

**TESTIMONY FROM NYCHA CHAIRMAN JOHN B. RHEA  
OVERSIGHT – NYCHA’S PLANS TO LEASE LAND FOR DEVELOPMENT  
CITY COUNCIL PUBLIC HOUSING COMMITTEE  
FRIDAY, APRIL 5, 2013 – 10AM**

Chairwoman Rosie Mendez, members of the Public Housing Committee, and other distinguished members of the City Council, I am John B. Rhea, Chairman of the New York City Housing Authority (NYCHA). Joining me this morning is Fred Harris, Executive Vice President for Real Estate Development. Thank you for the opportunity to discuss with you our plan to make selected NYCHA land available for developers to build “80/20” market-rate and low-income housing. I will describe the challenges that necessitate action on this front; our unique opportunity to generate new revenue to benefit public housing residents; our engagement of residents, elected officials, and other important stakeholders; and how this engagement has already influenced the direction and execution of the plan.

**The Need**

As we have shared with the members of this committee – as well as other federal, state, and local elected officials, advocacy groups, concerned non-profits, and the nearly 630,000 New Yorkers we serve – NYCHA faces serious challenges, including an aging housing stock and a waiting list that only grows longer as more New Yorkers search for affordable housing.

By definition, the economics of public housing depend on government subsidies – the rents we collect from residents only cover about half of our basic operating costs, and none of the required capital improvements. Unfortunately, in the last ten years, we’ve seen a dramatic change in the assistance received from our partners in government, including the total elimination of city and state funding, and a steady and precipitous decline in funding from the federal government, our principal source of capital and operating dollars. Since 2001, NYCHA has experienced a decline of over 905 million dollars in operating subsidy and 876 million in federal capital program funding. Today NYCHA has 6 billion dollars in unfunded capital improvements, which will grow to 13.4

billion dollars over the next five years. We also have a structural operating deficit of 60 million dollars, which doesn't take into account the potential impact of the federal budget sequester and Continuing Resolution that recently took effect and will reduce NYCHA's federal subsidy revenue by well over 100 million dollars in 2013.

When other cities across the country faced similar challenges, many chose to disinvest, substantially reducing their public housing stock. But despite our financial challenges, preserving public housing in New York City is the only prudent option. There simply aren't enough options for low-income families – NYCHA's mission to provide decent housing for New Yorkers in need is more relevant than ever before.

But given the unprecedented pressures faced by government at all levels, NYCHA realizes that we must find innovative ways to chart our own path. That's why we've taken extraordinary efforts to manage our costs and do more with less – the path of preservation doesn't come without tradeoffs and hard decisions. Today, NYCHA employs 3,000 fewer people than we did ten years ago, and we've dramatically reduced central office costs to redirect funds into critical maintenance and repair and property management activities.

Meanwhile, the costs associated with important employee benefits such as pensions and health care have continued to rise. Unlike our other operating expenses, these costs are beyond NYCHA's direct control. Despite a dramatic decline in headcount, NYCHA's per-employee costs have continued to rise 5% annually since 2002.

This leads us to a need for innovative revenue sources. We've already implemented actions such as the federalization transaction that attached over 70 million dollars of stable revenue to 21 unfunded developments which receive no federal, state, or city support. We are also continuing with our plan to leverage Section 8 assistance in order to convert our remaining unfunded apartments, over two thousand of which have already been converted – this plan will yield over 100 million dollars by 2017. We've also introduced our Rent Equity Initiative to phase out capped rents for higher-income households, which will generate a total of 169 million dollars over the next four years.

All told, these initiatives will bring us hundreds of millions of dollars in incremental revenue.

In order to systematically and sustainably continue this work, we released *Plan NYCHA* over a year ago, affirming the need to reinvest in public housing in creative ways. We developed the plan with the input and participation of residents and other important stakeholders from across the City, and we're proud of, and encouraged by, the results we've already seen.

Plan NYCHA publicly and transparently identifies the initiatives we needed to pursue – from raising rents for families paying less than 30% of their incomes and cutting Central Office costs to infill development. In each case, we have taken action in that same open spirit, engaging residents, elected officials, and other stakeholders along the way.

One of the imperatives discussed at length in these conversations was to develop new affordable and market-rate, unsubsidized housing. The affordable component will contribute to the Mayor's New Housing Marketplace Plan and tackle operational issues such as rightsizing apartments and addressing our wait list. Market-rate housing will address our financial needs by leveraging one of our most valuable assets: our land.

### **The Opportunity**

Based on current New York City zoning laws, many NYCHA properties have “as-of-right” room to add new buildings. In a city with so much demand for housing, new development is critical, and presents an opportunity to significantly enhance the built environment in our neighborhoods.

Since its creation in 1934, NYCHA has been charged with developing new housing in order to address the reality of a dynamic and growing city. The notion that NYCHA's developments should be frozen and closed to new development is inconsistent with history – growth is a part of our heritage. For example, LaGuardia Houses was built in 1957, and in 1965, after recognizing a need to accommodate more seniors, NYCHA

completed LaGuardia Addition. Likewise, after building Baruch Houses in 1959, the Authority finished Baruch Addition in 1977. Regrettably, building new public housing on that scale is no longer permitted by law today; however, new building on NYCHA's campuses can now help preserve the housing that already exists.

As early as 2006, NYCHA began to discuss the possibility of building market-rate and affordable housing on our land – and, in fact, we have already built over 2,000 affordable and moderate-income apartments on NYCHA land across the City, with over 2,000 more in the pipeline. We continued to discuss this approach in more depth during the development of *Plan NYCHA*.

Based on this work, and input from elected officials and other stakeholders, we undertook a comprehensive review of the Authority's real-estate footprint, with an eye toward offering NYCHA-owned sites for the development of market-rate and affordable housing and, in some cases, commercial, retail, and community facilities.

This process – which placed paramount importance on potential resident impact – led to the identification of fourteen sites located within eight developments in Manhattan, all south of 110<sup>th</sup> Street. Development at these sites will yield approximately 4,000 new apartments, of which 20% will be permanently affordable. Each site has substantial unused development rights and the ability to generate new revenue.

We made a deliberate decision to bring these sites forward at the same time, as opposed to one-by-one, because we wanted to be absolutely clear about our objectives and the potential impact on NYCHA residents and their surrounding communities. A comprehensive approach will also maximize the financial benefit for residents and the Authority.

We estimate that this proposal to lease land for development will generate proceeds of 30 to 50 million dollars per year for NYCHA – an increase of nearly 20% to our capital budget. Every single penny of this money will be used for capital improvements. We'll upgrade apartments, fix roofs, rehabilitate elevators, and restore public housing



building facades throughout the NYCHA portfolio, with an initial emphasis on the eight developments where infill building will take place.

Residents at the selected developments will experience the benefit of enhanced security and alternative power for elevators, heat, and hot water service during blackouts and other emergencies. The development will also create new construction and permanent jobs for NYCHA residents.

## **The Plan**

Despite these clear benefits to NYCHA families, we know that there are understandable concerns about the plan. I want to be very clear today about what the plan is – and what it is not.

This is not a plan to privatize NYCHA land, or any other public resource. We will engage in 99-year ground lease agreements with developers, creating a stable and predictable cash flow to NYCHA, so that we can rehabilitate our existing public housing buildings and upgrade the safety and resiliency of NYCHA campuses. The developers will finance, construct, and operate the new buildings, but NYCHA will still own the land on which the new buildings are built, and receive attractive compensation for our valuable asset. At the end of 99 years or any other termination of the lease, NYCHA would have unencumbered ownership of the land and buildings. Apartment or commercial tenants of the building would pay rent directly to NYCHA.

We will not demolish a single residential building or relocate a single family to make this plan happen. Development will occur only on land where no housing exists.

No NYCHA resident will see a rent increase as a result of the new development. Public housing rents are determined solely by household income, household size, and apartment size. In no way will the landlord relationship between NYCHA and the current residents change because of this initiative.

No NYCHA employee will be put out of work, or see increased work requirements, because of this plan.

Every building developed on our land will include 20% affordable housing – these affordability restrictions will be permanent. In addition, NYCHA residents and waitlist applicants will be given a preference for the affordable units.

And none of this work will go forward without engagement with residents, elected officials, and other stakeholders, or appropriate guidance and formal approval from our principal regulator, the U.S. Department of Housing and Urban Development (HUD).

### **Disposition and Stakeholder Engagement Process**

As I testified before the State Assembly’s Committee on Corporations, Authorities, and Commissions in February, NYCHA – like all other public housing authorities – adheres to the stringent HUD-outlined Section 18 regulation governing the disposition of a range of real estate interests, including land, buildings, development rights, easements, and leases of more than one year. We have successfully complied with this process many times.

The Section 18 disposition process calls for NYCHA to consult and engage with residents throughout a process that has five key phases, and will continue for roughly eighteen months. Before a single shovel goes into the ground – even before we can submit an application to HUD – the Authority must issue a Request for Proposals (RFP); receive responses to the RFP from potential developers; evaluate the submissions and interview candidates; conditionally designate developers with authorization from the Board; and, together with the conditionally designated developers, conduct a thorough environmental review for each proposed new building. We must include the proposal in our upcoming Annual Plan, which is compiled with extensive resident input and collaboration. We expect that after we submit our application to HUD, we will receive and respond to several additional queries before final approval is granted.

Before, during, and after each of these important milestones we will seek, encourage, and create opportunities for resident participation. We have already begun the pre-RFP phase of engagement in earnest. Between January and March we completed an initial round of meetings with the Resident Association leaders and elected officials who represent the selected developments.

