RICK D. CHANDLER, P.E. COMMISSIONER NEW YORK CITY DEPARTMENT OF BUILDINGS

HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING & BUILDINGS ON THE FISCAL YEAR 2017 PRELIMINARY BUDGET March 3, 2016

Good afternoon, Chair Williams and members of the Housing & Buildings Committee. I am Rick Chandler, Commissioner of the New York City Department of Buildings. I am joined by First Deputy Commissioner Thomas Fariello, Deputy Commissioner of Finance and Administration Sharon Neill, Deputy Commissioner of Enforcement Timothy Hogan, Deputy Commissioner of Legal and Regulatory Affairs Alexandra Fisher, and Deputy Commissioner for Strategic Planning and Policy Archana Jayaram.

The Department's role in supporting the City's economy cannot be overstated. By enforcing construction laws, we facilitate job creation, spur the development of affordable housing and uphold high standards in energy efficiency — while adhering to our principal mandate to promote the safety of everyone who lives, works and builds in our City.

I am pleased to be here to discuss with you the Department's Fiscal Year 2017 Preliminary Budget and how it not only allows us to provide critical services to protect the safety of the public and facilitate development, but also supports our bold initiative announced last year to transform the Department. As you know, our plan titled *Building One City* seeks to fundamentally reform the Department to enhance public and worksite safety, reduce wait times and delays, and modernize all aspects of the Department to meet the needs of the largest and most complex city in America.

The Fiscal Year 2017 Preliminary Budget allocates approximately \$155 million in expense funds to the Department. Of this, approximately \$124.5 million are for Personal Services (PS) and \$30.9 million are for Other Than Personal Services (OTPS).

The Preliminary Budget provides approximately \$2 million in additional funding for twenty-nine new staff positions. This includes \$700,000 to fund ten positions to enhance façade enforcement, \$500,000 to fund seven positions to assist with the Mayor's Universal Pre-Kindergarten initiative, \$600,000 to fund nine positions to assist with Build it Back, \$100,000 to fund two positions within the Department's Affordable Housing Unit, and one administrative position.

The Preliminary Budget's revenue forecast for the Department is approximately \$220 million and does <u>not</u> include more than \$40 million in Department-issued Environmental Control Board fines that the City collects each year. The Department has 1,579 budgeted employees.

In Fiscal Year 2015, more than 3,100 New Building applications were filed with the Department, a 23 percent increase from the prior year, and more than 88,000 Alteration applications were filed, an 11 percent increase. In Fiscal Year 2015 the Department issued more than 104,000 initial construction permits, a 5.9 percent increase from the prior year, and more than 44,000 permit renewals, a 0.5 percent increase. Finally, one sign of future new building activity is initial demolition permits. In Fiscal Year 2015 the Department issued nearly 1,900 demolition permits, which was a 24.2 percent increase from the prior year. As you can see construction activity throughout the City has shown little sign of abating.

Before updating the Committee on our accomplishments toward reforming the Department and our plans to continue this progress in the coming months, it is important that I first address an issue that has appropriately generated significant attention in recent weeks. That is construction safety.

While the Department's broad mandate certainly includes advancing development across the City, our first priority is to do all we can to ensure that construction work complies with the law and does not jeopardize the safety of construction workers and the public.

On the morning of February 5th, a crawler crane operating just a few blocks from here on Worth Street was in the process of lowering its boom. During this operation the crane collapsed, with its 565 foot boom crashing to the ground and stretching nearly two city blocks. As a result three people were injured and one person lost his life. I extend my deepest sympathies to those injured and killed and we resolve to do all we can to learn from this tragedy and ensure it does not happen again.

Two days later Mayor de Blasio and I announced four proposals to increase safety when large cranes are operating. All crawler cranes throughout the City are now required to be put in a secure position when sustained winds are forecast to exceed 20 mph or when gusts exceed 30 mph. This decision was made out of an abundance of caution while we continue to research crawler cranes and determine if the wind threshold needs adjusting. In conjunction with FDNY, the Department has increased its enforcement to ensure adequate sidewalk protections are put in place to protect pedestrians. Prior to moving a crane, operators are now required to notify occupants of neighboring buildings. Finally, a Crane Safety Technical Working Group of independent experts was announced. The Working Group is charged with evaluating the

circumstances of the collapse and proposing recommendations to improve crane safety. The Working Group's members have no business before the Department and their findings will be released within ninety days.

This tragedy comes on the heels of a disturbing increase in construction accidents. We are all aware of the surge in construction activity throughout the City. Since 2009, construction volume is up 300% and accidents are up 98%. In response to this trend, the Mayor and I recently announced a number of initiatives to attack this problem. We are quadrupling penalties for failure to safeguard construction sites – the maximum penalty will now be \$10,000. As we speak, we are performing enforcement sweeps of 1,500 construction sites, focusing on sites of less than ten stories with poor safety records, and all construction sites over fifteen stories. By July, we will require construction superintendents for all major construction projects at sites under ten stories, where more than 70% of accidents occurred last year. Finally, as part of our *Building One City* plan, we are hiring nearly one hundred additional inspectors through Fiscal Year 2017.

The fact is that many of the 433 construction accidents that occurred last year in the City were completely preventable. When we respond to an accident, we routinely find that injuries are caused by failures to follow basic safety standards, like wearing a harness to prevent falls, or having proper guardrails. Our message to bad actors in the construction industry is to stop cutting corners and recklessly increasing the risks of construction work. Simply put, we need to change the culture at construction sites so that safety is the highest priority. This will not be easy. But our heightened enforcement efforts are designed to increase the deterrent effect and show contractors that they should expect more than a slap on the wrist when they put people's

lives at risk. We are determined to change the mindset that safety violations are simply the cost of doing business.

I would now like to turn to updating the Committee on the progress we have made toward achieving the goals we put forth in our *Building One City* plan.

Public Safety Enhancements

The Department's core mission is to advance public safety by enforcing laws that govern construction and facilitate compliant development. As the City's building stock continues to age and as new construction becomes more complex, enforcement challenges heighten. In 2015 the Department responded to more than 85,000 complaints and issued nearly 52,000 Environmental Control Board violations, imposing \$145 million in penalties. The increased enforcement resources allocated to the Department in the Fiscal Year 2016 Executive Budget will address these challenges.

With the support of the Mayor and Council the Department is making significant investments in improving our enforcement. As mentioned previously, the Department is on pace to hire nearly one hundred additional inspectors through Fiscal Year 2017, a 24% percent increase. While this investment will certainly enable us to be more effective in our response, merely adding headcount is not enough. The Department is reimagining its approach to enforcement to better protect the safety of New Yorkers.

The Department maintains an enormous wealth of data, the likes of which may be unrivaled anywhere else in City government. While historically this data was primarily used to better

understand the work we do, we see enormous potential in leveraging this data to drive our enforcement efforts. With that in mind the Department is hiring its first Chief Data Analytics Officer. The Chief Data Analytics Officer will be working in partnership with our Risk Management Officer and a team of data scientists to uncover disturbing trends in construction activity and identify bad actors. All this will enable the Department to be far more proactive in its enforcement efforts.

