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 2018 PRELIMINARY BUDGET March 15, 2017

Good afternoon, Chairs 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, and other members of my senior staff.

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 2018 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 to transform the Department. As you know, our *Building One City* plan is fundamentally reforming 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 2018 Preliminary Budget allocates approximately \$158 million in expense funds to the Department. Of this, approximately \$128.3 million are for Personal Services (PS), funding 1,587 budgeted employees, and \$29.3 million are for Other Than Personal Services (OTPS).

The Preliminary Budget provides \$1.7 million in additional funding for twenty-one new staff positions. This includes \$1.3 million to fund fifteen positions to enhance Energy Code enforcement as committed to in the Administration's Built to Last initiative, and \$400,000 to fund six positions to enhance plumbing gas inspections.

The Department is a revenue producing agency. Offsetting the \$158 million in expense funding in the Preliminary Budget, the revenue forecast for the Department is approximately \$248 million, which does not include more than \$45 million in fines collected each year resulting from Department-issued violations adjudicated before the Environmental Control Board.

Some highlights of Fiscal Year 2016 construction activity follows:

- 2,931 New Building applications were filed with the Department, a less than 2 percent decrease from the prior fiscal year.
- 90,192 Alteration applications were filed with the Department, a nearly 2 percent increase from the prior fiscal year.
- The Department issued 109,277 initial construction permits, a 5 percent increase from the prior fiscal year.
- The Department issued 52,244 permit renewals, a 17 percent increase from the prior fiscal year.

• Finally, an important sign of future new building activity is initial demolition permits. In Fiscal Year 2016 the Department issued 1,922 demolition permits, a 2 percent increase from the prior fiscal year, which shows construction activity throughout the City has shown little sign of abating.

The Department's work is evident in the safe and lawful construction that can be seen on every corner of this City. Whether it be the construction of skyscrapers in the Hudson Yards, the Western Hemisphere's largest Ferris wheel in Staten Island, or homes that keep New York City affordable, my colleagues and I take enormous pride in facilitating much of the built environment around us.

Streamlining Department Processes

Our *Building One City* plan commits to using data analytics to measure performance and drive progress. With that in mind, the Department has created an Analytics and Data Science Division led by a Chief Analytics Officer. With the launch of DOB NOW Inspections, we focused on building a performance management approach to our operations, including routine reporting and coaching on performance issues. The success of this effort, led to a similar effort to review and provide feedback on performance in our borough offices. We are deeply focused on improving service levels while improving the quality of services we provide.

As part of this process, I meet monthly with Borough Commissioners and other staff to discuss the levels of service we are providing to our customers. Where we see successes we seek to replicate them in other areas of our operations, and where our targets are not being met, we understand why and take appropriate action.

I am quite pleased to share that through this process the Department has made significant progress in improving service to our customers, all while facing a scale of construction perhaps unparalleled in the City's history.

Wait times for first plan reviews have shown tremendous improvement.

- The average number of days to complete first plan reviews for New Building and Major Alteration applications are down to under five days in February, a 60% improvement when compared to the same month of the prior year.
- First reviews for Minor Alteration applications during the same period also decreased by 60%, to just over one day.

There is also significant improvement in the number of appointments with a plan examiner it takes to gain approval.

- The average number of appointments to approval for New Building applications are down to five appointments in February, a 32% improvement when compared with the same month of the prior year.
- Number of appointments to approval for Major Alteration applications during the same period also decreased 32%, to fewer than four appointments.

Additionally, there has been significant improvement in wait times for development inspections.

 Wait times for inspections of general construction work are down to under three days in February, a 37% improvement when compared to the same month of the prior year. Wait times for elevator and boiler inspections have been reduced by more than half during the same period to fewer than four days, a service level not reached in the Department's history.

Our response to complaints has shown significant improvement from last year and continues to show monthly improvement in Fiscal Year 2017.

- Our response to priority "A" complaints improved by 22% in February when compared to the same month of the prior year. "A" complaints capture violating conditions that if occurring, present an immediate threat to the public and include unsafe demolition, building instability and improper egress. These complaints are responded to well within our twenty-four hour target.
- Our response to priority "B" complaints improved by 65% in February when compared to the same month of the prior year, down to twenty-three days, which is also a 21% improvement from January, and well within our forty day target. "B" complaints capture violating conditions that if occurring, while serious, do not present an immediate threat to the public. These include excessive debris, cracked retaining walls, and tampering with posted notices.

These gains can be attributed to the hard work of more inspectors using new technology that allows them to work more efficiently. It is also due in part to the work of our Analytics and Data Science Division. Their work refining our data and displaying it spatially has allowed resources to be more efficiently allocated in addressing priority B complaints and conducting enforcement sweeps. This Division has also been engaged in expanding the Department's emergency

response capabilities, by developing ways to incorporate geo-spatial technologies to support our emergency operations, including post-disaster assessment.

With the support of the Mayor and City Council, the Department continues to make 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 83 inspectors and 122 technical staff, representing 85 percent of our *Building One City* target.

I am pleased to inform you that our plan to expand our space at 280 Broadway to create a new modern customer service area is on track for completion this fall. As you may recall, the Department was assigned approximately 15,000 square feet last year, at 55 Chambers Street, in order to address space deficiencies and create a new customer service center. Six central citywide service units - licensing, elevators, boilers, administrative enforcement, customer service, and limited alteration applications, will be located in the new space which will be accessed from the 280 Broadway entrance. By co-locating these customer services units into one location, it will lessen the vertical traffic to the upper floors, provide better customer service, and create opportunities to reconfigure vacated space.

The Department continues making headway on the long-term process of redesigning its online presence, with a new public-facing web interface called DOB NOW that will replace the antiquated Building Information System (BIS) and seamlessly interface with our other technological initiatives. 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. Last summer we launched DOB NOW for plumbing and sprinkler applications. Since then we have added standpipe applications and façade compliance filings.

Mandating that all compliance filings for facades be filed through DOB NOW represents a huge step forward for the industry and our staff. Having far greater clarity and access to data points about facades across the City, both individually and in the aggregate, provides a tremendous convenience for the filing community, and most importantly, contributes greatly to public safety.

The Department also just launched the Public Portal for DOB NOW. The Public Portal allows the public online access to information on filings submitted through DOB NOW and as it is expanded, will provide information in a far more integrated and user-friendly fashion than can currently be found in BIS.

While DOB NOW will certainly reduce in-person visits to the Department, there will always be customers visiting us to conduct their business. In an effort to improve the experience of customers who visit any one of our offices, we recently launched a queueing tool at our customer service windows. This tool will ensure that all customers are treated fairly, and provide transparency into wait times, transaction times, no shows and unprepared customers. Simply put, you cannot improve what you cannot measure. This tool allows us to hold ourselves accountable with regard to wait times and transaction times, and also allows us to hold customers accountable for pulling tickets only for themselves, for showing up when their number is called and to ensure that they are prepared when they come to the customer service window.

Additionally, we recently launched an interactive voice recognition tool to serve those who call the Department. This tool will allow us to quantify the number of calls we receive, the amount of time call takers need to resolve issues and the amount of time callers have to wait before they are connected with call takers. Customers call the Department with a number of highly specialized questions and our responsiveness is vital to their customer service experience.

Concerning our Construction Codes, the Department is not only set to embark on its periodic revision of the City's Construction Codes, we are also moving forward with creating two entirely new codes.

The Department is beginning the next Revision Cycle of the City's Construction Codes with the opening of the application process for Committee members. The Construction Codes in their current form, which include the Building, Plumbing, Mechanical, and Fuel Gas Codes, were adopted in 2008 and were comprehensively updated in 2014, with the intent that they be periodically updated to ensure our codes incorporate the latest technologies and national standards along with local modifications to fit the City's dense urban environment. With this Revision Cycle the Department intends to update Code requirements to those of the 2015 International Codes, and we have been working to prepare documents for review by consensus-based Committees. The Department is requesting applications from members of the construction, real estate, labor, architectural, and engineering community, and other interested stakeholders, to serve on technical and advisory committees that will help develop and review amendments to the 2014 New York City Construction Codes. As always, we welcome the Council's participation in this effort. Those interested in participating can apply through the end of March. The Department has already begun preparing proposed changes to the Construction

Codes and is scheduled to commence committee review in September. For the chapter in the code that deals with construction site safety, we anticipate the committee work will begin in May.

Following the Mayor's direction to simplify the codes to make compliance easier, the Department has also kicked off a research effort with the goal of developing recommendations for a code to specifically address work on existing buildings. The Construction Codes primarily deal with new construction, and in the vast majority of buildings, it often not possible to upgrade an existing building to comply with today's more modern standards. Currently when performing construction in an existing building, one or all of a myriad of local and State codes need to be adhered to. The purpose of an Existing Building Code is two-fold. First, to promote repair, maintenance and reuse of buildings by streamlining requirements and triggers for upgrades, including compliance with the latest safety requirements. Second, to improve ease of use by consolidating all the requirements in one place. Once the research is complete the Department plans to develop a first draft of the Existing Building Code and present it to the Construction Codes Committees for their review.

