

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS
JOINTLY WITH THE COMMITTEE ON
CONSUMER AFFAIRS AND BUSINESS
LICENSING

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April 28, 2020
Start: 1:15 p.m.
Recess: 4:00 p.m.

HELD AT: Remote Hearing

B E F O R E: Robert E. Cornegy, Jr.,
Chairperson of the Committee on
Housing and Buildings

Andrew Cohen,
Chairperson of the Committee on
Consumer Affairs and Business
Licensing

COUNCIL MEMBERS:

- Speaker Corey Johnson
- Margaret Chin
- Karen Koslowitz
- Brad Lander
- Justin Brannan
- Kalman Yeger
- Ritchie Torres
- Farah N. Louis
- Fernando Cabrera
- Carlina Rivera

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2 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
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3 COUNCIL MEMBERS (CONT.):

4 Barry Grodenchik
5 Mark Gjonaj
6 Keith Powers
7 Helen Rosenthal
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4 A P P E A R A N C E S

5 Michael McKee
6 Treasurer of the Tenants Political Action
7 Committee

8 Barika Williams
9 Executive Director at Association for
10 Neighborhood and Housing Development

11 Caryn Schreiber
12 Legal Aid Society

13 Andy Morrison
14 Campaigns Director at New Economy Project

15 Oksana Mironova
16 Housing Policy Analyst

17 Dana Sussman
18 Commission on Human Rights

19 Sheriff Joseph Fucito
20 Department of Finance

21 AnnMarie Santiago
22 Department Housing Preservation and Development

23 Ava Farkas
24 Met Council

25 Julia Duranti-Martinez
Campaign Coordinator at New Economy Project

Joseph Condon
Community Housing Improvement Program, CHIP

David Chemtob
Renaissance Realty

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5 A P P E A R A N C E S (CONT.)

6
7 Kenneth Litwack

8 Marshals Association of the City of New York
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2

UNIDENTIFIED: Okay, Dane, we can begin.

3

CHAIRPERSON CORNEGY: Are you ready for me to

4

gavel in?

5

UNIDENTIFIED: Dane, we cannot hear you.

6

CHAIRPERSON CORNEGY: Ralph, start it.

7

UNIDENTIFIED: Good afternoon ladies and

8

gentleman and welcome to today's New York City

9

hearing. At this time, we ask that everyone to

10

silence all electronic devices. We need everyone to

11

turn their cameras at the beginning of the hearing on

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for proper identification. Please mute your

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microphones on Zoom. Microphones will be unmuted for

14

you when it is your turn to speak. Silence all

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electronic devices, so as to eliminate any

16

disturbances during your testimony. Any members of

17

the public wishing to testify can email their

18

statements to testimony@council.nyc.gov. Again, you

19

can email your testimony to

20

testimony@council.nyc.gov. We are ready to begin

21

today's hearing.

22

CHAIRPERSON CORNEGY: [Gavel] Welcome to today's

23

hearing held by Committee on Housing and Buildings

24

chaired by myself and the Committee on Consumer

25

Affairs and Business Licensing chaired by Council

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2 Member Andrew Cohen. We are also joined today by
3 Speaker Corey Johnson who would like to share some
4 opening remarks.

5 SPEAKER JOHNSON: Thank you Chairs Cornegy and
6 Cohen for holding this hearing today. Nice to see
7 everyone, I hope everyone is safe and healthy and I
8 want to just remember all of the hero's out there.
9 Our healthcare workers and all of the city workers
10 that we have lost, so many of them during this hard
11 time.

12 This crisis has us fighting on two fronts;
13 against the virus and against an unprecedented
14 economic crisis. We can't forget that the suffering
15 and anxiety in New York City right now isn't just
16 about health. It's also about peoples economic
17 circumstances.

18 When you are being hounded by creditors because
19 you are behind on bills. When your landlord maybe
20 harassing you for your rent or you're worried about
21 whether you can afford to feed your family, that fear
22 can become overwhelming. New York City was in a
23 housing emergency even before this epidemic. Almost
24 a third of New Yorkers were late on their rent. 20
25 percent had the utilities shut off and 19 percent

1 were doubled up in apartments, 15 percent were facing
2 eviction. Almost half of New Yorkers are at or near
3 the poverty line and now, over half a million workers
4 are probably out of a job.
5

6 The ripple effects here are devastating.
7 Unemployment benefits will help but it's not that
8 simple. Not everyone is eligible and payments have
9 been very slow to arrive. If you were struggling
10 before and had to pay your bills with credit cards
11 over money, back payments aren't going to make you
12 whole. That means that many tenants won't be able to
13 pay rent. But keeping renters in their homes has to
14 be our number one priority. Not just during this
15 crisis but after the emergency orders are lifted. We
16 have to give New Yorkers impacted by this crisis a
17 fighting chance to get back on their feet.

18 So, today we are hearing two bills that will help
19 give New Yorkers some piece of mind to let them know
20 that the City Council is going to do everything we
21 can to make sure New Yorkers aren't going to suffer
22 harms that we can't fix later. We can't compound the
23 tragedies we're already seeing by letting New Yorkers
24 become homeless or have creditors go after them
25 because of no fault of their own.

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4 Introduction 1936 which I'm co-sponsoring with
5 Council Member Torres, would protect tenants impacted
6 by COVID-19 from landlords who may retaliate against
7 them. And Intro. 1912, which I've sponsored would
8 protect the hundreds of thousands of vulnerable New
9 Yorkers and struggling business owners.

10 While many mortgage holders have been offered
11 more concrete relief, renters and business owners are
12 left to worry of what will happen when temporary
13 eviction moratoriums are lifted. And those with
14 debts like medical bills or credit cards are left to
15 hope that their lenders will do the right thing.

16 We're going to need rent cancelation and
17 reductions but while we work to make that happen, we
18 need to put a backstop in place.

19 Introduction 1912 will prevent Marshals and City
20 Sheriffs from taking property or executing money
21 judgements. This means that evictions and debt
22 collection would be paused. It also means tenants
23 would have time to repay their rent. This would
24 apply to actions against all New Yorkers through
25 September or longer if the state of emergency
continues into the fall.

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4 If you were impacted by COVID-19, Marshals and
5 Sherriff's will be banned from collecting debts and
6 performing evictions until April of 2021. We have a
7 lot more work here but I believe these bills will put
8 us on the right track.

9 I want to thank all the advocates, the
10 stakeholders and the members of the Administration
11 who are here today. I look forward to hearing from
12 you all and I now turn it back over to Chair Cornegy.
13 Chair Cornegy? Did we lose the Chair? I'll turn it
14 over to Chair Cohen.

15 CO-CHAIR COHEN: Alright, are we still looking
16 for Rob?

17 SPEAKER JOHNSON: I don't see him on here, so
18 you may want to go in.

19 CO-CHAIR COHEN: Alright, now, I'm gone.

20 SPEAKER JOHNSON: No, you are here.

21 CO-CHAIR COHEN: I don't know why my screen is
22 going.

23 SPEAKER JOHNSON: You're on.

24 CO-CHAIR COHEN: I appreciate that, except that
25 my screen unfortunately for some reason has gone
black and it's going to be hard to read my opening.

SPEAKER JOHNSON: Okay.

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4 CO-CHAIR COHEN: I don't know what's going on.

5 SPEAKER JOHNSON: Take your time. Thank you to
6 everyone for your patience. We are doing this
7 remotely, it isn't easy, so I appreciate everyone
8 bearing with us.

9 If the Sergeants or Carl if you are there if you
10 could reach out to Chair Cornegy.

11 UNIDENTIFIED: In the process of doing that now.

12 SPEAKER JOHNSON: Thank you.

13 CO-CHAIR COHEN: I am happy to give my opening,
14 so.

15 SPEAKER JOHNSON: Okay, go ahead.

16 CO-CHAIR COHEN: I don't want to freelance but
17 I'm going to start by wishing my Speaker a happy
18 birthday today.

19 SPEAKER JOHNSON: Thank you.

20 CO-CHAIR COHEN: And then I'm going to say good
21 afternoon to everybody. I am Andrew Cohen and I am
22 the Chair of the Committee on Consumer Affairs and
23 Business Licensing.

24 I want to thank everyone who has managed to join
25 us for this remote hearing. I want to thank Council
Member Cornegy, although he can't hear me right at
this second. He is the driving force behind this

1 hearing. As it will be mentioned at today's hearing,
2 we're seeking feedback on two pieces of legislation.
3 I am looking forward to hearing from a broad spectrum
4 of stakeholders including tenants, property owners,
5 the Marshals, Sheriff's, the advocates, and the
6 public, so that the Council can get a better
7 perspective on both sides of the issue.
8

9 With these bills, the Council hopes to mitigate
10 tenant harassment during the COVID-19 crisis and help
11 keep as many folks as possible in their homes and
12 business properties.

13 In addition, the Council recognizes many
14 landlords are facing financial pressures and need to
15 weigh in on these issues during these challenging
16 times. Intro. 1912 which has been introduced by the
17 Speaker, would limit the actions of City Sheriff's
18 and Marshals would limit the action City Marshals and
19 Sheriffs could take during both the pandemic and post
20 crisis recovery.

21 The COVID emergency is disrupting people's lives
22 in the most horrific of ways. So, the last thing
23 that they should have to worry about is having their
24 money or property seized. I am very supportive of
25 the various addition moratoria by both the state and

1
2 federal governments and as the Chair of Consumer
3 Affairs and Business Licensing Committee, I am very
4 happy to see that we are trying to do what we can on
5 the local level.

6 I commend the Speaker on his leadership on this
7 issue. I look forward to gathering feedback from our
8 witnesses today, so that we can ensure that this
9 legislation successfully achieves its aims. Before
10 we begin the testimony, I would like to thank the
11 central staff for the hours and hours and hours of
12 work it took to get media prepared and to get this
13 hearing up and running. I would also like to
14 acknowledge the Committee Members who have joined us.
15 I think we have Council Members Chin, Koslowitz,
16 Lander, Brannan, Koo, Yeger.

17 And with that, I don't know if Robert is back,
18 but I will -

19 UNIDENTIFIED: He's back.

20 CO-CHAIR COHEN: Turn it back over to Rob. Thank
21 you, Rob.

22 CHAIRPERSON CORNEGY: Sorry about that, I don't
23 know we lost my feed a little bit but thank you for
24 jumping right in Chair Cohen, as you always do and
25 saving the day.

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2 I want to thank Speaker Johnson and also wish him
3 a very happy birthday. Unfortunately, you have to
4 celebrate it with us in this way but you are always
5 willing to stand up and be there for us, so I
6 appreciate you Speaker Johnson.

7 As we all know the impacts of the novel
8 coronavirus have been devastating and vast. At this
9 hearing, the Committees hope to gain a better
10 understanding of the economic implications of the
11 virus. With special attention paid to the struggles
12 of tenants as residents citywide face unprecedented
13 financial strain.

14 To that end, we'll also be hearing two pieces of
15 legislation aimed at protecting tenants as the City
16 works to recover from this crisis. In an effort
17 curtail the spread of the virus, the state has been
18 on pause since March which has been a critical tool
19 to facilitate social distancing and save lives. An
20 unfortunate but necessary component of this pause is
21 the closure of nonessential businesses effectively
22 stalling much of the city's economy. The result has
23 been a loss of employments for hundreds of thousands
24 of New Yorkers and the numbers continue to grow.

25

1
2 Now, in a city where a disproportionate share of
3 the population was rent burdened even prior to the
4 pandemic, more and more residents are not sure how
5 they will make rent. In an effort to mitigate some
6 of the renters concerns, the state and federal
7 government have each enacted measures to halt
8 evictions for a period of time.

9 While this allows tenants to remain in their
10 apartments for now, it does not guarantee the tenants
11 unable to pay rent will be able to stay in their
12 apartment once eviction actions resume. Or that
13 tenants will be safe from the landlord harassment on
14 the basis of having been impacted by the virus.

15 Today, we will be hearing two bills that seek to
16 provide additional long term protections to tenants
17 effected by the crisis. The first is Intro. 1912,
18 which is sponsored by the Speaker. This bill would
19 prohibit the City Sheriff and Marshals from taking
20 certain actions related to eviction and debt
21 collection until the end of the first month after the
22 state of emergency of September 30, 2020, whichever
23 is later.

24 For New Yorkers impacted by COVID-19, the effects
25 of the bill would be to extend until the end of the

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1 seventh month after the state of emergency or April
2
3 1, 2021, whichever is later.

4 Second, is Intro. 1936 which is sponsored by
5 Council Member Ritchie Torres and the Speaker. This
6 bill would make it illegal for a landlord to harass a
7 tenant based on their status as a person impacted by
8 COVID-19. Including whether they are an essential
9 worker or because they were laid off or because they
10 received a rental concession or forbearance where the
11 eviction moratoria were in effect.

12 We look forward to hearing from the Department of
13 Housing Preservation and Development, the Department
14 of Finance and the Commissioner on Human Rights as
15 well as from interested members of the public about
16 these bills. We will now hear an opening statement
17 from Chair Cohen, well actually, you already heard
18 that statement from Chair Cohen. Thank you so much
19 and I do want to add before we go into testimony that
20 we've also been joined by Justin Brannan, Ritchie
21 Torres, and Farah Louis.

22 At this point, I'll hand it over to Austen.

23 AUSTEN BRANDFORD: Yeah, great, thank you. I am
24 Austen Brandford, I'm Counsel for the City Council of
25 Committee on Housing and Buildings and before we

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start, I want to remind everyone that you will be on mute until you are called on to testify. I'd like to point you will be unmuted by the host. I will be calling on panelists to testify. Please listen for your name to be called as I will be periodically announcing who the next panelist will be. During the hearing, if Council Members have questions, please use the Zoom raise hand function and I will call you in order.

When called upon, please be sure to let us know to whom your questions are directed, so they can be unmuted to. We will be limiting Council Member questions for four minutes including responses. Our first panelist will be Mike McKee, Barika Williams, Caryn Schreiber and Andy Morrison. I will call you when it's your turn to speak and your testimony will be limited to three minutes. A Sergeant at Arms will keep a timer and let you know when you begin and when your time is up. This panel will be followed by Council Member questions. You will then hear testimony from the Administration which will followed by additional Council Member questions.

Finally, we will hear public testimony.

1
2 We will now start with our first panelist Mike
3 McKee who will be followed by Barika Williams.

4 MICHAEL MCKEE: Good Afternoon.

5 SERGEANT AT ARMS: Mike, your clock will begin
6 when you start your testimony.

7 MICHAEL MCKEE: Sorry. Good afternoon, my name
8 is Michael McKee, I'm a Treasurer of the Tenants
9 Political Action Committee. I want to make it clear
10 that I'm testifying only on behalf of myself and
11 tenants not on behalf of any other organization.

12 We are very much in support of these two pieces
13 of legislation. They are important pieces of the
14 puzzle but I want to parenthetically wish Corey a
15 happy birthday. I also want to thank the Council for
16 getting back to work and showing how it can be done
17 and are very much hoping that this legislation will
18 follow your lead. And just as somebody who has been
19 cooped up for seven weeks, I'm going to thank the
20 Council for taking the leadership on opening our city
21 streets to pedestrians.

22 Intro. 1912 and Intro. 1936 are important pieces
23 of what is needed to protect tenants but it's not
24 everything that we need as many of you know and as we
25 have discussed. The ultimate thing we need is some

1 kind of cancelation or forgiveness of rent. We are
2 now facing a situation where literally hundreds of
3 thousands of tenants all across New York State and
4 across the country simply cannot pay rent through no
5 fault of their own because they've lost their income.
6

7 When the courts reopen and when eviction
8 moratoria are lifted, we're going to be in a
9 situation where a lot of these people are going to be
10 facing eviction and displacement and that's why it's
11 important that we get rent cancellation in addition
12 to these other measures. They are very glad to see
13 that for people effected by COVID-19, that protection
14 against eviction will continue into next spring and
15 we commend you for that.

16 I want to emphasize that we are talking about
17 cancelling rents, cancelling mortgage payments, and
18 cancelling utilities. And we do believe that mom and
19 pop landlords need relief as well as tenants. We
20 think the big landlords like Black Zone can take a
21 haircut. They can certainly absorb this situation
22 for several months.

23 I am a volunteer on a hotline sponsored by the
24 MET Council on Housing and until two or three months
25 ago, almost all of the calls were how do I get

1 repairs done? How do I force my landlord to fix
2 something? Things like that. The last six weeks the
3 calls have all been about I can't pay the rent. I'm
4 out of a job. I've lost hours. My income has been
5 reduced. My income has been eliminated. What do I
6 do?
7

8 We've also had a lot of calls from tenants who
9 want to break their lease because they can't afford
10 to pay the rent anymore and of course one thing we
11 know is that New York State law on breaking lease is
12 very bad. We're hoping to get some relief once the
13 state legislature goes back into business.

14 SERGEANT AT ARMS: Time expired.

15 MICHAEL MCKEE: Thank you very much.

16 AUSTEN BRANDFORD: Thank you Mike. We will now
17 here from Baricka Williams who will be followed by
18 Caryn Schreiber.

19 CHAIRPERSON CORNEGY: One second, I just want to
20 acknowledge the presence of Fernando Cabrera and
21 Carlina Rivera.

22 SERGEANT AT ARMS: And Barika, your time will
23 start when you begin your testimony.

24 BARIKA WILLIAMS: Good afternoon. Thank you,
25 Speaker Johnson, and happy birthday I should also

1 add. Thank you to Chair Cornegy, to Chair Cohen.

2
3 It's nice to see all of you back in my new roll as ED
4 at ANHD and I'm sorry that we haven't gotten to
5 interact except for remotely.