Additionally, the Department is becoming more holistic in its enforcement. The fact is there are a number of construction professionals who choose to ignore violations issued by the Department. Within the confines of what the law allows, the Department is now going beyond issuing violations and will be more aggressive in our discipline. This includes stopping work, suspending and revoking licenses and registrations, and where appropriate making referrals for criminal prosecution. A number of recent high-profile cases demonstrate the beginning of this effort as we continue to incorporate additional legal resources and data analytics tools.

After the East Village explosion, the Department implemented new procedures to identify illegal gas work. As a result, our inspections from Con Ed referrals increased 400% last year compared to 2014.

Historically, the Department has allowed licensed master plumbers to self-certify that their gas piping jobs were Code compliant. With significant new resources from the Administration, the Department is dramatically increasing oversight of gas installations. We are hiring 22 new inspectors who will focus on gas work. Our goal is to audit the majority of gas installations citywide, and we will ramp up this effort further as we hire more staff. We will have additional announcements on this initiative in the coming weeks.

At the end of January the Department completed an enforcement sweep of all sidewalk sheds throughout the City. More than 300 miles of sheds were inspected, including 7,700 properties, 600 of which belong to NYCHA. Sidewalk sheds were inspected to make sure they are safe, well-lit and not a blight on neighborhood streets.

Additionally the Department has stepped up its enforcement against those who use construction as a means to evict tenants from their apartments. The Department works closely with HPD to identify instances of the use of construction to harass tenants and takes enforcement action where appropriate. In addition to our own enforcement, the Department performs weekly inspections with HPD and over the past eighteen months has issued over 1,500 violations among other penalties. As part of the Tenant Harassment Task Force, the Department and its partner agencies meet regularly with numerous tenant associations to understand their concerns, receive complaints and promptly inspect. Administratively, the Department is developing better tools to share information, which will improve our ability to verify occupancy and rent-regulation status. Additionally, we are now requiring that Tenant Protection Plans be submitted separately from the construction plans and they are now available online. The Department will not approve plans and issue permits unless a Tenant Protection Plan is filed and approved to the Department's satisfaction.

Streamlining Department Processes

With the support of the Mayor and City Council the Department is making significant investments in staffing and technology to quicken the pace of our reviews and provide the filing community with the guidance they seek in a consistent and transparent manner. The Department

has hired 49 inspectors and 48 technical staff, representing 70 percent of our Fiscal Year 2016 target.

The Department has begun the long-term process of redesigning its online presence, with a new public-facing web interface that will replace the antiquated Building Information System (BIS) and seamlessly interface with our other technological initiatives such as Inspection Ready. When completed this new system will allow customers to conduct all transactions online, including filing applications, making payments, checking the status of their projects and having virtual interactions with staff. In the spring we will be piloting this program for plumbing and sprinkler applications.

The Department has established an Affordable Housing Unit, tasked with prioritizing plan examination and inspections for affordable housing projects to help achieve the Mayor's goal of creating and preserving 200,000 units of affordable housing. This Unit works closely with other agencies, including the Department of Housing Preservation and Development to mitigate delays in interagency hand-offs and ultimately get homes occupied sooner. The Preliminary Budget includes funding to hire two additional positions, bringing the total to fifteen.

The Department successfully launched the second phase of our Inspection Ready program. With this phase, our construction inspectors are now equipped with smart phones and tablets, spending more time in the field where they belong which enables them to perform more inspections. Customers are able to request appointments online, receive email updates during each step of the process, and receive inspection results in real time.

While we are pleased with our progress thus far, there is more work still to be done. We thank the Council for its support and look forward to continuing our work together to improve the Department for the benefit of all New Yorkers.

Thank you for your attention and the opportunity to testify before you today. I welcome any questions you may have.

PUBLIC TESTIMONY

ON

FUNDING REQUEST FOR THE STABILIZING NYC INITIATIVE: FIGHTING PREDATORY EQUITY AND TENANT HARASSMENT

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
HOUSING AND BUILDINGS COMMITTEE
EXECUTIVE BUDGET HEARING

PRESENTED BY:

Sami Chester
Senior Organizer
Cooper Square Committee
On behalf of the
STABILIZING NYC COALITION

March 3, 2016

Good afternoon. My name is Sami Chester, Senior organizer for the Cooper Square Committee, a community based organization with over 50 years of experience working with tenants in the lower east side and east village. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions.

I am testifying today on behalf of Stabilizing NYC, a new citywide coalition that has come together to fight the depletion of affordable housing in NYC at the hands of predatory equity landlords. I am here to request an increase in funding for our citywide initiative for FY17. Thank you for the opportunity to testify this afternoon.

Our coalition is currently made up of fourteen community-based organizations, a legal services provider and a housing advocacy organization —the Community Development Project at the Urban Justice Center, UHAB, Asian Americans for Equality, CAAAV, Chhaya CDC, Community Action for Safe Apartments at New Settlement Apartments, the Cooper Square Committee, Fifth Avenue Committee/Neighbors Helping Neighbors, Flatbush Tenant Coalition, GOLES, Mirabal Sisters Cultural and Community Center, Mothers on the Move at the Mary Mitchell Center, Northwest Bronx Community and Clergy Coalition, Pratt Area Community Council, St. Nick's Alliance, and Woodside on the Move. Our work combines legal, advocacy and organizing resources into a citywide network to help tenants take their predatory equity landlords to task for patchwork repairs, bogus eviction cases, and affirmative harassment.

In FY16, the City Council generously allocated \$1.25 million to our coalition, which was then twelve community-based organizations, plus UJC and UHAB. We have worked tirelessly since being awarded the funds and have made great strides this year. Some of our accomplishments include: assisting thousands of tenants who live in predatory equity buildings, managing a database of over 2000 properties owned by predatory equity landlords citywide, a number which continues to grow; deciding on a list of ten large predatory equity companies spanning four boroughs that will be the target of our organizing efforts; engaging more than 5,000 tenants in hundreds of buildings to discuss their living conditions and identify buildings with the highest need; and holding more than 250 tenant association meetings to build tenants' power and attempt to level the playing field between tenants and landlords.

Here are some of the cases we are working on as a result of these efforts:

- Numerous cases filed this year with dangerous repair conditions that threaten their tenant's health and safety.
- A case on behalf of tenants in the Lower East Side in a building owned by notorious predatory equity landlord which is in violation of a courts orders to restore basic services for tenants.

- A cases filed on behalf of Harlem tenants against Alma Reality for no providing heat or cooking gas in the building.
- Advocacy on behalf of tenants living in unsafe conditions in a building in the
 Fordham neighborhood of the Bronx owned by predatory equity landlord Parkash.
 Tenants have been demanding repairs for months and the landlord has yet to
 address most of the serious violations.

Since Stabilizing NYC's inception in 2013 we have continued to grow and strengthen. In the past year we have added two new groups – the Cooper Square Committee and St. Nick's Alliance in 2015 and looking to add additional organizations this year so long as funding allows the same – in order to reach additional neighborhoods and council districts. And we have set ambitious new goals for the coming year to take our work to the next level. That is why we are requesting \$2.5 million in Council funding for our FY17 citywide initiative.

You are all well aware of the impact that predatory equity has on affordable housing in your districts and throughout the city, and we are grateful for your tireless advocacy. Our coalition seeks not only to serve tenants, but to mobilize them and build up leaders who will preserve affordable housing for generations to come. We humbly ask you to consider our request for \$2.5 million in initiative funding in the coming year. We look forward to working with you to defend and preserve one of our city's greatest assets.

