

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC HOUSING

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June 28, 2010
Start: 1:15 pm
Recess: 4:35 pm

HELD AT: Council Chambers
City Hall

B E F O R E:

ROSIE MENDEZ
Chairperson

COUNCIL MEMBERS:

Council Member Maria del Carmen
Arroyo
Council Member Gale A. Brewer
Council Member Margaret S. Chin
Council Member Daniel J. Halloran
III
Council Member Robert Jackson
Council Member Letitia James
Council Member Melissa Mark-
Viverito
Council Member Annabel Palma
Council Member James G. Van Bramer

A P P E A R A N C E S [CONTINUED]

Rosie Mendez
Opening Statement
Chairperson
Committee on Public Housing

Gloria Finkelman
Deputy General Manager
Operations
New York City Housing Authority

Alan Pellico
Assistant Director
Office of Resident Policy Administration
New York City Housing Authority

Sam Mordid
Deputy General Counsel
Housing Litigation
New York City Housing Authority

Althea Atamensa
Staff Attorney
Legal Aid Society

Camilla Shudeen
Supervisor of a Housing Project
New York Legal Assistance Group

Runa Rajagopal
Mental Health Law Project
MFY Legal Services

Luis Alberto Roman
Denied Remaining Family Member Status
New York City Resident

Sandra Lopez
Denied Permanent Permission
New York City Resident

A P P E A R A N C E S [CONTINUED]

Said Shibaz
Filed class action lawsuit against NYCHA
New York City Resident

Angel Sata
Housing Advocate
New York City Resident

Alvin A. Rivers, Sr.
Speaking on behalf of
Mrs. Stephanie Carion

Stephanie Carion
Denied Permanent Permission
New York City Resident

Santos Rivera
Speaking on Family Remaining Member Grievance Policy
New York City Resident

Samuel Diaz
Denied Remaining Family Member Status
New York City Resident

Lisa Burris
Good Old Lower East Side
New York City Resident

Joseph Garber
Resident Leader in Public Housing
New York City Resident

Carmen Pinella
Trying to get Head of Household Status
New York City Resident

Laura Rogers
Counsel
Committee on Public Housing

A P P E A R A N C E S [CONTINUED]

Benjamin Goodman
Policy Analyst
Committee on Public Housing

SERGEANT AT ARMS: Quiet please, ladies and gentlemen. Please take your seats, make sure your cell phones are on vibrate or off. Thank you.

CHAIRPERSON MENDEZ: Hello?

[Gavel banging]

CHAIRPERSON MENDEZ: Good afternoon. This hearing is coming to order. My name is Councilwoman Rosie Mendez and I am the Chair of the Committee on Public Housing. And today's hearing topic is NYCHA's succession procedures and remaining family member claims and issues. Today's hearing will give NYCHA the opportunity to talk us through the process for someone to get added to the lease or to claim remaining family member status and what the process is moving forward if they are accepted or denied, if their claim is accepted or denied.

The Committee is very interested in hearing that process and having you walk through it. I can tell you from my own personal experience, it seems while there is a process, there are some parts that are vague to me but there seems sometimes to be different procedures

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2 followed by development managers that don't
3 strictly adhere to the rules and regs of the
4 Authority. And that seems to be echoed by some of
5 my colleagues.

6 So I want to thank the Authority
7 for being here. I want to thank members from the
8 public. I want to remind members of the public
9 that if you're going to testify, you need to fill
10 out one of these forms and give it to the Sergeant
11 in the back. And at that point we will determine
12 if there's a lot of people and how long we take
13 with our questions with the Authority, if there
14 would be some time limit set for the public just
15 trying to get through today.

16 And on behalf of the Authority we
17 have Alan Pellico; you're from Legal, correct?
18 Okay. Gloria Finkelman, I forget your title but
19 you do too many things at NYCHA.

20 [Chuckling]

21 CHAIRPERSON MENDEZ: And Sam Mordid
22 [phonetic].

23 MR. SAM MORDID: Legal.

24 CHAIRPERSON MENDEZ: From Legal.
25 Okay. Well thank you and if you could start your

testimony and if I could just remind you that when you do speak, to identify yourself for the record.

MS. GLORIA FINKELMAN: Gloria Finkelman, Deputy General Manager for Operations, New York City Housing Authority. Chairwoman Rosie Mendez, distinguished members of the Public Housing Committee, and to all members of the City Council, it is my pleasure to be with you today. I am Gloria Finkelman, Deputy General Manager for Operations of NYCHA. And joining me this afternoon is Alan Pellico [phonetic], Assistant Director in the Office of Resident Policy Administration and Sam Mordid [phonetic], Deputy General Counsel for Housing Litigation.