6 You all know, many of you all know ANHD and our
7 work on behalf of 80 plus nonprofits, tenants groups
8 and CDC's across the city. We've fought for decades
9 against harassment of tenants, many of which are
10 things that we've accomplished in partnership with
11 the City Council and specifically with many of the
12 people on this Zoom call. And ensuring that all
13 tenants are protected against harassment especially
14 during these challenging times. It is incredibly
15 important. We cannot stress how much the stress of
16 the pandemic of living through this, of losing
17 people, of losing family members, of struggling
18 through health is only made more complicated when the
19 tenants are facing harassment and displacement. And
20 facing harassment and displacement in a moment where
21 that really compromises your safety and the safety of
22 your family.

23 So, we fully support expanding the definition of
24 harassment to include threats based on persons having
25 been impacted by COVID, the Intro. of 1936 2020.

1 Absolutely looking forward to and happy to continue
2 to work with the City Council to pass this
3 legislation and to expand these protections. We
4 really appreciate the intention behind 1912 and
5 really applaud the city using its authority over
6 Sheriffs and Marshals to prevent evictions in this
7 time and during this current moratorium.

8
9 We do have a few concerns with the bill as
10 currently drafted and that's because many of ANHD's
11 members are nonprofits, are CDC's who have been their
12 community caretakers, been on the frontlines
13 throughout all of this. And while tenants in these
14 buildings are often struggling, they absolutely need
15 relief. We have a lot of concerns about pushing and
16 extending the loss of rental income onto the very
17 nonprofits who are trying to support their
18 communities throughout this.

19 We know that statewide, two-thirds of the folks
20 who filed for unemployment earned \$40,000 or less, so
21 that is really the tenants that mainly reside in our
22 buildings and in communities and we really just don't
23 want to end up in a place where the extension of
24 anything means that there is a loss of services or
25 that that burden falls back on our nonprofits that

1 we're going to need because we're desperately going
2 to need the affordable housing coming out of this
3 into the long, the very long term work of recovery.

4 So, to piggyback on some of what Mike McKee said,
5 we can't substitute meaningful rent relief.

6 SERGEANT AT ARMS: Time is expired.

7 BARIKA WILLIAMS: Okay, but just to say we want
8 to absolutely make this a priority for all levels of
9 government. Thank you.

10 CHAIRPERSON CORNEGY: Thank you, very good.
11 Before we go to the next panelist, I'd also like to
12 acknowledge that there are at least four or five of
13 my colleagues who have been here since the beginning
14 of the hearing. I neglected to go to my second
15 screen to see that they were there. Barry
16 Grodenchik, Mark Gjonaj, Keith Powers and Helen
17 Rosenthal have been here from the beginning. I just
18 neglected to go to the second screen and see them,
19 welcome.

20 AUSTEN BRANDFORD: Thank you. We will now here
21 from Caryn Schreiber who will be followed by Andy
22 Morrison. Karen?

23 SERGEANT AT ARMS: Karen, your time will start
24 when you begin your testimony.
25

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2 CARYN SCHREIBER: Thank you. Good afternoon,
3 thank you Chairpersons Cornegy and Cohen and members
4 of the Committees for the opportunity to testify on
5 behalf of the Legal Aid Society. The nation's oldest
6 and largest not-for-profit legal services
7 organization.

8 We welcome this opportunity to endorse and share
9 our view on this legislation and we commend the
10 committees for holding today's hearings on both bills
11 which will provide relief to numerous New Yorkers who
12 are currently on the edge of homelessness and
13 financial distress.

14 We strongly support the passage of the bills and
15 have some suggested recommendations to strengthen the
16 legislation. We strongly support the passage of
17 Intro. 1912, which will temporarily help in taking
18 restitution of property and the execution of money
19 judgments. As you are aware, the COVID-19 pandemic
20 is causing devastating and lasting economic hardship
21 that disproportionately impacts low and moderate
22 income New Yorkers and communities of color. This
23 has caused numbers low and moderate income New
24 Yorkers to default or fall behind on financial
25 obligation.

The COVID-19 pandemic has amplified New York City's ongoing housing crisis in ways that are impossible to ignore. Housing insecurity is a brutal fact of life for many New Yorkers. 44 percent of New York City renters are rent burdened and four out of ten low income people in New York are either homeless or severely rent burdened.

A budget overwhelmed by housing costs increase the families risk of food insecurity, lack of access to proper medical care and addiction and with little room for savings, a reduction in work hours or an unexpected expense may cause turmoil and ultimately displacement. And similar to the COVID-19 pandemic, involuntary displacement is not born equally in New York City where low income, Black and Latinx households are most impacted by eviction homelessness.

Housing and security now impacts a far broader range of households than it did earlier this year. For low and moderate income renters on the precipice rent burdened and without savings, they have now fallen off of a financial cliff. While New Yorkers are right now protected from eviction by Governor Cuomo's 90-day statewide eviction moratorium, the

1
2 economic landscape is unlikely to be dramatically
3 altered by the end of the state moratorium on June
4 20th.

5 By June 20th, renters will owe months of rent
6 arrears and fees. Many will promptly face eviction
7 proceedings seeking thousands of dollars of debt and
8 disposition. Far from solving up the crisis, the end
9 of this short term moratorium will be catastrophic
10 for renters.

11 The eviction of any one household is a tragedy
12 and the eviction of thousands of renter households is
13 a humanitarian crisis. The consequences of eviction
14 are vast and have devastating long term negative
15 impacts. Similarly, New Yorkers face financial
16 challenges beyond eviction and the hardships imposed
17 by money judgments are equally as devastating for
18 individual judgment debtors and communities at large.

19 An increasing number of judgment debtors have
20 contacted the Legal Aid Society in the last few weeks
21 seeking assistance due to frozen bank accounts and
22 garnished wages.

23 So, we suggest, well we support the legislation,
24 we have a few suggestions that will further reduce
25 the harm including clarifying -

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4 SERGEANT AT ARMS: Time is expired.

5 CARYN SCHREIBER: Thank you.

6 AUSTEN BRANDFORD: Thank you Caryn. We'll now
7 here from Andy Morrison and open up for Council
8 Member questions. Andy?

9 SERGEANT AT ARMS: Andy, your time will begin
10 when you start your testimony.

11 ANDY MORRISON: Thank you Chairs Cohen and
12 Cornegy and members of the Committees for the
13 opportunity to testify today. My name is Andy
14 Morrison and I'm Campaigns Director at New Economy
15 Project and many of you know us and our work. We are
16 an economic justice organization that works with
17 community groups and low income New Yorkers
18 throughout New York City.

19 We strongly support Intro. 1912. We urge the
20 Committee to take swift action to move the bill
21 forward, so that the full body can pass it into law
22 as soon as possible and we commend Speaker Johnson
23 and other sponsors of this emergency legislation for
24 their leadership.

25 We have calling for several weeks now for a
statewide emergency moratorium on predatory debt
collection and we're very pleased that in the absence

1 of state level action, members of the Council are
2 taking this crucial step to protect New Yorkers. At
3 New Economy Project, we run a free legal hotline for
4 low income New Yorkers and we've heard over the years
5 from thousands of New Yorkers who have been harmed by
6 discriminatory and abusive debt collection. And
7 since COVID-19 gripped our city, we've been flooded
8 with a new spade of calls from low income New Yorkers
9 who are being hounded by debt collectors. It should
10 just go without saying that no New Yorker should be
11 having his or her bank accounts frozen or wages
12 garnished and as debt collectors continue to siphon
13 wealth from New Yorkers and from communities, the
14 predatory debt collection is morphed into a public
15 health crisis and so, we really need this action to
16 further and ensure economic and racial justice and
17 community equity.

18
19 A lot of the New Yorkers we've heard from have
20 been speaking out and sharing their stories and I
21 just want to read one testimonial from a Brooklyn
22 resident named Veronica and refer you to our written
23 testimony where we have included several others.

24 "I just found out that my paycheck was garnished.
25 I don't know what it's for. I can't afford to have

1
2 any money taken away right now. My two daughter and
3 two grandchildren live with me. I'm trying to
4 support my family but everything is uncertain. My
5 job has cut the number of days that I go into work
6 for safety reasons. One of my daughters lost her job
7 because of coronavirus. That money was taken from
8 me, could have gone toward a lot of other things that
9 I am worried about right now, like food, disinfecting
10 supplies, and other things I need to keep my family
11 healthy.

12 Stories like this underscore the need for bold
13 action and as we address this issue in the immediate
14 term, we also want to underscore the need to be
15 thinking about the structural inequities that underly
16 this crisis from lack of healthcare to housing
17 insecurity and discrimination built into our
18 financial system. So, in addition to addressing this
19 issue in the immediate term, which we urge the
20 Council to do right away, we also want to encourage
21 the Council to be thinking about broader measures
22 including debt cancellation and other more structural
23 solutions to our unequal economy.

24 SERGEANT AT ARMS: Time is expired.

25

1
2 AUSTEN BRANDFORD: Thank you Andy. We will now
3 open it up to the questions from Speaker Johnson,
4 Chair Cornegy and Chair Cohen before moving to
5 general council member questions.

6 SPEAKER JOHNSON: Thank you Austen, it's good to
7 see you. I hope you are safe and healthy. Let me,
8 give me one moment. So, I wanted to start off for
9 anyone on the panel and I want to thank you for the
10 work that you're doing. You've really been at the
11 forefront on these issues and even though two-thirds
12 of New Yorkers are renters, they certainly aren't
13 getting two-thirds of the help.

14 We've seen a lot more support be announced for
15 landlords and mortgage holders and we have to make
16 sure as this hearing is about that we're not leaving
17 tenants behind. It's governments job to solve this
18 problem. There have been devastating personal
19 impacts for many New Yorkers but this crisis also
20 threatens the city's budget. If people aren't able
21 to pay their rent, we will see a drop in property tax
22 revenue and if people can't afford to pay their
23 bills, we will see less spending and that means less
24 money in sales tax revenue. All of that means less

1 money for the social safety net, which we need more
2 than ever right now.

3
4 So, the Council is doing what we can but we're
5 going to need more help. I've been advocating for a
6 lot more money from the federal government and we
7 need the state to cancel rent as we've seen in these
8 bills but they're calling for money from the feds as
9 well.

10 So, I want everyone watching to understand how
11 serious this is. Can each one of you talk about what
12 you think will happen if we don't figure this out?
13 If New Yorkers who need help with rent don't get it.
14 And maybe we can start with Mike McKee.

15 MICHAEL MCKEE: Thank you Mr. Speaker. I think
16 we're facing, I forgot which witness it was that said
17 this is a humanitarian crisis. I mean, that's
18 exactly what this is going to be. There is going to
19 come a point when the courts reopen and when these
20 moratoria on eviction are lifted where literally tens
21 of thousands, hundreds of thousands if you look at it
22 statewide or nationwide, of tenants who just can't
23 pay the rent are going to be facing displacement.
24 And another issue is that the courts are simply going
25 to be overwhelmed with eviction cases. Right now,

1
2 landlords cannot file new eviction cases but at some
3 point, they will be allowed to do that. This is all
4 going to pile up, so there has to be money from the
5 federal government targeted specifically to housing
6 and rent relief. There has to be a cancellation of
7 rent.

8 It's my view that at some point Andrew Cuomo is
9 going to end his stonewalling on this issue and
10 recognize that something must be done. And that, if
11 you don't just cancel the rent and then figure out
12 how to take care of mom and pop landlords while
13 you're doing that. And as Barika pointed out,
14 nonprofit landlords have special needs to and they
15 don't gouge their tenants. So, they are really
16 running at a very low margin if any.

17 This all has to be done and it is governments job
18 to do it and if it isn't done, it's going to be a
19 disaster and I don't think ultimately government or
20 the courts are doing to sit by and let that happen.
21 I cannot imagine most Judges presiding over eviction
22 after eviction after eviction, human nature being
23 what it is and Judges being who they are, I would
24 suspect they are going to be pressuring landlords and
25 tenants to come to some kind of settlement possibly

1 where tenants pay some of the rent if they can. I
2 don't know, maybe some kind of fund to help make this
3 up, but I think it's a very dangerous and serious
4 situation that we just can't ignore and I think that
5 by not talking about it now and by basically
6 stonewalling on it, the governor is creating a lot of
7 fear and anxiety. And I think it's time that
8 everyone in state government, our friends in the
9 state legislature and the governor recognize that
10 this is a serious issue that has to be addressed.
11 The city can only do so much and I think it's
12 commendable that you're doing what you're doing but
13 if we don't have federal and state government
14 weighing in on this, we're not going to be able to
15 deal with this. There's not going to be a solution
16 that's going to keep people in their homes.

18 SPEAKER JONNISON: I'm not going to let; I have
19 other questions and I want to get through them
20 quickly because we have a lot of Council Members on.
21 I want to go to ANHD. You all have been ringing the
22 alarm for weeks. Your analysis has shown this crisis
23 is hitting Black and Brown working class
24 neighborhoods the hardest. I know you are certainly
25 seeing this when it comes to tenants loss of income

1 and the inability to pay rent. What are you all
2 seeing on the ground with respect to small
3 businesses, vendors, particularly immigrant owned
4 businesses?
5

6 BARIKA WILLIAMS: Thank you for that Speaker
7 Johnson. I mean, as we've seen for so many people,
8 we've seen our immigrant and Black and Brown
9 businesses are the hardest hit. Many of them were
10 unbanked or underbanked before and so, there has been
11 a lot of conversation, a lot of work at the federal
12 level because many of these small businesses have
13 been entirely shut out, if not by process shut out of
14 the federal aid.

15 But it also feeds into the side of things that as
16 residential tenants and the broader community
17 supports, because often times these are businesses
18 that are tied to some of our residential buildings.
19 They are the businesses that are supporting people's
20 incomes. Obviously the longer they stay shut and
21 impacted, the more we're impacting peoples earnings
22 and so, this all ultimately gets tied together.

23 One of the things we're hearing on the ground
24 from many of our members is really, to put the human
25 side on it as Mike McKee was talking about, really

1
2 being confronted with the challenges of because their
3 government is not stepping in. Because at the city,
4 at the state, at the federal and I know you all are
5 limited in how much you can do and what you are able
6 to do in this but there hasn't been a clear approach
7 and relief package for residential tenants. And so,
8 what these landlords are being confronted with is
9 going to tenants that they know have lost their jobs,
10 know that their businesses aren't open because they
11 are around the corner. Know that they are not able
12 to help them get a loan with the bank that they have
13 a relationship with and then also, being faced with
14 having to knock on their door and ask them, what can
15 we do about rent?

16 And our groups really don't want to be put in
17 that position, right. At the end of this down the
18 line, what we're looking at is if we do not figure
19 out a rent relief package, in some way shape or form,
20 we are looking at an explosion of our homeless
21 population and explosion in our Human Services needs.
22 Because we've got tons of people going to food banks
23 now but where will we be then and what little
24 intergenerational wealth that we have built for
25 immigrant communities and Black and Brown communities

1 will be absolutely wiped out. And as we kick this
2 down the road, as we go from four months' worth of
3 rent out a \$1,400 rent, is like \$5,600. Most
4 families don't have more than \$400 or \$700 in
5 savings.
6

7 So, there is no possibility and that savings,
8 they are already burning through. So, the likelihood
9 that they are able to take and pay that back, even
10 over a one year timeline is just incredibly slim.

11 So, what we're really talking about is creating
12 like a long term debt burden for people that they
13 know they will never get out of.

14 SPEAKER JOHNSON: Thank you. Thank you Barika.
15 I want to go Legal Aid for a quick question. This
16 crisis is deepening the inequalities that you just
17 heard about that we had even before coronavirus hit
18 our city. Low income communities of color are taking
19 the brunt of the health impacts and if we don't do
20 more to help with debt and rent, we're going to see
21 the irreversible economic impacts that Barika just
22 spoke about. Can you talk about what you are seeing
23 on the ground? What are your clients facing in terms
24 of economic hardships? How important is taking care
25

1
2 of the rent issue, in terms of helping New Yorkers
3 out?

4 CARYN SCHREIBER: Thank you for that question
5 Speaker Johnson. It is helping renters in this city
6 is of the utmost importance right now as the other
7 witnesses have said, people are struggling and they
8 will be struggling even further come June, come this
9 fall. The rent continues to accrue and people are
10 terrified. That's what we are seeing.

11 We are seeing people, hearing from clients who
12 don't know how they will pay their rent in May, don't
13 know how they will pay their rent in June and going
14 forward. They are preparing for and resigning
15 themselves to having to leave their homes, which has
16 as I mentioned before very dramatic negative effects
17 on employment outcomes, school performance and
18 physical and mental health.

19 We appreciate the City Council's recognition of
20 this tremendous need and we hope that the state and
21 federal governments will do more here because we are
22 faced with a reckoning and come June, we will see
23 tenants brought to Housing Court on a tremendous
24 scale and scale that the courts will not be able to
25

1 handle and that the city's infrastructure will not be
2 able to handle.
3

4 SPEAKER JOHNSON: And Caryn on that point, I just
5 want to hear Legal Aids thought on this. There are
6 two temporary eviction moratoriums that could apply
7 to New Yorkers right now. There's the states 90-day
8 moratorium and then there is the 120-day federal
9 moratorium that applies to properties with a
10 federally backed mortgage. Does it seem like tenants
11 and even landlords understand what protections apply
12 to them or their tenants?

13 CARYN SCHREIBER: Unfortunately, I think no they
14 don't. We are hearing from our partners around the
15 country to that. The federal moratorium is causing a
16 lot of confusion or well, confusion I guess, for
17 landlords who don't realize that people cannot be
18 evicted for nonpayment if they reside in a property
19 that has a, as you said Mr. Speaker, a federally
20 subsidized mortgage or has another subsidy attached.

21 That federal moratorium covers a certain portion
22 of tenants and other renters from again, eviction for
23 nonpayment through the end of July but it doesn't go
24 far enough. It seems to relate again only to
25 nonpayment proceedings, leaving open other types of

1
2 proceedings where nonpayment could be an issue but is
3 not explicitly stated.