Once again, thank you for the opportunity to testify.



Testimony of Judi Kende Vice President & New York Market Leader Enterprise Community Partners, Inc.

To the New York City Council
Committee on Housing & Buildings
Preliminary Budget Hearing
Department of Housing Preservation & Development

March 3, 2016

Good morning. My name is Judi Kende and I lead 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 30 years. Thank you, Chair Williams and the City Council Committee on Housing and Buildings for the opportunity to testify today about the Department of Housing Preservation and Development's budget.

This is an opportunity to talk about priorities for affordable housing for New York City in the coming year, and this is a pivotal time. Nearly one million low-income New Yorkers are either already homeless or paying more than half of their income on housing costs, a precarious situation for any family. People are being priced out of their neighborhoods in some parts of the city, while other neighborhoods continue to experience entrenched and concentrated poverty.

There is no doubt that the de Blasio Administration and the City Council understand the urgency of these issues and are steadfastly committed to affordable housing. While the negotiations are often intense, I am heartened that the debate is about how to get more affordable housing and deeper levels of affordability. That is not the case in many parts of the country, and I know New York can figure out how to continue to provide safe, quality affordable housing for more of our neighbors.

I would like to highlight two areas that are of interest to Enterprise and the affordable housing partners we work with citywide.

1) Countercyclical Strategies for Affordable Housing Investment – We are in the midst of an exceptionally bullish real estate market, where land prices are incredibly high. At the same time, we are creating and preserving affordable housing at an unprecedented rate. However, we know that this market will turn at some point. During the last recession, we saw a contraction in affordable housing investment when both private investors and public sources tightened restrictions on lending. The cost of developing each unit of affordable housing was significantly higher in 2014 than in 2010. Imagine how many more units we could have built at lower cost if we had doubled down during the last recession.

Now is the time to plan for the next downturn to make sure we don't miss the opportunity to get more bang for our buck while providing jobs and affordable housing when people need them most.

We recommend that the City set aside reserves specifically for affordable housing investment during economic downturns. Enterprise will work with HPD to help develop funding strategies, programmatic approaches, and establish market triggers to activate a countercyclical strategy. We would appreciate the Council championing this as well.

2) Neighborhoods & Community-Based Organizations— Affordable housing is an integral part of any neighborhood, and neighborhood quality is key to ensuring residents have access to good schools, transportation, quality health care, jobs, and all of the things make a strong community. Local organizations who develop, own, and operate affordable housing do much more than that. They often provide community-based services, produce neighborhood plans, and advocate for the resources their communities need.

As the city moves forward with rezonings and affordable housing investment, we encourage the inclusion of community-based organizations at the decision making table, and ongoing engagement with these groups to ensure they have the resources they need to keep their organizations strong and connected to the communities.

Thank you, again, for the opportunity to testify today on these important priorities. And thank you to the Council for all of your work to make New York a better city for everyone. Your commitment to diversity and inclusion is admirable and much appreciated.

Testimony of Vicki Been, Commissioner of the

Department of Housing Preservation and Development
to the City Council Committee of Housing and Buildings
on the FY17 Preliminary Budget

Thursday, March 3, 2016 - 10:00 AM

Good afternoon, Chair Williams and members of the City Council Committee on Housing and Buildings. For the record, I am Vicki Been, Commissioner of the Department of Housing Preservation and Development. Here with me today is Assistant Commissioner of Governmental Relations and Regulatory Compliance Baaba Halm and Deputy Commissioner of Financial Management and Tenant Resources Eva Trimble. Thank you for the opportunity to talk with the Committee today about HPD's Fiscal Year 2017 Preliminary Budget.

HPD has again had an enormously successful year, making significant progress towards the goals of the *Housing New York* Plan. *Housing New York* is a comprehensive approach to the affordable housing crisis, so each and every part of the agency is engaged and focused on implementing its ambitious goals. For today's presentation I will focus on some of the highlights of the progress we've made, giving some examples from around the agency. Then I will discuss how our proposed expense budget for Fiscal Year 17 and the 5-year capital plan position us for the work ahead.

Slide 2: HNY Update

Since the launch of HNY, we've financed 40,204 affordable apartments, housing for more than 100,000 people. In 2015 alone, we financed 21,041 homes, which is the highest

production in 25 years, the peak of Mayor Koch's housing plan. We financed 7,179 homes through new construction, the most in a single calendar year in the agency's history. And our efforts secured the affordability of approximately 5,000 homes at Stuyvesant Town Peter Cooper Village as part of an historic agreement, bringing the number of affordable homes preserved under *Housing New York* to 25,000.

While Stuy Town is the largest example of HPD's preservation efforts, the agency is working hard to preserve the affordability of existing rent-restricted housing across the five boroughs, and using new tools, like the Green Housing Preservation Program, to bring more of our housing stock into affordability agreements.

I know that the Council is particularly concerned about the number of homes we produce that serve the lowest income New Yorkers. We share that commitment and 77% of our production through December 2015 serves households that earn less than \$62,150 for a family of three, with 16% of that total for families earning less than \$38,850. We are also committed to doing more to house our seniors, and to date, just over 2,700 homes that we've financed are for senior households.

Slide 3: HNY Affordability

This chart shows the full breakdown of our affordability in the first two years of production in more detail. Our goal under *Housing New York* for the two lowest income categories is 20% over the life of the plan. We are at 16% now, and ramping up our efforts further. Last year, we changed our term sheets and introduced our new Extremely-Low and Low-Income Affordability (ELLA) program to reach deeper affordability levels. As you know from our discussions regarding the reform of 421-a and our proposed Mandatory Inclusionary

Housing program, we have driven the income levels of homes required of developers down to historically low levels, and we look forward to seeing homes at those levels come on line, freeing up our subsidies to reach even lower rents and provide homes for New Yorkers with incomes below the poverty line.

The percentage of middle-income units reflects the historic agreement we reached to preserve 5,000 units at Stuy Town. It is important to note that the numbers reflect the maximum incomes permitted, which is what determines the underwriting. Current tenants often make much less, which is true in many of our preservation projects. Similarly, tenants with vouchers in new housing also make less than the numbers here capture.

Slide 4: HNY Borough Production

This chart shows where our production occurs across the boroughs. 30% of our production occurred in Brooklyn, with 27% in the Bronx and 36% in Manhattan. Queens and Staten Island had 4% and 3%, respectively.

Slide 5: Community Engagement

In order to ensure that neighborhoods across the City continue to be affordable, we need to double down on our engagement with each community so that property owners and tenants are aware of the programs HPD has to offer.

The Office of Neighborhood Strategies has worked tirelessly with communities and property owners through its community planning sessions, Neighborhood Preservation Helpdesks, and other outreach efforts. In 2015, ONS launched the Neighborhood Planning Playbook, a new model of community engagement that will help to ensure a comprehensive,

transparent interagency process for future neighborhood plans. For example, just last week, our team hosted, with the Department of City Planning, a community visioning workshop to engage local residents in planning for the redevelopment of a City-owned site in East Harlem in order to better understand the needs and priorities of the community.

We are also trying to reach property owners in new ways through our Neighborhood Preservation Helpdesks. We're averaging over 125 owners at our resource fairs, and the Helpdesks serve as a user-friendly, one-stop shop, coordinating information from various City agencies and private lending resources as well.

