

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
HOUSING AND BUILDINGS, SUBCOMMITTEE ON CAPITAL
BUDGET, COMMITTEE ON IMMIGRATION

----- X

May 13, 2019
Start: 10:19 a.m.
Recess: 4:24 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: DANIEL DROMM
Chairperson

ROBERT E. CORNEGY, JR.
Chairperson

VANESSA A. GIBSON
Chairperson

CARLOS MENCHACA
Chairperson

COUNCIL MEMBERS: Adrienne E. Adams
Andrew Cohen
Laurie A. Cumbo
Mark Gjonaj
Barry S. Grodenchik
Rory I. Lancman
Steven Matteo
Francisco P. Moya
Keith Powers
Helen K Rosenthal
James G. Van Bramer
Fernando Cabrera

Margaret S. Chin
Rafael L. Espinal, Jr.
Bill Perkins
Carlina Rivera
Ritchie J. Torres
Steve Matteo
Mathieu Eugene
I. Daneek Miller

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

Louise Carroll, Commissioner, New York City
Department of Housing, Preservation and
Development

Eva Trimble, Executive Deputy Commissioner for
Enforcement and Neighborhood Services, New York
City Housing, Preservation and Development

Anne Marie Santiago, Deputy Commissioner for
Assets and Property Management, New York City
Housing, Preservation and Development

Anne-Marie Hendrickson, Deputy Commissioner for
Assets and Property Management, New York City
Housing, Preservation and Development

Molly Park, Deputy Commissioner for Development,
New York City Housing, Preservation and
Development

Members of Senior Leadership Team, New York City,
Housing, Preservation and Development

Leila Bozorg, Deputy Commissioner for
Neighborhood Strategies, New York City, Housing,
Preservation and Development

Thomas Fariello, Acting Commissioner, New York
City Department of Buildings

Sharon Neil, Deputy Commissioner of Finance and
Administration, Department of Buildings

Patrick Wehle, Assistant Commissioner of External
Affairs, New York City Department of Buildings

Bitta Mostofi, Commissioner, Mayor's Office of
Immigrant Affairs, MOIA

2 [sound check] [pause] [gavel]

3 CHAIRPERSON DROMM: Okay, and welcome to
4 today's City Council's fifth day of hearings on the
5 Mayor's Executive Budget for Fiscal 2020. My name is
6 Daniel Dromm, and I Chair the Finance Committee. We
7 are joined by the Subcommittee on Capital Budget
8 chaired by Council Member Vanessa Gibson, and the
9 Committee on Housing and Buildings chaired by my
10 colleague Council Member Robert Cornegy. We've been
11 joined by Council Member Bill Perkins, Council Member
12 Barry Grodenchik and I think others will be joining
13 us shortly. Today, we will hear from the Department
14 of Housing Preservation and Development, the
15 Department of Buildings, and the Mayor's Office of
16 Immigrant Affairs. Before we begin, I'd like to thank
17 the Finance Division staff for putting today's
18 hearing together including the Director Latonia
19 McKinney, Committee Counsels Rebecca Chasen, Noah
20 Brick and Stephanie Ruiz, Deputy Directors Regina
21 Poreda Ryan and Nathan Toth, Unit Heads Chima-Chima
22 Obichere and Kirlian Francisco, Financial Analyst
23 Sarah Gastelum, and Luke Zangerlin (sp?) and Nichole
24 Anderson, Maria Pagan, Latina Brown and Courtney
25 Samurai who pull everything together. Thank you all

1 for your efforts. I'd like to remind everyone that
2 the public will be invited to testify on the last day
3 of the budget hearings on May 23rd beginning at
4 approximately 2:00 p.m. in this room. For members of
5 the public who wish to testify, but cannot attend the
6 hearing, the hearing, you can email your testimony to
7 the Finance Division at finance testimony—excuse me
8 [coughs] finance testimony at council.nyc.gov and the
9 staff will make it a part of the official record.
10

11 Today's Executive Budget hearing starts with Housing,
12 Preservation and Development. HPD's Executive Budget
13 totals \$987.1 million of which only about 26% is city
14 funds. The agency is primarily funded through
15 federal grants. The Executive Budget is
16 approximately \$155.4 million less than Fiscal 2019
17 adopted budget because the budget does not yet
18 recognize no city funding for that will be realized
19 at other points during the year. In HPD's budget we
20 see \$2.2 million in PEG savings offset by \$1.9
21 million in new needs. Significantly, we also see the
22 addition of \$178.9 million in capital funds to
23 reflect the acquisition of 21 cluster site buildings.
24 The Council is encouraged that the administration is
25 working toward its goal of eliminating cluster site

1 housing. However, although this acquisition has been
2 the subject of much discussion over the last few
3 months the Council still has many outstanding
4 questions of frankly concerns about the process.
5 Despite knowing that the sale was eminent, the
6 Administration chose not to include any funding for
7 the acquisition in Preliminary Budget, and now that
8 the money is reflected, it is unclear whether it
9 includes only the purchase price, what the cost of
10 renovation will be, or the timeline for making the
11 needed repairs to these apartments. In addition, I'd
12 like to learn more about HPD's participation in
13 largescale multi-agency initiatives like Lead-Free
14 NYC and the Three-Quarter Housing Task Force. How
15 does HPD collaborate with the other agencies involved
16 in these initiatives, and are the resource levels
17 sufficient to support the service outcomes that we
18 expect to see. Before we be—before we begin, I'd
19 like to remind my colleagues that the first round of
20 questions for the agency will be limited to three
21 minutes per Council Member, and if Council Members
22 have additional questions, we will have a second
23 round of questions at two minutes per Council Member.
24 I will now turn the mic over to my co-chairs Council
25

1
2 Member Cornegy and Council Member Gibson for their
3 statements, and then we will hear from Louise
4 Carroll, the New Commissioner of HPD. Thank you.

5 CHAIRPERSON CORNEGY: Thank you, Co-Chair
6 Dromm. Good morning. I first want to acknowledge
7 that we've been joined by Minority Leader Steve
8 Matteo and Queens Representative Adrienne Adams.
9 Good morning and thank you all for coming to this
10 Fiscal Year 2020 Executive Budget hearing for the
11 Department of Housing, Preservation and Development,
12 and the Department of Buildings. I'm Council Member
13 Robert Cornegy and I'm the Chair of the Council's
14 Committee on Housing and buildings. I'd like to
15 first thank my Co-Chairs for this hearing, Council
16 Member Daniel Drum and Vanessa Gibson. I'd like to
17 welcome Commissioner Louise Carroll to her first
18 hearing at City Hall and her first Budget hearing as
19 HPD Commissioner. I look forward to working with you in your
20 new capacity. We'll first hear from HPD where we'll
21 examine all components of HPD's \$987 million expense
22 budget and \$6 billion Capital Budget along with
23 details and progress related to the Administration's
24 Housing Plan, Housing New York. Over the life of the
25 Housing Plan, the city has financed the creation of

1 preservation of about 122,000 affordable housing
2 units across New York City, which has exceeded
3 projected targets and production goals, but many New
4 Yorkers feel that these efforts are falling short of
5 the need. An often overlooked piece of the Housing
6 Plan is are homeownership units created under the
7 plan. As the chair of this committee, I'd like to
8 shed more light on opportunities toward
9 homeownership, which offers a path towards financial
10 stability, but one that has become increasingly more
11 difficult to achieve under the current housing
12 market. I look forward to with you, Commissioner to
13 increase these efforts. After HPD, we'll hear from
14 DOB Acting Commissioner Thomas Fariello and other
15 senior leadership at DOB. The committees would like
16 to get updates on the progress related to
17 construction site safety and training compliance and
18 enforcement. The department's implementation efforts
19 around green buildings and energy efficiency measures
20 related to the recently enacted Climate Mobilization
21 Act and other initiatives reflected in the Fiscal
22 2020 Executive Budget including the expansion of DOB
23 Now. The department's Self-Service Online tool that
24 allows owners, design professionals, licensees and
25

1 filing representatives to submit and file
2 construction applications online. As a reminder,
3 during the Executive Budget hearing cycle, all public
4 testimony is to be given at one hearing at the
5 conclusion of the cycle. This year public testimony
6 will be heard on Thursday, May 23rd starting at 2:00
7 p.m. in Council Chambers. I believe we'll now hear
8 from my Co-Chair Vanessa Gibson.
9

10 CHAIRPERSON GIBSON: Thank you very much.
11 Good morning to each and everyone of you. Welcome to
12 the City Council. I want to thank our Chair of
13 Finance Chair Danny Dromm as well as our Chair of
14 Housing and Buildings Chair Robert Cornegy for
15 convening today's very important hearing. Good
16 morning everyone. I am Council Member Vanessa
17 Gibson. I represent District 16 in the Borough of
18 the Bronx, and I'm proud to serve as Chair of the
19 Subcommittee on the Capital Budget, and I want to
20 begin by once again thanking my Co-Chairs for
21 convening today's hearing. This morning we are
22 hearing from the Department of Housing Preservation
23 and Development, and before I criticize, let me
24 complement and say that HPD is doing better than many
25 other city agencies as it relates to long-term

1 capital planning. The department's Capital
2 Commitment Plan realistically spreads out its planned
3 capital spending into the outer years, which reflects
4 commitment to executing its Housing New York
5 Affordable Housing Plan, and in addition its 10-year
6 Capital Strategy maintains a high level of spending
7 beyond the Capital Commitment Plan, and at the end of
8 Housing New York in 2026. The City Council truly
9 appreciated the seriousness and the priority of our
10 preserving housing, and expanding housing
11 affordability into the future beyond FY2026.
12 Unfortunately, while it's well articulated, HPD's
13 Planned Capital Spending is simply insufficient to
14 meet today's challenge. As New York grows
15 unaffordable every single day, we must invest even
16 more to protect and fulfill the promise of a fairer
17 New York and an inclusive city of New York. While
18 the Housing New York Plan is an important start, it
19 barely scratches the surface of the existing need
20 today. In Fiscal 2017, there were 736 applications
21 per available unit that was marketed on Housing
22 Connects website, and yet 1.7 million registered
23 users hoping to find a housing opportunity. We call
24 it a housing lottery and it really is a lottery.
25

1 Lady Luck should not dictate whether a New York
2 resident can afford to continue to live in this city.
3 So, this morning and every day I've had an
4 opportunity, I am once again calling on HPD to
5 accelerate and expand the deployment of affordable
6 housing to respond to our city's affordability
7 crisis. I have deep concerns about whether HPD has
8 the sufficient headcount to seize on every
9 opportunity that exists to build more affordable
10 housing or the capital capacity and the bond capacity
11 through HDC to fund such new construction. As one
12 example, and this is only one, I recently learned
13 that a planned new construction affordable housing in
14 my own district of 500 units was cut by 250 units due
15 to bond capacity. That is just one example, and that
16 is unacceptable. If we have the land and the zoning
17 capacity to build larger multi-family affordable
18 housing developments, capital funding and bond
19 capacity should not be the limiting factor. I am
20 also going to renew my call form the Preliminary
21 Budget hearing that it's simply not enough to expand
22 the topline number of affordable housing units. HPD
23 must also deepen its affordability for residents who
24 are the most vulnerable. HPD must seriously consider
25

1 shifting its spending on affordable housing to where
2 the need is the greatest. So, we do very well in
3 housing preservation. To date we have met our
4 targets on preservation and we've exceeded those
5 targets, but we all acknowledge that we are falling
6 short of building housing for those at the lowest end
7 of the economic spectrum, the lowest, lowest,
8 extremely low-income. In addition, set-asides for
9 formerly homeless families that live and go to bed in
10 shelters every single day must be prioritized. There
11 is a campaign called Housing Our Future by a number
12 of advocates who are here today who have been on the
13 steps of City Hall many, many times calling on this
14 administration to raise the level of set-asides for
15 formerly homeless New Yorkers to 30,000 units. I've
16 asked OMB. I've asked HPD and I'm going to renew my
17 call that his Administration must consider this
18 proposal in light of today's urgent need. We know
19 that we are on track to build and preserve housing by
20 2026, but I'm more concerned about the homeless New
21 Yorkers that live in shelters today. They need
22 housing today not past 2026, and so I'm asking again.
23 The Mayor has talked and really applauded is
24 Administration for the 100,000 units of housing that
25

1 we have built to date, and I appreciate that, but
2 it's simply not enough, not when communities like
3 mine are filtered with more shelters than we are with
4 new construction for housing. I believe that myself
5 and many colleagues have every right to continue to
6 talk about this because we need more housing. We
7 need permanent housing and we also need housing
8 preservation, and so I'm asking for this
9 Administration, and our new Commissioner to fully
10 consider the House Our Future Campaign, and many
11 other priorities that this City Council has called
12 upon in its budget response. I also want to thank
13 once again the Finance Division led by Latonia
14 McKinney and the members of the subcommittee,
15 Minority Leader Steve Matteo, Council Member Barry
16 Grodenchik, Council Member Mark Gjonaj, and Council
17 Member Helen Rosenthal, and once again
18 congratulations, Commissioner. While I know you're
19 not new to HPD, I welcome you as our new Commissioner
20 for HPD. You have a tall order and lots of
21 priorities to focus on, but this City Council looks
22 forward to working with you and your team, and making
23 sure that as we work through this month, through this
24 Executive Budget we want to make sure that our
25

1 collective priorities are reflected in the final
2 budget. So, I welcome you. I congratulate you, and
3 I turn this hearing back over to our Finance Chair,
4 Chair Danny Dromm. Thank you.
5

6 CHAIRPERSON DROMM: Thank you very much,
7 Chair Gibson. I'm going to ask Counsel to swear the
8 panel in, and then they can begin testimony. [pause]

9 LEGAL COUNSEL: Do you affirm that your
10 testimony today will be truthful to the best of your
11 knowledge, information and belief?

12 COMMISSIONER CARROLL: [off mic] Yes.

13 LEGAL COUNSEL: Thank you. You may
14 proceed.

15 COMMISSIONER CARROLL: [coughs] Thank
16 you. Good morning Chair Cornegy, Chair Dromm and
17 members of the New York City Council Committees on
18 Housing and Buildings and on Finance. My name is
19 Louise Carroll, and I was recently appointed
20 Commissioner of the New York City Department of
21 Housing, Preservation and Development. I'm joined by
22 our Executive Deputy Commission Eva Trimble; Deputy
23 Commissioner for Enforcement and Neighborhood
24 Services; Anne Marie Santiago; Deputy Commissioner
25 for Assets and Property Management, Anne Marie

1 Hendrickson, Deputy Commissioner for Development,
2 Molly Park, and members of HPD's Senior Leadership
3 Team. This is my second week as HPD Commissioner,
4 and I am both humbled by the responsibility and
5 excited about the opportunity to lead an agency that
6 is charged with tackling several of the city's most
7 pressing problems. Having spent more than a decade at
8 HPD, I am familiar with the broad sweep of the
9 agency's mission, and have the deepest admiration and
10 respect for the talented and dedicated people at HPD
11 who work tirelessly every day to deliver the safe,
12 quality affordable housing that New Yorkers need and
13 deserve. While at HPD I had the honor of building
14 inclusionary and tax-incentive programs that helped
15 produce some the record units that we have managed to
16 produce under Housing New York, and to provide
17 leadership on compliance and enforcement to hold
18 landlords accountable to the promises that they made
19 to provide affordable housing to the neediest tenants
20 in the City of New York. I am honored to take the
21 torch from Eric Enderlin and build on the
22 Administration's historic efforts to ensure that New
23 York is fairer and more affordable for generations to
24 come. Thank you for the opportunity to testify today
25

1 on HPD's Fiscal Year 2020 Executive Budget, and how
2 this funding will help us to achieve our agency's
3 goals. First, I will provide a brief overview of
4 HPD's Budget before describing some of the agency's
5 key priorities in the coming year. I am then happy
6 to answer any question you may have. As you know,
7 HPD's important work requires significant investment
8 from the city and federal government. HPD's Fiscal
9 Year 2020 Executive Budget is approximately \$987
10 million. However, this includes about \$204.5 million
11 in pass-through funding for NYCHA. So, aside from
12 this pass-through funding, HPD's true expense budget
13 is about \$782 million for FY 2020. Of this \$782
14 million total, approximately \$132 million comes from
15 city funds and about \$649 million comes from several
16 funds. That means 83% of HPD's Expense Budget is
17 federally funded. This huge proportion of federal
18 versus city funding in the agency's budget is
19 important because when we seek to save tax-city tax
20 dollars, as we are constantly trying to do, the
21 amount we can save is limited because so many of our
22 programs are restricted by federal requirements.
23 City funding especially city tax levy is critical for
24 flexibility and for strengthening areas not otherwise
25

1 eligible for federal grant funding. As part of the
2 Executive Plan, HPD received new city tax levy
3 funding totaling approximately \$5.2 million of FY
4 2019 to 23. This important funding will go towards
5 (1) Our Emergency Repair Program, an important tool
6 to ensure the quality and safety of our housing stock
7 when property owners fail to correct immediately
8 hazardous conditions. (2) It will support our
9 Emergency Housing Services, which help provide safe
10 accommodations for New Yorkers forced out of their
11 homes due to unsafe or illegal conditions or in the
12 case of natural disasters. (3) It will go to
13 expanding the Landlord Ambassadors Program, a pilot
14 initiative that provides outreach, education, and
15 technical assistance to small property owners and can
16 connect them with financing to help improve the
17 physical and financial stability of their building,
18 and lastly, it will continue the Neighborhood
19 Preservation Consultant Contracts with key community
20 organizations across all five boroughs. It will
21 identify buildings that are in disrepair by—thereby
22 protecting tenants from displacement. There's a new
23 economic reality in New York City, and we're
24 responding accordingly. HPD has identified mandatory
25

1 savings targets that will make the agency more
2 efficient without affecting our core priorities that
3 make the city fairer and safer for all New Yorkers.
4 We are thankful for the important role that city
5 resources play in our Expense Budget, and my
6 testimony will highlight several areas where this new
7 city funding will help us further strengthen our
8 programs and services. We continue to push forward
9 on the broad goals of Housing New York. This
10 includes developing and preserving affordable housing
11 at record pace, serving more the most vulnerable New
12 Yorkers, protecting tenants and enforcing their right
13 to live in safe quality housing, and engaging in
14 community focused neighborhood planning. In November
15 2017, we accelerated and expanded the plan to
16 preserve 300,000 affordable homes by 2026. This is
17 two years ahead of schedule, and with 100,000 more
18 homes than initially planned. To achieve that
19 expanded goal, we released an update to the plan
20 called Housing New York 2.0. Housing New York 2.0
21 offers a suite of new programs, partnerships, and
22 strategies to help thousands more families and
23 seniors afford their rent, buy a home and stay in the
24 neighborhoods they love. I'm pleased to say that
25

1 last calendar year, HPD financed more than 34,000
2 affordable homes setting a new high water mark for
3 affordable housing production with more new
4 construction units finance. That's 10,000 more new
5 homes financed than at any time in the agency's
6 history. This brings the total number of homes
7 financed under Housing New York to nearly 122,000,
8 and while roughly 80% of all the homes created are
9 preserved to server low-income New Yorkers, a full
10 40% of those homes serve families earning less than
11 50% of area median income or \$48,000 for a family of
12 three. Since the start of Housing New York, the City
13 has been working to reached more homeless New Yorkers
14 while achieving deeper affordability across the
15 board. At a minimum, we now require at least 10% of
16 apartments in all affordable developments be set
17 aside for homeless New Yorkers, and allocate as much
18 as 20, 30 or even 60% in the case of our supportive
19 housing projects. As a result, we're producing
20 housing at a faster pace than ever before with nearly
21 10,000 units set aside for homeless households since
22 the beginning of the plan in 2014. We created a new
23 city rental assistance program to advance the Mayor's
24 commitment to create 15,000 supportive housing
25

1
2 apartments over 15 years and also launched a new down
3 payment assistance fund with the Robin Hood
4 Foundation, and other partners to help not-for-
5 profits acquire vacant private properties for
6 supportive and affordable housing development. Since
7 2014, we have financed over 4,700 supportive housing
8 units, which include units funded under New York City
9 1515 and prior administration housing plans. Most
10 recently, we've partnered with the Department of
11 Social Services, and City Hall on a plan to acquire
12 and convert cluster units to permanent affordable
13 housing operated by local not-for-profits. The first
14 deal transitioned nearly 500 cluster units across 21
15 buildings into permanent affordable housing for over
16 1,000 New Yorkers in need. We financed the Joint
17 Ownership Entity in New York City better know as JOE
18 and Neighborhood Restore to acquire this portfolio
19 and in conjunction with several local not-for-profit
20 organizations, stabilized and managed the buildings,
21 coordinate light touch Social Services and prepared
22 for rehabilitation of the buildings in the next 18
23 months. At the same time, this Administration has
24 made senior housing a major priority. Last year we
25 financed 1,831 senior homes bringing the total number

1 of senior homes financed in the Housing New York to
2 nearly 7,700. This is due to programs like our
3 Senior Affordable Rental Apartments Program better
4 known as SARA, and major policy changes like zoning
5 for quality and affordability that amended the Zoning
6 Resolution to make it easier and less expensive to
7 create quality affordable housing. Housing New York
8 2.0—under Housing New York 2.0, we introduced Senior
9 First, a three-pronged strategy to expand the city’s
10 existing commitment from 15,000 to 30,000 seniors
11 served. Already, senior housing construction in New
12 York City has increased to unprecedented levels.
13 Similarly, our financial commitment to senior housing
14 has increased for \$40 million in total public
15 resources to in FY14 to more than \$425 million in
16 FY18. HPD is on track to finance more than 800 units
17 of new senior housing by FY19. There is \$84 million
18 in the budget for those senior housing projects.
19 Funds that will leverage debt, low-income housing tax
20 credits, and other public subsidies. Robust
21 pipelines and budget commitments in FY 20 and 21 will
22 ensure that more senior housing units will come
23 online every year. HPD is also actively working with
24 to preserve the hundreds of senior housing
25

1 developments that the federal government financed
2 decades ago through the HUD 202 Program. Under
3 Housing New York we are targeting our outreach
4 efforts to those properties in need of protection,
5 and already have assisted 19 HUD 202-202 projects for
6 a total of 2,000 homes. Last spring, HPD launched
7 Aging In Place, a pilot program to conduct
8 assessments of the apartments we preserve with
9 residents 62 years or older to finance physical
10 upgrades that make the housing accessible to ensure
11 that seniors can age in place. Seniors First is just
12 one of the many initiatives in Housing 2.0 that we've
13 been working hard to move forward. In March we
14 announced the community based organization selected
15 through the New Partner in Preservation Program, a
16 program to develop and coordinate anti-placement
17 strategies with local stakeholder and tenants in
18 three pilot areas in the Bronx and Upper Manhattan,
19 and this summer we are looking to roll out our new
20 Home Fix Program to provide funding, technical
21 assistance and counseling to hardworking families
22 struggling to make needed repairs and otherwise
23 maintain their homes. This week we are joining the
24 American Institute of Architects New York to announce
25

1 the finalists of our Big Ideas for Small Lots New
2 York City Design Competition to provoke-to promote
3 innovative design and construction approaches to
4 build housing on small difficult to develop city-
5 owned vacant lots. One of my priorities will be to
6 continue to advance the many Housing New York 2.0
7 programs underway while leaving no stone unturned in
8 identifying new approaches and new solutions to the
9 affordable housing crisis. Another key area of focus
10 will be building aggressively on the agency's
11 existing efforts to protect tenants and prevent
12 displacement, which is at the heart of our work to
13 provide and preserve the affordability and quality of
14 the city's housing stock. Everyday hundreds of HPD
15 inspectors are in apartments across the city
16 enforcing the housing maintenance code and issuing
17 violations when landlords are not in compliance. Our
18 Housing Litigation Division also brings cases in
19 Housing Court against owners who do not fix
20 outstanding violations and when necessary seeks
21 findings of contempt and incarceration because of
22 truant landlords. HPD also proactively combat tenant
23 harassment by participating with the New York State
24 Attorney Generals Tenant Harassment Prevention Task
25

1 Force, which investigates potential harassment and
2 brings enforcement actions including civil and
3 criminal charges against landlords who harass
4 tenants. Under this Administration we are always
5 looking to be as proactive and comprehensive as
6 possible in our work to protect tenants. Last year
7 worked with the City Council to expand the
8 certification of No Harassment Program citywide, and
9 launch a new speculation roster to identify buildings
10 where potentially predatory investment may put
11 tenants at risk. We are also launching the Tenant
12 Anti-Harassment Unit, another tool in the toolbox,
13 which will be dedicated to pursuing potential cases
14 of maintenance harassment, and connecting tenants to
15 legal services resources. In all of this work, we
16 look forward to partnering closely with the new
17 Mayor's Office to Protect Tenants, which will serve
18 as a point of entry for advocates and tenants, and
19 ensure aggressive action against bad landlords. I
20 also want to remind Council Members that we will be
21 launching the third year of HPD in your district.
22 This where representatives from our Office of
23 Enforcement and Neighborhood Services will spend a
24 Wednesday in Council Members' district to—in your
25

1 district offices to provide one-on-one education and
2 assistance to tenants and owners. Members also have
3 the option of mobilizing the HPD Outreach van, our
4 new mobile office on the same day at a location of
5 your choice. I encourage you to reach out to our
6 team if you haven't already done so to set up a day
7 for HPD to be in your district this summer.

8 Ultimately all of this work is about fighting to
9 ensure New Yorkers can afford to live and thrive in
10 this city, but it cannot be done alone. We must do
11 this work in the face of very real threats from the
12 federal government. Our advocacy to ensure a fully
13 funded Housing and Urban Development budget is
14 critical. So, far we've been successful in fighting
15 the president's harsh and repressive proposals. Last
16 year, even securing for the first time in decades and
17 an increased finding for the public and affordable
18 housing our communities desperately need. This
19 outcome would not have been possible without the
20 fierce and steadfast advocacy of the New York City
21 Council, our congressional delegation and so many
22 partners here and across the country, but the fight
23 is far from over. I want to thank the Council for
24 their partnership and I look forward to continuing to
25

1
2 find ways to partner on critical legislative
3 priorities and needed reforms on affordable housing,
4 and supportive housing projects on advocacy for
5 stronger rent stabilization laws and on a whole host
6 of issues vital for the good of New Yorkers and for
7 the future of our city. Thank you again for the
8 opportunity to discuss—to discuss HPD’s Budget and
9 our priorities in the coming year. This concludes my
10 testimony, and I am happy to answer any questions you
11 may have.

12 CHAIRPERSON DROMM: Thank you very much,
13 Commissioner. I’d just like to start off by asking
14 you the same questions about Three-Quarter Housing.
15 About half of HPD’s in savings in Fiscal 2029, and
16 Fiscal 2020, are due to one budget action, which is
17 city tax levy savings for the Three-Quarter Housing
18 Shelter Program. Can you describe HPD’s role with
19 respect to the Three-Quarter Housing, and what this
20 program does?

21 COMMISSIONER CARROLL: Thank you, Council
22 Member for this question. We at HPD are constantly
23 trying to conserve our resources and to channel them
24 in the right projects and at the right time in order
25 to preserve affordable housing. At the same time, we

1 in this Administration and in this agency believe
2 that it is important to protect the neediest New
3 Yorkers and to have available housing in cases of
4 natural disaster or—or tech or landlord harassment or
5 other—any other critical time where a tenant might
6 need such housing. At this point I'd like to ask
7 budget expert Eva Trimble to give you a few more
8 details about how we manage to make these savings.
9

10 DEPUTY COMMISSIONER TRIMBLE: Good
11 morning. The savings that are represented in the
12 Executive Plan are due to us leveraging additional
13 federal funding specifically CDBG funding for the
14 program. So, we were able to give back to OMB and
15 the city some of the tax levy funding that they've
16 provided originally to support the program. For more
17 information on—on our role in the Task Force, I would
18 actually defer to Deputy Commissioner Anne Marie
19 Santiago to tell you about the work we've been doing
20 with the Task Force.

21 DEPUTY COMMISSIONER SANTIAGO: Good
22 morning. So, from the enforcement side we do have
23 inspectors who conduct inspections with the other
24 member of the Task Force as requested. We issue
25 violations of the Housing Maintenance Code and we

1 look for occupancy issues. So, that is the
2 enforcement side. On the housing side, if vacate
3 orders are issued by any agency, then our agency does
4 provide the emergency housing.
5

6 CHAIRPERSON DROMM: So, there's been a
7 continuous savings that occurs on this budget--on this
8 budget line. Can you explain why that is?

9 DEPUTY COMMISSIONER SANTIAGO: Yes. When
10 the program originally started we weren't sure what
11 the client--what the characteristics of the clients
12 how--were going to be. CDBG has specific requirements
13 in order for us to claim the shelter costs and the
14 relocation services that we provide as eligible for
15 CDBG reimbursement. So, we've worked with OMB to
16 make sure there was enough tax levy in the budget to
17 support the efforts of the Task Force, and have been
18 working with OMB as well to claim CDBG funding for
19 all of the clients that we're serving. So, it's been
20 a real collaborative effort, and we're happy to turn
21 the money back over to the city now that we don't
22 need it.

23 CHAIRPERSON DROMM: So, you're confident
24 that the program has been successful, and is any of
25

1 the need winding down? Is there less need for three-
2 quarter housing?
3

4 DEPUTY COMMISSIONER SANTIAGO: There have
5 been many successful placements of the clients into
6 permanent housing. From the initial round of
7 voluntary vacates that we did, only 43 households
8 remain in our—in our services. There are additional
9 inspections being scheduled with the Task Force. So,
10 we believe we'll be able to sufficiently fund those
11 costs going forward.

12 CHAIRPERSON DROMM: Okay. Let me talk a
13 little bit about the hiring freeze savings. HPD's
14 Fiscal 2020 Executive Budget freezes 20 positions
15 resulting in \$56,000 in saving in Fiscal 2020 growing
16 to a \$1 million in Fiscal 2021 and in the out years.
17 As of March 2019, HPD has a vacancy rate of
18 approximately 8% far higher than the citywide average
19 of approximately 2%. So what titles and positions
20 are included in the freeze, and will service levels
21 be impacted?

22 COMMISSIONER CARROLL: So, first of all,
23 I'd like to say that most of its levels will be
24 impacted. We are committed to the work that we, and
25 we are very efficient in the way that we—we do this

1
2 work. The partial hiring freeze has resulted in a
3 surplus budget, but these, the hiring is not
4 connected to a particular job or a particular title,
5 and so we have made the savings through natural
6 attrition and from reducing new hires. If you prefer
7 further detail, our executive for our Budget Eva
8 Trimble can answer some more question.

9 DEPUTY COMMISSIONER TRIMBLE: Following
10 on what the Commissioner just said, we—we are working
11 to prioritize positions through this hiring, partial
12 hiring freeze. Things have definitely slowed down,
13 and that's created some—some cashflow plus for the
14 agency. However, we are working with OMB to get
15 critical hires approved, and we are managing our
16 attrition. So, at any point we—we do have some
17 natural flow that—that allows us to continue hiring
18 those positions that we see as a priority.

19 CHAIRPERSON DROMM: Okay. Let me talk a
20 little bit now about Lead-Free New York City. It's a
21 big issue for me. I used to be a New York City
22 public school teacher, and I know the effects first
23 hand of lead poisoning on children. The Preliminary
24 Plan added funding for two positions and additional
25 expenses to support work related to the Lead-Free New

1
2 York City citywide initiative, which seeks to
3 eliminate childhood lead exposure citywide by
4 expanding mandates under Local Law 1 of the 2004. Do
5 these new position reflect the total staff dedicated
6 to for this work, or how many staff are there?

7 COMMISSIONER CARROLL: So, let me start
8 by saying our commitment to safe affordable housing
9 in the city especially for children and families is—
10 is strong and it's very important to us. For details
11 on the staffing and how we are doing this work, I'd
12 like to ask Anne Marie Santiago to respond.

13 DEPUTY COMMISSIONER SANTIAGO: Good
14 morning again. So, we have been funded with \$4.5
15 million to support Lead-Free NYC and that includes 37
16 heads actually. Some of the money I believe is we
17 allocated from other CDBG uses to this purpose. The
18 \$4.5 million will go to support not only staff,
19 inspector staff and clerical staff, admin staff, but
20 also technology improvements and actual money for
21 repairs. So, we believe that this—this amount is
22 crucial to us meeting the goals of Lead-Free NYC,
23 which as you know if you're following it, are very
24 expensive. HPD will be increasing inspections, be
25

1
2 increasing audits, and we believe that this money is
3 sufficient at this time.

4 CHAIRPERSON DROMM: How many violations
5 were issued and corrected by HPD in 2018?

6 COMMISSIONER CARROLL: Specifically for
7 lead?

8 CHAIRPERSON DROMM: Yeah.

9 DEPUTY COMMISSIONER SANTIAGO: So, HPD
10 issued 11,027 violations in FY18 and spent \$1.1
11 million to correct violations and ensure safety of
12 tenants.

13 CHAIRPERSON DROMM: Okay. How many lead
14 paint violations were issues since Local Law 1 of
15 2004 became effective are currently open and what is
16 HPD doing to correct those violating conditions?

17 COMMISSIONER CARROLL: So, we're working
18 to figure out the categories of these violations and
19 what's open to reflect the full picture. We can
20 share this information with Council shortly but we
21 don't have this information today. So, we'd like to
22 get back to you.

23 CHAIRPERSON DROMM: We'll follow up with
24 you on that in-in a letter. Of the violations that
25 are certified as having been corrected by the

1
2 building owner in 2018, how many were re-inspected by
3 HPD and how many owner certifications were audited by
4 HPD or a third party?

5 DEPUTY COMMISSIONER SANTIAGO: HPD is
6 required under Local Law 1 to attempt to re-inspect
7 all owner certifications. So, if we go out to re-
8 inspect it, and we're not able to get access, the
9 violation remains open. So the answer is 100%.

10 CHAIRPERSON DROMM: Is what?

11 DEPUTY COMMISSIONER SANTIAGO: The
12 violation remains open if we're unable to observe
13 that the condition has been corrected.

14 CHAIRPERSON DROMM: And what did you say
15 was 100%?

16 DEPUTY COMMISSIONER SANTIAGO: We are
17 required to re-inspect all certified violations.

18 CHAIRPERSON DROMM: So, eventually, you
19 get to all of them?

20 DEPUTY COMMISSIONER SANTIAGO: Correct,
21 and we make several attempts to get into an apartment
22 to confirm, but the violation may remain open if the
23 tenant doesn't give us access.

