

TESTIMONY FROM NYCHA CHAIR & CEO SHOLA OLATOYE
THE RELATIONSHIP BETWEEN LIGHTING AND SAFETY IN THE WAKE OF THE AKAI
GURLEY SHOOTING
COMMITTEE ON PUBLIC HOUSING
TUESDAY, DECEMBER 16, 2014 – 10:00 AM
COUNCIL CHAMBERS, CITY HALL, NEW YORK, NY

Chairman Ritchie Torres, members of the Committee on Public Housing, and other distinguished members of the City Council: good morning. Thank you for the opportunity to discuss the New York City Housing Authority's (NYCHA) efforts to enhance the safety of our developments for NYCHA families. I am Shola Olatoye, NYCHA's Chair and Chief Executive Officer. Joining me today are Brian Clarke, Vice President of Operations; Raymond Ribeiro, Executive Vice President for Capital Projects; and Captain Howard Gottesman of the NYPD's Housing Bureau.

Before I tell you about our work, I want to say that my heart goes out to Akai Gurley's family. As the mother of two boys, I can't imagine anything more devastating than the loss of a child. Akai's death was tragic, and a stark reminder that everyone deserves to feel safe in their homes. NYCHA is no exception. Unfortunately, we have experienced too much heartbreak this year.

The Challenges

This terrible tragedy occurred at Pink Houses, a campus of 22 eight-story buildings housing over 3,600 people in about 1,500 apartments. It has 25 stairwells, about 200 corridors, over 3,400 interior lights, and over 400 exterior lights. In total, NYCHA maintains about 178,000 apartments in 334 developments citywide, with a population similar to Atlanta, Miami, or Minneapolis. Our approximately 2,600 buildings have 4,212 stairwells, about 38,000 corridors, and an estimated 255,000 interior lights and 26,000 exterior lights. For the important work of inspecting, maintaining, and repairing all of this, we have over 2,700 Caretakers and 1,000 Maintenance Workers. Caretakers remove trash, check and clean hallways and stairwells, and maintain the grounds.

Maintenance Workers assist with inspections and maintenance, and make minor repairs.

NYCHA staff work incredibly hard and do their best to keep the developments lit, clean, safe, and resilient; I've seen this personally. And as you can imagine, this is a considerable task. On a typical day, they make about 9,000 repairs. Residents call our Customer Contact Center to have a work order created, or NYCHA development staff create a work order based on something they've observed. Work orders are requests for repair or maintenance that are tracked in NYCHA's computerized system. Depending on the need, they are assigned to a Maintenance Worker or a Skilled Trades worker and are scheduled by either the Customer Contact Center or a borough's Scheduling and Planning Unit. A development's Superintendent assigns staff to repair public spaces. In general, NYCHA creates work orders for major repairs to fixtures or ballasts, but does not generate and track work orders for light bulb replacement. This is usually handled by Caretakers the same day the outage is reported. For issues involving work orders, it takes an average of 4.5 days to repair exterior lights and 8.9 days to repair interior lights. This is down from 40.9 days and 62.3 days, respectively, in 2012. NYCHA has spent about \$1.4 million so far this year on lighting supplies alone. But as you have heard before, a generation of federal disinvestment – a loss of about \$1.16 billion since 2001 to keep our developments functioning – forces NYCHA to continually make tough decisions about how our limited funds are used.

A Terrible Tragedy

There have been a variety of accounts about the conditions at NYCHA and the responsibility of the authorities surrounding the shooting of Akai Gurley. We are cooperating fully with the NYPD's investigation, which is still ongoing. But let me tell you the facts that we do have about the circumstances. We interviewed staff who were present before and after the incident at 2724 Linden Boulevard, one of Pink Houses' 22 buildings. The Caretaker assigned to this building said that when

she left for the day on Thursday, November 20, there weren't any lights out on the seventh or eighth floors. A senior NYCHA official, a Borough Administrator, conducted an inspection on Friday, November 21. He concluded that the light on the eighth floor of stairwell A was out due to an issue with the ballast – only the ends of the two-foot fluorescent bulb were dimly lit.

There were no work orders for these lights. NYCHA has a record of two work orders for other lights in that building: one from November 14 for the fifth floor and one from October 22 for the third floor. Upon inspection that Friday the 21st, it was determined that these lights were working.

A Collaborative Focus on Safety

Since taking office, Mayor de Blasio has devoted unprecedented attention and generous financial support to help NYCHA deal with diminishing federal funding, which accounts for over 97 percent of our government funding. His \$210 million plan to make neighborhoods safer is a long-term, collaborative, and comprehensive approach that involves more law enforcement on the ground, physical improvements, community engagement and outreach, and expanded employment and education programs. We also greatly appreciate Manhattan District Attorney Cy Vance's plan, announced today, to use \$101 million in settlement money to enhance security at select developments.

