\$6.5K	0	1	0	1
>\$6.5K-\$7K	1	5	0	5
>\$7K-\$7.5K	0	3	0	4
>\$7.5K-\$8K	0	5	1	5
>\$8K-\$8.5K	1	2	0	2
>\$8.5K-\$9K	1	1	0	1
>\$9K-\$9.5K	0	2	1	2
>\$9.5K-\$10K	0	3	0	3
>\$10.5K-\$11K	0	2	1	2
>\$11K-\$11.5K	0	1	0	1
>\$12.5K-\$13K	0	1	1	1
>\$13K-\$13.5K	0	1	0	1
>\$14.5K-\$15K	0	1	0	1
>\$16K-\$16.5K	0	1	0	1
>\$19K-\$19.5K	0	1	0	1
>\$19.5K-\$20K	0	2	0	2
>\$21K-\$21.5K	0	1	0	1
>\$24.5K-\$25K	0	2	0	2
>\$26K-\$26.5K	0	1	1	1
Unknown	1	0	2	3
<b>Total</b>	<b>21</b>	<b>259</b>	<b>18</b>	<b>264</b>

Source: Case notes from the Navigation Program.

Notes: Complaints may allege violations of more than one section of the law. For work worth less than \$800 a written contract is not required. Contract values for which no violation was alleged have been excluded.

**Table A2. Hiring party responses and nonresponses to OLPS notice of complaint by value of contract and section of law alleged to have been violated**

	Hiring Party Responded			Hiring Party Did Not Respond		
	Written Contract Required (§ 20-928)	Unlawful Payment Practices (§ 20-929)	Retaliation (§ 20-930)	Written Contract Required (§ 20-928)	Unlawful Payment Practices (§ 20-929)	Retaliation (§ 20-930)
<\$500	0	14	0	0	19	0
\$500-\$1K	2	11	0	2	21	1
>\$1K-\$1.5K	2	11	1	0	9	1
>\$1.5K-\$2K	0	8	2	0	12	0
>\$2K-\$2.5K	1	4	0	0	6	0
>\$2.5K-\$3K	0	6	0	2	9	1
>\$3K-\$3.5K	2	4	3	0	3	1
>\$3.5K-\$4K	0	4	0	1	4	0
>\$4K-\$4.5K	0	2	0	2	3	0
>\$4.5K-\$5K	0	2	0	1	5	0
>\$5K-\$5.5K	0	2	0	0	1	0
>\$5.5K-\$6K	0	1	0	0	1	1
>\$6.5K-\$7K	0	2	0	1	3	0
>\$7K-\$7.5K	0	1	0	0	2	0
>\$7.5K-\$8K	0	1	0	0	3	1
>\$8K-\$8.5K	0	0	0	1	1	0
>\$9K-\$9.5K	0	1	1	0	0	0
>\$9.5K-\$10K	0	0	0	0	2	0
>\$10.5K-\$11K	0	1	1	0	0	0
>\$11K-\$11.5K	0	1	0	0	0	0
>\$19K-\$19.5K	0	1	0	0	0	0
>\$19.5K-\$20K	0	1	0	0	0	0
>\$24.5K-\$25K	0	1	0	0	0	0
>\$26K-\$26.5K	0	1	1	0	0	0
Unknown	1	0	1	0	0	0
<b>Total</b>	<b>8</b>	<b>80</b>	<b>10</b>	<b>10</b>	<b>104</b>	<b>6</b>

Source: Case notes from the Navigation Program.

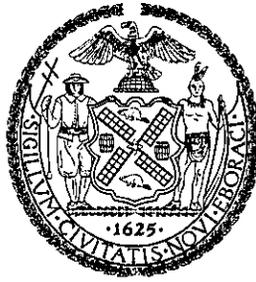
Notes: Based on notices of complaint sent between May 1, 2017 and March 31, 2018. For work worth less than \$800 a written contract is not required. Contract values for which no violation was alleged have been excluded.

**Table A3. Characteristics of NYC employees, freelancers, and complainants to OLPS alleging violations of the Freelance Isn't Free Act**

	<b>Wage &amp; Salary Workers (n=4,646,711)</b>	<b>Freelance Workers (n=384,465)</b>	<b>All NYC Workers (n=5,031,176)</b>	<b>OLPS Complaints (n=264)</b>
<b>Female (%)</b>	48%	39%	48%	50%
<b>Primary language (%)</b>				
English	55%	50%	55%	97%
Spanish	21%	23%	21%	0%
<b>Median Annual Income (\$)</b>	\$45,500	\$30,000	\$45,500	\$47,500
<b>Education (%)</b>				
Less than High School	10%	14%	10%	0%
High School Diploma/ General Educational Development (GED)	20%	20%	20%	1%
Some College or Associate's Degree	23%	18%	23%	13%
Bachelor's Degree	28%	27%	28%	79%
Graduate Degree	19%	22%	19%	6%
<b>Age (%)</b>				
18-29	23%	9%	23%	46%
30-39	26%	22%	26%	29%
40-49	22%	24%	22%	18%
50-59	19%	24%	19%	7%
60-69	9%	15%	9%	0%
70-79	1%	4%	1%	0%
80+	0%	1%	0%	0%

*Sources:* Case notes from the Navigation Program and the Census Bureau's American Community and Current Population Surveys.

*Notes:* Wage and salary worker, freelance worker, and all NYC worker estimates are for employed persons age 18 or older who live or work in New York City.



**Testimony by  
The New York City Department of Housing Preservation and Development  
to the  
New York City Council Committee on Civil Service and Labor  
regarding Intro 1321-A**

**Thursday, June 20, 2019**

Good morning Chair Miller, and members of the committee on Civil Service and Labor. I am Genevieve Michel, Assistant Commissioner for Government Affairs at the New York City Department of Housing Preservation and Development (HPD). Thank you for the opportunity to testify on Intro 1321-A.

The housing affordability crisis is multi-faceted and this administration is committed to tackling all its sides, including ensuring there is more and more affordable housing available for New Yorkers who need it most, and ensuring the City, through its housing programs, is spurring the creation of good-paying jobs that uplift residents. To this end, the Mayor has advanced landmark policies for workers that have become models across the nation. In 2014, the City guaranteed paid sick and safe leave for all. In 2015, the City of New York was a key ally in the Albany fight to institute a \$15 minimum wage and in 2017, in partnership with this Council, we passed fair scheduling laws that provide predictable scheduling and fair compensation for fast food and retail workers. Most recently, in this year's State of the City address, the Mayor announced ours would become the first city in the country to provide paid personal time for all workers and that all these efforts would come under the purview of a fortified agency called the Department of Consumer and Worker Protection, formerly known as the Department of Consumer Affairs.

In the midst of these tremendous strides to protect workers, HPD in 2017 also increased the already ambitious Housing New York goal to create or preserve 200,000 units of affordable housing to be even more ambitious -- 300,000 affordable homes created or preserved by 2026, and we are on track.

Together, these worker protection and affordable housing production and preservation efforts are key pillars that support a broader strategy for building a fairer New York City, and they must be balanced to ensure that New Yorkers have both high-quality jobs and affordable places to live.

**The current landscape**

Before diving into Introduction 1321-a, I want to take a moment to describe the current landscape.

Affordable housing development is a public/private partnership, with developers putting in equity, financial institutions providing financing (akin to mortgages), and the City providing gap financing to round out affordable projects. This role has allowed us to effectively use public subsidies in exchange for record levels of affordable housing production not seen anywhere else in the country. HPD's annual affordable housing production is about 25,000 units per year, higher than anywhere else in the country.

Today we estimate that about 15,000 of the 25,000 units we finance each year are already in buildings where staff are paid prevailing wages or are in a labor agreement. This is for a mix of reasons, including state law, and city policy under this administration. These units include homes in larger buildings receiving 421-a tax benefits, a majority of current preservation deals, and all new construction and preservation in areas that have been rezoned as part of a neighborhood-scale rezoning since 2014. Buildings not currently covered by a prevailing wage requirement for building service workers tend to be smaller, and often are deeply affordable. This should not be surprising; smaller buildings often have smaller operating budgets, and deeply affordable buildings earn less in rental income despite comparable per unit expenses to other buildings of similar size, and thus are less likely to be able to accommodate higher operating expenses.

### **Intro 1321-a**

I will now turn to the bill.

Intro 1321-a amends Local Law 27 of 2012 to require a prevailing wage commitment in any residential project with at least 100 units receiving \$1 million or more of public financial assistance, and includes a narrow exemption for certain types of supportive housing projects. Accordingly, this bill will apply to a broad range of HPD's projects, from deeply-affordable new construction, to preservation projects serving low-income seniors. We want to raise three primary issues:

#### **Balancing our commitment to sustainable affordable housing and quality jobs**

The administration is committed to ensuring more and more good quality jobs are created, and supports the goals of this bill. We think it is important to move forward with an understanding of the best structure to balance the challenges of deepening our commitment to housing the New Yorkers who need help the most and providing quality, high-wage jobs while doing so.

From the launch of Housing New York in 2014 to March 2019 HPD has helped create or preserve over 123,000 units of affordable housing, 40% or (over 50,000) of which have been accessible to families with the lowest incomes. We have reached these goals by consistently working with our partners to specifically target the families most in need, and we have restructured our programs to do that. For instance, the City has deepened its capital commitment

to the Housing New York program to achieve these goals. Our partners have adjusted as well. We work with them to ensure they build or invest in buildings that create quality housing for our residents. In addition to the upfront capital investment, that quality comes with a certain level of annual operating cost. We must also remember that as we work hard to serve more and more of our lowest income New Yorkers, building managers have less rental revenue to cover operating costs. Many buildings, like many homes, have mortgage payments they must make. This all means that building cash flow is increasingly getting smaller, putting the building at risk of being in financial distress, which brings risk of disrepair and ultimately bad conditions for tenants. We must work hard to achieve this balance to keep the threat of financial distress at bay.

It is gets increasingly difficult to do deals with developers and managers if, at the start of the conversation, there are concerns about likely financial distress. Lenders and developers, many of whom share our mission and values, will begin to draw lines and establish the types of deals they may not do. This would jeopardize our overall ability to meet our housing goals.

Our focus must be on striking the right balance for the subset of buildings vulnerable to this kind of risk.

### **Continuing to produce record amounts of supportive housing**

Supportive housing pulls tenants with special needs from the shelter system and provides them with permanent, affordable housing with on-site social services to address those needs. For decades, the supportive housing model has proven itself to be the most effective way to house and re-house our neighbors in the need of the most help. This successful model generally has more service staff on site, including security and maintenance workers.

While HPD appreciates the Council's intent to exempt supportive housing projects, HPD is concerned that the language in Intro 1321-a as written is too narrow to capture all supportive housing. The current text is structured to reflect HPD's Supportive Housing Loan Program (SHLP) term sheet, but would not cover, for example, supportive housing programs funded by New York State, and also would not give HPD flexibility to adjust affordability levels for the non-supportive units in these projects to serve other low-income New Yorkers.

With no exemption for this type of housing, supportive housing providers estimate that a prevailing wage mandate could increase the cost of these services by over 75% in their buildings. For example, some advocates point to a 150+ unit supportive project proposed in the Bronx, which would serve low-income seniors and seniors suffering from severe mental illness. If Intro 1321-a applied to this development, the project would have a \$6 million gap in additional capital funding to fill before it could move forward.

Supportive housing is a significant component of this administration's Turning the Tide plan and commitment to reducing homelessness in New York City. NYC 15/15 is the largest ever such

municipal commitment of supportive housing. We want to ensure that this bill does not create unintended consequences that hinder our ability to provide this critical resource.

### **Being cognizant of different project types**

HPD's ability to lock in affordability in mid-size buildings and to implement our small loan programs should also be considered.

Small to mid-sized projects: Intro 1321-a sets a threshold of buildings with 100 units for inclusion in the mandate and has a very broad definition of public financial assistance. However, HPD uses a variety of tools to reach mid-size buildings to both address physical needs and to guarantee long-term affordability and accordingly, the choices faced by mid-sized building owners are different from those of larger buildings owners. Mid-size building owners receive relatively modest benefits in exchange for provision of affordable housing. They face a different set of incentives than the developer of a larger new construction building, and when faced with too many regulatory requirements, are more likely to opt out of doing business with the City at all. In these cases, we lose on both labor and affordable housing goals.

Low-subsidy projects: Similarly, this bill could impact our ability to finance preservation projects that have relatively low subsidy amounts or that are only receiving tax exemptions with no subsidy. For example, our Green Housing Preservation Program term sheet allows a maximum subsidy of \$50,000 per dwelling unit to finance energy efficiency and water conservation improvements and moderate rehabilitation. A 110-unit co-op building receiving \$20,000 per dwelling unit from this program would not be exempt from the prevailing wage requirements under Intro 1321-a. The increased cost imposed by this bill would disincentivize these owners from working with HPD, particularly if they are able to access private financing to undertake necessary repair work. In turn, we lose the opportunity to get such buildings into regulatory agreements and preserve long-term affordability and viability. HPD preliminarily estimates that raising the exemption threshold to 200 units per project could ensure that we do not lose these much-needed affordable units in mid-size buildings.

### **Conclusion**

I want to end by reiterating HPD's commitment to both quality jobs and affordable housing. Both are essential for New Yorkers and for a sustainable, fair city. These goals can be achieved together. As we work on all fronts to stem the tide of the affordability crisis, we look forward to partnering with the City Council, advocates and labor unions to craft a solution that balances these critical needs.

**STATEMENT OF MINDY KAPNER ROLLER  
CHIEF, WORKERS' COMPENSATION DIVISION  
NEW YORK CITY LAW DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL CIVIL SERVICE AND  
LABOR COMMITTEE**

**250 BROADWAY  
THURSDAY, JUNE 20, 2019**

Good morning Chair Miller and members of the Civil Service and Labor Committee. My name is Mindy Roller and I am the Chief of the Workers' Compensation Division of the New York City Law Department. The Division administers workers' compensation claims of all City employees covered by the New York State Workers' Compensation Law. We also administer claims on behalf of the Department of Education, NYC Health + Hospitals and the City University of New York.

Approximately 200,000 municipal employees are subject to the Workers' Compensation Law. I note that this does not include uniformed members of the Police Department, Fire Department, Sanitation Department, or the pedagogical employees of the Department of Education, who are not covered by the law. The Workers' Compensation Law provides benefits for private and public sector employees injured in the course of their work activity. The benefits consist of all necessary medical treatment and partial wage replacement. The New York State Workers' Compensation Board, whose members are appointed by the Governor, is charged with the responsibility of administering the law on a state-wide basis. The Board adjudicates claims, issues decisions, makes awards of compensation and holds hearings as appropriate. The Board is the ultimate fact finder in workers' compensation claims. The role of

my Division of the Law Department is to ensure that injured City employees receive the benefits to which they are entitled in the event of a work-related injury.

All claims originate at the agency level and each City agency is responsible for reporting its claims to the Law Department. The Law Department, in turn, populates State-required electronic forms and submits the claims to the Board. The Board determines how a claim proceeds (whether or not to hold a hearing or to issue a written decision), while the Law Department appears at hearings, reviews medical bills and processes payments for wage replacement and medical treatment.

As required by Administrative Code § 12-127, the Law Department also prepares an Annual Report of Workers' Compensation Claims in May of each calendar year for the prior calendar year. This Report tracks injuries and related payments made in that prior calendar year. It also lists injuries by agency with a description and location of the injury. In accordance with the statute, the Report contains a snapshot of claims, year by year, rather than a cumulative total. Currently, the report is delivered to the Mayor, Comptroller, Public Advocate and the City Council Speaker, and is posted on the Department of Records and Information Services website.

In the most recent report for Calendar Year 2018, the Division received approximately 18,100 new claims for compensation, appeared at 15,000 hearings and reviewed nearly 300,000 medical bills. The payments listed in the Annual Report (almost \$25 million in calendar year 2018) represent only a portion of the overall payments made that year. The Division actually paid out, during this past Fiscal Year, wage replacement payments totaling \$338 million and medical payments totaling \$58.5 million. These payments represent all the active cases which the Division administers, inclusive of payments for injuries incurred in prior years.

We understand that the Committee is now considering amending and expanding, through Intro 1604, the reporting requirements mandated by Administrative Code § 12-127. We commend the Council's concern for workplace safety, and would like to take this opportunity to highlight and comment on a few of the proposed changes.

First, the definition and addition of "occupational disease" as a separate category of claim is not useful or illuminating in this context. Currently, all claims reported to an agency, whether for an accidental injury or occupational disease, are captured in the report. Of great significance is that what qualifies as an occupational disease claim pursuant to the Workers' Compensation Law is complex and the Board's decisional law is variable. Moreover, whether a claim is deemed an accident or an occupational disease may not be determined until the claim is finalized and it may differ from the original claim. Because this information is already being provided, we would recommend not presenting occupational claims separately. Rather than creating clarity, it would result in confusion.

Second, the requirement in proposed new paragraph (c)(4) that agencies report the requested information "as soon as practicable" is too open-ended. To insure that the report is created timely and efficiently, the law should prescribe a specific date which would allow sufficient time for the Law Department to collate all the results. We suggest February 15<sup>th</sup> of the year subsequent to the reporting. In addition to requiring a specific deadline, the bill should also require uniformity in agencies' reporting, to be determined by the Workers' Compensation Division.

Some of the reporting requirements in this bill do not capture the data in a way that would allow for meaningful reporting. This is particularly true of locations, where an entry may have more than one identifier. For example, an accident could be reported as having occurred in

the Municipal Building or at 1 Centre Street. We believe that reporting by county would be more informative.

Of additional concern is that the proposed new subparagraph (c)(5)(iii) references a category of claim ("reported but not filed") which is almost non-existent. Virtually every claim reported to the Law Department by City agencies is filed with the Workers' Compensation Board.

Finally, these claims relate to health care and private health information. The inclusion of titles may, in some instances, serve to identify individuals with inappropriate specificity. That is one of the reasons that titles were not initially included among the reporting requirements when the law was originally enacted. We recommend withdrawing the requirement that titles be included.

Thank you for the opportunity to appear before you today. I would be happy to answer your questions.

**Testimony of Director Casey Adams  
New York City Department of Consumer and Worker Protection**

**Before the  
New York City Council Committee on Civil Service and Labor**

**Hearing on  
Introduction 108-2018**

**June 20, 2019**

Good morning Chairman Miller and members of the committee. My name is Casey Adams and I am the Director of City Legislative Affairs for the New York City Department of Consumer Affairs, recently renamed the Department of Consumer and Worker Protection (DCWP). I am joined today by Jill Maxwell, Legal and Policy Director for DCWP's Office of Labor Policy and Standards. I would like to thank the committee for the opportunity to testify today on behalf of DCWP Commissioner Lorelei Salas about Introduction 108 (Intro. 108), a bill that would prohibit hiring parties from requiring freelancers to enter noncompete agreements without compensation. DCWP supports the goal of this bill and we look forward to working with the Council to ensure that Intro. 108 builds upon the existing Freelance Isn't Free Act framework to better protect workers.

The Freelance Isn't Free Act (Act) was signed into law by Mayor de Blasio in November 2016 and took effect in May 2017. The law establishes and enhances protections for freelance workers and is the only law of its kind in the nation. Under the Act, freelancers have the right to a written contract for work worth \$800 or more, timely payment, and damages and attorney's fees in successful suits for nonpayment and other violations of the Act. The Act also protects against retaliation for the exercise of protected rights. Freelancers also have access to DCWP's court Navigation Program, where full-time navigators can assist by responding to general inquiries about the law, conducting initial consultations, guiding freelancers through the civil court process, and accepting complaints to start the formal administrative complaint process established by the law. If a freelancer files a complaint with DCWP, we notify the hiring party, who must respond within 20 days. This process can motivate hiring parties to resolve disputes amicably before a claim is filed in state court. Freelancers can also file a private lawsuit in state court, with or without having gone through DCWP's administrative process and court Navigation Program.

DCWP is proud of the results we have achieved for freelancers in the two years since the Freelance Isn't Free Act first took effect. In May 2018, DCWP released *Demanding Rights in an On-Demand Economy: Key Findings from Year One of NYC's Freelance Isn't Free Act*, a report summarizing key outcomes from the first year of administering this groundbreaking law, copies of which have been provided to the committee. That report showed that the majority of freelancers who use DCWP's Navigation Program in its first year secured payment from their hiring parties, most complainants who secured payment did not need to pursue their claim in court, and that complainants come from a wide range of industries and occupations. *Demanding Rights* also found that freelancers who file complaints report a high level of satisfaction with the Navigation Program. DCWP will use information gathered from surveys and reports like these to continue to refine and improve our implementation of the law.

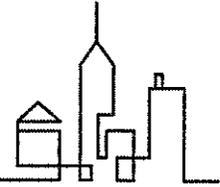
The Act's success has continued into this year. Through May 2019, DCWP has received more than 930 complaints from freelancers and fielded almost 600 inquiries about the law. The most common allegations are related to payment violations, including late payment and non-payment for services. In that same period, DCA has assisted more than 300 freelancers in recovering more than \$1,100,000 in lost wages, with an average recovery of \$3,213 per freelancer. We believe that the success of the Act's first two years serves to show that the law is working and that freelancers are being educated and empowered to enforce their rights.

DCWP supports the goal of regulating noncompete agreements in freelancer contracts. Freelancers lack the job security of traditional employees and it is often important for freelancers to be able to seek work from a broad client base, both during current contracts or shortly after they conclude, in order to support themselves. Noncompete agreements severely restrict a freelancer's ability to find work, especially in concentrated industries where most hiring parties are in competition. Unfortunately, some freelancers may feel powerless to push back on the inclusion of a noncompete agreement in their contract, even if it harms their ability to find other work, because the practice is seen as standard in their industry or because the hiring party has more bargaining power.

DCWP looks forward to working with the Council to ensure that Intro. 108 protects freelancers while building on the framework and services successfully established by the Act. We believe that these protections would be more effective and complementary if they were incorporated as an amendment to the Act, rather than added as a freestanding regulation. Requirements related to noncompete agreements should be integrated into the existing structure of the Act, which educates and empowers freelancers to enforce their rights through a private right of action and provides for a tailored complaint process at DCWP. Instead of requiring DCWP to establish and develop a new enforcement procedure, this approach would recognize the success already achieved by the Act and seek to expand upon it.

DCWP also feels that additional research is needed to ensure that the new regulations on noncompete agreements do not inadvertently undermine existing state common law safeguards related to the purpose and scope of such agreements. The Law Department is currently reviewing the legislation for this and other reasons.

Thank you for the opportunity to testify today. I am now happy to answer any questions.



**Testimony to the New York City Council Regarding Intro 1321A  
Committee on Civil Service and Labor  
Submitted by Laura Mascuch, Executive Director  
Supportive Housing Network of New York  
June 20<sup>th</sup>, 2019**

Good morning and thank you to Chair Miller and members of the committee for the opportunity to testify. My name is Laura Mascuch and I am the executive director of the Supportive Housing Network of New York. On behalf of our members, I will be speaking to the impacts of Intro 1321A, requiring prevailing wage for building service workers, on the creation and preservation of affordable housing.