24

25

1
2 CHAIRPERSON DROMM: Okay, thank you very
3 much. Alright, that's all for me, and I'm going to
4 turn it over now to Chair Cornegy for questioning.

5 CHAIRPERSON CORNEGY: Thank you, Chair
6 Dromm. Commissioner, I am going to have my first
7 round of questions be central to my opening
8 statement, which was in relationship to Homeownership
9 Programs. HPD's Executive Commitment Plan includes
10 \$6 Billion in Fiscal Year 2019 through 2023 to
11 support the department's planned spending on
12 programmatic housing initiatives. Of these available
13 capital resources, how much is dedicated for
14 homeownership programs?

15 COMMISSIONER CARROLL: Well, we have—
16 currently, we've dedicated \$39.4 million between FY19
17 and FY23 in the Capital Budget for Homeownership
18 programs.

19 CHAIRPERSON CORNEGY: Does that represent
20 a substantial growth from past years?

21 COMMISSIONER CARROLL: Absolutely. You
22 know, to date we have produced approximately 23,000—
23 we've financed approximately 23,000 new homeownership
24 units, and that is more than has ever been done in
25 the previous—in any previous Administration.

1
2 CHAIRPERSON CORNEGY: So, of the housing
3 starts to-date under the Housing New York Plan, how
4 many are for homeownership?

5 COMMISSIONER CARROLL: [background
6 comment] So, I don't actually have that. Oh, I'm
7 sorry. Can you repeat that question?

8 CHAIRPERSON CORNEGY: Of the housing
9 starts to-date under the Housing New York Plan, how
10 many are for homeownership?

11 COMMISSIONER CARROLL: So, as I-I said,
12 we do have approximately 23,000 new homeownership
13 units financed under Housing New York.

14 CHAIRPERSON CORNEGY: How many programs
15 provide down payment assistance, and how many—and how
16 much funding is dedicated to providing down payment
17 assistance?

18 COMMISSIONER CARROLL: Thank you, Council
19 Member. So, we are very proud of our efforts to
20 provide homeownership opportunities to our—to low-
21 income tenants. Our Home First Program provides up
22 to \$40,000 to a down payment or closing costs for
23 first-time home buyers who earn up to about \$80,000—
24 80% AMI, which is about \$78,000 for a family of
25 three.

1
2 CHAIRPERSON CORNEGY: So, I'm—I have
3 questions about what type of outreach is done, and
4 how are people made aware that these programs exist?
5 Because as I come and go at the Housing and Buildings
6 Chair, I often will ask if people are aware, and more
7 often than not, people are not aware of the robust
8 opportunities that are available for pathways to
9 homeownership.

10 COMMISSIONER CARROLL: So, when we—when
11 we create affordable housing units through our term
12 sheets, and we go through our marketing process, many
13 marketing agents and HPD encourage homeowners for—to
14 take a class, to take a homeowner's class and also to
15 apply to Down Payment Assistance Fund, and so
16 whenever we're marketing units and putting
17 homeownership units out there, we're also marketing
18 our services in order to help tenants or future
19 homeowners be successful in acquiring these
20 homeownership opportunities. In addition, HPD's van,
21 which goes out to many different communities has
22 information in many different languages about
23 homeownership opportunities, and the opportunity to
24 get a down—to get down payment assistance through
25 Home First. This van has translations in about 17

1 different languages in order—in order to reach
2 homeowners throughout the city, and in addition, when
3 we market our units, they're marketed in many
4 different newspapers in many different languages.
5

6 CHAIRPERSON CORNEGY: So, that—that's
7 what I was going to ask you is what is your
8 traditional—is it a traditional marketing plan
9 through commercials, through advertisements in the
10 press, and if so, are—is ethnic media a part of your
11 marketing plan?

12 COMMISSIONER CARROLL: Absolutely. When
13 we market our units, we make sure that we market them
14 in various newspapers that produce content in
15 different languages so that we're reaching the
16 maximum number of—of people and a variety of people
17 of ethnic backgrounds, which we can. We also have
18 translators who go out in our van, and—and people who
19 speak different languages in vans so that when people
20 come to the HPD van, they are able to receive not
21 only written content in those 17 different languages,
22 but they're also able to speak to someone, to speak
23 to a translator or have content translated to them.
24 In addition, I—we have—Anne Marie Hendrickson who
25 heads the Division that has our marketing, and I'd

1 like for her to just say a little bit more about some
2 our processes.

3
4 DEPUTY COMMISSIONER HENDRICKSON: So,
5 good morning and thank you—thank you very much. What
6 I wanted to do is add onto the Commissioner and talk
7 about our Housing Ambassadors because that's a
8 program that we launched a few years ago where we
9 only were using about 17 community-based
10 organizations. We use 46 organizations now
11 throughout the city, and these Housing Ambassadors
12 are used to help educate constituents on how to apply
13 for housing. They also talk about all the various
14 down payment assistance programs, and other kind of
15 avenues we have to help people have more streamlined
16 access to homeownership.

17 CHAIRPERSON CORNEGY: So, while I
18 appreciate and respect all of those, I would just
19 like to add that Council Members would certainly like
20 to be Marketing Ambassadors as well for programs
21 especially those that lead to pathways of
22 homeownership—to homeownership. So, I'm going to
23 offer my office as your first Housing Ambassador from
24 the Council, and I think that my colleagues would all
25 chime in that they'd like to be a part of the program

1 that allows them to be ambassadors for housing
2 opportunities that are directly related to
3 homeownership, and my final question is in this round
4 is in 2018, how many down payment assistance loans
5 were issued to homeowners citywide, and what's the
6 average loan amount that's awarded?
7

8 COMMISSIONER CAMILLO: So, in FY18 we
9 assisted 92 first-time homebuyers with down payment
10 assistance, and the average loan that was given to
11 them is \$18,448.

12 CHAIRPERSON CORNEGY: Thank you. I
13 believe I would just like to acknowledge that we've
14 been joined by Council Member Mark Gjonaj, Council
15 Member Keith Powers, Council Member Ritchie Torres,
16 and Council Member Carlina Rivera, oh and Barry
17 Grodenchik. [background comments/laughter]

18 CHAIRPERSON CORNEGY: Sorry, there.

19 CHAIRPERSON DROMM: Okay, Council Member—
20 Chair Gibson.

21 CHAIRPERSON GIBSON: Thank you. Thank you
22 Chair Dromm and Chair Cornegy, and once again good
23 morning, Commissioner to you and your team and we
24 look forward to working with you during this budget
25 process, which will be your first as Commissioner.

1 So, in my opening I talked about the agency's 10-year
2 Capital Strategy, which unlike many other city
3 agencies actually has a real ten-year plan beyond
4 Housing NY. There is millions of dollars that are
5 dedicated post Housing NY past 2026, but I wanted to
6 understand that although the Housing New York plan
7 aims to build or preserve about 300,000 units of
8 affordable housing by 2026, the Ten-Year Capital
9 Strategy does reflect the continuation of funding
10 through 2029. We noticed that between the Prelim and
11 Exec, in HPD's Ten-Year Capital Strategy, there was a
12 decrease of \$200 million from Prelim to Exec. Can
13 you explain where that \$200 million went, and what
14 was that designated for?
15

16 COMMISSIONER CARROLL: Thank you, Council
17 Member for this question. So, as we previously
18 mentioned we funded the cluster sites. There were 17
19 buildings across 21 sites that the city helped fund
20 in order to provide a thousand units of affordable
21 housing to the neediest New Yorkers, and that \$200
22 million represents a front-loading to FY19 of the
23 money to provide that housing.

24 CHAIRPERSON GIBSON: Is that the actual
25 cost of the acquisition?

1
2 COMMISSIONER CARROLL: No, Council
3 Member, and I'm glad that you asked this. The actual
4 acquisition price is \$173.5 million, but there was
5 some money that we added to the project for reserves,
6 for security, and for other needed repairs and soft
7 costs in order to provide the best housing quality
8 that we could at acquisition.

9 CHAIRPERSON GIBSON: Okay, so if that
10 \$200 million was taken out, then where are the funds
11 that you talked about to use as we transition,
12 purchase these buildings, acquire them and turn them
13 over to local not-for-profits? Because there are
14 number of things that need to be done during the
15 interim that you talked about in your opening. So,
16 where are those funds reflected in the Executive
17 Budget?

18 COMMISSIONER CARROLL: Absolutely. So,
19 the site is already acquired. The reserves are funded
20 for both the security and light construction work--

21 CHAIRPERSON GIBSON: Okay.

22 COMMISSIONER CARROLL: --and so, and that
23 property has already been turned over to not-for-
24 profits. We intend to do a full scope of work on
25

1 those sites, and fund future repairs in the next 12
2 to 18 months.

3
4 CHAIRPERSON GIBSON: Okay, so you said
5 the—our acquisition prices as \$173.5 million, but in
6 the Executive Capital Budget there's Cluster Sites
7 Program budget line that actually says \$178.9 million
8 in Fiscal 2019. So, is that the difference you're
9 talking about with acquisition and renovation costs?

10 COMMISSIONER CARROLL: Yes, Council
11 Member.

12 CHAIRPERSON GIBSON: Okay. Good to know.
13 I'm glad we clarified that. Okay, now in addition the
14 Administration indicated that the new not-for-profit
15 owners of these properties once they take over we'll
16 conduct a very detailed assessment of fiscal needs
17 assessment of the infrastructure both interior and
18 exterior to determine the level of work needed. This
19 is something I've been very, very critical of during
20 the acquisition process itself because I realize that
21 these buildings, and I might add the majority of
22 which are in Bronx County in my borough are in need
23 of significant capital work not just for the cluster
24 families, but for the traditional families that have
25 remain in these buildings to date. So, my question is

1 what is the timeline on the Fiscal (sic) Needs
2 Assessment? Is HPD going to do any of that interim
3 work? What it is the timeline for the not-for-
4 profit, and then my bigger question is who is going
5 to pay for all of the work that is needed to renovate
6 these cluster now permanent buildings?
7

8 COMMISSIONER CARROLL: Thank you, Council
9 Member for these questions. So, typically when-when
10 we acquire a site in this way, what H-what HPD has
11 done is help the not-for-profits by funding initial
12 reserves so that they can do immediate repairs. What
13 happens next is that a Capital Needs Assessment will
14 be done for the building. The Capital Needs
15 Assessment will be provided to HPD for review, and
16 between HPD and the not-for-profits, we will arrive
17 at what the right level of rehab will be for the-for
18 the safe quality housing that we like to provide.
19 That will be in the course of our closing pipelines.
20 So we expect to see this project close in the next 12
21 to 18 months, and in-in that next 12, 18 to 18
22 months, that scope of work with be taking place, that
23 review between HPD and the not-for-profits will be
24 taking place, and we between the not-for-profit and
25 HPD we will arrive at the right financing for the

1 project in order to make sure that these needed
2 repairs reach tenants.

3
4 CHAIRPERSON GIBSON: Okay, so that means
5 that because of the timeframe you just outlined, the
6 Council should not expect to see any final
7 determination of scope of work costs reflected in
8 this final budget. Is that correct?

9 COMMISSIONER CARROLL: That's correct.

10 CHAIRPERSON GIBSON: Okay, so whatever
11 work is being done in the interim, if there are
12 emergency repairs that need to be done to address
13 heat, hot water and other basic necessities that will
14 be done with existing HPD funds?

15 COMMISSIONER CARROLL: Yes, that will
16 done with the additional funds that are in addition
17 to the acquisition price.

18 CHAIRPERSON GIBSON: Okay and do you have
19 a timeframe on when the not-for-profits will be
20 identified?

21 COMMISSIONER CARROLL: not-for-profits
22 have been identified. They currently own the
23 properties. Basically, we partnered with JIL NYC and
24 Neighborhood Restore to purchase these properties.
25 Within the JIL there's an umbrella for other not-for-

1 profits that will help an assist in the management
2 and the rehab of those buildings. The final not-for-
3 profits that will own these buildings have not been
4 identified.

5
6 CHAIRPERSON GIBSON: Okay. So, I'm asking
7 if--

8 COMMISSIONER CARROLL: I'm sorry. Excuse
9 me. I'm sorry. I'm being told that they--they have
10 been identified.

11 CHAIRPERSON GIBSON: Okay. So, it's
12 important if the Council could receive that
13 information particularly the Council Finance Division
14 of the not-for-profits that have been identified, and
15 then I would certainly suggest a meeting or a
16 conversation with Council Finance, and the Council
17 Member that represent these cluster buildings so that
18 we can look at the smoothest transition with minimal
19 disruption as possible.

20 COMMISSIONER CARROLL: Thank you, Council
21 Member. We'll do that.

22 COUNCIL MEMBER GIBSON: Okay, an then I
23 believe we asked the former acting HPD Commissioner
24 as well as Steven Banks for HRA if the Administration
25 is looking future wise, the remaining cluster units

1 we have, I thought it was anywhere from 30 to 40% of
2 the portfolio remains in cluster housing through
3 2021. If we are looking at additional acquisitions
4 with these particular properties as well? Is that a
5 conversation we're having?
6

7 COMMISSIONER CARROLL: I appreciate that
8 question, Council Member. It is absolutely a
9 conversation we're having. We're looking to pull
10 more of these cluster sites out of private hands and
11 ending the Cluster program that has gone on for 17
12 years. We plan on trying to bring these buildings
13 into responsible ownership of not-for-profits that we
14 trust and to rehab these buildings to provide the
15 quality affordable housing that we-our mission is to
16 provide, and so we are in discussions with DSS, and
17 we're looking to them to give us the next phase of
18 sites.

19 COUNCIL MEMBER GIBSON: Okay, great. I
20 wanted to ask a question about prioritizing permanent
21 housing under Housing NY. As you heard in my
22 opening, and I'm sure your staff and team knows very
23 well that this is a very important issue to me
24 personally, but also to this Council. We called-in
25 our Budget Response, we called on the to fully

1
2 prioritize permanent housing solutions well over
3 homeless shelter spending, and of the 300,000
4 affordable housing units that the Administration is
5 aiming to create or preserve under Housing New York
6 by 2026, 5%, 15,000 units will be made available to
7 homeless households. Over the life of the city's
8 Housing Plan, the city has financed the preservation
9 and the creation of over 5,600 non-supportive
10 homeless units. So, my question is can you provide
11 the estimate cost of what it would be to increase the
12 number of homeless set-aside units from 15,000 to
13 30,000 under Housing New York? What is this
14 Administration going to do, as you noted, to
15 accelerate and prioritize housing for formerly
16 homeless families to transition into permanent
17 housing?

18 COMMISSIONER CARROLL: Thank you, Council
19 Member for this question. I really appreciate this
20 question because this Administration shares your
21 values in preserving housing and producing housing
22 for the most needy New Yorkers. We have accelerated
23 our plan. We've provided over 10,000 units so far of
24 housing for homeless New Yorkers. Going forward, we
25 are making sure that most of our projects have at

1
2 least 10% set-aside of housing for homeless New
3 Yorkers, and in other cases we're proving 20, 30, and
4 as high as 60% of housing for homeless New Yorkers.
5 Our housing set-aside for homeless New Yorkers is a
6 portion of all of the housing we produce in a
7 project. So, we're not able to say on a case-by-case
8 basis exactly how much it would cost to provide
9 housing for the homeless. It is part of the-of a
10 full project to provide a range of housing for very,
11 very low-income New Yorkers, and we are conscious
12 and-and careful not to be making trade-off between
13 one low-income family versus another. So, we're
14 really trying in all of our efforts, in all of the
15 different programs that we have under Housing New
16 York, and in all of the term sheets that we produce
17 to create a tide that rises all boats. That we're
18 providing housing for homeless New Yorkers, and we're
19 also providing housing for low-income families. So,
20 for example a home health aid who's making \$15,000--
21 \$15.00 an hour and has a full-time job is sometimes
22 unable to qualify for the lowest-income housing that
23 we produce. That-that home health aid has-is a
24 single mother, a single father or t a person with a
25 child. We want to be able to provide home-housing

1
2 for them as well. So, while we are doubling down on
3 our efforts, and we're going forward making sure that
4 we have at least 10% homeless set-aside in all of
5 our-our-our productions, we are trying to build
6 housing throughout the city for a variety of needy
7 New Yorkers.

8 CHAIRPERSON GIBSON: Right. I appreciate
9 the response, and I appreciate the city's commitment,
10 Commissioner, but with all due respect it's not
11 enough. It is not enough. We are not asking here at
12 the Council to choose one side versus the other. We
13 know that many, all, most New Yorkers are in need,
14 but what we're simply asking for is for this
15 Administration and HPD, the agency that is tasked
16 with the responsibility to really create a fairer and
17 more inclusive city of New York to prioritize. We
18 have been doing great in many other areas, and we
19 have the numbers to reflect that, but what we all
20 must acknowledge where we are failing and falling
21 short is on housing for homeless New Yorkers. Most
22 of the projects and the 10% you alluded to, while
23 that's a minimum, there are some neighborhoods that
24 don't even absorb the minimum 10%. There are some
25 neighborhoods like mine where we get more than 10%,

1 but when we have conversations with developers, and
2 we ask for the higher set-aside, the 15 and 20%,
3 their response is that they get pushback from HPD.
4 And so, we're trying to understand where the
5 miscommunication lies, and where the real priority
6 is. If we are committed to New Yorkers, and we are
7 committed understanding that those who are the most
8 vulnerable. All the categories I described, I would
9 argue are vulnerable, but we're talking about those
10 that are the most. The majority of the families
11 living in shelters are employed. They have a job.
12 The faces of homelessness we know come from our
13 communities and they are employed, but they're simply
14 not making enough. And so we're--we're trying to get
15 to a point where is asking this agency to prioritize
16 formerly homeless New Yorkers and getting them into
17 the housing that they need. I'm sure you agree and
18 understand that most of the housing projects that we
19 construct, 30,000 to 50,000 applications
20 preconstruction project and these are New Yorkers
21 that are trying to move into new construction, and so
22 what I'm asking the agency what is the estimate of
23 what it will cost. I'm sure that HPD has a number.
24 We know how much it costs to finance projects. Is
25

1
2 there any estimate that you can provide to us on what
3 it will cost to get from 15,000 to 30,000 units of
4 housing for formerly homeless families? I'm asking
5 for a number or some resemblance of an estimate of
6 what it will cost.

7 COMMISSIONER CARROLL: Thank you, Council
8 Member. We agree that we should do more, and that we
9 will try to do more. We can do more, and that we
10 will work with you in the future to try to find ways
11 to do more. Today, we don't have that number for you
12 because that is—it's not the way we organize our term
13 sheets, and that's just not the way we produce our
14 housing. It's really our term sheets have a subsidy
15 amount per dwelling unit, and we try to balance the
16 ranges of incomes in a project so that higher income
17 units cross-subsidize the lower-income units, but
18 we're happy to talk and work—happy to talk further.
19 This is just my second week on the job.

20 CHAIRPERSON GIBSON: No, Understand.

21 COMMISSIONER CARROLL: So, I look forward
22 to sitting with you, and your staff and with the very
23 talented team that we have at HPD to see how we can
24 tackle this issue.

1
2 CHAIRPERSON GIBSON: Okay. Well, I have
3 one solution. HPD's new construction term sheets
4 some of them have not been updated for years. Here's
5 a start. Some of the term sheets that we have that
6 incentivize increasing the rate of homeless unit
7 production can we look at revising some of those term
8 sheets where we can provide financial tax credit
9 incentives so that we can stimulate more housing for
10 homeless New Yorkers? That's an idea.

11 COMMISSIONER CARROLL: Thank you, Council
12 Member. We are in the process of updating our term
13 sheets. Most of our term sheets were updated in 2017-

14 COMMISSIONER CARROLL: Uh-hm.

15 CHAIRPERSON GIBSON: --but we are again
16 looking at these term sheets, and we are again
17 revising the, and we look forward to talking with you
18 to see how we can do more.

19 CHAIRPERSON GIBSON: Okay. I just have
20 one question again before I turn it over to my
21 colleagues, and they get to another round. The
22 Landlord Ambassador Program that you talked about the
23 Fiscal 2020 Executive Budget adds about \$750,000 in
24 Fiscal 2020 as well as Fiscal 2021 for the
25 administering of the program. Can you tell me what

1 the current budget is for the Landlord Ambassador
2 program, and where the additional funds that were
3 added in these two years enough to sustain the
4 program, and I asked that because I'm very familiar
5 with the Landlord Ambassador program. I give credit
6 that it's successful. It's working but previously I
7 was under the impression that this program costs
8 closer to \$2 million to administer and it was a
9 partnership with Enterprise. Organizations in my
10 district in the Bronx like Northwest and others are
11 administering the program, but I was under the
12 impression that it was closer to \$2 million. So, can
13 you tell me where the \$750 came from, and is that
14 sufficient to operate this program?

16 COMMISSIONER CARROLL: So, currently
17 there's no city money funding this program.

18 CHAIRPERSON GIBSON: Correct. It's all
19 private, right.

20 COMMISSIONER CARROLL: It is a pilot and
21 it was all funded with Enterprise through federal
22 money.

23 CHAIRPERSON GIBSON: Right.

24 COMMISSIONER CARROLL: What we're asking
25 for is money to continue the program, and in an

1 effort to try to make it permanent. The program is
2 very expensive to run because it takes a lot of
3 outreach and a lot of assistance to the people, to
4 the—the tenants and neighborhoods, and the owners of
5 smaller residential buildings to make sure that they
6 understand what the resources are for them, and to
7 stabilize their home. So, as you said—as—as you
8 alluded, the program has been very successful. Out of
9 77 participants in the pilot, 39 owners have applied
10 to HPD for financing in exchange for affordable
11 housing, and of the participating buildings, we've
12 seen significant reductions in vacancies. So,
13 there's been a 72% reduction in vacancies, and a 42%
14 reduction in violations. What we're asking for is
15 funding to continue the program and possibly to
16 expand the program.

18 CHAIRPERSON GIBSON: So, is \$750,000
19 sufficient?

20 COMMISSIONER CARROLL: Council Member, I
21 will ask my—my Deputy Commissioner for Development to
22 take that question.

23 DEPUTY COMMISSIONER PARK: Hi. Thank
24 you. Molly Park, Deputy Commissioner for
25 Development. We have some additional money coming in

1
2 through Enterprise for the program. We are excited
3 to have some city funds coming in through the
4 Administration. I think we have been talking to the
5 City Council, and we would really like to work with
6 you further on partnering. We are in a place right
7 now where we are pooling together lots of different
8 funding sources to make permanent and grow something
9 that we think has a lot of potential, and we'd like
10 to work with you on that.

11 CHAIRPERSON GIBSON: Okay. So my figure
12 of \$2 million is more accurate, right?

13 DEPUTY COMMISSIONER PARK: That's been
14 the budget for the—that was the two-year budget for
15 the full program. I would say we do have some other
16 funding sources besides the \$750 that we've
17 identified already and have some more that we're
18 working on.

19 CHAIRPERSON GIBSON: Okay, okay, thank
20 you. I'll turn it back over to Chair Dromm.

21 CHAIRPERSON DROMM: Actually, we're going
22 to go to Chair Cornegy.

23 CHAIRPERSON CORNEGY: Thank you, Chair
24 Gibson and—and Chair Dromm. I want to talk to you
25 about some revenue generating proposals that were

1 made from this body to the Administration, one in
2 particular. As you know, property owners of
3 residential buildings are required by law to register
4 annually with HPD, get the properties that are
5 multiple dwellings, which is three or more
6 residential units or a private dwelling, which is one
7 or two residential units. The fee for registration
8 is 13—currently, it's \$13 per building, which is
9 billed directly to the Department of Finance. The
10 Council's Fiscal 2020 Preliminary Budget Response
11 called on the Administration to convert this flat fee
12 to a \$2.00 per unit fee. IBO estimates that this
13 would increase revenue collections by \$2.4 million
14 annually. This actin is not reflected in the Fiscal
15 2020 Executive Budget. Can HPD state their position
16 on this revenue proposal?

18 COMMISSIONER CARROLL: Thank you very
19 much, Commissioner, for this question. So, HPD is—

20 CHAIRPERSON CORNEGY: [interposing] I
21 don't know is that was a—

22 COMMISSIONER CARROLL: I'm sorry.
23 [laughter]

24 CHAIRPERSON CORNEGY: --a promotion—I
25 don't know if that was a promotion or promotion of--

1
2 COMMISSIONER CARROLL: [laughs] Thank
3 you Council Member for this question.

4 CHAIRPERSON CORNEGY: I know.

5 COMMISSIONER CARROLL: I think I just
6 demoted you. [laughs] So, HPD is obligated to charge
7 fees based on the actual cost of service that we
8 provide. The purpose of this registration is for us
9 to identify owners in case of emergency. So, if
10 there's emergency, or there's an emergency repair,
11 HPD needs to know exactly--or a complaint, HPD needs
12 to know exactly who to--who-who to contact, and that
13 is the sole purpose of this application. So, the
14 requirements of the application are the same whether
15 you have 100-unit building or you have a four-unit
16 building and, therefore, we are unable to and equally
17 allocate cost in that way.

18 CHAIRPERSON CORNEGY: Thank you. Would
19 HPD consider including unit level information as part
20 of the registration and filing process?

21 COMMISSIONER CARROLL: I would like to
22 ask my Deputy Commissioner Anne Marie Santiago to
23 answer this question.

24 DEPUTY COMMISSIONER SANTIAGO: Thank you.
25 Again, Council Member, as--as the Commissioner stated,

1
2 for purpose of the registration you have to be able
3 to reach the property owner, and that's really what
4 we use it for, to service our—to issue notices of
5 violations, provide service and to provide contact
6 information, and there's really no necessity for unit
7 level information as part of that application. We
8 receive information about the owner, any site
9 management at the property and the managing agent,
10 and that's really the key information that we
11 require.

12 CHAIRPERSON CORNEGY: Yeah, but isn't—
13 isn't any issues with the unit provided by the
14 occupant of the unit?

15 COMMISSIONER CARROLL: Yes, but the
16 occupant can change at any time, and so having
17 permanent information of that type is not helpful to
18 us. Any time someone files a complaint with us, we
19 reach out to the managing agent and/or the owner.
20 The—the occupant will provide us their contact
21 information at the time they file a complaint.

22 CHAIRPERSON CORNEGY: So, my—I saw my
23 colleague Rafael Espinal who was here earlier, and I
24 want to ask some questions on his behalf on the
25 Basement Apartment Program and the spending. City

1 funds of \$2.2 million were added to Fiscal 2019 and
2 Fiscal 2020 to support a Basement Apartment Pilot
3 Program in East New York to assist building owners
4 with existing underground apartment units up to code
5 obviously for the purpose of safety and for bringing
6 these units as affordability onto the market. HPD's
7 Fiscal 2020 Executive Budget reflects savings in
8 Fiscal 2019 and Fiscal 2020 under this program. What
9 accounts for these spending changes?
10

11 COMMISSIONER CARROLL: Thank you, Council
12 Member. First of all, I'd like say I'm very excited
13 about this program, and I'd like to thank Council
14 Members Lander, Barron and Espinal for their
15 partnership in helping us get to this-this pilot.
16 The program is in its pilot stages, and basically
17 what you're seeing is a right sizing of the budget to
18 account for monies that would be needed immediately
19 as opposed to monies that would be needed long-term
20 for the program. So, basically, if we—we budgeted
21 money for out-years, and we're basically showing a
22 reduction in that budget for out years to what is
23 immediately needed.

24 CHAIRPERSON CORNEGY: How do you expect—
25 how do you expect to use those savings, though?

1
2 DEPUTY COMMISSIONER SANTIAGO: So,
3 basically, if you're budgeting for a three-year
4 program, and you're asking for let's say \$300,000 for
5 three years, what we're actually doing now is
6 recognizing that we don't need all of that money
7 today. We only need what it—the money that is
8 required for the program in this budget, and when we
9 need further funds, we'll ask for it in the next
10 budget.

11 CHAIRPERSON CORNEGY: Okay, I should have
12 asked this question probably first, but can you
13 provide an update on the status of that program
14 because we're all excited about the program.

15 DEPUTY COMMISSIONER SANTIAGO: So, we are
16 still in the implemental—implementing stage. The
17 program has not been fully launched. We are reaching
18 out to qualified building owners, and so we're—we're
19 still at the very beginning of the pilot.

20 CHAIRPERSON CORNEGY: So, how—how many—
21 currently, how many building owners are currently
22 qualified to receive subsidies through the program?
23 Do we know?

1
2 DEPUTY COMMISSIONER SANTIAGO: We expect
3 to serve about 40 building owners through this pilot
4 currently.

5 CHAIRPERSON CORNEGY: So, initially in
6 the program while I was excited about it and remain
7 excited about it, as well, I was a little bit
8 concerned about people's willingness to participate
9 in the program. What form of outreach are we using
10 to get and bring members on board, and do we think
11 it's sufficient? Is there something else we could be
12 doing? Because I just feel like people who are—who
13 have basement apartments may not be willing to be a
14 part of the city's program for obvious reasons.

15 COMMISSIONER CARROLL: Thank you,
16 Commissioner, Council Member for this question.
17 [laughs] I'd like to ask--

18 CHAIRPERSON CORNEGY: [interposing] I
19 don't know what my future holds, but--

20 COMMISSIONER CARROLL: You are definitely
21 gong to find out.

22 CHAIRPERSON CORNEGY: If I'm going to
23 have years left for me, I don't know.

24 COMMISSIONER CARROLL: It seems that we
25 really want you on our team. [laughter] I'd like to

1 ask Deputy Commissioner Anne Marie Santiago to answer
2 this question.
3

4 DEPUTY COMMISSIONER SANTIAGO: I'm going
5 to jump in because—because the Basements Initiative
6 is going to be run out of Development. So, we have
7 partnered with local organizations in particular
8 with—with Cypress Hills, LBC to do—to organize and
9 run the program. We're doing a lot of outreach
10 through our—through the non-profits, through the—and
11 through HPD's Traditional Outreach Initiatives such
12 as the Commissioner mentioned with the van. I think
13 we would very much welcome opportunities to partner
14 with you to look for additional outreach moments. I
15 will say that we are actually trying very hard to
16 have entities other than HPD to be the primary face
17 of the outreach for the exactly the reasons that you
18 described, that for the city to come in and take a
19 look at your basement apartment is potentially
20 problematic. Having the non-profit intermediary do
21 it is—is less concerning for homeowners. So, that's
22 why we have—are working very closely with non-profit
23 partners.

24 DEPUTY COMMISSIONER SANTIAGO:
25

1
2 CHAIRPERSON CORNEGY: So, I guess my last
3 question on this is has—have any loans been issued to
4 begin basement apartment renovation?

5 DEPUTY COMMISSIONER SANTIAGO: Not yet.
6 We're still in the—the implementation phase.

7 CHAIRPERSON CORNEGY: So, I—I guess that
8 my concern is that what if we get to a place where we
9 haven't made the movement in the time period that are
10 prescribed for the program, what do we—what do we
11 then do?

12 DEPUTY COMMISSIONER SANTIAGO: Well, I'm—
13 I'm cautiously optimistic that we have structured
14 things in such a way that we will be able to meet the
15 timeframes of the program, but I think we are going
16 to keep a close eye on that, and try and—before I can
17 suggest a response, I'd need to know the concerns
18 were, right. Is it—if we're going to have a different
19 answer to that question whether it's households
20 aren't willing to come in the door for whatever
21 reason versus say they're in the door, and they're
22 working with us, and there is an operational hiccup
23 in there. So—but I am cautiously optimistic we'll be
24 fine.

1
2 CHAIRPERSON CORNEGY: Will--will there be
3 an impact on the budget if this goes longer than
4 anticipated?

5 DEPUTY COMMISSIONER SANTIAGO: We've been
6 working very closely with OMB on this, although
7 they've done some technical realignments as you noted
8 initially, I'm confident that we'll--we'll bring the
9 budget in for when the dollars are actually needed.

10 CHAIRPERSON CORNEGY: So, again, that
11 completes my questions for this round. I'll go back
12 to Co-Chair Danny Dromm.

13 CHAIRPERSON DROMM: Okay, we're going to
14 go back to Council Member Gibson followed by Council
15 Member Rosenthal.

16 CHAIRPERSON GIBSON: Thank you. I want
17 to ask a quick question about the Low-Income Housing
18 Tax Credit Program because the Capital Budget
19 allocates a portion of the State of New York's
20 Federal Low-Income Housing Tax Credit, and every year
21 that amount, as I understand, is negotiated with the
22 State of New York. Typically, HPD allocates anywhere
23 from \$12 to \$14 million in tax credits per year to 20
24 or more projects that ultimately would create about a
25 thousand units of low-income housing. In calendar

1 year 2019, do you know how much will be reserved for
2 HPD in this program? I think the acronym is LICH, I
3 think and for how many affordable housing units would
4 that cover.
5

6 COMMISSIONER CARROLL: Thank you, Council
7 Member for that question. So, under the LIHTC
8 allocation.

9 CHAIRPERSON GIBSON: [interposing] Oh,
10 LIHTC rather. [laughter] I can't with these acronyms.

11 COMMISSIONER CARROLL: So, basically,
12 there are two types of-of tax credits. For the 4%,
13 which is associated with our bond financing and the
14 9% Low-Income Housing Tax Credit for which we
15 allocated \$18,120,357 in credits to about 13
16 developments with a total of 1,001 and units, and the
17 way we allocate those credits is a difference. So,
18 you know, the 4% tax credits is a non-competitive tax
19 credit program and the 9% tax credit is a competitive
20 program.

21 CHAIRPERSON GIBSON: Okay, so year to
22 date the amount that's negotiated with the state does
23 that typically increase if there's a great need that
24 comes from New York City or has it harbored around
25 that \$12 to \$14 million year after year?

1
2 COMMISSIONER CARROLL: The Low-Income
3 Housing Tax Credits is a federal program and
4 basically, the allocation is by population.

5 CHAIRPERSON GIBSON: By population in New
6 York City not by--?

7 COMMISSIONER CARROLL: So, it is--

8 CHAIRPERSON GIBSON: [interposing] AMI?

9 COMMISSIONER CARROLL: --so, the state
10 gets an allocation--

11 CHAIRPERSON GIBSON: [interposing] Right.

12 COMMISSIONER CARROLL: --and they give
13 and allocate throughout the state and New York City
14 gets its allocation from the state with the 9% based
15 on population.

