

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES
AND ELECTIONS

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November 18, 2015
Start: 11:13 a.m.
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HELD AT: Committee Room - City Hall

B E F O R E: BRAD S. LANDER
Chairperson

COUNCIL MEMBERS: Inez E. Dickens
Daniel R. Garodnick
Ydanis A. Rodriguez
Margaret S. Chin
Deborah L. Rose
Jumaane D. Williams
Rafael L. Espinal, Jr.
Mark Levine
Steven Matteo
Speaker Melissa Mark-Viverito

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

Janet Alvarez, Principal and President
J. Alvarez and Associates, P.C. & Nominee for
Appointment to New York City Tax Commission

2 [sound check, pause]

3 [gavel]

4 CHAIRPERSON LANDER: Thank you. Good
5 morning and welcome to the New York City Council's
6 Committee on Rules, Privileges and Elections. I'm
7 Brad Lander, Chair of the Committee, and I'm pleased
8 to be joined this morning by Council Members Debbie
9 Rose of Staten Island and Jumaane Williams of
10 Brooklyn, and we're also joined--although he had to
11 step out for a moment--by the Minority Leader Steven
12 Matteo of Staten Island. I also want to acknowledge
13 our Counsel for the Committee, Habib Hussein (sp?)
14 and thank the staff members who have prepared for
15 today's hearing, Chuck Davis, Director of
16 Investigations as well as Deandra Johnson and Alishia
17 Vassell.

18 In a letter dated November 15th--November
19 5, 2015, Mayor de Blasio formally submitted to the
20 Council for advice and consent the name of Janet
21 Alvarez for nomination for appointment to the New
22 York City Tax Commission. If the Council gives its
23 advice and consent, Ms. Alvarez, a Manhattan resident
24 will fill a vacancy and serve for the remainder of a
25 six-year term that expires January 6, 2018. The Tax

2 Commission is charged with the duty of reviewing and
3 correcting all assessments of real property within
4 the City of New York that are set by the New York
5 City Department of Finance. Any commissioner shall
6 exercise such other powers and duties as the
7 President of the Commission may from time to time
8 assign. The Council has a President Ellen Hoffman,
9 and I appreciate that she's joining us here today as
10 well, and six commissioners all of whom must have at
11 least three years of experience in the field of real
12 estate or real estate law. The President's position
13 is salaried. It's a full-time position, \$192,198,
14 and Commissioners receive an annual stipend of
15 \$25,677. We've joined again by the Minority Leader.
16 Thanks to President Hoffman for being here, and Ms.
17 Alvarez thank you for--congratulations on your
18 nomination and thank you for appearing before us
19 today. Will you please raise your right hand to be
20 sworn in by the Committee Counsel.

21 LEGAL COUNSEL: Do you--do you swear or
22 affirm to tell the truth, the whole truth and nothing
23 but the truth in the testimony that you're about to
24 provide?

25 JANET ALVAREZ: [off mic] I do.

2 LEGAL COUNSEL: Thank you.

3 CHAIRPERSON LANDER: Members of the
4 Committee, you can find a written copy of Mrs.
5 Alvarez's opening statement in your booklet as well
6 as the background information and the answers that
7 she provided to questions presented from the
8 committee in advance. Ms. Alvarez, please proceed
9 with your opening statement.

10 JANET ALVAREZ: [off mic] Thank you,
11 Chair Lander. [on mic] Sorry for that technicality.
12 [coughs] Thank you. Good morning, Chair Lander and
13 members of the New York City Rules Committee. Thank
14 you all for being here today. It is a privilege and
15 an honor to be the first Latina to request the
16 Council's advice and consent to serve on the New York
17 City Tax Commission. My name is Janet Alvarez. I
18 was born and raised in New York City. I am a
19 resident of the west side of Manhattan, a proud
20 graduate of Brandeis High School and New York City
21 Public High School. I am a New York State licensed
22 attorney and real estate broker, and am the Principal
23 and President of J. Alvarez and Associates, P.C. I
24 believe my background, skills and commitment to civil
25 engagement are well suited to the Tax Commission's

2 work, and it would be an honor to serve others, my
3 communities and especially the city that I love, New
4 York City. I earned my Juris Doctor from the
5 University of Denver, College of Law and I hold a
6 Bachelor of Science from the University of Southern
7 California School of Business Administration. I am
8 member of the New York and New Jersey State Bars, and
9 I'm also admitted to practice before the United
10 States Supreme Court and multiple federal U.S.
11 District Courts. I began my legal career in public
12 service first as a law clerk for the City and County
13 of Denver, and later as a legal research analyst with
14 the National Civic League in Denver, Colorado. I
15 returned to New York City to become an assistant
16 district attorney for the Brooklyn District
17 Attorney's Office, and later accepted a position with
18 the New York City Board of Education as a hearing
19 officer. As a hearing officer, I presided over
20 hundreds of administrative suspension hearings and
21 rendered formal decisions based on findings of facts,
22 conclusions of law and student's records. Within the
23 city's Board of Education, I undertook subsequent
24 positions. One, as an agency attorney representing
25 the Board of Education in administrative trials, and

2 the other as a Director of the Management and
3 Compliance Unit. At departing from the Board of
4 Education, I served as the Senior Associate Director
5 of Network Human Resources for Generations Plus,
6 Northern Manhattan Health Network, the New York City
7 Health and Hospital Corporation's largest network.
8 For the last 13 years, I have been in private
9 practice as the President and Principal of my own law
10 firm, which I gained extensive real estate law
11 experience. My experience includes restructuring FHA
12 held mortgages to preserve long-term low-income
13 housing, and handling commercial foreclosures, and
14 real estate taxes including the application of low-
15 income housing tax credits under the Internal Revenue
16 Code. Outside of my work I am strongly committed to
17 serving my community and advocating for social
18 justice. Some of my professional and civic
19 affiliations have included membership on Manhattan's
20 Community Board 7; the New York City Bar
21 Association's Committee on the Judiciary; the United
22 Hospital Funds New Leadership Group; on the Coca-Cola
23 Scholar's Foundation National Selection Committee;
24 and defining a language policy for education and a
25 global economy; and I served as a teacher with the

