



**Department for  
the Aging**

**TESTIMONY**

presented by

**Lilliam Barrios-Paoli**

**Commissioner**

at a hearing on

**Proposed Introduction 731-A**

before the

**New York City Council Committees on Aging and Finance and the Subcommittee on  
Senior Centers**

on

**Friday, March 2, 2012**

**10:00 AM**

at

**250 Broadway, 16<sup>th</sup> Floor  
New York, NY**

Good morning, Chairs Lappin and Recchia and Subcommittee Chair Greenfield, as well the members of the Aging and Finance Committees. My name is Lilliam Barrios-Paoli and I am the Commissioner of the Department for the Aging. I am here today to discuss Introduction 731-A and the broader Senior Citizen Rent Increase Exemption program (SCRIE).

The Department for the Aging administered the SCRIE program for more than 10 years, until September of 2009. Prior to this time, SCRIE was administered by the Department of Housing, Preservation and Development (HPD). DFTA has never administered the DRIE program. SCRIE was transferred to the Department of Finance (DOF) as per local law soon after I became Commissioner of DFTA.

The Department of Finance has testified before this body previously that the transition from DFTA to Finance was a difficult one and significant work had to be done to improve operations of the program within DOF. That being said, I am confident that the administration of SCRIE has significantly improved and DFTA has not received complaints from seniors regarding the program in many months. For these reasons, DFTA supports the continued administration of the SCRIE program within the Department of Finance and opposes Intro 731-A.

I understand and respect the Council's commitment to protecting the interests of its constituents in regard to the SCRIE program. It is a crucial benefit for many seniors, allowing them to maintain their housing and independence in the community. However, in my judgment, is not good public policy to force another transition, especially since DOF has worked hard to correct past problems within the program. I strongly believe this would create significant confusion for SCRIE recipients, landlords and the social service providers that refer clients to SCRIE.

As stated in Commissioner Frankel's testimony, DFTA and DOF have worked in close collaboration on SCRIE outreach and will continue these efforts. The agencies have jointly arranged outreach at senior centers; distributed DOF's SCRIE flyer to all DFTA contracted agencies as well as DFTA's 14,000 home delivered meal clients. To be clear, DFTA's outreach team has always included SCRIE as part of our regular outreach efforts and will continue to do so going forward. From October 2010-October 2011, DFTA reached over 20,000 seniors at 214 outreach events. Nonetheless, I think we can agree that government should always strive for further improvement. I am happy to continue working together with Commissioner Frankel to develop comprehensive outreach and customer service to ensure that eligible New York City seniors have access to and are able to navigate the SCRIE program with ease. We welcome input from the Council on such efforts. DFTA is ready and willing to collaborate with DOF to ensure the continued success of the program. Thank you for the opportunity to testify today. I will now take your questions.



**TESTIMONY OF  
COMMISSIONER DAVID M. FRANKEL**

**NEW YORK CITY DEPARTMENT OF FINANCE**

**BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON  
FINANCE AND AGING**

**ON INTRO. 731-A**

**AFFECTING ADMINISTRATION OF THE SENIOR CITIZEN RENT  
INCREASE EXEMPTION**

**MARCH 02, 2010**

Good morning Chairman Recchia, Chairwoman Lappin, Subcommittee Chair Greenfield and members of the City Council Finance and Aging Committees, and Subcommittee on Senior Centers. I am David Frankel, Commissioner of the New York City Department of Finance, and I am joined by Assistant Commissioner Sara Meyers, who oversees our exemption and abatement programs. Thank you for the opportunity to discuss Intro. 731-A. While the Department of Finance supports the intent of this bill – to ensure transparency and quality customer service – we respectfully oppose transferring SCRIE and DRIE administration to DFTA.

We recognize that SCRIE and DRIE are special exemptions serving vulnerable populations, and it is vital to me that we provide them with exemplary service. Since the SCRIE program was transferred to Finance, we have experienced some growing pains, but we have also made many changes to improve the administration of the program. Since testifying before the City Council in September 2011, we have been working with DFTA, senior advocacy groups and landlord groups on a focused effort to enhance customer service, and we will continue to make more improvements.

I am committed to continuing our partnership with Commissioner Barrios-Paoli and DFTA to further develop our collaborative outreach and customer service plan to ensure that eligible New York City seniors are aware of SCRIE and can easily navigate the program. Both agencies are committed to working with the Council on these issues, and we welcome your input. Commissioner Barrios-Paoli and I agree that keeping SCRIE at Finance provides the best of both worlds – coupling Finance's tax exemption

I will not repeat testimony I gave in September 2011 about our progress since we first took over SCRIE in September 2009, but I do want to outline a number of improvements put into effect this fiscal year. All of these efforts are tied to our commitment to effective service for SCRIE recipients, applicants, advocates and landlords.