16 CHAIRPERSON GIBSON: Okay. So does the
17 federal government track the population growth or is
18 it the state?

19 COMMISSIONER CARROLL: So, I don't-I
20 don't have the answer to that. I'm going to ask my
21 Deputy Commissioner for Development-

22 CHAIRPERSON GIBSON: [interposing] Okay.

23 COMMISSIONER CARROLL: --to answer that
24 question.

1
2 DEPUTY COMMISSIONER PARK: Sure. The-the
3 federal government does the population estimates
4 that-that allocates the individual tax credits to the
5 state. In the Tax Reform Act, one of the very small
6 silver linings in the Tax Reform Act was actually an
7 increase 9% tax credits, which is why we got about
8 \$18 million last year as opposed to the \$14 million
9 that has been the historical number. The-the state
10 allocation, sub-allocation from the state down to New
11 York City has remained relatively constant with the
12 exception of that bump from the Tax Reform Act.

13 CHAIRPERSON GIBSON: Okay.

14 COMMISSIONER CARROLL: It's gone up
15 slightly, but-but-but only fairly slightly.

16 CHAIRPERSON GIBSON: Okay, and who
17 determines the criteria by which projects actually
18 receive the LIHTC tax credits? Is it HPD, and if so,
19 what does that criteria look like?

20 COMMISSIONER CARROLL: HPD, yes, HPD
21 does determine the criteria. So, every year we put
22 out a Qualified Allocation Plan better know as QAP,
23 and every year we update it, and developers are able
24 to look at what that criteria is, and compete for the
25 credits based on scoring of that criteria, and so the

1
2 criteria includes readiness of the project, the
3 income level of tenants that are being served,
4 whether the project is in an area of priority for the
5 city. For example, maybe a rezoned area or other
6 area of-of interest to the city whether the property
7 is distressed when we use the credits on preservation
8 projects, how distressed financial or otherwise, the
9 use of not-for-profit partners and also how cost-
10 effective the project is. These are some of the
11 criteria that's in the clock. (sic)

12 CHAIRPERSON GIBSON: Okay. I wanted to
13 as about partners in Preservation. You talked about
14 that in your opening. Last July we launched this as
15 a pilot really focusing on a lot of anti-displacement
16 initiatives, and I'm sure you recognize the priority
17 that the City Council has on anti-displacement. Just
18 last week we passed a package of 17 bills related to
19 anti-displacement across the city. The initiative
20 has been piloted in most recently the rezoned
21 neighborhoods, East Harlem and Jerome in the Bronx,
22 and I wanted to understand how many groups to date
23 have been funded to do this work, and within HPD is
24 there a dedicated staff to the partners in
25 Preservation Program?

1
2 COMMISSIONER CARROLL: Thank you, Council
3 Member for this question. We are very excited about
4 Partners in Preservation. It is one of our many
5 anti-displacement tools like the Landlord Ambassadors
6 Program, like the Clusters Program, and basement
7 apartment conversion including our efforts on rent
8 stabilization reform to basically protect tenants
9 from being displaced from their communities. I'd
10 like to ask my Deputy Commissioner for Planning Leila
11 Bozorg to take this question.

12 CHAIRPERSON GIBSON: Okay.

13 DEPUTY COMMISSIONER BOZORG: Hello. My
14 name is Leila Bozorg, Deputy Commissioner for
15 Neighborhood Strategies. So, we have a relatively
16 new unit within our Neighborhood Development and
17 Stabilization team focused on Partners in
18 Preservation. There's three project managers
19 dedicated to the program, one for each of the pilot
20 areas. Their portfolio is a little bit broader than
21 Partners in Preservation. I would say the portfolio
22 is about—at least 80% Partners in Preservation

23 CHAIRPERSON GIBSON: Any chance to grow
24 that as Partners in Preservation does this work, and
25

1 I'm sure we'll be expanding beyond East Harlem and
2 Jerome and Inwood.
3

4 DEPUTY COMMISSIONER BOZORG: Our goal is
5 certainly to evaluate the program. After the pilot
6 period, the period of performance will go into about
7 November 2020, and we, you know, depending on what we
8 find through the program, and whether it's an
9 effective tool for anti-harassment, anti-displacement
10 work, we would certainly look to expand that. I'd
11 also just like to add that in addition to the three
12 staff, you know, those are three project managers
13 coordinating. There's a lot of other staff at HPD
14 that will be helping with this initiative. Folks in
15 our Enforcement and Neighborhood Services that will
16 be partnering with folks in our Preservation Finance
17 team that we'll be partnering with as buildings come
18 in, and as we develop action plans for the—for the
19 buildings that are identified, we'll be kind of
20 connecting them to other HPD tools. So, it's—it's
21 broader than—than just the three.

22 CHAIRPERSON GIBSON: Okay and I was very
23 happy to learn that earlier this year in March there
24 were organizations that were awarded several thousand
25 dollars to do this work, and I'm grateful that the

1 Administration acknowledges that in the Anti-
2 Displacement work it also involves and includes
3 tenant organizing. There are a number of buildings
4 in my of our districts where tenants are not coming
5 forth with issues, and it's simply because of out of
6 their status, they're fearful. They've been
7 harassed, all sorts of tactics that many landlords
8 unfortunately use, and so to me this work really
9 revolves around tenant organizing and strategizing
10 with tenants associations, and putting them together
11 to make sure that tenants understand their rights and
12 what services that they are afforded. So, I'm
13 grateful that that was announced in March and now the
14 work will begin very shortly.

16 DEPUTY COMMISSIONER BOZORG: Thank you.

17 CHAIRPERSON GIBSON: Okay. I had a
18 question about the TIL Program, the Tenant Interim
19 Lease Program. Chair Robert Cornegy and I during the
20 Prelim heard extensive-extensive testimony from
21 tenants predominantly in the South Bronx, and
22 Northern Manhattan, who expressed their opposition to
23 a lot of the building rehab work that was being
24 completed under the ANCP program, which you're very
25 familiar with the Affordable Cooperative Program, and

1 they were outright upset, pissed off. I mean
2 everything you can think of, and what I wanted to
3 understand is how many buildings are left in the TIL
4 Program and if the tenants don't agree to carry an
5 underlying 30-year mortgage, what other renovation
6 options are available to them? So is it only ANCP?
7 What other options do we have in our two lots that we
8 can afford to residents that still live in TIL
9 Programs, in TIL program buildings?

11 COMMISSIONER CARROLL: So, I'm incredibly
12 proud of the work that this team has done on both
13 ANCP and the TIL Program in general. There are 115
14 buildings still left in that program and the team has
15 worked incredibly hard to make sure that, you know,
16 tenants that are living in substandard buildings have
17 these buildings renovated, and are quickly move to
18 homeownership opportunities where possible. I would
19 like to ask my Deputy Commissioner Ann Marie
20 Hendrickson to answer further questions on this
21 program.

22 DEPUTY COMMISSIONER HENDRICKSON: So,
23 good morning, and thank you. I handle the Tenant
24 Interim Lease Compliance side of the program.
25 Actually, my colleague Molly Park handles the

1
2 Affordable Neighborhood Co-op Program, but to your
3 point about whether there's another option. I mean
4 ANCP was created to, you know, to continue in our
5 commitment to homeownerships. So, it is the hybrid
6 of TIL. You-as you move from TIL you get into ANCP
7 and you go into the homeownership mode. The 30-year
8 mortgage, you know, again, when TIL was first
9 designed, the city subsidized the program in its
10 entirety. As we realized that budget wasn't
11 sustainable, we created the Affordable Neighborhood
12 Cooperative Program model. So that 30-year mortgage
13 is something that's going to be there. The idea is
14 to continue to keep the vacancies to be able to be
15 sold after the building was renovated, and those—the
16 money that's generated from selling those vacancies
17 will be used to pay down the private debt that is now
18 associated with the program.

19 CHAIRPERSON GIBSON: Is there money
20 that's reflected in this budget that's dedicated to
21 the Capital Budget for the TIL and the ANCP program?

22 DEPUTY COMMISSIONER HENDRICKSON: So the
23 Capital Budget includes \$497.5 million for ANCP for
24 FY19 to 29.

25

1
2 CHAIRPERSON GIBSON: Okay and that will-
3 Okay, I got it. Well, the only thing I'll say-I just
4 have one final question on another topic, but just
5 based on the feedback that we're getting at the
6 Council and a number of housing organizations, there
7 is a lot of displeasure out there about the TIL
8 Program, about ANCP, and while I understand, you
9 know, that you see the work that your agency is
10 doing, I just want to encourage you that there has to
11 be more done. There are still 115 buildings left in
12 this program and in an absence of ANCP being the only
13 alternative, I really want the agency to look at
14 doing more. We're getting a lot of feedback from
15 tenants, and they're not happy with ANCP. So,
16 something is going on, and I want to make sure that
17 whatever deficiencies we have or gaps in the system
18 we have to fix them because these tenants are not
19 happy, and they've lived in these buildings for a
20 very long time.

21 COMMISSIONER CARROLL: Thank you,
22 Commissioner. This is my second week on the job, but
23 I promise you that my team and I will talk internally
24 and we'll come talking with you and your staff and
25

1
2 other council members to see how we can improve this
3 program.

4 CHAIRPERSON GIBSON: Okay, my last
5 question as we get to Council Member Rosenthal—thank
6 you, Council Member for being so patient—is about the
7 Alternative Enforcement Program. In the 2020
8 Preliminary Budget Response we called for \$750,000 in
9 baselined funding to be added for emergency repairs
10 for this program, which identify the 250 most
11 distressed multiple dwellings in the city as well as
12 performing repairs in those particular buildings.
13 This item was formerly under the Council as one of
14 our initiatives, but last year the Administration
15 agreed to pick it up, but it was only for a one-shot
16 for one year. So, my question is: What is the total
17 budget in Fiscal 2019 for this program, and what is
18 the long-term plan. Beyond the one shot, is this an
19 initiative that the Administration will continue to
20 fund beyond Fiscal 2019?

21 COMMISSIONER CARROLL: Thank you, Council
22 Member for that question. I would like to ask Eva
23 Trimble, our Deputy Commissioner for Budget.

24 DEPUTY COMMISSIONER TRIMBLE: Thank you.
25 So, the AEP Budget is about \$8.6 million for Fiscal

1 Year 19. Almost all of that is from federal CDBG
2 funding, nearly \$7.9 million of that, and the
3 remainder is the-the tax levy funding that you just
4 referenced. The city funded portion of AEP program
5 was critical to filling gaps where the CDBG funding
6 doesn't allow. For example working flood plain, and
7 we received additional funding from OMB this year for
8 ERP work specifically in the flood plain as well, and
9 so we-we work very closely with OMB to make sure
10 we're leveraging that CDBG as broad as we can
11 throughout the program, and then when there are gaps
12 we work with them to fill that with city tax levy.
13 So, we're not concerned long-term about the \$750,000
14 as a strategy, but we do work case-by-case as needed
15 to fill those gaps in CDBG funding.

17 CHAIRPERSON GIBSON: Okay. So, it is our
18 expectation that the \$750,000 will be continued,
19 right?

20 DEPUTY COMMISSIONER TRIMBLE: It's
21 unclear whether it will be continued long-term, but
22 they are-OMB is working with us to fund gaps in the
23 program as needed each year by year.

24 CHAIRPERSON GIBSON: Okay. Thank you.
25 I'll turn it back over to our Chair.

1
2 CHAIRPERSON DROMM: Okay, Council Member
3 Rosenthal, but let me just say we're also joined by
4 Council Members Cabrera and Moya.

5 COUNCIL MEMBER ROSENTHAL: Thank you so
6 much. Welcome, Commissioner. You've inherited some
7 great staff fortunately who I've gotten to know, and
8 really enjoy working with. So, you're lucky in that.
9 I have four quick questions. The first one is about
10 the HPD term sheets. You know, one of the things
11 that I've come to understand over my six years in
12 being in the Council and watching what's happening in
13 my district, is that there are just so many
14 opportunities for building owners to monetize rent
15 regulated apartments by lying to the tenants about
16 whether or not they can stay in the program or
17 whether or not their apartment goes to market rate.
18 I'm wondering if HPD has organized in some fashion
19 all of the term sheets that are-are in place right
20 now and historically so that you could know by
21 building, by apartment number how long that unit is
22 mandated to stay in rent regulation?

23 COMMISSIONER CARROLL: Thank you, Council
24 Member for that question. So, in this Administration
25 we—one of our primary goals is to make sure that

1 there's a net gain in affordable housing long-term.

2 We've committed a lot of funds and a lot of energy to

3 expanding the Housing Plan, and what were are

4 striving for are changes to rent stabilization

5 program making sure that there are effective reforms

6 so that our units are properly registered, the right

7 rent is being charged to tenants long term, and that

8 we have quality affordable housing. Every one of our

9 regulatory agreements require that our units be rent

10 stabilized and we have a incredible Asset Management

11 team and legal team that makes sure that these rent

12 stabilization requirements are clearly spelled out in

13 our regulatory agreements, and our Asset Management

14 Team looks at our projects long term. In addition,

15 for a lot of the projects that have tax credits and

16 are bond financed, our partner HDC is our Tax Credit

17 Compliance Agency, and they do an incredible job of

18 making sure that they are tracking these units every

19 year, that they're tracking the rents on these units.

20 Developers will lose the tax credits and lose the

21 benefit of the bond financing if they don't comply

22 annually with regulation.

23
24 COUNCIL MEMBER ROSENTHAL: [interposing]

25 Last year, how many units were—did you track and how

1 many unit did you find were not continued as rent
2 regulated because the developer did not live up to
3 their agreement?
4

5 COMMISSIONER CARROLL: So, we track units
6 as well as HDC. So, I don't have those numbers
7 today, but I'm happy to come back to you.

8 COUNCIL MEMBER ROSENTHAL: So, what I'm
9 getting at is this: I have rent regulated [bell]
10 residents—may I continue Chair?

11 CHAIRPERSON DROMM: Yes.

12 COUNCIL MEMBER ROSENTHAL: Thank you. -
13 come into my department saying that they don't know—
14 that they've gotten a menacing letter from their
15 building owner saying that their unit—that the tax
16 abatement has ended, and they're no longer in a rent
17 regulated unit. It's going to market when that's
18 absolutely not true. What I'm asking is does HPD
19 have the capacity to send a letter to every single
20 rent regulated unit perhaps three years prior, two
21 years prior, one year prior to that unit that's been
22 rent regulated to advise a tenant of what their
23 rights are? Do you have the capacity to do that? Do
24 you do that now? And the reason it's so important,
25 and I—I stay on it pretty much every year is because

1 we are losing these units hand over fist because
2 tenants do not know what their rights are, and they
3 believe the letters that they're—the menacing letters
4 they're getting from their building owners.
5

6 COMMISSIONER CARROLL: So, thank you,
7 Council Member for this insightful question. I have
8 personal experience with the type of letters that
9 you're talking about, and a lot of them come about
10 where several programs are layered one on top of the
11 other, and maybe for example a project—a building has
12 421-A that expires in a certain period of time, but
13 the units are also subject to inclusionary housing or
14 another requirement that require permanent affordable
15 housing, and so sometimes landlord send letters out
16 to tenant when one program is expiring, and they-

17 COUNCIL MEMBER ROSENTHAL: [interposing]
18 Yeah, and I—with all due respect, Commissioner, and I
19 need to move onto my second and final question on the
20 clock, but according to my—to the resident, I'm
21 losing 500 units of rent regulated apartments a year
22 in my district alone. There's no way that new
23 buildings and new financing can keep up with losses.
24 So, when they—the Mayor says that he—he wants to
25 preserve this number and build this number God bless

1 him and—and I encourage and support all of that. It's
2 not keeping up with the number that's being lost
3 every year, and what I'm asking is whether or not HPD
4 can—what tools they have, and implement to keep us
5 from losing all of this—all of this affordable
6 housing. It's like a sieve, and—and really what I'm
7 saying is I've not seen enough on that side, and I,
8 of course would like to work with you to—to get us in
9 better position, but over the last six years, I have
10 not seen any improvement—improvement. My office
11 continue to—continues to get calls from developments
12 like 180 Riverside Boulevard, 200 Riverside Boulevard
13 where there were agreements set in place, and the—the
14 residents have no idea that they have the right to
15 stay in their apartments. They're being told
16 otherwise by their developer, by the building owner,
17 by the management team, and I don't see what HPD is
18 doing to ensure that those residents know what their
19 rights are, and I think if we just double down on
20 that, we would keep people from being harassed and
21 evicted out of their homes and—and—and keep them from
22 then moving into shelters, which ultimately is what
23 happens to these people.
24
25

1
2 COMMISSIONER CARROLL: So, this is one of
3 the reasons I took this job. While I was at HPD, we
4 fought the Compliance and Enforcement Unit to do just
5 what you're--what--what you asked, which is make sure
6 that all of the developers that receive 421-A tax
7 exemptions or any other tax benefits and inclusionary
8 benefits make sure that they are telling tenants the
9 right information that they're properly rent
10 stabilized, and we've done a lot of enforcement
11 action areas. One of the things that I came back to
12 HPD to do is take a look at our asset management, and
13 see how we can shore that up to ensure that we do not
14 lose the housing, but we're producing, and that we
15 makes sure that the tenants that are in our housing
16 have accurate information.

17 COUNCIL MEMBER ROSENTHAL: Great. I-I
18 think a good way to start and, okay. So, I'm going
19 to move onto my next question and last question. I'm
20 wondering why as a Council Member I am asked by
21 developers to pick up the cost of Social Services
22 when HPD is doing a refinancing of a program. So, in
23 other words, and perfect example: Independence
24 House, HPD did a beautiful refinancing with them.
25 Now, the Social Service provider is coming to me and

1 say we need more money for anything, social workers
2 at the building, and they're asking the Council
3 Member to fund \$1.5 million for that. They just went
4 through a refinancing. I'm wondering if HPD is not
5 being given the resources it needs in order to do
6 these re-financings so that at the end of the day
7 these social service programs are short funding. That
8 happened—that—I have that one on my plate and I've
9 got another one that's about to go through a
10 refinancing where also another social service
11 provider is asking that I put up very—the very
12 limited resources that Council Members are given to
13 allocate funds in order to make sure that housing is
14 preserved. Is there a reason? Is that a change—is
15 that part—is that a practice that you do with every
16 council member? Are you not given enough funding to
17 do this refinancing? What's going on? Thank you,
18 Council Member for this question. When we finance a
19 project we—we finance the construction and the
20 operations of the affordable housing. I'm not
21 familiar with the—the two buildings that you are
22 referring to, but I'd like to ask Molly Park, my
23 Deputy Commissioner for Development to answer this
24 question.
25

DEPUTY COMMISSIONER PARK: Thank you.

So, in our new construction programs when we include homeless set-asides, which is-is as we've talked about across the board we will capitalize the Social Service reserve upfront. We actually just recently released a prequalified list of providers to—who developers need to work with somebody on that list to provide aftercare services in those units. So, this is something that we are doing where we can. As I'm sure you are well aware, that we can't use capital dollars to pay for operating expenses. So, depending on the structure of the—the particular financing of a particular project, sometimes there's opportunity to do it, and sometimes there isn't, but we have certainly heard the concern about making sure that we have appropriate services in the project, and when we can structure a deal to make it work with our capital dollars, we do do it.

COUNCIL MEMBER ROSENTHAL: Thank you.

I'm not—it's—I need some help in my district. I don't think it's appropriate for the Council member to be funding normal services that the city needs to provide. Thank you very much.

DEPUTY COMMISSIONER PARK: Thank you.

1

2

CHAIRPERSON DROMM: So, thank you and now

3

Chair Cornegy questions:

4

CHAIRPERSON CORNEGY: Thank you. So, I

5

want to talk about all the legislation that's been

6

passed in the state, and its potential impact on-on

7

the city. So, Fiscal Year 2020 State Executive

8

Budget released this past January introduced several

9

housing related proposals including major rent

10

regulation reforms elimination vacancy decontrol,

11

repealing preferential rent and limiting building and

12

apartment improvement charges; limited security

13

deposits to a maximum of one month's rent among other

14

initiative. These changes were not reflected in the

15

Fiscal 2020 State Enacted Budget, but are still be

16

considered in this current state legislative session.

17

Is HPD in communication with the State Legislature on

18

these proposals?

19

COMMISSIONER CARROLL: Yes we are and

20

we're working closely with State Legislatures on

21

this-legislators on this effort.

22

CHAIRPERSON CORNEGY: So, what

23

information if any does HPD receive from the Division

24

of DC-DHC regarding the number and location of rent

25

regulated units? Before you answer that, that's a

1 very important question for members of the Council.
2
3 I've been trying diligently to get a robust kind of
4 calculation of the affordable units in my district
5 alone to be able to see where we are. So, I'm just
6 wondering, you know, there—there are so many
7 different programs out there that are geared towards
8 affordable housing, I—I wonder if there's a
9 relationship between DHCR that reveals to HPD what
10 their affordable units are.

11 COMMISSIONER CARROLL: So, HPD does have
12 a relationship with DHCR. There are state laws that
13 protect DHCR's unit information for privacy concerns,
14 and so, our ability to use that data and also to
15 produce that data is curtailed, but we do have our
16 employees and the people in various units have the
17 ability to access DHCR data directly in some cases,
18 and in other cases to use that data to produce
19 reports, but that data has to be clearly massaged so
20 that it does not violate the state privacy laws.

21 CHAIRPERSON CORNEGY: So, I'm not going
22 to ask you if you see that as a problem, but I'm
23 going to tell you here in the Council we see that as—
24 as a problem, and not being able to get a full
25 assessment of affordable housing units in totality

1 not only in individual districts, but for the city of
2 New York presents a great problem. So, you know, I
3 go every day trying to initiate new programs, trying
4 to work in preservation not ever really knowing, you
5 know—not ever really having a full assessment of what
6 affordable units are in my district. That's—that's
7 problematic. So, we're—we're functioning kind of in
8 an environment where we had—we don't have the
9 information necessary to assess where are with
10 affordable housing units across the board. I just
11 find that a little bit problematic.

12
13 COMMISSIONER CARROLL: You know, we're in
14 constant talks with DHCR as to how we can access the
15 access the data and how we can better use that data
16 and give that data to the public, but--

17 CHAIRPERSON CORNEGY: [interposing] I-I
18 wouldn't even say to the public, but a council and
19 certainly the Chair of Housing and Buildings, you
20 know, should—should be able to have that just to make
21 an assessment as to where we're going as city. I
22 think—I find myself on this kind of treadmill running
23 to replace sunsetted programs. Like we had that as
24 an issue as well, which I'm sure HPD has. There was
25 a time when I came—when I first came to the Council

1 where were trying to have conversations with
2 landlords these programs that have been sunsetted two
3 and three years, and those—those units were off the
4 market. There's no way you get a landlord to do
5 that. We should be having that conversation three to
6 four years before the program sunsets. So, there—
7 there's a few—there's a few issues or barriers around
8 sustainable affordable housing that we should have a
9 discussion about for another time.
10

11 COMMISSIONER CARROLL: Absolutely, so
12 this is a discussion of tracking units and tracking
13 units that are coming out of—of a regulatory regime,
14 which in order to preserve these units long-term,
15 which again, you know, our efforts to do that
16 internally plus rent regulation reform, the two areas
17 to tackle this, but there's also the data issue,
18 which again is a—is a steep discussion.

19 CHAIRPERSON CORNEGY: So, I—listen, I
20 look forward to being as supportive as I can with my
21 state colleagues around this. I think it's very
22 important that if we are who we say we are as a city,
23 and I believe we are as it relates to preservation
24 and affordable housing. We've got to have the—the
25 right statistics to even base where we are before we

1 can go forward because I—I find myself—I wonder if
2 you are, but I find myself running around almost, you
3 know, like a particular animal chasing its tail,
4 because I don't have the—the appropriate information,
5 an it's very difficult to function. In any
6 sustainable way to from that point. So, should -out
7 of the aforementioned reforms, how would them impact
8 HPD's Program and Operations citywide if they were to
9 be implemented?
10

11 COMMISSIONER CARROLL: We're excite about
12 this opportunity, and we're excited about this
13 conversation about rent regulated reform. What we're
14 looking for from this regulation is to persevere
15 affordability; to stabilize rent levels for tenants;
16 to make sure that tenants are secure in their homes
17 and their neighborhoods and to protect the rent
18 registration for future units to protect it long term
19 and so, what we're looking for and we're committed to
20 in these discussions is to end high rent vacancy
21 decontrol, to end the vacancy allowance, and to limit
22 landlords' availability—ability to take IAI's and
23 MCIs. And so this is the—the—the content of our
24 discussions so far. In this state, and we are
25 looking for all our partners to help us to push for

1 these reforms to rent stabilization. We believe that
2 it is really the cornerstone to anti-displacement.
3 It's the cornerstone to making sure that somewhere in
4 the future we have a net gain in the affordable
5 housing, and it really is a cornerstone to protecting
6 the city so that all different people of different
7 incomes can live and work and thrive in New York
8 City.
9

10 CHAIRPERSON CORNEGY: So, I just want to
11 say in closing that I am going to continue to fight
12 to attempt to get some of the information that you've
13 said that is protected on a state level. I think
14 it's important, and even if we can get it to a place
15 that, you know, those—those people in—in high
16 authority whether in the Administration or in the
17 Council can have a public consumption just so that we
18 could do our work more effectively and efficiently.
19 So, I'm going to continue to fight. I'd—I'd ask that
20 the Administration join me in that—maybe I should
21 call it a fight. I would ask that the Administration
22 join me in trying to solicit for that information
23 from the standpoint that it can make us all way more
24 efficient and effective as it relates to affordable
25 housing. Thank you.

1
2 COMMISSIONER CARROLL: We look forward to
3 working with you.

4 CHAIRPERSON CORNEGY: Thank you.

5 CHAIRPERSON DROMM: Okay, we have a few
6 last follow-ups. Chair Gibson followed by Council
7 Member Moya. Council Member Moya.

8 COUNCIL MEMBER MOYA: Thank you,
9 Commissioner. Thank you—thank you, Chairs. Just a
10 quick question. Does HPD have a plan to address sort
11 of the—the use of low road contractors with a history
12 of wage theft, and safety violations with the city on
13 subsidized affordable housing project?

14 COMMISSIONER CARROLL: [background
15 comments] Alright. So, I can tell you that we are
16 committed to making sure that our contractors pay
17 workers appropriately, that our contractors employ
18 safe standards in building, and that developments are
19 being built in the correct way. I would like Molly
20 Park to basically answer further questions on this
21 issue.

22 DEPUTY COMMISSIONER PARK: So, we have a
23 structured review process where we look at
24 contractors and subcontractors with respect to their
25 performance around labor issues, around safety

1
2 issues, construction quality. We do not have the
3 ability—legal ability to debar anybody, but if a—if a
4 contractor subcontractor raises any concerns we post
5 them on our Enhanced Review List, which is on our
6 website, and if any project comes in that is using an
7 entity that is on the Enhanced Review List, it has
8 to go through extra levels of scrutiny and we put
9 various different requirements on that project
10 whether it's escrowing to make sure that—that there's
11 money for labor costs or bringing in a third party
12 monitor. There's a variety of different tools we
13 have.

14 COUNCIL MEMBER MOYA: So, I—I asked
15 because as—as Chair of Zoning, I've done now two
16 major neighborhood re-zonings. We're going to do a
17 third one in the upcoming month, and I have asked for
18 responsible contractor language when you are putting
19 out the RFPs, which the agencies and this
20 Administration has said that they would not do. We
21 have seen time and time again that even though you
22 have a website you are still contracting with
23 contractors that have a history of wage theft, fraud,
24 insurance fraud as well. And so I'm asking this
25 question because this is critical as you ask for

1 funding this budget season again, and we're talking
2 about affordability. This city should not be doing
3 business with any contractors that have a history of
4 wage theft or been convicted of insurance fraud, et
5 cetera, et cetera.
6

7 COMMISSIONER CARROLL: Thank you, Council
8 Member. So, just to--to add to what Molly said. So,
9 when we have a contractor on our model training list,
10 (sic) that is chosen by a developer to work on our
11 projects, [bell] we make sure that if--if there are
12 concerns about past actions of that contractor, we
13 have--

14 COUNCIL MEMBER MOYA: [interposing] Why
15 not put it in the--why not put it in the--why not put
16 it in language? Why not have it there instead of
17 having to wait for someone to report?

18 COMMISSIONER CARROLL: So, we--we ask for
19 the contractor to hire a monitor to monitor--

20 COUNCIL MEMBER MOYA: [interposing]
21 Again--

22 COMMISSIONER CARROLL: --on the project.

23 COUNCIL MEMBER MOYA: Right, I'm--I'm
24 saying that we have an opportunity to put responsible
25 contracting language so that we as a city do not

1
2 operate with funding that will go to contractors that
3 we are contracting as we speak now that have a
4 history of wage theft, a history of insurance fraud,
5 safety violations, et cetera, et cetera, why wouldn't
6 the agency want to have responsible contractor-
7 contractor language put in?

8 COMMISSIONER CARROLL: So, thank you,
9 Council Member. Second week on the job. I look
10 forward to talking with you--

11 COUNCIL MEMBER MOYA: [interposing] I
12 understand. I missed it.

13 COMMISSIONER CARROLL: --in the future
14 and to explore your-your ideas about the responsible
15 contractor language.

16 COUNCIL MEMBER MOYA: Thank you. Thank
17 you, Chair for indulging me. Thank you.

18 CHAIRPERSON DROMM: Thank you. Council
19 Member Chin.

20 COUNCIL MEMBER CHIN: Thank you, Chair.
21 I just want to ask--ask a quick question about the
22 Neighborhood Pillars Program. There's been \$275
23 million in financing that's going to be available.
24 So, I want to know how many number of units have been
25 preserved through this program, and how much money

1 has already been out there, been available and then
2 how many—how many like non-profit organizations and
3 MWBE developer have they participated in the program?

4
5 COMMISSIONER CARROLL: Thank you, Council
6 Member for this question. We are proud and excited
7 about the—the Pillars Program as a way to acquire
8 rent stabilized units that are not under a regulatory
9 regime, and to bring them into responsible ownership
10 of not-for-profits. We've also—we're also excited
11 that we have closed on at least one project under
12 this program, and I'd like Deputy Commissioner Molly
13 Park to tell you a little bit more.

14 DEPUTY COMMISSIONER PARK: Sure. Just to
15 echo what the commissioner said, Pillars is a—is a
16 really exciting I think game changer in the way that
17 we think about affordable housing. We have the—the
18 first building has been acquired. It's a joint
19 venture between a for and a non-for-profit. We have
20 a terrifically robust pipeline of projects going
21 forward. There's about \$75 million a year in the HPD
22 Capital Budget for Pillars. It's folded into the
23 Participation Loan Program. So, it's a little bit
24 hard to see from a—a technical perspective, but it's
25 there. We also have \$7.5 million in down payment

1 assistance that's sitting with a non-profit
2 organization that we work with. That is specifically
3 to help non-profits participate in pillars. The \$275
4 million that we've talked about is the acquisition-
5 the New York City Acquisition Loan Fund. So, to do
6 sort of a very quick overview of how the program
7 works a non-profit can come in. They can get down
8 payment assistance out of the \$7.5 million. They can
9 get down-then they can get full acquisition bridge
10 financing through the New York City Acquisition Fund,
11 and then come to HPD for a take-out and long-term
12 regulatory agreement through the Participation Loan
13 Program. It's-it's a challenging program to help non-
14 profits compete in the, you know, cut-throat world of
15 New York City real estate, but based on the pipeline
16 that we have I think it's going to be really
17 successful.
18

19 COUNCIL MEMBER CHIN: So, how many
20 buildings do you have in the pipeline right now?

21 DEPUTY COMMISSIONER PARK: We have a
22 couple of dozen in the pipeline.

23 COUNCIL MEMBER CHIN: A couple of dozen?

24 DEPUTY COMMISSIONER PARK: Yep.

25 COUNCIL MEMBER CHIN: That sounds good.

1
2 DEPUTY COMMISSIONER PARK: And it's very
3 exciting.

4 COUNCIL MEMBER CHIN: And this would also
5 include unregulated buildings, right?

6 DEPUTY COMMISSIONER PARK: The idea is to
7 focus on buildings that are—are sort of lower case A
8 affordable so that they are serving low-income
9 households now very often in rent regulation, but
10 don't have an existing city or state regulatory
11 agreement so that we're—we're turning these naturally
12 occurring affordable housing buildings into actually
13 long-term structured affordable housing buildings.

14 COUNCIL MEMBER CHIN: Okay, so they—they
15 still have to be rent regulated buildings? [bell]

16 DEPUTY COMMISSIONER PARK: Yes. If we—if
17 we found something that fit the profile that wasn't
18 rent regulated, we'd be happy to take a look at it.
19 We think most of what we'll see coming in and this
20 has been true this far. The buildings have been rent
21 regulated, but not subject to an HPD regulatory
22 agreement.

23 COUNCIL MEMBER CHIN: Okay, thank you.
24 Thank you, Chair.

1
2 CHAIRPERSON DROMM: Thank you. Chair
3 Gibson, and then I'm going to close I tout.

4 CHAIRPERSON GIBSON: Thank—thank you,
5 Commissioner and my final question before we wrap up
6 is related to a Metro IAS Plan that was announced
7 last year of a plan to build affordable senior
8 housing on underutilized NYCHA land. There was a
9 commitment of \$500 million. As I understand, there is
10 an additional part of this overall plan where six new
11 developments were sited. Commissioner Kathy Garcia
12 from NYCHA was here last week, and said that in the
13 new part of this plan, there are six new NYCHA
14 developments that were identified and a portion of
15 that will be constructed by HPD. So, I wanted to ask
16 your role in that, the sites having been identified.
17 Is there money attached? Like what does this plan
18 look like, and what should we expect from HPD?

19 COMMISSIONER CARROLL: Thank you, Council
20 Member for that question. We are excited about our
21 efforts to provide senior housing. The six sites
22 have been identified. One has been RFP'd. It is 19
23 West 169th Street in the Bronx, and it the five
24 remaining sites will be RFP'd gradually up to about
25

1
2 2020. So we have plans to RFP some this year, and
3 some in 2020.

