

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

----- X

May 11, 2017
Start: 10:17 a.m.
Recess: 4:27 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: JULISSA FERRERAS-COPELAND
Chairperson

JUMAANE D. WILLIAMS
Chairperson

CARLOS MENCHACA
Chairperson

COUNCIL MEMBERS: Ydanis A. Rodriguez
James G. Van Bramer
Vanessa L. Gibson
Robert E. Cornegy, Jr.
Laurie A. Cumbo
Corey D. Johnson
Mark Levine
I. Daneek Miller
Helen K. Rosenthal
Steven Matteo
Rosie Mendez
Rafael L. Espinal, Jr.
Ritchie J. Torres
Barry S. Grodenchik

Rafael Salamanca, Jr.
Eric A. Ulrich
Mathieu Eugene
Daniel Dromm
Peter A. Koo

A P P E A R A N C E S (CONTINUED)

Maria Torres-Springer, Commissioner
Department of Housing Preservation and Development

Francesc Marti Assistant Commissioner
Government Relations
Department of Housing Preservation and Development

Richard Johns, Assistant Commissioner for Budget
Department of Housing Preservation and Development

Molly Park Deputy Commissioner for Development
Department of Housing Preservation and Development

Anne-Marie Hendrickson Deputy Commissioner
Office of Asset and Property Management
Department of Housing Preservation and Development

Rick Chandler, Commissioner
New York City Department of Buildings

First Deputy Commissioner Fariello
New York City Department of Buildings

Sharon Neill, Deputy Commission
Finance Administration
New York City Department of Buildings

Nisha Agarwal, Commissioner
Mayor's Office of Immigrant Affairs

[sound check, pause][gavel]

CHAIRPERSON FERRERAS-COPELAND: Good morning and welcome to today's Finance Committee hearing. My name is Julissa Ferreras-Copeland, and I am the Chair of the Committee. I wanted to begin by thanking my co-chair Council Member Jumaane Williams and wish him a very happy birthday.

CHAIRPERSON WILLIAMS: [off mic] Well, thank you.

CHAIRPERSON FERRERAS-COPELAND: And the members of the Housing and Building Committee for joining us. I also want to acknowledge the members of both committees who are here with us. We have Minority Leader Matteo and Council Member Grodenchik. This morning the committee continues its look at the Mayor's Fiscal 2018 Executive Budget with the Department of Housing Preservation and Development. We will hear from HPD Commissioner Maria Torres-Springer. Every fiscal year I think you have a different title. [laughter] Well, congratulations once again. I know we spoke. HPD's Fiscal 2018 Executive Budget totals \$1.1 billion. This reflects a decrease of approximately \$140 million compared to the department's Fiscal 2017 Adopted Budget. This is

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

6

1 primarily due to OTP expense funded through non-city
2 sources that have not yet been confirmed. The Fiscal
3 2018's Capital Commitment Plan includes \$5.4 billion
4 in Fiscal 17 through 21 for HPD. This is \$1.3
5 billion greater than the Preliminary Plan and will
6 support the development of 10,000 additional units
7 for households with incomes less than \$40,000 as well
8 as 15,000 units of supportive housing. Before we
9 begin, I want to focus on a couple of areas that I
10 hope to explore in greater detail with HPD at today's
11 hearing. HPD's \$1.1 billion budget will sig-while
12 significant, relies heavily on federal allocations.
13 In fact, 86% of the department's Executive Budget
14 comes from federal funds. This is particularly
15 worrisome with an Administration in Congress in
16 Washington that targets the very population HPD
17 servers. We have already seen the impact of the new
18 administration on Section 8 programs with recent
19 policy changes that could result in a loss to HPD of
20 \$22 million in housing assistance program funding.
21 Additional federal cuts could significantly harm
22 HPD's ability to provide critical rental assistance
23 to families in need. While the funds-while the full
24 impact is still unclear, I want to be con-I want to
25

1 be confident that the administration is preparing for
2 changes that may come. I'm also interested in
3 receiving an update on the Mayor's Affordable Housing
4 Plan, Housing New York. Building and preserving
5 housing for low and middle-income households is one
6 of the most important goals we must achieve as a
7 city. To the administration's credit, as the—at the
8 end of last year, HPD has financed 62,506 affordable
9 units citywide a 25-year high. The Council is glad
10 to see that this year the Mayor is further committing
11 to increase those units produced for our highest
12 needed households. One of the primary tools for
13 creating affordable housing is the use of tax
14 exemptions and abatement established through various
15 programs. As we move forward with the Mayor's
16 housing plan, I want to discuss whether such programs
17 are meeting their objective and the extent to which
18 these types of agreements will be necessary to
19 meeting the targeted number of affordable units in
20 the future. I look forward to hearing from these
21 issues and more at today's hearing. Before turning
22 it over to my co-chair, I want to thank the Finance
23 staff who did the—who helped prepare for this
24 hearing: Regina Poreda Ryan, Nathan Toth, Chima
25

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

8

Obichere, Sarah Gastelum, and Eric Bernstein. I will
now turn the mic over to Chair Williams, for his
opening remarks.

CHAIRPERSON WILLIAMS: Thank you, Madam
Chair. Thank you to everybody for the birthday
wishes. It's already better this year. Last time I
was actually just coming out of the hospital. So,
this year is already starting off better than last
year. Well, actually, it was pretty good. I was
coming out.

CHAIRPERSON FERRERAS-COPELAND: That's
true.

CHAIRPERSON WILLIAMS: So, that's true,
but thank everybody. Good morning and thank you all
for coming to the Fiscal 2018 Executive Budget
hearing for the Department of Housing Preservation
and Development, HPD and the Department of
Buildings, DOB. My name is Jumaane Williams. I'm
the chair of the Council's Committee on Housing and
Buildings. [background comments] We are here to
conduct and oversight hearing on the Fiscal 2018
Operating Capital Budgets for HPD, and the Fiscal
2018 Operating Budget for DOB. We'll first here from
Maria Torres-Springer, Commissioner at HPD. We will

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

9

1 examine all components of HPD's \$1.1 billion expense
2 budget, and \$5 billion Capital Budget, along with the
3 details on the progress related to Mayor de Blasio's
4 Housing Plan. Although future funding—although
5 future federal funding levels remain uncertain, at
6 our Preliminary Budget hearing this past March, HPD
7 spoke to potential funding cuts on their Section 8
8 totaling \$22 million. The committee would like an
9 update on anticipated federal funding levels for
10 Section 8 as well as other vital housing programs
11 including Community Development Block Grant, CDBG
12 funding and the Home Investment Partnerships Program.
13 Under Trump's skinny budget, funding for CDBG and
14 Home will be completely eliminated. As such, the
15 Committee hopes to gain—to gain a clearer sense of
16 how HPD will absorb these potential cuts and how this
17 will impact operations and service levels. After
18 HPD, we'll hear from the DOB Commissioner Rick
19 Chandler. The committee would like to get updates on
20 the progress related to the agency's role within the
21 Office of Special Enforcement, and how DOB is
22 addressing the increase in construction related
23 accidents and injuries. As a reminder, during the
24 Executive Budget hearing section, all public
25

1 testimony is to be given at one time. This year,
2 public testimony will be heard on Thursday, May 25th
3 starting at 1:00 p.m. in Council Chambers. I'd like
4 to thank my staff for the work they did to assemble
5 this hearing, including Mike Toomey, my Legislative
6 Director, Megan Chin, Counsel to the committee;
7 Guillermo Patino and Jose Conde, Policy Analysts to
8 the committee and Sarah Gastelum, the committee's
9 Finance Analyst. Lastly, I'd like to thank Maria
10 Torres-Springer and Rick Chandler and their
11 respective staff for joining us today, and I'll turn
12 it back over to Chair Ferreras-Copeland.
13

14 CHAIRPERSON FERRERAS-COPELAND: Thank
15 you, Chair. Commissioner, after you are sworn in by
16 my counselor, you may begin your testimony.

17 COMMISSIONER TORRES-SPRINGER: Thank you.

18 LEGAL COUNSEL: Do you affirm to tell the
19 truth, the whole truth, and nothing but the truth in
20 your testimony before the committee today, and to
21 respond honestly to Council Member questions?

22 COMMISSIONER TORRES-SPRINGER: Yes. Good
23 morning. My name is Maria Torres-Springer. I'm the
24 Commissioner of the Department of Housing
25 Preservation and Development. Here with me today is

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

11

1 Assistant Commissioner for Government Relations,
2 Francesc Marti, Assistant Commissioner for Budget
3 Richard Johns and Deputy Commissioner for Development
4 Molly Park. I'd like to thank Chair Ferreras and
5 Chair Williams for the opportunity to speak with the
6 Committees today about HPD's Fiscal Year 2018
7 Executive Budget, and I would also like to wish Chair
8 Williams a very, very happy birthday and make sure
9 that is on the record. Before delving into the
10 budget, I'd like to take a few minutes to update you
11 on where we are in the Mayor's Housing New York Plan.
12 Discuss the Mayor's additional capital commitment for
13 achieving deeper affordability in the plan and share
14 some new initiatives underway since our preliminary
15 hearing in March. So, we continue to make excellent
16 progress toward the goal of creating and preserving
17 200,000 affordable units in ten years under Housing
18 New York. To date, we have finance the preservation
19 and new construction of 63,398 affordable home
20 surpassing our housing targets each year. As, you
21 can see in the chart, we're currently only slightly
22 above target for FY17, but we're heading into the
23 June closing season where we traditionally finance
24 the majority of our units, and so we are on track to
25

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

12

1 exceed our target for this fiscal year. We are also
2 well ahead of our target for cumulative progress
3 toward the goal of 200,000 affordable homes. The
4 Mayor's Executive Budget continues to position HPD to
5 fulfill the goals of Housing New York. As you know
6 from the outset of the plan, the Mayor made a
7 significant capital investment in Housing New York
8 and in January, he expanded at that commitment.
9 Looking at the Capital Budget, the chart you see here
10 shows HPD's allocation over the next five years. The
11 Five-year plan totals \$5.1 billion, \$4.9 billion from
12 the Mayor and the rest a combination of Federal Home
13 and Reso A funding. Most notable is the inclusion of
14 an—of an additional \$1.9 billion in mayoral city
15 capital funding for Housing New York Through 2024.
16 From the outset of the plan, we made explicit our
17 goal of reaching more of the lowest income New
18 Yorkers setting targets for the first time for
19 extremely low and very low-income residents. We are
20 proud that since then we're actually exceeding those
21 targets for serving both extremely and very low-
22 income families. In part, this is because we have
23 successfully preserved the large number of
24 significant HUD multi-family projects with a
25

1 significant share of the VLI-VLI units. While we may
2 not be able to rely on similarly huge deeply
3 affordable preservation projects like in the future
4 pipeline, we now have new programs firmly in place
5 including our new ELLA, which is Extremely Low and
6 Low Income Affordability Program, our SARA Program
7 Senior Affordable Rental Apartments Program and
8 various mixed-income programs that would help us
9 achieve our goals. So with that foundation in place,
10 this past January the Mayor set new higher targets to
11 increase the production of housing for the lowest
12 income New Yorkers, and committed funding to enable
13 us to achieve those goals. The Revised Housing New
14 York Plan includes an additional 10,000 units of
15 affordable housing for extremely low and very low-
16 income households earning less than 50% of the Area
17 Median Income. That's about \$40,000 for a family of
18 three. As you can see, we're increasing our VLI
19 programs by 5,000 and ELI target by another 5,000
20 units. These new targets bring the total ELI/VLI
21 production to 50,000 affordable homes. That's 25% of
22 the total Housing New York 200,000 unit goal, which
23 is up from the previous 20%. The additional \$1.9
24 billion will help us achieve deepened affordability
25

1 through the duration of the plan especially as we
2 navigate the many challenges ahead. We've revised
3 our program term sheets and have been soliciting
4 feedback from various stakeholder. With these
5 changes, HPD will now incorporate units for the very
6 lowest income households into virtually every
7 project, and these are separate from the inclusion of
8 homeless set-asides so that we are effectively
9 addressing both of these critical needs. We hope to
10 roll out these new term sheets soon and to put these
11 funds to work right away. Switching to the expense
12 budget, the FY18 Executive Plan is a little over \$1.1
13 billion. However, this includes about \$257 million,
14 about 23% in funding that is flowing through our
15 budget on behalf of NYCHA. HPD passes through these
16 funds to our budget. So, we set aside the NYCHA
17 funds when talking about the HPD budget. Ignoring
18 the NYCHA funding for the moment, our true Expense
19 Budget is about \$875 million for FY18. Of this \$875
20 approximately \$116 million comes from city funds and
21 about \$756 million from federal funds. As Chair
22 Ferreras had mentioned, this means that 86% of our
23 expense budget is federally funded. It is a very
24 large proportion of federal funds versus city
25

1 funding. The fact that that exists is important
2 because when we seek to save city tax dollars as we
3 are constantly to do, the amount that we can save is
4 limited because so many of our programs are
5 restricted by federal requirements. We'll talk about
6 the federal funding situation more in a minute, but
7 right I'd like to focus on city funding. City
8 funding especially city tax levy is critical for
9 strengthening areas not otherwise eligible for
10 federal or state grant funding. We're thankful for
11 the important role that city resources play in our
12 expense budget, and want to highlight several areas
13 when new city funding will help us further strengthen
14 our programs and services. Next slide. As you know,
15 the Mayor has committed to 15,000 units of supportive
16 housing over the next 15 years including 7,500
17 congregate units through HPD's Supportive Housing
18 Program and 7,500 scatter site units through the
19 Human Resources Administration. To address the
20 pressing need to create thousands more units of
21 affordable-of supportive housing, HPD has received
22 significant funding beginning in FY18 to support the
23 NYC 15 Initiative. These funds will support staff,
24 focus on initial rental assistance applications,
25

1 program participation and other key support areas
2 within our Division of Tenant Resources. New staff
3 will be added to accommodate the changing program
4 size with 16 staff and approximately \$1.5 million in
5 the budget. Additionally, in February the Mayor
6 released the Turning the Tide on Homelessness such as
7 a comprehensive plan to reduce homelessness in part
8 by upgrading existing shelters many of which have
9 operated for years with insufficient capital
10 investment and are in great need of renovation. To
11 help support DHS in this effort, we will use its
12 real-HPD will use our real estate expertise to
13 preserve high quality shelters and create permanent
14 housing for homeless households through new shelter
15 modernization plan. We've received seven staff and
16 \$2.3 million from FY18 to 2021. This is part of
17 really a long list of ways we are coordinating very,
18 very closely with our colleagues at DHS to make sure
19 that the homeless plan and the Housing New York plan
20 really work in tandem to address needs across the
21 spectrum. As part of Housing New York, the next
22 slide, HPD launched a multi-agency building
23 opportunity initiative to increase contracting
24 opportunities for MWBEs in the development of HPD's
25

1 Subsidized Affordable Housing projects. I'm very
2 pleased that as part of this initiative 52 MWBE
3 participants have taken our Capacity Building course
4 to date, several of whom went on to be selected as
5 part of the first RFP the agency issued exclusively
6 for MWBEs to develop city-owned sites. It builds on
7 our track record of being the only mayoral agency to
8 receive an A grade for the past two years by the
9 city's—by the City Comptroller for MWBE spending
10 goals. Most recently we formed the MWBE Build Up
11 Program, which requires developers to spend at least
12 a quarter of HPD's supportive costs on certified
13 MWBEs over the course of design and construction of
14 any HPD subsidized project that receives \$2 million
15 or more in city resources. Working with the Mayor
16 and OMB, we're now pleased to announce the addition
17 of two new staff and about \$680,000 from 8-FY18 to 21
18 for this program. By increasing the program's
19 capacity we will continue to ensure compliance and
20 work with our development partners to maximize
21 opportunities and grow the participation of MWBEs in
22 our projects. The new staff will also measure and
23 evaluate the impacts of increased MWBE utilization in
24 our development projects in furtherance of the city's
25

1 MWBE goals. The ambitious goals of Housing New York
2 really require us to rethink much of what we do, and
3 change how we work with an HPD across agencies and
4 with communities. We are streamlining our business
5 processes through innovation such as Tax Incentives
6 Direct, eSubmit, eRent Roll, Major Improvements Due,
7 New York City Housing Connect. In an effort to
8 continue to insource critical agency functions, and
9 to make more efficient use of capital funding, we are
10 receiving in the Executive Budget 15 additional
11 Technology and Strategic Development or TSD staff and
12 about \$6 million over FY18 to 21. The funding will
13 help us further improve our online services for
14 housing applicants, owners who want to submit rent
15 rolls or register building and much more. We also
16 received nine staff and \$8.3 million for an
17 initiative called Real Time Field Force. This will
18 improve the effectiveness of HPD's Division of Code
19 Enforcement inspection process by allowing code
20 inspectors in the field to enter and access
21 inspection data in real time. The remote transition-
22 transmission of inspection data will result in faster
23 generation of notice of violations to building
24 owners, will allow supervisors to quickly assign
25

1 emergency inspections, really improving efficiency
2 and customer service. We're grateful for these new
3 resources that we know will help support our services
4 to deliver better building conditions in all
5 communities.
6

7 Next, I'd like to just highlight progress
8 we've made on a number of initiatives and these are
9 just initiatives that have reached some good
10 milestones since the Preliminary Budget in March.
11 So, HPD is committed to making sure that all New
12 Yorkers have access to affordable housing we're
13 creating in record numbers, and I certainly want to
14 thank Council Speakers Melissa Mark-Viverito and the
15 entire Council for funding to expand our Housing
16 Ambassadors Program, which is the network of
17 community based service providers that New Yorkers
18 can rely on for help in finding and applying for
19 affordable housing. Recently, we announced the
20 launch of Ready to Rent financial counseling for
21 affordable housing, and really in partnership with-
22 with financial counseling provider Arleva and the
23 Department of Consumer Affairs. The program will
24 provide free one-on-one financial counseling and
25 additional assistance to those seeking affordable

1 housing. With Enterprise Community Partners we
2 recently launched a Landlord Ambassador Program to
3 expand and formalize the unprecedented efforts
4 underway to reach owners of small to midsize multi-
5 family buildings and educate them about our
6 affordable housing finance program. Just this week
7 we designated three not-for-profits in Northern
8 Manhattan, Central Brooklyn, South Brooklyn, South
9 Bronx to help identify and support landlords with
10 preservational rehab needs. The non-profits will
11 receive training and funds to hire staff. Most are
12 operations as they work with landlords to stabilize
13 and upgrade their buildings as well as assist multi-
14 family property owners at risk of losing their
15 properties through the tax lien sale and in
16 foreclosure. Through these efforts, the
17 organizations will help preserve affordable housing
18 throughout the city, and equip landlords to manage
19 their properties more effectively.
20

21 As you know, vacant land has become an
22 invaluable asset in our city, which is why we're
23 proud of our recent selection of development teams to
24 build 100% affordable develop-developments through
25 both our new In-Fill Homeownership Opportunities

1 Program, NYHOP, and our neighborhood Construction
2 Program, NCP. These programs were designed to
3 encourage the development capacity of smaller
4 developers with a particular focus on local non-
5 profits. The development teams in this first round
6 of designations include four non-profit community-
7 base organizations and the teams will lead the
8 construction of nine buildings with a combined total
9 of 180 units of affordable housing. We've also
10 partnered with NYCHA to create opportunities for
11 affordable housing on underused NYCHA land. Most
12 recently we announced the selection of two teams to
13 develop 100% affordable housing apartments for
14 seniors and families for two NYCHA developments in
15 the Monthaven neighborhood of South Bronx. NYCHA and
16 HPD also released a list of prequalified developers
17 to bid on a pipeline of sites identified for future
18 affordable housing. The new process is really
19 intended to lower the cost of applying to an RFP,
20 which can be a barrier to smaller firms including
21 not-for-profits and MWBEs. A few weeks ago, the City
22 launched the public review of the East Harlem
23 Initiative, and the mixed-use affordable housing
24 development on East 111th Street. Building off of
25

1 the East Harlem Neighborhood Plan, which is the
2 community based vision for the future of the
3 neighborhood, we issued our East Harlem Housing Plan
4 to really lay out strategies for the neighborhood
5 guided by the extensive community engagement that has
6 happened. The initial blueprint charts a path
7 forward as we work to preserve, develop, increase
8 access to affordable housing while promoting economic
9 opportunity for residents. This is the start of a
10 long process and we look forward to working with all
11 our community partners to refine and implement the
12 plan. Our work in East Harlem as in so many
13 neighborhoods really highlights our agency's new
14 approach to community planning. Through our
15 Community Visioning Workshops, our planning staff
16 really have boots on the ground engaging the
17 communities in our work in or to understand local
18 priorities, gather idea for future development,
19 enable meaningful and interactive participation from
20 those who live, work and have a very intimate
21 understanding of neighborhood conditions and needs.
22 And we are really trying to apply this approach to
23 other parts of our agency. It was very much at the
24 heart of the changes that we have made in our
25

1 implementing to our TIL, Tenant Interim Lease Program
2 and the ANCP, Affordable Neighborhood Cooperative
3 Program as we look to improve and expedite the
4 pathway to affordable homeownership for TIL
5 residents. As we shared at the Council's Oversight
6 hearing just a few weeks ago, we introduced a new—a
7 plan—Partners in Planning model to better engage
8 tenant associations and tenants among other changes
9 to improve the quality of life for TIL residents and
10 make the modifications to the ANCP program to match
11 their need. The new plan includes concrete
12 commitments such as paying fuel costs for all tenant
13 associations, ensuring that the purchase price is not
14 an obstacle for low-income tenants and restructuring
15 our own TIL Management Team. I'd really like to
16 thank Chair Williams for his leadership and advocacy
17 on these issues, which I really believe will set a
18 good path for better progress on both programs.

19
20 As a final update, I wanted to share that
21 we recently sent a letter to Speaker Mark-Viverito
22 and Chair Williams announcing a program that will
23 bring our enforcement staff to Council Districts all
24 over the city. This summer HPD will hold office
25 hours in each district to address the needs of

1 constituents seeking information about code
2 enforcement issues, processes and services. Staff
3 from our Office of Enforcement and Neighborhood
4 Services or EMS will be present for a full day at
5 three Council Member offices each Wednesday talking
6 to building owners and tenants and answering any
7 questions that may arise. We will also be able to
8 make referrals on topics such as affordable housing,
9 the Housing Lottery, foreclosure, harassment, et
10 cetera. Additionally, we want to thank the Brooklyn
11 and Bronx Borough Presidents who contributed \$405,000
12 I Reso A funding to the 17 Budget for supporting our
13 HPD Mobile Housing Vans, which will provide services
14 information to the community, in the community. The
15 vans are currently being manufactured, and we are
16 working our programming and branding of this exciting
17 new initiative, and I'd just like to point out in
18 this graphic that is, in fact, the face of our
19 amazing Deputy Commission Vito Mustaciuolo,
20 [laughter] which I think he photo shopped himself.

21
22 Now, from the lighthearted to the more
23 serious, I would like to turn it to our Federal
24 Budget, which I know is of great interest to the
25 Council. As we mentioned earlier, the agency

1 receives 86% of its Expense Budget funding from
2 federal—federal forces—sources largely through three
3 grant programs, CDBG, Community Development Block
4 Grant; our Home Investment Partnerships Program; and
5 several rental assistance programs most notably
6 Section. All federal revenue sources are still
7 reflected in the FY18 Budget. As you know, the con-
8 Congress just passed a spending bill for Federal
9 Fiscal Year 17, which really it's through the end of
10 September of calendar year. Overall, this is good
11 news for affordable housing here in New York and
12 nationwide. There were actually modest increases to
13 some programs and the programs that we were most
14 concerned about, CDBG Home Section 8 fared well.
15 CDBG and Home were funded at flat rates. Section 8
16 had a slight increase overall although some types of
17 voucher programs saw slight cuts. So, we are
18 encouraged by this budget because it show that
19 Congress recognizes that housing is essential all
20 over the country. Federal investments in affordable
21 housing truly have a triple bottom line. They pay
22 dividends for families who benefit from programs.
23 Bring in private investments and generate tax revenue
24 and jobs to strengthen communities. We think this is
25

1 a modest win at least in the short term, and the
2 fight is really just beginning for FY18—as the FY18
3 Bill poses significant threats, which will need to be
4 passed by October 1st. And in addition to facing
5 major threats from the budget side, potential policy
6 changes and tax reform might also have serious
7 consequences for our affordable work. While fighting
8 these cuts is our first priority, I would like to
9 assure the entire Council that our agency always
10 models all risk scenarios. We're analyzing the
11 effects the proposed federal budget cuts could have
12 on our programs and planning for all possible
13 outcomes. Under all risk scenarios we run, it is
14 always a priority for us to mitigate impacts on
15 services and on residents. The magnitude of what was
16 proposed, however, in the President's skinny budget
17 if they happen would have severe citywide impacts
18 across programs and agencies. So, we continue to
19 gear up for what will be an incredibly hard fight for
20 the FY18 Budget. And so you might ask what does it
21 look like to fight this fight? To give you just a
22 little bit more color in that respect, we were
23 working very closely with our partners on the Hill
24 and the housing community around the country to
25

1 elevate the good work, the housing programs do for
2 Americans and make clear the continued need for
3 federal investment in housing not only in New York,
4 but in every city, state and rural areas. We really
5 believe, and I think we saw this given the—the
6 success in the FY17 Federal Budget that affordable
7 housing is a bipartisan issue that transcends
8 geography, and we're tapping a nationwide network of
9 coalitions and partnerships in the fight to preserve
10 and expand these resources. We are working in three
11 primary areas to make the case for continued federal
12 investment in affordable housing here nationwide:
13

14 1. Providing analysis on the benefits
15 of federal programs and the impact cuts would have on
16 New York;

17 2. Working our Congressional Delegation
18 to make sure they have all the information they need
19 in their own leadership and advocacy; and

20 3 Building coalitions with partners
21 nationwide so that we speak with one voice.

22 As concerning as the current climate
23 might be there are also opportunities we believe to
24 make those even better. As a reminder, Section 8 was
25 created under the Nixon Administration, the Housing

1
2 Climate under President Reagan. Through the
3 conversation about tax reform for instance, we're
4 looking for ways to advance improvements to the
5 Housing Credit and tax exempt bonds that would
6 increase resources for affordable housing. And
7 there's currently a Bipartisan Bicameral legislation
8 to improve the housing credits. We will work to-
9 continue to work with our partners to advocate for
10 this reform, which would not just protect but expand
11 this important tool. We're also seizing every
12 opportunity to highlight our successes and show the
13 impact of these tools on everyday New Yorkers. Just
14 to highlight one example, recently we were in Staten
15 Island for the Mayor's City Hall in Your Borough Week
16 in addition to attending a resource fair and a town
17 hall with Council Member Debbie Rose. We toured
18 North Shore Plaza with members of the recent
19 graduating class of HPD Code Enforcement Inspectors.
20 This 536 Unit HPD Supervised Mitchell Lama received
21 thousands of code enforcement violations over the
22 years for its poor living conditions, but through our
23 various programs, however, the development has become
24 a story of revitalization that really illustrates the
25 role that federal programs have in preserving the

1 quality and affordability of our city's aging housing
2 infrastructure. North Shore Plaza has been
3 transformed by HPD's efforts ranging from code
4 enforcement by inspectors and infusion of capital
5 funding of HPD and HPD—and HDC to finance expensive
6 rehabilitation and the creative use of HUD's Rental
7 Assistance Demonstration, RAD program to seek
8 toward Section 8 project based funding, which
9 provides long-term stability for over 500 families
10 and there are many, many more examples that we'll
11 continue to highlight in the weeks and months to
12 come. I certainly look forward to working with all
13 of you as we work together and strategize on how best
14 to form coalitions here and in DC to tell our story
15 at home and on the national stage and position
16 ourselves to protect the services and affordable
17 housing that New York City—New Yorkers so desperately
18 need and deserve. And while we fight, our work—
19 important work carries on, and as you can see from
20 the investments and additions to the budget both
21 during Prelim and Exec, we continue to invest. We're
22 continuing to invest in our efforts to reach the most
23 vulnerable and lowest income New Yorkers. We
24 continue invest to increase the participation of
25

1
2 MWBEs in our work. We continue to invest to engage
3 communities in planning for the future of our
4 neighborhoods. All of this must continue, and we
5 very much appreciate the support of the Council in
6 all of these efforts. Thank you for your patience,
7 and I am happy to answer any questions that you might
8 have.

9 CHAIRPERSON FERRERAS-COPELAND: Thank
10 you, Commissioner Torres-Springer for your testimony.
11 I'm going to ask some questions, then the Co-Chair
12 and we have members that will follow up with
13 additional questions. I guess just for an overview
14 before I go into my very specific, and I know that
15 the Chair is going to speak and/or ask more detailed
16 questions, but it seems that the administration has
17 taken this perspective on we're not going to prepare
18 for cuts because, you know, we're not sure if they're
19 coming down, and when they come down, we will prepare
20 for them. And it's kind of some—a theme that I've
21 heard with several commissioners, but I would think
22 in an agency that has 86% of its budget dedicated or,
23 you know. Is it dedicated? Yes. I have a lot of
24 numbers you see. 86% of its budget, you know, with
25 such a large portion of it is dependent on the

1 federal programming, are you beginning to make
2 contingency plans or how will you brace for any
3 potential? Because I think even if you were to lose,
4 let's—I don't, of course, we don't want you to lose,
5 and we're going to advocate. But I do believe that
6 preparing doesn't meant that you're expecting or not
7 preparing to push back, and it just seems that that's
8 the tone. So, can you walk me through kind of what's
9 happening in your agency right now?
10

11 COMMISSIONER TORRES-SPRINGER: I'd be
12 more than happy to, Chair Ferreras. So, we are, in
13 fact, doing extensive preparation, and planning.
14 What it-for any potential cuts. What we are not
15 doing, however, is preemptively and prematurely
16 absorbing those cuts or signaling that we are able to
17 absorb those cuts. Thereby, allow Washington, D.C.
18 to walk away from its obligations, and so we are
19 modeling with scenarios all the time given that these
20 program and a lot of our services, as you mentioned
21 are reliant on federal funding, but we have to ensure
22 that the first—that job one is to fight the cuts
23 because there is—is with the budget that is 86%
24 federally funded, we have to do everything that we
25 can to keep those resources and, in fact, make the

1 case to increase the resources. There is good news,
2 however, that we aren't just talking to ourselves in
3 terms of how important these programs are. To give a
4 couple of examples, if you look at CDBG, and we have
5 over \$140 million in any given year that's—that is
6 federal—that is CDBG funded. It funds our Code
7 Enforcement, Housing Litigation and Emergency
8 Repairs. That's the type of program that certainly
9 is important in New York, but as we have seen over
10 the course of the last few months is incredibly
11 important to red states and purple states. It funds
12 code enforcement here, but it funds in places like
13 Jackson, Mississippi senior services. In places like
14 Provo, Utah services for youth as well as
15 homeownership, and I've really heard over the course
16 of the last few months not just stories, but really
17 strong advocacy to make the case that while that is
18 something that's in this President's Skinny Budget he
19 said he would eliminate really bipartisan as it calls
20 for those—that type—that type of program to be
21 maintained, and as we saw in the Federal Budget for
22 FY17, the funding for CDBG was held flat. I say
23 those not to be overly optimistic, but to say that
24 those are encouraging signs. And so the work for us
25

1 moving forward, and it has been our work over the
2 course of the last several months is to be laser
3 focused on fighting against these cuts while doing
4 all of the very rigorous planning and risk analysis
5 so that when it's clear what those cuts might be if
6 they materialize, we are ready very quickly to work
7 with our colleagues at OMB, to work with all of you
8 to fight to ensure that we are minimizing the impact
9 of any cuts to residents across the city.
10

11 CHAIRPERSON FERRERAS-COPELAND: Okay.

12 Well, I know the Chair is going to go into more
13 detail, but I think in your testimony you mentioned
14 that Section 8 while it didn't see an impact, there
15 were some categories that saw a decrease. So what
16 were those categories?

17 COMMISSIONER TORRES-SPRINGER: Sure. So,
18 at the Preliminary Budget hearing based on the
19 information that we had received at that point from
20 HUD about the proration for the Fiscal Year, if that
21 held, and as Chair Williams mentioned in his opening
22 remarks, that loss to New York City would have been
23 approximately \$20 million.

24 CHAIRPERSON FERRERAS-COPELAND: Right.
25

1
2 COMMISSIONER TORRES-SPRINGER: Given the
3 budget that was just passed, the proration rate is
4 actually higher. Instead of the 95%, it's—it's about
5 97, 98%. What that means for us for this Fiscal Year
6 is not a \$20 million loss, but an \$8 million loss,
7 which we are able to cover—to cover this year given
8 the program reserves that we have. And so, and as I
9 mentioned, CDBG and Home were held flat. So there's
10 no impact in this Fiscal Year in terms of funding for
11 those programs.

12 CHAIRPERSON FERRERAS-COPELAND: Okay, I
13 wanted to talk about the regulatory agreements. Do
14 you think the programs are achieving their objectives
15 and are there increasing numbers of regulatory
16 agreements? I know these are more commonly used
17 today in J51, 421-A, Article 11s and 42-Cs. Is that
18 that a 42-C? Yes, C.

19 COMMISSIONER TORRES-SPRINGER: Alright.

20 CHAIRPERSON FERRERAS-COPELAND: Yes, C.
21 Of the 6, 200 units preserved—or just over 6,200
22 units preserved to date under Housing New York, can
23 you provide a breakdown of what preservation programs
24 were utilized?

1
2 COMMISSIONER TORRES-SPRINGER: Yes. So,
3 let me just start by talking about regulatory.
4 Actually, let me just answer the question on the—the
5 breakdown. So, of the 62,500 units, in Housing New
6 York, 42,223 were preservation. That's about 67%,
7 21,175 are new construction. That's about 33%.
8 Regulatory agreements just to clarify for us are very
9 important tools to ensure that our partners are
10 living up to the bargain that was struck in our—our
11 maintaining their obligations as it relates to each
12 of the projects. Because of the record production
13 that we are seeing through Housing New York, of
14 course that means that the—there are increasing
15 numbers of regulatory agreements. Just to give you
16 an example, in the first three years of Housing New
17 York there are approximate 1,000 projects that make
18 up the 62,000 units that I mentioned and so we have
19 approximately 1,000 new regulatory agreements or a
20 similar type of restriction for those projects. It's
21 important to note, however, that for some of the tax
22 abatements—for--some of programs or interventions we
23 have regulatory agreements but not for all, and so
24 you mentioned, Chair Ferreras 421-A and JC51. These
25 are as of right programs. They do not have

regulatory agreements although Article 10 and 420-C
certainly do, and these are important tools for us.

CHAIRPERSON FERRERAS-COPELAND: Is that
Article 10 or Article 11?

COMMISSIONER TORRES-SPRINGER: 11.
Sorry, Article 11. They do, and so, we use the
regulatory agreements, as I mentioned, to ensure that
the programs are, in fact, meeting their objectives,
and I think we have—there are—there's lot to
highlight in terms of where when we do have a
regulatory agreement we can ensure that the levers
that are part of that allow us to over time meet the
objectives of each of the programs for which the
regulatory agreements are associated with.

CHAIRPERSON FERRERAS-COPELAND: And how
do you do enforcement or how do you measure success
with this?

COMMISSIONER TORRES-SPRINGER: So, it
will—it depends on the regulatory agreements.
They're already—they're all legally binding documents
and so to the extent that there are issues that—there
is non-compliance on any of the objectives, we're
able to use that regulatory agreement and the
enforcement powers in there in order to correct the

1 situation. So, to give a very just discreet example,
2 and I know that the—the issue of regulatory
3 agreements as it relates to HDFC coops has come up,
4 and our desire to find a way to ensure long-term
5 affordability of that critical homeownership stock.
6 In the HDFC co-op world right now, only 21% have
7 regulatory agreements, and we have—it—it is a
8 challenge that we've been trying to remedy through
9 our HDFC reform proposal. Of those that do not have
10 regulatory agreements, 32% are in severe financial
11 distress meaning that they have municipal arrears
12 equal to or greater than \$3,000 per unit. Those who
13 do have a regulatory agreement, on the other hand,
14 only 8% are in severe financial distress, and so I—I
15 mention that to—to highlight that to the extent that
16 we do have a regulatory agreement, that it provides
17 with a legally binding approach to enforcement and
18 resolving any issues that arise,

19
20 CHAIRPERSON FERRERAS-COPELAND: Okay, you
21 know, this is something that this committee has
22 worked with you closely on and the Housing Committee
23 to make sure that as we're advocating for affordable
24 units that we're also protecting and that they're not
25 falling into arrears and falling into the space of-of

1
2 not necessarily protecting those are—have invested in
3 the properties. I just wanted to briefly talk about
4 the lottery system, and then I'm going to come back
5 in second round so that Chair Williams can ask his
6 questions and we can get to hearing from members.
7 Through the New York City Housing Connect applicants
8 can find and apply for affordable housing in New York
9 City, new current and upcoming housing opportunities
10 and apply to qualifying housing options. About how
11 many applications applied per housing unit available
12 in 2017? [pause] And you can say a lot. [laughs]

13 COMMISSIONER TORRES-SPRINGER: Applied in
14 '17. Give me one second.

15 CHAIRPERSON FERRERAS-COPELAND: Sure.

16 COMMISSIONER TORRES-SPRINGER: I will see
17 if I or my colleagues can access that number.

18 CHAIRPERSON FERRERAS-COPELAND:
19 [interposing] So, I'll give you my second question
20 why you're find that one.

21 COMMISSIONER TORRES-SPRINGER: Okay.

22 CHAIRPERSON FERRERAS-COPELAND: And does
23 HPD feel a housing lottery is best or a more
24 efficient process for securing an affordable housing
25 unit? I guess what I'm trying to get at is when we

1 have 60 units available and there's 34,000 New
2 Yorkers that apply, it just seems that we end up
3 saying no more than we say yes, obviously, but is
4 there a more efficient way to go about this where
5 we're (1) empowering and innovate—we're going to do
6 the financial literacy component, but where New
7 Yorkers feel empowered in engaging with HPD as
8 opposed to just applying to a lotter that is, you
9 know, the chances are actually not as great as one
10 would believe?
11

12 COMMISSIONER TORRES-SPRINGER: So, we
13 will find the number. If we don't have it, we'll
14 make sure to provide that to the Council, and—and—and
15 you are correct, Chair, that there are—there is such
16 incredible need, and the lottery system, which we
17 have made so many improvements to—to make sure that
18 it is as user friendly as it can be, and that there
19 is integrity in the system, and that New Yorkers
20 understand how to participate in that lottery, but
21 because there is such incredible need for affordable
22 housing, I'm sure that statistic is going to be
23 sobering. However, I do think that the approach that
24 we have taken through the lottery system is an
25 important one because we have to, you know, everyday

1
2 make sure that everyone is aware here and as I just
3 mentioned across the country that there is—that this—
4 there is such a need for the types of investments
5 that allow us to create and preserve more affordable
6 units over the long term. We also through the
7 lottery system--

8 CHAIRPERSON FERRERAS-COPELAND:

9 [interposing] So, I—I'm—I just want to make sure that
10 I'm not misunderstanding. You're saying that because
11 the numbers are so high of applicants it shows the
12 need?

