

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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October 3, 2023
Start: 10:28 a.m.
Recess: 12:50 a.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Keith Powers, Chairperson

COUNCIL MEMBERS:

Adrienne E. Adams, SPEAKER
Joseph C. Borelli, Minority Leader
Justin L. Brannan
Gale A. Brewer
Selvena N. Brooks-Powers
Rafael Salamanca, Jr.
Pierina Ana Sanchez

A P P E A R A N C E S

Orlando Marin, nominee for Commissioner on the
New York City Planning Commission

Gary L. Bristol, nominee to the New York City
Tax Commission

John Heesemann, nominee to the New York City Tax
Commission

Bennett Minko, nominee to the New York City Tax
Commission

Linda Urban, nominee to the New York City
Environmental Control Board

Raul Rivera, Taxi and Limousine Commission
driver advocate

2 SERGEANT-AT-ARMS: Good morning. This is a
3 mic check on Rules, Privileges and Elections. Today's
4 date is October 3, 2023, in the Committee Room
5 recorded by Walter Lewis.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to the New York City Council hearing of the
8 Committee on Rules, Privilege and Elections.

9 At this time, can everybody please
10 silence your cell phones?

11 If you wish to testify, please come up to
12 the Sergeant's desk to fill out a testimony slip.

13 Written testimony can be emailed to
14 testimony@council.nyc.gov. Again, that is
15 testimony@council.nyc.gov.

16 At this time and going forward, no one is
17 to approach the dais. I repeat, no one is to approach
18 the dais. Thank you for your cooperation.

19 Chair, we are ready to begin.

20 CHAIRPERSON POWERS: [GAVEL] Good morning
21 and welcome to the meeting of the Committee on Rules,
22 Privileges and Elections. I am City Council Member
23 Keith Powers, Chair of the Committee. I want to
24 welcome everyone.

2 Before we begin, I'd like to introduce
3 the other Members of the Committee who are present.
4 We have Council Member Justin Brannan from Brooklyn,
5 and we have Council Member Gale Brewer of Manhattan,
6 and we'll be joined by others in the near future. I
7 want to acknowledge the Counsel to the Committee,
8 Jeff Campagna, and the Committee Staff who worked on
9 the appointments that we will be hearing here today,
10 Director of Investigations Francesca Della Vecchia,
11 Deputy Director of Investigations Alycia Vasell, and
12 Chief Ethics Counsel Pearl Moore.

13 By a letter dated September 20, 2023,
14 Bronx Borough President Vanessa Gibson requested the
15 advice and consent of the Council regarding the
16 appointment of Orlando Marin to serve as the member
17 of the City Planning Commission.

18 Also by letters dated September 27, 2023,
19 Mayor Eric Adams requested the advice and consent of
20 the Council regarding the appointments of John
21 Heesemann, Bennett Minko, and Gary Bristol to the New
22 York City Tax Commission and Lisa Urban to the
23 Environmental Control Board within the Office of
24 Administrative Trials and Hearings. Today, the
25

2 Committee is holding public hearings on these
3 candidates.

4 We will begin today's hearing with the
5 nomination of Orlanda Marin to serve on the City
6 Planning Commission. Before I introduce the
7 candidate, I'll review the functions and membership
8 qualifications of the City Planning Commission. The
9 City Planning Commission is responsible for the
10 conduct of planning relating to the orderly growth,
11 improvement, and future development of the city
12 including adequate and appropriate resources for the
13 housing, business, industry, transportation,
14 distribution, recreation, culture, comfort,
15 convenience, health, and welfare of its population.
16 CPC is also responsible for the review of and has
17 veto power over all proposals to change the zoning
18 map, the city map, and the text of the Zoning
19 Resolution, site selections for city capital
20 projects, all major concessions, proposed franchises,
21 and revokable consents that the Department of City
22 Planning determines would have land use impact,
23 proposed housing and urban renewal plans pursuant to
24 state and federal law, sales, acquisitions, leases,
25 and other dispositions of real property of and by the

2 City and the granting of special permits pursuant to
3 the Zoning Resolution. There will be a quiz after
4 that. I hope you all were paying attention. CPC
5 oversees the implementation of laws and requires
6 environmental reviews of actions taken by the City,
7 in particular city environmental reviews, CEQR, state
8 environmental quality review act, SEQRA, and the
9 national environmental policy. CPC assists the Mayor
10 and other officials in developing the 10-year capital
11 strategy, the four-year capital program as well as
12 the annual Statement of Needs. CPC also is
13 responsible for promulgating various rules,
14 establishing the minimum standards for certification
15 of application subject to the Uniform Land Use Review
16 Process, commonly known as ULURP, establishing the
17 minimum standards of procedure requirements of
18 community boards, borough presidents, borough boards,
19 and the Commission itself in the exercise of their
20 duties and responsibilities and ULURP, establishing
21 specific time periods for precertification review of
22 applications subject to ULURP, establishing the
23 procedures for environmental reviews required by law
24 including the procedure for the preparation of filing
25 of environmental assessment statements and

2 environmental impact statements, establishing the
3 minimum standards for the form and content of 197-A
4 plans, listing major concessions or establishing a
5 procedure for determining whether a concession is
6 defined as a major concession. CPC also has the power
7 to modify any amendments proposed by the Mayor to
8 change the rules governing site selection and fair
9 distribution of City facilities. It also has the
10 exclusive power to propose additional categories of
11 Land Use actions that will be reviewed pursuant to
12 ULURP and subject to enacting by the Council.

13 (INAUDIBLE) the City Planning Commission
14 consists of 13 members with a Chair and six other
15 appointments made by the Mayor, one by the Public
16 Advocate, and one by each Borough President. Members
17 are to be chosen for their independence, integrity,
18 and civic commitment. All members except for the
19 Chair are subject to the advice and consent of the
20 Council.

21 CPC members except for the Chair who
22 serves at the pleasure of the Mayor serve for
23 staggered five-year terms which begin the day after
24 expiration of the previous term. For purposes of
25 Chapter 68 of the Charter, CPC members other than the

2 Chair shall not be considered regular employees of
3 the City. CPC members are prohibited from holding any
4 other City office while they serve on the CPC. There
5 is no limitation on the number of terms a CPC member
6 may serve. The member-designated Vice Chair receives
7 an annual salary of 73,855 dollars. Other members
8 receive an annual salary of 64,224 dollars.

9 Today, we're joined by Orlando Marin,
10 nominated by Bronx Borough President Vanessa Gibson
11 for reappointment to the CPC. Mr. Marin joined the
12 CPC 12 years ago as the appointee of former Bronx
13 Borough President Ruben Diaz, Jr. currently holding
14 over from a term expired on June 30, 2020. If
15 appointed, he'll serve the remainder of a five-year
16 term that expires on June 30, 2025. Welcome. Thank
17 you for joining us here today. Congratulations on
18 your reappointment or my condolences depending on how
19 you look at it, just kidding. Please raise your right
20 hand to be sworn in.

21 COMMITTEE COUNSEL CAMPAGNA: Do you affirm
22 to tell the truth, the whole truth, and nothing but
23 the truth in your testimony before this Committee and
24 in answer to all Council Member questions?

25 ORLANDO MARIN: Yes.

2 CHAIRPERSON POWERS: Thank you, and I want
3 to welcome Council Member Pierina Sanchez from the
4 Bronx as well.

5 Thank you for being here with us here
6 today. You can now make an opening statement if you
7 like.

8 ORLANDO MARIN: Sure. Thank you. Good
9 morning, Chairman Powers and Members of the Committee
10 on Rules, Privileges and Elections. I also want to
11 acknowledge Councilwoman Sanchez, Councilwoman Brewer
12 who I've had the opportunity to work with before.

13 Thank you for the opportunity to address
14 the Committee regarding my reappointment nomination
15 and continued service to the New York City Planning
16 Commission by Bronx Borough President Vanessa L.
17 Gibson.

18 When I first came before the Committee in
19 August 2011, I discussed the blackout during the
20 summer of 1977. The destruction and decimation of
21 various New York City neighborhoods due to the fires
22 and the subsequent razing of neighborhoods block by
23 block throughout the City of New York. This was a
24 very dark time for the City. I discussed how I am a
25 product of the public school system and NYCHA housing

2 and that I have lived in the Borough of the Bronx all
3 of my life. I emphasized my enthusiastic and
4 optimistic views at a very young age and how I
5 wondered what would become of me and what my
6 participation and contribution to the City would be
7 in order to realize a more healthy and vibrant city.
8 I also briefly outlined my education, experiences,
9 and career to date. I mentioned my participation as a
10 Fellow with the National Urban Fellows Program, my
11 employ with one of the most prestigious architecture
12 firms globally, Perkins and Will, my employ with the
13 New York City Housing Partnership, the leading
14 premier of affordable for-sale housing, my
15 involvement with Bronx Community Board 2, and my
16 involvement securing funding for and developing
17 hundreds of units of affordable housing throughout
18 the five boroughs that are the City of New York.

19 I tell these stories to demonstrate my
20 service to the City and my continued desire to be one
21 of its civil servants. I learned early on as an Urban
22 Fellow that the most aspect of the program was for me
23 to develop further and become an expert in my field
24 and to give back and represent the under-represented
25 minorities in all communities.

2 Being on the Commission is a privilege,
3 and I greatly enjoy the work that the City Planning
4 Commission performs. From vetting applications staff
5 presents to hearing testimony both in the affirmative
6 and in the negative for projects that will inevitably
7 shape the City for years to come, my decisions are
8 rendered after thorough, thoughtful, extensive review
9 of relevant and pertinent public records and public
10 testimony that ultimately assists me in doing so.
11 Additionally, I express and communicate any issues,
12 questions, or concerns to DCP and CPC staff for
13 elaboration well before any scheduled hearings.
14 Lastly, I am fully prepared to fully participate and
15 ask informed and poignant questions at all hearings
16 and sessions.

17 The primary mission of the members of the
18 City Planning Commission and the Department of City
19 Planning are to fulfill their Charter-mandated
20 functions in a matter that best serves the people of
21 New York by Land Use decisions in a holistic,
22 deliberate fashion while, to the best of our ability,
23 improving the quality of life for all New Yorkers.

24 I believe deeply that my participation on
25 the Commission, the queries that I have posed, and

2 the decisions that I have rendered have all been with
3 this imperative driving my actions. Moreover, my deep
4 and abiding commitment to serving the City in its
5 development efforts has grown greater as a result of
6 the privilege of serving on the City Planning
7 Commission. Our city is evolving, and it is
8 imperative that during this change it evolves
9 responsibly, equitably, and in a sustainable manner.
10 I believe that I developed and continue to maintain a
11 considerable level of knowledge and possess the
12 skills in planning matters that would contribute and
13 assist in doing so. I remain a proud civil servant of
14 the City of New York.

15 Today, we are challenged by the effects
16 of global warming, a migrant crisis requiring more
17 housing and social services, congestion pricing just
18 to mitigate a few of the effects of global warming,
19 cost of production, higher rents are being
20 effectuated, open space ratios and fair share of all
21 services and amenities just to name a few of the
22 challenges that I am sure the City Planning
23 Commission will be entertaining as a body.

24 It is for these reasons that I wish to
25 continue my service on the City Planning Commission.

2 The experiences that I have gained and the
3 professional acumen that I have developed combined
4 with the skillsets and development expertise that I
5 have honed throughout the years have grounded me and
6 are the basis for my continued desire to serve the
7 City and which I believe will continue to complement
8 those currently serving on the Commission.

9 I thank you all for your consideration
10 for reappointment to serve the City of New York
11 Planning Commission, and I would love the opportunity
12 to help address these issues by continuing my service
13 on the City Planning Commission as appointed by Bronx
14 Borough President Vanessa L. Gibson. Thank you.

15 CHAIRPERSON POWERS: Thank you. We've also
16 been joined by Council Member Brooks-Powers here as
17 well.

18 I will ask a few questions then I'll give
19 an opportunity for Colleagues to ask questions as
20 well.

21 You've been serving on the City Planning
22 Commission now I think for 12 years. Is that correct?

23 ORLANDO MARIN: That's correct.

24 CHAIRPERSON POWERS: 12 years, and what we
25 hear from Colleagues often is about a feeling that

2 the City Planning Commission moves a lot of projects
3 forward and can sometimes serve as a rubberstamp for
4 projects, and you can debate that or you can counter
5 that if you'd like, and on your written responses,
6 you wrote that City Planning Commission makes sure
7 all parties can get to a yes on all applications
8 submitted for consideration so for folks that here in
9 City Council who are working through some of these
10 difficult projects, the questions sometimes is
11 whether they're serving the public interest and
12 whether they're meeting the needs of the city at a
13 particular time so the question is do you believe all
14 applications submitted for review, whether public or
15 private, are in the public interest and deserve to be
16 a yes?

17 ORLANDO MARIN: I do believe that folks
18 submitting applications have the best intent in terms
19 of their application and what they are proposing for
20 the City of New York. I don't believe that all of
21 them reach that intent, and there have been times
22 where I have been boisterous about it, I have
23 expressed my opinion, and I have voted in the
24 negative because of that. One example will be, for
25 me, congestion pricing where we're talking about how

2 we are going to charge a fee to go below 60th Street
3 and yet we still see luxury buildings going up with
4 parking. My response to that is that parking should
5 not be built there as much as we agree that we should
6 not have parking in transit-rich zones so I would not
7 say that we are rubberstampers, but I do say that
8 there are varied interests in the applications that
9 are presented and, for the most part, I've seen most
10 applications voted in the affirmative than the
11 negative.

12 CHAIRPERSON POWERS: Got it. Understanding
13 that not all parties can get to a yes and there's
14 going to be reasons that are very valid for folks to
15 be able to feel like they haven't been able to
16 achieve the level of affordability desired, they
17 haven't been able to get changes made to the
18 application that would serve their communities or
19 districts in a reasonable fashion. What is the
20 criteria where you might view applications not being
21 a yes and where there might be a reason to vote
22 against it?

23 ORLANDO MARIN: Can you repeat your
24 question, please?

2 CHAIRPERSON POWERS: The question is
3 essentially there are going to be moments where by
4 the time when it hits City Planning at that point
5 there are going still need to be substantive changes
6 to the application to meet the affordability levels
7 that are (INAUDIBLE) desirable and (INAUDIBLE) make
8 additional concessions to serve the needs of the
9 surrounding community or just reasonable concessions
10 made to that application so I guess understanding
11 that the goal here, and I don't disagree with the
12 goal to try to get to a yes to serve needs of the
13 city, what are the moments where you might say this
14 isn't a yes and in a goal to get to a yes, I can't
15 reasonably support an application.

16 ORLANDO MARIN: I would opine that I may
17 not support an application and the rest of the body
18 might, and the body then votes the application in the
19 affirmative. We clearly point out, those of us that
20 are either against or want to support 30 percent of
21 AMI versus the 80 percent of AMI category under the
22 MIH, we clearly make note that while we support the
23 application and we know that changes need to be made,
24 we leave it up to the District Council Member to do
25 that at Council because you know more for the

2 community and what the community is desiring than we
3 do and so at times where we would argue what is that
4 affordable level that doesn't produce those rents
5 where folks are saying that even though it's
6 affordable I can't pay that rent so that is
7 acknowledge and the application is then of course,
8 because there are varied interests, it gets voted in
9 the affirmative and then we support it by saying we
10 hope Council can acknowledge and make these changes.