Finally, to address the need for regulation on waterfront properties, the Department is undertaking an effort to develop code requirements for waterfront structures. While current Construction Code and national code requirements address building construction generally, current regulations do not specifically address design and construction requirements for waterfront structures such as piers, wharves, and sea walls, which serve as the foundation for new building construction. In order to effectively address this gap in current requirements, the Department will be working with industry experts to identify the various types of structures and

their associated requirements to ensure the safety and resiliency of these structures. Once developed, these requirements will then be sent to the Construction Code Committees for review, and ultimately adopted into the Construction Codes.

In addition to developing the code requirements, the Department will also be investigating the operational needs and business processes necessary to adequately enforce construction requirements on the waterfront with the goal of consolidating the waterfront filing and permitting requirements within the Department. Currently those filing for construction permits on waterfront properties are required to file with either DOB or the Department of Small Business Services depending on whether the property is city-owned, being used in the furtherance of waterfront commerce, or based on the type of structure. Consolidating these filings within DOB would streamline compliance and enforcement.

Public Safety Enhancements

Six weeks ago I testified before this Committee on a package of legislation that seeks to improve safety on construction sites. The Department supports many of the proposals outlined in those bills and looks forward to further discussion with the Council while we continue to explore new solutions, including enhanced required training for construction workers.

In recent months, the Department has implemented a number of initiatives to help reduce construction accidents throughout the City. The Department has hired 140 new inspectors. The Department has more than quadrupled penalties for the most common safety lapses at construction sites. These penalties are now \$10,000 for each violation, with a maximum of \$25,000 when certain aggravating factors are present.

Given the preponderance of accidents that occur on sites of fewer than ten stories, last August the Department increased supervision on construction sites by requiring Construction Superintendents to be present at more sites under ten stories. Construction Superintendents are required to inspect all work daily and keep a detailed log of the conditions they observe. They are required to promptly correct any unsafe conditions and notify the Department of any accidents. Due to this action, approximately 2,300 additional construction sites citywide are required to have this enhanced supervision.

The Department is more aggressive in its discipline of "bad actors". We have significantly enhanced our information technology and data analytics capabilities, improving our ability to target resources where the greatest risk exists and to identify bad actors. Additionally, we work regularly with each of the District Attorney offices, and routinely make referrals of construction professionals who warrant criminal investigation.

In 2016 we issued 56,289 violations, a 23% increase from 2013, and over \$128 million in penalties. We are also issuing stop-work orders at a higher rate. In 2016 we issued 8,840 stop-work orders, a 37% increase since 2013. Stopping work for a period of time can result in a bigger monetary loss to a contractor than even the most significant penalties.

We are also regularly seeking to suspend or revoke the licenses and registrations of professionals who work unsafely and put their lives and the lives of others at risk. In 2016 the Department revoked or suspended the licenses of eleven individuals or corporations and has numerous cases in progress. Some notable cases include Kenneth Hart, the general contractor of record for HARCO construction. Following a fatality in April of 2015 at 9-19 Ninth Avenue in Manhattan and resulting from our investigation that revealed a significant number of violations, Mr. Hart agreed to

a suspension of his general contractor registration. Upon Harco's conviction last June of manslaughter, criminally negligent homicide, and reckless endangerment, the Department has filed a case at OATH to have his registration revoked which is scheduled for trial later this month.

Andrew Trombettas, the Licensed Master Plumber involved in the 2nd Avenue gas explosion, had his license revoked last year. Following the March 2015 incident, we conducted an audit of Mr. Trombettas' work resulting in the issuance of numerous violations which formed the basis for our Petition filed at OATH. Following trial, the Judge issued a report and recommendation finding that Mr. Trombettas was negligent, incompetent, lacked knowledge of or disregard of applicable laws and rules, made materially false or misleading statements on documents filed with the Department and endangered public safety. Mr. Trombettas is also facing criminal charges.

Maqsood Faruqi, a licensed engineer, falsified a façade report at 305 West End Avenue that had a façade collapse that caused the death of a two year old child. Our investigation revealed false statements on numerous other filings. Mr. Faruqi is now banned from filing with the Department and has separately pleaded guilty to criminal charges. Additionally, the Department has written to the State Department of Education requesting that they revoke his license.

Concerning crane operations, the Department has pending cases seeking to revoke the licenses of two individuals. This includes Brad Allecia, the Master Rigger responsible for rigging operations at 261 Madison Avenue. On May 31, 2015 a chiller weighing approximately 24,000 pounds plummeted to the street as it was being inserted into the 30th floor of the building. There is also a case pending against Kevin Reilly, the Hoist Machine Operator who operated the crane that collapsed at 60 Hudson Street on February 5, 2016 that resulted in the death of one individual.

The Department conducts proactive enforcement sweeps in areas where significant construction is occurring or where there has been a spike in accidents. An example is in Williamsburg where we inspected 348 locations including every active construction site under ten stories, new buildings and major alterations. Our actions resulted in the issuance of 482 violations and 107 stop work orders. This includes the issuance of violations to 67 Construction Superintendents for failure to perform their duties.

The Department participates in the Tenant Harassment Prevention Task Force, a partnership between multiple City and State agencies in which cellar-to-roof inspections are performed, investigations identify bad actors and enforcement is executed. Separately, the Department partners with HPD in performing inspections. In determining where to focus our attention we work with the Mayor's Office of Data Analytics to review a number of data points to determine where tenant harassment is likely to occur. Given that the data alone will not identify all instances of harassment, equally important is our work with numerous organizations and elected officials who provide us with locations to inspect. Over the past fifteen months the Task Force has inspected 2,383 locations, resulting in the issuance of 1,981 violations, 288 stop work orders, 36 partial vacate orders and 3 full vacate orders. Resulting from our investigations, several owners have been referred to the State Attorney General's Office and are in various stages of prosecution and settlement negotiations. Additionally, the Department disciplines licenses who participate in the use of construction to harass tenants. This includes MD Ashraf Ali, a licensed engineer whose filing privileges were revoked for routinely providing false statements on filings submitted to the Department, including that work was exempt from having to obtain a certificate of no harassment.

As recently committed to this Committee, the Department now provides on its website accident data collected by OSHA. This additional transparency will provide a more complete picture of

construction fatalities, and will include an explanation as to why the Department's accident data differs from OSHA's.

During Construction Safety Week in May, the Department will be hosting its annual Build Safe | Live Safe Conference. Hundreds of construction professionals attend Department-led seminars where they learn about the latest accident trends and best practices for improving safety. Department staff will also be distributing thousands of multi-lingual educational fliers at construction sites throughout the City as part of its *Experience is Not Enough* campaign.

The Department is also targeting its outreach to the most vulnerable populations within the construction industry, namely workers on small buildings and day laborers. In partnership with day laborer organizations, the Department will be providing safety awareness seminars throughout the five boroughs on safe construction practices during scaffold and excavation work, two of the areas with the greatest risk. We welcome the Council's participation in this outreach and will be following up with more information.

The Department is also seeking greater flexibility in hiring inspectors to meet the demands of construction surges like the one we are experiencing right now.

For example, archaic provisions in the City Charter impede the Department's ability to hire the inspectors it needs to maximize our enforcement efforts. The Charter essentially requires all of our inspectors to have a minimum of five years of construction experience. This requirement significantly hampers the Department's ability to pull from the widest pool of otherwise available and qualified talent. Legislation has been introduced at the Council to give the Department the

ability to consider licenses, education and experience that are beyond what the Charter requires and I would appreciate the City Council's swift consideration of this legislation.

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.

TESTIMONY OF THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT TO THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS ON THE MAYOR'S FISCAL YEAR 2018 PRELIMINARY BUDGET

WEDNESDAY, MARCH 15, 2017—10:00AM

Good morning. I am Maria Torres-Springer, Commissioner of the Department of Housing Preservation and Development. Here with me today is Assistant Commissioner for Governmental Relations, Francesc Marti and Deputy Commissioner for Financial Management and Tenant Resources, Eva Trimble. Many other members of my senior staff are here in the front rows as well. Thank you Chair Williams for the opportunity to talk with the Committee today about HPD's Fiscal Year 2018 Preliminary Budget. Chair Williams, I also want to thank you for your continued leadership as Chair of the Housing and Buildings Committee. I look forward to building upon the good working relationship you had with my predecessor, and I'm sure we will continue to partner together to ensure that all New Yorkers have a safe, quality, and affordable place to live.

This is my sixth week as HPD Commissioner. While I have worked with HPD in various capacities over the years, it has been impressive to see the full sweep of the agency's work in action. It is an exciting and humbling time to be at the helm at HPD. Having grown up in Section 8 housing, I know first-hand that the work we do is a lifeline to hundreds of thousands of families. Housing is the top expense for New Yorkers: For far too many, rising rents threaten their ability to stay in the city they love. I've spent my career helping people secure better jobs with better wages, and developing neighborhood projects that provide affordable homes and economic opportunity. It is an honor to join the extraordinary HPD team to keep up the record-breaking progress achieved to date under *Housing New York (HNY)*.

