

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

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

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May 11, 2017  
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HELD AT: Council Chambers - City Hall

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

JUMAANE D. WILLIAMS  
Chairperson

CARLOS MENCHACA  
Chairperson

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Ritchie J. Torres  
Barry S. Grodenchik

Rafael Salamanca, Jr.  
Eric A. Ulrich  
Mathieu Eugene  
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## 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



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[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

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

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

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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



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

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

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

COMMISSIONER TORRES-SPRINGER: Thank you.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

CHAIRPERSON FERRERAS-COPELAND: Okay.

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

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

CHAIRPERSON FERRERAS-COPELAND: Right.

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

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

COMMISSIONER TORRES-SPRINGER: Alright.

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

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COMMISSIONER TORRES-SPRINGER: Yes. So,

let me just start by talking about regulatory.

Actually, let me just answer the question on the--the

breakdown. So, of the 62,500 units, in Housing New

York, 42,223 were preservation. That's about 67%,

21,175 are new construction. That's about 33%.

Regulatory agreements just to clarify for us are very

important tools to ensure that our partners are

living up to the bargain that was struck in our--our

maintaining their obligations as it relates to each

of the projects. Because of the record production

that we are seeing through Housing New York, of

course that means that the--there are increasing

numbers of regulatory agreements. Just to give you

an example, in the first three years of Housing New

York there are approximate 1,000 projects that make

up the 62,000 units that I mentioned and so we have

approximately 1,000 new regulatory agreements or a

similar type of restriction for those projects. It's

important to note, however, that for some of the tax

abatements--for--some of programs or interventions we

have regulatory agreements but not for all, and so

you mentioned, Chair Ferreras 421-A and JC51. These

are as of right programs. They do not have

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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

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

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

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not necessarily protecting those are—have invested in  
the properties. I just wanted to briefly talk about  
the lottery system, and then I'm going to come back  
in second round so that Chair Williams can ask his  
questions and we can get to hearing from members.

Through the New York City Housing Connect applicants  
can find and apply for affordable housing in New York  
City, new current and upcoming housing opportunities  
and apply to qualifying housing options. About how  
many applications applied per housing unit available  
in 2017? [pause] And you can say a lot. [laughs]

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

CHAIRPERSON FERRERAS-COPELAND: Sure.

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

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

COMMISSIONER TORRES-SPRINGER: Okay.

CHAIRPERSON FERRERAS-COPELAND: And does  
HPD feel a housing lottery is best or a more  
efficient process for securing an affordable housing  
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?

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

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

CHAIRPERSON FERRERAS-COPELAND:

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

COMMISSIONER TORRES-SPRINGER: Well, we

do know that the need is high, but that it--that it is a data point that allows us to say that we need more resources versus less, and that which is intuitive for us, of course, given that we live in the city and we--we understand the need everyday, but it is something--it is a case that we make them available for them.

CHAIRPERSON FERRERAS-COPELAND:

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



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

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

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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

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

CHAIRPERSON FERRERAS-COPELAND:

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

COMMISSIONER TORRES-SPRINGER: Right,

and--and--and what I mentioned earlier in terms of the

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

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

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DEPUTY COMMISSIONER HENDRICKSON: Yes,

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

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

CHAIRPERSON FERRERAS-COPELAND: Okay.

So, I just need two numbers from you. One of them is  
on average per building that opens the opportunity  
that opens--how many applications are you getting in.

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

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

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

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

CHAIRPERSON FERRERAS-COPELAND: Thank  
you, Chair.

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

COMMISSIONER TORRES-SPRINGER: Thank you  
very much.

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

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

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

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

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



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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

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

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

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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

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

COMMISSIONER TORRES-SPRINGER:

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

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

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

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

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

CHAIRPERSON WILLIAMS: Thank you.

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

DEPUTY COMMISSIONER PARK: Understood.

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

COMMISSIONER TORRES-SPRINGER: That was  
held flat.

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

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

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

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

COMMISSIONER TORRES-SPRINGER: Yes.  
There's a lot of uncertainty, Council Member, and so  
the funding goes through the end of September. There  
are speculation that we will be working under  
continuing resolution again for quite a while. So,  
it's because of all that uncertainty that we are  
preparing rigorously, but are making sure that we  
aren't doing anything either in language or in  
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



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

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

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

CHAIRPERSON WILLIAMS: Yes, yes.

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

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

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

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

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

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

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

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

CHAIRPERSON FERRERAS-COPELAND:  
[interposing] Right.

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

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

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

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CHAIRPERSON FERRERAS-COPELAND: Okay.

Alright thank you.

COMMISSIONER TORRES-SPRINGER: [off mic]

Thank you, Chair.

CHAIRPERSON WILLIAMS: Thank you. Just—so

I just want to clarify because I think they did  
report it as \$3.7 million and you're saying \$2.1.

COMMISSIONER TORRES-SPRINGER: The—the  
savings—the savings plan that—that we have identified  
is \$2.1 through the Executive Plan although it's  
possible that some of the confusion is because we  
have savings that we have committed to in previous  
plans, and so that might—that it's likely what  
explains why that number is higher. We'd be happy to  
provide the very specific breakdown of what the  
savings are both for this new what we are proposing  
from Exec and what had been had been committed to in  
previous plans.

CHAIRPERSON WILLIAMS: Okay, so and—and  
these bills obviously if the CDBG cuts come then we  
lose all the savings for the swap going out there?

COMMISSIONER TORRES-SPRINGER: It—it is  
hard to speculate at this moment, and the time that  
the cuts happen we will re-evaluate—

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CHAIRPERSON WILLIAMS: [interposing]

Yeah, I just—

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

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

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

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

COMMISSIONER TORRES-SPRINGER: That's  
right.

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

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

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

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

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

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

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



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

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

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

COMMISSIONER TORRES-SPRINGER:

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

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

CHAIRPERSON WILLIAMS: [interposing]

Including the Council.

COMMISSIONER TORRES-SPRINGER: --

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

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

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

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deputy mayors for them and separate commissioners.

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

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

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

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

CHAIRPERSON WILLIAMS: Well, thank you.

One, I just have to say what you're saying is much  
different than the perception, and I think there  
should be a lot more discussion about these things  
publicly because I would say it seems very much so  
that we talk about it on two separate tracks, and I'd  
love to explore this more because it sounds  
interesting. It sounds like it may be a topic for  
another hearing or some—some other discussions.  
Maybe— [sneezing] God bless you. Maybe if  
everything is under one deputy mayor that might be a  
little helpful to some of the perception, but this is  
interesting. I think it sounds good, and maybe some  
of it is new, but as we have to continue with this  
kind of coordination so that we're not talking about

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

CHAIRPERSON FERRERAS-COPELAND: Thank  
you, Chair Williams. We've been joined by Council  
Member Espinal. We will now hear from Council Member  
Grodenschik, followed by Council Member Mendez,  
followed by Council Member Treyger.

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

COMMISSIONER TORRES-SPRINGER: Good  
morning.

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



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

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

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

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

DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

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

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

DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

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

DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

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

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

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

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

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

DEPUTY COMMISSIONER HENDRICKSON: Uh-huh.