11 CHAIRPERSON POWERS: Okay. Talking about
12 affordable housing, as you probably know the MIH
13 program is currently mapped when an upzoning results
14 in an increase of 30 percent or more in the floor
15 area. In your written answers, you acknowledged that
16 under MIH, affordable units are only built as part of
17 market-rate housing developments and that the
18 majority of affordable units built at those are not
19 affordable to the folks who live in those communities
20 when they're built, which is obviously a problem we'd
21 like to correct for. If MIH is not creating housing
22 that's affordable for people who live where it's
23 being built, can you talk about what the value is of
24 approving upzoning to facilitate luxury development

2 if it's not meeting the needs of those who live in
3 that area?

4 ORLANDO MARIN: I grapple with that
5 because I am of the mindset, for example, at the
6 Jerome-Cromwell rezoning where it was intended to be
7 MIH and a mix of luxury market, let's call it market,
8 and affordable, the production of housing there is
9 actually 100 percent affordable which is great, and
10 so part of the problem is that developers fight with
11 cost and subsidy that's provided by the City of New
12 York, and they try to find that mix by providing
13 different types of subsidies so they may use Open
14 Door, they may use SARA in combination with ELLA so
15 they try to get to a point where the project is
16 affordable to the community. Do I think that projects
17 that provide luxury housing in communities that show
18 that there's a need for more affordable housing
19 should be approved? No, I think that we should
20 concentrate on two things. One is reevaluating the
21 MIH program and maybe making the percentages higher
22 because what we're seeing is reverse of what we need.
23 We need more affordable housing than we do luxury so
24 maybe it's time to reevaluate that program and
25 include more MIH. It's also time to try and see how

2 we can garner some more subsidies because without
3 those subsidies, it's difficult to build the
4 affordable housing because of the high cost and the
5 lower rents that you're receiving, the subsidies in
6 between are meant to make up the difference, and
7 sometimes they don't meet so it's very difficult.

8 CHAIRPERSON POWERS: Okay, and then one
9 more question then I want to open it up. I may come
10 back for another round.

11 You've been on City Planning for 12 years
12 now. The Mayor has just put out a housing plan a few
13 weeks ago. I wanted to get your thoughts on the
14 housing plan the Mayor just announced two weeks ago.
15 Similarly, other strategies that you believe the City
16 should be employing to help create more housing and
17 also create more affordable housing.

18 ORLANDO MARIN: I absolutely think that
19 the City should be creating more housing and more
20 affordable housing. Based on what we're seeing today,
21 we have a migrant population that wants to be here,
22 we have folks that are here that don't have housing,
23 and those folks that are coming in, those folks that
24 are here are at the lower end of the AMI scale that
25 require more affordable housing so our production

2 should reflect the need of the City of New York, and
3 I totally agree that more affordable housing...

4 CHAIRPERSON POWERS: My question is how do
5 you do that? What is the strategy?

6 ORLANDO MARIN: That's the trick so the
7 trick would be, for me, or the challenge would be
8 raising the amount of MIH that you would require in a
9 new development paired with more subsidy as a result
10 of that because, without the subsidy, you can't build
11 the houses so it's sort of a catch-22 where if you
12 don't provide one you don't get the other.

13 CHAIRPERSON POWERS: Isn't MIH essentially
14 trying to take the subsidy out of the program though?
15 Isn't it essentially to say rather than subsidizing,
16 we're going to give you a density swap for the
17 ability to create, the trade is to create more
18 affordable housing? My view of MIH has always been, I
19 understand projects are getting subsidized, but the
20 strategy here is to have them cross-subsidize each
21 other, more market housing in order to allow for more
22 affordable housing to essentially take the City out
23 of the subsidy and the need to subsidize every
24 affordable house unit that's created here so don't
25 those things potentially run into each other?

2 ORLANDO MARIN: My recollection and my
3 understanding of MIH was not that the luxury units
4 would cross-subsidize the affordable units. That I've
5 seen in the past with 75/25 subsidy that HDC used to
6 have. I actually built three buildings in Harlem,
7 Lancaster Madison, Lancaster Lexington, and
8 (INAUDIBLE), and all three were 75/25. Those were
9 meant to cross-subsidize. The MIH program has no
10 provision in it for cross-subsidization and all
11 subsidies do come from HPD to..

12 CHAIRPERSON POWERS: No, I think that's
13 incorrect. I think the policy of the whole MIH is to
14 create more and more market housing in order to allow
15 extra density for the purposes of creating affordable
16 housing and letting those market rents subsidize the
17 rents that are getting created.

18 ORLANDO MARIN: That's not how it works,
19 and..

20 CHAIRPERSON POWERS: That is the stated
21 policy of the MIH without question.

22 ORLANDO MARIN: Excuse me?

23 CHAIRPERSON POWERS: That is definitely
24 the stated policy of the MIH. Whether we are
25 subsidizing units inside of those projects to help

2 make deeper affordability is a different question,
3 but I am fairly certain that was the stated policy
4 goal of MIH is to not have to do an HPD subsidy for
5 every single one and do a cross-subsidization of it,
6 but that being said, what other strategies do you
7 think the City could be taking to, what is your
8 opinion on the Mayor's housing plan that he put out
9 two weeks...

10 ORLANDO MARIN: I haven't really read the
11 entire plan fully, but we have been presented a
12 synopsis. I'm for the plan. I think that the plan
13 makes a lot of sense for the City, decarbonization,
14 providing more housing, (INAUDIBLE) connections in
15 communities. I think it's a plan that needs to be
16 implemented, and we can see the effects and, as we
17 see them developing, if they need to be tweaked, then
18 we have to tweak them as we go along. I don't think
19 that any plan that's every put out is 100 percent
20 perfect.

21 CHAIRPERSON POWERS: What areas would you
22 ask to be tweaked?

23 ORLANDO MARIN: I don't know yet. I
24 haven't really read the plan in its entirety so I
25 couldn't tell you that.

2 CHAIRPERSON POWERS: Okay. I'm going to go
3 to Colleagues who have questions. Also, we've been
4 joined by Minority Leader Joe Borelli.

5 We are going to go to Council Member
6 Brewer. You have questions?

7 COUNCIL MEMBER BREWER: You have a hard
8 job. City Planning, I have a great respect for your
9 Chair, Council Member Garodnick.

10 My question is, and this is a hard one,
11 as we're trying to do rezonings, you heard about the
12 Mayor's plan, the Speaker has a plan. My concern is
13 always the gentrification and how do you address it,
14 and, obviously, coming from Manhattan, we've seen our
15 more than fair share. I think we've lost on the Upper
16 West Side more stabilized units than any other
17 community in the entire city and, without
18 stabilization, thank God for the Supreme Court saying
19 no to that case, that's a big deal today, but
20 generally we've lost a lot of affordable housing so
21 my question to you is, there may not be an answer to
22 this, but does City Planning have between the
23 rezonings or MIH or just general policy some notion
24 of how do we both build the city, which we need to
25 do, 500,000 new units, and address gentrification.

2 These are huge policy concerns, but I didn't know if
3 they come up, if there's any thoughts that you might
4 have.

5 ORLANDO MARIN: We often hear from folks
6 both in the affirmative and the negative that what we
7 do does cause gentrification and thus cause the lower
8 AMI folks to be pushed out of communities for
9 whatever reason, be it that you're offered an extreme
10 amount of money for the purchase of your home, be it
11 rents going up. I'm not too sure what the answer is,
12 Council Member Brewer, but what I can tell you is
13 that I know that I daily strive to make sure that we
14 try and bring more affordable housing to the table,
15 proposals that are brought before us, those of us in
16 the housing world that know the need for affordable
17 housing are fighting for more affordable housing,
18 which is why my answer to Chairman Powers' question
19 is I think it's time reevaluate our MIH program. We
20 created it, we've studied it, we implemented it. It's
21 now time to take a look at what worked, what didn't
22 work, and adjust that program. That's my own take on
23 it.

24 COUNCIL MEMBER BREWER: Okay. In terms of
25 rezonings, are there some rezonings, I know you

2 mentioned in your remarks, that you feel have made
3 sense. As Borough President, I had to do a lot of
4 them so I'm quite familiar with rezonings, but do you
5 feel that there is some context and some aspect to a
6 rezoning that makes it more successful than other
7 rezonings?

8 ORLANDO MARIN: I would say that the more
9 successful rezonings are those that include as many
10 of the needs of the community as possible so I'll
11 give you an example. You include affordable housing,
12 you have a commercial base, you may have a daycare,
13 you may have a supermarket. These are things that
14 people need locally, and it's the only way to build
15 communities and make them tighter because now you're
16 going to your local supermarket, you know the next-
17 door neighbor, I see Council Member Brewer shopping,
18 it builds sort of a secure feeling within that
19 community. It's the only way to make it happen.

20 COUNCIL MEMBER BREWER: Okay. Thank you,
21 Mr. Chair.

22 CHAIRPERSON POWERS: Thank you. We'll go
23 to Council Member Sanchez.

24 COUNCIL MEMBER SANCHEZ: Hello,
25 Commissioner.

2 ORLANDO MARIN: Good morning.

3 COUNCIL MEMBER SANCHEZ: Good to see you.

4 ORLANDO MARIN: Same here. Thank you.

5 COUNCIL MEMBER SANCHEZ: I had the honor
6 of working with you in many capacities. Thank you for
7 your service to the Bronx, thank you for your service
8 on the Commission.

9 I wanted to take this opportunity to ask
10 three probably seemingly unrelated questions. The
11 first one is you shared a lot about your background
12 and your experiences professionally, but of equal
13 importance I think in my perspective is just how are
14 we reflecting, how are leaders reflecting the
15 communities that are being served so can you just
16 talk about, you said you were born and raised in the
17 Bronx, your ties to the Bronx today, do you still
18 have family there, what's your week like in the
19 Bronx?

20 ORLANDO MARIN: Interesting question. I
21 still live in the Bronx, born and raised. I'm five
22 blocks away from my mother, which I made the
23 conscious decision to stay because I knew my father
24 was ill, and so he passed and I'm in the community. I
25 participate in the community as much as I can. I'm,

2 for lack of a better word, the block mayor if you
3 will because everyone comes to me when there's an
4 issue and, you know, you're a commissioner, call City
5 Planning, you're a commissioner, call this one, so,
6 for me, it's really gratifying because you're helping
7 people and they have someone they can depend on when
8 the time of need. I frequent parks. I love the
9 botanical garden. I'm there all the time. I can't say
10 I'm at the zoo too much because I don't have any
11 kids, but the garden is beautiful. I familiar with
12 all corners of the Bronx. I do developments so I've
13 worked with the New York City Housing Partnership.
14 I'm also familiar with the other boroughs as well,
15 having developed for sale affordable housing for the
16 last 30 years you do get a sort of view of the entire
17 city and what's been most gratifying for me is that I
18 see how the Bronx has developed. Because of my
19 participation, I see all the partnership homes that
20 have gone up. That really solidified and secured
21 neighborhoods. We felt that (INAUDIBLE) you feel a
22 piece of the land, you take more interest, and now
23 it's time to continue the mission. I spend all my
24 time in the Bronx, 99 percent of my time so I'm not
25 too sure what else I can say other than I love the

2 Bronx. I tell people I eat, breathe, and sleep the
3 Bronx which is what I do.

4 COUNCIL MEMBER SANCHEZ: It's a great
5 answer in my book. Thank you, Commissioner.

6 ORLANDO MARIN: If I may, you have to have
7 that personal touch. You have to be able to
8 effectuate the life of an individual on a personal
9 level whether or not I agree with you, and I think
10 that's what some folks are missing. We just have to
11 understand each other and walk away and, like I tell
12 my staff, we have to get to yes. You have to give a
13 little, I have to give a little bit, we're not going
14 to get everything we want but at the end of the day
15 has the mission accomplished and is it for the people
16 of New York that we're doing this.

17 COUNCIL MEMBER SANCHEZ: Thank you. My
18 second question is regarding conflicts of interest. I
19 know they've been dealt with in the past, your
20 employment with Habitat for Humanity. With regard to
21 your property management company, where are the
22 properties that are being managed?

23 ORLANDO MARIN: You mean my personal
24 property management company? I'm just managing my own
25 properties. I have two homes, two co-ops, and my

2 mother's property and a property upstate so that's
3 six properties that I manage.

4 COUNCIL MEMBER SANCHEZ: Okay.

5 ORLANDO MARIN: So I'm not managing
6 property for others. I made that decision once I
7 joined Habitat so I let go of all the contracts that
8 I had.

9 COUNCIL MEMBER SANCHEZ: Thank you. That's
10 helpful. Finally, going back to Chair Powers'
11 questions around the housing proposals that have been
12 put out by the Mayor, the sort of existential
13 questions that are before us at this time in New York
14 City. Regarding the City of Yes proposal that will be
15 coming to the Commission, will be coming to all of us
16 in due time, is unlocking production of housing
17 sufficient to meet the need for affordable housing in
18 the City of New York? How do you consider the
19 framework that is being provided by the Mayor?

20 ORLANDO MARIN: I think the framework is
21 ambitious. What I don't think we can predict is the
22 number of people that we're going to be able to
23 house, and the reason why I say this is because the
24 plan is a blueprint for development and while the
25 Mayor may project a certain amount of units within

2 his plan, it depends on what happens after that plan
3 is developed once that site comes for consideration
4 because the site may be upzoned, it may be downzoned,
5 and that will affect the production of housing so
6 it's really difficult to identify how many units
7 we're having, but we can say, I can successfully say
8 that I know that in my field of work in housing, we
9 are not producing the amount of housing that we need
10 for the people that are needing housing in New York
11 City, and it's not because we're not producing. It's
12 because there's no land so, as you see, we're
13 redeveloping, we're finding spots, we're finding
14 parking lots at NYCHA developments, and I think
15 that's all admirable. These buildings that we're
16 injecting into these parcels should all be
17 affordable. There should not be a luxury component
18 because the need is affordable housing. It is city
19 land or state land depending on how you look at it
20 because NYCHA may be still state land, but those
21 properties should be built as affordable and not
22 include a luxury component in my mind's eye.

23 COUNCIL MEMBER SANCHEZ: Yeah. I guess
24 what I'm trying to get at in terms of understanding
25 your philosophy on this is, I teach a class on

2 gentrification and displacement, and I always talk
3 about government support whether it comes in the form
4 of subsidy or tax breaks or if it's regulatory relief
5 which is what we're talking about with City of Yes is
6 regulatory relief, cutting red tape and all of that,
7 any version of government support for private action
8 needs to come with strings attached. It's like
9 dating, right? There needs to be strings attached for
10 me to know that there's commitment here, right and
11 that we want the same things, and so I'm very
12 interested in understanding as we think about
13 regulatory relief for the supply side of the housing
14 market in the City of New York, how are we going to
15 make sure that we're getting what we need. How are we
16 going to make sure that the strings attached are
17 getting us the deeper levels of affordability, the
18 construction in the parts of the city that haven't
19 been producing as much, all of these different
20 aspects. If you've had a chance to think about this
21 with respect to the City of Yes proposals, how do you
22 think that the City Planning Commission and in the
23 role that you would continue to have there could play
24 a role in ensuring that the city is getting what we
25 need out of affordable housing?

