

COMMITTEE ON CRIMINAL JUSTICE JOINT WITH COMMITTEE
ON JUSTICE SYSTEM, COMMITTEE ON GENERAL WELFARE,
COMMITTEE ON PUBLIC HOUSING AND COMMITTEE ON
HOUSING AND BUILDINGS 1

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE JOINT
WITH COMMITTEE ON JUSTICE SYSTEM,
COMMITTEE ON GENERAL WELFARE,
COMMITTEE ON PUBLIC HOUSING AND
COMMITTEE ON HOUSING AND BUILDINGS

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October 21, 2020
Start: 1:04 p.m.
Recess: 4:30 p.m.

HELD AT: REMOTE HEARING

B E F O R E: Rory Lancman,
Chairperson for Committee on
Justice System

Keith Powers,
Chairperson for Committee Criminal
Justice

Stephen Levin,
Chairperson for Committee on
General Welfare

Alicka Ampry-Samuel,
Chairperson for Committee on
Public Housing

Robert Cornegy, Jr.,
Chairperson for Committee on
Housing and Buildings

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COUNCIL MEMBERS:

Alicka Ampry-Samuel
Robert F. Holden
Rory I. Lancman
Carlina Rivera
Keith Powers
Fernando Cabrera
Margaret Chin
Andrew Cohen
Ruben Diaz, Sr.
Mark Gjonaj
Barry Grodenchik
Brad Lander
Mark Levine
Farrah Louis
Alan Maisel
Donovan Richards
Deborah Rose
Helen Rosenthal
Laurie Cumbo
Stephen Levin
Vanessa Gibson
Antonio Reynoso
Mark Treyger
Robert Cornegy
Diana Ayala
James Van Bramer
Carlos Menchaca
Ritchie Torres

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A P P E A R A N C E S

15

Dana Kaplan
Deputy Director for Justice Initiatives and Close
16 Rikers with the Mayor's Office of Criminal
17 Justice

18

Sarah Mallory
Executive Director of Government Affairs with the
19 New York City Department of Housing Preservation
20 and Development

21

Yolanda Johnson-Peterkin
Chief of Housing Community Activities at the New
22 York City Housing Authority

23

Erin Burns-Maine
24 New York City Housing Authority

25

Anna Calabrese

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Executive Director of Reentry Initiatives at New
York City Mayor's Office of Criminal Justice

Nora Daniel
Deputy Director of Intergovernmental Affairs at
NYC Administration for Children Services

Judy Beale
Deputy Chief of Staff at NYC Department of
Correction

Francis Torres
New York City Department of Correction

Phil Terwiel
New York City Department of Correction

Valerie Greisokh
New York City Department of Correction

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

Jamie Neckles
New York City Department of Correction

Rebecca Engel
Senior Policy Council at the Fortune Society

Alexandra Dougherty
Senior Staff Attorney and Policy Council of the
Civil Justice Practice at Brooklyn Defender
Services

Elizabeth Williams
Social Worker, Supervisor with the Bronx
Defenders

Sara Wolkensdorfer

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Supervising Attorney in the Civil Defense
Practice at the Neighborhood Defender Service of
Harlem

Kingsley Rowe
Forensic Social Worker with the New York County
Defender Services

Reverend Kevin VanHook
Minister of Social Justice at the Riverside
Church

Alex MacDougall
Staff Attorney in the Civil Law Reform Unit at
the Legal Aid Society

Reverend Wendy Calderon-Payne
Executive Director of Bronx Connect, Manhattan
Connect and Release the Grip

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

Minister Dr. Victoria Phillips, Ms. V
Member of the Fair Chance for Housing Coalition
and Jails Action Coalition

Beatrice de la Torre
Managing Director for Housing and Homelessness at
Trinity Church Wallstreet

Lucas Pershing
Faith Leaders for Just Reentry

Zachary Katznelson
Policy Director at the Lippman Commission

Alison Wilkey

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Director of Public Policy at the John Jay
College, the Institute for Justice and
Opportunity

Jordyn Rosenthal
Director of Community Engagement at the Women's
Community Justice Association

Avi Gross

Lyric Thompson

Devone Nash

Amy Glickman
Board Trustee of Central Synagogue

Corey Brinson
Policy Associate at the Legal Action Center

SERGEANT MARTINEZ: PC recording, you ready?

SERGEANT LUGO: PC recording done.

SERGEAT MARTINEZ: Cloud recording? Okay,
Sergeant Kotowski, you can begin with your opening.

SERGEANT KOTOWSKI: Good afternoon and welcome to
today's Remote New York City Council hearing of the
Committees on Criminal Justice, Justice System,
General Welfare, Public Housing and Housing and
Buildings. At this time, would Council Staff please
turn on your video. Please place electronic devices

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on vibrate or silent. If you wish to submit
testimony, you may do so at testimony@council.nyc.gov
that is testimony@council.nyc.gov. Thank you, we are
ready to begin.

CHAIRPERSON LANCMAN: Council, can I begin?

COMMITTEE COUNSEL: Yes, Chair Lancman.

CHAIRPERSON LANCMAN: Good afternoon, I am
Council Member Rory Lancman, Chair of the Committee
on the Justice System and welcome to this joint
hearing on the topic of Housing and Reentry with the
Committee on Criminal Justice Chaired by Council
Member Keith Powers, the Committee on General Welfare
Chaired by Council Member Stephen Levin, the
Committee on Public Housing Chaired by Council Member
Alicka Ampry-Samuel and the Committee on Housing and
Buildings Chaired by Council Member Robert Cornegy.

I want to start with some numbers. About 20,000
single adults enter the New York City shelter system
each year. Approximately 30 percent of them come
directly from institutional settings with the
majority returning from state prisons and city jails.

Between 2015 and 2018, 15,000 people came out of
state prisons and went directly into the city's
shelter system. During those same years, almost

2,000 people who were receiving mental health treatment while incarcerated in our city jails, were released and entered into the shelter system immediately.

The numbers, although brutal and unsustainably high mask an even more cruel feature of our criminal justice system by which we allow the markers of criminal justice system involvement to long outlive actual incarceration. Those continuing affects take the form of homelessness, failure to obtain government benefits and vulnerability to a predatory ecosystem of shady actors. All operating to make successful reentry far more difficult than it was already bound to be. These challenges facing former incarcerated individuals can be overcome but not without cohesive support and real preparation.

Lawsuits and legislation have sought to address the challenges of successful discharge planning and continuity of care. And we will hear today from the Mayor's Office of Criminal Justice and the Department of Corrections on their efforts particularly around the development of more supportive housing. A critical concern for a portion of the population that routinely cycles between jails and shelters.

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Over the past 7 months of the COVID-19 crisis, an unprecedented level of collaboration between the Department of Corrections, MOCJ, the NYPD and the District Attorney's allow for the release from city jails of people deemed medically vulnerable or not an unacceptable public safety risk.

The city was forced by circumstances to respond quickly and now we need to know what lasting lessons can be learned from the fact that so many individuals were safely moved into hotel sites. Including a site in Fresh Meadow across the street from my district.

We need to know the lessons learned from providing safe, temporary housing linked with supportive services.

We will also hear from the Department of Housing Preservation and Development and the New York City Housing Authority on the barriers individuals face and seeking overturning to public housing and federally subsidized housing.

Finally, today, we will hear Intro. Number 1760 sponsored by our colleague Council Member Levine which considers protections for tenants privacy in the face of increasingly advanced security and access

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2 systems capable of monitoring and surveilling people
3 without their knowledge or consent.

4 I look forward to hearing from each of the
5 agencies who will testify today, as well as Legal
6 Services and other advocates and stakeholders. And
7 with that, I turn it over to my colleagues and Co-
8 Chairs for any additional opening remarks.

9 Counsel, will you call on the Chairs individually
10 or do you want me to do that?

11 COMMITTEE COUNSEL: I can go ahead and call them,
12 thank you.

13 CHAIRPERSON LANCMAN: Thank you.

14 COMMITTEE COUNSEL: So, first we will hear from
15 Council Member Levine.

16 COUNCIL MEMBER LEVINE: Thank you very much.
17 Good morning everyone. I am Council Member Mark
18 Levine, Chair of the Health Committee but I want to
19 thank Chairs Cornegy, Powers, Lancman, Levin, and
20 Ampry-Samuels and I apologize for the barking in the
21 background, working from home.

22 We will be hearing today amongst this important
23 topic Intro. 1760, the Tenant Data Privacy Act, which
24 would create the nations first protections for tenant
25

1
2 data by regulating what information landlords can
3 collect and how they can use it.

4 If you live in an apartment in New York City,
5 chances are that you don't use a traditional metal
6 key to enter the front door. In recent years, there
7 has been a rapid replacement of key locks in
8 residential buildings with all matter of electronic
9 entry systems, including personalized key fobs, apps,
10 even biometric identifiers like fingerprints, eye
11 scans and facial recognition technology.

12 Together, these technologies are often referred
13 to as smart access or smart key systems. They have
14 the potential to offer added convenience and safety
15 for tenants and they also have the potential to be
16 abused by landlords because every time you swipe your
17 fob or enter your ID code or pass you smartphone by
18 the entry system, it generates a piece of data that
19 logs your entry. The collection of this data, risks
20 compromising the privacy and safety of tenants and
21 offers a potential tool for harassment by landlords.

22 Intro. 1760 which we are hearing today is
23 designed to prevent that abuse from occurring. It
24 would prohibit the sale of collected data to third
25 parties, prohibit the use of collected data for the

1
2 purposes of eviction or any form of tenant
3 harassment, limit the reference data collected by
4 smart access systems to a tenants name, apartment
5 number and contact information, prohibit smart access
6 systems from being used by landlords for anything
7 other than monitoring entrances, exits in common
8 areas as well as for security purposes when services
9 providers or third parties enter the building and a
10 number of other important safeguards which I hope we
11 will talk about today.

12 In short, this legislation would restrict data
13 collected by landlords, using such systems to the
14 basic information they need to ensure the safety of
15 their buildings and their tenants. The Bill is not
16 yet perfect, there are ways we hope we can make it
17 even stronger and I very much look forward to talking
18 to members of the Committee, tenant advocates and
19 others about this Bill and ways we might amend it.
20 We want to make sure that no New Yorker feels they
21 are sacrificing their right to privacy and data
22 security by living in a building that has a smart
23 access system.

24 I want to thank the 26 fellow Council Members who
25 have already co-sponsored this legislation, which is

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also I am very happy to say, been endorsed by Tenants
Pack. Again, thank you very much for the Co-Chairs
for allowing me to speak and for your consideration
of this important Bill. Thank you.

COMMITTEE COUNSEL: Thank you very much. In the
interest of moving this hearing forward, the other
Chairs have agreed to waive their opening statements.
So, we will proceed with testimony from the
Administration.

I am Audrey Son, Counsel to the City Council's
Committee's on Housing and Buildings and Public
Housing. Before we begin, I want to remind everyone
that you will be on mute until you are called on to
testify. When it is your turn, you will receive a
prompt to unmute, please accept the prompt.

Please listen for your name to be called, as I
will periodically announce who will be testifying
next.

First, we will hear testimony from the Mayor's
Office of Criminal Justice and the New York City
Department of Housing Preservation and Development
followed by a period of question and answer from the
Committee Chairs and then Committee Members. We will
then hear testimony from members of the public.

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During the hearing, if Council Members would like to ask a question, please use the Zoom raise hand function and I will call on you in order. Chairs will have ten minutes each and Committee Members will have five minutes each, including responses.

I will now administer the oath to all members of the Administration. After I say the oath, please wait for me to call your name and respond one by one. In order for us to properly record your response, I will pause in between each name.

Are all of the members of the Administration unmuted? Okay, I will begin to call names. Dana Kaplan? Excuse me, I will now administer the oath. Please raise your right hand. Do you affirm to tell the truth, the whole truth, and nothing but the truth before these Committee's and to respond honestly to Council Member questions? Dana Kaplan?

DANA KAPLAN: Yes.

COMMITTEE COUNSEL: Sarah Mallory?

SARAH MALLORY: I do.

COMMITTEE COUNSEL: Yolanda Johnson-Peterkin?

YOLANDA JOHNSON-PETERKIN: I do.

COMMITTEE COUNSEL: Erin Burns-Maine?

ERIN BURNS-MAINE: I do.

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2 COMMITTEE COUNSEL: Brian Honan?

3 ERIN BURNS-MAINE: So, Yolanda Johnson-Peterkin
4 and Erin Burns Maine will be testifying on behalf of
5 NYCHA.

6 COMMITTEE COUNSEL: Thank you. For purposes of
7 the hearing, we do need to administer the oath to all
8 members of the Administration, whether they are
9 providing testimony or here just to respond to
10 questions.

11 ERIN BURNS-MAINE: Okay, they won't be responding
12 to questions.

13 COMMITTEE COUNSEL: Okay.

14 ERIN BURNS-MAINE: Thank you.

15 COMMITTEE COUNSEL: Anna Calabrese?

16 ANNA CALABRESE: I do, I affirm.

17 COMMITTEE COUNSEL: Nora Daniel?

18 NORA DANIEL: I do.

19 COMMITTEE COUNSEL: Judy Beale?

20 JUDY BEALE: I do.

21 COMMITTEE COUNSEL: Francis Torres.

22 FRANCIS TORRES: I do.

23 COMMITTEE COUNSEL: Phil Terwiel?

24 PHIL TERWIEL: I do.

25 COMMITTEE COUNSEL: Valerie Greisokh?

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2 VALERIE GREISOKH: I do.

3 COMMITTEE COUNSEL: Brenda Cooke?

4 BRENDA COOKE: I do.

5 COMMITTEE COUNSEL: Hazel Jennings?

6 HAZEL JENNINGS: I do.

7 COMMITTEE COUNSEL: Jamie Neckles?

8 JAMIE NECKLES: I do.

9 COMMITTEE COUNSEL: Erin Drinkwater?

10 ERIN DRINKWATER: I do.

11 COMMITTEE COUNSEL: Glenn Farber?

12 GLENN FARBER: I do.

13 COMMITTEE COUNSEL: And Jeanette Merrill.

14 JEANETTE MERRILL: I do.

15 COMMITTEE COUNSEL: Thank you. We will now

16 proceed with testimony from Dana Kaplan from the

17 Mayor's Office of Criminal Justice followed by Sarah

18 Mallory from HPD. You may begin when ready.

19 DANA KAPLAN: Good afternoon, Chair Lancman, and

20 Chairs Powers, Cornegy, Levin, and Ampry-Samuel, and

21 the members of the Committees on the Justice System,

22 Criminal Justice, Housing, General Welfare, and

23 Public Housing. I'm Dana Kaplan, Deputy Director for

24 Justice Initiatives and Close Rikers with the Mayor's

25 Office of Criminal Justice. Thank you for the

1
2 opportunity to testify about MOCJ's work on housing
3 and reentry.

4 MOCJ advises the Mayor on criminal justice policy
5 and is the Mayor's representative to the courts,
6 district attorneys, defenders, and state criminal
7 justice agencies, among others. MOCJ designs,
8 deploys, and evaluates citywide strategies to promote
9 safety, reduce unnecessary arrests and incarceration
10 and improve fairness. MOCJ works with law
11 enforcement, city agencies, not-for-profits,
12 foundations, the public, and others to implement
13 effective strategies that improve public safety,
14 prevent unnecessary incarceration and build strong
15 neighborhoods that ensure enduring safety.

16 As our country and city continue to grapple with
17 the twin challenges of the COVID-19 pandemic and
18 systemic racism, it is imperative that we examine our
19 services and programs to ensure that we are deploying
20 our city's resources in the most effective and fair
21 way possible. Fairness and equity are paramount to
22 MOCJ's mission and are integrated into the design and
23 implementation of our services, programs, and
24 analyses.

1
2 In the last four years in New York City, we have
3 seen an acceleration of the trends that have defined
4 the public safety landscape in this city over the
5 last three decades. New York City currently has the
6 lowest incarceration rate of all large cities in the
7 United States with an average daily jail population
8 of approximately 4,400 as of October 2020, a 59%
9 decline from the start of the administration and a
10 number that has not been seen in more than three
11 decades. That average daily population has
12 significantly decreased over the last 7 months, due
13 to circumstances surrounding the COVID-19 pandemic.
14 These reductions were the product of the work of many
15 focused on intentionally reducing the jail population
16 while ensuring that crime also decreased.

17 Our commitment to close Rikers Island is also
18 dependent upon continuing to reduce the jail
19 population. The lightening touch of police and
20 judges has meant that 43% fewer people left jails
21 last year than at the start of this Administration
22 and we anticipate that number to fall to
23 approximately 14,000 by 2026.

24 During this Administration, we have seen some
25 encouraging reductions in the return to jail, with

1
2 re-offending falling to 36%. While this reduction is
3 promising, the numbers of those who return are still
4 too high. We are currently making major investments
5 in services and reshaping of the way that we deliver
6 those services to ensure they are effective. These
7 investments and their effective deployment will be
8 key in reducing the return rate further.

9 Stable housing and wraparound services are
10 critical components in reducing the number of [LOST
11 AUDIO 16:43-16:54] unsheltered homelessness. In
12 addition, for those individuals who cycle in to the
13 jail system, supportive housing is one of the only
14 evidence-based strategies that has been shown to
15 reduce jail contact and decrease other systems use.
16 A major component of MOCJ's enhanced reentry strategy
17 is expanding access to housing for experiencing
18 homelessness who have - uh, sorry. A major component
19 of MOCJ's enhanced reentry strategy is expanding
20 access to housing for experiencing homelessness who
21 have contact with the jail system.

22 Current investments provide access to
23 comprehensive community supports, including
24 transitional employment, supportive and transitional
25 housing and community-based mental health services

1 for justice-involved New Yorkers. I will elaborate
2 here on some of our core programs that provide these
3 services, including the Justice Involved Supportive
4 Housing program. Justice Involved Supportive Housing
5 or JISH was originally funded by the office of the
6 District Attorney of New York as a recommendation of
7 the Behavioral Health Task Force, convened by MOCJ in
8 December 2014.

9
10 JISH targets individuals with significant
11 behavioral health needs who continuously cycle
12 through shelter and jail and places them in permanent
13 supportive housing. As part of the plan to invest in
14 communities and close the jails on Rikers Island,
15 MOCJ funded transitional housing will expand to 500
16 beds, ensuring MOCJ will be able to serve
17 approximately 1,000 people per year who need housing
18 to avoid detention or incarceration or require stable
19 housing as they transition back to their communities
20 after incarceration. This housing will also provide
21 extensive supportive services, modeled on the
22 existing MOCJ-funded women's transitional housing
23 program.

24 MOCJ currently funds 100 beds of transitional
25 housing through the Fortune Society and its

subcontracts, including Samaritan Daytop Village and
Abraham House, as well as 55 beds of transitional
housing for women and 10 beds of transitional housing
for women and their children through the Women's
Community Justice Project, 6 beds for women through
the Fortune Society and the rest through WCJP. MOCJ
is currently finalizing a new Transitional Housing
RFP for approximately 250 beds in Fiscal 2022 and
scaling up to 500 beds in FY23.

In addition to MOCJ's current and planned
transitional and supportive housing programs, COVID-
19 has presented our city with an unprecedented
challenge, with a sudden and pressing imperative to
move people from city jails and other congregate
settings into non-congregate settings to help limit
the spread of the coronavirus. In order to maximize
safety, MOCJ worked with agency and non-profit
partners to stand up an entirely new set of services
in under enrolled hotels in NYC.

Beginning in late March, MOCJ worked with the New
York City Office of Emergency Management and non-
profit partner Exodus Transitional services to
provide transitional housing to 40 clients who were
serving city sentences but eligible for release to

1
2 community supervision via Article 6A of State
3 Corrections Law. These 40 clients were admitted to
4 the LaGuardia Holiday Inn. From there, MOCJ
5 continued to sorry, from there, the hotel stories,
6 just so long and comprehensive. From there, MOCJ
7 continued to coordinate an increased number of
8 releases -

9 CHAIRPERSON LANCMAN: I don't think anyone would
10 criticize you if you just hit the highlights.

11 DANA KAPLAN: Okay. I will try to speed. From
12 there, MOCJ tried to coordinate an increased number
13 of releases of individuals from Rikers Island, many
14 with underlying health conditions which increased
15 their risk of serious health complications from
16 COVID-19 and expanded the eligibility of the hotel
17 program to be for all individuals recently released
18 from State or local correctional facilities who do
19 not have housing.

20 By late July, MOCJ had contracted with three
21 hotels, Holiday Inn LaGuardia Express and Wyndham
22 Garden Fresh Meadows in Queens and the Wolcott in
23 Manhattan. For each of these hotels, we are
24 utilizing the entire site to provide emergency
25 housing and services for those released from custody.

Our non-profit partner Exodus manages the program and provides services to released individuals. Clients are furnished with clothing, hygiene kits, face masks, and cell phones. Exodus arranges health services including medication assistance and enrollment in Medicaid, medical, mental health and substance abuse treatment. Exodus also assists clients with finding stable transitional or permanent housing and with family reunification. Clients also participate in employment training and placement. Housing Works, another reentry provider in the Jails to Jobs transitional employment program currently provides onsite clinical services, including medical and behavioral health care.

Other Jails to Jobs partners like Fortune, Osborne, CEO, 100 Suits and Fedcap have all worked together to provide critical elements of the services described above. To date, 507 individuals have been served by our non-profit partners at the reentry hotels. In addition to services provided to released clients, the programs are also committed to being good neighbors. Exodus maintains open communication with community members, and hosts community meetings in order to provide a forum for community feedback.

1
2 The program is an example of the extraordinary
3 coordination that we were able to effect during the
4 height of the pandemic in order to promote the health
5 and safety of those released from Rikers at this
6 difficult time.

