

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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September 15, 2016
Start: 10:14 a.m.
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HELD AT: Committee Room - City Hall

B E F O R E:

JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

BARRY S. GRODENCHIK
ERIC A. ULRICH
HELEN K. ROSENTHAL
MARK LEVINE
RAFAEL L. ESPINAL, JR.
RAFAEL SALAMANCA, JR.
RITCHIE J. TORRES
ROBERT E. CORNEGY, JR.
ROSIE MENDEZ
YDANIS A. RODRIGUEZ

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

Gina Bocra
Chief Sustainability Officer
Department of Buildings

Patrick Wehle
Assistant Commissioner of External Affairs
Department of Buildings

Carmela Quintos
Assistant Commissioner Property Valuation &
Mapping
Department of Finance

Samara Karaskyk
Assistant Commissioner for External Affairs
Department of Finance

Daniel Hernandez
Deputy Commissioner
Housing Preservation Department

Rassoul Azarnejad
Assistant Commissioner, Division of Maintenance
Office of Enforcement and Neighborhood Services

Eugene Ditaranto
Deputy Chief
Fire Department of New York Bureau of Operations

Matthew Berk
Strategic Real Estate Initiatives
DCAS

Adele Bartlett
Deputy General Counsel and Policy Analyst
Manhattan Borough President Gale Brewer's Office

Alexis Smallwood
Outreach Coordinator
Rockaway Wildfire

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

Paula Segal
Founder
596 Acres

Adrien Weibgen
Staff Attorney
CDP/UJC

John Krinsky
Teacher of Political Sciences
City University of New York

Segive Galli [sp?]
Paralegal
Legal Services, NYC

Jermaine Abdula [sp?]
Member
Community Board 11

Lynn Lewis
Executive Director
Picture the Homeless

Allister Williams
Member
Picture the Homeless

Deborah Dickerson
Member
Picture the Homeless

William Burnett
Activist/Organizer
Picture the Homeless

Terri Davis-Merchant
Senior Legislative Analyst
New York City Department of Finance

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

Sharmell Lucas
Resident
New York City

Tahisha Fredericks [sp?]
Photographer
New York City

Marcus Moore
Member
Picture the Homeless

Cecelia Grant [sp?]
Retiree
Department of Education

Wanda Sweeny
Resident
New York City

Jenny Akchin
Housing Policy and Research Department
Picture the Homeless

Arvernetta Henry
Member
Picture the Homeless

Wendy O'Shields
Activist
Safety Net Activists

[gavel]

CHAIRPERSON WILLIAMS: Good morning

everyone. Thank you for coming. Thanks for being

with us. I know some folks don't have seats and

some folks may be outside. I appreciate the

interest in this hearing. There are multiple

hearings going on today at City Hall so it's

difficult- we have a difficult space issue.

Appreciate your patience. My name is Council Member

Jumaane Williams. I'm Chair of the Council's

Committee on Housing and Buildings joined today by

Council Member Mendez, our... Public Advocate Tish

James, Council Member Salamanca. We're here today

to consider five pieces of legislation. The first

bill; Intro number 12-77 sponsored by myself via

request of the mayor would make various technical

corrections to the New York City energy

conservation code as well as to update the code to

match state standards. The next four bills are

related to vacant properties and buildings. I

should note that this committee held a hearing on

vacant properties in 2014. At that hearing we

discussed several subjects related to vacant

properties including where those properties are

1 located and what could be done with them. The first
2 two bills; intro number 307 and intro number 10-34
3 are sponsored by the public advocate. Intro number
4 307 would require the installation of internal
5 metal security panels on buildings that have
6 remained vacant and insufficiently secure for more
7 than six months. Intro number 10-34 would require
8 the owner of any real property in this city to
9 register the property as vacant upon it being
10 vacant for one year. The next bill 10-36 is
11 sponsored by Council Member Rodriguez and would
12 require the administration to conduct an annual
13 census of vacant properties. Finally, the last bill
14 that will be considered today is Intro number 10-39
15 sponsored by myself. The bill will require the
16 Department of Housing Preservation and Development
17 to conduct annual surveys for all, of all city
18 owned properties to identify vacant buildings or
19 lots that may be suitable for affordable housing.
20 HPD would also be required to seek cooperation from
21 the federal and state government to identify
22 similar state or federal owned vacant properties in
23 the city that could be suitable for affordable
24 housing. I'd like to invite the bill sponsors to
25

1
2 give a brief statement and I see the public
3 advocate here and if Council Member Rodriguez comes
4 in he'll be able to make his. Public Advocate.

5 PUBLIC ADVOCATE JAMES: Thank you. Thank
6 you for allowing me to say a few words. And I
7 apologize. I have to leave shortly to... I have a
8 meeting with the mayor. So I want to thank Council
9 Member Williams and I want to thank your staff, I
10 want to thank members of this committee on hearing
11 these critical pieces of legislation. I also want
12 to thank the advocates, particularly Picture the
13 Homeless who have made, who has truly been the
14 engine behind these measures. As I said at the
15 press conference we no longer have to picture the
16 homeless, we see the homeless. We see the homeless
17 on our streets. We see the homeless on our, in our
18 subways, on our sidewalks, under our bridges, and
19 all throughout the city of New York. And we have
20 not seen homeless like this since the Great
21 Depression where almost 60,000 plus, and that's a
22 conservative number, of homeless individuals
23 including 14,000 homeless families and most sad is
24 the fact that there are 23,000 homeless children.
25 You can see them when you go to the Bronx and, and

1 visit Path. You see the children with their worldly
2 possessions and the light in their eyes is no more.
3 And the experience that they've gone through in
4 their lives is that most adults can barely imagine,
5 in fact sad statistic is that one in every seven
6 homeless people in the United States lives in New
7 York. One in every seven live here in New York. We
8 have that distinction and we've got to do something
9 about it. And for far too long much of our, much of
10 the New York City's homeless population have cycled
11 through revolving doors in our hospitals and our
12 jails and our mental health facilities. In fact I
13 know some hospitals that cannot release able bodied
14 individuals because they have nowhere to go. And we
15 also know that we've got an acute shortage of
16 affordable housing and our experiencing the ramped
17 displacement of long term residents. And all of us
18 are touched by homelessness. There are some even in
19 this room who are one paycheck away from
20 homelessness. So we really need to address this
21 issue but the only way that we can address this
22 issue is by knowing what properties we have at our
23 disposal. That is the core of what housing, not
24 warehousing act is all about. It's basically a
25

1 common sense approach. We really need to know what
2 lots and buildings that we have available that are
3 vacant and what resources we have at our disposal.
4 One, we need a count. Two, we need to get rid of
5 all the bureaucracy which is attendant to
6 government. And third, we need to build baby build
7 as soon as possible to accommodate all of these
8 individuals. And a lot of these lots are lying
9 dormant. Maybe the city can purchase it for a
10 socially beneficial purpose. A lot of these lots
11 are owned by city agencies that unfortunately do
12 not want to give up these lots for whatever reason.
13 So the bill that I am sponsoring which is part of
14 this package would create a mandatory registry for
15 all landlords holding their property vacant for
16 more than a year with fines for failure to
17 register. Do know that there is a significant
18 number of lots available. Perhaps again we should
19 get a census of the lot so that we don't have to
20 put homeless individuals in hotels. This registry
21 will help give us the tools we need to combat the
22 shortage of space that keeps people on the street.
23 Though distinct from the housing not warehousing
24 act the committee is also considering another piece
25

1 of legislation that I've introduced which would
2 require the installation of internal metal security
3 panels on buildings that have remained vacant and
4 insufficiently secured for more than six months.
5 You all remember the incident, the tragic incident
6 in Staten Island where a facility was left vacant
7 and unfortunately two children who viewed it as a
8 attractive nuisance which is a legal term
9 unfortunately decided to enter the space and fell
10 and killed... and unfortunately they died. So current
11 rules promulgated by the DOB and HPD allow the use
12 of concrete block or plywood to seal and secure
13 doors and windows and vacant buildings. Over time
14 doors and windows secured with concrete blocks or
15 plywood can become vulnerable to the elements or
16 torn off by vandals or criminals wishing to gain
17 access to the building. As I mentioned these
18 buildings become an attractive nuisance to children
19 who might be harmed while playing at an abandoned
20 building which is what happened in Staten Island
21 which unfortunately resulted in their death. Cities
22 such as Chicago and Boston have addressed the issue
23 of inadequately secured vacant properties by
24 strengthening their ordinances to require the
25

1 installation of internal metal security panels on
2 windows and doors and buildings that have remained
3 vacant for longer than a prescribed period of time.
4 And New York City can and should be the same. The
5 bills we consider today are important. I look
6 forward to a thoughtful and informative discussion
7 on the merits. And again I apologize for leaving
8 but I've left staff here, my legislative director
9 who is behind me and other staff members who are in
10 the audience who look forward to the testimony. And
11 we look forward to ways in which we can work with
12 the administration to get these bills passed. I
13 thank you Mr. Chair. And I thank Council Member
14 Salamanca and all of you in the audience,
15 particularly Picture the Homeless for all that you
16 have done. Thank you.

18 [applause]

19 CHAIRPERSON WILLIAMS: So we tend to do
20 this if you approve of something so we try to make
21 the proceedings as orderly as possible. So if you
22 hear something go like this. I'm not sure what you
23 do if you don't. Maybe you can do this. Just make
24 sure it's not a finger the other way. Thank you,
25 Public Advocate for your leadership in helping

1 pushing these issues forward and for providing
2 additional background on the bills. I'd also like
3 to thank my staff for the work they did to assemble
4 this hearing including Nick Smith, my Deputy Chief
5 of Staff and Legislative Director, Jen Wilcox and
6 Megan Chin [sp?] Counsel to the Committee,
7 Guillermo Patino and Jose Conley Policy Analyst to
8 the Committee, and Sarah Gastelum the Committee's
9 Finance Analyst. I too also just want to lend my
10 voice to many of the things that the Public
11 Advocate said. Homelessness obviously cannot be
12 overstated how big the problem is. I was proud to
13 participate in picture the Homeless' first vacant
14 count many, many moons ago when I was Executive
15 Director of Tenants and Neighbors and I don't know
16 that we've gotten any better since then. It's
17 obviously a very difficult thing. We have to do a
18 lot more. We cannot build faster than we're losing
19 housing which means we have to preserve what we
20 have which means that any vacant properties that
21 are available we really need to look at it. They
22 can't just sit there being hard to count, being
23 hard to find those properties is not an excuse not
24 to do it and not to do anything. And hopefully some
25

1 of these legislation will help us move thing
2 forward. That said, I'm going to call up our first
3 panel. Please note that all witnesses will be under
4 oath when testifying. I'd also like to remind
5 everyone to fill out a card with the Sergeants if
6 you'd like to testify. First we're going to have
7 Gina Bocra from the DOB testify the first bill
8 which is the Energy Code. Oh and Patrick Wehle
9 Assistant Commissioner for DOB. Can you please both
10 raise your right hand. Do you swear or affirm to
11 tell the truth, the whole truth, and nothing but
12 the truth?
13

14 [combined affirmations]

15 CHAIRPERSON WILLIAMS: And you can begin
16 testimony when you like.

17 PATRICK WEHLE: Thank you. Good morning
18 Chair Williams, members of the Housing and
19 Buildings Committee in the City Council. I am
20 Patrick Wehle Assistant Commissioner of External
21 Affairs at the New York City Department of
22 Buildings. I am joined by my colleague Gina Bocra,
23 the department's Chief Sustainability Officer. We
24 are pleased to be here this morning to offer
25 testimony in support of Intro number 12-77

1 sponsored at the request of the administration
2 which makes technical adjustments to the recently
3 enacted updates to the New York City energy
4 conservation code. As this council is aware local
5 law 91 of 2016 was signed into law on August 3rd
6 and established a 2016 version of the New York City
7 Energy Conservation Code. The City Energy Code is
8 part of the City Construction Codes and provides
9 performance standards for building energy usage.
10 The City Energy Code is based on the New York state
11 Energy Code and in accordance with the state Energy
12 Law an energy code adopted by a local jurisdiction
13 must be more stringent than the state energy code.
14 On March 9th New York state via Prevention and
15 Building Code Council voted to update the state
16 Energy Code with technical changes to the
17 residential and commercial provisions that align it
18 with the 2015 edition of the International Energy
19 Conservation Code. This update is more stringent
20 than a 2014 state energy code as well as our city
21 energy code and as such it prompted Local Law 91.
22 On August 25th, a few weeks after local, the
23 enactment of Local Law 91 the state code council
24 voted to amend their recently approved 2016 state
25

1 energy code making non-substantive changes which
2 had be adopted by reference as part of the city
3 energy code. As such despite the inconsequential
4 nature of the state's changes we must amend the
5 administrative code to adopt the state's
6 amendments. In addition to officially adopting the
7 state's amendments this bill also proposes minor
8 technical corrections to errors in Local Law 91 and
9 within the state's amendments. These corrections
10 are not substantive. While they are editorial in
11 nature we believe that correction of these errors
12 will prevent confusion to users of the code and
13 will maintain alignment between the city energy
14 code and the state energy code. With the state
15 energy code becoming effective on October the third
16 it is necessary that this alignment with the state
17 energy code amendments be rectified. The department
18 greatly appreciates this committee hearing this
19 bill promptly and respectfully requests swift and
20 careful consideration and approval of this
21 legislation which will enable our department and
22 stakeholders to smoothly transition to the
23 requirements of the new city energy code. Thank you
24
25

1 for your attention and the opportunity to testify.

2 Ms. Bocra and I welcome any questions you may have.

3
4 CHAIRPERSON WILLIAMS: Thank you very
5 much for the testimony, for being here. Think the
6 majority of questions we had were answered when we
7 actually passed the, the full changes. The only
8 question we have is there any additional costs
9 associated with the changes and what they might be.

10 BOKRA: There is no additional costs
11 associated with the changes.

12 CHAIRPERSON WILLIAMS: Oh that's
13 probably the quickest answer from the
14 administration. Simple, plain... Thank you very much
15 then. I really appreciate the time. We don't have
16 any further questions. Appreciate you coming out.

17 PATRICK WEHLE: Thank you very much.

18 BOKRA: Thank you.

19 CHAIRPERSON WILLIAMS: No problem.

20 PATRICK WEHLE: Next we'll begin our
21 hearing, testimony on the final packages of bills.
22 Dealing with vacant properties, Daniel Hernandez
23 HPD, Rassoul Azarnejad HPD, Matt Berk DCAS, Chief
24 Eugene Ditaranto FDNY, Carmela Quintos DO...
25 Department of Finance, Sheelah Feinberg Department

1
2 of Finance. One second please... Can... And Patrick...
3 staying? Okay. We're going to have everybody here.
4 Daniel Hernandez, Rassoul Azarnejad, Matt Berk,
5 Chief Ditaranto, Carmela Quintos, you can grab a
6 chair, and Sheelah Feinberg.

7 SAMARA KARASYK: [off mic] ...Samara
8 Karasyk.

9 CHAIRPERSON WILLIAMS: Say that again?

10 SAMARA KARASYK: Samara Karasyk instead
11 of Sheelah.

12 CHAIRPERSON WILLIAMS: Can someone fill
13 out a form?

14 SAMARA KARASYK: I'll fill it out, I'm
15 sorry.

16 CHAIRPERSON WILLIAMS: Okay. And Samara
17 just come up.

18 [background comments]

19 CHAIRPERSON WILLIAMS: Please do you
20 affirm, do you swear or affirm to tell the truth,
21 and nothing but the truth?

22 [combined affirmations]

23 CHAIRPERSON WILLIAMS: Patrick thank you
24 for doing it twice. I believed you the first time.

1
2 You can each begin your testimony in the order of
3 your preference.

4 DANIEL HERNANDEZ: Good morning Chair
5 Williams and members of the Housing and Buildings
6 Committee. My name is Daniel Hernandez and I am the
7 Deputy Commissioner of Neighborhood Strategies for
8 the New York City Department of Housing
9 Preservation and Development. With me today is
10 Rassoul, an Assistant Commissioner for Maintenance
11 at HPD's Division of Enforcement and Neighborhood
12 Services and my colleagues from other partner
13 agencies in this endeavor. We thank you for the
14 opportunity to testify today on Intros 307, 10-34,
15 10-36, and 10-39 which seek to find mechanisms to
16 collect information on vacant lots and buildings in
17 New York City and in the case of Intro 307 would
18 require the use of certain building materials when
19 sealing a vacant building. As you know HPD's
20 mission is to incentivize the development of
21 affordable housing through attractive financing and
22 tax incentives as well as to enforce safe and
23 habitable residential buildings through its
24 enforcement of the maintenance, housing maintenance
25 code. Recently HPD has focused its energies on

1 fulfilling the de Blasio administration's Housing
2 New York Plan which has tasked the agency with
3 constructing 80,000 units and preserving 120,000
4 affordable units as affordable housing in the next
5 10 years. To date HPD has financed the development
6 or preservation of more than 50,000 affordable
7 homes for low, moderate, and middle income New York
8 families. This includes the highest annual
9 production of affordable homes in 25 years of over
10 23,000 units and the most new construction in HPD's
11 history totally approximately 6,000 in FY2016. HPD
12 believes that its recent efforts represent real
13 progress towards the 200,000-unit goal of the
14 Mayor's Housing Plan and ensuring that more New
15 Yorkers, more New Yorkers than ever have access to
16 safe and affordable housing. In over two years we
17 have established aggressive and realistic time
18 frames that we track for development for the
19 majority of viable city owned land. We are
20 coordinating actively with other city agencies in
21 the Mayor's Office to identify city owned
22 properties owned by other agencies that are
23 suitable for affordable housing. In fact, HPD has
24 issued 16 RFPs over the past two fiscal years which
25

1 is extremely way over an increase than in previous
2 years. In considering the information, we have
3 available through various city agencies it's
4 important to distinguish between vacant land,
5 publicly owned or privately owned sites without
6 development and vacant buildings that are built or
7 underutilized. We collect information about each in
8 different ways. I will focus first on vacant land.
9 The Department of Finance tracks vacant land
10 through its annual assessment of over one million
11 properties across the city. During this process DOF
12 classifies every parcel in New York into four tax
13 classes based on whether it is residential or some
14 other use and how many units the property contains.
15 Most vacant land in New York City is included
16 within class one or class four properties.
17 According to DOF records out of the 1,060,814
18 private and public lots in the city 26,229 of them
19 are vacant. DOF determines a lot is vacant through
20 assessor inspections, sales files, and building
21 records of demolitions. This number, however, does
22 not give the full picture because lots can be
23 vacant for a myriad of reasons. Many owners
24 including the city may be in the process of
25

1
2 planning for the development on the vacant site and
3 these predevelopment activities can take quite some
4 time before construction can begin and is apparent
5 on the site. Just because a lot is vacant doesn't,
6 now doesn't mean it will be vacant in the future.
7 Also some lots are used for community or critical
8 civic uses such as parking for faith based
9 communities, public emergency units, utility or
10 infrastructure uses, or even green markets and
11 weekend flea markets. These lots are providing
12 services and uses to both the city and community
13 but they could be considered vacant depending on
14 when they are observed. According to DOF records
15 and IPIS data of the 26,229 vacant sites in the
16 city approximately 7,400 of them are city owned.
17 Approximately 17 hundred of these fall under
18 Department of Citywide Administrative Services,
19 DCAS', jurisdiction. DCAS tracks and disposes of
20 these surplus of vacant lots by, through a public
21 auction. Many of these properties are sliver
22 properties, access ways, and other property that
23 cannot be developed or are no longer necessary for
24 city use. The number of surplus properties has
25 dwindled over time since the city no longer takes

1 title of properties through its in rem tax
2 foreclosure. And the fact that most of the
3 developable lots have been transferred to other
4 agencies for use or have been sold. If agencies
5 consolidate or downsize certain properties will
6 come under DCAS' jurisdiction until DCAS can
7 identify another use or prepares the property for
8 disposition. Separately HPD controls approximately
9 1,131 vacant properties. We take the reuse and
10 redevelopment of these properties very seriously.
11 Based on our review of these sites approximately
12 670 are suitable for residential development. 400
13 of these sites already are in HPD's development
14 pipeline for affordable housing. The remaining 270
15 will be designated for development at some point
16 during the duration of the Housing New York Plan.
17 The rest of sites under HPD's control pose
18 significant development challenges, are not
19 suitable for residential use or are being evaluated
20 for other imperative uses including open space for
21 green infrastructure and storm water management,
22 systems in environmentally vulnerable areas, police
23 and fire department uses and other critical civic
24 and emergency uses. Since the beginning if the de
25

1
2 Blasio administration HPD has looked at ways to
3 develop vacant properties under its jurisdictions,
4 many of which provide development challenges. HPD
5 introduce new financing programs to make
6 development of these challenging sites possible.
7 These programs were specifically created to cluster
8 small city owned sites and thus spur the
9 development of low and moderate income home
10 ownership and rental properties on infill sites.
11 Many of the remaining vacant properties in HPD's
12 jurisdiction face major development challenges.
13 Some are in flood or hurricane zones, other lack
14 basic infrastructure, some may be developable but
15 will require overcoming significant hurdles to make
16 them viable for development. To make them viable
17 our HPD, our HP... our... tasks HPD staff and the
18 planning and predevelopment work on every day. HPD
19 is also working with our partner agencies to use as
20 many city resources as possible to most effectively
21 provide the roads, water, and sewer connections and
22 other infrastructure as well as relocation
23 solutions of critical civic services necessary to
24 get public land ready for development and to ensure
25 the development will bring affordable housing,

1 schools, open space, and other critical needs to
2 the neighborhood. Finally, another 150 lots in our
3 jurisdiction are better suited for non-residential
4 uses and HPD is coordinating with other city
5 agencies to find the most productive use for these
6 properties. I will now turn to vacant buildings. As
7 a part of its annual assessment process DOF
8 assessors inspect approximately 300,000 buildings
9 per year. Based on available data DOF's assessors
10 go out to the buildings and visually inspect them
11 to determine whether these buildings are still in
12 use and they classify them as vacant. As of August
13 2015 determined that 764 buildings in the city were
14 vacant. The Department of Buildings inspects
15 buildings on a complaint based system. DOB receives
16 approximately 1800 vacant building related
17 complaints each year with DOB issuing a violation
18 for approximately 30 percent of these complaints.
19 Usually these buildings are open to the elements,
20 vacant, or structurally unsound. DOB will often
21 seek to address issues with these buildings in
22 state court and the court may issue an order
23 resulting in the sealing of the building. Other
24 agencies such as the department, fire department
25

1
2 report vacant buildings as they observed during
3 response calls and complaint driven inspections.
4 New York residents have the ability to access
5 publicly available information about lots and
6 buildings through existing online tools the city
7 provides. The New York City Department of City
8 Planning uses DOF data to map vacant lots through
9 Zola. The NYC Department of Information and
10 Technology and Telecommunications has an online
11 searchable map of the city called NYC map which
12 includes zoning and tax information. The NYC open
13 data information portal also includes the
14 integrative property information system or IPIS.
15 This tool is a database of city owned property or
16 private properties that the city leases for city
17 agency uses. This is a helpful tool for the public
18 and city agencies to know which parcels are under
19 which agency's jurisdiction. I would caution again
20 despite all of these efforts it is difficult to
21 accurately determine building vacancy. A visual
22 inspection such as the one DOF performs can be
23 imperfect. While some buildings may be more
24 obviously sealed other buildings may be properly
25 maintained and through observation look as if it

1 houses residents or is used for its intended
2 purpose when it may actually be vacant.

