

Testimony of the Department of Housing Preservation and Development to the New York City Council Committee on Housing and Buildings Fiscal Year 2015 Preliminary Budget Monday, March 24th, 2014

Good morning Chairman Williams and members of the Housing and Buildings Committee. My name is Vicki Been and I am Commissioner of the Department of Housing and Preservation and Development. Sitting with me are Eva Trimble, Assistant Commissioner of Budget and Chris Gonzalez, Associate Commissioner for Policy and External Affairs. Thank you for the opportunity to present HPD's Fiscal Year 2015 Preliminary Budget testimony.

Today I will provide an overview of HPD's budget and share with you some of my goals for the agency. To begin, I wanted to frame my vision for the agency's mission. HPD's mission is threefold. First, we are charged, of course, with helping to design and implementing the Administration's plan to preserve or develop 200,000 units of affordable housing over the next 10 years. Second, we plan to improve and expand our efforts to preserve the quality and stability of all our housing stock – not just our own assets – the properties we've helped construct or preserve, but the rent-regulated stock, the naturally occurring affordable housing, and market rate housing. Third, we will redouble our efforts to use our investments in housing, in code enforcement, and in asset management strategically, in concert with our sister agencies, the state and federal agencies, and independent bodies like the MTA, to help reinvigorate neighborhoods, while ensuring the stability and affordability of the neighborhoods' housing.

Although the Mayor's ambitious housing plan is a key priority for the agency, I want to reinforce that we are equally committed to ensuring that we build upon the successes we have had in improving the quality of the existing housing stock generally, that we make our asset management more effective and efficient, and that we use our programs and investments as a catalyst for positive change in neighborhoods across all five boroughs. I will discuss some of my goals for these three areas later in the presentation.

HPD's budget is unlike most other City agencies so I think it would be useful to spend some time today explaining how HPD's budget is funded and how we allocate our

resources. HPD's current year, Fiscal Year 2014 (FY14), operating budget is \$765 million. Transfer payments to landlords for rental subsidies compose just over 60 percent of the budget. Those funds do not support any HPD operations. City Tax Levy (TL) funds account for only 8 percent of our budget. This small percentage is both an advantage and a disadvantage to HPD. Of course it is great that we are leveraging federal dollars so that City funds are available for other needs. However, because most of our funding is from the federal government, which subjects the funds to extensive requirements and limitations, our flexibility to adjust to changing operational needs is constrained. Community Development Block Grant (CDBG) funding is the largest source of operating support for the agency with over \$125 million of FY14 funding. Indeed, if we exclude rental subsidies, and just focus on operating expenses and program and projects other than Section 8, CDGB funding constitutes nearly 45% of the total budget. City Tax Levy constitutes 21% of the budget once rental subsidy pass throughs are excluded.

The Preliminary Budget for FY15 totals \$553 million. Although this appears to be a sharp decrease from FY14, I expect that the FY15 budget will eventually align close to the current FY14 budget level. The Office of Management & Budget (OMB) adjusts the budget during the course of the year to reflect grant approvals, funding rolls, and other technical adjustments. In addition, the City Council discretionary funding is not yet reflected in the FY15 budget because you do not add those funds until adoption.

Let's take a closer look now at how we program our funding, specifically CDBG and tax levy. CDBG is HPD's primary funding source for operations. Nearly 60 percent of the CDBG funding is allocated towards our Enforcement & Neighborhood Services programs including Code Inspection, Emergency Repairs, and our Alternative Enforcement Program. The second largest allocation of CDBG funding is for the Office of Asset & Property Management for the management of the in-rem properties and operations of our shelter facilities.

Unlike CDBG, which is concentrated in a few areas, HPD's tax levy funding is spread out across the agency to cover program costs that are not eligible for any of our federal funding sources. I am happy to announce that the FY15 budget includes \$750,000 for continued support for mortgage foreclosure prevention assistance and I hope that the City Council will supplement this funding with a matching allocation for this program. For both CDBG and Tax Levy, approximately half of the budget is dedicated towards staffing costs and half towards program costs.

HPD's current headcount is approximately 2,000. This represents a 25% decrease since March, 2009. In some areas, such as development, the decrease is even sharper. The headcount dedicated to development, which will be critical to our efforts to produce and preserve 200,000 units of affordable housing, is down 43% since 2007, which was the year of highest unit production (18,408). I have been surprised to learn how much the staff has decreased at HPD over the past years. Increased efficiencies have allowed the agency to continue service delivery, but the agency is not adequately staffed to take on new initiatives or to expand our efforts under existing programs. We will, of course,

ramp up our efforts to drive down costs by pushing toward greater and greater efficiency, but we will need additional staff to achieve the goals I outlined earlier. I hope to address some of these staffing shortages as part of the Executive Budget process.

Taking a closer look at our Capital Budget, the five year plan totals approximately \$1.9B. After many years of decreasing federal and City funding, the capital budget is not positioned to support increased production in the out years. The Mayor's Housing Plan will require an adjustment to the capital budget. This is also something I hope to address during the Executive Budget process. Also as part of the Executive Budget, we hope to work closely with the City Council to coordinate Reso A allocations with our current pipeline in order to ensure that your funding is used most efficiently.

Now that you have an overview of our budget, I would like to share with you how we plan to use those funds to achieve new goals. You have all heard of the Mayor's promise to build or preserve 200,000 units of affordable housing over the next ten years. Half of all renter households are rent burdened, and one-third of them pay more than 50 percent of their incomes for rent, leaving little for medical expenses, food, education, and other basics. Most of those households are working, sometimes at two or even more jobs, but over the past decade, while rents have increased by about 10 percent in real terms, wages have stayed basically stagnant. But making New York City more affordable for all our residents is not just a matter of providing government subsidies to leverage private investment in building or preserving subsidized housing. We are reviewing all options -everything related to the availability of development opportunities and the cost of production is on our radar screen - from identifying areas that could support greater density and redevelopment, to expanding and reforming Inclusionary Zoning, to harnessing underused land and development - whether those development opportunities are now held by the City or state or by non-profits and other potential development partners, to streamlining our regulatory processes and better coordinating and leveraging tax incentives. It is too soon to talk about the exact shape of any of those ideas, but we are exploring the pros and cons of each, and every strategy that we can imagine and that our stakeholder meetings and outreach have produced. I look forward to returning in May to discuss this plan in more detail with you.

The housing plan target of 200,000 units is our primary goal, but I want to emphasize that our goals as an agency go beyond that number, ambitious and critical as it is. A second focus of the agency is on the quality and stability of the entire housing stock, across the five boroughs. We will be exploring ways to make our code enforcement efforts ever more effective and efficient. As you know, we are charged with inspection and enforcement of not only the subsidized stock that we have invested in, but also the rent-regulated stock, the privately owned Section 8 stock, the naturally occurring affordable stock such as small buildings, and the market rate stock. We will be revisiting our efforts to protect tenants' rights to safe and decent housing, to make sure that we are leaving no tool unused in the quest to make sure tenants are free from harassment, and are receiving the basic services and housing quality to which they are entitled. At the same time, we will be working with landlords and owners to explore new tools to help finance investments in resilience, energy efficiency, and sustainability. We are considering a

range of efforts to help owners of smaller buildings, which are providing some of our most affordable housing, to maintain the affordability and quality of that housing and lower their operating costs as efficiently as possible.

