

COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON
CONSUMER AND WORKER PROTECTION

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

OF THE

COMMITTEE ON AGING JOINTLY WITH THE
COMMITTEE ON CONSUMER AND WORKER PROTECTION

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Date: Tuesday, November 19, 2024
Start: 1:18 P.M.
Recess: 3:56 P.M.

HELD AT: 250 Broadway - Committee Room,
16th Floor

B E F O R E: Public Advocate Jumaane Williams

Hon. Crystal Hudson, Chair of the
Committee on Aging

Hon. Julie Menin, Chair of the Committee
on Consumer and Worker Protection

COUNCIL MEMBERS:

COMMITTEE ON AGING:

Chris Banks
Linda Lee
Darlene Mealy,
Yusef Salaam
Lynn C. Schulman
Susan Zhuang

COMMITTEE ON CONSUMER AND WORKER PROTECTION:

Shaun Abreu
Gale A. Brewer
Amanda Farias
Shekar Krishnan
Chi A. Ossé
Julie Won

OTHER COUNCIL MEMBERS ATTENDING: Joseph, Nurse, and Sanchez

COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON
CONSUMER AND WORKER PROTECTION
A P P E A R A N C E S

Colette McCain-Jacques,
City Register for the New York City Department of
Finance (DOF)

Penney Vachiraprapun,
General Counsel at NYC Aging

Carlos Ortiz,
Assistant Commissioner of External Affairs at
Department of Consumer and Worker Protection
(DCWP)

Jenny Weyel,
Homeowner Advocate at NYC Department of Housing
Preservation & Development (HPD)

Jake Capistran,
Director of Intergovernmental Affairs Department
NYC Department of Finance (DOF)

Bruno Daniel,
Director of Community Affairs at the Brooklyn
Borough President's Office; Representing Brooklyn
Borough President Antonio Reynoso

Vira Jones,
Property Owner, Representing: Self Against Deed
Theft/Fraud

Randi Scherman,
Senior Staff Attorney at Neighborhood Economic
Justice Project at Brooklyn Legal Services

Casey Lee,
Staff Attorney at Legal Aid Society

Beverly Smith,
Popham Gardens HOA

COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON
CONSUMER AND WORKER PROTECTION

A P P E A R A N C E S (CONTINUED)

Rahcel Cyprien,
Property Owner, Representing: Self Against Deed
Theft/Fraud

Karen Greenwood,
Property Owner, Representing: Self Against Deed
Theft/Fraud

Roger Rowe,
Property Owner, Representing: Self Against Deed
Theft/Fraud

Kevin Wolfe,
Deputy Director for Advocacy and Public Affairs
at Center For New York City Neighborhoods

2 SERGEANT LEVY: Testing, testing, this is Sergeant
3 Levy doing a mic check for the 16th floor Committee
4 Room at 250 Broadway; the Committee on Aging jointly
5 with the Committee on Consumer and Worker Protection.
6 The date a November 19, 2024.

7 SERGEANT AT ARMS: Please quiet down. Good
8 afternoon and welcome to today's New York City
9 Council Hearing for the Committee on Aging jointly
10 with the Consumer and Worker Protection.

11 At this time to minimize disruptions, please
12 place all electronic devices to vibrate or silent
13 mode.

14 At no time is anyone to approach the dais. If you
15 would like to sign up for in person testimony, or
16 have any other questions throughout the hearing,
17 please see one of the Sergeant at Arms.

18 Chairs, we are ready to begin.

19 CHAIRPERSON HUDSON: (GAVELING IN)

20 Thank you so much, and good afternoon, everyone.
21 I'm Council Member Crystal Hudson, chair of the
22 Committee on Aging; my pronouns are she, her.

23 Welcome to today's joint Oversight hearing with
24 the Committee on Consumer and Worker Protection on
25 *Deed Theft*.

1
2 Thank you to Chair Menin for holding this
3 important hearing with me today. I want thank the
4 Public Advocate for also joining us, and we will hear
5 the following legislation today:

6 Introduction Number 888, sponsored by myself in
7 relation to requiring disclosures of market value for
8 unsolicited offers to purchase residential
9 properties.

10 Introduction Number 901, sponsored by Council
11 Member Kevin Riley, in relation to requiring the
12 office of financial empowerment to provide assistance
13 to homeowners.

14 We're also joined today by Council Member Zhuang,
15 Council Member Mealy, and Council Member Salaam.

16 According to 2023 data from the Department of
17 Housing Preservation and Development Center for
18 Research on Housing Opportunity Mobility and Equity,
19 49 percent of New York City residents aged 62 and
20 older own their own home, representing a higher
21 homeownership rate than the citywide homeownership
22 rate of 35 percent.

23 Of these older adult homeowners, 75 percent are
24 low to moderate income and require resources and
25 services to support them as they age in place. As

1
2 such, in New York City, homeownership is the largest
3 source of personal wealth for many older adults.

4 As New Yorkers have aged in their homes, the
5 neighborhoods around them have changed, property
6 values have skyrocketed, and older residents have
7 become targets by individuals and shell companies
8 seeking to profit off of their homes. This has given
9 rise to widespread deed fraud and home title theft.

10 According to the New York Attorney General's
11 Office, deed theft occurs when someone takes the
12 title to someone's home without the homeowner's
13 knowledge or approval.

14 Two of the most common ways scammers steal deeds
15 are forgery, where the scammer fakes the homeowner's
16 signature on a deed and files it with the county
17 clerk, and fraud where the homeowner signs the deed
18 over to the scammer without realizing what they are
19 really signing.

20 As an example, let's look at the case of 90-year-
21 old Ray Cortez of Brooklyn. Mr. Cortez bought his
22 home on Saint Mark's Place in 1969 and raised his
23 three children there. In 2006, Mr. Cortez planned on
24 making renovations to the home. Thinking that he was
25 just agreeing to the performance of home repairs, Mr.

1
2 Cortez was duped into signing over the deed to the
3 home in 2006. Much later, Mr. Cortez learned a
4 mortgage was taken out on the property without his
5 knowledge, with the borrower extracting nearly
6 \$700,000 according to court records. Then,
7 unbeknownst to Mr. Cortez, an LLC purchased his home
8 at a 2018... at a 2018 foreclosure auction and is now
9 seeking to evict Mr. Lopez (sic) to cash in on the
10 property.

11 Now, 90 year old Mr. Cortez is in housing court
12 fighting to remain in the home he thought he owned at
13 a time when he should be enjoying his remaining years
14 of retirement.

15 If this story sounds like a nightmare, that's
16 because it is a nightmare. Unfortunately, it is also
17 the reality for Mr. Cortez and thousands of other New
18 Yorkers.

19 In the past five years, the City has received
20 about 3,000 deed theft complaints, 45 percent of
21 which occurred in Brooklyn and primarily in
22 communities of color and among older adults.

23 Deed theft can particularly... can be
24 particularly catastrophic for retirees or those on
25 fixed incomes, often leaving them without the

1
2 resources to secure alternate housing and increasing
3 their risk of homelessness in New York City's high
4 priced housing market.

5 Deed theft also disrupts generational wealth
6 transfer, which is particularly impactful in
7 communities of color where families may rely on
8 passing down property to achieve economic mobility.

9 Stripping families of these assets perpetuates
10 economic disparities. Beyond finances, deed theft is
11 also a traumatic experience that can impact older
12 adult victims who may experience significant
13 emotional strain from both the betrayal and the
14 potential displacement. The stress associated with
15 these circumstances can exacerbate preexisting health
16 issues leading to a decline in overall well-being.

17 Last year, the State enacted landmark protections
18 for alleged victims of deed theft, empowering the
19 Attorney General and local district attorneys'
20 offices with the ability to void fraudulent deeds and
21 block foreclosure and eviction proceedings in
22 instances of suspected deed theft.

23 Today's hearing serves as an opportunity to
24 check-in at the local level and see how our city
25 agencies are responding to the explosion of deed

1 theft cases in New York City. What resources are
2 being provided to vulnerable communities? How do
3 state and local officials coordinate to enforce
4 protections for homeowners such as cease and desist
5 zones? What assistance is provided at the local level
6 for alleged victims of deed theft?
7

8 I look forward to hearing from the Administration
9 on the steps it is taking to meaningfully address the
10 scheme that targets some of our most vulnerable
11 residents.

12 Deed theft is an issue that disproportionately
13 impacts my district and much of Central Brooklyn, and
14 it has disrupted the lives of too many of my
15 neighbors.

16 Before I close, I wanna highlight my bill,
17 Introduction 888. This critical legislation would
18 require that when a purchaser submits an offer to buy
19 a property that the owner has not listed for sale, is
20 not actively selling, did not intend to sell, or
21 where such owner was unaware of their ownership of
22 the property, that the purchaser must disclose in
23 writing in a clear and conspicuous manner the
24 estimated market value of the residential property.
25

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2 If enacted, this legislation would protect
3 homeowners from being taken advantage of by potential
4 buyers and would help to ensure that owners have the
5 information they need to sell their home with the
6 confidence of knowing that they are getting a fair
7 price. It would also discourage such potential buyers
8 from seeking to take advantage of homeowners by
9 knowingly making low offers.

10 This legislation would be another valuable tool
11 that the city can use to ensure that New Yorkers can
12 remain in their homes, retain the value of their
13 properties, and be free from harassment by forces
14 that seek to take advantage of them.

15 I look forward to the Administration's
16 constructive feedback on this legislation. Thank you
17 to the representatives from NYC Aging, HPD,
18 Department of Finance, and DCWP for appearing today.

19 Thank you to the members of the Aging Committee
20 and the Committee On Consumer And Worker Protection
21 who have joined us.

22 I would also like to thank my staff, Casey
23 Addison and Andrew Wright and Aging Committee staff,
24 Christopher Pepe, Chloë Rivera, Julia Haramis, and
25 Saiyemul Hamid.

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2 I will now turn it over to Chair Menin for
3 opening remarks.

4 CHAIRPERSON MENIN: Thank you so much, Chair
5 Hudson.

6 I'm Julie Menin, chair of the Committee on
7 Consumer and Worker Protection.

8 Helping New Yorkers navigate through financial
9 crisis and building long term financial stability is
10 such an important component of advancing equity and
11 building wealth in our city. The Department of
12 Consumer and Worker Protection's Office of Financial
13 Empowerment works to educate, to empower, and to
14 protect individuals and families with low incomes.

15 When I served as commissioner of that agency, we
16 launched a public awareness campaign to inform New
17 Yorkers about the free one on one professional
18 financial counseling available to residents to take
19 control of their debt and to plan for their future.

20 For many New Yorkers, their home is quite frankly
21 their greatest financial asset. Unfortunately,
22 scammers seek out financially vulnerable homeowners
23 to fraudulently take ownership of their property.

24 As Council Member Hudson emphasized, deed theft
25 is particularly catastrophic for retirees or those on

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2 fixed incomes, often leaving victims without
3 resources to secure alternative housing in the city's
4 highly competitive housing market.

5 It's critical that homeowners are educated about
6 how to protect their assets and how to identify deed
7 theft scams.

8 I look forward to hearing from the agencies
9 before us today regarding the steps that they are
10 taking to educate homeowners and prevent the tragedy
11 of deed theft before it occurs, as well as how
12 they're responding when New Yorkers come to them as
13 victims of deed fraud.

14 Along with Council Member Hudson's bill,
15 Introduction 888, we are also hearing Introduction
16 901, sponsored by Council Member Riley.

17 This bill would require the Office of Financial
18 Empowerment in coordination with the Office of the
19 Homeowner Advocate to provide support and counseling
20 to homeowners and their heirs to protect their
21 assets, including financial planning, mortgage
22 count... mortgage counseling, and scam prevention.

23 I look forward to robust discussion about these
24 bills, and I'll now hand it back over to Council
25 Member Hudson.

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2 CHAIRPERSON HUDSON: Thank you so much. I'd like
3 to add that we've also been joined by Council Members
4 Brewer and Lee.

5 I'd now like to turn it over to the Public
6 Advocate to deliver opening remarks.

7 PUBLIC ADVOCATE WILLIAMS: Thank you so much,
8 Madam Chairs.

9 As mentioned, my name is Jumaane William, Public
10 Advocate for the city of New York. Thank you again to
11 Chairs Hudson and Menin and committee members for
12 holding this hearing.

13 In the midst of the pandemic, my office began to
14 receive deed theft complaints from constituents
15 seeking legal assistance. I will say I've been
16 hearing about these, issues since I was a council
17 member and only increased as I became public
18 advocate.

19 My staff advised these concerned and afraid
20 citizens to share the complaint with the attorney
21 general's office.

22 The New York attorney general does not have legal
23 authority to assist individuals in court and,
24 therefore, cannot always prevent these individuals
25 from further legal troubles.

1
2 According to a report done by that office between
3 2014 and 2019, New York City received around 3,000
4 complaints regarding deed theft. Of those 3,000
5 complaints, 45 percent of them came from Brooklyn.

6 That number might be higher due to likelihood of
7 homeowners not knowing they are a victim of this kind
8 of scam. By the time a homeowner realizes that they
9 are a victim, their home could be sold or mortgaged
10 multiple times.

11 This time last year Governor Hochul signed an
12 anti-deed theft bill into law, assisting prosecutors
13 with challenging fraudulent real estate transactions.

14 The governor and attorney general both publicly
15 stated that deed theft had disproportionately
16 affected Black and brown homeowners.

17 Despite knowing who was being targeted, despite
18 knowing which neighborhoods are being targeted,
19 victims are still targeted in our city and in need of
20 additional protections, especially the
21 intersectionality of our Black and brown elder and
22 senior population and others who may be vulnerable to
23 forgery, fraud, and other scams and tricks.

24 I will say in the most recent recession, Black
25 homeowners in particular, came into recession with

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2 the least amount of wealth and they left the
3 recession having lost the most amount of wealth. It
4 always seems that these things hit those communities
5 the most.

6 I would like to add my name to Council Member
7 Hudson's bills, which requires a purchase of property
8 due to disclose the market value of substantial
9 similar properties listed for sale in publicly
10 searchable database as designated by Department of
11 Consumer and Worker Protection.

12 I also want to add my name to, the Council Member
13 Riley's bill, this legislation seeks to provide
14 counseling and support to homeowners through Office
15 of Financial Empowerment and the Office of Homeowner
16 Advocate. Importantly, this measure gives homeowners
17 a program to assist them with planning their
18 finances, navigating their mortgages, and recognizing
19 scams from bad actors.

20 These bills represent an exceptional opportunity
21 to have both a safeguard against swindlers and a
22 mechanism for educating folks about the value of
23 their communities. If enacted, they will help us
24 curtail the behavior of those who have found it easy
25

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2 to steal property and deplete the wealth of historic
3 Black and brown communities.

4 I applaud Council Members Hudson and Riley and
5 Menin for these bills and for the hearings that can
6 serve a benchmark for other needed legislation that
7 actively protects our long standing communities.

8 I do want to just lift up communities like
9 Central Brooklyn and Southeast Queens who have heard
10 a lot from, dealing with these issues. Thank you.

11 CHAIRPERSON HUDSON: Thank you so much, Public
12 Advocate.

13 I'd like to now turn it over to the committee
14 counsel to administer the oath to the Administration.

15 COMMITTEE COUNSEL: Good afternoon, Chris Pepe,
16 committee counsel, now in accordance with the rules
17 of the Council, I will administer the affirmation to
18 the witnesses from the mayoral administration.

19 If you could all please raise your right hands,
20 do you affirm to tell the truth, the whole truth, and
21 nothing but the truth in your testimony before these
22 committees, and to respond honestly to council
23 member's questions? I need a verbal, yes.

24 (PANEL AFFIRMS)
25

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2 COMMITTEE COUNSEL: Okay, you may proceed with
3 your testimony. Oh, and if you could please state
4 your name before you testify, thank you.

5 MS. MCCAIN-JACQUES: Good afternoon. My name is
6 Colette McCain-Jacques; I am the City Registrar for
7 the New York City Department of Finance.

8 Good afternoon, Chair Hudson and Chair Menin, as
9 well as the members of the Aging Committee and the
10 Consumer and Worker Protection Committee.

11 Since 2014, the Department of Finance and both
12 the City Register And The Sheriff's Office have been
13 focused on confronting the root cause of deed fraud
14 that target our most vulnerable New Yorkers.

15 As many of you know, there are heartbreaking
16 stories where older New Yorkers, living on fixed
17 incomes and coerced into signing a document that
18 eventually leads them to giving away their property
19 for either no money or a fraction of what it's truly
20 worth. This issue impacts New Yorkers across all five
21 boroughs.

22 Before I jump into the root causes and the signs
23 of potential deed fraud, I'd like to take a step back
24 and explain the role that the Office of the City
25 Register plays.

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2 Each year, well between 300,000 and 500,000
3 documents are processed by the Office, that includes
4 all different actions against properties, including
5 the recording of deeds, which are made available for
6 the public inspection.

7 For example, if a property owner refinances their
8 mortgage or transfers a deed, these actions require
9 filing with the Office of the City Register, which
10 means it needs to be processed by a member of my
11 staff.

12 The Office of the City Register plays a
13 ministerial role in recording of deeds. The Office is
14 limited by state law. State law requires the City
15 Register to perform the ministerial acts of recording
16 a deed as long as it is in recordable form. Meaning
17 that it's certified by public notary - it has sellers
18 and buyer's signature under certain circumstances,
19 and it includes all other required documents for
20 recording. The City Register does not have discretion
21 with respect to recording of these that meet these
22 requirements.

23 Although the Office of The City Register is
24 limited by state law, there are still proactive steps
25

1
2 the Department of Finance has taken to help prevent
3 deed fraud.

4 We have trained City Register staff to better
5 detect documents that may be forged or fraudulent and
6 put in place several safeguards, including
7 involvement of the Sheriff's Office in the review
8 process.

9 After an internal review of our recording
10 process, we discovered that Quitclaim Deeds, uh, are
11 the most common type of deeds used by perpetrators of
12 deed fraud. The staff now pays particular attention
13 to these situations... submissions. And when the
14 staff identifies a discrepancy that appears to
15 indicate possible fraud, they refer it to the
16 Sheriff's Office for a review.

17 Examples of other types of recording that would
18 trigger an additional review are those with a sale
19 price far below the market value, and trans
20 multiple... uh, transfers between LLCs within a short
21 period of time - and transfers by people or entities
22 suspected of committing or known to have committed
23 deed fraud in the past.

24 These safeguards have been in effect since July
25 2014, when we increased our focus on deed fraud, and

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2 we continue to make improvements as we see patterns
3 that need to be addressed.

4 In addition, as part of the review process, the
5 City Register staff verifies the notary information
6 on the New York State Attorney General's Office
7 website, and discrepancies are sent to the Sheriff's
8 Office for closer review. We also automatically
9 inform property owners by mail when a deed is filed
10 against their property. The earlier that someone
11 catches the fraudulent activity, the more quickly a
12 problem can be addressed.

13 In addition to our efforts in my office, the
14 Sheriff's Office plays a vital role in handling the
15 potential fraudulent cases.

16 Since 2014, the Sheriff's Office has taken many
17 proactive measures to reduce deed fraud and
18 investigate crimes related to deed fraud.

19 We are hopeful that with the State taking
20 important steps to expand deed fraud, protections and
21 creating harsher penalties for the perpetrators, we
22 will continue to see a decrease in cases.

23 Our investigations in the past 10 years have
24 resulted in the arrest of 58 suspects tied to
25

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2 fraudulent property transactions. The total value of
3 these properties was in excess of \$54 million.

4 Our most effective enforcement tool is proactive
5 outreach and empowerment of homeowners before they
6 are put in a compromised situation.

7 The Department of Finance's Outreach Unit has
8 been informing event attendees about deed fraud and
9 how to prevent it since early 2016. Their work has
10 reached over a 100,000 taxpayers at over 1,800
11 events. DAF has partnered with the Department of
12 Aging, HPD, DCWP, for housing resource fairs to
13 provide education for older New Yorkers, including
14 deed theft education.

15 Agency partners, as well as elected partnerships,
16 are the most important types of outreach the City can
17 do. I would like to thank borough president Reynoso
18 for recently inviting us to a town hall where our
19 Outreach team spoke with New Yorkers directly about
20 how to protect themselves from deed fraud.