2 Brooklyn District Attorney's Office Legalized
3 Program. I was President of the Puerto Rican Bar
4 Association, and the Puerto Rican Bar Association
5 Scholarship Fund Incorporated. I've advocated for
6 voting rights through the National Civic League's
7 Voting Rights Project; worked on formation of the
8 East Harlem Board of Tourism bringing community and
9 economic development to East Harlem; and advocated
10 for increasing hiring of Latinos in municipal and
11 state level policymaking positions while co-chairing
12 the Campaign for Fair Latina Representation.
13 Additionally, I have presented as a panelist during
14 the Children Defense Funds National Conference on the
15 needs of Latino children, and at the Somos El Futuro
16 Conference on Diversity in the Judiciary. If the
17 Council gives me advice and consent, I would bring my
18 knowledge, skills and commitment to the Tax
19 Commission. Thank you for your time, and I now look
20 forward to answering your questions.

21 CHAIRPERSON LANDER: Thank you very much
22 for being here and for that opening statement and for
23 the materials that you've given in advance. I wonder
24 if you could talk a little bit about what--given the
25 experiences you've had with the Tax Commission

2 previously they're on your own individually or
3 representing clients or in dialogue, in conversation
4 with other New Yorkers? What experience have you had
5 with the Tax Commission, and what perspective do you
6 bring in terms of what is working well there, what
7 could be improved and how--what sort of--you know,
8 how you would bring that experience to the
9 Commission.

10 JANET ALVAREZ: Okay. I have yet to have
11 any experience with the New York City Tax Commission.
12 So I'm looking forward to it. All I can comment on
13 is from my research that I've done in regards to what
14 the Tax Commission does, some of the challenges, and
15 some of the areas that they wish on address on being-
16 -have electronic files. And the other being--they
17 want to embark in community engagement so that they
18 can better understand the Tax Commission's appeal
19 system.

20 CHAIRPERSON LANDER: So you referred to
21 some of the challenges that the Commission has. I
22 wonder if you could just share with us what you, you
23 know, what you see its key challenges are and how you
24 think those could best be addressed?

2 JANET ALVAREZ: Well, I think as--as with
3 all governments, and industries are all challenged
4 with paper and becoming more electronically
5 efficient. So I know that during my tenure at the
6 Health and Hospital Corporation at Generations Plus
7 Northern Manhattan Health Network we also engaged in
8 electronic medical records. So I understand that
9 that' being one of the foremost priorities. And
10 secondly, it's always best to have the communities
11 that you serve understand actually your functions and
12 also be able to welcome them if they have any
13 questions.

14 CHAIRPERSON LANDER: One of the
15 challenges that I perceive that the New York City Tax
16 Commission has is, and honestly, the Council has this
17 as well is the New York City property tax is a
18 complicated beast, and understanding its structure
19 from our point of view of trying to work with it and
20 legislate it is very difficult. But as a homeowner
21 myself understanding your tax bill and why you're
22 taxed the way you are, and what the things mean. And
23 whether you're being taxed appropriately, which is as
24 it relates most to the Tax Commission whether you
25 have grounds for an appeal or a claim. It's very

2 difficult to understand, not easy to fix, but I
3 wonder if you have--if you share that, and if you do,
4 if you have any thoughts on ways the Tax Commission
5 might move forward to be helpful in addressing those
6 issues?

7 JANET ALVAREZ: So you're absolutely
8 correct that it is somewhat complicated, and actually
9 it is the Department of Finance that does the
10 valuations of properties, and administers the
11 assessment. So it's not the Commission, the Tax
12 Commission Appeals. However, the Tax Commission
13 Appeals is actually the one who will hear if someone
14 has a complaint in one of four areas, and that being
15 inequality. That is the property's assessed value is
16 set at a higher proportion than market value did not
17 apply to all other properties in the same tax class.
18 Or, excessiveness, which is including the denial of a
19 full or partial exemption. Unlawfulness, which is
20 principally the property falls--fails--excuse me--to
21 receive a complete tax exemption and
22 misclassification, which means it's in the wrong
23 class. And the classifications are set by state law.
24 And the first class includes one to two and three-
25 family homes, most residents, zoned vacant lots,

2 condominiums of up to three stories, and some other
3 properties. Class 2 consists of all residential
4 properties not in Class 1 and Class 3 is basically
5 utilities, company equipments and Class 4 is
6 commercial properties.

7 CHAIRPERSON LANDER: So I'm sure that at
8 least half of New Yorkers are confident that they--
9 that one of those things apply to them, that they are
10 being taxed too much, and being taxed
11 inappropriately. And I wonder how they can know
12 whether that's--develop an opinion whether that's
13 true or false, understand why they're taxed, how
14 they're taxed, and whether they should be coming to
15 the Tax Commission with an appeal.

16 JANET ALVAREZ: Well Tax Commission has
17 been very diligent in placing information up on its
18 website, and it does walk them through what they need
19 to take a look at, and how to assess their bill, and
20 also how to calculate whether it's appropriate for
21 them to file an appeal.

22 CHAIRPERSON LANDER: And then, you
23 addressed this in your pre-question hearing, but--but
24 I want to ask it as well. One challenge is that the
25 system at least as we have it structured relies

2 heavily on them choosing to hire attorneys. They're
3 allowed to follow pro se appeals, but even what you
4 read I think would be hard for most people to figure
5 out what does that mean to me? Am I being taxed
6 appropriately or not? And so, we've set up a system
7 where--while people don't legally have to hire
8 attorneys to make their appeals practically, it feels
9 like they do. And I wonder if you could--you
10 addressed that issue in one of your prelim questions,
11 but I--I'd appreciate it if you could address it on
12 the record as well.