13 COMMISSIONER TORRES-SPRINGER: Well, we
14 do know that the need is high, but that it—that it is
15 a data point that allows us to say that we need more
16 resources versus less, and that which is intuitive
17 for us, of course, given that we live in the city and
18 we—we understand the need everyday, but it is
19 something—it is a case that we make them available
20 for them.

21 CHAIRPERSON FERRERAS-COPELAND:

22 [interposing] But in some ways like for some of my
23 constituents, it's actually a discouraging data point
24 where they hear, oh, you know, I'm not going to get
25 in the lottery because there's like a whole bunch of

1 people that apply and I don't know anyone that's
2 gotten in. So, you know, how do you balance that? B
3 Because I'm trying to convince my constituents to go
4 on this site and to participate, but when you have 60
5 units and 30,000 people apply, I can't necessarily
6 express to them what their chances are to be able to
7 get a unit. So, I guess from—from my perspective
8 while you're using it as a data point, and I
9 understand, it's also I think a discouraging fact for
10 many New Yorkers.
11

12 COMMISSIONER TORRES-SPRINGER: The—the—
13 the—we—we do not want it to be a discouraging
14 process, and the—the—the fact that they are
15 interacting with us, working with us and through
16 programs like Housing Ambassadors like the work that
17 we are doing with the Department of Consumer Affairs,
18 when—when they start that process, it's not just
19 entering the lottery, but there are a number of
20 services that are also provided to them such as
21 financial counseling and that is a way where we also
22 believe that we can provide other services that will
23 be beneficial to families rather than just here's
24 what it means to—here's hot to apply to the system.
25 I don't—I'll ask my colleagues if there's anything

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

42

they would like to add about the changes that we have
made to the program, or other points mentioned by the
chair.

DEPUTY COMMISSIONER PARK: Hi. Molly
Park, Deputy Commissioner for Development at HPD.
Certainly the number of applicants relative to--

CHAIRPERSON FERRERAS-COPELAND:
[interposing] Can you just bring the mic a little bit
closer?

DEPUTY COMMISSIONER PARK: Sorry.

CHAIRPERSON FERRERAS-COPELAND: Thank
you.

DEPUTY COMMISSIONER PARK: Certainly the
number of applicants on every lottery is a very
sobering statistic and we very much agree with you on
that, but what I would say is we have done 21,000 or
so units of new construction,, right. So that is
21,000 families that have gotten housing during
Housing New York, right and--and we continue to lease
up units every single day. There are additional
units that have--beyond the new construction units
because one of their vacancies was in preservation
project. We'll put those through Housing Connect as
well, but, you know, focusing on the new

1 construction. That is 21,000 households who didn't
2 have an affordable unit yesterday that have one
3 today. So, I can't argue with the fact that there
4 are a lot of applicants for every single unit, but
5 there are people who are accessing housing through
6 Housing Connects on a daily basis.

8 CHAIRPERSON FERRERAS-COPELAND:

9 [interposing] Right and I—yes, and I agree with you
10 and I understand. I think it's great and I think
11 you're moving in the right direction. I'm just
12 trying to see if there is a—a different way or—help
13 me understand how you've improved this system so
14 that, you know, someone would want to engage.
15 Because if I'm looking for an apartment and there's
16 34,000 people applying and there's 60 units
17 available, I might not necessarily be encouraged to
18 go on your website and take—and, you know and take—
19 or—or look into the other programs that you have or
20 the benefits. So, how are you engaging with the
21 public on your website so it's more than just
22 applying? I guess that's what I'm trying to get out,
23 or kind of hear from you.

24 COMMISSIONER TORRES-SPRINGER: Right,
25 and—and—and what I mentioned earlier in terms of the

1 Housing Ambassador's program I think is a—is a very
2 good example that the work is not just to provide
3 assistance in applying or entering the lottery, it's
4 also about identifying other programs to improve the
5 financial literacy and preparedness of applicants,
6 which will benefit them in—in general not just for
7 the programs that we are in. The other—the other I
8 think string here and—and that we are pursuing very
9 aggressively is to find more and more ways to expand
10 the lotteries that are part of Housing Connect, and
11 so that includes additional homeownerships, the
12 rentals and Mitchell Lada—Mitchell Lama lotteries.
13 And so the more that we have available, the more
14 opportunity that means for—for New Yorkers, and—and
15 it is why we are are—the Housing Plan has
16 unprecedented resources on new construction for in
17 general so that we have more supply and, therefore,
18 more units to—to include in the lottery and—and our
19 ability to advance in that pipeline will have a
20 significant impact on that ratio.

22 CHAIRPERSON FERRERAS-COPELAND: Okay. I
23 think you have a lot of blue Post-Its over there. So
24 I think that's an update.

1
2 DEPUTY COMMISSIONER HENDRICKSON: Yes,
3 I'm sorry I wanted to—I wanted to add in. Good
4 morning I'm Anne-Marie Hendrickson, and I'm the
5 Deputy Commissioner for the Office of Asset and
6 Property Management and the Marketing and Housing
7 Connection falls under my purview. So, I did want to
8 just expand on the Commissioner's response to say we
9 are also looking to upgrade Housing Connect to make
10 it more user friendly for the residents. Many
11 resident apply for many lotteries and have incomplete
12 applications, put in duplicate applications. So,
13 using the Housing Ambassadors have been able—has
14 enabled them to be able to fine tune their
15 applications better. I think Housing Connect is
16 great because it gives them the opportunity to apply
17 for any lottery across the city by merely just
18 updating their profile and saying what they want to
19 apply to. So, it does give them more opportunities
20 to apply for citywide housing, and also the community
21 presence, too, is in play where a constituent in your
22 neighborhood. If the project is in your—your
23 district they will have after the set-asides they
24 have a presence for those units. So, again, just to
25 expand on our—our commissioner's response, we're

1 always looking to upgrade Housing Connect and are
2 actually working on it now to make it again more user
3 friendly so applicants are able to again apply
4 citywide and have a very, you know, the nuisance way
5 of applying to ensure that they really are, you know,
6 seeing for what they actually need. So, again
7 Housing Connect I think while it's been victim—we're
8 a victim I guess of our own success, you know, that
9 it's computerized. I think it does give, you know,
10 constituents the ability to apply easier and we still
11 do take paper applications as well, okay, and put
12 them into the Housing Connect system. So when it
13 does get randomized in the lottery, everyone has that
14 same opportunity to apply for the unit.

16 CHAIRPERSON FERRERAS-COPELAND: Okay.
17 So, I just need two numbers from you. One of them is
18 on average per building that opens the opportunity
19 that opens--how many applications are you getting in.

20 COMMISSIONER TORRES-SPRINGER: We'll get
21 you that.

22 CHAIRPERSON FERRERAS-COPELAND: I also
23 wanted to have the numbers of how many applicants—if
24 you take a project, how many of them kind of are
25 incomplete applications, or how—how many of them are

1 just denied because they don't qualify financially
2 or, you know, or whatever requirements you have for a
3 particular project.
4

5 COMMISSIONER TORRES-SPRINGER: We'd be
6 happy to provide that.

7 CHAIRPERSON FERRERAS-COPELAND: Thank
8 you, Chair.

9 CHAIRPERSON WILLIAMS: Thank you very
10 much, Madam Chair. Thank you, Commissioner for the
11 testimony. I want to cover a few things. I just
12 want to get some of the TIL questions out of the way,
13 and I just--well, simply we have some work to do both
14 in the TIL and ANCP and I'm not sure that we agree
15 100% on everything that was presented in response,
16 but I do want to say that in the years I've been
17 here, that was probably the best response I've seen
18 on the issues that this committee has brought up.
19 So, I want to thank you and your team that testified
20 for the citizens they took and the specifics they
21 gave on what the plan was. And so, I want to say
22 publicly thank you for that.

23 COMMISSIONER TORRES-SPRINGER: Thank you
24 very much.

1
2 CHAIRPERSON WILLIAMS: Just a couple of
3 questions. I know we got something yesterday some
4 questions that were answered. I probably did not get
5 to review, but so there's two that I want to ask now
6 concerning TIL. At the hearing—you may have answered
7 the questions in writing. I just want to get it on
8 the record. At the Preliminary Budget hearing you
9 testified that there are currently 150 buildings in
10 the TIL program. So, you have to transition into an
11 ANCP program. Where are those buildings is ready to
12 transition?

13 COMMISSIONER TORRES-SPRINGER: I'm sorry.
14 Can you repeat the last part?

15 CHAIRPERSON WILLIAMS: Yes. When are
16 those buildings slated to transition?

17 COMMISSIONER TORRES-SPRINGER: So, of the
18 148 buildings in the TIL program, one-third of those
19 properties about 50 are or will be in predevelopment
20 before the end of this Fiscal Year and so what that
21 means is that they will be assigned to development
22 teams and can really start the process of the ANCP
23 program.

24 CHAIRPERSON WILLIAMS: Thank you. Also,
25 I just want to acknowledge we're joined by Council

Members Ulrich, Mendez, Cornegy and Treyger.

[background comments] There was something that came up that I thought was interesting during the hearing that came from the advocates and tenants and that was the possibility of a one-year moratorium on the transitions of the buildings to ANCP while some this stuff was going on. I wanted to know what you thought the impact will be if we do such a moratorium.

COMMISSIONER TORRES-SPRINGER: When we testified at the hearing, and really what's been at the heart of all of the changes that we have developed in our implementing is a desire to ensure that the residents of TIL buildings who have really rightfully earned their chance to be homeowners have real paths to affordable homeownership. And as we testified in the hearing we are making the changes to the TIL program as well as to the ANCP program that we feel confident will be able to accelerate the pipeline and finally provide that chance of affordable homeownership to residents of TIL buildings. A moratorium would bring a stop to all of that, and instead of making progress on what would have been a challenging program, we would be delaying

1 for another year that progress, which we truly
2 believe would be a detriment to those residents, and
3 stall progress that we believe we can achieve if we
4 are able to work with the Council and work with the
5 tenant associations and work with other stakeholders
6 to finally put the ANCP program on the best path.
7 That has—that is not to say that we—we believe we
8 have solved all of the challenges, and that's
9 certainly something we really want to work with you,
10 Chair Williams and the rest of the Council to make
11 sure that to the extent that there are other ways
12 that the program can be improved that we are really
13 pursuing those meaningfully, but a moratorium in my
14 opinion would stop and not accelerate the progress
15 that we think we can make.

17 CHAIRPERSON WILLIAMS: I thank you for
18 that. As you know, that is still a push and—and
19 something I'm—I'm trying to review to see where it
20 falls in terms of solutions we're trying to find.
21 Thank you for that response. Now, to the—the Federal
22 Budget. In Federal Year 2017 bill how much is
23 provided for the Section 8 Program including
24 administration fees? Is there any difference?

COMMISSIONER TORRES-SPRINGER: Let me
find the—various returns. Rich Johns if you could
provide the very specific amount for Section 8 for
the Fiscal Year. Including that. Thank you.

ASSISTANT COMMISSIONER JOHNS: Rich
Johns, Assistance Commissioner of Budget. The
Section Program for the FY18 Budget is currently
funded at just under \$500 million. It's \$494 million
for both Admin and Vouchers.

CHAIRPERSON WILLIAMS: Okay. [pause] And
I think you testified there's an \$18 million loss or
hit that we're going to take. \$8 million. I'm
sorry. \$8 million for the Section 8 program is that
correct?

COMMISSIONER TORRES-SPRINGER: So,
because the—the proration rate is at 97 and 98%, that
effectively means that for the fiscal year it's about
an \$8 million reduction, which is significantly lower
than what we had project at Prelim where we thought
it would be over \$20 million, and that amount the \$8—
\$8-1/2 million we can cover given the reserves that
we have in the Section 8 program right now.

CHAIRPERSON WILLIAMS: So, I'm—I'm happy
that we have reserves and can absorb it. Just to

1 piggyback on what the Chair has been pushing in terms
2 of preparing for cuts, I think we also can do better
3 in preparing. I know that we don't want to broadcast
4 I guess what the plan is, but it seems that we're
5 broadcasting some of it if we're saying we have some
6 reserves already. So we're doing some broadcasting.
7 So, we might want to take that into account as we're
8 planning. We want to make sure the residents of New
9 York City know that we are planning for this. Not to
10 broadcast, but, you know, I call him the Orange Man.
11 I don't know—I don't think anybody knows what he is
12 fully capable of from day to day and I think I don't
13 want to scramble because the knee jerk reaction
14 usually is to cut the programs that we all know and
15 love and understand that keep the city running. So,
16 I just want to continue to reiterate and—and
17 piggyback on what the Chair has said. In your
18 testimony you also mentioned slight cuts to some
19 types of vouchers. Can you provide us some more
20 details?
21

22 COMMISSIONER TORRES-SPRINGER:

23 [background comments] Deputy Commissioner Molly Park
24 will—to your right, Council Member.
25

1
2 DEPUTY COMMISSIONER PARK: [off mic] So,
3 the-[on mic] Sorry. The-the key program that has
4 been in the-within Section 8 that has been cut is
5 that VASH, which is the Veterans benefits. So, that
6 has been a program that has been on an expansion
7 track over recent years, and no longer is. It's
8 unfortunate. We can-we can certainly serve veterans
9 within our regular Section 8 program now, and we will
10 look to continue to do that. Just to---

11 CHAIRPERSON WILLIAMS: [interposing] So,
12 just so I'm clear, is it cut from expanding or are we
13 cutting back? Are some people going to lose some
14 resources?

15 DEPUTY COMMISSIONER PARK: It's-it's
16 staying flat. So, I just wanted to touch for a
17 minute on this how to prepare for cuts in Section 8.
18 The way that the Section 8 program works is you get
19 funded in the coming year for any vouchers that are
20 in use in this year. So, if we started to retract on
21 how many vouchers that we have in play because we are
22 worried about future cuts, that means even if the
23 federal budget isn't reduced, we would get a cut
24 because we don't have the vouchers in use. So it to
25 our advantage to make sure that we are aggressively

1 moving forward even when it means tapping into
2 reserves, as the Commissioner mentioned.

4 CHAIRPERSON WILLIAMS: Thank you.

5 Definitely appreciate that. Two things. (1) Even if
6 we have a plan, it doesn't mean we have to execute
7 it, and (2) there are probably some other places we
8 may be able to find actually real money to-to set
9 aside for reserves as well.

10 DEPUTY COMMISSIONER PARK: Understood.

11 CHAIRPERSON WILLIAMS: Well, you know,
12 the Fiscal 2018 Budget provides \$140 million CBG
13 funds. It sounded like you're saying there is-

14 COMMISSIONER TORRES-SPRINGER: That was
15 held flat.

16 CHAIRPERSON WILLIAMS: That was held
17 flat, but it sounded like we're not concerned any
18 more so--

19 COMMISSIONER TORRES-SPRINGER: That is if
20 the-we are-it-it is a modest success that for the FY-
21 for FY Federal FY17 CBG and Home were held flat, and
22 that is it's a-it's a good sign because it could have
23 gone the opposite direction, but to I wouldn't say
24 that we're not concerned. I think that we take all
25 of your questions and all of the concerns very, very

1 seriously and we are—we, too, are making sure that
2 this is—this is not something for which we are
3 scrambling for once we know—once the full contours of
4 those cuts become—if they happen—become known. So, I
5 just want to assure the Council that that preparation
6 that—that planning is happening, and we've had
7 experience with it before, of course, during
8 sequestration for Section 8, and so this is a fight
9 on a different level, but it is certainly not
10 something that we are just sitting on our hands and—
11 and just waiting and seeing.

13 CHAIRPERSON WILLIAMS: And so my
14 understanding is you may face some additional in
15 September and October again some kind of threats to
16 these funding stream.

17 COMMISSIONER TORRES-SPRINGER: Yes.
18 There's a lot of uncertainly, Council Member, and so
19 the funding goes through the end of September. There
20 are speculation that we will be working under
21 continuing resolution again for quite a while. So,
22 it's because of all that uncertainty that we are
23 preparing rigorously, but are making sure that we
24 aren't doing anything either in language or in
25 substance that absorbs the cuts prematurely. \

CHAIRPERSON WILLIAMS: There was a
political article this morning that mentioned that.
We are now saying that we maybe actually saving \$3.7
billion and I had trouble trying to understand--

COMMISSIONER TORRES-SPRINGER: Yeah.

CHAIRPERSON WILLIAMS: --how we went from
the bells ringing for alarm to saving \$3.7 billion.

COMMISSIONER TORRES-SPRINGER: So, HPD
like other agencies participates in savings plans in
order to find ways to reduce city tax levy in any
given year. And so as part of the Executive plan we
had identified approximately \$2.1 million over the
course of the next Fiscal Years that essentially will
be a swap, and so they were previously city tax levy
funded, positioned resources and they're now going to
be CDBG funded and the article I believe found that
curious given the threats to CDBG. We don't find
that curious at all. We have those funds. We are
not, as I mentioned, going to budget in a way where
we're assuming that all of those cuts are going to
happen especially given the bipartisan ports that I
mentioned for CDBG, and so if those--if those cuts
happen as we ill do in general, we will re-evaluate
but in the meantime it is in our opinion a smart way

2 to identify tax levy savings and to use the CDBG
3 funding that we have right.

4 CHAIRPERSON WILLIAMS: So this \$3.7
5 billion would plan savings from the beginning?

6 COMMISSIONER TORRES-SPRINGER: \$2.1
7 million if we're talking about the same ones.

8 CHAIRPERSON WILLIAMS: Yes, yes.

9 COMMISSIONER TORRES-SPRINGER: So there's
10 \$2.1--\$2.1 million in--of--of savings.

11 CHAIRPERSON WILLIAMS: So, that--that \$2.1
12 was a savings--a savings from the beginning you're
13 saying from the start?

14 COMMISSIONER TORRES-SPRINGER: We are--it
15 is--what we are proposing as part of our savings plan
16 for the next few years. So, that's about \$500,000
17 per year over the next few years that otherwise would
18 have been city tax levy funded because this--of course
19 this savings plan is for the tax levy funds.

20 CHAIRPERSON FERRERAS-COPELAND: So in the
21 event that the federal government, you know, I
22 understand we're not going to--we're going to put
23 everything. I only hope that we're going to continue
24 to push back. So, I'm not asking this question to
25 replace our advocacy like we got that, but the

1 reality is that if we were to see some sort of
2 reduction in CDBG, then this savings would not be a
3 real savings, right?

4
5 COMMISSIONER TORRES-SPRINGER: It-it
6 entirely depends on what happens over time.

7 CHAIRPERSON FERRERAS-COPELAND:
8 [interposing] I'm not sort of sold on that. (sic)
9 Okay.

10 COMMISSIONER TORRES-SPRINGER: And just
11 to be-and also CDBG we have 57% of the CDBG
12 allocations for the City, but other agencies like
13 SBS, like City Planning--

14 CHAIRPERSON FERRERAS-COPELAND:
15 [interposing] Right.

16 COMMISSIONER TORRES-SPRINGER: They also
17 have CDBG. So to the extent that there is a CDBG cut
18 in the future that, of course, will be a larger
19 conversation about the general use of CDBG funds
20 versus just necessarily the-the HPD CDBG allocation.

21 CHAIRPERSON FERRERAS-COPELAND: Okay. So
22 then it's about finding priorities of where the city
23 will kind of bear that potential cut.

24 COMMISSIONER TORRES-SPRINGER: I think
25 that will be the-the exercise in general.

1

2

CHAIRPERSON FERRERAS-COPELAND: Okay.

3

Alright thank you.

4

COMMISSIONER TORRES-SPRINGER: [off mic]

5

Thank you, Chair.

6

CHAIRPERSON WILLIAMS: Thank you. Just—so

7

I just want to clarify because I think they did

8

report it as \$3.7 million and you're saying \$2.1.

9

COMMISSIONER TORRES-SPRINGER: The—the

10

savings—the savings plan that—that we have identified

11

is \$2.1 through the Executive Plan although it's

12

possible that some of the confusion is because we

13

have savings that we have committed to in previous

14

plans, and so that might—that it's likely what

15

explains why that number is higher. We'd be happy to

16

provide the very specific breakdown of what the

17

savings are both for this new what we are proposing

18

from Exec and what had been had been committed to in

19

previous plans.

20

CHAIRPERSON WILLIAMS: Okay, so and—and

21

these bills obviously if the CDBG cuts come then we

22

lose all the savings for the swap going out there?

23

COMMISSIONER TORRES-SPRINGER: It—it is

24

hard to speculate at this moment, and the time that

25

the cuts happen we will re-evaluate—

1
2 CHAIRPERSON WILLIAMS: [interposing]

3 Yeah, I just—

4 COMMISSIONER TORRES-SPRINGER: --all of
5 our spending.

6 CHAIRPERSON WILLIAMS: It didn't seem
7 like speculation. So I want to be clear. If we move
8 the CDBG funds you're saying we may not lose the
9 saving?

10 COMMISSIONER TORRES-SPRINGER: It depends
11 on what the level are of those cuts and if it—and in
12 the larger conversation about CDBG. If the entire
13 CDBG budget is cut, then the math says that those
14 will not be savings. If there is a partial cut, then
15 it becomes the larger conversation about how CDBG is
16 used?

17 CHAIRPERSON WILLIAMS: Alright, you
18 question—your question right now would be—Okay, I got
19 it. Thank you. You also—I just want to clarify that
20 \$7.8 million in Federal Home funds is remaining flat.

21 COMMISSIONER TORRES-SPRINGER: That's
22 right.

23 CHAIRPERSON WILLIAMS: I just want to get
24 to 421-A that has been misnamed Affordable New York
25 by our Governor. I don't think there is anything

1 affordable about it. I think it is a pure giveaway
2 to the real estate industry. The Governor could have
3 just handed him—handed all of them a check, and not
4 pretend this is part of some kind of affordable
5 housing program. Can you provide the committee with
6 an update on the administrative position on the
7 revised program.
8

9 COMMISSIONER TORRES-SPRINGER: I'd be
10 happy to, Chair, and I understand their perspective
11 on the program. As we have been discussing, what we
12 know for even the work that we do, we are in an
13 affordable housing crisis in this city the likes of
14 which haven't seen I would say in the entire history
15 of the city, and so our perspective generally is that
16 we need every tool possible to produce more homes.
17 What we have long sought as it relates to the 421-A
18 program is that we wanted to make it more effective,
19 more efficient and the adopted legislation certainly
20 preserves many of the reforms that we sought
21 including affordability requirements citywide, and
22 ending the tax breaks for luxury condos. We did not
23 get in the final adopted legislation all of—all of
24 the reforms that we sought when we made our proposal
25 in 2015. Nevertheless, we do think it is valuable to

1 have a program like this in order to ensure that
2 there is rental housing that is being built across
3 the city, but also in particular in high opportunity
4 areas the ability to now ensure that there is
5 affordable housing in those areas as-is a tool that
6 is going-that is needed. And so, we are hopeful that
7 in the implementation of the program that we will get
8 more housing and because of the reforms that we got
9 it will be a better bargain for New Yorkers.
10

11 CHAIRPERSON WILLIAMS: I understand why
12 you have to say that. I understand that is the
13 administration line. I just want to be clear that
14 even the Mayor's proposal I did not agree with, and I
15 think the Governor's proposal is worse. It is
16 similar to what the Mayor proposed. There was
17 testimony. I don't remember if it was by HPD or DOB,
18 just confirming that the permits in the past couple
19 of years have not gone down when there was more 421-A
20 program, which means this is a complete waste because
21 what it did was artificially increase the land cost,
22 and so we have no-no reason to believe that
23 construction permits will continue to go down. And
24 so, it is my position that we will just-we are
25 subsidizing basically housing that doesn't need to be

1 subsidized, market rate housing. I know the
2 administration is going to keep pushing but somehow
3 this is good? It is not. It is terrible and I think
4 the Governor did a very big disservice by passing
5 this, and I hope that at some point it gets reviewed.
6 Just a couple more questions. In terms of regulatory
7 agreements-- Actually, let me ask this. What do you
8 think--do you think the billions of dollars, that I
9 believe are wasted now, would have been better given
10 to a direct subsidy for those who wanted to build the
11 type of affordable housing we want to see built?
12

13 COMMISSIONER TORRES-SPRINGER: I think we
14 need every tool that is available to address this
15 problem that as we've seen because the lottery
16 numbers, just to bring that up again, shows there is
17 a--there is a lack of supply of housing and affordable
18 housing in the city. The--I don't want to use the
19 word waste. I think that we tried very, very hard
20 and got many of the reforms that we sought for to
21 make it an even more efficient and effective
22 proposal. We need all of that, and then we need more
23 as--and--and it's the case that we're making everywhere
24 we go.

CHAIRPERSON WILLIAMS: I appreciate your answer. It is a waste in my opinion, and someone would have to show me why it's not particularly if the permits were still continuing to be built even years after the 421 program had ceased for a little while. And so, no one has given that explanation. It seems to be more of a gift. I would say just for clarity that I agree we need every tool. We need every tool that works. This tool seems to be subsidizing market rate units. So, I think a direct subsidy program would put the money directly where we need it. So, just for clarity on that. In terms of regulatory agreements, if you add the Preliminary Budget including \$1.1 million in new needs for the hiring of eight employees in temporary staff to create a 421-A enforcement unit at HPD. Are these adequate resources, enough to show our compliance and what have you found so far?

COMMISSIONER TORRES-SPRINGER: So, the— certainly the additional resources will allow us to ensure that the compliance and enforcement work. Given that we now have a new unit, we'll be able to do everything that it needs to do to ensure—to ensure compliance. And so, in terms of what we have been

1 doing, and what this—what the unit will ensure we can
2 continue to do just to highlight a few things that
3 show I think real progress in a real system for
4 enforcement of 421-A requirements. In September of
5 last year we revoked 400—we revoked 421-A benefits on
6 29 projects. November of that year, we sent 108
7 notices of impending revocation to projects
8 representing 178 buildings. In December with DOS we
9 sent 3,221 suspension letters to owners of properties
10 giving them until January of '18 to file the final
11 certificates of eligibility. We also sent in August
12 notices to owners of 455 buildings requesting
13 certification of prevailing wage compliance. We're
14 indicating that the property is exempt. So, I say,
15 all of that to show that the—the unit has—that we are
16 taking this work very, very seriously, and the
17 additional resources in terms of staffing will allow
18 that work to continue, and be deepened. We do
19 believe that we have the resources at this point to
20 do that work and to the extent that it—it—there needs
21 to be more, I'm sure that will be a topic of
22 conversation.
23

24 CHAIRPERSON WILLIAMS: Thank you. I do
25 think you'll find even more malfeasance and

1 nonfeasance as you move forward and it just goes to
2 show that even the little bit affordability you've
3 gotten, people for quite some time haven't even been
4 able to provide that. And I did want to just mention
5 again how bad it is because it was the one thing
6 attached to rent regulations that we felt we had some
7 kind of leverage of. Because of the timing of when
8 it's--the timing that we have to lift the 421-A again,
9 it's off balance. And so, tenants have lost a very
10 big tool in their negotiations, and again it just
11 adds to how bad I think the proposals were. But I'll
12 move on for now. I did have a--a question about
13 HDFCs. Recent reports claim that this proposal--the
14 proposal that was being put forth as changes, there
15 is not one pause and currently under review. Can you
16 just provide some committee updates on that? This
17 Council did have some leadership in trying to push
18 forward and make sure we came to a conclusion on that
19 the--the owners thought was--

21 COMMISSIONER TORRES-SPRINGER:

22 [interposing] Yes. So, our goal from the very
23 beginning in terms of the reforms that we were
24 seeking were to protect this critical housing stock
25 as affordable homeownership, and that we wanted to

1 both ensure that there were ways to address the
2 issues of distressed buildings as well as to give us
3 tools to ensure that there were no violations of
4 affordability requirements for-across the HDFC Co-op
5 Portfolio. Since the time that I took the role, have
6 certainly heard a lot of really constructive good
7 valuable feedback from shareholders, from different
8 stakeholders about those reforms. The-I think the
9 over-riding concern of which--
10

11 CHAIRPERSON WILLIAMS: [interposing]
12 Including the Council.

13 COMMISSIONER TORRES-SPRINGER: --
14 including the Council, of course. The overriding
15 concern was that it was one-too one-size-fits-all,
16 and so what we are doing-I would call it a pause
17 because it was never our intent to move forward with
18 something that wasn't as effective and wouldn't have
19 the support of the Council. Our-the work that we're
20 doing right now is to go out-back out to the
21 community and to make sure that we are meaningfully
22 understanding additional questions, additional
23 concerns so we will do that over the course of the
24 next few months so that we can then come back to
25 everyone with ways that-modifications that address

1 this issue of the approach being too one-size-fits-
2 all. But, still which I-it's important given what
3 we're trying to do here. It has to maintain all of
4 the components that allow us to ensure that these
5 will be affordable over the long term, and that we
6 have actual ways to ensure compliance, and that we
7 have real methods of being able to better address the
8 issues of the more distressed co-ops. So, the-the-
9 the-the central tenets of the reform are still there,
10 but we do know that we have work to do, and we're
11 very happy to do it in continuing to solicit feedback
12 to make it a strong proposal.

14 CHAIRPERSON WILLIAMS: Thank you, and I
15 think this is just a great example of a partnership
16 where we're trying to move forward, and I'm proud of
17 this committee of having helped be a part of this
18 discussion and look forward to seeing how it rolls
19 out in the coming months. I just a couple more
20 questions and then. [background comments] I'm going
21 to do a couple more questions, and I'll hand it over
22 to the chair and then I'll have some additional for
23 the second round. It seems to me that we see-we
24 always have the discussion of affordable housing and
25 homelessness separately. We even have separate

1 deputy mayors for them and separate commissioners.

2 I'm just interested to find out how often you speak
3 to the Commissioner of DHS, and what those
4 conversations are and the planning that goes into
5 both of the services that you're trying to provide
6 and inextricably linked.

8 COMMISSIONER TORRES-SPRINGER: Let me
9 start by saying that they are inextricably linked
10 because they have to be because we have to approach
11 the needs of homeless households, formerly homeless
12 households as a continuum, and I speak to
13 Commissioner Banks or we email almost everyday. Our
14 teams meet more often. There are number of
15 discussions that happen at different levels with
16 different constellations of people because that
17 coordination and collaboration needs to be very, very
18 tight. But to give you concrete examples of how this
19 is—how it is, in fact, very linked. For instance, at
20 HPD we create permanent housing opportunities for
21 homeless households. Of course, virtually every
22 development program we have now includes a homeless
23 set-aside. We have through Housing New York through
24 March 31st already financed 5,365 units set aside for
25 formerly housed—formerly homeless households. So

1 entire production programs, major components of it
2 for permanent housing. That's one piece. The second
3 piece is that our enforcement unit works very, very
4 closely with the DOB and other partners to inspect
5 shelters and cluster site units to help improve the
6 quality of the shelters since that work started. For
7 instance, they've decreased the percentage of
8 violations in the cluster sites by I believe 86%. So
9 production. Then there is on the enforcement, and
10 then we also as I mentioned earlier are finding
11 additional ways to collaborate. So the additional
12 staff that we have for our new Shelter Modernization
13 program that's one where we're going to work very,
14 very closely with DHS, and our role there is to bring
15 real estate finance, our real estate finance
16 expertise to non-profit owned shelters to really
17 catalyze critical repairs and ensure that those are—
18 we've leverage that opportunity to make the types of
19 investments in city-owned or non-profit owned
20 shelters that will be hopeful in the long run. We
21 also have—we—we created a system such that there are
22 formerly homeless families who are placed into
23 buildings benefitting from the 421-A tax exemption.
24 There are a number of-of others more niche programs
25

1 that we are working with DHS and other partners, not
2 for profit partners that are about easing the
3 transition from the homeless shelter system to
4 permanent housing. And so I won't—I won't go through
5 every single program, but I do want to assure you
6 Chair Williams that we—we do this in partnership, and
7 we acknowledge that it has to be that way so that we
8 aren't—that we're thinking about the full cycle of
9 needs for—for our most vulnerable New Yorkers.

11 CHAIRPERSON WILLIAMS: Well, thank you.

12 One, I just have to say what you're saying is much
13 different than the perception, and I think there
14 should be a lot more discussion about these things
15 publicly because I would say it seems very much so
16 that we talk about it on two separate tracks, and I'd
17 love to explore this more because it sounds
18 interesting. It sounds like it may be a topic for
19 another hearing or some—some other discussions.

20 Maybe— [sneezing] God bless you. Maybe if
21 everything is under one deputy mayor that might be a
22 little helpful to some of the perception, but this is
23 interesting. I think it sounds good, and maybe some
24 of it is new, but as we have to continue with this
25 kind of coordination so that we're not talking about

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

72

2 these separately. And lastly, I just want to point
3 and I'm happy that there are in some of the new
4 programs a mandated amount of housing for people who
5 need it most. I voted again MIH because I wanted
6 that precise thing to be MIH, and I was told for
7 whatever reason it couldn't be done. I'm very glad
8 that it's happening now. My hope is that we would
9 review something like MIH and implement this because
10 we are now seeing that that is probably one of the
11 best things that we could do. I do have some
12 additional questions for the second round, and I'll
13 pass it back to the chair.

14 CHAIRPERSON FERRERAS-COPELAND: Thank
15 you, Chair Williams. We've been joined by Council
16 Member Espinal. We will now here from Council Member
17 Grodenchik, followed by Council Member Mendez,
18 followed by Council Member Treyger.

19 COUNCIL MEMBER GRODENCHIK: Thank you,
20 Madam Chair. Good morning, Commissioner.

21 COMMISSIONER TORRES-SPRINGER: Good
22 morning.

23 COUNCIL MEMBER GRODENCHIK: It's been a
24 long morning, but it's been a good one. I'd like to
25 go back to Housing Connect. I understand—I'm kind of

1 old so I've been around for awhile, and when I used
2 to do constituent work, if somebody applied for an
3 apartment at NYCHA there would be one application for
4 the entire system. They may not be happy when their
5 number came up with where they--where NYCHA wanted to
6 place them, but it was one application for the other
7 300 developments that NYCHA runs. So, I'd like to
8 clarify what the woman to your right was saying
9 before--it took me a little while there--about--so if I
10 apply in Council Member Ferreras' neighborhood for an
11 apartment in an affordable development and I realize
12 if there's 60 applications and there's 60 apartments
13 and 3--30,000 applications, my odds all other things
14 being equal are 500 to one. But, does that
15 application go anywhere else? How does that program
16 work? Could you explain to me because to me it
17 seems--but go ahead, and then I'll follow up if I
18 don't like your answer? [laughter]

20 DEPUTY COMMISSIONER HENDRICKSON: Good
21 morning, sir. When--when you--when you go into Housing
22 Connect you--you do a profile. So you put in all your
23 information that pertains to your--your family, your
24 household size, your income, and as various lotteries
25 come up, you then can apply to different lotteries as

1 different lotteries become available. Now, in terms
2 of what I was speaking about in terms of community
3 preference, so when the--what happens is all the--
4 Say we do a lottery, all the applications are in.
5 They all get randomized and then a list of is
6 developed. Okay, again random--random numbers of--of
7 the applications. We first do what we call our set-
8 asides and there are set-asides for mobility and
9 disabled. Okay, and then we go to community
10 preference. So, 50% of the next batch of those
11 applications get called by those that are in the
12 community board in which the development is being
13 built.

14
15 COUNCIL MEMBER GRODENCHIK: Let me ask
16 you, though. Do I have--so I--my name is in the
17 system.

18 DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

19 COUNCIL MEMBER GRODENCHIK: So, do I have
20 to apply for each different app--each different
21 development as it comes up or do you keep me posted?
22 How does that work? Do I get emails? Wouldn't it
23 make more logic, unless I'm missing something here,
24 that I would be--apply to every single one as they
25 came up over let's say a two-year period and then

1 maybe then you'd have re-up again? Because it's-it's
2 a lot if people are busy--
3

4 DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

5 COUNCIL MEMBER GRODENCHIK: --and they may
6 not always have access to computers especially people
7 who do not have a permanent residence.

8 DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

9 COUNCIL MEMBER GRODENCHIK: It may not be
10 easy always to check your email and I'm concerned
11 that people may be missing opportunities. It would
12 also benefit people who have been around longer, and
13 have been waiting longer, you know, because it can
14 take- I remember, you know, when I would visit the
15 senior housing developments in Flushing when I was in
16 the Assembly, and somebody with a straight face typed
17 out a memo saying the waiting lists are 20 years or
18 even 30 years. These were the self-help units along
19 Casino Boulevard. So, the wait is-can be incredibly
20 long, and I don't want to discourage people, but it
21 seems to me fairer or it would be and I would-I would
22 like to know your feelings and the Commissioner's
23 feelings. Why not just have one application for-for
24 everything. I understand there are preferences and I
25 understand that somebody who lives in Eastern Queens

1 may not want to live in Western Staten Island, but
2 there because it's a very large city. But, at least
3 give them an opportunity without having to look time
4 and time again. It just seems to be logical to me,
5 and is the system as it's currently created could it
6 handle that sort of application?
7

8 DEPUTY COMMISSIONER HENDRICKSON: Well, I
9 would—I would say to you that we—what we did was
10 create on profile. So, basically if your income or
11 you information hasn't changed you don't need to
12 continue to update that information. There are
13 emails that get sent out to notify people of
14 lotteries. As I said, we still take paper
15 applications. The lotteries are also advertised in
16 the newspapers and in local community boards. So,
17 there is a lot of advertisement about the various
18 lotteries, and I think that when we created Housing
19 Connect, the idea of having one profile that you
20 didn't have to keep doing an 8-page application for
21 each lottery.