4 And further, it's only I believe less or a little
5 bit more than 30-days longer than the current state
6 moratorium. So, even if more than half of New York
7 City's renters are covered by the federal moratorium,
8 come the end of July, we will see the same thing that
9 we will see at the end of June likely.

10 SPEAKER JOHNSON: Thank you. I have more
11 questions but I want to go back to the Chairs, so
12 they can get through some of their questions and then
13 we'll go to the Council Members. I can come back
14 later to ask the rest of my questions for this panel.

15 So, I turn it back to either Chair Cornegy or
16 Chair Cohen.

17 CHAIRPERSON CORNEGY: Thank you Speaker Johnson.
18 Both Barika and Mike have alluded to this fine line
19 that has to be drawn and the governor has to be
20 involved while protecting you know, tenants, small
21 homeowners as well not burdening them and it's a
22 delicate balance. As the Chair of the Committee, I
23 am also faced with doing that and I'm acutely aware
24 that the input of the state and federal government in
25 doing that is essential. I just wanted to ask

1 statistically, do you know the ratio between big
2 buildings and big building owners as landlords as
3 compared to small homeowners? I had heard that there
4 is a statistic that there actually maybe more small
5 homeowners responsible for the makeup of tenancy,
6 that it actually is big buildings. I just wanted to
7 know, I know you probably, the two of you I know you
8 probably know. I'm just curious as to what that is.

9
10 MICHAEL MCKEE: Barika, you want to go first.

11 BARIKA WILLIAMS: I mean, I actually don't know
12 that number off the top of my head but I could
13 probably get it for you in about two minutes. So, if
14 you give me a second Council Member, I can pull that
15 but I also would say one thing that's a little bit
16 challenging here is that sometimes it's not a clean
17 break between the size of the building. It's really
18 about the type of owner, right. We've seen big
19 investment firms and specifically hedge firm
20 companies buy up a series of buildings across an
21 entire neighborhood but these are one to four family
22 homes, so Bushwick is one of the places that's been
23 rampant for this. We want to treat them who have
24 investors and backers and reserves very differently
25 than the understanding of a first time homebuyer who

1 is likely being supported by some of the groups that
2 you will hear from today; Impact, Chhaya, right,
3 CNYCN, some of these groups that are really trying to
4 build new homeownership across the city. And part of
5 their ability to pay for the mortgage is that first
6 time homeowner collecting rent or in one or two units
7 of somebody that they know and they have a
8 relationship with and they are trying to support
9 their tenant. Those are two very different things
10 and the hard thing is that by slicing it just by
11 stock, they kind of get blurred together.
12

13 CHAIRPERSON CORNEGY: So, Mike, before you try -

14 MICHAEL MCKEE: Well, I don't have exact numbers
15 for you but we can certainly dig that up. The data
16 show very clearly that the majority of rent
17 stabilized apartments in New York City are owned by
18 large landlords. There is no question about that but
19 it's also true that a majority of owners are small
20 landlords who own one or two buildings. And as
21 Barika pointed out, there are small landlords and
22 there are small landlords and in fact, one of the
23 thing predatory investors have done in the aftermath
24 of the 2008 economic crisis is they went around the
25 country and bought up mobile home parks and they

1 bought up even single family homes that have been
2 foreclosed and turned them into rental properties
3 where they are gouging and evicting people.
4

5 So, the mere size of the building is not what you
6 need to look at. You need some kind of system where
7 you can actually ascertain who people are. Just for
8 example, there is a very famous landlord from
9 Brooklyn who comes to the Rent Guidelines Board every
10 year and testifies that he is a small landlord.
11 Well, when he started out doing this back in the
12 1980's, he owned one 20-unit building. He now owns
13 nine 20-unit buildings. All rent stabilized, of
14 course, now he has some deregulator departments
15 thanks to Peter Vallone and thanks to George Pataki
16 but you know, he's done very well under rent
17 stabilization. He owns 180, 9 times 20, 180
18 apartments and he bought these new building while he
19 was running his original stabilized building.

20 So, it's not cut and dried and you can't simply
21 go by the size of the building. You have to go by
22 pattern of ownership and other factors but we can
23 certainly prepare numbers for you that will help you
24 understand who owns what.
25

1
2 CHAIRPERSON CORNEGY: Well, I appreciate that but
3 I also know that it is very difficult to do that
4 because as you mentioned, you have these hedge funds
5 who are operating as individual LLC's to some degree.
6 So, trying to get the cumulative affect of their
7 buying power sometimes is difficult. We've tried to
8 look into, but you know, LLC's federally are
9 protected from who their owners are. So, we know
10 that that is happening as well.

11 I just want to be mindful because there are some
12 small homeowners who while their tenants will be
13 getting some help and some relief, they still, are
14 subject to rising energy costs and things like that
15 that kind of make it difficult. So, I'm just, I'm in
16 precarious position, I'm screaming at the governor
17 just like you guys are because we need help. We need
18 to be able to disseminate you know, who is who.
19 That's going to be very important to do and we don't
20 have a whole bunch of time to do it. So, I look
21 forward to working with the entire first panel to
22 make sure that we continue some of this apart and
23 target those that we need to target and support and
24 help those that we need to help in terms of
25 homeowners and/or landlords.

1
2 So, we got to walk and chew gum at the same time.
3 Andy?

4 CO-CHAIR COHEN: Thank you very much Rob. I'll
5 be very brief. Mike, in your testimony, you talked
6 about calls that you are taking now as a volunteer.
7 What do you tell tenants who call now who can't pay
8 the rent? Is Mike able to hear me?

9 MICHAEL MCKEE: I'm sorry, my internet is
10 apparently unstable. I keep getting this prompt
11 saying your internet connection is unstable.

12 So, I heard part of what you said Council Member.

13 CO-CHAIR COHEN: What I was wondering is you said
14 that you are volunteering and taking calls from
15 tenants. I'm just curious, what are telling tenants
16 today who call and say they can't pay their rent?

17 MICHAEL MCKEE: Well, you have to deal with it
18 first as a matter of common sense. It's a question
19 between feeding your family and paying the landlord.
20 There is no choice, you have to feed your family.

21 I do tell people that if you can put aside some
22 of the rent, you should do that because down the
23 road, just the ability to pay partial rent might be
24 useful in terms of individual negotiations in a
25 landlord/tenant proceeding. But of course, there are

1 people that can't do even that and it's you know, we
2 refer people to local community groups, we refer
3 people to lawyers when they need a lawyer. There is
4 not a lot you can tell people except that you know,
5 hunker down, and get through this and stay safe.
6

7 You can't tell people to save money when they
8 don't have an income but it all depends on the
9 individual situation when you talk to the tenant who
10 is calling in. We also have resources that we refer
11 people to -

12 CO-CHAIR COHEN: I think we lost Mike again.

13 MICHAEL MCKEE: I think there are even more who
14 won't be able to pay on May 1st and there are other
15 tenants who can pay but who are going to withhold
16 rent out of solidarity which I have no problems with
17 if they want to do that but ultimately this has to be
18 a government solution.

19 CO-CHAIR COHEN: Briefly, Caryn Schreiber from
20 Legal Aid, in your testimony also, you said that you
21 had some suggestions on possibly improving the bill.
22 I don't know if you submitted written testimony in
23 which those suggestions were made otherwise, I'm
24 interested in them.

25 Can we unmute Legal Aid? You are unmuted.

1 COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
2 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
3 LICENSING

45

4 CARYN SCHREIBER: Yes, thank you for that
5 question. We did submit written testimony that
6 outlines some our recommendations. I was out of time
7 and was unable to get to them.

8 CO-CHAIR COHEN: If you have them for the record,
9 that's fine.

10 CARYN SCHREIBER: Okay, thank you very much Mr.
11 Chair.

12 CO-CHAIR COHEN: Thank you Rob. Austen, I'm
13 done.

14 AUSTEN BRANDFORD: Great, any more questions from
15 Speaker Johnson?

16 SPEAKER JOHNSON: No, we can go to the other
17 members, I can come back after them. I don't want to
18 hold up the other members who are waiting.

19 AUSTEN BRANDFORD: Okay, sounds good. So, I will
20 now call on Council Members to ask questions in the
21 order they have used in the Zoom raise hand function.
22 I'd like to also note that Council Members Torres,
23 Yeger and Powers have already raised their hands to
24 ask questions of the Administration after their
25 testimony.

26 Council Members, please keep your questions to
27 four minutes including responses. If there is a

1 second round of questions Council Members questions
2 will be limited to two minutes. A Sergeant at Arms
3 will keep a timer and let you know when your time is
4 up. Our first question will come from Council Member
5 Yeger followed by Council Member Cabrera.

7 SERGEANT AT ARMS: And Council Member Yeger, your
8 clock will start when you begin your testimony.

9 COUNCIL MEMBER YEGER: I'm not testifying, I'm a
10 member of the Council. How are you, thank you.

11 First of all, I'd like to echo Mr. Speaker, I
12 agree with a portion of his opening statement that we
13 do need rent cancellations, we do need reductions. I
14 also believe as Mr. McKee said, and Mike McKee has
15 been a leader in tenant advocacy, so this is an
16 important point from him that that has to go hand and
17 hand with relief for landlords. So, particularly
18 small landlords, I'm not worried about the very large
19 landlords, I am worried about the small landlords.

20 Excuse me, I have some background noise, but my
21 question more importantly is to Ms. Schreiber and
22 since you are the only lawyer on the panel, I wanted
23 to ask you this question. With regard to your
24 Introduction 1912, my understanding and you can
25 correct me if I'm wrong is that the authority of a

1 Sheriff or a Marshal to execute a judgement comes
2
3 from state law. And state law particularly the CTLR
4 with respect to execution is what a Sheriff perceives
5 it contained the word shall.

6 Do you believe that the City Council has the
7 authority to supersede state law and to replace the
8 word shall when a Sheriff receives a lawfully
9 received an executed and commit execution or money
10 judgement execution or a warrant.

11 CARYN SCHREIBER: So, thank you very much for
12 that question Council Member Yeger. We believe, well
13 with regard to City Marshals specifically, that the
14 Mayor has the authority to direct City Marshals to
15 stop enforcement of judgements and that the City
16 Council has the power to legislate here as a result.

17 COUNCIL MEMBER YEGER: Okay, and that the City
18 Council, notwithstanding the fact that if a judge or
19 clerk of the court or an officer of the court signed
20 an execution that says at the top, the people of the
21 State of New York to any Sheriff or Marshal and gives
22 it to a Sheriff, the Sheriff can put it aside because
23 we passed a law that says so?

24 CARYN SCHREIBER: I think that the Sheriff would
25 not be placing the judgement aside indefinitely. It

1 could be exe- it will be executed let's say, not
2 could. It will be executed when the moratorium is
3 lifted and it would not be flying in the face of
4 state law to say that that judgement is going to be
5 paused for lack of a better word for now. Until such
6 time has passed that it makes sense for the community
7 at large for judgements to resume being enforced.

9 COUNCIL MEMBER YEGER: I appreciate that very
10 much. Well, the Sheriff is going to come on and
11 testify in a little while and I'm interested in
12 hearing his opinion on this topic. But I appreciate
13 all of the advocates who came today and the important
14 work that you do. Of the lawyers who are on the
15 front line and Mike McKee who is a legend in tenants
16 rights and tenants offenses and I'm a tenant too and
17 you know, I can pay my rent, so I'm going to and I
18 will. But there are a lot of people who are
19 suffering right now and can't. And I'm going to use
20 the remaining clock that the Sergeant has at 40
21 seconds to say that I do believe there are things
22 that the City Council can do to relieve the burden on
23 the owners in addition to the tenants because it
24 can't just be that tenants stop paying rent simply

1 because we say so and notwithstanding that they are
2 not able to afford it.

3
4 Tenants who don't pay rent and can't afford it
5 will never be able to make that up and that's going
6 to leave a hole. And we have to do it on both ends,
7 we have to help the tenants and freeze their rent and
8 we also have to help the landlords and we can do it
9 on taxation.

10 We can do something to relieve the tax burden by
11 stopping the interest payments on late payments.

12 SERGEANT AT ARMS: Time expired.

13 COUNCIL MEMBER YEGER: Okay Serg. We can stop
14 the interest on late payments and allow the owners to
15 have a little bit of float so that they don't have
16 the proverbial gun to their head on making payments
17 at the same time that they are not receiving an
18 income.

19 So, that's why your advocacy on this Mike is so
20 important because you are recognizing that it does
21 come from both ends. We can't just stop it on one
22 end, we do also have to help those people who have
23 those 20 unit buildings before they get the other 8
24 20-unit buildings.

1
2 And so, I want to thank you all. Thank you very
3 much Mr. Chair and I yield back.

4 AUSTEN BRANDFORD: Thank you. We will now hear
5 from Council Member Cabrera followed by Council
6 Member Powers.

7 SERGEANT AT ARMS: And your clock will start now.

8 COUNCIL MEMBER CABRERA: Thank you so much.
9 First, I want to wish our Speaker a super happy
10 birthday and the lord bless you and give you many,
11 many more years.

12 SPEAKER JOHNSON: Thank you.

13 COUNCIL MEMBER CABRERA: And also, I want to
14 thank the Speaker, the Chairs for being so
15 parsimonious with your questions to get to the rest
16 of us. I know I can speak on behalf of my
17 colleagues; we really truly appreciate it.

18 My question is in regards – I have a couple of
19 questions real quick. Does it make more sense to
20 have to state and the city come up with a fund that
21 pays for those who are struggling with the rent? For
22 those who were unemployed, we know the full list.
23 There are people who are employed. There are people
24 who actually make more money than ever. But we have
25 a big segment that is in a tremendous need. Doesn't

1 it make more sense to have the state and the city
2 come up with a fund to pay for those rent, just like
3 Delaware. This is not unprecedented. The State of
4 Delaware pay for the rent for all the renters?
5

6 My second question because I'm going to run out
7 of time is that if the nonprofits organizations are
8 excluded, wouldn't it make also sense to include
9 those landlords, they have the same business plan,
10 they have the same agreements with HPD when it comes
11 to, you know, many of them they have Title 11. There
12 were agreements in place to be able to have low rent.
13 And also, the last thing is Assemblywoman Inez
14 Dickens; I was in a meeting the other day and she was
15 very much afraid of landlords or minority owned
16 landlords that could essentially be wiped out if they
17 are not able to collect rent and we could see pretty
18 much the end of a generation of minorities who own
19 property.

20 So, here trying to find that balance, which I
21 know is very difficult. So, I'll turn it over to the
22 panel for some wisdom.

23 BARIKA WILLIAMS: So, I think - this is Barika.
24 I think I can pick up on the minority landlords and
25 CDC's. I think we see those as being interrelated.

1 We do have some large landlords who are minority
2 owned but by and large that's rarer in the city.

3
4 I was able to pull those numbers and just so
5 folks know, I think it's about 13 percent of
6 landlords own one building or less in New York City
7 as compared to 27 percent that own 61 buildings or
8 more. So, that's sort of the spread that we're
9 talking about. There is relatively few buildings
10 that are owned by small landlords. But in both cases
11 when it comes to CDC's, when it comes to some of our
12 community controlled, like CLT'S or our limited
13 equity co-ops and then also our MWBE developers.
14 They face slightly different challenges. Our
15 affordable housing have so many regulations that are
16 put on them by HPD but also at the federal level that
17 dictate their contracts, what they can collect in
18 rents but also what they can charge, how much they
19 can have in reserves.

20 And so, they don't have the ability to sort of
21 pull in from other buildings and other locations.
22 Likewise, though there are concerns similarly for our
23 minority developers and landlords sometimes because
24 we do know that they are underbanked and often
25 underserved.

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53

4 SERGEANT AT ARMS: Time is expired.

5 BARIKA WILLIAMS: On loans and they get higher
6 rates.

7 COUNCIL MEMBER CABRERA: Thank you.

8 AUSTEN BRANDFORD: Thanks Council Member. The
9 next person is going to be Council Member Powers
10 followed by Council Member Koo, but first I want to
11 remind everyone to identify to whom your questions
12 are directed, so they can be unmuted to. Council
13 Member Powers.

14 SERGEANT AT ARMS: And your clock will start now.

15 COUNCIL MEMBER POWERS: Great, thank you. Happy
16 birthday Mr. Speaker. I hope you are enjoying it and
17 thanks to everybody for your testimony and everybody
18 viewing at home. I hope everybody is safe and
19 healthy.

20 This is directed to any members of the panel, I
21 guess I can start with Mike McKee, but other folks
22 are obviously helpful to join in. I wanted to echo
23 some of the comments that were made earlier. I do
24 think that it's important that we, at the state and
25 local level, you know, ensure that folks are not
being evicted at this point and time based on loss of
income or inability to move out of an apartment.

1
2 There is just so many reasons why we need to make
3 sure that people have some housing stability but
4 particularly right now.

5 I am concerned that we also should be providing
6 people with the ability and a better ability to pay
7 their rent in the meantime which is good for all
8 stakeholders that we're talking about here. And you
9 know, we put out some proposals and suggest some
10 things like flexibility in terms of using the
11 security deposit to be able to pay the next months
12 rent. Obviously, that only covers one month but you
13 know to give you a bridge in the time period that
14 we're talking about.

15 My landlord has offered rent deferral programs to
16 be able to pay part of your rent or just to be able
17 to push a months rent back and pay later, which I
18 also have some concerns. But enhance rent programs,
19 things around SCRIE to enhance the SCRIE program for
20 people in need.

21 For me, it's really important that we also make
22 sure people can find ways and creative ways to make
23 sure that people have the ability to pay rent and I
24 wanted to hear ideas or thoughts on in addition to
25 just an eviction moratorium, other ways that the city

1
2 or state can be interceding to help people be able to
3 pay the rent and what creative measures you might be
4 able to employ right now to not just shift the
5 onerous over to those who own property some are mom
6 and pop, some are large but to actually assist with
7 the tenants ability to pay right now.

