

#### Testimony of Commissioner Molly Wasow Park Commissioner, NYC Department of Social Services

Before the New York City Council, Committee on Contracts and the Committee on Oversight and Investigations Oversight Hearing: Revisiting City Contracts Serving Asylum Seekers in New York City.

#### **September 21, 2023**

Good afternoon, I want to thank the City Council's Committee on Contracts, the Committee on Oversight, and Investigations, Chair Won, Chair Brewer, and the committee members for organizing today's hearing on City contracts serving asylum seekers.

My name is Molly Wasow Park and I serve as the Commissioner of the Department of Social Services, which is made up of the Human Resources Administration (HRA) and the Department of Homeless Services (DHS). I am pleased to join my colleagues: Commissioner of New York City Emergency Management Zach Iscol, Chief of Staff and Deputy Commissioner for External Affairs at the Department of Housing Preservation & Development George Sarkissian, and Senior Vice President, Ambulatory Care and Population Health, New York City Health + Hospitals Dr. Theodore Long

The New York City Department of Social Services is the nation's largest social services agency. Each year we assist more than three million New Yorkers, advancing a mission of fighting poverty and income inequality. I appreciate the opportunity to review with you one critical aspect of our work, which is contracting with vendors and providers.

Contracts allow us to mobilize the resources in our communities to deliver services and support to asylum seekers. The contracting process is governed by a myriad of laws, regulations, and executive orders from the federal, state, and local levels. While we will only have the opportunity to review parts of a larger contracting process that spans volumes, I want to assure you that we are mindful of the

meaningful difference the supports we provide make in New Yorkers' lives; we bring that sense of responsibility to each part of the contracting process.

Amongst its purposes, the Procurement Policy Board (PPB) Rules direct us to:

- Provide for increased public confidence in New York City's public procurement processes;
- Ensure the fair and equitable treatment of all persons who deal with the procurement system of the City of New York;
- Provide for increased efficiency, economy, and flexibility in City purchasing activities and to maximize to the fullest extent the purchasing power of the City;
- Foster effective open competition to the extent possible from all segments of the vendor community; including small businesses, minority and women-owned and operated enterprises;
- Safeguard the integrity of the procurement system and protect against corruption, waste, fraud, and abuse;
- Ensure appropriate public access to contracting information; and
- Foster equal employment opportunities in the policies and practices of contractors and subcontractors wishing to do business with the City.

Our team of contracting officers and procurement professionals work to make those directives a reality.

In August of 2022, we issued the Emergency Solicitation for the DHS City Sanctuary Facilities – the document requesting proposals to serve the emergency needs of Asylum Seekers. In that solicitation, we sought vendors to procure and operate sites to serve families with children, adult families, or single adults. This is an open-ended solicitation, meaning proposals are reviewed on an ongoing basis and we began accepting proposals immediately. The solicitation is still open, and we are still receiving proposals. Note that this solicitation by no means constitutes the totality of our response at DSS, or our response as a City, which has included all the tools in our procurement toolbox; however, it does provides an important window into our approach to emergency procurement.

This emergency solicitation was issued pursuant to our Declaration of Emergency for Asylee Services and Shelter, an emergency procurement declaration to rapidly procure shelter and other services for people seeking asylum in New York City. Comptroller Lander then worked closely with the administration to appropriately expedite contracts and ensure New York City can deliver shelter and services that

families seeking asylum here urgently need. The emergency declaration sets forth the framework we operate under given the urgent needs we face.

After issuing the solicitation in August 2022, we held an information session to answer questions of interested providers. Subsequently, both new and existing providers have submitted proposals to operate emergency facilities. Proposals are reviewed by at least three raters, who assess proposals along multiple metrics including: experience, organizational capability, and approach. After assessing the scores in that rating process, we decline proposals below a certain threshold. Where possible, we offer constructive feedback to those proposals we decline.

For proposals above the rating threshold, the City enters into contract negotiations, which simultaneously confirming whether the proposer has the capacity to enter into a provider agreement. The process includes negotiating a budget and outlining parameters on City requirements for staffing and services. We undertake these negotiations with a model budget we use as a guidepost to ensure the City receives appropriate value per contract; in analyzing negotiation outcomes, it is important to keep in mind that, in an emergency context, some costs are more expensive relative to non-emergency procurement where we have months of lead time for planning and scoping. Even given the emergency context, these methodical steps exemplify the thoughtfulness and care with which we proceed in emergency procurement.

There are many further aspects to contracting in general, and emergency procurement in particular, that are not easily summarized, from the activation of existing contracts to deliver services, to the ongoing assessment and evaluation of contract performance, to the checks and balances provided by the Law Department, Office of Management and Budget, Office of the Comptroller, and the City Council.

More than 116,000 asylum seekers have come through New York City's intake system since spring 2022. We have over 60,400 asylum seekers currently in the City's care. The City has opened 210 sites, including 17 large scale humanitarian relief centers. As New Yorkers, we mobilized; community-based organizations, houses of worship, volunteers, and public servants have all participated in answering the call to feed, clothe, and house asylum seekers in our City. Human services providers stepped up – bringing to bear their considerable experience in delivering care for New Yorkers, our human services partners continue to help us care for our communities of "new" New Yorkers. As City leaders, we utilized every tool in our toolbox to help meet moral obligations including emergency contracting and procurement. Using these tools, we DSS/DHS opened emergency

shelters in all five boroughs, serving families with children, single adults, and adult families. The city continues to receive thousands of new arrivals a week seeking shelter and support, and we have worked tirelessly to live up to our obligation to provide help.

I would like to take a moment to recognize the truly amazing work of colleagues at DSS, at our sister agencies, and across the broad network of providers and not-for-profit partners engaged in meeting these challenges on a daily basis. The care and compassion that have guided our response thus far will continue to carry us through our response to these unprecedented circumstances.

Thank you for the opportunity to testify today. I'd now like to turn it over to my colleague from HPD to give their testimony.

### Testimony of the New York City Department of Housing Preservation and Development to the New York City Council Committee on Oversight and Investigations and Committee on Contracts

#### Thursday, September 21, 2023

Good afternoon, Chair Brewer and Chair Won, and members of the Committee on Oversight and Investigations and Committee on Contracts. My name is George Sarkissian, I'm the Chief of Staff and Deputy Commissioner for External Affairs at the New York City Department of Housing Preservation and Development (HPD). Thank you for the opportunity to be here and discuss HPD's work serving asylum seekers.