13 JANET ALVAREZ: Well, there is a trend
14 that attorneys are being hired to go before Tax
15 Commission, and in--as an attorney, I have to say
16 that attorneys are well educated, and are licensed
17 professionals, and do have prior knowledge and skills
18 and experience before the Tax Commission. And many
19 times property owners they lack that type of
20 information, and they--also the unfamiliarity is a
21 little uncomfortable for them, and also the time that
22 it requires to get up to speed to understand what's
23 going on is of concern to most New Yorkers.

24 CHAIRPERSON LANDER: So, you're
25 comfortable--I mean I think you're making arguments

2 for the fact almost that we should have--that it
3 should--people should need to hire lawyers to appear
4 before the Tax Commission and you're comfortable with
5 that being the predominant way that people move
6 forward with the Tax Commission?

7 JANET ALVAREZ: You know, I--I leave that
8 decision up to the individual depending on, you know,
9 what other obligations they have in life, and some--
10 some--how comfortable they feel coming forward and
11 representing themselves pro se. But there is, um,
12 much materials to assist them in coming forward pro
13 se, and the Tax Commission will treat their, you
14 know, complaint just as well and just with the
15 highest regards as they would if was a professional
16 coming before the Tax Commission.

17 CHAIRPERSON LANDER: And how is that? I
18 guess I don't know enough about the Tax Commission's
19 deliberations. How is it that the Commission judges
20 whether a complaint is valid or not valid?

21 JANET ALVAREZ: Well, I've yet to hold
22 the position [laughs] but I will be happy to come
23 back and discuss that further with you.

24 CHAIRPERSON LANDER: Well, how would you--
25 -I guess then I mean how would--you know, how would

2 you evaluate whether the complaints that are brought
3 before you, whether by lawyers and individuals, are
4 meritorious or not meritorious?

5 JANET ALVAREZ: Um, well, first and
6 foremost, they would have to fall within one of the
7 four categories. That's number one. Um, and then
8 secondly, you know, we would have to--I understand
9 they go through a paper review first, and then they
10 have a hearing, if they so wish. And if so, it's up
11 to them. The hearing is basically the burden of
12 proof, as we say in law, is on the property owner to
13 come forward with the evidence that they fell
14 supports their--their complaint. And, of course,
15 then we--we're a fact finder--we'll listen. We'll
16 weigh the evidence, and make a decision.

17 CHAIRPERSON LANDER: Okay. Um, and I want
18 to ask you one final question. During your background
19 investigation in the Council, and we do background
20 investigations on every person that comes before this
21 committee, and the Council investigators ask the
22 standard questions of whether people have been
23 subject to any complaints, claims or lawsuits. And
24 so they asked if you had had any complaints, claims
25 and lawsuits filed by you against a client. Knowing

2 that in attorney practice often that happens. You
3 replied that you were sued by a client a little over
4 a decade ago, but that you weren't allowed to provide
5 any details due a non-disclosure and confidentiality
6 agreement. And Council investigators informed you
7 that that background investigation and the process is
8 confidential, and it always includes a character and
9 witness assessment. We've got to be able to assess
10 whether a candidate has been sued or whether any of
11 these kinds of things that we look at are relevant to
12 our determination here. And, obviously being sued in
13 one's professional capacity as an attorney may have
14 nothing to do with something that's relevant to us
15 and, of course, it could have something to do that's
16 relevant to us. So, I wonder if you can find some way
17 without disclosing details that are inappropriate
18 for--relative to your non-disclosure agreement--if
19 you could give us any information about the subject
20 of the lawsuit that would give us the confidence that
21 it's not relevant to our deliberations on your
22 nomination.

23 JANET ALVAREZ: Unfortunately, you know,
24 I did enter into an agreement on the advice of
25 counsel, and my professional liability insurer, and

2 that agreement states that I can't say anything. I
3 can't comment on it nor disclose. What I can say is
4 that we live in a very litigious society, and pretty
5 much anybody can sue anyone. And the practice of law
6 it--it tends to be a little--a little more heightened
7 that people have complaints. I have been practicing
8 for 13 years. I had one allegation. It never--I
9 never had any disciplinary actions, and/or any other
10 alleged complaints. And, as much as I do my best to
11 be perfect, um, and many times, you know, it's up to
12 the other person how they perceive something. I
13 think that's basically all I can say on the matter.

14 CHAIRPERSON LANDER: So, you know, I
15 appreciate that there's a lot of reasons why people
16 sue other people. I've been sued. Many people have
17 been sued. Um, and that it may or may not have any
18 relevance to us, but with any information it's hard
19 to know. So, can you tell me whether or not the
20 complaint involved misappropriation of funds?

21 JANET ALVAREZ: You know what, I can't
22 comment on it. I really can't. I--I entered into an
23 agreement not to discuss it so--

24

25

2 CHAIRPERSON LANDER: You can't tell me
3 whether or not it involved an allegation of
4 malpractice--

5 JANET ALVAREZ: [interposing] Well, it
6 was mis--

7 CHAIRPERSON LANDER: --or fraud?

8 JANET ALVAREZ: According to my
9 understanding, if it had anything to do with any type
10 of misappropriation of funds, it would have been
11 disciplinary actions, and I have never had a
12 disciplinary action.

13 CHAIRPERSON LANDER: There was no
14 disciplinary action. So and--and if there had been
15 an allegation of malpractice that would have found
16 its way into a disciplinary review?

17 JANET ALVAREZ: That's correct and I have
18 never had any of that either.

19 CHAIRPERSON LANDER: Um, now, it's my
20 understanding that the complaint itself should be--I
21 don't have it before me--a matter of public record.
22 Is that--is that your understanding as well?

