

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONTRACTS

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October 31, 2013  
Start: 01:12 p.m.  
Recess: 03:02 p.m.

HELD AT: 250 Broadway - Committee Rm,  
14th Fl.

B E F O R E:  
DARLENE MEALY  
Chairperson

COUNCIL MEMBERS:  
ROBERT JACKSON  
LETITIA JAMES  
MELISSA MARK-VIVERITO  
MICHAEL C. NELSON



[gavel]

CHAIRPERSON MEALY: Good afternoon

everyone. This is our second contract hearing on Halloween. My turn. And I want to say Happy Halloween but, to all. My name is Darlene Mealy and I'm the chair of New York City council committee on contracts. Today the committee is holding an oversight hearing which will explore the Department of Homeless Services use of emergency procurement. First I would like to recognize my colleagues who are here. Robert Jackson and council member Brad Lander, thank you. And I would like to thank the committee staff Sharon Manigo[phonetic], and Temotiso[phonetic] for their work on today's hearing. On January of this year the committee held an oversight hearing and the city's use of emergency procurement. When agencies must respond to unforeseen dangers to life and safety properly or provided necessary service. Emergency procurement allows agencies to obtain goods or services in a timely fashion but the methods should be used sparingly because emergency procurement does not epicure to normal contract and safeguards. With emergency contract agencies do not need to go

1 through the usual competitive bidding process or  
2 provide timely public notice or comply with a host  
3 of local laws. The goal of the January hearing was  
4 to explore the extent to which the city and  
5 particularly the mayor's office of contract  
6 services revise agency's use of emergency  
7 procurement to ensure that it is utilized  
8 appropriately. [coughs] Excuse me. That is that  
9 agencies use the method because there is a genuine  
10 emergency not merely because they failed to  
11 adequately plan for their contract needs. Doing our  
12 preliminary budget hearing in March, the committee  
13 also asks the office of Management and Budget about  
14 what kind of oversight it prefers with respect to  
15 emergency procurement. [coughs] Excuse me. We, we  
16 both of these, both of these hearings pointed in  
17 one direction. It looks like no one in the  
18 administration is meddling, minding the store when  
19 it comes to emergency procurement. The charter  
20 requires a joint approval from the controller and  
21 the law department for these contracts but neither  
22 MOX[phonetic] nor OMB performs routine reviews of  
23 agency's emergency procurement after they are  
24 registered. Neither MOX[phonetic] nor OMB takes a  
25

1 special look at these contracts to determine where  
2 the better planning might have avoided restoring to  
3 their emergency method. Because they do not perform  
4 this oversight when the committee asks specific  
5 questions during the hearings about the Department  
6 of Homeless Services, neither could answer. Marks  
7 recommended that we pose our questions directly to  
8 DHS so we are here today just to do that. In August  
9 2012 the controller sent a letter to DHS  
10 challenging the agency's use of emergency  
11 procurement and recommending that DH, DHS "...more  
12 efficiently plan and budget for the provision of  
13 shelters rather than relying on emergency  
14 procurements." By definition emergency procurement  
15 addresses needs that are unforeseen unlike the  
16 problems that arise when natural disasters or  
17 isolated crisis strikes. The problem of  
18 homelessness in New York City seems unfortunately  
19 all too predictable. As a committee we must  
20 question why the city cannot better anticipate the  
21 need for homeless shelter beds and avoid the use of  
22 emergency procurement. Today we hope to gain  
23 insight to DHS about this issue and we thank you  
24 all for coming today. And we look forward to this  
25

1  
2 discussion. And I would like recognize Mark-  
3 Viverito has joined us also. She's part of this  
4 committee. You may begin.

5 COMMISSIONER OVESEY: Good afternoon  
6 chair Mealy and members of the city council  
7 Committee on Contracts. I am Michele Ovesey,  
8 commissioner of the Department of Homeless  
9 Services. Joining me at the table is Steve Pock,  
10 our Deputy Commissioner for Fiscal and Procurement  
11 Operations and Lisa Black our Assistant  
12 Commissioner for Government and Community  
13 Relations.

14 CHAIRPERSON MEALY: Okay.

15 COMMISSIONER OVERSEY: Thank you for the  
16 opportunity to testify today about DHS's use of the  
17 emergency procurement process, the contract for  
18 essential emergency shelter for homeless New  
19 Yorkers.

20 As I will explain DHS engages in  
21 capacity management planning on an ongoing basis.  
22 In an effort to bring new capacity online we rely  
23 on a variety of procurement mechanisms including  
24 the open ended request for proposal process and the  
25 RFP process for city owned facilities. Under

1  
2 certain circumstances however we make an emergency  
3 procurement authorized under the city's procurement  
4 policy board rules. This occurs when, for example  
5 there is an unforeseen increase in shelter demand  
6 which creates an immediate need for shelter that  
7 cannot be met through normal procurement methods  
8 but that is required to avoid serious danger to the  
9 lives or safety of homeless New Yorkers. In these  
10 instances DHS seeks and obtains the approval of the  
11 New York city controller and the city's law  
12 department for an emergency declaration permitting  
13 the agency to procure six month emergency contracts  
14 with nonprofit providers to operate shelter  
15 facilities.

16           The emergency declaration additionally  
17 provides DHS with the authority to open a shelter  
18 prior to the controller's registration of an  
19 emergency or long term contract. Importantly if we  
20 determine to keep the shelter open past the six  
21 month term of an emergency contract we follow all  
22 the required steps in the city's normal procurement  
23 process to procure a long term contract with the  
24 provider. As discussed later in my testimony these  
25 steps include; review by multiple city agencies

1 such as the Office of Management and Budget, the  
2 Mayor's Office of Contract services, and the  
3 Department of Investigation, as well as the holding  
4 of a public contract hearing, and submission of the  
5 contract to the controller for registration.  
6

7           As you may know that in the City of New  
8 York homeless individuals and families who lack  
9 available housing has a right to shelter. The city  
10 is mandated by law and court ordered to provide  
11 short term emergency shelter to every eligible  
12 homeless family and individual on an immediate  
13 basis. In meeting this mandate we also must comply  
14 with a complex set of federal, state, and local  
15 laws and regulations governing the physical  
16 conditions in shelter and the services to be  
17 provided to shelter clients. Under the terms of a  
18 1981 consent decree in Callahan V. Carey, the city  
19 is mandated to provide short term emergency housing  
20 to all eligible homeless men and women who seek it.  
21 Pursuant to a 2008 court ordered settlement in  
22 Boston V. City of New York which resolved over 25  
23 years of litigation. The city must also provide  
24 shelter to all eligible homeless families with  
25 children. DHS must balance its legal mandate with

1  
2 its fiscal responsibility to bring on additional  
3 capacity only when circumstances are likely to  
4 require it. We balance these two fundamental  
5 concerns through daily tracking and analysis of the  
6 shelter census. To that end the agency successfully  
7 shelters thousands of homeless families and  
8 individuals 24 hours a day, 7 days a week, 365 days  
9 a year. Providing shelter for every man, woman, and  
10 child who needs it and on an immediate basis is a  
11 priority for this administration. And we at DHS are  
12 very proud of our success in meeting this mandate.

13           Among the many challenges in meeting  
14 our legal mandate is ensuring that we have enough  
15 shelter capacity to meet demand while also taking  
16 into account fluctuations in our shelter senses  
17 caused by economic and other factors outside the  
18 agency's control. We engage in capacity management  
19 planning on an ongoing basis. Every day we monitor  
20 exits from and entrance into the shelter system,  
21 increases or decreases in the shelter census, and  
22 the shelter vacancy rate. Generally with exceptions  
23 I will discuss in a moment, DHS accurately projects  
24 its capacity needs. For example historical trends  
25 reflected that single adults were more likely to

1 seek shelter in the cold winter months while  
2 families with children more frequently applied for  
3 shelter in the late spring and summer months when  
4 school is closed. Although DHS makes its best  
5 efforts to forecast its capacity needs as  
6 accurately as possible, projecting shelter demand  
7 is not an exact science. None of us could have  
8 predicted the severity of the economic recession  
9 that first gripped the nation including New York  
10 City in fiscal year 2009 which created an emergency  
11 need for shelter capacity in January 2010. Nor  
12 could the city have predicted that the state only  
13 six months after approving a retooling of the  
14 advantage rental assistant program would cut two  
15 thirds of the programs funding in 2011 thereby  
16 necessitating termination of the program. This  
17 fueled the emergency need for shelter capacity in  
18 2012.

19  
20 These unforeseen events caused  
21 unforeseen consequences. A significant rise in the  
22 city's shelter census, and a significant increase  
23 in clients' length of stay and shelter. As a result  
24 DHS sought and obtained the controller's approval  
25 of emergency declarations. To expand the shelter

1  
2 capacity to meet this unprecedented demand and  
3 ensure the right to shelter for all homeless New  
4 Yorkers. DHS first began to see a significant  
5 increase in demand for single adult shelter in the  
6 second half of 2009. This urgent demand was the  
7 result of the deep economic recession. After first  
8 identifying this trend we began to adjust our  
9 capacity projections to take into account the  
10 increase in demand as well as explore options for  
11 expanding capacity in existing facilities. On  
12 January 19<sup>th</sup>, 2010, in accordance with the city's  
13 procurement policy board rules. DHS submitted a  
14 written request to the controller and the law  
15 department for approval to procure through an  
16 emergency declaration contracts to operate two new  
17 shelters for homeless single adults. The controller  
18 and the law department approved of this request.  
19 Subsequently the controller instructed DHS is that  
20 going forward it should seek approval to utilize  
21 the emergency process for procuring a set number of  
22 beds required to meet the increase in demand.  
23 Accordingly DHS submitted a request for up to 600  
24 beds which the controller then approved on March  
25 31, 2010. In the ensuing months DHS opened six

1  
2 shelters with a combined total of 585 beds using  
3 the emergency procurement process under the PBB  
4 rules.

5           In all instances we provided  
6 notification to the coalition for the homeless as  
7 required under the Callahan consent decree as well  
8 as the affected community boards and elected  
9 officials that we were going to open a shelter or  
10 change populations in an existing shelter in their  
11 district. In accordance with the PBB rules we  
12 registered each emergency contract with the  
13 controller and subsequently published notice of the  
14 contract award in the city record. Seven and a half  
15 months later in November 2010 DHS requested the law  
16 departments and controllers approval to procure an  
17 additional 1200 shelter beds for homeless single  
18 adults through an emergency declaration. As we  
19 explained in our request since June 2010 DHS saw an  
20 increase and new entrants to the shelter system  
21 that had no historic precedent. In fact September  
22 2010 was the third month in a row that exceeded  
23 1100 new entrants. Prior to this period we had not  
24 seen more than 1100 new clients in any month for  
25 the past five years.

1  
2           Given the unprecedented rate at which  
3 new applicants were entering shelter, we projected  
4 the need for an additional 1200 beds as we headed  
5 into the winter months. We reiterated why the  
6 substantial of beds could not be procured quickly  
7 under the normal procurement process and why  
8 failure to shelter homeless single adults on an  
9 immediate basis would pose a serious risk to their  
10 health and safety. On January 21<sup>st</sup>, 2011 the  
11 controller approved the agency's request for this  
12 emergency declaration. In the ensuing months  
13 utilizing the emergency procurement process DHS  
14 opened five shelters with a combined total of 702  
15 beds.

16           In all instances we provided  
17 notification to the coalition for the homeless as  
18 well as to the affected community boards and  
19 elected officials that were going to open or  
20 reconfigure an existing shelter in their districts.  
21 In accordance with the PBB rules we registered each  
22 emergency contract with the controller and  
23 subsequently published notice of the contract award  
24 in the city record. Thereafter in accordance with  
25 normal procurement methods DHS procured long term

1  
2 contracts for operations of these sites each of  
3 which was registered by the controller.

4           On May 4<sup>th</sup>, 2012 DHS submitted a written  
5 request to the controller in the law department for  
6 approval to procure an emergency declaration.

7 Approximately 904 shelter units for homeless  
8 families with children and 258 additional units for  
9 homeless adult families. We solved the declaration  
10 to ensure that we had sufficient capacity to meet  
11 the anticipated increase in demand for shelter  
12 caused by the state's sudden and unforeseen  
13 withdrawal of funding for the city's advantage  
14 rental subsidy program in March 2011.

15           Equally unforeseeable was the impact of  
16 the program's demise. This is because a law suit  
17 challenging termination of the subsidy led to a  
18 court order directing the city continued to,  
19 continue making subsidy payment pending the outcome  
20 of the litigation. Moreover longer lengths of stay  
21 and increased returns to shelter did not become  
22 apparent trends until months after the court order  
23 was vacated. At that point we sought an emergency  
24 declaration which the controller approved on June  
25 15<sup>th</sup>, 2012. Through this emergency declaration DHS

1  
2 opened four shelters for families with children  
3 totaling 307 units and one 200 unit adult family  
4 shelter. We also procured six month emergency  
5 contracts with providers to operate them. In all of  
6 these emergency contracts were registered by the  
7 controller. The agency subsequently procured long  
8 term contracts for three of the family with  
9 children sites each of which the controller  
10 registered.

11 On June 29<sup>th</sup>, 2012 DHS requested the law  
12 department's and controller's approval to procure  
13 through an emergency declaration an additional 800  
14 beds for homeless single adults. We explained that  
15 while the single adult shelter census had always  
16 declined in the spring and summer months and  
17 increased in the fall and winter. In mid May 2011  
18 instead of declining the census climbed to its  
19 highest point ever. This reversal of historic  
20 trends was unprecedented. Upon the controller's  
21 approval of our request DHS opened four shelters  
22 with a combined total of 408 beds and entered into  
23 six month emergency contracts with nonprofit  
24 providers to operate them. Here again DHS provided  
25 notification to the coalition for the homeless as

1 well as to the effected community boards and  
2 elected officials. Prior to each shelter's opening  
3 and a controller registered each of these emergency  
4 contracts. The agency also procured long term  
5 contracts to operate these facilities in accordance  
6 with the city's normal procurement process. All of  
7 which the controller registered.  
8

9 In all of our requests for the  
10 emergency declaration we explained the emergency  
11 conditions that gave rise to the need for  
12 additional shelter capacity. Why this need could  
13 not be met through standard procurement methods and  
14 that failure to shelter these extremely vulnerable  
15 populations posed a serious danger to their health  
16 and safety. Specifically we pointed out that the  
17 high incidence of substance abuse, alcoholism,  
18 physical disease, and mental illness among homeless  
19 men and women rendered them extremely vulnerable.

20 As a result failure to shelter clients on an  
21 immediate basis poses a serious danger to their  
22 health and safety. We explained that homeless  
23 families are also an extremely vulnerable  
24 population. Many of our families with children  
25 enter shelter as a result of domestic violence or

1  
2 eviction. The same is true for our adult family  
3 clients many of whom have substance abuse and  
4 mental health issues which contribute to their  
5 homelessness. Under the normal procurement process  
6 upon selection of a provider's proposal under the  
7 open ended RFP we commenced negotiations of a  
8 contract. If these negotiations are successful the  
9 proposed contract undergoes review by multiple city  
10 agencies. OMB reviews and approves the expenditure  
11 of funds under the contract. Our ACOs office in  
12 consultation with MOX[phonetic] makes a  
13 determination that the proposed provider is a  
14 responsible bidder. DHS accomplishes this by  
15 reviewing among other things Vendex questionnaires  
16 in which each vendor provides information regarding  
17 its ownership, financial capability, business  
18 structure affiliation and involvement in government  
19 investigations. Prior to making its responsibility  
20 determinations DHS requested the city's DOI to  
21 review the names on the Vendex questionnaires and  
22 other information to determine whether the provider  
23 or its affiliated individuals are or have been the  
24 subject of a DOI investigation. The law department  
25 approves the contract as to form. Advance notice of

1  
2 the public contract hearing is published in the  
3 city record and the proposed contract is made  
4 available for public review.

