

**Testimony of Annabel Palma, Chair and Commissioner
New York City Commission on Human Rights
Before the Committee on Civil and Human Rights on Int. 632
December 8, 2022**

Good morning Chair Williams and members of the Committee on Civil and Human Rights. Thank you for convening today's hearing. I am Annabel Palma, Chair and Commissioner of the New York City Commission on Human Rights. Joining me today for Q&A is JoAnn Kamuf Ward, Deputy Commissioner of Policy and External Affairs. I will speak about Intro. 632, which would amend the New York City Human Rights Law to expand access to housing and address discrimination based on prior arrests or conviction, which has a disproportionate impact on Black and Latinx New Yorkers.ⁱ

The New York City Commission on Human Rights is the agency that enforces the New York City Human Rights Law – one of the broadest and most protective anti-discrimination laws in the country. To fulfill our dual mandate of enforcement and fostering intergroup relations, the Commission's two largest units are Community Relations and Law Enforcement.

The Community Relations Bureau is responsible for outreach and education, and partners with a wide array of community groups, sibling agencies, and stakeholders across New York City. We have an array of community liaisons and advisors, including in the area of reentry following incarceration. The Law Enforcement Bureau conducts testing, investigates allegations of discrimination, initiates complaints, and enters settlements that address individual and structural discrimination.

The Human Rights Law prohibits discrimination in housing, employment, and public accommodations, and includes 27 protected categories, including age, gender, disability, race, and national origin. The Law has been amended and expanded many times over the years to address the multiple forms of discrimination that impact New Yorkers. The Human Rights Law already prohibits discrimination in employment on the basis of criminal history, but that protection does not currently extend to housing.

The Commission has a track record of enforcing protections for New Yorkers with a history of criminal system involvement since the 1970's when the Commission was given joint enforcement authority with the New York State Division of Human Rights over Correction Law Article 23-A, which addresses the use of criminal history in employment decisions.ⁱⁱ Additional protections in employment have since been added to the New York City Human Rights Law.ⁱⁱⁱ

In 2015, the Fair Chance Act was passed, which prohibits most employers, labor organizations, and employment agencies from inquiring about or considering a job applicant's criminal history until after a conditional offer of employment has been made. However, the Fair Chance Act does allow an individual's criminal history to be taken into account in limited circumstances. As a result, the Human Rights Law prohibits advertisements and inquiries

about criminal history and guarantees that job applicants receive proper notice and an opportunity to be heard as part of an employer's individualized assessment of their prior arrests and convictions before an employer can reject a candidate. Employers must also indicate the specific connection between a background check and the specific position for which an applicant is being considered.

Since 2015, to enforce these provisions, the Commission has filed complaints from individuals alleging employment discrimination based on past involvement with the criminal legal system, and conducted testing, which has resulted in Commission-initiated complaints that address systematic employment discrimination based on criminal history, with a focus on restorative justice remedies. Commission settlements in this area have resulted in employer partnerships with reentry organizations that invite people with criminal histories in the job applicant pool; and incorporation of New York City's fair chance in employment protections in their job applications for offices nationwide.^{iv}

In our outreach and education, we worked closely with sibling agencies and employers. The Commission is also grateful for its close partnerships with many advocates and community groups that have worked with us over the years to educate New Yorkers about Fair Chance employment protections, including the Legal Aid Society, VOCAL-NY, the Community Service Society, CASES (The Center for Alternative Sentencing and Employment Services), the Fortune Society, the Osborne Association, Hour Children- Hour Working Women, Women's Prison Association (WPA), Black Vets for Social Justice, Youth Justice Network, and Brooklyn Defender Services, among others.

Turning to Intro. 632, the Administration supports the intent of the bill. Fair chance housing legislation aligns with the Commission's longstanding commitment to advancing equity for all New Yorkers, and we support the goal of removing barriers to housing. The Administration is also committed to public safety and wants to ensure that legislation is aligned with Administration priorities.

Intro. 632 would prohibit discrimination against individuals who have been arrested or convicted by making it an unlawful discriminatory practice for a property owner, real estate broker, landlord, or their employee or agent to inquire about or take an adverse action based on a housing applicant's arrest or conviction history, with some narrow exceptions. Adverse actions would include denial of a rental application, higher application fees, failure to review an application, or the imposition of additional requirements or less favorable lease terms. The bill would also prohibit housing providers from directly or indirectly expressing a limitation based on a rental applicant's arrest or conviction history, for example, by stating in ads and application materials that they will not approve tenants with arrest or conviction records.

The Administration supports the aim of ensuring that New Yorkers can access housing, and that criminal history should not disqualify someone from housing opportunities. The current bill allows some limited background checks – where there is mandatory exclusion based on a particular conviction or where federal, state or local law requires the consideration of criminal history. It also permits review of the state sex offender registry. The bill also

contains notice provisions and requires housing providers to conduct individual assessments and requires landlords to review mitigating evidence before taking an adverse action. The current bill's provisions do not apply to those renting out a unit or a room in their family's home if the home is two families or smaller, or to people seeking a roommate.

The Administration is continuing to review the bill and looks forward to hearing from stakeholders and working with City Council to identify the best approach to meeting the objective of expanding access to housing.

Cities and states across the country have enacted laws similar to Intro. 632, including Seattle,^v Oakland,^{vi} the District of Columbia,^{vii} Los Angeles,^{viii} Detroit,^{ix} Cook County, Illinois^x, New Jersey^{xi}, and Oregon,^{xii} among others. The laws of these jurisdictions limit the review of criminal history by housing providers. These laws recognize the impact of longstanding discrimination in the criminal legal system, and they recognize that contact with the criminal legal system alone should not bar people from accessing housing for themselves and their families.

The Commission believes housing is a basic need and fundamental to building stable life. Removing barriers to obtaining housing can pave a vital pathway for thousands of New Yorkers and their families to thrive. This includes individuals recently returning to their communities from custody and those with older records who have previously been denied housing. It can also address a pervasive housing practice that has a disproportionate impact on Black and Latinx individuals.

Removing barriers to housing reduces instability. In recent years, more than 20 percent of adults who entered New York City shelters have come from prisons,^{xiii} and research shows that jail and prison stays tend to increase the risk of homelessness.^{xiv} A stable home is the foundation for a person's wellbeing. It also enhances wellbeing of their families and communities. A stable home enables people to find and maintain employment^{xv} and promotes better health outcomes, since a stable home enables people to access health treatments and care for children and other dependents.^{xvi} Increasing access to housing also significantly reduces rates of child poverty,^{xvii} and rates of recidivism.^{xviii}

In conclusion, amending the Human Rights Law to ensure more pathways to stable housing is a means to strengthen individual and family health, safety, education and wellbeing.

For all the reasons I have discussed, the Administration supports the intent of this bill, and the Administration looks forward to working with City Council on this measure. Thank you.

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- ⁱ Opportunity Starts at Home, *Criminal Justice Advocates Are Housing Advocates* (April 22, 2019), <https://www.opportunityhome.org/wp-content/uploads/2018/02/Criminal-Justice-Fact-Sheet.pdf>; Brennan Center for Justice, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality* (Sept. 15, 2020), <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.
- ⁱⁱ N.Y. L. 1976, c. 931, § 5 (effective Jan. 1, 1977).
- ⁱⁱⁱ See, e.g., N.Y.C. Local L. 39 (1991); N.Y. S. 1505-C (2019) (amending Exec. L. § 296(16), which is incorporated by reference into the New York City Human Rights Law by N.Y.C. Admin. Code § 8-107(11)).
- ^{iv} Employers have agreed to disregard convictions that are not already restricted, such as those that are more than seven years old. See Testimony of Dana Sussman, Deputy Commissioner for Policy and Intergovernmental Affairs, Before the Committee on Civil and Human Rights (Jan. 22, 2020), https://www1.nyc.gov/assets/cchr/downloads/pdf/CCHR_Testimony_FCA_1.22.2020.pdf.
- ^v Seattle Municipal Code § 14.08.050 (2016).
- ^{vi} Oakland Municipal Code Chapter 8.25 (2020).
- ^{vii} Code of the Dist. of Columbia § 42-354.01-10 (2017).
- ^{viii} Los Angeles, Calif., AB-396 (2015).
- ^{ix} Detroit City Code, Ch. 26, Art. V (2019).
- ^x Code of Ordinances of Cook County, Ill., Ch. 42, Art. II, § 42-38 (2022).
- ^{xi} N. J. Fair Chance in Housing Act, N.J.S.A. 46:8-52.
- ^{xii} Or. Rev. Stat. § 90-303 (2015).
- ^{xiii} Coalition for the Homeless, *State of the Homeless 2020*, <https://www.coalitionforthehomeless.org/state-of-the-homeless-2020/> (these numbers include only people returning from state prison and people returning from Rikers who are subject to the *Brad H.* settlement, concerning former inmates with mental health disabilities, and thus are likely an undercount of returnees entering New York City shelters following incarceration); See also Coalition for the Homeless, *State of the Homeless report for 2022*, <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>.
- ^{xiv} Lucius Couloutte, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, Prison Policy Initiative (Aug. 2018), <https://www.prisonpolicy.org/reports/housing.html#:~:text=The%20revolving%20door%20%26%20homelessness&text=But%20people%20who%20have%20been,from%20their%20first%20prison%20term> (showing that people who are formerly incarcerated experience homelessness at a rate ten times higher than does the general public).
- ^{xv} See Matthew Desmond & Carl Gershenson, *Housing and Employment Insecurity among the Working Poor*, Social Problems (2016), <https://scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824> (finding loss of housing “to be a strong and robust predictor of job loss” and identifying “housing insecurity as an important source of employment insecurity among low-income workers”); U.S. Interagency Council on Homelessness, *The Importance of Housing Affordability and Stability for Preventing and Ending Homelessness* (May 2019), https://www.usich.gov/resources/uploads/asset_library/Housing-Affordability-and-Stability-Brief.pdf (“A stable home provides a platform for improved outcomes around employment, health, and education.”).
- ^{xvi} See Lauren Taylor, *Housing And Health: An Overview Of The Literature*, Health Affairs (June 7, 2018) <https://www.healthaffairs.org/doi/10.1377/hpb20180313.396577/full/> (“providing access to stable housing can improve health and reduce health care costs”); Nat’l Healthcare for the Homeless Council, *Homelessness & Health: What’s the Connection?* (Feb. 2019) <https://nhhc.org/wp-content/uploads/2019/08/homelessness-and-health.pdf>
- ^{xvii} Mary K. Cunningham, *Reduce Poverty by Improving Housing Stability*, The Urban Inst. (June 26, 2016), <https://www.urban.org/urban-wire/reduce-poverty-improving-housing-stability>; Misha Sharp and Nathan Myers, *Stable Housing, Stable Health: Addressing Housing Insecurity Through Medicaid Value-Based Payment*, United Hospital Fund, <https://uhfnyc.org/publications/publication/stable-housing-stable-health-addressing-housing-insecurity-through-medicaid-value-based-payment/> (“research consistently show[s] how unstably housed or homeless individuals are more likely to experience high rates of emergency department use, frequent and costly hospital admission, and adverse health outcomes such as drug and alcohol dependence, mental illness, infectious disease, injuries, and unmet health care needs.”).

^{xviii} Nat'l Hous. L. Project, *An Affordable Home on Reentry: Federally Assisted Housing and Previously Incarcerated Individuals* 6 (2018), http://nhlp.org/files/Page%204%20Doc%201%20Prisoner_Reentry_FINAL.pdf.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON
CIVIL AND HUMAN RIGHTS
DECEMBER 8, 2022**

Good Morning.

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. Thank you very much Chair Williams and members of the Committee on Civil and Human Rights for holding this hearing and allowing me the opportunity to provide a statement.

Housing is a basic human right and should be prioritized as our City continues to face a homelessness, housing, and affordability crisis. For today's hearing, this legislation aims to address the housing discrimination faced by formerly incarcerated people. I am proud to be a co-sponsor on [Int 0632-2022](#).

The Fair Housing Act was enacted in 1968 making it a critical piece of legislation that prohibits discrimination against renters or homebuyers on the basis of national origin, race, religion, sex, or disability.¹ However, this legislation does not directly prohibit discrimination of potential renters or homebuyers who have criminal records. This discriminatory practice has been taking place in New York City for years and directly impacts Black and Brown New Yorkers who are disproportionately affected by the criminal justice system. [Int 0632-2022](#), sponsored by Majority Leader Keith Powers, will prohibit housing discrimination in rentals, sales, leases, subleases, or occupancy agreements in New York City, on the basis of arrest record or criminal history. This bill addresses the collateral consequences of criminal records and stops the never-ending cycle of punishment. Formerly incarcerated New Yorkers deserve a fair chance at housing. They have continuous face barriers and discrimination in so many areas of their life which can heavily influence their integration back into society as well as cause an increase in recidivism.

Towards the end of 2020 we passed the, "[Fair Chance Act 2.0](#)" which banned employment discrimination on basis of arrest record. We must move forward and incorporate fair chances at housing for them. According to a report done by the Prison Policy Initiative, formerly incarcerated people are nearly 10 times more likely to be homeless compared to the general public.² For far too long, there has been no protection for New Yorkers whose housing applications have been denied due to criminal records which shows that "right to housing" for residents have not been upheld by the Administration.

¹ https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview

² <https://www.nytimes.com/2022/08/09/nyregion/criminal-background-checks-nyc-housing.html>



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

As the City continues to face the growing housing and homelessness challenges, this exacerbates the process for returning residents to fully assimilate and be their best selves. You cannot expect a returning resident to be productive and their best selves and then not allow them a place to live.

Passing this bill will mean the start to restoring decades of housing inequalities that Black and Brown New Yorkers have faced for generations. I hope we can move forward with passing this bill as we have overwhelming support from over thirty co-sponsors along with Mayor Adam's support. It is our duty to give them a chance, so we can all be safe.

Thank you.

Civil and Human Rights Committee on Thursday, December 8, 2022
Testimony by *Honorable Rachel Miller-Bradshaw, State Committeewoman, 78th Assembly District*
Focus: Opposition to Intro 632 (Fair Chance for Housing Act)

Good morning Civil & Human Rights Committee,

I am Rachel Miller-Bradshaw, the State Committeewoman of the 78th Assembly District. I oppose Intro 632, widely known as the *Fair Chance for Housing Act*.

I want to believe the New York City Council cares about us New Yorkers. However, to my disdain our elected council members are not engaging with their constituents. They are supporting controversial legislations, like Intro 632, without our opinion; essentially taking our voice from us. As the bill stands it is reckless. It jeopardizes the safety of New Yorkers in their own homes, under the guise of “equity”. This is unfair to New Yorkers everywhere, but my voice will not be silenced.

Most violent criminals in New York City are Black. Landlords will easily conflate this with the fallacy that the majority of Black New Yorkers are criminals. Absent a criminal background check, landlords around the city are bound to revert into a pattern of racial profiling under the façade of protecting their current tenants and property. In a beautiful and safe co-op like Fordham Hill Owners Corporation, where ownership is possible with modestly priced units, the Board of Directors will have its hands tied in ensuring its existing investors are safe and experience the quality of life we offer.

The sponsors of the *Fair Chance for Housing Act* have promised security, advancement, and to protect us, their constituents. The bill is bound to have the opposite effect. The ambiguous language of the bill leaves Black and Latino neighborhoods susceptible to more violence and will promote discrimination. Our elected officials are not addressing the root issues that are sending waves of violence through New York City. In fact, even the title of the bill is deceptive. The federal government’s *Fair Housing Act* of 1968 was designed to protect individuals from racial and social discrimination, rather their own behavior—the opposite of this bill’s intentions.

It’s truly shocking how despite the many the high-profile Black elected officials in this city, nearly 60% of the homeless households are also Black. Our officials believe homelessness is a result of housing discrimination, ignoring the effects of lopsided economic development.

- As of May 2022, the Black community in New York City have the highest unemployment - at 10.2%, with Latinos following at 6.2%.
- Statistics shared by our own Mayor in 2022 show 25% of approximately 1,500 people arrested for burglary committed another felony within 60 days.
- According to the National Institute of Justice, almost 44% of criminals released from prison return within their first year.

<https://worldpopulationreview.com/state-rankings/recidivism-rates-by-state>

To be clear, I wholeheartedly believe in redemption and rehabilitation. There must be accountability and extended proven history of model behavior for this to occur.

Black and Brown neighborhoods are consistently feeling the impact of the social experiments brought forth by legislators that are nestled outside of our neighborhoods. The sponsor of this bill, Councilmember Keith Powers, represents a high-earning community that is unlikely to feel the effects of this. With all due respect, as a resident in a neighborhood where 2-bedroom apartments are renting for \$9,000 monthly, he is unqualified to tackle this issue. Councilman Powers’ own living situation is a testament to how detached he is to the harsh realities our communities face.

This bill does not tackle the deep rooted issues we face. As it stands, it completely disregards the safety of our most vulnerable. The legislation only excludes those registered in the New York sex offenders' registry, with no mention of other states; it is also unclear regarding exemptions for murder and other egregious crimes. The lack of rationale exhibited by this bill is both alarming and worrisome, forcing me to reconsider the trust I place on our elected officials to improve the city.

I, Rachel Bradshaw, representative of the 78th Assembly District, appeal to this committee supporting Intro 632. I ask Speaker Adrienne Adams and those within the Black, Latino and Asian Caucus to stand with me.

Statement from Susan Lee
Founding President, Alliance for Community Preservation and Betterment

Good morning, my name is Susan Lee, I am the founding president of the Alliance for Community Preservation and Betterment. I am a resident of Lower Manhattan. I am a constituent of Council Member Christopher Marte. I am here today because my Council Member refused to meet with to discuss why I am against Intro 632.

Our housing system certainly needs reform, but we repeatedly overshoot the runway in those efforts. Intro 632 is the perfect example. On the surface, this bill would seem like a laudable attempt to address housing and discriminatory practices. However, as currently written, this bill would do neither, and instead could destabilize the housing market and harm the most vulnerable.

I want to provide information to some Council Members regarding data. In a 2018 study by the Journal of Labor Economics, it found that after Ban the Box was implemented, low-skilled Black men's chance of employment decreased by 5.1% and for Hispanic men by 2.9%. On the flip side, when more information is available, such as credit and drug tests, the employment prospects improved. Speaker after speaker talked about flaws in society, such as the inaccuracy of criminal background check reports, shortage of affordable housing and overcrowded shelters, but these are issues that the government should provide solutions to and not force private property owners to solve for them.

If this bill becomes law, there will be many unintended consequences. Black and brown young men will face increase housing discrimination due to the perception that they may be justice involved. With inclusive and collaborative dialogues, the needs of all parties could be addressed. I urge the City Council to be bolder and more comprehensive. A better bill is possible, if they just took the time to write it.

Testimony Of Lucy Block Before New York City Committee on Civil and Human Rights Regarding the Prohibition of Housing Discrimination Based on Arrest Record or Criminal History

December 8, 2022

Thank you to Members of the Committee on Civil and Human Rights for the opportunity to submit testimony regarding Intro 632. My name is Lucy Block and I'm the Senior Research and Data Associate at the Association for Neighborhood and Housing Development (ANHD).

ANHD's mission is to advance equitable, flourishing neighborhoods for all New Yorkers. Founded in 1974, today, ANHD represents 80+ neighborhood-based and city-wide nonprofit organizations with affordable housing and/or equitable economic development as a central component of their mission. We work in coalition with our member groups and partner organizations to support policies and programs that center justice, equity and opportunity for NYC's marginalized communities and neighborhoods. We believe housing justice equals economic justice equals racial justice.

We support Int 632 to prohibit housing discrimination based on arrest record or criminal history. Denying prospective housing to tenants on the basis of arrest records and criminal background checks further exacerbates a cycle of homelessness and incarceration. Reducing recidivism requires the widespread availability of both stable housing and employment, both of which are made more difficult by criminal background checks. Because of the disproportionate impact of incarceration on communities of color, particularly on Black and Latinx communities, criminal background checks disproportionately bar those communities from accessing stable housing. A study by Greg A. Greenberg, Ph.D. and Robert A. Rosenheck, M.D. published in the journal of *Psychiatric Services* found that "inmates who had been homeless...made up 15.3% of the U.S. jail population, or 7.5 to 11.3 times the standardized estimate of 1.36% to 2.03% in the general U.S. adult population." Greenberg and Rosenheck concluded that "Homelessness and incarceration appear to increase the risk of each other."¹

Increasing access to housing will reduce crime and increase safety in communities of color and New York City as a whole. Because of this, we urge the Council to pass Int. 632.

Thank you for the opportunity to testify. If you have any additional questions, you can reach out to lucy.b@anhd.org.

¹ <https://homelesshub.ca/sites/default/files/Greenberg.pdf>



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TESTIMONY OF:

**Alexandra Dougherty, Senior Staff Attorney and Policy Counsel
Civil Justice Practice**

BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council
Committee on Civil and Human Rights**

**Oversight Hearing on Fair Chance Housing
and Introduction of Bill Int 0632-2022**

December 8, 2022

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel of the Civil Justice Practice at Brooklyn Defender Services (BDS). I want to thank the Committee on Civil and Human Rights and Chair Nantasha Williams for inviting us to testify today. I would like to take this opportunity to speak in support of removing barriers to permanent affordable housing for New York City tenants.

Brooklyn Defender Services provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for nearly 22,000 people in Brooklyn every year. BDS' Civil Justice Practice (CJP) aims to reduce the civil collateral consequences for our clients who have had involvement with the criminal, family or immigration legal systems. The people we serve experience housing instability in a variety of forms: we defend people from eviction in Housing Court, provide proactive relocation assistance and benefits advocacy, and help clients navigate the shelter system. We work with clients who are entering the shelter system, as well as New Yorkers attempting to secure stable housing. Through this work we see the profound challenges New Yorkers face in securing safe, affordable, and permanent housing.

Affordable Housing Crisis

New York City was the epicenter of the COVID-19 pandemic, and its tenants continue to face ongoing fallout. The city's existing housing and shelter crisis has been exacerbated by the pandemic, especially for Black and Latine New Yorkers. The communities hit hardest by the pandemic are also the communities that see the highest rates of eviction filings in the city and are now at greatest risk of eviction in this post-eviction moratorium era.¹ While 1.2 million households are behind on rent, landlords are actively evicting nearly 270,000 households statewide,² and have simultaneously imposed the most drastic rent increases in over a decade.³

The experiences of the people we serve demonstrate the real hardship and trauma behind that data; we see how families are forced to compete over a limited housing pool. Clients who are moving out of the shelter system or relocating due to a Housing Court holdover proceeding are forced to spend months searching for alternative stable housing, during which time they face eviction and extended shelter stays. Our clients in shelter are spending an unprecedented amount of time actively trying to secure stable housing, which is reflected in shelter stays that are extended by several months. This unpredictable rental market has made it increasingly difficult for New Yorkers with pending evictions or already experiencing homelessness to secure stable permanent housing and plan for their future.

For many of the people we represent, housing options are even further limited by an arrest or criminal conviction record. Formerly incarcerated individuals are nearly ten times more likely to experience homelessness than the general public, and in New York City forty percent of people leaving state prisons directly enter the shelter system.⁴ These clients are also ineligible for federally subsidized and public housing—supposedly the housing of last resort. Housing instability also makes it more difficult for people to engage in treatment and services, which may prevent future involvement in the criminal legal system. By shutting people out of the city's limited affordable housing stock, discriminatory background checks prevent people from stabilizing their lives, their families, and perpetuate cycles of homelessness.

Proposed Legislation

BDS supports Int 632-2022 which would ban discriminatory background checks in applications to rent private apartments. An arrest or conviction should not constitute a permanent barrier to stable housing, and we applaud the city's efforts to remove obstacles to affordable housing. Prohibiting

¹ The Furman Center, *State of New York City's Housing & Neighborhoods: Eviction Filings*, at <https://furmancenter.org/stateofthecity/view/state-of-renters-and-their-homes>.

² Right to Counsel NYC, *NYS Eviction Crisis Monitor*, at <https://www.righttocounselnyc.org/evictioncrisismonitor>.

³ New York City Rent Guidelines Board, *2022-23 Apartment/Loft Order #54*, at <https://rentguidelinesboard.cityofnewyork.us/wp-content/uploads/2022/07/2022-Apartment-Loft-Order-54.pdf>.

⁴ Coalition for the Homeless, *State of the Homeless 2022: New York at a Crossroads*, at <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>.

housing discrimination based on an arrest or conviction record is an important step towards guaranteeing equal access to stable housing for all New Yorkers.

BDS enthusiastically supports the council’s commitment to removing barriers to housing for justice-involved New Yorkers, and we urge the council to pass the bill in its current form. Altering the bill by creating a “ban the box” system or by carving out specific offenses would permit discrimination based on a prior arrest or conviction to continue unchecked without making our communities safer.

a. Pitfalls of a “ban the box” model

New York City’s Fair Chance Act (“FCA”) is a “ban the box” law that purports to protect employees and job applicants from discrimination based on conviction history. This model permits employers to conduct criminal background checks after a conditional offer of employment has been made, which can subsequently be revoked if the employer determines that a prospective employee would pose an unreasonable risk to public safety. However, in our experience, employers routinely violate the law by revoking a conditional offer without conducting the required Fair Chance analysis, or by issuing a boilerplate denial without considering the applicant’s mitigating evidence. We have seen some large companies knowingly violate the law because they have determined that they can afford to discriminate rather than adhere to the time-intensive Fair Chance process.

For our clients with conviction histories, the “ban the box” model poses insurmountable hurdles in securing employment and housing, both essential resources to ensure individual security and public safety. The FCA provides a period of only five days for an applicant to submit mitigating evidence in response to an employer’s background check. Several days is often an insufficient window for our clients to obtain official documentation such as Certificates of Disposition or Certificates of Relief from Disabilities and other relevant evidence such as character letters. We therefore see how the “ban the box” model has a chilling effect on our clients who are discouraged by the onerous requirements and waive their rights under the FCA. Others who do manage to submit a timely response give up on the process after receiving a boilerplate denial in violation of the law. Finally, criminal background checks are proven to be unreliable and inaccurate, and companies conducting the background checks do not afford individuals a clear opportunity to correct inaccuracies.⁵

A “ban the box” law in the housing context would be similarly ineffective at overcoming bias against prospective tenants with arrest and conviction histories. Landlords, like employers, will violate such a law, both accidentally due to confusion over the process and willfully based on financial calculations. In fact, in New York City’s fast-paced rental market, landlords already face significant financial incentives to rent vacant units as quickly as possible and therefore there is clear financial incentive to violate the law rather than delay the rental process to give prospective tenants the opportunity to respond with mitigating evidence and record corrections. Like in the employment context, the convoluted process that a “ban the box” law entails would put an onerous burden on our

⁵ Consumer Financial Protection Bureau, *CFPB Reports Highlight Problems with Tenant Background Checks*, at <https://www.consumerfinance.gov/about-us/newsroom/cfpb-reports-highlight-problems-with-tenant-background-checks/>.

clients searching for affordable housing and ultimately permit landlords to continue their current practice of denying housing to New Yorkers with conviction histories.

b. Carve-outs for specific convictions do not promote public safety

BDS opposes any amendment to Int 632-2022 that would carve out specific convictions as exceptions to the bill's prohibition on discriminatory background checks. There is no evidence that a conviction makes someone more likely to be a dangerous tenant; in fact, the evidence shows that our communities are safer when people have stable and affordable homes. Similarly, criminal background checks do not accurately assess an applicant's potential safety risk as a tenant.⁶

Furthermore, introducing specific carveouts to the bill would be impractical to implement and enforce. It is not possible to limit a criminal background check to specific convictions or a class of convictions, meaning that landlords would have access to applicants' entire conviction records. Asking landlords to simply ignore this information is unreasonable, and this structure would inevitably lead to illegal housing denials based on impermissible convictions.