8 MICHAEL MCKEE: Well, that's a mouth full.

9 COUNCIL MEMBER POWERS: That's a mouth full, I'm
10 sorry.

11 MICHAEL MCKEE: I'm not sure which part of the
12 question -

13 COUNCIL MEMBER POWERS: Well, just other ideas.

14 MICHAEL MCKEE: If I could back just a little bit
15 Council Member. I think we all need to acknowledge
16 that during the 25 years that we had vacancy
17 decontrol in effect and other deregulation
18 amendments, and I want to remind you that it was not
19 the republicans in Albany who first stuck us with
20 permanent vacancy decontrol. It was the democrats in
21 the New York City Council in 1994 under the
22 leadership of Speaker Peter Vallone.

23 But during that 25 years that we had vacancy
24 decontrol and other weakening amendments in effect,
25 most of which were repealed last year, thank God.

1
2 There was a huge hit on affordability to housing, not
3 just rent regulated housing but housing in general in
4 the downstate region. And we are still living with
5 the effects of that hit on affordability. Rents are
6 much less affordable now than they were 25 years ago.
7 25 years ago, no one thought that \$2,000 a month
8 would be a normal rent in Brooklyn or Queens. In
9 fact, Council Member after Council Member that we
10 were trying to convince to vote against Peter Vallone
11 Decontrol bill from Brooklyn, Queens, and the Bronx
12 all said, "I don't have any apartments in my district
13 renting for \$2,000 a month." And we said, just pass
14 this bill and wait ten years and you will and who was
15 right? Were we right or were they right? I rest my
16 case.

17 But there are a whole bunch of things that could
18 be done. We won a lot of things last year but we did
19 not get everything we need. There was no rent
20 rollback.

21 SERGEANT AT ARMS: Time expired.

22 MICHAEL MCKEE: The apartments that were
23 deregulated were not reregulated and we did not get
24 good cause eviction passed for small buildings.
25 Those are things that need to be done.

1
2 COUNCIL MEMBER POWERS: Mike and amen and I
3 certainly don't have any apartments at [INAUDIBLE
4 1:04:26] I think at this point in my district, but
5 I'm just wondering if there are things right now you
6 think that or Legal Aid or ANHD or others that we
7 should be doing in addition to extending an eviction
8 moratorium, just as a flexibility.

9 So, I see others raising their hand, I think
10 Barika had her hand up to, so.

11 BARIKA WILLIAM: No, Council Member Powers and
12 we're happy to have those conversations and work with
13 you on some of those ideas. There's been
14 conversations around things like waiving security
15 deposits and allowing tenants to use them around
16 accessing the reserves. Around letting tenants
17 amortize their rent over the following year to break
18 a current lease early without a penalty. But some of
19 what Mike is talking about but I think sort of our
20 larger point and push and this is why it's important
21 for Council Member Cabrera's earlier question. It's
22 important for everybody to understand the scale and
23 volume.

24 So, if we were talking, there's almost 3.5
25 million rental units in just the city, assuming that

1 they rent at just \$1,000 a piece which is a low ball
2 number. So, you know, I'm rounding this down and
3 assuming that people can't pay for three months,
4 that's over a half, that's a half a billion dollar
5 price tag right there, right.

6
7 So, I think it's key for us to all sort of
8 understand what volume we're expecting and that's
9 with just five percent of people not being able to
10 pay their rent for three months.

11 COUNCIL MEMBER POWERS: Thank you. I'll give my
12 time back, thanks.

13 AUSTEN BRANDFORD: Thank you. Next, we'll hear
14 from Council Member Koo who will be followed by
15 Council Member Torres. Council Member Koo?

16 SERGEANT AT ARMS: Council Member Koo, your clock
17 will start now.

18 COUNCIL MEMBER KOO: Thank you. Happy birthday
19 Speaker and I want to thank everyone who come in to
20 testify today. And I support the spirit of the
21 intent of Intro. 1912 and 1926 but I have a few
22 questions for the first panel. You mentioned people
23 have no jobs and they have no money to pay for the
24 rent. But I thought we have this unemployment
25 insurance. Everyone has money coming from the state

1 and on top of that the federal government is giving
2 \$600 per week to adults who collect unemployment.
3

4 So, just a rough estimate, an average worker,
5 even though they are not working, they collect
6 unemployment, they will get like \$3,000 a month.

7 So, I mean, some of them might have other
8 circumstances but I think many of them are able to
9 pay their rent. If they are not able to pay the
10 rent, where did the money go? If you have \$3,000 a
11 month, per month from the government and you buy food
12 and you pay bills, and unemployment wages, everyone
13 don't pay rent. All the landlords are going to go
14 bankrupt.

15 So, how do we help all these landlords,
16 especially the small ones? Many landlords have their
17 own obligations. They have to pay mortgage,
18 utilities and property tax and don't forget property
19 tax is one third of the city revenues. If the
20 landlords don't pay tax, the city will go bankrupt
21 immediately.

22 So, we all have to understand there are good
23 intentions but then there are unintended
24 consequences. We don't want those things to happen
25 to adults. They are paying property tax to the city

1 and if they don't pay tax the city will get broke in
2 a minute. So, can any one of you answer these
3 questions?
4

5 MICHAEL MCKEE: I'll take a stab at it Council
6 Member. First of all, just let me point out that
7 most people who have filed for unemployment have yet
8 to receive any benefits at all. In fact, there was a
9 study that was released yesterday Pew Search outfit
10 that found that 29 percent of Americans; this was a
11 national survey who filed unemployment claims in
12 March have actually received unemployment benefits
13 and that means 71 percent have not. Plus \$1,200 a
14 month that the federal government has graciously
15 granted to individuals, I mean, that's a joke.

16 So, I don't really have any response to your
17 larger questions about what are we going to do to
18 keep the housing market from collapsing but
19 obviously, this has to be a government solution and
20 it's going to involve money.

21 COUNCIL MEMBER KOO: I thought if they were
22 approved, they can get unemployment retroactively.

23 MICHAEL MCKEE: Well, look, yeah but they don't
24 have it now.

1
2 COUNCIL MEMBER KOO: Well, they are soon to have
3 a bunch of money coming.

4 MICHAEL MCKEE: I have a friend who have been
5 trying to apply for unemployment for three weeks and
6 she can't get through.

7 BARIKA WILLIAMS: Mike, the other thing that I
8 would add into this is that it's very clear that
9 there are huge parts of New York City's population
10 who are ineligible to even qualify for unemployment,
11 because of their documentation status, because they
12 operated in a cash economy, because they were out of
13 employment too long prior to this.

14 So, there's also a huge set of people who have
15 been shut out, which is heavily our immigrant
16 population and our Black and Brown populations which
17 is the same set of populations that, and especially
18 for our Asian population who have suffered from this
19 crisis almost a full month before almost every body
20 else in the city, right.

21 So, I think there are some key things that we
22 know and we've heard are huge gaps in even that one
23 time stimulus check or the \$600 bump consistently.

1
2 I know there are some others; I think I saw
3 Caryn. There are some others who can speak to this
4 later.

5 COUNCIL MEMBER KOO: Alright, thank you.

6 AUSTEN BRANDFORD: Next, we'll hear from Council
7 Member Torres followed by Council Member Lander.
8 Again, a reminder to choose who you are directing
9 your questions to so we can unmute them to.

10 SERGEANT AT ARMS: And your clock will start now.

11 COUNCIL MEMBER TORRES: Thank you. I want to
12 wish the Speaker a happy birthday. I have a question
13 about harassment, I'm curious to know from any of the
14 advocates, what cases of COVID-19 harassment have you
15 seen on the ground and do you think Intro. 1936 is
16 sufficiently brought to capture those cases? And I'd
17 be curious to know what suggestive revisions you have
18 the bill.

19 CARYN SCHREIBER: Mike, do you want to go ahead?

20 MICHAEL MCKEE: Caryn, I think maybe that's a
21 better question for you.

22 CARYN SCHREIBER: Sure, thank you for that
23 question Council Member Torres. So, in terms of what
24 we would recommend, it's just a suggestion that the

1 bill could include an additional definition of a
2 person impacted by COVID-19.

3
4 We proposed including a catch all provision for a
5 person who may be impacted for the purposes of the
6 legislation but doesn't fall into one of the
7 categories listed.

8 In terms of what we are seeing on the ground, we
9 are hearing about harassment based on a perception of
10 lost income or following a renters attempts to
11 discuss with the landlord that they have lost income
12 and would like to set up some sort of payment plan
13 and in a particularly insidious turn because of the
14 eviction moratorium that's currently in place, we
15 believe that this harassment is going on to get
16 tenants to in some way voluntarily involuntarily
17 move.

18 A way of a work around, around the current
19 moratorium and we expect that this behavior will only
20 escalate and get worse as the months go by and folks
21 continue to be unable to pay some or all of the rent.

22 COUNCIL MEMBER TORRES: And I'll just make one
23 general comment here, where as a city we're facing a
24 humanitarian crisis, a nightmare that poses a
25 systemic risk to working families, to small property

1 owners, to even the city which disproportionately
2 depends on property taxes.
3

4 And as has been pointed out, you know, there is
5 risk in freezing evictions without cancelling rent.
6 And there is risk in cancelling rent without
7 subsidizing it and as far as I can tell, there is no
8 means of subsidizing without federal intervention and
9 I'm pessimistic about the prospects for federal
10 support.

11 So, in the absence of federal support, what's the
12 exit strategy from this nightmare? For me, there's a
13 real quandary about how to move forward.

14 MICHAEL MCKEE: I think your question is well
15 taken and I don't think any of us has an answer. I
16 mean, state and federal government have got to step
17 up and it's going to involve money and you know, as
18 Barika pointed out, we have thousands and thousands
19 of people who don't qualify under any of these
20 programs and they are going to be left out on the
21 cold which is why we are calling for universal rent
22 forgiveness or cancellation, not means tested.
23 Because if you have a means test, his or hers and
24 undocumented tenants, they are going to be excluded
25 and that's not right.

1
2 COUNCIL MEMBER TORRES: And it's worth pointing
3 out that many working families have been slow to
4 receive their stimulus checks because of under
5 banking. Not everyone has a bank account that allows
6 for direct deposit.

7 MICHAEL MCKEE: Right.

8 COUNCIL MEMBER TORRES: There is just infinite
9 ways in which COVID-19 has brought to light deeper
10 inequalities in America but I thank you all for your
11 testimony.

12 AUSTEN BRANDFORD: Okay. Next, we will be
13 hearing from Council Member Lander followed by
14 Council Member Louis.

15 SERGEANT AT ARMS: Council Member Lander, your
16 clock will start now.

17 COUNCIL MEMBER LANDER: Thank you very much to
18 the Chairs and I'll join in the birthday wishes to
19 the Speaker.

20 I'm going to follow up on both of Council Member
21 Torres's questions and I guess, first Ms. Williams,
22 first of all, welcome to the Council of sorts and
23 your role.

24 You know, I think you said that you would provide
25 a little data to the Council and I think after this

1 dialogue about how many New Yorkers and especially
2 what percent of tenants roughly will not be eligible
3 for unemployment insurance and federal stimulus,
4 would be really helpful here. Because it is true
5 that part of the idea of unemployment insurance is to
6 enable people to have the resources that they need to
7 pay their bill. So, it's taking too long, a lot of
8 people won't get what they need but as people start
9 to get those and it is income replacement, you know
10 that for people in something of a position to cover
11 their expenses but as you point out, there's a very
12 high percentage of New Yorkers who will not be
13 receiving any relief because of the callus
14 xenophobic. We just shouldn't let that sit as though
15 that's like reasonable. What we have are a set of
16 xenophobes running the senate and the White House and
17 as a result, a whole set of hard working New York
18 families who just as much as everyone of us on this
19 call need a place to live and food to eat are going
20 to have no relief.

22 So, I think it would be helpful if you could just
23 help us document what percent of New York tenants are
24 being left out in the cold because that is a piece of
25 why New York City and New York State have an extra

1 responsibility to step up and do something here. So,
2
3 is that something that you could help with?

4 BARIKA WILLIAMS: Yeah, absolutely.

5 COUNCIL MEMBER TORRES: And then I guess, I do
6 want to just ask a little, I understand you know,
7 Michael you're right that we need federal
8 intervention here but I do think it's worth like
9 going a little further on how we think about that
10 because if what we're saying is, some version of
11 those of us that are lucky enough to still you know,
12 have our income and you know, pay rent and pay
13 mortgage but there's a whole lot of people who can
14 you know, pay rent and pay mortgage but there's a
15 whole lot of people who can't and how that's going to
16 work its way through the system.

17 It's not that hard to imagine that the federal
18 reserve or a set of banking institutions in
19 partnership with the federal government could
20 actually imagine some reasonable guidelines. So,
21 that you know, where tenants can't pay and therefore
22 were multifamily building owners with tenants who
23 can't pay their mortgage, they can expect to relate
24 to their lending institutions in a way that says,
25 yes, we're like all in a shared crisis. Here is some

1 set of provisions for how to deal with it in ways
2 that don't put people on the streets and we haven't
3 heard anything about that at the national level. I
4 know that's not your job or the job of today's
5 hearing but I wonder, Barika, this is something that
6 you, you know, the housing market and its
7 interconnectedness pretty well. Like can you just do
8 a little more thinking with us assuming we start the
9 ball rolling with this legislation and we push it up
10 to the state with the rent and mortgage moratorium
11 legislation.
12

13 What do we expect at the level above that to kind
14 of hold our system together for the next year, not
15 put people on the street but then still leave us the
16 housing economy as we move forward beyond that?

17 BARIKA WILLIAMS: So, I mean, I think what this
18 bill and this legislation seem like they are doing is
19 creating sort of a bubble around the New York City
20 housing stock, so that when we get to what in
21 vernacular, we're all calling the 91st day. Which
22 could be at 91 or could be at 120 or right whatever
23 day that that is.

24 So, when we get to that 91st day, how are we not
25 in a place where to Caryn's point, we don't have you

1 know, thousands of people run in and file evictions,
2 right. That creates an enormous strain right there.
3 So, we want to prevent that but what we also need to
4 ensure is that we're not delaying that a year out, so
5 that we're looking at having that same exact
6 circumstance, just maybe trickled out over a longer
7 period of time or delayed a longer period of time.
8 And I think that's where it goes to okay then, what
9 is the state going to be stepping -

10
11 SERGEANT AT ARMS: Time is expired.

12 BARIKA WILLIAMS: In to do in the interim and
13 then what is the federal government going to be
14 stepping in to do and those solutions might not be
15 the same for everybody or they might not be the same
16 depending on what point and time you're in. Whether
17 it's you know, one year out or it's six months out or
18 two years out.

19 COUNCIL MEMBER TORRES: Thank you very much and
20 I'm pleased to sign onto both pieces of the
21 legislation being heard today with thanks to their
22 sponsors.

23 AUSTEN BRANDFORD: Okay, next we'll have Council
24 Member Louis followed by Council Member Chin.

1
2 SERGEANT AT ARM: Council Member Louis, your time
3 will start now.

4 COUNCIL MEMBER LOUIS: Good afternoon everyone.
5 I want to wish Speaker Johnson a very happy birthday
6 and thank you Chair's Cornegy and Cohen for hosting
7 this hearing. I'm getting a lot of emails from
8 different small businesses in regards to this bill,
9 so I am assuming this question could go to Caryn or
10 anyone on the first panel. But the question is, for
11 big businesses like Kings Plaza, City Point, those
12 locations are in Brooklyn. If they were to commence
13 an action for eviction before the New York enforced
14 policy, are City Marshals still prohibited from
15 evicting? And if so, how does 1912 help or hurt
16 small businesses? Thank you.

17 CARYN SCHREIBER: Thank you Council Member. Just
18 so I can make sure I understand your question. Will
19 City Marshals be able to evict currently or if, or
20 while the state moratorium is in effect or if the
21 1912 moratorium was in effect or all three?

22 Oh, Council Member, I think you are muted.

23 COUNCIL MEMBER LOUIS: Can you hear me now?

24 CARYN SCHREIBER: Yes, I can thank you.
25

1
2 COUNCIL MEMBER LOUIS: Perfect. Currently or
3 during the New York on pause, were they able to evict
4 after. Will they still be able to evict if they
5 already had come into action before hand and how does
6 1912 help or hurt the small businesses in the bigger
7 conglomerate? I don't know if you are familiar with
8 Brooklyn or Kings Plaza more or City Point, if there
9 was a smaller business within and they were about to
10 get evicted, before New York on pause, how does this
11 bill help or hurt them? Thank you.

12 CARYN SCHREIBER: So, it's my understanding that
13 after the moratorium ends, any notices of eviction
14 which are legally required before a Marshal can
15 execute a warrant of eviction, must be reserved.

16 So, if an eviction was scheduled for let's say
17 March 20 or maybe like March 21st, and that eviction
18 did not happen, the warrant wasn't executed. The
19 notice of eviction will need to be reserved again
20 either when you know, when they are able to, when
21 this current moratorium ends and/or when the Marshals
22 begin serving notices of evictions again in order to
23 execute them.

24 And this I mean, having notice served again is
25 extremely important whether for residential tenants

1
2 at risk of eviction or commercial tenants at risk of
3 eviction, so that the tenant is on notice and is
4 aware that the eviction can be scheduled and is
5 coming up.

6 And in terms of how a moratorium would benefit
7 small businesses that may have been at risk of
8 eviction prior to it going into effect this will
9 hopefully allow those small businesses along with
10 other renters an opportunity to devise a plan,
11 hopefully with the assistance of government funding
12 to stave off that eviction. And delaying that
13 eviction will provide some opportunity for them to do
14 that whereas right now, they don't have a chance of
15 preventing that eviction from going forward.