We all know how vital a good home is to a family's quality of life. As a social resource, public housing has few fears. It is because this resource is so important not only to the families who live in public housing but for all of us that NYCHA has throughout its history maintained a policy detailing rules and provisions for the proper occupancy and transfer of our apartments.

Today I would like to take the

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2 Council through the Authority's occupancy and
3 remaining family member policy, as well as the
4 process by which applicants may challenge the
5 authority's assessment on who may or who may not
6 lawfully succeed to an existing public housing
7 lease, more formally known as NYCHA's Remaining
8 Family Member Grievance, why NYCHA's policy must
9 consider our waiting list.

10 Before I begin though, let me say
11 that NYCHA does not make decisions particularly
12 one as impactful on the lives of residents as to
13 who may or may not join a NYCHA household either
14 rightly or in a vacuum. But as we consider NYCHA
15 families, residents who request permission for a
16 family member to join their household permanently
17 or those who have petitioned to succeed to an
18 existing lease, we must also consider that many
19 families who yet wait and hope for their first
20 chance at the promise of public housing. As we
21 speak there are 136,203 households on New York
22 City's public housing waiting list. NYCHA's
23 occupancy and remaining family member policy must
24 and does consider these families as well.

25 If the Authority did not have

consistent standards for the governance of its leases and the occupancy of its apartments, the already significant number of families on the NYCHA waiting list would grow even more. We must do our best to make the opportunity of public housing available both to the many families who already rely on it as a strong foundation and to those who seek that fair start in their own lives.

Who constitutes a NYCHA family? An original NYCHA family consists of the tenant or tenants who signed the initial lease and any persons listed on the housing application and authorized to reside in the apartment at move-in. For decades NYCHA has maintained an occupancy and remaining family member policy. In 1988 the Authority updated its procedures to stipulate that no one may be added to an existing tenant's household unless the tenant requests permission in writing and permission is granted by the development's management. Exceptions are, of course, made for natural family growth including births, legal adoptions and court appointed guardian and custodianships.

Tenants may either request to have

an additional person join the household on a permanent basis or temporarily. As I will discuss the procedure for permanent resident permission requests is more rigorous than requests for temporary tenancy.

Permanent residency permission requests: the criteria for adding a permanent household member include the following. The tenant making the request must currently live in the apartment and be in good standing with the Authority. They must be current in all rent payments. They may not be in violation of any of NYCHA's rules and regulations. And they may not be party to current or pending termination of tenancy proceedings.

Furthermore the person who is requested to join the household permanently must be either the tenant's spouse or registered domestic partner, parent, including step-parent and parent-in-law, grandparent, grandchild, child including step-children and children-in-law, or sibling including half-siblings. And if she is older than 16, the proposed permanent resident must pass a criminal background check. In

1
2 addition if the proposed resident will cause an
3 overcrowded condition based on the Authority's
4 occupancy standards, NYCHA must deny permission
5 for that person to be added to the household.

6 I should also mention that the
7 income of the additional permanent household
8 member is not a factor in NYCHA's deliberation but
9 if the person officially joins the household, her
10 income will be included in the total family income
11 for rent calculation purposes.

12 Applications for both permanent and
13 temporary residency are reviewed by NYCHA's
14 housing managers. If after careful review of the
15 application, including all supporting documents
16 and in some cases a personal interview, the
17 housing manager determines if the request should
18 be granted. She does so in writing within 60 days
19 of the application date. If the housing manager
20 must deny the request, she also does so in writing
21 indicating the reasons for the denial. If the
22 housing manager does not approve a permanent
23 resident permission request, the request is deemed
24 denied. The tenant may commence an administrative
25 grievance to contest the denial.

Once a person has received permission to permanently reside in a NYCHA apartment under an existing lease, she must remain in the apartment continuously. In other words, the added occupant must be shown to live in the apartment on each of the tenant's annual affidavits of income. If an authorized household member leaves the apartment and seeks to return at some later date, she is not automatically granted permission to rejoin the household. Permission on her behalf must be requested by the tenant and is subject to the same review process as discussed.

Temporary residency permission requests: often tenants will request that a person be allowed to reside in the household temporarily. Unlike permanent residency requests, there are no specific requirements for a familial relationship between the tenant and the person she proposes be granted temporary permission to live in the apartment, except that boarders and paying guests are prohibited.

The income of the person applying for temporary residency permission is not considered and is not included as part of the

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2 family income for the purposes of adjusting the
3 tenant's rent. Furthermore the housing manager
4 may grant temporary residency permission even if
5 the additional person overcrowds the apartment
6 provided that the apartment does not become
7 extremely overcrowded as of NYCHA's occupancy
8 standards for families. Housing managers may
9 approve the length of a temporary stay to a
10 maximum period of one year except as modified for
11 foster children and home care attendants.