7 We are proud of this program's success and we are
8 grateful for the support of the Council in helping to
9 protect lives while also allowing those released from
10 Rikers to stabilize their lives during a time of
11 significant upheaval.

12 And finally, while the reentry hotels are a
13 feature of our COVID-19 response, MOCJ continues to
14 work toward ensuring that the kinds of services that
15 truly help individuals released from custody achieve
16 stability are more consistently available and offered
17 to as many individuals as possible. MOCJ and the
18 Department of Correction are working together to
19 improve and expand tightly coordinated in-custody
20 services and case-planning, in conjunction with
21 transition and release planning. Upon release,
22 interested individuals will work with a reentry
23 mentor who will help facilitate all aspects of
24 reentry on an individualized basis. The supports
25 provided by this team of service providers will

1
2 include assistance locating temporary or permanent
3 stable housing, as well as other wraparound resources
4 determined by the specific needs of each returning
5 individual.

6 The reentry mentor will develop relationships
7 with released individuals to encourage participation
8 in relevant services and programs. We anticipate
9 that the case planning and coordination, combined
10 with expanded service offerings and stronger
11 relationships will help to ease the path to a stable
12 life outside of custody and reduce the likelihood of
13 return. We look forward to implementing these
14 supports along with DOC and our non-profit partners.
15 We expect that the services will come online in
16 January 2021. Awards have recently been made to the
17 following non-profits: Center for Court
18 Administration CCA, Center for Court Innovation CCI,
19 Friends of Island Academy, Osborne Association,
20 Fortune Society, Urban Youth Alliance, FEDCAP,
21 Women's Prison Association, Exodus Transitional
22 Community and Housing Works. These nonprofits will
23 in turn subcontract with other smaller neighborhood
24 based and specialized service providers.

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Our current re-entry services program, Jails to Jobs, has been operational since April of 2018. Since coming online Jails to Jobs has been providing comprehensive community-based reentry support to individuals leaving DOC custody. As the name suggests, the hallmark of J2J is offering paid-transitional employment to all participants in the program, however Jails 2 Jobs is built around offering individuals the comprehensive care that can help someone reenter successful and reconnect with community and sustain employment.

While COVID-19 has provided unprecedented challenges for Jails 2 Jobs providers and participants, with some services being provided remotely since March 2020. The Jails 2 Jobs community has risen to the challenge, adapted, and remained steadfast in its commitment to reentrants. We are proud to say that since its launch, Jails 2 Jobs has achieved the following outcomes: With over 4,500 program intakes; 1,450 transitional job placements; 1,180 permanent job placements; 770 job training sessions per month and 1,700 supportive services each month, including substance use

1
2 treatment, mental health and medical care, family
3 supports and housing assistance.

4 In closing, the Mayor has demonstrated his
5 commitment to reducing the justice system's impact on
6 New Yorkers while maintaining the unprecedented
7 improvements in our public safety. Maintaining and
8 ultimately improving housing and supportive resources
9 available to individuals returning to their home
10 communities from incarceration is a vital component
11 of this work and MOCJ will continue to work together
12 with our city and non-profit partners to move toward
13 a future where that return home is as seamless and
14 well-supported as possible.

15 We understand that there are areas of the
16 continuum and areas of procurement process that can
17 continue to be strengthened and we are committed to
18 working with our government and community partners
19 towards that end. But at the same time, we are proud
20 of the progress that has happened to date and the
21 increased funding and prioritization that the City
22 has focused on these critical services.

23 Effective re-entry benefits people coming home
24 from incarceration and their families, as well as the
25 neighborhoods that they return to and all New

1
2 Yorkers, as we can disrupt the needless cycle of
3 return to jail.

4 Thank you for the opportunity to present this
5 testimony and I look forward to answering any
6 questions you may have.

7 CHAIRPERSON LANCMAN: Thank you very much. Are
8 we going to have other government witnesses testify
9 first and then get to questions or are we going to do
10 MOCJ and then have opening statements from other
11 agencies?

12 COMMITTEE COUNSEL: Yes, there is testimony from
13 just one other agency, from HPD, so we will hear from
14 them now and then move to questions. Thank you.

15 CHAIRPERSON LANCMAN: Okay, before we go on to
16 them, let me just acknowledge the presence of Council
17 Members Lander, Cabrera, Chin, Cohen, Diaz, Gjonaj,
18 Grodenchik, Holden, Louis, Maisel, Perkins, Richards,
19 Rose, Rosenthal, Gibson and Rivera. Thank you.

20 SARAH MALLORY: Good afternoon, Chairs Cornegy,
21 Powers, Lancman, Levin and Ampry-Samuel and members
22 of the Committees here today. My name is Sarah
23 Mallory and I am the Executive Director of Government
24 Affairs with the New York City Department of Housing
25 Preservation and Development. Thank you for the

1
2 opportunity to testify on housing re-entry services
3 and Introduction 1760 sponsored by Council Member
4 Levine.

5 Just yesterday, Deputy Mayor for Housing and
6 Economic Development Vicki Been released the final
7 Where We Live NYC Plan, the City's blueprint for fair
8 housing in the five boroughs. The plan is a
9 culmination of a two-year planning process led by the
10 Deputy Mayor's office, HPD and the New York City
11 Housing Authority and more than 30 City agencies. It
12 presents a five-year plan to break down barriers to
13 opportunity and build more integrated, equitable and
14 inclusive neighborhoods.

15 Updated to reflect the disproportionate impact
16 the COVID-19 pandemic has had on low-income
17 communities of color, the plan also includes enhanced
18 metrics, strategies, policy proposals and new
19 priorities to address a legacy of housing segregation
20 and build a more inclusive city. In this effort, the
21 City advocates for increased policies designed to
22 minimize the disproportionate impact that criminal
23 records-based barriers pose, especially for people of
24 color, while meeting the needs of New York City's
25 diverse housing stock.

And even before the Administration's Where We Live NYC effort, HPD has always been tasked with creating safe, affordable housing and under this Administration, we are especially committed to providing such housing opportunities for the most vulnerable New Yorkers. This is why we have taken additional steps to make our affordable housing application process fairer for formerly incarcerated New Yorkers and reducing barriers to access affordable housing.

For example, since 2015, HPD has dramatically reduced allowable credit history criteria for housing applicants in our City-financed portfolio, prohibited home visits as criterion for resident selection and ensured arrests that did not result in a conviction were not used against a housing applicant for any reason. We continue to evaluate our marketing guidelines and work with our partners in this area, as my colleague at the Mayor's Office of Criminal Justice noted by most recently partnering with the Department of Health and Mental Hygiene who released the Justice Involved Supportive Housing RFP in December 2019 as a commitment to expand access to housing, including supportive housing, for people

with a history of involvement in the criminal justice system.

Supportive housing is one of HPD's best tools to meaningfully address the needs of people living on the street or in shelter with serious mental illness and/or substance use disorder. They may have also had a history of criminal justice involvement, by creating low barrier entry to high-quality, affordable, permanent housing. HPD also requires units in certain City financed affordable housing projects to be set aside for formerly homeless individuals.

With the Council's support, HPD has been providing homeless housing at a faster rate than ever before by building or preserving nearly 13,000 homes since 2014. We are grateful to the Council and Speaker Corey Johnson for their leadership on this issue.

In regards to Int. 1760, the de Blasio Administration has also made protecting tenants a core part of its strategy to confront the affordable housing crisis and has worked in partnership with the City Council and various branches of government to tackle the issue with a comprehensive, multi-pronged

1
2 approach. As a City, we are focused on keeping
3 people in their homes and neighborhoods by creating
4 and preserving historic numbers of affordable homes,
5 empowering tenants with more resources, aggressively
6 enforcing City codes, successfully advocating with
7 many members of the Council to close loopholes in
8 rent regulation laws at the State level and utilizing
9 all of our partnerships to create data-driven,
10 innovative tools targeted at stopping harassment
11 before it starts.

12 Physical security is an important part of
13 ensuring that residents feel safe in their homes.
14 Currently, HPD can and does issue violations for
15 building entrance doors and individual unit doors
16 without lock sets in rental buildings, or those with
17 only electronic entry mechanisms. Intro 1760 would
18 require owners of multiple dwellings that utilize
19 keyless entry systems to provide tenants with a data
20 retention and privacy policy, establish restrictions
21 on the collection and use of data from such systems
22 and from tenants' usage of utilities and internet
23 services, including requiring consent from tenants to
24 use such information, restricting the sharing of such
25

1
2 information with third parties and requiring that any
3 data collected be destroyed within a given time.

4 While the Administration supports the goal of
5 protecting tenant data and this bill's requirement
6 that owners provide tenants with a data retention and
7 privacy policy, we encourage further conversation
8 with other relevant partners in government to
9 understand the best privacy practices and operational
10 necessities this bill would require. HPD does not
11 currently, nor would it alone, have expertise in
12 privacy, data retention and enforcement practices for
13 violations. This type of initiative would need
14 further assessment with the City's Chief Privacy
15 Officer and other relevant City officials to identify
16 the appropriate enforcement mechanisms and relevant
17 expertise.

18 Thank you again for the invitation to testify and
19 for hearing this bill today. I look forward to
20 answering any questions you may have.

21 COMMITTEE COUNSEL: Thank you. We will now open
22 for questions from the Chair's beginning with Chair
23 Lancman followed by Chair Cornegy, Ampry-Samuel,
24 Powers and then Levin, Chair Lancman.

CHAIRPERSON LANCMAN: Thank you and just so everybody is clear, we are going to give the Chair's ten minutes for questions and then the members five minutes and then if anyone wants a second round, we will try to accommodate that as well.

So, let's start with MOCJ from me. I just want to clarify something and I don't mean to be overly parochial but in your testimony you had said that in July, MOCJ had contracted with three hotels, including the one just outside of my district and Councilman Grodenchik's district, the Wyndham Garden Fresh Meadows in Queens but actually, didn't those hotels start operating in April and it was only in July when we learned of them.

DANA KAPLAN: Yes, so thank you Chair Lancman for that question. Yes, so, there was - we began some of the hotels in April and then there was a new contract put in place in July and the contracts were transferred over. So, certainly I hope the testimony reflected that people were moved in hotels or some individuals at least in April at the height of the pandemic.

CHAIRPERSON LANCMAN: Got it, I appreciate that. Let me just ask the Sergeant at Arms, I don't see my

1
2 clock counting down and that is going to create
3 problem for me and the other members, there we go,
4 thank you.

5 SERGEANT AT ARMS: Apologies sir.

6 CHAIRPERSON LANCMAN: Otherwise, I will just go
7 on forever. I only bring that up Ms. Kaplan because
8 you know speaking for myself, I am supportive of that
9 effort. Myself and other colleagues; Mr. Grodenchik
10 will speak for himself of course have, as we say in
11 the business, spent considerable, political capital
12 in defending the decision to move residents into the
13 Wyndham where as predicted it has been fine and it
14 has been good for the residents and it has been fine
15 for the community but that is undermined when things
16 happen without our awareness. So, I know that MOCJ
17 is in the course of this, promised us that that would
18 never happen again but please, I just would like you
19 to reiterate that commitment, that you will not
20 spring on elected officials or community facilities
21 that are going to cause a lot of public inquiry
22 without letting us know first.

23 DANA KAPLAN: Yes, and absolutely at the height
24 of the COVID pandemic, you know, some of these hotels
25 were stood up literally within days and moments as we

1
2 tried to respond to what was this public health
3 crisis and identify the sites that we could bring
4 online, identify the service providers, execute
5 emergency contracts and you know, transport people
6 sometimes in late hours to get them into hotels and
7 shelter as quickly as possible.

8 You and others have certainly made clear
9 appropriately so on behalf of your communities, the
10 need for continued communication and transparency
11 with neighborhoods about these hotel locations and
12 you know, we have heard that loud and clear and
13 obviously as you know, there have been a number of
14 community meetings, site visits. You know, we have
15 been working very hard to make sure that now
16 information is available and I think Exodus
17 Transitional Services has also been a very strong
18 partner as you know, I mentioned organizing community
19 cleanups and volunteer opportunities and we really
20 are striving to be a neighborhood partner.

21 CHAIRPERSON LANCMAN: Right, from my perspective
22 and others may you know, express their own views,
23 have been very happy with Exodus and their
24 cooperation with the community. So, let's move on

1
2 from that and let's talk about the supportive housing
3 program.

4 The points of agreement, which was more or less,
5 the agreement between the Council and the Mayor in
6 order to move forward with the closing Riker's agenda
7 which I fully support, would fund an additional; as I
8 understand it, additional 380 units of supportive
9 housing bringing the total to 500, which is an \$11
10 million investment by 2026. Can you give us an
11 update on the effectiveness of the program in
12 addressing those people who most frequently cycle
13 through shelter and criminal justice systems?

14 DANA KAPLAN: Yeah so, I will start just in terms
15 of affirming the funding and then I will invite Anna
16 Calabrese who is the Executive Director of Re-entry
17 to speak more about the effectiveness of the programs
18 and the impact.

19 As you noted, just there is a current investment
20 of \$8 million in transitional housing. We are
21 ramping up to \$12.5 million in Fiscal 2022 and there
22 is an RFP that will be forthcoming shortly towards
23 that end. We have been hosting sessions with service
24 providers to ensure that the RFP is as effective as
25 possible in the impact on reducing recidivism and

1
2 providing effective services. And as you noted, in
3 the points of agreement document, there is a
4 commitment to increase ultimately to \$25 million
5 level. And so, you know, this is something that we
6 welcome as an Administration and you know, I think
7 that that expansion is certainly needed.

8 CHAIRPERSON LANCMAN: Just to clarify, I am
9 sorry, to get to \$25 million or \$25 million on top of
10 the \$5 million that had been baselined for
11 traditional housing? So, to get to 25 or to get to
12 30?

13 DANA KAPLAN: I think that 25 includes the 5
14 million that was baselined in year one.

15 CHAIRPERSON LANCMAN: Okay, go ahead please.

16 DANA KAPLAN: Okay, Anna, can you speak to the
17 impact of the programming?

18 ANNA CALABRESE: Yes indeed. Thank you for that
19 question Council Member. You know, MOCJ and our
20 provider community really remain committed to
21 providing quality transitional housing to as many
22 eligible individuals in New York City as possible.
23 While it is difficult to attribute sort of effects of
24 recidivism to any one particular program, what we can
25 say in terms of the effectiveness is, a report on

1
2 WCJP, the Women's Community Justice Project found
3 that 98 percent of participants in the program had
4 maintained their freedom and you know, so, 98 percent
5 of participants in the program did not return to
6 custody within the period of analysis.

7 But again, you know, it is difficult to pinpoint
8 the effects on recidivism to any one program and you
9 know, we can't definitively say that transitional
10 housing reduces recidivism or rearrest rates. But as
11 we continue to expand transitional housing and expand
12 these programs, we anticipate including more robust
13 analysis into the design to continue to track rates
14 of rearrest as closely as possible.

15 CHAIRPERSON LANCMAN: Thank you. The point of
16 agreement also included up to \$1.4 million allocated
17 in a FY21 to double the size of the NYCHA family
18 reunification program through the MOCJ reentry RFP.
19 Can you give us an update on the status of this
20 commitment?

21 DANA KAPLAN: Yeah, so, as outlined in the points
22 of agreement, there was a commitment to double the
23 services that were available to 200 slots per
24 participants and that will be part of the programming
25 and services that I referenced earlier that will come

1
2 online in January 2021. So, we are on track for that
3 commitment.

4 CHAIRPERSON LANCMAN: Okay, alright, let's get
5 off of housing specifically. In your testimony you
6 indicated that awards have been made to ten
7 nonprofits for expanded reentry services, with the
8 services expected to begin in this January. How long
9 is the contract term? How many people are expected
10 to be serviced? What kind of monitoring will MOCJ be
11 doing? As much information as you can give us would
12 be helpful.

13 DANA KAPLAN: Great, I am going to invite Anna to
14 speak to this again.

15 ANNA CALABRESE: Thank you Council Member. So,
16 we are really excited about the launch of the reentry
17 RFP. It has been delayed because of COVID. We
18 finally were able to make some awards and we really
19 are committed to launching in January of 2020. And
20 one of the uniqueness's of this RFP and something
21 that's made possible by the real reductions in the
22 jail population, are that we are able to offer these
23 services to everyone coming out of city jails.

24 That is a real sort of expansion of the
25 population as delineated in past reentry programs.

1
2 So, the idea is that everyone walking out of the city
3 jail system can connect to services in the community
4 as well as start that journey in connection with
5 providers while they are in custody. That kind of
6 coordination with DOC is really baked into the fabric
7 of RFP.

8 CHAIRPERSON LANCMAN: In my remaining moments, I
9 have to bring up the story that was reported in the
10 city on the difficulty that those released from
11 Rikers have been getting identification, whether it
12 is the NYCID or just giving them their driver's
13 license back after they have turned them in.

14 So, what can you tell us about that particular
15 problem?

16 ANNA CALABRESE: Thank you Council Member. This
17 is an issue that is really close to our heart in
18 terms of improving reentry services for New Yorkers.
19 I think there is broad consensus that we can do more,
20 that we should do more, that we will do more to help
21 individuals leaving city jails obtain ID. We are
22 currently in the process of beginning a sort of
23 multiagency task force to address this very issue
24 with the Department of Correction, with Correctional
25 Services, with our colleagues in the state,

2 colleagues at NYPD, to really try to finally untangle
3 the gordian knot of this problem.

4 You know, I have watched many great minds and
5 policy leaders work on this issue for many years and
6 no one has been able to really wrap their arms around
7 it and we feel that with the launch of the reentry
8 RFP and those additional services and our partnership
9 with DOC and CHF which has really been sort of
10 reaffirmed through the COVID crisis. As well as with
11 our colleagues in the state, we can finally sort of
12 chip away at this issue and get to a place where more
13 reentrance are able to start the ID process. Obtain
14 ID before they are released. So, it's a commitment
15 that we are making.

16 CHAIRPERSON LANCMAN: Great and I assume we can
17 rely on MOCJ providing us with the budget -

18 SERGEANT AT ARMS: Time expired.

19 CHAIRPERSON LANCMAN: Thank you. The budget and
20 contract information for all of these RFP's and the
21 awardee's?

22 DANA KAPLAN: Yes, happy to share that
23 information.

24 CHAIRPERSON LANCMAN: Got it. Alright, well, my
25 time is expired. Thank you.

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DANA KAPLAN: Thank you.

COMMITTEE COUNSEL: Thank you. We will now take
questions from Chair Cornegy followed by Chair Ampry-
Samuel.

SERGEANT AT ARMS: Starting time.

CHAIRPERSON CORNEGY: I am still having some
technology issues.

CHAIRPERSON LANCMAN: Before you begin Chair
Cornegy, sorry, I just want to mention that we have
been joined by Majority Leader Laurie Cumbo. Thank
you.

CHAIRPERSON CORNEGY: Thank you Chair Lancman, I
am asking if we can come back to me and go onto
Alicka. I am having some technical difficulty with
my questions.

COMMITTEE COUNSEL: Sure, can we move to Chair
Ampry-Samuel please.

SERGEANT AT ARMS: Starting time.

CHAIRPERSON AMPRY-SAMUEL: Good afternoon
everyone. My questions are clearly about public
housing, clearly about NYCHA and so, we will jump
right into it.

In reference to the permanent exclusion rules and
the New York City Housing Authority, can someone

begin to explain what is permanent exclusion and in
what context is permanent exclusion pursued?

ERIN BURNS-MAINE: Good afternoon Chair. My name
is Erin Burns-Maine; I am with the Office of
Intergovernmental Relations. So, thank you for the
question. Permanent Exclusion is a policy used by
NYCHA to promote the safety and security of our
residents while also preserving the household
tenancy.

We - I am sorry, excuse me. Permanent exclusion
happens when we bring a termination of tenancy action
against a NYCHA tenant for dangerous conduct that
violates the tenants lease agreement. A member of
the household or someone else under the tenants
control may have committed the dangerous conduct.
Instead of terminating the lease, which would mean
evicting the entire family, permanent exclusion
allows NYCHA to preserve the family, the households
tenancy by excluding only the dangerous person or
persons that were involved. An excluded person is
barred from residing in or visiting the apartment as
long as the permanent exclusion is in place. And
just as a bit of context, Housing Authorities across
the country that don't have a policy like permanent

1
2 exclusion, may seek to terminate the entire household
3 in those cases.

4 To the second part of your question, we bring
5 these cases of desirability, which includes but isn't
6 limited to major crime such as murder, sex offense
7 convictions, robbery, assault, drug dealing and guns.
8 Other than the two bans relating to lifetime
9 registered sex offenses, in the production of
10 producing methamphetamines on public housing grounds,
11 NYCHA is not governed by rigid rules that require us
12 to pursue eviction or exclusion based on a specific
13 type of a level of criminal charge or any specific
14 conduct, rather we examine each case individually
15 including the nature and seriousness of the conduct,
16 the extent of the individuals involvement, the danger
17 that the individual poses to the NYCHA community.
18 Whether there is any serious prior convictions or any
19 mitigating evidence that's been presented.

20 CHAIRPERSON AMPRY-SAMUEL: So, can you just give
21 us a list of the types of criminal offenses that
22 NYCHA would actually pursue for permanent exclusion
23 and can you give us a breakdown of those offenses for
24 2016, 2017, 2018, 2019 and year-to-date, since 2016?