I want to start by sharing some of the accomplishments HPD has made over the past year in working toward the goal of 200,000 affordable units established by the Mayor's HNY plan. Since the launch of HNY, we've financed 62,506 affordable apartments, housing for more than 170,000 people. In 2016 alone, we financed 21,963 homes, which is the highest production in a quarter-century, mirroring the peak of Mayor Koch's housing plan. This was also the highest three-year stretch for new construction production on record. The agency is working hard to use every tool at its disposal—including Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA)—to preserve the affordability of existing rent-restricted housing and spur the construction of new homes across the five boroughs. We achieved these numbers while also exceeding our goals for reaching deeper affordability. The chart on this slide shows the full breakdown of our affordability in the first three years of production in more detail.

The production goal set in HNY for the two lowest income categories was 20% over the life of the ten-year plan. We heard and took to heart the calls from communities on the ground, and have worked hard to do even more. By ramping-up our efforts and introducing new programs, including our Extremely Low- and Low-Income Affordability (ELLA) program, a full 27% of our total current production is serving households making less than \$40,800 for a family of three.

Fourteen percent of those units are serving New Yorkers making less than \$24,500 for a family of three.

At the same time, we are looking to serve families at a broader range of incomes, in order to ensure the economic diversity that makes New York City so dynamic and remains an underlying principle of the plan. We are of course very focused on the 200,000 unit goal, and the critical need to increase the housing supply, which is at the heart of the affordability crisis we face. But from the outset, this administration has taken a much more holistic approach, recognizing that we need all of our tools working together to address the needs of residents and of neighborhoods. So I want to briefly highlight the progress we've made through the lens of the four key elements of HNY.

Neighborhoods are very much at the forefront of the plan and really provide a framework for so much of the work we do with communities. That is why early on, we launched the Neighborhood Planning Playbook to engage communities and craft neighborhood-specific housing plans; these plans are supported by a \$1 billion Neighborhood Development Fund to finance needed local improvements. The Resilient Edgemere Community Plan, which we'll be releasing this weekend, reflects this innovative new approach to community engagement. Our team spent 18 months engaging local residents in developing strategies to address the neighborhood's unique vulnerabilities to physical and financial threats and plan for a more resilient future. I want to thank Councilmember Donovan Richards for his incredible leadership and support of this initiative.

HPD has been hard at work to deliver on the goals of our comprehensive neighborhood plan for East New York. My first week at HPD, we launched the Homeowner Helpdesk with Councilmember Rafael Espinal and the Center for New York City Neighborhoods to connect homeowners to the resources they need to stay in their homes and communities.

We also made significant strides on our Building Opportunity program, created to expand the capacity of M/WBE developers and contractors. We designated six development teams in an RFP exclusively for MWBEs on sites across the city, and launched our new M/WBE Build Up program, to increase opportunities for M/WBEs in HPD-subsidized development. And in the coming weeks, we'll be announcing the appointment of a new M/WBE Director who will be charged with advancing these initiatives going forward.

And we introduced new marketing guidelines and educational materials to improve access to affordable housing opportunities through Housing Connect, our housing lottery system. We appreciate the Council's generous support for these initiatives, including most recently, the expansion of our Housing Ambassadors program and our partnership with the Department of Consumer Affairs' Office of Financial Empowerment to provide financial counseling for affordable housing applicants.

Protecting tenants and preventing displacement is at the heart of our work to preserve the affordability and quality of the existing housing stock. On my very first day at HPD, I joined our Enforcement and Neighborhood Services team, Councilmember Ydanis Rodriguez, Legal Aid, UHAB, and the tenants of a building in Inwood to announce the tenth round of HPD's

Alternative Enforcement Program list, which each year identifies 250 multifamily residential buildings with egregious building code violations for comprehensive enforcement action. Over the last decade, AEP has targeted 2,137 buildings, helping to significantly improve conditions in more than 26,710 homes across New York City. Through strategic use of data from AEP, the 7A program, the tax lien sale list, and partner referrals, HPD is intervening proactively to preserve our affordable housing stock.

We are also introducing new programs and helping our strategic partners to innovate. We are especially proud of our work with a group of New York City Community Development Corporations (CDCs) to launch the new Joint Ownership Entity, otherwise known as JOE NYC. This not-profit entity was founded to strengthen the asset and property management capacity of participating CDCs, and achieve the scale needed to secure financing for new affordable housing projects.

Last summer, HPD worked with community partners to facilitate the acquisition of 24 distressed Federal Housing Administration (FHA) notes through the Community Restoration Fund program. This was an important initiative to support struggling neighborhoods hit by the foreclosure crisis by working with homeowners to keep them in their homes, and I want to thank Councilmembers Dan Garodnick, Daneek Miller, and Donovan Richards for their support and an essential \$1 million in City Council funding.

And last but not least, we are very focused on providing pathways to permanent housing for our city's homeless and creating more affordable housing for our growing senior population.

Through our new Senior Affordable Rental Apartments (SARA) program and other initiatives, we've financed the new construction or preservation of more than 4,000 senior apartments. And, by expanding enrollment in SCRIE and DRIE, the city is freezing the rent for seniors and people with disabilities living in rent-regulated apartments.

These are just some of the key accomplishments from the past year. We recognize that much more needs to be done, in the face of incredible headwinds coming from DC. There are very real threats out there, but we've built a strong foundation, working together, and I believe our progress positions us well for the task ahead.

Let's now turn to the Mayor's preliminary budget for FY2018. Much of the discussion will be focused on the fiscal and policy challenges we face on the horizon, and how they may impact the agency's operations and programs. Then, I'll transition to the five-year capital plan, and finish with an update on the Mayor's commitment to ensure deeper affordability for the lowest income New Yorkers.

So to start, HPD's Fiscal Year 2018 expense budget is \$903 million. This includes over \$160 million of city tax levy and federal funding that is flowing through our budget on behalf of NYCHA. HPD facilitates the processing of these funds through our budget, but we are not otherwise involved in the substance of these projects. So, putting aside the funding for NYCHA, HPD's true preliminary budget is \$742 million for Fiscal Year 2018.

I'd like to remind the Council that HPD receives only 14%—or about \$104 million—of our total funding from city dollars, including tax levy and Inter-Fund Agreement (IFA). The agency is primarily funded through federal grants. This is important because when we seek to save city tax dollars, as we are constantly trying to do, the amount we can save is limited, because so many of our programs are restricted by federal requirements. Our ability to make programmatic decisions is constrained and 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. As a result, 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. I therefore want to start by thanking you for our tax levy funds. Having a source of less restricted and rigidly circumscribed funds is absolutely critical to our work.

Nevertheless, HPD has a disproportionate reliance on federal funds. No other line city agency—with the exception of the Department of Design and Construction (DDC)—receives more than 50% of its expense budget from federal sources.

I want to point out that the budget may seem smaller than usual. This is because unlike the current year's budget, federal disaster recovery (DR) funding is not planned for the agency's FY2018 budget. For context, the FY2017 current modified budget includes over \$366 million in funding for disaster recovery efforts; we expect to continue to receive these funds on an asneeded basis from the New York City Office of Management and Budget (OMB), but they are not in our FY2018 budget now.

Nearly \$490 million, or 66%, of the FY2018 preliminary budget is associated with federal rental subsidies—Section 8 housing vouchers (S8) and Shelter Plus Care (SPC). As you know, rental assistance funds are highly constrained federal sources and therefore provide no direct operational support for the agency beyond their specific programmatic purpose. Our primary funding source for agency operations is the Federal Community Development Block Grant (CDBG) program, which supports critical functions such as Code Enforcement, anti-harassment, and shelter programs.

Although the current administration has not formally announced specific cuts to the federal grants that help fund HPD's mission, the President and senior Congressional leadership have publicly articulated an agenda of economic and social policies that would undermine the agency's ability to deliver on our commitment to affordable housing. We are six months into the current federal fiscal year and do not yet have a budget. Current federal appropriations, including CDBG, Section 8, and HOME funding are funded by a continuing resolution through April 28th.

Details of the President's first budget for Federal Fiscal Year 2018 are still unknown at this time; however, as the White House and the Congress focus on deficit reduction, additional cuts are almost certain and could lead to major programmatic changes. Any cuts to CDBG funding would have profound impacts on the low- and moderate-income households that HPD's programs

serve. And of course we are extremely concerned about a loss of Section 8 funding, which is so critical to helping our most vulnerable families remain stable in their homes.

The good news is that we are continuing to focus on using city resources as effectively as possible. I want to provide you with one such example, as an update to the agency's previous testimony in November on 421-a compliance. Working with the Mayor and OMB, HPD received \$1.8 million in additional funding over the next five years for our 421-a enforcement efforts.

This additional city tax levy will support eight new positions; grow HPD's monitoring and enforcement capacity; and ensure that property owners receiving 421-a benefits continue to comply with the program's requirements. This new team—which consists of expert attorneys, investigators, and other support staff—will focus on prevailing wage and rent regulation requirements, audits, and tenant complaints, in addition to revocations resulting from Department of Finance (DOF) suspension of final certificates of eligibility (FCE). Additionally, the unit will coordinate policy and enforcement action with other city and state agencies. While the initial focus will be on oversight for 421-a buildings, we expect that the portfolio will grow to accommodate buildings coming in under the new Mandatory Inclusionary Housing (MIH) program.