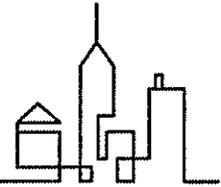
We have appreciated the opportunity for dialogue with the Council since the bill was introduced in January and are glad to see that the amended version acknowledges that supportive housing cannot bear the additional, unfunded cost of providing prevailing wages to building service staff such as supers, porters, and front desk security.

Supportive housing is deeply affordable housing serving formerly homeless people with disabling conditions, as well as low-income members of the community. While the typical supportive housing model, financed through the Supportive Housing Loan Program, has been comprised of 60% supportive housing and 40% low-income, we are now seeing other types of mixed models. ELLA and SARA programs are being used to create residences where 30% of the units are supportive housing and 70% are affordable, low-income – for the general public or for seniors, respectively. In fact, 42% of supportive residences are now being created through ELLA and SARA, in addition to the Supportive Housing Loan Program. While we appreciate the amendment that protects the 60% supportive model, these other mixed use supportive housing residences are still subject to the requirement and additional costs in the current version of the bill.

We are here today to join our colleagues in requesting an exemption in the bill for nonprofit-operated human services programs and all residential projects that are committed by regulatory agreement to rent to low-income households, in other words, households earning 80% AMI on average. Additionally, affordable housing preservation projects must be protected. We appreciate the amendment that was made, but in order to protect housing and services for New Yorkers who need it most, additional amendments are required.

While increasing wages and fringe benefits is a laudable goal, the impact is significant on affordable housing budgets and – without corresponding subsidy to make the projects work – would result in a reduction in the number of units created or preserved, something our City cannot afford in the current homelessness and housing crisis.

As an example, in the recent budget deal, \$275 million in funding is included for 800 additional units of senior housing over Fiscal Years 2020 through 2023. That brings the total senior housing plan to 4,800 newly constructed apartments. If passed into law as written, Intro 1321A carries an average additional cost of \$9,300 per unit in upfront capital subsidy. For the newly expanded senior housing plan, that's \$44.6 million in additional funding that would be needed or fewer units.



At this time of record homelessness, the City must use all available tools to create housing for those who are homeless or most at risk. HPD has now included homeless set-asides in all of their term sheets. The ELLA (extremely low and low-income) program requires a 10% or 30% homeless set-aside and the SARA (senior affordable) program requires 30%. The remainder of the units are serving low-income New Yorkers and seniors.

Preservation projects, which save existing affordable housing with expiring regulatory agreements from becoming market-rate, are also subject to the prevailing wage requirement under current bill language. These projects have extremely tight maintenance and operating budgets; adding this requirement would significantly reduce the City's capacity to preserve existing affordable housing and may deter the preservation of our older housing stock. Preservation projects must also be exempted from the requirement.

Finally, the bill pertains to any "City development project," defined as "a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth..." While Health and Hospitals properties and certain supportive housing residences are exempted, we are concerned that it potentially applies to other nonprofit-operated programs with a real estate component, such as temporary shelters, senior centers, daycare facilities, and others.

Human services program budgets, funded by stagnant City and State contracts, have no additional room to cover increased costs. Imposing wage increases for some staff and not others will create untenable wage disparities for nonprofit employers.

An exemption for nonprofit-operated human services programs, affordable housing preservation, and all residential projects that are committed by regulatory agreement to rent to low-income households, in other words, households earning 80% AMI on average is necessary to protect vital housing and services. Thank you for the opportunity to testify and we look forward to continued dialogue.



Expanding Prevailing Wage Protections  
for Building Service Workers at City Development Projects

Testimony before the New York City Council Committee on Civil Service and Labor

Karla Walter  
Director, American Worker Project  
Center for American Progress Action Fund

June 20, 2019

Thank you, Council Member Miller and Members of the New York City Council for this opportunity to present testimony. Today, I will provide context and support for legislation to expand prevailing wage protections for building service workers at New York City affordable housing developments.

My name is Karla Walter. I am the Director of the American Worker Project at the Center for American Progress Action Fund. CAP Action is an independent, nonpartisan, and progressive education and advocacy organization dedicated to improving the lives of Americans through ideas and action.

At CAP Action, I have conducted extensive research on how cities, states, and the federal government can use government spending to uphold high standards for workers, allow businesses to compete on an even playing field, and ensure taxpayers receive good value.<sup>1</sup>

In my testimony today, I will make three main points:

1. Cities and states across the country are successfully using prevailing wage policies to ensure that government spending does not support employers that pay below market wages and benefits.
2. The proposed Intro 1321 could expand on this successful model and establish New York as a national leader.
3. These laws are good for workers, taxpayers and the economy.

## Successful models

Cities and states across the country have adopted wage standards to ensure that service sector workers whose jobs are funded by government spending are paid decent wages and receive good benefits.

More than 120 cities and at least one state have adopted living wage laws requiring that recipients of government funding pay their workforces a nonpoverty wage.<sup>2</sup> Moreover, several cities and states—including New York City as well as Connecticut; California; Illinois; New Jersey; New York state; Washington; Philadelphia and Pittsburgh, Pennsylvania; and Jersey City, New Jersey—have taken a more progressive approach by extending prevailing wage laws that have been long used to protect contracted construction workers to certain types of service-sector work.<sup>3</sup>

Prevailing wage standards require that covered employers pay their workers at least the rates that are identified as the standard in the jurisdiction for the same industry and occupation. This ensures that government spending does not support employers that drive down job standards in the sector.

These laws make a significant impact on the lives of workers employed by covered companies; uphold government's promise to function as a model employer; boost quality of government services; and help raise standards throughout the economy.

While jurisdictions typically apply wage standards to contract spending, progressive communities are increasing attaching these standards to other types of development subsidies. For instance, Pittsburgh enacted a service worker prevailing wage law that covers grocery, hotel, food service, and building service workers in economic development projects that receive more than a certain amount in city subsidies.<sup>4</sup> In addition, wage standard laws have been adopted in Hartford, Connecticut; Washington, D.C.; a number of cities and counties in New Jersey; and Philadelphia, Pennsylvania.<sup>5</sup>

New York established itself as a national leader when the City Council enacted the Service Worker Prevailing Wage Ordinance in 2012 by a margin of 44 to 4.<sup>6</sup> While a previous state law required the City Comptroller to set prevailing wage and benefit rates for building service workers employed by municipal contractors, the ordinance extended these protections to the employees of recipients of more than \$1 million or more in economic development subsidies and companies that leased more than 10,000 square feet of commercial or office space to the city. Despite the City Council's overwhelming support for the law, it was not implemented until 2014, when Mayor Bill de Blasio rolled back efforts by the former administration to prevent the law from being implemented.<sup>7</sup>

Yet, the ordinance—by not extending these protections to affordable housing developers that receive city subsidies and employ thousands of building service workers—does not go far enough to uphold high standards throughout the industry.

### Intro 1321 would close the affordable housing loophole

Intro 1321 would help ensure that building service workers employed at city subsidized housing are paid market wages. It would do so by extending prevailing wage requirements to employees of private developers of affordable housing that receive at least \$1 million dollars in subsidies and develop more than 100 units.

Closing this loophole is increasingly important given that Mayor de Blasio has significantly expanded the development and preservation of affordable housing in the city. As compared to the Bloomberg administration, the average number of housing units developed or preserved each year during the de Blasio administration has doubled.<sup>8</sup>

This bill would directly impact the workers at projects built or preserved under the Housing New York plan, which stands to create an estimated 1,800 building service jobs, and which will also impact approximately 2,700 workers in existing projects undergoing preservation.<sup>9</sup> Moreover, by upholding requirements that developers pay market wages, the legislation would help ensure that the ongoing expansion of affordable housing does not undercut prevailing pay and benefit rates for other workers who are already covered by prevailing protections.

Ironically, if the city fails to act, many building service workers may not be able to afford rent in the affordable housing they staff. New York City's Housing Development Corporation's Maintenance and Operating Expense underwriting standards most frequently allot developers a maximum of \$44,000 per year per worker to pay for wages, benefits, and payroll taxes.<sup>10</sup> In comparison, less than 10 percent of housing units created or preserved by the administration are affordable to people supporting a family of three on less than \$47,000.<sup>11</sup>

Based on my experience and review of best practices in other jurisdictions, I encourage you to enact language to ensure expanded investment in affordable housing does not drive down local industry wages.

While this legislation would help establish New York as a progressive leader in ensuring government spending upholds high standards, other governments have attached similar standards to funds that support the development of housing. For example, the federal government requires that maintenance workers in federally-supported public housing are paid prevailing wage.<sup>12</sup> And Philadelphia is moving in the direction of requiring residential and commercial developments that receive subsidies to pay building service workers at least the prevailing wage.<sup>13</sup>

### Impact of standard wage laws

Expanding the reach of the building service prevailing wage is not only good for workers, but also for high-road developers. Indeed, without strong standards, too often companies that pay market wages are forced to compete against low-road companies that undercut the market by paying low wages.

For example, the state of Maryland found implementing a wage standard encouraged more high road companies to do business with the government. After the state implemented the law, the average number of bids increased 27 percent.<sup>14</sup>

Moreover, a review of state and local contracting practices by the National Employment Law Project found that adoption of wage standards has often resulted in decreased employee turnover with corresponding savings in re-staffing costs.<sup>15</sup> For example, after the San Francisco International Airport adopted a wage standard, annual turnover among security screeners fell from nearly 95 percent to 19 percent—saving employers about \$4,275 per employee per year in re-staffing costs.<sup>16</sup> Turnover reductions also help to increase the experience and skill level of the workforce.

In addition, by raising workplace standards among subsidy recipients, state and local governments can ensure that taxpayers receive a good value. When workers are poorly compensated, taxpayers often bear hidden costs by providing services to supplement workers' incomes, such as subsidized health insurance, housing and nutrition assistance, Medicaid, and Earned Income Tax Credits.<sup>17</sup>

Opponents claim that these industry wage standards hurt the economy by raising costs and preventing economic development. However, the city could cover the full added cost of ensuring developers pay market wages by raising its level of financial assistance for affordable projects a marginal amount relative to total development costs.<sup>18</sup>

Also, the costs of wage standards can be offset by a more highly skilled, more productive workforce and, as a result, lead to improvements in the quality of service provided to affordable housing residents. A study of prevailing wage laws found that states with these laws had higher rates of participation in training programs and higher productivity than states without such laws, with as much as 15 percent more value added per worker.<sup>19</sup>

Finally, research shows industry wage standards provide significant benefits to state and local economies. For example, one study estimated that California's prevailing wage law boosted economic output by \$1.4 billion per year.<sup>20</sup> Another study—conducted in 2017, just before Wisconsin lawmakers repealed the state prevailing wage law—found that doing so would cost the state up to \$337 million per year.<sup>21</sup>

## Conclusion

Cities and states across the country are successfully using industry standard wages to ensure that government spending does not undercut fair market wages. These laws help ensure that workers have access to decent jobs and that taxpayers receive a good value for their investment. Closing loopholes that allow affordable housing developers to pay building service workers less than the prevailing wage would build on this successful model and establish the city as a national leader.

## Endnotes

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<sup>1</sup> See, for example, Karla Walter, “Ensuring Government Spending Creates Decent Jobs for Workers,” (Washington: Center for American Progress Action Fund, 2018) available at

<https://www.americanprogressaction.org/issues/economy/reports/2018/01/29/169469/ensuring-government-spending-creates-decent-jobs-workers/>; David Madland, Karla Walter, Paul K. Sonn, and Tsedeye Gebreselassie, “Contracting that Works: A Toolkit for State and Local Governments” (Washington: Center for American Progress Action Fund, 2015), available at

<https://www.americanprogressaction.org/issues/economy/reports/2015/11/13/125359/contracting-that-works-2/>; Karla Walter and David Madland, “Executive Order Protects Workers and Supports Law-Abiding Contractors,” Center for American Progress Action Fund, July 31, 2014, available at

<https://www.americanprogressaction.org/issues/labor/news/2014/07/31/94923/executive-order-protects-workers-and-supports-law-abiding-contractors/>; David Madland and Karla Walter, “Uncle Sam’s Purchasing Power: How to Leverage Government Spending to Create Good Jobs,” *Berkeley Journal of Employment and Labor Law*, 31 (2) (2010).

<sup>2</sup> National Employment Law Project, “Local Living Wage Laws and Coverage,” available at

<https://www.nelp.org/wp-content/uploads/2015/03/LocalLWLawCoverageFINAL.pdf>. For background on Maryland’s State Living Wage Law, see Maryland Department of Labor, Licensing and Regulation, “Living Wage for State Service Contracts,” available at <https://www.dlir.state.md.us/labor/prev/livingoverview.shtml>.

<sup>3</sup> Connecticut Department of Labor, “Reference Guide – Standard Wage Rates for Certain Service Workers,” available at <http://www.ctdol.state.ct.us/wgwkstnd/laws-regs/99-142summary.htm>; California Public Utilities Code § 465–467, available at

[http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PUC&sectionNum=465](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC&sectionNum=465); New Jersey Department of Labor and Workforce Development, “Prevailing Wage Rates for State Building Service Workers - General Information,” available at [https://www.nj.gov/labor/wagehour/wagerate/pwr\\_state\\_bldg.html](https://www.nj.gov/labor/wagehour/wagerate/pwr_state_bldg.html); New York Labor Law § 230–31, available at <https://labor.ny.gov/workerprotection/publicwork/PWart9FAQ2.shtm>; New York City Comptroller, “Prevailing Wage Schedules <https://comptroller.nyc.gov/services/for-the-public/nyc-wage-standards/wage-schedules/>”; Revised Code of Washington Section 39.12.020, “Prevailing Wage Rate to Be Paid on Public Works and Under Public Building Service Maintenance Contracts,” available at

<https://apps.leg.wa.gov/rcw/default.aspx?cite=39.12.020>; Illinois Compiled Statutes, 30 ILCS 500, “Illinois Procurement Code,” available at <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=532&ChapterID=7>;

<sup>4</sup> Pittsburgh, Pa. Code § 161.40, “City of Pittsburgh Service Worker Prevailing Wage Ordinance,” available at [http://apps.pittsburghpa.gov/co/City\\_of\\_Pittsburgh\\_Prevailing\\_Wage\\_Ordinance\\_Information.pdf](http://apps.pittsburghpa.gov/co/City_of_Pittsburgh_Prevailing_Wage_Ordinance_Information.pdf).

<sup>5</sup> Municode, “Hartford, Connecticut – Code of Ordinances,” § 2-761, available at

[https://library.municode.com/ct/hartford/codes/code\\_of\\_ordinances?nodeId=PTIIMUCO\\_CH2AD\\_ARTXIIIIWA](https://library.municode.com/ct/hartford/codes/code_of_ordinances?nodeId=PTIIMUCO_CH2AD_ARTXIIIIWA); DC Decoded, “Living Wage Requirements,” § 2-220, available at

<https://code.dccouncil.us/dc/council/code/titles/2/chapters/2/subchapters/X-A/>; Philadelphia Code 17-107 available at <https://www.phila.gov/media/20190417122201/Philadelphia-Code-17-107.pdf>; Municode, “Jersey City, New Jersey – Code of Ordinances,” § 3-51 G; Hudson County and Bergen County in New Jersey also passed similar ordinances that are not published online but can be provided upon request.

<sup>6</sup> New York City Administrative Code Section 6-130.

<sup>7</sup> Robinson and Cole, “Ruling Clears Way for New York City Service Worker Wage Hike,” September 2014, available at [http://www.rc.com/newsletters/2014/upload/Legal-Update\\_Labor-and-Employment\\_9-8-14.pdf](http://www.rc.com/newsletters/2014/upload/Legal-Update_Labor-and-Employment_9-8-14.pdf).

<sup>8</sup> Steven Wishnia, “‘Drop in the Bucket’: The State of Affordable Housing In De Blasio’s New York,” *Gothamist*, August 8, 2018. As of June 2018, the city’s Department of Housing Preservation and Development had built roughly 34,500 new apartments and preserved more than 75,000 (totaling 109,500 units in 3.5 years). The Bloomberg administration’s housing program created or preserved 165,000 affordable units over 12 years.

<sup>9</sup> SEIU 32BJ estimates that the legislation would impact 1,800 new residential building service jobs as well as 2,770 workers in affordable housing that will be preserved due to city support.

<sup>10</sup> New York City Housing Development Corporation, “New Construction – Maintenance and Operating Expense Standards, 2019,” available at

<http://www.nychdc.com/content/pdf/Developers/HDC%20New%20Construction%20Expense%20Standards.pdf>.

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<sup>11</sup> Wishnia, "'Drop in the Bucket'."

<sup>12</sup> "Prevailing Wage Requirements in HUD Programs," Handbook 1344.1 Rev 2, available at <https://www.hud.gov/sites/documents/13441C2SECH.PDF>.

<sup>13</sup> Philadelphia Code 17-107 available at <https://www.phila.gov/media/20190417122201/Philadelphia-Code-17-107.pdf>.

<sup>14</sup> Maryland Department of Legislative Services, "Impact of the Maryland Living Wage" (2008), available at [http://dlslibrary.state.md.us/publications/OPA/I/IMLW\\_2008.pdf](http://dlslibrary.state.md.us/publications/OPA/I/IMLW_2008.pdf).

<sup>15</sup> Paul K. Sonn and Tsedeye Gebreselassie, "The Road to Responsible Contracting: Lessons from States and Cities for Ensuring That Federal Contracting Delivers Good Jobs and Quality Services." (New York: National Employment Law Project, 2009).

<sup>16</sup> Michael Reich, Peter Hall, and Ken Jacobs, "Living Wages and Economic Performance: The San Francisco Airport Model" (Berkeley, CA: University of California, Berkeley, 2003).

<sup>17</sup> See for example, Carol Zabin, Arindrajit Dube, and Ken Jacobs, "The Hidden Public Costs of Low Wage Jobs in California" (Berkeley: University of California Institute for Labor and Employment, 2004).

<sup>18</sup> Making the Housing New York Plan Work for All New Yorkers: Eliminating the Prevailing Wage Carve Out. Document on file with author.

<sup>19</sup> Peter Philips, "Construction: The Effect of Prevailing Wage Regulations on the Construction Industry in Iowa." Working Paper (University of Utah, 2006)

<sup>20</sup> Kevin Duncan and Alex Lantsberg, "Building the Golden State: The Economic Impacts of California's Prevailing Wage Policy," (Smart Cities Preval, 2015) available at <https://faircontracting.org/wp-content/uploads/2018/06/SCP-Building-the-Golden-State-WEB.pdf>.

<sup>21</sup> Frank Manzo and Jill Manzo, "The Social Costs of Repealing Wisconsin's Prevailing Wage Law," (Midwest Economic Policy Institute, 2017), available at <https://faircontracting.org/wp-content/uploads/2016/08/mepi-social-costs-of-repealing-wisconsin-prevailing-wage-law-final.pdf>.

Testimony to the New York City Council  
Committee on Civil Service and Labor  
Intro. 1321A

Michelle Jackson  
Human Services Council of New York

Good morning to the members of the City Council Committee on Civil Service and Labor. My name is Michelle Jackson and I am the Deputy Executive Director of the Human Services Council of New York (HSC), a membership organization representing 170 nonprofit human services providers in New York City. HSC strengthens New York's nonprofit human services sector, ensuring all New Yorkers, across diverse neighborhoods, cultures, and generations reach their full potential.

Working under contract with the City, nonprofit organizations deliver essential supports that uplift individuals and promote safe, healthy, fair communities in which New Yorkers of all backgrounds and abilities can thrive. They provide supports such as early childhood education and youth development programs, health and mental health services, employment and training services, and programs for seniors, immigrants, people with disabilities, and individuals involved in the justice system.

I am unfortunately testifying in opposition to Intro 1321A, which would require all new development projects that utilize \$1 million or more of City financial assistance to pay building service workers the prevailing wage.

The Human Services Council and our members support efforts to lift the wages of all New Yorkers, as it strengthens our communities and ideally means less people come through our doors. Nonprofits are greatly impacted by employment and labor law changes, and historically, government has not enacted these changes with corresponding increases on contracts it has with nonprofit human services providers, leaving unfunded mandates for providers to tackle and an ever increasing gap in what it costs to provide quality services and what government pays for those services.

Specific subsector coalitions will testify or submit testimony on the potential impact of this bill; there will be a significant financial cost to homeless services, supportive housing, and senior services, and while those service areas are most clearly covered under this legislation, there are a myriad of other services that could be potentially impacted depending on nuanced funding streams and projects.

- The definition of building service work in Intro 1321A is broad and includes but is not limited to work performed by a "watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner."
- The bill pertains to any "City development project," defined as "a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (a) is expected to be larger than 100,000 square feet, or, in the case of a residential project, larger than 100 units; and (b) has received or is expected to receive financial assistance."

- While the bill exempts projects of the Health and Hospitals Corporation and certain supportive housing residences with 60% of units for formerly homeless households, it potentially applies to other nonprofit-operated programs with a real estate component, such as temporary shelters, senior centers, daycare facilities, and others.
- There are also a number of administrative issues this raises, including monitoring of contractors and subcontractors, as well as how to address the pay gap between workers covered under this legislation and workers who are not but do substantially similar work.

While this version of the bill does exempt certain supportive housing projects, the exemption fails to protect HPD-financed residences that house senior citizens, low-income and formerly homeless New Yorkers, as well as certain human services programs.

HSC has two concerns with the bill. The first is that it will create a significant expense across multiple service areas, and the bill does not contain a funding mechanism to offset these costs. The nonprofit human services sector is largely funded by government contracts, and nonprofits who provide the bulk of services are 80 to 90 percent government funded, meaning they would rely on government to fund this wage increase for contracted workers and programs.

- Shelters would cost an additional \$567,887 per 100 units to implement this law. If the pressure on the labor market forces providers to pay these rates across the portfolio, instead of just on new projects, it would cost an additional \$173 million.
- 42% of developments containing supportive housing fall under affordable programs that are not covered by the bill's carve out. This requirement adds an average of \$9,300 per unit in upfront capital subsidy cost across affordable housing programs.
- Preservation projects, which save existing affordable housing with expiring regulatory agreements from becoming market-rate, are also subject to the prevailing wage requirement under current bill language. These projects have extremely tight maintenance and operating budgets; adding this requirement would significantly reduce the City's capacity to preserve existing affordable housing.

Nonprofits simply cannot absorb the cost of paying the prevailing wage, as well as the costs of fringe and wage compression that accompany mandated wage increases. This is not a matter of moving money around or selling a product at a higher price, something nonprofits would be happy to do, but we have no money to move around or product to sell. 20 percent of human services organizations are insolvent, many take out lines of credit to subsidize government in the many months it takes the City to register contracts, and on average City contracts pay 80 cents on the dollar so every new costs increases that gap. Their financial ill-health is due to decades of underfunding by all parts of government, and therefore we need the City to be our partner in the solution.

Many coalitions, including HSC, support a carve-out in the bill for all nonprofit-operated human services programs and residential projects that are committed by regulatory agreement to rent to households earning 80% AMI on average. HSC only tentatively supports this carve out because we appreciate the reality that if this bill is enacted, it is unlikely to include the necessary funding with contracted nonprofits vendors. But, exempting nonprofits only puts us at a further disadvantage in recruiting and retaining qualified staff and we would prefer the City Council address workforce wages in a holistic way that includes the human services sector and appropriate funding.