23 JANET ALVAREZ: My understanding to what
24 I agreed to in the settlement agreement, um, and as a
25 party to that settlement agreement, I agreed not to

2 disclose and/or to discuss, and all I can say is that
3 it's been fully resolved.

4 CHAIRPERSON LANDER: Okay, but you don't
5 know whether the complaint is a matter of public
6 record?

7 JANET ALVAREZ: If it--

8 CHAIRPERSON LANDER: [interposing] If it
9 is a matter of public record, I mean first we should
10 get it, and--and take a look at it. If--and I'm not
11 quite clear why a non-disclosure. You can't have a
12 non-disclosure agreement of something that's publicly
13 disclosed.

14 JANET ALVAREZ: Well--

15 CHAIRPERSON LANDER: [interposing] I
16 guess you, but it's strange.

17 JANET ALVAREZ: I guess you could, and--
18 and I have one, and to be honest with you, I haven't
19 taken a look at it. It's over a decade ago, um, and
20 I really haven't looked to see if anything is of
21 public record so--

22 CHAIRPERSON LANDER: Okay. Well, I think
23 that may be something we need to follow up on after
24 today's hearing. Again, I'm, you know, I don't want
25 to find more or less here than is--there are lots of

2 reasons why clients sue attorneys, and having only
3 one in 13 years says something positive. On the
4 other hand, it's hard for us, um, to do our full job
5 without knowing and look, you know, I'll say this is,
6 you know, this is an important area of--you know,
7 this is--we need the Tax Commission to be above
8 reproach for a range of reasons that I know you and
9 all of us share. So, that's certainly part of our
10 job as--as Council. Before I open it up to members
11 for questions, um, Council Member Kallos gave a
12 statement for the record in support of you. So I
13 just want to let--let members know that as well.
14 Congratulations to Ms. Alvarez on her selection by
15 Mayor's for the City's Tax Commission with the
16 appointment of the President a few months ago, and
17 now this nomination. I'm pleased we're moving
18 quickly toward a full commission. Ms. Alvarez is an
19 experienced litigator with a deep background in
20 commercial and residential real estate. She's also a
21 dedicated public servant with a combined two decades
22 in the areas that you talked about. I'm confident
23 this background and experience has equipped her to
24 serve as a member of the Tax Commission if approved
25 by this Committee and the Council. I look forward to

2 working with her. Now, we'll open it up to questions
3 from members. I saw the Minority Leader and Council
4 Member Williams.

5 COUNCIL MEMBER MATTEO: Thank you, Mr.
6 Chair. Just a follow up on the chair's questions on
7 the appeal process. It's an extremely convoluted
8 process understanding the property tax system, but
9 what makes our constituents frustrated is
10 understanding going through Finance, getting the
11 assessment and they have to realize that there is
12 another bureaucratic agency involved in appeal. And
13 quite frankly from my--my experience in government
14 for ten years and my constituents now, they don't go
15 through with the appeal because they don't understand
16 it. They don't understand that it's another agency
17 or they erroneously wrote to the Finance Department.
18 They missed the deadline, and it's a convoluted mess.
19 And so, I'm--I'm--and I appreciate the Chair bringing
20 this to a discussion, but I'd like to further
21 understand your thoughts on how we can make that
22 clarity to our constituents early on in this--in the
23 process. And Council Member Rose and--and I with the
24 Borough President, we've had public forums on this,
25 and we brought Finance and the Tax Commission to our

2 schools at night or our property owners who come and
3 discuss it. But it's still a convoluted process.
4 It's still a very difficult process. I want to just--
5 --I want to know your thoughts a little bit more on
6 how you think we can help. And--and not about the
7 substance about, you know, whether they win or not on
8 appeal. But how they can understand the appeals
9 process, and how we can get the Tax Commission out
10 early before the assessments or, you know, the
11 deadline for the appeal has come and gone to explain
12 to our constituents, and just make it a little bit of
13 a system that they can get through and understand
14 that they do have an appeal. Not just speak with the
15 Finance Department and then they--they find out, you
16 know, a few weeks after the deadline that they can't--
17 --can get an appeal with the Tax Commission.

18 JANET ALVAREZ: I understand the
19 frustration. First and foremost, communication is
20 essential, and repetition is always an asset
21 especially when it comes to deadlines, and receive
22 repetitions, you know, electronically in writing
23 from--from your elected officials, um, and continuing
24 to hold community forums and educating your--your
25 constituents of the process is always a benefit. And

2 something that--that will help ease their comfort
3 through their whole process. In regards to the
4 system itself, you know, we're a society of
5 processes, and this is a huge process, and yes it is.
6 It does get a little bit complicated, but it is
7 manageable. And with assistance and with--with lots
8 more communication, some education, some more user-
9 friendly materials, maybe some checklists, maybe
10 some--some colorful diagrams that are more simplified
11 could assist others in understanding first off their
12 tax assessment and then secondly their--their
13 deadlines, which are very essential within--going
14 through the appeals process. But then also
15 understanding whether they have an appeal, an
16 appropriate appeal and whether they can prevail.

17 COUNCIL MEMBER MATTEO: I--I appreciate
18 that and, you know, quite frankly I think the Tax
19 Commission itself has to come out and do a better
20 job, and--and my colleagues and I, you know, I'm
21 talking to all us in Council, we do everything we can
22 to get the word out. I think, you know, it would be
23 helpful for--for them to be proactive in promoting
24 the website, and you know--you know, we have this
25 issue with a lot of agencies. But, you know, this--

2 this is critical when--when our constituents believe
3 they're being overtaxed, and then they believe that
4 the system is against them. Um, and that
5 collectively we need to do more to get them through
6 the system. I mean, you know, I--I fight that, you
7 know, the--the way they want them to appeal and get
8 other properties and market rate. As difficult as it
9 is, you know for my constituents to try and get all
10 that data, um, so, you know, then to not have them
11 understand the--the appeal process with the Tax
12 Commission just adds insult to injury. So, you know,
13 I'd ask that, you know, if--if you do get approved
14 and that we work on this because it's--it's--it's
15 from January through March we'll all get the same
16 calls and the same frustration. And then we'll get
17 after the deadline, we'll get those who had no idea.
18 And that's unacceptable, and we need to collectively
19 work to make sure that that doesn't happen. So,
20 thank you, Chair.