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

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

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

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

DEPUTY COMMISSIONER HENDRICKSON: Okay.

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

DEPUTY COMMISSIONER HENDRICKSON: Yes.

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

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

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

COMMISSIONER TORRES-SPRINGER: We'd be  
happy.

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

CHAIRPERSON FERRERAS-COPELAND: To second  
round.

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

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

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



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

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

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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,

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

COUNCIL MEMBER MENDEZ: Twenty percent of  
all HDFCs—

DEPUTY COMMISSIONER HENDRICKSON:  
[interposing] Correct.

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

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

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

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

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

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

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

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

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

CHAIRPERSON WILLIAMS: Thank you.

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

DEPUTY COMMISSIONER HENDRICKSON:  
[interposing] Thank you

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

COMMISSIONER TORRES-SPRINGER: That's  
right.

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

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

COMMISSIONER TORRES-SPRINGER: Right.

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

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

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

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

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

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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



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

COUNCIL MEMBER TREYGER: So many  
acronyms.

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

COUNCIL MEMBER TREYGER: I-I--

COMMISSIONER TORRES-SPRINGER: Okay.

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

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

COMMISSIONER TORRES-SPRINGER: I

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

DEPUTY COMMISSIONER PARK: And let me

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

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

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

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

COMMISSIONER TORRES-SPRINGER: Good  
afternoon.

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

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

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

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COUNCIL MEMBER SALAMANCA: [interposing]

So--

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

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

COMMISSIONER TORRES-SPRINGER: I  
understand that.

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

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

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

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

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

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

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

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

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



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

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

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

COMMISSIONER TORRES-SPRINGER: [laughs]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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

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

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

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



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with-ELI and VLI, just explain to me the connection  
with ELI, VLI and SARA and ELLA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRPERSON FERRERAS-COPELAND: Thank  
you.

COUNCIL MEMBER GRODENCHIK: Thank you,  
Commissioner.

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

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what are you giving her, personal question.

[laughter]

COMMISSIONER TORRES-SPRINGER: Let me get  
that.

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

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



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

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

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

COUNCIL MEMBER MENDEZ: No, no question—  
no answers right now.

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

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

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

COUNCIL MEMBER MENDEZ: It may have  
happened this morning.

COMMISSIONER TORRES-SPRINGER: Okay, so  
very good.

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

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

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

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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

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

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

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

COUNCIL MEMBER LEVINE: [interposing]

And—and I appreciate it but my time is up. Just the  
last part if is do you know how much it would cost  
overall to—for the city to pick up the cost of those  
mortgages through ANCP?

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

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

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

COUNCIL MEMBER LEVINE: Alright, thank  
you.

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



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

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

CHAIRPERSON FERRERAS-COPELAND: Okay,  
very good. Thank you very much. Again, that  
concludes the first part of today's budget hearing.  
I want to thank Commissioner Torres-Springer for  
testifying. As a reminder, the public will be  
invited to testify on Thursday, May 25<sup>th</sup> 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 could  
submit your testimony to the Finance Division on the  
Council's website [council.nyc.gov/budget/testimony](http://council.nyc.gov/budget/testimony),  
and the staff will make it a part of the official  
record. We will now take a 10-minute break before we  
hear from the Department of Buildings. [background

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

CHAIRPERSON WILLIAMS: Another one.

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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

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

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

Some highlights of Fiscal Year 2016 construction activity follows:

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

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

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

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

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

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

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

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

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

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Building Information System or BIS, and seamlessly  
interface with our other technology initiatives.

When completed, this new system will allow customers  
to conduct all their transactions on line including

filing applications, making payments, checking the  
status of their projects and having virtual

interactions with staff. Last summer we launched DOB

Now first plumbing and sprinkler applications. Since

then, we've added standpipe applications and façade

compliance filings. Mandating that all compliance

filings for facades be filed through DOB Now,

represents a huge step forward for the industry and

our staff. Having far greater clarity and access to

data points about facades across the city both

individually and in the aggregate provides a

tremendous convenience for the filing community and

most importantly contributes greatly to public

safety. The department also launched the Public

Portal for DOB Now. The Public Portal allows the

public online access to information and filing

submitted through DOB Now and as it is—is expanded

will provide information in a far more integrated and

user-friendly fashion than can currently be found in

BIS. Where the compliance filings are scheduled for



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

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

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

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

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

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

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

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

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will these efficiencies impact DOB's filing and  
permitting process and how will these efficiencies  
impact revenue collection?

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

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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



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meantime we're just carrying over the lines from--from  
the previous years.

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

COMMISSIONER CHANDLER: So, they're--  
they're funded through December of this year.

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

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

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

DEPUTY COMMISSIONER NEILL: So, we  
actually were never--

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

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

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

CHAIRPERSON FERRERAS-COPELAND: Okay.

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

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

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

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

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

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

DEPUTY COMMISSIONER NEILL: Yes, and then  
obviously there's other additional changes in terms  
of fines and penalties, inspection permits-fees as  
well.

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

DEPUTY COMMISSIONER NEILL: Yes.

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

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

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

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

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

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CHAIRPERSON FERRERAS-COPELAND:

[interposing] Right.

COMMISSIONER CHANDLER: --the part--  
that's--that's included in our revenue generation.

CHAIRPERSON FERRERAS-COPELAND: So, what  
would generate a civil penalty versus a ECB penalty?

COMMISSIONER CHANDLER: Civil penalties  
would be for work without a permit. [background  
comments]

DEPUTY COMMISSIONER FARIELLO: Sure.  
Thomas Fariello, First Deputy Commissioner. So work  
without a permit violation would trigger when they  
come in to file for the permit. The civil penalty  
then kicks in, and so that's the civil penalties that  
would be addressed that's in our revenue. For the  
ECB fine for that violation would not be.

CHAIRPERSON FERRERAS-COPELAND: Okay. So  
your total, and just so that I know the total \$282  
would include your construction, your permit, for  
after hour, your paper permits, and your civil--  
whatever you collect from your civil penalty.

COMMISSIONER CHANDLER: Civil penalties.

CHAIRPERSON FERRERAS-COPELAND: Right, is  
that everything?

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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

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

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

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

CHAIRPERSON FERRERAS-COPELAND: The  
sidewalk shed?

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

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

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

COMMISSIONER CHANDLER: [interposing]  
Yes, yes.

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

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

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

COMMISSIONER CHANDLER: Multiple years,  
indeed.



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

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

CHAIRPERSON FERRERAS-COPELAND: Right.

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

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

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

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

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

COMMISSIONER CHANDLER: Yes.

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

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

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

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

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

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

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

COMMISSIONER CHANDLER: Congratulations.

CHAIRPERSON WILLIAMS: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRPERSON WILLIAMS: Sorry, can you--



COMMISSIONER CHANDLER: Sorry.

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

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

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

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

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

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

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Member Rosenthal. We will now hear from Council

Member Mendez followed by Council Member Menchaca.

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

COMMISSIONER CHANDLER: I think Sharon  
does.

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

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

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

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

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

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

COMMISSIONER CHANDLER: Correct.

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

COMMISSIONER CHANDLER: That's correct.

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

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

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

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

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

COMMISSIONER CHANDLER: [interposing]

Just a reminder, though.