21 In addition to the Outreach team, the Office of
22 the Taxpayers Advocate has conducted outreach events
23 with the IRS, New York State, other government
24 agencies, and non for profit partners on the topic of
25 deed fraud.

1
2 During these events, they educate tax
3 professionals and taxpayers on the topic of deed
4 fraud and encourage everyone to be vigilant about
5 fraud prevention.

6 During the outreach sessions, we give
7 presentations, which include a section on deed fraud
8 and what people can do to protect their properties,
9 the Outreach Unit has distributed tens of thousands
10 of copies of our deed fraud guide, which is available
11 in 10 languages on the Department of Finance's
12 website.

13 Over the past few years, the outreach unit has
14 also conducted hundreds of Train the Trainer
15 sessions, at which they educate elected officials and
16 community based organizations on the topic of deed
17 fraud. This is an ongoing effort, and we encourage
18 members interested to contact us to schedule a
19 session.

20 Turning to today's legislation, the
21 Administration supports the intent of both bills for
22 the consideration today with proposed amendments.

23 Introduction 888 would require DCWP to ensure
24 that parties that make unsolicited offers to purchase
25 residential property, provide the owners with the

1 disclosure of the market value of the property, it
2 would also require DCWP to establish a database of
3 residential property market values.
4

5 While DCWP agrees with the goal of providing
6 potential sellers with important information
7 regarding their homes, especially in the case of
8 unsolicited offers, we are concerned that an approach
9 focused on DCWP assessing home market values would be
10 unreliable for home sellers.

11 Instead, we recommend that the business or person
12 making an offer to purchase a residential property to
13 be required to provide the owner with an itemization
14 of their rights and protections as a protective
15 seller. This would fall in line with existing
16 practices that DCWP has successfully established in
17 the used car, paid taxpayer... tax preparer, and debt
18 collection industries.

19 Introduction 901 would require DCWP Office of
20 Financial Empowerment to provide counseling to
21 homeowners in coordination with HPD's Office of the
22 Homeowners Advocate.

23 DCWP's Financial Empowerment Centers do not
24 provide mortgage counseling, housing scam prevention,
25 or home repair financing. These services include

1 legal services support offered by HPD in
2 collaboration with community based organizations,
3 such as the Center for New York City Neighborhoods.
4 Our colleagues at HPD can further elaborate on the
5 specific work.
6

7 The Administration believes this legislation
8 presents an exciting opportunity to develop a deeper
9 partnership between these two agencies, leverage
10 their respective networks to support more communities
11 in New York City, and achieve the goals of the
12 legislation.

13 The Administration remains committed to uplifting
14 New Yorkers as they build and protect their assets
15 through these resources.

16 I want to thank the Council for allowing me to
17 speak today, and I hope that our testimony has given
18 you a useful overview of where we stand regarding
19 deed fraud. I will take any questions you may have at
20 this point.

21 CHAIRPERSON HUDSON: Thank you, we will turn to
22 the next person to testify, and then we will come to
23 you with questions.

24 MS. MCCAIN-JACQUES: Yeah, that was the whole
25 testimony (INAUDIBLE).

1
2 CHAIRPERSON HUDSON: Then, in that case, I would
3 like to acknowledge that we have been joined by
4 Council Member Banks, Council Member Joseph, Council
5 Member Ossé, and Council Member Krishnan.

6 I do have a couple of questions from your
7 testimony. Just bear with me one second here.

8 You stated that, uh, some types of recordings
9 that would trigger an additional review are those
10 with a sale price far below market value. How do you
11 define far below?

12 MS. MCCAIN-JACQUES: Well, if a property is a \$1
13 million, and somebody is selling it for \$23,00,
14 that's far below.

15 CHAIRPERSON HUDSON: But is there like a threshold
16 that's ,you know, 20 percent of the value, 50 percent
17 of the value, or it's just a subjective determination
18 of what might be far below?

19 MS. MCCAIN-JACQUES: Well, okay, so I would say
20 that, uhm, if the home is a \$1 million and it's
21 being sold for the \$23,000, that's more or less like
22 the assessed value opposed to the actual market
23 value.

24

25

1
2 CHAIRPERSON HUDSON: Okay. So you use the assessed
3 value to determine what might be considered far
4 below?

5 MS. MCCAIN-JACQUES: Well, we have the assessed
6 value on our, uhm, Real Property Report, the...

7 CHAIRPERSON HUDSON: Mhmm...

8 MS. MCCAIN-JACQUES: (INAUDIBLE) 217, and it
9 requires you to put the assessed value. And, usually,
10 that's the document that people sign when they are
11 purchasing a home. And when they see that, they're
12 seeing, like, pennies on the dollar...

13 CHAIRPERSON HUDSON: Right...

14 MS. MCCAIN-JACQUES: and they might be buying...
15 they might be giving the person \$50,000 and they see
16 the \$23,000, they're fooled into thinking that
17 they're getting more than what the property is worth,
18 because they're not educated that the market value is
19 way higher.

20 CHAIRPERSON HUDSON: Right. I guess I'm also
21 trying to assess, even if that same million dollar
22 home is being sold half a million dollars, that's
23 still... I mean, that's 50 percent...

24 MS. MCCAIN-JACQUES: It's a...

25 CHAIRPERSON HUDSON: of the value...

1 MS. MCCAIN-JACQUES: It's a flag for us.

2 CHAIRPERSON HUDSON: Okay, so is there like a
3 threshold or a particular percentage or number that
4 you use in the Office to determine - what would be a
5 flag?
6

7 MS. MCCAIN-JACQUES: So, we have it built into our
8 ACRIS System (The Automated City Register Information
9 System), so the ACRIS System pulls the information,
10 and it pretty much knows what the market value is, so
11 it's determined like that. I don't have an exact
12 percentage to tell you and what the threshold is. But
13 that's what the flag is based on.

14 CHAIRPERSON HUDSON: Okay, do you think there
15 could be scenario where there are homes or people or
16 cases in this instance that would fall somewhere
17 between the threshold that you're talking about and
18 then the actual market value?

19 Like, are we missing anyone, essentially, with
20 this system that you are talking about, if it's
21 flagging people or flagging homes that might be ,you
22 know, below 50 percent of the assessed value - or
23 below 50 percent of the market rate rather, or simply
24 just using the assessed value, are we missing anybody
25 who might... who might be making a... they might

1
2 still be ,you know, experiencing deed theft of fraud,
3 uhm, but they're not somehow hitting the threshold in
4 your system?

5 MS. MCCAIN-JACQUES: Maybe I should explain it
6 differently. Okay, so when a deed document comes in,
7 right, and it goes through the system, we have
8 another system that it pulls the information with the
9 market value. So, anything that is being sold below
10 that market value is gonna be triggered.

11 CHAIRPERSON HUDSON: Okay...

12 MS. MCCAIN-JACQUES: So, it's not going to get
13 missed...

14 CHAIRPERSON HUDSON: Okay...

15 MS. MCCAIN-JACQUES: You what I'm saying?

16 CHAIRPERSON HUDSON: I got you...

17 MS. MCCAIN-JACQUES: Anything...

18 CHAIRPERSON HUDSON: That was helpful, thank you.

19 MS. MCCAIN-JACQUES: Okay.

20 CHAIRPERSON HUDSON: And then you also mentioned
21 that your most effective enforcement tool is
22 proactive outreach, and I'm wondering what exactly
23 does that look like? I know you referenced, uhm,
24 events, but do you do you send letters to the home?
25 Do you call people? Do you... do you make home visits

1
2 for anybody that you might identify as being, uh, a
3 victim?

4 MS. MCCAIN-JACQUES: In as far as notice...

5 CHAIRPERSON HUDSON: Right...

6 MS. MCCAIN-JACQUES: notifying about the events?

7 CHAIRPERSON HUDSON: No, sorry...

8 MS. MCCAIN-JACQUES: What...

9 CHAIRPERSON HUDSON: If there is somebody who is
10 being flagged in your system...

11 MS. MCCAIN-JACQUES: Right...

12 CHAIRPERSON HUDSON: as a potential ,you know,
13 victim of deed theft or fraud, uh, how do you... how
14 do you outreach to that person?

15 MS. MCCAIN-JACQUES: So, this is... First off, we
16 do some outreach... Anytime a document is recorded on
17 a piece of property in New York City, uh, a Notice of
18 Recorded Document automatically goes out to the
19 homeowner notifying them and letting them know that
20 there has been activity on their property, and if
21 they are not familiar, or this is not... something
22 that they did not do, then they should go notify the
23 District Attorney's Office for investigation.

24

25

1
2 CHAIRPERSON HUDSON: Okay. Uh, I would like to
3 also acknowledge that we have been joined by Council
4 Member Nurse.

5 Can you describe the trend of deed theft among
6 older New Yorkers over the past 10 years?

7 MS. MCCAIN-JACQUES: I don't have that
8 information, I'm not keeping that data. Because when
9 people come in to record documents in our office, we
10 don't ask them how old they are or anything. We don't
11 capture that information on the documents that
12 we're... that are required to be submitted in our
13 office. It does not capture that information at all.

14 Also, 86 percent of our documents recorded with
15 the City Register are recorded electronically. So,
16 there's no way to keep track of that.

17 CHAIRPERSON HUDSON: Okay. And for NYC Aging, what
18 does NYC Aging do to educate older homeowners about
19 deed theft?

20 MS. VACHIRAPRAPUN: Good afternoon, Chair, Penney
21 Vachiraprapun, I am general counsel for NYC Aging...
22 Sorry, I spilled some water...

23 CHAIRPERSON HUDSON: Oh, sorry... The sergeants...
24 we had a little spill over here. If you can go ahead
25

1
2 and... it spilled on the table, thank you. Okay,
3 we'll get to it in just a second.

4 MS. VACHIRAPRAPUN: So, our agency has a specific
5 referral structure for deed theft. We have our
6 Elderly Crime Victim Resource Center as well as our
7 Elder Justice Units. So, when an older adult victim
8 of deed theft comes in, and the deed theft was... was
9 done by a stranger, the Elder Crime... Elderly Crime
10 Resource Center would handle that. If it is done by a
11 trusted individual, then the Elder Justice, uhm, Unit
12 would handle that. And the difference there is that
13 they ECBRC is direct services, uhm, so that's our
14 staff managing that and making sure that there are
15 connections and referrals to support the older
16 adults. And, then the Elder Justice Unit is a contact
17 management unit. So, cases would be sent over to
18 providers. Uhm, in addition, of course we have our
19 legal services providers, and the most important
20 thing we found with regard to deed theft among older
21 adults is, as you mentioned with Mr. Castro, often
22 times folks are not finding out about these thefts
23 and frauds on their property until much later. So our
24 priority is to connect older adults to legal services
25 as soon as possible.

1
2 CHAIRPERSON HUDSON: And is there a public
3 awareness campaign in place to educate older adult
4 home owners about deed theft and their rights as
5 property owners?

6 MS. VACHIRAPRAPUN: So we have our Know Your
7 Rights pamphlet, uhm, and that actually does mention
8 information about deed theft as well as resources and
9 assistance that older adults can connect with. In
10 addition, our legal services providers do
11 presentations in the neighborhoods and communities...

12 CHAIRPERSON HUDSON: Thank you...

13 MS. VACHIRAPRAPUN: It's not necessarily that
14 these are presentations specifically about deed
15 theft, but they are about homeownership, they are
16 about tenant and landlord issues. And I think my
17 colleague also mentioned that we have run housing
18 resource fairs. I can find... Give me one second...
19 So, we did two recently, one was on November 7th and
20 involved HPD, Department of Finance, and some other
21 agencies. And we did that in the Grace Agard-Harewood
22 OAC (Older Adult Center)...

23 CHAIRPERSON HUDSON: Mm-hmm
24
25

1
2 MS. VACHIRAPRAPUN: in Clinton Hill. And then we
3 actually have another one coming up on the 21st this
4 week.

5 CHAIRPERSON HUDSON: And where is that one?

6 MS. VACHIRAPRAPUN: That one is at Allen Community
7 Senior Citizens Center in Queens.

8 CHAIRPERSON HUDSON: Great, thank you.

9 In what ways does NYC Aging support older New
10 Yorkers in recognizing and reporting deed theft scams
11 before they lead to property loss?

12 MS. VACHIRAPRAPUN: Well, as we mentioned, and as
13 it seems, Council is aware, the theft is an issue
14 that oftentimes folks aren't learning about until
15 much later. So, the most important thing from our
16 perspective is always, of course, to educate older
17 adults. I mentioned the webinars and presentations in
18 the community that our legal services providers, do.

19 And then we also, of course, operate on a No
20 Wrong Door approach, so anytime an older adult comes
21 to us, of course we have our Aging, uhm, Aging
22 Connect, to make sure that there are other supports
23 in place. Because, what we found is sometimes it's
24 not just deed theft, there are other issues at play
25 as well.

1
2 CHAIRPERSON HUDSON: And then what about, uhm,
3 reaching homebound or isolated older adults to
4 educate them on this topic, particularly since we
5 know that those individuals are high risk for being
6 targeted?

7 MS. VACHIRAPRAPUN: So, those... that would be
8 handled by our case management agencies, and those
9 are the folks who are actually going into the homes
10 and connecting with the homebound older adults, and
11 they can make direct referrals to, uhm, our Elder
12 Justice Unit and our ECVRC.

13 CHAIRPERSON HUDSON: Great.

14 And then can you describe, uhm, collaboration...

15 MS. VACHIRAPRAPUN: Sure...

16 CHAIRPERSON HUDSON: and what that looks like
17 with other agencies including the New York Attorney
18 General's Office and the New York City Sheriff's
19 Office to prevent and rectify deed theft among older
20 adults?

21 MS. VACHIRAPRAPUN: Our interactions with our
22 sister agencies within the Administration are, uhm,
23 very robust and, of course, we do our Cabinet for
24 Older New Yorkers, and we just had one on housing in
25 fact.

1
2 So, you know, we are aware of these issues and
3 making sure that everybody in the Administration is
4 on the same page.

5 In terms of collaborations with the State
6 Attorney General's Office and the Sheriff's Office,
7 those would be referrals through our providers.

8 CHAIRPERSON HUDSON: Do you know if the Cabinet
9 for Older New Yorkers has engaged on the topic of
10 deed theft yet?

11 MS. VACHIRAPRAPUN: I am not sure if they have
12 engaged on that specifically, but there is a Housing
13 Subcommittee, so the housing issues to... Are
14 certainly a focus of the Cabinet.

15 CHAIRPERSON HUDSON: Do you think you could commit
16 to addressing, talk to the commissioner about making
17 sure that we are addressing this issue within the
18 Cabinet in the near future?

19 MS. VACHIRAPRAPUN: We'll take it under
20 advisement.

21 CHAIRPERSON HUDSON: Okay, thank you.

22 I'll ask a few more questions, then I'll turn to
23 my colleagues for their questions.

24 Can older adults access pro bono or sliding scale
25 legal services to help with deed theft cases?

1
2 MS. VACHIRAPRAPUN: So our legal services
3 providers, they help everybody. There's no, uhm,
4 there's no means test in order to access services.

5 CHAIRPERSON HUDSON: And do you know or have any
6 sense of the broader impact of deed theft on the
7 mental and physical health of older adults who are
8 targeted?

9 MS. VACHIRAPRAPUN: I'm not sure I'd be able to
10 opine on that. But as I mentioned, oftentimes older
11 adults who come to... come to us with these issues
12 have other issues as well, which is why we make sure
13 that all of our, uhm, providers are aware of our
14 suite of services.

15 CHAIRPERSON HUDSON: And in what ways can the
16 Council assist the City in preventing and rectifying
17 deed theft among older New Yorkers? Are there
18 specific protections or legislative efforts that NYC
19 Aging is advocating for, including at the state and
20 federal levels?

21 MS. VACHIRAPRAPUN: Well, of course, we always
22 welcome Council's partnership. And I think, I mean, I
23 personally think that the most important thing that
24 council members can do and, you know, the City can do
25 is to just let folks know that we exist, that our

1
2 agency exists, and that, you know, no issue will be
3 turned away. There will be, uhm, supports for
4 whatever issue the older adult walks through the door
5 with.

6 ASSISTANT COMMISSIONER ORTIZ: I would not, uh,
7 Council... Uh, Chair, I'm sorry, uhm, that the
8 legislation today, the Administration is supportive
9 of the goals, and I think that does take important
10 steps to ensuring that homeowners have information
11 necessary to them; they are connected to important
12 resources such as our Financial Empowerment Centers
13 or the Office of the Homeowner Advocate. So, I think
14 this is a... This hearing is a good... is a good next
15 step for that process.

16 CHAIRPERSON HUDSON: Great, and, then, can... I
17 mean, any of you can speak to, uhm, how the state
18 laws have helped or anything further that you would
19 like to see?

20 MS. MCCAIN-JACQUES: So, as far as the state laws
21 are concerned, one of the laws that was recently
22 changed where the person that has committing the deed
23 fraud, the sentence is more harsh and they are
24 holding them accountable. When they used to get, uhm,
25 arrested and indicted for deed fraud, and they would

1
2 leave, uhm, they would not do any time, it was more
3 like a misdemeanor, they got a slap on the wrist, and
4 there were able to go on about their business. And,
5 then, two weeks later, they would back in my office
6 trying to steal another piece of property.

7 So, the fact that the state laws have given...
8 consider deed fraud as a felony, and people are
9 getting more time for it, it's is going to help a lot
10 to ,you know, discourage people from doing it.

11 CHAIRPERSON HUDSON: Thank you. And what are the
12 safeguards around the registration of properties?

13 MS. MCCAIN-JACQUES: So, uhm, along with, uhm, a
14 deed being reported for than less than the market
15 value, we look at Quitclaim Deeds, because they seem
16 to be more common than anything else, because it's a
17 quit deed. We look at handwritten deeds. We, uhm,
18 also, we have flags for, like, if it's a landmark or
19 when a building like the Empire State, we have flags
20 for that. And we do we send those documents to the
21 Quality Review Unit, so that they can do a deeper
22 dive, and they'll be able to determine whether or not
23 this is something that the Sheriff's Office needs to
24 look into.

1
2 So those flags help a lot, and it makes it
3 easier... easier for the staff to determine which
4 documents could be possible fraud.

5 CHAIRPERSON HUDSON: And are there other agencies
6 that are involved in the deed registration process?

7 MS. MCCAIN-JACQUES: No.

8 UNKNOWN: (UN-MIC'D) (INAUDIBLE)

9 CHAIRPERSON HUDSON: Okay. Okay. Sorry, we... we
10 can, uh, it's all in the public record, and we can
11 direct you towards finding out that information.

12 How can property owners ensure they can access a
13 quality copy of their deed? Image quality is often
14 subpar, a photocopy of a photocopy, for example.

15 MS. MCCAIN-JACQUES: So, if they wanted to get a
16 copy, they can come into the office, and they can
17 order a certified copy, or they could, uhm, actually
18 go into ACRIS and pull up the deed and print it from
19 their home as well. If they feel like... usually the
20 subpar documents are usually old documents back in
21 the 1900s, the 1600s, because they're on
22 (INAUDIBLE)...

23 CHAIRPERSON HUDSON: 1900s wasn't that long ago.

24 ALL: (LAUGHTER)

1
2 MS. MCCAIN-JACQUES: Well, yeah, that's true,
3 right. So, like, the 1600s... (LAUGHS) Sorry...

4 ALL: (LAUGHTER)

5 MS. MCCAIN-JACQUES: (LAUGHS) So, I should say the
6 1600 (BACKGROUND CHATTER) and the 1700s, because
7 those are (INAUDIBLE), but if you come into the
8 office, uhm, we have staff that helps you, because we
9 have a centralized research library you can go to,
10 and they will help you get the best copy of your
11 deed.

12 CHAIRPERSON HUDSON: Okay, great, thank you. I'm
13 going to turn it over to my colleagues before I
14 continue with some more questions, starting with, uh,
15 Chair Menin.

16 CHAIRPERSON MENIN: Great, thank you so much.

17 A couple questions for DOF (Department of
18 Finance). So you mentioned in response to a question
19 that, Council, uh, Chair Hudson asked that if you
20 have suspicious, uh, deeds, you sometimes mail to
21 that property owner?