### **Calls to Renewing Applicants**

Starting in fall 2011, our SCRIE team began contacting renewal applicants directly if they failed to respond to three letters requesting missing information. Renewal applicants have indicated they want to continue the benefit, and we want to help them do that. Often our staff will make numerous phone calls in order to reach the right person. For example, a home caretaker might answer the phone and tell us to call the daughter or son of the SCRIE recipient. We then call additional caretakers or family members to ensure we make contact. Staff has tried to call about 1,200 people in this category so far. Of those that we have tried to contact, approximately 20% sent us in the information we needed, and 16% were eventually approved. 4% did not qualify for renewal. We will continue to make this additional personalized attempt to reach each pending renewal applicant who has not answered any of our three follow-up letters.

### **Extended Walk-In Service**

Another of our customer service efforts has taken place in our Manhattan Business Center, where we have moved responsibility for our SCRIE walk-in service from administrative staff to our experienced customer service representatives. DFTA provided training to our staff when we took over the program, and we will work with DFTA on

recipients, caregiver programs, homecare providers and legal services providers. DFTA continues to promote SCRIE in their outreach activities.

We have been monitoring the success of our joint efforts with DFTA and are discussing how our agencies can continue to partner on additional outreach to ensure that seniors find support in learning about the SCRIE program and filling out the necessary paperwork.

### **SCRIE and TAC Reports**

Another aspect of improved SCRIE customer service is the new Tenant Abatement Credit (TAC) and SCRIE tenant reports that became available for the first time via our website starting in December 2011. We worked closely with landlord and senior advocacy groups and made significant changes based on their input to increase transparency in the SCRIE program.

We have received very positive feedback from landlords and tenant advocates; they find the online information to be clear, comprehensive and helpful in managing their business. Advocates have also told us that these new reports enabled them to win housing cases for their SCRIE clients. The new reports include SCRIE activity listed by building address and docket number, benefit amount, benefit expiration date, and the date and amount of TAC distributed to landlord accounts. SCRIE tenant reports are updated approximately bi-weekly and the online TAC reports are updated monthly. The online reports are in

information available. We would be happy to continue working on language to meet the spirit of the bill, and can also report additional data as it becomes available.

Int. 731-A mandates a quarterly mailing to landlords regarding their TAC. Our online SCRIE Tenant and TAC reports offer more information than the proposed bill requires and are easy to access. Based on the positive feedback we have already received about these reports, we believe this is a sufficient means to communicate with both landlords and tenants and that there is no need for an additional mandatory mailed quarterly report.

### **Dedicated Phone Line**

We do not support the creation of a dedicated phone number for SCRIE phone calls - capable of handling upwards of 100,000 calls each year - which are currently managed efficiently by 311.

311 was developed to help New York City residents by providing a single entry point into a complex City bureaucracy where people can receive help for any issue. This was an important improvement in service, and is one of the reasons why 311 is the right place for seniors to call for information about SCRIE. A senior concerned about SCRIE may also want information about lack of heat, how to get a pothole filled, or where to find a senior center. New Yorkers should not have to go back to the old days where each problem required a separate phone number and operators.

We look forward to continuing our collaboration with the Council, DFTA, and landlord and tenant groups, as we keep working to improve SCRIE and all of our programs. Thank you for the opportunity to testify. We are happy to answer any questions you may have at this time.



**March 2, 2012**  
**New York City Council Committee on Finance**  
**Committee on Aging**  
**Subcommittee on Senior Centers**  
**New York City Council Committee on Finance Hearing Regarding the Senior Citizen Rent Increase**  
**Exemption and the Disability Rent Increase Exemption Programs**

**Testimony**  
**Mary Abbate**  
**Christine Roland**  
**Allison Weingarten**  
**Cory Mills-Dick**  
**Queens Community House**  
**Housing and Homelessness Prevention Program**

## **I. Introduction**

Good afternoon Chairperson Rechia, Chairperson Lappin and Chairperson Greenfield and members of the New York City Council Committee on Finance; Committee on Aging and Subcommittee on Senior Centers. My name is Allison Weingarten and I am a social work intern at the Queens Community House Housing and Homelessness Prevention Program. Thank you for the opportunity to provide testimony on behalf of Queens Community House and to comment on the New York City Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) programs. We have read through the City Council legislation and commend the City Council Finance, Aging and Senior Centers Committees and all others involved for introducing legislation to improve SCRIE and DRIE. The legislation indicates that you understand that action must be taken by the City Council to ensure that SCRIE and DRIE are more easily accessible, especially because these programs are meant to serve inherently vulnerable populations: the aging and people with disabilities.

## **II. Queens Community House/ Housing and Homelessness Prevention Program**

Queens Community House is a multi-generational settlement house engaging over 20,000 Queens' residents in youth, adult, family and senior programming. Our Housing and Homelessness Prevention Program assists approximately 3,000 residents with housing concerns in the Borough of Queens annually.

## **III. SCRIE/DRIE program**

At the Queens Community House Housing and Homelessness Prevention Program, we assist seniors and people with disabilities apply and recertify for SCRIE and DRIE. First time, eligible applicants, may have their rent frozen at the rent of their previous lease. Approved applicants may reapply for the program with each new lease so that their rent may remain frozen at the rent they were initially approved for.