22 COUNCIL MEMBER GRODENCHIK: I don't—I
23 don't want them to have to do it over, but I really
24 think that it—it would—there would be a semblance of
25 not just basic fairness, but also to make it easier.

1 We're all trying here. Everyday I work and I know
2 you're working very hard to make the system as fair
3 as it is and we're faced with a crushing problem that
4 we don't have enough affordable housing. But I—I
5 think to the Chair's point, Chair Ferreras-Copeland
6 [bell]- That's not my bell, is it?

8 DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

9 COUNCIL MEMBER GRODENCHIK: Chair
10 Ferreras-Copeland's point that we want to make it
11 easy and we want people not to be discouraged. So,
12 if they were automatically entered based on
13 preferences that they submitted when they applied,
14 wouldn't that make more sense?

15 DEPUTY COMMISSIONER HENDRICKSON: The
16 reason it doesn't make all the sense is because each
17 lottery has different criteria, right. I mean
18 different income bands. Okay, different amount of
19 apartments that would be available at different
20 tiers. So we can't just say that when you're
21 eligible for this lottery you're automatically
22 eligible for the other one.

23 COUNCIL MEMBER GRODENCHIK: Can't we come
24 up with a system? I mean this is—it's a big city
25 with a lot of smart people. I know there's a lot of

1 smart people that work at HPD. Can't we come up with
2 a system that you wouldn't have to keep looking and
3 looking because not everybody access, and not
4 everybody reads the legal notices in the newspapers.
5 To be quite honest, I don't.

7 DEPUTY COMMISSIONER HENDRICKSON: Okay.

8 COUNCIL MEMBER GRODENCHIK: Not everybody
9 as I said before has access to email everyday, and
10 the people that need it the most, probably have the
11 least access to email. So, I would be—I don't want
12 to beat this, you know, into the ground, but I—I
13 would be interested in the Commissioner's thoughts on
14 this because we are trying to make this fairer, and
15 if NYCHA can do-- You know, I understand that
16 they're—they may have a different approach to things
17 so they may have different qualifications, and I get
18 that each lottery is different. It's in different
19 neighborhoods and it affects different income levels
20 and there are preferences. Again, all that, but I'm
21 trying to make life easier for the 8-1/2 million
22 people that we represent, and I know that's what
23 you're trying to do. So, I would like to hear from
24 the Commissioner on that.

25 DEPUTY COMMISSIONER HENDRICKSON: Yes.

1
2 COMMISSIONER TORRES-SPRINGER: So, I
3 certainly and I think we all share your desire,
4 Council Member, to make sure that the system Housing
5 Connect is a system that is as streamlined as
6 possible because we don't want it to be an experience
7 that is burdensome or dissatisfying and so we have
8 already made a number of improvements as part of
9 additional improvements we making. What I will
10 commit to is that we will make every effort to find
11 ways to do those two things, to make it as far as
12 possible, as efficient as possible. While at the
13 same time because it's important making that we are
14 balancing the very real reality that our Deputy
15 Commissioner mentioned that not all lotteries are the
16 same. But somewhere in there are a number of
17 opportunities--

18 COUNCIL MEMBER GRODENCHIK: [interposing]
19 There's got to be some kind of equilibrium or equal
20 ground that we can come to. I-I recognize that you
21 have legal obligations. I get all that. I just want
22 to try to make it easier for people. It's very
23 discouraging to go through-- You know, it's tough to
24 pay a parking ticket sometimes so that you want to
25 fight. You know, those kinds of things. We don't

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

80

2 make it as easy as we should for New Yorkers to
3 apply. I know that you're trying, and I will follow
4 up. I'll urge my staff to follow up. I'll get your
5 card.

6 COMMISSIONER TORRES-SPRINGER: We'd be
7 happy.

8 COUNCIL MEMBER GRODENCHIK: Again, I just
9 would-would like to look at that. I'll come back. I
10 don't know if I have more time here?

11 CHAIRPERSON FERRERAS-COPELAND: To second
12 round.

13 COUNCIL MEMBER GRODENCHIK: Okay, thank
14 you. Thank you, Madam Chair.

15 CHAIRPERSON FERRERAS-COPELAND: We'll
16 have Council Member Mendez followed by Council Member
17 Treyger. We've been joined by Majority Leader Van
18 Bramer.

19 COUNCIL MEMBER MENDEZ: Thank you very
20 much. Thank you for being here. First of all, I
21 want to let you know and thank Chair Williams and
22 thank HPD for getting me all the answers to the TIL
23 questions that I had from the last meeting. So, I
24 just got that the other day, and I'm going to share
25 it with my constituents. I-there's been several

1 questions. So, I'm going to ask some of these and
2 some I may get specific, but I feel it has citywide
3 impact. So, first is on HDFC's and the Omnibus Bill.
4 I wanted to know if there is a current unit at HPD
5 that does oversight of those HPDs regulatory
6 agreement. What any of the compliance requirements.
7 What is the head count for that unit, and would there
8 be any savings to the agency if you move forward with
9 this omnibus bill, and do Article 11s instead of the
10 DAMP tax?
11

12 COMMISSIONER TORRES-SPRINGER: So the-
13 the-the motivation of the overall goal of this reform
14 proposal is not one about saving money. It's about
15 ensuring that we are able to preserve the long-term
16 affordability of the HDFC co-ops and to make sure
17 that we have a way to truly monitor that in the long
18 term. And so, we put forward a proposal that we
19 believe has-allows us to do that, although as I-I
20 mentioned earlier, we know that there's still a
21 significant number of questions about it, and so we
22 have committed to go back out and solicit additional
23 input so that it can be as strong as possible. The
24 number of-in the HDFC world only a fraction of the
25

co-ops are under a regulatory agreement, but that's
right now.

COUNCIL MEMBER MENDEZ: Yes, alright. I—
I know that part. So, I just want to know since you
say there—there's not cost savings. So, how much—I
mean I think preservation is important, and if we're
going to give tax abatement to developers, we might
as well give it to these limited equity cooperatives
that are affordable. So, what would it mean in—in
terms of how much more tax subsidies would we be
giving to the HDFCs if we change from Article—from
DAMP to Article 11? And, which unit at HPD is
currently doing oversight, and how many people are—
what's the headcount for that unit?

COMMISSIONER TORRES-SPRINGER: Right.
So, I don't know if we have on us, but to the extent
that there is—there's a fiscal impact of the Reform
Proposal, we will certainly share it with you,
Council Member. We have for the program, and I'm
going to ask Anne-Marie's help here in identifying
for HDFC the number of staff we have in the program.

DEPUTY COMMISSIONER HENDRICKSON: Sure.
Good morning, Council Member. So, in asset
management total there are 40–46 people. However,

1 there are three staff devoted to the HDFC co-ops and
2 monitor the regulatory agreements with those that
3 currently have a regulatory agreements with—as the
4 Commissioner, there's only 20%. So, the idea is to
5 get more HDFCs into a regulatory agreements, and as
6 part of the proposal, we were looking to implement a
7 monitor, okay a third-party monitor and the—and the
8 goal of the third-party monitor is to protect
9 affordability to ensure that the right families are
10 getting into the units, and at the affordable prices.
11 So, that information would conveyed to HPD. Okay, we
12 clearly know we would never have the resources to
13 monitor 30,000 units of housing, and each and every
14 unit. So, the idea of the proposal is to put in a
15 third-party property manager who would be responsible
16 for the day-to-day management of the building, and a
17 third-party monitor that will again ensure long-term
18 affordability.
19

20 COUNCIL MEMBER MENDEZ: Twenty percent of
21 all HDFCs—

22 DEPUTY COMMISSIONER HENDRICKSON:
23 [interposing] Correct.

24 COUNCIL MEMBER MENDEZ: --whether they
25 wen through a TIL program or whatever program, have

1 regulatory agreements. So, how many units is that,
2 and these three people who are doing that in asset
3 management what else are they doing besides
4 monitoring all of these regulatory agreements.
5

6 DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.
7 Again, the 20% number I'll have to get you that.
8 However, yeah these three people are doing nothing
9 but the HDFC co-op management. So, that's their
10 focus is to work on the co-ops, to work with the
11 training contractors. That is their primary goal.

12 COUNCIL MEMBER MENDEZ: Okay. They work
13 with the co-ops once they're a co-op not while
14 they're on the way to become a co-op?

15 DEPUTY COMMISSIONER HENDRICKSON: In-in
16 occasions, you know, if there's a building that's
17 looking to become a co-op, they will also work with
18 them as well.

19 COUNCIL MEMBER MENDEZ: Okay. I have a
20 lot more questions. We're going to get another
21 round? Okay. Because that was like one question out
22 of five that I got to.

23 CHAIRPERSON FERRERAS-COPELAND: [off mic]
24 Okay, we'll have Council Member Treyger followed by
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

85

2 Council Member Salamanca. We've been joined by
3 Council Members Torres and Cumbo.

4 COUNCIL MEMBER TREYGER: Thank you to the
5 chairs, and happy birthday Chair Williams.

6 CHAIRPERSON WILLIAMS: Thank you.

7 COUNCIL MEMBER TREYGER: I-I just-welcome
8 Commissioner--

9 DEPUTY COMMISSIONER HENDRICKSON:

10 [interposing] Thank you

11 COUNCIL MEMBER TREYGER: --in-in this
12 newest capacity. I have-I have a question. I know
13 time is very precious. So my questions are-are on
14 the-the Home First Program. It's-you know, I think
15 due to the advocacy from my office, a number of my
16 colleagues and-and many organizations, HPD increased
17 the forgivable loan amount from \$15,000 to \$25,000 if
18 I'm correct.

19 COMMISSIONER TORRES-SPRINGER: That's
20 right.

21 COUNCIL MEMBER TREYGER: And we
22 appreciate that, you know, although I think we'd like
23 to do more. Cities like San Francisco offer
24 substantially more assistance for down payment
25 assistance for affordable homeownership

1 opportunities. My first question is—is with regards
2 to the—what we're hearing from Washington with
3 regards to the proposed cuts with HUD and—and
4 discussions about that. Do you anticipate that the
5 Home First Program will be severely impacted by what
6 we're sensing and hearing from HUD considering that
7 we are relying on HUD's Home Program for affordable
8 housing here New York City. So, if you could speak
9 to that I'd—I'd appreciate it.
10

11 COMMISSIONER TORRES-SPRINGER: Right.
12 So, there are two pieces of good news. Much—for the
13 FY17 Federal Budget, homeless was funded at a flat
14 rate and so we—we have those funds for the
15 foreseeable future, and again a—a good sign that
16 Congress is understanding the impact—the—the benefit
17 of that type of program, and also much like CDBG,
18 Home—the Home Investment Partnership Funds a number
19 of different programs across the country not in—in
20 blue and purple and red states, and so there—there,
21 too, we think there's good bipartisan support. The—I
22 think the answer is the same in terms of what will
23 happen in the Home First Program in making those 200
24 awards every year is entirely funded by the—by the
25 federal government. And so, if and when those cuts

1
2 are known, I think that would—we will ensure that we
3 are finding every which way to minimize the impact.
4 There is certainly threat to the program as there is
5 to anything else that is funded by Home or CDBG,
6 which is why we are—and I'm—I'm sorry that I'm a
7 broken record but that which is spending a lot of
8 time with partners to make sure that everyone knows
9 on the hill that these programs are critical not just
10 for us, but for so many other parts of the country
11 that rely on them for a whole range of—of housing
12 programs.

13 COUNCIL MEMBER TREYGER: Right, and have
14 we seen an uptick in applications or any change in
15 application number since the announcements of the
16 increase of the forgivable—of the forgivable—
17 forgivable loan a the Home First Program?

18 COMMISSIONER TORRES-SPRINGER: I don't
19 have that information with me, but I'd be more than
20 happy to follow up and—and provide you with the
21 specific statistics on application flow.

22 COUNCIL MEMBER TREYGER: And—and, you
23 know, I'd appreciate, Commissioner, and with regards
24 to the Mayor's overall housing plan, with regards to
25 the preservation and construction of new units,

200,000 or so, how many rent to own opportunities
exist within that program?

COMMISSIONER TORRES-SPRINGER: So, we—of
the—I'm going to try to answer it this way, and if my
colleagues can chime in as well. Of the—to date of
the more than 63,000 units under Housing New York, we
financed over 5,600 of affordable homeownership
housing, and so the homeownership component of the 63
is approximate 9 or 10%, and—and that is just one way
that we are able to really ensure that homeownership
continues to be a significant piece of—of solving
this puzzle of stabilizing neighborhoods and
providing as many opportunities for affordable
housing as possible. So they're—they're the units
that we have financed through Housing New York.
There are homeownership programs that help low and
moderate income households purchase homes, the Home
First Program that you had mentioned. We also have
some pipeline opportunities, development
opportunities through specific programs like
something that we call the New In-Fill Homeownership
Opportunities Program, small homes rehab that we do
in coordination with NYCHA [bell] that are very
specific and then, of course, all of the work that

1 we're doing through ANCP, the Affordable Neighborhood
2 Cooperative Program provides a pathway.
3

4 COUNCIL MEMBER TREYGER: So many
5 acronyms.

6 COMMISSIONER TORRES-SPRINGER: It's a
7 lot, and my apologies for all of the acronyms all of
8 which is to say that there are many ways we get to
9 homeownership opportunities.

10 COUNCIL MEMBER TREYGER: I-I--

11 COMMISSIONER TORRES-SPRINGER: Okay.

12 COUNCIL MEMBER TREYGER: I appreciate
13 that. The last thing I would say, and my time is up,
14 is are there any--have you received any or your office
15 received any feedback from banks about any hindrances
16 from the city governments and with regards to
17 restrictions or conditions of mortgages and loans for
18 applicants to take advantage of the Home First
19 Program? Because I've--I've attended a number of
20 conferences where I hear from the private sector that
21 sometimes regulations might hinder an applicant's
22 ability to purchase the home because it's very
23 competitive. You have people who are sometimes not
24 reliant on the Home First Program who are making
25 aggressive bids at buying the house. Are we leaving

1 our folks at a disadvantage? So, I—I don't know if
2 you heard any feedback, and what we can do to help
3 level the playing field, and that is my last question
4 for this round.
5

6 COMMISSIONER TORRES-SPRINGER: I

7 understand Deputy Commissioner Park can—can add to
8 this, but because the Home First Program is federally
9 funded we have to comply with all of the federal
10 rules. I have not in—in my time in the role heard
11 specific feedback about whether there are barriers
12 due to that, but to the extent that there are
13 barriers that exist that we can solve given an
14 understanding that they are federal requirements and,
15 of course, always happy to hear what you are hearing.
16 Our goal is to ensure that there is—that we're doing
17 everything we can so New Yorkers are not
18 disadvantaged in pursuing those opportunities.

19 DEPUTY COMMISSIONER PARK: And let me

20 just add to that that an important piece of the Home
21 First Program is the homeowner counseling that
22 happens before a household is—is looking to purchase
23 the home. So I think that is an opportunity to
24 address some of the reasons that a family might have
25 a harder time getting a mortgage. Otherwise, right,

1 if they need credit repair, if they need other
2 things. So, I think that will—gets to some of the
3 issues that you raised, but we're certainly happy to
4 look at others.

6 CHAIRPERSON FERRERAS-COPELAND: Thank
7 you, Council Member. We'll now here from Council
8 Member Salamanca followed by Council Member Salamanca
9 followed by Council Member Cumbo and then we will
10 begin our second round.

11 COUNCIL MEMBER SALAMANCA: Thank you,
12 Madam Chair. Good afternoon, Commissioner.

13 COMMISSIONER TORRES-SPRINGER: Good
14 afternoon.

15 COUNCIL MEMBER SALAMANCA: It's good
16 seeing you. You know, I want to start off by saying
17 that there's been a lot of development in my Council
18 District, and my office has been working hand-in-hand
19 with your office, and I can say that we do not always
20 agree, but it's a good working relationship, and I
21 appreciate the work that I'm doing with your—with
22 your agency. Commissioner, a few months ago I
23 brought up the issue of a concern that I had about
24 there not being a representative from HPD at the
25 District Service Cabinet meetings. It's—it's a

1 mandate in the City Charter where every city agency
2 should have a representative at the monthly District
3 Service Cabinet meetings that community boards have,
4 and it's been my experience as a district manager
5 that HPD never attended, and the boards have always
6 requested and it was not feasible. So, I want to ask
7 again were you able to look into this, and what's the
8 status of that request?
9

10 COMMISSIONER TORRES-SPRINGER: I will say
11 that we want to meet—we agree that there—every
12 opportunity that we have to make sure that we are
13 represented and we are at meetings in the community
14 to talk about our programs. We do that, and to the
15 extent that there are specific agenda items, as has
16 been clarified by my team here, for those meetings.
17 I do think we have made every effort to attend. If
18 that is not what you are seeing, however, Council
19 Member, then I am more than happy to make sure that
20 we're' discussing with—with the team at HPD how they
21 can make sure that there is attendance. The only
22 caveat I would put is that we are—we have to be in so
23 many communities every night, and so I don't want to
24 overpromise. But I understand--
25

1
2 COUNCIL MEMBER SALAMANCA: [interposing]

3 So--

4 COMMISSIONER TORRES-SPRINGER: --if it's
5 a mandate then we--we have a responsibility.

6 COUNCIL MEMBER SALAMANCA: District
7 Service Cabinet meetings are normally held during the
8 day at the local community board. I was district
9 manager for 5-1/2 years. Not one time did HPD come
10 to my District Service Cabinet meeting, and when we
11 did bring it up in our yearly meetings with the
12 agency, the excuse was that they didn't feel it was
13 necessary for them to attend. So, I'm just throwing
14 that on your radar. I'm going to continue to ask.

15 COMMISSIONER TORRES-SPRINGER: I
16 understand that.

17 COUNCIL MEMBER SALAMANCA: Yeah, thank
18 you. Commissioner, I--I'm dealing--I have a--a ULURP, a
19 land use item that's in front of me right now with
20 Phipps Houses, and I'm torn with this project because
21 Phipps, the issue with Phipps is that they have not
22 been providing good paying jobs, nor providing
23 healthcare that's affordable for their employees.
24 They're one of the biggest affordable--affordable
25 housing developers in the city of New York. I

1 understand that. In—in terms of HPD providing
2 subsidies to thee different developers especially a
3 developer who's as big as Phipps who has their own
4 employees. Is there a mandate from the city to
5 ensure that these developers are paying their
6 employees good paying jobs with benefits, health
7 benefits that they can afford?
8

9 COMMISSIONER TORRES-SPRINGER: We, of
10 course, and every—it's important to us that an
11 affordable housing plan is not just one that creates
12 more affordable housing, but really takes into heart
13 that good paying jobs and economic opportunity is
14 also a focus. On this particular project we have
15 certainly communicated to the development team, the
16 concerns that you have about this issue and it's
17 something that I hope that they are pursue—that they
18 are continuing to discuss with you in a very
19 meaningful way. We have an ordinance and nothing but
20 a desire to make sure that we're using every tool to
21 advance good paying jobs while at the same time
22 knowing that our, of course, the primary mission is
23 to build affordable housing and—and that there are no
24 specific requirements. Although we have many, many
25 different workforce initiatives, the Hire NYC

1 Initiative. Ten percent of our programs because of
2 the federal source have to use prevailing wage. We
3 have new requirements that are specifically focused
4 on high road retail, and so it's something that we
5 are very, very committed to, and—and in this
6 particular project committed to finding ways to
7 problem solve around it, and make sure that the
8 development fully understands our concerns.

10 COUNCIL MEMBER SALAMANCA: We thank you
11 for that. I—I really hope that HPD can hold this
12 agency—this—this developer and all developers
13 accountable ensuring that they're paying good paying
14 jobs and affordable healthcare. My last question has
15 to do with 421-C [bell]. 421-C it's—it's a tax
16 credit or subsidy that developers can get by passing
17 the Council. When you need an Article 11 you have to
18 through the subcommittee and then you have to go
19 through the Land Use Committee, but 421-C they do
20 not. What is HPD doing to ensure that these
21 developers that are applying for this subsidy
22 actually are working with the—with the local Council
23 Member? You know, there's a proposed project in my -
24 in my district that we spoke about, the community
25 board is not in favor. I'm not in favor of this

2 project, but because of 421-C they are not required
3 to get Council approval, but they are just
4 circumventing the-the-what the community wants. And I
5 want to know how can HPD work with us to ensure that
6 what comes to our community is what the community
7 actually wants and needs.

8 COMMISSIONER TORRES-SPRINGER: We always
9 have the needs of the community mind, and-and while
10 you are right technically about how the program
11 works, I hope that you feel as we have in various
12 discussions in meetings with you want to make sure
13 that-that-that the best project is moving forward
14 that takes into consideration the-the-the questions
15 and concerns of the community. I would say that-and-
16 and to-and if we need to provide more info, we are
17 happy to do that because it's-it's certainly our
18 intent to work collaboratively on any specific
19 project.

20 COUNCIL MEMBER SALAMANCA: Alright,
21 alright, well thank you, Commissioner. I just want
22 to give a shout-out to Vito and Jordan. They work
23 very well with my office. Thank you for that.

24 COMMISSIONER TORRES-SPRINGER: Thank you.
25 Did you see the picture, Council Member?

1
2 CHAIRPERSON FERRERAS-COPELAND: We've got
3 to bring it back—bring it back.

4 COMMISSIONER TORRES-SPRINGER: Got to
5 bring it back. Here we go.

6 CHAIRPERSON FERRERAS-COPELAND: I just
7 want Vito to personally come when he comes to my
8 office.

9 COMMISSIONER TORRES-SPRINGER: [laughs]

10 CHAIRPERSON FERRERAS-COPELAND: That's
11 all I'm saying. Thank you Council Member. We'll
12 hear from Council Member Cumbo.

13 COUNCIL MEMBER CUMBO: Thank you. Wanted
14 to jump right into Governor Cuomo's announcement in
15 my district at Medgar Evers College in regards to
16 funding, capital funding that was allocated,
17 approximately \$1.4 billion as far as Vital Brooklyn.
18 What is your understanding of how that source of
19 resources will come into the community, and how will
20 it impact housing in Central Brooklyn in partnership
21 with city sources and city funding?

22 COMMISSIONER TORRES-SPRINGER: Yeah, so
23 the—the investment that the—the state is making in
24 Vital Brooklyn and/or the overall \$2.5 billion that
25 they have committed over the course of the next

1 several years for affordable housing we believe in
2 general because more resources. The more resources we
3 can have in terms of affordable housing the better is
4 a good thing. The exact specifics of the Medgar Evers
5 investment or-or Vital-Vital Brooklyn, we-we're still
6 working through with the state what those are, and
7 the thing that I'll say is as we have for instance
8 for in supportive housing projects across the city,
9 which is very much a joint city/state initiative, we
10 would be more than happy to find ways to make sure
11 that we're coordinated. It is not thus far-I don't
12 have the specifics of what those investments are
13 going to be, but to the extent that we can work
14 together to advance affordable housing and build
15 more, I'd be happy to do that.

17 COUNCIL MEMBER CUMBO: And that's the
18 challenge that I've been having has been that there h
19 have been no specifics about how that \$1.4 billion is
20 going to be utilized within Central Brooklyn. It
21 sounded great at press conference. Everyone got
22 excited, but there is an affordable housing crisis
23 particularly in Central Brooklyn, and in that areas
24 surrounding Medgar Evers College, and there are a lot
25 questions in terms of how can those capital dollars

1
2 be utilized to build and create real affordable
3 housing, and we haven't been able to get clarity on
4 that issue.

5 COMMISSIONER TORRES-SPRINGER: Uh-uh. I
6 understand.

7 COUNCIL MEMBER CUMBO: So, I wanted to
8 also bring-as you know, the Bedford Union Armory
9 Project is in my district. I'm sure you've heard of
10 it.

11 COMMISSIONER TORRES-SPRINGER: I-I-I have
12 a little bit.

13 COUNCIL MEMBER CUMBO: I want to discuss
14 the Community Land Trust, and wanted to ask you can
15 you provide details on where HPD is considering using
16 a community land trust model? Are there
17 neighborhoods that are good candidates for this type
18 of strategy, and can you share the details relating
19 to the results of the RFP as well as New York City's
20 history around community land trusts?

21 COMMISSIONER TORRES-SPRINGER: I'd be
22 happy to, Council Member. So, we released the RFP
23 earlier in the year. It's actually an RFEI, and the
24 intent of the RFEI because we had in previous months
25 and years certainly heard many ideas, some proposals

1 about the potential value of community land trusts,
2 and so in order to have a more general framework for
3 approaching it, we put out the RFEI and our main
4 focus there and we're reviewing proposals right now,
5 we received a robust set of—robust set of proposals.
6 We are not done yet with the review, was to really to
7 understand what the value add would be of a community
8 land trust in terms of our work, and how it would
9 really complement, if it does, our long list of
10 affordable housing programs. There's currently just
11 one CLT as far as I understand in New York City.
12 That's Cooper Square. Three—so more than one, but
13 not too many, and so the track record of other cities
14 with CLTs I think is—is—is much deeper, and so we are
15 certainly in the reviewing of the proposals, which
16 unfortunately I can't share the—can't share the
17 specifics during this hearing because we're still
18 under review, but our intent is to be able to in
19 reviewing those proposals see what exactly that value
20 add is and where it can be deployed to the extent
21 that there are any other gaps in the way that we
22 approach this work. In the RFEI, we identified
23 certain areas of the city that might have particular
24 potential, East Harlem, the South Bronx, North and
25

1 Central Brooklyn and Southeastern Queens for instance
2 as potentially good models for a CLT and so—

3
4 COUNCIL MEMBER CUMBO: [interposing] Why
5 those neighborhood specifically?

6 COMMISSIONER TORRES-SPRINGER: I think
7 they're given one because pre—in the—in the months
8 and years preceding we had gotten more interest,
9 heard more proposals, seen more ideas from those
10 neighborhood for the use of--potential use of a CLT.
11 There--there are also [bell] areas where we own
12 properties, and in some of those areas haven't fully
13 recovered from the foreclosure crisis, and one of the
14 hypotheses is there might be something particularly
15 interesting with CLTs as it relates to homeownership.
16 And so, we didn't preclude anyone else or any other
17 neighborhoods and we--we certainly, and which we
18 should be able to do over the course of the next
19 several weeks and months is be able to share what we
20 have learned from the RFEI and what specifically that
21 means in terms of either new approaches or new
22 programs or support.

23 COUNCIL MEMBER CUMBO: And just one final
24 question on this. Just the size and scale of
25 projects that you're looking for through this process

1 in terms of, you know, there are some projects that
2 are, you know, obviously smaller projects that are a
3 couple of million dollars, and then there are some
4 that are multi-million dollar projects. So, were-
5 were you looking at the community land trusts, and
6 what size and scale were you looking at.

8 COMMISSIONER TORRES-SPRINGER: There was
9 no-no explicit criteria in terms of size or scale.
10 Really the question was a much broader one, and as
11 you might know, the RFEI, we didn't put-it didn't
12 include the disposition of land or any particular
13 commitment of that-of financial resources because we
14 really needed to understand from the market, and from
15 interested parties what is that value add? Where do
16 they see a CLT model being able to accomplish what
17 not otherwise be accomplished through our programs?
18 It can, as we've seen across the country it can-it
19 has-there are different ways of doing it, and really
20 the challenge for us, and also the opportunity is to
21 see if there's specific gap, a specific value add
22 that CLTs can bring here, and that really has been
23 the focus of our review of the submissions to RFEI.

24 COUNCIL MEMBER CUMBO: Thank you. Thank
25 you for the additional time.

1
2 CHAIRPERSON FERRERAS-COPELAND: Thank
3 you, Council Member Cumbo. We will now hear from
4 Chair Williams followed by Council Member Grodenchik
5 followed by Council Member Mendez.

6 CHAIRPERSON WILLIAMS: Thank you, Madam
7 Chair. I did want to go over some of the numbers of
8 the Mayor's Affordable Housing Plan. You said we've
9 reached a lot of the goals that were put forth. I do
10 agree, and I will just put a caveat I agree that we
11 have gone over some of them, but I am not sure that
12 we have the right goals to begin with in terms of how
13 much affordability. So, I just wanted to put that
14 caveat out there. With the—with the goals achieved
15 with that if the new numbers that are put forth, and
16 I am that the Mayor and the Administration had
17 listened to what many of us were saying and changing
18 some of the AMIs. We will still have achieved those
19 goals? Have those new numbers been in place from the
20 beginning.

21 COMMISSIONER TORRES-SPRINGER: Well, we
22 have—in the first three years of the Housing Plan
23 that we exceeded our targets for ELI and VLI and I
24 think the latest count because the numbers we have
25 calculated to date were at about 29% versus the

1 original goal of—of 20%, and we accomplished that
2 because there were some particularly large
3 preservation projects that were part of the first
4 three years of the housing plan, and we can't
5 guarantee that there similar types of programs in any
6 given year what and so we actually exceeded and what
7 we are committing to right now given the additional
8 ten units is that over the course—the life of the
9 plan instead of 20% to VLI, ELI, it will now be 25%,
10 and so 10,000 more units and 10,000 more families who
11 are in need of this support, in need of this type of
12 housing. We've committed to ensuring that that
13 happens over the course of the plan.

14
15 CHAIRPERSON WILLIAMS: So, you're saying
16 we would have gotten below—we would have achieved
17 those goals if those 10,000 units had been a part of
18 the original plan?

19 COMMISSIONER TORRES-SPRINGER: We are
20 all—we well the first three years of the plan we are
21 already at 29%.

22 CHAIRPERSON WILLIAMS: Okay. I actually—
23 I appreciated that 10,000. I obviously think we need
24 to just keep pushing it up because that is a
25 connective tissue to the homelessness crisis. With—

1 with—ELI and VLI, just explain to me the connection
2 with ELI, VLI and SARA and ELLA.
3

4 COMMISSIONER TORRES-SPRINGER: Oh, I
5 think my Deputy Commission Molly Park because she
6 does this in her sleep. She can do a very—a terrific
7 job of doing this.

8 DEPUTY COMMISSIONER PARK: [off mic] We
9 are very—[on mic] Sorry, we are very fond of our
10 acronyms at HPD. So ELLA and SARA are HPD designed
11 programs. So, ELLA is—is family housing. It serves
12 households from the deepest affordability levels. So
13 families coming out of the shelter system and those
14 units are—are set at shelter rent levels so, you
15 know, \$400 for a 2-bedroom all the way up through a
16 moderate income household that might be at—at 80 or
17 90% of—of Area Median Income. SARA is another HPD
18 created program that is specifically for seniors.
19 Also, generally serving very low-income households
20 with 30% homeless set-aside and most of the rest of
21 them we do it with project based Section 8 so it's
22 serving very low-income. The seniors are generally
23 on fixed incomes. The ELI, VLI are the income bands
24 that fit within those programs, right for extreme—ELI
25 extremely low-income is 30% of Area Median Income for

1 a family of three that's in the neighborhood of
2 \$24,000. That's the 2016 number. We're—we're
3 finalizing that for 2017. So, within an ELLA
4 program, you are going to have a requirement or a—
5 that you are serving some of the households at that
6 extremely low and very low-income bands. So, that's—
7 that's how they intersect.

8
9 CHAIRPERSON WILLIAMS: Alright, thank
10 you. So, ELI and VLI are within SARA and ELLA?

11 DEPUTY COMMISSIONER PARK: Right,
12 they're—they're the income bands and actually you
13 didn't ask about it, but I'd like to talk about it
14 anyway. Within or Mix and Match program, which is—
15 does go higher, but one of the things that we are
16 doing as we roll out the—the additional funds to
17 serve extremely low and very low-income households is
18 making sure that our mixed income programs are also
19 serving those because those are buildings that have—
20 we think really have sufficient cash flows that they
21 have an meaningfully increased number of extremely
22 low and very low income units in them.

23 CHAIRPERSON WILLIAMS: And of the 10,000
24 I know you said there total, the house was only less
25 than 50% of AMI, which is great. Do you know how

1 many are targeted 40 and 30% of AMI? [background
2 comments]

3
4 DEPUTY COMMISSIONER PARK: Sure. Sorry,
5 we are splitting so that it's 5,000 additional units
6 at the 30% and under band and 5,000 at the—the 40/50%
7 band, there.

8 CHAIRPERSON WILLIAMS: And of the—at the
9 29% of the low-income units that we have achieved
10 now, how many of those are at 40% and 30% of AMI?

11 DEPUTY COMMISSIONER PARK: So, the—that
12 29% if 50% AMI and below. So, all of those. So
13 there's a—the vast majority actually of the entire
14 housing plan are low-income, but you have that 50 to
15 60% of—of income tier is very robust as well.

16 COMMISSIONER TORRES-SPRINGER: And
17 specifically the—of the 29, 15 is for extremely low,
18 which is at the 30% of AMI, and the other 14 is the—
19 up to 50.

20 CHAIRPERSON WILLIAMS: Thank you. I
21 think most New Yorkers are kind of between that 30%
22 and 80% AMI bands and I think people who are
23 struggling the most the lower we go, and so the more
24 we can increase those numbers, I think it was great
25 and I give credit to have those 10,000 units. We

1 probably need to add more. I do know that that it is
2 expensive and there is a cost to it, but we have to
3 do it, and I think if we don't I don't think we'll
4 really get to the heart of the homelessness crisis
5 without preserving most importantly and then creating
6 additional ones at the low-income. Lastly, two
7 things. One, there was another political articles-
8 Politico article this morning that talked about 421-
9 A. I just wanted to make sure I put this on the
10 record as well because in the first quarter of 2017
11 while we were negotiating 421-A, it was the highest
12 amounts of permits for a building, and that's just to
13 reiterate again that this program was not needed to
14 continue to build housing, and this is a pure
15 giveaway, and a waste of time and it's been misnamed,
16 and lastly, I think we have told Vito that he gets
17 two main checks. We has exceed that. So I'm not
18 going to say it any more. Than you very much again.
19 I appreciate the testimony.

20
21 CHAIRPERSON FERRERAS-COPELAND: I feel
22 like that was a third.

23 COMMISSIONER TORRES-SPRINGER: My count
24 is five. [laughter]

1
2 CHAIRPERSON FERRERAS-COPELAND: I guess
3 you're buying lunch Vito today. We will hear from
4 Council Member Grodenchik, followed by Council Member
5 Mendez and Council Member Levine.

6 COUNCIL MEMBER GRODENCHIK: Thank you,
7 Madam Chair. I would like to ask the Commissioner
8 about homeless set-asides, and my broad question is
9 how does that work? It's a very broad question. I
10 realize that.

11 COMMISSIONER TORRES-SPRINGER: Yeah. SO,
12 we have throughout our-our production programs in
13 order to ensure that we are that-that we discussed
14 earlier a real link between the Homelessness Plan and
15 the Affordable Housing Plan to the-where we have
16 permanent affordable housing solutions ensuring that
17 there are-using the set-aside to create a real
18 pathway, and so we have a lot of different programs.
19 They all have acronyms, but they-for each of them,
20 there's a specific set-aside for homeless units. So
21 for instance of formerly homeless households, 30% in
22 the Senior and the SARA or senior program that Molly
23 had mentioned, 10% in the ELLA program, which is the
24 extremely low-income and our mix and match programs,
25 and similar percentages throughout. And the way it

1 works once their set-aside is then through the
2 lottery system and thorough the marketing of it and
3 working with DHS having the right—the referrals come
4 through so that they are units, those are the
5 households that are then able to occupy these units.

7 COUNCIL MEMBER GRODENCHIK: Is—is there a
8 special application for—for people with families that
9 are homeless or is it—is it just something you check
10 on your application? I'll take it from you.

11 DEPUTY COMMISSIONER PARK: Yes, yes. So,
12 those units are held out of the lottery. Instead of—
13 so it's not incumbent on the household to self-
14 identify as homeless. The Department of Homeless
15 Services refers those households to HPD. There's a
16 unit that—that reviews their application, makes sure
17 that they are—that we think they are housing ready
18 and appropriate for the unit, and then for every
19 vacancy within our home—that is set aside for
20 homeless families that we send three—three sets of
21 homeless families to that developer for interviews.
22 The reason we do three is because actually
23 occasionally people will not show up or decide that
24 they don't want the unit. Sometimes it turns out,
25 you know, as much pre-screening as happens

1 beforehand, it turns out, you know, they—we thought
2 they were a three-person family, and really they're a
3 five-person family and the unit size isn't right.
4 There's a variety of factors, but through that we
5 have managed to fill those units, but that is
6 entirely outside of the lottery system so that HPD
7 and DHS are collaborating to make sure the high need
8 families are getting matched in.
9

10 COUNCIL MEMBER GRODENCHIK: I'll ask this
11 question. I guess we haven't had that hearing yet,
12 but is there a lottery at DHS or do they just send-?

13 COMMISSIONER TORRES-SPRINGER: It's a
14 referral system. [bell]

15 COUNCIL MEMBER GRODENCHIK: It's a
16 referral system. Okay, I'll follow up with
17 Commissioner Banks when he's here. Thank you, Madam
18 Chair.

19 CHAIRPERSON FERRERAS-COPELAND: Thank
20 you.

21 COUNCIL MEMBER GRODENCHIK: Thank you,
22 Commissioner.

23 CHAIRPERSON FERRERAS-COPELAND: Thank
24 you, Council Member and for those members that have
25 additional questions, we're going to be following---

1 what are you giving her, personal question.

2 [laughter]

3
4 COMMISSIONER TORRES-SPRINGER: Let me get
5 that.