22 MS. MCCAIN-JACQUES: So, this is what happens. If
23 a deed is reported on a piece of property...

24 CHAIRPERSON MENIN: Uh-huh?
25

1
2 MS. MCCAIN-JACQUES: We automatically send out a
3 notice to let you know that the deed was recorded on
4 your property, are you familiar with this? If not...

5 CHAIRPERSON MENIN: Right...

6 MS. MCCAIN-JACQUES: do you need to reach out to
7 the District Attorney's Office?

8 CHAIRPERSON MENIN: Sure, understood. I guess my
9 concern is that one of the main causes of deed theft
10 occurs in the mail. Oftentimes the perpetrators of
11 the deed theft are going through, rifling through
12 people's mail. So by mailing to them, then we're not
13 fixing the problem and, arguably, are enabling the
14 problem.

15 So my question is, are... could you instead call
16 those individuals? Because that would be a far safer
17 means of communicating with them.

18 MS. MCCAIN-JACQUES: So we record over 500,000
19 documents a year, and, uhm, it is something that we
20 could look at, but, I'm not sure if that's gonna...
21 so the thing is with City Register, what we're doing
22 is just extra steps, but, technically, we're not
23 supposed to do that by law.

24 CHAIRPERSON MENIN: Yeah, yeah, yeah, sure, yeah.
25

1
2 So a couple things. One, a request to share the
3 data with council members, uhm, we would very much
4 appreciate that if you could share it first with the
5 chairs and then we can disseminate it?

6 But of the 500,000, how many are falling into
7 this suspicious category where you think there could
8 be an issue? That's the dataset that I'm requesting
9 that you call those individuals. That's not the full
10 500,000. It's a narrow subset of that.

11 MS. MCCAIN-JACQUES: Okay, so, with... So, with
12 the, uhm, recently we started flagging the
13 information of those documents that are being flagged
14 for deed fraud. So, we had about, I'm just going...
15 47,000. That's not the exact number...

16 CHAIRPERSON MENIN: Mm-hmm...

17 MS. MCCAIN-JACQUES: but I'm just giving you the
18 general idea. We have 47,000, of that 47,000, 4,700,
19 were sent to Quality Review to do a further review to
20 see if there's any suspicion. Out of those, only 203
21 were rejected and not recorded because of deed fraud.

22 So that's less than, like, 1 percent. It's, like,
23 0.42...

24 CHAIRPERSON MENIN: (INAUDIBLE) So, exactly...
25 That's exactly so... So, the point being of the 203,

1
2 I believe, that you have mentioned, why wouldn't the
3 Agency call those individuals? Because you wanna
4 alert them to the problem the minute it happens.
5 Right? So that's seems like a very narrow subset to
6 call.

7 MS. MCCAIN-JACQUES: Right, so that is something
8 we can look into.

9 CHAIRPERSON MENIN: Okay, great, thank you.

10 Couple other questions, the Register of Deeds,
11 how can individuals check if their deed has been
12 compromised? Is there an online way to be able to
13 check that? And is the Agency, and all the agencies
14 here, notifying people that they should be routinely
15 checking that to make sure their deed is not
16 compromised?

17 MS. MCCAIN-JACQUES: So, yes, there is an online
18 system that we use, it's the Automated City Register
19 Information System, and you can go online and you can
20 check to see if there has been any activity against
21 your property, at any time, 24/7.

22 CHAIRPERSON MENIN: Okay, so, that sort of gets to
23 my broader question, is... which is, you mentioned
24 you are doing outreach, and you spoke a bit about
25 outreach to seniors, which is great, but it is

1
2 equally as important that you're outreaching to the
3 general public. Because, it's oftentimes - and I know
4 Chair Hudson this issue with ,you know, she was
5 caregiver for her mother, I was a caregiver for my
6 mother, I'm a caregiver for my father who has
7 dementia - it is not enough to just reach out to the
8 seniors, it is equally as important to reach out to
9 the family members, so that we can take the necessary
10 steps to prevent.

11 So, the question is, are you... Have you
12 presented to all the community boards, for example?
13 Have you... Is every community board in the city
14 received a presentation? And I think it's important
15 that all the agencies are working collaboratively
16 together. So, OFE, under DCWP ,you know, using...
17 utilizing the centers to disseminate this
18 information. Has there been presentations to all the
19 community boards about deed theft?

20 MS. MCCAIN-JACQUES: We could check with our
21 outreach team in DOF (Department of Finance) to see
22 if they have reached out to all the community
23 boards...

24 CHAIRPERSON MENIN: Yeah, I... I think it's... It
25 is absolutely imperative. And it's imperative to let

1
2 people know about this online registries. Because
3 ,like, that's something that we as caregivers could
4 be checking. Like, my father, I can say ,you know,
5 from personal experience, is not in the position
6 where he would be able to check this registry. So, it
7 is important that caregivers and families know that
8 they should be routinely checking that - that they
9 should be looking at issues regarding mail, and
10 making sure that their loved... that their loved ones
11 are not ,you know, inadvertently ,you know,
12 compromising some of these issues. So, the community
13 boards are important.

14 In addition, getting this information to all the
15 council members, we can put it in our newsletters, so
16 that is something I think that's a base... I don't
17 know if you have done that yet, but that would be
18 very important to help disseminate information.

19 I have a question on title insurance policies. So
20 a lot of people don't know if you have this kind of
21 insurance that protects you against deed theft.

22 How are we getting that information out there to
23 let people know that this is a more cost effective
24 way, of... upfront being proactive?

25

1
2 So that was more of a... sorry... That was more
3 of a question to just say title insurance policy,
4 it's really important that we get that information
5 out to the general public, writ large,

6 MS. MCCAIN-JACQUES: Right...

7 CHAIRPERSON MENIN: So that people understand that
8 they should purchase that if they are able to do so.

9 Okay, uhm, I guess... my next question is really
10 more around DCWP. So how would the... how are all of
11 you working together? You've got three agencies here,
12 how are you all working together? How do we make sure
13 that information is not being siloed and that we have
14 a comprehensive plan to deal with deed theft? So it's
15 really open question.

16 ASSISTANT COMMISSIONER ORTIZ: Maybe I'll take...
17 I'll take it first.

18 So I think thinking about the resources that we
19 offer at DCWP, uhm, to be to be explicit in our
20 Financial Empowerment Centers, they're really about
21 creating, or let's say, bettering folks' financial
22 health. And that comes from a very foundational
23 level, uh, of ensuring folks, know how to budget,
24 know how to increase their savings, improve credit.

1
2 Credit to me is, I won't say it's a mystery, but I
3 know when I was younger, it was certainly a mystery.

4 I think these foundational aspects of financial
5 health are kind of what we work on. And then what
6 we're trying to what we're building now with our
7 colleagues, at HPD and DOF and Aging is ensuring
8 that, uhm , that when a client comes for our services
9 that we're identifying if our service is the right
10 situation for them, should we be referring them to
11 Homeowner, uhm, Homeowner Support? Should we be
12 referring them to, uh, Support For Older Adults?

13 And I think that identifying how we complement
14 each other, that we're reducing any gaps, and that
15 ultimately a New Yorker never finds themselves
16 without an answer, I think, is how we're working to
17 each other now.

18 MS. WEYEL: Thank you, Chair Menin and Chair
19 Hudson.

20 My name is Jenny Weyel, I'm here to represent the
21 New York City Department of Housing Preservation and
22 Development. I serve as the Homeowner Advocate, was
23 designated, per Local Law 125 of 2023, by your
24 colleague, Council Member Brooks-Powers.

1
2 We are very excited to launch our Homeowner Help
3 Desk, which I think achieves several of the goals
4 that you have highlighted.

5 So we realize that prevention when it comes to
6 deed theft and generally supporting, stabilizing
7 homeowners prevention education is really key.

8 So, this program is, uhm, a program that is a
9 partnership with the Center for New York City
10 Neighborhoods and local community based organizations
11 across the city. We're expanding this program based
12 on a pilot that we did a couple of years ago, that
13 was very successful, we're actually in partnership
14 with the Attorney General's Office, and it has three
15 core components:

16 One is a public awareness campaign. As you
17 mentioned, there is really a lack of information
18 among homeowners about the resources available to
19 them, and so we're going to do a public awareness
20 campaign, using a range of tools, radio ads,
21 newspaper ads, multiple language bus ads, 311 hold
22 messages, everything you can think of to make sure
23 that homeowners are aware of these resources,
24 including the, uhm, the, uhm, service by the
25

1 Department of Finance, uhm, to be notified of when a
2 document is registered.
3

4 And, then, the other key component is to make
5 sure that we do outreach - in person outreach at
6 senior centers, libraries, community spaces, to reach
7 homeowners where they are and, again, to let them
8 know of these resources.

9 And, then, through the Homeowner Help Desk, which
10 I should note is an investment of \$9.2 million over
11 three years, we also fund one on one assistance
12 through housing counselors, HUD certified housing
13 counselors, and attorneys, legal services providers
14 throughout the city that can work one on one with,
15 homeowners that are experiencing these issues,
16 including deed theft.

17 We're also going to administer the new allocation
18 by the City Council of \$1 million for estate
19 planning, which we think is really key, uhm, given
20 that estate planning is one of the best ways to
21 prevent deed theft.

22 I should also note that since the Office of the
23 Homeowner Advocate was created in March of this year,
24 We have done a lot of education in house. We have...
25 are actually doing several classes for homeowners.

1 One is broadly about owning a home in New York City.
2 We have one about lead based paint, DOB rules and
3 regulations, solar power, but we're also offering a
4 new class specifically on deed theft starting this
5 week in collaboration with Brooklyn Legal Services.
6 We offer these classes, both virtually and in person,
7 and they've been very well attended. We have offered
8 30 classes since March alone, uh, that were attended
9 by 400 people. We also partner with our sister
10 agencies on housing resource fairs. As was mentioned,
11 we just did one specifically for senior New Yorkers,
12 but we do these on a regular basis. Since March alone
13 we have, hosted nine resource fairs that were
14 attended by, sorry... let me get the numbers right.
15 Sorry, I misspoke, uh, the classes were attended by
16 1,200 people, and our housing resource fairs were
17 attended by 400 people.

18
19 And then in addition to that, we table at
20 community events with informational tables where we
21 have information about deed theft and what homeowners
22 can do to protect themselves. And we have reached
23 16,000 New Yorkers since March.

24 CHAIRPERSON MENIN: And you mentioned the \$1
25 million of estate planning, what's the overall, aside

1
2 from that, what is the budget that you're spending on
3 outreach, and how many staff members do you have that
4 are doing outreach?

5 MS. WEYEL: Thank you for that question. So there
6 are several programs that HPD administers. The
7 Homeowner Help Desk is our newest program that was
8 based on a pilot we did a couple of years ago. We're
9 now expanding the citywide and the budget is \$9.2
10 million over three years.

11 In addition to that, we also administer the
12 Foreclosure Prevention Program that is funded by City
13 Council, again, funding for community based
14 organizations that provides housing and legal
15 counseling, outreach and education to homeowners
16 across New York City - and the annual funding, I
17 should note, is over \$4 million, and the new
18 allocation for estate planning, we just learned a few
19 days ago, which community based organizations will
20 receive portions of that funding is \$1 million for
21 this fiscal year.

22 ASSISTANT COMMISSIONER ORTIZ: If I could add a
23 piece of this as well...

24 CHAIRPERSON MENIN: Yeah...
25

1
2 ASSISTANT COMMISSIONER ORTIZ: I know, uhm, in my
3 own experience doing constituent services, a lot of
4 times problems don't necessarily come to our offices
5 very clean and they can at times be, you know, from
6 the constituent's perspective has a lack of clarity
7 what exactly is happening.

8 So having a one stop shop for homeowners and for,
9 I think your point was about taken, their family
10 members as well, to identify problems and really
11 triage situations, I think is very helpful.

12 And then our own perspective from the Office of
13 Financial Empowerment at the Department of Consumer
14 and Worker Protection, from a policy level, we
15 certainly have a lot of, uh, of thoughts and feedback
16 to provide on creating and securing intergenerational
17 wealth, uh, that would create stronger communities or
18 create stronger financial health in our communities.

19 So we're looking forward to working on that
20 closely with our partners at HPD.

21 Estate planning is huge. I know the funding was
22 for a year. We're looking forward to that as well.

23 CHAIRPERSON MENIN: Yeah, I mean, oh, no, I was
24 just going to say, one suggestion that I would have
25 is that I think it's imperative, because I think a

1
2 lot of people are not aware that this new office
3 exists. And so making sure that all of the other city
4 agencies are disseminating information at all the
5 touch points that they have with New Yorkers is gonna
6 be absolutely critical to get that information out
7 there.

8 And it's, you know, as I said, things like title
9 insurance policy, or the fact that you can check your
10 online register of deeds, but also Quitclaim Deeds.
11 You talked a lot about that. I bet if we did a poll,
12 the majority of New Yorkers have no idea what a
13 Quitclaim Deed is.

14 So getting that information out there so people
15 can understand what the warning signs are to look for
16 both families and seniors.

17 MS. WEYEL: Yes, if I may just (INAUDIBLE) a
18 couple more things.

19 CHAIRPERSON MENIN: Yes...

20 MS. WEYEL: Uhm, the Office Of The Homeowner
21 Advocate has also created a new web page for
22 homeowners, that I wanted to highlight, on the HPD
23 website. It went live in September. It's a guide for
24 New York City homeowners that includes a range of
25 information, ranging from home repair loans and

1 grants to foreclosure prevention, resources, and we
2 have a whole chapter about deed theft prevention,
3 what homeowners, but also their family members,
4 should know, including, uhm, I forget the name of it,
5 notification of recordings...
6

7 MS. MCCAIN-JACQUES: Notice of Recorded Document
8 System (ACRIS)...

9 MS. WEYEL: Thank you, that system... So, I
10 encourage everyone to check out our website.

11 CHAIRPERSON MENIN: Okay, thank you. I will turn
12 it back over to Chair Hudson.

13 CHAIRPERSON HUDSON: Thank you so much.

14 Sorry, can you just, I'm trying to pull it up
15 here, where on the... on the HPD website is it?

16 MS. WEYEL: It's Guide for New York City
17 Homeowners.

18 CHAIRPERSON HUDSON: Guide for New... Okay, thank
19 you.

20 MS. WEYEL: I think resources...

21 CHAIRPERSON HUDSON: Okay, I'm going to jump to
22 Council Member Ossé, followed by Council Member
23 Brewer, and then Council Member Joseph.

24 COUNCIL MEMBER OSSÉ: Thank you, Chairs, and thank
25 you to the agencies who are present today.

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2 I wanted to, you know, acknowledge that outreach
3 and empowering homeowners is great - And also, I
4 represent Bed-Stuy and Crown Heights, where we see a
5 lot of this behavior go on - you know, that outreach
6 is great, the empowering is great, uhm, but I want us
7 to make sure that we understand that it's key that
8 these solicitations like truly do end.

9 I think, Chair Menin and Chair Hudson, uhm,
10 really address the fact that, you know, even sending
11 this mail out to some of these seniors when they're
12 already wary about mail that is, you know,
13 potentially fraudulent, uhm, is something that isn't
14 going to address the problem.

15 I wanted to ask how the Administration is
16 ensuring that, uh, cease and desist zones are
17 actually being implemented. I think that's been, you
18 know, the only solution that I've heard in terms of
19 how to tackle this. But I wanna know what the City is
20 actually doing to implement those zones, especially
21 with a key focus on community districts that are most
22 impacted, most especially mine.

23 So I would love to just hear insight from the
24 agencies in terms of what you guys are doing in that
25

1
2 regard - especially, uh, the Department of Finance,
3 maybe it'll be more specific.

4 MS. MCCAIN-JACQUES: Okay. So for that
5 information, we could get that information from you
6 and that would be from... I mean, for you, and that
7 would be from our Sheriff's Department?

8 (INAUDIBLE)...

9 CHAIRPERSON HUDSON: I'm sorry, can you just pull
10 the microphone a little bit closer so that everyone
11 can hear you?

12 MS. MCCAIN-JACQUES: We can get that information
13 for you...

14 COUNCIL MEMBER OSSÉ: Mm-hmm

15 MS. MCCAIN-JACQUES: from the Sheriff's
16 Department.

17 COUNCIL MEMBER OSSÉ: Mm-hmm

18 MS. MCCAIN-JACQUES: And we'll be able to tell you
19 what it is that they're exactly doing in order to...

20 COUNCIL MEMBER OSSÉ: Mm-hmm? I... I really do
21 appreciate the work that you guys are doing. I think
22 that this is such a problem that's impacting people
23 on a daily basis, especially my constituents. And it
24 seems like the solution is very clear... clear,
25 right? I feel like it should be a number one priority

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2 of the Agency just to make sure that when a specific
3 zip code or community board or communities are
4 labeled as cease and desist zones to prevent deed
5 theft that, you know, every part of our government is
6 working on ensuring that that is being prevented.

7 Uhm...

8 MS. MCCAIN-JACQUES: As far as the Department of
9 Finance, we are, every chance that we get, if we see
10 something trending where it looks like it's deed
11 fraud, we're on it and we're trying to find ways to
12 improve it.

13 So, you know, for us, we feel like this is never
14 gonna stop, because people always thinking of
15 creative ways on how to steal people's property and
16 we're sympathetic to that. So, for us, you know, it
17 doesn't feel good when somebody comes into your
18 office and they say, somebody stole my property, and
19 there's nothing that we can do legally because, we're
20 ministerial in nature. And as long as that document's
21 in recordable order, we have to record it.

22 COUNCIL MEMBER OSSÉ: Mm-hmm.

23 MS. MCCAIN-JACQUES: But we still try to find
24 other ways in which we can try to combat that deed...
25 deed fraud. And that's like putting as many flags as

1
2 we can in our ACRIS system, so that when the examiner
3 is looking at the document, it is telling them why
4 this document is being flagged...

5 COUNCIL MEMBER OSSÉ: Mm-hmm...

6 MS. MCCAIN-JACQUES: whether it's a Sovereign
7 Citizen Document or whether it's, uhm, the market
8 value is lower than what the property is actually
9 worth. And, uhm, we've been adding flags for a couple
10 of years now. And the more we do it, we're seeing
11 less of it, but it's still out there. And we're still
12 looking to, like, make things better for the
13 homeowner.

14 COUNCIL MEMBER OSSÉ: I know that, uhm, we hear a
15 lot from our state colleagues about, like, reporting
16 different fraudulent phone numbers or pieces of mail.

17 Is there any reporting mechanism that exists
18 through the City where, uhm, constituents of mine can
19 report predatory solicitation? Do you guys have any
20 of that?

21 MS. MCCAIN-JACQUES: No.

22 COUNCIL MEMBER OSSÉ: Nothing?

23 MS. MCCAIN-JACQUES: No.

24 COUNCIL MEMBER OSSÉ: I think that would be

25 (CROSS-TALK)

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UNKNOWN: (INAUDIBLE)

COUNCIL MEMBER OSSÉ: a good idea maybe, right?

MS. MCCAIN-JACQUES: Okay, so...

COUNCIL MEMBER OSSÉ: for the City to...

MS. MCCAIN-JACQUES: Definitely something we can
look into...

COUNCIL MEMBER OSSÉ: I think...

UNKNOWN: (INAUDIBLE)

COUNCIL MEMBER OSSÉ: creating a form on a
website, embedding it onto your website, where folks
can upload through PDF, through scan, different mail
that they are receiving, that they deemed to be
fraudulent. And having the Department look through
that specific mail that goes through that portal, I
think it could be a great first step in terms of
identify some of these problems. What do you think
about that?

MS. MCCAIN-JACQUES: Yeah, we can look into it.

COUNCIL MEMBER OSSÉ: I know, the look into it is,
like... I... I'm just saying, respectfully, like,
people's... I... I'm sorry, Chairs, like, I... Like,
people were doing this to my grandmother, like, when
she had a stroke, back to back, like the "look into
it" is like, it's not working. And this has been

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2 happening for some time. Like, some definitive... It
3 should not be hard to for a city agency to ,you know,
4 reach out to your IT department, create a portal
5 where you're accepting ,you know, input data from
6 people that are receiving this mail, and look through
7 it.