3 Particularly when mixed use buildings a portion may
4 be vacant or underutilized while other parts of the
5 building are in use. We truly understand the
6 council's desire to assess the number, condition,
7 and future possible development plans for vacant
8 lots and buildings in New York City. This is a
9 subject we are constantly studying with our partner
10 agencies. However, we want to emphasize that simply
11 knowing the number of vacant properties will not
12 pinpoint the more important number, that is
13 underutilized properties that could be feasibly put
14 to a better use. Given that properties can be
15 vacant by design or for a myriad of reasons. I will
16 now examine the bills before the committee today.

17 Intro 10-34. This bill requires that owners of real
18 property vacant for a year or more annually
19 register with HPD. Currently HPD has a registration
20 system for multiple dwelling, multiple dwelling
21 buildings and non-owner-occupied one and two family
22 homes only. In FY '16 HPD registered 115,000
23 buildings across the city. This registration
24 process supports the agency's enforcement of the
25

1 housing maintenance code by providing necessary
2 contact information of owners and building managers
3 if a violation needs to be issued for emergencies
4 and conducting public outreach. We are concerned
5 this bill would require HPD to obtain information
6 for buildings over which it has no enforcement
7 power and may not even fall within the category of
8 housing since the bill does not distinguish among
9 types of vacant buildings including commercial or
10 manufacturing uses, education or religious
11 institutional buildings, or parking structures. It
12 is also unclear if this would only cover buildings
13 that are completely empty, underutilized, or how to
14 account for structures that have multiple uses. It
15 should also be noted that the penalty structure of
16 100 to 500 dollars per week for failure to register
17 is quite severe and may place a significant
18 financial burden on some owners simply because they
19 do not register their vacant property. This is far
20 and above the penalty for HPD's current
21 registration process which has a 500-dollar maximum
22 penalty. While we acknowledge that there are issues
23 with the bill we would be open to discussing this
24 issue with the council further. Intro 10-36. This
25

1 bill would require that the mayor designate a city
2 agency to conduct an annual census of vacant
3 buildings, land and buildings, and track if these
4 buildings are eventually transfer between parties
5 or come into use. As we've discussed some of this
6 data could be very challenging to obtain. There are
7 countless privately owned lots and buildings
8 throughout New York City. Many of these sites are
9 the subject of private transactions that are not
10 publicly recorded until sometime in the future
11 making it difficult to track changes in ownership
12 and use. Also, in many cases it would be hard to
13 determine when a building became vacant as required
14 under the bill without considerable time devoted to
15 this investigation. In some instances, owners have
16 properly maintained the lots may, but may choose to
17 hold them and not improve them for a variety of
18 reasons as is their right and this bill would
19 capture this group of lots. Additionally, we are
20 concerned that there are cases where disclosure of
21 every public lot or building might not be in the
22 best interest to the city and the general public
23 and/or the community. For example, there may be
24 security reasons Department of Environmental
25

1
2 Protection may not wish to disclose specifics
3 around a critical infrastructure use that prevents
4 an apparently vacant site of vacant line from being
5 developable. Again, we understand the council's
6 desire to understand the universe of vacant lots
7 and buildings but the monitoring and collection
8 required by the census would require extensive
9 staff time and a commitment of financial resources
10 without providing the data we really believe is
11 desired. That is a list of viable sites namely be
12 feasibly be developed into affordable housing or
13 another use therefore we do not support this bill.
14 Intro 10-39. Intro 10-39 calls for the city to
15 report annually on publicly owned vacant property
16 along with the recommendations about developing
17 such as property for affordable housing purposes.
18 As we noted early we strenuously work with our
19 agency partners to aggressively evaluate all
20 opportunities for affordable housing. We believe
21 this bill could have significant unintended
22 consequences on the work we do? Development of
23 public sites for affordable housing is a long
24 intensive process which under Housing New York now
25 includes significant community engagement. These

1 processes are iterative and not conducive to a
2 citywide annual report publishing possibly
3 prematurely our recommendation for particular lots
4 and thus our plans for the development of each
5 property would significantly impede the city's
6 ability to finance the preservation and creation of
7 affordable housing as well as potentially obstruct
8 the city to procure the most competitive proposal
9 to meet affordable housing and other community
10 objectives. For example, such a list might
11 encourage developers to demand exorbitant prices
12 for properties near our parcels thereby inhibiting
13 our ability to assemble land for a project. Our
14 development pipeline is continually evolving. The
15 agency needs to have flexibility and discretion to
16 address changing housing dynamics. An annual report
17 would and potentially constrain the city's ability
18 to pursue all affordable housing opportunities and
19 simply not be accurate as the engagement we are
20 already do. We make our plans known to the public
21 through our community workshops in connection with
22 each RFP as well as opportunities for community
23 input during various land use review processes. And
24 we work hard to ensure that council members are
25

1 informed about these projects. We want to make
2 clear that as a housing, planning, and finance
3 agency a significant part of HPD's mission and
4 daily work focuses on identifying both public and
5 private parcels in all New York City neighborhoods
6 for the development of affordable housing. Our
7 borough planners work with and continually respond
8 to community based organizations, city council
9 members, and the general public as well as partner
10 agencies regarding potential sites for the
11 development of affordable housing. For these
12 reasons, though we anticipate the council's
13 enthusiasm for affordable housing, appreciate the
14 council's enthusiasm we, which we wholeheartedly
15 share, we do not support Intro 10-39. Intro 307.
16 This bill requires vacant properties to be sealed
17 with commercially, commercial quality 14 gauge rust
18 proof steel security panels or doors once a
19 building has been vacant for more than six months.
20 Properties become vacant for many reasons. Most
21 property owners who have vacant buildings in the
22 interest of protecting their property interest
23 secure their properties as required under the
24 current code. Currently rules promulgated by DOB
25

1 allow the use of concrete block or plywood to seal
2 and secure doors and windows in vacant buildings.
3 However, there are instances where properties are
4 inadequately secured or where properly secured
5 vacant properties are accessed illegally by
6 trespassers. In these cases, the properties can be
7 the cause of numerous public hazard, safety
8 hazards. DOB and HPD work together to ensure the
9 complaints regarding vacant properties are
10 inspected. The violations are appropriately,
11 appropriately issued and that should owners not
12 respond to the violations appropriately the city
13 takes appropriate steps to secure the property. DOB
14 receives approximately 18 hundred complaints about
15 vacant property annually. DOB may issue an unsafe
16 buildings violation and generally issues violations
17 in response to 30 percent of complaints. Should an
18 owner fail to comply DOB initiates court action. As
19 a result of that action the court may issue an
20 order compelling the owner to comply and should the
21 owner fail to comply order HPD to address the
22 condition. In FY '16 HPD received 156 referrals to
23 secure property. Of those HPD completed the seal in
24 79 buildings at a cost of 198,000 dollars. An owner
25

1
2 can choose to undertake the work as directed by the
3 court order and secure the building in accordance
4 with the DOB's rules and procedures. Under current
5 law vacant buildings may be sealed using plywood
6 and stucco for wood frame structures or cinder
7 block on masonry buildings. These materials
8 generally provide enough security to keep
9 trespassers out of the structure and to allow safe
10 ingress and egress to the FDNY in cases of fire or
11 other hazardous event. In cases that the city must
12 undertake the sealing process themselves DOB
13 forwards the order to HPD. HPD scopes the work and
14 contracts to the private vendor to secure the
15 building. After the work is performed the cost of
16 the actual seal plus HPD administrative fees is
17 billed through the Department of Finance to the
18 property and property owner. There are several
19 concerns from city agencies regarding this
20 requirement. The proposed materials could impede
21 the ability of FDNY and other emergency responders
22 to have safe building ingress and egress. The
23 violation structure in this bill would, could,
24 would practically be challenging to enforce because
25 DOB may not know when a building has been vacant

1
2 for six or more months at the time that a violation
3 is issued. In addition, the cost of these materials
4 would be significantly greater than current
5 materials. While recognizing that there is concern
6 around the issue of vacant accessible properties we
7 do not believe that this bill provides the best
8 solution for addressing the issue. DOB and HPD
9 would be happy to discuss with the council other
10 options for addressing the concerns around vacant
11 buildings in the interest of stabilizing
12 neighborhoods or protecting residents from the
13 dangers of illegal trespassing and dangerous
14 conditions at buildings which remain vacant for
15 extended periods of time. We thank you for the
16 opportunity to testify on these bills today and we
17 look forward to working with you on our efforts to
18 promote the use of one, the use of one of the most
19 precious city assets, its land. I would be happy to
20 answer any questions you may have. My colleagues
21 are here to address your concerns. Thank you.

22 CHAIRPERSON WILLIAMS: You got to really
23 tell us how you really feel about the bills. Thank
24 you so much for your testimony. Does anyone else
25 have prepared testimony. So right now I just want

1
2 to make sure that we acknowledge we were joined by
3 council members Rodriguez, Grodenchik, Rosenthal,
4 Ulrich, and Cornegy. And Council Member Rodriguez
5 has a bill that we're hearing. And I didn't know if
6 he wanted to make a statement on it.

7 COUNCIL MEMBER RODRIGUEZ: First of all,
8 thank you Chair Williams for your leadership on
9 this issue and many other issue as one of the most
10 progressive council member that we have here. And
11 we... to be working together. Commissioners you know
12 this is not about... for affordable housing. The
13 councilman can tell you that this group here led by
14 Council Member Williams, myself, and other when we
15 look at affordable housing for us is more than in
16 2000. This is about commitment to address the
17 classes of housing that different administrations
18 had created in our city in the last 100 year and
19 that we hope that the former public advocates, now
20 our great mayor Bill de Blasio will leave his mark.
21 This is a crisis that we don't know that if in our
22 core administrations or even if this is something
23 that we would be able to fix for our children and
24 our grandchildren. You know this is what we have
25 saying. This is not about that a system is broken.

1 This is about a system that we have created, a
2 system that has... building housing for working class
3 in our city, a system that we believe that when we
4 have 27 affordable housing unit in the lottery and
5 50,000 people apply, when we have 100, 100
6 apartment in any other building and 75,000 people
7 apply... and especially those of you that have served
8 in previous administration. You know that this...
9 bills... you know that this is bill that we should
10 pass. We know that this is a bill that will be the
11 only solution that we have. We know that there's
12 going to be... telling this administration no... no
13 excuses. If we have some... issue of safety let's
14 address, let's make a difference about those land,
15 those particular area... not be included, but let's
16 not use it as an excuse. You know seven hearing... I
17 can tell you about in my own district, and this is
18 the same reality in many working class community.
19 Every day there's a building that became empty
20 because... bad tactic. If we do it... for the last 10
21 year led by the, by the general, and by the
22 attorney general there will be a lot of landlords
23 behind bar because they be using illegal bad tactic
24 to make the building vacant in our city. And I can
25

1 tell you 78... straight in my own district... unit. You
2 know the commission... there and we've been trying to
3 address it. The only way of how I was aware that in
4 a 75 apartments building that we have in 78...
5 Street, 35 are empty because... said they were
6 walking by and they told a council member have you
7 seen that the light is off in those apartment. You
8 as a team, you as a agency did not have that
9 information. We as a council, we didn't have that
10 information because I know that if you would have
11 it you would be going after the landlord, that
12 building owner. Because many of those apartment
13 that became empty, they became empty, the building
14 became empty by using illegal tactics. So I think
15 that here we have a great packet of legislation.
16 Now we hope that we can work together. I chose this
17 mayor for he's staying in for a second turn but we
18 need to be sure that we can... better on affordable
19 housing. We have plenty vacant land. We have plenty
20 vacant building that we had to address it. We
21 should be able to use it so that we can address the
22 crisis of housing that we have in our great city.
23 And again this coming from someone that support
24 these packets of legislation, that support a mayor
25

1
2 and his... and his future reelection too but we have
3 to address this issue. Thank you.

4 CHAIRPERSON WILLIAMS: So thank you for
5 the most intense opening statement I've, I've heard
6 in a while. But of course it's all based in, in
7 truth and in the experiences that we have as
8 Council Members. So thank you member, Council
9 Member Rodriguez. And I second everything that you
10 said. I do have one question and I'm going to go
11 back to folks who have some questions and then come
12 back. And the first person will be Council Member
13 Rodriguez, then Council Member Rosenthal and
14 Salamanca. First and the testimony says it looked
15 like there was 670 vacant, vacant lots. Is that
16 correct?

17 DANIEL HERNANDEZ: Yes.

18 CHAIRPERSON WILLIAMS: And 764 vacant
19 buildings?

20 DANIEL HERNANDEZ: You're talking about
21 HPD's, the properties in HPD's jurisdiction?

22 CHAIRPERSON WILLIAMS: Yeah well for
23 what you testified on.

24 DANIEL HERNANDEZ: Yeah.
25

1
2 CHAIRPERSON WILLIAMS: DOF determined
3 that 764 buildings in the city were vacant?

4 DANIEL HERNANDEZ: Vacant.

5 CHAIRPERSON WILLIAMS: In this city does
6 that mean it's city owned or is this city or
7 private?

8 DANIEL HERNANDEZ: They're in HPD's
9 jurisdiction so often times I mean so what I was
10 talking about in here is that we're in constant
11 communication with various city agencies to
12 determine the extent of the use of their property
13 and whether, what the timeline might be if they're
14 using that property today how long it would take to
15 relocate those uses that are currently on that
16 site. So we identify these sites in terms of you
17 know immediate midterm, long term sort of
18 strategies and put them in our pipeline which can
19 go out 10 to 15 years. So we look at them whether
20 they're, you know what their current zoning is,
21 what their current uses are and what needs to get
22 done in order to prepare them for development. As I
23 said in my testimony also it could be not only
24 simply relocating existing uses, civic uses that
25 are on that site whether it's with our partner

1
2 agencies here; fire department, police department,
3 or other. So we determine how long those would take
4 to actually get them ready for development.

5 CHAIRPERSON WILLIAMS: The 764
6 buildings, are they private or...

7 DANIEL HERNANDEZ: No the 670 is under
8 our jurisdiction. They're publicly owned
9 properties.

10 CHAIRPERSON WILLIAMS: Great, great. The
11 764 are buildings right? 764 are buildings in the
12 city were vacant?

13 DANIEL HERNANDEZ: There's sites, mostly
14 there's sites ready for development.

15 CHAIRPERSON WILLIAMS: Okay. You said...

16 DANIEL HERNANDEZ: I think... There are
17 various...

18 CHAIRPERSON WILLIAMS: Based on... these
19 sites approximately 670 are suitable for
20 residential developments. We were talking about
21 vacant properties, I assume you were talking about
22 vacant lots?

23 DANIEL HERNANDEZ: No, they're not all
24 vacant. Some of them have parking structures on
25

1
2 them. Some of them have DP uses on them. They're in
3 various states of readiness...

4 CHAIRPERSON WILLIAMS: So basically...
5 sites approximately 670 are suitable for
6 residential development. That doesn't mean that
7 they're vacant.

8 DANIEL HERNANDEZ: That doesn't mean,
9 sorry?

10 CHAIRPERSON WILLIAMS: That doesn't mean
11 that they're vacant, okay.

12 DANIEL HERNANDEZ: That doesn't mean
13 that they're ready tomorrow. We're working with
14 various city...

15 CHAIRPERSON WILLIAMS: Does, does that
16 mean that they're vacant? 670 that are suitable...

17 DANIEL HERNANDEZ: It doesn't mean that
18 they're vacant. That means that they're suitable
19 for residential redevelopment, that they have an
20 existing use on them, maybe, yeah they have an
21 existing use on them and/or they may need public
22 infrastructure. They may not be completely
23 connected to sewer and water, electrical, and other
24 utilities. So...

1
2 CHAIRPERSON WILLIAMS: The 670 that are
3 suitable for residential development, how does that
4 relate to the number as of August 2015 DOF
5 determined that 764 buildings in the city were
6 vacant?

7 DANIEL HERNANDEZ: I'm sorry, what was
8 your question?

9 CHAIRPERSON WILLIAMS: The 670 sites,
10 670 sites as you define them are suitable for
11 residential development. How does that relate to
12 the as of August 2015 DOF determined that 764
13 buildings in the city were vacant?

14 CARMELA QUINTOS: The 764 buildings,
15 those aren't vacant buildings. I believe your 670
16 includes vacant lots as well, correct?

17 DANIEL HERNANDEZ: Yes.

18 SAMARA KARASYK: And the 764 is not
19 necessarily HPD. Of the 764 I believe there are I
20 think it's 27 city owned building, not necessarily
21 HPD.

22 CHAIRPERSON WILLIAMS: So there are 764
23 city owned vacant buildings, is that right.

24 SAMARA KARASYK: I'm gonna, sorry hi.

25 CHAIRPERSON WILLIAMS: You have to-

1
2 SAMARA KARASYK: I know we're being
3 confusing, it's not you.

4 CHAIRPERSON WILLIAMS: Are you going to
5 testify.

6 SAMARA KARASYK: It's not you. The 760...

7 CHAIRPERSON WILLIAMS: Hold on one
8 second. Are you testifying?

9 SAMARA KARASYK: Uh, yes. Samara
10 Karasyk...

11 CHAIRPERSON WILLIAMS: Oh can you please
12 raise your right hand?

13 SAMARA KARASYK: I... I just got sworn in...
14 [cross-talk]

15 CHAIRPERSON WILLIAMS: Oh you took that
16 already, okay, alright.

17 SAMARA KARASYK: Yeah. So we had 764
18 privately owned buildings that showed up as vacant
19 when we inspected them this, this year.

20 CHAIRPERSON WILLIAMS: Okay.

21 SAMARA KARASYK: And then there were an
22 additional 27 that were publicly owned that were
23 also surveyed by us, by our...

24 CHAIRPERSON WILLIAMS: So there's 764
25 vacant city owned buildings and...

1
2 SAMARA KARASYK: No 27 vacant publicly
3 owned buildings which could be city, it could be
4 state, you know any public entity, and then 764
5 privately owned buildings that we observe to be
6 vacant.

7 CHAIRPERSON WILLIAMS: Okay so 764 are
8 privately owned.

9 SAMARA KARASYK: Yes.

10 CHAIRPERSON WILLIAMS: And the 27 are,
11 are city owned?

12 SAMARA KARASYK: Or publicly owned.

13 CHAIRPERSON WILLIAMS: Or publicly.

14 SAMARA KARASYK: It could be another
15 public entity.

16 CHAIRPERSON WILLIAMS: How does that
17 relate to the 670 suitable sites?

18 SAMARA KARASYK: That I, I don't think
19 it's related. Do you know?

20 DANIEL HERNANDEZ: I don't know whether
21 they're related or not to be honest.

22 CHAIRPERSON WILLIAMS: Take your time.

23 DANIEL HERNANDEZ: The 764...

24 CHAIRPERSON WILLIAMS: Hold on one
25 second, I'm sorry. Sorry.

1
2 DANIEL HERNANDEZ: So the 764 are under
3 private... those are privately owned sites.

4 CHAIRPERSON WILLIAMS: Got it.

5 DANIEL HERNANDEZ: The 670 are currently
6 under HPD jurisdiction and...

7 CHAIRPERSON WILLIAMS: Say that again.

8 DANIEL HERNANDEZ: I'm sorry.

9 CHAIRPERSON WILLIAMS: Say it one more
10 time.

11 DANIEL HERNANDEZ: The 670 sites are
12 currently under HPD jurisdiction.

13 CHAIRPERSON WILLIAMS: ...just want to
14 make sure. 670 are HPD jurisdiction?

15 DANIEL HERNANDEZ: Correct.

16 CHAIRPERSON WILLIAMS: Wait, hold on.
17 I'll get... 670 are HPD controlled?

18 DANIEL HERNANDEZ: Yes.

19 CHAIRPERSON WILLIAMS: Okay. The 764
20 are...

21 DANIEL HERNANDEZ: Privately owned
22 buildings.

23 CHAIRPERSON WILLIAMS: Privately owned
24 buildings. And 27 are publicly owned.
25

1
2 DANIEL HERNANDEZ: And they could be any
3 government agency.

4 CHAIRPERSON WILLIAMS: Okay. How does
5 that... does the 670 include that 27?

6 DANIEL HERNANDEZ: No. No, because it...
7 So the 670 are HPD jurisdiction properties and so
8 when they're doing their survey it's with other...
9 the... it's... you know I don't know, I don't know the
10 answer.

11 [background comments]

12 DANIEL HERNANDEZ: Yes, that's correct.
13 Yes, the 27 are buildings, 764 are buildings. 670
14 are, are HPD properties.

15 CHAIRPERSON WILLIAMS: 670 HPD
16 properties. Does that include the 27 buildings?

17 DANIEL HERNANDEZ: They may or may not
18 have... the 670 may or may not have buildings on
19 them.

20 CHAIRPERSON WILLIAMS: So if no one at
21 the panel knows, who knows?

22 CARMELA QUINTOS: I mean we do have a
23 breakdown on it but unfortunately we didn't bring
24 it.

25 CHAIRPERSON WILLIAMS: Say that again.

1
2 CARMELA QUINTOS: We do have a breakdown
3 on it. We can, we have, you know we can send you
4 the sheet after, after our meeting. But the 20, of
5 the 27 for sure, I mean HPD might have something in
6 there but for sure DCAS is in there.

7 CHAIRPERSON WILLIAMS: So you did not
8 bring the data necessary on vacant lots for the
9 vacant lot hearing?

10 DANIEL HERNANDEZ: These numbers were
11 generated by you know data. No, we don't have the
12 sheets of data but we brought you the gross numbers
13 so that we can sort of discuss. Really, the point
14 is that we are met, we are monitoring all these
15 sites. Clearly.. know what the 27 is. We don't have
16 that, those data sheets in front of us. We know the
17 670, we know the 400, we know the total 100.. 1,131
18 and what those properties.. [cross-talk]

19 CHAIRPERSON WILLIAMS: Why would you not
20 bring all the information needed?

21 DANIEL HERNANDEZ: Pardon?

22 CHAIRPERSON WILLIAMS: Why would you not
23 bring all of the information needed?

24

25

1
2 SAMARA KARASYK: Okay, I'm looking here.
3 Of the 764 that we were talking about the handful
4 of ones...

5 CHAIRPERSON WILLIAMS: That's the public
6 and private? I mean that's the public, that's the
7 public, that's the public...

8 CARMELA QUINTOS: Yeah, so the public
9 ones... I mean we have again, this is line by line
10 data that has a lot of different information on it.
11 So I mean what, what is it about the observations
12 that, that you would like us to tell you. I have a
13 little... it's got a lot... [cross-talk]

14 CHAIRPERSON WILLIAMS: I've only asked a
15 few questions so far. The first one was; is the 27
16 buildings that are vacant included in the 670
17 sites?

18 CARMELA QUINTOS: So I'm looking at this
19 right now and the city owned properties I'm seeing
20 NYCHA, Parks, I see one HPD lot. There's a few that
21 are HPD. Maybe a dozen.

22 CHAIRPERSON WILLIAMS: Are you prepared
23 for this hearing?

24 [laughter] [cheering]
25

1
2 DANIEL HERNANDEZ: I think that the
3 point that the council was trying to make is
4 whether we are monitoring these sites. We in fact
5 are. There's no doubt about that. The other thing
6 that I think that you guys are concerned about is
7 whether we have an actual pipeline and knowledge of
8 all the publicly owned properties and whose
9 jurisdiction they are in. We do monitor and manage
10 that. And we are in continual conversations with
11 our partner agencies, particularly what their uses
12 are and whether their uses can be relocated to
13 other sites and if those sites... particularly if
14 those sites are good sites for residential reuse.
15 So it's a major part of our day. Are we prepared to
16 sort of go into the details of where these numbers
17 come from? We'd absolutely do that and we welcome
18 the opportunity to do that.