This leads to the second concern raised by this bill; the human services workforce is desperately underpaid for the work they do, and increasing wages for one workforce tangentially related to our work only exacerbates this problem.

Nonprofits currently face chronic hiring and retention issues, exacerbated by stagnant City and State contracts with no increases. Providers report turnover rates upwards of 40 percent, as well as a difficult time in recruiting for open positions. The City Council just last week addressed the pay parity issue for early learn providers, which is a large investment and important commitment that we are extremely grateful the Council championed, but that \$89 million investment only addresses parity issues in one slice of the human services workforce.

The only standard the City has for human services workers is a “living wage” of \$16.45 per hour, a pay rate below the poverty level and far below the \$28.25 average prevailing wage rate for building service workers. The average human services worker makes only \$29,000 a year in New York City, while the average prevailing wage salary is \$58,000 a year. We by no means believe that building workers – or any workers – should be pushed down to the levels noted above, but we need to lift all of these salaries together. A rising tide lifts all boats, and the sector has stood behind many wage and fringe increases that cost them hundreds of thousands – if not millions – of dollars not covered by government. The minimum wage increase, while funded by the City on contracts, did not include funding for compression – what to do about the number of employees who make around the minimum wage who now must make more. Paid family leave and paid sick leave are further policies that cost nonprofits real money – typically not funded on contracts- that the sector has overall supported to the detriment of their financial health because it is the right thing to do. All of these policies have weighed down nonprofits across the City, leaving providers in boats ill-equipped to deal with the higher tide proposed in this legislation.

To save the sector from sinking, we ask the Council to pause this legislation and embark on further conversations with the nonprofit sector to begin to address the real wage gap that exists in our sector. Nonprofit human services workers are 82 percent women and 80 percent people of color. 60 percent of our workforce qualifies for public assistance programs, meaning many can and do take advantage of the services that they also provide. The nonprofit human services workforce is diverse in every way, including the types of positions and potential for growth, but the City has continually ignored this workforce when discussing economic development and equity.

It is with great regret that HSC opposes this prevailing wage legislation, and we implore the Council to work with the human services sector as well as our peers in other industries to leverage tax dollars to ensure that workers across the City are paid a fair and real living wage.

Michelle Jackson  
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**Testimony to the New York City Council Regarding Intro 1321A**  
**Committee on Civil Service and Labor**  
**Submitted by Breaking Ground**  
**June 20<sup>th</sup>, 2019**

Good morning and thank you to Chair Miller and members of the Committee on Civil Service and Labor for the opportunity to testify on Intro 1321A. My name is Claire Sheedy and I am the Vice President of Housing Operations and Programs at Breaking Ground.

Breaking Ground is a New York City-based nonprofit whose mission is to strengthen individuals, families and communities by developing and sustaining exceptional supportive and affordable housing as well as programs for homeless and other vulnerable New Yorkers. Using innovative financing and historic restoration, we revitalize buildings and neighborhoods. Each year, we work to increase the supply of affordable housing for those with the greatest economic need. We operate more than 3,700 units of housing, with over 1,000 more in development.

We are here today to join our colleagues in requesting an exemption in the bill for all nonprofit-operated human services programs and residential projects that are committed by regulatory agreement to rent to low-income households, in other words, households earning 80% AMI on average. We appreciate the amendment that was made to exempt some supportive housing projects and the willingness to engage in dialogue thus far, but in order to protect housing and services for New Yorkers who need it most, additional amendments are required.

Intro. 1321A will impose additional costs on our supportive and affordable housing development projects without providing any new resources to make those costs feasible. While this version of the bill does exempt certain supportive housing projects from the prevailing wage requirement for building service workers, the exemption fails to protect city-financed residences that house low-income senior citizens, and low-income and formerly homeless New Yorkers.

For example, Breaking Ground is in the process of developing a senior housing residence in the Bronx with 152 apartments through HPD's Senior Affordable Rental Apartments (SARA) program. 47 of these apartments will be rented to seniors who are homeless and 105 will be for low-income seniors. There will be a supportive housing contract to fund rental assistance and social services for the 30% of tenants who are formerly homeless; however, all seniors in the building will be welcome to access the social services provided, and our experience suggests that many will.

As we are drafting the development budget and the ongoing maintenance and operations budget for the property, we take great care in ensuring that our income and expenses are balanced. All of the property's operating costs must be covered by the property's rental income. Our rental income is limited to the low-income rents paid by tenants and by rental assistance contracts. If Intro 1321A is passed into law as currently written, the property's operating expenses will increase substantially.

As we cannot, and would not wish to, increase tenant rents and we cannot obtain additional rental assistance, we would have no additional income to cover this cost and would need to cut expenses elsewhere. Our only solution would be to reduce the mortgage loan amount so that we are able to reduce the expense of our monthly mortgage payment. Taking out a smaller mortgage, however, would leave us without enough funding

to construct our building. The only solution would be to request more capital subsidy from the City or State. In the case of the 152-unit senior residence in the Bronx, compliance with 1321A would translate to \$6 million in additional capital subsidy needed. And we know that \$6 million more spent on our project would mean 80 fewer affordable units for seniors elsewhere.

As a nonprofit organization, we see raising wages and benefits for our employees as an important goal. However, for the majority of our staff who are human services workers interacting directly with tenants and clients experiencing homelessness, we are constrained by City and State contracts that have been stagnant for years. Increasing compensation only for certain job titles puts us in an untenable situation as an employer. Not only are we required to comply without a guarantee of commensurate resources for those titles, but we then have a haphazard pay scale across our organization's portfolio, complicating our ability manage human resources, recruit and retain staff.

In order to protect affordable housing for low-income, senior and formerly homeless New Yorkers, as well as nonprofits' fiscal health, a carve-out in the bill for all nonprofit-operated human services programs and residential projects that are committed by regulatory agreement to rent to low-income households earning 80% AMI, on average, is necessary. Thank you again for the opportunity to testify.



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**Testimony of Eric Lee, Director of Policy and Planning, Homeless Services United, Inc.  
Before the NYC Council on Civil Service and Labor  
June 20<sup>th</sup>, 2019**

**Introduction**

My name is Eric Lee, and I am the Director of Policy and Planning of Homeless Services United (HSU). HSU is a coalition of approximately 50 non-profit agencies serving homeless and at-risk adults and families in New York City. HSU provides advocacy, information, and training to member agencies to expand their capacity to deliver high-quality services. HSU advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers.

Homeless Service United's member agencies operate hundreds of programs including shelters, drop-in centers, food pantries, HomeBase, and outreach and prevention services. Each day, HSU member programs work with thousands of homeless families and individuals, preventing shelter entry whenever possible and working to end homelessness through counseling, social services, health care, legal services, and public benefits assistance, among many other supports.

We thank Chairperson Miller, this committee, and distinguished members of the City Council for your commitment to strengthening the workforce, and the entire Council for your continuing leadership on the creation and protection of affordable housing and related services for all New Yorkers. HSU is grateful for your responsiveness to advocates' concerns about how the initially proposed bill would have impacted supportive housing projects funded through the Supportive Housing Loan Program (SHLP).

HSU applauds the Council's intent to increase the wages of New Yorkers, but as it's currently proposed, Intro 1321-A will broaden prevailing wage law to also apply to non-profit operated homeless shelters and service programs, affordable housing for extremely low-income New Yorkers and housing for senior citizens, as well as senior centers, daycare facilities and other programs critical to low income New Yorkers.

**These inclusions will have disastrous effects on the viability of these programs, and HSU encourages the Committee to exclude non-profit operated human service programs as well as residential programs that are committed by regulatory agreement to rent to households earning 80% AMI on average.**

This legislation is particularly concerning to our members, given the current fiscal challenges non-profit homeless service providers operate under, from chronically late DHS payments for City contracts, to shelters which are still awaiting DHS model budget implementation. Non-profit HSU members have taken out loans to the tune of millions of dollars to cover operating and payroll expenses they've shouldered on their own due to prolonged contract delays, and other members who simply couldn't continue to subsidize the City while awaiting fiscal relief chose to close programs or give back contracts. While the DHS model budget implementation process was intended to improve things, it was never an exercise in salary parity or wage increases for workers. During negotiations, providers were denied salary increases for Case Managers and were not allowed to increase fringe over 26% (where the rate for unions is around 47%), with the focus almost entirely on increasing security and maintenance.



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Essentially what the Council proposes with Intro 1321-A is to require nonprofits to cannibalize social services dollars to further invest in recently increased building services fees at the expense of quality social services that were never fully-funded in the first place. The irony is that the most successful part of the model budget (increasing the quality of maintenance and security in shelters) may now be in jeopardy should this law go into effect because it would substantially increase costs without adding new dollars to fully implement the scope of work required to get shelters up to par. **If passed as is, this bill would make it impossible for nonprofits to develop and operate purpose-built shelter, the preferred model of service delivery for homeless New Yorkers.** That would only prolong DHS' reliance on hotels, clusters and other bad models and/or further cannibalize social service dollars in an effort to somehow cope with this unfunded mandate.

**By our estimates, implementing prevailing wage for new shelter projects would cost an additional \$567,887 per 100 units of shelter<sup>1</sup>, and \$173 million if implemented across the entire DHS shelter portfolio, not including the cost of street solutions programs such as drop-ins and safe havens.**

Furthermore, finding money for the implementation of this bill for DHS shelters will require eliminating or lowering wages of social service staff, who are 70-80% female, in order to increase the salaries of predominantly male security and maintenance positions. DHS shelters budgets have an overall do not exceed amount, so even as new initiatives and bills require additional services in shelter, the shelter's overall budget cannot increase. Shelter staff lines like on-site medical and psychiatric services, childcare workers, and employment and aftercare specialists *have already been cut* to meet new security requirements and agency savings goals. Mandating a prevailing wage would cut the only thing that is left - staff lines like caseworkers, social workers, and housing specialists to the bone.

Staff and service cuts alone are bad enough but, **our analysis shows that the impact of such cuts would disproportionately impact women while their male counterparts would receive substantial raises.** According to the DHS model budget and Bureau of Labor Statistics (BLS), porters (janitors and cleaners for BLS) in New York City are 66% male with an average annual salary of \$35,850 that would see an increase to \$53,954. Security guards are 77% male with an average salary of \$35,300, which be increased to \$40,664. Meanwhile, predominantly female staff lines in the same program would not benefit from prevailing wage, such as Social Work staff that are 70% - 80% female, including Case Managers who earn on average \$35,000 to \$45,000, and Clinical Care Coordinator LMSW's who earn \$55,000.<sup>2</sup>

**In addition to gender wage disparity, programs budgets would be further disrupted by having to maintain two different fringe rates across their portfolios for new versus existing programs creating substantial administrative burdens. Furthermore, prevailing wage would disrupt wage ladders of our non-profit workforce, increasing the wages of supervisees above those their supervisors, as facilities directors and operations managers are outside the scope of this legislation, and on average earn less than the prevailing wage of their staff. Likewise, existing buildings will struggle to maintain experienced**

<sup>1</sup> Calculations based off average wages for Porters and Security staff lines in DHS budgets, and include DHS and union fringe rates. Calculations also anticipate increased wage costs to maintain wage ladders and wage parity. See attached handout for details.

<sup>2</sup> Based on data provided by the Bureau of Labor Statistics (BLS) at <https://www.bls.gov/oes/#data>



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building services and maintenance staff, as many will attempt to move to new projects where they could earn more.

***A number of our members also develop affordable housing, the lack of which is the primary cause of homelessness, and this prevailing wage legislation would significantly reduce the ability to preserve existing affordable housing and lessen development of new affordable housing for extremely low income households and senior citizens.*** Preservation projects which keep existing affordable housing with expiring regulatory agreements from going market-rate, and new projects built using the Extremely Low & Low-Income Affordability (ELLA) Program and Senior Affordable Rental Apartments (SARA) Program will all be effected. These projects have extremely tight maintenance and operating budgets, and this bill would significantly reduce the City's capacity to preserve existing and create new units of deeply affordable housing, jeopardizing the goals of the Housing New York 2.0 plan and the City's Turning the Tide on Homelessness plan<sup>3</sup>.

We understand the Council had the best of intentions but we believe that this bill is not the way to go to accomplish its goals. The best path forward to increase wages, strengthen services and create jobs would be comprehensive procurement and rate reform that included the necessary funding to enhance wages and opportunities for all staff lines.

In closing, HSU would like to thank Chairperson Miller, this Committee, and the members of the Council for your continued leadership and dedication to supporting New York's workforce, and while we caution the committee to hold non-profits harmless for this bill, we would welcome the opportunity to work with you on developing sector wide human services procurement and rate reform.

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<sup>3</sup> HSU is joined by our colleagues at LiveOn New York and the Human Services Council in our concern for these programs. Our joint memo is attached to this testimony for your consideration.



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### Prevailing Wage Fiscal Impact on DHS Shelters

Prevailing Wage Requirements would create a legal obligation to pay select titles the prevailing wages. For example,

#### Porters:

Average wage – \$35,850  
DHS fringe (26%) - \$9,321  
Prevailing wage – \$53,954  
Union fringe (47%) - \$25,358  
Number of porters:units - 1:15

**Est. increased cost for 100-unit shelter = \$126,728 (salary) + \$112,259 (fringe) = \$238,987 (total increase)**

#### Security Guard:

Average wage – \$35,330  
DHS fringe (26%) - \$9,186  
Prevailing wage - \$40,664  
Union fringe (47%) - \$19,112  
Number of guards:units (note – depending on NYPD assessment this # can vary greatly) – at least 5 per shift, 3 shifts per day =15:100 beds

**Est. increased cost for 100-unit shelter = \$80,010 (salary) + \$148,890 (fringe) = \$228,900 (total increase)**

In the cases of shelter programs, other titles working in the same building/program would not be subject to the requirements but, because it would create inequities and disrupt wage ladders, shelter providers would have to adjust wages for other titles to preserve the existing ladders and avoid situations where supervisors make less than supervisees. HSU estimates the to adjust for this impact, shelter providers would have to increase personnel spending on non-building services workers titles by 40%. This would require adding an additional \$100,000 per 100-units.

#### Summary:

Porter Increase Salary and Fringe/100 units - \$238,987  
Security Increase Salary and Fringe/100 units – \$228,900  
Other Salary Adjustments/100 units - \$100,000

**Total Increase Cost Estimate/100 units - \$567,887**

**Total Increase for DHS Shelter System \$173 million**



## **Intro. 1321A – Impact on Housing, Homelessness and Human Services**

Intro. 1321A will require all new development projects that utilize \$1M or more of City financial assistance to pay building service workers the prevailing wage. While this version of the bill does exempt certain supportive housing projects, the exemption fails to protect HPD-financed residences that house senior citizens, low-income and formerly homeless New Yorkers, as well as certain human services programs.

Our Coalition appreciates the amendment that was made to exempt some supportive housing projects and the willingness to engage in dialogue thus far, but in order to protect housing and services for New Yorkers who need it most, additional amendments are required.

**A carve-out in the bill for all nonprofit-operated human services programs and residential projects that are committed by regulatory agreement to rent to households earning 80% AMI on average is necessary.**

### **IMPACT ON NONPROFIT-OPERATED HUMAN SERVICE PROGRAMS**

- The definition of building service work in Intro 1321A is broad and includes but is not limited to work performed by a “watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.”
- The bill pertains to any “City development project,” defined as “a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (a) is expected to be larger than 100,000 square feet, or, in the case of a residential project, larger than 100 units; and (b) has received or is expected to receive financial assistance.”
  - While the bill exempts projects of the Health and Hospitals Corporation and certain supportive housing residences with 60% of units for formerly homeless households, it potentially applies to other nonprofit-operated programs with a real estate component, such as temporary shelters, senior centers, daycare facilities, and others.
- Human services program budgets have no additional room to cover increased costs.
- Imposing wage increases for some staff and not others will create untenable wage disparities for nonprofit employers.
- Nonprofits currently face chronic hiring and retention issues, exacerbated by stagnant city and state contracts with no increases. In addition, the state has rejected a minimal 2.9% COLA for human services workers 11 years in a row and the only standard the City has for human services workers is a “living wage” of \$16.45 per hour, a pay rate below the poverty level and far below the \$28.25 average prevailing wage rate for building service workers. This will only further strain the already financially challenged housing, homeless service and other human services programs.
  - The average human services worker makes only **\$29,000 a year** in New York City, while the average prevailing wage salary is **\$58,000 a year**.
  - The wage disparity between staff in new “City development projects” and old will put pressure on nonprofits managing existing supportive and affordable housing and/or covered human services programs.
    - The cost of right-sizing old supportive housing contracts will result in a **\$59M annual operating budget deficit**.

- Monitoring compliance to the legislation, especially monitoring of contractors and subcontractors, will add an additional, substantial cost and administrative burden for nonprofits.

## IMPACT ON HOUSING

- Supportive housing is a vital component of the affordable housing landscape. But the exemption in this bill would leave behind housing for low-income New Yorkers and formerly homeless households who only need light touch services and a stable home.
- Additionally, 42% of developments containing supportive housing fall under affordable programs that are not covered by the bill's carveout.
- This requirement adds an average of \$9,300 per unit in upfront capital subsidy cost across affordable housing programs.
  - Prevailing wage – and the related increase in fringe benefit costs – add to the annual operating expense of an affordable building.
  - The income of the building does not change to match the expense.
  - If the building has higher expenses, and income is fixed, then the owner cannot afford the same mortgage payment.
  - To offset a lower mortgage, the building needs an increase in City or State subsidy, amounting to an average of **\$9,300 per unit**.
- Shelters would cost an additional **\$567,887 per 100 units** to implement this law. If the pressure on the labor market forces providers to pay these rates across the portfolio, instead of just on new projects, it would cost an additional **\$173 million**.
- Preservation projects, which save existing affordable housing with expiring regulatory agreements from becoming market-rate, are also subject to the prevailing wage requirement under current bill language. These projects have extremely tight maintenance and operating budgets; adding this requirement would significantly reduce the City's capacity to preserve existing affordable housing.
- We are in the midst of a housing and homelessness crisis. Construction costs are rising, land prices are out of control and Trump's tariffs have had a negative impact. This is the wrong time to throw new expenses on the back of low-income housing, decreasing the number of homes the City can finance with existing resources.

We suggest the following amendment, which will protect low-income housing and ALL supportive housing, leaving the requirements of this bill to fall on those projects that can actually afford it:

**Projects that are committed by regulatory agreement to rent to households earning 80% AMI on average should not be subject to the prevailing wage requirement for building service workers. Doing so would curtail our efforts to provide housing for those most in need, undermining the Housing New York 2.0 plan and the City's Turning the Tide plan to reduce homelessness.**

## SOLUTION

**A carve-out in the bill for all nonprofit-operated human services programs and residential projects that are committed by regulatory agreement to rent to households earning 80% AMI on average is necessary. Without it, we will be unable to decrease the homeless census in New York City.**

**Testimony before the  
Committee on Civil Service and Labor of the New York City Council**

***Expanding Prevailing Wage for Building Services  
at City Development Projects  
June 20, 2019***

**James A. Parrott, PhD  
Director of Economic and Fiscal Policies  
Center for New York City Affairs at The New School**

Good afternoon, Mr. Chairman, and members of the Civil Service and Labor Committee. My name is James Parrott, Director of Economic and Fiscal Policies at the Center for New York City Affairs at The New School. Thank you for the opportunity to testify on the impact of Intro 1321A, a measure to expand prevailing wage to building services for large City-supported affordable housing developments.

In recent years, the city's strong job growth, low unemployment, and rising minimum wage have helped low- and moderate-income New Yorkers. These indicators of economic progress are indeed welcome but this body certainly knows that we have a long way to go given the extent of New York's income and wealth inequality. Census Bureau data make it clear that none of the 25 largest cities in the country has a greater degree of income inequality than New York City.

While the city's poverty rate has improved in recent years, it was a still-high 19.0 percent in 2017, the latest year of estimates by the City's Office for Economic Opportunity. As you know, the NYC.gov poverty measure used by the City is more accurate than the Census Bureau's one-size-fits-all poverty measure since the City's method takes into account the higher cost of living in New York City, particularly housing costs. Poverty rates are much higher for persons of color than for non-Hispanic whites—8-10 percentage points higher in

fact: 12.6 percent for non-Hispanic whites, 20.4 percent for non-Hispanic blacks, 22.4 percent for Latinx, and 23.8 percent for Asians.<sup>1</sup>

The NYC.gov poverty threshold for 2017 was \$33,562 for a two-adult, two-child family; that amount was 3.6 percent higher than in 2016. For a full-time worker, wages below \$16.14 an hour in 2017 would put their family below the poverty line. In its recent annual poverty report, the Office for Economic Opportunity estimated that 16.9 percent of families with one full-time, year-round worker fell below the NYC.gov poverty threshold.<sup>2</sup>

New York City clearly needs more good-paying jobs that provide workers the opportunity to lift their families into the middle class. That, indeed, is the Mayor's stated purpose in his *New York Works* initiative to boost the creation of 100,000 jobs with good wages.<sup>3</sup> The City's economic development efforts should be central to this critical need for good-paying jobs with family-sustaining benefits. The City should certainly not be in the business of subsidizing poverty-wage jobs, and yet, without this legislation, the City is doing just that.

This bill would extend the existing building service prevailing wage law to both new affordable housing and preservation projects with 100 units or more.<sup>4</sup> Most City-financially assisted development projects that receive more than \$1 million in City subsidies, as well as companies that lease office space from the City are already covered by the building service prevailing wage.

Wage standards are central to New York City's economic well-being and growth, and essential for its role as a city of opportunity. Elevating wage standards is key to raising living standards, reducing poverty and improving opportunities for upward mobility.

"Prevailing wages" are different from "minimum wages" or "living wages." Minimum wages and living wages establish wage floors, while prevailing wages refer to wages already being paid to the majority of workers in a particular occupational category for a given class of businesses. The prevailing wage level is established in the marketplace and reflects the pay and benefits standards that private employers have determined is appropriate to ensure a sufficient supply of trained workers.

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<sup>1</sup> Mayor's Office for Economic Opportunity, *New York City Government Poverty Measure 2017*, May 2019.

<sup>2</sup> Ibid.

<sup>3</sup> Mayor Bill de Blasio, *100,000 Good-Paying Jobs: Mayor de Blasio Releases 10-year Plan To Invest In New Industries, Raise Wages, Train New Yorkers, Strengthen Middle Class*, June 15, 2017 press release.

<sup>4</sup> It would exempt projects receiving financing under the terms of the Supportive Housing Loan program.

The City's Housing Development Corporation (HDC) currently uses a non-prevailing wage underwriting standard of \$44,165 per year for janitors/porters. That amount includes wages, benefits and payroll taxes. Using data from the BLS Employee Compensation survey for service workers, about three-quarters of total compensation would be for wages and about one-quarter for benefits and payroll taxes. That would mean an hourly wage under the HDC standard of \$15.92 with \$5.31 per hour for benefits (including payroll taxes). As noted earlier, an hourly wage of \$15.92 would be below the NYC.gov poverty line for a 4-person family, and benefits totalling \$5.31 would provide for little more than the Mayor's proposed 10 days of paid leave, \$3,100 for health insurance, and an employer retirement contribution of a paltry 1.7 percent.<sup>5</sup>

In contrast, the City's prevailing wage level for residential building cleaners/porters or doorpersons provides for an hourly wage of \$24.90 and hourly benefits of \$12.81. These prevailing wage standards represent an annual wage of \$51,792 and benefits that provide for family health insurance, paid vacation as well as holidays, and a decent amount toward retirement savings. This prevailing wage standard comes a lot closer to supporting a middle class standard in New York City than the poverty wage and benefit levels currently used by HDC.

