

CENTER FOR NYC NEIGHBORHOODS

~~FOR THE RECORD~~

Testimony before the New York City Council Committees on Housing and Buildings, Community Development, and Land Use

Regarding “Housing New York”, the Mayor’s Affordable Housing Plan

November 17, 2014

Good afternoon. My name is Matthew Hassett and I am the Director of Policy and Communications at the Center for NYC Neighborhoods. I would like to thank Chairman Jumaane Williams, Chairwoman Maria del Carmen Arroyo, Chairman David Greenfield and the members of the Committees on Housing and Buildings, Community Development, and Land Use for holding today’s hearing on the Mayor’s “Housing New York” plan and for the opportunity to speak to the strengths and opportunities of this plan, particularly as it relates to affordable homeownership.

About the Center for NYC Neighborhoods

At the Center for NYC Neighborhoods, our mission is to promote and protect affordable and sustainable homeownership in New York City. We believe that keeping homeownership affordable creates strong neighborhoods that allow for working and middle class New Yorkers to be a part of the economic opportunities that continue to open up as New York City continues to prosper. Through a network of community-based partner non-profits, we provide homeowners with the essential support to prevent and overcome economic hardships of many kinds, and to make absolutely sure that they can afford to stay in their homes. Since 2008, our network of 36 community-based partners located throughout the five boroughs has assisted over 30,000 homeowners.

Housing New York

Focused on creating and preserving 200,000 affordable units over the coming decade, “Housing New York” is an important milestone on the road to a more just and equitable city where New Yorkers in every neighborhood will benefit from the opportunities that affordable housing creates.

At the Center, we are pleased to see the de Blasio administration’s commitment to affordable homeownership in the new plan. Affordable homeownership is an essential component to any affordable housing strategy in New York City. Over 2 million households in the city own their own homes, with almost one-third of New York homeowners earning less than \$50,000 per year. And with more than a quarter-million small property owners renting out apartments, homeowners play a vital role in creating even more affordable housing in the form of rental housing in owner-occupied buildings.

“Housing New York” recognizes the need to support New York’s working and middle class homeowners and lays out various strategies and programs that ensure the preservation of this critical affordable housing stock. We would like to highlight several strategies that are squarely in line with the vision we and our network of community-based non-profits share for the future of housing in New York City:

1. Support for foreclosure prevention activities:

Foreclosure is a major contributor to New York City's vacant and abandoned residential buildings: nationally, about 20% of properties in the foreclosure process have been vacated by their owners, and there are an estimated 10,000 vacated homes in foreclosure in the New York City metro area alone.¹ Though our national economy has slowly reemerged from the depths of the 2008 recession, the foreclosure crisis that precipitated the recession continues to be a daily source of stress, confusion, and financial hardship for many New Yorkers. The Great Recession has resulted in thousands of foreclosures in New York City, with even more homeowners behind on their mortgage payments and at risk of foreclosure.

Foreclosure prevention through the proven models of housing counseling and legal services provides essential assistance to homeowners working hard to keep their homes. Our network of housing advisors and attorneys obtains results: an analysis conducted using the Center's data found that homeowners who received foreclosure prevention counseling from housing counselors in the Center's Network were 30% more likely to receive a modification to their mortgage than homeowners who did not receive counseling. On average, the mortgage modifications our network achieves result in monthly savings of approximately \$1000 per household.

The City has been at the forefront nationally in terms of deploying resources to prevent foreclosures, including foreclosure prevention counseling and legal services at the neighborhood level. The "Housing New York" plan reaffirms the City's support for these critical, home-saving services. We commend and thank the New York City Council and the de Blasio administration for the continued, strong support of these vital services. Preventing foreclosures is essential to preserving naturally occurring affordable housing like New York City's affordable homeownership stock, and, what's more, it helps to maintaining strong neighborhoods.

2. Combat predatory practices targeted at homeowners and homebuyers:

More than five years after the height of the Great Recession, tens of thousands of New Yorkers continue to suffer from the effects of the foreclosure crisis. The reckless and predatory lending that caused the financial crisis disproportionately harmed New York City's communities of color.² Today, foreclosure rescue scams targeted at homeowners are on the rise,³ continuing to put homeowners at risk and threatening our existing affordable housing stock. Homeowners caught in a scam could lose several thousand dollars in cash payments to a scammer, and, even worse, the delays from working with

¹ RealtyTrac, Owner-Vacated Properties Represent 20 Percent of All Foreclosures Nationwide, June 18, 2013. <http://www.realtytrac.com/content/foreclosure-market-report/owner-vacated-foreclosure-update-7771>

² Donnelly, Frank, Bank preyed on minority borrowers with subprime loans, lawsuit alleges, silive.com, May 5, 2014. http://www.silive.com/northshore/index.ssf/2014/05/bank_preyed_on_minority_borrow.html

³ Hassett, Matthew. Let's put an end to loan scams, the Center for NYC Neighborhoods, January 30, 2014. <http://cnycn.org/2014/01/lets-put-an-end-to-loan-scams/>

these scammers can make them far more likely to eventually lose their home to foreclosure because of the delay in legitimately addressing the default.

Predatory practices targeted at homeowners and homebuyers require a concerted approach from the City and we strongly support the housing plan's call to support those efforts to protect New York City homeowners and adopt a strategic approach to preservation.

3. Foster resiliency and lower flood insurance premiums in our coastal communities:

When Superstorm Sandy struck New York in October 2012, we responded quickly to assist those families whose lives were upended by the storm. We provided direct cash assistance through our Neighborhood Recovery Fund, and we applied our existing model to get high-quality housing counseling and legal services to homeowners working with multiple government and private-sector agencies to rebuild their homes and lives. Today, assisting homeowners recovering from Sandy, while making our city and housing stock more resilient to future extreme weather events, is a major component of the Center's work.⁴ Preserving affordability in our flood-prone communities is especially important because they are home to many low- and moderate-income homeowners.⁵ Unfortunately, as our recent report, *Rising Tides, Rising Costs* demonstrates, rising flood insurance premiums threaten the ability of these homeowners to afford to stay in their homes and communities.

The "Housing New York" plan makes several key recommendations in this area. It calls for the City to ensure that federal regulations allow flood mitigation methods suitable for New York's urban coastal communities, and to support educational efforts to make homeowners aware of these changes. Additionally, it calls for the exploration of a new loan program to assist low-, moderate-, and middle-income owners with resiliency upgrades. We applaud the plan's commitment to fostering resiliency and working to keep flood insurance premiums affordable. Finally, we would encourage the Administration to consider formalizing the resiliency work that we and our partner organizations have begun in response to Sandy, as well as the looming flood insurance crisis. With sea levels rising and extreme weather events increasing, New York needs to double-down on its commitment to resiliency. Because of the huge threat these changes pose to affordable housing in neighborhoods across the city, and the complexity of the issues homeowners are facing, we ask the Administration to consider the creation of a network of resiliency advisors who could help New Yorkers in flood-prone neighborhoods understand how to prepare for, adapt to, and mitigate against the coming changes.

4. Explore cost effective approaches to address conditions in informal dwelling units:

⁴ Center for NYC Neighborhoods Final Report to Goldman Sachs Gives. April 2014.
<http://issuu.com/centerfornycneighborhoods/docs/cnycn-finalreport-goldmansachsgives>

⁵ Center for NYC Neighborhoods, *Rising Tides, Rising Costs*, 2014. Available at cnycn.org/risingtides

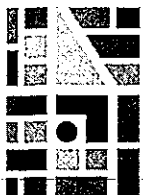
Tens of thousands of New Yorkers call informal dwelling units (such as basement and above-garage units) home. As a member of the BASE campaign,⁶ we support the conversion of these units into legal dwelling units when it is safe for tenants to do so. This initiative would also strengthen the housing stability of homeowners, who would be able to derive predictable, legal rental income from these units. Therefore, we are pleased to see the housing plan's commitment to developing methods for bringing these units into the regulated housing system.

5. **Increase affordable homeownership opportunities:** The "Housing New York" plan calls for creating new opportunities for affordable homeownership through a variety of new programs, including the New Infill Homeownership Opportunities Program, which would work with small developers and local Community Development Corporations to purchase City-owned land and construct one- to four-family homes, cooperatives, or condominiums. The plan also pledges continued support for creating new affordable homeownership opportunities through the Real Estate Owned Program, in which a third party acquires and rehabilitates bank-foreclosed homes. Finally, it calls for creating a New York City land bank to create long-term affordable development opportunities. These affordable homeownership programs are essential to providing vital asset-building opportunities for low- and moderate-income households in NYC, and we commend the de Blasio administration for including these programs in the housing plan. We hope that the Administration will keep a careful watch on the trends that we have seen nationally of more and more investor-ownership of once owner-occupied single-family housing. We urge the Administration to consider new ways to support working and middle class New Yorkers who want to own a home and invest in their neighborhood, but are unable to because of extremely tight credit markets. We hope that the Administration will recognize the value of preserving local ownership of neighborhood housing and look to new models that can help ensure that all New Yorkers continue to be a part of the economic opportunity that comes from a thriving global city.

With the release of the Mayor's ambitious new housing plan and the dynamic leadership at City Council, this is a very exciting time for affordable housing in New York City. At the Center, we are extremely pleased to see the Mayor's commitment to keep our city affordable for low- and moderate-income homeowners across all five boroughs.

Thank you for the opportunity to testify. We look forward to continue working with the Mayor, Commissioner Been and the Department of Housing Preservation and Development as well as City Council to promote and protect affordable and sustainable homeownership.

⁶ BASE: Basement Apartments Safe for Everyone, <https://basecampaign.wordpress.com/>



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Civil Practice Law Reform Unit
199 Water Street
New York, NY 10038
T (212) 577-3300
www.legal-aid.org
Direct Dial: (212) 577-3339
Direct Fax: (646) 616-4339
E-mail: EBDavidson@legal-aid.org

Blaine (Fin) V. Fogg
President

Seymour W. James, Jr.
Attorney-in-Chief

Adriene L. Holder
Attorney-in-Charge
Civil Practice

Judith Goldiner
Attorney-in-Charge
Law Reform Unit

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON HOUSING AND BUILDINGS, COMMUNITY DEVELOPMENT AND LAND USE

OVERSIGHT- BUILDING HOMES, PRESERVING COMMUNITIES: A FIRST LOOK AT THE MAYOR'S AFFORDABLE HOUSING PLAN

November 17, 2014

Thank you Chairperson Williams, Chairperson Arroyo and Chairperson Greenfield and members of the Committee on Housing and Buildings, the Committee on Community Development and the Committee on Land Use for the opportunity to provide testimony today.

This testimony is submitted on behalf of The Legal Aid Society. The Society is the oldest and largest program in the nation providing direct legal services to low-income families and individuals. The mission of the Society's Civil Practice is to improve the lives of low-income New Yorkers by providing legal representation to vulnerable families and individuals to assist them in obtaining and maintaining the basic necessities of life — housing, health care, food and subsistence-level income or self-sufficiency. The Society's

legal assistance focuses on enhancing individual, family and community stability by resolving a full range of legal problems in the areas of housing and public benefits, foreclosure prevention, immigration, domestic violence and family law, employment, elder law, tax law, community economic development, health law and consumer law.

Introduction

In May, this administration released an extensive five borough, ten year Affordable Housing Plan ("Plan"). In Mayor de Blasio's letter introducing the Plan, he began with the simple truth that we have an affordable housing crisis in this City. He explained that we live in a city where New Yorkers are paying more and more to cover their housing costs and where entire neighborhoods have lost their affordability. The Plan announced an ambitious goal of building and preserving 200,000 affordable units over the next ten years. We strongly support this goal. Indeed we support much of what is in the Plan. However, we believe that the Plan could be stronger and more focused on preserving and producing housing for low income New Yorkers. Additionally, we will talk below about what is missing from the Plan. We want to work together with the Administration and the City Council to create and preserve truly affordable housing.

Declining Affordability of Housing

Many New York City renters are facing dire circumstances. In the face of fewer rental opportunities and higher prices, renters are suffering from a growing disparity between what they can afford and their actual rent. Rent collected in stabilized units increased 5 percent in 2012 alone.¹ While inflation-adjusted wages increased 1.2 percent in the last year, this does not begin to make up for the 4.4 percent decrease in the preceding

¹ NYC Rent Guidelines Board, *2014 Income and Expense Study*, 12.

year.² New York City's unemployment rate remains high at 8.7% in 2013,³ far exceeding the 5.4% unemployment rate in April 2008.⁴

Tenants struggle to pay rent and obtain the necessities of life. One fifth of New York City households made less than \$15,000 in 2011.⁵ City-wide, median contract rents increased 25 percent between 2005 and 2011, far outpacing net wage increases of 15 percent.⁶ Median gross rents increased 2.4 percent in 2011 alone.⁷ The poverty rate in New York City has grown during each of the past four years to 21.2 percent in 2012, compared to a nation-wide poverty rate of 15.7 percent.⁸ The number of families receiving cash assistance in New York City has increased each of the past five years.⁹ The number of food stamps recipients increased 1.4 percent in 2012 to an average of 1.86 million recipients, nearly twice the level of 2003.¹⁰ There are increasing numbers of tenants facing the potential loss of their homes. Filings for eviction proceedings for non-payment of rent continue to rise. Non-payment proceedings that resulted in eviction or legal possession increased to 23.6 percent of cases calendared in 2013.¹¹ Landlords are suing tenants more often for money that they do not have; increasing rents will only lead to more evictions and homelessness.

In this climate of economic uncertainty, 20.9 percent of all households residing in rent-stabilized housing pay more than 50 percent of their income in rent (the standard of

² NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 3.

³ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 3.

⁴ NYC Rent Guidelines Board, *2010 Income and Affordability Study*, 3.

⁵ Thomas P. DiNapoli, New York State Comptroller, *The Continued Decline in Affordable Housing in New York City*, 2013, 2.

⁶ Victor Back & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession*, June 2012, (revised September 2013) 3.

⁷ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 9.

⁸ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 7.

⁹ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 12.

¹⁰ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 12.

¹¹ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 15.

affordability for housing is 30 percent of income for rent).¹² In 2011, 80 percent of poor households faced a rent burden of more than 50 percent of income and a 16 percent reduction in real income.¹³ An individual would have to work an astonishing 138 hours per week at minimum wage, 52 weeks a year, in order to afford an average two-bedroom apartment in New York City.¹⁴ Alternatively, the individual would need a wage increase to at least \$27.69 per hour, or \$57,600 a year, in order to afford the same apartment.¹⁵ Raising rents in such a situation is unconscionable, yet median contract rent increased 25 percent in rent stabilized units when controlling for inflation from 2005 to 2011.¹⁶ In light of these powerful statistics, the New York City Rent Guidelines Board should freeze rents for one-year and two-year leases.

Declining Availability of Housing

Unfortunately for New York renters, declining affordability is coupled with declining availability. The net vacancy rate of rent-stabilized units was 2.63 percent in 2011 compared to a City-wide vacancy rate of 3.12 percent, significantly below the 5.0 percent threshold that legally defines a housing emergency.¹⁷ The number of vacant units affordable to low-income New Yorkers is even more meager. In 2011, the vacancy rate for all units with rents less than \$800 was only 1.1 percent, and for apartments with rents less than \$1000, only 1.75 percent were vacant.¹⁸ The vacancy rate for rent-stabilized units was even more troubling, measuring just 2.63 percent in 2011, 90 percent of which had asking

¹² Dr. Moon Wha Lee, City of New York Department of Housing Preservation and Development, *New York City Housing and Vacancy Survey (HVS)*, 2011, 44.

¹³ Victor Back & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession*, June 2012, (revised September 2013) 3.

¹⁴ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 11.

¹⁵ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 11

¹⁶ Victor Back & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession*, June 2012, (revised September 2013) 3.

¹⁷ NYC Rent Guidelines Board, *2014 Housing Supply Report*, 3.

¹⁸ Dr. Moon Wha Lee, City of New York Department of Housing Preservation and Development, *New York City Housing and Vacancy Survey (HVS)*, 344.

rents of over \$900.¹⁹ Of rental units with the lowest 20 percent of asking rents, the vacancy rate was a mere 1.15 percent in 2011.²⁰

The decrease in availability of affordable vacant units is exacerbated by the loss of at least 104,155 rent-stabilized housing units in the last 20 years, primarily due to high-rent vacancy deregulation.²¹ Units that remain available are increasingly out of the range of low-income New Yorkers. Between 2000 and 2012, the number of units in New York City renting for less than \$1000 declined by over 400,000.²² Overall, from 2002 to 2011, there has been a 39 percent loss in rental apartments that low-income households can afford.²³ Raising rents would only accelerate the loss of increasingly scarce housing affordable to low-income New Yorkers.

The scarcity of available rent-stabilized housing is a part of an overall decline in the availability of affordable housing. Expiration of 421-a benefits removed 757 formerly-stabilized units in 2013.²⁴ The development of additional, publicly-funded housing by HPD and HDC continues to decline, with 9.7 percent fewer new starts in 2013 than 2012.²⁵ In the first three quarters of the current fiscal year, there were 21.7 fewer new starts than in the corresponding period of fiscal year 2013.²⁶ Construction financed by the 421-a Affordable

¹⁹ Dr. Moon Wha Lee, City of New York Department of Housing Preservation and Development, *New York City Housing and Vacancy Survey (HVS)*, 346.

²⁰ Dr. Moon Wha Lee, City of New York Department of Housing Preservation and Development, *New York City Housing and Vacancy Survey (HVS)*, 344.

²¹ NYC Rent Guidelines Board, *Changes to the Rent Stabilized Housing Stock in New York City in 2013*, 9, 13. (As noted in the report, these numbers are a floor or a minimum count of units loss as registration of deregulated units with DHCR is voluntary).

²² Scott M. Stringer, New York City Comptroller, *The Growing Gap: New York City's Housing Affordability Challenge*, 2014, 6.

²³ Coalition for the Homeless, *State of the Homeless 2014: Turning Point: Amidst Unprecedented Homelessness – A New Focus on Housing Can Turn the Tide*, 14

²⁴ NYC Rent Guidelines Board, *2014 Housing Supply Report*, 8.

²⁵ NYC Rent Guidelines Board, *2014 Housing Supply Report*, 7.

²⁶ *Id.*

Housing Program decreased dramatically in 2013, down 27.3 percent from 2012.²⁷

Furthermore, the steady decrease in Mitchell-Lama units has accelerated over the past several years, with at least 43,000 lost to buyouts since 1985.²⁸ There remain only 47,000 such rental units left in the City today.²⁹

Applicants for public housing face similar shortages: 247,262 families are on the waitlist for conventional public housing, with 121,000 applicants are on the waiting list for Section 8 housing vouchers in New York City, though no new additions have been made to the wait list since 2007.³⁰ The New York City Housing Authority (NYCHA) accepted only emergency applicants into the program from May 15, 2007 to December 10, 2009, and stopped processing voucher applications altogether in December 2009.³¹

This combination of market forces and governmental decisions has worked together to have a devastating effect on low and moderate income New Yorkers. The declining number of vacant units available for rent, the fact that housing expansion has not kept pace with population growth,³² and the ongoing public housing crisis have all contributed to the scarcity of available affordable housing.

²⁷ NYC Rent Guidelines Board, *2014 Housing Supply Report*, 8.

²⁸ NYC Rent Guidelines Board, *2014 Housing Supply Report*, 8.

²⁹ Dr. Moon Wha Lee, City of New York Department of Housing Preservation and Development, *New York City Housing and Vacancy Survey (HVS)*, 98.

³⁰ New York City Housing Authority, "Section 8 Assistance," available at <http://www.nyc.gov/html/nycha/html/section8/section8.shtml>. Data accessed June 2014.

³¹ New York City Housing Authority, "Section 8 Assistance," available at <http://www.nyc.gov/html/nycha/html/section8/section8.shtml>. Data accessed June 2010.

³² Margery Austin Turner, *Current Rental Housing Market Challenges and the Need for a New Federal Policy Response: Statement before the Committee on Appropriations, Subcommittee on Transportation, HUD, and Related Agencies, US House of Representatives*, 2.

Housing-related Hardships and Related Social Costs on the Rise

The rate of housing-related hardships³³ among low-income renters has been increasing in recent years.³⁴ Indeed, for 80 percent of poor New Yorkers who pay over half of their income towards rent, residual income per household member is \$4.40 daily. Those poor New Yorkers have \$4.40 a day per household member to pay for all other needs including food, transportation, and medical, school related costs.³⁵ Additionally, overall, 13.9 percent of rent-stabilized units are overcrowded (averaging more than one person per room) and 5.6 percent are severely overcrowded (averaging more than 1.5 people per room).³⁶ High housing cost burdens and concentrated poverty also cause a range of more serious social harms, including higher crime rates, poorer nutrition and health, higher financial burdens for local governments, greater educational failure, higher teenage pregnancy rates, more costly basic consumer goods, and greater difficulty maintaining steady jobs.³⁷ In addition, those suffering from high housing cost burdens are more likely to be evicted and more likely to experience homelessness.³⁸ According to the Rent Guidelines Board's Income and Affordability Study, non-payment proceedings that resulted in an eviction/legal possession increased to 23.6 percent of cases calendared in 2013.³⁹

³³ These hardships include the "lesser" hardships of rent/mortgage arrears and utility cut-offs and the "severe" hardships of doubling up and using shelters.

³⁴ Victor Back & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession*, June 2012

³⁵ *Id.*

³⁶ NYC Rent Guidelines Board, *2014 Housing Supply Report*, 4.

³⁷ Margery Austin Turner, *Current Rental Housing Market Challenges and the Need for a New Federal Policy Response: Statement before the Committee on Appropriations, Subcommittee on Transportation, HUD, and Related Agencies, US House of Representatives*, 5; Douglas Rice and Barbara Sard, Center on Budget and Policy Priorities, *The Effects of the Federal Budget Squeeze on Low-Income Housing Assistance*, 2.

³⁸ Douglas Rice and Barbara Sard, Center on Budget and Policy Priorities, February 1, 2007, *The Effects of the Federal Budget Squeeze on Low-Income Housing Assistance*, 2.

³⁹ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 15.

Effect of Stagnant Low-Income Wages and Increasing Prices on Residents

Wages have not kept up with living costs, creating enormous pressure on households to somehow meet the cost of necessities other than rent. Additionally, the proportion of “low wage” jobs in New York City, those that pay less than \$12.89 per hour, rose from 31 percent in 2007 to 35 percent in 2012.⁴⁰ Further, rises in utilities costs additionally compound increases in rental expenses: the average renter’s bill increased 5.1 percent in 2013 and 1.3 percent in 2012.⁴¹ Transportation costs are also rising. The Metropolitan Transportation Authority (MTA) has increased transit rates 38 percent since 2008, with another hike planned for 2015.⁴² These price hikes in the midst of a recession signal continued economic difficulty for the residents of New York City, especially low-income New Yorkers who are already struggling to survive.

Increases in the cost of basic necessities have a particularly severe impact on poor New Yorkers, who already have very limited residual income remaining after paying a high percentage of their income for rent. From 2005 to 2011, low-income renters suffered a 10% decrease in residual income, with poor renters facing an even more acute 16% decrease.⁴³ Poor families have only a little over \$4 per day per household member to cover all non-rent expenses, including food, transportation, and medical costs.⁴⁴ The proposed rent increase will only exacerbate the crisis that poor households experience, leading to increased costs for society as a whole. Further, in November 2013, the Federal

⁴⁰ NYC Rent Guidelines Board *2013 Income and Affordability Study*, 12.

⁴¹ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 10.

⁴² “Derail the Fare Hike,” *The NY Daily News*, Sept. 28, 2013.

⁴³ Victor Bach & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession, 2005 to 2011*, June 2012, (revised September 2013) 3.

⁴⁴ *Id.*

Government cut the budgets of food stamp recipients \$29 a month for an average family of three.⁴⁵

Growing Problem of Homeless Families

The scarcity of affordable housing, rising rents, and the increasing cost of living have contributed to record use of the City's shelters in 2014. Since 2002, the overall homeless shelter population has risen an astonishing 87 percent.⁴⁶ An average of 49,408 individuals slept in DHS shelters each night, a 4.17 percent increase from 2012.⁴⁷ The period for which those families remain in temporary housing grew by 46 days in 2013 to an average of 403 days, the longest average recorded.⁴⁸ Even more distressing is the 12.8 percent increase in 2013 in the number of homeless families with children in the shelters each night.⁴⁹ This increase has been caused by an upsurge in the number of new homeless families entering the shelters. The number of individuals entering the shelter system increased for the fifth consecutive year, rising 14.1 percent from 2012.⁵⁰ More than 53,615 people, including 22,712 children, sleep in New York City shelters each night.⁵¹ Additionally, homeless individuals placed in permanent housing are returning to the system in greater numbers, with 11.3 percent of families with children returning to DHS within one year.⁵² Rent increases will only push more families from their homes onto the streets. In

⁴⁵ Center on Budget and Policy Priorities, *November 1 SNAP Cuts Will Affect Millions of Children, Seniors and People with Disabilities*. . October 24, 2013.

⁴⁶ Coalition for the Homeless, New York City Homelessness, The Basic Facts. <http://www.coalitionforthehomeless.org/pages/basic-facts-about-homelessness-new-york-city> Accessed on November 13, 2014.

⁴⁷ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 1.

⁴⁸ Coalition for the Homeless, *State of the Homeless 2014: Turning Point: Amidst Unprecedented Homelessness, A New Focus on Housing Can Turn the Tide*, 2.

⁴⁹ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 13.

⁵⁰ NYC Rent Guidelines Board, *2014 Income and Affordability Study*, 13.

⁵¹ Coalition for the Homeless, *State of the Homeless 2014: Turning Point: Amidst Unprecedented Homelessness, A New Focus on Housing Can Turn the Tide*, 2.

⁵² NYC Rent Guidelines Board *2014 Income and Affordability Study*, 14

addition to the human cost, increased human costs will result in increased financial costs for the City in sheltering homeless families at a time of decreasing revenue in the City budget.

Solutions

Build Truly Affordable Housing and End the 421-a Tax Exemption Program

The previous City Administration also had a Housing Plan. That plan often trumpeted the building boom and the affordable housing created as a consequence of that boom. However, we experienced the creation of very little affordable housing, and the affordable housing that was created was not affordable to the clients of The Legal Aid Society, nor to the residents of the communities where the housing was produced. We strongly believe that the 50/50 model is the best way to maximize real affordability in new housing developments. New York City must implement a new low-income real affordability framework across all type of housing. The Administration should prioritize permanent affordability for all City-owned land dispositions. Additionally, not-for-profit developers and owners should play a strong and active role in the City's housing agenda.

The 421-a tax exemption program is a substantial public subsidy. In certain areas of New York City, the tax benefit is provided to market-rate residential projects to finance the inclusion of affordable units. In these areas, developers are required to make 20% of the units in a project affordable in exchange for the tax exemption. However, when other public subsidies are used in addition to 421-a, there is no requirement under current law to create additional affordable units. Therefore, the 421-a program incentivizes some market-rate developers to also use scarce affordable housing subsidies to finance the same units they receive tax-abatements to build. Consequently, the 421-a program is a property tax exemption program for the wealthiest New Yorkers, causing rents to rise, making more

neighborhoods unaffordable, and inefficiently using scarce public subsidies to fund the construction and preservation of affordable housing. As the 421-a program currently exists, for much of New York City, developers get tax breaks with no requirement that affordable housing be built. We recommend ending the 421-a tax exemption program.

Strengthen the City's Homelessness Policy

With record homeless populations in our City, our first recommendation is to create a homelessness policy that is more progressive than the one from the last number of administrations. We urge the Administration to consider the following suggestions as a start toward ending chronic homelessness in New York City. Allocate at least 10% of all housing units created or preserved to homeless families and individuals. Track vacant properties and rental units, and put them to use by converting the units to permanently affordable housing. Use New York City's Department of Housing Preservation and Development's (HPD) development projects by prioritizing homeless families and individuals at least one of every five vacancies in existing housing units. Create new affordable housing targeted to homeless New Yorkers as part of Mayor de Blasio's Ten-Year Housing Development Plan. Negotiate a new City-State agreement to create permanent supportive housing. Convert "cluster-site" shelter units back to permanent housing. These units were converted from rent stabilized apartments into scattered site shelter units. The units should return to their original function and provide permanent housing to homeless individuals and families. Invest in cost-saving programs to prevent homelessness. Expand an enhanced rental assistance program currently available to New Yorkers living with AIDS, to all New Yorkers living with HIV, which will result in reducing the homeless census population by 1,000 people each night.

Lastly, we strongly support the creation of the LINC subsidy and appreciate the Administration's commitment to ensuring that the subsidy program will be successful by raising its payment standard.

Renew and Strengthen the Rent Laws

The Mayor's Housing Plan begins with a promise – to preserve or create 200,000 affordable housing units in the next ten years. It has been suggested that the administration's target is to create 80,000 new affordable units and to preserve 120,000 currently affordable units. The best and easiest way to preserve New York City's affordable housing stock is by renewing and strengthening the rent laws, with the priority of repealing deregulation.

In June 2015, New York City's rent laws expire that cover 1 million units and approximately 2.5 million tenants. The rent laws were first established to address the "housing emergency" caused by extremely low vacancy rates and it is clear that the housing emergency continues today and has in fact become dire. Rent-regulation is the largest source of affordable housing for low- and moderate-income tenants and, in over sixty percent of rent stabilized apartments, the households are Black, Puerto Rican, Hispanic or Asian. Rent stabilized apartments are mostly concentrated in rapidly gentrifying communities that are historically communities of color. These neighbors include Washington Heights, Bushwick, Elmhurst, Crown Heights, Central Harlem, the West Bronx. The low vacancy rate for rent regulated apartments shows that not only is there a high demand for affordable and protected housing, but that rent regulation helps preserve stability and neighborhood cohesion.

In New York City, rent stabilized tenants earn less than the city-wide median income, and are spread throughout the City. One-third of the City's 2.5 million rent-stabilized tenants pay over half their income in rent. Between 2000 and 2012, the number of units in New York City renting for less than \$1,000 declined by over 400,000. Overall, from 2002 to 2011, there has been a 39% loss in rental apartments that low-income households can afford. The practice of speculative targeting of affordable housing has decimated affordable housing in our communities. This practice would not be possible without loopholes in the rent laws and the rent regulated homes converting to market-rate apartments through deregulation.

In 2015, we must end deregulation of rent-regulated apartments. In the past twenty years, we have lost hundreds of thousands of affordable regulated units through vacancy deregulation. Vacancy deregulation allows a landlord to take an apartment out of regulation, with no oversight as long as the apartment is vacant and the landlord can reasonably claim that the apartment could rent for \$2,500. This creates an incentive for landlords to harass long-term tenants out of their homes and communities. The laws that assist landlords in increasing rents to reach the \$2,500 threshold must also be addressed. We must close these loopholes by repealing the vacancy bonus and reforming the individual apartment improvement system that often does raise rents up to \$1,500 upon turnover. Furthermore, we must strengthen the rent laws by enacting legislation, which would slow the escalation of rents that are increasingly unaffordable for current tenants. This legislation includes reforming major capital improvements, preferential rents, non-rent fees and the rent increases for rent control tenants.

Speculation of affordable housing thrives in an environment with weak rent laws. We must strengthen them so tenants are able to feel secure in their homes and stay in their communities. This crisis disproportionately affects those that are struggling to pay their rent, that have lived in their neighborhoods for decades, and those who need a safe and affordable place to live. The rent laws will sunset in June 2015 and this is an opportunity for us to strengthen the rent laws to preserve much needed affordable housing in low income communities and communities of color. We must act to repeal deregulation, and close the loopholes that make this precious affordable housing resource unaffordable.

Preserve Public Housing

New York City is the home of the country's oldest, largest and highest performing public housing system. The New York City Housing Authority (NYCHA), which owns and manages all of the City's public housing, operates 334 developments, containing approximately 179,000 apartments, that are homes to more than 600,000 New Yorkers. NYCHA is home to some of New York's lowest income families and approximately 35% of NYCHA households heads are over the age of 62 years. NYCHA's housing developments are an essential aspect of New York City's affordable housing resources and as such must be part of any plan which discusses affordable housing.

Preservation of our public housing developments must be a top priority for this administration. Mayor de Blasio should use every available tool to strengthen and preserve the 179,000 public housing apartments owned or managed by the New York City Housing Authority . The City should commit to an accelerated repair plan that ensures every resident the dignity of decent living conditions in their homes. Lastly, the City should

commit to a long-term capital plan to catch up with the multi-billion dollar backlog in major infrastructural improvements.

For years, as a result of a lack of funding from City, State and the Federal governments, NYCHA has significant operating deficits. In addition, NYCHA has a backlog of over \$6 billion in needed major capital improvements to its aging buildings. To that end, we urge the Administration to formally terminate the Memorandum of Understanding between NYCHA and the NYPD under which NYCHA is required to pay the City over \$70 million annually for special police services, a burden for NYCHA which is already suffering with inadequate operating subsidies from HUD. These cost savings could be put towards completing critical repair work in order to preserve existing buildings and apartments.

Further, New York City must use every resource it has to solve the homelessness crisis, including providing permanently affordable NYCHA apartments to homeless families and individuals. New York City's homeless population has soared in recent years, currently more than 54,000 homeless New Yorkers, including 23,000 children, sleep each night in the municipal shelter system. One of the major causes of record high homelessness in New York City is that the Bloomberg administration eliminated priority referrals of homeless families to federally funded public housing and Section 8 vouchers. Fortunately, Mayor de Blasio has agreed to resume priority referrals of homeless families to public housing. However, NYCHA proposes to provide only 2,750 public housing apartments over the next four years to homeless families (500 this year and 750 per year for the next three years). Reducing the number of homeless families with children will require a much greater commitment of apartments and we urge the Administration to increase the number

of apartments allocated to homeless families to 2,500 per year. Currently, NYCHA allocates nearly 2,500 apartments a year for its "working" preference, the least needy households on the waiting list with no demonstrated need for housing (including families earning as much as \$67,000 per year). We urge NYCHA to eliminate its "working" preference and to reallocate public housing apartments from the working preference to the households who have a demonstrated need for housing.

Conclusion

Thank you for the opportunity to testify before this joint committee on these important issues. We look forward to working on these issues with you and your committees.

Respectfully submitted,

Ellen Davidson, Esq.
Judith Goldiner, Esq.
Robert Desir, Esq.
The Legal Aid Society
Civil Practice
Law Reform Unit
199 Water Street, 3rd Floor
New York, NY 10038
(212) 577-3300

Pratt Area Community Council



**New York City Council Hearing on Building Homes, Preserving Communities:
A First Look at the Mayor's Affordable Housing Plan**
**Joint Hearing with the Committee on Housing and Buildings, Committee on
Community Development, and the Committee on Land Use**
November 17, 2014

Good morning. My name is Peter Gee with Pratt Area Community Council, Inc. (PACC). Now in our 50th year, PACC is one of Brooklyn's premier nonprofit community development corporations serving Central Brooklyn. We work hand-in-hand with low- and moderate-income community members and stakeholders to: preserve and develop affordable housing; provide quality property management; promote commercial revitalization and strengthen local businesses; create homeownership opportunities; protect tenant rights combat and prevent home-loss.

PACC is fully supportive of the Mayor de Blasio's Plan on affordable housing. One of our strategies for community development is to preserve and create affordable housing because fulfilling the fundamental right to affordable housing is a cornerstone for establishing human well-being, preventing displacement, and enhancing economic, racial, and cultural diversity. We are excited our approach is completely aligned with the plan's guiding principles.

Strengthening Eviction Prevention:

Given the recent Independent Budget Office report connecting evictions to the increased number of families in the city's homeless shelters, we need to make sure protections for rent-regulated tenants are strengthened and enforced. The largest number of families entering shelters came from three Brooklyn neighborhoods: Crown Heights, East New York, and Stuyvesant Heights.¹ Gentrification remains a major market force threatening long-time residents in PACC's historic catchment area. PACC's long-term strategy has been to prevent the displacement of rent-regulated tenants. One of the emerging trends on the ground is "predatory equity" or when real estate speculators backed by institutional investors purchase rent-regulated properties. In order to meet their investor's expectations, the new owners will increase rents and push out rent-regulated tenants. PACC continues to execute its strategy of organizing tenant associations in impacted buildings to prevent this displacement. We have also formed a coalition with other tenant groups across the city

¹ <http://www.ibo.nyc.ny.us/iboreports/2014dhs.pdf>

Pratt Area Community Council



experiencing predatory equity in their own neighborhoods. As part of our work in the Three Borough Foreclosure Coalition, we recently won the tenants of Clarkson and Winthrop Gardens (100 units in total) a \$600 rent credit, removal of the management company, and a comprehensive rehabilitation plan for all buildings. Organizations like PACC continue to be the last line of defense preventing thousands of individual evictions and empowering residents to stand up for their rights.

Building Affordable Housing that is Affordable:

As members of the Association for Neighborhood Housing Development (ANHD), we believe that affordable housing should be affordable to low- and moderate-income New Yorkers. We were disappointed that two-thirds of the affordable housing stock built by the previous administration were unaffordable to most neighborhood residents. We hope the City would consider building even more housing for those below the 60% AMI range. Additionally, organizations like PACC can play a critical role in making sure that city residents are prepared to apply to affordable housing lotteries through application assistance and one-on-one financial counseling. Too many residents apply and are denied their right to affordable housing because of bad credit and incomplete applications. PACC supports an inclusionary zoning policy that requires a mandatory affordability policy.

Partnering with Community Development Corporations:

Community development corporations like PACC should be considered partners with the City in the construction of new affordable housing and the preservation of existing rent-regulated housing. Mission driven organizations like PACC do not need incentives to build and preserve affordable housing. PACC has built over 1,000 units of permanent affordable housing in Central Brooklyn, including nearly 150 units of supportive housing. One of the major issues we face is that while we have the internal capacity and experience to build housing, there is no land available. We look to the City to identify underused vacant sites. Regarding poorly run buildings, PACC's Executive Director is an approved 7A Administrator appointed by Housing Court if poor conditions or mismanagement are extreme. PACC, like other CDCs across the city, has decades of experience taking on buildings in need of major repairs.

PACC is willing to do whatever it takes to solve the affordable housing crisis. We look forward to partnering with the City of New York to get it done. Thank you for your time.



FOR THE RECORD

**Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan before the New York City Council Committees on Housing and Buildings, Community Development, and Land Use
November 17, 2014**

Good morning, Chair Williams, Chair Greenfield, Chair Arroyo, and members of the Committees on Housing & Buildings, Land Use, and Community Development. My name is Rick Bell, and I am the Executive Director of the American Institute of Architects New York Chapter (AIANY). I am here to offer testimony on the Mayor's affordable housing plan, *Housing New York: A Five-Borough, Ten-Year Plan*.

The AIA New York Chapter was founded in 1857 and is the largest AIA chapter in the country with more than 5,000 practicing architects, allied professionals, students, and public members with interest in architecture and design. AIANY and its members are dedicated to the structural integrity and health impacts of our buildings by protecting the health, safety, and welfare of the public through design. We believe that the *Housing New York* plan will direct much of the city's residential development over the next decade, and architects will play a key role in ensuring that the administration's goals are met.

AIANY and the AIANY Housing Committee strongly support the goals of the Mayor's affordable housing plan and the key purpose of significantly increasing the number of units serving low-income New Yorkers. The following policy initiatives should receive particular emphasis.

- The City must identify underutilized sites for growth that are adequately served by public transportation and where affordable housing can be developed. Such locations can be underused or vacant city or privately owned sites. There are also opportunities on NYCHA sites where further development could benefit residents as well as surrounding communities.
- City agencies must collaborate to reform zoning, codes, and other regulations to lower costs and unlock development opportunities, increasing the potential full residential build-out of the 1961 Zoning Resolution. In addition, the City should encourage studios, micro-units, shared units, and accessory units. There must also be thorough analysis of parking requirements based on proximity to mass transit and reduce parking minimums where they are not needed.
- Review processes need to be further streamlined. Comprehensive evaluations by a variety of City agencies, including DCP, HPD, DOT, and Parks will simplify and expedite development approval and permits. Involving architects in peer reviews will also improve designs.



- The energy efficiency provisions outlined in the plan aim to produce environmental and economic benefits. When preserving and building affordable housing, the implementation of sustainable and resilient design principles is required to effectively address both the cause and effects of climate change. AIANY believes that assiduous efforts on the part of the building community can reduce the damage of climate change, and city-wide housing development is a great place to make these changes. We cannot overstate the importance of both mitigation policies and adaptation measures; adaptation alone cannot protect our city's residents from the anticipated effects of climate change.

AIANY applauds the Mayor's focus on housing for those most in need, preventing homelessness, and recognizing the special needs of our aging population. One size does not fit all, and the architect members of AIANY are ready, willing, and able to bring design talent and procedural know-how to get needed affordable housing built and preserved.

Best Regards,

A handwritten signature in cursive script that reads "Rick Bell".

Rick Bell, FAIA
AIANY Executive Director

**New York City Council
Committee on Housing and Buildings
Committee on Community Development
Committee on Land Use**

Oversight: Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan

Tuesday, November 17, 2014

*Remarks on behalf of JASA by Donald Manning, JASA Director of Housing Management Services.
Mr. Manning is also a member of the Board of Directors of the New York Affordable Housing Management Association and a member of the Housing Committee of LeadingAgeNY.*

First, I want to thank the Chairs of the Committees on Housing and Buildings, Community Development, and Land Use for holding this important hearing on the Mayor's Affordable Housing Plan, and for allowing me to submit this testimony on behalf of JASA.

JASA's mission is to sustain and enrich the lives of the aging in the New York Metropolitan area so that they can remain in the community with dignity and autonomy. In support of this mission, JASA owns and manages nine apartment buildings spanning Manhattan, Coney Island, Brighton Beach, and Far Rockaway. The residential properties consist of 1,917 apartments for the elderly under HUD Section 202 and Mitchell-Lama programs.

Today, over 12,000 people are on JASA Senior Housing waiting lists, waiting as long 15 years before actually moving in. With the aging population growing dramatically, I am sure we all agree that there is a serious need to preserve existing senior housing and to develop new models. While we applaud the Mayor for identifying the shortage of affordable housing as a significant problem in the City, we are disappointed that no mention was made of the specific housing needs of New York City's elderly population, which is exploding in size and need.

Changes made to JASA's housing stock to meet the needs of elderly tenants as they age in place

With a housing stock built between 1964 and 2004, several upgrades and changes to the properties have been made in recent years. For example, strobe doorbells for the hearing impaired have been installed, walk-in/roll-in showers have replaced older bathtubs, grab bars are installed in bathrooms, better intercom devices are installed in apartments so that elderly tenants may communicate the need for emergency assistance with 24-hour security staff, and kitchens are converted for tenants who have become wheelchair-bound.

In addition to physical changes to our buildings, JASA applied for and received funds from HUD to staff onsite Service Coordinators, social workers who work one-on-one with tenants. Service Coordinators identify community resources available to elderly tenants and assist them in applying for SCRIE, food stamps, Social Security, and other benefits.

Developing and Preserving Senior Housing

One of the largest obstacles to affordable senior housing development is land acquisition. The extremely high



cost of real estate is a pivotal obstruction to the development of affordable senior housing in our City. Where land may not be available solely for senior housing development, effective partnerships should be created between those who develop housing in New York City and those who provide social services to the elderly. In addition, the City Council could identify underutilized or vacant City-owned lots and mandate a set aside of land and project-based subsidies for the development of senior housing by non-profit organizations that serve the elderly.

For example in 2004, thanks in large part to the City Council, JASA was able to obtain three City lots to construct 52 units of HUD-funded state-of-the art senior housing. In a mere two months of marketing, JASA received over 3,000 applications for the 52 units.

Naturally Occurring Retirement Communities (NORCs)

In 1994, the State Legislature determined that there was an increasing need for support services for frail older people residing in housing complexes and apartment buildings in the State, and that the provision of support services would help residents maintain their independence, improve their quality of life, and avoid unnecessary – and costly -- institutional stays. Since then, the State has developed two NORC programs.

The *Naturally Occurring Retirement Community Supportive Service Program* (NORC-SSP) provides services to older people living in building complexes. The *Neighborhood NORC* (NNORC) provides similar services to older persons living in a residential area consisting of single-family homes and buildings not more than six stories high. Currently there are 20 NORC-SSP programs and 17 NNORC programs receiving a total of approximately \$4.4 million in annual State funding support across New York State.

National leaders in senior housing and supportive services have looked at New York NORCs as a model of how seniors can “age in place.” Increased funding by New York City and State for this program would enable more seniors to remain in independent settings longer and delay placement in institutional settings.

We at JASA are grateful to the Mayor for issuing his Plan and we are grateful to the Council for examining with feedback from the public, and opening the issue of housing for the elderly. It is crucial for the City to recognize that helping our seniors age in their communities is a better use of public dollars than paying for unnecessary institutionalization, a better use of our hearts by treating with compassion those who gave so much to our communities, and for enhancing the multi-generational, multi-cultural vitality of our great City.

Thank you for your attention.

Notes

The New York Affordable Housing Management Association (NYAHMA) is New York's voice for affordable housing, representing 60,000 units in NYC, and advocating on behalf of multifamily property managers and owners, whose mission is to provide quality affordable housing.