The final part of our mission calls out our focus on neighborhoods. As you know, some of our neighborhoods have not enjoyed the investment, amenities, and basic service quality that others have seen. And in many neighborhoods, development and change are looked at with dismay and distrust, rather than as harbingers of better times to come. Good housing is the key to stabilizing neighborhoods. But our investments in housing have to be better coordinated with economic development, infrastructure, parks, schools, and services, and have to be proactive and strategic, not reactive to where a deal is offered. We are exploring every potential tool we can imagine to use our investments as leverage to help all neighborhoods provide their residents with opportunities to make their lives better. We already know that good quality and stable housing can have a transformative impact on both the individual households and the neighborhood as a whole and we want to continue acting as a catalyst for positive growth across all neighborhoods in the five boroughs.

We have an amazing moment of opportunity – with a Mayor who knows housing from his days at HUD and as Public Advocate, and a Deputy Mayor who has spent her professional life in community development, and incredible partners – from the amazing Carl Weisbrod at City Planning, to Shola Olataye and Cecil House at NYCHA, to Gary Rodney at HDC. Mitch Silver at Parks, Kyle Kimball at EDC, and Gilbert Taylor at DHS. We have a speaker and so many council members with expertise and passion about these issues. We have a favorable market. And we have real enthusiasm and energy around learning from the efforts of the Koch Housing Plan and the New Housing Marketplace Plan and imagining how things can be done more effectively and efficiently. I look forward to working with you to seize that chance to build a better New York City. Thank you and I welcome any questions.

Fiscal Year 2015 Preliminary Budget Hearing

March 24, 2014

Vicki Been Commissioner

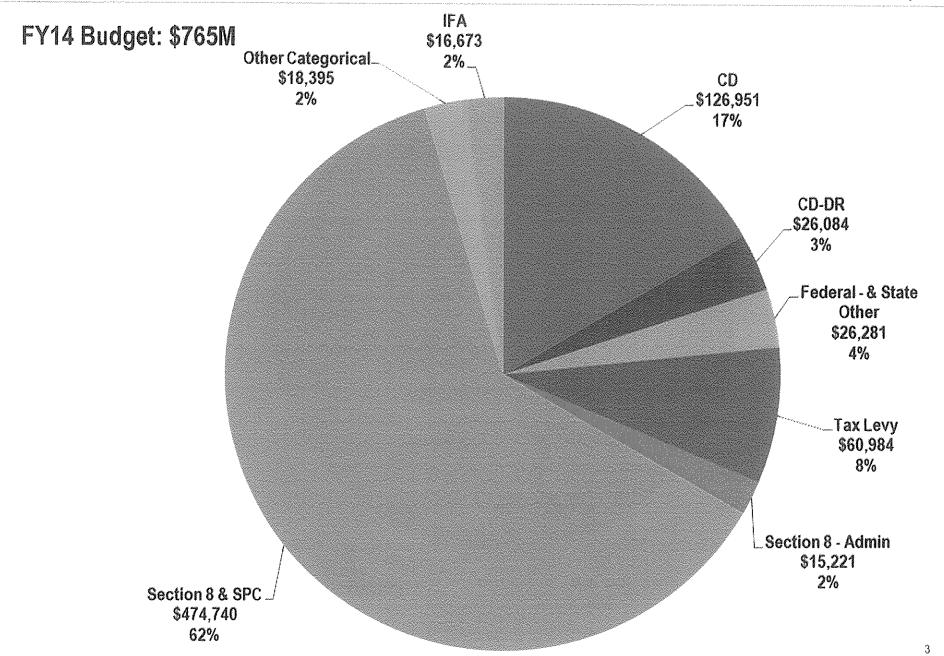


HPD Mission

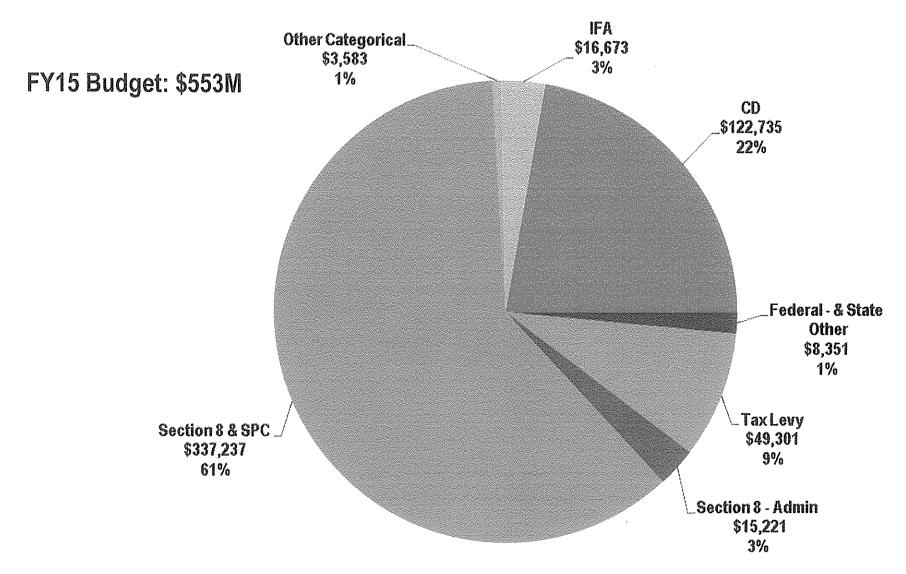
HPD's mission is threefold:

- To implement the administration 's plan to preserve or develop 200,000 units of affordable housing over the next 10 years.
- To improve and expand our efforts to preserve the quality and stability of all our housing stock.
- To use our investments in production and preservation, code enforcement, and asset management more strategically, to help improve neighborhoods while ensuring the stability and affordability of the neighborhoods ' housing.