2 ORLANDO MARIN: That's really complicated,
3 only because we approve the built form and the
4 application that comes before us. Again, I argue that
5 we need more affordable housing, but, at the end of
6 the day, those that allow for the pilot programs, the
7 subsidy relief, tax relief are HPD and OMB, and so we
8 need to align and have them understand because lot of
9 times HPD fights with OMB because of the level of
10 subsidy they'd like to propose on a project, we all
11 know this, and so I think it behooves us to align the
12 two and help them understand and set a formula that's
13 going to stay consistent. For example, in the Bronx,
14 back to Jerome-Cromwell where it is an MIH-produced
15 layered neighborhood and we're seeing the 100 percent
16 affordable housing, 30 percent or 25 percent
17 depending on the AMI level that they've chosen, the
18 MIH category, that will remain affordable in
19 perpetuity. The City has made a commitment to
20 providing subsidy until that day that we don't exist
21 anymore. The balance of the building only gets
22 subsidy for a certain period of time. The challenge
23 would be to make that subsidy reinvoked at the next
24 regulatory period but then how do you not classify
25 the whole building as 100 percent affordable if we're

2 going to do that because that next period needs to be
3 approved to have affordable housing and, if it
4 doesn't, then it goes to luxury and not automatically
5 because then, of course, you have to wait until the
6 tenants move out, they're all under HCR regulation.

7 COUNCIL MEMBER SANCHEZ: Commissioner, I
8 would say and I know that this is almost a version of
9 the back and forth that you just had with the Chair,
10 right, the regulatory relief, that's worth something
11 separate from the subsidy that HPD can give or cannot
12 give and so that's valuable and what can the public
13 extract just on that term. On MIH, you get a density
14 bonus and you have to keep it affordable forever.
15 That's separate and apart from the 421-A and separate
16 and apart from all the subsidy, and so here when
17 we're talking about giving more density bonuses and
18 more relief, I just want to make sure to have
19 partners in the CPC who are thinking about the public
20 benefit here, how are we going to extract all the
21 affordability even before the subsidy, even before
22 anything else because the regulatory relief by itself
23 is a benefit.

24 ORLANDO MARIN: I totally agree with you
25 and I also agree with Chairman Powers here who asked

2 the question about the 75/25 or the cross-
3 subsidization. I really think that that needs to be
4 codified for every affordable unit you need to cross-
5 subsidize by this amount, and that's not in the
6 formula. That's not in the formula, and it's not part
7 of the MIH which is what I have been sort of
8 championing because it is needed. There should be a
9 cross-subsidization because at the end of the day, I
10 own property, I have the asset, I'm going to be
11 making money for the next 30, 40 years. I should be
12 giving something back. Example is myself. I don't
13 charge market rents, and I could so for a three
14 bedroom that could go for 3,100, I'm charging 2,400,
15 2,500. I'm taking the loss. I've made that conscious
16 decision to give back. That's what the bigger guys
17 need to do. They have deeper pockets. We have to, if
18 that's the case, enforce it by codifying into law.

19 COUNCIL MEMBER SANCHEZ: Thank you.

20 ORLANDO MARIN: You're very welcome.

21 COUNCIL MEMBER SANCHEZ: Thank you,
22 Commissioner. Good luck.

23 CHAIRPERSON POWERS: Thank you. We're now
24 going to hear from Council Member Brooks-Powers.

2 COUNCIL MEMBER BROOKS-POWERS: Hello and
3 good morning.

4 ORLANDO MARIN: Good morning.

5 COUNCIL MEMBER BROOKS-POWERS: Pardon my
6 voice. I think this hearing today is timely as I'm
7 reading How to Kill a City.

8 ORLANDO MARIN: I'm going to have to read
9 that one. I've never read that one.

10 COUNCIL MEMBER BROOKS-POWERS: You should.

11 ORLANDO MARIN: I will. Thank you.

12 COUNCIL MEMBER BROOKS-POWERS: A couple of
13 questions. What is your opinion of the ULURP process
14 as it stands?

15 ORLANDO MARIN: I think the process is
16 intended to do what it's supposed to do. I feel that
17 just like MIH these are programs and projects that we
18 put into effect many years ago, and through the
19 process sometimes we take a look at it and tweak a
20 little bit. I think it's time, because the City is
21 developing and changing so (INAUDIBLE) that we take a
22 look at that ULURP process again, and the reason why
23 I say this is because there are projects, and I know
24 you know this because this has been brought up where
25 EISs may not study a certain type of development.

2 Let's take downtown Brooklyn where we layered
3 commercial with the intent of creating office space,
4 and I saw we tongue-in-cheek, I wasn't there when it
5 happened but I am part of the body, we created that
6 to spur more commercial development, more office
7 space to allow people from Brooklyn to travel into
8 Brooklyn to their hometown and not congest the city.
9 Unfortunately, that didn't work because the market
10 wasn't there, and, instead, what we have was
11 residential that then proliferates more folks into
12 the subway system, sewage systems that are overloaded
13 as we know due to these rains most recently, our
14 sewer system capacity doesn't suit the needs of the
15 city, and so I would think that we need to take a
16 look at the process. I think it's, again, doing what
17 it's intended to do but needs to be reviewed again.

18 COUNCIL MEMBER BROOKS-POWERS: The
19 infrastructure piece you brought up, I want to come
20 back to it.

21 ORLANDO MARIN: Sure.

22 COUNCIL MEMBER BROOKS-POWERS: This
23 session, the CPC issued a decision to approve the Far
24 Rockaway Resiliency Project that included the
25 disposition of four large City-owned properties for

2 which HPD provided no project summaries even though
3 State law provides that the Council is entitled to
4 know whether UDAP projects will consist of rental or
5 homeownership units and affordability levels. City
6 Planning could have refused to certify this
7 application until there was a project summary but
8 left it to the Council to try to assert its
9 prerogative. One of your colleagues advised that the
10 Council should have disapproved the project to send a
11 message to HPD to comply with State law. You were on
12 the CPC at that time. What's your view of that
13 approach, especially with a project that big?

14 ORLANDO MARIN: I don't always agree with
15 that approach. There are times when, as I responded
16 to Chairman Powers, that we do refer out and say let
17 City Council deal with that. On an issue like this,
18 it shouldn't be because we're approving the physical
19 production of buildings without subsidy and they're
20 supposed to be affordable. I think that in my
21 questionnaire that I answered, one of the things that
22 I did discuss was more collaboration with the City
23 agencies that we work with. We should be talking
24 together. We should be planning. It should not be you
25 tell me what the building's going to look like, I'll

2 let you know if I have subsidy for you. That should
3 not happen, and so we should be working together and
4 we should be providing more subsidy. I did not agree
5 with some of the concepts within the rezoning process
6 of Far Rockaway, specifically that of buildings being
7 on City-owned with no subsidy, and hence, you have to
8 have weigh what's more important at the moment..

9 COUNCIL MEMBER BROOKS-POWERS: Can you
10 clarify, so you're saying that you don't believe in
11 building on City land without subsidy?

12 ORLANDO MARIN: No. I think that it is
13 City land, there should be subsidy, and it should be
14 affordable. This is public land of the City of New
15 York that belong to the people of New York, and it
16 should be built with subsidy and it should be built
17 affordable. Now, the other question here is subsidy
18 levels. Do I give the same subsidy to an 80 percent
19 unit as I would to a 120 percent AMI unit, and that's
20 where we need to have that stratified subsidy level
21 from HPD so that the formula could work. I can
22 provide deeper subsidy to the lower units while
23 providing less subsidy to a higher AMI unit.

24 COUNCIL MEMBER BROOKS-POWERS: That's an
25 interesting perspective because in this book it talks

2 about gentrification and how subsidies have ushered
3 in gentrification in some of the major cities. In New
4 York City, we've seen over 200,000 black New Yorkers
5 leave New York City because, even though we're
6 building so much affordable housing, it does not
7 remain affordable and the rent is so high and even
8 the mortgages are so high that people are unable to
9 afford to stay in the city, and then you have a few
10 developers who do affordable housing so it's like its
11 own like market that's happening that's getting these
12 tax incentives. How do you think CPC can help to
13 level that playing field in the sense that if you are
14 getting subsidies, how are we keeping it affordable?
15 How are we holding them accountable beyond the
16 approval?

17 ORLANDO MARIN: That's an interesting
18 question because our authority does not, our purview
19 is not to consider subsidy. However, those of us in
20 housing understand that you have to consider the
21 subsidy when the project is being presented, and so,
22 depending on the project and the need, I'm able to
23 project down if it's on City land that doesn't have
24 subsidy, but with the Far Rockaway plan even though
25 the subsidy wasn't there the need was to spur

2 development and so the thought was that, at least my
3 thought process, was if I approve the application
4 even though I feel I should turn it down then I'm not
5 doing the City justice because then I'm not going to
6 have any housing production.

7 COUNCIL MEMBER BROOKS-POWERS: To that
8 point, you formerly worked for the Bluestone
9 Organization which is a part of a consortium
10 (INAUDIBLE) in my District, were you a part of the
11 CPC at that time?

12 ORLANDO MARIN: Say that again. When I was
13 with Bluestone?

14 COUNCIL MEMBER BROOKS-POWERS: Bluestone
15 Organization. They're a part of a consortium for a
16 major construction project happening, affordable
17 housing, in my District right now.

18 ORLANDO MARIN: No. You're talking about
19 Averno East.

20 COUNCIL MEMBER BROOKS-POWERS: Averno
21 East.

22 ORLANDO MARIN: Arverne East was on the
23 books, the RFP was let and awarded to Bluestone,
24 Triangle, L and M.

2 COUNCIL MEMBER BROOKS-POWERS: Were you
3 still working with Bluestone at the time?

4 ORLANDO MARIN: I was working with
5 Bluestone at the time.

6 COUNCIL MEMBER BROOKS-POWERS: Were you on
7 the CPC?

8 ORLANDO MARIN: No, not when they were
9 awarded. I joined the Commission in 2011. That was
10 awarded before I got there, I'd say 2007, 2006.

11 COUNCIL MEMBER BROOKS-POWERS: No, I
12 believe it was awarded by my predecessor who came in
13 in 2013.

14 ORLANDO MARIN: I don't remember voting on
15 Arverne East. I will not lie. I don't remember voting
16 on Arvene East. For two reasons, one is if I did work
17 for the Bluestone Organization then I recused myself
18 so I didn't vote and I didn't hear the testimony. It
19 may have been at that time that I was working with
20 them and I did not vote on the project. I cannot vote
21 on the project.

22 COUNCIL MEMBER BROOKS-POWERS: Thank you.

23 ORLANDO MARIN: Or be subject to
24 conversation with anything on the project.

2 COUNCIL MEMBER BROOKS-POWERS: You
3 mentioned in your pre-hearing questions what is the
4 most troubling area of concern of the CPC and how
5 would you address it. Your response was I cannot say
6 as I do not have a troubling area of concern at this
7 time.

8 ORLANDO MARIN: I don't have a troubling
9 area of concern with the body and what we do. I do
10 have troubling concerns with some of the actions that
11 we've taken as I've mentioned like MIH so in terms of
12 the body, in terms of what we do, I don't have an
13 issue. In terms of some of the work that we put out,
14 again, my one vote or two votes of no do not get
15 trumped with 11 others voting yes unfortunately, but
16 those of us that are against proposals are boisterous
17 and we do make our point come across.

18 COUNCIL MEMBER BROOKS-POWERS: I will
19 acknowledge I've noticed that you voted against a
20 few, which is good. That shows that you're
21 independent thinking.

22 ORLANDO MARIN: I think in those votes I
23 was the only dissenting vote, and it was congestion
24 pricing and there was Madison Square Garden. I was
25 the only dissenting vote on those two, and there have

2 been others like NYU where I've made my point and
3 I've said while my one vote will not count I am going
4 to make my point by saying I am voting this down
5 because that's exactly how I feel it should be.

6 COUNCIL MEMBER BROOKS-POWERS: I'm
7 interested in understanding your viewpoint in terms
8 of when, and I know you mentioned earlier to my
9 Colleague, when a developer comes to you and wants to
10 rezone, the expectation is they have the best
11 intention. If it doesn't align with what the local
12 Member's vision is, how do you align with that?

13 ORLANDO MARIN: You don't. You state your
14 position. There have been many times where, again,
15 you get the briefing package, you note that the
16 Council Member and the community has a position, you
17 make that statement known, and if you feel like in
18 Rockaway that you needed to move the needed, I
19 personally would vote yes. If I feel that this is not
20 going to change...

21 COUNCIL MEMBER BROOKS-POWERS: Y'all moved
22 the needed too much in Rockaway for the record.

23 ORLANDO MARIN: Okay, gotcha. So if I feel
24 it's not going to move the needle then I will vote no
25 and state my opinion as to why and if I have to cite

2 what's in the record, I cite what the community is
3 pointing out, I cite what the Borough President is
4 pointing out, not just my own borough, I cite what
5 the Council Member is pointing out, the concerns, the
6 level of AMI that may be required.

7 COUNCIL MEMBER BROOKS-POWERS: I say that
8 while in my District we've been blessed to have a
9 good amount of housing in a time when we have a
10 housing crisis, the challenge is there are other
11 elements that haven't been factored in and so there's
12 been an overdevelopment of, for example, the Rockaway
13 Peninsula that's geographically isolated. There is no
14 trauma hospital on that peninsula. When there are
15 emergencies, we are stranded on the peninsula. In
16 December, Winter Storm Elliot, every way off that
17 peninsula was shut down. If an emergency happened,
18 were a trauma incident were to happen, you have
19 nowhere to go. That's alarming. When you think about
20 the infrastructure going back to what you said, this
21 past week we had a weather event that's happening
22 more frequently. In Rosedale and Springfield Gardens,
23 homeowners were flooded, their whole basement where
24 people live right now, and as we're building I think
25 it's important for CPC to take into more account the

2 infrastructure and also what the other assets are to
3 see if it makes sense. We can't build housing in a
4 silo, and that's important so I ask that if you
5 reappointed, which I expect that you will be, you've
6 been on there for a long time, that you are taking
7 these things into account. There are developers that
8 do have really good intentions, I'm not going to
9 speak for all of them, a Council Member has been
10 elected to represent a District and is looking at it
11 globally, not for someone's individual goal of
12 building on a site so when CPC looks at these
13 developments, it's important to take that into
14 account. Affordable homeownership, we need more
15 affordable homeownership. We need to lock people in
16 to be able to stay in New York City. We need to
17 preserve affordable homeownership. We need to
18 preserve communities, especially communities like in
19 Southeast Queens then when you look across the
20 country that is the one place where you see as much
21 black homeownership. We have to preserve it, and I'm
22 concerned about the actions of CPC in terms of the
23 projects that they're approving, and you've been on
24 there long enough to see many of them come through so

2 I ask that going forward the CPC take those things
3 into account.

4 ORLANDO MARIN: I will tell you that I
5 know there are several members on the Commission that
6 do take that into account. Our challenge as always is
7 reading the materials that are provided and getting
8 the information from the EIS. That's what our purview
9 is, and, unfortunately, the EISs sometimes cite that
10 there's no need for sewer systems or more school
11 seats which I happen to disagree with. I'm going to
12 give you an example for myself. I live in the Bronx.
13 I lived in my home now 28 years I believe. August 31,
14 2021, Wednesday, was a birthday for me, and I had a
15 great time, went to public session, went home. We had
16 got out late. I have a brownstone with a garden
17 apartment, and I'm in the garden apartment. Sat on my
18 bed to take off my clothes and all I felt was water
19 under my feet. I had never experienced a flood in my
20 life. I understand what you're talking about. What
21 happens is is that we keep saying that the sewer
22 system is of the right capacity, for example, to pick
23 on one of the infrastructure items, and we know that
24 our sewer system was designed for 1.5 inches an hour.
25 That's not what we're getting these days. We're

2 getting six inches of rain per hour. Coupled with the
3 fact that in most of these communities where we have
4 seen a community of two-family homes, for example,
5 buildings are being raised, upzoning is occurring,
6 and depending on the upzoning you're adding let's
7 just call it 50 units. Those 50 units may have 75
8 bathrooms and, instead of having 50 what we call
9 fixture units in the architectural world, now you
10 have 75 fixture units that add more water, more
11 sewage into the system. That was not contemplated so
12 to tell me, I find it very disturbing myself to read
13 a report that says a sewer system has capacity, but I
14 have to base my response and my action on the
15 materials that are provided, much like a court of
16 law.