LeadingAgeNY (formerly NYAHSA) is the only statewide organization representing the entire continuum of not-for-profit, mission-driven, and public continuing-care, including senior housing, nursing home, adult care facility, continuing-care retirement community, assisted living, and community services providers. NYAHSA's nearly 600 members serve an estimated 500,000 New Yorkers of all ages annually.

JASA Housing Management Services for the Aged does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in its federally assisted programs and activities



UJA/Federation
of New York



Committee on Housing and Buildings Hearing

Monday 17, 2014

Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan

There is an extreme affordable housing crisis in NYC. While income has stagnated in NYC over the past 20 years, increasing by less than 15%, rents have increased by almost 40%. One of the major drivers of the housing crisis is the mismatch between the demand for, and supply of, housing in general.

NYC's housing crisis impacts people of all ages, but is felt more acutely among the City's growing aging population. Presently there are only about 31,000 publicly-owned or publically-subsidized affordable senior housing units in NYC and the waiting lists for most units are years long. There is no lesbian, gay, bisexual and transgender (LGBT)-inclusive housing for older adults, though some LGBT-specific housing has been developed in the City for LGBT youth.

NYC is presently home to the largest concentration of LGBT older adults – approximately 100,000 – in the nation. Data suggest that LGBT older adults as a group and LGBT older adults of color and women in particular, are heavily concentrated in lower income brackets. About 35,000 LGBT older adults in NYC are estimated to be very low-income, living at or below 200% of the poverty level, and thus in need of affordable housing.

Adequate, affordable housing is a key indicator of wellness for older Americans. In addition to lower income, data show that LGBT older adults face a variety of challenges in securing such housing. They face higher rates of discrimination in securing senior housing and encounter bias or even hostile treatment from housing providers as well as fellow residents. Not surprisingly, in a national marketing study of older LGBT adults, Out and Visible conducted by Nielson Reputation Management & Public Affairs on behalf SAGE, 78% percent of the respondents were at least somewhat interested in living in affordable LGBT-friendly housing and nearly half (44%) said they were extremely/very interested in such housing.

Over the past few years, LGBT-friendly affordable housing has been developed in several Cities in the United States, including Los Angeles, Minnesota, Philadelphia, and Chicago. Additional projects are underway in San Francisco, Washington, D.C., and a second location in Los Angeles.

In June 2014, the Mayor's Office released its ten-year affordable housing plan. The plan specifically highlights the need for affordable senior housing, including the development of LBGT-friendly senior housing. Data shows that the current cohort of LGBT older adults faces unique barriers to achieving wellness, which is a precondition for healthy, active aging. They

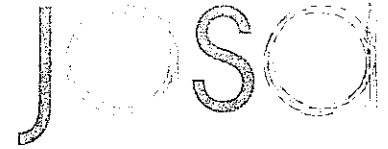
experience poorer physical health; have higher rates of disability, depression, and trauma; and experience social isolation and disconnection from families of origin. In addition, when they are fortunate enough to secure affordable housing, it is often in areas where it is unsafe to be out about their LGBT status, forcing them to retreat into the closet or become totally isolated from the community in which they live. At the same time, LGBT older adults have developed resilience and a different sense of family and friendship networks for caregiving, which can be enhanced and leveraged through LGBT-affirming housing.

An ideal model would bring together LGBT older people from different socio-economic backgrounds and experiences, include a full-service senior center accessible to building residents but also the broader community, and incorporate tailored programming to meet the unique needs of LGBT older adults in all domains of wellness: social, physical, emotional, intellectual, environmental, financial and vocational/occupational. In this way, LGBT-friendly older housing can greatly influence and improve multiple indicators of wellness for LGBT older adults, not just housing. The inclusion of affordable housing as part of a comprehensive strategy to provide tailored interventions to meet the needs of LGBT older adults is long overdue.

Thank you for your time and attention.

Scott French
Director of Institutional Giving
SAGE

FOR THE RECORD



**New York City Council
Committee on Housing and Buildings
Committee on Community Development
Committee on Land Use**

Oversight: Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan

Tuesday, November 17, 2014

*Remarks on behalf of JASA by Donald Manning, JASA Director of Housing Management Services.
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Today, over 12,000 people are on JASA Senior Housing waiting lists, waiting as long 15 years before actually moving in. With the aging population growing dramatically, I am sure we all agree that there is a serious need to preserve existing senior housing and to develop new models. While we applaud the Mayor for identifying the shortage of affordable housing as a significant problem in the City, we are disappointed that no mention was made of the specific housing needs of New York City's elderly population, which is exploding in size and need.

Changes made to JASA's housing stock to meet the needs of elderly tenants as they age in place

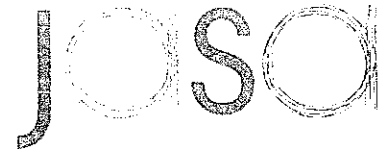
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cost of real estate is a pivotal obstruction to the development of affordable senior housing in our City. Where land may not be available solely for senior housing development, effective partnerships should be created between those who develop housing in New York City and those who provide social services to the elderly. In addition, the City Council could identify underutilized or vacant City-owned lots and mandate a set aside of land and project-based subsidies for the development of senior housing by non-profit organizations that serve the elderly.

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**Michaela Schwartz • 352 Cathedral Pkwy #9A • New York
10025 • 212-580-4787 •**

November 17th, 2014

Dear Sir or Madame,

My husband and I are unable to attend the meeting today but we wanted to submit our testimony. Since we moved in to Cathedral Gardens – we are the original owners of our unit, 9A –we have had a series of problems.

Among the most serious are the leaks which occur in numerous spots near the window but coming through the ceiling every time it rains, snow which blows in under our terrace door, our terrace itself which we were forbidden to go out on because of dangerous conditions on another terrace and uncertainty about others, water marks in the middle of our living room ceiling from leaks we experienced a few years ago, brown water for a number of years, electrical outlets which did not work, poor plumbing in one toilet, frequent elevator disturbances....the list goes on.

In addition there are many less urgent, but unacceptable defects in the apartment resulting from substandard construction. Cabinets which are uneven and made of pieced together wood, unfinished cabinetry, gaps and holes in cabinetry that is supposed to be closed, faulty caulking in the bathrooms, cabinetry which impedes the bathroom door from closing, flooring that has gaps and defects all over, closet bars placed so that a hanger would not fit...etc.

Many of the more serious defects persist today. Some have been addressed by the building at the great expense of owners, and others must still be addressed to make the apartments habitable. We have personally paid to have closet bars moved, caulking put in place, and electrical outlets made usable, but the other defects would require more expense than we can afford.

We hope that the developers will take *full* responsibility for repairing and remedying all the defects of construction, and reimburse the building for all it's legal expenses, contractor and inspection expenses and whatever other costs that have been incurred by the substandard construction of our building. It would only be fair to additionally compensate owners for the subpar state of their apartments and any costs they might have incurred or might incur in the future to remedy the defects.

Thank you for your consideration.

Sincerely,

Michaela Schwartz and Hollis Burrige

917-498-0141

kayla@kaylaschwartz.com



LOCAL INITIATIVES SUPPORT CORPORATION – NEW YORK CITY
501 Seventh Avenue 7th Floor, New York, NY 10018
Phone: 212-455-9584 hcaloir@lisc.org www.lisc.org/nyc

LISC NYC Submitted Testimony – November 17, 2014

**Oversight: Building Homes, Preserving Communities:
A First Look At The Mayor's Affordable Housing Plan**

**Hearing of the New York City Council Committees on
Housing and Buildings, Community Development and Land Use**

Thank you, City Council Committee Chairs Jumaane Williams, Maria del Carmen Arroyo and David Greenfield, and Members of the City Council Committees on Housing & Buildings, Community Development, and Land Use, for inviting LISC to testify about the Mayor's Housing Plan. My name is Sam Marks, Executive Director of Local Initiatives Support Corporation's New York City Program. I am submitting this testimony on behalf of LISC New York, one of LISC's thirty city-based program offices.

I will be speaking about a crucial constituency here in the City that stands ready to work with the Administration and the City Council to support and implement the ambitious goals of the Housing New York Plan. That constituency is the community development sector, which represents over 100,000 units of community-based housing; that is, affordable housing that is owned/controlled by mission-driven nonprofit community development corporations that engage directly in actions that advance public policy goals.

First a little bit about LISC. LISC's mission is to help resident-focused, community-based development organizations transform distressed communities and neighborhoods into healthy ones—good places to live, do business, work, and raise families. Over the last 34 years, LISC New York has invested approximately \$2.3 billion in more than 75 New York City community development corporations (CDCs) and other local, nonprofit organizations. With our support, these organizations have developed over 34,600 affordable homes and more than 2.3 million sq. ft. of community and commercial space. In partnership with the public and private sector, LISC provides comprehensive support to non-profit owners of community-based housing, by providing financial resources including grants, loans, and low-income housing tax credit equity; and technical assistance including development underwriting assistance, organizational capacity-building and partnership development.

We have a unique vantage point from which to see that investment in this sector provides many co-benefits beyond the production of affordable homes. Community-based housing nonprofits leverage their real estate assets and credibility with residents to: lead meaningful community planning and engagement; revitalize commercial corridors; reclaim and transform public spaces; create healthy food infrastructure; and improve educational quality.

Just a couple of examples:

- LISC's Communities for Healthy Food NYC has launched in four neighborhoods across the City: West Harlem, Mt. Eden in the Bronx, and Bedford Stuyvesant and Cypress Hills in Brooklyn. Four community development corporations are providing food sector small business and quality employment development, healthy food cooking demonstrations and lessons, SNAP and public benefit counseling, and greenmarkets to their communities and many more initiatives to facilitate healthy eating.
- LISC is also funding and providing technical support to the Coalition for the Improvement of Bedford Stuyvesant, known as CIBS, for its Aging Improvement District. CIBS is a collective impact consortium of over forty neighborhood partners including nonprofits and elected officials, that is anchored by four CDCs: Bedford Stuyvesant Restoration Corporation, Bridge Street Development Corporation, Northeast Brooklyn Housing Development Corporation, and Pratt Area Community Council. CIBS is working with the local business improvement district to implement senior discounts and make stores more senior accessible. The Aging Improvement District is also bringing seniors: targeted exercise classes, healthy food access, cooking lessons, public benefits counseling, weatherization funding and other resources that make the neighborhood senior friendly.
- LISC also participates in the The New York City Change Capital Fund (CCF), a collaboration of 17 foundations and financial institutions dedicated to the revitalization of distressed New York City communities. These civically-engaged corporate, foundation and nonprofit donors are aligned with LISC in the belief that high performing CDCs, if better equipped, can significantly reduce poverty in high-need New York City neighborhoods. Funding from the Change Capital Fund will enable CDCs to refine programs and outcome tracking systems that will equip the organizations to better demonstrate their results in a funding environment that pays for success. Fifth Avenue Committee, New Settlement Apartments, Cypress Hills Local Development Corporation, The Brownsville Partnership, and St. Nicks Alliance are participating in this ambitious initiative.

In short, CDCs are development-savvy, but leverage their housing assets for mission and for public purposes aligned with the City's goals. Just briefly, here are just a few ways that the community development sector--and LISC in particular- is well-aligned with the goals of the Housing Plan.

- **Neighborhood planning.** The Plan commits to "...plan for growth by staging investments in infrastructure and services that will make our neighborhoods more livable. Such a place-

based approach must be guided by early and regular input from the communities themselves." LISC strongly supports this view and offers up its capacity to convene and lead community planning efforts, as we have done in the Mott Haven Choice Neighborhoods Initiatives. We also support the planning work of our local CDC partners, such as Cypress Hills Local Development Corporation in East New York, and West Harlem Development Corporation for the Columbia University expansion. All of these efforts have been neighborhood ground-up planning processes, with community visioning and engagement at their centers, developing initiatives in not only housing, but health, commercial corridor revitalization, workforce training, economic development, safety, and education. We applaud HPD for institutionalizing this neighborhood-focused strategy, through the establishment of the new Office of Neighborhood Strategies. We know CDCs can be trusted partners in helping neighborhoods wrestle with the tradeoffs that come with increased density and assist communities in articulating the range of needs and variety of capital investments in civic infrastructure their communities desire.

- **Preservation.** The Housing Plan says: "Working with community groups, the City will identify neighborhoods and portfolios that are at risk of becoming unaffordable....". The nonprofit community development organizations have already identified many of these portfolios in their neighborhoods and have strategies at the ready to save them. They eagerly await the preservation tools HPD is developing as part of the Housing Plan, and to continue to partner with HPD to preserve this crucial housing stock's affordability.
- **Production capacity.** We understand the Administration is under enormous pressure to hit its goal of 200,000 homes. We applaud the City for setting such a high goal and want to ensure the nonprofit community development sector is positioned to do its part. CDCs in recent years have operated at a competitive disadvantage compared with private developers, who may have financial capacity to provide guarantees and compete for larger development sites. Efforts are currently underway in the CDC sector to think about creative ways to pool its resources, to dramatically scale up its housing preservation efforts and to enhance its financial ability to take on major development projects. This initiative is driven by the CDCs themselves and we, at LISC, are very excited by the effort. As one of the stewards of the community development sector, LISC is committed to assisting CDCs in achieving the highest standard of organizational, financial, and development capacity so that CDCs can both develop and maintain their housing portfolios.

In closing, LISC stands ready to use its New York and national resources to support the CDCs, the Administration and the City Council to implement the Housing Plan. We look forward to working with all of you.

Contact: Helene Caloir, Policy Director, LISC NYC 212-455-9584

FOR THE RECORD

Dear Council Members:

Every New Yorker deserves a safe and affordable place to live.

My name is Dolores Medina, and I am a tenant leader at Make the Road New York's Jackson Heights office.

We are at a crisis point in New York City.

New construction that we are seeing pop up in neighborhoods like Jackson Heights, Bushwick, East New York, Harlem and the South Bronx are not affordable to the lowest income New Yorkers.

Wages are stagnant and have been for 20 years. The current minimum wage is a measly \$8.00 per hour which only adds up to a \$16,000 a year salary.

While wages have only increased by an average of 15%, the average monthly rent for an apartment in New York City increased by almost 40%.

While the impact over the last 12 years of bad policy has been widespread, the lowest income tenants especially in rent stabilized buildings have suffered most. We have lost an average of 6,500 rent stabilized units annually between 2005 and 2011.

As a result, New Yorkers now have limited options for housing and have to spend an unacceptable amount of their income on rent.

I, for example, live in a rent stabilized apartment in Elmhurst, Queens where I've been for 17 years and currently pay \$1,240 per month, 60% of my income.

This list of members at Make the Road New York who pay over 50% of their income on rent goes on and on and it is exactly why we are here; it is unacceptable for any family to be asked to pay 40%, 50% or 60% of their income on rent.

There is a huge desirability to call New York home, but we cannot lose sight on making New York more desirable for outsiders at the expense of retaining families who have lived here for decades and who have contributed to make New York the great city that it is.

Things must change!

We need a bold approach to increasing and protecting affordable housing in New York City. The Bloombergian way of building for the wealthiest New Yorkers cannot continue. We must make 80/20 a thing of the past and move towards a 50/50 model as the best way to maximize real affordability in new developments.

While this administration aims to create 80,000 new units, lets us remember that the larger number put forth is 120,000 units aimed to be preserved. There is no way that this administration gets close to that number without making a play to strengthen the Rent Laws in 2015.

Rent-regulated housing is the primary source of housing for low income New Yorkers. According to the New York City Independent Budget Office, there were a total of 841,865 units of rent-regulated units registered in 2012. Sadly though, we are losing about 10,000 of these units per year.

Time and time again, real estate interests have weakened rent laws only leading to faster displacement of families in gentrifying neighborhoods. If deregulation was repealed in Albany, it would be a no-cost solution to the city's affordable housing crisis.

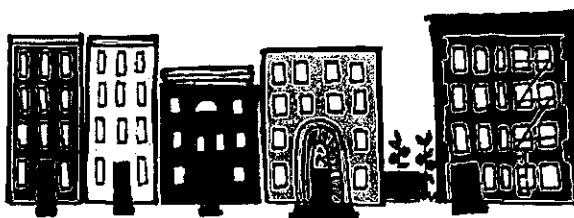
Enough is enough!

Let's stop the loss of affordable housing resources. Let's remove incentives for landlord fraud and harassment. Let's strengthen tenant protections. Let's keep our city our home!

As a member of Make the Road New York, I am fully committed to this fight and will do everything that I can so that the faces in this room can afford to call New York City home for a long time. As members of the Council, I hope that you are fully committed as well.

Thank You.

NYC community land initiative



Fighting for vibrant, equitable and sustainable housing and neighborhoods through community ownership of land

Testimony before the New York City Council Committee on Housing and Buildings and the Committee on Land Use

Oversight Hearing – Building Homes, Preserving Communities: A First Look at the Mayor’s Affordable Housing Plan

November 17, 2014

Good morning, and thank you for inviting me to testify today. My name is Claudia Wilner, and I am Senior Staff Attorney at the New Economy Project. I am here today on behalf of the New York City Community Land Initiative, an alliance of social justice and affordable housing organizations, academics, and urban planners committed to preserving and creating housing for all New Yorkers—especially those who are homeless or have extremely low incomes. Our alliance sees Community Land Trusts (CLTs) as a promising tool in the fight to address the root causes of homelessness and displacement. We engage in education, outreach, and policy reform to promote the development of CLTs, and we have recently established the East Harlem/El Barrio Community Land Trust, which will serve as a pilot for CLTs citywide.

As everyone knows, we have a housing crisis in New York City. So-called “affordable” housing is not, in fact, affordable to huge numbers of New Yorkers, including people who are homeless, low-wage workers, or living on fixed incomes such as Social Security. Expiring subsidies are threatening the homes of many currently-housed low-income New Yorkers.

The Mayor has proposed a sweeping plan to address the crisis by preserving or building 200,000 units of affordable housing over the next ten years. The plan has many appealing elements, but it also contains some troubling deficiencies that threaten to undermine its overarching goals.

First, although the plan recognizes that the most severe housing shortages occur amongst those New Yorkers earning less than 50% of the Area Median Income (AMI), it falls short when it comes to creating and preserving housing for those very low and extremely low income households. According to the Mayor’s own numbers, 500,000 of the lowest income earners in New York are paying more for housing than they can afford, and another 50,000 are homeless. Yet, the plan proposes to preserve or create only 24,000 affordable units (or 12% of units created) for very low income households (less than 50% of AMI), and only 16,000 affordable units (or 8% of units created) for extremely low income households (less than 30% of AMI). Furthermore, the plan contains no specific steps for accomplishing this goal. This is grossly inadequate, particularly since the communities that most directly bear the brunt of gentrification

and displacement have much higher concentrations of very low and extremely low income households.

Second, while the City appears ready to invest a substantial amount of money to create new affordable housing, its plan lacks mechanisms to ensure that housing created through city investment will remain affordable for the long-term. The City shouldn't waste precious public resources by investing in subsidies that are scheduled to expire. As an example of the harmful effect of shortsighted policies such as expiration dates, consider the devastating loss of affordable housing in Mitchell-Lama buildings around the City.

Third, it appears as if the City seeks to address some of its affordable development goals by means of mandatory inclusionary zoning. While mandatory inclusionary zoning can be an important step, rezoning can prompt speculation with respect to land and housing, leading to tenant harassment, displacement, and the loss of affordable housing. During the last ten years, the City lost more than 400,000 units of affordable housing, and under the New Housing Marketplace Program, replaced less than half of them—leading to a net loss of housing for nearly one million New Yorkers. The City cannot afford to repeat this disastrous mistake. If the City is going to use mandatory inclusionary zoning as a policy to create affordable housing, the City must ensure that re-zoning does not lead to a net loss of affordable housing.

Community Land Trusts can help address these deficiencies by: (1) creating and preserving housing that is truly affordable to the lowest income New Yorkers; (2) ensuring that housing created on CLT land will remain permanently affordable; and (3) enabling more comprehensive land-use planning on a neighborhood basis. Because of these benefits that the CLT model offers, the City should be doing as much as it possibly can to support the creation and development of CLTs.

Community land trusts separate ownership of land from ownership of what is built on the land. A nonprofit entity—the land trust—owns the land and leases its use to organizations, businesses, and individuals, usually for affordable housing. Most CLTs are governed by a board consisting of 1/3 residents of housing on CLT land, 1/3 community members, and 1/3 external stakeholders, such as government representatives, advocates, and housing professionals. The entire mission of the CLT is stewardship: to maintain for future generations the quality and affordability of housing and other community-serving uses on CLT land, using the ground lease as an enforcement mechanism. By permanently removing land from the private market, the CLT structure eliminates much of the speculation, profit-seeking, and gentrification pressure that drives the increase in housing costs.

For housing, which is the subject of our hearing today, things really get promising when CLTs partner with non-speculative housing providers, such as mutual housing associations. In the mutual housing model, multiple scatter-site buildings merge their identity and resources to become a single, non-profit, resident-controlled rental housing provider that benefits from the added support of housing professionals and experts who sit on the board to ensure sound corporate governance and financial management. Mutual housing associations are mission-driven to preserve real affordability for existing residents, even those with very low incomes, and can take full advantage of cross-subsidies and economies of scale that pools risks. A model that

combines the CLT with MHA can create and sustain affordable housing for people whose income is as low as \$10,000/year. As an example, consider the Cooper Square Land Trust and Cooper Square MHA, which has for decades provided quality housing in the Lower East Side at extremely low cost. Most Cooper Square households make 40% of the AMI. But CLTs can also lease land to low-income cooperatives, to single family homeowners in a limited equity arrangement, and for non-housing purposes. For example, CLTs can support green spaces and community institutions as well as create jobs by leasing space to small businesses, local manufactureres, and non-profits at affordable rates.

By supporting the creation and growth of community land trusts, and by facilitating the transfer of City-owned or -controlled property to CLTs, the City could help tackle some of the most thorny and difficult aspects of the housing shortage: how to provide permanently affordable housing for the City's very low and extremely low income families.

NYCCLI recommends that the City:

Use the Third Party Transfer program to create and preserve permanently affordable housing for very low income people. The Third Party Transfer program could and should become a robust mechanism for maximizing affordable housing for very low and extremely low income households. The TPT should put a particular empasis on transferring property into community land trusts, which can both create housing that is affordable even for people with very low incomes and maintain the long-term affordability of that housing. To achieve this:

First, the City should expand the pool of properties that enter the Third Party Transfer program. Currently, only "distressed" properties go through the TPT program, which means that any properties available to a CLT through this program need extensive amounts of expensive repairs. The City should widen the pool of properties that go through TPT by excluding from the lien sale buildings that are not physically "distressed," but that are not financially viable because the residents have low incomes. Such buildings could include large rental buildings that are over-leveraged, so that rental payments do not meet the debt burden, and smaller buildings in which residents simply cannot afford to pay more to cover costs of routine maintenance. Such buildings may not yet be "distressed" as defined by statute, but if they take on increased debt burden through a tax lien sale or are left to themselves, they will eventually become distressed, because the rent rolls are insufficient to meet expenses. These buildings are perfect candidates for transfer to a CLT, which could create a sustainable financial structure to enable the low-income residents to remain in their homes.

Another way to increase the flow of properties to CLTs is to capitalize on the Alternative Enforcement Program (AEP). In this program, the City identifies the most distressed buildings and, if owners do not make repairs, the City may enter the buildings, correct the hazardous conditions, and bill the owners for the repairs. Unpaid repair bills then become tax liens that allow those properties to move through the Third Party Transfer system. We would like to commend the Council for voting to expand the program last week and to connect AEP with a concrete strategy for stabilizing safe and affordable housing stock in our neighborhoods. Our research shows that more than half of the buildings in the AEP program are small buildings, and

more than 30 percent of buildings in the AEP program are in close physical proximity to other AEP buildings. The City could take a strategic approach to these buildings, grouping them together in clusters based on geographic proximity, and then transferring them together to a CLT.

Finally, the City should ensure that the ultimate disposition of all buildings in the TPT program is to a community land trust or non-profit, community-based developer that has the ability to create housing that is truly and permanently affordable even for people with very low incomes.

Establish a Vacant Property Registry and Count. Vacant properties, held empty by speculators or by the City for lack of development resources, could be used for affordable housing and other important public uses. Unfortunately, however, the City does not consistently track vacant properties, and thus it is unable to make a comprehensive plan to put them to better use. While the Administration states that it intends to inventory and track the vacant property under City control, that is simply not good enough. Most vacant property is in private hands. A vacant property registry and count would enable the city to identify vacant properties, discover the reasons for the vacancy, and create a plan for returning these properties to productive use. An effective vacant property registry and count would include the following elements:

- Engagement with advocates and government stakeholders about the types of property that should be counted and tracked to meet the City's housing goals;
- Creation of a central database to serve as a repository of information about vacant properties for City agencies and the public;
- A requirement that property owners and mortgage-holders register vacant property with the City;
- Escalating fines for failure to register which, if left unpaid, will become liens that the City can enforce through *in rem* foreclosure and transfer to third parties, such as community land trusts;
- A community reporting mechanism to enable the public to report vacant properties in their communities; and,
- A foot census/property count in neighborhoods with high concentrations of vacancy.

Create a task force to review the disposition of vacant city-owned properties. The City has a critical responsibility and opportunity to prioritize the disposition of city-owned vacant properties for truly affordable housing. A task force with diverse membership, including - people and organizations from communities most at risk of losing affordable housing to gentrification, will help facilitate community participation and create transparency, which will help ensure that the City does not waste this opportunity.

Issue a moratorium on the disposition of city-owned properties in East Harlem. These properties, both vacant and occupied, could form a critical component of the East Harlem/El Barrio Community Land Trust, which is now under active development. The East Harlem/El Barrio Community Land Trust will provide an important model for other communities to create and preserve truly affordable housing for all residents.

Ensure that rezonings do not lead to a net loss of affordable housing. The City should not approve any additional rezonings without carefully reviewing their potential to displace existing low-income residents from neighborhoods and without significant, enforceable anti-harassment protections in place. As with the disposition of city-owned property, it is important to think about neighborhoods holistically, and not piecemeal, lest the City destroy more affordability than it creates. Beyond simply ensuring that rezonings do no harm, the City should seize the opportunity to use rezonings to create new revenue streams that will support the creation and preservation of affordable housing at pre-existing neighborhood-appropriate levels. Value created through public action must be recuperated for public benefit.

Create a housing trust fund, with a dedicated revenue stream, to support creation and preservation of permanently affordable housing for the lowest income New Yorkers. The Mayor's housing plan fails to invest sufficient resources to develop housing for the lowest income New Yorkers, who are most in need of housing and have the least political capital. To address this gap, the City should create a housing trust fund, supported by a dedicated revenue stream generated by increasing the property taxes on vacant and luxury properties. Funds from the housing trust fund would be used to develop and preserve truly affordable housing for people with very and extremely low incomes and could also support the development of CLTs.

We welcome the opportunity to participate in this conversation, and we hope the City Council and this Committee will view NYCCLI as a valuable resource. You can reach me at 212-680-5100 or claudia@neweconomynyc.org.

Thank you for the opportunity to testify today.



**Testimony Prepared by
Elizabeth Strojan**

**for the Committees on Housing and Buildings,
Land Use, and Community Development
Oversight Hearing on Building Homes, Preserving Communities:
A First Look at the Mayor's Affordable Housing Plan**

Monday 11/17/2014

**on behalf of
Enterprise Community Partners, Inc.**

Introduction

Good morning. Thank you Chair Williams, Chair Greenfield, and Chair Arroyo for the opportunity to testify today. My name is Elizabeth Strojan, and I lead the state and local policy work for the New York office of Enterprise Community Partners, Inc. At Enterprise, we bring opportunity to low- and moderate-income communities nationwide through safe, healthy affordable housing. Since 1987, we have created or preserved 44,000 affordable homes for 114,000 New Yorkers and invested \$2.9 billion in equity, grants, and loans to community development projects throughout the city.

Despite the sizeable investment by Enterprise and our affordable housing partners, many of whom are here today, we are in the midst of a full blown housing insecurity crisis in New York City. More than 600,000 New Yorkers pay more than half of their income on rent, leaving them one paycheck away from losing their home. And almost 60,000 of our neighbors are already homeless.

It is this emergency situation that necessitates a bold and achievable plan. At Enterprise, we believe the Mayor's housing plan sets us on the course to end housing insecurity in New York. Even in the context of dwindling federal funds for affordable housing and community development projects, the de Blasio Administration and the City Council have made the commitment to provide half a million more people in our city with affordable homes.

We want to highlight three particularly important aspects of the housing plan today – deeper income targeting, sustainability, and preservation.

Deeper income targeting

The reality is that people at many income levels are struggling to find quality housing they can afford. *Housing New York* makes a commitment to reach a diversity of income levels, and quadruples the number of extremely low and very low-income units over the previous administration's housing plan. It is these lowest-income households that need affordable housing the most, but financing extremely low-income housing requires either a lot more subsidy or cross-subsidization.

Income mixing allows us to reach these lower income levels by cross-subsidizing rents from slightly higher income units. This brings the dual benefits of providing homes to the most vulnerable households while also increasing economic diversity. We commend the plan's commitment to income mixing, and we look forward to working with our colleagues in the housing agencies, the City Council, and the affordable housing community to bring more mixed income developments and extremely low-income units to residents your districts.

Sustainability

Enterprise firmly believes that sustainability is an equity issue. We introduced the Enterprise Green Communities Initiative ten years ago to prove that it was possible to bring the health, environmental, and economic benefits of green building to low-income communities. The Mayor's housing plan, along with the climate action plan, *One City: Built to Last*, and the Council's *Comprehensive Platform to Combat Climate Change* are bringing this idea to fruition for more homes than ever.

We know that making the affordable housing stock efficient saves money, which keeps rents down and uses less subsidy, and it also makes residents healthier. We commend the focus on affordable housing in the climate commitments, and look forward to sharing best practices learned from our experience in greening more than 30,000 units in New York through certification through the Enterprise Green Communities Criteria, supporting landlords in energy efficient operations through our PartnerPREP program, and the Weatherization Assistance Program. We encourage continued expansion of green benefits to all preservation projects, a programmatic approach to promoting efficient operations and maintenance practices, and incentivizing affordability through energy savings programs.

Preservation

The city has committed to preserving 120,000 units of affordable housing in 10 years, and preserving our existing housing stock is arguably more important than ever. We know that operating affordable housing is expensive and prices in the private markets are once again skyrocketing. This means we must provide the right kinds of incentives to encourage owners to keep housing affordable. And we also need code enforcement and regulatory agreements to ensure that people are not forced out of their homes through poor conditions or rising rents. We look forward to working with the city to help find the right balance of incentives and enforcement to promote quality housing and preserve affordability.

Thank you for the opportunity to testify today in support of the efforts of the Administration and City Council to create and preserve affordable housing in New York City. We look forward to working with you to ensure the implementation of the plan lives up to its bold goals.



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Testimony of Humberto J. Restrepo
Political Affairs Liaison, Joint Industry Board of the Electrical Industry
Oversight – Building Homes, Preserving Communities:
A First Look at the Mayor's Affordable Housing Plan
Public Hearing Held on November 17, 2014

Good Morning Chair Jumaane D. Williams, Chair Maria Del Carmen Arroyo, Chair David G. Greenfield and distinguished Committee Members. Thank you for the opportunity to testify at this hearing on behalf of The Joint Industry Board of The Electrical Industry (JIB). My name is Humberto Restrepo; I am the Political Affairs Liaison for The Joint Industry Board of the Electrical Industry. The Joint Industry Board is a labor- management organization founded in 1943. The union partner is Local Union No. 3 of the International Brotherhood of Electrical Workers (I.B.E.W.). The management partners are the New York Chapter of the National Electrical Contractors Association and the Association of Electrical Contractors, Inc. The JIB is the ERISA administrator for a family of multi-employer benefits plans serving Local Union #3 and its affiliated contractors in the greater New York City area.

We in the electrical industry applaud Mayor Bill de Blasio's affordable housing plan to build or preserve 200,000 affordable housing units in New York City over the next 10 years. It certainly is a laudable goal given the growing economic inequality across the nation. New York City has always been a leader and trend setter in how it responds to important social issues. The administration has embarked on addressing the serious affordable housing shortage that plaques many of the neediest communities in our city. In addition to providing much needed housing, the building and preservation of affordable housing stimulates vital economic activity and job opportunities.

The Mayor's affordable housing plan will lead to the creation of thousands of construction and permanent maintenance jobs. Our managing partners at the Joint Industry Board of the Electrical Industry are willing, able and ready to provide our technical expertise and skilled workforce. We look forward to playing an active role in the affordable housing market, not only in the actual construction, but in providing members of these communities with the opportunities to develop training skills that lead to good paying careers.

We are proud of our industry's contributions to shaping the landscape of our great city. For over 100 years our contractors and skilled workforce have proudly stood along side the many skilled New York City Building Trades people to propel our city into the next century. We look forward to the opportunity to partner with our elected officials and leading developers to address the serious issue of affordable housing scarcity. We stand ready to serve the needs of the thousands of New York City residents that are in dire need of safe and affordable housing.

Thank you and your committee for the opportunity to convey our thoughts on the Mayor's Affordable Housing Plan.



Testimony

Tom Waters

Housing Policy Analyst, Community Service Society of New York

New York City Council Committee on Housing and Buildings

Oversight Hearing on Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan

November 17, 2014

Thank you for this opportunity to comment on the city's important efforts to increase the production of affordable housing. The Community Service Society of New York is a 170-year old nonprofit organization that addresses the root causes of economic disparity through research, advocacy, litigation, and innovative program models. One of our major focuses is the chronic shortage of housing affordable to the city's 3 million people in households with incomes below 200 percent of the poverty line.

During the 12 years of the Bloomberg administration, CSS often reiterated that the city's New Housing Marketplace Plan deserved praise, but that it fell far short of what was needed to mitigate the effects of the city's housing shortage. In fact, the housing picture for low-income New Yorkers grew steadily worse even as new housing covered formerly vacant lots all over the city.

The Community Service Society's recent report, "An Affordable Place to Live" draws on evidence from the U.S. Census Bureau to show that from 2002 to 2011, there was a 39 percent drop in the total number of apartments—including public, subsidized, and private-market housing—affordable to a family with an income at 200 percent of the federal poverty line. This loss of more than 385,000 units could not possibly have been remedied through new development alone.

To its great credit, the de Blasio administration has taken important steps beyond its predecessor's policies. We applaud this administration for committing, in its Housing New York plan, to significantly increase city capital funding for housing above the level of the Bloomberg era. We also applaud the administration for its steps to end double-dipping by developers when they get both zoning and direct subsidies for producing the same housing. And we applaud the administration for its efforts to create new incentives for affordable housing production and to link affordable housing with economic development.

It would certainly be a great step forward if the State of New York were to begin taking the housing shortage as seriously as the city does.

Unfortunately, however, the progress represented by the de Blasio's administrations first steps must be measured against not only the forces that led to the loss of affordable housing but also against a new problem – the end of the city's supply of land seized for non-payment of taxes, which provided a major tool for housing development for many years. Virtually all of this land has been used up now, making it significantly more difficult to produce new affordable housing. Some of the new resources that the de Blasio administration has added may end up simply compensating for the loss of this land resource.

The city can fight this tendency by committing to make affordable housing a priority use for all of the land that it and other government entities still hold. We should certainly not be seeing the city's scarce land resources used for projects that are entirely or primarily market-rate housing, nor should scarce land resources be sold just to produce revenue. The city cannot hope to combat economic segregation while selling off land in the most desirable locations and building affordable housing only in areas where land prices are low.

Another perennial problem for affordable housing production programs is that only a few of the apartments created are affordable to the people most affected by the city's chronic housing shortage. Families with incomes below 200 percent of the poverty threshold – those that CSS refers to as “low-income” – are far more likely to pay unaffordable rents of 30 percent, 50 percent, or more their income. They are also far more likely to be living with serious maintenance deficiencies. But these families are largely left out of new affordable housing production efforts because most of the subsidy tools that the city can access from the federal government are not well-suited to serve them.

It is not that households with incomes of \$45,000 to \$100,000 are so well served by the private market that it doesn't make sense to try to serve them through public policy. The problem is that low-income households with even greater needs are being left out. It is simply a myth that public housing, Section 8, and other older housing programs have already taken care of this group. We don't have nearly enough public housing or Section 8 to do that.

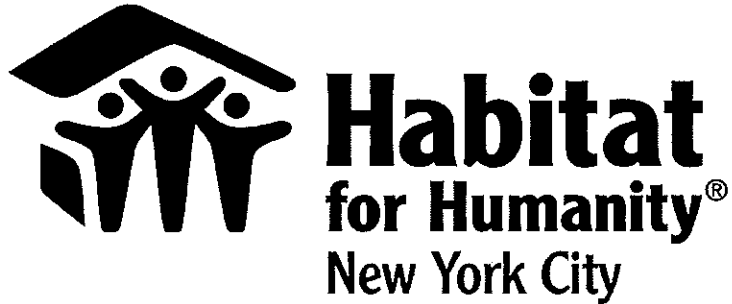
The Housing New York plan does call for an increase in housing created for truly low-income families beyond what the previous administration did, but not nearly enough, and we are yet to see how this will work. The most innovative aspect of the new administration's plan, the use of zoning to promote affordability, is unlikely to reach this group unless it is combined with other tools. The affordable apartments proposed to be built in Astoria Cove, for example, are targeted to families with incomes that are more like 300 to 500 percent of the poverty threshold.

Finally, we are concerned that in New York City today, new development tends to raise the value of surrounding properties, potentially resulting in less affordability there. This too must be balanced against the affordable units created as part of the new development.

To sum up, we applaud the Housing New York plan for its significant commitments of resources and for its original thinking. But when it comes to addressing the city's serious long-term housing shortage, it can only be seen as a beginning. We believe it can be strengthened in several ways:

1. Add a commitment to use the city's, and other governmental bodies' land resources for affordable housing purposes whenever possible.
2. Create new programs, even if on a pilot scale, to produce new housing for people with incomes below 200 percent of poverty.
3. When tying affordable housing production to major new developments, carefully study the interaction between the affordability requirements and the secondary effect of the new development on the surrounding market, in order to ensure that there is a net increase in affordable housing.

And just as important, we call on the mayor and the city to recognize the limitations of housing production as a strategy to deal with the housing shortage, and lead the fight to strengthen the rent stabilization laws, especially by ending vacancy deregulation. This is the most effective step that can be taken to preserve our existing housing stock for low-income New Yorkers.



Testimony of Habitat for Humanity New York City

**To the New York City Council Committees on
Housing & Buildings, Community Development, and Land Use**

**Oversight: Building Homes, Preserving Communities: A First Look at the Mayor's
Affordable Housing Plan**

November 17, 2014

Testimony respectfully submitted by:
Matthew Dunbar
VP, Government Relations & Advocacy
Habitat for Humanity New York City
Check against comments

Good afternoon. My name is Matthew Dunbar, VP of Government Relations and Advocacy with Habitat for Humanity New York City. I want to begin by thanking Chairs Williams, Arroyo, and Greenfield and the full Committees on Housing & Buildings, Community Development, and Land Use for the invitation to testify on the Mayor's Housing New York Plan.

With New York City continuing to face a worsening housing crisis stemming from stagnating incomes and rapidly rising housing costs, Habitat NYC applauds the Administration for setting such ambitious affordable housing goals. Seeking to build and preserve 200,000 units of affordable housing is critical in serving the more than half of New Yorkers currently living under a housing burden, paying more than they can afford in rent. We congratulate the Administration on the proposal and support the increased investment in our City's housing landscape and the underlying intentions to maximize the public benefit in future development and land use.

However, despite the many positive points within the Administration's plan, it can really primarily be described as a rental housing plan, falling short on investment and creativity in producing and preserving affordable homeownership opportunities for low- and moderate income New Yorkers. The plan our City will follow over the next ten-years needs to address the full housing continuum, from homelessness to homeownership.

Habitat for Humanity New York City knows the power and importance of affordable homeownership as we've spent the past 30-years building and rehabilitating homes with more than 380 low-income families in all five boroughs. Habitat homeowners build side-by-side with volunteers to complete their home and the homes of their neighbors, concluding the process with a 30-year, 2% fixed-interest mortgage with only 1% down plus 250 hours of sweat equity per household adult. With proper support, Habitat NYC is able to serve families earning 50-80% AMI, allowing us to sell a family with 2 children earning \$45,000 a year their first home for \$140,000. And we are proud to say that to date we have never had a foreclosure and since 2007 none of the more than 150 new homeowners partnered during that time have been more than 60 days late in payment.

Affordable homeownership is critical to the goal of fostering diverse livable neighborhoods, pushing back against displacement due to gentrification, and building both individual and community wealth. Homeownership has not only been shown to have positive effects on family and individual health outcomes, educational performance, and community engagement, it continues to be an important key to aiding families in building wealth and establishing generational economic success.

A recent study supported by the MacArthur Foundation showed that even after the housing crisis, homeowners were shown to have much larger cumulative assets than renters upon retirement. And while homeowners do tend to be in higher income

brackets, renters had a median value of assets at around \$3000 upon retirement age while homeowners had \$273,000, with 50% of this wealth represented in home equity.¹ Even the simple act of paying down the mortgage can have a tremendous impact on a family's economic future, whereas for the more than 44% of older renters continuing to pay more than 30% of their incomes on housing, retirement without substantial government support will likely be a significant challenge. And with New York City's homeownership rate at a meager 31.8% and falling, the number of older New Yorkers without the asset of an affordable home will only continue to rise, leading towards further need for public financial assistance down the road.

In addition to these well documented benefits of affordable homeownership, it will also be important for the City to incorporate homeownership into its Transit Oriented Development (TOD) plans as a key strategy to combat displacement of low- and moderate-income residents. TOD creates amenities and a significant incentive for speculation, which subsequently creates strong potential to drive up land values and dislocate current residents no longer able to keep up with increased rental prices. It is critical that the City put forward permanent affordability solutions to ensure that local residents have the opportunity to buy and stay in the communities they call home. Without providing local residents an opportunity to own a piece of the neighborhoods in which they've invested their lives, rezonings have the potential of providing dramatic wealth creation for some while at the same time making it difficult for others to remain and thrive.

Habitat for Humanity New York City recommends that the City consider the following policy adjustments to ensure affordable homeownership development continues to move forward over the next decade.

Increase City Capital/Reso A combined funding limits for moderate- and low-income homeownership development and expand the (NIHOP) program to include multifamily projects greater than 4 units. The creation of the New Infill Homeownership Opportunities Program (NIHOP) is a welcomed addition to the City's affordable housing tool chest. However, capping combined City Capital and Reso A funds to \$50,000/pu for future homeownership development will severely restrict the ability for affordable homeownership developers, like Habitat for Humanity, to successfully accomplish their missions within the five boroughs. This restriction actually reflects a cut in funding opportunities for affordable homeownership development as previous projects had the ability to receive more subsidies both on and off City-owned land. Habitat NYC requests that the City not discriminate against affordable homeownership developments and provide at least equivalent funding as rental

¹ Engelhardt, Gary V. "A Profile on Housing and Health Among Older Americans." Research Institute on Housing America, Syracuse University. 19 November, 2013.
http://www.housingamerica.org/RIHA/RIHA/Publications/86310_13205_RIHA_Senior_Housing_Paper.pdf

projects. Habitat NYC also recommends the City include affordable homeownership projects for larger multifamily developments within the NIHOP and not restrict RFPs for larger sites to rental and supportive housing.

Create a true housing trust fund, with dedicated revenue streams, to support the creation and preservation of permanently affordable housing. The Mayor's housing plan does not invest sufficient resources to develop housing for the lowest income New Yorkers or for the development and preservation of affordable homeownership. To address this gap, the City should create a housing trust fund, supported by dedicated revenue streams to provide flexible monies for both rental solutions for families earning below 50% AMI and homeownership solutions for families earning above 50% AMI. Revenue could be generated by increasing the property taxes on vacant properties in the outer boroughs, implementing a luxury transfer tax on units valued at more than \$5 million, or implementing a luxury pied-a-terre tax as currently proposed in the City Council.

Support the creation and operations of Community Land Trusts and permanently affordable homeownership through tax assessment and process reform. Community land trusts separate ownership of land from ownership of the improvements. A nonprofit CLT owns the land and provides a long-term lease to homeowners and buildings under the conditions that the home be kept affordable for future homebuyers. The mission of the CLT is to steward the land and maintain the quality and affordability of the housing for future generations, using the ground lease as an enforcement mechanism. By permanently removing land from the private market, the CLT structure eliminates much of the speculation, profit-seeking, and gentrification pressure that drives the increase in housing costs. To fully implement this type of model and other deed restricted affordable homeownership opportunities developed on or off City provided land, mechanisms must be put in place to adjust tax assessments to ensure the land value is removed and resale restrictions are taken into consideration.

Conduct and publish a comprehensive survey of all publicly owned property to determine which City, State, or Federally owned property is either vacant or underutilized and provide recommendations for affordable housing development.

One of the Mayor's initial goals to aid in the accomplishment of his Housing New York Plan is to develop affordable housing on underused public and private sites throughout the City. To achieve this goal, the Mayor and his affordable housing team have promised to perform a comprehensive survey of all vacant sites in the City and use this tool to encourage affordable housing and mixed-use development on underused sites within the City's portfolio, as well as in partnership with the State and other public authorities. The City should record both vacant land as well as vacant or partially vacant buildings. It should also define "underutilized properties" as a building not currently being used by the agency for the intended purpose, for another strategic purpose to fulfill the mission of the agency, or in a way that could be consolidated to another existing property. Any property not currently developed to maximum Floor Area Ratio or contains significant

portions of undeveloped land, including parking lots, storage depots, or open spaces may also be classified as underutilized.