Overview of HPD Expense Budget (operating – PS & OTPS, project, and program costs)



FY15 Preliminary Budget

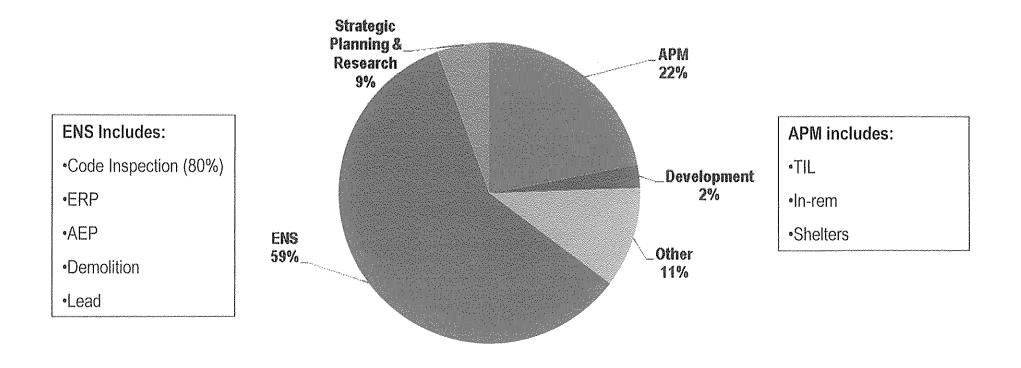


Many of the year-to-year differences will smooth out as technical changes are made throughout the year 4

CD Funding by Program Area

CD funding is a the primary funding source for critical HPD operations

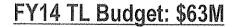
FY14 CD Budget: \$127M

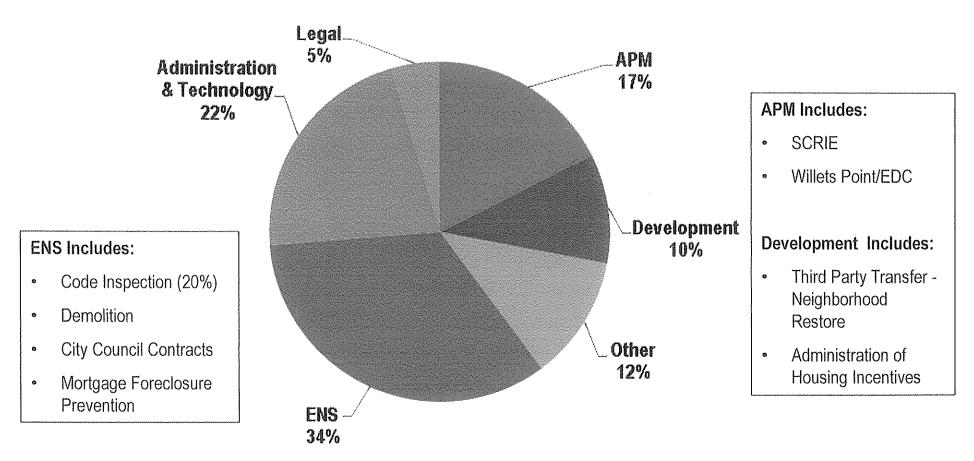


Approximately 50% of the CD budget is spent on personnel

TL Funding by Program Area

TL funding supports operations that are not eligible for grant funding or require a local match

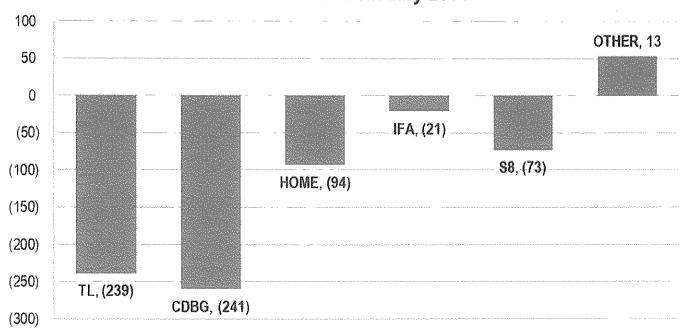




HPD Headcount

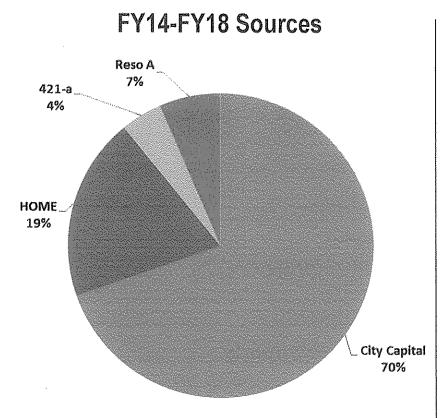
HPD's total headcount dropped 25% over the past 4 years. We are not adequately staffed to take on new initiatives.

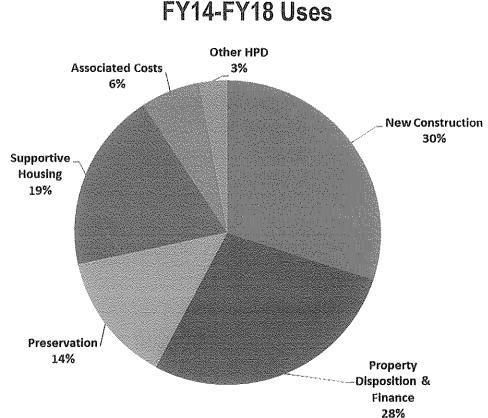
Active Headcount Change by Funding Source March 2009 - February 2014



Capital Budget

HPD's five year Capital Plan is \$1.9B, which is not sufficient to support increased production. The Mayor's housing plan will require an adjustment to the Capital Plan to ensure continued production.





Five-Borough Plan for 200,000 Units

As we develop the new housing plan, we are leaving no stone unturned in our efforts to provide new tools to leverage private investment and to find new or better ways to reduce the cost of land, construction, financing and regulatory compliance for the production and preservation of affordable housing.

Some examples:

- Strategic and coordinated density increases
- IZ expansion and reform
- Harnessing underused land and development rights
- Leveraging and coordinating tax incentives
- Streamlining regulatory processes

Housing Quality & Stability

We will make our efforts to ensure the quality and safety of our subsidized, § 8, rent-regulated, and market rate stock, and to protect the affordability, quality and stability of the housing that we've subsidized, even more effective and efficient.

Examples:

- •New tools to protect tenants' rights to safe and decent housing and ensure that they are free from harassment
- •New financing mechanisms to support investments in resilience, energy efficiency, and sustainability
- •Programs to preserve existing naturally occurring affordable housing in small buildings, and to help owners lower operating costs as efficiently as possible.

Neighborhood Strategic Investments

We will coordinate our investments in housing with investments in economic development, infrastructure, parks, schools and services, to be proactive, strategic and responsive to the community's needs and hopes.

Examples:

- •Initiatives to broaden and better time engagement with neighborhoods to ensure that strategies and priorities are aligned.
- •Better coordinate and leverage investments in housing with other agencies' and private investments in economic development infrastructure, parks, schools, transit, and other services.
- •Use data from enforcement and asset management, as well as indicators of market conditions and neighborhood needs, to best target resources and align with the neighborhood's aspirations.

Thank You!

Questions?

FY2015 PRELIMINARY BUDGET HEARING New York City Council – Housing & Buildings Committee Testimony by Acting Commissioner Thomas Fariello, RA March 24, 2014

Good afternoon, Chairman Williams and members of the Housing and Buildings

Committee. I am Thomas Fariello, Acting Commissioner of the New York City Department
of Buildings. I am joined by Executive Director of Budget and Fiscal Operations Edwin

Pemberton and other members of my staff.

