

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON IMMIGRATION

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October 19, 2017
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HELD AT: Council Chambers - City Hall

B E F O R E: JUMAANE D. WILLIAMS
Chairperson

CARLOS MENCHACA
Co-Chair

COUNCIL MEMBERS:

ROSIE MENDEZ
YDANIS A. RODRIGUEZ
ROBERT E. CORNEGY, JR.
RAFAEL L. ESPINAL, JR.
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RAFAEL SALAMANCA, JR.
ERIC A. ULRICH
MATHIEU EUGENE
DANIEL DROMM

COUNCIL MEMBERS:
PETER A. KOO

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

Bitta Mostofi
Acting Commissioner of the Mayor's Office of
Immigrant Affairs, OMIA

Dana Sussman
Deputy Commissioner for Intergovernmental Affairs
And Policy at the New York City Commission on
Human Rights

Jordan Press
Executive Director of Development and Planning in
The Division of Government Affairs at the New
York City Department of Housing Preservation and
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Norey Lee Navarro
Staff Attorney in the Housing Unit at Legal
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Shi-Shi Wang
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Jenny Stevens-Romero
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Bianca McPherson
Housing Paralegal at the Community Development
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Deyanira Del Rio
Board Member of the New York City Community Land
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A P P E A R A N C E S (CONTINUED)

Jenny Akchin

Worker at Picture the Homeless, Policy Committee
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Jose Rodriguez

Member of Picture the Homeless, Banana Kelly
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Jennifer Levy

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Michael Johnson

Member of the Board of Directors for South Bronx
Based Community Land Trust, the Mott Haven-Port
Morris Community Land Stewards and Board Member
Of the New York City Community Land Initiative

Valerio Orselli

Project Director of the Cooper Square Community
Land Trust, CLCLT, Founding Member of Cooper
Square Mutual Housing Association and Cooper
Square Community Land Trust

Paul Epstein

Northern Manhattan Community Land Trust Working
Group

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

Paula Segal
Community Development Project at the Urban
Justice Center UJC

[gavel]

CHAIRPERSON WILLIAMS: Good morning

everyone. My name is Jumaane Williams, Chair of the Committee on Housing and Buildings. I'm joined today by Council Member Carlos Menchaca, Chair of the Committee on Immigration. We're also joined by Council Member Cornegy and I'm sure we'll be joined by some other Council Members shortly. We are here to hold a hearing on three bills, two of the bills we will be hearing today proposed Intro Number 1678-A and Intro Number 1721, amend the definition of harassment. This session we have sought to curve the trend of tenant harassment with several bills including the stand for tenant safety package and the tenant harassment package. Proposed Intro Number 1678-A sponsored by Council Member Koo would amend the definition of harassment to include threats based on membership in a protected class and requests for proof of citizenship status and would allow tenants to bring harassment cases in housing court for those acts by their landlords. Intro Number 1721 sponsored by myself and Council Member Lander would expand the definition of harassment to include acts and omissions related to violations of the construction

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2 code as well as the use of unlawful acts providing
3 false or misleading information related to occupancy
4 of such unit or whether such unit is or will be
5 maintained in a habitable and safe condition. The
6 third will... we will... the third bill we will be
7 hearing is Intro Number 1269 sponsored by Council
8 Member Richards. Intro Number 1269 would allow
9 community land trusts also known as CLT's to enter
10 into regulatory agreements with HPD for the
11 development of affordable housing. Unfortunately,
12 Council Member Richards and Council Member Koo could
13 not be with us today, myself and Council Member
14 Menchaca will read their opening statements. I will
15 start with Council Member Donovan Richards's
16 statements on Intro Number 1269, Community Land
17 Trust. On behalf of Council Member Richards, I would
18 like to bring your attention to Intro 1269, a bill
19 that will allow Council Member... would allow community
20 land trusts to enter into regulatory agreements with
21 the Department of Housing Preservation Development
22 for the development of affordable housing. Currently
23 the Department of Finance will not take affordability
24 restrictions placed on a property into account when
25 doing an assessment unless they are part of a

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2 regulatory agreement with HPD. So, if this bill were
3 to pass HPD would form a regulatory agreement with
4 the CLT requiring that housing built on the land..
5 [clears throat] excuse me... the housing built on the
6 land be kept affordable to certain income ranges. DOF
7 would then take these restrictions into account when
8 assessing the property. In order to fully grow and
9 flourish as a city we need to not only build
10 affordable housing, but we must also increase
11 opportunities for affordable home ownership. While
12 this model has substantial benefits for both rental
13 and ownership it's one of the few tools in the shed
14 that can directly address the home ownership needs of
15 many communities across the city. CLT's also limit
16 the negative effects of gentrification and allow hard
17 working families to afford a home in neighborhoods
18 that would otherwise become too costly as the
19 surrounding market's prices are increased over time.
20 It is also a valuable tool to fight back against
21 delinquent and foreclosure crisis and protect
22 communities in future housing crisis. Therefore, we
23 need to ensure that the administration and our local
24 non-profits have every tool at their disposal to
25 accomplish this goal. And Council Member Menchaca

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2 will read Council Member Koo's statement when he does
3 his opening statement. This is a very important
4 hearing and I just want to thank Council Member
5 Menchaca and the Immigration Committee for joining us
6 around the immigration issue and harassment and in
7 general we're going to have to keep coming back to
8 the table when we address one issue those who are
9 greedy and unscrupulous will try to find another way
10 to get at unfortunately often times harassing tenants
11 and doing what they can to push out in an effort to
12 make as much money as humanly possible to often on
13 the backs of people they believe have no voice and so
14 we're happy to advocate to help bring voice to
15 tenants and we're happy to keep adjusting the law as
16 we need to, to make sure we do our best to stay one
17 step ahead... step ahead of those unscrupulous
18 landlords that will try to take advantage of people
19 and of course I'm happy to have a hearing on a
20 community land trust. We have to do whatever we can
21 to make sure we have as much deep income targeted
22 affordability when it comes to home ownership and
23 rent to lease in order for us to get out of this
24 affordable housing and homelessness crisis. I'd like
25 to thank my staff for the work they did to assemble

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2 this hearing including Mike Toomey my Legislative
3 Director; Megan Chin, Council to the Committee; Jose
4 Conde, Police... Policy Analyst to the Committee; Sarah
5 Gastelum, the Committee's Finance Analyst and I'd
6 like to pass it over to Council Member Menchaca for
7 his opening statement.

8 COUNCIL MEMBER MENCHACA: [Spanish
9 dialogue] My name is Carlos Menchaca and I want to
10 say good morning to all of you. I am the Chair of the
11 Committee on Immigration here at the New York City
12 Council. I... when they come I will recognize all the
13 members of the Committee who are joining us today.
14 I'm happy to be holding this hearing in conjunction
15 with my brother, Council Member Jumaane Williams and
16 Chair of the Housing and Buildings Committee. I look
17 forward to learning about immigrant tenant harassment
18 from this administration, our community based
19 organizations and impacted New Yorkers. Every New
20 Yorker has the right to live free from harassment and
21 threats by their landlords. This is why this session,
22 the council has passed multiple bills addressing
23 tenant harassment and intended to send a clear
24 message to unscrupulous landlords, we will not
25 tolerate discrimination or harassment of any New

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2 Yorker. These bills enhance the protections available
3 to New Yorkers and raise the penalties for landlords
4 who violate the law. While anyone can be subject to
5 landlord harassment some communities experience it at
6 higher rates than others. Immigrant communities are
7 among the most impacted and effected by these
8 unscrupulous landlords and Intro 1678-A which expands
9 the definition of harassment to include behavior that
10 targets tenants because of their immigration status
11 perceived or to... or perceived to be immigrants. While
12 there exists a strong framework of anti-
13 discrimination laws at the federal, the state and the
14 city, our local level including the New York City
15 Human Rights Law, immigrants currently do not have
16 recourse under the tenant harassment statute. Intro
17 1678-A will change that. New York is a proud
18 sanctuary city but I want to be clear these bills are
19 not about sanctuary, they are about basic rights to
20 freedom and to live without fear or harassment or
21 discrimination, these are bills that protect New
22 Yorkers and their families. They are bills that
23 exemplify our city's values and strengthen our city's
24 commitment and our Council's commitment to equal
25 protection and treatment. And with that I want to

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2 also read Council Member Koo's statement. Thank you
3 to the Housing Chair Jumaane Williams and Immigration
4 Chair Carlos Menchaca. Today we will be hearing a
5 bill I introduced that looks to crack down on
6 immigrant tenant harassment. This bill looks to
7 expand the definition of harassment under the housing
8 maintenance code to include discriminatory threats
9 and requests for proof of citizenship. This would
10 allow tenants to bring harassment claims directly
11 against landlords through housing court. Intro 1678,
12 the term harassment would include any threats based
13 on age, race... sorry, age, race, creed, color,
14 national origin, gender, disability, marital status,
15 partnership status, caregiver status, sexual
16 orientation, or alienage or citizenship status. It
17 would also include those who refuse to accept a
18 government issued ID and those who request
19 citizenship documents after a valid ID has already
20 been provided. We've heard reports from around the
21 city of landlords who would demand citizenship,
22 citizenship documents from their tenants leaving many
23 to fear repercussions if they do not provide what's
24 being asked of them. this bill looks to protect
25 tenants and strengthen their rights by giving them an

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2 additional recourse through housing court where they
3 can file harassment claims against those who use
4 these threatening tactics. My office has had
5 immigrant tenant services for the last few years
6 where we have heard several of these stories. Intro
7 1678 looks to address these violations. Thank you,
8 Council Member Peter Koo. I also want to thank my
9 staff, my Chief of Staff, Adriana Garcia; my Deputy
10 Chief of Staff and our Committee Counsel who works
11 tirelessly every single time we bring a committee to
12 all of you on these important issues, Indiana Porta.
13 Thank you so much, back to you.

14 CHAIRPERSON WILLIAMS: Thank you. I would
15 like to remind everyone who would like to testify
16 today to please fill out a card with the Sergeant at
17 Arms. We've been joined by Council Member Mathieu
18 Eugene and I do want to recognize in the audience
19 former Assembly Member Keith Wright, who's with us as
20 well. And we have for the first, first panel Jordan
21 Press, the Executive Director of Development and
22 Planning in the Division of Government Affairs, HPD;
23 Bitta Mostofi, Acting Commissioner at New York City
24 Mayor's Office of Immigrant Affairs and Dana Sussman,
25 Deputy Commissioner of the New York City Commission

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2 on Human Rights. Can you all please raise your right
3 hand? Do you affirm to tell the truth, the whole
4 truth and nothing but the truth in your testimony
5 before this committee and to respond honestly to
6 Council Member questions? Thank you very much and you
7 can begin in the order of your preference.

8 BITTA MOSTOFI: Thank you, good morning.
9 Thank you to Chair Menchaca, Chair Williams and
10 members of the Committees in Immigration and the
11 Committee on Housing and Buildings. My name is Bitta
12 Mostofi, I'm the Acting Commissioner of the Mayor's
13 Office of Immigrant Affairs. My testimony today will
14 focus on Introduction 1678 and MOIA's efforts to
15 ensure the well-being of immigrant New Yorkers. I
16 will highlight the steps MOIA and its sister agencies
17 have taken to protect immigrants against housing
18 discrimination in New York City and express our
19 support for the City Council's efforts to provide
20 additional protections for tenants who are harassed
21 by their landlords. I want to thank the Chairs and
22 the Committee Members for continuing to fight to
23 protect immigrant New Yorkers. As Acting Commissioner
24 of MOIA I have seen how xenophobic, rhetoric,
25 aggressive calls from immigration enforcement and

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2 instances of discrimination have created fear in
3 immigrant communities across our city. Introduction
4 1678 sends the message that the city is committed to
5 fighting against discrimination that has no place
6 hear in New York City. As the City Commission on
7 Human Rights will testify, my colleague Dana sitting
8 next to me, the City Human Rights Law already
9 prohibits discrimination by housing providers,
10 landlords, or their employees on the basis of
11 immigration status. However, the xenophobic, rhetoric
12 and aggressive immigration enforcement policies at
13 the federal level have emboldened some owners and
14 landlords to discriminate against tenants on the
15 basis of their actual or perceived immigration
16 status. Some of these discriminatory actions have
17 been publicly reported or reported to CCHR and, and
18 other investigative bodies. We suspect that some of
19 these acts have not been reported at all. Recognizing
20 the increased need for information in the current
21 political climate, MOIA has built on its previous
22 work with its partners across the city and
23 stakeholders and communities including CCHR to hold
24 days of action and perform outreach to immigrant New
25 Yorkers about their rights. MOIA and its sister

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2 agencies along with elected officials have held two
3 days of action on housing discrimination including
4 one in June when several city agencies including
5 MOIA, CCHR, the Department of Housing and
6 Preservation Development, the Human Resources
7 Administration, the Mayor's Office of Community
8 Affairs Unit and the Mayor's Public Engagement Unit
9 distributed flyers on housing rights and answered
10 questions on tenant harassment in Jackson Heights and
11 Corona and one at the end of August in Sunnyside
12 following public reports of displays of Nazi and
13 confederate at imageries, swastikas and other hate
14 symbols in a building in Sunnyside. MOIA also
15 continues to conduct outreach and know your rights
16 events where we highlight the protections against
17 discrimination in housing context provided by the
18 City's Human Rights Law. We also have provided
19 literature and trained community based organizations
20 to provide this information around discrimination
21 protections to their communities. Our public
22 engagement unit tenant support unit also conducts
23 proactive outreach throughout the city to speak with
24 tenants about their rights and identify tenants being
25 harassed by their landlord. Since January MOIA has

1 participated in over 400 events where we've shared
2 information about the right to be free of
3 discrimination and directed residents to call CCHR if
4 they have a complaint or want to learn more. These
5 events have included tabling at CCHR's annual fair
6 housing symposium in the Bronx and at a senior center
7 housing fair in Brooklyn as well as multiple know
8 your rights forums across the five boroughs. The city
9 also actively investigates reports of discrimination.
10 As CCHR will testify the administration has
11 significantly increased its enforcement efforts in
12 the area of housing discrimination. For example, CCHR
13 doubled its number of investigations of housing
14 discrimination based on immigration status, foreign
15 national origin in 2016 compared to 2015.
16 Introduction 1678 would amend the definition of
17 tenant harassment to include threatening any person
18 lawfully entitled to occupancy based on their
19 citizenship status for alienage or several other
20 characteristics, refusing to accept any valid
21 government issued ID presented by anyone lawfully
22 entitled to occupancy and requesting documentation
23 from anyone lawfully entitled to occupancy that would
24 disclose citizenship status or alienage if the person
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2 has already provided a valid, valid government issued
3 personal ID. These actions would give rise to
4 reputable, rebuttable presumptions of tenant
5 harassment. Access to housing is an issue that
6 affects all New Yorkers including immigrant New
7 Yorkers and it is crucial that the city does all that
8 it can to prevent exploitation and discrimination in
9 the housing context. Undocumented immigrants in
10 particular are vulnerable to harassment because of
11 the extremely negative effects of deportation. An
12 immigrant who faces these kinds of threats may simply
13 choose to move instead of risking the possibility of
14 deportation. For this reason, MOIA supports the
15 intent of Introduction 1678. While the city Human
16 Rights Law already provides protection for New
17 Yorkers who face discrimination in housing this bill
18 in conjunction with the tenant harassment reforms
19 recently passed by the council would provide an
20 additional avenue for tenants seeking relief. We know
21 that because the Human Rights Law already covers
22 discrimination in housing there may be situations
23 where a tenant is unable to bring both a tenant
24 harassment claim and a Human Rights Law claim but we
25 look forward to working to discuss ways to address

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2 this issue with the council. The bill would also
3 allow tenants to bring harassment claims if their
4 landlord requests a form of identification and
5 refuses to accept a valid government issued ID like
6 IDNYC, the city's municipal ID card which is a secure
7 form of government issued identification in which we
8 are happy to say over one million New Yorkers have.
9 In addition, this bill dovetails with the
10 administration's historic investment in legal
11 representation for tenants in housing court. HRA's
12 Office of Civil Justice funds legal services for low-
13 income tenants facing harassment from unscrupulous
14 landlords and this bill would expand the grounds for
15 low-income immigrant tenants to bring harassment
16 claims in the housing courts. In conclusion the, the
17 administration is committed to protecting the rights
18 of all New Yorkers including our immigrant New
19 Yorkers. Thank you again for allowing us to provide
20 testimony on this important bill that protects
21 immigrant New Yorkers from exploitation and
22 discrimination in housing, we look forward to
23 continuing to work with the Council on this bill and
24 now I'll turn it over to my colleague at the
25 Commission on Human Rights.