A key component of the Mayor's initiative is that it brings together many City agencies, including the NYPD, to address crime in our communities. In line with this new way of working collaboratively, NYCHA and the NYPD streamlined the way the NYPD reports issues from the field and how any necessary related repairs are handled by NYCHA. Our NYPD officers on the ground are a vital partner in keeping our developments safe and secure.

Other Progress

The Mayor's financial investment in NYCHA is helping us to continue reducing the number of open work orders, which once totaled a shocking 423,000, and the time it takes to respond to a work order. Currently, there are about 100,000 open work orders and it takes an average of 9.6 days to respond to a maintenance request, down from a peak of 150 days in 2013. Although this progress is important, we know that we must keep working to bring these numbers down. The numbers are starting to rise for a few reasons, including a reduction in overtime and our work to inspect every single apartment over the next two years.

We are also engaged in exterior lighting upgrade projects at 50 developments across the City that will benefit over 100,000 residents. These are being funded by multiple sources, including Hurricane Sandy funds and \$35 million from the Mayor and City Council, thanks to the leadership and generous support of Speaker Mark-Viverito, Committee Chair Torres, and the rest of the Council. This groundbreaking collaboration between the Speaker, City Council, and Mayor is exactly the kind of innovative partnership that will help NYCHA deliver on its mission.

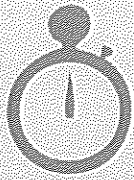
Also, we removed nearly 27,000 feet of sidewalk sheds in 2014. And we are on track to finish installing security camera systems at 49 developments by the end of the year. We've already completed 44 of those multi-camera systems as of this week.

Conclusion

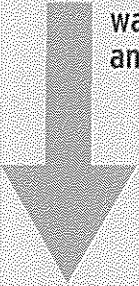
Everyone at NYCHA comes to work each day striving to maintain our developments in a way that is safe and secure and promotes a decent quality of life for residents. We have a number of programs and strategies in place to help us achieve this incredibly important goal, from the Mayor's Action Plan to our Resident Watch to our many productive partnerships with other City agencies and non-profit organizations.

But to make public housing truly safer, we need additional funding. Faced with this reality of shrinking resources and the enormity of the task at hand, we are developing a new strategic investment plan called “NextGeneration NYCHA.” NextGeneration NYCHA changes the way NYCHA operates and is financed to make public housing safer, stronger, and more efficient for residents, for today and tomorrow. We look forward to coming back to talk to you about the plan as it evolves. Of course, it takes everyone working together to bring big ideas like this to life. We appreciate support from the Mayor and the City Council, and hope that our successful collaboration continues. Our efforts to increase transparency – such as the NYCHA Metrics posted on our website – will track our progress and the areas we need to improve.

Thank you. I am happy to answer any questions you may have.



Reduced maintenance wait time to an average of **9.6 DAYS** from **150 days** a year ago



255,000 interior lights

in lobbies, stairwells, hallways, etc.

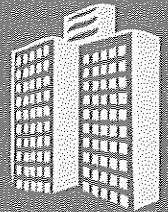


26,000 exterior lights

entrances, facades, roofs, etc.

2,600 buildings

178,000 apartments throughout 334 developments



NYCHA SERVES A POPULATION LARGER THAN each of these 3 American cities



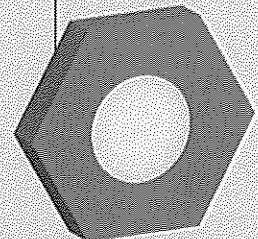
about **9,000** repairs completed citywide each day

100,000

current work orders (12/2014)



423,000 open work orders in January 2013



nyc.gov/nycha

December 16, 2014



**NYCHA LIGHTING AND SAFETY:
A FOLLOW-UP TO THE AKAI GURLEY SHOOTING**

CITY COUNCIL HEARING
COMMITTEE ON PUBLIC HOUSING
RITCHIE TORRES, CHAIR
DECEMBER 16, 2014



A Sense of Scope

- NYCHA's public housing population (**400,000+**) = Atlanta, Miami, or Minneapolis
- **178,000** apartments in **2,600** buildings throughout **334** developments
- **4,212** stairwells, about **38,000** corridors
- **255,000** interior lights (in lobbies, stairwells, hallways, etc.)
- **26,000** exterior lights (entrances, facades, roofs, etc.)



Pink Houses

- Built in 1959
- A campus of **22** eight-story buildings
- Over **3,600** people in **1,500** apartments
- **25** stairwells, **200** corridors, **3,400+** interior lights, **400+** exterior lights

2724 Linden Boulevard

- **163** people living in **63** apartments

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Staffing Across NYCHA

2,700+ Caretakers and **1,000+** Maintenance Workers.