16 COUNCIL MEMBER LOUIS: Alright, thank you.

17 CARYN SCHREIBER: Thank you.

18 AUSTEN BRANDFORD: Now, I'll turn to Council
19 Member Chin who will be followed by Council Member
20 Grodenchik.

21 SERGEANT AT ARMS: Council Member Chin, your
22 clock will start now.

23 COUNCIL MEMBER CHIN: Thank you. Thank you to
24 the panel, thank you to the Chair and happy birthday
25 to our Speaker. What I wanted to raise is that in my

1 district particularly, I do have a lot of small
2 property owner that are legacy owners. That are
3 owned by you know, families for generation. They all
4 wanted to build things or family association based on
5 last name or the part of China that the immigrated
6 from. And they are working with their tenant and
7 trying to work with them. They are not evicting them
8 because they can't pay rent but what they are asking
9 the city for is, you know, help them out with the
10 property tax issue.
11

12 What about you know, deferring a portion of the
13 property tax or delaying payment, so that they can
14 also meet their needs? And that's something that
15 they are asking the city. At the same time, you
16 know, the water charge are going up. You know, a
17 lot of people are home, they use more water and water
18 bills are coming due.

19 So, they are really asking for deferral of these
20 payments you know, hopefully after the crisis is
21 over. So, that's something that we have to look at
22 what we can do as a city for some of these good
23 property owners who are supporting their tenant.

24 At the same time, we still have some really bad
25 property owners who are using these times to raise

1 rent. They are issuing new leases to residents and
2 they are asking for a huge rent increase or that they
3 are trying to evict them and not allow them to have
4 secession rights, that they have to fight for it. I
5 mean those are the cases that we're still getting and
6 also some landlords not providing heat and hot water.
7

8 So, I think what the bill in terms of the
9 harassment, I wanted to ask Caryn from the Legal Aid
10 Society, in terms of and maybe Mike. Is there other
11 tenant harassment issues? Are they also coming into
12 your office and to the hotline and how are we helping
13 these tenants because right now, the courts are
14 closed. But they need to prepare to fight the
15 harassment or fight the evictions. Thank you.

16 CARYN SCHREIBER: I can start Mike if that's okay
17 with you. So, in terms of certainly we are hearing
18 from tenants about landlords not maintaining
19 essential services like hot water or heat during the
20 night or even during the day when it's still cold.
21 And the housing courts remain open for those types of
22 emergency housing part proceedings related to
23 repairs. The housing courts are also open for
24 illegal evictions or lockout cases because any
25 eviction right now is an illegal eviction and

1
2 unfortunately, those types of cases are still being
3 filed. People are being unlawfully locked out of
4 their homes and certainly, we are also hearing about
5 tenants who are being made to feel that they need to
6 leave their homes because of the impact that COVID-19
7 has had on them, either as people who are potentially
8 exposed or are sick with COVID-19 or those who have
9 lost income as a result of the pandemic and the
10 shutdown.

11 COUNCIL MEMBER CHIN: Thank you.

12 AUSTEN BRANDFORD: We'll now turn to Council
13 Member Grodenchik who will be followed by Council
14 Member Rosenthal.

15 SERGEANT AT ARMS: Council Member Grodenchik,
16 your time is starting now.

17 COUNCIL MEMBER GRODENCHIK: Thank you very much.
18 Thank you Chairs, happy birthday Speaker. Ms.
19 Williams, do we have an estimate or Mr. McKee or
20 anybody, do we have an estimate on how many people
21 you feel are going to be in danger of not being able
22 to pay their rent on a long term basis in the City of
23 New York? How many units? Are we talking 10,000
24 units, are we talking 100,000? Because that is
25 really a big part of this issue here. You know if

1
2 it's 100,000, it's a big, big, big issue. If it's
3 10,000, much more manageable.

4 I think Ms. Williams is talking but -

5 BARIKA WILLIAMS: There we go. I think the best
6 way that we've had to look at the numbers, so some
7 people are looking at the numbers based on
8 unemployment. The other side and the other way that
9 we've looked at these numbers is based on the loss of
10 -

11 COUNCIL MEMBER GRODENCHIK: I don't have much
12 time; do you have an estimate?

13 BARIKA WILLIAMS: We think currently in the first
14 month and a half, it's about 30 percent loss of rent
15 role for many of our members.

16 COUNCIL MEMBER GRODENCHIK: And how many people
17 would that be with 30 percent of what?

18 BARIKA WILLIAMS: If we were looking across the
19 entire city's rental population, that would be one
20 million.

21 COUNCIL MEMBER GRODENCHIK: How many units are
22 there of rental housing in this city?

23 BARIKA WILLIAMS: About 3.5 million.

24 COUNCIL MEMBER GRODENCHIK: Okay, so that is
25 almost -

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2 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
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4 MICHAEL MCKEE: Roughly 2 million rental units.

5 BARIKA WILLIAMS: Oh, sorry, yeah, 2 million
6 rental, 1.5 homeowner.

7 COUNCIL MEMBER GRODENCHIK: Okay, well, I do
8 think you know, I was involved in the early 90's
9 because I'm old in the co-op and condo crisis when
10 you were able to take a building that had 15 percent
11 you know join and then you know, people were in
12 danger of losing everything. We were able to put
13 together in the Queens Borough Presidents Office
14 under the great leadership of Claire Shulman, we were
15 able to save the units of 20,000 homeowners in Queens
16 and it also helped of course the renters as well
17 because they weren't dispossessed either. And I
18 really think Brad Lander hit at it, but I think that
19 we are going to need a holistic solution where the
20 banks who made these loans are willing to step
21 forward and everybody, I think is going to have to
22 eat something here.

23 I'm not sure that a blanket noneviction procedure
24 will be the answer but I think we definitely need to
25 have an answer to this and I want to thank the Chairs
for leading this discussion today on these important
pieces of legislation. But I really think that we

1
2 are going to need really everybody kicking in and I
3 think my colleague Margaret Chin was also quite
4 correct in saying that property taxes are something
5 we're going to have to look at. They are out of
6 control in the City of New York. We could put liens
7 on property taxes, put a lien on an apartment
8 building until it's sold, so the city wouldn't be
9 losing out. But I think really from where I'm
10 looking at here, this is going to take a very, very
11 large solution.

12 And I thank you, I thank the panel for being here
13 today and helping me to clear my head so to speak and
14 start to think about this issue a little more
15 clearly.

16 With that I waive the balance of my time. Thank
17 you very much.

18 AUSTEN BRANDFORD: Thank you. Next, we'll turn
19 to Council Member Rosenthal and follow back to our
20 Chair's and Speaker Johnson for any final questions.

21 SERGEANT AT ARMS: Council Member Rosenthal,
22 your time will start now.

23 COUNCIL MEMBER ROSENTHAL: Thank you very much.
24 Thank you all for your testimony. I would like to
25 also try to get to some numbers and think about for

1 the purpose of helping the city bring this to the
2 attention of the federal government because I really
3 do think at the end of the day, the city is not going
4 to be able to bail out you know, renters or small
5 property owners. And of course, we all want to
6 prevent some sort of venture capitalist from coming
7 in and swooping everything up and making it ten times
8 worse.
9

10 And I'm listening to each of you go back and
11 forth on the numbers and just having a hard time
12 trying to fine tune it. You know, if you say we have
13 2 million renters, how many people in New York City
14 are on unemployment, a half a million now? Not quite
15 sure. And then add on that, everyone who can't even
16 get unemployment insurance. Can we start to quantify
17 the magnitude of it that way?

18 BARIKA WILLIAMS: So, I would say, I think one of
19 the, I'm hearing a lot about the numbers. I think
20 one of the challenges here is that these are moving
21 numbers. We're pulling things from different
22 resources. They are not disaggregated and we can't
23 line them up.

24 So, we've got a set of population primarily
25 focused in our Asian communities that were impacted,

1 had a rent loss, really largely before any of this
2 tracking started. So, put them on a months impact
3 ahead of everybody else. Then we start from
4 tracking, if we use unemployment, we're skipping some
5 of the other populations highlighted before, right.
6 If we're looking strictly at the loss of rent roles,
7 that doesn't necessarily speak to people who have
8 lost well, sorry, unemployment also doesn't speak to
9 the fact that people might be taking unemployment but
10 still trying to pay their rent or still paying a
11 portion of their rent, right.
12

13 So, that doesn't necessarily fully line up with
14 the ability to pay or not pay your rent although we
15 expect and fully anticipate that that's a core part
16 of the population that isn't able to pay. And then,
17 we've got another set of the population that isn't
18 tied to unemployment at all, it's sort of separate
19 from this. Maybe is still employed, has had huge
20 reductions in their incomes, they are working part
21 time and they are also struggling to pay rent. They
22 might be paying half, they might be paying a quarter,
23 they might be paying zero. And so, all of those
24 numbers, right and then each two weeks, we probably
25 scale that number up proportionally because there is

1
2 more and more people impacted. So, that's one of the
3 struggles right now for anybody being able to track
4 this.

5 COUNCIL MEMBER ROSENTHAL: And I would add to
6 that, how do we expect people to ever be able to make
7 up the rent? It's not going to happen.

8 BARIKA WILLIAMS: Right.

9 MICHAEL MCKEE: A lot of these jobs, they are
10 gone. They are not coming back plus there are people
11 leaving the city because of lost of income, loss of
12 employment and how you calculate this, I mean, good
13 luck with it but as Barika points out, it's a moving
14 target. It's going to be big; it's going to big;
15 it's going to be a lot.

16 COUNCIL MEMBER ROSENTHAL: Yeah, I agree with you
17 on that. I just think you know we got low -

18 SERGEANT AT ARMS: Time expired.

19 COUNCIL MEMBER ROSENTHAL: Okay, thank you for
20 keeping me on the clock, but thank you to the
21 panelists for all your hard work, everything you are
22 doing to keep our tenants safe. There is no question
23 the federal government is going to have to come in
24 and there is no question but that banks are going to
25 have to step up. That's who was bailed out last time

1 around and this time they need to bail out everyone
2 else.

3
4 Thank you.

5 AUSTEN BRANDFORD: Thank you. Just circling back
6 to Speaker Johnson for any final questions and moving
7 on to Administration testimony.

8 SPEAKER JOHNSON: Thank you Austen. I just want
9 to quickly go back and ask, is the new economy
10 project on?

11 MICHAEL MCKEE: Yes.

12 SPEAKER JOHNSON: Okay, I wanted to ask you guys,
13 you guys have been fighting for a broad set of
14 emergency measures to protect New Yorkers health,
15 safety and financial security including advocating
16 for a moratorium on debt collections in New York
17 State. Can you talk about the short and long term
18 harmful impacts of money judgements and other debt
19 collection measures on New York City's low income
20 communities and communities of color?

21 ANDY MORRISON: Absolutely, so, already debt
22 collection, predatory debt collection is a scourge in
23 low income communities and communities of color and
24 what we've seen over the years particularly through
25 our financial justice hotline is debt collectors

1 using and abusing our courts to get judgements
2 against New Yorkers violating their due process using
3 all kinds of shady tactics to get judgment and then
4 enforce those judgements against New Yorkers to
5 siphon massive amounts of wealth from communities.
6

7 So, it's an issue that exacerbates and
8 perpetuates racial and economic inequality in our
9 city and again, to underscore, these are the same
10 communities that have been particularly harmed by
11 COVID-19 and are subject to all kinds of racial and
12 economic inequities.

13 And so, in the short term, the moratorium is
14 needed as our other immediate remedies to some of the
15 issues that we've seen New Yorkers facing. In the
16 long term, what we're hearing from a lot of our
17 community partners and organizations that we've
18 worked with is that, while we need to really stretch
19 the bounds of the city's authority and our creativity
20 to address the immediate issues people are facing and
21 while we need to pressure the state and the federal
22 government to do more, we also need to be thinking
23 about building alternative institutions. And New
24 York City is fortunate in one way that it has laid a
25 lot of critical groundwork for worker cooperatives,

1 community land trusts. There's an exciting movement
2 for a public bank, which would over the long term
3 address a lot of the issues that have been surfacing
4 throughout this hearing from the banks not serving
5 communities equitably, to landlords harassing and
6 exploiting their tenants and the list goes on and on.

7
8 And so, there's a lot of excitement and
9 enthusiasm for building new institutions and economic
10 models that would create and build resiliency and
11 build institutions that are rooted economic and
12 racial justice and equity. And so, we really
13 strongly encourage the Council to be thinking about
14 that as we move into this economic recovery phase.
15 To be thinking about the types of initiatives the
16 city can adopt to really recreate an economy that
17 works for everybody.

18 SPEAKER JOHNSON: Thank you Andy and do we have
19 someone from the Community Service Society CSS on?
20 No, no one from CSS or do they need to be unmuted?

21 BARIKA WILLIAMS: I think Sergeant it's Oksana.

22 MICHAEL MCKEE: Oksana is here, online.

23 BARIKA WILLIAMS: Yeah, she's here.

24 SPEAKER JOHNSON: Okay, hold on a second.
25 Oksana.

1
2 OKSANA MIRONOVA: Thank you. Thanks, Barika.

3 SPEAKER JOHNSON: Hi Oksana, so, first before I
4 ask my question, I just want to really extend my
5 condolences to you and to the entire CCS family in
6 New York City lost a legend and you lost a colleague
7 in Tom Waters who such a giant in the housing
8 community and fighting against poverty in New York
9 City for decades and we know that COVID-19 took his
10 life and we're sending our condolences to you all at
11 CSS and the Broader Tenant Movement is mourning Tom's
12 loss as well. We really appreciate CSS's continued
13 dedication to fighting for the most vulnerable during
14 this time where your mourning Tom's loss, so thank
15 you for being here.

16 You all done a lot of work to show that many New
17 Yorkers were in crisis even before COVID. That 30
18 percent of New Yorkers were falling behind on rent
19 before the virus hit. I wanted to ask, what percent
20 of New Yorkers do you think are falling behind rent
21 right now as a result of this crisis and what are the
22 risks that those tenants are going to face and what
23 risk does the city face if we don't step up to
24 protect them now?

25

1
2 OKSANA MIRONOVA: Absolutely. Thank you and
3 thank you so much and thank you for listening to our
4 testimony and yeah, I really appreciate the statement
5 about Tom, it's difficult to believe that he's gone.

6 So, we know that from the data that was available
7 from the CUNY public health research; they've been
8 doing a survey every single week about the number of
9 people who are effected by COVID-19. And from our
10 own research about the number of people who have less
11 than \$1,000 in savings which is 70 percent of low
12 income people have less than \$1,000 in savings.

13 At the end of March, there was probably about
14 126,000 people who were I don't want to say were
15 likely to fall behind on rent but who lost most of
16 their income and also didn't have enough money in the
17 bank to make a months' worth of rent.

18 So, that's 126,000 renters, specifically in the
19 private market, so that's excluding everyone who gets
20 Section 8. Excluding everyone who lives in public
21 housing because we're making the assumption with the
22 Cares Act that their rent is going to be covered at
23 least for the next couple of months.

24 There is no guarantees beyond that but for the
25 foreseeable future. So, that's 126,000 people in

1 late March. We don't have figures for April, we
2 don't know what's going to happen in May but the
3 harsher social distancing rules went into effect I
4 think on March 16th. So, and lots of people lost
5 jobs after that, so that number is much larger by
6 now.
7

8 SPEAKER JOHNSON: Thank you. Thanks, Oxsana. I
9 just want to, yeah Barika, go ahead you are unmuted.

10 BARIKA WILLIAMS: I just, since we've gotten a
11 lot of questions about specific data, I think Oxsana
12 can probably chime in on this and tell me if she
13 disagrees, but I think one thing you all could do and
14 especially you Speaker, could maybe help us with one
15 thing we know would aid a lot of our analysis is
16 being able to get the unemployment data disaggregated
17 at something other than the citywide or county level.

18 So, when we just get that big number, it's really
19 hard to do anything with. That translates into very
20 different rents, very different numbers of people in
21 different places. One thing that we've been trying
22 to figure out with New York State DOL, I'm not sure
23 where they are but if we could get that number at
24 some sort of smaller geography and with more
25 frequency, I think that would be hugely helpful.

1 SPEAKER JOHNSON: Thank you. I appreciate you
2
3 all testifying today under these trying
4 circumstances. I want to thank all the Council
5 Members who I have been listening to all their
6 questions, very thoughtful questions, I appreciate
7 it. And I just want to say you know, the Council is
8 doing the best that we can. We are trying here to
9 give some level of protection to renters, to tenants,
10 to New Yorkers who we know are vulnerable and
11 suffering but again, I think it's just important for
12 the public to understand and realize that with one of
13 the worst economic situations the city has ever been
14 in, with a \$2.5 billion budget shortfall in the
15 current fiscal year that we're in, not even talking
16 about next fiscal year which begins on July 1st. We
17 estimate that that number is upwards of another \$5
18 billion, so we're somewhere near \$8 billion in the
19 hole and that number could grow. The city doesn't
20 have the resources and money to be doing many of the
21 things that we all know is the right thing to do,
22 which is why we need federal help and federal
23 intervention to help us here.

24 There was a bill I know that was put forward by
25 some Assembly Members and Senators calling for a \$10

1 billion program from the federal government to
2 actually compensate landlords for tenants who can't
3 pay their rent. So, landlords could still pay their
4 property taxes and real estate taxes which then
5 wouldn't undermine the city's budget.

6
7 We know there is another bill that would cancel
8 rent but by Senator Gianaris but we want to do
9 anything we can but ultimately when you've seen these
10 really outrageous statements by the Senate Majority
11 Leader Mitch McConnell, saying that states and local
12 governments should just declare bankruptcy, the human
13 impact, the toll that that would have on New York
14 City is beyond comprehension. And so, his comments
15 softened just a little bit yesterday but we know how
16 he really feels. We really need in this next
17 stimulus bill a significant amount of money for New
18 York City to protect the social safety net.

19 Our north star in this process is to protect
20 people that are vulnerable. To protect New Yorkers
21 that were struggling and vulnerable before this
22 crisis hit to protect children and seniors and
23 tenants in low income communities and communities of
24 color and immigrant communities, people that we knew

1
2 were struggling before COVID-19 slammed into our
3 city.