Finally, we oppose Int 632-2022's existing exception for convictions subject to the sex offense registry. Sex offender registries are not an effective tool to prevent sex crimes or to predict an individual's likelihood to commit a subsequent sex crime.⁷ The majority of sex crime convictions involve individuals who are not registered sex offenders. Enforcing residential restrictions based on the sex offender registry imposes a cycle of perpetual punishment and prevents individuals from establishing stability and moving on after a conviction. We further oppose amending this exception to allow for use of the federal registry, rather than the New York State registry. Federal and state registries are notoriously inaccurate,⁸ and individuals subject to an out-of-state or federal registry are required to register with New York upon moving here.

Conclusion

BDS supports Fair Chance for Housing legislation as drafted and the city's ongoing efforts to remove barriers to stable housing for all New Yorkers. With our partners in the Fair Chance for Housing campaign, we will continue to fight to remove remaining barriers to housing for justice-involved New Yorkers. Thank you for your time and consideration of our comments. If you have any additional questions, please contact Alexandra Dougherty, Senior Attorney and Policy Counsel, at adougherty@bds.org.

⁶ HUD, *Tenant Screening with Criminal Background Checks*, at <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-051722.html>.

⁷ Zevitz, Richard G., *Sex Offender Community Notification: Its Role in Recidivism and Offender Reintegration*, *Criminal Justice Studies* (June 2006).

⁸ NPR, *Sex Offender Registries Often Fail Those they are Designed to Protect*, at <https://www.npr.org/2020/08/25/808229392/sex-offender-registries-often-fail-those-they-are-designed-to-protect>.



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Program
NYC

Testimony RE: Intro 632-2022 from the Community Housing Improvement Program

Submitted to Committee on Civil and Human Rights

December 8, 2022

We believe the NYC Council is taking up an important issue with Int. 0632-2022. It is far too easy for housing providers to use a prospective tenant's history of criminal justice involvement as a reason to deny them of housing. There are very few rules applicable to the use of criminal justice involvement as part of the rental housing screening process. There is also the potential for inaccurate information to be reported. While city subsidized housing and public housing have standards and guidance in this area, most coops, condos, and other rentals are free to come up with their own standards. Some of these standards have the effect of excluding black and brown applicants at a higher rate than others because of discriminatory police tactics, especially because any criminal justice involvement – from being arrested to being convicted, regardless of the circumstances or the severity of the crime – can be used to deny someone housing. It is too easy to use criminal justice involvement as justification to discriminate against prospective applicants for other reasons.

While we support the intent of the bill, we believe the current version requires some amendments in order to be responsive to concerns of tenant safety and the housing provider's responsibility under the warranty of habitability. Unfortunately, the current bill as drafted goes from one extreme to another – from allowing ultimately any type of criminal justice involvement as a reason to deny housing to prohibiting any inquiry into criminal justice involvement at all. We cannot support the bill as currently drafted, but believe there is a version of the bill that we can support. No bill should permit contact with the criminal justice system, by itself, to be a valid reason to deny housing. But we also believe that completely ignoring recent convictions for violent or harmful conduct is irresponsible to existing tenants. A housing provider's responsibility is to provide safe, habitable, and secure places to live. Residential buildings are communities. And access to housing must be balanced with the health, safety, and welfare of other tenants in the building.

As the Council considers how to achieve this balance, we believe it is important to learn from what other jurisdictions have already done in this space, as well as other housing agencies within NYC. The council should rely on facts and data from other jurisdictions to determine the impacts these policies have had. While most of the versions in other states and cities are new, there may not be any data or analysis of the legislation's impact. However, the Council can look to statistics from NYC housing agencies, in particular NYCHA.

NYCHA has a tenant screening process that has been through years of pilot programs and evaluation, and which was endorsed by HUD. Unfortunately there is little available data on how the program was developed, but from the limited information we have found it appears to be an effective program that expands access to housing while balancing resident safety. It appears that NYCHA does review certain types of criminal justice involvement, but aside from a few limited situations, does not use criminal justice involvement alone as a reason to deny housing to an applicant. Instead, NYCHA uses a combination of type of offense and look back period to initially identify an applicant as potentially disruptive or dangerous to other residents, and then allows for an individualized review of the applicant's history and an opportunity for the applicant to provide additional information and evidence of rehabilitation, reintegration in the community, mitigating factors, or other information in their favor. It is mandated for NYCHA to consider the nature and severity of the offense, the age at the time of offense, how recent the offense occurred, whether the offense would

impact the safety of other tenants, and whether it was connected to the property the applicant rented or leased, as part of the review process.

While NYCHA's list of offenses and lookback periods may be need to be reviewed, we think it is useful to look at their statistics indicating how the program has impacted access to public housing. For example, how many applicants are flagged for the review process, how many applicants are approved/denied after the individualized review process, what types of offenses where most commonly flagged, and what additional information was most impactful in approving and applicant from the review process. We were able to find proposed changes to NYCHA's screening policies around criminal justice involvement. Pages 1-3 explain the current lookback periods and types of offenses that NYCHA screens for, as well as the individualized review procedure that is conducted if an applicant has been convicted of an offense within the applicable time frames. On the bottom of page 3, NYCHA provides statistics regarding ineligibility screenings. The combination of offense type and time limit they use only result in 2% of applicants being flagged. Further, of those applicants who were flagged under the lookback periods, 65% of them were ultimately approved. In 2019, NYCHA received 7,500 housing applications. 135 were flagged based on offense type and look back period, with 88 ultimately approved after the newly instituted individual review process. In total, only 47 applicants were ultimately denied housing, out of 7,500 total applications. NYCHA indicates that similar results occurred in 2017 and 2018 after implementing the review process for applicants. This appears to be a very inclusive model, but we encourage the council to investigate further and obtain more information from NYCHA.

Unfortunately we were unable to find any additional data on NYCHA's screening practices and applicant approval. We know that NYCHA implemented a pilot program around loosening requirements in its use of criminal justice involvement as a tenant screening element. The pilot program evolved into rule and policy changes, which NYCHA updated as recently as 2021. The program effectively pairs the use of limited lookback periods and types of convictions that can be screened for with an individual review process for any applicant that has a qualifying criminal justice event. Based on the 2019 statistics, less than 1% of housing applicants were denied based on criminal history using NYCHA's parameters. We encourage the Council to request data from NYCHA, both before and after, to inform the development of this legislation.

We would also like to point the NYC Council to the Division of Housing and Preservation and Development (HPD) as a potential source for data to determine the effectiveness of using limited look back periods and type of offense to remove housing. HPD has forms and notices included in their property management compliance package for housing providers that participate NYC subsidized housing. It also contains notices to tenants who have been flagged for criminal justice involvement, and a list of the types of offenses screened for. While we don't know the impact of HPD's policies in this area, it appears to be a fruitful area for exploration. HPD may have statistics on how its applicant pool has been impacted by these screening parameters.

Aside from finding the right balance between offense types and look back periods, we also believe that the Council should provide procedural guidelines for the application process and individualized review process. The uncertainty of the screening process leads to potential abuse by brokers and housing providers, not treating each applicant equally and altering standards or requirements depending on the applicant. As part of this legislation, we encourage the council to require owners to disclose in the application itself whether a criminal background check is part of the screening process and what particular offenses and lookback periods are used, and that having criminal justice involvement will not result in an automatic denial. We believe that the legislation should mandate an individualized review by a housing provider of any applicant who does have criminal justice involvement so that a prior conviction by itself cannot result in the denial of housing. In addition, a copy of the screening report should be given to the applicant, and the broker or housing provider should have to provide information in writing to the applicant if they are denied after the review process. The letter denying the application should include the factors used in the individualized review, the reason such applicant's history was determined eligible, and why the individualized review factors suggested this person would be incompatible with keeping the safety of other residents and the property itself.

We also believe that enforcement is an issue in this area. Requiring notice to an applicant at the initial stage of the process about whether a criminal background check is performed and the types of offenses and lookback periods used would provide clarity to the applicant and to the authorities on the housing provider's process.

Finally, we believe that the city must provide more adequate support services to individuals re-entering society from the criminal justice system. While housing is important, these support services are equally as important.

In closing, we support the intent of this bill and believe that access to housing is an important part of the reintegration process, and stable housing has numerous residual benefits on emotional and mental health, and child development. We simply ask the council to provide more balance in the bill in order to address the concerns of future and existing occupants.



Council of New York Cooperatives & Condominiums

TESTIMONY TO THE NEW YORK CITY COUNCIL COMMITTEE ON CIVIL AND HUMAN RIGHTS

In Opposition to Int. 632 - Prohibiting Inquiry into an Applicant's Criminal History December 8th, 2022

The Council of New York Cooperatives & Condominiums (CNYC Inc.) is a membership organization providing information, education and advocacy for housing cooperatives and condominiums located throughout the five boroughs of New York City and beyond. More than 170,000 New York families make their homes in CNYC member buildings, which span the full economic spectrum from very modest, income-restricted housing to solid middle class apartment complexes to upscale dwellings. The New Yorkers who make their homes in New York cooperatives and condominiums are not only the collective OWNERS of their buildings, they are also the electors of their communities' governing boards and the neighbors who share the dwelling units and its common spaces. As homeowners, they often remain in place for decades, stabilizing and contributing to their neighborhoods. The safety and security of every member of a cooperative or condominium community are of utmost importance to any board when making management decisions, including the review of new resident applications. As such, we must oppose Int. 632.

Int. 632 would make it an unlawful discriminatory practice for any cooperative or condominium board, or any individual unit owner to ask a potential resident about his or her criminal history as part of an application. While we appreciate the Council's commitment to criminal legal reform and protecting the rights of disenfranchised New Yorkers, we must oppose this overly broad legislation as antithetical to sound management and resident safety.

With every admission application, boards seek to ensure that the applicant is financially able to pay his or her share of carrying charges. Boards also seek assurances that the candidate understands all responsibilities associated with cooperative living, will be a contributing member

of the community, and will not harm the or jeopardize the safety of the community in any way. Inquiring about an applicant's criminal background permits a board to rule out a history of crimes such as financial fraud or terrorist activity, violent or sexual crimes that could put neighbors at risk, and property crimes such as arson which pose both financial and safety threats to the community.

It is important to point out that we do NOT take the position that prior involvement with the criminal justice system should automatically disqualify applicants for housing. Certainly, among the hundreds of thousands of residents in our member buildings across the five boroughs, there are many such individuals residing peacefully and productively among their neighbors. Our concern is that cooperative homeownership communities continue to have the ability to manage and regulate their operations and finances, including making thoughtful admissions decisions within the parameters of the existing human rights law.

We note that Int.632 does NOT apply to "rental of a room or rooms in a housing accommodation where the owner resides". Just as the drafters and sponsors of Int. 632 appear here to understand that the resident owner of a house or small multiple dwelling would like to be able to consider criminal history in deciding whether to rent a room or rooms, so, too, are all the owners who live together in housing cooperatives and condominiums entitled to such important information about potential neighbors. Indeed, carving out this exception confirms that this is useful information for proper vetting of ANY applicant.

With the exception of the New York sex offender's list, Int.632 does not allow for any consideration of any criminal history at any time in the process. We urge the City Council to look at other similarly progressive jurisdictions such as Oakland, Berkeley, Detroit, Seattle, and Chicago which allow for screening for certain types of convictions as part of the application process and provide redress for potential acts of discrimination. We hope that the Council will seek to find a better balance between the rights of persons with a criminal history and property owners' ability to provide safe housing to tenants. We urge the City Council to refrain from passage of this legislation as written.

Thank you for this opportunity to express our views.

Mary Ann Rothman
Executive Director



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

on

Oversight: Fair Chance for Housing

submitted to

The New York City Council Committee on Civil and Human Rights

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The Legal Aid Society

December 8, 2022

The Coalition for the Homeless and The Legal Aid Society (LAS) welcome this opportunity to testify before the New York City Council’s Committee on Civil and Human Rights on Intro. 632, the Fair Chance for Housing bill.

Intro. 632 – Prohibiting housing discrimination on the basis of arrest or criminal record

The Coalition for the Homeless and The Legal Aid Society support prohibiting housing discrimination on the basis of arrest or criminal record, and we strongly urge the Council to pass Intro. 632 as soon as possible. Homelessness is a tragic outcome for too many New Yorkers who exit prisons and jails, even though stable housing is vital to a successful reentry. The disproportionate impact of over-policing and incarceration on communities of color is one driver of homelessness among impacted Black and Latinx New Yorkers, and this bill would advance racial justice by reducing barriers to permanent housing for a large subset of people currently languishing in shelters and on the streets. With an all-time record number of people sleeping in municipal shelters each night, the City must utilize all available tools to help New Yorkers move out of shelters and into permanent housing quickly – starting with Intro. 632.

Discrimination on the basis of arrest or criminal record takes a disproportionate toll on New Yorkers of color. This is in part because of gross disparities stemming from systemic racism in New York’s criminal legal system: Of the 34,143 inmates under State custody on January 1, 2021, 50 percent were African-American and 24 percent were Latinx,¹ yet the State’s general population is just 17.6 percent African-American and 19.5 percent Latinx.² And of the 4,389 average daily inmates in City custody, 56 percent were African-American and 32 percent were Latinx,³ even though the city’s population is only 23.8 percent African-American and 28.9 percent Latinx. Consequentially, Black and Latinx New Yorkers are much more likely to be barred from housing because of landlord criminal background checks than White New Yorkers. Moreover, it is well-recognized that arrest records are hardly evidence of misconduct, and landlords’ bars against prospective tenants who have not even been convicted of crimes is unacceptable.⁴ When landlords use discriminatory arrest and criminal background checks, they are overwhelmingly denying the benefits of secure housing – safety, stability, and health benefits – to Black and Latinx New Yorkers.

The use of criminal records makes it more difficult for individuals leaving jail or prison to find housing and avoid long-term homelessness. Indeed, New Yorkers leaving incarceration are uniquely at risk of homelessness. Of the 9,300 people released from State prisons to New York City in 2014, 23 percent of them went directly into the City shelter system; a few years later, in 2017, 54 percent of the people released to New York City, or 4,122 individuals, entered the

¹ State of New York Dept. of Correction and Comm. Supervision, *Under Custody Report: Profile of Inmate Population Under Custody on January 1, 2021* (Apr. 2022),

<https://doccs.ny.gov/system/files/documents/2022/04/under-custody-report-for-2021.pdf>

² United States Census Bureau, *New York Population Estimates* (Nov. 16, 2022)

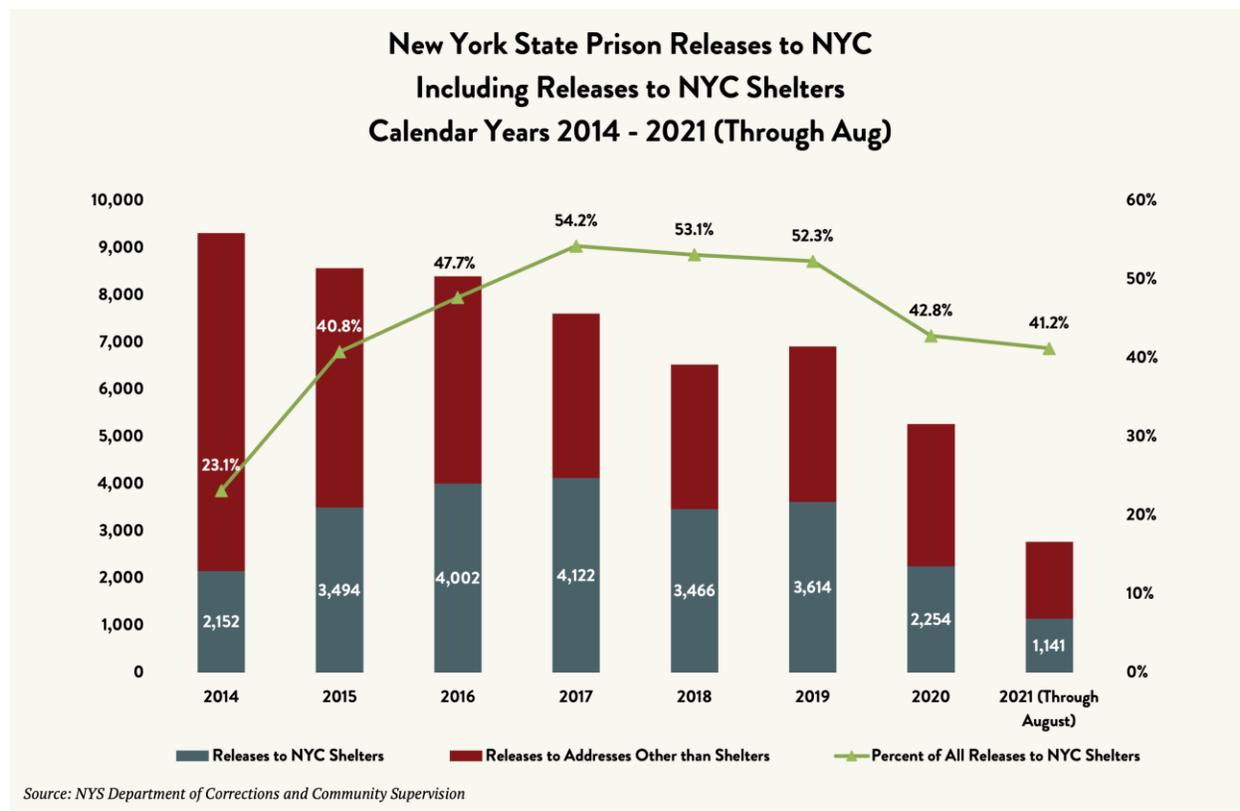
<https://www.census.gov/quickfacts/NY>

³ NYC Department of Correction at a Glance, Information for the first 6 months of FY 2021. Department of Corrections.

https://www.nyc.gov/assets/doc/downloads/press-release/DOC_At_Glance_first6_months_FY2021-030921.pdf

⁴ See e.g., *Schwabe v. Bd of Bar Examiners*, 353 U.S. 232, 241 (1957); *United States v. Berry*, 553 F.3d 273, 282 (3d Cir. 2009); *United States v. Zapete-Garcia*, 447 F.3d 57, 60 (1st Cir. 2006).

shelter system.⁵ Each year since 2015, more than 40 percent of people released from State prisons to New York City were released directly to shelters.⁶



The connection between incarceration and homelessness is longstanding. A 2006 study of 7,000 individuals in the City’s public shelter system found that nearly a quarter had been incarcerated in the previous two years. For many of them, the primary barrier to achieving stable housing was their criminal record. Moreover, people experiencing homelessness are at increased risk of recidivism and encounters with law enforcement: Those who have experienced homelessness make up more than 15 percent of the national jail population, and are about 10 times more likely to be in jail.⁷ Law enforcement that criminalizes homelessness, including encampment sweeps, subway patrols, and other police encounters, further fuels a cycle of homelessness and involvement with the criminal legal system. When landlords are permitted to discriminate on the basis of arrest or criminal records, they exacerbate the city’s homelessness crisis at a time when we must make it easier for New Yorkers to find housing, not harder.

⁵ Courtney Gross, *The New York prison-to-shelter pipeline*, Spectrum News NY1 (Feb. 27, 2018) <https://www.ny1.com/nyc/all-boroughs/politics/2018/02/27/ny1-investigation-more-inmates-released-upstate-prisons-going-into-nyc-shelter-system>; Jacquelyn Simone, *Today’s Video: The New York Prison-to-Shelter Pipeline*, Coalition for the Homeless (Feb. 28, 2018), <https://www.coalitionforthehomeless.org/todays-video-new-york-prison-shelter-pipeline/>

⁶ Jacquelyn Simone, *State of the Homeless 2022*, Coalition for the Homeless, <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>

⁷ Greg A. Greenberg and Robert A. Rosenheck, *Jail Incarceration, Homelessness, and Mental Health: A National Study*, Psychiatric Services, Feb. 2008, available at <https://homelesshub.ca/sites/default/files/Greenberg.pdf>.

We are encouraged that the Council recognizes the need for prohibiting criminal background checks in housing, and we urge the Council to pass Intro. 632 to outlaw landlord and broker discrimination against applicants with criminal and arrest records. This bill is an urgently needed tool to help tackle homelessness and improve public safety, without involving new public expenditures. In fact, this bill will save tax dollars by ending the prison-to-shelter pipeline and reducing the need for shelters. It is time for New York City to finally ban discrimination that deprives people of the stable housing they need to thrive.

Conclusion

We thank the Committee on Civil and Human Rights for the opportunity to testify on this important topic, and we urge the Council to pass Intro. 632 as soon as possible.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society (LAS), the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

The Legal Aid Society has performed this role in City, State, and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, LAS provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

LAS's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by LAS's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, LAS's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is

also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. LAS, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Legal Aid, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled-NY (CIDNY), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Also, during the pandemic, The Legal Aid Society along with Coalition for the Homeless continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York*, Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless and at-risk New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to address the crisis of modern homelessness, which is now in its fifth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illnesses and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term, scalable solutions and include: Permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen, which usually distributes 800 to 1,000 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, had to increase our meal production and distribution by as much as 40 percent and has distributed PPE and emergency supplies during the COVID-19 pandemic. Finally, our Crisis Services Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries. In response to the pandemic, we are operating a special Crisis Hotline (1-888-358-2384) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

The Coalition was founded in concert with landmark right-to-shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant

to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless single adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws. During the pandemic, the Coalition has worked with The Legal Aid Society to support homeless New Yorkers, including through the *E.G. v. City of New York* Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.



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Testimony of Paul Keefe, Vice President of Legal Services
Community Service Society of New York¹
In support of the Fair Chance for Housing Act, Intro. 632
Civil Rights Committee of the New York City Council
December 7, 2022

The Community Service Society of New York (“CSS”), a nonprofit organization serving low-income New Yorkers for over 180 years, strongly favors passage of the Fair Chance for Housing Act, Intro. 632. Through our Next Door Project, we help individuals obtain, understand, and fix mistakes on their criminal records. Via this direct-service work and our decades of housing research and advocacy, we are familiar with the struggles faced by people with criminal history to secure affordable housing.

Each year since 2015, more than 40 percent of people released from State prisons to New York City went into the shelter system, where a record number of people are experiencing homelessness.² As of October 10th, over 60,000 people were in the city’s shelter system, and thousands more were living on the streets and subways, or were crowded into unsafe and precarious living conditions.³ Average shelter stays are inordinately long—ranging from 483 days for single adults to 773 days for adult families—and shelter-to-housing move-out rates declined 27 percent in the last fiscal year.⁴ New York City can stem the prison-to-shelter pipeline by passing Intro. 632.

In 2015, CSS was the lead legal advocate behind the Fair Chance Act (“FCA”), which prohibited employers from inquiring into an applicant’s criminal history until after a conditional offer of employment and, like Intro. 632, provided a detailed process before a person could be rejected. In the ensuing seven years, we have learned that the sky does not fall when employers hire people with criminal records, and we have seen the law lead to—and preserve—employment for people with criminal records because it forces employers to consider people as individuals, not the coalescence of their worst mistakes.

¹ Additional research provided by Julia McHale, Brooklyn Law School Class of 2024.

² COALITION FOR THE HOMELESS, STATE OF THE HOMELESS 2022, 25 (2022), available at <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>.

³ Community Service Society of New York, City FHEPS Fact Sheet 1 (2022), available at <https://www.cssny.org/publications/entry/campaign-to-improve-and-expand-cityfheps-fact-sheet>.

⁴ *Id.*

But the Fair Chance Act was passed to augment protections against employment discrimination based on criminal history that had existed since 1976. There are no comparable legal protections in New York. Even though the U.S. Department of Housing and Urban Development has recognized that flat criminal history barriers are illegal under federal law because they cause a disparate racial impact,⁵ proving such a violation is beyond the means of people on their own. And even for government investigators and lawyers, disparate impact cases can involve years of litigation, the retention of experts, and possibly a trial of several days. All to prove the one principal that has been repeated over and over: When you deny someone a home, a job, or any basic right because of their criminal history, you are more likely to deny people of color because of racist enforcement throughout the criminal punishment system.

With that background, Intro. 632 is a bill to both lessen homelessness and boost racial equality, but it is also a public safety bill. Studies of “housing first” programs have found steep drops in rearrest and reincarceration among people who were housed after incarceration. In a study of a Los Angeles, California supportive housing program, for example, only 14 percent of the participants were rearrested in the year after being housed.⁶ Milwaukee, Wisconsin reaped a significant reduction in judicial and police costs when this model caused the number of people experiencing homelessness to decline from 1,521 to 900, and the city is “approaching functional zero for chronic homelessness.”⁷

Finally, because passing this bill is meaningless without strong enforcement, the Council should significantly increase funding to the New York City Commission on Human Rights. As the Council has added protections to the New York City Human Rights Law, inquiries to the agency have increased, as have wait times for case resolutions.⁸ Yet its budget has stayed relatively flat and the need to robustly staff enforcement of this law is great. The Commission should be given the resources to, when Intro. 632 becomes effective, rapidly address violations and publicize the law. This approach served to quickly curb the number of job advertisements and applications that violated the law.

Ending housing discrimination based on criminal history is one tool of many the City needs to use to reduce our homeless population and increase both racial equity and public safety. The Council should pass this legislation without delay.

⁵ U.S. DEP’T OF HOUS. & URBAN DEV., *Implementation of the Office of General Counsel’s Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions 2* (June 10, 2022), available at [https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation of OGC Guidance on Application of FHA Standards to the Use of Criminal Records - June 10 2022.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf).

⁶ Rand Corp., *Los Angeles County Office of Diversion and Reentry’s Supportive Housing Program: A Study of Participants’ Housing Stability and New Felony Convictions*, https://www.rand.org/pubs/research_reports/RR3232.html.

⁷ INT’L ASS’N OF CHIEFS OF POLICE, *Promoting Public Safety Through Diversion and a Housing-First Approach*, 18, 20, available at [https://www.theiacp.org/sites/default/files/Housing First Webinar Slides.pdf](https://www.theiacp.org/sites/default/files/Housing%20First%20Webinar%20Slides.pdf).

⁸ N.Y.C. Council Fin. Div., *Report of the Finance Division on the Fiscal 2021 Preliminary Plan and the Fiscal 2020 Preliminary Mayor’s Management Report for the Commission on Human Rights*, 5, 8-9 (Mar. 23, 2020), available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/226-CCHR.pdf>.



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COMMUNITY VOICES HEARD TESTIMONY IN SUPPORT OF FAIR CHANCE FOR HOUSING, INTRO 632-2022

DECEMBER 8, 2022

Thank you to the Committee on Civil and Human Rights, Chair Nantasha Williams, Majority Leader Keith Powers, and other council members, for the opportunity to testify in support of Fair Chance for Housing. My name is Juanita O. Lewis, and I am the Executive Director of Community Voices Heard (CVH), a member-led, multi-racial organization principally composed of women of color and low-income families in New York State.

The Fair Chance for Housing act is a tremendous opportunity for the New York City Council to redress decades of state-sanctioned discrimination and racism.

I've been organizing in Black and brown communities in New York State for 13 years. Let me tell you from experience: racism is deeply ingrained in our housing systems. Even though it has changed forms, it certainly didn't end in 1968 with the Fair Housing Act. There are two parallel tales we all know, but we don't always see how they're still connected: the tale of redlining and the tale of mass incarceration.

Beginning in the 1930's, redlining made it nearly impossible for Black families and other redlined residents to purchase homes and build wealth. When redlining was prohibited with the passage of the 1968 Fair Housing Act, we began to see the [rise of mass incarceration](#). Unsurprisingly, redlined neighborhoods were the first to be policed and incarcerated. It is clear that our mass policing, arrest, and incarceration policies have disproportionately targeted communities of color, without actually making us any safer. As a result, [80 percent of New York City residents with a conviction today are Black or Latinx](#).