12 Succeeding to a lease and the 1-
13 year rule: NYCHA's remaining family member policy
14 defines who may succeed to a lease as a remaining
15 family member after a tenancy ends whereby the
16 tenant or tenants move out of the apartment or
17 pass away. The policy stipulates that a person
18 claiming remaining family member status and thus
19 the right to succeed to an existing lease may
20 require such status only if she entered the
21 apartment through the process described earlier
22 and occupied the apartment continuously.
23 Continuous occupancy is confirmed if the remaining
24 family member claimant appears on all affidavits
25 of income filed after she joined the household

with exceptions made for non-continuous occupancy if the resident is away in military service or college.

While there are no income limits for remaining family members claimants, the remaining family member's income will be used to calculate the total family income if a lease is offered. In 2002 NYCHA established a 1-year occupancy rule for anyone added to a household by permanent permission. Under the rule's provisions even if a person is granted permanent permission to join a household, the tenancy must continue for at least 1 year after permission is granted before the tenancy ends in order for the person to acquire remaining family member status and possibly succeed to an existing lease.

Finally the remaining family member must also pass a criminal background check before succeeding to the apartment and have the capacity to sign the lease if she has reached the age of adulthood, 18, is an emancipated minor usually 17 years old, or has an acceptable guardian.

Remaining family member grievance:
if the tenant requests remaining family member

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2 status and feels the request was wrongfully denied
3 the tenant may initiate an administrative
4 grievance with the development housing manager
5 followed by a Management Department review. Some
6 remaining family member claimants may also be
7 eligible to a grievance hearing before an
8 impartial hearing officer. The burden of proof
9 rests with the claimant who must demonstrate that
10 she qualifies for a lease.

11 Finally to pursue a remaining family
12 member grievance, the claimant must formally claim
13 that she is a remaining family member as described
14 earlier and pay use and occupancy for the
15 apartment during the time that the grievance is
16 pending.

17 Keeping residents informed: as you
18 can see NYCHA's occupancy and remaining family
19 member policy has several procedural steps, each
20 presenting various responsibilities as well as
21 rights. NYCHA takes the duty to inform our
22 residents of this and other NYCHA policies very
23 seriously. To that end NYCHA communicates the
24 occupancy and remaining family member policy to
25 residents when a family signs a new lease, when a

1
2 tenant requests permanent permission for a family
3 member to be added to the household, and twice
4 each year in the annual affidavit of income and in
5 the yearly lease addendum (sic) and rent notice
6 which is issued at the end of the annual review
7 process.

8 Nonetheless the Authority is taking
9 steps to improve how we communicate this important
10 policy to NYCHA families including broadening the
11 languages into which the policy is translated and
12 making it available on the NYCHA website.

13 Furthermore residents are encouraged to reach out
14 to the management staff where they live if they
15 have any questions regarding this policy.

16 As custodian of New York City's
17 prized public housing resource, NYCHA has employed
18 a longstanding occupancy and succession policy to
19 ensure the proper distribution of its apartments
20 to both meet the needs of public housing families
21 and to preserve the integrity of the public
22 housing waiting list for new applicants. We are
23 committed to safeguarding these homes for the
24 families who count on them and we pledge to
25 continue to work with the City Council and with

our residents to ensure that our process is clear,
fair and transparent.

Thank you very much and I look
forward to your questions.

CHAIRPERSON MENDEZ: Thank you.
I'm going to make a few comments and ask one
question. And then I'm going to turn it over to
members of the Committee 'cause I'm sure they have
a lot of questions. But first I want to say who's
with us here today. We have Council Member
Melissa Mark-Viverito to my far right for some odd
reason from Manhattan...

[Background conversation]

COUNCIL MEMBER HALLORAN: I sat in
the wrong seat.

COUNCIL MEMBER MARK-VIVERITO:
Yeah.

CHAIRPERSON MENDEZ: Yeah. Council
Member Chin from Manhattan; Council Member Maria
del Carmen Arroyo from the Bronx; and Council
Member Halloran from Queens; Council Member Jimmy
Van Bramer from Queens; and Council Member Gale
Brewer who's not part of this Committee but is
joining us today. Thank you Council Member

Brewer. And Council Member Tish James who's also not a member of this Committee but de facto, from Brooklyn, who has also joined us here today.

So first I'm going to just make some quick statements. I have had residents come to my office and before I was elected I've had residents come to me and tell me that they've tried to add someone to their lease, that they went into the management office, told the manager or the assistant managers that they wanted to add someone to the lease.

And the person either told them no you can't do it or yes, put something in writing. Was never given a form. Was just given an arbitrary no. Maybe based on information. But was not given one of these two temporary or permanent forms to fill out. And that is something that I still hear today.