19 CHAIRPERSON WILLIAMS: The opportunity
20 was now. The problem we have... You've rejected all
21 of our proposed bills and you're saying that you're
22 monitoring it. And I've trying to get the
23 information of the things you're saying you're
24 monitoring but you don't have that information to
25 answer. What part of what I said is incorrect?

1
2 DANIEL HERNANDEZ: We're giving you the
3 gross numbers and so I mean there's the data sheets
4 are lengthy and we've given you all the sources
5 where we get this information from and the
6 coordination we have with all our partner agencies.

7 CHAIRPERSON WILLIAMS: I don't think I
8 asked a very detailed question. I asked whether the
9 numbers you presented in the testimony I didn't
10 break out into any other numbers. You presented
11 these numbers. You said that 27 buildings were
12 public and you have another part where you said 670
13 were sites, I'm not sure what definition of site
14 and I asked if there's 27 buildings were included
15 in the 670, That seems to be a fairly simple
16 question that can be answered. I think it does go
17 to show how difficult this is. I'm not convinced. I
18 don't think you can say that you convinced us that
19 you are monitoring it properly and have the data
20 that's needed. It's just tough as you are opposing
21 our bills to then at the same time not be able to
22 answer our questions for the things that you're
23 saying you're doing. But I'm going to pause right
24 there and I'm going to go to my colleagues and try
25 to regroup a little bit. For now, I'll ask my

1
2 colleagues to remain in a five-minute timer and if
3 we have time we'll do a second round. We have
4 Rodriguez, Rosenthal, and Salamanca.

5 COUNCIL MEMBER RODRIGUEZ: You have
6 expressed that's one a reason too that can be very
7 challenging to support this bill... part related to
8 the data collection. How large is the team that HPD
9 have right now to collect data? How many men and
10 women do you have in the data collection... How much
11 money do we allocate for that particular division?

12 DANIEL HERNANDEZ: So there are probably
13 two or three main departments that oversee this
14 data collection. So we have a technology department
15 that has, and I, I, I talked in my statement, in my
16 testimony about the different sources that we use.
17 ZoLa, PLUTO, City Map, ACRIS, IPIS. Those are all
18 publicly available as well, but we also coordinate
19 with the DOF in, in identifying vacant sites.

20 COUNCIL MEMBER RODRIGUEZ: I'm sorry,
21 because of the timing I'm sorry Commissioner. Like
22 how many men and women does HPD have right now
23 doing data collection?

24

25

1
2 DANIEL HERNANDEZ: I, I'll have to get
3 that number to you. I don't know how many people
4 there are in...

5 COUNCIL MEMBER RODRIGUEZ: So I think
6 that would be... But then based on that then we can
7 say those... city have, does the council have to put
8 more money in the budget to HPD so that we can have
9 the know... human resources there so that the HPD
10 really be able to collect the data because in the
11 time of technology what I have see in my sixth year
12 at the council is that agencies collect a lot of
13 data. It's not an issue of being able to have the
14 data in front of you. It's about are we dedicating
15 you know enough men and women power to do the job.
16 My other question is about what method... how does a
17 city, HPD, what is the method that HPD use to be,
18 to be conducting vacant property servers...

19 DANIEL HERNANDEZ: The vacant property
20 survey. Do you want to answer...

21 [cross-talk]

22 COUNCIL MEMBER RODRIGUEZ: HPD, this is
23 about HPD. Like we are... about, this is about...

24 [cross-talk]

1
2 DANIEL HERNANDEZ: The vacant property
3 survey, I'm sorry I, I was thinking that you were
4 talking about building inspections. You're not
5 talking about a survey of the building...

6 COUNCIL MEMBER RODRIGUEZ: This isn't
7 about building inspection, it's about vacant lot
8 and buildings. Like does the C... the HPD conduct
9 like a yearly, every three... and how, what is a
10 method of the city use to do that job?

11 DANIEL HERNANDEZ: Do you want to answer
12 it?

13 [background comments]

14 DANIEL HERNANDEZ: So there are annual...
15 there are annual inspections of buildings and so
16 basically we're looking at a building and it's... so
17 it's always published every year that a housing
18 vacancy survey and that's available to the public.
19 But we look at buildings in their current vacancy
20 at a particularly time. And annually we look at
21 the, those same, that same building... to see whether
22 there are vacancy changes over the course of that
23 time. It gives us an average, it gives us an
24 estimate of... the vacancies, the level of vacancies
25 in New York City buildings.

1
2 COUNCIL MEMBER RODRIGUEZ: I just
3 believe that this administration inherit a mess I
4 HPD, this is my guess. My guess is we are the..
5 mayor and... new leadership that want to make a
6 difference. But I believe that you inherit a mess
7 and that house have to be clean. They building,
8 let's say 182nd Street and St. Nicholas Avenue, in
9 my district, be completely empty for the last 20 25
10 years. Anyone that walk by that corner they assume
11 that building be empty. And my, it's a private, the
12 city can, we can say the owners paying the taxes
13 therefore we don't have to make the owner to
14 renovate the building but has the city being able
15 to come here and say we met with that building
16 owner last year and we made that proposal. Like how
17 is... and if we haven't done it can we make..
18 identifying those vacant building... say we have a..
19 for you guys where you can win as a building owner
20 and we as a city can use this empty lot or vacant
21 building to build housing for homeless and for
22 working class people. Like you know how have the
23 city be engage and how often does the city be
24 engaged in building owner such as one that I have,
25

1
2 182nd... one of those are being empty for more than
3 25 years...

4 DANIEL HERNANDEZ: So what you've
5 brought up is an example of our work every day and
6 this is part of my testimony as well. We hear from
7 city council members. We hear from community
8 organizations. We hear from all parts of the city
9 about vacant buildings. We are in constant
10 communication with private property owners whenever
11 we receive these calls and track them. So my office
12 actually has tracking sheets. Who did we call? What
13 did they say? Is there a possibility of acquiring
14 that building or is that property owner even aware
15 of our, our financing programs to be able to rehab
16 the building and get it into production again. So
17 it's part of our every day work. That's a lot of
18 what we do every day.

19 [background comments]

20 COUNCIL MEMBER RODRIGUEZ: ...same
21 information. This is thing that we have done but we
22 have been doing that for the last 25 hundred years
23 and situation was the same. So what I hope is that
24 continue seeing you know different direction led by
25 the mayor saying we got empty building and we need

1
2 to know where they are. And I give you that example
3 78... Street.

4 CHAIRPERSON WILLIAMS: Council Member
5 thank you very much. Council Member Rosenthal has
6 graciously said that Council Member Grodenchik can
7 go since he has to leave. Then we will be followed
8 by Council Member Rosenthal and Salamanca.

9 COUNCIL MEMBER GRODENCHICK: Thank you
10 Mr. Chair and thank you Councilwoman Rosenthal. I
11 just have to follow-up. It is really astonishing to
12 me that you can not... you know I heard that there
13 were 670 sites that HPD controls, did I hear you
14 wrong? Or am I, am I hearing things here this
15 morning? I'm looking at you, you can give me a yes
16 or a no, that was a yes, thank you.

17 DANIEL HERNANDEZ: ...hear the question.

18 COUNCIL MEMBER GRODENCHICK: So the
19 question to me is how could you come to this
20 hearing and not know the status of each and every
21 one of these sites. We are dying for affordable
22 housing in this city. I grew up in public housing.
23 A lot of my colleagues did. I understand. But for
24 you to come here and not be able to tell us the
25 status of each and every... it's like me going to a

1
2 realtor saying I want to buy a house and you
3 telling me that you don't know what I got for sale.
4 Well you know what there is no other HPD in the
5 city. There are a lot of other realtors but there
6 is no other HPD in this city. And it's just
7 astonishing to me Mr. Chair that this answer cannot
8 be provided today. I don't want to ask a question
9 because you don't have an answer so thank you Mr.
10 Chairman.

11 [laughter]

12 [gavel]

13 CHAIRPERSON WILLIAMS: Council Member
14 Rosenthal.

15 COUNCIL MEMBER ROSENTHAL: Thank you
16 Chair Williams. Thank you for chairing this
17 committee. I want to thank everyone for coming
18 today. I guess I would say I really want to thank
19 the advocates for continuing to hold everyone's
20 feet to the fire. I know how much effort that
21 takes. And you guys are critical to the whole
22 picture of trying to address the problems of
23 homelessness and affordable housing. For the
24 administration I guess, I mean and you hear the
25 frustrations. So... And I don't doubt you guys are

1
2 working your tails off trying to help the situation
3 get people off the street even if that agency isn't
4 necessarily represented here but get people off the
5 street and get them into affordable housing and
6 housing that's tolerable to live in. But you can
7 understand everyone's frustration. So I actually
8 would like to go to page two of HPD's testimony and
9 try to decipher the second paragraph that starts
10 with 'According to DOF records and IPIS data', of
11 the 26,000 and some vacant sites approximately
12 7,400 of them are city owned. So let's... I guess
13 we're starting with that world, of the 7,400 and
14 then some portion of them fall under DCAS and I'm
15 going to take that, what's the baggage that comes
16 with that agency? If it falls under DCAS does that
17 mean not suitable for housing? What does, what does
18 that mean, that it falls under the jurisdiction of
19 DCAS? I just want to, and where I'm going obviously
20 is what is the number that, that we could be
21 working on.

22 RASSOUL AZARNEJAD: So DCAS works to
23 support our sister agencies for their real estate
24 needs. We're the repository of surplus properties
25 that no other agency seemingly has a need for. So

1
2 the 17 hundred properties that are listed there are
3 classified as vacant properties that are currently
4 in our portfolio. Many of those properties are
5 sliver lots, picture a lot that's two feet wide by
6 100 feet deep between a brownstone..

7 COUNCIL MEMBER ROSENTHAL: Okay, so can
8 I take that to mean that it's not suitable for
9 housing? Just say yes.

10 RASSOUL AZARNEJAD: The suitability for
11 housing is not something that DCAS..

12 COUNCIL MEMBER ROSENTHAL: Okay, if
13 you'd spare.. that's alright, I'm just trying to
14 work here. So let's get it down to.. let's say it's
15 57 hundred are not, not suitable for housing. So of
16 those, of the 55 hundred say HPD controls 1,000 of
17 them, 55 hundred, HPD controls 1,000. So the first
18 question obviously is what's the, what's, what's
19 happening to the piece in the middle there right?
20 So 55 minus 11 hundred call it, five.. let's call it
21 4,000 properties, 42 hundred properties. Well
22 what's, what's that pile?

23 RASSOUL AZARNEJAD: There's various
24 other agencies. I mean Parks has properties. Social
25

1
2 services has... the public library, I mean there's
3 different departments that actually have...

4 COUNCIL MEMBER ROSENTHAL: And those
5 properties just to be clear are vacant right?
6 Because that's what...

7 RASSOUL AZARNEJAD: Some of them...

8 COUNCIL MEMBER ROSENTHAL: ...we started
9 with.

10 RASSOUL AZARNEJAD: Some of them may
11 appear vacant but many of them are actually used as
12 surface parking. And...

13 COUNCIL MEMBER ROSENTHAL: So again, I'm
14 so sorry but I just want to read your two
15 paragraphs and make them make sense. So the
16 paragraph begins with of the 26,229 vacant sites,
17 so we're going to... this is a world of vacant sites.
18 And in that world 74 hundred are city owned. We've
19 taken 1707 not suitable for housing. I'm going to
20 call it 2,000 so we're at 75 hundred, sorry 65, 55
21 hundred that are left. Of the 55 hundred 1,000 are
22 vacant that is under the control of HPD. So that
23 leaves 4,000 roughly that are not under the control
24 of HPD. They're under the control as you say of
25 other agencies. So if they're under the control of

1
2 other agencies can I assume they're not suitable
3 for housing?

4 DANIEL HERNANDEZ: Some of them may be
5 suitable for housing. So I described...

6 COUNCIL MEMBER ROSENTHAL: ...we pull out
7 the ones that are... do you have the tools available
8 to you today to pull out the ones that could be
9 suitable. Let's make up a number 500... can,
10 permission to take Grodenchik's time?

11 CHAIRPERSON WILLIAMS: Sorry?

12 COUNCIL MEMBER ROSENTHAL: Can I take
13 Grodenchik's time since he only spoke for...

14 CHAIRPERSON WILLIAMS: You can ask one
15 more question... second round, if you have another
16 question...

17 COUNCIL MEMBER ROSENTHAL: Begging.

18 CHAIRPERSON WILLIAMS: Do you have
19 another question.

20 COUNCIL MEMBER ROSENTHAL: I'm on my
21 knees.

22 CHAIRPERSON WILLIAMS: Do you have
23 another question?

24 COUNCIL MEMBER ROSENTHAL: Yes I do.
25

1
2 CHAIRPERSON WILLIAMS: Okay. Or they can
3 answer that one.

4 COUNCIL MEMBER ROSENTHAL: Sure, yes. So
5 we're, again I had talked... we are working with all
6 of the city agencies to identify potential parcels.
7 We hear from you, the city council members, quite
8 often particularly when we're doing neighborhood
9 planning in particular neighborhoods about
10 potential sites. We investigate this site, we
11 investigate this site and we always do and we look
12 for potential opportunities. An example is in
13 Inwood actually right now with the public... [cross-
14 talk]

15 COUNCIL MEMBER ROSENTHAL: Okay here's...
16 I, I hear you. I respect everything you're saying.
17 But I just want to make sure... This is my last
18 question. I want to make sure that I understand the
19 thread of your two paragraphs. Would it be fair to
20 say that of the 1,000 we're going to set aside
21 4,000 that later on you're going to come back to us
22 and explain what's in the 4,000 pile and whether or
23 not there's anything in there that's suitable for
24 housing? Of the 1,000 remaining you guys have
25 inspected every single one of those properties and

1
2 you've decided 670 are suitable and 400 are under
3 development now leaving 270 that are in the
4 pipeline to be under development. And I guess the
5 last question is I guess what we're looking for is
6 an understanding of exactly what's going to result
7 of the 400 and then the 270 and the timing. How
8 many people are going to get housing, right. And
9 then what's your plan for the remaining or what is
10 going to be done for this... I guess...

11 [cross-talk]

12 CHAIRPERSON WILLIAMS: Thank you Council
13 Member.

14 COUNCIL MEMBER ROSENTHAL: I guess I'm
15 saying is that it, and then are we done.

16 DANIEL HERNANDEZ: No, because there's...
17 these... I mean as you've identified there's other
18 city owned properties. Some of them may be
19 available at some future point for, for the
20 development of affordable housing on those sites.

21 COUNCIL MEMBER ROSENTHAL: Are you doing
22 an analysis of that?

23 DANIEL HERNANDEZ: And we're... I'm sorry?

24 CHAIRPERSON WILLIAMS: Council Member.
25

1
2 COUNCIL MEMBER ROSENTHAL: Are you doing
3 an analysis of that?

4 CHAIRPERSON WILLIAMS: ...let them answer
5 and we're going to...

6 DANIEL HERNANDEZ: Yes. And if those...
7 [background comments]

8 CHAIRPERSON WILLIAMS: You can answer
9 the question.

10 DANIEL HERNANDEZ: Oh, yes we are. You
11 know again, we are, we have a huge.. the 1,131 some
12 of those properties are not ready for development
13 and won't be for many years. Because access to
14 infrastructure for example so we're going to have
15 to put lots of utility into those to make those
16 sites available. Many of them, actually fairly
17 large sites are in what now are environmentally
18 vulnerable areas that weren't environmentally
19 vulnerable before. So we're working with DEP to
20 dispose those properties to DEP. They'll be part of
21 a green infrastructure that surrounds many of our
22 borough areas. Rockaway, Staten Island, Queens. So
23 they, they already are tagged for whether they're
24 viable for residential reuse. And, and if they are
25 then we put them in our pipeline. The longer term

1
2 ones are the ones that are going to require a lot
3 more stuff. Other stuff, we have similar sites at
4 DCAS. Some of them are sliver sites. And so we're
5 talking to Parks about, and that was part of this
6 whole controversy as you probably know, the gardens
7 and everything. So the transferring of some of
8 those sliver sites, if gardeners want those you know
9 they might be available for other uses, community
10 uses. Part of what we, the reason why we're really
11 committed to doing community planning is because we
12 want to find out if some of those sliver sites
13 might be of value to community gardeners or for
14 other uses in the neighborhood we'd love to work
15 with non profits to dispose of those properties to
16 those community groups.

17 CHAIRPERSON WILLIAMS: Thank you.

18 Council Member Salamanca.

19 COUNCIL MEMBER SALAMANCA: Thank you Mr.
20 Chair. In terms of Intro 10-39 I note you don't
21 have the data. I ask that when you do get the data
22 together if you can send it to us by council
23 district I would love to know how many vacant lots,
24 privately owned, publicly owned vacant lots I have
25 in my council district.

1 DANIEL HERNANDEZ: Sure.

2
3 FEMALE: I'm actually not from HPD, I'm
4 from the Department of Finance. So we actually have
5 the inventory of vacant lands. So this 26,000 that
6 came from us. So when you're asking off a breakdown
7 by district, so again, a lot of these lots are
8 sliver lots. So if you're talking about... developer...
9 developable you know we would break it down for
10 example if you're just looking for developable
11 sites it would be land greater than 2,500 square
12 feet. In that case then you're going to go from
13 26,000 down to 15,000. So if that's what you want
14 then we can just give you a breakdown of vacant
15 land greater than 2,500 square feet by, by
16 district. So then you know they're, you're, you
17 know you're not getting this huge number that
18 they're actually not developable.

19 COUNCIL MEMBER SALAMANCA: Alright thank
20 you. I have questions in terms of Intro 307. I just
21 don't understand. Maybe you can help me understand
22 here. So the law states for vacant properties that
23 you can close, you can use cinder blocks to close
24 the doors, to block the entrances of the doors and
25 the windows. But the speaker, the public advocate

1
2 is asking that we put these what's called a 14, 14
3 guage rust proof steel panels there. Is it not
4 easier for the fire department to enter a building
5 when there's a panel where you could pop the locks
6 other than having to come with a sledge hammer and
7 break cinder blocks if you need to enter that
8 property?

9 EUGENE DITARANTO: Good morning. Just
10 first let me introduce myself. My name is Eugene
11 Ditaranto Deputy Chief FDNY Bureau of Operations.
12 Honestly to answer your questions whether we use
13 cinder block, whether we use steel plates you are
14 going to impede or hamper our ability to gain
15 access to that location. Now with that said in 150
16 years of service of the FDNY nothing has ever
17 stopped us from performing our mission. But I just
18 want to make you aware we're not going to come here
19 today and say we oppose your efforts. We believe
20 that you should try to secure these properties so
21 you prevent people from gaining access that might
22 use them in maybe in some sort of nefarious way;
23 criminal activity, squatters, vagrants, well, again
24 with that said we treat every life the same so when
25 we arrive at a vacant building if the building is

1 sealed and there's a fire in that building more
2 than likely it was started by someone because the
3 electrical services, the mechanical services have
4 been deactivated. It's the human behavior that's
5 actually caused the fire. So now we have to assume
6 that a life has and needs to be rescued and whether
7 it's cinder block, wood panels, or steel plating it
8 will prevent us from gaining entry, or it will at
9 least delay.. it will prevent us or delay our
10 ability to ventilate properly. And any time you add
11 that type of weight to a structure that might
12 already be dilapidated you run the risk of
13 potential collapse. So yes you can make the
14 argument that it might be easier for us to force
15 locks on steel plating versus cinder block but in
16 either case it's not like breaking a window. It's
17 not like forcing a front door that's just in wood
18 frame you know jamb so it's going to delay no
19 matter what.

21 COUNCIL MEMBER SALAMANCA: I'm sorry my..
22 I totally understand that and I respect the work
23 that you guys do. I'm just trying to understand
24 that breaking a cinder block is much harder than
25 popping a lock and opening up a steel panel. So

1
2 maybe my, my question is HPD is the reasoning that
3 you are posing this bill is it the cost or the
4 reality of bringing the fire department to, to make
5 a, to make this case?

6 MATTHEW BERK: It's the combination.
7 It's the cost. It's the affordability of getting
8 to, to rent these... right now the way we do work is
9 based on a contract and we pay the contractor and
10 we build on, on this situation most of these cages
11 are, are monthly fees that you have to pay to the
12 manufacturer. They don't sell it to you. They rent
13 it to you. So what you have to do you have to rent
14 them on monthly basis. And sometimes the seal that
15 we do it goes for years and years. So, so that will
16 accommodate administration significant work for us
17 and also, again, I don't know the benefit of it. At
18 this point I don't have the idea of what benefit
19 that it...

20 COUNCIL MEMBER SALAMANCA: Alright.
21 Thank you Mr. Chair.

22 DANIEL HERNANDEZ: Just... I, I want to
23 just add one more thing. In our testimony we'd be
24 happy actually to discuss this because we think
25 that there's actually a much more nuanced kind of

1
2 concern. It's not only a safety issue for our
3 firefighters. It's also the protection from
4 trespassers and what, the harms that may come to
5 people who trespass. So we want to look at it in a
6 much more nuanced way. And so we'd be happy to have
7 further discussions on this issue.

8 EUGENE DITARANTO: I can make one, one
9 additional point. Again we, regardless whether you
10 use cinder blocks, steel plating, use wood panels,
11 all of those techniques are going to delay. So
12 that's the only point I wanted to make. We're,
13 again we're not here opposing your bill as the
14 FDNY. We just want to make you aware of the fact
15 it's not the same like an occupied building. We're
16 not going to be able to gain entry as quickly as we
17 typically can when the, when the building is
18 occupied.

19 CHAIRPERSON WILLIAMS: Thank you very
20 much Council Member. We've also been joined by
21 Council Member Cohen. I believe I saw Council
22 Member Levine here briefly. So I'm going to do a
23 couple more questions and then go back to Council
24 Member Rosenthal. Even though some of these numbers
25 definitely aren't perfect I'd assume that what you

1
2 have is categorized and open to the public. The New
3 York City open data information portal also
4 includes integrated property information systems or
5 IPIS. Does IPIS have all the information about the
6 buildings that you spoke about today and the lots?

7 DANIEL HERNANDEZ: Yes.

8 CHAIRPERSON WILLIAMS: So anyone can go
9 there... which one those, from your numbers that you
10 have that are vacant that are sites and where are
11 they on a process?

12 DANIEL HERNANDEZ: Our information will
13 be a lot more detailed than IPIS would be but yes
14 the, the, the general information about these
15 different properties is available to the public on
16 various sources including IPIS.

17 CHAIRPERSON WILLIAMS: So it currently
18 is public information... information you have?

19 DANIEL HERNANDEZ: Yes.

20 CHAIRPERSON WILLIAMS: The information
21 you have is currently public.

22 DANIEL HERNANDEZ: Yeah. And I think
23 that the point that we're trying to make is even
24 though that this information is publicly available
25 that we are coordinating across agencies. You've

1
2 heard Commissioner Rosenthal sort of brought up the
3 new, sort of the, the, the complications of just
4 making sort of the, just a black and white vacant
5 or not vacant is not necessarily enough information
6 to make a determination about the future of that
7 site. We're constantly into discussions with our
8 partner agencies about the potential for that site.
9 And we also don't always know until we have
10 discussions with the, with that agency about their,
11 their use. It may be an emergency unit use that
12 we're unaware of and there aren't other relocation
13 resources. So these kinds of things are the
14 conversations that we have every day with our
15 partner agencies on these different sites.