Slide 6: ENS Highlights

Enforcing the quality and safety of the City's housing stock is a huge priority of the agency, and our Office of Enforcement and Neighborhood Services is in the midst of a very busy and productive year. Our team is out in full force responding to the needs of New York City residents, as can be seen in this chart comparing the first six months of fiscal year 2016 against the same period last year. The inspections attempted and completed are up 15% and 9% respectively, and we also issued 14% more violations and removed 22% more violations.

ENS continues to use all its tools to ensure that landlords and owners properly maintain their buildings for New York families, improve the conditions of severely distressed properties, and protect our City's tenants.

Slide 7: Enhancing Tenant Protection

The City is working on multiple fronts to protect residents, prevent harassment, and go after landlords who engage in harassment. As part of the Tenant Harassment Prevention Task

Force, HPD continues to use data analytics to proactively conduct inspections with the State Attorney General's Office, the Tenant Protection Unit, and various city agencies when we believe that an owner may be engaging in harassment. By revealing landlords who harass tenants, and bringing enforcement actions – including criminal charges – against those landlords, the Task Force is a powerful tool to protect tenants. The Task Force also complements the tenfold increase in funding provided by the City for legal assistance for low-income renters, which has shown immediate benefits in reducing the number of evictions by 18 percent.

We have also launched a collaborative effort with DOB and FDNY to warn about the dangers of illegal conversions. The campaign will distribute more than 10,000 flyers reminding residents and property owners of the serious and potentially deadly consequences of illegal living spaces.

HPD is also engaged in a multi-stage, multi-agency enforcement effort with the State Attorney General and DHCR to ensure that landlords who accept tax benefits are complying with their obligations through the new Real Estate Tax Compliance Program. Just last December, the Mayor and Attorney General Schneiderman announced the return of thousands of apartments to rent stabilization in a settlement with 128 landlords receiving tax benefits under 421-a. That investigation continues; we will not rest until every property is brought into compliance, and we have coordinated and strengthened all the various agencies' systems to prevent owners from evading their responsibilities.

Slide 8: Improving Access to Housing

HPD has also expanded access to our housing programs to the affordable homes built and preserved with City dollars. First, we translated Housing Connect so the housing lottery is

available in six languages in addition to English: Arabic, Simplified Chinese, Haitian Creole, Korean, Russian, and Spanish. Second, we updated the lottery system so that New Yorkers can now apply online for lotteries for waiting lists for Mitchell-Lama developments through Housing Connect.

Third, we created the Homeless Placement Services Unit, which has placed a total of 320 homeless households, including 31 veterans, into permanent affordable housing. Additionally, the program has worked in partnership with the Mayor's Office of Veteran Affairs to assist in landlord outreach in securing homes for another 45 veterans, which played a critical role in ending chronic veteran's homelessness.

And finally, new marketing standards are now in place to ensure a fair and inclusive application process. These new standards from HPD and HDC restrict how developers may use credit scores and other background information in screening applicants for affordable housing. The new standards prohibit developers from rejecting applicants based strictly on credit score; limit the look back periods for negative findings including bankruptcies and evictions; impose restrictions on the use of landlord-tenant actions; and prohibit home visits, among other things.

Slide 9: Increasing Opportunity for All

In November we issued our M/WBE RFP for pre-qualified M/WBE developers to submit proposals for one or more of six new construction projects across New York City, part of HPD's Building Opportunity initiative to increase the role of M/WBEs in City housing projects. We also launched the second year of our capacity-building course for MWBE developers, expanding on the success of the inaugural course to include nonprofit developers as well.

We're incredibly proud of our MWBE program, but there is still more we can and want to do. In order to better connect low-income workers to construction job opportunities generated by our affordable housing development projects, HPD is now partnering with HireNYC. HPD now requires developers, general contractors, and subcontractors working on projects receiving more than \$2 million in City subsidy to share job openings in entry and mid-level construction positions with HireNYC and to interview the qualified candidates that HireNYC refers for the opening.

Slide 10: FY2017 Expense Budget Overview

While there is much more progress to report, let's now turn to the FY17 Preliminary Budget. It is critical to note that HPD receives only 13% of our total funding from City Tax Levy funds. We are primarily funded through Federal grant funding. This means that our funding comes with Federal spending restrictions that limit our flexibility to make programmatic decisions. It also means that future funding levels are highly uncertain.

We use City Tax Levy to fill gaps in programs primarily funded through Federal grants; as a required match to Federal grants; and to fund programs that are not eligible for Federal grant funding. To put it bluntly, City Tax Levy dollars are critical to meeting our mission. They allow us the flexibility and nimbleness to innovate, to address new problems as they arise, and to tailor our programs to address the City's many housing challenges. So, I want to thank you for our tax levy funds. Having a source of less constrained and rigidly circumscribed funds is absolutely critical to our work.

Slide 11: FY2017 Expense Budget Sources

HPD's Fiscal Year 2017 Budget totals \$876.2 million, with the vast majority of that associated with Federal Rental Subsidies -- the Section 8 program. In addition we have significant funding for disaster recovery efforts. Both of these sources are highly constrained Federal funding and therefore provide no direct operational support for the agency.

Our primary funding source for agency operations is the Federal Community

Development Block Grant (CDBG) program. As I've noted previously, HPD is highly

dependent on the mood in Washington. The Federal Fiscal Year 16 Budget was fairly harmless

for CDBG, Section 8, and HOME funding. But the outlook for the future is questionable at best.

Slide 12: Preliminary Budget Highlights

The Mayor recognizes that HPD requires additional resources to meet the ambitious housing goals he has set forth and has allocated new funding to help support our mission. We received \$6.8 million to support 80 new positions across various parts of the agency. As I've explained, HPD is so much more than just our production numbers and we need additional staff to further support our efforts in neighborhoods across the City and to ensure we are protecting our investments and our City's tenants.

In addition, we received new funding to support the implementation of the Local Law #101 Elevator Repair program, which was a City Council initiative. As you know, HPD responds to all emergency demolition situations in the City. This year we've had increased costs due to the October 2015 gas explosion in Borough Park. We've received additional funding to cover those costs as well as other demolitions required in order to protect public safety. The Preliminary Budget also includes four additional positions for the continued inspection of identified residences as part of the Three Quarter House Taskforce.

Since I know that the Center for New York City Neighborhoods is an important City Council priority I also want to mention that the Mayor allocated an additional \$250K to provide further foreclosure prevention services.

Slide 13: FY2017 Capital Budget

Switching to the Capital Budget, this chart shows HPD's allocation over the next 5 years. The 5-year plan totals \$3.8 billion: \$3.6 billion from the Mayor and the rest a combination of Federal HOME and Reso-A funding. The capital funding remains stable and the Mayor's commitment to *Housing New York* remains fully funded.

Slide 14: HNY – What's Next

We are excited to be in year three of *Housing New York* and are looking to build on our momentum as we continue to work creatively to address new challenges and find new solutions to the affordable housing crisis we face.

We recently restructured in order to provide a new level of attention to streamlining all housing incentives applications, including consolidated and consistent review of Article XI incentives. We are very busy in our Planning Division working with communities on new RFPs and finalizing plans on existing RFPs. These sites represent exciting opportunities to enhance neighborhoods and remove old and outdated land uses. We are also busy advancing the Mayor's Supportive Housing Initiative and working with our partners in the industry and the Human Resources Administration.

