



**Testimony of the New York City Department of Housing Preservation and  
Development to the New York City Council Committee on Housing and  
Buildings**

**Introductions 7, 226, and 1125**

**January 29, 2018**

Good morning, Chair Cornegy and members of the Committee on Housing and Buildings. My name is Sarah Mallory, and I am the Chief of Staff for Government Affairs at the New York City Department of Housing Preservation and Development (HPD). Thank you for the invitation to testify on the unprecedented steps HPD is taking to utilize vacant sites for affordable housing development and Introductions 7, 226, and 1125.

We firmly believes that all New Yorkers should have access to safe, quality, affordable housing, and that all the city's neighborhoods should be thriving, inclusive places of opportunity. That is why this administration has invested significant resources in creating and preserving affordable housing as part of a broader strategy that includes robust measures to prevent displacement, protect tenants from harassment, and revitalize neighborhoods that have faced decades of disinvestment. Our work around vacant lots plays a key role in this holistic approach by developing affordable housing where appropriate and working with our government partners to ensure safe conditions exist until those properties can be repurposed.

HPD also recognizes the importance of financially responsible homeownership for the stability of families and neighborhoods. We appreciate Chairman Cornegy's advocacy of affordable homeownership and agree that it is a critical tool to help low-and moderate-income New Yorkers secure housing stability and grow equity that can then be passed along to future generations. That is why we are proud to say that since the beginning of *Housing New York* on January 1, 2014, we have financed nearly 23,000 affordable homeownership opportunities across the five boroughs.

Our revised Housing Plan announced new homeownership programs including Open Door, a program to finance the construction of co-ops and condos for households earning between approximately \$69,000 to \$112,000 (80% to 130% AMI for a family of three), and HomeFix, a modernized program that will provide home repair loans and other financial assistance and counseling for low to middle-income homeowners. Over the years, HPD has developed a comprehensive suite of programs to support homeowners, create more homeownership opportunities, and intervene to address properties that are physically and financially distressed:

- The Zombie Homes initiative has allowed increased direct outreach to families in foreclosure and the development of targeted plans to secure abandoned homes.
- Through the innovative Community Restoration Fund Program, HPD has purchased 62 distressed Federal Housing Administration (FHA) and Federal National Mortgage Association (FNMA) notes for one- to four-family homes, containing a total of 95 residential units in the Bronx, Brooklyn, Queens, and on Staten Island.
- With Councilmember Rafael Espinal and the Center for New York City Neighborhoods (CNYCN), we launched a new Homeowner Help Desk in East New York and continue to support CNYCN in providing financial counseling and support for lower income homeowners across the five boroughs.
- We are providing down-payment assistance to first-time low-income homeowners from the South Shore of Staten Island to Borough Park, Brooklyn and Flushing, Queens.
- We are collaborating with NYCHA to rehab and create affordable homeownership in homes that had been foreclosed by HUD and managed by NYCHA through the NYCHA Small Homes program.
- We are extending affordability and rehabilitating large Mitchell-Lama coops like Strycker's Bay and Clayton Apartments.
- We worked with DEP to offer regulated affordable properties a water rebate of \$250 per unit.
- We are seeing more interest by existing cooperatives in our preservation financing programs, including Green Housing Preservation Program, which provides low- or no-interest loans for small- and mid-size building owners to make environment-friendly upgrades to their homes.
- We are creating new low to moderate income cooperatives through the Affordable Neighborhood Cooperative Program.
- We are preserving permanent affordability for the community by establishing parameters for the sale, resale, and inheritance of restricted housing in Inclusionary Housing.

We are always interested in join Council Members to sponsor homeownership events with our mobile van in your district. We have already done events specific to homeownership with Chair Cornegy, Council Member Espinal, and others.

Further, HPD has left no stone unturned in our effort to pursue the development of affordable housing on both public and privately-owned sites. Of the roughly 900 vacant lots under HPD jurisdiction, more than 60% of them have been designated for development or have active Requests for Proposals (RFP) and Requests for Qualifications (RFQ) underway. We have accelerated our RFP pipeline to release RFPs at a faster clip than ever before, which has been essential in creating a 112% increase in lots programmed for future affordable housing development. This and additional information on HPD-owned vacant lots through November 1, 2018 can be found on our website in our *Local Law 30 Report: HPD's Vacant Tax Lots and Vacant Buildings*.

Early in this Administration, HPD launched the New Infill Homeownership Opportunities Program (NIHOP) and Neighborhood Construction Program (NCP) RFQ, which assemble scattered lots spread across neighborhoods into single development “clusters” as a way to increase the feasibility of these small and traditionally difficult-to-develop sites.

We are proud to also recently announce our partnership with the American Institute of Architects New York (AIANY) to launch *Big Ideas for Small Lots NYC*, a design competition for housing on small, City-owned vacant lots. Through the competition, we are looking to promote excellence in urban infill design, explore innovative design and construction approaches that inform affordable small homes development, and unlock difficult-to-develop lots. This design contest will launch next month and we are encouraged that already more than 800 architects and others have expressed interest through our website at [nyc.gov/smalllots](http://nyc.gov/smalllots).

With all of this in mind, I will now turn to the bills on today’s agenda. HPD is committed to transparency and reports extensive datasets on Open Data. We therefore support Intro 7 and Intro 1125 with amendments to better align with HPD internal processes and ensure privacy of individuals is protected. Although we support the intent of Intro 226, we do not believe it will be effectual at achieving those goals. Self-reporting by owners who might have already abandoned their property poses data quality concerns and is also incredibly difficult to enforce. Instead, we believe Local Law 29 more appropriately utilizes our resources and will result in unprecedented data collected by the City on vacant lots.

Thank you for your time and I am happy to answer any questions you have.