ERIN BURNS-MAINE: Sure. Yes, thank you for the question. So, we actually have data, annual statistics available for 2017 on and that data was pulled and I believe actually was a result of a City Council hearing back in 2017, yes that required us to put these annual reports together. So, those reports are placed on our website. We also have a detailed breakdown that we are happy to [LOST AUDIO 49:40]. I can provide a summary verbally and then happy to go into detail on any -

CHAIRPERSON AMPRY-SAMUEL: In the interest of my time because clearly, I am going to have to go to round two questions Chair, so can you just give me like a quick breakdown or summary of the types of offenses?

ERIN BURNS-MAINE: That's right, okay. So, for 2017, we will go into number and then type. So, for 2017, there was 1,502 total closed cases. 2018 - 1,338, 2019 - 1,363 and 2020 as of March 16th and I will explain that in a second. It was 205 and the reason for that is because we put a pause on all of our Administrative actions at the start of the COVID-19 crisis, so that was dated March 16, 2020.

1
2 So, our year-to-date numbers are very low this
3 year. The types of offenses that are in that
4 category, attempted murder, arson, fire, assault,
5 burglary, conspiracy, possession sale of a controlled
6 substance, fire arms and weapons charges, grand
7 larceny, harassment, kidnapping, murder, rape,
8 reckless endangerment, registered sex offenders,
9 robbery, search warrants and sexual abuse charges.
10 And I have those all broken out by charge that we
11 would be happy to provide you.

12 CHAIRPERSON AMPRY-SAMUEL: Can you let me know
13 how many of those actually led to a family being
14 excluded?

15 ERIN BURNS-MAINE: So, those, the ones that I
16 just listed are all for individuals who were
17 excluded.

18 CHAIRPERSON AMPRY-SAMUEL: So, the 1502 to 1338,
19 the 1363 to 205, those were all - and those are
20 separate numbers, not the same families. Those are
21 individual numbers per year.

22 ERIN BURNS-MAINE: Those are the total number of
23 non-desirability cases for each year. So, they are
24 all based in the year that the case was opened but
25 you are right that they shouldn't be duplicated.

CHAIRPERSON AMPRY-SAMUEL: So, if I were to total all of those, like the 1500, the 13, the 13 the 205, if I were to total that, so between 2016 and year-to-date, there is some I don't know, 3,000, 3,500 cases or so of permanently excluded families or individuals.

ERIN BURNS-MAINE: That would be correct, that would be the number of exclusions.

CHAIRPERSON AMPRY-SAMUEL: Okay and what's the average age of the individuals and can you tell me the youngest person and the oldest person?

ERIN BURNS-MAINE: So, we actually do not have the youngest and oldest, we do have average age you and it is just over 34 years, it is 34.1 years old and we can get you the youngest and the oldest.

And I apologize, just to clarify, the number of exclusions coming from terminations, we are clarifying. So, in 2017 it was 464, 2018 it was 313 resulting in the PE. So, these are the cases that were brought and then resulting in a PE was a smaller number. Again, we are happy to provide you a written breakout of all of these different cases.

CHAIRPERSON AMPRY-SAMUEL: Okay, so, going back to 2017, the total number of cases tht were brought

1
2 and then the number that was actually excluded. Can
3 you say that again? Just give me 2017 as an example.

4 ERIN BURNS-MAINE: 1,502 and 464 resulted in a
5 PE.

6 CHAIRPERSON AMPRY-SAMUEL: Oh, okay, so the
7 number that I threw out a few minutes ago was not
8 correct.

9 ERIN BURNS-MAINE: That's right that is that
10 total number of cases that were brought up.

11 CHAIRPERSON AMPRY-SAMUEL: Okay, alright, how
12 many termination of Tennessee cases did NYCHA pursue?
13 Wait a minute. Oh, okay, for each of those years how
14 many resulted in the permanent exclusion and not a
15 termination of the actual tenancy?

16 ERIN BURNS-MAINE: Okay, so cases that result in
17 a permanent exclusion, that is a type of stipulation.
18 So, by a case resulting in a permanent exclusion, I
19 would not result in the termination of the family.
20 So, in cases of permanent exclusion, the household
21 would remain housed and it would not result in a
22 termination of tenancy.

23 CHAIRPERSON AMPRY-SAMUEL: So, out of the numbers
24 that you just gave me with the permanent exclusions,
25 did any of those lead to a termination of the actual

1
2 tenancy for that family in that unit, in that
3 apartment?

4 ERIN BURNS-MAINE: They should not be. So, there
5 should not have been a case where that had happened
6 based on the fact that it is a stipulation.

7 CHAIRPERSON AMPRY-SAMUEL: Okay, so now can you
8 give me the number of how many termination of tenancy
9 cases did NYCHA pursue in those same years, including
10 year-to-date? And of those, how many cases are due
11 to criminal offenses?

12 ERIN BURNS-MAINE: So, we have - I am sorry, I am
13 just thinking through your question, bear with me.

14 CHAIRPERSON AMPRY-SAMUEL: So, the first question
15 actually was related to the permanent exclusion for
16 the individual that had a criminal case against him.
17 So, now I am asking how many of the families were
18 actually evicted from NYCHA because of a criminal
19 offense?

20 ERIN BURNS-MAINE: We, let's see, we have the
21 numbers on non-desirability cases. I believe what
22 you are asking is about, of the permanent exclusion
23 cases, how many of those had a violation of that
24 stipulation that then resulted in the family being
25 evicted, is that correct?

CHAIRPERSON AMPRY-SAMUEL: I mean, it could be.
I mean, so, do you so separate cases based on
desirability, so if that's the case, do you keep
separate numbers for the termination of tenancy?

So, if that's the case, then you can answer that
question as well.

ERIN BURNS-MAINE: Sure, so we will take a step
back. So, when there is a permanent exclusion case,
it is a stipulation. So, by signing this permanent
exclusion, the household will stay housed so long as
they agree to and follow the stipulation and that
that person stays out of the household.

So, by definition by entering the permanent
exclusion, they are avoiding a termination of tenancy
but to the heart of your question, it sounds like
what you are looking for is how many of that portion
of folks then violated the permanent exclusion and
did that result in a termination. We can find that
information out for you. I don't have those numbers
handy.

CHAIRPERSON AMPRY-SAMUEL: Okay, I would like to
know the answer to that question and I would also
like to know, is there a way you can be evicted from
NYCHA and it not start from a permanent exclusion.

1
2 It could be something where maybe the person wasn't
3 from the excluded - you know there was a family
4 household that had a criminal case against them and
5 NYCHA decided to pursue the eviction, you know, based
6 on the information they received from NYPD that
7 wasn't related to a stipulation. So, is that a
8 process?

9 ERIN BURNS-MAINE: Yes, so households can be
10 terminated based on criminal activity. The
11 stipulation is just one option for the hearing office
12 and for the family of stipulation of permanent
13 exclusion. If they don't agree to that stipulation
14 or if it is not offered based on what the activity
15 is, households could be terminated based on justice
16 involvement.

17 CHAIRPERSON AMPRY-SAMUEL: Okay, so I just wanted
18 to be clear that I asked that same exact question and
19 I will go back. I said how many termination of
20 Tennessee cases did NYCHA pursue in 2016, 2017, 2018,
21 2019 and year-to-date and of those, how many cases
22 are due to criminal offense. So, the question is how
23 many termination of Tennessee cases did NYCHA pursue
24 due to criminal offense?

25 So, that was the question that I asked.

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ERIN BURNS-MAINE: Okay, apologies for any
confusion. I thought we were specific to permanent
exclusion.

CHAIRPERSON AMPRY-SAMUEL: I clearly said it was
two different questions.

ERIN BURNS-MAINE: No, my apologies. I am
hearing what you are saying now. So, what we will do
is provide you a breakdown of those two different
categories.

CHAIRPERSON AMPRY-SAMUEL: When?

ERIN BURNS-MAINE: We maybe, I would like to get
them to you during this hearing and I will work on
getting those.

CHAIRPERSON AMPRY-SAMUEL: Okay, so I will just
stop there and I will clearly need a second round.
Thank you.

CHAIRPERSON LANCMAN: Thank you Chair. Before I
move on to the Chair's questions, I just want to
recognize that we have been joined by Council Member
Van Bramer from Queens.

COMMITTEE COUNSEL: Thank you. We will now
return to Chair Cornegy for questions.

SERGEANT AT ARMS: Starting time.

CHAIRPERSON CORNEGY: Thank you so much for your
patience. Again, thank you for your patience. My
questions are fiscal. As part of the points of
agreement, the Mayor and the Council agreed to 380
additional JISH units for a total of 500 beds and I
think you mentioned this in your testimony and a
total investment of \$11.2 million by 2026. For
people who are homeless with the history of just
justice involvement, please provide an update on the
progress of this commitment.

DANA KAPLAN: Sure, thank you very much and for
an update on the JISH bags, I am actually going to
invite the DOHMH representative to provide that
update.

JAMIE NECKLES: Good afternoon. DOHMH released
an RFP for the additional 380 beds of justice
involved supportive housing in December of 2019. It
is an open ended RFP. It is on the street right now.
Unfortunately, we haven't received any satisfactory
responses at this date. We are actively working with
the provider community and collaborating with
agencies, with the Corporation for Supportive Housing
rather to promote more interest and responses in this
RFP.

CHAIRPERSON CORNEGY: So, in addition to that question or to expand on it, the Mayor agreed as part of the points of agreement to add \$25 million on top of the \$5 million baseline in the city's budget for transitional housing. And I am saying that with a backdrop of understanding the \$9 million deficit that we find ourselves in.

The city's budget for transitional housing service to enable people to avoid jail by participating in ATV's and ATI's, what's the status of this item? And the original agreement was a total investment by Fiscal Year '23, I am sorry.

DANA KAPLAN: Yes, and so, you are correct that it was a commitment for transitional housing, \$25 million by Fiscal '23 with a - and that by Fiscal '22, we would have a \$12.5 million investment and so, there is an RFP that will be forthcoming very shortly from the Mayor's Office of Criminal Justice that will be to begin that process of expanding the transitional housing beds and that initial commitment of up to \$12.5 and obviously, you know, the points of agreement document and overall still stands.

CHAIRPERSON CORNEGY: So, this wasn't included in my prepared questions but I do have to ask, while we

1
2 are doing this could everything shift and while we
3 are moving towards spending this amount of money on
4 reentry, I am sorry, reentry beds. Is there a
5 commitment from your agency for an M/WBE component of
6 a percentage of M/WBE components. And I am only
7 saying that because I have realized and said before
8 that while we are attempting to stabilize very
9 quickly, it is still - I don't want to miss an
10 opportunity to begin to include M/WBE's in the
11 Mayor's aggressive you know, 30 percent M/WBE
12 participation.

13 Like, we are going to have serious opportunities
14 by which to do that even in this round and I don't
15 want to miss an opportunity. So, is there a
16 commitment to make sure that part of this
17 reinvestment on people returning to the community and
18 the beds are invested in M/WBE companies.

19 DANA KAPLAN: Yes, yes, absolutely. That's an
20 important point and an important opportunity. In
21 this effort, I will say just generally speaking about
22 for instance the reentry services RFP that we have
23 issued. We have really been focused on wanting to
24 ensure that in addition to the you know, number of
25 providers that I mentioned in my testimony that there

1
2 are subcontracts with smaller neighborhood based
3 organizations and that that's certainly an
4 opportunity to ensure some you know, progress in
5 terms of M/WBE organizations.

6 I will say that on behalf of the Mayor's Office
7 of Criminal Justice, there is someone and I think
8 that this is a commitment throughout the
9 Administration as whole. There is someone now on our
10 senior leadership team that is just focused on the
11 question of our M/WBE goals and so, she will be
12 working with the justice initiatives and reentry team
13 towards that end and I think that you are absolutely
14 right that this is an opportunity to ensure that we
15 are making that commitment in these contracts.

16 CHAIRPERSON CORNEGY: I would also just and I
17 will go back to my original questions on the next
18 round but I would remiss if I didn't mention that it
19 kind of bristled the hair on the back of my neck when
20 I hear the subs. My primes are screaming me at all
21 times to make sure that they are included and have an
22 opportunity. Right, these contracts are not
23 tremendously lucrative but they are the pathway to
24 some of the sub becoming primes. I mean, I don't
25 want to miss that opportunity. I would be remiss if

1
2 I didn't bring that up. I don't want to brow beat
3 you on this but the M/WBE participation is incredible
4 important but also moving subs to primes even in this
5 realm and I know that this is not what we intended to
6 discuss but this is an excellent opportunity as we
7 pivot and shift and talk about recovery and
8 resiliency and all of those things to be inclusive of
9 M/WBE's not only as subs but also try to put them on
10 a pathway to being primes on these major contracts.

11 DANA KAPLAN: Chair, it is not considered a brow
12 beat at all. That is actually I think a very
13 important point and some of the prime vendors in this
14 RFP were organizations that historically have been
15 subs in other RFP processes and so you know, I think
16 the intention of subcontracting can you know very
17 much be an opportunity to be able to work with the
18 organizations and develop some of the infrastructure
19 to become the prime vendor itself but I think
20 absolutely that we should look at it as such and we
21 certainly should not be limiting you know,
22 organizations to not becoming primes themselves and
23 that's something that's already been happening.

24 CHAIRPERSON CORNEGY: Well, thank you for your
25 answer and thank you for not thinking that this is

1
2 brow beating, it is just important to myself, the
3 BLAC and the Council at large has really made a
4 commitment and so has the Administration. So, I just
5 want to point out when there is opportunities for
6 both of us to meet the goals, that we set up for
7 success for our M/WBE's. And the last question
8 before I get on for the next round is, the points of
9 agreement included up to \$1.4 million allocated in
10 Fiscal 2021 to double the size of NYCHA family
11 reunification programs through MOCJ reentry RFP.
12 Please update the committee on the status of this.

13 DANA KAPLAN: Yeah, so, we are on track to
14 provide those 200 services which is a doubling of
15 what the services are that had been available. You
16 know, in support of the reunification pilot, which
17 you know, had significant demonstrated success and
18 so, those will also be coming online in January 2021.

19 CHAIRPERSON CORNEGY: And lastly, you mentioned
20 she would be helpful and from the Mayor's Office, I
21 don't know who that person is, if we could just
22 circle back and make the Committee aware of who is
23 responsible for the M/WBE commitment. I would love
24 to work with them as the Chair of the M/WBE taskforce
25

1
2 at the Council. I would love to be able to work with
3 her.

4 DANA KAPLAN: Great and that was Tina Chiu on
5 behalf of the Mayor's Office of Criminal Justice. I
6 know that different agencies all have appointed
7 different individuals to play this role.

8 CHAIRPERSON CORNEGY: Thank you and thank you
9 Chair Lancman. I will relinquish the rest of my time
10 for the next round. Thank you.

11 COMMITTEE COUNSEL: Thank you. We will now take
12 questions from Chair Powers.

13 CHAIRPERSON POWERS: Thank you.

14 SERGEANT AT ARMS: Starting time.

15 CHAIRPERSON POWERS: Council Member Cornegy, not
16 using all his time. We like to see efficiency in the
17 Council. I probably will though. So, nice to see
18 everybody. Thank you guys for doing this hearing and
19 all the agencies. I am going to go through these
20 quickly but I want to just go back to IDNYC and ID.
21 This is a DOC or MOCJ question, which is we are not
22 that specific so can you talk to us about your more
23 specific challenges when it comes to providing ID's
24 to folks when it comes to reentry. I know we have
25 had this discussion in the past but can you outline,

1
2 can you outline for us some of the actual specific
3 challenges that the agencies have when it comes to
4 providing identification?

5 DANA KAPLAN: Sure, Anna, can you speak to that?

6 ANNA CALABRESE: Yes, thank you Council Member.

7 So, there are – you know, there are several
8 challenges that I think are quite well documented.
9 Number one, I think would be the fact that length of
10 stay is somewhat unknowable for individuals in city
11 jail custody compared to individuals who are in the
12 state. So, often, there may not be the sufficient
13 runway of time that one needs to prepare the
14 background documentation for ID and to help someone
15 to have an actual ID in their hand. So, that's
16 definitely historically a challenge.

17 Then there is the issue that you know, many folks
18 who are in custody may lack an ID of course but also
19 like, the supportive collateral documentation that's
20 needed to obtain further points of identification.
21 So, it's really that whole sort of ground up
22 building. The portfolio that's needed to apply for
23 identification process and some of that requires
24 technology and in person visits and you know, there
25 is some policy work needed to again sort of untangle

1
2 all of the knots that go into even getting that
3 collateral documentation so difficult. You know and
4 then there are issues around you know, when folks are
5 discharged ensuring that they have identification as
6 close to the time of discharge as possible. So,
7 getting what they had, you know, folks actually
8 taking what they have with them home is another
9 challenge.

10 So, those are some of the main -

11 CHAIRPERSON POWERS: Okay. You know Council
12 Member Lancman rents and we do want to see if we can
13 be helpful in that process and to try to untangle
14 those and also want to add some urgency to that
15 process but I recognize some of those challenges but
16 we are read to help in any regard to make
17 identifications. Again, it is a real issue.

18 Just for the sake of time, I will follow up with
19 you on that particular issue with the DOC and MOCJ.
20 This is for HPD and I wanted to ask. Are owners or
21 developers of units of affordable housing, lotteries,
22 are they able to reject potential tenants on the
23 basis of criminal history?

24 SARAH MALLORY: Yeah, thank you for that question
25 Council Member. We do have restrictions in our

1
2 marketing guideline, so we severely limit the kind of
3 things that they can look at. You know, it is HPD's
4 goal to help the most vulnerable whenever possible
5 and so, we started making a lot of aggressive changes
6 in 2015.

7 So, for example, you know, they cannot have
8 considerations for arrests with no convictions. You
9 know, the look back period has been severely
10 shortened and if there were offenses only if it is a
11 crime against a person or property. So, there are a
12 lot of restrictions around what's allowed to be
13 looked at.

14 CHAIRPERSON POWERS: And those are in your not
15 your regular targets, those are in your marketing
16 guidelines?

17 SARAH MALLORY: Yes, so anything that is going
18 through our affordable housing lottery is subject to
19 those marketing guidelines and requirements.

20 CHAIRPERSON POWERS: Okay, has HPD had any
21 consideration recently about revising those or
22 updating those? I mean, both in light of the
23 conversation that NYCHA is having right now with
24 their proposed rules and obviously legislation we are
25

1
2 having here. Any thoughts or any suggestions in
3 terms of changing that?

4 SARAH MALLORY: Yeah, great question. In
5 general, we do update our guidelines frequently and
6 in response to our work with our partners, the
7 Council Members and you know the advocates and folks
8 in the community and of course, the tenants that we
9 serve. And so, we are definitely have ongoing
10 conversations around this piece and appreciate your
11 thoughts on that.

12 CHAIRPERSON POWERS: Okay, thank you. I think I
13 see Erin Drinkwater here and HRA and DSS and company
14 - I see Erin turning her camera on. I think is for
15 you but how many people returning from jails or state
16 prisons last year were able to avoid going to shelter
17 with a City FHEPS voucher? Do you have data on that?
18 Perhaps it is for MOCJ.

19 ERIN DRINKWATER: No, it is for us. So, yes, let
20 me just pull up, sorry. So, we have the data for
21 since program inception and that was 77 individuals
22 out of the - a little over 2,000 single adults who
23 utilized the City FHEPS voucher generally.

24 CHAIRPERSON POWERS: Okay, so what is the 77
25 number?

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ERIN DRINKWATER: So, that is from when the
program began in October 2018 through September 2020,
77 individuals, single adults with a DOC discharge
prior to center -

CHAIRPERSON POWERS: That's city DOC?

ERIN DRINKWATER: Correct.

CHAIRPERSON POWERS: Okay and do you have state
data coming out of a state correctional system?

ERIN DRINKWATER: I don't have the state data.

CHAIRPERSON POWERS: Okay, I will follow up with
you on that as well. And do we have a data on how
many clients enter the shelter system from state and
city correctional facilities last year?

ERIN DRINKWATER: I do yeah. So, this is of
point and time. So, as of August 2020, 4.5 percent
of the single adult census in DHS had been in DOC
custody in the last year and then using that same
point and time measurement of August 2020 9.3 percent
of the DHS single adult census was on parole from New
York State Department of Corrections.

CHAIRPERSON POWERS: Okay, that's 4.5 and 9.3 are
those numbers? Okay. And just for a DSS standpoint,
can you tell us what you see as the main hurdles for
this population in finding housing? You know you

1
2 guys have such a view point here in the city. What
3 do you see as the largest challenges?

4 ERIN DRINKWATER: Sure, I appreciate that
5 question. I think one of the things that we have
6 been focused on at the state level is a Bill that's
7 sponsored by Senator Sepulveda and Assembly Member
8 Weprin, that would really focus on – it would amend
9 the corrections law and really focus on discharge
10 planning at the state level to ensure that inmates
11 are able to obtain housing prior to release to
12 community supervision.

13 We know that there are significant numbers of
14 individuals who are leaving state correctional
15 facilities and what happens is they are discharged
16 directly to shelter. There are some instances in
17 which our teams are able to provide some you know,
18 resources to determine opportunities to divert entry
19 into shelter but we really believe that the
20 obligation should be squarely on the state
21 corrections teams to appropriate discharge planning
22 and to be able to work with our teams to layout what
23 those alternatives are as opposed to entry into
24 shelter.

1
2 The other I think important piece of the Bill, is
3 that it really does put some of the fiscal burden
4 back to the state, where it should be appropriate
5 place in terms of what the responsibility is for the
6 state corrections.

7 CHAIRPERSON POWERS: Okay, I will take a look at
8 it but I think I have seen it but I will take a look
9 though. Thank you Erin.

10 Just a couple more questions here. I want to go
11 to NYCHA for a second, just talk about your proposal,
12 what you are making out there right now really to
13 promote history and I want to do one more to DOC. I
14 will just ask them both now and then maybe we can
15 answer them.