These are only a few of the many goals that we've set as we look ahead to the next year.

There is much more to be done, and we have very significant initiatives underway across HPD to foster a more affordable City.

Thank you for your time today and I am happy to answer your questions.

Fiscal Year 2017 Preliminary Budget Hearing

March 3, 2016

Vicki Been Commissioner



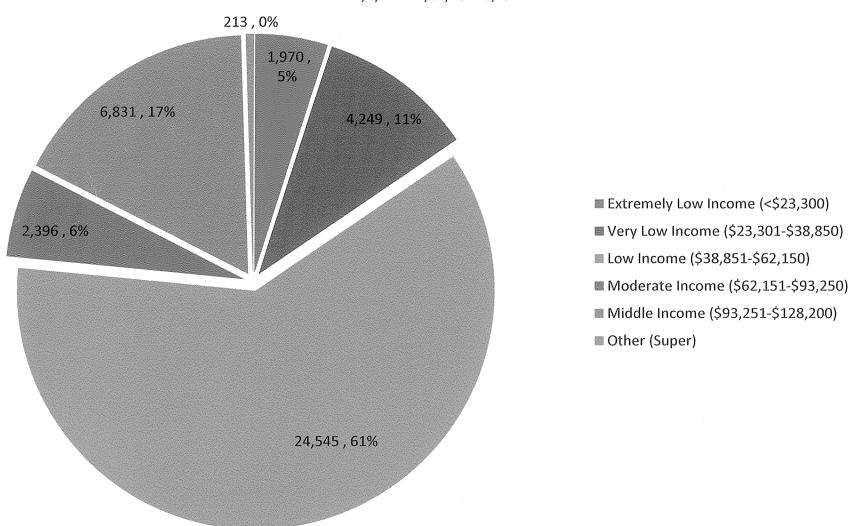
Housing New York (HNY) Update

- 40,204 affordable homes financed under HNY
- A record-setting 2015
 - 21,041 affordable homes created or preserved in 2015
 - the highest production in 25 years
 - -7,179 affordable new construction homes
 - the most in a calendar year in the agency's history
- 77% of homes produced under HNY are for families earning less than \$62,150, with 16% of that for families earning less than \$38,850

HNY Update

HNY Affordability

HNY units started 1/1/14 - 12/31/15: 40,204

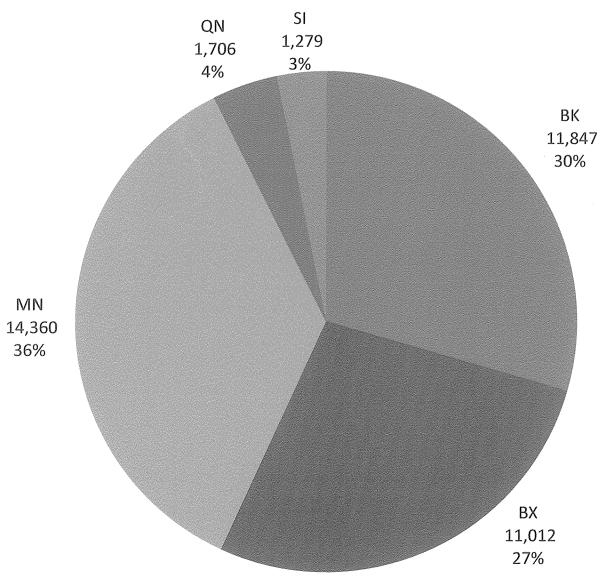


Note: the Middle Income category includes the momentous preservation of 5,000 units related to Stuyvesant Town-Peter Cooper Village. HPD counts home development based on the highest permitted rent in the regulatory agreement not the actual incomes of the tenants.

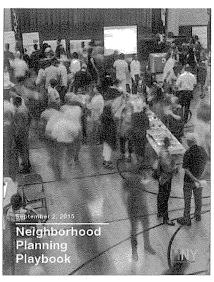
HNY Update

HNY Borough Distribution

HNY units started 1/1/14 - 12/31/15: 40,204



Community Engagement

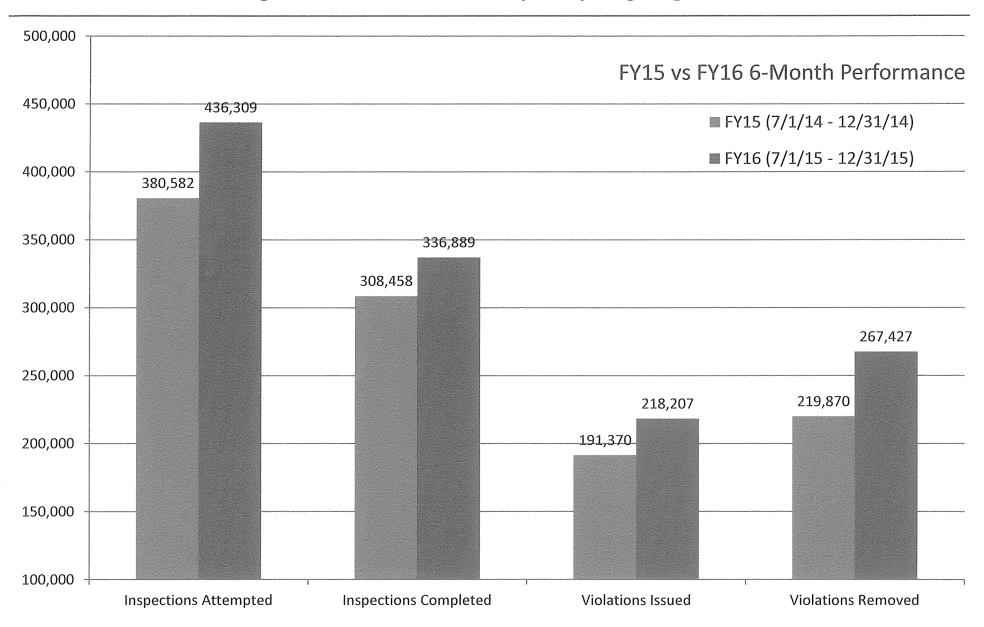






- The Office of Neighborhood Strategies partners with communities to plan more equitable, diverse, and livable neighborhoods.
 - Neighborhood
 Preservation Helpdesks
 are coordinating services for property owners, averaging over 125 owners per fair.

Enforcement & Neighborhood Services (ENS) Highlights



HNY Highlights: Enhancing Tenant Protection

- Multi-agency Tenant Harassment Prevention Task Force: HPD
 proactively conducts inspections with the State AG, Tenant Protection
 Unit and city agency partners when data analysis or other information
 suggests an owner may be engaging in harassment.
- In collaboration with DOB and FDNY, HPD launched a five-borough educational campaign to warn of the dangers of illegal conversion, including a "Top 10 List" of warning signs of illegal apartments.
- As part of the Real Estate Tax Compliance Program, apartments have been returned thus far to rent stabilization through settlements with the landlords.