Today, landlords can no longer discriminate against people based on their race. But they can discriminate based on past convictions, which continues to push our Black and brown

neighbors out of safe and stable housing. They do this under the guise of safety. But we have to ask ourselves: does denying people access to housing make us safer?

Landlords and real estate developers have pushed back against Fair Chance for Housing, saying that it would have a negative impact on their rental properties and that they are “[concerned about liability](#),” even though the bill explicitly states landlords will not be liable for following its provisions. This response is dangerously similar to opposition to the Fair Housing Act of 1968. Opposition to that act came from the real estate industry, who argued that it placed the “[greatest economic burden](#)” on property owners, “[invaded the rights to hold and dispose of private property](#),” and would “[hurt business and diminish land values](#).” This was the real estate industry’s thinly veiled way of saying they didn’t want people of color in their buildings and neighborhoods.

The reality is this: when we exclude our Black and brown neighbors with convictions from housing under the guise of public safety, we are not making our communities safer. Housing is public safety, plain and simple. In fact, when 62,000 New York City residents [were asked](#) to pick three public safety priorities, they chose affordable housing and reducing homelessness most often.

Some people say that they support ending discrimination for people convicted of “low level offenses,” but landlords should continue to be able to discriminate against people with all other convictions. I ask again: does denying anyone the stability of housing make any of us safer? There is no evidence that a conviction record is predictive of being a bad tenant or neighbor.

More practically, allowing landlords to continue to get background checks will fail for several reasons. It is impossible to check someone's criminal record solely for specific types of convictions. This means that landlords would get a full background check and then be expected to ignore whatever they found that was not subject to an exception. This seems impossible for human beings to do, and would likely result in landlords denying housing due to convictions that are not permissible to consider under the law, while making up pretextual reasons to avoid appearing to be engaged in illegal discrimination.

Further, allowing landlords to get background checks for some offenses fails to solve the problem that these reports are so rife with errors that even the federal Consumer Finance Protection Bureau recently released [a report](#) decrying their inaccuracy and how they harm rental applicants.

In over a decade of organizing and talking with New Yorkers of color, I know we all share the same goal: safe, housed communities. For generations, our government has passed laws and implemented policies that draw us out of the housing market, disinvest in our neighborhoods,

and police us without making us safer. With the Fair Chance for Housing Act, we can stand up against racism and reclaim our right to housing.

Juanita O. Lewis, Executive Director

Community Voices Heard

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(914) 519-8588

December 8, 2022



Testimony of The Corporation for Supportive Housing Regarding Fair Chance for Housing

Intro. 632

Hello, and thank you for the opportunity to speak with you today. My name is Lauren Velez and I am the Associate Director for NY at The Corporation for Supportive Housing. CSH's mission is to advance solutions that use housing as a platform to deliver services, improve the lives of the vulnerable people, and build healthy communities. CSH is deeply committed to sustaining and increasing access to permanent housing solutions, especially for people who are highly impacted like those involved in the justice, homeless and emergency health systems. We have a 30- plus year track record of innovation and investment in New York City, as a nonprofit and Community Developmental Financial Institution (CDFI) who partners with city agencies, affordable housing developers and other nonprofits.

We know that there are massive barriers to obtaining housing for the homeless people of New York City. These barriers are even more prominent for those community members who have histories of incarceration. Maintaining practices that push people further away from obtaining safe, affordable housing only perpetuates cycles of institutionalization, trauma, and involvement in crisis systems. Formerly incarcerated people are nearly ten times more likely to experience homelessness than the general public. Being unable to access housing forces people into unstable, uncomfortable situations at best, and dangerous, sometimes illegal situations at worst. Fair Chance for Housing is a step in the direction of dismantling these barriers so that people can find a home and start to rebuild their lives.

We encourage NYC Council to take this step, to be a part of a change that will significantly impact the homeless crisis in our city, and expand affordable housing access for people who are justice-involved. We know that housing, particularly supportive housing, helps to reduce recidivism. Through the Mayor's Taskforce on Behavioral Health and Criminal Justice System, Justice-Involved Supportive Housing (JISH) was developed. JISH builds upon the Frequent Users Systems Engagement (FUSE) initiative that CSH piloted in collaboration with NYC over a decade ago. The FUSE project identifies the highest utilizers of jail, shelter, and healthcare systems, and assists them in obtaining housing and stabilization through engagement in services. The FUSE pilot was proven to significantly decrease shelter, hospital, and jail stays which resulted in an overall reduction of public costs related to those services.

In other words, housing works. It stabilizes lives, reduces crime, and makes communities healthier. There is also no evidence that supports the idea that someone with a criminal history is more likely to be evicted or be a "bad" tenant.

I'd be remiss if I did not also take this opportunity to spotlight the fact that homelessness, law enforcement interaction, and incarceration all impact Black and Latine communities at highly disproportionate rates. Historically racist systems and practices have perpetuated generational

cycles of poverty and over representation of minority populations in crisis systems. This comes at a high cost, both literally and figuratively- the costs of maintaining crisis systems, high ED use, as well as the cost of housing someone in jail or prison is far higher than the investment it would take to get folks housed. These are the costs for tax payers. The other “costs” are paid by folks experiencing homelessness themselves: they are far more likely to have unaddressed physical and behavioral health issues, at higher risk for infections, complications, and being subject to violence. Continuing business as usual only guarantees that we will continue to perpetuate harm and penalize people who have already “paid their debt”. Fair Chance for Housing offers an opportunity to help break some of these cycles, and start building healthier, safer communities for all.

Cryder Point Owners Corp.
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**TESTIMONY OF JILL DAVIS BEFORE THE NEW YORK CITY COUNCIL COMMITTEE
ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the President of Cryder Point Owners Corp., a cooperative community containing 329 units of middle-class housing in Whitestone, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to ensure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between someone who committed a minor offense 25 years ago from someone who committed a recent heinous crime.

In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Co-ops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Co-op with no one having any awareness of that individual's past illegal acts.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area and throughout New York City. Clearly, Co-op Boards and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Co-op community asks is this exemption be extended to entire Co-op communities where homeowners live in close quarters with each other and simply want to maintain the right to safeguard their communities.

Respectfully submitted,



Jill Davis, President
Cryder Point Owners Corp.
December 9, 2022



**Testimony of Baaba Halm
Vice President and New York Market Leader
Enterprise Community Partners, Inc.**

**For the New York City Council
Committee on Civil and Human Rights**

December 8th, 2022

My name is Baaba Halm, and I am Vice President and New York Market Leader at Enterprise Community Partners, a national nonprofit that exists to make a good home possible for the millions of families without one. We support community development organizations on the ground, aggregate and invest capital for impact, advance housing policy at every level of government, and build and manage communities ourselves. Since our New York office opened in 1987, we have committed more than \$5 billion in equity, loans, and grants to affordable housing and community to create or preserve over 81,000 affordable homes across New York State. On behalf of Enterprise, I want to thank Chair Williams and the New York City Council Committee on Human Rights for the opportunity to testify today on Intro 632, also known as the ‘Fair Chance for Housing’ bill, and the tremendous hurdles that New Yorkers impacted by the criminal legal system face when trying to find safe, permanent, and affordable housing.

As part of our Regional Affordable and Fair Housing Roundtable, co-convened with the Fair Housing Justice Center, Enterprise advocates for protections for New Yorkers impacted by the criminal legal system in New York City and on the state level. We also lead a training series focused on educating landlords about anti-discrimination policies and best practices for housing for people with a history of criminal legal system involvement. We also provide grants to support proven housing models to expand housing access for these New Yorkers.

We know that providing access to housing makes our communities safer and is a crucial part of successful reentry. Yet, New Yorkers impacted by the criminal legal system face significant discrimination when trying to find housing, which also contributes to our city’s homelessness crisis. New York City’s Department of Homeless Services testified in December 2021 that 28% of the population increase in single adult shelters over the previous 18 months are people with a conviction history. Nationally, individuals with criminal legal system involvement are 10 times more likely to be homeless than the general public.¹ Housing discrimination against people with

¹ 3 Louis Coulote, Nowhere to Go: Homelessness Among Formerly Incarcerated People, Prison Pol’y Initiative, Aug. 2018, <https://www.prisonpolicy.org/reports/housing.html>. (last visited Jan. 15, 2022).



legal system involvement impacts over 750,000 individuals in New York City, almost 80% of whom are people of color.²

As a member of the Fair Chance for Housing Coalition, we support the intentions of Councilmember Powers' Intro 632 as a way to combat this housing discrimination, which would make it an unlawful discriminatory practice for housing providers to do criminal background checks, inquire about arrest or conviction record or to deny or take adverse action based on an arrest or conviction record. We do recognize the need for further conversation with housing providers to find a meaningful path forward to address outstanding areas of concern.

In closing, thank you again for the opportunity to testify today and for your continued leadership to address housing insecurity and reducing housing barriers for New Yorkers impacted by the criminal legal system. We look forward to working with you to ensure equitable reentry and stable housing for this population.

² Becca Cadoff, M.P.A., Erica Bond, J.D., Preeti Chauhan, Ph.D., & Allie Meizlish, J.D., Criminal Conviction Records in New York City (1980-2019), Data Collaborative for Just. At John Jay Coll., Apr.2021, <https://datacollaborativeforjustice.org/work/communities/criminal-conviction-records-in-new-york-city-1980-2019/> (last visited Jan 25, 2022). The number does not include arrests.

December 7, 2022

Greetings New York City Council Members:

My name is Robert O'Connor, and I work with the policy and advocacy team at Exodus Transitional Community. Exodus is a preventative, reentry, and advocacy non-profit organization located in East Harlem. We appreciate the opportunity to work together with the Fair Chance for Housing campaign to prohibit discrimination against justice-impacted individuals who are seeking housing. We serve over 3,000 justice-impacted New Yorkers annually, helping them to successfully reenter society. Housing is key to their stability, as well as to the other 750,000 New Yorkers with criminal convictions and their families.

Reform of the criminal legal system must extend beyond prisons. Nowhere is that more evident than in the ability of landlords to outright deny a potential tenant the ability to rent an apartment because of a past criminal conviction. Few things are more crippling for an individual transitioning from incarceration to the community than not having a place to live. There is an abundance of research showing that gainful employment and securing housing reduce recidivism; however, we personally see the harms of housing discrimination daily. At Exodus, we have over 80 participants actively looking for housing right now. Time and time again, our folks are denied solely because they have prior convictions. These are New Yorkers who are working and have responsibilities and families. They have completed treatment and have been deemed housing ready by staff. It should also be noted that criminal background checks conducted by landlords are through unregulated systems that often produce errors. One lawsuit claims that a single background check company produced 11,000 inaccurate renter background reports between 2014 and 2019.

The Fair Chance for Housing Act is not asking for taxpayer money to solve a social issue. It is simply asking for fairness. **When a justice-impacted New Yorker can demonstrate their ability to pay the rent, prejudice based past criminal convictions should go by the wayside.** Furthermore, the Fair Chance for Housing Act seeks to bring a new narrative that defines us as a society. Instead of being a burden on the allocation of funds on an overburdened shelter system, people will be free to rent an apartment and move on with their lives. The savings accrued from the city's budget can then be used to support other social issues, such as our City's current mental health crises. So, the question becomes why are we perpetuating homelessness by allowing discrimination of housing ready New Yorkers? Why are we feeding into fearmongering by multi-million-dollar real estate corporations who are already being subsidized by huge tax breaks? Why are employed New Yorkers living in our shelter system? This must end. Fair Chance for Housing must be passed today. Housing is vital to the social fabric that clothes our dignity and humanity.

Please do not feed into the fearmongering you have heard today. Listen to the individual stories of people, like Kandra Clark, our VP of Policy & Strategy, who couch surfed on and off for 5 years before finding a landlord that would rent her a studio apartment. She did all this while working and going to school fulltime. Only to then continue to face discrimination another 5 years later before finding a one-bedroom apartment. As an Executive with a Master's Degree, she continued to face discrimination. This is the type of person that the real estate developers want to keep from renting apartments. They want to perpetual punishes us for the rest of our lives. This is not fair and Fair Chance for Housing will prevent this from happening.

It is my hope that you will find a place in your hearts to give the Fair Chance for Housing Act a home. Please pass Intro 632 today! Thank you.

Robert O'Connor
Policy/Advocacy Intern

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**Testimony of Britny McKenzie, Policy Coordinator
Fair Housing Justice Center (FHJC)
Hearing of the New York City Council Committee on Civil and Human
Rights
Fair Chance for Housing Act, Intro. 0632
December 8, 2022 – 10:00 a.m.**

My name is Britny McKenzie, and I am the Policy Coordinator at Fair Housing Justice Center, Inc. (FHJC). I appreciate the opportunity to provide this written testimony to the New York City Council’s Committee on General Welfare and the Committee on Civil and Human Rights regarding this crucial legislative initiative under consideration.

The FHJC is a non-profit civil rights organization based in New York City. Our mission is to eliminate housing discrimination, promote policies that foster open, accessible, and inclusive communities, and strengthen the enforcement of fair housing laws. The FHJC provides counseling on fair housing rights, investigative assistance, testing, referrals to administrative agencies and cooperating attorneys, and files enforcement actions to stop and prevent housing discrimination. FHJC testing was used as evidence in a recent lawsuit that resulted in New York City changing its policy regarding the use of criminal background checks in City-funded housing developments, and as a result, applicants are no longer automatically barred from applying.¹

We write to strongly support Int. No. 0632, which would prohibit housing discrimination in rentals, sales, leases, subleases, or occupancy agreements in New York City because of an applicant’s arrest or conviction record. As an arrest is not a final adjudication of a crime, it should never be the basis for barring an individual from housing or treating them differently in any way. For this reason, New York State law prohibits inquiries by housing providers about arrests.² The use of past criminal convictions to exclude someone from housing should also be prohibited. Individuals who have been

¹ [NYC Changes Background Check Policy for City-Funded Housing Following FHJC Investigation and LAS Lawsuit](#)

² <https://www.nysenate.gov/legislation/laws/EXC/296>

subject to incarceration have served their sentences and should not continue to be punished by housing providers. This facially neutral tenant selection criterion has a disparate impact on Black and Latino individuals, who are disproportionately represented in criminal legal system involvement. Despite that, Black individuals represent only 12 percent of the overall U.S. population; 33 percent of incarcerated people are Black. Among Black men, one in four will go to prison during their lifetimes. On the other hand, whites make up 64 percent of the overall population but account for only 30 percent of those incarcerated.³ By contrast, only 1 out of every 23 white males is expected to go to prison.⁴ A similar pattern exists among women: 4 percent of Black women, 1.5 percent of Hispanic women, and less than one percent of white women will enter prison.⁵

As part of the larger restorative justice movement in this nation, we need to reinstate the rights of formerly incarcerated people and give them a fair chance to obtain housing. Formerly incarcerated people are nearly ten times more likely to be homeless than those in the general population, and formerly incarcerated Black people are more likely to experience homelessness in comparison to their white counterparts.⁶ Rights to be free of discrimination based on arrest and conviction records have been restored in the area of employment in New York⁷ and around the country. Restoring fair housing rights is equally important.

At this moment, much of the nation is engaged in a conversation about racial justice, equity and seeking to find ways to heal and repair the harm caused by systemic racism in housing, education, employment, health care, and the criminal legal system. New York City should move forward and pass the most progressive legislation in the country regarding protections against housing discrimination against those with criminal legal system involvement. We strongly urge you to support the passage of Int. 0632.

Thank you.

³<https://www.pewresearch.org/fact-tank/2020/05/06/share-of-black-white-hispanic-americans-in-prison-2018-vs-2006/>
<https://www.pewresearch.org/fact-tank/2019/04/30/shrinking-gap-between-number-of-blacks-and-whites-in-prison/>

⁴ <https://bjs.ojp.gov/content/pub/pdf/Llgsfp.pdf>

⁵ <https://bjs.ojp.gov/content/pub/pdf/Llgsfp.pdf>

⁶ <https://www.prisonpolicy.org/blog/2021/02/10/homelessness/>

⁷ [Legislation | NY State Senate \(nysenate.gov\)](https://www.nysenate.gov/legislation)

⁸ <https://www.nyc.gov/site/cchr/law/chapter-1.page>

Thank you esteemed members of the New York City Council. I appreciate the opportunity to address my concerns over the "Fair Chance Housing Act" bill #632 proposed by Councilmember Keith Powers and supported by many of you.

My name is Myrna Calderon. I am the board president of one of the largest privately owned and funded cooperatives in the City of New York, located in The Bronx, Fordham Hill Owners Corporation.

We just proudly celebrated our 40th anniversary of turning renters into owners, people who look just like me.

We are proud to say we are a diverse, multicultural, intergenerational, working class community of various financial means. Our 9 buildings plus one rental building campus prides itself in the safety and security we provide to our shareholders and residents. In fact it is one of our major selling points. When residents and visitors enter our complex, they can exhale and let their guards down; yes we have been called the "Oasis" in The Bronx.

This bill in its present form will shatter that assurance.

Our main job as a cooperative board is to ensure the financial stability of our corporation and the safety of our residents. This bill will prevent this board and other cooperative boards from doing the jobs we were elected to do. We currently rely on criminal and terrorist background checks, not to exclude potential residents but to better make an informed decision. We owe that to our retired seniors to ensure that the person who lives next door to them will be vetted to the best of our ability. We have many single women, nurses, who work crazy hours that deserve to feel safe when they get home.

When the city talks about affordable housing, we are the definition of that. Indeed when families are being priced out of Inwood and Washington Heights, they find a safe, affordable place to land at Fordham Hill. We ask you to reconsider your support for this egregious bill that will hurt the very communities you claim to want to help .



**TESTIMONY OF
THE FORTUNE SOCIETY**

**THE COMMITTEE ON PUBLIC HOUSING
OF THE NEW YORK CITY COUNCIL**

250 Broadway,
New York, NY

Thursday, December 8th, 2022

SUBJECT: Fair Chance for Housing

PURPOSE: To discuss the need to end housing discrimination against people with conviction histories.

Presented by

Andre Ward

Associate Vice President, David Rothenberg
Center for Public Policy

The Fortune Society
29-76 Northern Blvd.
LIC, NY 11101
212-691-7554 (phone)

Good afternoon, Council Committee Chair Williams and Members of the Committee, and Council Member Powers:

My name is Andre Ward. I am the Associate Vice President of The David Rothenberg Center for Public Policy at the Fortune Society. The Fortune Society is a 55-year-old organization that supports successful reentry from incarceration and promotes alternatives to incarceration, thus strengthening the fabric of our communities. We do this by believing in the power of people to change; building lives through service programs shaped by the experiences of our participants; and changing minds through education and advocacy to promote the creation of a fair, humane, and truly rehabilitative justice system.

I would first like to draw your attention to one very important video linked in my written testimony. The video is titled Why We Need Fair Chance for Housing for Justice Involved Individuals. Neighbors describe feeling no less safe while living in a building with someone who had been incarcerated. A landlord extends his gratitude to his tenants who were previously incarcerated, “for when [people with criminal legal system involvement] have a place, they cherish it, they take care of it, and they really become an example for the building and an example for all tenants”.¹ Everyone is deserving of a safe place to live and housing providers should not define people by their legal system involvement.

At the Fortune Society, one of the first things that more than a quarter of our new clients say to us is that they are homeless or unstably housed. This is a constant plea from the individuals walking through our doors. Many times, participants meet all of the requirements to have a housing application accepted; however, in far too many instances, acquiring a place to call home is an uphill battle because of their past criminal legal system involvement. Occurrences like these were the driving force behind the development of the Fortune Society’s Castle Gardens apartment building, a mixed-use affordable and supportive housing development in West Harlem. Approximately 90,000 square feet of residential space is composed of 113 units; 50 supportive apartments for homeless individuals with a history of criminal legal system involvement, 13 supportive family apartments for homeless families with at least one member who is formerly incarcerated, and 50 affordable apartments for the greater community.² Castle Gardens residents have lived next door to each other and in the community safely for 12 years.

Next door to Castle Gardens is the Fortune Academy (also known as The Castle), which provides emergency short-term and longer-term supportive housing to homeless formerly

¹ The Fortune Society. (2022, August 9). “Why We Need Fair Chance for Housing for Justice Involved Individuals”. *YouTube*. Retrieved November 16, 2022 from <https://www.youtube.com/watch?v=XFo8zklwZfs&t=1s>; The Fortune Society. (2022, August 29). “Incarceration Should Not Define Us”. *YouTube*. Retrieved November 16, 2022 from <https://www.youtube.com/watch?v=bVWleluGNMo>.

² Nagrecha, M., & Page, J. (n.d.). “How The Fortune Society Achieved a Triple Bottom Line with Castle Gardens”. Retrieved November 11, 2022 from <https://fortunesociety.org/wp-content/uploads/2017/05/Castle-Gardens.pdf>.

incarcerated people.³ The same community that had initially expressed opposition to development of the Castle actually embraced the concept of Castle Gardens, because Castle residents were seen as good neighbors.⁴ Community groups now use our space for meetings and neighbors bring their children to our block party and Haunted House events.

It is important to consider this bill in the following context: there is an ongoing housing crisis in New York City that is only getting worse.⁵ It is well-documented that people with criminal legal system histories face barriers to obtaining housing.⁶ The number of New Yorkers living in city shelters on a nightly basis has grown by more than 30% since the beginning of 2022 to nearly 65,000 residents with 15,000 to 20,000 of those people caught in the cycle of homelessness and incarceration.⁷ Housing discrimination based on an individual's conviction record perpetuates homelessness, and undermines families' opportunity for mobility and success across generations. When an individual is denied an apartment, often a whole family is denied a home. Advocates are committed to setting up New Yorkers to heal and move forward with their lives, but cannot achieve this goal without the City ending this harmful form of discrimination.

In addition to being a family justice issue, access to housing is a racial justice issue. The federal Fair Housing Act of 1968 (FHA),⁸ which was enacted to end racial discrimination in housing, has been interpreted by the federal government to also prohibit housing providers from enacting blanket bans against people with convictions, since they are disproportionately Black and brown.⁹ Yet this form of discrimination is alive and well in New York City. In fact, Fortune recently brought a federal lawsuit against a marketing agent for affordable housing for uniformly screening out applicants with conviction histories, in clear violation of NYC Housing

³ Id.

⁴ The Fortune Society, The Prisoner Reentry Institute at John Jay College of Criminal Justice. (n.d.). "In Our Backyard: Overcoming Community Resistance to Reentry Housing (A NIMBY Toolkit)". Retrieved from <https://fortunesociety.org/wp-content/uploads/2017/05/Community.pdf>.

⁵ (2018, November 29) "NYC For All: The Housing We Need." *New York City Comptroller Brad Lander*. <https://comptroller.nyc.gov/reports/nyc-for-all-the-housing-we-need/>.

⁶ Frances, C. (2022, June 27). "HUD launches agency-wide effort to reduce housing barriers for people with criminal records". Retrieved November 28, 2022, from <https://csgjusticecenter.org/2022/06/27/hud-launches-agency-wide-effort-to-reduce-housing-barriers-for-people-with-criminal-records-2/>.

⁷ Davis-Merchant, T. (2022, October 20). "Three immediate steps to curb NYC homelessness". *New York Daily News*. Retrieved November 15, 2022, from <https://www.nydailynews.com/opinion/ny-oped-three-immediate-steps-curb-nyc-homelessness-20221020-bzyf3uyrvnd3tk3rrjpy2fd3mu-story.html>.

⁸ 42 U.S.C. §§ 3601-3619, 3631.

⁹ U.S. Department of Housing and Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions* (Apr. 4, 2016), https://www.hud.gov/sites/documents/hud_ogcguidappfhastandcr.pdf.

Preservation & Development policies, and in violation of the FHA.¹⁰ This practice is alleged to have produced a severe disparate impact on Black and brown applicants.¹¹

Importantly, in addition to recognizing the racial disparities caused by the use of criminal background checks, the federal government has also recognized and recently stated that private landlord use of criminal background checks is simply not logical.¹² The ideology that running a criminal background check on a person is an accurate way to evaluate their character is untrue, in fact, private background checks from third-party businesses are unregulated and can be wildly inaccurate. The reporting of inaccurate negative information contributes to difficulty finding housing, and result in people living farther from reentry programs and services, paying more in rent and fees, and undermining household financial stability.¹³ Truly, there is no independent or publicly available evidence that tenant screening reports are either reliably predictive of future rental behavior or otherwise reduce risks and costs to landlords.¹⁴ Landlords often do background checks under the guise of “safety,” but research shows that denying people stable housing can escalate risk of crime. For example, several studies suggest that an increased risk of recidivism among those on parole is linked to residential instability.¹⁵ Studies also found that an increased chance of re-arrest among individuals who have been incarcerated in the past and those who are on parole is linked to homelessness.¹⁶ Qualitative research emphasizes this point further; people returning from prison view stable housing as

¹⁰ Rayman, G. (2022, October 31). “NYC-Approved Company Caught Immediately Rejecting Low-Income Housing Applicants for Having Criminal Records: Lawsuit.” *N.Y. Daily News*. <https://www.nydailynews.com/new-york/nyc-crime/ny-lawsuit-nyc-housing-discrimination-criminal-records-20221031-larr3sy6afdjtjnno6yplyseni-story.html>. This is the second such lawsuit Fortune has initiated, as the problem has not abated. In 2014, Fortune brought a federal lawsuit under the federal Fair Housing Act based on what appeared to be a blanket ban against formerly incarcerated people. In 2019, the case was settled for nearly \$1.2 million in one of the largest settlements to date in a case alleging a blanket ban on renting to people with conviction records. *The Fortune Society vs. Sandcastle Towers Housing Development Fund*, (E.D.N.Y. 2015) (No. 1:14-cv-6410), <https://www.relmanlaw.com/cases-fortune> (includes Amended Complaint, Memorandum and Understanding, and summary of the case); Mireya Navarro, *Lawsuit Says Rental Complex in Queens Excludes Ex-Offenders*, *N.Y. TIMES* (Oct. 30, 2014), <https://www.nytimes.com/2014/10/31/nyregion/lawsuit-says-rental-complex-in-queens-excludes-ex-offenders.html? r=0>

¹¹ *The Fortune Society vs. iAfford*, (E.D.N.Y. 2022), (No. 1:22-cv-06584). https://www.relmanlaw.com/media/cases/1353_iAfford%20-%20filed%20and%20stamped%20complaint.pdf (includes Complaint).

¹² (2022, November 15). “CFPB reports highlight problems with tenant background checks”. *Consumer Financial Protection Bureau*. Retrieved November 16, 2022 from <https://www.consumerfinance.gov/about-us/newsroom/cfpb-reports-highlight-problems-with-tenant-background-checks/>

¹³ (2022, November 15). “CFPB reports highlight problems with tenant background checks”. *Consumer Financial Protection Bureau*. Retrieved November 17, 2022 from <https://www.consumerfinance.gov/about-us/newsroom/cfpb-reports-highlight-problems-with-tenant-background-checks/>

¹⁴ *Id.*

¹⁵ Steiner, B., Makarios, MD., & Travis, L. (2015). “Examining the effects of residential situations and residential mobility on offender recidivism”. *Crime & Delinquency*, 61(3), 375–401. 10.1177/0011128711399409.

¹⁶ Clark, V. (2016). “Predicting two types of recidivism among newly released prisoners: First addresses as “launch pads” for recidivism or reentry success”. *Crime & Delinquency*, 62(10), 1364–1400. 10.1177/0011128714555760.

one of the key components of recidivism prevention.¹⁷ Similarly, New Yorkers view access to stable housing as critical to public safety.¹⁸

For all of these reasons, the Fortune Society has been a staunch supporter of the Fair Chance for Housing Act. We also trust that this Committee and the broader City Council will monitor the implementation of the bill should it become law to ensure that people benefit from its passage.