## **IV. Issues with SCRIE/DRIE as Experienced at the Queens Community House**

At the Queens Community House Housing Program we started seeing problems with tenants losing their SCRIE and DRIE benefits when the Department of Finance started overseeing both SCRIE and DRIE in September 2009.

### **Issue 1:**

We are now noticing a high number of SCRIE and DRIE renewal applicants losing their SCRIE and DRIE benefits because, without any notification from NYC Department of Finance, seniors and people with disabilities are not aware that their SCRIE or DRIE is no longer current. These tenants continue paying their rent as if they are approved for SCRIE and DRIE but once the tenant and the landlord realize that the tenant is no longer receiving the SCRIE or DRIE benefits (sometimes a year or two after the tenant lost their benefits), the landlord charges the tenant the rent that they were not paid by the New York

City Department of Finance. In addition to the retroactive rent which tenants owe, tenants also have to pay higher rents and are only eligible to apply for SCRIE and DRIE at the current legal rent. Tenants who use our services usually do not have this money to put towards their rent and therefore, are at risk of being evicted from their apartments.

*Example:*

For example, one tenant never recertified for SCRIE in April 2010. The tenant's landlord did not realize that the tenant was not recertified for SCRIE until January 2012. Once the landlord realized that the tenant was not receiving SCRIE, the landlord charged the Tax Abatement Credit that the landlord had not received which was \$7,987.35 and the landlord informed the tenant that the tenant needed to start paying the legal rent which is \$1,128—much higher than the SCRIE rent that was \$728. The tenant's combined household income is only \$1,152 per month, not enough to pay the arrears or the new legal rent and survive, let alone live with dignity. At the Queens Community House, we have seen five similar cases.

We are working with SCRIE to make sure the arrears are covered by SCRIE and that the tenants may stay in their apartment. SCRIE must ensure that future tenants do not have the same crisis situation and ensure that any tenants going through this are relieved of this unintentional financial burden.

**Issue 2:**

Tenants coming to the Queens Community House are often asked to produce a tax return with applications. As applicant income is so low (usually just above \$10K) these tenants often do not fill out tax returns so they are unable to provide the requested information to the Department of Finance.

**Issue 3:**

Finally, we at the Queens Community House have tremendous difficulty communicating directly with the Department of Finance about SCRIE cases and especially DRIE cases. We must call 311 and wait often 10 minutes to speak to a representative who may read the status of a case, but has no ability to make alterations to a case. In order to change a case, our best luck is sending a letter and waiting for an answer which can take months. DRIE is much worse—there are not even 311 representatives available to speak to about DRIE cases and learn the status of cases.

**V. Solutions**

We commend the New York City Council Finance Committee for including in the legislation that information be provided to tenants upon request in non-English languages. We also are pleased with the language that would ensure landlords are notified quarterly about Tax Abatement Credits.

The Queens Community House suggests the following additions be made to the legislation:

- Add to law requirement for SCRIE and DRIE to send out recertification packages to tenants
- Initial and recertification applications should be provided in non-English languages, accessible on the website
- Include language in the legislation that ensures that SCRIE and DRIE are more sensitive to tenants needs, considering that tenants are elderly and/or have disabilities which make access to the programs more difficult
- Tenants should not be asked to send in tax returns (most incomes are well below the level that requires paying income tax)
- Include in legislation that failure to recertify by the tenant should automatically end in retroactive payment by SCRIE to the landlord once the tenant has recertified (so that tenants may continue receiving the benefit and not owe landlords arrears and be at risk of eviction).
- Include in legislation that tenants who failed to recertify on time due to lack of notice from SCRIE or DRIE, shall be recertified by SCRIE or DRIE at the original rental amount they were initially approved for.
- Whichever agency administers SCRIE/DRIE should appoint a representative to be a point of contact for community based agencies to communicate with directly regarding SCRIE and DRIE matters

Thank you for your time and attention to this important issue.

***Comments on Int. No 731-A to amend the NYC Administrative Code in relation to the Administration of the SCRIE and DRIE programs.***

**Testimony of Jane Landry-Reyes, before the New York City Council Committee on Finance on behalf of South Brooklyn Legal Services/Legal Services New York City.**

**March 2, 2012**

Thank you Council Member Recchia, the NYC Council Committee on Finance, Council Members and others, for the opportunity to testify today. My name is Jane Landry-Reyes and I am a Senior Staff Attorney in the Housing Unit at South Brooklyn Legal Services.

South Brooklyn Legal Services:

South Brooklyn Legal Services is a community based law office providing free legal services in a variety of civil law matters to low-income people. One of our highest priorities for representation is eviction prevention and preservation of affordable housing for the clients we represent. Helping to maintain access to housing subsidies

which allow for elderly and disabled people on fixed incomes to remain in their homes, is crucial to this work.