COUNCIL MEMBER MENDEZ: Yes.

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

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

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

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

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

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



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

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

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

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

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

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COMMISSIONER CHANDLER: Yes, thank you.

COUNCIL MEMBER MENCHACA: Is that  
something we can—we can work with you on and--

COMMISSIONER CHANDLER: [interposing]  
Yes, we can try to. Again, I would say that it--

COUNCIL MEMBER MENCHACA: [interposing]  
We can start with rough.

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

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

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

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

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

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

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

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

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

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

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

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COUNCIL MEMBER ROSENTHAL: That's great,  
see.

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

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

DEPUTY COMMISSIONER NEILL: It's the  
city.

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

DEPUTY COMMISSIONER NEILL: [interposing]  
1133.

COMMISSIONER CHANDLER: We think it's  
1133.

COUNCIL MEMBER ROSENTHAL: 1133.

COMMISSIONER CHANDLER: So, 11 if you  
could--

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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

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that because I know you do lots of different work.

Your mission is broad.

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

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

COMMISSIONER CHANDLER: Yes.

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

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

COUNCIL MEMBER ROSENTHAL: [interposing]  
yes.

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

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

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



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

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

CHAIRPERSON FERRERAS-COPELAND: [off mic]

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

COMMISSIONER CHANDLER: It's less  
terrible.

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

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

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

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

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

COUNCIL MEMBER ROSENTHAL: Two? Two  
different firms.

DEPUTY COMMISSIONER NEILL: It probably—

COUNCIL MEMBER ROSENTHAL: Is it one  
consulting contract?

COMMISSIONER CHANDLER: It's—

DEPUTY COMMISSIONER NEILL: Well—

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

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

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

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

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

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

COMMISSIONER CHANDLER: Absolutely.

COUNCIL MEMBER ROSENTHAL: Okay, thank  
you very much.

COMMISSIONER CHANDLER: Yeah, look  
forward to it?

COUNCIL MEMBER ROSENTHAL: Thank you.

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

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

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

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

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

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

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

COMMISSIONER CHANDLER: Thank you very  
much--

CHAIRPERSON FERRERAS-COPELAND: Okay.

COMMISSIONER CHANDLER: --for your time.

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

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

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

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

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

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

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

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

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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

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

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

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

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

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

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

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

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

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

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

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

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the program. The Executive Budget proposed \$19.2 million for Fiscal 18 for IDNYC, which would— represents a continued considerable investment for the program, allows the card to continue to be free in 2017, and permits the continued focus on developing program integrations and card utility.

I'm additionally proud of the multi-faceted work done in collaboration with the Council to advance language access for New Yorkers who are limited English proficient. Under the Charter, MOIA and the Mayor's Office of Operations, share the responsibility of enforcing city agencies' compliance with relevant language access laws and policies. Meanwhile the Department of Citywide Administration Services or DCAS oversees contracting for language access services for city agencies. The staff and budget for the administration's language access work sit with DCAS and MOIA works closely with DCAS agency partner staff to implement the city's policy goals with regard to language access. For example, on March 18, 2017, the Speaker's Language Access Bill the Local Law 30. MOIA will build on our language access work with agencies to ensure effective implementation of Local Law 30. Already working with agency partners



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

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

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

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

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

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to assess local impacts and advise on local response.

The need for legal services in the city has always  
been great. One million New Yorkers are non-citizens  
and another half million are undocumented. With the  
rollout of the President's Executive Orders and  
broader, more high profile enforcement activities by  
federal immigration authorities, the need for local  
investment--[coughs] excuse me--and immigration legal  
services is greater than ever. Indeed, the city's  
Action NYC legal Services Program witnessed a 240%  
increase in calls to 311 in January and February.  
Individuals have shown need for services and  
citizenship, deportation defense, asylum and more.  
After considerable evaluation of the growing needs  
and capacity for immigrant legal services and in part  
through conversations with providers and the Council,  
the administration was encouraged to baseline  
additional funding for legal services including a  
total of \$18.1 million in legal and policy  
initiatives to be administered for HRA. This  
investment builds on already significant investments  
made by the Administration and the Council on  
immigration legal services. In the last few years  
the Mayor and the Speaker have advanced innovative

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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amplified through Cities for Action and help pave the  
way for continued advocacy for immigrants nationally.

For example, we have provide technical assistance for  
Municipal ID programs to Newark, Chicago and

Milwaukee, and have been in conversation on legal  
services investments with Los Angeles and Baltimore.

We look forward to continuing to provide this  
assistance as well as to share best practices with  
our sister cities. MOIA's accomp-accomplishments in  
partnership with sister agencies across city

government in what is arguably the most inclusive  
immigrant friendly city in the world are a testament

to the tremendous leadership in this administration  
and the City Council. But, of course, there is still

a lot more to be done, and the urgency has not been  
greater. I am confident that the proposed Executive

Budget will allow MOIA and our sister agencies the  
opportunity to properly analyze, monitor, drive and

build a systemic response to immigrant communities  
with the flexibility needed in an ever shifting

landscape. In closing, I want to recognize the

incredible work of the Speaker, the Committee on

Immigration and the entire City Council on behalf of

New York City immigrants. Together with the Mayor,

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

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

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Administration—and the Administration supporting six.

During the process, you of allocating these funds,

MOIA and the Administration consulted DYCD and CUNY

and DOE. So, I guess we're trying to figure out when

you engage with these agencies it seems that this was

something that you've averted—that you did after

adoption and said, you know, these are the agencies

we want to work with. This is where we think the

funding should be. However, this is our next Fiscal

year. We called on baselining where it makes sense.

When do you begin your conversations? Because in

reality it is not reflected in DYCD's budget.

They're—they're not advocating for \$6 million or

whatever the portion was for adult literacy. Yet

that seems to be your role. However, it's not in

your budget. It's in the agency's budget. So, can

you walk me through this process?

COMMISSIONER AGARWAL: Yeah, sure. So, I

think in broad strokes the role that MOIA plays is to

be a coordinator, and so if we use the literacy

example, we would work with the DOE, DYCD or with

other agencies that would be part of the delivery of

services as well as the decision making process. And

our conversations sort of are ongoing throughout the



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

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

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

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

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

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

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

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

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

CHAIRPERSON FERRERAS-COPELAND:  
[interposing] I try.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

COMMISSIONER AGARWAL: [interposing]  
Yeah.

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

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

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

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

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

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

CHAIRPERSON FERRERAS-COPELAND: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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CHAIRPERSON FERRERAS-COPELAND:

[interposing] And are they IDNYC staff?

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.

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?

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

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provide the analysis and the support that the  
administration and the Council need given the current  
environment.

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

COMMISSIONER AGARWAL: [interposing]  
Sure.

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

COMMISSIONER AGARWAL: Sure.

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

COMMISSIONER AGARWAL: Sure.

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

COMMISSIONER AGARWAL: Yep.



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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  
entirely. So, to have no details on a—a program  
that, you know, we deem incredibly important and not

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know what portion of it. Because you can turn around  
and say, you know what? We're going to give a  
majority of it to asylum seekers and, you know, and--  
and there might be a need, but without an explanation  
or an understanding, we don't necessarily know.