16 CHAIRPERSON WILLIAMS: So I'm going to
17 come back to that. I had it, different line of
18 question. Just wanted to confirm that all of the
19 data on the buildings that you currently talked
20 about are publicly available. Because in your
21 objection to 10-39 you said such a list might
22 encourage developers to demand exorbitant prices
23 for properties near our parcels thereby inhibiting
24 our ability to assemble land for project. That was
25 your reasoning for objecting to mandate to get

1
2 vacancy information. So if that's the, if that's
3 the objection to us collecting additional
4 information is that currently happening for the
5 information that is now publicly available?

6 DANIEL HERNANDEZ: Actually it does
7 happen every once in a while. We want to make sure
8 that our properties, particularly if we know that
9 they're sight assemblages are surrounding our
10 property we don't want to necessarily make our
11 intentions of the, of the redevelopment of that
12 site widely known until we're absolutely ready to
13 take on that, that, the redevelopment of that
14 parcel. We don't want speculation to happen on the
15 adjacent parcels in those situations.

16 CHAIRPERSON WILLIAMS: What is the...

17 DANIEL HERNANDEZ: I think that a report
18 like that is basically... and an annual report like
19 that is going to trigger speculation and we hear
20 from various communities about not triggering
21 speculation particularly on publicly owned parcels.

22 CHAIRPERSON WILLIAMS: So being that the
23 information is publicly available now how often
24 does that occur?

1
2 DANIEL HERNANDEZ: It does... it can't be
3 analyzed the same way that the, that what you're, I
4 think you're implying in 10-39. 10-39 is actually
5 an annual report of the intention of those parcel,
6 identifying those parcels and the city's intention
7 for the reuse of those. We don't want to trigger
8 that type of knowledge particularly since we're
9 much more flexible and we want to remain flexible
10 in any one year. We hear from a council..

11 CHAIRPERSON WILLIAMS: I did ask if the,
12 if the, the information already states where it is
13 in the process and you said yes.

14 DANIEL HERNANDEZ: I'm sorry, say that
15 again.

16 CHAIRPERSON WILLIAMS: I did ask if the
17 information already states where it is in the
18 process. So the same information, the ones that are
19 suitable, what's on it, we have 400 that are
20 already in the pipeline, that sort of information,
21 if that's already in there so there, you're already
22 forecasting some of what we're going to do.

23 DANIEL HERNANDEZ: Well I think that's
24 the other point too that a lot of this information
25 is already publicly available. So if there's a, if

1
2 the intention is actually to promote the
3 development of affordable housing on publicly owned
4 parcels that is a process that's underway right
5 now. And so it, it begs the question I guess what
6 the purpose of this is other than the, the
7 information is publicly available on these
8 different databases that I've mentioned. And we're
9 working with every one of your offices regularly on
10 the...

11 CHAIRPERSON WILLIAMS: You're going,
12 you're going to a different argument. You're now
13 saying that it, so you're now saying that the bill
14 isn't needed because you already have the
15 information. I'm sticking to the first argument
16 which was that it will lead to speculation. And so
17 I'm saying if you have this current information of
18 the world that you know of how much speculation has
19 occurred and it doesn't sound like much.

20 DANIEL HERNANDEZ: Can you... I, I... So I,
21 I've... if your question is whether IPIS actually
22 talks about the future, future reuse of the, of a
23 particular site it does not state that. What our
24 understanding of 10-39 is that a report that
25 basically states what, what the city's intention of

1
2 as a re-use for that parcel. That is what we don't
3 want to trigger. And I think that I, I think that's
4 the intention of your question.

5 CHAIRPERSON WILLIAMS: So if I remember
6 correctly 400 of these sites already in HPD's
7 development pipeline. So none of that information
8 is available. What that, that pipeline information
9 is not publicly available?

10 DANIEL HERNANDEZ: The pipeline itself,
11 no.

12 CHAIRPERSON WILLIAMS: Okay so no one
13 knows what it is or where it is?

14 DANIEL HERNANDEZ: I'm sorry?

15 CHAIRPERSON WILLIAMS: No one knows
16 where the sites are and what you're going to do
17 with them?

18 DANIEL HERNANDEZ: People... the, the, the
19 site and under whose jurisdiction it is that's
20 available, that information is available. The
21 pipeline itself is stuff that we're, we work
22 through all the time because again when we're
23 investigating a site and assessing and evaluating
24 its potential for redevelopment it's not, it's not
25 simply the, there are many factors that go in, as

1
2 you can imagine there's many factors that go into
3 the reanalysis, analyzing the redevelopment of the
4 site. It's just existing zoning. It's availability,
5 it's connections to infrastructure in the city.
6 Those are probably two of the, and in its current
7 use. So even though it's under HPD's jurisdiction
8 the fire department or police department may
9 actually be use, or DEP may actually be using it
10 for various DOT, for various purposes and they have
11 to relocate those sites. East Harlem an example.
12 And so if there are emergency vehicles on that site
13 we have to find a relocation resource which just
14 can't happen overnight. So all these things are
15 analyzed regularly and then we're working with
16 these various agencies and trying to find
17 relocation resources for many of them.

18 CHAIRPERSON WILLIAMS: So my bill for
19 instance if we mandated a count, annual count of
20 what's available and said that the information you
21 give to us about what its uses are that one part
22 didn't have to be public would you support the
23 bill?

24 DANIEL HERNANDEZ: Yeah. I, I think... I,
25 I... so we would support the bill if it does not

1
2 necessarily trigger what I think you would be
3 concerned with as well. We don't want to sort of
4 indicate to, to... We don't want to put these
5 properties in jeopardy, particularly the public
6 resources. If we're indicating that they're in our
7 immediate pipeline we have seen and we have heard
8 from many community members including... [cross-talk]

9 CHAIRPERSON WILLIAMS: Hold on, you said
10 that...

11 DANIEL HERNANDEZ: ...that it could
12 trigger speculation.

13 CHAIRPERSON WILLIAMS: The 400, what's
14 publicly available now is there, it is some sort of
15 pipeline but we just not publicizing what that is?

16 DANIEL HERNANDEZ: Yeah because again...

17 CHAIRPERSON WILLIAMS: But you just said
18 we don't want them to know what's in the pipeline.

19 DANIEL HERNANDEZ: So the... I hope you
20 can understand the, the nuances...

21 CHAIRPERSON WILLIAMS: I'm trying.

22 DANIEL HERNANDEZ: ...of a pipeline. So
23 today I might be able to tell you that, that, that
24 sure we can relocate 100 cars off of that emergency
25 vehicles off of that site. It might take three or

1
2 four years before that can actually happen. And
3 then we find out where our relocation resource was
4 once available the city has determined we want a
5 new museum on that site. I'm making this up but
6 these are the kinds of... at play kinds of issues
7 that happen every day with real estate in New York
8 City. So we're trying, we try to maintain
9 flexibility in the pipeline so that we're being
10 entrepreneurial and responsive as much as possible.
11 You as city council members set these agendas for
12 your neighborhood and those are the things that we
13 respond to every day.

14 CHAIRPERSON WILLIAMS: Alright. I'm not
15 sure that I'm sold on this particular objection.
16 There might be a way that we can word it to make
17 sure that this count is mandated so we can go, we
18 can pause on that for a second. Just want to go
19 back to some of the things that Council Member
20 Rosenthal was, was talking about. So from her great
21 math it turned out that we had about 5,000 vacant
22 sites. Does a site mean there's no structure on it,
23 there is a building on it, or both?

24

25

1
2 DANIEL HERNANDEZ: It means both. And,
3 and we, we can, we know, we know what a site has on
4 it or doesn't have on it.

5 CHAIRPERSON WILLIAMS: Just, you can't
6 tell us right now?

7 DANIEL HERNANDEZ: Well I don't have the
8 data in front of me, no. We, we monitor that
9 regularly.

10 CHAIRPERSON WILLIAMS: Now would have
11 been the time to, to answer the question, but okay.
12 So of that 1,000 HPD owned, 4,000 are not HPD
13 owned, correct? Roughly.

14 DANIEL HERNANDEZ: Say that again.

15 CHAIRPERSON WILLIAMS: Of that roughly
16 5,000, 1,000 HPD owned, 4,000 is not HPD owned?

17 SAMARA KARASYK: Sorry with all the data
18 sets floating around I think we're a little
19 confused about which one you're referring to but I
20 believe you're referring to the DOF list...

21 CHAIRPERSON WILLIAMS: Yes.

22 SAMARA KARASYK: ...that Council Member
23 Rosenthal was talking about where she got us down
24 to about 5,000 sites. Those were vacant sites with
25 no buildings on them.

1
2 CHAIRPERSON WILLIAMS: Okay. Okay. Back
3 to my first question. The definition of site, it
4 means both? Is that, can it mean both? Building or
5 no building, can it be both? I want to, I want to
6 just make sure the terminology.

7 SAMARA KARASYK: I guess it would depend
8 on the context. The list that we gave you of the
9 few thousand properties was 74 hundred in the
10 testimony those were vacant sites with no buildings
11 on them.

12 CHAIRPERSON WILLIAMS: Vacant sites with
13 no buildings?

14 SAMARA KARASYK: But the DOF number we
15 also gave you of the 700... was it 764...

16 CHAIRPERSON WILLIAMS: Yes.

17 SAMARA KARASYK: ...privately owned and
18 the 27 city owned. Those are buildings that appear
19 to be vacant based on our inspections.

20 CHAIRPERSON WILLIAMS: Okay. So we have
21 1,000 HPD properties that have no buildings on them
22 that are vacant and 4,000 not HPD buildings on them
23 that are vacant that make up the 5,000 roughly
24 vacant sites from DOF? Then it says separately HPD
25 controls approximately 131 vacant properties. I am

1
2 assuming that's separate than the 74 hundred of the
3 DOF?

4 SAMARA KARASYK: The HPD vacant lots
5 that are owned by HPD should be part of the overall
6 number that we gave you.

7 CHAIRPERSON WILLIAMS: So separately HPD
8 controls approximately 131, 1131 vacant properties
9 shouldn't be separately. It should be inclusive of
10 the number that DOF gives?

11 SAMARA KARASYK: Yes.

12 CHAIRPERSON WILLIAMS: Yes, okay. Then
13 it says based on our review of these sites 670 are
14 suitable for residential development. There was
15 also mention that on those sites may house things
16 like parking lots which would mean that they
17 actually aren't vacant lots, there's something on
18 them, which would mean they would not be included
19 in the above.

20 DANIEL HERNANDEZ: It depends on if
21 they're surface parking lots versus a parking
22 structure. They, there's...

23 CHAIRPERSON WILLIAMS: I'm just... I'm
24 trying to follow the testimony you gave to us and
25 it's very confusing as you can tell. And it seems

1
2 to be confusing you guys. I, I don't know what to
3 say about that. I don't, I don't want to keep
4 asking questions that you can't answer but it's
5 clear that, that you aren't prepared for this
6 hearing. I don't know if you do have the answers or
7 you don't have the answers but you weren't prepared
8 for this hearing. This is the second hearing on the
9 vacant lots that we have. I don't know that we are
10 closer in getting... sure. Did you have something
11 else? Alright. I don't, I don't know... We're not any
12 closer I feel to getting a answer to this question
13 which is why the city council is waiting in, to try
14 to fix that. It's okay to object. If you object
15 though you should come with some knowledge about
16 why you're objecting and the information that you
17 have that says you're doing a sufficient enough job
18 for us not to interject. But to come here and say
19 that you don't agree with any one of our bills and
20 not have the knowledge that we're asking for, for a
21 hearing that we've called on sufficient time
22 discussing topic for the second time. It just is
23 unacceptable. And I too believe in the goals that
24 the mayor has set. Many of you have been working
25 for decades in these agencies and we have had this

1
2 problems and we have to correct it. So you either
3 have to come and say what you're doing and give us
4 the information we're asking for that I have to
5 believe you said you have. Somehow you left it home
6 or in the office. I don't know. But it's
7 unacceptable that it's not here or you shouldn't be
8 opposing our bills. You should be agreeing with our
9 bills... move forward because we need this data and
10 we need this information. I'm going to go back to a
11 second round, some questions. We're going to debate
12 whether I should ask you further questions because
13 you obviously don't have the answers and weren't
14 prepared. So I'm going to five minutes for
15 Councilman Rosenthal and Council Member Cohen.

16 COUNCIL MEMBER ROSENTHAL: Thank you so
17 much Chair Williams. I want to ask you would it... It
18 would... I understand because, I understand a couple
19 things. One, that in different neighborhoods there
20 might be different things going on, right? So I
21 represent Manhattan where the vacant are
22 underutilized properties. There are situations
23 where you have to be careful about what you're
24 discussing or whatever. But there are also
25 neighborhoods where there are vacant properties

1 where perhaps the demand isn't... I, I have no idea.
2 I, I don't want to make any assumptions. But I do
3 think that there might be a way when you're
4 thinking about the data to do it in a way that
5 doesn't give away anything that HPD is doing but
6 still satisfies the need of the public and the city
7 council to know that stuff is happening. And it
8 strikes me that there could be an agency and I
9 don't know which one it is, I don't presume to know
10 but that somebody could coordinate between DCAS and
11 HPD and DOF having a database is reduced to, if it
12 can't be by community board district or council
13 district you know section of the bureau, some
14 segment that is comprehensible and meaningful and
15 shows the city what, shows residents what the
16 administration to move the ball forward. And I
17 think that's what this is, this compilation of
18 bills is asking you to do. Do you think that's,
19 that's something that would be possible that out
20 of, you know knowing where these bills are pushing
21 that the information could be collected from these
22 disparate agencies. And part of the, part of what I
23 think what we're needing from you, because you guys
24 are in the weeds of this every day, to the extent
25

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2 that we're trying to say what is a defining what a
3 vacant property is, does that mean it has a
4 building on it, does that mean it's literally
5 grass. That you could... because it's not a simple
6 answer that you could come up with the categories
7 that the public should be looking at that you're
8 looking at so that it could be easier to say yeah
9 this is why we're not developing these parking
10 garages because underneath the garage there could
11 be a brownfield. Or underneath this gas station
12 that's been vacant for 20 years and is, there's a
13 tax lean on it. There's a brown field under it.
14 That's why we're not you know trying to pursue it
15 for housing. It, it just strikes me that you could,
16 you could lay that out you know in order to capture
17 the information and I would add to the list because
18 I don't know if the bills define it. But I would
19 ask that you would further subdivide vacant
20 property to include possibly you know partially
21 vacant buildings, commercial properties, you know
22 the, the wide range that you're looking at too.

23 DANIEL HERNANDEZ: Yeah.

24 CHAIRPERSON WILLIAMS: Do you think
25 that's possible?

1
2 DANIEL HERNANDEZ: So I, I... yes, I do
3 appreciate the way that you've articulated. And I
4 think that what I am trying to have, try to sort of
5 express to Council Member Williams is that we, you
6 know sort of putting out a, a gross sort of list
7 doesn't necessarily achieve the objectives I think
8 that you articulated. Yes, I think that there's
9 value in that. And I want to make sure that in the
10 discussions about what that list exposes doesn't
11 have the unintended consequences that none of us
12 want to see out there.

13 COUNCIL MEMBER ROSENTHAL: So is that
14 something you guys are putting together?

15 DANIEL HERNANDEZ: We have on our
16 properties we do, do that. Then again...

17 COUNCIL MEMBER ROSENTHAL: No, no, no
18 I'm talking, I know this is...

19 DANIEL HERNANDEZ: Across, across
20 agencies. Is that something we're putting together?

21 COUNCIL MEMBER ROSENTHAL: I mean is
22 that something we should look to Deputy Glen to be
23 doing you know for, as a council and we're thinking
24 about the city and you know this, this clear demand
25 that's real, that all of us feel. I mean ask Steve

1
2 Banks. He gets it. So is that something that
3 belongs in Glen's shop so that we could expect that
4 out of her shop that type of coordination. Let me
5 ask you another question because it's not
6 appropriate for me to ask you that and I don't mean
7 to put you on the... the hook for that. Do you have
8 the... does your, may I ask, finish this question?
9 Between your... can your agency networks talk to each
10 other like to the extent that there are properties
11 listed on DOF, is that captured in the DCAS pile,
12 in the Parks Department pile you know for the
13 vacant properties issue? And HPD, so that someone
14 could be responsible for pulling together this
15 list?

16 DANIEL HERNANDEZ: We are currently
17 talking to each other. If you're asking for whether
18 there is one agencies that compile it... centralized
19 piece... I can speak for HPD and we are talking to
20 all those different agencies and we do compile all
21 the information particularly when there's a site in
22 the neighborhood that we want to investigate for
23 the potential for redevelopment for affordable
24 housing.

25

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2 COUNCIL MEMBER ROSENTHAL: No, for the
3 purposes of planning. I understand...

4 DANIEL HERNANDEZ: Yep.

5 COUNCIL MEMBER ROSENTHAL: ...for the
6 purpose of one site.

7 DANIEL HERNANDEZ: Yep.

8 COUNCIL MEMBER ROSENTHAL: But for the
9 purpose of planning.

10 DANIEL HERNANDEZ: That doesn't exist
11 right now, no.

12 COUNCIL MEMBER ROSENTHAL: Sorry?

13 DANIEL HERNANDEZ: It doesn't exist
14 right now.

15 COUNCIL MEMBER ROSENTHAL: It does not
16 exist. And here's what I'm getting at. Here's why
17 I'm getting there. I have found it so...

18 CHAIRPERSON WILLIAMS: ...final statement
19 please.

20 COUNCIL MEMBER ROSENTHAL: Yeah, I know
21 but now I get to make, take my, make my big... I just
22 want to say that I've been in office two and a half
23 years and what I have heard repeatedly is a lack of
24 networking that allows the agencies to really
25 communicate this information to each other. And I

1
2 put full blame on the Bloomberg Administration for
3 this and I've never, I've never not said that. For
4 a guy who claimed to be a tech guy he abandoned the
5 city of New York in terms of technology. And I
6 think I will, I, I think that just we inherited a
7 system that was awful. And now I do believe this
8 administration is trying to make it better, and I
9 think they're stopped at every other turn by people
10 who are not approving contracts where you're trying
11 to make it better. But I would urge you to keep
12 trying because this is exactly what we need for
13 planning purposes. These agencies must be able to
14 talk with each other so that you can come up with a
15 strategic plan that captures all the information
16 that's sitting on paper, in peoples' heads, in, or,
17 or disparate databases that don't exist. I'm done.

18 DANIEL HERNANDEZ: It, it, it...

19 CHAIRPERSON WILLIAMS: Thank you very
20 much.

21 DANIEL HERNANDEZ: Can I just respond...

22 CHAIRPERSON WILLIAMS: Absolutely.

23 DANIEL HERNANDEZ: ...because I, I think
24 I've said it in my testimony. I mean IPIS does have
25 all of the information about city owned properties

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2 throughout the city. And we, we all use it and
3 often times it is the generator for how I
4 approached calling DCAS about a particular city
5 owned parcels if I, and, and making sure that if
6 it's... sometimes it's in... anyway just making sure
7 who jurisdiction it's currently under. So that, we
8 do have, we do share those, those databases. It's
9 publicly available as well. That is the, that is
10 the prince upon which we'll, that's our first entre
11 into who... who... if it's a city owned parcel who's
12 overlooking it and then we find out through that
13 process... IPIS. And then we make the call to the
14 agency to confirm whether it's under their
15 jurisdiction or not. So there is some
16 centralization. The part that is disconcerting in
17 that, that would require further discussions is
18 it's the pipeline question in whether it begins
19 triggering something, some unintended consequences
20 we don't want to trigger. So that's the part of the
21 discussion that I, I think it's important to..
22 [cross-talk]

23 CHAIRPERSON WILLIAMS: So I just want to
24 be clear. And I agree with the exchange. We don't
25 want to have unintended consequences, difficulties

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2 in making the list. I just want to be clear that
3 the frustrations I expressed weren't even about
4 specific buildings or specific lists. They were
5 about aggregate numbers that you presented in your
6 testimony that you could not give me additional
7 information about. They weren't about specific
8 buildings. They weren't about specific what to do
9 with them. They were your own numbers and I'm
10 trying to follow them. I couldn't even follow them
11 in the order that you presented and they seemed to
12 be contradictory. So I just want to be clear that I
13 agree with the concerns that you pointed out. But
14 that's not even the line... I didn't even get into
15 the line of questioning when it came to specifics.
16 Council Member Cohen.

17 COUNCIL MEMBER COHEN: Thank you Chair.
18 I'm at risk waiting in... because I only really
19 learned about these bills yesterday. But I did have
20 some interest in some questions and, and I realize
21 even just from the few minutes that I've been
22 sitting in this hearing how complicated the issues
23 are. But I, I am wondering, the information at...
24 doesn't really... doesn't really tell us you know
25 the... you know what, what, what the sites are viable

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2 for. I mean they just... it, you know it's ownership
3 information. You know if, if I identified a block
4 and lot would... even if it was under your agency's
5 control would you be able to tell us you know what
6 the condition is of the lot, what, you know if
7 there is a brownfield, if there is not. I know in
8 my own district I was telling one of my colleagues
9 I have a very hilly district and there, there are
10 lots that have, one developer buys it, pays a lot
11 of money for it, realizes this is not going to, you
12 know that the steep slope presents tremendous
13 challenges, sells it to another developer who is
14 unable to develop it. And it goes on... so I'm
15 curious if you, if even internally if you have like
16 a rating system, a way that you really evaluate the
17 condition of lots. And I'm also concerned and I'll
18 just try to get the questions out and you can
19 answer in, in any order. Like there are also lots
20 where I know that agencies appear to meet, to be
21 sort of hoarding lots like it's our fight and we
22 don't want to give it up even if we're really
23 underutilizing it. That's a concern too. Is there
24 any way we could possibly address that?

1
2 DANIEL HERNANDEZ: Yes, so again at the
3 beginning of the testimony there is, we are
4 constantly doing that as part of our everyday work.
5 I oversee a division called planning and
6 predevelopment and all we do is respond to peoples'
7 calls as well as be more proactive at what are...
8 where are areas within the city where there are
9 vacant properties and we then identify whether
10 they're publicly owned or privately owned. We
11 frequently will call property owners and see if
12 they have any intentions to be developing them and
13 talk to them about HPD's finance resources to
14 redevelop a property. Of course as you can imagine
15 not all the private property owners are entrusted
16 in using our resources. But the other one that
17 we're often looking at is if we, if it's a publicly
18 owned property in what jurisdiction and then
19 working, calling that agency and finding out what
20 their current uses are and whether they could
21 potentially relocate and/or whether it's absolutely
22 necessary. Those are negotiations and we frequently
23 will work with city hall and particularly if it's,
24 if it's a council member that really wants to see
25 it develop for ex purpose then we get pretty

1
2 aggressive about the way that we do that. The other
3 one is, is that if it's a, if it's under HPD's
4 jurisdiction of public property you know that's
5 underutilized. We're often looking at whether
6 there's properties surrounding it that also may be
7 vacant and those are the things that again the
8 unintended consequences. We don't want to put out
9 there that oh we're going to buy this property
10 owners because those property owners suddenly look
11 at their property much differently and so we don't
12 want to indicate all of these city's intentions
13 around this particularly if it's for a public
14 purpose like affordable housing that doesn't
15 generate the type of market you know sort of income
16 and then that the, the, you know it's a ripple
17 effect of not being able to viably redevelop a
18 property for public purpose like affordable
19 housing.

20 COUNCIL MEMBER COHEN: I just want to
21 thank you Chair for taking up this, I think this
22 rates really very interesting and important
23 questions. Thank you.