In addition, an open meeting with the residents of each of the eight selected developments has already occurred – last month, we hosted meetings with over 900 residents from Campos, Carver, LaGuardia, Meltzer, Washington, Baruch, Douglass, and Smith Houses. At each of these meetings, NYCHA was represented by Fred Harris and the Development team, employees from various Departments, including Capital Projects and Property Management, and either a member of our Board or General Manager Cecil House. Our presentation – outlining the same challenges and opportunities which I've shared with you today, as well as site-specific capital needs – was presented in Spanish, Chinese, Russian, and sign language. In addition to residents, the meetings were attended by elected officials and their staffs, members of advocacy groups, and other stakeholders. All of the information shared at these meetings – both the overall plan and the specifics at each selected site – has been made available on the NYCHA website.

Earlier this week – on Tuesday, the 2<sup>nd</sup> – we continued our engagement efforts by convening a meeting of elected leaders representing the selected areas. Additionally, meetings with the relevant Community Boards are scheduled for next week.

We have also begun a second round of meetings, which will continue over the next two weeks. These meetings will feature roundtable discussions in smaller groups, allowing us to answer more questions, gather more feedback and suggestions, and continue to build the spirit of trust and partnership that we'll need to make this plan a success.

The meetings have already made a substantial impact on our execution of the plan. Because of resident concerns, we have pushed back the release date of our RFP to allow time for more feedback; revised the flyers publicizing our resident meetings; continued

to revise and refine our presentation to make it more concise, clear, and informative; and circulated hard copies of the plan to interested residents of the selected developments. Just this week, we unveiled a comments section on our website, as well as a P.O. Box for physical mail – both of which will give residents yet another way to share their suggestions and concerns about the plan with us.

NYCHA residents will have an additional opportunity to offer their input and concerns during our Annual Plan process, which has already begun and will continue through mid-October, culminating in a public hearing. Just yesterday we held the first Annual Plan meeting with our Resident Advisory Board, focusing specifically on the Section 18 Land Disposition Process.

After the RFP is released in late April, a second phase of participation will begin. From early May until proposals are received in late July, we will initiate a collaborative capital planning process by convening more meetings between NYCHA staff and the residents of the selected developments. Through this process, residents will have the opportunity to prioritize identified capital needs that will be addressed with the generated revenue. During this period we will also continue to engage local elected officials and other stakeholders. We have also committed to convening a larger Town Hall meeting, where all concerned residents can receive information on the plan and share their concerns.

A third phase of engagement will follow once developers are conditionally designated. We will require every developer to adopt a robust plan for engagement with NYCHA residents that will last throughout the twelve to eighteen month period during which environmental review is carried out and a Section 18 application is submitted to HUD. HUD's rules governing these applications require NYCHA to inform residents of their right to submit comments on the proposal, either directly to HUD or to NYCHA. NYCHA must respond to these comments in writing, and include both the comments and the responses in the final application.

## **Moving Forward**

This plan presents NYCHA's single largest identifiable opportunity to generate millions of dollars to reinvest in public housing – and the time to act is now. The challenges that I've shared with you this morning aren't going anywhere; in fact, they become more urgent with every year that passes. And NYCHA won't be the only beneficiary of new development – it will benefit the entire City. The ground rent that NYCHA will collect from developers, along with the money that the developers will invest in the new buildings, will bring economic activity and new jobs to neighborhoods in need. We look forward to working with the City Council to ensure that this direly-needed work goes forward in a responsible way that takes into account every important concern.

I look forward to working with each member of this committee to make this plan a success, and to preserve the precious resource of public housing.

Thank you – I am happy to answer your questions.



THE CITY OF NEW YORK  
OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

**Testimony of Manhattan Borough President  
Scott M. Stringer**

**Before the New York City Council  
Committee on Public Housing**

Regarding NYCHA's Plan to Lease Land for Development

April 5, 2013

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Thank you Chairperson Mendez and members of the Committee on Public Housing for the opportunity to testify on NYCHA's plan to lease land for development.

The New York City Housing Authority has unveiled a plan to build high-rise residential towers at 14 Manhattan sites on land that currently provides tenants with playgrounds, common areas and much needed open space. It's a proposal that could literally reshape the city both within NYCHA developments and in the many, diverse neighborhoods surrounding them.

But as my office pointed out as far back as 2008 in our report, "Land Rich, Pocket Poor," NYCHA has no inclusive planning process in place for developing the 30 million square feet of unused development rights it holds throughout the borough. That's unfortunate, because the City already has a perfectly good review process -- the Uniform Land Use Review Procedure process, or ULURP -- which on April 1<sup>st</sup> my fellow elected officials and I urged Chairman Rhea and Mayor Bloomberg to follow.

Of course, reasonable people can disagree over the merits of NYCHA's blueprint. This is an agency, after all, facing \$6 billion in needed repairs. But NYCHA's rush to action has predictably resulted in a flawed, needlessly confrontational planning process.

What we need here is NYCHA to shed some light -- so residents, community boards, elected officials and city agencies can offer input on projects before shovels hit the ground. If NYCHA approves these proposals without such oversight, local communities are the ones living with the consequences. One prime example is school overcrowding. Many of the proposed development sites NYCHA's eyeing are located next to overcrowded schools. But the 4,300 units of new housing they envision can be expected to add some 500 kids to these communities -- an impact for which NYCHA currently has no plan.

NYCHA communities were planned according to "tower-in-the-park" urban design principles, with residential towers surrounded by generous open spaces and low-rise community facilities

and commercial buildings at the edges. In addition to public financing, the city de-mapped streets to create large “superblocks” that were necessary to create the desired balance of open space and towers.

The purpose of creating superblocks was to allow for significant shared open space, light and air, and other amenities necessary for safe, healthy, high-quality affordable housing. NYCHA’s plans to construct new buildings in these areas would violate the very design principles that facilitated the creation of superblocks in the first place.

This is just one reason why ULURP is necessary and appropriate. As you know, ULURP allows developments to move forward only after a public review that includes the Community Board, the Borough President, the City Planning Commission and the City Council. The process takes into account potential environmental impacts on the community and provides a chance for public dialogue and larger public policy considerations. Finally, as the process has a clear time line, decisions on whether development can move forward are made in a reasonable amount of time, which provides predictability to both the agency and the developer.

Finally, ULURP should be required given the potential scale of these developments. While NYCHA is currently pursuing 14 developments, nearly every NYCHA site in the city has available density. There are potentially 30 million square feet available for development on NYCHA properties in Manhattan alone. The collective impact of this development could be enormous and it needs to be regulated.

There is already precedent for regulating development on superblocks, like the Special Planned Preservation District, which requires a special permit for every new development on select superblock sites in the city. And there are multiple legislative routes that can be pursued to require ULURP, including changing the Zoning Resolution, state law, or the New York City Charter.

We need to quickly rein in the planning process at NYCHA, to protect our communities and assure that these planning decisions are thoughtful and above all inclusive. Subjecting NYCHA’s blueprint to the same level of scrutiny as every other major project in the city is the most effective way to accomplish this goal.

Thank You.



Testimony of

Caroline Nagy  
Policy Associate for Housing and Homelessness  
Citizens' Committee for Children

Before the

New York City Council  
Committee on  
Public Housing

Hearing Regarding  
The Preconsidered Resolution calling upon the New York City Housing Authority  
to engage its residents in planning for and to include certain  
requirements in any ground leases for NYCHA land.

And  
Oversight Hearing Regarding  
NYCHA's Plans to Lease Land for Development

April 5, 2013



Good afternoon. My name is Caroline Nagy and I am the Policy Associate for Housing and Homelessness at Citizens' Committee for Children of New York (CCC). CCC is a 69-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated and safe. I would like to thank Chair Mendez as well as the members of the Committee on Public Housing for holding today's hearing on NYCHA's plans to lease land for development.

CCC appreciates the City Council's ongoing commitment to protecting, supporting and enhancing NYCHA facilities and the living accommodations for its almost 400,000 residents. We are also very glad that the City Council is paying careful attention to NYCHA's Infill Plan and that the Council has proposed the Preconsidered Resolution, which calls upon the New York City Housing Authority to meaningfully engage its residents in planning for any new developments created on NYCHA land and to require that ground lease agreements include certain provisions that protect the interests of NYCHA residents and their surrounding communities.

CCC has long advocated for policies that promote the long-term strength and stability of New York City's affordable housing resources. NYCHA public housing serves an essential function in New York City, providing much-needed affordable housing to nearly five percent of New Yorkers, including 110,960 children under the age of 18. NYCHA's public housing stock is an especially vital resource given the record high numbers of homeless New Yorkers<sup>1</sup> and increasingly unaffordable housing stock in our city today. Since 2008, the median income in New York City has fallen by 3 percent,<sup>2</sup> while the median rent has increased by 12 percent.<sup>3</sup> Additionally, 54 percent of New York City renter households spend 30 percent or more of their income on rent, and 28 percent of renter households spend more than half of their income on rent.<sup>4</sup>

Unfortunately, despite the vital importance of NYCHA public housing, decades of federal disinvestment have resulted in heavy operating subsidy cuts<sup>5</sup> and \$6 billion in unmet capital needs.<sup>6</sup> As a result, NYCHA has needed to find additional sources of revenue to ensure its continued ability to operate. The NYCHA Infill Plan proposes to increase revenue by allowing private development on underutilized land in public housing projects. While some level of private development infill may be appropriate to strengthen NYCHA's financial stability, it is important that any new private development on NYCHA sites occurs with sufficient notice and consultation with affected public housing residents, and maximizes the amount of new, permanently affordable units, as well as needed community resources.