Our Department's core mission is to advance public safety, enforce the laws that govern construction and facilitate compliant development. We continually seek innovative ways to allow safe and compliant construction to move forward faster.

Today I'll review our proposed budget, headcount and staffing, as well as our critical safety and development initiatives.

First, however, I'll focus on our recent state of construction. In Calendar Year 2013, there was a 62 percent reduction in construction-related fatalities compared to 2012. The decrease from eight to three fatalities can be attributed to our construction enforcement, ongoing safety education and targeted inspection programs.

Construction activity remains busy this Fiscal Year, and we continue to see an increase in New Building and major alteration filings. At the close of Fiscal Year 2013, more than 72,000 NB and Alteration applications were filed with the Department. That was an increase of approximately 5% over Fiscal Year 2012.

The number of initial construction permits issued totaled more than 88,000, a 1.3% increase, and permit renewals also rose to more than 41,000, which was approximately 5% from the prior fiscal year.

1) OVERVIEW OF PROPOSED BUDGET, HEADCOUNT AND STAFFING

The Mayor's Fiscal Year 2015 Preliminary Budget allocates approximately \$99 million in expense funds to our Department. This <u>excludes</u> fringe benefits. Of this, approximately \$80 million is for Personal Services (PS) and \$19 million is for Other Than Personal Services (OTPS).

The major change to our budget was the added funding for the *Build It Back*Program, which assists New Yorkers affected by Hurricane Sandy. Our role is to support rebuilding and repairs. We anticipate that this initiative will increase our workload, and the \$687,000 allocated will enable us to hire 17 new employees to meet the expected demand. We are currently recruiting the new staff positions for *Build It Back*. These include: 8 plan examiners; 4 inspectors; 4 support staff members; and 1 director.

In addition, an adjustment was implemented to transfer 4 of our Help Desk technician positions to DoITT as part of the CITIServ initiative. This citywide program consolidated agencies' data centers to unify shared services.

The Fiscal Year 2015 Preliminary Budget revenue plan is approximately \$196 million. This does <u>not</u> include more than \$45 million in Buildings-related ECB fines that the City collects each year.

As of the Fiscal Year 2015 Preliminary Plan, the Department's budgeted headcount is 1,124.

II) SAFETY AND ENFORCEMENT

Advancing construction safety remains our agency's core mission. We do this multiple ways, from holding applicants accountable through the permitting process to reviewing construction plans to performing proactive inspections and responding to emergencies.

In recent years, we have launched new programs to enhance oversight, some of which work to prevent construction accidents before ground is broken. I will highlight some of these programs for you.

Major Projects Initiative. The safety of a complex worksite can be set well before actual construction operations begin. This is especially true for complex projects that require detailed coordination of simultaneous activities. For these worksites, we modified our typical regulation structure to create the Major Projects Initiative. Sites may opt into this program, and we dedicate skilled inspectors and managers who work closely with developers, contractors and construction managers. They participate in preconstruction planning and biweekly meetings. Plus, we coordinate joint inspections with multiple agencies. This approach enables us to better communicate and enforce expectations, proactively address noncompliance – and help keep sites safer for everyone. For example, in the coming years, large-scale and complex projects in the Hudson Yards area will yield more than 24-million square feet of space.

With development well underway there, we dedicated a team to that ongoing work and are synchronizing our Department units involved in those projects.

Updating Crane Inventory. Limiting the age of cranes is a major step in enhancing public safety and helping contractors build more safely and efficiently. Cranes that operate for a prolonged period of time are more susceptible to stress and fatigue. With heightened maintenance needs over time – and with the failure of parts or defunct manufacturers – conducting proper repairs becomes more difficult. By contrast, newer cranes have advanced safety features and reduced maintenance needs. Moreover, cranes manufactured today are better for our communities: They tend to be electric – rather than diesel – so they are less noisy and produce fewer emissions. For these reasons, we are focused on reducing the average age of the tower cranes operating in New York City. In 2008, when two tower cranes collapsed, the average age of this equipment operating here was nearly 15 years. Today, the average age of tower cranes operating in New York City is just over 9 years. As part of this effort, we have issued cease-use orders for two models of cranes manufactured in the 1970s and 1980s, and we have removed 36 tower cranes from operation. These models of cranes were ordered out of service after they were identified to have documented performance and safety issues.

- the Building Marshal. Last August, we created the Office of the Building Marshal. This new unit is enhancing our enforcement initiatives by coordinating our investigations. For example, our new Building Marshal is focusing on major cases against unlicensed contractors performing illegal work and negligent property owners renting illegal and dangerous apartments. This Marshal is working with the FDNY, NYPD, Department of Housing Preservation and Development and Department of Investigation. To date, the Office of the Building Marshal has opened more than 245 investigations; these include a probe into two deaths, unlicensed work and tenant harassment.
- 3D Site Safety Plans. Our Department became one of the first regulators to use Building Information Modeling software to enhance construction site safety. Site safety plans are a critical requirement when seeking to construct a major building in our jurisdiction. By utilizing this more advanced technology, our plan examiners can view a three-dimensional, computer rendering of a site's complexities, instead of the age-old two-dimensional lines on paper. It is significantly easier for our plan examiners and inspectors to spot non-compliance and potential dangers. For example, following pipes and ductwork and reviewing crane pick zones are simpler. We are now exploring how to build upon this by accepting and reviewing animated site safety plans in the future.

III) DEVELOPMENT

As we continue finding ways to keep New Yorkers safe, the Department also must allow development to forge ahead. Construction keeps our City vibrant, with jobs for workers and neighborhoods revitalized for residents.

Over the past four fiscal years, we have seen increased New Building permits in Manhattan (60%) and Brooklyn (nearly 87%). Not only are there more New Buildings being permitted, but these are larger structures: Construction floor area has been increasing consistently. In fact, over the past four fiscal years, floor area has risen from nearly 16 million square feet to almost 27.5 million square feet. That is a rise of more than 72%. Simultaneously, demolition permits — a sign of future New Building activity — have increased 16.5% over this same period.

In recent years, we have thoroughly modernized the plan approval process by launching multiple new programs, some of which I will highlight.

- NYC Development Hub. We launched this state-of-the-art project review center in 2011. In doing so, we re-envisioned the approval process transforming it into an entirely electronic and collaborative platform. At this center, our code experts collaborate with licensed professionals on how to comply with the various, applicable codes. Through this more efficient process of electronic plan exam and virtual meetings, crucial time and money are saved in construction projects generating jobs faster. Since its launch, the Hub has approved more than 1,600 New Buildings and major alterations.
- Hub Self-Service. Building upon the Hub's success and industry demand to expand the program, in 2012 we expanded it by launching Hub Self-Service.

This extended the Hub's convenience to smaller projects, and we now provide automated issuance of permits online, typically within one business day of submission. This means that licensed design professionals working on projects such as sidewalk sheds, fences, boilers and façade repairs can submit their professionally certified plans, pay the necessary fees online and have their permits issued – without having to leave their offices.