Our office represents over twenty different neighborhoods in Brooklyn -- from Cobble Hill to Sunset Park, East Flatbush to Coney Island in which we assist elderly poor clients with a variety of legal problems.

Experience with the SCRIE Program:

I have been practicing as a legal services attorney for close to 19 years and have been an attorney at SBLS for 8 years of those 19 years. I am a housing attorney and I have extensive experience with the SCRIE program as it affects our low-income elderly clients and in the context of eviction prevention.

At SBLS, we get referrals from community partners, such as the Fifth Avenue Committee, Good Shepherd Services, the Center for Family Life and the constituent service liaisons of many of your offices.

At the point of referral, an eviction proceeding may be imminent for the elderly person because the Landlord has not been paid the full legal rent

if the tenant's SCRIE has not been timely established or re-certified. This past November, I testified before the NYS Assembly Committee on Aging about the myriad of administrative problems that SCRIE applicants and recipients have faced since 2009 when the NYC Department of Finance took over administration of the SCRIE program from the NYC Department for the Aging and, of course, the City Council held its own hearings on this topic several months earlier, in September 2011, as well.

Int. No 731-A is proposed in response to the problems that were discussed in detail at both those hearings. I commend the Council for its initiative in sponsoring legislation which takes appropriate steps toward greater accountability and efficiency for the SCRIE program and for the beneficiaries it is intended to serve. The purpose of my testimony today is to provide suggestions for clarification and/or amendments to the proposed language of Int. No. 731-A, as well as suggestions for additional possible legislative change.

Proposed new paragraphs to Subdivision m of section 26-405 of the administrative code of the city of New York: Paragraphs 10, 11, 12, 13, 14 & 15 and Section 26-509 of the administrative code of the city of New York proposed new subdivisions e, f, g, h, i & j.

### Quarterly Reporting to the City Council and Mayor

The amendment to require the SCRIE/DRIE program to give quarterly reports to the City Council and Mayor will provide needed oversight and insight into the current applications process, helping to identify areas for improvement.

Under the definitions section, should be added a category for “Interim Adjustment to Abatement Applications” which will capture data on 1) how many SCRIE recipients are aware of and are exercising their ability to seek an interim adjustment to the Tax Abatement Credit (“TAC”) for their apartment when they receive, e.g. a mid-lease Major Capital Improvement (“MCI) order from the New York State Division of Housing and Community Renewal (“DHCR”) and 2) how long it is taking to process those applications.



The Quarterly Reports should also include data about the total number of approvals and denials in the final “Phase III” of the application process.

In addition to Applications data, the Quarterly Reports should include data about the number of Appeals filed after Phase III and should indicate whether the appeal was filed by the Landlord or the Tenant. The time to process the appeals at the 30 day, 60 day and more than 60 day mark should also be indicated.

Rights, Responsibilities and Remedies description:

Int. No. 731-A proposes that a written description of all rights, responsibilities and remedies be made available to landlords and tenants under the SCRIE/DRIE programs and the processes to be followed in order to obtain each remedy. This document, in English, is to be provided with the application, the exemption order and the notice to the landlord that the exemption was approved, as well as, in English, on the Department’s website. It is also to be made available, upon written

request, in Chinese, Korean, Russian and Spanish and sent to the requester.

The purpose of this amendment, it seems, is to create a comprehensive guide to the SCRIE program where applicants, recipients and advocates alike can turn to answer basic questions, find out what steps to take to protect their rights and to familiarize themselves with the ways in which various roadblocks (e.g. having an unsigned renewal lease from their Landlord) may be overcome. This kind of written guide, which the legislation requires to be made available in hard copy and not simply “online”, is especially important for an elderly poor population whose access to the Internet may be very limited. It also puts all necessary information in one place, rather than requiring users to sort through all the various “pdf” files on the Agency’s website which may or may not answer their questions.

For example, currently, unless a newly approved Rent Stabilized SCRIE/DRIE recipient has Internet access and has been able to find the “Adjustment to Abatement” form on the DOF website, they will not

know (from simply receiving their exemption order) that if they get a MCI increase mid-lease from their landlord, they must fill out a form and submit it with a copy of the DHCR order to get the TAC to the Landlord adjusted.

The legislation also requires that the guide be translated into Chinese, Korean, Russian and Spanish and sent to those who request it. The language of the legislation should also clarify that these translations be made available in downloadable form on the Department's website.

Additionally, as discussed in the section below which proposes other legislative change, the Council should consider requiring a re-evaluation of the Department's Language Access Plan to include Haitian-Creole as a language in which SCRIE related documents are also made available to the public.

Dedicated Phone Line for SCRIE callers and personnel to answer written and verbal inquiries:

The most disturbing problem at the SCRIE program, in my estimation, has been the inability of both SCRIE applicants and

recipients to gain access to accurate information and to personnel who can take corrective action in a timely manner. Funneling access through the 311 system hasn't worked well; response time is slow and inaccurate information has abounded.