While CCC appreciates the difficult financial pressures that have plagued NYCHA, like the Council and the State Legislature, CCC also has concerns about the NYCHA Infill Plan, particularly with respect to the need for notice and consultation with affected stakeholders, the affordability of new units, and the Plan's impact on community-based services. Therefore, CCC supports the City Council's Preconsidered

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<sup>1</sup> As of March 18, 2013, there were 10,086 families with 20,627 children sleeping in New York City family homeless shelters. New York City Department of Homeless Services, Daily Report: March 19, 2013.

<sup>2</sup> U.S. Census Bureau, American Community Survey 1 Year Estimates, 2011 and 2008.

<sup>3</sup> *Id.*

<sup>4</sup> U.S. Census Bureau, American Community Survey 1 Year Estimates, 2010.

<sup>5</sup> From 2001 to 2012, federal cuts resulted in a cumulative operating subsidy loss of over \$750 million compared to eligibility. New York City Council, Hearing on the Fiscal 2014 Preliminary Budget & the Fiscal 2013 Preliminary Mayor's Management Report, March 12, 2013.

<sup>6</sup> NYCHA Chairman John Rhea, Testimony. Hearing: New York Housing Authority Real Property Use. New York Assembly Committee on Housing, March 15, 2013.

Resolution calling upon the New York City Housing Authority to engage its residents in planning for the new developments and to include certain requirements regarding the affordability of new units and the replacement of community resources in any ground leases for NYCHA land.

**Notice and Consultation:**

CCC supports the Preconsidered Resolution in calling on NYCHA to meaningfully consult and collaborate with affected residents and Community Boards on what is proposed for each site that may be leased .CCC also supports the Resolution in calling on NYCHA to include a community benefit agreement within any long-term ground leases created under the Infill Plan that will stipulate the developer's commitments to open space, local investment, security considerations, and other relevant community benefits.

These notice and consultation measures are necessary because the Infill Plan proposes major changes to NYCHA public housing resources that will affect residents, neighbors and community stakeholders in proposed development sites, and has serious ramifications for City affordable housing policy overall. Given the important and possibly permanent nature of these potential changes, it is incumbent upon NYCHA to allow sufficient time for residents and community stakeholders to review and weigh in on any RFPs or Section 18 proposals issued by the Housing Authority, which should include but need not be limited to public hearings for each Section 18 proposal and the creation of a written Memorandum of Understanding.

**Replacements of Community Resources:**

CCC supports the Preconsidered Resolution in calling for the replacement of playgrounds, community centers and any other buildings or spaces that would be leased for private development. Recreation space, community centers, and other community-based service sites provide vital health, fitness, education, and community-building resources to NYCHA residents and surrounding community members. Where demolition of existing resources is unavoidable, such facilities must be replaced so that residents and neighboring community members, who will be the most impacted by construction of new units as well as by the increased numbers of new residents, must not also have to contend with their permanent loss.

**Affordability of New Units:**

CCC supports the Preconsidered Resolution in calling for long-term ground leases of NYCHA land to specify the number of units created by the developer that will be made permanently affordable. CCC additionally recommends that the number of affordable units exceed twenty percent of the total number of new units. Given the value and desirability of the proposed infill sites as well as New York City's severe lack of affordable housing, it is essential to maximize the amount of new affordable units in all new developments.

We look forward to working with NYCHA and City Council to ensure that the Infill Plan proposal is responsive to our concerns as well as those of residents and other stakeholders, maximizes affordable units, and preserves community facilities.

Thank you for this opportunity to testify. We appreciate the City Council's interest in this very critical issue.



**Testimony of The Legal Aid Society**

**Before the New York City Council Committee on Public Housing**

**Hearing on (1) Pre-considered Resolution No. A Resolution calling upon the New York City Housing Authority (NYCHA) to engage its residents in planning for and to include certain requirements in any ground leases for NYCHA land and (2) Oversight: NYCHA's Plans to Lease Land for Development**  
**April 5, 2013**

**Interest and Expertise of The Legal Aid Society**

The Legal Aid Society (the Society) in New York City is the nation's oldest and largest not-for-profit provider of legal help for vulnerable low-income children and adults.

Operating from 25 locations in New York City with a full-time staff of over 1,700, the Society handles more than 300,000 individual cases and legal matters each year. The Society operates three major practices: the Criminal Practice, which serves as the primary provider of indigent defense services in New York City; the Juvenile Rights Practice, which represents virtually all of the children who appear in Family Court as victims of abuse or neglect or as young people facing charges of misconduct; and the Civil Practice, which improves the lives of low-income New Yorkers by helping families and individuals obtain and maintain the basic necessities of life - housing, health care, food, and subsistence income or self-sufficiency.

With a focus on enhancing family stability and security, through a network of neighborhood offices and city-wide special projects in all five boroughs of the City, the Civil

Practice helps vulnerable families and individuals with these legal problems: housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law for low-income workers; consumer law; education law; community development opportunities to help clients move out of poverty; and reentry and reintegration matters for clients returning to the community from correctional facilities. Typically, clients seek assistance from the Civil Practice after exhausting all other avenues for assistance. The Society's Civil Practice is the safety net when all other safety nets fail. During the past year, our Civil Practice completed work on individual cases and legal matters benefiting more than 100,000 low-income children and adults, with an additional two million low-income New Yorkers benefiting from our law reform and class action litigation.

The Society is counsel on numerous class-action cases concerning the rights of public housing residents and Section 8 tenants and is a member of the New York City Alliance to Preserve Public Housing, a local collaboration of New York City Housing Authority (NYCHA) resident leaders, advocates and concerned elected officials.

We appreciate the opportunity to testify before the City Council's Committee on Public Housing to talk about the need for transparency and accountability in connection with NYCHA's Infill Development plan proposals. We support NYCHA's efforts to preserve its public housing assets — the homes of over half a million New Yorkers. However, we have concerns regarding the manner in which NYCHA intends to raise additional revenues, through its long-term leasing of property to private developers, and we want to ensure that the process it engages in to do so guarantees transparency and accountability to NYCHA residents and the larger community.

#### **Challenges facing the New York City Housing Authority**

Over 500,000 New Yorkers live in 179,000 apartments spread throughout NYCHA's 340 public housing developments. Public housing in New York City is a vital and vibrant source of stable and affordable housing for low-income New Yorkers and needs to be preserved.

Today, NYCHA faces many challenges, including a \$61 million operating shortfall this year and a \$6 billion backlog in capital improvement needs. On March 12, 2013, NYCHA announced at its Preliminary Budget hearing in front of the New York City Council's Public Housing Committee that it expects to lose \$250 million from its Operating Funds subsidy in 2013. Obviously, this severe under-funding of federal subsidies, together with a lack of funding from the State and City, has a devastating impact on NYCHA's budget and ability to operate. Residents of public housing continue to suffer—living in substandard conditions in aging and deteriorating buildings as a result of these issues.

Over the past few years, in response to years of chronic underfunding by Washington, the State and the City, NYCHA has spent a lot of time exploring new ways to raise revenues and secure its financial stability. In December, 2011, NYCHA released *Plan NYCHA*, NYCHA's "roadmap" for preservation and most recently, NYCHA published its Annual Plan for 2013. Significantly, in both of these plans, NYCHA's intention to sell, transfer or lease vacant land for housing and other redevelopment purposes features as a means to yield revenues. These policy directions have profound implications for the communities that we seek to preserve and call for higher standards of accountability. While mentioned as *one* of the ten imperatives listed in *Plan NYCHA*, NYCHA has not publicly released a comprehensive and detailed long-term plan exploring the potential positive and negative impacts of any such disposition or leasing of "under-utilized" land.

### **NYCHA's Infill Development Plans**

At a presentation made at the Association for a Better New York ("ABNY") in September 2012, NYCHA's Chairman Rhea announced what he himself called "a major new initiative" that NYCHA plans to undertake that will allow NYCHA to generate additional revenues. Chair Rhea explained that NYCHA had undertaken a comprehensive review of NYCHA's "real estate footprint, with a goal of offering NYCHA-owned sites for the development of market rate and affordable housing ..." Chairman Rhea himself described the initiative as a "... landmark in the evolution of NYCHA ..."

Until Chairman Rhea presented testimony at a hearing before the New York State Assembly's Standing Committee on Corporations, Authorities and Commissions, in February, 2013, no additional information had been given to public housing residents, elected officials or

other stakeholders about NYCHA's plans to lease "under-utilized" land at select NYCHA sites. At the February 1, 2013 hearing, NYCHA announced that it intended to issue Requests for Proposals ("RFPs") for development on 16 sites located in eight NYCHA public housing developments throughout Manhattan by mid-March, 2013. This news came as a huge shock to public housing residents, advocates and the impacted local communities as we had been led to believe that NYCHA would first release information about the location of the sites and details of planned development before taking the advanced steps of releasing RFPs. In his speech at ABNY, Chair Rhea himself had indicated that residents and other stakeholders would have input into decision-making prior to the issuance of any RFPs.

NYCHA refers to its current program of leasing "under-utilized" land to private developers as its "Infill Development" program/project.

Immediately after Chair Rhea's February 1, 2013 testimony, NYCHA aggressively moved forward with its project and began contacting New York City Council members, State Assembly members and State Senators who have NYCHA developments in their districts that are included in the first wave of NYCHA's Infill Development project, to set up meetings at which to present NYCHA's plans. Additionally, NYCHA began reaching out to the Residents Association leaders of the impacted developments to set up meetings at which to present its plans for development.