For almost a year, the Department of Housing Preservation and Development (HPD) has joined the multi-agency effort to shelter and care for the thousands of asylum seekers arriving to NYC every week. As the number of new arrivals increased since April 2022, the City's response grew proportionately. Joining the Department of Social Services, NYC Health and Hospitals, NYC Emergency Management, as well as several other agencies that provide support services, HPD has worked hard to meet the challenge head-on.

As an agency that already provides shelter to New Yorkers displaced from their homes because of fires and other emergencies, HPD has core competencies that we've built upon. As many of you know, when a fire leads to a vacate order of a residential building for unlivable conditions, the American Red Cross, contracted by HPD, provides immediate short-term shelter in nearby hotels. Households that need longer term shelter, as they wait for their homes to be repaired, then move into HPD's emergency housing system.

In addition to our existing emergency services staff, we've pulled in staff from various parts of our agency, including Budget, Legal and the Commissioner's office, all doing double duty – addressing the housing crisis in NYC and the needs of asylum seekers arriving to NYC. The same values that drive us to help the most vulnerable New Yorkers find affordable and safe housing, drive us to help asylum seekers who are looking for shelter and stability. In an environment of limited resources, we all must work harder to meet the needs of the people we serve.

This is true of all of the agencies and partners sitting here with me today, and so many more. In total, our City has spent \$2.08B through the end of August 2023 on asylum seekers. Our City agencies have budgeted \$2.9 billion in Fiscal Year 24 and have spent \$637 million in July and August to serve asylum seekers, providing physical shelter, meals, and other supportive services to the migrants seeking safety and their own American Dream.

To give an overview of HPD's involvement in the crisis, currently HPD is serving approximately 5,000 asylum seekers in our shelters. Today, we have over 2,300 individuals in our downstate hotels, 1,900 individuals in our upstate hotels, and will soon have approximately 1,600 adult men in our Humanitarian Emergency Response and Relief Centers (or HERRCs) and houses of worship sites in New York City. Last fiscal year (FY23), HPD spent approximately \$33 million on asylum seeker initiatives; and for the current fiscal year to date (FY24 YTD), we have already incurred about \$80 million in expenses through the end of August. Now, I'd like to take the opportunity to discuss our different locations and the services our agency has been able to provide for asylum seekers.

#### The Jefferson

HPD's first shelter serving asylum seekers opened this past Spring in Bushwick, Brooklyn. The Jefferson is a HERRC that is currently serving approximately 532 asylum seekers in a commercial building which was converted into a congregate shelter. We are grateful to the Department of Design and Construction for managing the design and construction needed to convert the building into a shelter, and grateful to H&H for helping train our staff on how to stand-up and manage operations. We have built partnerships with the local community in Bushwick and are particularly grateful to Council Member Jennifer Gutierrez for her leadership and genuine efforts to assist our asylum seekers.

#### Faith Beds Initiative

On June 5<sup>th</sup>, the Mayor announced a partnership with faith leaders to launch a faith-based shelter program. This was another opportunity for HPD to support the City and the asylum seeker crisis. Partnering with the New York Disaster Interfaith Service, or NYDIS, this program makes houses of worship available to asylum seekers for shelter. Faith-based organizations across the City have stepped up to respond to the needs of asylum seekers, many serving their material needs directly, but many others offering their space for congregate shelter. Partnering with Department of Buildings and the FDNY, HPD and NYDIS have been working with houses of worship to ensure available space is made safe for our asylum seekers. Our first two houses of worship opened in September – the Greater Eternal Baptist Church and Christ Disciples, both in the Bronx. We have several other interested houses of worship we are currently working with that plan to provide shelter for asylum seekers through the NYDIS program.

#### **Upstate/Downstate Hotelling**

In addition to our shelters in New York City, HPD operates shelters in various locations throughout New York State. Due to the overwhelming need and short supply of space, something we see in the housing crisis more generally, the City decided to open shelters upstate as part of our ongoing decompression strategy. As hotels have filled up in NYC, and costs for hotel rooms continues to increase because of limited supply, we decided to alleviate some of this pressure by transporting asylum seekers that volunteer to leave the city for upstate hotels. HPD contracted with DocGo to operate our upstate shelters and the services provided in our upstate hotels are the same as HERRCs in NYC, which include shelter, food, laundry services, access to case management and social work.

As we began to open new sites upstate in Spring 2023, it became clear that several counties, cities and towns would not welcome asylum seekers. Xenophobic rhetoric from some elected officials, combined with emergency declarations and temporary restraining orders prohibiting the City from using local hotels have been challenging.

However, working with our City partners in government affairs and outreach, we continue to engage local communities in places like Albany County, Erie County (where Buffalo is located) and Monroe County (where Rochester is located). We have developed meaningful partnerships with county executives, city mayors, school districts and local CBOs to ensure our asylum seekers have an opportunity to integrate into local communities. Our partnerships with these local officials and CBOs are

ongoing, including regular meetings to coordinate operations and work out any issues that arise together.

DocGo currently operates 13 hotels upstate and 15 hotels here in New York City for HPD. Whenever possible DocGo has subcontracted with local CBOs to provide case management services, as they know their communities best and are able to make referrals to needed services. DocGo also works to identify local vendors for all their other services, including food, laundry, and security.

Over the past several months as we've expanded our hotel shelter system, HPD has been required to work quickly to respond to the needs of the families at the Arrival Center. Everyday hundreds of new asylum seekers arrive here, which requires the City to quickly mobilize and add new capacity when it becomes critically short. In these moments, standing up operations safely at a new hotel is always the first priority, to ensure our newest New Yorkers are not sleeping on our streets. That has been the focus of our work and our contract with DocGo. But as our shelter system quickly increased in size and geography, it's also vital to focus our energy and capacity on operations and oversight of our upstate hotels and the needs of the asylum seekers in our care.