A dedicated telephone line for SCRIE inquiries staffed by knowledgeable SCRIE staff would be ideal. There has to be a commitment to properly staff such a phone line however. If understaffed, the "hotline" will quickly become overwhelmed and will be no better than the 311 system.<sup>1</sup> Also, having an employee or employees whose names and contact information are available to the public, including email contact, while crucial to ensuring direct access to the program, will be useless if there is no serious dedication to sufficient staffing for fielding calls and responding to emails. In recent months, a SCRIE program officer apologized for her delay in getting back to advocates' emails, explaining that on that day alone, she had received

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<sup>1</sup> Upon information and belief, until approximately March of 2011, DOF maintained a dedicated phone line for DRIE inquiries which worked well initially. However, at some point,

over 400 SCRIE related emails from advocates, landlords and others.

Her name is not readily available to the public currently, one can only imagine the number of emails and calls a single person might receive if their name were publicly available on all SCRIE correspondence.<sup>2</sup>

Sufficient staffing to respond to SCRIE applicant and recipient inquiries is of paramount importance.

### Quarterly Reports to Landlords

The mailing of a quarterly report to Landlords which summarizes tax abatement credit information on behalf of each of its tenants – the amount and when it was posted to their real estate tax account as well as the amount each tenant is responsible to pay, will be helpful to clearly establish that Landlords are on notice of the amount of the tenant to pay portion and to provide a mechanism to seek timely adjustment where needed of the TAC.

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personnel staffing the line may have become overwhelmed by the number of calls. Calls began to go unanswered and eventually the 311 system replaced the dedicated phone line.

<sup>2</sup> Though this problem may have been somewhat ameliorated by DOF recently making TAC reports available to Landlords and tenants alike on its website, having a single person act as a contact person for inquiries may prove overwhelming.

Though individual TAC information by tenant address and apartment number is now available online for Landlords to access, mailing the report to the Landlord ensures that they are put on notice of the information on a date certain and does not rely on Landlords' initiative to check. It may encourage Landlords to more timely submit interim change information, as in the case of MCI increases. The Quarterly Report should include a form that Landlords may return to DOF seeking adjustment or correction of any TAC information that is in error.

#### OTHER POSSIBLE LEGISLATIVE RESPONSES

While Int. No. 731-A makes proposals for needed administrative change, the September and November hearings before the NYC Council and the NYS Assembly committees exposed other problems not addressed by this legislation.

#### 1) Re-evaluate the Language Access Needs of SCRIE applicants and recipients:

The NYC Department of Finance's Language Access Plan,

implemented in response to Mayor Bloomberg's Executive Order # 120, is dated January 2009 and was allegedly updated in January 2010. However, though the DOF has been in charge of the SCRIE program since mid 2009, its Language Access Plan does not specifically take into account the needs of its SCRIE customer service base. In determining the need for translation of essential documents into primary languages identified as most requested by DOF "customers", DOF relied on survey data from November 2008, which did not include the elderly SCRIE population; the data pre-dated DOF's administration of the SCRIE program and did not include any data about the language needs of SCRIE recipients. Significantly, in Brooklyn alone there are approximately 7,392 elderly Haitian-Creole speakers who may be SCRIE eligible or current recipients (138,311 persons aged 60 and over in Brooklyn live under 150% of the Federal Poverty Level). Citywide, there are approximately 573,529 foreign born persons over age 60 whose primary language is not English (382,475 persons aged 60 and over City-wide live under 150% of the

Federal Poverty Level).<sup>3</sup>

While the DOF Language Access Plan refers to the fact that the SCRIE application and “Frequently Asked Questions” document were translated into the three primary languages identified by the 2008 survey (Spanish, Chinese and Russian), the Plans fails to address what additional SCRIE documents should be deemed “essential” as discussed in the Plan. The Recertification form at the very least, should be deemed an essential document which must be translated (in addition to the “Rights and Responsibilities” document contemplated by Int. No. 731.)

Unfortunately, I was unable to analyze the current provisions of the NYC Department for the Aging’s Language Access Plan, because it was not readily available on the Department’s website, sending users to an “expired page”. Should DFTA become the administering agency for the SCRIE program, it should be required to

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<sup>3</sup> Statistics from the “Profile of Older New Yorkers” published by the NYC Department for the Aging, March 2010, found at : [http://www.nyc.gov/html/dfta/downloads/pdf/demographic/older\\_new\\_yorker\\_publication\\_march\\_2010.pdf](http://www.nyc.gov/html/dfta/downloads/pdf/demographic/older_new_yorker_publication_march_2010.pdf).



amend/update its Language Access Plan (in accordance with Mayor Bloomberg's 2008 Executive Order) to evaluate current data that considers the 50,000 or more SCRIE recipients' language needs.

2) Amend the Definition of Income: SCRIE Applicants Should Have Current or Projected Retirement Income Used to Determine Eligibility Rather than Previous Year's Income

The Department of Finance currently requires an applicant to provide their previous year's income to determine SCRIE eligibility.