5           In addition as a matter of courtesy and  
6 policy DHS notifies in writing several parties of  
7 the public hearing including the controller's  
8 office, the council, and the borough presidents of  
9 all five boroughs. Prior to submission of each  
10 contract to the controller for registration DHS  
11 provides copies of its fair share analysis to the  
12 community board as well as to the districts elected  
13 officials at the local, state, and federal level.  
14 The fair share analysis documents the agency's  
15 review of the proposed shelter sight in accordance  
16 with the specific fair share criteria including the  
17 facilities compatibility with existing nearby  
18 facilities and programs, its potential to affect  
19 neighborhood character, and the suitability of the  
20 sight to provide intended services. These steps  
21 typically play out over months and assuming there  
22 are no delays beyond the agency's control, this  
23 timeframe is not a problem. When we need capacity  
24 that will be available in a few months however the  
25 process must be abbreviated to allow the shelter to

1  
2 opened on an emergency basis with a more  
3 traditional process to follow shortly thereafter.

4           Prior to opening each of the shelters  
5 under the emergency procurement process DHS notify  
6 the affected community boards and elected  
7 officials. And in the case of single adult sights  
8 the coalition for the homeless. We also receive  
9 from the provider a written description of the  
10 services to be provided and a proposed budget.

11 Prior to referring clients to any of these  
12 facilities we determine that the shelter space was  
13 free of hazardous conditions and compliant with  
14 state regulations. In the case of single adult  
15 shelter our state oversight agency the Office of  
16 Temporary and Disability Assistance physically  
17 inspected and approved our use of the sight as  
18 shelter. In addition the emergency contracts are  
19 approved by the law department as deform. And we  
20 include in the emergency contract package submitted  
21 to the controller a responsibility determination  
22 based on facts known at the time of submission. In  
23 the event that proposed provider needs to submit a  
24 new Vendex it is submitted within 30 days of  
25 registration of the emergency contract.

1  
2 As you can see the challenges DHS faces  
3 in ensuring that all homeless individuals and  
4 families receive shelter on an immediate basis are  
5 enormous. Procurement is not without risk and DHS  
6 often must confront events beyond its control such  
7 as construction delays or providers loss of sight  
8 control. In the event of unforeseen circumstance  
9 the emergency procurement method provides DHS with  
10 the ability to expand capacity more quickly than  
11 under normal procurement process and thus meet our  
12 right to shelter mandate. The emergency declaration  
13 along with its safeguards is an essential and  
14 invaluable tool in ensuring that all homeless New  
15 Yorkers receive immediate shelter in times of great  
16 demand. We are now available to answer any  
17 questions you may have.

18 CHAIRPERSON MEALY: Thank you and we  
19 were joined by Mike Nelson also of this committee.  
20 Thank you. This was a mouthful. How long does it  
21 usually take to locate and secure and open up new  
22 shelter space?

23 COMMISSIONER OVERSEY: Well it can take  
24 anywhere from several months to a year. It depends  
25 very much on whether the building that is made

1  
2 available to us at any given point in time, we have  
3 no control over that process, is a building is  
4 compliant ready. Meaning that it's ready for, that  
5 it's compliant in, with court order provisions  
6 concerning physical conditions in the space and  
7 whether it is compliant with state and local  
8 regulations. If it is not, and that is often the  
9 case, that means that the interior has to be  
10 significantly renovated and sometimes that includes  
11 gut rehab, rehabilitation, a gut rehab which can  
12 take months to over a year.

13 CHAIRPERSON MEALY: Okay, so we're  
14 talking about emergency. If it was an emergency how  
15 do you get shelter space?

16 COMMISSIONER OVERSEY: Well, what we,  
17 what we did with respect to the... [interpose]

18 CHAIRPERSON MEALY: 'Cause we don't know  
19 when an emergency is going to happen so..  
20 [interpose]

21 COMMISSIONER OVERSEY: Well an emergency  
22 is by definition under the PBB rules unforeseen. So  
23 when that happens as it happened in the occasions  
24 that I testified about we essentially did a couple  
25

1  
2 of things. First we try to expand capacity in all  
3 existing shelters. [crosstalk]

4 CHAIRPERSON MEALY: Alright. Okay,  
5 that's good. [crosstalk]

6 COMMISSIONER OVERSEY: That's number  
7 one. Just so you understand we have three separate  
8 shelter populations. Our single adult population is  
9 essentially sheltered in congregate space meaning  
10 that they are sleeping in dormitory like areas and  
11 they are dining in a cafeteria where they're served  
12 three meals a day. Under state and local law  
13 families with children and families without minor  
14 children whom we call adult families or adult  
15 couples must be afforded their own private room or  
16 unit with a closed door. In other words it has to  
17 be private space. And local law requires that with  
18 families with children they have to be provided  
19 with their own private bathroom and kitchen  
20 facility in their unit. So I'm, I'm saying this all  
21 to you so you understand that the different kinds  
22 of shelters we have are don't fungible. So for  
23 example when we had the unforeseen impact of the  
24 recession hit our single adult shelter system.  
25 Fortunately at that time we were okay in terms of

1  
2 the family with children census and the adult  
3 family census. So in addition to adding single of  
4 adult beds to existing single adult shelters  
5 basically what we did is we converted certain adult  
6 family sights, or even family with children sights  
7 into sights for single adults. So we tried all of  
8 that first because it, it is, as, as you can see  
9 extraordinarily difficult to locate suitable  
10 shelter space that's compliant ready or it's even  
11 space that's available at all on a very short term  
12 basis. So then what we did is we still needed  
13 additional capacity on top of that. So what we did  
14 is we put out the word to landlords and providers  
15 that we needed available space and they provided a  
16 space for us.

17 CHAIRPERSON MEALY: How do you get in  
18 contact with the landlords through?

19 COMMISSIONER OVERSEY: Phone calls.

20 CHAIRPERSON MEALY: Just phone calls?

21 COMMISSIONER OVERSEY: Right. We have a,  
22 we have a... [interpose]

23 CHAIRPERSON MEALY: What areas? Do you  
24 just pick the areas by chance or you... [interpose]

25

1  
2 COMMISSIONER OVERSEY: No, the, the,  
3 the, where the shelter is, where the building  
4 [interpose]

5 CHAIRPERSON MEALY: 'Cause it seem..  
6 [interpose]

7 COMMISSIONER OVERSEY: ...is located is it  
8 depends on what the landlord brings to us. 'Cause  
9 we don't know in advance that a particular building  
10 is [crosstalk] [interpose]

11 CHAIRPERSON MEALY: is available.

12 COMMISSIONER OVERSEY: ...available for  
13 shelter use until a landlord or a provider..  
14 Sometimes landlords work with providers. Sometimes  
15 providers own buildings. They'll bring it to us.

16 CHAIRPERSON MEALY: Do you know the  
17 costs of how much harder and more costly it is to  
18 do a shelter on short notice to doing it in  
19 advance?

20 COMMISSIONER OVERSEY: I think it's  
21 about the same because... [interpose]

22 CHAIRPERSON MEALY: About the same?

23 COMMISSIONER OVERSEY: Yeah, it's  
24 because the, the, the rates that are in the  
25 emergency contract and to the extent we enter into

1  
2 long term contracts are essentially the average  
3 rates that... They were, they're within the average  
4 range of shelters that we bring on through the  
5 normal procurement process.

6 CHAIRPERSON MEALY: Okay, this is, one  
7 question I know my colleagues have some...  
8 [interpose]

9 COMMISSIONER OVERSEY: Okay.

10 CHAIRPERSON MEALY: ...questions also. The  
11 landlords, what majority of boroughs are more  
12 available and vacant that you use the shelters in?

13 COMMISSIONER OVERSEY: Well it's, that's  
14 hard to, I, I can get back to you on that. I can  
15 provide you with... [crosstalk] [interpose]

16 CHAIRPERSON MEALY: I think you really  
17 should... [crosstalk] [interpose]

18 COMMISSIONER OVERSEY: I, I, well...  
19 [crosstalk] [interpose]

20 CHAIRPERSON MEALY: ...because a lot of...  
21 [crosstalk] [interpose]

22 COMMISSIONER OVERSEY: ...hold on I can  
23 provide you with the number of shelters that we  
24 have in each borough and the number of shelter  
25 entrants from each borough okay. But they're pretty

1  
2 much spread around, I think, let me just put it to  
3 you this way. Primarily in Manhattan we have a lot,  
4 particularly single adult shelters and adult family  
5 shelters. We have a good number in Brooklyn and the  
6 Bronx. We don't have too many in Queens and we  
7 have... [interpose]

8 CHAIRPERSON MEALY: Why?

9 COMMISSIONER OVERSEY: Because it,  
10 because most of the housing that would be  
11 available, most of the buildings are one and, you  
12 know one or two family homes. It doesn't lend  
13 itself and it isn't cost effective to, to go into  
14 you know one and two family homes. [interpose]

15 CHAIRPERSON MEALY: So you saying that  
16 the majority of a whole Queens is just two family  
17 house and they not multiple buildings?

18 COMMISSIONER OVERSEY: No, we have, we  
19 have some shelters in Queens.

20 ASSISTANT COMMISSIONER BLACK: 20.

21 COMMISSIONER OVERSEY: We have 20  
22 shelters in Queens and we have how many in Staten  
23 Island?

24 ASSISTANT COMMISSIONER BLACK: Half a  
25 dozen.

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COMMISSIONER OVERSEY: Half a dozen

okay.

CHAIRPERSON MEALY: That was six. How many in Brooklyn?

COMMISSIONER OVERSEY: I don't know...

[interpose]

CHAIRPERSON MEALY: A hundred?

COMMISSIONER OVERSEY: ...we'll have to get back to you. I just don't, I just don't know.

CHAIRPERSON MEALY: 'Cause I feel, I really feel you should have had that information because Brooklyn is really feeling they are being dumped on with shelters all these. So I would really would like to know how many or I am [crosstalk][interpose]

COMMISSIONER OVERSEY: Okay, but I will say that the numbers do not reflect that Brooklyn or the Bronx... [interpose]

CHAIRPERSON MEALY: Brooklyn would beg to differ with you.

COMMISSIONER OVERSEY: ...are being dumped on, are being dumped on.

COMMISSIONER OVERSEY: Brooklyn would really beg to differ. So I hope to get that

1 information. Any of my colleagues have... [crosstalk]  
2 [interpose]  
3

4 COMMISSIONER OVERSEY: Yeah, we'll get  
5 it today.

6 CHAIRPERSON MEALY: any questions? Thank  
7 you so much.

8 COMMISSIONER OVERSEY: You're welcome.

9 CHAIRPERSON MEALY: Brad Lander.

10 COUNCIL MEMBER LANDER: Commissioner,  
11 just so we have it on the record, could you, can  
12 you tell us what the growth has been in the  
13 emergency procurements in the agency?

14 COMMISSIONER OVERSEY: Well, although I  
15 wasn't at the agency in around, oh I think it was  
16 2002 2003, I believe the agency brought online  
17 approximately a 400 family shelter and that was  
18 under an emergency procurement. And then other than  
19 the four emergency declarations that I talked about  
20 in my testimony in the I guess nine years I've been  
21 with the agency and I came to the agency in 2005.  
22 Between 2005 and the summer of 2012 we brought on a  
23 number of shelters pursuant to the four emergency  
24 declarations.

25 COUNCIL MEMBER LANDER: Thank you.

1  
2                   COMMISSIONER OVERSEY: One for families  
3 with children and adult families and the other  
4 three for single adults.

5                   COUNCIL MEMBER LANDER: Well let me just  
6 ask, because I'm going to give you the numbers that  
7 I have and you tell me if they're right or wrong.

8                   COMMISSIONER OVERSEY: Okay.

9                   COUNCIL MEMBER LANDER: What I have is  
10 in terms of fiscal value, in 2010 \$5,365,000 in  
11 three contracts. In 2011 \$23 million dollars in  
12 eight contracts. In fiscal '12 none and in fiscal  
13 '13 \$40 million dollars in 38 contracts.

14                   COMMISSIONER OVERSEY: It, it, it sounds  
15 right. I'd, I can, I'd be happy to confirm it.

16                   COUNCIL MEMBER LANDER: Would you agree  
17 that that is dramatic growth in the volume of... Let  
18 me not, to me that's dramatic growth in the volume  
19 of emergency procurements. [interpose] [crosstalk]

20                   COMMISSIONER OVERSEY: Well it, it's no  
21 doubt that our census increased significantly with  
22 all three populations and [interpose] [crosstalk]

23                   COUNCIL MEMBER LANDER: And that's...  
24 [interpose] [crosstalk]

1  
2 COMMISSIONER OVERSEY: ...we had to  
3 shelter them. [interpose] [crosstalk]

4 COMMISSIONER OVERSEY: ...exactly my point  
5 because I really think that should not, in my  
6 opinion, that shouldn't be the answer. The growth  
7 in emergency contracts is not the same as the  
8 growth in the shelter population and it is exactly  
9 the shift of the system from one that actually  
10 engages in budget planning for growth to one which  
11 relies on emergency declarations even where the  
12 city's definition of an emergency doesn't exist.  
13 That is the nature of the hearing. So before I go  
14 on I actually want to ask a couple of budge  
15 questions and you may not have these numbers but I  
16 have to say, and I haven't had the budget, we  
17 haven't gone through a budget cycle but at every  
18 year that I've been at I have raised significant  
19 concern during the budget cycle about willful under  
20 budgeting by the agency and I guess let me just  
21 tell you the numbers that I have and you tell me  
22 why I'm mistaken. In 2011, FY 2011 the agency  
23 budgeted 839 million, spent over a billion. None the  
24 less we adopted a budget where we budgeted for FY  
25 '12 791 million, wound up spending 900 million.

1  
2 None the less we budgeted 800 million in 2013. I  
3 have raised concerns at least each of the last two  
4 years that we were essentially pretending we were  
5 going to spend less on homeless sheltering than we  
6 knew we were going to spend. So I guess my first  
7 question is; what do actually spend? I haven't seen  
8 the FY '13, yearend number? Because when we do our  
9 budgets we're still in the middle of the year. Do  
10 you know what we spent in FY '13?

11 COMMISSIONER OVERSEY: Let me just  
12 consult with Deputy Commissioner Pock.

13 [pause]

14 COMMISSIONER OVERSEY: The Deputy  
15 Commissioner is going to answer questions to the  
16 best of his ability and if we have to provide you  
17 with information after we confirm it we'll be back.

18 DEPUTY COMMISSIONER POCK: The changes  
19 in the budget, and I don't, we'll have to get back  
20 to you. I don't have at my fingertips the final  
21 number for FY '13. But each year it is true that we  
22 end up with a budget that is higher at the end of  
23 the year than it is at the beginning of the year  
24 almost always and it's for a variety of reasons.  
25 OMB, it's the practice that we budget our grants,

1  
2 that the grants are added in the course of the  
3 year, so at the beginning of the year the grants  
4 aren't in the budget, at the end of the year they  
5 are. And that could be, depending, 15, 20 million  
6 dollars. The advantage money, when we had the  
7 advantage program that was not, that was probably  
8 not in the budget at the beginning of the year and  
9 it gets added in as we go on. PEGS and due needs  
10 have a, or PEGS especially can have a differential  
11 impact on different years so it's, it's a common  
12 thing that the budgets at the beginning of the year  
13 are lower.