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DANA SUSSMAN: Thank you. Good morning Chair Williams, Chair Menchaca and members of the Committee on Housing and Buildings and the Committee on Immigration. I'm Dana Sussman, Deputy Commissioner for Intergovernmental Affairs and Policy at the New York City Commission on Human Rights. The Commission does not regularly appear before these committees, but we are very happy to be here to testify today with our partners at MOIA and HPD to discuss the work the Commission is doing to address discrimination in housing and specifically with respect to housing discrimination on the basis of immigration status and national origin. Our work enforcing the City Human Rights Law and combatting discrimination is particularly relevant to Introduction 1678 which would expand the definition of tenant harassment to include threats based on discrimination on the basis of alienage and citizenship status, gender, disability, and many other protected categories similar to the protections that exist in the City Human Rights Law. With a commission... with the councils and the administration's support and under Commissioner and Chair Carmelyn Malalis the commission has grown in both size and in scope as we

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2 work to strategically enforce the City Human Rights
3 Law one of the broadest and most protected anti-
4 discrimination laws in the country. Inquiries into
5 the Commission have increased by 60 percent from 2015
6 to 2016 and we are on pace to exceed our 2016
7 numbers. As I will describe below we have
8 significantly increased our enforcement efforts to
9 protect tenants who are being harassed based on
10 immigration status and or national origin and those
11 who are being retaliated against for asserting their
12 rights under the City Human Rights Law. In New York
13 City it is illegal under the City Human Rights Law
14 for housing providers, landlords or their employees
15 or agents to discriminate against tenants by creating
16 a hostile environment of harassment based on their
17 race, religion, immigration status, sexual
18 orientation, or any other protected class under the
19 Human Rights Law. Harassed or threatened tenants
20 because of their race, religion, immigration status,
21 sexual orientation, or any other protected class
22 refuse to make repairs or provide equal services to
23 tenants because of their protected class or retaliate
24 against tenants who report discriminatory behavior or
25 neglect to ensure that their employees and agents are

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2 trained on their responsibilities under the City
3 Human Rights Law including supers, maintenance
4 workers, brokers and sales people. Over the past two
5 years the Commission has significantly increased
6 enforcement efforts to address housing discrimination
7 and tenant harassment tripling the number of
8 investigations in this area. The Commission is
9 currently investigating over 570 claims of housing
10 discrimination over, over 75 of which directly
11 involve tenant harassment. One example of the work...
12 of this work is reflected in the investigation the
13 Commission launched, launched in August on behalf of
14 the city following reports from Majority Leader Jimmy
15 Van Bramer of a hostile environment due to alleged
16 tenant harassment by a property manager at a condo
17 building in Sunnyside connected to Nazi and
18 confederate imagery, swastikas and other hate symbols
19 in the lobby and other harassing and discriminatory
20 behavior. As my colleague, Acting Commissioner
21 Mostofi discussed in conjunction with the launch of
22 the investigation, the Commission, MOIA, CAU, PEU,
23 HRA and others held a day of action in Sunnyside,
24 Queens where we distributed flyers on tenants' rights
25 and discriminatory harassment and answered questions

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2 on legal protections and services against... that we
3 provide to fight discrimination and harassment. As a
4 direct result of the press conference announcement of
5 the investigation and outreach the Commission has
6 seen a tangible increase in reports of tenant
7 harassment in recent months and increased awareness
8 among advocates and organizers of tenant's rights
9 under the City Human Rights Law. It is also illegal
10 under the City Human Rights Law to retaliate against
11 anyone for reporting discrimination regardless of
12 their immigration status. No one should fear for
13 their safety or their security when reporting
14 violations of the law and the Commission will not
15 hesitate to take action against bad actors when they
16 retaliate against New Yorkers who have reported
17 discrimination. The Commission is cracking down
18 against these bad acting landlords filing retaliation
19 charges and sending cease and desist letters when we
20 have reason to believe that they are acting in a
21 retaliatory manner in violation of the City Human
22 Rights Law. As reports of discrimination have
23 increased across the city so too have retaliation
24 charges. The Commission has increased investigations
25 in... to retaliation by nearly 60 percent over the last

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2 two years filing 260 claims of retaliation in... over
3 2015 and 2016 as compared to 165 in 2013 and 2014.
4 The most typical forms of retaliation include trying
5 to evict tenants from the building, refusing to renew
6 a lease, refusing to fix issues in tenant's
7 apartments, cutting off utilities and other services,
8 or harassing tenants and or encouraging others to do
9 so. For example, earlier this year the Commission
10 served a landlord a notice of a complaint alleging
11 discrimination after Make the Road brought a case to
12 the Commission, in his response letter to the
13 Commission the landlord denied the allegations and
14 indicated that he had sent a copy of that letter to
15 ICE which included the tenant's personal information
16 in violation of the City Human Rights Laws Anti-
17 Retaliation Protections. The Commission is now
18 charging that landlord with retaliation against his
19 tenants and has filed an additional complaint against
20 him on behalf of the city. Similarly, in June the
21 Commission sent a cease and desist letter to landlord
22 Zara Realty for discriminating against its immigrant
23 tenants. Also in June, the Commission sent a cease
24 and desist letter to landlord Jaideep Reddy after it
25 learned that he was discriminating against tenants

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2 based on their immigration status and retaliated
3 against them for asserting their rights. Over the
4 past two years the Commission has increased
5 enforcement focusing on immigration status and
6 national origin, we have doubled the number of
7 investigations into discrimination in these areas
8 filing 376 claims over the past two years compared to
9 155 in the two years prior. In 2016 alone, we more
10 than doubled the number of new investigations into
11 discrimination based on immigration status and or
12 national origin in housing filing 60 claims in 2016
13 compared to 22 in 2015. The Commission is currently
14 investigating over 3000 claims of discrimination
15 based on immigration status and or national origin
16 over all protected classifications, 100 of which
17 specifically in housing. We also train housing
18 providers on their responsibilities under the law
19 with the goal of preventing future acts of
20 discrimination and we regularly engage housing
21 advocates and vulnerable communities to address
22 concerns around housing discrimination and inform
23 communities of their rights. The Commission has the
24 authority to, to find violators with civil penalties
25 of up to 250,000 dollars for willful and malicious

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2 violations of the law and can award compensatory
3 damages to victims including emotional distress
4 damages and other benefits. The Commission can also
5 order affirmative relief including trainings, changes
6 to policies and restorative justice such as community
7 service. The Commission works closely with our agency
8 partners including many of the agencies here today to
9 educate and inform the public on their rights under
10 the City Human Rights Law and how to avail themselves
11 of city resources, including how to file a complaint
12 or report discrimination to the Commission. I have
13 highlighted some of those recent outreach efforts in
14 our testimony including a citywide campaign "You Have
15 Rights NYC" to inform New Yorkers of their rights
16 against discrimination and harassment. Holding
17 several Days of Action as we've already discussed.
18 Holding press conferences and, and pitching news
19 stories around enforcement actions against landlords
20 and brokers. Partnering with community based
21 organizations, legal service providers, schools,
22 houses of worship, Council Members, community boards
23 and many others to provide Know Your Rights
24 information and to empower communities to identify
25 discrimination and harassment and holding nearly 400

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2 workshops and outreach events on housing
3 discrimination this year including our annual Fair
4 Housing Symposium. We encourage victims and witnesses
5 of, of discrimination or harassment to call the
6 Commission's Infoline which is 718-722-3131 or call
7 3-1-1. Reports can be filed anonymously which is very
8 important for folks to know. People may also report
9 discrimination through a form on our website. Now
10 turning to Intro 1678, Intro 1678 would provide
11 tenants with an additional venue to assert claims of
12 discriminatory tenant harassment in addition to
13 filing those claims at the Commission. The Commission
14 strongly encourages the Council to consider aligning
15 all areas of protection against discrimination in
16 housing under the City Human Rights Law with a list
17 of protections in Intro 1678. Protections against
18 discrimination for victims of domestic violence,
19 sexual offenses and stalking, protections against
20 discrimination based on one's source of income which
21 is the use of housing vouchers or other rental
22 subsidies, and protections based on the presence of
23 children in the home should all be added to the bill
24 as that would align it with the protections under the
25 City Human Rights Law. In addition, the City Human

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2 Rights Law definition of alienage and citizenship
3 status is incorporated by reference in this bill, but
4 no other City Human Rights Law definition is cited.
5 Importantly the addition of... the definition of gender
6 under the City Human Rights Law as amended in 2002 to
7 include actual or perceived sex and gender identity,
8 self-image, appearance, behavior or expression,
9 whether or not that gender identity, self-image,
10 appearance, behavior or expression is different from
11 that traditionally associated with the legal sex
12 assigned to that person at birth is defined in the
13 City Human Rights Law and we strongly encourage that
14 this term also be incorporated by reference and any
15 other terms defined in the City Human Rights Law.
16 Finally, it is important to note that if a tenant
17 chooses to bring a claim under this provision in
18 housing court it is possible that they may be
19 precluded from bringing the same claim at the
20 Commission. Because the remedies in housing court are
21 more limited, currently only civil penalties ranging
22 from 1,000 to 10,000 dollars compared to compensatory
23 damages to the victim, civil penalties and the most
24 egregious cases up to 250,000 dollars and other
25 affirmative relief, it is vital that tenants

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2 understand the options available to them and are able
3 to make an informed decision regarding which venue
4 they choose. However, we do support expanding venues
5 for people to seek justice whether it is in housing
6 court or at the City Commission on Human Rights. We
7 look forward to working with our partners at the City
8 Council and partner agencies on this bill and other
9 initiatives to ensure that tenants are protected from
10 discrimination and, and harassment in housing. Thank
11 you so much for convening this important hearing and
12 we look forward to your questions.

13 JORDAN PRESS: Morning Chairman Williams,
14 Chairman Menchaca and members of the Committee of
15 Housing and Buildings. My name is Jordan Press and
16 I'm the Executive Director of Development and
17 Planning in the Division of Government Affairs at the
18 New York City Department of Housing Preservation and
19 Development. Thank you for the opportunity to testify
20 on Intro 1269 regarding Community Land Trust and
21 Intro 1721 which expands the definition of harassment
22 in the housing maintenance code. I'd like to start by
23 explaining Community Land Trust or CLT's as we call
24 them. The Council has been an important partner to
25 the Department as we look at CLT's as a model for

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2 affordable housing and ensuring long term
3 affordability. A CLT is a non-profit organization
4 formed to own land and maintain control and oversight
5 of the houses or rental buildings that are located on
6 the land. The CLT's landownership paired with the
7 govern... governing structure that reflects the
8 interest of CLT housing resident can offer a unique
9 housing model that empowers residents and
10 neighborhoods. CLT's are a new model for HPD and are
11 relatively untested in the city, there's only one
12 example in operation today which is at Cooper Square.
13 HPD with the strong support of advocacy groups and
14 the city council began looking into CLT's further in
15 2016. We've researched examples around the country
16 such as in Burlington, Vermont to better understand
17 how CLT's can help achieve affordable housing goals.
18 To further our work HPD released a request for
19 expressions of interest or RFEI in January 2017 to
20 learn what ideas local organizations had about how
21 CLT's could be effective in New York City. HPD also
22 released the RF... RFEI to identify qualified groups to
23 form a CLT. All responses to the RFEI were required
24 to describe the existing or proposed CLT's targeted
25 geography and constituency plan for the creation and

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2 maintenance of rental or homeownership housing, the
3 organization's governance structure and operations
4 plans and the... their affordable housing experience
5 and any projected future requests for support from
6 the city. While the RFEI was pending the city applied
7 to and won a grant from Enterprise Community
8 Partners, a national non-profit with strong roots in
9 New York City to fund the growth of three CLT's and
10 to create a learning exchange. The learning exchange
11 will support nine additional community based
12 organizations interested in forming CLT's through the
13 organization's new community land trust capacity
14 building initiative. All of the beneficiaries of the
15 grants were respondents to the RFE... RFEI and over the
16 next two years the grant will fund operations and
17 startup support while the CLT's work to identify
18 sites for acquisition. As we continue to look at this
19 model of affordable housing it's important to
20 highlight that CLT's are just one tool in our tool
21 kit for ensuring long term affordability. The city
22 also has many regulatory and financing mechanisms to
23 accomplish the same long-term affordability goals and
24 CLT's would rely on the same public subsidies as
25 other forms of housing to serve New Yorkers in need

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2 of affordable housing. Before turning to the
3 specifics of the bill I want to thank the primary
4 sponsor of the legislation, Council Member Richards
5 has tirelessly advocated for the formation of CLT's
6 in his... in his district and in July we were excited
7 to, to jointly announce that 500,000 dollars would be
8 used to create the interborough CLT, a coalition of
9 groups who plan to bring affordable housing options
10 to Edgemere and other neighborhoods around the city.
11 This will help advance one of the goals of the
12 resilient Edgemere community plan which was to
13 identify city owned sites in the neighborhood that
14 could be developed by a CLT. Many other Council
15 Members including the Speaker have pushed the
16 Department to build on our CLT work and we appreciate
17 this interest and support. Intro 1269 would require
18 HPD to enter into regulatory agreements with CLT's.
19 while we look forward to future discussions Intro
20 1269 as drafted would not further the intended goals
21 of creating a more robust number of CLT's in New York
22 City. Since HPD enters into regulatory agreements in
23 most of its projects we do not consider it necessary
24 to legislate a requirement to enter into these
25 agreements with CLT's at the time of application. At