Waive parking requirements on substantially gov't assisted moderate-income homeownership developments if located near public transportation. Current as-of-right requirements to include 25% parking hinders the ability for affordable homeownership development as it increases costs per unit, hinders economies of scale, and reduces the number of units produced. Waiving this requirement for 100% affordable developments within 1-mile radius to public transportation would be an efficient regulatory change that would increase production and save funds.

Thank you for the opportunity to testify today. We look forward to continue partnering with the City in serving low-income families in need of affordable housing and implementing the Mayor's plan in a way that will truly benefit all New Yorkers.



ASSOCIATION FOR
NEIGHBORHOOD &
HOUSING
DEVELOPMENT, INC.

50 Broad Street, Suite 1402
New York, NY 10004
Tel: 212-747-1117
Fax: 212-747-1114
www.anhd.org

TESTIMONY OF MOSES GATES, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
for the
NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS, JUMAANE WILLIAMS, CHAIR.
NOVEMBER 17TH, 2014

My name is Moses Gates and I am the Director of Planning and Community Development for the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of NYC neighborhood-based housing groups: affordable housing developers, community organizers, and economic development service providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. We have 98 members throughout the five boroughs who have developed over 100,000 units of affordable housing in the past 25 years alone and directly operate over 30,000 units of affordable housing.

As you know, we have enormous affordable housing challenges here in New York, and we need focus and commitment from all sectors – policy, development, financial, government – in order to tackle this. The current administration and council are bringing that focus and commitment, and we are excited for our sector to rise to the challenge as well.

One of the most commendable aspects of the new administration is their desire to not just build housing, but comprehensive neighborhoods. And in order to build neighborhoods, we need to partner with neighborhoods. HPD has a new department for Neighborhood Partnerships, which we believe is a great step, and we look forward to working with them. But we need to be clear - this partnership needs to extend to all facets of the development process: from planning and visioning, through to development, ownership, and control of our affordable housing, and it needs to span the range of development: small construction projects, preservation of existing portfolios, and large-scale comprehensive projects. We applaud the administration's commitment to working with community residents and neighborhood organizations to get the zoning and visioning of our neighborhoods right. Now we need to make sure that the housing that gets built is truly owned and managed in the community interest.

Not-for-profit developers are the only developers that can be expected to keep our affordable housing affordable permanently, and continually used for the public and community interest. Any profits from this housing are reinvested in the building or local community, in the form of more affordability, better building-worker wages, additional social services, or other support for local residents. In our current era of dwindling publically-owned land, there is absolutely no excuse for continuing to give this land away to private developers to use as affordable housing for only a limited time. We only have to look at the Mitchell-Lama crisis of a few years ago to see the results of this policy – eventually, developers are allowed to cash out and go market: people get displaced, affordable housing is lost, once diverse neighborhoods become reserved only for the wealthy. This has to stop.

Perhaps at one time, there was enough vacant land, and our development environment here in New York was weak enough, that we needed to dispose of free public land to private, for-profit developers in addition to our neighborhood not-for-profits. That time has long passed. Now our challenge is preserving the affordability and character of our neighborhoods in the face of rising rents and increasing

pressure on low- and moderate-income tenants. Unfortunately, this issue of appropriate land disposition an issue the administration has not yet tackled, instead continuing with the policies set by previous administrations.

For instance, there are currently at least three outstanding RFPs for city-owned land to be developed as large-scale affordable housing developments: Greenpoint Hospital in East Williamsburg, Livonia Avenue II in East New York, and Downtown Flushing in Queens. In each one of these cases the community has submitted a development plan that is led by a strong and well-respected nonprofit developer with a decades-long history of affordable housing development in the local neighborhood, has explicit support from the local city councilperson, and features permanent, deep, and real affordable housing geared toward the neighborhood, as well as significant support for local businesses and community uses. Each of these should be an absolute slam-dunk for the administration, especially considering the immediate need for affordable housing. Greenpoint Hospital alone could yield over 200 units of permanently affordable housing on a site abandoned since 1982 within a few years if the administration gave it the go-ahead. Unfortunately, the administration has still have not committed to not just these, but to any partnerships with local community developers.

In addition, there are several privately-owned affordable housing portfolios currently in danger of cashing out. Some, like a recently-sold LIHTC portfolio in Prospect Heights, have already been lost while others are currently on the market in neighborhoods like Harlem, Bed-Stuy, and the South Bronx. The best way of preserving these and other portfolios that are physically or financially distressed as affordable housing is to bring in a strong, community-minded not-for-profit developer as the new owner or partner. Not only does this preserve the affordability permanently, it also allows for a more generous tax abatement and tax-exempt construction costs, which leads to better underwriting and a more stable building. And most importantly, not-for-profit ownership reduced the amount spent on preservation: with affordable housing owned by for-profits, the owner makes a simple calculation: they determine how much money could be made from going market, and then ask the city for more money in order to keep it affordable. In neighborhoods with a weaker market, the government can still be competitive. But in high-market neighborhoods – and many neighborhoods with large amounts of city-sponsored affordable housing, like Harlem, Williamsburg, and the Lower East Side are now very high-market neighborhoods - cashing out can bring a multi-million dollar windfall, and the city has to severely overpay to preserve affordability. And that money goes into private pockets, not the building or neighborhood. But a not-for-profit follows a different model – they simply see how much they need to keep the housing affordable and in good condition, market conditions aren't a consideration. Utilizing the not-for-profit ownership approach saves the city a considerable amount of preservation dollars in the long term.

Many, if not most, of the other issues you've raise – how to preserve our affordable housing stock, how to effect deep affordability, how to make sure we invest our limited city resources in the most effective way – start with utilizing nonprofit, community-based developers. But in we wanted to address something that we believe can result in significant amounts of more deeply affordable housing: reforming the 421a developer tax break. The biggest opportunity for deeper affordability are in mixed-use buildings that are able to cross-subsidize these deeply affordable rents. As such, reforming the 421a developer tax break to effect not only affordable housing, but deeply affordable housing, should be a priority. Because of the high luxury rents these buildings command, lowering the rents on the affordable units from 60% to 30% is negligible from an underwriting standpoint. This is our single biggest opportunity to leverage the private market to produce deeply affordable housing, and we hope to work with both council and the administration on this issue going forward. Thank you.



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Testimony of Humberto J. Restrepo
Political Affairs Liaison, Joint Industry Board of the Electrical Industry
Oversight – Building Homes, Preserving Communities:
A First Look at the Mayor's Affordable Housing Plan
Public Hearing Held on November 17, 2014

Good Morning Chair Jumaane D. Williams, Chair Maria Del Carmen Arroyo, Chair David G. Greenfield and distinguished Committee Members. Thank you for the opportunity to testify at this hearing on behalf of The Joint Industry Board of The Electrical Industry (JIB). My name is Humberto Restrepo; I am the Political Affairs Liaison for The Joint Industry Board of the Electrical Industry. The Joint Industry Board is a labor- management organization founded in 1943. The union partner is Local Union No. 3 of the International Brotherhood of Electrical Workers (I.B.E.W). The management partners are the New York Chapter of the National Electrical Contractors Association and the Association of Electrical Contractors, Inc. The JIB is the ERISA administrator for a family of multi-employer benefits plans serving Local Union #3 and its affiliated contractors in the greater New York City area.

We in the electrical industry applaud Mayor Bill de Blasio's affordable housing plan to build or preserve 200,000 affordable housing units in New York City over the next 10 years. It certainly is a laudable goal given the growing economic inequality across the nation. New York City has always been a leader and trend setter in how it responds to important social issues. The administration has embarked on addressing the serious affordable housing shortage that plaques many of the neediest communities in our city. In addition to providing much needed housing, the building and preservation of affordable housing stimulates vital economic activity and job opportunities.

The Mayor's affordable housing plan will lead to the creation of thousands of construction and permanent maintenance jobs. Our managing partners at the Joint Industry Board of the Electrical Industry are willing, able and ready to provide our technical expertise and skilled workforce. We look forward to playing an active role in the affordable housing market, not only in the actual construction, but in providing members of these communities with the opportunities to develop training skills that lead to good paying careers.

We are proud of our industry's contributions to shaping the landscape of our great city. For over 100 years our contractors and skilled workforce have proudly stood along side the many skilled New York City Building Trades people to propel our city into the next century. We look forward to the opportunity to partner with our elected officials and leading developers to address the serious issue of affordable housing scarcity. We stand ready to serve the needs of the thousands of New York City residents that are in dire need of safe and affordable housing.

Thank you and your committee for the opportunity to convey our thoughts on the Mayor's Affordable Housing Plan.

TESTIMONY OF JOHN J. MURPHY, BUSINESS MANAGER
PLUMBERS LOCAL UNION NO. 1

HEARING ON
OVERSIGHT: BUILDING HOMES, PRESERVING COMMUNITIES:
A FIRST LOOK AT THE MAYOR'S AFFORDABLE HOUSING PLAN

BEFORE

THE HOUSING AND BUILDINGS COMMITTEE,
THE COMMITTEE ON COMMUNITY DEVELOPMENT
AND
THE COMMITTEE ON LAND USE

ON MONDAY, NOVEMBER 17, 2014 AT 10:00 A.M.
COUNCIL CHAMBERS
CITY HALL, NY

Good morning. I would first like to thank Chairpersons Arroyo, Greenfield, Williams and the members of the three committees for this opportunity to address you this morning.

My name is John J. Murphy and I am the Business Manager of UA Local 1, the Plumbers of New York City.

Next month our union will be celebrating 125 years of working, serving and protecting the health of the City of New York. We are especially proud of our history and the role our union has played in building and expanding New York's amazing skyline. Through our union's apprentice and training programs, our members have been able to develop the knowledge and skills to keep pace with new technologies and techniques to ensure both safety and the quality of our work. That our members and other tradesmen were paid union wages played an equally important role in the growth of our city.

Union wages and benefits provided not only hope but the confidence for workers to build strong families and communities. Union wages helped to spur development and growth which led to the creation of neighborhoods throughout the five boroughs. For our members and thousands of other union men and women and their families it led to the fulfillment of the American dream, the chance to own a home, protect their family's health and one day retire with dignity.

Today, however, that dream is moving out of reach for most working families. And, the ever-rising real estate market has been driving families from their neighborhoods. For more than 20 years now we have seen this pattern repeat itself again and again to the point of creating the housing crisis that brings us here today. Yes, we need to create affordable housing. The creation or restoration of 200,000 affordable units over the next 10 years is ambitious. But, history has taught us that if we all work together it can be done.

Just last week, with the approval of the Astoria Cove development, we may have put ourselves on a path to writing a new chapter to that great history. Working together, the developers, the unions, community leaders and elected officials reached an agreement that may finally put to rest the myth that we cannot create affordable housing with union labor!

So, I congratulate the members of this council and especially Speaker Melissa Mark-Viverito and Council Member Costa Constantinides for their leadership and

hard work in a process that will have a lasting impact on the families of the men and women that will now work at Astoria Cove.

Not only has Alma Realty agreed to build and maintain the development with union workers, they have promised that more than 25% of the 1,720 apartments will be affordable. That will translate to some 430 affordable units – nearly 100 more than in the initial proposal. Yes, the approval of this project should once again give us reason for hope.

And, as we move forward we must not simply look at the number of affordable units we are going to create. We must also look at who and how these units are being built. We must be sure these new homes are built safely, on time and built to last.

If we are going to invest more than \$40 billion dollars we must be sure to pay decent wages and provide health, pension and other benefits. This is our chance to create new opportunities for thousands of working men and women who are being exploited every single day in this city. Working together we can create a pipeline to train and transform a new generation of skilled workers who deserve a shot at the American Dream. A chance to enter the middle class.

I urge the members of the Council to insist on the inclusion of the NYC Building Trades in this affordable housing initiative. This is an opportunity to open the doors to good wages, healthcare, pension, training and job protections. By doing this we will ensure safety and efficiency on the worksite and quality in the work. It will also re-open the door to a growing, vibrant, and resilient city.

The men and women who build affordable housing should not need to live in affordable housing.



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

**NYSAFAH Testimony on Housing NY
Hearing of the New York City Council Committee on Housing and Buildings
November 17th, 2014**

Good morning. My name is Alexandra Hanson and I am here on behalf of the New York State Association for Affordable Housing (NYSAFAH), the trade association for New York's affordable housing industry statewide. I would like to thank Chair Williams and the members of the Committee on Housing and Buildings for the opportunity to testify today on the Housing New York Plan.

NYSAFAH is the trade association for New York's affordable housing industry statewide. Our 350 members include for-profit and nonprofit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSAFAH's members are responsible for most of the housing built in New York State with federal, state or local subsidies.

NYSAFAH commends both the de Blasio administration's and the Council's attention to the critically important issue of affordable housing. The Housing NY Plan is an ambitious vision for affordable housing in New York City that seeks to address the City's current housing crisis. With over half of New York City's households officially rent burdened, and nearly 30% paying over half of their income toward rent, the need is urgent.

Since the Plan's announcement in May, HPD and HDC have been working tirelessly to implement this new vision. They continue to close deals and get shovels in the ground, while also undertaking the major tasks of implementing new programs and streamlining existing processes. Implementing a plan of this scale takes time – 10 years to recognize the full scope – and NYSAFAH commends the work that has been done thus far. We would like to take this opportunity to highlight a handful of Housing NY goals and NYSAFAH's recommendations on how to achieve them.

Mixed Income Development

New York City's affordable housing crisis affects households at multiple income levels. However, the existing Federal Tax Credit AMI restrictions coupled with limited subsidy has resulted in affordable housing development that has historically served a narrow income band. As a consequence, too many low and middle-income New Yorkers do not qualify. With significant needs at lower and higher AMIs, NYSAFAH applauds the commitment of the Housing NY Plan to serve the needs of a wider range of residents.

Mixed-income development helps foster economic diversity in New York City's neighborhoods, while also providing affordable housing for households with a range of incomes. It also helps ensure that buildings remain financially sustainable over time. Higher rents from units serving moderate and middle-income households help balance lower rents for extremely and very low-

income households. In addition to serving households at a range of incomes, this helps ensure the financial and physical health of New York City's affordable housing stock over time.

Eliminating Parking Requirements for Affordable Housing

One of the priorities of the Housing NY Plan is to unlock development opportunities and lower costs for affordable housing by reforming zoning. This initiative includes reducing parking requirements for affordable housing in highly transit accessible areas. The requirement to provide parking is a major financial drag on many affordable housing projects. These spaces often go unused by affordable housing tenants – among whom car ownership rates are extremely low – tying up funding that could otherwise be used to generate housing. In addition, underused parking occupies space that could better serve residents and the community, such as ground floor retail, green or community facility spaces, or children's play areas. The City should amend the Zoning Resolution to eliminate affordable parking requirements, particularly in areas accessible to transit.

Facilitating Senior Housing through Zoning

Another important goal of the Housing NY Plan to which we would like to draw attention is expanding and improving housing options for New York City's growing senior population, which is expected to increase by 40% by 2040. Enabling seniors to remain independently housed avoids more costly institutional care. However, direct federal funding for new senior housing has seen dramatic cuts over the past few years. It is critical that New York City use its housing resources as efficiently as possible to serve seniors.

The Zoning Resolution provides a density bonus for senior housing. However, only non-profit senior residences are allowed to receive the bonus under the current language, limiting the amount of senior housing that can be built. As part of the initiative to serve seniors, the City should amend the Zoning Resolution to expand eligibility for elderly housing benefits beyond "non-profit residences for the elderly" to include "dwelling units for the elderly" to facilitate increased production. By opening the program to a wider range of stakeholders in the affordable housing development community, the City can maximize opportunities to provide affordable independent living for seniors.

Facilitating Off-Budget Affordable Housing

As part of achieving the plan's 200,000 unit goal, off-budget affordable housing – defined as housing that is built without capital subsidies – should be facilitated whenever possible. In areas where rezonings or real estate tax incentives can cross subsidize affordable units the requirements for affordable housing should be sized to what can realistically be developed without the use of subsidy. Limited capital subsidies should be targeted to neighborhoods where development would not happen without this financial assistance from the City. These strategies will help the City maximize affordable housing production while ensuring that housing subsidy is used where it is needed most.

NYSFAFH looks forward to working with the de Blasio administration and the Council to serve New York City's communities through the production and preservation of affordable housing. I would like to thank Chair Williams the Committee on Housing and Buildings again for the opportunity to testify today and for your consideration of NYSFAFH's comments.

November 17th, 2014

Contact: Alexandra Hanson, Policy Director, NYSFAFH (646) 473-1209

Testimony by New York Legal Assistance Group (NYLAG)
before the New York City Council,
Committee on Housing and Buildings jointly with the Committee on
Community Development and the Committee on Land Use:

Oversight – Building Homes, Preserving Communities: A First Look at the Mayor’s
Affordable Housing Plan

October 14, 2014

Chair Ritchie Torres, Chair Arroyo, and Chair Greenfield, Council Members, and staff, good morning and thank you for the opportunity to speak about “Housing New York, A Five-Borough, Ten-Year Plan,” the Mayor’s in-depth affordable housing plan. I am Kamilla Sjödin,¹ an Associate Director at the New York Legal Assistance Group, a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBT community, Holocaust survivors, as well as others in need of free legal services.

¹ For full disclosure, I am a former counsel to the New York City Council Committee on Housing and Buildings and the, at that time, Subcommittee on Public Housing.

We are testifying today because we would like to commend both the Administration and the Council's recognition that New York has a current housing crisis. The Mayor's Housing Plan is thorough and recognizes the acute housing problems faced by New Yorkers, as well as the fact that there is no one solution, and that a multifaceted approach is the key. As a free legal services organization, we serve New York's poor and see every day how our most vulnerable clients are evicted and displaced, oftentimes having no place to go. Our work includes representing tenants citywide, as well as in Long Island and Westchester. We have specialized projects, including, but not limited to, work with victims of Superstorm Sandy, veterans, the terminally ill, the elderly, the LGBTQ population, domestic violence survivors, and people with minor children in the home. As such, our testimony is offered from the perspective that preservation of affordable housing is an absolute key to keeping people housed. We see daily what happens when the Marshal comes and locks a tenant out. We see mothers with small children who no longer have access to their children's formula or diapers, children who don't have a change of clothes to go to school, sick people who don't have access to their medication, all because they were locked out. We have even seen the Marshal lock out a paraplegic. When the Marshal comes, a tenant only has a few minutes to grab what they can before they are physically removed and the locks are changed. The process is humiliating and unnecessary and this happened nearly 30,000 times last year in the five boroughs alone.

In international human rights law the right to housing is regarded as a freestanding right. Article 25 of the United Nations Universal Declaration of Human

Rights declared in 1948: “Everyone has the right to a standard of living adequate for the health and wellbeing of his family, including food, clothing, housing and medical care and necessary social services...” In 1991, the International Covenant on Economic, Social and Cultural Rights reinforced the guaranteed right to housing as part of the right to an adequate standard of living.

Given these authoritative interpretations – spanning decades - of the right to housing in legal terms under international law, it is NYLAG’s contention that the housing crisis in New York City is a human rights crisis, and must be addressed as such. Poor tenants facing eviction in Housing Court have long faced egregious problems regarding equal recognition before the law. Too many tenants with a proper defense go unheard and face immediate homelessness, leading to costlier outcomes for them, and for the City of New York. Everyone has a fundamental human right to housing, which ensures access to safe, secure, habitable, and affordable homes with freedom from forced eviction. As the Mayor’s proposed housing plan implies, it is the government’s obligation to guarantee that everyone – irrespective of income or access to economic resources - can exercise this right to live in security, peace, and dignity.

One of the areas for which we would like to commend the Mayor is the increase in funding for legal services protections. Although, there has already been an increase in the number of people we can help, we believe that the right to counsel in Housing Court – just as in criminal court, should be made law in New York City. Without a codified right to counsel in Housing Court, this funding for legal services can be removed at any time, once again leaving tenants vulnerable.

Additionally, although the Plan has many excellent ideas and proposal, my fear is that they cannot be implemented quickly enough to preserve neighborhoods.

Gentrification of formerly affordable neighborhoods, particularly in certain areas of Upper Manhattan, Northern Brooklyn and Northwestern Queens, is pushing out the communities that have lived there for decades. Increased and preserved affordable housing in these neighborhoods is necessary to maintain the character and vitality of these historic areas. Low-income people and racial minorities are increasingly being pushed out of these neighborhoods, and the five boroughs altogether, an outcome that will have a truly negative affect on the City as a whole, Anecdotaly, I have occasion to visit the Washington Heights area regularly, and each time I am there, I can see the neighborhood changing: there are more young, white families walking with strollers, jogging or walking their dogs.. Just a few years ago, this neighborhood was predominantly Dominican and Latino.

Because of the urgency to preserve housing and neighborhoods, we would like to recommend that, in addition to what is already included in the Mayor's plan, those involved in working on its implementation further think outside of established norms and:

1. Officially recognize housing as a human right at the Federal, State and City levels;
2. Codify the right to counsel in Housing Court;
3. Consider more immediate solutions such as a stay of evictions, perhaps limited to a certain types of housing or neighborhoods, until more affordable housing units are available;

4. Call on the State to immediately repeal the State Urstadt laws, which restrict the City's ability to regulate rent-related matters, and give the City power to regulate rent stabilization; and
5. Implement a way for any housing plan proposals to be reviewed by an independent body that does not have a financial interest in the outcome of a given proposal.

We would welcome the opportunity to further discuss or comment on these matters in the future.

Thank you for the opportunity to testify today.

Respectfully submitted,

Kamilla Sjödin, Associate Director, Housing Law



Community Board 12M

530 West 166th St. 6th Floor— New York, NY 10032
Phone (212) 568-8500 Fax (212) 740-8197
www.nyc.gov/mcb12

FOR THE RECORD

TESTIMONY OF COMMUNITY BOARD 12, MANHATTAN

Housing and Human Services Chair – Richard Lewis
Presented at the Request of George Fernandez – Board Chair

VENUE: NYC City Council Committee on Housing and Buildings and the Committee on Community Development and the Committee on Land Use

RE: Hearing and Oversight on the Mayor's Affordable Housing Plan ("Housing New York: A Five-Borough, Ten-Year Plan")

LOCATION: Monday, November 17, 2014 at 10:00 a.m. in the Council Chambers, City Hall, New York, NY

Permit me to extend greetings to both City Council Committee Chairs and Committee members, members of the city administrations and all those present. I am here today to present the testimony of Community Board 12, Manhattan on the potential effects of the Mayor's Affordable Housing Plan ("Housing New York: A Five-Borough, Ten-Year Plan") as it relates to our community district that extends northward from West 155th Street in Manhattan to areas of Marble Hill in the Bronx, otherwise referred to as Washington Heights-Inwood. I am here at the request of Mr. George Fernandez, our Board's Chair and where I serve as Chair of the Housing and Human Services Committee. We were happy to receive your invitation to testify on this important affordable housing plan.

Before I begin, let me state that our board has not passed a resolution yet on the Mayor's Affordable Housing Plan ("Housing New York: A Five-Borough, Ten-Year Plan") but during the nearly four decade history of our board we have taken various consistent positions in our resolutions, some specific and some general on affordable housing in our district. This testimony then will briefly summarize those positions.

It has often been said that our nation is facing a housing crisis – a crisis based on income inequality, neighborhood deterioration, land use and zoning, mortgage and lending changes, increase in rent burdens, high unemployment and positional jobs shifts as we move from a traditional industrial or working class society to a more service class oriented one - to name a few challenges. Our community in Washington Heights and Inwood is not only facing a housing crisis, but also the lack of affordable housing in epidemic proportions. No affordable housing has been built in this district since 2002. This situation must change, but the Mayor's affordable Housing Plan offers little hope that it will or is a possible cure for us. The report fails to even mention our district in its case studies or even those communities where there has been little or no success in affordable housing. It does not even mention the role of community boards, and how a community district will be prioritized for new construction or rehabilitation in the next ten years. How then will this plan immediately rescue our community district?

There has been no new construction of affordable housing in Washington Heights and Inwood since 2002. That's a very long time. As we look at what housing has been built in other areas of the city from 2001 – a map would clearly show that we are being walled in with residential construction in the other boroughs and districts around and below us. Our community leaders have brought this matter to the attention of the city with negligible results. We have had rallies, marches, forums, committee hearings, district need statements, budget rankings, and position papers. Now we are here. Our district is faced with many distressed properties, ranks for the past three years as number one in Manhattan on the Public Advocate's Worst landlord's WatchLists. And on the current one nearly 40% of Housing Code violations in Manhattan are located in our district. (See attached table). In the recently released the 2013 State of NYC Housing &

Neighborhoods Report (the "Report") NYU Furman Center report we ranked number one compared to all community boards in these violations.

Given this fact, very few of our buildings have been placed in the Alternative Enforcement Program (AEP) and less in the Proactive Preservation Initiative (PPI) of HPD. Our properties are in rapid decay and this adds to the cost of running and managing them as well. Our population now is about 214,000. Its density ranks eight highest in NYC. According to the Furman Report, the annual income for 50% of the households in Washington Heights-Inwood is less than \$40,000 while 30% of households in the district earn \$20,000 or less. The Report also states that 34% of the households in Washington Heights-Inwood households are severely rent burdened and 49% of low-income renters suffer median rent burden.

For the past five years as we participated in city's budget deliberations affordable housing has been ranked number one as a capital request, but yet there is no new construction. All this is happening as other communities are getting more structures built where we have none. So that there is no confusion here what I emphasizing is that we want is a fairer distribution in new construction, preservation and rehabilitation.

Our community has one of the lowest Average Median Income (AMI) in the city. Any AMI needs to reflect and be adjusted to the specific community district and not the US Census SMSA (Standard Metropolitan Statistical Area) or even the entire NYC AMI as those conditions would otherwise incorporate wealthier communities.

There is a myth about the lack of vacant land in CB 12, M. From a preliminary study we have undertaken and one done by the Manhattan Borough President's Office some years ago we have determined there is sufficient vacant land for heavy construction of affordable housing units in our community. That preliminary report is available on request.

This rubric type table and overview below reflects the basic needs of Community Board 12, Manhattan for Affordable Housing and can serve as an assessment tool to determine progress in the administration's ten year' plan for our Community District. These numbers and conclusions are statistical, not formulaic and can lead to resolving our district's lack of affordable housing --the epidemic I spoke earlier about. So for the sake of time let me highlight some solutions.

A. Number of New Affordable Housing Units Needed	B. Number of New Affordable Housing Buildings Constructed Each Year*	C. Number of Vacant Lots Available in Community District 12 Manhattan	D. Number of Parking Lots in CD 12, M to be Used for Affordable Housing	E. Super Spaces for New Affordable Housing buildings**	F. Number of Affordable Housing Buildings to be Rehabbed	G. Mandatory Inclusionary Housing Ratio	H. 60 % preference given to current CD12, M residents
20,000	200	500***	100	2	2,000	50:50	Yes

I. Percentage AMI Adjustment to NYC Specific to CD12, M	J. New Rents Need to be fixed at 30% of Household income or less	K. Average Apartment Sizes in Units Constructed	L. Rent Stabilized Units	M. Maximum stories built with Minimum Density	N. FAR and setbacks	O. Percentage Contextual and Non-Contextual Design	P. Infrastructure Expansion Needed (Gas, Water, and Electricity)
Less Than \$40,000****	Yes	Two Bedrooms	50% or greater	TBD	TBD	TBD	Yes

* Multiple small lots needed to be bundled.

** Sherman Creek and the MTA Subway Depot.

*** Preliminary Study Underway.

**** The annual income for 50% of households in CB 12, M is less than \$40,000 while 30% of households earn \$20,000 or less – NYU Furman Center.

TBD = to be determined.

Finally, there is a serious error in the "Housing New York: A Five-Borough, Ten-Year Plan" statements on the 421-a Certificate Program and Eligibility. The report states:

"In addition, the "certificate program," which allowed off-site affordable units to generate 421-a benefits for market-rate GEA units, was eliminated. At present, only buildings receiving substantial governmental assistance pursuant to an affordable housing program, those that set aside at least 20 percent of their units as affordable, and projects that purchase negotiable certificates from agreements executed prior to December 28, 2007, are eligible for 421-a benefits in the GEA. See Pages 88 and 106 ("Housing New York: A Five-Borough, Ten-Year Plan")

However, HPD through HDGC continues to use and sell "Negotiable Certificates" from affordable housing developers who still hold these legacy certificates and gives credit to different luxury developers with no requirement to build onsite affordable housing and still be eligible for 421-a tax benefits. There is also no sufficient community board oversight, or requirement that HPD has over this process such that either body can reject such a transfer of credits for 421-a eligibility. The 421-a law needs reform in this area. So we have called for a complete moratorium over the sale of these legacy negotiable certificates of eligibility as credits to any 421a tax abatement for affordable housing from developers who build only on site luxury housing in CD 12, M. This extended moratorium would therefore include those "negotiable certificates from agreements executed prior to December 28th, 2007" that are not directly sold or use for building on site affordable housing. (Note: This report will be sent to the Joint Council Committees as part of this testimony).

CB12, M PROPERTIES ON THE WORST LANDLORDS WATCH LIST - RANKINGS FOR 2014

Quick Summary - Community District vs Manhattan Rankings

BUILDING	COMPANY	HEAD OFFICER	VIOLATIONS	CD	Rank-C	Rank-M
438 WEST 164 STREET	440 W. 164TH STR. HDFC	GLORIA HOPSON	493	12	1	2
2461 AMSTERDAM AVENUE	2461 AMSTERDAM I - LLC	ROBERT KLEHAMMER	447	12	2	3
99 MARBLE HILL AVENUE	NUSSBAUM REALTY COMPANY L.L.C	ERIC NUSSBAUM	326	12	3	12
900 RIVERSIDE DRIVE	900 RIVERSIDE DRIVE LLC	SOLOMON GOTTLIEB	315	12	4	13
20 BOGARDUS PLACE	L&H REALTY LLC	YEHUDA LEVI	294	12	5	18
509 WEST 212 STREET	DMARC 2007-CD 5212	DAVID SORISE	284	12	6	21
160 WADSWORTH AVENUE	4260 BROADWAY CONDOMINIUM	BONNIE SINGER	267	12	7	23
1091 ST NICHOLAS AVENUE	165 ISKAY ASSOCIATES LP	MICHAEL BISHAY	265	12	8	26
88 SEAMAN AVENUE	88 SEAMAN AVENUE LLC	MICHAEL MOSKOWITZ	263	12	9	27
192 NAGLE AVENUE	ONE NINE DEUCE ASSOCIATES LLC	JASON KORN	258	12	10	29
58 MARBLE HILL AVENUE	CHAMP HILL CO LLC C/O EMANUEL POLLAK	EMANUEL POLLAK	247	12	11	37
3660 BROADWAY	3660 BROADWAY BCR LLC	KOBI ZAMIR	238	12	12	39
461 AUDUBON AVENUE	SEAMEN AUDUBON ASSOCIATES LLC	ROBERT RAPHAEL	237	12	13	40
3565 BROADWAY	3565 ASSOCIATES LLC	MICHAEL F BISHAY	234	12	14	41
4329 BROADWAY	1963 CORP	BASHKIM CELAJ	223	12	15	47
1551 ST NICHOLAS AVENUE	1551 ST NICHOLAS LLC	ZAHAVA KADOSH	223	12	16	48
516 WEST 175 STREET	CITY OF NEW YORK HPD	PATRICIA JORDAN	222	12	17	49
562 WEST 193 STREET	81 REALTY COMPANY	JOSEPH PODOLSKI	221	12	18	50
541 ISHAM STREET	BIH REALTY CORP	BASHKIM CELAJ	215	12	19	52
657 WEST 161 STREET	161 HOLDING LTD	SHIMON GREISMAN	210	12	20	56
20 LAUREL HILL TERRACE	LAUREL UPTOWN TWO REALTY LLC	BARRY RUDOFSPY	209	12	21	57
544 ACADEMY STREET	STEB REALTY CORP	SHIMON GREISMAN	205	12	22	58
4260 BROADWAY	4260 BROADWAY CONDOMINIUM	MEYER JEGGER	205	12	23	59
4221 BROADWAY	701 WEST ASSOCIATES LP	MICHAEL F BISHAY	204	12	24	61
184 NAGLE AVENUE	184 NAGLE AVENUE HOLDINGS LP	MARY S STAINKEY	204	12	25	62
23 VERMILYEA AVENUE	PALATIAL COMP LLC	JAY RAND	204	12	26	63
452 FT WASHINGTON AVENUE	DOROTHEA LEVINE	ALAN HEUSSINGER	197	12	27	69
1281 ST NICHOLAS AVENUE	NOKIT REALTY CORP	SIMON HABERMAN	197	12	28	70
57 AUDUBON AVENUE	521 PROPERTIES LLC	ANTHONY TSENTIDES	194	12	29	71
1291 ST NICHOLAS AVENUE	R.G. ORTIZ FUNERAL HOME INC	MICHAEL C. ORTIZ	191	12	30	73
1981 AMSTERDAM AVENUE	499 WEST 158TH STREET HDFC	DAWN EPPS	190	12	31	75
533 WEST 158 STREET	158 MANAGEMENT LLC	DAVID HAKAKIAN	185	12	32	79
5 CABRINI BOULEVARD	CABRINI BLOCKFRONT LLC	NATHAN SILVETSTEIN	182	12	33	81
1430 ST NICHOLAS AVENUE	1432 ST NICHOLAS AV L.L.C	MOSHE KATZAV	180	12	34	82
268 CABRINI BOULEVARD	RIVERSIDE GROUP LLC	STEVEN KURLANDER	174	12	35	90
3661 BROADWAY	601 WEST 151ST ST LLC	BRUCE HALEY	173	12	36	92
260 FT WASHINGTON AVENUE	SHALYN REALTY CORP	MARCI TETELLBAUM	172	12	37	95
90 PINEHURST AVENUE	90 PINEHURST LLC	NATHAN SILVERSTEIN	167	12	38	102
541 WEST 158 STREET	158 MANAGEMENT LLC	DAVID HAKAKIAN	167	12	39	103
3854 10 AVENUE	CONF REALTY CORP	JULIAN RODRIGUEZ	166	12	40	104
539 WEST 160 STREET	539 W 160TH ST HDFC	REINA GUICHARDO	166	12	41	106
495 WEST 186 STREET	NUSSBAUM ASSOCIATES COMPANY LLC	RICARD NUSSBAUM	164	12	42	109
455 FT WASHINGTON AVENUE	455 WASHINGTON AVE ASSOCIATES LLC	ROBERT M GERSHON	162	12	43	110
522 WEST 174 STREET	CITY OF NY/DAMP	KEVIN MURPHY	161	12	44	111
605 WEST 182 STREET	KALABRITA LLC	CONSTANTINA KATECHIS	157	12	45	121
476 WEST 165 STREET	MGS ASSOCIATES INC	JEAN SAINT-CYR	156	12	46	122
3671 BROADWAY	BROADWAY HEIGHTS LLC	TINA GEORGI	153	12	47	127
238 FT WASHINGTON AVENUE	71 WASHINGTON EQUITIES LTD	GEORGE HUANG	153	12	48	128
45 CABRINI BOULEVARD	45-53 CABRINI OWNERS CORP CO STREM MGMT	HOWARD LANDMAN	152	12	49	130
525 WEST 158 STREET	RAINBOW RIDGE LLC	HENRY TING	152	12	50	131
4996 BROADWAY	BROADWAY INWOOD CORPORATION	GEORGE HUANG	150	12	51	133
200 NAGLE AVENUE	ONE NINE DEUCE ASSOCIATES LLC	JASON KORN	150	12	52	134
620 WEST 182 STREET	620 WEST 182ND STREET HEIGHTS ASSOC LLC	JORGE PINEDA	149	12	53	137
573 WEST 183 STREET	HEI STUDIOS CORP	HUGO JUAREZ	149	12	54	138
1993 AMSTERDAM AVENUE	1993 AMSTERDAM AVE HDFC	DONNA R GATHERS	146	12	55	146
656 WEST 178 STREET	656 REALTY CORP	BASHKIM CELAJ	146	12	56	147
130 WEST 228 STREET	CHAMP 228 CO	EMANUEL POLLA	144	12	57	152
66 VERMILYEA AVENUE	NY HOLDING CO. ASSOC	STEVEN OSTER	143	12	58	155
321 WADSWORTH AVENUE	WEST 189 LLC	BITA SASSOUNI	142	12	59	157
600 WEST 157 STREET	FIRM ASSETS INC	OSWALDO RABANAL	142	12	60	160
123 VERMILYEA AVENUE	123 VERMILYEA CORP	GERALD LIEBMAN	140	12	61	163
111 WEST 225 STREET	CHAMP-MARBLE COMPANY C/O E POLLACK	EMANUEL POLLACK	138	12	62	170
725 WEST 172 STREET	L.C.S. ENTERPRISES INC	GEORGE HUANG	137	12	63	174
595 WEST 207 STREET	595 WEST 207 ASSOCIATES LLC	GEORGE HUANG	137	12	64	175
4197 BROADWAY	STELLAR WEST 178 LLC	LAURENCE GLUCK	136	12	65	176
512 WEST 156 STREET	512 WEST 156TH STREET HDFC	MARTA GOMEZ	136	12	66	180
1252 ST NICHOLAS AVENUE	572 W 173RD STREET REALTY CORP	AVRAHAM DISHI	135	12	67	182
545 WEST 158 STREET	545-547 WEST 158 ST ASSOCIATES LTD	OSWALDO RABANAL	135	12	68	183
537 WEST 158 STREET	158 MANAGEMENT LLC	DAVID HAKAKIAN	134	12	69	188
549 WEST 163 STREET	549 W 163RD ST HDFC	YESENIA REYES	134	12	70	189
2104 AMSTERDAM AVENUE	YUEN FA REALTY CO	KAI CHUNG	133	12	71	190
535 WEST 162 STREET	535 W 162ST OWNER LLC	JOEL GOLDSTEIN	131	12	72	200

Rank-C = Community Board 12 rankings

Rank-M = All Manhattan rankings

Thank you for listening to this presentation and are there any questions?



HOUSING JUSTICE

DATE:

Friday, December 5, 2014

TIME:

9:00 a.m. – 4:30 p.m.

(registration to begin at 8:30 a.m.)

LOCATION:

New York Law School

185 West Broadway New York, NY

Auditorium A014

(Corner West Broadway and Leonard St.)

SCHEDULE:

8:30 a.m. Registration

9:00 a.m. Welcome, Opening Remarks,
and a Short Video

10:00 a.m. Bar Leaders Panel

11:00 a.m. Community Voices Panel

Noon Lunch and Press Conference

1:00 p.m. Panel of Experts on Housing,
Homelessness, and Social
Services

2:00 p.m. Panel of Experts on the
Administration of Justice

3:00 p.m. Panel of Experts on National
and International Experience

4:00 p.m. Closing Remarks

A Public Forum on New Yorkers' Right to Counsel in Eviction Proceedings

The New York City Council is considering legislation that would make New York City the first place in the United States to establish a right to counsel in eviction proceedings. Join us to hear from bar leaders, judges, community members, and other experts on the impact that the right to counsel would have on housing and homelessness, public welfare, and the administration of justice and to hear what we can learn from experiences throughout the country and around the world.

SPEAKERS (list in formation): **Hon. Jonathan Lippman**, NY Court of Appeals; **Dean Anthony Crowell**, NYLS; **Cathy Albisa**, Nat'l Econ. and Social Rights Initiative; **Susanna Blankley**, Community Action for Safe Apartments; **Shanequa Charles**, CASA; **Martha Davis**, Northeastern LS; **Matthew Desmond**, Harvard; **Randy Dillard**, CASA; **Kate Donald**, Ctr. for Econ. and Social Rights; **Joshua Goldfein**, Legal Aid Society; **Risa Kaufman**, Columbia LS; **Glenn Lau-Kee**, NYS Bar Association; **Jenny Laurie**, Housing Court Answers; **Patrick Markee**, Coal. for the Homeless; **Sateesh Nori**, LAS; **John Pollock**, Nat'l Coal. for a Civil Right to Counsel; **Debra Raskin**, NYC Bar Assoc.; **Alan Rothstein**, NYCBA; **Andrew Scherer**, NYLS; **David Udell**, Nat'l Ctr. for Access to Justice; **Tom Waters**, Community Serv. Society; **Mary Zulack**, CLS

HOSTED BY: The Impact Center for Public Interest Law at New York Law School

RSVP by December 1, 2014, at www.nyls.edu/housingjustice or call 212.431.2305.

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David J. Woodlock, MS, President/CEO

Chris Copeland, LCSW, Chief Operating Officer

Dewey Howard, CPA, Chief Financial Officer

TILLARY STREET WOMEN'S SHELTER
200 Tillary Street
Brooklyn, NY 11201
P: 718-855-7485
F: 718-855-1316

Good afternoon. I am Christina Mansfield from ICL (Institute for Community Living), a large behavioral health treatment and housing provider. I am the Senior Vice President for Transitional services including shelters, children's and family programs, and HIV services. I very much appreciate the opportunity to testify before you today. I would like to speak about the need for new funding of Supported Housing programs for families—families that are headed by parents living with Severe Mental Illness.

Our State Office of Mental Health Supported Housing is predominantly funded for single adults. The very limited housing currently available for families headed by parents with Severe Mental Illness requires that the head of household be literally homeless at the time of admission. There is no place in our current housing for a family to receive extra support while remaining intact. The only options are for a family to hit the rock-bottom of becoming homeless or involving ACS in order to qualify for housing through those systems.

ICL operates Emerson-Davis, a 16 family Treatment Apartment program. These families must be literally homeless with the parent having Severe Mental Illness upon admission to qualify. These families receive intensive services from their Case Manager, including linkages to mental health treatment, school support etc. We are extremely proud of the programming we provide. Emerson's outcomes appear to be significantly better than those identified in the literature – Since January 1, 2009 Emerson has served a total of 46 families. 96% of those served at Emerson remained intact and/or reunified on-site.

Most powerfully, success at Emerson appears to support success beyond the congregate site. Among residents who exited the single-site program from January 2009 through 2014 (31):

- 92% (23 of 25) of residents who were discharged from the program intact have remained intact.

I would like to share one family's story: a young woman struggling with bipolar disorder received State Office of Mental Health Residential Treatment Facility services for several years as a teenager. When she became an adult, she moved into an adult Community Residence operated by ICL. She is a motivated and resilient young woman who worked hard to avail herself of the service options available to her. At the age of 19 she became pregnant and wanted to keep the baby. We worked with her to identify family housing options and found there were none that offered the level of support this young family would need. The only way to get her into housing given our current system was for her to go into a homeless shelter upon the birth of her baby. Lucky for her, her mother was able to care for the baby for a few weeks while her paperwork was processed through the system. Then she was admitted to our Emerson-Davis Treatment Apartment Program. I am very pleased to say that the baby is almost 1 and he is a beautiful, healthy, happy child, the young woman is a great mom, and this family has a bright future. Without the support of staff and a 24/7 program helping her, the odds are not good that this family would have been able to stay together, much less thrive.





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200 Tillary Street
Brooklyn, NY 11201
P: 718-855-7485
F: 718-855-1316

While there is no funding for family Supported Housing, we recognized the desperate need and created 49 apartments for families, using a modified version of individual supported housing. However, this is not a financially sustainable model.

As apartment rental costs have continued to rise, the funding for SH apartments has not kept pace. Currently we receive \$15,043 per year to house and provide case management services for each client. We do not receive any additional funding to support a family versus a single individual client. The maximum rent we can pay for each 1 bedroom apt is \$1215 and \$1440 for a 2 bedroom apt. The only way agencies such as ours have been able to manage financially is to rent 2 bedroom apartments and have 2 paying consumers share them.

This is not an option for families. Thus we absorb the cost of the additional rent and case management services for a family. We need to locate our family housing in neighborhoods that have full access to physical and mental health services as well as excellent schools to serve our children.

My specific request of you today is funding for Family Supported Housing through the State Office of Mental Health. The need is great. Ideally I would ask for 100 additional apartments to be funded.

Thank you.

Christina Mansfield, LCSW

Senior Vice President, Transitional services

ICL

125 Broad St 3rd floor

New York, NY 10004

(212)385-3030 x10015

cmansfield@iclinc.net

CATHOLIC COMMUNITY RELATIONS COUNCIL

Testimony before the New York City Council: "A First Look at the Mayor's Affordable Housing Plan"

**Joseph Rosenberg, Executive Director of the Catholic Community Relations Council
November 17, 2014**

Good morning, I am Joseph Rosenberg, the Executive Director of the Catholic Community Relations Council ("CCRC"), a not for profit corporation established by the Archdiocese of New York and the Diocese of Brooklyn in 2008 to represent the Church on local legislative and policy matters before the Mayoral Administration and the City Council. I'm pleased to be here today to testify in strong support of the Mayor's ten year, 200,000 unit housing plan.