14 COUNCIL MEMBER LANDER: I'll tell you  
15 it's not a common thing actually that agencies  
16 repeatedly 10 percent more, 100 million dollars  
17 more than they budget year after year after year. I  
18 watch all the other agencies. It's, It's not.

19 [crosstalk]

20 DEPUTY COMMISSIONER POCK: Yep, it is.

21 [interpose]

22 COUNCIL MEMBER LANDER: That's why I've  
23 raised it every year at the budget hearing.

24 [crosstalk] [interpose]

25

1  
2 DEPUTY COMMISSIONER POCK: Yep, it, it  
3 is true that in the course of, of many years OMB  
4 adds money to our budget for capacity. That is  
5 true.

6 COUNCIL MEMBER LANDER: And to me that's  
7 a reflection of bad budgeting. The one year would  
8 be fine. You know one year you got caught that you  
9 wound up actually under budgeting by a million  
10 dollars for what the need was going to be. At that  
11 first budget hearing I would say, okay we had an  
12 unanticipated increase. Maybe even the second year  
13 but now, and I'm happy to go back even further  
14 years and that's why I would love this year's  
15 number, our, the DHS budgeting exercise, in my  
16 opinion, has become a, a willful ignorance. We want  
17 to pretend that we need less capacity than we know  
18 we're going to need and that's a failure to plan.  
19 We've engaged in it as well. We adopted the budget.  
20 I do my you know... And so, but, anyway I, so that's  
21 just one point I'm making. I would like the FY '13  
22 number my God has it happened in about the same  
23 amount. And I just want to flag when we willfully  
24 engage in under budgeting that's, that's evidence  
25 of failure to plan and the reason it's relevant is

1  
2 this. I mean I, look I'm a strong supporter of  
3 Callahan you know, and that in some ways hamstrings  
4 the city who's fiscal wellbeing I care a lot about  
5 because we have a big obligation to provide  
6 shelter. And then we take on a shared obligation to  
7 plan for it thoughtfully given that we're under  
8 this law. Whether you support Callahan or don't  
9 support Callahan we all have that responsibility. I  
10 want it done fairly. I want fair share imposed. I'm  
11 proud that up the street from me is the Park Slope  
12 Armory Shelter. I want fair share implement more  
13 strongly but it's got to be done with real  
14 transparency and appropriate planning and through  
15 contracting that people can see and an appropriate  
16 process. And the whole idea of the city's emergency  
17 declaration procedures, unforeseen danger to life  
18 and safety, it's got to be real. And I believe here  
19 that we have stretched the definition beyond what  
20 most people would agree. You may win in court. When  
21 hurricane Sandy hit and there was an emergency need  
22 to open a shelter in Carol Gardens everyone agreed  
23 that was an emergency. It was unforeseen and there  
24 was real danger. But we don't have an unforeseen  
25 emergency here. We have one that we know has been

1  
2 growing for years and years and yet we willfully  
3 under budget for it. We failed to do the long term  
4 planning necessary and I'll come back specifically  
5 to the 2012 declaration. But we had all the  
6 information. We generally have all the information  
7 we need to grow the system and we ought to do it  
8 through the front door. That doesn't mean we'll  
9 always like it. I mean obviously we're fighting  
10 about West 9<sup>th</sup> Street even though it's no longer an  
11 emergency declaration. But the difference it makes  
12 when it feels snuck through because it doesn't go  
13 through the normal contracting procedures is, has  
14 really become a problem and it makes it difficult  
15 in any circumstance for people to accept on face  
16 value the information that's being given, the data  
17 that's being given. So I, that's my budget  
18 perspective.

19 COMMISSIONER OVERSEY: [crosstalk] Thank  
20 you. I hear your concerns. Oh I'm sorry let me just  
21 say for the record that I disagree with your  
22 impression that the city fails to plan properly. I  
23 don't think that is true at all. I don't think  
24 going back and forth and debating it is going to  
25 change your mind. I understand that and it's

1  
2 certainly not going to change mine after working  
3 with the, the many people in the agency who put  
4 their heart every day and night ensuring that  
5 there's sufficient capacity... [interpose]

6 COUNCIL MEMBER LANDER: I don't doubt  
7 their parts. [interpose]

8 COMMISSIONER OVERSEY: ...for all the  
9 people... [interpose]

10 COUNCIL MEMBER LANDER: I really don't  
11 doubt their parts.

12 COMMISSIONER OVERSEY: ...in the, in the  
13 shelter system. And let me say that we don't  
14 willfully under budget. That's the last thing we  
15 do. And, and let me say with respect to the fair  
16 share process that in I would say in the last two  
17 years we have made tremendous progress. Although  
18 it's not legally required because the city charter  
19 and the rules of the city planning commission do  
20 not specify when in the procurement process a fair  
21 share analysis has to be submitted we have made  
22 tremendous efforts and we have been quite  
23 successful. In now getting out the fair share  
24 analysis to the community board, to the elected  
25 officials before the contract hearing and I'm not

1  
2 talking about a day before but if I think you, if  
3 you check the number of, of contracts recently that  
4 we have procured think you'll find that we have  
5 submitted those fair share analysis to you at least  
6 a week if not longer before the contract hearing.

7 COUNCIL MEMBER LANDER: In the standard  
8 contracts hearing though right? Is there a  
9 bypassed... [interpose]

10 COMMISSIONER OVERSEY: Yes but there's  
11 one... [crosstalk]

12 COUNCIL MEMBER LANDER: ...in the  
13 emergency contracts?

14 COMMISSIONER OVERSEY: Well, but I mean  
15 if, if the, if the emergency procurement process  
16 had all the steps in the normal procurement process  
17 then it wouldn't be an emergency procurement  
18 process... [interpose]

19 COUNCIL MEMBER LANDER: Which is  
20 precisely... [interpose] [crosstalk]

21 COMMISSIONER OVERSEY: and it wouldn't  
22 be, it wouldn't be... [interpose] [crosstalk]

23 COUNCIL MEMBER LANDER: ...why it's...

24 COMMISSIONER OVERSEY: ...it wouldn't be...  
25 [interpose][crosstalk]

1  
2 COUNCIL MEMBER LANDER: ...important to  
3 make sure it's only used in an emergency.

4 COMMISSIONER OVERSEY: it, and, and, and  
5 let me say about that that we didn't just submit a  
6 piece of paper to the controller and the law  
7 department say oh please approve this emergency  
8 declaration for several hundred bets by tomorrow.  
9 This was a lengthy process with each emergency  
10 declaration. We had numerous conversations with  
11 members of the controller's office, back and forth  
12 email correspondence, and you will note, I don't  
13 know if you have access to this but many times we  
14 had to amend emergency declarations because they  
15 kept asking us to put more information in them  
16 after we had discussions and explained why there  
17 was a need for emergency and the fact is that this  
18 controller approved, after careful review I can  
19 only assume he did that, every single one of our  
20 emergency declarations. So you know we followed the  
21 process and the controller's office approved those  
22 declarations.

23 COUNCIL MEMBER LANDER: Look you know I,  
24 I have talked a lot with the controller about this  
25 and I think he felt that at the time that they were

1  
2 presented that if he didn't that there were going  
3 to be people sleeping in the EAU but that doesn't  
4 mean... [interpose]

5 COMMISSIONER OVERSEY: Well first of all  
6 the EAU no longer exists and no one has been  
7 sleeping at our family intake center now since oh  
8 my gosh 2003 so let me just say that. And that is  
9 an example of the first rate job that we do every  
10 single day number one. Number two that's the whole  
11 point. The circumstances that caused us to seek an  
12 emergency declaration were unforeseen.

13 COUNCIL MEMBER LANDER: Well, so let's  
14 go to unforeseen.

15 COMMISSIONER OVERSEY: They were  
16 unforeseen to us and the controller agreed...  
17 [interpose]

18 COUNCIL MEMBER LANDER: Let's, So let's...  
19 [interpose]

20 COMMISSIONER OVERSEY: ...that they were  
21 unforeseen.

22 COUNCIL MEMBER LANDER: ...go to  
23 unforeseen because I think that you know to me the  
24 real question here is for the 2012 increase whether  
25 it really was unforeseen or not. And I, I just want

1  
2 to ask you a few questions about whether you looked  
3 at certain data... [interpose]

4 COMMISSIONER OVERSEY: Okay.

5 COUNCIL MEMBER LANDER: ...that people  
6 were providing because of course it's true that you  
7 couldn't see that and I think in your testimony you  
8 basically said well there wasn't data that more  
9 people were homeless as a result or after it  
10 subsequent to the advantage elimination until after  
11 the advantage certificates stopped flowing and that  
12 was after the quarter and I mean of course that's  
13 obviously true they didn't actually become homeless  
14 or increase in homelessness until they lost their  
15 advantage certificates but that is a, that's like a  
16 far stretch of any sort or willing to say that  
17 means it was unforeseeable or unforeseen. There  
18 were a lot of projections made before and when  
19 advantage was eliminated about precisely what the  
20 impacts would be which should have enabled us to  
21 plan for it. So I guess one question is did you or  
22 obviously it was a different commissioner at the  
23 agency at the time review the independent budget  
24 office's report from March of 2011 suggesting that  
25 there would be essentially a 66 percent increase in

1  
2 the demand for shelter directly related to the  
3 elimination of the advantage program and he, that I  
4 be quantify to that into numbers?

5 COMMISSIONER OVERSEY: I, I you know I  
6 didn't personally read it at the time but I will  
7 say that you you know we have to take into account  
8 what happened in and shortly after we terminated  
9 the program come April 1<sup>st</sup>, 2011. There was no way  
10 that we could have foreseen frankly that the  
11 appellate court would have directed us to continue  
12 paying the subsidy for those already in the program  
13 for the next ten months. There's no way...

14 [interpose]

15 COUNCIL MEMBER LANDER: But that would  
16 have actually... [interpose]

17 COMMISSIONER OVERSEY: ...foreseen that  
18 as... [interpose]

19 COUNCIL MEMBER LANDER: ...mitigated in  
20 the direction of moving...

21 COMMISSIONER OVERSEY: Huh?

22 COUNCIL MEMBER LANDER: ...more quickly  
23 to... [interpose]

24 COMMISSIONER OVERSEY: No, it doesn't...  
25 [interpose]

1  
2 COUNCIL MEMBER LANDER: bring the  
3 capacity online... [interpose]

4 COMMISSIONER OVERSEY: No it doesn't.  
5 [interpose]

6 COUNCIL MEMBER LANDER: ...if you couldn't  
7 foresee that there might be an extension of time to  
8 meet the need.

9 COMMISSIONER OVERSEY: No, it, it, it  
10 doesn't because we also have to balance our fiscal  
11 obligation not to open new shelters when there  
12 isn't a foreseeable need and we didn't see a  
13 foreseeable need in, in the immediate future. So I  
14 said... [interpose]

15 COUNCIL MEMBER LANDER: So I'd like to  
16 read you a quote. [interpose]

17 COMMISSIONER OVERSEY: ...we were going to  
18 open all those shelters.

19 COUNCIL MEMBER LANDER: It will be  
20 difficult certainly for families, particularly  
21 those who recently left shelter to maintain their  
22 apartments. The premise of the program is it gives  
23 people time to grow into their apartments and have  
24 their income grow and maintain stability. So that  
25 is very troubling and of great concern. So that's a

1  
2 quote from March of 2011. You want to venture to  
3 guess who's quote it is? It's obviously  
4 commissioner Diamond's quote.

5 COMMISSIONER OVERSEY: Okay.

6 COUNCIL MEMBER LANDER: The agency not  
7 only could have foreseen, the agency foresaw the  
8 increase in shelter demand. And the only thing  
9 you're saying was unforeseeable was that that that  
10 increase would be delayed ten months.

11 COMMISSIONER OVERSEY: Well... [interpose]

12 COUNCIL MEMBER LANDER: So how that...  
13 [interpose]

14 COMMISSIONER OVERSEY: ...but you...

15 [interpose]

16 COUNCIL MEMBER LANDER: ...could argue for  
17 the fact that you didn't have time to plan for the  
18 increase when the court gave you ten extra months  
19 is preposterous.

20 COMMISSIONER OVERSEY: But we didn't  
21 know when they, the court order would be vacated.

22 COUNCIL MEMBER LANDER: So you had more  
23 time to plan to meet the needs. You didn't need an  
24 emergency declaration.

1  
2                   COMMISSIONER OVERSEY: But the  
3 interesting thing is when advantage ended and the  
4 court order was vacated we saw a significant drop  
5 in the number of applications. It wasn't until  
6 later that we saw more and more people staying in  
7 shelter longer which is really the reason why we  
8 needed more shelter units.

9                   COUNCIL MEMBER LANDER: But that was in  
10 the IBO report. It was one of the things we talked  
11 about at the time of the advantage elimination that  
12 it wasn't only about the advantage families  
13 themselves. It was about people in shelter who  
14 weren't going to have anywhere to go. Not only was  
15 this foreseeable, the agency foresaw it. The agency  
16 chose not to plan. The agency now is going to use  
17 the fact that the, the need was delayed ten months  
18 to say it was right in not to plan all of which  
19 would be fine if you didn't bring an emergency  
20 declaration saying how could we have possibly  
21 planned? This was unforeseeable. It just it, it  
22 means honestly what it does aside from our fighting  
23 about homeless shelter sightings and the need to  
24 get communities onboard through fair and  
25 transparent planning, it cheapens the emergency

1  
2 contracting procedure. And instead of having it be  
3 a procedure that's used in actual emergencies says  
4 hey you know what, you want to get around the  
5 inconveniences of contracting procedure fail to  
6 plan, under budget, wait until the service is  
7 essential due to an emergency created by your  
8 failure to plan and write a good letter because  
9 those services will be needed your emergency  
10 declaration will be approved. And it's just bad  
11 government. Anyway I don't have a question at the  
12 end.

13 CHAIRPERSON MEALY: Okay.

14 COUNCIL MEMBER LANDER: I'm sorry madam  
15 chair.

16 CHAIRPERSON MEALY: Thank you and that's  
17 why we here. We have to start planning properly and  
18 that's why we having this hearing. Council member  
19 Jackson when, like to have some questions also and  
20 we been joined by Ruben Wills to this committee.  
21 Thank you.

22 COUNCIL MEMBER JACKSON: Thank you.  
23 Thank you madam chair and good afternoon  
24 commissioner [crosstalk]

25 COMMISSIONER OVERSEY: Good afternoon.

1  
2 COUNCIL MEMBER JACKSON: So I was  
3 listening to the questions and your responses from  
4 council member Brad Lander but before I get into  
5 that particular matter I think that you responded  
6 or your deputy commissioner that you didn't have  
7 the total number of money that was spent on fiscal  
8 year '13 as of immediately. Well can you please  
9 text someone to please get us that number. That  
10 should be readily available one, two, three. We  
11 should not have to wait till another date and time  
12 in order to receive that. Thank you. Secondly about  
13 the numbers if you don't mind, I know there was  
14 some, some questions initially about in your  
15 response you said there were only 20 I believe  
16 shelters in Queens and about half a dozen on Staten  
17 Island because the nature of the housing there they  
18 like one or two family houses instead of apartment  
19 buildings.