**NEW YORK CITY DEPARTMENT OF BUILDINGS**  
**HEARING BEFORE THE NEW YORK CITY COUNCIL**  
**COMMITTEE ON HOUSING AND BUILDINGS**

**JANUARY 29, 2019**

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Good morning, Chair Cornegy and members of the Housing and Buildings Committee. I am Patrick A. Wehle, Assistant Commissioner of External Affairs at the New York City Department of Buildings (“the Department”). I am pleased to be here to offer testimony on two of the bills before the Committee today.

**Intro. 1124** would require the Department to commence proceedings to seal, secure and close a vacant property where \$25,000 or more in unpaid fines, civil penalties or judgments is owed to the City with respect to such property.

The Department already has the authority to order a building to be sealed, secured and closed where such building is unsafe. Indeed, the Department regularly exercises its authority to commence proceedings seeking to seal, secure and close a vacant building. Mandating vacant buildings to be sealed, secured and closed solely based on the criteria being proposed in this bill, namely based on debt owed to the City, removes the Department’s discretion to take into consideration other significant factors, including whether the building is unsafe. The Department questions the rationale to have debt to the City be the sole criteria for sealing a vacant building, particularly given that doing so may prolong vacancy for tenants in certain instances. It should

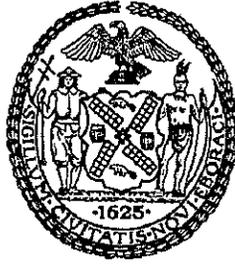
also be noted that it is difficult for the Department to ascertain whether a building is vacant. Local Law 29 of 2018 requires the City to conduct a census of vacant properties by 2021. The Mayor's Office and at least a dozen agencies, including the Department, are working hard to estimate the number of vacant properties in the City. This analysis has not yet been completed, thus, it is unclear how many buildings will be subject to this requirement. For the aforementioned reasons, the Department is not supportive of this bill and welcomes the opportunity to discuss it further with the City Council and with its sponsor.

**Intro. 1128** would require that chain link fences be installed at construction sites that have been stalled for two years.

A construction fence is required by the New York City Building Code to enclose the construction site of a new building, areas of demolition, open excavation or extensive alteration. Construction fences are required to be built solid for their entire length, out of wood or other suitable materials. However, the Department may approve chain link fences in certain instances, including for sites where work has been interrupted or abandoned and discontinued. The Department supports requiring chain link fences at stalled sites with the understanding that the onus should be on a property owner to install a chain link fence if work has stalled, given that they are in the best position to determine whether work has stopped for two years. The Department looks forward to discussing this bill with the City Council further to determine how best to address stalled sites and the enclosure of such sites.

Thank you for your attention and the opportunity to testify before you today.

I welcome any questions you may have.



**TESTIMONY OF JOSHUA SIDIS, SENIOR ADVISOR FOR THE MAYOR'S OFFICE OF OPERATIONS  
BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS  
JANUARY 29, 2019 | 10 A.M.**

Good morning Chairman Cornegy and members of the Committee on Housing and Buildings. My name is Joshua Sidis, and I am a Senior Advisor at the Mayor's Office of Operations. At Operations, we are dedicated to making New York City government as effective and efficient as possible through project and performance management, data analysis, and research. We are also the lead agency on the implementation of Local Law 29 of 2018, which we will speak about in our testimony. I am joined today by Sarah Mallory, Chief of Staff for Government Affairs at the Department of Housing Preservation and Development, and Patrick A. Wehle, Assistant Commissioner of External Affairs at the Department of Buildings. Thank you for the opportunity to testify.

Local Law 29 of 2018 requires the City to, within three years, create a census of the number of vacant buildings and vacant lots located in residential areas, with new analysis of such areas required every five years thereafter. As there is no single source of this data in New York City, particularly for privately

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owned properties, Operations and the Mayor's Office of Data Analytics (MODA) are in the process of developing a model that integrates various data sources as indicators and predicts the likelihood that a property may be vacant. The relative weights of these indicators will be determined and refined based on a rigorous sampling methodology and visual inspections. This census is the result of the "Housing Not Warehousing Act," and has the goal of identifying opportunities for housing and development.

On January 8<sup>th</sup>, 2018, Local Law 29 was signed into law. That same month, on January 26<sup>th</sup>, 2018, Operations and MODA convened a working group of relevant City agencies to evaluate the data landscape, discuss methodology, and agree on common working definitions. All agencies have provided data extracts, and MOUs were brokered for any datasets that may have contained potentially identifying information.

Currently, Operations is in year one of the three-year project to create the vacant properties list and census. Later this year, we plan to continue to engage the City Council and advocates to review the sampling methodology and develop a comprehensive visual inspection survey that improves the predictive accuracy of the model.

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## **Intro 835**

Additionally, today, Operations would like to take the opportunity to speak about Intro 835, which relates closely to the implementation of Local Law 29 of 2018. We agree with the spirit of this bill and believe that the type of information being sought is the type of information Local Law 29 already requires. We are, however, concerned that the structure of Intro 835, as currently written, would create conflict with the City's obligations under Local Law 29 of 2018.

## *Cadence*

Recognizing the absence of comprehensive data on the number of vacant properties and lots in our City, and the need to create a new methodology for conducting a rigorous review, the Council laid out a staged approach to designing and implementing the vacant properties census. Local Law 29 requires Operations to conduct the first census within three years of enactment, by Spring of 2021. The law calls for the census to then be re-completed every five years thereafter. Intro 835's biennial reporting frequency would fall out of sync with the Council's existing implementation timeline. We are concerned that these inconsistent reporting cycles would impede our ability to effectively fulfill our existing mandate under Local Law 29 of 2018.