We can all agree that our City remains desperately in need of affordable housing. The current crisis threatens the basic human right to decent housing. We see the results in the displacement of families and the explosion of the homeless population living on our streets. The Mayor's Housing New York Plan recognizes the challenges facing New York and creates an ambitious blueprint to help confront and resolve these issues. Moreover, it also identifies and creates a solid strategy for fostering job growth and revitalizing the economy of the City's neighborhoods.

Providing assistance to the poorest and most vulnerable New Yorkers has long been a priority of the Catholic Church. Consistent with that mission is the continuing focus on preserving and developing affordable housing for the residents of our City. During the last several decades, the Archdiocese of New York and the Diocese of Brooklyn through Catholic Charities, parishes and community based organizations have developed and preserved thousands of housing units for the working poor, the elderly, the homeless, and people with special needs. The Church's history of providing housing has been a long and successful one and the commitment to provide continuing relief remains strong.

Housing developed by the Archdiocese of New York in the 1970's and 1980's was sponsored by local parishes and community organizations and resulted in the construction of more than 1,500 affordable housing units in the Lower East Side of Manhattan and the West Farms neighborhood of the Bronx. Over the last two decades 1,700 housing units were constructed by the Highbridge Community Development Corporation in the Bronx, a community based organization affiliated with the Archdiocese of New York. Highbridge's commitment continues to this day with the current construction of a 62 unit low income project for the elderly on City owned land financed by HUD, New York State, New York City, the City Council and the Bronx Borough President.

The development and preservation of low income housing remains a priority for the Archdiocese of New York which through the Institute of Human Development ("IHD"), the housing affiliate of Catholic Charities, has leveraged over \$300 million in government funding to rehabilitate and preserve more than 2,200 units of affordable housing in the Bronx, Manhattan and Staten Island over the last ten years.

The Diocese of Brooklyn has demonstrated an equally strong commitment. In Queens and Brooklyn, Progress of Peoples Development Corporation ("POP"), the housing entity of Catholic Charities of the Diocese of Brooklyn has completed more than 3,500 housing units since 1975. They have been the largest developer and provider of federally financed Section 202 low income housing for seniors in New York City.

In addition to constructing 2,300 units of low income housing for senior citizens in 25 developments, POP has also developed 1,060 units of housing for low income families and over 400 units of supportive housing for formerly homeless individuals in neighborhoods such as Fort Greene, Williamsburg, Ocean Hill, Jamaica and Far Rockaway.

In 2013 POP celebrated the opening of 160 new affordable apartments for families in Ocean Hill and for seniors and the developmentally disabled in Howard Beach. POP's most recent preservation initiative is Caring Supported Housing, a 205 unit portfolio of supportive housing for the formerly homeless located on three sites in Williamsburg, Prospect Heights and Bedford Stuyvesant. When construction is completed, tenants will have an efficiency apartment with a kitchenette and a bath. In addition, POP is adding 28 new apartments to the portfolio by converting underutilized space to apartments.

As you can see, the continuing focus on affordable housing remains a priority for the Church throughout the 5 boroughs of our City.

There are many obstacles to the development and preservation of affordable housing in New York City. In order to facilitate new construction, we are pleased to see a commitment in the Mayor's Housing Plan to modify outdated parking requirements. We concur that these restrictions should be lifted to allow the development of additional units on underused parking areas, especially those near public transportation. Likewise we look forward to working with the City and the Council to identify and develop underused publicly and privately owned sites adjacent to church owned lots. The assemblage of such properties is certainly an opportunity to maximize the development of affordable housing. We also urge that the City provide forgivable pre-development loans to foster the demolition of obsolete existing structures on Church owned sites. Such a program would help spur new construction instead of exhausting scarce existing funds for costly site preparation and demolition.

Both the Archdiocese of New York and the Diocese of Brooklyn strongly support the Mayor's call for continuing and expanding the NY/NY program, a very successful joint State/City initiative which has financed the development and operation of thousands of supportive housing units since the 1990's.

In closing, we are pleased that the Mayor has made the preservation and construction of 200,000 affordable housing units one of his major priorities. We look forward to working with the Mayoral Administration and the City Council as partners on this far reaching and absolutely essential Housing Plan.

Thank you.



Urban Justice Center

123 William Street, 16th Floor, New York, NY 10038
Direct: (646) 459-3000 • Fax: (212) 533-4598

**Testimony of Harvey Epstein before the
New York City Council Committee on Housing and Buildings
Concerning the Mayor's Affordable Housing Plan
*November 17, 2014***

Good morning. My name is Harvey Epstein and I am the Associate Director of the Urban Justice Center, as well as the Director of UJC's Community Development Project. CDP commends the Administration for its ambitious housing plan, and for its focus on both preserving and increasing the number of affordable units in the city. At the same time, we have concerns about how the plan will be implemented and how it will impact this city. We urge the Administration to increase its commitment to protecting the rights of rent-regulated tenants, to carefully weave new units into the fabric of the communities that will receive them, and to ensure that newly developed housing is affordable to those who need it most.

The Community Development Project formed in September 2001 to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities by winning legal cases, publishing community-driven research reports, assisting with the formation of new organizations, and providing technical and transactional assistance in support of their work towards social justice. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions. For more than 10 years, CDP has offered legal services and support on housing issues to community non-profits, groups, and individuals in low-income NYC neighborhoods.

We applaud the Mayor's new plan, particularly because it departs from the prior Administration and prioritizes both preserving the existing affordable housing stock and constructing new affordable units. Preserving affordable housing is a crucial part of ensuring that the city retains the working- and middle-class residents that form the backbone of the city's economy. We ask the Administration to work closely with advocates, attorneys, and community members in devising real plans to preserve the existing stock and to provide the resources needed to stop the loss of affordable apartments.

The Administration's plan emphasizes the need to protect rent-regulated tenants more aggressively, a goal that CDP fully supports. CDP is a member of Stabilizing NYC, a coalition of grassroots, community-based organizations that seeks to preserve the existing rent stabilized housing stock by holding predatory equity landlords accountable. All too often, investment companies purchase buildings for exorbitant sums that can only be

recouped if rent-regulated tenants are pushed out. On a daily basis, through their organizing efforts our community partners witness the loss of affordable, rent stabilized housing. Through CDP's litigation efforts in support of our community partners, we strive to harness existing law to halt the loss of affordable housing at the hands of aggressive investment companies that do not respect the rights of their tenants and will do anything to meet their bottom line. Whether by hiring thugs known as "relocation specialists" to harass tenants, creating health and safety hazards by illegal and dangerous construction in occupied buildings, using illegal fees and Major Capital Improvements to nickel and dime tenants, or withholding repairs and essential services, unscrupulous investors can make tenants' lives unbearable.

Units are lost every day because tenants can't withstand the pressure. Stabilizing NYC is working to educate tenants about their rights and defend tenants from landlords' unlawful pressure tactics. By focusing on predatory equity landlords with units in multiple boroughs, we are helping to build a movement to defend tenants from exploitation and displacement. Thus, we fully support the Mayor's initiatives to strengthen the enforcement of the Housing Maintenance Code, improve the way HRA works, and impose a rent freeze for rent stabilized units.

However, we ask the Mayor to go a few steps further. First, the scales of justice are woefully uneven when it comes to Housing Court—the most powerful available to predatory equity landlord's hoping to secure a vacant unit. While approximately 95% of landlords have attorneys, between only 1% and 5% of tenants are represented, and landlords' attorneys use every opportunity to exploit tenants' relative ignorance about the legal system. Even when a tenant is reasonably knowledgeable about the law, the time and energy it takes to appear in court all day, once a month, every month over the course of years can wear out even the most resolute tenant. Therefore, we ask that this Administration support NYC Tenants' Right to Council to ensure that every income-eligible tenant in NYC has an attorney in court. Second, we ask the mayor to go beyond endorsing a 0% rent increase and to instead support a rent rollback for rent-regulated tenants. Lastly, the Administration must increase DOB's capacity to enforce the law against unscrupulous landlords who use invasive and unsafe construction practices to create health hazards for tenants and push them out of their homes. Tenants who report violations to the DOB should be able to rely on DOB inspectors to come investigate and resolve problems quickly, and the DOB should be more rigorous in enforcing penalties against landlords who fail to maintain safe, livable conditions for tenants.

We also fully support the Mayor's plan to preserve New York City's other major source of affordable housing: public housing. We commend the Mayor for his initiative in suspending NYCHA's payment to the NYPD and instead dedicating these funds to much-needed repairs and improvements in public housing. We ask that the mayor make this a permanent policy, as part of a broader commitment to spending more money for capital improvements and repairs in aging NYCHA buildings; every New Yorker deserves to live in a home in good condition. We further urge the Administration to tread very carefully with regard to any proposals to develop new housing on NYCHA grounds as a way of subsidizing budgetary shortfalls. While we acknowledge that the city needs to

think creatively about new funding streams to improve NYCHA buildings, we are concerned about any plans that would result in loss of amenities and public space for NYCHA residents. Development plans should not change the fabric of these historic affordable housing communities without real and meaningful input and visioning from advocates and especially the residents themselves.

This same sensitivity to the needs of longtime residents should guide the Mayor's plan for new development. Increasing development in this city while "fostering diverse and livable neighborhoods" will require increasing density. However, any plan for building new units should be carried out with an emphasis on quality, not just quantity. In the context of affordable housing, this means that units must be truly affordable to those who need them most, inclusionary zoning should be mandatory throughout the New York City, and the city must make sure it gets its money's worth when it extends subsidies to developers to create affordable units.

CDP is part of a coalition that is working to reform the 421(a) tax subsidy and inclusionary zoning programs to better achieve these goals. First, the city should create an inclusionary zoning program that makes the development of affordable housing the cost of doing business anywhere in the city—not only in neighborhoods where developers are seeking upzonings. Second, the mandatory inclusionary zoning (MIZ) program must be reformed to require developers to build units for people in greater need—those whose incomes are 30-50% of the Area Median Income (AMI). In its current form, the program permits developers to receive density bonuses for developing "affordable" housing that will be unaffordable to any of the low-income residents who have long lived in the neighborhood. Requiring deeper levels of affordability will close this gap, helping to ensure that low-income people are not displaced by the very projects designed to protect them. At the same time, making the AMI requirements for the MIZ program different and lower than those for the 421(a) program will help ensure truly mixed-income neighborhoods. Finally, developers should not be allowed to "double dip" through the MIZ and 421(a) programs. At present, developers may receive both a tax abatement and a density bonus for a single set of affordable units. This practice undermines the goal of creating more affordable housing, and the city should demand more of a return on the incentives it extends to developers. Through all of these reforms, the city can ensure that each new development represents true opportunity for low-income New Yorkers.

CDP supports the Administration's ambitious goal for the preservation and development of new affordable units, and we urge the Administration to look to communities for creative solutions to the challenges ahead. One such solution is being offered by a coalition lead by CHHAYA CDC in Queens, of which CDP is a part. The campaign, Basement Apartments Safe for Everyone (BASE), seeks to legalize existing units that have some square footage below street level. The campaign arose out of the coalition's recognition that throughout the city, home-owners—especially those at risk of foreclosure—often rent out illegal basement dwelling units to tenants. These units make up a significant source of affordable housing in New York City, especially for working class immigrants, but because such units fall outside the legal housing market, tenants have

few rights and it is difficult to ensure that the units are adequately maintained. Legalization and regulation of these units would preserve and improve upon a valuable “underground” housing stock without dramatically increasing density in a neighborhood. This policy would also stabilize communities, helping homeowners increase their legitimate income and avoid mortgage foreclosures while providing important protections to tenants currently living in these affordable units.

Once again, thank you for the opportunity to testify.

President
Cathedral Gardens Condominium Non-College Board of Managers
352 West 110th Street, New York, NY 10025
condo352@gmail.com

November 17, 2014

Re: Testimony for the Oversight Hearing on “Building Homes Preserving Communities: A First Look at the Mayor’s Affordable Housing Program
“ Held Jointly by the Committees on Housing and Buildings, Community Development, and Land Use (T2014 – 1268)

Dear Chairperson Williams,

My name is Belina Anderson. I am the President of the Cathedral Gardens Condominium residential board of managers. Cathedral Gardens Condominium was an affordable housing project developed under the auspices of the NYC Housing Preservation and Development agency (“HPD”).

Speaking on behalf of the resident unit owners of Cathedral Gardens, **we urge the City Council to stop affordable housing from becoming “lemon housing.”**

Too often, the fruit of affordable housing programs are “lemons” – shoddy construction. The low and middle-income home owners the City intends to help are, instead, saddled with buildings that have major structural defects that cost staggering amounts of money to repair – *sometimes millions of dollars* to repair.

Instead of the intended beneficiaries of affordable housing programs being helped, they become casualties of these programs. The limited spare time and resources of volunteer condominium boards are strained by managing major building problems. Homeowners also may have problems getting home equity loans, refinancing their mortgages and/or selling their apartments, because their properties are burdened with these issues.

Their homes are often the most valuable asset they have and they struggle to maintain its value. But they have little recourse to recover their damages for construction defects, except for costly, time consuming lawsuits against the developers who are shielded from liability by using shell companies.

In short, developers awarded affordable housing projects purchase City-owned land below market value, receive subsidized financing, use low quality materials and unskilled labor, cut every corner possible, build in haste, sell the units, pocket the profits, then walk away and don’t look back at buildings that can’t even keep out the rain.

This cannot be a business model that gets the City’s blessing – or taxpayer money.

What can the City Council do? Insist that HPD enforce the contracts between HPD and developers. **We urge HPD take a “look back” – a *hard* “look back” - at the performance of developers.** HPD should do a post-completion evaluation of the quality of construction before

unit owners take occupancy. In addition, because construction defects may be latent, meaning they do not become apparent for years, post-construction evaluations should also take place two and four years after construction. These evaluations should be used to keep prevent poor performing developers from being eligible for new projects.

What should HPD do if a developer builds a defective building? HPD sells the land to developers pursuant to land disposition agreements that include project requirements. Developers also receive loans with compliance requirements. HPD should enforce those contracts against developers that breach those contracts. In addition, HPD should enforce the regulations that exist to ensure regarding developers' qualifications and integrity. If such legislation is needed, please pass it.

It's simple. **The City's message to developers should be: Build it right or get out of the affordable housing business.**

It's not just HPD that should rate developers, by the way. Other entities within the affordable housing community should coordinate their performance evaluations. The NYC Lower Economic Development Corporation, the Community Preservation Corporation and other lenders in the affordable housing community should all be committed to working together to use only developers with good track records.

We present Cathedral Gardens Condominium as a good example to consider when evaluating affordable housing policy. Cathedral Gardens was a project developed under the auspices of HPD as part of the Cornerstone Program.

HPD awarded Cathedral Gardens Condominium project to Artimus Construction, Inc. HPD sold City-owned land to Artimus, which received a construction loan from the Community Preservation Corporation. HPD also provided Artimus a subsidy of \$665,000 by means of an enforcement mortgage that HPD agreed to forgive if Artimus complied with the terms of the Cornerstone Subsidy Agreement. (A pause here to state that, despite FOIL requests, HPD has provided a copy of this Cornerstone Subsidy Agreement, even though HPD has released that mortgage.)

Cathedral Gardens Condominium showed symptoms of structural defects after the unit owners took occupancy in 2006. The unit owners sought assistance from HPD, but HPD has not taken any enforcement action against Artimus that has resulted in monetary relief to the owners.

In order to have any hope of recovery for damages, the unit owners were compelled to file a lawsuit against Artimus alleging breach of contract based on the construction defects. **Why hasn't HPD sought to enforce ITS contracts with Artimus – the Land Disposition Agreement and the Cornerstone Subsidy Agreement?** HPD has left the unit owners to go it alone in the lawsuit, which has been pending for closing to six years. In the meantime, Artimus continues to be awarded new projects, including, recently, a project at Frederick Douglass Circle on 110th Street awarded by the NYC Economic Development Corporation.

Respectfully submitted,


Belina Anderson

HOUSING JUSTICE:

New Yorkers Should Have a Right to Counsel in Eviction Proceedings

New Yorkers do not now have a right to counsel in eviction proceedings.

- ② More than 90% of the landlords who bring eviction proceedings are represented by lawyers.
- ② More than 90% of the tenants who face losing their homes in eviction cases are forced to represent themselves because they cannot afford or obtain counsel.
- ② The stakes are high in eviction cases. Not only do tenants face losing their homes, in a tight housing market with less and less affordable housing they face the likelihood that they will become homeless.
- ② Eviction cases are complicated, move fast and are highly technical; it is very difficult, if not impossible, to defend an eviction case without a lawyer.
- ② In all jurisdictions nationwide, a right to counsel has been established for criminal defendants.
- ② In most jurisdictions, including in New York City, people faced with the loss of custody of their children are entitled to appointment of counsel.
- ② However, no jurisdiction to date has established a right to counsel for people faced with eviction.
- ② The New York City Council is considering legislation that would make New York City the first jurisdiction in the country to establish a right to counsel for tenants who face eviction.

A right to counsel in eviction cases will provide equal justice.

- ② New Yorkers have rights under federal, state and city laws that require landlords to provide decent, habitable homes, that limit rent increases, that outlaw housing discrimination and that provide rent subsidies for low-income tenants.
- ② New Yorkers also have rights that require landlords to go to court, provide written notices and comply with certain procedures before they can evict.
- ② When they are heard in court, eviction cases are treated like other court proceedings with specific technical rules about testifying, presenting evidence and making motions.
- ② Tenants who are forced to defend themselves are mostly unaware of their rights or how to assert those rights; they often default and often agree to unfair settlements because they negotiate on their own against lawyers who are familiar with the court and the law.
- ② Landlords are aware of the unbalanced nature of the housing court. They often initiate legal proceedings knowing that low-income tenants will probably not be able to afford counsel.
- ② Studies show that when tenants are represented by counsel, they are able to protect their homes and effectively assert their rights around housing conditions, rent, and discrimination.
- ② The constitution guarantees *due process of law* to protect individual liberty and property interests. As a matter of procedural due process, a tenant should not have to defend a legal proceeding that could result in the loss of his or her home without a right to counsel.
- The constitution also guarantees *equal protection of the law*, which requires states to apply the law equally and not discriminate against people or groups of people. Low-income people who face eviction, most of whom are people of color in New York City, are denied equal protection when they are denied a right to counsel in eviction cases.

Evictions are devastating for low-income tenants.

- ② Nearly 30,000 families were evicted in New York City last year; this is more than a 20 percent rise in the past decade.
- ② Two-thirds of evicted households have annual incomes of \$25,000 or less.
- ② Two-thirds of evicted households live with children under 18 years of age.
- ② Tenants facing eviction face the threat of a disrupted life and displacement from their homes, and further, the likelihood that they will be unable to find alternative or affordable housing and become homeless.

- ❑ Surveys of homeless families have identified eviction as an immediate, triggering cause of homelessness for thirty-seven percent of those admitted to the New York City shelter system.
- ❑ Additional causes include doubled-up or severely overcrowded housing, often as a result of prior evictions.
- ❑ The majority of these individuals did not have an attorney during their housing court proceedings.
- ❑ In New York City, a city of 8.4 million people, approximately one in every 152 individuals is homeless.
- ❑ Homelessness in New York City has recently reached the highest rates since the Great Depression of the 1930s.
- ❑ In September 2014, there were an all-time record 58,056 homeless people, including 13,922 homeless families with 24,631 homeless children, sleeping in the New York City municipal shelter system each night.
- ❑ At least 3,200 homeless individuals also sleep on the streets and subways each night.
- ❑ The current number of homeless New Yorkers is 87 percent higher than it was in January 2002, when former Mayor Bloomberg took office.
- ❑ Even if an evicted low-income family does not become homeless, they face higher rents, disruption in their children's education, displacement from their communities and other traumatic consequences.

A right to counsel in eviction proceedings will save the city money.

- ❑ Money spent on legal representation to prevent eviction would reduce annual shelter costs.
- ❑ Keeping families in their homes and avoiding homelessness will also avert long term costs associated with homelessness in health, education, employment and other areas.
- ❑ Each bed in a New York City municipal shelter costs \$36,000 per year.
- ❑ Developing a single affordable housing unit costs over \$250,000.
- ❑ The price of full legal representation in Housing Court is estimated at \$1,600 to \$3,200 per case.
 - When households are evicted from rent-regulated units, landlords often exploit loopholes in the system to permanently raise the rent to market-rate for future tenants, thereby diminishing the number of affordable housing units and exacerbating the shortage of affordable housing.
- ❑ When tenants keep their homes in existing affordable housing units, they don't add to the growing demand for affordable housing.

Why now?

- ❑ With eviction and homelessness rates steadily rising, this is a critical issue in New York City right now.
- ❑ Elected City Council officials have introduced legislation that would provide legal counsel to low-income tenants facing eviction.
- ❑ The Mayor has made affordable housing and economic equity central themes of his administration.
- ❑ Elected officials, community activists, academics, legal service providers, bar associations, public policy experts and others have all come together to advocate for the establishment of this important right.

Let's make history! With your help, New York City will become the first jurisdiction in the country to establish this critical right to counsel.



Local Union No. 3
International Brotherhood of Electrical Workers
OF GREATER NEW YORK AND VICINITY

OFFICES AND HEADQUARTERS
158-11 Harry Van Arsdale Jr. Avenue, Flushing NY 11365
Phone 718-591-4000 • Fax 718-380-8998
200 Bloomingdale Road, White Plains NY 10605
Phone 914-948-3800 • Fax 914-948-1843

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NEW YORK CITY
CENTRAL LABOR COUNCIL
AFL-CIO
BUILDING & CONSTRUCTION
TRADES COUNCIL
OF GREATER NEW YORK
AFL-CIO
AND ALL STATE AND
CENTRAL BODIES

Testimony of Elliot Hecht

Local Union #3 International Brotherhood of Electrical Workers
Mayor's Affordable Housing Plan
Public Hearing - November 17, 2014

Good morning Chairs Jumaane D. Williams, Maria Del Carmen Arroyo, David G. Greenfield and distinguished committee members.

My name is Elliot Hecht. I am a Business Representative of Local Union #3 International Brotherhood of Electrical Workers (I.B.E.W.). Local #3 is a 28,000 member Local Union in our city.

I am here this morning to voice support for Mayor de Blasio's affordable Housing Plan. The creation of 200,000 affordable housing units of which 80,000 will be new construction over the next ten years is a bold plan that if executed correctly would not only help alleviate the City's housing crisis but also ensure that the workers who build these units have better standards and working conditions. Moving forward this will help serve the needs of all New Yorkers. This effort will create needed construction jobs and business opportunities.

The elected officials of New York City, for some years now have made excellent decisions to help improve the quality of life of its residents.

New York City is a world class city. The greatest City in the world and yet we fall short in the demand for affordable housing.

We members of Local 3 of the I.B.E.W. are proud of our contributions to our city.



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We have been part of every notable building and construction project in this city. Affordable Housing is and continues to be one of those very important aspects in the building of our great city.

Local 3 provides an excellent training program for our members. That training program continues throughout their career. We welcome the opportunity to contribute our talents, skills and respect for this bold initiative.

It will give us the opportunity to provide members of the community with opportunities to develop training skills that will lead to good paying careers.

The "Tale of Two Cities" should not include the construction of affordable housing as one of its chapters. These construction jobs established for the creation of affordable housing need to have access to training and decent wages and benefits, therefore lift up not tear down the standards of living for those who continue building and serving our city.

I thank you for this opportunity to express our ideas with regard to Mayor de Blasio's plan for creating "Affordable Housing" in our city.

Good morning (afternoon). My name is Maritza Silva-Farrell and I am testifying today on behalf of the Real Affordability for All (RAFA) coalition – the largest affordable housing coalition in the city, comprised of more than 50 housing organizations.

I would like to thank the committee for the opportunity to testify this morning on an issue that has been and will continue to be a crisis for this city. The Real Affordability for All coalition is fighting to strengthen the city's housing strategies that will make a marked impact in four key policy areas: new development; preservation of the existing affordable housing stock; housing homeless and preventing homelessness; and public housing.

Frankly, in all four of these categories, describing the current situation as a crisis is not an adequate portrayal of just how deep and expansive the problems are that we face. Luxury developments continue to blanket Manhattan and are increasingly part of the outer-boroughs landscape. Landlords harass tenants with near-impunity to force people out and hike the rents up. Both the development and lack of preservation for and protection of current tenants has led to mass displacement in several neighborhoods across the city.

Meanwhile, it seems like we have a new record number of homeless families on a weekly basis, and the public housing stock is perpetually underfunded and in disrepair.

These problems did not develop overnight. They are the result of policies that are in some cases decades old. But they do show the need for bold action that radically departs from many of the decisions made by the preceding administrations.

While there are many aspects of Mayor de Blasio's plan that are encouraging – for example his commitment to build or preserve 200,000 homes while offering deeper affordability than his predecessor – more must be done to protect the lowest income New Yorkers. These are working families who are the most at risk of becoming homeless or financially strapped while often doubling up in overcrowded and unsafe apartments.

Unfortunately, the city's attempts to address the housing crisis in the first 10 months of 2014 have proven inadequate, at best. The recent approval of the Astoria Cove development by the City Council's Land Use Committee is a great example of this.

While on the surface this project may appear to be a departure from Bloomberg-era development policies, only five percent of the housing that is being built will be affordable to the majority of Astoria residents.

Even worse, the city and developers have left open the possibility that after a new 421a policy is agreed to in Albany, the development may be subject to the 421a tax break. If that indeed is the case – and I have never met a developer that has turned down a tax

subsidy – the only affordable housing that the city will have extracted from the developer as a result of the zoning change will be 5% of the units at 125% of AMI.

Just to clarify, if the developer receives the 421a subsidy, which the city has left the door open to, the city will have changed the zoning so the developer can build 1,700 more units on the site than is currently allowed. And in return for this windfall for the developer, the residents of New York City will receive 85 housing units for families making more than \$100,000 a year. And that's it. If the 421a tax exemption program stays exactly as currently underwritten the developer may choose to move the 15% set aside at 80% AMI to 60% AMI and get the full tax exemption.

Not only is this wildly insufficient to meet the actual needs of New Yorkers, it sends a message to developers that if you speculate, the City will reward you. This is concerning, especially as the city looks to develop in traditionally low-income neighborhoods like East New York, Jamaica, and the South Bronx where the median incomes are even lower; much closer to 30% of the NYC median income.

If the City is unable to change the terms of negotiations with developers so we are developing in a radically new way – like the 50/50 model RAFA has been advocating for – perhaps it is time to reevaluate the relative positive and negative consequences of development using a private sector model. If Astoria Cove sets the bar in terms of number of affordable units and depth of affordability; inclusionary zoning is a building program that will lead to massive gentrification and displacement and will come nowhere near to building for hard working, low wage earning new Yorkers.

If we are going to build new projects in places like East New York and the Bronx, we need to try bold new preservation strategies, or we will lose more affordable housing than we gain.

Nothing should be off the table as we try to save the housing we currently have, and protect tenants who are living in horrid conditions with landlords whose only priority is to force them out. We need an aggressive violation enforcement program with teeth that moves more buildings into third party transfer to get properties out of the hands of bad landlords.

We should also examine moratorium on tax lien sales and should move those properties into an affordability program and an aggressive tax policy on land to stop speculation.

Additionally, we must pressure Albany to end the devastating practice of deregulation this year, so we protect the largest source of affordable housing in New York – rent stabilized buildings. This will be a major priority of many member organizations of the RAFA coalition, along with increasing funding for NYCHA so repairs can be done more timely and thoroughly.

Finally, as record homelessness continues to be a black mark on this city, we must be very careful in our new unit building strategy. Low income working families need a place to live. They need programs (sticks and carrots) that keep them housed at rent levels they can afford. They too deserve to live in safe, decent affordable housing.

There is no doubt that much of this crisis can be attributed to policies of previous administrations, but we must look at the needs of our city and boldly and creatively devise strategies that address these needs and begin to reduce homelessness as well as increase housing for households making less than 30% of median (\$24,000/year).

The NYCHA plan must be incorporated into the Mayor's Plan. At NYCHA, vacant apartments can be made available in great numbers to formerly homeless and hardworking low wage earners. Repairs can be made so vacant apartments are turned over and available in a realistic timeframe. Affordable housing development options must be carefully considered as NYCHA's primary resource of free land should be held onto as an ever extinct resource that the city cannot give away – ever.

I would again like to thank the committee for the opportunity to testify. We look forward to working together in the coming years to take the kind of dramatic action needed to keep New York affordable for the working class low- and moderate-income families who call it home.



Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan.
**Joint Committee on Housing and Buildings and Committee on Community Development and
the Committee on Land Use**

November 17, 2014

Testimony presented by, Robert Tolbert, Board Member

Jennifer Flynn, Executive Director (917) 517-5202, jennifer@vocal-ny.org

On behalf of the board and membership of VOCAL-NY, I would like to thank the City Council's Committee on Housing and Buildings and the Committee on Community Development and Land Use for this opportunity to testify on the Mayor's proposed affordable housing plan.

VOCAL is a statewide membership organization dedicated to ending the AIDS epidemic, ending the war on drugs and ending mass incarceration. We are the conveners of the NY AIDS Housing Network and have over 15 years experience working on housing and homelessness advocacy. VOCAL is a member of the Real Affordability for All Coalition.

According to the National Low Income Housing Coalition, the average New Yorkers earning minimum wage needs to hold 3.1 jobs in order to be able to afford a 2 bedroom apartment.¹ We need an affordable housing plan that alleviates this burden.

VOCAL is deeply concerned about the skyrocketing rates of homelessness in NYC. Any plan that calls itself affordable, needs to do something about this and make it a cornerstone of the plan. The Tale of Two Cities is just becoming more apparent and, unfortunately, there is little that this plan seems to do to unify us in a City of Compassion.

The Mayor's plan should address homelessness through the following recommendations:

¹ National Low Income Housing Coalition, Out of Reach, 2014. <http://nlihc.org/oor/2014>

- Be as good as Mayor Koch's plan and dedicate 10% of the housing units constructed to homeless individuals and families;
- Create a reserve fund that serves as a Safety Net for excessively rent-burdened tenants;
- Expand enhanced the enhanced rental assistance benefit currently available to NYers living with AIDS, to NYers living with HIV. This will reduce the nightly shelter census by 1000 people every night and will provide enough rental assistance for 10,000 New Yorkers to actually be able to rent an apartment;
- Resume priority referrals of at least 2,500 homeless households per year to the NYCHA public housing waiting list;
- Resume referrals of homeless households to Section 8 voucher waiting lists, such that homeless households can obtain at least one of every three available vouchers;
- Reinstate the NYCHA waiting list priority status previously granted to homeless applicants for both the public housing and Section 8 voucher programs.

We understand that many of these recommendations are not covered in the plan, but we feel strongly that any affordable housing plan needs to address NYCHA, HPD and HRA.

VOCAL believes that a 50/50 model as the best way to maximize real affordability in new housing developments. The administration should adopt this model to ensure it achieves its commitment to affordability. Recent developments such as Astoria Cove illustrate that this plan is unable to achieve more affordability than under the Bloomberg 80/20 model.

VOCAL believes that the 421-a program is a subsidy program for the wealthiest New Yorkers, causing rents to rise and making more neighborhoods unaffordable. There are loopholes available to developers outside of Manhattan or who choose a 15-year abatement. Those loopholes must be closed. It is our feeling that the 421-a program should be abandoned.

The Mayor's housing plan should create revenue streams to finance more affordable housing, such as a:

- Flip Tax generating between \$100 and \$150 million per year.
- Non-Occupancy Tax
- Property Tax Overhaul
- Water and Sewer Tax Reform
- Density Bonuses

With NYC rent laws expiring in June 2015, we need to strengthen protections for the 1 million rent-regulated units and approximately 2.5 million tenants. The city has lost hundreds of thousands of apartments to deregulation in the last decade. The Mayor's plan must do something to address this incredible loss of affordable housing. The Mayor and the Council make the explicit call for the repeal of deregulation and the closing of the loopholes in the rent laws.

Finally, the housing plan has to be a partnership between the administration, community advocates and the building trades to ensure quality construction careers for New York City residents. The jobs created by this plan should pay family supporting wages, provide quality healthcare, retirement benefits and adequate safety training. The plan is a good starter, but it has a long way to go before we can say that NYC is making an investment in affordable housing.

Thank you for this opportunity to testify.

Katie Goldstein, Executive Director
New York State Tenants & Neighbors

Testimony as Prepared

November 17, 2014

New York City Council Committee on Housing and Buildings

Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan

Good afternoon. Thank you to Chairman Williams and to the Housing and Buildings Committee members for the opportunity to testify today.

My name is Katie Goldstein and I am the Executive Director of New York State Tenants & Neighbors Information Service and New York State Tenants & Neighbors Coalition, two affiliate organizations that share a common mission: to build a powerful and unified statewide organization that empowers and educates tenants; to preserve affordable housing, livable neighborhoods, and diverse communities; and to strengthen tenant protections. The Information Service organizes tenants in at-risk rent regulated and subsidized buildings to help them preserve their homes as affordable housing, and organizes administrative reform campaigns. The Coalition is a 501c4 membership organization that does legislative organizing to address the underlying causes of loss of affordability. Our membership organization has over 3,000 dues-paying members.

Tenants & Neighbors organizes in rent-regulated, Mitchell-Lama, and project-based Section 8 developments citywide. In the buildings where we organize, the story is the same. Low and moderate income tenants in New York City are regularly experiencing the pressures of displacement as rents go up, as affordable housing is developed for income brackets that they don't qualify for, and as affordable housing units continue to be lost.

The election of Mayor de Blasio and new Councilmembers ushered in a mandate to challenge inequality in New York City. The key mechanisms for challenging inequality are a pro-active, preservationist affordable housing policy, and partnership with the tenant movement to protect low and moderate income tenants.

In June 2015, New York City's and the suburban counties' rent laws that cover approximately 1 million rent-regulated units and approximately 2.5 million tenants will expire. Rent-regulation is the largest source of affordable housing for low- and moderate-income tenants, and is mostly concentrated in rapidly gentrifying communities that are historically communities of color. The city has lost hundreds of thousands of apartments to deregulation in the last decade. Weak rent laws have led to a fertile environment for housing speculation and a harassment crisis in many communities because there are such enormous financial incentives to get long-term rent regulated tenants out of their homes. We are in support of the Mayor's plan calling for the preservation of 120,000 affordable units. If deregulation were repealed, that would be the immediate no-cost preservation of approximately one million units. If loopholes such as the vacancy bonus, preferential rents, Major Capital Improvements, and Individual Apartment Improvement increases along with deregulation are addressed, the rent regulated housing stock can remain affordable for millions of tenants for many years to come.

administration to re-capture lost units of affordable subsidized housing, either through Article XI conversions or through project-basing tenant protection vouchers to create a permanently affordable resource of affordable housing.

To that end, as part of our work to find innovative solutions to the affordable housing crisis, we are leaders of the United for Homes campaign in an effort to secure a funding stream for the National Housing Trust Fund. The campaign's unified mission is to combat the national shortage of affordable housing – an issue we all grapple with daily here in New York City as rents continue to skyrocket, displacing more and more families every month – by providing a permanent funding stream for the National Housing Trust Fund with revenues raised from modifications to the mortgage interest deduction. We encourage the City Council and Mayoral administration to show support for the federal campaign to create a permanent source of funding for extremely low income tenants.

Tenants & Neighbors' primary emphasis is on the preservation of existing affordable housing, but as members of the Real Affordability for All Campaign, we also support new construction at the 50% affordability level that are affordable for low and moderate income tenants. We also see that new development could potentially raise rents in neighborhoods, so we encourage an aggressive stance on strengthening rent protections shown through the administration working closely with the tenant movement to repeal deregulation, ensuring that neighborhoods receive much needed affordable housing and that tenants are continuing to be protected.

Thank you very much for the opportunity to testify today.



TESTIMONY OF
MATTHEW J. CHACHERE
STAFF ATTORNEY
November 17, 2014

Good afternoon.

I am Matthew Chachere, a staff attorney with Northern Manhattan Improvement Corporation. I appreciate the committee's invitation to me to give testimony on the Mayor's Housing Plan. I have brought some of our clients along with me.

NMIC is a multi-service non-profit agency that has served the upper Manhattan community for 35 years. A key focus of our work is assisting tenants in keeping affordable and habitable housing, which is under sustained attack in our communities.

As the Mayor's plan points out (at page 22), the number of units subject to the protections of rent regulation is plummeting, and the plan as well points out a number of reasons for this, including deregulation via high rent vacancy decontrol, and the failure of property owners to repair and maintain their buildings (see page 54). In my view, a significant reason for the loss of housing through these factors is the failure of government to utilize and enforce the existing laws, to the detriment of tenants and the City as a whole.

It is our experience at NMIC that overcharging of tenants has become the norm in upper Manhattan. Indeed, I note that while Alma Realty's Astoria Cove project has received much attention as a possible model for creating new affordable housing, we at NMIC are at this very moment in the middle litigation concerning rent overcharges of tenants in a large apartment building in Washington Heights managed by Alma Realty, where the tenants as well have had no gas service since May. Other landlords engage in fraudulent schemes to completely remove apartments from rent regulation, either via falsely claiming to have "renovated" apartments that actually remain in horrific condition, or giving unsophisticated tenants leases that claim "legal regulated rents" at or above the high rent vacancy limit, but lulling them into signing by giving them so-called "preferential" rents that are far less onerous at first – until a few years later, when the owners now declare them unregulated and beyond the 4 year statute of limitations for challenge. For every one of these schemes we manage to catch through our case intake, countless more go unchallenged. While this unfortunately remains largely the province of the State to police via DHCR, the City should be pressing the Governor and the Commissioner of HCR to do far more. And perhaps a few criminal prosecutions by our local district attorneys for the filing of fraudulent instruments by cheating landlords might make others a little more reticent to engage in such schemes.

The Mayor's plan does call (at page 79) for the "better use of subsidized housing resources." One way the City could do this would be to put in place mechanisms to prevent Section 8 funds from being used to pay illegal rents to private landlords; we've seen a fair amount of this in Northern Manhattan, and although I've brought this problem to the attention of NYCHA and elected officials in the past, I've yet to see any change.

However, housing code enforcement is very much within the purview of the Administration and its agencies, and with respect to housing, I regret to say that I have not seen a change from the previous administration. And while I have been following the proposals in the Council to increase fines and penalties against landlords who fail to repair or maintain their buildings, I can say – from my own experience over the many years that I worked in this field – that if the City remains unwilling to actively seek to impose those fines, and as well seek to collect them, those reforms will remain almost meaningless, despite their best intentions. As you know, Housing Maintenance Code fines are generally not actually imposed unless an action is brought in the HP part of Housing Court, and even there, in my experience HPD usually settles those cases for a small fraction of the potential fines. Thus, the threat of increased fines in the various proposals to protect tenants may have little consequence, I'm afraid – unless there is a real change in the enforcement policies.

I'd like to illustrate this by discussing briefly the circumstances that befell my clients at 520 West 183rd Street, a 48 unit, mostly rent regulated, apartment building in Manhattan. Their travails have been the subject of several news articles over the years, which I am submitting to the committee.

In the fall of 2012 the building's landlord began a gut rehab of two vacant apartments on the ground floor, without bothering to file plans or obtain the required construction permits. As the City inspectors later found, in the course of that work the "removal or partitions and ceiling allowed the floor structure above to give way," resulting on October 19, 2012, in the collapse of the apartments on the three floors directly above, where my clients lived.

The Buildings Department and HPD immediately responded by issuing partial vacate orders affecting the families in three apartments, and the City promised them fast action. Indeed, while the HPD vacate order directed that the Landlords repair the conditions by November 7, 2012, that Order also said that "unless the ... conditions are removed by November 7, 2012" the City could elect to correct the conditions itself and obtain a lien for the costs of executing the repairs. Alas, that never happened, indeed, essentially nothing has happened, and these displaced families remain out of their homes, and until this week were in homeless shelters. The consequences to their lives have been devastating.

Notwithstanding the complete lack of compliance concerning these serious violations and the displacement of the tenants and their families all this time, the City apparently took no action to force compliance until nearly a year later, when HPD commenced an "HP" case in Housing Court in August, 2013. And that case merely sought a Court order directing the landlord to fix the building – which, of course, HPD and DoB had already administratively ordered the landlord to do. Inexplicably the City failed to seek in its petition the imposition of the ongoing statutory penalties, which amounted to \$1,415 per day of noncompliance. The tenants, represented by my office, had to bring a separate case to seek the imposition of the statutory penalties against the Landlord which the City failed to seek.

I point out that the Mayor's plan, at page 54, notes that the City can do the repairs of dangerous conditions itself when landlords fail to do so, and leverage the resultant liens as a tool to press for responsible new ownership. But as reported by Juan Gonzalez' in a full page Daily News story over a year ago, although the City had failed to seek fines against the landlord that by then could have reached \$500,000, it also refused to fix the building and bill the landlord because it "would entail the expenditure of an enormous amount of city funds." Because the City opposed it, the Housing Court was unable to grant the tenants' repeated requests for an order

directing the City to do the repairs. Nor would the City move for that appointment of an Article 7A administrator to operate the building and prioritize repairs. Why the City would instead continue to use public tax dollars to shelter these families rather than use these tools for effect quicker repairs is beyond me.

Only earlier this month did we finally work out a settlement with the City and the landlord to temporarily house these families in other buildings owned by the landlord; but as we sit here today, more than 2 years after the vacate order, significant work has still not begun on this building. If time permitted, there are many, many other aspects of my clients' two-year saga that are illustrative of the current dysfunctional code enforcement efforts, but suffice it to say, no one should have to go through what our clients have gone through.

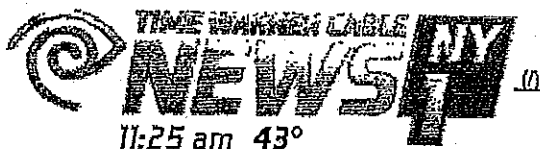
In sum, if we don't use enforce our existing laws to preserve our current affordable housing, we are doomed to continue to lose more than we create.

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Your Business (<http://www.timewarnercable.com/en/business-home.html>)

TWC Central (<http://www.twccentral.com>) TWC News (<http://twcnews.com/?mode=clear>)

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All Boroughs

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Wednesday, January 15, 2014

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DOB: Tenants Of Manhattan Building May Be At Risk After Illegal Renovation Work

By: NY1 News 10/19/2012 11:41 PM

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The New York City Department of Buildings says illegal renovation work on a Manhattan building may have put tenants at risk.

Residents were forced to evacuate three apartments at a building at the corner of West 183rd Street and Audobon Avenue in Washington Heights.

The DOB says the apartments suffered structural damage when a landlord had illegal work done on other apartments.

Some displaced residents say they have nowhere else to go.

"You cannot play with the safety of anyone, especially those people who live on the first floor or even the second floor," said City Councilman Ydanis Rodríguez. "Their apartment can collapse at any particular moment."

"I have nine spinal surgeries, and she has COPD and can barely breathe," said displaced resident Rose Smith. "We never can go out. We have services for the both of us. This is going to put us in a bad place right now. It's like a nightmare."

Rodríguez says he'll meet with the landlord next week to figure out when repairs can be done and how soon tenants can return.

NY1 reached out to the management company for comment but has not heard back.

DAILY NEWS

DAILY NEWS NYDailyNews.com

Monday, October 28, 2013 9

LIVES CRUMBLE

EXCLUSIVE

On Oct. 19, 2012, city officials ordered the temporary evacuation of three families from a Washington Heights rent-stabilized building.

They did so after discovering cracked walls and sagging or partially collapsed floors in several apartments, all caused by the landlord's illegal gutting of an empty first-floor unit.

Among those ordered to leave was Rose Smith, 56, her son Ian, 17, and her mother Anita Morales, 76, who had been a tenant in the building, 351 Audubon Ave., for 50 years.

The city's Department of Housing, Preserva-



JUAN GONZALEZ

tion and Development moved the displaced families to shelters in the Bronx. For Smith, a former hospital worker who has undergone nine operations for scoliosis and must use a wheelchair, the move was traumatic.

City officials assured her she would be back home in a few weeks, once the landlord repaired the violations. But more than a year later, Smith and the others are still living in shelters. Their landlord, Kwik Realty LLC, has ignored all directives by the city to fix the apartments. Even worse, housing officials didn't bother to take the owner to court until August, nor have they sought to impose stiff fines against the landlord.

"It's been a terrible experience," Smith said.

"We can't have phones or

City's empty vows to rebuild a ruin

visitors where we live now, and it's a high-crime area.

"HPD promised us if the landlord didn't fix things by Nov. 17, they would do the work and bill him," she said. "Well, we never heard from the city again."

While Smith waits, her family's meager \$28,000 in savings have been bled dry. "We had a three-bedroom apartment," she said, "but the landlord forced us to put the furniture in storage. For the past year, we've paid \$1,200-a-month storage — that's way more than the rent we paid in our old place."

The landlord's real aim, Smith believes, is to force out the few rent-stabilized tenants on Audubon Ave. "They've offered my mother up to \$50,000 to get out," Smith said. "But she refuses. She says, 'I've been there 50 years, and I'm going to die there.'"

Susan Edelstein of Kwik Realty did not respond to calls for comment.

In court papers, Edelstein's lawyers made the astounding claim that the structural violations were "caused by the act or negligence, neglect or abuse of then tenants in occupancy . . ."

Given this company's refusal to perform work ordered by the city, Smith's attorney, Matthew Chachere of Northern Manhattan Improvement Corp. Legal Services, can't believe HPD's weak-kneed response.