20 COMMISSIONER OVERSEY: It's not just  
21 that. I mean it also depends on what buildings are  
22 brought to us.

23 COUNCIL MEMBER JACKSON: Right, right.

24 COMMISSIONER OVERSEY: And most  
25 buildings that are brought to us... [interpose]

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COUNCIL MEMBER JACKSON: By landlords...  
[interpose]

COMMISSIONER OVERSEY: ...come from other  
boroughs... [interpose]

COUNCIL MEMBER JACKSON: ...and and CBOs.  
Is that correct?

COMMISSIONER OVERSEY: Yes, that's...  
[interpose]

COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: ...correct. That's  
correct.

COUNCIL MEMBER JACKSON: Because at, in  
your responses to questions or in your statement  
you talked about that emergency contracts are left  
to Community Based Organizations. That's what I  
heard; CBOs.

COMMISSIONER OVERSEY: Not for profit  
providers.

COUNCIL MEMBER JACKSON: Right. Not for...  
[interpose]

COMMISSIONER OVERSEY: That's correct.

COUNCIL MEMBER JACKSON: Yeah, not for  
profit.

COMMISSIONER OVERSEY: Mm-hmm.

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COMMITTEE ON CONTRACTS

COUNCIL MEMBER JACKSON: So can you give me the numbers of shelters in totality for each borough. I assumed you have those numbers there, just the total numbers.

COMMISSIONER OVERSEY: Do you have them?  
[off mic response][crosstalk]

COUNCIL MEMBER JACKSON: If you don't mind. Sure.

ASSISTANT COMMISSIONER BLACK: [off mic]  
I have no service in this room.

COUNCIL MEMBER JACKSON: That's why...  
[laughing]

ASSISTANT COMMISSIONER BLACK:  
[crosstalk] ...is not working.

COUNCIL MEMBER JACKSON: That means they won't... What's your, what's your carrier? Verizon?

ASSISTANT COMMISSIONER BLACK: Sprint.  
Sprint.

COUNCIL MEMBER JACKSON: Oh, sprint is...  
Sorry.

[laughing][background comments]

COUNCIL MEMBER JACKSON: But also I'm looking here. My Verizon one only has one...  
[interpose]

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ASSISTANT COMMISSIONER BLACK: Bar?

COUNCIL MEMBER JACKSON: ...thing. Yeah  
one bar. [laughing] But let me, so I can understand  
not an immediate, immediate... [interpose]

ASSISTANT COMMISSIONER BLACK: So  
council member in, in the, we're going to do a  
single adults first. I can give you... [interpose]

COUNCIL MEMBER JACKSON: Okay.

ASSISTANT COMMISSIONER BLACK: ...the  
single adult. Sure.

COUNCIL MEMBER JACKSON: Yeah.

ASSISTANT COMMISSIONER BLACK: I'm  
pretty loud you don't need to worry about me.  
Single adults we have nine shelters in the Bronx.

COUNCIL MEMBER JACKSON: Nine in the  
Bronx?

ASSISTANT COMMISSIONER BLACK: Correct.

COUNCIL MEMBER JACKSON: Okay.

ASSISTANT COMMISSIONER BLACK: 26 in  
Brooklyn.

COUNCIL MEMBER JACKSON: 26 in BX.

ASSISTANT COMMISSIONER BLACK: 29... No 26  
in BK.

COUNCIL MEMBER JACKSON: BK, I'm sorry.

COMMITTEE ON CONTRACTS

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1  
2 ASSISTANT COMMISSIONER BLACK: 29 in  
3 Manhattan.

4 COUNCIL MEMBER JACKSON: Okay.

5 ASSISTANT COMMISSIONER BLACK: Three in  
6 Queens.

7 COUNCIL MEMBER JACKSON: Okay.

8 ASSISTANT COMMISSIONER BLACK: One in  
9 Staten Island.

10 COUNCIL MEMBER JACKSON: Okay.

11 ASSISTANT COMMISSIONER BLACK: For a  
12 total eight, a total of 68 single adult shelters.

13 COUNCIL MEMBER JACKSON: Single adult?

14 ASSISTANT COMMISSIONER BLACK: Correct.

15 COMMISSIONER OVERSEY: Single adult.

16 COUNCIL MEMBER JACKSON: Okay. Yeah.

17 ASSISTANT COMMISSIONER BLACK: Adult  
18 families.

19 COUNCIL MEMBER JACKSON: Adult families.

20 ASSISTANT COMMISSIONER BLACK: Those are  
21 couples without children.

22 COUNCIL MEMBER JACKSON: Yes.

23 ASSISTANT COMMISSIONER BLACK: In the  
24 Bronx we have seven.  
25

COMMITTEE ON CONTRACTS

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1  
2 COUNCIL MEMBER JACKSON: Seven in the  
3 Bronx.

4 ASSISTANT COMMISSIONER BLACK: Brooklyn  
5 we have two.

6 COUNCIL MEMBER JACKSON: Two.

7 ASSISTANT COMMISSIONER BLACK: Manhattan  
8 we have eight.

9 COUNCIL MEMBER JACKSON: Eight.

10 ASSISTANT COMMISSIONER BLACK: Queens we  
11 have one.

12 COUNCIL MEMBER JACKSON: One.

13 ASSISTANT COMMISSIONER BLACK: Staten  
14 Island none.

15 COUNCIL MEMBER JACKSON: Okay.

16 ASSISTANT COMMISSIONER BLACK: Total of  
17 eighteen.

18 COUNCIL MEMBER JACKSON: Okay and this  
19 is for adults, adult families.

20 ASSISTANT COMMISSIONER BLACK: Adult  
21 families.

22 COUNCIL MEMBER JACKSON: Uh-huh.

23 ASSISTANT COMMISSIONER BLACK: And then  
24 families with children.

25 COUNCIL MEMBER JACKSON: Okay.

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COMMITTEE ON CONTRACTS

ASSISTANT COMMISSIONER BLACK: In Bronx  
we have 62.

COUNCIL MEMBER JACKSON: 62.

ASSISTANT COMMISSIONER BLACK: In  
Brooklyn we have 42.

COUNCIL MEMBER JACKSON: Okay.

ASSISTANT COMMISSIONER BLACK: In  
Manhattan we have 31.

COUNCIL MEMBER JACKSON: Okay.

ASSISTANT COMMISSIONER BLACK: Queens  
14.

COUNCIL MEMBER JACKSON: Okay.

ASSISTANT COMMISSIONER BLACK: Staten  
Island one.

COUNCIL MEMBER JACKSON: Okay, for a  
total of whatever.

ASSISTANT COMMISSIONER BLACK: 150.

COUNCIL MEMBER JACKSON: Okay 150.

ASSISTANT COMMISSIONER BLACK: That's  
quite a bit of shelters.

COUNCIL MEMBER JACKSON: Okay. Okay...

[interpose]

ASSISTANT COMMISSIONER BLACK: So just...

[interpose]

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COUNCIL MEMBER JACKSON: ...so... Go ahead.

ASSISTANT COMMISSIONER BLACK: ...to be specific for the council... [interpose]

COUNCIL MEMBER JACKSON: Sure. Go ahead.

ASSISTANT COMMISSIONER BLACK: ...for the chair. So Brooklyn has 38 percent of all single adults.

COUNCIL MEMBER JACKSON: Okay, one second. Let me just write those numbers. 38 percent?

ASSISTANT COMMISSIONER BLACK: Of all single adults are in Brooklyn.

COUNCIL MEMBER JACKSON: Okay.

ASSISTANT COMMISSIONER BLACK: They have 11 percent of adult family shelters.

COUNCIL MEMBER JACKSON: Brooklyn 11 percent.

ASSISTANT COMMISSIONER BLACK: And 28 percent of families with children.

COUNCIL MEMBER JACKSON: Now, do you have the numbers for the other boroughs also?

ASSISTANT COMMISSIONER BLACK: Oh yeah.

COUNCIL MEMBER JACKSON: Okay.

1  
2 ASSISTANT COMMISSIONER BLACK: She asked  
3 for Brooklyn specific. Sure.

4 COUNCIL MEMBER JACKSON: I know but.

5 ASSISTANT COMMISSIONER BLACK: So, sure.

6 COUNCIL MEMBER JACKSON: I just want the  
7 total, the holistic approach.

8 ASSISTANT COMMISSIONER BLACK: Sure,  
9 sure. I can email this to you too... [interpose]

10 COUNCIL MEMBER JACKSON: But it...  
11 [interpose]

12 ASSISTANT COMMISSIONER BLACK: on  
13 somebody else's... [interpose]

14 COUNCIL MEMBER JACKSON: ...it's good in  
15 the hearing because there's a million people  
16 watching [crosstalk] [interpose]

17 ASSISTANT COMMISSIONER BLACK: No that's  
18 fine.

19 COUNCIL MEMBER JACKSON: ...one month.  
20 Okay.

21 ASSISTANT COMMISSIONER BLACK: So also I  
22 hope there's a million people watching you guys.

23 [laughing]

24

25

1  
2 ASSISTANT COMMISSIONER BLACK: Popular  
3 crew here. Alright so the Bronx host 13 percent of  
4 single adult shelters.

5 COUNCIL MEMBER JACKSON: Okay.

6 ASSISTANT COMMISSIONER BLACK: Manhattan  
7 hosts 43 percent of single adult shelters.

8 COUNCIL MEMBER JACKSON: Okay.

9 ASSISTANT COMMISSIONER BLACK: Queens  
10 hosts 14 percent of single adult shelters. Staten  
11 Island hosts one percent. And again those 68  
12 shelters, that's 100 percent. So we're going to  
13 move on to adult families. Bronx hosts 39 percent  
14 of adult families. Brooklyn hosts 11 percent.  
15 Manhattan hosts 44 percent. Queens hosts six  
16 percent, and here we go with, it's Staten Island. I  
17 know you knew it if you. Go ahead you talk to  
18 [53:02]. Alright so in the Bronx, Staten Island had  
19 zero that's what I meant. In the Bronx they host 41  
20 percent of the families with children shelters.  
21 Brooklyn hosts 28 percent. Manhattan hosts nine  
22 percent. Queens, I'm sorry Manhattan hosts 21  
23 percent.

24 COUNCIL MEMBER JACKSON: Yeah I was  
25 going to say... [interpose]

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ASSISTANT COMMISSIONER BLACK: 21.

COUNCIL MEMBER JACKSON: ...42 to 31?

ASSISTANT COMMISSIONER BLACK: 21

percent. And then Queens hosts 9 percent.

COUNCIL MEMBER JACKSON: Uh-huh.

ASSISTANT COMMISSIONER BLACK: And

Staten hosts one percent.

COUNCIL MEMBER JACKSON: Okay. Okay so

let me go then to questions regarding my colleague

council member Brad Lander because this document,

and I don't know whether or not this is your

document or our document, it says the number of

homeless people each night in New York City shelter

system 1983 to 2013, this is our document. Have you

seen this commissioner?

COMMISSIONER OVERSEY: No.

ASSISTANT COMMISSIONER BLACK: No.

COUNCIL MEMBER JACKSON: Let me, I'll

bring it over to you. Sargent if you don't mind.

[background comments]

COUNCIL MEMBER JACKSON: Could you give

her this? Let me have another one please if you

don't mind. Thank you because the, my guess, my

1 questions regarding that with respects to...

2 [interpose]

3 COMMISSIONER OVERSEY: Oh, oh, oh, oh.

4 COUNCIL MEMBER JACKSON: ...with respects  
5 to the questions that Brad lander was referring to  
6 is that, and I, I'm not a technician, a  
7 mathematician. I don't work for the Department of  
8 Homeless Services in the Analysis and Projection  
9 Unit but just looking at this as to the homeless  
10 people eat tonight in New York City shelters and  
11 then a New York State unemployment insurance rate,  
12 you would think that the unit or people that's  
13 involved in your agency could project on the  
14 continuous basis, based on the economic situation,  
15 based on the fact as you said the advantage and the  
16 litigation. And then also knowing that the cause of  
17 housing has gone up so much where the number one  
18 issue and almost every campaign, political  
19 campaign, whether it's the mayor's race, the  
20 controller's race, borough president's, or city  
21 council is affordable housing. In fact I ran for  
22 borough president and Gale won but the issue to all  
23 of us around the entire Manhattan was affordable  
24 housing. So I don't understand how could your  
25

1  
2 agency not project that your need for more shelters  
3 to deal with the growing, the need. Now I can  
4 understand not building or, or, or, contracting  
5 with shelters and having no one go into it and  
6 that's, that's just wasting money. No one wants to  
7 waste money. But, but your actions would indicate  
8 that, that you should have you know moved in that  
9 direction.

10 COMMISSIONER OVERSEY: Well I mean I  
11 think you know throughout the, the last couple of  
12 years since January 20, 2009 and even before that  
13 we, we, we project, we did project increases. We  
14 basically project a year out. We project, you know  
15 we project three months forward and then compare it  
16 to the average daily census and three months the  
17 year before. Each month we then adjust our  
18 projection for the next month and then the months  
19 through the end of the year. And I'm not saying  
20 that we didn't project increases that we usually  
21 see. What I'm saying is that in addition to that  
22 there were certain events that happened that caused  
23 a unanticipated surge above the increases that we  
24 projected.

1  
2 COUNCIL MEMBER JACKSON: So certain  
3 things like hurricanes, super storm Sandy for  
4 example?

5 COMMISSIONER OVERSEY: Well I'm talking  
6 in this case... [interpose]

7 COUNCIL MEMBER JACKSON: Yeah.

8 COMMISSIONER OVERSEY: ...about what I  
9 testified... [interpose]

10 COUNCIL MEMBER JACKSON: The advantage?

11 COMMISSIONER OVERSEY: which was the  
12 recession. Now you might have thought oh the  
13 recession started in you know July, summer of 2008  
14 but the fact of the matter is that it didn't impact  
15 our single adult system and it really didn't impact  
16 our family with children shelter system, or adult  
17 family system. It didn't impact single adults until  
18 January, until the winter of 2009, 2010. And it you  
19 know, and it didn't impact tremendously the family  
20 with children shelter or adult families. And it  
21 wasn't until the advantage subsidy stopped and you  
22 know we stopped paying continued subsidies under  
23 the current court order. And even then we didn't  
24 see a change in trends right away. So you know it,  
25 it's a very difficult process and as I said we

1  
2 basically weigh two fundamental concerns. We weigh  
3 that our legal mandate to ensure right to shelter  
4 and we also try to avoid to the extent we can  
5 opening shelters when our projections and our  
6 current shelter census don't indicate that we  
7 should.

8 COUNCIL MEMBER JACKSON: Sure.

9 COMMISSIONER OVERSEY: I think if we  
10 were not to do that I think we would be hearing  
11 much more outcry from communities who, most of  
12 whom, are opposed to shelter opening in their  
13 community... [interpose]

14 COUNCIL MEMBER JACKSON: Sure

15 COMMISSIONER OVERSEY: ...for whatever  
16 reason... [interpose]

17 COUNCIL MEMBER JACKSON: Right,  
18 commissioner... [interpose]

19 COMMISSIONER OVERSEY: ...so we're mindful  
20 of that.

21 COUNCIL MEMBER JACKSON: Yeah so...  
22 [interpose]

23 COMMISSIONER OVERSEY: And we're all,  
24 you know it's just... [interpose]

1  
2 COUNCIL MEMBER JACKSON: ...what I'm  
3 hearing from... [interpose]

4 COMMISSIONER OVERSEY: ...the back.

5 COUNCIL MEMBER JACKSON: you is that  
6 you, you feel based on all things considered which  
7 you've explained that you have done, when I say  
8 you, the agency has done its best in projecting  
9 what the needs are in order to try to do that.  
10 That's what I'm hearing from you. Is that correct?