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*Residential Area Focus/Coastal Flood Zone Exemption*

The vacant properties census, as mandated by Local Law 29, also has a specific geographic focus. The law focuses on those areas zoned for residential usage and excludes any coastal flood zones. Intro 835, by contrast, appears to include all areas within the boundaries of NYC's five boroughs, regardless of zoning and coastal flood areas. We would welcome further conversations with the Council about the goals of Intro 835, and believe we can reach a solution.

Thank you again for the opportunity to testify today. We look forward to continuing the conversation and answering any questions you may have.



**Testimony before the New York City Council Committee on Housing and Buildings,  
January 29, 2019**

Good morning. My name is Leo Goldberg and I am the Policy and Research Manager at the Center for NYC Neighborhoods. I would like to thank Chair Cornegy and the members of the Committee on Housing and Buildings for holding today's hearing on legislation to address vacant and abandoned properties and foreclosure data in New York City.

**About the Center for NYC Neighborhoods**

The Center promotes and protects affordable homeownership in New York so that middle- and working-class families are able to build strong, thriving communities. Established by public and private partners, the Center meets the diverse needs of homeowners throughout New York State by offering free, high-quality housing services. Since our founding in 2008, our network has assisted over 74,000 homeowners. We have provided more than \$33 million in direct grants to community-based partners, and we have been able to leverage this funding to oversee another \$30 million in indirect funding support. Major funding sources for this work includes the New York City Council, the New York City Department of Housing Preservation and Development (HPD), and the Office of the State Attorney General, along with other public and private funders.

The Center commends the New York City Council for continuing to address the issue of vacant and abandoned properties in our neighborhoods. Also, we are pleased to see so many efforts on the part of City Council and HPD to improve the availability and accuracy of data about New York's housing stock. In our testimony today, I'd like to discuss the interrelated nature of foreclosure prevention, vacant and abandoned properties, and the need for new affordable homeownership opportunities in New York City.

**Affordable Homeownership, the Foreclosure Crisis, and Vacant and Abandoned Properties**

Ten years after the foreclosure crisis, homeownership in New York City is at a crossroads. Housing prices have rebounded but the state of working- and middle-class homeownership has become measurably more precarious: Today, most New Yorkers are shut out of homeownership due to rising prices, while many existing homeowners struggle to keep up with mortgage payments and other housing costs, taxes, and needed repairs. Nearly half of New York City's homeowners spend 30 percent or more of their income towards mortgage and other housing costs, while an alarming one in four homeowners spends 50 percent or more. Meanwhile, thousands of New York homes are in foreclosure, which puts families at risk of losing their home and properties at risk of becoming vacant and abandoned.

Despite the intense demand for housing in New York City, vacant and abandoned properties continue to be a source of nuisance and blight in many of our communities. In addition to reducing the supply of much-needed housing, vacant and abandoned properties diminish quality of life and economic opportunities in affected neighborhoods. They present health and public safety hazards for community

members and lower property values for nearby homeowners. Foreclosure is a major contributor to New York City's vacant and abandoned residential buildings. Many vacant and abandoned properties are known as "zombie properties," meaning that they are in the foreclosure process but have not officially changed hands from the property owner to the bank. In 2015, the New York Office of the Attorney General estimated that there were more than 16,000 zombie homes statewide.<sup>1</sup>

In 2016, the New York State Legislature passed the New York State Zombie Property and Foreclosure Prevention Act to combat the rise in zombie properties. The bill requires lenders to maintain zombie properties and register them with the State's Department of Financial Services (DFS). The law also gives local municipalities authority to impose penalties on banks for failure to maintain zombie properties. In New York City, HPD launched the Zombie Initiative in 2017 to implement the new law. Key initiative goals include creating a citywide database of zombie properties, developing policy strategies to prevent and address abandoned properties, and connect struggling homeowners to foreclosure prevention services. In September 2018, New York City used its powers under the new legislation against five lenders for failure to maintain zombie properties in Brooklyn.<sup>2</sup>

Also in 2018, the City enacted additional legislation to support efforts to identify vacant and abandoned properties: Local Law 29 of 2018, which requires the City to conduct an annual census of vacant and abandoned properties; and Local Law 30 of 2018, which requires the City to report on the vacant buildings or lots under the jurisdiction of HPD, categorized by the potential to be developed or the feasibility of development those buildings or lots as affordable housing.

Taken together, these advances provide a powerful set of tools for New York City to address and combat vacant and abandoned properties. However, there is still more work to be done to prevent blight and foreclosure in New York City neighborhoods while promoting affordable homeownership.

With that in mind, we respectfully submit the following recommendations:

### **Continue to Support Foreclosure Funding**

One major strategy for avoiding vacant and abandoned properties is to prevent foreclosures in the first place. To do this, it is essential that homeowners at risk of foreclosure continue to have access to foreclosure prevention housing counseling and legal services. These services help homeowners understand their options and take steps to avert foreclosure. They also inform homeowner about the foreclosure process and their rights and responsibilities so that they understand they can stay in their homes while the process is going forward.

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<sup>1</sup> The "Zombie" and Vacant Properties Remediation and Prevention Initiative: Emerging Best Practices, LISC, April 2018. Available at:

[http://www.lisc.org/media/filer\\_public/5d/b4/5db4c4b5-d311-4b04-99f8-87bd473029ce/042518\\_housing\\_zombie\\_vacant\\_properties\\_best\\_practices.pdf](http://www.lisc.org/media/filer_public/5d/b4/5db4c4b5-d311-4b04-99f8-87bd473029ce/042518_housing_zombie_vacant_properties_best_practices.pdf)

<sup>2</sup> NYC, Targeting Vacant 'Zombie' Properties, Files Suit Against Lenders Including Wells Fargo, Citi, New York Law Journal, Sept. 2018. Available at:

<https://www.law.com/newyorklawjournal/2018/09/20/nyc-targeting-vacant-zombie-properties-files-suit-against-lenders-including-wells-fargo-citi/>

Unfortunately, funding for these foreclosure prevention services is at risk, with statewide services funding set to end on March 31, 2019, unless the Governor and Legislature take action and include funding in the 2019-2020 State budget. Services are currently funded through one-time bank settlement funds that have been depleted. Due to recent changes in how settlements are treated in the State budget, there is no possibility of continuing to fund the network through Attorney General settlement funds.