We thank Council Member Powers for introducing and championing this important bill, and you, Chair Williams for your support of it and for holding this hearing.

¹⁷ Jacobs, LA. & Gottlieb, A. (2020 September). "THE EFFECT OF HOUSING CIRCUMSTANCES ON RECIDIVISM: Evidence from a Sample of People on Probation in San Francisco". *Crim Justice Behav.* 47(9):1097-1115. doi: 10.1177/0093854820942285.

¹⁸ NYC Housing Preservation & Development. (2022, November 14). "Helping New Yorkers access high-quality housing more quickly". *The official website of the City of New York*. Retrieved November 23, 2022, from <https://www.nyc.gov/site/hpd/news/054-22/mayor-adams-takes-major-steps-help-new-yorkers-access-high-quality-housing-more-quickly-move>.



HOUSING RIGHTS INITIATIVE

I would like to thank the committee for letting me provide this testimony today.

My name is Nick Peters and I am the policy associate for the housing watchdog group Housing Rights Initiative (HRI). Our organization was founded in 2016 with the goal of taking a proactive and systematic approach to targeting, investigating, and fighting fraudulent real estate practices, promoting fair housing, and connecting tenants to legal support.

Over two years ago, HRI began diverting some of our time and resources to combating housing discrimination. Our organization has educated tens of thousands of people on this issue and our investigations led to a lawsuit in 2021 against 88 real estate companies for discriminating against Section 8 voucher holders as well as one this year against 124 companies for discriminating against CityFHEPS voucher holders — the largest fair housing lawsuits by defendant size in New York City’s history.

The Fair Chance for Housing Act will ensure support for a population that deeply lacks any protections in finding housing, which has led to rampant discrimination against people who have served time.

This bill is essential for the moral fabric of our city. Those who are formerly incarcerated face too many roadblocks in order to find safe and secure housing, with many ending up in shelters or back in prison. If New York City wants to be tough on crime, it should seek to prevent crime from happening in the first place by ensuring a roof over people’s heads.

Over 40 percent of individuals released from State prisons to New York City have gone right into our shelter systems since 2015.¹ Homelessness is not just morally reprehensible, it is fiscally irresponsible. Homelessness increases shelter costs, court costs, law enforcement costs, hospital costs, sanitation costs, unemployment costs – all costs.

New York City passing the Fair Chance for Housing Act is a moral necessity. Where do we want the formerly incarcerated to go? These individuals won’t disappear, and they urgently need homes just like any other New Yorker. These are New Yorkers who have served their time and should now be integrated back into society. That integration is made much more difficult when the entire housing industry is actively barring these individuals from having a place to call home. This legislation is not just pivotal to reducing crime and the cost of homelessness, it is beneficial to the countless tenants who are being discriminated against, taxpayers, and society as a whole.

With this all being said, Housing Rights Initiative would like to voice its unequivocal support for the City Council to pass Intro 632.

I thank the committee for their time today.

Nick Peters
Policy Associate
Housing Rights Initiative

¹ <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>



**LatinoJustice PRLDEF Testimony to the
Committee on Civil and Human Rights
December 8, 2022**

Dear Chair Williams and members of the Committee on Civil and Human Rights, LatinoJustice PRLDEF submits this testimony in support of the passage of Intro. 632, the Fair Chance for Housing Bill. Founded in 1972 as the Puerto Rican Legal Defense and Education Fund, is a national not-for-profit civil rights organization that advocates for and defends the constitutional rights of Latinos under the law. LatinoJustice has challenged discriminatory policies and practices in the areas of criminal justice and immigrant rights by suing police departments, correctional institutions, and federal law enforcement agencies, including the Department of Homeland Security and Immigration & Customs Enforcement. During its nearly fifty-year history, LatinoJustice has also brought impact litigation to address discrimination against Latinos in education, employment, fair housing, language rights, redistricting, and voting rights.

The Fair Chance in Housing Bill will end prohibit housing discrimination based on criminal history, which in practice is used as proxy to engage in racial discrimination. Black and Latino people are disproportionately treated at every step of the criminal process—they are overpoliced, over-convicted, and over-incarcerated. Latinos make up only eighteen percent of the population of New York State, but comprise twenty-three percent of those incarcerated in state prisons.¹ These disparities are even greater for the Black population—fifteen percent of the adult New York population is Black, but forty-eight percent of those in state prisons are.²

Given these disparities, it is not surprising that housing discrimination based on criminal history often operates as a stand-in for housing discrimination by race. Eighty percent of the New Yorkers with a criminal conviction are Black and Latino. This discrimination is overtly tied to race—Martha Stewart, Paul Manafort, and Michael Cohen did not face housing discrimination based on their criminal convictions when they returned from prison, but thousands of young Black and Latino New Yorkers do. And it is unlikely, for example, that your former colleague, Chaim Deutsch, who was sentenced to three months in prison for criminal tax fraud, will be

¹ New York State Department of Criminal Justice, “[NYS Adult Arrests and Prison Sentences by Race/Ethnicity in 2019](#).”

² *Id.*



turned down by a potential landlord because of his criminal record. But all of you have constituents who have been.

The fact that criminal background checks are simply a proxy for race discrimination is most clearly shown by the fact that landlords currently may deny housing based solely on an *arrest*, even if the person was never charged with a crime. The New York Police Department engaged in a decades-long campaign of racial profiling, leading to a lawsuit brought by impacted people represented by a half-dozen civil rights organizations, including LatinoJustice. Even today, the racial disparities in arrests are even more stark than for convictions: in the last full pre-COVID year, Black New Yorkers made up 24% of New York's population but nearly half of those arrested. And Latinos made up 29% of the population but 34% of arrests.³ Even those who might try to justify discriminating against a person because they were convicted of a crime cannot legitimately claim that those who were arrested and never convicted—that is, wrongfully arrested—should be subjected to discrimination. The racial disparities in the population being discriminated against expose the lie that landlords are seeking to do anything but discriminate by race.

Creating housing instability for those returning from prison decreases public safety for everyone. First and foremost, it endangers those who are unable to find safe and secure housing. In 2008, the most recent year for which data are available, two percent of all formerly incarcerated people were homeless, a rate nearly ten times that of the general population. And, unsurprisingly, Black and Latino men were substantially more likely to find themselves homeless after incarceration than white men.⁴ And, as Coalition for the Homeless reported this year, nearly eleven percent of those entering the shelter system cited release from jail or prison as the reason they were homeless, and every year since 2015, forty percent of those released from state prisons were released directly to shelters.⁵ And the shelter system is overburdened, underfunded, and dangerous, increasingly so when people are placed in congregate settings that are susceptible to the spread of COVID-19. Many of these people would be able to find housing if they were not subject to discrimination that is currently legal under New York law.

³ Bill Hutchinson, [Blacks Account for nearly half of all NYC arrests 6 years after end of stop-and-frisk: NYPD data](#), ABC News, June 30, 2020.

⁴ Lucius Coloute, [Nowhere to Go: Homelessness among formerly incarcerated people](#), Prison Policy Institute, 2018. Data were not available for Latino women.

⁵ Coalition for the Homeless, [State of the Homeless 2022](#),

In his oral testimony today, LatinoJustice’s National Director of Criminal Justice, Jorge Renaud, spoke of his experience facing housing discrimination in Texas—despite being released from incarceration fourteen years ago, obtaining a masters’ degree, and leading the work of a national organization. Mr. Renaud has an extraordinary story, but it is unfortunately the exception. More often, people who face housing discrimination and housing instability are more likely to engage in conduct that reduces public safety. A person living in safe and secure housing conditions is less likely to harm others, and less likely to harm themselves. Preventing people with criminal convictions from obtaining secure housing does not make those people magically disappear; instead they end up living in shelters or the streets, where more desperate conditions can lead them to engage in harmful conduct. New Yorkers want to see people housed, and they want to see homelessness reduced. While the supply of affordable housing in New York must be drastically increased—something within the counsel’s power for another day—passing the Fair Chance in Housing Act can serve as a key plank in addressing the city’s homelessness crisis and recent concerns about public safety.

While Fair Chance in Housing is a significant step forward, it will not eliminate housing discrimination based on criminal history completely. Most significantly, the New York City Housing Authority will continue to conduct criminal background checks and exclude some people from housing based on the results. The agency is in the process of implementing a rule proposed in 2020 that provides greater access to NYCHA housing for those with prior convictions,⁶ the agency should go further and adopt a rule that it will not deny any housing applicants based on a criminal background check except as required by federal law.⁷ And even with Fair Chance in Housing passed, landlords would still be able to discriminate against those who have been placed on registries, one plank in New York’s draconian policy which, as Justice Sotomayor wrote this year “requires indefinite incarceration for some indigent people judged to be sex offenders.” *Ortiz v. Breslin et al.*, 595 U.S. ___ (2022), Sotomayor, J., *Statement respecting the denial of certiorari*, Feb. 22, 2022. While these issues of continuing discrimination can be

⁶ New York City Housing Authority, [New York City Housing Authority Changes to Policies Related to Criminal Justice](#), September 2020.

⁷ Federal regulations require the denial of public housing for those convicted of certain offenses, so NYCHA could not on its own fully end housing discrimination in its units. *See* 24 C.F.R. § 960.204(a)(3) and § 960.204(a)(4).

addressed in the future, Fair Chance in Housing provides the best opportunity to reduce such discrimination dramatically right now.

As you all know, the city's homelessness crisis has been exacerbated by politicians in Texas and Florida who have illegally trafficked asylum seekers to exploit the racial animus of their political base for personal gain. These stunts are meant to get New York—and New Yorkers—to sympathize with the white nationalist rhetoric that has become all too normalized in America. We are meant to see our neighbors as threats. We are asked to judge anyone who has been arrested as a dangerous criminal. But New Yorkers are smarter than that, and we are better than that. Passing Fair Chance in Housing will do a great deal to help our most vulnerable find home security. It will increase public safety and reduce homelessness. And if that were not enough, it will send a signal to those in other states who hope to drag us down to their level that New Yorkers still believe in core American values—diversity, non-discrimination, and concern for our fellow human beings.

Testimony of the New York Residential Agent Continuum (NYRAC) re: Intro 2022- 0632

Chair Williams, Majority Leader Powers and members of the New York City Council Committee on Civil and Human Rights.

The **New York Residential Agent Continuum** (NYRAC) is an organization of civically-minded residential real estate professionals in New York City who embrace innovation, transparency, and cohesion within the residential brokerage industry. Our mission is to elevate the ethical standards of our profession, advocate on behalf of agents and consumers, and collaborate with industry leaders to ensure the health and future of New York City.

We are also leading voices within the industry who frequently speak out strongly against housing discrimination. In February of 2020, we traveled to Albany to support a package of legislation that eventually passed the State Legislature and was signed by the Governor which mandated additional training for real estate agents on housing discrimination, implicit bias and cultural competency.

Additionally, we have met with a group of managing agent stakeholders in an attempt to improve the process for condo and coop applications – advocating for more transparency and efficiency, which would reduce if not completely eradicate the loopholes in which the boards & managing agents use to discriminate against purchasers.

As an organization, we stand by the goals and intents of Intro 2022-0632. However — we feel that property owners and renters need to have some degree of flexibility when it comes to determining whether a prospective buyer or renter has a criminal background. We ask that the Committee accept some of the recommendations made at the public hearing held on December 8, 2022 which ensures housing access **and** protects tenant safety.

We ask that you amend this bill to consider a preliminary process—which would not include a criminal background check—to first determine whether a candidate is deemed suitable (on issues such as credit or financials) to move forward in the rental or purchase process. After that preliminary process, a criminal background check may be conducted, if believed to be necessary.

A criminal conviction—particularly one that occurred many years ago—**should not** be the sole determining factor in rejecting any applicant, nor should the applicant be asked to relive the details of their experience time and time again. While more nuance and flexibility is needed within the justice system as a whole, our position is that recent convictions, especially ones against other persons or property may be taken into reasonable consideration in whether to approve the renter or buyer. Additionally, in a case where the applicant has a criminal conviction, that individual should be given the right to submit a letter from his or her defense attorney which can give proper context to the conviction, especially in cases of a plea bargain.

Everyone should have access to safe and secure housing. As was mentioned by REBNY during their testimony, the warranty of habitability in New York City has been determined by courts to mandate that residential tenants have the right to safe living space. Any new law which summarily prohibits criminal background checks contravenes this obligation of the property owner to protect tenants.

Finally, we want to commend Minority Leader Powers for continuing his long standing practice of listening to all voices on this issue. Including those of residents agents who stand behind all those that reside in NYC.

Sincerely, **Heather McDonough Domi** (NYRAC Chairperson)



NYRAC Board of Directors

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**Testimony of Julian Morales
On behalf of the New York Civil Liberties Union before
The New York City Council Committee on Civil and Human Rights
Regarding the Fair Chance for Housing Act (Bill Number Intro 632)**

Thursday December 8th, 2022

The New York Civil Liberties Union (NYCLU) is grateful for the opportunity to submit the following testimony regarding an oversight hearing on Intro 632 – the Fair Chance for Housing Act.

The NYCLU, the New York state affiliate of the American Civil Liberties Union, is a not-for profit, nonpartisan organization with eight offices across the state and over 180,000 members and supporters. The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution through an integrated program of litigation, legislative advocacy, public education, and community organizing.

Access to housing is critical to the ability to exercise our fundamental rights. Stable housing provides a foundation for employment, civic participation, health, education, and childhood well-being. However, many New Yorkers struggle to obtain safe, affordable, and stable housing. For the nearly 750,000 New Yorkers with conviction records,¹ discrimination by housing providers can make an already difficult housing search nearly impossible.

Today, New York City landlords, management companies, real estate brokers, and other housing providers may legally refuse to rent, sell, or sublease to a household solely on the basis of one family member having an arrest or criminal conviction record. Housing can be denied on these grounds regardless of the nature of the offense, how much time has passed, or even whether the information reported about them on a background check is accurate.

It is important to note that the accuracy of background checks currently used by housing providers can be unreliable. Today, New Yorkers have no recourse if they are rejected from housing due to a faulty background check, and indeed may be unaware that such a check was conducted. Common background check errors identified in a recent National

¹ Data Collaborative for Justice at John Jay College, Criminal Conviction Records in New York City (1980-2019), (2021), 1. Available at: <https://datacollaborativeforjustice.org/work/communities/criminal-conviction-records-in-new-york-city-1980-2019/>. Between 1980 and 2019, 745,924 individuals received criminal convictions in New York City.

Consumer Law Center analysis include mistaking the subject of the report with another person, incorrectly revealing sealed or expunged information, omitting information about how the case was disposed or resolved, containing misleading information, and mischaracterizing the seriousness of the offense reported.² Passing the Fair Chance for Housing Act would protect New Yorkers from harms caused by incorrect or inaccurate data.

The Fair Chance for Housing Act (Int. 632) would make it an unlawful discriminatory practice for housing providers to conduct criminal background checks or inquire about arrest or conviction record information at any stage in the application process with exceptions for unique living situations and to avoid conflicts with other laws. It would also make it unlawful to deny or take adverse action on the basis of an arrest or conviction record. The law would be enforced by the City Commission on Human Rights. Such reforms are a critical step towards ensuring no New Yorker is denied housing on account of their past, and towards remedying the harms of a racist criminal legal system.

Passing the Fair Chance for Housing Act will further racial justice in New York City. Racial inequities against communities of color are seen at every level of the criminal legal system, from aggressive surveillance and policing to overzealous prosecution to vastly disproportionate rates of incarceration among non-white communities. As a result, today almost 80% of people with conviction records in New York City are Black or Hispanic.³ We must not allow the racist impacts of our criminal legal system to continue to perpetuate harm to New Yorkers seeking to meet their basic human need for housing.

Passing the Fair Chance for Housing Act will also benefit a large number of New York's children. The positive impact of housing stability on childhood health and well-being is well documented in social science research.⁴ It is estimated that nearly half of all U.S. children — about 33 million to 36.5 million — have at least one parent with a criminal record.⁵ In New York City, it is currently legal to deny housing to these children if they have a family member with a record, undermining their opportunity to find stable housing and break cycles of poverty and housing insecurity.

New York City must follow the example of a growing list of cities including Seattle,⁶ Berkeley,⁷ and Oakland⁸ that have already banned discrimination based on conviction or arrest history by passing the Fair Chance for Housing Act.

The NYCLU strongly supports this bill and urges its immediate passage.

² National Consumer Law Center, Broken Records: How Errors by Criminal Background Checking Companies Harm Workers and Businesses, 2012, at 3-4. Available at: <https://www.nclc.org/images/pdf/pr-reports/broken-records-report.pdf>

³ *Id.* Between 1980 and 2019, 745,924 individuals received criminal convictions in New York City.

⁴ For an overview of current research findings, see: Patrick J. Fowler and Anne F. Farrell, Housing and Child Well Being: Implications for Research, Policy, and Practice, *Am J Community Psychol.* 2017 Sep; 60(1-2): 3–8. Available at: <https://www.ncbi.nlm.nih.gov/entrez/eutils/elink.fcgi?dbfrom=pubmed&retmode=ref&cmd=prlinks&id=28792062>

⁵ <https://www.americanprogress.org/article/criminal-records-create-cycles-multigenerational-poverty/>

⁶ Seattle Municipal Code § 14.08.050 (2016).

⁷ Ordinance No. 7,692-N.S., Berkeley Municipal Code Chapter 13.106 (2020).

⁸ Ordinance No. 13581, Oakland Municipal Code Chapter 8.25 (2020).



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**Testimony from the New York State Association of REALTORS®
New York City Council Committee on Civil and Rights
Hearing on Intro. 632 – Fair Chance for Housing Act
December 8, 2022**

Good morning, Chairwoman Williams and members of the Committee on Civil & Human Rights, my name is Melissa Gomez, and I am the 2022 Chair of the NYC Issues Working Group for the New York State Association of REALTORS®, Inc. I am also a licensed real estate broker with an office located in Queens Village and have been licensed for the past 20 years. NYSAR is a not-for-profit trade organization with approximately 13,000 licensed real estate professionals residing or working in the five boroughs of New York City and more than 64,000 members statewide.

I am first generation born in the USA from parents who migrated to New York from the Dominican Republic with literally zero dollars. The number one thing I was taught by my parents was work ethic. I work 7 days a week to help serve my community, sometimes sacrificing family time to do so with end goals on my mind to achieve something bigger for my family. I was a single mom for many years, doing everything on my own all while running a company and helping other Realtors® do what is best for our clients.

I thank you for the opportunity to testify today regarding introduction number 632. NYSAR strongly opposes this legislation in its current form due to the broad prohibition on criminal background checks. While I appreciate that the bill has been amended slightly since being introduced in 2020, it still goes farther than any other jurisdictions. These laws recognize the importance of knowing the criminal or arrest history of a prospective tenant, not just for the landlord and their property, but for their tenants as well.

I fully recognize that we have a housing crisis, but this bill falls short in addressing the root of the problem. There are violent criminals. There are criminals that are perpetual thieves. We have sincere concerns for the vulnerable in our city, including seniors, as they would be required to be housed next to convicted identity thieves, violent felons, and arsonists, for example. We also hope that the indemnification of housing providers is included in future discussions on this legislation. There are so many factors to consider here, not only for the landlord, but for the tenants that make that property their home as well.

This bill does not address the true issues we are facing and is instead punishes small housing providers. It's disappointing to see that NYCHA, NYC's largest landlord, would not need to oblige with this proposed bill because they are federally funded. While a small landlord like myself who is self-funded, owning a little multi-family in the Bronx, who struggled to put together

Jennifer Vucetic
President

John Vernazza
President-Elect

Joe Rivellino
Secretary/Treasurer

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my 20% down payment and 5% closing costs plus renovation costs, who couldn't rent it for months as I

went thru NYC's red tape to get my building completed, will have to comply with the law. Or my parents who sacrificed so much to come to this country, never took a handout, have been glad to pay taxes because this country gave them opportunities they didn't have before would have to do so on their properties as well. There are so many others who live in the outer boroughs that have similar experiences to me and my parents, all being punished with more legislation instead of getting any type of assistance or incentivization.

My biggest fear, especially as a minority and person who was a single mom for many years, is that legislation like this will increase discrimination in housing instead of help minimize it. People will use their preconceived notions as a reason to deny housing assuming that if you are black or brown then you must have been a criminal with no way for them to show anything differently. I know that is not the intent of the sponsors, but I do believe that we would be foolish to not recognize that illegal discrimination still exists in 2022.

Last, I believe there's a solution possible on this issue where we address the housing needs of people with conviction records as well as address the concerns of New York's housing providers. New York's REALTOR(S) look forward to participating in that discussion.

Jennifer Vucetic
President

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MEMORANDUM IN OPPOSITION

Int. No. 632 by Council Member Powers

Date: December 2022
Contact: Michael Kelly

On behalf of the New York State Association of REALTORS®, which represents more than 64,000 licensed real estate professionals statewide, including 13,000 members residing in New York City, we write in opposition to Int. 632 sponsored by Council Member Powers. This bill would prohibit housing discrimination based on arrest record or criminal history in sales, rentals, leases, subleases, or occupancy agreements in New York City. Landlords and real estate brokers would be prohibited from inquiring about criminal record information at any stage in the process, with limited exceptions.

REALTORS® recognize that all people need decent and safe housing, including those with criminal records. Many of our members have helped those previously involved with the criminal justice system access housing. Simply eliminating a key element of screening applicants for housing hurts other tenants by possibly placing them in dangerous situations.

Although the bill has been amended substantially since it was introduced during the last Council session, the prohibition on criminal history inquiries is still very expansive. For example, while the new bill exempts owners of duplexes from the prohibition on criminal history inquiries, owners of buildings with as few as three units would not be allowed to conduct a criminal background check. Furthermore, the bill's prohibition on criminal history inquiries now applies to purchases, which would impact thousands of New Yorkers who reside in condominiums and cooperatives. We must continue to oppose the bill because of this expansiveness.

We thank the sponsor for preserving some discretion for a real estate broker or landlord to deny or take other adverse actions against applicants based on criminal history, provided the broker or landlord can justify the adverse action in writing. This is similar to what other jurisdictions, including Seattle and San Francisco, have done with their fair chance laws. However, the expansive reach of the prohibition on criminal history inquiries means that many landlords and brokers wouldn't be able to conduct a criminal background check to begin with.

REALTORS® have long advocated for fair housing, most recently working with state lawmakers in passing significant fair housing reforms as well as working to expand access to housing through legislation like coop transparency in various counties throughout the State. REALTORS® are ready to continue to work with the New York City Council on the housing needs of all New Yorkers, including those with criminal records.

Jennifer Vucetic
President

John Vernazza
President-Elect

Joe Rivellino
Secretary/Treasurer

Duncan R. MacKenzie
Chief Executive Officer

**Testimony before the New York City Council
Committee on Civil and Human Rights**

Regarding Intro 632

December 8, 2022

Presented by:

Wendell Walters

Manager for Policy and Advocacy

Osborne Center for Justice Across Generations



Thank you for the opportunity to speak with you today. My name is Wendell Walters, and I am the Manager of Advocacy and Policy with Osborne Association's Center for Justice Across Generations. Osborne is one of the oldest and largest criminal justice organizations in the state, serving 10,000 participants each year. Osborne offers a full spectrum of services for those who are justice-involved and their families. From arrest to reentry, Osborne runs programming from five community sites, at 30 state prisons, and inside New York City's jails.

Osborne is a member of the Fair Chance for Housing campaign. As a service organization, we understand the reentry obstacles that returning citizens face. Reentry housing is by far the most prevalent challenge people face when they are released. We work with people reentering every day and we know that having a place to call home provides a level of stability they so badly need as they reconnect back into society. Unfortunately, the stigma of a conviction history is a burden that can stay with them for the rest of their lives. Whether they are recently released or have developed successful careers and have turned their lives around, they face the possibility of being denied housing because of an arrest or conviction.

Consider Joseph Bryant. Last month, Joseph, who is 35 and an Osborne program participant, walked into a leasing office in Brooklyn to start his search for an apartment after being released from Rikers Island nearly a year ago. He was eager to find a place of his own and, more than that, a welcoming space for his kids to visit. Moments later, he walked back out, having learned that his application was not welcome. The leasing agent had dashed Joseph's hopes – it hurt more than his first breakup, he said – and he felt totally alone.

There are many Joseph Bryants in New York City. He is one of nearly 750,000 New York City residents¹ – that's 11 percent of the adult population – who are effectively locked out of the hunt for housing altogether because they have an arrest or conviction record. Ninety percent of landlords² use criminal background

¹ Data Collaborative for Justice, April 2022, [Criminal Conviction Records in New York City \(1980-2019\)](#)

² The Crime Report, January 2021, [Background Checks and Blocked Opportunities: A Guide to Navigating Reentry](#)

checks that are notoriously inaccurate³ to evaluate prospective tenants. Research shows⁴ that a conviction record reduces by over 50 percent the probability that a landlord will allow a prospective tenant to even view an apartment. Joseph didn't even get that far.

A little background. The prison and jail populations in New York State have dramatically reduced in the last 20 years. NYS once had a prison population that topped 77,000; it now hovers around 30,000. Rikers Island held 22,000 individuals behind its walls and now has 5,500. Tens of thousands have returned to their communities seeking a second chance and the ability to start over. Many who seek a chance to renew their lives are forced into the shelter system because they have nowhere else to go. It's been reported that each year since 2015, more than forty percent of those released from prison to NYC enter overburdened shelters⁵, where there is no system of support to rebuild their lives.

We as a city and state must create more housing opportunities for the previously incarcerated. Funding and resources must be allocated for the creation of permanent and transitional supportive housing dedicated to this population. Osborne, along with others, is doing its part with the development of the Fulton Community Reentry Center in the Bronx, which will provide 140 beds of transitional housing, and the Marcus Garvey housing project, which has 52 units of permanent supportive housing - both for previously incarcerated older adults. But let's face it: we're not going to be able to build our way out of this. Other housing opportunities must be part of the reentry strategy, including creating greater access to public housing and preventing the private housing market from unfairly discriminating against those with a conviction history.

Housing stability is a matter of public safety. People are most vulnerable after release and that is when they most especially need the stability of proper housing. Being unhoused can impact an individual's ability to find gainful employment, continue an education, get medical and mental health care, and reunite with and provide for their families, including young children. They are even more likely to

³ The Markup, October 2020, [When Zombie Data Costs You a Home](#)

⁴ Journal of Experimental Criminology, March 2019, [Housing Access During Reentry](#)

⁵ Coalition for the Homeless, March 2022, [State of the Homeless 2022](#)

end up back in jail or prison if forced to navigate street life and unsafe shelters. Public opinion reinforces the critical importance of housing. In fact, when 62,000 New York City residents were asked in a survey to pick three public safety priorities, they most often chose affordable housing and reducing homelessness.⁶

New York City always seems to be in a housing crisis. Finding an affordable place to live has always been difficult, but with inflation, rising interest rates, and ever-increasing demand not matching the inventory, it is especially difficult. And that's just for the average New York City resident. Now imagine what it must be like for a person with a conviction record who was recently released from prison or was in prison many years ago and still carries that burden. That stigma does not go away and many landlords routinely disqualify these individuals through the use of criminal background checks, even though we know that a prior conviction does not correlate to whether or not you are a successful tenant⁷.