4 CHAIRPERSON GIBSON: So, is HPD
5 responsible for all of those sites or a portion?

6 COMMISSIONER CARROLL: At this point I-I-
7 I think my Deputy Commissioner--

8 CHAIRPERSON GIBSON: [interposing] You're
9 not sure?

10 COMMISSIONER CARROLL: -- for Planning is
11 better able to answer this question.

12 CHAIRPERSON GIBSON: Okay.

13 COMMISSIONER CARROLL: So, I'd like to
14 ask Leila Bozorg to come.

15 CHAIRPERSON GIBSON: Okay. I don't know
16 if that's been identified just yet. It's still a
17 conversation.

18 LEILA BOZORG: Two-two of the sites that
19 were identified are on NYCHA land. Four are city-
20 owned properties in HPD's inventory. So, it's a
21 combination of city land and NYCHA land, but all six
22 sites will be financed by HPD's new Construction
23 Finance Programs, Senior Housing programs.

24 DEPUTY COMMISSIONER PARK: And if I could
25 jump in on the-the Financing Programs, we're doing

1 800 to 1,000 units a year of senior housing, senior
2 new construction dedicated to seniors, dedicated to
3 extremely low-income seniors as all have project
4 based vouchers on them so that it serves a population
5 that is extremely low-income, and-and on a fixed
6 income. I think I-I want to make sure that I flagged
7 that context because I think we've been talking a
8 lot, appropriately talking a lot about those
9 particular six sites, but I wanted to go on the
10 record and make sure that we are all clear that it's
11 part of a much larger program, and part of a much
12 larger commitment to senior housing development.

14 CHAIRPERSON GIBSON: Okay, thank you very
15 much. I appreciate your coming today, and I
16 appreciate the work you're doing. Thank you.

17 DEPUTY COMMISSIONER PARK: Thank you.

18 CHAIRPERSON DROMM: Thank you very,
19 Commissioner. You survived your first hearing.
20 Congratulations. [laughter] We thank you and your
21 team for coming in, and we will follow up with
22 questions later on. Thank you very much.

23 COMMISSIONER CARROLL: Thank you.

24 CHAIRPERSON DROMM: We will take a five-
25 minute break and then come back, and hear from the

1 Department of Buildings. [background comments/pause]

2 We will now resume the City Council's hearing on the
3 Mayor's Executive Budget for Fiscal 2020. The
4 Finance Committee is joined by the Committee on
5 Housing and Buildings Chaired by my colleague by my
6 colleague Council Member Robert Cornegy. We just
7 heard from the Commission of HPD. We will now hear
8 from Thomas Fariello, the Acting Commissioner of the
9 Department of Buildings. In the interest of time, I
10 will forgo an opening statement, but before we hear
11 testimony, I will open the mic to my Co-Chair Council
12 Member Robert Cornegy.

14 CHAIRPERSON CORNEGY: Good morning.

15 Well, good afternoon at this point. Thank you all
16 for being here. In the interest of time because we
17 are running late, I am going to forego my lengthy
18 remarks, and just pass to my Co-Chair, Vanessa
19 Gibson. Oh, she's—that's right, she went. Never
20 mind. So, let's—let's please begin with your
21 testimony.

22 CHAIRPERSON DROMM: Okay. So, let's just
23 have Counsel Swear in the panel.

24
25

1
2 LEGAL COUNSEL: Do you affirm that your
3 testimony today will be truthful to the best of your
4 knowledge, information and belief?

5 PANEL MEMBERS: [in unison] I do.

6 LEGAL COUNSEL: Thank you.

7 CHAIRPERSON DROMM: Okay, you may begin.

8 ACTING COMMISSIONER FARIELLO: Good
9 afternoon, Chair Dromm, Chair Connegy-Cornegy, and
10 members of the Committee of Finance and Housing and
11 Buildings. I am Thomas Fariello, Acting Commissioner
12 of the New York City Department of Buildings. I am
13 joined by Sharon Neil, Deputy Commissioner of Finance
14 and Administration; Patrick Wehle, Assistant
15 Commissioner of External Affairs; and other members
16 of my senior staff. For Thank you 2020 Executive
17 Budget allocates approximately \$199.5 million in
18 expense funds to the department. Of this funding,
19 approximately \$154.7 million is for personnel
20 services funding 1,852 budgeted employees and \$44.8
21 million is for other than personnel services. The
22 department is a revenue generating agency and as such
23 is expected to generate approximately \$335 million in
24 Fiscal Year 20, which does not include the more than
25 \$70 million in penalties the city is expected to

1 collect as OATH ECB violations issued by the
2 department. I would now like to highlight the
3 department's work over the past year. The department
4 continues to make tremendous progress in improving
5 service to its customers and protecting the public by
6 rigorously enforcing the laws and regulations that
7 govern the more than one million buildings and 45,000
8 active construction sites under juris—under its
9 jurisdiction, all while facing a scale of
10 construction unparalleled in the city's history. In
11 Fiscal Year 2018, the department issued 173,000
12 initial and renewal construction permits combined, a
13 nearly 5% increase from calendar year 2017. Of those
14 permits, 111,000 were initial construction permits,
15 and the remaining 62,000 were renewal permits.
16 Despite the slight uptick in construction activity,
17 our plan review times remain well below target. On
18 average we are completing our initial plan review for
19 new buildings and major alterations in less than six
20 days, and for minor renovations, less than days. For
21 plans filed electronically, on average we are
22 completing our initial plan review for new buildings
23 and major alterations in four days and for minor
24 renovations in less than a day. [coughs] These plan
25

1 review times can be attributed to the hiring of
2 additional plan examiners, and the development of
3 plan exam guidelines for a wide variety of projects,
4 which help ensure that plan review is efficient and
5 consistent. Department inspectors conducted
6 approximately 188,000 development inspections in
7 Fiscal Year 18. Despite the uptick in construction
8 activity, the wait time between the development
9 inspection requests and the inspection continues to
10 decrease across the board. The wait time for general
11 construction inspection was under three days. For an
12 electrical inspection under four days, and for
13 plumbing inspection under two days. Wait times for
14 Development inspections have decreased nearly 40%
15 from just two years ago. Progress on development
16 inspection service levels can be attributed to the
17 hiring of additional inspectors and efficiencies
18 gained from the implementation of DOB Now
19 inspections, which allows for nearly all types of
20 development inspections to be scheduled online.
21 Concerning development, the department continues its
22 effort to maintain the city's building construction
23 standards. We are in the midst of committee work to
24 revise construction codes, which were last updated in
25

1 2014. The amendments to the plumbing code
2 traditionally the first of the codes to be completed.
3 Were transmitted to the City Council earlier this
4 year. The department expects to transmit the balance
5 of amendments to construction codes to the City
6 Council by the end of 2019. These amendments will
7 bring the city's Construction Codes up to date with
8 the 2015 International Code Council Family of Codes,
9 the national model for construction. The department
10 is also in the process of revising the city's Energy
11 Conservation Code last updated in 2016. To bring the
12 city's sustainability requirements in line with Local
13 Law 32 of 2018, which required more stringent energy
14 efficient standards for certain buildings, and the
15 NYSERDA Stretch Energy Code. These amendments are
16 estimated to bring 14% energy savings to projects
17 complying with these—with such standards. We
18 anticipate these revisions being submitted to the
19 City Council for adoption this fall. We have also
20 kicked off for the first time in seven years the
21 revisions to the City's Electrical Code. In all, the
22 department is managing 23 stakeholder committees with
23 almost 800 members from across the spectrum of those
24 impacted by construction including architects,
25

1 engineers, developers, labor representatives,
2 manufacturing associations and our agency partners.
3 In 2018 alone, community members met for more than
4 24,000 hours over 205 meetings, which is a
5 significant commitment of time and expertise to
6 ensure our codes recognize advancements in materials
7 and method of construction, and protect—and to
8 protect the safety of the public and workers to the
9 greatest extent possible. The department is also
10 managing an effort to develop a code for structures
11 to address existing and future waterfront structure
12 types in the city. The project has kicked off, and
13 will continue over multiple years with the city's
14 consultant providing recommendations on the
15 development, adoption and implementation of a
16 waterfront code and agency operations to the city.
17 The department also continues to make progress in
18 responding to complaints from the public
19 expeditiously. We received nearly 17,000 priority A
20 complaints in Fiscal Year 2018. Eight complaints
21 captured violating conditions that if occurring
22 presents an immediate threat to the public and
23 include unsafe demolition, building instability, and
24 improper egress. It should also be note that the
25

1 department is now treating complaints that allege
2 that work is being conducted without a permit in an
3 occupied building as an A complaint. While our
4 target to respond to these complaints is 24 hours, we
5 respond to them within 10 hours of receipt, and even
6 faster for the most serious cases, down 50% from
7 nearly 20 hours just two years ago. We also received
8 78,500 priority E complaints in Fiscal Year 2018.
9 These complaints capture the violating conditions
10 that if occurring, while serious do not present an
11 immediate threat to the public. These include
12 complaints of excessive construction debris, cracked
13 retaining walls, and tampering with posted notices.
14 While our target to respond to these complaints is 40
15 days we respond with 13 days. That's down 70% from
16 nearly 43 days just two years ago. As a result of
17 responding to such complaints and our proactive
18 enforcement concerning safety and tenant protection,
19 the department issued more than 84,000 OATH ECB
20 violations a nearly 75% increase from just four years
21 ago. The department also continues to issues its
22 monthly enforcement bulletins, which are publicly
23 available on our website, and which details the
24 department's actions to sanction and deter bad actors
25

1 in the construction industry through the enforcement
2 of safely laws of codes of conduct for construction
3 professionals. Last year enforcement actions
4 resulted in the city's collection of nearly \$75
5 million in penalties as a result of OATH ECB
6 violations issued by the department. Additionally,
7 the department continues to take action to suspend or
8 revoke the licenses, registrations or filing
9 privileges of professionals who work unsafely and put
10 their lives and the lives of others at risk. In
11 2018, the department took disciplinary actions
12 against 100 licensees including revoking or
13 suspending the licenses of 10 individuals or
14 corporations, and 22 design professionals either
15 surrendered filing privileges or had them revoked.
16 Notable disciplinary actions are highlighted in the
17 Monthly Enforcement Bulletins. Construction safety
18 continues to be a focus of the department. The
19 department has hired additional enforcement
20 inspectors, increased penalties for safety
21 violations, required safety professionals on more
22 construction sites and strengthened education and
23 outreach programs by working with industry
24 professionals to raise awareness about best safety
25

1
2 practices. Last week during Construction Safety Week
3 department staff visited construction sites to
4 promote safety and hosted Annual Build Safe, Live
5 Safe Conference, which was attended by hundreds of
6 industry professionals. While the department—while
7 the number of construction related industries—
8 injuries—excuse me—increased slightly in 2018, the
9 number construction related fatalities has remained
10 the same for the past four years. Such increases in
11 accidents could be attributed to the uptick in
12 construction activity and required safety
13 professionals on more construction sites reporting
14 accidents that had previously gone unreported. Sadly,
15 in early April there were three construction related
16 fatalities, the first of 2019. Following these
17 fatalities the department coordinated a citywide
18 safety enforcement sweep. During the 12-day
19 enforcement sweep, inspectors visited nearly 6,500
20 worksites across the five boroughs, issued stop work
21 order at 322 sites with serious safety lapses; issued
22 1,081 OPCB violations, and distributed over 12,000
23 leaflets with construction safety information to
24 workers in an effort to promote awareness of proper
25 safety practices. The bottom line is that

1 construction is dangerous and workers and their
2 supervisors need to be trained to ensure that
3 construction work can proceed in a safe manner. The
4 department us hard at work implementing Local Law 196
5 of 2017, and I would like to thank the City Council
6 and particularly this committee for its partnership
7 on important—on the important issue of construction
8 safety. When fully phased in, Local Law 196 will
9 require that workers at many job sites receive 40
10 hours of safety training, and that supervisors of
11 such job sites receive 62 hours of safety training.
12 Since the enactment of Local Law 196, the department
13 has hosted—has been hosting numerous information
14 sessions for all facets of the construction industry,
15 and has also been providing regular updates
16 concerning the law's implementation through a number
17 of different channels reaching many thousands of
18 stakeholders. Leading up to the second and third
19 major implementation milestones, December 1, 2019 and
20 September 1, 2010 respectively, the department
21 continues to perform—continues to perform outreach to
22 stakeholders with the goal of ensuring that all
23 workers and supervisors receive the training they
24 need to continue working safely on construction
25

1 sites. Additionally to hold construction
2 professionals accountable for prioritizing safety on
3 their construction sites, the department launched the
4 New Construction Safety Compliance Unit in 2018. The
5 CFC Unit, which when fully staffed will have 50
6 dedicated inspectors is tasked with performing
7 proactive periodic safety inspections on all active
8 construction sites including ensuring that workers
9 and supervisors have the training required by Local
10 Law 196. To date, the CSC unit has performed nearly
11 11,000 inspections, which resulted in issuance of
12 over 5,000 violations and nearly 1,500 stop work
13 orders. The department is also hard at work
14 protecting tenants living in buildings under
15 construction. Last year the department—the
16 department implemented over a dozen laws aimed at
17 combatting the issue of construction as harassment.
18 As previously mentioned, the department is
19 prioritizing its inspection of work without permit
20 complaints related to construction work in an
21 occupied building. It is requiring a more detailed
22 tenant protection plans; it's performing proactive
23 inspections to ensure that tenant protection plans
24 are being complied with and is ordering more
25

1 professionally certified applications for work in
2 occupied buildings. The department also launched the
3 Office of the Tenant Advocate over the summer, which
4 serves as a resource to help tenants understand the
5 laws that govern construction and to investigate
6 complaints of construction as harassment. The
7 department looks forward to implementing the dozen
8 bills the City Council enacted last week, which
9 provide additional measures to further increase
10 protections for tenants. Of particular importance is
11 the ability to shift the burden of creating and
12 submitting a tenant protection plan to the department
13 from owners to contractors. Given that contractors
14 are performing work, they are in a far better
15 position than owners to determine the means and
16 methods for protecting tenants from construction.
17 This reform will greatly improve the quality of and
18 compliance with tenant protection plans. The multi-
19 year replacement of the department's core information
20 systems is also progressing as we continue to shift
21 additional filing type off the mainframe system that
22 the department has relied on for over 30 years to a
23 new browser based system called DOB Now. Upon
24 completion, customers will be able to perform
25

1 virtually all interactions with the department online
2 and the system will also result in increased
3 transparency both externally and internally. The
4 department recognizes the significant impact that—
5 that construction can have on the public. As such,
6 the department has made enormous strides in improving
7 the public's access to its data. The public now has
8 more access the department's data than ever before.
9 For example, Building on My Block, which is a
10 searchable online database that is organized by
11 community boards for easy reference, allows users to
12 search by property address and or community board to
13 find major projects near them. Over the last year
14 the department also released a real time Construction
15 on Your Block map, which allows users to identify the
16 status of all active major construction projects and
17 elevator report, which shows the history, current
18 status, and vital statistics of more than 84,000
19 elevators. Additionally in March, we released an
20 interactive building profiles map, which shows the
21 location of each of the more than 128,000 buildings
22 in the city that have had interactions with the
23 department in the past year. The Interactive
24 Buildings Profile Map includes information on
25

1 construction permits issued, complaints generated,
2 inspections conducted, violations issued and
3 construction related accidents to which the
4 department responded. We thank the Council for its
5 continued support and look forward to continuing our
6 work together to improve the department for the
7 benefit of all New Yorkers, and we welcome any
8 questions you may have.
9

10 CHAIRPERSON DROMM: Thank you,
11 Commissioner for coming in and for giving testimony.
12 I want to start off with an issue that's big in my
13 district that is the issue of the Koepfel Mazda
14 Dealership along with the 78th Street Travis Park
15 Extension Plaza. Are you familiar with that issue?

16 ACTING COMMISSIONER FARIELLO: Yes I am.

17 CHAIRPERSON DROMM: Okay. So, okay—so let
18 me ask you, what is DOB's role with respect to curb
19 cuts?

20 ACTING COMMISSIONER FARIELLO: So, curb
21 cuts are filed by the applicants to the department.
22 We review it based on the Building Code and the New
23 York City Zoning Resolution. We would then approve
24 it, and then issue a permit to the contractor, and do
25

1 the sign-off with inspections at the completion of
2 the work.

3
4 CHAIRPERSON DROMM: Do you ever revoke
5 permits?

6 ACTING COMMISSIONER FARIELLO: We do,
7 yes.

8 CHAIRPERSON DROMM: Under what
9 circumstances?

10 ACTING COMMISSIONER FARIELLO: There's
11 numerous circumstance. Certainly if it turns out
12 that after it was issued approval something was
13 incorrect in the application, someone gave us false
14 information, a complaint, you know, would usually
15 trigger that. If it's still in permit, maybe they're
16 doing something wrong during the actual installation
17 work. So, there's numerous reasons why we may revoke
18 a permit.

19 CHAIRPERSON DROMM: Do, you ever do it
20 for safety reasons?

21 ACTING COMMISSIONER FARIELLO:
22 Absolutely.

23 CHAIRPERSON DROMM: So, that's been done
24 in the past?

25 ACTING COMMISSIONER FARIELLO: Yes.

1
2 CHAIRPERSON DROMM: Okay. How are
3 permits issued for businesses to do reconstruction or
4 renovations to an existing building?

5 ACTING COMMISSIONER FARIELLO: So, an
6 existing building that is just doing say interior
7 renovation or something like that they would for an
8 Alteration Application with us. I believe that would
9 be Alteration Type 2 we call it. So that would mean
10 that the C of O is not being affected. They would
11 describe all the work on the plans. Then an
12 architect or engineer would submit those plans. We
13 would review them for code and zoning and then, you
14 know, eventually if it was all satisfied we'd approve
15 it.

16 CHAIRPERSON DROMM: Does an inspector
17 ever go out to look at the building.

18 ACTING COMMISSIONER FARIELLO: Sure on
19 various different applications certainly we have two
20 groups where our inspectors are. So, we have
21 Development and Enforcement. So, if there's a
22 complaint during the construction or if there's some
23 safety issue that's going on or periodic inspections
24 that we're doing, the Enforcement Unit would be out
25 there. If was say a plumber is asking for a sign-off

1 of the work that they had pulled the permit for and
2 did it, the we would be out there to do those
3 inspections.
4

5 CHAIRPERSON DROMM: In this particle case
6 with the Koepfel Mazda Dealership, did any inspector
7 every go out to the—to the site before granting of
8 the permit to reconstruct the building?

9 ACTING COMMISSIONER FARIELLO: I would
10 have to check. I'm—I'm sure they would have. I
11 believe that was a change of use. So, I would say
12 yes, but I have to—I would have to check.

13 CHAIRPERSON DROMM: Thank you. We'll
14 follow up with you on that. When you give a C of O to
15 a—when you have a new—when you have a reconstruction
16 like this, do you issue a new C of O?

17 ACTING COMMISSIONER FARIELLO: Sure. So,
18 as I said, this all Type 2 application. It effect to
19 the C of O, and all Type 1 would be that we're—at the
20 end of that job we'd be issuing a new C of O. So that
21 means you're changing the use or occupancy of the
22 building and that or something on the face of your C
23 of O needs to be changed. [coughs] Excuse me. So,
24 that's—those type of applications would be a change
25

1 in use probably, or a change in occupancy where we
2 would issue a C of O at the end.
3

4 CHAIRPERSON DROMM: It is there ever any
5 interaction between your agency and other agencies
6 upon issuing a permit for the construction that's
7 going to occur like in this case was there any
8 interaction between your agency and, the Department
9 of Parks and/or the Department of Transportation?

10 ACTING COMMISSIONER FARIELLO: I don't
11 believe that there would be for this type of
12 application. We certainly do have touches with many
13 of the agencies including parks if there was a street
14 tree-street trees that was required from a zoning
15 requirement or something like that, you have to go to
16 Parks. So, we have those touches. We have-if you're
17 going to be having the sewer come into the building,
18 DEP, you know, DOT, we do have some touches with them
19 but

20 CHAIRPERSON DROMM: [interposing] But
21 when--

22 ACTING COMMISSIONER FARIELLO: --the one
23 that we would have with this-this particular one.

24 CHAIRPERSON DROMM: [interposing] So,
25 there's--there was-is there anyway that--that Mazda

1 would have known that there's--there is going to be a
2 play street, a plaza program or an extension of the
3 park?
4

5 ACTING COMMISSIONER FARIELLO: I don't
6 know. I don't know that they would be aware of that.

7 CHAIRPERSON DROMM: So, there's no--no way
8 for that interaction to occur?

9 ACTING COMMISSIONER FARIELLO: Not a
10 formal way with the Department of Buildings.

11 CHAIRPERSON DROMM: Can you provide me
12 with a copy of the form allowing the curb cut for
13 Koepfel and the date when it was allowed?

14 ACTING COMMISSIONER FARIELLO: Sure. We
15 would have to go back to our records.

16 CHAIRPERSON DROMM: From what I
17 understand that was issued originally in the 1960s
18 somewhere in that--in that area, and I would like to
19 see that.

20 ACTING COMMISSIONER FARIELLO: Sure, we
21 would have to search out for that.

22 CHAIRPERSON DROMM: Okay, there's
23 currently or there was a work--a stop work order on
24 this particular site as of 4/19. Can you tell me why
25 that stop work order was--was issued?

1
2 ACTING COMMISSIONER FARIELLO: I-we would
3 have to find out for you in lieu of commenting.

4 CHAIRPERSON DROMM: Okay, we're going to
5 follow up with you on that as well. So, nobody would
6 have known that there were three service entrances to
7 Koeppel?

8 ACTING COMMISSIONER FARIELLO: I don't
9 understand. So--?

10 CHAIRPERSON DROMM: So there are three
11 curb cuts. Well, actually there's four curb cuts,
12 two on Northern Boulevard, one on 77th Street and on
13 78th Street. Your office would not be informed of
14 that when they applied for the permit to do the
15 reconstruction?

16 ACTING COMMISSIONER FARIELLO: I would
17 have to take a look at our survey. So, traditionally
18 they submit a survey that goes in with the
19 application, then that's where they would indicate
20 hat.

21 CHAIRPERSON DROMM: And when a new
22 certificate of occupancy is issued, can they increase
23 the number of cars that they are allowed to have from
24 a previous certificate of occupancy?

1
2 ACTING COMMISSIONER FARIELLO: Yes, as
3 long as it was permitted by zoning, that's—they would
4 be allowed to do that. That would be a part of the
5 plan review as we go through that, and if it was
6 permitted as per zoning then that's how the job---
7 that's how--

8 CHAIRPERSON DROMM: [interposing] And
9 where would that be reflected?

10 ACTING COMMISSIONER FARIELLO: That would
11 be on the architectural plans. There would be a
12 zoning analysis and they would day, you know, what's
13 allowed by zoning, and what they are proposing.

14 CHAIRPERSON DROMM: Okay. Thank you for
15 those answers. I appreciate it. Let me talk a little
16 bit about incident reporting. It was recently
17 reported by the press that there were as many as 12
18 fatalities at construction sites in 2018. Of these
19 12, only one of them was reported to the department.
20 Local Law 78 of 2017 requires notification to the
21 department of injury and fatality. Before these
22 articles came out was DOB aware of the fatalities or
23 under-reporting? And if so, what did you do to
24 correct it?

1
2 ACTING COMMISSIONER FARIELLO: So, when
3 there is an-an incident, the Fire Department or the
4 Police Department is going to any construction site
5 normally it's the Fire Department. They're there and
6 their first thing is to rescue the worker that's
7 either has a fatality or, you know, they're trying
8 to-they're trying to help the person there, And so,
9 as they're doing that, they're notifying us to come
10 out to the site, which we respond as fast as we can.
11 So, we're not first responders. So, we go out and so
12 all 12 of the fatalities from last year we were at
13 the same day as the incident.

14 CHAIRPERSON DROMM: So, how do you find
15 out, Commissioner about a fatality or even an injury
16 at a work site?

17 ACTING COMMISSIONER FARIELLO: Through
18 the Fire Department and the Police Department, and
19 so, they are coordinating through OEM to us.

20 CHAIRPERSON DROMM: And then once they
21 notify you and you go out then you initiate an
22 investigation?

23 ACTING COMMISSIONER FARIELLO: Yes,
24 that's true.

1
2 CHAIRPERSON DROMM: Okay. For years the
3 Council has been requesting that DOB's budget be
4 broken up into more than two units of appropriation,
5 One for All its PS and One for All its OTPS. Yet,
6 despite our multi-year efforts there has been no
7 attempt to break up the funding into more transparent
8 buckets. DOB's budget appropriates \$154.7 million or
9 77.5% of its entire budget in only one unit of
10 appropriation. The other \$44.8 million or 22.5% is
11 in a second of U of A. There is no further breakdown
12 for the entire \$199.5 million budget. The
13 Administration claims to favor transparency, but this
14 is a prime example of it doing the exact opposite.
15 Why haven't any addition units of appropriation been
16 added to DOB's budget?

17 DEPUTY COMMISSIONER NEIL: Hi. My
18 understanding is that adding additional units of
19 appropriation is a—is a negotiation issue between the
20 Mayor's Office and the Council. So the department
21 defers to the Mayor's Office of Management and Budget
22 on this matter.

23 CHAIRPERSON DROMM: But this is something
24 that we've been arguing for I think since I've been
25

1
2 in the Council. So, where does your office stand on
3 this issue of transparency?

4 DEPUTY COMMISSIONER NEIL: There are
5 plenty of budget publications that indicate
6 variations within the department in terms of how it's
7 organized and how resources are allocated within the
8 unit of appropriation.

9 CHAIRPERSON DROMM: Yeah, but, you know,
10 only two units of appropriation really is not
11 transparency at all. So, we hope that as we move
12 through this budget negotiation process that we'll be
13 able to see more units of appropriation. I have a
14 few questions relating to the vacancy reductions and
15 headcount, which I understand Counsel Finance staff
16 asked you before the hearing, but to which they
17 received incomplete information. So, I hope you'll
18 be able to answer these questions today. The
19 department anticipates generating savings for the
20 vacancy reductions. The Office of the Commissioner
21 will see a reduction of eight positions in Fiscal 19
22 saving \$488,000. In fiscal 2020 and beyond the plan
23 calls for an 85-position reduction in each fiscal
24 year. Could you please describe these vacancy
25

1 reductions, with respect to their titles and their
2 budget codes?
3

4 DEPUTY COMMISSIONER NEIL: So, the
5 department is currently planning where those
6 positions will be cut. So that started internally.
7 So the department has not yet identified where the
8 affected vacancy reduction will occur, and as
9 preliminary measure OMB targeted certain positions
10 without our input. The department will be working
11 internally as well as with OMB over the coming weeks
12 to identify the specific positions that will be
13 affected and looks forward to updating the committees
14 further. The department does not expect services to
15 be impacted and will re-prioritize existing resources
16 as needed to ensure there is no negative impact to
17 services.

18 CHAIRPERSON DROMM: So, are those
19 reductions going to be an enforcement or inspection?

20 DEPUTY COMMISSIONER NEIL: We're
21 currently reviewing—we've—we've had—as you know,
22 we've had a significant increase in budgeted
23 headcount that are tied to specific initiatives. So,
24 we're going to have to balance internally how we're
25 hiring for those initiatives, what—what service

1 levels we're meeting currently and where we're going
2 to be able to take those positions from.

3
4 CHAIRPERSON DROMM: So, you said that
5 you'll be making those decisions within the next
6 couple of weeks?

7 DEPUTY COMMISSIONER NEIL: Sure.

8 CHAIRPERSON DROMM: Or few weeks.

9 DEPUTY COMMISSIONER NEIL: Right.

10 CHAIRPERSON DROMM: We'll have that
11 before we wrap up the budget negotiations?

12 DEPUTY COMMISSIONER NEIL: I think we have
13 to have it in by July 1st.

14 CHAIRPERSON DROMM: The Budget?

15 DEPUTY COMMISSIONER NEIL: Yeah.

16 CHAIRPERSON DROMM: But will you have
17 that information to the Council so that we know where
18 those reductions will be?

19 DEPUTY COMMISSIONER NEIL: Yeah, we'll
20 get it you when we have it finalized.

21 CHAIRPERSON DROMM: When will that be?

22 DEPUTY COMMISSIONER NEIL: Well, we're
23 going to have to negotiate that internally. So, I
24 would imagine within the coming weeks.

1
2 CHAIRPERSON DROMM: Well, we need to know
3 before we can have it budgeted. If you want us--

4 DEPUTY COMMISSIONER NEIL: Okay,

5 CHAIRPERSON DROMM: --to wait 'til July
6 1ST to have a budget, I think the Speaker has already
7 indicated that he's willing. I think the Mayor would
8 like to have it earlier, but if you want us to wait
9 until July 1st, because we do need to know this
10 information.

11 DEPUTY COMMISSIONER NEIL: Okay.

12 CHAIRPERSON DROMM: What does that mean,
13 okay?

14 DEPUTY COMMISSIONER NEIL: We'll make
15 sure that you're updated prior to adoption.

16 CHAIRPERSON DROMM: Okay. The Fiscal
17 2020 Budget Executive Plan includes \$4 million in PS
18 savings within the Budget Code. What are those
19 savings?

20 DEPUTY COMMISSIONER NEIL: So, these are
21 not savings tied to any particular positions.
22 They're one-time PS savings that are generated from
23 under-spent personnel services, and the results when
24 we are funded for positions for either a full year or
25 a half year, and we have not been able to fill those

2 positions. So, again, these are one-time savings. It
3 doesn't impact the department's ability to hire or
4 perform these tasks within that area where-where
5 you're seeing that reduction.

6 CHAIRPERSON DROMM: Thank you. Due to
7 the increase in the issuance and adjudication of
8 permit violations, DOB anticipates to generate
9 additional revenue of \$8 million in Fiscal 2019, and
10 in Fiscal 2020 from work without a permit—without
11 permit violations and elevator inspection fines. How
12 do you plan to—in generating the additional revenue,
13 and are there specific changes that you're making
14 related to these enforcement efforts?

15 DEPUTY COMMISSIONER NEIL: Okay, so the
16 revenue projections based on trends that the
17 department or the—I'm sorry, the Office of Management
18 and Budget has identified. So, enforcement of
19 unpermitted work has increased in recent years, and
20 the increase is due to additional inspections the
21 department is required to perform as of recently
22 passed laws including Local Law 188 of 2017, which
23 created a real time enforcement unit, which is tasked
24 with expeditiously responding to work without a
25 permit complaints. Additionally Local Law 156 of

1
2 2017 increased penalties associated with performing
3 work without a permit for the elevator inspection
4 penalties, this is due to improved violation issuance
5 and penalty-penalty collection efforts.

6 CHAIRPERSON DROMM: [pause] Due to an
7 increase of-excuse me. So, are you going to be able
8 to achieve the revenues even with the vacancy
9 reductions?

10 DEPUTY COMMISSIONER NEIL: Yes.

11 CHAIRPERSON DROMM: Okay. The Fiscal
12 2020 Executive Plan Budget is for 1,852 positions.
13 Since Fiscal 2014, DOB's budgeted and actual
14 headcount has increased, but because there is only
15 one PD unit of appropriation the Council does not
16 have a clear picture of the number of staff in each
17 title or division. So, can you please provide the
18 committee with a breakdown of all 1,852 budgeted
19 positions including the title and division as well as
20 the, as well as a similar breakdown of actual
21 headcount and vacancies?

22 DEPUTY COMMISSIONER NEIL: Yeah, as I
23 mentioned before. We have not finalized that
24 internally. As soon as we do, we will share that

1 information to you in the format that you're
2 requesting.

3
4 CHAIRPERSON DROMM: Okay. This is
5 another issue that I've brought up on a--on a number
6 of occasions with your--with your agency. DOB was
7 required to issue a report to the Council and post
8 online by April 1st 2019. Subsequent email on--on all-
9 gender restroom reporting. So, and we've--we've
10 emailed you on a number of occasions to get that
11 information and we have not received a report. So,
12 why has the required report pursuant to the Local Law
13 regarding all-gender restrooms not been issued?

14 Good afternoon

15 ASSISTANT COMMISSIONER WEHLE: Good
16 afternoon, Chair Dromm, Patrick Wehle, Assistant
17 Commissioner for External Affairs. I apologize for
18 the delay. The issue is the report. We've finished
19 the inspections of the requirement of the law
20 analyzing that data and you will have the report this
21 week.

22 CHAIRPERSON DROMM: This week. Okay,
23 thank you very much. Who in DOB is tasked with
24 leading the required Education and Outreach to ensure

1
2 all single occupancy restrooms have all-gender
3 signage?

4 ASSISTANT COMMISSIONER WEHLE: The
5 department performs that work in coordination with
6 the Department of Small Business Services, Consumer
7 Affairs and the Human Rights Commission. Is there
8 any one that is specifically tasked with that piece
9 of education within your department?

10 ASSISTANT COMMISSIONER WEHLE: I have to
11 get back to you on exactly who that is, but we can
12 provide you with that information.

13 CHAIRPERSON DROMM: Okay, thank you. How
14 many penalties have been imposed for violation of
15 Sections 403.2.1 and 403.4 of the New York City
16 Plumbing Code regarding single occupant toilet
17 requirements and what is the amount imposed?

18 ASSISTANT COMMISSIONER WEHLE: I don't
19 have that information with me but, of course, that
20 would be included in the report that we issue this
21 week.

22 CHAIRPERSON DROMM: Okay, thank you very
23 much, and with that I'm going to turn it over to Co-
24 Chair Cornegy.

1
2 CHAIRPERSON CORNEGY: Thank you, Co-Chair
3 Dromm. Great to see you Commissioner. So, I am
4 going to ask some questions centered around
5 construction site safety and training compliance.
6 You know that we've moved some dates back. So,
7 according to the Department of Buildings, since the
8 Construction Site Safety—I'm sorry, since the—since
9 the Construction Safety Compliance Unit was
10 established in September 2018, it's conducted 10,947
11 inspections. Of those inspections, 75% of sites
12 passed inspection and 25% of sites failed inspection.
13 The department has also issued 5,023 violations and
14 1,436 stop work orders. In your estimation are
15 violations and stop work orders evenly distributed
16 across the 25% of sites, which failed construction
17 site safety inspection?

18 ACTING COMMISSIONER FARIELLO: Okay, I
19 guess if you could explain the distribution part.
20 So, do you mean geographically or a job type or--? I
21 think that was the part I was a little testing wasn't
22 much use. (sic)

23 CHAIRPERSON CORNEGY: So--
24
25

1

ACTING COMMISSIONER FARIELLO:

2

[interposing] I mean I'm—I'm—I don't know that I have
the numbers. I don't have them here.