16 The first one for NYCHA, you have proposed
17 amendments out there right now related to criminal
18 history, criminal justice in terms of housing that
19 allows for individualized review. I believe that is
20 out there in the rule making process right. I think
21 maybe open for public comment. I don't know if it is
22 closed yet or not.

23 Can you tell us about the proposed changes where
24 that is, what feedback you have heard from tenants so
25 far and what kind of criteria would the committee's

1
2 that are doing the individualists review consider in
3 its holistic screening of persons that have been
4 criminal justice involved and what would NYCHA
5 consider evidence of rehabilitation? That's question
6 one, a. b. c. and d.

7 And then the second one is, first just to DOC, I
8 wanted to get an update on birth certificates. I
9 believe that the Council with the 6A program, like
10 they can get assistance with obtaining a birth
11 certificate and wanted to get information updates and
12 data in terms of how many individuals were able to do
13 that prior to release and post-release.

14 So, I am sorry for all that you guys. I will
15 start with NYCHA and then we can go to DOC on the
16 second question.

17 ERIN BURNS-MAINE: Thank you so much Council
18 Member.

19 So, thank you for bringing up our current open
20 public comment on all of our policies related to
21 criminal justice involvement.

22 SERGEANT AT ARMS: Time expired.

23 ERIN BURNS-MAINE: So, earlier this year, NYCHA
24 embarked on an assessment of all of our policies that
25 impact folks with criminal justice histories or

1 criminal justice involvement. Whether that is
2 someone who is a new applicant to NYCHA or seeking to
3 return home to their family in NYCHA housing.
4 Outside of those two federal bans that I mentioned
5 earlier, the lifetime registered sex offense
6 conviction or being convicted of producing
7 methamphetamines in public housing, NYCHA essentially
8 has listed everything that we have within our
9 discretion and has put that out for public comment.
10 We really stood on September 14th. It was originally
11 put out for 30 day public comment. We have extended
12 it 14 days. So, the comments are due by October
13 28th, so there is still a full other week of comments
14 coming in. And this is really an effort to modernize
15 our policies. This is not something that we are
16 required to do. It is actually something we have not
17 done in any of our recent history, put something out
18 for public comment and feedback like this. But we
19 really are seeking some of the thoughtful comments
20 from different stakeholders, residents, tenant
21 leaders, some of those resident bodies, as well as
22 the advocacy community and other community members
23 who have thoughts on this.
24
25

1
2 And so, we are just kind of in a summary of what
3 has been put out for public comment. Some of the
4 recommendations that NYCHA has put forward are
5 utilizing a committee review for any application that
6 may have been denied based on an item on a criminal
7 background check.

8 Using this individualized review process to
9 better access justice involvement within our current
10 lookback periods, changing the definition of current
11 drug use from use within the last three years to use
12 within the last year. Setting a minimum age for
13 permanent exclusion and changes to automatically lift
14 the permanent exclusion after five crime free years,
15 should be tenant of record agree that it would be
16 good for that person to return home.

17 We have made recommendations in these areas only
18 as a jumping off point in the conversation but we
19 really are looking forward to hearing from folks on
20 these different areas.

21 I am going to turn it to my colleague Yolanda
22 Johnson-Peterkin to answer the second half of your
23 question which is around the documentation that is
24 reviewed during the Committee meetings and Committee
25 structure.

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1
2 YOLANDA JOHNSON-PETERKIN: Hi, thank you. I am
3 so excited to have an opportunity to talk about this
4 process in part that we have placed in opportunity
5 for individuals to have individualized reviews.

6 Some of the things that you asked about which is
7 evidence of rehabilitation, we are looking at what
8 the person might have done while they were inside.
9 We also have an opportunity to have different people
10 in that particular committee because it is based on
11 the way that we have been doing the family reentry
12 program at NYCHA, which has been very successful in
13 the last five years of looking at individualized
14 opportunities for individuals who have done something
15 on the inside.

16 We are also very proud that we have somebody who
17 is the guru of criminal justice in understanding what
18 that walk might be back into the community. So, we
19 are taking a real keen look on a case by case basis
20 of anybody that falls in that particular category.
21 We also - when we talk about an opportunity to have
22 that particular evidence, there could be no evidence.
23 It could just be that that person has been out for
24 quite some time and have stayed free away from any
25 criminal justice involvement.

1
2 So, it is not necessarily a criteria that is set
3 in stone, that you have to have one year or two
4 years. Once again, it is an opportunity to look at
5 that person, their family setting, their support
6 systems and all of their social networks. All of the
7 things that we need so that that person could have a
8 strength based journey back to freedom.

9 CHAIRPERSON POWERS: Thank you for that. I think
10 the concern might be that it is a little too
11 discretionary and it is going to require some
12 guidance to people to understand what that process
13 looks like and what might be helpful to that process
14 to be able to get placed in the housing.

15 Thank you for that answer. I will just – not to
16 take up too much time. I will just pass it over to
17 DOC on the second question. Thank you NYCHA for the
18 answer.

19 FRANCIS TORRES: Good afternoon Chair Powers, my
20 name is Francis Torres and I am one of the Assistant
21 Commissioners assigned to the Division of Programs
22 and Community Partnerships. We are happy to share
23 with you and I thank you for that question. That our
24 counseling staff leads our efforts as a division to
25 ensure vital records, whether it is birth

certificates or social security cards for those individuals who are assigned to our care and custody.

As you could only imagine the process at times once the individual has been assisted in the completion of the application, could take approximately 14 weeks to be processed. At which point, we could have that person already discharged from our custody. I think that it is fair to share with you that for FY20, meaning July 2019 and June 2020, we have been able to assist 275 individuals with requesting birth certificates. Thank you.

CHAIRPERSON POWERS: Okay, my last question, 275 out of how many individuals that would be able to get a birth certificate?

FRANCIS TORRES: Any individual who has a need for a birth certificate Chair Powers, could be in communication with our counseling staff at which point, our counseling staff would initiate the process.

CHAIRPERSON POWERS: Okay. And so, my really last question, how many – if you got 275, how many were you unable to help?

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FRANCIS TORRES: Chair I don't have those numbers
right now. We will more than happy to get that
figure to you.

CHAIRPERSON POWERS: Okay because success rate,
that success rate is really more important than the -
I think as much as important as the other number but
I will leave that there. Thank you, thanks to all
the agencies for taking time to answer the questions.
I will give it back to Chair Lancman.

CHAIRPERSON LANCMAN: Thank you. Let me just
acknowledge that we have been joined by Council
Member Ayala.

COMMITTEE COUNSEL: Thank you. We will now turn
to Chair Levin for questions followed by questions
from the Committee Members and just a quick reminder
to the other Council Members. If you have any
questions or would like to ask any, please use the
Zoom raise hand function, so that we can call on you
in turn. Council Member Levin?

SERGEANT AT ARMS: Starting time.

CHAIRPERSON LEVIN: Thank you very much. I
wanted to ask a little bit more about discharge
planning with State Department of Corrections. So,
Deputy Commissioner Drinkwater, you mentioned that -

1
2 you said that it was, I am sorry, 4 percent of at
3 point and time, 4 percent of individuals in DHS
4 system in the single adult system are discharged
5 directly from State DOC, is that right?

6 ERIN DRINKWATER: No, so, this is not at directly
7 discharge, so the numbers I provided in August 2020,
8 4.5 percent of the single adult census had been in
9 DOC custody in the last year and then for State
10 Corrections, as of August 20, 9.3 percent of the DHS
11 single adult census was on parole.

12 CHAIRPERSON LEVIN: Okay. So, how many then
13 individuals during this point and time? How many -

14 ERIN DRINKWATER: Sure, and I will also, because
15 there is some overlap between the groups, so let give
16 that information as well.

17 So, as of August 2020, 797 out of 17,621 of the
18 individuals in the DH census had been in DOC custody
19 in the last year. Using that same point and time,
20 August 2020, 9.3 percent of individuals or 1,632
21 individuals out of that same 17,621 of the DHS census
22 was on parole from New York State. And then the
23 overlap between those two groups, so same measurement
24 August 2020 11.9 percent or 2,096 individuals out of
25

1
2 the 17,621 within our census had been in DOC custody
3 in the last year and/or was also on parole.

4 CHAIRPERSON LEVIN: So, a couple of things with
5 that. So, I know for years we have been hearing from
6 DHS that one of the biggest issues that we have been
7 seeing in the single adult shelter system is that
8 State DOC has not been effectively coordinating with
9 them upon discharge. But this is showing that that's
10 about 4 percent of the single adult shelter
11 population you know, under 1,000 people. So, that's
12 not really you know, percentage wise really
13 contributing a massive amount to that system.

14 Also, with that number of individuals, we should
15 be able to work with that number of people, under
16 1,000 people, we should be easily able to work with
17 that.

18 ERIN DRINKWATER: Oh, I think that that was
19 important to remember is that because this is a point
20 and time count, it is representative of only a small
21 subset of the individuals who utilized DHS shelter on
22 a particular night.

23 So, while we are utilizing an August 2020 point
24 and time count of over 17,000 individuals in the DHS
25 single adult census, that's not representative of the

1
2 full component of individuals that we serve on any
3 given night who come to us in need of shelter.

4 CHAIRPERSON LEVIN: Right, no, I am more talking
5 about this kind of larger picture of the drive. For
6 years, we have been having this conversation when we
7 have seen a large uptick. In the last five years, we
8 have seen a significant uptick in the number of
9 single adults in the shelter system. Often DHS has
10 said that the main driver of that is DOC's lack of
11 discharge planning.

12 ERIN DRINKWATER: So, we have characterized it as
13 one of many drivers, which is accurate. It also
14 contributes to another driver as we know is you know,
15 lack of affordable housing, evictions and those sorts
16 of things as well. It is something that we believe
17 would be addressed in part with additional discharge
18 planning from the state and/or if there isn't
19 appropriate options other than shelter based on that
20 more robust discharge planning, that the city would
21 be reimbursed for the sheltering costs of those
22 individuals.

23 We surpassed the adult cap for reimbursement each
24 year and so, looking at other opportunities for
25 reimbursement from the state for the services that

1
2 were providing, is also something that we are hoping
3 to achieve with that legislation.

4 CHAIRPERSON LEVIN: So, and maybe this is
5 something that MOCJ could speak to. What is our
6 coordination with State DOC look like at a practical
7 level? Let's take an example if somebody being
8 discharged from State DOC, what is their engagement
9 prior to discharge with New York City agencies?

10 DANA KAPLAN: So, I can certainly speak to that
11 as it relates to the individuals that do come into
12 the hotels because to be clear in the three dedicated
13 reentry hotels that we have, we are currently housing
14 individuals that are released from local DOC custody
15 or from Rikers, as well as we make beds available to
16 people who are coming from States DOC facilities.
17 And so, in that regard, you know, we have been
18 working with them to you know, link those individuals
19 to the same reentry services that are provided at the
20 hotels. Understand in advance of there placement
21 what any you know; medication or medical needs might
22 be. Obviously, if they are an individual that is
23 still on some level of parole supervision, then that
24 is - the supervision is something that is you know,
25 provided at the state level and that is their

responsibility to you know maintain contact with
their parole officer but we do provide those reentry
services.

I can speak again; this is just specific to
people who are coming into the MOCJ reentry hotels.
Others are better able to speak to individuals that
are being discharged -

CHAIRPERSON LEVIN: I guess my question is like,
is there a - you know, like a well-established MOU or
some type of organizational chart for somebody that's
being discharged from state prison. Say okay, this
is the city agency that you need to be talking to.
This is the city agency that you are going to be
talking to with regard to your housing. The city
agency that you are going to be talking to with
regard to your healthcare. This is the person; this
is the number. I am going to call them right now.
You know, where is the - is there a kind of
streamlined relationship between city agencies and
state, either parole or DOC to actually discharge?
Because for years I have heard oh, State DOC just
discharges people into shelter. There is no real
planning and honestly I would imagine it is a two way

1 street. We have to – the city has to do its part
2 also to make sure that there is appropriate linkages.
3

4 If we are talking about at any given time, 700
5 individuals, that's not 10,000 individuals, it is
6 under 1,000. You could do proper planning for 700
7 people at any given time, that's not a case load that
8 is beyond comprehension. You know, that's workable
9 but where is the structure and I haven't seen the
10 structure in place to say okay, this is what we are
11 going to be doing with people as they are being
12 discharged. Here is your healthcare, here is your
13 housing, here is your employment, here is your
14 identification.

15 I appreciate that there is – you know, we do a
16 lot of work with people coming out of Rikers, that's
17 important but I am really concerned about that this
18 coordination and who is going to take responsibility
19 for that? I have just heard for years, oh, it is the
20 states responsibility, it is the states
21 responsibility, where is that MOU between the city
22 and state that I am looking for?

23 DANA KAPLAN: So, I am not personally aware of an
24 MOU between the city and the state on this question.
25 I do, I can share just what I am aware of which is

1 that, obviously you know, within State Department of
2 Corrections, they do have you know, a deputy level
3 who is in charge of reentry and with discharge staff
4 and we certainly work closely with individuals on
5 that team to make recommendations on services that
6 are available. I know that that individual is also
7 in touch with you know, people from other city
8 agencies and I know that a number of the nonprofit
9 service providers that have contracts with the city
10 also have contracts with the state. And we certainly
11 have you know, made a number of our services
12 available to those individuals as well.

14 So, in terms of specificity of the literature
15 that is handed out, I am much more familiar with the
16 literature that we had out and you know, how we
17 coordinate that network for people coming out of
18 local custody. But certainly, you know consider
19 ourselves partners to the state in this effort and
20 that you know we are certainly willing to continue to
21 coordinate with them. I certainly don't know of an
22 MOU that outlines that but if I can identify one, I
23 will make sure that the Council can see that.

24 CHAIRPERSON LEVIN: You know, I think what I am
25 saying is I actually want one to be drawn up but I

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1
2 will work on it, you know, we can work on it
3 together. This is something that I think can should
4 happen.

5 Chair Lancman, I will come back on second round
6 because I just have another question.

7 CHAIRPERSON LANCMAN: Thank you.

8 COMMITTEE COUNSEL: Thank you. We will now turn
9 to questions from Council Members beginning with
10 Council Member Levine followed by Council Member
11 Lander.

12 SERGEANT AT ARMS: Starting time.

13 COUNCIL MEMBER LEVINE: Thank you so much. I
14 want to ask questions on one of the Bills we are
15 considering today, which is not directly related to
16 reentry but I just want to express my appreciation to
17 the Chair's today for your work on this issue and
18 associate myself with your comments. But we also are
19 hearing a Bill that's critical to protecting tenants
20 and their data privacy and I wonder if Sarah Mallory
21 would be available for a follow up question or two on
22 HPD's position on that?

23 SARAH MALLORY: Yes, definitely.

24 COUNCIL MEMBER LEVINE: Great, thank you. I am
25 really happy to hear that HPD supports the goals of

1
2 the Bill. If I understand correctly, you had
3 concerns about the practicality of enforcement and it
4 seems like specifically that it is a technical area
5 because it is IT related, that might be beyond the
6 expertise of HPD and if that is right, I am wondering
7 whether we could tap the expertise of another agency
8 like DOITT to make sure that we can accomplish these
9 goals.

10 SARAH MALLORY: Yeah, I think that's exactly
11 right. You know, there are conversations around
12 privacy and kind of the retention and storage and
13 collection of data. I think that we also want to
14 have without Chief Privacy Officer but working with
15 all those bright parties, we definitely want to
16 figure out the right enforcement mechanism for this
17 going forward and the right agency to do that.

18 COUNCIL MEMBER LEVINE: Got it. Is DOITT
19 currently involved in any enforcement of any existing
20 rules?

21 SARAH MALLORY: I cannot speak for DOITT. To be
22 honest, I am not the expert in that area but we can
23 get back to you on that.

1
2 COUNCIL MEMBER LEVINE: Got it and the Chief
3 Privacy Officer, do they have any current enforcement
4 duties are you aware?

5 SARAH MALLORY: Not that I know of but same
6 thing. I am not the expert there, so I would have to
7 get back to you on that.

8 COUNCIL MEMBER LEVINE: Okay. I mean, this is
9 probably worthy of an offline conversation. I think
10 that if there is agreement on the goals and expertise
11 within city government, though perhaps not within HPD
12 that there is a way we can bring all the right
13 parties to the table to pass legislation which will
14 protect tenants and involving landscape where there
15 data on building entry is frankly exposed and we want
16 to protect their privacy, their safety and while
17 offering them the convenience that some of these
18 systems do offer.

19 So, I am going to pause there and I am going to
20 pass it back to the Chair's for more time for my
21 colleagues and advocates. I thank the Administration
22 for their general support and to my colleagues, the
23 Chair's for allowing me to speak. Thank you.

24 COMMITTEE COUNSEL: Thank you. Council Member
25 Lander.

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SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER LANDER: Thank you very much to
all the Chair's and everyone who is testifying for
this important hearing. I also, I am going ask my
questions about the legislation as well but I really
want to appreciate the work that is being done by our
Chair's for oversight and the work that's being done
by agencies. It is absolutely critically important
and I will just of one tidbit that got thrown in, I
was really glad to see the Where We Live report
finally released. That has been a long time coming.
Obviously, it is important on the issue of providing
housing for folks who are returning from prison or
jail but it is broadly critical for the future of the
city, so I am glad it is s released.

But I want to ask my question also about this
issue of tenant privacy. I support Council Member
Levine's bill and I hope we will move forward with it
but I want to ask Ms. Mallory, about a year ago, we
had a hearing on this topic more broadly of tenant
security and tenant privacy. Council Member Levin's
bill would require a set of protocols to make sure
that we protect any data that's collected on tenants

1
2 by owners who use biometric scanning or other data
3 gathering sources.

4 About a year ago, we had a hearing on my bill
5 Intro. 1758 that would require landlords to provide a
6 physical or mechanical key to tenants. So, if they
7 wish to avoid having to use a keyless fob or
8 biometric or something that would track their wear
9 abouts all together they would be able to do so. And
10 at that time on October 7, 2019, you indicated HPD's
11 support of the Bill. That you support maintaining
12 requirements for manual lock and key sets and I just
13 want to ask if that continues to be true?

14 SARAH MALLORY: Yes, absolutely, well, first I
15 want to say thank you for your support of Where We
16 Live. We are very excited to have that report done
17 and you have been a real strong champion of that for
18 a long time. So, thank you for that and then
19 additionally, that is correct. We testified about a
20 year ago in support of that Bill and yes, we do
21 support kind of codifying HPD's existing practice to
22 require that a key and lock set be required in
23 addition to any kind of fob or electronic system.

24 COUNCIL MEMBER LANDER: That's great and I will
25 just make clear, these things in my mind go together

1
2 very well. It is not one or the other, where people
3 do put in place security systems that gather data,
4 there must be privacy standards to protect tenants
5 and I want to appreciate Council Member Levine's Bill
6 introducing them.

7 But if we also require landlords to provide a
8 lock and key, then those people who want to go one
9 step further and say, I am going to find a way not to
10 have my data tracked at all. I will wear you know,
11 glasses that obscure or do what is necessary to
12 protect my privacy, could still get and in and out of
13 their homes without being subjected against their
14 will to it.

15 So, it is great to hear HPD still support, the
16 Administration still supports that Bill and I look
17 forward to working with Council Member Levine and the
18 Chair's so that we can pair these together to protect
19 tenant privacy to the full extent possible.

20 So, thank you very much for the opportunity to
21 ask my questions.

22 SARAH MALLORY: Thank you.

23 COMMITTEE COUNSEL: Thank you. Seeing that there
24 are no other Council Member questions, we will return
25 to the Chair's for another round of questions from

1
2 them. Each Chair will once again have ten minutes to
3 ask questions beginning again with Chair Lancman.

4 CHAIRPERSON LANCMAN: Thank you.

5 SERGEANT AT ARMS: Starting time.

6 CHAIRPERSON LANCMAN: This is Jamie Neckles at
7 DOHMH, I think. You indicated that no satisfactory
8 response had been received on the RFP for development
9 of the JISH unit, despite the RFP being live for
10 almost a year at this point. Can you explain that a
11 bit more? What are the attributes that DOHMH is
12 looking for that would qualify as a satisfactory
13 response and what are your expectations for how the
14 corporation for supportive housing may be able to
15 help specifically?

16 JAMIE NECKLES: So, the RFP has various sections
17 around experience of an organization that is
18 responding, as well as their plan to implement the
19 model as it has been developed this far and been
20 successful. And so, they is scoring criteria
21 associated with each section in the response and a
22 group of subject matter experts, reviews the
23 proposals according to very strict rules so that
24 there is no bias in our review process and their
25

1
2 scores were below the minimum thresholds that we have
3 set to make an award.

4 We are planning - do you want me to take the
5 second part?

6 CHAIRPERSON LANCMAN: Yes, please.

7 JAMIE NECKLES: Sure, we are planning a webinar
8 in November to invite justice service providers who
9 frankly may have been you know, busy or distracted by
10 the pandemic over the last year to you know, pay
11 renewed attention to this opportunity to ask
12 questions, learn more about the successes from
13 providers thus far and get some guidance about how
14 they can respond through the city's procurement
15 system.

16 CHAIRPERSON LANCMAN: How many responses did you
17 get?

18 JAMIE NECKLES: There was one complete response.

19 CHAIRPERSON LANCMAN: Just one, that's strange.

20 JAMIE NECKLES: You know, we convened on
21 providers before we had the RFP. I agree, it is
22 strange. We convened providers before, we issued the
23 RFP to get input. We had a really great
24 participation in that meeting last roughly you know,
25 fall sometime. Lots of you know, interest and

1 excitement and input into the development. So, you
2 know, we too were surprised by the limited response.
3 You know, I really think the pandemic is a factor
4 here.