17 COUNCIL MEMBER BROOKS-POWERS: What can we
18 do to change that because that is what we're seeing.
19 In Springfield Gardens, there's a block where all the
20 water kind of centers there because people have put
21 two-family homes on one-family home lots, and it's
22 stressed the infrastructure system, and then they
23 thankfully my predecessor got 2 billion dollars in
24 infrastructure funding, which is underway right now,
25 however that project is 10 years behind because by

2 the time it's being implemented, we've built so much
3 that it doesn't have capacity for what's being built
4 now.

5 ORLANDO MARIN: I do understand. It's a
6 challenge and it's something, again to me, it means
7 more collaboration with DEP, it means more state and
8 city collaboration and not working in silos and, at
9 times, I do feel that the agencies do work in silos,
10 and we have to be able to communicate and understand
11 to each other there is a need for funding so you have
12 to be able to have a conversation about that. This
13 sewer needs to be changed, we're planning this
14 community, we've added 12-story buildings, five of
15 them there's more fixture units, we believe the sewer
16 needs to be upsized from a 12-inch to a 24-inch, how
17 do we get their money so now we have to discuss
18 money. Everybody has to be at the table making a
19 commitment to that change. Do we also impose on
20 developers a fee to help up-rate the sewer system or
21 any of the infrastructure? Yeah, we should. That
22 should be part of the formula as well.

23 COUNCIL MEMBER BROOKS-POWERS: When is the
24 appropriate time to bring those parties together in
25 the process because I feel like the ULURP process,

2 that clock runs really quickly at times. If a
3 developer holds their cards close and waits until the
4 last minute, then we're under the gun to negotiate
5 with them at that point.

6 ORLANDO MARIN: Yeah, it's really, really
7 difficult. I really can't tell you what the one
8 answer is. I think that we all need to be working
9 collaboratively and make a very conscious effort to
10 involve every City agency that's involved with that
11 project, and we should think out of the box, we
12 should think about paying into a fund to increase the
13 infrastructure needs of the community, we should be
14 thinking about funds that increase the education
15 capacity. I'll give you another example. York
16 Studios, so York Studios comes into the Bronx, they
17 want to expand, there's a school next door. When York
18 Studios first came to the community, they're
19 building, they're giving iPads to the school. Okay,
20 fine. You gave 1,000 iPads. What happens to that
21 iPad? We're dealing with children. They fall, they
22 break. There's no longevity to that iPad, to that
23 effort that I've given you. Moreover, if I'm building
24 a studio, then maybe I should take that local school
25 and teach them how to be directors, how to be film

2 cutters, how to be camera holders, whatever the
3 terminology is, and they're not doing that, and
4 that's part of the whole holistic and we should
5 demand that when these folks come in, not ask them,
6 this is what we're demanding of you, instead of
7 asking, and on that vote I also dissented the vote as
8 a result of that.

9 COUNCIL MEMBER BROOKS-POWERS: Thank you.

10 ORLANDO MARIN: You're very welcome.

11 CHAIRPERSON POWERS: Thank you. We're
12 going to go Council Member Brewer for questions.

13 COUNCIL MEMBER BREWER: Thank you very
14 much. When I was Borough President, I submitted an
15 application along with others and the City Council
16 also to downzone the Two Bridges Urban Renewal Area
17 on the Lower East Side to prevent the construction of
18 an 80-story luxury building, actually there were four
19 of them, and the CPC at that point didn't even
20 certify the application. My question is what was the
21 nature of the discussion at City Planning about that
22 application and the decision to grant developers a
23 so-called minor modification which meant it was
24 mostly at the staff level and also meant, to us, that
25 here were four buildings that actually provided or

2 could more than all the rezoning in East Harlem and
3 yet East Harlem had gone through two years of
4 discussion. This is in my mind because now we're
5 dealing with the Getting to Yes mission, and so I'm
6 wondering as we think about this past, how do we deal
7 with reconciling the decision to block the downzoning
8 application and now we're trying to deal with Getting
9 to Yes so these are complicated questions. The Tax
10 Commission folks probably won't have any of these
11 questions, you're getting them all because we do care
12 about City Planning. We do care a lot about our
13 future planning so if you could answer at least part
14 of this question because I assume you were on the
15 Commission at that time.

16 ORLANDO MARIN: I was, and I was very
17 troubled by the Two Bridges. As a matter of fact,
18 driving in here I looked down over to the side and I
19 could see that they've started putting the
20 construction fencing up. I was troubled by that
21 application for many reasons because there were many
22 accommodations made to make that happen and it's all
23 luxury housing, and the folks from the community were
24 exclaiming that they wanted more affordable housing.
25 Unfortunately, sometimes it's difficult to disapprove

2 an application based on purview and merit, and you
3 have to walk that line very carefully. In the case of
4 Two Bridges, we were pushing for more affordable
5 housing, and the developers just did not want
6 affordable housing, and so it's a disingenuous act in
7 that you are going onto a large-scale plan that was
8 created to be affordable. You didn't create many
9 affordable units and you're creating more market-rate
10 units. We hear this complaint every time when you do
11 this in a community and on property that's
12 affordable. Unfortunately, based on purview and
13 merit, their application was approved.

14 COUNCIL MEMBER BREWER: I'm quite aware of
15 that. How do you think Getting to Yes is going to
16 impact any of these discussions? Are we going to have
17 the same over and over again?

18 ORLANDO MARIN: Getting to Yes on that
19 project is too late. The ship has sailed.

20 COUNCIL MEMBER BREWER: I know, but I'm
21 talking about the future.

22 ORLANDO MARIN: In the future, I think
23 that Getting to Yes is starting to, as a body, to
24 deny these applications. Unfortunately, those of us
25 that do deny the application are far and few between

2 and there's a body of 13 and it's a democratic
3 process and it gets upvoted.

4 COUNCIL MEMBER BREWER: Thank you.

5 CHAIRPERSON POWERS: Thank you. I just
6 want to do one more round and then we'll move on to
7 the next panel.

8 In the written answers submitted before
9 the hearing, you acknowledge that Long Island City
10 and Downtown Brooklyn who both are intended to be
11 office space for new business resulted in unintended
12 development of a massive amount of luxury housing
13 without any provisions for mitigation related to
14 impacts on the neighborhoods and the city's
15 infrastructure and schools which have been discussed
16 in those areas frequently. Can you talk about two
17 things, one is how do we, moving forward, prevent
18 that from happening again, and second is when the
19 public is looking at the environmental review of
20 these rezonings or these areas and looking forward
21 when we're looking at other rezonings as well, how
22 does (INAUDIBLE) trust when there is kind of failure
23 to address those potentials inside of the
24 environmental review including when you do worst-case
25 development scenario and look at alternative

2 development scenarios when you have areas, look,
3 we're in a world where we want to build housing and
4 now we're in a shifting landscape around office
5 buildings, but, before that, what are the ways to
6 avoid that scenario from happening again?

7 ORLANDO MARIN: I always grapple with
8 this, and I found this very confusing myself very
9 early on. We classify buildings of six units or more
10 as commercial, and so when you designate a certain
11 commercial district, it allows for residential. As
12 you can see from Long Island City and Brooklyn, the
13 unintended consequences was housing, even though we
14 need more housing now. The EIS did study worst-case
15 scenario, but it doesn't study the effects of the
16 worst-case scenario. It can tell you that housing can
17 be built and X number of units can built. It doesn't
18 go into the infrastructure, the school system, all
19 that so one thing is that in the comparison reports,
20 we should include in that worst-case scenario what
21 those effects are to the infrastructure as Council
22 Member Powers also questioned, sewers, schools,
23 hospitals, parks, open space, fresh air. Those all
24 should be considered. In the cases of Brooklyn and
25 Long Island City where the body had already approved

2 the rezoning to commercial and we saw and we
3 acknowledged and we stated on many occasions on the
4 dais this was not the intended built-form that we
5 were looking for. We should course correct and either
6 remove the residential from the commercial
7 designation or change the commercial designation to
8 not allow for residential. I would agree that we may
9 have been here at this point now looking to rezone
10 back to residential due to what's going on, but it
11 would've given us the opportunity then to inject more
12 affordable housing than we are seeing produced right
13 now currently.

14 CHAIRPERSON POWERS: I was with the Chair
15 of the City Planning Commission and the Mayor a few
16 weeks ago announcing in my District of Midtown South
17 opportunity to do a rezoning and also looking at
18 office conversions and changing the rules around
19 that. We recognize and understand that the office
20 conversion to residential is an opportunity, it's not
21 a golden ticket, but providing some relief on those
22 rules might open up opportunities. Are there other
23 places where you see opportunity where some
24 regulatory relief, even simple regulatory relief
25 might open up the possibility for more housing or

2 even in the commercial space might offer better
3 opportunity to convert over to housing?

4 ORLANDO MARIN: I would say that the
5 effort to convert office to residential only works
6 with certain office buildings because of the
7 (INAUDIBLE) of the building, the way the building is
8 situated, you have to get light in there into each
9 unit. A lot of plans that I've seen have created more
10 studios than family-sized units. We're looking for
11 more family-sized units so I would say that looking
12 for the offices that have that shape that fit the
13 conversion would work. I also think we need to look
14 at other venues within communities that are existing.
15 We have some hotels that could be converted very
16 easily. We have hotels that were built in some
17 manufacturing districts with the unintended purpose
18 that now a stop as a result of not building in those
19 districts, but I believe that where those exist we
20 need to create and craft a sort of small community to
21 be able to redevelop those buildings. I also believe
22 that there are certain areas that we have not gotten
23 to yet that can be rezoned for residential housing.
24 We should be concentrating on those as well.

2 CHAIRPERSON POWERS: Can you name some of
3 those areas?

4 ORLANDO MARIN: I know Council Member
5 Salamanca might disagree with me, but in Hunts Point
6 I see a lot of land closer to the highway and
7 adjacent to the residential district on the other
8 side of the highway that could be rezoned because
9 there are some spots where there are residential
10 buildings so I think that gives us an opportunity
11 there to take a look at the fringe and correct what's
12 there now. I would have to study other communities
13 and other neighborhoods, but that's one that I've
14 been specifically looking at because I live right
15 across the street basically.

16 CHAIRPERSON POWERS: Got it. Okay. Just in
17 general moving forward, what do you think when City
18 Planning is reviewing its applications, what should
19 the relationship between City Planning and the
20 elected officials whether it's the Borough President
21 or the Council Member who are both participants in
22 that process and obviously the Community Board as
23 well in terms of helping guide or shape the decisions
24 and the outcomes that City Planning?

2 ORLANDO MARIN: That's a really good
3 question and I welcome that question. As you noted my
4 response there is I think we should be able to talk
5 to each other. We're not allowed to talk to Council
6 Members. We're not allowed to talk to the Borough
7 President. We're not allowed to talk to the Community
8 Board. I think that it would be beneficial to hear
9 firsthand because then you see the desire and the
10 need and the why that person is requesting, and
11 there's a real relationship there. Not having that
12 relationship does not allow you really to create or
13 craft that you think would suit all and would address
14 the needs of all. You may request a certain action,
15 the Community Board may request a certain action,
16 again we have to get to yes, but without having that
17 conversation, we don't understand each other. I'll
18 give you an example. When you guys sometimes change
19 things, good morning, Council Member, we don't
20 understand why. We're not provided at times an
21 explanation other than Council has struck this out
22 and added this, and it would be helpful for us to be
23 able to have those conversations to understand why
24 and to craft a better response. As you have
25 mentioned, sometimes we miss some things that the

2 community and the Council are looking and desiring to
3 achieve. Without these conversations and without
4 understanding each other, I mean I may say no to you
5 still. I may say I disagree with you, but I'm not
6 allowed to have that conversation to even understand
7 what you're thinking.

8 CHAIRPERSON POWERS: Okay. Thank you.
9 We're joined by Council Member Salamanca. I think he
10 has questions.

11 COUNCIL MEMBER SALAMANCA: Thank you, Mr.
12 Chair. Good morning, Commissioner.

13 ORLANDO MARIN: Good morning.

14 COUNCIL MEMBER SALAMANCA: I want to start
15 off by saying that I know Mr. Orlando Marin almost,
16 what Orlando, maybe more than 15, 18 years.

17 ORLANDO MARIN: No, more than that.

18 COUNCIL MEMBER SALAMANCA: We served
19 together in the Community Board when he was the
20 Chairman of Community Board 2, and Commissioner Marin
21 has always been someone in my opinion to be honest,
22 even when that's not the answer that we want to hear
23 from him in the Community Board and as a Commissioner
24 so I want to thank you for your public service that
25

1 you've given at the City Planning and at the
2 Community Board.

3
4 My question to you though is one of the
5 challenges that we have in this Body when we're
6 speaking about affordable housing is that not every
7 community is doing their fair share. You have
8 communities who just want to push back, feel that
9 low-income families should not be living in their
10 communities. We have pushback where communities do
11 not want to see homeless families that are ready for
12 independent living to move into their communities,
13 and we as a Body we've passed laws to mandate, for
14 example the 15 percent homeless set-aside, but what
15 is the Commission doing in terms of working with
16 different Council Members or Community Boards to
17 identify locations where affordable housing can be
18 built?