To combat these cuts, the Center is helping to lead the Communities First campaign, supported by 167 service providers, advocacy organizations, businesses and labor unions, which have a goal of ensuring assistance is available to low- and moderate-income homeowners in every county of New York state.<sup>3</sup> The Communities First agenda seeks to preserve the \$20 million in annual funding for homeowner services statewide. These services keep New York families in their homes, protect New York communities from the blight of vacant and abandoned homes, and help municipalities avoid tax foreclosure. We hope we can count on the support of the City Council as we advocate for this crucial funding in the State budget.

### **Prioritize Vacant and Abandoned Properties for Affordable Homeownership**

Since the 1980s, vacant lots and abandoned buildings have been critical resources for creating new affordable housing. However, after years of selling lots to developers, there are few viable city-owned properties left. Continuing to add to the affordable housing stock requires making the most of the opportunities that remain, and we implore the City Council to explore strategies to turn vacant and abandoned properties into affordable housing.

For buildings already in public ownership, permanent affordability should be a top priority. The Center is partnering with Habitat for Humanity NYC, the Mutual Housing Association of New York (MHANY), and the Urban Homesteading Assistance Board (UHAB) in launching the Interboro Community Land Trust (CLT) because we believe the land trust model provides a basis for creating affordable homeownership that will stretch across generations.<sup>4</sup> The land trust model will allow us to avoid the risk of expiring regulatory agreements or neglectful enforcement by having a responsible nonprofit tied to each home through an ownership interest and a ground lease. CLTs and other vehicles for permanent affordability should be prioritized in the disposition of city assets.<sup>5</sup>

We also support efforts to bring vacant and abandoned housing into public or community ownership through code enforcement and city-sponsored acquisition programs. To that end, the reporting requirements imposed by Intro 226 would provide an additional enforcement tool by requiring owners of vacant properties to register their property as vacant with the City.

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<sup>3</sup> See <http://www.nycommunitiesfirst.org> to learn more about the agenda and supporters.

<sup>4</sup> For more information about Interboro Community Land Trust, visit <https://www.interboroclt.org/>.

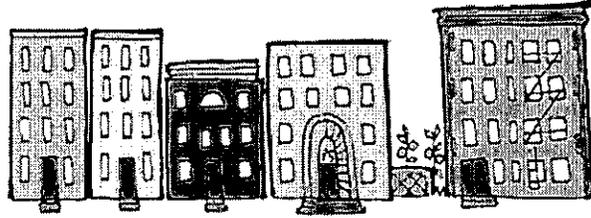
<sup>5</sup> The SONYMA Neighborhood Revitalization Program (NRP) is another important resource to address homes that have fallen into disrepair. NRP provides low- and moderate-income buyers with affordable mortgage financing and up to \$20,000 in additional assistance to buy homes in need of expensive repairs. For more information about NRP, visit <http://www.nyshcr.org/Topics/Home/Buyers/SONYMA/SONYMA-NRP.htm>.

**Increase Access to Vacant Property and Foreclosure Data**

Intros 835 and 1125 seek to mandate the communication of certain data on vacant properties and foreclosures to Council members. The Center works closely with many Council Members and we support efforts to facilitate more action on both foreclosures and vacant and abandoned properties. With an understanding of the challenges their districts face, Council Members will be better equipped to target interventions.

Thank you for the opportunity to testify today. The Center for NYC Neighborhoods looks forward to working with City Council and the de Blasio administration to fight vacancy and foreclosures and promote affordable homeownership.

# NYC community land initiative



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

## Testimony to the New York City Council Committee on Housing and Buildings in Support of Intro. 0226-2018, the “Warehousing Accountability Act” to amend the Administrative Code of the City of New York, Section 26

Good morning, Committee Chair Cornegy, Council Member Rose, and members of the Housing and Buildings Committee. My name is John Krinsky, and I am a professor of political science at the City College of New York and the CUNY Graduate Center. I am also a co-founder and board member of the New York City Community Land Initiative, a coalition of more than two dozen housing and social justice organizations that advocates for the use of community land trusts to preserve and create deeply affordable housing and stabilize neighborhoods, and on behalf of which I offer my testimony this morning.

Since its founding in 2012, the New York City Community Land Initiative (NYCCLI) has worked alongside its co-founder and partner, Picture the Homeless, to promote responsible property ownership in New York City and, specifically, to address the problem of warehousing and speculation in the midst of the most acute homelessness crisis this city has ever faced.

In December 2017, the City Council passed the “Housing Not Warehousing Act,” which among other things, requires the City to keep a count and an inventory of vacant property, both publicly and privately owned. The Housing Not Warehousing Act was devised and advocated for by Picture the Homeless for ten years, based on its pathbreaking work documenting vacancies and warehousing in its 2012 report, *Banking on Vacancy*, and earlier pilot studies going back to 2006.

The Warehousing Accountability Act puts teeth in the Housing Not Warehousing Act, by requiring property owners who have kept their property vacant for more than a year to register the property with the City and to pay significant fines if they do not. This would ease the burden on the City of conducting a census of vacancies (there would be an enforceable requirement to self-report).

One of NYCCLI’s core principles is that housing should be for people, not for profits. Keeping needed housing resources vacant is often done when owners are speculating on the future value of their properties, and driving up the cost by creating artificial scarcity in local markets; this is doubly damaging in a city that already has an historic affordability crisis. The Warehousing Accountability Act’s requirements would only penalize those owners who keep their housing vacant without registering it, or buy long-vacant property and keep it vacant for more than another month. The registration of vacant housing can help community organizations track speculation and ultimately, too, displacement threats. Any fines generated from the

Warehousing Accountability Act could be used to offset program costs or, if owners do not pay the fines, as public leverage against the property.