4 So, throughout this budget process and through
5 our advocacy to both the state and our federal
6 representatives, we are going to continue to push for
7 money and programs that will help New Yorkers that
8 need it most right now.

9 I really appreciate all of you and your
10 organizations joining us today for this important
11 call. It's a nice way to spend my 38th birthday on
12 this Zoom conference and I just wanted to thank you
13 all for being here today and I'm happy to either turn
14 it back to Chair Cohen or Chair Cornegy or to the
15 Committee Counsel so that we can hear from our next
16 witness.

17 AUSTEN BRANDFORD: I can now call on members of
18 the Administration to testify.

19 So, today we will be hearing testimony from Dana
20 Sussman of the Commission on Human Rights and Sheriff
21 Joseph Fucito of the Department of Finance. AnnMarie
22 Santiago Department Housing Preservation and
23 Development will also be available for questions.

1 Can the three of you please raise your right
2 hands. We will administer the oaths once; we will
3 unmute you to affirm individually at the end.

4 Do you affirm to tell the truth, the whole truth
5 and nothing but the truth before this Committee and
6 to respond honestly to Council Member questions?

7 PANEL: Yes.

8 AUSTEN BRANDFORD: Dana Sussman?

9 DANA SUSSMAN: Yes.

10 AUSTEN BRANDFORD: Sheriff Fucito? Sheriff?

11 JOSEPH FUCITO: Yes.

12 AUSTEN BRANDFORD: Great. AnnMarie Santiago?
13 AnnMarie?

14 ANNMARIE SANTIAGO: Yes.

15 AUSTEN BRANDFORD: Great, wonderful. You may
16 begin when you are ready.

17 DANA SUSSMAN: Alright, I think I am starting.
18 Good afternoon Speaker Johnson, Committee Chairs
19 Cornegy and Cohen and the members of the Committees.
20 I am Dana Sussman, Deputy Commissioner for Policy
21 Intergovernmental Affairs at the New York City
22 Commission on Human Rights. Thank you for convening
23 today's hearing to address the critical needs of New
24 Yorkers during the COVID-19 pandemic. We know that
25

1 many of us are now struggling and may be mourning a
2 loss of friends and family and co-workers and I want
3 to take a moment to acknowledge that during this
4 incredibly difficult time.

5
6 As you likely know, the Commission is the local
7 law enforcement agency of Civil Rights Law
8 Enforcement Agency that enforces the New York City
9 Human Rights Law, one of the broadest and most
10 protective anti-discrimination and anti-harassment
11 laws in the country, now totaling 26 protected
12 categories across nearly all aspects of city living:
13 housing, employment and public accommodations, in
14 addition to discriminatory harassment and bias-based
15 profiling by law enforcement. By statute, the
16 Commission has two main functions. First, the
17 Commission's Law Enforcement Bureau enforces the City
18 Human Rights Law by investigating complaints of
19 discrimination from the public, initiating its own
20 investigations on behalf of the City, and utilizing
21 its in house testing program to help identify
22 entities breaking the law.

23 Second, the Community Relations Bureau, which is
24 comprised of Community Service Centers in each of the
25 City's five boroughs, provides free workshops on

1 individuals right and businesses, employers and
2 housing providers obligations under the City Human
3 Rights Law and creates engaging programming on human
4 rights and civil rights issues.
5

6 Before turning to Intro. 1936, I'd like to
7 highlight some of the important work that the
8 Commission is doing to address discrimination and
9 harassment that we have seen emerging in the midst of
10 the current public health crisis posed by COVID-19.
11 In the context of the COVID-19 pandemic, we have seen
12 a multitude of ways in which the City Human Rights
13 Law intersects with the rapidly changing needs of New
14 Yorkers in crisis. Starting in January, the
15 Commission began to monitor and increase in anti-
16 Asian discrimination and harassment, including
17 scapegoating, fearmongering, and the spread of
18 misinformation, as news about COVID-19 started to
19 emerge.

20 In February, the Commission started to receive
21 its first reports of New York City-based incidents of
22 discrimination and harassment targeting Asian New
23 Yorkers. At the same time, the Commission's East
24 Asian Communities Liaison Flora Ferng and other
25 members of the community outreach team were working

1 regularly with community leaders of Asian and Pacific
2 Islander or API communities throughout New York City
3 to provide information and resources about the
4 Commission's work.
5

6 From February through mid-April, the agency
7 recorded 284 reports of harassment and discrimination
8 related to COVID-19, over 40 percent of which or 115
9 identify incidents of anti-Asian harassment or
10 discrimination. And I'd just like to note that we
11 released numbers last week. The numbers I'm
12 reporting out today are updated as of earlier this
13 week, so the numbers are slightly higher.

14 By comparison, during this same time period in
15 2019, the Commission had received just five reports
16 of anti-Asian discrimination. This influx in reports
17 and cases resulted in the Commission's April
18 announcement of the formation of a COVID-19 Response
19 Team to handle reports of harassment and
20 discrimination related to the outbreak. The Response
21 Team is comprised of staff from the Law Enforcement
22 Bureau and the Community Relations Bureau working in
23 coordination to quickly and efficiently track and
24 respond to the sharp increases in reports of
25 harassment and discrimination connected to the

1 pandemic. The COVID-19 Response Team has now taken
2 action in 176 of those reports, including, for
3 example, conducting early or emergency intervention,
4 providing know your rights information about how to
5 request a reasonable accommodation, referring the
6 individual to another service or agency, or
7 commencing an investigation.
8

9 In addition, the Commission has opened active
10 investigations into 26 matters spanning
11 discrimination in housing, public accommodations, and
12 employment on the basis of race, national origin,
13 disability, and lawful source of income.

14 Additionally, the Response Team has now successfully
15 resolved and closed ten matters of COVID-19 related
16 harassment and discrimination so far.

17 The Commission's Community Relations Bureau or
18 CRB has also held bystander intervention trainings
19 with the Center for Anti-Violence Education, which
20 provide techniques to safety de-escalate a bias
21 incident in real time and just earlier this week or
22 late last week, were recently piloted in Mandarin.

23 In early March, CRB co-sponsored community forums
24 in Sunset Park Brooklyn and Manhattan's Chinatown
25 educating Asian communities of their rights and

1
2 protections under the law. The Commission has held
3 virtual town halls, in partnership with sister
4 agencies, elected officials and community based
5 organizations highlighting workplace rights related
6 to COVID-19, reporting discrimination and harassment
7 related to COVID-19 and responding to hate and bias
8 with restorative justice measures among other topics.

9 The Commission continues to produce and promote
10 content to provide key information to impacted
11 communities on their rights in several language
12 including many of those spoken by Asian New Yorkers
13 facing heightened harassment and discrimination
14 including Cantonese, Fujianese, Korean, Mandarin and
15 Tagalog with additional language forthcoming. The
16 Commission staff currently speak over 30 languages.

17 Shortly after the outbreak began, the Commission
18 launched an online resource page outlining New
19 yorker's rights and protections around COVID-19
20 related harassment and discrimination in housing,
21 employment and public accommodations which is
22 regularly updated. The page is available at
23 nyc.gov/stopcovidhate. The commission also currently
24 has a paid campaign running on social media platforms
25

1 directing people to our resources on their rights as
2 they relate to COVID-19.

3
4 Turning now to Intro. 1936, most cases of housing
5 discrimination against a person with suspected or
6 confirmed COVID-19, or against a person carrying for
7 someone with a suspected or confirmed case, are
8 protected under the City Human Rights Law's broad
9 protections based on actual or perceived disability
10 or a person's association with someone with a
11 disability.

12 In addition, essential workers who may face
13 housing discrimination because they are at risk of
14 exposure to COVID-19 are protected by the City Human
15 Rights Law's protections based on lawful occupation.

16 The Commission's Law Enforcement Bureau has
17 directly received 228 COVID-19 related inquiries, 44
18 of which are in the housing context. The Commission
19 has provided tenants and co-op residents with
20 information regarding the City Human Rights Law and
21 in some cases, contacted management companies or co-
22 op boards to advise them of their responsibilities
23 under the law. For example, where restrictions on
24 residents to reduce the spread of COVID-19 did not
25 allow for accommodations for residents with

1 disabilities. For example, in situations in which
2 buildings are not permitting or facilitating
3 deliveries to the door of individuals with
4 disabilities unable to exit their apartment due to
5 their limitations or immunocompromise conditions,
6 COVID-19 self-quarantine, or because they are unable
7 to lift or otherwise carry packages due to a
8 disability. The Commission's Law Enforcement Bureau
9 is able to intervene and provide inquirers with
10 information about their rights to request a
11 reasonable accommodation.
12

13 While Intro. 1936 does not amend the City Human
14 Rights Law, it does amend or seek to amend the
15 Housing Maintenance code's language on protected
16 categories with respect to tenant harassment which
17 was modeled after language in the City Human Rights
18 Law to protect against harassment based on a person's
19 protected status.

20 That 2017 addition of those protected categories
21 with respect to tenant harassment and housing code,
22 allows tenants to choose whether to file a
23 discrimination claim with the Commission or can take
24 a case to housing court. Because of the substantial
25 overlap between existing protections in the City

Human Rights Law and the Housing Maintenance Code,
several of the protections contemplated in 1936
already exist to protect tenants against harassment
in housing.

As I said before, this is true for cases of both
confirmed or suspected COVID-19, or when an
individual has a relationship or association with
someone with an actual or suspected case of COVID-19,
including for example, family members who reside in
the unit.

It is important to note that if a tenant chooses
to prevent claim under this provision in housing
court, they typically will be precluded from bringing
the same claim at the Commission. Currently,
remedies in housing court are usually limited to
civil penalties ranging from \$1,000 to \$10,000
compared to remedies at the Commission, which include
uncapped compensatory damages to the victim, civil
penalties of up to \$250,000 and other affirmative
relief. Because the remedies in housing court are
more limited than at the Commission, it is vital that
tenants understand the options available to them and
are able to make an informed decision regarding the
venue they choose. To the extent that New Yorkers

1
2 experience discrimination or harassment with respect
3 to any of the protected categories articulated in the
4 City Human Rights Law, we always encourage them to
5 contact the Commission.

6 The Commission recognizes that people who have
7 COVID-19 are at risk of contracting the virus and/or
8 are essential workers must be able to live safely and
9 securely and should never, under any circumstance,
10 have to contend with discrimination harassment. We
11 are committed to working with the Council to ensure
12 that the devastating impacts of this public health
13 crisis are not unnecessarily compounded and that new
14 Yorkers can live peacefully in their homes, free from
15 harassment. We are acutely aware of the
16 vulnerabilities of New Yorkers right now and the
17 Commission is ever more committed to defending the
18 human rights of all New Yorkers, especially those
19 impacted by COVID-19.

20 Thank you for convening today's hearing and I
21 look forward to your questions.

22 AUSTEN BRANDFORD: Thank you. A quick reminder
23 that if you mute yourself, you cannot unmute
24 yourself.

25 Sheriff Joseph Fucito?

1
2 JOSEPH FUCITO: Good afternoon members of the
3 Committee on Consumer Affairs and Business Licensing
4 and Committee on Housing and Buildings. I am Sheriff
5 Joe Fucito and I am here today to discuss proposed
6 Intro. 1912.

7 Before I do, I want to take the time to thank the
8 City Council for its efforts to tackle the many
9 hardships facing New Yorkers during the COVID-19
10 pandemic and beyond. We have all been touched by
11 this crisis, my office included, with the loss of
12 loved ones. Sheriff's Public Safety Officer Serge
13 Paul passed away last week after a brave struggle
14 against COVID-19. He was a dedicated law enforcement
15 officer, husband, and father and I would be remiss if
16 I did not publicly acknowledge his dedicated service
17 and sacrifice.

18 The Sheriff's Office fully appreciates what we
19 believe is the Council's intention to provide relief
20 to New Yorkers from debilitating seizures of property
21 and monetary assets. However, Intro. 1912, while
22 well intended, raises significant legal concerns for
23 my office. The work of our Office is integrally
24 related to the work of the judicial system and
25 governed by State Law.

1 May I take a moment to provide a quick
2
3 explanation about judgement enforcement matters. A
4 judgement is the final outcome of a court case. A
5 judgment resolves the contested issues and terminates
6 a lawsuit, since it is regarded as the court's
7 official pronouncement of the law on the action that
8 was pending before it. The judgment states who has
9 won the case and what remedies are awarded to that
10 prevailing party. Remedies may include monetary
11 damages, injunctive relief,

12 or both.

13 Judgements are enforced by writs of execution,
14 which can be addressed to the Sheriff or in New York
15 City to the Marshal, commanding them to give the
16 plaintiff possession of land; or to enforce the
17 delivery of personal property which was the subject
18 of an action, or to collect the amount of the
19 judgment, depending on the relief sought in the
20 underlying case.

21 As I've described, judgment and execution
22 enforcement are mandates that come from the court.
23 They are under the governance of the State court
24 system and implemented through the State Civil
25 Practice Law and Rules. Indeed, they represent the

1 core function of the judiciary branch and the
2 ultimate expression of its independent decision
3 making authority. We believe that Intro. 1912 would
4 require actions that interfere with this well
5 established structure.
6

7 The bill assigns duties to the Sheriff that
8 presupposes the Sheriff has control over the judgment
9 and execution process. However, that is not the
10 case. The Sheriff is an officer of the court and
11 wholly guided by the exacting statutory steps set
12 forth in the CPLR which preclude the Sheriff's
13 personal judgment or outside review.

14 Courts have repeatedly held that a Sheriff cannot
15 look behind the court mandates or review them for
16 error and can be penalized for doing so. For these
17 reasons, it is our view that the Sheriff could not
18 comply with the directives of Intro. 1912 without
19 violating the panoply of State laws that govern the
20 Sheriff's role as the civil enforcement official of
21 the courts.

22 In my role as Sheriff, I am not a heartless bill
23 collector, but rather an officer of the court who has
24 the duty to enforce the laws enacted for the
25 protection of the lives, persons, property, and

1 health of our citizens. I hope that my testimony
2 today has conveyed my passion for following the law
3 and having the Office of the Sheriff working
4 productively and cooperatively for the betterment of
5 all New Yorkers.
6

7 Thank you for your time and I will now take any
8 questions.

9 AUSTEN BRANDFORD: Thank you. We will now open
10 it up for questions from Speaker Johnson and the
11 Chair's.

12 SPEAKER JOHNSON: Thank you very much. I really
13 appreciate your patience. I know you guys waited for
14 a while to testify. So, Sheriff, I want to thank you
15 for your patience and I want to give you our
16 condolences on the loss of someone in your office,
17 I'm really sorry. As you said, this is touching all
18 of our lives and we want to remember all of the folks
19 that have been serving New York City, especially the
20 city workers. So, thank you for acknowledging this
21 wonderful person who served the City of New York.

22 I wanted to ask you Sheriff; do you have any
23 policies that guide how you decide to prioritize your
24 enforcement actions? Are you trying to avoid
25 targeting low income New Yorkers right now?

1
2 JOSEPH FUCITO: Part of our protocols during this
3 COVID-19 emergency is we're looking at emergency type
4 orders and orders that affect public safety.

5 So, right now, orders of protection are still
6 being enforced, mental hygiene warrants are still
7 being enforced. Things that involve public safety,
8 we are enforcing.

9 Things that require the types of court process
10 that require the seizure of money and property, we're
11 looking at very carefully. There are certain
12 protections in place that are only available when the
13 court system is open and fully functioning. So,
14 those are items that we take a careful look at
15 because whenever we seize money or property, those
16 remedies should be available to the person. They
17 should be able to be able to go to court and look to
18 have protection granted by the court.

19 So, right now we're not conducting any property
20 seizures but that's simply because the court system
21 is not fully open and those remedies are not
22 available to them except for very limited
23 circumstances. So, the types of orders we are
24 carrying out you would be considering emergency type
25 orders.

1
2 SPEAKER JOHNSON: Sorry about that. Is it safe
3 to say Sheriff and so, I assume it is because of the
4 answer to the question you just gave. Is it safe to
5 say that you are enforcing judgments during this
6 crisis?

7 JOSEPH FUCITO: Yes.

8 SPEAKER JOHNSON: And what if you go and the
9 person says they have COVID-19?

10 JOSEPH FUCITO: Well, the idea of enforcement
11 doesn't necessarily work that way. If we have to
12 serve an order of protection on somebody and they
13 have COVID-19, the Deputy Sheriff has to serve that
14 person. So, our officers have to wear protective
15 gear. We try to have as limited contact as possible
16 the person within the confines of the order.

17 So, whatever the order tells us to do, we still
18 have to carry out even though COVID-19 is going on
19 but we can take obvious safety precautions for our
20 officers.

21 SPEAKER JOHNSON: Thank you and if the state
22 moratorium lapses, are you going to rely on the
23 courts to determine whether someone is protected by
24 the federal moratorium?

1
2 JOSEPH FUCITO: We have to. Unfortunately, in my
3 role as Sheriff, while I have personal opinion and
4 like said, my personal feeling is I think that these
5 concepts are very good to explore. In my role as
6 Sheriff, I have to be somewhat agnostic and stand
7 offish, neutral. I can't really weigh in on these
8 positions and I have to rely on the court to be the
9 best guide for what the Sheriff is supposed to do.

10 SPEAKER JOHNSON: Thank you Sheriff and thank you
11 to the members of the Administration. I turn it back
12 to the Committee Counsel.

13 AUSTEN BRANDFORD: Thank you Speaker. Any
14 questions from the Chair's?

15 CO-CHAIR COHEN: Austen, I'm going to defer. I'm
16 going to let the Committee Members ask and then I'll
17 come back.

18 AUSTEN BRANDFORD: Okay, great. I will now call
19 on Council Members in the order they have used the
20 Zoom raise hand function with a quick reminder that
21 Council Members Torres, Yeger and Powers raised their
22 hand previously to ask questions at this time.