19 ORLANDO MARIN: Good question. Each
20 borough has a borough office, and the borough's
21 office are the ones that work with the local
22 community in shaping a proposal and what is required.
23 I do and I say this with a smile because, as Council
24 Member Salamanca will tell you, that when the
25 introduction of 15 percent homeless was proposed, I

2 had my concerns and he and I discussed it for quite a
3 while, and I came to the understanding of why that
4 position was being presented and I happen to agree
5 with it, and that's part of the getting to yes that I
6 keep talking about. We have to be able to have these
7 conversations to understand each other, and I do
8 believe that we have to find a way of helping
9 communities understand what affordable housing is, we
10 have to define it. We also have to understand that
11 supportive housing, bear with me for a minute, is not
12 affordable housing. We want to look at it different
13 and why? Because when you lump supportive housing
14 with affordable housing, folks are thinking that
15 you're putting next to them a hotel, for example,
16 with no social services with a guard that doesn't
17 watch what's going on and chaos in the community at
18 times because people are just running all over the
19 place. I also believe that it's not healthy to put
20 one class of people all together. We are all folks,
21 we are varied individuals. I have mentors, you have
22 mentors, we have proteges. How do we get there? We
23 get there because we look up to folks, and we say I
24 want to be just like this individual. I hate to say
25 this, but I'm going to say this anyway. When I was

2 young, I carried around this book called The Art of
3 the Deal by Donald Trump, and I know that's a curse
4 word here, but I carried that book because I wanted
5 to educate myself on how to become that little Latino
6 who didn't have anything to have some property and be
7 something, right. During that process and throughout
8 my years of school, you're taught that you have to
9 mix communities because if I want to emulate you, I
10 have to be near you to see how you act, how you
11 behave. We don't do that in the City of New York.
12 Additionally, most folks that have objections are
13 reluctant to change anyway so it's not even that it's
14 affordable housing. It's just that they can't get
15 over change period, and what we have to do is create
16 buildings where the look, the feel of the building is
17 warming and welcoming. I'll give you another example
18 of Arbor House. It's on Union I believe and 164th
19 Street going north. You know Arbor House. It was the
20 first building that had affordable housing, and I
21 walked into it. I felt like I was in a building on
22 5th Avenue so that's what we need.

23 COUNCIL MEMBER SALAMANCA: I'm sorry,
24 Commissioner, but thank you for that. I think
25 something to bring back to the Chair of the

2 Commission, at least myself as the Chairman of the
3 Land Use Committee, it would be nice if the City
4 Planning Commission can put together a real report of
5 City-owned land and proposals on actually building on
6 those properties.

7 Finally, my final question, I'm a former
8 District Manager for Community Board 2, and I know
9 that you are a former Chair. One of the most
10 frustrating things as a District Manager, and I see
11 my friend, Tom (INAUDIBLE), in the back there is when
12 community boards give recommendations to the City
13 Planning, at times we felt as a Community Board that
14 even though it's advisory, it's really advisory. It's
15 as if thank you for your recommendations, you push it
16 to the side, and there's an agenda that the
17 Administration has set forward, and we felt as a
18 Community Board that our voices were unheard even
19 though we would submit our recommendations to the
20 City Planning Commission. How can that culture change
21 or has that culture changed at the City Planning
22 Commission?

23 ORLANDO MARIN: The culture hasn't
24 changed, and I will tell you that having come from a
25 Community Board, I don't like to hear that. I do hear

2 it all the time. It's advisory. Well, they're
3 advising you because they're in the community and
4 they know what the community needs. They're out there
5 talking to folks every day. You're not. You're not in
6 Rockaway and you're not in the Bronx, right, and
7 though we sit on this body together and we share
8 information, you have to experience it. This is why
9 my question to Chairman Powers stands. I think we
10 really need to be allowed to have these conversations
11 with the Community Board. We should be allowed to
12 have conversations with the Council Member, with
13 folks, with the stakeholders in that community that
14 would help us to better understand what is it that
15 you are requesting, why it's being requested, to be
16 able to help vote in the affirmative, and what I see
17 is you're absolutely right, it's advisory.

18 COUNCIL MEMBER SALAMANCA: All right.

19 Thank you, Commissioner. Thank you, Mr. Chair, for
20 allowing me to ask my questions.

21 COUNCIL MEMBER BREWER: Mr. Chair, I just
22 want to say that Wards Island, I have a resolution,
23 should be affordable housing. It's available land so
24 I just want to add that to your list.

2 ORLANDO MARIN: Councilwoman Brewer, I
3 will tell you that since the conversation of
4 decommissioning Rikers and using Rikers and Wards,
5 the conversation has always been don't think about
6 putting anything in affordable housing there. That is
7 City-owned land, and that is what we should be doing.

8 COUNCIL MEMBER BREWER: That's Rikers. I'm
9 talking about Wards Island.

10 ORLANDO MARIN: Wards as well, Wards as
11 well should be affordable housing. They both should
12 be. I have to tell you these are just much like
13 Staten Island, islands that could be habited..

14 COUNCIL MEMBER BREWER: Or Roosevelt
15 Island.

16 ORLANDO MARIN: Or Roosevelt Island, and I
17 think at this point we need to take advantage of that
18 and, again, affordable housing because the rumblings
19 have been luxury.

20 CHAIRPERSON POWERS: I'm just going to go
21 to Council Member Brooks-Powers for one last question
22 and then we're going to move on to the Tax
23 Commission.

24 COUNCIL MEMBER BROOKS-POWERS: One last
25 question, it could be your last statement. Can you

2 clarify, when you say affordable housing, do you mean
3 affordable housing in terms of rentals solely or
4 rentals and homeownership.

5 ORLANDO MARIN: Rentals and homeownership.
6 I work for Habitat for Humanity in New York City in
7 Westchester County, and all we produce is affordable
8 rental homeownership at 80 percent of area median
9 income or lower, and our average area median income
10 for sales has been 64 percent of area median income,
11 close to 50 percent of the city, that's like 45,000
12 dollars a year.

13 COUNCIL MEMBER BROOKS-POWERS: Thank you.

14 ORLANDO MARIN: You're very welcome.

15 CHAIRPERSON POWERS: Thank you. You're
16 excused. Thanks.

17 ORLANDO MARIN: Thank you, sir.

18 CHAIRPERSON POWERS: Our next hearing is
19 on the three appointments for the Tax Commission. You
20 folks are welcome to join us up here.

21 The Tax Commission is charged with the
22 duty of reviewing and correcting all assessments of
23 real property within the City of New York that is set
24 by the New York Department of Finance. Any
25 Commissioner shall exercise such other powers or

2 duties as the President of the Commission from time
3 to time may assign. The Commission has a President
4 and six Commissioners, all of who have had at least
5 three years of experience in the field of real estate
6 or real estate law. The President receives an annual
7 salary of 221,151 dollars. Commissioners receive an
8 annual salary of 25,677 dollars. Today, we're joined
9 by Bennett Minko, John Heesemann, and Gary Bristol
10 who all have been nominated by the Mayor for
11 appointment to the Tax Commission. If appointed, each
12 will serve the remainder of an unexpired term,
13 expiring on January 6, 2024. I want to thank you all
14 for joining us here today. You can all grab a seat at
15 the dais.

16 Thank you, guys, and welcome with
17 congratulations on your appointments. If you can,
18 please raise your right hands to be sworn in?

19 COMMITTEE COUNSEL CAMPAGNA: Do you affirm
20 to tell the truth, the whole truth, and nothing but
21 the truth in your testimony before this Committee and
22 in answer to all Council Member questions?

23 PANEL: (INAUDIBLE)

24 CHAIRPERSON POWERS: Great. Thank you,
25 guys. We're going to invite you all to make an

2 opening statement. Following all of your statements,
3 we'll go into rounds of questions. We'll start over
4 here and move from my left to my right and opposite
5 for you guys. You can make your opening statements
6 and then we'll open up for questions. Welcome.

7 GARY L. BRISTOL: Good morning, Chair
8 Powers and Members of the Committee on Rules,
9 Privileges and Elections. My name is Gary Bristol,
10 and I come before you today seeking your confirmation
11 and consent for appointment as the Manhattan part-
12 time Commissioner for the New York City Tax
13 Commission. It is a privilege and an honor to be
14 considered.

15 I have been a resident of Manhattan since
16 1994. I have had the pleasure of working in City
17 government serving the people of this great city for
18 more than 25 years, first as an attorney with the New
19 York City Office of the Corporation Counsel and this
20 year with the Tax Commission. I started in
21 Corporation Counsel's Family Court Division for two
22 years and then transferred to the Tax and Bankruptcy
23 Litigation Division where I represented the Tax
24 Commission and the New York City Department of
25

2 Finance before Federal Bankruptcy Court and State
3 Court at the trial and appellate levels.

4 Over the years, I analyzed thousands of
5 primarily State Supreme Court challenges to the Tax
6 Commission and Department of Finance determinations
7 of tax assessment, evaluations, and of eligibility
8 and compliance issues regarding various tax benefit
9 programs. After retiring from the Corporation Counsel
10 last year, the Tax Commission offered me a position
11 as a part-time hearing officer to help review and
12 determine the large number of annual applications
13 received by the Tax Commission for correction of
14 assessments, which I gladly accepted. Beginning in
15 May, I have conducted about 30 hearings to date
16 involving calendars of more than 1,000 properties. I
17 believe my experience and demonstrated service well-
18 qualifies me for consideration of the position of
19 part-time Commissioner to effectively administer the
20 responsibilities and functions of the Tax
21 Commission's mandate to independently review the
22 annual real property tax assessment set by the
23 Department of Finance. I hope to support the
24 continued and considerable efforts expended by the
25 current President and staff to be fair, efficient,

2 and transparent within the constraints of the law,
3 especially as to unrepresented taxpayers.

4 Finally, although my family reminds me
5 that, unlike them, I'm not a native New Yorker, I do
6 deeply appreciate this city and all it has given me
7 over 30 years. My daughter is a proud graduate of the
8 New York City public school system and, having been
9 both a homeowner and a renter, I appreciate the
10 responsibilities, liabilities, and assessments
11 associated with each form of residence. I wish to
12 continue working in the public sector and believe my
13 experience well-qualifies me to administer the duties
14 of the Tax Commission in a way that is as fair,
15 transparent, and efficient as possible, which is what
16 the citizens of this city should expect and nothing
17 less than what they deserve.

18 Thank you, again, for your time and
19 consideration both this morning and in reviewing my
20 application, and I'm happy to answer any questions
21 you may have.

22 CHAIRPERSON POWERS: You don't have to be
23 a native New Yorker until the time you're appointed
24 so, or a New Yorker for that matter.

2 JOHN HEESEMANN: Good morning, Chairman
3 Powers and Members of the New York City Rules
4 Committee. My name is John Heeseman, and I am pleased
5 to be here today and have the opportunity to discuss
6 with you the position of part-time Commissioner for
7 the New York City Tax Commission.

8 My New York City career started here at
9 the Tax Commission in June of 1984 as an Office
10 Associate. I then took the prerequisite civil service
11 test for Assistant City Assessor and then Assessor.
12 When I left the Tax Commission in 1999, I was
13 Director of the Appraisal Unit, supervising nine City
14 Assessors and six part-time Commissioners of which I
15 am now applying to become. As Director, I was
16 directly involved in all aspects of getting the
17 30,000 applications collected, inputted, hearings
18 scheduled, determinations made, and sent out. I was
19 also charged with the review process wherein offers
20 of reduction were looked at. I was also in constant
21 contact with our colleagues at the New York City
22 Department of Finance as well as outside attorney
23 groups. Before becoming Director of the Appraisal
24 Unit, I was personally involved in hearing and making
25 determinations on approximately 25,000 cases. 1999, I

2 left the Tax Commission to go to work at the New York
3 City Law Department as a City Assessor in the Tax and
4 Bankruptcy Division. The Law Department is the second
5 step in the appeals process for real property tax
6 cases. This work entailed analyzing individual
7 (INAUDIBLE) cases covering many open tax years and
8 negotiating settlements in phone and in-person
9 conferences. Asking for and analyzing discovery
10 information was paramount in working these cases up.
11 Over 99 percent of our cases were settled either by
12 making a proposal of reduction or by the petitioner
13 withdrawing their case. We also contacted the New
14 York City Department of Finance when warranted to get
15 specific details or in some cases giving them certain
16 details. This work also entailed updating and
17 responding to weekly court calendar cases. When
18 requested, I also consulted with division members on
19 individual cases and procedures. After retiring in
20 August 2021, President Henn approached me about
21 working as part-time employee to handle 40 calendars
22 of cases. I started last June and have continued this
23 year. With an average of 36 cases on a calendar, I
24 will have added over 2,800 cases to my career total.
25 I am a lifelong Queens resident, my first 30 years

2 growing up in Woodhaven and the last 34 years in
3 Rockaway. I have dealt with individual taxpayers as
4 well as attorney groups in my long career and
5 understand the frustration that many people have with
6 regard to property taxes. I believe that explaining
7 to somebody how the system works even when you don't
8 give them a reduction goes a long ways towards better
9 understanding of this very complex system.

10 I look forward to any questions you might
11 have.

12 BENNETT MINKO: (INAUDIBLE) personal
13 exemptions. Prior to starting this business, I was
14 employed by the New York City Department of Finance
15 for 35 years, involved in all facets of the real
16 property tax process from a variety of positions. As
17 a District Tax Assessor, I was directly responsible
18 for valuing all types of real property for the
19 purpose of determining its property tax. In this
20 capacity, I spent time doing field work, compiling
21 data, speaking with owners and managers about their
22 homes and properties. Soon thereafter as a
23 supervisor, I led a team of assessors reviewing,
24 approving or disapproving submitted valuations. As
25 the Borough of Staten Island Assessor in Charge from

2 the mid-1990s into the 2000s, I was responsible for
3 all borough-related activity including interpreting
4 policy directives and implementing agency programs. I
5 reduced backlogs by eliminating duplications and
6 worked closely with DOF programs to automate many
7 processes. I directed complete citywide redevelopment
8 and design of tax map apportionment entries and
9 billing. As the Assessor in Charge, I was DOF, the
10 Department of Finance, liaison for civics groups,
11 professional organizations, and outreach programs in
12 the borough. In the mid-2000s, I was named a Team
13 Leader located in the Manhattan office. I led a team
14 of assessors in discovering, identifying, valuing,
15 and adding all new construction to the City's tax
16 role. This also extended to physical alteration
17 changes of income-producing properties and of smaller
18 one-, two-, three-family homes. During this period, I
19 created tracking systems for all new building
20 permits, alterations, tax lot apportionments,
21 reducing the paper burden which allowed for much
22 greater efficiency and increased production. From
23 2011 until my retirement in 2018, I served as an
24 Administrative Assessor working as the Deputy
25 Director of Field Operations. In this capacity, my

2 citywide responsibilities meant overseeing each of
3 the five Borough Managers and all of the Field
4 Assessors, ensuring accurate data collection and
5 evaluation. During this period, I was often called
6 upon to interface with many different community
7 groups, professional organizations, and outreach
8 programs throughout the City. I also created,
9 implemented, and taught a training program for all
10 new Assistant Assessor hires.

11 I was born and raised in Brooklyn,
12 attended public institutions, graduated Brooklyn
13 Technical High School and I spent a brief semester
14 attending Brooklyn College, and currently I've been
15 living in Staten Island for 40 years. After the birth
16 of my two children, I went back to school, attending
17 the College of Staten Island at night for several
18 years before graduating with a business degree. The
19 majority of my working career has been devoted to
20 serving New York City and working in the property tax
21 system. There are always new challenges, experiences,
22 and opportunities that present themselves in this
23 field. Having an opportunity to serve as New York
24 City Tax Commission Commissioner will allow me to
25 continue working with both property owners and

2 collaborate with colleagues. As a candidate familiar
3 with both the valuation and appeals process, my
4 experience and background have prepared me to act as
5 a fair and impartial arbiter in the role of a hearing
6 office and an asset to the City.