We're excited and happy to see that there's an  
investment. However, it's frustrating for us to not  
have those details. So, when do you expect to have  
the--the details or the breakdown for these programs?

COMMISSIONER AGARWAL: Yeah, very soon.

I think that will be in conversation with the--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Very soon like before adoption?

COMMISSIONER AGARWAL: Definitely before  
adoption.

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

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

COMMISSIONER AGARWAL: Sure.

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

COMMISSIONER AGARWAL: [interposing] One  
out of five.

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

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

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CHAIRPERSON FERRERAS-COPELAND: The  
budget says--

COMMISSIONER AGARWAL: My understanding  
is that IDNYC--

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

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

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

COMMISSIONER AGARWAL:

CHAIRPERSON FERRERAS-COPELAND:

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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

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

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

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

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

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

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

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



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

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

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

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

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

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

COMMISSIONER AGARWAL: Yeah, yeah.

CHAIRPERSON MENCHACA: --help me  
understand that.

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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.

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

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

CHAIRPERSON FERRERAS-COPELAND:

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

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

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

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

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

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

COMMISSIONER AGARWAL: Right, and again  
I--

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

COMMISSIONER AGARWAL: Yeah, sure.

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

COMMISSIONER AGARWAL: [interposing]  
Yeah, absolutely. So I think to some extent this is  
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

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

COMMISSIONER AGARWAL: Yeah, absolutely.

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

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

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

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

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

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

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

CHAIRPERSON MENCHACA: [interposing] And  
what is that?

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

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

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

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

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

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

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

CHAIRPERSON MENCHACA: So, what about our--our people with mental health--mental illness or the elderly or people with legitimate claims to U.S. Citizenship, people with decade old convictions, and Green Card holders, and people who are trying to vacate unlawful convictions and people who--whose convictions are on a direct appeal. What about people who receive rehabilitative--rehabilitative relief from their convictions, people who receive drug and mental health treatment and have since been rehabilitated. I mean these are--these are--these are--these are people. These are--these are--are New Yorkers.

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

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

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

COMMISSIONER AGARWAL: [interposing]

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

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

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

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



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

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

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

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

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

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

CHAIRPERSON MENCHACA: And then--and then  
I think the--the other question is who--who--who makes  
this decision on--on your side? Who--who--who makes  
this decision?

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

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

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

CHAIRPERSON MENCHACA: [interposing]  
Commissioner Banks.

COMMISSIONER AGARWAL: --I am working  
very closely.

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

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

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

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

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

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

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

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

COMMISSIONER AGARWAL: Good afternoon.

COUNCIL MEMBER MILLER: And I think I was supposed to repeat his questions, but he didn’t leave them for me. So, we’ll jus forward. So, just again as a matter of clarity, and it is kind—a lot of conversation about services being delivered prioritizing services and so forth. But I kind of want to drill—drill down on that considering the current climate that we’re living in now. How do we—does that dictate a—a—a prioritizing of services, a shift in services or an increase in services and—and 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

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

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

COMMISSIONER AGARWAL: Correct.

COUNCIL MEMBER MILLER: The—the new  
needs?

COMMISSIONER AGARWAL: Yes.

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



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

COMMISSIONER AGARWAL: Yeah, absolutely.

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

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

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

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

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

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

COMMISSIONER AGARWAL: [off mic] Yes.

COUNCIL MEMBER MILLER: Thank you. Thank  
you, Chairs

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

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

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

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

COMMISSIONER AGARWAL: [interposing] Yes.

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER AGARWAL: Absolutely.

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



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

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

CHAIRPERSON FERRERAS-COPELAND: Yes, of  
course.

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

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

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

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

CHAIRPERSON MENCHACA: [interposing]

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

COMMISSIONER AGARWAL: Sure.

CHAIRPERSON MENCHACA: Walk me through  
that.

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

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

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

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

CHAIRPERSON MENCHACA: Introduce  
yourself.

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

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

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

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

COMMISSIONER AGARWAL: I'm actually not,  
yeah.

CHAIRPERSON MENCHACA: [interposing]  
You've got—you can figure out and then you can get in  
front of them and say look, you're a go. We're going  
to—we're going be here. Due process is important.  
You're going to have a lawyer, and then—and then  
insert the fact that everything changes that the—the  
odds of you getting a fair trial and—and—and  
defending yourself in front of a court against  
government paid, government trained lawyers you'll  
have everything you need to confront them, and—and  
then you can—you can have time to actually make the  
case, and judges are saying that that's a better way  
of the justice system. That's a better way of New  
York City designing its way through an immigration  
process that's—the needs are formed no doubt, but has  
an opportunity. That's the value of New York. That's  
where we're exporting across.

COMMISSIONER AGARWAL: Yeah.

CHAIRPERSON MENCHACA: Help me understand  
that.

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COMMISSIONER AGARWAL: I just want to  
give a point of clarity in terms of the determination  
of whether or not the person has a conviction or not.  
The issue here an attorney regardless has to make  
that determination.

CHAIRPERSON MENCHACA: [off mic] Sorry.  
Sorry.

COMMISSIONER AGARWAL: I'm—I'm saying I  
just want to for a point of clarity the issue is here  
that regardless, an attorney has to make that  
determination, right. You don't know what your  
client is or isn't eligible for or how you represent  
the client before a judge without knowing that  
information. So, you have to make that  
determination. How you do that and what course of  
process with this program I think that's where  
there's area where we absolutely want just further  
discussion and further input to ensure that it makes  
sense, and that it's compatible with the overarching  
goals here, which is to provide representation for  
more people with this funding.

CHAIRPERSON MENCHACA: Again, I—I—I want  
to end this because I know we have other questions to  
ask, and the last kind of point I want to make about

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the people we're trying to advocate for right now,  
we're in advocate—we're advocating right now for  
families, for people who are undocumented or some  
have some kind of status that forces them into  
deportation proceeding and—and you're saying there's  
a carve-out who have legal and these are American  
citizen children, and will get representation under  
your current carve-out. And for me that is—that is—  
that is another very, very important point to make is  
that we're—we're thinking about these as units or  
family units with mixed status, and so when we think  
about an undocumented person, we have to think about  
the whole family, the impact is to the whole family,  
our schools. Some of our schools that are  
overcrowded. That's what we're talking about, and  
they deserve—they deserve—they deserve representation  
period, and that is the value that we cannot let go  
of as we move forward, and you will get every ounce  
of passionate advocacy on this point. And I hope  
that you listen to us very fiercely right now, and  
continue to as we move forward that this budget—this  
budget hole is not a budget hole. This is a—this is  
a hole in values right now, and I hope that we can  
meeting at the middle and I and I know we will. I—I



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have—I have every faith right now that we will meet,  
that we will meet at the middle at the end of this,  
and get the state and get other employers to fill  
that gap, and the state is doing it as just report.

CHAIRPERSON FERRERAS-COPELAND:

[interposing] We don't have to get the state to do  
it. They're doing it anyway.

CHAIRPERSON MENCHACA: Well, they're  
doing it. You're right, the state is doing it.  
Sorry, Chair.