HNY Highlights: Improving Access to Housing

Increased housing access

- Housing Connect is now available in Arabic, Chinese, Haitian Creole, Korean,
 Russian, and Spanish
- New Yorkers can now apply online for lotteries for Mitchell-Lama developments

Created a Homeless Placements Services Unit

- Placed a total of 320 homeless households, including 31 veterans
- In partnership with the Mayor's Office of Veterans Affairs, assisted in landlord outreach to secure homes for another 45 veterans
- Issued 500 more vouchers to homeless New Yorkers

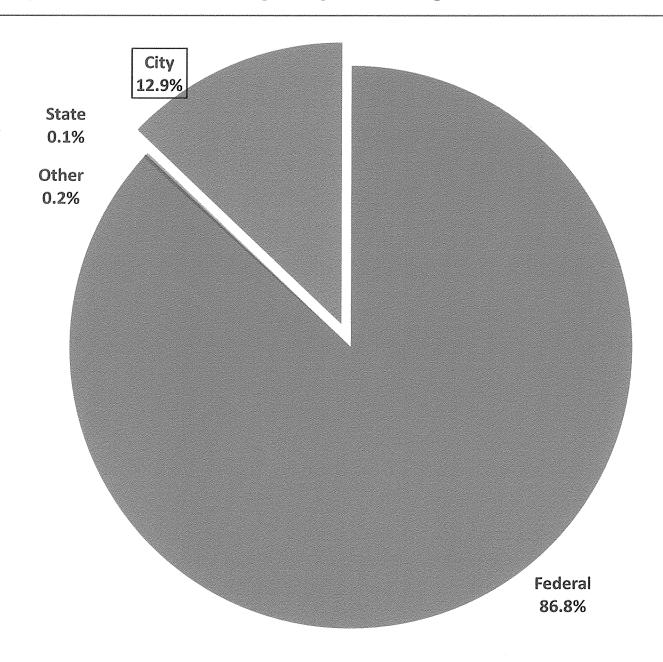
Developed new marketing standards

- Prohibit rejections based strictly on credit score
- Limit the look back periods for negative findings including bankruptcies and evictions
- Restrict the use of landlord-tenant actions in housing court
- Prohibit home visits

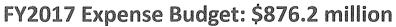
HNY Highlights: Increasing Opportunity for All

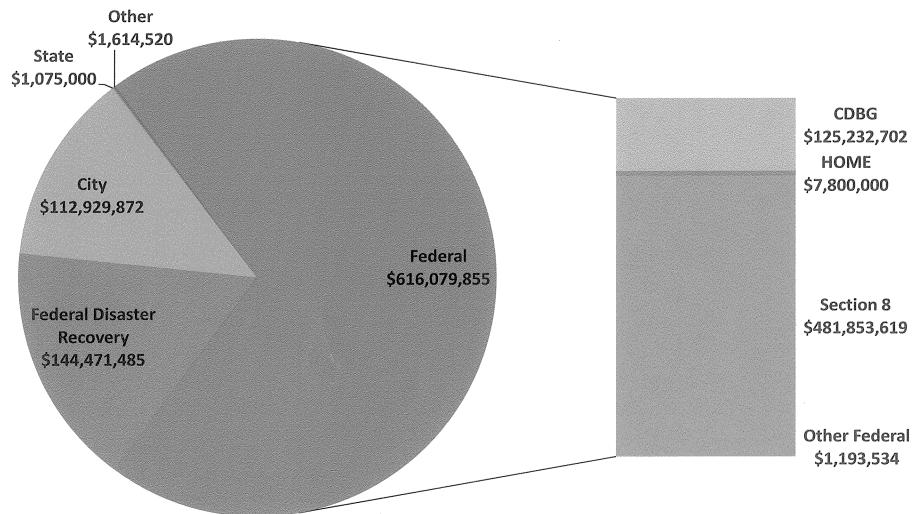
- In November, HPD released an RFP for six sites to be developed by M/WBE developers. In addition, HPD and partners sponsored the 2015/16 M/WBE capacity building course.
- HPD is now partnering with HireNYC to better connect low-income workers to construction job opportunities generated by our affordable housing development projects.

FY2017 Budget – Expense Budget by Funding Source



FY2017 Budget – Federal Sources

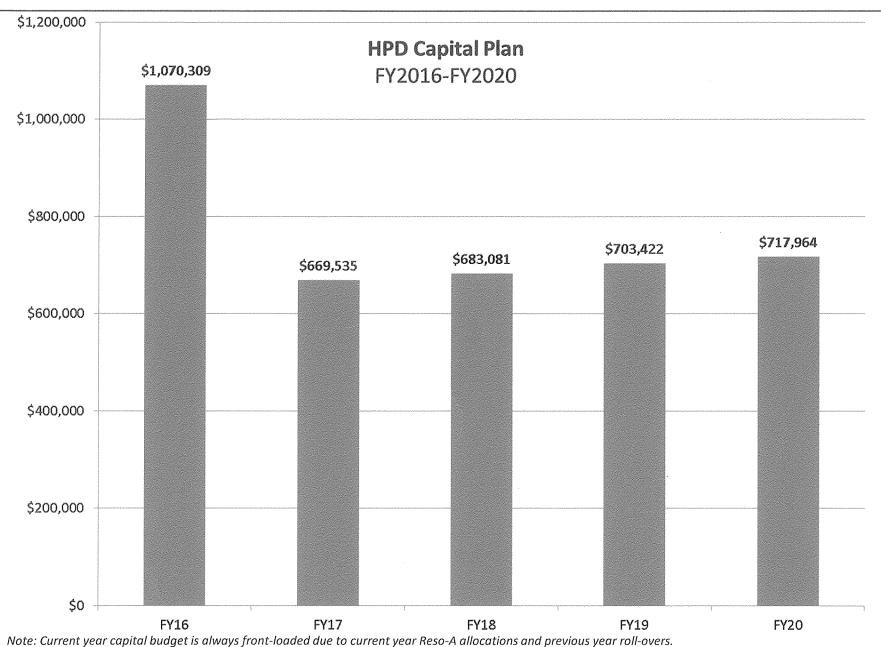




FY2017 Preliminary Expense Budget Highlights

- New agency personnel 80 new positions and \$6.8 million in city tax levy funding to support the continued success of HNY. The positions are in various offices including Development, the Office of Neighborhood Strategies, Technology and Strategic Development, and Asset & Property Management.
- **ERP for Elevators** 10 new positions to implement the Local Law #101 Elevator Repair program. A total of \$6.5 million in FY17 will be tax levy but the remaining program funding will be covered with Community Development Block Grant funding (CDBG).
- **Emergency Demolition Program** Additional \$2.2 million to fund the demolition of sites in Brooklyn, including the site related to the October 2015 gas explosion in Borough Park.
- CNYCN Additional \$250K to provide foreclosure prevention services through HPD's contract with CNYCN.

FY2017 Preliminary Capital Budget



Housing New York: What's Next

 New attention to streamlining all housing incentive applications, including consolidated and consistent review of Article XI incentives.

RFPs

- 8 RFPs are currently open, including:
 - NIHOP/NCP, 425 Grand Concourse, NYCHA NextGen RFP (3 sites), 168th Street Garage, Slaughterhouse, Spofford and Covenant House
- 6 RFPs will be released in the next 2 months, including:
 - E. 111th Street, Elizabeth/Mott Street, HPS Sites F and G, NYCHA 50/50 RFP, Lower Concourse North and Vernon Blvd
- 5 RFPs with NYCHA
- HPD is focused on implementing the Mayor's Supportive Housing commitment of 15,000 homes over 15 years, which includes 7,500 congregate units in HPD's Supportive Housing Loan Program. 14

Thank You! Questions?