Prevailing wage standards come at a cost, but it is a manageable one. Raising workers from the poverty wages currently suggested by HDC to prevailing wages would increase development costs by an estimated 1.7 percent. And we need to keep in mind that poverty wages also come at a cost, both personal and for society at large. Poverty pay displaces costs onto taxpayers in the form of public assistance and additional budget costs associated with helping poverty-stricken families cope with inadequate earnings from work.

Considerable evidence underscores the positive effects of wage standards for workers, businesses and for local economic development. Generally, worker turnover is reduced, employers save on recruitment and training costs, and labor productivity improves. Prevailing wages are critical in helping to build more paths into the middle class and stonger local economies.

Many City-supported affordable housing projects are constructed in low- and moderate-income neighborhoods where land costs are less exorbitant. It is particularly important for the City to support middle-income households in these neighborhoods to contribute to their stability and economic vibrancy. The majority of prevailing wage building service workers live in high-poverty, low- and moderate-income neighborhoods and have annual

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<sup>5</sup> Estimates for the benefit components are based on the latest BLS *Employee Compensation* survey (March 2019) for service workers.

earnings that are 36 percent greater than the average household income for the 13 lowest-income neighborhoods and 11 percent greater than the average household income for the 18 moderate-income neighborhoods.<sup>6</sup>

Raising wage standards will ensure that more New Yorkers will be able to share in the prosperity that our robust and diverse economy generates. It is an important concrete step toward addressing the deep economic and racial divides across New York City's neighborhoods. Higher wages improve the city's tax base, and, as more families are lifted out of poverty, will reduce expenditures needed to care for the poor. There will also be important benefits for parenting and child development, as well as community involvement and civic engagement as families are more financially secure. No single policy will fix the city's polarized economy but establishing wage standards should be one of the most obvious first steps for City leaders who take the city's history of economic polarization seriously.

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<sup>6</sup> James Parrott, *Raising the Floor: How Wage Standards Protect Workers, Build Communities and Strengthen our City*, Fiscal Policy Institute, December 2014, p. 34.



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June 20, 2019

**Testimony presented to:**

New York City Council, Committee on Civil Service and Labor

**Presenter:**

Ismene Speliotis, Executive Director  
MHANY Management Inc.

**Re:** Intro: 1321-A

Chairman I. Daneek Miller and Members of the Committee, thank you for the opportunity to testify today. I want to thank the Council for considering the issue of equitable pay for service workers in a time of escalating cost of living.

My name is Ismene Speliotis and I am the Executive Director of MHANY Management Inc. commonly known as "MHANY" a thirty plus years, not-for-profit community and housing development organization that develops, owns and manages over 170 buildings with over 1800 apartments 100% affordable to formerly homeless, extremely low and low income families and individuals. MHANY is committed to advancing wages particularly for NYC's lower income occupations and workers. MHANY employs over 70 people of which 40 are maintenance and building service workers currently enrolled as members of two unions; Local 670 and 32BJ.

I wanted to provide you with concrete information in an effort to help make my case for an alternative to "prevailing wage." You have heard testimony on building budget impact – that is accurate – if we apply the prevailing wage requirement building maintenance and service staff in a 100 unit building it could double the maintenance staff line on an operating budget and add a minimum of 10% to the building maintenance and operating budget increasing the per unit operating costs from approximately \$7000/unit/year to almost \$8000/year. This may not sound like an extraordinary burden but in fact the rents in affordable and supportive housing projects where we are all working with council to house families at 20%,30%,40% and 50% AMI (where the largest need is) are not enough to cover the costs of that 10% increase without an additional influx of city capital subsidy.

On behalf of MHANY and no matter what side of the debate anyone is on, all of us believe that all workers deserve decent pay with useful and accessible benefit packages. I think the debate and controversy over the bill is not should we be paying service workers more but "how do we get there."

- How do we get there without significantly reducing the City's ability to finance new construction and preservation truly affordable housing and supportive housing projects?
- How do we get there by creating an equitable pay scale for all employees of an organization; including other "service workers ie. the health care, social service, child care and even office administrative staff" working side-by-side with the building service workers.
- How do we make sure service workers and all of our staff are paid a sustainable wage with benefits to support themselves and their families.

Because "prevailing wage" is a statutory term where wages are determined annually by the comptroller in accordance with the provision of Section 234 of the NYS labor law there is absolutely no flexibility once the requirement is in place for individual projects to negotiate an economically feasible rate. The rate is a number that is determined by occupation but not reflective of the full economic scenario of operating an affordable family, senior or supportive housing development.

The affordable housing and supportive housing community have offered several alternatives/amendments to the proposed legislation. These include:

- Expanding the exemption to include any development subject to a regulatory agreement where the average household income served is 80% of area median income or below.
- Including only projects and developments that do not have an affordability agreement in place prior to the effective day of the law
- Incorporating an exemption for all bona-fide non-profit controlled developments.

We support these alternatives/amendments to the proposed legislation in an effort to insure long term feasibility and economic viability of all mission driven developments.

The proposed amendments (carve outs) to the current legislation will absolutely protect some of our most affordable and supportive housing and we therefore support them, if that is the direction the Council chooses to go. I do worry that carve outs may have unintended consequences that may create perverse incentives that limit the types of projects that get built and financed in the future.

Another alternative to the council's prevailing wage legislation is to pause, and consider a more comprehensive "re-set" alternative" that could still establish a structure for an equitable wage with full benefit package for service employees; all service employees not just maintenance. This re-set strategy would allow us to engage in a more thorough "wage" conversation that considers the need to balance cost of building; cost of operation; cost of all employee wages; affordability and City resources/subsidy needed to meet these laudable goals. It would support not-for-profit affordable and supportive housing developers and affordable housing private developers who are undertaking new construction and preservation development projects where the operating budgets are extremely tight because and where either because of mission driven development by not-for-profits or regulatory agreements imposed by the City's Housing

Department are in place that require deep affordability for a minimum of 30 years; in many cases upwards of 60 years and with MIH in perpetuity.

In place of the current legislation, and with our collective goal being a system that:

- Pays equitable sustainable salaries with benefit to our staff – not only our building service staff, but consider the need for equitable pay all around
- Provides deeply affordable housing to families, people with special needs and seniors
- Works within the constraints of a finite capital subsidy resource

I would like to offer an alternative where we may want to consider advocating for a definition of “prevailing wage” in the bill (I actually think we need to call it something else given the statutory definition of prevailing wage) that provides an equitable, fair wage for workers but takes into account the operational economics of a building or development. Applying the same wage structure to a luxury or even just market rate development that are standard in service worker and 32BJ contracts is prohibitively expensive for affordable housing projects.

If we could create a wage floor with pay scale and benefits that is realistic and applicable to the affordable housing world it would allow developers and the City to balance the equitable pay, deeply affordable, limited resource equation.

By devising a tiered system of wages to reflect the diverse building types, affordability commitments and neighborhoods demographics within the city we could provide a win-win for all. Organizations have been successful in such negotiations and have been able to strike that balance with unions and we should look to that as a model rather than a blanket prevailing wage requirement that pits affordability against wages and different workers within the same development against each other.

By taking a pause, considering a re-set that could create a wage floor and wage scale that is equitable and balances these variables could provide a more fair and workable solution and I believe is consistent with the intent of the legislation.

Thank you for your time and consideration. I am available to discuss and would be more than happy to be part of any working group to help resolve this and come to an equitable and workable solution.

# CATHOLIC COMMUNITY RELATIONS COUNCIL

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80 Maiden Lane, 13<sup>th</sup> Floor, New York, New York 10038

**Testimony of Joseph Rosenberg**  
**Executive Director, Catholic Community Relations Council**  
**New York City Council Committee on Civil Service and Labor**  
**Intro. 1321-A**  
**June 20, 2019**

Good morning Chair Miller and members of the New York City Council Civil Service and Labor Committee. I am Joseph Rosenberg, the Director of the Catholic Community Relation Council representing the Archdiocese of New York and the Diocese of Brooklyn. I am here today to discuss Intro. 1321-A and to highlight the important role that nonprofit housing organizations play in providing permanent housing for the most vulnerable populations of our City.

We have strong concerns with this legislation. We support the rights of workers, but this bill would require nonprofits and affordable housing developers to provide prevailing wages to building service workers if the development receives \$1 million or more in city “financial assistance.” “Financial assistance” is broadly defined and practically all nonprofits who partner with New York City to construct or preserve low-income housing would be covered by this bill. As a result, Intro. 1321-A, if passed, becomes an unfunded mandate for nonprofits and religious institutions thereby straining our financial ability to house low-income New Yorkers including the formerly homeless.

The need to develop and preserve affordable housing increases daily. Nonprofit and religious institutions, whose charitable and faith-based mission is to produce housing for the poor, the formerly homeless and people with special needs, already have scarce financial resources to support their housing programs and human service provider operations.

Current law provides an exception from this mandate for nonprofits and affordable housing developers, but Intro. 1321-A eliminates this exemption. This existing exemption is an acknowledgement of the important role that nonprofits, religious organizations and affordable housing developers have held in New York City in providing low-income housing and shelter for the needy and the poor. We urge that this exemption be restored.

Catholic Charities of the Archdiocese of New York and Catholic Charities of the Diocese of Brooklyn have played an indispensable role in our City for over 100 years in addressing the needs of the poor, the elderly, the refugee, the immigrant, the disabled and the homeless. The housing divisions of Catholic Charities have provided permanent housing for thousands of low-income New Yorkers. These are exactly the kind of developments needed in this City to house populations that are often ignored or forgotten.

Catholic Charities of both the Archdiocese of New York and the Diocese of Brooklyn are continuing this commitment with over 11 buildings in the pre-development stage. All projects will be over 100 units and are built with the intent of maximizing the number of apartments for low-income and formerly homeless New Yorkers.

This bill does not just cover our future developments but also most of our existing buildings. Many of these require upgrading of their aging boilers, elevators and electrical systems. City “financial assistance,” as defined in this legislation, would be essential to make these renovations.

Although Intro. 1321-A has been recently amended to exempt developments that provide 60% of their units for supportive housing, that language is short sighted. It does not take into consideration the challenges facing nonprofits who develop low-income housing for other needy populations. The unfunded mandates of this bill would still apply to residential developments that house low-income frail elderly, smaller percentages of supportive housing units, homeless veterans, homeless families living in shelters, the working poor and homeless individuals with special needs. Developments that protect such vulnerable populations need the same relief that the amended bill provides to individuals living in supportive housing.

We therefore request that you exempt nonprofit organizations and affordable housing developers who construct and preserve this essential housing from Intro. 1321-A.

Thank you.



**NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING**

**New York City Council Committee on Civil Service & Labor: Int. 1321-A**

Testimony of Patrick Boyle, Director of Policy, NYSFAH

June 20, 2019

On behalf of the New York State Association for Affordable Housing (NYSFAH), I would like to thank Chair Miller and the members of the Committee on Civil Service and Labor for the opportunity to submit comments on one of the bills before the committee today.

The New York State Association for Affordable Housing (NYSFAH) is the trade association for New York's affordable housing industry, with over 350 member firms involved in the development, construction, financing and design of affordable housing all throughout the state. Our members create housing across the entire affordable spectrum, including mixed-use developments, middle income or "workforce" housing, supportive housing, low-income housing, affordable housing with homeless set-asides and 100 percent affordable projects.

Int. 1321-A will provide higher wages for building service workers on some affordable housing projects. Although this is a laudable goal, it comes at the expense of affordable housing production, a tradeoff that we want to stress to the Council today as it considers advancing this legislation. We would also like to suggest a more robust carveout that would protect more supportive housing as well as other types of affordable housing intended for low-income New Yorkers.

For affordable housing projects, the income of a building is fixed, because the rents are set at their respective Area Median Income (AMI) levels and cannot be raised to cover higher expenses. An unfunded new wage mandate will lead to an increase in operating costs and a need for government to step in with more subsidy to keep the project from going underwater. Subsidy is limited; additional demands on it stretch it even thinner, and subsidy being used to cover prevailing wages mean less subsidy for the next project in the pipeline. Ultimately, that means less affordable housing at a time when I am sure all members of this Committee will agree the city needs it more desperately than ever.

This reality was understood by the drafters of Local Law 27 of 2012, which contained a carveout for affordable housing projects. To weaken that carveout in the midst of an affordable housing crisis, with record numbers of homeless New Yorkers and far too few affordable housing units being created, is a blow. It comes alongside other challenges to affordable housing production, including President Trump's damaging tariffs, skyrocketing construction costs and out of control land prices throughout the City.

The A-version of this bill has recognized the outside impact that this bill would have on supportive housing specifically and carved some of those projects out. That is an important and welcome start and we thank you for it. However, as you will hear from others testifying today, it is inadequate, and the Council must go further to protect other types of low-income housing. As the City pivots

and attempts to have its housing plan reach lower income New Yorkers as well as the formerly homeless – goals supported by NYSFAFH and our advocacy partners – this measure without a clearer and stronger carveout for those projects would hurt that effort.

Forty-two percent of developments containing supportive housing are currently financed as part of HPD's Extremely Low and Low Income Affordability (ELLA) and Senior Affordable Rental Apartments (SARA) programs – which by design target low-income New Yorkers and seniors. These projects are not carved out by the language in the A version of this bill. On one typical ELLA project modeled by one of our members, the increase in wages from Housing Development Corporation (HDC) underwritten salaries to prevailing wage salaries led to a roughly \$10,000 per unit increase in additionally subsidy required.

Based upon the City's spending plan over the next four years for the ELLA program, the added cost of this mandate as per the rise is per unit subsidy costs cited above would top \$71 million dollars, meaning the loss of many hundreds of units at current subsidy levels.

There is also the complicating factor of this bill's impact on existing affordable housing. Although the legislation does not retroactively apply to occupied buildings, it will apply significant pressure to those projects to all come up to the new prevailing wage amounts – amounts which have not been underwritten and accounted for by the building's financing. Many affordable and supportive housing projects operate at very thin margins, and such sudden and drastic increases in monthly expenses could tip that balance toward insolvency. This is also a concern with preservation projects; applying this mandate to their existing operations and maintenance budgets will drive costs on the very projects we need to incentivize to keep those buildings affordable as their initial regulatory agreements expire.

Again, we at NYSFAFH understand the public benefit of higher wages to the hard working men and women who staff these buildings. However, such a mandate should be limited to those projects that can afford them without further constraining valuable and limited City subsidy. That is why, with other affordable and supportive housing advocates, we endorse a carveout for low-income projects, defined as those that are affordable to households earning 80% AMI on average.

We would like to again thank Chair Miller and the members of the Committee for consideration.

**Contact:** Patrick Boyle, Director of Policy [patrick@nysafah.org](mailto:patrick@nysafah.org) (646) 473-1209

**To: New York City Council**  
**From: Lauren LaMack, Services for the UnderServed (S:US)**  
**Re: Intro. 1321A – Impact on Housing, Homelessness and Human Services**  
**Date: June 20, 2019**

Thank you for the opportunity to testify. My name is Lauren LaMack, Project Manager on behalf of Services for the Underserved (S:US). S:US is one of New York City's largest not-for-profit social service and housing organizations. Founded in 1978, S:US is a 501(c)(3) organization provides services and support to transform the lives of over 35,000 of New York City's most valuable citizens, including people with disabilities, people in poverty, and people facing homelessness. Our organization envisions a city where everyone has a roof over their head and is able to live a healthy, productive life full of meaningful social connections and purpose. We believe in approaching the complex challenges that each person faces as a whole – with housing often being a vital component. Last year, S:US provided housing and shelter to more than 4,500 New Yorkers on any given night.

As the City Council well knows, New York City faces a growing need for affordable, stable housing for individuals and families. S:US understands and appreciates the intent behind Intro 1321A but believes it will lead to unintended consequences, specifically a reduced number of affordable and supportive housing units being built and preserved in New York City. While an amendment to Intro 1321A was made to exempt some supportive housing projects, additional amendments are imperative to protecting the housing and services for the people in our communities that need them to live full, stable lives. S:US supports a carve-out in Intro 1321A for all non-profit operated human services programs and all residential developments that are committed by regulatory agreement to rent to households earning on average 80% of AMI.

As part of the effort to house our most vulnerable citizens and decrease the homeless census, S:US develops and operates both supportive housing and housing for low-income individuals and households for whom circumstances have left them in need of a stable home. Not all supportive housing and low-income housing is included in the bill's current carve-out. For many of the developments S:US and similar organizations plan to pursue, this bill requires prevailing wage into the annual operating budget, thereby increasing the cost of such developments, without adding any additional income to support such increases. With higher operating costs, buildings can afford lower monthly mortgage payments, which thereby results in a gap in capital funding, which would need to be offset by an increase in City and State subsidy. On average, these additional subsidy needs could cost the city and state up to \$9,300 per unit. A recent analysis of one of S:US's developments in pre-development showed that, when calculated with prevailing wages, the subsidy need increased by \$2.29 million dollars. With construction costs and land prices soaring, this is not a time to add additional expense to the development of low-income housing and further deplete resources intended to construct housing for our most vulnerable neighbors.

In addition to the effect on development budgets and subsidy needs, the regulations of Intro 1321A will also have a substantial negative impact on many of the other residential programs

operated by S:US and other not for profit human service organizations. As one of the city's 10 largest health care non-profits, S:US operates programs across the five boroughs that support people with mental illness, addiction challenges, HIV/AIDS, autism, intellectual/developmental disabilities, women and children who have experienced domestic violence, people living in poverty, people who have lost their homes, and veterans who are challenged by homelessness, depression, PTSD, and unemployment. S:US has a dedicated workforce of over 2,400 employees to operate these programs and provide services every day. Already, each of these 2400 S:US employees is provided with a full benefit package, including health and dental care, paid vacation and sick time, and other benefits.

While the bill currently exempts certain supportive housing projects, it potentially applies to and effects temporary shelters, senior centers, and many other similar non-profit operated programs. Non-profits already face chronic hiring and retention challenges and stagnant government contracts without increases. Human services program budgets cannot support the increased costs without additional funding. Additionally, imposing wage increases for some staff but not others will create unsustainable wage disparities between the human services staff and building services staff of non-profits like S:US. In New York City, the average human services worker makes \$29,000 a year, while the average prevailing wage salary for building service workers is \$58,000 a year.

We are facing a homelessness crisis in New York City. Tens of thousands of men, women and children sleep on our streets and in our shelters. To decrease the number of people without homes in our city, we need to build more low-income housing and support the programs that help people stabilize their lives and look forward to a brighter future. This is not the time to add additional financial strain on the resources that could make these goals a reality and break the cycle of homelessness.

In conclusion, S:US supports a carve-out in Intro 1321A for all non-profit operated human services programs and residential projects that are committed by regulatory agreement to rent to households earning on average 80% of AMI. Thank you for your consideration.

*Testimony of Caitlin Pearce, Executive Director, Freelancers Union  
In support of "Regulating covenants not to compete for freelance workers"  
Before a hearing of the Committee on Civil Service and Labor*

June 20, 2019

Good morning, my name is Caitlin Pearce and I am the Executive Director of Freelancers Union. I want to thank the Committee on Civil Service and Labor for holding this hearing today, as well as Council Member Brad Lander for sponsoring this bill. I am here today representing the 150,000 New York City members of Freelancers Union to testify in support of bill Int. 108-2018 to protect freelancers from potential loss of income due to non-compete clauses.

Freelancers are a huge and important part of the fabric of New York City, living and working in every borough. We represent 36% of the American workforce, contributing more than \$1 trillion annually to the economy.

Freelancers rely on a diverse set of income streams, and work on average with 5-7 clients each month. Because their income is unpredictable and often sporadic, freelancers must constantly prospect for new clients, and develop new streams of income. Many New Yorkers choose this way of working in order to have autonomy in directing their own work. As independent contractors who work without employment benefits, freelancers deserve to retain this autonomy to seek work in their field without restriction or fear of repercussion from existing clients. Their livelihoods depend on it.

Freelancers negotiate with companies as individuals, and have few legal protections governing their work agreements. For these reasons, they routinely struggle to negotiate fair work contracts. I frequently hear from members who feel compelled to sign unfavorable agreements, feeling that their "choice" is between signing the contract, or going out to look for other work. When it comes to non-competes, freelancers may feel compelled to sign unfavorable agreements to secure the income they need now, while potentially forgoing future income opportunities.

With these conditions in mind, we are concerned about the provision in the bill which states that non-competes would be allowable should the hiring party guarantee "payment of a reasonable monetary sum that is mutually acceptable to both the hiring party and the freelance worker." Our concern here is whether freelancers would reasonably be able to negotiate a sum on top of their freelancing fee that would be sufficiently advantageous. We would instead advocate for a complete restriction of non-compete clauses in freelance work agreements.

The enactment of the Freelance Isn't Free law in May, 2017 established a private right of action for freelancers with nonpayment issues, as well as a channel for reporting claims to the Department of Consumer and Worker Protections, which helps freelancers resolve their claims through navigation and outreach to hiring parties. Since then, the City has helped hundreds of freelancers collect over \$1 million without their having to

hire an attorney or go to court. We believe a similar approach would be effective dealing with non-compete issues, whereby the City would play a role in enforcing the law by helping workers navigate claims, notifying companies of violations, and investigating and penalizing repeat offenders.

Finally, hiring parties benefit when they enable the free flow of freelance work within their field. Companies rely on freelancers to bring specialized skills and creative talents to their businesses. They benefit from the diverse experiences and entrepreneurial activity freelancers bring to their work.

The New York City Council has led by example in protecting freelancers from nonpayment, in establishing a minimum wage for app-based drivers, and in recognizing the challenges faced by workers in the new economy. On behalf of Freelancers Union, I urge City Council to pass a limit on non-competes in order to strengthen worker protections and support freelancer livelihoods.



## **Testimony of Paul Sonn**

National Employment Law Project

# **In Support of Proposed Int. No. 1321-A: Expanding the Prevailing Wage Law for Building Service Employees at City Development Projects**

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## **Hearing before the New York City Council**

Committee on Civil Service and Labor

City Hall

New York, New York

June 20, 2019

**Paul Sonn**

State Policy Program Director

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**National Employment Law Project**

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Thank you, Chair Miller and members of the Committee on Civil Service and Labor for the opportunity to testify today. My name is Paul Sonn. I am the state policy program director for the National Employment Law Project (NELP).

NELP is a national research and advocacy organization, headquartered in New York City, that works with federal, state and local policymakers on a wide range of workforce issues. We have been pleased to work with New York City on a variety of initiatives in recent years ranging from fair chance employment to living wages.

NELP is actively engaged in the push to raise job and living standards for low-wage workers in this city. This bill should be viewed as part of the city's ongoing efforts to improve the lives of workers and their families through such important recent initiatives as the city's series of living wage laws, its paid sick days law, predictable scheduling for fast food workers, app driver fair compensation standards, universal pre-K, and existing prevailing laws.