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this time, we're most interested in seeing that the three CLT's that received grant funding get off the ground by identifying properties to acquire, putting together their budgets and ultimately working with us on financing and getting those regulatory agreements signed. Moving forward we plan to continue conversations with the Council and thought leading non-profits in the community to discuss the best path forward if we want to expand the presence of the CLT's further. I'd now like to speak on Intro 1721 sponsored by Chairman Williams which amends the definition of harassment to include acts or omissions related to the violation of the housing maintenance code and construction code including information related to occupancy, information in construction documents, repeated failures to correct construction code violations, false certification of construction code corrections, and violating the permit section of the construction code in a way that negatively impacts the tenants. We thank Chairman Williams and the Committee for your partnership and leadership to prevent tenant harassment, it not only puts the safety of tenants at risk but threatens to destabilize families and even communities while the

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2 city loses affordable housing. HPD works diligently
3 with a number of agencies to address this scourge and
4 is committed to doing all that we can to root out
5 illegal activity. We consistently work with the
6 Council to address tenant harassment and are proud of
7 the steps we've taken together, this includes the
8 formation of the tenant harassment prevention task
9 force our work to deter harassment before it starts,
10 penalizing bad landlords and supporting victims of
11 such harassment. HPD supports the intent of Intro
12 1721, we want to ensure that tenants have all the
13 tools they need to address the many forms that
14 harassment may take including an owner using poor
15 maintenance as a means of harassment. For example,
16 falsifying occupancy status and falsely certifying
17 corrections of a violation have serious implications
18 for a tenant's quality of life and we believe that
19 this should be added to the definition of, of
20 harassment. We do want to express concern that some
21 provisions in the bill are broad; failure to correct
22 violations is a standalone issue may be a signal of a
23 struggling owner or an owner unfamiliar with HPD or
24 DOB rules and regulations and not the sign of an
25 owner who is intent on harassing. The Council has

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2 acknowledged that small owners can especially
3 struggle financially with repairs. For example, many
4 of the buildings in our alternative enforcement
5 program are small properties with significant
6 violations because of the difficulty to maintain the
7 property and not necessarily because of an intent to
8 harass tenants. Broad language regarding violations
9 would result in these types of struggling property
10 owners being found guilty of tenant harassment for
11 having just two violations for the same non-emergency
12 condition. We have developed multiple programs
13 including the Landlord Ambassadors Program and
14 various preservation tools to assist these small
15 property owners and continue to provide them with
16 support whenever possible. We look forward to
17 reviewing the specific language of the bill with the
18 Council to ensure that it appropriately captures
19 instances of harassment and working together to, to
20 ensure we have no unintended consequences. Thank you
21 for the opportunity to testify and have a public
22 discussion on these bills, we look forward to
23 answering any questions that you have.

24 CHAIRPERSON WILLIAMS: Thank you very
25 much for your testimony. We have been... also been

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2 joined by Council Members Rosenthal, Espinal and
3 Salamanca. Council Member and Chair Menchaca will be
4 asking questions first. I did just want to flesh out
5 one sentence beforehand that was from MOIA, however
6 the xenophobic, rhetoric and aggressive immigration
7 enforcement policies at the federal level have
8 emboldened some owners and landlords to discriminate
9 against tenants on the basis of their actual
10 perceived immigration status since you cannot maybe
11 be as blunt I want to make sure I was for the record.
12 I believe Donald J. Trump who I affectionally call
13 the orange man, the republicans and the conservatives
14 that not only support his xenophobic misogynist anti-
15 LGBTQA, bigoted, anti-Islamic, Islamophobic I should
16 say, anti-sematic not only continues to support him
17 now laid the pathway before and the atmosphere for
18 him to rise, all of those people and him are the
19 reason that people feel emboldened now. I wanted to
20 make sure I made that clear and had that on the
21 record and with that I'd like to ask my colleague to
22 ask the first set of questions.

23 COUNCIL MEMBER MENCHACA: Thank you Chair
24 Williams and not just for that... for that statement
25 but for that continued work that we're doing to fight

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2 that here in this city and, and I think the
3 conversation is, is, is geared around, around how we
4 do that and so I thank you so much for testifying in
5 support of, of the bill. I think that 17... what was
6 specifically with the bill on immigration I want to
7 talk a little bit about the work that immigrant
8 communities are facing already in our communities. Do
9 you know if there are certain immigrant organizations
10 or providers in our neighborhoods that are giving us
11 information on both... for, for both agencies that we
12 can kind of point to that are disproportionately
13 impacted by, by this kind of harassment, how, how,
14 how are we measuring that citywide?

15 BITTA MOSTOFI: Just to be clear I
16 understand the question, you mean sort of are we
17 working directly with particular organizations who
18 are able to sort of educate communities and direct
19 them on these issues, is that the... [cross-talk]

20 COUNCIL MEMBER MENCHACA: Yeah and
21 specifically with complaints, so... work... in working
22 with our organizations and, and MOIA and I think also
23 CCHR also is working with organizations, where have
24 we seen the most complaints on immigrant, immigrant
25 related or perceived immigrant related cases?

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BITTA MOSTOFI: You want to take this?

DANA SUSSMAN: Unfortunately I don't have sort of a breakdown by zip code or by national origin perceived or, or actual with me today but we can certainly get that data to you and out... we are now kind of working through analyzing our 2017 numbers in advance of our... the publication of our annual report so we should be able to get that to you. I can say anecdotally that we've partnered with organizations like Make the Road and local community based organizations in, in different places, I mentioned a couple cases out of Queens, I think that that's been an area that's been, you know particularly highlighted by some of the work that we've been doing and the reports that we've been hearing but beyond sort of the anecdotes I won't be able to get into too many specifics but we can certainly look at those numbers and get back to you on it.

BITTA MOSTOFI: And I'll just add to that in terms of kind of what our kind of strategy has been in ensuring that all immigrant New Yorkers have access to this information particularly the most vulnerable, it has been to sort of ensure that from partners that we're funding like through Action NYC

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2 and others that they get a training on the, the anti-
3 discrimination protections with, with the Commission
4 and how to refer individuals and identify those
5 issues. Similarly we work with a myriad of providers
6 that serve harder to reach populations throughout the
7 city and that is intentional of course in ensuring
8 that some of the more vulnerable populations that
9 might not readily have access to education and, and
10 information on city resources or contact are getting
11 that first hand through their, their trusted
12 leadership in communities and we've increased the
13 engagement that we have had with faith leadership and
14 have kind of continuously over the course of the last
15 several months done readily consistent engagement
16 with thousands of faith leaders across the cities in
17 partnership with the center for faith and community
18 partnership at the Mayor's Office where we've
19 distributed sort of tool kits on access to justice
20 for immigrants that includes information on the
21 Commission and how to make referrals. So, there is
22 sort of multitiered efforts and initiatives to make
23 sure that we're effectively reaching leadership in
24 trusted communities and with a focus on harder to
25 reach populations.

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COUNCIL MEMBER MENCHACA: And again I

want to thank MOIA for that... for that work we've seen that grow and expand into different neighborhoods and, and really that, that question was about trying to figure out what, what is happening, allow you to, to kind of celebrate that work of expansion and looking with faith... looking through organizations like faith based organizations that really have a... not only a pulse but a relationship in trust especially in a time that we're in right now but advocates still come back and say we, we need... we need more or that there are still issues and so specifically with immigrant clients that want to access these, these services and so how... is there a way that you can kind of speak to... in, in that... in that perspective not just we're working to expand but we are also issues... understanding the issues and complaints and how, how we're going to post, post-passing 1678, think about how we make sure that we, we solve those issues with access?

DANA SUSSMAN: Sure, I, I think

specifically, you know if 1678 is passed what we would... what the Commission would love to do in conjunction with MOIA and HPD is ensure that housing

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2 advocates who are in the course and also the Housing
3 Court judges themselves understand these new
4 provisions and understand the different options of
5 venue for bringing these claims. I think that's
6 really critical and we're, you know more than happy
7 to work with all of the partners in the room to
8 create materials and educational opportunities. As
9 Acting Commissioner Mostofi mentioned we cross train
10 our staff so we have a hotline with, you know live
11 intake during business hours, that team is also
12 trained on Action NYC, Action NYC folks are trained
13 on the Commission and our resource is 3-1-1, we
14 worked extensively with 3-1-1 to sort of figure out
15 where cases will go and, and again if it goes to sort
16 of the wrong or not the best of agency we cross refer
17 all the time so I think working in partnership with
18 all of the different city resources that are
19 available, you know an individual shouldn't have to
20 know exactly where they need to go, we can figure
21 that out for them. In addition, you know we launched,
22 the Commission launched in May a broad citywide
23 campaign that highlighted the different forms of
24 discrimination that particular vulnerable...
25 particularly vulnerable communities are facing in New

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2 York City whether it be harassment on the street
3 because a woman is wearing hijab or someone being
4 told to speak Spanish or their... or speak English to
5 their kids when they're speaking Spanish or being
6 discriminated against and turning... turned away for
7 housing and we, we... you know the response from that,
8 that campaign was an outgrowth of focus groups and,
9 and community roundtables that the Commission hosted
10 some in partnership with MOIA as well where
11 communities came to us and said we need more
12 visibility, we need to see this information and so
13 that was a direct response, that was... you know
14 subways and buses and on social media and, and in
15 different languages so we, we let... you know that,
16 that was sort of... what we heard from the community
17 and, and we used what resources we had to try and get
18 the message out as best as we could in those public...
19 in a very public way.

20 BITTA MOSTOFI: I'll just add additional
21 item which is that the creation of the tenant support
22 unit is extremely important in this... in... on this
23 topic and we additionally cross train and support
24 each other in this work so they have been fully
25 trained on identifying harassment, their team is

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2 multilingual as well and, and so has the ability to
3 engage directly with tenants and again help sort of
4 identify issues but in a sort of on... boots on the
5 ground kind of door, door knocking kind of systematic
6 way that is extremely important at a time certainly
7 when some people might have reasonable fears or
8 hesitation in coming forward. So, their job is to
9 sort of have that individualized contact with kind of
10 menu of issues that they understand and know how to
11 report and identify.

12 COUNCIL MEMBER MENCHACA: Thank you for
13 that and again it's just really great to put on the
14 record that this stuff is happening and for our
15 advocates to kind of hear that, that work and that
16 thought process as we go through the legislative
17 process and my kind of final question really comes
18 out of... out of that kind of post-passing of the bill
19 and when... and when we can start implementation and
20 the work seems pretty productive already and I feel...
21 I feel positive and, and, and good about that but
22 there does seem to be that problem both of you spoke
23 to in your testimony about that referral moment where
24 do we bring it to the Housing Court or, or a Human
25 Rights Commission and so how, how do we... how do we

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2 solve that, that there could be a possible
3 legislative fix and can we start talking about that
4 now and do you have any proposals that you want to
5 speak to us about now that we can start working on
6 it, I think we're going to have to kind of solve that
7 in... kind of parallel in some ways and so we don't
8 want to wait too long, do you have any proposals for
9 us?

10 DANA SUSSMAN: I, I'm not sure I have a
11 specific proposal today, but I know that we are very
12 interested in working to figure out whether there is
13 a conflict and then how to resolve a conflict... the
14 conflict. What I will say is, is from our, our civil
15 law enforcement team that brings... that investigates
16 and prosecutes discrimination claims we often do have
17 people with housing court claims that are related to
18 the discrimination claim and they've in... shared with
19 me that it is very challenging for an individual as
20 you can imagine to navigate a housing court case and
21 a discrimination case in two different places with
22 two different entities and also for sort of housing
23 court to recognize the discrimination claim in the
24 context of their housing court case. So, I think
25 having a central location where people can also raise

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2 these discrimination claims is important, what I...
3 what we're... what is still sort of an open question
4 for us is ensuring that people sort of under... if they
5 are bringing affirmative case for example and it's
6 not sort of an eviction defense that people
7 understand the pros and cons of where to go. We are
8 an agency that is sort of a public facing entity
9 meant for people with or without representation and
10 most of our folks are without representation and that
11 our system is built to serve folks without
12 representation so we, we are set up in a different
13 way than housing court obviously, we are not a court,
14 we are an agency. We do litigate claims at OATH and
15 our remedies look different as well so, I think it's,
16 it's just a, a continued conversation as to how to
17 ensure that people are informed of their rights and
18 that they know it's, it's possible and again we still
19 have to explore this further that bringing a claim in
20 one venue might preclude you from bringing the same
21 claim in the other.

22 COUNCIL MEMBER MENCHACA: So, tell me
23 about that... [cross-talk]

24 DANA SUSSMAN: Uh-huh... [cross-talk]

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COUNCIL MEMBER MENCHACA: ...so, what, what does... what does a might mean?

DANA SUSSMAN: So, I think we have to sort of consult with the Law Department and, and, and focus in our agencies to understand the exact contours but out... the provision... there are provisions of the Human Rights Law that essentially say if you bring a claim, an identical claim in another court confident jurisdiction that you... again I'm going to say may because I don't want to place definitive here, you may not be able to bring that identical claim in another court because you've essentially chosen your venue and you can understand why a defendant might... you know that... this is sort... in a sense a due process issue, a defendant may be facing... claims, identical claims and multiple venues based on this identical fact and so the, the law basically says you choose your court and then once you've passed a certain threshold in the process you really can't start filing the same claim in another venue but again I, I don't... I want to sort of further explore the details of how that might work.

COUNCIL MEMBER MENCHACA: Well we're eager to figure that out together. And, and last

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2 question on the CLT's, the, the announcement of the
3 July funding was a great, great announcement for CLT
4 work, I'm, I'm kind of curious about how that kind of
5 came together, how, how that mechanism works and is
6 this... is this, this kind of pilot project that can be
7 brought into multiple communities and, and where,
8 where... what, what are the, the kind of fertile ground
9 for, for growing that at... in other parts of the city?

10 JORDAN PRESS: Right, so a little bit
11 more history on, on the RFEI and, and what occurred,
12 we had a number of organizations coming to us
13 interested in CLT's broadly and actually some who had
14 some very specific ideas about what they wanted to
15 do. If it was going to involve the disposition of
16 city owned land we have sole sourcing rules where we
17 don't just, you know turn over city owned property to
18 the first group that comes to us with a great idea
19 about a CLT and so we wanted to justify who the
20 organizations were that we might potentially dispose
21 of city owned to and, and came up with the idea of
22 this request for expressions of interest so that we
23 could find qualified respondents so that if we got to
24 that point we would be able to justify the, the
25 disposition to them. The second thing that we wanted

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2 to do with the RFEI was we knew there were a wide
3 range of different ideas about how CLT's might work
4 and, and the goals they wanted to accomplish, and we
5 wanted to put it into one place where we could hear
6 all of those ideas and so that, that was the genesis
7 of that RFEI.