Urban Justice Center

123 William Street, 16th Floor, New York, NY 10038

Testimony of Akina Younge before the New York City Council Committee on Housing and Buildings Preliminary Budget Hearings

Thursday March 3rd, 2016

Good morning and thank you to Chairperson Jumaane Williams and the Committee on Housing and Buildings for the opportunity to testify today. My name is Akina Younge, and I am a paralegal at the Community Development Project of the Urban Justice Center (CDP) and I am testifying on behalf of the coalition Stand for Tenant Safety (STS). We are here to request that the Department of Buildings (DOB) receives increased funding to improve their ability to enforce the laws that govern the agency.

STS is a coalition made of legal service providers, grassroots housing organizations, tenant associations, and individual members. Our coalition represents over 20 organizations in the city of New York working together to end the use of aggressive construction as a harassment tool. Our work combines both organizing strategy and legislative strategy to help educate tenants on their rights and advocate for legislation that helps tenants work with government agencies to better protect vulnerable tenants, construction workers, and the City's affordable housing stock.

For vulnerable tenants – long term tenants in rent stabilized housing, non-native English speaking tenants, low income tenants, working class families – landlords have been seizing the opportunity to use loop holes in the DOB oversight to do reckless, rushed construction work. The point of this rushed construction work is both to flip vacant affordable apartments to market rate units and to make life so miserable for the remaining tenants that they are in effect, constructively evicted. Our legislative package, 12 bills sponsored by 11 City Council Members and co-sponsored by the Progressive Caucus, aims to give the DOB the necessary tools to better protect tenants' rights and safety and punish unscrupulous landlords.

While we expect our comprehensive legislative package to be cost neutral, we understand that the DOB still needs more resources to collect fines to offset the cost of their work. Our legislative package includes bills that will generate revenue – bills Int 0924 (Espinal), Int 0930 and Int 0931 (Kallos), Int 0939 and Int 0940 (Reynoso) all increase fines for violations and illegal construction work, will therefore increase revenue for the DOB – but we know that the DOB currently struggles to collect outstanding fines. Based on a survey of over 150 tenants in buildings affected by construction as harassment, we found that amongst the surveyed buildings, the average dollar amount for outstanding fines for violations is \$3,771.56, and the average time period that fines go unpaid is about 900 days. We advocate for more resources for the DOB so that they can adequately collect on the fines they are rightly owed. By receiving more resources to collect on outstanding fines, the DOB will be better able to enforce the laws that already exist and the laws that are yet to come.

From our survey, we also know that the DOB lacks the resources to appropriately address the needs and concerns of tenants. Though our legislation hopes to address these issues – Int 0934 (Levin), Int 0936 (Levine), and Int 0960 (Mendez) aim to give tenants the assurance that the DOB will respond to their emergency complaints in a timely manner and to provide tenants with more information on their rights and how to contact the DOB – we saw from the surveys that the DOB is underserving tenants who need their help the most. The tenants surveyed were disproportionately facing pressure from their landlords to leave their apartments (53% were offered buyouts before or during construction) and were living in seriously hazardous construction zones (71% reported that construction was a threat to their health and safety), but 70% of tenants surveyed rated the DOB as fair or poor in addressing their problem. Even 22% said that their problem was never addressed. These feelings are rational: for the surveyed buildings, the DOB's average response time to a complaint was 42.54 days, with the longest response time being 926 days. By passing legislation to ensure better response time from the DOB and with more resources to hire more inspectors, tenants will be able to trust in the DOB again.

We are all aware of the urgent need to protect affordable housing in this city. Without more funding for the DOB, we risk that this city agency will not be able to uphold its legal responsibilities and opportunistic landlords will continue to take advantage of this lack of enforcement. We have already seen that the pressures from the housing market have allowed inspectors to profit more from bribes than from doing the work they are obligated to do under the law, but with better funding, the incentives can be corrected. STS supports the City Council giving the DOB more resources so that they can fight off those market pressures and do their work at a more efficient and effective way than ever before. We hope that with more funding, the DOB will become a stronger partner to New York City residents, protecting their health and safety, and ensuring long term affordable housing.





Testimony in Support of Increased Funding for The Department of Buildings

Presented Before:

The New York City Council Committee on Housing and Buildings

Presented By:

Veronica Li
Housing Organizer of Housing and Community Services
Asian Americans for Equality (AAFE)

March 3, 2016





<u>Testimony before the New York City Council Committee on Housing and Buildings</u> <u>Preliminary Budget Hearing</u>

Good afternoon Chairperson Jumaane Williams and members of the Committee on Housing and Buildings. My name is Veronica Li and I am a housing organizer at Asian Americans for Equality ("AAFE"). I am here on behalf of the citywide coalition Stand for Tenant Safety ("STS"), and we thank you for this opportunity to testify today.

For over 40 years, AAFE has advocated for a right to safe, healthy and affordable housing in the communities we work with. As a member of the STS coalition, we remain committed to fighting against unscrupulous landlords that use construction as harassment to displace residents from their homes – many whom are seniors, have disabilities, low-income working families, and new immigrants.

City agencies such as the New York City Department of Buildings ("DOB") play a critical role in protecting this vulnerable population and the affordable housing stock. They ensure that landlords are complying with the law when they submit floor plans and apply for work permits to do construction. The DOB holds bad landlords accountable by issuing violations, penalties and stop work orders for illegal construction being done. Therefore, we are here to request that DOB receives increased funding so that they can better enforce the laws, protect tenants and continue to preserve safe and affordable housing.

We have seen some unscrupulous landlords making use of loopholes in the regulations protecting safe homes to flip rent regulated properties into market rate units, utilizing speedy, reckless construction and thereby, putting the tenants' lives at risks.

In our Queens preservation work, AAFE is working with residents at Zara buildings that are experiencing these events. Zara would buy a building and immediately begin construction to fixup the units and turn them into "luxury apartments". Residents have complained to us that Zara is doing construction without considering their safety and health. Hot water service would be disturbed consistently throughout the week without warning right before construction commenced for the day. Large-scale ceiling and interior drywall and plastering work was done without providing dust jackets or masks for residents – causing a lot of dust and breathing problems. In another instance, major pointing and waterproofing work was done on the building's exterior with a chemical that residents complained was highly toxic, because it burned their eyes and throats.

In our Chinatown preservation work, AAFE is working with the 173 Henry Street Tenants' Association. The tenants have complained that the owner routinely engages in illegal construction by removing walls and re-arranging fixtures, changing the original layout. There is also construction debris left behind and dust that permeates the air. When tenants have to live in

a perpetual construction zone, they deal with dust and debris from the construction, and are forced to live without heat, hot water and cooking gas, which becomes a form of harassment.

The legislative package that STS has put together will give the DOB tools and resources to combat landlords that try to evade the DOB's enforcement. STS's package includes bills that will generate revenue for the DOB by increasing the penalties on code violations and helping it in collecting outstanding fines, as well as provide the DOB with new resources in addressing the needs and concerns of tenants through a quicker response time to emergency complaints.