CHAIRPERSON FERRERAS-COPELAND: So, I  
have a question because you kind of confused me  
there. You said, you know, through the screening  
process, you know, attorneys will have documents,  
which they won't have access to, and they have to do  
the screening.

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON FERRERAS-COPELAND: But isn't  
that kind of—so, are we now going to ask attorneys to  
engage with clients and do a screening and not pay  
them for that because that seems like it's universal.

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON FERRERAS-COPELAND: Right,  
so wouldn't that be universal coverage?

DE BELLISEN SOPHIE: I mean I don't—I  
don't think again, the Commissioner spoke at length,  
right about we're in this process. This is the  
purpose of the conversations we're having and where  
we hope to go, but I don't think that we imagine that  
there is a potential to not allow attorneys to do  
screenings here and, of course, to pay them for those  
screenings, right. The reality is that they won't be  
able to make those determinations in advance and we  
recognize that, and that is very important. It's  
extremely essential to any process that an attorney  
has. So, what we're saying here is we—we hear you,  
right. Screening has to happen. An attorney to be  
able to make the judgment, and so that has to be a  
consideration in any program design and model, and  
with you there.

CHAIRPERSON FERRERAS-COPELAND: Right,  
but in the past because the screening wasn't needed,  
the—the investment was different. So, now we're  
going to be paying attorneys for screenings. So,  
essentially we're even placing less money towards the  
program, right because you're paying an attorney for  
the time that they would have taken a case, and then  
they will continue the case, but now we're going to

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pay them for screening and for the cases that they  
take. Do you--

COMMISSIONER AGARWAL: I'm sure--

CHAIRPERSON FERRERAS-COPELAND: --and  
don't take, right because we're paying them for the  
work that they're--but look, we're going to--we can be  
back and forth at this. We're here to negotiate a  
budget, and we just want to get as much information  
so that we can go ahead and do that. I do have a  
question, though. In this Cranes' article, and I'm  
not sure if you read it because it kind of just came  
out. So, I don't want to--but there is a Markowitz  
who is the spokesperson for the administration or the  
Mayor's spokesperson, and it suggests that the other  
criteria that would be including is "winability"  
which could be used to determine which immigrants the  
city represents. They said that the details were  
still in flux. What does winability mean when you're  
in a deportation proceeding?

COMMISSIONER AGARWAL: I--I haven't read  
that article. I don't think Peter Markowitz was  
speaking for the administration. So, I--I guess I  
would have to look at that table to respond.

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DE BELLISEN SOPHIE: I was just told that  
there was misquote there that will require--

CHAIRPERSON FERRERAS-COPELAND:  
[interposing] Oh, guess who's on the misquote.

COMMISSIONER AGARWAL: Nice job. Thank  
you for that. We'll have to call for a correction  
and credit you for it.

CHAIRPERSON FERRERAS-COPELAND: Okay, I  
think this is a problem when it's an article that's  
referencing to a very big issues. We're in the  
middle of a hearing. A spokesperson says it's going  
to--there's a determination on winability. I would  
think if you ask any attorney what their winability  
is they're say 100%, right, or at least a lawyer that  
I have better have 100% winability. [laughs] So I  
would urge you to correct this, and what this  
represents to me is that even the people that are  
speaking about the program are equally as confused.  
So, if we just make it universal there's no  
confusion. That's how we fix this. Okay.

COMMISSIONER AGARWAL: Can I add one more  
thing here?

CHAIRPERSON FERRERAS-COPELAND: Yes.

DE BELLISEN SOPHIE: By virtue of kind of  
getting here to I hope a better place. I think that,  
you know, we have had a tremendous working  
relationship not just with the Council but with the  
advocates and the legal service providers and that we  
haven't. Okay. So, what I'd like to say in that  
regard simply is that, you know, the intention here  
is provide more representation, right, and that's a  
shared goal. The intention is to provide more  
representation, and to make sure that in a moment  
where, as the Commissioner said, there isn't  
universal representation. We know that there is  
gaps. There is tremendous litigation that's  
happening to fight for the right to representation  
that the federal government should be providing in  
the civil immigration enforcement context. We  
celebrate that. We think that's exactly right that  
is it the federal government's responsibility and  
that they should be providing representation in this  
context. We have had and this is a learning curve  
for me as being part of the government to make hard  
choices and hard priorities around many things. This  
is one where we have been having to think about how  
do you do this? I think there isn't a dispute about

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needing to do it, right? Needing to provide  
representation, but that is a great need that it's  
horrible for any family to be ripped apart in any  
way, shape or form. The city along with-by the-wit  
the leadership of the Council has made some decisions  
already on individuals who are convicted of serious  
and violent felonies like murder, like rape, like  
domestic violence cases and others, but along--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Right, but 171 of these are non-violent  
and there is, you know, just to kind of put-it just  
seems like murder and rape because the-the one and I-  
look, we understand, but it's not the only one.  
There's 170, you know, there's then 168 others. So  
that's where-and-and I get the intention. I don't  
mean to cut you off--

DE BELLISEN SOPHIE: Yeah. No, I

appreciate it.

CHAIRPERSON FERRERAS-COPELAND: --but-but

I do believe that what is happening is you can't  
improve on a program, I understand. Like I said, I  
don't think that you're intentionally doing this, you  
know, pitting one group against another.

COMMISSIONER AGARWAL: Right.

CHAIRPERSON FERRERAS-COPELAND: But what  
is happening is that very fact, right. You are now  
challenging the very advocates that work with you,  
that make your agency work, right. If there's one  
agency because you don't have union bodies. You  
don't have a workforce, a municipal labor workforce  
at you agency. You have worker bees called the non-  
profit sector. You have worker bees called these  
advocates, and they are saying this makes no sense  
for us. We want to work with you. This makes no  
sense for us, and because it's already been proven.  
They've been working with the Council's aspects of  
it. So, it's not, you know, it's-it's just pie in  
the sky. The challenge here is that in no other  
program would you because you want to grow it, would  
you take you away services, and that's essentially  
what's happening. So, you know, and I don't-I don't  
want to-we're-we're looking to do 3-K. We don't take  
away four, you know, we don't take away 3-K to expand  
3-K, right. Like we just expand it, and that's where  
we are, and we think there's an opportunity  
especially now in this climate that we can strengthen  
your agency, and give you every tool you need. We  
just need you to ask for it.

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COMMISSIONER AGARWAL: So, Chair, if you  
have additional questions.

CHAIRPERSON FERRERAS-COPELAND: Right,  
you know what, this is totally off topic, not off  
this topic, but I do have a question I've been asking  
every commissioner, and it's on another priority that  
we have and that's Summer Youth Employment. Talk  
about totally on the other side. We—as one of our  
priorities, we've asked the administration to expand  
SYEP. However, one of the challenges that DYCD does  
face is placement and we would like to know if you  
currently have any Summer Youth Employment young  
people working at your agency and could you absorb  
additional if you were asked to?

COMMISSIONER AGARWAL: We don't I believe  
have Summer Youth Employment participants. I believe  
we could and we'd be interested in absorbing them.  
We may need space desk space.

CHAIRPERSON FERRERAS-COPELAND: Okay.