8 COUNCIL MEMBER MENCHACA: And then the
9 funding stream... [cross-talk]

10 JORDAN PRESS: So, yeah... so, that was a
11 great somewhat serendipitous confluence of, of event
12 that while this RFEI was out there that Enterprise
13 Community Partners I believe with funding from
14 settlement cases or... related to the... to the mortgage
15 crisis had, had this funding available, they
16 conducted a, a competition, New York City applied and
17 won 1.65 million dollars and the application was to
18 further the growth of some specific CLT's so the...
19 there were cash awards to three different entities
20 and then we used a, a fourth pot of money to create
21 this learning collaborative so that a number of the
22 applicants who had good ideas but they weren't... and
23 they wrote, you know good ideas but they weren't
24 quite as far as long in their... the maturation of, of
25 what they wanted to do, could, could work as part of

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a learning collaborative and, and develop that and
get to the same place that the other three were in.

COUNCIL MEMBER MENCHACA: Very cool, very
cool, thank you.

CHAIRPERSON WILLIAMS: Thank you Mr.
Chair. Before I go to my question we only have one...
we've been joined by Council Member Rodriguez,
there's only one Council Member signed up so I'm
going to allow her five minutes to ask her questions
and then we'll come back to mine.

COUNCIL MEMBER ROSENTHAL: Thank you so
much Chair Williams and Chair Menchaca for holding
this hearing on these three really important bills
and I appreciate the comments from the administration
on them. I, I really would like to focus on Intro
1721, you know so often in my district we have
situations where the landlords falsely claim on the
DOB permit that a building is unoccupied which allows
them of course to skirt the tenant protections until
they're found at which point, you know they just have
to file some paperwork and a lot of the work, a lot
of the damage is already done, we passed Intro 944
earlier this year to require that the occupancy
status be listed right on the work permit so tenants

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2 who live there could quickly identify that occupancy
3 that the owner had, had not been straight about
4 occupancy. So, I'm thrilled that Intro 1721 would
5 make false claims on these permits evidence of
6 harassment, I just want to clarify that lying about
7 occupancy status on a PW1 would be the type of act
8 included in this expanded definition?

9 JORDAN PRESS: Yes, I believe that's
10 correct.

11 COUNCIL MEMBER ROSENTHAL: That's a
12 confident yes?

13 JORDAN PRESS: I believe that's correct.

14 COUNCIL MEMBER ROSENTHAL: Do you want to
15 get back to me on that because it's pretty important?

16 JORDAN PRESS: Yeah, so I do believe it's
17 correct, if I'm incorrect I will get back to you.

18 COUNCIL MEMBER ROSENTHAL: If it's not
19 explicit... [cross-talk]

20 JORDAN PRESS: Uh-huh... [cross-talk]

21 COUNCIL MEMBER ROSENTHAL: ...will... let's
22 talk about making it... [cross-talk]

23 JORDAN PRESS: Sure... [cross-talk]

24 COUNCIL MEMBER ROSENTHAL: ...explicit and,
25 and just from your understanding what are the

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existing consequences for falsely claiming a building is unoccupied on a PW1 application?

JORDAN PRESS: The penalties vary depending on the type of work that is being done with that permit, the current minimum for violations of Section 28-105.1 range from 500 dollars to 10,000 dollars and the maximums go as high as 25,000 dollars.

COUNCIL MEMBER ROSENTHAL: So, in the cases we've seen in our district no one ever gets fined, they just file new paperwork... [cross-talk]

JORDAN PRESS: Uh-huh... [cross-talk]

COUNCIL MEMBER ROSENTHAL: ...so, that, that I, raise that point to remind us why the... having now which the... you know the Mayor, Mayor De Blasio signed into law the notion of an Office of the Tenant Advocate inside of the Department of Buildings, you know the, the idea is that if you had someone in Buildings who was thinking about the tenants in the same that you're department thinks so hard about tenant harassment we might be able to get some of the consequences to stick and I hope you'll join me in working to make sure that the Office of the Tenant Advocate has its own direct line to the Commissioner

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2 that is a Deputy Commissioner position and that they
3 would be responsible for the enforcement of the laws
4 that the Mayor just passed which, you know the
5 advocacy groups stand for tenant safety advocated for
6 and some of the other tenant harassment bills that we
7 have it is the missing piece in the puzzle because
8 the harassment for the most part tenants are
9 dependent on the Department of Buildings to issue a
10 violation yet the Department of Buildings does not
11 have as part of its mission to address tenant
12 harassment and so I really hope HPD will join us in
13 making sure that DOB joins us in a very meaningful
14 way at the table to address tenant harassment issues.

15 JORDAN PRESS: We look forward to having
16 those conversations with both you and DOB.

17 COUNCIL MEMBER ROSENTHAL: Thank you so
18 much and again thank you Chair.

19 CHAIRPERSON WILLIAMS: Thank you very
20 much, we were also joined by Council Member Mendez,
21 I'm going to... oh and Council Member Levine. I'm going
22 to ask a few questions and then go back to questions
23 from my colleagues. First on 1721 you, you brought up
24 some items... so, one I'm just glad that all the
25 agencies seem to be agreeing with the bills at least

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2 in intent which makes this actually pretty, pretty
3 kumbaya hearing so that's good. There are some tweaks
4 that I, I guess that are going to be suggested which
5 I'm happy to discuss. With 1721, it looked like you
6 wanted to add some additional language and also... you
7 want to make sure language is... wasn't too broad and
8 can you just talk about a little bit... expand that a
9 little bit and do you have any particular language
10 that you think might be helpful to fine tune that so
11 we're not grabbing people that aren't intending to
12 harass but just need some additional assistance?

13 JORDAN PRESS: Yes, so again as I stated
14 in my... in my testimony the question of repeated
15 failures to correct the violations, no doubt that,
16 that is a problem and, and that it needs to be
17 addressed and we have both the tenant and HPD have
18 remedies to try to compel those violations to be
19 required in the court. I think the question is
20 whether that necessarily constitutes harassment and I
21 think it, it's a court that determines what is
22 harassment, it's, it's not HPD we don't bring
23 harassment cases and so our intent here with this
24 legislation I think should be to assist the court in,

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2 in having clarity in the law and we certainly don't
3 want to muddy any waters.

4 CHAIRPERSON WILLIAMS: You, you
5 specifically asked that we review specific language
6 of the bill so do you have specific language to
7 submit for us to review?

8 JORDAN PRESS: We... I, I think we would be
9 happy to sit down and, and go over those specific
10 provisions and I, I would feel confident that we can
11 reach some agreements.

12 CHAIRPERSON WILLIAMS: Okay. A tenant
13 harassment prevention task force investigated and
14 brought enforcement actions including criminal
15 charges against property owners who harassed tenants
16 by creating unsafe living conditions during
17 construction, did some of these property owners file
18 false statements or misrepresented information on the
19 construction permit if so what was the outcome?

20 JORDAN PRESS: Yeah. Yeah, so we'd have
21 to get back to you about the, the specific instances
22 but the, the broad answer is yes. The enforcement
23 actions in this case are, are brought by the Attorney
24 General's Office, happy to, to get back to you on all
25 the specifics there.

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CHAIRPERSON WILLIAMS: Would this bill if it was enforced before helped with some of the enforcement?

JORDAN PRESS: I's sorry, would... [cross-talk]

CHAIRPERSON WILLIAMS: If the bill was in effect would it all have still been the AG's Office or would you have been able to do any... some other things?

JORDAN PRESS: So, again issues of... questions of harassment are cases that are generally brought either by... they're either brought by the tenant as part of a, a tenant action against the landlord and it's the court that determines it or in very severe cases I suppose it could be the Attorney General's Office, it's not... it's not HPD who... [cross-talk]

CHAIRPERSON WILLIAMS: Okay... [cross-talk]

JORDAN PRESS: ...would be the ones to say that this helps.

CHAIRPERSON WILLIAMS: Thank you. How often did these owners fail to correct violation of the building maintenance code or the construction codes?

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JORDAN PRESS: I'm sorry, I don't understand the question?

CHAIRPERSON WILLIAMS: How often did the owners fail to correct any violations that were found of the... of the building maintenance code or the construction code?

JORDAN PRESS: How many times like in a fiscal... [cross-talk]

CHAIRPERSON WILLIAMS: What was the success rate I guess in getting them to correct what you found in violations?

JORDAN PRESS: Okay, so we have extensive data related to violations written and corrected and I'd, I'd need to get back to you on... you know I can... we, we can break that out by year.

CHAIRPERSON WILLIAMS: Okay. On 1678, I just wanted to... I think 16, 1679... just on, on the questions in the discussions of, if one... if there's a possibility that one... bringing one case to one venue might prevent another venue, isn't one discrimination and one harassment so it wouldn't actually be two different claims which would prevent that conflict?

DANA SUSSMAN: Sure, so harassment is actually not defined under the City Human Rights Law,

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2 it's a... it's really a product like sexual harassment,
3 it's really a product of case law so what we look at
4 is treating someone differently or less well because
5 of their protected status. We've sort of used the
6 term tenant harassment as a way to describe this type
7 of behavior which is, you know mistreating someone,
8 forcing them out, not doing... not providing repairs
9 or, or other services because of their particular
10 vulnerability so if the underlying facts are
11 identical we may be running into a situation where
12 while it might be called something slightly different
13 we may not be able to have those cases in both
14 venues. So... but I think it's... we're, we're open to
15 exploring it further again because I think the tenant
16 harassment provisions talk about threats whereas the
17 City Human Rights Law covers I think a... potentially a
18 broader scope... a broader range of behavior so again I
19 think we just need to sort of all go back and, and
20 think about the implications.

21 CHAIRPERSON WILLIAMS: Thank you. Does
22 HPD receive harassment complaints related to
23 protected classes of individuals?

24 JORDAN PRESS: Yeah, we, we would refer
25 those cases to our partner agencies.

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CHAIRPERSON WILLIAMS: Do, do you... do you know if you receive any in general or do... [cross-talk]

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JORDAN PRESS: I think it would not be... not, not in a formal way, it would be in a... in an informal way that either a, a Council Member's Office brings it to us, you know in, informs us that they think something is going on and we would refer them to the... to the proper agency or it could be... [cross-talk]

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CHAIRPERSON WILLIAMS: But you don't keep track of any of those type?

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JORDAN PRESS: It... no.

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CHAIRPERSON WILLIAMS: Okay. What's the referral procedures?

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JORDAN PRESS: We would simply give the contact information over to our colleagues at the... at the Commission.

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CHAIRPERSON WILLIAMS: Alright, well going forward if it, it seems and based I guess purview of HPD don't have a particular formal procedure, it would be good if... we just want to see if we can keep some better track so going forward if HPD can just maybe keep a record of any of the

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harassment complaints all possible referrals are being made that will be helpful as we're trying to track everything.

JORDAN PRESS: Good.

CHAIRPERSON WILLIAMS: Yes?

JORDAN PRESS: Yep, I'll discuss that... I, I need to discuss it with staff about what the mechanisms of that are but I think it's a... it's a... [cross-talk]

CHAIRPERSON WILLIAMS: Okay... [cross-talk]

JORDAN PRESS: ...valuable point that you're making.

CHAIRPERSON WILLIAMS: Twelve... so, 1269, has the city looked into the possibility of using CLT's as a preservation partner to rehabilitate distressed assets such as at risk HDFC's, long term AEP buildings, property in the third-party transfer program and property in the tax lien sale?

JORDAN PRESS: We have not looked at CLT's for quite the number of... as a preservation tool for most of those programs you noted. One... the, the East Harlem El Barrio CLT which is one of the winners of, of the grant funding I can tell you that their proposal includes the rehab of existing properties

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2 and, and converting them into a mutual housing model
3 so, so that I, I would say is a... is a preservation of
4 existing affordable housing.

5 CHAIRPERSON WILLIAMS: Would you look
6 into... [cross-talk]

7 JORDAN PRESS: Absolutely... [cross-talk]

8 CHAIRPERSON WILLIAMS: ...using this...
9 [cross-talk]

10 JORDAN PRESS: ...no, absolutely, I think
11 that again as I noted in my testimony I think that
12 this, this is a, a relatively new concept for the
13 agency, I think it has a lot of different
14 applications and the programs that you ticked off
15 are... would, would all be... would all be eligible and,
16 and, and might, might be good fits.

17 CHAIRPERSON WILLIAMS: Alright, I think...
18 [cross-talk]

19 JORDAN PRESS: So, yes, we would
20 definitely look into it.

21 CHAIRPERSON WILLIAMS: Please do, I will
22 be Housing Chair I know until the 31st, I don't know
23 what's going to happen after that but I'm... so, I
24 doubt... I doubt I would be able to have an additional
25 hearing on CLT's by the 31st but I think it's a very

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2 important issue and I know HPD has a lot of things
3 that they always follow up on but I think this is a
4 key one, whatever prevue I am here in the council I
5 would love to really follow up on that and see how we
6 can use CLT's for those particular programs that we
7 have and other ones as we're trying to... obviously we
8 can't build ourselves out of the problem and so we
9 really got to figure out how to preserve what we
10 already have and so I think it would really... very
11 interesting to take a really hard look at that and my
12 hope is that if it's not me the next chair really
13 follows up on this question. Do you have additional...
14 so, I'm going to set the clock to five minutes for
15 other colleagues to ask questions. We were joined by
16 Council Member Ulrich and we have Council Member
17 Rodriguez for questions.

18 COUNCIL MEMBER RODRIGUEZ: Thank you
19 Chairmen's, first of all thank you for your
20 leadership and Council Member Menchaca on those
21 important issues of housing and also immigrant's
22 rights. You know the city has a great opportunity to
23 be the real role model especially at this moment
24 where we have talked Donald Trump for many things
25 that he do on the national level but the question is

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2 are we doing things completely different and I
3 believe that this is something where I hope that we
4 are succeeding many areas, in all areas that we say
5 Donald Trump has ruined here then we should be the
6 difference of that. I think that... I'm proud of the
7 work that we and the council have been doing also
8 working together with this administration but what we
9 have done is not enough, we have to do better, and I
10 think that we're... when we look at the numbers of many
11 cases of harassments my question is one, how many of
12 those harassment cases that we had let's say last
13 year that ended with those building owners being
14 resulted in being guilty, that's one of my questions
15 that I have for both, for a report, complaint related
16 to immigrant status and for the second one about
17 harassment?