The city's prevailing wage standards for property service workers ensure family-supporting wages and benefits for janitors, security guards and other vital service workers who make our city run. New York City has already successfully extended these standards to most taxpayer-subsidized development projects and has found that they have improved workers' lives without impeding development.

But that law carved out affordable housing projects. Other U.S. cities that similarly extend property services prevailing wage standards to their development project have not carved out affordable housing and there is no evidence that these standards have hurt affordable housing in those cities. Because property service workers represent a tiny portion of the cost of building and operating affordable housing, the cost impact is minimal while the benefits for workers are substantial.

Extending the city's prevailing wage standards for property services workers employed on taxpayer-subsidized development projects to include affordable housing projects as well will benefit not only the workers and their families, but also local communities surrounding affordable housing properties. That's because when wages are increased for low-wage workers, they spend their larger paychecks on necessities – many of them purchased in the communities where they live.<sup>1</sup> In that way, boosting pay for low-wage workers functions as a locally targeted economic stimulus, supporting local retailers and small businesses in low-income communities.

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<sup>1</sup> Michael Reich, Sylvia Allegretto, Ken Jacobs and Claire Montialoux, The Effects of a \$15 Minimum Wage in New York State, Center for Wage and Employment Dynamics, Institute for Research on Labor and Employment, University of California – Berkeley, March 2016, p.27, available at <https://www.epi.org/publication/ib341-raising-federal-minimum-wage/>

The city's vital affordable housing programs are key to fighting poverty and building a city that is livable for all New Yorkers. But it is counter-productive for affordable housing to be generating poverty wage jobs in the process. New York City's experiences and those of other cities show that the city's successful property services prevailing wage standards can and should be extended to affordable housing projects. This bill is an investment in good jobs in the communities that need it most, and I urge you to support it.

Thank you for the opportunity to submit this testimony.



**Asian Americans for Equality**

2 Allen Street, 7<sup>th</sup> Floor • New York, NY 10002

Tel: 212-964-2288 • Fax: 212-964-6003 • www.aafe.org



**Testimony**

By

**Jennifer Sun and Thomas Yu**

**Co-Executive Directors at Asian Americans for Equality**

Submitted to the

**New York City Council Committee on Civil Service and Labor**

On The

**Proposed Int. No. 1321-A**

**June 20, 2020**

**City Hall – Council Chambers**

**New York City**

FILE RECORD

Thank you Chair Miller and members of the committee for your time and this opportunity to submit testimony today. Asian Americans for Equality is a 45-year-old non-profit organization that was founded fighting for the rights of construction workers in Lower Manhattan. When the developer for the Chinatown Mitchell-Lama building, Confucius Plaza, refused to hire people from the community, an ad hoc group from the neighborhood stood up in protest and AAFE was born. AAFE continued to fight on behalf of tenants in Chinatown and beyond by holding unscrupulous landlords accountable. In the decades since, AAFE recognized that in order for the community to truly nurture and protect its affordable housing assets, we must learn to build and preserve our own housing instead of only relying on private landlords to do the right thing.

To date, AAFE has created or preserved over 1,000 units of affordable housing, with the vast majority consisting of low- to very low-income apartments. In the next 5 years, we are in process to create another 500 affordable units throughout Manhattan, Queens and



## Asian Americans for Equality

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Brooklyn. We take pride in the high quality of our housing – AAFE was the only non-profit developer listed in Brick Underground, a NYC real estate industry publication, to be in the top 10 best landlords in Manhattan. Not only do we maintain the highest quality affordable housing for thousands of our tenants, we provide stable, fair paying jobs for our building management staff.

While we understand the impetus behind Intro 1321, the bill in its current form will push all non-profit housing organizations into severe operating losses, which will jeopardize the management of our affordable housing. AAFE provides fully paid health care to our building staff, regular training to improve their skills, generous vacation, and a free apartment for superintendents and porters and their families in our housing. We run our buildings efficiently, contribute funds into repair and operating reserves regularly, and constantly repair units to keep tenants in safe and quality homes. The current bill would cut deeply into our ability to have enough funds set aside for all these tasks, considering our rent revenue comes from low-income paying households.

We ask that the City Council seriously consider a exemption for **non-profit housing organizations, AND/OR for managers of affordable housing consisting of a majority of 80% AMI units on average or below.** This will allow us to maintain our high quality of affordable housing in low income communities throughout the City.

We thank you for your serious consideration in this matter and look forward to continuing the dialogue and working with you on creating more quality affordable housing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Sun', is written over a horizontal line.

Jennifer Sun

Co-Executive Director

A handwritten signature in black ink, appearing to read 'Thomas Yu', is written over a horizontal line.

Thomas Yu

Co-Executive Director

### Talking Points on Intro 1321 for ML Cumbo

- I am proud to co-sponsor Intro 1321, which would require the prevailing wage standard for building service workers in new affordable housing developments and preservation projects. New York City needs a holistic approach to our affordable housing crisis, and our taxpayer dollars need to fund good jobs for members of our communities.
- The City's plan to build and preserve hundreds of thousands of affordable units is an opportunity to create life-changing jobs in the low-income communities of color where affordable housing is most often built. But, we can't do that if financing for affordable housing developments is provided without requiring good wages and benefits for the workers who maintain them.
- Affordable housing projects built with our public dollars can currently pay workers minimum wage with no benefits. That doesn't just undermine the purpose of the Housing New York initiative. It also jeopardizes the high-road standards we have established for building service workers in our city—standards that provide tens of thousands of people of color and immigrants with a path to the middle class. We have to do better than this, and we can by passing Intro 1321.
- When affordable housing has been developed in my district, I have pushed to ensure that my constituents have access to permanent, prevailing wage building service jobs that allow them to both work and live in our community. I've done this because I know the facts on the ground. In Community Districts 8 and 9, roughly 1 in 5 people live in poverty.<sup>1</sup> Almost half of households earn less than \$50,000 per year. Just building housing, even deeply affordable housing, can't fix this problem, but investing in good jobs can.<sup>2</sup>
- I have put my foot down in my district, but this is a citywide issue. Good wages for workers in affordable housing should be a requirement, not a project-by-project fight. And, the prevailing wage should be built into the assumptions for affordable projects from the get go, not treated as an after-thought.
- The City is struggling to deliver on its signature promise to create good paying jobs for New Yorkers, and to guarantee that these jobs are available to the people and communities that need them most.<sup>3</sup> Ensuring that HPD projects create family-sustaining jobs, instead of jobs that pay poverty wages, is a clear place where we can work towards achieving these goals.
- Affordable housing and good jobs can and must go hand in hand. It's time to pass Intro 1321.

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<sup>1</sup> 2017 ACS data for Brooklyn CD 8 and 9. CD8 data accessed at <https://censusreporter.org/profiles/79500US3604006-nyc-brooklyn-community-district-8-crown-heights-north-prospect-heights-puma-ny/>. CD 9 data accessed at <https://censusreporter.org/profiles/79500US3604011-nyc-brooklyn-community-district-9-crown-heights-south-prospect-lefferts-wingate-puma-ny/>

<sup>2</sup> Ibid

<sup>3</sup> See press on progress of New York Works here: <https://nypost.com/2019/03/19/de-blasios-latest-spectacular-failure/>

Testimony of  
Joel Shufro  
New York City Council Civil Service and Labor Committee  
June 20, 2019

My name is Joel Shufro. I am the former director of the New York Committee for Occupational Safety and Health (NYCOSH) ~~for over 30 years~~. However, I want to emphasize that I am speaking here as an individual not representing NYCOSH or any other organization.

I want to thank Council Member Miller for holding this hearing <sup>and</sup> for introducing these amendments. While the changes in the law are small, they will have important consequences.

I am here to support the amendments to Subdivision c of section 12-127 of chapter 1 of title 12 of the administrative code of the city of New York as proposed by Council Member Miller. It was the intent of the sponsors of Local Law 41 of 2004 to provide the City, its agencies, the unions representing New York City employees, non-profit advocacy organizations like NYCOSH and the workers themselves with data about the scope and nature of workplace injuries and illnesses suffered by New York City workers. The intent of those who introduced the law was to provide the agencies and unions to use their limited resources to develop targeted intervention programs in an effective manner. This amendment does nothing more than to attempt to achieve the what those who introduced the legislation some 15 years ago thought the law they were enacting intended.

Why is this amendment needed?

Unfortunately, the law was written in such a manner that the report issued annual by the New York City Department of Law, Workers' Compensation Division is relatively useless in identifying patterns of injuries and illnesses within City agencies. While the data needed to construct such a report and outlined in the first section of the law is collected and transmitted to the Mayor's Office, much of the data is not included in the report issued by the Law Department. I won't bore you with the long legal history of attempts to get the data required to be collected by the City under the State's Freedom of Information Law, other than to tell you that the City consistently has such resisted requests,

According to the report, a total of 18,131 workers' compensation claims for job related injuries and illnesses for New York City Employees were established in 2018. While this represents a drop in the number of established cases of about 5% from 2017, the number of established cases has increased by 19.4% since 2005, the first year for which the City began to publish aggregate data. As a result of these newly established claims, the report found that New York City paid a total of \$24,946,362.90. This included \$15,930,107.43 for wage replacement (an increase of \$1,244,424.58 or 8% over 2017) and \$8,970,184.77 for medical costs (a one-year decrease of \$1,727,128.05 or -16%). The City realized a savings of \$243,049.12 by cutting the penalties in processing claims from \$289,119.82 to 46,070.

These costs add to the \$345,175,689 that New York City already pays for on-going claims for city workers who contracted an work-related occupational illness or injury (New York City Comptroller's Annual Financial Report -2018, Schedule G, page 305 - line 85 <https://comptroller.nyc.gov/wp-content/uploads/documents/CAFR2016.pdf>). This represents a \$31,432,812 increase over 2017.

While placed in the context of the New York City's overall \$70 billion budget, these costs appear to be small. But the costs of the injuries and illnesses workers suffer continue sometimes for years. They are recurring costs. If the current trend continues, the City will spend over \$3.5 billion over the next decade to cover the medical and wage replacement costs of workers injured on the job. Since the City is self-insured, these costs are borne directly by the City's tax payers.

Finally, the figures I have cited are the direct costs of injuries and illnesses (wages, medical treatment and penalties paid by the City in administering the claims. The real cost, which includes indirect costs, which includes but is not limited to lost production time, recruitment cost, cleanup and start up of operations interrupted by an accident, costs of time to recruit, hire and train a replace the injured workers until they return to work, reduced productivity of replacement employee and property damage.

Too many employees of New York City are injured on the job or contract work-related illnesses. The human cost of the suffering and family disruption from these injuries and illness are incalculable. The real tragedy is that these injuries and illnesses result from identifiable hazards which can be eliminated from the workplace and are therefore preventable. However, to reduce the number and severity of workplace injuries and illnesses requires a proactive program of hazard identification and resources devoted to their abatement. While the amendments to this law do not require the City to develop proactive programs, it does require agencies to report on their efforts to reduce workplace injuries and illnesses.

Other jurisdictions, such as the State of New York<sup>1</sup> and the State of Massachusetts<sup>2</sup>, issue reports similar to that which this law would require. In both cases, the law has been utilized by government agencies and the unions representing workers in various agencies to develop targeted intervention programs to reduce injuries and illnesses. As noted by the Massachusetts department of health, "Periodic review of information about where and how workers are injured or made ill on the job can provide critical information to target and design effective prevention efforts. Tracking [workers' compensation] trends over time will also enable agencies to monitor their progress in meeting prevention goals."

Passage of the proposed amends to will provide the necessary first step in allow the City of New York and its agencies to develop targeted, proactive, intervention strategies to reduce workplace injuries and illnesses. It will provide an important tool by which unions, non-profit organizations and workers themselves can hold the City and agencies accountable. Passage of this legislation is a win-win initiative. It provides the basis for reducing unnecessary human suffering among the City's workforce and reducing the cost of those injuries and illness to the City.

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1

<https://mail.google.com/mail/u/0/#inbox/FMfcgxwChJkxvwDgHlfDZdhjjqgqfmpm?projector=1&messagePartId=0.2>

. For an analysis of the report by CSEA, one of the unions representing NYS workers, see:

<https://mail.google.com/mail/u/0/#inbox/FMfcgxwChJkxvwDgHlfDZdhjjqgqfmpm?projector=1&messagePartId=0.1>

<sup>2</sup> <https://mail.google.com/mail/u/0/#inbox/FMfcgxwChJkxvwDgHlfDZdhjjqgqfmpm>

Hello

My name is Gary Smiley and I served the City of NY for 25 years as a Paramedic, Haz Tac Paramedic , Rescue Paramedic For the NYC Fire Department. I also served as a Medical Specialist NYTF 1 Urban Search & Rescue Task Force

I was critically injured in the collapse of the North Tower on Sept. 11<sup>th</sup> 2001 after my unit responded within 5 minutes of the first plane striking the North Tower.

I was in the hospital for a week, suffering from Crush Syndrome, Difficulty Breathing, Kidney Failure / Rhabdomyolysis and other injuries.

I fought my way back to work and the job I loved since I was 19 years old and continued with my career even though I began to get sick very quickly after Sept 11<sup>th</sup> and having Sinus Surgery.

I retired in 2012 and moved out of NYC in hopes of continuing my career but soon realized after only 3 months I was extremely sick and getting sicker.

I am currently certified with the following WTC illness's

Current certified 9/11 illness

Sinusitis

Rhino-Sinusitis

GURD

Asthma

Reactive Airway Disease

PTSD

Yet to be certified by NIOSH

Rhumatory Arthritis, Immune Disease disorder, Syndrome X Diabetes

I got sick in early 2002 with WTC cough, severe sinus and respiratory disease and was followed early on at Mt. Sinai WTC Medical monitoring. My current treating Doctor in Dr. Michael Crane the Director of WTC Medical Monitoring.

I had major sinus surgery in 2005-2006 and have had 17 sinus procedures since.

I developed a lesion in my left ear due to chronic sinus and ear infections which has taken away most of my balance and equilibrium

I am also followed at Sloan Kettering for cysts in my left kidney and spleen

After I retired I tried to move so I took \$50,000 out of my pension and bought a home in NC. I got a job as a paramedic but 3 months in I got very sick and had to have additional sinus procedures in NYC.

I was fired for being absent 3 months into my job. I got a job then working for the county I lived in which lasted 9 months as I was frequently absent due to reoccurring sinus and ear infections

My house went into foreclosure and I had to move back to the NYC area at the urging of my family and doctors . I have bounced around from rental to rental because I cannot afford my own place at this point and I have a service dog and no one regardless wants to rent to a pet owner

#### NYCERS Timeline

Sept 23<sup>rd</sup> 2013 Applied for re-classification for a WTC 3/4s Disability pension

Feb 2014 NYCERS Denied

March 2014 Sent for IME Pschy evaluation by NYCERS.

March 2014 Appeal – Denied

Dec 2014 – Medical Board NYCERS – Again Denied

April 7<sup>th</sup> 2015 – Approved by the NYS Workman’s Compensation Board for Disability related to All of my 9/11 illness listed above

Sept. 2015 – NYCERS Second Pschy Evaluation

Nov. 19<sup>th</sup> 2015 – Approved by the Social Security Administration as Permanently Disabled due to My 9/11 Illness’s listed above

Dec 2015 – NYCERS Medical Board – Again Denied

March 2016 NYCERS Medical Board – Again Final Denial

Note during these gaps in medical boards my attorney Phil Seelig and I were supplying additional and updated medical and Pschy. Documentation

Approx. May 2016 Filed Article 78

Jan 6<sup>th</sup> 2017 Article 78 returned remanding me back to medical board as judge threw out NYCERS decision

Approx. March 2017 NYCERS sent me for a second Pschy . Evaluation, continuing to ignore my Medical Illness’s

Now. 9<sup>th</sup> 2017 – NYCERS approved me for a WTC ¾’s Disability Pension for PTSD Only

Ignoring Every 9/11 Certified and Disabling Condition listed above and recognized by the NYS WCB and the SSD .

Pres # 0040 Must Also Read

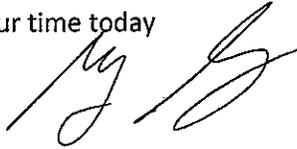
"performance of duty + WTC Disability Pension"

As well as Disabled By SSD and/or WCB

This and other Egregious actions by the NYCERS Medical Board and its Chairman Dr. Joe Bottner are a direct attack against the FDNY WTC Hero Paramedic's and Emergency Medical technicians that responded that day.

In addition it is my belief and the belief of many 9/11 Advocate's that NYCERS behavior in giving WTC members a Disability Pension with a Diagnosis of PTSD , including PTSD as a part diagnosis or leaving out a WTC Cancer Diagnosis is a Direct Attempt to deny said member the ability to receive a VCF ( Victims Compensation Fund Award or severely limit the member from receiving a full award as PTSD is Non-Compensable and leaving out a Cancer diagnosis also severely limits a members VCF award as well.

Thank you for your time today



Gary Smiley

FDNY rescue Paramedic (ret)

Local 2507 Uniformed Paramedics, EMT's & Inspectors

WTC Liaison

917 692 2124

Gary3895@aol.com

My name is Daisy Alioto, and I have been a full time freelancer since January 2017. Although I have written for outlets as prestigious as the Wall Street Journal, New York Magazine, and TIME Magazine it would be impossible for me to support myself as a full time writer. Instead, I supplement my income by doing social media strategy and marketing for publications, restaurants, bars, and fashion brands. The skills I use to freelance in the corporate world are consistent across clients. If I were asked to sign a non-compete it would be a significant blow to my income.

The legislation under consideration today is common sense, just like the Freelance Isn't Free Act is common sense. Here we have an opportunity to do more. Workers should be paid for the work they complete, and they shouldn't be punished for offering the same skills to multiple clients. Unfortunately, if we do not formalize these industry standards, bad actors will use any loophole available to avoid common sense – and trust me, I have seen some truly nefarious practices. I have participated in boycotts, open letters and work stoppages against poor labor practices in the media industry at personal financial cost. New York City has already shown itself to be sensitive to the needs of the freelance working population– which is growing by the day.

In November 2018, I published a piece about social media influencers, the Instagram-famous personalities who mix sponsored posts about hotels and accessories among original content. These influencers are often derided, but have more in common with freelance writers and fashion models than not. Through my reporting I learned that late payments, exploitative contracts and lack of affordable health insurance options were of great concern to these independent bloggers. For the past six months, I have volunteered my time to organize other digital media workers into a new division of the National Writers Union dedicated to the interests of the media gig economy worker, where I have seen shared grievances with those I listed above.

Despite the rising cost of living in New York, my peers make their homes here because it is the city where they can build their careers. So much of the industry I work in is based in New York; this bill has the power to make that work fairer, safer, and better for myself and my peers. In order to attract, keep, and champion freelance talent, The New York City Council should move to pass the bill at hand without delay. But please do not stop here. There is work to be done to raise standards across the freelance economy.

Thursday, June 20, 2019

**Testimony presented to:**

New York City Council, Committee on Civil Service and Labor

**Presenter:**

Dena Davis

Senior Project Manager for Real Estate Development

West Side Federation for Senior and Supportive Housing, Inc.

2345 Broadway, New York, NY 10024

**Re:** Int 1321-A

Thank you for the opportunity to testify. My name is Dena Davis and I represent the West Side Federation for Senior and Supportive Housing, Inc. – also known as “WSFSSH”. We are a non-profit with over 40 years of experience. By 2020, we will manage nearly 2,400 units of housing for older adults.

We deeply appreciate the important goal of advancing wages in NYC. At the same time, we must underscore the equally critical goal of preserving and increasing the supply of affordable housing for those most in need. **As drafted, this bill sacrifices the goal of building more housing for society’s most vulnerable to support the goal of raising wages for those already employed.**

As a very concrete example, WSFSSH is now building a 200 unit, 100% affordable project and it would cost this project nearly \$220,000 more per year to pay prevailing wages to our maintenance and front desk staff. This would shrink our ability to borrow by nearly \$3 million. Multiply this capital gap across the many projects currently subject to this bill and the result is that less housing will be built or preserved.

Here are three specific concerns and our suggestions to strengthen the bill:

- 1. The parameters of the affordability exemption are too limited.** Many developments serving a large percentage of vulnerable populations remain subject to the bill, including the exclusively senior housing that we build, as well as projects which incorporate a smaller percentage of supportive housing than the bill presently covers. Thus, we urge expansion of the affordability exemption to include *any development subject to a regulatory agreement in which the average household income being served is 80% AMI.*
- 2. The applicability of the bill to existing projects is fiscally unsustainable.** Many non-profits rely upon human service contracts from the City and the State to offset building staff costs – but those contracts do not recognize the added wage costs imposed by this bill. With our contracting agencies unable to pay these higher wage costs, we have no means to comply with the bill upon renewal of our financial agreements. Therefore, we urge that the bill only apply *to projects lacking an affordability agreement prior to the effective date of the law.*
- 3. The elimination of the exemption for non-profit developers will further erode the City’s goal for permanently affordable units.** The non-profit mission alignment with this goal is unparalleled. Every dollar that we earn is reinvested back into our buildings – but in contrast to our for-profit development counterparts we do not have deep pockets. We are not in a position to bring our own equity to cover the shortfall created by these new operating costs. Over the long term, this may become a structural disadvantage to the non-profit development sector. *We strongly advocate that the non-profit exemption remain intact.*

Thank you once again for this opportunity to testify.



Hello my name is Rose Fernandez and I am a member of Community Voices Heard. I live in East Harlem. I have lived in both private and public housing.

Community Voices Heard (CVH) is a member-led, multi-racial organization. Most of our members are women of color and low-income families. We have a large chapter here in New York City and chapters in Yonkers, Newburgh and Poughkeepsie. We tackle tough issues and build power to secure racial, social and economic justice for all New Yorkers.

Most of our New York City members live in either NYCHA or rent stabilized housing, and some people have won lottery slots to live in affordable housing created through one of the City programs or live in buildings that the City renovated in the 1980s and 1990s through various programs.

At CVH we look at how employment, housing, education and other areas intersect. For example when it comes to public housing we value the fact that workers get union salaries and benefits. Many of these same workers are our family members and neighbors and they spend significant amounts of their paychecks in our same community.

We believe firmly that **anytime** the City of New York is making investments in housing or other infrastructure that it is part of the City's responsibility – mission really – to make sure that workers get paid well and receive decent benefits. Otherwise what are we as a City doing? New York cannot thrive if working people cannot afford to live here. The City itself is one of the biggest drivers of the economy and should simply have a legal responsibility to ensure that workers are paid the prevailing wage on the development projects that it makes possible.

Ensuring that maintenance jobs created through New York's Affordable Housing programs are paid prevailing wage will strengthen the economy but it's also just common sense and decency. The City's affordable housing programs have created thousands of well paid jobs for developers and management companies, for bankers, for real estate lawyers, for tax accountants and for insurance brokers. Why is it always the maintenance jobs that come up short when it comes to good pay and benefits? The racial and class implications are clear and are unacceptable.

It's time for the leadership of this City to put an end to this and make sure that prevailing wage is an essential element of the City's Affordable Housing programs. It's time to pass Intro 1321a.