Despite the current agenda in Washington, the Mayor is firmly committed to achieving the Housing New York goal of building or preserving 200,000 affordable homes for New Yorkers. The chart in this slide shows HPD's capital funding over the next five years. The five-year plan totals over \$4 billion: \$3.7 billion from the Mayor, and the rest a combination of Federal HOME and Reso-A funding.

Additionally, in his recent State of the City address, the Mayor committed another \$1.9 billion in new city capital funding to ensure deeper affordability in Housing New York. Within the 200,000 unit HNY plan, an additional 10,000 affordable homes will be created or preserved for the lowest income New Yorkers. Half of these 10,000 homes will be dedicated to seniors whose fixed incomes have left them struggling to keep up with rising rents. This new goal increases the target for those earning \$40,000 or less from 40,000 to 50,000 units, or 25% of the plan.

At the same time, we will be doing more to ensure those New Yorkers who served our country have an affordable place to live, with at least 500 more apartments dedicated to our veterans. HPD and HDC will use all available tools to meet this ambitious goal, including ELLA, SARA, and our various mixed-income programs. With these programs now firmly in place and exceeding their targets, the additional \$1.9 billion will help us achieve deepened affordability through the duration of the plan, especially as we navigate the challenges ahead.

We live in incredibly uncertain times. But this administration stands firm in its commitment to do all we can to address the affordability crisis that threatens our great city. We will continue to push forward with our goals, regardless of what happens in Washington, D.C., but we will need all of your help to chart a course forward. Thank you for your time today—I am happy to answer your questions.

Fiscal Year 2018 Preliminary Budget Hearing

March 15, 2017

Maria Torres-Springer Commissioner



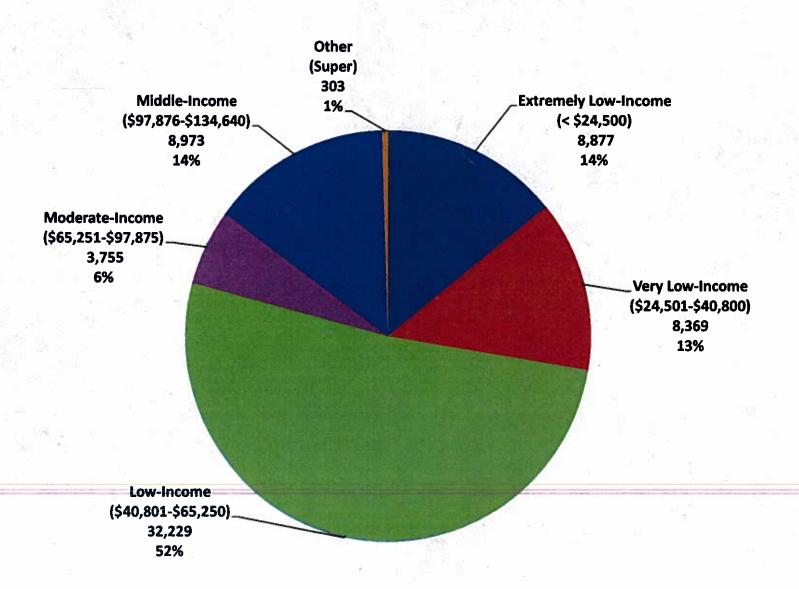
Housing New York: Three Years of Progress

- 62,506 affordable homes financed under HNY to date, on budget
- 21,963 affordable homes created or preserved in 2016
 - Highest production in 25 years
 - -6,844 new construction unit starts
 - 15,119 preservation unit starts
- New tools to preserve affordability and spur construction of new homes

Deepening Affordability

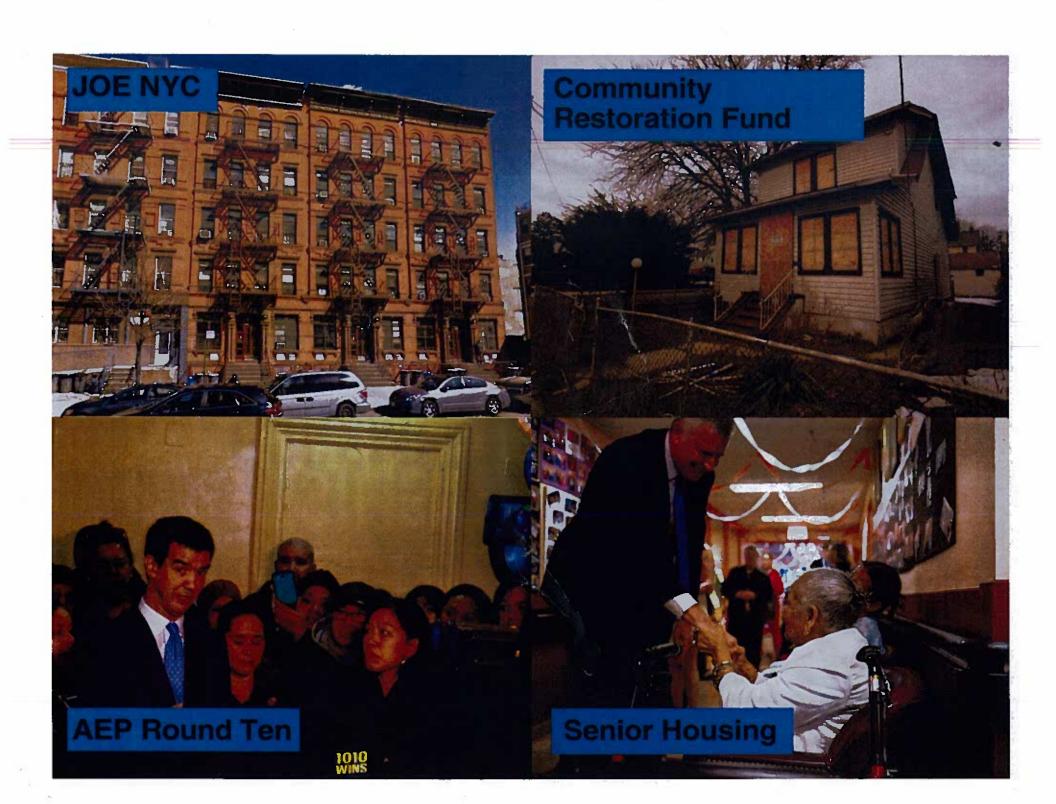
Housing New York (HNY) Affordability, by Income Band

Unit Starts 01/01/2014-12/31/2016: 62,506



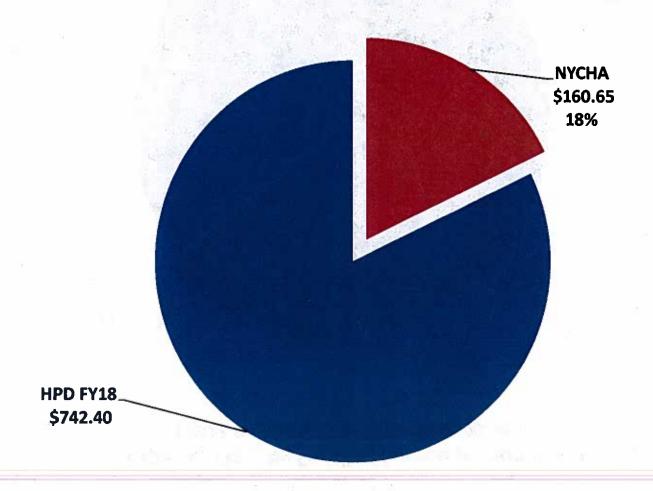






NYCHA Funding Flows through HPD's Budget

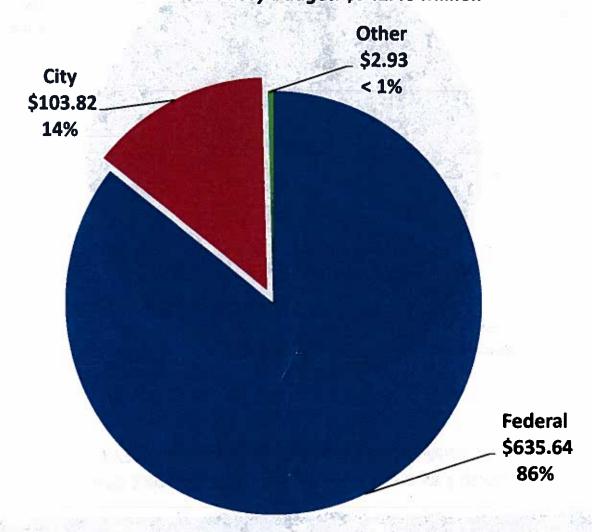
HPD Expense Plan—Agency Share of Funds
FY2018 Preliminary Budget: \$903.04 Million