Even HUD has recognized this in recent guidance about how the use of criminal records can violate the Fair Housing Act. That guidance reads, in part, "Private housing providers should consider not using criminal history to screen tenants for housing. Criminal history is not a good predictor of housing success. Most housing providers are not required by law to exclude persons with criminal histories as tenants and can rely instead on other screening criteria that more closely relate to whether an applicant or resident would be a good tenant, such as ability to pay rent, prior rental history, or personal references."⁸

We also cannot ignore the obvious impact of this practice on and the gross overrepresentation of black and brown people in our criminal legal system: 80% of those with conviction histories are black and brown.⁹ The police and criminal legal system target black and brown people, and largely ignore the same crimes when committed by the wealthy and white people. The very process of applying for housing virtually exempts justice-involved people and families from a fair

⁶ New York City Speaks, April 2022, [New York City Speaks Dashboard](#)

⁷ U.S. Department of Housing and Urban Development, June 2022, [Implementation of the Office of General Counsel's Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#)

⁸ U.S. Department of Housing and Urban Development, April 2022, [Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs](#)

⁹ Data Collaborative for Justice, April 2022, [Criminal Conviction Records in New York City \(1980-2019\)](#)

opportunity to find a home, resulting in continued instability after the trauma associated with incarceration.

Intro 632, the Fair Chance for Housing bill, looks to address this kind of housing discrimination. It makes it unlawful to conduct criminal background checks that hurt so many when applying for housing. New York City needs to provide real housing opportunities for those with conviction histories. We call on the City Council to pass Intro 632 without delay.

Thank you.

Contact Information:

Wendell Walters, Manager of Policy & Advocacy
Osborne Center for Justice Across Generations
wwalters@osborneny.org

Fair Chance for Housing Testimony

TO: City Council, Committee on Civil and Human Rights

FROM: Samantha Balak, Policy Coordinator at From Punishment to Public Health (P2PH)

DATE: December 8, 2022

RE: Fair Chance for Housing

Good morning Chair Member Powers and Committee Members,

Thank you for the opportunity to testify today. My name is Samantha Balak and I am a Policy Coordinator at the From Punishment to Public Health initiative based at John Jay College of Criminal Justice. P2PH is a collaboration of academic, research, policy and direct service agencies focused on accelerating systems-level reforms at the intersections of public health and public safety. Our purpose is to stimulate dialogue across disciplines and accelerate the adoption of proven strategies that address the underlying causes of criminal and antisocial behaviors.

P2PH embraces the simple yet powerful idea that housing is healthcare. Access to housing is a fundamental human right. Housing plays a key role to those returning from a period of incarceration. It provides stability, safety, and a chance to re-establish their lives. Denying access to housing will only lead to worse outcomes on a broad range of issues.

Housing discrimination harms entire communities and further perpetuates residential segregation. The structural inequities currently in place have an enormous impact on communities of color. As many of you know, nearly 750,000 New York City residents have a conviction record, 80% of which are Black or Latino. We at P2PH believe that housing is a basic human right and we stand with Fair Chance for Housing to ensure everyone has access to safe and stable housing.

P2PH recently formed a Cross-Sector Advocacy group to increase collaboration and campaign integration across mental health, substance use, housing and criminal justice stakeholders. Members of our group are working to address the range of needs and challenges faced by justice-involved individuals and Fair Chance for Housing is one element in the steps we are taking to move forward collectively.

From: Rex Duval <rex@prisoninthewild.org>
Sent: Thursday, December 8, 2022 11:15 AM
To: Testimony
Subject: [EXTERNAL] Fair Housing Bill

My name is Rex Duval and I am a pastor, chaplain, and life coach in our NY jail system, primarily at Rikers Island, as well as in certain state prisons. One of our primary services is our *reentry program, however, we also assist in finding housing, jobs, and provide mental health counseling to help push back the PTSD.

Over the years we have experienced a consistent problem in the area of housing for our men and women, especially those of color. Regardless of whether or not they are on or off parole, whether they have a good job, which is sufficient to pay the rent on time or not, they are constantly turned away because they are felons. The approval process appears to have less with meeting the financial requirements of the application, and almost solely rests on the fact that they were in prison. This is unacceptable!!!

The real question is, when are they allowed to begin writing a new chapter?
Is housing a right for all human beings or only for those who have not been caught up in our penal system. When do our policies become correctional? When do we become humane and begin treating those who have been incarcerated as people, who have paid their penalty, and now actually have the right to start building a new life?

The Fair Housing Bill that is being presented by Council Member Amanda Farias and her colleagues, is well thought out, and is also being presented as another tool in the box to help prevent recidivism. She is community minded and is always looking to serve not only her district but the entire population of NYC.

We are grateful that she realizes this serious need, and that New York can follow in the footsteps of several other states that have enacted similar measures. Honestly, New York should not be following, but leading, and under the guidance of council members like Ms. Farias we may regain our national prestige.

Please don't hesitate to contact me with any questions that can be answered through the lens of hands on experience.

Kindest regards,
Pastor Rex Duval

E: Rex@PrisonInTheWild.org
www.PrisonInTheWild.org.

Sent from my iPhone

January 7, 2021

**TESTIMONY OF JANICE SCHREIBERSDORF BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the President of Beech Hills Shareholders LLC, a cooperative community containing 800 units of affordable middle housing in Douglaston, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,

Janice Schreibersdorf, President

First, Second and Third Beech Hills Corporations

December 8, 2022

**TESTIMONY OF CHARLES HERZOG BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the President of Celtic Park Owners Inc., a cooperative community containing 750 units of affordable middle housing in Woodside, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

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Respectfully Submitted,
Charles Herzog, President
Celtic Park Owners Inc.

December 8, 2022

**TESTIMONY OF DARLENE MORGAN BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the President of Dorie Miller Housing Company, Inc. a cooperative community containing 300 units of affordable middle housing in Corona, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

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Respectfully Submitted,

Darlene Morgan, President

Dorie Miller Housing Company Inc.

December 8, 2022

**TESTIMONY OF MARY FISCHER BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO
632**

I am the President of Georgetown Mews Owners Corp., a cooperative community containing 950 units of affordable middle housing in Flushing, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,

Mary Fischer , President

Georgetown Mews Owners Corp

December 8, 2022

**TESTIMONY OF STANLEY GREENBERG BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the President of Lehavre Owners Corp., a cooperative community containing 1,024 units of affordable middle housing in Whitestone, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,

STANLEY GREENBERG, President

LeHavre Owner Corp.

January 7, 2021

**TESTIMONY OF BRIAN S. SOKOLOFF BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the President of United Veterans Mutual Housing Company #2, Inc., a cooperative community containing 800 units of affordable middle housing in Bayside, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,

BRIAN S. SOKOLOFF, President

United Veterans Mutual Housing Company #2, Inc.

December 8, 2022

**TESTIMONY OF PATTI MOLONEY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the President of United Veterans Mutual Housing Company, Inc., a cooperative community containing 800 units of affordable middle housing in Queens Village, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

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Respectfully Submitted,

Bobby Sher, President

United Veterans Mutual Housing Company, Inc.

NYC Committee on Civil and Human Rights
BRONX COUNTY
VIRTUAL PUBLIC HEARING — INPUT ON INTRODUCTION 632
THURSDAY– DECEMBER 8, 2022 – 10:00 A.M.

**Testimony for PUBLIC HEARING prepared by
Bernadette Ferrara**

Thursday, December 8, 2022

Good morning.

My name is Bernadette Ferrara, born, raised, educated and still living in Van Nest, a diverse community in the East Bronx. I've served on Community Board 11 representing Van Nest since 2008 and am a founding member and current President of the Van Nest Neighborhood Alliance (VNNA) a 501c3 formed in 2010. Today I speak as that lifelong Bronx resident.

Like defunding the police and declining to prosecute low-level crime this move will make apartment buildings and entire neighborhoods less safe. No matter how our Governor tries to downplay crime, our public safety is at risk when walking down the street or riding mass transit. We are all vulnerable.

Here's what I think would protect the rights of those who were wrongfully accused of a crime or exonerated, as well as promote community safety:

- **All tenants should undergo the same type of screening required before landlords can rent to Section 8 tenants: Drug use; certain types of criminal convictions, like producing methamphetamines; sexual assault or pedophilia; and credit and eviction checks. However, tenancy should not be denied in cases where a sentence is suspended, discharged, legally nullified or vacated, expunged or sealed (as in the case of juvenile delinquency). This screening requirement should apply to both owner-occupied and absentee owners.**

Intro 632 can not pass as it is and make our communities surcome to even more crime. It defies common sense. I want to thank the Committee for holding these Public Hearings.



**TESTIMONY OF MICHAEL DE VALERA BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the Executive Member of the President's Co-op & Condo Council, a Co-op/Condo advocacy organization representing over 100,000 residents in Co-op/Condo housing in New York City. In addition, I am the Treasurer of Dorie Miller Housing Company, Inc. ("Dorie Miller") a cooperative community containing 300 units of affordable middle housing in Corona, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

Dorie Miller was built in the 1950's and has the distinction of being the first integrated housing cooperative in New York City. Our shareholders are predominantly African American. Thanks to the Co-op form of home ownership, our shareholders have been able to build a financial nest egg with the equity in their apartments. We now feel that the safe and comfortable community that we have built over the last 70 years is threatened by Intro 632 and feel a Co-op such as Dorie Miller will be more adversely affected than other Co-ops in New York.

Therefore it is the request of the Board of the PCCC and shareholders of Dorie Miller that Co-op be exempt from this statute. The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

At the very least this statute must be re-examined. We were glad that Co-op Boards can now search the Sex Offender Registry. However, the allowable searches must be expanded so that a Co-op Board can search felony charges and other heinous crimes for any applicant. Without such a provision, we are left to guess and leave ourselves open to litigation if we guess wrong. Imagine a NORC without

the benefit of knowing who your neighbors are? Can I explain to a 75 year old woman who has lost her husband (a large percentage of our shareholders), that I could not determine if someone we are allowing to live amongst us is a threat? That is sub optimal to say the least.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation. Please consider exempting Co-ops or expanding the statute to search for felony and white-collar crimes of Co-op applicants.

Respectfully Submitted,

MICHAEL DE VALERA

EXECUTIVE MEMBER, PRESIDENT'S CO-OP & CONDO COUNCIL



December 8, 2022

TESTIMONY OF WARREN SCHREIBER BEFORE THE COMMITTEE ON CIVIL & HUMAN RIGHTS

Dear Council Members,

My name is Warren Schreiber, and I would like to thank you for the opportunity to speak before you on this critical issue. I am Co-President of the Presidents Co-op & Condo Council, an advocacy group representing over 75 co-op and condo properties with a population of over a hundred thousand, and President of Bay Terrace Cooperative Section I.

I use an email service to update the shareholders of Bay Terrace Cooperative Section I about essential matters. The emails don't usually evoke a response. When I sent a notification concerning Intro 632, the outcry was immediate. I received a barrage of emails, text messages, and calls from neighbors concerned that Intro 632 would endanger them and their families.

Bay Terrace Co-op Section I would not automatically reject an application from a formerly incarcerated individual. In certain instances, individuals are deserving of a second chance. However, the most vulnerable among us, including senior citizens, children, and working parents, have a right to know who is next door. Some crimes are so egregious and violent that the perpetrators can't be rehabilitated and pose a danger to anyone they encounter.

Additionally, residents who become crime victims will hold co-op boards and landlords liable. The cost of defending these frivolous lawsuits will fall on residents' shoulders, making affordable housing unaffordable.

Intro 632 does nothing to heal victims of crime or protect other innocent people from becoming victims. Where is the legislation to help crime victims?

This bill does not apply to two-family owner-occupied housing or rooms in owner-occupied housing, which means that many sponsors of Intro 632 are exempt from its requirements. It's outrageous that anyone exempt would vote in favor of Intro 632 and endanger other New Yorkers.

I urge all Council Members to hear their constituent's concerns and vote against Intro 632.

Warren Schreiber
Bell Blvd,
Bayside, NY 11360
warrennyc@gmail.com

Testimony of the Queens & Bronx Building Association
On Intro. No. 632
December 8, 2023

Good morning, my name is Robert Altman, and I represent the Queens & Bronx Building Association and I am testifying against Intro. No. 632.

This bill has a significant amount of support, but I think if someone actually read this legislation and understood its entire impact, some of the sponsors and co-sponsors may not be so quick to support the bill.

What does the bill do? It states in the bill:

It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof, or any real estate broker or agent or employee thereof to:

(1) Refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person such a housing accommodation or an interest therein because of such person's arrest record or criminal history;

(2) Discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith, because of such person's arrest record or criminal history;

(3) Represent to any person that, because of such person's arrest record or criminal history, any housing accommodation or an interest therein is not available for inspection, sale, rental or lease when in fact it is available to such person;

(4) Declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination in housing based on a person's arrest record or criminal history; or

(5) Make any inquiry or statement related to arrest record or criminal history in connection with the prospective or continued purchase, rental, or lease of a housing accommodation. Prohibited inquiries include any question communicated to an individual in writing or otherwise, directly or indirectly, searches of publicly available records, criminal background checks, or any other conduct that gathers arrest record or criminal history information. If a covered entity uses consumer credit reports to screen applicants, it shall not take any adverse action based on arrest record or criminal history information contained in such report.

This is a bit confusing, particularly with respect to number 5 where just inquiring is unlawful. And I say confusing because later on in the bill, there are conditions for an inquiry. Note the following:

Testimony of the Queens & Bronx Building Association
On Intro. No. 632
December 8, 2023

f. Fair housing process. Except where following this process would conflict with a requirement of federal or state law, rule or regulation, after providing notice, and prior to any adverse action based on arrest record or criminal history, the covered entity shall provide:

(1) A written copy of the inquiry on which the intended adverse action is based and allow the person a reasonable amount of time of at least five business days, during which the covered entity must hold the housing unit open, to dispute the accuracy of the inquiry and respond with rebutting or mitigating information prior to the denial of the person's housing application.

(2) A copy of supporting documents that were reviewed, and a statement of the legitimate, non-discriminatory interest of the covered entity in protecting property and the safety and welfare of others;

(3) A copy of the analysis and the covered entity's reasons for intending to take adverse action against such person in a manner to be determined by the commission, identifying which of the following fair housing factors were taken into account:

(A) The time that has elapsed since the date of the offense;

(B) The age of the individual at the time of the offense;

(C) Evidence of good tenant history;

(D) Any additional information produced by an individual or on their behalf, in regards to their rehabilitation or good conduct, including but not limited to history of conduct in the community;

(E) The seriousness of the person's offense; and

(F) The legitimate interest of the owner in protecting property, and the safety and welfare of specific individuals.

But if it is unlawful to even inquire, how does a covered entity get to these steps to know about the criminal history?

What is more ironic is what the law allows. As witnessed by the following provision:

Nothing in paragraph b shall restrict a covered entity from taking any lawful adverse action against a current occupant for reasons other than a person's arrest record or criminal history, including the person's acts of physical violence against persons or property on the premises and other acts that would adversely affect the health, safety, or welfare of other residents, or excuse a covered entity from complying with applicable laws relating to victims of domestic violence, sex offenses or stalking.

So let's look at the logic of this. If a potential tenant was violent at a covered entity's own building, the covered entity can refuse to further rent to them. But if a potential tenant was violent at a prior building and got arrested, a covered entity cannot discriminate against them. Does this make sense?

The bill is literally extreme, but hints at some things that might make some sense. If the person in question has not had an offense in some time and, if imprisoned in the past, has enough

Testimony of the Queens & Bronx Building Association
On Intro. No. 632
December 8, 2023

time between release and the application with good behavior, maybe then, criminal history should not be a factor. Maybe certain past criminal actions like marijuana arrests should not be considered. But instead of taking a scalpel to the issues, this law hacks away with a one-size fits all approach. And there are probably more ways to further provide assistance to those who have rehabilitated their lives or had unfair arrests for what we no longer view as significant criminal behavior, such as marijuana possession arrests. Moreover, the law basically provides any reason convict or arrested person a ground to sue a landlord, even if there is no cause because that person can claim discrimination even if another ground was used to rent to another. And then the covered entity must spend significant money defending itself. With all these requirements, is it any wonder why rents in New York go higher and higher.

This law is a blanket “no” to common sense. With a city now commonly viewed as getting more and more out of control, more and more unlivable, is this what you are aspiring to? The Council can do better than this, while providing assistance to deserving people. Please rethink this bill.



Organized 1876

QUEENS COUNTY BAR ASSOCIATION

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December 8, 2022

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Executive Director

TESTIMONY OF MARK HANKIN BEFORE THE COMMITTEE ON CIVIL & HUMAN RIGHTS

Dear Council Members,

My name is Mark Hankin and I would like to thank you for the opportunity to speak before you on this extremely important issue. By way of background, I am a practicing attorney in the City of New York for over 30 years in the firm of Hankin & Mazel, PLLC, we represent Coop Board which includes over 15,000 units of Coop housing; I am the Chairperson of the Queens Bar Association Coop & Condo Committee and I am the Legal Advisor to the Presidents' Coop & Condo Council, an organization that reaches tens of thousands of owners and residents of Coops and Condos.

Intro 632 has had a unique effect in the housing community—it is the first time in my long career that landlords and tenants are in agreement on a proposed piece of legislation. However, please understand that the Coop community does not involve landlords and tenants, but rather Coop homeowners. It is a unique situation where the residents of the Coop community actually govern themselves and there is no profit. The result is the best affordable housing stock in New York City.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

OVER 146 YEARS OF DEDICATED SERVICE

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,

Mark Hankin, Esq.
Co-Chair, Cooperative & Condominium Committee



**Testimony Submitted to the
New York City Council Civil Rights Committee
Regarding Int. No 632-22
Prohibition of Housing Discrimination Based on Arrest or Criminal Record**

This testimony is submitted on behalf of Queens Legal Services (QLS). QLS welcomes the opportunity to provide commentary on this important legislation and is thankful for the invitation to make this submission.

I. Legal Services of New York City – QLS

Legal Services NYC (LSNYC) is the largest civil legal services provider in the country, with over 700 staff across the five boroughs working to protect the rights of more than 110,000 low-income New Yorkers each year in regard to housing, income security, high-quality education, health coverage, familial stability, and immigration stability. For over 50 years, LSNYC has fought poverty and sought racial, social, and economic justice for low-income New Yorkers. QLS is a constituent corporation of LSNYC.

LSNYC's largest practice area focuses on preserving low-income New Yorkers' right to housing. Access to housing is a major form of discrimination that those with criminal arrests or convictions face. This submission will highlight our experiences representing clients with criminal conviction and arrest records, hoping to further expand access to equitable housing for *all* New Yorkers.

II. Housing Discrimination based on Conviction History

These factors in Intro 0632-2022 would work to improve the likelihood that people with criminal arrest and correction histories can find housing, thereby enabling them to live with dignity, continue on a path of success and end “perpetual sentences.” Providing stable and affordable housing greatly reduces the risk of recidivism and allows people to reintegrate to society.¹ Stable housing is a basic need and a foundation that is critical to enabling those re-entering to complete school and hold a job.² Unfortunately, formerly incarcerated individuals are almost 10 times more likely to be homeless than the general population.³

As a tenant lawyer since 2014, I have witnessed the culture of Housing Court perpetuate that individuals with a criminal conviction are “bad” and do not deserve housing. During the public hearing for Intro 0632-2022 on December 8, 2022, some speakers echoed similar statements by calling those with criminal convictions “monsters”, as well as claiming that landlords may resort to racial profiling if they are prohibited from conducting criminal background checks. This belief, held by many landlords, is driven solely by stigmas and stereotypes. Landlords and realtors who testified in the December 8th

¹ Clark V (2016). Predicting two types of recidivism among newly released prisoners: First addresses as “launch pads” for recidivism or reentry success. *Crime & Delinquency*, 62(10), 1364–1400. 10.1177/0011128714555760

² Baer D, Bhati A, Brooks L, Castro J, LaVigne N, Mallik-Kane K, Naser R, Osborne J, Roman C, Roman J, Rossman S, Solomon A, Visher C, & Winterfield L (2006). *Understanding the challenges of prisoner reentry: Research findings from the Urban Institute's Prisoner Reentry Portfolio*. Urban Institute.

³ <https://www.prisonpolicy.org/reports/housing.html>

hearing claimed that elderly tenants and children would be placed in danger if tenants with a conviction history entered their buildings. Anecdotes that those speakers shared at the hearing described nuisance type behavior rather than criminal activity, and which would not have been identified or prevented by a background check of the tenants.

While the perception that any individual with a conviction history is a “monster” and a danger to the elderly and children is not rooted in facts, these fears which will deny many prospective tenants housing are dangerous to the individuals who are re-entering and our community.⁴ Many of my clients who have histories of criminal convictions are great resources to their communities but fear pursuing education or certain employment because of the chilling effect that occurs after being denied an apartment. Being released from incarceration can be a “mirage of freedom” because of all the obstacles one must overcome, such as finding a stable home. Additionally, the denial of housing to individuals with criminal convictions may also deny housing to those individuals’ partners and minor children.

My clients have worked hard to rebuild, find employment, and/or go back to school. It is not uncommon for landlords to overlook these accomplishments and only focus on a mistake made in the past that resulted in a conviction, which may be more than a decade old.

⁴ <https://www.vera.org/downloads/publications/accounting-for-violence.pdf>

While my clients are legally protected from discrimination in employment and education, they do not have the same protections in housing.⁵ A landlord, with no background in reentry or the criminal justice system, can arbitrarily determine whether someone is rehabilitated and entitled to housing. When a prospective tenant is denied an apartment based on a conviction history, the landlord generally does not give a reason for the denial. The prospective tenant has no opportunity to provide additional documentation or any explanation. This form of discrimination is currently protected by the law.

Intro 632's prohibition of housing discrimination on the basis of an arrest record or criminal conviction will prevent landlords from inquiring into applicants arrest or conviction during the housing application process and prevent landlords from denying housing based on their personal feelings about past arrests or convictions. Without these protections, this discrimination will continue to exacerbate the current housing crisis and a significant number of New Yorkers will be left without a home and future.

On a personal level, I have a conviction history and after I was released in 2011, I doubt that I would have been able to finish college, go to law school, or pass the bar if I did not have stable housing. Without stable housing I would not be an attorney today representing low-income tenants.

⁵ "Fair Chance Act" N.Y.C. Admin. Code § 8-107(23).



Thank you for the opportunity to make this submission regarding such an important issue.

/s/

Jacob Malafsky, Esq.
Supervising Attorney
Legal Services of New York – Queens
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347-592-2265



December 8, 2022

Honorable Kevin Riley
Councilmember
New York City Council

Members of the City Council
Committee on Civil and Human Rights
52 Chambers Street
New York, New York 10007

**Re: Opposition to Int. 0632-2022
Prohibiting housing discrimination on the basis of
Arrest record or criminal history**

Dear Councilmember Riley and Members of the City Council:

I am writing on behalf of the Riverbay Corporation, commonly known as “Co-op City” to note our community’s opposition to the current version of the above referenced local law. As drafted, the proposed local law seeks to amend Section 8-107 of the Administrative Code of the City of New York to prohibit criminal background searches by a housing cooperative of new prospective owners and creates a system to regulate the application process.

As a residential cooperative, Riverbay is owned by its tenant shareholders. As such, it should be exempted from the proposed law’s coverage.

As a Mitchell-Lama affordable housing cooperative, Riverbay is regulated by the New York State Division of Housing and Community Renewal, and subject to a regulatory agreement with the United States Department of Housing and Urban Development. Those entities have detailed regulations governing the shareholder selection process by Riverbay. Although subsections (d) and (g) purport to carve out entities subject to federal or state law, they do not do so absolutely. It should. At a minimum, subsection (h) should be amended to expressly state that the proposed legislation does not apply to residential housing cooperatives established under the New York State Private Housing Finance.

Further, as drafted, the legislation would impose additional and sometimes conflicting requirements on NY State regulated Mitchell-Lama cooperatives. For example, the proposed legislation creates a requirement that available housing units be held open for applicants to dispute their denial based on the proposed local law. Such a requirement would add undue complexity and delay to what is already a lengthy and heavily regulated process.



Riverbay currently has a multi-year waiting list with thousands of qualified applicants waiting to move in. That process is regulated by New York State, but as currently worded, the local law would apply if the State's current regulations do not contain identical requirements to the local law, or if the covered entity does not send the notices required by the local law.

Adding further delay to what is already a heavily regulated, multi-year waiting list is not in the public interest.

As such, the Riverbay Corporation opposes Int. 0632-2022 and respectfully requests that it not be enacted into law unless subsection (h) is amended to expressly state that the proposal shall not apply to the sale or rental of affordable housing cooperatives established pursuant to the New York State Private Housing Finance Law.

Sonia Feliciano, President
Riverbay Corporation

Rod Saunders, Director
& Chair of the Riverbay Legislative Committee

Cc:



MEMORANDUM IN OPPOSITION

Intro. 632

The Rent Stabilization Association represents 25,000 owners and managers who collectively manage over 1 million units of housing. Owners and managers have a legal and moral obligation to provide safe housing for their tenants and shareholders. Intro. 632 would remove an owner's ability to do a criminal background check on prospective tenants, except to check the New York State sex offender registry.

A criminal conviction is not and should not be a blanket obstacle to obtaining housing. When housing accommodations are being leased, a host of factors must be considered, a criminal history is just one. There are many components for a property owner to consider including financial, fair housing and legal obligations. After ensuring that an applicant has the financial means, the owner also has to meet their legal obligations to satisfy the warranty of habitability that provides important assurances to all residents of a building. This may mean that an applicant's criminal history is relevant, but it may not. The circumstances matter: how long ago did it occur; was it a violent offence; was there a single or multiple convictions; did this involve a domestic violence; were hate crimes committed; did inclusion on the sex offender registry result; what is the current probation status. Likewise, the existing tenancy of a building is also a factor. Clearly one would not want a registered sex offender renting in a building with children.

Intro 632 does not allow for the circumstances to be considered. It solely limits an inquiry of the New York sex offender registry. Nothing more. Not another state. Not an evaluation into the circumstances. And in the bill's current form, as written it is not clear that even that would be legal.

Criminal circumstances could not be considered because inquiry and examination would be prohibited. Sex offenders in New Jersey, Connecticut or elsewhere would be able to submit a rental application and relocate here undetected.

Domestic violence could never be discovered. Arson, a critical safety consideration for all residents with high recidivism rates, would be deemed irrelevant. No owner would have the right to exclude and no current tenant would be afforded the protections that warrant safe housing. The bill does not allow important tools to be used prior to residence, but then reiterates that owners have a duty to comply with laws to protect against domestic violence, sex offenders and stalking, but does not give them the means to do so.

Further, the potential liability arising from renting to someone with a serious criminal record is ignored. The bill is silent in addressing how owners will meet the legal obligation to their existing tenants' safety. It ignores potential impacts including an owners' ability to obtain liability insurance in the future.

Other states have attempted to balance housing needs with the potential that prior bad acts could be relevant to a current housing situation, but this bill does not. This bill fails to allow that every situation will have different considerations. A criminal background check is a necessary and legitimate tool because owners and managers need to assess applicants and risks. A criminal background should not be the only consideration for denying one housing, but it can be valid one.

For the above reasons RSA is opposed to Intro. 632 and urges the council to table this proposal.

December 8, 2022

**New York City Council
Oversight Hearing Before the Committee on Civil and Human Rights
Re: Prohibiting Housing Discrimination on the Basis of Arrest Record or Criminal History
Intro. No. 0632-2022**

**Joint Written Testimony of The Bronx Defenders,¹ Neighborhood Defender Services of Harlem,²
and the New York Legal Assistance Group³**

We are a group of nonprofit public defender and legal services organizations across New York City that represent thousands of individuals and families each year who experience the instability of being unhoused. The vast majority of the people we represent come into contact with multiple legal systems, including civil housing court, the criminal legal system, the immigration legal system, and the family regulation system. As such, we submit these written comments to highlight the intersectional and preventable consequences of housing instability, particularly for those exiting carceral systems with the prospect of re-entering back into their communities. In doing so, we fully support the passage of Intro. 632, better known as the “Fair Chance for Housing Act,” so that housing discrimination on the basis of criminal histories is barred altogether.