The result is that if a household's income last year was more than \$29,000.00 per year, even if their current income or projected retirement income is now less than \$29,000, SCRIE will be denied.

Nothing on the Initial SCRIE application instructs the applicant that they may use current or projected retirement income to determine their eligibility, if it is less than \$29,000 annually. Nothing in the SCRIE enabling legislation would prohibit this and it was, upon information and belief, the policy of the NYC DFTA to allow current and/or projected retirement income to determine eligibility.

3) Amend the Definition of Income: to clearly exclude gifts and inheritances and other lump sums

The need for a clear definition of income also extends to the treatment of certain one time receipts of money, like inheritances, gifts, personal injury awards or Individual Retirement Account (“IRA”) rollovers. These payments are typically lump sums that do not recur and should be treated as resources or assets and not as ongoing income that might disqualify an otherwise eligible tenant from SCRIE eligibility. As in the Section 8 program, a percentage of any lump sum asset that generates interest income, for example, should count towards total income eligibility.

4) Rent Controlled tenants should not be treated differently than Rent Stabilized tenants at Initial application. Rent Stabilized tenants should not be required to have a “first lease” in order to qualify initially. Both policies discourage elderly and disabled applicants from establishing SCRIE eligibility at the earliest possible point.

Currently, the Department of Finance instructs on its website, that Rent Controlled tenants must have a rent increase when they first apply for SCRIE. Additionally, Rent Stabilized tenants who have just

moved into their apartments may not establish SCRIE eligibility until they have a renewal lease increasing their rent. (The “first lease” rule.)

Both these policies violate the Court’s holding in the case Gentile v. City of NY DFTTA/SCRIE, 736 NYS2d 674 (App. Div. 1<sup>st</sup> Dep’t 2002) cert denied, 746 NYS2d 278 in which the Appellate Division held that a SCRIE applicant did not have to have a rent increase in order to establish SCRIE eligibility. The New York State Court of Appeals denied certiorari review of DFTA’s appeal, agreeing with the Appellate Division holding.

SCRIE legislation for both Rent Stabilization and Rent Control are identical and layout the eligibility factors as follows: 1) over 62 years old 2) rent regulated housing 3) \$29,000 or less in household income 4) paying more than one third of monthly income in rent. A rent increase is simply not an eligibility requirement.

Establishing SCRIE eligibility, whether or not a tax abatement credit needs to be issued to the Landlord at the time of certification, is

especially important to protect the elderly tenant who may not return, because of cognitive decline or otherwise, to re-apply before experiencing several rent increases.

5) Allow for an Automatic Transfer of an Eligible DRIE Recipient to SCRIE when they turn 62 years old without having to re-apply.

Currently, tenants who have certified for the DRIE program who have proven that they are disabled, live in rent regulated housing, pay more than one third of their monthly income in rent and have incomes below \$19,284 (single-person household) or \$27,780 (for households consisting of two or more members) do not get transferred to the SCRIE program automatically when they turn 62 years old. Instead, their DRIE application must be terminated and they must apply for SCRIE in a new application process.

A “seamless transfer” upon achieving age 62 would be ideal. This is for two reasons 1) because the DRIE recipient who becomes a SCRIE recipient will no longer have to supply evidence of disability to be eligible for a TAC and 2) because the income eligibility levels

are higher for the SCRIE program, so that disabled people whose income may be at or close to \$27,780 and in danger of losing the DRIE benefit, can have an additional \$1,220 in annual income before losing eligibility for their rent increase exemption. An uninterrupted transfer also means that there is no danger that the DRIE recipient will end up with an unaffordable rent or eviction due to a failure to return to apply for SCRIE.

#### RECENT IMPROVEMENTS AT DOF:

##### Easier Access to Tax Abatement Credit Information for Landlords and Tenants with Computer Access:

In December 2010, DOF made Tax Abatement Credit (TAC) information, by building and apartment number, available on its website. This will make it much easier for tenants with computer access, Advocates and Landlords to check the status and accuracy of a SCRIE benefit and to seek more timely correction.

##### Easier Procedure for Informing SCRIE of a Change:

DOF has also created several forms (available on the DOF

website or by mail if a tenant is told by 311 that they are available), which provide a method for tenants to timely inform the SCRIE program when:

- 1) an interim change is needed in their tax abatement credit due, for example, to a major capital improvement increase obtained by the Landlord mid lease;
- 2) their Landlord has failed to issue a renewal lease or has refused to provide one due to pending litigation;
- 3) they are eligible to take over a SCRIE benefit because of the death of the tenant of record.<sup>4</sup>

The existence of these forms however, is not generally known to community organizations and the SCRIE applicants and recipients with whom they work. Int. No 731-A's "Rights and Responsibilities" document should include sample forms like these to inform the public, before a problem arises, about how the problem can be resolved.