21 CHAIRPERSON LANDER: Council Member
22 Williams.

23 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
24 Chair and thank you for your testimony.
25 Congratulations again on the first Latina, on your

2 nomination, and it's a wonderful resume. So on face
3 value it looked really good like a good fit. I did
4 have, um, two things that caused me a little concern.
5 And so in responses to several questions about
6 challenges that--that face the Commission and another
7 one, "What do you think are the major difficulties in
8 such evaluations?" And, "How would you proposed to
9 address these challenges as the Commissioner." In
10 both of them you basically responded that you haven't
11 had much interaction with the Tax Commission and,
12 therefore, couldn't answer the questions more fully.
13 But in your questions about the attorneys, you seem
14 to know enough to say that there at least should be
15 an attorney there. So I wanted to understand what
16 information you do know--why we should have an
17 attorney. And also, if you haven't done any kind of
18 assessment of how the Commission works before being
19 appointed to give some kind of redress to the
20 questions that are being asked.

21 JANET ALVAREZ: So let me make sure that
22 I understood the question. Um, one part was my
23 response in regards to why did I feel that attorneys
24 should be there. I--I--I don't--I don't--I'm not
25 saying that an attorney has to be there, or other

2 professional needs to be representing, you know, a
3 property owner. However, you know, I do know that
4 attorneys and other professionals have a certain
5 level of expertise, and they have a certain
6 educational level. And I've been hearing here from--
7 from the other council members how complicated their
8 constituents find the tax system and the tax appeal
9 system, and how challenged they are in understanding
10 the assessment. Um, and when--when you have someone
11 who--who like an attorney or an accountant or another
12 professional who's quite familiar and is comfortable
13 with the material, it's much easier for them to go
14 through the system. In regards to, you know, my not
15 practicing prior at the Tax Commission Appeals, you
16 know, I have worked with the Tax Code with the IRS.
17 So I'm comfortable with that. I do work with various
18 different laws, and I appear in a number of different
19 courts, the Federal and State, and also Civil, City
20 Courts. Um, so I'm quite comfortable with any area
21 of law. I do know that the Tax Appeals process is
22 dictated by State and City laws. I know which ones.
23 you know, it's the City Charter, and also the rules,
24 and also the State. So, I'm comfortable with that as
25 well. I think it's a benefit that I have not worked

2 in the tax appeals before because this way I'm a
3 fresh new person. I'm not biased in any way, and--
4 and I think I bring something that's a little unique.
5 I'm--I'm very involved and, um, very probing and
6 supportive of community. And I--I understand
7 frustrations that certain communities feel especially
8 the Latino community, which has historically been
9 underserved, and has historically been, you know,
10 more impoverished than other communities. So, and--
11 and I understand the challenges also because the
12 Latino community has at sometimes are language
13 challenged as well. So I--I feel like I'm like the
14 appropriate person because I can, um, empathize with
15 the property owner who has certain challenges in
16 trying to understand the system.

17 COUNCIL MEMBER WILLIAMS: I think it--I
18 think actually that--that part about you having, um,
19 bringing fresh eyes to it I think it makes a lot of
20 sense. I guess I just was surprised that there
21 wasn't I guess any research done about some of these
22 things so that you might be able to say at least one
23 or two things you researched that could be done a
24 little differently. So hopefully some of that can be
25 done if--if there is a consent that's given before

2 you actually go on. So they can come in maybe with a
3 little--some thought of going into it. The second
4 one actually brings me--I'm more concerned. I think
5 it's something the chair was bringing up about the--I
6 guess this thing for non-disclosure about the--the
7 suit that you were involved in. Our understanding or
8 at least we went for one that it's--it's not really a
9 non-disclosure issue. It's not really a
10 confidentiality issue. So I just want to again give
11 an opportunity--if we--if--if they're telling us that
12 it--that it is something you can respond to, I don't
13 think it bodes well if--if you don't. So, we just
14 really want to know if there's--if you're saying
15 there's absolutely nothing that you can comment on
16 even what type of suit that it was.

17 JANET ALVAREZ: You know, it's--it's more
18 of a breach of contract of--of contract issue. Um,
19 and I entered into an agreement, and, um, the
20 agreement did state that all I'm able to state is
21 that it's been fully resolved, and that I can't
22 disclose and/or discuss it. So, um, you know, I--I
23 have to stand by the agreement that I agreed to
24 whether it falls within, you know, the disclosure or
25 non-disclosure.

2 COUNCIL MEMBER WILLIAMS: So I just want
3 to be clear. If--if something is public, you are
4 still not able to confirm it even if it is public?
5 So if--is that how it goes?

6 JANET ALVAREZ: So according to the
7 agreement that I entered into, I am not at liberty to
8 discuss it, and that's what I agreed to do. So, I--
9 I--I'm not discussing it.