3

CHAIRPERSON CORNEGY: [interposing] Yeah,

4

but--

5

ACTING COMMISSIONER FARIELLO: Did they

6

get them to you?

7

CHAIRPERSON CORNEGY: Yeah, I think we

8

were thinking geographically.

9

ACTING COMMISSIONER FARIELLO: Okay, so

10

we can certainly break them down geographically. No
problem.

11

CHAIRPERSON CORNEGY: So, that's-that's

12

important to the Council. So, if we could get that
that would be great.

13

ACTING COMMISSIONER FARIELLO: Sure.

14

CHAIRPERSON CORNEGY: Does DOB keep a

15

record of sites and/or managers who repeatedly
offend?

16

ACTING COMMISSIONER FARIELLO: Yes,

17

absolutely, and so we're keeping track of that. Our

18

Construction Safety Compliance Unit uses this data to

19

help target where they're going to go next, right and

20

so certainly if we're seeing an issue and we're there

1
2 and he's a known offender, we're going to go out
3 there and starting to find out where all their sites
4 are and start to go more frequently to those sites
5 than others.

6 CHAIRPERSON CORNEGY: So, just to be
7 clear, my next was what was is the current DOB
8 process for handling repeat offenders than it is to
9 begin to focus more on repeat offenders in the event
10 that you see a pattern.

11 ACTING COMMISSIONER FARIELLO: Absolutely
12 and, you know, so, if even on the same site we see a
13 repeat offender, they say they're only doing one
14 construction project throughout the whole city, and--
15 and we go out there and we issue violations and we go
16 out there a couple weeks latter and we're seeing the
17 same problems, we will aggravate those penalties and
18 the fines are going to go, escalate accordingly.

19 CHAIRPERSON CORNEGY: How many
20 construction site safety violations result in an
21 actual stop work order?

22 ACTING COMMISSIONER FARIELLO: Last year
23 the department issues 3,670 stop work order related
24 to construction site safety violation.

1
2 CHAIRPERSON CORNEGY: What-what-so what
3 percentage is that?

4 ACTING COMMISSIONER FARIELLO: Well, we
5 have 45,000 construction sites so, you know, these
6 are-we're going to issue stop work orders on usually
7 our bigger projects. So, out of the 45,000 active
8 sites that we have, you know, a lot of them are-are
9 small, you know, interior renovation projects and all
10 that. So, I'd-I'd have to get the number of I would
11 day major construction projects to the 3,000 and get
12 that back to you.

13 CHAIRPERSON CORNEGY: So--

14 ACTING COMMISSIONER FARIELLO: Overall so
15 multiple stop work orders. So we can go out to a
16 site. They have a problem. They fix it, and then
17 six months later we're out there again, and another
18 stop work order. You know, these are-are repeat
19 offenders. So, that would be included in there. So
20 I can get those numbers for you.

21 CHAIRPERSON CORNEGY: Please, I'm-I'm-
22 I'm curious about what violations rise to a stop work
23 order. Is there a prescribed egregious behavior
24 that-that generally off the bat re-re-results in a
25 stop work order?

1
2 ACTING COMMISSIONER FARIELLO: Yes. So,
3 you know, when we go out to the site our initial
4 thing is to protect the public right and so, yes,
5 they are doing work on here. We need to protect
6 anyone that's walking by, the neighbors and, you
7 know, the back yards and---and all of that stuff, and
8 so anything that's going to be like safe related
9 where we're endangering the public, there is going to
10 be a stop work order right off the bat, and then
11 within the site it you're not following all the
12 rules, you know, and all of that protecting your own
13 workers, and doing all the laws that we have, you
14 know, those are going to lead to stop work orders.

15 CHAIRPERSON CORNEGY: Thank you. Is
16 there a coordinating, coordination communication
17 between DOB and SBS as it pertains to construction
18 site safety violations and OSHA training outreach?
19 This is obviously an important question since we've
20 moved in a direction of, you know, greater oversight
21 in terms of site safety. It would be great to know
22 that there's coordination between SBS and these small
23 businesses, construction site safety and DOB .

24 ASSISTANT COMMISSIONER WEHLE: Good
25 afternoon, Mr. Chair. Yes. There certainly is. The

1 Buildings Department meets with SBS on a weekly
2 basis, often times more frequently than that. SBS
3 also services on our Site Safety Training Task Force
4 and we're working with them quite heavily and
5 coordinating their efforts to establish a program
6 that's going to provide training to certain groups of
7 people on site safety. It-it would be great to know
8 that there's coordination between SBS and these small
9 businesses, construction site safety and DOB?
10

11 ASSISTANT COMMISSIONER WEHLE: Good
12 afternoon, Mr. Chair. Yes, there certainly is. The
13 Buildings Department meets with SBS on a weekly basis
14 often times more frequently than that. SBS also
15 serves on our Site Safety Training Task Force and
16 we're working with them quite heavily in coordinating
17 their efforts to establish a program that's going to
18 provide training to certain groups of people on site
19 safety.

20 CHAIRPERSON CORNEGY: Thank you, thank
21 you. So, DOB and the Climate Mobilization Act.
22 Intro No. 1253-C established the Office of Building
23 Energy and Emissions Performance at the Department of
24 Buildings as part of the Greater Climate Mobilization
25 Act. Could you please outline any actions the

1 department has taken or plans to take in order to
2 comply with the enacted legislation?
3

4 ACTING COMMISSIONER FARIELLO: Sure. The
5 department worked closely with the Mayor's Office and
6 the City Council leading up to the passage of the
7 Intro, and since it's passed, you know, were are
8 working hard on the implementation of the law and
9 we're going to be focusing on establishing an
10 Advisory Board that's required by the bill, and
11 hiring additional staff to begin this work.

12 CHAIRPERSON CORNEGY: You know, DOB is
13 one of those agencies that I'm always concerned about
14 capacity. So, as a legislator, you know, we—we can—
15 can legislation out the wazoo, but I'm always
16 concerned with the agency's capacity in particular
17 DOB to implement some of what we're legislating. I'm
18 curious as to whether or not you think that you have
19 everything necessary to implement this latest suite
20 of site safety laws, and if not, what would be
21 required from your estimation to be able to
22 effectively and efficiently implement?

23 ACTING COMMISSIONER FARIELLO: Yeah, you
24 know, we share your concerns. You know, it is well
25 intended as a lot of the laws are. You know, we look

1 at how we are going to implement this, and what do we
2 need to do to have that happen, and have to sometimes
3 put it into priority of, you know, which is what do
4 we do now or what could we do later. You know, we
5 try to implement it. So, it is a concern of ours.
6 You know, we've been kind of lucky that, you know,
7 the Mayor's Office has been giving us the staff to
8 supplement these new laws coming out, and you know,
9 it's our job to get it implemented. And, you know,
10 that being said, you know, sometimes as we go into
11 implementation we felt we needed X amount of people,
12 we see that we're going to need more and, you know,
13 we have to go back and ask and that's always a fun
14 thing, but that's what we do. So, I—you know, we do
15 share your concern and, you know, we have our core
16 business and then these laws come in, and we want to
17 implement them, and we want to, you know, as you guys
18 write the laws, we want to implement them, too, you
19 know, and so it is a concern. So--

21 CHAIRPERSON CORNEGY: I mean for the
22 record I think we're on the same team, but I know
23 that sometimes, you know, it may not seem that way
24 because I think that I'm in one of the most
25 productive Councils, and these—these laws and—and

1 advocacy on behalf of the constituents in New York
2 are coming fast and furious, and I know that capacity
3 sometimes directly relates to bodies, and employees,
4 but there are other capacity issues that I'd
5 certainly like to continue to have open discussion
6 about, including but not limited to technology and
7 advances in technology, the ability to use technology
8 effectively and efficiently. So, I know that
9 obviously the—the low-hanging fruit are the most, you
10 know, what seems to be the easiest to implement is
11 staffing, but we're moving in a different direction
12 as a world, and I think that we, you know, as a city
13 have to be conscious of what we could do through
14 technology and how more effective we could be through
15 technology, as these—as these new laws come on the
16 books. Thank you.

18 CHAIRPERSON DROMM: Okay, yep. Questions
19 from Council Member Moya followed by Rosenthal.

20 COUNCIL MEMBER MOYA: Thank you, Chair.
21 Thank you, Commissioner and I'm sticking with
22 workers' safety. Do you know how many construction
23 workers have died since 2017? [pause] If you don't
24 know, it's—it's 69. Sixty-nine construction workers
25 have died since 2017 in the city of New York. Can

1
2 you tell me what the qualifications for DOB is to
3 define a worker fatality?

4 ACTING COMMISSIONER FARIELLO: So, you
5 know, we—we get this a lot. So, we are looking at
6 DOB World, right is DOB World? It's a construction
7 project that we would permit from our department.
8 So, if it's a federal building or a state facility
9 that hasn't filed with us or, you know, a road
10 construction or something on the waterfront, you
11 know, a pier. You know those are things that are not
12 filed with the department, and so, you know, we are
13 looking at the DOB world and we are concerned with
14 what we can be—what we control, and so that's how we
15 count our fatalities.

16 COUNCIL MEMBER MOYA: What is—what is the
17 DOB's definition that you would classify fatality in
18 a construction site?

19 ACTING COMMISSIONER FARIELLO: Sure, it
20 would be a construction that was doing construction
21 work. So, for instances if there is a security guard
22 that had a cardiac arrest and ended up in a fatality
23 that would not count. If it is a work that's, you
24 know, doing something unsafe and falls, that would be
25

1 one that would be counted. I'm trying to simplify
2 it, but, you know.

3
4 COUNCIL MEMBER MOYA: Do you know what
5 the qualifications that are defined in by OSHA is at
6 a job site for a fatality?

7 ACTING COMMISSIONER FARIELLO: I don't
8 know off the top of my head, and certainly my folks
9 do, though.

10 COUNCIL MEMBER MOYA: The reason why I
11 ask is because DOB defines it differently than OSHA,
12 and there is a significant undercount and where DOB
13 is the agency that goes in to look at the accident or
14 worksite that is under question. You define it very
15 differently than OSHA does, so my question is why
16 doesn't DOB use the standard that is set by OSHA that
17 is the nation's agency that is responsible for
18 workers' safety the same be implemented here?

19 ASSISTANT COMMISSIONER WEHLE: Good
20 afternoon, Council Member. You're correct that there
21 is an undercount, and the first thing I want to say
22 is on our website we do report the fatalities that
23 are sort of recognized by the Buildings Department.
24 We also recognize—we also report on those fatalities
25 that are recognized by OSHA. The chief distinction

1
2 isn't about so much the cause of the accidents. It's
3 where it's taking place. So, for example if a
4 fatality occurred during street construction or a
5 building construction, that's the kind of work for
6 which the Buildings Department does not have any
7 jurisdiction over. So, we would not report that as a
8 building construction fatality whereas OSHA would.

9 COUNCIL MEMBER MOYA: Understood, but
10 it's still coming from the same job site, and so the-
11 the question and Chair if you could just indulge me
12 for-for one-one moment. It's still coming from the
13 same job site.

14 ASSISTANT COMMISSIONER WEHLE: But not a
15 building construction job site for which the
16 department regulates that work.

17 COUNCIL MEMBER MOYA: If it's outside of
18 the premise of the building, correct?

19 ASSISTANT COMMISSIONER WEHLE: Correct.

20 COUNCIL MEMBER MOYA: Alright. So, it's
21 still-it's still coming from this job site, right
22 where if the worker is just outside of the actual
23 footprint of it on the street, like you said or
24 sidewalk, and there's a fatality that happens on the
25

1 sidewalk what you're saying is DOB does not classify
2 that as a fatality on a--on that particular job site?

3 ASSISTANT COMMISSIONER WEHLE: I'm not
4 sure of the extent to which those types of accidents
5 are occurring. What--

6 COUNCIL MEMBER MOYA: [interposing] I'm
7 giving you the example they gave.

8 ASSISTANT COMMISSIONER WEHLE: Yeah, when
9 there is sort of a dissidence between the OSHA
10 recording of the fatality and the Buildings
11 Department of the recording of the fatality, more
12 often than not that OSHA fatality that's being
13 recorded is on a construction site. That is not on a
14 building construction site for which we regulate.
15 So, it's street construction work, which is outside
16 of our jurisdiction. For example, you know, a bridge
17 or work that's happening in a factory where steel is
18 being fabricated perhaps. These types of fatalities
19 are not under the Building Department's jurisdiction.
20 Therefore, we don't count them as such.

21 COUNCIL MEMBER MOYA: So, I know I just--
22 I'm running out of time. Just quickly, I know that
23 you had mentioned a new Construction Safety
24

1 Compliance Unit that started in September 2018, how
2 many CSC staff do you have currently?
3

4 ACTING COMMISSIONER FARIELLO: Currently,
5 we have 33 inspectors.

6 COUNCIL MEMBER MOYA: Okay, and you said
7 that you will be fully staffed with 50. When do you
8 think that would be?

9 ACTING COMMISSIONER FARIELLO: We're
10 currently staffing up as fast as we can. You know,
11 just in general hiring inspectors, you know, the
12 industry is—that's where we normally get our
13 inspectors from. The industry is very busy, and
14 obviously could pay them more than the city
15 inspectors' salary is. So, we are always constantly
16 fighting, you know, battling against the industry
17 that we're regulating so--

18 COUNCIL MEMBER MOYA: Okay. Thank you
19 very much. Thank you, Chair and thank you
20 Commissioner.

21 CHAIRPERSON DROMM: Thank you very much.
22 We've also been joined by Council Members Chin and
23 Gjonaj and now we'll hear questions from Council
24 Member Rosenthal
25

1
2 COUNCIL MEMBER ROSENTHAL: Thank you so
3 much, Chair. Thank you, Commissioner for being here
4 today, Acting Commissioner. I really appreciate it.
5 I would like to ask about the Office of the Tenant
6 Advocate as well as your capturing information about
7 billboards and cell phone towers. Just to start with
8 the Office of the Tenant Advocate, do you feel that
9 the current staffing with two positions can fulfill
10 the function of the office. In the Executive Budget
11 the response the City Council asked for three
12 additional staff people.

13 ACTING COMMISSIONER FARIELLO: We feel
14 confident with the two because we're also
15 supplementing them, and they are working together
16 with other established units within the agency. So,
17 we have the Office of Building Marshall, we have the
18 Borough Offices, we have the Borough Enforcement and
19 we have various other groups that support them, and
20 so we are confident with the two that we have.

21 COUNCIL MEMBER ROSENTHAL: How—what's the
22 average response time for the Office of Tenant
23 Advocate to respond to a question from a resident?
24
25

1
2 ASSISTANT COMMISSIONER WEHLE: I don't
3 have the exact number with me, Council Member, but
4 it's something in the order of two to three days.

5 COUNCIL MEMBER ROSENTHAL: I think it's
6 six according to the public information that we have.

7 ASSISTANT COMMISSIONER WEHLE: And the
8 next report is going to be released this week as
9 well, which will provide additional information with
10 an update to that number.

11 COUNCIL MEMBER ROSENTHAL: Do you think,
12 you know, City Council as was mentioned just passed a
13 package of bills having to do with tenant harassment.
14 Will the Office of the Tenant Advocate take on the
15 responsibility of enforcing those new pieces of
16 legislation?

17 ASSISTANT COMMISSIONER WEHLE: I would
18 say the Office of the Tenant Advocate is going to be
19 playing role in the implementation of that
20 legislation. As it relates to the enforcement
21 specifically, it's going to be working through a
22 number of different enforcement divisions large
23 through the Office of the Buildings Marshal, and this
24 newly established real time Enforcement Unit that are
25

1
2 going to be coordinating greatly the Office of Tenant
3 Advocate.

4 COUNCIL MEMBER ROSENTHAL: Is the-the
5 Real Tenant Enforcement Unit fully staffed?

6 ASSISTANT COMMISSIONER WEHLE:

7 COUNCIL MEMBER ROSENTHAL:

8 ASSISTANT COMMISSIONER WEHLE:

9 DEPUTY COMMISSIONER NEIL: No.

10 COUNCIL MEMBER ROSENTHAL: What-how many
11 filled positions out of and how many vacancies?

12 DEPUTY COMMISSIONER NEIL: I'm going to
13 have to get back to you with that information.

14 COUNCIL MEMBER ROSENTHAL: How-how many
15 positions are-are there in that group?

16 DEPUTY COMMISSIONER NEIL: I don't have
17 those numbers handy.

18 ASSISTANT COMMISSIONER WEHLE: I will,
19 Council Member, let you know that while we staff, the
20 office has not been fully staffed as of that, the
21 office the Real Tenant Enforcement Unit is meeting
22 the service levels that are provided in the law in
23 terms of a response for work without a permit
24 complaints.

1
2 COUNCIL MEMBER ROSENTHAL: If I could,
3 that information validating that, that would be
4 terrific.

5 ASSISTANT COMMISSIONER WEHLE: You got
6 it.

7 COUNCIL MEMBER ROSENTHAL: Okay, thank
8 you and then about billboards and cell phone towers,
9 do you have—does DOB keep a running list [bell] of
10 those locations?

11 ACTING COMMISSIONER FARIELLO: So, when a
12 cellphone tower or the signage files an application,
13 we certainly have those. We have those lists. So,
14 we don't keep a running tally, but we could find out
15 how many were permitted by us.

16 COUNCIL MEMBER ROSENTHAL: Could your do a
17 run to see of locations are current in the
18 registration and the registration fees?

19 ACTING COMMISSIONER FARIELLO: Can I
20 just—? Yeah.

21 COUNCIL MEMBER ROSENTHAL: In other words,
22 do you have a link, you know, internally with the
23 Department of Finance to know that Department of
24 Finance is getting the revenue that it should be
25 getting?

1
2 ACTING COMMISSIONER FARIELLO: I would
3 have to check with our Signs Unit to see if that's
4 information that we have.

5 COUNCIL MEMBER ROSENTHAL: I don't know
6 off the top of my head.

7 ACTING COMMISSIONER FARIELLO: Okay, do
8 you know how much revenue is collected by the city
9 for the cellphone towers and the billboards?

10 COUNCIL MEMBER ROSENTHAL: What I can get
11 would be the filing fees that were paid based on the
12 application.

13 COUNCIL MEMBER ROSENTHAL: I think that
14 would be a good start meaning I think, you know,
15 we're concerned that there are people who maybe
16 register one time, but leave the cell tower up there
17 for longer than they're registered for. Are you able
18 to do inspections on that?

19 ACTING COMMISSIONER FARIELLO: I'm not
20 sure about the registration portion because they
21 would file a work application with us. We'd give—and
22 they pay a fee accordingly, and then we would give
23 them a permit and we sign off the job, and so that's
24 DOB's collection of monies would be at that time.

1
2 COUNCIL MEMBER ROSENTHAL: Do they need
3 to renew that application annually or--?

4 ACTING COMMISSIONER FARIELLO: No, it
5 would only if they were amending, you know, adding to
6 it or changing it similar to like a building. You
7 know, if they were going to take down their old tower
8 and put a new one up, they would come back for a new
9 application with us and pay and start to cycle all
10 over again.

11 COUNCIL MEMBER ROSENTHAL: How long are
12 the--how long are they allowed to keep let's say a
13 billboard? Is it a payment for a year or is into
14 perpetuity?

15 ACTING COMMISSIONER FARIELLO: No the
16 construction permit would be that actually install it
17 and erect it up there, and then unless they are
18 changing the copy, they wouldn't have to come back
19 to us

20 COUNCIL MEMBER ROSENTHAL: Okay, thank
21 you very much. Thank you Chair.

22 ASSISTANT COMMISSIONER WEHLE: And if--I'm
23 sorry. If I may Council Member back to your question
24 about staffing levels with the Real Time Enforcement
25

1 Unit, 57 positions were funded, and to date 44 of
2 those 57 have been filled.

3
4 COUNCIL MEMBER ROSENTHAL: Any of the 13
5 part of the hiring freeze or the accruals that you're
6 taking?

7 DEPUTY COMMISSIONER NEIL: I'm sorry.
8 What was the question?

9 COUNCIL MEMBER ROSENTHAL: So, you—you in
10 your—I guess your PEG Program you show that you're
11 taking—you're reflecting as a savings to your budget
12 accruals from not hiring and then I think some of
13 those positions, those accruals have been baselined.
14 Are any of the 13 unfunded positions part of that
15 ongoing not funding positions in 2020 or 2021?

16 DEPUTY COMMISSIONER NEIL: Yes, so as I
17 indicated before, this year's reduction is basically
18 just the accruals not with the positions. Of course,
19 we're being targeted to reduce our headcount by 85,
20 and we're internally discussing where best to
21 evaluate where those cuts can be taken where it will
22 have a minimal impact on service as well as these
23 priority initiatives that the agency has been given
24 either through these initiatives or through
25 legislation. So, we're in the process of—of

1 finalizing that discussion internally and we will be
2 reporting those numbers back to the department as
3 soon as it's wrapped up as Chair Dromm asked.

4
5 COUNCIL MEMBER ROSENTHAL: Right, so just
6 to be clear, I mean it's my understanding from how
7 the budget process works that by the Executive, by
8 the time the Executive Budget comes out. You know
9 which or where those positions might fall and which
10 departments would be protected or not, are you
11 implying that the Office of Real Time Enforcement
12 could be included as some of those ongoing savings.
13 That the headcount that is expected there was agreed
14 to would come down?

15 DEPUTY COMMISSIONER NEIL: So there were
16 some reductions scheduled, which I believe were not
17 allocated to the correct places. So, we would not be
18 targeting Real Time Enforcement because that's a new
19 unit and initiative that we would need to still staff
20 up. So, we're—we're currently going through where
21 the cuts were assigned, and we're going to have to
22 make some technical adjustments to where some of
23 those cuts were assigned

24 COUNCIL MEMBER ROSENTHAL: Oh, okay.

25 DEPUTY COMMISSIONER NEIL: Yes.

1
2 COUNCIL MEMBER ROSENTHAL: So, again,
3 Deputy Commissioner the total number of Real Time
4 Enforcement FTEs is?

5 ASSISTANT COMMISSIONER WEHLE: 57.

6 COUNCIL MEMBER ROSENTHAL: So, and you're
7 saying that for 2020 the 57 will continue and 21, et
8 cetera that the goal will always be to have that unit
9 filled with 57 Full Time Equivalents that's not being
10 touched? Next year it won't be 55?

11 DEPUTY COMMISSIONER NEIL: So, we would--
12 again, we would be not looking to take reductions
13 against priority programs, but again based on
14 whatever workload is coming in, and how we're able to
15 manage that service and targets, we're always going
16 to have to evaluate and manage the resources
17 internally. So, I can't say that--that we would never
18 target real time enforcement years from now. We're
19 still in the process of staffing up.

20 COUNCIL MEMBER ROSENTHAL: [interposing] I
21 just asked about next year.

22 DEPUTY COMMISSIONER NEIL: Okay.

23 [laughs]

24 COUNCIL MEMBER ROSENTHAL: I don't need
25 to know ten years from now. It's 2020.

1
2 DEPUTY COMMISSIONER NEIL: We're—we're
3 trying to hold all of the priority programs harmless
4 at this point.

5 COUNCIL MEMBER ROSENTHAL: And this is a
6 priority program?

7 DEPUTY COMMISSIONER NEIL: Yes.

8 COUNCIL MEMBER ROSENTHAL: Okay. I think
9 that's something the Council will want to track on an
10 ongoing basis. Should it become the case that you'll
11 be taking cuts in that division, permanent cuts,
12 that's something we'd be interested in knowing about.

13 DEPUTY COMMISSIONER NEIL: Of course.

14 COUNCIL MEMBER ROSENTHAL: Thank you.
15 Thank you, Chair.

16 CHAIRPERSON DROMM: Thank you. Council
17 Member Gjonaj followed by Council Member Chin.

18 COUNCIL MEMBER GJONAJ: Thank you, Chair.
19 I'm just going to follow up a little bit based on
20 those hiring freeze numbers. I'm must looking at the
21 Fiscal 2019 DOB headcount. Between the budget and
22 the actual, you had 253. In 2000—Fiscal 2018 over
23 100. In Fiscal 2017 over 130. So, the headcounts
24 that—the fees that you're referring to you have
25 plenty of vacancies already, 13% from what I can tell

1
2 on staff vacancies. We shouldn't be worried about
3 cutting any of those priority projects that require
4 personnel.

5 DEPUTY COMMISSIONER NEIL: So, just to
6 understand the numbers that you're referring to are
7 vacancies at the end of the year. So many, many
8 positions that were allocated to the department have
9 been allocated over the time for priority programs.
10 So, we often times have to manage making sure that
11 the budget is being made whole at the same time that
12 we're trying to recruit, and that's been a real
13 struggle in this very competitive job market.

14 COUNCIL MEMBER GJONAJ: But I'm going
15 back to the headcounts. You've budgeted for 1,857
16 positions, but your actuals are 1,604. That's 253
17 vacancies. I just want to reiterate that I--based on
18 those estimates we shouldn't be worried about any key
19 personnel being cut through to hiring freezes

20 DEPUTY COMMISSIONER NEIL: Again, many of
21 the positions that were allocated to the department
22 were specifically targeted to hold certain programs
23 with targeted service levels, and we're going to have
24 to evaluate whether or not some of those
25 expectations--

1
2 COUNCIL MEMBER GJONAJ: [interposing] You
3 have wiggle room?

4 DEPUTY COMMISSIONER NEIL: Yeah, of
5 course.

6 COUNCIL MEMBER GJONAJ: We have plenty of
7 wiggle room from what I can see.

8 DEPUTY COMMISSIONER NEIL: Right.

9 COUNCIL MEMBER GJONAJ: Okay, great. My
10 next question that is going to be on the—one of the
11 re-estimates is on the lease adjustment of \$257,000
12 for Fiscal Year 2020, and in the outer years for
13 costs of social or leased space. Does anyone even
14 know how much vacant space we have in our properties
15 and which locations is this? Is this spread across
16 the city?

17 DEPUTY COMMISSIONER NEIL: This is just
18 for the Department of Buildings.

19 COUNCIL MEMBER GJONAJ: Uh-hm.

20 DEPUTY COMMISSIONER NEIL: So, I oversee
21 facilities and I can guarantee you that we are very
22 aggressive in utilizing and maximizing the space that
23 we have. So, we do not have much vacant space
24 currently, and obviously with many of the programs
25 that we've been funded and trying to time when we're

1
2 going to hire people, have been trying to utilize as
3 much space that we have allocated to us that's city-
4 owned space, and then also some of the small leased
5 spaces that we had. [bell] So, we've been
6 reconfiguring to make sure that we're utilizing
7 everything as efficiently as possible.

8 COUNCIL MEMBER GJONAJ: Chair, can I
9 continue the question? When was the last time there
10 was a physical inspection made of actual occupied and
11 vacant spaces when it pertains to the Department of
12 Building facilities whether it be through city-owned
13 property or leased property?

14 DEPUTY COMMISSIONER NEIL: So, we work
15 very closely with DCAS and DCAS has also done
16 numerous walk-throughs in the past year.

17 COUNCIL MEMBER GJONAJ: Are you familiar
18 with the last walk-through and was it a complete
19 walk-through or was it a pool of samples?

20 DEPUTY COMMISSIONER NEIL: I would have to
21 check because they—they conducted the walk-through.

22 COUNCIL MEMBER GJONAJ: I'm really
23 curious because I speculate that we're going to find
24 quite a bit of unused space, and this is just not at
25 DOB. This is across the board at our own property,

1
2 city-owned property, as well as those properties that
3 we're leasing from private ownership. I was startled
4 to see some of the vacancies that we have at our own
5 properties, and within a short distance, we were
6 actually leasing additional space. So, I'm going to
7 be focused on this in upcoming weeks and months, and
8 I hope we'll find ways that we continue to spend our
9 tax dollars more wisely and be good stewards of
10 taxpayer dollars. My last question for you is on
11 basements, and the illegal occupancies that we
12 currently have, and earlier we spoke about a pilot
13 program in Brooklyn where we're legalizing basements
14 and come up with a pilot that will help those
15 property owners legalize and bring those basement-
16 they've also been referred to as-not my saying it. I
17 just want to point it out there-undocumented
18 apartments versus illegal apartments, and I don't say
19 it as in any way as an intent to insult anyone by the
20 immigration status. But this particular
21 classification of undocumented apartments versus an
22 illegal apartment is one that has substance. In the
23 '60s, New York City went out and evaluated every
24 private home, and I believe if you had a half a
25 bathroom and a kitchen, your property was increased

1 on the tax break the number of units. So, you went
2 from a one-family home to a two-family home if you
3 had a semi-finished basement. Am I correct with
4 this?
5

6 ACTING COMMISSIONER FARIELLO: I believe
7 you're talking about whether your taxes were
8 increased.

9 COUNCIL MEMBER GJONAJ: Right, real
10 estate taxes, and that was based on a DOB inspection
11 done.

12 ACTING COMMISSIONER FARIELLO: I don't
13 know about that.

14 COUNCIL MEMBER GJONAJ: Okay. So, let me
15 just reiterate. So, in the '60s citywide inspections
16 took place. If you had a semi-finished basement, your
17 number of units was adjusted. You went from a legal
18 one-family to legal two-family and you were taxed
19 according to the number of units. That's the case
20 about undocumented apartments. We had homeowners
21 paying a tax rate for illegal apartments that the
22 city was benefitting from, and as those properties
23 turned over and they were inherited by family member
24 where there was no-no search for a C of O, when they
25 received their quarterly real estate tax bill, it

1 showed that they had a legal two-family, and they
2 believed that they had a legal two-family because
3 they were being taxed as a two-family,
4 house/dwelling, jeopardizing themselves, their single
5 investments and those occupants of those apartments
6 that in many cases are death traps. So, I'm going
7 full circle. We allowed this assessment to continue
8 for decades. We benefitted through it our taxes that
9 we collected from it that are illegal and dangerous.
10 What are we going to do about these conditions that
11 are jeopardizing the residents where there is no
12 second means of egress, and the homeowners, which
13 truly believe in their heart of hearts that they have
14 a legal apartment, and this goes--this happens more
15 often than you think, and I can only bring my own
16 experience in. For a number of years as a real
17 estate broker, and most of those homeowners only
18 found out at the time of sale that their C of O
19 dictated otherwise after paying for decades.
20

21 ACTING COMMISSIONER FARIELLO: So, I'm
22 going to take it in two parts. So, the first part
23 about was the taxes being increased to a two-family.
24 I mean, you know, we are the agency that determines
25 the lawful use of the building and so if the building

1 had a C of O, you know, or they're coming in for a
2 two-family, and we would certainly review it against
3 the Building Code and the City for a zoning
4 resolution and all of that. We have a number of
5 homeowners come in thinking that they have two-family
6 house. You know, the finance information says a two-
7 family and we look at our records and it indicates a
8 one-family and, you know, a lot of times that is news
9 to the homeowner. Not happy news, obviously, but, you
10 know, that is lawful use of the building is a one-
11 family house. Now, whether they've been taxed that or
12 not that's not the Department of Buildings. You
13 know, we don't do that, and that would be kind of--

14
15 COUNCIL MEMBER GJONAJ: [interposing] No,
16 but you—you have access to information that we can
17 cross-reference with the Tax Department. So, here we
18 see a flag, and I don't think it would take much for
19 us to cross-reference the number of dwelling units
20 between what your records have and the Department of
21 Tax and Finance is charging for real estate taxes.
22 This way we could better inform those homeowners, but
23 hell, we could inform those residents that live in
24 these apartments that they're occupying potentially,
25 illegal but dangerous dwelling units. Don't we owe

1 this to our citizens to protect their safety as a
2 priority, and then the homeowner to let them become
3 aware that potentially they have a real problem on
4 their hands?
5

6 ACTING COMMISSIONER FARIELLO: So, so, we
7 have a Quality of Life Unit that's headquartered out
8 of Queens because that's where the majority of the
9 complaints that come in, and what we find out is our
10 biggest issue is getting access into the apartment.
11 You know, maybe Finance sees that hey there's two
12 bells on the thing, and we're going to raise their
13 taxes to a two-family and if they don't come to agree
14 to the taxes, well that carries on, on and on and on.

15 COUNCIL MEMBER GJONAJ: So, we just
16 legalize something that was illegal?

17 ACTING COMMISSIONER FARIELLO: No, I'm
18 just saying they paid their--

19 COUNCIL MEMBER GJONAJ: [interposing] But
20 we're charging for it.

21 ACTING COMMISSIONER FARIELLO: --right
22 and so, you know, our--our Quality of Life, Quality of
23 Life Unit goes out to these sites. They're looking
24 for any, you know, obviously they're asking to get
25 into the building. We know this is America. We're

1 not allowed to storm our way into the building. We
2 still have laws that we have to follow, and then if
3 we see that there is, you know, evidence of a two-
4 family going on there, we will then—and they're not
5 giving us access, then we'll apply for an access
6 warrant, we've been doing that judiciously over the
7 last, you know, four or five years to gain access to
8 get—to get into more and more buildings than we can,
9 but our—our biggest problem is gaining access into
10 these--
11

12 COUNCIL MEMBER GJONAJ: [interposing]

13 Okay.

14 ACTING COMMISSIONER FARIELLO: --

15 undocumented apartments, as you say.

16 COUNCIL MEMBER GJONAJ: How many—how many
17 warrants have—did we do all of last year?

18 ACTING COMMISSIONER FARIELLO: I'd have
19 to get the numbers.

20 ASSISTANT COMMISSIONER WEHLE: I think
21 it's 283 close to 300

22 COUNCIL MEMBER GJONAJ: How many illegal
23 apartments do you think exist citywide?

24 ACTING COMMISSIONER FARIELLO: Oh, I have
25 no idea.

1
2 COUNCIL MEMBER GJONAJ: Hundreds of
3 thousands. How many complaints did we receive on
4 illegal occupancy, 311 calls, and that ratio is going
5 to be much, much higher than the 200 apartments that
6 you actually applied for a warrant and the ones that
7 you actually got into.