6 CHAIRPERSON LANCMAN: Alright and you have been
7 in touch with the universe of potential legitimate
8 providers to maybe see what - is this your surmise or
9 have you spoken to folks and said, yeah, we would
10 have thought you would have submitted a response, a
11 bid.

12 JAMIE NECKLES: So, you know, I think, you know,
13 as a contractor I need to be careful about the kinds
14 of you know conversations I have with providers and
15 not sort of giving any unfair advantage but there
16 have certainly been reminders sent out, automatically
17 generated through the city's procurement systems to
18 providers and I think there was a noted you know,
19 decline in responses to RFP's overall in the city.

20 I have heard that from other sources. That is
21 not my information directly, so I don't think this is
22 unique to just JISH.

23 CHAIRPERSON LANCMAN: Right, maybe, is there
24 anything MOCJ could add, maybe MOCJ you know is in a
25 position to have more direct conversations with the

1 universe of providers. Obviously, I mean, I don't
2 mean to be glit but just like sending the same thing
3 out that got the same poor response last time,
4 probably not the best strategy.
5

6 JAMIE NECKLES: Yeah, I mean, I agree, we don't
7 want to you know, try the same thing and expect
8 different outcomes which is why we are you know,
9 working with a third party to host this webinar in
10 November.

11 CHAIRPERSON LANCMAN: Okay. MOCJ, is there
12 anything that can be done other than the webinar?

13 DANA KAPLAN: So, I unfortunately have not had
14 conversations with providers specific to the JISH RFP
15 but obviously we are you know, we also share the
16 desire for there to be a better response. And so, we
17 are happy to work with Jamie and others to you know,
18 do what we can to increase that response rate but I
19 have not communicated with providers on JISH
20 specifically.

21 CHAIRPERSON LANCMAN: Okay, okay, that's what I
22 have. Thank you.

23 COMMITTEE COUNSEL: Thank you. We will now turn
24 to Chair Ampry-Samuel.

25 SERGEANT AT ARMS: Starting time.

CHAIRPERSON AMPRY-SAMUEL: Thanks again. You know, I felt the need to just kind of frame my question to make sense of like the why.

So, in 2018, some 3,400 plus people were released from state prison and went directly to the shelters in New York City. 15,000 people went into the New York City shelter systems between 2015 and 2018. That's an average of 5,000 people per year and I want to highlight that because when we look at the state prison system, a majority of the people are from my district. And so, when I am asking about you know, numbers that are related to folks coming home and being able to return to their families, it is because in my district office, in my New York City Council District office, this is a constituency matter. I receive phone calls and people knocking on our doors on a weekly basis and the conversation is, my son has been incarcerated for 20 years and he is coming home next month. And I want to know how you can help me either find a place for my child or how can they return to my apartment in NYCHA.

So, this is a real legit constituent service issue for me and my family, my friends and the people in my district and the public housing. So, I wanted

1
2 to frame that question, so when I am asking about
3 numbers, it's because I need to know because I need
4 to answer these questions when we get these
5 constituent services issues and I want to be able to
6 provide information, resources and solutions.

7 And so, I am going to continue with my questions
8 related to permanent exclusion and then, as a lead
9 up, hoping that I will be able to get some
10 information, then we can go into the amazing work
11 that Yolanda Johnson-Peterkin is doing, so we can
12 figure out how to be able to assist and scale up,
13 okay.

14 So, returning back to the questions. How many
15 families were able to request to have a permanent
16 exclusion case lifted and with that, can you just
17 talk about the process of when a resident would like
18 to have their case or their loved one - that
19 exclusion lifted and then, if there is any attorney's
20 present at that time? So, just talk about the
21 process for us.

22 ERIN BURNS-MAINE: Absolutely and Councilwoman,
23 just so you know at the end of this week and circle
24 back and I was able to get those numbers for you.
25 But to your question at hand, just to speak to the

process. So, the Permanent Exclusion Lift program was established a few years ago to provide a pathway for folks to have a permanent exclusion lifted.

So, on our website, you can find application forms that need to be completed by the person who desires to return home. There is two pathways to having their permanent exclusion lifted. One is passage of time and the other one are a change of circumstances and evidence of rehabilitation that can be shown.

Once those forms are submitted and reviewed, we have had a number of folks successful in closing their permanent exclusion, so to your question on the numbers, in 2017, there were 60 applications for a PE closure, 36 of those were granted, 24 were denied.

In 2018, there were 83 applications, 60 were granted, 22 denied, one mute and I can explain what that means in just a moment. In 2019, there were 83 applications, 62 were granted, 20 denied, one mute and then 2020 year-to-date, there were 23 applications, 19 were granted, 4 denied.

Of the cases excluded in 2017, 2018 and 2019, those recent cases, we have only had about 5 lifted just because the passage of time has not happened.

1
2 So, they are either not eligible yet or the tenant
3 has not applied. And just to clarify those two cases
4 that I mentioned that we have described here as mute,
5 it means that the individual applied when they were
6 not eligible and then as the appeal process
7 progressed and time passed, they became eligible.
8 So, the initial application was mute because the
9 passage of time then meant that they were eligible.

10 CHAIRPERSON AMPRY-SAMUEL: So, just as a quick
11 follow up, let's just go to 2017, the 60 applicants.
12 24 were denied, can you just speak to the 24 that
13 were denied? Like, why would a family be denied. I
14 know you just mentioned a few things but can you just
15 speak to the 24? 24 seems like a high number to me.

16 ERIN BURNS-MAINE: Sure, so it can be for a
17 variety of reasons. So, one could be that enough
18 time has not passed. That they are within look back
19 periods, so they are not eligible because they
20 haven't met that standard of passage of time since
21 the offenses. Another could be that there is not
22 enough mitigating evidence or documentation provided
23 in order to lift the exclusion.

24 It also could be that the tenant of record does
25 not want to person to return.

CHAIRPERSON AMPRY-SAMUEL: Okay, and so, with that, were any of the residents represented by an attorney during the process at all?

ERIN BURNS-MAINE: So, we do have residents who are represented by attorneys. Unfortunately, we do not track the number of residents who are represented. It is not something that is tracked, it would need to be volunteered by the residents.

CHAIRPERSON AMPRY-SAMUEL: Okay, is there evidence that demonstrates that increase saying permanent exclusion is an effective strategy to decrease crime in public housing. So, can you just speak to just the policy itself?

ERIN BURNS-MAINE: Sure, absolutely. So, again, the permanent exclusion policy is a big part of why we are pursuing the current effort to modernize our policies. We know that there is a lot of changes that are desired. Right now, the permanent exclusion policy has been used as a potential solution, a stipulation that is offered to the tenant of record as a way to preserve their tenancy and remove the person who is involved in the criminal justice system but we know that this is something that can also have negative impacts on a household and also that there

1
2 has been feedback on the PE lift process. And so,
3 all of those reasons are out for public comment right
4 now and we do hope that if there are other solutions,
5 if there is other alternatives to this, it would be
6 helpful to hear of them.

7 CHAIRPERSON AMPRY-SAMUEL: Okay, alright, so,
8 thank you so much. I just want to just make a quick
9 comment before I go to Yolanda, that you know, I keep
10 hearing about substance abuse, chemical dependency
11 and you know, relating that to evictions and
12 exclusions. And you know, I think that we are
13 clearly at a time where we cannot at all criminalize
14 substance abuse. We cannot at all criminalize that;
15 it just goes totally against everything that we have
16 been talking about with mental health and health
17 issues and health disparities in our communities.
18 And so, to even have that in the same conversation is
19 just so archaic and that is a key point that I wanted
20 to put out there.

21 And so, in the little bit of time that I have
22 remaining and I might have to go to a third, you all
23 excuse me or just give me some leeway here. I want
24 to now speak directly to Yolanda Johnson-Peterkin. I
25 know you are an amazing leader in NYCHA and have been

1
2 doing some amazing work as it relates to the reentry
3 program.

4 So, can you just describe the Vera Institute for
5 Justice Family Reentry program and just how many
6 applicants applied to be a part of that program? And
7 how many were accepted and you know, were there any
8 folks that reentered NYCHA and joined the lease but
9 had to like, if they went back to prison.

10 So, can you just give us some numbers and just
11 talk about the program itself because we are just
12 trying to make sure that you know, just trying to get
13 a sense of is it working and like, what can we do to
14 scale up?

15 YOLANDA JOHNSON-PETERKIN: Thank you Chair
16 Samuel, I appreciate that. So, I am always excited
17 to talk about family reentry. Family reentry is an
18 opportunity for people to reunify with their family
19 in public housing, in NYCHA public housing in our
20 facilities with their family, but they must be the
21 direct family, mother, father, sister, brother.
22 That's the rule of NYCHA in New York City.
23 Stepmother, stepfather has to be the first line of
24 family.

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We have had a lot of success and it has been an existence for seven years but five operational, two was planning and etc., well six, about six. And so, from the time that family reentry started, giving formally incarcerated people who have three years or less or are currently incarcerated and I really want to be able to reach out to those individuals that are doing 20 years and want to move back in with their parents or their family members. Those are the individuals that we are looking for. We have taken into the program over the last five years. The numbers I have are from 2017. In 2017, it was 53 applicants, 2018 - 28 applicants, 2019-31 applicants, 2020 unfortunately it is COVID, we only had 8 but of those numbers, the people who were accepted into the program in 2017 was excuse me a second.

SERGEANT AT ARMS: Time expired.

YOLANDA JOHNSON-PETERKIN: Sorry. 2017 was 28 out of the 53, 15 out of the 28, 15 out of the 31 and 13, that's because some of them probably was in December and we accepted them in January in 2020.

So, but please understand that we accept the application doesn't mean that it is the family member or they actually want the person to live back. But

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2 what we have done is that we have had 287 to date
3 people apply and we have accepted 165 as of today and
4 of those numbers, you wanted to know. Of those
5 numbers, now 87 of those numbers withdrew, meaning
6 that it was not a family member. For some reason we
7 got the application from our providers but it wasn't
8 really a match for the program. Because we didn't
9 deny that many people, 87 took their applications
10 back but the wonderful number is that of that 162,
11 116 have completed the program. 20 of them are in
12 progress of getting on the lease, 31 on the lease, 58
13 have moved out with their other loved ones and 2 of
14 them have bought houses, yes some in Brownsville and
15 unfortunately 3 was arrested after they completed the
16 program.

17 So, they did the two years and then after they
18 completed the program they were arrested and some of
19 our individuals are going on to Rat and Pack. So,
20 that means that the development has turned into a rat
21 or pack development and they have had an opportunity
22 to stay and move in with their family but we don't
23 actually count them in public housing.

24 So, and the bigger number is 287, 165 we have
25 accepted and of that in five years, only 6 have been

1
2 rearrested and went back to prison. So, we know that
3 when we put people back with their family, they have
4 an opportunity to stay on the freedom journey.

5 CHAIRPERSON AMPRY-SAMUEL: Just real quick, how
6 do you measure proof that is actually working. Like,
7 you know, can you just speak to like a success story
8 and to say that you know, we have this amount of
9 people working at NYCHA within this unit, working
10 with these families and because of that, we can scale
11 up to 500 families. You know, based on the numbers
12 that we have seen. So, can you just give us like a
13 quick summary?

14 YOLANDA JOHNSON-PETERKIN: So, in summary, we are
15 very excited because we will be partnering with MOCJ
16 to get some funding. You know that NYCHA does not do
17 their own applications. They process applications.
18 So, we have the gurus out there on the venue and
19 working and looking for individuals that are in the
20 facilities, outside of the facilities, making sure
21 that we are in the developments, making sure that we
22 are putting out the word that people can live in
23 public housing with their family.

24 Unfortunately, we have been shifting that myth
25 for a very long time. Five years and it is probably

1
2 going to take us another five but we have individuals
3 who are - who graduated from the family reentry
4 program, they are working at NYCHA, they are also
5 telling their stories as well but the best story that
6 I know, that I can talk about is the individual who
7 unfortunately, he reunified with his mom and they had
8 a great time and all things were well. He had gotten
9 an opportunity to spend four years with her before
10 she passed.

11 He did join the lease, so after she passed, he
12 had an opportunity to take over that apartment you
13 know, to stay with the remaining family member.
14 Although he had done something 12 years ago that he
15 was not so proud of. What that turns into is that
16 the other elders of that building and the people that
17 knew his mom, they started to rely on him to help
18 them during COVID and he was out helping them and
19 delivering food and all of that stuff.

20 So, we know that individuals that want to turn
21 their life around, that even if it is not their
22 parents, they will give back to our communities when
23 we allow them to come back in the community and
24 serve. So, we encourage our participants to serve,
25 to give back to the developments and the areas and

1
2 that's what it takes. Now, the way that we scale up
3 is to get with MOCJ and allow our providers, our
4 community providers to do the best work to make sure
5 that they are helping us get that word out and I know
6 that we will be able to get these numbers up with
7 that type of support.

8 We currently have three individuals on the unit.
9 We had two, now we have another one but when we get
10 ready to scale up, I am sure that I can say that
11 NYCHA is going to be supportive of staff on the
12 inside to make sure that we are able to meet those
13 numbers and thank you.

14 CHAIRPERSON AMPRY-SAMUEL: Thank you so much
15 Yolanda. Thank you for that information and I will
16 end there.

17 COMMITTEE COUNSEL: Thank you. We will now turn
18 back to Chair Cornegy.

19 SERGEANT AT ARMS: Starting time.

20 CHAIRPERSON CORNEGY: Thank you again for this
21 second round. I am going to again stay with the
22 Fiscal questions. I am going to have some enhanced
23 post release reentry service questions.

1
2 Can you please provide an update on the
3 implementation of MOCJ's enhanced post release
4 reentry services contracts?

5 DANA KAPLAN: Yeah, so I will start and then I
6 think Anna can provide more detailed information.
7 So, essentially, that solicitation was to more
8 comprehensive community based reentry network and the
9 awardees were the groups that I referenced in my
10 testimony. There were one awardee for each borough
11 and then a few awardees that were citywide. The
12 citywide was particularly so that we could also
13 ensure that there was some organizations that had
14 particular expertise in serving women as well as
15 young adults. There will also be a range of
16 subcontracted organizations and in particular, one of
17 the things that the RFP had specified was a number of
18 target neighborhoods where we knew that there were
19 you know, significant numbers of people that were
20 coming home to these neighborhoods and of the
21 importance of having those localized services, as
22 well as a wide range of specialized supports.
23 Services that were relevant for instance to the LGBTQ
24 community and you know, a wide range such as that.

1
2 So, we will be working with the vendors to
3 finalize these contracts and the services themselves
4 will be online in January 2021. In the interim and
5 you know, I will acknowledge that that process was a
6 little bit delayed from what we had anticipated was
7 the original start date as a result of COVID. And
8 so, we did amend some of the existing jails to jobs
9 contracts, so that we didn't have a gap of in
10 services of course. Wanted to ensure that there were
11 things you know, such as for instance, now we are
12 providing more essential supplies. Cellphones, metro
13 cards, things like that, that we have made sure that
14 are available right now, so that again, we have some
15 additional services before the new RFP comes on the
16 street. But Anna, if there is anything – and I
17 should just specify that again, those additional
18 services that are targeting NYCHA residents are part
19 of that and that is what Yolanda was speaking about
20 and what we certainly hope will be an opportunity to
21 ensure that some of our service providers can work
22 with NYCHA residents in particular to make them aware
23 of how to go about you know, applying for this
24 reunification program and the other pathways back to
25 housing available for them.

1
2 So, that is certainly a component of this and
3 Anna, if there is anything I didn't add or didn't
4 say, please feel free to add.

5 ANNA CALABRESE: I think that was very
6 comprehensive. We are just very excited to get to
7 work and bring services online by the new year.

8 CHAIRPERSON CORNEGY: So, I am apologizing
9 because I didn't count along as you were listing the
10 providers. I know you said one per borough and then
11 you mentioned some more. What is the actual number
12 of those providers?

13 ANNA CALABRESE: It is ten and a whole host of
14 subcontracts.

15 CHAIRPERSON CORNEGY: Right, okay. How many
16 people - do you know the number of the amount of
17 people who have been served by the providers with new
18 contracts by any chance? Or are you saying that
19 those contracts really haven't been implemented due
20 to COVID?

21 ANNA CALABRESE: They haven't been implemented
22 yet. Many are the same providers from jails to jobs
23 but these new contracts won't launch until January.

24 CHAIRPERSON CORNEGY: Got it, got it. Can you
25 please provide the Committee with the budget or

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1
2 contract information for these providers? We can do
3 that offline, I will ask that question offline. And
4 additionally, please work with OMB to provide the
5 Committee's with the indigent defense and criminal
6 justice contracts reconciliation that is still
7 outstanding for Fiscal Year 2021.

8 DANA KAPLAN: We will follow up on that.

9 CHAIRPERSON CORNEGY: Okay, thank you, I yield
10 the remainder of my time if there is any.

11 COMMITTEE COUNSEL: Thank you. We will now turn
12 back to Chair Powers.

13 SERGEANT AT ARMS: Starting time.

14 CHAIRPERSON POWERS: Hey guys, I have no follow
15 up questions. I am happy to pass this along to other
16 folks who will ask questions.

17 COMMITTEE COUNSEL: Thank you. We will turn to
18 Chair Levin.

19 SERGEANT AT ARMS: Starting time.

20 CHAIRPERSON LEVIN: Thank you, so looking back
21 through our Committee report and Chair Ampry-Samuel
22 mentioned this, that in 2018, according to Coalition
23 for the Homeless, 3,400 people were released from
24 state prisons directly into the shelter system in
25 2018. But Deputy Commissioner Drinkwater, you said

1
2 that approximately 750 at a point and time were
3 residing in August of 2020, is that right?

4 CHAIRPERSON CORNEGY: Steve, I need you to look
5 over your shoulder buddy.

6 CHAIRPERSON LEVIN: I know, I know. Just keep
7 him occupied, that's that goal here.

8 ERIN DRINKWATER: I believe the report you are
9 referencing is the State DOC's number, that 797
10 number is individuals who have been in City DOC
11 custody within the last year, so I want to be careful
12 that we are not missing - not matching apples to
13 oranges.

14 CHAIRPERSON LEVIN: Oh, City DOC, so not State
15 DOC.

16 ERIN DRINKWATER: Correct, so the State DOC's
17 number, the point and time count for August 2020 is
18 1,632 individuals were in the DHS census on parole.

19 CHAIRPERSON LEVIN: Right but on parole, does
20 that mean that they were discharged directly to a New
21 York City shelter?

22 ERIN DRINKWATER: No, so the discharge directly
23 numbers, I don't have with me today. That would be
24 something that would require a manual data pull from
25 our teams.

1
2 I would have to get back to the Committee as to
3 what is possible in pulling the direct discharge
4 number.

5 CHAIRPERSON LEVIN: Okay, is it appropriate to
6 assume that if somebody is on parole and in the
7 shelter system, they were directly discharged to
8 shelter?

9 ERIN DRINKWATER: If they are on parole – not
10 necessarily, they could be paroled to another address
11 and then come to shelter but the likelihood is that
12 somebody has been directly discharged.

13 CHAIRPERSON LEVIN: Now, okay so, even so, we
14 would be looking at a difference of about 2,000
15 individuals in a year that were according to the
16 3,400 number in 2018, according to Coalition for the
17 Homeless, what I am concerned about is just the kind
18 of, that we don't seem to have a clear you know, a
19 clear accounting. Do we know how many people have
20 been – in the last, in one year were discharged to
21 three quarters houses or are we currently residing in
22 three quarters houses? I am sorry for the
23 distraction here.

24 ERIN DRINKWATER: No, you are totally fine. So,
25 in terms of the discharges, I can certainly let

1
2 colleagues from MOCJ address the discharges or from
3 DOC's, address the City issues. For shelter, we
4 don't always know somebody's criminal history because
5 it is not a data point unless somebody is on parole
6 that we would necessarily know about. So, if
7 somebody is not disclosing that information.

8 CHAIRPERSON LEVIN: No, but they were discharged
9 though? You would know that they were directly
10 discharged from state DOC?

11 ERIN DRINKWATER: That's the exception that I
12 said. If they were, if they were coming to us and
13 discharged directly on parole from State DOC's.

14 CHAIRPERSON LEVIN: Okay, so you - I guess, my
15 question is, you have a point and time count you have
16 and then you also must have a kind of annualized
17 count and there is a difference between the
18 annualized count and the point and time count. Where
19 are those people going if they are no longer in
20 shelter, where have they gone? Have they gone to
21 three quarters houses?

22 ERIN DRINKWATER: So, they could exit on their
23 own.

24 CHAIRPERSON LEVIN: Well, where are they going to
25 go exiting on their own? There is - they can't go to

1
2 NYCHA, they can't move in with their families, they
3 are discriminated against by landlords, where are
4 they going? I mean there is really not a lot of
5 options for people.

6 ERIN DRINKWATER: So, we don't disagree, which is
7 why we have advocated for an increase to the states
8 at shelter allowance, why we have advocated for
9 things like home stability support and why we have
10 worked with our colleagues in DOC and MOCJ in terms
11 of the JISH supportive housing and the particular
12 dedicated resources for this particular population.