24 CHAIRPERSON WILLIAMS: Thank you very
25 much. I'm a little bit nervous about asking this

1 question but I'm going to ask anyway. Is there
2 overlap between the tax lean sales and the vacant
3 properties that you know of?
4

5 SAMARA KARASYK: I'm not aware of any
6 because what triggers the sale of the lean is
7 outstanding property charges and water charges. So
8 we're not looking at anything other than that. HPD
9 can... I mean talk... there's, emergency repair charges
10 and the alternative enforcement program charges but
11 it's, it's charges that haven't been paid that
12 trigger it, not the status of the property.

13 CHAIRPERSON WILLIAMS: Okay. Let me ask
14 how can we help. It's obvious how complicated this
15 is but while I believe you should have more
16 information than you have here now I do want to ask
17 what, we don't get too many requests about
18 networking. So if there's networking needed by the
19 administration I don't think we get too many budget
20 requests. Maybe we should... what else is needing for
21 us to... I, I believe in these bills. So without
22 getting feedback from you I'm, we're going to
23 continue to push forward with them. Is there other
24 legislation think would be helpful, is there
25 budgetary. What can we do to help because this is

1
2 obviously problematic? I thought that would be a
3 softball question actually.

4 DANIEL HERNANDEZ: Sorry about that. So
5 I, I actually feel like the goal of the... I mean I
6 read the, the homelessness report. I feel like the
7 goals that have been articulated by the council are
8 ones that resonate with all of us at the table
9 particularly with HPD. This was stuff that we want
10 to pursue. We want to, we want to be able to
11 identify a long term pipeline. We are doing that
12 right now. So it's not as though... I don't want to
13 feel... I'm proud of the amount of work that we've
14 generated over the past two years. I'm proud that
15 we've exceeded all housing production numbers and
16 in other previous years and that's because we have
17 a robust pipeline. So that's clear. I, I hope. I
18 mean the, the numbers prove themselves that we're
19 actually use, reusing these public properties for
20 the intended purposes that this committee is
21 interested in these bills.

22 CHAIRPERSON WILLIAMS: I'm not sure to
23 the extent that, that we would want so I just want
24 to make sure I put that on the record.

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2 DANIEL HERNANDEZ: Right. Well there's...
3 again, there's also... So I, I think the way that you
4 can help then is by possibly having a much more
5 engaged, and I used the term earlier, but nuanced
6 conversations about this. Putting out additional
7 public properties for redevelopment may or may not
8 necessarily be the most... be the smartest thing to
9 be doing. We're aggressively putting out a lot of
10 properties each year. There's, there's a certain
11 amount of developer community that we can rely on
12 to help build our affordable housing. We're pushing
13 the market right now as it is, all of our
14 developers and we're trying to increase... pull the
15 developers that actually tap HPD resources to be
16 able to redevelop these sites. So we're, we're
17 maximizing all of the city's resources right now,
18 not only its land resources, its staffing resource
19 at HPD but also the...

20 CHAIRPERSON WILLIAMS: So just...

21 DANIEL HERNANDEZ: ...affordable housing
22 developers... [cross-talk]

23 CHAIRPERSON WILLIAMS: ...just so I'm
24 clear the, the only recommendation that you can
25

1
2 make that we can help is to have a much more
3 nuanced conversation about this topic?

4 DANIEL HERNANDEZ: Yeah, because it's
5 clear that these are, these, these bills need a
6 little bit more fine tuning.

7 CHAIRPERSON WILLIAMS: So there's no
8 network issues, there's no communication issues,
9 there's no funding issues, no staffing issues,
10 nothing like that?

11 DANIEL HERNANDEZ: Well any, any new
12 sort of line of work is going to require additional
13 city resources to be able to... [cross-talk]

14 CHAIRPERSON WILLIAMS: For, for the
15 existing communication that's going... I mean... lot of
16 problems. We talked about communicate... Okay, the
17 only recommendation that, that is made is that we
18 need to have more nuanced conversations. I just...
19 that's amazing to me.

20 DANIEL HERNANDEZ: Operationalizing a
21 bill requires a much more nuanced conversation.

22 CHAIRPERSON WILLIAMS: Alright. Okay...

23 CARMELA QUINTOS: If I could, I'm sorry
24 if I could just speak to that.

25 CHAIRPERSON WILLIAMS: Sure.

1 COMMITTEE ON HOUSING AND BUILDINGS

2 CARMELA QUINTOS: I'm from Department of
3 Finance but...

4 CHAIRPERSON WILLIAMS: Can you bring the
5 mic closer to you?

6 CARMELA QUINTOS: I'm from the
7 Department of Finance but since you're asking about
8 you know how you can help I think the suggestion
9 actually off Councilman Rosenthal in terms of
10 technology helps a lot in terms of... [cross-talk]

11 CHAIRPERSON WILLIAMS: Can you... I'm
12 sorry... and... can you move just a little closer to...

13 CARMELA QUINTOS: Sorry. The
14 recommendation that Councilman Rosenthal actually
15 said actually helps a lot in terms of technology.
16 Because we... you know a lot, a lot of the problems
17 that you, that actually come up between the
18 agencies is that our systems don't speak to each
19 other. So many times for example when DO... DOF will
20 tell the list off just vacant land for example some
21 cases we don't match IPIS. And that's because when
22 we for example do an apportionment or a merger in
23 our system it doesn't speak to their system. So
24 that's one example of where you know we have this
25 disjoint you know data sets. Another example is

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2 just what, what came out here because each agency
3 doesn't really know how we define... you were asking
4 what the definition of a site is. Maybe the
5 definition of a site is different for HPD. But for
6 DOF for example a site you know can be... we, we say
7 vacant land or improved property. So the 26,000
8 that we gave you, those are vacant sites, anything
9 with no foundation. So a parking lot even though
10 there's no something there that's still going to be
11 improve, they're just... it's not going to be
12 considered vacant land because there's going to be
13 an improvement on the land. Now, in the paragraph
14 where we were, where the paragraph in this
15 testimony where it was talking about 26,000 down to
16 7,400 city owned land and then down to 17 hundred
17 HPD land that was from DOF data set. And then after
18 that it went to HPD data set where they started
19 talking about you know what they considered to be
20 vacant. And that could be, that could include
21 parking lots because you know the... the far... you
22 know that the, it, it has a lot... it, it's
23 developable, okay. So I, I think a lot of the
24 confusion here is you know the data sets that these
25 numbers came from. Like I mean I can see where they

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2 are but you know I, you know it'll, it'll take more
3 to explain it than for, for us to just to go back
4 and send you, send you the data set.

5 CHAIRPERSON WILLIAMS: In, in, an hour
6 and a half into the hearing and that's probably the
7 best answer I've heard so thank you very much for
8 trying to shed some light on what exactly is going
9 on here. It doesn't explain everything but finally
10 something right. Let me just, two things.. one; is
11 there a number that you think it would cost to try
12 to get a system where everybody talks and a
13 timeframe of how long it will take to put something
14 like that together?

15 CARMELA QUINTOS: A timeframe. I, I mean
16 I would say that's going to have to be a duel
17 effort I would, I would think.

18 CHAIRPERSON WILLIAMS: And what about
19 cost? Any idea?

20 CARMELA QUINTOS: We would have to come
21 back to that, we would have to have discussions.

22 CHAIRPERSON WILLIAMS: So I want to
23 backup again. I wasn't going to go back into this
24 but I'm going to go back through it in the lense
25 that you just mentioned. So the definition of a

1 COMMITTEE ON HOUSING AND BUILDINGS

2 vacant property for DOF. Can you tell me what the,
3 the definition of a vacant site and a vacant
4 property is from the Department of Finance?

5 CARMELA QUINTOS: For, for DOF, for DOF
6 we have what's called building classes. Anything
7 with a building class of V is vacant land and that
8 means land without improvement?

9 CHAIRPERSON WILLIAMS: Land without
10 improvement.

11 CARMELA QUINTOS: Without improvement.

12 CHAIRPERSON WILLIAMS: That means no
13 foundation.

14 CARMELA QUINTOS: No foundation.

15 CHAIRPERSON WILLIAMS: And if there's a
16 parking lot on it.

17 CARMELA QUINTOS: It is a parking lot
18 with nothing on it, that it's, it's still
19 considered vacant land.

20 CHAIRPERSON WILLIAMS: Okay. HPD can you
21 tell me what your definition of a vacant property
22 and a vacant site is? Oh, well if it's consistent
23 it still doesn't explain... change in the numbers.
24 Okay. DO... and DOB can you tell me what your
25 definition of vacant property...

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2 PATRICK WEHLE: Our role on this is a
3 little bit different. Generally, we... it's an issue
4 of occupancy. So if a bill... if, we deal with
5 buildings and if the building is vacant the
6 building is unoccupied.

7 CHAIRPERSON WILLIAMS: Sure. So while
8 you did shed a little light it seems like you have
9 the same definition so it wouldn't fully explain
10 the differences that we saw earlier. Alright. I
11 have a couple more, I have a couple more questions
12 and I know Council Member, I let Council Member
13 Torres ask some questions for five minutes then I
14 have a few more that hopefully will go smoother
15 because they're not fully focused on this data.
16 Then we'll probably take a five-minute recess and
17 restart again.

18 COUNCIL MEMBER TORRES: Thank you Mr.
19 Chairman. I only have a few questions and if this
20 question's been asked I apologize. I remember, I
21 recall a few years ago the mayor was advocating a
22 tax on vacant land. I'm assuming that would require
23 the authorization of Albany, has the city attempted
24 to advocate for that tax? Can you just brief me on
25 the status of those efforts?

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COMMITTEE ON HOUSING AND BUILDINGS

SAMARA KARASYK: So if you're referring to the hearing that we had a little over two years ago where we were talking about vacant properties it was asked what would be the result of moving properties from tax class one which is one to three family homes that, if they're vacant to tax class four which is our commercial properties and we did do an analysis where we looked at what the difference would be of all of the parcels. So if we moved properties from tax class one to tax class four that are vacant it would be more expensive in terms of the taxes for the owners that would require legislation.

COUNCIL MEMBER TORRES: At the state level?

SAMARA KARASYK: Yes.

COUNCIL MEMBER TORRES: So there's nothing that we could do at the, at the city level to...

SAMARA KARASYK: I can get back to you on that. My understanding is that it's the state but we can look into it more deeply.

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2 COUNCIL MEMBER TORRES: Okay and... so are
3 we advocating from... because I've heard no advocacy
4 at the state level and it's...

5 SAMARA KARASYK: I... today we have, we
6 have not advocated for that legislatively. We, we
7 have just been looking, we're sort of just
8 completing the analysis. So the numbers that I have
9 here are sort of hot off the press.

10 COUNCIL MEMBER TORRES: I guess given
11 the declining supply of land and given the
12 ambitious goals that the mayor has for affordable
13 housing it would seem to me that advocating for a
14 disincentive against vacant property should be a
15 priority of this administration.

16 SAMARA KARASYK: Yeah I mean the thing
17 is a lot of these properties are small so the
18 biggest ones right for developable purposes are
19 going to be greater than 25 hundred square feet. A
20 lot of the properties are smaller than that so
21 we're not sure that people would want to develop
22 them, also where they're located geographically may
23 not be places where people are looking to develop
24 them. A lot of them, like we have a map that we're
25 happy to share with you...

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2 COUNCIL MEMBER TORRES: But even if
3 they're small... I remember Vicki Been test...
4 Commissioner Been testifying a few years ago that
5 HPD has a program specifically for even smaller
6 affordable housing projects. And as far as
7 financing you could bundle them to make it work
8 financially. Am, am I... am I mischaracterizing?

9 SAMARA KARASYK: I think that I remember
10 some of those conversations and I'm with DOF so you
11 know bear... bear with me.

12 COUNCIL MEMBER TORRES: Oh does... does
13 HPD wish to comment or...

14 DANIEL HERNANDEZ: I... I... what was the
15 question?

16 COUNCIL MEMBER TORRES: Do you have a
17 program specifically for small multi-family
18 development or...

19 DANIEL HERNANDEZ: Yes, yes. There's
20 two, two programs that were created actually
21 specific into this administration both for home
22 ownership and for rental properties for small sort
23 of infill lots in low rise neighborhoods.

24 COUNCIL MEMBER TORRES: Right. So even
25 the freeing up of, of land for small residential

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2 development would advance the mayor's housing goals
3 and would...

4 DANIEL HERNANDEZ: Sure we're getting a
5 lot of requests for those, those programs and we
6 had an RFP for city owned parcels for, for small
7 builders, small developers to build those sites out
8 with the neighborhoods throughout the city. So it's
9 an active program.

10 SAMARA KARASYK: But 25 hundred square
11 feet is not, is not that big. Right? So when I say
12 25 hundred square feet what, that doesn't
13 contradict what the deputy commissioner is saying
14 because if you think about like a, a brownstone
15 lot, like a townhouse lot, that's 25 hundred square
16 feet is more or less the size of that.

17 COUNCIL MEMBER TORRES: What, what's
18 the, the total number of vacant lots in the city. I
19 know there are competing definitions but what's
20 the...

21 CARMELA QUINTOS: Total number of vacant
22 lots, 26,000. That includes sliver lots.

23 COUNCIL MEMBER TORRES: And so what
24 percentage of those are... affords themselves to
25 affordable housing development.

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2 CARMELA QUINTOS: So 15,000 would be...
3 lots over 2,500 square feet.

4 COUNCIL MEMBER TORRES: Right. So a, a
5 vacant tax could actually be helpful in freeing up
6 a significant share of those 15,000 lots. I mean we
7 no longer have the benefit of in rem housing,
8 right? The city owns very little land and it seems
9 to me that this should be a priority, that this
10 would facilitate the achievement of the mayor's
11 goal of creating 80,000 new units. So...

12 SAMARA KARASYK: But I just want to
13 break down that number further. So of the 15,000
14 only about 7,000 of those are greater than 25
15 hundred square feet.

16 COUNCIL MEMBER TORRES: Only 7,000?
17 That's still a significant number. [cross-talk]
18 That's 7,000 more than you have now.

19 SAMARA KARASYK: No, in moving them from
20 vacant... when we were talking about the original
21 question. And I'm sorry if I'm not understanding
22 you. But the original question was what if we were
23 to move the vacant lots from class... from one tax
24 class to another tax class. So of the one, the
25 26,000 that we could move there is about 15,000 of

1 COMMITTEE ON HOUSING AND BUILDINGS
2 those now that are class one properties. And so if
3 we were to move them to class four properties
4 instead of taking that entire universe of 15,000 we
5 really feel that to have an impact you want to look
6 at the bigger properties that are at least 25
7 hundred square feet. So of the 26,000 there are
8 already about 11,000 that are in tax class four. So
9 we wouldn't move the classes. That's, that's a
10 distinction between what she's saying and I'm
11 saying.

12 COUNCIL MEMBER TORRES: Okay my time is
13 up. Thank you Mr. Chairman.

14 CHAIRPERSON WILLIAMS: Thank you. I
15 don't know... clarity but... talking about 26,000,
16 22,000... 26,229 vacant sites, approximately which is
17 74 hundred city owned. Under your definition there
18 are no buildings on them, correct?

19 CARMELA QUINTOS: Yes, the vacant lands.

20 CHAIRPERSON WILLIAMS: And everybody's
21 definition, no buildings on it. Then there's
22 another 27 buildings that are publicly owned. So
23 that's not in this number. Is that correct?

24 CARMELA QUINTOS: I'm sorry...
25

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2 CHAIRPERSON WILLIAMS: There's another
3 27 buildings that are vacant?

4 CARMELA QUINTOS: That are city owned.

5 CHAIRPERSON WILLIAMS: That are city
6 owned, yeah.

7 CARMELA QUINTOS: That are city owned.

8 CHAIRPERSON WILLIAMS: So that's not in
9 this number, correct?

10 CARMELA QUINTOS: No, those are not in
11 those numbers. So the seven... so, so let me, let me
12 be clear. The 26,000 that's from our assessment
13 drill from FY '15 to FY '16 that is what is asked
14 of us. The 764 came out of task force headed by... I
15 think it was the mayor's office. It's homeless unit
16 taskforce headed by... [cross-talk]

17 CHAIRPERSON WILLIAMS: The 764, are
18 there buildings on that or that's vacant?

19 CARMELA QUINTOS: Yeah that, that list
20 came out from a taskforce. So there was a homeless
21 unit task force headed by First Deputy Commissioner
22 Shorris' Office and it basically asked for, from
23 the Department of Finance a list of vacant and
24 boarded buildings. And that's where the 764 came
25 from. Those are buildings, not just lots.

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2 CHAIRPERSON WILLIAMS: Okay, alright few
3 more questions and then done. In terms of 307 when
4 inspectors visit a property what signs do they look
5 for to determine whether it's vacant or not?

6 PATRICK WEHLE: Upon receiving a
7 complaint for a vacant building we send out a
8 construction inspector. The constructor inspector
9 visits the site and makes a determination as to
10 whether or not the, the building is in fact vacant
11 and unsealed. So if there door, doorways, the door
12 openings and the door openings and the window
13 openings are not sealed with proper doors and
14 windows or you know masonry or, or plywood as the
15 case might be. In that instance the building
16 inspector will issue a violation requiring the
17 owner to properly seal the building.

18 CHAIRPERSON WILLIAMS: In terms of intro
19 10-34 are there particular neighborhoods or areas
20 of the city where there's a concentration of vacant
21 properties from the data that you have.

22 DANIEL HERNANDEZ: Most of the
23 properties are within the, some of the
24 neighborhoods actually that we're doing some of the
25 rezoning and neighborhood planning in. East New

1 COMMITTEE ON HOUSING AND BUILDINGS
2 York there were several but most of them again
3 were, many of the lots are, that Commissioner,
4 Council Member Torres talked about... they were
5 around 25 hundred square feet and so a lot of those
6 properties, particularly the public properties were
7 put out to an RFP last year and we're selecting
8 builders to build those properties up using our
9 construction home ownership program and our small
10 rental program.

11 CHAIRPERSON WILLIAMS: And in terms...

12 SAMARA KARASYK: I just wanted to add
13 that for the vacant lots that are greater than 25
14 hundred square feet. I have a map here that I'm
15 going to give you.

16 CHAIRPERSON WILLIAMS: Okay thanks.

17 SAMARA KARASYK: ...shows you visually
18 where they are and then if you have more questions
19 we can follow up with you.

20 CHAIRPERSON WILLIAMS: You can give it
21 to the Sergeant. Thank you. In terms of Intro 10-39
22 can you... or you may have done this already but can
23 you talk about again programs that are available to
24 get vacant lots and buildings rehabilitated and how
25 much money is in those programs?

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2 DANIEL HERNANDEZ: The, again the two
3 new programs that were created more recently
4 towards the smaller lots and infill lots in
5 neighborhoods are called the new construction of
6 home ownership program and the new construction
7 program. And the new construction programs for
8 rental properties obviously the new construction
9 home ownership programs for home ownership. Those,
10 again those, we... HPD went through its complete
11 inventory of properties last year to issue an RFP
12 for the redevelopment of those sites. And they're
13 scattered throughout the city. We cluster them in
14 various neighborhoods so that builders then could
15 be, to create sort of viability around the
16 redevelopment of those sites for small builders to
17 take them on. So we're about to issue and announce
18 the RF... the awardees for that program. Those are
19 probably the two main programs to try to get these
20 smaller public sites out the door and into
21 production for affordable housing.

22 CHAIRPERSON WILLIAMS: And how much
23 money has the city put in those programs?

24 DANIEL HERNANDEZ: I don't have an exact
25 number for how much actually a total amount at the

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2 end of that program that we're going to allocate to
3 that for this round of RFPs. Although we're always
4 welcoming developers to come in and we're willing
5 to finance any project that comes through our door
6 that makes sense.

7 CHAIRPERSON WILLIAMS: Can you come back
8 and get us the information?

9 DANIEL HERNANDEZ: For the RFP projects?

10 CHAIRPERSON WILLIAMS: Yeah how much
11 money are in those?

12 DANIEL HERNANDEZ: Sure.

13 CHAIRPERSON WILLIAMS: On average how
14 many city, city owned vacant property kept vacant
15 and what factors go into it.

16 DANIEL HERNANDEZ: I mean as you know
17 many of the properties that we still have in our
18 pipeline, the properties that we talked about today
19 were from in rem properties that we, that the city
20 took ownership from the 1960s and 70s and many of
21 them are still in our pipeline. And for various
22 reasons we're getting them out, for various reasons
23 they're still there but under this administration
24 we're getting them out very aggressively. Again I,
25 I talked at the beginning that we get out of RFPs

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2 at least two or three times more than what we had
3 in previous administrations to get these properties
4 into production. They remained vacant for various
5 lengths for reasons that I previously articulated.
6 Some of them just don't have public infrastructure
7 connected to them. Some of them are being used by
8 other partner agencies who are using them for civic
9 purposes that I think everybody in the community
10 recognizes it's important to maintain. Often times
11 relocating those resources off the property take
12 time and lots of negotiations to get those parcels
13 ready for redevelopment.

14 CHAIRPERSON WILLIAMS: And you... I'm sure
15 you saw Picture the Homeless' report? Have you, I
16 mean have you seen the numbers, they obviously
17 differ from yours?

18 DANIEL HERNANDEZ: The homeless report?
19 Is that what you're saying?

20 CHAIRPERSON WILLIAMS: Yeah the, the
21 Picture the Homeless report, on banking, on vacancy
22 have you seen...

23 DANIEL HERNANDEZ: Yep, yep, yep.

24 CHAIRPERSON WILLIAMS: On their findings
25 there were 3,551 buildings of vacant property. They

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2 said 10% was owned and the vacant lots were 2489.

3 11% of these properties have been identified as

4 vacant in the city data. Do those numbers sound

5 familiar at all? Are they completely off? Any

6 thoughts on the number that they presented?

7 DANIEL HERNANDEZ: Again, part of the

8 way that I framed the discussion... One... Actually

9 there's a lot of goals within the report itself,

10 the reason why the census was done from their

11 perspective is really important to us as well. The

12 numbers may differ simply because we have, the

13 information that we have may be much more detailed

14 than the ones from a visual inspection walking by.

15 We may or may not consider it vacant for various

16 reasons that I articulated within my testimony. But

17 we think that the goals that the reasons why

18 they're doing it is laudable and ones that, that we

19 actually... are the reasons why we are tracking a lot

20 of these publicly owned parcels throughout the city

21 to put them into production in the various

22 neighborhoods... working.

23 CHAIRPERSON WILLIAMS: Last line of

24 questioning. The, is there, I forgot to ask about

25 definitions of a vacant buildings. Because we asked

1 COMMITTEE ON HOUSING AND BUILDINGS

2 about a vacant lot. Definitions for vacant
3 building, what is, what is that for DOF and HPD.

4 CARMELA QUINTOS: Okay. So again the
5 764, the list of 764 produced specifically for the
6 Homeless Taskforce Unit. That was on-site
7 inspection. So we actually had assessors going out
8 to this, this, to our list of what we needed to
9 inspect for vacancy. If it is partially vacant or
10 if we have³ any doubt of tenancy than we actually
11 did not include it in the, in that list. So the
12 list that we gave the 764, those are the ones that
13 we know that they're vacant, boarded.

14 CHAIRPERSON WILLIAMS: How do you define
15 vacant building?

16 CARMELA QUINTOS: They're boarded or you
17 know... additional tenancy. And it's as of that date
18 so you know two months from now it may not, it may
19 not follow that definition.

20 CHAIRPERSON WILLIAMS: So the task force
21 counted 764 private in 27 public?

22 CARMELA QUINTOS: Yes.

23 CHAIRPERSON WILLIAMS: And the report
24 that, that the Picture the Homeless had was 3,551.

25

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2 That's a big discrepancy. I don't know... I don't
3 know if you want to comment on it but it's...