8 MS. MCCAIN-JACQUES: Mm-hmm

9 COUNCIL MEMBER OSSÉ: On what's fraudulent, on
10 what's... Why can't we commit to doing that?

11 MS. VACHIRAPRAPUN: If I may, Council Member, I'm
12 horribly sorry to hear that your family was impacted
13 by this. But, I did want to reiterate that I think
14 one of the great things that all of the members here
15 can do, is just to make sure that your constituents
16 are aware of our agency. We don't have a form per se,
17 or...

18 COUNCIL MEMBER OSSÉ: Mm-hmm...

19 MS. VACHIRAPRAPUN: a PDF form or anything like
20 that, but any older adult who walks in and needs any
21 assistance with mail that...

22 COUNCIL MEMBER OSSÉ: Mm-hmm...

23 MS. VACHIRAPRAPUN: they think it is fraudulent,
24 or services that they are not aware of that they...
25 That they need...

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COUNCIL MEMBER OSSÉ: Mm-hmm...

MS. VACHIRAPRAPUN: we are able to help them. We have full suite of services.

COUNCIL MEMBER OSSÉ: That doesn't seem efficient. Right? You know, we have seniors, and, like, I appreciate... I really do... Like, everyone who works for the City, I am like, deeply appreciative of the work that you all do. I'm sorry with the tone of this, it is just an emotional subject.

Just even... the barriers of ,like, having people having to come in with these documents to ,like, wait on a line, to like see if what... Like, I...

MS. VACHIRAPRAPUN: At least with my agency, they don't have to do that. We have Aging Connect, which is the information referral...

COUNCIL MEMBER OSSÉ: Mm-hmm.

MS. VACHIRAPRAPUN: hotline. So, any older adult can call...

COUNCIL MEMBER OSSÉ: Mm-hmm.

MS. VACHIRAPRAPUN: any caregiver can call, uhm, and ask for assistance. And we'll... (CROSS-TALK)

COUNCIL MEMBER OSSÉ: And... And...

MS. VACHIRAPRAPUN: (INAUDIBLE)...

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2 COUNCIL MEMBER OSSÉ: And how are you... How was
3 the agency through phone when they call for that
4 assistance able... able to review the documents that
5 are being...

6 MS. VACHIRAPRAPUN: Well, as I mentioned, most of
7 our services are not direct services...

8 COUNCIL MEMBER OSSÉ: Mm-hmm

9 MS. VACHIRAPRAPUN: So, if someone were to call in
10 and say, "I received this mail...

11 COUNCIL MEMBER OSSÉ: Mm-hmm

12 MS. VACHIRAPRAPUN: I think it's fraudulent, I'm
13 worried about my deed..."

14 COUNCIL MEMBER OSSÉ: Yeah...

15 MS. VACHIRAPRAPUN: They could be immediately
16 connected to either the, uhm, Elder Crime Victim
17 Resource Center...

18 COUNCIL MEMBER OSSÉ: Mm-hmm...

19 MS. VACHIRAPRAPUN: or to our legal services
20 provider.

21 COUNCIL MEMBER OSSÉ: I think that is way too many
22 steps to ,like, stop these... These are criminals who
23 are stealing people's homes. I'm respectfully, I...
24 streamlining this process, and working with the State
25 on identifying these frequent solicitations that are

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2 coming to people's mailboxes, is a better way to
3 solve this. We need to be making our government a bit
4 more efficient in addressing this solution. Seeing
5 trends, noticing trends through collecting that data
6 that people can submit through the mail that they are
7 getting, and working with the State on holding those
8 who are sending those pieces of mail, who are calling
9 their phone numbers accountable, I think it could be
10 a great step in identifying these trends, and holding
11 these perpetrators accountable.

12 I just want us to be... Like, this has been
13 happening for... Can I have one more? I have one
14 more... Uhm, I really... The "look into that" is
15 great, like a commitment, because I really want to
16 follow up on this, maybe in like a week on what that
17 looking into it looks like.

18 Secondly, I know that 58 arrests, due to
19 Department of Finance's efforts with the Sheriff's
20 Office, it's impressive, I know that this hard work.
21 It means that bad actors are off the street. But, how
22 can your administration, this mayoral administration
23 continue that effort in removing bad actors and
24 holding them accountable? And, also, what else is the

1 Administration doing to prevent predatory actors in
2 engaging in deed theft again?

3 MS. MCCAIN-JACQUES: So...

4 COUNCIL MEMBER OSSÉ: And, also, this is not...
5 I'm not trying to be rude or shady, or any of that,
6 I'm just...

7 MS. MCCAIN-JACQUES: No, I'm not... I'm not taking
8 it...

9 COUNCIL MEMBER OSSÉ: Okay...

10 MS. MCCAIN-JACQUES: as that. So...

11 COUNCIL MEMBER OSSÉ: Good, okay...

12 MS. MCCAIN-JACQUES: I'm not taking it personal.

13 COUNCIL MEMBER OSSÉ: Okay...

14 MS. MCCAIN-JACQUES: You know, if it's your
15 problem, it's my problem, too...

16 COUNCIL MEMBER OSSÉ: Good.

17 MS. MCCAIN-JACQUES: Right. So, uhm, so new state
18 law can be changed. A lot of it is, we have
19 antiquated laws...

20 COUNCIL MEMBER OSSÉ: Mm-hmm

21 MS. MCCAIN-JACQUES: And we need to look into
22 seeing if we can change those laws. Like I said
23 earlier, when a person stole a piece of property,
24 nothing happened to them...
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COUNCIL MEMBER OSSÉ: Mm-hmm?

MS. MCCAIN-JACQUES: that they were able to come
back and try to do it again. So, for my... (CROSS-
TALK)

COUNCIL MEMBER OSSÉ: Which... Which specific law?

MS. MCCAIN-JACQUES: Huh?

COUNCIL MEMBER OSSÉ: Which specific law is it?

MS. MCCAIN-JACQUES: I don't know the exact law...
It was 2023, and it was the State law where they made
deed theft a felony.

COUNCIL MEMBER OSSÉ: Okay.

MS. MCCAIN-JACQUES: So, I don't know the exact...

COUNCIL MEMBER OSSÉ: That was the Attorney
General... But...

MS. MCCAIN-JACQUES: Yes...

COUNCIL MEMBER OSSÉ: Is that the law that's
holding... Is it... Is it actively holding these
individuals accountable (INAUDIBLE)

MS. MCCAIN-JACQUES: Yes, definitely holding...

COUNCIL MEMBER OSSÉ: Mm-hmm

MS. MCCAIN-JACQUES: them account... So, that's
one step...

COUNCIL MEMBER OSSÉ: Sure...

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2 MS. MCCAIN-JACQUES: closer to where we want to
3 be...

4 COUNCIL MEMBER OSSÉ: Right.

5 MS. MCCAIN-JACQUES: Right? So, if we actually
6 ,you know, start doing that, I could see... See,
7 because what I... What I want you guys to understand
8 when it comes to the City Register...

9 COUNCIL MEMBER OSSÉ: Mm-hmm...

10 MS. MCCAIN-JACQUES: our hands are tied.

11 COUNCIL MEMBER OSSÉ: Okay.

12 MS. MCCAIN-JACQUES: You know what I'm saying?
13 Because we have to follow...

14 COUNCIL MEMBER OSSÉ: Mm-hmm

15 MS. MCCAIN-JACQUES: State law. And they're
16 telling us, if everything that's required for a
17 specific document...

18 COUNCIL MEMBER OSSÉ: Mm-hmm...

19 MS. MCCAIN-JACQUES: is correct...

20 COUNCIL MEMBER OSSÉ: Mm-hmm...

21 MS. MCCAIN-JACQUES: then we have to take it. And
22 some...

23 COUNCIL MEMBER OSSÉ: Mm-hmm.
24
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2 MS. MCCAIN-JACQUES: and sometimes we reject it
3 and reject it, and if... the person will keep coming
4 back...

5 COUNCIL MEMBER OSSÉ: Mm-hmm.

6 MS. MCCAIN-JACQUES: And, then, because they know
7 the law, and they know that we have to accept that
8 document...

9 COUNCIL MEMBER OSSÉ: Mm-hmm.

10 MS. MCCAIN-JACQUES: Because it's a reportable
11 order, they will go to our legal in New York... New
12 York City Legal...

13 COUNCIL MEMBER OSSÉ: Mm-hmm.

14 MS. MCCAIN-JACQUES: And they'll do an Article
15 78...

16 COUNCIL MEMBER OSSÉ: Mm-hmm.

17 MS. MCCAIN-JACQUES: to sue us. And we have to put
18 that document on.

19 COUNCIL MEMBER OSSÉ: Sure.

20 ASSISTANT COMMISSIONER ORTIZ: I think it's also
21 important to, uhm, I just want to make sure that
22 we're elevating, too, that there are... are different
23 levels in which actors...

24 COUNCIL MEMBER OSSÉ: Of course, yes...

25 ASSISTANT COMMISSIONER ORTIZ: are engaging in...

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COUNCIL MEMBER OSSÉ: Definitely...

ASSISTANT COMMISSIONER ORTIZ: in taking advantage of New Yorkers and homeowners. So, there is deed theft and forgery, which is one piece...

COUNCIL MEMBER OSSÉ: Mm-hmm

ASSISTANT COMMISSIONER ORTIZ: And, then, there are these predatory situations with people approaching homeowners and coming at...

COUNCIL MEMBER OSSÉ: Mm-hmm...

ASSISTANT COMMISSIONER ORTIZ: and ,you know, purposely lowballing them, for example, on an offer.

COUNCIL MEMBER OSSÉ: Right.

ASSISTANT COMMISSIONER ORTIZ: And, then, there are perhaps more of a... more reputable businesses...

COUNCIL MEMBER OSSÉ: Right.

ASSISTANT COMMISSIONER ORTIZ: So, this is... There's very different levels of how we can attack each one...

COUNCIL MEMBER OSSÉ: Yeah...

ASSISTANT COMMISSIONER ORTIZ: of those issues. And, for example, in the case of Introduction 888 - and I think I have the right number - but, in that case, that introduction, ensuring that a homeowner has access to a clear discloser, itemization...

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COUNCIL MEMBER OSSÉ: Right...

ASSISTANT COMMISSIONER ORTIZ: of their rights and access to all of the valuable resources my colleagues have mentioned, too.

COUNCIL MEMBER OSSÉ: Of Course. Thank you so much. Listen, I... I was just reminded, this is prior to... Remember how... I don't remember if you remember, but the Department of Sanitation used to have like a dropdown where window where you could upload different things to it in identifying, like, large art... items to get picked up. Talk to their IT department, have the Department of Finance do the same thing. You could submit a different PDF, have your lawyers, whoever does enforcement in this regard to review those documents, notice trends - any specific ,you know, shell company that can be traced back to doing some of these illicit behaviors, and report it to the State so that there could be... or the Attorney General, so that there could be some enforcement.

I think just streamlining this process, people know about this problem, they bring it to our office every single day, giving them an opportunity to report it consistently, and then having you ,you

1 know, work with the State of holding those
2 individuals accountable, I think would be a great
3 step in holding some of these bad actors accountable.

4
5 CHAIRPERSON MENIN: I just want to second what
6 Council Member Ossé said about streamlining it, and
7 so I am gonna make a request that within two weeks,
8 these four agencies get back to us with a detailed
9 plan about how they could implement that. Because
10 we've got... When we have four different agencies
11 that are addressing this issue, again, it's very
12 confusing for New Yorkers as to who they are supposed
13 to contact, what they're supposed to do, so, I think
14 it's an excellent idea. And, so, to be clear, I want
15 a letter to both chairs within two weeks, that detail
16 how you could implement a plan like this to
17 streamline it. And I think it fits in very well with
18 what the City is doing with the MyCity portal, where
19 they are already doing all sorts of streamlining.
20 Like, last year, the Council passed the line to do a
21 one-stop shop for all permitting, for small
22 businesses up there with... You can do the same thing
23 here with a dropdown menu, documents can be uploaded,
24 and it would, again, allow New Yorkers a very easy,
25 one-stop shop portal to address this issue.

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2 CHAIRPERSON HUDSON: Agreed. I think this is also
3 a good project for the Cabinet, uhm, for all the
4 agencies when they come together to address this.

5 And just to sort of piggyback or reiterate what
6 Council Member Ossé was saying, this is, you know,
7 we're all here because we're passionate about this
8 topic, this hearing topic didn't just come out of
9 thin air.

10 As Chair Menin mentioned, I cared for my mother
11 who had Alzheimer's disease. I remember the day after
12 my mother died I got phone calls and text messages
13 from people asking if I wanted to sell the house.
14 This is stuff that I'm still getting solicitations
15 for, people who are not even checking the death
16 records to know already that my mother has passed. We
17 were getting letters - and for somebody who, like my
18 mother, had Alzheimer's disease, if I wasn't in the
19 house with her to know that letters were being sent
20 to her that were literally predatory letters
21 encouraging her to sell, not even asking her if she
22 wanted to sell, but encouraging her to sell, giving
23 her a phone number to call to sell, and I worry about
24 people who don't have somebody else in the household

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2 with them to help protect them or prevent them from
3 falling victim to these types of frauds and scams.

4 So I think what you're hearing, and I know... and
5 we appreciate that you're not taking offense to it,
6 but what you're hearing is just our passion, uhm,
7 for trying to help our family members, our
8 constituents, our neighbors, and all New Yorkers to
9 try to figure out how we actually prevent this from
10 happening.

11 I recognize that you are a ministerial agency,
12 and so you're limited in some of what you can do, but
13 tell us what you think other city agencies should or
14 could be doing to help prevent this. Tell us what the
15 State could be doing more, so that we can help
16 advocate on everyone's behalf to make to make these
17 laws stronger and then also to help prevent people
18 from falling into it. Because as we've all seen, once
19 somebody falls victim or prey to these types of
20 frauds and scams, it's already essentially too late.

21 MS. MCCAIN-JACQUES: Yep.

22 CHAIRPERSON HUDSON: And then we have to spend all
23 of our resources as government to help our
24 constituents in trying to get back what is theirs.

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2 And so, you know, it's... we're just trying to
3 figure out how we can help prevent a lot of this
4 happening as opposed to, you know, on the back end
5 exactly. How can we be proactive as opposed to
6 reactive? And we want you to help us in trying to
7 figure out exactly. And I think you are best equipped
8 to do that because you see it all the time.

9 And I do wanna just ask one question based off
10 of, uhm, your answer.

11 You mentioned, you know, when people come to your
12 office and they say, you know, that they've
13 experienced this, what is the process? Can you walk
14 us through? Who do you connect them to? Who do you
15 refer them to? What do you tell them? Are there
16 resources that you can provide to them?

17 MS. MCCAIN-JACQUES: So if someone comes in and
18 they said this has happened, their property has been
19 stolen, and the document is already recorded. So what
20 we do is we refer them to the District Attorney's
21 Office, and then they will look into and investigate
22 to see if they actually have a case, because
23 sometimes it's family members against family members.

24 CHAIRPERSON HUDSON: Right.
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2 MS. MCCAIN-JACQUES: So they will look into it,
3 and if they have a case, then what happens is, we
4 have to testify in court that somebody has in fact
5 recorded this document against the property and then
6 the person gets indicted and it goes to trial and
7 that's how they eventually get arrested.

8 CHAIRPERSON HUDSON: Okay, thank you.

9 And thank you, uh, Council Member.

10 I'm gonna move on to Council Member Brewer,
11 followed by Council Member Joseph, and then Council
12 Member Salaam.

13 COUNCIL MEMBER BREWER: Thank you very much.

14 I get one of those letters every day and it
15 always comes in a plain envelope. There's no name, so
16 you don't know what it is. So you open it up, and
17 then it's another one of these shady characters
18 wanting to buy your house. I rip it up. But, uhm,
19 they're scary, because they sound like they're
20 legitimate.

21 So my question is, maybe I should know this,
22 those are... I don't know who they're from. They sign
23 them, uhm, from, you know, and there's no real name
24 on them often.

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2 So my question is, are these licensed? Who are
3 they? I mean, who are the predators? Are they law
4 firms? Are they licensed by anybody? Who are they?

5 I mean, I don't... I'm... I don't... I should
6 know, but I don't.

7 MS. MCCAIN-JACQUES: Right.

8 COUNCIL MEMBER BREWER: I mean, because when you
9 have a license, then Consumer Affairs can pull your
10 license. But, if you don't have a license, I mean,
11 are they law firms, or?

12 ASSISTANT COMMISSIONER ORTIZ: I'm not necessarily
13 sure. I mean, I think all of us have gone through the
14 similar situation. I remember when my grandfather
15 passed, we had the same situation with letters coming
16 in. And I think part of the question perhaps to
17 tackle, and this is for the Council, too, is how do
18 we limit offers of purchase (INAUDIBLE), I mean,
19 that's what's really happening here is people are
20 making offers of purchase. And how do we find a way
21 to disseminate or distinguish between those offers of
22 purchase that are a faithful offer, albeit perhaps
23 one that is a negotiating position, and an offer
24 purchase that is a scam? And I think that's the...

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2 COUNCIL MEMBER BREWER: Which can it... could it
3 be? I don't know, could it be illegal to send me, or
4 any other homeowner on a regular basis, stating that
5 you are, uh, I wanna buy your house right now, and
6 blah blah blah, and scary things?

7 CHAIRPERSON HUDSON: I'll just say, I have looked
8 into that, and also to stopping the phone calls,
9 predatory phone calls, it's all through... (CROSS-
10 TALK)

11 COUNCIL MEMBER BREWER: I get those, too...

12 CHAIRPERSON HUDSON: through federal law.

13 COUNCIL MEMBER BREWER: So, it's FTC...

14 CHAIRPERSON HUDSON: F... FTC for the phone calls,
15 and, then, uh, postal service... (CROSS-TALK)

16 COUNCIL MEMBER BREWER: Alright, so there's
17 nothing we can do...

18 CHAIRPERSON HUDSON: And, their, and...

19 COUNCIL MEMBER BREWER: Go ahead...

20 CHAIRPERSON HUDSON: (INAUDIBLE)

21 MS. WEYEL: Just let me add, uhm, HPD has also
22 been - and the Administration, has been supportive of
23 the State's efforts to establish cease and desist
24 zones, as Council Member Ossé mentioned, uhm, these
25 are non-solicitation zones that the State establishes

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2 and administers. Currently, they exist in small
3 portions of Brooklyn. Uhm, I think in Community Board
4 5 and 17, Governor Hochul signed legislation in 2021
5 to direct the Department of State, New York State
6 Department of State, to investigate whether more of
7 these zones should be established in Brooklyn. And
8 HPD made a concerted effort to inform homeowners to
9 submit testimony, submit evidence, off these
10 aggressive, unwanted solicitations that you are
11 describing - and to testify at this hearing, and as a
12 result of that, a portion of Community Board 17, in
13 Brooklyn, was designated as a cease and desist zone.
14 (INAUDIBLE)... (CROSS-TALK)

15 COUNCIL MEMBER BREWER: I think the whole city
16 should be a cease and desist zone.

17 MS. WEYEL: This is... This is, uh, the State's
18 vision... (CROSS-TALK)

19 COUNCIL MEMBER BREWER: Alright, but...

20 MS. WEYEL: They are... They are based on an opt
21 in registry that should be noted. So, again,
22 information, public education, public awareness is
23 really key.

24 And I do want to emphasize again that, through
25 the work that we're doing with the Homeowner Help

1
2 Desk, the foreclosure prevention programs that we're
3 offering, we are working across the city, we're
4 working with homeowners directly, we're working with
5 family members - They can get one on one assistance,
6 free of charge, on a range of issues... (CROSS-TALK)

7 COUNCIL MEMBER BREWER: Yeah, I think what
8 we're... (CROSS-TALK)

9 MS. WEYEL: And they are welcome to come into our
10 (INAUDIBLE)... (CROSS-TALK)

11 COUNCIL MEMBER BREWER: I think what would be
12 helpful, when your two weeks have come up... (CROSS-
13 TALK)

14 MS. WEYEL: Yeah...

15 COUNCIL MEMBER BREWER: with blah, blah, blah,
16 that's what we can put into our newsletters. Because,
17 then, I mean, my newsletter goes to a 100,000 people.
18 So, if you... If you tell us what you want in our
19 newsletter, that would be helpful.