Recognizing the recent issues with City takings of properties through Third Party Transfer, we should emphasize that (1) the Warehousing Accountability Act refers only to *unregistered vacant property*, so nobody is losing their housing; (2) property speculation, no matter who is involved, harms the ability of long-term residents to stay in a neighborhood if they choose; and (3) any fines are avoidable by complying with the requirements of the vacant property registry.

NYCCLI believes that this is a fair and reasonable addition to the important work the Council has been doing to secure responsible property ownership in the City.

NYCCLI also supports Intros. 007, 0835, 1124, and 1125, which would (1) give a baseline number of housing units against which a census of vacant properties could be compared and assessed; (2) keep council members apprised of City-owned vacant property in their districts; (3) secure and close properties that have more than \$25,000 in unpaid fines; and (4) keep Council Members apprised of foreclosed properties in their districts. All are consistent with the aims of the Housing Not Warehousing Act and the Warehousing Accountability Act, and with the larger aim of promoting and requiring responsible property ownership in the City.

Thank you.



## COMMUNITY DEVELOPMENT PROJECT

**Testimony of Paula Z. Segal  
Before the New York City Council Committee on Housing and Buildings**

*January 29, 2019*

Thank you for the opportunity to testify today. My name is Paula Segal; I am a senior staff attorney at the Community Development Project (CDP), a non-profit legal services organization that works with grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. My practice, Equitable Neighborhoods, works with directly impacted communities to respond to City planning processes and private developers, helping to make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of “progress.”

I am here today to commend the Council and support Intros 226 and 835, which together will shine a light on the warehousing of properties by private landlords. Without a registry that private landlords are required to enter when their properties have no social purpose, there is no way for elected officials to identify opportunities to expand affordable housing or community space in their districts. Current law does not penalize vacancy - it doesn't even consider it a problem as long as property taxes are paid! Intro 226 would change that. It would align our regulatory system with the lived experience of residents who realize that a vacant property is both a missed opportunity and a liability for its neighbors.

**For further information, contact:**

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Micheal Kengmana

Testimony on Intro 226

## **FOR THE RECORD**

I have spent the majority of my life here in New York City having grown up here and then returning back after college as a high school teacher in public schools. I grew up around people who truly believed that New York City is the greatest city in the world, championing its diversity and commitment to progressive ideals. Having spent so much of my life here it is hard for me to reconcile this reputation with the reality on display every day as millions of people struggle just to get by. Thousands of people are constantly being evicted, displaced, and made homeless as neighborhoods and livelihoods are destroyed in favor of luxury development and profit. Public officials say that they are coming up with solutions to these issues, and yet rents continue to rise, small businesses continue to be wiped out, and the number of homeless people in the city increases past the levels it was at during the Great Depression.

What these trends and realities point to is that we clearly have a system that favors capital over human beings. New York City has become a city that institutes policies that are concerned more with the mechanisms that facilitate profit rather than provide for the needs of people. We give tax breaks to large corporations like Amazon to set up shop all while the costs of living for working class people skyrocket beyond what they can afford. The ability of people in New York to afford a place to live and other basic necessities dwindles everyday. This is anything but progressive and all too often affects people and communities of color the most, directly contradicting New York City's reputation as a welcoming "melting pot" of diversity.

I currently help an organization called Legal Hand as a volunteer doing outreach to offer free legal information and support to people in the Bronx. Everyday dozens of people come up to me asking for help with housing. They are dealing with rising rents and landlords who are more interested in taking advantage of gentrification to make money rather than taking care of the people who live on their property. As disheartening as this is, none of it is a surprise.



**PICTURE THE HOMELESS**

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I taught in New York City public schools for the past four years and one of the most basic truths that confronted teachers every single day was that human beings respond to the societal structures they find themselves in. They will adhere to calls of accountability only if there are structures set in place to actually hold them accountable. They will follow rules only insofar as there are rules actually being enforced. A deeper truth that also emanated throughout my work as a teacher is that rules and laws are simply reflections of what we communally value and want to put into practice as the foundations of how we live and how we share this world together.

The need for these sort of structures of accountability when it comes to landlords and property owners is why I support Intro-226. This law will be a step towards disrupting the status-quo of letting landlords and property owners do whatever they want in the name of profit at the expense of people's livelihoods. It is ridiculous and cruel that tens of thousands of people are homeless in this city considering the fact that there is enough vacant property to house almost 200,000 households. It is shameful that these property owners are continually allowed to leave all of this property vacant, often simply waiting for the right circumstances to come to turn a profit. Intro-226 will be a necessary step towards creating the type of structures and systems necessary to hold property owners throughout the city accountable. Furthermore, this is a necessary step toward New York City living up to the progressive reputation and ideals it claims to hold. If we as a city want to actually live up to the progressive standard we claim to hold then we have to intentionally break down the status-quo we have let thrive for far too long. We need to begin reversing the societal structures that value the ability of an individual to make a profit over the capacity for families and communities to live and thrive. I hope that our elected officials will act in the interest of the people of this city by passing Intro 226.



**PICTURE THE HOMELESS**

104 East 126<sup>th</sup> Street #1B [Storefront], New York NY 10035

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**FOR THE RECORD**

Hello City Council,

My name is Charmel Lucas. I have been a leader with Picture the Homeless for five years. Hurricane Sandy may not have physically take my life, but she took my home. A person's home is a part of a person's peace - many families including mine have not recovered from that loss. Then I was thrown into the shelter industrial complex. Being born from New York - it is so disappointing to see how myself and others are treated. Life in the system is different compared to many of you who do not have to feel the immediate impact of what it means to struggle & try to survive through this housing crisis.