4 FEMALE: It's probably... It depends on
5 the date. It's as of date.

6 CHAIRPERSON WILLIAMS: Okay. What's the
7 definition of a vacant building for HPD?

8 DANIEL HERNANDEZ: Ours is consistent.
9 It's... again, there's so many mixed use buildings in
10 New York City but if there is any tenancy within
11 the buildings we don't consider that building
12 vacant. We recognize that there are buildings that
13 are mixed use and there may be residential units of
14 above that are completely vacant but because the
15 commercial space down below may be occupied,
16 tenanted we wouldn't consider that building vacant
17 but yeah.

18 CHAIRPERSON WILLIAMS: Do they go in to
19 speak to the tenants that are there?

20 DANIEL HERNANDEZ: Do we go in and speak
21 to the...

22 CHAIRPERSON WILLIAMS: Yeah.

23 DANIEL HERNANDEZ: I mean if there's a
24 complaint particularly those buildings are the ones
25 where...

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2 CHAIRPERSON WILLIAMS: If you see a
3 building...

4 DANIEL HERNANDEZ: If there's no tenants
5 then there's no...

6 CHAIRPERSON WILLIAMS: No I mean if you
7 see a building that's vacant except for one tenant
8 do you go in and speak to the tenant?

9 DANIEL HERNANDEZ: If there's a
10 complaint filed we will, yes.

11 CHAIRPERSON WILLIAMS: But normally no.
12 Even if the whole building looks empty?

13 DANIEL HERNANDEZ: No.

14 CHAIRPERSON WILLIAMS: Okay DOB?
15 Definition of a vacant building.

16 PATRICK WEHLE: So a vacant building is
17 an unoccupied space without any tenancy.

18 CHAIRPERSON WILLIAMS: Okay. And lastly
19 I didn't ask DCAS and FDNY. What is, do you have a
20 separate definition of a vacant property or vacant
21 building?

22 EUGENE DITARANTO: The FDNY looks at
23 vacants where all efforts by the owner have been
24 abandoned to maintain that property. That's when we
25 consider something to be vacant.

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2 CHAIRPERSON WILLIAMS: Say that again,
3 I'm sorry.

4 EUGENE DITARANTO: All efforts by the
5 owner have been abandoned to maintain that
6 property.

7 CHAIRPERSON WILLIAMS: That's either
8 property or building on it?

9 EUGENE DITARANTO: It basically
10 buildings. We don't... as far as lots we're not
11 concerned over a vacant lot. We really only look at
12 in regards to buildings.

13 CHAIRPERSON WILLIAMS: Okay. And DCAS?

14 MATTHEW BERK: So with regard to vacant
15 lots, [clears throat] excuse me, DCAS uses the
16 Department of Finance Definition from their
17 building class code. And a vacant building would,
18 would... other agencies be something that's
19 unoccupied. But vacant buildings are not really
20 something that DCAS deals with in our portfolio.

21 CHAIRPERSON WILLIAMS: Okay. So it
22 actually does seem that there is some consistency
23 in the definitions across agencies here which would
24 lead me to believe we should have a better
25 understanding of the numbers. But I said my peace.

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COMMITTEE ON HOUSING AND BUILDINGS

I, I just want to mention that the reason I ask for this committee a few years ago much people identify me with work on policing. Some people identify me with work on gun violence. I, I firmly believe that the issues of policing and the issues of gun violence are found in the same neighborhoods where there are other issues like lack of affordable housing or housing that people can live in. And I would love for people to see the connectivity that's going on there. It's not just one issue. It's all of these issues. And my hope was to take the same effort that I made in other areas and do that in housing. And that's why this is so important and so, so personal for me because these communities are suffering with things like gun violence and more and more law enforcement sent. And while they have a job to do we have to send the other resources or it won't get help. We have to fix the housing that is there. We have to make housing available. We have to make education available. IT's very, very critically important. And if we don't do that we're not going to solve these problems and people will continue to suffer. So that's why it's so important that we get these

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2 numbers right. Again, disappointed that we couldn't
3 even follow the numbers that you presented. But
4 thank you for coming in to have this discussion.
5 This is the second one and hopefully maybe the
6 third or fourth we can get a better understanding
7 of what's going on. So thank you very much for the
8 testimony. I'm going to ask Holly Chu [sp?] from
9 Gabriel's Office to give her testimony before we go
10 to the recess. Oh... I'm sorry.

11 ADELE BARTLETT: Hi.

12 CHAIRPERSON WILLIAMS: Can you please
13 raise your right hand? Do you swear or affirm to
14 tell the truth, the whole truth, and nothing but
15 the truth?

16 ADELE BARTLETT: I do.

17 CHAIRPERSON WILLIAMS: My name is Adele
18 Bartlett. I'm here on behalf of Gale Brewer, the
19 Manhattan Borough President. And first we want to
20 thank the chair and the committee for the
21 opportunity to testify today regarding this package
22 of legislative introductions that definitely
23 address the city's need for identifying vacant
24 properties and hopefully directing those properties
25 that are suitable for development to become

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2 affordable housing. Intros 10-34, 10-36, and 10-39

3 use the term quote vacant property unquote for

4 owners to report vacancy for the proposed vacant

5 property annual census and identifying parcels

6 suitable to be developed into affordable housing.

7 Specifically, Intro 10-36 identifies vacant

8 building as quote a building which is not being

9 used for any purpose for which it may lawfully be

10 used. We urge the committee to broaden the scope of

11 these three bills to include partially vacant

12 properties as a third category in addition to

13 vacant lots and vacant entire buildings. Our

14 recommendation is based on two observations. Our

15 office has identified many vacant storefronts as

16 Chair mentioned throughout Manhattan. Often these

17 storefronts are ground floor, commercial spaces,

18 within a mixed use building with occupied

19 residential buildings on top. While occasional

20 turnover of commercial tenants with brief gaps is

21 common long term vacancies on the street level can

22 negatively impact a neighborhood. Under the current

23 definition under a vacant building vacant

24 storefronts beneath occupied residential units

25 would not be counted because another part of the

1 COMMITTEE ON HOUSING AND BUILDINGS

2 building fulfills the lawful purpose. Accurately
3 capturing commercial vacancies can establish a
4 baseline to work towards revitalization of
5 underutilized commercial corridors and incentivize
6 building owners to seek suitable tenants to build
7 the vacancy. Second, my office partnered with the
8 speaker's office, with community board 11, and with
9 community voices heard to engage the East Harlem
10 Community to develop a comprehensive neighborhood
11 plan. At numerous community visioning meetings East
12 Harlem residents express their concerns about
13 vacant warehoused residential units on top of
14 thriving ground floor businesses. In 2011 Picture
15 the Homeless did a foot count of vacant units
16 counting both whole building vacancies and vacant
17 residential units above operating storefronts
18 counted as vacant buildings and found that 96 such
19 vacant buildings were just within community
20 district 11. This count confirmed what many East
21 Harlem residents already knew through anecdotal
22 observation yet at the time reported, there was a
23 report of only 17% vacant properties identified by
24 Picture the Homeless that were listed as vacant by
25 the city. Similar underreporting of vacancies was

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2 found across all community districts surveyed in
3 the report. If the committee does not amend the
4 proposed bills to allow for partial vacancy to be
5 counted the new registry and new annual counts will
6 continue to capture only a fraction of the total
7 vacancies. Additionally, we have two, we have
8 specific recommendations for each of the
9 introductions. Intro 10-34 relies on self-reporting
10 by property owners. We've all seen from the self-
11 reporting system of rent regulated units to the
12 DHCR that this method will result in an incomplete
13 database. I recommend that the city council and the
14 administration allow the inclusion of vacant
15 properties identified by the community through
16 calls to 3-1-1 at present and to explore the
17 possibility of an at base reporting system for
18 vacant buildings in the future. In September of
19 2012 the city of Philadelphia launched its 3-1-1
20 app for iOS and Android. Among the app's
21 capabilities is the option for citizens to report
22 vacant properties by snapping a photo and
23 delivering the report directly to the appropriate
24 agency. Utilizing local knowledge in this way in
25 addition to self-reporting by owners would ensure a

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2 more complete list of vacant properties. It's also
3 important to require registration of vacant
4 commercial storefronts. In May of 2014 the San
5 Francisco Board of Supervisors introduced
6 amendments to their vacant abandoned buildings law
7 which requires owners of vacant as... or abandoned
8 buildings to register their properties. The law,
9 vacant or abandoned buildings law, had been passed
10 in 2009 but over the subsequent five years the
11 Board of Supervisors saw the need to amend it to
12 include registration of vacant commercial
13 storefronts. The 2014 amendment would close a
14 loophole with building owners with empty
15 storefronts but occupied residential units. They
16 use this to avoid registration and thus allow their
17 vacant spaces to remain unfilled. This committee
18 has the opportunity today to ensure that Intro 10-
19 34 does not contain such a loophole. Finally,
20 regardless of the method and type of reporting
21 mandated under 10-34 the registry must be made
22 available to the public on the open data portal.
23 Intro 10-36 should allow for the tracking of
24 partially vacant buildings as described above. I
25 recognize that tracking individual vacant

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2 residential units has been a long term challenge
3 for policy makers and advocates and that further
4 work will be required to ensure accurate and
5 efficient tracking of vacant residential units that
6 are above thriving businesses. However, empty
7 storefronts with occupied higher floor residential
8 units could become much easier to track by adding a
9 simple question to the census form; does the
10 building have a vacant commercial storefront. If
11 the rest of the building is vacant then the
12 property would already fall under the Intro 10-36's
13 definition of vacant building. If only the
14 storefront is vacant this requirement would
15 identify the building and add it to the database
16 bringing us closer to capturing a real picture of
17 total vacancies in the city. Intro 10-39 encourages
18 returning vacant lots and building to active use as
19 affordable housing, a goal we support and we
20 commend Chair Williams for spearheading. In
21 identifying suitable properties for affordable
22 housing development however we urge HPD and other
23 land owning agencies to incorporate comprehensive
24 community planning. For example, some vacant
25 properties may benefit a neighborhood more if

1 COMMITTEE ON HOUSING AND BUILDINGS

2 maintained as publicly accessible open space. As we
3 have seen with HPD's list of quote underused
4 unquote parcels identified for housing development
5 under the new infill home ownership opportunities
6 program and the neighborhood construction program
7 thriving community gardens were placed on the list.
8 Intro 10-39 must safeguard against a similar
9 overreach. We believe Intros 10-34, 10-36, and 10-
10 39 incorporating the recommendations I'm submitting
11 will become effective tools to capture New York
12 City's stock of vacant properties and bring these
13 parcels back into use to benefit communities and
14 the city. Thank you.

15 CHAIRPERSON WILLIAMS: Thank you so much
16 for your testimony, for being here. Please pass the
17 same over to the borough president and for her help
18 and leadership on these issues.

19 ADELE BARTLETT: Thank you.

20 CHAIRPERSON WILLIAMS: We're going to
21 take a 10 minute break. After that... there, when we
22 come back we'll have the first panel which will be
23 Adrien Weibgen Community Development Project at
24 Urban Justice Center, Segive Galli from Tenants
25 Rights Coalition, Paula Segal from 596 acres, and

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2 John Krinsky New York City Community Land
3 Initiative. They'll be up when we finish the
4 recess. After that panel the second panel will be by
5 Lynn Lewis Picture the Homeless, Allister Williams
6 Picture the Homeless, William Burnett Picture the
7 Homeless, and Deborah Dickerson Picture the
8 Homeless. And we'll take a 10-minute recess.

9 [PAUSE]

10 CHAIRPERSON WILLIAMS: Good. Alright uh,
11 welcome back everyone. Thank you panel for your
12 patience. So we should have Alexis Smallwood,
13 Adrian Weibgen... sorry, how do you say it? Oh nice,
14 alright cool, I got it. Sigerra [phonetic] oh
15 that's a V, Segiev Galley [phonetic], Galli I
16 messed that all up. Paula Segal, John Krinsky.
17 Alright, can you please raise your right hand? Do
18 you affirm to tell the truth, the whole truth, and
19 nothing but the truth?

20 [combined affirmations]

21 CHAIRPERSON WILLIAMS: Alright you can...
22 one's going to have two minutes to give their
23 testimony because we have a lot of people signed
24 up. So you can begin at the order of, at the order
25 of your preference.

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2 ALEXIS SMALLWOOD: Hi, everyone. Good
3 morning City Council. Thank you for having me. I'm
4 here today to ask that you create a registry for
5 private land and property. The registry would
6 enforce all individuals and corporations with
7 vacant properties to register them. Those who fail
8 would pay fines and the city would ultimately have
9 leverage over their property and give it back to
10 the community improving neighborhoods dramatically.
11 Currently these properties have been abandoned by
12 their owners and have become major eye sores. These
13 property owners are creating a quality of life
14 issue because when properties are not maintained
15 they become dumping grounds and infested with rats
16 and roaches. These add to the problems of broken
17 windows in the community. Homeless people and
18 families move in because the city has... People...
19 homeless people and families move in and because
20 the city has no leverage over these properties it
21 cannot provide support or homestead opportunities
22 so that these families can live faithfully and
23 healthily. An example of this is 357 which is 357
24 Beach 70th Street, this property right here. A
25 neglectful landlord, Tanisha Blair has abandoned

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2 the property for four years that she has owned it.
3 The previous owner has also abandoned the property
4 for years accruing tax debt and sanitation tickets.
5 Tanisha has not paid her taxes and the city has
6 sold the tax debt to a private debt collector who
7 is now in the process of foreclosure. Tanisha
8 likely would have not register... have not registered
9 on the registry that this bill would create and the
10 city would have leverage over the property. We,
11 Rockaway Wildfire, would like to turn this building
12 into a worker owned cooperative with a café.
13 Because there, because there's not a law in place
14 to hold Tanisha Blair responsible we cannot get the
15 property. The city needs to hold private land
16 owners and corporations responsible for the
17 irresponsibly... and create this registry, thank you.

18 CHAIRPERSON WILLIAMS: Thank you. You
19 can finish your sentence... finish your sentence?

20 ALEXIS SMALLWOOD: So basically because
21 Tanisha has the... of the water company and
22 everything that's what, that's what puts the, the...
23 that's why the city sells the tax... getting the
24 money from the water right and the, the Department
25 of Finance. So that's not one thing, the Department

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2 of Finance, so that's not one thing, the Department
3 of Finance recently realized like they had to fix
4 something also with the taxes, yes.

5 CHAIRPERSON WILLIAMS: Okay thank you.

6 PAULA SEGAL: Okay just a... Okay. So
7 thank you so much to the committee for holding this
8 hearing, for a fun morning. I'm speaking today as
9 the director of New York City's Community Land
10 Access Advocacy Program at 596 Acres. My name is
11 Paula Segal. Over the last five years my
12 organization has facilitated the creation of over
13 40 community managed open spaces in the form of
14 farms, gardens, and pocket parks that replaced the
15 land that had been left fallow for decades. Most
16 are on city property. And the majority had been
17 transferred to the New York City Parks Department
18 thanks to all of our work together last year. The
19 story that we often hear is that real estate in New
20 York City is running out. In this atmosphere of
21 scarcity communities are asked to choose between
22 necessities, to choose between parks and gardens
23 and much needed housing for seniors or a daycare
24 city. Yet we look around our neighborhoods and see
25 thousands of holes. Neglected private properties

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2 like the one that Lexi just described that are
3 collecting garbage, that are collecting tax debt
4 and worse while absent private owners face no
5 consequences. Boarded up houses and vacant lots
6 collecting trash are not part of New York City's
7 past. We all know that they're part of New York in
8 2016. 596 acres has become the city's hotline for
9 vacant lots and vacant buildings. When organizers
10 like Alexis see properties in their neighborhoods
11 that they want to understand they call us. My
12 testimony today reflects five years of answering
13 the phone when neighbors call asking what they can
14 do about the abandoned and dangerous lots or
15 buildings in their lives and on their blocks. Too
16 often the answer is not much because the property's
17 privately owned. And as Alexis alluded to even when
18 there's tax debt over the property the city has
19 chosen to sell that debt to private debt collectors
20 and giving up its leverage. So vacant and abandoned
21 property that is tax burdened is actually not
22 property that the city can do anything about
23 because every May the city transfers that debt. Sir
24 may I continue?

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2 CHAIRPERSON WILLIAMS: You can finish
3 your sentence, you can't continue. You can... I may
4 have some questions... continue then but if you... last
5 sentence you can...

6 PAULA SEGAL: Sure. So I just, I just
7 want to point out that in addition to creating
8 leverage over the private properties as Alexis
9 described. This registry will also greatly improve
10 the data situation that we're in over publicly held
11 real estate assets. And we heard a little bit about
12 that this morning. I'd be happy to answer questions
13 and talk about what's available now, what we've
14 been able to do with what's available, and the big
15 gaps that we really need filled in but that will be
16 filled in by this act.

17 CHAIRPERSON WILLIAMS: Thank you.

18 ADRIEN WEIBGEN: Thank you for the
19 opportunity to testify. My name is Adrian Weibgen
20 and I'm a staff attorney at the Community
21 Development Project of the Urban Justice Center as
22 part of its work around neighborhood change CDP is
23 a member of the New York City Community Land
24 Initiative and Alliance of Social Justice and
25 Affordable Housing Advocates. That's committed to

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2 addressing the root cause of homelessness and
3 displacement. We're excited to support Housing, Not
4 Warehousing and I'm going to focus on Intro 10-39
5 which would compile the list of publicly owned
6 vacant property and recommend paths toward
7 developing these units for affordable housing where
8 possible. This bill is a critical first step toward
9 citywide practices that encourage the consistent
10 responsible use of public land and buildings for
11 permanently and deeply affordable housing and other
12 community benefits. As this committee knows well
13 public land and buildings are a vital piece of the
14 city's strategy to create deeply affordable
15 housing. And land has a value that is hard to
16 overstate. As a client of mine often says land is
17 one of the only things god isn't making more of
18 anytime soon. With land cost at zero it becomes
19 financially possible for the city to create deeply
20 affordable housing for the people who need it most.
21 Using public land for that purpose is especially
22 critical in light of the failure of both the
23 mandatory inclusionary housing policy and the
24 city's current subsidized housing options to reach
25 the income levels and greatest need. Unfortunately,

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2 today, the city lacks a big vision for its public
3 land and buildings. Too often these assets have
4 been allowed to sit empty for years while people
5 struggle to find and afford decent housing. In
6 other cases, valuable public sites are squandered
7 for uses other than deeply affordable housing when
8 housing is what is needed most. For example, the
9 proposed rezoning of Staten Island's north shore
10 calls for the disposition of several city owned
11 sites, two of which are currently slated for
12 development as office buildings and a third of
13 which is slated as a mixed use development with
14 some housing, less than a third of which will be
15 affordable. This shouldn't happen in communities
16 where the need for affordable housing is tremendous
17 but today it is impossible for community members
18 and their elected officials to have informed
19 discussions about what to do with the assets that
20 are available in their communities because it's
21 hard to know what is there and in particular what
22 has the potential to be developed as affordable
23 housing, deeply affordable housing for the people
24 who need it most. Thank you.

25 CHAIRPERSON WILLIAMS: Thank you.

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2 JOHN KRINSKY: Oh sorry, now it is. Good
3 morning and thank you Committee Chair Williams and
4 the other members of the community for the
5 opportunity to testify in favor of the Housing, Not
6 Warehousing Act. My name is John Krinsky and I
7 teach Political Sciences at the City College of New
8 York and the CUNY Graduate Center. I'm also a
9 founding board member and Secretary of the New York
10 City Community Land Initiative which was just
11 described so I'll skip that. Community Land Trust,
12 the New York City Community Land Trust, Community
13 Land Initiative promotes Community Land Trust which
14 our nonprofit organization is run by... resident and
15 community control which acquiring on land through
16 the provisions of a ground lease, community land
17 trust stewards the properties making sure there are
18 financially, physically, and socially viable but
19 also that the housing remains affordable and really
20 affordable for at least the 99-year lease period.
21 In other words, there are ways that communities can
22 stabilize and maintain affordability and take
23 housing off the market keeping the value of initial
24 subsidies in and speculators out. NICCLI the New
25 York City Community Land Initiative supports the

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2 Housing, Not Warehousing Act because it represents
3 the first important step toward reigning in the
4 real estate speculation that isn't, that has
5 created a housing crisis of almost unprecedented
6 proportions in the city and most facts of this
7 crisis are well known so I, I won't rehearse them
8 now. But also just to note that the housing that is
9 created as affordable, some of which was spoken
10 about this morning tends to be out of reach of the
11 median renter households in the districts where
12 it's created. And again these are reasonably well
13 known facts. What isn't well known is how much
14 property is being held vacant either undeveloped
15 completely or without residents for example in
16 buildings with ground floor retail and boarded up
17 upper floors the city's data simply do not reflect
18 the variety of vacant property and it has been thus
19 far reluctant to do a full accounting of it. In
20 2011 picture the Homeless working with an urban
21 planning faculty... students from Hunter College
22 organized hundreds of volunteers to do a street
23 count of vacant property and found enough space at
24 current zoning to house an additional 200,000
25 people. With... I'll, I'll, I'll stop there. The

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2 written testimony is there. That's... in the interest
3 of keeping everything going.

4 CHAIRPERSON WILLIAMS: Thank you.

5 SEGIVE GALLI: Hi. My name is Segive
6 Galli. I'm a Researcher and a Paralegal in Legal
7 Services NYC. My testimony today is based on our
8 experiences as a civil legal services provider as
9 well as the insight I have gained through the study
10 of warehousing in East Harlem and the significant
11 impact... currently is having in that neighborhood.
12 TRC, the TRC unit, the Tenants Rights Coalition,
13 legal aid society for credit, in East Harlem
14 recently completed a preliminary investigation of a
15 set of LLCs that together hold more than 100
16 warehoused units across 12 buildings. The
17 structural damage to the warehouse properties has
18 been documented by DOB and HPD and I would be happy
19 to share more about this yet the dilapidated
20 buildings stand boarded up. Because the community
21 waits for them to collapse or the landlords wait
22 for the community to become fully gentrified so
23 they can flip the property as planned. The owners
24 of these buildings have managed to acquire more
25 than 60 buildings in East Harlem alone. And they're

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2 open about the fact that they have no desire to be
3 landlords for residential tenants. Well for our
4 client group these buildings represent home and
5 sanctuary. For the building owner's they're nothing
6 but an investment to be hoarded and flipped when
7 the time is right. This mean that the unit, that as
8 the units become vacant new tenants do not replace
9 the old. And there's an incentive for owners to
10 push long term tenants out and warehouse these
11 units in order to increase the appeal of the
12 properties to potential buyers. These incentives to
13 completely vacate buildings will be exacerbated by
14 the rezoning of East Harlem that is slated to
15 occur. Those property values are expected to
16 increase for lots which on which much higher
17 construction will be permissible. Beyond this one
18 case study there are many more buildings in East
19 Harlem that we have not had a chance to count or
20 assess. ...clearly seen the practice of warehousing
21 in East Harlem holds dispirit health and social
22 impacts on the neighborhood. The first question is
23 simple. Who would benefit if these units would be
24 made newly available for residential tenants. Most
25 of these warehouse units if rented today would be

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2 subject to rent stabilization laws and thus would
3 contribute to the limited growingly diminishing
4 stock of affordable units in the neighborhood. I've
5 personally had a chance to investigate the process
6 by which a unit becomes a warehouse or vacant. We
7 are not surprised to find this process involves
8 legal pressure from landlords, eviction, and
9 harassment. We are not surprised to learn that the
10 unsound living conditions are exacerbated in order
11 to pressure tenants to relocated. We are not
12 surprised that for the last 10 or 15 years this has
13 had the spared impact on a targeted community in
14 East Harlem. Last week I walked into a building
15 with a huge hole in the ceiling of the lobby. Folks
16 there were taken to court repeatedly and complained
17 that there was no super available for maintenance
18 in the building. The same owners also hold the
19 largest stock of warehouse or vacant property
20 throughout the rest of East Harlem. If this bill
21 does not pass I will not be surprised to learn that
22 the same building would be fully vacated and
23 boarded up before an impressive property flip would
24 take place in the next two to three years. The
25 Housing, Not Warehousing Act is a direct response

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2 to this issue challenging the business as usual
3 mentality of our city's unscrupulous real estate
4 actor. Warehousing is but a strategy in an arsenal
5 of tactics employed by landlords who prioritize
6 profits over people. By beginning the count,
7 assess, register, and issue robust penalties this
8 bill has the potential to abate some of the issues
9 that trouble the communities we serve. As tenant
10 advocates working with low income New Yorkers LSNYC
11 looks forward to working closely with the committee
12 and relevant city agencies in the future to help
13 ensure that any new legislation that can vet
14 warehousing of residential units is implemented to
15 its fullest potential. Thank you.