Committee on Civil Service and Labor

Int. No. 1321A

Testimony of Kyle Bragg, 32BJ SEIU Executive Vice President and Secretary Treasurer

June 20, 2019

SERVICE EMPLOYEES INTERNATIONAL UNION CTW, CLC

HÉCTOR J. FIGUEROA President

LARRY ENGELSTEIN Executive Vice President

KYLE BRAGG Secretary Treasurer

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www.seiu32bj.org

Good morning, Chair Miller and members of the committee. Thank you for the opportunity to speak today.

My name is Kyle Bragg, I'm the Executive Vice President and Secretary-Treasurer of SEIU Local 32BJ. My union represents 165,000 workers, including apartment workers, janitors, security officers, and airport workers. Of those members, 80,000 of them live here in New York. In fact, approximately one out of every 100 adult residents of New York City is a 32BJ member. Of our 35,000 apartment workers, 3,000 of them are proud affordable housing workers with good jobs. In fact, we represent the majority of non-NYCHA affordable housing workers in the City. They take care of working class families by day, and earn enough to come home and take care of their own families at night. Today, I want to touch on three points relating to jobs, housing, and why we are urging the City Council to pass this bill.

First, we are facing an affordable housing crisis, but that crisis is fundamentally connected to a crisis of low-wage service work in our city. We cannot address the affordable housing crisis while growing the pool of jobs that place families in poverty, and leave them without access to good healthcare and a secure retirement. Using public dollars to create housing for some, while resigning others to lives of insecurity and struggle just doesn't make sense. Intro 1321 is a common sense piece of legislation that will create good jobs while also supporting NYC in continuing to pursue ambitious affordable housing goals and serving the most vulnerable populations.

Second, failing to create prevailing wage jobs in city-financed affordable housing has serious consequences for working families citywide. 32BJ members have fought for many years to create strong wage and benefit standards in the residential building service sector, including in income-restricted housing. But, by allowing developers who benefit from taxpayer money to pay poverty wages in new affordable housing developments, the City is undermining this high road. Continued inaction on this issue could drive the industry to a tipping point where good jobs become the exception, not the rule. When this has happened in other industries, employers have rushed to do whatever they could to break union contracts, outsource to low-road contractors, and eject families into poverty. Our 3,000 members with good jobs in affordable housing, and in fact all of our members in the residential industry, are counting on you to make sure that this is not the destiny that awaits their families. Many of our members are here and excited to share stories with you about what the prevailing wage means to them.

Third, I want to emphasize how much more we need to do to support the low-income communities where most affordable housing is built. The nature of affordable housing is to build on the cheapest land available, where public dollars

go the farthest. It's also the nature of affordable housing that not all of the units can be made available to local community members, as a lottery system has to provide opportunity to New Yorkers from other parts of the city. At times, neighborhood residents are unable to qualify for available units because their income levels are too low. For these reasons, it behooves us to support these communities with permanent good jobs in affordable housing. New affordable housing being built in low-income neighborhoods should be a source of strength for those communities, not a source of poverty jobs.

With this bill, you have a chance to truly make progress on our affordable housing crisis, protect and expand the good standards that have given tens of thousands of working New Yorkers a chance to make it in our City, and invest in good jobs in low-income communities. I urge the City Council to pass it.

Thank you for your time.



SERVICE EMPLOYEES  
INTERNATIONAL UNION  
CTW, CLC

**HÉCTOR J. FIGUEROA**  
President

**LARRY ENGELSTEIN**  
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Hartford 860.560.8674

Stamford 203.674.9965

**District 1201**

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**Florida District**

305.672.7071

**Hudson Valley District**

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**Mid-Atlantic District**

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**National Conference of**

**Firemen and Oilers**

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**New England District 615**

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**Committee on Civil Service and Labor**

**Int. No. 1321A**

**Testimony of Shirley Aldebol, 32BJ SEIU Vice President and Executive Board Member**

**June 20, 2019**

Good morning, Chair Miller and committee members. My name is Shirley Aldebol and I am a Vice President and an Executive Board Member of 32BJ SEIU.

Thank you for the opportunity to testify here today on behalf of the union's 85,000 members in New York City.

New York City's affordable housing crisis has its origins in two concurrent trends (1) the stagnation or decline of wages for low income workers and (2) the inaccessibility of affordable housing. New York City's affordable housing programs are currently addressing only the latter issue, this bill however provides an opportunity to address both causes of the affordable housing crisis. New York's affordable housing programs can and should provide affordable housing *and* good jobs that allow workers to afford housing and provide for their families.

We know that New York City can do this because it already does. The City already requires prevailing wage at city-subsidized affordable housing over 30 units in area-wide rezoning neighborhoods. But, we have to go further to ensure that all workers in affordable housing are protected going forward.

Low-wage work is a prime cause of the affordable housing crisis. From December 2009 to June 2017 rents in New York City increased 3.9% but incomes increased only 1.8%.<sup>1</sup> That is rent has increased at more than twice the rate that incomes have increased. Further, the relatively smaller income increase has not been uniformly distributed. From 2009 to 2015 the biggest wage gains have gone to higher paid workers, and from 2009 to 2016 the biggest growth in jobs has been in low-wage jobs.<sup>2</sup>

The City should continue to fight against this trend of paltry wage gains and bad jobs as it has done through the existing prevailing wage law, the living wage law, and the app driver compensation standards and take additional steps to ensure that its subsidies are not used to create low-wage jobs in the affordable housing sector. Especially as any low-wage building service job also impacts higher paying jobs by putting downward pressure on wages.

This bill provides an opportunity for affordable housing programs to address both causes of the affordable housing crisis and does so through a method that has already been proven to work. On behalf of the thousands of apartment workers I urge you to support this bill.

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<sup>1</sup> StreetEasy, The Widening Gap: Rents and Wages in New York City, Zillow (August, 2017), <https://wp.zillowstatic.com/streeteasy/2/2017-StreetEasy-Rent-Affordability-Report-467583.pdf>.

<sup>2</sup> Scott M. Stringer, Comptroller Stringer's Presentation on New York City's Preliminary FY 2018 Budget and January Financial <https://comptroller.nyc.gov/reports/analysis-of-new-york-citys-preliminary-fy-2018-budget-and-january-financial-plan/>



## Kenya Harper on PW Carve Out

### City Council Hearing

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Kenya Harper. I have been a 32BJ member for 6 years. I am a security officer and I live in Harlem.

Before I got my current job, I was making just above minimum wage with no benefits. I had to decide if I was going to pay certain bills, or buy my kid a pair of sneakers. I was on public assistance for food and healthcare.

Now, I can work without worry so much, and it makes me better at my job. I'm able to do more for my children.

I have alopecia, and I went undiagnosed for years because I couldn't go to the right doctors. Now, I can see specialists.

No one should have to struggle like that. Everyone should be paid the prevailing wage, and people need to be able to go to the doctor.

This is why I'm here to fight for building service workers in affordable housing developments to be paid the prevailing wage. I hope you pass this bill.



## Marilyn Vasquez on PW Carve Out

### City Council Hearing

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Marilyn Vasquez, and I have been a member for 26 years. I work as a cleaner in Midtown. I live in the East Village.

Having a prevailing wage job means being able to provide for my daughter. I'm able to pay my mortgage. I can have extra money in my pocket and am able to send my daughter to college.

Before I had this job, I didn't have the health insurance I have now. With the health insurance I have now, I can take my daughter to the doctor or the emergency room without having to pay a high cost.

I know the difference making the prevailing wage makes, and I urge you to pass this bill.



## Barbara Bonham on PW Carve Out

### City Council Hearing

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Barbara Bonham. I have been a member of 32BJ for 19 years. I work as a cleaner in Midtown.

Before this job, I didn't have healthcare.

Now, my life is better. Making the prevailing wage, I'm able to pay my bills and take care of family members that need help. Because of my healthcare, I can afford to see a doctor I like.

I have job stability, and these workers in affordable housing developments deserve to have that, too. I hope the City Council passes this bill.



## Michael Stephenson on PW Carve Out

### City Council Hearing

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Michael Stephenson. I am a school cleaner in the Bronx, and I live in Queens.

I've been through this fight. A few years ago, my coworkers and I fought to make the prevailing wage ourselves. We were doing the same work as other cleaners, but made less money.

I've had to work two jobs to try to make ends meet. It kept me away from my family, and by the time I got home, I was burnt out.

These building service workers in residential buildings are doing the same work as others, and they deserve to make the prevailing wage. I hope the City Council passes this bill.



## Raymond Perez on PW Carve Out

### City Council Hearing

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Raymond Perez. I've been a member of 32BJ for 22 years. I work as a handyman in a Mitchell Lama building in the East Village, and I also live in the East Village.

Before I had this job, I couldn't support myself. I was making just above minimum wage. One time I had a toothache and couldn't afford to go to the dentist, so I just had to pull my tooth out. I once had a terrible ear infection and it took me two years to pay off the treatment.

Making the prevailing wage changed my life. I can not only support myself but I can support my two kids and my grandkids.

As a handyman in affordable housing, I have a great relationship with the tenants. They're almost like extended family. Because of the stability of my job, I've seen kids grow up in my building.

These other workers in affordable housing developments do the same job I do, and they deserve to make the prevailing wage. I hope the City Council passes this bill.



David Collier on PW Carve Out

City Council Hearing

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is David Collier. I have been a member of 32BJ for 5 years. I work at Hudson Yards, and I live in Harlem.

Before making the prevailing, I struggled with healthcare, rent, and other bills. After I paid rent, there wasn't much leftover.

Making the prevailing wage and benefits makes life a little easier. As I'm getting older, I need to be able to go to the doctor, and now I can.

I even have a little extra money in my pocket if I want to go out to eat.

It's important for building service workers in affordable housing developments to make the prevailing wage because right now, they're struggling. Making a lower wage makes it harder for them to do their job.

I hope the City Council passes this bill.

I want to thank City Councilman Brad Lander for proposing this bill. I think this bill has the potential to singlehandedly dismantle the abuse that is so deeply ingrained in the fashion industry, an industry that I've been a part of for almost 20 years. Let me explain *why* this bill is so important. Imagine if Uber forced its drivers to sign non-compete contracts as "freelancers", leaving them without the option to drive for Lyft or other competitors. Then imagine if Uber didn't have enough passengers for their drivers, leaving them to sit around, *not* making money, *not* able to pay their bills. If this sounds crazy to you, it's because it *is*. But it's not *Uber* that operates this way, it's the *entire* fashion industry.

In the fashion industry, models are forced into 'exclusive' contracts with agencies. Otherwise, it's *impossible* to work with a reputable agency. These exclusive contracts dictate that models are only allowed to take jobs from *one* agency per city, even when that agency is *not* actually finding them work. These contracts create what is at the core of every abusive relationship: an imbalance in power. When someone *contractually* owns you, they *treat you like they own you*. These contracts allow agencies to get away with treating models however they want, because what is at *stake* if models don't comply, is their ability to make money in their profession. Agencies also don't provide health insurance or any guaranteed compensation, but they *do* require models to be available exclusively to *them* at their beck and call.

When I was forced to sign my first exclusive contract, a lawyer I consulted with said to me, and I quote, "this is what I would imagine a contract between a pimp and a prostitute would be like...*if* they had contracts." I was told by my agency that this type of contract is standard in this industry and they were right. I want to ask you today, what would *you* do if your livelihood was forcibly dependent on one agency that didn't find you work? I'll tell you what you would do. Your daily actions would be driven by a state of desperation. I ask you today to take the position that this standard is no longer acceptable and prevent people from having to stay in a working relationship riddled with abuse, broke and bound.



# HANAC

*Serving the needs of the community since 1972*

Testimony on Intro. 1321A  
Committee on Civil Service and Labor

Good Morning to all Members

My name is PAOLA DURAN Director of Housing Development for HANAC, Inc. HANAC is a nonprofit organization founded in 1972 in Astoria that provides a wide range of programs and services, most of them in Queens. We currently serve over 35,000 community members from children to seniors. HANAC owns 650 units of affordable housing in New York and is the Property Management agent of around 400 affordable units located in 4 different buildings.

HANAC not only provides affordable housing but also social services for low income seniors and formerly homeless. As a nonprofit, we are mission driven and all of the services are free of charge for the population we serve. As of now, we struggle to have the right budget that will allow us to develop a high quality building, provide social services and hire the operations staff needed. The Intro. 1321A will affect our operations budget and the quality of services we can provide. Budgets for affordable housing and supportive housing projects will be highly impacted by this bill and won't allow us to survive and continue developing low-income housing.

If the bill passes, how can we pay the budget gaps? A non for profit won't survive (financially) without additional subsidy to pay for prevailing wages. The gap will be too big for us to cover additional wages. If we receive more than \$1M on financial assistance it represents a great aid for our budget but, with this new bill, it will affect us badly, there is not enough subsidy to pay for additional prevailing wages. As a non for profit, if we can get more in subsidy the better, but with this bill we will have to start applying for less subsidy and carry more debt in loans to balance the budget out. This will affect us badly.

We suggest the following amendment, which will protect low-income housing and ALL supportive housing, leaving the requirements of this bill to fall on those projects that can actually afford it:

Projects that are committed by regulatory agreement to rent to households earning 80% AMI on average should not be subject to the prevailing wage requirement for building service workers. Doing so would curtail our efforts to provide housing for those most in need, undermining the Housing New York 2.0 plan and the City's Turning the Tide plan to reduce homelessness.

A carve-out in the bill for all nonprofit-operated human services programs and residential projects that are committed by regulatory agreement to rent to households earning 80% AMI on average is necessary. Without it, we will be unable to decrease the homeless census in New York City.

Operation deficit will impact nonprofits, and the production of low-income housing. We urge you to consider the proposed amendment to help nonprofits survive and continue with our mission without financial risk.

Thanks

*Paola Duran*

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**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Gardner Soto**

Good morning Chair Miller and members of the Committee, my name is Gardner Soto and I have been a member of 32BJ for about 4 years.

Having a job that pays the prevailing wage changed my life. I have worked at a mixed-use building in Downtown Brooklyn, since it opened in \_\_\_\_\_. The complex includes a mall and two residential towers: one luxury and one majority affordable. The affordable tower received a package of significant tax breaks and financing from the City, which would have required the owners to pay my coworkers and me the prevailing wage had the building not been majority affordable.

In 2016, before my coworkers and I organized and won the union, we were making barely enough to survive. We were struggling to make rent, buy food for our families, purchase metro cards, and pay for other necessities like the phone and electricity bills.

In \_\_\_\_\_, after organizing the union, my coworkers and I started to earn the prevailing wage. I no longer had to worry about putting food on the table and could finally save. I no longer live paycheck to paycheck. My coworkers' and my family's lives became less stressful and the burden of surviving in this City had been lifted.

Today you have the opportunity to change this reality for building service workers like me, who work in affordable housing that receives City subsidies. No workers or families should be forced to earn poverty wages because they work in affordable housing. I urge you to vote yes. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Yenny Hernandez**

Good Morning Chair Miller and members of the Committee, my name is Yenny Hernandez and I have been a member of 32BJ for 14 years.

Having a prevailing wage job has changed my life. I came to this country in 1996 from the Dominican Republic in hopes of a better life. However, like many immigrants, my path to stability and security was not easy. After years of struggling to survive in NYC, including having to sleep the subway, I had no choice but to send my son 6-month old son back to the Dominican Republic while I stayed here and struggled to establish a life. I found a minimum wage job without healthcare, but this was not enough for me to bring my son back. For five years, I lived in New York without him—missing his first steps and all the other important moments in the first years of life. This is the cost of working at minimum wage. Taxpayer money should never fund jobs like this.

In 2006—10 years after struggling to survive in this country I got a prevailing wage job as a cleaner in a commercial building in Midtown. That is when my life changed. My good-paying job with benefits gave me the security I needed to bring my son to the US. A few years ago, my son needed surgery and I did not have to pay for anything or have to take unpaid time off from work.

All working-families like mine deserve this kind of life. A life without worrying about surviving or making ends-meet. Workers who work in affordable housing deserve to live with dignity and security. These projects should lift people up, not be part of writing stories like mine. Today you have an opportunity to change the lives of service workers in affordable housing. I urge you to approve this bill.

Thank you.

**Testimony on Intro 1321**  
**New York City Council**  
**Civil Service and Labor Committee**  
**Dolores Butler**

Good afternoon Chair Miller and members of the Committee, my name is Dolores Butler and I have been a member of 32BJ since 1994.

I have been a building service worker at a residential building at Columbia University for over 25 years. One of the reasons I was motivated to leave another job and pursue work as a building service worker was because I needed to take care of my aging mother. I knew that having access to building service work, would give me an opportunity to move my mother out of her rat-infested home that was in a bad neighborhood, where she had been robbed several times. I also knew that this job would give me access to upward mobility within the industry—I could eventually become a handyperson or superintendent and have more access to opportunity.

Having a prevailing wage job changed our lives—I didn't have to see my mom end up like my grandmother or her sister. I was able to end the cycle of poverty.

Over the 25 years I have spent as a property service worker, I have been a porter, handperson and superintendent. As I look back and think about where I came from, I know that the one thing that this job has given me that none other has before is security. The security of a paycheck I can live on, security in taking care of my mother, and security in life.

Today you have the power to give this kind of upward mobility and security to my brothers and sisters working in affordable housing. I urge you to vote yes and change the lives of some of the working families in New York City.

**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Richard Iorio**

Good Morning Chair Miller and members of the Committee, my name is Richard Iorio and I have been a member of 32BJ for about 9 years. I work in an affordable housing cooperative, East River Housing. My story is evidence that creating good jobs in affordable housing is possible, and needed.

Having a job that pays family-sustaining wages and benefits has had a positive impact on my life. Prior to working for East River Housing, I worked for a management company that didn't offer health insurance. I was forced to give up a raise I needed in exchange for health insurance. No one should have to make a decision like that. Being paid the prevailing wage means security and not having to choose between putting food on the table or paying for health insurance.

The best part of my job are the people that live in the buildings I help maintain. To my coworkers and me, this is not just a job—we have strong relationships to the families in our buildings. The residents know we are more than some guys mopping a floor or changing a lightbulb; they respect us and feel proud to have us in their building. As workers, we are happy to be there for these families. Because of the prevailing wage and benefits we continue to stay in these positions for years—we see families grow, kids go off to college, and mourn people pass away. When you are paid a family-sustaining wage with benefits, you feel like you belong, take pride in your work, and feel respected. Other workers, like me, in affordable housing deserve to work and live in dignity like my coworkers. I respectfully urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Fadila Mrkulic**

Good afternoon Chair Miller and members of the Committee, my name is Fadila Mrkulic.

In 1973 I came to this country in hopes for a better life for my family. One year later, I got a job cleaning office buildings in Manhattan—this job was a good, union job and for the last 45 years, I have been a proud member for 32BJ.

Raising four children on my own in New York City was not easy. However, having a job that pays the prevailing wage gave me peace of mind and allowed me to give my children a life with dignity. Often, I hear stories of single mothers who go to bed praying that they will have enough money to feed their children lunch the next day. I am lucky to be able to go to bed thanking God for my job that allowed me to avoid homelessness and be able to put food on the table without worry.

Two years ago, I won the housing lottery for newly created affordable housing as part of MIH. Because of this, I have been able to continue to live in my increasingly expensive neighborhood, Astoria. However, as I approach retirement, I don't know if I could afford this apartment without my prevailing wage job and the retirement benefits that I will receive because of it.

Throughout my time being an active member of 32BJ, I have been able to engage in the City's political and democratic processes, such as this hearing today. One reason I am so proud to belong to 32BJ is because we don't fight for just ourselves—we fight for all working people. One day I will retire from my job cleaning, but I will never retire from fighting so that all workers live with dignity and earn the prevailing wage. I urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Yvette Cumberbatch**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today. My name is Yvette Cumberbatch, and I have been a member of 32BJ for 18 years. I am a security officer at 25 W 18<sup>th</sup> Street.

Before I had a job that paid the prevailing wage, I lived in low-income housing that was unaffordable for me. I felt like I was downing in this City; I was always angry because I could not afford to live, I was barely surviving.

When I started working at my prevailing wage job, I could finally breathe. My prevailing wage job allowed me to lift my family and myself out of poverty. After a few years of earning the prevailing wage, I was even able to save and purchase a home. I was no longer angry, but comfortable—I never thought I was going to have a comfortable life with dignity and security.

Right now in New York City, life is hard for working families. People are struggling to survive; however, having access to a job that pays a livable wage means you have access to upward mobility. Today you have the opportunity to change the lives of workers in affordable housing that receive City subsidies. Do the right thing and vote yes.

Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Roger Moore**

Good afternoon Chair Miller and members of the Committee, my name is Roger Moore and I have been a proud member of 32BJ for 3 years.

In 1999, my family that was living in the United States petitioned for a visa so that my wife, daughter, and I could come to this country. 9 years later, we received permission to come to the United States in hope for a better life. In 2011, one year after arriving in the US, I got a job as a porter at a new residential building in Harlem, making \$11/ hour without benefits. I worked two jobs to support my wife and daughter, struggling to pay rent and put food on the table. My hope coming to this country was that I would be able to provide my family a good life with dignity.

When I started out as a residential building service worker, I was earning minimum wage with no benefits. Then my co-workers and I learned that our building was prevailing wage required, and that we were experiencing wage theft. We organized to get the wages and benefits we were owed, and we won.

My pay jumped from minimum wage with no benefits, to a livable wage that included health and other significant benefits. I was finally able to provide for my family the life we believed we could have in America—and send money home to my son and granddaughter that remained in Trinidad. Having a job that pays the prevailing wage did not just change my life; it changed my entire family's situation.

My family and I live in low-income housing in Harlem. I see myself in the workers who maintain and clean my building. No family should have to go through what my family went through in order to survive. Today the New York City Council has an opportunity to affect the lives of many working families in New York City. The minimum wage is not a livable wage and people who work in affordable housing should not have to live in poverty. The decision you make today may even affect those we've had to leave behind, in order to pursue a better life in the United States. I hope you hear our stories today and vote yes. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Vie Mae Richardson White**

Good Morning Chair Miller and members of the Committee, my name is Vie Mae Richardson White and I have been a member of 32BJ for over 30 years.

I raised my children in low-income housing and I know first-hand how important it is for these projects to provide family-sustaining jobs. We need the people who clean and maintain our developments to come to work every day ready to perform their best, instead of having to worry about how they will make ends meet.

To me, a prevailing wage job means that I can pay my rent without worry. A prevailing wage job took me out of poverty—before I had a prevailing wage job, I was on public assistance, trying to survive day-to-day. I didn't even have a bank account. The first time I was able to take my children on a proper vacation was after I got a job that paid the prevailing wage. That first vacation was the moment I realized how life changing a job that offered the prevailing wage is—I could relax with my children and enjoy a paid day off without worry.

As I approach retirement, I can attest to how important the prevailing wage is at all stages of life. The benefits like, health care and retirement means I will be able to continue to live in NYC without worry. Workers in affordable housing, like where I live, deserve these benefits too. No working families in New York City should be subjected to poverty because they work in affordable housing.

I respectfully urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Pedro Camboa**

Good afternoon Chair Miller and members of the Committee, my name is Pedro Camboa and I have been a member of 32BJ for 3 years.

As an airport worker, I know first-hand how important it is to be paid a standard like the prevailing wage. I am here to testify in solidarity with building service workers in affordable housing and urge you to pass this bill.