13 CHAIRPERSON LEVIN: Okay, I want to just call the
14 Administrations attention. They testified in support
15 of 2047, this was a piece of legislation that I
16 introduced and hopefully we will see passed, which
17 would make illegal criminal background checks by
18 private landlords. My hope is that, that that moves
19 forward and passes but I would also like to make sure
20 that both NYCHA and HPD affordable housing is also
21 follows those parameters. If we make it absolutely
22 illegal to do a criminal background check on somebody
23 for a private housing application, there is no reason
24 in the world why at least HPD and NYCHA within
25 everything in their power to do it in a more blanket

1 way and not with a kind of piece me away and I will
2 go back on mute because the kids are raising a
3 ruckus.
4

5 SARAH MALLORY: Thank you Council Member. From
6 the HPD perspective, we are absolutely interested in
7 looking at that further. We already have done
8 limitations in our housing portfolio to kind of limit
9 what marketing agents and developers can look at in
10 backgrounds, including criminal backgrounds and so,
11 we would be happy to consider that for our portfolio
12 as well.

13 CHAIRPERSON LEVIN: Thank you so much, thank you.

14 CHAIRPERSON LANCMAN: Who is next?

15 COMMITTEE COUNSEL: If Chair Levin is finished
16 with his questions for this round, we will turn back
17 to Committee Members for questions at five minutes
18 each, beginning with Council Member Cohen.

19 COUNCIL MEMBER COHEN: Thank you Chair's. I
20 actually have a question for Sarah at HPD about
21 Council Member Levine's Bill. I like this Bill but I
22 am not a sponsor and my concern has been about people
23 in rent stabilization who are really not entitled to
24 rent stabilization, where that apartment is not their
25 primary apartment and we are making it so that the

1
2 landlord can't use the coming and going data as in an
3 eviction proceeding and you know, obviously with the
4 tremendous shortage of affordable housing.

5 So, I am curious if you are concerned about the
6 HPD portfolio and people in HPD apartments who may
7 not really be entitled to be there?

8 SARAH MALLORY: That's a great question. I will
9 say anecdotally and this is all subject to our
10 colleagues at the state level and at DHCI who are
11 working on this through a rent regulation, I will say
12 anecdotally what we have heard is that there is more
13 concern from the tenants and concern from them on the
14 landlords who have their private information. But I
15 would kind of have to circle back with my colleagues
16 at the state level in order to get back to you on
17 that.

18 COUNCIL MEMBER COHEN: Okay, I appreciate that, I
19 am interested. That is all I have, thank you.

20 COMMITTEE COUNSEL: If there are no further
21 questions from other Council Members, we will return
22 to Chair Ampry-Samuel for some additional questions.

23 CHAIRPERSON AMPRY-SAMUEL: Hi, just to clarify,
24 Erin you mentioned - I asked the question about what
25

1 is the average age of individuals who are excluded.

2 Are you able to now give me the youngest person?

3 ERIN BURNS-MAINE: Absolutely and I can clarify
4 back on the previous line of questioning the other
5 stats what you were looking for.
6

7 CHAIRPERSON AMPRY-SAMUEL: Okay.

8 ERIN BURNS-MAINE: So, to start, we were able to
9 get the youngest and oldest individuals with a
10 permanent exclusion. So, the youngest was just under
11 17-years-old. It was 16.9 years, the oldest was 73-
12 years-old.

13 CHAIRPERSON AMPRY-SAMUEL: Okay, I just received
14 a text message where someone's sibling was excluded
15 at the age of 14 and he is excluded for the rest of
16 his life. Can you speak to how a 14-year-old could
17 be excluded for the rest of their life?

18 ERIN BURNS-MAINE: Sure. So, without knowing the
19 circumstances of that case, I can speak more broadly
20 to the policy and thank you for raising it. One of
21 the things that has been put out for public comment
22 and a recommendation is actually setting a minimum
23 age for permanent exclusion. Because as you
24 mentioned, that's a very young age.
25

1
2 So, what NYCHA has put out as a recommendation is
3 setting a minimum age of 18 for permanent exclusion.
4 Again, it is open for public comment. We would like
5 to hear from members of the public from residents
6 about what they feel is appropriate but you know, in
7 addition to the case you are raising, permanent
8 exclusion is the name and as it stands now, is a
9 permanent program unless that person applies for a
10 lift.

11 So, in the event that they have fit one of those
12 two pathways I mentioned earlier, either passage of
13 time or change in circumstances, they would be able
14 to apply for the permanent exclusion lift program.
15 Again, I don't know all the circumstances but that
16 should be available to the individual you are
17 mentioning.

18 And the other thing that has been put out for
19 public comment is that at the end of a five year
20 period, as long as that person has remained crime
21 free and the tenant of record would like them to
22 return home, that would be automatically closed. So,
23 that PE would automatically close at the end of 5
24 years. So, some of the recommendations that have
25 been put out for public comment right now, actually

1
2 would address the case that you just raised both on
3 the minimum age as well as a time period for closure.
4 And I do just want to mention should I go through
5 some of the other numbers.

6 CHAIRPERSON AMPRY-SAMUEL: Yes.

7 ERIN BURNS-MAINE: Okay, perfect. Okay, so from
8 your previous line of questioning, so in 2017, there
9 were 7,241 total cases open. There were of those,
10 1,502 were opened as nondesirability cases. Of
11 those, at least 1,229 were open due to criminal
12 activity.

13 CHAIRPERSON AMPRY-SAMUEL: Okay, what does
14 desirability mean real quick?

15 ERIN BURNS-MAINE: So, nondesirability cases are
16 essentially cases that are open that often permanent
17 exclusion is one of the stipulations offered but it
18 can be any breach of the lease. Often it is
19 unrelated to nonpayment of rent but it could be
20 related to criminal justice involvement. Some other
21 breach of lease concerns for community safety, things
22 like that.

23 CHAIRPERSON AMPRY-SAMUEL: Okay, continue.

24 ERIN BURNS-MAINE: In 2018, there were 5,247
25 total cases opened. 1,338 were opened as

1
2 nondesirability cases, at least 1,126 were due to
3 criminal activity. In 2019, there were 6,244 total
4 case open, 1,363 of those were opened as
5 nondesirability cases. Of those, at least 1,166 were
6 due to criminal activity.

7 In 2020, as of October 16th, so it is year-to-date
8 as of, I think last week, 4,041 total cases were
9 opened. As of that date, 885 cases were opened based
10 on criminal activity. Yeah, so those are those
11 stats.

12 CHAIRPERSON AMPRY-SAMUEL: Okay, thank you so
13 much. I just wanted to just clarify, so thank you so
14 much.

15 ERIN BRUNS-MAINE: Thank you.

16 COMMITTEE COUNSEL: Before we conclude -

17 CHAIRPERSON LEVIN: Sorry, Council, I just have
18 two more quick questions if that's okay.

19 COMMITTEE COUNSEL: Sure, thank you.

20 CHAIRPERSON LEVIN: I just wanted to ask about
21 the phones that are distributed through the MOCJ free
22 phone program. How many phones were distributed?

23 DANA KAPLAN: Anna, do you have the number of the
24 amount of phones that we have distributed to date?

1
2 ANNA CALABRESE: Hi, sorry, I had trouble
3 unmuting. I can get you updates on an exact number.
4 What I can say is that we began issuing the phones
5 during the Bill reform period last year. So, in the
6 late fall through the present really, is when we
7 began that phone distribution program. And that all
8 individuals at the hotels who have been in need of a
9 phone have been able to receive phones. Not always
10 on the day that they are admitted to the hotel
11 program but all individuals who are at the hotels who
12 need phones have been able to be issued phones.

13 I can work on getting you the total over you
14 know, the lifecycle of both the hotel program and the
15 bail reform program.

16 CHAIRPERSON LEVIN: Is it a pilot or is it a
17 baselined funding source and how much is it per phone
18 and how much would it be overall to meet the real
19 need that's out there?

20 ANNA CALABRESE: Sure, thank you for that
21 question. It is a really important one. I don't
22 have those specifics in front of me today but again,
23 we can get back to you on that. The phones are a
24 piece of the reentry RFP which will be launched as we
25 have said in January of 2021 and we will be

1 negotiating with each provider to propose the number
2 of phones that they will need based on the number of
3 people that they will serve and to come up with the
4 best price per unit. Just how we have done it
5 historically but again, can get you some background
6 documentation on that because it is such a critical
7 piece.

9 CHAIRPERSON LEVIN: And my last question for
10 Deputy Commissioner Drinkwater, just a quick question
11 about the status of sweeps and I know it is not
12 exactly the topic that we are discussing today but is
13 DSS currently working with NYPD on sweeps? I know
14 that they were supposed to be as part of the budget
15 this year. You know, a dissolution of any working
16 arrangement or MOU with DSS and NYPD. Is there a
17 current working relationship with regard to sweeps?
18 Did you hear that question? Oh, Erin, I think that
19 you are muted.

20 ERIN DRINKWATER: Thank you. So, yes, that's
21 correct the budget dissolved the NYPD HOU unit. The
22 teams have been working to determine how we are
23 working to engage our street clients, both balancing
24 the need for public safety and individuals to you
25 know, be able to pass sidewalks and things like that.

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2 Our role in the joint efforts is to be there to
3 provide individuals connections to the social
4 services resources. DSNY continues to clean debris
5 and so forth and we are working to issue updated
6 information about that work. NYPD is not involved in
7 those joint operations. There are times that there
8 is - things are escalated due to individuals either
9 not keeping a clear walkway or otherwise, typically
10 what will happen is that cleanup does not occur and
11 we will continue to work to engage the individual
12 through social services channels to connect them to
13 services and to work to bring them inside.

14 CHAIRPERSON LEVIN: And then, I am sorry, back to
15 MOCJ just for one more question about the phones. Is
16 the program still currently in effect? Are we still
17 giving out phones to people discharged from Rikers?

18 DANA KAPLAN: Yes.

19 CHAIRPERSON LEVIN: That is happening right now?

20 DANA KAPLAN: Yes.

21 CHAIRPERSON LEVIN: Okay, and there is no plans
22 to discontinue the program?

23 DANA KAPLAN: Correct, we, quite the opposite.
24 We believe in this program.

25 CHAIRPERSON LEVIN: Okay, thank you.

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COMMITTEE COUNSEL: Great, this concludes Council
Member questioning. So, we will now turn to
testimony from members of the public. Please listen
for your name as I will be calling on individuals one
by one and will also announce the person who is next.
Once your name is called, please accept the prompt,
unmute yourself and a Sergeant at Arms will set the
timer and announce that you may begin. Your
testimony will be limited to two minutes.

We will start testimony from Mike McKee followed
by Thomas Edwards and Rebecca Engel. Mike?

SERGEANT AT ARMS: Starting time.

MICHAEL MCKEE: Good afternoon Council Members
and thank you for this opportunity to testify in
support of Intro. 1760. This is a very important
Bill. It is new territory for everyone including me
and it has been kind of striking to me that no where
in the entire country it seems has any jurisdiction
enacted in any kind of legislation to deal with this
question. There are Bills pending I am aware of in
the state legislature dealing with data privacy but
none of them has passed.

So, this is a very important Bill and many of us
including myself are grappling to master the details.

1
2 These are exciting technological advances. They are
3 also very dangerous unless there are curbs on their
4 use. So, I am not saying we should not allow these
5 technological changes to take place, I am just saying
6 that there has to be some curb on how landlords can
7 use this. This really is the wild west, there is no
8 law governing what landlords can do with this data.

9 I am not going to read my statement obviously in
10 two minutes but I also have a couple of concerns
11 about how to improve the Bill. Most importantly, I
12 believe that the language barring any eviction
13 attempts based on the use of this information should
14 be strengthened. I heard Council Member Cohen's
15 concern about non primary residents case. I believe
16 that is misdirected and I think it is essential that
17 tenants privacy rights be preserved and that they be
18 protected from harassment and from eviction attempts.
19 Thank you very much.

20 COMMITTEE COUNSEL: Thank you. I see we have a
21 question from Council Member Cohen, is that for this
22 panelist?

23 COUNCIL MEMBER COHEN: It is. He sort of, he
24 already alluded to it. How are you Mike, it is good
25 to see you.

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1
2 MIKE MCKEE: How are you?

3 COUNCIL MEMBER COHEN: I am good. I guess, I
4 mean, I am sure we both share a concern about you
5 know, with the shortage obviously of rent stabilized
6 units. I don't know how big of a problem nonprimary
7 is but I am sort of, I just don't like the idea of
8 people who are living in Florida using a rent
9 stabilized apartment that were so in such desperate
10 need of. You don't obviously share that concern.
11 Could you just expand a little bit as to why?

12 MIKE MCKEE: That is incorrect. I do share the
13 concern. The purpose of rent regulation is not to
14 provide a pied-a-terre for people who live in
15 Connecticut or wherever else and want to come into
16 the city once a month to go to the theatre, ha ha.
17 As if that were an option right now and if you listen
18 to the real estate lobby, it is a big, big problem.
19 I think it is absolutely a very small problem. And
20 the other thing to say about this, is that with the
21 changes in state law from last year, these cases have
22 virtually disappeared. There is really no incentive
23 for a landlord to go after a tenant on grounds of
24 nonprimary residents because they can't jump the rent
25 the way they used to be able to do. The apartment

1
2 remains rent stabilized. So, these cases which are
3 very complicated, very costly, for tenants to have
4 had. I mean a nonprimary residents proceeding costs
5 tenants a huge amount of money if they don't have
6 access to free attorney's. These are expensive cases
7 to prosecute and all of my attorney friends tell me
8 they have essentially disappeared as have indeed
9 cases where the landlord claims he wants the
10 apartment for himself or a member or his family
11 member. In my experience 75 percent of those cases,
12 90 percent of those cases, those owner use cases were
13 fraudulent. The landlord simply was trying to
14 deregulate the apartment claiming that he wanted a
15 family member to move in and those cases have
16 thankfully pretty much disappeared as well.

17 COUNCIL MEMBER COHEN: You know what, I got to
18 tell you, that was very clarified. I really
19 appreciate that. If the landlord doesn't have any
20 incentive to bring the action because the action has
21 gone away essentially.

22 MIKE MCKEE: I also want to emphasize that in my
23 experience and I have been doing this work for 50
24 years this last August. The overwhelming majority of
25 nonprimary residents cases are invalid. They are

1
2 attempts at harassment where landlords do things like
3 installing cameras outside somebody's apartment door,
4 which is unfortunately legal as long as you don't
5 photograph the interior of the apartment, you can
6 photograph the hallway and it is a very intimidating
7 and annoying thing for a lot of tenants.

8 So, I am not unhappy that these cases have
9 disappeared. I think it is a very small problem, in
10 terms of the overall universe. Although, I certainly
11 do not believe that rent regulated apartments should
12 be held as pied-a-terre for people who don't really
13 want to live there. I am not talking about people
14 who might have a vacation home in live part of the
15 year there or something like that. I am talking
16 about people who are not really living in the
17 apartment.

18 COUNCIL MEMBER COHEN: I think you have convinced
19 me. Thank you very much Chair's, I appreciate it.

20 COMMITTEE COUNSEL: Thank you, I believe we also
21 have a question from Chair Powers.

22 MICHAEL MCKEE: I assume that means you will now
23 you know, sponsor the Bill.

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1
2 COUNCIL MEMBER COHEN: I think I am going to sign
3 on. I mean, I don't know if that's going to push it
4 over the tip but yes.

5 CHAIRPERSON POWERS: Thank you and never
6 underestimate the power of Mike McKee and the power
7 of a persuasive argument with Andy Cohen. So, I
8 mean, I don't think the echo, I was just going to
9 just echo what Mike McKee says. I know in my
10 neighborhood in Stuyvesant town, folks who are for
11 years getting harassed and the nonprimary residents
12 issue was the one being used and there were
13 instances, for instance where a couple got divorced,
14 one moved to another home and they went after him on
15 a nonprimary residents. Or some lady inherited a
16 parents home or something like that and then they
17 went after him. It was a major form of tenant
18 harassment here. It has actually subsided a lot but
19 was a real way to try to separate people from their
20 rent regulated apartments.

21 But on that issue, Mike, I just wanted to ask a
22 more global question here which is, impact of COVID
23 on rent regulation apartments being that this
24 nonprimary residents issue, people may have you know,
25 moved out of the city for a time to be safe from

1
2 COVID or it could be a young New Yorker who has a
3 newer rent regulated apartment and moves home with
4 the parents or other issues like that.

5 And second, is the overall impact of vacancies on
6 the rent regulation stock and what that might have.
7 Can you just tell me what you know, what you are
8 hearing or seeing or what the thoughts are on.

9 MIKE MCKEE: Well this is a complicated question
10 and my answer well, if you really want to get into
11 it, it is going to have to be a few minutes long
12 because it is something I think about a lot and I
13 talk about a lot and I am very knowledgeable about.

14 Let me just point out first of all, that the City
15 Council needs to focus on one very important upcoming
16 deadline. Which is that normally, you would be
17 getting the results from the housing and vacancy
18 survey from the Census Bureau sometime, well,
19 certainly by February. But because of the decennial
20 census, the U.S. Census Bureau has not been able to
21 do the housing and vacancy survey this year.

22 The Legal Aid Society persuaded the assembly to
23 include provision in this years state budget that was
24 passed back in April, March, April to give you a
25 years grace, meaning you need to act before March

1
2 31st to extend the city rent control and the city
3 rent stabilization laws for one year. You would
4 normally do a three year extended but everything is
5 being pushed back a year to allow the Census Bureau
6 to do the housing and vacancy survey next year, which
7 means you will act in 2022.

8 I would much prefer you act on this now or soon
9 rather than wait until March. I see no reason to
10 wait and I think it is something that the Housing
11 Committee in particular should focus on. Now, on the
12 question of the vacancy rate itself, there is no
13 question that we have the vacancy rate especially in
14 Manhattan has risen as people have either given up
15 market rate or regulated or other apartments and
16 moved out of the city whether temporarily or
17 permanent remains to be seen. And let me remind you
18 that the Housing and Vacancy Survey does not simply
19 measure the vacancy rate of rent regulated housing to
20 determine if there is a vacancy rate in rent
21 regulated housing of 5 percent or less, not less than
22 5 percent, people make that mistake all the time. It
23 is 5 percent or less, that is the legal standard.

24 But the HVS measures the vacancy rate of all
25 rental housing. Public housing, subsidized housing,

1 market rate housing, etc., and that's the standard.

2 I mean, there is a lot of questions about whether we
3 should be thinking about getting away from this whole
4 concept of declaration of emergency, defined on a
5 basis of a vacancy rate of 5 percent or less. No one
6 ever did a scientific study to determine that at a
7 vacancy rate of 4.5 percent you have got a housing
8 emergency but at a vacancy rate of 5.5 percent, you
9 don't and if you stop and think about it, it doesn't
10 really make a lot of sense.
11

12 It is just a number that's been pulled out of the
13 air and inserted into state law. But be that as it
14 may, the current law requires you to act by March of
15 this coming year, March of 2021. You can only do a
16 one year extender under the state law and then the
17 following year, you will have the whole thing. Now,
18 whether the market changes and whether people move
19 back to the city or new people move to the city or
20 whatever remains to be seen by the time this becomes
21 an issue but I don't think the city is going to
22 become a ghost town. It did for a few months, that
23 was very interesting but I don't think that's the
24 permanent state.
25

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CHAIRPERSON POWERS: Yeah, got it. Okay, thank
you for that. Thanks for the answer, thanks.

COMMITTEE COUNSEL: Thanks Mike. We will next
hear from Thomas Edwards followed by Rebecca Engel
and Alexandra Dougherty. Thomas?

SERGEANT AT ARM: Starting time.

THOMAS EDWARDS: Good afternoon, my name is
Thomas Edwards, I want to thank you for having me. I
have actually served 21 years and 2 days in prison
and was released about 6 years and 8 months ago. So,
of course, I want to talk about reentry in housing.
When I left prison, I was given \$40 and bus ticket.
I was fortunate to have family members that accepted
me back in. However, I didn't have any credit
history, let alone credit, so I definitely couldn't
get a place on my own and unfortunately the same
family members that allowed me back in at some point,
I need to leave in a few months and the options I had
was either a shelter or my daughters couch. And you
know, there wasn't many options. There was a number
of different organizations that you know was trying
to help with housing for people coming out of prison
but there was no structure, no foundation, no linkage
from State Prison to New York City for me. Although

1
2 there were aware that I was returning to New York
3 City for four or five months prior to my return after
4 I made parole but yet, there was nothing in place for
5 me to actually have and to be able to use. And you
6 know, not only didn't I have credit, but I also
7 didn't have a credit history. So, we talk about
8 reentry and I don't think we take into consideration
9 that a lot of us who have been released from prison,
10 especially after decades, we were never a part of
11 society. We lived in a cell culture, so it was not
12 reentry, I never had a credit card prior to leaving
13 prison.

14 I mean, I didn't even carry ID regularly. So,
15 when we talk about reentry and when does it start
16 pre-release, it should start the day you go into prison.
17 It shouldn't wait for you know, years and months.
18 For instance, I went to prison for a violent crime.
19 I didn't get anger management aggression retention
20 training until maybe 16, 17 years later. So, was
21 there really a problem or did they just need to do
22 this for paperwork? You know, a lot of the things
23 that the counselor talked about the day with housing
24 with NYCHA, then you know, not allowed -

25 SERGEANT AT ARMS: Time expired.

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THOMAS EDWARDS: Sorry, thank you.

CHAIRPERSON LANCMAN: Thank you very much.

Listen, everyone's testimony is important. I don't want anyone to think that their testimony isn't valued because of the time limit but we do need to close the hearing at about 4:30 and we want to give everyone a chance to have their say. Thank you.

COMMITTEE COUNSEL: Thank you and next, we will hear from Rebecca Engel followed by Alexandra Dougherty and Elizabeth Williams. Rebecca?

SERGEANT AT ARMS: Starting time.