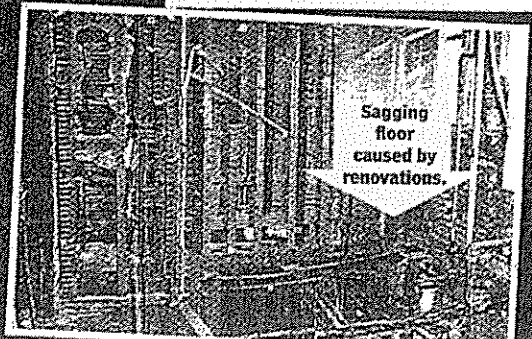
The agency has not asked a Housing Court judge to impose the maximum fines allowed by law on Kwik Realty for failing to fix 10 "immediately hazardous violations" the agency found last year. Those fines could now reach nearly \$500,000.

Even worse, HPD's lawyers recently opposed Chachere's motion asking a judge to order the agency to fix the apartments and then bill the landlord — saying to do so "would entail the expenditure of an enormous amount of city funds."

"We have no intention at all to let the owner walk away and shirk his legal responsibilities," the agency's Eric Bederman said.

This whole scandalous matter is scheduled for a hearing in Manhattan Housing Court on Wednesday. Maybe the judge will show more compassion and find a way to get Smith and her mother back home.

Rose Smith, 56, and her mother, Anita Morales, 76, at Bronx shelter where they've been stuck for a year as city and landlord have done nothing to get crumbling Washington Heights home repaired.



DAILY NEWS
NYDAILYNEWS.COM

Washington Heights grandmother stuck in homeless shelter as her landlord and city officials wrangle over repairs

Department of Building officials vacated Maritza Gonzalez, 67, and three other families, from their W. 183rd St. building in October 2012. The agency, along with the Department of Housing Preservation and Development, said landlord Susan Edelstein failed to make needed fixes. A Manhattan Housing Court judge is expected to make a ruling on the case on June 19.

BY Simone Weichselbaum

Tuesday, June 3, 2014, 9:32 PM

A Washington Heights grandmother has spent 20 grueling months stuck in a dank, cramped homeless shelter — awaiting the resolution of a complex lawsuit involving her landlord and two city agencies.

There's no relief in sight for Maritza Gonzalez, who lost her \$858 two-bedroom apartment in October 2012, after city inspectors pronounced her flat, and three others in the 48-unit property, unsafe due to shoddy construction.



Enid Alvarez/New York Daily News Maritza Gonzalez doesn't know when she can return to her two-bedroom apartment in Washington Heights. For now, she is living inside a small room on W. 94th St, paid for by the city.

“When we left, we thought it would only be for a few months and now it's going on for two years,” said Gonzalez, through a translator, sitting inside a Single Room Occupancy shelter where she has been staying on the Upper West Side. “I don’t understand what’s happening.”

The turmoil began when landlord Susan Edelstein, the head of Kwik Realty, sent hardhats into the building to gut a ground-floor apartment. The work damaged ceilings and walls throughout the six-story property, court papers said.

The agency then slapped Kwik with a \$20,000 fine and ordered speedy repairs. Meanwhile, workers from the Department of Housing Preservation and Development moved Gonzalez and three other families into various city shelters.

Edelstein later sent construction crews back into the building, but lied on city paperwork by describing the site as empty, officials said.

“The property owner signed an affidavit stating the building was unoccupied,” said a Department of Buildings spokeswoman, adding the agency has fined Edelstein a total of \$25,250 in violations since the start of the chaotic case. Vacant buildings require less oversight during construction than those that still house tenants.

Officials stopped the work in December ordering Edelstein to fix the apartments by June 18, but little progress has been made. When asked about the holdups, Edelstein blamed the city.

“They don’t want to work with me. They are working against me, so I can’t fix my building,” Edelstein said.

A Manhattan Housing Court judge is expected to rule on Edelstein’s fate June 19.

Matthew Chachère, a lawyer from Northern Manhattan Improvement Corp. Legal Services who is representing Gonzalez, plans to ask the judge to jail Edelstein for neglect while ordering the city to make the needed repairs.

The latter request could be wishful thinking given the city’s bureaucratic constraints. The property does not qualify for the emergency repair programs run by Housing Preservation and Development, an agency spokesman said.

Councilman Ydanis Rodriguez (D-Washington Heights) said he has asked the housing agency to do more, adding, “we can’t waste any more time.”

Chachère highlighted the saga illustrates the city’s sometimes-misguided use of taxpayer-funded resources.

“Why are we spending money putting people in shelters, when they could spend money repairing the building?” Chachère said.



COUNCIL OF SENIOR CENTERS AND SERVICES OF NEW YORK CITY, INC.

49 West 45th Street, 7th Floor

New York, New York 10036

Tel: (212) 398-6565

Fax: (212) 398-8398

www.cscs-ny.org



CITY COUNCIL JOINT COMMITTEE HEARING

*Oversight – Building Homes, Preserving Communities:
A First Look at the Mayor's Affordable Housing Plan*

November 17, 2014

Committee on Housing and Buildings, Jumaane D. Williams, Chair
Committee on Community Development, Maria Del Carmen Arroyo, Chair
Committee on Land Use, David G. Greenfield, Chair

Council of Senior Centers and Services' (CSCS) mission is to champion the rights of older adults to make NYC a better place to live. CSCS' 100 member organizations provide community based services through more than 600 programs, serving 300,000 older New Yorkers. Members of the CSCS Housing Committee represent the leadership in affordable senior housing, having developed and operate upwards of 20,000 units of low income housing for older adults citywide. CSCS' work ranges from enabling healthy aging and supporting family caregivers to promoting economic security and addressing elder hunger. Stable, affordable housing with services for low-income seniors is clearly a cornerstone towards promoting economic security as we age and preventing homelessness for the high number of seniors in New York City on the fiscal cliff. It is also an issue that affects caregivers and family members, not just the seniors themselves.

CSCS applauds Mayor Bill de Blasio for putting in place a bold affordable housing initiative and a well-respected and experienced team of housing professionals. Further CSCS is pleased Mayor de Blasio included affordable senior housing in the plan, which is highly significant in that it marks the first time NYC has addressed the need for a plan for affordable senior housing.

The ability of older adults, frequently the anchors to stable communities and families, to remain in their homes is at substantial risk in neighborhoods of all socioeconomic levels across the city. CSCS believes that every New Yorker should grow old the same way that they've always lived: like New Yorkers. Further, our mission is to make NYC a good place to age.

The demographics tell the story of the compelling need for the city to build and preserve affordable senior housing. Over time, fixed income households face unsustainable rent burdens, even when living in rent stabilized housing:

- 1 in 5 older New Yorkers live in poverty

- 359,000 elderly New Yorkers live alone
- 2 in 3 New Yorkers age 70+ pay more than 30% of their income on rent
- 37% of non-institutionalized elders reported some level of disability
- Median income for New Yorker City renters ages 60-69 is \$24,000 and even worse for those age 70 and over, median income drops to \$15,000 compared to the overall median household income of \$38,000
- Almost 33% of persons age 65+ and nearly 50% of persons 85+ in NYC live alone
- Of the 98,000 single elderly renter households in rent-stabilized units, a shocking 65% paid more than half of their incomes for gross rent, while 62% of such households in rent unregulated units also pay 50% or more of their incomes for rent

We have listened to you. We know one of the most common questions you receive on a daily basis from your constituents, particularly seniors, is the need for affordable housing, and our members want to continue to find ways to tackle this problem. CSCS and its membership are uniquely positioned to develop and operate affordable senior housing with services for low-income seniors. Within our membership are 25 leading nonprofit senior housing providers that provide over 20,000 units of affordable housing for low-income seniors (see attached list included with our Housing Report). Further, the community-based aging services network has decades of experience providing supportive services for seniors intended to allow older adults to age in place in their homes and communities. The time for a city implementation plan for affordable senior housing with services has come and we have stepped up to the plate.

The senior citizen population in New York City is growing at an unprecedented rate. How best to address the needs of the fastest growing segment of the city's population has been a tricky proposition for both providers and policy experts and leaders. Early intervention is often lauded as the best-practice approach for improving senior health outcomes, resulting in significant public cost savings and lessening the financial burden on health resources. Offering seniors affordable housing with supportive services is regarded as one of the best interventions for reducing hospitalization rates, and should be included in any policy strategy that wishes to reduce public expenditures related to health care and homelessness while improving the stability and economic self-sufficiency of the older adult population.

The CSCS groundbreaking report titled "Call to Action: Building a Housing Agenda for Older New Yorkers: An Intervention to Increase Public Savings and Improve Seniors' Stability, released in February 2014 and attached to this testimony, describes the affordable housing needs of older adults in New York City and makes policy and funding recommendations for Mayor de Blasio as well as city and state lawmakers to address the needs of this growing population.

The report focuses on low income older adults who have not been included in other housing programs such as the NY/NY Agreements and Medicaid Redesign initiatives. There are thousands of seniors on waiting lists for existing housing. Just receiving Social Security, which averages \$14,700 annually, places you above the official poverty level, but clearly does not provide sufficient income for high rent burden, food, medication and other daily needs.

Additionally, we need to begin to take into account the impact of frailty/chronic illnesses which can be part of the aging process within the rubric of disability. Not only does frailty/chronic illnesses

cost the health care system a lot of money, it impacts the health, independence and quality of life of the older adult. Providing housing with services for a low income senior who can move in when they are more independent, allows them to age in place should they develop chronic illnesses/frailty over time. Again, CSCS applauds Mayor de Blasio for including affordable housing specifically for seniors in the housing plan and is pleased that City Council recognizes the importance and urgency of this issue.

CSCS's Recommendations

CSCS seeks investment and policy improvements in a comprehensive senior housing plan to address the challenges facing older adults and senior housing developers while leveraging public resources to maximize social and economic benefits. The four-part plan will improve 1) Production, 2) Preservation, 3) Regulation of affordable housing for older New Yorkers and 4) Leadership. By retooling existing programs and additional investment in select programs, the City can create a program to serve at least 100,000 seniors, laying the groundwork for a foundation to meet the housing needs of New York City's growing elderly population.

Members of the City Council can be instrumental both individually in their districts and collectively as a governing body to foster the building and preserving of affordable senior housing for a large number of their most vulnerable constituents. As it stands now, housing for seniors is done on a project by project, location by location basis, which makes it difficult for all parties involved. CSCS recommends that City Council work to establish citywide policies focusing on senior housing to ensure meaningful reform. While our full policy agenda is outlined in attached our housing report, we would briefly like to provide highlights of several key recommendations below.

1. Senior Citizen Rent Increase Exemption (SCRIE) Outreach Campaign and Rollback

SCRIE is the best preservation program for seniors in NYC. Keeping seniors in their apartments prevents homelessness, and also protects the rent regulated stock. CSCS was appreciative to be present at the bill signing with Mayor de Blasio and City Council Members to sign into the law the raising of the income eligibility of SCRIE to \$50,000. This is truly remarkable and we appreciate and commend City Council for their support of the SCRIE increase. CSCS is also grateful and applauds City Council for funding for a SCRIE enrollment program.

While this was a victory, there is more work to be done on this underutilized program. Data from the Department of Finance clearly shows that the majority of older adults who are already on SCRIE are still extremely rent burdened:

Frozen Rent

- 75.51% of all SCRIE tenants Frozen Rent (what they actually pay) is 40%+ of their income.
- 58.60% of all SCRIE tenants Frozen Rent (what they actually pay) is 50%+ of their income.

Thus, CSCS recommends a robust outreach and enrollment campaign targeting older adults, family members, friends and neighbors as SCRIE is underutilized. Further, CSCS recommends that the city explore the possibility of implementing a rollback program whereby seniors already on SCRIE

will pay no more than 30% of their income in rent. Currently, if a senior is already paying 40-50% of their income in rent, SCRIE freezes it, but doesn't go back to the 30% level, defined as the affordable housing level, leaving the individual on the fiscal cliff facing homelessness or eviction in housing court.

CSCS also applauds Councilmember Margaret Chin, Aging Chair, who is working on state legislation to expand eligibility of SCRIE to include certain Mitchell-Lama apartments and other housing that seniors reside in.

2. Ensuring Seniors are at the Forefront in Inclusionary Zoning

CSCS believes that one of the most vital roles that City Council must play is utilizing their land use authority to ensure seniors are front and center in inclusionary zoning and establishing citywide policies and procedures to make this a reality. For example, in plans to provide 50,000 units of guaranteed inclusionary housing, there must be built-in incentives to developers to dedicate 20% or 10,000 low-income units for senior housing. Further, City Council can work closely with local Community Boards to ensure they understand the importance of providing affordable housing for seniors is to the health of the community, specifically in areas with close proximity to services, transit, medical and other community facilities.

CSCS congratulates City Council on the recent Astoria Cove negotiations. CSCS encourages City Council to use the Astoria Cove project, which included the option of affordable senior housing and funding for upgrading a community senior center, as an example for current and future projects in the future to ensure seniors are prioritized in all inclusionary zoning projects. CSCS would like to work with City Council to develop a citywide policy including these elements as part of all inclusionary zoning projects.

3. Educate Communities about Benefits of Senior Housing and Challenges with Parking Lot and other Zoning Regulations

Section 202 buildings were required to build parking lots when organizations constructed the housing, many of which are reportedly underutilized. CSCS has begun a city-wide Parking Lot Utilization and Feasibility Study, with findings due in February 2015. The study will identify underutilized parking lots at senior residences and to determine what is feasible for development of additional senior housing or community spaces. Further, CSCS will report on policy recommendations related to this land utilization study. Land, in addition to being difficult to find, comprises about 30% of the cost of building. Available land can be used to leverage the building of senior housing with services.

CSCS recommends further that parking requirements be eliminated for affordable senior housing developments to reduce costs and make more sites viable for development. City Council Members can be vocal champions for seniors at the local level to educate communities and community boards about the beneficial economic and social impact senior housing can provide to the communities.

4. Provide a Right to Counsel in for those Facing Eviction in Housing Court

The current NYC Housing Court model is heavily favors landlords who can afford legal representation in eviction cases. Eviction cases are complicated, detail orientated and requires

adherence to strict deadlines making it difficult to navigate for attorneys, let alone tenants without legal assistance. Research has shown that legal representation for the tenant would have changed the outcome of many these cases. Many of those facing eviction are seniors.

We applaud Council Members Levine (Intro. 214) and Mendez (Intro. 096 and 221) who have both introduced legislation that would provide a right to counsel in housing court for low-income individuals. One of the most powerful things this City Council and Administration can do to fight poverty and inequality, protect affordable housing and prevent homelessness is to fund Right to Counsel. CSCS has been active in the Right to Counsel Coalition and asks City Council to strongly consider this legislation.

5. Advocate for Service Coordinator Funding in Senior Housing

It is well known that providing housing with supportive services to vulnerable individuals increases their chance of successful outcomes. CSCS believes that providing affordable housing with services for low income older adults is key to allowing them to age in place and remain vibrant contributors to their communities, as well as to prevent homelessness. A critical component to building affordable senior housing with services is rental subsidy and allowing service coordinator funds to be built into the operating budgets, which would allow suitable projects to internally fund a service coordinator role in initial underwriting. Both City and State housing agencies should offer developers greater flexibility to pursue this option where feasible. CSCS calls on City Council to advocate on this as a public health issue, as it could provide a significant cost-savings for this high-end Medicaid user population. CSCS is eager to work with City Council to develop a city funding stream for this program.

6. Invest in Senior Repair and Safety

Modeled on the City's successful Rapid Repairs program aimed at rebuilding after Hurricane Sandy, the City should establish a program to install grab bars in bathrooms and conduct other improvements to enhance accessibility and safety in 3,000 homes, much like what has already been enacted with window guards to protect children. Falls are costly both to the independence of older adults and the health care system.

7. Expand Naturally Occurring Retirement Communities (NORCs) into NYC Housing Authority (NYCHA) Developments

NORCs are a successful and innovative model and should be expanded from just 28 buildings in NYC to allow seniors to age in place with support and delay or prevent institutionalization. The City should increase per contract funding to cover staff costs and survey existing buildings across the city to determine their eligibility to receive benefits from NORC services. Expanding NORCs citywide will provide supportive services allowing older adults to age in place.

According to NYCHA, currently 26,000 seniors live in underutilized apartments. CSCS advocates working humanely with these NYCHA residents and NORC services can be key by providing a person-centered approach and process if a senior is asked to move.

Further, the City should utilize and build senior housing with services on NYCHA land. Incentives for seniors in NYCHA buildings must to be developed to encourage seniors to move into new developments. These can include building/services on NYCHA campuses and home sharing.

8. Senior Housing Task Force Intro. 337

CSCS appreciates the introduction of Intro 337 and the leadership role of Council Members Lander, Chin and others to develop a senior housing task force. Providing a forum for ongoing focus, strategic planning and measuring outcomes will be valuable in ensuring that affordable housing for older adults receives the necessary attention and resources over time. CSCS and its Housing Committee members would appreciate the opportunity to work with City Council to further review the scope and intended outcomes of the legislation and the task force that would be formed. We are concerned that it may be too broadly written and, inadvertently, have the unintended consequence of having a less defined focus on senior housing as described earlier – those low income seniors who are above the Medicaid level, but on low fixed incomes, and in need of affordable housing with services. We are eager to work with City Council on this issue.

9. Champion Low Income Housing Tax Credit (LIHTC) Income Averaging

CSCS calls for additional city and state subsidies to complement the federal LIHTC program, and champion a 30/60/90 percent, “income averaging” AMI balanced LIHTC program.

Conclusion

CSCS is grateful for the attention and planning being given by City Council and the Administration to the need for affordable senior housing. We look forward to working with both City Council and the Administration to ensure that we can collectively make New York City a better place to age.

Call to Action: Building a Housing Agenda for Older New Yorkers

An Intervention to Increase Public Savings and Improve Seniors' Stability

Recommendations for Mayor Bill de Blasio
February 2014

By
Council of Senior Centers and Services Inc.



Council of Senior Centers & Services of NYC, Inc.
49 West 45th Street, 7th Fl, New York, NY 10036 | Tel: (212) 398-6565 | www.cscs-ny.org

Council of Senior Centers and Services of New York City, Inc. (CSCS)

CSCS is a citywide not-for-profit organization representing senior services and aging issues, advocating for needed community based services which allow older adults to age with independence and dignity. With over 100 member organizations providing community based services through more than 600 programs, CSCS' members range from individual community-based centers to large multi-service, citywide organizations and serve over 300,000 older adults annually. CSCS' work ranges from economic justice, combating hunger and supportive housing to healthy aging, and community engagement. Through its network and initiatives, CSCS serves older New Yorkers from every community district and from virtually every socioeconomic background that comprise the population of NYC.

CALL TO ACTION: BUILDING A HOUSING AGENDA FOR OLDER NEW YORKERS

February 14, 2014

Dear Colleague,

Council of Senior Centers and Services (CSCS) is proud to share this groundbreaking policy paper focusing on the affordable housing needs of older adults in New York City. The "Call to Action: Building a Housing Agenda for Older New Yorkers" report is comprised of recommendations for Mayor Bill de Blasio and other elected officials. This report comes on the heels of our successful affordable senior housing symposium held on October 9, 2013, attended by over 150 leaders from public, private, foundation, housing and social service organizations.

New York City is in the middle of an "Aging Tsunami". By 2030, New York City's 60+ population will exponentially increase to a projected 1.84 million, a 47% increase from 2000. This age sector will represent 20% of the total population compared with 15.6% in 2000. The older adults population is increasingly diverse, with over half comprised of minorities, a rapidly growing immigrant population, and an increasing LGBT population as well.

While the national poverty rate for older people has declined, New York has experienced an uptick. More than 20% of older adults live in poverty according to the Center for Economic Opportunity's measure. Further, the median income for older adults is often inadequate to cover the high cost of living in New York City but still prevents many rent-burdened seniors from qualifying for public benefits.

CSCS applauds Mayor Bill de Blasio for putting in place a bold affordable housing initiative and a well-respected and experienced team of housing professionals. The ability of older adults, frequently the anchors to stable communities and families, to remain in their homes is at substantial risk in neighborhoods of all socioeconomic levels across the city.

Given the trends, government and community organizations must take responsibility together to create and sustain a true city for all ages. The time is now to ensure that each older adult, regardless of income, race, ethnicity, sexual orientation, language or ability, is able to age with dignity and secure housing. This would create a New York City that ensures equality across the lifespan.

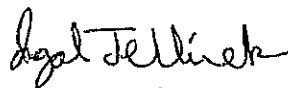
CSCS thanks members of its Housing Committee for its expert input and collaboration on this report. We would like to thank Rachel Fee, Affordable Housing & Community Development Consultant, for absorbing all our input and turning out an incredible paper. We also thank Bobbie Sackman, Director of Public Policy, for coordinating the work leading us to this final report. Lastly, we thank members for photos. For further information, contact Ms. Sackman at bsackman@cscs-ny.org or 212-398-6565 x226.

CSCS looks forward to working with Mayor Bill de Blasio and other city and state stakeholders to preserve and produce affordable housing with services for older New Yorkers.

Sincerely,



Joan Ryan
President



Igal Jellinek
Executive Director

EXECUTIVE SUMMARY

CITY AND STATE ACTION REQUIRED TO INCREASE AFFORDABLE HOUSING OPTIONS

The senior citizen population in New York City is growing at an unprecedented rate. How best to address the needs of the fastest growing segment of the city's population has been a tricky proposition for both providers and policy experts. Early intervention is often lauded as the best-practice approach for improving senior health outcomes, resulting in significant public cost savings and lessening the financial burden on health resources. Offering seniors affordable housing with supportive services is regarded as one of the best interventions for reducing hospitalization rates, and should be included in any policy strategy that wishes to reduce public expenditures related to health care and homelessness while improving the stability and economic self-sufficiency of the senior population.

This was the key message of the Senior Housing Symposium which took place on October 9, 2013 at the CUNY Graduate Center in Midtown, sponsored by Council for Senior Centers and Services (CSCS) and partnered with Leading Age and Leading Age New York. Building upon the momentum established by the recent release of the Housing First! Report: "Building Stronger 2014-2021: What the Next Mayor can do to Address New York City's Housing Crisis" and the Economic Policy Program's Housing Commission Report: "Housing America's Future – New Directions for National Policy", the Senior Housing Symposium delivered a set of policy recommendations pertaining to the improved production, preservation, and regulation of senior housing that is affordable for incomes up to 50% of the Area Median Income (AMI) or \$30,100 for a single person, based on 2013 HUD Income guidelines. Census data has shown that most senior renters living in the five boroughs earn well below this income threshold. The HUD 202 Program, initiated in 1959 through the US Department of Housing and Urban Development, was specifically designed to target very low-income households (currently defined as those persons earning no more than 50% AMI) resulting in the creation of thousands of units in New York. With production of HUD-financed projects slowing to a trickle, due to federal spending cuts, it is now up to City and State officials to adopt a new strategy for building and maintaining housing that responds to the desire of seniors to age in place.

GROWING DEMAND FOR AND INSUFFICIENT SUPPLY OF AFFORDABLE HOUSING OPTIONS

Rent burdens for the city's senior population, whose income continues to diminish as they grow older are becoming a greater threat to their housing stability and independent livelihood. Federal standards indicate that housing is generally considered to be "affordable" if costs are less than 30% of a household's income. Under these standards, the highest rent that the 200,000 New Yorkers aged over 70 years with average earnings of \$15,000 could afford to pay is \$375 per month.

For the City of New York, catching up to the loss of its rental housing stock affordable to very low income seniors continues to be a slippery slope. The Rent Guidelines Board of NYC reports that the regulated housing stock has added approximately 137,000 units since 1994 while losing 240,000 units for reasons such as rent decontrol, subsidy expiration, and co-op and condo conversion. Furthermore, the proportion of renter-occupied units deemed affordable for populations, including seniors, earning no more than 50% of AMI has declined by 56,510 units since 2000 and 610,620 units since 1970. This is part of an uninterrupted housing trend that shows little sign of abating.

Too few senior affordable housing units were built under the 10-year New Housing Marketplace Plan during the last New York City mayoral administration. The 3,600 senior units financed through the Department of Housing Preservation and Development's Special Needs Division was insufficient to address a need in a city where 90,000 seniors already pay more than 50% of their income towards rent and over 2,000 seniors per night can found to be residing in the local shelter system. To complicate matters, onerous parking requirements are often imposed on senior housing projects, diminishing their unit yield. Addressing this and other impediments should be incorporated into a broader strategy of regulatory relief and zoning incentives. This inexpensive solution will increase supply and expand housing choices, thereby indirectly subsidizing the cost of senior housing production.

AFFORDABLE HOUSING WITH SERVICE: A KEY SOCIAL DETERMINANT OF HEALTH

The philosophy "Aging in Place", commonly linked to the core mission for any senior housing provider, should be incorporated into any new public health policy which utilizes the clinical strategy of the harmless reduction model. This was the opening message given by the Senior Housing Symposium's keynote speaker, Robyn Stone, the Senior Vice President of Research from Leading Age, which works based on the research finding that adequate and secure affordable housing with services is regarded as one of the best social determinants of health. In a recent article, entitled "Housing as Health Care — New York's Boundary-Crossing Experiment" by Dr. Nirav Shah in *The New England Journal of Medicine*, studies have clearly shown that the developments costs of this housing model are largely offset by resultant savings in services accessed, mostly from the reduced use of the health care system. This public cost rationale was the basis behind Governor Cuomo's Medicaid Redesign Initiative, which should be expanded so new state dollars can be leveraged against other city government and private sources to fulfill the goal of developing, preserving and protecting **100,000 units** of senior housing during the next eight years. **This "Call to Action", can only be achieved through an intergovernmental strategy that seeks to identify key areas of overlap where stakeholders can come together, build on past successes, and put into practice one of the best prescriptions for any vulnerable senior – a safe place to call home.**

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I. INTRODUCTION

Many older adults seeking to age with independence and dignity in New York City face a host of challenges including financial hardship, evolving healthcare needs and community isolation. A vast and impressive network of senior centers and service providers meet the needs of 300,000 seniors annually providing resources and programs to aid older New Yorkers. Often at the core of these issues is the seemingly intractable problem of *affordable housing*.

New York City remains in an official state of “housing emergency” with an extremely low vacancy rate of only 3%ⁱ. And affordability continues to be a challenge with one in three New Yorkers spending more than *half* of their income on housingⁱⁱ. But what impact will the “Aging Tsunami,” the influx of Baby Boomers about to retire, have on New York City’s housing needs?

- 1 in 5 older New Yorkers live in povertyⁱⁱⁱ.
- 359,000 elderly New Yorkers live alone^{iv}.
- 2 in 3 New Yorkers age 70+ pay more than 30% of their income on rent^v.
- 37% of non-institutionalized elders reported some level of disability^{vi}.

Recognizing the grossly inadequate supply of existing affordable housing options for seniors and the mounting demand anticipated by New York City’s growing and aging population, the Council of Senior Centers & Services of NYC, Inc. (CSCS) in collaboration with LeadingAge NY and LeadingAge took the first step in tackling this issue by hosting a housing symposium on October 9th, 2013. With a focus on affordable senior housing with services, “Call to Action: Building a Housing Agenda for Older New Yorkers” was attended by over 150 people from the affordable housing and aging worlds.

At the first conference focusing on affordable senior housing with services held in New York City, the keynote speaker for the half-day event was Dr. Robyn Stone, Executive Director of the LeadingAge Center for Applied Research and Senior Vice President of Research. The symposium featured two moderated panels that addressed City and State housing needs; engaging an audience represented by public, private, foundation, housing and social service sectors.

By leveraging the expertise of the affordable housing industry in cooperation with senior service providers, the outcome of the conference is a framework for a comprehensive senior housing plan focused on solutions to 1) increase production of affordable senior housing, 2) enhance existing housing preservation strategies for older adults, 3) provide regulatory relief to stimulate the market to respond to the growing need for senior housing and 4) provide leadership at the Department for the Aging to collaborate on housing.

Developing and preserving affordable senior housing that allows aging in place and fosters independent living, will save tax dollars down the road. However, without investment in a comprehensive senior housing plan today, New York City will not be equipped to accommodate the growing senior population and may be forced to meet the housing needs of the elderly through costly solutions such as shelter beds, hospitals or nursing homes.



HANAC-PCA Senior Residence

Financed through HUD's 202 program with assistance from HPD and HCR, this affordable senior housing residence is located in Astoria, Queens. Developers received more than 2,700 applications for the 66 new units upon opening in spring 2012.

II. BACKGROUND

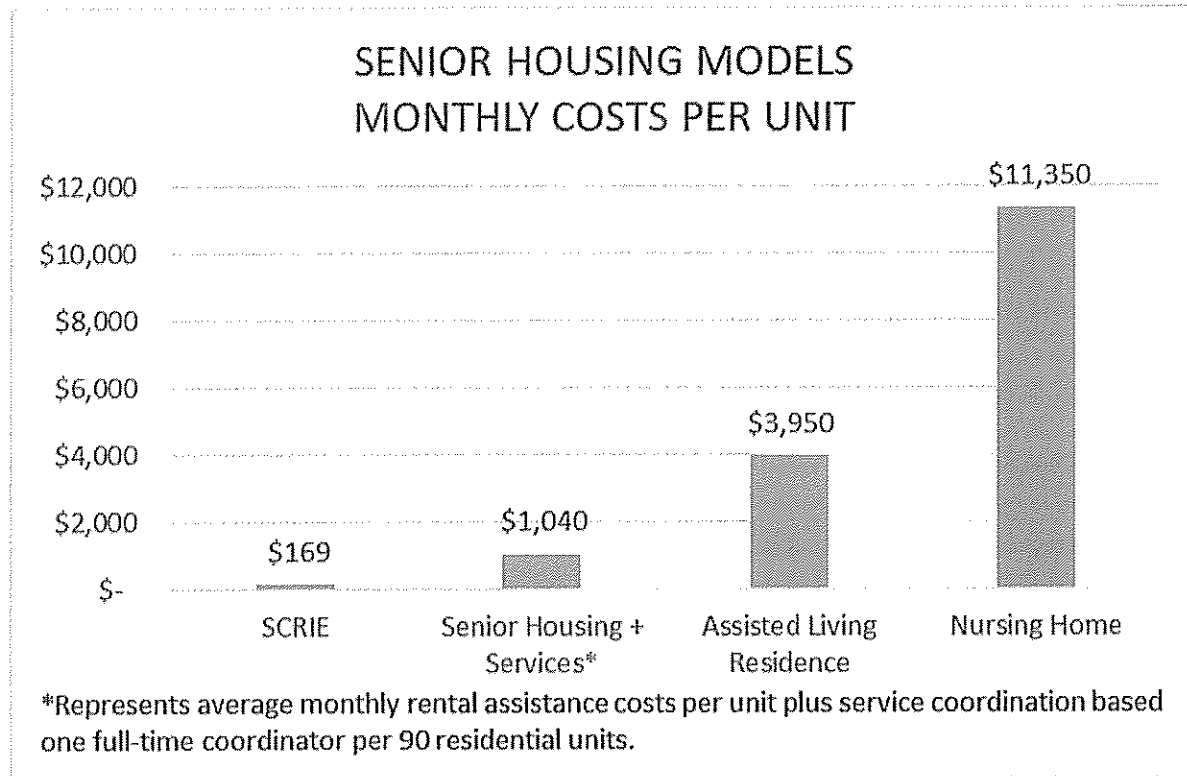
By 2030, New Yorkers 60+ population will increase to 1.84 million, a 47% increase from 2000^{vii}. With New Yorkers' average life expectancy currently at a record high of 80.6 years, we can expect the elderly to continue to live longer than in the past^{viii}. We can also expect for most seniors to be women, as women currently outlive men by about 5 years. While they live longer, women ages 65+ comprise 69% of the frail older adult population. Women are also more likely to have incomes below poverty (\$11,170 for a single person) since they tend to receive lower Social Security payments, due to time spent out of workforce and lower paying salaries. Median income for New Yorker City renters ages 60-69 is \$24,000 and even worse for those age 70 and over, median income drops to \$15,000 compared to the overall median household income of \$38,000^x. Lastly, almost 33% of persons age 65+ and nearly 50% of persons 85+ in NYC live alone^x. New York City must act now to prepare for this shift in demographics and social characteristics and consider the housing needs of our aging population.

To date, piecemeal solutions have mainly addressed affordability issues for seniors without comprehensive planning. Affordability certainly remains central to any citywide senior housing plan. Between 2007 and 2011, a period when house prices citywide fell by 20 percent, the median monthly rent increased in real terms by 8.5 percent, from \$999 to \$1,084^{xi}. Households living on a fixed-income, like so many seniors, are hit hard by rent increases of this magnitude. The current average Social Security benefit is \$1,230 per month or only \$14,760 annually^{xii}. Over time, fixed-income households face unsustainable rent burdens, even when living in rent-stabilized housing.

According to New York City's 2011 Housing Vacancy Survey, 51% of single elderly renter households live in rent-stabilized or rent-controlled housing. 20% live in market-rate rental units and nearly 16% live in public housing units, while 14% live in other subsidized housing programs. Of the 98,000 single elderly renter households in rent-stabilized units, a shocking 65% paid more than half of their incomes for gross rent, while 62% of such households in rent unregulated units paid such a high proportion of their incomes for rent^{xiii}. Tragically, remaining housed is a challenge for more than 2,000 people age 60+ sleeping in municipal homeless shelters tonight^{xiv}.

Affordable housing options for low-income seniors are few and far between in New York City. For some older adults, changes in their physical, emotional, or mental health, or in their family, social, or financial situations may compromise their ability to continue living where they are. However, finding affordable and supported senior housing options which allow for independent living is difficult. Licensed assisted living residences are not designed for independent living and are out of reach for most seniors with the average cost of \$3,950 per month and as high as

\$9,500 per month depending on location and other factors^{xv}. Meanwhile, nursing home beds are even more costly as they are reserved for individuals that require 24-hour nursing care due to chronic illness or injury, have health care needs as well as personal needs and are unable to function independently^{xvi}.



The City's current housing assistance programs available to seniors fall into the following categories: 1) public housing, 2) affordable housing production and 3) rental assistance.

Public housing- As of March 2013, 18.8% of the New York City Housing Authority (NYCHA) population are age 62 or older and 36.6% of the households are headed by persons over 62 years-of-age^{xvii}. NYCHA operates 9,822 apartments designated for seniors in 42 developments, 15 of which exist within mixed-population developments. Demand for public housing remains strong with 170,000 families on the waitlist, which nearly equals NYCHA's 175,000 public housing units.

Affordable housing production- Of the 165,000 affordable housing units developed and preserved over the last ten years, about 3,600 units are dedicated low-income senior housing buildings, most of which were financed in conjunction with the popular federal Section 202 Supportive Housing for the Elderly Program. Under the 202 program, the U.S. Department of Housing and Urban Development (HUD) provided capital to finance the construction or preservation of housing for very low-income elderly persons, including the frail elderly, with rent subsidies to help make them affordable. It provides very low-income elderly with options that allow them to live independently in a congregate setting. The program is similar to Supportive Housing for Persons with Disabilities (Section 811). While this model met great success nationwide, Congress has failed to appropriate funding for new projects since implementing drastic discretionary spending cuts in 2010. The City's Department of Housing Preservation and Development (HPD) has stepped in with alternative capital financing and Section 8 vouchers to fill the void created by the lack of 202 funding by maintaining production levels at about 200-300 units per year.

The City also finances senior housing set-asides in new construction proposed by developers and refinances senior housing projects that approach the City. In total, about 6,000 units set-aside for seniors have been developed and preserved through bond-financing by the Housing Development Corporation (HDC) over the last 10 years. Many of these were financed in conjunction with HPD.

Rental assistance- Rental assistance programs are a critical resource in keeping low-income seniors in their homes. There are a variety of housing subsidy programs serving low-income households in New York City but the primary rental assistance tools the City utilizes are the Section 8 Housing Choice Voucher Program (Section 8) and the Senior Citizen Rent Increase Exemption (SCRIE) Program.

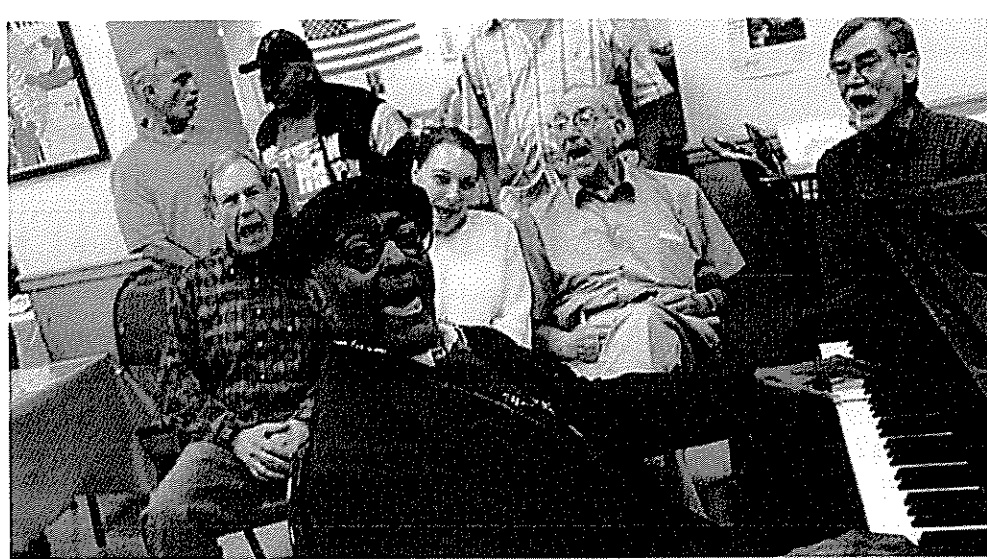
NYCHA's Seniors

- 61,500 residents are aged 65 and older
- 48,200 aged 55 to 64
- 71% are women
- 53% live alone
- 29% reported limitations in their ability to perform basic activities of daily living
- 79% are diagnosed with two or more chronic conditions (diabetes, hypertension, high cholesterol, arthritis, or osteoporosis)

Source: "Health of Older Adults in New York City Public Housing" by NYCHA, May 2011.

- **Section 8-** The City administers about 130,000 Section 8 vouchers through NYCHA and HPD and more than a quarter of these vouchers aid elderly households^{xviii}. Section 8 is limited to households earning up to 50% AMI (\$30,100 for 1 person) but 75% of new admissions are limited to 30% AMI (\$18,050 for 1 person). Section 8 offers direct monthly payments to landlords for the difference between the contract rent and 30% of a tenant's income. The program allows vouchers to be tied to units rather than tenants in order to leverage financing against long-term rental subsidy in "project-based" contracts. The federal subsidy is funded annually through discretionary appropriations to HUD. The program, which is fully utilized in New York, has recently suffered under federal cuts. NYCHA and HPD have both ceased new admissions to their programs and are undertaking cost-cutting measures to avoid rescinding vouchers from families in need.
- **SCRIE-** More than 47,000 households subscribed to SCRIE in 2012 at total cost to the City of \$96 million^{xix}. The benefit which must be renewed annually is offered through New York City's Department of Finance. SCRIE is limited to households earning less than \$29,000 annually and freezes an applicant's rent at current levels. Landlords are compensated through real estate tax rebates for the difference between frozen rent levels and rent increases. Unlike most housing benefits, the income limit is not pegged to area median nor is it dependent upon household size. While the benefit freezes a tenant's rent at current levels, it does not reduce a tenant's share of rent to the federal rent burden standard of 30% of gross income. According to federal standards, 65% of New York City's single elderly living in rent-stabilized or rent-controlled units are currently *severely* rent burdened, spending more than half of their incomes on rent. Lastly, SCRIE income eligibility limit has not been adjusted since 2009 and at the time the increase was modest, increasing from \$28,000 to \$29,000.

While the City does offer some targeted programs to seniors, the programs are not coordinated nor are they sufficient to meet the growing demand of the City's aging population.



III. CHALLENGES

Affordable housing preservation and development faces a host of challenges in New York City including aging housing stock, increasing operating expenses and high land costs. For renters, availability, affordability, accessibility and housing quality are the primary obstacles to obtaining and maintaining a safe and healthy home. It is important to consider how these and other challenges impact older adults and senior housing developers.

For older adults who rent in New York City, the following issues impact their ability to find and hold onto affordable housing:

- **Affordability-** According to federal affordability standards, a household is rent burdened if they pay more than 30% of gross income towards rent. For 250,000 seniors ages 60-69, earning a median income of \$24,000 in New York City, affordable rent is \$600 per month. For another 200,000 New Yorkers who are age 70+ earning only \$15,000, the highest rent they can afford to pay is \$375 monthly^{xx}. Compare that to New York City's average rent which exceeded \$3000 per month in 2013 according to REIS data^{xxi}.
- **Increasing rent burdens-** From 2007 to 2011, rent burdens got worst, growing by nearly 3%.^{xxii} For older low-income adults who are retired living on fixed-incomes or unable to work to increase their incomes, rent increases are difficult at best. An extreme rent burden, in which 50% of gross income goes towards housing costs according to federal standards, often means making difficult choices between paying rent, buying food or medicine.
- **Deregulation of affordable housing-** Even with the construction or preservation of 165,000 units since 2004 under the City's most recent large-scale affordable housing initiative, fewer units are affordable to low-income households today, due to changes in rent regulations and the expiration of affordability guarantees. In New York City, approximately 50,000 units of housing affordable to low and moderate income renters will reach the end of their mandatory affordability requirements by 2021,^{xxiii} as many as 170,000 more are at-risk by 2037.^{xxiv} Between 2002 and 2008, the number of units affordable to households with incomes at 80 percent of median fell by over 17%^{xxv} and this trend has continued^{xxvi}. With so many seniors living in rent regulated housing, deregulation is a serious threat to the sustainability of older renters.
- **Safe and accessible homes-** For some older adults, changes in their physical abilities makes accessibility an issue. According to the 2011 Housing Vacancy Survey, there are 620,000 accessible units in New York City, constituting only 19% of the housing stock. Most units in buildings without elevators are inaccessible to people with mobility impairments. Even some pre-war buildings with elevators have doorways or bathrooms that are too narrow to accommodate a wheelchair.

For others, safely navigating the bathroom without a grab bar is a danger. According to a recent report highlighting the danger and cost of falls in New York City, 78% of older adults hospitalized for falls required further care upon discharge in 2011 and only 22% were released to home under their own care. Fall-related hospitalizations accounted for 64% of all injury-related hospitalization costs among older adults in NYC. The cost of fall-related hospitalizations among older adults totaled approximately \$771 million in NYC^{xxvii}.

Turning to the challenges facing senior housing developers and operators, they confront issues similar to other affordable housing developers including finding suitable sites and securing financing. But changes at the State and Federal level have created new obstacles to developing new senior housing projects.

- **Lack of Service Coordinator Funding-** While the celebrated 202 program is described by HUD as supportive housing for seniors, most 202 buildings have been developed without a service coordinator in NYC. While service coordination in congregate senior housing is understood to bring many benefits to tenants and potential savings to government, there is no dedicated funding stream which limits use of this successful model.
- **Limitations for Senior Housing with Services-** In 2004, the Assisted Living Reform Act was signed into law which broadly expanded the definition of assisted living in the State of New York by requiring licensing of projects using the term “assisted living” or any variation. The legislation also creates areas of uncertainty for senior housing with services by placing limits on the types of services a service coordinator may provide. Clarification of the expanded definition of assisted living as it relates to independent senior housing with services will resolve any confusion. While assisted living residences have long been licensed by the State to protect residents who cannot live independently, senior housing with services is for lease-holding tenants who can live independently. Senior housing models such as the 202 program when complimented with a service coordinator, offer housing for the elderly with modest and optional services for residents. Senior housing

What is Assisted Living?

An Assisted Living Residence (ALR) is a certified adult home or enriched housing program that has additionally been approved by the DOH for licensure as an ALR. An operator of an ALR is required to provide or arrange for housing, twenty-four hour on-site monitoring, and personal care services and/or home care services in a home-like setting to five or more adult residents.

ALRs must also provide daily meals and snacks, case management services, and is required to develop an individualized service plan (ISP).

ALRs may offer each resident their own room, a small apartment, or a shared space with a suitable roommate.

with services is often developed and managed by nonprofit housing developers providing seniors with their own contained apartment with optional services such as service coordination, on-site socialization opportunities, as well as assistance accessing medical and mental health care.

- Declining federal investment-** Since 2010, federal housing programs have been under siege in the annual appropriation process. HPD and NYCHA have lost \$400 million in federal subsidies during this period. Overall HUD funding has been reduced by a devastating 30%. For some programs supporting affordable housing development, rental assistance and public housing, this has meant funding reductions up to 50%. HUD programs including HOME, CDBG, Section 8 and the 202 program have been an important source of affordable housing financing for senior housing and services. In recent years, the 202 program has only funded the refinancing and continuation of rental assistance for existing 202 housing in need of capital improvements. Although the 202 program remains the only dedicated senior affordable housing program, the availability of funds for new projects remains uncertain.