8 ACTING COMMISSIONER FARIELLO: We have to
9 look at the numbers.

10 COUNCIL MEMBER GJONAJ: My point is I
11 really want to work on this with you, and I—and I
12 truly appreciate the work that you do, but when it
13 comes to New Yorkers, they don't want to hear, Oh,
14 we're just DOB, and, you know, we can tell you the
15 legal—the C of O that your property has, but we have
16 nothing to do with Department of Finance. They
17 deserve better, and this is something that we should
18 be working on. We should be proactive not reactive. I
19 can't tell you the number of times I went to a
20 closing where after contracts were signed did the
21 homeowner realize that they don't own a two-family or
22 a three-family. I was actually a one-family or a
23 two-family, and they portrayed it in the sale, which
24 became a real problem, but not only that, they risked
25 their single largest investment, and those residents

1
2 I go back to priority the health and safety and
3 wellbeing of those occupants, and I think we can do
4 better, and I think we can actually work on serving
5 New Yorkers and what's in their best interest, and we
6 can do this with the Department of Finance and the
7 DOB, and actually come up with those red flags, and
8 let's apply for more warrants. That would be a great
9 indication that your C of O says one-family, but you
10 have a two-family dwelling on your taxes. We know
11 there is some kind of violation going on there. So,
12 if we can't get in there, I think a warrant is
13 warranted. Can I get a commitment from you to work
14 on with me?

15 ACTING COMMISSIONER FARIELLO: Sure.

16 We're happy to work with you.

17 COUNCIL MEMBER GJONAJ: Okay, thank you.

18 Thank you, Chairman.

19 CHAIRPERSON DROMM: Thank you. Council
20 Member Chin.

21 COUNCIL MEMBER CHIN: Thank you, Chair.

22 I have a couple of questions. The first one I'm just
23 curious about the DOB Now. That is really one of
24 your only new needs for the Fiscal Year 2020, and you
25 are adding four new positions. So how many people?

1 What's the total headcount that is designated to this
2 DOB Now Online Electronic Self-Service Plan
3 Commission?
4

5 DEPUTY COMMISSIONER NEIL: Good
6 afternoon. So right now the plan is providing for
7 four additional new staff for next year, and those
8 positions' primary function are going to be to
9 provide ongoing maintenance and production support
10 for DOB now, and there are currently seven staff
11 performing DOB Now function, and includes business
12 analysts and programming positions.

13 COUNCIL MEMBER CHIN: So, does that
14 replace the traditional plan review? It's supposed
15 to be faster so that you can review more plans?

16 ACTING COMMISSIONER FARIELLO: No, this
17 is staff that's dedicated to creating the system,
18 right? It's more like IT staff that are doing this.
19 So, the Plan Review Team are going to use this
20 program, right, but this staff of 4 and 7, 11 total
21 are going to be for creating the software. You know,
22 obviously with consultants, there are a lot more
23 consultants to help us, but they're the ones that are
24 dedicated for doing the requirements for what the
25

1 department needs to create the system, but the Plan
2 Examiners are going to use the system. They're users.

3
4 COUNCIL MEMBER CHIN: So, is this program
5 up and running now?

6 ACTING COMMISSIONER FARIELLO: It's
7 partially up and running. I believe we have six work
8 types that are ongoing right now. We keep adding
9 more and more.

10 COUNCIL MEMBER CHIN: So is this
11 generating more revenue for the department because
12 you're able to kind of review the payments quicker
13 when they're submitted electronically?

14 ACTING COMMISSIONER FARIELLO: I think
15 right now it's the same revenue and the same
16 application fee that would come in that we would do
17 in our old system that we're doing in the new system.
18 It's going to help us be more efficient. It's going
19 to help us be more transparent. Applicants, owners,
20 contractors can see where they are and, you know,
21 where they are in place where they can't see that
22 now. So they know—they will know where they are in
23 the spec. So, if I'm an owner and the plumber is
24 saying hey I didn't, you know, when are you going to
25 inspect this thing, and he says DOB is not doing

1 their part, the owner can go in the system and see
2 that meeting in the report state, you know, or
3 something like that. You know, or a similar an
4 architect, you know, you know--

6 COUNCIL MEMBER CHIN: [interposing] So
7 how--so how soon are you going to be able to have this
8 sort of replace the--your traditional system of
9 reviewing plans?

10 ACTING COMMISSIONER FARIELLO: Yes, the--
11 the system of review and plans is one part of it.
12 So, there are Licensing. So anyone that comes in for
13 a license in the department [bell] you know, they're
14 going to use this system also. When we have repots
15 that come to us annually, boiler reports, façade
16 reports they're going to use this system where they
17 didn't have a system before, and then we have the
18 Plan Review portion of it, and then we have the
19 Inspection piece that's up and running now. So, it's
20 four pieces that are to it, you know, that make up--
21 make up the whole system. So, it's a multi-year
22 thing and so, I believe it's--I think it's two more
23 years we're going to be with the operational piece of
24 Build. Right that's what we call the Plan Review
25 portion of it.

1
2 COUNCIL MEMBER CHIN: Okay, just one last
3 question because of time. In terms of number of
4 inspectors, one of the big issues that we have
5 especially in my district is the scaffolding staying
6 up for a long time. So, my question is that when
7 they apply for a permit to put up a scaffold, and if
8 they keep extending it, I mean does DOB send out
9 regular inspectors to see why, you know, they're
10 delayed because like some scaffolds have been up for
11 years, and like yes, you have to do that--the work
12 that they're required to do, but if you keep dragging
13 it out there's got to be stiffer penalties or
14 inspections that the--the owner who's doing this has
15 to be responsible.

16 ACTING COMMISSIONER FARIELLO: And so--so
17 we have a Scaffolding Unit that's dedicated just to
18 looking at the safety of the scaffolding itself when
19 it goes up and obviously when it comes down or if
20 there's an incident on there. Looking at the reason
21 why it's up there is a little more complicated than
22 you would think. So, you know, we're out there, you
23 know, we're looking and making sure that the
24 scaffolding itself is safe that it's going to do its
25 job and protect the public, and all of that and so,

1
2 if the owner is not doing their part fix the façade
3 or whatever they call it, the reason why you put it
4 up there, that's the part that's a little more
5 nuanced then. So we are trying to find ways where we
6 can get the owner to fix the building and get the
7 scaffolding down, and so that's been an ongoing
8 things for a number of years now. So, we are trying
9 to find ways to get the owner to do the work, and
10 then the scaffolding itself can come down.

11 COUNCIL MEMBER CHIN: Well, we look
12 forward to continuing working with you on that
13 because we are looking at, you know, legislation,
14 but we work to work with the Department of Buildings
15 because there are all these problem cases where the
16 scaffold stays up there for years and years, and
17 something has got to be done about that. So,
18 hopefully we can work together on—on some legislation
19 or plan that can make it happen. Thank you. Thank
20 you, Chair.

21 CHAIRPERSON DROMM: Thank you very much,
22 and with that we are going to end this portion of our
23 hearing and say thank you for coming in, and we look
24 forward to continuing to work with you as we move
25 along. Thank you very much.

1
2 ACTING COMMISSIONER FARIELLO: Thank you.

3 CHAIRPERSON DROMM: And with that, we'll
4 start our Immigration committee hearing at about
5 2:30. [pause] [gavel] Okay. We will now resume the
6 City Council's hearing on the Mayor's Executive
7 Budget for Fiscal 2020. The Finance Committee is
8 joined by the Committee on Immigration chaired by my
9 colleague Council Member Carlos Menchaca. We just
10 heard from the Acting Commissioner of DOB and now we
11 will hear from Bitta Mostofi the Commissioner of the
12 Mayor's Office of Immigrant Affairs. In the interest
13 of time, I will forego an opening statement, but
14 before we hear testimony, I will open up the mic to
15 my Co-Chair Council Member Menchaca.

16 CHAIRPERSON MENCHACA: Thank you, Chair
17 Dromm, and buenos tardes everyone here today, and at
18 home listening. My name is Carlos Menchaca, Chair of
19 the Committee on Immigration, and I want to thank
20 Chair Dromm for holding these executive hearings.
21 It's an incredible op—an incredible opportunity to
22 get another understanding, a deeper understanding as
23 we negotiate this budget specifically on immigration.
24 Now, today we will focus on the Administration's
25 funding for services and programs that serve

1
2 immigrant New Yorkers. Every year I stress this, but
3 I cannot stress this enough: Immigrants make up the
4 fabric of our city. There are over 3.3 million
5 foreign born immigrants who call our city, this city
6 their city home, and our immigrant community hails
7 from more than 150 countries comprising nearly 40% of
8 the city's population, 40% of the city's population.
9 This diversity is our strength. Yet the de Blasio
10 Administration's record on supporting immigrants and
11 their families has been inconsistent at best and this
12 year's budget is no exception. On one end the Mayor
13 expands his collaboration with ICE, and on the other
14 hand he rolls out NYC Care Card, which will primarily
15 impact immigrants. Amid concerns regarding IDNYC
16 adding the Chip and capabilities with this
17 technology, I expect that today we will get some
18 clarity on the number of budget proposals and
19 programs that will impact immigrant New Yorkers and
20 this includes clarity on the \$2.4 million added for
21 IDNYC renewals and its rollout; insight into why
22 adult literacy was not baselined after a repeated
23 year-to-year call for it beyond Fiscal 2020; more
24 information on NYC Care and its expected impact
25 across the city; an update on census operations and

1
2 MOIA's involvement in translation at poll sites, and
3 information on local and national efforts to protect
4 immigrant New Yorkers from the federal government.
5 Given the systematic assault on our immigrant
6 communities, this is why it's all important that the
7 Administration and the City Council continue to lead
8 the way in making sure our most vulnerable residents'
9 needs are met. The Budget is an essential tool
10 making sure we can meet these needs of our immigrant
11 New Yorkers. So, before we go and start this
12 hearing, I would like to thank our committee staff
13 who helped prepare us today, the Unit Head Crilhien
14 Francisco to my right here and Committee Counsel
15 Harbani Ahuja, to his right Policy Analyst Elizabeth
16 Kronk, Community-Community Liaison Stella Chan, and
17 my staff-Chief of Staff Soci (sp?) Ming and my
18 Communications Director Tony Charito. Now, I would
19 like to welcome the Commissioner of the Mayor's
20 Office of Immigrant Affairs, Commissioner Mostofi.
21 Please come up. Thank you.

22 CHAIRPERSON DROMM: Okay, and I'd like to
23 ask Counsel to swear the Commissioner in.

1
2 LEGAL COUNSEL: Do you affirm that your
3 testimony today will be truthful to the best of your
4 knowledge, information and belief?

5 COMMISSIONER BITTA MOSTOFI: I do.

6 LEGAL COUNSEL: Thank you. You may
7 proceed.

8 COMMISSIONER BITTA MOSTOFI: Thank you,
9 alright. Good afternoon and thank you to Chair
10 Dromm, Speaker Johnson and Chair Menchaca and members
11 of the Committee on Immigration and coupled with
12 Finance. My name is Bitta Mostofi. I'm the
13 Commissioner for the Mayor's Office of Immigrant
14 Affairs. MOIA is tasked with promoting the wellbeing
15 of immigrant communities in New York City. Our focus
16 over the past fiscal year has been to ensure that
17 immigrants have access to and feel welcome engaging
18 with the city and the city services. Even in the face
19 of relentless attacks by the federal government MOIA
20 has worked to strengthen and innovate programs for
21 immigrants, address policy challenges and coordinate
22 the city's response to critical federal policies
23 impacting our residents. In close collaboration with
24 out sister agencies, MOIA has provided timely and
25 crucial information to our affected communities to

1 both empower and arm them with the necessary tools
2 that they need and organized interagency and
3 intercity advocacy. My testimony today will outline
4 the environment that MOIA and indeed everyone working
5 on immigration and with immigrant communities are
6 facing, highlight investments in the Executive Budget
7 meant to advance the wellbeing of immigrant New
8 Yorkers in the coming year and touch on some of the
9 successes over the last fiscal year in addressing our
10 goals for 2020. As has been widely reported the
11 Trump Administration has redoubled its bigoted
12 attacks on immigrants including here in New York
13 City. MOIA's own analysis has found that in the New
14 York City area ICE has drastically increased its
15 arrests of immigrants including long-term U.S.
16 residents with no criminal convictions. Total ICE
17 arrests increased 88% in the first full federal
18 fiscal year under the Trump Administration compared
19 to the last of the Obama Administration. This
20 included a 414% increase of arrests of individuals
21 with absolutely no criminal conviction. ICE agents
22 also made arrests in and around courthouse in New
23 York City and across the state which can have
24 chilling effects on immigrants' access to justice and
25

1 trust in the judicial—in the judicial system
2 including by dissuading descendants, victims and
3 witnesses from coming to court. In addition the
4 federal administration has proposed new changes to
5 several longstanding policies. This includes the
6 proposed change to the almost 20-year-old Public
7 Charge Test, which could have devastating effects on
8 those in the U.S. who are applying for a Green Card.
9 Following similar changes to the State Department's
10 Public Charge Test for visa applicants applying from
11 abroad, there's been an over 300% increase in public
12 charge denials in the past year. While this is due
13 to the amendments made to the Foreign Affairs Manual,
14 Public Charge Inadmissibility Procedures, this is an
15 indication of the potential impact that this proposed
16 rule could have for those already in the U.S. should
17 it ever be implemented. The city is not alone in its
18 concerns. New York State has also been active in
19 responding to the needs of immigrant communities. We
20 are heartened by the Office of Court Administration's
21 decision to take step to keep courts open to all,
22 which mirrors the city's own work to ensure that all
23 New Yorkers feel comfortable coming to and from city
24 property. Similarly, the passage of the New York
25

1
2 State Dream Act has opened up financial for thousands
3 of New Yorkers including in New York City. We're
4 eager to work together with the state advocates and
5 others stakeholders to ensure that all eligible New
6 Yorkers can access state financial aid and
7 scholarships for higher education. Passage of the
8 Dream Act was a critical step in building a just and
9 inclusive society one where all students have a
10 chance to succeed. In addition, the city's
11 investments in conjunction with the state's for the
12 2020 Census represent a significant step towards
13 ensuring that all New Yorkers are counted.
14 Highlighting just a few of the new investments that
15 are present in the Executive Budget I'm please to not
16 that the Administration has added funding several
17 areas intended to support immigrant New Yorkers.
18 First is a part of its work to ensure the New Yorkers
19 with limited English proficiency can be engaged in
20 our democracy. The Administration has allocated \$1
21 million for the Poll Site Interpretation Project.
22 This in addition to another recently announced
23 \$640,000 investment for a total of \$1.64 million for
24 interpretation services at poll sites. In addition,
25 the Executive Budget includes dedicated new funding

2 for language access to increase the capacity of
3 agencies through technical and other supports. This
4 is alongside and additional centralized staff line to
5 work exclusively on interpretation and translation
6 services. Language access is a fundamental part of
7 MOIA's work, and in addition to the increased
8 staffing for Language Services, the funding for
9 language--language access staff and poll site
10 interpretation will help address the needs of the
11 nearly 25% of New Yorkers with LAP. Second, the
12 Administration has put forth significant funding for
13 Census 2020 outreach and awareness. For Fiscal Year
14 2020 the Administration has allocated an
15 unprecedented 20-22--sorry, \$22 million for Census
16 Outreach Education local capacity building and
17 communications. In conjunction with the \$4 million
18 already allocated in Fiscal Year 2019, the \$26
19 million total invested in the census by the city will
20 help ensure that every New Yorker is counted in 2020.
21 Third, the city continues to prepare for the summer
22 launch at NYC Care. Starting August 1st in the Bronx
23 and operational throughout the city by the end of
24 2020. Across New York City approximately 600,000
25 residents including some 300,000 who are estimated to

1 be undocumented, lack health insurance or affordable
2 healthcare. Under the Mayor's leadership we're
3 investing \$100 million annually to ensure that no New
4 Yorker will go without private provider or specialty
5 care. The city recently released a Request for
6 Proposals for the outreach work for NYC Care program,
7 which will distribute more than \$450,000 to
8 community-based organizations in the Bronx. As MOIA
9 prepares of the rollout of NYC Care Program in the
10 Bronx this summer, we're excited to partner with
11 community-based organizations in engaging uninsured
12 New Yorkers to ensure that they understand the
13 support available to them and are able to learn how
14 to enroll. Finally, I want to highlight the
15 Administration's \$2.4 investment for IDNYC in
16 anticipation of the first renewal period fast
17 approaching in January of 2020. We are in the
18 process of developing and efficient and easy-to-use
19 renewal system and we'll have more to share soon.
20 These new investments are in addition to the
21 administration's ongoing support for key programming
22 for immigrants, which ranges from IDNYC to our legal
23 initiatives work, We Speak NYC and more. I will
24 speak about these successes now. As the city's
25

1 expert on immigrant communities and immigration
2 policy, MOIA has long coordinated and supported on a
3 broad set of issues recognizing the sheer diversity
4 of immigrant New Yorkers' demands an equally broad
5 and divers approach. Throughout the last year, MOIA
6 has engaged in a variety of programs and activities
7 of the wellbeing of immigrant New Yorkers. Some
8 notable accomplishments not yet discussed in my
9 testimony include: Providing a continuum of free
10 legal service programs for immigrant New Yorkers.
11 This work with our sister agencies including HRA's
12 Office of Civil Justice to respond to new needs
13 created by a fast paces federal climate. As on
14 example, the city allocated \$4.1 million to provide
15 legal services to migrant children in response to the
16 family separation crises. As another, the city
17 recently added \$1.6 million in emergency funding for
18 NYFUP to respond to recent changes in court process
19 at the Varick Street Immigration Court. We advise
20 and support agencies in the implementation of Local
21 Law 30, the city's Language Access Law, track
22 compliance with Local Law 228, which prohibits the
23 use of city resources to support immigration
24 enforcement by monitoring and collecting information
25

1 about any requests from non-local law enforcement
2 agencies related to immigration enforcement; support
3 the city agencies in the effective provision of U-
4 Visa certifications and T Visa Declarations; respond
5 to inhuman and cruel proposals from the Trump
6 Administration including public charge in the cense;
7 Provide agency partners with additional tools and
8 resources to support their work serving New Yorkers
9 including through the interagency Task Force;
10 Increase access to IDNYC for minors by allowing 10 to
11 13-year-olds apply applying for the program. We've
12 increased capacity of our We Seek NYC Program by
13 delivering new tools and classes for LAP New Yorkers,
14 which we notable won an Emmy for this past-two
15 weekends ago. Share information with our 12,000 with
16 over 12,000 folks and refer over 3,000 through our
17 Information Desk. Respond to 5-over 500 calls through
18 our hotline and 311, and providing nearly 657
19 referrals. Advocate for and provide support to U.S.
20 citizens here and abroad seeking support for their
21 children through visas. Additionally, we've trained
22 CBOs and launched our Know Your Rights programming
23 targeting low-income immigrant New Yorkers. MOIA's
24 efforts will continue to ensure that immigrants are
25

1 included in every aspect of the city's work. We will
2 continue to innovate new and existing programs.
3 First, in Fiscal Year 2020 we'll expand our work to
4 increase cultural and linguistic competencies in the
5 delivery of critical services and benefits across
6 city agencies and within immigrant communities. As
7 we prepare for the possibility of federal barriers to
8 access for crucial public benefits, we'll work
9 closely with our sister agencies and community
10 partners to build on our programs and efficiently and
11 effectively connect New Yorkers to services. MOIA
12 will build on its successes with our Legal Services
13 Programs to ensure greater efficiency and stability
14 and to ensure the program's lasting legacy. Toward
15 that end in partnership with the Office of Civil
16 Justice, we will soon release a concept paper that
17 serves as a precursor to a forthcoming request for
18 proposals for Action NYC with the goal of beginning
19 contracting in Fiscal Year 2021. MOIA will also work
20 with our partners at H&H as the city implements the
21 Mayor's new NYC Care Program. The city is committed
22 to providing access to Healthcare for all uninsured
23 New Yorkers regardless of status, and as the RFP
24 process continues we look forward to working with
25

1 community-based partners to ensure that the uninsured
2 in New York are eligible for the program are aware
3 and able to enroll. Second, in the face of increased
4 arrests and deportations, we will work to strengthen
5 community protections against deportations by
6 effectively connecting individuals to legal services
7 and their right to education. MOIA is also fighting
8 to against unscrupulous individuals who prey on
9 fearful immigrants in this time of crises. By
10 providing resources for immigrants at risk of fraud
11 as well as rights education helping to advance
12 economic just for vulnerable immigrant New Yorkers.
13 All New Yorkers regardless of immigration status play
14 a critical role in our city's future. We will work
15 to expand democracy to encourage all New Yorkers to
16 participate in our civic life. We will accomplish
17 this goal through community town halls, cultural
18 celebrations and more that provide opportunities for
19 communities to engage with the city while
20 simultaneously connecting them to information and
21 access. Additionally, MOIA will continue to expand
22 poll site interpretation services to help ensure that
23 every citizen can have full access to voting
24 regardless of language ability. Finally, in Fiscal
25

1
2 Year 2020, the city will use all of the means at its
3 disposal to defend our residents against anti-
4 immigrant policies from the federal government. We
5 will advocate for common sense, pro-immigrant
6 policies at the state and national levels. We're
7 committed to ensuring the safety and security all New
8 Yorkers especially in their interactions with the
9 city. In coalition with and across our sister
10 agencies, we will work to better serve immigrants and
11 realize great equity and fairness for all. I want
12 thank the committees and the entire Council for being
13 a crucial partner in the fight to advance the
14 wellbeing of immigrant New Yorkers in New York City.
15 Without your help and the help of the many community-
16 based organizations and service providers, that we
17 work with day in and day, this not possible. You
18 have our commitment to continue to listen to
19 immigrant New Yorkers, monitor and understand the
20 impacts of anti-immigrant policies and work towards
21 making New York City a city for immigrant communities
22 to flourish. I'm happy now to take any questions you
23 may have.

24

25

1
2 CHAIRPERSON DROMM: Thank you very much,
3 Commissioner. Thank you for your testimony. It's
4 always good to see you.

5 COMMISSIONER BITTA MOSTOFI: Thank you.

6 CHAIRPERSON DROMM: Let me start off with
7 something that's very dear to my heart, which is the
8 IDNYC removals. The Fiscal 2020 Executive Plan
9 includes \$2.4 million for the anticipated card
10 renewals for the IDNYC Program.

11 COMMISSIONER BITTA MOSTOFI: Yes.

12 CHAIRPERSON DROMM: How many cards do we
13 expect to renew in Fiscal 2020, and will the renewals
14 be executed similarly to the rollout of IDNYC for
15 example with pop-ups across the city?

16 COMMISSIONER BITTA MOSTOFI: Thank you so
17 much for the question, and as I noted in the
18 testimony, we will have a lot more to share with you
19 really soon. We're working through some final pieces
20 that we want to be able to brief both you Council
21 Member Dromm and Chair Menchaca specifically as the
22 real sponsors for the program, and our lifelong
23 partners on it. So, to answer your question, the
24 first year of the program as, as you know,
25 remarkable. We enrolled approximately 750,000 New

1
2 Yorkers in its first year. Accordingly, we are
3 planning for the ability to be able to not only
4 execute as many renewals as New Yorkers will invite,
5 but continue our ongoing operations in inviting new
6 New Yorkers to enroll for the card. That's a
7 tremendous undertaking as you can imagine, which is
8 why you see the increase to budget allocation in the
9 budget. We anticipate both operational needs,
10 production needs and staffing needs to be able to
11 appropriately address that. We are building out
12 technological capacities and others, and we'll have
13 much more specific details to share with you very
14 soon.

15 CHAIRPERSON DROMM: Okay, thank you. In
16 the Fiscal 2020 Preliminary Budget hearing, you
17 alluded to the administration being in the
18 exploratory phase on the proposal to include chip
19 capabilities in the INDYC Cards. The Council and many
20 advocates have expressed concern over the proposal,
21 as you know, but do we expect the renewal cards to be
22 enhanced with the chip? And if so, what has changed
23 to—to mitigate the Council's and advocates' concerns.

24 COMMISSIONER BITTA MOSTOFI: Yeah, thank
25 you for that question. We're in ongoing

1
2 conversations both with you all and with advocates
3 and have not made a final decision. We've not
4 completed conversations with entities either. So,
5 there's no final decision on the inclusion or
6 exclusion of a—of a chip. We're moving forward with
7 our renewal plan because we need to be able to
8 effectively execute on the renewal within the
9 timeline, but have in response to the concerns and
10 really in also my interest in getting this right, not
11 made a final determination on the chip.

12 CHAIRPERSON DROMM: When do you expect to
13 tart with the renewals?

14 COMMISSIONER BITTA MOSTOFI: We will
15 hopefully announce the soon. We would—we will not—we
16 will start earlier than January obviously to give
17 people a head start who's cards will be expiring in
18 January, and accordingly we'll start to roll out ne
19 information by no later than the fall.

20 CHAIRPERSON DROMM: Okay, in a recent—in
21 a recent speech, Deputy Mayor Thomson expressed the
22 Administration's desire for community groups and
23 unions to learn how to use big data from the IDC chip
24 card to organize people and to do collective consumer
25 purchasing and bargaining with corporations and

1 utilities. What new data would the Administration be
2 able to access from the IDNYC Card with the Smart
3 Chip, and how will this data aggregate in aggregate
4 form inform city initiatives and programs?
5

6 COMMISSIONER BITTA MOSTOFI: So, one of
7 the things that we've consistently done with the
8 program is essentially this idea of collective
9 bargaining, right. So, we have things like your Big
10 Apple RX discount on the back of your card. We have
11 things like a food bazaar discount. These are things
12 that have yielded significant savings for New
13 Yorkers. Food bazaar I believe over \$2 million at
14 this point. The Big Apple RC nearly a million
15 dollars, and so, one of the things that we've talked
16 about is having aggregate data of how IDNYC Card
17 holders use their card as a way to understand what we
18 can effectively get for them in terms of additional
19 discounts or memberships or things like that. So,
20 that's one of the pieces of the things that we've
21 been looking at with this. It would, of course, be
22 not information that the city would hold, but if you
23 use—if you would be using your IDNYC or you would
24 choose to use your IDNYC to conduct a financial
25 transaction, one of the things we've looked at is

1
2 could we understand sort on a kind of aggregate level
3 hour are cardholders using their cards to see if
4 there are ways that we could bargain for discounts
5 for folks.

6 CHAIRPERSON DROMM: So, what information
7 would be provided to the cardholders about how that
8 information is being used?

9 COMMISSIONER BITTA MOSTOFI: So, as you
10 know, we're in ongoing conversations around this
11 right. So, I don't know that one we've even settled
12 that this is what we would do, and two that if we
13 were to do it, that we yet have honed sort of how we
14 would ensure that cardholders knew that this was the
15 intention of an program. One of the elements that
16 we've noted consistently is that we're interested in
17 is just ensuring that regardless of what we do there
18 is robust consumer education attached to it so that
19 individuals know everything about what they would be
20 connecting their card to, and how it would be used,
21 and what information or privacy term would attach to
22 it in the same way that the city is transparent about
23 ours. So, we're committed to that piece, and if we
24 were to move forward with this obviously we're in
25

1 ongoing conversations with you all, and would make
2 those decisions along with you.

3
4 CHAIRPERSON DROMM: Okay, thank you. The
5 Drivers License Access and Privacy Act sponsored by
6 State Senator Luis Sepulveda and Assembly Member
7 Marcos Crespo would expand access to driver's
8 licenses for all state resident regardless of their
9 immigration status. The bill has currently passed
10 both the Senate and the Assembly and will now head to
11 the Governor's desk for approval. Can you talk about
12 the work the Administration has done to advocate for
13 the passage of this bill?

14 COMMISSIONER BITTA MOSTOFI: Yeah. Thank
15 you so much. You know, this is really incredibly
16 exciting. We have championed the passage of this
17 legislation first on time, and we've both spoken with
18 individual legislatures, the bill's sponsors as well
19 as the Mayor has released a video in support. I have
20 done op-eds and other advocacy, and so, you know, we-
21 we are both excited about the-the possibility here
22 and the important witnesses not just for immigrant
23 communities, but for New Yorkers as a whole, and
24 looking forward to be able to support New Yorkers who
25 are interested.

2 CHAIRPERSON DROMM: Okay. Thank you. In
3 the Fiscal 2020 Preliminary Budget hearing you stated
4 the Action New York City was looking into the-a
5 potentially expanding into libraries where the city
6 current operates New York City's Citizenship and
7 IDNYC programs. Does the Administration expect to
8 provide these services in Fiscal 2020?

9 COMMISSIONER BITTA MOSTOFI: We do not.
10 This is a part of the ongoing or sorry the-the soon
11 to be released RFP process. Our anticipation and
12 this is being responsive to what we've heard from
13 community organizations and also just wanting to be
14 conscientious about sort of what it means to be able
15 to roll out new services or transition them. We are
16 giving ourselves the full fiscal year of 2020 to make
17 sure we have time to run the RFP and make selections
18 and for people to plan accordingly with the
19 anticipation of 2021 being the year that the
20 contracts would be done.

21 CHAIRPERSON DROMM: Okay, thank you.
22 Special Immigrant Juvenile Status: Recently a New
23 York Federal Judge ruled that the U.S. Citizenship
24 and Immigration Services an agency of the Department
25 of homeland security unlawfully denied and delayed

1 petitions for special immigrant juvenile status after
2 imposing new policy requirements that challenge the
3 jurisdiction of state courts. It is said that
4 approximately 3,000 migrant youth were affected by
5 the arbitrary policy change imposed by U.S. CIS. Can
6 you discuss how this decision will impact legal
7 services provide—being provided to migrant youth in
8 the city?
9

10 COMMISSIONER BITTA MOSTOFI: Yeah, we
11 were so thrilled about this decision and it's
12 incredible testament to the work of legal service
13 providers in fighting and winning effectively on
14 behalf of immigrant youth. We have been—we've stayed
15 in close contact with Legal Aid and others to
16 understand what's happening in terms of the decision
17 itself and implementation for impacted individuals.
18 As I noted in the testimony, in the fall we allocated
19 \$4.1 million for providers to be able to take these
20 very kinds of cases and representative, and
21 representing unaccompanied children, and so we will
22 remain in contact with provider to make sure that
23 they have what they need to be able to address this
24 important victory.
25

2 CHAIRPERSON DROMM: Okay. Thank you also.
3 Now for Census 2020, the Mayor's Executive Budget
4 allocated \$16.4 million in Fiscal 2020 to support the
5 upcoming 2020 United States Census. Of this funding,
6 \$22 million is for contracts. \$3.8 million is for 55
7 field organizers positions and \$490,000 is for an
8 additional five position. All tolled there's a grand
9 total of \$29 million for the Census 2020 work spread
10 across two agencies into the out-years. Can you
11 discuss MOIA's role in the 2020 Census, and what role
12 will MOIA have in the—in this partnership among the
13 agencies that are involved?

14 COMMISSIONER BITTA MOSTOFI: Yeah, thank
15 you. So to date and continuing, MOIA serves as one
16 of the central agencies that's working with Census
17 Office and Deputy Mayor Thompson's team is to inform
18 how best to really ensure that all immigrant New
19 Yorkers are counted and accounted for in the way that
20 we are doing our work to engage communities we look
21 forward to continuing to play that role. I have been
22 already quite active in the community talking about
23 the importance of census. We are just coming off a
24 day-long retreat with cities across the country
25 through our Cites for Action Coalition with one of

1 our central focuses being census to learn from other
2 cities. We heard from Rhode Island. Providence
3 specifically as they were the city who—that had the
4 practice tests run to inform and understand what
5 their experiences and learnings were. We heard from
6 Atlanta and understanding how they're building out
7 their Complete Count Commission. So, we will
8 continue to do our work in both sharing what New York
9 City is doing, but also bringing back learnings and
10 expertise from other cities who are focused on how to
11 best reach and engage immigrant communities.
12 Additionally, I was appointed to the Neighborhood
13 Restore Complete Count Commission, and have served as
14 a commissioner on that commission and will help
15 inform what the city, what the state does rather with
16 its allocation of funds and additional resources and
17 we'll be taking the importance of how we best serve
18 immigrant communities to that role as well.

19
20 CHAIRPERSON DROMM: And which city
21 agencies are working with you—with MOIA?

22 COMMISSIONER BITTA MOSTOFI: There are a
23 number of agencies that are already super engaged on
24 the census. We're sort of one of the central
25 agencies, but I've been in meetings where it's many

1 agencies, everything from DSS to NYCHA to HPD to the
2 MWBE folks to PEU and others. So, it's really across
3 agency collaboration and we look forward to
4 continuing to be a part of that.
5

6 CHAIRPERSON DROMM: DYCD also?

7 COMMISSIONER BITTA MOSTOFI: Yes.

8 CHAIRPERSON DROMM: Okay, that's where
9 the money is going through?

10 COMMISSIONER BITTA MOSTOFI: Yes, that's
11 where the CBO money will go through. That's correct.

12 CHAIRPERSON DROMM: Okay. At the OMB
13 hearing on sixth, Budget Director, Melanie Hartzog
14 testified that the funding in the budget for the 2020
15 census it would be allocated to CBOs, grants and for
16 staffing and immediate campaign. Is this how MOIA
17 understand the parceling of work?

18 COMMISSIONER BITTA MOSTOFI: That is how
19 we understand it. Yes.

20 CHAIRPERSON DROMM: How is MOIA working
21 to ensure these populations are included in the
22 census count, specifically newer immigrants, LGBTQ
23 communities, et cetera.

24 COMMISSIONER BITTA MOSTOFI: Yeah, so one
25 of the goals certainly around the funding have been

1
2 to ensure that when we think about money we're
3 putting into communities, we're really looking at and
4 targeting communities have historically been under-
5 counted and that, of course, includes the communities
6 that you mentioned. So, we are eager to ensure that
7 that is a part of the selection of the organizations
8 that receive funding and certainly the intention and
9 the thinking.