23 Council Members, please keep your questions to
24 four minutes including responses. If there's a
25 second round of questioning, Council Member questions

1 will be limited to two minutes. The Sergeant at Arms
2 will keep a timer and let you know when to start and
3 when your time is up. We will begin with Council
4 Member Torres followed by Council Member Yeger.
5

6 SERGEANT AT ARMS: And your clock will start now.

7 COUNCIL MEMBER TORRES: Thank you. I have a
8 question for the Sheriff. Sheriff, imagine for a
9 moment the Council were to go forward with Intro.
10 1912, so it's the law of the city and then a judge
11 were to issue an eviction warrant. In the event of a
12 conflict between the local law and a judicial order,
13 how would the Sheriff's respond and I'm curious to
14 know how the Marshal's respond. I know DOI is not
15 present at the moment but what would you do in the
16 event of a conflict between a judicial order and the
17 local law?

18 JOSEPH FUCITO: The law is very clear on it.
19 That the Sheriff can't look behind a judgement. In
20 fact, most of the case law in New York involving a
21 Sheriff questioning an order happened here in New
22 York City and it's a very well settled law that if
23 the Sheriff is ordered to do something, he can't look
24 behind the reasoning of the court and he must carry
25 out the mandate according to its command. That was

1 the whole principle by having a Sheriff be the
2 ministerial officer for the court and for the Sheriff
3 carrying out those duties, the Sheriff is granted
4 quasi-judicial immunity. Meaning that even if that
5 action were to disobey a current law, a Sheriff would
6 be immunized for carrying it out. That is the
7 protection that is granted the Sheriff because he is
8 carrying out the will of the court.
9

10 COUNCIL MEMBER TORRES: So, even if we were to
11 enact the law, you would not enforce it over a
12 judicial order, is that—

13 JOSEPH FUCITO: If the Sheriff fails to act, he
14 can be held in contempt. There are two types of
15 contempt in New York State. There is a criminal
16 contempt which is punitive and there's a civil
17 contempt which is coercive. The court could apply a
18 criminal contempt to me which would jail me for 30-
19 days and a civil contempt which could jail me
20 indefinitely until I perform the act.

21 An example was recently you had a county clerk
22 who refused to take marriage licenses. That's a
23 ministerial act and if a Sheriff is required to carry
24 out a ministerial act and he refuses; he faces
25

1 probably the most severe punishment available under
2 the law for an officer.

3
4 So, I face both a personal liability, criminal
5 and civil but if I carry out the order, I am fully
6 immunized and I have the full backing of the court to
7 do so.

8 COUNCIL MEMBER TORRES: So, since you're an agent
9 of the state court, neither a federal and/or a local
10 moratorium is viable without the buy in of the court,
11 is that what you are saying?

12 JOSEPH FUCITO: Yes. Unfortunately, the court in
13 the court room, the courts process really controls
14 what the Sheriff does and since the Sheriff has no
15 ability to look behind the courts order, then
16 whatever the court tells the Sheriff to do, the
17 Sheriff must do. The Sheriff leaves these issues for
18 the litigation in court. That's why a lot of civil
19 process has a notice requirement. The Sheriff give
20 notice before he does something and that gives the
21 person the opportunity to go to court to make these
22 claims.

23 Many of these issues that you are bringing
24 forward are claims that would be appropriately made
25 in court not to the Sheriff.

1
2 COUNCIL MEMBER TORRES: This might be a question
3 for HPD but suppose in the absence of a moratorium,
4 is there anything that the city could do, the Council
5 could do to address egregious case of rent gouging in
6 an attempt to exploit the COVID-19 crisis?

7 DANA SUSSMAN: So, I don't know that we are
8 prepared to comment on that. I haven't heard that as
9 a suggestion at this point Council Member but we can
10 certainly take that back to see if there has been any
11 discussion around that particular issue.

12 COUNCIL MEMBER TORRES: Thank you. I see my time
13 is about to expire, so thank you for affording me the
14 opportunity.

15 AUSTEN BRANDFORD: Thank you. Now, we'll hear
16 from Council Member Yeger followed by Council Member
17 Powers.

18 SERGEANT AT ARMS: And your clock will start now.

19 COUNCIL MEMBER YEGER: Thank you very much.
20 Sheriff, thank you for being here. First, I just
21 want to echo Mr. Speaker's comments anytime somebody
22 in our greater family of New York City employees is
23 taken, it's a shock not just for the greater system
24 but obviously to the employees who are close with
25 that person and your office being the small office

1 that it is, I'm sure, I have no doubt that it's
2 hitting you folks at the Department of Finance pretty
3 hard and I want to express my condolences.
4

5 Sheriff, in your opening testimony and in
6 Councilman Torre's questions, you really did allude
7 to many of the items that I wanted to talk to you
8 about today and some of which I discussed with the
9 earlier panel. But I just, I want to get some more
10 information a little bit, just so that we can have
11 some clarity.

12 So, if I may, when did you start working at the
13 Sheriff's office?

14 JOSEPH FUCITO: 1988.

15 COUNCIL MEMBER YEGER: Okay, so I'm going to say
16 at least for myself, as for a good number of my
17 colleagues in the Council. I would think it's fair
18 to say you probably have a greater understanding of
19 your powers and authorities than I do. I just want
20 to focus I think on some of the remedies. Since it's
21 so clear to me that this law cannot be enforced.
22 Introduction 1912. If it were to be enacted, you
23 would not be legally allowed to follow it under any
24 circumstances.
25

1
2 I don't doubt for one second that the Mayor would
3 not fire you for not following an unlawful act of
4 this Council. I know for sure that the Mayor values
5 his oath. I know you value your oath. I value my
6 oath as a member of the Council but I also value my
7 oath as an officer of the court and a Sheriff is an
8 officer of the court, an arm of the judicial system.

9 So, I want to focus on some of the remedies that
10 can be done instead. My understanding obviously is
11 that your powers come from the CPLR and from state
12 law but clearly, if the Chief Judge of the State of
13 New York were tomorrow to issue an order directing
14 judges in the state that they may not issue
15 execution, is it fair to say that you would not
16 receive executions because judges would stop issuing
17 them?

18 JOSEPH FUCITO: Yes, if the court directed us, we
19 would do it.

20 COUNCIL MEMBER YEGER: Alright, so you know the
21 obvious solutions to these problems don't come from
22 the well intentioned efforts here in the Council, but
23 the notion that there are places in this state that
24 govern your activity and you do not have the ability
25 to decide to refuse to execute on an execution that

1
2 you receive but more to the point that you stated
3 earlier, there are remedies should you receive an
4 execution.

5 Number one, is there are notice provisions,
6 correct?

7 JOSEPH FUCITO: Correct.

8 COUNCIL MEMBER YEGER: Okay, and number two is
9 when you actually seize property, you don't
10 immediately that day or the next morning turn it
11 over. You actually hold it for quite a while to
12 allow for within the confines of the Sheriff, so that
13 the debtor can actually collaterally attack the
14 execution and the underlying judgment if necessary,
15 is that correct?

16 JOSEPH FUCITO: Correct.

17 COUNCIL MEMBER YEGER: Well, there are remedies
18 as we know. My concern of course is as I've said
19 Sheriff and you may not necessarily be aware of this
20 but I say this for the greater public, I have in my
21 time in the Council been, I believe, very protective
22 of the authorities of the Council. I believe that
23 the council has authorities as it is stated in our
24 Charter and under state law but it is limited and
25 when it is limited, we should not try to cross that

1 line. We should respect the authority of the law.

2
3 In this case the state is the place that needs to
4 make these instructions to you and I would suggest to
5 my colleagues that is a better way to go with respect
6 to the good intentions of this law and with that I
7 yield back my time, thank you.

8 AUSTEN BRANDFORD: Thank you. Next, we will be
9 hearing from Council Member Powers followed by
10 Council Member Cabrera.

11 COUNCIL MEMBER POWERS: Mr. Sheriff, how are you
12 doing?

13 JOSEPH FUCITO: How are you sir? Nice to see
14 you.

15 COUNCIL MEMBER POWERS: Nice to see you again. I
16 hope you are hanging in there. I'm very sorry to
17 hear about your employee or your colleague that
18 passed away and wishing all of you the best. And
19 thank you to everybody else as well from HPD and
20 Human Rights.

21 Just two very quick questions, just as I'm
22 looking at this, the 1912, we were told by tenants
23 today and I actually have a legislation around
24 security deposits in the City Council and I'm
25 wondering if on the other side of this equation,

1 would your ability to do money judgments, I'm just
2 looking at the bills. Would you ability to do money
3 judgements here affect a tenant who is suing the
4 landlord to get their security deposit returned to
5 them and would you be able to take action in that
6 case?
7

8 JOSEPH FUCITO: Well, supposing that there was a
9 ban and as I said earlier, we don't think we would be
10 able to carry through on it. The ban would work both
11 ways. In fact, it would probably impact; the state
12 has a tribunal community and housing renewal. They
13 actually have a tribunal where they award triple
14 damages to a tenant who has been rent overcharged.

15 So, the workings of the justice system on both
16 sides would be impacted by this type of legislation.

17 COUNCIL MEMBER POWERS: Meaning that If there was
18 a rent overcharge or I guess a security deposit
19 issue, you would and you were meant to on behalf of
20 the tenant help them out or restore their money or
21 damages that you would - at least for this period of
22 time be able to do that?

23 JOSEPH FUCITO: Correct, the Sheriff is
24 everyone's Sheriff. We carry out the mandates of the
25

1 court and everybody is entitled to have their
2 judgement enforced impartial.
3

4 COUNCIL MEMBER POWERS: Understood and you would
5 be able to then do it after this period ended? You
6 know, I understand there is a constitutional question
7 here that you are raising but let's just say we were
8 able to figure that issue out, you would be able to
9 do it but it would be at the end of that period and
10 time.

11 JOSEPH FUCITO: I don't want to speak to what the
12 legislation would look like. I could only speak to
13 if the appropriate remedies were available to stop
14 the Sheriff, the Sheriff would be stopped and we'd
15 follow the directions that we're authorize to follow.

16 COUNCIL MEMBER POWERS: Okay, and I applaud this
17 because I don't always know the exact intersection of
18 where you hand over to the Marshals but I know the
19 Marshals have some jurisdiction over things like
20 parking tickets and I think other tickets that are
21 unpaid in the city.

22 JOSEPH FUCITO: A quick reference. The Sheriff
23 is a law enforcement agency. We are like a small
24 police agency that handles the enforcement of court
25 orders. The courts that we handle are all the courts

1
2 in New York City. So, all the courts in the city and
3 the state. The Sheriff is the enforcement officer.
4 The Marshal is the enforcement officer for the civil
5 court of the City of New York.

6 They work in a similar fashion but I don't want
7 to speak for them.

8 COUNCIL MEMBER POWERS: Okay, and I think I am
9 confident that they will be you know, probably
10 testifying later today. But just my question that
11 is, maybe you can speak on this issue and then I'll,
12 if the Marshals do testify, I'll ask this question.

13 For things like red light camera tickets,
14 speeding tickets, I guess parking tickets too. Is
15 that impacted by this legislation if we are looking
16 to - I guess it takes some action related to things
17 that many issues we talk about like speeding and red
18 light cameras and things like that.

19 JOSEPH FUCITO: Yes.

20 COUNCIL MEMBER POWERS: How is that impacted?

21 JOSEPH FUCITO: Most of these public safety
22 judgment enforcement in the city relies on judgement.
23 So, like, building code violations, fire code
24 violation, speeding violations, all of those
25

1 ultimately culminate into a decision that's docketed
2 with the New York City Civil Court as a judgement.
3

4 COUNCIL MEMBER POWERS: And that would be put on
5 pause for the time period.

6 JOSEPH FUCITO: Yes, the legislation has that
7 view.

8 COUNCIL MEMBER POWERS: Okay, great, thank you.
9 Thanks for answering my questions, but my times up
10 anyway. Thanks.

11 AUSTEN BRANDFORD: Thank you. We'll now here
12 from Council Member Cabrera followed by Council
13 Member Chin.

14 SERGEANT AT ARMS: And your clock will start now.

15 COUNCIL MEMBER CABRERA: I'm going to use a very
16 short amount of time because my questioned was
17 answered by the questions that were asked by my
18 colleagues.

19 Thank you so much, I'll pass.

20 AUSTEN BRANDFORD: Council Member Chin?

21 SERGEANT AT ARMS: Your clock will start now.

22 COUNCIL MEMBER CHIN: Yes, thank you. Thank you
23 to the panel. I first wanted to really thank the
24 Deputy Commissioner Sussman from Human Rights
25 Commission for working with our community, in

1 fighting xenophobia and hate crime and we got to do
2 more to educate. I think the bystander training are
3 great. My staff is all taking it and we want to urge
4 more people to report the hate crime that is
5 happening unfortunately.

6
7 My question is, two things, I don't if someone
8 from Department of Finance is here. One of the
9 things that I talked about earlier was you know,
10 support for property owners, small property owners
11 who are providing affordable housing, rent regulated
12 housing and they need relief and I talked about
13 property tax deferral but we know the city needs
14 money and the only way we can get out of this mess is
15 we get the federal dollars. But in our City Council
16 response to the Mayor that I think there was
17 precedent set I guess back in the economic crisis in
18 the 70's that large property owner, commercial
19 property owner that could afford to pay property tax
20 up front, that we should encourage them to do that so
21 that we can give a deferral program to the smaller
22 property owner who are providing affordable housing
23 in our district.

1 I don't know if anybody can answer that. If
2 there is anybody from Department of Finance. If not,
3 we'll bring it back to the Administration.
4

5 And the other question is to Deputy Commissioner
6 Santiago in HPD. You know, during this time, as I
7 said, we still have predatory landlords, bad
8 landlords who are still doing tenant harassment. So,
9 I'm just interested to see like, how many cases have
10 HPD been working on? The Commissioners HIPAA rights
11 gave us some really good statistics in terms of
12 complaints and so, if you can address that issue,
13 that would be great.

14 ANNMARIE SANTIAGO: So, as you know the Mayor has
15 supported us greatly in tenant harassment initiatives
16 and HPD had started and has an anti-harassment unit,
17 which tenants can contact and we have continued to
18 receive complaints during this period.

19 Most are around heat, hot water. We are still
20 responding with inspections to those conditions and
21 we're taking information from tenants to follow up
22 once we're in a better state to do full building
23 inspections because that is what mostly what the
24 anti-harassment unit does.
25

1
2 So, we've received about 60 complaints during
3 this period and we're continuing to reach out to all
4 of those tenants who contact us to make sure that
5 once we can continue with our anti-harassment
6 inspections, do inspections for violations,
7 conditions in the buildings, we will be ready to
8 continue that.

9 COUNCIL MEMBER CHIN: Do you know if all those
10 complaints came in through HPD or are some of them
11 from referrals, from elected officials office or
12 could maybe base -

13 ANNMARIE SANTIAGO: The vast majority have been
14 through 311 who refers them to HPD.

15 COUNCIL MEMBER CHIN: Okay, alright. Thank you.

16 ANNMARIE SANTIAGO: Your welcome.

17 AUSTEN BRANDFORD: Thank you. We will now circle
18 back to our Chair's and Speaker for any final
19 questions for the Administration before moving to
20 public testimony. Chair's?

21 CO-CHAIR COHEN: I appreciate that. I did want
22 to say thank you to the Administration for your
23 patience. I know the hearing has been long, so I
24 want to say thank you for that.

1
2 To HPD, I wonder if I really, maybe I should have
3 asked this at the last panel but I'm of some thought
4 that perhaps you know, eviction is a legal proceeding
5 in the state of New York. Housing court is uniquely
6 set up to deal with those and we've talked about you
7 know, tenants and landlords and property owners all
8 differently situated. Maybe housing court isn't
9 really the best place to try to sort this out as the
10 time, when the time comes, as opposed to looking, I
11 mean it would be great to find some macro policy that
12 just solved everyone's problem in one great piece of
13 legislation but I wonder if HPD has any thoughts on
14 you know, maybe the individualized approach at
15 housing court might be the way to go, or if you have
16 thoughts one way or the other.

17 ANNMARIE SANTIAGO: I think as some of the
18 advocates said, housing court would be totally
19 overwhelmed if and when we ever got to a position
20 where all of these cases and all of these people,
21 that they are talking about at risk, wound up in
22 eviction proceedings or wound up in some other
23 proceedings in housing court.

24 I think the Mayor you know, is continuing to look
25 and has advocated for a lot of the initiatives that

1
2 have been talked about today. Again, we continue to
3 look to our federal and state partners for financial
4 support. You know, getting ahead of this before it
5 has to come before housing court or any other type
6 of, I think judicial or administrative body on an
7 individual case by case basis, is really how this
8 would have to be addressed.

9 So, I know that there are many people working on
10 this issue looking for guidance, looking for support
11 from outside the city and I think that that would be
12 the way that we all should continue to push.

13 CO-CHAIR COHEN: I certainly agree that obviously
14 that we need federal support. I know that you know,
15 the Speaker has been a very loud voice on that. I've
16 spoke to my congressional representative about the
17 city's needs. I know that we all will.

18 Thank you very much. Austen, do we have
19 everybody?

20 CHAIRPERSON CORNEGY: I just wanted to ask one
21 point question.

22 CO-CHAIR COHEN: Oh, please Rob.

23 CHAIRPERSON CORNEGY: Sorry. I'm pretty sure
24 that with this esteemed group of Council Members this
25 may have been asked, but I'm just curious whether or

1 not there's a belief that there is enough resources
2 to actually effectively and efficiently look at
3 tenant harassment cases.
4

5 So, I don't know if someone asked. I don't know
6 if there is a complaint being made by HPD about the
7 staff size and the requirements now that have
8 expanded their duties but I'm just curious as to
9 whether or not there is an opinion that the necessary
10 resources are already in existence or are there more
11 resources needed to do this job? Especially the job
12 of investigating these cases effectively.