I hear what you're saying about kids in foster care and other additions to the household. I can tell you that last year I had an issue with an individual, a young woman, who lived in Georgia with her mother. Her mother died. She was 17. She was going to turn 18. She came to

1 live with her aunt here in New York, in NYCHA.
2 She has registered for school but because she was
3 going to turn 18 during the school year, the
4 foster, ACS, didn't claim it as foster child and
5 this individual was having a problem getting added
6 to the lease, until our intervention happened.
7

8 So sometimes process doesn't happen
9 the way it's supposed to. And sometimes maybe
10 individuals don't understand it. So my first
11 question will be, because I am a longtime NYCHA--
12 was a very longtime NYCHA resident, and when I
13 lived in the Housing Authority years ago, you
14 would just walk into the management office and
15 request that someone be added on or taken off and
16 it would be done. And you could take someone off
17 today and a few months later add someone.

18 Certainly process is important and
19 I understand why the Authority and HUD has
20 tightened those regulations. You're informing us
21 here of how residents have been informed of this.
22 So in 1988 when the procedures were delineated,
23 how were tenants who've lived in NYCHA for 10 to
24 40, 50, 60 years, how were they informed of the
25 new process to add or take someone off the lease?

MS. FINKELMAN: So a letter may not have been mailed out to all the residents but when they came in to request permission, the form should have been issued to the resident and on that form it would have said that they, you know, needed to do all of their business in writing.

CHAIRPERSON MENDEZ: Okay. So you said should have.

MS. FINKELMAN: Um-hum.

CHAIRPERSON MENDEZ: So I guess that is left to each manager in each development to have informed the resident when they came in? And how do we know if they were? Since you said should have.

MS. FINKELMAN: Okay. Well it wasn't up to the manager's discretion. It was part of our rules and regulations. And the manager should always follow our rules and regulations. I say should have because you gave the example that some people come into the management office and perhaps somebody doesn't give them a form or tells them that they're not allowed permission to have somebody come into the household.

Usually in that case it will be if that person coming into the household is somebody that doesn't meet the requirements, like a niece or a cousin or a nephew and it doesn't meet the requirements of a father or step-father, the people that I mentioned that are, you know, able to join a household.

CHAIRPERSON MENDEZ: Okay. It's 1988.

MS. FINKELMAN: Um-hum.

CHAIRPERSON MENDEZ: I've resided in public housing for 30 years. I am doing my income affidavit. I have not received a letter in the mail. I walk in to the management office with all of my paperwork. What happens next? Is it in the actual income affidavit renewal? Is something given, a paper given to me explaining the procedures that I have to sign that I received it?

MS. FINKELMAN: Are you saying it's after 1988, is it 2010--?

CHAIRPERSON MENDEZ: (Interposing)
No. I said it is--

MS. FINKELMAN: (Interposing) Is 1988--

CHAIRPERSON MENDEZ: --1988--

MS. FINKELMAN: --so--

CHAIRPERSON MENDEZ: --and I've lived there for 30 years. So this is a new procedure. I didn't receive anything in the mail. And I'm doing my income affidavit recertification.

MS. FINKELMAN: So if there's somebody on the income affidavit that was not part of the family composition that we had approved last year when they finished the annual recertification, the housing assistant is required to call in the tenant to discuss the household composition. And at that time if there are people on that occupant affidavit that is not part of the household, they will either give them a piece of paper, the form, asking them to request written permission to join the household.

CHAIRPERSON MENDEZ: Okay. I submit my income affidavit recertification. It is the same household composition. So I'm not informed of this new rule change?

MS. FINKELMAN: No.

CHAIRPERSON MENDEZ: So it's 1988, it's the same household composition. I'm not

1 informed of this rule change. I didn't receive it
2 in the mail--

3 MS. FINKELMAN: (Interposing) Um-
4 hum.

5 CHAIRPERSON MENDEZ: --it is now 10
6 years later. And I want to add someone to the
7 lease. And then I walk in. Is that the point
8 that I'm informed that the rule was changed 10
9 years ago?
10

11 MS. FINKELMAN: It's on our
12 affidavit of income in 1998. You're saying 10
13 years passed 1988--?

14 CHAIRPERSON MENDEZ: (Interposing)
15 So it's on the actual application--

16 MS. FINKELMAN: (Interposing) On an
17 affidavit--

18 CHAIRPERSON MENDEZ: --
19 recertification.

20 MS. FINKELMAN: --of income.
21 Right. Occupant's affidavit of income, that
22 yearly affidavit that we mail to each--

23 CHAIRPERSON MENDEZ: (Interposing)
24 So it's written there in the instructions.

25 MS. FINKELMAN: 1998? In 1988.

CHAIRPERSON MENDEZ: And in every annual certification thereafter it's been on the actual--

MS. FINKELMAN: (Interposing)
Correct.

CHAIRPERSON MENDEZ: --form. Thank you very much. Council Member Arroyo to be followed by Council Member Halloran.