We have a network of partners we've relied upon and worked with closely to provide additional visibility into the operations of our upstate hotels in addition to our contracting oversight. The New York Immigration Coalition and their network have developed relationships with most of our upstate hotels and the asylum seekers in our care. They have been a key partner in all our upstate locations, especially in communities where we've experienced xenophobia, and their network of partners have helped us make sure our asylum seekers are welcomed with love and compassion. In addition to the New York Immigration Coalition, the New York State Office of Temporary and Disability Assistance and the New York Legal Aid Society have visited our upstate and downstate hotels operated by DocGo and have provided helpful feedback that we have used to improve operations. It's important to note that both OTDA and Legal Aid have provided mostly positive reports about the operations of our upstate hotels. We appreciate their constructive feedback and know we can always do better.

We also recognize that the speed and scope of this work, as we stand up new sites, will require constant learning and responding to new challenges. We take this incredibly seriously. HPD has been responsive to reports regarding subcontractors in our upstate hotels and have also been working closely with DocGo to ensure subcontractors are performing well. For example, when we received complaints that the food in our Albany hotels was not culturally appropriate, DocGo selected several new potential vendors and allowed asylum seekers to sample the food before choosing a new vendor.

#### **Austell Place**

HPD recently opened our second HERRC on Austell Place in Long Island City. With a capacity of almost 900 adults, Austell Place is an office building that was converted into a congregate shelter that opened earlier this month. DocGo was selected as the vendor to operate the shelter. I want to thank Chair Won for her interest in Austell Place and the welfare of the asylum seekers in our care.

#### **Moving Forward**

Moving forward, HPD and our colleagues at NYCEM, H&H and DHS will continue to work hard to serve the asylum seekers in our care. We're always looking for opportunities to improve and move towards a steady state of operations. HPD has a new team with dedicated staff to serve asylum seekers. This new

unit will allow HPD to focus on adding shelter capacity and give us greater visibility into shelter operations.

We thank the City Council for the opportunity to testify and are grateful for your continued commitment to support and care for the growing migrant population and look forward to continuing to work together on this "whole of society" effort.



### THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER BRAD LANDER

### Testimony of NYC Comptroller Brad Lander before the Committees on Oversight and Contracts on Asylum Seeker Contracts

September 21, 2023

Thank you, Chair Brewer and Chair Won, for calling an important hearing on the scores of contracts that City agencies have entered into to provide shelter and services for the more than 100,000 people seeking asylum who have arrived in NYC over the last fourteen months.

The Comptroller's Office monitors emergency contracting and spending to provide budget oversight, ensure procurements follow appropriate procedures, and identify opportunities to maximize City dollars to better serve New York City residents, whether their families arrived here decades ago or just last month.

My office has sought to bring transparency to the broad scope of emergency contracting underway to provide shelter, medical care, legal assistance, and other services. We have published a directory on our website of all the contracts regarding this population that we are aware of across city agencies and the Health and Hospitals Corporation. You can peruse the most recent version of that list of contracts, award amounts, and vendors on our website.

The City Charter and NYC Procurement Policy Board (PPB) rules allow agencies to enter into contracts quickly to meet the needs of an emergency, enabling them to bypass competitive bidding or requests for proposals, as well as the full contract registration process. However, the emergency procurement process does not absolve agencies of the responsibility to select vendors carefully, attend to cost considerations, and perform vendor oversight throughout the duration of the contract.

To enter into an emergency contract, agencies must first request prior approval from the Comptroller's Office and the Law Department. At that stage, the threshold question we review is whether the emergency situation warrants the use of emergency procurement methods. Following prior approval, agencies must submit a written determination to the Comptroller's Office and the City Council describing the selection of the vendor, contract prices, and services to be performed, and subsequently submit the finalized contract to the Comptroller's Office.

Emergency contracting brings greater risk of waste and fraud, as agencies scramble to procure goods and services with less time and competition. This July, after completing an audit that reviewed emergency procurement of Covid-19 testing and vaccination and found that costs were not effectively controlled during the pandemic, the Comptroller's Office issued a <u>best practices memo</u> to all City agencies with guidance on increasing competition and oversight even in time-sensitive emergency contexts.

In that memo, we urged agencies to seek to maximize competition among vendors to the fullest extent practicable (noting that in both the Covid and asylum seeker situations, we have many vendors providing comparable services at widely varying prices), to ensure that selected vendors have the requisite expertise, and that sub-contractors should be pre-approved and appropriately vetted before engaged by vendors. The

evidence from emergency contracting for asylum seekers thus far reveals that there is still much work to be done by agencies to comply with those recommendations.

The administration requested and received prior approval to use emergency procurement on July 29, 2022 for one or more housing facilities to provide shelter for asylum seekers, as well as to create an Asylum Seekers Service Referral Center (referred to subsequently as the "Navigation Center"). Since then, the administration has relied on that approval for the use of emergency contracting to enter into scores of contracts, for a much wider array of services:

As of July 31, 2023, the Comptroller's office had received 71 contracts for services for asylum seekers. Drawing on information from PASSPort Public and additional information provided by City Hall, we have identified an additional 123 contracts that have not yet been submitted to our office, for a total of 194 contracts, authorizing a total of just over \$5 billion in spending. The vast majority of these are from DHS (54 received, 119 total identified for a contract value of \$2.2 billion) and H+H (38 identified by City Hall for \$2.1 billion) for shelter and related services, including food, laundry, and security. Other agencies with asylum seeker emergency procurement include HPD, NYCEM, OTI, DSS, DCAS, and DDC.

Agency	Number of Contracts	Number of Received Contracts	Current Contract Amount
DCAS	4	3	\$2,250,000
DDC	9	3	\$1,210,597
DEP	1	0	\$0
DHS	119	54	\$2,181,874,376
HPD	5	1	\$561,950,354
OTI	2	2	\$29,072,865
DSS	2	2	\$14,947,988
EDC	2	0	\$0
H+H	38	N/A	\$2,126,386,896
NYCEM	12	6	\$139,051,340
Grand Total	194	71	\$5,056,744,415

In our best practices guidance, we urged City agencies to consult with other agencies who may be purchasing the same goods or services to compare prices and determine whether it is prudent to utilize an already-existing contract. Unfortunately, we have seen relatively little evidence of such comparisons or coordination. A few examples:

• There are multiple agencies utilizing staffing service contracts. Yet on several occasions, City agencies have proposed to open new contracts with existing vendors without discussing the possibility of utilizing an existing contract or comparing prices across already-existing contracts.