11 COMMISSIONER OVERSEY: I believe we  
12 have.

13 COUNCIL MEMBER JACKSON: Okay.

14 COMMISSIONER OVERSEY: And I, I, and,  
15 and to the extent that anyone argues oh you should  
16 have started... [interpose]

17 COUNCIL MEMBER JACKSON: So... [interpose]

18 COMMISSIONER OVERSEY: ...planning...  
19 [interpose]

20 COUNCIL MEMBER JACKSON: ...commissioner...  
21 [interpose]

22 COMMISSIONER OVERSEY: ...earlier, we do  
23 the best we can and I tell you it's very difficult  
24 when you have to work under the circumstances where  
25 every single night you have to make sure that

1  
2 thousands of homeless New Yorkers are immediately  
3 sheltered... [interpose]

4 COUNCIL MEMBER JACKSON: I hear you.

5 COMMISSIONER OVERSEY: ...have a bed or a  
6 unit for the night. That is an awesome  
7 responsibility.

8 COUNCIL MEMBER JACKSON: I hear you.

9 COMMISSIONER OVERSEY: And so you know  
10 when you weigh that against the fiscal  
11 considerations of all city agencies and all city  
12 services, I mean we're not the only ones who, who  
13 you know are affected by PEGS and, and what not.

14 COUNCIL MEMBER JACKSON: But  
15 commissioner under... [interpose]

16 COMMISSIONER OVERSEY: It's a balancing,  
17 it's a balancing. [crosstalk]

18 COUNCIL MEMBER JACKSON: ...under, under  
19 court orders... [interpose]

20 COMMISSIONER OVERSEY: Yeah.

21 COUNCIL MEMBER JACKSON: ...and what you  
22 refer to Callahan and then the other you know  
23 there's a mandate under the law that the city must  
24 act and so emergency procurement is what you talked  
25 about.

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COMMISSIONER OVERSEY: Mm-hmm.

COUNCIL MEMBER JACKSON: There is no, there is no budget for example. You don't have a pot on emergency procurement. If you have to do that, you have to do that. You have to get permission from home in order to do that.

COMMISSIONER OVERSEY: Well, it, it's not so much that there isn't a pot of money. It's that the, the time it takes to open a shelter procured through the normal... [interpose]

COUNCIL MEMBER JACKSON: Process.

COMMISSIONER OVERSEY: ...contracting process.

COUNCIL MEMBER JACKSON: Uh-huh.

COMMISSIONER OVERSEY: And also the time it takes in addition to that contracting process to get the shelter space physic, physically compliant with applicable regulations... [interpose]

COUNCIL MEMBER JACKSON: Sure.

COMMISSIONER OVERSEY: ...also takes time. So that by the time... [interpose]

COUNCIL MEMBER JACKSON: What's the average time?

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COMMISSIONER OVERSEY: Oh I mean the...

[interpose]

COUNCIL MEMBER JACKSON: What's the average time?

COMMISSIONER OVERSEY: ...the average... if, if it requires a gut rehab which a lot of them do it's months. And then you know with any construction or renovation, significant renovation there are always delays.

COUNCIL MEMBER JACKSON: Okay, so...

COMMISSIONER OVERSEY: And then we have to wait for permits which take a very long time.

COUNCIL MEMBER JACKSON: Commissioner one of the things that I guess you know there are homeless advocates in the city of New York and so what are they saying or what have they told you and or your staff about the fact that, that the, the needs are not being projected enough. What have they said to you? Can you tell me what they, the advocates in the field have said to you or your Deputy Commissioner or your, your, your Assistant Commissioner for Government Affairs?

COMMISSIONER OVERSEY: Well that's a very good question and I'm... [interpose]

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COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: ...glad you asked that.

COUNCIL MEMBER JACKSON: Okay yeah.

COMMISSIONER OVERSEY: Because... [interpose]

COUNCIL MEMBER JACKSON: Because they're going to testify later... [interpose]

COMMISSIONER OVERSEY: ...I'll tell you two things... [interpose]

COUNCIL MEMBER JACKSON: ...but I want to hear... [interpose]

COMMISSIONER OVERSEY: Okay.

COUNCIL MEMBER JACKSON: ...what you're saying what they... [interpose]

COMMISSIONER OVERSEY: You know we, we, I don't know what they're going to testify to but I can tell you and I don't think they will deny this. That in around December 2009 as a resulted of the impact of the recession on our capacity we had a, a instance where we had to overnight single adults in temporary shelter placements. And then once a vacancy opened up in their assigned shelter, a program shelter we would put them in there. And

1 legal aid challenged our process of overnighting  
2 clients in that fashion. They alleged that it was a  
3 violation of the Callahan consent decree and  
4 essentially deterred single adults from seeking  
5 shelter. And so what we did they asked the court to  
6 essentially enter a temporary restraining order  
7 against to stop that practice. And basically what  
8 happened is the court did enter a temporary  
9 restraining order and I can tell you several months  
10 later between I guess it was oh gosh, it was  
11 sometime in December the first time we went into  
12 court and then the last time was at the end of  
13 April of 2010. And during that time we brought on  
14 over oh gosh over a thousand beds and legal aid  
15 came into court and Steve Banks stood up there and  
16 commended the city for doing such a phenomenal job  
17 and agreed that the temporary restraining order  
18 should be vacated. And in addition to that the  
19 judge said on the record that there was no way that  
20 the City of New York could have predicted the  
21 impact that the great recession would have occurred  
22 and the impact of when it would hit our single  
23 adult shelter system. And she commended the city  
24 for doing such a phenomenal job.  
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COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: In fact she, she actually used the adjective phenomenal and said that she was proud to be a New Yorker in a city that takes seriously the right to shelter.

COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: And does everything it can to, to get clients in shelter on immediate basis.

COUNCIL MEMBER JACKSON: Commissioner what... [interpose]

COMMISSIONER OVERSEY: Which was the very same day they applied.

COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: So... [interpose]

COUNCIL MEMBER JACKSON: What, what is... [interpose]

COMMISSIONER OVERSEY: ...I don't know what they're going to say... [interpose]

COUNCIL MEMBER JACKSON: I, I... [interpose]

COMMISSIONER OVERSEY: ...about anything else.

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2 COUNCIL MEMBER JACKSON: ...No, but I just  
3 asked you what it is...

4 COMMISSIONER OVERSEY: ...but let me tell  
5 you... [interpose]

6 COUNCIL MEMBER JACKSON: ...I asked...  
7 [interpose]

8 COMMISSIONER OVERSEY: ...they are, they  
9 were... [interpose]

10 COUNCIL MEMBER JACKSON: Let me ask  
11 you,... [interpose]

12 COMMISSIONER OVERSEY: Yeah.

13 COUNCIL MEMBER JACKSON: ...let me  
14 reiterate the question... [interpose]

15 COMMISSIONER OVERSEY: Yeah.

16 COUNCIL MEMBER JACKSON: ...to you.

17 COMMISSIONER OVERSEY: Yeah.

18 COUNCIL MEMBER JACKSON: I asked you  
19 what are they saying to you about that particular  
20 matter. Not that what you don't know what they're  
21 going to say because I would assume that you'd know  
22 what they have been saying as a result of either  
23 what they've said to you directly or through  
24 feedback by, by your staff.

25 COMMISSIONER OVERSEY: Mm-hmm. Mm-hmm.

1  
2 COUNCIL MEMBER JACKSON: So I wanted to  
3 know... [interpose]

4 COMMISSIONER OVERSEY: I really...  
5 [interpose]

6 COUNCIL MEMBER JACKSON: ...from you  
7 [crosstalk] what were they saying? [crosstalk] Or  
8 the issue with it.

9 COMMISSIONER OVERSEY: [crosstalk] I  
10 haven't had any conversations with legal aid  
11 council and I'm also the general... [interpose]

12 COUNCIL MEMBER JACKSON: Not, not, not  
13 only legal aid.

14 COMMISSIONER OVERSEY: Okay.

15 COUNCIL MEMBER JACKSON: I'm talking  
16 about the homeless advocates.

17 COMMISSIONER OVERSEY: I haven't had any  
18 conversations with homeless advocates... [interpose]

19 COUNCIL MEMBER JACKSON: Okay.

20 COMMISSIONER OVERSEY: ...about the city's  
21 ability to project future... [interpose]

22 COUNCIL MEMBER JACKSON: Okay.

23 COMMISSIONER OVERSEY: ...shelter  
24 capacity.

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COMMITTEE ON CONTRACTS

COUNCIL MEMBER JACKSON: So, I guess I'm going to ask one more question...

COMMISSIONER OVERSEY: I...

COUNCIL MEMBER JACKSON: then I'm going to move [crosstalk]

COMMISSIONER OVERSEY: only hear from advocates when, I would only hear from advocates if we failed to find a shelter bed... [interpose]

COUNCIL MEMBER JACKSON: What is it... [interpose]

COMMISSIONER OVERSEY: ...for a client for the night.

COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: And believe me that hasn't happened on my watch and it hasn't happened since oh my gosh... [interpose]

COUNCIL MEMBER JACKSON: Okay...

COMMISSIONER OVERSEY: ...approximately 2005.

COUNCIL MEMBER JACKSON: Okay. That's good. That's good then.

COMMISSIONER OVERSEY: Before that even.

COUNCIL MEMBER JACKSON: So what is the, what is the average course to house an, an adult or

1  
2 adult family, or adult with children, the average  
3 doing emergency contract? What is the average  
4 course to house an adult, single adult... [interpose]

5 COMMISSIONER OVERSEY: Okay.

6 COUNCIL MEMBER JACKSON: ...adult family,  
7 and an adult... [interpose]

8 COMMISSIONER OVERSEY: Alright.

9 COUNCIL MEMBER JACKSON: ...with children?

10 COMMISSIONER OVERSEY: Okay.

11 COUNCIL MEMBER JACKSON: What is the  
12 average emergency of if you have that number and or  
13 the average of, of, I guess that's in shelters  
14 right now. And the reason why I raise that,...  
15 [interpose]

16 COMMISSIONER OVERSEY: Okay.

17 COUNCIL MEMBER JACKSON: ...the reason why  
18 I raise that question is because I've heard we've  
19 said that why don't we build more permanent low  
20 income housing. It would be a lot cheaper to do  
21 that than to house adult, homeless adult, adult  
22 singles or adult families or with children. It's  
23 cheaper to build permanent low income housing than  
24 to pay the, the cost that we're paying so...  
25 [interpose]

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COMMISSIONER OVERSEY: Okay. So let me...

[interpose]

COUNCIL MEMBER JACKSON: ...that's my question... [interpose]

COMMISSIONER OVERSEY: Okay.

COUNCIL MEMBER JACKSON: ...as far as how much does it cost?

COMMISSIONER OVERSEY: So let me tell you for, the average praedium rate which is the dollar amount... [interpose]

COUNCIL MEMBER JACKSON: Yeah.

COMMISSIONER OVERSEY: per night, per bed in the single adult system and is approximately \$77.59.

COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: For families with children there is a range.

COUNCIL MEMBER JACKSON: Okay.

COMMISSIONER OVERSEY: The, the highest is about oh wait here, I guess the average I'm sorry is about \$104 and it, it basically goes higher for example if it's what we call a tier two facility which is subject to state approval and the state approves an operating certificate and it's

1  
2 higher because you have to have recreation space  
3 and on, onsite space for other kinds of programs  
4 which makes the price go up.

5 COUNCIL MEMBER JACKSON: Okay.

6 COMMISSIONER OVERSEY: And then finally  
7 for adult families the average praedium is \$108 per  
8 family per night.

9 COUNCIL MEMBER JACKSON: Okay. Per  
10 night?

11 COMMISSIONER OVERSEY: Yes.

12 COUNCIL MEMBER JACKSON: Okay. Alright  
13 so...

14 COMMISSIONER OVERSEY: Oh right and, I,  
15 let me, you're absolutely right I... [interpose]

16 COUNCIL MEMBER JACKSON: Go ahead.

17 COMMISSIONER OVERSEY: ...I'm sorry I  
18 should point out that... [interpose]

19 COUNCIL MEMBER JACKSON: But that's why  
20 she's there to help you out.

21 COMMISSIONER OVERSEY: That is why she's  
22 there. I don't know what I'd do without her. All of  
23 these praedium rates include social services.

24 COUNCIL MEMBER JACKSON: Social  
25 services?

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COMMISSIONER OVERSEY: Yeah.

COUNCIL MEMBER JACKSON: Okay. Provided by Department of Homeless Services?

COMMISSIONER OVERSEY: No it's provided by the provider.

COUNCIL MEMBER JACKSON: The provider?

COMMISSIONER OVERSEY: In other words the, the, the... [interpose]

COUNCIL MEMBER JACKSON: [crosstalk] The nonprofit organization?

COMMISSIONER OVERSEY: [crosstalk] budget is backed into a rate.

COUNCIL MEMBER JACKSON: Okay. So, and I, are you communicating with either the mayor's office or OMB or whoever that in the long run it would be better to build the low income affordable housing for these families? Have you made that recommendation to the City of New York, the mayor, or whomever?

COMMISSIONER OVERSEY: I haven't personally made that recommendation... [interpose]

COUNCIL MEMBER JACKSON: What about as a commissioner?

1  
2                   COMMISSIONER OVERSEY: ...but I, yeah, but  
3 I, no. But I can tell you that for example the  
4 advantage rental subsidy my predecessor  
5 imparticular and I was on his executive staff at  
6 the time. We were all very upset as with city hall  
7 when the state pulled two thirds of the funding.

8                   COUNCIL MEMBER JACKSON: Sure, we were  
9 too.

10                  COMMISSIONER OVERSEY: Yeah, and you  
11 were too and maybe even some of you accompanied you  
12 know commissioner Diamond to Albany. Unfortunately  
13 the state made the decision for whatever you know  
14 fiscal reasons of their own and budgetary reasons  
15 that they weren't going to continue the program.

16                  COUNCIL MEMBER JACKSON: Okay.

17                  COMMISSIONER OVERSEY: So I think that  
18 if this administration, I, I don't think the, the,  
19 I can't comment on what their particular views are  
20 at city hall about any kind of rental subsidy going  
21 forward and what that should look like but I can  
22 say that I think that two things that we can't do  
23 it alone without state funding or federal  
24 government funding. It's just, it's just extremely  
25 expensive and very difficult to do especially if

1  
2 you're talking about a rental system subsidy that's  
3 several years out. Advantage was two years. And the  
4 other problem is, well not a problem but, but what  
5 we are very focused on and what this administration  
6 has focused on since the very beginning is to  
7 prevent shelter to the greatest extent possible.  
8 And I don't know if you're familiar with our home  
9 based prevention program but we, we strongly  
10 believe that that program should be expanded to the  
11 great extent possible and here again we would need,  
12 we would need funding from our state and federal  
13 partners to do it. Because as a result of a two  
14 year study that was completed in recent months the,  
15 the study demonstrated that it, for those who  
16 received the home based intervention it cut shelter  
17 applications in half and I think that's its very  
18 significant finding and I think that whether we go  
19 with a rental assistance or not we should  
20 definitely expand our prevention to  
21 Edwards[phonetic].