The passage and enforcement of the Fair Chance for Housing Act would be a tremendous step towards ensuring pathways to permanent housing for those who face explicit and implicit forms of housing

¹ The Bronx Defenders (“BxD”) is a public defender non-profit that is radically transforming how people in the Bronx are represented in the legal system. Our staff of over 400 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of law system involvement. Through this integrated, team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation we call holistic defense that achieves transformative outcomes for the people we represent and communities we work with. Each year, we defend more than 20,000 Bronx residents in criminal, civil, family regulation, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the people and communities we work with and launch innovative initiatives to bring about real and lasting change.

² Neighborhood Defender Service of Harlem (“NDS Harlem”) is a community-based public defender office that provides high-quality legal services to residents of Northern Manhattan and a member of the Leap coalition, a collective of civil legal services providers serving low- and no-income clients. Since 1990, NDS has been working to improve the quality and depth of criminal and civil defense representation for those unable to afford an attorney through holistic, cross-practice representation. As a holistic public defender office, NDS is particularly familiar with the collateral consequences of homelessness and instability, including an increased chance of entering the criminal legal and child welfare systems. With an aim to help disentangle clients from these systems, NDS has provided these essential civil legal services to our clients for the last 30 years.

³ The New York Legal Assistance Group (“NYLAG”) is a nonprofit legal services organization that provides free civil legal services and engages in policy advocacy efforts to help people experiencing poverty. NYLAG works closely with community organizations, agencies, and elected officials, and operates numerous legal clinics in locations such as community centers, courthouses, and hospitals. Since the implementation of the Right to Counsel at the NYCHA Office of Impartial Hearings (“OIH”), NYLAG has created the NYCHA Defense Team (“NDT”) within its Tenants’ Rights Unit. NYLAG’s NDT is the first team of attorneys in New York City solely devoted to the representation of NYCHA tenants.

discrimination resulting from their contact with the criminal legal system. Many of the people we represent who are merely accused and not yet convicted of crimes face a whole host of housing and other civil consequences, which leave their families and communities with deeply entrenched cycles of instability. And further yet, in a city where procuring an affordable, quality apartment is difficult to begin with, low-income people of color experience additional barriers to housing as the result of source of income discrimination when landlords and brokers reject housing applications supported by their rental assistance vouchers.⁴ New Yorkers' access to safe, secure and quality housing should remain as a key policy priority, especially as the largest-scale public health crisis of our lifetime exacerbated the precarious circumstances of poverty experienced by a disproportionate number of communities of color.

New Yorkers who experience these conditions, including those who rely on vouchers and subsidies to secure housing, are also susceptible to legal system contact. The discrimination they face by law enforcement agents who carry out harmful policing practices is an example of how harsh their treatment is at every stage of their system involvement. Allowing discrimination on the basis of a person's criminal record or source of income both extends the reach of carceral systems and cements decades of structural racism and the City's history of racially discriminatory policing in our housing system.⁵ We applaud the Council's efforts to remedy this injustice regularly directed at the people we serve through its sponsorship of the Fair Chance for Housing Act.

I. As homelessness is a cause and condition of legal system involvement, the passage of Intro. 632 recognizes that stable housing promotes safer communities and lowers recidivism and eviction rates.

We find there to be a strong correlation between rates of incarceration, recidivism, and homelessness, in that formerly incarcerated people are nearly ten times more likely to be homeless than members of the general public.⁶ Furthermore, data released by the Department of Homeless Services provides that since 2015, over forty percent of individuals released from New York State carceral facilities to New York City were temporarily housed in the shelter system.⁷

It is disheartening to know that so many of the people we represent exit jails and prisons across New York are more likely to be rendered homeless due to lack of adequate re-entry programs instituted by our city and state leaders. The city's shelter system is simply not equipped to provide the "right to shelter" that people deserve, making access to temporary shelter accommodation oftentimes infeasible and consequently leaving them incarcerated on Rikers Island and other detention settings for an even longer period of time. As an alternative solution, in the earlier months of the COVID-19 pandemic, the Mayor's

⁴ See generally, Abby Vesoulis, 'A Mask for Racial Discrimination.' *How Housing Voucher Programs Can Hurt the Low-Income Families They're Designed to Help*, Time (Feb. 20, 2020), available at <https://time.com/5783945/housing-vouchers-discrimination/>.

⁵ See Ibram X. Kendi, *How to Be an Antiracist*, 18, One World: 2019 ("A racist policy is any measure that produces or sustains inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups.").

⁶ Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, Prison Policy Initiative (Aug. 2018), available at <https://www.prisonpolicy.org/reports/housing.html>.

⁷ Jacquelyn Simone, *State of the Homeless 2022: New York at a Crossroads*, Coalition for the Homeless, 45 (March 2022), available at <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>.

Office of Criminal Justice (“MOCJ”) devised the Emergency Re-entry Hotel Program as a measure to provide emergency transitional housing for individuals being released from detention facilities without a place to live.⁸ Many of the people we represent who utilized this MOCJ hotel initiative benefited immensely. Not only were judges and prosecutors provided with assurance of immediate stable housing, often the deciding factor in whether they could release someone, but individuals also obtained critical support in a way that would not have been possible to alternatively access through the shelter system. Overall, the initiative reduced the jail population and contributed to lower rates of recidivism by supporting the release efforts that defender organizations like ours work hard to pursue.

However, hotel programs and other transitional housing resources are not only limited, but they also are meant to be temporary measures to bridge the gap between incarceration and permanent housing. Yet without stronger protections for individuals with criminal records, permanent housing options are scarce to non-existent. Moreover, transitional programs capture those who have experienced incarceration but leave unprotected—and unhoused—those with criminal records who have not been sentenced to incarceration. To be sure, the most drastic punishment for these individuals, in particular, is the civil punishment of societal exclusion; but while New York City has strengthened protections around employment and other economic pursuits for individuals with convictions, no such protections exist to ensure that the most crucial element—stable, permanent housing—is in place to provide the stability that is essential to full reentry and community reintegration after contact with the criminal legal system.

At present, our current mayoral administration continues to take drastic measures to criminalize poverty by over-policing those who are street homeless, evidenced most recently by its 11-point legislative agenda⁹ to forcibly remove people from the streets and subways and involuntarily hospitalize them based on non-medical training and social work best practices. In doing so, it has amplified a false and dangerous narrative that law enforcement intervention targeting those who suffer from serious mental health challenges makes our communities safer. On the contrary, we as defenders know that pathways to permanent housing are what truly reduce rates of recidivism for those who have had prior contact with the legal system. The Fair Chance for Housing Act acknowledges how a prohibition on housing discrimination affecting the latter would better ensure public safety.

Additionally, by passing this law, tenant attorneys in housing court (and *pro se* tenant respondents) would be able to assert discrimination as an affirmative defense in summary holdover eviction proceedings. These court proceedings often resolve through move-out agreements in which a tenant is given a certain period of time to voluntarily leave his or her home before a formal court-ordered eviction occurs. For many of these tenants who face eviction proceedings and cannot procure permanent housing due to landlord and broker discrimination on the basis of their criminal history, this legislation would enable them to invoke an affirmative defense that could buy them sufficient time to secure housing subsidies like CityFHEPS and FHEPS, and avoid the trauma of a formal eviction by a marshal.

⁸ See *Report of the Finance Division on the Fiscal 2022 Preliminary Plan and the Fiscal 2021 Preliminary Mayor’s Management Report for the Mayor’s Office of Criminal Justice*, The Council of the City of New York, 10 (March 16, 2021), available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/03/098-MOCJ-2.pdf>.

⁹ See Andy Newman and Emma Fitzsimmons, *New York City to Involuntarily Remove Mentally Ill People From Streets*, The New York Times (Nov. 29, 2022), available at <https://www.nytimes.com/2022/11/29/nyregion/nyc-mentally-ill-involuntary-custody.html>.

II. Intro. 632 should remain broad and inclusive of individuals who have different forms of criminal system involvement, and, as such, should create no exemptions on the basis of particular convictions and arrest charges.

We support this legislation’s broad and inclusive definition of “criminal history,” recognizing that no distinction should be drawn in discerning which convictions are exempt from unlawful discriminatory housing practices. The people we represent are ensnared in the criminal legal system and often face housing and other forms of discrimination on the mere basis of a pending criminal case, even those cases in which the charge(s) may be easily dismissed, decided in his or her favor, or declined to be prosecuted altogether. The same holds true of non-pending arrests and criminal accusations, such as ACDs¹⁰ and youthful offender adjudications¹¹ that are sealed under New York State Law, which are accordingly barred from being considered in the housing context. Non-criminal violation convictions are not criminal convictions and these convictions and ACDs are the lowest level outcome for a criminal case that is not an immediate dismissal.

Certainly charges that have not been sustained should form no basis to exclude any individual from housing, but excluding those with convictions is also harmful and ineffective, perpetuating the discriminatory impact of contact with the criminal legal system on people of color, particularly Black and Brown individuals. This disproportionate impact begins with arrest rates, and is carried out through every stage of the criminal legal system from charges and indictments, to plea negotiations, conviction after trial, and sentencing. As a result, people of color are more likely to have been convicted of more serious crimes. Carving out any exceptions to a policy that provides protections for individuals with a criminal history ignores these realities and perpetuates the racialized harm of criminal legal contact.

Because we uphold this principle of non-discrimination in the housing justice context, we oppose amendments to the Fair Chance for Housing Act that carve out specific convictions that landlords and brokers can turn to for purposes of screening tenant applicants in background check processes and eventually rejecting their housing applications.¹² This would include those prospective tenants who are listed on state and federal sex offender registries. No independent or publicly available data exists that would otherwise link criminal convictions – including those deemed to be serious violent felonies – to one’s proclivity to cause harm to their neighbors.¹³

¹⁰ An ACD is an “adjournment in contemplation of dismissal.” N.Y. Crim. Proc. Law § 170.55. Cases result in ACD status and appear open for a fixed period when the prosecutor believes and a judge rules that the case should not be further prosecuted. According to N.Y. Criminal Procedure law, upon the dismissal of an open case pursuant to an ACD, “the arrest and prosecution shall be deemed a nullity and the defendant shall be restored . . . to the status he occupied before his arrest and prosecution.” N.Y. Crim. Proc. Law § 170.55, para. 8.

¹¹ N.Y. Crim Proc. Law § 720.35.

¹² See Consumer Financial Protection Bureau, *CFPB Reports Highlight Problems with Tenant Background Checks* (Nov. 15, 2022), available at <https://www.consumerfinance.gov/about-us/newsroom/cfpb-reports-highlight-problems-with-tenant-background-checks/> (“Allowing landlords to get background checks for some offenses fails to solve the problem that these reports are so rife with errors that even the federal Consumer Finance Protection Bureau recently released a report decrying their inaccuracy and how they harm rental applicants.”).

¹³ See Emily Ponder Williams, *Fair Housing’s Drug Problem: Racialized Impact of Drug-Based Housing Exclusions Alongside Drug Reform*, 54 Harv. Civ. Rights Civ. Lib. L. Rev. 769, 783-84 (2019) (describing inconclusive studies related to effectiveness of exclusion-based housing policies and correlation between lowered recidivism and housing stability).

Rather, quite to the contrary, affordable and quality housing stock, in addition to a confluence of other factors that concern inclusion in community life, contribute to safer communities altogether.¹⁴ For example, barriers to accessing housing have a profound impact on non-citizens fighting for release from immigration detention in conditions identical to incarceration. Many of the people we represent who are non-citizens are automatically ineligible for many forms of subsidized and supportive housing. Ability to secure housing is an important factor for an immigration judge considering bond. For immigrants on the Sex Offender Registry, their inability to secure housing often means months or years separated from loved ones as they try to fight their deportation case.

III. Intro. 632 should be used as a tool to inform the New York City Housing Authority (“NYCHA”) to amend and strengthen its own regulations around housing access for those with criminal system involvement.

Finally, we hope that this legislation will encourage the New York City Housing Authority (NYCHA) to revisit its own harmful policies that prevent low-income New Yorkers who have been in contact with the criminal legal system from living in NYCHA housing. NYCHA is the largest landlord in New York City, accounting for 7.4% of the rental housing stock.¹⁵ Public Housing Authorities, such as NYCHA, are federally required to reject for occupancy only certain categories of persons based on involvement with the criminal legal system.¹⁶ Outside of those requirements, which are being reexamined, eligibility rules regarding convictions and/or contact with the criminal legal system are largely at the PHA’s discretion and can be modified as a matter of policy.

NYCHA’s discriminatory policies against people which criminal legal system contacts is sweeping and not only prevents admission to housing, but also leads to the forced exclusion of residents’ family members. For example, NYCHA’s practice of “Permanent Exclusion” forces public housing residents to exclude their family members from their homes when they encounter the criminal legal system. This policy, ostensibly in the name of public safety, destabilizes families and their communities, takes caregivers out of their homes, causes homelessness, and in fact undermines public safety. Ultimately, these policies have precisely the negative impact that Intro. 632 nobly seeks to redress. It is particularly telling that the U.S. Department of Housing and Urban Development (HUD,) the federal agency responsible for the policies which guide NYCHA, has itself recognized the negative impact of policies like Permanent Exclusion and is actively reviewing its position with respect to housing for people with criminal histories.¹⁷

¹⁴ See Office of Policy Development and Research, *Housing, Inclusion, and Public Safety* (Accessed Dec. 2022), available at <https://www.huduser.gov/portal/periodicals/em/summer16/highlight1.html> (“Barriers to housing include the general shortage of affordable housing across much of the country as well as challenges specific to ex-offenders, such as criminal background checks. Stable housing can be a platform for inclusion and for better outcomes for reentering prisoners, including health, employment, and the reduced likelihood of recidivism. It can also reduce recidivism and its associated social costs and improve public safety for the receiving community.”).

¹⁵ NYCHA 2022 Fact Sheet, New York City Housing Authority (April 2022), available at https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Fact_Sheet_2022.pdf.

¹⁶ 24 C.F.R. § 960.204(a)

¹⁷ See U.S. Department of Housing and Urban Development, Memorandum from Secretary Fudge: *Eliminating Barriers that May Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs*, April 12, 2022.

NYCHA should likewise respond to this legislation by adjusting its own policies to reflect the values embodied in Intro. 632. We recognize that Intro 632 may be preempted by current NYCHA policies, but *until NYCHA gives a fair chance for housing to all low-income New Yorkers, regardless of their “criminal histories,” the fundamental right to housing will not be fully realized.* It is incumbent on this City Council to work within its authority to push NYCHA in the right direction.

IV. Conclusion

Housing is a fundamental and universal human right rather than a privilege. Discrimination based on criminal records directly contravenes the spirit and intent of this right, and it is for this reason that we fully support the passage and implementation of a universal, inclusive version of Intro. 632 this legislative session. We appreciate and commend the leadership of Councilmember Keith Powers and his colleagues in the Committee on Civil and Human Rights for their commitment in seeing it become a reality, in hopes of transforming the lives of displaced community members.

Respectfully Submitted by:

Sophie Cohen

Staff Attorney, Tenants’ Rights Unit, NYCHA Defense Team
New York Legal Assistance Group

Michael Doar

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Hearing on the New York City Department of Corrections Budget

Written Testimony of Sebastian Solomon
Associate Director for Policy, Greater Justice New York
Vera Institute of Justice

December 8, 2022

Hello, my name is Sebastian Solomon, and I am the Associate Director for Policy for Greater Justice New York at the Vera Institute of Justice. Vera works to end mass incarceration, protect immigrants' rights, and build safe, thriving communities.

Thank you for the opportunity to provide testimony today in support of Intro 632.

Denying people housing makes communities less safe. When individuals with criminal legal system involvement are unable to access housing, they do not disappear. Instead, they face uncertainty, and with limited options, turn to overcrowded, unsafe homeless shelters or life on the street. Eleven percent of single adults entering New York City shelters cite release from jail or prison as the reason for their homelessness and over 40 percent of those returning from state prisons—more than 22,000 people—were released directly to shelters between 2015 and 2021.¹

Despite the fearmongering arguments that admitting people with conviction histories into housing would put other tenants at risk, there is no evidence that connects having a conviction with being a bad tenant. In fact, the United States Department of Housing and Urban Development recently declared that “criminal history is not a good predictor of housing success,” citing a study of participants in a program based on the Housing First model in which homeless individuals are provided with immediate access to housing without having to meet requirements such as participation in programming or treatment for behavioral health issues. This study found that “the performance of tenants with a criminal history was similar to that of participants without a criminal history.”²

New Yorkers already face significant obstacles in finding a place to live: affordable housing is in short supply, housing vouchers are scarce, and landlords and real estate agents regularly refuse to rent to voucher holders.³ For the hundreds of thousands of New Yorkers with previous involvement in the criminal legal system, denial of housing based on an arrest or conviction creates yet another barrier to achieving the stability that housing provides, both for themselves and their families.

That stability strengthens communities and improves public safety for all. Housing substantially increases the likelihood that a person returning home from prison or jail will receive support from their family, find and retain employment, rebuild supportive social networks, and avoid additional convictions.⁴ One study found that providing financial support to address short-term needs (e.g., housing) reduced the odds of recidivism among women by 83 percent.⁵ These improved outcomes and living conditions are relevant and crucial to the whole community: when people who are reentering their communities are housed and supported, everyone is safer.

We applaud the Council's proposal to bar consideration of a person's involvement in the criminal legal system in most situations. However, we are concerned that housing providers will still be able to deny people on the basis of the seriousness of the offense in the limited circumstances in which criminal legal system involvement may still be considered. By allowing consideration of this factor, the proposal is likely to result in discrimination against those convicted of more serious offenses. Instead of focusing on

static, unchangeable factors from a person's past, housing decisions should instead be based on dynamic factors that have been shown to be correlated with the applicant's likelihood of success as a tenant.

We, therefore, call on the Council to swiftly enact this important piece of legislation, but ask it to first strengthen protections where the bill permits continued consideration of justice involvement.

Thank you for the opportunity to speak to you all today. Please do not hesitate to contact me if the Vera Institute of Justice may provide further support.

¹ Jacquelyn Simone, "State of the Homeless 2022: New York at a Crossroads," Coalition for the Homeless, March 2022, perma.cc/5LRS-KZGR.

² U.S. Department of Housing and Urban Development's (HUD's) Office of Policy Development and Research, "Tenant Screening With Criminal Background Checks: Predictions And Perceptions Are Not Causality," Message From PD&R Senior Leadership, May 2022, perma.cc/9W5K-P5K6.

³ Matthew Haag, "'She Wants Well-Qualified People': 88 Landlords Accused of Housing Bias," *New York Times*, March 19, 2021, nytimes.com/2021/03/15/nyregion/real-estate-lawsuit-section-8-discrimination.html.

⁴ Marta Nelson, Perry Deess, and Charlotte Allen, *The First Month Out: Post-Incarceration Experiences in New York City* (New York: Vera Institute of Justice, 1999), 16, perma.cc/J37Z-FSH8.

⁵ Kristy Holtfreter, Michael Reisig, and Merry Morash, "Poverty, State Capital, and Recidivism among Women Offenders," *Criminology & Public Policy* 3, no. 2 (2004), 185-208, onlinelibrary.wiley.com/doi/10.1111/j.1745-9133.2004.tb00035.x.

WEST SIDE COMMUNITY ORGANIZATION

WEST SIDE COMMUNITY ORGANIZATION TESTIMONY |

DECEMBER 8, 2022

To The Committee on Civil and Human Rights of the New York City Council Concerning Intro. No. 0632-2022

West Side Community Organization (WestCo) is a nonprofit organization dedicated to promoting public health, public safety, the community welfare of the Upper West Side. Thank you for the opportunity to provide feedback on the issues of housing supply and discrimination and in particular, Intro. No. 0632-2022: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting housing discrimination on the basis of arrest record or criminal history.

WestCo strongly supports expanding access to housing for persons of all backgrounds in order to promote and support a diverse and vibrant community. Formerly incarcerated persons face particularized vulnerability, as they are ten times more likely to be homeless than the general public. See Homelessness Among Formerly Incarcerated People, Prison Policy Initiative (2018).¹ Part of promoting a diverse and vibrant community requires successfully integrating formerly incarcerated persons. To do this, laws must strike a proper balance between insuring that no one is excluded from the community unfairly, and also insuring that persons who are welcomed into the community do not pose unreasonable threats to the community.

¹ <https://www.prisonpolicy.org/reports/housing.html>

WestCo supports widening the inclusiveness of NYC communities, most notably this Council's groundbreaking efforts to develop and expand Source of Income Discrimination regulations so that prospective tenants can secure housing without regard to the source of income they will use. While no significance should be attached to the source of a prospective tenant's income, landlords are of course allowed to attach significance to the naked ability to pay; similarly, while no significance should be attached to the locale of a prospective tenant's former residence, landlords ought to be able to attach significance to a prospective tenant's ability to integrate in a private residential setting. Int. No. 0632 has the laudable aim of prohibiting criminal background checks to avoid unfair housing discrimination, but the bill casts an overly wide net, creating two disparate forms of damage: (1) it introduces intolerable safety risks into the community; and (2) multiple studies show this type of prohibited background check legislation unequivocally accomplishes more harm than good to marginalized communities because it results in decision makers relying on racist stereotypes rather than objective information.

I. Int. 0632 Should be Narrowed to allow for Violent Crime Exemptions

Legislation prohibiting criminal background checks for housing rentals has recently been enacted in other jurisdictions, but with the significant distinction that there are carve outs specifically for histories of violent crime. Persons with such histories are afforded an opportunity to present evidence of rehabilitation, as well as present other information pertinent the nature and severity of the conviction. New Jersey exempts murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault. N.J.S.A. 46:8-56(b). Detroit permits landlords to deny housing based on histories of violent or drug related felonies, felonies within the past 10 years, or sentences greater than 5 years, arson, vandalism and property damage. Detroit City Code Sec. 26-5-1. Detroit provides an avenue for applicants to demonstrate rehabilitation through attendance in treatment programs, letters of reference, parole completion, and consideration of mitigating factors.

Violent histories are significant, as the Federal Sentencing Commission’s report *Recidivism of Federal Violent Offenders* (February 2022) states that “[v]iolent prior offenders were re-arrested at a substantially higher rate than nonviolent offenders. During the eight-year study period, **64.8 per cent of violent prior offenders were rearrested**, compared to 38.4 percent of non-violent offenders.” (p. 65).²

The aspiration of a new start upon completion of a criminal sentence is a noble goal, but published studies confirm that behavioral patterns do not magically disappear upon completion of an arbitrarily decided period of time. While the clock can “run” out on convictions of shoplifting, financial crimes, DUI, and property crimes, the calculation is very different when addressing a history (with a high likelihood of repetition) of violent crimes. Indeed, the Vera Institute of Justice — whose very mission is to promote and support reintroduction of formerly incarcerated persons into communities — has urged that those with violent histories remain under “permanent exclusion” from communal living situations in order to maintain a safe community for all. *See Report to NYCHA on Applying and Lifting Permanent Exclusions for Criminal Conduct* (February 2017).³

Turning a blind eye to histories of violent behavior, rather than examining rehabilitation, fails to strike a proper balance of valuing both community reintegration as well as public safety. This bill would be far better positioned if it permitted background checks for violent offenses known to have a high recidivism rate, and allowed for demonstration of rehabilitation by those with such histories.

² <https://www.ussc.gov/research/research-reports/recidivism-federal-violent-offenders-released-2010>

³ <https://www.vera.org/publications/report-to-the-new-york-city-housing-authority-on-applying-and-lifting-permanent-exclusions-for-criminal-conduct>

II. “Ban the Box” Harms Marginalized Communities More than it Helps

While eliminating unfair discrimination is a utopian ideal, it is not the present reality in New York City nor any other places. We raise this point because New York City and other jurisdictions have passed similar “Ban the Box” legislation prohibiting criminal background checks for employment, and these laws have not achieved their expected goals. Studies of legislation eliminating criminal background checks by employers have revealed that the legislation has created more damage than good. In particular, decision makers who are blocked from knowing about an applicant’s criminal background resort to making their own assumptions. They look at gaps in employment history or residency and wonder, “what does this gap represent?” Without the ability to confirm or deny this question, some employers assume the worst and resort to racial profiling. In particular, these employers avoid interviewing young, low-skilled, black and Hispanic men when criminal records are not reviewable. This worsens employment outcomes for these already-disadvantaged groups — both those with criminal histories as well as black and Hispanic applicants with no history of criminality. These laws reduce employment prospects for Black men without a high school diploma by 14.9 per cent and Hispanic men with a high school diploma 9.5 per cent. *See Doleac and Hansen, “Does ‘Ban the Box Help or Hurt Low-Skilled Workers?’” National Bureau of Economic Research, July 2016.*⁴

Evidence also shows that the extent of employment damage increases over time as these prohibitions continue in place. These findings lead this study author to conclude that Ban the Box legislation:

has unintentionally done more harm than good when it comes to helping disadvantaged job-seekers find jobs. Increasing employment rates for ex-offenders is a top policy priority, for good reason, but policymakers cannot simply wish away employers’ concerns about hiring those with criminal records. Policies that directly address those concerns – for instance, by providing more information about job applicants with records. . . – could have greater benefits without the unintended consequences found here.

⁴ https://www.nber.org/system/files/working_papers/w22469/w22469.pdf

See also Jackson and Zhao, The Effect of Changing Employers’ Access to Criminal Histories on Ex-Offenders’ Labor Market Outcomes (New England Public Policy Center, February 2017)(banning access to criminal offender record information in the employment arena has had a negative effect on ex-offenders’ employment that grows over time)⁵; Beitsch, ‘*Ban the Box*’ *Laws May be Harming Young Black Men Seeking Jobs*, (“studies have found that black men, even those without a criminal history, are less likely to get called back or hired after a ban the box law is put in place. Researchers suspect that employers who can’t ask about an applicant’s criminal background preemptively weed out young black men, who disproportionately have criminal records’).⁶

III. Conclusion

In conclusion, while Int. 0632 aspires to a laudable goal, it misses the mark and threatens injury to (1) the community of formerly incarcerated individuals that it seeks to protect, (2) Black and Hispanic community members who do not have any criminal record; and (3) tenant communities and property owners who are unable to properly manage risk.

Contact:

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⁵ <https://www.bostonfed.org/publications/research-department-working-paper/2016/the-effect-of-changing-employers-access-to-criminal-histories-on-ex-offenders-labor-market-outcomes.aspx>

⁶ <https://www.pewtrusts.org/fr/research-and-analysis/blogs/stateline/2017/08/22/ban-the-box-laws-may-be-harming-young-black-men-seeking-jobs>

December 8, 2022

**TESTIMONY OF ROSEANN CIACCIO BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS-COOP EXEMPTION TO INTRO 632**

I am the Vice President of Glen Oaks Village Owners Inc., a cooperative community containing 3,000 units of affordable middle housing in Glen Oaks/Bellerose, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,

Roseann Ciaccio, Vice President

Glen Oaks Village Owners Inc.

Testimony from Leah Faria
Support Intro 632 Fair Chance for Housing
December 8, 2022

My name is Leah Faria and I am the Senior Community Liaison for Women's Community Justice Association, which works to end mass incarceration for women, families and gender-expansive people.

Women are especially vulnerable to housing discrimination based on a criminal record. When I was released in 2019, getting a home to call my own was a real struggle. I applied to at least three apartments but having to check the box asking if I had a conviction resulted in me never hearing back from those landlords. Checking the box was like going through the trauma of the court system all over again.

I served 22 years in prison without a single disciplinary infraction, proving that I was fit to return to the community. Within 30 days of my release, I had a job. I had the means to pay the rent, I did my time without getting into trouble, yet I was still not being given a second chance. No one wanted to rent to me.