In March, 2013, NYCHA went to each of the eight public housing developments that are targeted in the "first wave" of the Infill Development project to brief residents on the proposed project and presented slides with information that included NYCHA's reasons for seeking additional sources of revenue, a basic outline of NYCHA's Infill plans and maps with the location of each planned development site. In our experience from attending several of these briefings, NYCHA presented little concrete information about the details of any of its plans — residents, community members and elected officials alike left these NYCHA presentations with few specifics that they can use to start doing their own due diligence and evaluation on the issues and effects of the proposals. Significantly, until it posted information on its website at the end of March, 2013, NYCHA had not publicly issued any written documents with its proposals and plans.

**Current Transparency and Accountability Standards for NYCHA Demolition/ Disposition of Property**

Under Section 18 of the Housing Act of 1937, a public housing authority (PHA) must submit all demolition/disposition proposals to the Department of Housing and Urban Development (HUD) for review and approval. A lease of more than one year is considered a “disposition” by HUD and is subject to the Section 18 approval requirements.

Pursuant to federal regulations, all PHAs must submit a PHA Annual Plan to HUD. The purpose of the plan is to provide a framework for local accountability and an easily identifiable source by which residents and members of the public may locate basic PHA policies, rules and regulations concerning PHA operations, programs and services. In its 2013 Annual Plan, NYCHA has included its plans for no less than 16 proposals for Section 18 demolition/disposition.

A number of provisions of federal regulations promote PHA accountability when it develops its Annual Plan by requiring that a PHA allow for a 45-day window for public review and comment of its draft plan, followed by a required a public hearing.

Since 2012, all of NYCHA’s Section 18 demolition/disposition proposals must go through the Annual Plan process and be accorded the full accountability standards of public review, comment and hearing. However, it is important to note that NYCHA’s Annual Plan for 2013 covers over 200 pages and the 3 hour public hearing provides little opportunity to focus meaningfully on specific issues announced in the draft plan.

**City Council Preconsidered Resolution calling upon NYCHA to improve the Infill Development process to empower residents**

On March 20, 2013, Rosie Mendez, New York City Council Member and Chair of the Committee on Public Housing, introduced a Resolution to the City Council that calls upon NYCHA to engage its residents in planning for and to include certain requirements in any ground leases for NYCHA land.

The Resolution was introduced in response to the concerns of NYCHA residents, community members and elected officials that NYCHA is aggressively moving ahead with the Infill Development project without any meaningful consultation or collaboration with

stakeholders and that information on the project to date has been extremely limited and in many instances, contradictory.

The main stated purpose of the Resolution is to spell out procedures that NYCHA should follow in terms of process, consultation and resident benefits of the Infill program. To that end, the Resolution calls on NYCHA to: consult with residents and all affected Community Boards by having public meetings with affected communities prior to and after the release of RFPs in each community in which development is planned; ensure that residents have both the time and the Tenant Participation Activity funds necessary to secure independent legal and technical assistance to review plans and make meaningful comments; ensure that all parking spaces, yards, playgrounds, community centers and any other buildings or spaces that would be leased for private development are replaced; and commit to dedicating all revenue generated from the ground leases to making repairs and capital upgrades to existing public housing development buildings.

The Legal Aid Society supports the Resolution and calls on NYCHA to comply with the processes outlined in the Resolution that seek to guarantee transparency and meaningful consultation and collaboration with residents and community members in developing any ground lease proposals as part of the Infill Development program.

**Recommendations:**

**(1) Need for the Infill Development project to be slowed-down in order to provide time for stakeholders to develop standards and conditions governing the Infill Development process**

The planned leasing of land to private developers on these NYCHA sites raises a host of issues that involve thousands of NYCHA residents who reside in the impacted developments and will also have a big impact on the larger local community surrounding the impacted NYCHA developments. These NYCHA and other local community residents need specific details of plans and time to consider the plans in order for any meaningful engagement and collaboration to be made.

On February 20, 2013, a group of 16 concerned elected officials, led by United States Congress Member Carolyn Maloney and including State Assemblymembers, State Senators, several New York City Council members and Manhattan Community Board Chairs representing the eight NYCHA developments and the Manhattan Borough President, wrote to NYCHA and



the Mayor of New York City to request that NYCHA reconsider its proposed timeline in connection with the Infill Development project. Specifically, the letter called for a delay in the release of RFPs until a more significant dialogue has taken place between NYCHA and the many potential affected residents.

Additionally, on March 1, 2013, a group of 28 concerned elected officials, led by Assemblymember James Brennan and including State Assemblymembers, State Senators and a New York City Councilmember wrote to NYCHA Chair Rhea requesting that NYCHA delay the issuance of RFPs for the Infill Development project for six months in order to allow all parties to learn more about the nature and details of the proposed transactions. The letter expressed their concern that NYCHA is proceeding too rapidly without providing a meaningful process of consultation for the residents of the affected developments and the surrounding communities.

We understand NYCHA's need to raise additional revenue in light of its loss of Federal Operating Subsidies and other sources of funding, however, this large-scale private development of publicly-owned NYCHA land is a significant new step for NYCHA to undertake and it is critical for all stakeholders to understand the potential positive impacts on public housing due to increased NYCHA revenues, as well as all the other impacts on NYCHA residents and the larger neighborhood if these development plans are carried out.

To that end, we hereby call on NYCHA to delay issuing RFPs for the sites until standards and conditions have been developed and agreed to by NYCHA and stakeholders that will govern the Infill Development process in order to ensure that there is a meaningful public community process and dialogue over the details of any such development.

## **(2) Need for "Gold Standard" of Resident and Community Engagement**

The current Infill Development project is just the "first wave" of a larger infill effort that NYCHA expects to undertake that will include other neighborhoods and boroughs. It is important that NYCHA develop and implement additional and greater standards for resident and community involvement and transparency than those required under the Section 18 and Annual Plan process now that will govern this wave of infill and any future Infill Development projects.

The Legal Aid Society supports all of the provisions contained in the City Council Resolution introduced by Council Member Mendez that seek to hold NYCHA to a higher standard of resident and community engagement in connection with the Infill Development

program. There are several commitments contained in the Resolution that we believe are crucial in any Infill Development process if we are to ensure that residents are meaningfully included in the development of proposals and that we wish to highlight in our testimony today.

***Tenant Participation Activity Funds:*** We recommend that NYCHA publicly issue a written procurement procedure so that the residents associations of impacted developments can apply for and make use of the Tenant Participation Activity (TPA) funds (amounts given to NYCHA by HUD), currently estimated by NYCHA to be around \$15 million. Such funds can be used to secure access to independent, technical resources, such as lawyers, architects, environmental consultants, and planners who can help affected residents' associations to fully understand their options and rights and to secure concessions and opportunities for residents under each proposal of the Infill Development project.

***Individual Public Hearing for Each Development Site:*** We recommend that each Infill Development proposal be given its *own* special review process and public hearing process. The implications of any disposition plan are too important to merely be mentioned on a single page of a 200-plus page NYCHA draft Annual Plan and squeezed into a 3 hour public hearing as is currently the case. To that end, we call on NYCHA to agree to hold a public hearing at each impacted development before any RFP is released *and* before a proposal is accepted.

### **Conclusion**

Thank you again for the opportunity to testify before the City Council's Committee on Public Housing and for pressing for greater openness and community engagement as NYCHA moves forward to do what needs to be done to preserve our City's only truly affordable housing resources.

Respectfully Submitted:

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**Testimony of  
Victor Bach, Senior Housing Policy Analyst  
Community Service Society (CSS)  
Hearing on  
City Council Resolution: NYCHA Resident Engagement in Infill/Land-Lease Plans  
New York City Council Committee on Public Housing  
April 5<sup>th</sup>, 2013**

Improving and preserving New York's public housing—179,000 apartments in 340 NYCHA developments, about one out of 12 rental units in the city—is and should be a high priority concern not only among its residents, or the Authority itself, but of the city as a whole. We understand the financial pressures on NYCHA, resulting from starvation federal funding and the neglect of local and state government<sup>1</sup>, that have led the Authority to propose the Infill/Land-Lease Plan as a way of generating the revenue it needs to maintain and preserve public housing. NYCHA runs a structural operating deficit, now about \$60 million annually and carries a \$6 to 7 billion backlog in major capital improvements needed for its aging buildings. The prime casualties are residents who must endure substandard conditions, accelerating deterioration, and long waits for needed repairs.

**NYCHA Approach to the Infill Process to Date**

The issue here is what kind of resident and community engagement process should guide the implementing and shaping of NYCHA Infill proposals. The Infill approach is not new to NYCHA, but it is now escalating its plans. In addition to the 8 developments targeted in the current wave, we can expect more in the near future. So far NYCHA's approach to resident engagement in the program has been rushed and secretive. Its plans and schedules have become visible only through leaks to the media. Proposals were posted on the NYCHA website only a week ago for the first time. Affected residents are briefed well after the plans and RFPs (requests for proposals) have been drafted, with only weeks left before the RFPs are to be released.

All housing authorities must apply to HUD for approval to demolish/sell/lease public housing property in what is called a Section 18 proposal. Questions have been raised about whether NYCHA is complying with Section 18, which requires that housing authorities consult with residents in the development of the proposal. That has not happened here.

Because of the size and location of NYCHA developments across the city, there is a lot at stake here for residents and for the city's affordable housing infrastructure as a whole. NYCHA must become more transparent in its approach to Infill plans; it must allow sufficient time for resident and community leaders to have an effective voice in the process.