10 COUNCIL MEMBER WILLIAMS: All right. I
11 think our team is probably going to get information
12 on it, and then provide it to us. So it would just
13 be a shame if that is not completely accurate, if you
14 can comment on something that is public even
15 minimally, and there's a decision not to. I don't
16 know if that is the best thing, but I understand what
17 you're saying, and I appreciate the situation you
18 seem to be in. But I just--if there's a public--if
19 there was someone who sued someone, and it was for
20 whatever reason, for a reason, it seems to me that
21 there's a--a binding agreement, they can get
22 confirmation of the--a thing that's public. And
23 you're saying that that is not the case, and you
24 can't even say that that's--

2 JANET ALVAREZ: [interposing] I'm not
3 saying that at all. All I'm saying is that as per
4 what I entered into, the agreement that I entered
5 into specifically stated that I would agree to only
6 state that the matter was fully resolved, and that I
7 will not disclose and will not discuss. I mean, I--I
8 don't know what is of public record. I mean I'm
9 going based on you telling me that something is of
10 public record. I personally have not searched the
11 public record. I mean you're welcome to do so, but
12 I--

13 CHAIRPERSON LANDER: I'm--I'm sorry. I'm
14 going to interrupt you there. You've been a lawyer
15 for 13 years. If there's a--if you file a complaint
16 or if a complaint is filed against one of your
17 clients, isn't--aren't those complaints a matter of
18 public record?

19 JANET ALVAREZ: I believe so.

20 CHAIRPERSON LANDER: Have you ever filed
21 a complaint or responded to a complaint that wasn't a
22 part of public record?

23 JANET ALVAREZ: I--I, you know, I--I
24 would believe it is a public record.

2 CHAIRPERSON LANDER: So then just speak
3 straightly with us, please. Okay, it is a matter of
4 public record. It's a shame we don't have it before
5 us today, but to play games with us about whether it
6 is or isn't a matter of the public record is not
7 helpful. I'm sorry, Mister--Council Member Williams.
8 It's--I understand that you're not wanting to talk
9 about it is--is your understanding of the agreement
10 you signed, but--but playing games with us about
11 whether it is or isn't a matter of public record, um,
12 is not--

13 JANET ALVAREZ: With all due respect I'm
14 not playing games, and I apologize if that's the
15 impression or that's what you got from me, but I am
16 not playing games. I pretty much have answered the
17 question. I told you what is my understanding of
18 what I can do and what I can say, and I--I
19 respectfully request that you appreciate that.

20 COUNCIL MEMBER WILLIAMS: Okay, I'm--I'm
21 not an attorney. So, um, we will also get advice
22 from our attorneys and people who will staff this
23 committee (sic) and it seems that there is, although
24 we haven't gotten it yet, and maybe we could be
25 wrong, but it seems that there is some public

2 information about this. It's better if we hear it
3 from you than if we have to find it out and dig it up
4 ourselves. So I think that's what we're trying to
5 get across here. So hopefully you'll take that into
6 consideration before you leave from the hearing
7 today.

8 JANET ALVAREZ: What?

9 CHAIRPERSON LANDER: You're taking--
10 hopefully you'll take that into consideration before
11 you leave from the hearing today. Thank you very
12 much for your answers.

13 JANET ALVAREZ: Thank you.

14 CHAIRPERSON LANDER: We've also been
15 joined by Council Member Chin and Council Member
16 Espinal and we were joined as well by Council Member
17 Levine. Um, I wonder could you give us a--you know,
18 you're going to sit on the Commission and you'll hear
19 a lot of complaints. And from our point of view
20 there will be things, as Council Member Matteo said,
21 we'll have heard a lot of. Can you give us an
22 example of a--of a complaint that you would imagine
23 you would look on favorably, and the kind of
24 complaints that you would, you know, have to say--
25 you'd have to vote against or dismiss. I think you--

2 you--you--you--you read the--the reasons one can make
3 a complaint, but if we're appointing you to a
4 commission that's about deciding, you know,
5 adjudicating between valid-- You know, I don't want
6 to call the valid or invalid, but supported and non-
7 supported claims. Could you give an example of one
8 that would likely to be upheld and one that would
9 likely to be found not supported?

10 JANET ALVAREZ: Um, yes, well, there's
11 one scenario where they can file if they feel they've
12 misclassified, and maybe perhaps, you know, there was
13 a misclassification. So maybe they're being
14 classified as Class 1 as a one, two or three-family
15 home. And, in fact, they may be a ten-family home
16 and don't fall within that classification. So they
17 would bring proof as to what, you know, what supports
18 their--their allegation that they're not a one, two
19 and three-family home but, in fact, a ten-family
20 home, and we will review that and definitely--

21 CHAIRPERSON LANDER: [interposing] That
22 would have to go all the way to the Commission? I
23 would think that if you had classified me as a one-
24 family home and I actually owned a ten-family home I
25 ought to be able to have that corrected without

2 hiring a lawyer and appearing before the Tax
3 Commission.

4 JANET ALVAREZ: And you may rightfully so
5 be able to do that.

6 CHAIRPERSON LANDER: Okay. How would I
7 do that? Let's pretend. Let's go with this example
8 for a minute. I--I own a ten-family building you're
9 taxing me as a one-family building, which truthfully,
10 I would not correct personally. I mean it seems to
11 me it's the other way around would be the problem.
12 But what would I do to try to get that corrected
13 before I had to hire a lawyer and come appear before
14 you?

15 JANET ALVAREZ: Well, first and foremost,
16 you wouldn't have to hire a lawyer. You can also
17 represent yourself pro se, and as I stated earlier,
18 there is a--there is various different types of
19 materials on the website to walk you through that
20 process. And I have to tell you that I don't know--
21 and I'm not going to be able to answer that question,
22 because I don't know at this time what takes place
23 during the paper review. I have not gone through the
24 paper review with the Tax Commission as of yet. I
25 don't know what preliminarily gets screened during

2 that paper review. I do know that as a property
3 owner you can request a hearing, and then you would
4 go before the Tax Appeals.

5 CHAIRPERSON LANDER: Okay. So I--I guess
6 I'm glad that if I were someone who owned a one-
7 family home and it was classified as a 10-family
8 home, and I went through the website and found my way
9 to you that you would uphold my--my claim. Um, I
10 guess you want to give me an example of a claim that
11 you think is probably unsupported or you would not be
12 able to find on behalf of the homeowner.