In 2010 I started working at JFK as a baggage handler. For years, my coworkers and I have been fighting to create a better wage standard that includes significant benefits like health insurance. In September of last year, we won legislation and are on our way to making \$19 an hour. However, we are still fighting for other benefits—and we won't stop. At 63 years old, I have worked hard to provide a good life for my family and earning the minimum wage is not enough to survive in this City. No worker should have to decide whether they eat lunch or pay the electric bill.

Like in the airport, government plays a significant role in uplifting worker in affordable housing. Today you have an opportunity to give workers who make as little as minimum wage an opportunity for upward mobility by ending this prevailing wage carve out.

I am proud to be here today in solidarity with 32BJ brothers and sisters. Today is about doing the right thing for working families in New York City. I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Jessica Ortiz**

Good morning Chair Miller and members of the Committee, my name is Jessica Ortiz and I have been a member of 32BJ for 6 years.

My entire life, I have worked multiple jobs to provide a life a dignity for my children. Working all the time and raising young kids was tough—I missed important moments in my children’s lives. I was forced to choose between putting food on the table or spending time with my family.

Despite working multiple jobs, I still could not afford to pay my bills and provide for my family. Having grown up on public assistance, I vowed to do whatever I could to make sure my children didn’t grow up in poverty. Unfortunately, three jobs wasn’t enough to survive and I swallowed my pride and filed for public assistance. For three years, I got help from the government with food stamps and Medicaid.

In 2013, I was called to be a temporary cleaner at Trinity School on the UWS—little did I know that this was a job that paid the prevailing wage and would change my family’s life. When I became a permanent worker I was able to quit my other jobs and get off Medicaid and public assistance. Most importantly, I got to spend time with my children.

Property service workers in affordable housing deserve to have family-sustaining jobs that allow them to provide a life with dignity for their families. Today you have the opportunity to provide working families in New York livable wages. I urge you to vote yes on this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Anthony McIntosh**

Good Morning Chair Miller and members of the Committee, my name is Anthony McIntosh and I have been a member of 32BJ for 19 years.

Having a prevailing wage job has helped changed how I can provide for my family. We get to live with dignity and we have security—which is sadly not the case for many working-families in New York City. The prevailing wage includes a health care benefit. I have high blood pressure and high cholesterol without my good health care I could not afford my prescriptions. I have been a member of 32BJ for almost two decades, and in this time, I have been fighting with my 32BJ brothers and sisters to raise the industry standard. Today you have the opportunity to do the same for the property service workers in affordable housing, and to uphold the good wages and benefits we have fought for.

I live in affordable housing and was able to purchase my home through the HDFC cooperative program. I know how important it is for workers in buildings like mine to earn prevailing wage. When the porters, doormen, maintenance and security workers who make our homes clean and safe have dignity at work, they can focus on their work and doing their best.

I am proud to sit here with my union today and urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Ardist Brown**

Good Morning Chair Miller and members of the Committee, my name is Ardist Brown and I have been a member of 32BJ for 32 years.

The most impact having a prevailing wage job has had on my life are the health benefits. My family has needed to use these benefits many times throughout the years. About 10 years ago, my wife needed to be hospitalized and have emergency surgery. Our health insurance took care of everything, there was no out-of-pocket cost and she had access to some of the best doctors in the world.

For 32 years, my family and I have benefited from having a job that pays the prevailing wage. As I approach retirement, I told myself I would dedicate the last 10 years of my working life to fighting with the union that has fought so hard for my peers and me. I am honored to stand before you today in solidarity with property service workers in affordable housing urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Louise Bordley**

Good Morning Chair Miller and members of the Committee, my name is Louise Bordley and I have been a member of 32BJ for 4 years. I live in affordable housing and believe in ending this carve-out so much that I came straight here from my overnight shift as a security officer in Queens.

Having worked a non-prevailing wage job in the past, I know firsthand how hard it is to try and get by on minimum wage. The prevailing wage includes annual increases, sick leave, and health insurance—these things seem so small but they are so influential on my life. They allow me to be able to breathe in this City and have peace of mind. I don't worry anymore if I can afford my rent or not.

My brothers and sisters in this industry, those that provide security, clean and maintain affordable housing, should have the same opportunities like me. I am proud to testify today in support and urge you to pass this bill.

Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Regina Thompson**

Good Morning Chair Miller and members of the Committee, my name is Regina Thompson and I have been a member of 32BJ for 15 years.

My prevailing wage job has changed my life and continues to be a resource of security for my family. My job has given me the stability of a constant paycheck with yearly increases and I have security knowing I can afford my rent every month. Unfortunately, my adult children do not have prevailing wage jobs and have been forced to move back home because they cannot afford to live on their own. Before I earned the prevailing wage, I did not have good health insurance—it was tough having to pay a high premium. It was a relief to become part of the 32BJ family and reap the benefits of having a job that pays the prevailing wage.

The workers, who work in affordable housing buildings like where I live, also deserve to live with the same stability I do. No worker should have to live in fear of losing their home or not being able to provide for their family.

That is why I am urging you to pass this bill.

Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Major Childs**

Good afternoon, my name is Major Childs. I am here today as a 5-year member of 32BJ, a native-New Yorker, as a father of three wonderful young adults.

Raising three children in New York City has not been easy. Prior to getting my job as a cleaner in a school, I struggled to provide a life with dignity and security for my family. Now that I have a job that pays the prevailing wage, a weight has been lifted and we live with peace of mind.

The prevailing wage comes with significant and life changing benefits like paid sick leave and health care. Currently, I am out of work on disability due to an injury, I have comfort knowing that I have job protection and security, as well as health benefits.

These are benefits that all working people should have access to and I am respectfully urging you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Elpidio Molina**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today. My name is Elpidio Molina and I have been a member of 32BJ for 31 years.

Having a prevailing wage job has made an incredible impact on my family's and my life. I have been able to sustain my family with one job and not worry about paying rent or bills. There is no better feeling than to be able to support your family with ease.

As I get older and start to think about my life after work, I realize how lucky I am to have had a job that pays the prevailing wage. I have been a member of 32BJ for 33 years, I have stood with my brothers and sisters many times as we raised the industry standard and bargained for contracts that lifted us up. Today I am proud to stand with my union and in solidarity with my peers who work in affordable housing.

We fought for this standard so that all workers in our industry would have access to family-sustaining wages and benefits. We are the same people. Taxpayers money should not enable a two-tiered wage system for building service workers, because some work in affordable housing.

Today you have a real opportunity to give property service workers in affordable housing dignity in their workplace and security at home. You have a chance to give people a better life. I urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Fabian Campbell**

Good afternoon Chair Miller and members of the Committee, my name is Fabian Campbell and I have been a proud member of 32BJ for 3 years.

When I think about what having a prevailing wage job means to me, I think about all of the security it provides for my wife and four sons. When I got a good job in the building service industry, I was able to sustain my household, pay bills, save a little money, and spend time with my boys who were quickly growing into young men. My goal has been to set an example for my sons and show them what it means to provide for your family and to put family-time first. My prevailing wage property service job enabled me to do just that.

I do not struggle to provide for my family and I am not worried about being able to give them what they need. I feel good knowing that I can provide without working multiple jobs or giving up precious family time.

You have the opportunity today, to ensure that property service workers in affordable housing have access to upward mobility and security. I urge you to vote yes. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Elizabeta Salinovic**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Elizabeta Salinovic. I have been a member of 32BJ for two years. I am a commercial cleaner, and I live in Astoria.

When I first came to this country and before I got my current job, my family struggled. I spent all my money on rent and had no money left for food. It was so hard to tell my son we couldn't afford to have lunch together or buy him new sneakers. I had to worry about how I was going to put food on the table, and I had to figure out how we were going to survive.

My life is easier now that I make the prevailing wage. I can afford to support my family, address my health problems and get surgery I need. Without my healthcare, I would not be alive right now.

I have friends who make the minimum wage and live paycheck to paycheck. They have kids and I often help them pay for food because they cannot afford it.

Workers should not be put in this position. I urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Saul Hernandez**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Saul Hernandez, and I have been a member of 32BJ for 11 years. I work as a handy person in SoHo and I live in Richmond Hill.

Before I was making prevailing wage, I couldn't live independently. I had to live with relatives in order to make rent.

With a prevailing wage job, it means I can eat. It means I can pay rent. Because of my health benefits, I don't have to pay out of pocket. My kids can go to the doctor and the dentist. I can afford better quality clothes and I can save a little money.

Building service workers in affordable housing developments should be making the prevailing wage so they can make their rent, pay their bills, and live in New York City with dignity.

I hope the City Council passes this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Reginald Norris**

Good Morning Chair Miller and members of the Committee, my name is Reginald Norris and I have been a member of 32BJ for 5 years.

Having a job that pays the prevailing wage means that I can make ends meet without worry. Our jobs can be hazardous, dangerous, and strenuous, and it is comforting to know that the prevailing wage considers this. I am proud to know that I am paid a livable wage. Making the prevailing wage has been the best thing to happen to my family since the creation of sliced bread. It has given my family and I dignity and security.

Before I got a job that paid the prevailing wage, my life had hit a new low and I was hopeless. The prevailing wage has allowed me to pull myself up, and feel good about myself for the first time in a long time. You have an opportunity to change the lives of many workers in this City. I urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Delroy Dawkins**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today. My name is Delroy Dawkins and I have been a member of 32BJ for 33 years.

I am lucky to have had a prevailing wage job for 33 years—my brothers, sisters, and I at 32BJ fought hard for this standard and I am proud to stand before you today in solidarity with property service workers in affordable housing.

When more people earn the prevailing wage, the standard of living goes up in the community. Having a prevailing wage job is life changing. I was able to purchase a home because the prevailing wage allowed me to save—not all working people in NYC can say that they get to save a little bit of money every month.

At the beginning of the year, my wife broke her leg. She has been out of work for six months. My job gave us peace of mind because it has allowed her to take this time to heal without worry. We were also so grateful for the health care we receive because of my job, when we received the hospital bill, it was a great relief to know we only had to pay the copayment.

If I didn't have a job that paid the prevailing wage I don't know what would have happened to my family. The prevailing wage gives you a leg up in this City, it allows working families breathing room. You have the opportunity to change the lives of working families like mine. I urge you to vote yes.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Mark Espinoza**

Good morning Chair Miller and members of the Committee. Thank you for giving me the opportunity to testify today. My name is Mark Espinoza and I have been a member of 32BJ for 12 years.

Having a prevailing wage job means that instead of struggling to survive I am able to thrive. Prior to getting a job that pays the prevailing wage, I was highly dependent on my family—they helped me with rent and other necessities. Now, instead of going to my parents' house asking for help, I go there and can offer them help. I don't have to worry anymore.

I used to stress about having enough money at the end of the week, living from paycheck to paycheck. Now, my wife and I are saving to buy a home and preparing to start a family. We don't struggle anymore.

The choice you make today will change the lives of working families all over this City. You have the opportunity to give working people a leg up, a chance to breathe in this City. I urge you to vote yes.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Justin Sinclair**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today. My name is Justin Sinclair and I have been a member of 32BJ for 3 years.

Prior to getting a job as a property service worker making the prevailing wage, I was a bartender. Work was sporadic and I took whatever shifts I could get. That meant spending most of my time away from my family, trying to make ends meet.

When I got a prevailing wage job, my family's life changed. For the first time in 10 years I was able to go to the doctor because I could afford it. I wasn't nervous when I took my 8 year old son to get new glasses, because I knew it would be covered by insurance. I was able to take care of the necessities in life and spend time focusing on my family and self—building us up.

The people working in affordable housing are doing the same job I am; they deserve to make the industry standard. When people are paid livable wages, you can take care of yourself, give back and do right by your community. This is not just about individuals; this is about working people as a whole. You have an opportunity today to help change the lives of working families and in turn, working-class communities will thrive. I urge you to vote yes.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Jordan Weiss**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you Speaker Corey Johnson for prioritizing the needs of workers.

My name is Jordan Weiss, and I have been a 32BJ member for 2 years. I live and work as a doorman on the Upper East Side.

Before I had this job, I was making \$12/hour with no health benefits. It was very hard to pay my bills and cover my living expenses.

Now, things are more comfortable. Making the prevailing wage, I get to go out and enjoy life more than I used to. I don't have to count every penny I make. I have a retirement plan. I hadn't seen a doctor in ten years before I got this job. Now, I have full healthcare benefits and don't have to pay out of pocket.

Building service workers in affordable housing developments deserve to make the prevailing wage. I hope this City Council passes this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Clementine James**

Good Morning Chair Miller and members of the Committee, my name is Clementine James and I have been a member of 32BJ for 9 years.

Providing prevailing wages to workers who work in buildings that receive taxpayer's money will ensure security for their families. Like these workers, I am a building service employee who lives in Rochdale Village. This Mitchell-Lama cooperative provides affordable housing for low and middle-income families like mine and provides good jobs that pay the prevailing wage for the 159 workers who clean and maintain it.

I moved my family to Rochdale Village to escape the trauma of domestic violence. I can attest to this committee that it was having a prevailing wage job that enabled me to create a haven for my family. The trauma of domestic violence is often prolonged because of income insecurity. By ending this carve out for workers in affordable housing, and paying prevailing wages to building serving employees, our collective resources can ensure that families can live in safety and make a new start when they need it.

I urge you to pass this bill. Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Sabrina Ladson**

Chair Miller and members of the Committee, my name is Sabrina Ladson and I have been a member of 32BJ for about 9 years.

As a security officer at the DVM I earn the prevailing wage. This job has been a blessing for my daughter and me. It has given us security in this increasingly expensive City. The cost of living is always going up and you need to be able to afford to live and give your children a good life. I cannot imagine what our situation would be if I did not have a prevailing wage job that gave us affordable health insurance.

I am not just here a 32BJ member. I am here as a 15-year resident of a Mitchell-Llama and the current Tenant Association President of my building. The workers at my building earn the prevailing wage and I can attest that it is possible for workers in affordable housing to earning a living wage and speak to how much of an impact it makes on us, as residents.

Because the workers at my building earn the prevailing wage, some of them have worked there for longer than I have lived there. As residents, it is comforting to know that the workers taking care of your home, take pride in their work and stay on the job—I know these building service workers on a personal level. In order for a worker to take pride in their job, they must be able to sustain their own family's life. These workers are taking care of and maintaining people's homes—where children grow up and people grow old. Paying workers a livable wage in affordable housing, doesn't just affect the worker's themselves, it has an impact on the people they serve. All working people deserve to live with dignity. That is why I am asking you to pass this bill.

Thank you.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Carmen Franco**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Carmen Franco. I have been a member of 32BJ for 18 years. I work as a cleaner.

Because I make the prevailing wage, I am able to pay my bills. My son suffers from asthma and because I have healthcare benefits, I haven't had to pay for anything.

Life would be much harder without prevailing wage and benefits.

You have the opportunity to change the lives of service workers in affordable housing for the better. I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Maritza Perez**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Maritza Perez. I am a commercial cleaner in Times Square. I have been a member of 32BJ for 14 years and I live in Washington Heights.

Before I started my current job, I was making minimum wage and had to work two jobs. It was so hard for me. I didn't have time to spend time with my family. The experience nearly destroyed me both physically and economically.

Now, things are easier; I can pay my bills and spend time with my family.

I know there are many people in the situation as me. You have the opportunity to change the lives of service workers in affordable housing for the better and I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Basil Lowery**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you the Speaker Corey Johnson for prioritizing the needs of workers.

My name is Basil Lowery. I work as a security officer in Times Square and I have been a 32BJ member for 12 years. I live in Washington Heights.

Before this job, I had to work two security jobs making just a dollar over minimum wage. I couldn't even afford my own apartment, so rented a room. Now, I can do a lot more and I don't have to worry as much.

I empathize with these workers in affordable housing developments. They work just as hard as other residential workers and should be making the prevailing wage. Taxpayers should not be paying for these minimum wage jobs.

You have the opportunity to change the lives of service workers in affordable housing for the better. I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Sebastian Garcia**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today.

My name is Sebastian Garcia, and I have been a member of 32BJ for 5 years. I am a custodian at Brandeis High School.

Having a prevailing wage job has affected my life tremendously. I am able to provide for my aging mother and never worry about having to make rent. Additionally, having access to affordable health care has been life changing. A few years ago, I needed to have a tumor removed from my spine, the surgeries and medical care cost next to nothing. This is why having a prevailing wage job is life changing.

You have the opportunity to change the lives of service workers in affordable housing for the better. I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Vincent Martinez**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today.

My name is Vincent Martinez and I have been a member of 32BJ for 6 1/2 years. I am a custodian at Success Academy.

Having a job that pays the prevailing wage has changed my life. Currently, my mom is battling cancer for the third time. I can take time off to help my mom and not worry about losing my job. Because I can save, I also have a little extra money to make sure that my mom can take cabs and ride shares to and from her doctor's appointment. I am grateful every day that I have a job that allows me spend time with my mom.

You have the opportunity to change the lives of service workers in affordable housing for the better. I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Hal Shaw**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today.

My name is Hal Shaw and I have been a member of 32BJ for 14 years. I am a doorman at 10 Hanover Square and I live in the Village View Housing Cooperative, an affordable Mitchell-Illama.

With my prevailing wage job, I am able to survive in this City. As a native New Yorker, I have seen many of my friends and family have to move to the outer boroughs or away from New York City because they can no longer afford to maintain their family's lives here. Most importantly, having access to affordable health care has made the biggest impact on my life.

You have the opportunity to change the lives of service workers in affordable housing for the better. I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Danny Cordero**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you Speaker Corey Johnson for prioritizing the needs of workers.

My name is Danny Cordero, and I have been a member of 32BJ for 9 years. I live in the Bronx, and I work as a cleaner in a Manhattan public school.

Because I make the prevailing wage, I can afford my bills. I can take my wife on vacation. I've been able to save money, buy a car, and now, I'm saving money to put a down payment on a house. I'm able to save money so when I have kids, they don't have to struggle.

I don't think it's fair for people who do the same job as me to not make what I'm making. The economy that we live in is out of hand. One bedroom apartments are over \$1,400 a month, and I don't know how anybody is supposed to afford that making less than \$20 an hour. These people work hard, and they should be able to get the proper pay so they can afford to live in New York.

This is why I urge you to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Jose Carrillo**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you Speaker Corey Johnson for prioritizing the needs of workers.

My name is Jose Carrillo and I work at McDonald's.

I'm here in solidarity with the building service workers in affordable housing developments fighting to make the prevailing wage because fast food workers like me know what it's like to fight for our rights on the job. We fought and won a \$15 minimum wage, and thanks to the leadership of the City Council, we won a Fair Workweek giving us the right to more stable schedules.

I believe that all workers should make livable wages, which is why the City Council needs to pass this bill.



**Testimony on Intro 1321  
New York City Council  
Civil Service and Labor Committee  
Eleuterio Sosa**

Good morning Chair Miller and members of the Committee. Thank you for the opportunity to testify today, and thank you Speaker Corey Johnson for prioritizing the needs of workers.

My name is Eleuterio Sosa and I work at Dominos.

I'm here in solidarity with the building service workers in affordable housing developments fighting to make the prevailing wage because fast food workers like me know what it's like to fight for their rights on the job. We fought and won a \$15 minimum wage, and thanks to the leadership of the City Council, we won a Fair Workweek giving us the right to more stable schedules.

The City Council has the chance to do the right thing and make sure these workers make a livable wage. I urge you to pass this bill.

**Testimony of Lorraine Collins  
Director of Public Policy and External Affairs  
Enterprise Community Partners, Inc.**

**For the New York City Council  
Committee on Civil Service and Labor  
Hearing on Intro 1321-2019  
June 20<sup>th</sup>, 2019**

My name is Lorraine Collins and I am the Director of Public Policy and External Affairs at the New York Office of Enterprise Community Partners, a non-profit affordable housing organization that has worked to create and preserve affordable housing here and nationwide for over 30 years. Since our New York office opened in 1987, we have committed nearly \$3.6 billion in equity, loans, and grants to help create or preserve over 63,000 affordable homes for over 167,000 residents in the region.

On behalf of Enterprise, thank you Chair Miller and the members of the Committee on Civil Service and Labor for the opportunity to provide comments on Intro 1321, which would require new development projects receiving city funds to pay building service workers prevailing wages.

As an affordable housing intermediary that works with a variety of affordable and supportive housing stakeholders, Enterprise joins our partners in expressing concern with 1321 in its current form, which would negatively affect low-income New Yorkers by limiting the production of affordable and supportive housing.

Because rents in our subsidized affordable housing are fixed, added labor costs cannot be offset by higher rents. Our partners at the Supportive Housing Network of New York estimate that Intro 1321 would add an average cost of \$9,300 per unit across all low-income housing programs. In addition to increased costs in new low-income development, this bill would create wage disparities between service workers in old developments and new ones, putting pressure on nonprofits managing existing affordable and supportive housing projects to increase the wages they pay. The cost of right-sizing old supportive housing contracts in New York City would be \$53 million, putting further strain on financially challenged housing providers, homeless service and other human service providers at a time of tremendous need.

A revised version of this bill carves out some supportive housing, which is a big step in the right direction. However, to protect housing and services for the New Yorkers who need it most, we are asking for additional protections for other forms of low-income housing. The committee should consider carving out all residential projects under regulatory agreement renting to households earning 80% AMI and below.

As a core philosophy, Enterprise supports economic mobility and higher wages for workers across our industry. For example, we are currently partnering with HPD on the Housing Career Pathways Collaborative, developing a program that would train and connect low-income New Yorkers to the quality, permanent jobs in affordable housing.

While we appreciate the Council's intention to ensure that building service workers are paid fairly, without additional subsidy to cover the increased cost of construction, prevailing wage expansion should be limited to projects that can afford them, without putting new and existing developments that house senior citizens, low-income and formerly homeless New Yorkers at risk. We also encourage the reporting of data to illustrate makes up this workforce and will benefit from the increased wages as we consider racial, ethnic, and gender wealth gaps that exist across the City.

Thank you for your time and we look forward to working with you and the City to ensure that all New Yorkers have the safety and security that an affordable home provides.



One strong, united voice for nurses and patients

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**New York City Council Int. No. 1604**

**Council Members Miller and Brannan**

**A Local Law to amend the administrative code of the city of New York, in relation to reporting of workers' compensation data**

**MEMORANDUM IN SUPPORT**

The New York State Nurses Association represents more than 41,000 registered nurses for collective bargaining and is a leading advocate for universal access to high quality health care for all New Yorkers.

The proposed local legislation would amend Administrative Code Section 12-127 to require that the reporting of City of New York worker compensation claims include specific data distinguishing workplace injuries (trauma related physical harm) by creating a new separate reporting category of work related illnesses.

Under current interpretation of Administrative Code Section 12-127, the City reports all workplace related workers compensation claims in a single aggregated report.

Because occupational illnesses are not reported and tracked separately from more traditional injuries resulting from physical trauma (assaults, slip and falls, machinery/equipment operating incident, accidents, etc.), it can be difficult or impossible to identify, track and respond to trends or patterns of occupational illness caused by exposures to communicable diseases and exposure to noxious workplace environments.