7 Thank you for your time and look forward
8 to hearing from everyone.

9 CHAIRPERSON POWERS: Thank you. Thank you
10 all for the testimony. I have some broader questions.
11 I wanted to start with a specific question. Mr.
12 Minko, your resume which we have in our book talks
13 about your career here at the Department of Finance.
14 You had sought guidance at the Conflict of Interests
15 Board which included discussion (INAUDIBLE) I think a
16 business you own (INAUDIBLE)

17 BENNETT MINKO: Property Tax Service.

18 CHAIRPERSON POWERS: Yeah. That's not on
19 your resume. Can you discuss why?

20 BENNETT MINKO: Yes. It's something that
21 actually I started I won't say by accident, but folks
22 that knew what I did for a living as a property tax
23 assessor started asking if I could help them with
24 their property tax issues, and, in doing so, I
25 started a company during COVID, small, it's just me,

2 myself, out of my basement, it's not anything large,
3 but I began helping property owners by filing appeals
4 for them with the Tax Commission. As part of the
5 investigation into this position, I spoke with the
6 Conflict of Interest Board about that, and we
7 mutually agreed that I would cease operating that
8 business for the obvious conflict that would occur,
9 and so it was a venture that has now lasted maybe
10 two, maybe three years, and is going to stop should
11 this begin.

12 CHAIRPERSON POWERS: Okay. I appreciate
13 that. Thank you.

14 The City's property tax system is
15 remarkably complex, and I don't believe I need to
16 tell the three people sitting here that's the case,
17 but it is overwhelming for a lot of property owners
18 and certainly for small property owners here. I think
19 many of them find it very difficult in understanding
20 their assessment and their tax bill. Are there any
21 ways you three, and we can take this in order, any
22 ways of improving the public's understanding of the
23 property tax system and the process pertaining to
24 property taxes?

2 BENNETT MINKO: Having worked with
3 Finance, I know that the Department of Finance...

4 CHAIRPERSON POWERS: Can you speak a
5 little bit clearer into the microphone.

6 BENNETT MINKO: I know that the Department
7 of Finance always sends a rather detailed notice of
8 evaluation at the release of the new tax roll in mid-
9 January. Following that release of a notice of
10 property value, the Tax Commission has conducted
11 outreach sessions which I found to be very helpful,
12 having attended many of them. City Council Members
13 have also conducted their own outreach sessions at
14 this time of year, January, February, March, and also
15 to assist property owners on having them further
16 understand the property tax system and what they can
17 do to appeal a tax assessment.

18 JOHN HEESEMANN: When I was with the Tax
19 Commission the first time, we did a lot of outreach.
20 An educated taxpayer is our best customer because if
21 you can explain the process to people, they might
22 understand a little more. As Ben said, the Department
23 of Finance's notice of property value with regards
24 to, of the 1.1 million properties in the City of New
25 York, over 700,000 are Class 1s, and I think that's

2 where a lot of people are confused because the
3 Department of Finance puts a market value on each of
4 these homes, but what people didn't understand which
5 now the Department of Finance puts in the notice of
6 property value is the effective market value, what
7 the number is that you're actually paying taxes on so
8 I think outreach is definitely the way to go. I've
9 been involved in many of them, and we also had things
10 where people would come in and actually fill out
11 their applications and you would help them fill out
12 the applications to make sure and so they would
13 understand a little better.

14 GARY L. BRISTOL: I'd just add briefly to
15 what's been said already. I think when you talk
16 individually to taxpayers, if you can get them to
17 understand the process, the Tax Commission has been
18 around since 1857, and there are rules in place for a
19 reason, and if you can explain to them why those
20 rules are there, they may not like the result but
21 they do understand that there is a process. If I
22 could wave a wand, I would like to have everybody
23 know that the Tax Commission is a separate review of
24 what the Department of Finance has done. It's a
25 chance for them to come forward and make their case.

2 Also, I think it helps them to understand that
3 valuation has many different variations. Valuation
4 for tax purposes is not the same as valuation what
5 they think their property is worth. They sometimes
6 come in and get hooked up on my neighbor pays less,
7 why is that, their place is nicer than mine, but if
8 you walk them through some of the exemptions that by
9 law are required to be there, abatements, caps on
10 yearly increases, I think they understand pretty
11 quickly about why the system is in place, how it
12 works, and I've found that they also tell others
13 about it and then sometimes they get back to me with
14 their own questions so, as Mr. Heesemann said, the
15 better educated the taxpayer, the better it is for
16 us.

17 CHAIRPERSON POWERS: Got it. You guys,
18 you've all seen the very complicated nature of this
19 in practice and, as you know, the different
20 properties that have different values or set values,
21 but, again, for the public, that is, as you're
22 noting, they're looking at their neighbors and
23 wondering how they're paying a different amount. We
24 have talked a lot about the need to untangle the
25 system, supremely complicated here. The City

2 obviously has a limited role in that system relative
3 to the State but has some powers to it. Are there
4 changes in your history of dealing with the system,
5 all three of you, are there changes that you see and
6 would recommend to make to the property tax system
7 and particularly in practice here in the City?

8 GARY L. BRISTOL: I would just remind our
9 role here is not one of policy.

10 CHAIRPERSON POWERS: I understand..

11 GARY L. BRISTOL: So we are an
12 adjudicatory body.

13 CHAIRPERSON POWERS: But you are experts.

14 GARY L. BRISTOL: The general premise is
15 that similarly situated individuals pay the same tax
16 burden. There are different groups of those
17 individuals and, if people understand what section
18 they fall into, then I think they more clearly see
19 how their particular property is valued so in terms
20 of policy recommendations, it's not something that we
21 by law are set up to do or can do and so I think the
22 best that we can do is listen to taxpayers, your
23 constituents, who know better than anybody what's
24 going on in their neighborhoods. As you know, real
25 estate trends change quickly. We hear from them and

2 we listen to that, and we kind of spot trends and
3 keep up on current legislation, but, in terms of
4 proposing our own policies, we're not...

5 CHAIRPERSON POWERS: So let me ask you a
6 different question, and I'll take you up on the no
7 policy thing, although I'd be happy to hear other
8 folks, any sort of thoughts or idea, but for folks
9 that are engaging with you in this process, you've
10 seen a lot of folks, public and private sector, who
11 are working with the system. I have two questions.
12 One is how do we limit frivolous claims that might
13 come before you, and the second is what is the advice
14 you give to a person who is trying to navigate the
15 system? There is lack of outreach it feels like and a
16 lack of transparency in this. For folks who are
17 navigating and appearing and trying to make
18 adjustments to their valuations, what is the advice
19 given to these folks who are doing this for the very
20 first time?

21 JOHN HEESEMANN: First of all, the current
22 property tax system was started back in 1981. When I
23 started with the City in '84, they were already
24 talking about property tax reform, okay, and it's
25 been talked about for 39 years.

2 CHAIRPERSON POWERS: I was 1-year-old. I
3 turned 40 this year.

4 JOHN HEESEMANN: Ever since I started with
5 the City, they've been talking about this. At the Tax
6 Commission, the best thing that we can do is we deal
7 with the individual applications. We have 56,000
8 applications. When we're doing a hearing, the person
9 is explaining to us why they think their property
10 should be lowered, okay, and we take everything into
11 consideration. I think the Tax Commission if we
12 looked at last year on offers of reduction that were
13 made, 89 percent of our offers were accepted.

14 CHAIRPERSON POWERS: How many offers were
15 made total?

16 JOHN HEESEMANN: I think out of 56,000, I
17 believe it was about 14,000 were offered, and I think
18 it was 89 percent, I looked it up, accepted so I mean
19 those are 13,000 people that were "happy" or
20 "happier."

21 CHAIRPERSON POWERS: Happier I'd say.

22 JOHN HEESEMANN: (INAUDIBLE) they'll never
23 be happy, but that's another story. That's what we
24 can do to effect. Like he said, we're not policy-

2 making. We deal with individual cases, and that's how
3 we can help out.

4 BENNETT MINKO: I would think that from a
5 macro perspective, simplification as much as possible
6 would make things much easier for a homeowner. When I
7 worked with Finance, whenever I spoke with
8 homeowners, an explanation of how the system operates
9 as far as fractional assessments and caps to any
10 increases, it's not easy for an individual homeowner
11 to comprehend all of that happening unless they've
12 been through it a number of times, and there are
13 homeowners that are very familiar with how everything
14 operates, but for a homeowner who is a novice to how
15 the machinations of the property tax system, it
16 becomes very, very difficult. As I had mentioned,
17 John had mentioned complexities, I mentioned the
18 notice of value, John also mentioned an effective
19 market value so to speak and just explaining that the
20 tax is actually based on that particular number which
21 could be different from a market value for tax
22 purpose as Gary mentioned so any type of
23 simplification, it would go a long way.

24 CHAIRPERSON POWERS: Thanks. We'll go over
25 to Council Member Sanchez.

2 COUNCIL MEMBER SANCHEZ: Thank you so
3 much, Chair, and good afternoon to all.
4 Congratulations on your reappointments, appointments.

5 My first question is just leafing through
6 some of the background documents that we received,
7 each of you have apparent conflicts of interest with
8 your appointments to the Commission, and you've all
9 responded and been in touch with the Conflicts of
10 Interest Board, but can you for the record here just
11 explain how you are managing the conflict of interest
12 that was raised in your background checks?

13 BENNETT MINKO: As the Chairman had asked
14 me just before as far as my little business is
15 concerned, that's going to cease operation for all
16 intent and purpose. It's an obvious conflict of
17 interest to file petitions as well as hear petitions,
18 and so it was just a real quick mutual agreement that
19 the Island Property Tax Services would no longer be
20 filing any applications with the Tax Commission.

21 COUNCIL MEMBER SANCHEZ: Thank you.

22 JOHN HEESEMANN: I think the only thing
23 that came up for me was that I'm working for the Tax
24 Commission now on a part-time basis, and obviously if

2 this goes through, I'll resign the day before this
3 starts so that was the only thing that I had.

4 GARY L. BRISTOL: I'm in a similar
5 position.

6 COUNCIL MEMBER SANCHEZ: Okay. That is
7 very simple answers. Thank you.

8 You highlighted that, of course, the
9 Commission is not in a policy-making role, but I
10 think several of your responses to the pre-hearing
11 questions highlighted some improvements that you
12 could see coming to the Commission including e-
13 filing. I'm a new homeowner, and I have two major
14 gripes for now with the Department of Finance. The
15 notices are not great, right? They should be flashy
16 and tell you that this is important and things like
17 that and they're not so, one, and then two is just
18 the interface. As a homeowner interfacing with the
19 City interfacing the with the Department of Finance,
20 it's difficult to know where to go, how to go, a lot
21 of it is still in paper and all of that so how would
22 you bring about such changes as you have mentioned in
23 some of your responses?

24 GARY L. BRISTOL: We do monitor the
25 Department of Finance's website. The Tax Commission

2 is a separate entity to review those Department of
3 Finance determinations. It has its own website. It
4 has its own helpful tutorials or explanations about
5 how we look at a property. It breaks it down by
6 different areas what we think might be a reasonable
7 income and expense so there is a separate system for
8 the Tax Commission, but we do look at what goes on
9 with the Department of Finance, and when we do get
10 those questions from taxpayers, it often refers to
11 their confusion or it's kind of overwhelming, as you
12 said, with the Department of Finance paperwork that
13 comes out. It comes out fast. There's a lot of it.
14 You don't really know what to do with it, and there
15 are deadlines to respond to the Tax Commission.

16 COUNCIL MEMBER SANCHEZ: They're not in
17 big bold red letters as they should be.

18 JOHN HEESEMANN: With regard to that, but
19 they've gotten much better. In years past, they
20 didn't put a lot of stuff in there and so you had to
21 explain to everybody who came in individually. I
22 think the future for the Tax Commission has to
23 include e-filing because when I left in 1999, there
24 were 30,000 applications. Currently, there are 56,000
25 applications. I think the only way they're going to

2 be able to handle as the numbers go up is to do some
3 type of e-filing, and I believe that currently there
4 has to be a paper application so there might have to
5 be some legislative changes for that also.

6 COUNCIL MEMBER SANCHEZ: Can I just ask a
7 quick followup to that. You mentioned twice now
8 30,000 to 56,000 in the present. To what do you
9 attribute that growth? Is it better outreach from the
10 Department of Finance and are there any sort of
11 overarching trends that you're seeing in the kinds of
12 appeals that are being filed?

13 JOHN HEESEMANN: I just think it's over
14 the 24 years, assessments have gone up, values have
15 gone up, and Department of Finance sets the
16 assessment and we review the assessment. Also, the
17 number of properties in the city have gone up. There
18 have been a lot of one-, two-, and three-family homes
19 that have gone up, a lot of commercial properties,
20 residential buildings so that's also, in 24 years, I
21 don't know what the numbers are but that's also a
22 consideration.

23 COUNCIL MEMBER SANCHEZ: Thank you.

24 BENNETT MINKO: I can speak to the notice
25 of value. The reason that there are not all these

2 flashing bells and whistles on it pointing that
3 things are important specifically is because, like it
4 was mentioned, oftentimes the complexity of the
5 system that notice of value is five or six pages long
6 at the moment, interpreting everything that there is
7 about the property tax system, and, while all that
8 information is there, I do agree there could be a
9 better job of highlighting certain items, but a lot
10 of it has to do with the desire to better educate
11 property owners into the property tax system and, in
12 doing so, that notice of value has gotten multiple
13 pages long and so, yes, that's an excellent
14 suggestion to highlight certain items, but that's
15 what's behind all of that. It's a desire to educate
16 property owners as to what's happening.

17 COUNCIL MEMBER SANCHEZ: Thank you so
18 much.

19 My final question is just regarding bias.
20 I hope we've all seen and heard about or read about
21 studies that show that names that sound African
22 American or Latino can be treated differently whether
23 it's in a resume pool or in appeals that are before a
24 certain board so can you tell me about, especially
25 with your expertise and your experiences on the

2 Commission, with the Commission over the years, what
3 measures have you seen to fight against the bias? Are
4 names removed? How exactly is the Commission fighting
5 bias, and, if not, what are ideas to fight bias?

6 JOHN HEESEMANN: I can speak for myself.
7 When I'm doing a calendar of hearings and let's say
8 tomorrow I have 32 cases. To be quite honest with
9 you, I don't even look at the names on the
10 applications. I'm a numbers person. I'm analyzing the
11 case based on the numbers that they filed. The
12 Department of Finance sets the assessment. For the
13 most part, I don't even look who the person filing
14 is, and most of the times we deal with attorney
15 groups so we just buzz them through the 32 cases.
16 They've worked them up, I've worked them up, and so,
17 from my point-of-view, that has no effect at all.

18 COUNCIL MEMBER SANCHEZ: Got it. You said
19 you don't look at it, but is it available? Is it at
20 the tops of pages?

21 JOHN HEESEMANN: It's on the application
22 if it's...

23 COUNCIL MEMBER SANCHEZ: But there's never
24 been sort of an effort to redact or anything like
25 that just to take the extra step...

2 JOHN HEESEMANN: Not that I know of.

3 COUNCIL MEMBER SANCHEZ: To protect
4 against bias? Okay. Any other ideas?

5 BENNETT MINKO: Each property speaks for
6 itself so it's always been, at least in my mind,
7 John's mind, ownership is nearly irrelevant. It's
8 what's the property worth and is the assessment fair.
9 That's really what it boils down to.