6 CHAIRPERSON FERRERAS-COPELAND:
7 [laughter] Council Member Mendez.

8 COUNCIL MEMBER MENDEZ: Thank you very
9 much. I was just talking to Baaba, who used to work
10 for my committee when I chaired one. So, just
11 catching up. I am going to do what I did the other
12 day is I'm going to get all my questions out there
13 because that will probably use up all my time, and
14 then you can answer as much you can, and then
15 whatever you need to send me in the mail, you will
16 send it or I will hound you. So, anyway. [laughter]
17 Regarding City Mitchell Lamas, what if, you know,
18 what tax breaks and subsidies does City Mitchell
19 Lamas get? Right now specifically I have a problem
20 with Masaryk Towers who cut off their walkway that is
21 used by everyone from public housing, the senior
22 center, the parents who are going to the daycare and
23 HPD has suggested they put up a gate because of
24 liability issues, and they've closed off the walkway.
25 So, I understand that, but it's creating a big issue

1 and if they're getting subsidies I'm just trying to
2 figure out how we can get some of kind of arrangement
3 that works for everyone in my community, and what are
4 benefits that city Mitchell Lamas are getting besides
5 staying in the program and keeping affordable. I
6 also wanted to know about competitive procurements,
7 and how any awardees may be changed in a competitive
8 procurement if there's any opportunity to do so.
9 Specifically, I wanted to know if a deputy mayor can
10 do that, and then specifically are you aware that
11 anyone has done that? There was an issue with
12 Compost Plaza that was a Section 8 public housing.
13 It was put into this other program with a private
14 developer. Someone was chosen many years ago before
15 this administration got in, and then, you know, it
16 kind of snuck through the system, and some developer
17 was chosen to be the 50% partnership now called Tri-
18 Borough Management, and I still can't wrap my head
19 around everything that happened there. RFQs, is
20 there a unit at HPD that deals with RFQs? What is
21 that headcount, and what, if any, cost savings is
22 there to HPD to sole source a project after an RFQ as
23 opposed to doing an RFP, and then CLTs I said I have
24 three in my neighborhood. They're great. One HDF-

1 one is just for HDFCs, one is—one of the HDFCs a few
2 years ago I think was trying to get out of the
3 program but couldn't because of the land trust, and I
4 was wondering what, if anything, we could do to
5 expand current CLTs that are functioning and
6 functioning well. Lastly, I'm just gong to throw
7 this in. The Second Avenue explosion my office is
8 calling DOF. Those two lots that are now empty
9 because of possibly landlord tampering are on the tax
10 lien list. We need to remove those buildings off the
11 list, you know, and we need to see whether we can get
12 those lots and hopefully make affordable housing
13 there in the future unless someone has a lawsuit
14 against landlord and it's going to be used for
15 something else. Thank you. There you go.

17 COMMISSIONER TORRES-SPRINGER: We will
18 follow up with each and every one of those.

19 COUNCIL MEMBER MENDEZ: No, no question-
20 no answers right now.

21 COMMISSIONER TORRES-SPRINGER: Well, I
22 can so the two for Masaryk and for Compost, I'm not
23 too familiar with those so we will—I'd like to better
24 understand the specifics so that you have --very
25 substantive answers on those. RFQs and—and sole

1 source. So we use RFQs in Request for Qualifications
2 as a way for certain programs to identify potential
3 respondent, potential vendors, contractors and
4 partners. It allows us to also lower kind of
5 barriers to entry. So, they're not filling out long,
6 long, long proposals when the need that we have for
7 the service has been—is pretty standard, and so—and—
8 and, which is separate and those are for services.
9 It is on the—on the land disposition and project
10 side. Sometimes we do R-RFEI, Request for Expression
11 of Interest or full requests for proposals. In both
12 of those we look for every way to decrease barriers
13 in terms of submission. Sole source is different for
14 both of those. In the area of disposition of city-
15 owned property it is—there are very specific kind of
16 legal justifications when that can happen, and it
17 usually is when there is, you own an adjacent piece
18 of property and therefore can make an assemblage or
19 that piece of land or that air right can only be used
20 by—by that particular sole source recipient, and we
21 it very, very rarely. For CLTs in general we hope
22 that through the RFPI process I'm not sure if any of
23 the current CLTs in your district actually submitted,
24 but to the extent that they didn't have ideas for how
25

1 they can be more effective or the city can support we
2 certainly look forward to reviewing all of that in
3 the context of the entire REIF. We will definitely
4 follow up on the tax lien sale on those two lots, and
5 the tax lien sale, however, is tomorrow and so the
6 communication with DOF is—is very, very important and
7 so to just make sure has that call already happened
8 from our office to DOF is—is very, very important and
9 so to just make sure has that call already happened
10 from your office to DOF?
11

12 COUNCIL MEMBER MENDEZ: It may have
13 happened this morning.

14 COMMISSIONER TORRES-SPRINGER: Okay, so
15 very good.

16 COUNCIL MEMBER MENDEZ: Who do I follow
17 up with, Commissioner, to give more details on
18 Masaryk Towers and Compost Plaza?

19 COMMISSIONER TORRES-SPRINGER: Those are
20 both through Anne-Marie Hendrickson's Office although
21 all of the follow up we will coordinate through
22 Fransesc to make sure that you—it happens speedily
23 and in a coordinated fashion.

24 COUNCIL MEMBER MENDEZ: Thank you,
25 Commissioner and thank you, Madam Chair.

CHAIRPERSON FERRERAS-COPELAND: Thank
you, Council Member. Council Member Levine.

COUNCIL MEMBER LEVINE: Thank you, Madam
Chair and Mr. Chair. Commissioner, great to see you.

COMMISSIONER TORRES-SPRINGER: Great to
see you.

COUNCIL MEMBER LEVINE: I want to ask a
couple of questions about TIL, ANCP and HDFCs. I
know you've touched on this fairly extensively today,
and we appreciated the hearing of a few weeks ago in
which Deputy Commissioner Hendrickson came with a
number of announcements of improvements to the
program on provision of oil reduction and the buy-in
fee, access to storage and some others. I certainly
want to acknowledge that we appreciated that. I
think that the biggest remaining sticking point is
the notion that the tenants who have become
shareholders inherit a mortgage on the building, and
that with the uncertainty about the future of-of
Section 8 Vouchers and other financial concerns that
there's fear that could lead to a foreclosure and the
loss of the building. And it-it seems like the
amount of money we're talking about if you look at
the amount of mortgages being proposed for these

1 buildings if you add it all up, it's not a
2 significant amount. Maybe it's a million or two per
3 building but these are buildings and I'm wondering
4 why--what the barrier is just to grabbing a little bit
5 more money out of the Capital Budget so that we can
6 turn these buildings over to the residents free and
7 clear of both mortgages.
8

9 COMMISSIONER TORRES-SPRINGER: The--well,
10 first thank you for the--the positive words about the
11 changes that we already--we are already making. I
12 under--I know that given questions that we have gotten
13 and in the subject of the hearing that the piece
14 about the private mortgage is one that that is still
15 of concern. What I'll say is we have developed a
16 program that I think is--is realistic given the
17 rehabilitation cost of each of these units, and they
18 are significant, and the--the--the ability of the city
19 to fully fund those costs per unit is just not
20 realistic. I think what we've tried to do, however,
21 in creating this model is also calibrate what those
22 monthly payments through the--the maintenance charges
23 are going to be in a way that is respectful of the
24 fact that people are of different income levels.
25 And--and yes you're right that Section 8 will then

1 help us and those residents ensure that they are—that
2 we're able to meet those—those maintenance costs. We
3 have to be I think just very realistic and—and have
4 both an eye towards what the constraints of the
5 Capital Budget, but also what it means to ensure
6 long-term sustainability of each of the co-ops, and
7 that is—that's—we have that. We've tried to
8 calibrate [bell] a proposal that allow us to do all
9 of that.
10

11 COUNCIL MEMBER LEVINE: [interposing]
12 And—and I appreciate it but my time is up. Just the
13 last part if is do you know how much it would cost
14 overall to—for the city to pick up the cost of those
15 mortgages through ANCP?

16 COMMISSIONER TORRES-SPRINGER: I don't
17 have that number. I--It will be a very large one,
18 and we are already at the amount that per subsidy
19 that per unit subsidy in the current program is
20 already quite large compared to other programming.

21 DEPUTY COMMISSIONER PARK: Just to chime
22 in on a couple of other reasons why it is useful to
23 have another source of money in the projects, there
24 are a variety of things that are—costs that are
25 important aspects of the ANCP program that we're not

1 allowed to use capital for. So tenant training and
2 things like, right, that are important pieces of the-
3 the overall program, and that are necessary to make
4 sure that sustainable co-ops get built. We can't use
5 capital dollars, so that is piece of it. The other
6 issue that I think why it is useful to have a third-
7 party in there is that adds another set of eyes and
8 ears and boots on the ground in making sure that the
9 construction is getting done in the way that we want.
10 We certainly have construction monitors on site, but
11 when a bank engineer is also out there on a regular
12 basis, it's just a third level of oversight that I
13 think is to everybody's interest in the long run.

14
15 COUNCIL MEMBER LEVINE: Alright, thank
16 you.

17 CHAIRPERSON FERRERAS-COPELAND: Thank
18 you, Council Member. Commissioner, we have joint
19 additional questions, but we're going to move onto
20 the Department of Buildings. We want to thank you
21 for coming today, and this concludes the first part
22 of today's budget hearings. Oh, I'm sorry. Just
23 before you go there is one collective question that
24 I've been asking all Commissioner and it is currently
25 does you agency have Summer Youth Employment, young

1 people and doing Summer Youth Employment at your
2 agency, and would you be able to absorb more if you
3 were—if—if we had an expansion of the program?
4

5 COMMISSIONER TORRES-SPRINGER: So we've—
6 we have been traditionally very active participants
7 and—and satisfied participants of the program. I
8 think each year we have one or two. We're hoping to
9 do—to do that. I don't think the placements have
10 been made yet, but certainly always looking to
11 support the program. It's an amazing one.

12 CHAIRPERSON FERRERAS-COPELAND: Okay,
13 very good. Thank you very much. Again, that
14 concludes the first part of today's budget hearing.
15 I want to thank Commissioner Torres-Springer for
16 testifying. As a reminder, the public will be
17 invited to testify on Thursday, May 25th the last day
18 of budget hearings at approximately 1:00 p.m. in this
19 room. For any member of the public who wishes to
20 testify but cannot make it to the hearing, you could
21 submit your testimony to the Finance Division on the
22 Council's website council.nyc.gov/budget/testimony,
23 and the staff will make it a part of the official
24 record. We will now take a 10-minute break before we
25 hear from the Department of Buildings. [background

1 comments, pause] We will now continue the fifth day
2 of budget hearings with testimony from Commissioner
3 Rick Chandler of the Department of Buildings. The
4 Finance Committee is again joined this morning by my
5 Co-Chair Jumaane Williams and the members of the
6 Housing and Buildings Committee. DOB's Fiscal 2018
7 Executive Budget totals \$183.8 million an \$11.7
8 million increase over Fiscal 2017's Adopted Budget.
9 A significant portion of this increase is to support
10 77 additional positions including 40 temporary
11 positions for the Build-it-Back program and 27
12 inspectors. The Department also expects to generate
13 \$282.5 million in revenue in Fiscal 18 through
14 licensing and permitting services such as inspection
15 fees and fines for late filing. I hope to hear more
16 about the anticipated impact of these positions and
17 agency services as well as receive an update on the
18 department's revenue collection efforts. I will now
19 turn it over to my Co-Chair, if you have an opening
20 statement? Okay, who will—thank you. Well, in the
21 interest of time we'll actually not make an opening
22 statement.
23

24 CHAIRPERSON WILLIAMS: Another one.
25

CHAIRPERSON FERRERAS-COPELAND: Okay an
additional opening statement. Thank you Chair
Williams. Now, we will hear from Commissioner
Chandler after he is sworn in by my counsel.

LEGAL COUNSEL: Do you affirm to tell the
truth, the whole truth, and nothing but the truth in
your testimony before the committee today, and to
respond honestly to Council Member questions?

COMMISSIONER CHANDLER: I do. Good
afternoon Chairs Williams and Ferreras-Copeland and
member of the Housing and Building and Finance
Committees. I'm Rick Chandler, Commissioner of the
New York City Department of Buildings and I'm joined
by First Deputy Commission Thomas Fariello, Deputy
Commissioner of Finance 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 build in our city. I'm pleased to be here
to discuss with you the department's Fiscal Year 2018

1 Executive Budget and how it not only allows us to
2 provide critical services to protect the safety of
3 the public and facilitate development, but also
4 supports our bold initiative to transform the
5 department. As you know, our Building One City plan
6 is fundamentally reforming the department to enhance
7 public and worksite safety, reduce wait times and
8 delays and modernize all aspects of the department to
9 meet the needs of the largest and most complex city
10 in America. The Fiscal Year 2018 Executive Budget
11 allocates approximately \$184 million in expense funds
12 to the department. Of this, approximately \$132
13 million are for personnel services funding 1,664
14 budgeted employees and \$52 million are for other than
15 personnel services. The Executive Budget provides
16 \$26 million in additional funding for 77 new staff
17 positions and other initiatives. This includes \$1.3
18 million to fund 40 temporary positions to support
19 Build-it-Back work; \$2.3 million to fund 28
20 inspectoral positions; \$500,000 to fund five
21 positions providing technical support; \$300,000 to
22 fund four positions providing administrative support.
23 Finally, the Executive Budget includes \$21.7 million
24 for contractual services. The department is a
25

1 revenue producing agency. The revenue forecasts for
2 the department is approximately \$283 million, which
3 does not include more than \$45 million in penalties
4 collected each year resulting from department issued
5 violations adjudicated before the Office of
6 Administrative Trials and Hearings.
7

8 Some highlights of Fiscal Year 2016
9 construction activity follows:

10 2,931 new building applications were
11 filed with the department, a less than 2% decrease
12 from the prior fiscal year.

13 90,192 alteration applications were filed
14 with the department, a nearly 2% increase from the
15 prior fiscal year.

16 The department issued 109,277 initial
17 construction permits, a 5% increase from the prior
18 fiscal year.

19 The department issued 52,244 permit
20 renewals, a 17% increase from the prior fiscal year.

21 Finally, an important sign of future new
22 building activity is initial demolition permits. In
23 Fiscal Year 2016, the department issued 1,922
24 demolition permits, a 2% increase from the prior
25

1 fiscal year, which shows construction activity
2 throughout the city has shown little sign of abating.

3
4 As mentioned in my Preliminary Budget
5 testimony, the department has made significant
6 progress in improving services to our customers all
7 while facing a scale of construction perhaps
8 unparalleled in the city's history. Wait times for
9 first plan reviews have shown tremendous improvement
10 while the average number of days to complete first
11 plan reviews for new buildings and major alteration
12 applications down to five days in April and under one
13 day for minor alteration applications. Additionally,
14 there has been significant improvement in wait times
15 for development inspections. Wait times for
16 inspections of general construction work are down to
17 under three days in April, and wait times for
18 elevator and boiler inspections are less than four
19 days, a service level not reached in the department's
20 history. Our response to complaints has shown
21 significant improvement from last year, and continues
22 to show monthly improvements in Fiscal Year 2017.
23 Priority A complaints are responded to well within
24 our 24-hour target. A-complaints capture violating
25 conditions that if occurring present an immediate

1 threat to the public, and include unsafe demolition,
2 building instability and improper egress.
3

4 Priority B complaints are now responded
5 to with 25 days, a 50% improvement from April of last
6 year and well within our 40-day target. B-Complaints
7 capture violating conditions that if occurring, while
8 serious, do not present an immediate threat to the
9 public. These include excessive debris, cracking
10 retaining walls and tampering with posted notices.
11 With the support of the Mayor and the City Council,
12 the department continues to make significant
13 investments in staffing and technology to quicken the
14 pace of our reviews and provide the filing community
15 with the guidance they seek in consistent and
16 transparent manner. The department's authorized
17 budgeted headcount has increased by 496 new positions
18 since Fiscal Year 2015, representing an increase of
19 42%. These positions have provided the department
20 with additional staff to support inspections,
21 technical and plan exam functions and administrative
22 functions. The department continues making headway
23 in the long-term process of redesigning its online
24 presence with a new public facing web interface
25 called DOB Now that will replace the antiquated

1 Building Information System or BIS, and seamlessly
2 interface with our other technology initiatives.
3
4 When completed, this new system will allow customers
5 to conduct all their transactions on line including
6 filing applications, making payments, checking the
7 status of their projects and having virtual
8 interactions with staff. Last summer we launched DOB
9 Now first plumbing and sprinkler applications. Since
10 then, we've added standpipe applications and façade
11 compliance filings. Mandating that all compliance
12 filings for facades be filed through DOB Now,
13 represents a huge step forward for the industry and
14 our staff. Having far greater clarity and access to
15 data points about facades across the city both
16 individually and in the aggregate provides a
17 tremendous convenience for the filing community and
18 most importantly contributes greatly to public
19 safety. The department also launched the Public
20 Portal for DOB Now. The Public Portal allows the
21 public online access to information and filing
22 submitted through DOB Now and as it is—is expanded
23 will provide information in a far more integrated and
24 user-friendly fashion than can currently be found in
25 BIS. Where the compliance filings are scheduled for

1 release on August 14th and antenna and curb cut
2 applications will be released this summer as well.
3 Concerning our construction codes, the department is
4 not only embarking on its periodic revision of the
5 city's construction codes, we are also moving forward
6 with creating two entirely new codes: The
7 construction codes in their current form, which
8 include the building, plumbing, mechanical and fuel
9 gas codes were adopted in 2008 and were
10 comprehensively updated in 2014 with the intent that
11 they be periodically updated to ensure our codes
12 incorporate the latest technologies and national
13 standards along with local modifications to fit the
14 city's dense urban environment. Following the
15 Mayor's direction to simplify the codes to make
16 compliance easier, the department has also kicked off
17 a research effort with the goal of developing
18 recommendations for a code to specifically address
19 work on existing buildings. Currently when
20 performing work construct—when performing
21 construction in an existing building one or all of a
22 myriad of local and state codes need to be adhered
23 to. An existing building code will improve ease of
24 use by consolidating all of the requirements in one
25

1 place. Finally, to address the need for regulation
2 on waterfront properties, the department is
3 undertaking an effort to develop code requirements
4 for waterfront structures. While current
5 construction code and national code requirements
6 address building construction generally, current
7 regulations do not specifically address design and
8 construction requirements for waterfront structures
9 such as piers, wards and seawalls, which serve as the
10 foundation for new building construction on water.
11 Last week was Construction Safety Week during which
12 the department participated in a number of events
13 including hosting our annual Build Safe Live Safe
14 Conference. Hundreds of construction professionals
15 and department led seminar—attend department led
16 seminars where they learn about the latest accident
17 trends and best practices for improving safety.
18 Department staff also distributed thousands of multi-
19 lingual educational flyers at construction sites
20 throughout the city as part of our Experience is Not
21 Enough Campaign. Earlier this year, I testified
22 before this committee on a package of legislation
23 that seeks to improve safety and construction sites.
24 The department supports many of the proposals
25

1 outlined in these bills several of which are now law,
2 and look forward to further discussion with the
3 Council on these bills while we continue to explore
4 new solutions including enhanced required training
5 for construction workers. In recent months the
6 department has implemented a number of initiatives to
7 help reduce construction accidents throughout the
8 city. The department has hired 140 inspectors. The
9 department has more than quadrupled penalties for the
10 most common safety lapses at construction sites.
11 These penalties are now \$10,000 for each violation
12 with a maximum of \$25,000 when certain aggravating
13 factors are present. Give the preponderance of
14 accidents that occur on sites of fewer than 10
15 stories, last August the department increase
16 supervision on construction sites by requiring
17 superintendents to be present at more sites under 10
18 stories. Construction superintendents are required
19 to inspect all work daily and keep a detailed log of
20 the conditions they observe. They are required to
21 promptly correct any unsafe conditions and notify the
22 department of any accidents. Due to this action,
23 approximately, 2,300 additional higher risk
24 construction sites citywide are required to have this
25

1 enhanced supervision. Yesterday the Mayor signed
2 Intro 1448-A, which codifies this requirement in the
3 law, and I thank this committee for working with the
4 department to enhance safety on construction sites.
5 The department is more aggressive in its discipline
6 of bad actors. We've significantly enhanced our
7 information technology and data analytics
8 capabilities improving our ability to target
9 resources where the greatest risk exists and to
10 identify bad actors. Additionally, we work regularly
11 with each of the district attorney officers and
12 routinely make referrals of construction
13 professionals who want criminal investigation. Just
14 yesterday, I joined the Brooklyn District Attorney in
15 announcing the indictment of the contractor whose
16 actions resulted in the death of one individual. In
17 addition, department staff provided technical and
18 other support in a case that just resulted in
19 Brooklyn in a Brooklyn landlord Herman Epstein being
20 sentenced this week to three to six years in prison
21 for bribing building inspectors.
22

23 In 2016, we issued 56,289 violations, a
24 23% increase from 2013 and \$128 million in penalties.
25 We are also issued stop work orders at a higher rate.

1 In 2016, we issued 8,840 stop work orders, a 37%
2 increase since 2013. Stopping work for a period of
3 time can result in a bigger monetary loss to a
4 contractor than even the most significant penalties.
5 Additionally, the department conducts proactive
6 enforcement sweeps in areas where significant
7 construction is occurring or where there has been a
8 spike in accidents. We are also regularly seeking to
9 suspend or revoke the licenses and registrations of
10 professional who work unsafely and put their live and
11 the lives of others at risk. In 2016, the department
12 revoked or suspended the licenses of 11 individuals
13 or corporations and 20 design professionals either
14 surrendered their filing privileges or had them
15 revoked. The department is also targeting its
16 outreach to the most vulnerable populations within
17 the construction industry namely workers on small
18 buildings and day laborers. In participation with
19 day labor organizations, the department is providing
20 safety awareness seminars throughout the five
21 boroughs on safe construction practices during
22 scaffold and excavation work, two of the areas with
23 the greatest risk. We welcome the Council's
24 participation in this effort. While we are pleased
25

1 with our progress thus far, there is more work still
2 to be done. We thank the Council for its support and
3 look forward to continuing our work together to
4 improve the department for the benefit of all New
5 Yorkers. Thank you for your attention and the
6 opportunity to testify before you today. I welcome
7 any questions that you may have.
8

9 CHAIRPERSON FERRERAS-COPELAND: Thank you
10 very much, Commissioner, for your testimony. There
11 may be some parts that you've already addressed in
12 your open-in your-in your opening statement, but we
13 just want to make sure we clarify things for the
14 record. So, excuse us ahead of time if we make you
15 repeat yourself. In Fiscal 2018's Executive Plan it
16 includes \$10.8 million in 2018, \$5.7 million in 2019
17 and \$6.6 million in Fiscal 2020 for OTPS costs
18 related to technology upgrades to DOB Now, an
19 electronic system launched by DOB in August of 2016
20 designed to digitize job filings, building
21 inspections and complaints. This new system will
22 replace the existing building information system and
23 interface with other technology initiatives at DOB.
24 Once the transition is completed DOB Now will allow
25 customers to conduct all transactions on line. How

1 will these efficiencies impact DOB's filing and
2 permitting process and how will these efficiencies
3 impact revenue collection?
4

5 COMMISSIONER CHANDLER: Thank you for
6 question. I'm always excited to talk about DOB Now
7 because we're—we think it's a great initiative and we
8 look forward to providing better services for the—for
9 the industry. Certainly, one of the—the main aspects
10 of DOB Now is that 100% of all our transactions will
11 be available online, and that we think that allows
12 applicants the ability to file anywhere, not having
13 to come to our offices. We think that it adds to our
14 integrity and all of trans—all of our actions will be
15 transparent. We think that's a good thing for the
16 industry to see for all relevant stakeholders and
17 that we think it will speed the review process by
18 streamlining the documents that we require. As it
19 relates to revenue, I'm not sure that—that revenue
20 collection will be affected, but having the fees paid
21 online will certainly improve the efficiency of how
22 they're collected. We think a modern platform will
23 make the program and fee adjustments easier if we
24 have to do that in the future.
25

CHAIRPERSON FERRERAS-COPELAND: Okay.

Build-it-Back in Fiscal 2018 Executive Plan it includes \$1.3 million for temporary staff related to the Build-it-Back program. We just find this interesting and, you know, we need to better understand because on one hand the Mayor just clearly expressed that he was going to kind of do a freeze on management and administrative positions, and then in this line it seems like you're going to be doing just that, even though it's temporary. So, can you walk us through? Because from our understanding or our perspective Build-it-Back should be slowing down, but you're ramping up staff. So can you walk me through this? [background comments]

COMMISSIONER CHANDLER: So, I just want to be clear that the mayor continues to-to support aggressively getting the people back in their homes and we were proud to be a part of that team, and we meet about—we meet on this regularly with our partners and other city agencies. You know, the—the lines that are in the budget are a continuation of the previous years. So we do—I agree with you that—that we're going to try to ramp it down, but in the

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

137

1 meantime we're just carrying over the lines from—from
2 the previous years.
3

4 CHAIRPERSON FERRERAS-COPELAND: But it
5 was stated to us there they were temporary staff.
6 So, is there—are they temporary in what sense? Is it
7 time or temporary in that--?

8 COMMISSIONER CHANDLER: So, they're—
9 they're funded through December of this year.

10 CHAIRPERSON FERRERAS-COPELAND: So they
11 are funded through December and you may need them
12 again or is that new needs? (sic)

13 COMMISSIONER CHANDLER: Well, that's—
14 that's where OMB—well that's the—they're funded by
15 CDBG? So, it's not—no OMB has funded us through
16 December because that's the anticipated end date at
17 this point.

18 CHAIRPERSON FERRERAS-COPELAND: Of Build
19 It Back of your participation?

20 DEPUTY COMMISSIONER NEILL: So, we
21 actually were never—

22 CHAIRPERSON FERRERAS-COPELAND: Can you
23 just state your name for the record?

24 DEPUTY COMMISSIONER NEILL: I'm Sharon
25 Neill. I'm the Deputy Commissioner for Finance and

1 Administration. So we actually funded 47 positions
2 but they were never baselined funded because the
3 expectation was is that eventually the work would
4 ramp down, and that eventually these positions would
5 fall out of our baselined budget. So, the adjustment
6 that you're seeing Fiscal Year 2018 demonstrates 40
7 positions being funded through December. If we
8 realize that we cannot continue to address the
9 workload with the existing staff that we have or with
10 other non Build-it-Back staff, we would negotiate
11 that with OMB, but we obviously are committed to
12 continue to provide the service that we do provide
13 for Build-it-Back and that we're managing those
14 service levels.

16 CHAIRPERSON FERRERAS-COPELAND: Okay.

17 Now, is your agency at all affected by the Mayor's
18 proposal to have a hiring freeze of--?

19 DEPUTY COMMISSIONER NEILL: So, we have
20 not been in-informed directly of the hiring freeze
21 and given additional direction, but we are actually
22 reviewing staffing impacts in the event that we-we
23 need to participate.

24 CHAIRPERSON FERRERAS-COPELAND: Okay. In
25 Fiscal 2018, DOB expects to generate about \$282.5

1 million in revenue. While total expenditures are
2 projected to be \$183.8 million, overall construction
3 permits are projected to account for 54% of the
4 department's total miscellaneous revenue generated in
5 Fiscal 2018 totaling \$152.4 million. Is this funding
6 generated through the issuance of permits alone, or
7 does this figure include the collections of—of any
8 other type of, you know, whatever else your—your
9 agency permits are?
10

11 DEPUTY COMMISSIONER NEILL: So, currently
12 our revenue budget is primarily the—the increase
13 between the years is—is mostly for what is referred
14 to as building permits, which is after hour
15 variances, miscellaneous C&D and builder pavement
16 permits. The majority of the—the target for the
17 construction permits is \$152 million.

18 CHAIRPERSON FERRERAS-COPELAND: \$152
19 million for construction?

20 DEPUTY COMMISSIONER NEILL: Yes, and then
21 obviously there's other additional changes in terms
22 of fines and penalties, inspection permits—fees as
23 well.
24
25

1
2 CHAIRPERSON FERRERAS-COPELAND: So are
3 fines and penalties reflected? Because I know a lot-
4 some of them are ECB fines, correct?

5 DEPUTY COMMISSIONER NEILL: Yes.

6 CHAIRPERSON FERRERAS-COPELAND: So, if
7 they're ECB fines are they reflected on your side as
8 revenue?

9 DEPUTY COMMISSIONER NEILL: Well,
10 overall--[background comments] So, we--we are--are held
11 accountable to some portion of the--the revenue
12 generated by ECB, but we do not collect it. So, it's
13 not included in our overall target in terms of what
14 is attributed to the department's operating budget
15 balancing the operating budget with the department,

16 COMMISSIONER CHANDLER: So those ECB
17 funds are not included in our revenue generating. I
18 think that might the answer to your question.

19 CHAIRPERSON FERRERAS-COPELAND:
20 [interposing] Right, right, that's what I wanted to
21 know.

22 COMMISSIONER CHANDLER: Those are not--I
23 think the civil penalties that we collect are
24 different from ECB penalties and I think--

1

CHAIRPERSON FERRERAS-COPELAND:

2

[interposing] Right.

3

COMMISSIONER CHANDLER: --the part--

4

that's--that's included in our revenue generation.

5

CHAIRPERSON FERRERAS-COPELAND: So, what

6

would generate a civil penalty versus a ECB penalty?

7

COMMISSIONER CHANDLER: Civil penalties

8

would be for work without a permit. [background

9

comments]

10

DEPUTY COMMISSIONER FARIELLO: Sure.

11

Thomas Fariello, First Deputy Commissioner. So work

12

without a permit violation would trigger when they

13

come in to file for the permit. The civil penalty

14

then kicks in, and so that's the civil penalties that

15

would be addressed that's in our revenue. For the

16

ECB fine for that violation would not be.

17

CHAIRPERSON FERRERAS-COPELAND: Okay. So

18

your total, and just so that I know the total \$282

19

would include your construction, your permit, for

20

after hour, your paper permits, and your civil--

21

whatever you collect from your civil penalty.

22

COMMISSIONER CHANDLER: Civil penalties.

23

CHAIRPERSON FERRERAS-COPELAND: Right, is

24

that everything?

25

DEPUTY COMMISSIONER NEILL: Well, it
would also include inspection fees, signed fees.

[background comments] So, just to do the reference.

So, \$53 million is related to fines and penalties of
the \$282.

CHAIRPERSON FERRERAS-COPELAND: So we
also have licensing fees. There are inspection fees
for electrical inspections, hazardous re-inspections,
boiler inspections, and other.

DEPUTY COMMISSIONER NEILL: Yeah, we have
miscellaneous fees.

CHAIRPERSON FERRERAS-COPELAND: And the
miscellaneous fees.

DEPUTY COMMISSIONER NEILL: Well, they're
like a record-record fees that we also charge.

CHAIRPERSON FERRERAS-COPELAND: Okay.
Okay, you don't have to provide it right now, but for
the committee if you can just give us-

DEPUTY COMMISSIONER NEILL: Sure.

CHAIRPERSON FERRERAS-COPELAND: --kind of
a pulldown of what all those fees are, and also the-
what-all of your revenue collection, right. So what
that is, but also we'd like to see a chart of if-I
don't know if you have a chart, but a list of what

1 your fees are, right. So what's the cost right now
2 for if you want to apply for this for a construction
3 permit or whatever the case is so that we can better
4 understand that perspective of your agency.

5 Scaffolding. Recently DOB has made strides in con-in
6 consolidating information on the location, age, and
7 purpose of scaffolding and sidewalk sheds. Citywide
8 this translates to about 280 miles of scaffolding and
9 7,000 sidewalks, 7,700 sidewalk sheds. While this
10 database provides helpful-helpful descriptive
11 information pertaining to scaffolding, it remains
12 unclear when some of the fixtures are slated to come
13 down. On average how long are scaffoldings kept up?

14
15 COMMISSIONER CHANDLER: On average a
16 sidewalk shed. So I just to be-want to clarify
17 because it's called a misnomer.

18 CHAIRPERSON FERRERAS-COPELAND: The
19 sidewalk shed?

20 COMMISSIONER CHANDLER: These-the ugly
21 things that you see on the sidewalk are-are sheds,
22 sidewalk sheds, those structures that are sometimes
23 erected on top of them to do work on a façade or do
24 other types of work to elevate the workers. Those
25 are scaffolds. So the things that are o the sidewalk

1 are sheds and a typical shed stays up for nine
2 months.
3

4 CHAIRPERSON FERRERAS-COPELAND: Nine
5 months and do you collect--so if someone puts in an
6 application I'm assuming it's an application, right,
7 or a permit--

8 COMMISSIONER CHANDLER: [interposing]
9 Yes, yes.

10 CHAIRPERSON FERRERAS-COPELAND: --for a
11 sidewalk shed. Do they give you a start and end date
12 or how does that work?

13 COMMISSIONER CHANDLER: They file an
14 application. They--they ask for a permit and
15 typically it's one year, and then they'll renew it.
16 So, there's no--there's no information about when the
17 work is starting and finishing and that's typical of
18 all of our applications.

19 CHAIRPERSON FERRERAS-COPELAND: So,
20 someone could keep a scaffolding up or a sidewalk
21 shed up for a year, and then just come and renew it?
22 So is that why in some neighborhoods we end up with
23 these sheds for multiple years?

24 COMMISSIONER CHANDLER: Multiple years,
25 indeed.

1
2 CHAIRPERSON FERRERAS-COPELAND: Okay, so
3 that sounds like all types of flags for us here, and
4 legislatively.

5 COMMISSIONER CHANDLER: Yes, I can see
6 that. I mean that's why we created our map that
7 we've recently published--

8 CHAIRPERSON FERRERAS-COPELAND: Right.

9 COMMISSIONER CHANDLER: --and the point
10 of that was to--first of all, to show where we're
11 going with our enhanced data analytics, and what
12 we're doing as an agency to modernize, but it also
13 shows what are associated with Local Law 11
14 inspections that are mandated, and those that are
15 related to that versus those that are related to
16 construction work elsewhere in the building or new
17 building construction work elsewhere in the building
18 or new building construction.

19 CHAIRPERSON FERRERAS-COPELAND: So on
20 average does it take a year? Does someone need to
21 have a shed out for a year?

22 COMMISSIONER CHANDLER: We, you know, it
23 really varies. It depends on the type of façade
24 material and the height obviously. The, you know,
25 the economics of façade repair are such that it-it

1
2 often times is better for the owner in their eyes to
3 have something up while they figure out their
4 financial situation, and that's—that's part of the
5 reason they're up there. And I just want to remind
6 all of us here that is keeping everyone safe as they
7 walk on the sidewalk. I think we sometimes take for
8 granted that we can walk in this very, very dense
9 city and—and not have that worry, and it's partly
10 because of the laws that have been act—enacted over
11 the years by this body and--and with our
12 collaboration and we realize the impact it has on the
13 city.

14 CHAIRPERSON FERRERAS-COPELAND: So if a
15 building has an issue with like pointing or things
16 kind of coming from the—of the building you can
17 actually erect the shed until you find financing to
18 fix the building essentially?

19 COMMISSIONER CHANDLER: Yes.

20 CHAIRPERSON FERRERAS-COPELAND: So, it is
21 because from our perspective or where—where we've had
22 these conversations you usually the shed is up
23 because repair is happening. So, that doesn't
24 necessarily mean that?

25

1
2 COMMISSIONER CHANDLER: It's happening in
3 one form or another. I just left my office and I
4 think we just counted I think for 3,000 days in the--
5 it's been up in front of mine. So, this work has
6 started and stopped and started and stopped for a
7 variety of reasons. Again, it's a--

8 CHAIRPERSON FERRERAS-COPELAND:
9 [interposing] Did you say, 3,000 days?

10 COMMISSIONER CHANDLER: [background
11 comments] Several years. Let's put it that way. I-I
12 could be wrong on the number of days, but it was-I
13 think it's been at least six or seven years, and
14 again, in our case, our office building is a
15 landmarked building, and that contributes to the--the
16 work--the workmanship that's required. There's just
17 many different factors.

18 CHAIRPERSON FERRERAS-COPELAND: Okay. I'm
19 going to have our Co-Chair ask questions, and then
20 I'll come back for a second round, and we've been
21 joined by Council Members Mendez, Garod-Grodenchik,
22 and Menchaca. Council Member-Chair Williams.

23 CHAIRPERSON WILLIAMS: Thank you very
24 much, Chair and thank you, Commissioner. I also want
25 to thank the Mayor for signing 1448-A. I also want

1 to say it was bill. So, I want to give myself a pat
2 right there.
3

4 COMMISSIONER CHANDLER: Congratulations.

5 CHAIRPERSON WILLIAMS: Thank you.

6 [laughter] Just a few questions for OB&B the Office
7 of Special Enforcement responds to complaints on a
8 range of issues concerning buildings and fire code
9 violations citywide including illegal short-term
10 rentals. The office and staff are the Mayor's Office
11 of Law Enforcement, FDNY, DOF and DOB. The Fiscal
12 2018 Budget provides funding for an additional four
13 building inspectors at OSE. What is the total
14 headcount of DOB inspectors that perform related to
15 OSE?

16 CHAIRPERSON FERRERAS-COPELAND: So with
17 the addition of the four, that will bring it nine DOB
18 employees at OSE.

19 CHAIRPERSON WILLIAMS: Can you provide
20 the committee an update on the work that these
21 building inspectors are performing, how many
22 inspections or violations have issued in Fiscal 2017?

23 COMMISSIONER CHANDLER: I'm going to ask
24 you to work with OSE on that. We don't have that
25 specific information, but I think it's best suited to

1 ask their performance issues to them, but we're happy
2 to ask them for you and return that information.
3

4 CHAIRPERSON WILLIAMS: There--there are--I
5 think there was a gap in this article. I think it
6 was the documents or an article I read that with the
7 violations they found and their finding in it, I
8 think they said it would take up 33 years to get
9 through all of them, which seemed like a long time,
10 and so I don't know if it's you or OSE can tell us if
11 we have enough inspectors, do we need to have more
12 resources put into what we're doing in terms of where
13 we're going to be?

14 COMMISSIONER CHANDLER: I think OSE would
15 comment more, but I would just remind the--the chair
16 that, you know, as a general matter really with
17 conversion complaints, there's--there's a couple of
18 different attempts that are made, and also the Office
19 of Special Enforcement they do a fair amount of
20 investigatory work so it's a much more enhanced
21 inspection. So, I think that they could answer in
22 more detail.