18 DANA SUSSMAN: So, I don't have the
19 resolution numbers with me here today, but we can
20 certainly get those numbers to you, what I will say
21 is that the, the litigation... the investigation and
22 litigation process... [cross-talk]

23 COUNCIL MEMBER RODRIGUEZ: But I... I'm
24 sorry, for the purpose of the time... [cross-talk]

25 DANA SUSSMAN: Yes... [cross-talk]

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COUNCIL MEMBER RODRIGUEZ: I am interested about the numbers so if you don't... [cross-talk]

DANA SUSSMAN: Okay... [cross-talk]

COUNCIL MEMBER RODRIGUEZ: ...have it I just hope that we can report the numbers here for both sectors, one for immigrants that have been complaining that they're being harassed because of their immigration status and also for tenant harassment, I just think that the numbers right there in your testimony, but I'm interested to know how many of those has been resulted of those building owners being guilty. The second thing is we cannot... October 16th I hold a press conference in front of 78 district in Washington Heights, a building with 50 percent empty and they... well how... the building was empty because that landlord was harassing everyone from people that they were undocumented to people that were living there for 25, 30 years, great working relationship with Vito, I know that his heart is there, I think something wrong inside HPD that he only hire a year after that building owner not only he make that building 50 percent empty but he owe half a million dollars to the city so where are we a

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2 year after, between 178 and 177 full building, half
3 of them empty in Washington Heights and again as a
4 result of harassments to both immigrants and tenants
5 living there for 25, 30 years so I think it is
6 important to get numbers, you know where are we in
7 our years of our reporting but about actions and also
8 what are we doing that... is be highlighting those two
9 because they are local level but you know the
10 Chairman of this committee be, being a leader pushing
11 for, we need more from the city side to say we have a
12 plan to go after those landlords and I just gave you
13 those two information that already had gave... I had
14 gave you... to HPD years ago but I don't see any action
15 and this building remains being 50 percent empty in a
16 community that we working together for the rezoning
17 process that we know that we need to preserve as much
18 of affordable housing. So, my question is, you know
19 if you have any information, I don't think that... you
20 know I don't expect they have this information for
21 those two buildings but if you can come back to us
22 letting us know what is happening in those building
23 and what is happening in those thousands of buildings
24 in the city of New York that those building owners
25 they keep it 50 percent or a large percent empty as a

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result of this harassment that we are discussing today and with that I would like to bring up the other bill that we're expand the definition of harassment.

CHAIRPERSON WILLIAMS: Thank you. That was the first time I heard... [cross-talk]

COUNCIL MEMBER RODRIGUEZ: I'm sorry can you commit that you can get back to me?

JORDAN PRESS: Absolutely... [cross-talk]

CHAIRPERSON WILLIAMS: I was going to say that was the first time that I heard of those buildings, it sounds really absurd so I... if you do have some information I'd love to know what, what's going on with them.

JORDAN PRESS: Yeah, I want to get back to you with the full details on that building which we'll do later, later this week... [cross-talk]

CHAIRPERSON WILLIAMS: And Council Member Rodriguez I'd love to as the Chair write a letter with you if that would be helpful to ask HPD what's going on with those buildings, that sounds really absurd. So... [cross-talk]

COUNCIL MEMBER RODRIGUEZ: Thank you...
[cross-talk]

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CHAIRPERSON WILLIAMS: Thank you.

Alright, there are no other Council Members signed up for questions. I want to say thank you so much for your testimony and I thank you for working with us on these bills, we look forward to taking your suggestions and getting some bills that work for everybody and hopefully passing these as soon as possible. Thank you very much. So, now we're going to go into the public's testimony, we're going to have everyone provide two minutes of testimony each. The first panel is, I believe it's Norey Lee Navarro, I apologize in advance, Bronx Legal Services; Emily Goldstein from ANHD; Jenny Stevens Romero, Make the Road; Shi-Shi Wang, Mobilization for Justice; Bianca McPherson, Community Development Project UJC are testifying on 1721 and 1678-A and we've been joined by Council Member Torres. Miss Navarro, how do you pronounce your first name?

NOREY LEE NAVARRO: Norey.

CHAIRPERSON WILLIAMS: Norey, okay, I got it, okay. Emily Goldstein, let's see... Jenny Stevens Romero, Shi-Shi Wang, Bianca McPherson, okay you can sit there if you'd like.

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2 COUNCIL MEMBER MENCHACA: And if anyone
3 else wants to testify please fill out a card with the
4 Sergeant of Arms, we will be swearing in this panel.
5 If you could... do you affirm to tell the truth, the
6 whole truth and nothing but the truth in your
7 testimony before this committee and to respond
8 honestly to Council Member questions? Okay, great
9 thank you.

10 CHAIRPERSON WILLIAMS: You'll each have
11 two minutes, you can begin in the order of your
12 preference. Can you press the button, thanks?

13 NOREY LEE NAVARRO: Just kidding, thanks.
14 Okay, Legal Services New York City welcomes the
15 opportunity to give testimony today before the New
16 York City Committee of Housing and Buildings as well
17 as the New York City Committee on Immigration. We
18 congratulate the Speaker and the City Council for
19 recognizing that landlord harassment of tenants on...
20 based on immigration status is an important problem
21 requiring corrective legislation and we strongly... we
22 strongly urge the City Council to pass Intro Number
23 167A-8. My name is Norey Lee Navarro, I'm a Staff
24 Attorney in the Housing Unit at Legal Services New
25 York City specifically in the Bronx. New York... Legal

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2 Services New York City is one of the largest
3 providers of legal services for low-income people in
4 New York City with five borough offices and numerous
5 offices for outreach. Legal Service New York City's
6 mission is to provide expert legal assistance that
7 improves the lives and communities of low-income New
8 Yorkers. Historically our priority areas have
9 included housing, government benefits of family law
10 but we have since expanded into consumer issues;
11 immigration, foreclosure, unemployment, language
12 access, education, and bankruptcy. Our office
13 regularly advocates on behalf of low-income tenants
14 who would benefit from the protections afforded by
15 Intro 1678-A. The cases we handle on a daily basis
16 illustrate how the amendment of harassment laws to
17 include discrimination based on immigration status is
18 critical to the preservation of affordable housing in
19 New York City particularly in today's political
20 climate. One case that our office handled involved a
21 family of immigrants, a US citizen tenant of record
22 and his two immigrant cousins as his roommates from
23 the DR. They lived in the rent stabilized apartment,
24 three bedrooms, they were sued by their landlord in a
25 holdover case. The two immigrant roommates they had

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previously provided documentation to be approved as lawful roommates later in the housing court proceeding the landlord claimed that the roommates did not provide the proper documentation and now were requiring specifically US passports. Luckily, they retained legal services as counsel, the attorney on, on the case was able to convince the landlord that the documentation was sufficient. Another case involved a superintendent who specifically preyed and terrorized various immigrant tenants in the building. Our Staff Attorneys represented a tenant who lived in the rent stabilized building and had the tenant's association and substantial number of Bengali tenants.

CHAIRPERSON WILLIAMS: I'm going to have to ask if you can give... oh sorry, a closing sentence.

NOREY LEE NAVARRO: Oh yes, that was really fast, just kidding. Okay, so we, we basically welcome this amendment of definition for harassment specifically that there's a lot of harassment claims to immigrant tenants cannot pursue in the housing court. We think it's really important that we can expand on that definition and we would definitely use

1
2 it as a counterclaim in many of our cases. Thank you
3 for your time... [cross-talk]

4 CHAIRPERSON WILLIAMS: Thank you.

5 COUNCIL MEMBER MENCHACA: And just to
6 help us move through the panel quickly is there
7 anyone that's not in support of this... of this... of the
8 bill 1678, everyone's in support, great. We will
9 have... we have your written testimony and so if you
10 can focus on cases that are going to be helpful to
11 understand the impact or any ways that are going to
12 be important for, for us to understand the, the
13 bill's impact on, on service providers and
14 communities on making sure that we get information
15 out, those are the kind of things we want to hear and
16 if you can use that time in the two minutes to do
17 that, that'd be great. Thank you.

18 SHI-SHI WANG: Thank you, my name is Shi-
19 Shi Wang and I'm a Staff Attorney in the Housing
20 Project of Mobilization for Justice, formerly MFY
21 Legal Services. We thank the Committee on Housing and
22 Buildings for holding this hearing on Intro 1721 in
23 relation to amending the definition of tenant
24 harassment. I'm just going to go through a few
25 examples of our clients that faced these issues that

1
2 the bill would assist with. We are currently
3 representing a rent regulated tenants at 336 West
4 17th Street, tenants in the building have not had
5 cooking gas since April 2015. DOB and HPD promptly
6 placed violations on the buildings however to this
7 day the gas remains off and this has been true for
8 both the, the current owner and the former owner.
9 Specifically, the former owner promised to restore
10 gas service to prospective tenants who then moved in,
11 in reliance on those promises and so... and then this,
12 this building also has a, a family of three living on
13 an annual income of 28,000 dollars and a 90-year-old
14 great grandmother who has lived in her apartment for
15 over 40 years. So, I would say specifically Section
16 A-1 and B-2 of Intro 1721 would define these acts and
17 omissions as tenant harassment per se. In addition,
18 the landlord, the same landlord of 33, 336 West 17th
19 Street falsely certified that the building was not
20 rent regulated and had no tenants. Similarly, another
21 building we are representing, 29 East 29th Street
22 also falsely stated in several DOB applications that
23 the building has no rent regulated tenants but by
24 MFJ's estimation there are approximately 50 rent
25 stabilized tenants living in single room occupancy

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units. Again, Sub-Section A-2 of Intro 1721 would characterize these as false certifications as tenant harassment. Another example we are represent... we're bringing in a group HP action on behalf of tenants of 192 to 194 1st Avenue, since purchasing the building in 2016 the owner, owner illegally removed the hallway stairs, completely removed the fire escape leading to the roof and submitted false and misleading documentation related to gas line work in the hallways.

CHAIRPERSON WILLIAMS: If I can pause you there, we... what... we, we have those cases but if there's any kind of close, closing statement we'd like... we'd like to hear that.

SHI-SHI WANG: Just I think that... I, I would just say that it's necessary for Intro 1721 to be passed especially as advocates in housing court where again as you... as you saw in, in HPD's testimony, H... it's up to the tenants to bring these kinds of harassment cases.

CHAIRPERSON WILLIAMS: Right, right, we agree, thank you so much.

EMILY GOLDSTEIN: Good morning, thanks.
I'm going to not read through my whole testimony. My

1
2 name is Emily Goldstein, I'm the Senior Campaign
3 Organizer at ANHD, the Association for Neighborhood
4 and Housing Development. I want to thank Chairman
5 Williams and Chairman Menchaca and the other Council
6 Members in attendance for the opportunity to testify
7 this morning. For the past several years ANHD has
8 coordinated the coalition against tenant harassment
9 which includes community organizations from around
10 the city and we've been particularly focused on
11 trying to pass a certificate of no harassment which
12 we... hopefully will happen later this year. We think
13 that the Intros that are, are being heard today are
14 important both to eventually making that law function
15 well as well as to really supporting tenants making
16 full use of some of the other good legislation that's
17 passed in recent months through the council such as
18 Right to Counsel and the STS Package. So, we're here
19 to... I'm here to voice strong support for both Intro
20 1721 and 1678-A. For 1721 honestly, repeated
21 violations are one of the most common signs of tenant
22 harassment day to day if you ask organizers who work
23 in buildings. Over the past eight to ten years
24 unfortunately as organizing strategies and local laws
25 and enforcement programs have done some good to

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2 respond to more egregious forms of tenant harassment,
3 landlords have adapted and a lot of what is now
4 commonplace and a lot of what is now sort of on the
5 ground what harassment looks like is difficult to
6 bring a strong case on. Expanding the definition and
7 amending it to update and sort of include some of the
8 behaviors that are in 1721 would go a long way.

9 Similarly, I'd like to state support for 1678-A,
10 specifically addressing discriminatory threats in
11 request for proof of citizenship status. Frankly we
12 all know that immigrant communities are under attack
13 and more protections are needed. One of the ways that
14 those attacks happen is especially in New York City
15 is through housing harassment, right, in trying to
16 make people feel unsafe in their homes and in their
17 communities in a myriad of ways. I think the language
18 in this bill would help to make sure that people are
19 able to stay in their homes and stay in their
20 communities and feel the sense of safety and security
21 that they deserve.

22 CHAIRPERSON WILLIAMS: Thank you and I
23 apologize because I've been saying Goldstein for a
24 very, very long time and it's Goldstein.

25 EMILY GOLDSTEIN: That's okay.

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JENNY STEVENS-ROMERO: My name is Jenny Stevens Romero from Make the Road New York, I'm a Housing Advocate and law graduate. Thank you to the Chairs for scheduling this hearing and allowing us to participate. Make the Road is an organization that consists of more than 18,000 members most of whom are immigrants and many of whom live in substandard housing. Our organizers and legal team work with a lot of tenants who face harassment from landlords who want to push them out of their apartments, renovate those apartments and then charge two or three times the amount of rent. I just want to focus on a couple of cases that are ongoing that demonstrate some of the common facts that a lot of our client's face. One is in Bushwick where a landlord has failed to make basic repairs for more than two years. The tenants have lived with leaks, mold, broken windows and stairs that literally feel like they'll collapse under your next step. Instead of properly repairing the conditions the landlord makes superficial repairs, clears the HPD violations and then they reappear a short time later. They also have falsely certified that repairs have been done when actually the conditions still exist. So, we have an HP

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2 proceeding in housing court right now. Intro 1721
3 would allow us to point to specific provisions of the
4 law and make that a stronger case. In terms of Intro
5 1678-A we're also working in another building where
6 we've started a 7-A proceeding, the tenants have
7 faced repeated threats from their landlord to call
8 the police or immigration because they are all
9 immigrant tenants. So, passing 1678-A would show that
10 New York City stands behind these immigrants who live
11 in fear and vulnerability and landlords know that and
12 take advantage of, of the fear that these immigrants
13 live in. So, thank you again.