10 COUNCIL MEMBER SANCHEZ: Thank you. I
11 think that that's an interesting question for us.
12 Obviously, there is a deep and storied and horrible
13 history in this country of undervaluing certain
14 properties in certain areas in certain communities,
15 of course, communities of color, so it's just
16 important to make sure that we're scrutinizing within
17 the government anything that we have access to to
18 level those playing fields. Thank you so much, Chair.

19 CHAIRPERSON POWERS: We'll go to Council
20 Member Brooks-Powers.

21 COUNCIL MEMBER BROOKS-POWERS: Thank you,
22 Chair. You all were asked about how to make the tax
23 code more accessible and understandable to the
24 public. Each of you discussed the importance of
25 outreach. Can you talk in more specific terms about

2 how outreach can be most effective at helping New
3 Yorkers better understand their taxes and what
4 methods of outreach are best at explaining the system
5 to the public?

6 JOHN HEESEMANN: Like I said, when I was
7 there until 1999, we always had big outreach
8 sessions. We worked with the Department of Finance,
9 and a lot of times we had Community Board members and
10 stuff like that and we would set up big things where
11 we would have big screens up and we would try to
12 explain the process to everybody. We also had people
13 coming and file their applications, and we would make
14 sure they understood the process, help them figure it
15 out. I'm not sure, currently, I believe President
16 Henn does the same thing. I'm sure they do it in each
17 of the boroughs also, but, again, an educated
18 taxpayer is our best customer. That's definitely the
19 way to go in the future.

20 BENNETT MINKO: Similar to John, I found
21 that the outreach sessions work extremely well. I
22 would also add that many of the outreach have
23 property owners coming to a place. There have been
24 instances, which I found very useful when I was with
25 Finance, where we sent people out to different civic

2 associations and professional organizations and also
3 did an explanation of the property tax system, the
4 dos and don'ts to make sure that homeowners in
5 particular were very much aware of what their rights
6 were, how to appeal, and what to expect after an
7 appeal so we found that very helpful.

8 GARY L. BRISTOL: I have just started a
9 few months ago. I haven't had the opportunity to go
10 out on a personal interface with the public. It is a
11 priority of President Henn, and we are making
12 ourselves available to do that in the future.

13 COUNCIL MEMBER BROOKS-POWERS: Just
14 piggybacking on my Colleague in terms of equity when
15 we talk about property tax in particular. I represent
16 parts of Southeast Queens, which is home to probably
17 the most concentrated black homeowners in the nation.
18 Oftentimes I hear from my constituents about the
19 inequities in property tax, the fact that they feel
20 like sometimes they're not taxed appropriately. What
21 do you feel is in the toolbox for the Tax Commission
22 to be able to support those types of homeowners to be
23 able to preserve homeownership in those communities
24 in terms of the way the system is exercised?

2 GARY L. BRISTOL: I will just say that
3 almost everything we do is controlled by statute, and
4 our ability to do individual evaluations is very
5 limited. Having said that, there are provisions in
6 the tax code that have come up over the years. For
7 example, putting a cap on increases in properties.
8 You can imagine one of your constituents, maybe an
9 elder person, and she's in a neighborhood that's
10 gentrifying quickly, one of the things about the Tax
11 Commission and those types of properties is that it
12 limits the amount it can increase every year so you
13 wouldn't want a person in that case to have their
14 property suddenly become too valuable for her to
15 afford it so there are brakes built into the system,
16 and, again, all of those are controlled by statute,
17 and those are what we can apply. Also, the way the
18 system is set up, the properties are all broken into
19 block and lot so it is, as John said, it's more of a
20 numbers thing as opposed to an individual type of
21 property.

22 COUNCIL MEMBER BROOKS-POWERS: In some
23 instances, people want their property value to go up,
24 right, but then the flip side is when we look at
25 generational wealth, most of my homeowners are not

2 looking to sell, right, or they're not looking to
3 pull, they're looking to be able to pass that on to
4 their family so a good example is my Colleague,
5 Council Member Hudson. She inherited her home in
6 Brooklyn. One generation may have it but then it
7 changes. When it changes courses, how are we able to
8 make sure that that next generation can also stay in
9 their family's home essentially?

10 GARY L. BRISTOL: I understand and share
11 your concerns. Again, what we do is just an
12 independent review of the assessment that Finance
13 came up with, and I'm not trying to dodge your
14 answer. It is an issue.

15 COUNCIL MEMBER BROOKS-POWERS: Do you have
16 a recommendation on how we could better do it?

17 GARY L. BRISTOL: I think the
18 recommendation would have to come through
19 legislature. Again, we don't have the ability to
20 change that.

21 JOHN HEESEMANN: Again, I hate to come
22 back to they have to file the application so they
23 have to understand the process. If we go out there
24 and explain to them the process and actually help
25 them fill out the application, we can't actually

2 review that case unless we have that in front of us
3 so, if you want to get more people to file
4 applications based upon let's say a one-, two-, and
5 three-family home, you can explain the process, how
6 to find comps and stuff like that, and they can see
7 what the house is worth, but, at the Tax Commission,
8 unless they file a protest, there's nothing we can do
9 about it, and we deal with individual cases.

10 GARY L. BRISTOL: One thing that might be
11 of help to your constituents is the Tax Commission
12 can't increase the assessment. If they bring it to us
13 and it looks like it's undervalued, it's confirmed.
14 We don't jump it up so I think that might be helpful
15 if citizens understood that this is an independent
16 agency, we treat them the same whether or not they
17 have counsel, which is based on the numbers generated
18 by the property, and that if they come forward and
19 for some reason it's undervalued, we can't raise it,
20 again by statute (INAUDIBLE) there is no ability for
21 us to do that. I'm not sure everyone understands
22 that.

23 BENNETT MINKO: Oftentimes, we would
24 always be asked if I file this paper, will my taxes
25 go up just to what Gary said, and, of course, the

2 short answer is no, but I will reiterate what John
3 mentioned that at a hearing, we're looking at an
4 individual property. Now, if there is some sort of
5 any quality exists in an assessment that can be
6 verified in some way with value, however it might be,
7 in the immediate area, then, yes, of course, we can
8 act on that individual property, but, from what I
9 understand from your question, it could be a larger
10 issue but, again, we're looking at individual
11 properties, and it is only compared to other
12 properties within the immediate area, not in the
13 borough or in the city.

14 COUNCIL MEMBER BROOKS-POWERS: Thank you.

15 CHAIRPERSON POWERS: Thank you, guys.

16 Thanks for being here.

17 Okay, we're now going to move on to the
18 appointment to the Environmental Control Board.
19 Within the New York City Office of Administrative
20 Trials and Hearings, commonly known as OATH, there is
21 an Environmental Control Board that adjudicates
22 notices of violation issued by various City agencies
23 including the Departments of Environmental
24 Protection, Police, Sanitation, Health and Mental
25 Hygiene, Fire, and Buildings. ECB has the power to

2 render decisions and orders and to impose civil
3 penalties under law and may apply to a court of
4 competent jurisdiction for enforcement of any
5 decision, order, or subpoena that it issues.

6 Among the provisions of law enforced by
7 ECB are those relating to the cleanliness of city
8 streets, the disposal of waste, provision of a pure,
9 wholesome, and adequate supply of water, prevention
10 of air, water, and noise pollution, regulation of
11 street peddling and the City's response to
12 emergencies caused by releases and/or threatened
13 releases of hazardous substances. ECB consists of the
14 Commissioners of the Departments of Environmental
15 Protection, Sanitation, Health and Mental Hygiene,
16 Buildings, Police, Fire, and the Chief Administrative
17 Law Judge of OATH as well as six persons appointed by
18 the Mayor with the advice and consent of the City
19 Council. The Chief Administrative Judge of OATH
20 serves as the Chair of the ECB. Within its
21 appropriation, ECB may appoint an Executive Director
22 and such Hearing Officers including non-salaried
23 Hearing Officers and other employees it finds
24 necessary to properly perform its duties. Members
25 other than Agency Commissioners may not be employed

2 by the City. Five of the six non-Commissioner members
3 must possess broad general background and experience,
4 one in each of the following areas: air pollution
5 control, water pollution control, noise pollution
6 control, real estate, or business. The six non-
7 Commissioner members represent the general public.
8 Members other than the Agency Commissioners are
9 compensated and receive a \$175.10 per diem when
10 performing the work of ECB. Member terms are for four
11 years.

12 Today, we're joined by Lisa Urban who has
13 been nominated by the Environmental Control Board by
14 the Mayor for a new four-year term expiring in 2027.
15 Thank you for joining us today and welcome. Thank you
16 for sitting through a long hearing so far but
17 congratulations on your appointment. If you can,
18 please raise your right hand to be sworn in.

19 COMMITTEE COUNSEL CAMPAGNA: Do you affirm
20 to tell the truth, the whole truth, and nothing but
21 the truth in your testimony before this Committee and
22 in answer to all Council Member questions?

23 LISA URBAN: I do.
24
25

2 CHAIRPERSON POWERS: Great. Thank you for
3 being here. You are invited to make an opening
4 statement.

5 LISA URBAN: Good morning, Chair Powers
6 and Members of the Rules, Privileges and Elections
7 Committee. Thank you for having me here this morning.

8 My name is Lisa Urban, and I am pleased
9 to introduce myself as the candidate for the General
10 Public Position on the Environmental Control Board. I
11 have been a Manhattan resident since 1986 when I
12 moved to the city after graduating from Stony Brook
13 University with a Bachelor of Arts degree. While
14 living here, I attended Fordham Law School at night
15 while working full-time as a paralegal alongside my
16 sister in her landlord/tenant law practice. In
17 January 1991, I was admitted to the New York State
18 Bar, marking the beginning of my legal career.
19 Throughout my years as an attorney, I primarily
20 focused on transactional law representing both buyers
21 and sellers of residential and commercial real
22 estate. Until a few years ago, I was employed at a
23 landlord/tenant law firms which provided a valuable
24 opportunity for knowledge-sharing among my
25 colleagues. Although I transitioned away from

2 litigation years ago, I continue to assist clients
3 who own residential and commercial properties,
4 frequently addressing issues related to ECB and
5 Building Department violations and fines. This
6 experience intersects with my transactional practice
7 where I regularly conduct due diligence to navigate
8 the OB and ECB-related issues. I have dealt with
9 client concerns involving sanitation disputes, fire
10 safety standards, hazardous substances, and
11 properties located in landmark and historical
12 districts. My professional journey has enabled me to
13 accumulate a thorough understanding of regulations
14 and statutes that pertain to property ownership
15 within the city, encompassing everything from
16 quality-of-life violations to sanitation
17 environmental regulations and the ability to navigate
18 the Department of Buildings' websites.

19 Apart from my legal career, my husband
20 and I raised our family in Manhattan. Both of our
21 daughters attended New York City public schools where
22 I actively participated in their school parent
23 associations. Additionally, for a number of years, I
24 had the privilege of serving on the District 2
25 Community Education Council, providing me with

2 valuable insights into local governance and
3 collaborative decision-making. We continue to live in
4 Murray Hill and are currently constituents of
5 Councilwoman Carlina Rivera.

6 While the COVID-19 pandemic temporarily
7 paused community activities, I am eager and ready to
8 re-engage once more and contribute my skills and
9 legal expertise to the ECB Board. With my background
10 in real estate law and my understanding of urban
11 regulations, I see the Public Member position on the
12 ECB Board as an ideal opportunity to make a civic
13 contribution. By serving on the ECB Board, I aim to
14 leverage my legal experience and dedication to
15 improve our community. I am eager to collaborate with
16 fellow board members to address a wide range of
17 issues including air and water pollution, noise
18 pollution, street cleanliness, and more. Together, we
19 can make informed decisions in an impartial manner
20 where both sides, the City agencies and individual
21 respondents, receive an unbiased and fair hearing. I
22 look forward to joining a tribunal that is
23 established on the foundation of neutrality and whose
24 goal is the independent and fair adjudication of

2 violations concerning environmental matters in the
3 City of New York.

4 In conclusion, my long-term residency,
5 legal background, and previous community engagement
6 experiences have uniquely prepared me for this
7 position. I'm deeply committed to making a positive
8 impact on our city through my contributions as the
9 General Public Member on the Environmental Control
10 Board. Thank you for your consideration, and I'm
11 happy to take any questions.

12 CHAIRPERSON POWERS: Thank you and thanks
13 for the testimony and nice to see you and, again,
14 congratulations on your nomination.

15 You have a great resume. I think you're
16 highly qualified for the role so I want to start by
17 saying that. I don't have too many questions. This is
18 an interesting part of City government for folks who
19 are appearing for, hopefully looking for some relief
20 and a fair process. I guess in your experience, you
21 talked a little bit about your experience to make you
22 qualified here, I think it's clear you're qualified,
23 but I think more than anything as individuals are
24 dealing with a number and a host of, we talk about
25 wide range of issues, whether you're a property owner

2 or you're an individual, obviously not, I guess my
3 question is essentially how, in your experience now,
4 in your professional experience, can you just talk a
5 little more about what you think will make and will
6 ensure that individuals are going to get their fair
7 day in "court" here and also how the agency can
8 provide more guidance to folks who are going through
9 this for the first time because it's obviously an
10 interesting and unique process relative to one a
11 normal New Yorker is used to and I would assume for
12 folks who are going through this feel a certain
13 measure of trepidation going before a sort of
14 tribunal process here so just a little bit about how,
15 in your experience up until this moment, we can have
16 great trust and confidence in the ability to give New
17 Yorkers a fair hearing and also areas where you might
18 see opportunity to improve processes to make sure New
19 Yorkers understand what this process is?

20 LISA URBAN: Thank you for the question.

21 By the time it gets to the tribunal, it's already had
22 a hearing before the OATH officer, and the OATH
23 officer has heard the testimony, weighed the
24 evidence, and issued a directive and a decision, and
25 then it will come before the tribunal at that point

2 for us to adjudicate, or not adjudicate, but to make
3 a determination as to whether or not that decision
4 was fair and unbiased under the circumstances, both
5 on the City's part and also on the respondent's part,
6 and, if under the law, the penalty or the fine that
7 was assessed meets the evidence presented to us, then
8 we are able to ratify that decision and say yes, this
9 was appropriate. If not, then we do have the ability
10 to be fair and unbiased and reverse the decision of
11 the OATH officer. Our position is as an unbiased
12 impartial party to be able to review these decisions
13 and make sure that the decisions of the OATH officers
14 has been appropriate. My understanding is that we're
15 limited because the fines are what the fines are, and
16 we can't say well, it should've been less or it
17 should've been more, those fines are regulated by
18 statute. I also understand from my conversations
19 leading up to this point that there is a tremendous
20 amount of community outreach that's given to
21 constituents when they receive these fines and
22 tickets, and that part is to help those individuals
23 be compliant if not the first time then in the future
24 so that they understand what their obligations are as
25 homeowners or property owners so that they can be

2 compliant with the rules and regulations of the
3 various departments.

4 CHAIRPERSON POWERS: Sure. Appreciate
5 that. We talked about some of the issues that the ECB
6 has jurisdiction over. We talked about air and water
7 pollution, noise pollution, fire safety, street
8 cleanliness, hazardous substances, street peddling,
9 Parks property, landmarks and historic areas. It's a
10 wide range. Can you talk a little bit about your
11 experience as a New Yorker and as a professional
12 dealing with those issues?

13 LISA URBAN: On a personal level, I deal
14 with it every day living in the city, walking, seeing
15 garbage, seeing various noise, various things of that
16 nature so on a personal level I've been dealing with
17 it for 40 years since I moved into the city.