While 202 has been an important tool for housing developers, cuts to Section 8 Housing Choice Vouchers may have an even greater impact on the financing of new senior housing development. In New York City, Section 8 has been leveraging private debt for affordable housing as a “project-based” rental subsidy, which ties the voucher to the unit rather than to the household. This allowed the City to create a senior housing program outside of the federal 202 program by utilizing other affordable housing subsidies such as tax-exempt bonds and/or Low Income Tax Credits, along with City capital and HOME funds. At present all of these federal resources are under threat in the anticipated tax reform and budget negotiations centered on reduction of the national debt.



IV. OPPORTUNITIES

Building and preserving safe and affordable housing options for seniors can spur positive social and economic benefits. While public investment in affordable housing is widely known to create jobs and stimulate the local economy, affordable housing also has the potential to improve the lives of seniors and potentially save healthcare costs. Since public resources are limited, it is important to consider new and anticipated opportunities for funding which will allow the City to stretch existing funding while expanding production.

Senior housing can offer seniors needed social connections and potentially improve health outcomes for many tenants. Furthermore, healthcare costs may be reduced for targeted populations.

- Addressing Isolation-** In a congregate housing model, tenant independence is maintained but social connections are fostered through well-designed communal space and structured social opportunities. Supportive housing is often designed to maximize tenant interactions with staff and tenants alike to encourage social connections and break patterns of isolation. Elevators may be situated to open near staff offices or laundry facilities may include a lounge area to foster engagement with staff and residents. Structured social opportunities may include as on-site classes, meetings and celebratory gatherings. Off-site excursions are easily arranged with group transportation and provide important opportunities to connect with other residents and the broader community.
- Safety and security-** Too many seniors in New York City lack an accessible, safe and secure living



Hamilton House

Project FIND's supportive housing residence located in Manhattan is comprised of 174 apartments for persons 62 years of age and up and whose income does not exceed 80% AMI (~48k for 1 person). The social service team is comprised of 2 full-time social workers who strive to keep tenants stably-housed and engaged in the community, funded by HUD's Multi-Service Coordinator Program.

environment, which senior housing can provide. While maintaining independence and privacy in a unit of their own, tenants can feel reassured in a congregate living environment with a strong sense of community in a secure setting.

- **Improved physical and mental health outcomes-** It is well documented that financial stress, including the stress of unaffordable housing costs, is detrimental to physical and mental health^{xxviii}. The value of a congregate setting is that it can provide linkages with health providers and offer an efficient platform for assessing the health status of a large number of high-risk individuals.
- **Cost savings-** Supportive housing for the disabled homeless is proven to save money. This is especially true for emergency healthcare costs which can be more efficiently addressed through managed care and outpatient services. A recent report found that homeless or institutionalized people placed into NY/NY III supportive housing saved taxpayers a net average of \$10,100 per person per year^{xxix}. Affordable housing with minimal services can also stall or completely prevent premature or unnecessary institutionalization. Should senior housing be targeted to high-use Medicaid population with connections to coordinated care, similar savings can be expected.
 - **Health Homes-** The Health Homes model of managed or coordinated care aims to reduce health care costs through community networks. Senior housing providers should seek connections with Health Home networks to ensure residents are receiving coordinated care where appropriate. These linkages may reduce State and Federal Medicaid costs.

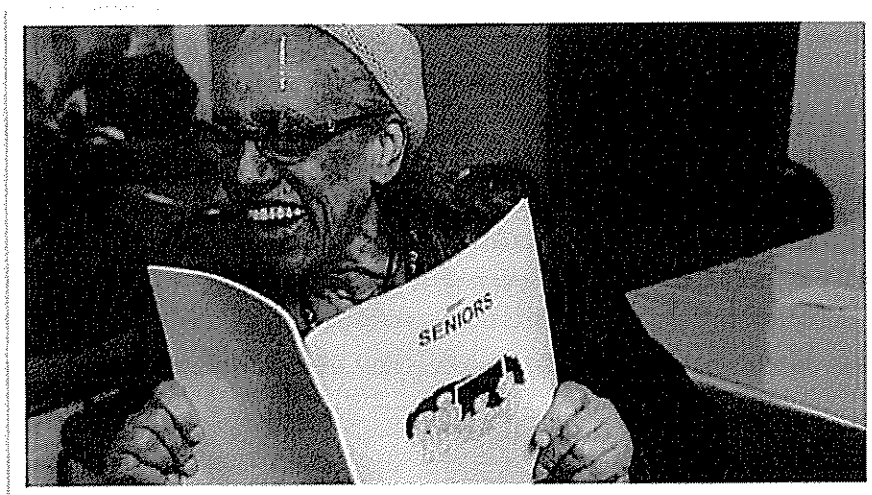
To achieve substantial social and economic benefits from the development and preservation of senior housing, existing production levels must be vastly expanded. To increase investment, it is important to consider potential new funding opportunities at the State and Federal levels.

- **Medicaid Redesign Team (MRT)-** The State's MRT Affordable Housing Work Group allocated \$86 million in 2013-14 to fund various supportive housing initiatives for high-cost Medicaid populations, recognizing that targeted investment in affordable housing will yield savings in healthcare. The MRT is an important model for social investment and a valuable resource for projects targeting high-cost populations. At present, only \$3 million in MRT pilot project funding supports senior housing. Approximately 20% of existing MRT housing program dollars will go to house seniors. This funding resource should be expanded for future opportunities to enhance senior housing with services.
- **National Housing Trust Fund (NHTF)-** The NHTF was established to provide communities with funds to build, preserve, and rehabilitate rental homes that are affordable for extremely and very low income households. Since the passage of NHTF legislation in 2008, it has not been capitalized as expected through Fannie Mae and Freddie Mac since they entered conservatorship. Once capitalized, New York State is expected to receive up to

\$500 million. At least 20% of these funds should be used to build and preserve senior housing in New York City.

Additional benefits will be achieved by investment in programs designed to meet the service needs of seniors aging in place. Such funding will ensure that building residents and communities are proactively supported through service coordination models.

- **Senior Service Coordinator-** Modeled on the federal 202 model, a service coordinator with professional social work experience is key to linking tenants with social services that keep tenants stably-housed and engaged in the community through four areas of support: 1) housing, 2) case management, 3) medical and 4) social. Senior housing projects should be encouraged to incorporate on-site service coordinators to proactively address seniors' changing needs while potentially reducing public spending associated with service coordination.
- **Client Centered Technologies-** Residents of affordable housing live at varying degrees of independence, initially, very active and perhaps over time in need of additional supports, including the evolving field of client centered technologies (CCT). CCT can support safety and dignity, while at the same time be a factor in cost reduction and combatting social isolation. Examples may include access to a Virtual Senior Center for homebound tenants, digital signage to keep residents up to date with programming, and telehealth kiosks for residents to measure and record blood pressure, oxygen, and weight levels for remote monitoring by nurses.
- **NORC Programs-** Naturally Occurring Retirement Community (NORC) is a multi-age housing development that was not originally built for seniors but that now is home to a significant number of older persons. Through a public/private partnership, Supportive Services Programs offers older residents access to case management and health related services right in their own building or building complex through an on-site nurse part time, classes and educational activities, trips, and volunteer opportunities. This popular program should be expanded in suitable buildings and communities



V. SOLUTIONS

Investment in a comprehensive senior housing plan will address the challenges facing older adults and senior housing developers while leveraging public resources to maximize social and economic benefits. Mayor de Blasio should adopt a four-part plan to improve **1) Production, 2) Preservation, 3) Regulation of affordable housing for older New Yorkers and 4) Leadership.**

At the centerpiece of investment in affordable housing for seniors, the City should launch **Senior Housing + Services (SH+S)**. Modeled on the 202 congregate low-income housing program, this new housing finance program with services (SH+S) can provide low-income seniors with affordable housing in buildings supported by a service coordinator to meet aging residents' evolving needs.

By retooling existing programs and additional investment in select programs, Mayor de Blasio can create a program to serve at least **100,000 seniors**, laying the groundwork for a foundation to meet the housing needs of New York City's growing elderly population.

SENIOR HOUSING DEVELOPMENT AND PRESERVATION	
Program	Units / Households 2014-2023
Senior Housing + Services	6,000
HPD/HDC LAMP, LIRP and Preservation	6,000
Guaranteed Inclusionary Housing for Seniors	10,000
Senior Repair/Accessibility Loan Program	3,000
SCRIE	75,000
TOTAL	100,000

1) PRODUCTION

Make senior housing a prominent feature in Mayor de Blasio's 200,000-unit affordable housing plan by developing and preserving 22,000 units of affordable housing for older adults over ten years through HPD and HDC programs and by targeting senior housing in an anticipated Guaranteed Inclusionary Housing Program.

- **Senior Housing + Services-** Build **6,000 units** of low-income rental housing for seniors by investing **\$750 million in capital subsidies** over 8 years and utilizing project-based Section 8 assistance vouchers to leverage Low Income Tax Credits and other public and private resources. This investment will double senior housing produced by HPD's Special Needs Unit and will enhance the existing program by providing buildings with on-site service coordinators. Furthermore, there are several pilots in process utilizing Medicaid Redesign

Transition (MRT) funds which hold promise as a steady funding source for senior housing and services due to the benefits of supporting seniors to age in place in the least restrictive setting possible.

- **Service Coordinator Funding-** In cooperation with NY State, invest the **\$6 million** required to fund service coordination to support 6,000 SH+S units. This cost estimate is based on current monthly rates of \$80-\$125 per unit to adequately fund a service coordinator. Explore the inclusion of senior housing in the next NY/NY agreement to fund on-site service coordination to maximize benefits for the tenants and community.
- **Allow Senior Projects to Self-Finance Service Coordination-** Less than \$6 million may be required if suitable projects are permitted to internally fund a service coordinator role in initial underwriting. Both City and State housing agencies should offer developers greater flexibility to pursue this option where feasible.
- **New Construction Set-Asides and Senior Housing Preservation-** Continue present strategies and maintain current levels of volume cap and corporate subsidy to build and preserve senior housing through LAMP and other HDC new construction and preservation programs by committing at least **\$540 million in volume cap** to invest in **6,000 affordable units** over the next 8 years. Preserving existing affordable housing serving high concentrations of older adults like many Mitchell Lama residences and buildings operating under HUD legacy rental assistance and insurance programs may also be candidates for NORC services.

Senior Housing + Services (SH+S)

Senior housing with services prolongs independence and offers many advantages to government and the senior consumer including:

- 1) lower costs for operators and tenants
- 2) modest and flexible staffing arrangements
- 3) increased opportunity for development by non-profit mission driven providers
- 4) increased feasible for a greater number of units to be developed to address the growing demand for affordable housing for seniors.

Consider the following options to reduce subsidy costs by leveraging the private market and building to better meet community needs:

- **Guarantee inclusionary housing for seniors-** In plans to provide 50,000 units of guaranteed inclusionary housing, incentivize developers to dedicate 20% or **10,000 low-income units** for senior housing. Harness the private market to create off-budget affordable housing for seniors by offering sufficient zoning bonuses in rezonings, *without* use of public subsidy. Ensure developers work with community organizations to provide service coordination for low-income tenants. And by targeting 1 in 5 guaranteed inclusionary units now, we can start to prepare for the 1 in 5 seniors expected by 2030.

- **Utilize NYCHA land-** With more than one third of head of households age 62+ at NYCHA and 5,500 units currently under-occupied across the City's vast public housing portfolio, build senior housing with services on NYCHA land. Serving seniors in NYCHA infill plans can free-up larger under-occupied units while providing housing options to NYCHA tenants and other seniors seeking supportive and affordable housing nearby in their community^{xxx}.
- **Champion LIHTC Income Averaging-** Serve a wider range of income groups than the current, narrowly targeted housing programs which are a bad fit for extremely low-income seniors. Provide additional city and state subsidies to complement the federal Low Income Housing Tax Credit program, and champion a 30/60/90 percent AMI balanced LIHTC program.

To support operating costs, consider the following strategies:

- **Set-aside or create new project-based rental subsidies-** Rental assistance is critical to developing low-income senior housing. About 600 rental assistance vouchers are required for low-income seniors annually to meet production targets. Prioritize Section 8 vouchers that may become available through attrition or if Section 8 budget threats persist, create a new long-term rental assistance program in conjunction with the State.

AMI Levels

Affordable housing financed with LIHTC often produces units affordable to households in a narrow income band just below the 60% AMI income limit. Ensure that new senior housing targets single households at the following levels:

- 30% AMI or \$18,060
- 40% AMI or \$24,080

Source: HUD 2013 Income Limits

Siting recommendations:

- **Explore co-location with senior centers-** Senior housing can be built to include community or retail space on the ground floor. Work with senior service providers and DFTA to create social, educational or other important service programs for residents and the community at large, fostering integration between residents of affordable housing and the greater community. The theory behind this concept is to provide vulnerable seniors with an on-site and therefore easily accessible suite of support services that extends the capabilities of the Service Coordinator. An example of this model is a co-located primary care practice or Community Health Center (Federally Qualified Health Center) within a residential project to help residents to manage chronic conditions
- **Proximity to services and transit-** Site senior housing near medical and other community facilities that will be utilized by seniors. Plan around bus routes and transit hubs to ensure optimal access to public transportation.
- **Establish a first-look for senior housing developers-** Work with State and Federal agencies operating property disposition units to establish a first-look program for senior housing developers to acquire sites suitable to residential development.

- **Prioritize senior housing on City-owned sites-** Ensure senior housing is included in requests for proposals in large scale housing development and economic development projects. Ensure that housing agencies work with other City agencies to maximize public land available for affordable housing siting.

2) PRESERVATION

Although we must increase affordable housing production, it is widely understood that we can't build our way out of a housing crisis. It is also clear that we need to take more aggressive measures to keep people in their existing homes. As quickly as the City's shelters rose to 50,000, they can easily rise to 100,000. The City must act to protect tenants from the threats of unaffordability, displacement and disrepair.

Advocate for comprehensive solutions to keep older adults safely housed in apartments with permanent affordability.

- **Reform SCRIE-** SCRIE is a critical resource for many seniors living on fixed incomes and facing ever-rising rents. With an income limit of 29,000 without regard to household size, too many households headed by older adults are found ineligible but remain in dire need of rent relief. The SCRIE program should be reformed and outreach should be improved to serve a greater percentage of eligible elderly renters. If enrollment is increased by ~50%, SCRIE reform is projected to cost upwards of **\$152 million** in tax rebates to aid **75,000 households** annually. While this estimate represents a 50% increase to the current program budget, it does not take into account the cost of reducing participants' rent burdens to 30% of gross income. A more in depth cost analysis must be conducted based on Department of Finance enrollment data, which is not publicly available at the time of this report.

Critically needed reforms are as follows:

- Raise SCRIE income limit to at least 60% AMI (\$36,120 for a single household) and adjusted to household size, following annual adjustments set by HUD.
- Limit rent burden to 30% of a tenant's gross income as per federal affordability standards.
- Reduce the administrative burden on seniors while lowering the City's administrative costs by extending the renewal period from only one year and simplify the renewal process.
- Launch an aggressive public outreach campaign to ensure that eligible seniors are aware of the rental assistance program and publicize application and renewal procedures. Consider modeling a systematic outreach program based on the Star Tax Rebate which prompts households to review eligibility annually when filing income taxes.
- Encourage legal service providers and homeless prevention organizations to promote application to SCRIE and include fast-track approvals for seniors facing eviction.

- Help seniors facing eviction due to nonpayment of rent by reforming the program to offer landlords a tax rebate for back payment of rent. For tenants who could have qualified for SCRIE while accruing rental arrears, an emergency SCRIE “One Shot” should be offered similar to the HRA program which most commonly pays for rent, utilities and moving/furniture.
- Explore the opportunity to amend city and state policies regarding the recertification process to ensure seniors are not deemed ineligible for missing the recertification deadline. This will improve their ability to remain stably housed.
- Consider transferring SCRIE administration from DOF to DFTA as this agency is better prepared to provide more customer-friendly service to older adults.
- **Invest in Senior Repair/Accessibility Loan Program-** Modeled on the City’s successful Rapid Repairs program aimed at rebuilding after Hurricane Sandy, the City should establish a program to install grab bars in bathrooms and conduct other improvements to enhance accessibility and safety in **3,000 homes**. In the Rapid Repairs model, the City contracts with the construction crews and owners to perform standard work packages for homeowners. In a new model focused on seniors, low-income homeowners and renters would both be eligible to receive accessibility upgrades based on demonstrated need.
- **Expand NORCs-** This successful and innovative model should be expanded from just 28 buildings in NYC to allow seniors to age in place with support and delay or prevent institutionalization. The City should increase contract funding to cover staff costs and survey existing buildings across the city to determine their eligibility to receive benefits from NORC services.
- **Advocate for repeal of the Urstadt Laws-** Fight for local control of the rent regulation process to increase protections for tenants, especially for seniors struggling to make ends meet. Ensure rent regulated tenants are protected and rent increases are fair and justified.

3) REGULATION

The City needs to keep pace with reforms to zoning, building and housing and maintenance codes to permit the establishment of new housing models to address the changing needs and demographics of our city's aging population.

- **Adopt “Making Room” recommendations-** The Citizens Housing and Planning Council’s “Making Room” initiative that brings together cutting-edge housing and demographic research, new design proposals, and pragmatic policy recommendations that would expand housing options in New York City to meet the needs of our diverse and growing population. The Making Room initiative is specifically focused on three new housing types for the New York City marketplace: 1) Small, efficient studios designed for single person households; 2) Legal shared housing options for unrelated adults; and 3) Accessory units to make a single family home more flexible for extended families or additional renters. The practical approach of Making Room would expand affordable housing options for not just for older adults but for people of all ages.

- **Incorporate Universal Design principles-** While New York City's building code meets and sometimes exceeds federal accessibility standards, any new changes to the building, zoning and housing maintenance code should incorporate Universal Design principles to improve inclusion and accessibility.
- **Enhance senior housing bonus-** Improve the senior housing density zoning bonus so that affordable housing developers can increase building size, reduce per-unit costs, and better compete for land.
- **Eliminate parking requirements-** Eliminate parking requirements for senior affordable housing developments to reduce costs and make more sites viable for development. While reduced requirements are available for new construction of senior housing, projects should be able to avoid this requirement entirely.

Ease regulatory barriers at the State level:

- **Review the Assisted Living Reform Act –** Clarify the definition of “services” to maximize affordable housing options for seniors.
- **New York/New York IV-** Explore options for funding service coordinators by expanding eligible populations in the next New York/New York Supportive Housing agreement to allow for seniors. Under NY/NY a service coordinator tied to low-income senior housing can provide important linkages to seniors in need of support to maintain social ties, good health and independence.

4) LEADERSHIP

For too long, there has been a complete disconnect between the Department for the Aging (DFTA) and citywide housing and planning activities and resources for older adults. City Hall should ensure that DFTA is informed and actively engages on the important issue of affordable housing by establishing an Assistant Commissioner of Housing at DFTA to coordinate and collaborate with City Hall and housing agencies (HPD, NYCHA, DHS, DCP, DOHMH)). DFTA's Assistant Commissioner of Housing can be a housing advocate for seniors and take the lead on the following:

- **Engage senior housing stakeholders-** Open channels of communication with service and housing providers. Elicit feedback from stakeholders while communicating priorities, progress and needs.
- **Advocate for federal housing resources-** Work with national aging partners and federal officials to restore funding to HUD programs, especially the 202 and Section 8 programs.
- **Develop public/private partnerships-** The City should partner with external stakeholders to jointly combat challenges and leverage opportunities created by the “aging tsunami”.
- **Explore new models/best practices-** DFTA should work with housing agencies to explore new housing models and best practices in affordable housing for older adults. The City can learn from other localities and cultures to push the boundaries of innovation in housing and services.

- **Participate in planning-** DTFA's Assistant Commissioner of Housing should work with DCP, HPD and NYCHA on planning to meet the needs of seniors. There are opportunities for co-location with senior centers or geriatric care or other facilities that make sense for senior housing. Opportunities for infill on NYCHA campuses with high concentrations of seniors in under-occupied apartments or development on land owned by the Health and Hospital Corporation could build on the success of ongoing initiatives where NYCHA property is being successfully repurposed to expand economic opportunity (e.g. Astoria Houses in Western Queens).
- **Create senior housing portal-** Compile a database of all City-financed senior housing initiatives and create a user-friendly website listing vacancies. At present, HPD does not track senior housing units developed or preserved.
- **Conduct research-** DFTA, in collaboration with community organizations, should take the lead in evaluating senior housing models and analyze cost-saving measures, health and other outcomes for residents with the view of targeting investment in efficient and effective housing. Such research could justify and attract MRT and other types of investment.



VI. CONCLUSION

New York City must begin to prepare to meet the housing needs of our growing and aging population. The first step in addressing the massive shortfall of senior housing is to create meaningful linkages between DFTA and the City's housing agencies while measuring outcomes and encouraging best practices.

Senior housing must be a prominent part of Mayor de Blasio's proposed 200,000-unit affordable housing initiative. Keeping seniors in their homes by expanding SCRIE is essential to managing demand for affordable housing. However, demand is great and the City must invest a minimum of \$750 million to create and preserve 6,000 affordable SH+S units over 8 years to begin to meet this growing need. The return on this substantial investment will be evident by the social and economic benefits of developing and preserving affordable housing for low-income seniors.

To ensure that older New Yorkers of all incomes can benefit from living in housing with services, CSCS encourages Mayor Bill de Blasio, Governor Andrew Cuomo and other stakeholders to review the current assisted living law. Allowing for the provision of supportive services, in particular for low income seniors, enables residents to feel secure in their housing as they age in place. We also urge the Mayor and Governor to work together to improve rent regulation for tens of thousands of seniors struggling with rent increases and fearful of deregulation and loss of tenant protection and their homes.

All efforts to incentivize affordable housing production in the private market including guaranteed inclusionary housing should require specific senior housing targets. Regulatory changes must be made to not only spur the private market to invest in affordable housing but also to reduce costs for affordable housing developers.

Making New York a more affordable and equitable city can only be done by including the needs of older adults. This report outlines a framework to address the "Tale of Two Cities" experienced by low-income seniors in desperate need of affordable and supportive housing to live independently with dignity.

VII. CSCS HOUSING COMMITTEE

Laura Jervis, Co-Chair, Executive Director, West Side Federation for Senior & Supportive Housing

John Kaiteris, Co-Chair, Executive Director/CEO, HANAC, Inc.

Association of New York Catholic Homes
Bowery Residents Committee
Catholic Charities Neighborhood Services
Catholic Community Relations Council of NYC, Inc.
Community Agency for Senior Citizens
The Educational Alliance
Encore community Services
Goddard Riverside Senior Services
HANAC
The Hebrew Home at Riverdale
Institute for Puerto Rican and Hispanic Elderly
Isabella Geriatric Center
James Lenox House Association
JASA
Jewish Home Lifecare
Mid-Bronx Senior Citizens Council
NY Foundation for Senior Citizens
Presbyterian Senior Services
Project FIND
Queens Community House
Ridgewood-Bushwick Senior Citizens Council
SelfHelp Community Services
Sunnyside Community Services
YM-YWHA of Washington Heights/Inwood

VIII. HOUSING SYMPOSIUM SPEAKERS & CONTRIBUTORS

October 9, 2013

Speakers:

Igal Jellinek, Executive Director, Council of Senior Centers and Services of NYC, Inc.
Greg Olsen, Acting Director, New York State Office for the Aging
Dr. Cheryl Phillips, Senior Vice President, Public Policy & Advocacy, LeadingAge
Dan Heim, Executive Vice President, LeadingAge NY
Bobbie Sackman, Director of Public Policy, Council of Senior Centers and Services

Keynote Speaker:

Robyn Stone, Executive Director, Center for Applied Research and Senior Vice President of Research, LeadingAge

Moderator:

Shola Olatoye, Vice President & Market Leader, Enterprise Community Partners, Inc.

State Panelists:

Richard Brown, Senior Underwriter for Multi-Family, New York State Homes & Community Renewal
Diane Darbyshire, Senior Policy Analyst, LeadingAge NY
Stuart Kaplan, CEO, SelfHelp Community Services, Inc.
Elizabeth Misa, Deputy Medicaid Director, Office of Health Insurance Programs, NYS Department of Health

City Panelists:

Lilliam Barrios-Paoli, Commissioner, NYC Department for the Aging
David Gillcrist, Executive Director, Project FIND
Jessica Katz, Assistant Commissioner, NYC Department of Housing & Preservation Development
Jerilyn Perine, Executive Director, Citizens Housing Planning Council

IX. ENDNOTES

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*Organizing For Justice and Respect:
Don't Talk About Us: Talk With Us!*

FOR THE RECORD

PICTURE THE HOMELESS

Testimony before the New York City Council

Committee on Housing and Buildings and the Committee on Land Use

Oversight Hearing – Building Homes, Preserving Communities:

A First Look at the Mayor's Affordable Housing Plan

November 17, 2014

At this point, too many new shelters are opening up and people already in the shelter system are in deep despair, fearing they will be in the system forever. For those people, the avenues to exit shelter are nearly nonexistent. The “affordable” housing that’s available is unaffordable, and the Mayor’s new Astoria Cove housing development highlights that. In a recent DNAinfo article, it was said that rents would be “as low as \$800 a month.” At this point, almost no one in the shelter system has the means to pay this full amount of rent.

There are over 58,000 people in the shelter system with thousands more on the street or in overcrowded housing. Meanwhile, the budget for the Department of Homeless Services is about \$1 billion and increases each year. It costs anywhere from \$3,000 to \$4,300 to put a family or an individual through the shelter system. If you break this down for use in permanent housing, it would save the City and State a tremendous amount of money. To ensure permanent housing for all, a permanent rental subsidy should be created out of this funding instead of being directed to shelters.

The Advantage rental subsidy had many faults, but in its absence, it costs the city upwards of \$287 million to shelter people. The smarter, more efficient option would be to divert a portion of DHS funding towards a permanent rental subsidy. Instead of investing in permanent, truly affordable housing for the lowest income New Yorkers, the Department of Homeless Services and the City deals with slumlords through the cluster site shelter program. This program eliminates rent stabilized units, enriches slumlords, and makes more people homeless in the process. This also makes it more difficult to reach Mayor de Blasio’s plan of creating or preserving 200,000 units of affordable housing. To attack the root causes of homelessness, the City must divert a portion of this money for a permanent rental subsidy while building permanently affordable, income-targeted housing.

I am on a fixed income. I need only a little support, yet the shelter system is spending thousands of dollars to warehouse me in a shelter. I and many others would much rather pay a small portion of our incomes and stay out of the system with the help of a permanent rental subsidy.

For future projects, the City needs to build housing that is affordable to those living in the community and be based on neighborhood median income, which reflects the incomes of those living in the community. Area median income is inadequate and too often acts as a tool for displacement.

When we speak about housing all New Yorkers, people say there is no space to do so. Picture the Homeless and myself are witnesses to all these vacant lots and apartments. Through counting 1/3 of the city, we found enough vacant space to house 199,981 people, or close to four (4) times the shelter population. In this regard, the City should create a task force that processes all city-owned buildings and lots, making sure that nonprofit developers and organizations that have a track record in housing homeless people and people with extremely low incomes have priority in obtaining these properties for development. Previously, luxury developers got massive tax breaks from our former Mayor, making our city more unequal. Mayor de Blasio must prioritize and give tax breaks to Community Land Trusts, Mutual Housing Associations, and other forms of cooperative housing models so we can ensure housing for homeless people on the street, in the shelter system, and those living in dangerous or overcrowded housing.

Mayor de Blasio needs to hear from those people who are excluded from the housing market. He needs to hear from them on how the City can better use its resources to house people in Community Land Trusts and Mutual Housing Associations to ensure permanent, safe, truly affordable housing for all.



FOR THE

BANKING ON VACANCY

HOMELESSNESS AND REAL ESTATE

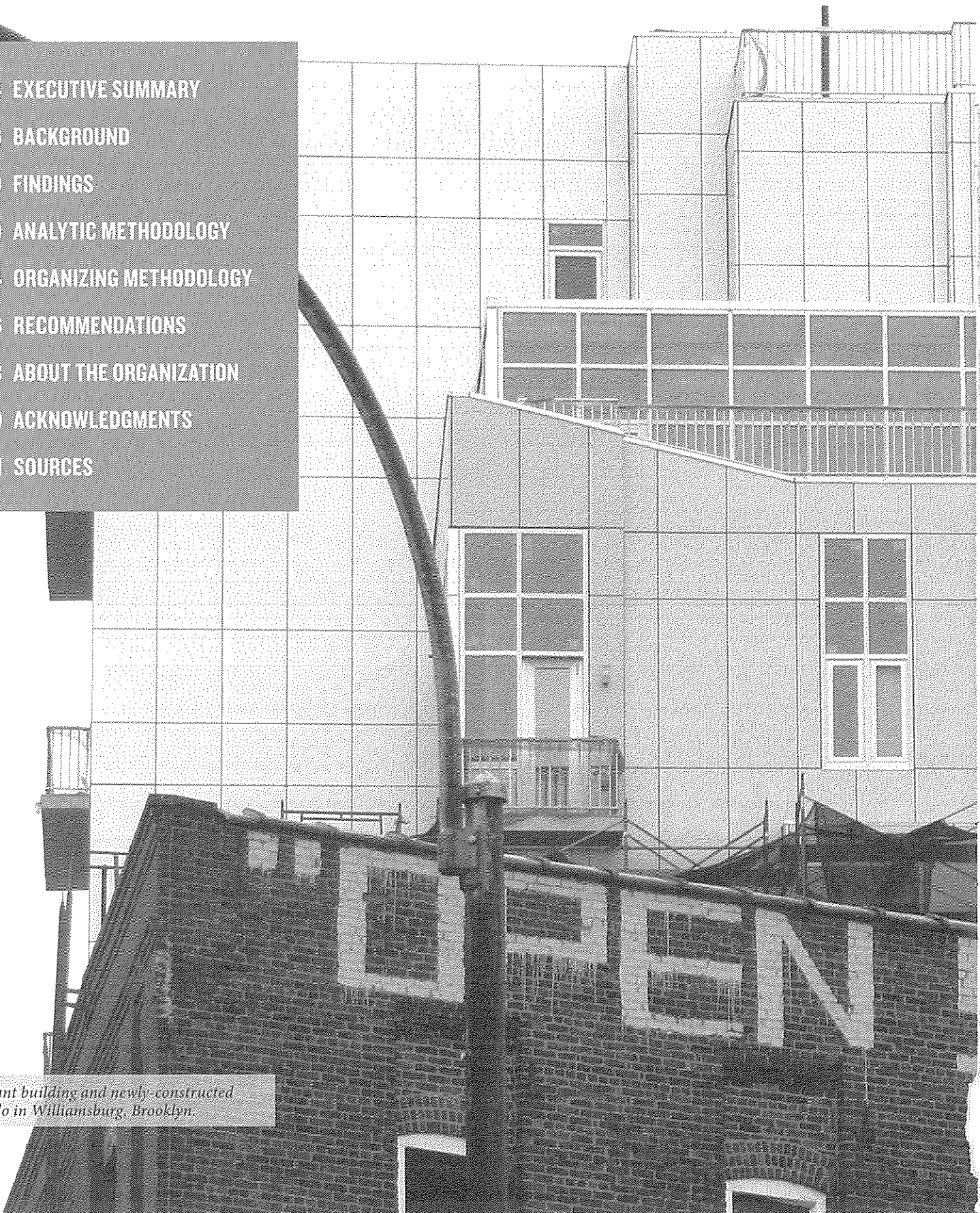
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PICTURE THE HOMELESS

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*Vacant building and newly-constructed
condo in Williamsburg, Brooklyn.*





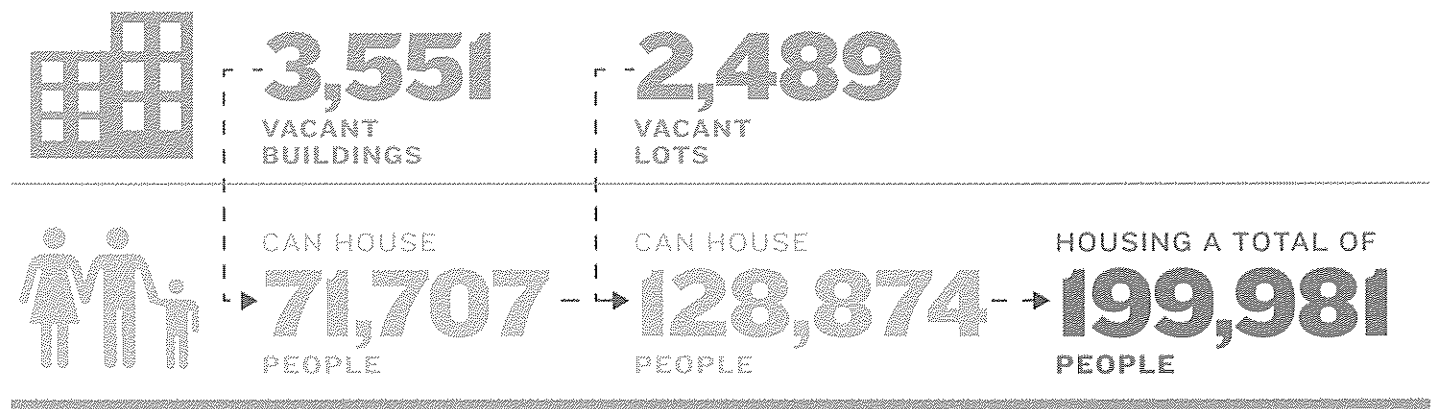
MISSION

Picture the Homeless was founded on the principle that homeless people have civil and human rights regardless of our race, creed, color or economic status. **Picture the Homeless** was founded and is led by homeless people. We refuse to accept being neglected and we demand that our voices and experience are heard at all levels of decision-making that impact us.

We oppose the quality of life laws that criminalize homeless people in any form by the city, state and national governments. We work to change these laws and policies as well as to challenge the root causes of homelessness. Our strategies include grassroots organizing, direct action, educating homeless people about their rights, public education, changing media stereotypes, and building relationships with allies. Our motto is "Don't Talk About Us, Talk With Us!"

EXECUTIVE SUMMARY

TOTAL FINDINGS



The following report exposes the extent to which vacant buildings and lots permeate our landscape, concentrated in the very communities hardest hit by gentrification and homelessness. We believe vacant property can create housing, parks, urban farms, commercial and cultural space, and jobs—and this report will prove just what a transformative impact this property could have.

Private Property—So What! The majority of vacant buildings and lots in NYC are privately owned, and the trend toward privatization continues. While we envision different strategies for the transformation of publicly owned vacant buildings and lots vis a vis privately-owned vacant property, both types beg the same question: who benefits from vacancy, and does that benefit outweigh the social and economic costs of the housing emergency?

If Picture the Homeless Can Do It, The City Can Do It! Picture the Homeless gathered nearly 12,000 addresses of vacant buildings and lots in fall of 2010 from Freedom of Information Requests to 18 city agencies. We then partnered with Hunter College to create a sound methodology combining scientific and community organizing practice. If the City of New York can conduct a scientifically questionable count of homeless people one night a year (The Hope Count, costing tens of thousands of dollars), then surely they can count vacant properties: by upgrading and consolidating data they already have, and mobilizing a field count annually. Picture the Homeless did it for a fraction of what some elected officials claim would cost millions of dollars.

Catalyze Community-Based Urban Planning Community boards with some of the lowest incomes in the City have thousands of vacant apartments, tens of thousands of square feet of vacant commercial space, and hundreds of vacant lots. We look forward to the day when marginalized communities throughout NYC develop alternate plans for the use of vacant spaces across NYC, and organize for their implementation, for the benefit of all community members including homeless folks.

SOLUTIONS

Housing Creation is Jobs Creation A jobs creation program that partners with construction trade unions to provide apprenticeships to unemployed people would help convert vacant properties in the communities hit hardest by the recession and housing emergency. Every dollar of investment in housing development generates an additional two dollars in economic activity.¹ In the 1970s the CETA program funded job training for public assistance recipients through employment in the rehabilitation of vacant buildings.² These “sweat equity” models allowed people to receive training to renovate and purchase properties through their labor during the 1980s, but were phased out in the 1990s. We need to bring back past models with proven track records.

End Vacancy Decontrol and Liberate Thousands of Vacant Rent Stabilized Units Ending vacancy decontrol for rent stabilized apartments, renovating them and renting them at the previous rents will create thousands of low rent apartments without rental subsidies. The City can launch a program to cover the cost of renovation in order to avoid Major Capital Improvement (MCI) increases passed onto tenants. The City would be better served funding housing development and job training for homeless folks than spending thousands per month on shelter costs, per family.

Mandate a City Wide Vacant Property Count Exposing the extent of vacancy in NYC includes demystifying the ownership of properties and tracking the length of time they have been vacant. The city can take immediate steps to centralize, improve, and de-mystify its property records, including the passage of vacant property count legislation by the New York City Council. If Con Edison were required to report electric and gas usage per unit, we would know exactly how many apartments are vacant in NYC and for how long. NYC has been in a housing emergency since 1947. It is time to evaluate and place limits on the housing market and to demand that government stop incentivizing real estate speculation at the expense of the public good.

Surveyor in action.



KEY FINDINGS

A vacant property count can be done at minimal cost to the city.

City agencies already collect a lot of data about vacancy, but make no effort to centralize and analyze that information to give a holistic picture of vacant property.

NYC's laissez-faire free-market strategy for dealing with empty buildings and lots harms communities and helps big real estate.

Property owners hide behind a maze of shell corporations and LLCs, making it nearly impossible for local communities to hold entities warehousing property accountable.

The same neighborhoods that send high numbers of families into the homeless shelter system have the highest density of vacant property—in most of them, there is enough vacant space to house ten times as many people as are currently housed in shelters in that district. Citywide, vacant property could house the entire shelter population five times over.

These findings are the tip of the iceberg. We counted 1/3 of the city, leaving 39 community districts untouched.

“THIS COUNT WILL HELP US FIGHT TO TURN THESE BUILDINGS INTO PROPER HOUSING.”

*Arvernetta Henry,
Picture the Homeless Member*

PTH member and intern prepare to scout for vacant property.





VACANT PROPERTY AND THE HOUSING CRISIS

How vacant property is developed, and for whose benefit, is one of the critical issues facing us as we seek to identify solutions to the housing crisis in New York City. Currently, housing is like any other commodity. Investors (real estate speculators), buy and sell property the same as they would shares in a corporation. Speculating on neighborhoods gentrifying is how many folks get rich in this city. It is all perfectly legal, and even incentivized by government policies.

Picture the Homeless believes that housing is a human right. From this perspective, the question of vacant properties vis a vis homelessness is simple. At what point does the promotion of the public interest in addressing basic human needs take precedence over the gross accumulation of private wealth? What happens when human rights are in conflict with property rights? This same question was at the heart of the nineteenth-century fight over slavery.

New York City government actively supports the warehousing of vacant buildings and land. In 2005, in the early days of our Housing Not Warehousing campaign, we asked (then) NYC Housing Preservation & Development Commissioner Sean Donovan to address the problem of vacancy. He responded that “development in our city requires that some property be temporarily held off the market to assemble development opportunities”... even though “temporarily” can be thirty years or more. Although New York City has been in a “housing emergency” since 1947, the City places no restrictions on how long residential buildings or land can be kept vacant!

One example: in Harlem, the buildings on the west side of Malcolm X Blvd. between 125th and 124th streets stayed empty for decades while the landlord purchased each one as it came on the market. Jeff Sutton, head of Wharton Realty, kept the apartments in these buildings vacant while making profit on the ground-floor commercial space. There was no shortage of people in Harlem looking for apartments: Harlem has one of the highest rates of homelessness in the City. Nor is it that Sutton couldn't afford to rehab the building. It just wasn't ripe for making a killing, as they say. Picture the Homeless held two “sleep outs” on the street in front of the buildings to educate the public about the connections between vacancy, gentrification and homelessness. We wrote to Jeff Sutton and asked for a meeting. In response, he demolished the buildings to construct a luxury hotel. The lot remains vacant as of this writing. (See photo on page 7) Under current law, he can do whatever he wants with his property, regardless of community needs or impact on the city as a whole.

Through Housing Boom and Housing Bust Regardless of market conditions, two constants remain: a steady increase in homelessness and the privatization of vacant property, because housing is a commodity. During an economic upswing,


gentrification produces higher rents. When the economy declines, rents in low income neighborhoods don't go down. Unemployment goes up, and the city says there is no money to create housing. Through it all, New York City has set record levels of homelessness during the past 10 years. The number of homeless families entering shelter each year has doubled since Michael Bloomberg took office in 2002, and has reached 40,000 people as of today's writing.¹ This doesn't count street homeless, or folks doubled up in overcrowded housing, families in the domestic violence shelter system, or the hundreds of shelter beds provided by faith communities throughout the city.

ROOTS OF THE HOUSING (NOT HOMELESS) CRISIS

Policies at all levels of government have created the housing crisis. Since the Reagan Administration, dis-investment in housing development for the very poor, withdrawal of funds for rental subsidies such as the Section 8 voucher program, stagnating and declining wages for low wage workers, and public assistance budgets that relegate folks to extreme poverty, have contributed to more households experiencing homelessness in New York City and throughout the United States. How much rent can you afford if you make \$10.00 per hour at a full time job, for a pre-tax income of \$1,733 a month? According to federal guidelines, families paying more than 30% of their income on rent are considered cost-burdened... so the most you could spend on rent is \$519 a month. Imagine if you have children. What happens when you lose that job? Over 50% of households in the city pay more than 30% of their income for housing!

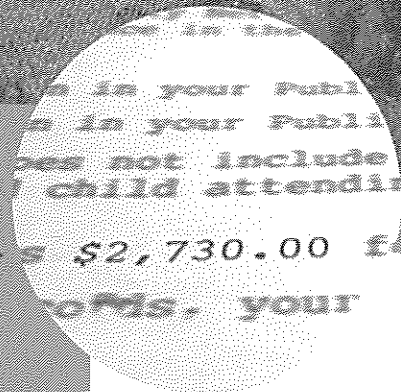
Warehousing isn't just a New York City problem. With unemployment and foreclosures on the rise and banks sitting on countless properties acquired fraudulently or immorally, the 2010 census estimated that there are 18.6 million vacant homes², and an estimated 3.5 million homeless people nationwide³... which equals five vacant homes in this country for every homeless person! Picture the Homeless learned that other cities, like Boston, survey vacant properties, and we learned from those models. We are also anchor members of the Campaign to Restore National Housing Rights, leading a workgroup on addressing warehousing nationwide, learning from and providing support to allies nationally.

Shelter Money is Poorly Spent, Give Us Money to Pay Our Rent! Picture the Homeless members decry the amount of money spent on shelter, especially as compared to the absence of money spent on housing development or rental assistance for the very poor. We know that the claim by City officials that “there's no money” to turn vacant properties into housing is a lie, because shelter residents get a monthly update of the exorbitant amounts the City spends on shelter. In 2010, the city's budget for Housing Preservation and Development (\$489 million) was only 63% of what the city spent providing shelter to homeless people (\$773 million Department of Homeless Services budget)⁴.



"BROOKLYN NEIGHBORHOODS ARE PLAGUED BY VACANT PROPERTY AND DISPLACEMENT, AND WE'RE LOSING MORE AND MORE OF OUR PEOPLE TO THE HOMELESS SHELTER SYSTEM. THE CITY NEEDS TO DO MORE. THE DATA WE GATHER WITH THIS COUNT WILL HELP US CREATE REAL SOLUTIONS THAT BENEFIT WORKING-CLASS NEW YORKERS."

Letitia James, City Council Member



Inset: portion of actual NYC human resources administration statement, showing how much the city pays for one person to be in a shelter for a month—provided by a PTH member

Harlem tent city protest

'They say gentrify, we say occupy'

Police arrest a woman at the Picture the Homeless demonstration in Harlem. The group's board member, Rob Robinson, said he went to Miami to learn tactics from a group, Take Back the Land, that's been moving homeless into empty foreclosed homes.

8 arrested in homeless protest

Police arrested eight people on Thursday at a tent city protest in East Harlem. The protesters, who were demanding the city take action to end homelessness, were arrested after a police raid on the tent city. The protesters, who were demanding the city take action to end homelessness, were arrested after a police raid on the tent city.

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With tent city in the background, police arrest the Rev. Frank...

PTH members arrested at "tent city" protest on vacant lot, East Harlem, 2009.

Housing Not Warehousing Campaign History Picture the Homeless began our Housing Campaign in 2004, with a vacant property count in El Barrio/E. Harlem. The count taught us that most vacant properties were privately owned, and the property taxes paid. This was a very different scenario than the abandonment of previous decades. Picture the Homeless members were acutely aware of vacancy: the neighborhoods with the most vacant property are the same neighborhoods that send the most homeless families into the shelter system.

SHIFTING THE CONVERSATION AND TAKING ACTION

Picture the Homeless members were convinced that the development of vacant properties was key to solving the housing crisis, and the renovation of vacant properties a source of good jobs. Our vision to create housing and jobs through the rehabilitation of vacant buildings isn't a new idea. It has worked in the past. But vacant property is a hot commodity now, and much of it is in the private market. Government officials told us that vacancy is a thing of the past, that the city doesn't keep records of vacancy, and there's just no way to prove it's really a problem. Most housing advocacy organizations also told us we couldn't do anything about privately owned vacant property. We weren't convinced. We realized that we had to shift the conversation by exposing the extent to which buildings and lots were being kept vacant. We conducted extensive outreach to homeless people, building our base to mobilize for town hall meetings and direct actions highlighting vacant property and its impact on the entire city, in the process building relationships with dozens of grassroots groups and faith leaders who felt that property warehousing needed to stop.