- Caretakers remove trash, check and clean hallways/stairs, and maintain grounds
- Maintenance Workers assist with inspections and maintenance and make minor repairs

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NYCHA Repairs

- About **9,000** repairs completed citywide each day

Lighting Repairs

- Average time to repair
 - **4.5** days for exterior lights (down from **40.9** days)
 - **8.9** days for interior lights (down from **62.3** days)
- **\$1.4 million** spent on lighting supplies in 2014

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The Federal Funding Decline

- Federal Government has reduced its funding of New York City public housing
- **\$1.16 billion** total loss in federal capital funding since 2001
- NYCHA must seek innovative solutions for additional resources

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Repair & Upgrades Progress

- Work orders down to about **100,000** from **423,000**
- Completion of maintenance repairs down to **9.6** days from **150**

Lighting Upgrades

- Engaged in exterior lighting improvement projects at **50** developments
- Funded in part by **\$35 million** from the Mayor and City Council and Sandy recovery funds
- Benefitting over 100,000 residents at these sites

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Collaborative Effort

Mayor's Action Plan for Neighborhood Safety

- **\$210 million**
- **300+** residents participated in **14** listening sessions
- **49** CCTV installation projects to be completed this year (**44** completed)
- **27,000** feet of sidewalk shedding removed
- **184** light towers
- **38,000+** visits to Kids in Motion classes at certain NYCHA developments
- Nearly **50** jobs created
- NYCHA Domestic Violence Response Team
- Department for the Aging staff to support grandparents/kinship caregivers

NYCHA working with NYPD to improve reporting of unsafe conditions

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Safety in the Time of Broken Lights

**Testimony of Thomas Rachko
Policy Fellow, Safety Net Project**

Before the Committee of Public Housing of the New York City Council

For the

**Hearing on “Oversight: The Relationship between Lighting and Safety in the Wake of the
Akai Gurley Shooting”**

December 16, 2014





Good morning Chairman Torres and honorable members of the New York City Council. My name is Thomas Rachko Jr. and I am a Public Policy Fellow at the Safety Net Project of the Urban Justice Center. The Safety Net Project, formerly known as the Homelessness Outreach and Prevention Project, combines direct legal services, affirmative litigation, research and policymaking to achieve economic justice for all New Yorkers. For nearly thirty years, the Safety Net Project has worked on behalf of low-income communities.

Three months ago my colleague Staff Attorney Leah Goodridge gave compelling testimony discussing how, repairs are the silent accomplice to crime in NYCHA developments. Today we are grappling the same issues of systemic disrepair which helped set the stage for the tragic death of Akai Gurley. The loss of Mr. Gurley begs me to ask the question: How long can we allow disrepair to cause despair?

SNP's previous testimony told the story of Ms. Green and her son Kevin, who feared walking through the broken entrance doors of their building, which allowed people who did not live in the development to loiter in the hallway. More often than not, due to inoperable elevators Ms. Green and Kevin were forced to walk up darkened stairwells just as Akai Gurley did on that fateful night. In those darkened stairwells Ms. Green feared that she may be attacked by individuals who used the darkened hallway to conceal themselves. For Ms. Green and her son Kevin, disrepair imposes a life of fear and risk upon their family in the confines of their own home. I ask, how long can we allow disrepair to cause despair?

In November, the Safety Net Project commenced litigation on behalf of more than 46 residents of the Bushwick/Hope Gardens development seeking an order to force NYCHA to more than 200 repairs to individual apartments and common spaces throughout the development. I would like to point out that Bushwick/Hope Gardens is one of the fifteen developments that are targeted in the De Blasio administration's plan to reduce violent crime in public housing. The administration's plan seeks to reduce crime by improving the physical environments of developments. Notwithstanding these efforts to redress the physical disrepair of New York's public housing, residents of Hope Gardens were forced to sue NYCHA after waiting months and even years to acquire repairs to the front and back entry door locks to building complexes, broken intercom systems, unnecessary scaffolding, and, dingy stairwells.

Ms. Jillian Riquelme has lived in Hope Gardens/Bushwick Houses since 2009. The mother of three minor children, pleads, "Our home is supposed to be our safe haven. However, our home is anything but safe." Scaffolding faced their windows for years which led to easy access into their second-floor apartment. For example, in June 2013, three children climbed up the scaffolding and pulled the air conditioner out of their window.

Many of the NYCHA residents SNP works with report that the public areas in their respective buildings are in need of repair. Common repair requests include: broken entrance doors that allow people to enter the building and loiter in hallways, faulty intercom systems, broken elevators, and darkened stairwells that residents and their visitors often have to navigate due to the previously mentioned unreliable elevators. How much longer can we allow hazardous





conditions to overtake NYCHA developments? We cannot let the tragic loss of life be the only way for NYCHA residents to receive immediate repairs.