Meanwhile, the City does not have a good tool for comparing the rates it is paying to these vendors for comparable staffing services, insisting that agencies charging higher prices for comparable services bring them down, or shifting to other vendors.

- The prices that the City is paying for hotel rooms vary widely. Based on contracts we reviewed at the end of July, DHS was contracting with 52 providers and the Hotel Association of New York City to provide shelter and services. Rates range from an average of \$189 for rooms for single adults and \$337 for families with children. Across all shelter types and agencies, the City is paying an average of \$387 per day per household for shelter and services. This compares to the previous year's average DHS shelter daily cost of \$136 for single adult shelter and \$187 for family shelter. It is, of course, reasonable that the price of hotel rooms for shelter would increase as they are under more demand. However, it is not clear what mechanisms the City has in place to control costs. This is especially important as the City looks to renew the initial one-year contracts, a process that is taking place right now.
- DHS shelter contracts include provision of food through subcontracts, which vendors are reportedly providing. Yet at the same time, DSS has established direct contracts for the provision of food to shelters. Given that there are a relatively small number of institutional food providers, it may be that the same vendors have both contracts and subcontracts to provide food at the same shelters. We have asked the Administration questions about these arrangements.
- DHS and H+H contracts include the provision of security. At the same time, the Governor has
  provided State troopers for this purpose as well. It is not clear whether the addition of security
  services provided by the State enabled the City to reduce the amount we are paying for private
  security.

One added barrier to transparency and oversight is the fact that the Health and Hospitals Corporation, which is not a city agency, is managing the intake center and a significant number of the Humanitarian Relief and Response Centers. H+H contracts do not need prior approval from the Comptroller's Office and are not required to be filed with our Office. As *The City* reported last week: "at more than a dozen shelters, guards work for one contractor, Aron Security, under a \$140 million HHC contract, while MedRite LLC, an urgent healthcare company with no prior experience staffing or running shelters, provides operations personnel at more than 20 sites as part of its \$304 million arrangement with HHC." H+H accounts for 43% percent of the spending on asylum seekers to date this fiscal year and is housing 30% of the asylum seeking population in the City's care.

As the Council is aware, one emergency contract that has come under particularly scrutiny is the NYC Department of Housing Preservation and Development's contract with Rapid Reliable Testing NY, LLC, commonly known as DocGo. While DocGo's contract with HPD began in May 2023, the contract package itself did not arrive to my office until August 16, 2023. Reports from upstate elected officials and service providers, as well as recent reporting, have raised many questions about DocGo's integrity and capability, and the Department of Housing Preservation and Development's choice of them as a vendor for such a large contract.

My office first raised concerns in June, when the agency requested a waiver for a \$4 million cash advance to pay DocGo. For better or for worse, the City's contracting process asks most vendors, including cash-strapped nonprofits, to provide services for months ahead of payment – so a cash advance for a multi-million dollar publicly-traded company was unusual. What's more, the agency appeared to

simultaneously argue that the company was uniquely suited to provide services to asylums seekers at scale, which undermined the argument that they could only do so with advance payment. My office declined to approve the waiver.

There is little evidence to suggest that Rapid Reliable Testing NY LLC had the expertise to provide the services it has been contracted for, calling into question HPD's vetting of the vendor's prior experience and capacity that served as its purported basis for vendor selection. It is a medical services company, not a logistics company, social services provider, or legal service provider. Upon review of the contract and supporting documents, my Bureau of Contract Administration concluded that the agency had provided inconclusive reasoning as to the selection of the vendor, contradictory statements about their fiscal ability to provide contracted services, and inadequate oversight over the selection of subvendors. We raised these concerns in a letter sent to HPD's Commissioner to which they responded indicating HPD's decision is to continue to have DocGo provide services under the contract.

Given that the administration has decided to proceed with working with DocGo, my office is initiating an audit of HPD's oversight of the contract. We will look at what systems HPD has in place to verify what services are being provided and claimed for payment, to assess whether there are effective cost controls in place and whether the vendor is meeting its obligations to provide services.

Well over a year after the first increase in asylum seekers in arriving in New York City, there remains a clear and demonstrated need for flexibility and urgency as City agencies respond to the continued arrival of thousands of people here each month. For example, I was encouraged to visit the newly established Asylum Seeker Application Center twice over the summer, in late June and then in early September, and to see significant evolution of services that will likely result in a much higher percentage of accepted applications for asylum and work authorization, which will both help these individuals get on their feet, and enable many of them to move out of shelter, saving the City significant money.

At the same time, after more than a year, and in light of some of the concerns identified in this testimony, my office is currently reviewing whether the blanket prior approval we granted on July 29, 2022 remains appropriate, or whether agencies should return to seeking prior approval for emergency procurement on an individual contract basis, a process which we utilize with frequency. We will keep the Council updated on this review.

Thank you very much for the opportunity to testify on this important topic.



# STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS TO THE NEW YORK CITY COUNCIL COMMITTEES ON CONTRACTS AND OVERSIGHT & INVESTIGATIONS SEPTEMBER 21, 2023

Good afternoon,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chair Won, Chair Brewer, and members of the Committees on Contracts and Oversight & Investigations for holding this hearing and for the opportunity to make a statement.

New York City is headed into its second year of welcoming migrants to the city since the first bus from Texas arrived at Port Authority. Since then, over 100,000 migrants including asylum seekers have come into the city's care; thousands have moved on to other municipalities, and over 50,000 remain in the city. When it was clear the situation would necessitate quick action and emergency response, the Comptroller granted the city the authority to fast track contracts to care for new arrivals under emergency procurement guidelines.<sup>1</sup>

Thus far, the city has worked to open emergency shelters, provide social services, and enroll children in schools for our newest neighbors. In the allocation of funds going toward these services, third party contracts have been awarded to expand the city's capacity and resources. To be clear, this is not new, our city has done this for years, one pertinent example being emergency contracts to medical services during the height of the Covid-19 pandemic. That being said, even when our city is facing emergencies, we must ensure that these contracts are thoroughly vetted and awarded to companies that have the means to provide the services they are contracted for, especially when we are talking about millions of dollars.