There is a lack of urgency when it comes to investing & creating permanent housing in New York City. I believe that housing is a BASIC HUMAN right and we can take serious steps to eradicating homelessness. Intro 226 will force property owners to finally register their empty property if they want to avoid any penalties for not doing so. That will give us, as a city, as a people, the opportunity to look into buildings that can be used to house the thousands of babies, children, mothers, fathers, senior citizens, veterans, our mentally ill & disabled, & formerly incarcerated that are forced to choose between the streets, or an overcrowded, unsafe, uncaring shelter system.

What are we saying when New York City would rather spend **1.8 Billion on shelter costs!! And give below market rate vouchers??!!**

It should be a crime to allow vacant properties to sit empty when there are so many families that need homes right now. Three womyn of color have died in my shelter since I arrived. We are human beings & we deserve to be treated with dignity & respect. At the most basic level we should always be doing everything possible to make sure that every person in our city has access to a clean & safe home, access to healthy food, & access to meaningful living waged careers & entrepreneur opportunities.

I urge you to Sign on & support the passage of Intro 226! It would be a shame for the city I was born into, pass up the opportunity to create a legacy of a city that sought to eradicate homelessness.



PICTURE THE HOMELESS  
104 East 126<sup>th</sup> Street #1B [Storefront], New York NY 10035  
Phone 646-314-6423 Fax 646-314-3735  
info@picturethehomeless.org

Good morning.

## FOR THE RECORD

Thank you City Council Member Debi Rose for becoming the new champion to our bill that we have been organizing around for over a decade. My name is Andres Perez and I'm a proud Member of Picture the Homeless for ten years.

Today I'm going to express my feelings on how homeless people have to be subjected in our city, state, and country. I am formally homeless & received housing only a few years ago. My son and I were lucky. Unfortunately, many of my friends & many people who do not have a place to call their own are forced to choose between the streets, subway stations & unsafe shelters for a place to lay their head. We shouldn't have to feel lucky to feel like we have a place to call home. There is a right to housing. PERIOD. It is a basic human need & it should be up to living conditions.

Going back several years ago, myself and members from picture the homeless along with allies and faith organizations **counted and researched vacant buildings and lots** and we learned that we can end the shelter & homeless population by using some of the funds that the city wastes in the shelter complex to save and restore all those vacant buildings and land for New Yorkers who have had to wait over ten years for a home and are still waiting.

Intro 226 a Vacant Property Registration bill from the Warehousing Accountability Act is finally going to help, NYC, hold property owners accountable. It will require property owners to pay a penalty if their property is vacant for a year or more & they refuse to register their empty buildings & lots with the city. We can begin to end the housing crisis one registered & restored building at a time.

Thank you for listening & we look forward to continue working to pass this bill.



**PICTURE THE HOMELESS**

104 East 126<sup>th</sup> Street #1B [Storefront], New York NY 10035

Phone 646-314-6423 Fax 646-314-3735

info@picturethehomeless.org

Testimony Before the New York City Council Regarding Vacant Property Registry – Intro 226

**FOR THE RECORD**

My name is Scott Andrew Hutchins, and I have been a member of Picture the Homeless for the past six years. May 25, 2019 will be the seventh anniversary of my entry into the shelter system. When the demand for expensive housing pushes record numbers of people into homelessness, your right to private property is secondary. Any right to make money from real estate is secondary to making sure that housing is available to every income level.

Intro 226 is a major step in eliminating the “Tale of Two Cities” that De Blasio pointed out but so far has done little or nothing to alleviate after five years in office. The registry of vacant property is of immense use to the city. It would create a ready pool of information about vacant properties, information that has been sorely needed for a long time and researched piecemeal by organizations such as Picture the Homeless in its 2012 foot count of vacant property reported in *Banking on Vacancy*.

Yari Osorio’s article quotes from an article in *The Real Deal* which states “the Census Bureau’s 2012 American Community Survey reveals that, 285 out of 496 apartments, or 57 percent, in a three-block stretch of Midtown, from East 56th Street to East 59th Street, between Fifth Avenue and Park Avenue, are vacant at least 10 months a year. The number drops to the lower but still staggeringly high 30% when that range is expanded to 44<sup>th</sup> through 70<sup>th</sup> Streets.

Homelessness is up to about 63,700 people as of November, and as my individual case demonstrates, it is primarily up to the hiring and payroll whims of those with wealth as to whether one can afford housing. There needs to be a price for pricing people out, and that price should be high enough to be a deterrent. NYC has had a housing crisis for decades, we have an opportunity to take steps in eradicating homelessness in our city. The housing is available, and the fact that so many are kept out is a public health crisis. The City of New York can take a stand for a pathway that leads to housing the lives of New Yorkers, who have been waiting days, to months, to over a decade for a permanent home to call their own.

# CATHOLIC COMMUNITY RELATIONS COUNCIL

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80 Maiden Lane, 13<sup>th</sup> Floor, New York, New York 10038

**Testimony before the New York City Council  
Committee on Housing and Buildings in Opposition to Intro. 226  
Joseph Rosenberg, Executive Director, Catholic Community Relations Council  
January 29, 2019**

Good morning Chair Cornegy and members of the City Council Committee on Housing and Buildings. I am Joseph Rosenberg, Director of the Catholic Community Relations Council, (“CCRC”) representing the Archdiocese of New York and the Diocese of Brooklyn on local legislative and policy issues. I am here in opposition to Intro. 226.

This bill appears to be intended to provide the NYC Department of Housing Preservation and Development (“HPD”) with a list of privately owned vacant property that may be feasible to be developed into affordable housing. This legislation, however, is overly broad, does not define “real property” and contains a punitive enforcement measure.