COUNCIL MEMBER ARROYO: Thank you Madam Chair for this hearing. This is an issue that staff in my office spends a great deal of time and energy on, trying to help NYCHA residents through a very difficult process, often when they are about to be evicted. And it just adds so much more complexity to the problem. It's a complicated issue.

We find that the folks that are coming into the office are not aware of what your testimony includes. So I'm going to ask a favor. If the NYCHA policy can be forwarded to our offices to begin with, so that we can help in disseminating information. Because nine times out of ten, a well-informed individual makes better choices.

I'm concerned about the policy in that it's very strict about how a family is defined. And I don't know where you're living but where I live family does not necessarily fit into the definition outlined in this policy. So that very often you will have an aunt or an uncle bringing up a nephew or a niece because the sister or the brother is no longer around, either incarcerated or have passed away.

So the definition of family is one that I think the Authority really needs to look at where HPD is now developing housing that takes into account these nuances of what families are and how they're composed. I have in my district a new development that is called the Grand Families Residence.

MS. FINKELMAN: Hum.

COUNCIL MEMBER ARROYO: Which is intended for family members that are bringing up children that are not necessarily a grandchild or it could be a nephew, it could be a niece. And probably the son or daughter of a very dear friend who has passed and this individual now has custody of this child.

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2 And a particular concern is
3 seniors. We have many seniors who have a domestic
4 partner, same sex or not, it doesn't matter.
5 These are people that have been living together
6 for 20-some-odd years in this apartment. And the
7 leaseholder now is sick and has passed. And the
8 other senior is left in the apartment having to
9 contend with getting through this NYCHA policy
10 that they're clueless about. Often at a time in
11 their life when they're really, really stressed
12 because their lifelong partner is no longer around
13 but they're now facing eviction.

14 And NYCHA is so rigid in the policy
15 that regardless of the circumstance in this
16 family, they're not willing to entertain or work
17 with the surviving partner to secure that this
18 senior now does not become a homeless senior. And
19 if you look at the age group of most of your
20 tenants, I would suspect that a significant number
21 of them are seniors that may or may not have
22 followed the policy. That they were maybe not
23 even aware that they need to follow.

24 And, you know, rules are intended
25 to keep us kind of focused and in line but these

1
2 rules create such an incredible burden on the
3 families in our communities that we really need to
4 reexamine how they are applied or maybe even if
5 it's time for us to rethink some of the language
6 in it. Because family, in my community, is not
7 necessarily defined as a step-parent, a
8 grandparent, it is often an aunt or an uncle or it
9 may be even adult cousins who are taking care of
10 younger children in their live. So, you know, I
11 think Madam Chair that we really do need to
12 reevaluate the language in the policy to be more
13 inclusive of what the family composition is in
14 most of the communities where these developments
15 exist.

16 And I know that Council Member
17 Viverito has the distinction of having the most,
18 probably, in the Council, but I think I come up a
19 real close second. There's a lot of families
20 involved here. And a lot of time in our office,
21 our staff, have to take to help constituents work
22 through the complexity of this issue. I'm not
23 saying NYCHA is wrong in it.

24 I think what we need to say is
25 let's reevaluate this and see if it allows us to

1
2 do the best that we can do for the people that
3 live in our communities. And Madam Chair, thank
4 you 'cause I know that I've been one of those that
5 have been saying this is a real serious problem in
6 our community. Thank you.

7 CHAIRPERSON MENDEZ: So based on
8 what she, Council Member Arroyo, has put forward,
9 let me ask you this question. In 1988 the
10 Authority proposed these procedural changes. Was
11 that based on a HUD mandate or was this just
12 internal New York City Housing Authority policy
13 that the Authority decided to draft and delineate?

14 MS. FINKELMAN: It was internal
15 NYCHA policy. The previous policy, as you
16 indicated, people would come in and say somebody's
17 living here and we would allow them to live there
18 and it had an impact on the public housing waiting
19 list.

20 CHAIRPERSON MENDEZ: And is that,
21 the previous policy, is that the policy in other
22 authorities across the nation? You don't--

23 MS. FINKELMAN: (Interposing) I
24 don't know about other authorities.

25 CHAIRPERSON MENDEZ: All right.

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And the rationale is the long waiting list.

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MS. FINKELMAN: The long waiting list, the overcrowding of apartments. And it was very hard also as a housing manager and for residents who came in to be able to prove familiar relationships. So it was a cousin of a cousin, that type of thing. And if I could just respond to the Council Member's comments.

We too are concerned and know that there are extended families. And the housing, NYCHA definition of a family was due to a Federal lawsuit in 2002 and that defined what is a NYCHA family. If though at the time somebody is applying for public housing and their current family has nephews, nieces, they do move in with that type of extended family. And we can provide you with a copy of our NYCHA procedures.