City Funding is Small Share of Expense Budget

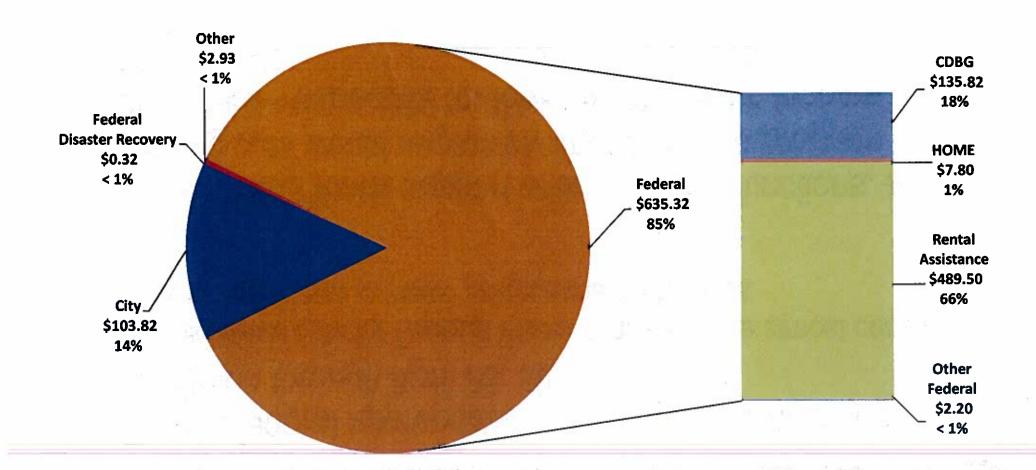
HPD Expense Plan, by Funding Source (Excluding NYCHA)

FY2018 Preliminary Budget: \$742.40 Million



Disproportionate Reliance on Federal Funding

HPD Expense Plan, by Funding Source FY2018 Preliminary Budget: \$742.40 Million



Federal Budget Challenges on the Horizon

- Current federal appropriations funded by a continuing resolution through April 28, 2017
 - Additional cuts for Federal Fiscal Year 2018 are almost certain and could lead to major programmatic changes
- Since CDBG funds support critical agency functions, any funding cuts would negatively impact HPD's program outcomes—especially for low- and moderate-income households
- HPD manages the country's fifth-largest Section 8 rental assistance program assisting over 36,000 families

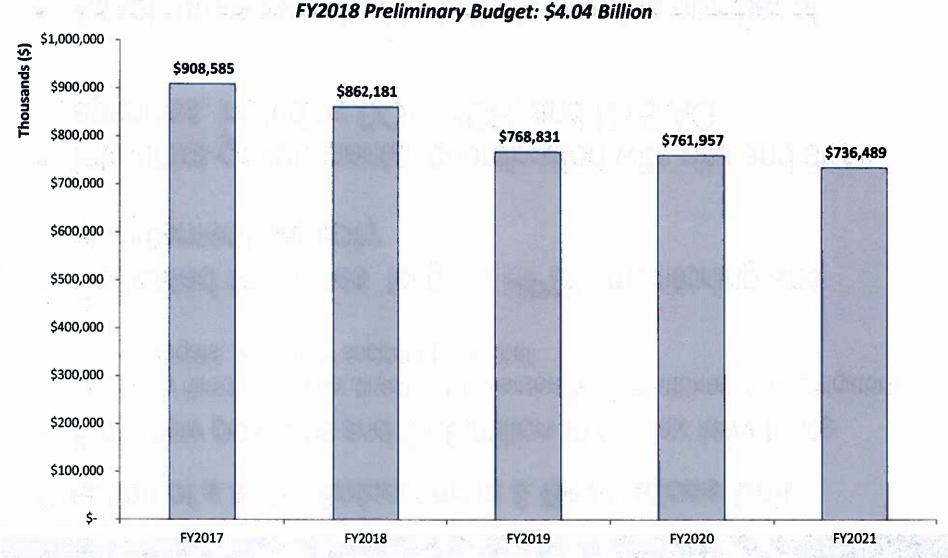
FY2018 Preliminary Expense Budget Highlights

Creation of a 421-a Enforcement & Revocations Unit

- Eight new positions and \$1.8 million in city tax levy funds
 - Newly hired executive director will oversee team of attorneys, investigators, paralegals, and other support personnel
- Dedicated resources to grow HPD's monitoring and enforcement capacity
- Inter/intra-governmental coordination with city and state agencies, including DOF, HCR, and NYS AG
- Adapt future oversight to include growing number of Mandatory Inclusionary Housing (MIH) buildings

Mayor's Commitment to Housing New York

HPD Five-Year Capital Plan, FY2017-FY2021



Additional 10,000 Unit ELI / VLI Commitment

- \$1.9 billion in new capital funding to ensure deeper affordability for extremely low- and very low-income (ELI/VLI) households
 - Within the 200,000 affordable housing plan, another 10,000 apartments will be created or preserved for the lowest income New Yorkers
- Increases the unit goal for those earning \$40,000 or less from 40,000 to 50,000 affordable homes—25% of the total *HNY* plan
- HPD and HDC will use all of its available tools to meet this ambitious goal, including our new Extremely Low- & Low-Income Affordability Program (ELLA), Senior Affordable Rental Apartments Program (SARA), and various mixed-income programs (M&M, M²)

Thank You! Questions?



Testimony of The American Council of Engineering Companies of New York

Regarding the Executive Budget – Committee on Housing and Buildings

March 15, 2017

The American Council of Engineering Companies of New York (ACEC New York) is the voice of the professional engineering community, representing over 280 member firms throughout New York State that collectively employ close to 24,000 people statewide, with a concentrated presence of firms located within the five boroughs of New York City. Of our total member firms, 50 are MWBE firms registered with the Department of Small Business Services. Our members are involved in all aspects of engineering for the public sector. We plan and design the structural, mechanical, electrical, civil, environmental, plumbing, fire protection and technology systems for the city's infrastructure, including transportation, energy, and wastewater treatment facilities, as well as public buildings. Our members are also involved in a host of planning, resiliency and environmental issues.

Since its founding in 1921, ACEC New York has served as a source of ideas, a sounding board and a professional resource for state and city leaders, including the Department of Buildings. ACEC weighs in on many important issues of our day, from infrastructure investment, efficient energy policy and alternative delivery systems to improving procurement practices. ACEC has volunteer code committees made up of professional members that work with the Department of Buildings providing engineering expertise when developing code and policy for the City. ACEC has prepared a series of recommendations on improving DOB that have been reviewed by the agency at the highest level and are being incorporated to a large extent into the agency's own reform efforts, which revolve around technology, transparency, and integrity, all to enhance efficiency and most importantly, safety. To that end, we support full funding for the departments modernization.

We appreciate the work that you and all of the Members of the Council do to improve New York every day and look forward to continuing to work with you on these important issues.

Thank you for the opportunity to speak before you today.



Testimony Before the New York City Council Housing and Buildings Committee Regarding the New York City Fiscal Year 2018 Preliminary Budget

March 15, 2017

Good afternoon. My name is Caroline Nagy, and I am the Deputy Director for Policy and Research at the Center for NYC Neighborhoods. I would like to thank Committee Chair Williams for holding today's hearing on the housing-related proposals in the FY 2018 Preliminary Budget.

About the Center for NYC Neighborhoods

The Center promotes and protects affordable homeownership in New York so that middle- and working-class families are able to build strong, thriving communities. Established by public and private partners including the City Council, the Center meets the diverse needs of homeowners throughout New York State by offering free, high quality housing services. Since our founding in 2008, our network has assisted over 40,000 homeowners. We have provided approximately \$33 million in direct grants to community-based partners, and we have been able to leverage this funding to oversee another \$30 million in indirect funding support. Major funding sources for this work includes the New York City Department of Housing Preservation and Development, the New York City Council, NYS Homes and Community Renewal, the Office of the NYS Attorney General, along with other public and private funders.

Funding for Foreclosure Prevention in the City FY 2018 Budget

Before discussing this year's budget, I'd like to acknowledge the City Council for your strong support of New York City homeowners. As a co-founder of the Center for NYC Neighborhoods, the New York City Council has been a generous supporter of the Mortgage Foreclosure Prevention Program, which funds \$1 million annually to the Center for NYC Neighborhoods to regrant to our Network Partners and support our foreclosure prevention work. City Council partnership is crucial to ensuring that New Yorkers fighting to keep their homes continue to have access to high-quality, free legal services and housing counseling.

This last year also saw several innovative new initiatives to support homeowners, including the Community Restoration Program, which made headlines last June when New York City became the first municipality in the country to purchase distressed mortgage notes from the federal government. The New York City Council was a thought partner and first funder of the program, and your support was critical to bringing the program to life. In 2016, we also partnered with Council Member Espinal, HPD, and local nonprofit partners including Cypress Hills LDC, Mutual Housing Association of NY, and Brooklyn Legal Services Corporation A to launch the Homeowner HelpDesk in East New York, which works to connect vulnerable homeowners to needed information and services by conducting extensive, door-to-door outreach to homeowners and holding neighborhood HelpDesks with convenient locations and hours.

For Fiscal Year 2017-2018, we have requested an increase of \$500,000 in City Council funding for the Mortgage Foreclosure Prevention Program, from its current level of \$1 million to \$1.5 million. In addition to continuing to fund critical homeowner foreclosure-prevention services, City Council funding also supports our Senior Homeowner Initiative, which connects senior homeowners to holistic services to avoid foreclosure, scams, and displacement. With additional support from City Council, the Center will enhance these services by conducting a targeted outreach and engagement strategy to reach homeowners and connect them to foreclosure prevention services and other key resources.