20 MS. WEYEL: I think...

21 COUNCIL MEMBER BREWER: As opposed to calling four
22 different agencies.

23 The second question I have, and I should know
24 this, when you call 311, on this topic, where does it
25 go? I am, I ,you know, "Somebody just stole my

1 house," you call 311, because that's probably better
2 known than this DFTA's hotline. So, what happens when
3 you call three... Does anybody know what happens when
4 you call 311?
5

6 (BACKGROUND CHATTER)

7 SERGEANT AT ARMS: Shhhh...

8 (PAUSE)

9 MS. MCCAIN-JACQUES: There... They're, uhm,
10 telling them to go the District Attorney's Office.

11 COUNCIL MEMBER BREWER: That's what 311 says?
12 Okay, that's a fair... I just wanted to know what the
13 concept is.

14 And, then, finally, uhm, mortgage companies, not
15 my favorite, but how do they play a role in this, if
16 at all. In other words, how many of your thefts are
17 mortgaged, how many have paid off their mortgages, or
18 does that not make a deal, uh, a difference? And ,you
19 know, these reverse mortgage people also lovely
20 characters.

21 So, how do you... How does a mortgage company, if
22 at all, play a role? An di don't know, maybe most of
23 them have paid off their mortgage, or they haven't?
24 How does that play a role, if at all? I had a
25 horrible mortgage company.

1
2 MS. WEYEL: I could, uhm, note that through the
3 Homeowner Help Desk, the Center for New York City
4 Neighborhoods, and its local partner organizations,
5 provide counseling specifically also for homeowners
6 that are seeking a reverse mortgage. And we know that
7 that's oftentimes seniors who will have... (CROSS-
8 TALK)

9 COUNCIL MEMBER BREWER: Want equity...

10 MS. WEYEL: come... right, and want to tap into
11 their equity or have, uhm, unforeseen housing
12 expenses, uh, such as repairs. And they walk them
13 through that decision, step by step, and the pros and
14 cons, and what this might mean for their heirs if
15 they do take out a reverse mortgage, and also what
16 alternatives may be available.

17 And, uh, the Center actually has a subsidiary
18 that's... it's called Sustainable Neighborhoods that
19 operates a charitable lending program. It was
20 actually initially designed, uhm, for seniors with
21 reverse mortgages that defaulted on their mortgages,
22 but now, they assist seniors and homeowners living
23 with disabilities...

24 COUNCIL MEMBER BREWER: Yeah...

25 MS. WEYEL: Uhm, (INAUDIBLE)... (CROSS-TALK)

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COUNCIL MEMBER BREWER: I know it's a great...

MS. WEYEL: (INAUDIBLE) education... (CROSS-TALK)

COUNCIL MEMBER BREWER: it's a great group.

My question would be for Finance or for others,
uhm, how many, if you know, of this predatory
situation, how many have mortgaged? Because those
mortgage companies should have... should be paying
some attention, or maybe not, I just... I don't know,
I'm asking.

MS. MCCAIN-JACQUES: Right. So, that number, I
don't have offhand...

COUNCIL MEMBER BREWER: Is that part of the
discussion at all, when, uhm, they fill out a form?
Do I have mortgage? Do you not have a mortgage?

MS. MCCAIN-JACQUES: No, it's not.

COUNCIL MEMBER BREWER: Should it be? Because,
then you could contact the mortgage company, uh, and,
say, "What's going on here?" They might know, I don't
know...

MS. MCCAIN-JACQUES: Right. Uhm... (CROSS-TALK)

COUNCIL MEMBER BREWER: That... So, it's not part
of that form?

MS. MCCAIN-JACQUES: It's not part of...

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2

COUNCIL MEMBER BREWER: Would it be a recommended

3

(INAUDIBLE)... (CROSS-TALK)

4

MS. MCCAIN-JACQUES: If they're doing a mortgage,

5

you just have to have, uhm, you have to pay mortgage

6

tax, there's no questionnaire asking you any question

7

about ,you know...

8

COUNCIL MEMBER BREWER: Whether you have a

9

mortgage or not...

10

MS. MCCAIN-JACQUES: Whether you have a mortgage

11

or not...

12

COUNCIL MEMBER BREWER: Do you think that would

13

help in terms of your ability to... If you see a red

14

flag, and then you see a mortgage, you might be able

15

to call the company and say... Or maybe they don't

16

know anything? Do you think that would help or not?

17

MS. MCCAIN-JACQUES: Again, I would have to look

18

into it to see...

19

COUNCIL MEMBER BREWER: Okay...

20

MS. MCCAIN-JACQUES: to see if that's something

21

that could work.

22

COUNCIL MEMBER BREWER: Okay, I mean, some

23

mortgage...

24

MS. MCCAIN-JACQUES: (INAUDIBLE)... (CROSS-TALK)

25

1
2 COUNCIL MEMBER BREWER: you would... I would think
3 that some mortgage...

4 MS. MCCAIN-JACQUES: I mean, we welcome the
5 suggestions, you know what I'm saying, because
6 sometimes you can come up with something that we
7 haven't come up with yet, even though we think we
8 came up with a lot. So, uhm, we would have to look
9 into...

10 COUNCIL MEMBER BREWER: You would think the
11 mortgage companies would not be interested in a
12 predatory situation - but who knows?

13 MS. MCCAIN-JACQUES: Yeah...

14 COUNCIL MEMBER BREWER: You would think...

15 MS. MCCAIN-JACQUES: But, I would think most of
16 those deed thefts are property that's already paid
17 for.

18 COUNCIL MEMBER BREWER: Okay, that's what I'm, uhm
19 ,was thinking.

20 MS. MCCAIN-JACQUES: You know, what I'm saying?

21 COUNCIL MEMBER BREWER: Yeah, if they're
22 seniors...

23 MS. MCCAIN-JACQUES: if I were to like, off the
24 top of my head...

25 COUNCIL MEMBER BREWER: They're seniors...

1
2 MS. MCCAIN-JACQUES: It would be properties that
3 is already paid for.

4 COUNCIL MEMBER BREWER: Okay. And, then, also, the
5 attorneys who are involved in this, they have a
6 license?

7 (BACKGROUND NOISE)

8 COUNCIL MEMBER BREWER: What's... Do you have any
9 sense.. Like, when you are...

10 MS. MCCAIN-JACQUES: Well, one thing we are
11 keeping track of, so we... When we know that a person
12 does this often, it flags... we have a flag for that
13 in our system.

14 COUNCIL MEMBER BREWER: And that contacts that the
15 Bar Association, or how do we handle that?

16 MS. MCCAIN-JACQUES: Uhm...

17 COUNCIL MEMBER BREWER: That goes to the DA also?

18 MS. MCCAIN-JACQUES: Well, once it goes... gets
19 investigated, and the Sheriff looks at it, and they
20 say it needs to go to the DA's office, then they
21 would look at all of that. We would be... We wouldn't
22 look at that...

23 COUNCIL MEMBER BREWER: Okay. And, then, finally,
24 I am a big supporter of the Sheriff, but he is busy

1
2 with my smoke shops (LAUGHTER). So, do you... Is he
3 able... Is he able to keep up with...

4 MS. MCCAIN-JACQUES: He has a unit that handles
5 deed fraud that we come in contact with. We have a s
6 SharePoint site, and we send everything
7 electronically to them, and we work together. They...
8 actually, we send City Council a report every year
9 annually about the Notice of Recorded Documents, how
10 many have been... how many people registered by
11 borough. Actually, the report was just sent out
12 November 15th. And we also have that report listed on
13 our site. So, you have a lot of information about how
14 many cases are closed, how many complaints were made,
15 how many my office referred to the Sheriff. So, that
16 gives you a lot of, uhm, (INAUDIBLE)... (CROSS-TALK)

17 COUNCIL MEMBER BREWER: So, his... So, his... That
18 unit is keeping up, it's not been slowed down, is
19 that you're...

20 MS. MCCAIN-JACQUES: Uhm, no, they have a specific
21 unit that handles...

22 COUNCIL MEMBER BREWER: Okay...

23 MS. MCCAIN-JACQUES: that, and they...

24 COUNCIL MEMBER BREWER: Alright...

1
2 MS. MCCAIN-JACQUES: look at whatever we send to
3 them.

4 COUNCIL MEMBER BREWER: Okay, thank you very much.

5 CHAIRPERSON HUDSON: Thank you, Council Member
6 Brewer.

7 We will go to Council Member Joseph, followed by
8 Council Member Salaam, and then Council Member Nurse.

9 COUNCIL MEMBER NURSE: Thank you, Chair Hudson and
10 Chair Menin for this hearing.

11 The Know Your Right counselor, how do you follow
12 up and work with elected offices in making sure
13 constituents know that this service exists?

14 MS. VACHIRAPRAPUN: I'm sorry, is that for HPD? Or
15 is that for...

16 COUNCIL MEMBER JOSEPH: Yeah, the Know Your Rights
17 counselor, and the program you're about to roll out,
18 how we gonna know to make sure that it's in our
19 newsletters, and where are you located so
20 constituents can know about your services?

21 MS. WEYEL: Thank you so much for that question.
22 Yes, uhm, we intend to work very closely with elected
23 officials, the Office of the Homeowner Advocate that
24 manages this Homeowner Help Desk program, uhm, you
25 know, as I mentioned previously, we host housing

1
2 resource fairs on a regular basis, and these are
3 typically hosted in partnership both with community
4 based organizations and elected officials.

5 So, we already have a system in place to work
6 with local elected officials, council members as
7 yourselves, and we collaborate on outreach to make
8 sure that constituents in those districts are aware.

9 Through the Homeowner Help Desk, we're building
10 on these existing efforts, are expanding those, so we
11 will certainly partner with you and your colleagues.

12 COUNCIL MEMBER RESTLER: And you'll be reaching
13 out soon?

14 How is language access used for deed theft? For
15 example, in my home, my mom, English was not her
16 first language and we owned a home. How does language
17 access play a role in that? How do you
18 support... (CROSS-TALK)

19 MS. WEYEL: (INAUDIBLE) do education outreach
20 around the issues. So, the... we have this key
21 resource, the Homeowner Handbook for instance, that
22 is a comprehensive guide for homeowners and, as I
23 mentioned, now also lives on our website. That is
24 already available in four languages and we intend to
25 translate it and make it available in several

1
2 additional languages now through this expanded
3 program.

4 We also partner with the local community based
5 organizations that provide services in a range of
6 languages. And on our webpage, we have a map where
7 homeowners can identify community based organization,
8 legal services provider closest to their home and can
9 also look up what languages... (CROSS-TALK)

10 COUNCIL MEMBER JOSEPH: Well, let's say I don't
11 have access, I'm an older New Yorker, I don't have
12 access to that technology, and we know how
13 technology... The technology divide impacts older New
14 Yorkers, and I don't have access to that. How can I
15 get that resource elsewhere?

16 MS. WEYEL: Certainly. Thank you for that
17 question. We intend to do, and are already doing
18 significant in person outreach that can mean pop up
19 events at libraries, senior centers, uhm...

20 COUNCIL MEMBER JOSEPH: Churches? Our older adults
21 are always in churches, too

22 MS. WEYEL: And we, uhm, distribute information in
23 various languages, uhm, work with the local partners
24 that have staff that are able to speak the languages

1
2 of the communities that, uhm, that you and your
3 colleagues represent.

4 COUNCIL MEMBER JOSEPH: The (INAUDIBLE) deed
5 theft, right? By the time someone realized that,
6 what's the process? How long does it take for that
7 person to fight that case and get that property back?

8 (TIMER CHIMES)

9 MS. MCCAIN-JACQUES: It could take over a year. It
10 really can...

11 COUNCIL MEMBER JOSEPH: And what... how...

12 MS. MCCAIN-JACQUES: because it has to go through
13 the court system.

14 COUNCIL MEMBER JOSEPH: And how... How many...

15 (CROSS-TALK)

16 MS. MCCAIN-JACQUES: And they...

17 COUNCIL MEMBER JOSEPH: we have been able to...

18 MS. MCCAIN-JACQUES: Until the... Until the judge
19 makes a decision, a ruling on it, you... You have to,
20 uhm, then you can put the deed back. They'll do court
21 orders, and we have done court orders where we revert
22 the deed back to the original owner.

23 COUNCIL MEMBER JOSEPH: And what was the long
24 cases, and how many have that happened, and how long
25 was the longest case that you've had... (CROSS-TALK)

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2 MS. MCCAIN-JACQUES: I don't have that number
3 offhand...

4 COUNCIL MEMBER JOSEPH: And you'll make sure
5 you'll get that back to the Council?

6 MS. MCCAIN-JACQUES: Yes.

7 COUNCIL MEMBER JOSEPH: Thank you, Chairs.

8 CHAIRPERSON HUDSON: Thank you, Council Member. We
9 will go to Council Member Salaam, followed by Council
10 Member Nurse.

11 MS. MCCAIN-JACQUES: (INAUDIBLE)

12 COUNCIL MEMBER SALAAM: Thank you, Chairs.

13 Okay, good afternoon, I'm sitting here, and I'm
14 I... I'm overwhelmed to say the least. I'm about
15 maybe 11 months and a few days into my first term as
16 a first time public servant. And my shock is that I'm
17 realizing that the same thing that I was hearing
18 while I was campaigning, the number one thing was
19 deed theft. And I couldn't believe it. I was like,
20 deed theft? People are stealing people's deeds?

21 That was the number one thing. I would go into a
22 bodega or I would go into a grocery store or somebody
23 would stop me as I'm, you know, in a restaurant, and
24 he would say, we need to talk to you about deed
25 theft.

1
2 You know, I think that the noble thing to do in
3 the spirit of righteous collaboration is to make sure
4 that we provide the easiest way for the most
5 vulnerable, not only of our loved ones, but
6 constituents to have the type of world class service
7 that will allow for us as council members to partner
8 with you all. You know, because I've heard in the
9 audience folks say, well, what about churches and
10 community centers and so forth and so on? We know
11 that the challenge is to bridge the technology
12 divide. And as Council Member Ossé has said, in terms
13 of a form, I think that that'll be so great, because
14 we have a lot of people that will work with us that
15 we can then, maybe not deputize is the right word,
16 but put them to work to go into these centers and
17 places of worship to help our seniors to actually
18 fill out these documents.

19 That being said, I do have, two questions - One
20 is that it's my understanding that proper market
21 value can be determined through an appraisal that
22 requires close inspection done by a bank. In the case
23 of a buyer making an unsolicited offer, what methods
24 can be employed to determine and disclose that market
25

1 value in unsolicited offers to purchase residential
2 properties? What's the methods that are there?

3 And, then, how can collaboration with other
4 agencies and organizations be facilitated to
5 effectively deliver support and counsel services to
6 homeowners?
7

8 ASSISTANT COMMISSIONER ORTIZ: Thank you, Council
9 Member. I can take the first question, because I
10 think it relates directly with the Introduction 888
11 about providing potential sellers, uh, of value of
12 their home. And I think, uhm, I think the from the
13 perspective of DCWP, we do have concerns about being
14 charged (TIMER CHIMES) with making that type of value
15 determination.

16 I think I was trying to search for the word
17 before, and appraisal is the right word that I
18 remember. And those themselves, I... I... my
19 understanding can be complicated and not always, you
20 know, a homeowner cannot always perhaps agree with
21 the appraisal of a company, too.

22 So for that reason, I think our proposal for
23 Introduction 888 is rather to focus solely on the
24 value of a home perhaps, because it seems that
25 perhaps DOF does have some information about value of

1
2 the homes that we could add additional protections
3 and into a disclosure that has to go to a potential
4 seller.

5 And I think that... that holistic approach,
6 finding a source, a reliable source of value that
7 admittedly DCBP does not have, but also additional
8 protections that exist in the City would be a good
9 approach for that bill.

10 MS. WEYEL: I can speak to a second question,
11 thank you for that, Council Member.

12 We very much welcome collaboration when it comes
13 to the goal of reaching homeowners that are
14 struggling. We realize there's not a silver bullet,
15 but it is really an all hands on approach that
16 requires government, that requires elected officials,
17 and community based organizations.

18 And we think, through the Homeowner Help Desk,
19 again, the goal is to provide this one-stop shop
20 where we drive all homeowners to experience some
21 challenge and know they can turn to this trusted,
22 vetted resource instead of, you know, paying
23 attention to the mail that they may be getting, and
24 know they can get solid, high quality, counseling
25 free of charge. Right? I think that is the key

1
2 message, and we welcome collaborating with you on
3 that. And also letting us know how we can best reach
4 the constituents in your district, because we know
5 that can make... that looks different in every
6 neighborhood. Right?

7 And if you have ideas of where to host an event,
8 what kinds of materials are most needed, which
9 organizations to partner with, we would very much
10 welcome to know that and to partner with you on that,
11 and to tap into the newsletters that you mentioned.
12 We will certainly follow-up with you and share
13 information that we would like you to distribute on
14 behalf of this program. So thank you for that
15 question.

16 COUNCIL MEMBER SALAAM: Definitely, thank you for
17 that. And just as an, uhm, last thing from me, You
18 know, I've often said that those who have been
19 closest to the pain, should have a seat at the table.

20 UNKNOWN: Mmmm!

21 COUNCIL MEMBER SALAAM: And I think that, not only
22 do we have audience members who are very much close
23 to the pain, but in fact we have council members who
24 have actually dealt with this very issue. A lot of
25 the suggestions that are being made really have to be

1
2 taken into great consideration and implemented
3 immediately so that we can find the best solution
4 forward. One of the worst things that we experience
5 is that there seems to be so many layers that confuse
6 and discourage, and we just need to make it so simple
7 and streamlined, and maybe that's with the whole of
8 the system's issues to make it better.

9 MS. MCCAIN-JACQUES: So one of the things that the
10 Department of Finance is working on now is we're
11 working with the State. So, when you go to a closing,
12 and you have to fill out all those forms, one of the
13 forms is a RP 5217 form, which is a real property
14 report and it's filled out for the State. So, one of
15 the things we ask the State is to put market value on
16 that RP 527 New York City form, so that when people
17 are going to sign that form - because you have to
18 sign the form, they will see what the market value
19 actually is.

20 So they have agreed to input... to include it on
21 our form, and we're hoping this is gonna help people
22 realize that they're selling their property way lower
23 than what it's actually worth.

1
2 And, we'll be happy to let you know when this is
3 completed. They're working on the form now, so we'll
4 give you some updates on that.

5 COUNCIL MEMBER SALAAM: That's... You're saying
6 that that hasn't been done yet?

7 MS. MCCAIN-JACQUES: It hasn't been done yet.
8 We... The State just agreed to do it for us. So now
9 they are working on designing that form. And once
10 it's completed, we will let you know what the outcome
11 is...

12 CHAIRPERSON HUDSON: Great...

13 MS. MCCAIN-JACQUES: on...

14 CHAIRPERSON HUDSON: Thank you, and thank you,
15 Council Member.

16 Council Member Nurse?

17 COUNCIL MEMBER NURSE: Thank you, Chairs. Thank
18 you for having this hearing.

19 I wanted to ask, and I don't know if it was asked
20 already, but you... you do send people that are
21 flagged for maybe potential deed fraud activity to
22 the Sheriff's Office or whoever you send it to, do
23 you keep track of how many kind of frequent flyers
24 you have on that list?

1
2 MS. MCCAIN-JACQUES: Yes, well, we keep track of
3 how many we refer to the Sheriff's Office.

4 COUNCIL MEMBER NURSE: Okay.

5 MS. MCCAIN-JACQUES: And the Sheriff also keeps
6 track of everybody that walks in to their office and
7 complains about deed fraud. And... (CROSS-TALK)

8 COUNCIL MEMBER NURSE: And how...

9 MS. MCCAIN-JACQUES: it's in our Notice of
10 Recorded Document Annual Report that we sent to City
11 Council by November 15th of each year.