22 COUNCIL MEMBER JACKSON: Thank you  
23 commissioner. Thank you madam chair.

24 CHAIRPERSON MEALY: Thank you. I have  
25 one other question. Has anyone in the

1  
2 administration of OMB or MOCKS or anyone else other  
3 than the controller has raised any questions or  
4 concerns about the use these procurement procedures  
5 that you do with emergency?

6 COMMISSIONER OVERSEY: Well... just so you  
7 understand the mayor's office of contracts is not  
8 involved in approving or even consulting with us on  
9 whether we should pursue an emergency declaration  
10 through the controller and the law department. It's  
11 really the controller and the law department. So  
12 they are not involved in it. And with respect to  
13 the mayor's office of contracts, no they're not  
14 involved in it except to the extent that they tell  
15 us yes you have money in your budget or we will  
16 give you money in your budget to open a new  
17 shelter. So they're not involved in, in, oh did I  
18 say, what did I say?

19 [off mic comments]

20 COMMISSIONER OVERSEY: Oh and I was  
21 talking about OMB just now. They are not involved  
22 in, in the emergency... [interpose]

23 CHAIRPERSON MEALY: At all?

24 COMMISSIONER OVERSEY: No they are not,  
25 they're not.

1  
2 CHAIRPERSON MEALY: So no, no other  
3 agency have even questioned about this procedure?  
4 That it can be... [interpose]

5 COMMISSIONER OVERSEY: Well under the,  
6 under the, under the PBB rules it specifically says  
7 that you have seek approval from the controller and  
8 the law department and that's what we did.

9 CHAIRPERSON MEALY: It's not review  
10 isn't it just a oversight? They only have  
11 oversight.

12 COMMISSIONER OVERSEY: Well they  
13 actually, we, we have to convince them that it's  
14 warranted under the definition of emergency  
15 conditions in the PBB rules.

16 CHAIRPERSON MEALY: Okay my colleague  
17 have a question. Rubin Wills.

18 COUNCIL MEMBER WILLS: Good afternoon  
19 commissioner. I have to leave so I just wanted to  
20 come by. I'm not in the habit of asking questions  
21 that are not germane to the exact committee hearing  
22 but I think the door was open when I walked in. I'm  
23 not sure if I heard correctly but was a statement  
24 made before I came in that, that the shelters in  
25

1  
2 Queens are in individual houses or they're not big  
3 buildings because of that?

4 COMMISSIONER OVERSEY: No, no, no. I  
5 said, I said that... [interpose]

6 COUNCIL MEMBER WILLIS: It's more.

7 COMMISSIONER OVERSEY: I said that one  
8 of the reasons that I'm surmising that one of the  
9 reasons landlords or providers do not bring  
10 buildings to us in Queens is because there's a,  
11 there is less of a number of buildings that are  
12 conducive to use as shelters because the, the  
13 physical conditions in shelters have to comply with  
14 state and local regulations and... [interpose]

15 COUNCIL MEMBER WILLIS: Oh okay cause I  
16 didn't know... [interpose]

17 COMMISSIONER OVERSEY: and, and, and,  
18 and, and, and it... [interpose]

19 CHAIRPERSON MEALY: Single houses in...  
20 [interpose]

21 COMMISSIONER OVERSEY: ...to the extent  
22 that there are a lot of single and two family  
23 homes. That really would not... [interpose]

24 COUNCIL MEMBER WILLIS: But...  
25

1  
2 COMMISSIONER OVERSEY: ...be conducive to  
3 that.

4 COUNCIL MEMBER WILLS: But does that,  
5 would that actually speak to why, because most of  
6 Queens is basically the same makeup. Would that  
7 speak to why there are 68 percent of the borough  
8 shelters on one community board, community board  
9 12? If the makeup of the Queens is basically the  
10 same, why is it so many shelters in one community  
11 board? 68 percent not including the Carlton house  
12 which was the second largest shelter.

13 COMMISSIONER OVERSEY: Well I would say  
14 for two reasons. But the primary reason is that  
15 those are where the buildings come from that are  
16 brought to us by landlords and providers. That,  
17 that, that's the short answer.

18 COUNCIL MEMBER WILLS: Okay I don't  
19 think that's what it is. I really think that, and  
20 not you, you just became commissioner so don't take  
21 it personally... [interpose]

22 COMMISSIONER OVERSEY: Okay.

23 COUNCIL MEMBER WILLS: ...but I really  
24 believe that your commission, your agency beyond  
25 maybe DOE and I might just put you on parallel with

1  
2 DOE two of the most arrogant when dealing with  
3 minority communities in the city. Your placements  
4 and your presentations and community input; I mean  
5 I wouldn't know, I think the word I'm looking for  
6 sucks really. I'm sorry Lisa it really does.

7 COMMISSIONER OVERSEY: Hey you know  
8 commissioner you, that community board also gives  
9 us the most families from all of Queens come from  
10 that one particular district.

11 COUNCIL MEMBER WILLS: That's, that's  
12 fine but that does not mean... [interpose]

13 COMMISSIONER OVERSEY: So we want to  
14 keep them where there support service is.

15 COUNCIL MEMBER WILLS: Well wait a  
16 minute. That does not mean that we have the most  
17 sexual predators in the borough. It does not mean  
18 that if you give us the most shelters you should  
19 not be giving us the most residual contracts from  
20 shelters. Why is it that DHS's policy is not that  
21 if you have a provider... [interpose]

22 COMMISSIONER OVERSEY: Mm-hmm.

23 COUNCIL MEMBER WILLS: ...that is in the  
24 system... [interpose]

25 COMMISSIONER OVERSEY: Mm-hmm.

1  
2 COUNCIL MEMBER WILLS: ...or in a area  
3 that provider is required to reach out to community  
4 based organizations or houses of worship or not for  
5 profits that can join in... [interpose]

6 COMMISSIONER OVERSEY: Mm-hmm.

7 COUNCIL MEMBER WILLS: Those areas that  
8 you put these shelters traditionally have the  
9 highest unemployment rates right?

10 COMMISSIONER OVERSEY: Mm-hmm.

11 COUNCIL MEMBER WILLS: So don't you  
12 think that if you put millions of dollars into  
13 these providers and they have millions of dollars  
14 of residual contracts such as security,  
15 transportation, linen services, anything like that  
16 the communities around it should share in that  
17 also?

18 ASSISTANT COMMISSIONER BLACK: If we had  
19 the ability to share a location like we do with the  
20 Park slope armory for instance. I know Brad speaks  
21 about it very highly. We do have a shelter there  
22 where we house 70 mentally ill women and then we  
23 have the separate YMCA space. So we, to that extent  
24 that we can do things like that. We are looking to  
25 do that. We're also looking to do that in Brooklyn

1  
2 at the Bed-Atlantic Armory. So these are RFPs that  
3 have been on the street and we are looking to bring  
4 in some recreation partners, somebody to bring the  
5 community in.

6 COUNCIL MEMBER WILLS: How are, how are  
7 you looking to bring that in? My office has not  
8 been contacted at all about that.

9 ASSISTANT COMMISSIONER BLACK: Do you  
10 have an armory that we can utilize?

11 COUNCIL MEMBER WILLS: No but you, we  
12 have plenty of hotels that you are utilizing. So  
13 why is that... [interpose]

14 ASSISTANT COMMISSIONER BLACK: Hotels...  
15 [interpose]

16 COUNCIL MEMBER WILLS: ...not being put  
17 in... [interpose]

18 ASSISTANT COMMISSIONER BLACK: ...don't  
19 lend... [interpose]

20 COUNCIL MEMBER WILLS: You're using  
21 skyway.

22 ASSISTANT COMMISSIONER BLACK: Correct.

23 COUNCIL MEMBER WILLS: You, and the  
24 basics... [interpose]

25 ASSISTANT COMMISSIONER BLACK: Correct.

1  
2 COUNCIL MEMBER WILLIS: I'm sorry what is  
3 the new name for basics?

4 ASSISTANT COMMISSIONER BLACK:  
5 [inaudible 01:15:20]

6 COMMISSIONER OVERSEY: [inaudible  
7 01:15:20]

8 COUNCIL MEMBER WILLIS: Okay, I can't,  
9 but whatever. They have, they have substantial  
10 amount of contracts that could be, that could  
11 partnered with the community in defusing some of  
12 the negative... [interpose]

13 ASSISTANT COMMISSIONER BLACK: Mm-hmm.

14 COUNCIL MEMBER WILLIS: ...that we have.  
15 And it's not just that. If, I mean the amount of  
16 the shelters we have, I'm sure the contracts would  
17 be significant enough to mitigate some of the  
18 negative impacts. And I said in the beginning don't  
19 take it personal. You've been great.

20 ASSISTANT COMMISSIONER BLACK: You have  
21 one shelter and I'm there all the time.

22 COUNCIL MEMBER WILLIS: The  
23 commissioner's new and you have, we have one  
24 shelter that you always have to come back to and  
25 the reason for that is because of all of the sexual

1  
2 offenders that are in that shelter down a block  
3 from a school. [interpose]

4 ASSISTANT COMMISSIONER BLACK: We do  
5 have to house them as well.

6 COUNCIL MEMBER WILLS: And that goes  
7 back to my presentation with the arrogance. You  
8 know, that was a family shelter and I know you  
9 brought up Nimby. Southeast Queens is not a Nimby  
10 community. It's just that we're tired of  
11 shouldering most of the burden of something and not  
12 getting anything else. And I don't just say that to  
13 you. I say it to the mayor. I say it to the  
14 commissioner of DYCD and everyone else. If we get  
15 68 percent of your negative right, then we should  
16 get 68 percent of the positive. We don't get 68  
17 percent of your OST. We don't get 68 percent of  
18 anything else in this city that has anything that  
19 can enrich our communities. And that's what, not  
20 just my community but a lot of communities around  
21 the city are tired of it, fed up with it. You know  
22 the shelter sightings. The state has binded your  
23 hand. We understand that.

24 COMMISSIONER OVERSEY: Mm-hmm.  
25

1  
2 COUNCIL MEMBER WILLS: But it tells you  
3 that you have to shelter people but it does not  
4 tell you that you have to put the shelters in one  
5 specific community. It does not say that and I  
6 think that we should look for, if you're not going  
7 to give us the resources that come along with the  
8 negative impact then you should take a fair share  
9 and give it to everyone. And I say that about  
10 colocations and everything else that I disagree  
11 with. Again don't take it personal. You, you have  
12 it. So I'm not going to have to address you. But a  
13 couple of the questions that I did have about some  
14 of this stuff. In 2011, I believe it was 2011, you  
15 changed the eligibility requirements to get into  
16 shelter. I remember when the council had to sue you  
17 guys.

18 ASSISTANT COMMISSIONER BLACK: The  
19 single... [interpose]

20 COMMISSIONER OVERSEY: Oh... [interpose]

21 COUNCIL MEMBER WILLS: Right.

22 COMMISSIONER OVERSEY: ...you're talking  
23 about the single, well we... [interpose]

24 COUNCIL MEMBER WILLS: Yes.  
25

1  
2 COMMISSIONER OVERSEY: ...we attempted to...  
3 [interpose]

4 COUNCIL MEMBER WILLS: Right.

5 COMMISSIONER OVERSEY: ...and then the...  
6 [interpose]

7 COUNCIL MEMBER WILLS: I know.

8 COMMISSIONER OVERSEY: ...what happened  
9 was it, it went to court because the city council  
10 and, and the legal aid joined in the lawsuit.  
11 Alleged that we, if we wanted to do it, we were  
12 creating a new rule which was a rule within the  
13 meaning of the city's administrative procedure act.  
14 And so what happened was we felt the decision was  
15 wrong and we appealed and in early October it was  
16 argued before the State's highest court, court of  
17 appeals and it's pending decision. And so we have  
18 not, we have not imposed, because we cannot, we  
19 have imposed any eligibility process in the single  
20 adult system.

21 COUNCIL MEMBER WILLS: Okay now your...  
22 the policy's at DHS has implemented whether they're  
23 official policies or not. Some of them are a little  
24 ridiculous and it seems like there's no cooperation  
25 with other agencies. Well NYCHA is an authority

1  
2 right. We have one case in my office where there  
3 was a family and some people were living in a NYCHA  
4 complex in an apartment and they went to PATH and  
5 they told them that there's space because there's a  
6 tub. Literally. He can, Lisa we didn't give you  
7 that one because we know we... [interpose]

8 ASSISTANT COMMISSIONER BLACK: Cause it  
9 sounds... [interpose]

10 COUNCIL MEMBER WILLS: ...give you so much  
11 but... [interpose]

12 ASSISTANT COMMISSIONER BLACK: ...like it...  
13 [interpose]

14 COUNCIL MEMBER WILLS: ...but... [interpose]

15 ASSISTANT COMMISSIONER BLACK: ...you know  
16 yeah... [interpose]

17 COUNCIL MEMBER WILLS: I'm telling  
18 literally they were told this. And they said that  
19 they were told this by the higher ups in DHS but in  
20 the shelter they were told that that you that there  
21 is space. I recently had some people who had  
22 domestic violence allegations. That was cleared but  
23 things that don't rise to that level there seems  
24 like there's no end to agency contact that would  
25 say no it's against NYCHA's rules to have eight

1  
2 people in an apartment but DHS says you do have  
3 room because you have a certain amount of  
4 apartments or a certain amount of rooms so you can  
5 stay there. Even if there not on the lease DHS has  
6 told people that you can stay in NYCHA because that  
7 was the last apartment or residence that you had.

8 COMMISSIONER OVERSEY: Okay.

9 COUNCIL MEMBER WILLIS: So it seems like  
10 there's a [crosstalk] [interpose]

11 COMMISSIONER OVERSEY: All I can say is,  
12 is that if anyone at DHS said that the family could  
13 return to a place where one of them, where the only  
14 place they could sleep was in a bathtub and they  
15 had no other available housing to go to I would  
16 like to know that.

17 COUNCIL MEMBER WILLIS: I will produce...  
18 [interpose]

19 COMMISSIONER OVERSEY: Because that's  
20 obviously... [interpose]

21 COUNCIL MEMBER WILLIS: ...the family for  
22 you.

23 COMMISSIONER OVERSEY: That... [interpose]

24 COUNCIL MEMBER WILLIS: Before you leave...  
25 [interpose]

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COMMISSIONER OVERSEY: That's fine.

COUNCIL MEMBER WILLS: ...we will produce  
it for you.

COMMISSIONER OVERSEY: But that's fine  
and I'd like to know who at DHS told them that and  
rendered that decision because it's obviously wrong  
and it'll be overruled. It's ridiculous.

COUNCIL MEMBER WILLS: Okay. Madam chair  
I have to leave.

CHAIRPERSON MEALY: I'll see you Sunday.

COUNCIL MEMBER WILLS: Yes you'll see us  
Sunday. See we do have a good cooperation with DHS.  
I be saying at one point... [interpose]

COMMISSIONER OVERSEY: [off mic] Oh this  
is...

COUNCIL MEMBER WILLS: ...of yeah. This,  
oh that's him yeah. This is...

[laughing]

COUNCIL MEMBER WILLS: ...on that one  
point of the presentation, the community input, and  
the sightings. There's real problems with the way  
DHS has handled minority communities and I'm hoping  
that going forward we can find, oh the public  
advocate is here, going forward we can, we can have

1  
2 some real dialogue on how to change that. Thank  
3 you.