Some of the major contracts that have become more visible in recent weeks are the city's contracts with DocGo, Medrite, and Aron Security. DocGo is contracted to receive \$432 million. As we know, the Comptroller rejected the contract, only for the Mayor to go ahead and disregard the concerns the Comptroller cited, including that "[DocGo] is a medical services company, not a logistics company, social services provider or legal service provider," and that there were "numerous reports of staff mistreating or misleading asylum-seekers, failing to properly respond to reported assault incidents, and inadequate service provision..." Medrite is contracted to receive \$304 million and Aron Security is contracted to receive \$140 million to staff shelters. These two contracts have significantly less transparency, as their contracts are under the purview of NYC Health & Hospitals, which is not subject to Comptroller oversight. Additionally, Medrite is an urgent healthcare company, yet are

<sup>&</sup>lt;sup>1</sup> NYC to stick with no-bid, \$432M migrant contract, nixing comptroller's concerns - Gothamist

<sup>&</sup>lt;sup>2</sup> Letter on Return of Rapid Reliable Testing NY LLC Contract #20248801671

<sup>&</sup>lt;sup>3</sup> \$2.1 Billion in Migrant-Related Contracts Sidestep Oversight, Despite Some Companies' Checkered Records - THE CITY



running operations at more than 20 shelter sites; Aron Security also has been sued numerous times in recent years by homeless shelter residents for failing to keep shelters safe.<sup>4</sup> In the case of contractors and staff in our shelters, there are a concerning number of accounts of poor treatment and outright illicit actions against shelter residents, including migrants.<sup>5</sup> It is deeply alarming to know that millions of dollars are being awarded to contractors whose workers may not receive any training in working with such vulnerable populations subject to exploitation.

I would be remiss if I did not share these concerns of mine as to where this money is going. The city needs to do its due diligence in vetting these contracts and ensuring millions of dollars are not awarded to companies that have no right to be providing social services, housing, and more. With this hearing, I urge for greater transparency on all fronts, so that moving forward all New Yorkers who interact with these contractors are not taken advantage of.

Thank you.

<sup>&</sup>lt;sup>4</sup> Ibid.

<sup>&</sup>lt;sup>5</sup> Ex-Cop Pulled Gun on Migrants Outside Brooklyn Mega-Shelter, Video Shows - THE CITY



### New York City Council Committees on Oversight and Investigations, and Contracts Oversight Hearing: Revisiting City Contracts Serving Asylum Seekers in New York City September 21, 2023

The Community Health Care Association of New York State (CHCANYS) is grateful for the opportunity to provide written testimony to the New York City Council. CHCANYS is the statewide primary care association representing New York's 70+ federally qualified health centers (FQHCs), also known as community health centers (CHCs).

Located in medically underserved communities, CHCs provide high quality primary care to everyone, regardless of ability to pay, insurance coverage, or immigration status. NYC's community health centers serve more than 1.2 million patients at 490 sites across the city. Community health centers are a vital safety net for quality affordable healthcare services for many New Yorkers who otherwise wouldn't have access to healthcare. CHCs serve populations that, historically, the traditional healthcare system has failed. Among NYC CHC patients, 83% are Black, Indigenous, and People of Color, 92% live at or below 200% of the federal poverty line, 68% are on Medicaid and/or Medicare, and 12% are uninsured.

Community health centers play a vital role as a safety net for asylum seekers in New York, offering essential healthcare and social services that enable individuals to make informed decisions about their well-being. Community health centers are facing additional cost burdens for the care and services they are providing to asylum seekers as a majority of these health care visits and services are unbillable. It is imperative that New York City invests in and expands programs to meet the needs of asylum seekers while supporting the community health centers that are providing these critical services. By doing so, we can foster a more inclusive and supportive environment where every individual has access to the care they deserve.

#### Overview of Services Provided by CHCs to Asylum Seekers

CHCANYS recently surveyed community health centers (CHCs) throughout the state to better understand the current efforts to provide and coordinate care for asylum seekers. The survey closed on September 1st, 2023, and 25 CHCs reported screening or providing health care services to asylum seekers in the 2-week period preceding the survey in mid-August. CHCANYS received health center responses from those serving the Bronx, Queens, Manhattan, and Brooklyn, in addition to those located upstate.

The survey data highlighted the difficulties faced by asylum seekers and health centers alike. 53.5% of asylum-seekers seen by health centers were living in hotels or motels. Many health centers provide care to asylum seekers living in hotels by bringing their mobile medical vans on site. However, ensuring continuity of care can be difficult as asylum seekers may have changes in the location of their housing and shelter within the city. Additionally, a lack of medical documentation has made it difficult to verify which immunizations and screenings asylum seekers have received upon arrival in the country or NYC. Upstate, health centers have reported that lack of sufficient screening for tuberculosis (TB) in NYC before asylum seekers are resettled has led to TB outbreaks in upstate counties. All asylum seekers should be tested for TB prior to resettlement, rather than screened via questionnaires. In the two weeks leading up to CHCANYS' survey, 84% of community health centers were doing TB screenings at the request of local health officials to avoid a large-scale outbreak.



#### COMMUNITY HEALTH CARE ASSOCIATION of New York State

The recent start of the school year has seen 66% of health centers providing vaccinations to asylum seekers at the request of local health or school district officials. Children are being given full vaccination series to enable them to enter school, and adults are receiving vaccinations for communicable diseases, such as varicella.

Many asylum seekers lack continuous and consistent phone access, making communication and follow-up extremely difficult, especially in the event of missed appointments. The diverse population of asylum seekers has uncovered multiple language barriers that require translation services for languages other than English or Spanish, and health centers often cannot provide those services with current staff. Visits involving a translator or translation service require more time and resources as compared to a standard visit.

#### **Lack of Coverage for Asylum Seeker Care**

While some asylum seekers qualify for temporary protected status (TPS) or have filed the appropriate legal paperwork to allow them to be enrolled in the NYS Essential Plan, many asylum seekers are missing the appropriate documentation that would verify their eligibility for public insurance programs. On CHCANYS survey, health centers reported that 52.3% of asylum seeker visits were unbillable or will not be claimed for reimbursement; CHCs reported only 39.9% of asylum seeker visits would be claimed to Medicaid. This discrepancy in reimbursement will continue to grow larger as more care services are provided to the ever-increasing number of asylum seekers. This additional financial stress on community health centers can threaten the stability of the safety-net care they provide, as they are already operating on thin margins and outdated Medicaid rates.