12 COUNCIL MEMBER NURSE: Okay, and just, what's...
13 How many frequent flyers do you have on that list?

14 MS. MCCAIN-JACQUES: So, for 2023 - 2024, we had
15 46 referrals that were sent to the Sheriff's Office.
16 And the Sheriff's had 80 complaints.

17 COUNCIL MEMBER NURSE: And these were people who
18 have been referred more than once?

19 MS. MCCAIN-JACQUES: Uhm, I don't have that
20 information.

21 COUNCIL MEMBER NURSE: Okay, yeah, I was just
22 trying to understand like, how many... How many
23 chronic... How many people are repeatedly engaged in
24 this activity that you are flagging? I think that
25

1 would be helpful. I'm sorry if that was already
2 asked, but it would be helpful to know.

3 MS. MCCAIN-JACQUES: No, it, uhm, I have to go
4 back and get those numbers for you...

5 COUNCIL MEMBER NURSE: Yeah...

6 MS. MCCAIN-JACQUES: if there are repeat
7 offenders.

8 COUNCIL MEMBER NURSE: Yeah, I think it... I think
9 that it would be helpful to know and ,you know, it
10 would be nice to see their faces, like, maybe we
11 should put their faces on some material...

12 MS. MCCAIN-JACQUES: Yeah...

13 COUNCIL MEMBER NURSE: so they come to the door
14 the way we do with everybody else who is doing...

15 MS. MCCAIN-JACQUES: Right...

16 COUNCIL MEMBER NURSE: crime. Uhm...

17 MS. MCCAIN-JACQUES: So one of the things with the
18 red flag, we do flag people that continue to do this,
19 so that we know when a document comes through and it
20 has their name on it, we do not accept it.

21 COUNCIL MEMBER NURSE: Okay...

22 CHAIRPERSON HUDSON: Can I just follow up there?
23 Because, who... Who else are you notifying? You make
24

1
2 it a red flag for you and your agency, but who
3 else... (CROSS-TALK)

4 MS. MCCAIN-JACQUES: But, we send it to the
5 Sheriff's Office, they do an investigation, and if
6 they deem it as being deed fraud, then they would
7 refer it to the DA's Office.

8 COUNCIL MEMBER NURSE: It would be nice to have
9 that information for the districts just so that...
10 (CROSS-TALK)

11 CHAIRPERSON HUDSON: Yeah, and community boards...

12 COUNCIL MEMBER NURSE: we can ,you know, be aware,
13 especially if... particularly where there is zip
14 codes where this is the ,you know, very high volume
15 of activity. I know that, I guess I don't have any
16 other question other than, one, that would be really
17 helpful to get that data distributed more with the
18 elected officials in the city. But, I have a
19 community board that has... had the first cease and
20 desist, I think Brooklyn... Brooklyn CB 5 had it. And
21 ,you know, it exists on paper, but without money
22 backing an outreach campaign, an ongoing outreach
23 campaign, it is effectively useless. No one knows
24 about it, very few people do it (TIMER CHIMES)
25 it's... The onus is on ,you know, interested parties

1
2 to constantly do that outreach and education. So, it
3 does need an ongoing commitment to do education and
4 awareness. And, then, additionally, this year we
5 partnered, or maybe last year, I can't remember,
6 because time and everything... Uhm, but we partnered
7 with the Attorney General's Office to do the first
8 training for constituent service directors and staff
9 across the Council, so that we knew how do deal with
10 people walking in the door with a plastic bag full of
11 ,like, papers for 30 years. You know, people walk in,
12 we just didn't know what to do, like, what's
13 relevant. And I think a standardized training, just
14 ongoing every year for the offices that might have
15 someone walking in would be really, really helpful.

16 MS. WEYEL: To respond to that, I think that's a
17 fantastic idea. I had mentioned that HPD offers a
18 brand new class focused on deed theft in
19 collaboration with Brooklyn Legal Services starting
20 this week. This is for the general public, so for
21 homeowners, but we would be very interested in
22 thinking through a more tailored classes for specific
23 audiences, such as the one that you just mentioned.

24

25

1
2 COUNCIL MEMBER NURSE: Yeah, and we are happy to
3 share the, I guess the agenda or curriculum that
4 we... we...

5 MS. WEYEL: We would welcome that, thank you.

6 COUNCIL MEMBER NURSE: Okay, thank you...

7 MS. MCCAIN-JACQUES: So, with the Department of
8 Finance, we do have train the trainer classes for
9 outreach.

10 COUNCIL MEMBER NURSE: Okay. Yeah, you would
11 just... You wouldn't know unless you go digging
12 around for any of this stuff...

13 MS. MCCAIN-JACQUES: Right...

14 COUNCIL MEMBER NURSE: so, some really aggressive,
15 proactive information on this would be great. You
16 know, there's... Even with the cease and desist, we
17 don't... There's no advertisement, no outreach,
18 there's no commercials, no radio ads. There's nothing
19 on daytime television, where ,you know, our older
20 adults are watching. There's just... Maybe there is,
21 but I don't see it. And we have a zone, and so, like,
22 I said, none of these programs work unless we have a
23 saturation of messaging and outreach ongoing with the
24 funding and commitment, uhm, even with things like,
25 with ,you know, people going behind on their property

1
2 taxes, now we have some money being committed to
3 groups do go to the door knocking in specific areas.
4 So things like that where we can send some CBO folks
5 down, they can hit the doors, and say, this is what
6 you need to be looking for, on an ongoing bases,
7 could really get over that digital divide, but also
8 really get targeted where this is happening more
9 frequently.

10 MS. WEYEL: Absolutely, uhm...

11 COUNCIL MEMBER NURSE: Thank you so much.

12 MS. WEYEL: Uhm, I very much support that. And I
13 again want to reiterate that the expanded Homeowner
14 Help Desk really intends to achieve those goals.
15 Right? It is about making sure that the resources are
16 well known, and this is where we are funding more
17 services, but also pairing that with targeted
18 outreach and this public awareness campaign. Because
19 that is so key to make sure that homeowners are aware
20 of all the resources that exist, including cease and
21 desist zones because of the opt in mechanism.

22 I just wanted to highlight very briefly, because
23 I don't think I'd shared those numbers yet. During
24 the three year program, we just through the Homeowner
25 Help Desk, which, again, supplements existing

1
2 programs, we intend to reach 160,000 New Yorkers
3 through this public awareness campaign, conduct or
4 host 270 in person events, provide assistance to
5 25,000 homeowners, and hope to stabilize 5,000 of
6 them.

7 We also will offer resiliency consultations to
8 over a 100 households, because flood risk is a main
9 major issue that hasn't really come up today, but
10 that we want to share information about.

11 And as I mentioned previously, we're going to
12 translate the Homeowner Handbook, which is currently
13 available in English, Spanish, Haitian Creole, and
14 Chinese, into four additional languages and
15 distribute over 22,000 copies of that handbook.

16 I also wanted to mention that during the pilot,
17 because the issue of racial equity, predatory equity
18 has come up, the goal... one of the goals of the
19 Homeowner Help Desk is to address, or to protect
20 intergenerational wealth and equity of Black and
21 brown homeowners and to prevent the displacement of
22 those homeowners.

23 So those are very much the goals of this program.
24 During the pilot of this program that we implemented
25 a couple of years ago, 80 percent of the people we

1
2 served were homeowners of color, and 50 percent were
3 seniors. And we hope to serve the same populations
4 through the expanded program. Thank you.

5 CHAIRPERSON HUDSON: Thank you, and thank you,
6 Council Member.

7 A few more questions, does DCWP receive inquiries
8 or complaints from the public regarding alleged deed
9 theft?

10 ASSISTANT COMMISSIONER ORTIZ: With respect to our
11 Financial Empowerment Centers, we have not received
12 inquiries or complaints with respect to deed theft.
13 We have received other inquiries related just to, uh,
14 to mortgage counseling. But typically that's a very
15 small number. I think it's about a 120 over... since
16 2008. The majority of our clients are actually
17 renters.

18 CHAIRPERSON HUDSON: And, do Financial Empowerment
19 Centers provide estate planning?

20 ASSISTANT COMMISSIONER ORTIZ: No. Financial
21 Empowerment Centers do not provide estate planning. I
22 believe that it is provided by the Homeowner Help
23 Desk. I think they were funded for about a year for
24 that.

1
2 MS. WEYEL: Quick correction, the Homeowner Help
3 Desk is funded for three years. There's a possibility
4 to extend the contract by an additional three years.
5 The service, estate planning, is among the services
6 that we offer free of charge. And we hope to expand
7 that specific service through the Council's new
8 allocation of \$1 million, which is for one year, for
9 Fiscal Year 2025.

10 CHAIRPERSON HUDSON: And then has DCWP done any
11 marketing to make homeowners aware of the risks of
12 deed fraud? I assume that's a no.

13 ASSISTANT COMMISSIONER ORTIZ: Marketing well, I
14 mean, we do have literature that is focused towards
15 older adults, as well as just generally consumer tips
16 that we provide to anybody. That note, mortgage fraud
17 and deed theft, I think it's part of the suite of
18 resources that the city and my colleagues here have
19 indicated. I'm happy to share that with the Council
20 as well.

21 CHAIRPERSON HUDSON: That'd be great, thank you.

22 How many New Yorkers requested assistance from
23 the Homeowner Protection Program? You may have run
24 through some of those numbers before.

1
2 MS. WEYEL: The Homeowner Protection Program is
3 actually a state run program. It is different from
4 the Homeowner Help Desk. And...

5 CHAIRPERSON HUDSON: Okay. How many New Yorkers
6 have requested assistance from the Homeowner Help
7 Desk?

8 MS. WEYEL: The Homeowner Help Desk, we
9 implemented the pilot that I mentioned, it was a one
10 year pilot in 2021 and 2022.

11 If you give me one second, I can look up the
12 number of how many people we served. So we engaged
13 47,000 homeowners and assisted 2,300 homeowners
14 during this one year pilot program, which as you, uh,
15 will note, also happened during the pandemic. So that
16 mad, in person outreach more challenging.

17 With the expanded Homeowner Help Desk program, we
18 expect to reach a 160,000 New Yorkers, assist 25,000
19 New Yorkers, and stabilize 5,000 of those homeowners.

20 CHAIRPERSON HUDSON: Okay, that's, uh, an
21 ambitious goal. Tenfold.

22 What are the common conditions of a property HPD
23 notices, where the... where the owner became a victim
24 of deed thought (sic)... deed fraud?

1
2 MS. WEYEL: Thank you for that question. Through
3 the Homeowner Help Desk, we will collect significant
4 additional data about this issue. At this time, we
5 mostly have anecdotal evidence about the types of
6 homes, and the types of families, the types of
7 homeowners that are affected, uh, that have come up
8 during the hearing today.

9 So, we know oftentimes it's seniors, it's,
10 homeowners with... who are what we call "house rich",
11 but who have limited incomes or whose incomes, you
12 know, decrease because they retire, or who have
13 unexpected housing expenses. So, for instance, who
14 need to, uhm, you know, pay for repairs.

15 And also those that are at some stage in the
16 foreclosure process, because we know that scammers,
17 often look at the foreclosure data to identify senior
18 homeowners that clearly have a (INAUDIBLE) seem to
19 have, appear to have financial challenges and target
20 those specifically.

21 CHAIRPERSON HUDSON: Thank you, that's helpful.

22 What do you believe are the greatest challenges
23 involved in protecting property owners from becoming
24 fraud victims?

25 MS. WEYEL: Thank you for that question.

1
2 The key challenge is a lack of information and
3 the uncertainty of who homeowners can trust. I think
4 there is a lot of distrust because of histories of
5 disinvestment, of, uhm, disinformation. And so I
6 think making sure that homeowners know that there is
7 trusted, trustworthy information, that there are free
8 resources, uhm, is, again, really key.

9 So it's both knowing about the resources and
10 trusting that they, uhm, are available to help you as
11 a homeowner.

12 CHAIRPERSON HUDSON: Thank you. And how can a
13 person challenge a deed theft... a deed that is
14 forged? What evidence is needed to support such a
15 challenge?

16 MS. WEYEL: I defer that question to the DOF.

17 MS. MCCAIN-JACQUES: Mhmm. So for us, uhm, if
18 someone comes in and they're saying that somebody
19 stole their property, we look at the property, look
20 at the chain of title, and see if there's any
21 indication that this could possibly be a deed fraud.

22 And as far as the Sheriff is concerned, they will
23 investigate. They will sit down with the homeowner,
24 and they will question them. And from all the
25 information that they're gathering, then they're able

1
2 to determine if this is something that needs to go to
3 the District Attorney's Office.

4 CHAIRPERSON HUDSON: And, on average, how many
5 deed transfers occur per year with properties that
6 have one to three units?

7 MS. MCCAIN-JACQUES: I have that information for
8 you. So for 2022, 38,970 deeds were transferred. Oh,
9 and for 2024, 28,278 deeds were transferred.

10 CHAIRPERSON HUDSON: Okay. Do you have any, uhm,
11 uh, reason for the decrease from 2022 to 2024?

12 MS. MCCAIN-JACQUES: So in 2022, that was, like,
13 what? Right before the pandemic, and after that...

14 CHAIRPERSON HUDSON: After...

15 MS. MCCAIN-JACQUES: after the pandemic...

16 CHAIRPERSON HUDSON: After...

17 MS. MCCAIN-JACQUES: After the pandemic...

18 CHAIRPERSON HUDSON: Yeah...

19 MS. MCCAIN-JACQUES: it started to go down,
20 recorded less recordings in the office.

21 CHAIRPERSON HUDSON: Okay. DOF has a Notice of
22 Recorded Document Program, which notifies homeowners
23 by mail when a new record is filed on their property.

24 How many homeowners have registered for this
25 program?

1
2 MS. MCCAIN-JACQUES: Uhm, 1 million... 1.5 million
3 people have already registered.

4 CHAIRPERSON HUDSON: Okay, out of how many
5 potential folks? Do you know?

6 MS. MCCAIN-JACQUES: No.

7 CHAIRPERSON HUDSON: Okay. Does DCWP anticipate
8 needing any additional resources to implement Intro
9 888?

10 ASSISTANT COMMISSIONER ORTIZ: Wait.... Oh, sorry,
11 888? Yeah, I'm, uh, I think... I think with any new
12 mandate, uhm, we would welcome a conversation with
13 our colleagues about additional resources. Not just,
14 uh, I think a month ago we, you know, with respect to
15 other legislation that's being heard, I think hotel
16 licensing we... we noted that we wanted to, uhm, the
17 new mandates require new resources, so happy to talk
18 about that more.

19 CHAIRPERSON HUDSON: Okay. And, for Intro 901,
20 does DCWP, uh, same thing? Anticipating any
21 additional resources? I assume it's the same.

22 ASSISTANT COMMISSIONER ORTIZ: Well, I think in...
23 in that particular instance, you know, much of the
24 core work, uhm, mortgage counseling, uh, home repair

1
2 financing, estate planning is being done by our
3 colleagues at HPD and their network of providers.

4 I think from our perspective, we'd like to work
5 with the Council to understand how we could leverage
6 the Financial Empowerment Centers, of which there are
7 close to 40, as a kind of supplementary service, uhm,
8 and to ensure that where any client that comes to New
9 York City is... has the appropriate resources they
10 need

11 CHAIRPERSON HUDSON: Great. Well, that concludes
12 all of our questions. Thank you all so much for your
13 time and, uhm, and testimonies. Thank you.

14 PANEL: Thank you.

15 CHAIRPERSON HUDSON: I now... We... Unfortunately,
16 you don't get to ask them, uhm, questions. But, if
17 you are here to testify, have you submitted, uh, have
18 you signed a paper to testify? Okay. So, you'll get
19 an opportunity then.

20 I now open the hearing for public testimony. I
21 remind members of the public that this is a formal
22 government proceeding and that decorum shall be
23 observed at all times. As such, members of the public
24 shall remain silent at all times.

1
2 The witness table is reserved for people who wish
3 to testify. No video recording or photography is
4 allowed from the witness table.

5 Further, members of the public may not present
6 audio or video recordings as testimony, but may
7 submit transcripts of such recordings to the Sergeant
8 at Arms for inclusion in the hearing record.

9 If you wish to speak at today's hearing, please
10 fill out an appearance card with the Sergeant at Arms
11 and wait to be recognized. When recognized, you will
12 have two minutes to speak on today's overnight topic
13 of Deed Theft, or on the legislation being considered
14 today: Introductions 888 and 901.

15 If you have a written statement or additional
16 testimony you wish to submit for the record, please
17 provide a copy of that testimony to the Sergeant at
18 Arms.

19 You may also email written testimony to
20 Testimony@council.nyc.gov within 72 hours after the
21 close of this hearing. Audio and video recordings
22 will not be accepted.

23 And, first, we will hear from Bruno Daniel from
24 the Brooklyn Borough President's Office, on Zoom.

1
2 Please wait for the sergeant to call time before you
3 begin your testimony.

4 (PAUSE)

5 SERGEANT AT ARMS: You may begin.

6 DIRECTOR DANIEL: Good afternoon, Chairs Hudson
7 and Menin and members of the committees, and thank
8 you for holding this hearing today. I am here
9 representing Brooklyn Borough President Antonio
10 Reynoso.

11 Deed theft is a pressing issue in Brooklyn,
12 especially for older adult homeowners in the Central
13 and Eastern parts of the borough. Homeownership is
14 one of the most important pathways to building and
15 sustaining wealth. When deed theft scammers target
16 these communities, they are trying to displace our
17 neighbors and lock Black and Brown families out of
18 homes that they have had for generations.

19 Last month, our office held a workshop at Medgar
20 Evers College with Brooklyn Legal Services and Grow
21 Brooklyn to educate homeowners on their rights and
22 how to avoid scams. According to BLS, the most common
23 scams these homeowners may face are refinancing
24 scams, equity stripping, and foreclosure bail out
25 loans. In short, these scammers take advantage of

1
2 vulnerable homeowners who may be having trouble
3 making mortgage payments, have bad credit, and/or are
4 at risk of foreclosure.

5 In our experience so far, education is the best
6 preventative measure we can take, which is why we are
7 bringing information directly to communities. Borough
8 President Reynoso also wants to shout out Attorney
9 General Tish James for all the advocacy she has done
10 on this issue, and the State legislature for reforms
11 that went into effect this summer to make deed theft
12 a crime, extend the statute of limitations on
13 prosecuting these crimes, and grant more oversight to
14 the Office of the State Attorney General.

15 These were important reforms that we are hopeful
16 will have a real impact in our communities, but there
17 is still more we can do:

18 First, we'd like to advocate for further
19 extending the statute of limitations on prosecutions.
20 The new state law dictates that prosecution must
21 begin withing five years of the theft or two years
22 after the rightful owner realized that their deed was
23 stolen, whichever occurs later. The state should
24 extend this two year window to further allow time for
25 homeowners who realize their deed has been stolen, so

1 they have additional time to report to law
2 enforcement so that prosecution can begin, since they
3 are also addressing civil issues and figuring out
4 their options.
5

6 We'd also like to extend, uhm, expand access to
7 legal services. We are hoping to create a Tangled
8 Title Fund model on Philadelphia's. The city of
9 Philadelphia supports this program through its
10 Division of Housing and Community Development, an
11 independent advisory committee oversees the fund,
12 which is administered through a nonprofit called
13 Philadelphia VIP. The fund provides up to \$4,000 each
14 for qualified homeowners to cover administrative
15 legal, and other costs that may arise in resolving
16 homeownership issue. BP Reynoso commends City Council
17 are starting to think about what this would look
18 like, uhm, through the state planning initiative. But
19 the required funding to make this work at scale is
20 much more than has been provided so far.

21 Increasing funding for community lawyers
22 generally, in addition to the Tangled Title Fund,
23 local legal service organizations provide educational
24 outreach, workshops and other critical legal support,
25 an important line of defense against these scammers

1
2 and we must prioritize them in Fiscal Year 2026
3 budget negotiations.