COMMISSIONER AGARWAL: We're—we're  
hitting up against a real estate problem I think.

CHAIRPERSON FERRERAS-COPELAND: Okay.

COMMISSIONER AGARWAL: But other than—  
other than that, I think we'd be very interested.



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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 an 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?

COMMISSIONER AGARWAL: Yeah, so we have  
being that in various iterations for the last few  
years. I think a few hearings back we had mentioned  
that we have an immigrant inclusion team that works  
with various agencies on language access and other  
issues. I think very early on we brought many city  
agencies together address the sort of big surge in  
accompanied minors in 2014, and continue to bring  
together agencies especially in this moment to talk  
about different policy changes that are happening at  
the federal level. The response rate from agencies  
has been great. Each agency has designated a point  
person to liaise with our office on sort of emerging  
immigration issues. So, we do have that kind of  
regular communication and coordination with agencies.

CHAIRPERSON FERRERAS-COPELAND: I just  
want to make a correction to the statement that I  
made for clarity. I was reading through the article  
rather quickly. So, you still have--when I quoted the  
reporter quoting the mayor's spokesperson. The  
Mayor's spokesperson did say winability. What I did  
was I thought the mayor's spokesperson was Markowitz  
and it wasn't. It was actually a professor who spoke  
in the paragraph above, but the mayor's spokesperson,

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you know, thank God for Twitter. I guess the  
reporter is tweeting me right now. So I wanted to  
correct that, but the winability quote was from the  
mayor's spokesperson. I just quoted the person's  
name incorrectly.

COMMISSIONER AGARWAL: Okay.

CHAIRPERSON FERRERAS-COPELAND: Okay.

CHAIRPERSON MENCHACA: Thank you and-and  
if I'm making any mistakes, please let me know, too.

CHAIRPERSON FERRERAS-COPELAND: [off mic]  
You might need it. (sic)

CHAIRPERSON MENCHACA: Well, Tweet me  
right now. The other question or just to follow up  
on this is in April we introduced some—a piece of  
legislation to make this happen. This is why we're  
asking. Thank you for—this sounds like it's  
happening, but the oversight role that we play we  
need to be in the room to really understand how this  
is happening, not only how it's happening but really  
offer any kind of new insight so we can as—as members  
of the City Council and as Chair of the Immigration  
Committee. Let's mover over to Adult Literacy. It's  
something that I know is very, very, very concerning  
that we did not see it in the budget. The Chair,

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Chair Ferreras-Copeland mentioned it in a few questions about this, and I think what's important right now is to try to understand how—how did we get to a \$12 million allocation last year and then got nothing, not even like a bit of it baselined this year at all? And the funding and I'm going to—we're going to go through it. We're going to talk about We Are New York and all that, but how—how did we—how did we land her and how—how can we it's back to the basic nature about your role as coordinator for all this. How—how did we—how did we get here?

COMMISSIONER AGARWAL: Yeah, so, I—my understanding is that while it's not in the Executive Budget, we're in very active conversations with the Council about adult literacy issues. We have George is looking at the Adopted. So, I don't think the conversation is off the table, or closed at all. I think we're in active engagement also learning from the funding from last year.

CHAIRPERSON MENCHACA: Okay, and—and again, it just forces us for—into a position of advocacy that could be spent designing the program rather than going back, and essentially we're starting from scratch in a lot of ways because we're

not talking about baselining. We're not talking about RFPs. We're talking about going back and getting that money again and--and sending us off into what the next questions are going to include are--are decisions that are made kind of in the mix--in the midst of an allocation spend-down and making decisions that I think when we think about budgets we should be making before we insert our two-hour conversation about legal services with information that's understandable, and now we're going to be--we could possibly be in the same situation where we allocate dollars, and then start designing the program in the midst of a time that we're going to be spending the money at the same time. I'm just saying that's just incredibly disrespectful to the mission of adult education when providers have to be prepared for summer classes and fall classes and--and that presented a problem. So, I--I don't know if you have any kind of response to that before I go into some the specific questions, but it's just not the way we budget. It's not the way we should be budgeting. I don't know if you disagree with that.

COMMISSIONER AGARWAL: No, I--to the 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

direction to allow for that right kind of discussion  
and budgetary decisions, we're already walking into a  
very tumultuous decision, and every- Can we get the  
sergeant-at-arms? Can we-can we get the-the noise  
outside, too? I don't know what's happening outside.  
There's a party outside. It's distracting. And we're  
going to need your help in that, and I just feel like  
that was-that was-we-we-we collective-but  
collectively we failed, and I want to make sure that-  
that-that we-we call it out, and then, too make sure  
that we-we work together to make sure that doesn't  
happen. And for adult education it's so-so important  
right now that we get not just the dollars to do the  
classes, but that we-that we get to the point where  
teachers are getting are getting paid what they  
deserve to be paid. This is not a new argument.  
We've been arguing this over and over in our beds, in  
press conferences and meetings and rooms together.  
But teachers don't get paid what they deserve, and we  
need to put-put real wraparound services around-  
around our families, our mixed status families where  
we have kids going to Pre-K right now thanks to this  
partnership, and have universal Pre-K all over the  
city and our parents can't get their English classes

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that they need to help their kids at home. This is the vision. This is universal, and we want everybody to have access to that, and we're going to need your help to do that. This year we're going into the same point, the same place as last year, and that is a failure. That is a failure. We don't have—we're not talking about baselining. We're not talking about the 16.4 in legal services and so I just want to make that—make the point clear and offering opportunities for you to—to respond to that as well.

COMMISSIONER AGARWAL: I would say like—like you said, I think we're very aligned on the values and the importance of the services and look forward to continue working with you on addressing these adult literacy questions.

CHAIRPERSON MENCHACA: Okay. So, for the subpart of the \$12 million, \$3.1 was allocated toward a second season of We Are New York and you reported to it, and so, I guess what I want to be—be more clear about is we know it's coming. You're telling us it's coming. Can you talk us—talk to us a little bit about how you're going to be measuring the success of this—of this allocation. You talked to us about—about some of the topic areas. I didn't see



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civic engagement, and I was very clear that that's  
what I wanted to see. So there was a couple of  
commas in there. Maybe it's in-stuck in between a  
couple of commas, but help me a little bit. Help me  
understand whether or civic engagement and  
participatory budgeting is something that the City  
Council has been championing for a long time, and has  
been seeing immigrants come in-in-in record numbers.  
Last year-this year in my own district 8,000 plus  
people voted in participatory budgeting. These-most  
of these ballots were cast in Spanish, Chinese and  
Arabic. I'm not alone. This is happening across the  
entire city, and-and would be a great thing. Is this  
part of your-of your We Are New York second season?

COMMISSIONER AGARWAL: Yeah, so we are-I  
would say first that We Are New York is very much  
sort of I guess underpinned by this idea of civic  
engagement. What we find with all of the  
conversation classes is that the teachers as well as  
the students form connections and bonds with each  
other in the community that then encourage them to be  
involved in other activities within the community  
sort at large in terms of civic engagement, but all  
of the episodes are actually focused on that theme of

people coming together and sort of acting collectively on-on various issues that are of concern to them. So, I think that's sort at the heart of the We Are New York program, and we've been working with your office to figure out what the next season of episodes is and I think we're coming to resolution on what many of those things are, and I think civic engagement will be very much a part of what we would like to put forward, and we'll circle back to you with the final sort of roster once--

CHAIRPERSON MENCHACA: [interposing] What about measuring its success? How are you measuring? I know there's report coming on Season 1, and now we're looking at launching Season 2. How are you ensuring that we're capturing success rates, and how are you going to measure the success on this program?