## The City Council Resolution

For these reasons, CSS strongly supports the City Council Resolution calling upon NYCHA to engage residents in a meaningful dialogue about plans that will potentially reconfigure and alter the fabric of their communities. We expect our elected leaders at all levels of government to go even further to spell out a “NYC standard of resident and community engagement” that goes beyond the minimal Section 18 requirements, guidelines that NYCHA must observe whenever it proposes to lease public housing property for private redevelopment. Public housing is too important to New York City to allow major changes like the Infill plans to go forward without adequate resident and public review. The Council Resolution is a first step in the right direction.

We strongly recommend that NYC guidelines for NYCHA resident and community engagement on Infill proposals include (in addition to HUD Section 18 requirements):

- NYCHA adoption of the ULURP process.
- Consultation with affected Community Boards
- Adequate time for resident associations to assemble and consult with independent legal and technical assistance team prior to the issuance of an RFP (request for proposal).
- Special NYCHA public hearing on each Section 18 proposal—after a 45-day review period—preferably on site at the development.

Thank you.

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<sup>1</sup> Washington is the only level of government that funds NYCHA. NYC is the only level of government that takes payments from NYCHA, about \$100 million annually out of its operating funds, including \$75 million for special NYPD policing that is provided free to private landlords under the Operation Clean Halls program, \$23 million for PILOT payments in lieu of property taxes (from which nonprofit housers are usually exempt.)



New York  
Environmental Law &  
Justice Project

## FOR THE RECORD

*Public Hearing  
City Hall  
New York, New York  
April 5, 2013*

### *Testimony before the Committee on New York City Housing Authority*

Good morning. My name is Harvey Epstein; I am the Project Director of the Community Development Project at the Urban Justice Center. The Urban Justice Center is a project-based umbrella legal services and advocacy organization serving New York City residents. In the past 28 years, the Urban Justice Center has provided direct legal assistance, systemic advocacy and community education to low and moderate income rent regulated tenants in New York City. The Community Development Project (CDP) of the Urban Justice Center formed in September 2001 to provide legal, technical, research and policy assistance to grassroots community groups engaged in a wide range of community development efforts throughout New York City. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions. The Homelessness Outreach & Prevention Project ( HOPP) advocates on behalf of low and no-income New Yorkers by ensuring access to the social safety net. HOPP holds the government accountable for these programs by using a multi-pronged approach of direct legal services, affirmative litigation, research and policy advocacy. At the heart of our work is protecting the due process rights of New Yorkers to government entitlements like public assistance, shelter and low income housing. Unfortunately, one in five New Yorkers lives below the federal poverty line and the system frequently commits violations of due process, leaving families and individuals without basic necessities like food and shelter. As attorneys and advocates we work diligently to hold the government accountable for their legal mandates so that low and no-income New Yorkers have a real opportunity to lift themselves out of poverty.

I am here to discuss our support for the proposed resolution in relation to the NYCHA Infill project. The Urban Justice Center along with the New York Environmental Law and Justice Project represents approximately 330 residents at Smith Houses.

Overall, while we understand that NYCHA is underfunded, rushing ahead with the infill program will never resolve those problems. We believe in investment in public housing and want to work with NYCHA to support such investment. However, this plan only burdens the existing residents by taking away their open space, community space, light and air. We would like to see NYCHA look comprehensively at their budget, think about opportunities to cut spending (*i.e.*, annual payments to the New York City Police Department of approximately \$70 million) and look towards a longer term solution that not use a one-time sale or lease of valuable land for market development.

The Boston Consulting Group report commissioned by NYCHA was replete with recommendations about how the housing authority could make better use of the funding that is already available to them. The report also notes that between 15% and 50% of NYCHA office space is underutilized, and could be sub-leased to raise additional funds. NYCHA clearly needs to take care of its own house, before it starts selling of land at developments that are home to thousands of low-income residents.

In addition, New York has a critical shortage of affordable housing and if NYCHA was to propose doing anything with their parking lots, creating substantial amounts of permanent affordable housing is the only option that should be presented, not a market rate development that could lead to further gentrification of communities around New York. With an estimated over 50,000 homeless New Yorkers, this plan does not protect existing NYCHA housing and does not relieve the serious problems around housing that has been exacerbated over the last decade.

Moreover, NYCHA has not sought meaningful input by NYCHA residents about their plan. Tenants should be given full opportunity to review any proposals, have tenant leadership involved in ongoing conversations with NYCHA and provide

meaningful input into any plan NYCHA proposes. NYCHA is attempting to circumvent the role of elected tenant leadership and is failing to provide them with adequate information and resources to be able to have meaningful input.

I do not believe NYCHA has adequately assessed just how valuable the proposed development sites are as currently used. NYCHA officials frequently mention exactly how much money they hope to raise by leasing these sites to private developers. But they have not meaningfully discussed the costs of taking away playgrounds, ballfields, gardens, and open spaces from thousands of public housing residents who do not have a gym membership, country home, or other substitute for the lost amenities. There has yet to be a proper accounting of the proposed infill development's real costs—the social, environmental, health, and other impacts on existing low-income residents, who can least afford to bear their costs.

In public statements, NYCHA's top officials have cavalierly dismissed the idea that the developments will have any negative impact on existing residents. In last month's *NYCHA Journal*, Executive VP for Development Fred Harris claimed that the first set of sites to be offered to developers in RFPs were selected based on four criteria. First, and most surprisingly, was that "the sites must have no negative impact on residents' quality of life."<sup>1</sup> Mr. Harris went on to say: "[a]ctually, we believe the impact overall will be quite positive." NYCHA Chairman John Rhea echoed this idea in his statements to the press, frequently characterizing the parks and open spaces in question as "vacant" and "underutilized". In a March 4th *City Limits* article, Mr. Rhea said he is "excited about reintegrating public housing into the broader community," and that he hopes NYCHA's infill development plan will compensate for the flaws in the tower in the park model.<sup>2</sup>

Mr. Harris and Mr. Rhea's optimism is frankly confounding. You cannot fix what's wrong with the tower in the park model by removing the park and putting in

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<sup>1</sup> NYCHA Journal Jan/Feb 2013 at p. 4 (emphasis added).

<sup>2</sup> Batya Ungar-Sargon, *Details Emerge About Plan for Private Buildings on NYCHA Land*, CITY LIMITS, available at <http://www.citylimits.org/news/articles/4751/details-emerge-about-plan-for-private-buildings-on-nycha-land#.UUKhNdG4p5R>.



another tower. And it is simply not possible for the loss of parks, playgrounds, ballfields, gardens, and open space at the eight selected NYCHA developments to result in “no negative impact on residents’ quality of life.”

We ask you to hold NYCHA accountable. . First, by making sure NYCHA does not violate the public trust doctrine, and waits for an authorizing legislative enactment before moving forward with an alienation of parkland. Second, by requiring NYCHA to meaningfully evaluate the impacts of infill development on existing public housing residents, and to find alternative sources of capital funding that do not come at such great expense to its existing residents. Third, you force NYCHA to open up their books and help them determine where they can adjust their spending priorities. Finally, any development should have meaningful input by the affected development and citywide tenant leadership so they become a partner in any proposal by NYCHA as proposed in your resolution here.

We wholeheartedly agree with the following provision within this resolution:

- © *NYCHA should opt-in to the city’s Uniform Land Use Review Procedure (ULURP) to ensure the most robust and comprehensive engagement and review standards possible*

This will allow for a formal role for community boards as well as local elected officials to ensure NYCHA complies with the needs of the local community.

- © NYCHA should hold multiple and meaningful consultation meetings with residents at affected Infill sites throughout the entire Infill Development process

This meaningful consultation should occur over at least 6 months that include multiple meetings with important stakeholders during day and evening hours in various locations that maximized public participation.

- © NYCHA should establish a 501(c)3 organization—*independently controlled by a board of elected residents*—with a dedicated staff of professionals in

the areas of—legal, land use, community organizing, architecture and the like—to empower residents to understand, consider and review the Infill plans in detail *and decide if such disposition is welcome at their developments*

This will allow an independent entity to evaluate the proposal and the reaction from the residents and determine whether the proposed plan is feasible and appropriate for the site.

- ⊙ *Affected Resident Associations should have should have adequate time to secure legal and technical assistance as well as sufficient time between public meetings to consult with technical advisory staff*

This will allow NYCHA residents to be educated and adequately represented in all negotiations with NYCHA.

- ⊙ *Residents at affected development sites should be empowered to form advisory committees to propose the parameters of the RFPs for each site and ultimately participate in the selection of developers for such site.*
- ⊙ *Before any RFP is released, an additional public meeting should occur at each affected development where residents and technical advisory staff are able to review a draft RFP and comment on it before its release*
- ⊙ *NYCHA should ensure that all comments on the land lease plan, collected at meetings or through their online portal, are addressed and responded to; provide a method to allow those who do not have internet access to provide written comments on the land lease plan; and all comments and suggestions on any proposed land lease plan should be posted and made available online for all residents and the public to review*
- ⊙ *If disposition of NYCHA land is necessary under this plan, it should only be ground leased and never sold outright*
- ⊙ *If such land is leased to a private developer through the Infill process, any such agreement must spell out: (1) robust and meaningful employment and job training opportunities for residents during the construction phase and for permanent jobs thereafter; (2) specify the number of “permanently affordable” units created by the plan; (3) ensure that these “permanently*

affordable” units will be at income levels that will allow public housing residents (and applicants) to qualify for them; (4) *include provisions prioritizing residents in the affected developments for first preference to move into the new affordable units*; (5) contain a “community benefit” agreement detailing commitments by the developer to the community, including, without limitation: open space, local investment and security considerations; (6) ensure that any resources (land, parking lots, playgrounds, community centers) affected by the Infill plan *are replaced in a manner that allows residents to receive uninterrupted services*

- ⊙ NYCHA must reinvest *a significant portion* of the money generated by Infill to making repairs and upgrades at existing developments *who will suffer from the adverse impacts of ongoing construction*
- ⊙ NYCHA should allow its residents through participatory budgeting to *determine any capital needs at their developments which will be addressed using the money generated from any potential land lease plan related to such development*

Under federal law, NYCHA is required to certify to HUD that any disposition of public housing property is in the “best interests” of residents at affected developments. All of the above-listed provisions of the proposed resolution are absolutely necessary to ensure that NYCHA fully complies with this federal requirement, and does not imprudently jump into a 99-year ground lease that will forever change public housing in this City.