16 CHAIRPERSON WILLIAMS: Thank you very
17 much for all of your testimony and the work that
18 you do. I, I just wanted to get a better
19 understanding of the connectivity with the,
20 connectivity of the tax leans and the vacant
21 properties.

22 PAULA SEGAL: So in the world before
23 1996 before we had the tax lean sale when someone
24 like Ms. Blaire who owns this property did not pay
25 her taxes, her property taxes or her water bill.

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2 The city would retain the right to add fees and
3 eventually foreclose on this property and this
4 would, this property would go into the supply of
5 city owned assets that we could then discuss as a
6 potential housing site, as a potential commercial
7 site. Fast forward to 2016 thanks to the taxing
8 sale every May the city of New York turns debt on
9 properties like these into a note that can be
10 purchased by a tax lean trust which is a collection
11 of investors that buy the notes at usually 72 cents
12 on the dollar. So we get most of our money but we
13 lose all of our leverage. And for properties that
14 are occupied and particularly for properties where
15 there are commercial landlords with multi-family
16 dwellings who are not paying their property taxes
17 leaving it up to some debt collector to collect
18 from them, that makes sense. Properties that have a
19 use. That makes sense. But our vacant and abandoned
20 properties are in that same tax lean sale pipeline
21 and when that leverage is lost the city literally
22 says the debt on this property is a private issue
23 even though where that debt started was as a tax or
24 water bill to the city.

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2 CHAIRPERSON WILLIAMS: Okay so basically
3 we're taking vacant properties off the lot, off the
4 market. That could be used for something else.
5 We're taking vacant properties off the list that we
6 could be using to build affordable housing on.

7 PAULA SEGAL: Yeah. We're taking vacant
8 properties off of the list of properties the city
9 could use the debt owed against those properties as
10 leverage. We would still have to foreclose right?
11 We would have to use the in rem process. But that's
12 how the city becomes owner of properties.

13 CHAIRPERSON WILLIAMS: Okay. Is anyone..
14 are you the only one left from the city? Can you
15 address this question.. Thank you very much for all
16 of you for your testimony. I really appreciate it.
17 Thank you so much. Oh I'm sorry you have a... oh,
18 okay. Thank you very much. Appreciate it. Before
19 the next panel, sorry.

20 CHAIRPERSON WILLIAMS: Yes, please.

21 TERRI DAVIS-MERCHANT: Good morning. My
22 name is Terri Davis-Merchant. I'm Senior
23 Legislative Analyst with the New York City
24 Department of Housing Preservation and Development.
25 Just wanted to give a quick...

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2 CHAIRPERSON WILLIAMS: Wait, can you
3 raise your right hand?

4 TERRI DAVIS-MERCHANT: Oh, yes.

5 CHAIRPERSON WILLIAMS: Do you affirm to
6 tell the truth, the whole truth, and nothing but
7 the truth?

8 TERRI DAVIS-MERCHANT: Yes. Just to give
9 a high level overview understanding of what the tax
10 lean sale is. So if owners of properties who have
11 not paid their taxes, have not paid certain city
12 fees. Those fees get converted to a lean. What
13 happens under the tax lean sale is that the actual
14 leans themselves get sold to a trust. The trust
15 then for the full reductive value of that lean.
16 From there the trust is able to ask the people for
17 whom owed this money to pay. If they do not pay
18 then they have the right to foreclose. So what we
19 are selling is the lean and not the actual
20 property.

21 CHAIRPERSON WILLIAMS: When I did ask
22 earlier if there was some kind of connection
23 between tax leans and vacant properties they said
24 not really and so...

25

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2 TERRI DAVIS-MERCHANT: Well not, not
3 all, not all leans that are sold are in connection
4 with the vacant property. So some of the leans may,
5 some of the actual properties may be occupied.

6 CHAIRPERSON WILLIAMS: [cross-talk] Some
7 of them may not?

8 TERRI DAVIS-MERCHANT: Excuse me.

9 CHAIRPERSON WILLIAMS: Some of them may
10 not. Some of them in fact may be vacant.

11 TERRI DAVIS-MERCHANT: That is, that is
12 correct. But again we're selling the lean and the
13 right to collect the funds from that lean. We're
14 not selling the property.

15 CHAIRPERSON WILLIAMS: But the answer to
16 that was given previously may have been erroneous.

17 TERRI DAVIS-MERCHANT: I'm sorry, can
18 you actually remind me... the question.

19 CHAIRPERSON WILLIAMS: Was there only..
20 any overlap between the tax lean sales and vacant
21 property?

22 TERRI DAVIS-MERCHANT: Well at, you know
23 as I said before there, there possibly could be an
24 overlap but again we are selling the leans and not
25 the property and often times the leans are for fees

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2 that you know for an occupied home or occupied
3 building that had been converted to a lean.

4 CHAIRPERSON WILLIAMS: The answer that
5 DOF gave was that not that they're aware of, not
6 that they are aware of.

7 TERRI DAVIS-MERCHANT: That, that's
8 right. It, again, it's because there's...

9 CHAIRPERSON WILLIAMS: I find that hard
10 to believe now though... I just... if... [cross-talk]

11 TERRI DAVIS-MERCHANT: Okay. I mean
12 there, there could be... There, like I said the vary,
13 various different sources for what constitutes a, a
14 lean that is sold as part of the tax...

15 CHAIRPERSON WILLIAMS: Because this one
16 is vacant and assuming that it, it is or was in the
17 tax lean sale that would have been an overlap.

18 TERRI DAVIS-MERCHANT: I'm sorry, can
19 you repeat the question please?

20 CHAIRPERSON WILLIAMS: This one that
21 they, they... I'm sorry is this one that was on a tax
22 lean sale? Okay.

23 [background comments]

24 TERRI DAVIS-MERCHANT: Okay...

25

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2 CHAIRPERSON WILLIAMS: So this is 357
3 Beach Channel Drive. So this one was on the tax
4 lean sale?

5 TERRI DAVIS-MERCHANT: I would have...

6 CHAIRPERSON WILLIAMS: Is vacant.

7 TERRI DAVIS-MERCHANT: I'm, I would have
8 to speak with members or staff from DOI to be able
9 to adequately address that.

10 CHAIRPERSON WILLIAMS: Can you just give
11 her a copy? And I'm going to ask the, the committee
12 to follow up on to what I'm presenting now as an
13 overlap for a tax lean and vacant property. And so
14 I really want to figure out if there is and how
15 much because they... seems like the answer to that
16 was given was incorrect. And so it seems like more
17 likely that there is even if I, I don't know. But
18 my question is, is there a way to parse out the
19 vacant ones and decide not to sell them and do
20 something else with it.

21 TERRI DAVIS-MERCHANT: I have to admit
22 I'm not sure. I would have to ask.

23 CHAIRPERSON WILLIAMS: Okay, that's fair
24 enough. Thank you very much. I appreciate it.

25 TERRI DAVIS-MERCHANT: Thank you.

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2 CHAIRPERSON WILLIAMS: Oh I'm sorry,
3 sorry Council Member Rosenthal.

4 COUNCIL MEMBER ROSENTHAL: Thank you. So
5 I'm just reading about this property more.

6 TERRI DAVIS-MERCHANT: Mm-hmm.

7 COUNCIL MEMBER ROSENTHAL: And this is
8 basically a private neglectful landlord.

9 TERRI DAVIS-MERCHANT: Mm-hmm.

10 COUNCIL MEMBER ROSENTHAL: So the lean
11 you said is sold to a trust?

12 TERRI DAVIS-MERCHANT: Mm-hmm.

13 COUNCIL MEMBER ROSENTHAL: What is that,
14 what's... the trust is publicly owned or what is the
15 trust?

16 TERRI DAVIS-MERCHANT: I have to admit
17 I, I am not the person who the, the expert on..
18 [cross-talk]

19 COUNCIL MEMBER ROSENTHAL: Okay.

20 TERRI DAVIS-MERCHANT: ...tax lean sales.
21 I do know, have a very sort of large or high level
22 understanding of the basic process. So this is
23 actually something that's administered primarily by
24 the Department of Finance. So...

25 COUNCIL MEMBER ROSENTHAL: Oh, okay.

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2 TERRI DAVIS-MERCHANT: ...I could
3 definitely get you some more information and, and
4 I... I think maybe as you're, you may or may not be
5 aware that we are currently working with the, the
6 council on, in looking at the tax lean sale
7 overall. So, but I would unfortunately not be the
8 best person... and I don't want to give you incorrect
9 information.

10 COUNCIL MEMBER ROSENTHAL: Right. Means
11 so I guess for the committee council in terms of
12 the follow-up questions that we have for the
13 Department of Finance. One of the, one of the
14 missing pieces if we're trying to connect the dots
15 is the trust. Because what I'm hearing is that once
16 the owner says they can't pay the ticket and then
17 they're allowed to go into foreclosure right?

18 TERRI DAVIS-MERCHANT: Well...

19 COUNCIL MEMBER ROSENTHAL: That seem to
20 be the...

21 TERRI DAVIS-MERCHANT: Yes.

22 COUNCIL MEMBER ROSENTHAL: So, so the...

23 TERRI DAVIS-MERCHANT: Trigger.

24 COUNCIL MEMBER ROSENTHAL: ...the
25 responsible party does not pay the fees?

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2 TERRI DAVIS-MERCHANT: Yep.

3 COUNCIL MEMBER ROSENTHAL: And those
4 fees are converted to a lean and then you know
5 there are, it's my understanding that the
6 Department of Finance does reach out to them and,
7 and you know give them notice that this particular
8 lean may be included as part of the tax lean sale.

9 TERRI DAVIS-MERCHANT: Sure.

10 COUNCIL MEMBER ROSENTHAL: And then it
11 goes into the trust and once it's in the trust
12 they're allowed to foreclose.

13 TERRI DAVIS-MERCHANT: That is my
14 understanding, yeah.

15 COUNCIL MEMBER ROSENTHAL: Yeah. And
16 then uh, then they're out and they're not
17 responsible for those fees anymore. And then the
18 trust.

19 TERRI DAVIS-MERCHANT: They still are.
20 The trust can request that they paid those fees,
21 yes.

22 COUNCIL MEMBER ROSENTHAL: Okay well
23 we'll explore it with the right people. I mean
24 you're...

25 TERRI DAVIS-MERCHANT: Yes.

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2 COUNCIL MEMBER ROSENTHAL: ...right
3 because generally the definition of foreclosure is...

4 TERRI DAVIS-MERCHANT: Right. And then,
5 and, and so it's my understanding that the trust
6 may ask and request that they pay those fees, if
7 those fees are not paid then the trust may initiate
8 a foreclosure action.

9 COUNCIL MEMBER ROSENTHAL: Right.

10 TERRI DAVIS-MERCHANT: That is my
11 understanding.

12 COUNCIL MEMBER ROSENTHAL: Right. And
13 then once it's foreclosed on...

14 TERRI DAVIS-MERCHANT: Mm-hmm.

15 COUNCIL MEMBER ROSENTHAL: It would
16 strike me and this is why who owns the trust is
17 important.

18 TERRI DAVIS-MERCHANT: Mm-hmm.

19 COUNCIL MEMBER ROSENTHAL: Because then
20 the trust has responsibility for disposition of
21 that property, this property. And so we need to
22 understand better what the definition of the trust
23 is. Is it a EDC? Is you know now... so is it a city
24 entity, no, so what the trust is... sorry there are

25

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2 people behind you who are guiding me in my
3 question.

4 TERRI DAVIS-MERCHANT: Yes, I'm sure.

5 COUNCIL MEMBER ROSENTHAL: We need to
6 understand better then what that is and whether or
7 not there would be an opportunity you know looking
8 at this building for example..

9 TERRI DAVIS-MERCHANT: Mm-hmm.

10 COUNCIL MEMBER ROSENTHAL: This looks..
11 I'm not an engineer, looks like an opportunity for..

12 TERRI DAVIS-MERCHANT: Mm-hmm.

13 COUNCIL MEMBER ROSENTHAL: ..housing and
14 you know the city, it, what could we do to put the
15 city in a position to then own that property. It's
16 been foreclosed on. The trust has it.

17 TERRI DAVIS-MERCHANT: Mm-hmm.

18 COUNCIL MEMBER ROSENTHAL: So how does
19 the trust then.. you know what's a mechanism we
20 could use for the trust to turn it over to the city
21 to renovate and use it for affordable housing. Of
22 course then the city becomes a manager and I know
23 we don't want to do that but maybe there's somebody
24 who we get and.. blah blah blah blah. And so do you
25 guys track those kinds of properties?

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2 TERRI DAVIS-MERCHANT: I'm, I'm not
3 sure. I, again... [cross-talk]

4 COUNCIL MEMBER ROSENTHAL: Okay I'm all
5 done.

6 TERRI DAVIS-MERCHANT: ...I would have to.

7 COUNCIL MEMBER ROSENTHAL: Thank you so
8 much for your time.

9 TERRI DAVIS-MERCHANT: Mm-hmm.

10 CHAIRPERSON WILLIAMS: Thank you so much
11 for coming back because I know you weren't prepared
12 for those line of questions and you're not the
13 expert for it so.. but I appreciate you coming back
14 to answer some questions. Next we have Jermaine
15 Abdula, Lynn Lewis, Allister Williams, William
16 Burnett, and Deborah Dickerson. Next up after this
17 panel would be Sharmell Lucas, Cecelia Grant, Mark..
18 Do that again. Sharmell Lewis, Marcus Moore,
19 Cecelia Grant, and Wanda Sweeny. And Tahika
20 [phonetic], I believe, Tahika Fredericks please
21 stay on deck. Can you each raise your right hand
22 please? Do you affirm to tell the truth, the whole
23 truth, and nothing but the truth today? You can
24 begin your testimony in the order of your

25

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2 preference. And you each have two minutes to
3 present.

4 JERMAINE ABDULA: Oh okay. Hello my name
5 is Jermaine. I'm currently a member of Community
6 Board 11 and I'm also a resident on Wards Island in
7 one of the shelters. My reason for joining CB11 was
8 because I felt that homeless individuals and ex-
9 convicts were not being properly represented or
10 rather were being misrepresented. The reason these
11 bills are important to me is because they directly
12 affect me and the people I represent. There are so
13 many vacant properties and vacant lots in New York
14 City that there should not be so many of us sitting
15 in shelters. Instead money should be put towards
16 permanent housing and these bills will help hold
17 landlords accountable for letting properties sit
18 vacant. I see vacant properties all the time. The
19 other night I was walking down 3rd Ave by 108th
20 street and I saw about five buildings where the
21 storefronts were being rented but the windows of
22 the buildings are all boarded up with wood. It was
23 a lot of windows and it was building after
24 building. I never noticed it before the storefronts
25 are being used. It made me angry because I'm

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2 sitting in a shelter and you have all these
3 apartments not being used for anything. It makes me
4 wonder what kind of plan could you have that lets
5 these apartments sit vacant while they're renting
6 out the storefronts. These bills would pressure
7 landlords to put people in these apartments instead
8 of letting them sit vacant because of the
9 possibility of fines. We need to stop building
10 showrooms and start building permanent housing.
11 Because these shelters are in very bad condition
12 and they can do as many inspections as they want
13 but they're still in bad condition. Whenever I go
14 to an open house I'm told a 700 credit score or a
15 guarantor that makes \$91,125 and that's with my
16 Link voucher. They have so many rules in effect so
17 people in my position can't get out of shelters.
18 These bills would be a step forward for possible
19 low income, low income housing. I want, I want to
20 see something happen with these vacant lots and
21 buildings. Right now nothing is happening with
22 them. I want to change my situation. I'm tired of
23 sitting in a shelter working two jobs and still,
24 still can't afford housing. The residents of these

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2 shelters need you to pass these bills to give them
3 a better chance of finding permanent housing.

4 LYNN LEWIS: Good afternoon. My name is
5 Lynn Lewis. I'm the Executive Director of Picture
6 the Homeless and one of the authors of Vacant or
7 Vacancy. I'm a resident for 17 years of east
8 Harlem, a community plagued by vacant buildings and
9 lots both privately and publicly owned where, a
10 neighborhood where our children grow up and have to
11 leave because they can't afford the rent or our
12 grandparents become homeless because there's no
13 room in senior housing and they can't afford the
14 rising rent. But what HPD tells us it is infeasible
15 to create housing for less than 30 percent of the
16 area median income. What do homelessness,
17 overcrowding, and displacement all have to do with
18 the citywide count and registry of vacant property.
19 In Picture the Homeless we counted enough vacant
20 space in only a third of the city to house 199,981
21 people using zoning standards consistent with the
22 city's own guidelines. I'd like to just refute the
23 housing vacancy survey does not capture vacancy but
24 only captures the prop, the apartments that were
25 vacant and counted by the census two years prior.

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2 So a building that's vacant for 10 years, 20 years,
3 30 years is not captured in the housing vacancy
4 survey data. The vacant buildings and lots that we
5 counted were not only a street count. We also
6 verify the data. Picture the Homeless has a
7 methodology to do this count. It cost us \$150,000
8 to do the vacant property count which is, the
9 results are in the report that you have. We are
10 more in happy to consult with HPD and bring the
11 methodology to HPD because they obviously don't
12 know how to do this. And it's not going to cost a
13 lot of money but it will result in savings to the
14 city and this is why we need the housing, that
15 warehousing act passed. One example of data that we
16 uncovered that has significant public policy
17 implications is that we found 649 vacant buildings
18 that met the definition of rent stabilized. Within
19 those buildings there were 14,737 apartments that
20 were brought back online could be rent stabilized
21 again. That would clear out the whole family
22 shelter system where folks could have homes at very
23 cheap rents. Many of those buildings have been
24 vacant for decades. Thank you. And thank you for
25 sponsoring the legislation.

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2 CHAIRPERSON WILLIAMS: Thank you.

3 ALLISTER WILLIAMS: Good afternoon. My
4 name is Allister Williams. I'm a member of Picture
5 the Homeless. Have you ever driven through a
6 neighborhood and observed all of the commercial
7 real estate in use? Now have you ever looked up and
8 noticed all of the vacant residential units in the
9 very same building as those commercial storefronts?
10 This is what is commonly referred to as
11 warehousing. But according to HPD's testimony this,
12 in this very same chamber today those buildings
13 weren't vacant, those storefronts are, storefronts
14 were in use. This warehousing is hurting our
15 communities by perpetrating, perpetuating
16 homelessness, adding the urban blight in list of
17 other factors leading towards gentrification of
18 mostly minority neighborhoods throughout the city.
19 These proposed bills, 10-34, 10-36, and 10-39 seek
20 to put an end to the practice of individuals buying
21 low and selling high when the time is right for
22 them to make a profit. How could, how can the
23 protectors of this city allow land and buildings to
24 go unused for countless years and continue to
25 listen to the outcry of the homeless and the

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2 general public to do something about the housing
3 crisis that this city is currently experiencing but
4 continue to say the same things. We are aware of
5 the situation and we are working on it. The
6 Mandatory Inclusion Housing Plan which was opposed
7 by Mayor, Mayor de Blasio and passed by the city
8 council earlier this year does not address the
9 needs of many residents who are either homeless or
10 in danger of becoming homeless. The Housing, Not
11 Warehousing Act will enable us to begin the process
12 of ending homelessness in the, in our city by
13 providing an accurate count of vacant properties
14 the city will then be able to formulate a plan for
15 these vacant properties without an accurate count
16 how can we proceed? By penalizing owners of these,
17 of these vacant properties hopefully we can force
18 them to utilize these units for the good of the
19 citizens of New York City and not for their own
20 pockets. This act also identifies publicly,
21 publicly owned properties that are opportunities
22 for the development of affordable housing for
23 extremely low income residents. Yes, the solution
24 is simple. Create more truly affordable housing for
25 the low and extremely income residents of New York

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2 City. And the way to do this is to pass the
3 Housing, Not Warehousing Act now.

4 DEBORAH DICKERSON: Good afternoon. My
5 name is Deborah Dickerson and I am a member of
6 Picture the Homeless since 2005. Picture the
7 Homeless is a grassroots organization that deals
8 with the conditions of homelessness. And I'm here
9 to speak about the, about my experience with
10 involving homelessness in New York City. This is a
11 historical moment for people who have experienced
12 homelessness to be a part of introducing these
13 bills. In 2006 Picture the Homeless and Scott
14 Stringer partnered together for a vacancy count in
15 Manhattan. It has been 11 years and it has been 11
16 years and we have another vacancy count of all five
17 boroughs. Homeless and formerly homeless people
18 have been paving the way counting, counting
19 properties and working with allies to get an
20 accurate count of data. So, so we can know New York
21 City housing spot, housing spot. I had, I have, I
22 have been in an impoverished condition in the union
23 and living from one paycheck till the other at one
24 time. Upstate has a vacancy registry, why can't we
25 have this, this in out... boroughs where homelessness

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2 is an epidemic. It would be cost effective for New
3 York City where... lives, homeless, and the working
4 poor are struggling to find low income housing. It
5 has been a decade and finally those who have, those
6 who need, those who need housing have a voice to
7 the democratic process. For too long the
8 developers, developers and realtors have, have,
9 have warehouse, warehouse buildings and properties
10 in our communities. John F. Kennedy says ask not
11 what your country can do for you but what you can
12 do for your country. We have done the count and we
13 have done it twice by homeless people and formerly
14 homeless. Is this not our country and New York
15 City?

16 WILLIAM BURNETT: Okay I'm William
17 Burnett and I'm with Picture the Homeless and I'm
18 going to give you the abridged version of my
19 written testimony because a lot of it repeats what
20 everybody else is saying. I don't want to insult
21 the council's intelligence. But before we started
22 doing counts and asking the city to do counts we
23 turn to HPD and ask them for account of all their
24 vacant buildings. We assumed that that would be
25 information that they would have. And as you can

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2 tell from today's hearing they didn't, didn't have
3 that here. Or they didn't have that information. We
4 asked them why. And they said well we don't have a
5 vacancy problem in New York was their first answer.
6 And their second answer was that it was Mayor's
7 philosophy, Bloomberg at the time, that the market
8 will resolve these issues of affordable housing. We
9 know that wasn't true and so we did go around to
10 different government officials trying to find
11 someone who would be willing to do a count. We
12 finally hooked up with Scott Stringer at the time
13 who is the Manhattan Borough President. And he
14 agreed to partner with us. And we counted
15 Manhattan. Then we went and asked city council to
16 pass the law to do a count. We got pushed back on
17 that so we hooked up with Hunter college and we did
18 a count of all five boroughs. And we're back here
19 in city council a third time trying to get these
20 counts passed. The counts that we did and the
21 proposals on the table today won't by themselves
22 resolve homelessness. But they will create the
23 transparency needed in the housing market so that
24 government officials can make informed policy
25 choices and those of us on the advocacy side can...