Both the Archdiocese of New York and the Diocese of Brooklyn, through Catholic Charities and their affiliates, have constructed and preserved thousands of units of low-income, supportive, Section 8, veterans and senior housing in New York City over the last several decades. The Catholic Church views this as an absolute priority and continues to focus on transforming their land and suitable vacant properties into affordable housing for the residents of our City.

Intro. 226 would require the owners of all real property that is vacant for one year or more to register the property with HPD. “Real property” is undefined in this legislation and would appear to cover any land or structure regardless of its size and prior use. Buildings covered under this bill would therefore include property inappropriate for residential development. In the case of the Catholic Church, the scope of the bill is broad enough to encompass rectories, convents, houses of worship and schools, all of them buildings that should not be mandated to be registered with HPD.

“Vacant” is also not defined. Accordingly, it is unclear if the bill would cover properties that are underutilized, as well as those that are temporarily vacant while being redesigned or refinanced for alternative uses. Many church owned properties that are occasionally vacant are often converted to other purposes consistent with the religious and charitable core missions of the Catholic Church, yet these buildings would be required to be registered with HPD pursuant to Intro. 226.

The penalty for failure to register is punitive, with fines against the owner of \$100 to \$500 per week for each building. This amount is excessive for any property owner but is particularly onerous for religious organizations which have scarce funds to operate their religious and charitable missions. Parishes, especially, must have the ability to use their time and resources to assist their congregations and communities. They will be severely pressed to meet the registration requirements of Intro. 226.

This bill is well intended, but in its present form is ill defined, too broad and would be a tremendous burden on many religious organizations.

Thank you.



# ARCHITECTS COUNCIL OF NEW YORK CITY INC.

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ACNY concerns for Int. No 1128.

This Int. provides for “after a registered Design Professional certifying that all construction or demolition equipment and material that pose a hazard to the safety of the public and property has been removed from the site or safely secured.”

The ACNY position is that the owner or Site Safety Manager should certify the construction site is safe and does not pose a hazard to the public. It is the owner and the permit holder’s site safety manager that have control of the site. The design professional does not have control of the means and methods of construction.

For the above reasons the ACNY advises the City Council that the responsible parties are the owner and the permit holder’s site safety manager. These parties should be responsible for certifying the site is safe. The ACNY notes that the site safety manager qualification are:

Requirement
Be a New York State Licensed Professional Engineer or Registered Architect, have <b>three (3) years of experience</b> supervising the construction or demolition of major buildings (as defined in <b>BC Chapter 33</b> ) <i>within 10 years prior</i> and has satisfactorily completed a Buildings approved 40-hour <b>Site Safety Manager Course</b> , within one year prior to application.

Respectfully Submitted,

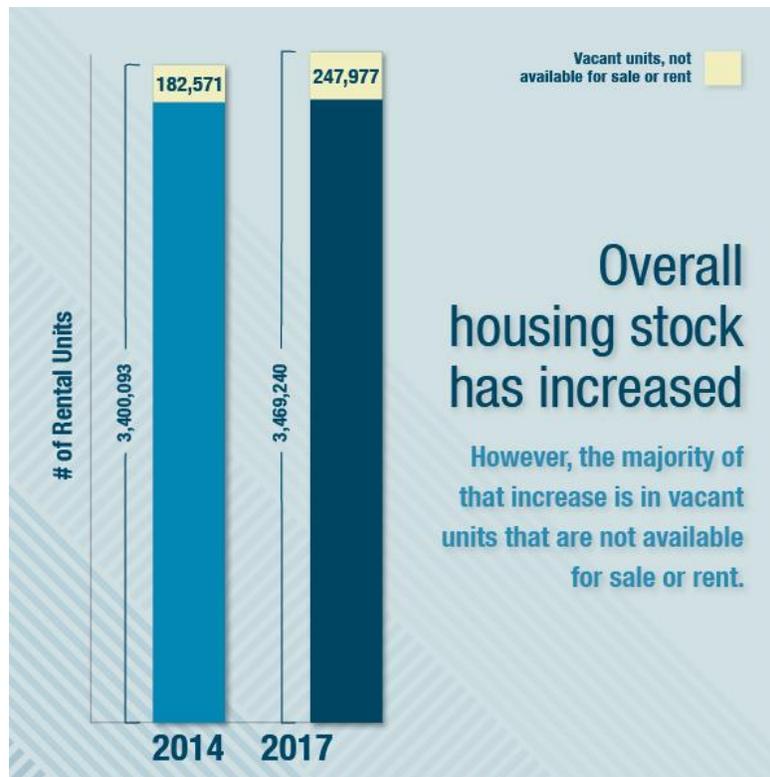
Robert Strong Architect  
Architect’s Council of New York

Thank you for the opportunity to submit written testimony on Intro. 0226-2018, “The Warehousing Accountability Act.” My name is Oksana Mironova and I am a Housing Policy Analyst at The Community Service Society (CSS), an independent nonprofit organization that addresses some of the most urgent problems facing low-income New Yorkers and their communities, including the effects of the city’s housing affordability crisis.