COMMISSIONER AGARWAL: Yeah, so one thing we have is we've been able to get a private funder to support an actual formal evaluation of the program to understand what the outcomes are for students. To sort of understand what the program is doing well, what might be areas of improvement and so that is sort of in the works right now, and I think will

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provide like the best like sort of formal and  
independent analysis of the program.

CHAIRPERSON MENCHACA: Okay, and—and  
we're done, right? No more We Are New York needs.  
We're—we got as second season and you have a good  
program, and that didn't sound like that was part of  
your needs for next fiscal year.

COMMISSIONER AGARWAL: We are delighted to  
have a second season, and I think the kind of very  
limited needs most of that will be done in this  
fiscal year. With the funding that was allocated, I  
think most of the needs will be to continue the  
program in terms of supporting the teachers and the  
classes, and sort of helping to do outreach. So, New  
Yorkers know about the program, but I think that's  
the scope of the need for the future.

CHAIRPERSON MENCHACA: Got it and—and I  
think the way that you've—you've presented the  
program it's going to help the adult education not  
cannibalize.

COMMISSIONER AGARWAL: Right.

CHAIRPERSON MENCHACA: And so this will  
not be in disservice or in removal of funding from  
adult education. When we talk about adult education,

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there will be adult education funding, and We Are New  
York will no-longer be something that confronts it  
at a-at a budget level.

COMMISSIONER AGARWAL: Yeah, I mean I  
don't-I don't think I see where New York is being  
part of the adult education system. It's very  
diverse. I think the way we like to think about it  
is a potential on-ramp to other more formal adult  
education classes and sort of thinking about the  
different models that work for different New Yorkers.  
So, for some sort of adult education class runs  
through the DOE or through DYCE and community  
partners makes sense for others. We Are New York  
might make sense. We want to have a sort of range of  
services that are available. That was the reason to  
expand We Are New York, but really our need for the  
future for We Are New York is just to make sure that  
Season 1 and 2 together expand and reach communities.

CHAIRPERSON MENCHACA: Okay. Look, it's-  
it's-it's complementary but it's not the same thing,  
and I think that's an important-I think that's what I  
wanted to-to get from you and it-it sounds like  
that's right.

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COMMISSIONER AGARWAL: Yes, I think a mix  
of a diverse set of services that are available.

CHAIRPERSON FERRERAS-COPELAND: [off mic]

CHAIRPERSON MENCHACA: Okay. I'll follow  
up.

CHAIRPERSON FERRERAS-COPELAND:

Commissioner, I have a-a question. Have you thought  
of and especially in this new time working mothers,  
working families you work with a lot of different  
immigrant populations about partnering and perhaps  
doing a more intensive, and I know that you alluded  
to kind of the-the very basic English classes that  
people might be able to take adult literacy. But have  
you thought of doing online, like an online portal  
that people can go on and maybe through CUNY get a  
certificate of any other partners? I think CUNY is  
the one that's most natural that you can just log in.  
And, you know, maybe you can only study when you come  
home at 11 o'clock at night or when you put your 3-  
year-old to bed. Have you thought of this and what  
is the-it just seems like it-the cost would be just  
an initial investment as opposed to, you know, having  
to just hire and in some cases, even people that  
might not necessarily have-- I think it might even

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address of the waitlist issues that we have. So,  
have you thought of this?

COMMISSIONER AGARWAL: Yeah, so I  
neglected to mention that We Are New York, one big  
part of the investment from this year is  
significantly increasing the online sort of presence  
of the program. We have not thought about a sort of  
certification program or anything like that. So,  
it's a great idea and we can sort of look into  
whether we could build it. We're already partnering  
with CUNY on this program.

CHAIRPERSON MENCHACA: This is one we  
don't want to create and initiative for. We actually  
want you to start on your end. [laughter] But the  
Chair and I had discussed this, and we just think  
it's-it's a-it's a great potential for many New  
Yorkers that aren't necessarily taking classes in the  
traditional way--

COMMISSIONER AGARWAL: Right.

CHAIRPERSON FERRERAS-COPELAND: --but in  
districts like mine and--and the Chair's where we have  
extensive waitlists, but I think even if we were to  
add, you know, another \$10 million, you probably  
still wouldn't even address the waitlist in our

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communities. But this is just I think the way that  
the times are moving, and--and making it accessible  
even on your--on your phone. I mean people are  
watching movies on their phones nowadays. So, on  
their Smart Phones. So, I--I would urge you to kind  
of look into that, and stay close with the Council  
because we'd like to work with you on what potential  
that may have.

COMMISSIONER AGARWAL: Yeah, that would  
be great.

CHAIRPERSON FERRERAS-COPELAND: Chair.

CHAIRPERSON MENCHACA: Thank you, and  
during the--the Preliminary Budget hearing you  
testified that post-election the Mayor's Office of  
Immigrant Affairs coordinated over 150 convenings on  
Know Your Rights forums, and in the budget response,  
the Preliminary Budget response the Council called  
for the Administration to add the \$1.4 to launch a  
citywide Know Your Rights campaign and to coordinate  
services for these campaigns and forums in every  
borough, but the Executive Budget didn't reflect  
that, and so I guess I kind of want to understand  
that there are more needs and for these kinds of  
conversations, not just in our--and you testified to

the school. I'm sorry. You testified to the work around schools and hospitals, and there are folks in this room that are doing good work within small service providers that are not the big hospitals, but you're in the hospitals. Explain how did it--how did it not end up in the Budget, and so what's the barrier here, what's the gap understanding, the gap of understanding here that OMB didn't put this into Executive Budget?

COMMISSIONER AGARWAL: Yeah. So I mean one thing I think as I mentioned in my testimony is that we were approached by private funders to support a citywide initiative around Know Your Rights, and so that has been approved as of today. So, we'll have more information for you on that. The bulk of that is really funding for community organizations around the city to be able to provide Know Your Rights forums and particularly to fill gaps in some of the neighborhoods, which may not have the Know Your Rights forums. So, I think that's an important part, an important first step and our office often will partner with private funders to encourage investments in immigrant communities citywide. We've done that with citizenship to great success, and now hoping as



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well that the Know Your Rights forums will--will be a  
big success in partnership with--with partners on the  
ground.

CHAIRPERSON MENCHACA: Can you talk--can  
you tell us a little bit more about how much was  
approved?

COMMISSIONER AGARWAL: It was literally  
just approved. So, I will have to come back to you  
with the details on what sort of was ultimately  
signed off on, and we're very happy to share that  
with you right now, but it happened while we were in  
here.

CHAIRPERSON MENCHACA: And--and this is  
private--this is private foundation money?

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON MENCHACA: Okay, in  
coordinate--in coordination as you just laid out--

COMMISSIONER AGARWAL: Yes.