NYCHA's abysmal failure to adhere to housing maintenance standards does not absolve the police department of their duty to protect and serve the public. The Safety Net Project fully supports the position of Community's United for Police Reform to encourage public safety and policing practices that are based on cooperation, respect, and trust not on targeting and harassing. We are also in support of getting rid of the current policing system that turns community members into a way to hit quotas and arrest numbers. The Safety Net Project believes that community members need to feel safe. Thus, we advocate for an NYPD that is invested in the well-being of the communities it protects.

We believe that the following approaches would strengthen safety in NYCHA developments:

- **A comprehensive, transparent plan to carry out repairs in public areas:** NYCHA must develop a plan to repair public areas of developments. The most common public area repairs have already been reported by residents, yet remain a consistent problem. These include broken elevators, non-working intercoms, faulty light in stairwells and scaffolding when work is not being done. Since these conditions remain consistent, NYCHA must devise a strategy to address the source of the problem. For example, an elevator which consistently breaks requires a deeper investigation into the causes of its defect and subsequent abatement of those determined factors.
- **Implementing accountability to failure to repair in a timely manner:** NYCHA tenant's method of informing NYCHA of repairs issues is contact the NYCHA Centralized Complaint Center (the "ticket system") for each repair. The "ticket number" system is flawed and often leads to residents waiting months and even years for repairs to be completed. Repairs are far too often not addressed or fixed in a timely manner. A lack of timely repairs is a violation of the New York City Housing Maintenance Code, exacerbates repairs issues further, and exposes residents to external vulnerabilities. NYCHA should be held accountable for failing to fulfill its duties as landlord for thousands of New Yorkers and should remediate the enormous repairs backlog to ensure the safety of its residents. If NYCHA fails to make repairs, tenants should be granted rental abatements to compensate for having to live in substandard housing conditions.
- **Accountability and transparency by expanding the "311" system to NYCHA tenants:** Unlike their fellow New Yorkers, NYCHA residents cannot call the "311" Citizens Service Center with complaints about repairs. Instead, tenants must rely solely on NYCHA's Centralized Complaint Center (the "ticket" system) and if repairs are not completed residents are forced to live in subpar conditions or choose to sue NYCHA to get repairs done through HP Proceedings. Extending the "311" system to NYCHA tenants would provide tenants with an independent follow-up enforcement service to ensure that repairs are completed.



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SAFETY NET PROJECT

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As a community we have an obligation to speak out against the tragic loss of Mr. Gurley's young life and the subhuman conditions in which NYCHA residents are often forced to live. The Safety Net Project will continue to work with NYCHA residents in their fight for safe housing and dignity.



TESTIMONY OF MONASIA WADE
RED HOOK HOUSES RESIDENT and GREEN CITY FORCE CORPS MEMBER
RE:
NY CITY COUNCIL PUBLIC HOUSING COMMITTEE HEARING
OVERSIGHT – THE RELATIONSHIP BETWEEN LIGHTING AND SAFETY IN THE
WAKE OF THE AKAI GURLEY SHOOTING
Tuesday, December 16, 2014 - 10 am - Council Chambers – City Hall

Chairman Ritchie Torres and Committee Members Mendez, Van Bramer, Richards, and Cumbo, thank you for conducting this session to address the relationship between lighting and safety in New York City Housing Authority (NYCHA) Public Housing developments. I am Monasia Wade. As a long-time resident of Red Hook Houses as well as a Corps Member of Green City Force, I'm glad to be here and to share my views on the status of lighting and safety at NYCHA during this critical time. It is important for us all to recognize the relationship between safety and lighting in the wake of the Akai Gurley Shooting in Pink Houses that occurred on November 20th.

I have been a resident of Red Hook Houses for 13 years. Since August 2013, I have held two service terms as an AmeriCorps Member with Green City Force (GCF). In this capacity I have gained first-hand experience around the need for both interior and exterior lighting throughout NYCHA. I also believe that installation of additional internal and external lighting could lead to more job opportunities, another important issue in NYCHA communities, particularly for young adults like me.

GCF is a New York City based AmeriCorps program. The mission of GCF is to break the cycle of poverty, preparing urban young adults to succeed in their chosen careers by engaging them in service, training and work experiences related to the clean energy economy. Currently, all 51 GCF Corps Members are involved in an energy efficiency program in my home development of Red Hook. We are conducting our signature *Love Where You Live* (LWYL) resident-to-resident energy efficiency education and behavior change campaign.

As Corps Members, we do tabling in NYCHA lobbies, walk up stairwells in NYCHA buildings that are not well lit, and knock on NYCHA doors. Like Akai Gurley and Officer Liang, we are often in spaces that are not as safe as they could be were they more properly lit. What we do is not so different from police officer vertical patrols. We spend our whole day walking up and down the stairwells of NYCHA. This experience gives us direct insight into the issues of lighting, particularly because the focus of our work is on lighting in residences. We speak with residents of all ages, asking them to switch out their incandescent light bulbs for CFLs as well as reduce

their water use and turn off lights, air conditioners and appliances in their homes when not needed.