23 CHAIRPERSON WILLIAMS: Thank you. Just
24 to go now to construction safety. Despite strict
25 safety regulations that mandate safe construction and

1 practices, construction accidents cause serious or
2 fatal injuries—injuries have increased in the
3 testimony for the Preliminary Budget hearing held on
4 March 15th, can you provide examples of cases where
5 DOB is pursuing criminal action. I just want to
6 reiterate how many open cases is DOB pursuing
7 criminal action? I do want to shout out the Brooklyn
8 District Attorney who is pursuing some criminal
9 action right now on some deaths that occurred last
10 year, and I believe it is this type of action that's
11 going to be the biggest deterrent hopefully for
12 people from doing this.

14 COMMISSIONER CHANDLER: Absolutely. We
15 commend the Brooklyn DA as well, and happily work
16 with them on all occasions if we can bring bad actors
17 to justice. Right now we have 69 open cases at the
18 department for Criminal Court summonses. I just want
19 to provide some context in that we work very closely
20 with all the district attorneys and the Department of
21 Investigation and so when there's ever any issues
22 that we refer to them, we are—stand shoulder to
23 shoulder with them and provide the support while they
24 evaluate whether the case warrants a criminal
25 prosecution which is a—which is high bar as you know

1 for—from their—from their perspective. So, we
2 provide that support, and sometimes it takes a fairly
3 long time. And then when they decide, if they decide
4 not to pursue the criminal charge, that's when
5 they'll typically turn it over to us for our follow
6 up because we typically are asked not to do anything
7 until they've made that decision. So, once it's—
8 they've decided not to pursue it, they won't pursue a
9 criminal court summons. It's typically a
10 misdemeanor.
11

12 CHAIRPERSON WILLIAMS: We—we did have
13 some discussions at the last hearing about some cases
14 that we felt I think initially it was a slap on the
15 wrist of people where people were killed, and I just
16 want to know if there was any thought given into
17 whether there's anything else that we as a Council
18 can do to put into law to make sure that some of
19 these charges either stick, or they have more tools
20 to actually hold people accountable once criminal
21 charges are brought?

22 COMMISSIONER CHANDLER: You know, I think
23 that we have a few ideas that I'd love to talk to you
24 offline about. I think that there's some—some ideas
25

1 that we've discussed that I—I think another time if
2 we could talk amongst our staff at another time.
3

4 CHAIRPERSON WILLIAMS: Okay. I look for
5 your—forward to doing that sooner than later
6 hopefully. The Proactive Enforcement Program that
7 DOB seeks to increase compliance or public safety
8 standards and strategically deploy enforcement
9 resources. Can you update the committee on the scope
10 of work this program has completed, and what are the
11 resources that DOB currently dedicated to proactive
12 enforcement?

13 COMMISSIONER CHANDLER: Thank you. You
14 know the department conducts proactive enforcement
15 sweeps in areas where significant construction is
16 occurring or where there's been a spike in accidents.
17 So, we recently completed a sweep in Williamsburg
18 where we inspected 348 locations including every
19 active construction site under 10 stories including
20 new buildings and major alterations. From that sweep
21 we issued 482 violations and 107 Stop Work Orders,
22 and this includes the issuance of violations to 67
23 construction superintendents for failure to perform
24 their duties.

25 CHAIRPERSON WILLIAMS: Sorry, can you--

1
2 COMMISSIONER CHANDLER: Sorry.

3 CHAIRPERSON WILLIAMS: --repeat some of
4 the numbers again?

5 COMMISSIONER CHANDLER: Sure it was—it
6 was 348 locations, and we issued 482 violations and
7 107 stop work orders, and on top of that we issued
8 violations to 67 construction superintendents for
9 failure to perform their duties. We think after that
10 just was codified yesterday that the construction
11 superintendent bill, we—we still think it's early,
12 but hopefully we're sending that message by issuing
13 those violations. We want these construction
14 superintendents to take it as seriously as we
15 intended to so they're doing their job. So, in
16 addition to that we're revoking or suspending the
17 licenses of various individuals that are involved
18 with these sites, and also design professions, which
19 we talked, which I mentioned in my testimony many of
20 which have surrendered their filing privileges or we
21 have sought to have them revoked. Lastly, you know,
22 we have added strength to our data analytics so that
23 we can better target these places and try to spot
24 trends where we can send our resources and use them
25 as most efficiently as we can.

1
2 CHAIRPERSON WILLIAMS: Thank you very
3 much and as I mentioned yesterday, I do think that we
4 just as a city together took a little longer than we
5 should have in addressing this issue, and people did
6 die, but I think we are kind of running full speed
7 ahead now to try to correct that, and I think under
8 your leadership, DOB is doing a much better job of
9 using all the tools that exist, and trying to create
10 additional tools, and I think beginning to embrace
11 the fact that this a direction DOB is going to go in
12 a lot—a lot harder than they have before in adopting
13 and kind of raising some responsibilities that it
14 hasn't had before, and I appreciate that. I do know
15 that Intro No. 1447 is one that's on everyone's mind.
16 I know it's hard to answer direct questions until
17 we're finished negotiating the bill, but I just want
18 to give you an opportunity to address what might be
19 the thinking in terms of new resources that may be
20 needed or just put on the record that this is the
21 thought process that's going on. We want to make
22 sure that by the time we pass this budget, we will
23 have the resources needed particularly with what we
24 hope will be coming down the pipe with some of the
25 bills including 1447.

1
2 COMMISSIONER CHANDLER: Well, I
3 appreciate that and—and your comments as well, and I
4 agree that we are moving more in that direction, and
5 I also know that you appreciate that—that we can't
6 really speak to specifics at this time that I—I know
7 that you and I think the rest of the Council knows
8 that we are continuing to work on some of those
9 specifics. It's our immediate goal to work with the
10 Council and all the other stakeholders to determine
11 what—what additional resources might be required as
12 it relates to training. Obviously, we are looking
13 toward the model that the trades have out there for
14 training their—their new people that are coming into
15 the trade. So that's a model that we're looking at,
16 and we'll continue to work closely with you to get
17 some more details as soon as possible.

18 CHAIRPERSON WILLIAMS: Thank you and, of
19 course, you will need some additional resources for
20 enforcement of that—of that as well. So, we're
21 looking forward to that discussion. Thank you again,
22 and I'll pass it back to my Chair.

23 CHAIRPERSON FERRERAS-COPELAND: Thank
24 you, Chair. We will now—we've been joined by Council
25

1 Member Rosenthal. We will now hear from Council
2 Member Mendez followed by Council Member Menchaca.

3
4 COUNCIL MEMBER MENDEZ: Thank you, Madam
5 Chair. Commissioners, thank you for being here. At
6 the Preliminary Budget hearing I had asked about how
7 much revenues is generated through the issuance of
8 after hour variances. I—I did get that answer, and I
9 can't remember the actual number now. It was either
10 \$30 million or \$70 million. Can you tell me what the
11 number is actually?

12 COMMISSIONER CHANDLER: I think Sharon
13 does.

14 DEPUTY COMMISSIONER NEILL: I don't have
15 the number, but I can get back to you with the
16 number.

17 COUNCIL MEMBER MENDEZ: Okay, does—which—
18 which one sounds more accurate \$30 or \$70 million?

19 COMMISSIONER CHANDLER: I think \$30 is
20 probably more close. It still seems high, but it's
21 closer.

22 COUNCIL MEMBER MENDEZ: Okay. So, I did
23 get an answer after the last hearing.

24 COMMISSIONER CHANDLER: [interposing] And
25 we'll get you on this round, too.

1
2 COUNCIL MEMBER MENDEZ: Great. I-I just
3 want to bring a particular issue with the after hours
4 variance. I have had a building in my district that
5 for over a year has had after hours variances every
6 week, every month for over a year. A construction
7 work day is from 7:00 to 6:00 p.m.

8 COMMISSIONER CHANDLER: Correct.

9 COUNCIL MEMBER MENDEZ: Okay. So then
10 that would be a-what is it a 55-hour work week,
11 right? A construction work week would be a 55-hour
12 work week? Is that correct?

13 COMMISSIONER CHANDLER: That's correct.

14 COUNCIL MEMBER MENDEZ: Okay. I just
15 want to run these numbers past you. May 2016, 80
16 hours extra a month; June 120 hours extra month
17 through after hours variances; 124 July 26; 124
18 August 2016; 120 hours September. This year we get
19 into the 200s. January 2017, 116 hours extra of
20 after hours variance work; 180 in February; 212 in
21 March; and 126 in April. It took your department
22 over a year to respond to three letters and several
23 phone calls from my constituents. We-we finally got
24 an answer, and the answer is they're only going to
25 get 88 extra hours each month going forward, which I

1 think still is excessive considering what they've had
2 to put up from nearly a year and a half. I really
3 want to understand numbers because it may seem to me
4 that the community's quiet enjoyment is being
5 sacrificed as a revenue generating measure because I
6 don't know that all the safety issues would be for a
7 year and a half to generate that many after hour
8 variances. Can someone kind of explain that to me?

10 COMMISSIONER CHANDLER: I can't. I don't
11 know the specifics related to the--the job that you're
12 referring to, but I can say one of the things that--
13 that we do issue these after hour variances for is
14 indeed safety related, and I know that it does--it
15 does impose on people at times. But, we think that
16 very frequently the amount of construction traffic
17 and the need for deliveries and in and out of--of
18 debris, et cetera, I think really has an impact on
19 the safety. It's--what I can say is that we do not do
20 after hour variance for a revenue generating purpose
21 partly as you can see at least we don't know what it
22 is off the top of our head. We'll get you that
23 number, but we--we can re-evaluate this particular job
24 if you'd like us to do that.

1
2 COUNCIL MEMBER MENDEZ: Yes--yes, I would.

3 The Counsel to the committee did verify that it was
4 \$30 million a year last year as extra revenue for the
5 department. My--my issue--

6 COMMISSIONER CHANDLER: [interposing]
7 Just a reminder, though.

8 COUNCIL MEMBER MENDEZ: Yes.

9 COMMISSIONER CHANDLER: That's not--that
10 goes in [background comments]. I beg your pardon. I
11 was--I thought that--I--I was going to say that that
12 doesn't come to our budget, but I guess it does--those
13 do come to our budget. Sorry.

14 COUNCIL MEMBER MENDEZ: Okay. My issue
15 when it comes to these after hour variances when we
16 inquire what is the reason, just what's written in
17 the law is stated to us that it could be a safety
18 blah, blah, blah, but they don't tell what the safety
19 reason or, you know, what--you know, I know there are
20 needed. Equipment is brought to the site sometimes
21 late at night. There are some sites where only work
22 can be done by after hours variance like school or a
23 hospital, but in this particular case it, you know,
24 I'm--I'm, you know, we've never have gotten an answer
25 as to what was the safety reason specifically [bell]

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

160

2 and that would be good going forward if we could find
3 that out. Thank you.

4 COMMISSIONER CHANDLER: Thank you. We'll
5 try to get the specific answer to you.

6 CHAIRPERSON FERRERAS-COPELAND: Thank
7 you, Council Member. Council Member Menchaca
8 followed by Council Member Rosenthal.

9 COUNCIL MEMBER MENCHACA: Thank you.

10 Thank you to the Chairs, and I—I wanted to follow up
11 on—on the train of thought here on the concepts of
12 revenue, and I wanted to dig in—in another different
13 —different direction. You have a big section in here
14 on public safety enhancements, and so I want to say
15 thank you for that testimony, and there's a lot of
16 work around making our construction sites safer. I
17 want to talk a little bit or ask a little bit about
18 the budget impacts to—to the kind of campaigns that
19 you mentioned here. The—the work that you outline
20 out of the annual Build Safe, Live Safe Conference,
21 the flyers that you mentioned on multi-lingual
22 education. What—what does the department spend on
23 this kind of—this kind of work and outreach with
24 these communities that are hard to reach and are are—

25

1 are—are just show up on—on—on the issues that we're
2 talking about? [background comments, pause]

3
4 COMMISSIONER CHANDLER: So, the—the Build
5 Safe Live Safe Conference we cover with just entrance
6 fees. So that's paid for by the people who are
7 attending, and everything is—we don't break it out
8 specifically on the pamphlets or the courses that we
9 provide. And other than—I mean our general staff
10 does this work. We don't—we don't break it our
11 budgetarily.

12 COUNCIL MEMBER MENCHACA: There's no
13 breakdown of—of how much you spend, and is that
14 something that you can do just in—there's a kind of
15 list that you just talked about like flyers and
16 courses and all that. Is there a way that you can—
17 you can out—you know, and here and see now?

18 COMMISSIONER CHANDLER: It would—it would
19 be a very rough estimate. That's just something that
20 we do as all aspects of our agency everybody pitches
21 in from different aspects of the agency to—to put
22 these things on.

23 COUNCIL MEMBER MENCHACA: And is hat—so,
24 I—I hear that it's kind of embedded in a lot of
25 different areas.

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

162

2 COMMISSIONER CHANDLER: Yes, thank you.

3 COUNCIL MEMBER MENCHACA: Is that

4 something we can—we can work with you on and--

5 COMMISSIONER CHANDLER: [interposing]

6 Yes, we can try to. Again, I would say that it--

7 COUNCIL MEMBER MENCHACA: [interposing]

8 We can start with rough.

9 COMMISSIONER CHANDLER: --it's a high
10 level estimate, yeah.

11 COUNCIL MEMBER MENCHACA: We can start
12 with rough, I think. I think it's an important
13 thing. This is a big issue that we're talking about
14 right, and it's an important thing to figure out
15 where we are now. I think before we can kind of jump
16 to where we're going to want to go, it's important to
17 understand where we are now, and so that be—that
18 would be helpful. The—the kind of larger question
19 based—based out of—out of this conversation is not
20 just the staff. So, it would be good to kind of know
21 who—who on staff, how many staff are—are thinking
22 about safety, or teaching. There's—you know said
23 there's court. You mentioned courses. It would be
24 good to kind of see the multiple investment areas
25 between staff and—and like staff and then entrance

1 fees into-into-and then also kind of looking at that
2 over time. I think it's an important thing maybe we
3 can-we can think about together. Because I think the
4 optimal-the ultimate question is really figuring out
5 where-if we understand where we are, we can figure
6 out what the gap is, and where we want to get to, and
7 figure out does this budget really get us where we
8 want to go? We can't-we can't get there unless we
9 jump off of a place that is solid and understand of
10 an understanding.
11

12 COMMISSIONER CHANDLER: Agreed. I-I would
13 just add that part of the complexity that the Chair
14 and I were talking about a moment ago is-and some of
15 the details of what's being proposed is-it's-it's new
16 territory for this agency to get involved with worker
17 safety particularly so. That's one-one reason why we
18 don't have it budgeted out as clearly as you might
19 think we would. So, it's a-it's a new area that
20 requires a lot of thought right now. So that's where
21 we are.

22 COUNCIL MEMBER MENCHACA: Great. Again,
23 I'm looking-I think we're looking forward to working
24 with you in that understanding, and then again
25

1 filling that gap and understanding what that's going
2 to cost us at the end of the day. Thank you.

3
4 CHAIRPERSON FERRERAS-COPELAND: Thank
5 you, Council Member. We'll now hear from Council
6 Member Rosenthal.

7 COUNCIL MEMBER ROSENTHAL: Thank you,
8 Chairs, and Commissioner, thanks so much for coming
9 today and testifying. I want to ask about three
10 things: vacancies, the Tenant Protection Plans, and
11 let's start with those two because I forget the
12 third? How are you doing in terms of hiring up?

13 DEPUTY COMMISSIONER NEILL: So, I'll be
14 happy to take that question. So we've, as you know,
15 have been given a significant amount of additional
16 resources, and I think that we've made pretty good
17 progress in terms of--of hiring up. So, we do have
18 some trouble competing with the industry for
19 inspector and technical staff.

20 COUNCIL MEMBER ROSENTHAL: Sure, sure.
21 No, I--that's why I'm asking. So, do you think you're
22 at a 20% vacancy rate, 10%, 2%, 50?

23 DEPUTY COMMISSIONER NEILL: So, through
24 the end of April, we were actually below 10%, which I
25 think has been a very good number for our agency.

1
2 COUNCIL MEMBER ROSENTHAL: That's great,
3 see.

4 COMMISSIONER CHANDLER: We do have a bill
5 requesting that the requirements that are in the
6 charter for the qualification requirements for
7 inspector be removed from the charter to help us
8 increase the qualification and job requirements for
9 our inspectors to include other types of education
10 and experience that would allow us to have larger
11 pools of people to hire.

12 COUNCIL MEMBER ROSENTHAL: And that's
13 for--that's a state law you're asking to change or
14 city?

15 DEPUTY COMMISSIONER NEILL: It's the
16 city.

17 COUNCIL MEMBER ROSENTHAL: Do you know
18 the bill number or Jumaane.

19 DEPUTY COMMISSIONER NEILL: [interposing]
20 1133.

21 COMMISSIONER CHANDLER: We think it's
22 1133.

23 COUNCIL MEMBER ROSENTHAL: 1133.

24 COMMISSIONER CHANDLER: So, 11 if you
25 could--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPUTY COMMISSIONER NEILL: [interposing]

1113.

COUNCIL MEMBER ROSENTHAL: I'm probably
signed onto it so-

COMMISSIONER CHANDLER: We've testified
about this before so we're taking this opportunity to
mention it again, please. [laughter]

COUNCIL MEMBER ROSENTHAL: You're on my
time.

COMMISSIONER CHANDLER: 1807, Chair
Williams.

COUNCIL MEMBER ROSENTHAL: Okay.
[laughter] So, let me ask you about who is it that
enforces the Tenant Protection Plans now? Anyone, or
is it expected? Is it a complaint driven system?
[background comments, pause] And I guess I would
start by saying I think that the work that you guys
do on the skyscrapers seems to be, you know, great
and well in check. You know, I think, which is scary
stuff. So, you're really doing the skyscrapers I
mean extremely well. I'm more concerned about the-the
smaller business-buildings in my district where I'm
seeing tenant harassment. So, I want to qualify with

1 that because I know you do lots of different work.

2 Your mission is broad.

3
4 COMMISSIONER CHANDLER: So, we have our
5 inspectors respond to complaints so it's a--it is
6 broad in terms of who we assign to do the work, but
7 it's done with inspectors. It's also done with
8 investigators out of Marshal's office, and again, if
9 we can change the titles of the previously mentioned
10 bill that would be--it's different kinds of--

11 COUNCIL MEMBER ROSENTHAL: Such as subtle
12 privilege. (sic)

13 COMMISSIONER CHANDLER: Yes.

14 COUNCIL MEMBER ROSENTHAL: So, what's the
15 down side of creating an office called Office of
16 Tenant Advocate where you would add no new staff, but
17 have an office that's dedicated to doing that work.

18 COMMISSIONER CHANDLER: I--I, you know, my
19 answer is the same as it's been with previous
20 discussions about this is that we do this already.

21 COUNCIL MEMBER ROSENTHAL: [interposing]
22 yes.

23 COMMISSIONER CHANDLER: Just without the
24 formal declarations of those offices so--

1
2 COUNCIL MEMBER ROSENTHAL: No, and I
3 appreciate that. Here's the problem that we're
4 trying to--the balancing act that we're struggling
5 with is that tenants have the perception that they're
6 at a disadvantage compared to their building owners.
7 And so, by creating, in fact, taking the work you do
8 now and putting it in, you know, just
9 programmatically a new office called the Office of
10 Tenant Advocate it would make them feel--and this is
11 not a budget ask. It's sort of a reorganization ask.
12 It would make them feel a little more empowered, and
13 at this time when we're doing everything we can to
14 preserve affordable housing, what's the downside
15 right?

16 COMMISSIONER CHANDLER: The downside if
17 you want to call it a downside is that again we
18 hesitate to create separate units within units that
19 are already doing a particular task because we fear
20 that in some ways that's going to isolate those
21 people's work day and their assignments, and the
22 productivity that they're working on. In addition I
23 think that we need to have some concern of creating a
24 false sense of--of what it is that we can do for these
25 tenants. [bell] So, I think that we're doing now is

1 very responsive, and I'm not—I'm not inclined to
2 create another office within my own office.
3

4 COUNCIL MEMBER ROSENTHAL: Okay. So,
5 thank you for that. Chair, can I sign up for the
6 second round? I have one more question. Thank you

7 CHAIRPERSON FERRERAS-COPELAND: [off mic]

8 COUNCIL MEMBER ROSENTHAL: Oh, okay. On
9 the IT program, DOB Now, I—I think you guys are doing
10 great trying to make it better. You're certainly
11 coming from a terrible place, and I think it's less
12 terrible for sure, which is great. When--

13 COMMISSIONER CHANDLER: It's less
14 terrible.

15 COUNCIL MEMBER ROSENTHAL: Yes, it is
16 less terrible. I'm looking at your—the spending for
17 it. Some money has been spent this year. Additional
18 funds will be spent next year, 2019 and even in 2020.
19 At the end of the process, will we be beholdng to
20 consultants who will be the only ones who know how to
21 fix DOB Now, or will staff be trained if—if the
22 system crashes?

23 DEPUTY COMMISSIONER NEILL: SO the
24 approach for this project was to try to create
25 capacity with the internal staff that would learn in

1 parallel. So that way the system and it can be
2 institutionalized internally. So we don't—we
3 certainly don't want to create something that we end
4 up having to rely on consultants to do the
5 programming.
6

7 COUNCIL MEMBER ROSENTHAL: How many
8 consultants are building it now?

9 DEPUTY COMMISSIONER NEILL: I couldn't
10 give you a number.

11 COUNCIL MEMBER ROSENTHAL: Two? Two
12 different firms.

13 DEPUTY COMMISSIONER NEILL: It probably—

14 COUNCIL MEMBER ROSENTHAL: Is it one
15 consulting contract?

16 COMMISSIONER CHANDLER: It's—

17 DEPUTY COMMISSIONER NEILL: Well—

18 COMMISSIONER CHANDLER: We are in various
19 stages of procurement now. [background comments]

20 COUNCIL MEMBER ROSENTHAL: It's all about
21 procurement, baby.

22 COMMISSIONER CHANDLER: Deputy Commission
23 Arch Naja Rahm. (sp?)

24 ARCH NAJAY RAHM Hi. Arch Naja Rahm. So
25 regarding consultants we have a few on board. We

1 have two systems integrators. We have DOB Now
2 inspections, which is in Excel so it's different
3 platform which Etcenter is working on and we have DOB
4 Now Build and Safety, which are currently underway.
5 We have a couple of the leases out. That's being
6 built out through Experis.
7

8 COUNCIL MEMBER ROSENTHAL: Commissioner,
9 would you be willing to commit to setting up a
10 meeting with your deputy and I to talk a little bit
11 about procurement?

12 COMMISSIONER CHANDLER: Absolutely.

13 COUNCIL MEMBER ROSENTHAL: Okay, thank
14 you very much.

15 COMMISSIONER CHANDLER: Yeah, look
16 forward to it?

17 COUNCIL MEMBER ROSENTHAL: Thank you.

18 CHAIRPERSON FERRERAS-COPELAND: Thank
19 you, Council Member. Commissioner, I have one
20 follow-up question or one last question. We've been
21 asking this of all the commissioners. Do you
22 currently participate in the SYEP programs? Do you
23 have any young people working at your agency?

24 DEPUTY COMMISSIONER NEILL: We actually
25 do not participate in the program. I would be

1 interested in learning more about it, and we can
2 consider whether or not the skill sets of that
3 population could be utilized somehow within our
4 agency, but we do hire pretty aggressively for summer
5 internships, but not specifically through that
6 program.
7

8 CHAIRPERSON FERRERAS-COPELAND: Okay, so
9 the reason why I'm asking is this Council it's our
10 number—it's one of our top priorities to expand the
11 program. One of the challenges that the agency,
12 DYCD, has is placement. Both—several of us actually
13 participated in the program. It's a young person's
14 first experience sometimes in—in the working
15 environment, and I just think it's really a pathway
16 to potentially having young people interested in
17 becoming engineers, architects, plumbing, whatever
18 they can possibly have any interactions with.
19 Usually could be administrative support, you know, or
20 just learning how to answer a phone. If people
21 answer phones any more. I don't even know. So, I'm
22 hoping that we can count on you to partner if you
23 look at an opportunity to get some young people to
24 work. It's a six-week program, six-week summer
25 program that is paid for by the city. So,

1 essentially they get paid for internship not by your
2 agency, but by the city.

3
4 COMMISSIONER CHANDLER: We'll gladly
5 learn more about it and see what we can do.

6 CHAIRPERSON FERRERAS-COPELAND: Okay.
7 Thank you very much. We will have some follow-up
8 questions from the committee. If you can get them
9 back to us with answers expeditiously because we'll
10 be using them so that we can adopt the budget.

11 COMMISSIONER CHANDLER: Thank you very
12 much--

13 CHAIRPERSON FERRERAS-COPELAND: Okay.

14 COMMISSIONER CHANDLER: --for your time.

15 COMMISSIONER CHANDLER: Thank you and
16 thank you for coming to testify today. We will take
17 a--Wow, we're on time.

18 CHAIRPERSON FERRERAS-COPELAND: We'll
19 take a whole five-minute break before we start with
20 MOIA. Thank you. [background comments, pause] We
21 will now conclude the fifth day of budget hearings.
22 It didn't--it's not over. I meant this is the last
23 one. The fifth day of budget hearing on Fiscal
24 2018's Executive Budget with Commiss--Commissioner
25 Nisha Agarwal of the Mayor's Office of Immigrant

1
2 Affairs. The Finance Committee is joined by my co-
3 chair, Council Member Carlos Menchaca and the members
4 of the Immigration Committee. I'd like to note that
5 this is the first Immigration Executive Budget
6 hearing that the Council has held. In the interest
7 of time, I will forego an opening statement and turn
8 it over to Chair to deliver his opening remarks.

9 CHAIRPERSON MENCHACA: Thank you Chair
10 Ferreras-Copeland and [Speaking Spanish]. Good
11 afternoon. Really happy that we're all here today,
12 and the Chair mentioned something and I just need to
13 underscore for a quick moment. This is the first
14 time we've ever had an Executive Budget hearing for
15 the Immigration Committee. This has been something
16 that in her ten-tenure and our work together that has
17 really lifted up the multiple agency work that's
18 happening through and leadership the Mayor's Office
19 of Immigrant Affairs, the Immigration Budget.
20 There's no one place where all this lands, and so
21 these discussions become so important for us to
22 understand how the city is responding to our
23 immigrant families. My name is Carlos Menchaca and I
24 am the Chair of the Immigration Committee. It is my
25 pleasure to join Ferreras-Copeland our Chair of the

1 Finance Committee, and my colleagues as well as the
2 Commissioner of Mayor's Office of Immigrant Affairs
3 here today. In the Fiscal Year of 2018 in the
4 Preliminary Budget Response the Council called on the
5 administration to include funding for a comprehensive
6 package of services for the immigration population,
7 our immigrant families. We are pleased to see that
8 the Fiscal 2018 Executive Budget includes baselined
9 funding of \$18.1 million for legal defense for
10 immigrants. However, we are concerned that the
11 administration has expressed that funding for legal
12 assistance for immigrants facing deportation should
13 not be used for those convicted of serious crimes on
14 the list of the 170 offenses as set out in the city's
15 sanctuary city guidelines. This is problematic for
16 two very simple reasons:

18 1. One, NYIFUP, the New York Immigrant
19 Family Unity Project has been a success. The Council
20 is first in the nation's Universal Representation
21 Program for all detained immigrants in the
22 jurisdiction of New York City--New York City's
23 Immigration Court who cannot find an attorney and who
24 meet income criteria has proven to work. Changing
25 the relationship with the courts, uniting family and

1 loved ones, and changing the way New York City
2 immigrants engage with broken federal immigration
3 system, and

4
5 (2) NYIFUP's success is based on due
6 process. NYIFUP program has served as a national
7 model for countless jurisdictions even our state
8 partners and the core—New York State partners, and
9 the core component of all programs is due process.
10 The idea that immigrants especially those detained
11 should have access to counsel in removal proceedings,
12 as they do in criminal proceedings. As such, NYIFUP
13 is based off the 2011 study, which said that while
14 only 3% of detained immigrants avoid deportation
15 without a lawyer, their chances increase tenfold when
16 represented. Furthermore, the administration has not
17 been forthcoming regarding the funding breakdown of
18 how much it will support those facing deportation,
19 unaccompanied children and those seeking asylum. The
20 Council stance on this remains resolute. We will
21 stand by the current model, and the original intent
22 of our legal service initiatives. Additionally, we
23 are concerned. [cheers/applause] Sorry, if you can-

24 -

25

CHAIRPERSON FERRERAS-COPELAND:

[interposing] [gavel] I'm going to ask—I'm going to ask-- excuse me, excuse me. So, I understand that we are all very much interested in this very, very important today. I'm going to ask you that you—when you want to clap or express yourselves that you shake your hands like this. It will be--

CHAIRPERSON MENCHACA: [interposing] Jazz hands.

CHAIRPERSON FERRERAS-COPELAND: Jazz hands. Thank you. [background comments]

SERGEANT-AT-ARMS: Keep it down.

CHAIRPERSON FERRERAS-COPELAND: It will be received on this in the same manner. We just can't have the interruptions with the claps. Okay. Understood? Shake your hands, jazz. Wonderful. Everybody got it. You many continue, Chair.

CHAIRPERSON MENCHACA: Thank you.

Additionally, we are concerned that a number of other critical needs were overlooked in this Executive Budget. \$12 million to baseline adult literacy; \$1.9 million to establish family resource centers for immigrants; \$1.4 million to launch a citywide Know Your Rights campaign; and \$2 million to baseline CUNY

1 Citizenship Now. These are critical services that
2 need to be addressed. I want to stress that these
3 programs that we are calling for to be baselined are
4 all connected. This is part about a holistic—this is
5 part of a holistic approach to responding to our
6 immigrant family needs. We cannot just stop by
7 providing legal counsel to the immigrants in our
8 city. After—after providing representation and
9 gaining legal status in the country, there are road
10 blocks and barriers that immigrant New Yorkers still
11 face. This is precisely why more adult literacy
12 classes are needed to increase English literacy,
13 which impacts employment and wage. Immigrant
14 families also need resource centers where they feel
15 safe going to in order to receive accurate
16 information about services and programs that are
17 available to them. Additionally, with changing—with
18 the changing times a citywide Know Your Rights
19 campaign is crucial in equipping our immigrant
20 communities with information that would help them
21 find legal representation, access public service
22 benefits safely and learn about their rights, and get
23 that enforced over and over and over again. Today,
24 we are seeking clarity on how the baseline funding
25

1 for legal defense for immigrants will be used as well
2 as other budgetary items. I look forward to how the
3 Council and the Administration can work together
4 because let me tell you how we got here was working
5 together, and we're going to want to continue do
6 that. The Administration, the City Council and our
7 service providers helping people on the streets in
8 our neighborhoods, in our schools, in our parks, in
9 our communities that are telling us that these are
10 their basic needs that must be met. Additionally,
11 I'm interested in hearing the Administration's
12 strategy and budget plan for ensuring that NYC will
13 continue to remain a true sanctuary city, and I'd
14 like to thank our Commissioner Agarwal and staff at
15 MOIA for being here today, and with that, I'd like to
16 turn it back over to our Chair Ferreras-Copeland.
17 Thank you.

18
19 CHAIRPERSON FERRERAS-COPELAND: Thank
20 you, Chair. [pause] I also want to acknowledge the
21 Finance staff who helped put this hearing together
22 Regina Poreda Ryan, Crilhien Francisco, Jen Lin Ni
23 (sp?) and Eric Bernstein. We will now hear from
24 Commission Agarwal after my counsel swears you in.
25

1
2 LEGAL COUNSEL: Do you affirm to tell the
3 truth, the whole truth, and nothing but the truth in
4 your testimony before the committee today, and to
5 respond honestly to Council Member questions?

6 COMMISSIONER AGARWAL: Great. Thank you
7 so much to Speaker Mark-Viverito, Chair Menchaca,
8 Chair Ferreras-Copeland and the members of the
9 Committees on Immigration and Finance. My name is
10 Nisha Agarwal and I'm the Commissioner of the Mayor's
11 Office of Immigrant Affairs. My testimony today
12 covers MOIA's mission and role in ensuring an
13 accessible and inclusive city for all New Yorkers
14 including the city's three million immigrant
15 residents and the key investments that make that
16 possible. At the outset, it is essential to note
17 that all of the work MOIA does is in very close
18 collaboration with our agency partners who are at the
19 center of program administration and operations for
20 immigrant New Yorkers. In a city where 60% of New
21 Yorkers are immigrants or the children of immigrants,
22 MOIA is not and should not be the only entity in
23 local government mindful of the needs of immigrants.
24 MOIA's mission is to promote the wellbeing of
25 immigrant communities in New York City and under

1 Mayor de Blasio's leadership the portfolio of work
2 and projects the office has undertaken in partnership
3 with the Council, community partners and sister
4 agencies has grown considerably. I discussed our
5 primary area of--areas of work earlier this year at
6 the Preliminary--Preliminary Budget hearing and will
7 recap them again briefly here.
8

9 First, MOIA has dedicated its efforts to
10 ensuring the immigrants' access to city services and
11 resources and facilitating great immigrant inclusion
12 across local governments. This work recognizes that
13 we are--we in government are responsible and
14 accountable to all New Yorkers, and that we much
15 coordinated strategies to enhance the economic, civic
16 and social integration of immigrant New Yorkers.

17 Second, we promote access to justice for
18 immigrant New Yorkers with the goal of facilitate--
19 facilitating access to high quality immigration legal
20 services as a means of addressing income inequality
21 and empowering low-income communities.

22 Third, we advocate for reforms at all
23 levels of government to address inequities that
24 impact New York's immigrant communities. Much of
25 this work is done in coalition with our counterparts

1 in cities across the United States. MOIA helped to
2 create two national coalitions for mayors: Cities
3 for Action and Cities for Citizenship to share
4 effective local strategies and join together in
5 advocacy for crucial immigration related reforms. To
6 advance innovative new immigrant focused initiatives,
7 MOIA works closely with our agency partners as well
8 as the Mayor's Fund to Advance New York City and
9 private funders. This mode of coordination and
10 operation has worked effectively allowing each agency
11 to do what it does best, and it will expand in Fiscal
12 Year 18. With these priority areas in mind, I will
13 focus my testimony on key accomplishments in the
14 second half of the Fiscal 17, and our strat-strategic
15 focus for Fiscal Year 18.

17 First, beginning with Immigrant inclusion
18 I am proud to say that with the partnership of the
19 Council, New York City's Municipal ID program, IDNYC
20 has enrolled over one million New Yorkers to date.
21 This accomplishment while incredible just for its
22 sheer breadth is also profound in its impact. An
23 IDNYC program evaluation conducted at the beginning
24 of Fiscal 17, found diverse uses of the card by New
25 Yorkers of all demographic groups. More importantly

1 for our purposes, some 77% of immigrant cardholders
2 surveyed felt a stronger sense of belonging to New
3 York City after receiving the card. In the past
4 year, the IDNYC program has developed new and
5 innovative opportunities for both card application
6 and use, which we believe will continue to expand the
7 card's utility and desirability, and further
8 integrate it into the daily lives cardholders. These
9 advancements include the ability to use IDNYC to
10 access Department of Health and Mental Hygiene
11 immunization records online, an online application
12 portal that allows prospective cardholders to
13 complete an application online, check their card
14 status and more. A mobile enrollment center, which
15 will permit IDNYC to further expand its reach to the
16 outer boroughs and harder to reach communities, an
17 acceptance of the IDNYC's proof of age for reduced
18 fare ticketing programs for the new York City ferry.
19 While the staff and budget for IDNYC are at the Human
20 Resources Administration or HRA, the agency charged
21 with operating the program, which is the agency that
22 is charged with operating the program, MOIA works
23 with agency partner staff to guide the outreach and
24 engagement work for IDNYC and other key aspects of
25

1 the program. The Executive Budget proposed \$19.2
2 million for Fiscal 18 for IDNYC, which would—
3 represents a continued considerable investment for
4 the program, allows the card to continue to be free
5 in 2017, and permits the continued focus on
6 developing program integrations and card utility.
7 I'm additionally proud of the multi-faceted work done
8 in collaboration with the Council to advance language
9 access for New Yorkers who are limited English
10 proficient. Under the Charter, MOIA and the Mayor's
11 Office of Operations, share the responsibility of
12 enforcing city agencies' compliance with relevant
13 language access laws and policies. Meanwhile the
14 Department of Citywide Administration Services or
15 DCAS oversees contracting for language access
16 services for city agencies. The staff and budget for
17 the administration's language access work sit with
18 DCAS and MOIA works closely with DCAS agency partner
19 staff to implement the city's policy goals with
20 regard to language access. For example, on March 18,
21 2017, the Speaker's Language Access Bill the Local
22 Law 30. MOIA will build on our language access work
23 with agencies to ensure effective implementation of
24 Local Law 30. Already working with agency partners
25

1 we have conducted two briefings for agencies as an-
2 and have convened agency language access coordinators
3 to-to go through the Local Law requirements and
4 prepare for implementation. We will continue to work
5 with agencies to develop agency specific
6 implementation plans, provide best practices and
7 ongoing technical assistance. Moreover, we have met
8 with advocates hear about particular community
9 concerns and discuss implementation. MOIA has also
10 coordinated simultaneous interpretation at Mayoral
11 Town Hall's the Save the City Address, Know Your
12 Rights forums and more events throughout the city
13 ensuring that LEP New Yorkers not only receive
14 critical information from the administration, but are
15 able to make their voices heard regardless of English
16 proficiency. Finally, to ensure that New Yorkers
17 with limited English proficiency are able to able to
18 access Mayoral Town Halls and other citywide events,
19 the administration has more than tripled the budget
20 for translation and interpretation. The total DCAS
21 budget in support of key language access initiatives
22 is now \$570,000 for translation and interpretation.
23 This is on top of agencies' own budget for
24 interpretation and translation for their program
25

1 delivery and services. Helping to further address
2 the language gap through educational programs and
3 funds, the Department of Education, DOE and the
4 Department of Youth and Community Development, DYCD
5 support community based organizations and partners in
6 the delivery of the adult education courses, high
7 school equivalency classes and English for speakers
8 or other languages. Together, the city supports and
9 \$80 million investment in this important work. While
10 those funds are largely administered by DOE and DYCD,
11 I will focus my testimony on the work MOIA has
12 supported to contribute to this work. In further
13 partnership with the Council, in Fiscal 18 we will
14 see an expansion of the We Are New York program,
15 which are English conversation classes that help
16 adult immigrants practice English, and learn about
17 city services using the Emmy Award winning We Are New
18 York video series and companion educational
19 materials. These classes are effectively led by
20 immigrant New Yorkers who can relate to the
21 experiences of those attending, and support their
22 integration into the larger immigrant community. In
23 Fiscal 18, we will release Season 2 of the We Are New
24 York series, which will cover new topics such as
25

1 workers rights, workforce development, social
2 services and early child opportunities like Universal
3 Pre-K. We have developed the content and focus of
4 aligning season 2 I close collaboration with
5 community stakeholders and council members.
6 Additionally, MOIA has release a request for
7 applicants to build an interactive website and ad
8 campaign that will connect English language learners
9 to important information and city services. Finally,
10 and evaluation of We Are New York is underway and
11 will be released in Fiscal 18. MOIA continues to
12 work in collaboration with city agencies to advance
13 and promote immigrant inclusion as part of the fabric
14 of how we—how we as a city operate including
15 effective and timely delivery of information to
16 immigrant communities on city resources and
17 information. In response to growing fear among
18 immigrant New Yorkers since the election last fall
19 the follow—and following the announcement of
20 broadened immigration enforcement priorities by the
21 President and his administration, MOIA has focused
22 its energies on collaborations with agencies,
23 community and elected officials to help deliver safe,
24 trusted information on rights and resources for our
25

1 immigrant communities. To that end, we have
2 developed a rapid response infrastructure to
3 disseminate critical information to city agencies.
4 There has been an unprecedented level of engagement
5 between city agencies and MOIA as agencies have
6 sought our guidance to understand the implications of
7 this constantly changing immigration landscape,
8 appropriate messaging and strategies for ensuring
9 immigrants continue to access critical services. We
10 have facilitate-facilitated calls with agencies to
11 provide briefings and discussed changes at the
12 federal level, developed and disseminated talking
13 points for agency staff, and improved communication
14 channels to be able to hear how agencies are impacted
15 and provide guidance and technical assistance.
16 Through policy analysis, MOIA and its partner
17 agencies have spearheaded the monitoring and creation
18 of timely information for all agencies, community
19 partners, advocates and more. In collaboration with
20 the Speaker's Office we have developed a one-page on
21 the availability of city services and resources that
22 reiterates our commitment to the protection of
23 immigrant communities. This one-pager has been
24 translated into 12 languages and has become a
25

critical tool for city agencies and community partners. Finally, in consort with agency outreach staff, legal service providers and community based organizations, MOIA has supported over 400 Know Your Rights forums since the election. Moreover, MOIA has partnered with the Fordham Law School to deliver nearly 100 Know Your Rights workshops in schools and immigrant dense communities. I'm pleased to say that MOIA has been in close conversations with private funders on the prospects of serving a citywide Know Your Rights coordinator ensuring effective and strategic delivery of timely rights information and legal services referrals to immigrant communities. In collaboration with community based organizations, city agencies like DOE and legal service providers. MOIA will continue work with agency partners and communities prioritizing the effective administration of services to and identification of service gaps for immigrant New Yorkers.