This distinction is particularly important to the 9,000 nurses employed by the City at NYC Health + Hospitals and various Mayoral agencies, for whom work related illness, particularly those resulting from exposure to communicable diseases are a regular fixture of their day-to-day work.

Accordingly, for these reasons, **NYSNA strongly support passage of Intro. No 1604.**



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Edward W. Hysyk

District Council 37, AFSCME Testimony

For NYC City Council Committee on Civil Service and Labor Hearing on the

Reporting of Workers Compensation Data

Thursday, June 20, 2019

Prevention is a crucial component of the Safety and Health community in New York City and beyond. It is important that the creation and implementation of prevention programs are well defined and supported by useful data.

As it stands now, and may my testimony reflect, the amendment to the Local Law does not sufficiently note how the data, described in Sections 1 – 5, will be utilized for prevention purposes. Sections 6 and 7 loosely begin to address this concern but not to an extent that will ensure programmatic success.

Addressing safety and health concerns requires technical expertise, useful and adequate data as well clear lines of communication with the larger safety and health community within New York City. We must understand how, organizationally, New York City plans to ensure the creation and maintenance of safety and health prevention programs that are well informed and meet industry standards.

In order to achieve this, we also request that the City include, in addition to the reported data requirements, the identification of incidence rates of workplace injuries and illnesses, broken down by agency, job title, and injury/illness type. This data is crucial to isolating at-risk populations and making informed decisions when it comes to developing targeted health and safety programs. Programs that are truly tailored to the needs of our members.

We very much welcome the opportunity to discuss this further in order to ensure a safer New York City.

Thank you very much for the opportunity to begin this very important dialogue.



## **Testimony of Najah Farley**

National Employment Law Project

# **In Support of Proposed Int. No. 108: Regulating Covenants Not to Compete for Freelance Workers**

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## **Hearing before the New York City Council**

Committee on Civil Service and Labor

City Hall

New York, New York

June 20, 2019

**Najah Farley**  
Senior Staff Attorney

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### **National Employment Law Project**

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Thank you, Chair Miller, Councilmember Lander and members of the Committee on Civil Service and Labor for the opportunity to testify today. My name is Najah Farley. I am a senior staff attorney at the National Employment Law Project (NELP). The National Employment Law Project is a non-profit, non-partisan research and advocacy organization specializing in employment policy. We regularly partner with federal, state and local lawmakers on a wide range of issues to promote workers' rights and labor standards enforcement.

I testify today in support of Int. 108, which would significantly limit the use of non-compete covenants in contracts for freelance work in the city. Research suggests that nearly 1 in 5 workers in the United States are currently bound by a non-compete.<sup>1</sup> Employers' stated reasons for using non-competes are typically to protect trade secrets, screen for employees that intend to stay with the company, and protect investment in employee trainings.<sup>2</sup> These policy rationales have no applicability for freelance work. In fact, they are antithetical to the very idea of freelance work, where workers are deemed to be in business for themselves, and cannot rely on a guaranteed salary and benefits, and so must be constantly searching for new clients and work. Because non-competes depress wages by reducing competition, permitting their continued usage in the freelance world will only contribute to worse conditions for freelancers in New York City.<sup>3</sup> We therefore urge that non-competes be banned for freelancers.

### **I. What are non-competes and how prevalent are they?**

Covenants not to compete, or non-competes, are agreements limiting a party's ability to accept work within specified industries, geographies, and/or time periods. Non-competition provisions are imposed by employers, often as a condition of getting a job, and to bar an employee or freelancer from going to a competing employer or related business for a period of time following the end of an employment relationship with their current employer. By signing one, the employee must agree that if they quit working for their employer, they will not work for a competitor for a period of time afterwards. Many are for a period of a year or more, usually not for more than two years. Usually they are bound by either industry or geography, but some are very broad, implicating entire regions of the United States. Some may even list rival specific competitor companies that are forbidden.

The definition of a competitor has also been very fraught, with some non-competes defining competitors as any similar business. This kind of breadth, along with large geographic restrictions, have kept workers from being able to move between jobs once they have gained expertise in an area or field.

Some non-competes even require that employees inform their employer of their prospective new positions and obtain approval for the new position.

Studies have also confirmed that non-competes are more widespread than initially thought. Just a few years ago, most people assumed that only executives and CEO's were bound by such agreements, but in 2016, researchers Evan Starr, J.J. Prescott and Norman Bishara estimated that 18% of workers are covered by non-competes, which amounts to nearly 30 million people. They also found that up to 40 percent of workers had been covered by a non-compete at one time during their careers.<sup>4</sup> In a report called "Non-Compete Contracts: Economic Effects and Policy Implications," the U.S. Department of Treasury found that in about half of states, even laid off workers or those fired without cause can be subject to non-competes. Even in California, where they are banned, 19 percent of workers have signed non-competes. So, they can still bind employees to their current job, if they believe the non-competes have the force of law.

## **II. Freelance Employment Relationships do not Have the Same Problems Surrounding Employee Training and Retention as Traditional Employment.**

Although NELP does not believe non-competes belong in the freelance area, we have looked at the employer reasoning for using these contracts. The prevailing reason that employers give for the widespread usage of non-competes is to ensure that they are investing in training for employees who plan to stay. Employers say they feel more confident investing in employee training, knowing that those employees cannot quickly leave the company and take the benefits of the training to a competitor. Additionally, employers say they believe that including a non-compete will screen out applicants who place a high premium on job mobility because they plan to leave quickly. However, research suggests that there is not a connection between expected job tenure and likelihood of signing a non-compete.<sup>5</sup>

In contrast, companies hire freelancers and independent contractors due to their mobility. Also, unlike employees, freelancers and independent contractors in this context are often in business for themselves, as models and artists, they are not looking for training or incentives to stay with a particular company but are freelance in order to maintain their independence. Moreover, these concerns about training and turnover are not present in the freelance work model. Freelance workers are hired to do specific jobs and do not expect to receive substantial training from hiring parties. In turn, hiring parties are not usually incentivized to find freelance workers that will be long-term employees, nor are they incentivized to provide such training opportunities. In many cases, independent contractors and freelancers do not receive the same training opportunities as full-time employees. In the case of freelancers, companies seeking to bind them are simply reaping the benefits of increased bargaining power due to the freelance worker's decreased job mobility while the worker is left with nothing but a limited ability to earn a living for the duration of the agreement. For those companies concerned about turnover among

freelancers and independent contractors, they have many tools available to reduce those possibilities, including raising the hourly rates, providing benefits, improving the work environment and in some cases making the freelancers full time employees in order to ensure that they spend the majority of their time on their company's projects. Restricting freelancers and independent contractors from new opportunities is not an appropriate way to treat this vulnerable workforce.

## **II. Non-compete Agreements are not Needed to Protect Trade Secrets in Freelance Work.**

The second most common reason given for the utility of non-competes is to protect trade secrets. However, freelance workers, such as fashion models, are unlikely to have access to the trade secrets of their hiring parties. Those who do have access and improperly share them can be held responsible without a non-compete agreement. Additionally, although non-compete agreements are more common in high-paying jobs with access to trade secrets, 12% of workers without a college degree and earning less than \$40,000 a year reported signing a non-compete.<sup>6</sup> This indicates that companies are not merely using non-competes to protect trade secrets but are relying on them to control workers' mobility and reduce their bargaining power. Historically, non-competes were imposed on higher-level employees to protect against trade secrets and client-poaching. But the widespread use of them today belies that initial impetus for non-competes. Today, according to the Treasury Department, fifteen percent of workers without a college degree are covered by non-competes, so there is only a 3% difference in the percentage of workers covered with bachelor's degrees and without them. Among workers making less than \$40k, fourteen percent are covered by non-competes.<sup>7</sup> These findings show that these contracts and provisions are not limited to highly compensated executives. In addition, workers who reported access to trade secrets were only 25 percent more likely to have signed a non-compete.<sup>8</sup> For those workers that have access to client specific information or interaction with clients, they were seven percent more likely to have signed a non-compete.<sup>9</sup>

## **III. Non-compete Agreements Unfairly Limit Freelance Workers' Ability to Earn a Living by Shifting Bargaining Power to Hiring Parties.**

Non-competes undermine the freelance work model as freelance workers cannot rely on a single hiring party for all of their income. Freelance workers need to be constantly looking for new jobs within their industry in order to earn a livelihood. Non-competes severely limit their ability to do so by restricting the companies and regions where they can be hired. These restrictions place a financial burden on freelance workers and can potentially force them out of their industry. This decrease in job mobility further shifts bargaining power from individual workers to management agencies and other hiring parties.

## IV. Conclusion

Non-competes have no appropriate role in freelance work where freelancers depend on their ability to find new work opportunities within their industry. Restrictions on their ability to do so place a substantial financial burden on freelance workers, unfairly restrict competition and threaten their ability to continue working in their field. NELP therefore supports amending Int. 108 to completely prohibit the use of non-competes for freelancers.

Thank you for the opportunity to submit this testimony.

---

<sup>1</sup> Evan Starr, JJ Prsecott & Norman Bishara, *Noncompetes in the U.S. Labor Force* (2017)

<sup>2</sup> U.S. Department of Treasury Office of Economic Policy, *Non-compete Contracts: Economic Effects and Policy Implications* (2016)

<sup>3</sup> Marshall Steinbaum, *How widespread is Labor Monopsony? Some New Results Suggest its Pervasive*, ROOSEVELT INSTITUTE, December 18, 2017; Greg Robb, *Wage growth is soft due to declining worker bargaining power, former Obama economist says*, MARKETWATCH, August 24, 2018.

<sup>4</sup> U.S. Department of Treasury Office of Economic Policy, *Non-compete Contracts: Economic Effects and Policy Implications* (2016), p. 7.

<sup>5</sup> U.S. Department of Treasury Office of Economic Policy, *Non-compete Contracts: Economic Effects and Policy Implications* (2016), p. 11.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

LAW OFFICE OF  
JEFFREY L. GOLDBERG, P.C.  
ATTORNEYS AT LAW

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STEPHEN J. SURRETT  
PARALEGAL

June 25, 2019

Brandon Clarke  
Director of Legislative and Communications Affairs  
Office of I. Daneek Miller,  
Council Member for New York State Assembly District 56  
172-12 Linden Blvd.  
St. Albans, NY 11434

**RE: HAKEEM A. WATKINS**  
**Written Testimony, Resolution 0040**

To whom it may concern:

We represent Hakeem A. Watkins in connection with his application for accidental disability retirement with the New York City Employees' Retirement System ("NYCERS"). Mr. Watkins injured his back in the line of duty on July 1, 2013, and has not worked due to the injuries he sustained, since that time.

Mr. Watkins was deemed disabled by the FDNY Bureau of Health Services ("BHS"), which is the bureau responsible for deciding whether EMTs or firefighters are medically able to return to work after an injury. Not only was Mr. Watkins removed from his job, but he has also been medically separated by FDNY, which means he was terminated due to lack of fitness to return to duty.

He has also been found disabled by the Social Security Administration, based on the neurological and psychological issues, which stemmed from his work-related accident.

However, NYCERS, another City agency, found that he is not physically disabled from his job, and, as a result, he cannot be approved for a service-connected disability pension. This is based on the opinion and recommendation of the NYCERS Medical Board. We represented him in a successful Article 78 proceeding, which saw the case remanded to the NYCERS medical board to issue a more appropriate finding. (*Matter of Watkins v NYCERS*, Kings County Civil Index number 2768/16) However, even after a judicial remand, the Medical Board again recommended denial of his application, and we had to institute another Court proceeding, which is currently pending.

Relevant cases demonstrate that the Courts are usually willing to allow the City to deny that a member is disabled, for pension purposes, even if the City has already deemed that member

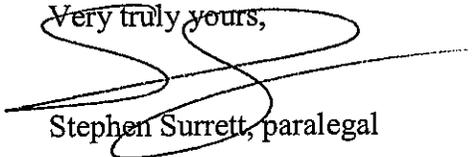
disabled for duty purposes, or if a member was found disabled by any other administrative body. For example, in Matter of Fitzgerald v Board, 2008 NY Slip Op 30774 [U]), the Supreme Court, Kings County stated as follows:

Moreover, given the 1-B Medical Board's sole authority to make the ultimate disability determination with respect to a firefighter's application for same, a contrary conclusion as to disability by the BHS Committee does not, in and of itself, render the 1-B Medical Board's determination arbitrary and capricious

As a result, many disabled civil servants, like Mr. Watkins, fall through the cracks of the system, and are left without a job, without a pension, and with a medical condition that makes finding other work very difficult. Our office has pursued administrative remedies with NYCERS, as well as seeking remedies in Court on Mr. Watkins' behalf. Aside from beseeching NYCERS or the Courts, the only other remedy for people in his position would be if the law were somehow changed.

It would help Mr. Watkins, and others similarly situated, if members who have been found disabled by their departments, or by the workers compensation board, or by the social security administration were automatically deemed disabled in connection with their service-connected disability benefits, along with any commensurate pension benefits, health benefits, and cost-of-living adjustments that are fair and necessary for such members.

Very truly yours,

  
Stephen Surret, paralegal

cc: Hakeem A. Watkins



June 20, 2019

The Honorable I. Daneek Miller  
Chairman, Committee on Civil Service and Labor  
Legislative Office  
250 Broadway Suite 1810  
New York, NY 10007

**Re: Support for City Council Bill 108-2018 — Regulating Covenants Not to Compete for Freelance Workers**

Dear Chairman Miller,

I am writing on behalf of the Model Alliance to support bill 108-2018, sponsored by Council Member Brad S. Lander. The bill requires hiring parties to compensate freelance workers during any period in which a non-compete agreement would restrict the freelancer from seeking other work. The bill also creates a private right of action allowing freelancers to seek a declaratory judgment finding a non-compete agreement void and grants the Office of Labor Standards enforcement authority.

The Model Alliance promotes fair treatment, equal opportunity, and sustainable practices in the fashion industry. The Model Alliance supports this bill because of the attention it pays models, who experience an imbalance of power with the modeling agencies through which they work.

Despite the passage of the Freelance Isn't Free Act, because agency-represented models do not qualify as "freelancers" for the purposes of the Act, the modeling industry has been left largely unregulated. Int 0108-2018 would provide a safeguard for models entering into long-term freelance contracts with model agencies (aka "model management companies") in the form of a required fee for including covenants not to compete.

Currently, modeling agencies often require models to enter into contracts with non-compete agreements, but then fail to actively promote them for work or pay them monies owed in a timely manner. Modeling agencies also routinely charge models various fees and expenses that often leave models working in debt to their agencies. Covenants not to compete leave models unable to make a living when their agencies are not providing them with work or paying them their earnings, leaving them financially dependent on their agency and sometimes even held hostage as indentured servants. This financial

dependence amplifies models' vulnerability for exploitation, including pressures to compromise their health to lose weight and to endure sexual harassment.

City Council bill 108-2018 would inject stability into the fashion modeling industry and meaningfully transform models' relationships to their agencies. By guaranteeing regular payment for the period of the covenant not to compete, models would not be so vulnerable to above mentioned agency practices.

By requiring non-compete agreements to be properly valued through monetary payments, hiring parties will not be able to reap the benefits of an exclusive contract while the freelancer suffers economic losses and is left vulnerable through financial dependence.

Thank you for your consideration. I strongly urge your support for bill 108- 2018.

Sincerely,



Sara Ziff  
Executive Director, Model Alliance  
Email: [sara@modelalliance.org](mailto:sara@modelalliance.org)

cc: Council Member Brad Lander  
Julia Ehrman

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 6/20

(PLEASE PRINT)

Name: Marilyn Perez

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jonathan Hogstad

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 6/20/19

(PLEASE PRINT)

Name: Kirsten Foy

Address: \_\_\_\_\_

I represent: THE ARC OF JUSTICE

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0040 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DREW BARZILAY

Address: 150-39 14 AVE WHITESTONE NY 11357

I represent: EDNY EMS LOCAL 2507

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

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Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Vincent Martinez

Address: \_\_\_\_\_

I represent: 32BJ

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Basil Lowery

Address: \_\_\_\_\_

I represent: 32BJ

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

*Appearance Card*

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 in favor     in opposition

Date: 6/20

(PLEASE PRINT)

Name: Maritza Perez

Address: \_\_\_\_\_

I represent: 32B

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_  
 in favor     in opposition

Date: 6/20

(PLEASE PRINT)

Name: Hal Shaw

Address: \_\_\_\_\_

I represent: 32B

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_  
 in favor     in opposition

Date: 6/20

(PLEASE PRINT)

Name: Sebastian Garcia

Address: \_\_\_\_\_

I represent: 32B

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Shirley Medel

Address: \_\_\_\_\_

I represent: 581432B

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

58

Appearance Card

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I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Yvette Cumberbatch

Address: \_\_\_\_\_

I represent: 32B

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

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Name: Delroy Dawkins

Address: \_\_\_\_\_

I represent: 32B

Address: \_\_\_\_\_

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 0040

in favor  in opposition

Date: 6/20/19

(PLEASE PRINT)

Name: Hakeem Watkins  
Address: 1660 Fulton Street Brooklyn NY 11233

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Melamed Tpu Sultan

Address: \_\_\_\_\_

I represent: Taxi Workers Alliance (TWA)

Address: \_\_\_\_\_

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I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

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Name: Paul Sonn

Address: \_\_\_\_\_

I represent: National Employment Law Project

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 6/20/19

(PLEASE PRINT)

Name: Laura Mascuch

Address: \_\_\_\_\_

I represent: Supportive Housing Network of NY

Address: 247 W. 37th St. 7th Fl. NY, NY  
10018

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20/19

(PLEASE PRINT)

Name: Lauren LaMack

Address: \_\_\_\_\_

I represent: Services for the Under Served

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dena Davis

Address: \_\_\_\_\_

I represent: West Side Federation for Senior +  
Supportive Housing

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20/19

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Name: Ismene Speliotis

Address: \_\_\_\_\_

I represent: MHANY

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/20/19

(PLEASE PRINT)

Name: Claire Sheedy

Address: \_\_\_\_\_

I represent: Breaking Ground

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: David Collier

Address: \_\_\_\_\_

I represent: 32 B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 108 Res. No. \_\_\_\_\_

in favor  in opposition

Date: JUNE 20, 2019

(PLEASE PRINT)

Name: PAUL SENN

Address: NAT'L EMPLOYMENT LAW PROJ.  
90 BROAD ST., 5F (100), NY, NY 10004

I represent: NAT'L EMPLOYMENT LAW PROJ.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Justin Sinclair

Address: \_\_\_\_\_

I represent: 32B1

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/20

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Name: Marilyn Vasquez

Address: \_\_\_\_\_

I represent: 32B1

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Elizabetha Salinovic

Address: \_\_\_\_\_

I represent: 32B5

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 040 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20/19

(PLEASE PRINT)

Name: GARY SMILEY

Address: 45 Fieldcrest Way Hazlet, NJ

I represent: FDNY - Local 2507 - Uniformed Paraprofessionals

Address: 150-39 14<sup>th</sup> Ave White Stn, NY 11357

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MINDY ROLLER

Address: \_\_\_\_\_

I represent: Worker's Compensation Division,

Address: Law Dept.

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JACQUELINE TERLUNGE

Address: CITYWIDE OFFICE OF OCCUPATIONAL

I represent: SAFETY (OSH)

Address: DCAS

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Genevieve Michel, Assistant Commissioner for Government Affairs

Address: \_\_\_\_\_

I represent: HPD

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Casey Adams

Address: \_\_\_\_\_

I represent: Dept of Consumer & Worker Protection

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JILL MAXWELL

Address: \_\_\_\_\_

I represent: DCWP

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Jordan Weiss

Address: \_\_\_\_\_

I represent: 32Bj

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Major Childs

Address: \_\_\_\_\_

I represent: 32Bj

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Suzanne Lynn

Address: 1 Centre St

I represent: DCA S

Address: 1 Centre

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Michael GRUBER

Address: 111 Livingston St Ground Floor Bklyn 11201

I represent: injured workers

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 1604 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joel Shufro

Address: 95 SHERMAN ST; BROOKLYN

I represent: N/A.

Address: \_\_\_\_\_

Human Services

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

32

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Michelle Jackson

Address: 130 East 59th St

I represent: Human Services Council

Address: \_\_\_\_\_

Human Services

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1321A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20/19

(PLEASE PRINT)

Name: Eric Lee

Address: 1710 Troutman St Apt 2 Ridgewood NY 11785

I represent: Homeless Services United, Inc.

Address: 307 W 38th St 3rd Fl, NY NY 10018

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

30

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Pedro Cambosa

Address: \_\_\_\_\_

I represent: 32B1

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Joseph Rosenberg

Address: 80 Maiden Lane

I represent: Catholic Community Relations Council

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 0040-

in favor  in opposition

2018

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Chester Lukaszewski (attorney)

Address: 500 Old Country Rd., Ste. 206, Garden City NY 11530

I represent: Local 2507

Address: FDNY-EMS Union

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 108-2018 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: CAITUN PEARCE

Address: 150 ST. JAMES PLACE BROOKLYN, NY 11201

I represent: FREELANCERS UNION

Address: 30 JOHN ST. BROOKLYN, NY 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0108-2018 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20/2019

(PLEASE PRINT)

Name: Marissa Daisy Alioto

Address: 922 Main St 1, Unit 311, Peekskill, NY 10566

I represent: Myself as a freelance worker

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: Dena Davis

Address: 9 PPW # 9B Brooklyn NY 11215

I represent: West Side Federation for Senior & Support Hsg

Address: 2345 Broadway, NY NY 10024

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 108-2018 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 06/20/19

(PLEASE PRINT)

Name: Jessica Perez

Address: 550 Grand St Apt 2N Brooklyn, NY 11211

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6-29-19

(PLEASE PRINT)

Name: Patrick Boyle

Address: 253 35th St.

I represent: NYSFAH

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. 620

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Kyle Biagg

Address: 25 W 18th St.

I represent: SEIU 32BJ

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Karla Walter

Address: \_\_\_\_\_

I represent: Center for American Progress

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: James Parrott

Address: \_\_\_\_\_

I represent: Center for NY Affairs - New School

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Gardner Soto

Address: \_\_\_\_\_

I represent: 32Bj

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. 6/20

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Yenny Hernandez

Address: \_\_\_\_\_

I represent: 32Bj

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. 6/20  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rose Fernandez

Address: \_\_\_\_\_

I represent: Community voices heard

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Fadila Mrkusic

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Roger Moore

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Vie Mae Richardson white

Address: \_\_\_\_\_

I represent: 32 B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Jessica Ortiz

Address: \_\_\_\_\_

I represent: 32 B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Rosina Thompson

Address: \_\_\_\_\_

I represent: 32 B)

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Elpidio Molina

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Reginald Norris

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Mark Espinoza

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Saul Hernandez

Address: \_\_\_\_\_

I represent: 32Bj

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Richard Torio

Address: \_\_\_\_\_

I represent: 32Bj

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Ardist Brown

Address: \_\_\_\_\_

I represent: 32Bj

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Michael Stephenson

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Kenya Harper

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/20

(PLEASE PRINT)

Name: Barbara Bonham

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 6/20

(PLEASE PRINT)

Name: Fabian Campbell

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1321 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 6/20

(PLEASE PRINT)

Name: Raymond Perez

Address: \_\_\_\_\_

I represent: 32B)

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