I was recently speaking to a woman who lives at 507 Columbia Street during our *Love Where You Live* service in Red Hook. She told me that she had to come outside with a flashlight at night because she is scared. The entrance to her building all the way to the sixth floor was dark. She had no lights at all in the common spaces of her building. The woman did report this issue to NYCHA and NYCHA has provided lighting in the front and rear of the building and has a work order scheduled to follow up with permanent lighting upgrades. There is a lot that needs to be fixed in NYCHA. My building was also without light in common spaces for a while, but, since the Akai Gurley shooting, NYCHA has fixed our light.

In addition to our energy efficiency work, GCF also conducts service through urban agriculture. The Red Hook Urban Farm is located right outside of my building, 104 Dwight Street. It used to be a vacant lot in front of my house. There is also a playground next to the farm. For years, children and adults alike feared going near it due to drug activity occurring there. The farm was built in 2013 and transformed the area into a safer and engaging community gathering spot where residents get fresh produce from the garden. However, due to limited exterior lighting, even that space becomes dangerous at night. Our service work often goes into the evening hours. Limited exterior lighting makes it challenging for us to remain safe as we carry out our work.

GCF Corps Members travel in teams throughout the developments and our Team Leaders work very hard to make sure that we are safe. Part of the reason we feel comfortable going door-to-door and walking in stairwells and through long, dark, and desolate pathways is because we work in teams. It would not be a good idea to try and do the service we do indoors or outside as individuals in the dark.

The lighting in NYCHA overall is not up to par. It is especially bad in Red Hook. It is a hazard because you can't see anything. There is a police precinct in the neighborhood and you see a lot of police at night. However, there are not enough active police during the day and NYCHA definitely needs to work more on lighting for safety. I see firsthand as a resident and a Corps Member walking throughout buildings each day that there is often no light.

After Hurricane Sandy, there was a lot of attention on Red Hook. Since then, the attention has gone down. The shooting of Akai Gurley at Pink Houses is an important issue and I'm glad that there is so much attention being paid to it.

GCF has helped me and more than 300 other young adults from low-income communities with high levels of crime and violence lead socially and environmentally responsible lives. Our Corps Members are 18-24 year old young adults who come from NYCHA developments throughout the City and become AmeriCorps Members. 80% of us finish the program and go on to work or college. I joined GCF because I looked out my window one day and saw Corps Members working at the farm. I looked up GCF and then it clicked that this was something positive. I wanted to be a part of helping my own neighborhood, so I learned more and ended up joining GCF in August 2013. I will be graduating this month. I plan to use the skills I gained at GCF around energy efficiency and urban agriculture to get a job that will allow me to support myself and my family.

I am proud of the service my fellow NYCHA young adult Corps Members and I do every day. We have experience related to lighting and we want to help make the community a better and safer place to live. Hopefully, the City, NYCHA, and the residents can all come together to find solutions to avoid this type of problem in the future.

Thank you.

12/15/14

Good Morning, my name is **Von Franklin** and I am a member of **Community Voices Heard (CVH)** and **also run the Millbrook Community Garden at Millbrook Houses in the Bronx.** In light of the situation of NYCHA developments, there is in fact a connection between safety and the deplorable lack of lighting. There is several building within the Millbrook housing complex, on various floors, that have conditions of inadequate lighting. In fact in all ten buildings there are problems with lighting as there are throughout the NYCHA housing system.

In many of these situations people are afraid to venture out their apartments at night because of the poor lighting and bad lighting can be a breeding ground for heinous acts of violence. There have been too many calls, reports, submitting of tickets about inadequate lighting conditions, even complaints reporting on injuries people have sustained due to lighting, and far more needs to be done.

How can we envision the next generation of NYCHA when we cannot even see out of our peep holes? I call on members of the New York City Council to press upon the Mayor's office and New York State to provide continual funding for NYCHA. One suggestion is to put a permanent end to the Memorandum of Understanding (MOU) between NYCHA and the NYPD. Residents should not be double taxed for policing services when conditions such as safety and lighting need those funds immediately. Also while this is not the hearing regarding policing in NYCHA development, (I look forward to testifying there as well), As a victim of this unfair often brutal nature of NYPD Officers who patrol NYCHA developments, we also cannot just blame lightning. That a blame the victim mentality, with NYCHA being the victim. Developments are physically structures that **MUST** be maintained.

The story of Akai Gurley should not be a story of lighting. We should not be holding this hearing regarding lighting in NYCHA. It is not a new issue, it is not something that NYCHA and even some of you member of this Council are new too. While I have a great deal of respect for the Council for holding this hearing, I have to ask that real action be taken and that bad lighting should not be the excuse for officers who are supposed to protect our hallways, then turn them into shrines for someone killed there.