Upon information and belief, DOF is also piloting a new re-

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<sup>4</sup> An otherwise eligible elderly tenant may also be eligible to take over the SCRIE benefit of a tenant of record who vacates the unit, but hasn't died. For example, one elderly spouse may go into a nursing home, leaving an eligible elderly spouse in the apartment as the new tenant of record. The DOF form does not contemplate this type of

certification procedure for Rent-Controlled tenants which will now seek annual rent increase documents – Maximum Collectible Rent Orders of Eligibility and Fuel Cost Adjustment forms directly from their Landlords. Tenants will still have the option of providing these documents to SCRIE, but in order to make the updating of the Tax Abatement Credits more efficient, Landlords will be asked to produce the documents for all their SCRIE tenants at the same time.

Additionally, it makes clear that the burden is on the Landlord and not the elderly Tenant to produce these documents to obtain a timely adjustment to the TAC. Quarterly reporting to the Landlord will also assist in clearly establishing notice to the Landlord of potential need for a TAC abatement credit adjustment.

### **CONCLUSION:**

While the problems with administration of the SCRIE program at DOF have been significant and serious in the past year, numerous recent procedural changes have begun to alleviate access to

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takeover and requires the tenant applying to take over the SCRIE to provide a death certificate.

information issues and timely adjustment of benefits. Additionally, policy changes which recognize that a tenant should not be denied SCRIE recertification because their Landlord has failed to provide a renewal lease and that Landlords should bear some responsibility for informing the Agency of increases to the rent are steps in the right direction. The Department for the Aging has the historical knowledge to run the SCRIE program well and, in my opinion, were more “user-friendly” to their elderly recipients. However, as an advocate, I am concerned that the transition itself of the day to day operation of SCRIE back to DFTA, with an undefined number of knowledgeable personnel dedicated to run the program might result in a whole new host of problems for recipients. It is sufficient staffing levels that will make the biggest difference in effective administration of the SCRIE program, whether it is run by the Department for the Aging or by the Department of Finance.



## **Testimony for the NY City Council Public Hearing on SCRIE**

**March 2, 2012**

Thank you for this opportunity to testify at this Public Hearing on the SCRIE program administered by the NYC Department of Finance DOF. I am Kaitlin Nelson, LMSW, Assistant Director of Development and a licensed social worker at VISIONS/Services for the Blind and Visually Impaired. VISIONS completed our 85th year of promoting the independence of blind and visually impaired people of all ages. Annually, VISIONS serves nearly 6000 primarily low-income participants and their families free of charge. Our work is an affirmation that losing one's vision does NOT lead to a loss of independence, civic engagement and contribution to the life of New York City.

Help with finding affordable housing is one of the most frequently requested services received by VISIONS licensed Master Social Workers and Caseworkers.

The numbers are telling. According to an analysis done by the Center for the Independence of the Disabled of NY (CIDNY) there

are 210,903 persons with visual difficulties living in NYC. Based on the 2009 American Community Survey of the US Census there are a total of 169,318 persons of all ages who self-reported partial or total blindness living throughout the five boroughs of NYC. Of that number, 87,846 NYC residents who reported being blind are 65 years of age or older.

The population of seniors with severe vision loss is growing as the baby boomers age and develops age-related eye disease. Vision impairment has an even larger impact on non-white and low-income seniors, and seniors with chronic diseases such as pre-diabetes and diabetes. The NYC Department for the Aging DFTA's Annual Plan cites the increase of blindness and low vision among seniors who are 80 or over, indicating that 69% of these seniors have experienced vision problems.

VISIONS is extremely proud to have been selected as an Innovative Senior Center for Special Populations. We opened the VISIONS Center on Aging at Selis Manor on January 3, 2012 designed specifically to serve blind and visually impaired seniors. WE thank both DFTA and the City Council for this funding. We invite you to visit our citywide center located at 135 W. 23<sup>rd</sup> Street. The senior

center is the only one of its kind in the country. We look forward to being the model for serving blind and severely visually impaired seniors and training the aging network to better accommodate their needs.

One of the services we have always provided and will now be increased at the center is case assistance, helping blind individuals explore their eligibility for benefits and assist them with making applications for affordable housing, SCRIE, DRIE, Food Stamps, Medicaid and disability and blindness related benefits including SSI and Social Security Disability. VISIONS has an accessible (talking and magnification software) computer lab with 6 PC's and Apple Macintosh computers. We use the computer lab to assist blind seniors with determining eligibility for benefits through Access NY, a benefits website, and with downloading applications that are completed with volunteers or staff.

Frankly blind seniors have problems accessing benefits from all government entities. DFTA has at least acknowledged that their own staff needs training and DFTA staff participates in Disability Mentoring Day training offered with the Mayors Office for People with Disabilities. DFTA was the founding sponsor and is now a

participant in the NYC Aging and Vision Coalition that is part of NYC's Aging in New York Fund. DFTA offers periodic training for its own employees and for staff of the aging network in working with seniors with disabilities. NYC DFTA Commissioner Lilliam Barrios-Paoli is extremely responsive to and inclusive of seniors with disabilities in DFTA's programs, policies and procedures. DFTA's greatest strength is knowing when to refer seniors with blindness or other disabilities to the specialized network of service providers including vision rehabilitation, social service agencies like VISIONS. We work collaboratively and refer back and forth between aging network experts and blindness or disability experts. This is greatly benefits each senior.