My choices was to live in a shelter or live with my mom. I lived with my mother, and it was not a good situation. It was difficult for me to get the remote work parts of my job done and to get sleep because there was constant disruption.

I refused to give up and finally connected with Providence House, which provides supportive housing to justice-impacted people and others in need. It's been two years of living there and having a place to call my own feels great. It is freedom, it's my safe place. Turning the key to my apartment and having somewhere to rest my head at night gives me a sense of peace. I pay my rent on time every month, and probably have one of the cleanest apartments there.

But Providence House can't be the solution for everyone with a criminal record—there is not enough space. This bill for Fair Chance Housing is a big part of the solution. Housing is a human right. Please pass this measure so that other women like me get the opportunities they deserve.

All I wanted was an opportunity to be treated fairly. But I was denied

Dear Committee Members,

I am writing to ask for your consideration concerning a matter that directly impacts the small mixed-use building I manage for my family and others like it. The New York City Council is once again considering passing a law that would prohibit building owners throughout the city from performing even minimal, basic criminal background checks on prospective tenants. This proposal, **now known as Intro. 632**, would completely change the rental process and our buildings.

Although I firmly believe in using good judgement when renting to a prospective tenant, as well as providing second chances to those who have committed minor offenses, it is incumbent upon me to ensure that apartments are rented to other tenants who will not jeopardize the safety and well-being of residents of our building and our community.

Allowing any prospective tenant with a serious criminal history, such as arsonists, murderers, rapists, or sex offenders, to rent an apartment – and forbidding us from conducting a criminal background check - would have inevitable and enormous consequences. This is basic common sense being ignored and in reality, will create more harm than good if allowed to pass.

In a time when it is already so difficult to own and manage a building as a small mom-and-pop landlord, this measure will make it even harder. Step by step, it is becoming more onerous to be a small landlord here. The city will end up with a handful of corporate landlords with zero interest in the well-being of their tenants if short-sighted laws like this continue to be passed. Changes like this address small issues, but in turn create huge ripple effects whose negative impact may not be felt for years until it is too late, and the quality of life of law abiding, hard working citizens of our city and tenants of our buildings suffer as a result.

I strongly urge you to reject Intro. 632.

Sincerely,

Matt Grabczynski

Building Manager, 122 Bedford Ave

Andrew Fine, UES resident, testimony opposed to Intro 632

My name is Andrew Fine and I am a long-term resident in City Council District 5 on the Upper East Side. I am opposed to Intro 632 as currently written. I earn a living as an Associate Broker with Brown Harris Stevens and have practiced real estate sales and rentals for approximately 27 of the past 30 years. I am well-versed in Fair Housing law, and am required to complete continuing education every two years on this issue. It is my opinion as advised by the General Counsel of Housing and Urban Development, most recently updated in 2016, that criminal records can not be used exclusively as a way to prevent prospective renters or purchasers from securing a home. In fact, the guidance from HUD suggests that only a recent criminal record that poses a danger to other residents and neighbors could be used to deny someone a home. In other words, people are currently protected from discrimination based on a criminal record, and the only new class that would be protected with Intro 632 are recent, dangerous criminals.

Our City Council has their priorities upside down. While everyone deserves a second chance, law abiding citizens deserve some assurance of safety in their homes. What we don't need is the chance that someone with a recent and violent criminal record can just move into any dwelling without appropriate screening. We don't want an arsonist, a gun criminal, a potential murderer next door. This is unfair to the general public and makes all of us profoundly less safe. I urge the City Council to withdraw Intro 632 from consideration as protections are already in place for all but recent, violent criminals.

Thank you.

Testimony to the Committee on Civil and Human Rights
Bennett Reinhardt
December 11, 2022

Thank you to the Council and the Committee on Civil and Human Rights for holding a hearing on Introduction 632, the Fair Chance for Housing Act. I am Bennett Reinhardt, a resident on the Upper West Side, an undergraduate student researching homelessness at Fordham University, and an organizer with the Open Hearts Initiative. **I am testifying in support of this legislation to ban housing discrimination based on criminal-legal system involvement in New York City.**

A city that functions at the highest level will serve the basic needs of all of its residents, which includes, at the most foundational level, stable housing. Making it easier to access housing and other services is the answer to so many problems faced by New York City in 2022, and is an obvious response to the misinformed and sensationalizing fear-mongering about crime that has been latched onto by opponents of this legislation.

Discrimination based on incarceration history is a significant driver of homelessness in New York City—a crisis that has already reached desperate proportions. By facilitating the prison-to-shelter pipeline to serve as a conduit between from incarceration to homelessness, discrimination based on criminal-legal system history means that many neighbors will experience continued un-freedom after serving the length of their sentences. We must also understand how the criminal-legal system disproportionately incarcerates our Black and brown neighbors, such that approximately 80% of those in New York City who have a conviction record are Black and Latinx.

Supporting Fair Chance for Housing—that is, supporting the rights of all of your neighbors to access safe, stable housing without discrimination—is simply the right thing to do. As Council Members, please remember that those who have been incarcerated and those who have experienced homelessness are your constituents, too, and you should consider and prioritize their needs as you debate this legislation.

With the Fair Chance for Housing Act, you have a profound opportunity to represent these disenfranchised populations and improve public safety—not just for those who will be protected under Fair Chance for Housing, but for everyone. Giving people who have been incarcerated better access to housing will make everyone safer, which should make Fair Chance for Housing a top priority for those who express concerns about crime.

I am thankful for your attention to my testimony, and to my Council Member, Gale Brewer, for her co-sponsorship of the Fair Chance for Housing Act. The Council must pass the Fair Chance for Housing Act in order to stem the tide of homelessness in our City, and to bring us closer to a world in which housing is truly respected as a human right.

My name is brother Carl Garrison, I'm the minister of Homeless outreach at the Manhattan Church of Christ, and I want to thank the City Council for this opportunity.

As a member of the faith community, and I had the pleasure and honor of serving on a Fair Chance For Housing panel with the fortune society. I feel the same now as I did then, I am morally compelled to speak out in favor of the Fair Chance for Housing Initiative on behalf of my sisters and brothers who have been formally incarcerated.....

Our beloved NYC is indeed in a crisis, particularly crisis in terms of homelessness, and the lack of affordable permanent housing, and even the lack of access to permanent housing.

Conviction records of those formerly incarcerated, are being used by landlords to create yet another barrier to housing.

Over 750,000 New Yorkers have conviction records, many of whom are our black and brown brothers and sisters, people who have paid their debt to society and are still being re-traumatized & are re-criminalized, and discriminated against with background checks for past convictions.

I'm sorry but this is indeed a moral issue...The prophet Isaiah says..

“.....woe to those who make unjust laws, to those who make oppressive policies to deprive the poor of their rights and deprive them of justice”

I appeal to the City Council, and to those in opposition to Fair Chance Housing on the grounds of morality and faith.

The absence of faith is not doubt, it's certainty, and if anyone who opposes the Fair Chance for Housing initiative is so certain that eradicating any barrier to housing to those with conviction records, will lead to so called “unsafe living conditions” for neighbors or whatever, then you have a lack of faith, and a lack of imagination, and a lack of creativity.

Fair chance for housing is only part of solution, because after one has the opportunity then one needs a loving, positive, spiritual community to close the deal. Now, I'm not a politician, I'm a minister, but I know how some of this works, somethings are transactional. So to the City Council I say this....If you all pass Fair chance for housing initiative then as a minister in a faith community, I make you this promise, we in faith community will help provide the loving, positive, uplifting & spiritual community that my formally incarnated brothers and sisters need, that all New Yorkers need. So we can work together, you lovingly handle-business on your end, and by the grace of God we will lovingly handle ours.

My name is Eric Porco. I am a small landlord and property owner in Manhattan. These buildings have been in my family since the 1930s. We are good to our tenants and take great care in making sure the roofs over their heads are safe and stable.

I vote as a democrat, and I do not do criminal background checks. Though I believe, as private property owners, we should reserve the right to do so.

I attended the hearing yesterday regarding Intro 632 and was quite taken aback by the rhetoric from the pro group, especially Keith Powers' comments towards the end. He said something that he felt after all the testimony heard there would be more racism in accepting/declining tenant applications. Let me just say, if I was to do a criminal background check that showed a violent, or any crime for that matter, and I turned that applicant down, it does not mean I am a racist. The color of skin has nothing to do with criminal history. Yes, statistically there is a relationship, but in making the choice of housing someone who, also statistically, might commit another crime, it is a no brainer. We house families, the elderly, and other vulnerable people who, after speaking with them, completely agree that landlords should reserve this right because it protects them as well. It makes them feel safe in their homes.

I believe there is a middle ground. One of the panelists mentioned the Detroit model. A look back period of 3-5 years after incarceration will work. Certified letters of recommendations from parole officers explaining their professional opinion will also work. This shows the applicant has made changes in his/her life and has proven so. I do believe in 2nd chances, and I have done so in the past. I had an applicant whose credit was very bad. It turned out that some years prior he battled a bad addiction but had gone through rehabilitation. After speaking with him further and having a full understanding of his mistakes, we accepted him, and he was a fine tenant.

There needs to be more scrutiny of this bill. It needs more molding, more details, more protections for tenants and landlords alike, more provisions. Let's think outside the box. We cannot have what happened in 2019 with the HSTPA. That bill was written so broadly and recklessly that it completely changed the real estate industry and even put related businesses out of business. We must do better. We must be better. We must serve everyone equally. Passing this bill does not do so. Please vote no, for now, and find a middle ground that helps us all.

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December 8, 2022

TESTIMONY OF GEOFFREY R. MAZEL BEFORE THE COMMITTEE ON CIVIL & HUMAN RIGHTS

Dear Council Members,

My name is Geoffrey Mazel and I would like to thank you for the opportunity to speak before you on this extremely important issue. By way of background, I am a practicing attorney in the City of New York for over 30 years in the firm of Hankin & Mazel, PLLC, we represent Coop Board which includes over 15,000 units of Coop housing; I am the Chairperson of the Queens Bar Association Coop & Condo Committee and I am the Legal Advisor to the Presidents' Coop & Condo Council, an organization that reaches tens of thousands of owners and residents of Coops and Condos.

Intro 632 has had a unique effect in the housing community—it is the first time in my long career that landlords and tenants are in agreement on a proposed piece of legislation. However, please understand that the Coop community does not involve landlords and tenants, but rather Coop homeowners. It is a unique situation where the residents of the Coop community actually govern themselves and there is no profit. The result is the best affordable housing stock in New York City.

The use of the criminal background check is an essential tool used by Co-op Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Co-op is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Co-op community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Co-op Board and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,

Geoffrey Mazel, Esq.

Good morning, City Council Members, My name Is Hilton N. Webb, Jr. and I appear here today in support of Intro #632 the Fair Chance for Housing Act. To both My Supporters and My Detractors I will start with one question: What must a person do to repay their debt to society?

I have spent twenty-seven years, nine months, and three days in prison since November 13, 1989. I was freed from incarceration on August 16, 2017, and since then I have acquired a Master of Social Work Degree from Lehman College, passed my Licensing exam on the first try and am now a Licensed Master of Social Work and a CASAC-T working as a Harm Reduction Mental Health Counselor. Some of you might be amazed and some aghast but the Department of Corrections and Community Services, The Office of Professional Discipline of the NY State Department of Education, Lehman College of CUNY have all determined through various both rigorous and onerous examinations that I am a person of good moral character. I have a credit score of 745 and rising. I have a job and yet I am unable to secure a permanent place to live because of something I didn't even do in 1989. I am not here to redress that injustice but today's injustice wherein people with criminal legal histories are subject to a discriminatory practice, which unreasonably extends our punishment far past a reasonable expiration date. It is both difficult and invasive to obtain an apartment in NYC already, with landlords and realtors requiring a complete tax form including all W-2s, 12 months of bank statements, four pay stubs, a salary which is forty times the monthly rent and an application fee so they can pay an incompetent company to do a background check. I work every day and return home to supportive housing with The Fortune Society, and I am one of the lucky ones. I stand before you to ask, what about my sisters and brothers who aren't as fortunate. I beg you to level the playing field, Pass Intro #632 this year simply because: How long must our punishment continue to satisfy your unreasonable need for retribution? Thank you for your time and attention, now please get to work.

-Hilton N. Webb, Jr., hnwebbjr@gmail.com ###-###-#### *Committee on Civil and Human Rights*

Dear City Council Members

As a small Chinatown Property Owner, I urge you to reject Intro 632. If this becomes law it will place property owners like myself in jeopardy as a viable affordable housing and commercial operation while my tenant's wellbeing and quality of life will be undermined. In addition, New York City's economy will be drastically altered negatively as a consequence.

- I believe in second chances for those who committed crimes. But the language in Intro 632 prevents a review of an individual's history. Individuals with recent or egregious felonies can become a liability by destroying an apartment building and terrorize tenants. Children and the elderly will be particularly vulnerable.
- This liability apparently is recognized in the bill. Two family homes, owner/family occupied housing, Section 8 application and NYCHA are exempt. This double standard is a dishonest application of the bill and targets law abiding property owners. Why are some residents afforded extra protection while others are not?
- Intro 632 will force us to rent to individuals with criminal background while not protecting us from potential liability. It places the onus and risk on the property owner without compensation. Insurance companies will inevitably raise rates to a point where property owners cannot afford it or provide sufficient protections. Intro 632 provision that supposedly protects property owners (Paragraph H; point 2; part i) is inadequate in protecting them from legal action from tenants for example.
- Lack of timely recourse for nuisance/violent tenants. Housing court can take years to resolve cases.

I urge you to remove sponsorship and/or reject Intro 632. It fails to properly address the issue of housing for those with criminal records while it inadequately protects tenants and property owners from a potentially unsafe environment.

Irving Lee
Chinatown resident and property owner

From: J Wilson <jarasiaw@hotmail.com>

Sent: Monday, December 12, 2022 8:52 AM

Subject: [EXTERNAL] Committee on Civil and Human Rights (Int 0632-2022) Against

Committee on Civil and Human Rights:

Re: Int 0632 – 2022

I am writing today about Int 0632-2022 which I am against. Tenants in NYC already have too many rights as it is. It can be difficult (a long process) in NYC to get a tenant out when they do not pay on a timely basis. Landlords have expenses ie. Plumbing , mortgage, water bill and paying taxes and now you want to dictate who should live in ones home. A small landlord who has a house to pay the bills have every right to know who is living under their roof. You would not want a criminal whether they serve their time fully, partially or whatever to live in your home. Who wants a thief living in their home. The saying goes “once a thief always a thief” . A violent person who went to jail - Are you kidding me I do not want this. You get into an argument. The Police is limited in what they can do. Landlords have Human Rights too! This bill should have never been brought up nor even a discussion. Sorry you know good a well you want to know who is living in your place. Small landlords need to know. Bad enough NYC is nickeling and dimeing and come up with things without fully looking at the big picture and the affects until it is too late.

When something bad happens oh I am “Sorry” nobody wants to hear this because you made a bad call. **DO NOT PASS THIS BAD UNNECESSARY bill.**

People should know right from wrong from the very beginning. Let the criminals live in your home since you want to entertain this bill. **SMALL LANDLORDS HAVE RIGHTS AND NEED AND SHOULD KNOW WHO LIVES IN THEIR HOME AT ANY GIVEN TIME.**

J. Wilson

Sent from [Mail](#) for Windows

Council Men and Woman, all other members of the decision-making process and the public,

My name is Jeannine and I am a Bronx resident born and raised. I am writing this statement in regards to the Intro to 0632 bill from Keith Powers. This bill would prohibit housing discrimination in rentals, sales, leases, subleases, or occupancy agreements in New York City, on the basis of arrest record or criminal history. I want to say that many people in the world today use the word "discrimination" very loosely and often. Everything is discrimination. Let me explain. Do you remember when you were a little kid and your parent or guardian told you don't talk to strangers or be careful who you are with? Now a days with the high crime and unjustness we are seeing in the world people are feeling more unsafe and are needing to even say this to strangers be careful out there. We are learning how dangerous are city streets are and how our first responders are everyday fighting out there for our safety. We are being taught to have eyes and ears behind our head. What I am leading up to is this. There are rules and regulations for many reasons. Why are we tweaking things? Why are we going soft on people? That is not discrimination! We as hard-working citizens of this city vote for people that we believe will listen to our concerns and take those concerns to heart and do the right things to make our city run safe and properly for us. No way will passing this bill do that? I ask how will it keep people safe? We are tweaking the rules? Do you know everything we do we have to follow the rules and go through a process. We apply for a job we fill out an honest resume and then possibly have to go on an interview and meet with people for them to get to know us. No one is just going to hire someone without this safety and security. We try and get a credit card we have to submit paperwork and go through some sort of background check. We try and take out a loan, student, car or mortgage we have to go through a background check of some sort to show the people or business we are working with who we are. Why they should want to work with us and prove to them we can in turn pay the money back. So, I ask how is this anything different? People that are going to give housing to people whether to live directly in the same building or location or somewhere else should go through the same channels. Housing is a lifestyle. As we all know we are an overcrowded city with many people coming from all over to try and live in our city – so our city is feeling the pressure to help everyone out because we are America land of the free. There is no other place like this place in the entire world. So, this is not discrimination this is being protective of who we deal with for a business or social transaction. It is being protective and a means of taken precaution. If you pass this law you are allowing and forcing wrong things to possibly happen so how is this protecting? I can keep going on but I want to keep it short and sweet because I never wrote a testimony for a bill before. But I am seeing a lot of damage take place in my home city and I find it very disheartening. I am trying to work hard and raise a family and teach my children right from wrong and values! Rules are rules why are we changing them. Wait I know why because if this is passed – then the city can move forward with their housing Rikers inmates in housing developments all over especially another near and dear concern of mine right in my neighborhood Jacobi Hospital!! I will leave you with this. Thanks so much for your time and attention and look forward to hearing a positive result.

**Testimony on Dec. 8, 2022, to New York City Council Committee on Civil and Human Rights on Int. 632
– A Local Law to amend the administrative code of the city of New York, in relation to prohibiting
housing discrimination on the basis of arrest record or criminal history.**

“My name is Jorge Renaud. I live in Austin, Texas and I am the National Criminal Justice Director for LatinoJustice, PRLDEF. I have been out of prison for 15 years now and make over \$100,000 a year in salary. Yet I am homeless.

I do not mean I am unhoused. I do not live in the streets. I am without a home, denied what used to be the American dream of home ownership, or even of renting an apartment in my own name, because of a conviction in 1991 for robbery in Texas.

I have been employed since the day I was released in 2008. I graduated from the University of Texas with a Master’s of Science in Social Work in 2012. I have not had an issue with the CJ system in over 30 years, yet because of the way our society laws allow landlords to discriminate against individuals convicted of committing crimes no matter how distant in their history. My salary and position in the community don’t matter when it comes to my ability to purchase a home where I can live securely and leave as a legacy for my daughter. I can’t even be sure of securing rental housing, and could end up on the streets at any given moment.-

This is not just a New York problem. It is an American crisis. The Sentencing Project estimates that between 70 million and 100 million individuals in this country have criminal records, and all are subject to discrimination rooted in the idea that once a criminal, always a criminal.

Others here will make the connection between being unable to rent or buy a home and worsening mental health and substance abuse issues. Others will speak eloquently to the overwhelming evidence that this policy is rooted in racism. What others may not do is plead with you to set a national example. This city’s homelessness crisis worsened when the Texas governor decided to score political points by shipping buses full of innocent migrants to this city, knowing that the hearts of New Yorkers would not allow those individuals to left without resources.

Texas, and in fact this country, looks to you for humane leadership. Please make the right choice here today.”

Testimony from Elizabeth Couret
Support Intro 632 Fair Chance for Housing
December 8, 2022

My name is Lizzy Couret and I live in Brownsville, Brooklyn. I've struggled with finding safe, stable housing because of a criminal record. I support this bill because it would help women and families like mine to get the homes they deserve for a successful life.

Before I went to prison, I was 21-yearsold, living on the streets and dealing with mental illness. I've been home from prison since 2008 and have never been in trouble again. Yet securing housing has been a real challenge.

For example, last year my boss introduced me to a real estate broker who showed me an apartment in a complex in Manhattan. It was perfect and within my price range. But because of my criminal record, I was rejected. I've also been on waiting lists for NYCHA and Housing Connects for years and I am pretty sure I'm not getting anything because of my history.

I've rebuilt my life after prison. I was employed in different fields, most recently as a cleaner at corporate buildings. For several years I was connected to housing through HousingPlus, a non-profit that provides affordable housing to women who are justice impacted. I was always a good tenant who paid rent on time.

Right now, I'm living with friends. It's not my own place, and I'm tired of not having something that is my own. My whole life I wanted a home to call my own.

For those who say this bill would threaten public safety, I say that's unfair. I am 53 years old and disabled after having a stroke. What can I do to hurt anyone? Yet I'm still be excluded from housing because of something that happened decades ago.

For women, home is a foundation to build on, a place for our children and families. For those of us who served our time, it is unfair to let a past criminal record continue to haunt us. Let us move on and be productive. We deserve fair access to housing. I urge the City Council to support this bill.

Thank you for your time.

Testify: Ban on background checks for landlords of people with criminal backgrounds.

Mark Erlich
East 79th street ##
New York, NY 10075
Mperlich120@msn.com

I would like to testify in writing of my DISapproval of such Ban on background checks for landlords of people with criminal backgrounds.

I am a landlord and owner of a small 3 bedroom dwelling in Queens. New York is destroying the American dream of owning real estate and being an entrepreneur.

So you say I cannot discriminate against someone who has committed a crime and was arrested.

What if it was murder, wife or child abuse, battery robbery etc.

What about the rights of the owners if we have a problem with the individual.

You DO understand how hard it is to evict someone.

WHAT ABOUT THE RIGHTS OF THE OTHER TENANTS THAT LIVE THERE.
ISN'T IT THERE RIGHT TO NO WHO IS LIVING THERE AND THERE CRIMINAL
BACKGROUND. THEY WILL LEAVE.

WHAT ABOUT RENTING TO NEW PEOPLE, DON'T THEY HAVE THE RIGHT
FOR ME TO DISCLOSE THAT I RENTED TO A PERSON WHO HAS A CRIMINAL
BACKGROUND.

YOU WILL DESTROY HOUSING NOT INCREASE IT WITH THIS RULING.
WHY DO WE AS AMERICANS THAT WORK HARD AND FOLLOW THE LAW BE
PUNISHED.

PEOPLE ARE LEAVING NEW YORK IN DROVES BECAUSE OF YOUR
LEGISLATION.

I CANNOT AFFORD YOUR LEGISLATION. WHAT ABOUT MY SAFETY MY
LIABILITY TO THE FAMILIES THAT LIVE IN THE HOUSE.

THIS LAW IS OBSURD.

Thank you for submitting my testimony,
Mark Erlich

Nancy Sicardo Testimony
Support Intro 632 Fair Chance for Housing
December 8, 2022

Women are the nurturers and caregivers in our society, and we need fair access to housing. Fair Chance Housing is such an important law that would have made a high difference in my life as I reentered society.

I spent two years on Rikers and two years in prison, and when I got home it took me years to get my own apartment. Looking for a place to live throughout the whole city was extremely frustrating. Landlords told me straight up that they did not want to take a chance on an “ex-con.” I used to beg landlords to give me a chance, but it didn’t matter, I was demonized because of my conviction.

Because I couldn’t find my own place, I ended up living with my mother, and it was not a good situation. It was horrible, I couldn’t think, I couldn’t function. It felt like a form of incarceration—I had to be home at a certain time and let her know where I was going. My mental health and substance use issues are what led me to prison, and not being able to get a home of my own was very damaging.

Finally, I found a nice landlord who gave me a chance and I got the first apartment that was my own. I showed that I was a good tenant. I made my own repairs, took care of the place, and paid on time. All I needed was a chance. Everyone with a record who served their time deserves that chance—especially the mothers, daughter and sisters who are the anchor of our families and communities.

My apartment and having a home of my own is my number one love. It means stability and sanity to me. My home is my kingdom, it’s my peaceful place where I feel safe and secure.

If you want women to be successful in reentering society, please pass this legislation. Women are coming home from prison wanting to do the right thing, but they don’t have a roof over their heads. Housing is a human right, and no one should be discriminated against because of a past conviction. I urge the City Council to support this bill to empower women and families.

As the victim of attempted sexual assault while entering my building one evening and a mother of two young children attacked at their bus stops by violent individuals I know firsthand the feeling of someone creeping up behind you when it is too late to run and all you can do is fight. Victims have to live the rest of their life with that face, the breath, the voice burned into our memory. New Yorkers deserve to be safe in our buildings and per our tenant rights it is the law that our landlords must take steps to secure our buildings or they can be sued.

Intro 632 has not been changed at all from the time former CM Levin tried to push it through and it failed miserably because of the great potential for harm to residents and small landlords. Now, CM Powers is pushing this slapstick legislation with no changes or input from residents with no safety net for women or our most vulnerable. There are serious flaws in this legislation that will lead to more tragedies.

The bill says landlords can check the sex offender registry but that registry check will miss a lot. Almost 50% of sexual assault cases are not prosecuted by the Manhattan District Attorney's office in favor of other crimes like robbery or assault so that victims are not put through the trauma. Not all sex crimes require registration and for those that do it is up to the sex offender whether they notify law enforcement agencies in the area about their presence if they move to NY but committed a crime elsewhere. So now the predators that have preyed on the vulnerable in our shelters will and can live in our buildings. And, what recourse do innocent New Yorkers have against violent predators when the Manhattan District Attorney gives 3 years or less for murder as in the recent case of Than Htwe who was brutally assaulted and murdered on our subway. I don't want this hate crime perpetrator as my neighbor in a few years in my building with many Asian families. I don't want my kids alone in a building without knowing a convicted murderer or arsonist resides next door. We are without advocates, we are without a safety net, we are on our own and if we defend ourselves our DA has proven he will prosecute us while perpetrators are released to harm again and again and again. Today, we say enough is enough. We don't want slapstick legislation that has not considered or addressed the serious unintended consequences of this bill. We believe in second chances but we also need a safety net and Intro 632 is without a

safety net for residents and landlords and cannot be passed. We call on the committee to reject this bill and in its place put forth a solid re entry program that works with landlords and formerly incarcerated to ensure that housing and stability are achieved without compromising public safety.

Nicole Palame

Mother, Survivor and Resident NYC District 5

In support of the Fair Chance for Housing Act

I have someone in my life who has a criminal record. She started out as my house cleaner, but she's become one of my closest friends. When I first met her 15 years ago, she told me right away that she had a record because she'd made some bad choices, but she'd served her time and all her clients trusted her. I said I didn't mind, and I'm so glad I did. She calls to check on me when I've been sick or grieving the loss of a loved one, she's helped me fix broken appliances and a broken heart; she doesn't just help take care of my space, she takes care of me.

Unlike a lot of people with similar histories, she has stable housing; in fact, she's been in the same apartment for 19 years. That's one thing I've learned from her: formerly incarcerated people know the value of having their own homes. She is one of her landlord's best tenants! But she's told me how difficult it was to live in a shelter when she first got released because there was nowhere else for her to go.

I've met other folks with records who've languished in shelters for years because nobody will rent to them. Others may tell you that renting to people with conviction records makes other tenants less safe. But there's no evidence that connects having a conviction with being a bad tenant. I hope I've given you at least a glimpse of how good a tenant — and how good a person — someone with a criminal record can be. Please pass the Fair Chance for Housing bill to ban background checks.