Again I call for the permanent end to the MOU between NYCHA and the NYPD, this funding can go towards improving lighting conditions, expanding community centers programing for young adult ages 18 to 21 and job training. All of this is needed to improvements infrastructure and safety of NYCHA communities like Millbrook, and Pink Houses. Let's not every have another Akai Gurley due to something we could have solved.

Thank you for holding this hearing and I look forward to the next one on policing in NYCHA.



Testimony by The Legal Aid Society

Before the New York City Council Committee on Public Housing Oversight Hearing: Policing Broken Lights: The Relationship between Physical Conditions and Public Safety at NYCHA in the Wake of Akai Gurley

December 16, 2014

Introduction

The Legal Aid Society (the Society) is the oldest and largest provider of legal assistance to low-income families and individuals in the United States. Operating from 26 locations in New York City with a full-time staff of more than 1,800, the Society handles more than 300,000 individual cases and legal matters each year. The Society operates three major practices: 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; the Criminal Practice, which serves as the primary provider of indigent defense services in New York City; and 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.

The Society is counsel on numerous class-action cases concerning the rights of public housing residents 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 Public Housing Committee concerning the relationship between physical conditions and public safety at NYCHA public housing developments. We greatly appreciate the leadership of Chair Ritchie Torres and his commitment to public housing residents. We offer our condolences to the grieving family of Akai Gurley.

Safety and Security for NYCHA Residents

Everyone in New York City has a right to be safe in their homes. This right applies to residents of both public and private housing. Feeling safe in one's home means having working, legal locks for the building entrance and the apartment. It means having well-lit stairwells. It means having a working intercom system. It means that the elevators in the building function regularly. It also means that when routine maintenance, such as replacing broken light bulbs is needed, rodents need to be exterminated, or plumbing needs to be fixed, the landlord is responsive and corrects the problem without delay. Feeling safe in a home also means that one's friends and relatives can visit without fear that they will face harassment by the police, or suffer the indignity of being stopped, searched, and/or arrested without probable cause, often solely because of the color of their skin. Feeling safe means living in a community where residents feel heard and supported.

The extensive unaddressed repairs in NYCHA public housing have exacerbated the NYCHA residents' feelings that they are not safe in their homes. In May 2014, PJ Avitto was killed in NYCHA's Boulevard Houses development. In the weeks and months immediately preceding this horrific incident, NYCHA residents reported that the door locks to the building had not been working and that anyone could enter the building without needing to use a key for entry.

A few weeks ago, Akai Gurley and his girlfriend, Melissa Butler, had to take the dark, unlit stairwell in their home, the Louis Pink Houses. Akai Gurley, a 26 year old, unarmed black man, was shot and killed by an NYPD rookie police officer who was performing a vertical patrol of the building. Subsequent news reports indicate that shortly after he was killed, the lighting in the stairwell was finally fixed, after NYCHA staff had been requesting repairs for weeks. This situation demonstrates that without increased prioritization of repairs by NYCHA, the over-policing of NYCHA residents can never be the answer to safety in public housing that can make tenants feel safe in their homes.

Over-Policing is Not the Answer to Safety in NYCHA

Many NYCHA residents live in equal fear of people committing crimes and of the police officers who are patrolling their buildings. NYCHA residents have told us that they live in fear that family members, friends or visitors will be harassed or arrested when they visit. Some have told us that they are more afraid of the police than drug dealers. Indifference and disrespect by the New York City police officers for the people, families and especially young men and women of color that reside in public housing, have become the norm in the NYCHA community.

The Society is counsel in *Davis et al v. City of New York et al*, which challenges the NYPD's practice of stopping and arresting residents and legitimate visitors of residents in NYCHA public housing as unconstitutional. The case challenges the implementation of the aggressive racially targeted practice of the NYPD that is known as "stop and frisk" as applied in public housing. If NYCHA and the City do not understand and address the underlying causes of crime and violence, and rely on policies and practices in police civilian encounters that harass and disrespect members of the community, the violation of NYCHA residents' constitutional rights is the inevitable and foreseeable result.

Policies that focus on over-policing do not result in the safety of NYCHA residents and, in fact, on many occasions, make residents feel less safe. Recently a Legal Aid Society client told us that the NYPD presence in public housing does not make her feel safer. She told us that it is clear to her that the police who patrol the NYCHA development where she lives do not know or understand the community. As a result, there is an inherent distrust. This is not an uncommon refrain from our clients who reside in public housing.

We can achieve safety in many ways but it does not need to be through the over-policing of NYCHA residents and their guests. Indeed, safety does not have to come at the expense of the residents' constitutional rights. This is why any policy that addresses the safety of NYCHA residents must embrace community-based programs that examine, understand and interrupt the root causes of crime and violence. NYCHA must focus on prevention rather than over-policing a community already living in fear of both crime and police.