10 CHAIRPERSON DROMM: So, with-with the RFP
11 process, how-is those-there's always concern about
12 the-the ability of smaller, newer immigrant groups to
13 be able to do RFPs competitively speaking, so--

14 COMMISSIONER BITTA MOSTOFI: Yeah.

15 CHAIRPERSON DROMM: --so to speak. Is
16 there going to be any type of provision for those
17 newer immigrant groups like Nepali, Tibetan
18 communities to be able to do the outreach? I'm
19 particularly concerned about that because as you
20 probably know--

21 COMMISSIONER BITTA MOSTOFI: Yes.

22 CHAIRPERSON DROMM: --Jackson Heights was
23 probably-is one of the areas where we had the lowest
24 turnout and-and-and the highest undercount I think,
25

1 and those are the newest communities there. That's
2 going to be taken into consideration?
3

4 COMMISSIONER BITTA MOSTOFI: So, I can't
5 speak specifically yet to the exact mechanism that's
6 going to be used. Of course this is newly allocated
7 though I know the conversations have already begun of
8 which I've been a part. So, this is certainly the
9 concern that I bring to the table, and will continue
10 to bring, and a shared one. We have a lot of
11 learnings on our side on what works, and in making
12 sure that you can bring in and invite in smaller
13 community based organizations to do this work. I'd
14 also note that, you know, our hope is and we're
15 engaged with philanthropy in this space so they see
16 the historic investment that the city has put forward
17 and that they step into further that effort and so
18 obviously want to be thoughtful about things that
19 they could potentially and more easily do. That
20 might be more challenging to us, but I think as I
21 understand it, the intention is to ensure that we're
22 staying engaged with you all so you understand how
23 we're going to move forward quickly and make sure
24 we're—we're engaging the right folks in the best way.

1
2 CHAIRPERSON DROMM: So, I think it's good
3 that you're working with the—the groups with the
4 community-based organizations. It's my understanding
5 that in order to be a census taker that you have to
6 be a citizen. Am I correct on that?

7 COMMISSIONER BITTA MOSTOFI: That is
8 currently the requirement. That's right.

9 CHAIRPERSON DROMM: So, like in those
10 communities where we see high numbers of non-
11 citizens, would you just be working with the CBOs or
12 how do you imagine that?

13 COMMISSIONER BITTA MOSTOFI: You know, I
14 would—I would say and, of course, I don't mean to
15 speak for Director Menin who I know is happy to say
16 it with you all herself. The experience that I've
17 had and I know that the Census Office has had with
18 the Regional Census Office has been an extremely
19 positive one. These folks, as I think we all know,
20 are not—they're not political appointees. These are
21 lifelong civil and public servants who have a shared
22 goal with us of seeing the complete counts, and so
23 we've engaged with them on the hiring. My office
24 actually specifically for Nepali and other languages
25 they were looking for folks for their partner reps

1 to-that speak those languages. So, we helped in the
2 recruitment process for that, and also, of course,
3 have been sharing out the job opportunities that are
4 available for our enumerators and others. We have
5 also heard from the Census Office that there is a
6 common practice of requesting for hires to be able to
7 be non-citizens. Simply those eligible to work and
8 that they have undertaken in making the request to
9 the Commerce Department and to be able to expand
10 their hiring. We've been in conversations on ways
11 that we can support that preferred.

12
13 CHAIRPERSON DROMM: Okay, interesting.

14 How many contracts are anticipated to be awarded in
15 the RFP?

16 COMMISSIONER BITTA MOSTOFI: I don't have
17 that information yet.

18 CHAIRPERSON DROMM: Okay, and who in MOIA
19 would be the point person for the Census?

20 COMMISSIONER BITTA MOSTOFI: We've had a
21 couple folks in plain point, but really the primary
22 person from our office who has an outreach is Magula
23 Stad (sp?) who's our Organizing Director, and in
24 other elements have been Anne Montesano who as some
25 of you may recall was actually the Deputy Director of

1
2 Census in 2010 for the Administration. So, has
3 brought with her a tremendous amount of knowledge and
4 understanding of this work.

5 CHAIRPERSON DROMM: Okay, thank you very
6 much. I'm going to turn it over to Chair Menchaca.

7 COMMISSIONER BITTA MOSTOFI: Thank you.

8 CHAIRPERSON MENCHACA: Thank you, Chair
9 Dromm and welcome, Commissioner--

10 COMMISSIONER BITTA MOSTOFI: Thank you.

11 CHAIRPERSON MENCHACA: --to-to this
12 hearing and--and--and I want to say it's--it's always
13 great to see you, and the work that we do that
14 happens in between these hearings is tremendous and I
15 want to thank you and your staff.

16 COMMISSIONER BITTA MOSTOFI: Thank you.

17 CHAIRPERSON MENCHACA: I know that it's
18 not easy, and not only is I not easy, but it--it
19 sometimes gets complicated, and as I mentioned in my
20 opening statement, it's concerning that while the
21 Council, many advocates and many of the State
22 Legislators have come out against this cooperation
23 with ICE and expansion of the--what will circumvent
24 the Council, legally it's okay for him to do this,
25 but to expand the list the of crimes, and we really

1 want to get a sense from you from the kind of
2 perspective of the Mayor's Office on how-how we got
3 here and really what was the motivation behind the
4 change. Can you walk us through the involvement of
5 MOIA through these conversations?
6

7 COMMISSIONER BITTA MOSTOFI: Sure. So,
8 some of this pre-dates me in this role so I'll do my
9 best to capture as best as I can. So, as the Council
10 is aware and the passage of the legislation at the
11 end of 2014, really the goal, the shared goal of the
12 Council and the Administration has been to ensure
13 that we're limiting cooperation with Immigration
14 enforcement only for folks who have been convicted in
15 the last five years of a serious of violent crime. A
16 framework was established at that time between the
17 Administration and the Council on what offenses were
18 categorized as appropriate for cooperation and been
19 implemented by the Department of Corrections and
20 NYPD, and a part of that has been also a recognition
21 other than the legislation that offenses are not a
22 stagnant thing, that the state can often apply or
23 create new offense that my otherwise fall within the
24 framework that was established in 2014 by the City.
25 As a result of that, there is a provision in there

1 that Department of Correction and PD remand or take
2 a process of reviewing right other new offenses that
3 if they existed in 2014, would have been on our list,
4 and if so, staying consistent with our policies, and
5 cooperating with those offenses and those offenses
6 exclusively. But providing, of course, notice to the
7 public through a rule making process that that would
8 be what would undertaken, and that's the process that
9 is engaged in now. So, I think I very much
10 appreciate the challenge presented by the
11 communication, and for me the most important thing
12 here is that communities know that actually the
13 city's policy, in fact, has not shifted. That the
14 city only cooperates with folks who've been convicted
15 in the last five years of a violent or serious
16 offense. It's important to me to note that the
17 offenses—that the seven new offenses that were
18 promoted in the last few years are actually
19 aggravated or more serious versions of ones that are
20 already on our list for cooperation. We also
21 anticipate that this could equate either zero or very
22 nominal increase of cooperation because again, these
23 are aggravated versions of conduct and public records
24 actually indicate that nobody has been convicted of
25

1 any one of them. So, I think the undertaking is in
2 part a bureaucratic procedural one, and one in which
3 the Mayor has wanted to remain consistent with city's
4 position around who we will and we won't cooperate
5 with as foreseen by the legislation.
6

7 CHAIRPERSON MENCHACA: Thank you for
8 walking us through, and I think that this is really
9 important that we have an engaged conversation, not
10 just as the Council and the Mayor, but really the
11 entire community, and I think it really begs us to
12 sit down with communities who are constantly fighting
13 the sense of fear

14 COMMISSIONER BITTA MOSTOFI: [interposing]
15 Yes.

16 CHAIRPERSON MENCHACA: --from the Federal
17 Administration, and so when effectively we are
18 expanding our cooperation, and insert these I think
19 really strong points. I think you make strong
20 points, but we can't take this without context--

21 COMMISSIONER BITTA MOSTOFI: Uh-hm.

22 CHAIRPERSON MENCHACA: --of the fear that
23 we are experiencing and so it just begs the question
24 about timing. Why--why now? Why now? And so, if you
25 can answer that, that would be great, but not only

1 that, I'm now less confident about what else is
2 coming. So, maybe I'm asking you: What else are you
3 working on that's going to change the game and kind
4 of really cause a-a-a confidence shift on the ground
5 with us. We're trying to do what we can as we talked
6 about census and the incredible work we have to do to
7 get people to-to trust us to work with us as
8 government, and I know this isn't easy, and this like
9 I said, I appreciate your-your-your support, but you-
10 you work for a person that is-is really moving us in
11 a different direction. Are there any other things
12 that are in the works that can really shift this? A
13 great opportunity to tell us now.

15 COMMISSIONER BITTA MOSTOFI: So, I will
16 say that what you know in terms of the proposed seven
17 is what has been-has been presented, and again this
18 is through the bureaucratic sort of rule making
19 capital process that DACA must undertake in order to
20 be able to do this. You know, I could say a few
21 things. I wholeheartedly agree with the challenge
22 presented at this time with the fear and concern that
23 communities have. That's why while it's always been
24 in some ways a challenge to communicate the Detainer
25 Policy itself, right and telling and being

1 transparent and honest with communities about sort of
2 the line that the city has struck in making these
3 determinations. In many ways the challenge is at
4 this moment ensuring that what we've communicated is
5 not misunderstood with this addition, and that is a
6 challenge and that is something that certainly my
7 team and office are committed to ensuring as a part
8 of the work that we are doing, and, you know,
9 recognizing that the role that we play is to ensure
10 that any decision that's made is understood within
11 that context for which we are the experts and
12 understand the impact on the communities. And so, the
13 context I provided for you were very--was very
14 important for me personally.

16 CHAIRPERSON MENCHACA: Okay, thank you and
17 this is not the end of this conversation clearly, but
18 I do want to say that the work that we have to do is--
19 is not just beyond this. This impacts carve-out.
20 You know, this is like a list of things that the
21 Mayor has done to be confusing to people, to us, and--
22 and so we're going to have to figure out how we can
23 move forward with a sense of protection for the
24 communities that we represent on the ground, and--and
25 maybe really the last question. I want to hand it

1
2 over—I have a lot more questions, but I want Council
3 Members to be able to ask some questions in the
4 Budget hearing before I finish it off, and there must
5 be assessments that you've done at this point on how—
6 how this is going to impact your work, your
7 communication. How—what—is there any assessment to
8 the impact of this rule change? It sounds
9 bureaucratic, but we'll be felt not just here, but
10 national. Media is reporting right now, and—and so
11 we are—we are in a tough spot right now. So, what's
12 the assessment? What's your plan to address this to
13 reconcile the fact that he's wanting to abolish ICE
14 and yet says this is the right thing to do not just
15 to go beyond the Criminal Justice System, and the
16 convictions they go through are kind of local courts,
17 but now—now we're going into Immigration Court and
18 ICE enforcement, and so, now—now we have to explain
19 all that. How—how are you going to handle that
20 specifically and the impact to the immigrant
21 community?

22 COMMISSIONER BITTA MOSTOFI: Sure. I
23 mean I—so, again, I would reiterate that I—I think
24 this has always been a challenge explaining the—the
25 fact that the city will cooperate in certain

1 instances, and articulating that in a way that is
2 digestible. My experience by and large is that
3 communities do immediately understand and digest that
4 differentiation, of course, and it's a reminder I
5 think for most of us that immigrants are not
6 committing crimes and at tremendous rates, that we
7 aren't seeing an exorbitant amount of cooperation
8 with Immigration Enforcement right now because of
9 that. Right, they're not committing [laughs]-
10 immigrants are not committing serious crimes. In
11 fact, we've seen a tremendous decrease in the amount
12 of cooperation despite the increase in requests that
13 we've seen from ICE. That level of cooperation will
14 remain consistent even with the decision to add or
15 promote these new added offenses, and that is
16 because as I noted again the context is important.
17 We have not as I said publicly seen any convictions
18 of these offenses in the last several years. We know
19 that these are aggravated or worse versions of
20 conduct that already exist on our list, and so I
21 think that's really important in any communication
22 that we do with communities. I think assessment
23 impact of a lot of policy changes is challenging, and
24 a big part of our work is to ensure that we're being
25

1
2 open and transparent with communities so that we can
3 inform our work, right? This goes through a rule
4 making process. So, it's not—it's not in effect
5 right now. It will go through a public hearing.
6 There will be a full process that is undertaken that
7 will also help inform how we need to be responsive.

8 CHAIRPERSON MENCHACA: And we're going to
9 push the Mayor to rescind his request, and we'll be
10 working on that here on out. Council Member or
11 actually Chair—Chair Dromm.

12 CHAIRPERSON DROMM: Thank you. We've
13 been joined by Council Members Chin, Moya , Cumbo,
14 Cohen, Van Bramer, Eugene and Gjonaj, and just also
15 before it turn it over to Council Member Moya for
16 questions, at what point with this new proposed rule
17 would somebody be turned over to the custody of ICE?

18 COMMISSIONER BITTA MOSTOFI: Sure. So,
19 it's not in effect. It goes through the capital
20 process, as I said meaning after a public hearing,
21 which has not yet been scheduled, there would be I
22 believe it's a six-month period before it takes
23 effect, and as a reminder, the way that the detainer
24 policy works is that ICE itself must determine that
25 it wants to know about the a person—an informal—

1
2 sorry, to know about a person in our custody, and so,
3 it might be that we never cooperate with somebody
4 who's been convicted of one of these offenses. It's
5 really ultimately a determination around who ICE is
6 seeking to request cooperation for. I think that
7 speaks to, as I said, this—the unprecedentedly low
8 number of times [laughs] that the city has actually
9 cooperated despite the fact that we've seen an
10 increase of requests from the. So, it's a virtually
11 impossible answer—question to answer for me because I
12 don't know that ICE would ever request cooperation
13 for somebody who might be convicted of one of these
14 offenses in the future. There's a lot of
15 speculation. One that somebody is convicted of one of
16 these, that they are an immigrant for whom ICE is
17 looking for and that ICE has actually requested
18 cooperation for that individual.

19 CHAIRPERSON DROMM: One of the concerns
20 that I have also is that somebody could be turned
21 over to ICE effectively before they've had a chance
22 to have an appeal and, in fact, may be actually
23 innocent of the charge or it would only be poor
24 people who have to return to Rikers Island who then
25 get turned over because others even when often times

1 convicted released until, you know, a sentence can be
2 imposed ,and since ICE is not allowed in New York
3 State courthouse at this point, they would have, you
4 know, less of a chance for ICE to take them exactly
5 at the courthouse. So, it's only really going to be
6 those who are then put back on Rikers Island and the
7 only reason they go back to Rikers is because they
8 can't pay for often times what is a low bail.

10 COMMISSIONER BITTA MOSTOFI: So, I'm not
11 sure if I'm fully understanding that question. I
12 would note that a lot of times what actually has
13 happened vis-à-vis the cooperation is not from us.
14 It is from the state, and that is because once a
15 person is convicted to your point is they might be
16 able to seek an appeal, it's likely that they're
17 serving a longer term sentence, and that they will
18 not actually remain in our custody, but be
19 transferred to a state prison for a longer term
20 sentence, and it's in that period of time, which they
21 might be seeking their appeal. I don't know if that
22 fully answers your question.

23 CHAIRPERSON DROMM: Well, no, but there
24 are many opportunities—there are many occasions when
25 people are convicted, but are let out of the court on

1 the day of the conviction until or pending an appeal,
2 ad so, it would be good to know at what point would
3 the city then cooperate with an ICE request? Would
4 it before an appeal or—or when would that actually
5 occur or would it just be those who then go back to
6 Rikers because you have them in your possession.

7 So, I think those are questions that we need to look
8 at, which is why I think it's also concerning because
9 it seems to me that the policy if it were imposed the
10 way I am hearing it, would basically affect poor
11 people more than it would those who are released to
12 their own recognizance pending a future court date to
13 come in for sentencing.

14
15 COMMISSIONER BITTA MOSTOFI: So, I just
16 want to make sure what's clear is that the policy on
17 how and when cooperation is happening kind of
18 operationally isn't changing. That's what exists in
19 the 2014 legislation, and nothing will change or is
20 anticipated to change from what was created and
21 marcated in terms of when—how that cooperation is
22 operationalized. So, I think the issues that you're
23 raising are separate from the kind of question around
24 the addition of the offenses that are—and we're happy

1 to circle with you, and make sure we fully understand
2 and can have that conversation with you.

3
4 CHAIRPERSON DROMM: Alright, let's—
5 because I need to move on, but let's have it this
6 session.

7 COMMISSIONER BITTA MOSTOFI: Sure.

8 CHAIRPERSON DROMM: Okay?

9 COMMISSIONER BITTA MOSTOFI: Yes.

10 CHAIRPERSON DROMM: Council Member Moya
11 followed by Chin.

12 COUNCIL MEMBER MOYA: Thank—thank you so
13 much to Chair Dromm and Menchaca. Commissioner,
14 thank you. Just quickly to stay on this, but isn't
15 the reason why the judicial, we need a judicial
16 warrant isn't that what it's for when it comes to
17 dealing with cooperation with ICE because my
18 understanding is if ICE wants to go and arrest
19 someone, they would need a judicial warrant.

20 COMMISSIONER BITTA MOSTOFI: Uh-hm.

21 COUNCIL MEMBER MOYA: Right? Why expand
22 cooperation now with an agency that has completely
23 gone rogue under this Administration, and has not
24 lived up to what they are supposed to do in terms of
25 their authority going into our courts to expand this.

1 Basically, they just need to get that judicial
2 warrant, and then that would be the end of-of that.
3 I'm not sure why we need to expand our cooperation
4 now with this agency if they should just go through
5 the proper procedure or any law enforcement agency
6 that does the same thing to get a judicial warrant to
7 go after an individual that has committed any type
8 of-of crime or felony that they go after. So, I'm
9 not-I find it very ironic that it's administration
10 who is saying let's get ICE out of the courts, yet
11 we'll now be expanding our cooperation with this
12 agency when we know full well that all they need to
13 do is go get a judicial warrant without us having to
14 step in to be sort of the person that cooperates with
15 them going forward. That's just how I see it. My-my-
16 my next question-my question is it--?

18 COMMISSIONER BITTA MOSTOFI: [laughter]

19 COUNCIL MEMBER MOYA: Commissioner, I'm
20 sorry, I've got a limited amount of time here. So, is
21 there a plan to include undocumented immigrants in
22 Fair Fares Programs this coming fiscal year?

23 COMMISSIONER BITTA MOSTOFI: So, as I
24 understand, there are ongoing conversations about the
25 full expansion of Fair Fares. I don't have a new

1 update on this, but I'm happy to circle back your
2 way.

3
4 COUNCIL MEMBER MOYA: So, that's critical
5 for us who fought really hard to ensure that Fair
6 Fares was reaching the most vulnerable in our
7 population. As the agency that really has been in
8 charge of rolling out some really good programs, I
9 feel that it is important and it should be critical
10 that this Administration do its job in ensuring that
11 this population is included. We had had ample time
12 and the Administration had ample time to look at what
13 was going to be the rollout and, and who was going to
14 be impacted by that. We never got anything until
15 like four days after the deadline happened, and I
16 just think that we're not in May and we still don't
17 have an answer to that, and I think that's critical
18 for a lot of our—our members who are here, but
19 especially in my community, which is a high immigrant
20 community in the areas of Corona, Jackson Heights and
21 East Elmhurst where this is the one mode of
22 transportation that they use to get to and from work.
23 So, it's really critical that we get a—an answer back
24 on that, and also can you explain what the NYC Care
25 Card will cover, and will it be able to be used for

1
2 mental health or addictive services where we're sort
3 of seeing a spike in our immigrant communities?

4 COMMISSIONER BITTA MOSTOFI: Yeah. So, I
5 can certainly circle back with more information.
6 We've been focused with H&H around--obviously
7 they're--they're right now expanding the primary care
8 access as well as certain specialty cares, and that
9 includes mental health. [bell] And so, this has
10 been one of the--one of the areas that we've discussed
11 is mental health and addictive programs as well, and
12 so, this is on the list of things that we've talked
13 about as a part of the program, but can circle back
14 with you with--for specifics around that as well.

15 COUNCIL MEMBER MOYA: Great. Chair if you
16 can, I'm just--one--one quick question. So, can you
17 just tell me is--I know you had mentioned Dream Act,
18 and, you know, as--as the lead sponsor of the New York
19 State Dream Act for a number of years in Albany, is
20 there a plan to implement the Dream Act? I know you
21 mentioned that in your testimony, and is--have you
22 prepared to execute that plan as soon as Hess (sic)
23 creates the application process?

24 COMMISSIONER BITTA MOSTOFI: Yeah, so
25 we've been in conversations with community-based

1
2 providers already, and thinking through both
3 understanding what they're doing and what feels most
4 useful and ways that we can support as the city. We
5 are in those conversations still, and definitely are
6 interested in making sure that we're working together
7 with your offices on that engagement in making sure
8 that folks know what's available and how they can
9 enroll. So, we can—we're happy to both partner and
10 talk more about we're thinking.

11 COUNCIL MEMBER MOYA: Right. It's just
12 because it's also about educating kind of the
13 frontline staff.

14 COMMISSIONER BITTA MOSTOFI: Exactly.

15 COUNCIL MEMBER MOYA: It will be there
16 guidance counselors, you know, teachers in the
17 schools that are critical to making this a success,
18 and sort of making sure that these kids know exactly
19 what they need to be doing follow up.

20 COMMISSIONER BITTA MOSTOFI: That's
21 sounds right.

22 COUNCIL MEMBER MOYA: So, I love to
23 continue to work with you on that--

24 COMMISSIONER BITTA MOSTOFI: Yeah, great.

25

1

COUNCIL MEMBER MOYA: --Commissioner.

2

Thank you and thank you to Chair Dromm and Menchaca
for allowing me to ask some questions. Thank you.

3

CHAIRPERSON DROMM: Of course. Thank

4

you. Council Member Chin.

5

COUNCIL MEMBER CHIN: Thank you, Chairs.

6

The first question I have is about the--the New York

7

City Care. The Administration is going to be

8

putting--they're investing \$100 million annually to

9

help, you know, New Yorkers with primary care and

10

specialty care, the ones that don't have access to

11

healthcare. Now, just--and then you also are going to

12

be putting out an RFP for outreach to which is like

13

\$450,000. Was there any coordination like with the

14

Council to look at the initiative that we have been

15

supporting like access to health and also immigrant

16

healthcare to really kind of put together a more

17

comprehensive view of getting people to be able to

18

access healthcare services? I mean like the Council

19

has been doing this initiative, and now the

20

Administration is picking it up. So, I think that

21

hopefully that there will be some coordination so

22

that it could be a comprehensive program, and then

23

we--the Council can move on and do other new ideas

1 and, you know, services that might be needed that we
2 can start to work on.

3
4 COMMISSIONER BITTA MOSTOFI: Sure. So,
5 thank you for the question. I think—I certainly can't
6 speak for—exhaustively as to the conversations the
7 Administration has had with the Council on NYC Care.
8 H&H, as you know, is largely leading the initiative.
9 We are serving as support and advisor in the program
10 development also stemming from our—the learnings from
11 the work that we have already done in this space as
12 an office, and we're helping to lead on the outreach
13 engagement piece of it. One of the things that we've
14 heard not just from community-based providers or from
15 the learnings that we've had, but from Council on the
16 outreach engagement side is the importance of
17 ensuring that the awareness building and the
18 enrollment opportunities is not just happening at
19 H&H, but something that community providers can
20 support. That—some—some of that thinking is what we
21 have helped bring to in shaping the RFP itself, and
22 as noted, it's going to begin in the Bronx. So, we
23 will use the learnings that we have in the
24 implementation in the Bronx as well, have further
25 conversations with you all, and making sure that as

1 we continue to advance the rollout of the program as
2 a whole, we're being responsive to what's working and
3 what is not.
4

5 COUNCIL MEMBER CHIN: Yeah, and I just
6 hope that there will be a more collaborative, you
7 know, effort because otherwise it's like we're doing
8 our own initiative, and the Administration is doing
9 something much broader--broader that could have just
10 included everything. The--the other question I have
11 is on the census. [bell] The Council asked for \$40
12 million and the Administration only, you know, put in
13 an additional \$22 million and with the \$4 million
14 before. So, my question is: Do you think that is
15 sufficient, and also the other thing is that you're
16 going to be spending \$10 million on doing outreach,
17 and I just wanted to see if there was any--especially
18 with your agencies--any coordination with the ethnic
19 media--

20 COMMISSIONER BITTA MOSTOFI: Uh-hm.

21 COUNCIL MEMBER CHIN: --and how they will
22 be involved in this process. I'm talking about
23 really engaging them and, you know, sitting down with
24 them and getting their ideas and suggestions how to
25 do the broader outreach to the immigrant community

1 because of such diversity. And also, you know, it's
2 having the resources to support, and I'm not talking
3 about just, you know, buying ads, you know, like in
4 the past or whatever, but really a comprehensive plan
5 of outreach that will, you know, involve the local
6 and the ethnic media to rally target the immigrant
7 community so that we can all be counted?
8

9 COMMISSIONER BITTA MOSTOFI: Yeah. So,
10 thank you. So, I-I can say that again the focus of
11 the allocation and the calculation that went into it
12 was looking specifically at communities or
13 populations that have been historically under-counted
14 and ensuring that that is our focus in terms of where
15 our city dollars going to go, and ensuring that we're
16 being responsive to the concerns that we have in
17 reaching these populations, and-and frankly
18 combatting some of the challenges that we have in the
19 participation. This is, of course, in addition to
20 the space allocated \$20 million and the
21 Administration continues ongoing conversations with
22 philanthropy. We have made a historic investment.
23 We know that philanthropy across this country have
24 stepped up to support Complete Count Commissions,
25 cities and other locations in this work, and we hope

1 that we see that realized here in New York City as
2 well. As the Budget Director testified to earlier, I
3 believe last week, we—this is our initial investment
4 and it is base on sort of looking at all of these
5 pieces and ensuring that we get a high self response
6 from those harder to reach communities, and if we
7 evaluate with—with our team, with you all, with
8 community partners that more is needed, then that
9 conversation—that door is open for that conversation
10 to continue. I think that your point on community
11 and ethnic media is hugely critical and important. I
12 myself already with—Deputy Mayor Thompson and others
13 have had community and ethnic media roundtables about
14 the census. We know how critical the outlets that
15 serve immigrant communities and sharing information
16 with them are in getting good information in their
17 hands. That's bee a part of the thinking in terms of
18 the resources that have been allocated as you noted,
19 but also that that active engagement with those
20 outlets has to happen to make sure that we're all
21 effectively communicating good information to folks
22 in a wide diverse array of mediums.

24 COUNCIL MEMBER CHIN: Yeah, because like,
25 you know, there's all these changes since last time.

1

2

COMMISSIONER BITTA MOSTOFI: Yeah.

3

4

COUNCIL MEMBER CHIN: I mean there might
be a citizenship question on there, and that's going
to have--

5

6

COMMISSIONER BITTA MOSTOFI: Yeah.

7

8

COUNCIL MEMBER CHIN: --a great impact,
and the other thing is that they're not going to have
the paper ballot or a paper questionnaire like they
did in the past where you could actually pick one up
in the library and fill it out. Now, you have to go
online, now you have to call, and then especially in
immigrant communities you have overcrowded
households. How do you make sure that everyone in
that household is counted? So, we have to start
early. We can't, you know--

9

10

11

12

13

14

15

16

17

COMMISSIONER BITTA MOSTOFI: Sure.

18

19

20

21

22

23

24

COUNCIL MEMBER CHIN: --this is already
May. We can't like--we have less than a year, and so
that's why like the--the ethnic media is critical,
community-based organizations. We got to really gear
that up. In the Council we have a Task Force. So we
want to really work with the Administration to make
sure that we get everyone counted.

25

COMMISSIONER BITTA MOSTOFI: Thank you.

1
2 COUNCIL MEMBER CHIN: Yeah, thank you.
3 Thank you, Chair.

4 CHAIRPERSON DROMM: Chair Menchaca, and I
5 apologize. I have to leave. I have a LGBT Pride
6 celebration in Queens. So, I need to go. So--

7 COMMISSIONER BITTA MOSTOFI: It's
8 important to celebrate.

9 CHAIRPERSON DROMM: Thank you, yes, it's
10 the first I think of many since Stonewall 50
11 celebration.

12 COMMISSIONER BITTA MOSTOFI: Wonderful.
13 Thank you.

14 CHAIRPERSON DROMM: Thank you. Thank
15 you, Chair.

16 CHAIRPERSON MENCHACA: [interposing] I
17 feel like celebrating.

18 CHAIRPERSON DROMM: I have to celebrate
19 the moment, yes.

20 CHAIRPERSON MENCHACA: Well, absolutely.
21 Thank you, Chair, and I'll continue with my--with my
22 question and thank the--the members of the Council who
23 are here including Council Member Gjonaj from the
24 Immigration Committee. I--I guess where I ant to
25 start is really with adult literacy. I just came from

1 the Brooklyn-kind of the Brooklyn rally, and we've
2 been doing rallies like this in every borough with
3 the advocates really kind of sending the message this
4 year is-is very different, and we want to say thank
5 you to you and the advocacy you're doing internally.
6 Office of Management and Budget, they're holding a
7 lot of the power in this negotiation, but we now have
8 seen there really is a step here of \$8 million.

10 COMMISSIONER BITTA MOSTOFI: Uh-hm.

11 CHAIRPERSON MENCHACA: A few questions
12 about that.

13 COMMISSIONER BITTA MOSTOFI: Okay.

14 CHAIRPERSON MENCHACA: One is do you see
15 an RFP opportunity for really re-thinking how we have
16 for a long time seen the necessity to change the way
17 that we are paying our teacher to move into a multi-
18 year contract, to really think about multi-multi
19 wraparound services for these classrooms that are not
20 just going to immigrant communities, but really are a
21 whole host of-of New Yorkers with needs and childcare
22 is one of the things at the top. So, tell us a
23 little bit about where-where you are on that--

24 COMMISSIONER BITTA MOSTOFI: Sure.

1
2 CHAIRPERSON MENCHACA: --and--and really
3 kind of specifically pushing for the \$8 million that
4 are on the city side?

5 COMMISSIONER BITTA MOSTOFI: So, I'd say
6 a few things. We've been working very closely with
7 the Office for Workforce Development to ensure that
8 sort of as a city our intentions on adult literacy
9 are holistic, and thoughtful and they have tremendous
10 expertise on the adult literacy side with veterans in
11 the space in that office, and so they've been a huge
12 critical resource and addition to the internal
13 conversations what we've been undertaking. The--a
14 part of which is that we have together been working
15 with CUNY to undertake a larger look at the sort of
16 world of adult literacy spending, and understand.
17 We've heard obviously from the providers. We have a
18 sense of how what's been working and hasn't been
19 working, but we also wanted a kind of independent
20 evaluation to also help inform what an RFP should
21 look like, and so we're hoping to get that soon, and
22 obviously we'd be happy to share some kind of initial
23 thinking around it.

24

25

1
2 CHAIRPERSON MENCHACA: Thank you for
3 that, and I think and--and I think we're all talking
4 to the same people in some ways--

5 COMMISSIONER BITTA MOSTOFI: Yes.

6 CHAIRPERSON MENCHACA: --and--and really
7 what's important here is the push for baselining, and
8 it sound like you're open to baseline and pushing
9 that within the Administration. So, I want to kind
10 of hear whether you're--you're--you're thinking base
11 line makes sense for us in discussion.

12 COMMISSIONER BITTA MOSTOFI: We
13 absolutely--MOIA believes in things that make sense to
14 ensure that we are being as thoughtful as we can be
15 and as smart as we can be with an RFP process, and
16 so--

17 CHAIRPERSON MENCHACA: [interposing] So
18 the baseline would be required to do an RFP.

19 COMMISSIONER BITTA MOSTOFI: It would be
20 very helpful, yeah.

21 CHAIRPERSON MENCHACA: [laughs] It would
22 be impossible not to do that. Okay, thank you for
23 saying that.

24 COMMISSIONER BITTA MOSTOFI: Thank you.
25

1
2 CHAIRPERSON MENCHACA: Okay, so let's
3 just move right next to it, to next--- to the next
4 piece, which is that doesn't mean that we get
5 baselined today for this, you know, fiscal year and
6 your--your kind of testimony shares that you're--you're
7 engaging with--with outside kind of thinkers about how
8 to--how to do this thoughtfully. Would you be open to
9 creating a task force that allows to kind of back
10 into this with the years' long work of task force
11 related work, and really build a task force for both
12 the City Council and the Mayor's side can really
13 build that ultimate team to get us where we need to
14 get to? Are you open in--in helping advocate for
15 that?

16 COMMISSIONER BITTA MOSTOFI: You know, I
17 think we've had these conversations before. What was
18 important --

19 CHAIRPERSON MENCHACA: [interposing] We
20 have.

21 COMMISSIONER BITTA MOSTOFI: --important
22 to us and certainly to me has been to ensure that
23 there is centralized thinking in the Administration
24 that is working with for and championing this work in
25 the right way, and we've had tremendous support form

1 Deputy Mayor Thompson and his team in seeing that
2 realized and, you know, are—are happy to consistently
3 be a part of the thought leadership on this. None of
4 that thought leadership has happened in isolation of
5 us. Of course, it happened with the coalition, with
6 providers, with others and so I think they are sort
7 of newly taking on the leadership role of this work
8 broadly and its connection to a landscape of services
9 for individuals who kind of find themselves at one
10 stage of literacy, and then might end up at another
11 in terms of actual workforce. I'm sure there are lots
12 of ways to make sure that there's thoughtful thinking
13 about how to get different voices in the next, and I
14 might leave it there.

16 CHAIRPERSON MENCHACA: Okay. I think we
17 both, we all want quality education--

18 COMMISSIONER BITTA MOSTOFI: Yes.

19 CHAIRPERSON MENCHACA: --and we know this
20 system and we've kind of got--come back with the same
21 response every year. It's not working. We want a
22 better and higher quality education system that's
23 going to really impact thousands.

24 COMMISSIONER BITTA MOSTOFI: For sure,
25 and the CUNY evaluation on our part was an attempt to

1 help us realize some of that. I think like you noted
2 that we're-we're, a lot of us are talking to the same
3 folks and what we really want to be able to do is was
4 to pull back from those personal conversations and
5 maybe have an independent kind of evaluation of the
6 education and the delivery and the service, and so
7 maybe from there we can continue conversations on
8 what makes sense.
9

10 CHAIRPERSON MENCHACA: Before I leave
11 adult literacy, I want to ask--

12 COMMISSIONER BITTA MOSTOFI: Yes.

13 CHAIRPERSON MENCHACA: --that we have a
14 kind of commitment that the \$8 million that was in
15 the budget remain 100% adult literacy. Every year we
16 negotiate, and part of that I think last year was a
17 million, and we collected about a million. It didn't
18 go to seats. It didn't go to education seats, and it
19 went to other projects including one that won the
20 Emmy and congratulations to the team for that. I
21 think it's a really cool thing.