13 ANNMARIE SANTIAGO: So, I think there are a
14 couple of different issues on the table here Council
15 Member. So, you know that the Mayor is in full
16 support of anti-tenant harassment measures and I
17 think between HPD, DOB, HRA, a number of agencies who
18 deal with tenant harassment generally a lot of
19 resources have been put forth.

20 If you are speaking specifically about the COVID
21 related cases that we are talking about today, I
22 don't want to speak on behalf of the commission who
23 testified about their resources and what they've been
24 doing. So, I would defer to them, specifically in
25 that area.

4 CHAIRPERSON CORNEGY: Well, I won't hold up
5 moving forward because again, I believe that my
6 colleagues who I am very proud of, of being a member
7 of this body, have probably asked questions that are
8 relevant to the questions that I was going to ask.
9 So, thank you though for appearing today.

10 ANNMARIE SANTIAGO: Your welcome, thank you.

11 AUSTEN BRANDFORD: Great, with no further
12 questions from Chair's, we'll be turning to public
13 testimony. Thank you all for waiting.

14 I'd like to remind everyone that unlike our
15 typical Council hearings, we'll be calling
16 individuals one by one to testify. Once your name is
17 called, a member of our staff will unmute you and the
18 Sergeant at Arms will give you the go ahead to begin.

19 Your testimony will be limited to two minutes and
20 a Sergeant at Arms will let you know when to begin
21 and when your time is up.

22 Please wait for the Sergeant at Arms to announce
23 you can begin before delivering your testimony. I
24 would now like to welcome Ava Farkas to testify.

25 SERGEANT AT ARM: Ava, your clock will start when
you begin your testimony.

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

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1
2 AVA FARKAS: Sorry, I just heard my name, can you
3 give me one second.

4 Okay, thank you very much, thank you. I just
5 wanted to thank Speaker Johnson and the Committee on
6 Housings and Buildings and the Committee on Consumer
7 Affairs and Business Licensing for having this
8 hearing.

9 My name is Ava Farkas and I am here to testify in
10 strong support of Intro.'s 1912 and Intro. 1936. Met
11 Council's mission is to fight for housing as a human
12 right. The fact that it is not a human right has
13 exacerbated this current COVID-19 crisis and its
14 health impacts.

15 92,000 New York State residents are homeless and
16 cannot shelter in place and if we do not have a plan,
17 post eviction moratorium then millions more will find
18 themselves in the same predicament.

19 I want to thank members of the City Council for
20 supporting one of the critical services that Met
21 Council provides which is our tenant rights hotline,
22 which is now more important than ever for New
23 Yorkers.

24 Our hotline calls are confirming what everyone
25 knows that tenants who were barely able to afford

1 their rent before the pandemic are completely unable
2 to now. Our hotline calls have gone from questions
3 about getting repairs to questions almost exclusively
4 about inability to pay the rent, either due to
5 layoff, reduction in hours or a roommates layoff or
6 reduction in hours. We have also gotten at least one
7 call from a healthcare worker whose roommate and
8 primary tenant has been harassing her into leaving
9 the apartment before her sublease is up. So, Intro.
10 1936 is critically important.
11

12 In addition, we conducted a survey with our base,
13 556 people responded, so this is a self-selecting
14 survey but I want to share the data with all of you.
15 Of the 556 people who took our survey about how
16 COVID-19 is impacting their ability to pay rent, 80
17 percent –

18 SERGEANT AT ARMS: Time is expired.

19 AVA FARKAS: Sorry. My time up?

20 AUSTEN BRANDFORD: If you have additional
21 testimony, we will review all written testimony
22 submitted.

23 AVA FARKAS: Okay.
24
25

1
2 AUSTEN BRANDFORD: We will make sure we look at
3 it. Alright, next, I would like to welcome Julia
4 Duranti-Martinez to testify.

5 SERGEANT AT ARMS: And Julia, your clock will
6 start when you begin your testimony.

7 JULIA DURANTI-MARTINEZ: Hi, good afternoon
8 Chair's Cohen and Cornegy and Committee Members and
9 thank you for the opportunity to testify.

10 My name is Julia Duranti-Martinez and I'm a
11 Campaign Coordinator at New Economy Project. As my
12 colleague Andy Morrison noted on the first panel, in
13 addition we are also working to expand community land
14 trust in New York City, including through a citywide
15 community land trust discretionary funding
16 initiative.

17 We welcome the steps the Council has taken to
18 combat housing discrimination and displacement during
19 the COVID-19 crisis through Intro.'s 1912 and 1936.
20 In addition to protecting New Yorkers from harassment
21 and evictions, it is critical that Council support
22 community led institutions like Community Land Trust
23 to ensure a just recovery in New York City's
24 communities of color and to the communities interest
25

1 and lease use of the land for permanently affordable
2 housing and other local needs.
3

4 As community governed organizations, CLT'S have
5 the relationships and trust to address rapid response
6 needs during times of crisis and more than a dozen
7 emerging CLT's citywide are engaged in COVID-19
8 mobilization efforts from conducting wellness check
9 calls to residents and connecting tenants to legal
10 assistance to distributing food and supplies to
11 elderly and homebound community residents.

12 Nationally, CLT's also have a track record of
13 stabilizing housing for low income families in
14 communities, including preventing park closures in
15 the wake of the 2008 financial crash and aiding in
16 recovery efforts after the hurricanes in Puerto Rico.

17 Now more than ever, New York City has to invest
18 in proven community led solutions like CLT'S to
19 strengthen and stabilize neighborhoods that have long
20 born the brunt of housing in public health crisis.

21 We urge City Council to sustain and expand its
22 support for CLT's and community led cooperative
23 economic development. We are calling for renewed
24 fiscal year 2021 discretionary funding which will
25 directly support the hardest hit neighborhoods and

1 build institutions that will be crucial to prevent
2 evictions, foreclosures, and speculation in the wake
3 of economic devastation brought by COVID-19.
4

5 SERGEANT AT ARMS: Time expired.

6 AUSTEN BRANDFORD: Thank you. We would now like
7 to welcome Joseph Condon to testify.

8 SERGEANT AT ARMS: Joseph, your clock will begin
9 when you begin your testimony.

10 JOSEPH CONDON: Good afternoon and thank you for
11 the opportunity to provide testimony. Thank you,
12 Committee Chairs, thank you Speaker Johnson. My name
13 is Joseph Condon and I am providing this testimony on
14 behalf of the Community Housing Improvement Program,
15 also known as CHIP.

16 CHIP is an organization made up primarily of
17 small and medium sized owners and operators of rent
18 stabilized housing in New York City. Our members run
19 hands on small businesses by managing their own
20 buildings and becoming long term fixtures in their
21 communities.

22 During the COVID-19 pandemic, these members and
23 their staff are on the frontlines making sure people
24 have safe, clean properly functioning apartment
25

1 buildings to live in while the shelter in place order
2 is in effect.
3

4 Because our members are community oriented, they
5 are extremely sympathetic to the painful financial
6 circumstances that COVID-19 has created. According
7 to a survey of our members, more than 50 percent of
8 them have already entered into payment agreements
9 with tenants who have been impacted by COVID-19.

10 Another 25 percent of our members who responded said
11 that they expect to offer some relief on a case by
12 case basis moving forward and almost all of our
13 members have provided information on employment
14 benefits and other benefits to their tenants.

15 Now, we understand that not everyone who has lost
16 income will be eligible for those benefits, nor will
17 those benefits make up all of the lost income for
18 those who are eligible. But CHIP members and other
19 property owners are working with these tenants to
20 figure things out. Property owners and managers are
21 in the best position to deal with a variety of
22 circumstances tenants are facing. But if everyone
23 else who can pay rent just stops paying, the ability
24 of an owner to provide relief to those who can't get
25 it anywhere else is significantly diminished.

1
2 Despite this being a time where we need to put
3 politics aside and work together, many tenant
4 activists are using the COVID-19 crisis as an
5 opportunity to push a political agenda. Cancelling
6 rent without also providing relief for the expenses
7 of small property owners is not a workable option and
8 should not be realistically considered by these
9 committees, unless there is some commencement relief
10 on the expense side.

11 SERGEANT AT ARMS: Time up.

12 JOSEPH CONDON: Relief in the area of property
13 taxes is an excellent compliment to any moratorium.
14 Between 30 and 40 percent of a tenants rent payment
15 goes to the city in the form of property taxes but
16 only focusing on one side of the equation, these
17 proposals add fuel to the political fire of anti-
18 housing activists who are calling for a rent strike
19 for all. This is one of the main reasons CHIP
20 opposes 1912.

21 CO-CHAIR COHEN: Thank you for your testimony.

22 JOSEPH CONDON: Thank you.

23 AUSTEN BRANDFORD: Thank you. We'd now like to
24 welcome David Chemtob to testify.

25

1
2 SERGEANT AT ARMS: David, your clock will begin
3 when you start your testimony.

4 DAVID CHEMTOB: Can everyone see me? Can you
5 hear me?

6 CO-CHAIR COHEN: Yes.

7 DAVID CHEMTOB: Okay, dear honorable members of
8 the New York City Council. Thank you for hearing my
9 testimony today. Now that you are considering new
10 legislation in the wake of this COVID-19 pandemic to
11 allow tenants not to pay rent. I would like to ask
12 the Council Members who are in favor of this a few
13 questions. Landlords are currently providing crucial
14 and essential services to their tenants. Those
15 essential services could only continue if landlords
16 could continue to collect their rent. Specifically,
17 how are landlords expected to pay for heat and hot
18 water if tenants are not going to be paying rent?
19 How do you expect landlords to pay for water and
20 sewage that allows tenants to take showers and to go
21 to the bathroom?

22 Landlords are paying supers and porters to put
23 the garbage that tenants are generating today. How
24 will landlords continuing to clean up and mop public
25 spaces without the critical cash flow that comes from

1 rent collections? How does City Council expect
2 landlords to pay property taxes without rent?
3
4 Property taxes have skyrocketed in the last three
5 years to a level as equal to 35 percent of our rental
6 income. Why is the landlord trying to collect termed
7 as harassment? Is a landlord not entitled to collect
8 rent for providing shelter, heat, hot water, and
9 cleaning services and etc., to their tenants?

10 Why are we even using the term harassment? All
11 we want to do is just collect the rent on an
12 apartment so we can continue paying our property
13 taxes, paying our supers, paying the oil company
14 that's going to deliver oil tomorrow.

15 We got to pay ConEdison to keep the elevators
16 rolling. Why is government considering to throwing
17 the burden of this pandemic completely on the
18 landlords? Why is City Council not considering a
19 bill to allow people to walk into a local
20 supermarket, pick up some groceries and walk out
21 without paying?

22 SERGEANT AT ARMS: Time expired.

23 DAVID CHEMTOB: Thank you and good luck.

24 AUSTEN BRANDFORD: Thank you. We would now like
25 to welcome Kenneth Litwack to testify.

1
2 SERGEANT AT ARMS: Kenneth, your clock will begin
3 as you start your testimony.

4 KENNETH LITWACK: Good afternoon Chairman
5 Cornegy, Cohen and Speaker Johnson and the members of
6 the Committee. I want to thank you for this
7 opportunity to testify before you today on behalf of
8 the Marshals Association of the City of New York. I
9 am going to speak in opposition to Intro. 1912.

10 Since 1979, when I was first appointed as Council
11 in the Inspector General to the New York City
12 Sheriff, I've been involved in this aspect of the
13 law. I became Director for the Marshals Bureau for
14 the New York City Department of Investigation after
15 serving for the Sheriff and that is the unit that is
16 responsible for regulating New York City Marshals
17 pursuant to state law. I'd like to point out to you
18 that Marshals employ approximately 250 people or New
19 Yorkers whose lives would be deeply impacted by the
20 long term disruptions to their operations.

21 Our first objection to Intro. 1912 is that the
22 City Council does not have the jurisdiction or legal
23 authority to enact such a measure. There is no
24 statutory basis that would permit the City Council to
25 restrain a Marshal or a Sheriff's functions.

1 Marshals act pursuant to court orders which command
2 them to act and are part of a complex system where it
3 is the duty of judges to determine the special
4 circumstances of a particular case.
5

6 Section 16092 of the New York City Civil Court
7 Act specifies that it is the [INAUDIBLE 2:38:46]
8 which has the regulatory authority over Marshals.
9 Marshal is an independent officer whose position was
10 created by the state legislature and his powers and
11 duties are prescribed by state statute. In addition
12 to the civil court act Marshals yet their powers,
13 which are defined by the New York State CPLR.

14 Our next objection is that while we understand
15 the intent of this legislation is to help those in
16 need, which have been negatively impacted by COVID-
17 19, we believe the proposal -

18 SERGEANT AT ARMS: Time expired.

19 CO-CHAIR COHEN: Austen, can we give the Marshal
20 a little more time. I think this testimony is
21 particular germane, I just want to let him finish,
22 alright.

23 KENNETH LITWACK: Thank you.

24 SERGEANT AT ARMS: I will restart the clock at
25 two minutes.

1
2 CO-CHAIR COHEN: Thank you.

3 KENNETH LITWACK: If the proposed legislation
4 were enacted as written, it would negatively impact
5 small claims court and a needy plaintiffs ability to
6 enforce a money judgement. As a result of this
7 legislation, plaintiffs would have no way of
8 recovering money they are legally entitled to which
9 adds insult to injury during these trying times.

10 New York City Marshals enforce approximately
11 2,000 to 2,500 money judgments in small claims court
12 each year. It is imperative that the Council
13 consider the budgetary implications of this bill. We
14 are a key part of an approximate \$80 million in
15 revenue that the city collects in judgements every
16 year on parking, speed, red light violations, camera
17 violations, as low as environment control board
18 violations.

19 This is a significant source of annual revenue
20 for the City of New York and is needed more than ever
21 as the city's budget deficit continues to expand.
22 Furthermore, the money judgments Marshals execute in
23 these categories serve as a deterrent to this type of
24 behavior and further the goals of the city's safety
25 programs like Vision Zero.

1 I'd also like to point out that putting aside
2 these objections, in the past Marshals have
3 cooperated with the city in for example during 911
4 and during Hurricane Sandy, in cutting back on
5 evictions through the city and working with the city.
6 I'm very sensitive to these issues. We look forward
7 to working with the Council on this issue and I am
8 happy to answer any question you may have.

9
10 CO-CHAIR COHEN: Thank you very much.

11 AUSTEN BRANDFORD: We will now turn for any
12 questions from the Chairs. We have a question from
13 Council Member Yeger.

14 COUNCIL MEMBER YEGER: Thank you Mr. Chairman.
15 Mr. Lipblack, I'm glad you are here to testify
16 because you are adding clarity to a place where the
17 Sheriff was not able to opine. He limited his
18 opinions to his own powers of authority but it's very
19 clear from what you are saying that should the
20 Council, and this goes to a very similar question
21 that I asked earlier. Should the Council pass this
22 law and the law says that you are to ignore a
23 lawfully delivered execution. You would not be
24 empowered to abide by the Council law, you would have
25 to abide by your powers as stipulated by Section 1609

1 of a civil court act and Article 52 of the PPLR, is
2 that correct?
3

4 KENNETH LITWACK: That is absolutely correct. If
5 would be improper and illegal for a Marshal to refuse
6 a command of the court.

7 COUNCIL MEMBER YEGER: Okay, I have nothing
8 further. Thank you, Mr. Chairman, I yield back.

9 AUSTEN BRANDFORD: Alright, with no more
10 questions, this concludes the public testimony. So,
11 if inadvertently forgotten to call on someone who
12 registered to speak, that person can raise their hand
13 using the Zoom raise hand function in the next minute
14 or so, we'll try to hear from you now. We will wait
15 for a minute.

16 Seeing none it looks like we can turn this back
17 to the Chair's here for some closing remarks.

18 CHAIRPERSON CORNEGY: So, Andy, I don't know if
19 you want to go first. You kind of held this down.

20 CO-CHAIR COHEN: I'll be very brief. I really
21 just want to say thank you to everybody who
22 testified. I think I mentioned this in my opening
23 but it took an enormous amount of work on part of the
24 staff to bring this hearing off and a tremendous
25 amount of prep you know from our committee, my

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1
2 Legislative Director Patty, like, it was enormous
3 amount of work and I don't want to hurt my arm
4 patting us on the back here but I thought this went
5 very, very well and I want to say, thank you for
6 everybody participating and I want to say thank you
7 for your partnership Rob, I think you did a good job.

8 CHAIRPERSON CORNEGY: Thank you. I'd like to say
9 for those who are watching an essential function of
10 the council is to meet and to advocate through
11 legislation and policy on behalf of the voice of the
12 city. I think this was a balanced effort at looking
13 at what we're facing as it relates to tenant
14 displacement during COVID. But I think what we heard
15 was testimony that you know, that applicates on
16 behalf of small landlords as well, which demonstrates
17 the need to get this right and to make sure that you
18 know that we don't have a singular focus and as a
19 Council, we have a duty to hear these things and this
20 is unique environment to do it in. I have to say
21 that I've never been prouder of the Council to honor
22 its commitment to act on behalf of its citizens even
23 in this unique way.

24 I want to thank all the staff that was involved
25 because what people don't know is you see this couple

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1 of hours of hearing and of testimony but there were
2 countless hours put in prior to and in countless
3 hours that will be put in in debriefing and making
4 sure we have all of the information. So, I want to
5 personally thank all the staff involved, including
6 the Security staff who make sure that those who are
7 supposed to be here are here and those who are not
8 are not allowed to disrupt this. So, thank you again
9 and I think this is the part Austen where I gavel
10 out. With my favorite drum sticks by the way. So,
11 [GAVEL], this conclude the hearing of Housing and
12 Buildings and with my partnership with Andy Cohen.
13 Thanks Andy.

14
15 CO-CHAIR COHEN: Great job Rob, thank you.

16 CHAIRPERSON CORNEGY: Thanks Mike.

17

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C E R T I F I C A T E

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



Date April 1, 2018