Thank you for the opportunity to testify today

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**Testimony of United Neighborhood Houses  
Before the New York City Council  
Committee on Public Housing  
Honorable Rosie Mendez, Chair  
Regarding NYCHA's Proposed Infill Plan**

**Prepared by Gregory Brender, Policy Analyst  
April 5, 2013**

Thank you Chair Mendez and members of the Public Housing Committee for the opportunity to testify. My name is Gregory Brender and I am here on behalf of United Neighborhood Houses, New York City's federation of settlement houses and community centers. UNH's 38 member agencies have a strong commitment to public housing and to the people that live in public housing developments. Settlement house leaders advocated to create public housing and the early leaders of NYCHA included settlement house pioneers such as Mary Simkovitch who was NYCHA's first vice-chair as well as the founder of Greenwich House, still a UNH member agency. Currently, more than half of UNH member agencies provide services in public housing developments. These include early childhood education, after-school and youth enrichment programs, services for older adults and other programs tailored to meet the specific needs of the communities they serve. We support a comprehensive vision for public housing as not only a place to live but as communities with strong engagement for residents.

New York City has defied the national narrative about public housing. In Atlanta, St. Louis and other cities across America, buildings have been dynamited and developments have been cleared. Many times, this left former public housing residents homeless. New York's communities have not accepted the false notion that public housing is bound to fail here and nor should they. In a City whose priorities are increasingly dominated by the needs of the wealthy, public housing is the best way to ensure that low-income and working New Yorkers can stay in the city.

This tragic narrative – the claim that public housing could not succeed- came about because the Federal government set up housing authorities to fail by decreasing its investment in public housing at the same time that the public housing developments aged and therefore needed more investment. Cash strapped cities were forced to get more creative with dwindling resources and this led to “deferred maintenance”

a euphemism for the inability to fix broken elevators or water heaters and other key infrastructure failures.

It is in the context of this shortage of funds that NYCHA is considering leasing some of its land in order to raise funds for the agency. NYCHA's plan is an ambitious response to a truly vexing problem and if it is handled incorrectly, it will have tragic consequences for NYCHA residents and for the City as a whole.

For these reasons, we support this committee's resolution calling upon the New York City Housing Authority to engage its residents in planning for and to include certain requirements in any ground leases for NYCHA land. The requirements laid out in this resolution are:

- All revenue generated must be dedicated to repairs and capital upgrades for existing public housing developments;
- Community stakeholders (especially affected residents) must be adequately informed about redevelopment plans and given the opportunity to participate and provide recommendations throughout the process;
- There must be no disruption of any social services provided to NYCHA residents as a result of the infill development.
- The employment and job training preferences for NYCHA residents should apply to both the construction of the new housing, and the permanent jobs that result.
- The ground leases should include specific requirements that NYCHA residents in the affected developments be granted first preference to move into the new affordable housing units;
- NYCHA must commit to dedicate a significant percentage of the proceeds to the capital and repair needs of the affected developments, until those capital needs are met, because the residents of developments will be suffering from the adverse impacts of the construction
- NYCHA may not sell land outright and may only ground lease it.

To these important requirements, we would recommend adding one other. In particular:

1. The employment and job training preferences for NYCHA residents should apply to both the construction of the new housing, and the permanent jobs that result.

I want to emphasize the point about not disrupting human services. NYCHA is home to a significant part of the City's human service infrastructure. These services allow NYCHA communities to thrive by providing resources like child care and after-school programs that make it possible for parents to go to work, senior centers which support older adults aging in place and job training and adult literacy programs that prepare NYCHA residents and others to survive in a changing economy. The space used to provide these services must be protected as well.

In particular, it is critical that the plan for Washington Houses in East Harlem – and any future infill development – ensure the continuity of human services within the NYCHA development. We call on

NYCHA to ensure that any human services that otherwise would be displaced because of disposition of land must be relocated to comparable space within the same complex. In the case of the Washington Houses Community Center, NYCHA must commit to constructing a comparable facility within the Washington Houses development to preserve residents' continuous access to the programs for youth and others that are currently being provided there by UNH member agency Union Settlement Association.

We appreciate the work done by both the City Council and NYCHA to preserve public housing in New York City. Thank you for the opportunity to testify. We look forward to working with you on behalf of New York City's public housing communities.

**FOR IMMEDIATE RELEASE:  
FRIDAY, APRIL 5<sup>TH</sup>, 2013**

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**RE: REACTIONS TO NYCHA'S PLANS TO LEASE LAND FOR DEVELOPMENT**

**(NEW YORK, NY)**— The proposal to use existing NYCHA land to create other development opportunities -- some that will generate revenue to support existing NYCHA operations, others to provide alternative housing for current NYCHA seniors living in oversized apartments -- has merit. In fact, this idea has surfaced several times in recent years. And Metro IAF has been calling for the creation of senior housing on NYCHA property for several years, so that larger apartments could be freed up and the seniors living in them could relocate into a more suitable housing unit in the neighborhoods that they know and value.

Our concern is not with the merits of the concept but with the competence of the NYCHA leadership and management. The same team that could not install cameras -- a much more modest capital improvement -- is not going to succeed at the much more complicated and challenging task of building new housing at scale on existing NYCHA sites.

This task requires top flight construction and management professionalism. The public agency that has delivered the most new construction in recent years is the School Construction Authority. An SCA-like entity, run by competent people with proven track records, is needed.

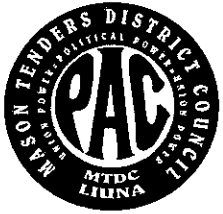
In addition, tenants need to be fully informed and engaged in this effort. And just a handful of affordable units won't be enough. In many of the developments where Metro IAF is active, tenants would welcome a new senior building, retail stores, or even a market rate development that would generate a significant stream of revenue to meet NYCHA needs.

**ABOUT METRO IAF, MANHATTAN TOGETHER AND SOUTH BRONX CHURCHES**

New York Metro IAF is a group of six non-partisan, multi-racial, organizations made up of congregations, schools, and other associations: East Brooklyn Congregations, South Bronx Churches, Manhattan Together, Empowered Queens United in Action and Leadership, Long Island Congregations Associations and Neighborhoods, New Jersey Together (and an organization forming in Westchester County), committed to developing leaders and the identification and resolution of issues of concern in their communities. Metro IAF has won major victories, such as building over 4,500 Nehemiah Homes, with over 1,000 more on the way, starting new high quality schools, winning significant improvements in public safety, among many others.



**### END ###**



**MASON TENDERS' DISTRICT COUNCIL  
OF GREATER NEW YORK  
POLITICAL ACTION COMMITTEE**

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**FOR THE RECORD**

Thank you for taking the time to read my letter. My name is Loretta Swindell. I am writing today because a little over a year ago someone reached out a hand to me and that hand changed my life. I grew up in Public Housing. I saw people struggling with short-term jobs, with lack of opportunity and with the loss of hope that comes with it. I was on that path myself. Year after year I had low wage jobs temp jobs or was unemployed. I just didn't see many people around me getting real careers.

One day I found out about an amazing opportunity to get into a Union through CM Build. The Union interviewed me and gave me the chance of a lifetime. I was offered as much free training as I wanted at an amazing school open to all members. I took every they offered. That training made contractors want to hire me. I soon found work on a NYCHA site as part of the CM Build resident hire program. The contractor liked my work and I stayed until the end of the job. I am currently employed at the Navy Yard, a dream project.

Let's be clear I'm a woman working construction, I'm a woman of color in a building trades union and let me tell you it is the first time here with Local 79 that I've had a real chance at a middle class life. It's been my first chance at a long-term career, and believe me I'm running with it. Tell me where else a woman of color with no college degree is offered free training to make the kind of salary she can save to buy a house on, put a kid through college on, the kind of salary that lets her breathe. This program was a gift in my life. I am in a family of my Union brothers and sisters, hundreds of whom are section 3 residents just like me. These members mentored me when I joined as now I can begin to mentor new members coming up. This fellowship is a big part of what makes the Union work for me. I am shocked a frankly angry that anyone is talking about taking NYCHA land for new development and not ensuring that good, career path jobs will be created for residents. The NYCHA infill program has wonderful potential but only if the economic development created genuinely benefits residents.