REBECCA ENGEL: Good afternoon, my name is Rebecca Engel, I am Senior Policy Council at the Fortune Society, which I think you have already heard about enough about today as we know about a lot of reentry projects.

But Fortune is here today to talk about the problems that individuals reentering society from jail or prison face in simply trying to find a place to live. So, just the bear fact is that 20 percent of Fortune's clients are homeless. This is an enormous number and one that reflects what some people call the prison to shelter pipeline and one of the reasons that these numbers are so high is because

1
2 of the current rules of NYCHA, including what we call
3 the permanent exclusion rule. Which decides to place
4 the label of nondesirability on a person. This means
5 so that a former tenant who committed a dangerous act
6 as a teenager and whose prison sentence ended perhaps
7 20 years ago is still not able to come and his new
8 granddaughter on NYCHA premises.

9 With that said, the new recommendations that
10 NYCHA has come out , they seem like they have the
11 potential for a shift in values at NYCHA. Mainly
12 through this proposed process of individualized
13 review rather than automatic exclusion because under
14 these proposed new rules, NYCHA states that it will
15 change its admission policy from one of blanket
16 denials to one of individualized review. Similar to
17 what it currently does under its family reentry
18 program and we need to think about how the family
19 reentry program actually doesn't actually require a
20 lot of proof of rehabilitation. It is more about
21 spotting a few red flags, i.e. if the applicant has
22 an open order of protection filed by an individual
23 who still resides in the development, that would be a
24 problem. But NYCHA should actually confide a lot in
25 its own family reentry program in order to create

1
2 this program. But NYCHA does need to take a few more
3 critical steps in order to improve this process.

4 First, NYCHA should put in writing -

5 SERGEANT AT ARMS: Time expired.

6 REBECCA ENGEL: Okay, is that it.

7 CHAIRPERSON LANCMAN: That is it.

8 REBECCA ENGEL: Alright, alright. That's what
9 written testimony is for.

10 CHAIRPERSON LANCMAN: Please feel free to send us
11 your testimony in writing. We do look at it and just
12 a reminder to everyone to follow. We got two
13 minutes, so like try to get to the meat as soon as
14 possible. Thank you.

15 COMMITTEE COUNSEL: So, next up we will hear from
16 Alexandra Dougherty followed by Elizabeth Williams
17 and Sara Wolkensdorfer. Alexandra?

18 SERGEANT AT ARMS: Starting time.

19 ALEXANDRA DOUGHERTY: Good afternoon, my name is
20 Alexandra Dougherty, I am a Senior Staff Attorney and
21 Policy Council of the Civil Justice Practice at
22 Brooklyn Defender Services and I would like to thank
23 you for the opportunity to speak today in support of
24 removing barriers to public housing for New Yorkers
25 with arrest and conviction histories.

1
2 NYCHA has an existing practice of denying
3 applicants and evicting households based any contact
4 with the criminal legal system. Not just based on
5 the highest level convictions as attested earlier.
6 We know that stable housing is a critical foundation
7 to successful reentry, yet NYCHA relies on the mere
8 existence of an arrest or conviction to bar justice
9 involved New Yorkers from housing. These policies
10 contribute to the existing homelessness crisis which
11 will soon be compounded by the looming waive of
12 evictions brought by the COVID-19 pandemic.

13 We commend the City Council for its effort to
14 address barriers to housing with Intro 2047 but like
15 Council Member Levin mentioned, this will not apply
16 to public housing where background checks are
17 explicitly incorporated into NYCHA rules. NYCHA's
18 regulations go much further than required by federal
19 law in barring tenants based on arrest and conviction
20 history. NYCHA's strict eligibility criteria have
21 the harshest impact on families and communities with
22 minor law enforcement contact. We at BDS routinely
23 see the effects of these policies on our clients who
24 are denied eligibility based on a similar arrest.
25 NYCHA also routinely seeks to terminate the tenancy

of entire households based on a single arrest or
conviction of one family member.

The pretext for pursuing termination is to
maintain safety but there is no evidence that this
approach prevents future crime. NYCHA often rushes
forward with termination proceedings before the
criminal case can be resolved in the tenants favor.
Meaning that tenants often agree to permanent
exclusion or worse, their tenancies are terminated
based on criminal cases that eventually get dismissed
and sealed.

Now, BDS is submitting joint comments regarding
NYCHA's proposed policy but I will highlight a couple
important points. We support NYCHA's goal of the
Proposed Committee Review.

SERGEANT AT ARMS: Expired.

ALEXANDRA DOUGHERTY: Well, I will direct the
Committee's to our written testimony, which we will
submit.

CHAIRPERSON LANCMAN: Okay, thank you.

COMMITTEE COUNSEL: Next up, we will hear
Elizabeth Williams followed by Sara Wolkenstorfer and
Kingsley Rowe. Elizabeth?

SERGEANT AT ARMS: Starting time.

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ELIZABETH WILLIAMS: Good afternoon, my name is Elizabeth Williams, Social Worker, Supervisor with the Bronx Defenders. Thank you for the opportunity to testify before you today.

Since the beginning of the COVID-19 pandemic, the Mayor's Office of Criminal Justice has taken advantage of thousands of vacant hotel rooms, to provide safe temporary housing to people exiting city and state custody who would otherwise be forced to enter the shelter system. And this initiative has positively impacted our clients while addressing their immediate reentry needs and providing much needed stability.

Supported defenders lease efforts, they are strengthening bail applications in court and aided the [INAUDIBLE 2:44:48] efforts to reduce the jail population. These efforts highlight how investing in our most vulnerable New Yorkers strengthens communities. The city should embrace the lessons of this emergency response by investing in the expansion of temporary housing for all system involved New Yorkers. We recommend first expanding the hotel programs resources to expand eligibility to people made homeless at criminal court arraignments by

orders of protection. In most cases, a person who returns home in violation of an order of protection risk rearrest, provocation and pretrial detention.

Expanding this criteria provides viable housing options for people pushed into the cycle of homelessness stemming from a court order.

Second, we recommend creating a formal referral pathway for individuals leaving federal detention facilities to access the reentry hotel rooms, offering stable housing plans for our clients in an immigration proceeding strengthens applications and making this option available to this population means fewer New Yorkers will languish in ICE custody as they await hearing.

So, this current pandemic empathizes how critical the need for basic necessities such as food and housing is upon release from detention and anyone being released from custody of any kind should receive basic necessities to ensure what they have, they need to save lives and reduce the likelihood of future system contact.

I will also direct our attention to our written testimony as well. Thank you so much for this opportunity.

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COMMITTEE COUNSEL: Thank you. We will now hear
from Sara Wolkensdorfer followed by Kingsley Rowe and
Alex MacDougall. Sara?

SERGEANT AT ARMS: Starting time.

SARA WOLKENSDFORFER: Hi, my name is Sara
Wolkensdorfer, Supervising Attorney in the Civil
Defense Practice at the Neighborhood Defender Service
of Harlem. I would like to use my time to share two
examples of how NYCHA's continued reliance on an
adversarial and punitive approach to admissions and
lease terminations based on an arrest or conviction
stymy reentry efforts, separate families and
ultimately harm the NYCHA community.

One specific NDS client we represented in the
past was Ms. Miller, a Black mother with a 30-year
addition history facing termination based on her
arrest for possession of a controlled substance in
her home. Ms. Miller was identified as a candidate
for Manhattan Drug Court. A diversion program which
would allow her to defer criminal sentencing provided
she successfully complete extensive treatment.
Rather than staying the termination proceedings
against her to give her the opportunity to reap the
benefits of this program, NYCHA's attorney insisted

1
2 on moving the hearing forward. While NYCHA was able
3 to assist or NDS was able to assist Ms. Miller in
4 successfully fighting these proceedings, countless
5 other NYCHA residents are steamrolled by the
6 termination process. Even when they are actively
7 engaged in programs meant to promote rehabilitation
8 and reentry.

9 Another NDS client, Mr. Grant, a single Black
10 father of a 2-year-old boy also faced discrimination
11 by NYCHA when he was denied housing because of his
12 conviction history. As a teenager, he received an A-
13 misdemeanor conviction for petty larceny. Three
14 years later when he applied for NYCHA tenancy with
15 his young son and was fast tracked because the two
16 were living in a shelter, he was denied under NYCHA's
17 current policy which prohibits the admission of
18 individuals with an A-misdemeanor for 4 years. No
19 matter what, full stop, after an individual's
20 conviction or release from incarceration which ever
21 is later and because of that reason, Mr. Grant and
22 his young son were denied.

23 While NDS and Mr. Grant were able to overturn the
24 denial, many other applicants without legal
25 representation are not so lucky.

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SERGEANT AT ARMS: Time expired.

SARA WOLKENS DORFER: And may never be able to
reside in a home of their own. By maintaining these
housing barriers beyond those required by federal law
and by vesting NYCHA attorney's with broad discretion
to resolve termination cases, the proposed changes to
admissions and exclusion policies will continue to
frustrate rehabilitation and reentry efforts.

CHAIRPERSON LANCMAN: Thank you Mrs.
Wolkensdorfer. Thank you very much.

SARA WOLKENS DORFER: Thank you.

COMMITTEE COUNSEL: Thank you. Next, we will
hear from Kingsley Rowe followed by Alex MacDougall
and Kevin VanHook.

KINGSLEY ROWE: Hi, can you give me a minute.
Let me know when it is a minute, like one minute, two
minute, three minutes?

COMMITTEE COUNSEL: Sure.

KINGSLEY ROWE: I want to make sure I get through
to my recommendations.

CHAIRPERSON LANCMAN: So, you have two minutes, I
will give you a minute warning and I will give you a
20-second warning.

KINGSLEY ROWE: Sounds good. Thank you so much.

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1
2 CHAIRPERSON LANCMAN: Alright.

3 KINGSLEY ROWE: My name is Kingsley Rowe; I am
4 Forensic Social Worker with the New York County
5 Defender Services. NYCDs is a public defender office
6 that represents people in thousands of cases in
7 Manhattan criminal courts every year. I have been
8 helping people to reenter these communities after
9 incarceration since 2006.

10 In my current role at New York County Defender
11 Services social Worker, I support our clients leaving
12 Rikers and other city jails. The latest challenge
13 facing our clients is housing and I am pleased to
14 testify about the steps that City Council should take
15 in supporting these returning citizens.

16 In addition to nearly 15 years of social work
17 experience I have, I am also a person directly
18 affected by the criminal justice system. I strongly
19 believe that access to safe housing was critical in
20 my subsequent success and ability to gain a social
21 work degree and pursue my chosen career and start a
22 family.

23 Unlike many of our clients, when I was released
24 from my prison -

25 CHAIRPERSON LANCMAN: One minute.

1
2 KINGSLEY ROWE: I had a safe place to go. My
3 father owns a home and he invited me to come live
4 with him until I was able to get on my own feet into
5 the job market and school. Fortunately, unlike most
6 New Yorkers, they don't have an opportunity to do so.

7 I am going to move onto the lack of affordable
8 housing. The number one barrier to successful
9 reentry is New York City affordable housing. If
10 anyone knows a hierarchy in needs, you know, in order
11 for someone to reach the actualization, they have to
12 have the basic minimum things in order to progress.
13 The problem and most difficult for me is supporting
14 them with.

15 CHAIRPERSON LANCMAN: 20 seconds sir.

16 KINGSLEY ROWE: I am sorry. I will send my
17 written statements but I would like to say this.
18 Work with Public Defenders and NYPD and Mayor Office
19 and District Attorney offices and community groups -

20 SERGEANT AT ARMS: Time expired.

21 KINGSLEY ROWE: To decrease arrests, eliminate
22 partial detention in most circumstances to support
23 alternatives to incarceration and to eliminate
24 significant reduce reentry housing needs by sending
25 people to jail less. Fully fund supportive housing

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1
2 ACT programs and reentry programs like the Castle
3 which is amazing to ensure that people returning to
4 jail and prison have a safe place to live. Price on
5 seven housing related bills that are on the agenda
6 before the Committee's on General Welfare and Civil
7 and Human Rights in September of 2020. These Bills
8 include Intro.'s 2021, 46 -

9 CHAIRPERSON LANCMAN: Thank you Mr. Rowe. Thank
10 you very much.

11 COMMITTEE COUNSEL: Thank you. We will now hear
12 from Alex MacDougall followed by Kevin VanHook and
13 Reverend Calderon-Payne. Alex?

14 SERGEANT AT ARMS: Starting time.

15 COMMITTEE COUNSEL: Alex MacDougall? We will
16 continue with Kevin VanHook followed by Reverend
17 Calderon-Payne. Kevin?

18 SERGEANT AT ARMS: Starting time.

19 KEVIN VANHOOK: Thank you so much. Good
20 afternoon my name is Reverend Kevin VanHook and I
21 serve as the Minister of Social Justice at the
22 Riverside Church. Thank you for this opportunity to
23 testify on this critical hearing to address our
24 city's reentry system. On behalf of the 1,200
25 families that make up the Riverside Church, we are

1
2 proud to be a part of coalition of faith leaders,
3 activists and advocates, called Faith Communities for
4 Just Reentry.

5 Many years ago, Williams Sloan Coffin would often
6 mount the pull pit at Riverside and say that the
7 world is too small for anything but truth and too
8 dangerous for anything but love. And so, with that
9 being said, we know that we live in a time in history
10 where we desperately need truth tellers.

11 And so, there are some very hard truths about our
12 current reentry system that we cannot afford to go
13 unaddressed and so, the truth is that each year
14 nearly 20,000 New Yorkers are caught in this cycle of
15 homelessness and incarceration due to the holes in
16 our current reentry system. The truth is that during
17 the COVID pandemic, people have been released without
18 proper identification, critical medication or
19 coronavirus testing. The truth is that involvement
20 in the city's criminal justice system should not put
21 someone on the path to homelessness or poverty in the
22 middle of a pandemic and so, therefore today we are
23 calling our city's leadership to provide safety for
24 justice involved individuals during the COVID
25 pandemic by providing identification cards for

1
2 individuals upon release, effectively transitioning
3 people's health care from Rikers to their community
4 and ensuring everyone has access to the COVID testing
5 during the discharge process. We are also calling on
6 our city's leadership to unlock the housing supply
7 for justice involved individuals and their families
8 by eliminating the NYCHA permanent exclusion policy
9 and combating landlord discrimination by increasing
10 both the supply and value of housing vouchers.

11 And we are also calling on you to develop a
12 coordinated reentry system accountable to the
13 wellbeing of each person and as we say in our
14 tradition, we who believe in freedom cannot rest
15 until it comes and so, I thank you for the work you
16 are already doing but we are willing to stand beside
17 you all and continue to divide until we build -

18 SERGEANT AT ARMS: Time expired.

19 KEVIN VANHOOK: A future for all New Yorkers and
20 so, thank you for your time.

21 COMMITTEE COUNSEL: Thank you. We are going to
22 circle back to Alex MacDougall and give you another
23 chance to testify.

24 SERGEANT AT ARMS: Starting time.
25

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COMMITTEE COUNSEL: It seems we could be having
some audio issues with Alex MacDougall, so you are
welcome to submit your testimony at
testimony@council.nyc.gov.

ALEX MACDOUGALL: Sorry.

COMMITTEE COUNSEL: Oh, there you are.

ALEX MACDOUGALL: Can everyone hear me?

COMMITTEE COUNSEL: Yeah.

SERGEANT AT ARMS: Starting time.

ALEX MACDOUGALL: No, yeah, okay. And so, my
name is Alex MacDougall and I am a Staff Attorney in
the Civil Law Reform Unit at the Legal Aid Society
and today I would like to focus on NYCHA's remaining
family members, which are a group that we view as
being consistently overlooked and routinely denied
genuine consideration when it comes to criminal
background.

So, when a tenant of record in a NYCHA unit dies
or moves away, remaining household members frequently
seek to continue living in their home and have often
been living in their homes for years or decades. But
despite long ties that remaining family members have
to their homes and communities, NYCHA really does not
provide remaining family members with adequate

1
2 protections and it results in unjust and unnecessary
3 evictions and you know, exacerbates our homelessness
4 crisis.

5 So, NYCHA has a three step process which is an
6 interview at the development level and appeal at the
7 borough level and then third, a hearing and NYCHA has
8 discretion to offer a grievant lease at any point
9 during that process. The review, the development
10 review, involves a criminal background check and
11 pursuant to its admission standards and under federal
12 law, NYCHA is required to give applicants the
13 opportunity to provide additional information for
14 contacts, background to explain facts, rebut adverse
15 information prior to a finding of ineligibility.

16 But in practice, remaining family members are
17 denied just automatically based on their conviction
18 record. We have both development and borough staff,
19 have repeatedly asserted to as that the only way to
20 overcome a finding of ineligibility is based on a
21 conviction record is to go to a hearing. Even though
22 NYCHA's own rules dictate a three step consideration.

23 And according to NYCHA's own hearing's data, only
24 one finding of ineligibility based on a conviction
25

1
2 history was reversed following a McNair[SP?] hearing
3 in 2015 and zero were reversed in 2016 and 2017.

4 So, I guess I will submit my written testimony so
5 you can learn more.

6 COMMITTEE COUNSEL: Thank you. Next, we will
7 hear from Reverend Calderon-Payne followed by
8 Minister Phillips and Beatrice de la Torre.
9 Reverend?

10 SERGEANT AT ARMS: Starting time.

11 REVEREND CALDERON-PAYNE: Hi, I am Reverend Wendy
12 Calderon-Payne, I am the Executive Director of Bronx
13 Connect, Manhattan Connect and Release the Grip. I
14 am also a members of the Faith Communities for Just
15 Reentry and a New York City ATI Coalition Member.

16 Since 1999, we have successfully supported
17 justice involved youth and families as they navigate
18 their way out of destructive lifestyles and into
19 fulfilling productive lives. Our community based
20 model works. In 2018, Dr. Trevor Milton researched
21 161 graduates of our program and found that a
22 whopping 97 percent of them went three years without
23 a felony conviction. This is quite an incredible
24 fact given that 95 percent of these youth were
25 referred to our program for facing violent felonies.

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Our community driven successful model demonstrates once again that those closest to the problem, know the solutions to the problems they face, yet they are farthest from the resources to solve them.

Here are two common sense changes New York City could enact right now today to give those coming out of incarceration a better chance of succeeding. One, so simple, give everyone leaving Rikers an ID card. Without an ID card, it is nearly impossible to access any kind of support for employment housing or any benefit. It is such a simple solution, we have to ask why it has not been mandated already but two, make homelessness prevention vouchers that the city issues usable.

The City FHEPS vouchers currently fall short of their fair rental market value. They are obnoxiously short. All City Council Members should support 146 to bring the voucher values back up closer to Section 8 values.

A hope deferred makes a heart sick and is unrighteous of the city to give out these vouchers that cannot be utilized. I would also encourage City Council to inquire as to where the monetary value of

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1
2 the 11,000 unused vouchers went last year. They
3 represent over \$200 million in one year.

4 SERGEANT AT ARMS: Time expired.

5 REVEREND CALDERON-PAYNE: In closing, city is
6 truly a progressive city, we must create policies
7 that seek to support all people. These simple
8 changes can make a wealth of difference and keep our
9 neighbors at home and away from the cycle of
10 incarceration. Thank you very much for your time.

11 COMMITTEE COUNSEL: Thank you. Next, we will be
12 hearing from Minister Phillips followed by Beatrice
13 de la Torre and Lucas Pershing.

14 SERGEANT AT ARMS: Starting time.

15 MINISTER DR. VICTORIA PHILLIPS: Can you hear me?

16 COMMITTEE COUNSEL: Yes.

17 MINISTER DR. VICTORIA PHILLIPS: Okay, peace and
18 blessings everyone. I am Minister Dr. Victoria
19 Phillips, Ms. V and I am a member of the Fair Chance
20 for Housing Coalition and Jails Action Coalition and
21 I also work at the Mental Health Project Urban
22 Justice Center and I say all that because over the
23 last 20 years, I have worked in criminal justice,
24 mental health and nursing. I have done cognitive
25 behavioral therapy in prison in jails and I have

1 worked for the large part in reentry for 15 to 18
2 years, right.

3
4 And so, we know for a fact that over 50 percent
5 of New York City people incarcerated in facilities
6 have some form of mental health concern. So, that
7 means that they are part of our vulnerable
8 populations. That we are supposed to make sure have
9 a safe and secure place to call home, along with
10 everyone else but let's just talk about the
11 vulnerable population. We cannot forget that fact.
12 Also, I want to point out that residents of NYCHA are
13 heavily policed by PSA Officers. So, when someone
14 says they are not supposed to have anymore contact or
15 additional contact, it is very hard as a Black person
16 because statistics say that one out of three Black
17 males have some form of criminal justice record or
18 contact.

19 So, it is very unrealistic for NYCHA to think
20 that no one coming back will then again have contact
21 with an NYPD Officer at a criminal justice system.

22 I also want to point out this Council, that is
23 supposed to be deciding if someone is rehabilitated
24 enough, where are they trained? Who are these
25 people? Do they have biases that they bring in with

1
2 them while they make these decisions? We have to be
3 clear and hold them accountable on that.

4 I also want to point out that people in NYCHA
5 have to be connected directly to a blood relative.
6 Many people grew up in foster care. For my teenage
7 years, I was in foster care. I knew my parents but I
8 didn't have access to them.

9 So, someone who falls in those lines, what does
10 that look like in our society and our city when we
11 say that they are not worthy of a home because they
12 don't have a blood relative. What are we talking
13 about as human beings and as Americans? And I have
14 seen people be charged for grand larceny over an
15 iPhone. So, does that mean that someone is charged
16 with grand larceny over an iPhone is not worthy of
17 having housing anymore?