Next, turning to access to justice, MOIA's role in monitoring and evaluating the impact of immigration policy changes at the federal level is more important now than ever. Policy legal initiative staff closely track federal developments

1 to assess local impacts and advise on local response.

2 The need for legal services in the city has always

3 been great. One million New Yorkers are non-citizens

4 and another half million are undocumented. With the

5 rollout of the President's Executive Orders and

6 broader, more high profile enforcement activities by

7 federal immigration authorities, the need for local

8 investment--[coughs] excuse me--and immigration legal

9 services is greater than ever. Indeed, the city's

10 Action NYC legal Services Program witnessed a 240%

11 increase in calls to 311 in January and February.

12 Individuals have shown need for services and

13 citizenship, deportation defense, asylum and more.

14 After considerable evaluation of the growing needs

15 and capacity for immigrant legal services and in part

16 through conversations with providers and the Council,

17 the administration was encouraged to baseline

18 additional funding for legal services including a

19 total of \$18.1 million in legal and policy

20 initiatives to be administered for HRA. This

21 investment builds on already significant investments

22 made by the Administration and the Council on

23 immigration legal services. In the last few years

24 the Mayor and the Speaker have advanced innovative

25

1 models that speaks to the importance of immigrant
2 legal representation in an otherwise broken
3 immigration system. For example, in anticipation of
4 implementing President Obama's executive action on
5 immigration, the Administration launched the Action
6 NYC program in 2016 with an \$8.7 million investment,
7 which would provide community based legal screening
8 and representation. Action NYC is based on a
9 community navigator model in which highly trained and
10 supervised navigators provide support to lawyers in
11 screening, assisting and representing thousands of
12 clients a year. After the executive action—the
13 executive action was stopped in the courts, Action
14 NYC pivoted to deal with the persistent and growing
15 need for immigrants who want safe, trusted legal help
16 to apply for immigration benefits. Also, Action NYC
17 leverages the city's strong interagency coordination
18 by placing services at New York City Health and
19 Hospitals and schools. We have a tremendous need for
20 immigrant legal services of this type. The city
21 prioritizes investments on community navigators, and
22 leverages the community organizations and agencies
23 that already have strong ties to the immigrant
24 community. This allows to serve thousands of
25

1 immigrants a year with the resources that we have
2 available. Through further coordination with HRA,
3 Action NYC provides referral to some complex cases to
4 providers funded through the Immigrant Opportunities
5 Initiative, or IOI. IOI funding of \$5.9 million was
6 made available for a range of legal representation
7 and assistance, and community service block grants of
8 \$2.1 million likewise support a host of varied legal
9 services for immigrant New Yorkers. In the area of
10 citizenship, the city has partnered with our
11 libraries to create citizenship corners throughout
12 every branch. Additionally, MOIA supported the
13 operation of the New York Citizenship Program with
14 the generous support of city community development,
15 the Robin Hood Foundation, and the Carnegie
16 Corporation of New York. New York citizenship is
17 built on innovative partnership with the city's
18 public libraries and HRA placing legal and financial
19 staff in libraries and partnering with HRA to target
20 very low-income, very high need populations.

22 MOIA is currently working with our
23 partners to explore ways to increase the program's
24 capacity in order to meet this continuing need.
25 Given the increasing need the administration has

1 committed itself to making very strategic investment
2 and ensure our city dollars have the highest impact.
3 Building on the track of success, the administration
4 is expanding its legal services investments. By way
5 of example, the Action NYC program has provided
6 nearly 4,000 comprehensive legal screenings in the
7 first six months of Fiscal 17 and conducted outreach
8 at over a thousand events throughout the city. The
9 program has received considerable demand and realized
10 application assistance and legal advice for thousands
11 of New Yorkers. In Fiscal 18, Action NYC will focus
12 on continued delivery of safe, free legal services
13 using the innovative model to increase access for
14 harder to reach populations, and building on the
15 community outreach and capacity goals that have been
16 a key component of the program.

18 First, MOIA recently announced an
19 expansion of Action NYC and New York City Health and
20 Hospital facilities with the opening of through-three
21 new Action NYC sites in Hospital--Health and
22 Hospitals facilities in Queens, Lower Manhattan and
23 the Bronx. These beds will provide immigration legal
24 services and facilitate connections to health
25 insurance and healthcare resources for immigrant New

1 York City Health and Hospitals patients and broader
2 community members. The services at these facilities
3 will be delivered by a multi-lingual team from Legal
4 Health a division of the New York Legal Assistance
5 Group. This expansion also builds on existing work
6 from Action NYC's launch in long-term care settings
7 in the November 2016. Action NYC is currently
8 serving patients at Health and Hospitals Coler,
9 Health and Hospitals Carter, Health and Hospitals
10 Seaview and Health and Hospitals McKinney, and we'll
11 visit patients in acute care facilities in the coming
12 weeks. In Fiscal 18 Action NYC will further add a
13 full-time navigator and a team to provide services at
14 long-term care facilities. Services include
15 providing bedside assistance to very vulnerable
16 populations unable to travel for legal services due
17 to their health condition.

18
19 Second, in response to community and
20 provider feedback Action NYC also recently announced
21 a capacity building fellowship immigrants serving
22 community based organizations awarding 20 fellowships
23 to 17 organizations that seek to build capacity in
24 their legal and outreach work. This fellowship is
25 particularly focused on organizations that provide

1 services to hard to reach immigrant communities
2 including African, Asian and Caribbean populations.
3 These fellowships started in Fiscal 17 and we be
4 look—we will be looking at ways to expand the program
5 in the future.
6

7 Third, so far in Fiscal 17 Action NYC's
8 work in the city schools has offered 53 legal clinics
9 for students, parents and staff at 27 unique schools.
10 Working in partnership with the Department of
11 Education, Atlas CIY and Catholic Charities in Fiscal
12 18, Action NYC will continue to build on effective
13 ways to engage school communities and connect
14 students and parents to legal assistance including by
15 adding a case manager and an attorney.

16 Fourth, Action NYC has pivoted its
17 outreach model to respond to the current moment, an
18 increased need in Know Your Rights forums. Organizers
19 have participated in nearly 400 community workshops.
20 In addition, Action NYC in Schools has partnered with
21 the Fordham Law School to deliver nearly 100 Know
22 Your Rights workshops in schools. Through strategic
23 planning, outreach support and a potential for
24 private philanthropy contributions for this work, we
25 are hopeful that we will be able to double Know Your

1 Rights forums provided to these schools. Working in
2 close collaboration with HRA's Office of Civil
3 Justice and building on the work of the Speaker,
4 private foundations and providers, the Administration
5 has added \$16.4 million in baselined funding for
6 immigration legal services with a focus on expanding
7 access to representation for complex immigration
8 cases and deportation defense. This takes the city's
9 total baseline funding for immigration legal services
10 to over \$30 million in Fiscal 18 setting an
11 unprecedented investment nationally. It is our
12 estimation that this funding will provide
13 representation to a total of 15,000 individuals with
14 free, safe immigration legal counsel. These
15 investments will also provide legal advice through
16 screenings and rights information for thousands of
17 individuals through outreach.

18
19 MOIA is working closely with HRA's Office
20 of Civil Justice to develop the program design and
21 focus, drawing upon the following realities that have
22 been shared with us. There are approximately half a
23 million undocumented New Yorkers, virtually all of
24 whom are vulnerable to being put in deportation
25 proceedings as a result of expanded federal

1 enforcement priorities. The number of cases in non-
2 detained docket far outweighs that in the detained
3 context. Public data for 2017 showed that 7,709
4 cases were last reported in the non-detained docket,
5 and 438 in the detained docket. According to data
6 provided by one private funder that has supported the
7 Council's I Care Program in the next year alone some
8 8-600 unaccompanied minors will go unrepresented by
9 the funding resources available to current providers.
10 Further, some 800 asylum seeking adults or children
11 will go unrepresented. Providers often make very
12 difficult choices on cases they can and will take
13 based on the likelihood of success from their
14 resources. In light of these considerations, the
15 Administration seeks to expand immigrant legal
16 representation as broadly as possible recognizing at
17 the same time that some hard choices and
18 prioritization among cases we'll need to maximize
19 resources.
20

21 Finally, in the area of immigration
22 advocacy, MOIA co-leads the National Initiative
23 Cities for Action on behalf of Mayor de Blasio. The
24 work and investments New York City makes toward
25 strong and smart policies on immigrant inclusion are

1 amplified through Cities for Action and help pave the
2 way for continued advocacy for immigrants nationally.
3 For example, we have provide technical assistance for
4 Municipal ID programs to Newark, Chicago and
5 Milwaukee, and have been in conversation on legal
6 services investments with Los Angeles and Baltimore.
7 We look forward to continuing to provide this
8 assistance as well as to share best practices with
9 our sister cities. MOIA's accomp-accomplishments in
10 partnership with sister agencies across city
11 government in what is arguably the most inclusive
12 immigrant friendly city in the world are a testament
13 to the tremendous leadership in this administration
14 and the City Council. But, of course, there is still
15 a lot more to be done, and the urgency has not been
16 greater. I am confident that the proposed Executive
17 Budget will allow MOIA and our sister agencies the
18 opportunity to properly analyze, monitor, drive and
19 build a systemic response to immigrant communities
20 with the flexibility needed in an ever shifting
21 landscape. In closing, I want to recognize the
22 incredible work of the Speaker, the Committee on
23 Immigration and the entire City Council on behalf of
24 New York City immigrants. Together with the Mayor,
25

1
2 my Administration colleagues as well as private
3 founders, community based organizations, legal
4 service providers, healthcare providers and others.
5 We look forward to continuing to work with these
6 partners to advance immigrant rights to integration,
7 and to meet any challenges to this work over the
8 coming year. We will use all tools at our disposal
9 to protect immigrant New Yorkers and fight new
10 policies that harm our residents while keeping New
11 York City the safest big city in the nation. Thank
12 you.

13 CHAIRPERSON FERRERAS-COPELAND: Thank
14 you, Commissioner for your testimony. We are going
15 to—I'm going to ask a round of questions followed by
16 the Chair and then our colleagues will also ask their
17 additional questions. Members will be coming in and
18 out as there's other hearings happening. So, I just
19 need you to walk through some of the very specific
20 budgetary items that we have. How is your agency
21 working with OMB and other agencies to make sure or
22 make decisions about immigrant services within the
23 budget? For example, funding for adult literacy
24 increased to \$12 million in Fiscal 2017's Adopted
25 Budget with the Council supporting six and the

1 Administration—and the Administration supporting six.
2
3 During the process, you of allocating these funds,
4 MOIA and the Administration consulted DYCD and CUNY
5 and DOE. So, I guess we're trying to figure out when
6 you engage with these agencies it seems that this was
7 something that you've averted—that you did after
8 adoption and said, you know, these are the agencies
9 we want to work with. This is where we think the
10 funding should be. However, this is our next Fiscal
11 year. We called on baselining where it makes sense.
12 When do you begin your conversations? Because in
13 reality it is not reflected in DYCD's budget.
14 They're—they're not advocating for \$6 million or
15 whatever the portion was for adult literacy. Yet
16 that seems to be your role. However, it's not in
17 your budget. It's in the agency's budget. So, can
18 you walk me through this process?

19 COMMISSIONER AGARWAL: Yeah, sure. So, I
20 think in broad strokes the role that MOIA plays is to
21 be a coordinator, and so if we use the literacy
22 example, we would work with the DOE, DYCD or with
23 other agencies that would be part of the delivery of
24 services as well as the decision making process. And
25 our conversations sort of are ongoing throughout the

1 year about these needs. We often meet together with
2 providers or with community organizations that also
3 have a significant stake in the various programs that
4 are at issue in the budget, and then often we enter
5 into conversations, of course, with the Council to
6 make the ultimate decision about what would be in the
7 Adopted Budget. So, my recollection is that that's
8 sort of what happened last year with the \$12 million
9 that were advocated and that were in ongoing
10 conversations with the Council about how to handle
11 the literacy funding for the final budget for this
12 year as well.

14 CHAIRPERSON FERRERAS-COPELAND: And is
15 that the same thing that happened IOI at the \$1.1
16 million.

17 COMMISSIONER AGARWAL: Yeah, so I think
18 for all of the sort of major areas in particular that
19 I touched right, legal services, there we work—we
20 work very closely with HRA, which holds all the legal
21 services contracts as well as with sort of other
22 agencies that have involvement in that and, of
23 course, hear from providers in the community. Same
24 with IDNYC where HRA is the program administrator

1 that MOIA has a role to play as well. So, we'll
2 often do that work in collaboration.
3

4 CHAIRPERSON FERRERAS-COPELAND: So, I
5 guess, you know, is it MOIA's role to help agency
6 heads or do you envision that MOIA's role is to help
7 agency heads put in an immigrant filter or is it that
8 you are able to advocate for funding and then you say
9 hey, by the way, this is a program you're going to be
10 running?

11 COMMISSIONER AGARWAL: [laughs] No, so I
12 think it's more the form or the—the way I like to put
13 it is our sort of vision is that immigrant inclusion
14 should be a part of the DNA of city government across
15 the board, and our role as MOIA is to help support
16 that. We can bring immigration expertise and the
17 agencies bring the expertise on what they do best in
18 terms of service delivery. But working in
19 partnership we're able to then support agencies in
20 their own goals in immigrant inclusion and that may
21 include sort of budgetary requests that they have and
22 help them through what program models make sense, and
23 then we sort of bring the immigration expertise and
24 then very much want to work with agencies to move
25 that agenda forward and—for them.

1
2 CHAIRPERSON FERRERAS-COPELAND: So, if
3 we-if agencies are not accustomed or not nes-or don't
4 necessarily have that filter on there because this is
5 a new experience that you're-you're having, these are
6 the agencies that are RFPing out this funding, and I
7 would think at least for us, especially when it was
8 IOI, Adult Literacy. All of these initiatives were
9 born out of the Council. So our relationship with
10 our non-profit community is very different. We knew
11 exactly who we needed to partner with to be able to
12 deliver the services at a level that we expected.
13 Now, you know, as we've-I guess growing pains is the
14 RFP process doesn't necessarily or-or actually-
15 actually precludes certain groups that are used to
16 working with from the process. So, how do you
17 mitigate that issue if this is a-kind of a new? An
18 example: DYCD has their experience with working with
19 probably a smaller Adult Literacy group, right, a
20 smaller pool of adult literacy providers. The
21 Council works with a larger pool because, just
22 because its 51 of us. We know our communities inside
23 and out. Now, if we go and say-if DYCD if we just
24 got you an addition \$6 million, it is very likely
25 that DYCD is going to partner with and use exactly

1 the process that they're accustomed to. So, how does
2 this expand the program, and how does this strengthen
3 the program, which was the initial intention of the
4 Council?
5

6 COMMISSIONER AGARWAL: Uh-huh. Yeah, it's
7 a great question. So I think that--

8 CHAIRPERSON FERRERAS-COPELAND:
9 [interposing] I try.

10 COMMISSIONER AGARWAL: Yeah, no, it's—I—I
11 understand completely. So I think the—the role that
12 we try to play is to bring, as you say, a sort of
13 immigrant lens and I think one thing that we have
14 learned as—as part of this process—I'll use actually
15 Legal Services as an example. You know, we—we
16 launched the Action NYC program and then we got quite
17 a lot of feedback from immigrant community
18 organizations and providers that does some of the
19 smaller immigrant CBOs, emerging immigrant CBOs and
20 communities are—are not even able to compete for city
21 dollars for Action NYC, which we tried to make even
22 more accessible than perhaps other RFPs. And so,
23 based on that feedback, we designed the—the Capacity
24 Building Fellowship that I mentioned, and so I think
25 some of it is learning from that feedback, figuring

1 out ways to do it, and then working with the city
2 agencies to sort of adopt their systems. I will say,
3 and this is particular true since the recent election
4 that the response that we've received from city
5 agencies has actually been very positive and there's
6 an incredible interest in collaborating. So, we
7 haven't found ourselves having to do a lot of
8 convincing to encourage agencies to want to
9 collaborate on immigrant issues. I think agencies
10 feel that that's very much something that they are
11 interested in figuring out how to do, and—and that
12 partnership is in our view moving forward really
13 well.

14
15 CHAIRPERSON FERRERAS-COPELAND: Okay, so
16 in Fiscal 2018's Executive Budget includes the \$18.1
17 million in Fiscal 2018 in the out years to support
18 legal defense for immigrants and, as you just
19 mentioned, Action NYC. While the Council is excited
20 to see funding for legal defense for immigrants is
21 baselined, I want to ask for clarification of funding
22 breakdown. Commissioner, you first walked us
23 through. Can you walk us through how this particular
24 funding level was decided and can you walk us through
25 the process, and was there study done? Why 18? Did

1 you ask for more and only get 18. Kind of how did
2 you get to this point so that we can understand the
3 decisions that you're going to be making moving
4 forward?
5

6 COMMISSIONER AGARWAL: Sure. So, some of
7 what we did we partnered close with HRA on this since
8 they hold the legal services contracts, and
9 essentially did an analysis of likely need based on
10 input that we got from providers that we know from
11 data that are available based on past programs have
12 worked. We took a look at the ability of service
13 providers to be able to absorb cases and kind of made
14 a determination based on estimated need what the
15 potential sort of city's contribution should be and
16 sort of reached this goal of 15,000 estimated number
17 of cases to be served across the city's programs, and
18 we also looked at outcomes, right. So, I think for
19 Action NYC we've seen really a high level of demand
20 and positive response, and we saw, for example,
21 really good impacts in some of the agency based
22 partnerships and, of course, in the community based
23 organizations. And so, we added additional
24 recommending adding, and so we included in the
25 Executive Budget additional enhancements to the

1 program in schools and Health and Hospitals and in
2 the community based organizations. And so, that's
3 what we did. We sort of used a range of different
4 data to come up with the—the budget request for this
5 year that you see in the Executive Budget. And, of
6 course that also builds on the work around
7 deportation and the need for deportation defense and
8 the Mayor's commitment to now baselined deportation
9 defense funding.
10

11 CHAIRPERSON FERRERAS-COPELAND: So in the
12 Preliminary Plan it includes baselined funding for
13 \$1.1 million for Action NYC. Can you share with the
14 committee on why Action NYC is expanding and the
15 components of Action NYC, and what is the total
16 budget and headcount for Action NYC?

17 COMMISSIONER AGARWAL: Sure. So, the
18 Action NYC program has a number of different
19 components, specifically providing legal services
20 through a community navigation model. So, sort of
21 typically an Action NYC team will be a lawyer and a
22 community navigator of the district, comes from the
23 community, provides support, screening, et cetera to
24 the clients who are getting services. Those services
25 are provided through a number of different places.

1 One, our community based organizations who we
2 contract with, the other are through schools, and
3 then a third a major area is through the Health and
4 Hospitals, and the reason is we want to provide the
5 services, and legal services in the places where
6 immigrant communities are going rather than asking
7 immigrant communities to come to us in sense to be
8 able to provide those services. And the overall
9 budget we've had sort of increases on all three of
10 those components that we request, the community based
11 organizations to be able to add more community
12 navigator sites. The school setting to be able to
13 provide more legal support in that context and also
14 to expand the number of sits through Health and
15 Hospitals. And so for Fiscal 18, our total budget is
16 \$8.71--\$8.7 million that is going into the field and
17 supports the program.

19 CHAIRPERSON FERRERAS-COPELAND: And how
20 many staff and how many people have been served to
21 date?

22 COMMISSIONER AGARWAL: Yeah, sure. So
23 the staff lines are--sort of sit in a few different
24 places. We have Action NYC organizers about eight of
25 them who work with community partners that are also

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

209

2 funded to do outreach and organizing, and in addition
3 we have I would say two to three staff that involve
4 actually coordinator the program for the city as
5 well.

6 CHAIRPERSON FERRERAS-COPELAND: Okay, and
7 how many people have we served?

8 COMMISSIONER AGARWAL: And we have
9 served—let me pull up the numbers for Action NYC. We
10 have in the first half of Fiscal 17 done 7,900
11 screenings through that program, and we've opened
12 applications for about 2,200 clients through Action
13 NYC overall. Sorry, we've done screenings for 4,000
14 and over--

15 CHAIRPERSON FERRERAS-COPELAND:
16 [interposing] I was about to say--

17 COMMISSIONER AGARWAL: [interposing]
18 Yeah.

19 CHAIRPERSON FERRERAS-COPELAND: --your
20 ratios are off.

21 COMMISSIONER AGARWAL: Yeah, yeah, sorry,
22 sorry. I'm reading from--

23 CHAIRPERSON FERRERAS-COPELAND:
24 [interposing] Can you just start from the top?
25

1
2 COMMISSIONER AGARWAL: Yeah, sure. So,
3 for the first half of Fiscal 17 we've done 4,000
4 screenings and then also for the first half of Fiscal
5 17 that's yielded about 2,200 new applications for
6 representation.

7 CHAIRPERSON FERRERAS-COPELAND: So,
8 what's happening with the remainder?

9 COMMISSIONER AGARWAL: So, with the
10 remainder of cases often unfortunately those are
11 folks who did not have relief that was available to
12 them, and so they would get advice from lawyers and
13 sort of suggestions on—on sort of what to do, but the
14 lawyers would not recommend that they file for
15 benefits that they're not eligible for.

16 CHAIRPERSON FERRERAS-COPELAND: Okay.

17 COMMISSIONER AGARWAL: Sorry, in some
18 instances the individuals may have very complex cases
19 that the Action NYC providers may not be able to take
20 on, and so we have a sort of relationship and ability
21 to make referrals to IOI providers who are funded for
22 complex cases or in some cases privately funded
23 providers who also can do complex casework.

24 CHAIRPERSON FERRERAS-COPELAND: So do you—
25 do you have a—I guess, you're screening is—you mean

1 like when someone comes in, you screen them and then
2 you refer them to an IOI?

3
4 COMMISSIONER AGARWAL: No. So, if
5 somebody comes in and they get screened, there's sort
6 of a determination of the eligibility they might have
7 for a benefit. I mean particularly for some
8 straightforward cases, citizenship, et cetera, the
9 Action NYC providers can represent those cases
10 themselves. Sometimes they can also take on the
11 complex cases, but if they sort of reached their—their
12 capacity in terms of handling those cases, we
13 have a referral network of sort of strong tie to IOI
14 providers and other providers.

15 CHAIRPERSON FERRERAS-COPELAND: So, I've
16 got to believe that in this time we're probably
17 meeting capacity across the board. So, that's why,
18 you know, we—we're still trying to figure out if the
19 funding requests are appropriate, right? Because if
20 we speak to the advocate community I would think that
21 a lot of them are at capacity, and there's nothing
22 harder than having turn someone away after you worked
23 hard at telling people we're here to serve you. So,
24 I know the chair is going to continue on-on that
25 line, but I wanted—there was a discrepancy of about

1 \$400,000 between the administrators—the
2 administration stating that there was \$16.4 million
3 that would go towards funding for immigrant New
4 Yorkers facing deportation and other immigration
5 challenges. But during the OMB Executive Budget
6 hearing last week, OMB Director testified that the
7 Executive Budget allocates \$16 million in Fiscal Year
8 18 to fund to Council for eligible immigrants facing
9 deportation. Can you clarify the discrepancy?
10

11 COMMISSIONER AGARWAL: Sure. So I think
12 the discrepancy might relate to the total overall
13 increase in legal-immigration legal services funding
14 comes to about \$18.1 million. About \$16.4 of that is
15 focused on deportation defense in complex immigration
16 legal services. And then about \$1.7 is for the
17 expansion of Action NYC's Legal Services, which we
18 just described in terms of the community, health and
19 schools expansions.

20 CHAIRPERSON FERRERAS-COPELAND: Okay, so,
21 I'm going to need everyone to bear with me. We're
22 going to get into weeds right now about units of
23 appropriation. I know you're all very excited about
24 then. However, it allows us to follow the money. It
25 allows for transparency, and I think at then of the

1 day, it only makes for better government. So I'm
2 going to ask very specifically about some things.
3 The Executive Budget indicates that approximately
4 \$17.3 million falls under the budget name Anti-
5 Eviction Services, and Object means Homeless Family
6 Services. How did HRA and OMB and I guess your
7 agency decide to place this amount under this
8 specific budget and object name, and were there any
9 conversations around whether a new U of A or budget
10 name or-or object name should be created for legal
11 defense for immigrants to track its budget spending?

12
13 COMMISSIONER AGARWAL: Yes, that's a very
14 good question, and definitely in the weeds. I don't
15 know of the details about that. So we sort of were
16 involved in the conversations about how much should
17 be allocated for immigration and legal services, but
18 we don't know exactly that's been--

19 CHAIRPERSON FERRERAS-COPELAND: Okay, so
20 this is your first Executive Budget, and this is
21 something that I'm very particular about, and that is
22 units of appropriation from our perspective because
23 it's the only way that we can see how many is spent
24 down, how it's used whether this is money remaining
25 whether you need more. So, I would urge you and

1 we're going to be pushing on clearly especially
2 because your agency is recommending and monies kind
3 of go into other people lines, and there's no way for
4 us to know if the money is being spent or used in the
5 way that it was intended to originally. There's
6 \$215,000 that falls under the budget name Financial
7 Plan Saving, and--and the object line is Other
8 Expense/General. Do you know about that breakdown,
9 breakout line?
10

11 COMMISSIONER AGARWAL: I don't but we'll
12 find out.

13 CHAIRPERSON FERRERAS-COPELAND: Okay, and
14 of the \$18.1 million, \$616,000 and seven positions
15 are allocated for new staff for the Mayor's Office
16 for your office, In particular, this budget falls
17 under the budget name Municipal ID Administration.
18 How did MOIA, OMB and HRA decide to place the seven
19 positions under the new Municipal ID Administration
20 budget name, and can you explain what these seven
21 positions will be for, and how the Administration
22 decided that seven additional positions were needed.

23 COMMISSIONER AGARWAL: Sure. So, I guess
24 to clarify a little bit--

1

CHAIRPERSON FERRERAS-COPELAND:

2

[interposing] And are they IDNYC staff?

3

4

COMMISSIONER AGARWAL: Yeah, so-so no new
headcount has been allocated for IDNYC staff. I
don't know exactly how it's been characterized there,
but we have—HRA does have an increase in headcount
for immigration policy lines particularly around its
legal services and sort of analyzing the kind of
current federal environment and being able to make
sure that we're flexible in adapting to what the
needs will be. And so, those—to my understanding are
in HRA's budget, and are really focused on the kind
of policy and legal services side not IDNYC
headcount.

5

6

7

8

9

10

11

12

13

14

15

CHAIRPERSON FERRERAS-COPELAND: Okay, so
that's—that's the clarity that we need, right. So
these are immigration—this is an immigration policy
person?

16

17

18

19

20

21

22

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON FERRERAS-COPELAND: Seven of
them?

COMMISSIONER AGARWAL: Yeah, there's an
immigration policy and the legal services sort of
support team to be able to, you know, be able to

1 provide the analysis and the support that the
2 administration and the Council need given the current
3 environment.
4

5 CHAIRPERSON FERRERAS-COPELAND: So, I
6 think we need a better description if you can follow
7 up with both--

8 COMMISSIONER AGARWAL: [interposing]
9 Sure.

10 CHAIRPERSON FERRERAS-COPELAND: --to lead
11 us to what these people are doing.

12 COMMISSIONER AGARWAL: Sure.

13 CHAIRPERSON FERRERAS-COPELAND: Are they
14 administrative staff? Are they all attorneys? Are
15 they not? Are they engaging with the federal
16 government or not.

17 COMMISSIONER AGARWAL: Sure.

18 CHAIRPERSON FERRERAS-COPELAND: But also
19 you can only understand our frustration when it's
20 under IDNYC. So, we—we see it as oh, this must be
21 seven new staffers for Muni ID because that's exactly
22 what it's listed as in the budget. So we need
23 transparency and clarity on that.

24 COMMISSIONER AGARWAL: Yep.
25

CHAIRPERSON FERRERAS-COPELAND: And can you provide the funding breakdown for the baselined \$16 million that is in the budget amount that would go legal services for immigrants facing deportation, the amount for these in detention, the unaccompanied children, asylum seekers and complex legal cases, what's the breakdown.

COMMISSIONER AGARWAL: Sure. So I think that's the piece that we're now in the process of developing the program model for. So, we can't give sort of precise breakdown now of-of that funding. But probably the largest majority of that funding will be around deportation defense and then also supporting complex case immigration funding. I believe last year there was one year of funding that was allocated about \$2.7 million for the complex case funding given even growing needs then. So, a component of this funding actually baselines that additional complex case funding.

CHAIRPERSON FERRERAS-COPELAND: Okay, well, you can—I have to express our concern, right, because at the end of the day we pass a budget in its entirety. So, to have no details on a—a program that, you know, we deem incredibly important and not

1 know what portion of it. Because you can turn around
2 and say, you know what? We're going to give a
3 majority of it to asylum seekers and, you know, and--
4 and there might be a need, but without an explanation
5 or an understanding, we don't necessarily know.
6 We're excited and happy to see that there's an
7 investment. However, it's frustrating for us to not
8 have those details. So, when do you expect to have
9 the--the details or the breakdown for these programs?
10

11 COMMISSIONER AGARWAL: Yeah, very soon.

12 I think that will be in conversation with the--

13 CHAIRPERSON FERRERAS-COPELAND:

14 [interposing] Very soon like before adoption?

15 COMMISSIONER AGARWAL: Definitely before
16 adoption.

17 CHAIRPERSON FERRERAS-COPELAND: Okay,
18 okay. I have one additional question, and then I'm
19 going to have the Chair ask and I'm going to come
20 back for a second round. In HRA's budget it
21 indicates that the headcount for the Municipal ID,
22 we're back to the administration, of ID--increased by
23 10 positions for the Executive Plan. Do you have any
24 details on IDNYC's increase as well by approximately
25 by \$1.3 million? Can you share with the committee on

1 why the budget for this is increasing? Additionally,
2 can you provide the funding breakdown?
3

4 COMMISSIONER AGARWAL: Sure.

5 CHAIRPERSON FERRERAS-COPELAND: And I--and
6 just to take two steps back, my district was one of
7 the districts that I think has one of the highest
8 numbers of IDNYC--

9 COMMISSIONER AGARWAL: [interposing] One
10 out of five.

11 CHAIRPERSON FERRERAS-COPELAND: One out
12 of five. So, the reality is that I know that we had
13 a-a moment where people were very concerned about
14 whether they would actually--should they continue to
15 do IDNYC? We just know as leaders what we should be
16 telling our community recipients. Then shortly after
17 we understood okay we need to have people continue to
18 apply for the ID. However, you have an increase here
19 of \$1.3. Are you expecting an increase? Have you
20 see people applying at a much larger level than we
21 first started?

22 COMMISSIONER AGARWAL: So, I guess to
23 clarify what is in the Budget, IDNYC did not receive
24 an increase of \$1.2 million in the budget.

2 CHAIRPERSON FERRERAS-COPELAND: The
3 budget says--

4 COMMISSIONER AGARWAL: My understanding
5 is that IDNYC--

6 CHAIRPERSON FERRERAS-COPELAND:
7 [interposing] IDNYC is in the budget.

8 COMMISSIONER AGARWAL: --received an
9 increase of \$435,000 to support growing needs in
10 terms of as I mentioned in my testimony there a lot
11 more integration with city services sort of technical
12 aspects of the program which are growing and
13 expanding the new portal, but no increase in
14 headcount and really the increase is mainly to drive
15 the ongoing integration and the supportive program,
16 but we can look into the discrepancy and follow up as
17 well.

18 CHAIRPERSON FERRERAS-COPELAND: Yeah,
19 because the discrepancy is pretty significant. I'm
20 talking about \$1.3 million and you just said
21 \$435,000. So if there's additional money, we'll take
22 it back and we can find some use for it here in the
23 Council I'm sure.

24 COMMISSIONER AGARWAL:

25 CHAIRPERSON FERRERAS-COPELAND:

COMMISSIONER AGARWAL: Yes, I sure.

Okay. Chair Menchaca and then we will hear from our—
our colleagues. We've been joined by Council Members
Gibson, Koo, Dromm and Miller, and shortly after
Chair Menchaca, we will hear from Council Member Kook
followed by Council Member Dromm.

CHAIRPERSON MENCHACA: Thank you Chair
Ferrerias-Copeland and I want to make a general just
kind of statement right now, and then move and ask
some specific questions. I think the—the first thing
I want to say is that I—I think these last rounds our
questions about the—not just the discrepancies, but
the—the real work ahead of us as city to really
understand and be transparent in this process here in
budget hearings, but also with our providers and our
people on the ground that we are—that we are serving
how—how—how we're actually providing leadership, and
I want to go back to something, two—two things that
you said. One, is really thinking about the Mayor's
Office of Immigrant Affairs as a coordinator, that
you are coordinating with multiple agencies. The
agencies that you're coordinating with continue to
grow because the needs continue to grow. We're in a
dynamic changing time or our times are incredibly

1 dynamic and they're changing, and-- And then
2 you mentioned something that--that kind of--that-- You
3 mentioned DNA and making sure that--that the immigrant
4 community as a force of nature and as a--as
5 constituency to serve that making sure that the DNA
6 was kind of in the city agency. And when I think
7 about DNA, I think about like that--the DNA inside of
8 us as humans--I don't want to get too--too heady here,
9 but it--it forms everything. This--this building block
10 is very, very critical, and so I can-- So, a lot of
11 my questions are going to be about understanding
12 that, and changing the DNA of our city of programs
13 like NYIFUP have impacts. And so, the work that you
14 do as--as the commissioner is so--so critical and so
15 these information gaps are troubling and these--these
16 budget--budget kind discrepancy--discrepancies are--are--
17 are very, very concerning right now, and I--I would
18 have hoped that there was a bigger plan and
19 understanding because the first thing I want jump
20 right into, let's just go right into it is
21 understanding how and what is this plan for--for the--
22 for the baselining for legal services, and--and this
23 point you just told the Chair there--there is plan,
24
25

1 tit's coming, and it's just not here today. Is that-
2 is that right?
3

4 COMMISSIONER AGARWAL: I think we're in
5 the process of development.

6 CHAIRPERSON MENCHACA: You're in the
7 process of developing it. So, let's talk about what
8 we have heard so far, and one of them is the decision
9 to not represent everyone. This is question of due
10 process. Everybody wants their day in court in an
11 immigration proceeding, and so walk us through the
12 actual representation of-of the program that you're-
13 that you're designing right now.

14 COMMISSIONER AGARWAL: Sure. So, I think
15 unfortunately in the city all immigrants who are
16 facing deportation currently don't have counsel. So,
17 some of the information we received of private
18 funding partners who supported the Council's
19 initiatives for unaccompanied minors have expressed
20 concern that there are hundreds of unaccompanied
21 minors as well as asylum seeking adults with children
22 who don't have representation right now. So I think
23 that's an important gap that we're looking at as
24 well, and I think there's an understanding that we
25 see from the federal level where there are virtually

1 no priorities of who's subject to deportation right
2 now, and that the Trump Administration is willing to
3 pick up anyone. There's literally no prioritization,
4 and so those are concerns that have come up as well
5 for the administration. So, as we're thinking about
6 how to implement the program we're obviously learning
7 from the incredibly path breathing leadership of the
8 Council and the Speaker and being able to develop
9 great programs, and want to learn from those, but
10 also set sort of priorities of how to use limited
11 dollars to—I ways that are consistent with the city's
12 values and other policies.