Even before the asylum seekers began arriving in the State, health centers experienced unprecedented financial challenges. CHC Medicaid rates have not been updated beyond marginal increases since they were created based on costs in 1999 and 2000. Meanwhile, CHCs have experienced unprecedented rises in costs associated with personnel, benefits, equipment, and medical supplies. CHCs require additional resources to support the uncompensated care provided to asylum seekers to ensure they can continue to serve their communities.

The Mayor's office has dedicated resources to the health care system via the NYC Care program. However, although the NYC Council passed legislation (INT.1668-A) which was enacted October, 10, 2021 that would have enrolled CHCs into the NYC Care program, the program eligibility has not expanded to date. Expanding NYC Care eligibility to include CHCs would allow for NYC Care funding to flow to health centers to support health center services provided to the asylum seeker population, most of which is unfunded at this time.

#### Conclusion

CHCANYS is grateful for the opportunity to submit this testimony to highlight the services provided to the asylum seeker population by community health centers in New York, and the logistical and financial difficulties health centers are facing in doing so. Community health centers need financial compensation to cover the unbillable services for the care that they will continue to provide asylum seekers. We look forward to working with the Council to address these needs. For questions or follow up, please contact Marie Mongeon, Vice President of Policy, <a href="mmongeon@chcanys.org">mmongeon@chcanys.org</a>.



#### **Testimony of FPWA**

#### Presented to:

New York City Council Committee on Oversight and Investigations and Committee on Contracts
Joint Oversight Hearing Revisiting City Contracts Serving Asylum Seekers in New York City
Hon. Chair Gale A. Brewer; Hon. Chair Julie Won
September 21, 2023

Prepared By: Funmi Akinnawonu Senior Policy Analyst

40 Broad Street, 5<sup>th</sup> Floor New York, New York 10004 Phone: (212) 777-4800 Fax: (212) 414-1328 Good morning committee members, Chair Brewer, and Chair Won. Thank you for calling this important hearing on Revisiting City Contracts Serving Asylum Seekers in New York City.

FPWA is an anti-poverty policy and advocacy organization committed to advancing economic opportunity, justice, and upward mobility for New Yorkers with low incomes. Since 1922, FPWA has driven groundbreaking policy reforms to better serve those in need. We work to dismantle the systemic barriers that impede economic security and well-being, and strengthen the capacity of human services agencies and faith organizations so New Yorkers with lower incomes can thrive and live with dignity.

Nonprofit and community-based organizations (CBOs) have been critical to our city historically and today. Their inherent ability to make deep connections with the communities they serve, and to quickly adapt to changing needs therein has provided lifelines for residents living through these prolonged health, social, and economic crises, largely at the expense of providers.

New York City is currently navigating a difficult fiscal environment. Federal and State funding failed to keep up with inflation, while the end of funding from the Families First Coronavirus Response Act, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the Consolidated Appropriations Act of 2021 (CAA), and the American Rescue Plan (ARP) have contributed to funding shortfalls in New York City's human services programs.<sup>1</sup>

Since the Spring of 2022, when asylum seekers began arriving in New York City in lager numbers, the Adams Administration and City Council has been working with the human services sector to provide critical aid such as legal services, shelter, food assistance, language access, healthcare and much more. This has put a strain on the human services sector.

In many cases City officials asked providers to deliver these services before issuing RFPs for new programing or expanding existing contracts, leaving providers, who are largely nonprofits, to deplete their funds without a guarantee of reimbursement.

A recent survey of the sector by the Human Services Council revealed that between November 2022-and January of 2023, 40% of the 64 surveyed organizations were asked by the government to provide services for asylum seekers, but less than 13% were offered complete funding for their services.

While 29% of respondents reported working with government-run service hubs, many worked within hubs developed in lieu of support by the government. <sup>2</sup> This lack of coordination is detrimental to the efficient delivery of essential services. Without coordination, City contractors struggle to make referrals, ensure that they do not duplicate work, or identify gaps where additional services are needed. City government needs to step up and create greater order in the delivery of services to asylum seekers.

<sup>&</sup>lt;sup>1</sup> https://www.fpwa.org/wp-content/uploads/2023/06/Human-Services-Funding-Tracker-Annual-Update-FY22 5.24.23-3.pdf

<sup>&</sup>lt;sup>2</sup> Welcoming Our Newest Neighbors: (humanservicescouncil.org)

The vacancies in City agencies likely contribute to the difficulty of offering such operational support. <sup>3</sup> Processing delays for public benefits have increased in the last year. During FY23, the Human Resources Administration (HRA)processed approximately 29 percent of cash assistance applications it received, down from 82 percent the year before, and approximately 40 percent of Supplemental Nutrition Assistance Program (SNAP) applications, down from 60 percent the year before. <sup>4</sup> New York needs to close the wage gaps that exist between City employees and City contractors doing the same work. By FY25 New York City's funding for human services contractors will reach \$150 million after wage adjustments, which is approximately 40 times less than the average budget for human services City employees over the last few years. <sup>5</sup>

Now, Mayor Adams has proposed a 15 percent budget cut across agencies, that will strike a blow to human services programs that are currently insufficiently funded, harming not only recently arrived asylum seekers, but long-time residents as well. This would remove approximately \$16.5 billion from New York City agencies in a single year.

Adding to the harm of these budget cuts, Mayor Adams also implied that they were necessary due to the arrival of 100,000 asylum seekers over the last year, even the Adams Administration's own figures show an additional \$7 billion is needed to cover asylum seeker costs that are projected over the next two years (based on the 2024 Enacted Budget). This has played into xenophobic narratives, framing asylum seekers as outsiders, and suggesting that any programs aimed at or including this population are conducted at the expense of other vulnerable New Yorkers.