4 COMMISSIONER OVERSEY: You're welcome.

5 CHAIRPERSON MEALY: Thank you. Thank you  
6 Ruben and we been joined by elect public advocate  
7 Letitia James. She's a part of this committee. I  
8 have another question. After seeking emergency  
9 procurement what, if any, adjustments do you make  
10 to your projections and contracting plans so that  
11 you would not have to again resort into emergency  
12 declarations?

13 COMMISSIONER OVERSEY: Well we obviously  
14 project forward much higher than once before so  
15 that we don't have to seek another emergency  
16 declaration and hopefully there won't be any  
17 unforeseen events that arise.

18 CHAIRPERSON MEALY: We hope but.

19 COMMISSIONER OVERSEY: I mean one thing  
20 we did do, I'm, just reminded me about that, is  
21 that when we, when we sought number of beds from  
22 the controller in each emergency declaration we  
23 explained in our letters that copies of which I  
24 think you have that we were including in the number  
25 of beds or the number of units per families a five

1  
2 percent capacity cushion which is a sort, a sort of  
3 the standard in the business. And that's why you'll  
4 see that although for example with single adults I  
5 think one emergency declaration we asked for 1200  
6 beds and we actually opened over the, through I  
7 think three or four contracts, we opened  
8 approximately 700 and, and it. We'll see also with  
9 families with children we ended up opening less  
10 than we actually needed.

11 CHAIRPERSON MEALY: Okay. Thank, could  
12 you describe DH efforts to, if any, to reduce the  
13 emergency procurement?

14 COMMISSIONER OVERSEY: Well I think you  
15 know using the capacity cushion..

16 CHAIRPERSON MEALY: Since we need to  
17 talk about planning.

18 COMMISSIONER OVERSEY: Right. Using the  
19 capacity cushion but also you know now we basically  
20 don't rely on certain historical trends that were  
21 in place for many many years. And with that I'm  
22 talking about the, the single adult shelter system.  
23 I mean in, until 2012 we still continued to see a  
24 drop in the census, in the warmer months and a

25

1  
2 precipitous increase as you head into the fall and  
3 winter months.

4 CHAIRPERSON MEALY: But in your  
5 statement didn't you say it's kind of changed...  
6 [interpose]

7 COMMISSIONER OVERSEY: It has.

8 CHAIRPERSON MEALY: ...during the summer?

9 COMMISSIONER OVERSEY: It has and so  
10 when... [interpose]

11 CHAIRPERSON MEALY: Do you?

12 COMMISSIONER OVERSEY: ...doing our  
13 projections we don't, we don't project a low, we  
14 don't project any decrease over the spring and  
15 summer months.

16 CHAIRPERSON MEALY: Okay then. Do  
17 anyone else have any questions?

18 COUNCIL MEMBER JAMES: Yes.

19 CHAIRPERSON MEALY: I'm let Letitia  
20 James have a question.

21 COUNCIL MEMBER JAMES: Hi Good after, oh  
22 good afternoon. Communities that oversaturated with  
23 shelters what, if anything, can be done to  
24 alleviate the burdens on certain areas? A number of  
25 community boards has issued resolutions to what

1  
2 extent do you take into consideration the fair  
3 share doctrine?

4           COMMISSIONER OVERSEY: Well we, we are  
5 obligated by law to, to do a fair share analysis.  
6 Just so everyone understands, we start that  
7 analysis from the moment that a particular building  
8 in a particular location is brought to us. And so  
9 even though we don't put our fair share analysis  
10 until a later point in the procurement process  
11 we're always thinking about at our weekly capacity  
12 meetings if a new building is brought to us we  
13 consider where it is. We consider what shelter  
14 facilities and other community type facilities are  
15 within across the street, are within an 800 foot  
16 radius, a half a mile radius. We consider how many  
17 other shelters are in the hall community district  
18 as compared to others and we look at other criteria  
19 such as whether the particular sight will have a  
20 negative impact on the neighborhood and the feel of  
21 the neighborhood and I, they're about I don't know  
22 20 fair share criteria that are set forth in the  
23 rules of the city planning commission that we have  
24 to apply. And I can tell you that we, we, we are  
25 doing that all the time. And, and to the extent

1  
2 that you believe that your community districts are  
3 saturated or have too many shelters and others do  
4 not a lot of it, we're doing the best we can but we  
5 are limited by what buildings are brought to us,  
6 what buildings landlords are building owners want  
7 to provide to us for use as shelter and...

8 [interpose]

9 COUNCIL MEMBER JAMES: So let me..

10 [interpose]

11 COMMISSIONER OVERSEY: ...we do the best  
12 we can to make it as fair as possible to every  
13 community [crosstalk]

14 COUNCIL MEMBER JAMES: So let me  
15 understand this. So landlords come to Department of  
16 Homeless Services and [crosstalk]

17 COMMISSIONER OVERSEY: And providers.

18 COUNCIL MEMBER JAMES: ...offer their  
19 build, and providers and offer their buildings?

20 COMMISSIONER OVERSEY: And sometimes  
21 they come together yes.

22 COUNCIL MEMBER JAMES: And, and if  
23 they're all concentrated in one particular area.  
24 For instance I was recently at a subway station in  
25 the junction in Brooklyn and literally within a

1  
2 twenty minute period, about 15 individuals who said  
3 that they lived in the homeless shelters and who  
4 were in close proximity to the subway junction  
5 approached me with panhandling.

6 COMMISSIONER OVERSEY: Mm-hmm.

7 COUNCIL MEMBER JAMES: 15.

8 COMMISSIONER OVERSEY: Mm-hmm.

9 COUNCIL MEMBER JAMES: And I was only  
10 there 20 minutes. And then someone pointed out one  
11 individual who was going to work said there's at  
12 least nine of them across from this junction and  
13 they're all concentrated and I guess that's East  
14 New York.

15 ASSISTANT COMMISSIONER BLACK: We do have  
16 a concentration of shelters where the need is.  
17 Those are the, the communities that feed us the  
18 most individuals into the shelter system.

19 COUNCIL MEMBER JAMES: So, so what  
20 you're saying is that the East New York feeds a  
21 significant number of residents into, up into the  
22 housing, emergency housing... [interpose]

23 ASSISTANT COMMISSIONER BLACK: We have  
24 an obligation to keep children in their school  
25 district too.

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COUNCIL MEMBER JAMES: Okay.

ASSISTANT COMMISSIONER BLACK: So they, East New York, it happens to be one of the, it happens to be the... [interpose]

COUNCIL MEMBER JAMES: Do you have a legal obligation?

ASSISTANT COMMISSIONER BLACK: It's not a legal obligation.

[crosstalk]

COMMISSIONER OVERSEY: Well, well there is, there is a provision of the McKinney-Vento Act that requires us to attempt to keep homeless children in shelters that are closes to their school.

COUNCIL MEMBER JAMES: Okay and so, you know you know what I understand that and I recognize that. What, what services are offered at these shelters because a significant number of people were panhandling. Do children get assistance with their homework? Do we provide childcare? Do we provide wrap around services to these residents?

COMMISSIONER OVERSEY: Well in, in shelters with families for children they do get social services. The social services are geared,

1 this is a short term emergency shelter. That's what  
2 it is intended to be and the, the goal is to help  
3 the family access financial benefits or employment  
4 so that, or both, so that they can have the  
5 financial wherewithal to pay rent in the community.  
6 We also try to link them to any benefits they would  
7 be eligible for. For example we now have an  
8 enhanced, what we call enhanced one shot deal which  
9 is several months' rent plus security deposit which  
10 is more generous than the typical enhanced one shot  
11 for families in our system who are in shelter  
12 because they were evicted under a court proceeding.  
13 Many of them are eligible for a, the FYPs, five  
14 year subsidy, rental subsidy. We help them look for  
15 apartments, locate apartments. We hold housing  
16 fairs with brokers. On some, in some of our sights  
17 we hold employment fairs, job fairs, and our  
18 providers most, most, almost all of them are not  
19 for profit...

21 COUNCIL MEMBER JAMES: Do you keep stats  
22 on how many people you get permanent housing for?

23 COMMISSIONER OVERSEY: Oh yeah.

24 COUNCIL MEMBER JAMES: So there's data  
25 on that.

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COMMISSIONER OVERSEY: Oh yes.

COUNCIL MEMBER JAMES: Okay, I would like to see that data if at all possible. Two and I would like to see how many, do you refer them to three quarter houses?

ASSISTANT COMMISSIONER BLACK: We're not allowed.

COMMISSIONER OVERSEY: Well... [interpose]

COUNCIL MEMBER JAMES: I know you're not allowed but it happens.

COMMISSIONER OVERSEY: ...no. I mean we a, well for, we have a, a rule, it's a rule the City of New York which basically is geared to prohibiting referral of single adults to three quarter houses because that's usually the population that would go there because most of it is rooms, single rooms that are shared by one or more men and under the rule past several years ago by the city council and all the providers know it. They are not allowed to refer any single adult to any housing that has certain DOB or HPD...

[interpose]

COUNCIL MEMBER JAMES: Violations.

1  
2                   COMMISSIONER OVERSEY: ...violations. And  
3 the violations are actually specified in the rule.

4                   COUNCIL MEMBER JAMES: Yep. And do we  
5 still utilize the motels in the City of New York a  
6 hotels and if so how many?

7                   COMMISSIONER OVERSEY: We have, I would  
8 say in our family with children system, we have  
9 approximately a third who are living in what you  
10 would call hotels. But under the local law that was  
11 passed in the early 90s every unit that a family is  
12 in has to have its own bathroom and its own cooking  
13 facility. With adult families who are adults  
14 without minor children under state law and, and  
15 there's no local law prohibiting this, they are  
16 required to have their own unit or room, private  
17 door but typically the, the bathroom facilities and  
18 the, is, is outside of the unit in the hallway.

19                   COUNCIL MEMBER JAMES: And I know...  
20 [interpose]

21                   COMMISSIONER OVERSEY: And they're, and  
22 they're, and they're primarily housed in what you  
23 would consider hotels.

24                   COUNCIL MEMBER JAMES: And since you  
25 say... [interpose]

1  
2 COMMISSIONER OVERSEY: They don't  
3 function as commercial hotels.

4 COUNCIL MEMBER JAMES: Right.

5 COMMISSIONER OVERSEY: But historically  
6 they were hotels.

7 COUNCIL MEMBER LETITA: And since the  
8 advantage program is no more to what extent has  
9 that had an impact on the homeless population?

10 COMMISSIONER OVERSEY: Well, essentially  
11 what happened after the city was no longer under a  
12 court order to continue paying the subsidy for  
13 those who had not timed out of the two year...  
14 [interpose]

15 COUNCIL MEMBER LETITA: Right.

16 COMMISSIONER OVERSEY: ...program, we  
17 began to see a significant drop in applications  
18 among new entrants to the family with children  
19 system. And we still, and today for example, and  
20 it's been continuing since then the, the, the, the  
21 number of families applying for shelter is oh I  
22 don't know it's ranges between 10 and fourteen  
23 percent less than when advantage was at its peak.  
24 But what we are saying and what has caused the,  
25 what it dominantly is causing the census to

1  
2 increase to the extent it has is that the length of  
3 stay of families has increased significantly.

4 COUNCIL MEMBER JAMES: And do you  
5 anticipate issuing any more emergency... [interpose]

6 COMMISSIONER OVERSEY: And they're more,  
7 and they're more families who are repeat shelter  
8 entrants than there were before.

9 COUNCIL MEMBER JAMES: And is there any  
10 coordination with any other city agencies to try to  
11 alleviate their condition, their, you know, their  
12 homeless... [interpose]

13 COMMISSIONER OVERSEY: Yeah, well we,  
14 you know... [interpose]

15 COUNCIL MEMBER JAMES: ...condition and  
16 poverty.

17 COMMISSIONER OVERSEY: ...we are very  
18 strong partners with HRA. They have been very  
19 helpful to us in helping families who are eligible  
20 for FYPs enter that, enter, become eligible for  
21 their, that pretty generous, I guess it's the most  
22 generous rent subsidy we have right now. They  
23 helped us tremendously in moving that along and  
24 expediting that process. They have provided us with  
25 access to the enhanced one shot and expedited that

1  
2 process for families who are eligible. Also on the  
3 single adult side the primary exit strategy for  
4 them is supportive housing and even during  
5 advantage it was a minority of minority, very low  
6 number of single adults who are eligible for  
7 advantage. So what that meant that it, I would say,  
8 and there, in the past two years, we have made  
9 tremendous progress working with our providers and  
10 also our providers who provide supportive housing  
11 to expedite the process for getting in, in to  
12 supportive housing.

13 COUNCIL MEMBER JAMES: And individuals  
14 who are living, living with some sort of mental  
15 challenges is they're services to assist those  
16 individuals until... [interpose]

17 COMMISSIONER OVERSEY: Yeah and, and,  
18 and the way it works in single adult shelter system  
19 is that you come into the intake center. You are  
20 transported to what we call an assessment shelter  
21 and there single adults go through a, I guess you  
22 would call it a diagnostic process for up to. It  
23 could, it could go up to 21 days where their mental  
24 health and physical health and economic needs and  
25 whatnot are assessed. And for those who do not

1  
2 suffer from mental illness do not have significant  
3 physical issues. They are, they are essentially  
4 assigned to program shelters for those who are  
5 employed or who have worked in the past and they're  
6 unemployable. For those who are mentally ill or  
7 chemically addicted we have shelters that providers  
8 run specifically for that population and many of  
9 those shelters have clinics on sight either  
10 psychiatric nurses every day or they, they, and or  
11 they have psychiatrists come in to the shelter  
12 several days a week to see clients.

13 COUNCIL MEMBER JAMES: So I don't want  
14 to you know just focus on the issues in my district  
15 but I know that at 200 Tillary in Fort Greene that  
16 program is there contract is about to expire and I  
17 believe we've communicated with your office, my  
18 opposition to renew your contract because of the  
19 conditions and clearly it is a result of seeing so  
20 many women who panhandle underneath the BQE.

21 COMMISSIONER OVERSEY: Mm-hmm. Mm-hmm no  
22 I understand.

23 COUNCIL MEMBER JAMES: I'm like, and I  
24 was promised all of these services when they first  
25 moved in and unfortunately it's not panned out at

1  
2 all. And all that I see is women with a number of  
3 challenges under the BQE panhandling and it's just  
4 clearly unacceptable because it's across the street  
5 from public housing and as I've indicated in the  
6 letter; I strongly oppose the renewal of that  
7 contract until such time as I see improvements in  
8 the conditions. And let me just also say that the  
9 commanding officer of the precinct has reached out  
10 to me because the number one call... [interpose]

11 COMMISSIONER OVERSEY: I know.

12 COUNCIL MEMBER JAMES: ...to the 88<sup>th</sup>  
13 precinct is to that homeless shelter.

14 COMMISSIONER OVERSEY: Yeah, and I've  
15 read your letter. I take it very seriously. I am  
16 talking to our deputy commissioner for adult  
17 services and other program people and the adult  
18 services to consider what we're going to do about  
19 this situation in terms of the contract.