14 BIANCA MCPHERSON: Good morning and thank
15 you to Chairperson Jumaane Williams and the Committee
16 on Housing and Buildings for the opportunity to
17 testify today. My name is Bianca McPherson and I am a
18 Housing Paralegal at the Community Development
19 Project at the Urban Justice Center or shortly CDP.
20 We support Intro 1721 and Intro 1678-A. Moving to
21 Intro 1721, the stand for tenant safety coalition was
22 proud to work with the city's... with the New York City
23 Council to pass those bills that provided tools for
24 tenants to fight back against construction as
25 harassment. This bill would build on the stand for

1
2 tenant safety act by holding landlords accountable
3 for more of their unjust actions. CDPS dealt with
4 many landlords who deliberately withhold services,
5 falsified documents to the Department of Buildings to
6 obtain permits and correct violations in a half
7 hazard manner. When caught landlords get away too
8 lightly for these actions. These bills would allow
9 tenants and their advocates to pursue more legal
10 remedies and also deter landlords from engaging in
11 this conduct. The law would also more closely mirror
12 what tenants and advocates consider to be harassment
13 such as landlords asking tenants to miss work to
14 provide access space without making meaningful
15 repairs or only providing adequate heat when an HPD
16 violation is placed. Moving to Intro 1678-A,
17 landlords use complaints and threats of complaint to
18 law enforcement... to law enforcements against agencies
19 to selectively antagonize tenants of color and
20 immigrants. One landlord in Sunset Park posted
21 notices in all of his buildings advising tenants to
22 cooperate with ICE officers when they knocked on your
23 door quote, unquote. A landlord in Morningside
24 brought an eviction case against an undocumented
25 tenant using her immigration status as the basis for

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the case. Some landlords deliberately increase tensions between white tenants and tenants of color, these practices are unacceptable and passing Intro 1678-A will send a strong message to landlords that New York City will not tolerate discriminatory harassment. CDP is also working with the coalition against tenant harassment to pass and I'm closing now, thank you. CDP is also working with the coalition against tenant harassment to pass the citywide certificate of no harassment program that would create a strong dissent, disincentive to tenant harassment by preventing landlords with a history of harassment from getting permits to renovate their buildings from the New York City Department of Buildings. An expanded definition of harassment would help make the, the citywide certificate of no harassment legislation a better tool to prevent displacement and to generate new affordable housing when harassment has occurred. Thank you for the opportunity to testify.

CHAIRPERSON WILLIAMS: Thank you very much, we don't have any Council Members that signed up for questions, I don't know... okay, so Council Member Menchaca.

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2 COUNCIL MEMBER MENCHACA: Thank you and
3 thank you all for your testimony and the case work
4 that, that you're doing every day. Really to your
5 last point about sending strong messages, you're
6 seeing here that there's alignment and that's great,
7 this is a kumbaya good positive and productive
8 conversation in this public hearing but I think the
9 crux of this is going to be how we post changing the
10 law, are going to get the information out, does
11 anyone have any ideas right now and we want to
12 continue this conversation on how we make that
13 message broad and impactful in our communities, you
14 are all doing case work right now and you're, you're...
15 in, in multiple ways, you're, you're bringing those,
16 those cases in and, and bringing them through the,
17 the justice system in my... in our offices and the
18 district office, people come... we have relationships
19 with people in our organizations, how do we get this
20 message out after we pass this, this piece of
21 legislation, what's the most effective way to get it
22 out into communities that are going to need to hear
23 it, if anyone has any ideas and, and if you don't
24 right now that's fine but we want to continue this
25 conversation?

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EMILY GOLDSTEIN: I mean the... I don't

know how insightful this is but I think the most

effective way is working through the local community

organizations that do building level work so that

this gets integrated into regular tenant association

meetings and building flyer-ing, right and that

there's just sort of new information about how to

make use of these tools and, and some of the other

tools that have been passed recently, I know a lot of

the community organizing groups and tenant organizing

groups have been at least starting to think about how

do we make sure that people understand how to really

use right to counsel and the STS package and

hopefully certificate of no harassment in their day

to day organizing so that the message trickles out.

JENNY STEVENS-ROMERO: So, Make the Road

not only provides legal services, but we do a lot of

organizing especially around housing issues, so we do

have weekly meetings in Brooklyn and Queens and we

have organizers who do Know Your Rights trainings for

our members and anyone who wants to come in.

SHI-SHI WANG: Yeah and I would echo that

at MFF we have a number of connects all over

Manhattan, Brooklyn, the Bronx. I was just at a

1

2 clinic, CB-10 clinic last night so before I do
3 individual intakes we always do like a five to ten-
4 minute sort of general announcements and we could
5 include, you know...

6

COUNCIL MEMBER MENCHACA: And you said
7 Know Your Rights kind of focus... [cross-talk]

8

SHI-SHI WANG: Know Your Rights... [cross-
9 talk]

10

COUNCIL MEMBER MENCHACA: Yeah... [cross-
11 talk]

12

SHI-SHI WANG: Yes.

13

BIANCA MCPHERSON: I with my class city,
14 we work a lot with the, the C... CDP works a lot with
15 community based organizations and... through group
16 tenant association organizing, we see that a lot of
17 the tenants don't have capacity to go to court so
18 what they do is they go through DHCR to, to express
19 their, their, their issues and so maybe having this
20 conversation with DHCR in expanding what the
21 definition... what... if this law... this bill is... becomes
22 law, you know I explain to each of them like what
23 these laws... [cross-talk]

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COUNCIL MEMBER MENCHACA: You said DHCR...

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[cross-talk]

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BIANCA MCPHERSON: ..provide.. yes, DH.. New York State Homes of Community Renewal, yes.

COUNCIL MEMBER MENCHACA: So, say that one more time, the... [cross-talk]

BIANCA MCPHERSON: Yes, DHCR, I... [cross-talk]

COUNCIL MEMBER MENCHACA: No, the, the whole... the whole... [cross-talk]

BIANCA MCPHERSON: The New York State Community... [cross-talk]

CHAIRPERSON WILLIAMS: Its, it's not HDR so it's Division of Housing Community Renewal they now... [cross-talk]

BIANCA MCPHERSON: Yes... [cross-talk]

CHAIRPERSON WILLIAMS: ...call it HCR... [cross-talk]

COUNCIL MEMBER MENCHACA: Community... [cross-talk]

BIANCA MCPHERSON: Yes, they, they... [cross-talk]

CHAIRPERSON WILLIAMS: Okay, got it... [cross-talk]

BIANCA MCPHERSON: ...dropped the... [cross-talk]

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COUNCIL MEMBER MENCHACA: Thank you.

2

3

BIANCA MCPHERSON: Yeah.

4

COUNCIL MEMBER MENCHACA: Okay, I just
5 wanted to get that... [cross-talk]

6

BIANCA MCPHERSON: Oh yeah... [cross-talk]

7

COUNCIL MEMBER MENCHACA: ...clarified,
8 thank you.

9

BIANCA MCPHERSON: So probably having
10 conversations with, with the state agency as well may
11 also help in spreading the..

12

NOREY LEE NAVARRO: I just wanted to also
13 explain that our office, Legal Services New York City
14 has a tenants rights coalition in every, every
15 borough where we work with different community based
16 organizations and tenant associations in buildings
17 that we feel are specifically being targeted for
18 gentrification and harassment to group harassment
19 claims and we also partner with different City
20 Council Members in our different boroughs so we also
21 have clinics where we provide information and advice
22 about any kind of new claims that they bring in
23 housing court.

24

COUNCIL MEMBER MENCHACA: Organizers are
25 going... are going to get the word out, thank you.

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2

CHAIRPERSON WILLIAMS: I actually do have one question myself for the Legal Service provider. For undocumented clients what is the advice you give, do you go to CCHR, do you go to housing court, how do you usually walk them through the process?

7

SHI-SHI WANG: In what context?

8

CHAIRPERSON WILLIAMS: If they come and have let's say a harassment complaint how, how... what advice do you give them and how do you guide them through that and... because I imagine there's also some fear of really going into the system officially?

13

SHI-SHI WANG: I guess just speaking on... in my own experiencing I've represented undocumented clients but it, it was... there was... there was no harassment issue it was more to do with a specific legal case.

18

CHAIRPERSON WILLIAMS: Say that again?

19

SHI-SHI WANG: So, I... we... I myself haven't had any instances where I've gotten reports of harassment... [cross-talk]

22

CHAIRPERSON WILLIAMS: Okay... [cross-talk]

23

SHI-SHI WANG: So... but we would definitely, if it was a harassment issue we would definitely work with, you know the Commission on

25

1

2 Human Rights about that but, but then it depends on
3 the context so if... you know a NYCHA tenant in a mixed
4 status family has questions about their immigration
5 status that depends on the NYCHA procedures, you know
6 so it's really a case by case, you know basis.

7

CHAIRPERSON WILLIAMS: Okay, thank you
8 very much and thank you for all the work that you're
9 doing, did someone else... you have something else to
10 say, I'm sorry?

11

JENNY STEVENS-ROMERO: So, Make the Road
12 when we have facts that involve threats against
13 someone because they're an immigrant we do always
14 raise them in housing court at least, you know
15 factually state that it happened. We also had a case
16 recently where we worked with the Mayor's Office of
17 Immigration Affairs and the Human Rights Commission
18 and we did successfully fight the case against the
19 landlord and the tenant did win, I don't know the
20 facts of what they obtained but that was helpful.

21

CHAIRPERSON WILLIAMS: Thank you so much.
22 Oh sorry?

23

BIANCA MCPHERSON: So, so sorry. There
24 was a case that I was a part of where we did bring a
25 harassment claim to New York State Supreme Court I

1
2 believe and actually those charges were dismissed so
3 it's really difficult to, to bring these kinds of
4 cases in court.

5 CHAIRPERSON WILLIAMS: Thanks again and
6 one more, okay.

7 NOREY LEE NAVARRO: And if I could also
8 just add that there is the New York... sorry, there is
9 the Human Rights Commission where we can advocate for
10 our clients... our immigrant clients in that capacity
11 but unfortunately it's very common that if a tenant
12 is being harassed based on immigration status there's
13 probably another ground that they're being harassed
14 in as well so we can advocate with them in housing
15 court on that capacity but that's why this bill being
16 passed would be really important so we can
17 incorporate that into their counter claims.

18 CHAIRPERSON WILLIAMS: Alright, anyone
19 else? Okay, this time I think I got it. Alright,
20 thank you so much again for all the work you're
21 doing. We have another panel; it's Christy Peal CNYC,
22 CNYCN, yes? Oh okay. Jenny Akchin from Picture the
23 Homeless; Jose Rodriguez from Picture the Homeless;
24 Deyanira Del Rio, New York Economy Project, Deyanira
25 here? And Matthew Dunbar, Habitat for Humanity NYC

1
2 are all testify in... on behalf of... for Intro 1269.
3 We're going to have one more panel after that and
4 this is all the folks that we have scheduled to
5 testify. John... after this panel will be John
6 Napolitano, Napolitano, Community Solutions
7 Brownsville Partnership; Paul Epstein, Northern
8 Manhattan Community Land Trust; Paula Segal,
9 Community Development Project UJC; Jennifer Levy,
10 Legal Aid Society and I believe A. Michael Johnson is
11 what we have here so if those folks can get ready to
12 come up after this next hearing... after this next
13 panel.

14 COUNCIL MEMBER MENCHACA: Thank you all,
15 we'll swear you in now. Do you all affirm to tell the
16 truth, the whole truth and nothing but the truth in
17 your testimony before this committee and to respond
18 honestly to Council Member questions? Yes, okay,
19 thank you.

20 CHAIRPERSON WILLIAMS: Thank you, you'll
21 each have two minutes to, to provide your testimony,
22 you can begin in the order of your preference.

23 DEYANIRA DEL RIO: Alright, great. Good
24 late morning. Thank you to Committee Chairs Williams
25 and Menchaca and other members of the committee for

1
2 the opportunity to testify today about Intro 1269. My
3 name is Deyanira Del Rio and I'm a Board Member of
4 the New York City Community Land Initiative or NYC
5 CLI which is an alliance of community base building
6 affordable housing and economic justice groups as
7 well as long standing and emerging community land
8 trusts across New York City. Our alliance advocates
9 for CLT's specifically in the context of supporting
10 creation and preservation of deeply and permanently
11 affordable community controlled housing and other
12 critical community needs and several other members of
13 our alliance who were actively engaged in CLT
14 organizing will also be speaking today. For more than
15 five years our coalition has been leading coalition
16 and community organizing, education and outreach,
17 research and policy advocacy around New York City to
18 build a movement in support of CLT's. We're thrilled
19 to see growing support for community land trust in
20 the city council. We want to thank and recognize
21 Council Member Richards for his leadership and
22 support of CLT's. In our testimony we want to outline
23 brief changes to the bill that we believe are needed
24 before it moves forward. I also just want to
25 highlight in my testimony the growing landscape of

1
2 CLT's around the city and some additional policy
3 recommendations as well. So first of all, city... CLT's
4 are a flexible and progressive model for land and
5 housing development, you'll hear more from others and
6 it's outlined in our testimony. I just want to
7 highlight that in addition to preserving affordable
8 housing and creating mechanisms for meaningful
9 community engagement in land use and housing
10 decisions. CLT's are an excellent tool to preserve
11 public subsidies and ultimately the housing... the
12 affordable housing stock in New York City which is so
13 vital. I'm looking at that clock, wow... okay, so as,
14 as you heard there were recently investments made in
15 New York City and we were thrilled to see that and
16 that HPD announced it was channeling 1.65 million to
17 local CLT's. NYC CLI is... was selected to lead the
18 two-year learning exchange that you heard a little
19 bit about and through that will be building capacity
20 at nine community based organizations that are
21 organizing CLT's. I just want to mention them; they
22 are CAAAV, Organizing Asian Communities; Community
23 Solutions in Brownsville, Faith in New York working
24 with Northern Manhattan is Not For Sale; in the Bronx
25 there's the Mary Mitchell Center; Mott Haven-Port

1
2 Morris Community Land Steward; We Stay/ Nos Quedamos
3 and the Northwest Bronx Community and Clergy
4 Coalition and finally in Staten Island the North
5 Field LDC working with the coalition as well. So, I
6 just want to underscore there's a growing range of
7 groups around New York City that are perusing CLT's
8 not just for affordable housing but also for
9 commercial and community space, for green open space
10 and many other purposes and again one of the benefits
11 of the CLT model is that it's flexible and can be
12 used in different ways to meet the needs that are
13 identified by community residents themselves and to
14 achieve cross subsidies and more.

15 CHAIRPERSON WILLIAMS: Going to have to
16 ask you to... [cross-talk]

17 DEYANIRA DEL RIO: Okay, so the.. just one
18 last thing I want to say is that the bill we're
19 excited about that being a, a first step and we
20 understand it's, it's essentially a conversation
21 starter but we just want to encourage the city
22 council in perusing legislation to advance CLT's to
23 prioritize deep affordability and also to make sure
24 that CLT's really maintain and are defined... [cross-
25 talk]

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CHAIRPERSON WILLIAMS: Alright... [cross-talk]

DEYANIRA DEL RIO: ...by their community control which is just fundamental so thank you so much... [cross-talk]

CHAIRPERSON WILLIAMS: Thank you very much.