Participatory Research: The Manhattan Vacant Property Count We knew that we had to prove that warehousing was pervasive and harmful to community and the City as a whole. We designed and conducted a block by block count of vacant properties in Manhattan in conjunction with the Manhattan Borough President in 2006. Our report, *Homeless People Count*, proved that the total volume of empty housing units in abandoned buildings in Manhattan exceeded the number of homeless people in shelter and on the street citywide. 24,000 potential apartments could have been developed out of all those properties going to waste! And the housing crisis and economic recession have increased both homelessness and vacancy since then. The financial collapse of 2008 has also left countless condo developments stalled for lack of financing.⁸

Sleep Outs, Public Education and Relationship Building In early 2006, in conjunction with launching the vacant property count, we began a series of "sleep-outs", where we literally slept on the sidewalk in front of vacant buildings, engaging the community in conversations around vacancy and homelessness and gentrification. We also garnered extensive press coverage. Neighbors brought us coffee and warm soup. These public sleep-outs helped build solidarity within our organization, and public support for our work. It was during the process of building support for our first sleep out that members of PTH met with folks from the office of Manhattan Borough President Scott Stringer. His office partnered with us on the block-by-block count of vacant buildings and lots in Manhattan referenced above.

State Legislative Victory, City Legislative Challenge One policy change resulting from our Manhattan count was a bill introduced by State Senator Jose Serrano and passed through both chambers of the legislature, which eradicated a tax incentive that had essentially rewarded landlords for keeping property vacant above 110th Street in communities with high rates of homelessness and rampant gentrification.

Picture the Homeless members reached out to every member of the New York City Council in 2006, seeking to craft and find a sponsor for legislation to mandate a vacant property count and create incentives to develop housing for poor people. South Brooklyn Legal Services assisted us in the research and writing of the bill, which was sponsored by Councilman Tony Avella. By late 2009, it was clear that the Council legal department would not allow a bill to be introduced with provisions that included elements such as "duty to rent". We were in fact told that bills were not introduced at all if they weren't likely to be passed! Many of our members felt that council members should have had the opportunity to gather testimony, debate and vote on this bill, and preventing its introduction was a "subversion of democracy." Indeed, we learned a lot about the legislative process along the way.

In February of 2010, a new bill was introduced by Melissa Mark-Viverito. Intro 48 would empower the city to conduct an annual count of vacant buildings and lots throughout the five boroughs. We believed that this was a strategic and pragmatic compromise. We continue to be convinced that once vacant properties are counted and the results publicized, it will ignite outrage

Demonstration at City Hall, demanding action on vacant property, 2010.

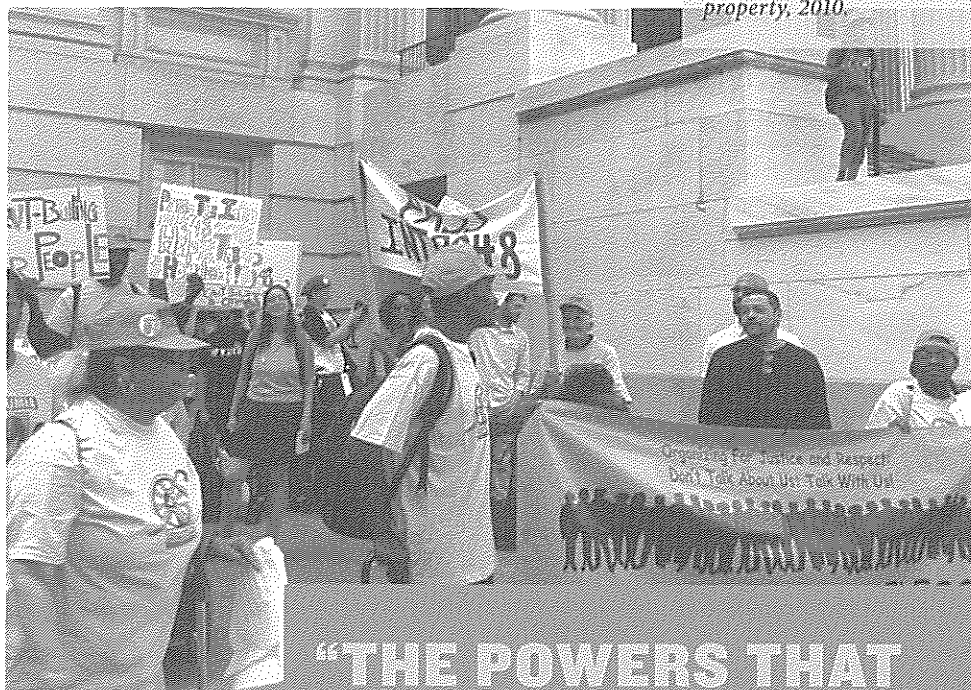
in the communities most affected by the housing crisis and create additional organizing opportunities. While Intro 48 garnered the majority of City Council members as co-sponsors in less than a month, as of the end of 2011 it still has not been calendered by the Chair of the Housing Committee of the City Council. We reached out to the Council's policy division to see what was happening—and learned that they were “getting push-back” from the Administration, who were concerned about the “cost of the bill” even after extremely-modest cost estimates were provided.

Takeovers, the Housing Not Warehousing Coalition and Upping the Ante Faced with the barriers to passing progressive legislation through the City Council, we knew we had to raise the stakes in order to get any sort of anti-warehousing or vacant property legislation passed. With support—and homelessness—increasing, we decided to create a Housing Not Warehousing! (HNW!) Coalition. Our intent was to formalize relationships with allies, build a structure to incorporate them into the work, increase our effectiveness to win a city-wide vacant property count, and build momentum to create housing for extremely low income folks. The HNW! Coalition includes members from sectors of the community and social justice movement that we believe are critical to changing housing policy in New York City, including grassroots and community based organizations, cultural workers, faith communities, labor, academics, and housing developers.

In 2009 we took over a vacant building in El Barrio, on the corner of 116th and Madison, that had been vacant for decades. With critical support provided by members of the HNW! Coalition, we turned out hundreds of supporters in the rain. That night we slept on the sidewalk in front of the building and deepened our resolve to liberate vacant property. In the summer of 2009, we held another public takeover of a vacant lot in El Barrio owned by Chase Manhattan Bank, where 10 of us were arrested, and hundreds turned out in support. These actions put even more of a public spotlight on property warehousing, and they built support internally for members to take up squatting as a form of collective resistance. It was within this context, and that of governmental inaction, that we embarked upon a mapping project to engage New Yorkers to partner with us to identify vacant properties city-wide and to show the city that the count could be done.

VACANT NYC: SEE SOMETHING, SAY SOMETHING

In the summer of 2010, we attended a workshop on open-source crowd mapping as a means to map services for homeless folks. In our experience, homeless folks know where services are, so we suggested using the technology to map vacant properties to educate the public about vacancy instead! We launched



**“THE POWERS THAT
BE DON’T WANT
TO COUNT VACANT
PROPERTY BECAUSE
IT WILL SHINE AN
UGLY LIGHT ON
THEIR REAL ESTATE
FRIENDS.”**

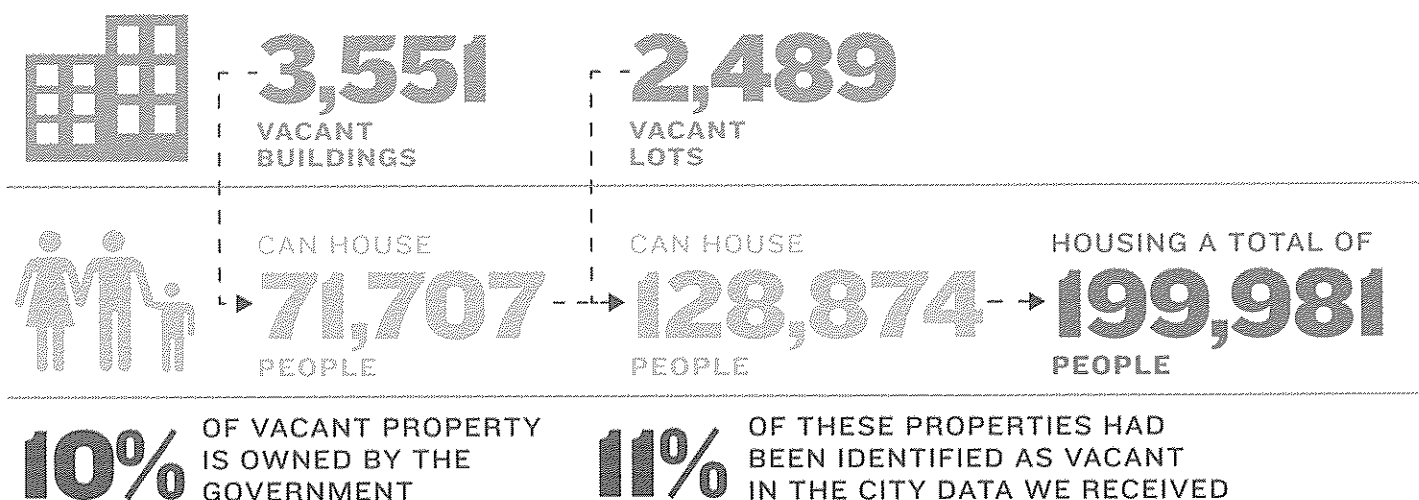
*Dwayne Austin,
Picture the Homeless Member*

vacantnyc.crowdmap.com, which allowed folks to text the address to our Vacant NYC map, and created the See Something, Say Something initiative in the late summer of 2010. We requested lists of vacancies from a range of city agencies, and uploaded those into Vacant NYC, for a total of nearly 12,000 vacant properties by December of 2010. This resulted in several things, including the partnership with Hunter College whose findings this report addresses.

FALL 2010, TURNING UP THE HEAT

Throughout the fall of 2010, we turned up the heat on the City Council to take action on Intro 48. We engaged with allies, met with electeds, and created public education and media opportunities around the issue of vacant properties. These actions included a massive press conference in support of Intro 48. Over 100 representatives from dozens of members of the HNW! Coalition joined us.

FINDINGS



NYC Vacant Properties Could House Every Homeless Person... and then Some! These results show the outstanding amount of under utilized housing stock that is available in just a third of New York City! Every homeless person in New York City could have a home with the amount of vacant space that currently exists. By pushing for rehabilitation of the existing vacant buildings the city could create jobs and house people immediately.

Shelters Would Become Obsolete While the city chooses to waste money on the shelter-industrial complex, we have found that the number of shelter beds in each district is significantly lower than the number of potential housing units in each community district. There is space to house five times as many people in vacant property as are currently in shelter citywide. The city spends \$3,500 a month to house someone in a shelter—adding up to \$856 million a year, yet there is no plan in place to create real housing for the poor.

Neighborhood Vacancy and Shelter Correlation Results from our vacant property count demonstrate a pattern of displacement. According to the Vera Institute of Justice's report "Understanding Family Homelessness In New York City" almost half of eligible homeless families came from 10 of the 59 community districts in New York City.¹⁰ Six of these ten community districts are the same ones where we found the highest rate of vacancy. This correlation demonstrates that homelessness and warehousing go hand in hand.

City Data is a Useless Mess In advance of the count, we compiled as much city data as we could, to identify the community districts with the highest rate of vacancies using Freedom of Information Law requests to many city agencies. We were unable to obtain a clear picture of vacancy in New York City. Once we took on the challenge of walking block by block, counting the number of vacant buildings and lots, we obtained thousands of surveys reporting vacant properties. Comparing what community members identified as vacant properties to the information that

we obtained from the city exposed an incomprehensible inconsistency between what the city records and what the community has to live with. Our data demonstrates that city records-keeping is useless for understanding housing conditions, and is in need of a dramatic overhaul.

Warehousing with Commercial Space Walking through blighted neighborhoods such as Harlem and Bed-Stuy one notices many storefronts that are active. What people generally do not notice is the amount of empty residential units that are available on top of these commercial spaces. Landlords warehouse their residential units because they can make enough money from extravagant commercial rents without any of the hassles of residential tenants.

Available Commercial Space can Help Subsidize Low Income Residential Units Within the thousands of vacant buildings that this report has identified, we found 4,544 units that are zoned for commercial or manufacturing use. The Cooper Square Mutual Housing Association focuses on providing affordable housing apartments on the Lower East Side through the Community Land Trust/MHA model. They are able to keep rents as low as \$350 a month, in part by subsidizing their rents using some of the profits made from their rented out commercial space. According to Valerio Orselli Executive Director of the Cooper Square Committee, they are able to raise 27% of their total operating cost by using the income gained from their commercial spaces to maintain affordable units.

Affordable Housing is Not Really Affordable The U.S. Department of Housing and Urban Development (HUD) uses "Area Median Income" (AMI) to identify the range for "affordable housing" guidelines. AMI in New York City is distorted by affluent neighborhoods in the greater New York Metropolitan Area including northern New Jersey and Long Island, pushing the AMI to \$80,200.¹¹ In order to provide real affordable housing, the city needs to mandate that the AMI be more locally determined. If a

building is being developed in the Bronx and is being subsidized by public funds, the AMI should be appropriate to the median income of the neighborhood! Current practices encourage gentrification and displacement while using public funds to do it.

The City Masks Vacant Lots as "Parks" In many instances our surveyors identified abandoned, garbage-filled, and weed-ridden lots that the city lists as public recreation spaces. The city needs to distinguish between lots that are publicly accessible and sealed-off lots where the community could create a plan for proper usage of the space. New Yorkers should not be living next to garbage and rat-infested lots that they claim to be recreational space! These spaces pose potential health hazards and devalue the quality of life for community members.

This Can be Replicated The city stated that a count of vacant properties in New York could not be done because it would cost too much money. We have proven that through the use of volunteers and partnering with a University a vacant property count can be done. Using our Analytical and Organizing Methodology this process could be replicated at a much lower cost than what city officials claim.

Vacancy Affects Everyone When organizing this project we reached out to as many community members as possible. We spoke at neighborhood events, rallies, protests, churches, high schools and colleges, community organizations, shelters, city council forums, and any other place where we could find an open ear. While engaging the community about the issue of vacant properties, we received unanimous concerns about vacancy being a problem. The staggering volume of empty buildings and lots that we identified causes major harm on all aspects of city life. People who are in need of housing want these vacant buildings to be put in use. Community members who feel like there are not enough parks and recreation spaces in their neighborhoods want the vacant lots to be turned into something useful. Homeowners living next to rodent-infested lots want the city to clean up the brown-fields that are ever-present across blighted neighborhoods in New York City.

Hiding Ownership With LLCs and MERS As we collected and analyzed the thousands of vacant properties found in our survey, we came across great difficulties in identifying their ownership. The usage of Limited Liability Corporations allow landlords to mask true ownership of warehoused and abandoned properties. In cases where the properties are bank-owned or are going through foreclosure, the usage of Mortgage Electronic Registration Systems, Inc (MERS) make it even more problematic to identify ownership and transaction history by community members. In the end, a community member would need a law degree and a substantial amount of free time to decipher the ownership of vacant buildings and lots in their neighborhood and uncover slumlords, warehouseers, and property-flipping schemes. The city needs to clearly record property ownership and mortgage transactions and have that information be easily accessible. By allowing these practices to persist the city is supporting predatory tactics and displacement processes.

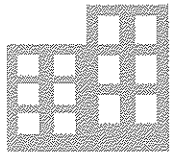
"People housed" is a speculative estimate, based on local zoning regulations on vacant residential buildings and lots, and contingent on development to the maximum floor/area ratio (FAR) following established city planning estimates of 350 square feet per person. Instead of mandating that all vacant lots be developed into housing, our goal is to empower neighborhoods to fight for their own needs—community gardens, parking lots, commercial use, housing development, etc. Our total figure is a potential maximum, subject in practice to detailed site analysis and community decision making.



**"DEVELOPERS,
BUILDERS, AND
SPECULATORS SEE
VACANT SPACES AS
FUTURE WEALTH.
THAT FUTURE
WEALTH DOES US
NO GOOD NOW,
WHEN PEOPLE
ARE HUNGRY AND
STARVING AND
HOMELESS."**

*Owen Rogers,
Picture the Homeless Member*

MANHATTAN



987

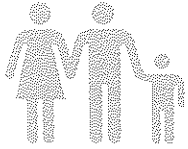
VACANT
BUILDINGS

257

VACANT
LOTS

6,704

EXISTING
SHELTER UNITS



CAN HOUSE

32,061

PEOPLE

CAN HOUSE

33,763

PEOPLE

HOUSING A TOTAL OF

65,824

PEOPLE

► COMMUNITY DISTRICT FINDINGS

CD 02 | SOHO/TRIBECA

total number of vacant buildings and lots: 297

> housing a total of 11,894 people

number of existing shelter units: 100

1,585 commercial/manufacturing units found within 263 vacant buildings. 1% of vacant property is owned by the government; only 5% of the vacant properties we found had been identified as vacant in the city data we received.

CD 03 | EAST VILLAGE/LES

total number of vacant buildings and lots: 222

> housing a total of 9,956 people

number of existing shelter units: 260

431 commercial/manufacturing units found within 172 vacant buildings. 3% of vacant property is owned by the government; only 8% of the vacant properties we found had been identified as vacant in the city data we received.

CD 04 | MIDTOWN/CHELSEA

total number of vacant buildings and lots: 99

> housing a total of 5,792 people

number of existing shelter units: 1,172

370 commercial/manufacturing units found within 172 vacant buildings. 10% of vacant property is owned by the government; only 6% of the vacant properties we found had been identified as vacant in the city data we received.

CD 06 | MIDTOWN/GRAMERCY

total number of vacant buildings and lots: 51

> housing a total of 5,250 people

number of existing shelter units: 342

643 commercial/manufacturing units found within 41 vacant buildings. 0% of vacant property is owned by the government; only 6% of the vacant properties we found had been identified as vacant in the city data we received.

CD 09 | MORNINGSIDE HEIGHTS

total number of vacant buildings and lots: 105

> housing a total of 5,892 people

number of existing shelter units: 736

50 commercial/manufacturing units found within 94 vacant buildings. 5% of vacant property is owned by the government; only 7% of the vacant properties we found had been identified as vacant in the city data we received.

CD 10 | HARLEM

total number of vacant buildings and lots: 327

> housing a total of 1,938 people

number of existing shelter units: 1,223

241 commercial/manufacturing units found within 255 vacant buildings. 15% of vacant property is owned by the government; only 13% of the vacant properties we found had been identified as vacant in the city data we received.

CD 11 | EAST HARLEM

total number of vacant buildings and lots: 143

> housing a total of 8,252 people

number of existing shelter units: 287

168 commercial/manufacturing units found within 96 vacant buildings. 5% of vacant property is owned by the government; only 17% of the vacant properties we found had been identified as vacant in the city data we received.

- VACANT BUILDINGS
- VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: picturethishomeless.org/vacancy.html.

CD 09

94 VACANT BUILDINGS
➤HOUSING FOR
3,269 PEOPLE

11 VACANT LOTS
➤HOUSING FOR
583 PEOPLE

CD 10

255 VACANT BUILDINGS
➤HOUSING FOR
6,632 PEOPLE

72 VACANT LOTS
➤HOUSING FOR
4,706 PEOPLE

CD 11

96 VACANT BUILDINGS
➤HOUSING FOR
7,055 PEOPLE

47 VACANT LOTS
➤HOUSING FOR
2,197 PEOPLE

CD 04

66 VACANT BUILDINGS
➤HOUSING FOR
1,887 PEOPLE

33 VACANT LOTS
➤HOUSING FOR
13,895 PEOPLE

CD 06

41 VACANT BUILDINGS
➤HOUSING FOR
1,978 PEOPLE

10 VACANT LOTS
➤HOUSING FOR
3,272 PEOPLE

CD 02

263 VACANT BUILDINGS
➤HOUSING FOR
8,109 PEOPLE

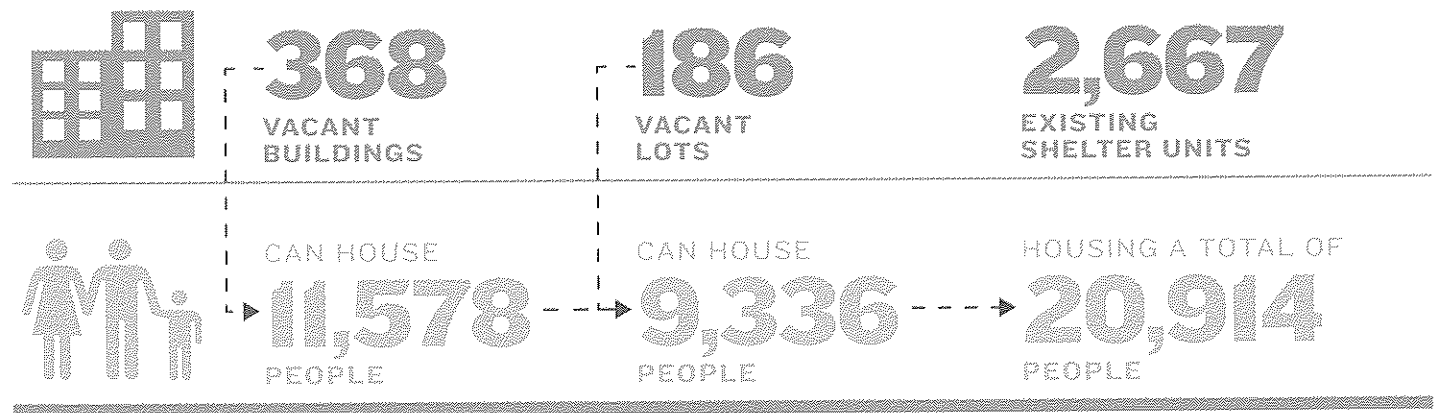
34 VACANT LOTS
➤HOUSING FOR
3,585 PEOPLE

CD 03

172 VACANT BUILDINGS
➤HOUSING FOR
4,833 PEOPLE

50 VACANT LOTS
➤HOUSING FOR
3,823 PEOPLE

THE BRONX



► COMMUNITY DISTRICT FINDINGS

CD 03 | CLAREMONT VILLAGE

total number of vacant buildings and lots: 161

> housing a total of 3,889 people

number of existing shelter units: 768

1,585 commercial/manufacturing units found within 263 vacant buildings. 1% of vacant property is owned by the government; only 5% of the vacant properties we found had been identified as vacant in the city data we received.

CD 04 | MOUNT EDEN

total number of vacant buildings and lots: 236

> housing a total of 11,179 people

number of existing shelter units: 1,143

431 commercial/manufacturing units found within 172 vacant buildings. 3% of vacant property is owned by the government; only 8% of the vacant properties we found had been identified as vacant in the city data we received.

CD 06 | BELMONT

total number of vacant buildings and lots: 157

> housing a total of 4,172 people

number of existing shelter units: 776

370 commercial/manufacturing units found within 172 vacant buildings. 10% of vacant property is owned by the government; only 6% of the vacant properties we found had been identified as vacant in the city data we received.

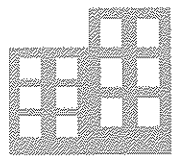
● VACANT BUILDINGS

● VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: picturehomeless.org/vacancy.html



BROOKLYN



1,623

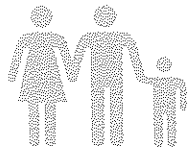
VACANT
BUILDINGS

1,412

VACANT
LOTS

6,651

EXISTING
SHELTER UNITS



CAN HOUSE

23,223

PEOPLE

CAN HOUSE

47,709

PEOPLE

HOUSING A TOTAL OF

70,932

PEOPLE

► COMMUNITY DISTRICT FINDINGS

CD 01 | WILLIAMSBURG

total number of vacant buildings and lots: 348

> **housing a total of 22,615 people**

number of existing shelter units: 688

145 commercial/manufacturing units found within **188** vacant buildings. **7%** of vacant property is owned by the government, only **10%** of the vacant properties we found had been identified as vacant in the city data we received.

CD 02 | DUMBO/CLINTON HILL

total number of vacant buildings and lots: 212

> **housing a total of 6,100 people**

number of existing shelter units: 1,094

204 commercial/manufacturing units found within **155** vacant buildings. **4%** of vacant property is owned by the government, only **14%** of the vacant properties we found had been identified as vacant in the city data we received.

CD 03 | BEDFORD-STUYVESANT

total number of vacant buildings and lots: 468

> **housing a total of 10,376 people**

number of existing shelter units: 852

123 commercial/manufacturing units found within **419** vacant buildings. **3%** of vacant property is owned by the government, only **2%** of the vacant properties we found had been identified as vacant in the city data we received.

CD 04 | BUSHWICK

total number of vacant buildings and lots: 384

> **housing a total of 6,647 people**

number of existing shelter units: 518

55 commercial/manufacturing units found within **202** vacant buildings. **8%** of vacant property is owned by the government, only **19%** of the vacant properties we found had been identified as vacant in the city data we received.

CD 05 | EAST NEW YORK

total number of vacant buildings and lots: 631

> **housing a total of 12,379 people**

number of existing shelter units: 970

36 commercial/manufacturing units found within **254** vacant buildings. **5%** of vacant property is owned by the government, only **2%** of the vacant properties we found had been identified as vacant in the city data we received.

CD 06 | RED HOOK/PARK SLOPE

total number of vacant buildings and lots: 294

> **housing a total of 4,767 people**

number of existing shelter units: 295

107 commercial/manufacturing units found within **134** vacant buildings. **3%** of vacant property is owned by the government, only **14%** of the vacant properties we found had been identified as vacant in the city data we received.

CD 08 | CROWN HEIGHTS

total number of vacant buildings and lots: 182

> **housing a total of 5,079 people**

number of existing shelter units: 832

78 commercial/manufacturing units found within **117** vacant buildings. **4%** of vacant property is owned by the government, only **15%** of the vacant properties we found had been identified as vacant in the city data we received.

CD 16 | CYPRESS HILLS

total number of vacant buildings and lots: 307

> **housing a total of 6,079 people**

number of existing shelter units: 1,402

83 commercial/manufacturing units found within **154** vacant buildings. **31%** of vacant property is owned by the government, only **26%** of the vacant properties we found had been identified as vacant in the city data we received.

● VACANT BUILDINGS

● VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: picturethishomeless.org/vacancy.html

CD 03

419 VACANT BUILDINGS
>HOUSING FOR
4,161 PEOPLE

47 VACANT LOTS
>HOUSING FOR
6,215 PEOPLE

CD 01

168 VACANT BUILDINGS
>HOUSING FOR
5,252 PEOPLE

161 VACANT LOTS
>HOUSING FOR
17,359 PEOPLE

CD 02

155 VACANT BUILDINGS
>HOUSING FOR
2,544 PEOPLE

57 VACANT LOTS
>HOUSING FOR
3,556 PEOPLE

CD 04

202 VACANT BUILDINGS
>HOUSING FOR
1,636 PEOPLE

182 VACANT LOTS
>HOUSING FOR
4,011 PEOPLE

CD 06

134 VACANT BUILDINGS
>HOUSING FOR
975 PEOPLE

160 VACANT LOTS
>HOUSING FOR
3,792 PEOPLE

CD 08

117 VACANT BUILDINGS
>HOUSING FOR
1,140 PEOPLE

65 VACANT LOTS
>HOUSING FOR
1,933 PEOPLE

CD 16

154 VACANT BUILDINGS
>HOUSING FOR
953 PEOPLE

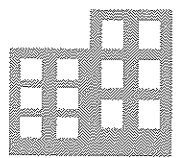
153 VACANT LOTS
>HOUSING FOR
4,126 PEOPLE

CD 05

254 VACANT BUILDINGS
>HOUSING FOR
6,562 PEOPLE

277 VACANT LOTS
>HOUSING FOR
6,817 PEOPLE

STATEN ISLAND



362

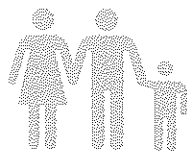
VACANT
BUILDINGS

250

VACANT
LOTS

82

EXISTING
SHELTER UNITS



CAN HOUSE

2,120

PEOPLE

CAN HOUSE

7,472

PEOPLE

HOUSING A TOTAL OF

9,592

PEOPLE

COMMUNITY DISTRICT FINDINGS

CD 01 | NORTHERN STATEN ISLAND

total number of vacant buildings and lots: 612

> housing a total of 9,592 people

number of existing shelter units: 82

199 commercial/manufacturing units found within 362 vacant buildings. 2% of vacant property is owned by the government; only 3% of the vacant properties we found had been identified as vacant in the city data we received.

● VACANT BUILDINGS

● VACANT LOTS

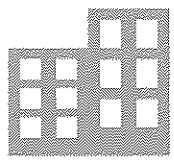
CD 01 includes 100% of the city's commercial/manufacturing units, 100% of the city's residential units, and 100% of the city's industrial units. CD 01 also includes 100% of the city's vacant properties.

CD 01

**362 VACANT
BUILDINGS
>HOUSING FOR
2,120 PEOPLE**

**250 VACANT LOTS
>HOUSING FOR
7,472 PEOPLE**

QUEENS



211

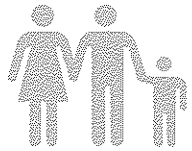
VACANT
BUILDINGS

384

VACANT
LOTS

0

EXISTING
SHELTER UNITS



CAN HOUSE

1,023

PEOPLE

CAN HOUSE

31,696

PEOPLE

HOUSING A TOTAL OF

32,719

PEOPLE

► COMMUNITY DISTRICT FINDINGS

CD 14 | FAR ROCKAWAY

total number of vacant buildings and lots: 605

> housing a total of 32,719 people

number of existing shelter units: 0

39 commercial/manufacturing units found within 211 vacant buildings. 36% of vacant property is owned by the government; only 24% of the vacant properties we found had been identified as vacant in the city data we received.

● VACANT BUILDINGS

● VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: picturethishomeless.org/vacancy.html.

CD 14

**211 VACANT
BUILDINGS
>HOUSING FOR
1,023 PEOPLE**

**384 VACANT LOTS
>HOUSING FOR
31,696 PEOPLE**

ANALYTIC METHODOLOGY

ASSESSING CITY DATA

We began by assessing what data the city already had. In the course of our research we had learned that different city agencies collect different information about vacant properties—the NYPD keeps track of vacant property in which illegal activity has been reported, the Fire Department monitors properties that they had sealed up after fire damage, and so on. In November of 2010 we began an exhaustive campaign of Freedom of Information Law Requests to every city agency that could conceivably have kept relevant records. In the end we sent nineteen FOIL requests to eleven different agencies. Many city agencies ignored or outright refused to comply with our requests. Some provided data that was clearly out of date, or formatted in such a way as to make it impossible to collate or compare with other city agency data. And then some responded right away, with very helpful and thorough data.

Ultimately, by obtaining information regarding vacant lots and buildings from various governmental agencies via the Freedom of Information Law (FOIL) as well as information reported through other governmental and non-governmental sources, we stacked up a listing of over 40,000 properties. Our comprehensive data set came from the sources seen in “Initial Findings.”

We shared this dataset with our partners at Hunter College, who carefully reviewed it. They removed duplicate and erroneous listings. All vacant buildings and lots were mapped using Geographic Information Systems (GIS) software and the Department of City Planning’s PLUTO database. It quickly became apparent that the vast majority of the vacancies were concentrated in a small number of communities. We concluded that it would be most efficient and effective to concentrate time and resources on these neighborhoods. A complete block-by-block survey of the entire city would certainly have been possible, but we could not justify the additional time and resources it would require to survey and map the relatively small number of vacancies in many parts of the city.

In order to narrow down the areas to be surveyed, we had to use only the data that was up-to-date and available citywide. The Right to the City Condo Count listings were taken out because they were dated and in only one borough. The 4,000 partial vacate orders were removed, because the data was useless for our

purposes. The city fails to document the extent of the vacancy in a partially-vacant property, meaning that every one of these properties was somewhere between 1% and 99% vacant. It would have been impossible to count or verify partial vacancies in our field survey without having access to the buildings.

IDENTIFYING CONCENTRATIONS OF VACANT PROPERTY

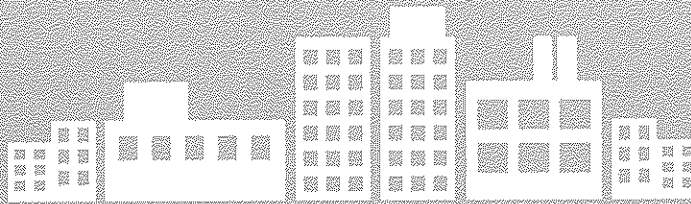
We considered mapping the concentrations of vacant property by census tract, zip code, Council District or informal neighborhood boundaries. We concluded that the best choice would be the city’s 59 community districts. Mapping these addresses in GIS, Hunter was able to identify the number of vacant properties per community board. We used this finalized list to identify target areas. Hunter collected information regarding the size of each community district from the Department of City Planning, and used this to control for density and determine the number of vacancies per square mile (mi²).

Community districts were ranked from largest to smallest in three scenarios: total number of vacancies per mi², total number of vacant lots mi², and total number of vacant buildings mi². We then analyzed and compared the top ten community districts in each list. Because many community boards appeared in more than one “top ten,” removing the repeats left us with a list of 18 community districts. This list included all of the major areas of vacancy concentrations, and fit our own collective knowledge of the city’s neighborhoods. Because it was strategically important to cover all five boroughs, thus truly creating a replicable model for a citywide vacant property count, we expanded our list to 20 by adding CD 1 in Staten Island and CD 14 in Queens, the areas with the highest number of vacancies per mi² within their respective boroughs.

AFTER THE FIELD SURVEY

Data Entry Once the field survey was done, the surveys were collected and grouped by borough. Each physical survey was then entered into a spreadsheet with columns for all of the information on the survey. We used Internet tools such as The Open Accessible Space Information System (OASIS~oasisnyc.net) designed by the CUNY Mapping Service to identify the addresses on each survey when a surveyor could not find an address for a particular property. OASIS uses City Planning information to create an online map

**WE FOUND THAT CITY RECORD-KEEPING
IS USELESS FOR UNDERSTANDING VACANCY,
AND NEEDS A DRAMATIC OVERHAUL.**



INITIAL FINDINGS

905 vacant lots and buildings reported by volunteers

1,067 vacant buildings reported by the NYC Department of Housing Preservation and Development (HPD)

3,121 vacant lots reported from Department of Environmental Remediation

434 vacant city-owned lots reported by the Division of Real Estate Services at the NYC Department of City-wide Administrative Services (DCAS)

5,552 vacant buildings reported by the NYC Department of Buildings (DOB)

706 reports of stalled construction sites

697 buildings with full vacate orders, from the DOB

4,151 buildings with partial vacate orders, from the DOB

451 vacant lots and buildings from Right to the City Vacant Condo Count (RTTCC)

30,080 vacant lots reported from NYC Department of City Planning (DCP) Pluto Data

→ **41,176** total vacant buildings and lots

SECONDARY FINDINGS

1,808 Vacant Buildings from the Department of Building Lists, and HPD Vacant Buildings

7,771 Vacant Lots from the Department of City Planning Pluto, Department of Environmental Remediation (Brownfields), vacant city-owned lots from Division of Real Estate Services, Department of City Planning Pluto Data

→ **9,579** total vacant buildings and lots

of New York City that provides city data on each property in all five boroughs. We then transferred the addresses of each property into its Borough, Block, and Lot location in order to extract the property information from the city data on PLUTO and map it via GIS. The bulk of the data entry and transfer was done by full-time and part-time interns at PTH and Hunter College.

Margin of Error While we provided numerous trainings for volunteers, and partnered less-experienced counters with veteran volunteers, working with non-professionals will inevitably produce a diversity of survey quality. Less than 5 percent of our surveys were invalidated as incomplete, wrong, or identifying addresses that upon follow-up research were not vacant. In some cases, we sent experienced organizers out to re-count entire transects to verify surveyor findings. This is a conservative count. Suspicious properties without clear evidence of vacancy (boarded-up windows, padlocked doors, overgrown lots) were omitted, and in the case of vacant condos we believe the quantity is significant. Any erroneous entries serve to underscore the need for the city to conduct an official citywide vacant property count as a matter of good public policy.

Follow Up Research After compiling all of the surveys on a spreadsheet and obtaining the city's PLUTO data for each address, we then did follow up research to further verify the data. We used Google Maps and OASIS which provides links to the Department of Buildings and ACRIS information on each property. The majority of the vacant buildings that were identified by surveyors had a clear record of vacancy complaints or vacate orders according to the Department of Buildings website, while other buildings were visibly vacant. The final set of data and maps combines the results of our field study with the valid data we received from the city. In many cases the field survey confirmed vacancies reported in city data. However, our survey found significantly more vacant buildings. In part this is because our survey found many completed residential buildings with active ground-floor retail and residential units intentionally held off the market (and thus not listed in the city data). In part it may have to do with a continuing growth in vacancies since earlier this year. We believe it also reflects the great value of having on-the-ground community surveys conducted by volunteers from our neighborhoods.

One of the shortcomings of the field survey, however, was the

ability to accurately identify vacant lots. Since vacant lots do not have observable street addresses, surveyors usually had to provide a reference from a nearby building. We had to check local and on-line sources to come up with block and lot numbers that best identified the vacant lots. Sometimes surveyors incorrectly identified a city park or side yard as a vacant lot and we were able to correct these mistakes. In the end, we found that existing city data shows many more vacant lots than found in the survey. Nevertheless, we still found a large number of vacant lots that were not previously recorded.

Cost Analysis The city-wide vacant property count was

achieved through a partnership between Picture the Homeless and the Hunter College Center for Community Planning and Development. Volunteers, including the volunteer labor of homeless leaders of Picture the Homeless, helped to keep costs low. The primary costs were staff time for organizing and coordinating the count, assistance with data collection and management, analysis of findings, preparation of maps, as well as other resources like printing, food for volunteers, and transportation. While objections to a city wide count include the claims that it would cost "millions of dollars"¹², we did it for approximately \$150,000, less than \$1 per person who could be housed in the property we counted. Considering the potential savings to the city and neighborhoods, and families impacted by homelessness and the housing crisis, this is quite a bargain.



PTH members and allies at Manhattan training.

WE MOBILIZED 295 VOLUNTEERS, FOR A TOTAL OF 1,475 HOURS SPENT COUNTING VACANT PROPERTY.



NEIGHBORHOOD SNAPSHOT: BEDFORD-STUYVESANT By Kendall Jackman

Prior to the financial crash of 1929, Blacks could not live on the Fulton Street side of Atlantic Avenue, only whites: doctors, lawyers, teachers, businessmen. Blacks were only allowed if they worked for the white folks. When the crash occurred, life changed in Bedford-Stuyvesant.

When they tell the history of the crash, they don't talk much about how entire neighborhoods changed hands. Bedford-Stuyvesant is one such neighborhood.

Bankers stopped you when you exited the train at Nostrand Avenue and Fulton Street. They asked you if you worked. Did you make \$5.00 a week? Do you want a house? We became proud owners of beautiful brownstones. The typical brownstone is three stories high. The duplex

apartment on the first two floors was where the owner (white folks) had lived, and the top floor apartment had been for "the help". The owners of four story brownstones were lucky and had an extra floor.

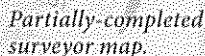
When we purchased them during this time, we turned most of them into boarding houses. The new owner lived on the first floor and split the upper floors into rooms. It became a strong, tightly-knit, Black middle-class community.

In the 1960s, banks started not giving home owners loans to improve their property, although the property had been paid for two, three times over. When band-aids no longer work, they were forced to sell the property for a fraction of its real

worth. This was the beginning of modern day redlining in Bed-Stuy.

The gentrification of Bedford-Stuyvesant can be seen as the descendants of the original owners reclaiming their neighborhood. I see it as the destruction of a proud neighborhood that lived as a community, not a group of people who just owns property for profit.





Dwayne Austin: Picture the Homeless Member

In order to effectively cover all five boroughs, we broke the vacant property count down by borough from June through August. Locations were spread out through each of the community districts that we counted.



Vacant building walking tour, Chelsea, 2009.

Lots of organizations are fighting for justice in New York City, and we're fortunate to have allies in lots of overlapping sectors of the struggle—from other groups that do community organizing to faith communities with a commitment to social justice, progressive labor unions, immigrant rights groups, community development corporations, nonprofit housing developers, and more. Many got their members to serve as volunteers. Some elected officials assigned staffers to work with us. Dozens of our allies in our target communities opened up their offices to serve as “Hubs,” so that volunteers could meet up on the day of our mass mobilizations, receive training from PTH members and staff, get donuts and coffee and a clipboard and survey forms, and head out into the field.

We broke up each community board into “transects,” smaller areas of 10 to 20 square blocks, and assigned these to our volunteers. First-time volunteers went out in teams, and more experienced vacant property counters on their own. Teams had five hours to count their transects, and they highlighted each block on their transect map as they covered it so that we'd know it had been counted. Later, interns and staff took these maps to go back and count the portions of each transect that the volunteers had not been able to get to. At the end of each count day, volunteers returned to their hubs to hand in their findings.

Because we wanted to spread the word about our count far and wide, we put a lot of energy into getting media coverage. Throughout the months of May and June we held press conferences in each Borough, announcing the kick-off of each count. With help from city officials, Hunter College, and allied organizations, we were able to have five successful press conferences that got us coverage from *El Diario NY1*, *Bronx12*, *Capital New York*, *New York Amsterdam News*, *Bronx News Network*, *WBAI*, *DNAinfo*, *New York Daily News*, and many blogs.

**HOMELESS PEOPLE
GET ARRESTED
FOR SLEEPING ON
THE STREET—EVEN
THOUGH IT'S NOT
AGAINST THE LAW—
BUT THERE'S NO
PUNISHMENT FOR
LANDLORDS WHO
KEEP BUILDINGS
VACANT FOR DECADES.**

RECOMMENDATIONS



Brooklyn vacancy.



End Warehousing The city needs to prioritize housing by investing in real long term solutions to the housing crisis. Vacant-city owned properties identified in this report should be immediately turned into housing for low income New Yorkers. While many of the thousands of vacant buildings are empty condos where people could move right in, rehabilitation of distressed vacant buildings would provide jobs for countless skilled homeless people who have been laid off due to budget cuts and the economic recession. Low-income people who are willing to put their own work into fixing a vacant property should be granted ownership through the value of their sweat equity. A massive shift in how the city deals with housing needs to take place. The current record numbers of homeless people expose the dire need for housing and this report shows that there is more than enough housing available as long as the city is made to do something about it.

Pass Legislation that Would Mandate a City Wide Count The Vacant Property Count exposes the need for an annual census of vacant buildings and lots to be coordinated by the city. We have exposed potential housing for 199,981 individuals that is not being used while there are people suffering brutal winters on the street. Counting these properties is an important first step to transforming them into housing for homeless people and fighting back against displacement. An annual count would allow people to obtain a clearer picture of the available housing and lots that could be developed with community input.

Three Year Vacancy Limit on Private Property Many of the vacant buildings that surveyors identified have been vacant for numerous years by speculators waiting to turn a profit. To make sure that housing is made available, the city needs to impose a 3 year limit that a residential unit could remain without tenants. There is not a

homeless problem in New York city, there is a housing problem. By mandating use of residential spaces the city would ensure a higher rate of housing on the market and decrease the amount of vacancy. Those units that become vacant for more than 3 years should be taken over by the city and turned into housing for low income New Yorkers.

Community Land Trust The use of Community Land Trusts and Mutual Housing Associations would allow for long term affordable housing that would be regulated by the tenants that live in them, and facilitate a shift from a profit-based housing system to one based on people's needs. Since Community Land Trusts are non-profits, this model would also allow city- and privately-owned buildings to be gifted to people that want to stay in their communities at an affordable rate, reducing the high rate of homelessness and displacement. For more information on Community Land Trusts, check out our website at: picturethehomeless.org/clt.html.