To address the systemic issue that are hampering delivery of services to asylum seekers FPWA makes the following recommendations:

- Oppose Mayor Adams' proposed 15% budget cut and hiring freeze across agencies. These policies
  will only exacerbate the burdens on the human services sector and leave many New Yorkers,
  including asylum seekers, without essential services.
- Consider other cost reducing measures such as decreasing NYPD overtime (which hit \$2.2 billion in FY 2022) <sup>6</sup>, and minor, progressive tax adjustments <sup>7</sup> (which could raise an additional \$1 billion per year).
- Increase funding for immigration legal services to both file application for asylum, temporary
  protected status, work authorization and more, but also to ensure that the migrants do not end
  up in deportation proceedings exacerbating the tremendous backlog in immigration courts.<sup>8</sup>
  Asylums seekers have a 1-year filing deadline to file their applications, unless they fall into narrow

<sup>&</sup>lt;sup>3</sup> https://www.cityandstateny.com/policy/2023/09/staffing-shortages-are-still-disrupting-new-york-city-services/390403/

<sup>&</sup>lt;sup>4</sup> https://citylimits.org/2023/09/18/nyc-failing-to-process-most-food-stamp-cash-benefit-applications-on-time/

 $<sup>\</sup>frac{5}{https://www.fpwa.org/resource-center/reports-briefs/fpwas-in-depth-budget-analysis-nyc-fiscal-year-2024-adopted-budget/#:^:text=The%20adopted%20FY%202024%20budget,continuing%20total%20of%20%24150%20million.}$ 

<sup>&</sup>lt;sup>6</sup> <a href="https://comptroller.nyc.gov/newsroom/nypd-overspending-on-overtime-grew-dramatically-in-recent-years/#:~:text=Through%20February%202023%2C%20NYPD%20has,nearly%20double%20the%20amount%20budgeted">https://comptroller.nyc.gov/newsroom/nypd-overspending-on-overtime-grew-dramatically-in-recent-years/#:~:text=Through%20February%202023%2C%20NYPD%20has,nearly%20double%20the%20amount%20budgeted</a>.

<sup>&</sup>lt;sup>7</sup> https://comptroller.nyc.gov/reports/raising-revenues/

 $<sup>{}^{8}\,\</sup>underline{\text{https://comptroller.nyc.gov/reports/letter-to-mayor-adams-re-prioritizing-immigration-legal-services-to-assist-asylum-seekers-on-pathways-out-of-shelter/}$ 

- exceptions, and for many asylum seekers who are not eligible for other forms of immigration relief, this is their sole avenue for gaining access to work authorization.
- Call for the Biden Administration, who recently extended and redesignated Temporary Protected Status to Venezuelans who arrived in the U.S. on or before July 31, 2023, to extend TPS to additional countries whose national cannot safely return to their home countries.<sup>9</sup>
- Expand housing vouchers to all New Yorkers regardless of immigration status. A report by the NYIC and Win argues that expanding housing subsidy programs, particularly housing voucher, to immigrants could save the city almost \$3 billion by cycling folks out of sheltering into permanent housing. This will also create additional spaces in New York City's shelter system.
- Focus its resources on providing essential human services to asylum seekers rather than contracting with third parties to transport and housing migrants outside of New York City, to circumvent New York City's right to shelter laws. Migrants, like all others, should be treated with dignity, and allegations of mistreatment against the migrants that are being investigated by Attorney General are incredibly disturbing. The practice of bussing migrants to hotels in other parts of the State should cease; without representation it is likely that asylum seekers cannot provide informed consent for such a move. 10

Thank you for the opportunity to testify. Asylum seekers deserve to be treated with dignity. Disinvestment from the human service sector and neglect of coordination work at the City-level is exacerbating the issue of service delivery. We at FPWA look forward to working closely with you to ensure that our human services system is supported, and New Yorkers receive the assistance they deserve.

<sup>&</sup>lt;sup>9</sup> https://drive.google.com/file/d/1XuoKM0nXY6mRRQthMdr8YGSMdCxmBk3B/view; https://gothamist.com/news/biden-admin-extends-immigration-protections-to-venezuelan-migrants-including-thousands-in-nyc

<sup>&</sup>lt;sup>10</sup> https://www.nytimes.com/2023/08/21/nyregion/nyc-migrants-docgo-investigation.html



#### **TESTIMONY**

New York City Council Committees on Contracts and Oversight & Investigations Oversight – Revisiting City Contracts Serving Asylum Seekers in New York City September 21, 2023

> Submitted by: Human Services Council of New York (HSC)

#### **INTRODUCTION**

We urge the City of New York to prioritize investments in community legal services, case management, housing, employment support, and other care for people seeking asylum. This requires a shift from reactive, short-term, and opaque procurement to predominantly for-profit contractors, and towards more direct, multi-year, and transparent contracting with the human services sector. HSC urges this shift as a coalition of 170 nonprofit providers in NYC, including many who are in the arena directly serving people seeking asylum.

We need urgent federal financial and political aid, including expedited work authorizations and expanded Temporary Protected Status. And, we need the support of our State leaders and neighboring jurisdictions. Since last summer, HSC and partners have advocated for these positions, which have since been taken on by the Mayor and Governor. But we also repeatedly called for more coordination and direct funding for human services that help move asylum seekers out of a state of crisis. We have not seen the necessary progress there.

Additionally, the Administration's proposed cuts in the recent Program to Eliminate the Gaps (PEG) is contradictory to its aims to move people forward in their asylum process. Currently and historically, PEGs disproportionately impact agencies and contracted nonprofits in human services that serve New Yorkers most in need and people seeking asylum. The Administration falsely claims that NYC must choose *either* funded social services *or* asylum seekers. This pits communities in need against our newest neighbors, contributing to increasing xenophobia and division. The Administration has options among agencies and sources of income for fund reallocation that would hold harmless critical services.<sup>1</sup>

The sector has already designed innovations to help people transition out of a state of crisis, with limited to no coordination or resources from the City. The City must codify genuine partnerships with migrating communities and their advocates into procurement to sustain sanctuary. Prioritizing direct contracting with community organizations to expand aid--such as for legal services or pathways to permanent housing--not only helps our newest neighbors: it strengthens support systems New Yorkers already need.

#### **FINDINGS**

HSC has engaged over 80 human services providers and 200 workers from community-based, citywide, and national organizations. Providers have reported service to people seeking asylum as a natural extension of their mission—serving on their own initiative, using their own funds, and their own networks. Many organizations have shared struggles to sustain and/or expand services in the under-resourced landscape navigated to-date. Findings reflect a wider trend in a sector facing forced cuts and closures of human services programs after long-term systemic inequities—such as government-sanctioned poverty wages and delayed payment. Findings reflect a wider trend in a sector facing forced cuts and closures of human services programs after long-term systemic inequities—such as government-sanctioned poverty wages and delayed payment.