JENNY AKCHIN: Hi, good morning. My name is Jenny Akchin, I work at Picture the Homeless and I'm testifying today in my capacity as the Policy Committee Co-Chair at NYC CLI. First of all, thank you all so much for having this hearing, this is a really great opportunity to talk about issues that are so, so important to so many communities around New York City. So, first things first, I just wanted to testify a little bit about Intro 1269 echoing Dey's comments this is a really amazing starting point and we are really excited to work with you on a whole range of policy initiatives to support the growth of CLT's, we think this is a great first step. With that in mind we just had a couple of suggestions on how we could expand or improve the, the basis established in 1269. Two of the major points that we wanted to introduce, the first is we would really

1
2 like to see the definition of CLT expanded to really
3 reflect the unique stewardship that a CLT provides.
4 Specifically, we'd like to see references made to the
5 governance structure of CLT'S and to the need for
6 community control within that model. There's great
7 definitions, we've submitted some as part of this
8 testimony, there's also a federal definition that's
9 worth a glance so we really recommend looking to
10 those. The second piece, we always would like to see
11 these, these tools used to expand and deepen
12 affordability in New York City. Right now, the bill
13 defines qualifying households as those earning up to
14 165 percent of the AMI and while we understand why
15 that's the case we would like to see the regulatory
16 agreements that come out of this legislation really
17 tie benefits to the developers or the projects to the
18 benefits for New York City. We think that the Article
19 11 HDC tax exemption is a really great model focused
20 on the viability of the project and, and basing the
21 incentives on that viability and so we'd like to see
22 that reflected in future reg agreements. Last thing
23 we have a, a list of 2017, 2018 policy
24 recommendations that our committee thinks are really
25 important. We know the progressive caucus has made

1
2 CLT's one of its 18 progressive ideas for 2018, we
3 have lots of progressive ideas that we would really
4 like to share with you. So, thank you for this time
5 and we're really, really looking forward to that
6 conversation.

7 CHAIRPERSON WILLIAMS: Thank you very
8 much. Just before you start sir I just want to make
9 sure we recognize the Brooklyn Collaborate School
10 that's upstairs looking at us, I understand that they
11 are all future politicians, myself I'm an elected
12 official but they are also seniors so
13 congratulations, welcome, I hope this is all you
14 hoped and dreamed it would be. You can go ahead sir.

15 JOSE RODRIGUEZ: Good morning. My name is
16 Jose Rodriguez, I'm a member of Picture the Homeless
17 and a Banana Kelly Residence Council Member. I want
18 to thank first of all Melissa Mark-Viverito for
19 supporting the East Harlem El Barrio Community Land
20 Trust and the Progressive Caucus of the City Council
21 for making this a priority in 2018. I'm excited to
22 see interest in Community Land, Land Trusts and HPD
23 and the City Council. PTH has been working for many
24 years promoting CLT's understanding the potential for
25 making a major shift in displacement and

1
2 gentrification policies. The, the CLT model is one of
3 many ways to utilize vacant properties to provide
4 deeply affordable housing for homeless and those most
5 at risk of becoming homeless. The housing not
6 warehousing act is another. By having a yearly count
7 on vacant properties and recommendations and such for
8 housing of all city, state, and federal properties. I
9 had the opportunity to see firsthand how Cooper
10 Square CLT is able to keep residents in low income
11 apartment and allow small, small businesses to thrive
12 and compete with large franchises. CLT's ensure non-
13 profit community organizations and property owned by
14 the city can best serve long established community
15 residents. Human, human beings should not be looked
16 down upon because of their economic struggles,
17 everyone should be able to have basic needs like a
18 roof over their head, food and the opportunity to
19 pursue the things in life that make them happy. Every
20 single property that is vacant or mismanaged... oh my...
21 okay, well I'll go to the ask. With respect to this
22 bill Picture the Homeless is asking language
23 recommending that CLT's and MHA's housing models get
24 first priority of this position for city, state, and
25 federal vacant and mismanaged properties, language to

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the definition of CLT that clarifies those CLT's should be strictly non-profit entities with missions to keep housing out of the speculative market for life. This bill is an important first step and we have a lot more work to do, Picture the Homeless is looking forward to continuing the work with you on CLT and other solutions to the homeless crisis.

CHAIRPERSON WILLIAMS: Thank you.

LEO GOLDBERG: Good morning, my name is Leo Goldberg, I'm the Senior Policy Associate at the Center for New York City Neighborhoods. The Center promotes and protects... [cross-talk]

CHAIRPERSON WILLIAMS: I'm sorry, what's your name?

LEO GOLDBERG: Leo Goldberg.

CHAIRPERSON WILLIAMS: You're standing in for Christy Peal.

LEO GOLDBERG: That's right.

CHAIRPERSON WILLIAMS: Alright, can we get him to fill out a card please? Alright, thank you.

LEO GOLDBERG: The Center promotes and protects affordable homeownership in New York and meets the diverse needs of homeowners throughout New

1
2 York State by offering free high-quality housing
3 services. Since our founding in 2008 our network has
4 assisted over 40,000 homeowners. CLT's are great
5 vehicles for expanding affordable homeownership in
6 addition to the use on rental housing and public
7 space, community gardens, etcetera. Unlike
8 traditional subsidized homeownership programs, public
9 investments and CLT homes are cycled from one
10 homeowner to the next, they are not lost when the
11 homeowner sells perhaps at windfall profit. CLT's
12 also act as stewards not only of land and property
13 but also of homeowners and community's well-being. In
14 addition to pre-purchased education, CLT's can
15 provide homeowners with financial literacy training,
16 assistance with repairs and financial oversight in
17 support to prevent foreclosures. In this way CLT's
18 help prevent families from getting in over their
19 heads and safeguard against predatory lending scams
20 and foreclosure. In light of the severe challenges
21 posed by our housing market the Center for New York
22 City Neighborhoods, Habitat for Humanity N, NYC who
23 you'll hear from in a second MANY and UHAB are
24 partnering to create the Interborough Community Land
25 Trust, New York City's first citywide community land

1
2 trust with a primary focus on creating permanently
3 affordable home ownership opportunities for low-
4 income families. Interborough CLT will work closely
5 with HPD and New York State Homes and Community
6 Renewal to identify, finance and steward properties
7 and to ensure the homes developed on the CLT remain
8 affordable for future generations of New Yorkers.
9 This bill is an important first step in identifying
10 CLT's as an entity that the city can do business with
11 and we look forward to working with the committee on
12 strengthening the bill, strengthening its definition
13 of what a CLT is and making sure that the types of
14 regulatory agreements that result from it are useful
15 to CLT's and allow for their growth and expansion. We
16 think that particularly for homeownership the bill is
17 important because not only homeownership projects
18 will be eligible for an Article 11 tax exemption and
19 there will have to be new kinds of regulatory
20 agreements with single family homes on community land
21 trusts which we identify as a, a viable type of
22 housing on community land trust especially in low-
23 rise neighborhoods in Queens, Brooklyn, the Bronx and
24 elsewhere, thank you... [cross-talk]

25 CHAIRPERSON WILLIAMS: Thank you.

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MATTHEW DUNBAR: Good morning, my name is Matt Dunbar, I'm the Vice President of Government Relations and Advocacy with Habitat for Humanity New York City. I want to thank the Chairs and Councilman Richards for, for introducing the bill as well as for HPD for all the work that they've done so far on Community Land Trusts and we really appreciate and can... and we look forward to continuing partnering and developing the model and its success in New York City. We, we are... as Leo mentioned our, our members of the Interborough Community Land Trust and I just wanted to highlight a very real way in which this, this bill which we support and have suggested changes within our written testimony to make it stronger but I wanted to highlight one of the purposes of this bill which of course has Leo mentioned and everybody here mentioned is the first step in getting community land trusts mentioned in the administrative code because community land trusts are not mentioned on the state or local level so this is that first step which is great but what it also accomplishes is by entering into a regulatory agreement with the community land trust on the land that has all of the housing on it, it provides a stronger level of

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2 restriction for the homes but it also will provide an
3 opportunity for tax relief for homeowners in which
4 case there, their tax exemptions or abatements may
5 run out. And the reason why I bring this up is
6 because Habitat for Humanity New York City has built,
7 rehabbed, and repaired over 650 homes in New York
8 City but many of those are, are vulnerable to being
9 lost to the open market as they have been built with
10 evaporating mortgage restrictions and have limited
11 tax relief built in many of which are within 20
12 years. So, once those homes are sold those are, are
13 lost to affordability but by partnering with a land
14 trust it strengthens and extends the affordability
15 for 99 years and is renewable but in those
16 circumstances when the tax abatements run out they
17 may be vulnerable to be taxed at market rate and the
18 city's ability to provide real fair assessment so
19 that the tax assessments for a homeowner would
20 actually reflect what they can be sold for is a
21 regulatory agreement. So, by having that CLT
22 underneath say a single-family home when their tax
23 abatement runs out even though they're restricted to
24 sell it at a... at a low-income price they will receive
25 benefits rather than seeing their, their houses being

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON IMMIGRATION

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2 taxed at market rate. So, again we support the bill,
3 we have provided some, some changes, some that
4 reflect what has been mentioned here and, and others
5 so we encourage the, the council to review and... so
6 thank you so much for your opportunity... for the time
7 and opportunity to testify.

8 CHAIRPERSON WILLIAMS: Thank you, thank
9 you all for your testimony and all the work that
10 you're doing, please continue as we continue the
11 fight, thank you so much. And our last panel unless
12 others have signed up; John Napolitano; Paul Epstein;
13 Paula Segal; Jennifer Levy and A. Michael Johnson.
14 Collaborative... we have John Napolitano; Paul Epstein;
15 Paula Segal; Jennifer Levy and A. Michael Johnson.

16 COUNCIL MEMBER MENCHACA: So, let's... we,
17 we are going to swear you all in. Okay, do you affirm
18 to tell the truth, the whole truth and nothing but
19 the truth in your testimony before this committee and
20 to respond honestly to Council Members questions
21 today? Yes, wonderful, thank you.

22 CHAIRPERSON WILLIAMS: You'll each have
23 two minutes to provide your testimony, you can begin
24 in the order of your preference.
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COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON IMMIGRATION

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2 JOHN NAPOLITANO: Good afternoon and
3 thank you for the opportunity to speak this morning,
4 afternoon. My name is John Napolitano and I offer
5 this written testimony in support of Community
6 Solutions and the... our local initiative, the
7 Brownsville Partnership on the intent behind Council...
8 City Council bill, Intro Bill 1269. All power comes
9 from the land while all absolute power comes from
10 god. These prophetic words spoken by Charles Sherrod
11 in the movie, 'Arc of Justice' serves as the spark of
12 the Community Land Trust movement that began nearly
13 50 years ago. For those unfamiliar with the movie it
14 is a documentary that speaks about the courageous
15 work of a farm collective of approximately 5,000
16 acres in Lee County, Georgia that advocated for the
17 long-term protection of this land to serve as a safe
18 haven for black farmers who inherited it from their
19 slave ancestors. At the heart of this inspiring story
20 speaks about one community's perseverance to protect
21 one it's most important assets, it's land. In
22 Brownsville, Brooklyn where my organization is based
23 we are venturing to establish a community land trust
24 with the support of Enterprise community partners,
25 the New Economy Project and HPD who's vision builds

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON IMMIGRATION

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2 upon the goals and strategies of the New Brownsville
3 Plan. Within its 1.2 square mile radius exists 91
4 vacant lots where approximately 150,000 unbuilt
5 square feet can produce 1,000 dwelling units
6 according to HPD. If combined with the new commute
7 facility uses to support important service delivery
8 around health education workforce development these
9 sites could render even more square footage. Despite
10 the ultimate aim of repurposing this land as housing
11 whose affordability is perpetuity protected our
12 broader goal is to develop the capacity of community
13 based organizations that wish to remain in
14 Brownsville for generations and invest in the people
15 that make it a special place to so many. This was the
16 vision of our founder former New York Gregory Jackson
17 which center on community mobilization to build local
18 infrastructure and support collective problem solving
19 in Brownsville. We applaud the city council on their
20 focus for this bill and support the future work of
21 Community Land Trust in Brownsville and across the
22 city. The model would help communities reclaim their
23 most valuable outland assets while providing much
24 needed stewardship and oversight. The success of this
25 model depends on flexibility.. [cross-talk]

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON IMMIGRATION

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CHAIRPERSON WILLIAMS: Going to have to
ask you to...

JOHN NAPOLITANO: ...last sentence... [cross-
talk]

CHAIRPERSON WILLIAMS: Okay...

JOHN NAPOLITANO: ...responsibility and
innovation to lessen the financial burden of
government while permitting CLT's to serve as their
agents of the communities that they are meant to
serve. Thank you.

CHAIRPERSON WILLIAMS: Thank you.

PAUL EPSTEIN: Hello, I'm Paul Epstein
from the Northern Manhattan Community Land Trust
Working Group, we're a CLT in formation chosen to
participate in NYC CLI CLT Learning Exchange by HPD.
And I thank Chair Williams and the committee for the
opportunity to testify. I'm pleased that the council
wants to give CLT's recognition in the city's code, I
have seven recommendations to improve Intro 1269. My
written testimony provides more context and
justification, I'll be very brief now. Other than
Cooper Square there's no significant CLT experience
in our city so now we need a learning and
experimentation environment not a rules-based

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON IMMIGRATION

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2 environment. So, my first three recommendations are
3 adding a statement of purpose that says it's the
4 intention of this act to enable and encourage broad
5 experimentation with wide variety of CLT practices
6 for affordable housing and other uses across the
7 city. On the last line of the bill I would strike the
8 words including the promulgation of rules, so you
9 don't encourage rule making by HPD at this time.
10 Number three specify in the bill that HPD work with
11 CLT's with... on regulatory agreements that vary case
12 by case for specific projects and the agency and
13 CLT's evaluate how different agreements work over
14 time to improve future agreements. Next, housing is
15 not the only way CLT's can contribute to neighborhood
16 improvement, there are a lot of other ways and in
17 Northern Manhattan we probably want to also help
18 small businesses, performing arts organizations and
19 keep... and, and other ways. So, recommendations four
20 and five, do not limit, limit CLT's to housing, add
21 to the end of the definition and for other community
22 benefits. Recommendation five, acknowledge in the
23 bill that CLT's may sometimes allow projects that
24 involve higher user cost be, beyond affordability to
25 cross subsidize affordable housing for financial

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON IMMIGRATION

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2 stability. Also, CLT's are not just any non-profits
3 with land so my sixth recommendation is revise the
4 definition of a CLT to say that it is community
5 controlled with a... with a key purpose to provide
6 stewardship of land for the benefit of the community.
7 I would not recommend making a CLT definition any
8 more specific than that except perhaps to specify
9 that a majority of the CLT's board should live or
10 work in the CLT's community. Finally Intro 1269
11 provides no funding which CLT's especially new ones
12 will need so the council should establish a fund to
13 support CLT's for purposes I described in the written
14 testimony. Thank you.