COUNCIL MEMBER ARROYO: Well the point that I'm making is that it's not that simple. When a family is confronted with the only parent that was, you know, available or alive is no longer around--

MS. FINKELMAN: (Interposing) Um-hum. Um-hum.

COUNCIL MEMBER ARROYO: --and these children don't need to end up in the foster care system because they have family that want to take care of them. But then by definition, do not meet something in the policy doesn't meet the definition. The spirit of your policy then is violated because it's so specific.

MS. FINKELMAN: Perhaps I wasn't clear enough. If somebody actually gets legal guardianship or custodianship of a minor, they will be given permission to reside with the family.

CHAIRPERSON MENDEZ: Okay. I have a follow-up to that but also you stated that the definition of family was defined in the Federal lawsuit. Can you tell me what lawsuit that was?

COUNCIL MEMBER ARROYO: And you also leave that part out of your testimony. So I'm going based on what's included in your testimony. So that is not included in your testimony.

MR. ALAN PELLICO: My name is Alan Pellico. That case was the Williamsburg Fair Housing case. I don't have the exact cite. But

1
2 that was the negotiations and litigation of that
3 lawsuit was what ultimately helped develop the
4 definition that we use for family within the
5 remaining family member context.

6 CHAIRPERSON MENDEZ: Thank you.
7 Yeah, those individuals in Williamsburg, they're
8 very feisty. I was born and raised in one of
9 those brick houses so. Can you get us a copy of
10 that case and provide it to the Committee please?

11 MS. FINKELMAN: Sure.

12 CHAIRPERSON MENDEZ: Okay. So now
13 let me, based on what Council Member Arroyo was
14 saying, just give you a situation. My father in
15 Puerto Rico was orphaned when he was 10 years old.
16 He was raised by an aunt and his siblings were
17 raised by other family members. No one was ever
18 legally adopted. Right?

19 He comes to New York. He applies
20 and now he has children, starts raising a family
21 here in New York City in public housing. If at
22 some point, like let's say we moved away, the
23 kids, my father's alone and his cousin who's
24 really--they were raised as brothers, wanted to
25 move in with him 'cause he had no where else to

live. Since there is a cousin relationship instead of brothers, well, in either one of those cases under the rules, a brother would be a sibling, would be considered?

MS. FINKELMAN: A sibling could be considered.

CHAIRPERSON MENDEZ: Now his brother that he grew up with since the age of 10 would not be considered when they're adults to be made part of this household?

MS. FINKELMAN: His brother who grew up is an adult?

CHAIRPERSON MENDEZ: They are cousins, legally they are cousins. They grew up together--

MS. FINKELMAN: (Interposing) And consider themselves brothers?

CHAIRPERSON MENDEZ: And consider themselves brothers.

MS. FINKELMAN: It would be legal. It would have to be the legal familiar relationship.

CHAIRPERSON MENDEZ: Okay. There are a lot of relationships like the one that I'm

describing that happened in Puerto Rico, and happens here.

[Off mic]

CHAIRPERSON MENDEZ: Okay. Council Member Arroyo is also saying that it's happening here.

MS. FINKELMAN: Um-hum.

CHAIRPERSON MENDEZ: Where family members take on an extended family member and do not make the legal relationships or in many cases they make it legal 'cause they want benefits and when they don't make it legal, if they're a public housing resident, they basically shot themselves in the foot. Or once they've applied, half of their family is not considered to be their family even though they've been raised together.

MS. FINKELMAN: And we understand. And we understand how hard it is for, you know, residents that want their cousins and want to take care of their nieces and nephews. And as indicated previously, if they get custodianship or legal guardianship, they can request for permission for the person to reside in the household.

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2 We understand the problems. And
3 prior to that, before when you mentioned about
4 people taking care of seniors and they are not
5 authorized members of the household and then when
6 that person dies and they're left in the apartment
7 and we cannot approve remaining family member, we
8 do provide social services and we do try to get
9 them another apartment outside of public housing.

10 [Laughter, outburst from the
11 audience]

12 CHAIRPERSON MENDEZ: In New York
13 City, you try to help them find another apartment
14 here in New York City?

15 MS. FINKELMAN: Our social services
16 does do some of that yes. They try and they put,
17 you know, they send them to certain waiting lists
18 throughout the City. We understand that they may
19 not be given an apartment as fast--

20 CHAIRPERSON MENDEZ: (Interposing)
21 I know.

22 MS. FINKELMAN: --they want to.

23 CHAIRPERSON MENDEZ: Thank you Ms.
24 Finkelman. We all know the reality of what the
25 housing market is here. I'm sure your case

workers try very hard but we all know how hard it is to find affordable housing here in the City. And public housing has become the housing of last resort of too, you know, for so many individuals. Yeah. I will, before I turn it over to Council Member Halloran, just say we've been joined by Council Member Robert Jackson from Manhattan, and Council Member Halloran.