18 On a professional level, now as a
19 transactional lawyer when I review properties, I see
20 the violations. I review the status of the property
21 on the Department of Buildings' website so I'm able
22 to look at that and also review well, it's got
23 violations for this, it was fined for that, and to
24 make sure that the property on behalf of my clients,
25 whether they're owners selling or whether they're

2 clients that come to me just for a recommendation to
3 remove the violations, and in doing that I'm able to
4 then review the statutes, look at it, recommend the
5 client on how to deal with this now and also in the
6 future so that they're able to be compliant with the
7 City regulations.

8 CHAIRPERSON POWERS: Thank you. Council
9 Member Brewer.

10 COUNCIL MEMBER BREWER: Thank you. It was
11 good to talk to you earlier when we spoke.

12 My question would be these challenges of
13 noise, environmental, sanitation, etc., I'm hoping
14 that when you see and hear some of the complaints,
15 would you be willing to see if there are policy
16 changes that could be made so that the person, if
17 there is a pattern that if it gets addressed in a
18 policy way or if there's some way of changing it, we
19 don't want people to get summonses, we don't want the
20 problem to exist in the first place, but the issue
21 often seems to me people just, okay, this is my job,
22 I'm going to keep listening and adjudicating, but I'm
23 always interested to see if somebody would also think
24 about the policy changes that maybe could be coming
25 about as a result of hearing and listening to some of

2 these New Yorkers with their complaints? Is that
3 something that maybe you have done in the past as
4 part of your work or is that something you'd be
5 willing to do it in the future because the challenges
6 that you will be hearing, they are huge quality-of-
7 life issue in our city, they're not insignificant,
8 and so I'm always trying to find ways to, yes, we
9 want a cleaner city but we want people to understand
10 that there are ways of doing it that might not just
11 be one by one by one so I'm listening to know if you
12 have some ideas along those lines.

13 LISA URBAN: Unfortunately or fortunately,
14 I'm not sure what would be the case here, the role
15 that I have been nominated for is not a policy
16 decision role so I'm constrained by what the statutes
17 are and by what you as City Council have actually
18 enacted and passed. It would be hard for me to make
19 policy or to recommend policy because I think that
20 that's outside of the scope of the position that I'm
21 being put forward for, and I also think, with all due
22 respect, that I have to be impartial and not have an
23 opinion on what is and what isn't appropriate under
24 the circumstances. I think that the job is really
25 constrained to the point of just being able to look

2 at the facts, look at the law, and then make a
3 determination was this decision that was rendered
4 appropriate under the circumstances. I have my own
5 personal opinions, but those are I think separate and
6 aside from the position that I'm nominated for.

7 COUNCIL MEMBER BREWER: I hear you. Just
8 in general we have to try to improve our city, and
9 one way to do that is when you're in a situation, not
10 alone, but maybe with some of the other
11 administrative judges, the ALJs or whatever, to say
12 this is, the reason I ask this is I have a lot of
13 friends who are ALJs, and they do bring me their
14 problems quietly and then I do work on legislation to
15 address them, so that's what I'm saying. This city
16 needs all hands on deck.

17 LISA URBAN: I agree 100 percent, and I
18 would absolutely collaborate to whatever extent I'm
19 able to collaborate with the fellow board members and
20 with the City Council to whatever extent I would be
21 called on to do that because I do agree that there
22 are certainly quality-of-life issues that can be
23 addressed and that can be moved forward and
24 environmental concerns also that the City needs to
25 address moving forward so that our city continues to

2 grow and be sustainable in the future for all of the
3 residents of the city so, if I have that opportunity
4 and ability to do so, I would certainly be open and
5 pleased to participate in that.

6 COUNCIL MEMBER BREWER: Thank you.

7 CHAIRPERSON POWERS: Thank you. We'll go
8 to Council Member Brooks-Powers.

9 COUNCIL MEMBER BROOKS-POWERS: Nice to see
10 you in person.

11 LISA URBAN: Thank you.

12 COUNCIL MEMBER BROOKS-POWERS: I
13 appreciate the question, Council Member Brewer,
14 because similarly I think it's important to ask those
15 types of questions to kind of get a sense of the type
16 of people we are having on the boards as well. I had
17 a question, and I didn't hear you say how long you've
18 been in New York City, and I know you reside in one
19 particular borough, but have you had experience in
20 any of the other boroughs, like the outer boroughs in
21 particular?

22 LISA URBAN: I was born in Queens. I only
23 lived there for five years.

24 COUNCIL MEMBER BROOKS-POWERS: That's a
25 plus (INAUDIBLE)

2 LISA URBAN: And then moved back, I've
3 always lived in Manhattan since we moved back to the
4 city, but I have represented property owners in other
5 boroughs, in Queens, in Brooklyn, in the Bronx, not
6 so much in Staten Island, but I have experience with
7 properties in those area so I am familiar with the
8 borough, with issues that are also related to
9 properties outside of Manhattan.

10 COUNCIL MEMBER BROOKS-POWERS: Have you
11 represented any properties in communities considered
12 environmental justice communities?

13 LISA URBAN: I actually represent co-op
14 corporations also, and I do represent some HDFCs, and
15 I have had clients who have purchased in specific
16 properties that have regulatory agreements and that
17 have gotten benefits for development from the City
18 for low-income or middle-income housing. I've
19 represented buyers who have purchased in those so
20 I've dealt with the regulatory agreements, with the
21 financing, with related issues to that so pretty wide
22 range of clients I've had over the past 30-some-odd
23 years.

2 COUNCIL MEMBER BROOKS-POWERS: How do you
3 feel this Commission can help communities that are
4 considered environmental justice communities?

5 LISA URBAN: Outreach, outreach, outreach.

6 I think that the more outreach we can do for the
7 public to educate them, to make sure that they
8 understand their obligations as city residents but
9 also property owners, will benefit those individuals
10 because they will understand what their obligations
11 are and not get hit with fines and penalties and not
12 be non-compliant to the City so they don't end up
13 having to have a hearing before OATH, and I also
14 understand that ECB has set up a helpline, or has had
15 the helpline for a number of years, which is
16 multilingual so there are interpreters available for
17 non-English-speaking property owners so that they're
18 able to also get assistance and, if they get a
19 summons or a violation or ticket, they're able to
20 call and find out, understand what the system is,
21 what they need to do, and how they can get help so
22 that it doesn't keep happening and they don't keep
23 getting hit with tickets and violations.

24 COUNCIL MEMBER BROOKS-POWERS: One of the
25 oversight responsibilities of this Commission

2 includes the regulation of street peddling. That's
3 been a hot topic in the news these days. I'm
4 interested in your perspective on the state of the
5 street peddling.

6 LISA URBAN: On a personal level or?

7 COUNCIL MEMBER BROOKS-POWERS: Both.

8 LISA URBAN: I think it needs to be
9 regulated more. I think that part of making the city
10 safe and comfortable for residents and also for
11 tourists which is a huge part of our economy is to
12 make sure that quality-of-life issues are addressed
13 properly so I think street peddling and things of
14 that nature need to be appropriately dealt with so
15 that it's properly regulated and it doesn't get to
16 the point where it's seemingly out of control and
17 really becomes a quality-of-life issue.

18 COUNCIL MEMBER BROOKS-POWERS: Also,
19 there's a barge in Avern in Jamaica Bay that has been
20 neglected for several years, and there have been
21 reports of dumping in Jamaica Bay. A lot of agencies,
22 city, state, feds, they're all going like this. Is
23 there a role for this Commission to be able to hold
24 the necessary parties accountable for the derelict
25 barge?

2 LISA URBAN: I think that again goes back
3 to you. We as ECB council will work with the various
4 agencies to make sure that whatever the City Council
5 legislates is properly and appropriately enforced,
6 but that's our role so whatever...

7 COUNCIL MEMBER BROOKS-POWERS: I only
8 asked, I'm sorry, because my understanding is that
9 part of the Board is to also enforce the fact that
10 the City responds to emergencies caused by releases
11 or threatened releases of hazardous substances so in
12 this case there's a hazardous substance that has been
13 potentially put into the Bay. What can this Board do
14 to hold the party accountable?

15 LISA URBAN: There's legislation that
16 would implement penalties, and I would think that
17 those penalties would be enforced by the City agency
18 once it comes to the tribunal, our determination is
19 whether or not the party that was doing this illegal,
20 dumping, well, I'm not going to say illegal, but this
21 dumping did it appropriately...

22 COUNCIL MEMBER BROOKS-POWERS: It's
23 illegal.

24 LISA URBAN: Appropriately or he was
25 actually, he or she was done inappropriately. I also,

2 to be honest, don't know if that would be a hearing
3 before an OATH officer which would then reach the
4 tribunal or if something like that would actually be
5 a trial which would on appeal not go to the tribunal
6 would actually go up to the court system so I think
7 something like that might end up more on the trial
8 level and not actually come before the ECB
9 Commission, but certainly it's a cause of concern.

10 COUNCIL MEMBER BROOKS-POWERS: Two brief
11 questions. In your questionnaire, you talked about
12 the importance of expanding community education and
13 outreach programs to raise awareness of regulations,
14 compliance, and sustainability practices. Can you get
15 specific about what kinds of programs you think have
16 worked for the ECB and how can ECB pursue additional,
17 more effective outreach to ensure the public avoids
18 violations but knows their rights?

19 LISA URBAN: The outreach that ECB has now
20 is set up in such a way that there's the helpline
21 that the constituents or affected respondents can
22 reach out to ECB to get more information, and I think
23 that expanding that, trying to get more education out
24 to individual homeowners perhaps when these
25 homeowners purchase properties or become responsible

2 to a property that they are provided with a guideline
3 would be something that could be beneficial and
4 certainly something that can be looked into. Also,
5 the fact that there's the helpline which has the
6 various languages where people that are affected are
7 able to get assistance even though non-speaking
8 English that would definitely be beneficial so as
9 much education as we can get or as ECB can get out to
10 the general public would certainly benefit those
11 homeowners, and I'm talking really more about
12 probably small, one-, two-family, small property
13 owners that need that, that don't understand the fact
14 that they're going to get a garbage ticket if they
15 don't sweep up the sidewalk or something along those
16 lines so getting them that information in advance is
17 definitely something that could be looked at
18 expanding if that was something that was possible.
19 Again, that's kind of not part of where I am, but I
20 would certainly be welcome to discussing things like
21 that with the other tribunal members and seeing what
22 we can do and what we can recommend if that's
23 appropriate.

24 COUNCIL MEMBER BROOKS-POWERS: Last
25 question. Just wanted one point of clarity from your

2 questionnaire. I know you said you were uncertain as
3 to who recommended you. Who reached out to you from
4 the Mayor's Office to ask for your interest?

5 LISA URBAN: I think it was Ed, Ed was the
6 first one that reached out to me. Ed (INAUDIBLE) He
7 called me and said that my name had been put in for
8 consideration for this position, and I don't know how
9 I got there but somehow I did.

10 COUNCIL MEMBER BROOKS-POWERS: Thank you.

11 CHAIRPERSON POWERS: Thank you.

12 Congratulations on your nomination. Thanks for being
13 here.

14 LISA URBAN: Thank you for your time.

15 CHAIRPERSON POWERS: Thank you. I'd like
16 to thank all the candidates for joining us today and
17 providing your testimony.

18 We'll now open up the floor to public for
19 comments. We'll be limiting comments only to two
20 minutes. If you wish to speak, you can fill out an
21 appearance card with the Sergeant-at-Arms and be
22 given the opportunity to make a comment. If you have
23 a written statement, please provide a copy of that
24 statement to the Sergeant-at-Arms.

2 So far, we have one individual signed up.
3 We'll call Raul Rivera. We can put two minutes on.
4 Thank you. Okay, you can begin.

5 RAUL RIVERA: Good afternoon. My name is
6 Raul Rivera. I just want to make one comment and I
7 have a question. By the way, I'm a native New Yorker
8 and I'm a TLC driver advocate, lifelong New Yorker,
9 53 years old.

10 I just want to read a definition and then
11 I'm going to ask a question. Cronyism is a specific
12 form of in-group favoritism, the spoils, system,
13 practice of partiality in awarding jobs and other
14 advantages to friends or trusted colleagues,
15 especially in politics. Now, I want to ask you a
16 question. Do you know about Council Member Salamanca
17 and his wife being awarded a job in the Bronx? Do you
18 know about that? Because we're trying to vet people
19 here, and you have a Member on your Committee whose
20 wife...

21 CHAIRPERSON POWERS: This is for the
22 candidates who are before us today.

23 RAUL RIVERA: Right. I understand that. I
24 heard. I was listening, but I'm asking you as Chair
25 to this Committee do you know about Salamanca's wife,

2 Jessenia Aponte, receiving that job? Do you know
3 about that? Because if we're going to vet people
4 here, how can we do it correctly if you don't know
5 who's on your Committee? Do you know about that? Do
6 you know about Mr. Salamanca? That's all I'm asking
7 you. I'm not trying to be the loudest one in the
8 room. I'm giving you a simple question. Do you know
9 about that? Do you know about Salamanca's wife
10 receiving that job?

11 CHAIRPERSON POWERS: Sorry. This is public
12 testimony. You can testify. You have 30 seconds.

13 RAUL RIVERA: You don't want to answer
14 though?

15 CHAIRPERSON POWERS: It's not a back and
16 forth.

17 RAUL RIVERA: You don't want to answer?
18 That's what you're saying? You don't have anything to
19 say about that. He's on your Committee. Council
20 Member Salamanca, District 17, his wife is the
21 Commissioner to the Bronx Parks. I was born in the
22 Bronx. I'm asking you that question. We want to vet
23 your Committee since you're vetting everybody else.
24 You can't answer that? You know you work for me and
25 you work for the New Yorker. You're supposed to

2 respond. You're supposed to have some kind of
3 response. Your silence makes you complicit.

4 CHAIRPERSON POWERS: Thank you, sir. This
5 is public testimony..

6 RAUL RIVERA: Your silence makes you
7 complicit.

8 CHAIRPERSON POWERS: Where we accept
9 testimony. It's not a back and forth (INAUDIBLE)

10 RAUL RIVERA: Your silence makes you
11 complicit. You don't tell me what to say. I'm a New
12 Yorker.

13 CHAIRPERSON POWERS: Okay, thank you
14 (INAUDIBLE)

15 RAUL RIVERA: I'm an American. I'm asking
16 you but you don't want to answer.

17 CHAIRPERSON POWERS: Your time's up.
18 Sorry.

19 RAUL RIVERA: We'll share that. We'll
20 share that you didn't want to answer that.

21 CHAIRPERSON POWERS: The hearing's over.
22 Thank you.

23 RAUL RIVERA: He's on your Committee so
24 you know that.

2 CHAIRPERSON POWERS: Do we have anyone
3 else for testimony?

4 RAUL RIVERA: He's on your Committee.

5 CHAIRPERSON POWERS: You guys can remove
6 Mr. Rivera. Thank you.

7 RAUL RIVERA: You don't have to remove me.
8 I'm not breaking any laws here.

9 CHAIRPERSON POWERS: Thank you. We don't
10 have anyone else I believe at this point signed up to
11 testify from the public so this hearing is closed.

12 Thank you. [GAVEL]

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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 October 9, 2023