CHAIRPERSON MENCHACA: --the--the kind of  
concept of--of integrating it to all of the things you  
just spoke to. Okay, and so how is this--how is this  
work connected to this bigger budget ask that has yet  
to materialize, and now we're going add it to the  
list of ever-growing need that we have together, our

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shared values, and so how-how do we prioritize that  
in all of this? And were-how-how is the Mayor's  
Office of Immigrant Affairs going to help us  
prioritize when we go back to the negotiation tables  
and we think about Know Your Rights, and we think  
about that carve-out and we think about adult  
education courses, and we think about-and then, you  
know, we-we-got a lot of needs here. So-so help us  
understand where-where the Know Your Rights forums  
are going to come in if-if we need to prioritize?

COMMISSIONER AGARWAL: Yeah. I mean I  
think the Know Your Rights forums is what's been  
clear just from this year, a number of Know Your  
Rights forums that we've done, but we also know lots  
of groups around the city are doing is that is a huge  
and important need right now because there is a huge  
amount of fear. I think there is lack of information  
about sort of city services that are available, the  
importance of getting that out. Also information  
about knowing your rights if you're a tenant, if you  
are a worker who, you know, might work for employer  
who is trying to exploit sort of fears about ICE  
right now. So, I think that needs from our point-  
point of view and we've invested our own resources

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are very great for sure. And so, you know, I—I don't know how you would rank that on the Council's end in terms of all of the other needs that have been articulated, but certainly what we have seen is just a tremendous desire for those, and the turnout at the Know Your Rights forums has often been very high.

CHAIRPERSON MENCHACA: So, I'll bring you back to our original conversation. In the Know Your Rights forum that the Mayor's Office of Immigrant Affairs is going to host in the near future in a world where—and I don't believe this is going to happen. But, fast forward where we have a carve-out, how are in— How are you in the Know Your Rights workshops going to talk about representation that you will have as a city, and—and talk to families and talk to immigrants about them not be able to get representation if they're convicted? And talk to me about how—how that—how that—and the reason I ask is because I think we are all in Know Your Rights forum all the time, and one of the most beautiful and simple ways of—of defining the work that we do right now through NYIFUP is that this is universal representation. So, help me. I'm going to go back into rooms soon, and it won't happen, but a possible

carve-out is in place. How-how are you going to instruct me to talk about these services that are paid for by New York tax dollars in-in these spaces in these rooms?

COMMISSIONER AGARWAL: Yeah, so what we've been doing in the Know Your Rights forums right now is usually partnering with a legal service provider and more often community based provider or Fordham Law School, as I mentioned. The component of the program that we do would be focused on rights to city services, schools, healthcare et cetera. In that we'll sort of share information with sort of- this is part of the one-page the Speaker put out, right, if you've been the victim of a hate crime here are the numbers to call. If you need legal services, call 311 and ask for immigration help. There's a range of different immigration legal services for providers across the city, city funded and not. And so we try to-we work with the State Office of New Americans Hotline to allocate, to help people find services for themselves. And so that's what we do, and then our partners will often do the Know Your Rights trainings on how you interact with ICE, what happens if they come to your home, et cetera, and we

sort of share responsibility for the forums in that way. We don't want our staff or city staff to be actually providing legal advice. That's not appropriate for them to do. So, we make sure folks who are trained and able to do that are—are doing it instead.

CHAIRPERSON MENCHACA: Then my next question was on CUNY Citizenship Now a big program that we all promote. I mean this one program changes lives. They're turning 20 now. We just did this big forum in—in—in my district in Red Hook. People from all over the city came out. It was just our Red Hook Sunset Park district residences. People from the Bronx and I mean talk about a space where people are just ready to become citizens. Didn't know that—that they were eligible, now are and are in the process and they're talking to a lawyer and it's beautiful. How did that not end up in the budget this year?

COMMISSIONER AGARWAL: Yeah, my understanding is that, well, of course, the administration is very committed to citizenship and we've been doing a number of different citizenship programs ourselves. I think that's also part of the ongoing dialogue between the administration on the

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CUNY Citizenship Now Funding. So, don't know that  
it's off the table at all, and I think it's part of  
the discussions that we're having with you.

CHAIRPERSON MENCHACA: Okay, and again I—  
I think it's important that we have—have these  
conversations, but that the values that we—that we  
are all talking about end up in the baseline for  
reasons that it becomes—it becomes an integrated city  
service including the hotline. So, you talked a  
little bit about a hotline as well. So, we want to  
just take the opportunity to ask about this hotline,  
and what—what—there—there already are hotlines that  
people know and trust, and so what makes it necessary  
for the city of New York to have or through the  
Mayor's Office of Immigrant Affairs in coordination I  
guess, question mark, with others need a—a different,  
a different hotline.

COMMISSIONER AGARWAL: We don't have a  
separate hotline. So we would utilize that pre-  
existing hotline that Catholic Charities runs already  
for the Office of New Americans, and so that's the  
sort of line that helps across the board. So, you're  
actually utilizing pre-existing infrastructure.  
We've contributed—contributed additional funding to

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support Catholic Charities for an increased volume of  
calls and things like that. But, it's the same—it's  
not a new hotline.

CHAIRPERSON MENCHACA: Okay, and so I  
know we're—we're—we're out of time, and I want to  
make a final statement and I'm going to hand it over  
to the Chair. And I guess what I'm going to say is  
through—through this Executive Budget hearing, we got  
to see a lot of different priorities. The immigrant  
families that we represent both out of the  
administration and the people you serve, we all  
serve, offer us a lot of opportunity to understand  
that need from hotlines, Human Rights forums to  
expanding adult education programs, bringing in a  
whole new video operation We Are New York, and so  
these are all decisions that we're going to be making  
in prioritization. They're hard decisions, but there  
are some decisions that will never be hard, and I  
want to make that very clear, and one of those is due  
process, and understanding how important everyone—  
This is a constitutional right, this is a  
constitutional right for everyone in New York to have  
a lawyer, and the way we get there is not to create  
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.

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



were prepared. Didn't necessarily give us the answers we would have loved to resolve this right now, but I also understand that you need a lot of advocates or communities to be responsive, and I just want you to know that we are partners in this process. I hope that you were able to take from us and--and be able to kind of revert that back to the Administration even though I'm already getting texts and calls. We just want to urge you that--to rethink this point, and I think that in many ways we're on the same page, and we can get there. So, I'm looking forward to doing an adoption with this hiccup being resolved because that, you know, it's--it's one that I think--and where I feel like the intentions aren't necessarily reflected in what the outcomes could potentially be. So, I'm sure that you would thank the advocates for bringing this--this point up if you were on the other side or when you were on the side--

COMMISSIONER AGARWAL: [interposing]

Sure.

CHAIRPERSON FERRERAS-COPELAND: --more--

more importantly. So, they're doing exactly what you would expect them to do. So, and I know that in your heart of hearts you know that.

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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 25<sup>th</sup>, 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](http://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

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Committee on Governmental Operations at noon to hear  
from DCAS, the Board of Elections, the Campaign  
Finance Board and the Law Department and with that  
this hearing is now adjourned. [gavel]

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