13 JANET ALVAREZ: Well, an unsupported one
14 using the same scenario is if, in fact, you don't
15 have the supporting documentation or can't prove
16 because the burden of proof will be on you to show
17 that it's a ten-family home as opposed to a one, two
18 or three-family home.

19 CHAIRPERSON LANDER: All right, so I have
20 to tell you that I'm--I'm--I mean based on the kind
21 of complaints that we get in my office and the
22 concerns people have about their property tax bill
23 and the Tax Commission knowing that that's how you're
24 thinking about what's supported and unsupported is
25 not really that encouraging. I mean obviously

2 anyone--you don't need to be a lawyer and have the
3 knowledge of real estate or have knowledge of the Tax
4 Code to figure out that if the building is wrongly
5 classified by what size it is, you shouldn't be, and
6 if you allege that, in fact, you had a one-family
7 home, you shouldn't be awarded it. But I'm--I'm
8 hoping that you bring a higher level of experience
9 and expertise and judgment to the Tax Commission in
10 that because that's not the--that's way below the
11 level of judgment that we need from someone. So, you
12 don't have other examples or help us understand the
13 adjudicating judgment that you would use in making
14 determinations on the Tax Commission beyond whether
15 or not someone could prove the size of their building
16 or not.

17 JANET ALVAREZ: Well--

18 CHAIRPERSON LANDER: [interposing]

19 Because I don't feel like we would need a Tax
20 Commission for that. Truthfully, I feel like we
21 would have a computer do it.

22 JANET ALVAREZ: Okay. So the
23 responsibilities of the Tax Commission is first and
24 foremost is to review and analyze the documentation
25 that comes in, and conducting the hearings. So, you

2 have a right to be heard and, of course, to present
3 whatever materials that you feel supports your
4 decision, and then they render determinations, and
5 they can order remedial action where appropriate, and
6 they use written notifications to inform you of the
7 decision. Um, as to the specifics, I'm not going to
8 be able to comment at this time because I haven't
9 actually done it as of yet.

10 CHAIRPERSON LANDER: Well, I--I don't
11 accept that. I mean, you could have done some--you
12 could explain to us the adjudicating judgment and
13 logic you would use beyond reading materials printed
14 front a website. I mean otherwise I don't know how
15 we could evaluate your candidacy. I'll be honest. I
16 don't feel like you're giving us enough information.
17 There's no doubt that you have a great career. I
18 mean, you have a--you're a person I admire and you
19 have a wonderful resume and a great career and you've
20 done a lot of valuable work. And we certainly need
21 Latino leadership on the Tax Commission. All those
22 things are true, but we also need some ability to
23 judge how you're going to do the job on the Tax
24 Commission and what kind of judgment and scrutiny and
25 attention you're going to bring to it. And I don't--

2 I 'm not--I don't--I don't--I can't say that I have
3 any clue what you're bringing to the Commission based
4 on what you've given us and what you've testified
5 here today.

6 JANET ALVAREZ: Well, I bring my
7 knowledge and my skill and my--

8 CHAIRPERSON LANDER: [interposing] Which
9 is what about the tax property and the tax law?

10 JANET ALVAREZ: Well, I've worked with
11 the IRS Tax with the Low-Income Housing Tax Credits.
12 So I do have a familiarity with the Tax Laws. This
13 is city tax law. I've already stated to you that
14 I've yet to appear in front of the Tax Commission. I
15 feel quite comfortable.

16 CHAIRPERSON LANDER: And I don't doubt
17 your intelligence to do that. I just wish that you
18 would have done some review of the Property Tax Code
19 and the primary issues relevant to it before you came
20 today. None of us have appeared--I haven't appeared
21 before the Tax Commission. I spend a lot of time on
22 the Property Tax Law and understanding the challenges
23 that--that New Yorkers are facing and what some of
24 the issues are that they grieve, and how you would
25 evaluate whether those claims are valid or invalid.

2 And it's not clear to me that you've done that in
3 advance of today's hearing.

4 JANET ALVAREZ: Well, perhaps not at the-
5 -in depth that you would have liked for me to have
6 done that. So, um, I would welcome--I hope this is
7 not going to be the first time I come before you, and
8 I welcome having an opportunity the next time
9 [coughs] to go further into depth. [sic]

10 CHAIRPERSON LANDER: All right, that's--
11 that's fair. Um, do my colleagues have any
12 additional questions or comments? Council Member
13 Chin.

14 COUNCIL MEMBER CHIN: Good morning.

15 JANET ALVAREZ: Good morning.

16 COUNCIL MEMBER CHIN: Welcome. Um, as my
17 colleagues said, one of the biggest, you know,
18 complaints from constituents especially small
19 property owners is the property tax and how, you
20 know, they always have to fight. And they can't just
21 do it themselves. They have to hire somebody, and
22 then when they fight they usually actually get
23 summoned back, right. So--and so some of them think
24 that it's like--it's not good. Like why couldn't
25 they do it fairly the first time, and I know that one

2 of your answers you were talking about doing more
3 outreach in education, and especially in New York
4 City we have a large immigrant population. So how do
5 you see really getting the information out there to
6 people, you know, whose English may not be that, you
7 know, that proficient, but who are--happen to be, you
8 know, long-time property owners and they deserve to
9 have representation. And some of them might not be
10 able to afford to hire professionals or lawyers. And
11 so they should be understand--they can understand the
12 process? So how do you see getting the Tax
13 Commission to really provide more language
14 translation, education, to really help the immigrant
15 population to have a better chance of getting a fair
16 assessment on their property taxes. Getting a fair
17 deal?