Unfortunately, there are many New York homeowners who may be at risk of losing their home but do not know where to go for trustworthy help. Today, homeowners throughout the City report frequent, harassing visits from real estate agents and property investors seeking to convince them to sell their homes. Worse, criminals seeking to perpetrate mortgage and deed theft-related scams target senior homeowners and homeowners in foreclosure. City Council Members and the de Blasio administration have been sounding the alarm on deed thefts, and will highlight the issue in an upcoming town hall series in impacted neighborhoods.

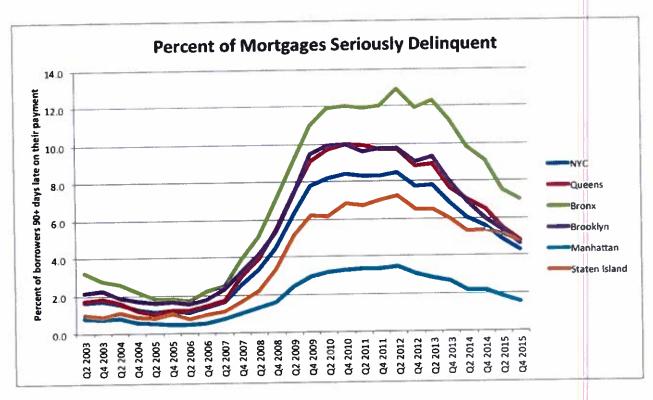
It's important to keep in mind that many New York City homeowners also have rental units on their properties, and when they are displaced due to foreclosure or scams, or are pressured into selling, their tenants are almost always forced out as well. Thus, by investing in keeping homeowners in place, we are preserving what is typically an affordable housing situation for families who rent as well as families who own. With \$500,000 in additional Council funding for the Mortgage Foreclosure Prevention Program, the Center would work to ensure that homeowners have access to the resources and information they need to avert foreclosure, make needed repairs, and become more financially stable. We would accomplish this by strengthening our outreach to homeowners, bolstering awareness of mortgage and deed scams, and connecting homeowners to key resources, including loans, grants, and individualized foreclosure prevention services. For example, one new resource that we would like to highlight is SONYMA's new Neighborhood Revitalization Program, which provides up to \$20,000 in repair funds to homebuyers in Queens. The Center employs a variety of methods to reach homeowners, including door-to-door outreach in target neighborhoods, community events and educational resources. Our Homeowner Hub is a central hotline for homeowners that provides live, rapid assistance and connects homeowners to in-depth follow-up services.

Additionally, we would like to ensure that the City Council is aware that our largest source of foreclosure prevention services funding, the Attorney General's Homeowner Protection Program, will end in September of 2017. This funding stream came from one-time settlements with financial institutions, and there is no possibility of renewing the program beyond September of this year. This program provided \$20 million in annual statewide funding for foreclosure prevention services, including \$9 million for NYC, and the loss of this funding would be a major blow to homeowners throughout the state. As a member of the Protect NY Homes coalition, the Center has been advocating for the state government to include this funding in the State 2017-2018 budget. While Governor Cuomo did not include the funding in his Executive Budget, Assembly leadership and members of the Senate are supportive, and we would

appreciate Council and the de Blasio administration's partnership in encouraging the Senate, Assembly, and the Governor to continue funding these essential services.

The Need for Foreclosure Prevention Services Remains High

While the foreclosure crisis may have receded from the headlines, tens of thousands of New York homeowners and their communities continue to struggle with the devastation it caused. Unfortunately, foreclosures are still at crisis levels. According to the Office of Court Administration, there are currently 72,000 pending foreclosure cases in New York State courts, with nearly 34,000 new filings in 2016. In New York City, despite fewer new foreclosure filings, homeowners are still experiencing the effects of the great recession: today the seriously delinquent rate is about three times higher than it was in the early 2000s, meaning that significantly more homeowners are 90 or more days late on their mortgage than before the collapse of the housing market.



Additionally, new challenges have arisen. First, reverse mortgage defaults and foreclosures have sharply increased in the last year. New York State Home Equity Conversion Mortgage Due and Payable Notice filings, which are filed either upon the death of the borrower or if the borrower is otherwise in default, were 50 percent higher in the first half of Fiscal Year 2016 than the total number of filings for the entire Fiscal Year 2015, and our Network Partners have reported that their reverse mortgage foreclosure caseloads have doubled and tripled over the past year. Second, the federal government's Home

¹ State of New York Unified Court System, 2016 Report of the Court Administrator of the Courts, 2016.

² Data obtained by the Center for NYC Neighborhoods from HUD and service providers.

Affordable Modification Program, or HAMP, ended in 2016, which means there is no longer a centralized program offering certainty or consistency to homeowners at risk of foreclosure in terms of the relief they can expect.

The challenges posed by the foreclosure crisis are daunting, and will require the continued leadership of the New York City Council and the de Blasio administration, as well as the concerted efforts of State government, service providers, and the private sector. Thank you once again for your support, and we look forward to continuing to partner with you to promote and protect affordable homeownership in New York. Thank you very much for this opportunity to testify.

New York City Council Fiscal Year 2018 Preliminary Budget,

Mayor's FY'17 Preliminary Management Report and Agency Oversight Hearings

Testimony Submitted by NYHC

FOR THE RECORD

March 15, 2017

New York Housing Conference (NYHC) is a statewide affordable housing policy and advocacy organization.

Our mission is to advance City, State and Federal policies and funding to support the development and preservation of decent and affordable housing for *all* New Yorkers through our broad-based coalition.

We thank Chairperson Jumaane Williams as well as the other committee members the opportunity to submit comments.

New York Housing Conference commends Mayor Bill de Blasio's administration for substantial investment in affordable housing capital and their tremendous progress on meeting their ambitious production goals. We are supportive of the Executive Budget proposal but given anticipated federal budget cuts that will severely impact affordable housing and community development programs, we urge the Administration and the City Council to prepare against damaging cuts to ensure essential programs are continuously operating.

Based on President Trump's stated plan to increase defense funding by \$54 billion by cutting non-defense discretionary spending and reported. White House preliminary budget documents, we can assume the President's budget will likely feature a budget cut to the Department of Housing and Urban Development (HUD) of around 15%. Under the President's preliminary budget, HUD programs will be cut by \$6 billion compared to 2016 funding. We anticipate that about 20,000 Section 8 vouchers will be at risk statewide, impacting families in need of assistance including a high percentage of elderly and disabled households. There will also be an associated reduction of administrative fees needed to manage the program and perform unit inspections. CDBG and HOME are expected to be entirely eliminated. CDBG is important to upholding NYC's code enforcement, funding emergency repairs and planning functions. Elimination of this program will be a huge blow to HPD's budget with so many staff funded through this federal program.

HOME funds tenant based rental assistance and also provides capital financing for supportive and senior housing. This program is an important subsidy program to provide rental housing affordable to very low-income households.

While it will be some time before we know precisely what HUD funding levels Congress will adopt, it is certain that HUD programs will suffer this year. We urge the Council and Mayor de Blasio to prioritize additional funding for HPD in this budget for anticipated federal losses.



Housing and Buildings Committee - Preliminary Budget Hearing March 15, 2017

Thank you to the Housing Committee for your time in this Preliminary Budget Hearing. I'm Cathy Dang, the Executive Director of CAAAV Organizing Asian Communities, a member organization of Stabilizing NYC, a citywide coalition of base-building organizations that organize and build tenant power with the support of legal and policy advocacy. We thank all the Council Members who have supported our work and thank you to Chair, Jumaane Williams, for prioritizing housing and tenant resistance as key to affordable housing preservation. Stabilizing NYC, through our coalition's push, was funded by the City to strategically organize tenants against large predatory equity landlords. I am here to share our success and to seek \$2.5 million for our coalition in the next fiscal year.

CAAAV organizes rent-stabilized tenants in Chinatown and Bangladeshi, Korean, and Chinese NYCHA tenants in Long Island City. As members of Stabilizing NYC in the last year, we closed out campaigns against predatory landlords SMA Equities and James Fong Inc., who acquired the building from Marolda Properties who is undergoing a current investigation from the Attorney General for attempting to illegally displace hundreds of residents. We won critical repairs that the landlord had intentionally neglected, rent abatements totaling \$205,000 for one of the buildings, an end to construction as harassment, and most importantly changing their practices as landlords so that we now see an end to their attempts of illegally harassing dozens to over a hundred tenants in Chinatown. We currently organize RA Cohen tenants, where the tenants have lived in their units anywhere between 10 to 50 fifty years. The tenants have settled all their legal suits, but the tenants want security knowing that they won't be kicked out. The law and lawyers can no longer serve them, and this is where organizing becomes the tool to prevent displacement. We've done countless trainings and are facilitating the leadership of the tenants to confront their landlord to ensure that no one will be forced out.

Scaling up - In two years, citywide, Stabilizing NYC has had nearly 20,000 tenants attend meetings, outreached to 4,500 apartments and had 3,235 leaders attend meetings. We have had citywide leadership meetings where tenants have gathered from four boroughs and the meetings have been led by the tenants themselves. We have had legislation drafted to regulate predatory equity landlords.