An increase in funding however, is crucial in order for the DOB to continue to effectively enforce the City's codes and to uphold its responsibilities in protecting the affordable housing stock. Together, housing advocates and the DOB can do more if we have more resources. AAFE and STS thereby supports the City Council and the Committee on Housing and Buildings in advocating for more resources and funding to be given to DOB.

Thank you for your attention.



Advancing research and debate on housing, neighborhoods, and urban policy

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TESTIMONY OF NEW YORK UNIVERSITY'S FURMAN CENTER FOR REAL ESTATE AND URBAN POLICY BEFORE THE NEW YORK CITY COUNCIL HOUSING AND BUILDINGS COMMITTEE PRELIMINARY BUDGET AND AGENCY OVERSIGHT HEARING

March 3, 2016

Chairperson Williams, members of the Committee, thank you for the opportunity to speak today about the NYU Furman Center's work on the important issue of affordable housing in New York City. My name is Jessica Yager. I am the Executive Director of the NYU Furman Center. The Furman Center is a research center at NYU that advanced research and debate on housing, neighborhoods, and urban policy. In addition to conducting empirical and legal research on urban policy issues, providing data and analysis about housing and neighborhoods is central to our mission.

Since 2011, the City Council has supported our efforts to make data about affordable housing and neighborhoods publicly available and usable. The Council's generous support over the years has enabled us to enhance our Subsidized Housing Information Project (or SHIP), a free interactive database that allows users to access information about subsidized housing in New York City. The SHIP database is the only database of its kind, presenting detailed data from the city, state, and federal government about subsidized housing units in New York City. The SHIP allows users to see information about the location of subsidized housing, the number of buildings and units in a subsidized development, development ownership, finances, physical conditions, and information about the types of subsidies a development receives, the regulating agencies, and the nature and length of the affordability restrictions on a property.

Thanks to the Council's support, the SHIP is undergoing a redesign that will greatly improve the user's experience, making the tool more accessible to a broader audience (see attachment for description of updated SHIP). In addition to improving the design and functionality of the site, we are also adding new data to the database. The SHIP will now include data on a number of subsidized housing programs that were not included previously, including public housing, the Inclusionary Housing Program, Low-Income Affordable Marketplace Program (LAMP), the Article 8A Loan Program, and property tax programs (including 421-a and 420-c). We plan to also include information on new residential construction. In addition, our redesign of the website will make it much easier for users to explore local demographic and economic data alongside subsidized housing data.

We are very grateful for the City Council's ongoing support for SHIP. We are currently requesting continued funding from the Council for FY17, which will allow us to continue to operate and update the SHIP and pursue two other projects designed to enhance the public understanding of real estate and neighborhoods in New York City. I would like to briefly outline our FY17 proposal for you.



Advancing research and debate on housing, neighborhoods, and urban policy

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The first part of our FY 17 request would support the on-going maintenance of the newly enhanced SHIP database. We believe that the redesign of the SHIP will not only make the tool more useful tool for our existing user base, but also make the data accessible to a wider audience. The on-going maintenance of the website and the annual updating of the now-expanded data sources to keep the information timely and relevant are significant on-going costs for us. We hope that the Council will continue to support our ability to maintain this important, and soon to be improved, tool.

The second project included in our FY 17 request is a new initiative called Neighborhood Portraits. The project would create detailed portraits of housing and economic conditions in New York City's neighborhood. We will produce a user-friendly platform for these portraits, making data and graphics accessible to a wide range of audiences. We will also conduct outreach to residents, community leaders, and policymakers to get these portraits into the hands of people who can use them.

Finally, we are seeking funding to continue our Tracking Ownership Patterns Project, which was also included in our grant from the Council for the current fiscal year. Over half of New York City households live in multifamily rental buildings, yet we know little about the owners of these properties. Owners of rental property often take title in the name of a single-use holding company, such as an LLC, (rather than in their own name) to limit their liability in case of an accident on site. Although there is nothing necessarily nefarious about this system, a side effect is that it obscures the true identities of owners and the full extent of their portfolios.

In collaboration with computer science researchers from the NYU Tandon School of Engineering, we have developed a novel methodology for connecting these single-use entities to each other in New York City, using a variety of state and local administrative datasets. These publicly available datasets offer clues that can help us to connect one holding company to another, exposing otherwise hidden connections between nominally unrelated property owners. With support from the City Council this year, we have produced a prototype dataset of apparent ownership portfolios, and are now in the midst of testing the data and refining the algorithm. In the coming year, we hope to complete this process, and make this tool publicly available via an interactive mapping platform.

All of the projects for which we seek funding will make new data and analysis about New York City neighborhoods available to the public. We believe that all three of the projects for which we seek funding will make significant contributions to our understanding about the state of housing and neighborhoods in our city, leading to more informed policy making and service provision.

Thank you again for the opportunity to testify today, and for your continued support of the Furman Center. I am happy to answer any questions you may have.



Subsidized Housing Information Project (SHIP)

datasearch.furmancenter.org

SHIP is a free interactive database that allows users to look up information on subsidized affordable rental housing units in New York City. The database includes information on nearly 250,000 units that were developed with financing from the federal, state and city governments. The database allows users to create customized tables and maps that identify subsidized housing in the aggregate or by subsidy program citywide or in a specific community district, city council district, census tract, or borough.

What kind of information can I find on SHIP?

General information, including the number of buildings and/or units in a development, the owner, and what type of affordability restrictions are in place;

Financial information on a property, including New York City Department of Finance assessed value, delinquencies, liens or arrears:

Physical conditions, including Housing Maintenance Code violations and REAC (Real Estate Assessment Center) scores:

Subsidy information, including which government agencies subsidized a property and for how much, and the period of affordability;

Why is this information important?

When the city, state, or federal governments provide subsidies to help private developers finance an affordable housing development, the developers agree to keep some or all of those units affordable for a certain time period. When these buildings near the end of their subsidy term, owners have the choice of converting them to market-rate housing. Other buildings risk failing out of affordability programs because of poor physical or financial conditions. SHIP allows users to identify at-risk buildings and opportunities for preserving units as affordable housing. Many stakeholders use the SHIP, including:

Government agencies, like the NYC Department of Housing Preservation and Development, use SHIP to identify properties that are at risk of opting or failing out of subsidy programs.

Elected officials use SHIP to track the number and state of subsidized housing developments in the communities they represent.

Developers, both for profit and non-profit, use SHIP to identify preservation opportunities.

Advocates use SHIP to identify threats to the subsidized housing stock in their communities.

Tenants use SHIP to learn about financing and subsidy expiration dates for their buildings.

What improvements are in store for 2016?

New design. The SHIP is undergoing a redesign that will improve the user experience in order to make the data accessible to a broader audience.

Expanded information on properties using public subsidies. This expansion will include data on Public Housing, the Inclusionary Housing Program, Low-Income Affordable Marketplace Program (LAMP), the Article 8A Loan Program, the Participation Loan Program, and other programs.

Additional information on new residential construction. New data will include information on size, location, type of construction (condo or rental), and tax subsidy information (421a, 420c).

Overlay of community district characteristics. Local demographic and economic data will be combined with SHIP information to provide neighborhood context.

Relaunch of SHIP database. When the new SHIP goes live, the NYU Furman Center will run a campaign to highlight the new resources and raise the profile of the SHIP as a tool to help address affordable housing and neighborhood issues.

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