14 CHAIRPERSON MENCHACA: Okay, so, I can—I
15 think you kind of gave me like a frame of how you're
16 thinking about it, so thank—thank you, but— So, I
17 want to ask a little bit about whether or not—whether
18 or not there's going to be an opportunity for public—
19 a public forum about—about this, and where are you
20 integrating kind of community support, and community
21 defining these legal representations. Because I
22 think—I don't think anyone is going to disagree with
23 what you just said, right. I think we're aligned on
24 that mission. Nobody in here. Raise your hand if
25 you disagree with that, but I think everybody agrees

1 with you on that. Yes, we are in a situation where
2 we are, or I should say you are reaffirming that the
3 funding that is currently earmarked for this legal
4 assistance for immigrants who are facing deportation
5 should not be used for those convicted of serious
6 crimes on the list of 170 offenses as set out by the
7 City's Sanctuary City Guideline. What is preventing
8 the administration from allowing everybody's due
9 process?
10

11 COMMISSIONER AGARWAL: Yeah, so I mean I
12 guess there's a couple of things to say on that. One
13 is that, you know, there city and the—the
14 administration with the City Council has sort of set
15 parameters in deciding a policy. For example, the
16 rights to detainers on serious and violent crimes,
17 and we do not feel as the Administration that city
18 taxpayer dollars should be used towards
19 representation for individuals with that—those
20 criminal history. We would rather be placing the
21 financial resources in support of the many, many more
22 immigrants who are facing deportation and have no
23 counsel available to them right now, or who would
24 like to continue to support from the Council has done
25 before.

1
2 CHAIRPERSON MENCHACA: So, I just want to
3 understand the kind of basic nature of the response
4 is that we don't have a lot of dollars and so we have
5 to prioritize. Is that--is that--did I--did I capture
6 that?

7 COMMISSIONER AGARWAL: I think some of it
8 is also a consistency with the city policy that we've
9 worked on together as well, and I think the Mayor has
10 been very clear n his views that we have to make
11 choices. We always have to make choices with regard
12 to regard to how we use city taxpayer dollars.
13 There's a strong feeling in that regard that there
14 are many, many immigrants who are facing deportation
15 and currently don't have representation, who we want
16 to be able to serve, and we want to-- We've
17 increased the funding for deportation offenses from
18 before by 50%. Our overall contributions for
19 immigration legal services are twice as much as they
20 are in terms of baselining, and that is the largest
21 investment in immigration legal services in the
22 country. So, that's something that we're very proud
23 of. It's a huge investment. Will it be able to meet
24 all of the need? We've always had to make priorities
25 and make decisions about whether some citizen and

1
2 Action NYC and arrange the different ways to make
3 choices with this.

4 CHAIRPERSON MENCHACA: So, let me—let me
5 better under the—the kind of—you're making a
6 connection to the Detainer Laws, and a—a kind of due
7 process question that NYIFUP really built a—a kind
8 of—a concept of everyone deserves a—a representative
9 in immigration court. You've seen the studies, you
10 know, you're—you're deeply committed I think and—and
11 everybody in this room is deeply committed to the—the
12 process, not just the process, but the—the vision of
13 NYIFUP where everyone no matter what even if you were
14 convicted or not has—has your—has the right to legal
15 counsel in an immigration—in immigration court or any
16 court of justice. And so, I guess—I guess I'm
17 trying—I'm trying to understand this—this gap.
18 There's a real gap for me from—from taking a detainer
19 law, and then making it part of the analysis for
20 funding on due process, I—I still don't understand
21 it. I—I—help me--

22 COMMISSIONER AGARWAL: Yeah, yeah.

23 CHAIRPERSON MENCHACA: --help me
24 understand that.

COMMISSIONER AGARWAL: Yes, yes. So, maybe we can try it this way. So, I think we would all agree that federal immigration enforcement is not the job of cities that we're not in that business, right? That includes the Immigration Courts, and the rights, the due process rights if they are to exist unfortunately, you know, we don't have them across the board, but that's a federal court issue, right. When the City Council makes decisions or the Administration makes decisions about how to allocate funding, we're not denying due process to people. We're making local policy and budget determinations. We're trying to fill a gap that currently doesn't—is not fully filled at the federal level. We do not, unfortunately, have a right to counsel in all immigration proceedings. And so, what the city is trying to do is to compensate, fill the gap as we can of what does not exist at the federal level. But I think the fact that there are hundreds of folks who have unaccompanied minors, and others who don't have counsel right now, doesn't mean that the city has been denying due process. It means that we have to adapt our resources and our decisions at a local policy level to start meeting that need.

1
2 CHAIRPERSON MENCHACA: Well, I'm—I'm glad
3 you bring that up because we—we are—you are
4 representing an office, administration. We're—we—we
5 are all elected officials, and so we are—we are also
6 representing the needs and wants and the values of
7 our constituents. And so, I guess what I'm trying to
8 say is that I think there's a real dissonance in
9 that—that concept that you're bringing up and—and I
10 think that you're seeing here clearly. I'm not going
11 to repeat it, but there's a real gap in understanding
12 of a municipal government that has the power. The
13 government that we're talking about is not the
14 federal government. The City of New York has the
15 power to—to do this, and we're making a decision
16 right now of prior—a budget priority that falls in
17 the face of what we have already been kind of growing
18 over the last four years. So, I just wanted to—
19 there's—there is a gap there, right? We're elected
20 officials. We've got to make some decisions in the
21 budget and we got—we're going to see gaps, but this
22 gap is a values gap. This is—this is—this is not a—a
23 kind of budget—a budget gap that is real. There is
24 due process, and I think that's a value that is
25 connecting us all, and I really do feel like we can

1
2 get there. I-I have to believe that just to kind of
3 stay focused on the mission here of a sanctuary city.
4 So let me-let me think about-let's think about this
5 second.

6 CHAIRPERSON FERRERAS-COPELAND:

7 [interposing] I'm sorry, Council Member, I just
8 wanted to add it is also equally confusing because
9 when we say we're going to provide protections for
10 all and that we're a sanctuary city, but we leave all
11 these like well not this group, and if this and not
12 here and not yet, well, this group. You know, you
13 can't promote a program in that way. So we are all
14 advocating together. This is a sanctuary city. So,
15 it's either we do it all, or we're doing a disservice
16 if we're not doing it all, you know? If we're just
17 kind of saying we can only do up here, and if you
18 meet these criteria you have to check off all these
19 checklists, I think it really is disingenuous. Maybe
20 not in-I'm saying that it was intended, but when the
21 chair, you know, speaks in this manner it's because
22 it's very difficult now for advocates who have been
23 working with this very population when it was on our
24 end. All of a sudden now that it's on your end it's
25 like well, sorry, half of the people you've been

1 serving are no longer eligible. So that is I think
2 the palpable frustration that you're getting from us.
3 Thank you, Chair.

4
5 CHAIRPERSON MENCHACA: Thank you, Chair,
6 and to that point and I don't know if you have a
7 response to that, but-

8 COMMISSIONER AGARWAL: I was just going
9 to say, I mean I don't think from our perspective
10 that it's half of the people that we're—we're talking
11 about not actually being able to cover, and I think
12 that would be very useful information actually to
13 have from the Council since it was sort of Council
14 discretionary funding or form providers is what's the
15 scope of what we're talking? I think it would be
16 very useful information to have. Our sense from
17 frankly national data or that immigrants are by and
18 large not committing serious and violent crimes.
19 They're not committing crimes. New York is the
20 safest large city in the world. We don't think that
21 the immigrant population is sort of prone to this
22 kind of behavior. So just understanding the scope of
23 that.

24 CHAIRPERSON FERRERAS-COPELAND:
25 [interposing] And—and—I think—I think the clarity

1 and—and work comes to the scope is we're not saying
2 that they're committing, but you can be charged for a
3 serious violent crime and not—and be innocent. So
4 then now this person doesn't have a right to counsel.
5

6 COMMISSIONER AGARWAL: Right, and again
7 I--

8 CHAIRPERSON FERRERAS-COPELAND:
9 [interposing] And that I think is—is where we have
10 the confusion because as has been proven when our
11 president is saying that, you know, we are committing
12 all these violent crimes and there are police forces
13 and, you know, you can be charged for this. So, when
14 we talk about due process I think it—that's the
15 point. It's not that we're leaving people out. It's
16 how do you know if someone is innocent or not when
17 they're in that group when we're not even giving them
18 representation or—or giving them an opportunity to
19 defend themselves?

20 COMMISSIONER AGARWAL: Yeah, sure.

21 CHAIRPERSON FERRERAS-COPELAND: Can you
22 walk me through what have.

23 COMMISSIONER AGARWAL: [interposing]
24 Yeah, absolutely. So I think to some extent this is
25 a little bit about program design, but remember that

1 everyone is entitled to criminal defense attorneys,
2 and the point at which there's a criminal case that's
3 at issue. Unfortunately, we don't have a right to
4 counsel in civil immigration cases, but certainly the
5 way other city policies have been structured, they've
6 always been focused on the issue of conviction and
7 not just charges. And so, under our city's detainer
8 policy, we will not hand people over to ICE because
9 they have just been charged with a crime. It always
10 looking to convictions, and so I think it's trying to
11 understand the scope of this issue from the
12 perspective that many immigrants are not convicted of
13 those crimes, and so as we're designing the program
14 model, I think it's very fair to say that charges
15 should not be part of what's at issue here, and
16 hasn't been in city policy in the past.

18 CHAIRPERSON MENCHACA: So—so, you're—
19 you're speaking with a lot of kind of definitive, you
20 know, in a kind of very definitive way when you've
21 also told us that you're still in formation. So,
22 again this is—there's—there's some more dissonance
23 there as well. Just trying to understand how—how
24 you're kind of holding onto this in a very real way,
25 and why you're still kind of forming the program, and

1 understanding exactly. For example, have you
2 conducted any studies on the actual impact of this
3 limitation? How many people are we talking about?
4 Wouldn't we want to know how many before we actually
5 make a decision about saying no to a group of people
6 like the detainer law defines? So, these are—there
7 are things that we're kind of putting before that are
8 making impacts right now on the budget decisions.

10 COMMISSIONER AGARWAL: Yeah, absolutely.

11 CHAIRPERSON MENCHACA: So, so, so and
12 then the second piece is—is well, actually I'll—I'll
13 pause there. It's—these are all big topics. Let's—
14 let's hit them one at a time.

15 COMMISSIONER AGARWAL: Yeah, sure. So I
16 think that that's an excellent point. I think the
17 research and analysis that we've done is what I've
18 mentioned very broad based, based on existing
19 research of data on who is sort of criminal behavior
20 and sort of who this might impact. We've asked
21 repeatedly for information about who's been served by
22 NYIFUP and where, you know, this inclusion might
23 actually affect people broad based data. We haven't
24 received it. We have asked, you know, we have just
25 simply not received information from the program as

1
2 it currently exists about whether a huge majority of
3 people we affected, we don't think so, but that is
4 information we would absolutely love to have.

5 CHAIRPERSON MENCHACA: I'd love to have
6 the form making a decision about carving this group
7 of people.

8 COMMISSIONER AGARWAL: [interposing] We
9 have asked for it—we have asked for it repeatedly
10 before the budget was announced. We've asked for it
11 since the budget was announced.

12 CHAIRPERSON MENCHACA: [interposing] So
13 you have no—you have—there's no real sense of
14 understanding about how many people we're talking
15 about?

16 COMMISSIONER AGARWAL: We do have a sense
17 of understanding--

18 CHAIRPERSON MENCHACA: [interposing] And
19 what is that?

20 COMMISSIONER AGARWAL: --based now on
21 programs of—of NYIFUP, but there is a very, very
22 small percentage of individuals who are committing
23 the serious and violent zonings that are on the 170
24 list from the Detainer Law, and who have been
25 convicted of those crimes. I think our Detainer Law

1 data itself suggests that since we are not actually
2 turning many, many people over to ICE.

3
4 CHAIRPERSON MENCHACA: So, another—
5 another thing that the Detainer Law kind of defines
6 is this—is a—is a time—time line, five years. So are
7 we talking about convictions in the last five years?
8 Is there a timeline connected to—to convictions?

9 COMMISSIONER AGARWAL: Yeah, and those
10 are the aspects where I can say sort of generally we
11 have a sort of principle along those lines, and would
12 want to have conversations as we're developing the
13 program about what makes sense.

14 CHAIRPERSON MENCHACA: And—and so, who
15 are the people that would qualify for representation
16 in the NYIFUP Program, and—and so for example we
17 haven't even heard that you're actually going to want
18 to baseline NYIFUP yet at all, right. So, I haven't
19 heard that, and so would—would it be right to ask who
20 would be left out of the program that is baselined
21 out of the Administration without an attorney to
22 challenge their duplication.

23 COMMISSIONER AGARWAL: Yeah, so I think
24 the broad powers is I think we have spoken about
25 before that when money moves from the Council to the

1 Administration, we have to go through a procurement
2 process and we have to follow procurement law. So,
3 we can't say at the outset who the providers would be
4 or if they would be the same providers in NYIFUP and
5 that's unfortunately a reality of—of our sort of
6 system. That said, I think the broad parameters of
7 what we've been thinking about are New York City
8 residents who are facing deportation who are low-
9 income, and who have not been convicted of the 170
10 crimes or so. That issue we're serious about
11 convictions.
12

13 CHAIRPERSON MENCHACA: So, what about
14 our—our people with mental health—mental illness or
15 the elderly or people with legitimate claims to U.S.
16 Citizenship, people with decade old convictions, and
17 Green Card holders, and people who are trying to
18 vacate unlawful convictions and people who—whose
19 convictions are on a direct appeal. What about
20 people who receive rehabilitative—rehabilitative
21 relief from their convictions, people who receive
22 drug and mental health treatment and have since been
23 rehabilitated. I mean these are—these are—these are—
24 these are people. These are—these are—are New
25 Yorkers.

1
2 COMMISSIONER AGARWAL: Sure. So I would
3 say all of the folks that you've described up and
4 down the spectrum right, not just facing deportation
5 and those are communities that are facing a legal
6 need up and down the spectrum, and I think the work
7 that we have to do as a city is to figure out how it
8 is that we allocated budget resources over time to be
9 able meet that overall need. Right now, we're not
10 doing it, and I think that's the idea is how do we
11 sort of move towards expanding the resources more and
12 more and to move in that direction. But we're not
13 doing that now, and we won't, you know, we—we need to
14 start sort of going with the top because across the
15 board whether it's deportation defense or not, all
16 folks are facing these-these gaps.

17 CHAIRPERSON MENCHACA: So, earlier you
18 mentioned that in partnership, in strong partnership
19 with HRA there was—you—you did something. You did an
20 estimated need of—that got you to the number, the
21 16.4—no wait, the 18.1—the 16.4 and legal
22 representing and the 1.7. You broke that up a little
23 big. What was that initial number? Is there-is
24 there a sense of it. Like what are we talking—what

1 is the role we're talking about for-for need for the
2 legal representation?
3

4 COMMISSIONER AGARWAL: [interposing]

5 Yeah, sure. So, I can—we can potentially pull the
6 sort of numbers that we looked at for prior years,
7 but we know, and I think I mentioned in my testimony
8 for Fiscal 17 we know that if you're looking at just
9 deportation defense there's about 7,700 people in the
10 non-detained context who are facing deportation and
11 around 460 in the detained context. So, that gives
12 us a sense of what the—what the numbers are, and I
13 think they've been sort of similar in terms of scale
14 and magnitude kind of in the past.

15 CHAIRPERSON MENCHACA: Okay, because
16 look, I—I think—I think there's two things here and
17 again there's—there's—we—we have—we have to kind of
18 call it out here. We're saying that there's—there's—
19 there's an understanding of how much the need is,
20 and—and we can get there. We can understand that
21 need and that need is going to change. I think you—
22 your testimony and your questions and—and answers are
23 saying with—with no prior—prioritization of
24 deportation this president wants everybody, and he's
25 going to want to do every—so you want to kind of

1 create a—a prioritization. Carve-out is part of that
2 just to make sure we get to the people, but we can
3 get to fulfill the need and the state, for example, I
4 was just seeing the—the news, the governor in Cranes
5 that there will be no restrictions on the State
6 NYIFUP program. That's helping our larger mission
7 here. We can get there if we understand what that
8 is, and—and then you're saying that there—the need is
9 small actually. It's not—it's not that big. What
10 prevents us from just making sure that everybody that
11 we don't violate our due process value as it just—in—
12 in—in our justice system as the city of New York as a
13 sanctuary city.

15 COMMISSIONER AGARWAL: Yes. It's a—it's
16 a great question. I think the example of the state
17 is a good example here in the sense that the city is
18 not the only funder on the landscape. There are
19 private funders, there are other public funders
20 clearly who are entering into this space, and so the
21 question really what is the city choosing to—to
22 invest in. And we have made a tremendous investment
23 in immigration legal services across the board. I do
24 think there's a substantive disagreement that we have
25 about how we're choosing to allocate some of this

1 funding. You're absolutely right about that, but the
2 fact of the matter is that it's not the city's
3 responsibility to fulfill that full need. We have
4 lots of other folks that are stepping in to—to fill
5 the need as well.

7 CHAIRPERSON MENCHACA: So, there—there's
8 some little nooks and crannies in this. This is an
9 incredibly complicated and I—I'm not a lawyer. So,
10 I'm learning everyday. So, I want to thank you.
11 You've been a great—good teacher for me, and
12 understanding so many parts of this. So, how in your
13 proposed concept of the funding program that you are—
14 that you're building how will that funding address
15 much needed reported representation crisis in
16 immigration detention. You know, prior to NYIFUP,
17 city non-profits could not handle any major part of
18 the need, and the majority of the detained immigrants
19 were unrepresented. How will this program get us
20 there?

21 COMMISSIONER AGARWAL: Yeah, so I think
22 that probably what we will find is that most of the
23 immigrants who were previously getting deportation
24 defense funding in the detained context will continue
25 to get deportation defense funding in the model that

1 we've proposed and hopefully more people in the non-
2 detained context will also be able to get counsel
3 through that model.
4

5 CHAIRPERSON MENCHACA: And do you see a-
6 like a rebrand of the program in some ways, or is
7 there a new name that you're thinking about? Are we-
8 are we going to call it something else?

9 COMMISSIONER AGARWAL: Uh-huh, no, we
10 have not thought about the sort of branding or the
11 concept of it. I think the basic principle we're
12 operating from is to expand the pool of resources
13 available for deportation defense and other
14 immigration legal needs.

15 CHAIRPERSON MENCHACA: And then—and then
16 I think the—the other question is who—who—who makes
17 this decision on—on your side? Who—who—who makes
18 this decision?

19 COMMISSIONER AGARWAL: Yeah. So, we have
20 been working with very closely with HRA who sort of
21 holds the immigration legal services contracts and we
22 have been running a live program and a range of other
23 things. And so, we're working with them to—to—to,
24 you know, resolve the program model issues.
25

1
2 CHAIRPERSON MENCHACA: Okay, so that's
3 not a who. I guess that's a what, maybe. Who?
4 People a person?

5 COMMISSIONER AGARWAL: Like Commissioner
6 Banks. I mean I work very closely--

7 CHAIRPERSON MENCHACA: [interposing]
8 Commissioner Banks.

9 COMMISSIONER AGARWAL: --I am working
10 very closely.

11 CHAIRPERSON MENCHACA: [interposing] So
12 then I'm going to return to my first point, which is
13 this DNA, back to the DNA concept, and understanding
14 the role and responsibility of the Mayor's Office of
15 Immigrant Affairs, and how we're going to keep with
16 our values and have spent four years of funding from
17 the City Council developing a program that has now
18 cascaded inspiration across municipal governments
19 across this city. So the thing that a lot of us have
20 been thinking about including yourself and making
21 real impact now we're—we're—we're making a budget
22 priority decision that says small group of people.
23 You know what, we have to get to a lot of people so a
24 small group. This small group of people and our
25 decision to not represent them has a bigger policy

1 impact across the country right now, and I—I guess
2 I'm trying to understand who—who do we need to
3 continue to work with? This budget hearing is just
4 designed to really present all of the questions and
5 put them on a table. We have more negotiations to
6 do, but where do you—where do you a play role in
7 this?
8

9 COMMISSIONER AGARWAL: Sure. So I think
10 in terms of national leadership New York has and will
11 continue to be a tremendous leader on these issues,
12 and we know this by working with mayor's offices
13 around the country. I think the fact that the city
14 isn't—to give you some context, in the final year of
15 the Obama Administration they allocated \$15 million
16 for immigration legal services around the country.
17 We are saying that this city of New York alone for
18 the city will invest \$30 million. So that is for
19 sure leadership that we are very proud of in terms of
20 expanding immigration legal services. We have
21 developed and created incredible models for legal
22 services delivery that are undeniably affecting
23 cities. That said, places around the country are
24 going to make their own choices about what models and
25 what investments they want to make, and we hear that

1 everyday from cities. I don't see my role as the
2 commissioner of Immigrant Affairs in New York is
3 telling Chicago what they should do or what Los
4 Angeles should do. We share best practices and we
5 develop model based on, but I think undeniably cities
6 are showing a leadership role around the country on
7 making their cities inclusive and welcoming across
8 the board.

10 CHAIRPERSON MENCHACA: Look, again I
11 think we share the same values. There--there--there
12 are just some values here that have not made it
13 across the way into--into this discussion about this
14 carve-out. I--I do still believe that we're going to
15 be able to change hearts and minds, and we're going
16 to focus our conversations and our--our pressure on
17 you and Commissioner Banks in making sure that when
18 we finally get to the final negotiations that we get
19 to a point where we don't renege on our values as a
20 city in due process, and the program that we've been
21 funding for a long time, and it is a matter of just--
22 It doesn't just matter what we do, it matters how we
23 do what we do. And this is--this is important to a
24 lot of us, and I hope you heard that today. I'm
25 going to pause and give--give it to our Chair and the

1 other council members. I have a whole bunch of other
2 questions, that are not on the legal side on the
3 legal fund, but I—I know that they have some pretty
4 busy schedules and—and that I'm—I'm here. Our
5 council members (sic) still are here?
6

7 CHAIRPERSON FERRERAS-COPELAND: I think
8 we lost two. Hopefully, they're still somewhere in
9 the building. We would like them to come back.
10 We're going to hear form Council Member Miller and
11 then we're gong to come back for a second round.

12 COUNCIL MEMBER MILLER: Thank you,
13 Chairs. Good afternoon, Commissioner.

14 COMMISSIONER AGARWAL: Good afternoon.

15 COUNCIL MEMBER MILLER: And I think I was
16 supposed to repeat his questions, but he didn't leave
17 them for me. So, we'll jus forward. So, just again
18 as a matter of clarity, and it is kind—a lot of
19 conversation about services being delivered
20 prioritizing services and so forth. But I kind of
21 want to drill—drill down on that considering the
22 current climate that we're living in now. How do we—
23 does that dictate a—a—a prioritizing of services, a
24 shift in services or an increase in services and—and
25 if—if it is not the latter, what—what unintended

consequences are we seeing by shifting the services.

Obviously, there is a—a big emphasis on legal services and the prep for different ways. Does the budget reflect that or are we kind of robbing Peter to pay Paul

COMMISSIONER AGARWAL: Yeah absolutely.

So, I think there are a number of things that are happening in the current moment that we are trying to be responsive to. So, I think one is, of course, the elimination of immigration enforcement priorities, which are putting lots more immigrants sort of at risk of being picked up by ICE and facing deportation or other legal means, and so that's why we've seen a significant increase in the baselined figure for immigration legal services. I think the other thing that we've been talking quite a bit about with the Council also is the need for Know Your Rights forums, and increased information on that. And so, my office has been working with private funders and others to expand the capacity for groups in the field to be able to do Know Your Rights information and provide support for those kinds of services. So, I think much of the budget actually reflects the current environment as well as ongoing needs like language

1
2 access and sort of the expanded language access laws
3 that were passed by City Council making sure that my
4 office fulfills its obligation to ensure that
5 agencies are complying with those laws and—and sort
6 of updating their information and practices to be in
7 compliance with those expanded laws.

8 COUNCIL MEMBER MILLER: So, we—we could
9 expect that the basic services being delivered
10 outside of those that are now being prioritized we
11 will see that level or a greater level that reflects
12 the new lease?

13 COMMISSIONER AGARWAL: Correct.

14 COUNCIL MEMBER MILLER: The—the new
15 needs?

16 COMMISSIONER AGARWAL: Yes.

17 COUNCIL MEMBER MILLER: Correct. Okay,
18 good. So, in terms of—of outreach to communities on
19 these immigrant services, sometimes I don't know if
20 they—they are proportional to the need. Is it based
21 on the advocacy or does—does—does your agency—is it
22 able to specifically identify the needs of
23 communities and—and provide those services and—and
24 and—and/or if there's not a voice coming out of that
25

1 community, is the community missing out on some of
2 these services that should be delivered?
3

4 COMMISSIONER AGARWAL: Yeah, absolutely.

5 So, we—in addition to hearing from community
6 advocates, community leaders and many others on what
7 the needs are, we also work with sort of outreach
8 teams from various agencies to be able to get
9 information about what some of the needs are and hear
10 what those concerns are. So, as an example, I
11 actually think the—the fellowship that I announced we
12 got lots of feedback from immigrant communities, and
13 the African community, the Caribbean immigrant
14 community, the Asian immigrant community saying we
15 have smaller immigrant community organizations that
16 may not always be able to sort of compete for the
17 city RFPs and outreach for legal services. We need
18 to build a capacity building framework to support
19 that. There's obviously fantastic organizations
20 around the city doing that, but the ask is really for
21 the city to step up and do that kind of work as well.
22 And so, we created a fellowship program that we just
23 recently launched to provide that kind of support.
24 So, I think we very much try to be guided by what
25

1
2 some of those needs are that we're hearing from a
3 diverse array of community leaders.

4 COUNCIL MEMBER MILLER: So, that sounds
5 really great. How do—so how—what kind of outreach
6 again are we doing to reach that targeted audience?
7 Are we dealing with—with members and—and—and advocacy
8 groups and how do we get that out so that we could
9 build the capacities of those organizations that are
10 out there doing that work?

11 COMMISSIONER AGARWAL: Yeah, so we are
12 sort of constantly in the community. We're working
13 closely with Council Member. We're trying to engage
14 in a variety of different ways with groups on the
15 ground. I think more so than had been done even
16 previously. We have invested a lot of our time and
17 energy into building those relationships and working
18 with the really hundreds of groups around the city to
19 understand what those needs are and then be
20 responsive as those needs change when things change
21 to national level as well.

22 COUNCIL MEMBER MILLER: So, considering
23 what--what I've just heard and—and the commitment to
24 the services that have been delivered then we can—we
25 can count on the baselining of what we've—what we've

1 previously seen, services that were delivered and
2 certainly from the Unity Project and others that we—
3 we really know do great work [bell] with our
4 communities. We can look forward to—to—to—those
5 monies being available as well, correct?
6

7 COMMISSIONER AGARWAL: [off mic] Yes.

8 COUNCIL MEMBER MILLER: Thank you. Thank
9 you, Chairs

10 CHAIRPERSON FERRERAS-COPELAND: Thank
11 you, Council Member. Commissioner, I just want to
12 have a—a clear understanding and—and I know that this
13 might difficult and I don't want to—I don't want to
14 come off as being off because I'm not. I just want
15 to know do believe that immigrants that are facing
16 deportation or in any immigration court should they
17 go before a judge with an attorney? Do you think
18 that that is the—the smart thing to do?

19 COMMISSIONER AGARWAL: Yeah, I think you
20 can believe that counsel should be provided.
21 Immigration proceedings are incredibly complicated.
22 Even the simplest of cases can be incredibly
23 complicated. I think you can believe that counsel
24 should be there. I think you can—we can all agree
25 that immigration proceedings are deeply complex, and

1 require counsel to be able to help navigate them in
2 most cases. I think the issue that we are
3 potentially disagreeing on or definitely disagreeing
4 on is the question of sort of how we spend city
5 taxpayer dollars providing counsel and to whom, and I
6 think that's really the issue.
7

8 CHAIRPERSON FERRERAS-COPELAND: So, why
9 are we—isn't it city taxpayer dollars when this
10 program was in the Council's hand, and the services
11 being provided--

12 COMMISSIONER AGARWAL: [interposing] Yes.

13 CHAIRPERSON FERRERAS-COPELAND: --and it
14 was not an issue. Isn't it the same taxpayer
15 dollars?

16 COMMISSIONER AGARWAL: Yeah, and I think
17 that's where there's a potentially different way in
18 which we would choose to allocate those dollars. I
19 think the administration's feeling that sort has a
20 particular feeling toward.

21 CHAIRPERSON FERRERAS-COPELAND: So, I—I
22 just want you to understand the pushback the you're
23 getting, right. Because, you know, it is not to say
24 that we in any way [pause] I guess when we—the
25 intent of this program and—and the—the vision of this

1 program was one that was clear. If you had a
2 deportation proceeding, we are going to assist you
3 point blank. Then we asked for baselining, right
4 because we believe that we're partners in this, and
5 what we get back is that more complex carve-out. So,
6 I just want to reiterate why and in particular as
7 Finance Chair we do this budget together. So, this
8 is something that we're going to be pushing back
9 until the adoption because it is very complicated for
10 an organization that has had a commitment or-or an
11 initiative that has commitments for years. These are
12 people's lives that these organizations have in their
13 hands, and so all of a sudden be told well how do you
14 explain that to a family member? How do you explain
15 that to someone who's not at home or maybe being
16 detained at home, but obviously free and completely
17 confused. So, the one entity, the one group that was
18 providing this service we get a president, because
19 they're not going to know that, you know, they don't
20 see the difference, right? We get a president
21 elected and all of a sudden, boy then the program
22 changes. So, while we I think have the intention of
23 doing what is right, your stance or the
24 Administration's stance at this time does not go with

1 the intent nor the vision of the program as it should
2 be. So, that's why we're spending so much time on
3 this very, very important issue.
4

5 COMMISSIONER AGARWAL: Yeah. No, I fully
6 understand that. I think what I would just say from
7 our perspective is that for the detained immigration
8 and deportation offense there were lawyers provided
9 for everyone regardless of criminal history. My
10 understanding from the fighters, and I could be wrong
11 on this is that there were other context in which
12 individuals didn't appear before a judge. They might
13 be an expedited removal, and they didn't have access
14 counsel. I think in the non-detained context we've
15 heard many times that there are individuals who were
16 not able to get representation as well because the
17 funding did not universally represent folks in that
18 situation. So, we're looking at a kind of huge pool
19 of people who are facing deportation, and I think
20 it's dire in all circumstances when you have a family
21 who's facing deportation. And the area of
22 disagreement is sort how—who it is that City
23 Taxpayers fund lawyers for, but seeing that there is
24 a huge need in that context across different
25

1 programs, all of which the City Council really showed
2 leadership on.
3

4 CHAIRPERSON FERRERAS-COPELAND: It just-
5 I-I would understand that position. I know that
6 you've clarified it and you've probably said in 18
7 different versions to day. However, the Taxpayer-
8 unless you got-did you get complaints from the
9 taxpayers saying, you know what the way City Council
10 is running NYIFUP wasn't working. Did you get that?

11 COMMISSIONER AGARWAL: I think that we
12 have come to- Well, here's what I have had. I have
13 had families come to me and say my husband was
14 arrested by ICE in the recent raids that happened.
15 He hasn't done anything wrong. He's not in
16 detention, but he can't get a lawyer. So, I do think
17 that there are needs that are expressed that are
18 broader, and we're trying to sort of address the full
19 range of needs as best we can as a city, and there's
20 others, of course, who are also stepping private
21 funders. The state and others are trying to meet
22 that need. But those are the range of different
23 concerns that we're hearing from the community.

24 CHAIRPERSON FERRERAS-COPELAND: So,
25 that's to us makes no kind of sense. I just want to

1 be clear. Right, because if that's the case then you
2 fund at a greater—say, you know what, NYIFUP, this is
3 what we want to fund you at, but because I got this
4 call from this family that is not in deportation
5 proceedings or, you know, the example that you gave,
6 we're going to give another \$5 million because they
7 also need representation. I don't think you take
8 away from the population that we've been serving and
9 do this carve-outs, and that is the pushback that
10 you're getting from the very advocates who advocate
11 and fight with you, right. This is—this is why it's
12 kind of an impassioned call now because these are the
13 advocates that are going to do the job that you need
14 them to do. Regardless of where NYIFUP ends up,
15 you're going to need them because Commissioner Nisha,
16 you can't do them all, right.

18 COMMISSIONER AGARWAL: Absolutely.

19 CHAIRPERSON FERRERAS-COPELAND: And
20 that's not your responsibility to do them all, but it
21 is your responsibility to coordinate as you said as
22 you coordinate agencies. Not the kind of
23 coordinating that's in the non-profit world, or this
24 legal services world. That's looking on your
25 leadership. So, look, I'm not envying where you're

1 sitting right now because I've got to believe in your
2 core, core, core. We might be having a different
3 conversation, and you don't have to respond to that
4 because I know they're watching on the other side.
5 So, I'm just going to pivot a little because I wanted
6 to ask about
7

8 CHAIRPERSON MENCHACA: [off mic] Can you
9 give me like a like? (sic)

10 CHAIRPERSON FERRERAS-COPELAND: Yes, of
11 course.

12 CHAIRPERSON MENCHACA: [off mic] So, I
13 saying for the record. (sic) (on mic) Sorry, Chair,
14 I-I was-just to-to stay on the line of the legal
15 services discussion before we-we-we pivot to other
16 topics. One thing just came to mind as well, and I-I
17 want to underscore everything that-that the Chair
18 said. What's happening in our courts is-is
19 incredibly complicated. The system that you would
20 have to design to be able to effectively get to where
21 you want to where there is 170 different crimes that
22 are not going to-to be-to essentially render someone
23 not part of the program. I-I just don't even
24 understand how you can do that. In the time that I
25 understand in court proceedings and deportation

1 proceedings you don't have a lot of time. These-
2 these-and-and the design of this program is beautiful
3 in that you have minutes sometimes, minutes in
4 between the time that a person that is chained in the
5 way that they are right now going through on their
6 way to court, and correct me if I'm wrong, but this
7 is how I understand. You would have to somehow
8 figure out through a rap sheet, some-some way that
9 you would have to determine and feel confident that
10 you are making the right decision that someone is
11 either eligible or not. I have no idea how you're
12 going to design this program, and we are, you know,
13 weeks away from passing a budget, and you want us to
14 say yes to this money, and say that you-we are
15 confident that you're going to be able to go forth
16 and conquer on this, help me understand that. That
17 is-that's-that's just like one piece I just
18 understood very clearly that the NYIFUP Program has
19 no-no filter and says due process is our vision, our
20 value, and-and the goal, and help me understand that.

22 COMMISSIONER AGARWAL: So, my
23 understanding of the NYIFUP program is that they
24 actually do screen for income. They do screen for

1 whether a person already has a private attorney, and
2 that there's a screening process and that--that--

3 CHAIRPERSON MENCHACA: [interposing]

4 Those two items are--are pretty clear, right? Do you
5 have an attorney? Are you--do you meet eligible
6 income and tell--walk me through the process where you
7 would you find out if they found--if they were and
8 somehow part of this carve-out.

9 COMMISSIONER AGARWAL: Sure.

10 CHAIRPERSON MENCHACA: Walk me through
11 that.

12 COMMISSIONER AGARWAL: Sure, so I mean
13 have sort of joined and actually folks have actually
14 represented clients in immigration proceedings, but I
15 think as a general matter in legal services you do a
16 screening of clients to understand what their--their
17 history is, and it's particular important for
18 immigration lawyers to be able to know also what
19 criminal history because it will absolutely guide
20 what your advice is to clients. And so through that,
21 sort of privilege and confidential screening process
22 that is sort of a matter of course for legal
23 services, I think that is--that's what happens. I
24 don't think people need to be connected to databases
25

1
2 to understanding their criminal history or have any
3 of that kind of information. I think it's just a
4 matter of being able to do what lawyers do, which
5 screening and having conversations with clients, and
6 determining eligibility.

7 CHAIRPERSON MENCHACA: And so every
8 client will have the information they need to be able
9 to answer the questions and for you to make a
10 determination? And so, what happens when you can't
11 make a determination in that situation? So you can't--
12 you can't determine whether or not they fall under
13 100--the part of the--the carve-out that you are
14 presenting today.

15 DE BELLISEN SOPHIE: I'm going to jump
16 in, if that's okay. So, I think your--

17 CHAIRPERSON MENCHACA: Introduce
18 yourself.

19 DE BELLISEN SOPHIE: Hi. My name De
20 Bellisen Sophie (sp?) . I think that what you are
21 identifying is what the Commissioner just say, right,
22 is a part of the process in figuring out what your
23 potential client is and is not eligible for, right.
24 In my course of practice I did that before I took any
25 client, right? Would have the opportunity whether

1 retained or not to sit down and totally understand
2 what they would or could not be eligible, to
3 understand criminal history, to understand
4 immigration history, right? Nothing about sort of
5 the conversations that we are saying need to happen,
6 right, in the course of the coming weeks to really
7 think through all these elements would negate that
8 from happening. It absolutely has to happen, and
9 it's essential that an attorney be able to make those
10 determinations, and to be able to do so with the
11 attorney-client privilege that they have.
12

13 CHAIRPERSON MENCHACA: So, again, I-I-
14 let's-let's-I understand the concept here, but this
15 is what a lawyer should be able to do. My question
16 is sometimes you don't have a lot of time, effort and
17 connection to information that you will need to be
18 able to be 100%. This is a city program. This is
19 our stamp of approval, and I'm not feeling confident
20 right now-help met there-that every lawyer that we
21 send out in front of people that are on their way to
22 a judge that you would have in minutes, and again, I
23 understand that this-this stuff sometimes happens in-
24 in minutes. You don't have too much time to figure
25 it out, but you can figure out do they have lawyer

1 yes or no, and two, if they meet eligible income
2 requirements, and that's it.