4 Pass legislation to expand outreach and
5 education: Both bills being heard today will help
6 accomplish this. However, (TIMER CHIMES) a few
7 important bills are in the Finance Committee and are
8 not being heard today... (CROSS-TALK)

9 SERGEANT AT ARMS: Your time has expired, thank
10 you.

11 DIRECTOR DANIEL: Thank you.

12 CHAIRPERSON HUDSON: Thank you.

13 I would like to call up our first in person
14 panel, uh, Vira Jones, Randi Scherman, and Casey Lee.

15 MS. VIRA JONES: Thank you, Councilwoman Hudson,
16 for letting me speak today. She invited me to come
17 and speak.

18 (PAUSE)

19 CHAIRPERSON HUDSON: We will begin with you, Ms.
20 Jones, if that's okay?

21 MS. VIRA JONES: Yeah, that's just fine, thank
22 you.

23 CHAIRPERSON HUDSON: Okay, the microphone is on I
24 see.

1
2 MS. VIRA JONES: Thank you, Councilwoman Hudson,
3 for letting me speak today. She invited me to come
4 and speak.

5 My name is Vira Lynn Jones, and I own a property
6 in Clinton Hill, near the Barclays Sport Arena, about
7 a 10 minute walk to downtown Brooklyn and the
8 Atlantic Avenue Terminal. I've done everything right
9 in my life. I've never been in trouble with the law
10 except getting a few parking tickets, graduate degree
11 from Columbia, Peace Corps Volunteer in Ghana, United
12 Nations teacher in the People's Republic of China.

13 The only mistake I ever made in my life, was I
14 bought this brownstone in Clinton Hill in 1996. I've
15 been getting refinanced on the property since then,
16 but the biggest mistake I made in my life was to get
17 a refinance with one of these predatory private
18 lenders.

19 Okay. And I'm gonna... I'm gonna say a lot of
20 names today. I got the loan from, uhm, Majestic. His
21 attorney is Allen Weintraub in 2019. In 2022 of
22 November, I decided to refinance the property. Of
23 course, the Citibanks, the Chase Banks would not give
24 me a refinance on the house. And a person I trusted
25 told me to see Alan Weintraub's client, Majestic

1
2 Crown, that they would give me a refinance. And what
3 happened was, uhm, they sold my house on October 6th
4 2022 without my knowledge. And what they did is they
5 used my neighbor's house next door. They put my
6 address on his property. Because usually, you know,
7 when you're in foreclosure, you get lots of investors
8 coming to your house, knocking on the door. Well, I
9 didn't get any of this, because he got all of those
10 calls.

11 So they sold the house behind my back, a
12 fraudulent foreclosure sale, and there... and it's
13 very difficult for me, because when you hear
14 foreclosure, all these agencies that were here today
15 told me it's over. But I have somebody that's done
16 some investigation on my deed. It was a fraudulent
17 deed. And the reason I'm fighting this is because I
18 had money, uh, for my refinance in November 2022, and
19 the title company who was going to refinance with
20 them, once they sold the property, they told me to
21 fight this. And I didn't know they had sold our
22 property till I got that letter from the finance
23 department the 1st week of November. It said, *there*
24 *has been a change in your deed. If you didn't make*
25 *these changes, fill out this form.*

1
2 Okay, I filled out the form, I've called people -
3 nobody gets back to you. (TIMER CHIMES) So, since
4 then, let me... somebody had asked, well what do the
5 seniors go through?

6 We also have to mention, Lawrence Knipel and the
7 Supreme Court has signed all their fraudulent
8 documents. They're trying to evict me from the house.
9 What do you go through? They... Since they can't get
10 you out of the house, because they told me in
11 December I had 30 days to move, in 2022, December
12 2022. So since then, they have performed, I call it
13 mental and psychological terrorism type of
14 activities. They've they put my boiler out in
15 February of 2024. Luckily, I'm a contractor, so I
16 didn't freak out. I found the \$6,000 to put a new
17 boiler in. I froze for a whole week until I put the
18 money together.

19 The next thing they did is they put holes from
20 the bottom... from the ground floor up to the 4th
21 floor, big holes like you're getting ready to
22 renovate the house. This creates vermin infestation.
23 They came all hours of the day and night. They've
24 done things that just drive you crazy.

1
2 Okay, yes, I had high blood pressure, high sugar,
3 I gained 20 pounds. My doctors asked me what was
4 going on. I didn't tell her. I just said I got a lot
5 going on. So I'm telling you, these people do not
6 observe the law. There is no law. It's their law, and
7 it's... and I can't get any... I've asked for a
8 temporary restraining order from Lawrence Knipel in
9 Superior Court, but he rules in their favor every
10 single time.

11 Now, they have put security cameras in my
12 hallway, and they keep... they put chains on the
13 third and fourth floor, because I have a four...
14 legal four family brownstone. They tore up apartment
15 number three. They ripped out the... the toilet, the
16 vanity, the doors on their fridges disappeared. They
17 did it on the third and fourth floor, about \$25,000
18 more of damage.

19 And now, they've put holes in the doors on the
20 third floor, and put heavy chains and locks so I
21 can't rent the apartments.

22 So it's more than this deed theft. These people,
23 who do not observe any law, are doing... the same
24 people who are doing this to me, Alan Weintraub, Elon
25 Cohen, I see their... their names on other seniors'

1
2 property. So this is a well-organized, well-oiled
3 criminal enterprise, and I want my property back
4 because they have a deed from the... they call it
5 the, uhm, foreclosure auction. It is not a legitimate
6 deed, because when they... continue to call the cops
7 on me, they're trying to get me arrested, some of
8 these people I'm telling you about, the senior
9 citizens, they go back in their house and these
10 people have them arrested. I know because I could've
11 been arrested with them if I had spent the night with
12 one woman who has Allen Weintraub's name all over her
13 document. She said, "Please stay with me." I left
14 that Saturday night. They all got arrested the next
15 morning, 70-year-old woman, and she spent three days
16 in jail. They try to criminalize you...

17 CHAIRPERSON HUDSON: Yeah.

18 MS. VIRA JONES: Like, I came out of court
19 November 20, 23rd, and one of the thugs ran up behind
20 me, was screaming at my back on J Street. And
21 everybody said, "Just turn around, you should've
22 kicked him in the balls." I said, that's what they
23 wanted. Because he probably would've gone back to
24 court, and said she assaulted me and given me 60 days
25 in jail like they did the Black woman in the Bronx.

1
2 It was a lie, and she spent 60 days in jail, enough
3 time for them to take her house. And that's what
4 they're trying to do to me.

5 So all this kumbaya things we have with all these
6 agencies, when they look at me and it says
7 foreclosure, they don't do anything. "Sorry, we can't
8 help you." They don't... so I'm saying that I'm
9 fighting. They're not getting my house. I'm still in
10 there three and a half years later, so you gotta hear
11 the mental and psychological terrorism that is being
12 met out to seniors and they know you don't care.
13 Thank you, Councilwoman.

14 CHAIRPERSON HUDSON: Thank you, Ms. Jones, we do
15 care, for the record. And I think that's ,you know,
16 the exact purpose of this hearing is to try and make
17 sure that we can hold our agencies accountable, and
18 make sure that we can work with them, uhm, as
19 partners to see how to prevent other...

20 MS. VIRA JONES: Right...

21 CHAIRPERSON HUDSON: from experiencing what you've
22 experienced..

23 MS. VIRA JONES: Right.

24 CHAIRPERSON HUDSON: And I'm sorry that you've
25 gone through what you've gone through.

1
2 MS. VIRA JONES: Well, I've... I've been strong,
3 and one last thing is, they've done things like break
4 the doorknobs off the entry doors. It's an illegal
5 lockout.

6 CHAIRPERSON HUDSON: Mm-hmm?

7 MS. VIRA JONES: And if I hadn't been out of town
8 on February the 12th, I would have had to sleep in my
9 car. And I have other people they've done the same
10 thing. So, uh, thank you very much for giving me this
11 opportunity.

12 CHAIRPERSON HUDSON: Absolutely, thank you for
13 coming in. And I know my office has been in touch.
14 So, we will...

15 MS. VIRA JONES: Yes, you have, thank you so much.

16 CHAIRPERSON HUDSON: continue to support you,
17 thank you.

18 Uh, we will move on to Randi Scherman, followed
19 by Casey Lee.

20 MS. RANDI SCHERMAN: Good afternoon, uh, good
21 afternoon, Chair Hudson and Committee members.

22 My name is Randi Sherman, and I'm a senior staff
23 attorney at Brooklyn Legal Services, which is a
24 program of legal services New York City, the nation's
25 largest provider of free civil legal services. And I

1
2 should mention that we've been talking a lot today
3 about the importance of our services all afternoon.

4 Deed theft scams are on the rise, especially
5 in... (CROSS-TALK)

6 CHAIRPERSON HUDSON: I'm... I'm sorry, Randi, we
7 are just having a technical issue...

8 MS. RANDI SCHERMAN: Oh, sure...

9 CHAIRPERSON HUDSON: Can you just pause for a
10 second?

11 MS. RANDI SCHERMAN: Of course.

12 CHAIRPERSON HUDSON: Thank you.

13 (PAUSE)

14 CHAIRPERSON HUDSON: Okay, apologies.

15 MS. RANDI SCHERMAN: Oh, no problem, should I
16 start from the beginning?

17 CHAIRPERSON HUDSON: You can start from the
18 beginning.

19 MS. RANDI SCHERMAN: Okay, great...

20 CHAIRPERSON HUDSON: Thank you.

21 MS. RANDI SCHERMAN: Good afternoon, Chair Hudson,
22 and members of the Committee.

23 My name is Randi Sherman, and I'm a senior staff
24 attorney at Brooklyn Legal Services, which is a
25 program of legal services New York City, the nation's

1 largest provider of free civil legal services. And
2 we've been talking a lot today about the importance
3 of our services.
4

5 So deed theft scams, as we've been talking about
6 all afternoon, are on the rise, especially in
7 immigrant and Black and brown communities targeting
8 seniors and those already struggling with financial
9 instability.

10 These scams prey on homeowners facing foreclosure
11 or property tax arrears. And the consequences are
12 catastrophic, not just for the families affected, but
13 for neighborhoods they live in.

14 And to shed some additional light on some earlier
15 testimony, reversing deed theft scams, in... through
16 litigation usually takes decades, and it requires
17 more than just a simple consultation.

18 One major factor exacerbate... exacerbating the
19 problem of deed thefts is actually the City's tax
20 lien sale, which publishes a list of properties with
21 unpaid taxes. This list is essentially a road map for
22 scammers who use it to target distressed homeowners.

23 And in a recent deposition conducted by my office
24 of a fraudster in a partition action, the scammer
25 actually admitted that he regularly uses the tax lien

1 sale list to identify properties to target. So in
2 some ways, New York City itself is complicit in the
3 growth of deed thefts.
4

5 New York's struggling homeowners would be less
6 vulnerable to property scammers if one to four family
7 residential properties were excluded from the tax
8 lien sale list.

9 And to combat deed theft, we also need permanent,
10 dedicated funding for homeownership preservation
11 services such as the Homeowner Protection Program or
12 HOP, which is the State's network of housing
13 counseling and legal services providers working with
14 at risk homeowners.

15 That network is a crucial tool to preventing deed
16 theft and other scams targeting at risk homeowners.
17 But, unfortunately, it's threatened with extinction
18 every single year.

19 Additionally, measures such as the Consumer and
20 Small Business Protection Act, or CSPA, would bring
21 New York's Consumer Protection Statute in line with
22 those of 43 other states that have far more
23 effective, Unfair and Deceptive Acts and Practices
24 Laws, and would provide deed theft advocates and
25

1
2 their clients with the kinds of tools taken for
3 granted in most other states.

4 In closing, I thank you for the opportunity to
5 provide this testimony today, and I refer the
6 Committee to my more detailed written testimony,
7 which I also, plan to submit today. Thank you.

8 CHAIRPERSON HUDSON: Thank you so much. And I do
9 want to say for the record that this Council is
10 actively trying to eliminate the Tax Lien Sale for
11 that very reason. So, thank you for your testimony.

12 And we will move on to Casey Lee.

13 MS. CASEY LEE: Good afternoon... Good afternoon
14 Council Members, thank you very much for inviting me
15 to come and speak today...

16 CHAIRPERSON HUDSON: I'm sorry, I just wanted to
17 recognize, for the record, that we have been joined
18 by Council Member Sanchez, my apologies.

19 MS. CASEY LEE: No worries.

20 CHAIRPERSON HUDSON: Please continue.

21 MS. CASEY LEE: Uhm, so, thank you very much for
22 inviting me to speak.

23 My name is Casey Lee, I'm a staff attorney at the
24 Legal Aid Society. We are also a sister member of the
25 HOP network, and so we provide legal assistance to

1
2 many of these homeowners who are facing these deed
3 theft issues.

4 Many of the points that we wanted to submit have
5 already been mentioned by Legal Services, and so
6 rather than kind of repeating everything and beat a
7 dead horse, I just want to emphasize that this is a
8 very large topic.

9 This is not... I think when we refer to the topic
10 as deed theft, it really simplifies what the issues
11 are. And so, there are many forms that these
12 predators are preying on our city's most vulnerable
13 homeowners. Part of... or one of the tactics is by
14 purchasing... following the tax lien sales and, you
15 know, seeing that as a vulnerable property. But it
16 goes beyond homeowners, right? I think working at
17 estate planning is a huge effort, but it doesn't
18 address what has already happened. People have
19 already passed away without a will, without the means
20 for some of their heirs, even if they have a will, to
21 probate the will.

22 And so, this is... all... again, like, as the,
23 uhm, the person from HPD mentioned, this is an all
24 hands on deck issue. And so addressing... making
25 surrogate court more available to New Yorkers who

1 don't have a lot of means to pay the fees... Right
2 now, uh, just to file a petition in surrogate's
3 court when you have a home is \$1,250 if you have an
4 asset like a house over \$500,000.
5

6 That doesn't account for a mortgage on the home,
7 that doesn't account for anything else, but the mere
8 fact that you have an asset over \$500,000. And, you
9 know, if you're on a fixed income, you can't afford
10 this amount.

11 So, you know, we really welcome the opportunity
12 to have more discussions about the multitude of ways
13 that we can assist homeowners, and we are obviously
14 at the disposal of the council members to partake in
15 any of these outreach events.

16 But also, as discussed, it would be great to have
17 additional funding for the HOP Network so that we
18 could have more robust legal services to help all of
19 the New Yorkers.

20 As it is, I'm a team of one in the... so at Legal
21 Aid, we have a Foreclosure Unit, but I am a team of
22 one that does trusts and estates. And, so I certainly
23 cannot assist every person that walks in the door, or
24 at least on a more wide scale basis.
25

1
2 CHAIRPERSON HUDSON: Thank you so much. We will
3 certainly advocate for more funding for that.

4 Thank you all for your testimony. We appreciate
5 you being here today.

6 I would like to call up the next panel: Karen
7 Greenwood, Beverly Smith, Roger Rowe, and Rahcel
8 Cyprien. We can... I think we can squeeze four at the
9 table.

10 (PAUSE)

11 CHAIRPERSON HUDSON: You want to start on the left
12 here? Ma'am, do you want to start? Okay. Just...

13 MS. BEVERLY SMITH: Hello?

14 CHAIRPERSON HUDSON: Yeah, there you go...

15 MS. BEVERLY SMITH: Is that good?

16 My name is Beverly Smith. I have been a
17 citizen... I have been a not a citizen... I've lived
18 in New York City all my life. I have, been on the
19 Selective Service Board for 30 years. I worked for
20 New York City Police Department for 32 years, and I
21 worked as a New York State Public Safety Officer for
22 10 concurrently with my police department.

23 In 1992, while on the community board,
24 Assemblywoman Aurelia Greene and Fernando Ferreira
25 were... Fernando Ferreira was the borough president

1
2 and Aurelia Greene was the assemblywoman. They got
3 together and they sent me to school on how to write a
4 proposal, and my landlord, where I lived at 1750
5 Sedgwick Avenue, we were put into a program of New
6 York City partnership, under the Dinkins
7 Administration, where they built 78 homes, Popham
8 Gardens in the Bronx, 10453, in Councilwoman Pierina
9 Sanchez's District. And thank you very much for
10 inviting me today.

11 Now, I am 71 years old, I have one child, and
12 with this predatory lending, uh, going on and the
13 stealing of these, I've tried to, uh, get information
14 about it through, ACRIS. They don't work on the
15 weekends. They... they... I was shocked when they sat
16 here and said, you know, go through when you get on.
17 You can't get on that service for the weekend. It's
18 very complicated.

19 Most seniors in the 78 homes that... where I am
20 the Homeowners Association president, most seniors
21 there, they're not computer literate.

22 So, wherein as Homeowners Association President,
23 uh, the dues is very low, and it's only to pay for
24 the sewer cleaning that that was under the deed.

25

1
2 Also in the deed, it is... it is mentioned that a
3 family member has to live in the house for 100 years.

4 Since that, people have come in, bought the
5 house, used it... used it as... bought housing in the
6 70... within 78 homes. They use it as a financial
7 gain, no more generational wealth, what the houses
8 were built for, that is out the window.

9 It is... it is very, very difficult to live in
10 the area, because the private homes that surround the
11 78 homes, they went in and from a two-family house,
12 they went in and cut down apartments and made two-
13 family houses to 10-family houses. And New York City
14 Building Department has given them permits to do
15 that. And (TIMER CHIMES) the houses are just like a
16 shoebox. We need more outreach about this deed theft,
17 because I'm sure it's going on. A lot of us are
18 seniors. It has to be better ways to outreach through
19 the community boards, through the Councilwoman's
20 office.

21 I was shocked with the things that I heard today,
22 and to think that all the work that I've done here in
23 the city and over my life, that someone can come in
24 and steal my deed and they don't notify me about it,
25 is frightening.

1
2 CHAIRPERSON HUDSON: Well, thank you for your
3 testimony. We are working on correcting that, so
4 thank you for being here today.

5 Uhm, oh, yes, Council Member, you have a
6 question?

7 COUNCIL MEMBER SANCHEZ: Uh, thank you, Chair. I
8 just want to thank you, Ms. Smith, for joining us
9 today. And to make sure that we follow up and bring
10 this information back to Popham and all of the
11 homeowners in our district, thank you.

12 CHAIRPERSON HUDSON: Thank you, uh, Ms. Cyprien?

13 MS. RAHCEL CYPRIEN: Yes, Unlike her, I'm not
14 going to disclose my age.

15 (LAUGHTER)

16 MS. RAHCEL CYPRIEN: But, like her, I also am a
17 lifelong New Yorker. And I am outraged about this
18 deed theft, and I am sick and tired of hearings and
19 meetings and town hall meetings. Tired. I've been
20 fighting for my deed to get my deed back for 14
21 years. That is beyond ridiculous.

22 And today, I'm going to hold everyone
23 accountable, because I'm... I've called it out into
24 the universe. This year, I want my deed back.

1
2 My father and I purchased our home in 1997
3 legally and legitimately. And I saw a hearing last
4 year held by Letitia James and Kathleen Hochul, at
5 which point they brought a couple in, Jacqueline
6 Knight and Joseph Clark, from my neighborhood, who
7 were also victims of deed theft. They were a victim
8 of deed theft. They are from Guyana. My people, from
9 the slave ships of Africa to Haiti to Brooklyn. The
10 people that coerced me or conned me out of my deed
11 were Haitian, because they always need people that
12 you're familiar with. You trust them, so you listen
13 to what they're telling you.

14 And I listened to Jacqueline Knight and Joseph
15 Clark's story, it was mirrored to mine. And, Kathleen
16 Hochul and, the Attorney General, Letitia James,
17 helped them. They used Brooklyn Legal Services. And
18 we were talking about these free legal services,
19 which I have found to be really useless and just a
20 big, fat waste of time.

21 Where's this money coming from that they're
22 getting? And every time you call them, or I call
23 them, it's always we've had enough clients. We don't
24 have enough funding. So that we need to get through
25 that.

1
2 The other day, I'm glad, this man, he was here,
3 Daniel Bruno from, the borough president. Because
4 the, uh, borough president did have a meeting at
5 Medgar Evers, which I attended, and was told by this
6 woman, her name is, Blair... Zulema Blair. I
7 forget... She's a professor or something.

8 CHAIRPERSON HUDSON: Dr. Zulema Blair.

9 MS. RAHCEL CYPRIEN: Zulema Blair. She said she
10 was given funds to help us get attorneys. She got me
11 an attorney that never called me, had me sign a
12 retainer fee or retainer, but never helped me.