NYCHA's Financial Crisis

Over 500,000 New Yorkers live in 179,000 apartments spread throughout NYCHA's 334 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 an estimated \$77 million operating deficit due to inadequate funding at all levels of government. Additionally, NYCHA has over \$7 billion in unmet capital needs. Residents face year-long waits for needed repairs in their apartments. NYCHA has spoken publicly and repeatedly about its escalating need for funding to repair and maintain its aging units of affordable housing. Residents are living with chronic disrepairs, with frequent elevator outages, heating failures and leaks.

\$78 million annual payments from NYCHA to the NYPD

Until 1995, NYCHA had its own police force that worked full time in and around public housing and developed close ties to the patrolled neighborhoods, thus promoting more cooperative, less confrontational relationships between officers and residents. In 1995, pursuant to a Memorandum of Understanding (MOU) between NYCHA and the NYPD, the NYCHA police merged with the NYPD and, since that time, NYCHA has completely ceded its security responsibilities to the NYPD. The NYPD, however, does not have the same familiarity with NYCHA buildings and residents. In the absence of NYCHA oversight, the NYPD has been given free reign to implement police practices that create a pattern and practice of unlawful stops and false arrests, exacerbate ongoing conflict with the community and further burden the criminal justice system.

Under the MOU, NYCHA has paid the NYPD approximately \$78 million per year for "above base-line" police services that the NYPD provides at no additional cost to private landlords. These \$78 million of payments each year from NYCHA to the NYPD have come at a time when NYCHA has stated that it lacks funding to make even routine repairs in its public housing apartments putting residents' health and safety at risk.

In July 2014, Mayor de Blasio announced a \$210.5 million plan to make NYCHA developments safer. In addition to relieving NYCHA of its obligation to pay the NYPD in FY 2015, the plan calls for the re-allocation of 200 police officers to the NYPD Housing Bureau, increasing the Bureau by one third.

Recommendations:

While we applaud Mayor de Blasio for relieving NYCHA of its obligation to pay the NYPD for FY 2015, we urge the City and NYCHA to officially terminate the MOU and the \$78 million of annual payments that are made thereunder. The \$78 million saved each year could be used to help eliminate NYCHA's structural operating deficit and could be spent on providing safety and security and making necessary repairs to residents' homes.

The Society recommends that rather than spending additional City funds on over-policing public housing, the City should focus on repairing the extensive conditions that exist throughout NYCHA's developments that make residents feel unsafe in their own homes and communities.

Conclusion

Thank you again for the opportunity to testify before the Committee on Public Housing.

Respectfully Submitted:

Seymour W. James, Jr., Attorney-in-Chief
Adriene Holder, Attorney-in-Charge, Civil Practice
Justine Luongo, Attorney-in-Charge, Criminal Practice
Lucy Newman, Of counsel
Heidi Cain, Of Counsel
THE LEGAL AID SOCIETY
199 Water Street, 3rd floor
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**Testimony of
David R. Jones, President and CEO
Community Service Society
At
Oversight Hearing: The Relationship Between
Lighting and Safety in the Wake of the Akai Gurley Shooting
City Council Committee on Public Housing
December 16th, 2014**

Thank you for this opportunity to bear witness to the needless, tragic death of Akai Gurley in a dark, unlighted stairwell of Pink Houses. We extend our deepest condolences to his loved ones, as well as our concern for others who may be similarly at risk.

From what we know, the factors that contributed to his death are confounding: a building elevator that was so dysfunctional that Akai and his partner, on the seventh floor, chose not to wait any longer and instead proceeded down an unlit stairwell. A stairwell that we understand was pitch-dark—the lights hadn't been working for weeks—even though it is a critical path of egress for residents in case of fire or other emergency. Two police officers on the eighth floor conducting a vertical patrol in the same stairwell, one with a drawn gun.

If there is blame for this tragic event, it is a shared blame: The police policies and practices that made this possible need to be reassessed. So too do the defects in NYCHA management that allowed these disastrous building conditions to persist. Whether the police and building management ever communicated about building conditions and their danger to public safety we have no way of knowing.

But we have to understand that the building problems that contributed to Akai's death—the maintenance failures, the elevator problem—are not unique to Pink Houses. Unfortunately, they are systemic—occurring no doubt at many of NYCHA's 334 developments at this moment. Over the last 15 years, NYCHA residents have had to put up with a rising incidence of apartment defects, badly needed repairs, and long delays in getting them.¹ Between 2002 and 2011 NYCHA conditions had deteriorated to a level far worse than those facing low-income tenants in the private rental market.