COUNCIL MEMBER HALLORAN: Thank you Madam Chair. Just looking back at some of your testimony. I know you indicated that one of the reasons for these rules is because of the situation of the waiting list. And it's a fact that there are 178,000 plus or minus, apartments with 404,000 residents. And you have a waiting list of almost 135,000 heads of household isn't that correct?

MS. FINKELMAN: Correct.

COUNCIL MEMBER HALLORAN: And if you were to extend the meaning of family beyond what is contained in Williams Fair Housing Committee v. NYCHA at 450 F. Supp 602, Eastern District of New York, 1978, if you were to extend beyond that--

CHAIRPERSON MENDEZ: (Interposing)

What a showoff.

[Laughter]

COUNCIL MEMBER HALLORAN: If you were to extend beyond that you would probably wind up in a situation that you would push those waiting lists back significantly, is that correct?

MS. FINKELMAN: I'm not sure. I don't know whether or not that would have that result.

COUNCIL MEMBER HALLORAN: Well based on the policy in place in NYCHA, would it be fair to say that--well let me stop that and ask you a different way. Do the individual housing units report to you as to how many applications for amendments or additions are made and then denied?

MS. FINKELMAN: Do we have a database?

COUNCIL MEMBER HALLORAN: Yeah.

MS. FINKELMAN: No we don't.

COUNCIL MEMBER HALLORAN: Do you think that maybe it would be in our interests so that we could alleviate these discussions in

1
2 having them, if each of our individual housing
3 centers and I'll just go through the numbers so
4 I'm sure that they're right, in Manhattan there
5 are 102, in the Bronx, 100, in Brooklyn 90, in
6 Queens 26, in Staten Island 10, for a total of 328
7 NYCHA developments, is that correct?

8 MS. FINKELMAN: It's 334 NYCHA
9 developments.

10 COUNCIL MEMBER HALLORAN: Okay so
11 I'm missing some--

12 MS. FINKELMAN: (Interposing) And
13 they're managed. You have about 140 management
14 offices--

15 COUNCIL MEMBER HALLORAN:
16 (Interposing) Okay.

17 MS. FINKELMAN: --that manage, may
18 manage a cluster--

19 COUNCIL MEMBER HALLORAN:
20 (Interposing) Right, a cluster of them.

21 MS. FINKELMAN: --of developments,
22 correct.

23 COUNCIL MEMBER HALLORAN: So with
24 about 140 management sites, wouldn't it be
25 possible for you to simply require your managers

1
2 whenever anyone comes in to make an inquiry like
3 this to record it so that we are not having a
4 vacuum discussion about what is or isn't being
5 asked for?

6 MS. FINKELMAN: So they don't put
7 it into a database but what they do do is put it
8 into the interview record entry which is an
9 electronic entry that every single resident in
10 public housing has their own resident folder.

11 COUNCIL MEMBER HALLORAN: Um-hum.

12 MS. FINKELMAN: And they put
13 something into that interview record entry saying
14 that Ms. Smith came into the office on such and
15 such a date and was--asked for permission for
16 somebody to reside in the household or for
17 remaining family member grievance, and we gave
18 them a form and they're to return with the form.

19 COUNCIL MEMBER HALLORAN: Okay.
20 But that record doesn't reside anywhere but in
21 that local office, right? In other words--

22 MS. FINKELMAN: (Interposing) Well
23 we don't collect it, you're correct, we don't
24 collect the data in a database. It resides in
25 that local office. If I wanted to look from my

office into the individual record--

COUNCIL MEMBER HALLORAN:

(Interposing) You could.

MS. FINKELMAN: --I could. But what we do keep a record of are those remaining family member grievances that go to the Law Department.

COUNCIL MEMBER HALLORAN: Well understood. But I would be amazed if the majority of people don't do that. I would be flabbergasted if you were to sit here and tell me that someone being denied routinely will actually go through the administrative process to appeal. And having done a little bit of indigent representation in my prior life as an 18B lawyer, I know that frequently they don't have either the information or the resources to do what usually is a very complex thing, at least from their perspective.

MS. FINKELMAN: Um-hum.

COUNCIL MEMBER HALLORAN: So what I'm asking you is would it be such a hardship for NYCHA to simply require each and every one of these management units to actually have a formal form that they fill out that is then put on record

not only in their file but in a form that's accessible to NYCHA so that you could monitor the number and types of persons being asked to be included so that maybe you could come to us and say it would not be unreasonable to include first cousins because there's only 1,000 applicants making a first cousin request in the City of New York and therefore 1,000 applicants is not going to tip the scales for us. However third cousin applicants brings us to 350,000 and we just can't handle that.