3
4 COMMISSIONER AGARWAL: I'm actually not,
5 yeah.

6 CHAIRPERSON MENCHACA: [interposing]
7 You've got—you can figure out and then you can get in
8 front of them and say look, you're a go. We're going
9 to—we're going be here. Due process is important.
10 You're going to have a lawyer, and then—and then
11 insert the fact that everything changes that the—the
12 odds of you getting a fair trial and—and—and
13 defending yourself in front of a court against
14 government paid, government trained lawyers you'll
15 have everything you need to confront them, and—and
16 then you can—you can have time to actually make the
17 case, and judges are saying that that's a better way
18 of the justice system. That's a better way of New
19 York City designing its way through an immigration
20 process that's—the needs are formed no doubt, but has
21 an opportunity. That's the value of New York. That's
22 where we're exporting across.

23 COMMISSIONER AGARWAL: Yeah.

24 CHAIRPERSON MENCHACA: Help me understand
25 that.

1
2 COMMISSIONER AGARWAL: I just want to
3 give a point of clarity in terms of the determination
4 of whether or not the person has a conviction or not.
5 The issue here an attorney regardless has to make
6 that determination.

7 CHAIRPERSON MENCHACA: [off mic] Sorry.
8 Sorry.

9 COMMISSIONER AGARWAL: I'm—I'm saying I
10 just want to for a point of clarity the issue is here
11 that regardless, an attorney has to make that
12 determination, right. You don't know what your
13 client is or isn't eligible for or how you represent
14 the client before a judge without knowing that
15 information. So, you have to make that
16 determination. How you do that and what course of
17 process with this program I think that's where
18 there's area where we absolutely want just further
19 discussion and further input to ensure that it makes
20 sense, and that it's compatible with the overarching
21 goals here, which is to provide representation for
22 more people with this funding.

23 CHAIRPERSON MENCHACA: Again, I—I—I want
24 to end this because I know we have other questions to
25 ask, and the last kind of point I want to make about

1 the people we're trying to advocate for right now,
2 we're in advocate—we're advocating right now for
3 families, for people who are undocumented or some
4 have some kind of status that forces them into
5 deportation proceeding and—and you're saying there's
6 a carve-out who have legal and these are American
7 citizen children, and will get representation under
8 your current carve-out. And for me that is—that is—
9 that is another very, very important point to make is
10 that we're—we're thinking about these as units or
11 family units with mixed status, and so when we think
12 about an undocumented person, we have to think about
13 the whole family, the impact is to the whole family,
14 our schools. Some of our schools that are
15 overcrowded. That's what we're talking about, and
16 they deserve—they deserve—they deserve representation
17 period, and that is the value that we cannot let go
18 of as we move forward, and you will get every ounce
19 of passionate advocacy on this point. And I hope
20 that you listen to us very fiercely right now, and
21 continue to as we move forward that this budget—this
22 budget hole is not a budget hole. This is a—this is
23 a hole in values right now, and I hope that we can
24 meeting at the middle and I and I know we will. I—I

1 have—I have every faith right now that we will meet,
2 that we will meet at the middle at the end of this,
3 and get the state and get other employers to fill
4 that gap, and the state is doing it as just report.
5

6 CHAIRPERSON FERRERAS-COPELAND:

7 [interposing] We don't have to get the state to do
8 it. They're doing it anyway.

9 CHAIRPERSON MENCHACA: Well, they're
10 doing it. You're right, the state is doing it.
11 Sorry, Chair.

12 CHAIRPERSON FERRERAS-COPELAND: So, I
13 have a question because you kind of confused me
14 there. You said, you know, through the screening
15 process, you know, attorneys will have documents,
16 which they won't have access to, and they have to do
17 the screening.

18 COMMISSIONER AGARWAL: Yes.

19 CHAIRPERSON FERRERAS-COPELAND: But isn't
20 that kind of—so, are we now going to ask attorneys to
21 engage with clients and do a screening and not pay
22 them for that because that seems like it's universal.

23 COMMISSIONER AGARWAL: Yes.

24 CHAIRPERSON FERRERAS-COPELAND: Right,
25 so wouldn't that be universal coverage?

1
2 DE BELLISEN SOPHIE: I mean I don't—I
3 don't think again, the Commissioner spoke at length,
4 right about we're in this process. This is the
5 purpose of the conversations we're having and where
6 we hope to go, but I don't think that we imagine that
7 there is a potential to not allow attorneys to do
8 screenings here and, of course, to pay them for those
9 screenings, right. The reality is that they won't be
10 able to make those determinations in advance and we
11 recognize that, and that is very important. It's
12 extremely essential to any process that an attorney
13 has. So, what we're saying here is we—we hear you,
14 right. Screening has to happen. An attorney to be
15 able to make the judgment, and so that has to be a
16 consideration in any program design and model, and
17 with you there.

18 CHAIRPERSON FERRERAS-COPELAND: Right,
19 but in the past because the screening wasn't needed,
20 the—the investment was different. So, now we're
21 going to be paying attorneys for screenings. So,
22 essentially we're even placing less money towards the
23 program, right because you're paying an attorney for
24 the time that they would have taken a case, and then
25 they will continue the case, but now we're going to

1 pay them for screening and for the cases that they
2 take. Do you--

3
4 COMMISSIONER AGARWAL: I'm sure--

5 CHAIRPERSON FERRERAS-COPELAND: --and
6 don't take, right because we're paying them for the
7 work that they're--but look, we're going to--we can be
8 back and forth at this. We're her to negotiate a
9 budget, and we just want to get as much information
10 so that we can go ahead and do that. I do have a
11 question, though. In this Cranes' article, and I'm
12 not sure if you read it because it kind of just came
13 out. So, I don't want to--but there is a Markowitz
14 who is the spokesperson for the administration or the
15 Mayor's spokesperson, and it suggest that the other
16 criteria that would be including is "winability"
17 which could be used to determine which immigrants the
18 city represents. They said that the details were
19 still in flux. What does winability mean when you're
20 in a deportation proceeding?

21 COMMISSIONER AGARWAL: I--I haven't read
22 that article. I don't think Peter Markowitz was
23 speaking for the administration. So, I--I guess I
24 would have to look at that table to respond.

1
2 DE BELLISEN SOPHIE: I was just told that
3 there was misquote there that will require--

4 CHAIRPERSON FERRERAS-COPELAND:
5 [interposing] Oh, guess who's on the misquote.

6 COMMISSIONER AGARWAL: Nice job. Thank
7 you for that. We'll have to call for a correction
8 and credit you for it.

9 CHAIRPERSON FERRERAS-COPELAND: Okay, I
10 think this is a problem when it's an article that's
11 referencing to a very big issues. We're in the
12 middle of a hearing. A spokesperson says it's going
13 to--there's a determination on winability. I would
14 think if you ask any attorney what their winability
15 is they're say 100%, right, or at least a lawyer that
16 I have better have 100% winability. [laughs] So I
17 would urge you to correct this, and what this
18 represents to me is that even the people that are
19 speaking about the program are equally as confused.
20 So, if we just make it universal there's no
21 confusion. That's how we fix this. Okay.

22 COMMISSIONER AGARWAL: Can I add one more
23 thing here?

24 CHAIRPERSON FERRERAS-COPELAND: Yes.
25

1
2 DE BELLISEN SOPHIE: By virtue of kind of
3 getting here to I hope a better place. I think that,
4 you know, we have had a tremendous working
5 relationship not just with the Council but with the
6 advocates and the legal service providers and that we
7 haven't. Okay. So, what I'd like to say in that
8 regard simply is that, you know, the intention here
9 is provide more representation, right, and that's a
10 shared goal. The intention is to provide more
11 representation, and to make sure that in a moment
12 where, as the Commissioner said, there isn't
13 universal representation. We know that there is
14 gaps. There is tremendous litigation that's
15 happening to fight for the right to representation
16 that the federal government should be providing in
17 the civil immigration enforcement context. We
18 celebrate that. We think that's exactly right that
19 is it the federal government's responsibility and
20 that they should be providing representation in this
21 context. We have had and this is a learning curve
22 for me as being part of the government to make hard
23 choices and hard priorities around many things. This
24 is one where we have been having to think about how
25 do you do this? I think there isn't a dispute about

1 needing to do it, right? Needing to provide
2 representation, but that is a great need that it's
3 horrible for any family to be ripped apart in any
4 way, shape or form. The city along with-by the-wit
5 the leadership of the Council has made some decisions
6 already on individuals who are convicted of serious
7 and violent felonies like murder, like rape, like
8 domestic violence cases and others, but along--

10 CHAIRPERSON FERRERAS-COPELAND:

11 [interposing] Right, but 171 of these are non-violent
12 and there is, you know, just to kind of put-it just
13 seems like murder and rape because the-the one and I-
14 look, we understand, but it's not the only one.
15 There's 170, you know, there's then 168 others. So
16 that's where-and-and I get the intention. I don't
17 mean to cut you off--

18 DE BELLISEN SOPHIE: Yeah. No, I
19 appreciate it.

20 CHAIRPERSON FERRERAS-COPELAND: --but-but
21 I do believe that what is happening is you can't
22 improve on a program, I understand. Like I said, I
23 don't think that you're intentionally doing this, you
24 know, pitting one group against another.

25 COMMISSIONER AGARWAL: Right.

1
2 CHAIRPERSON FERRERAS-COPELAND: But what
3 is happening is that very fact, right. You are now
4 challenging the very advocates that work with you,
5 that make your agency work, right. If there's one
6 agency because you don't have union bodies. You
7 don't have a workforce, a municipal labor workforce
8 at you agency. You have worker bees called the non-
9 profit sector. You have worker bees called these
10 advocates, and they are saying this makes no sense
11 for us. We want to work with you. This makes no
12 sense for us, and because it's already been proven.
13 They've been working with the Council's aspects of
14 it. So, it's not, you know, it's-it's just pie in
15 the sky. The challenge here is that in no other
16 program would you because you want to grow it, would
17 you take you away services, and that's essentially
18 what's happening. So, you know, and I don't-I don't
19 want to-we're-we're looking to do 3-K. We don't take
20 away four, you know, we don't take away 3-K to expand
21 3-K, right. Like we just expand it, and that's where
22 we are, and we think there's an opportunity
23 especially now in this climate that we can strengthen
24 your agency, and give you every tool you need. We
25 just need you to ask for it.

1
2 COMMISSIONER AGARWAL: So, Chair, if you
3 have additional questions.

4 CHAIRPERSON FERRERAS-COPELAND: Right,
5 you know what, this is totally off topic, not off
6 this topic, but I do have a question I've been asking
7 every commissioner, and it's on another priority that
8 we have and that's Summer Youth Employment. Talk
9 about totally on the other side. We—as one of our
10 priorities, we've asked the administration to expand
11 SYEP. However, one of the challenges that DYCD does
12 face is placement and we would like to know if you
13 currently have any Summer Youth Employment young
14 people working at your agency and could you absorb
15 additional if you were asked to?

16 COMMISSIONER AGARWAL: We don't I believe
17 have Summer Youth Employment participants. I believe
18 we could and we'd be interested in absorbing them.
19 We may need space desk space.

20 CHAIRPERSON FERRERAS-COPELAND: Okay.

21 COMMISSIONER AGARWAL: We're—we're
22 hitting up against a real estate problem I think.

23 CHAIRPERSON FERRERAS-COPELAND: Okay.

24 COMMISSIONER AGARWAL: But other than—
25 other than that, I think we'd be very interested.

CHAIRPERSON FERRERAS-COPELAND: Duly
noted alright. Chair.

CHAIRPERSON MENCHACA: Thank you, Chair.
During the Preliminary Budget hearing we learned that
through collaborations MOIA and through other-through
your own initiatives, city agencies have done much to
promote immigrant inclusion language access. You
reported that today as well. Has the Administration
explored establishing and immigrant service taskforce
to be in one room to discuss immigrant community
needs and to really streamline the process that we're
talking about right now? I have some more questions
on other topics, but that's—I want to take with the
taskforce.

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON MENCHACA: It's something
I've been asking for for a long time. We want to be
in that room as well, really thinking about multi-
agency approaches as they get issues, TLC. I mean,
you get the point.

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON MENCHACA: How are we going
to do it?

1
2 COMMISSIONER AGARWAL: Yeah, so we have
3 being that in various iterations for the last few
4 years. I think a few hearings back we had mentioned
5 that we have an immigrant inclusion team that works
6 with various agencies on language access and other
7 issues. I think very early on we brought many city
8 agencies together address the sort of big surge in
9 accompanied minors in 2014, and continue to bring
10 together agencies especially in this moment to talk
11 about different policy changes that are happening at
12 the federal level. The response rate from agencies
13 has been great. Each agency has designated a point
14 person to liaise with our office on sort of emerging
15 immigration issues. So, we do have that kind of
16 regular communication and coordination with agencies.

17 CHAIRPERSON FERRERAS-COPELAND: I just
18 want to make a correction to the statement that I
19 made for clarity. I was reading through the article
20 rather quickly. So, you still have--when I quoted the
21 reporter quoting the mayor's spokesperson. The
22 Mayor's spokesperson did say winability. What I did
23 was I thought the mayor's spokesperson was Markowitz
24 and it wasn't. It was actually a professor who spoke
25 in the paragraph above, but the mayor's spokesperson,

1 you know, thank God for Twitter. I guess the
2 reporter is tweeting me right now. So I wanted to
3 correct that, but the winability quote was from the
4 mayor's spokesperson. I just quoted the person's
5 name incorrectly.
6

7 COMMISSIONER AGARWAL: Okay.

8 CHAIRPERSON FERRERAS-COPELAND: Okay.

9 CHAIRPERSON MENCHACA: Thank you and-and
10 if I'm making any mistakes, please let me know, too.

11 CHAIRPERSON FERRERAS-COPELAND: [off mic]
12 You might need it. (sic)

13 CHAIRPERSON MENCHACA: Well, Tweet me
14 right now. The other question or just to follow up
15 on this is in April we introduced some—a piece of
16 legislation to make this happen. This is why we're
17 asking. Thank you for—this sounds like it's
18 happening, but the oversight role that we play we
19 need to be in the room to really understand how this
20 is happening, not only how it's happening but really
21 offer any kind of new insight so we can as—as members
22 of the City Council and as Chair of the Immigration
23 Committee. Let's mover over to Adult Literacy. It's
24 something that I know is very, very, very concerning
25 that we did not see it in the budget. The Chair,

1 Chair Ferreras-Copeland mentioned it in a few
2 questions about this, and I think what's important
3 right now is to try to understand how—how did we get
4 to a \$12 million allocation last year and then got
5 nothing, not even like a bit of it baselined this
6 year at all? And the funding and I'm going to—we're
7 going to go through it. We're going to talk about We
8 Are New York and all that, but how—how did we—how did
9 we land her and how—how can we it's back to the basic
10 nature about your role as coordinator for all this.
11 How—how did we—how did we get here?

13 COMMISSIONER AGARWAL: Yeah, so, I—my
14 understanding is that while it's not in the Executive
15 Budget, we're in very active conversations with the
16 Council about adult literacy issues. We have George
17 is looking at the Adopted. So, I don't think the
18 conversation is off the table, or closed at all. I
19 think we're in active engagement also learning from
20 the funding from last year.

21 CHAIRPERSON MENCHACA: Okay, and—and
22 again, it just forces us for—into a position of
23 advocacy that could be spent designing the program
24 rather than going back, and essentially we're
25 starting from scratch in a lot of ways because we're

1 not talking about baselining. We're not talking
2 about RFPs. We're talking about going back and
3 getting that money again and--and sending us off into
4 what the next questions are going to include are--are
5 decisions that are made kind of in the mix--in the
6 midst of an allocation spend-down and making
7 decisions that I think when we think about budgets we
8 should be making before we insert our two-hour
9 conversation about legal services with information
10 that's understandable, and now we're going to be--we
11 could possibly be in the same situation where we
12 allocate dollars, and then start designing the
13 program in the midst of a time that we're going to be
14 spending the money at the same time. I'm just saying
15 that's just incredibly disrespectful to the mission
16 of adult education when providers have to be prepared
17 for summer classes and fall classes and--and that
18 presented a problem. So, I--I don't know if you have
19 any kind of response to that before I go into some
20 the specific questions, but it's just not the way we
21 budget. It's not the way we should be budgeting. I
22 don't know if you disagree with that.

23
24 COMMISSIONER AGARWAL: No, I--to the
25 extent that I think I sort of understand that concern

1 fully, I think that in reality when we move from City
2 Council allocated dollars to the administration,
3 unfortunately there are changes in sort of how the
4 process works, and think to some extent that's
5 inevitable. I know that the agencies that did
6 administer the funding try to mitigate against some
7 of those challenge, and I think we did that decently
8 well last year when the funding conversations were
9 happening. So, I think we would want to move towards
10 that as well as these conversations continue to
11 ensure that there isn't disruption, but you know,
12 there is—there are some complications in moving from
13 Council discretionary funding to the Administration.
14

15 CHAIRPERSON MENCHACA: I just want to
16 mention yesterday we had a—a big rally at Borough
17 Hall where hundreds of providers and teachers and
18 students talked a lot about what was so important to
19 them, and in the midst of a—of a moment that we're in
20 right now the Trump Administration, English really
21 provides that step that necessary step that again
22 we're not going to argue the values, or we understand
23 the values, but when we think about budget and
24 elected officials and administration and agencies,
25 that can be making a different step in the right

1 direction to allow for that right kind of discussion
2 and budgetary decisions, we're already walking into a
3 very tumultuous decision, and every- Can we get the
4 sergeant-at-arms? Can we-can we get the-the noise
5 outside, too? I don't know what's happening outside.
6 There's a party outside. It's distracting. And we're
7 going to need your help in that, and I just feel like
8 that was-that was-we-we-we collective-but
9 collectively we failed, and I want to make sure that-
10 that-that we-we call it out, and then, too make sure
11 that we-we work together to make sure that doesn't
12 happen. And for adult education it's so-so important
13 right now that we get not just the dollars to do the
14 classes, but that we-that we get to the point where
15 teachers are getting are getting paid what they
16 deserve to be paid. This is not a new argument.
17 We've been arguing this over and over in our beds, in
18 press conferences and meetings and rooms together.
19 But teachers don't get paid what they deserve, and we
20 need to put-put real wraparound services around-
21 around our families, our mixed status families where
22 we have kids going to Pre-K right now thanks to this
23 partnership, and have universal Pre-K all over the
24 city and our parents can't get their English classes
25

1 that they need to help their kids at home. This is
2 the vision. This is universal, and we want everybody
3 to have access to that, and we're going to need your
4 help to do that. This year we're going into the same
5 point, the same place as last year, and that is a
6 failure. That is a failure. We don't have—we're not
7 talking about baselining. We're not talking about
8 the 16.4 in legal services and so I just want to make
9 that—make the point clear and offering opportunities
10 for you to—to respond to that as well.

12 COMMISSIONER AGARWAL: I would say like—
13 like you said, I think we're very aligned on the
14 values and the importance of the services and look
15 forward to continue working with you on addressing
16 these adult literacy questions.

17 CHAIRPERSON MENCHACA: Okay. So, for the
18 subpart of the \$12 million, \$3.1 was allocated toward
19 a second season of We Are New York and you reported
20 to it, and so, I guess what I want to be—be more
21 clear about is we know it's coming. You're telling
22 us it's coming. Can you talk us—talk to us a little
23 bit about how you're going to be measuring the
24 success of this—of this allocation. You talked to us
25 about—about some of the topic areas. I didn't see

1 civic engagement, and I was very clear that that's
2 what I wanted to see. So there was a couple of
3 commas in there. Maybe it's in-stuck in between a
4 couple of commas, but help me a little bit. Help me
5 understand whether or civic engagement and
6 participatory budgeting is something that the City
7 Council has been championing for a long time, and has
8 been seeing immigrants come in-in-in record numbers.
9 Last year-this year in my own district 8,000 plus
10 people voted in participatory budgeting. These-most
11 of these ballots were cast in Spanish, Chinese and
12 Arabic. I'm not alone. This is happening across the
13 entire city, and-and would be a great thing. Is this
14 part of your-of your We Are New York second season?

16 COMMISSIONER AGARWAL: Yeah, so we are-I
17 would say first that We Are New York is very much
18 sort of I guess underpinned by this idea of civic
19 engagement. What we find with all of the
20 conversation classes is that the teachers as well as
21 the students form connections and bonds with each
22 other in the community that then encourage them to be
23 involved in other activities within the community
24 sort at large in terms of civic engagement, but all
25 of the episodes are actually focused on that theme of

1 people coming together and sort of acting
2 collectively on--on various issues that are of concern
3 to them. So, I think that's sort at the heart of the
4 We Are New York program, and we've been working with
5 your office to figure out what the next season of
6 episodes is and I think we're coming to resolution on
7 what many of those things are, and I think civic
8 engagement will be very much a part of what we would
9 like to put forward, and we'll circle back to you
10 with the final sort of roster once--

12 CHAIRPERSON MENCHACA: [interposing] What
13 about measuring its success? How are you measuring?
14 I know there's report coming on Season 1, and now
15 we're looking at launching Season 2. How are you
16 ensuring that we're capturing success rates, and how
17 are you going to measure the success on this program?

18 COMMISSIONER AGARWAL: Yeah, so one thing
19 we have is we've been able to get a private funder to
20 support an actual formal evaluation of the program to
21 understand what the outcomes are for students. To
22 sort of understand what the program is doing well,
23 what might be areas of improvement and so that is
24 sort of in the works right now, and I think will

1 provide like the best like sort of formal and
2 independent analysis of the program.
3

4 CHAIRPERSON MENCHACA: Okay, and—and
5 we're done, right? No more We Are New York needs.
6 We're—we got as second season and you have a good
7 program, and that didn't sound like that was part of
8 your needs for next fiscal year.

9 COMMISSIONER AGARWAL: We are delighted to
10 have a second season, and I think the kind of very
11 limited needs most of that will be done in this
12 fiscal year. With the funding that was allocated, I
13 think most of the needs will be to continue the
14 program in terms of supporting the teachers and the
15 classes, and sort of helping to do outreach. So, New
16 Yorkers know about the program, but I think that's
17 the scope of the need for the future.

18 CHAIRPERSON MENCHACA: Got it and—and I
19 think the way that you've—you've presented the
20 program it's going to help the adult education not
21 cannibalize.

22 COMMISSIONER AGARWAL: Right.

23 CHAIRPERSON MENCHACA: And so this will
24 not be in disservice or in removal of funding from
25 adult education. When we talk about adult education,

1 there will be adult education funding, and We Are New
2 York will no--no longer be something that confronts it
3 at a--at a budget level.

4
5 COMMISSIONER AGARWAL: Yeah, I mean I
6 don't--I don't think I see where New York is being
7 part of the adult education system. It's very
8 diverse. I think the way we like to think about it
9 is a potential on-ramp to other more formal adult
10 education classes and sort of thinking about the
11 different models that work for different New Yorkers.
12 So, for some sort of adult education class runs
13 through the DOE or through DYCE and community
14 partners makes sense for others. We Are New York
15 might make sense. We want to have a sort of range of
16 services that are available. That was the reason to
17 expand We Are New York, but really our need for the
18 future for We Are New York is just to make sure that
19 Season 1 and 2 together expand and reach communities.

20 CHAIRPERSON MENCHACA: Okay. Look, it's--
21 it's--it's complementary but it's not the same thing,
22 and I think that's an important--I think that's what I
23 wanted to--to get from you and it--it sounds like
24 that's right.

1
2 COMMISSIONER AGARWAL: Yes, I think a mix
3 of a diverse set of services that are available.

4 CHAIRPERSON FERRERAS-COPELAND: [off mic]

5 CHAIRPERSON MENCHACA: Okay. I'll follow
6 up.

7 CHAIRPERSON FERRERAS-COPELAND:

8 Commissioner, I have a—a question. Have you thought
9 of and especially in this new time working mothers,
10 working families you work with a lot of different
11 immigrant populations about partnering and perhaps
12 doing a more intensive, and I know that you alluded
13 to kind of the—the very basic English classes that
14 people might be able to take adult literacy. But have
15 you thought of doing online, like an online portal
16 that people can go on and maybe through CUNY get a
17 certificate of any other partners? I think CUNY is
18 the one that's most natural that you can just log in.
19 And, you know, maybe you can only study when you come
20 home at 11 o'clock at night or when you put your 3-
21 year-old to bed. Have you thought of this and what
22 is the—it just seems like it—the cost would be just
23 an initial investment as opposed to, you know, having
24 to just hire and in some cases, even people that
25 might not necessarily have-- I think it might even

1 address of the waitlist issues that we have. So,
2 have you thought of this?

3
4 COMMISSIONER AGARWAL: Yeah, so I
5 neglected to mention that We Are New York, one big
6 part of the investment from this year is
7 significantly increasing the online sort of presence
8 of the program. We have not thought about a sort of
9 certification program or anything like that. So,
10 it's a great idea and we can sort of look into
11 whether we could build it. We're already partnering
12 with CUNY on this program.

13 CHAIRPERSON MENCHACA: This is one we
14 don't want to create and initiative for. We actually
15 want you to start on your end. [laughter] But the
16 Chair and I had discussed this, and we just think
17 it's-it's a-it's a great potential for many New
18 Yorkers that aren't necessarily taking classes in the
19 traditional way--

20 COMMISSIONER AGARWAL: Right.

21 CHAIRPERSON FERRERAS-COPELAND: --but in
22 districts like mine and--and the Chair's where we have
23 extensive waitlists, but I think even if we were to
24 add, you know, another \$10 million, you probably
25 still wouldn't even address the waitlist in our

1 communities. But this is just I think the way that
2 the times are moving, and—and making it accessible
3 even on your—on your phone. I mean people are
4 watching movies on their phones nowadays. So, on
5 their Smart Phones. So, I—I would urge you to kind
6 of look into that, and stay close with the Council
7 because we'd like to work with you on what potential
8 that may have.
9

10 COMMISSIONER AGARWAL: Yeah, that would
11 be great.

12 CHAIRPERSON FERRERAS-COPELAND: Chair.

13 CHAIRPERSON MENCHACA: Thank you, and
14 during the—the Preliminary Budget hearing you
15 testified that post-election the Mayor's Office of
16 Immigrant Affairs coordinated over 150 convenings on
17 Know Your Rights forums, and in the budget response,
18 the Preliminary Budget response the Council called
19 for the Administration to add the \$1.4 to launch a
20 citywide Know Your Rights campaign and to coordinate
21 services for these campaigns and forums in every
22 borough, but the Executive Budget didn't reflect
23 that, and so I guess I kind of want to understand
24 that there are more needs and for these kinds of
25 conversations, not just in our—and you testified to

1 the school. I'm sorry. You testified to the work
2 around schools and hospitals, and there are folks in
3 this room that are doing good work within small
4 service providers that are not the big hospitals, but
5 you're in the hospitals. Explain how did it—how did
6 it not end up in the Budget, and so what's the
7 barrier here, what's the gap understanding, the gap
8 of understanding here that OMB didn't put this into
9 Executive Budget?
10

11 COMMISSIONER AGARWAL: Yeah. So I mean
12 one thing I think as I mentioned in my testimony is
13 that we were approached by private funders to support
14 a citywide initiative around Know Your Rights, and so
15 that has been approved as of today. So, we'll have
16 more information for you on that. The bulk of that
17 is really funding for community organizations around
18 the city to be able to provide Know Your Rights
19 forums and particularly to fill gaps in some of the
20 neighborhoods, which may not have the Know Your
21 Rights forums. So, I think that's an important part,
22 an important first step and our office often will
23 partner with private funders to encourage investments
24 in immigrant communities citywide. We've done that
25 with citizenship to great success, and now hoping as

1 well that the Know Your Rights forums will--will be a
2 big success in partnership with--with partners on the
3 ground.
4

5 CHAIRPERSON MENCHACA: Can you talk--can
6 you tell us a little bit more about how much was
7 approved?

8 COMMISSIONER AGARWAL: It was literally
9 just approved. So, I will have to come back to you
10 with the details on what sort of was ultimately
11 signed off on, and we're very happy to share that
12 with you right now, but it happened while we were in
13 here.

14 CHAIRPERSON MENCHACA: And--and this is
15 private--this is private foundation money?

16 COMMISSIONER AGARWAL: Yes.

17 CHAIRPERSON MENCHACA: Okay, in
18 coordinate--in coordination as you just laid out--

19 COMMISSIONER AGARWAL: Yes.

20 CHAIRPERSON MENCHACA: --the--the kind of
21 concept of--of integrating it to all of the things you
22 just spoke to. Okay, and so how is this--how is this
23 work connected to this bigger budget ask that has yet
24 to materialize, and now we're going add it to the
25 list of ever-growing need that we have together, our

1 shared values, and so how-how do we prioritize that
2 in all of this? And were-how-how is the Mayor's
3 Office of Immigrant Affairs going to help us
4 prioritize when we go back to the negotiation tables
5 and we think about Know Your Rights, and we think
6 about that carve-out and we think about adult
7 education courses, and we think about-and then, you
8 know, we-we-got a lot of needs here. So-so help us
9 understand where-where the Know Your Rights forums
10 are going to come in if-if we need to prioritize?
11

12 COMMISSIONER AGARWAL: Yeah. I mean I
13 think the Know Your Rights forums is what's been
14 clear just from this year, a number of Know Your
15 Rights forums that we've done, but we also know lots
16 of groups around the city are doing is that is a huge
17 and important need right now because there is a huge
18 amount of fear. I think there is lack of information
19 about sort of city services that are available, the
20 importance of getting that out. Also information
21 about knowing your rights if you're a tenant, if you
22 are a worker who, you know, might work for employer
23 who is trying to exploit sort of fears about ICE
24 right now. So, I think that needs from our point-
25 point of view and we've invested our own resources

1 are very great for sure. And so, you know, I-I don't
2 know how you would rank that on the Council's end in
3 terms of all of the other needs that have been
4 articulated, but certainly what we have seen is just
5 a tremendous desire for those, and the turnout at the
6 Know Your Rights forums has often been very high.

8 CHAIRPERSON MENCHACA: So, I'll bring you
9 back to our original conversation. In the Know Your
10 Rights forum that the Mayor's Office of Immigrant
11 Affairs is going to host in the near future in a
12 world where—and I don't believe this is going to
13 happen. But, fast forward where we have a carve-out,
14 how are in— How are you in the Know Your Rights
15 workshops going to talk about representation that you
16 will have as a city, and—and talk to families and
17 talk to immigrants about them not be able to get
18 representation if they're convicted? And talk to me
19 about how—how that—how that—and the reason I ask is
20 because I think we are all in Know Your Rights forum
21 all the time, and one of the most beautiful and
22 simple ways of—of defining the work that we do right
23 now through NYIFUP is that this is universal
24 representation. So, help me. I'm going to go back
25 into rooms soon, and it won't happen, but a possible

1 carve-out is in place. How-how are you going to
2 instruct me to talk about these services that are
3 paid for by New York tax dollars in-in these spaces
4 in these rooms?
5

6 COMMISSIONER AGARWAL: Yeah, so what
7 we've been doing in the Know Your Rights forums right
8 now is usually partnering with a legal service
9 provider and more often community based provider or
10 Fordham Law School, as I mentioned. The component of
11 the program that we do would be focused on rights to
12 city services, schools, healthcare et cetera. In
13 that we'll sort of share information with sort of-
14 this is part of the one-page the Speaker put out,
15 right, if you've been the victim of a hate crime here
16 are the numbers to call. If you need legal services,
17 call 311 and ask for immigration help. There's a
18 range of different immigration legal services for
19 providers across the city, city funded and not. And
20 so we try to-we work with the State Office of New
21 Americans Hotline to allocate, to help people find
22 services for themselves. And so that's what we do,
23 and then our partners will often do the Know Your
24 Rights trainings on how you interact with ICE, what
25 happens if they come to your home, et cetera, and we

1 sort of share responsibility for the forums in that
2 way. We don't want our staff or city staff to be
3 actually providing legal advice. That's not
4 appropriate for them to do. So, we make sure folks
5 who are trained and able to do that are—are doing it
6 instead.

8 CHAIRPERSON MENCHACA: Then my next
9 question was on CUNY Citizenship Now a big program
10 that we all promote. I mean this one program changes
11 lives. They're turning 20 now. We just did this big
12 forum in—in—in my district in Red Hook. People from
13 all over the city came out. It was just our Red Hook
14 Sunset Park district residences. People from the
15 Bronx and I mean talk about a space where people are
16 just ready to become citizens. Didn't know that—that
17 they were eligible, now are and are in the process
18 and they're talking to a lawyer and it's beautiful.
19 How did that not end up in the budget this year?

20 COMMISSIONER AGARWAL: Yeah, my
21 understanding is that, well, of course, the
22 administration is very committed to citizenship and
23 we've been doing a number of different citizenship
24 programs ourselves. I think that's also part of the
25 ongoing dialogue between the administration on the

1 CUNY Citizenship Now Funding. So, don't know that
2 it's off the table at all, and I think it's part of
3 the discussions that we're having with you.
4

5 CHAIRPERSON MENCHACA: Okay, and again I—
6 I think it's important that we have—have these
7 conversations, but that the values that we—that we
8 are all talking about end up in the baseline for
9 reasons that it becomes—it becomes an integrated city
10 service including the hotline. So, you talked a
11 little bit about a hotline as well. So, we want to
12 just take the opportunity to ask about this hotline,
13 and what—what—there—there already are hotlines that
14 people know and trust, and so what makes it necessary
15 for the city of New York to have or through the
16 Mayor's Office of Immigrant Affairs in coordination I
17 guess, question mark, with others need a—a different,
18 a different hotline.

19 COMMISSIONER AGARWAL: We don't have a
20 separate hotline. So we would utilize that pre-
21 existing hotline that Catholic Charities runs already
22 for the Office of New Americans, and so that's the
23 sort of line that helps across the board. So, you're
24 actually utilizing pre-existing infrastructure.
25 We've contributed—contributed additional funding to

1 support Catholic Charities for an increased volume of
2 calls and things like that. But, it's the same—it's
3 not a new hotline.
4

5 CHAIRPERSON MENCHACA: Okay, and so I
6 know we're—we're—we're out of time, and I want to
7 make a final statement and I'm going to hand it over
8 to the Chair. And I guess what I'm going to say is
9 through—through this Executive Budget hearing, we got
10 to see a lot of different priorities. The immigrant
11 families that we represent both out of the
12 administration and the people you serve, we all
13 serve, offer us a lot of opportunity to understand
14 that need from hotlines, Human Rights forums to
15 expanding adult education programs, bringing in a
16 whole new video operation We Are New York, and so
17 these are all decisions that we're going to be making
18 in prioritization. They're hard decisions, but there
19 are some decisions that will never be hard, and I
20 want to make that very clear, and one of those is due
21 process, and understanding how important everyone—
22 This is a constitutional right, this is a
23 constitutional right for everyone in New York to have
24 a lawyer, and the way we get there is not to create
25 carve-outs today in a municipal action that we will

1 be voting on. I will have an opportunity to vote on
2 this Budget very, very soon. We will be negotiating
3 together, but the road to the federal government one
4 day waking up and it will wake up very soon. We are
5 staring a wild fire to get there. It will not get
6 there if we create these carve-outs that will never
7 lead us down that path. The federal government
8 should provide lawyers for everybody. Universal
9 representation can't get to the federal government if
10 we compromise here at the City of New York. End of
11 story. That's my-my final message here. Hear that,
12 feel that. We're going to keep talking about in new
13 negotiations, and I-and I hope that we-- No, I trust
14 that we're going to get there. That's our goal.
15 Thank you very much for presenting today on this
16 first historic Executive Budget hearing for the
17 Immigration Committee and thank you, Chair, for your
18 patience, and for your incredible work as our
19 partner. Thank you.

20
21 TRANSLATOR: Thank your.

22 COMMISSIONER AGARWAL: Great. Thank you.

23 CHAIRPERSON FERRERAS-COPELAND: Thank you,
24 Chair Menchaca. Commissioner, look, I know that today
25 was a difficult budget hearing but I'm-you know, you

1 were prepared. Didn't necessarily give us the
2 answers we would have loved to resolve this right
3 now, but I also understand that you need a lot of
4 advocates or communities to be responsive, and I just
5 want you to know that we are partners in this
6 process. I hope that you were able to take from us
7 and--and be able to kind of revert that back to the
8 Administration even though I'm already getting texts
9 and calls. We just want to urge you that--to rethink
10 this point, and I think that in many ways we're on
11 the same page, and we can get there. So, I'm looking
12 forward to doing an adoption with this hiccup being
13 resolved because that, you know, it's--it's one that I
14 think--and where I feel like the intentions aren't
15 necessarily reflected in what the outcomes could
16 potentially be. So, I'm sure that you would thank
17 the advocates for bringing this--this point up if you
18 were on the other side or when you were on the side--

20 COMMISSIONER AGARWAL: [interposing]

21 Sure.

22 CHAIRPERSON FERRERAS-COPELAND: --more--

23 more importantly. So, they're doing exactly what you
24 would expect them to do. So, and I know that in your
25 heart of hearts you know that.

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON FERRERAS-COPELAND: So,
that's why we're doing what we need to do for our
constituents, and this is democracy right here.

COMMISSIONER AGARWAL: One hundred
percent.

CHAIRPERSON FERRERAS-COPELAND: Okay,
great, and that concludes today's hearing. Thank you
to Commissioner Agarwal for being with this
afternoon. I would also like to once again thank my
Co-Chair for today's hearing, Chair-Chair Williams
Chair Menchaca and the members of our committees.
Again, a reminder that the public will be invited to
testify on Thursday, May 25th, the last day of budget
hearings at approximately 1:00 p.m. in this room. For
any member of the public who wishes to testify, but
cannot make it to the hearing, you can submit your
testimony to the Finance Division at the Council's
website at council.nyc.gov/budget/testimony and the
staff will make it a part of the official record. We
will resume budget hearings tomorrow in this room at
10:00 a.m. with the Committee on Sanitation and Solid
Waste Management to hear from the Department of
Sanitation. The committee will also join the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS AND COMMITTEE ON IMMIGRATION

299

2 Committee on Governmental Operations at noon to hear
3 from DCAS, the Board of Elections, the Campaign
4 Finance Board and the Law Department and with that
5 this hearing is now adjourned. [gavel]

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 12, 2017