- Hub Full-Service. Smaller construction projects, such as apartment renovations and office improvements, comprise the majority of work in New York City. To simplify the construction approval process, Hub Full-Service offers virtual plan examinations for minor alterations. This system supports design professionals who prefer Department reviews of their smaller-scaled projects. They take part in the same collaborative process and video conferencing for project approvals.
 Since its launch last November, Hub Full-Service has made 670 approvals.
- Hub Inspection Services. When initially announced in 2011, we set a goal of performing every electrical, plumbing and construction inspection within 10 days of an appointment request. By re-aligning operations, leveraging technology and centralizing command of resources, we created Hub Inspection Services, a branch of the NYC Development Hub. We set and are currently exceeding our 10-day goal.

IV) CODE REVISION

Modernizing our operations goes hand-in-hand with maintaining a set of Construction Codes that remain up-to-date to reflect today's processes and materials. The New York City Construction Codes consist of one administrative and five technical volumes. Specifically, these are the Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation and Administrative Codes. The last contains permitting, licensing, fees and other provisions that apply universally to the five technical volumes.

Periodically, we revise these Codes, and the latest update – the 2014

Construction Codes – go into effect October 1 this year. This was an enormous effort that brought together stakeholders, including architects, engineers and representatives from the construction industry, labor and real estate. Employees from 11 other City agencies also participated in the revision process to ease multi-agency regulation.

To prepare the construction industry, we have already begun a widespread outreach effort to highlight the upcoming changes. Our technical experts are giving presentations to professional organizations in multiple boroughs. We are also crafting an all-day training session that will accommodate approximately 900 industry stakeholders. We will offer this training later this year and will provide the material online, as well. Plus, at this year's Build Safe / Live Safe Conference – our annual safety education program for the industry – each of our eight seminars will address changes in the 2014 Codes.

Later this year, as the October 1 effective date approaches, we will also begin intensive training for our employees so that they are proficient in the new requirements.

Other Code revisions are pending. We will begin revising the NYC Electrical Code this year. While not officially part of the Construction Codes, the Electrical Code is under our purview. Plus, we will be proposing legislation to update the NYC Energy Conservation Code this year, in order for us to remain current with New York State amendments.

V) <u>CONCLUSION</u>

In closing, I would like to reiterate my appreciation for your support, and I look forward to working together, protecting all New Yorkers, including the hundreds of thousands of construction workers who build our City.

i would be happy to answer any questions you may have. Thank you.

FOR THE RECORD



Testimony of Supportive Housing Network of New York For the New York City Council's Committee on Housing and Buildings Hearing on the New York City Council Fiscal Year 2015 Preliminary Budget March 24, 2014

Good morning. My name is Nicole Branca. I am the Deputy Executive Director for the Supportive Housing Network of New York and I am here today to call attention to the need for a new city-state supportive housing agreement. Specifically the Network requests that the Council work with the Administration to ensure that at least 15,000 units of the 10-year, 200,000 unit housing plan be targeted for new construction of supportive housing, affordable housing tied to on-site services for homeless, disabled and at-risk individuals and families.

The Supportive Housing Network is a member organization representing over 220 nonprofit organizations that build, manage and provide services in more than 47,000 permanent supportive housing apartments throughout New York State, including 30,000 units in New York City. For the most vulnerable homeless individuals and families in the City's shelter system and on its streets, supportive housing is the most effective and cost-efficient intervention, providing both the permanent housing and the social services needed to enable individuals and families to find stability and begin rebuilding their lives.

While New York City leads the nation in the production and innovation of supportive housing – in large part thanks to HPD's continued commitment to the model, the demand far exceeds the current supply. With record homelessness we need to do more. Last night over 60,000 individuals and families slept in City shelters or on the street. Supportive housing isn't the solution for all 60,000 – the City must work across agencies to develop a continuum of housing and services to address the myriad of reasons why New Yorkers become homeless – but supportive housing must be central to that plan.

Over the last nine years the City has been creating supportive housing through a city-state agreement known as the New York/New York III Agreement (following two prior initiatives signed in the 90s). Together the City and State agreed to create 9,000 units of supportive housing over ten years, targeting specific vulnerable populations including chronically homeless individuals living with mental illness, HIV/AIDS and other disabilities, vulnerable youth including youth aging out of foster care, and homeless families where the head of household is medically disabled.

By almost every measure, NY/NY III has been a resounding success. The program:

- Reduced use of shelters, hospitals, psych centers and incarceration, for an average public savings of \$10,100/unit per year;
- Decreased chronic homelessness among single adults by 47% in first 5 years;
- Provided long-term housing stability with more than 75% of NY/NY III tenants remaining housed after two years and a shelter recidivism rate of only 5%;
- By using an integrated model and not just building residences for 100% supportive housing tenants, NY/NY III is generating the construction of over 2,000 additional units of affordable housing, all for people living in the community making less than 60% Area Median Income; and
- By the end of the agreement, NY/NY III will have created over 10,000 construction jobs the majority of which at prevailing wage, and an estimated 1,500 property management and social service jobs, many of which have gone to people living in the community in which the buildings are built.¹

Supportive housing has also been proven to improve neighborhoods. An independent study by the New York University School of Law's Furman Center for Real Estate found that the value of properties surrounding supportive housing rose higher and more quickly the closer those properties were to newly-developed supportive residences, which often replace of abandoned buildings, vacant lots and other neighborhood disamenities.²

The problem is that the NY/NY III initiative is coming to an end and without a capital commitment from the city and state housing agencies and operating contracts from the city and state human service agencies, the production of supportive housing will come to a standstill.

Getting to a new 15,000 unit City-State Supportive Housing Agreement:

Assuming the City and State continue to build integrated housing, split development costs 50/50, and that the city continues to leverage significant private funding through bond financing and tax credits, the estimated capital subsidy need for a new NY/NY initiative is \$165 million per year for HPD and HDC. We urge City Council to work with the Administration to ensure that the housing plan includes this 15,000 unit commitment and that HPD's capital budget includes the funding to make it possible.

Thank you for the opportunity to testify.

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¹ Estimates based on calculations found in this presentation: http://shnny.org/learn-more/what-is-supportive-housing-slideshow/

² http://shnny.org/uploads/Furman Center Policy Brief.pdf

TESTIMONY

ON

STABILIZING NYC: FIGHTING PREDATORY EQUITY AND TENANT HARASSMENT

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL HOUSING AND BUILDINGS COMMITTEE

PRESENTED BY:

Cathy Dang
EXECUTIVE DIRECTOR
CAAAV: ORGANIZING ASIAN COMMUNITIES
On behalf of the
STABILIZING NYC COALITION

MARCH 24, 2014

Good afternoon. My name is Cathy Dang and I am the Executive Director of CAAAV: Organizing Asian Communities, a member of a new citywide coalition that has come together to fight the depletion of affordable housing in NYC at the hands of predatory equity. Thank you for the opportunity to testify this afternoon.