The self-reported underinvestment of the sector has been supported by contracting data released by the City. Historically, City spending on human services for asylum seekers has been "miniscule" at a projected 0.2% of what the City plans to spend. Contracts recently released by the NYC Comptroller, while incomplete, show a continued trend as of July 2023. We estimate, from that limited information, that at least 80% of total funds from listed contracts were assigned to for-private sector contractors, predominantly for shelter services. These mass allocations in opaque private sector contracts have led to problems when unqualified private companies try to offer social services. This will not be solved by cuts that predominantly impact human services provided by City agencies and nonprofits. The cost justification for those cuts has also since been challenged: the proposed 15% budget cuts have been proposed as overstated compared to cited "migrant crisis" costs. The cost justification for those cuts have been proposed as overstated compared to cited "migrant crisis" costs.

#### **ADVOCACY**

Ensure all City, State, and Federal funds designated for people seeking asylum contain direct, expedited funding for comprehensive human services, developed with community partners.

- Leverage emergency procurement models for community partners from past crises (e.g., COVID-19), ensuring that funding is accompanied by a multi-year plan for fund renewals accessible to C/FBOs. ix
- Pay the full cost of services to organizations (not only salaries), prioritize just pay, and allow for flexible deliverables and upfront payment to encourage innovation and efficiency in services.
- Designate additional resources for hiring interpreter/translation services for non-English speakers and people with disabilities, in all needed languages and at equitable pay rates.
- Ensure disclosed contracting and spending in the City's response to date show all services offered (inclusive of City departments; City corporations like H+H and EDC; for-profits; and nonprofits).

### Prioritize investments in legal services, care coordination, transitional and long-term housing, employment support, and other human services, notably:

- <u>Legal Services</u>: Work with legal services providers to accurately identify full funding for emergency, triaged legal needs <u>and</u> additional multi-year legal representation.
- Care Coordination:
  - Extend navigation services into sustained care management and expand satellite sites with community providers to host/locate more sites.
  - Fund people-centered data management infrastructure unified across programs, prioritizing strong protections for clients who fear enforcement (review models from other jurisdictions).<sup>x</sup>
- <u>Housing</u>: Expand funds for community organizations, congregations, and networks offering housing, investing in long-term housing solutions and expanding subsidized vouchers.<sup>xi</sup>
- Employment:
  - Expand funding for sustained, accessible workforce development programs, and other support such as donated technology and transportation that lift barriers to employment.
  - Fund access to, and outreach for, childcare via C/FBOs.

#### **CONCLUSION**

NYC has long expressed pride in its identity as a sanctuary city—a welcoming refuge for all migrants. The city has the infrastructure within the human services sector to fully address the needs of its residents. This can only happen when human services organizations and community networks are seen as equal partners, and funded as ones by all levels of governments. The latest challenges affiliated with services to asylum seekers could lead us down a different path, where we invest more in our existing infrastructure of social support, not less. That would better serve people seeking asylum, and expand capacity for the New Yorkers already weathering crises.



#### Contact

Alana Tornello Director of Resilience, Human Services Council tornelloa@humanservicescouncil.org

<sup>i</sup> The City: What Eric Adams Is Getting Wrong About the Migrant Crisis

<sup>&</sup>lt;sup>ii</sup> WIN and NYIC: Permanently Housing Rather Than Just Sheltering Asylum Seekers Could Save the City Over \$3 Billion Annually

iii HSC: Welcoming Our Newest Neighbors -Assessing Human Services Support to People Seeking Asylum in NYC

iv HSC: #JustPay Campaign

v Office of the New York City Comptroller Brad Lander: Accounting for Asylum Seekers

vi Office of the New York City Comptroller Brad Lander: Contracts

vii This refers to DocGo providing "a range of services, including social work" who were hired "under emergency procedures that waive typical competitive bidding requirements." NYT: NY Attorney General Will Investigate DocGo, a Troubled Migrant Contractor

viii "While the growth in asylum seeker costs is adding new fiscal strain, the City's request for 15 percent cuts across all agencies — which totals \$10 billion in cuts in one year — significantly overstates the fiscal impact of migrant arrivals." Fiscal Policy Institute: Breaking Down the Fiscal Impact of City Aid to Migrants

ix NYC made an emergency procurement declaration in August 2022, requested by the DHS Commissioner pursuant to Section 315 of the NYC Charter and Section 3-06 of the Procurement Policy Board Rules. An Emergency Executive Order was announced in October 2022, and subsequently extended.

x City of El Paso: Migrant Crisis Resources

xi WIN and NYIC: Permanently Housing Rather Than Just Sheltering Asylum Seekers Could Save the City Over \$3 Billion Annually



#### Good afternoon.

As everyone sitting in this room recognizes, New York City has been in the midst of a yearlong humanitarian crisis. The vast majority of New Yorkers stand in support of our current migrants, but there is no denying that this support has come at a huge cost to the City at millions of dollars per day.

As New York City leadership has acknowledged, the greatest hope for alleviating the financial burden, including billions already spent, is by obtaining federal money.

But while it seems New York City has pinned its hopes on obtaining this money, they have not yet ensured any of this spending would ultimately qualify for federal reimbursement.

Federal funding comes with federal regulations. Without federally compliant spending, New York City will be right back where they started, with New Yorkers footing the entire bill.

The following steps must be taken to immediately change course and set the City up to benefit from federal funding.

- 1. New York City must immediately begin the process of creating a federally compliant program in which all contracts align with federal reimbursement. Many of the contracts awarded by the City are not compliant with federal regulations. Without this, the billions of the dollars currently being spent will be ineligible for federal reimbursement.
- 2. New York City must immediately develop a compliance and monitoring oversight process, which would hold all contractors accountable, ensure program performance, provide transparency to all New Yorkers, and root out fraud, waste, and abuse.
- 3. New York City must immediately cease using emergency procurements. The City has awarded nobid contracts on an emergency basis. While understandable at the time, no contractor or vendor should be operating under a no-bid or sole source contract in 2023. Federal regulations understand the need for emergency procurements, but not more than a year later.

The migrant crisis will continue to be an issue impacting every New Yorker, requiring ongoing attention. CohnReznick stands prepared to assist the City of New York.

Thank you for your time and the opportunity to speak with you today.

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