As the City undergoes rapid development in the Mayor's housing plan, we recognize there has been some effort to protect tenants from being displaced with the \$40 million allocation to legal services. However, that funding is for when tenants are brought to court or to provide legal advice. With the

example I gave with the tenants of RA Cohen, legal support is important, but has its limitations. Organizing and building power requires community organizations that serve as a hub for outreach, leadership development trainings, relationship building, political education, etc. Organizing isn't just turning people out to rallies and protests, organizing is 90% follow-up where a groundswell of people feel ownership and responsibility to safeguard their home and a community with clear demands and a vision their see for the future.

From Jerome Ave., Northwest Bronx, Chinatown/LES, Woodside, Jamaica, Flatbush, Bushwick, Gowanus - the \$2.5 million request will go towards organizations organizing in rapidly gentrifying communities in the Bronx, Manhattan, Queens, and Brooklyn and legal and policy direction from the Community Development Project at the Urban Justice Center and Urban Homesteading Assistance Board. The tenants we organize come from immigrant families, are undocumented and mixed status families, they are African American, West Indian, Latinx, Asian and South Asian, Jews, White, working-class, and the motor that keeps NYC going . With Trump's presidency, there is no doubt in my mind that he will use his power to leverage his real estate interests in New York City. Now more than ever, we need to ensure that predatory landlords and the speculation that comes with market-rate housing/development do not continue to attack the most vulnerable who are already being attacked by our federal government.



STABILIZING NYC

FY 2017 INITIATIVE

FUNDING REQUEST:

FIGHTING PREDATORY EQUITY AND TENANT HARASSMENT

Stabilizing NYC requests \$2,500,000 in initiative funding for the second year of its highly successful program to combat the loss of affordable housing at the hands of predatory equity companies, and defend low-income tenants in predatory equity buildings from harassment and eviction.

Purpose of Funding Request: Preserving Affordable Housing in Low-Income NYC Communities

Stabilizing NYC is a coalition comprised of a legal service provider, a housing advocacy organization, and fourteen grassroots organizations who have come together to combat tenant harassment and preserve affordable housing for the New Yorkers who need it most. Last year, the Council generously awarded us \$1.25 million to begin this work with twelve grassroots organizations; this year, we are seeking an increase to include two new groups in the coalition and expand our reach. 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. We also work closely with CAPE, the city council-led Coalition Against Predatory Equity, to develop legislative solutions to the problems posed by the predatory equity model.

Stabilizing NYC members include:

Manhattan:

CAAAV: Organizing Asian Communities

◆ Cooper Square Committee

◆

Good Old Lower East Side (GOLES) ● Mirabal Sisters Cultural and Community Center ●

Urban Homesteading Assistance Board (UHAB) ●

Community Development Project at the Urban Justice Center

Bronx:

Community Action for Safe Apartments (CASA) - New Settlement Apartments •

Mothers on the Move ● Northwest Bronx Community and Clergy Coalition

Brooklyn:

5th Avenue Committee/Neighbors Helping Neighbors •

Flatbush Tenant Coalition ● Pratt Area Community Council ● St. Nicks Alliance

Queens:

Asian Americans for Equality (AAFE) ● Chhaya CDC ● Woodside on the Move

www.stabilizingnyc.org

@stabilizingnyc



Major Successes and Accomplishments

As of April 2016, over the past 12 months, we:

- Held 550 Tenants' Association Meetings and engaged 6,300 tenants.
 - 42 of these events were leadership meetings where we developed leadership skills and strategized about achieving the tenants' goals.
 - 28 were coalition meetings, bringing together tenants from across a Predatory Equity portfolio.
 Many of these meetings were bilingual or trilingual.
- Developed 10 different coalitions of tenants from across a Predatory Equity portfolio, targeting 10 of the worst PE landlords.
- Counseled hundreds of tenants on landlord-tenant issues
- Represented over 200 tenants in litigation against abusive landlords
- Made hundreds of referrals to tenants for legal and social services
- Conducted a dozen tenants' rights workshops to educate tenants and leaders.
- Created a database of predatory equity landlords citywide, including over 1500 properties organized by owner and borough.
 - We further developed a database of the 712 buildings owned by the target PE landlords
- Engaged an additional 4800 tenants in 168 buildings to talk to tenants about their conditions and experiences with their predatory landlords and identify buildings to focus on.
- Held three trilingual, 8-hour trainings for community organizers
- Developed a partnership with the Coalition Against Predatory Equity (CAPE) to discuss our definition of predatory equity, outreach strategies, and ideas for continuing to collaborate with CAPE, including potential city council legislation.
- Established a definition of predatory equity that will guide our outreach efforts and potential legislation
- Decided on a target list of 11 large predatory equity companies across the city that will be the focus of our organizing efforts

• We have organized Low English Proficiency tenants in 16 different languages including Mandarin, Cantonese, Taiwanese, Korean, Bangla, Urdu, Hindi, Punjabi, Polish, Haitian Creole, Spanish, French, Portuguese, and , Arabic



Predatory Equity Targets

All Year Management Alma Realty Corp **BCB Property Management** Benedict Realty Group (BRG) Brookhill Properties (Toledano) Coltown Properties **Icon** Isaac Herskovitz Steve Croman Ved Parkash ZARA Realty Holding Corp



The Five Factors of Predatory Equity – A Definition

Buildings that meet the threshold of predatory equity must meet at least one of the five following factors:

- A high **debt-to-income ratio** (as defined by State Banking), sometimes leading to foreclosure
- High levels of turnover both in rent stabilized and nonrent stabilized stock (High turnover leading to loss of rentstabilized units)
- Significant percentage of tenants complaining of harassment, as defined by the City's anti-harassment statute.
- Affordable housing becomes unaffordable: landlords tack on illegal fees; tenants experience a loss of rent stabilization; buildings exit regulatory programs such as Mitchell Lama,
 LIHTC
- Poor physical conditions (as defined by AEP, Third Party Transfer, Multifamily Distress List – various HPD programmatic definitions) caused by deferred building maintenance

FOR THE RECORD

HDFC COALITION TESTIMONY before The Housing and Building Committee of The NYC Council March 15, 2017

Good afternoon members of the Housing and Buildings Committee. Thank you for taking time to hear from the public. Your voters. I am April Tyler, here with Sylvia Tyler and Blanca Vasquez, we are representing the HDFC Coalition Steering Committee. That's Housing Development Fund Corporation. I am also Co-Chair of the Housing/Land Use and Zoning Committee of CB9 in Manhattan.

The HDFC Coalition began in 1992 as an effort to advocate for improvements in the policies of the City of New York towards HDFC cooperatives. In early 2016, we had to become more active in response to efforts to modify existing regulations pertaining to HDFC buildings. HPD is proposing to prematurely sunset the DAMP Tax abatement as early as next year, when it is not set to expire until 2029. They are further proposing to require HDFC cooperatives sign a regulatory agreement that would essentially take control of our buildings from us and hand it over to a monitor paid for with our money, but who is beholden to HPD. We the members of the HDFC Steering Committee and hundreds and hundreds of homeowners in HDFC's throughout the City object! This proposal should be scrapped and precious resources should be spent on helping TIL (Tenant Interim Lease) buildings become cooperatives, transferring TPT (Third Party Transfer Program) buildings into cooperative ownership and assisting distressed HDFC's so that they can thrive. Nearly eighty percent of existing HDFC's are healthy—fiscally stable and managed

properly. These buildings should not be required to sign any agreement and should not have their tax abatement taken away.

Our recommendation is that HPD use a significant portion of its expense budget to either increase staffing or engage COMPETENT contractors to transfer buildings that have been stuck in the TIL Program in some cases for decades into cooperative ownership; likewise, buildings that have languished in the Third Party Transfer Program should get the immediate attention that they deserve and be transferred into cooperative ownership. Lastly, rather than focus staff costs and resources on developing a regulatory agreement that this draconian and paternalistic, HPD should marshall its resources to assist the 20 or so% HDFC's that need assistance—the distressed buildings. Some of these buildings need intensive care and resources. I would think that none of them want to become rentals again. I think none of them want to be mismanaged and abandoned again. There is much work to do and ever fewer resources, we the HDFC Coalition encourages HPD to use its resources wisely, where needed most and preserve the last affordable homeownership option available to NYC residents.





TESTIMONY IN SUPPORT OF AN INCREASE OF FUNDING FOR STABILIZING NYC

PRESENTED BEFORE:
THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS

PRESENTED BY:
JONATHAN HERNANDEZ, ESQ.
STAFF ATTORNEY
ASIAN AMERICANS FOR EQUALITY (AAFE)

MARCH 15, 2017

TESTIMONY

Chairman Williams, and Council Members of the Committee on Housing and Buildings, good afternoon and thank you for the opportunity to testify this afternoon. My name is Jonathan Hernandez, and I am a Staff Attorney at Asian Americans for Equality or otherwise known as AAFE. AAFE is a housing and community services organization located in Queens, Manhattan, and Brooklyn. For over 40 years, AAFE has advocated for equal rights and access to vital community services for all NYC residents.