Our predatory equity coalition is made up of twelve community organizations and one civil legal services provider— CAAAV, the Community Development Project at the Urban Justice Center, Asian Americans for Equality, Chhaya CDC, Community Action for Safe Apartments at New Settlement Apartments, Fifth Avenue Committee/Neighbors Helping Neighbors, Flatbush Tenant Coalition, GOLES, Mirabal Sisters Cultural and community Center, Mothers on the Move, Northwest Bronx Community and Clergy Coalition, Pratt Area Community Council and Woodside on the Move.

Over the past seven years, New York City's affordable housing market has been severely destabilized by private (predatory) equity companies that purchase large number of rent-stabilized buildings at inflated prices and then push out the rent-stabilized tenants so that they can charge market rates, using a wide range of harassing techniques from frivolous lawsuits to failing to provide heat or conduct necessary repairs. Despite these tactics, many companies, such as Vantage, Pinnacle, and Dawney Day went bankrupt, forcing their buildings into foreclosure and leaving rent-stabilized tenants to languish in limbo without repairs. As the market has recovered, new predatory equity companies such as Chestnut Holdings, Urban American, Ocelot and Bluestone have purchased these foreclosed buildings and adopted the same business model, and as a result, the city has lost thousands of rent regulated apartments over the last few years.

As the crisis continues, organizers and lawyers have begun working with tenants in all five boroughs, fighting back against these landlords' aggressive and illegal tactics. The strategies we use include: organizing tenants in predatory equity buildings and educating them about their rights; bringing lawsuits against negligent and abusive landlords to compel them to make repairs, restore essential services and cease harassment; and intervening in foreclosure proceedings to urge the court to sell foreclosed buildings to responsible owners who respect tenants' rights. We have had some success with these methods, but for every tenant that we are able to help, dozens more are losing their affordable housing at the hands of predatory equity, and the result is that thousands of rent regulated tenants are forced out of their homes each year.

A recent example of predatory equity's impact on affordable housing in our city is the Three Borough Pool, a portfolio of 44 rent-regulated buildings in Manhattan, Brooklyn

and the Bronx that were owned by predatory equity companies and have fallen into foreclosure. As a result, the owners have stopped maintaining the buildings, which have more than 2700 violations combined, and are seeking refinancing in hopes of converting the buildings to market-rate housing. If they succeed, New York City will lose more than 1500 units of affordable, rent-stabilized housing.

There are many other predatory equity companies with similar citywide portfolios of rent-stabilized buildings, and we are concerned about the impact that their practices will have on long-term affordability in our city at a time when affordable housing is already scarce. The members of Stabilizing NYC have mobilized against these practices to try and protect affordable, rent-stabilized housing in our communities, but these companies own buildings all over the city, so our response to them must be city-wide as well.

Because predatory equity companies have far more resources than community organizations, the preservation of rent-stabilized units depends on the assistance of the New York City Council. We ask the Council to step in and provide funding to stop the loss of these vital rent regulated apartments. With additional resources, community organizers, supported by attorneys, can powerfully defend tenants against dangerous predatory equity landlords, tenants can begin to fight back, and we can make sure that private investment corporations don't rob the city of its precious affordable housing.

Once again, thank you for the opportunity to testify.



TESTIMONY OF Barika Williams, BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING & BUILDINGS CONCERNING FISCAL YEAR 2015 PRELIMINARY BUDGET

March 24, 2014

Good afternoon. Thank you Chairmen Williams and to the members of the Committee on Housing and Buildings for this opportunity to testify.

My name is Barika Williams and I am the Policy Director for the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of NYC-neighborhood based housing groups- CDCs, affordable housing developers, supportive housing providers community organizers, and economic development service providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. We have 98 members throughout the five boroughs who have developed over 100,000 units of affordable housing in the past 25 years alone and directly operate over 30,000 units.

I am here to speak about the lack of funding for the Neighborhood Preservation Consultant Program in the New York City Council Fiscal Year 2015 Preliminary Budget and request that the program be fully restored to \$1,080,000.

For more than 30 years, NYC's Department of Housing Preservation and Development's (HPD) Neighborhood Preservation Consultant Program (NPCP), and its predecessor programs, has provided consistent funding for community-based, nonprofit partners to work with tenants, landlords, and the city to preserve affordable housing, ensure neglected properties do not have a negative impact on the broader community, and protect tenants from eviction and dangerous living conditions throughout the city.

NPCP funded community-based groups to work building-by-building and block-by-block to provide effective and responsive support that promotes neighborhood stability in all its various forms. These local organizations' staff augment HPD's code enforcement efforts by identifying properties plagued by poor living conditions that put tenants and the larger neighborhood at risk.

Six years ago, Mayor Bloomberg made a dramatic 60% cut to NPCP, reducing funding to \$1,080,000. This funding provided for \$40,000 grants to local nonprofits in 27 community districts. This was followed by Mayor Bloomberg cutting the NPCP program an additional 25%, yet again. This reduction resulted in the entire City's building preservation initiative being served just under 15 contracts with a total budget of only \$580,000.

NPCP provides critically needed support to distressed neighborhoods; however it has been cut by 72% since 2012.





The cuts to NPCP are particularly glaring given City Council's continued support of the Housing Preservation Initiative (HPI) and the Community Consultant Contracts (CCC) program; two programs that are critically important to helping community-based neighborhood groups preserve affordable housing.

The City Council cannot bear the full burden of funding neighborhood-based preservation efforts. Mayor Bloomberg's cuts to NPCP have effectively transferred the majority of support for community-based tenant and affordable housing efforts to the City Council's budget and constitutes a significant pull-back in responsibility by the Bloomberg Administration.

ANHD is disappointed that the NPCP program was slashed under the Bloomberg administration capital and expense budgets and strongly request that the program be fully restored to \$1,080,000 by the de Blasio administration.

ANHD calls on you to correct the unfortunate decision to cripple NPCP by adequately funding the program. This is an opportunity forge a new, more productive relationship with community based institutions in our collective effort to preserve neighborhood affordable housing.

By fully restoring HPD's Neighborhood Preservation Consultant Program to \$1.08 million, the new City Council and the new de Blasio administration have an opportunity to recommit to City investment in the preservation of our valuable affordable housing stock which brings far more value to the community that just units, it helps stabilize neighborhoods and communities.

In addition, with the upcoming announcement of the Mayor's Housing Plan, careful attention must be paid to how the City is applying tis resources. ANHD's 2013 report, *Real Affordability:* An Evaluation of the Bloomberg Housing Program and Recommendations to Strengthen Affordable Housing Policy, found that in half of the City's community Districts the majority of affordable housing units were too expensive for the average local household. We ensure that our affordable housing investment meet the Real Affordability needs of local neighborhoods and create Permanently Affordable Housing opportunities that stabilize neighborhoods.