[Type text]

Testimony of Michael Barbera, Bricklayers & Allied Craftworkers, Local 1, NY

Date: April 4, 2013

Re: NYCHA Infill Development Plan

To: NYC Council Committee on Public Housing

Good morning Madame Chair and all members of the Committee. Thank you for allowing me to testify this morning. My name is Michael Barbera and I have been a Field Representative for Bricklayers & Allied Craftworkers, Local Union No. 1, New York since 2000. I was previously an instructor at the union's joint apprenticeship training program in Long Island City. I have been a BAC union member for 32 years. Over the course of my experience in the industry I have worked with the tools of the trade, run large crews of construction workers on major restoration projects and done many of the jobs in-between.

Based on Chairman Rhea's recent testimony before the NYS Assembly Housing Committee, the Chairman stated that the authority is preparing RFPs to be sent to developers in mid-April for the construction of 14 new residential building on NYCHA property in Manhattan that will be granted to the selected developers under a 99 year ground lease from NYCHA. The lease payments are intended to provide cash flow to repair and maintain NYCHA's aging infrastructure. The proposed new buildings are to contain 80% market rate units. Further, the RFPs will require the developers and their trade contractors to: a) pay the construction workforce the prevailing wages and benefits for their trade; and b) abide by NYCHA's Resident Hiring Requirement (Section 3) which requires construction contractors awarded jobs in excess of \$500,000 to spend 15% of their labor cost on the employment of NYCHA residents. Assuming these projects will become a reality, this kind of commitment to basic labor standards is a move in the right direction. However, we insist that the Authority can and should do more in the RFP to strengthen labor standards, ensure quality and timely completion of the work and provide meaningful career opportunities in the construction industry for NYCHA residents.

A project labor agreement (PLA) with the Greater NY Building Trades unions could result in substantial cost savings to the developer which would ultimately generate greater lease payments to the Authority, ensure quality construction, minimize the length of disruption to the neighborhood and provide a real pathway to construction careers for NYCHA residents. Both the School Construction Authority and several mayoral agencies have successfully negotiated and entered into PLAs with the Building Trades and thereby obtained substantial savings on capital and maintenance work by reducing labor costs. The November 2009 New York City PLAs are projected to save the city's taxpayers \$300 million dollars and the 2004-2009 School Construction Authority PLA saved the city \$221 million. As the Mayor's Office of Contract Services and the SCA have noted, the PLAs permit construction to proceed more efficiently and more effectively. Further, those PLAs have been instrumental in getting construction projects

completed timely and efficiently by providing access to a trained and highly skilled workforce that ensures quality and safe construction, and by avoiding disruption of the work caused by labor disputes. Most importantly, a PLA could provide those NYCHA residents interested in construction work with direct access to the best apprenticeship training programs in the construction business.

The Resident Hiring Requirement as applied to construction work, though well intentioned, does no good for NYCHA residents when those construction jobs have no ties to certified apprenticeship training programs with a track record of success. Typically, Section 3 workers employed by non-union construction companies are almost never enrolled in certified apprenticeship training programs for the trades. So, a construction job for a resident is likely to run only for the duration of the construction project – 6 to 18 months - and provide no meaningful training opportunities in trade specific skills or long term opportunities for ongoing employment on other construction projects. The Authority can easily correct this problem in the Resident Hiring Requirement by requiring that contractors working for NYCHA or on NYCHA property participate in established and successful NY State certified apprenticeship training programs for each of the trades appropriate to the work being performed. We urge NYCHA to cease abandoning residents to dead-end jobs in the construction industry. NYCHA should at least require all contractors and subs bidding work for NYCHA on its property for the infill development to participate in NYS certified apprenticeship training programs for the trade appropriate to the work being performed and where said training programs have successfully graduated at least 1 apprentice during the prior 3 years.

Historically, NYCHA has been successful in accessing these certified apprenticeship training programs for its residents through a PLA with the Building Trades which expired in 2009. Subsequently, in early 2010 Bricklayers Local 1 recruited a class of 23 NYCHA residents for apprenticeship in façade restoration work, and, to date, more than ½ of those apprentices continue to successfully progress through the 4 year training program. Becoming a Local 1 apprentice is not just a temporary job that ends when a project is completed or ties a worker to the success of an individual contractor. Because it is a multi-employer, union program, the union provides an opportunity to members for continued employment with well over 100 union contractors throughout their career. The training program costs the apprentice nothing. Existing Local 1 members pay the costs of the training program and union contractors provide immediate employment for the apprentices. Given the choices, union training programs, accessed through a Project Labor Agreement which also reduces labor costs, are the most advantageous solution for both NYCHA and its residents.

As we look at the tremendous success of the School Construction Authority and the NYC Mayoral Agency PLAs, we urge the Committee to insist that NYCHA engage the Greater NY Building Trades in order to bring that level of success to the Authority's Infill Development. In

BAC Local 1 Field Rep. Michael Barbera

April 4, 2013

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addition to the prevailing wage and Section 3 requirements, the Infill RFPs should contain an apprenticeship training requirement for all trade contractors as detailed above and an optional PLA negotiated with the Building Trades that could, among other things, reduce labor costs for developers and ensure the highest quality apprenticeship training opportunities for NYCHA residents.

Thank you for your attention and this opportunity to testify.

A handwritten signature in black ink, appearing to read "Michael Barbera", with a long horizontal flourish extending to the right.

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Aixa Torres

President

Jonathan Gardenhire

Vice- President

Monique Harris

Secretary

Nancy Hecker

Treasurer

Candace Eng

Sergeant-at-Arms

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## ALFRED E. SMITH RESIDENT ASSOCIATION

Friday, April 5, 2013

Good Morning Council Members of the Public Housing Committee:

On behalf of 2000 families that reside in Alfred E. Smith Houses I T2013-6029 and T2013-6031 resolutions should be passed.

"Resolution calling upon the New York City Housing Authority to engage its residents in planning for and to include certain requirements in any ground leases for NYCHA land."

"Resolution calling for Oversight of NYCHA's Plans to Lease Land for Development."

We wish to go on the record as opposing NYCHA's Section 18 infill plan for Smith Houses.

Since February 21, 2012, I have requested 1.6 millions dollars to have gas pikes replaced. I have been told by NYCHA that is why we need an Infill. Smith Houses Residents are now being held hostages to receive repairs that are necessary to well being and safety of the other nine building which have not had gas pikes replaced.

Since January 16, 2013, Alfred E. Smith Resident Association has been corresponding with NYCHA about Infill proposal and it's implication to the Smith Houses residents. We have requested because of the following conclusions the Executive Board and Committee Chairpersons expressed " We do not want any new building built on Smith Houses property but we do want repairs which are well over due to be done."

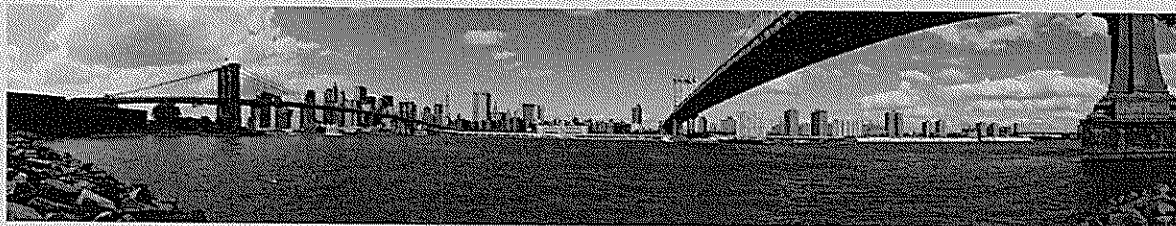
**The reasons submitted were the following:**

- ✓ **Structure of buildings on the site NYCHA wants to build could be dangerous to them**
- ✓ **Socialization of our community with new residents who have higher economic means than our residents**
- ✓ **Smith Houses is the only development on "Ground Zero"**
- ✓ **Three major gas outages and several one line outages averaging a monthly since 2010**
- ✓ **We have survived an earthquake and NYPD evacuating into Smith Houses**
- ✓ **We have survive Hurricane Sandy and the aftermath**
- ✓ **We pay mortgage rents and taxes with out services or repairs**

**On March 5, we submitted to NYCHA** a list of questions and issues that we would like answered or addressed when we meet on March 19, 2013 as today none have been addressed or answered. The questions address our concerns and needs.

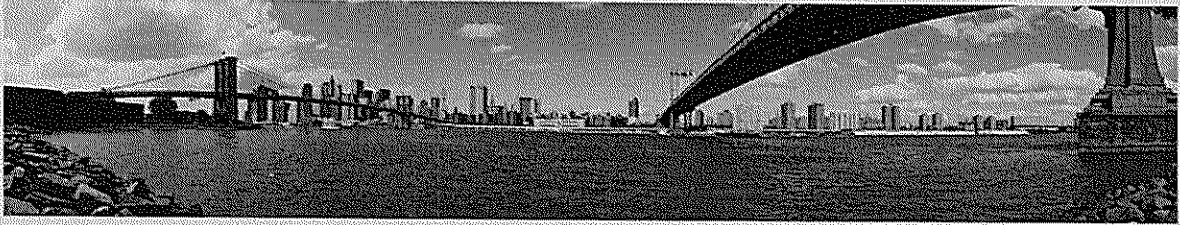
1) Please, provide a timeline for the proposed new development at Smith Houses, and, at minimum, include expected dates for the following steps: issuance of RFPs; resident consultation; issuance of environmental assessment forms or impact statements; zoning and other land use approvals; start of construction.