20 COUNCIL MEMBER JAMES: And I...

21 [interpose]

22 COMMISSIONER OVERSEY: But I know, I'm  
23 aware of the issues that you raised.

24 COUNCIL MEMBER JAMES: And so I know you  
25 know the Bloomberg Administration is coming to a

1  
2 close and I would hope that at some point in time  
3 we would alleviate not only poverty but also  
4 homelessness in the City of New York by building  
5 models where we have a more integrated society  
6 where in addition to building affordable housing  
7 and moderate income and middle income housing would  
8 build some supportive housing and they would be a  
9 set aside particularly for homeless individuals. I  
10 just came from a ribbon cutting in my district Navy  
11 Green where we're doing high rate, high income,  
12 middle income, low income, and supportive housing  
13 and the community supported that because it  
14 reflected the need in the City of New York. That's  
15 the model going forward. It was a development which  
16 as you know I held a charette where the community  
17 came together and they planned it and it really  
18 reflected the needs of everyone in the City of New  
19 York and we, it avoided any conflict with  
20 individuals who sometimes do not want things in  
21 their backyard.

22 COMMISSIONER OVERSEY: Mm-hmm.

23 COUNCIL MEMBER JAMES: So I hope that is  
24 the model going forward with the next  
25 administration. I know hopefully once we get past

1  
2 Tuesday if I'm so blessed as to become the next  
3 Public Advocate that that will be the model that I  
4 will advocate in the city, for the City of New York  
5 going forward. And thank you for this opportunity.

6 COMMISSIONER OVERSEY: You're very  
7 welcome. I, I, I think it's an excellent model and  
8 I hope that the new administration that they can  
9 achieve it to the greatest extent possible. Thank  
10 you.

11 CHAIRPERSON MEALY: Thank you we've been  
12 joined by our borough president elect Gale Brewer  
13 and city council member Gale Brewer do you have any  
14 questions before we close?

15 COUNCIL MEMBER BREWER: I'm sorry. I  
16 know you're closing and I'm sorry. I was next door  
17 and then I was at HVD dealing with section eight  
18 and you know all these issues. The only question I  
19 have is yesterday we were at a really excellent and  
20 I think you had staff there metric/data conference  
21 that New York University did. It was really...  
22 [interpose]

23 COMMISSIONER OVERSEY: I heard of it.

24 COUNCIL MEMBER BREWER: the City of New  
25 York... [interpose]

1  
2                   COMMISSIONER OVERSEY: ...unfortunately I  
3 was unable to go.

4                   COUNCIL MEMBER BREWER: ...should be very  
5 proud.

6                   COMMISSIONER OVERSEY: Yeah.

7                   COUNCIL MEMBER BREWER: City of New York  
8 should be very proud. It was well done and lots of  
9 good ideas so I... My quick question, I know you  
10 mentioned this but how do you use some of that  
11 information, the metrics that come out of it or  
12 ways, other ways either to plan using our open data  
13 site or just in general in terms of planning. How  
14 would you, how do you foresee using some of that  
15 kind of information to plan for. Either how many  
16 people are going to be homeless or how many people  
17 between the families and the singles... I mean how,  
18 how do you use that data is my question. Because I  
19 know the other night we all love Lisa Black, she's,  
20 it's become a mantra but it is true. She mentioned  
21 that there adults there were just three beds that  
22 night as an example so it wasn't... [crosstalk]I know  
23 it's a broad question.

24

25

1  
2 COMMISSIONER OVERSEY: We're adult  
3 families, we're adult families, unfortunately that  
4 was the case yea.

5 COUNCIL MEMBER BREWER: [crosstalk] But  
6 how would you just generally how do you use that  
7 data.

8 COMMISSIONER OVERSEY: Well I think in,  
9 in terms of trying to achieve the, the housing  
10 model that council member James was, was just  
11 discussing or in terms of considering whether some  
12 form of rental subsidy should be reinstated.

13 COUNCIL MEMBER BREWER: Exactly.

14 COMMISSIONER OVERSEY: I think what's  
15 needed is that there has to be a continuous  
16 collaboration among various agencies that deal not  
17 only with homeless individuals but also with  
18 building housing in New York City and I think that  
19 they're also has to be a collaboration with city  
20 and state agencies who are discharging to the  
21 shelter system.

22 COUNCIL MEMBER BREWER: At correction...  
23 [interpose]

24 COMMISSIONER OVERSEY: Many, many, many  
25 clients and that's not to say that we don't want to

1  
2 care for those who come out of prison who have  
3 nowhere else to go. But I do think there has to be  
4 more collaborative discharge planning at various  
5 agency's level. It cannot be a, I hate to use this  
6 word, but it can't be a, the shelter system cannot  
7 be a dumping ground for those who come out other  
8 social services systems and I include that ACS too  
9 because we get quite a number of young people who  
10 are aging out of the foster care system and have  
11 nowhere to go. So I think there has to be really,  
12 and, and I think it's collaboration that has to be  
13 thoughtful and I think it should include what not  
14 only of what elected officials think such as  
15 yourselves but I think it should include what  
16 social service providers think and it should  
17 include experts who study who, what the shelter  
18 census is going to look like in a number of years.  
19 You really need a collaboration, an effective  
20 collaboration. And before you rush into any kind of  
21 programs and you can't do it without doing it as my  
22 father always used to say and it's, it's just sheer  
23 hard work because these are very complex social  
24 issues to try to solve but I, I, believe that there  
25 are many, many wonderful people certainly at our

1  
2 agency and other city agencies that I've had the  
3 privilege to work with and I think that it can be  
4 done but it takes a lot of hard work and a lot of  
5 collaboration, and a lot of persistence as it's not  
6 going to be easy.

7 COUNCIL MEMBER BREWER: I certainly  
8 concur and agree and I thank you very much. And  
9 that was sort of what came out of the conference  
10 was the numbers are quite siloed unless you do  
11 bring them together unless you do bring them  
12 together and that's what that conference tried to  
13 show and I hope that we continue to a, say c,  
14 follow your advice but also have some of those  
15 numbers drive what we want because it, it's very  
16 much there and I also... I do know we have a  
17 particular shelter on the West Side that's in the  
18 papers today and has a lot of discussion and you  
19 know we see the, the clients, the guests, the folks  
20 there all the time in our office and I think you  
21 know that. And the fact of the matter is many of  
22 them could easily be in, in a permanent home if  
23 they had some rental hours. And that's what we're  
24 all trying to find is that permanent housing. So we  
25

1  
2 absolutely have to get there but thank you very  
3 much madam chair.

4 CHAIRPERSON MEALY: Thank you and our  
5 last question do you have... [crosstalk]

6 COUNCIL MEMBER MARK-VIVERITO: Oh I have  
7 a question. Do you think they will ever put back  
8 the advantage program? That was good... It helped.

9 COMMISSIONER OVERSEY: I, well, I, I,  
10 it's not going to come back and I don't mean to be  
11 facetious but it's not going to come back in this  
12 administration but I do believe very strongly that  
13 to the extent you want to put a rental subsidy in  
14 place why... [crosstalk]

15 COUNCIL MEMBER MARK-VIVERITO: Did y'all  
16 keep up with the data base of how many people who  
17 lost their apartment... [interpose]

18 COMMISSIONER OVERSEY: Yes. Yes, we have  
19 that... [crosstalk]

20 COUNCIL MEMBER MARK-VIVERITO: I would  
21 love to see that. Thank you.

22 COMMISSIONER OVERSEY: Yeah, I will just  
23 say on that that we one of the conclusions that  
24 this administration is coming to is we really need  
25 state support or federal, and or federal in funding

1  
2 because it's, it's extraordinarily expensive and we  
3 just need their support.

4 CHAIRPERSON MEALY: Thank you.

5 COMMISSIONER OVERSEY: I'm sorry.

6 COUNCIL MEMBER JAMES: [off mic] State  
7 cut its funding in 2011.

8 COMMISSIONER OVERSEY: March 2011, they  
9 removed the advantage funding from the, from the  
10 executive budget. The, the state controlled not  
11 only its own share but also the federal share so  
12 that it was two thirds of the funding for the  
13 program.

14 COUNCIL MEMBER JAMES: And so we didn't,  
15 the city did not issue an emergency declaration  
16 until May of 2012. Did we not foresee an increase  
17 in homelessness as a result and why didn't we plan  
18 earlier?

19 COMMISSIONER OVERSEA: Well we didn't,  
20 we didn't, well, we, we, we didn't, we didn't see  
21 an immediate increase in the census for two  
22 reasons. One is that as you probably know legal aid  
23 sought and obtained a court, a temporary  
24 restraining order preventing us from stopping  
25 payments to those who are not timed out at the

1  
2 program. So within the following ten months we  
3 continued to pay the subsidy. And we didn't see an  
4 increase in the census or an increase in length of  
5 stay. And we, of course during that period, we  
6 didn't know when the court would order us a... We  
7 didn't know whether that whether we would prevail  
8 in court as we ultimately did as a, a result of  
9 which the court order was vacated or whether we  
10 would lose. It went up to the state's highest  
11 court. And you know it was a, it was a long process  
12 so we essentially paid almost a year. And we  
13 carried the entire cost ourselves and then what  
14 happened was the, the, the following months  
15 thereafter we didn't see a change in trend because  
16 as I said the number of applications went  
17 specifically down and over time the, the census,  
18 the, the length of stay in shelter began to  
19 increase.

20 COUNCIL MEMBER JAMES: And what is the  
21 trend going forward?

22 COMMISSIONER OVERSEY: The trend going  
23 forward is that I would say right now for families  
24 with children we're working very very hard to keep  
25 it stable. In other words not to go up

1 significantly but it's a challenge. I mean We all  
2 know that the, the census has gone up significantly  
3 the past couple of years.

4  
5 COUNCIL MEMBER JAMES: And the emergency  
6 declaration is renewed legally how often?

7 COMMISSIONER OVERSEY: No, no, no, no,  
8 no basically the emergency declarations that the  
9 controller gave us, he essentially put a six month  
10 limit on them. So he said you go out and you can  
11 procure an emergency contract. It can only be for  
12 six months and during those six months you have to  
13 procure a long term contract and if you don't you  
14 know.

15 COUNCIL MEMBER JAMES: And when is  
16 assuming that you have to go to the controller for  
17 a renewal of your declaration when is the next,  
18 when is the six month expired.

19 COMMISSIONER OVERSEY: Oh, it's  
20 different because we've had a succession of four  
21 emergency declarations between... [interpose]

22 COUNCIL MEMBER JAMES: Which were each  
23 renewed by the controller?

24

25

1  
2                   COMMISSIONER OVERSEY: No, he didn't, no  
3 he didn't renew any. He just well let me give you  
4 an example.

5                   COUNCIL MEMBER JAMES: Okay.

6                   COMMISSIONER OVERSEY: So for single  
7 adults the first emergency declaration we requested  
8 and obtained was in January 2009 and I would say  
9 about a year later, oh January 2010 and then about  
10 a year later in November 2010 we sought another.  
11 And then finally about a year and a half passed and  
12 we sought one in when was it? May, May, June, mid-  
13 June 2012. Since then we haven't sought any  
14 emergency declarations for single adults. We asked  
15 for a, for each declaration we asked for a set  
16 number of beds and we told the controller that we  
17 were including in the number a basically a five  
18 percent capacity cushion because we really were  
19 trying to be very cautious and we didn't want to be  
20 caught short because if we ran out of beds we knew  
21 we would fail to comply with our legal right to  
22 shelter mandate. And so then what happened was the  
23 only emergency declaration in those years that we  
24 sought for families with children and adult  
25 families was just one.

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COUNCIL MEMBER JAMES: Got it.

COMMISSIONER OVERSEY: And that was  
let's see, that was, when did we set... May of 2012.

COUNCIL MEMBER JAMES: How much capacity  
do you have left in each of the emergency  
declarations?

COMMISSIONER OVERSEY: None.

COUNCIL MEMBER JAMES: None?

COMMISSIONER OVERSEY: None.

COUNCIL MEMBER JAMES: So you're at your  
cap?

COMMISSIONER OVERSEY: Correct. They've  
expired.

COUNCIL MEMBER JAMES: They've expired?

COMMISSIONER OVERSEY: They've expired.  
Yes.

CHAIRPERSON MEALY: Okay we want to  
thank everyone.

COMMISSIONER OVERSEY: Oh we have one,  
we have one piece of information to give you. Yes  
I'll give you... [interpose]

ASSISTANT COMMISSIONER BLACK: It's  
right here.

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COMMITTEE ON CONTRACTS

COMMISSIONER OVERSEY: ...the honors to  
read that.

CHAIRPERSON MEALY: Okay thank you. I'm  
fine.

COMMISSIONER OVERSEY: Oh I'm sorry.  
[background comments]

DEPUTY COMMISSIONER POCK: The final FY  
'13 budget was just over one billion dollars.

COUNCIL MEMBER JACKSON: [off mic] So  
that was...

CHAIRPERSON MEALY: Turn on the mic.

COUNCIL MEMBER JACKSON: ...about 100  
million dollars over...

CHAIRPERSON MEALY: Turn on the mic.

COUNCIL MEMBER JACKSON: That was about  
100 million dollars over the fiscal '12. Is that  
correct? Yes. Because fiscal '12 was about 900?

CHAIRPERSON MEALY: Yeah.

COUNCIL MEMBER JACKSON: Okay. Okay.  
Thank you. So, I think it, you said it's to average  
in about 10 percent. So that's about 10 percent  
right?

DEPUTY COMMISSIONER POCK: Yeah

COUNCIL MEMBER JACKSON: Okay

1  
2 DEPUTY COMMISSIONER POCK: The budget,  
3 the budget it's very fluid. It goes... [interpose]

4 COUNCIL MEMBER JACKSON: I know.

5 DEPUTY COMMISSIONER POCK: ...up and down...

6 COUNCIL MEMBER JACKSON: I know.

7 [crosstalk]

8 COUNCIL MEMBER JACKSON: But, but I  
9 think that Brad Lander had said that if you look at  
10 it the increase is about 10 percent over the, the,  
11 the, the previous budget and as a result of that  
12 every year you sort of, you or OMB underestimate  
13 what it's really going to take. And this should not  
14 be an underestimate. You should be a realistic  
15 estimate of the cost factor.

16 CHAIRPERSON MEALY: Yes.

17 COUNCIL MEMBER JACKSON: You would agree  
18 with that right?

19 DEPUTY COMMISSIONER POCK: As, as we  
20 said... [interpose]

21 COUNCIL MEMBER JACKSON: No, no...  
22 [interpose]

23 DEPUTY COMMISSIONER POCK: as we said  
24 before there are, there are, there are some things  
25 that are in our budget that don't have to do with

1  
2 capacity. So for example and the some of the  
3 increase for the FY '13 budget included Sandy. It  
4 included our grants.

5 COUNCIL MEMBER JACKSON: I understand  
6 that but if, if, what Brad Lander had said if you  
7 look going back year after year after year where  
8 you talked about 10, 11, 12, 13, now we're in 14  
9 that the, the proposed budget and what you actually  
10 spend the actual spent is, is ten percent on  
11 average of what was proposed. And so from a  
12 realistic point of view the budget should be real  
13 and not knowing that you're going up ten percent  
14 every year.

15 DEPUTY COMMISSIONER POCK: Yes, we  
16 always want to have as real a budget as possible.  
17 Absolutely.

18 COUNCIL MEMBER JACKSON: Okay.

19 DEPUTY COMMISSIONER POCK: Yes.

20 COUNCIL MEMBER JACKSON: I would hope  
21 you would agree with that. Thank you very much.

22 CHAIRPERSON MEALY: Good. Good. Thank  
23 you for this informative hearing and this meeting  
24 is now adjourned. Thank you commissioner.

25 [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 \_\_\_\_\_ November 20, 2013 \_\_\_\_\_