In order to best achieve these goals, proper capacity for our partners in government will be more important than ever. We are asking council to fully fund HPD's budget for the coming year, and to commit to funding any additional capacity needed as a result of the Mayor's new housing plan. This up-front investment leads to long-term savings for the city as well, as projects are moved through the pipeline quicker, housing violations are addressed sooner, and other funds from private or other government partners are able to be leveraged in a more timely manner.

The New York City Council Committee on Housing and Buildings Oral Testimony for Agency Oversight Hearing March 24, 2014: HPD Responsibilities From Jeanne S. Poindexter, Mitchell-Lama Cooperator, East Midtown Plaza, Manhattan

Thank you for a bit of time here, and may you find that my complaints are worthy of attention within your oversight responsibilities. I am complaining here today that HPD does not always allow public review when making substantive change in governing policies for M-L housing. On two such matters in recent years, HPD's failure to follow an open course for changes does severe damage to the **affordability** of the M-L cooperatives.

The FIRST such change that concerns me is HPD's insertion of paragraph 15 into §3-14(i) of the HPD Rules to allow withdrawal of a cooperative from the M-L Program by conversion to a Housing Development Fund Company cooperative.

Such conversion degrades the affordability of the M-L coop at two levels: it increases the sales price of the dwelling units 7- to 10-fold, and increases the monthly charges by various distressing amounts, depending on the coop and the details of the planned conversion.

In the summer of 2012, Cooperators United for Mitchell-Lama (cu4ml), an organization of which I am a member and officer, submitted a position paper on this matter to agencies and the State Attorney General. Some modifications were made to steps in the conversion process, but the only meaningful remedy to this paragraph is to rescind the entire ¶15 of §3-14(i)(15). In January, 2013, cu4ml submitted to HPD a petition to that effect signed by **451 M-L cooperators**. To date, there has been no response from HPD to this effort by hundreds of M-L cooperators to protect their developments from a severe loss of affordability.

We raise no objection to HDFC cooperatives as desirable housing for some developments. It is the conversion of M-L coops to HDFC developments that we oppose; we do not want HDFC coops to contribute to the elimination of M-L coops. NYC would be well served by an increase in both types of coops.

The second such change that distresses me is HPD's nearly silent introduction in 2005-2006 of a so-called "First Sale Capital Assessment" (FSCA).

Briefly: FSCA is a practice begun in 2005/2006 by HPD without seeking public comment. FSCA has not been adopted by HPD as an amendment of the Rules; there is no First Sale Capital Assessment program at HPD. It is urged on M-L cooperatives – as far as I can tell – by word of mouth.

What is it? It is permission from HPD for the corporation to charge an incoming cooperator twice the statutory price of the unit. The statute (PHFL Article 2 section 31-A Resale price of shares.) sets the resale price of a M-L coop unit as the sum of what the outgoing cooperator has paid as original equity + any assessments + the apartment's proportionate share of mortgages. The statutory price is repaid to the outgoing cooperator, and the corporation keeps the remainder.

I was awakened to the details of this process by the introduction of FSCA at EMP as of January 18, 2014. Until that date, the resale price of my apartment was \$37,500; overnight, the price became \$75,000. Meanwhile, although apartment sales at EMP during mid-January to mid-March have averaged 5.75 units over the past six years, the number for 2014 is **ZERO**. Lack of sales is hardly a surprise, although the doubled prices surely were a serious disappointment to applicants on our waiting lists, internal and external.

I am deeply disturbed by this "assessment." Sooner or later, the legality of charging double the statutory price for M-L apartments will be challenged, and restitution of the excess payments already made by new cooperators at the 12 - 20 developments so far involved will surely be problematic.

My Webster's Unabridged dictionary defines extortion as "the act or practice of wresting money, etc., from a person by force, threats, misuse of authority, or by any undue exercise of power, sometimes applied to the exaction of too high a price." I don't know the legal definition of this term, but the dictionary definition is altogether appropriate to FSCA, which I regard as constituting an indefensible breach of faith with the public by attacking -- not just failing to protect -- a major component of affordable housing available to the people of New York.

My plea to the Council is to examine the behavior of HPD in these matters and ask whether **lack of public input** into such changes is a flaw in need of correction at HPD. Again, Thank you for time to speak.

Testimony of Maria Tineo on behalf of the Tenant Association of 21 Arden Street New York City Council Committee on Housing and Buildings Preliminary Budget Hearing - Department of Housing Preservation and Development March 24, 2014

Contact: Tenant Association board members Maria Tineo (212)304-0767 or Miriam Disla (347)874-0780 Northern Manhattan Improvement Corp: Jennifer Welles (212)453-5360 jenniferwelles@nmic.org

Thank you Council members for allowing us to give this testimony today. My name is Maria Tineo and I am the Treasurer of the Tenant Association of 21 Arden Street. We the tenants are here today to ask for your support in the restoration of long-promised funding to renovate our building, from which we have all been relocated for over 6 years.

It has been a really difficult path since we entered the Department of Housing Preservation and Development's (HPD) Tenant Interim Lease (TiL) program in 1991. For more than a decade, we have attended trainings and managed our building, collected rent, maintained financial records, and performed routine maintenance, as required by the program.

Several years into the program, HPD installed shoring throughout the building, because of fears that it was falling down. In June of 2008 HPD vacated the building, due to the dangerous conditions, with the promise that the building would be renovated and we would be relocated for a little over a year. We were threatened with eviction if we didn't comply. U-Hauls were arranged for us to move, and we were told that plans had been drawn by architects and that the city had set aside the funding for the renovation of our building.

We were relocated to six different buildings throughout the neighborhood. In some cases, elderly residents were placed on high floors and have difficulty reaching their apartments in walk-up buildings. The response from the HPD coordinator at that time was that people could move elsewhere or be taken to court if they couldn't make it up the stairs. Six years is a long time to be living in limbo in apartments that are not our own, without the support of the people we have called neighbors for over forty years.

In November 2011, HPD transferred the building into its new Affordable Neighborhood Cooperative Program (ANCP). It took a year for HPD to move to the point where it was ready to move ahead with the project. In November 2012 representatives from HPD met with the Tenant Association, NMIC and Councilmember Ydanis Rodriguez, promising that funds were available for the project that fiscal year.

Based on those assurances, and urged by HPD to move forward, the Tenant Association and NMIC proceeded with the project: they hired an architect incurring \$50,000 in predevelopment costs, including producing architectural plans and environmental testing. We were told that the renovations could start in the summer of 2014. Then in January 2014, HPD abruptly put the project on hold, saying only that it would not move forward this fiscal year, and offered no guarantees that the project would move forward at all. We wrote a letter to Commissioner Been about our situation and have had no response.

We have remained committed and united throughout this ordeal, despite being scattered throughout the neighborhood. We have held meetings, collected rent, reported our income multiple times, completed monthly financial reports, and complied with all other HPD requirements. It is time for HPD to fulfill the commitment made over a decade ago and to allow us to return home as cooperative shareholders.