Where does the responsibility fall? It falls on the shoulders of government—federal, state, and city governments that have shortchanged NYCHA since the late 1990s and failed its residents. Over most of its 80 years NYCHA held a national reputation as the largest public housing program in the country—179,000 units housing a population of a half-million—and arguably its best. Among large-city housing authorities NYCHA has an exceptional track record; compare it to others—like Chicago, St. Louis, Atlanta, Newark—that have undertaken massive demolition and conversion.

Despite NYCHA's track record, since the late 1990s it has experienced a perfect storm of government disinvestment—at all levels of government—that has contributed to its financial and physical decline. At present NYCHA is running an annual operating deficit of \$99 million, with an estimated backlog on the order of \$17 billion in major capital improvements. Beginning in 1998, Governor Pataki terminated operating subsidies to NYCHA's 15 state-financed developments, leaving it with an annual operating shortfall of \$60 million. Mayor Bloomberg followed suit in 2003 and terminated subsidies to 6 city-financed developments, adding another \$30 million to the annual operating shortfall. The federal government had been providing close-to-starvation funding since the Reagan administration, but it instituted further cuts during the Bush administration.

The results: In order to shore up its growing operating deficit, NYCHA cut operations by reducing its workforce headcount by over 25 percent, from about 15,000 to 11,000, leaving many developments with inadequate management/maintenance staff. Overtime and outside contracts for repairs were also surgically cut. Even worse, the Authority plowed over \$600 million in its capital funds into operations to cover the gap, which only made matters worse by deferring needed building improvements and accelerating deterioration.

Akai and the residents of Pink Houses deserved more from government. So do all 500,000 NYCHA residents today. It may be the case that local NYCHA management at Pink Houses might have done a better job, seeing that the elevators were functioning, that the stairwells were well-lit and stayed that way. If vandalism was a perennial cause of the dark-out, someone should have looked into tamper-proof fixtures or other alternatives.

But the problems go well beyond Pink Houses, they are systemic and our governments bear a large share of the responsibility. Unfortunately, we cannot rely on Washington at the moment to provide adequate funding to restore and sustain our public housing. That

responsibility falls on the state and the city at present, both of which boast an historically strong commitment to affordable housing. To stem the deterioration at Pink Houses and restore all our public housing developments, we are calling for a New York State/City partnership that commits \$2 billion in capital funding over the next 10 years. At the very least, Governor Cuomo and Mayor de Blasio should sign an agreement to dedicate Battery Park City excess revenues—\$400 million expected over the next 10 years—to major infrastructural improvements at NYCHA.

Nothing can make up for the tragic death of Akai Gurley. But a new State/City initiative, a commitment to restore our public housing and protect its residents would be a fitting tribute, one that would help see that the conditions that contributed to his death do not happen again.

¹ For a fuller treatment of the issues, see the CSS report, *Strengthening New York City's Public Housing: Directions for Change*, (July, 2014). www.cssny.org

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Louise Green

Address: 1260 LORING AVE BRONX NY

I represent: Louis H. PINK

Address: Repairs

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KAREN CALDWELL

Address: 1260 LORING AVE #7F

I represent: LOUIS PINK HOUSES

Address: SECURITY, SAFETY

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(PLEASE PRINT)

Name: DAVID R. JONES

Address: _____

I represent: COMMUNITY SERVICE SOCIETY

Address: 105 E. 22 ST NYC 10010

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Name: JACOB MORRIS

Address: 160 W. 96th ST. NYC

I represent: ADVOCATE

Address: _____

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Name: Shola Olatoye

Address: _____

I represent: NYCHA

Address: _____

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Name: Brian Carter

Address: _____

I represent: NYCHA

Address: _____

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Name: Monasia Wade

Address: 104 Dwyight Street

I represent: Green City Force & Red Hook Houses

Address: 630 Flushing Avenue Brooklyn

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Name: Capt. Howard Gottesman

Address: 1 Police Plaza NYC

I represent: MYPD Housing Bureau

Address: 1 Police Plaza NYC

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Name: Lucy Newman

Address: _____

I represent: The Legal Aid Society

Address: _____

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Name: Thomas Kachka

Address: 40 Rector Street

I represent: Safety Net Project @ Urban Justice

Address: 40 Rector Street Center

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Name: Ray Ribera

Address: _____

I represent: NACHA

Address: _____

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(PLEASE PRINT)

Name: Gregory Floyd, President

Address: _____

I represent: Transfers Local 237

Address: _____

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 in favor in opposition

Date: _____

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Name: Von Franklin

Address: 600 E 137th Street 7A

I represent: Residents of Nycha's Millbrook houses

Address: _____

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Appearance Card

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lucy Newman

Address: 199 Water St., New York, NY 10038

I represent: The Legal Aid Society

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Appearance Card

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

Date: 12/16/14

(PLEASE PRINT)

Name: Herdi Carr

Address: _____

I represent: Legal Aid

Address: _____

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