22 COMMISSIONER BITTA MOSTOFI: We thank
23 you. We thank the Council.

24 CHAIRPERSON MENCHACA: Well [laughs]
25 well, yes.

1

2

COMMISSIONER BITTA MOSTOFI: [laughs]

3

CHAIRPERSON MENCHACA: --complicated

4

feelings there. Congratulations all round. That's for

5

another hearing. [laughter] Let's go--let's go back

6

to that but--but we're really dedicated in education,

7

of course--

8

COMMISSIONER BITTA MOSTOFI: Uh-hm.

9

CHAIRPERSON MENCHACA: --stuff that's

10

going to move people through and--and so can we get a

11

commitment from you that you can--we can stand at the

12

site (sic) and I know that OMB are the final say. We

13

want to make sure that the full \$8 million go to

14

classroom instruction.

15

COMMISSIONER BITTA MOSTOFI: So, I'd say

16

a couple of things that one is that it's more

17

challenging for me to be immediately responsive to

18

that question as I know some of the challenges have

19

simply been around the ability to do that if there is

20

one-time funding and that's for obvious reasons.

21

CHAIRPERSON MENCHACA: So, that's why

22

we're going to do an RFP so you guys can't take money

23

from that.

24

COMMISSIONER BITTA MOSTOFI: So, that's

25

one consideration--

1

2

CHAIRPERSON MENCHACA: [interposing]

3

Okay.

4

COMMISSIONER BITTA MOSTOFI: --in terms

5

of what--what challenges might exist in being able to

6

put money out for one--one year without the assurance

7

that you have it going forward because when you

8

increase the classroom size obviously, right, that

9

creates a challenge if--if you don't have dedicated

10

funding moving forward. So, that's been one of the

11

considerations, and as you've heard me say before,

12

our goal certainly from my--my side is not to, you

13

know, rob Peter to pay Paul, but to ensure that we

14

are advocating for increased capacity to do important

15

work including around the literacy space, and we've

16

done that. There obviously may be difference of

17

opinions in how best to do that or exactly where you

18

put that money, but I think the goal of making sure

19

what we're doing is actually increasing capacity in

20

the field to serve limited English proficient New

21

Yorkers has been the same.

22

CHAIRPERSON MENCHACA: And the only thing

23

I want to add to that is it's not just capacity. It's

24

quality, and so--

25

COMMISSIONER BITTA MOSTOFI: Of course.

CHAIRPERSON MENCHACA: --I think we've
been focused on capacity and I think everyone is now
ready to focus on quality.

COMMISSIONER BITTA MOSTOFI: I think it's
both.

CHAIRPERSON MENCHACA: And--and it's both.

COMMISSIONER BITTA MOSTOFI: Yes.

CHAIRPERSON MENCHACA: With that.

COMMISSIONER BITTA MOSTOFI: Yes, yes.

CHAIRPERSON MENCHACA: I want both--

COMMISSIONER BITTA MOSTOFI: Yes.

CHAIRPERSON MENCHACA: but we can't have
both because OMB continues to block that, and that's
okay, and I get it. That's their role, but that's
not our role. Our role we can kind of hold these--
these questions in front of us and--and do that
together, and I'm going to hand it over for questions
to Council Member Eugene.

COUNCIL MEMBER EUGENE:

COMMISSIONER BITTA MOSTOFI:

COUNCIL MEMBER EUGENE:

COMMISSIONER BITTA MOSTOFI:

COUNCIL MEMBER EUGENE:

COMMISSIONER BITTA MOSTOFI:

1
2 COUNCIL MEMBER EUGENE: [off mic] Thank
3 you. [on mic] Thank you very much, Mr. Chair. I'm
4 going—I'm going to be very brief and very, very, very
5 brief. Commissioner--

6 COMMISSIONER BITTA MOSTOFI:
7 [interposing] Hi.

8 COUNCIL MEMBER EUGENE: --it's a pleasure
9 to see you again.

10 COMMISSIONER BITTA MOSTOFI: Thank you.

11 COUNCIL MEMBER EUGENE: Thank you.

12 COMMISSIONER BITTA MOSTOFI: Likewise.

13 COUNCIL MEMBER EUGENE: My question is
14 going to be also about the Census.

15 COMMISSIONER BITTA MOSTOFI: Uh-hm.

16 COUNCIL MEMBER EUGENE: I know that the
17 Administration has about that, but I got—my question
18 is going to be especially because I remember during
19 the after or during the Census 2010, and the
20 situation was with the—the environment. It was not
21 the environment that we are seeing today, but I think
22 that based on the statistics, Brooklyn and Queens
23 were under-counted I believe--

24 COMMISSIONER BITTA MOSTOFI: Uh-hm.

25

1
2 COUNCIL MEMBER EUGENE: --and when I was
3 helping the Census also, one thing that I realized is
4 even for people who are legal in the united States,
5 many of them they don't want to give their
6 information, revealing it. You know that for many
7 reasons.

8 COMMISSIONER BITTA MOSTOFI: Yes.

9 COUNCIL MEMBER EUGENE: I'm talking about
10 citizens. I'm talking about people with Green Card.
11 They don't want to reveal their information. So that
12 means they--they don't even participate in, you know,
13 in the Census, and this is very negative. In fact,
14 it's very negative for our city because we know that
15 those on Census would have more resources for
16 everything. That would make a big difference in the
17 life of everybody in New York City, and I realized
18 that most of the time people are prone, they are more
19 comfortable to release their information to people
20 that they respect or they trust. Leaders in the
21 community, organizations in the communities where
22 they are leading. My question is what the
23 Administration is doing in terms of collaborating
24 with communities in the different ethnicity and also
25 leaders in the different communities to ensure that

1 the people we are going to ask to release their
2 information, you know, they can have somebody they
3 trust, somebody they know they will feel more
4 confident to release their information. What is—
5 what are the different steps or what is the strategy
6 that the city is taking to ensure that we can make
7 people more comfortable in releasing their
8 information?
9

10 COMMISSIONER BITTA MOSTOFI: Sure. So, I
11 would certainly recommend further conversation on
12 this with the Census Office who is beginning to
13 really shape the broader strategy around all
14 communities, and not just, of course, immigrant
15 populations or communities. I would say a central
16 goal of the funding, as I noted earlier is to ensure
17 that we are focused on the under-traditionally or
18 historically under-counted communities. You know,
19 New York City actually came in at a lower [bell]
20 count rate than the nationwide average. Our, you
21 know, we and there was never enough in 2010 any
22 actual dollar allocation towards the census. So, of
23 course, we've already seen a huge shift in ensuring
24 not only do we have a dollar allocation, we have
25 dedicated staff that's looking at coordinated

1
2 citywide engagement and initiative in engaging
3 communities who have been under-counted. And really
4 we—what you know on ensuring that we're working with
5 community leaders, trusted voices already is key to a
6 successful engagement and a part of the thinking
7 already.

8 CHAIRPERSON MENCHACA: Thank you.

9 COUNCIL MEMBER EUGENE: But, what I'm
10 trying to understand is that did the city already
11 reach out to people who speak the languages of the
12 people that, you know, that we are going to send in
13 different communities?

14 COMMISSIONER BITTA MOSTOFI: Yes.

15 COUNCIL MEMBER EUGENE: It's something
16 that has been done already?

17 COMMISSIONER BITTA MOSTOFI: Sure, yes.

18 COUNCIL MEMBER EUGENE: Good.

19 COMMISSIONER BITTA MOSTOFI: In different
20 ways as I—there are a few—there are a few layers
21 right, a few things. We've already begun certainly
22 engaging leadership in different communities, talking
23 at either community events or meetings or panels.
24 That work has just begun. In terms of engaging
25 people in different languages, as I noted, part of

1 the work that we've done certainly out of my office
2 as well has been making sure that community-based
3 organizations understand that the Census Bureau, the
4 Regional Office is hiring. So that they can ensure
5 that the person who is engaging in the work either as
6 a partner with the community or as an enumerator, can
7 speak the language of the community, the system thing
8 that the Census Office itself is committed to doing.
9 So, we've been working with them on that front, but
10 in terms of the recent allocation of dollars,
11 certainly that's something that we will be looking at
12 in terms of the community based organizations or
13 community leaders with whom the city will partner and
14 give funds to do the work.

16 COUNCIL MEMBER EUGENE: Thank you very
17 much, Commissioner. Thank you, Mr. Chair.

18 CHAIRPERSON MENCHACA: Thank you—thank
19 you Council Member, and we have a few more questions
20 to go through before we end the hearing, and we're
21 thankful that you're here today to kind of help us
22 walk through some of these pieces, and I want to move
23 over to NYC Care. You said you heard a lot of
24 question from the Council Members, and—and, you know,
25 in similar fashion, so many of these categories of—of

1 work, adult literacy, the Detainer Law, these
2 decisions happen without cooperation with us. Yet
3 you're increasing cooperation with ICE, but okay.

4
5 COMMISSIONER BITTA MOSTOFI: [laughs]

6 CHAIRPERSON MENCHACA: Let me get--give me
7 that for a moment and NYC Care is one of those cards
8 that we had no idea that this was in the works. So,
9 we--we heard about it very recently when the Mayor
10 launched his video campaign on Twitter. When did you
11 first hear about his and how--how did you kind of
12 think about, and you're holding IDNYC as well--

13 COMMISSIONER BITTA MOSTOFI: Yes,

14 CHAIRPERSON MENCHACA: --and we have been
15 talking about healthcare for a long time in our
16 rooms.

17 COMMISSIONER BITTA MOSTOFI: Yeah.

18 CHAIRPERSON MENCHACA: And so this felt a
19 little bit concerning and this longer kind of quest
20 to work together to think about these things
21 holistically, and now it seems like you're moving in
22 a whole different direction. So, tell us a little bit
23 about--about IDNYC in relationship to the NYC Care
24 Card, and--

25 COMMISSIONER BITTA MOSTOFI: Sure.

1
2 CHAIRPERSON MENCHACA: --and how--when you
3 first heard about this program.

4 COMMISSIONER BITTA MOSTOFI: So, we have
5 engaged in numerous conversations around ID or the
6 card that people would be able to utilize for
7 purposes of the--the NYC Care Program, and we have
8 certainly some kind of understandings of the benefits
9 of using IDNYC for two reasons. One is, of course,
10 the work that we did around Action Health, and
11 utilizing it as a primary card for folks who did the
12 program, but the other is that we have an integration
13 with H&H where any--any New Yorker currently--

14 CHAIRPERSON MENCHACA: [interposing] With
15 IDNYC?

16 COMMISSIONER BITTA MOSTOFI: Yes where
17 any New Yorker currently can actually go and
18 essentially streamline their membership using IDNYC
19 and then from there use IDNYC as the card that they
20 use or present when they engage with the hospital,
21 and there were a couple of reasons that a decision
22 was made to sort of maintain the sort of use of IDNYC
23 the same. One or two rather key or central ones have
24 to do with the fact that anybody here who has
25 insurance knows, you can pull out your card now, and

1
2 it has some key information on it, right? It has
3 your—the phone number that you can call to get
4 information about your care. It has specific
5 information about the program or the insurance that
6 you are a part of—we talked through with Dr. Katz and
7 others who need--

8 CHAIRPERSON MENCHACA: [interposing] And
9 you're walking through the NYC Care Card?

10 COMMISSIONER BITTA MOSTOFI: I'm—your
11 just—your health insurance card.

12 CHAIRPERSON MENCHACA: Oh, your health
13 insurance.

14 COMMISSIONER BITTA MOSTOFI: Right, and
15 we talked through with Dr. Katz and the initial
16 thinking and others about sort of the importance of
17 having that information on a card for your healthcare
18 plan. The importance for people to be able to look
19 at their card and know who their doctor is or know
20 what number to call, and those are being some of the
21 central goals around the program itself. We didn't
22 want to sort of force IDNYC on top of that, but
23 rather give people the option that if you enroll for
24 NYC Care, you're given this this card that has this
25 important information for you on it, but if you're—

1
2 you personally only want to use your IDNYC as you
3 come in and out of your service, you can do that. You
4 can say I just want my IDNYC to be my central card,
5 but you're given initially this card with important
6 information for you to be able to access your
7 service.

8 CHAIRPERSON MENCHACA: Okay. Let me see
9 if I got this correct.

10 COMMISSIONER BITTA MOSTOFI: Okay.

11 CHAIRPERSON MENCHACA: Essentially the
12 NYC Card is a more kind of addition with more
13 information that you can have, and can be your sole
14 primary connection to this program, or you can say I
15 still want to use my IDNYC card for my connection,
16 but I'll have this additional card anyway--

17 COMMISSIONER BITTA MOSTOFI:
18 [interposing] Correct.

19 CHAIRPERSON MENCHACA: --just in case.

20 COMMISSIONER BITTA MOSTOFI: So, I have
21 that information if I need it.

22 CHAIRPERSON MENCHACA: Just so I have it.

23 COMMISSIONER BITTA MOSTOFI: Yes.
24
25

1
2 CHAIRPERSON MENCHACA: And—okay so then
3 IDNYC card is or I mean IDNYC is an NYC Care Card
4 essentially?

5 COMMISSIONER BITTA MOSTOFI: It can be,
6 it can be any--

7 CHAIRPERSON MENCHACA: It can be?

8 COMMISSIONER BITTA MOSTOFI: Yes, for
9 sure

10 CHAIRPERSON MENCHACA: Got it. Super
11 helpful.

12 COMMISSIONER BITTA MOSTOFI: Great.

13 CHAIRPERSON MENCHACA: Thank you for—for
14 walking us through that. More to come later, but we
15 can--

16 COMMISSIONER BITTA MOSTOFI:

17 [interposing] And hopefully that struck the right
18 balance for folks, right. We wanted people to be
19 able to, you know, if you don't feel comfortable
20 presenting a card that has more information on it
21 about your health coverage for your own personal
22 reasons, you can use your IDNYC, but we knew that to
23 give people proper health access, they needed more
24 information on a card, and that was—that's the goal.

CHAIRPERSON MENCHACA: Any community organizations that were consulted on this?

COMMISSIONER BITTA MOSTOFI: We—we consulted lots of groups as we looked obviously at Action Health, and a lot of the considerations and concerns people had that were raised with us were around privacy, and that informed the thinking as well.

CHAIRPERSON MENCHACA: Got it. More to come later on that but not—not right now. Poll site interpreters. Thank you so much for—for talking about it in your testimony. You mentioned a million extra dollars in super siting.

COMMISSIONER BITTA MOSTOFI: Yes.

CHAIRPERSON MENCHACA: I just wanted to confirm that. It's something that I think both sides have been working on with the advocates on the ground. So, access to democracy is so—so critical. An additional \$300-K was added to the—the '19 Budget for the Administration or the Poll Site Interpreter Program. The FY20 Executive Budget restores the \$640-K. In the '20 Budget for the Poll Site Interpretation Program. So, can you please explain

1
2 how the total \$940,000 will be divided among the
3 election events in 2019 and 2020?

4 COMMISSIONER BITTA MOSTOFI: No, because
5 it's different. [laughs]

6 CHAIRPERSON MENCHACA: So, walk me
7 through the--the--

8 COMMISSIONER BITTA MOSTOFI:
9 [interposing] Yes.

10 CHAIRPERSON MENCHACA: --the different
11 pieces and--and really as it lands in the different--

12 COMMISSIONER BITTA MOSTOFI: Sure. So,
13 \$940 is correct in the Fiscal Year 19. This, as you
14 noted was \$640 plus the additional allocation. As
15 folks are aware, we didn't account for special
16 elections, but here we are, and so it happened in
17 February and tomorrow, and so we, you know, to the
18 best of our abilities quickly assessed what we would
19 be able to do with the short notice for the elections
20 consistent with what we've done in the--in the
21 November general and so with that kind of quick
22 analysis and assessment, we got to \$940. So, for a
23 total of three elections this past year, and
24 estimated what we would need to do the June Primary
25 and the November General, and obviously the June

1
2 Primary is included and the \$940 is the November
3 General is the allocation for 2020. So, we're
4 anticipating the November General plus another
5 primary that will I believe happen in April if I'm
6 correct. There are three fixed elections [laughs] and
7 some support if we are—if we find ourselves with
8 another Special.

9 CHAIRPERSON MENCHACA: Thank you for kind
10 of walking us through--

11 COMMISSIONER BITTA MOSTOFI: Yes.

12 CHAIRPERSON MENCHACA: -those pieces, and
13 how are the election events selected for this, for
14 the Poll Site Interpretation Program?

15 COMMISSIONER BITTA MOSTOFI: How are the
16 locations selected?

17 CHAIRPERSON MENCHACA: Yes, specifically,
18 or just like the election. Well, actually, let's go
19 through how much of the funding will cover full-time
20 Poll Site Interpreter staff.

21 COMMISSIONER BITTA MOSTOFI: The vast
22 majority of the funding does that.

23 CHAIRPERSON MENCHACA: Yes, is there a
24 percentage? I mean this is almost a--

1
2 COMMISSIONER BITTA MOSTOFI: I would—I
3 would have to get back to you on the exact
4 percentage. Almost all, nearly all in the 640 did.
5 We—we operated before, which is not very tenable with
6 and constant (sic) support from [laughs] from our
7 office, and Office of Operations and then with some
8 temporary staff who we were able to bring on board to
9 support for the implementation of the projects. And
10 so, this as folks know, the CEC or the Civic
11 Engagement Commission is now fully or will be,
12 rather, fully responsible for the implementation of
13 the Poll Site Interpretation Initiative thanks to the
14 Charter Revision and the voters overwhelmingly
15 passing that. So, it's anticipated that the CEC will
16 bring on staff that will help with the operations and
17 implementation of the program, but as I said, that's
18 pretty minimal. The vast majority is actually going
19 to both the operations and the interpreters
20 themselves.

21 CHAIRPERSON MENCHACA: Thank you for
22 that, and how much of this funding will cover
23 languages interpreters for these elections, and the
24 election events?

25 COMMISSIONER BITTA MOSTOFI: Uhm.

1
2 CHAIRPERSON MENCHACA: [interposing] The
3 actual interpreters.

4 COMMISSIONER BITTA MOSTOFI: The vast
5 majority of--

6 CHAIRPERSON MENCHACA: So still--

7 COMMISSIONER BITTA MOSTOFI: -- that goes
8 to interpreters.

9 CHAIRPERSON MENCHACA: Okay.

10 COMMISSIONER BITTA MOSTOFI: Yeah.

11 CHAIRPERSON MENCHACA: So full-time
12 individual language interpreters?

13 COMMISSIONER BITTA MOSTOFI: So, full-
14 time meaning the day of the elections, right. So, we
15 work with an organization within whom we contract.
16 So, of course, they are supporting in terms of
17 recruitment of interpreters and screening and so
18 forth, and in addition to them and operational needs
19 to ensure we have the right set-up, et cetera. The
20 rest of the money goes to the interpreters
21 themselves.

22 CHAIRPERSON MENCHACA: Got it. This kind
23 of begs the question about the--the kind of
24 infrastructure. Is there a director for the Poll
25 Site Interpreter team?

1
2 COMMISSIONER BITTA MOSTOFI: Yeah. So, it
3 will be the Chair of the Commission, the newly
4 appointed Dr. Sarah Sayeed, which is wonderful, and
5 the team that will kind of take over the full
6 implementation of that will report into her and the
7 CEC structure. We will continue to hold a big role
8 this year, and provide for outgoing years guidance
9 and advice on the thinking on where we should be, the
10 methodology and so forth as required by the Charter
11 Revision.

12 CHAIRPERSON MENCHACA: And how much of
13 this funding will cover marketing? But most of this
14 is going to staff.

15 COMMISSIONER BITTA MOSTOFI: We did
16 minimal marketing before and, of course, a part of
17 that is because we're just getting our feet wet,
18 [laughs] and making sure that we fully understood the
19 implementation of the work, and what it looked like.
20 So, I think that will be something that we—we begin
21 to look at and discuss as we head into June and
22 November.

23 CHAIRPERSON MENCHACA: And how much of
24 this will be for the—I mean that you're just
25

1 basically saying we'll—we'll do some and more if we
2 need more.
3

4 COMMISSIONER BITTA MOSTOFI: We did—we
5 did some marketing for recruitment of interpreters.
6 We found that necessary. We weren't getting enough
7 interpreters simply by word of mouth and sharing
8 information with our contacts. So, we, you know, we
9 did some there, and similarly will again if we need
10 to, but--

11 CHAIRPERSON MENCHACA: I think we placed
12 a plug in the Language Bank, but I know it's on your
13 desk and the Deputy Mayor is really excited about it.
14 I think everybody that hears about it is excited
15 about it. I don't know if the Mayor is excited about
16 it, but we are excited about it. What are the things
17 that will be purchased beyond--beyond what we just
18 discussed, marketing--

19 COMMISSIONER BITTA MOSTOFI: Yep.

20 CHAIRPERSON MENCHACA: --and staff.

21 COMMISSIONER BITTA MOSTOFI: So, what
22 we've had to do is, of course the Board of Elections
23 has not been our most eager partner. So, we've had
24 to set up our own tables and chairs for interpreters.
25 So, those are things that we don't participate in,

1 but we rent, and, of course, you know, basic sort of
2 needs for the interpreters, thank God are no longer
3 outside, but, you know, before we've had to ensure we
4 were accommodating for things like being outside, and
5 so, it's primarily the rental of things. I think
6 we've purchased table cloths, and pens for the
7 interpreters to identify themselves and things like
8 that. But not the big bulk of the cost.

10 CHAIRPERSON MENCHACA: Great. Thank you.

11 According to Chapter 76 of the Charter, the Civic
12 Engagement Commission will make public its proposed
13 methodology on January 1, 2020. However, money has
14 been allocated for poll site interpreter provision in
15 both the '19 and '20 Budgets for 2019 election
16 events. Will MOIA or the CEC be providing poll site
17 interpretation in 2019?

18 COMMISSIONER BITTA MOSTOFI: MOIA is
19 working with the Office of Operations for 2019.

20 CHAIRPERSON MENCHACA: Operations.

21 COMMISSIONER BITTA MOSTOFI: Uh-hm.

22 CHAIRPERSON MENCHACA: Okay. If--so then
23 if the Civic Engagement Commission--so, it's the
24 operations. This means that the Commission will then
25 begin administering programs for methodology it uses,

2 is public and responsive to the public comment. So,
3 I guess what we're trying to figure out is—is how—how
4 are we kind of discussing this in the public and
5 providing oversight?

6 COMMISSIONER BITTA MOSTOFI: Sure so, I
7 think as the Charter Revision requires the CEC has to
8 take it over in 2020, and so we are working with the
9 newly appointed chair and obviously as I noted the
10 Mayor's Office of Operations to ensure that there's
11 a seamless transition while the CEC is forming and
12 they're staffing up. So, we don't want to gap in—in
13 the service. We want to continue to deliver it. So,
14 we'll work together they're able to fully take it
15 over as required by the Charter in 2020.

16 CHAIRPERSON MENCHACA: Got it thank you
17 and--

18 COMMISSIONER BITTA MOSTOFI: [interposing]
19 And I should note, Chair--

20 CHAIRPERSON MENCHACA: Sure.

21 COMMISSIONER BITTA MOSTOFI: --I think
22 more to answer your question, though I think the
23 Council had directed their questions accordingly.
24 We're working closely with the Chief Democracy
25 Officer obviously as well. So, in terms of sort of

1
2 central questions, I think it's still appropriate to
3 come to MOIA and the Chief Diversity Officer until
4 the CEC takes full control over the project.

5 CHAIRPERSON MENCHACA: And clearly we--
6 we're very excited about this and working in
7 partnership with you--

8 COMMISSIONER BITTA MOSTOFI: Yeah.

9 CHAIRPERSON MENCHACA: --and this is why
10 we're asking kind of very detailed questions and
11 trying to figure out how we can create a--a better
12 sense of response to our communities--

13 COMMISSIONER BITTA MOSTOFI: Uh-hm.

14 CHAIRPERSON MENCHACA: --and each of
15 these communities that we represent are intimate to
16 us and every site--

17 COMMISSIONER BITTA MOSTOFI: Yes.

18 CHAIRPERSON MENCHACA: --is--is very
19 specific. So, in 2019, which election events will be
20 targeted for poll site interpretation? Do you have
21 that list? Do you have a sense of that, and how
22 you're kind of building that, and will this include
23 early voting polling sites?

24 COMMISSIONER BITTA MOSTOFI: Good
25 questions. So, it will include--so we've done the

1 February special. We will be doing tomorrow's
2 Special. We will be doing the June Primary and we
3 we'll be doing the November General That is what
4 we've already accounted for in our thinking, and in
5 the Budget Request, and we have yet to fully decide
6 on early voting and how we would implement that and
7 operationalize it. That's something we welcome kind
8 of conversation and thought around, and obviously,
9 part of that has been dependent also looking at where
10 the BOE actually provides early voting opportunities.
11 As the Council is aware, the BOE is I believe
12 committed to 38 locations. The Administration has
13 said that we would support through budget allocation
14 up to at least a hundred, and so I think—are hopeful
15 that there will be more locations, but sort of
16 ultimately depending on where they land, we would
17 also look at what our methodology looks like as we
18 overlay it over that to see what it mean if we wanted
19 to do early voting and how we could do that.
20

21 CHAIRPERSON MENCHACA: And that's for '19
22 and for '20. Essentially, it's the same strategy for
23 both.

24 COMMISSIONER BITTA MOSTOFI: Yes, the
25 same strategy.

1
2 CHAIRPERSON MENCHACA: Well, I think we
3 have some ideas, too.

4 COMMISSIONER BITTA MOSTOFI: Great.

5 CHAIRPERSON MENCHACA: So, we're very
6 excited to keep—continue working with you. I want to
7 go back to IDNY really quick, and really think about
8 this next phase and working with bank services and—
9 and we are—we are in deep discussions, and we're
10 having I think very productive conversations.

11 COMMISSIONER BITTA MOSTOFI: Yes.

12 CHAIRPERSON MENCHACA: So, I want to
13 thank you and your leadership and your team for
14 really opening those doors for that conversation. As
15 difficult and—and—and technical as they are, I think
16 they're very important.

17 COMMISSIONER BITTA MOSTOFI: Yes.

18 CHAIRPERSON MENCHACA: So thank you.

19 COMMISSIONER BITTA MOSTOFI: Of course.

20 CHAIRPERSON MENCHACA: I also want to ask
21 about—because this is a budget hearing, I'm thinking
22 about revenue, and—and some of the membership
23 concepts you talked about, the current Big Apple RX
24 and some other membership opportunities including the
25

1 museums, and it gives us opportunity to think about
2 more membership styles--

3
4 COMMISSIONER BITTA MOSTOFI: Yes.

5 CHAIRPERSON MENCHACA: --especially these
6 buy-in programs. Are there any plans for revenue,
7 creating revenue streams out of whatever comes in
8 IDNYC 2.0?

9 COMMISSIONER BITTA MOSTOFI: Yeah.

10 CHAIRPERSON MENCHACA: And can you talk a
11 little bit about that, too? Because that has an
12 impact on the budget and how we--how we--how we do
13 policy on a card that now can create revenue.

14 COMMISSIONER BITTA MOSTOFI: Yeah. So
15 thank you. I think, you know, there's a lot of
16 creative sort of kinds of cards that have been sort
17 of produced nationally that look at the question I
18 think that you're asking, and I think, you know,
19 we've looked at those in our thinking around IDNYC
20 and whether or not that's something that we would
21 want to see realized through this program. I think
22 we have recognized ourselves out of the gate, but
23 certainly even more in conversations with you all,
24 and advocates that kind of in order to get there we
25 have to probably start a different place, and make

1 sure that we're confident in what we're doing and
2 that what we're providing is being—is directly
3 responsive to what we've heard from cardholders in
4 terms of their interests, and New Yorkers who are
5 under-banked and unbanked, and in terms of their
6 needs. So, we have in this sort of preliminary stage
7 of thinking, thought more around the kind of
8 collective bargaining question as part of what we
9 could do here as well as in the consumer education
10 piece, and thinking about ways in which that's not
11 owned just by necessarily the city and—and if there
12 are ways to bring in organizations to be a part of
13 kind of financial empowerment. So, those are
14 probably two central areas that we've focused on for
15 sort of this initial phase of thinking.

17 CHAIRPERSON MENCHACA: So, it sounds like
18 you're saying maybe. You don't know and we need to
19 figure out how—how it works. Is that ultimately?
20 Because I guess I'm—I'm looking for any—any specific—
21 I mean I'm asking very kind of specific questions in
22 light of I think so many decisions that are kind of
23 sometimes made without in consultation with the
24 Council.

25 COMMISSIONER BITTA MOSTOFI: Uh-hm.

1
2 CHAIRPERSON MENCHACA: So this is—this is
3 and this is a special program where really was kind
4 of birthed out of a collective conversation through
5 legislation, which is where it's rooted in. This—
6 this program is rooted out of legislation. So, I'm
7 just looking. So, I'm just looking for anything
8 specific that you are kind of looking at in terms of
9 revenue and really connected to the banking services.

10 COMMISSIONER BITTA MOSTOFI: Yeah. So, I
11 mean as—to your point, it's rooted out of kind of a
12 shared and collaborative process on creating the—the
13 program a part of which obligates us to continue
14 looking at how we're expanding banking access for
15 cardholders and New Yorkers, and so really where
16 we've started this is that question as a part of it,
17 and the second being the growth of the program,
18 right, as we've done with integrations like H&H, and
19 the Big Apple RX and others sort of looking at what's
20 been working and New Yorkers have been responsive to,
21 and what—what we do to further institutionalize and
22 set the—the full success of the program beyond all of
23 us, right. And so, I think to your question on kind
24 of the revenue generating piece, that is something we
25 have looked at It's something we've talked to folks

1 about. It is not necessarily something that we-
2 beyond the two areas that I pointed to immediately
3 see in these conversions. I think there are—we are a
4 few steps away from getting to a deeper conversation
5 about that.
6

7 CHAIRPERSON MENCHACA: Got it. So, I
8 know we have to wrap up here, and I think the last
9 question I want to ask is really about a kind of
10 holistic approach to you're looking at the Census,
11 we're looking at public charge. We have impacts
12 there. The NYC Care Card, and whether or not
13 immigrants can say yes to it in light of this very
14 confusing situation that we're in right with the
15 Detainer Law and, you know, we asked Julie Menin to
16 come in and talk a little bit about that here, and
17 just couldn't get it—we couldn't get it together.
18 We—we sent a letter and just needed a lot more lead
19 time. So, the structure didn't fit for that. So,
20 we're looking forward to working with you, and really
21 being in that room with us to--

22 COMMISSIONER BITTA MOSTOFI: Uh-hm.

23 CHAIRPERSON MENCHACA: --to think about
24 this together. So, how—how are you assessing in the
25 sense of—of connection to immigrant communities, and

1 whether that's going to have a budget impact, whether
2 that maybe needs more funding to do more
3 communication to disentangle your message or at least
4 your--your leader message on how--how this is all still
5 moving in a good direction--

7 COMMISSIONER BITTA MOSTOFI: Yeah.

8 CHAIRPERSON MENCHACA: --where we're
9 agreeing to disagree on--on the actual policies.

10 COMMISSIONER BITTA MOSTOFI: Sure so, I--I
11 see a couple of things. I think certainly we're all
12 extremely proud of so much work that the
13 Administration and the Council have done and did this
14 together in--in advancing the interests of immigrant
15 New Yorkers. I think that the NYC is a critical
16 piece of that Immigration Legal Services. You know,
17 we're at a remarkable I think it's \$48 million in
18 investment toward immigration legal services, and
19 that's an addition in this fiscal year already of
20 \$500,000 to the IOI program, and \$1.6 to NYFUP with
21 ongoing conversations as well. So, you know,
22 fighting and litigation on our behalf to maintain our
23 policies as they are refusing to increase our
24 cooperation at the behest of ICE where they want us
25 to and winning in court and doing that litigation. I

1 think so much of what we've done and much of it
2 together has I hope sent the right message to all
3 communities and within that context we also passed
4 the Detainer Law Legislation, and so much of what
5 we've said both throughout the last few years with-to
6 communities as well as through our litigation and so
7 forth is that this is balance that the city has
8 struck, and we don't listen—we won't listen to or
9 comply with ICE's overbroad enforcement. That's not
10 who we are, and I—I—while I appreciate and share some
11 of the concerns that you've raised, our goal is
12 really that that message is still consistent, and the
13 same, and while complicated, we will work hopefully
14 together to try, and combat concerns that communities
15 have, and we have talked to and continue to engage
16 with agency partners on the best way to do that, and
17 understanding what they're seeing. We have
18 throughout this year initiated a few campaigns where
19 we've seen targeting of populations including around
20 fraud and other pieces, and public charge a big one,
21 and we are continuing to look at and think about how
22 best to be responsive to those concerns. Our hope
23 with the thoughtfulness around NYC Care and already
24 an investment of \$450,000 in Bronx CEO's (sic) just
25

1
2 form our Bronx Blowout demonstrates that we know that
3 we're not necessarily the right or only voice in
4 talking to community partners, but that community
5 leadership really has to be at the table and a part
6 of the conversation. So, we're committed to doing
7 that work, as I said in my testimony and mean to
8 working with you all, and others in making sure we
9 are responding to concerns and doing our best to
10 ensure communities hear our message and understand
11 while some things are complicated as they always have
12 been, as I noted. We, you know, our commitment to
13 our communities is the same, and so, I look forward
14 to continuing those conversations. We've had them
15 not just with you all, but also internally with OMB,
16 and we'll continue to have those conversations.

17 CHAIRPERSON MENCHACA: Well, thank you,
18 Commissioner--

19 COMMISSIONER BITTA MOSTOFI: Thank you.

20 CHAIRPERSON MENCHACA: --and your staff
21 and your team for your hard work and all the staff
22 and team that brought us here. I'm going to let you
23 have the last word on this at this budget hearing,
24 which is--but it won't be the final word on this.
25 [laughter] Excuse me for--but I'll let you have the

1
2 last word as we—as we move forward and struggle
3 towards social justice for our immigrant community.

4 Thank you.

5 COMMISSIONER BITTA MOSTOFI: Thank you.

6 CHAIRPERSON MENCHACA: And we're going to
7 close this Executive Budget hearing. Thank you all
8 for being here today. [gavel]

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 June 12, 2019