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2 more informed advocacy. Hopefully together with
3 this kind of transparent information about the
4 housing market and the real vacancy we can come
5 together with more effective solutions.

6 CHAIRPERSON WILLIAMS: Thank you very
7 much for all the testimony for the work that you're
8 doing. I did want to have, get some information
9 about how do you verify that it's vacant when you,
10 after the count? Turn on the mic.

11 LYNN LEWIS: Oh sorry, thank you. We
12 initially did freedom of information requests to 17
13 different city agencies and on the basis of what we
14 received back we developed a methodology for the
15 block by block count. So it wasn't just a visual
16 look if it was bricked up or boarded up, that's
17 pretty obvious. But we also talked to neighbors, we
18 interviewed people, we went back and double checked
19 on the HPD website for example just see well why
20 isn't this showing an oasis for an example. So
21 sometimes there would be complaints about the
22 building on the HPD website that it was vacant. But
23 that never translated even from HPD to oasis say
24 listing it as a vacant property. If we saw a lot of
25 mail. There's a lot of buildings that aren't

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2 boarded or bricked up but there's a ton of mail,
3 the yard's overgrown, and, and in those cases we
4 would interview neighbors and we would say well
5 what's happened, oh we haven't seen anybody live
6 here for five years. And so we, and we documented,
7 we kept notes on all of that. And we had volunteers
8 go out a third time to check on the properties
9 where it wasn't crystal clear. There... most of the
10 methodologies in our report, and we'd be really
11 happy to follow-up on how that was done.

12 CHAIRPERSON WILLIAMS: And I appreciate
13 it. Thank you very much. Did you share the
14 methodologies in the report?

15 LYNN LEWIS: Yes.

16 CHAIRPERSON WILLIAMS: And this is, this
17 count is for the entire city or just Manhattan?

18 LYNN LEWIS: It's 20 community boards.
19 We selected the community boards with the highest
20 rates of vacancy that were reported to us through
21 the Freedom of Information request that we got back
22 as well as anecdotal evidence. And we created an
23 open source website called vacant NYC where if
24 somebody saw a vacant property they could text the
25 number to, and the address would appear and be

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2 automatically mapped using open source software and
3 that's also in the report we created a little
4 campaign called see something, say something. And
5 we, we also incorporated that in the selection of
6 community boards that we would count.

7 CHAIRPERSON WILLIAMS: Community Boards
8 across the city?

9 LYNN LEWIS: Yes, it was in all five
10 boroughs, 20 community boards, and so some of those
11 suggestions could be the city could do 20 community
12 boards each year, so every three years the whole
13 city would be counted. We had up to 300 volunteers.
14 We divided the city up into hubs. Council members,
15 organizations like CAV [sp?] opened up their office
16 so that we could use that as a hub. The first year,
17 the first count for Manhattan; Scott Stringer,
18 mobilized all 60 of his staff members. I remember
19 you helped us when you're with tenants and
20 neighbors. So there are a lot of folks that are
21 really interested in this. And I think that it
22 would not be as expensive as HPD says. One of the
23 other challenges that we got even from the Freedom
24 of Information request information that we got back
25 is it's not consistent. So some are block and lot.

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2 Some are street address. Different kinds of
3 spreadsheets. So you couldn't even aggregate the
4 data that the city was willing to share in one
5 standard kind of format.

6 CHAIRPERSON WILLIAMS: Okay. Thank you
7 so much. I appreciate it. Thank you all for
8 testimony. Our last two panels unless folks have
9 not signed up that want to. Sharmell Lucas, is
10 Sharmell here? Sharmell? Marcus Moore, is Marcus
11 here? Cecelia Grant, Wanda Sweeny, is Wanda here?
12 And Tehika Fredericks, Tehika, is Tehika here?
13 Tahisha, I'm sorry, Tahisha Fredericks. And the
14 last panel to get ready to come on after this
15 panel; Wendy O'Shields Safety Net Activists,
16 William Burnett Picture the Homeless. I did that
17 already. No, William just went, okay. So the next..
18 Wendy, Wendy O'Shiel Safety Net Activist, Ms.
19 Arvernetta Henry, Jennifer Akem [phonetic], or Akin
20 [phonetic], I probably pronounce this wrong. I
21 apologize. You can get ready to get on deck after
22 this panel. Panelists here please raise your right
23 hand. Do you affirm to tell the truth, the whole
24 truth, and nothing but the truth today?

25 [combined affirmations]

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CHAIRPERSON WILLIAMS: ...have two minutes and you can begin testimony in the order of your preference.

SHARMELL LUCAS: Hello everyone. My name is Sharmell Lucas and I need you to pass these bills so my partner and I can have a future. I've been in the shelter system almost two years now. I've been in the system since Hurricane Sandy. I was put in the hotel program until funds ran out. The city spent \$100,000 for me and my partner to live in hotels for a year. Now the city is paying \$4200 a month for us to live in a classroom where all we have is two windows, one small refrigerator, and we have to share a bathroom with many others. We have to walk up 84 steps to our room. I witness elders and handicap people also walking the same amount of stairs. We have numerous fire drills morning, noon, and night. Peoples' health is deteriorating. The same people who we have seen in the beginning of the system I keep running into throughout the system. Families are being separated in the system as children become older and have to leave their families. The system keeps shuffling people around but no one is leaving. As I walk

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2 through the city I see more vacant lots and
3 buildings which saddens me. The only ones living
4 there are rodents and roaches. If these bills are
5 passed we can build a future for us and the next
6 generation. People are being displaced due to high
7 rent, loss of jobs, and health issues. These are
8 just some events not even including gentrification.
9 So why would the city waste so much money? We have
10 buildings sitting vacant for over 50 years.
11 Landlords should be responsible for sitting on
12 property. Do we have to wait another 50 years to
13 watch more rodents and rats running free? It seems
14 the city is waiting for people to die so they don't
15 have to deal with the work. Picture the Homeless
16 has come up with many ideas to solve these, excuse
17 me, to solve the problem. The Housing, Not
18 Warehousing Act could bring jobs and put families
19 back together. If we pass these bills we can see a
20 greater New York and save the city billions of
21 dollars.

22 CHAIRPERSON WILLIAMS: Thank you. Did
23 you have a closing sentence or is that...

24

25

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2 SHARMELL LUCAS: Yeah, save the city
3 billions of dollars currently being spent on the
4 shelter.

5 CHAIRPERSON WILLIAMS: Thank you.

6 TAHISHA FREDERICKS: Hi. Good afternoon.
7 Thank you for hearing me today. My name is Tahisha
8 Fredericks and I'm a former homeless person. I lost
9 my home in Sandy and we lived on Staten Island,
10 then we went to Brooklyn. And then we were priced
11 out of Brooklyn and referred to by the newcomers as
12 the leftovers and we were forced to move to the
13 Bronx. And I say that the change is really coming
14 to the Bronx as well. And as an artist, I'm a
15 photographer, I'm a street fashion photographer.
16 You know everyone in my household works but we
17 still could not find affordable housing. And now
18 that we have it thanks to Banana Kelly and Picture
19 the Homeless those guys really paved the way for
20 myself and my family and told us that we had
21 rights. And I love this city. I was born and raised
22 in Brooklyn. And I shouldn't have to leave this
23 city to find affordable housing. And if I do leave
24 this city to find affordable housing. And if I do
25 leave this city it should be because I want to not

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2 because I have to. And this housing issue is not
3 just a housing issue. It's a human issue. Each one
4 of us has the right to live comfortably and happily
5 and to plant roots especially if we have children.
6 So I would like for the city to pass this bill to
7 give you the necessary tools that you need so that
8 this can stop. No one should have to bounce around
9 just to lay their heads down at night and to sleep
10 in peace. So I just thank you so much for hearing
11 me and I hope that this bill is passed.

12 CHAIRPERSON WILLIAMS: Thank you.

13 MARCUS MOORE: Good afternoon everybody.
14 My name is Marcus Moore and I am a member of
15 Picture the Homeless. I am here today to testify in
16 support of the Housing, Not Warehousing Act. We
17 need the Housing, Not Warehousing Act because I had
18 been homeless. Even though I was homeless for a
19 while one day was enough. Shelters are not safe
20 anymore. Shacking up with people... nobody knows you
21 when you're homeless. Vacant apartments sit
22 abandoned while the city and private landlords say
23 it's not the right time to buy or sell. So these
24 places are usually left open and neglected. We need
25 the Housing, Not Warehousing Act to continue to put

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2 pressure on private owners who want to sit on
3 property and who keep waiting to sell or buy while
4 people are in desperate need of places to live.
5 When property owners neglect their property and it
6 sits on for years this creates rodents, public
7 health, and hazards. In addition to being an eye
8 sore to these places because dumping grounds all
9 the kids and people in the committee have to pass
10 these properties every day. These speculators
11 aren't interested in building up communities. They
12 are only interested in making deals with high end
13 property owners to make a profit while individuals
14 and families continue to swell up the shelter
15 systems this is a real strain on community members
16 because eventually this make risk go up and people
17 are displaced. Then you have situations like
18 Maspeth Queens where community members stop
19 homeless people and shelters from coming into their
20 communities. Communities are lost through this
21 process. In 2011 Picture the Homeless did a vacant
22 property count. To some degree it seems like it's
23 been ignored by the city but we found all these
24 vacant properties while the shelter system continue

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2 to grow in populations. No one from the city has
3 asked us about... [cross-talk]

4 CHAIRPERSON WILLIAMS: I'm going to have
5 to give you... If you can give a closing sentence
6 that'll be good.

7 MARCUS MOORE: Okay, closing sentence?

8 CHAIRPERSON WILLIAMS: Yes.

9 MARCUS MOORE: Okay. So as time
10 continues to go on animals and all types of rodents
11 take over these vacant buildings and apartments. My
12 thing is would you rather me take it over or the
13 animals. I choose me. Thank you, Marcus Moore.

14 CHAIRPERSON WILLIAMS: Thank you. Thank
15 you.

16 CECELIA GRANT: Good afternoon everyone.
17 My name is Cecelia Grant. I'm 57 years old. I'm
18 retired from the Board of Education, Division of
19 School Safety. I've been homeless for the past two
20 years and seven months. I left New York City in
21 2002 to go to Florida. I come back the winter of
22 2013. Everything is a program. I thought I would
23 come back, get my apartment. I've never been
24 evicted. I don't owe anybody any money. I just
25 wanted to pay my 30 percent. Everything is a

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2 broker. Even the building I went back to it said
3 these landlords are not here anymore. I got
4 introduced to DHS, the homeless system, and they
5 have ruined literally my life. I've been put in
6 situations that I've never been put in when I've
7 been self-sufficient. They take away your rights.
8 They try to strip me of my dignity and my optimism
9 by telling me we're not going to help you and
10 you're going to stay here. For the past two years
11 and seven months they spent \$60,000 on me which
12 could have paid for a house. Why can't these funds
13 be diverted into building? And among most of the
14 beautiful homeless people out here. They have
15 skills. We are self-sufficient. We need to have our
16 quality of life back. We need 10-34. We need these
17 buildings to be registrated [phonetic]. We need 10-
18 36. When I looked at this person from HPD who was
19 unprepared, basically uncaring.. this is the type of
20 attitude that I've been dealing with the city
21 governments. I have written to Commissior [phonetic]
22 Taylor. I have written to de Blasio. And every time
23 I write these people they put me in a worser
24 [phonetic] situation. You put me in a woman's
25 prison association and I never been arrested. I get

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2 jumped by three women and get arrested for
3 protecting myself. I feel safer in the streets and
4 the streets is dangerous. And you are paying money
5 to lower my quality of life is very cruel, is
6 shameful, is divisionary. You creating a war here.
7 It's like a pimple and it's going to pop in your
8 face. We need these bills to be passed. We need 10-
9 39. We need to say okay you have this land, this is
10 our land, we are citizens of this land.. [cross-
11 talk]

12 CHAIRPERSON WILLIAMS: Going to have to
13 ask you...

14 CECELIA GRANT: ...why can't we have this
15 land?

16 CHAIRPERSON WILLIAMS: Do you have a
17 closing sentence?

18 CECELIA GRANT: Please let's step up and
19 make the right moves. Let's get some money from DHS
20 to put into this vacant land. We need to get rid of
21 people like this person who was sitting here who's
22 supposed to be the head of HPD and his assistant no
23 more than him.

24 CHAIRPERSON WILLIAMS: Alright.

25

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2 CECELIA GRANT: These people are useless
3 and they're hurtful to humanity.

4 CHAIRPERSON WILLIAMS: Thank you so
5 much.

6 CECELIA GRANT: Thank you very much.

7 CHAIRPERSON WILLIAMS: Thank you.

8 WANDA SWEENY: Hello. My name is Wanda
9 Sweeny.

10 CHAIRPERSON WILLIAMS: Can you bring the
11 mic closer to you?

12 WENDY SWEENY: Oh, hello, can you hear
13 me?

14 CHAIRPERSON WILLIAMS: Little better.

15 WANDA SWEENY: Hello my name is...

16 CHAIRPERSON WILLIAMS: Sergeant is that
17 enough, can you hear it?

18 WANDA SWEENY: Thank you. Hello, my name
19 is Wanda Sweeny and I'm, I'm a member of the Banana
20 Kelly resident, residential council. We are a group
21 of residents in the south Bronx that organized to
22 preserve and expand low income housing in our
23 community. I am here today to speak in support of
24 our Housing, Not, Not, Not Warehousing Act. First I
25 will like to thank... thank you public, the public

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2 advocates Tish James, Council Member Yaden
3 [phonetic]? Adonous [phonetic] Rodriguez and
4 Council Member Jarmaine [phonetic] I'm sorry.

5 CHAIRPERSON WILLIAMS: That's close
6 enough, don't worry about it.

7 WANDA SWEENEY: Jumaane Williams for
8 introducing the package of the bills. I would like
9 to explain why I personally feel the package of
10 this, of this bill would benefit, will benefit me
11 and my community. I, myself came from the shelter
12 system and I'm given, and I was given access to
13 affordable housing in the Bronx, in the south Bronx
14 which allowed me to raise six children in the, in a
15 stable environment that help... y'all excuse me, just
16 hearing these stories breaks me down. I'm sorry.

17 CHAIRPERSON WILLIAMS: You're doing
18 fine.

19 WANDA SWEENEY: I said to raise six
20 children in stable environment. The help that I
21 received early on not only helped me to become a
22 working class union member and a leader in my
23 community, it also helped me to, helped me on the
24 path of founding, of fending [phonetic] a tenant
25 association and a creation of community garden in

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2 my neighborhood. I am, I am a steadfast believer in
3 the power of uplifting one another in our
4 community. I look forward to your support in
5 ensuring the passing of this bill. I want to just
6 say one more thing if it's okay. I can't... when I
7 was in the program we, and then the, and the
8 shelter we had programs. Programs which helped me
9 and my family, me and my children. It was in the
10 year of 1996. It was called PRWOKA, Personal
11 Responsibility and Work Opportunity Reconciliation
12 Act. And it helped me and my family a lot. And just
13 hearing these stories it breaks my heart because
14 we're people that want to go someplace and do
15 things too, you know. We, we are people too. And
16 everyone deserve to live in a stable environment.
17 You, I have children, great children, great
18 grandchildren. And the reason why it's bothering me
19 is because I had to go through this again, once
20 again because my daughter became displaced. It was
21 like it was all over again. My daughter got
22 displaced and she was in a shelter for two years.
23 She just found an apartment. It broke my heart to
24 see my granddaughter that would... I came home
25 because she felt like mommy I got to get out, I got

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2 to find my own place too and she had to go through
3 the shelter system to do it. I missed my
4 granddaughter coming out the room jumping out
5 saying grandma, who's the best grandmother in the
6 whole wide world, and I got to see my granddaughter
7 getting on the train, breaking down, not being able
8 for me to take her back home because her mother's
9 standing strong because she want her own place but
10 she couldn't get one for two years. It breaks my
11 heart. We need more programs. We need more help.

12 CHAIRPERSON WILLIAMS: I...

13 WANDA SWEENEY: Everybody deserves a
14 place to live.

15 CHAIRPERSON WILLIAMS: I agree. Thank
16 you so much for sharing your stories. I think it's
17 important that there are faces put on the numbers
18 that are put out there. So I really thank you and
19 appreciate the courage to come out and share the
20 story. The... that you mentioned though I just want
21 to let you know many of us believe that it actually
22 destroyed more than it helped when it was put in in
23 1996. [cross-talk] Probably want to do a little bit
24 better than what was done in 1996 but I appreciate
25 the sentiment of what you were trying to say. I did

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2 have a question. You said someone referred to you
3 as leftovers. I didn't catch who, who was that?

4 TAHISHA FREDERICKS: It was like a joke
5 in the neighborhood that I lived in in Fort Greene
6 which is stunning now. But the, the new people that
7 moved into the neighborhood, they would joke and
8 refer to the original residents, they would refer
9 to us as leftovers you know so that you know once
10 we were gone then it was all theirs so...

11 CHAIRPERSON WILLIAMS: I see.

12 TAHISHA FREDERICKS: Yeah.

13 CHAIRPERSON WILLIAMS: Sorry to hear
14 that and sorry about what you're going through.
15 We're going to continue to fight as best as we can.
16 I appreciate you coming in, giving us your
17 testimony. Thank you so much.

18 [cross-talk]

19 CHAIRPERSON WILLIAMS: This is the last
20 panel that we have registered in case anyone else
21 here wanted to testify and hadn't signed up yet.
22 Wendy O'Shiels, are you here? Ms. Arvernetta Henry?
23 And I'm sorry about this last name Jennifer Akin,
24 Akin, Akchin. Can you each please raise your right
25

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2 hand? Do you affirm to tell the truth, the whole
3 truth, and nothing but the truth?

4 [combined affirmations]

5 CHAIRPERSON WILLIAMS: Each have two
6 minutes to give your testimony. You can begin in
7 the order of your preference.

8 JENNY AKCHIN: I'm happy to start. My
9 name is Jenny Akchin. I work for Picture the
10 Homeless. I'm a paid Research Team Member and so I
11 spend all of my day working with city data. I
12 didn't plan to testify today but I just wanted to
13 respond to HPD's assertion that they have a lot of
14 this information publicly available. I don't
15 disagree. That much information is publicly
16 available. I do believe that it is not very useful.
17 And so I wanted to run through the many data
18 sources that they listed and to explain why they're
19 inadequate for the purposes of this bill. The first
20 data that they referenced was the PLUTO database. I
21 use the PLUTO database nearly every day. It
22 currently doesn't track into any sort of
23 comprehensive manner privately or publicly held
24 vacant buildings. It does track vacant land using a
25 variety of building codes, land use codes, and

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2 about five other criteria that you can use to
3 narrow down the selection. But even then you have
4 to search using just endless search terms and
5 classifications to make it anywhere near working
6 count. Even with that working count you'll still
7 get lots that are driveways, that are parking lots,
8 that are gardens, that are peoples' front lawns. So
9 this is the kind of data that they're expecting
10 council members to use in their districts and to
11 use the plan to create affordable housing. It's
12 really far from that. They also mentioned the IPIS.
13 I used the IPIS the other day to look up a property
14 in northern Manhattan which is currently listed as
15 belonging in the district of Robert Jackson. I
16 think that should give us a sense as to how
17 accurate that data is so I'll move on. The multiple
18 dwelling registry; I actually love the multiple
19 dwelling registry. It's the only source of
20 information on ownership on any building with more
21 than three units. But it doesn't help us when we're
22 talking about buildings with one to three units or
23 vacant land. So we have no information about the
24 managing agents of the thousands of vacant lots
25 throughout the city meaning that if there is a rat

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2 problem, if there's a public health hazard we don't
3 know who to call. And it's also dependent right on
4 the landlord's willingness to register. The point
5 of this is all just to say the data we have is not
6 in a format right now that is usable. It's
7 confusing to HPD. It's confusing to researchers and
8 the expectation that council can use this for your
9 purposes of creating affordable housing is frankly
10 ridiculous. We need a better system.

11 CHAIRPERSON WILLIAMS: Thank you.

12 ARVERNETTA HENRY: Good afternoon. My
13 name is Ms. Arvernetta Henry and I'm a member of
14 Picture the Homeless. I've been in the shelter
15 system for several years now. I think that housing
16 where... house... the bill should be passed because it
17 will make the city accountable for what is
18 happening in the shelter system as well as the
19 vacant... across New York City. I have seen so many
20 elderly people forced out of their homes because of
21 the rents rates have gone up so high. And I've also
22 have experienced my own family members that are up
23 in age at this point now being forced and evicted
24 from their homes. And now they're struggling to not
25 go into the shelter system. But I... to go into the

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2 system and I've been trying to find ways to meet
3 the rent that the city is have. But I cannot
4 because my income is very, very low. On a fixed
5 income you can't manage to get any decent housing.
6 But with these bills and knowing where these vacant
7 properties are because I was part of the count in
8 2011. And I walked the streets counting these
9 vacant apartments and looking at these vacant
10 buildings and vacant properties and visualizing
11 what I can do on these vacant lots and how we could
12 really house people that's in the shelter. It hurts
13 me to hear that the city wants to build more
14 shelters instead of permanent housing. But if you
15 would think about building more permanent housing
16 instead of shelters less people would be in the
17 shelter system.

18 CHAIRPERSON WILLIAMS: Do you have a
19 closing sentence?

20 ARVERNETTA HENRY: I would hope and pray
21 that the HPD would reconsider their thoughts on
22 these bills and that the council would also realize
23 the benefits of passing these bills and how it
24 would employ other people and move people out of
25 the shelter system.

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2 CHAIRPERSON WILLIAMS: Thank you.

3 WENDY O'SHIELD: Hello my name is Wendy
4 O'Shields. I represent the Safety Net Activists and
5 here's my statement. The city of New York's
6 Department of Homeless Services' shelters has
7 36,160 homeless children 0 through 17. H... DHS is
8 housing 60,679 homeless adults over the age of 18.
9 There are 96,600... there are 96,839 men, women, and
10 children in New York residing long term in DHS
11 shelters fiscal year to date 2016 quarter 2. The
12 Department of Homeless Services referrals to
13 permanent housing rarely occur. Permanent,
14 subsidized, and income based housing are needed
15 immediately to house homeless New Yorkers. The
16 renovation of city owned and abandoned properties
17 is vital to housing the homeless and struggling New
18 Yorkers. Pass Intros 10-34, 10-36, and 10-39 as
19 introduced by Picture the Homeless which will begin
20 a citywide neighborhood revitalization plan which
21 includes housing its most vulnerable citizens.
22 Permanent housing for every New Yorker.

23 CHAIRPERSON WILLIAMS: Thank you very
24 much for your testimony. Thank you all for your
25 testimony. Thank you for deciding to register to

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come up to, to illuminate the problems with the data that's being presented. And you did have someone here from the city so hopefully take some of that information back. Appreciate you all coming to share your stories with us.

[cross-talk] [applause]

CHAIRPERSON WILLIAMS: We still got to... The hearing's not finished so we still got to... For the record we have testimony from REBNY, Barnard [phonetic], Cooper Square Committee, Legal Aid Society, New... Project. Anything else? With that the hearing is now closed.

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[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 September 24, 2016