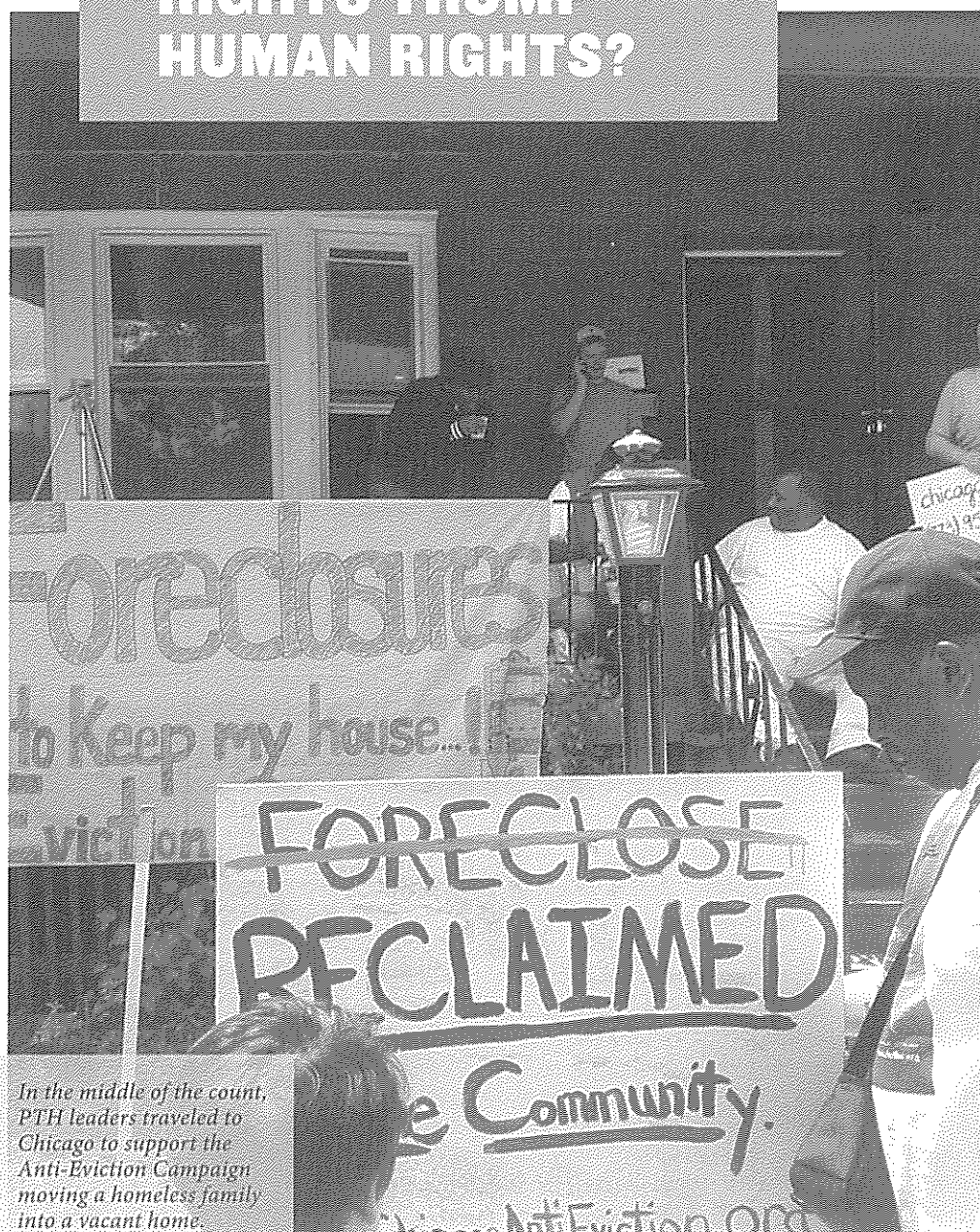
Freedom of Information Many governmental agencies simply refuse to comply with the Freedom of Information Law. We learned firsthand just how difficult it is to access the information that we need. This inconsistency is a major problem for New Yorkers trying to get information about their communities, or the actions of their elected and appointed officials. It also harms intergovernmental operations overall, and should be addressed through an executive order mandating uniformity, promptness and transparency in each agency's responses to FOIL requests.

WHY SHOULD PROPERTY RIGHTS TRUMP HUMAN RIGHTS?

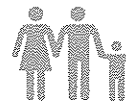
► Affordable Housing for Low- and Extremely-Low Income New Yorkers Any new development that is subsidized by public funds should have real affordable housing units. Right now the city uses a percentage of Area Medium Income that is considerably higher than the median income of the neighborhood where these developments are being built. In order to keep community members in their neighborhoods, the city must mandate that any development include affordable housing units using a percentage that corresponds to the median household income of the community.

Usage of LLCs and MERS The City needs to create a better system for recording and reporting ownership. The usage of LLCs and MERS allows building owners and banks to hide how many properties they actually own and makes it difficult to find them. People should be able to know who owns what in their neighborhood in order to know who to hold accountable for causing blight in their communities.

Partial Vacancy While this report identifies fully residential vacant buildings, it does not encompass partial vacancies. Surveyors were trained to only record a property that was clearly unoccupied. Many landlords maintain tenants in a building in the process of emptying it out. Given the scope of this report we could not identify how many vacant apartments were in a building with partial vacancy. Further research needs to be done to clarify and quantify partial vacancies in order to better assess under utilized residential spaces.



ABOUT THE ORGANIZATION



City Hall demonstration, 2010.

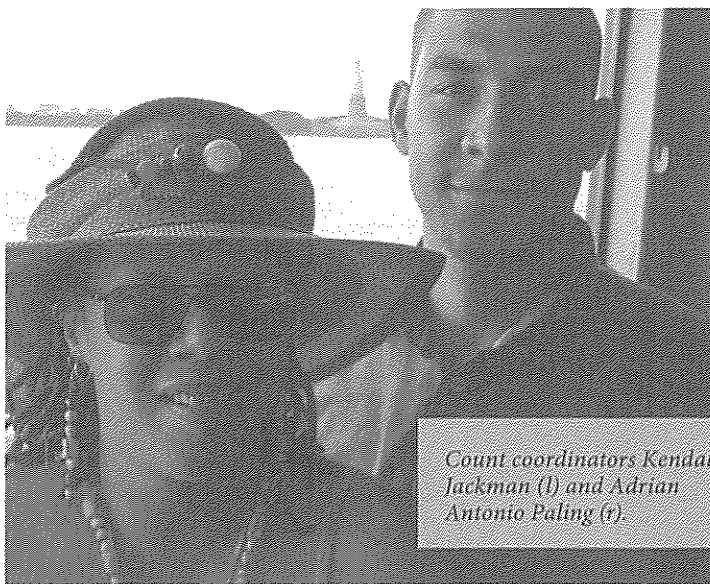


Picture the Homeless is a multiracial, city-wide, grassroots organization founded in 1999. Our membership is comprised of homeless and formerly homeless New Yorkers. Members of Picture the Homeless are living in shelters, doubled-up with friends and family, sleeping on subways, parks and transit facilities. Some have been unemployed or underemployed for the long term, some are juggling multiple low-wage or underground-economy jobs, others are union members who have recently lost work, others are disabled or senior citizens. All of them are extremely poor. Most are concerned with ending homelessness not only for themselves, but in working to make New York City a better place. Picture the Homeless works to build individual capacity and collective power for homeless New Yorkers as community stakeholders through grassroots organizing.

We are a resource for homeless folks to identify the root causes of homelessness and to develop solution-based organizing campaigns. The fundamental causes of homelessness are connected to intersecting issues rooted in our economy: particularly the commodification of housing and resultant housing exclusion, extreme poverty, racism, gender and sexual identity discrimination, immigration, and other forms of economic marginalization. Issues that frame our work include the impact of homelessness on individuals and communities, the financial and human cost of the shelter industrial complex, the intersection between government agencies such as the police department and homeless folks, and the (mis) representation of homelessness and homeless people in the media.

Picture the Homeless has worked since our founding to place ending homelessness on the agenda of the broader social justice movement, by pointing to the intersecting issues of racial, gender and economic justice. We sit on the coordinating committee of the Right to the City Alliance-NY, the steering committee of the Campaign to Restore National Housing Rights, the steering committee for the Campaign for Fair and Just Policing, Organizing for Occupation, and are involved in numerous other alliances. We are recipients of the Union Square Award, the Samuel Peabody Award of the Citizens Committee for Children, the Building the Blessed City Award from Interfaith Assembly on Housing and Homelessness, the Harry Chapin Self-Reliance Award, and the Rabbi Marshall Meyer Risk-Taker Award by Jews for Racial and Economic Justice. Ours was named one of the top 50 public policy blogs by the Policy Police.

ACKNOWLEDGEMENTS

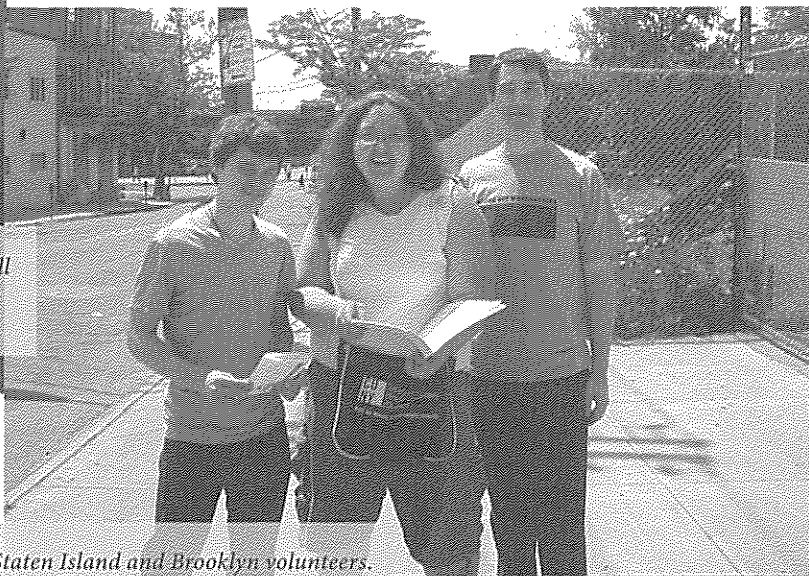


Count coordinators Kendall Jackman (l) and Adrian Antonio Paling (r).

Picture the Homeless conducted this groundbreaking, city wide survey of vacant buildings and lots with the vision, participation and assistance of many friends and allies. We are grateful to each and every one of them.

This report was written by Adrian Antonio Paling, Sam J. Miller and Lynn Lewis. The Vacant Property Count that it chronicles was executed under the meticulous direction of Adrian Antonio Paling, Housing Not Warehousing organizer at Picture the Homeless. This first city-wide survey of vacant properties is the culmination of seven years of efforts by our Housing Not Warehousing campaign, originally staffed by Sam J. Miller, who has been the consistent staffer of this work, since the campaign began. This participatory action research project is one of several strategies developed by our Housing Not Warehousing campaign to increase the supply of housing for the poorest New Yorkers, by identifying and exposing the extent to which land and housing is made unavailable by speculators. It represents the culmination of years of creative organizing and relationship building with allies. Anika Paris, Chris Blow, Eric Brelsford and Mara Gittleman all helped produce the "Vacant NYC" interactive online map of vacancy that was the immediate forerunner of this project. Support from Picture the Homeless Executive Director Lynn Lewis, Office Manager Anika Paris, interns Solène Junger and Tanaka Nyemba, and board member Ryan Gibbs were critical in different ways to the success of the count.

We are extremely grateful to Dr. Tom Angotti, Director of the Hunter College Center for Community Planning and Development, for sharing our enthusiasm for this project, and the belief that Housing is a Human Right. Tom committed the resources at Hunter College to help make this a reality. Angela Tovar of Hunter College spent hundreds of hours on data entry and mapping, and participated in the field research portion. The



Staten Island and Brooklyn volunteers.



most important aspect of their contribution however, was the ability of Tom and Angela to work with us as full partners in this project. They gave direction where we needed capacity and they took direction when we were clear about our goals for the project. Peter Marcuse was also instrumental in his enthusiastic support for this project.

The city-wide report was conceptualized during the winter of 2010 and throughout the spring of 2011. Picture the Homeless and Hunter College held several planning meetings to review project goals and methodology, with Angela Tovar, Adrian Antonio Paling, Genghis Khalid Muhammad, Kendall Jackman, Lynn Lewis, Sam J. Miller, Tom Angotti, William Burnett. At the weekly Picture the Homeless organizing team meetings, as well as the weekly Housing Not Warehousing campaign meetings, the vacant property count enjoyed the brain power of dozens of homeless leaders and the entire Picture the Homeless staff. Members

"WE WANT TO SHED LIGHT ON THE HOMES WITHOUT PEOPLE AND THE PEOPLE WITHOUT HOMES."

*Frank Clark, Picture the
Homeless Member*

*Count volunteers in Staten Island (l); PTH
member demonstrating at City Hall (r).*

contributed in many other ways, including phone banking, meeting with ally organizations to elicit support, and training volunteer surveyors. Jerry Singleton and Ryan Gibbs, for example, made hundreds of calls to mobilize volunteers. Marina Ortiz provided crucial support updating our website and social media work to help raise awareness and turn out volunteers for the count. Finally, the brilliant graphic design of this report is the work of Design Corps, a project of the Pratt Institute. Laurel Ames, Crissy Fetcher, and Lizzi Reid produced the winning design as decided by a vote of PTH members and staff.

Hundreds of volunteers spent thousands of hours walking up and down the streets of every borough in the city all summer long. They gathered the data that this report presents, helped with coordinating the count dates, prepared materials, facilitated trainings, and conducted volunteer outreach. We are grateful to the generous allies and community based institutions who opened their offices to us to use as "hubs," where count volunteers met for training and to pick up their survey packets, who mobilized their members and helped to spread the word. CAAAV, Coalition to Save Harlem, Community Voices Heard, Grace Church, Interfaith Assembly on Homelessness and Housing, John Wesley United Methodist Church, Neighbors Together, Not an Alternative, Pratt Area Community Council, Project Hospitality, Project Renewal, Queers for Economic Justice, Union Theological Seminary, numerous branches of the New York Public Library, and the offices of Council Members Margaret Chin, Letitia James, Jessica Lappin, Melissa Mark-Viverito, Diana Reyna and Manhattan Borough President Scott Stringer.

Finally, without the financial support provided by the Oak Foundation, New York Foundation and the Human Rights Fund, this city-wide vacant property count would not have been possible. Essential campaign support was also provided by the Mertz Gilmore Foundation, the Daphne Foundation, and the Ben & Jerry's Foundation.



SOURCES

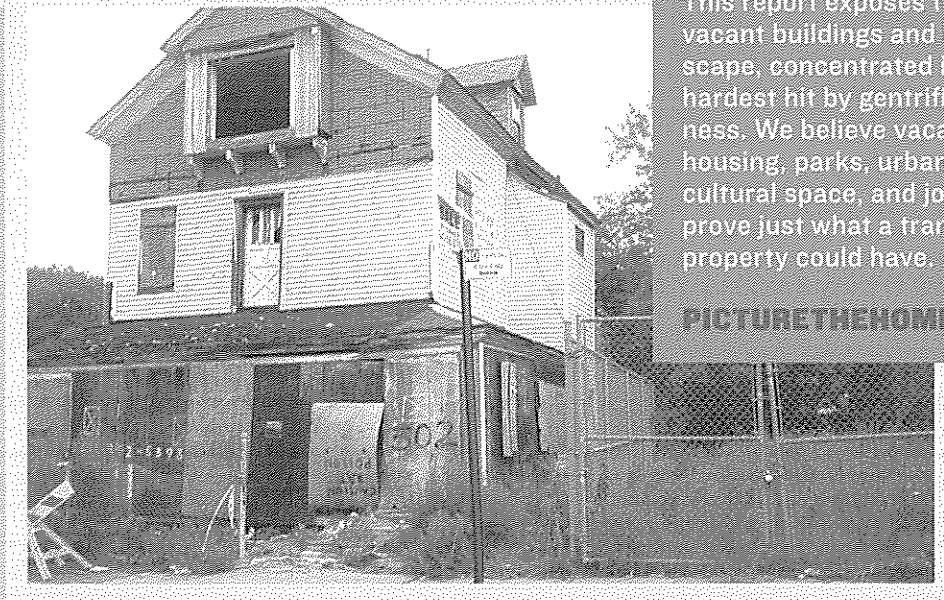
1. *Assessing the Economic Benefits of Public Housing*, Econsult Corporation, 2007.
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PICTURE THE HOMELESS

This report exposes the extent to which vacant buildings and lots permeate our landscape, concentrated in the very communities hardest hit by gentrification and homelessness. We believe vacant property can create housing, parks, urban farms, commercial and cultural space, and jobs—and this report will prove just what a transformative impact this property could have.

PICTURETHEHOMELESS.ORG



Testimony from: NEIGHBORHOOD HOUSING SERVICES OF JAMAICA (NHSJ) & NEIGHBORHOOD HOUSING SERVICES DEVELOPMENT CORPORATION (NHSDC)-SUBSIDIARY
Hearings Addressing: "Oversight: Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan"
Monday, November 17, 2014

To Councilman Williams and distinguished members of the Housing & Building Committee:

I am Helen Maxwell, Director of the Housing Development Corporation of Neighborhood Housing Services of Jamaica, Inc.

Neighborhood Housing Services of Jamaica (NHSJ) is not-for-profit housing organization that has been actively involved in community revitalization and the promotion of affordable homeownership for the past 40 years. We are a holistic organization that takes the full cycle approach to homeownership for low- and moderate-income residents. Our lines of business include: Pre-Purchase and Foreclosure Counseling, Owner-Occupied and Closing Cost Assistance Grants, Handyman Education and Training, and Youth Build and Disaster Case Management for residents victimized by Hurricane Sandy.

I am here to speak about the critical need for affordable housing in the communities that we serve. We have three offices, two in Jamaica, Queens and one in Far Rockaway. Non-profit organizations such as ours are on the ground floor in our communities and are perfectly poised to help solve the affordable housing crises. We are very much energized by Mayor Bill de Blasio's housing plan that promises to be very aggressive and comprehensive, and we depend heavily on the support of our Partners such as Council Members, Governmental agencies and others, to sustain our ability.

Over the two years we have experienced the aftermath of Superstorm Sandy's devastation, the on-going foreclosure crisis and the high rate of unemployment due to a sluggish economy. In response to these crises, NHSJ expanded its services to include Rental Assistance and Disaster Case Management, which includes financial, education and other assistance to victims of Hurricane Sandy.

The need for affordable housing in Queens is at an all-time high because of the following:

- The percentage of New York City households who are rent burdened (spend more than one third of their incomes on housing costs) has increased tremendously. As rents continue to rise while incomes remain stagnant, the problem of finding an affordable apartment becomes more difficult.

- Residents residing in hotels as result of Hurricane Sandy two years ago, are still displaced and having a difficult time finding affordable apartments to rent.
- Many people mistakenly think that the foreclosure crisis is over; however, we, at NHSJ, are still counseling homeowners who have not been denied loan modifications after fighting with their banks for two, three or four years. Some of them are now coming to the realization that they may never get the modification and lose their homes; they then realize the need for an affordable apartments and rental units. Others have already lost their properties and are doubling up with family and friends and also have the need for affordable apartments; however the high cost of rents have placed apartment out of the reach for most families who lost their homes because of a reduction in their incomes. In Southeast Queens, many families are doubled-up in illegal basement apartments due to a void of legal, affordable apartments.

In Jamaica Queens, we are approached daily by residents that who are looking for an affordable place to call home. Because we are housed in the same building with a WIC (Women Infants and Children) Center, we get tons of requests for affordable apartments. Many of these families cannot afford market-rate apartments and have to continue to live with parents or friends. We have a very few housing referral resources, especially with the Section 8 Program suspended and NYCHA having a waiting list for Queens' apartments. We also get many requests from seniors that are looking for affordable apartments. Oftentimes, because they are on fixed (limited) incomes and are not able to pay the exorbitant market-rate rents. We have very little resources for referrals in this regard.

NHSJ's goal is to be able to respond to the community's housing needs. We are pursuing several programs and projects in an effort to ease the housing burden.

- We are co-developing affordable apartments with Slate Property Group, at Archer Avenue and 165th Street within the next one to two years. This workforce development housing project will be 100% affordable and will house 89 units.
- NHS Development Corporation's goal is to acquire abandoned properties and utilize State subsidies to rehab and make them affordable. Upon completion of renovation, the properties will be sold to low- and moderate-income residents at affordable prices. We currently have a pipeline of hundreds of pre-qualified first-time home buyers who cannot afford market-rate properties, but would be able to qualify for “affordable” properties under our program guidelines.

- We also interested in acquiring vacant apartment buildings in Queens to be renovated and offered as affordable units to residents in our communities.
- NHSJ continues to facilitate down-payment assistance grants for low and moderate income first time homebuyers who need help with their down-payments, and offers repair grants and energy audits to homeowners. Our goal is to have homeowners be able to sustain homeownership by managing their expenses and keeping costs to a minimum.
- While much of the housing-stock in Southeast Queens is aging and in need of continuous maintenance. We utilize our Construction Monitoring Department to oversee repair projects to avoid the likelihood of homeowners being taken advantage by professional tradesmen.
- The NHSJ Handyman Training Program is a hands-on training program that allows customers to learn the basic principles of home repairs and maintenance such as plumbing, electrical, tiling, etc. We encourage first-time and existing homeowners to take the classes and save money by learning to do simple repairs themselves while maintaining the up-keep of their properties.

Since its inception in 1974, NHSJ has provided direct services for more than 70,000 families by providing Pre-purchase Counseling, Foreclosure Intervention Counseling, Homeowner Grants, Rental Assistance and Landlord Trainings. Our goal is to assist families through a holistic approach, assessing their full array of needs, in an effort to ultimately provide affordable housing and economic stability. We stand ready and able to do our part in helping to solve the affordable housing crisis. Thank you for giving me this opportunity to speak before you.

Helen Maxwell, Director
NHS Development Corporation



TESTIMONY OF LEGAL SERVICES NYC REGARDING THE MAYOR'S AFFORDABLE HOUSING PLAN

**New York City Council Committees on Housing and Buildings,
Community Development, and Land Use
November 17, 2014**

Legal Services NYC welcomes the opportunity to give testimony before the New York City Council on the critical topic of affordable housing. Legal Services NYC is one of the largest law firms for low income people in New York City. With five borough offices and numerous outreach sites, Legal Services NYC's mission is to provide expert legal assistance that improves the lives and communities of low income New Yorkers. Legal Services NYC annually provides legal assistance to thousands of low income clients throughout New York City. Historically, Legal Services NYC's priority areas have included housing, government benefits and family law; in recent years, Legal Services NYC has vastly expanded services in areas of need critical to our client base, including consumer issues and foreclosure prevention, unemployment, language access, disability, education, immigration, and bankruptcy.

Preserving Existing Affordable Housing Stock:

The Mayor's new Housing Plan estimates that at least 500,000 low income families are paying substantially more rent than they can afford. The Plan further explains that nearly 250,000 apartments left the rent regulation system since 1994. Every time a rent regulated tenant is displaced from her home through eviction, harassment, or deprivation of services, the rent is increased beyond the means of low income New Yorkers, and the City permanently loses an affordable housing unit. Clearly, the City cannot afford to lose a single unit that is now affordable, and every measure taken to prevent tenant displacement contributes to the success of the Mayor's housing goals.

We are excited that governmental bodies and agencies on both the City and State level, are working together as never before. The Council, HPD, the Attorney General, and DHCR's Tenant Protection Unit have all sharpened their focus on housing preservation, and can accomplish more in coordination than any of them can in isolation. We look forward to working with all levels of government, and with community-based organizations and tenant advocates, to put the brakes on tenant harassment, predatory landlord practices, and irresponsible banking policies that fuel speculation and tenant displacement. We also hope to work with HPD and neighborhood groups throughout the City to formulate strategies to preserve the affordability of expiring State and federally funded housing, as well as multi-family housing threatened by foreclosure or bankruptcy.

Strengthening Inclusionary Zoning:

The Administration's commitment to mandatory inclusionary zoning is an essential part of solving the City's affordable housing crisis. However, out of the 200,000 units to be preserved or constructed under the Mayor's ambitious housing plan, only about 16,000 new units will be affordable to the neediest families – those below 50 percent of median income. The affordability crisis faced by LSNYC's low income clients can be remedied only if the Administration and the Council to work together to obtain the maximum number of units at the deepest possible subsidy levels in exchange for the valuable tax benefits and zoning changes so sought after by developers.

Defending and Strengthening Rent Regulation:

Preserving Rent Stabilization, which provides an indispensable lifeline to nearly one million low income and middle class New York families, must plainly be the centerpiece of any housing preservation plan. LSNYC supports the efforts of the Council and the Mayor to prevent weakening of the rent laws, and to close loopholes like high rent decontrol, preferential rents, and fraudulent vacancy increases that rob the City of irreplaceable housing resources.

Strengthening Code Enforcement:

Uninhabitable conditions are a major source of displacement of low income tenants, leading to the permanent loss of affordable housing when landlords rehabilitate and decontrol the vacated units. Tenants will benefit greatly if the City can find resources to expand HPD's code enforcement efforts, including its successful AEP program and the essential work of its litigation bureau. Code enforcement can be significantly strengthened through coordination between HPD and the Department of Buildings, and the District Attorneys. The Council's recent increase in funding for community organizers is also a vital step toward a coordinated housing preservation strategy.

Bringing NYCHA into the 21st Century:

NYCHA can do much to remediate the City's homeless crisis simply by ending punitive and pointless policies that displace tenants while wasting precious resources. While agencies such as HRA and HPD have enthusiastically leapt to fulfill their roles in the Mayor's housing plan, NYCHA has sadly lagged behind. NYCHA tenants will remain subject to unnecessary risk of homelessness until NYCHA ends its cruel and wasteful practices of evicting tenants for late rent payment, of banishing young people from their homes based on minor criminal offenses, and of charging tenants unaffordable rents instead of promptly reducing rents based on lost income. There is no reason why any NYCHA tenant should have to enter the City's shelters.

We thank the City Council for addressing these important issues, and look forward to working with the Council and the Administration to address the City's affordable housing crisis.

Respectfully submitted,

Edward Josephson, Esq.
Director of Litigation, Legal Services NYC
40 Worth Street, Suite 606, New York, NY 10013
(718) 237-5538



New York Lawyers
For The Public Interest, Inc.
151 West 30th Street, 11th Floor
New York, NY 10001-4017
Tel 212-244-4664 Fax 212-244-4570
TTD 212-244-3692 www.nylpi.org

November 19, 2014

**Testimony of Kelly McAnnany
On Behalf of New York Lawyers for the Public Interest
Before the New York City Council's Committees on Housing and Buildings, Community
Development, and Land Use**

**“Building Homes, Preserving Communities: A First Look at the Mayor's Affordable
Housing Plan”**

We would like to thank Chairperson Williams and the Committees on Housing and Buildings, Community Development, and Land Use for convening an oversight hearing on affordable housing in New York City. New York Lawyers for the Public Interest (“NYLPI”) is a civil rights law firm with a robust disability rights practice, and as such we appreciate the opportunity to provide testimony regarding the need to increase the availability of affordable, *accessible* housing in New York City.

We applaud the Mayor’s Affordable Housing Plan (“Mayor’s Plan”) proposal to enhance the roles of the ADA and Section 504 coordinators to improve access to the City’s Housing Agencies and we hope that an expansive view of access is undertaken in the coming months to ensure that all residents of New York City – regardless of ability – have access to affordable housing.

Robust Enforcement of Accessibility Laws

Consistent and aggressive enforcement of anti-discrimination laws will allow more people with disabilities to remain in their existing apartments. Our office has assisted countless individuals with disabilities living in untenable situations merely because landlords and managing agents refuse to provide them with legally required reasonable accommodations. We’ve spoken to numerous individuals with mobility impairments, including seniors, who could not safely enter and exit their building because their landlord refused to provide a ramp or an elevator key to allow access through the basement. Other clients with mental illness or visual impairments have been at risk of eviction because their landlord claimed they were “harboring a pet,” when in reality they had a legally protected service animal that provided them with critical emotional support or physical assistance.

The New York City Human Rights Law (“NYCHRL”) prohibits disability discrimination in the sale or rental of housing and requires the provision of “reasonable accommodations” to enable people with disabilities to fully enjoy their housing premises. NYC Admin. Code § 8-107(5)(a); § 8-107(15)(a). The protections under the NYCHRL have been interpreted more broadly – and the law covers more housing providers – than its state and federal counterparts. The additional protections available under the NYCHRL undoubtedly benefit New Yorkers with disabilities. Take for example, an elderly couple with severe arthritis who contacted NYLPI seeking a reasonable accommodation in their rent-stabilized apartment. Due to their disabilities,

they had great difficulty using their bathtub and toilet without the assistance of grab bars. They made numerous requests of their landlord to pay for and install grab bars, but the landlord refused. Unlike other laws that merely require a housing provider to *allow* tenants to make accessibility modifications in their apartment, the NYCHRL requires landlords to provide and pay for reasonable accommodations as long as it does not constitute an undue burden. For this elderly couple with multiple health conditions and living off a fixed income, such a distinction made quite a difference. NYLPI represented the couple in a lawsuit asserting a claim under the NYCHRL and successfully forced the landlord to cover the cost and installation of the grab bars.

While this example illustrates the strength of the NYCHRL, it also reveals its limitations for the many New Yorkers with disabilities who do not have legal representation to enforce such rights. As discussed, the NYCHRL is one of the most progressive anti-discrimination laws in the country, particularly with respect to rights to accessible housing. Yet, this promise rings hollow given the lack of resources dedicated to the New York City Human Rights Commission (“The Commission”), the entity charged with enforcing the law.¹ The Commission has for years failed to exercise its power to initiate investigations and complaints regarding discrimination. The Commission’s current staff of 11 represents a 90% decline from its staffing of 152 employees in 1991, and its current budget of under \$6.5 million dollars represents a fraction of its initial budget of approximately \$10 million in 1992, particularly when adjusted for inflation. In the absence of dedicated staff and resources, the Commission cannot quickly and aggressively address disability discrimination in housing. Given that the majority of victims of discrimination do not have legal representation and must file complaints *pro se*, we must increase funding and resources to ensure that the Commission is a legitimate avenue for redress.

Finally, we support the Mayor’s Plan to “increase oversight of accessibility standards in the private market as well as in its regulated affordable housing stock...” (Mayor’s Plan, p. 84). Federal and local law – including Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the New York City Building Code – contain various provisions requiring accessible design and construction, including for renovations and alterations. Yet, as evidenced by recent litigation by the United States Attorney’s office against a major real estate developer, new construction of rental apartment buildings in New York City routinely fails to comply with accessibility guidelines and regulations. We hope that the Mayor’s Plan proposal to increase oversight will mean real consequences for new construction and renovations that fail to comply with accessibility standards, including code enforcement by the New York City Department of Buildings. New York City cannot afford to miss opportunities to grow its supply of accessible, affordable housing.

Increased Supply of Accessible NYCHA Housing

We applaud the Mayor’s commitment to increasing the availability of affordable, accessible housing, but we are concerned that NYCHA’s responsibility to provide accessible housing has not been adequately addressed in this initial plan.

Over the years, NYLPI has received calls from individuals with disabilities who live in NYCHA housing and have waited many months – sometimes years – to be transferred to an accessible apartment. While federal guidance and a settlement resulting from the *Rivera*

¹ The concerns and recommendations for strengthening the New York City Human Rights Commission are outlined in a policy paper penned by the New York City Human Rights Working Group, of which NYLPI is a member. Please contact me to obtain a copy.

litigation mandate that 5% of NYCHA housing units be made accessible, this figure is arbitrary and untethered to the demands of the public housing population. As documented in a 2011 report by the Center for Independence of the Disabled New York, nearly 32% of individuals with disabilities in New York City are living below the poverty line.² Further, as noted in the Mayor's Plan, nearly 20% of NYCHA residents are seniors, the vast majority of whom already have or will develop disabilities that require reasonable accommodations of some kind. This number will only go up as "the number of New Yorkers who are age 65 and older will increase by 40 percent to more than 1.4 million" by the year 2040.

We hope the Mayor's Office and the City Council will take steps to match the supply of accessible NYCHA housing to the needs of the public housing population.

Oversight of Homeless Shelter Accessibility

The Mayor's Plan identifies several key statistics to support the promotion of homeless, senior, supportive and accessible housing, including that "New York City's shelter population has increased to an all-time high of more than 50,000 people" and that "approximately 850,000 people, or 10 percent of the City's total population, are living with a disability." Yet, the plan fails to connect the dots between the needs of these intersecting and overlapping populations.

Over the years, we have heard complaints from individuals with disabilities and advocates that New York City homeless shelters – in particular domestic violence shelters – have refused to provide accommodations or otherwise equally serve people with disabilities. Among other barriers, we have been told of individuals with mental illness being inappropriately screened out of shelter services, deaf individuals not being provided with sign language interpreters or other reasonable accommodations, and blind individuals being told they cannot keep their service animal. This can lead to the inappropriate discharge of individuals with disabilities from hospitals to nursing facilities. In other circumstances, people with disabilities may be forced to remain in abusive situations or end up living on the street.

The disproportionately high rate of domestic violence experienced by people with disabilities lends further incentive to ensuring that shelters are accessible.³ In addition, given the strong correlation between poverty and disability, we know that a significant number of individuals seeking or already housed in the homeless shelter system have disabilities and need accommodations of some kind. There must be increased oversight and accountability for shelter compliance with accessibility requirements.

Ongoing Support from NYLPI

Once again, we would like to thank the Committees on Housing and Buildings, Community Development, and Land Use for convening this critical oversight hearing on affordable housing in New York City. We appreciate the opportunity to provide this testimony on behalf of our clients with disabilities who seek – and deserve – equal treatment and access to

² "Disability Matters: Unequal Treatment and the Status of People with Disabilities in New York City and New York State," Center for Independence of the Disabled, New York. Available at: <http://www.cidny.org/resources/News/Reports/Disability%20Matters.pdf>.

³ See, e.g., "Violence against people with disabilities: New developments and important implications," Emily M. Lund, M.Ed. Available at: <http://www.apa.org/pi/disability/resources/publications/newsletter/2012/12/disabilities-violence.aspx>.

affordable housing in New York City. We hope the issues we have identified above will help inform the Committees' advocacy in the coming months. Please feel free to contact Kelly McAnnany at (212) 244-4664 or kmcannany@nylpi.org for further information or discussion.



Joint Oversight Hearing: Housing and Buildings, Land Use, and Community Development Committees
Building Homes, Building Communities

November 17, 2014

Testimony of Joan Byron, Director of Policy, Pratt Center for Community Development

The Pratt Center applauds Mayor de Blasio's goal of addressing New York City's housing crisis. But as the incomes of New York families continues to stagnate while housing prices skyrocket, we share the concern of housing advocates that the plan will do too little to address the needs of those who are most burdened by housing costs.

By relying on rezoning of residential neighborhoods to higher densities, and of industrial areas to allow residential development, the plan is likely to result in a net *loss* of what are now affordable units. By fueling land speculation in neighborhoods that have up to now remained affordable, the plan risks displacing both the residents the plan is intended to help, and the industries that employ those residents at wages that actually make housing affordable.

We call upon the administration to develop a plan that will deliver:

- Real affordability - internal cross-subsidy through inclusionary zoning or 80/20 alone cannot deliver the levels of affordability we need. We need to identify sources of the deeper subsidy we will need to make a meaningful number of new units truly affordable to residents of neighborhoods targeted for rezoning and major development. Relying on internal cross-subsidy, whether through inclusionary zoning or 80/20 by design creates many more market rate than affordable units; we now know that the attendant increase in land value triggers indirect displacement. Commissioner Been was commendably honest and specific in her testimony to the Council about the Administration's targets for affordability and HPD's progress to date. But this underscores the necessity of identifying the resources that will allow the Housing Plan to serve a larger number of low and very low-income New York City households.
- Preservation of affordable units and neighborhoods. The numbers of minimally "affordable" units that will be created through rezoning are dwarfed by the potential loss of currently affordable units to speculation and displacement. Without strong protection and preservation strategies, the Housing Plan is likely to result in a net *loss* of affordable units. And after the recent election, it is even more unclear whether the City will have the support it needs from Albany to strengthen protection of existing affordability.
- Protection of irreplaceable manufacturing land. At a time when the sector is transforming and growing, land costs are the most serious constraint on the retention and expansion of manufacturing firms in traditional and emerging sectors; it is disturbing that DCP's testimony, and presentations it has recently made in East New York, make no mention of the need to preserve industrial land and jobs.
- Real guarantees that the other needed investments – schools, transit, streets, parks – will materialize. We now lack real processes to bring the other agencies implicated in comprehensive neighborhood plans to the table, *along with representatives of the implicated communities* - and to tie binding commitments for those investments to the rezonings that enable large-scale residential development that will place additional demands on those services.

The Department of City Planning has indicated its intent to rezone in East NY, Bushwick, "Cromwell-Jerome," and other neighborhoods. And while residents of many of those neighborhoods have engaged in comprehensive planning processes addressing the full range of local concerns, DCP appears determined to prioritize density above affordability, economic diversity and job quality, and infrastructure investment, and to narrow the focus of discussion to building height and density and street design. Participants in a workshop this weekend in Cypress Hills repeatedly called upon DCP to honor the substance of a multi-year, collaborative process; they are concerned that DCP now intends to plan *for* the community rather than with it.

Moving forward with rezoning, when other key elements of the housing and economic development strategy are not yet formed, means we are asking people to sacrifice everything they value about their neighborhoods – their affordability, their character, the good jobs that local businesses now sustain – in the name of affordability, when there is no clear path to creating that affordability at meaningful levels and scale.

The Council should insist that the rest of the pieces – subsidies to enable meaningful levels of affordability, protection of existing affordable housing, no net loss of industrial space, and commitments to the other public investments needed to make additional density succeed, are in place, and make clear that it will not approve any rezoning that doesn't address these concerns.

Opinions expressed in this testimony reflect the position of the Pratt Center for Community Development, and are not necessarily those of Pratt Institute.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11-17-14

(PLEASE PRINT)
Name: Helene Caloir, Policy Director

Address: 501 Seventh Ave. NY, NY 10018

I represent: Local Initiatives Support Corp. - NYC

Address: _____

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Date: _____

(PLEASE PRINT)
Name: MIKE MCGUIRE

Address: _____

I represent: MTDC - LIC10A

Address: _____

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Date: _____

(PLEASE PRINT)
Name: Christina Mansfield / ICL

Address: 125 Broad St.

I represent: ICL

Address: 125 Broad St. 3rd fl NY NY 10004

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Date: 11/17/14

(PLEASE PRINT)
Name: Carol Turner

Address: 1318 Decatur St

I represent: N.Y.C. Community Alliance for Wk.

Address: _____

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Date: 11/17/14

(PLEASE PRINT)
Name: Itzhac Lopez

Address: 1517 Decatur St

I represent: N.Y.C. Community Alliance for workers Justice

Address: _____

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(PLEASE PRINT)
Name: Anthony Charbonier

Address: 243 Irving Ave.

I represent: NYC Community Alliance for Workers Justice

Address: _____

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Matthew Chachere

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☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Maria Hernandez

Address: 520 West 183rd St, Apt 1, New York, NY

I represent: myself

Address: _____

Matthew Chachere

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☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Maritza Gonzalez

Address: 520 West 183rd St, Apt 24 New York, NY

I represent: myself

Address: _____

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Date: _____

(PLEASE PRINT)

Name: Purnima Kapur

Address: _____

I represent: Executive Director of

Address: Department of City Planning

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Bill Crawley

Address: 250 Broadway

I represent: Dir. of Development, NYCHA

Address: _____

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☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Matthew Chachere

Address: 76 Wadsworth Ave, NY NY 10033

I represent: Northern Manhattan Improvement Corp

Address: _____

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jenny Laune

Address: 125 Maiden Lane, NYC 10038

I represent: Housen Court Answer

Address: _____

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Kuhle Goldstein Tenculst + Neighbors

Address: 236 W. 27th St 9th floor

I represent: Tenculst Neighbors

Address: _____

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☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ROBERT TOLBERT

Address: 12-20 34th AVE LIC

I represent: VOCAL NY

Address: 80A 4th AVE BKLYN

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☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Amanda Jensen

Address: _____

I represent: NYC District Council of Carpenters

Address: 395 Hudson

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: RICHARD LEWIS

Address: 930 ST. NICHOLAS AVE NY-10032

I represent: NYC COMMUNITY BOARD 12, M

Address: 530 W. 166 ST - 6th Floor NY 10032

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Matthew Hassot

Address: _____

I represent: Center for NYC Neighborhoods.

Address: 17 Battery Place Ste 228. New York, NY 10004.

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THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: PATRICK PURCELL

Address: 260 W 37th STREET, FL 11 10018

I represent: CNY LABORERS/EMPLOYERS TEU'S

Address: SAME

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☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Kamilla Sjödin

Address: NYLAG (New York Legal Assistance Group)

I represent: _____

Address: 7 Hanover Sq. 18th Fl., NY NY 10004

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Leon Black

Address: 1512 Townsend Ave BX NY.

I represent: I.A.S.A.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Daron Lomax

Address: 45 West 14th St

I represent: DC9 Painters & Allied Trades

Address: 45 West 14th St

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Shanequa Charles

Address: 2543 Decatur Ave 4B

I represent: CASA / Miss Abbie's Kids Inc

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: Nov. 17, 2014

(PLEASE PRINT)

Name: Maribel De La Cruz

Address: 1512 Townsend, Bx, NY 10452

I represent: CASA - New Settlement

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: FITZROY CHRISTIAN

Address: 15 FEATHERBED LANE Bx 10452

I represent: CASA

Address: 1512 TOWNSEND AV Bx NY 10452

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Claudia Wilner, New Economy Project

Address: 15 MetroTech, Bklyn

I represent: NYC Community Land Initiative

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Harvey Epstein

Address: 123 William St, 16th fl, NY NY

I represent: Urban Justice Center, community Development Project

Address: 123 William St 16th fl, NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: John Byrne

Address: _____

I represent: Pratt Center for Community Dev

Address: 200 W 42nd St, 15th Fl, Brooklyn

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

(29)

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Erika Chen-Byam

Address: East New York, Brooklyn

I represent: _____

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Ramon Perez

Address: Queens, NY

I represent: _____

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ELLEN DAVIDSON

Address: _____

I represent: The Legal Aid Society

Address: 199 WATER ST NY 10038

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11-17-14

(PLEASE PRINT)

Name: John Loflin

Address: 352 W 110 NY NY 10025

I represent: Cathedral Gardens Condo

Address: 352 W 110

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: LEANDRA REQUENA

Address: 35-27 81ST STREET Apt-45 JACKSON HEIGHTS NY 11372

I represent: MAKE THE ROAD NEW YORK

Address: 92-10 ROOSEVELT AVE.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/2014

(PLEASE PRINT)

Name: Kebede Adnew

Address: Box 1398, NY NY 10025

I represent: Cathedral Gardens Condo Owners

Address: 352 Cathedral Parkway

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Esram Edris

Address: 352 West 110th St.

I represent: Cathedral Garden Community

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: OSCAR MONTERO

Address: 352 W 110 St NY 10021

I represent: Cathedral Gardens

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Belina Anderson

Address: 352 W 110 NY NY

I represent: Cathedral Gardens Cando.

Address: 352 W 110

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

Name: CARL WEISBROD (PLEASE PRINT)

Address: _____

I represent: DIRECTOR - DEPARTMENT OF CITY PLANNING

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: 11/17/14

Name: Vicki Been (PLEASE PRINT)

Address: 100 Gold

I represent: HPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

Name: Mrs. Arvernetta Henry (PLEASE PRINT)

Address: 2427 Morris Ave

I represent: Picture The Homeless Org

Address: 2427 Morris Ave Bx 10468 NY

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: Nov 17, 2014

(PLEASE PRINT)

Name: Tom Waters

Address: _____

I represent: Community Service Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: PATRICK MARKEE

Address: _____

I represent: COALITION FOR THE HOMELESS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: John Murphy, Business Manager, Flyers Local 5

Address: _____

I represent: _____

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MATTHEW DUNBAR

Address: 78 R oebing St, Brooklyn NY

I represent: Habitat for Humanity New York City

Address: 111 John Street, NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Wiseman

Address: 1 Whitehall Street NY, NY

I represent: Enterprise Community

Address: Partners

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Scott French

Address: 615 W. 172nd Street 66 NY, NY 10032

I represent: Servics & Advocacy for GLBT Elders (SAGE)

Address: 3057 1st Ave, 15th Floor, New York, NY 10001

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: EDWARD JOSEPHAN

Address: 105 COURT ST

I represent: LEGAL SERVICES NYC.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Alexandra Hanson

Address: 242 W 36th St 3rd Fl.

I represent: NYS AFH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Moses Fates

Address: 50 Broad

I represent: ANHD

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/2014

(PLEASE PRINT)

Name: Peter Ger

Address: 201 DeKalb Ave

I represent: Platt Area Community Council

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11-17-14

(PLEASE PRINT)

Name: Sam Marks

Address: _____

I represent: Local Initiatives Support Corp.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11-17-14

(PLEASE PRINT)

Name: Andrea Cianfrani

Address: _____

I represent: Council of Senior Centers and Services

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Ronald F. Day

Address: _____

I represent: Osborne Association

Address: 809 Westchester Ave Bronx NY 10455

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1117/14 Res. No. _____

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Rick Bell

Address: _____

I represent: The American Institute of Architects New York Chapter

Address: Five Tribuna Place NY 10012 (AIANY)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Joseph Rosenberg

Address: 80 Maiden Lane (CCRC)

I represent: Catholic Community Relations Council

Address: _____

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

Testify with
Humberto Restrepo

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

☒ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: ELLIOT HECHE

Address: 158-11 H.V.A. JR AVE FLUSHING NY 11361

I represent: Local Union #3, IBEW.

Address: 158-11 H.V.A. JR. AVE FLUSHING NY 11361

Testify
w/ Local-3
Elec Assoc

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

☒ in favor ☐ in opposition

Date: 11-18-14

(PLEASE PRINT)

Name: HUMBERTO RESTREPO

Address: 158-11 HVA JR. AVE FLUSHING NY

I represent: JOINT INDUSTRY BOARD OF THE

Address: ELECTRICAL INDUSTRY

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: RATIN JASWA

Address: 40 BECTON STREET, 9th Floor

I represent: URBAN JUSTICE CENTER - SAFETY NET PROJECT

Address: _____

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