18 SERGEANT AT ARMS: Time expired.

19 MINISTER DR. VICTORIA PHILLIPS: I got you, so I
20 just want to say one more thing. In our community,
21 we have to make sure that we look out for each other.
22 It is not about privilege, even this meeting right
23 here, you are rushing all the public comments through
24 for end at 4:30, meanwhile this is impacting our
25 direct lives and it is your duties as Council Members

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to make sure that you hear from the people, your
constituents. So, do better and do your jobs. You
all have a blessed day.

COMMITTEE COUNSEL: Thank you. Next, we will
hear from Beatrice de la Torre followed by Lucas
Pershing and Zachary Katznelson.

SERGEANT AT ARMS: Starting time.

BEATRICE DE LA TORRE: Good afternoon, my name is
Beatrice de la Torre and I am the Managing Director
for Housing and Homelessness at Trinity Church
Wallstreet.

Trinity Church is committed to breaking the cycle
of mass incarceration and mass homelessness that
impact nearly 20,000 New Yorkers each year. We are
conveners of the faith communities for just reentry
an interfaith coalition of more than 40 faith leaders
across the five boroughs.

Together, we are calling upon Mayor de Blasio and
the City Council to create a just reentry system.
This means providing for the safety of New Yorkers
released from the city's jails during the COVID-19
crisis. Stable housing for justice involved
individuals and their families and a coordinated

1
2 support service reentry system, that is accountable
3 to the wellbeing of each person.

4 Without reform, the City forces these families
5 and individuals into homelessness. We strongly
6 support two pieces of legislation before the Council.
7 We support Intro. 146 to raise the value of City
8 FHEPS vouchers to fair market value so the households
9 can actually use them to avoid homelessness.

10 We also support Intro. 2047, the Fair Chance for
11 Housing Act, which would prohibit private landlords
12 from discriminating against New Yorkers with criminal
13 records. We thank Council Member Levin for
14 introducing these bills and commend the New York City
15 Commission on Human Rights for committing vigorously
16 and force these protections.

17 Ending discrimination in the private market is
18 not enough, however. The largest landlord in the
19 city is our own Public Housing Authority. It is just
20 one members of a household that is arrested, not even
21 convicted just arrested, NYCHA can begin
22 determination of tenancy proceedings against an
23 entire family. NYCHA to also expand its family
24 reunification program.

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We ask that every member of this body submit
comments to NYCHA before October 28th to demand
access for all New Yorkers. In addition, the City
Council should pass legislation to require the
Department of Corrections and the Human Resources
Administration to issue ID's to every New Yorker
discharged from jails. An ID card means access to
medications to jobs and of course to housing.

In closing, the Faith Communities for Just
Reentry -

SERGEANT AT ARMS: Time expired.

BEATRICE DE LA TORRE: Redoubles its call for
Mayor de Blasio, Speaker Johnson and the entire City
Council to develop a coordinator reentry system. It
is the just and moral thing to do. Thank you for
your leadership.

CHAIRPERSON LANCMAN: Thank you.

COMMITTEE COUNSEL: Thank you. Next, we will
hear from Lucas Pershing followed by Zachary
Katznelson and Alison Wilkey. Lucas?

SERGEANT AT ARMS: Starting time.

LUCAS PERSHING: Hello all, I will refer you to
the comments made by the Faith Leaders that are on
this call. We are all from Faith Leaders for Just

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2 Reentry, our Faith Communities for Just Reentry. So,
3 Reverend Wendy Calderon-Payne, Amy Glickman from
4 Central Synagogue, Beatrice de la Torre from Trinity
5 Church Wallstreet, Reverend Kevin VanHook from
6 Riverside Church have said it all. So, thank you.

7 COMMITTEE COUNSEL: Thank you. We will now hear
8 from Zachary Katznelson followed by Alison Wilkey.

9 SERGEANT AT ARMS: Starting time.

10 ZACHARY KATZNELSON: Good afternoon everybody, I
11 am Zachary Katznelson, I am the Policy Director at
12 the Lippman Commission and thanks for the chance to
13 testify. I just want to thank as well, all the City
14 staff, agency staff that are still on. Typically a
15 lot of folks leave after they testify and I am
16 grateful that those of you who have stayed are still
17 here to listen to public testimony.

18 I just want to focus on supportive housing. We
19 all know how critically important this is. You know,
20 really disappointing news to hear that none of the
21 JISH beds that have been funded are online or coming
22 online anytime soon in almost a year after the RFP
23 was issued and there seems to be very little urgency
24 by the city to make sure these beds come online. I
25 am grateful to Chair Lancman for really pushing on

1
2 that because you know, these beds are so necessary,
3 particularly with people with mental illness. You
4 know, I was speaking recently with a doctor for years
5 who has provided mental health care at Rikers and the
6 number one thing he says that people need when they
7 come out of Rikers is not continuity of care, which
8 is critically important but the number one thing is
9 housing because if you don't have housing, you are
10 not going to be stable in terms of your mental health
11 treatment. The chance of reentry successfully drops
12 dramatically. The chance of returning to Rikers
13 rockets up. And so, just really we ask that the
14 Council keep on the city to keep pushing not just to
15 bring the JISH beds that are already found online but
16 to expand the number of beds that we have. You know,
17 just look at the cost alone, roughly \$30,000 per bed
18 per year for supportive housing, \$500,000 per person
19 per year at Rikers.

20 So, it's not like people won't be subjected to
21 the humane violence and brutality at Rikers be so
22 much better off but the city will save tremendous
23 money if we can get these beds online and working
24 properly. Thanks so much.

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COMMITTEE COUNSEL: Thank you. Next, we will
hear from Alison Wilkey followed by Jordyn Rosenthal
and Avi Gross. Alison?

SERGEANT AT ARMS: Starting time.

ALISON WILKEY: Hi, my name is Alison Wilkey and
I am the Director of Public Policy at the John Jay
College, the Institute for Justice and Opportunity.
I want to use my time to address some of the
testimony we had by government agencies. Chair
Ampry-Samuel, you asked NYCHA in several ways, how
many people are terminated based on involvement with
the criminal legal system and you didn't get a
complete answer.

So, in 2017, there were 98 families who were
terminated because of the involvement with the
criminal legal system in addition to the 464 families
who were permanently excluded or individuals who were
permanently excluded. In 2018, that's 100 families
who had their leases terminated in addition to the
313 who were permanently excluded and in 2019, there
were 96 families terminated in addition to 316
individuals who were permanently excluded.

So, these are significant numbers of people who
are losing their home based on arrest charges. So,

1
2 you asked what types of crimes people were excluded
3 for and NYCHA gave a laundry list of serious sounding
4 crimes. Let's be clear that they, NYCHA proceeds
5 forward based on arrest charges chosen by NYPD, not
6 by what happens in the criminal legal system.

7 So, as other people have said, you can lose your
8 home even though you are never convicted in criminal
9 court and that is part of NYCHA's current policy.

10 And while we appreciate that NYCHA is taking some
11 steps to review their policies, their steps do not go
12 far enough.

13 And again, Chair Ampry-Samuel, you asked the
14 question, what evidence is there that the exclusion
15 increases safety? There is no evidence. It is
16 counterproductive. Why would we think that excluding
17 someone who has been arrested, kicking them out from
18 their home, separating them from their family and
19 putting them into survival mode, would keep them from
20 getting in trouble again or increase public safety.

21 This policy has been in existence for decades and
22 there is no correlation between crime rates in NYCHA
23 and enforcement of this policy. This policy needs to
24 end.

1
2 And I have full comments that I will submit for
3 written recommendations based on NYCHA's policy but I
4 also want to address HPD's comments about their
5 policy.

6 SERGEANT AT ARMS: Time expired.

7 ALISON WILKEY: I believe that HPD, that their
8 January marketing handbook has time limitations for
9 reviewed criminal record. That is not true, if you
10 look at their January 2020 marketing handbook, it
11 simply limits housing providers to the guidelines
12 provided by HUD. There is no time limitation. There
13 are very few limitations in the current marketing
14 handbook on how HPD uses criminal record.

15 And I just want to say that we also have a
16 solution to many of these problems in the private
17 market with Intro. 2047. We really have to double
18 down on addressing racism in the criminal legal
19 system that then gets used in our housing system to
20 deny housing. People should not have to prove that
21 they are worthy of having a home and we have to end
22 the system of professional punishment.

23 CHAIRPERSON LANCMAN: Thank you Ms. Wilkey.
24
25

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COMMITTEE COUNSEL: Thank you. Next, we will
hear from Jordyn Rosenthal followed by Avi Gross and
Lyric Thompson. Jordyn?

JORDYN ROSENTHAL: Thank you.

SERGEANT AT ARMS: Starting time.

JORDYN ROSENTHAL: Thank you for the Committee
Chair's and the staff that are still on the line. I
just want to echo what Zachary Katznelson was saying.
It is really refreshing to see you sticking through
this.

My name is Jordyn Rosenthal and I am the Director
of Community Engagement at the Women's Community
Justice Association. Which is the sister
organization to Housing Plus which runs the Women's
Community Justice Project. The only gender specific
ATI in New York City. We are also members of the
Fair Chance for Housing Coalition and we want to say
right off the bat that we do support 2047 and that
should be passed as soon as possible. But what I am
here to talk about today more specifically, is the
fact that formerly incarcerated women are more likely
than their male peers to be homeless. They are
actually when you get more specific, they are more
likely to be sheltered homeless but that does not

1
2 make a difference in the sense of like, the fact that
3 people need stable housing and specifically the JISH
4 beds need to be expanded. It is really good to see
5 that there will be beds coming online and we are
6 looking forward to that RFP that is coming out but we
7 really need to expand their use and almost family
8 use.

9 There are less than 200 women currently on Rikers
10 Island right now, we can get that down below 100
11 easily, 153 of those women are pretrial. When we
12 take women and keep them locked in Rikers Island,
13 they are disrupting their family connections. They
14 are more likely to lose their stable housing, which
15 puts them back into a worse spot than being you know,
16 before they are actually arrested or put into Rikers.

17 But having these JISH beds we can actually really
18 work on decarceration and go specifically through
19 case by case each woman and come forward with a
20 recommendation at how to get women out of Rikers but
21 it is only possible if they is stable housing. Think
22 about ourselves and the challenges that we face as
23 individuals. Where would we work if we had a job but
24 we you know, were in the shelter and we were like
25 working remotely. How would you do that?

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SERGEANT AT ARMS: Time expired.

JORDYN ROSENTHAL: Thank you.

CHAIRPERSON LANCMAN: Thank you.

COMMITTEE COUNSEL: Thank you. Next, we will
hear from Avi Gross followed by Lyric Thompson and
Devone Nash.

SERGEANT AT ARMS: Starting time.

AVI GROSS: Thank you Chair's. The Council on
February 2, 2016, held a meeting in City Council and
the topic was Rent Stabilized Apartments that should
be registered because developers got tax breaks,
except they weren't being registered.

Pro-public approved that essentially the public
was being ripped off and developers were taking \$100
million every year in tax breaks without providing
the affordable housing. This was admitted by HPD in
the testimony that was given four years ago. What
has happened in four years? Absolutely nothing.

Council Member Cohen, if you are still on this
call, please reach out, ask me a question after
because you said exactly what the problem is. There
is enough affordable housing, vacant affordable
housing to house each of the 60,000 homeless people
in New York City today. All it takes is for Council

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2 Members to feel accountability to the public. The
3 application process of affordable housing is an
4 absolute disgrace. If you just want to look at what
5 I have been through, so after ten years, you could
6 see all these documents, like 350 documents that I
7 gave. I was supposed to sign a lease and then this
8 came. You are rejected for inconsistent information.
9 That was the only explanation I got.

10 Except inconsistent information is not one of the
11 legitimate reasons for rejection on the regulatory
12 agreement. Next, they claimed that my income was too
13 low, except that if you look at these numbers, none
14 of them match the 350 documents they sent. Then they
15 claimed that my income in 2017 and 2018 was too low,
16 except that the regulatory agreement says, that they
17 have to go by income in 2019.

18 I ended up in a homeless shelter where they
19 completely forego the max income limit -

20 SERGEANT AT ARMS: Time expired.

21 AVI GROSS: That made no difference to them. I
22 will just complete this point please if I could have
23 15 seconds. This was an email where it came out that
24 HPD is asking Breaking Ground if they even bother to
25 look at the application submitted. Essentially, here

1 is my point. Affordable housing, it gets thrown
2 away. This honorable Chair, you can solve all
3 problems in New York. The problems the apartments
4 are not going to the public. They are being
5 embezzled by people -

7 CHAIRPERSON LANCMAN: Thank you Mr. Gross.

8 AVI GROSS: Council Member Cohen.

9 COMMITTEE COUNSEL: Next, we will hear from Lyric
10 Thompson followed Devone Nash and Amy Glickman.
11 Lyric?

12 SERGEANT AT ARMS: Starting time.

13 LYRIC THOMPSON: Hello, my name is Lyric Thompson
14 and Avi Gross, thank you so much for bringing up that
15 pro-public article that came out in 2016. That was
16 about my building.

17 Now, when I first signed up to speak it was about
18 1760 and I have serious concerns about HPD's ability
19 to enforce anything. We have had over 300
20 inspections on our building and HPD never noticed
21 that the front door to my building wasn't fire
22 rating.

23 It took the building getting sealed shut and me
24 contacting Tim Hogan of DOB to get a violation. HPD
25 comes out, writes violations, removes it a little

1
2 while later and that defective equipment had to be
3 removed by the Fire Department.

4 We need to upgrade the standards of HPD's
5 inspections and enforcement. Now, with regard to the
6 criminal activity that HPD allows, I am sitting here
7 listening to all these people lose their homes in
8 NYCHA. What did HPD do to the developer, Alan
9 Packnoosh[SP?], when he submitted a notarized
10 statement from a lady that had been dead for three
11 years at the time of notary?

12 They asked him to remove it and submit something
13 else. That is how serious HPD took my complaint.
14 What did HPD do about the fact that the architectural
15 papers were forged? Not a God damn thing but send me
16 to 311. I have to beg Emery[SP?] Santiago for
17 screens without holes in it because the woman doesn't
18 know the meaning of an apartment.

19 Sorry guys, I am really just a bit triggered by
20 sitting here listening to all of my fellow citizens
21 getting screwed by Housing Preservation Development
22 and NYCHA. Why the double standard? Why are we
23 allowing developers to get away with criminal
24 activity and then turning around and acting like we
25 give a shit about affordable housing.

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If you want developers to stop ripping people off, try holding them accountable for the laws that they violate and can someone please explain to me where HPD gets the statutory authority to tell a developer to rip heating out of the common areas of a rent stabilized building.

SERGEANT AT ARMS: Time expired.

COMMITTEE COUNSEL: Thank you. We will now hear from Devone Nash followed by Amy Glickman and Corey Brinson.

SERGEANT AT ARMS: Starting time.

DEVONE NASH: Hey, good afternoon. My name is Devone Nash here and I am a little sad today because my nephew and I we are in a shelter system right now and everything that everyone was saying sounded very good but up until today, what was happening with yesterday, all of these things that you know how important it is for housing. How important it is for families to stay together and all of these things that were put into place to undue all those things and then you say, okay, okay, we made a mistake then. Today, we are going to fix it.

Well, I happen to be the one that come in in 2015 out of federal prison with no place to go. A family

1
2 member go me a place to stay with someone and that
3 landlord decided because they found out that I had a
4 criminal history in 2017, started the process of
5 evicting me. I had no help. I was going back and
6 forth to court. I was in college at the time, so the
7 judge was a little sympathetic and the only thing he
8 did was, he waited until, he said I had to leave by
9 August of that year.

10 The landlord turned the lights out, so I could
11 not stay in there. So, I had to move, I left. My
12 nephew was 18-years-old at the time. We entered a -
13 I might have spent \$500 on criminal background checks
14 for apartments that I wasn't qualified for. I needed
15 all of this stuff, so I was forced into the shelter
16 system in January because I just had no where else to
17 go with my nephew and I was forced into the shelter
18 system of January 2018 and from that day, they have
19 been paying \$120 a day for my nephew and I to stay in
20 the shelter. They give it is over \$6,000, \$293 per
21 month. I have been here over 33 months.

22 SERGEANT AT ARMS: Time is expired.

23 DEVONE NASH: That amount of money could have
24 been spent to buy me an apartment, a two bedroom
25

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2 apartment. I could have bought a two bedroom
3 apartment.

4 CHAIRPERSON LANCMAN: Thank you Mr. Nash. Thank
5 you sir.

6 COMMITTEE COUNSEL: Thank you. Next, we will
7 hear from Amy Glickman followed by Corey Brinson.
8 Amy?

9 SERGEANT AT ARMS: Starting time.

10 AMY GLICKMAN: Good afternoon. My name is Amy
11 Glickman and I am a Board Trustee of Central
12 Synagogue. Central is a proud reformed Jewish
13 congregation, one of the largest in the United States
14 and a member of the union for reform Judaism. We are
15 an inclusive community of over 2,600 families, most
16 of us in and around New York City.

17 I am here today because Central is proud to be
18 part of an interfaith coalition, Faith Communities
19 for Just Reentry with a national action network
20 Riverside Church, Catholic Charities of the
21 Archdiocese of New York, Trinity Church Wallstreet
22 and many others. Faith Communities for Just Reentry
23 calls on the New York City Council and Mayor Bill de
24 Blasio to step up to ensure that returning New
25 Yorkers have at least the basic tools they need to

1
2 rejoin society. What are these tools? As we have
3 heard from others who have testified, give everyone
4 leaving Rikers an IDNYC card.

5 In New York City in 2020, nobody can pick up
6 medication, apply for employment, housing, education
7 or health insurance without an ID. If people leaving
8 state prison can get an IDNYC, people leaving city
9 jails should do so to. Make city homelessness
10 prevention vouchers usable. New York City Council
11 Bill Intro. 146 would raise rental assistance
12 vouchers to market rates. This is a more effective
13 and less expensive use of public funds than
14 congregate shelters and hotels.

15 And finally, as we have heard, NYCHA should stop
16 separating families by eliminating their policy to
17 automatically exclude people from NYCHA housing after
18 arrests and releases.

19 We at Central Synagogue and the Faith Community
20 for Just Reentry Coalition urge the New York City
21 Council to clear a path for New Yorkers to return
22 home from city jails, to rejoin their families and
23 seek employment and health care that's helped them
24 and it helps all of us.

25 Thank you for the opportunity to testify today.

COMMITTEE COUNSEL: Thank you. Last but not
least, we will now hear from Corey Brinson.

SERGEANT AT ARMS: Starting time.

COREY BRINSON: My name is Corey Brinson; I am
testifying in favor of Bill 2047. This Bill would
eliminate the practice of landlords discriminating
against people with conviction history or seeking
rental housing.

I serve as a Policy Associate at the Legal Action
Center. Legal Action Center uses legal and policy
strategies to fight discrimination, mental health
equity and restore opportunities for people with
arrest and conviction records, substance use
disorders and HIV.

The City Council should pass this important next
step generation civil rights bill because people with
criminal convictions already face difficult
challenges, especially those returning from prisons
and jails to reintegrate into society. These
challenges include but are not limited to attain
employment, family connections, community integration
but they also include securing safe and affordable
housing.

1
2 While there are protections for people with
3 criminal histories or seeking employment, there are
4 no legal protections for people with criminal
5 histories who are seeking housing under local, state
6 and federal law. In fact, the law currently
7 discourages the renting of apartments to people with
8 criminal convictions in public housing. People
9 cannot find stable housing are less likely to
10 establish positive family relationship, find
11 employment and successfully integrate into the
12 community.

13 According to the Coalition for the Homeless in
14 2018, 20 percent of adults how entered New York City
15 shelter, did so directly from a jail or prison. And
16 for the same reasons New York passed the Fair Chance
17 Act in 2015, so that people with criminal convictions
18 would have a fair chance at employment. We must now
19 act and provide the same meaningful opportunity, so
20 that people with criminal convictions can secure
21 housing. It is no coincidence tht in 2017, the
22 Mayor's Office of Criminal Justice found that 40
23 percent of people serving a short jail sentence were
24 homeless. The law in this area needs reformed.

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2 This bill is reasonable because it takes into the
3 landlords business interests. It does not restrict
4 the landlord from -

5 SERGEANT AT ARMS: Time expired.

6 COREY BRINSON: I am sorry? It does not restrict
7 the landlord.

8 COMMITTEE COUNSEL: Thank you. This concludes
9 the public testimony. If we have inadvertently
10 forgotten to call on someone to testify, that person
11 could raise their hand using the Zoom raise hand
12 function, we will try to hear from you now.

13 Alright, seeing none, I will turn it back over to
14 Chair Lancman to close the hearing.

15 CHAIRPERSON LANCMAN: Thank you all very, very
16 much. In particular, I want to thank the Co-Chair's
17 of this hearing. That would be Chair Alicka Ampry-
18 Samuel, Council Member Levin, Council Member Cornegy,
19 who else we got that's still hear.

20 Well, and also all of the staff of our respective
21 committees. All of whom work very hard to prepare us
22 for this hearing. I want to thank MOCJ, HPD and all
23 the other Department of Corrections, all the other
24 agencies who sent people to testify at this hearing
25 and also to thank members of the public. I know it

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2 can be frustrating to only get a certain amount of
3 time to be able to speak but the focus of our hearing
4 today was to try to get answers from the
5 Administration and I think we made a lot of progress
6 doing that.

7 Do any of my fellow Chairs have anything that
8 they want to say to close things out? Seeing none, I
9 want to thank everyone for their participation and
10 that formerly concludes our hearing this afternoon.

11 [GAVEL] Have a great afternoon everyone, thank you.

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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 November 13, 2020