18 JANET ALVAREZ: My--my understanding is
19 that the Tax Commission Appeals goes out into the
20 community and they do conduct forums. Um, I--I would
21 hope that they're in multi-languages. Um, depending
22 on the constituents they're presenting before, and if
23 your district it should be in a language that the
24 constituents speak in your district. Um, and if not,
25 I--I know that there's hotlines that we use at the

2 Health and Hospital Corporation, which does
3 translations. I don't know as of yet whether the Tax
4 Commission implements using those hotlines. There
5 are translation lines where they'll translate over
6 the telephone. So maybe that's an option, and also
7 to put more condensed and concise information in
8 different languages so that different communities can
9 have an opportunity to understand what's going on.

10 COUNCIL MEMBER CHIN: If you were
11 appointed on the Tax Commission would you take the
12 lead on making sure that happens?

13 JANET ALVAREZ: [interposing] Yes.

14 COUNCIL MEMBER CHIN: Because what right
15 now I don't think it's there. I mean even the
16 outreach in education maybe they do it in a borough,
17 um, I--or we have to request it because I really
18 haven't seen it in my district or in the community.
19 And it's--all we've heard about is complaints. So as
20 the Tax, you know, Commissioner you can pick up that
21 responsibility kind of to make sure that, you know,
22 what languages are put in place and suggestions that--
23 --in making it easier for the immigrant population.

24 JANET ALVAREZ: Well, with--with your
25 advice and consent, I will definitely work and, um,

2 with the Tax Commission in going out into the
3 community and making it more community friendly.
4 Definitely.

5 COUNCIL MEMBER CHIN: Okay, thank you.
6 Thank you, Chair.

7 CHAIRPERSON LANDER: Council Member Rose
8 and then another question from Council Member
9 Williams.

10 COUNCIL MEMBER ROSE: I am clearly
11 baffled by the process. So, um, DOF assesses my
12 property. Um, I feel that it's over-assessed. It's
13 not a fair assessment. I come to the Tax Commission,
14 um, what do you then base your--your determination,
15 um, on? Is it on what DOF has already assessed or do
16 you have the latitude to--to use some--some different
17 metric or--or circumstance to determine whether or
18 not that was a fair assessment?

19 JANET ALVAREZ: I understand that there's
20 different metrics used and--and that is something
21 that is of many constituents' concern is that if
22 let's say there's two units, and one has a higher tax
23 than the other and they're wondering why is one being
24 taxed higher than the other one. And yes, they'll
25 look to see whether there's been any additions made

2 or renovations made, and--and/or anything else that
3 could have increased the tax on that other unit. So,
4 there are different matrixes uses, and unfortunately,
5 I don't have all these matrices.

6 COUNCIL MEMBER ROSE: Thank you. So, um,
7 it's more based on technicalities or that they
8 haven't looked at it. Never mind. I told you I had
9 no clue. But is there somewhere where there's a
10 database? Um, you know, is there any record kept of
11 the number of adjudications or--or the number of--of
12 cases that have been decided in favor of--of the
13 taxpayer? Is there anywhere where, um, these numbers
14 are--are kept and collected? Um, because I want to
15 know if I have a fair shot at--at even going through
16 this convoluted process that's really--that means I
17 have to hire--I--I usually would have to hire a
18 lawyer because it is such a convoluted process. Is
19 there somewhere where there's a database kept of how
20 many of these cases are adjudicated in favor of the
21 taxpayer.

22 JANET ALVAREZ: The Tax Commission does
23 put out an annual report every year. [coughs] And
24 that's online. So, yes, and they do tell you how
25 many cases actually came in and what category. Which

2 ones had hearings and what was decided, but there is
3 a database and--and it is accessible online.

4 COUNCIL MEMBER ROSE: Okay. Thank you.

5 COUNCIL MEMBER MILLER: Thank you. I
6 just wanted to make sure I was clear. So, I don't--I
7 think it's very hard to find someone who wants to
8 understands the Tax Commission completely and
9 thoroughly. I mean so I get that. And as I
10 mentioned, I have no idea about how they make certain
11 decisions, and so I don't know if I respect that
12 fully if someone--it was a little bit surprising to
13 me. It didn't seem like with someone who was trying
14 to get on the Commission that much research about it
15 was done before this hearing. So that we can ask
16 questions about your thought on the schematics and
17 how the operation is going. So I think some of the
18 frustration about that you're hearing is that there
19 probably should have been a little additional
20 preparation outside of just the periphery of the
21 Commission, but it's something that you seem very
22 passion that you want to do. So I just want to put
23 that out there so we clarify. I think you have--your
24 background is wonderful. No one--no one can question
25 that, and I don't think anyone can expect you to come

2 in having knowing the commission backwards and
3 forward. But some additional research I think would
4 have assisted in this conversation so we can
5 understand where your thought pattern is in terms of
6 how the commission is run.

7 JANET ALVAREZ: Thank you.

8 CHAIRPERSON LANDER: If there are no
9 other questions, the way we generally proceed at
10 these hearings is that we don't vote at the time of
11 the first hearing. We recess. That gives us an
12 opportunity to look at some of the--follow up on some
13 of the additional questions and look at materials.
14 So we'll do that in this case. We will go ahead and--
15 --and try to get a hold of the--of the complaint so
16 that we can see what is a matter of public record.
17 And at least understand that for our own purposes,
18 and whether or not that enables us to have a dialogue
19 with you about it. At least we'll be doing our due
20 diligence and see what we think it says. And if when
21 we resume from recess there's additional thoughts
22 that you want to provide on some of these questions.
23 We'll be glad to hear them as well.

24

25

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2 COUNCIL MEMBER ROSE: Thank you. I want
3 to thank you for your time, and I do request your
4 advice and consent, and it was a pleasure.

5 CHAIRPERSON LANDER: Thanks very much.
6 This committee stands in recess. [gavel] [background
7 conversation]

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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, 2015