I do believe that SCRIE applicants and recipients were better served when this program was housed at DFTA. However, if SCRIE is to remain at the NYC Department of Finance, we urge them to require their staff to participate in training on aging and disability. This can be done with the Mayors Office for People with Disabilities or by sending DOF staff to DFTA trainings. We also urge the Department of Finance to create a hotline (dedicated phone number) for advocates and staff at provider agencies to follow up on individual SCRIE and DRIE applications where they can ask questions.

This is important since most blind seniors do not have accessible computers at home. The poverty rate is higher among blind seniors and people with disabilities in general. More than one third of seniors are now living in poverty and seniors with disabilities are even more likely to poor or near poor. They cannot afford their own computers let alone the \$700 software to make it accessible. Many of the applications including SCRIE are very difficult or impossible to access with "talking" screen reader software. Many blind seniors don't know how to spell SCRIE (an acronym) to effectively search for it.

I would be remiss if I also did not address the lack of consistency and equity between SCRIE and DRIE. It makes no sense that SCRIE eligibility is \$29,000 and DRIE eligibility is \$19,284. Both seniors and people with disabilities of all ages are likely to be living in poverty or near poor. It makes sense to make the income eligibility the same to include more people in the protections of SCRIE and DRIE.

I have additional suggestions to strengthen the SCRIE program. #1 The City Council should explore the implementation of

“presumptive eligibility” for SCRIE. Employees at DFTA, DOF or community based aging network agencies could be trained to determine if an applicant is "likely to be" eligible for SCRIE based on the eligibility criteria and documents collected. The trained employees could "certify" an applicant as likely to be eligible and forward the paperwork to DOF or DFTA for a final eligibility determination. During this process of review the applicant would be deemed eligible and the rent would be frozen and the landlord would become eligible for the tax credits.

#2 The website of DOF and/or DFTA should be changed so that an applicant or their advocate can actually complete an application on-line rather than printing it out and filling it out by pen. It is imperative that this form is accessible to screen reading software for people who are blind. For example JAWS® software reads the page out loud so a blind individual can fill it out independently.

Paperwork that documents eligibility would follow but the clock would start at the time of the on line completed application.

Documents should also be accepted when scanned and sent as attachments in PDF.

#3 If the SCRIE program remains at DOF, employees at DOF and

community agencies must be trained on aging and disability etiquette. Training should be mandatory.

#4 Seniors between the ages 60-62 (or those younger) who are also disabled should be encouraged to apply for DRIE until they become eligible at age 62 for SCRIE.

#5 I strongly support the recommendation of a directly dialed hotline for advocates and community workers to call and reach a "live person" at DOF to follow up on specific applications.

#6 I strongly support providing grants to community agencies with employees who do outreach and find seniors eligible for DRIE and SCRIE and assist them with the application process. For seniors who are blind that often means going to the person's home to collect the documentation to prove SCRIE or DRIE eligibility.

I thank you for this opportunity to speak today at the SCRIE public hearing, and look forward to continuing the partnership with the City Council to match blind seniors with benefits and resources.

Submitted by Kaitlin Nelson, LMSW

VISIONS/Services for the Blind and Visually Impaired

500 Greenwich Street, Suite 302

New York, New York 10013

[knelson@visionsvcb.org](mailto:knelson@visionsvcb.org) 212-625-1616 x 143

Celebrating 86 years of free services promoting the independence of people of all ages who are blind or severely visually impaired and their families



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I represent: State Senator Eric Adams

Address: 1669 Bedford Ave.

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I represent: South Brooklyn Legal Services

Address: 105 COURT ST., 4th Fl., Bklyn, NY

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I represent: VISTONS

Address: 500 Greenwich St.

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Name: Allison Weingarten

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

I represent: Queens Community House

Address: 108-25 62nd Drive Forest Hills

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I represent: ARC XVI Ft. Washington Tuc + WHICOA

Address: Same

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Name: Assembly member Aravella Simotas

Address: 21-77 31st St

I represent: NYSA

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Name: DAVID Franke

Address: 1 Centre Street

I represent: Department of Finance

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

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Name: Aida Morel

Address: 136-20 38 Ave STATION FRESH MEAT NY 11354

I represent: NYS Assemblywoman Grace Meng

Address: Same As Above

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I represent: DFTA

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Name: Kim Hernandez, Deputy Asst. Commissioner

Address: Department for the Aging

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

Address: 2 Lafayette, NY, NY 10007

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Name: Sara Meyers

Address: 1 Centre Street

I represent: Department of Finance

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

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Name: A/19 Brook-Loamy

Address: 2823 W. 12 St. Brooklyn, NY

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

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

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Name: RAFAEL ESPINAL

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

I represent: ASSEMBLY MEMBER, NYS

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

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