Testimonio de Maria Tineo de part de la Asociación de Inquilinos del 21 Arden St.

New York City Council Committee on Housing and Buildings Preliminary Budget Hearing - Department of Housing Preservation and Development March 24, 2014

Contact: Tenant Association board members Maria Tineo (212)304-0767 or Miriam Disia (347)874-0780 Northern Manhattan Improvement Corp: Jennifer Welles (212)453-5360 jenniferwelles@nmic.org

Gracias a los miembros del Consejo que nos permite dar este testimonio hoy. Mi nombre es María Tineo y yo soy el tesorera de la Asociación de Inquilinos del 21 Arden Street. Nosotros, los inquilinos, estamos aquí hoy para pedir su apoyo en la restauración de la financiación largamente prometida para renovar el edificio, del que todos hemos sido reubicados por más de 6 años.

Ha sido un camino muy difícil, ya que entramos en el Programa TIL de HPD en el 1991. Durante más de una década, hemos asistido a capacitaciones y hemos administrado nuestro edificio, hemos cobrado la renta, hemos llevado los reportes financieros, y hemos realizado el mantenimiento del edificio, como lo exige el programa.

Despues de varios años en el programa, HPD instaló soportes de emergencia en todo el edificio, por temor a que se caiga. En junio de 2008 HPD desocupó el edificio, debido a las condiciones peligrosas, con la promesa de que el edificio se iba a renovar y que ibamos a volver en un poco más de un año

Estábamos amenazados con el desalojo si no cumplimos. Camiones de U-Haul fueron arreglados para movernos, y nos dijeron que los planes habían sido elaborados por los arquitectos y que la ciudad había dejado de lado el financiamiento para la renovación de nuestro edificio.

Nos trasladamos a seis edificios diferentes en todo el barrio. En algunos casos, los residentes de edad avanzada fueron ubicados en las plantas superiores y tienen dificultades para llegar a sus apartamentos en edificios sin elevador. La respuesta por parte del coordinador de HPD en ese momento era que la gente pudiera trasladarse a otro lugar o ser llevados a la corte si no podían subir las escaleras.

Seis años es mucho tiempo para estar viviendo en el limbo en apartamentos que no son los nuestros, sin el apoyo de la gente que hemos llamado los vecinos durante más de cuarenta años.

En noviembre de 2011, HPD transfierio el edificio a su nuevo ANCP y en noviembre de 2012, representantes de HPD se reunieron con la Asociación de Inquilinos, NMIC (la organizacion asignada a ayudarnos), y el concejal Ydanis Rodríguez, con la promesa de que se dispusiera los fondos para el proyecto de ese año fiscal.

Sobre la base de esas garantías, e la instancia de HPD, la Asociación de Inquilinos y NMIC procedieron con el proyecto: se contratamos a un arquitecto y incurrimos \$50,000 en costos, incluyendo la producción de planos de arquitectura y pruebas ambientales. Nos dijeron que las renovaciones podrían comenzar en el verano de 2014. Luego, en enero de 2014, HPD puso bruscamente en suspenso el proyecto, y sólo dijo que no iba a seguir adelante en este año fiscal. No ofreció garantías de que el proyecto podría avanzar en absoluto. Le escribimos una carta al Comisionado Been de nuestra situación y no hemos tenido ninguna respuesta.

Hemos estado comprometidos y unidos en esta dura prueba, a pesar de estar dispersos por todo el barrio. Hemos cumplido con todos los requisitos del HPD . Es hora de que el HPD cumple con su promesa hecha hace más de una década y que nos permita volver a casa como socios de nuestra cooperativa.

Lallet Standman 605 Water Street 1) 104C, NY 10002 Apt 1) Date March 24,2014 Hood Atternood my Name is Sailet. Atroman I live in en Mitchell-LAma Toop on the Lower Cast side Houverneux I'm also sen memben of Cooperators United or Netchell LAma In organization to preserve Effordable housing in our belove city. I here present hundouts on the firsts why 'm hear today to testify on these Concerns, Two points I was lader the downthe To rescend Section 3-144) 15 & the NY delow M, tabell- 2 true coops to withdrow from the litcheel Lana Programa reconstitute as much less HORDOUE ARTICLE XI COOPS. My Seemd fourt on fact sheet etem #6 to Street wordstrondoble housen leseng he successful words that Mitchell Uxnex CBOPS 2m Booky. That you



Cooperators United for Mitchell-Lama 120 Wall St. 20th Floor, New York, NY 10005

Preserve Affordable Mitchell-Lama Cooperative Housing

Recommendations from Cooperators United for Mitchell-Lama

Cooperators United for Mitchell-Lama (CU4ML) is a membership organization comprised of Mitchell-Lama cooperators (resident-shareholders) from around the City who are committed to preserving quality limited-equity cooperative housing developments, in perpetuity, for both themselves and for future generations of New Yorkers. To this end we urge the immediate enactment of the following policy and legislative agenda:

CU4ML'S HOUSING POLICY AND LEGISLATIVE AGENDA FOR 2014

- 1) Protect affordable Mitchell-Lama cooperative developments from privatization by enacting legislation to prohibit the dissolution and/or reconstitution of any mutual company organized under Article II (Mitchell-Lama section) of the Private Housing Finance Law (PHFL);
- 2) Rescind Section 3-14(i)(15) of the NYC Housing Preservation and Development (HPD) rules that allow Mitchell-Lama cooperatives to withdraw from the Mitchell-Lama Program and reconstitute as much less affordable Article XI coops.
- Strengthen City and State agency rules that protect current shareholders and those on the waiting lists for these developments from loss of affordability, and strengthen the power of the supervisory agencies to enforce these rules;
- 4) Require HPD and NYS Department of Housing and Community Renewal (HCR) to implement Section 31-b of Article II of the PHFL which would allow purchasers of ML coops to get low interest mortgages or secured loans to purchase their apartments;
- 5) Provide low-interest loans to Mitchell-Lama cooperatives and other affordable housing developments for infrastructure maintenance and capital repairs, and;
- 6) Construct more affordable housing using the successful model that Mitchell-Lama coops embody.

NEW YORK CITY AT A CROSSROADS

There is an urgent need to examine all of the factors that contribute to rising income inequality and that threaten the health of New York City and New York State. One of the underpinnings of a viable New York is affordable housing which is an essential foundation for stable, thriving, diverse neighborhoods. Today, just as when Mitchell-Lama housing was first conceived in the aftermath of the Great Depression and World War II, there is an acute shortage of decent, affordable housing. This threatens the very character of New York City as a diverse city of opportunity, as a center of innovation and creativity, and as a destination city founded on a hardworking and talented population and a broad middle class.

More than 4,100 units of Mitchell-Lama cooperative housing have been lost to privatization and the remaining 63,398 units are under threat of going private and/or becoming unaffordable to the moderate-income New Yorker for whom they were intended.

Mitchell-Lama cooperatives can and must be preserved for generations to come.

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