Olivia Killingsworth
Resident of City Council District 40
olivekilworth@gmail.com

December 10, 2022

Dear Council Members,

We are writing to you in regards to Intro 632 and asking you to pull this bill or remove your name as a co-sponsor since this bill in its current form has no safety nets and will lead to more tragedy residents and lawsuits for small landlords. Keith Powers' controversial Bill 632 would prohibit criminal background checks in all rentals, sales, leases, and subleases, or occupancy agreements. On the surface, this bill would seem like a laudable attempt to address housing and discriminatory practices. However, as currently written, this bill would do neither, and instead could destabilize the housing market and harm the most vulnerable. We all deserve second chances, but property owners must have discretion on who to rent or sell to in order to safeguard all their residents. Tenancy decisions should be assessed in the context of the nature and severity of the crime and offense.

If passed in its current form in combination with the State bill to remove credit checks, small landlords will have one more burden that will impact their ability to remain in the housing market. These owners provide much of the naturally occurring affordable housing in the city and we need them to be able operate successfully. This will open up landlords to potential lawsuits for not providing proper safety measures for tenants any time a tenant is assaulted or attacked. There are countless times where even when background checks are in place landlords are assaulted or worse cannot evict a tenant who terrorizes. We have seen no data that substantiates that a significant number of formerly incarcerated individuals have been denied housing due to their criminal history. To the contrary, we have observed countless times where landlords have been brutally attacked by tenants. NYC has one of the strongest tenant rights in the country and landlords have few tools to make sure their tenants are safe. This bill reduces safety measures in buildings and doesn't improve housing. In fact, this could lead to even more discrimination in housing if selection of tenants in a desirable housing market means landlords must "gut check" prospective tenants.

We don't support taking a landlord's right to check credit or criminal history which puts kids, families, victims of violence and vulnerable at a significant risk with no safety net. Working with willing landlords to develop a positive and progress oriented solution will help formerly incarcerated integrate into communities and protect us at the same time.

We call on you as a committee member or cosigner of this bill to stop the bill and create a re-entry program that provides support to both formerly incarcerated and small landlords while ensuring public safety is prioritized.

Sincerely,

Phil Wong

Elmhurst, NY 11373

Intro 632 Facts:

- Bill won't protect 50% of sexual assault cases that don't get prosecuted and that many cases are dropped to avoid forcing rape or domestic violence victims to endure testifying leaving many loopholes for sex offenders and violent domestic abusers to end up in our buildings.
- Bill says it will allow landlords to check the sex offenders' registry but this check will not pick up someone who was convicted and registered as a sex offender in other states. This could put tenants in great danger.
- Bill does not protect landlords from being sued.
- The increased risk for the smallest landlords may force them to remove units from the market furthering the housing shortage that currently exists.
- Bill does not provide any resources for owners to pay for the increased insurance costs they will see related to the liability.

December 6, 2022

**BY HAND DELIVERY AND VIA EMAIL TO
DISTRICT27@COUNCIL.NYC.GOV**

Hon. Nantasha Williams, Chair
Committee on Civil and Human Rights
New York City Council
250 Broadway, Suite 1810
New York, New York 10007

Re: Intro. No. 632-2022 in relation to criminal records and housing

Dear Chairperson Williams:

We write with respect to Intro. 632/22, which is scheduled for a public hearing before the Committee on Civil and Human Rights on December 8, 2022. We write to voice our opposition to Intro. 632/22 to the extent it applies to cooperatives and condominiums.

By way of background, we are the partners in the Cooperative and Condominium Law group of the law firm of Armstrong Teasdale, LLP. We write, however, in our individual capacities and the views expressed are our own, and not those of Armstrong Teasdale, LLP.

We collectively serve as general counsel to over 400 cooperative and condominium buildings in the New York metropolitan area, containing thousands of apartments. A number of us have each been practicing law in the field of cooperatives and condominiums for over 30 years; three of us have previously served as chairs of the New York City Bar Association's Cooperative and Condominium Law Committee and one as co-chair of the New York State Bar Association's Real Property Law Section Committee on Condominiums and Cooperatives.

As was acknowledged by the State Legislature in [Senate Bill S5105C](#) (2021-2022), which modified the Housing Stability Tenant Protection Act ([Senate Bill S6458](#), 2019-2020), cooperatives and condominiums are different from standard landlord/tenant buildings. Indeed, as the State Senate acknowledged, there were provisions of the HSTPA which, while effective in a landlord-owned building, "would have a negative impact" on cooperative shareholders. S5105C, Justification.

In a cooperative, tenants (proprietary lessees) are also owners (shareholders), and, therefore, share their finances and community with their next-door neighbors. Often, an apartment is purchased as a long-term home, and proprietary leases are, for practical purposes, in effect without an end date. In other words, if your neighbor is a threat, a cooperative cannot simply refuse to renew their lease. As you are aware, proceedings to evict a cooperative tenant – a shareholder and owner of an apartment – is a lengthy procedure that could take years.

A condominium is no different in this regard, except to say that evicting a condominium owner is even more difficult, as landlord/tenant statutes do not apply.

Moreover, unlike a standard landlord-owned building, lessees of a cooperative (or condominium owners) collectively pay operational costs, decide whether and what rules they want to impose, and generally operate the building cooperatively.

As we understand Intro. 632/22, it would make it illegal for a cooperative or condominium to determine if the person who would be accepted as a co-owner and neighbor has a criminal history, even if the criminal actions are both violent and recent. Indeed, it would prevent one from knowing whether a shareholder or unit owner who runs for the board – and who would then have financial information and access – had previously been convicted of a financial crime.

Board members, who decide whether to accept or reject purchasers (or whether to waive a right of first refusal), first and foremost owe a fiduciary obligation to their fellow owners. We submit that implementation of Intro. 632/22 would cause cooperative and condominium board members to breach that obligation.

Accordingly, we urge the New York City Council to modify the bill to exclude cooperatives and condominiums.

We are happy to speak with any members of the Council in the event any Councilpersons would like to discuss this further. We encourage you to contact us if we can be of any assistance.

Very Truly Yours,

Andrew Brucker

Julie Schechter

Dale Degenshein

Eric Wohl

Howard Schechter

Phyllis Weisberg

Peter Massa

cc: Hon. Adrienne E. Adams, Speaker of the New York City Council (by hand to 165-90 Baisley Blvd., Jamaica, New York 11434 and via email to SpeakerAdams@council.nyc.gov)

Hon. Keith Powers, Majority Leader (by hand to 211 East 43rd Street, Suite 1205, New York, NY and via email to KPowers@council.nyc.gov)

TRINITY CHURCH WALL STREET

Trinity Church Testimony - NYC Council, Committee on Civil and Human Rights

Thursday, December 8th, 2022 | **Subject:** Support for Fair Chance for Housing Act - [Intro 0632-2022](#)

Good morning, Chair Williams and Members of the Civil and Human Rights Committee.

My name is Terri Davis-Merchant and I am Program Director, Housing and Homelessness, at Trinity Church Wall Street. Thank you for the opportunity to testify today to express our full support of the Fair Chance for Housing Act, Intro 632, to end housing discrimination on the basis of arrest or criminal record in New York City.

Trinity Church Wall Street, an Episcopal Church, has a congregation of more than 1,600 parishioners that represent all five boroughs and form an ethnically, racially, and economically diverse congregation. In addition to our ministry, we carry out our mission of faith and social justice through direct services, robust grantmaking, and advocacy for critical policies at the local and State level.

Guided by our faith and values, Trinity Church is a strong supporter of the Fair Chance for Housing Act. We believe it is critical to break the cycles of mass incarceration, mass homelessness, and housing instability for countless New Yorkers.

For too long, hundreds of thousands of our neighbors have been denied access to housing on the basis of their arrest or conviction record. Nearly **750,000 New Yorkers** (11 percent of the adult population) have a criminal record, which currently functions as a barrier to housing with no legal protections from discrimination.

A landlord's legal ability to deny housing based on one's criminal record has far-reaching impacts on the lives of both justice-involved individuals and their families. Conviction-based housing discrimination often forces those leaving jail or prison into the shelter system. It also dramatically reduces their ability to reconnect with their families and rebuild their lives, undermining financial stability, upward mobility, and opportunities to build wealth for their families and future generations, despite the fact that they have paid their debt to society.

TRINITY CHURCH WALL STREET

Even long after an individual's incarceration, conviction-based housing discrimination often haunts justice-involved New Yorkers for the rest of their lives, an unjust form of perpetual punishment. Further, as shown by the recent NYC Speaks survey, New Yorkers recognize that access to safe, stable housing and reducing homelessness are critical to making the city safer.

Simply put, housing discrimination on the basis of an individual's criminal record perpetuates the cycles of homelessness and poverty and does not make communities safe.

We commend Council Member Powers and the 30 other Council members who have signed on as co-sponsors and you for your leadership and courage to support this critical measure.

While the opposition deploys scare tactics, it is important to highlight two of the bill's key provisions those against it fail to mention:

1. The proposed law **does not** restrict a landlord from taking action and/or evicting a tenant if they violate the terms of their lease, such as by committing acts of violence against another tenant or the property.
2. The legislation explicitly states that a landlord's compliance with the Fair Chance for Housing Act **does not** constitute a basis for liability under other laws. Furthermore, a landlord has never been held liable for their failure to perform a criminal background check on a prospective tenant.

As New York City is in the midst of a severe housing crisis that has been compounded by the COVID-19 pandemic, our City's leaders must enact policies that eliminate unnecessary barriers and unlock access to housing for our most vulnerable New Yorkers, including those with conviction records.

We urge the Speaker and the City Council to work with City Hall to finalize and enact the Fair Chance for Housing Act immediately.

Thank you for providing me with the opportunity to testify at today's hearing. I am happy to answer any questions.

December 8, 2022

**TESTIMONY OF MICHAEL KURTZ BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL & HUMAN RIGHTS COOP EXEMPTION TO INTRO 632**

I am the President of Clearview Gardens First through Sixth Corporations, a cooperative community containing 1,788 units of affordable middle housing in Whitestone/Bayside, New York, and hereby express our Board's concern and request a Coop exemption to the provisions of Intro 632, which would ban our Board from performing criminal background checks.

The use of the criminal background check is an essential tool used by Coop Boards to ensure a safe and harmonious community. Most Boards are simply looking to make sure that anyone entering their Coop is a fit resident and that there is nothing in their past which would render them unfit. Intro 632 does not make any distinction between a person who committed a minor offense 25 years ago or someone that committed a recent heinous crime. In addition, the law will open the doors for persons who committed white collar crimes, including embezzlement, to enter Coops without any vetting whatsoever. This person could run for the Board and eventually be in a position to fleece the Coop without any notice of their past acts to the Coop.

The backbone of the strong Coop community in New York City has been the ability of Boards to vet incoming shareholders to make sure they will be making good neighbors. This proposed legislation clearly undercuts this ability and may serve to weaken a very precious housing sector in this area. Clearly, the Coop Board and their residents are in a no-win situation with regard to this legislation.

Intro 632 already has an exemption for housing accommodations for not more than two families living independently of each other. The only thing the Coop community asks is this exemption be extended to entire Coop communities where homeowners live in close quarters with each other and just want to maintain the right to ensure the safety of their communities.

Respectfully Submitted,



MICHAEL KURTZ, President

Clearview Gardens First through Sixth Corporations

To Whom It May Concern:

With crime rates all time high on the street and subway, home is our last safety net. All this bill (Intro 632) doing is taking away our safety net. Putting a ban on criminal background checks is opening the door to allow criminals with violent history to get into our building. This is outrageous. Our children, and our family need to feel safe when we are home.

Please do not ruin our home. Please say to Intro 632 from Keith Powers.

Sincerely,
Vincent Lu

December 10, 2022

Dear Council Members,

We are writing to you in regards to Intro 632 and asking you to pull this bill or remove your name as a co-sponsor since this bill in its current form has no safety nets and will lead to more tragedy residents and lawsuits for small landlords.

With crime rates all time high on the street and subway, home is our last safety net. All this bill (Intro 632) will ruin our last safety net. Keith Powers' controversial Bill 632 would prohibit criminal background checks in all rentals, sales, leases, and subleases, or occupancy agreements.

Putting a ban on criminal background checks is opening the door to allow criminals with violent history to get into the building where our home resides. This is outrageous. Our children, and our family need to feel safe when we are home. Please do not ruin our home.

On the surface, this bill would seem like a laudable attempt to address housing and discriminatory practices. However, as currently written, this bill would do neither, and instead could destabilize the housing market and harm the most vulnerable. We all deserve second chances, but property owners must have discretion on who to rent or sell to in order to safeguard all their residents. Tenancy decisions should be assessed in the context of the nature and severity of the crime and offense.

If passed in its current form in combination with the State bill to remove credit checks, small landlords will have one more burden that will impact their ability to remain in the housing market. These owners provide much of the naturally occurring affordable housing in the city and we need them to be able operate successfully. This will open up landlords to potential lawsuits for not providing proper safety measures for tenants any time a tenant is assaulted or attacked. There are countless times where even when

background checks are in place landlords are assaulted or worse cannot evict a tenant who terrorizes. We have seen no data that substantiates that a significant number of formerly incarcerated individuals have been denied housing due to their criminal history. To the contrary, we have observed countless times where landlords have been brutally attacked by tenants. NYC has one of the strongest tenant rights in the country and landlords have few tools to make sure their tenants are safe. This bill reduces safety measures in buildings and doesn't improve housing. In fact, this could lead to even more discrimination in housing if selection of tenants in a desirable housing market means landlords must "gut check" prospective tenants.

We don't support taking a landlord's right to check credit or criminal history which puts kids, families, victims of violence and vulnerable at a significant risk with no safety net. Working with willing landlords to develop a positive and progress oriented solution will help formerly incarcerated integrate into communities and protect us at the same time.

We call on you as a committee member or cosigner of this bill to stop the bill and create a re-entry program that provides support to both formerly incarcerated and small landlords while ensuring public safety is prioritized.

Sincerely,

Vincent Lu

Public school parent, NYC resident, parent leader

Intro 632 Facts:

- Bill won't protect 50% of sexual assault cases that don't get prosecuted and that many cases are dropped to avoid forcing rape or domestic violence victims to endure testifying leaving many loopholes for sex offenders and violent domestic abusers to end up in our buildings.

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Dear Council Members,

We are writing to you in regards to Intro 632 and asking you to pull this bill or remove your name as a co-sponsor since this bill in its current form has no safety nets and will lead to more tragedy residents and lawsuits for small landlords. Keith Powers' controversial Bill 632 would prohibit criminal background checks in all rentals, sales, leases, and subleases, or occupancy agreements. On the surface, this bill would seem like a laudable attempt to address housing and discriminatory practices. However, as currently written, this bill would do neither, and instead could destabilize the housing market and harm the most vulnerable. We all deserve second chances, but property owners must have discretion on who to rent or sell to in order to safeguard all their residents. Tenancy decisions should be assessed in the context of the nature and severity of the crime and offense.

If passed in its current form in combination with the State bill to remove credit checks, small landlords will have one more burden that will impact their ability to remain in the housing market. These owners provide much of the naturally occurring affordable housing in the city and we need them to be able operate successfully. This will open up landlords to potential lawsuits for not providing proper safety measures for tenants any time a tenant is assaulted or attacked. There are countless times where even when background checks are in place landlords are assaulted or worse cannot evict a tenant who terrorizes. We have seen no data that substantiates that a significant number of formerly incarcerated individuals have been denied housing due to their criminal history. To the contrary, we have observed countless times where landlords have been brutally attacked by tenants. NYC has one of the strongest tenant rights in the country and landlords have few tools to make sure their tenants are safe. This bill reduces safety measures in buildings and doesn't improve housing. In fact, this could lead to even more discrimination in housing if selection of tenants in a desirable housing market means landlords must "gut check" prospective tenants.

We don't support taking a landlord's right to check credit or criminal history which puts kids, families, victims of violence and vulnerable at a significant risk with no safety net. Working with willing landlords to develop a positive and progress oriented solution will help formerly incarcerated integrate into communities and protect us at the same time.

We call on you as a committee member or cosigner of this bill to stop the bill and create a re-entry program that provides support to both formerly incarcerated and small landlords while ensuring public safety is prioritized.

Sincerely,

Yiatin Chu

NYC resident, public school parent, Asian community organizer

Intro 632 Facts:

- Bill won't protect 50% of sexual assault cases that don't get prosecuted and that many cases are dropped to avoid forcing rape or domestic violence victims to endure testifying leaving many loopholes for sex offenders and violent domestic abusers to end up in our buildings.
- Bill says it will allow landlords to check the sex offenders' registry but this check will not pick up someone who was convicted and registered as a sex offender in other states. This could put tenants in great danger.
- Bill does not protect landlords from being sued.
- The increased risk for the smallest landlords may force them to remove units from the market furthering the housing shortage that currently exists.
- Bill does not provide any resources for owners to pay for the increased insurance costs they will see related to the liability.

Date: 12/9/2022

Name: Rona Morrissette

Re: Fair Chance at Housing Act Testimony

To whom it may concern:

I am a married, hardworking mother of a 5 year old son. I am a first generation homeowner and reside in a brownstone with my family and our tenants. We live in Bed Stuy. I must say that I would be afraid for the safety of my family should such legislation pass. There are other alternatives. When it comes to the safety of my family on my property that should be my husband's and my decision. Criminals need housing too and maybe you can work something out with larger multifamily units 10+ units and leave us small time landlords out of this. We get the worst end of the stick all the time.

Thank you,

Rona Morrissette Barrett

It's hard to believe that a body responsible for passing laws to protect the taxpayers so blatantly sides with criminals every chance they get. It's bad enough that the city is planning to close Rikers (the ideal location for a jail) to build "neighborhood" jails. Isn't it enough that we'll have criminals in our neighborhoods? Now you want them to live in our buildings? Call me biased, but I don't want convicted drug dealers, violent criminals and sex offenders as neighbors. I think the law-abiding taxpayers deserve better. Are you purposely trying to drive the tax base out of the city? We pay for our homes with private funds. Stay the hell out of our business. If you insist on protecting criminals, feel free to do so in public housing. Leave us alone. Enough already

I'm a resident and a voter in CM Bottcher's District 3, and I have serious concerns about Intro 632.

While I understand and support the broader goals of fair housing and non-discrimination, I believe Intro 632 goes too far and deprives apartment owners and neighbors of critical information on criminal background, and that it shows a lack of concern for the safety and well-being of existing residents and owners -- which should be of concern to the CM and to all City Council members!

The Intro lacks nuance, painting with a very broad brush by eliminating the use of criminal background checks in housing, and it lacks absolutely necessary carve-outs or modifications necessary to provide that nuance (such as exceptions for violent crimes or repeat offenders or excluding co-ops and condos from this policy).

I am asking that the Council not pass this bill as is, and that it seek major modifications before introducing it again.

From: john doe <2047excludecoop@gmail.com>
Sent: Wednesday, December 7, 2022 9:27 AM
To: Testimony
Subject: [EXTERNAL] Int 0632-2022

Dec 7 2022

Re: Int 632

Councilmember:

Please clearly exclude cooperatives (“coops”), particularly small coops, from any law prohibiting asking potential shareholders about criminal history or performing background checks on them. Owners of coops have a relationship with each other and with the coop that goes far beyond the relationship between (a) tenants and landlords and (b) rental tenants in a building. Further, owners in small coops have a relationship with each other that goes beyond the relationship between owners in large coops.

In coops, and particularly in small coops, the shareholders/owners are inextricably linked. It’s like being in a family together. Or business partners. Prohibiting the coop from asking potential shareholders about criminal history or performing background checks on them is bad public policy. For example:

- **Bad corporate governance** - In small coops (say five units or less), all shareholders/owners, for practical purposes, become members of the Board of Directors and Officers. Members of the Board and Officers have certain decision-making and agency powers that affect all shareholders/owners and the entire coop entity. Prohibiting coops from asking potential shareholders about criminal history or performing background checks on them effectively forces small coops to unwittingly appoint Board members with criminal histories or other characteristics that make them unsuitable for Board membership or Officer positions. It strips the Board of its ability to use discretion in ensuring that all Board members are qualified to serve on behalf of the entity. The potential dangers of having people who’ve committed crimes (particularly crimes such as theft, embezzlement, and other financial crimes) in a position to act on behalf of the coop are enormous. It’s bad corporate governance.
- **Infringes on the most fundamental coop shareholder right** - When one buys shares in a coop, one knowingly and willingly gives up certain rights in exchange for receiving other rights. The most fundamental right they give up is the right to sell their ownership interest to whomever they choose. Rather, shareholders know that the Board

must approve any buyers of their shares, when and if they choose to sell. In exchange for giving up the right to sell to whomever they choose, owners gain the right to reject any potential buyers to whom other unit owners want to sell. Having a law prohibiting asking potential shareholders about criminal history or performing background checks on them infringes on that most fundamental shareholder right.

- **Puts shareholders at financial risk** - All shareholders/owners are effectively jointly responsible for any financial obligations of the coop. For most coop owners, their equity in their home is their most significant asset. It is grossly unfair to require them to put their most significant asset at risk by binding them to criminals without giving them the opportunity to vet their potential new co-owners.
- **Contradicts the notion of the coop as an intentional community** - People who buy a unit in a coop do so with the understanding that they are entering a form of intentional community, with its own rules and regulations, that go beyond the laws of their jurisdiction. In doing so, they implicitly give up certain rights and privileges in exchange for assurances that others in the group also are giving up those same rights and privileges. They all agree to live together, as neighbors and financial partners, with a common set of rules. Current owners have the right to know certain things about prospective owners, including, but not limited to, whether those prospective owners have a history of not following the rules of society.
- **Landlords can terminate relationships with tenants much easier than coops can terminate relationships with shareholders** – Once one is a shareholder in a coop, it's extremely difficult to impossible to force that shareholder out of the coop. On the other hand, it's much easier for a landlord to terminate a lease with a tenant (or simply not offer a lease renewal). Accordingly, its appropriate to have a higher hurdle to becoming a shareholder in a coop than becoming a tenant.
- **Exceeds the provisions of the Fair Chance Act of 2015** - Even the Fair Chance Act of 2015, which prohibits employers from asking prospective employees about their criminal history, permits such inquiries after the employer has made a provisional offer. Further, the Fair Chance Act of 2015 exempts smaller employers altogether. Clearly, the relationship and associated risk between a coop and its members exceeds that between an employer and employee. And if “things turn bad,” it's extremely difficult to impossible for a coop to terminate its relationship with a shareholder, whereas an employer can simply fire the employee.

I urge you to consider excluding coops, particularly small coops, from any law prohibiting the coop from asking potential shareholders about criminal history or performing background checks on them. Without such an exclusion, you'll be imperiling a large swath of homeowners financially and from a quality of life perspective.

Respectfully yours



john doe

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/2022

(PLEASE PRINT)

Name: Susan Lee

Address: Thomas St. 10013

I represent: self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Melinda Thales

Address: West End Ave, NY NY 10023

I represent: West Side Community Organization

Address: 130 West 79th St, NY NY 10024

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: YUSUF DAHL

Address: _____

I represent: myself / Coalition vs. Federal Thurmond Amend.

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/2022

(PLEASE PRINT)

Name: Yiatin Chu

Address: 14 Ave Whitestone, NY

I represent: Asian Wave Alliance

Address: NA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12-8-22

(PLEASE PRINT)

Name: Myrna Calderon

Address: Fordham Hill Oval BX 10468

I represent: Fordham Hill owners Corp

Address: ONE Fordham Hill Oval Bx 10468

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/2022

(PLEASE PRINT)

Name: State Committee member Rachel Miller-Budshaw

Address: 1 Fordham Hill Oval

I represent: Fordham Hill Owners Corp; 78 AD

Address: 1 Fordham Hill Oval, Bronx, NY 10468

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kandra Clark

Address: 76th Rd., Forest Hills, NY 11375

I represent: Exodus & myself

Address: 2268 Third Avenue NY NY 10035

Health
Issues

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert O'Connor

Address: 1002 NDE EXPL

I represent: EXODUS TRANSITIONAL COMMUNITY

Address: 2268 THIRD AVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: Buffalo Avenue 131/136

I represent: SELF

Address: Buffalo Avenue NY

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Yanling Wagner

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CARL GARRISON (MINISTER)

Address: WEST 120th

I represent: FAIR CHANCE FOR HOUSING (MANHATTAN) CHURCH

Address: 44 EAST 80th ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Logan Phares

Address: PRESIDENT ST BK, NY

I represent: OPEN NEW YORK

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: Annette Tomlin

Address: _____

I represent: VOCALNY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12-8-22

(PLEASE PRINT)

Name: Juanita O. Lewis

Address: _____

I represent: Community Voices Heard

Address: 115 E. 106th St. 3rd Fl

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: Douglas Powell

Address: VOCALNY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 432 Res. No. _____

in favor in opposition

Date: 12-8-2022

(PLEASE PRINT)

Name: RYAN MONELL

Address: 570 LEXINGTON

I represent: REAL ESTATE BOARD OF NY

Address: "

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/08/22

(PLEASE PRINT)

Name: Julian Morales

Address: _____

I represent: New York Civil Liberties Union

Address: 1 Whitehall 3rd floor

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12-8-2022

(PLEASE PRINT)

Name: Sha Shameeka France

Address: Rochester BK

I represent: Women Prison Association

Address: 100 Pennsylvania

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ANDRE WARD

Address: 29-76 northern Blvd.

I represent: The Fortune Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: Leah FARIA

Address: Kosciuszko Street

I represent: The Womens Community Justice

Address: 315 Linwood St. Bklyn Associa
ny 11208

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: Lauren Vitez

Address: 61 Broadway Ste 2300 10006

I represent: CSH

Address: 61 Broadway Ste 2300 10006

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ANTONIO HENAUD

Address: [redacted] Kyle

I represent: Latino Justice

Address: 1975 Riverside NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: PAUL KEEFE

Address: 633 Third Avenue 10th Fl NY NY 10007

I represent: Community Service Society of NY

Address: [redacted] Clinton St- Brooklyn NY 10010

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nancy Sicard

Address: [redacted] 132 St NY NY 10037

I represent: WVJA Womens Criminal

Address: Justice Association

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: Sebastian Solomon

Address: W 27th St NY NY

I represent: Vera Institute of Justice

Address: 34-35th St, Brooklyn, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Hong Chen

Address: 201st St Bayside NY 11360

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lizzy Corbett

Address: _____

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/17/22

(PLEASE PRINT)

Name: Alexandra Dagherty + Brooklyn Defender Services

Address: 177 Livingston St. Brooklyn NY 11201

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: OLIVIA KILLINGSWORTH

Address: CORTLYOU RD BROOKLYN, NY

I represent: OPEN HEALTH INITIATIVE 11218

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Wendell Walters

Address: _____

I represent: Osborne Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12-8-22

(PLEASE PRINT)

Name: Mary Ann Rothman

Address: Riverside Drive NYC 10024

I represent: CNYC - Council of NY Cooperatives & Condominiums

Address: 850 7th Ave, NY 10019

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Audrey Johnson

Address: Putnam Ave BK NY 11238

I represent: A Little Piece of Light

Address: 356 MARCUS GARVEY BLVD 11221

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 0632

in favor in opposition

Date: 12-8-22

(PLEASE PRINT)

Name: Mary Conway - Spiegel

Address: West 174th St

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Annabel Palma
Address: Chair + Commissioner, NYC Commission
I represent: on Human Rights
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____
 in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: MELISSA GOMEZ
Address: _____
I represent: NYS ASSOC OF REALTORS (NYSAR)
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JOANNE KAMUF WARD
Address: Deputy Commissioner, Policy +
I represent: External
Address: NYC COMMISSION ON THE AFFAIRS
Regulatory

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Geoffrey Davis

Address: Brooklyn Ave. Brooklyn 11213

I represent: _____

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 632 Res. No. _____

in favor in opposition

Date: 12/8/22

(PLEASE PRINT)

Name: Anna Shpilkovskaya

Address: East New York Ave

I represent: Support for Geoffrey Davis
opposition to the bill and personal involvement

Address: East New York Ave

Brooklyn, NY 11203

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