## ALFRED E. SMITH RESIDENT ASSOCIATION

- 2) What other agencies or government offices (besides NYCHA) contributed to the preparation of the RFPs?
- 3) What studies or feasibility analyses will be completed prior to the issuance of the RFPs? What studies/analyses have already been completed?
- 4) Has NYCHA had an engineer inspect/survey Smith Houses sites that may be targeted for new development?
- 5) Has NYCHA had any qualified expert evaluate the structural integrity of surrounding buildings at Smith Houses? If so, what were the findings?
- 6) How will the Developers' Obligations under a successful proposal be enforced?
- 7) How will developers be selected? What are the criteria for evaluating developers/proposals? How is the "Developer Selection Criteria" prepared?
- 8) Will residents have any input into the proposal selection process, once RFPs are issued? How will residents' preferences be addressed by the "Selection Criteria" or during the selection process?
- 9) Are there plans for holding a pre-submission conference with regard to the RFPs? If it has already been scheduled, when and where is the pre-submission conference? Moreover, will residents be allowed to attend the pre-submission conference?
- 10) How much money will be raised by the proposed disposition of land at Smith Houses? Annually? In the first 30 years of the lease term? Over the life of the lease?
- 11) How will this money be spent? What institutional rules/controls are in place at NYCHA to ensure that funds raised from the disposition of land at Smith Houses will actually be used to fund capital improvements at Smith Houses?
- 12) How were the sites targeted for RFPs selected?
- 13) At Smith Houses, what is the plan for future use of the baseball field?
- 14) Please, provide a detailed accounting of all amenities that could be lost or affected by the proposed disposition or construction activities (*e.g.*, parking; playgrounds; open space; trees; recreational facilities; resident gardens). If NYCHA has plans to replace any such amenities, please provide a detailed explanation of all plans.
- 15) Were the effects of Super storm Sandy on the Smith Houses buildings (*e.g.*, loss of electricity, water, and sanitation services; vulnerability to flooding) taken into account in developing the RFPs?
- 16) How will the addition of new, market-rate residences affect policing and security operations at Smith Houses? How will proposed development impact existing resident's access to areas within Smith Houses?
- 17) How will construction impacts be addressed (and in particular, noise and fine articulate emissions)? Will NYCHA records regarding disabilities and medical conditions be taken into account when attempting to mitigate the impact of



## ALFRED E. SMITH RESIDENT ASSOCIATION

construction-related activities on existing Smith Houses residents?

18) Please, provide a detailed explanation of all steps NYCHA will take to comply with the "resident consultation" requirement under Section 18 of HUD's regulations. Additionally, please explain how the selected developer will be involved in "resident consultation".

19) Will a cogeneration facility be required as part of project description in the RFP? If so, who will manage and operate the cogeneration facility, once it is completed? If the cogeneration facility generates electricity that is sold back into the grid, will NYCHA receive the proceeds?

20) What are the funding requirements for the proposed development? What, if any, public funding or tax credits may be available to the prospective developer?

### Documents Requested:

- Any documents or studies used to prepare an RFP for the development of any site at Smith Houses, including:
  - feasibility analyses
  - engineering studies
  - economic analyses
  - zoning analyses
  - environmental assessment
- Any version (preliminary or final) of the Project Description and Guidelines that will be included in the RFPs

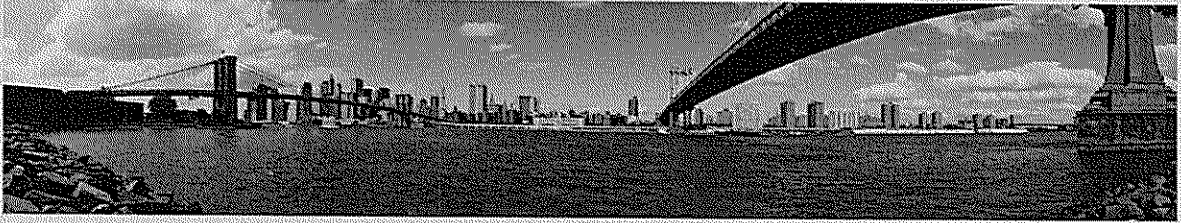
Once again, we asked NYCHA for a meeting date in April 4 to allow for time to scrutinize and exam the presentation then have a general meeting in April. NYCHA did not address our request or issues but proceed to hold a meeting with elderly Chinese and Latinos residents being harassed and told they would lose their apartment if they did not March 20, 2013 meeting.

As of April 4, 2013, we have made another request to NYCHA to hold Town Hall Meeting format for all Alfred E. Smith Residents and Community on April 11, 2013, which is the next meeting scheduled; to date no response. We requested this format for following reasons:

- ✓ **This roundtable format will not work on this RFP Infill discussion for the residents of Smith Houses.**
- ✓ The Town Hall format would afford residents an opportunity to voice their questions and/or concerns relative to the RFP/Infill.
- ✓ Due to the time constraints, we are requesting a limited presentation by NYCHA on the Site Plan with several diagrams of their vision, and in addition to a response to the **20 questions previously submitted** which we have yet to receive a response; this should occur during the first hour.
- ✓ The members of the NYCHA Dais shall dedicate the remainder of the time to address the residents' questions/concerns. "

Furthermore, Smith Houses, like many other developments, needs repairs, it is clear to us that NYCHA can find the money to make repairs without the infill plan. For example, eliminating the payments that NYCHA has made to the New York Police Department for nearly twenty years would open up significant resources to fund





### ALFRED E. SMITH RESIDENT ASSOCIATION

repairs. NYCHA has paid approximately 2 billion dollars to New York City in this time at the residents' expense, and, in doing so, it has doubly taxed NYCHA residents.

The infill plan would infringe on our right to a decent quality of life by straining our Infrastructure, by decreasing our political impact, and by creating social divisiveness, among many other concerns. This is not and will not be acceptable to the residents of Smith Houses. We have the right to decent and affordable housing. Please remember that the original residents of Smith Houses were military veterans and their families, who served you and this country to protect all of our rights.

In working to preserve public housing, we hold everyone accountable, including ourselves. However, preservation efforts must not come at the expense of our rights, lives, community, and dignity. For decades, city, state, and federal governments have cut public housing budgets to fund other programs or tax breaks. Every citizen who benefited, directly or indirectly, from NYCHA being bled to the point of deficit must now carry the responsibility to ensure that public and affordable housing continues.

Finally, the whole Infill process has been directorial and a discontentment to Residents of Alfred E. Smith Houses instead of these meetings being productive and transparent process for all. We have in the last three months engaged in fighting back and insisting from NYCHA to respect and up hold the law and our rights as citizens of the United States.

Respectfully,

Aixa Torres, President

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/5/13

(PLEASE PRINT)

Name: DAMARIS Reyes

Address: BARUCH HOUSES

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

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Name: SONIA PERAZA

Address: 398 106 STS APT 11E

I represent: Baruch Houses

Address: 840 Columbia St

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Name: J. Halkin

Address: 812 3rd Street

I represent: Robert F. Kennedy Center

Address: 173 9th Street

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THE CITY OF NEW YORK**

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Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Aixa Torres

Address: 78th James St

I represent: Smith House

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

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Name: Carmen Quinones

Address: 840 Columbus Ave.

I represent: Douglass Houses

Address: \_\_\_\_\_

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(PLEASE PRINT)

Name: Joel Epstein

Address: \_\_\_\_\_

I represent: National Lawyers Guild

Address: Environmental Justice Program

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Thomas Lopez-Pierre  
Address: 927 Columbus Ave NYC 10025

I represent: Self

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: April 13

(PLEASE PRINT)  
Name: Rela Santiago

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: 94 E 1st Mktz

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Crystal Glover

Address: 225 E. 99 St.

I represent: George Washington Hs.

Address: I am the resident council

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 4/5/13

(PLEASE PRINT)

Name: Judith Goldiner  
Address: 199 Water St NY NY 10038  
I represent: The Legal Aid Society  
Address:

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in favor  in opposition

Date: 4/5/13

(PLEASE PRINT)

Name: VICTOR BACH  
Address: 105 E. 22nd St NY NY 10010  
I represent: COMMUNITY SERVICE SOCIETY  
Address: (above)

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 4/11/13

(PLEASE PRINT)

Name: Senator Velmanette  
Address: 30 Third Ave Fl 207  
I represent: Senator Velmanette  
Address:

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jane Wisdom

Address: 866 Amsterdam

I represent: Doughes

Address: \_\_\_\_\_

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in favor  in opposition

Date: 4/5/13

(PLEASE PRINT)

Name: George Sarkissian

Address: 1664 Park Ave

I represent: Community Board 11

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Fred Harris

Address: \_\_\_\_\_

I represent: NYCHA

Address: \_\_\_\_\_

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: John P. Lee

Address: \_\_\_\_\_

I represent: NUCHA

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 4/5/2013

(PLEASE PRINT)  
Name: Rev. Getatio Cruz Jr

Address: 163 Crystal Street Bklyn NY 11208

I represent: Mount Zion Christian Church - NYC Metro / AF

Address: 297 E. Third St. NY NY 10009

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Caroline Nagay

Address: 766 Franklin Ave #1 Brooklyn NY 11238

I represent: Citizens' Committee for Children

Address: 105 E. 22nd St, New York, NY 10010

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THE CITY OF NEW YORK**

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jessica Silver

Address: 1 Centre St.

I represent: Borough President Steinger

Address: 1 Centre St.

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THE CITY OF NEW YORK**

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 in favor  in opposition

Date: 4/5/2013

(PLEASE PRINT)

Name: Ed Delgado

Address: \_\_\_\_\_

I represent: SPARC

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Gregory Brecher (United Neighborhood Houses) Mind

Address: Dasour Union Settlement Association

I represent: United Neighborhood Houses and Union Settlement Association

Address: 70 W 36th St, NY NY 10018