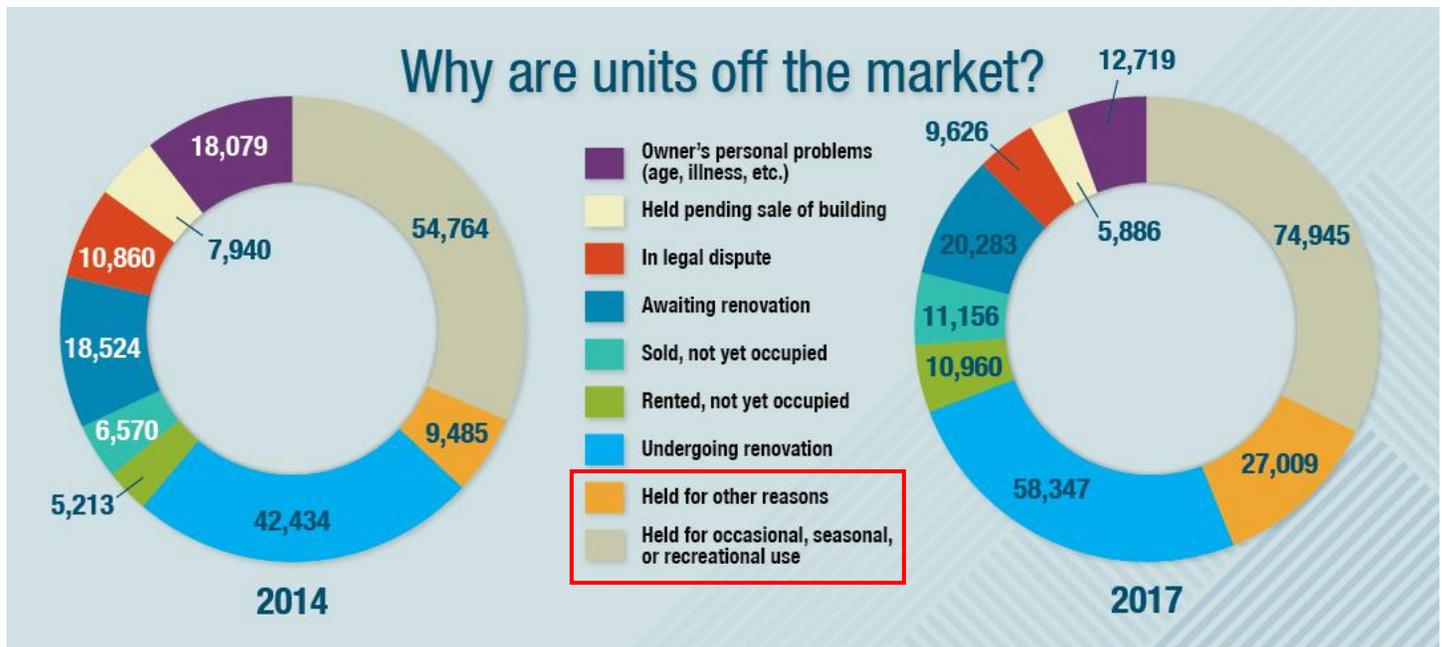
New York City has always been known as a chronically tight, high-cost rental market. In recent decades, housing affordable to low-income New Yorkers has become more elusive and homelessness has skyrocketed. The city’s low-income population has remained fairly stable since 2000, with about a million households living below twice the federal poverty level. Yet the number of homeless families in shelters has tripled.

A low-cost apartment in the city is increasingly difficult to find, while the share of vacant high rent apartments is growing. According to the New York City Housing Vacancy Survey (HVS) the overall vacancy rate in 2017 was 3.63 percent. However, there was a vast difference in vacancy rates among different rental tiers. Apartments that cost over \$2,000 have a 7.42 percent vacancy rate, while apartments under \$800 have a 1.15 percent vacancy rate.

The overall housing stock has increased by approximately 69,000 units. However, the majority of that increase is in vacant units that are not available for sale or rent. As illustrated in the chart below, the number of vacant units that are not available for sale or rent went up by 65,406 units between 2014 and 2017.



The 2017 HVS breaks down some of the reasons why units are kept off the market. As highlighted in the chart below, there are 20,181 more units held for occasional, seasonal, or recreational use (difference between 2017 and 2014 tan segments) than there were in 2014. There are 17,524 more units held off market for "other" reasons (difference between 2017 and 2014 orange segments) than there were in 2014, which could include units being used for short-term rentals on home-sharing websites.



Unlike previous decades in New York City, vacancy is increasingly common in the private rental market. The Warehousing Accountability Act, Intro. 0226, would require private owners to register properties as vacant, after they have been vacant for more than a year. The bill's enforcement mechanism—a weekly fine for failing to register—is especially important. This bill would provide the public with additional information for understanding how vacancy shapes the city's high-cost real estate market.

Vacant Property Registration Ordinances are increasingly common in municipalities nationwide, including in New York State and New Jersey, allowing community organizations to track both abandonment and speculation in their neighborhoods. The Warehousing Accountability Act would allow for enforceable transparency, and arm both grassroots organizations and the city with the baseline information necessary to address speculative practices that fuel gentrification and displacement.

Thank you again for the opportunity to offer our recommendations. For more information or if you have any questions, please contact Oksana Mironova, CSS Housing Policy Analyst at 212-614-5412 or [omironova@cssny.org](mailto:omironova@cssny.org).

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dan Steinberg

Address: 493 Bldg

I represent: Mayor's Office of Operations

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 226/835 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dilar DeySES

Address: 1945 3rd Ave NY NY

I represent: East Harlem Preservation / CDP

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Patrick A. Wehle

Address: Department of Buildings

I represent: Assistant Commissioner - External Affairs

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 227 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Scott Hutchins

Address: 457 W 90th St 1W

I represent: Picture the Homeless

Address: 104 E 126th St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/29/19

(PLEASE PRINT)

Name: JOHN KRINSKY

Address: 309 W 104th St #411

I represent: NYC COMMUNITY LAND INITIATIVE

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. All Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/29/2019

(PLEASE PRINT)

Name: Leo Goldberg

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

I represent: Centers for NYC Neighborhoods

Address: 55 Broad St. NY

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 226 + 835 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/29/2019

(PLEASE PRINT)

Name: Paula Segal

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

I represent: Community Development Project

Address: 123 William St. 16th NY NY 10038

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/29/19

(PLEASE PRINT)

Name: Sarah Mallory

Address: 100 Gold

I represent: HPD

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/29/19

(PLEASE PRINT)

Name: Joshua Sisis

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

I represent: Mayors Office of Operations

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

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