15 CHAIRPERSON WILLIAMS: Thank you.

16 JENNIFER LEVY: Thank you for the
17 opportunity to present this testimony. I want to
18 thank Chairperson Jumaane Williams for his leadership
19 on legislation that fosters the creation and
20 preservation of affordable housing and protects low
21 income tenants. I also want to thank the entire City
22 Council for its visionary approach to meeting the
23 needs of New Yorkers facing the devastating impact of
24 the city's affordability crisis. My name is Jennifer
25 Levy, I'm the Supervising Attorney for the Civil Law

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2 Reform Unit at the Legal Aid Society and we're here
3 to present testimony in support of Intro 1269 but for
4 record we also support the other two Introductions
5 that you heard testimony on today. As we, we all know
6 in this room New York City is in the midst of a
7 crisis. That crisis precipitated by a lack of truly
8 affordable housing has resulted in a... in record
9 breaking number of homeless families. While the
10 current administration is striving towards the
11 laudable goal of creating or preserving 200,000 units
12 of affordable housing those units if they follow the
13 affordable housing models that proceed them will not
14 be permanently affordable and will not solve the
15 city's housing or homelessness crisis. This is for
16 two reasons, first the patchwork of subsidy programs
17 that make up the city's affordable housing landscape
18 do not ensure permanent affordability and second the
19 housing that is being created does not satisfy the
20 demands of those in the lowest income tiers. Intro
21 1269 is a first step towards creating a model that
22 would ensure permanent affordability, for that reason
23 we urge its adoption. However, with a definition of
24 affordability that permits occupancy by households
25 earning up to 165 percent of area median income it

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2 does not go far enough in mandating the creation of
3 truly affordable housing. Rent stabilization that
4 counts for the main stock of affordable rental
5 housing in the city but the city's lost 150,000 rent
6 stabilized housing units over the past 20 years. We
7 have lost about 450,000 Mitchell-Lama units since
8 1985. Units made affordable as a result of
9 participation in LYHTC, the Low-Income Housing Tax
10 Credit Program are leading out of the city at a rate
11 of 11,000 units a year. We need permanent affordable
12 housing and that's why we support the Introduction of
13 1269 and, and we need housing that meets the needs
14 of, of the lowest income tiers in the city so we need
15 to define affordability at a lower rate. Thank you.

16 CHAIRPERSON WILLIAMS: Thank you, right
17 before you start, sorry Valerio Orselli can you just
18 join them please, I know you just signed up to
19 testify so we'll just have you up there.. you can just
20 join, and you'll testify at the end. You can
21 continue.

22 PAULA SEGAL: Thank you. Good afternoon
23 Chair Williams and the committee. I'm speaking today
24 as an Attorney in the Equitable Neighborhoods
25 Practice of the Community Development Project at the

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2 Urban Justice Center. You heard from my Colleague
3 Bianca earlier today who works in our housing unit.
4 CDP works with grassroots groups, neighborhood
5 organizations and community coalitions to help make
6 sure that people of color, immigrants, and other low-
7 income residents who built our city are not pushed
8 out in the name of progress. We work together with
9 our partners and clients to ensure that residents in
10 historically under resourced areas have stable
11 housing they can afford, places where they can
12 connect and organize, jobs to make a good living and
13 other opportunities that allow people to thrive. Our
14 clients overwhelmingly recognize community land
15 trusts as a property stabilizations tool that is key
16 to keeping their communities whole and in the places,
17 that they have made valuable for decades.. with
18 decades of labor. When HPD opened up the opportunity
19 that you heard about earlier to respond to their
20 requests for expressions of interest five of our
21 client organizations applied and were selected for
22 participation in the learning networks. So, it's
23 CAAAV, the Mary Mitchell Center, Nos Quedamos,
24 Northwest Bronx Community and Clergy Coalition, and
25 we helped Faith in New York and the Inwood CLT put

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2 together their proposal as well. We want to thank the
3 committee and Council Member Richards for their
4 leadership in putting CLT's in... on the city agency's
5 agendas and for paving the route to collaboration.
6 You heard a little bit from my colleague Jennifer
7 Levy about the bleeding of affordable housing in New
8 York City. CLT's on the other hand allow community
9 members and city agencies to explicitly contract for
10 stewardships and to plan for what happens when
11 regulatory agreements expire, for when laws are
12 changed or even when the CLT itself is no longer
13 operating. Those are all terms that can be carefully
14 graft... drafted and included in ground leases that can
15 also include reverted provisions that direct what
16 will happen to properties on the CLT if the CLT
17 itself is no longer able to steward and allow us to
18 decide of the outset to protect properties from the
19 open market for perpetuity for the duration. The bill
20 before you are great, but it doesn't go far enough to
21 build a solid foundation. My written testimony makes
22 recommendations for changing existing programs in
23 small ways to... that will really make a big difference
24 specifically altering how HPD issues its requests for
25 proposals and requests for qualifications, expanding

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2 the purview of the bill to include agencies beyond
3 housing preservation and development and directing
4 HPD to open the third-party transfer program to CLT's
5 and to prioritize development teams and include CLT
6 in that program. Thank you so much... [cross-talk]

7 CHAIRPERSON WILLIAMS: Thank you.

8 PAULA SEGAL: Uh-huh.

9 MICHAEL JOHNSON: Good afternoon, my name
10 is Michael Johnson and I, I thank you for the
11 opportunity to testify in front of this council and
12 this chair and as a member of the Board of Directors
13 for South Bronx Based Land.. Community Land Trust, the
14 Mott Haven-Port Morris Community Land Stewards and a
15 Board Member of the New York City Community Land
16 Initiative I'm here to testify in support of Intro
17 1269 to extend its.. and to.. for it to be.. to ask for
18 its scope to be extended to be more comprehensive
19 and.. particularly in line with suggestions put forth
20 by NYC CLI's testimony that you heard earlier. My
21 community in the South Bronx and Mott Haven-Port
22 Morris is diverse and vibrant and struggling to
23 overcome decades of environmental injustice, economic
24 neglect that has.. that has caused a high, high rate
25 of asthma and diabetes and obesity in the country.

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Our community is currently ranked as the worst New York City community in which to raise children based on indicators such as health, education, and economic security. Our community is now also fortifying itself against the loss of culture in the fact of hypergentrification where more than two dozen new development... luxury developments are, are either near completion or have building permits that are being placed in a community with... in which 38 percent of its residents and 49 percent of its children live in poverty. It is for these reasons we formed a community land trust about two and a half years ago as a natural opposing force to unchecked real estate speculation and a vital tool in which to create true community engagement and empowerment and stewardship of local resources. We look... we have looked at this opportunity and this... to create a CLT as the natural opposing force to this real estate speculation that's hitting our community as the only thing that could... we can see that can help make sure that publicly owned spaces and places can be owned and, and stewarded by the community in perpetuity. Again, thank you for the opportunity to give my testimony.

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CHAIRPERSON WILLIAMS: Thank you very
much, Mr. is it Orelly, how do you pronounce your
name?

5

VALERIO ORSELLI: Sure, good afternoon
and thank you... [cross-talk]

7

CHAIRPERSON WILLIAMS: I'm sorry, one
second, I just want... wonder did I pronounce your name
correctly, Orelly?

10

VALERIO ORSELLI: Oh Valerio Orselli.

11

CHAIRPERSON WILLIAMS: Orselli, Valerio
Orselli. Can you please raise your right hand?

13

VALERIO ORSELLI: Oh sure.

14

CHAIRPERSON WILLIAMS: Do you affirm to
tell the truth, the whole truth and nothing but the
truth in your testimony before this committee and to
respond honestly to Council Member questions?

18

VALERIO ORSELLI: Yes, I do.

19

CHAIRPERSON WILLIAMS: You have two
minutes to give your testimony and you can begin,
thank you.

22

VALERIO ORSELLI: Okay. Again, thank you
very much and good afternoon Committee Chair Williams
and members of the Committee for holding this hearing
allowing the public to, to testify about Intro 1269

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2 amending a portion of the New York City
3 Administrative Code. As noted my name is Valerio
4 Orselli and I am the Project Director of the Cooper
5 Square Community Land Trust, CSCLT. I am also a
6 founding member of Cooper Square Mutual Housing
7 Association and Cooper Square Community Land Trust.
8 Cooper Square CLT is the owner of the land under the
9 21 formerly city owned multiple dwelling buildings
10 that make up the Cooper Square Mutual Housing
11 Association, a non-profit set aside housing
12 cooperative in Manhattan's Lower East Side. We are a
13 party to a 40 years Article 11 regulatory agreement
14 between the New York City Housing Preservation
15 Development and Cooper Square MHA. we have also
16 executed a 99-year lease, a ground lease between the
17 CLT and Cooper Square MHA. We're also members of and
18 fully support the position of the New York City
19 Queens a Land Initiative regarding the proposed
20 legislation with the additions. By bringing some 21
21 buildings into a single cooperative structure the
22 Cooper Square MHA can share income both commercial
23 and residential amongst all its buildings. It can
24 purchase fuel and supplies, insurance and services at
25 a discounted price. It is also able to charge an

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economic rent sufficient to cover all the expenses plus set aside some additional income to fund a common reserve fund. When times comes for example to replace a building boiler the funds to cover the cost come not from an individual building with 15 tenants but from all 21 buildings in the cooperative. This creates an economy of scale that helps to ensure the long-term affordability of the housing.

Unfortunately, the economy scale that's efficient to ensure permanent affordability much depends on the integrity of the governing body of a rental project or a cooperative. Such governing bodies have often failed to fulfil their judiciary responsibilities, water and sewer taxes are not paid, capital improvements are not carried out and maintenance fees are not raised on an annual basis to cover building expenses. Apartments are sold or rented out under the table for market value, the affordable housing is no longer affordable. That is where the, the Community Land Trust comes in as an important... [cross-talk]

CHAIRPERSON WILLIAMS: Mr. Orsell, I'm going to have to ask you to give a closing statement please.

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VALERIO ORSELLI: Okay, that's where the CLT comes in. By owning the land underneath the building, the CLT has enforcement powers to monitor compliance with the regulatory agreement and also having representation on the... on the MHA Board and any cooperative board it can enforce the requirements of both the regulatory agreement and the ground lease which can and is stricter than the regulatory agreement for that reason we support the legislation and we support additional legislation to provide tax benefits of the CLT and to... a little rushed... and preferential options for city owned property to be conveyed to the CLT.

CHAIRPERSON WILLIAMS: Thank you very much for all your testimonies. Just one quick question I think for you Mr. Orselli and for Mr. Epstein in particular both referenced Cooper, Cooper Square CLT, I forgot who it was someone... I think it was you Mr. Epstein that mentioned funding that was needed, how much are needed to... for upstarts of CLT's, what's a... what's the... [cross-talk]

PAUL EPSTEIN: Oh I, I do not try to figure a specific amount obviously to actually provide funding to buy land, to buy private land

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2 that's not already public land that can be given at,
3 at a... you know for nothing or for, for a dollar or
4 something that may be... [cross-talk]

5 CHAIRPERSON WILLIAMS: And so... [cross-
6 talk]

7 PAUL EPSTEIN: ...that may be beyond...
8 [cross-talk]

9 CHAIRPERSON WILLIAMS: ...just so I'm
10 clear... [cross-talk]

11 PAUL EPSTEIN: ...what the council could do
12 but... [cross-talk]

13 CHAIRPERSON WILLIAMS: ...just so... I'm... I
14 just want to clarify, I assume the... so there are two
15 kinds of funding so what... you're referring to capital
16 funds for actually for the land or were you talking
17 about funds for the non-profit to do the other things
18 that are needed to get the CLT up and running?

19 PAUL EPSTEIN: Well primarily the latter
20 but I would say both, the capital funds may not have
21 to be 100 percent to buy the land but it might be
22 starter capital that can enable the CLT more easily
23 to get loans or grants by having that starter capital
24 so smaller amounts of starter capital not necessarily
25 to buy the land but to get loans and be able to

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2 leverage that for loans and grants and then other
3 funding for operating costs for doing all kinds of
4 things that's needed in the community to support the
5 CLT's activities.

6 CHAIRPERSON WILLIAMS: Thank you.

7 VALERIO ORSELLI: To supplement that if
8 you're going to build any kind of affordable housing
9 in Manhattan or any gentrified neighborhood the cost
10 of the land purchase will be prohibitive in the open
11 market, it either has to be for little or no amount
12 of funding, the capital money should be used mostly
13 for renovation or new construction, that's the basic
14 for it... the... to the extent that we had to borrow
15 money say to renovate the housing that translates
16 into less affordable housing, the more you borrow the
17 more the housing is going to cost, the less you
18 borrow or if you don't borrow like in our project it
19 was done with federal and city capital budget funds
20 we're able to charge rents that are nominal like a
21 one bedroom for instance about 375 or 400 dollars a
22 month and we're mostly self-sufficient. Even so with
23 those very low rents about ten percent of our people
24 need section 8 to afford them. so, that's why we had...
25 structured the rents in such way that even if we lose

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2 the section 8 or the subsidy it will still remain
3 affordable to families of 50 percent of AMI, that's
4 not low enough but that's what we were able to
5 accomplish.

6 CHAIRPERSON WILLIAMS: Sure...

7 PAULA SEGAL: Can I just add a little
8 bit, so you start... you asked specifically about start
9 up CLT's, the startup CLT's are emerging from
10 organizing groups that are doing the base building
11 work and are doing the work to set up the governance
12 and to align community goals so that the permanent
13 affordability that Val just described can be
14 supported and encouraged in a neighborhood and those
15 are the startup... startup funds that groups really
16 need. The groups in the learning network are not
17 seeing any of the money that came from the Attorney
18 General Settlement through Enterprise to HPD. HPD is
19 using that money to fund the folks who are running
20 the network which is great and using that money to
21 fund some of the capital needs of the three CLT's
22 they talked about earlier which is great but the
23 organizers that are doing the heroic work of
24 preserving neighborhoods also need startup funding to
25

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fund that work and that isn't funded at all, it'll be great if the council would.

CHAIRPERSON WILLIAMS: Alright, thank you so much. Thank you everybody for your testimony and the work that you're doing, you're all doing amazing stuff, I do have to give a, a personal privilege shootout Jennifer Levy only because for many, many days many years ago when I was a community organizer and housing director I harassed her on a daily basis to try to figure out how I can help the tenants that I was trying to assist so..

JENNIFER LEVY: I thought you were going to ask me about how I dealt with harassment..

CHAIRPERSON WILLIAMS: Oh yeah..

JENNIFER LEVY: But we did, yeah... [cross-talk]

CHAIRPERSON WILLIAMS: So, thank you very much and because of you we actually successfully... [cross-talk]

JENNIFER LEVY: We did... [cross-talk]

CHAIRPERSON WILLIAMS: ...made sure we... well I think it was the first case to successfully try and make sure that tenants had the right to

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organize for better conditions so that a, a landmark case...

JENNIFER LEVY: That's right, we did that.

CHAIRPERSON WILLIAMS: Thank you so much... [cross-talk]

JENNIFER LEVY: Thank you.

CHAIRPERSON WILLIAMS: Thank you very much for your... [cross-talk]

MICHAEL JOHNSON: Thank you... [cross-talk]

CHAIRPERSON WILLIAMS: ...for your work and I want to make sure that we put in the record RSA and REVNY's testimony in opposition of Intro 721... 1721 and ABO testimony on the record as well. Thank you everyone for this hearing and to the Sergeant at Arms for keeping order. With that this hearing is now adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

October 29, 2017