13 And I've met with the Bureau President Office
14 last week, Wednesday, and I'm going back tomorrow,
15 because I... if money was allocated for us to get
16 help legally, to get lawyers to help us, then I
17 should have an... I should have access to an
18 attorney, not a bogus attorney who's not answering my
19 call. And that's the problem.

20 All these programs that are put in place, and
21 when we don't know who to call, and who to find out
22 and who to hold accountable, nothing gets done.

23 And then people are coming to meetings like this
24 and saying, "We're helping, we were at Medgar Evers.
25 We were here." No. We want real help.

1
2 And just like Vira Jones was just here, she sat
3 and she's going through this. Why can't... this is
4 what I wanna understand, (TIMER CHIMES) when we're in
5 these rooms and we're talking, why can't we have
6 someone say, "Okay, Ms. Jones, come, let's rectify
7 this."?

8 What's all this talking, talking, collecting
9 cards, emailing to hear the same stuff again? If I
10 sound upset and if I sound frustrated, it's because I
11 am.

12 And to piggyback off of the man that was here,
13 Council Member Salaam...

14 CHAIRPERSON HUDSON: Mm-hmm

15 MS. RAHCEL CYPRIEN: When he says when you're
16 closest to the pain, this is how I am. I'm close to
17 the pain, because this is my home. I've been in my
18 home for 27 years, and had someone try to evict me
19 the other day and tell me that this is their deed.
20 This is my home, my legacy. My father and I purchased
21 this home. I have two daughters, a nephew, and a
22 sister. God forbid I die, that home should go to
23 them, not to a con artist. And we need real help.
24 We... enough of the talking, *real, real* help. Please.
25 Next person. I'm sorry.

1 CHAIRPERSON HUDSON: Thank you.

2 MS. RAHCEL CYPRIEN: Mm-hmm

3 CHAIRPERSON HUDSON: Thank you for your testimony.

4 Ms. Greenwood?

5 MS. KAREN GREENWOOD: Good day, My name is Ms.

6 Greenwood. I'm... my heart is full right now, because

7 since 2019, we had our first hearing of deed theft/

8 foreclosure theft... (BACKGROUND NOISE)... with

9 Eric... Eric Adams, with Carnegie, with Ritchie

10 Torres. We've been having, like, I would say, a

11 hamster ride going on here. Bamboozle, hanging fruit,

12 hijacking of land, and it's gonna continue to go on.

13 I see this. Because if we would've had a resolution

14 from then, we wouldn't be sitting here. It's not a

15 priority. We've asked for an Executive Order with de

16 Blasio. It never happened. Governor Cuomo signed a

17 bill for an investigation through Department of

18 Finance. Department of Finance, HPD, no transparency

19 of investigations have ever occurred.

20 The district attorney, Eric Gonzalez, is not

21 approaching the homeowners the way that he should.

22 You go to the building, you don't even know if it's a

23 DA's building in Brooklyn.

24
25

1
2 Every other borough, they've been able to help
3 the homeowners. Right now, we have many homeowners
4 that their properties has been stolen. Every
5 Thursday, we have a hanging fruit. Every Thursday,
6 illegally, wrongful foreclosures. These judges, which
7 is now they... they have themselves as god to take
8 people's properties. A rubber stamp, it's called
9 Complex Homeowners Foreclosures, a Wrongful Eviction,
10 Housing Court. Everybody, trust and believe, no one
11 is sleeping. We all see what's going on. This is land
12 hijacking.

13 And I'm gonna give you... I'm gonna give you a
14 little rundown from where we know this has occurred
15 and why it isn't... why it hasn't stopped. Because,
16 first and foremost, we know this is a white collar
17 law. The 2008 real estate market crash was caused by
18 a combination of irresponsible lending financial
19 speculation, inadequate regulatory oversight
20 involving key politicians, banking institution, major
21 financial institutions such as Lehman Brothers, Bear
22 Stearns, AIG, and Countrywide Financial fueled the
23 crises by issuing, investigating, and investing high
24 risk subprime mortgages. These loans are often
25 bundled in a complex financial products like mortgage

1 backed securities and collateralized debt obligations
2 marketed as a safe investment, despite their
3 underlying instability.
4

5 Government sponsored enterprises, like Fannie Mae
6 and Freddie Mac, (TIMER CHIMES) further amplified the
7 problem by buying and guaranteeing large volumes of
8 these risk... risky loans.

9 One political side policies promoting home...
10 homeownership, pushed by leaders like President
11 George W. Bus, and President Bill Clinton, encouraged
12 lenders to loosen standards.

13 The appeal to the Glass-Steagall Act in 1999,
14 championed by senator Phil Graham, and signed into
15 law by President Clinton, allowed banks to merge
16 commercial and investment activities increasing risk.

17 The regulatory agencies like the Securities and
18 Exchange Commission and the Federal Reserve, under
19 Allen Greenspan, and later Ben Bernanke, failed to
20 act on warning signs.

21 Greenspan prolonged low interest rates in early
22 2000, spurred excessive borrowing and speculation in
23 real estate. Congress also played a role with
24 bipartisan resistance to stricter oversight of
25 institution like Fannie Mae and Freddie Mac.

1
2 When housing prices fell, defaults surged,
3 leading to massive losses and the collapse of
4 institution like Lehman Brothers. The financial
5 crisis triggered global economic turmoil and required
6 governmental bailouts, including the Trouble Asset
7 Relief Program, TRP, signed into law by President
8 Bush.

9 And I'm gonna say something, this homeowner
10 protection, I don't know if you wanna call it
11 bamboozle protection program, because since 2011,
12 2010 no, 2010 - 2011, Schumer, Heinz, ordered that
13 there be a legislation for funds implemented to help
14 with these crises, with litigating in the courts.
15 That wasn't done.

16 Money to track all the cases for deed theft and
17 foreclosure theft, there was supposed to be data
18 tracking. No funds was provided for you to a hire
19 task force for these issues, because it's not a
20 priority. Because why? It's Black and brown again.

21 UNKNOWN: Black.

22 MS. KAREN GREENWOOD: We're under the attack...
23 we're under the attack. We're under siege.

24 UNKNOWN: Mm-hmm

1
2 MS. KAREN GREENWOOD: And it has to stop. We
3 should not be suffering like this. There needs to be
4 an injunction. The AG herself, and I'm gonna give
5 homage to the first attorney general because there,
6 he gave funds to all homeowners and tenants who were
7 being wrongfully evicted. You can't tell me she can't
8 do it, because she can.

9 She's the one who could do an injunction in the
10 Martin Act right now in the courts and stop the
11 bleeds. Stop it all. But everybody, again, have their
12 own priorities. And I would say to my brothers and
13 sisters as democrats, when you were in the house for
14 what? - you were in control of the senate, you were
15 in control of the housing, you were in control of
16 everything! We shouldn't be fearing nobody right now,
17 even the new administration coming in. None at all.

18 This is disgrace, and it has to stop because
19 people, We the People, are for the People. But the
20 congressmen, the senators that keep knocking on our
21 door, begging for donations, we don't hear you
22 anymore.

23 UNKNOWN: Mhmm.

24 MS. KAREN GREENWOOD: We don't hear you. You're
25 gonna have us displaced. You're gonna have us, uh,

1
2 deported, and we know what next is gonna occur. But
3 if you guys would have did a stronger legislation to
4 protect us on all folds, we wouldn't be sitting here
5 to have a panic button to fear for our lives right
6 now. We pay taxes; 311 doesn't help.

7 City Council, we're asking you to do an Executive
8 Order with Eric Adams right now. Stop bamboozling the
9 people. The people are hurting. You have mental
10 health even housing, uh, people who right now, as
11 tenants, are having a problem, because there's no
12 regulations, there's no policies of helping them.

13 So you can't blame health... mental health
14 either. Nobody's doing anything. We should not be
15 sitting here every, single year petitioning,
16 fighting, arguing, begging for the rights of the
17 People. We pay taxes, and money is going overseas
18 every month, every year, and people are hungry here.
19 People are starving. That should not be! Enough
20 already.

21 CHAIRPERSON HUDSON: Thank you for your testimony.

22 MS. RAHCEL CYPRIEN: This is reminiscent of Tulsa,
23 because she said Black and brown, the only people
24 that are hurting from deed theft, that I've seen, in
25

1
2 all the rooms that I have been at, are Black people.
3 This is reminiscent of Tulsa, Oklahoma. Our...

4 CHAIRPERSON HUDSON: Thank you...

5 MS. RAHCEL CYPRIEN: our wealth is being stolen,
6 it's disgusting.

7 CHAIRPERSON HUDSON: Thank you. I have to move on
8 to the next...

9 MS. RAHCEL CYPRIEN: I'm sorry...

10 CHAIRPERSON HUDSON: Witness.

11 Uh, Roger Rowe?

12 MR. ROGER ROWE: Yes, it's on, right?

13 CHAIRPERSON HUDSON: It is, thank you.

14 MR. ROGER ROWE: Thank you, thank you for hearing
15 me. My name is Roger Rowe. I'm going bring a slightly
16 different approach to what I heard. And actually,
17 while I was here, the lady from the Housing
18 Department, I hope... I wish she were still here to
19 hear what I have to say.

20 The I was... about six years back, maybe even
21 more, I had a foreclosure action brought against me.
22 Fortunately, I read the law. I stayed up at night,
23 and I was able to get to the appellate court and get
24 my house back.

1
2 The appellate court issued an order reversing the
3 foreclosure and sale. The trial judge, Judge Thomas
4 Whelan, looked at me and said, "What are you doing
5 here?" I said, "Appellate court said you gotta
6 reverse this, He says, "I'm not doing it." So now
7 I'm back at the appellate court seeking my damages
8 from him and everybody else.

9 One of the things that I've learned through the
10 journey, and it's what can I do, my experience, to
11 actually give you all the ammunition you need to get
12 this moratorium because it can be stopped today.

13 The problem is everybody's talking about this
14 Referee's Deed, and it's never that Referee's Deed
15 can never be certified by law.

16 Real Property Law 320 states it clear that
17 certain deeds must be considered a mortgage. So what
18 they're doing is, and I know I might run out of time,
19 because it's really a complex issue - the
20 certification, an attorney can certify a document,
21 but what he's actually doing, and if you read it, it
22 says he's certifying what he viewed. This case law
23 that ACRIS, an ACRIS document, is not a certified
24 deed. All it represents is the recording. So the lady
25

1
2 that was mentioning about the recording, she's a 100
3 percent right.

4 Now the silver bullet in what we can do, what
5 ACRIS can do, is stamp a big thing saying this is not
6 a certified deed. The process that the law states,
7 CPLR 4540, says it has to be attested to. So, you
8 have a Referee's Deed, which is an equitable
9 mortgage, does not convey title by state law. It's
10 done. That deed can only be looked at as a mortgage.
11 You can't convert it to a deed.

12 What these guys are doing is they're just pushing
13 it through, acting as if... the attorney
14 certification... Now, also, I believe it's another
15 section. Well, I know it's another section, I'm...
16 just don't remember it particularly - the attorneys
17 are punished for that, because the attorneys are
18 officials, and they're lying to the court.

19 Now I have cases that I'm right now dealing with,
20 (TIMER CHIMES) and I explained this to these judges.
21 And they look at me - Judge Knipel, Judge Knipel
22 says, "I understand your argument, but you gotta
23 appeal this."

24
25

1
2 Why would I appeal something where you already
3 understand the argument? People are getting put out
4 their homes today.

5 UNKNOWN: Mm-hmm

6 MR. ROGER ROWE: Today, on certified... on
7 Referees' Deeds that are purely illegal. And I could
8 furnish the case law. I already sent an email to the
9 chief justices outlining and detailing the thing. I
10 also sent one to one of the senators aids, and I'm
11 hoping that he processes it up. I could give you all
12 this information.

13 CHAIRPERSON HUDSON: You can... You can...

14 MR. ROGER ROWE: Like I said, my foreclosure was
15 reversed, and as the lady said, as soon as I got that
16 order from the appellate court, I had it certified,
17 and I ran down to the Clerk's office, and now it's in
18 there.

19 So, anybody that sees that order from the
20 appellate court knows that I am the rightful and the
21 only owner of the property.

22 CHAIRPERSON HUDSON: You can submit any
23 documentation to... And we can give it to you in
24 writing, but testimony@council.nyc.gov...

25 MR. ROGER ROWE: Okay.

1
2 CHAIRPERSON HUDSON: to add to your testimony
3 today.

4 MR. ROGER ROWE: Yes.

5 CHAIRPERSON HUDSON: And thank you, thank you all
6 for your testimony. I truly understand the
7 frustration. You know, we are trying to do what we
8 can here in the city council to address these issues.
9 That is exactly why we are having the hearing today.

10 I get it. Government does not move quickly.

11 PANEL: Yes.

12 CHAIRPERSON HUDSON: You know? But, I am hopeful
13 that we will be able to rectify a lot of these wrongs
14 that have been done.

15 MR. ROGER ROWE: And I would add to that, that I
16 understand that government does not move quick. The
17 problem... And I sat with the clerk with the
18 Appellate Division one day, and she said to me,
19 "Well, if you win, you get the house back in two
20 years." And I looked at her, I said, "You're gonna
21 be out... The person is outside the house." So, it's
22 certain things that it's urgent today.

23 CHAIRPERSON HUDSON: Absolutely.

24 MR. ROGER ROWE: And a moratorium on something
25 that, again, I will get that, the statue to you, and

1
2 the case law that the appellate court already
3 determined. So, this is something that, all that has
4 to happen is, the chief justice issues a memorandum -
5 I have a memorandum, uhm, from 2009, CPLR 5239 states
6 that everything's supposed to stay. I submitted that
7 to the Clerk, they didn't want to accept it. So, I
8 wrote them a letter, I said, "Hey, look, this is
9 what's happening," they accepted it. The judge didn't
10 want to sign it. So, this is something that can be
11 addressed immediately. Because, it's already a
12 memorandum from...

13 CHAIRPERSON HUDSON: Right.

14 MR. ROGER ROWE: a chief justice, that looked at
15 the statute and made a determination - and made a
16 procedure saying, if this is a condition, I had a
17 judge look at me and says, "Oh...

18 CHAIRPERSON HUDSON: I'm sorry, I do have to have
19 move on to the next witness. But, we... we will
20 definitely look into everything that you...

21 MR. ROGER ROWE: Yeah...

22 CHAIRPERSON HUDSON: that you've mentioned and see
23 how we can move on it.

24 MR. ROGER ROWE: Yes, thank you.

25 MS. BEVERLY SMITH: Can I say just one thing...

1
2 CHAIRPERSON HUDSON: Very quickly, please,
3 because...

4 MS. BEVERLY SMITH: I am for 888 and 901, and, uh,
5 as far as ACRIS is concerned, or the Department of
6 Finance, I think when they get a quit deed or
7 something like that, instead of a call, I think they
8 should send the Sheriff. (INAUDIBLE) they have
9 sheriffs, the Sheriff should go to the person's house
10 and make sure that they get it. Because we get so
11 much junk mail. Who looks at the mail?

12 CHAIRPERSON HUDSON: Thank you. Thank you all so
13 much.

14 MS. BEVERLY SMITH: (UN-MIC'D) (INAUDIBLE) the
15 wrongful homeowners that have been arrested, I need
16 their record cleared. I need the homeowners
17 (INAUDIBLE)...

18 CHAIRPERSON HUDSON: We will look into that,
19 ma'am, I have to move onto the next...

20 MS. BEVERLY SMITH: (UN-MIC'D) (INAUDIBLE) I need
21 it to clear...

22 CHAIRPERSON HUDSON: Thank you.

23 I would like to call Kevin Wolfe from Center for
24 New York City Neighborhoods on Zoom.

1
2 DIRECTOR WOLFE: Good afternoon, can everyone here
3 me?

4 CHAIRPERSON HUDSON: Yes, we can. Just wait one
5 moment for the Sergeant at Arms to start your time.

6 Okay, you can begin.

7 DIRECTOR WOLFE: Great, thank you, Chair Hudson.

8 My name is Kevin Wolfe, I am the Deputy Director
9 For Advocacy and Public Affairs at the Center For New
10 York City Neighborhoods and we are the largest
11 homeowner service organization in New York City.

12 We're a nonprofit and we provide assistance to New
13 Yorkers at all stages of the homeownership journey.

14 We do have written testimony, so I'm not gonna go
15 through everything, but I did want to say that, we
16 are testifying in support of both of the pieces of
17 legislation that have been put forward.

18 We do have some recommendations, some tweaks that
19 we would like to see, uh, for both of those
20 legislation. But overall, we want more tools in the
21 toolkit to combat deed theft.

22 As we've heard, throughout the day, deed theft is
23 a major issue that's affecting New Yorkers. And,
24 actually, in response to some of your questions, I
25 did... we did pull the numbers.

1
2 One thing that I should note is that the Center
3 does, uh, when homeowners call 311, they are many
4 times directed towards the Center, uh, for New York
5 City Neighborhoods, and so we do get quite a few deed
6 theft referrals.

7 So far in this fiscal year, we have seen 86 deed
8 theft referrals, and that's been an increase from
9 last year's 69. We're not, obviously, we're not done
10 with this year.

11 And, you know, when we get those... the
12 homeowners do call, we do our best to provide
13 assistance to them, uh, to connect them to legal
14 services and housing counseling.

15 On the on the legislation, I did just wanna note,
16 for Intro 901, we... Intro 901, we do support the
17 concept of the legislation, but we want to note that
18 the Council already provides funding for the
19 Foreclosure Prevention Initiative, as well as there's
20 new funding for the Estate Planning Initiative, and
21 that's funding housing counseling and legal services.

22 And so we want to connect... coordinate with the
23 City as much as possible.

24 On Intro 888, we did want... we did have some
25 recommendations. We to support the concept of it. But

1
2 we did have some recommendations for how to make the
3 legislation better. It may be possible that... to
4 have civil penalties for these people who come up
5 with these unsolicited, uhm, unsolicited offers to
6 purchase the home.

7 We do think that the civil penalties are a little
8 bit too low, and there is the issue of how to
9 determine the fair market value. We did have some
10 suggestions on how to better determine that maybe
11 using data from DOF. It may be possible, but those
12 are... those are sort of the two issues that we
13 wanted to hit on, uh, on the legislative front.

14 Otherwise, I will, uhm, we will submit our
15 written testimony, make sure that the Council's able
16 to see that, and we're happy to, if you do have any
17 questions about the services we provide, we talked
18 about the Homeowner Help Desk, which, the Center is
19 excited, to operate and thankful (TIMER CHIMES) for
20 the Council's support.

21 But we're happy to answer any other questions
22 that you have, and thank you for your time.

23 CHAIRPERSON HUDSON: Thank you so much.
24
25

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2 If there is anyone else in person or online who
3 would like to testify, please see the Sergeant at
4 Arms or use the Zoom Raise Hand Function.

5 CHAIRPERSON HUDSON: You...

6 UNKNOWN: (UN-MIC'D) (INAUDIBLE) I just want five
7 seconds. I want attorneys held accountable as well. I
8 need to know that the (INAUDIBLE) deed theft bill is
9 going to go through. I need to that know that the
10 disclosure law is also going to go through. And any
11 other statute of limitations (INAUDIBLE) 10 to 20
12 years are (INAUDIBLE) build up in the courts right
13 now. We need (INAUDIBLE) now dismissed.

14 CHAIRPERSON HUDSON: Thank you.

15 UNKNOWN: (UN-MIC'D) (INAUDIBLE) We need a
16 supervisor over the same judges...

17 CHAIRPERSON HUDSON: Okay...

18 UNKNOWN: (UN-MIC'D) that's in there right now.

19 CHAIRPERSON HUDSON: Thank you, we... This... This
20 is not part of the formal hearing anymore, so...

21 UNKNOWN: (UN-MIC'D) No (INAUDIBLE)...

22 CHAIRPERSON HUDSON: I appreciate that. But, if
23 you could... I am happy to speak to you if you just
24 let me get through the rest of the hearing.

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2 Seeing no more witnesses in person or online, I
3 now close the hearing, thank you.

4 (GAVEL SOUND) (GAVELING OUT)

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 14, 2024