To begin, I am here on behalf of my organization and the coalition, to testify how essential Stabilizing NYC has been for the tenants that live in your respected boroughs. As the City Council deliberates the preliminary fiscal year budget, Stabilizing NYC is seeking 2.5 million dollars to continue our work to combat tenant harassment and preserve affordable housing for the New Yorkers who need it most.

If the City Council is truly committed about safeguarding tenants from displacement and keeping New York City residents in their homes, it all starts with continuing to support Stabilizing NYC. During this fiscal year, AAFE and fellow coalition members have been organizing all over the borough of Queens—from up and down Parsons Boulevard in Jamaica to Elmhurst Avenue in Elmhurst, and a great deal of apartments in between. AAFE and community partners have knocked on 948 apartments units and engaged those tenants to speak out about predatory equity.

Without the Stabilizing coalition, NYC tenants are in danger of eviction. Property owners seek to remove existing tenants from these apartments in order to maximize profits from renters. As a result, landlords use tactics such direct tenant intimidation, construction as harassment, and not providing essential services to force tenants out of their homes.

For far too long, the landlords in New York City have had the major advantage against their tenants. Now with Stabilizing NYC, tenants now have the ability to be on the offensive—bringing affirmative actions against their landlord. A major success we had as Queens Group this year came by starting a Housing Part action in Queens Housing Court. Just last year, a certain realty group purchased six apartment buildings on the 150th block of 88th Avenue in Jamaica, New York for \$21.5 million dollars.

The landlord than began aggressively pushing rent-stabilized tenants and has allowed 21 class "C" violations, 34 class "B" violations, and 6 class "A" open HPD violations on the premises. Among these violations, the landlord has not provided heat and hot water to the tenants. This has led to a high level of turnover in the buildings, which is a threshold of predatory equity that Stabilizing NYC organizes against. A collection of 35 tenants banded together to restore adequate heat and hot water that they rightfully deserve. Without our assistance, these tenants would be living without the essential services that are guaranteed in every New York City residential lease.

Organizing is a fundamental component for our tenant engagement work. Stabilizing NYC enables us to reach out to the many tenants in far reaching areas in Queens that do not get enough attention. And frankly, if not for Stabilizing NYC, these areas in Queens would not be as organized to fight predatory equity. So I respectfully request that the Stabilizing NYC funding an increase in this year's budget to continue our work ...and trust me, there is still a lot of work left to do.

Thank you for your time and consideration. I look forward to working with members of this committee and other housing advocates.

Respectfully submitted,

ASIAN AMERICANS FOR EQUALITY JONATHAN HERNANDEZ, ESQ. 93-03 ROOSEVELT AVENUE, SUITE #2R JACKSON HEIGHTS, NY 11372 (718) 316-9993



TESTIMONY OF BENJAMIN DULCHIN BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON FINANCE AND COMMITTEE HOUSING AND BUILDINGS CONCERNING FISCAL YEAR '18 PRELIMINARY BUDGET.

March 15, 2017

Good Afternoon. Thank you Chair Ferreras-Copeland and Chair Williams and to the members of the Committee on Finance and the Committee on Housing and Buildings for the opportunity to testify on the FY18 Preliminary Budget.

My name is Benjamin Dulchin and I am the Executive Director of the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of NYC- neighborhood based community groups- CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. We have nearly 100 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.

The Trump budget cuts to New York City have begun, and while the full breadth and details of the new Administration's federal budget are not yet known, we do know that the proposed budget would result in massive cuts to NYC housing programs. These proposed cuts could be the first of far more severe cuts to come, and they will be detrimental to New York City's budget and for the needs of our most vulnerable residents and families.

As many of you have already seen, a recent <u>Washington Post article</u> reported the Administration's preliminary budget documents. This included a \$6.6 billion cut to the U.S. Department of Housing & Urban Development (HUD) budget for FY 18. Under this budget proposal **HUD's budget would shrink by 14 percent**. Since roughly 85% of HUD's budget goes to renewing ongoing rental assistance for more than 5 million low income households' nationwide, HUD's remaining programs that do not provide direct assistance will be hardest hit by these proposed budget cuts. The proposed HUD budget included:

- Cuts funding for public housing repairs by \$1.3 billion or 68%.
- Cuts funding for Housing Choice Vouchers by \$300 million, not including the additional resources that would be needed to cover inflationary costs. This is equal to 200,000 vouchers being lost.
- Cuts funding that would result in the loss of about 12,000 homes for seniors and 6,000 homes for people with disabilities
- Eliminates CDBG, Community Development Block Grant Program which provides annual grants on a formula basis develop housing, a suitable living environment, economic opportunities, principally for low- and moderate-income persons.



- Eliminates HOME Investment Partnerships Program, which provides block grants for local communities to build affordable housing.
- Eliminates Choice Neighborhoods, a program that invests in redeveloping low-income communities.
- Eliminates Self-Help Homeownership Opportunity Program (SHOP) which awards competitive grants to develop non-luxury housing for low-income families and persons who otherwise would be unable to purchase a house.
- Cuts funding for Native Americans—who have some of the worst housing needs in America—by 25% or \$150 million.

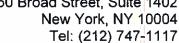
ANHD asks that in this time, the NYC Council's set policies and budgets that make it clear that New York's priorities are to defend our most vulnerable communities against Trump's attacks. The HUD programs we utilize today are a critical vehicle for struggling families to access housing stability. The loss of, or substantial cuts to these programs threaten the livelihood of NYC families and the efforts of some many, both inside and outside of government, to strengthen and expand quality affordable housing for New Yorkers.

In the face of the expected Trump budget cuts, preserving our existing affordable housing is both more necessary than ever to meet the needs of our City's residents, and a more cost-effective use of limited City budget dollars.

ANHD asks for the Council's continued support of the Community Housing Preservation Strategies (CHPS) initiative, formerly the Housing Preservation Initiative (HPI) and the Community Consultant Contracts (CCC) program. The two programs are critically important. Now unified under the CHPS initiative, these programs are now more critical than ever to help community-based neighborhood groups across the City preserve affordable housing in their neighborhoods amidst an ongoing housing crisis and increasing housing costs, and now facing federal cuts to housing programs and services. We also urge the Department of Housing Preservation and Development's (HPD) to increase support for the Neighborhood Preservation Consultant Program (NPCP). Together these three programs have been an extraordinary resource for NYC residents.

Last year alone, groups funded by these three programs have: Counseled over 15,000 tenants, Educated over 28,000 residents, Contacted over 66,000 New Yorkers and Helped nearly 2,000 New York City residents stay in their homes and neighborhoods.

The activities funded under these programs are both essential, and highly cost-effective. For example, one group in Williamsburg, Brooklyn provided direct tenant counseling and hands-on-support that helped to preserve the affordability of 433 units, at the cost of approximately \$141 per unit. One group in Manhattan provided direct tenant counseling and support that assisted in preventing 300 evictions, at the cost of \$99 per eviction.





It is a well-understood fact that preserving existing affordable units is far more cost-effective then building a new unit. A recent ANHD analysis of HPD data shows that, on average, the City spends \$100,000 in direct City subsidy to finance each new affordable unit that is created and \$40,000 in direct City subsidy to finance each unit that is preserved. If the total cost of the development is taken into account — including the cost of the tax credit financing, the low-cost mortgage, and the property tax abatement — the actual cost of each unit is four times that amount.

ANHD respectfully requests that the newly created Community Housing Preservation Strategies (CHPS) initiative be funded at \$3,651,000 in order to allow the critical work of providing much needed services that keep neighborhoods residents in their homes.

ANHD respectfully requests that funding to the highly effective Housing Preservation Initiative (HPI) be sustained at \$2,450,000 to allow the program to continue supporting the critical work of neighborhood institutions.

Since its inception, HPI's bottom-up strategy has been extremely successful in protecting affordable housing and promoting neighborhood stabilization in impacted districts. The key to the success of HPI is its localized model which allows flexibility in order to support neighborhood groups, in cooperation with the local council member, to develop strategic, grassroots-based solutions that directly address the unique threat to affordable housing in each community.

And ANHD respectfully requests that funding for the Community Consultant Contract (CCC) be maintained at \$1,100,000. CCC provides core funding for the front-line anti-eviction services that community groups provide. When a community resident is at-risk of eviction, or when a constituent-service staff person needs assistance with a housing case, they call the CCC-funded anti-eviction specialist at their local community group. These specialties are knowledgeable about the full range of available resources and use all applicable tools to keep New York City residents in housing they can afford.

The amount of funding for the Neighborhood Preservation Consultant Program (NPCP) in the Fiscal Year 2018 Preliminary Budget is inadequate. We request that the program be fully restored and expanded to \$1,080,000 in order to address the growing displacement pressures on residents throughout the city.

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.

50 Broad Street, Suite 1402 New York, NY 10004 Tel: (212) 747-1117



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.

Seven 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 by fewer than 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 HPI and CCC and the Council understands and recognition of the vital roles these programs play in preserving local neighborhood's affordability. 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 strongly request that the program be fully restored to \$1,080,000 by the de Blasio administration.

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The Council of the City of New York

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