MS. FINKELMAN: We could look into that with our IT Department to see how we could capture that information.

COUNCIL MEMBER HALLORAN: Okay. And then the second part of that is you said that there's a form. Is there a form that can be filled out that actually also explicates the rules that are governing this in that you could give us a form and I could read it and it would say exactly what you've said and has the relevant information to be filled out?

MS. FINKELMAN: Our current form does have that information--

COUNCIL MEMBER HALLORAN:

(Interposing) Okay and when was that created--

MS. FINKELMAN: --and we could share that with you also.

COUNCIL MEMBER HALLORAN: Sure. When was that created?

MS. FINKELMAN: [Off mic] Was that 2002? It was created in 2002 and we update, we may update it, you know, periodically, to make a change in any type of information or distribution.

COUNCIL MEMBER HALLORAN: Okay.

CHAIRPERSON MENDEZ: Council Member Halloran, if I could just--

COUNCIL MEMBER HALLORAN: (Interposing) Sure.

CHAIRPERSON MENDEZ: --piggyback on this. And Ms. Finkelman, it was created in 2002 and in how many languages is it available at this moment?

MS. FINKELMAN: Right now it's only available in English and the Housing Authority is, you know, mandated through the Federal government to start updating its vital documents and is systematically doing so. And what we will do is

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2 we'll make this a priority.

3

4

CHAIRPERSON MENDEZ: And you'll
make it available in what languages?

5

6

MS. FINKELMAN: In Spanish, Chinese
and Russian.

7

8

9

CHAIRPERSON MENDEZ: Okay. And is
the English form that you have, is that available
on your website?

10

11

12

MS. FINKELMAN: Is it available on
our website? I'm not sure. I would have to
check. I think I said yes, isn't it?

13

14

CHAIRPERSON MENDEZ: Okay.

MS. FINKELMAN: Currently. Um-hum.

15

16

17

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CHAIRPERSON MENDEZ: From
information I'm being given, it is not, but maybe
Council Member Halloran can look in his little
Blackberry while he's asking questions. He can
apparently multitask--

20

[Laughter]

21

22

23

24

COUNCIL MEMBER HALLORAN: I try, I
try. I didn't see it there Madam Chair and that's
why I didn't jump back in. If I could just follow
up with two more lines of inquiry--

25

CHAIRPERSON MENDEZ: (Interposing)

Um-hum.

COUNCIL MEMBER HALLORAN: --before I yield to the other distinguished members of the panel. A comment was made about seniors and that's also something that concerns me because my understanding is that there are approximately 59,409 seniors who are heads of households in NYCHA. And given the fact that they represent roughly 1/3 of the population of the heads of households, of the 178,000 apartment units, but there are only actually 42 senior only NYCHA facilities. The other question that gets asked when you put those two facts together is are we undersupplying residences to our seniors and is that something we should be looking more closely at?

MS. FINKELMAN: Well it would be nice if we had new housing units to accommodate the growing senior population in the Housing Authority and throughout the City.

COUNCIL MEMBER HALLORAN: Okay. And finally, and I appreciate your testimony and your indulgence, looking at the statistics, 11.9% of the residents are on public assistance, 41.9%

1
2 receive SSI, veterans assistance or some other
3 form of mandated assistance, has the NYCHA
4 policies with regards to income evaluation which
5 you do each year, how would they be impacted or
6 affected by an expanse of the definition of
7 household to include these other person which we
8 may have been talking about?

9 And would that also create other
10 issues in relationship to entitlement to the NYCHA
11 apartment, one, and two, would it skew the numbers
12 for other people, for example, the people on
13 waiting lists who might otherwise much more be
14 qualified at that point by including these other
15 members in a household?

16 MS. FINKELMAN: When somebody
17 requests permission for a family member to reside
18 with the household resident and a remaining family
19 member, we don't take the income as an eligibility
20 factor. We do add their income when they get
21 resident, permanent resident.

22 COUNCIL MEMBER HALLORAN: Um-hum.

23 MS. FINKELMAN: Approval. And we
24 recalculate the resident's income but it's not in
25 the eligibility.

COUNCIL MEMBER HALLORAN: Thank you very much. I know in 1934 when this agency was established it was not intended or understood that it would grow the way it did. I think maybe technology needs to catch up. I think maybe we could make things more accessible at these local levels to make it more understandable for our residents and possibly alleviate some of the problems which obviously are trickling up. Thank you very much for your hard work.

MS. FINKELMAN: Thank you.

COUNCIL MEMBER HALLORAN: Thank you Madam Chair.

CHAIRPERSON MENDEZ: Thank you. Before I turn it over to Council Member Melissa Mark-Viverito, I just want to review something. So in 1988...

[Laughter]

MS. FINKELMAN: I was working for the Housing Authority in 1988.

CHAIRPERSON MENDEZ: Okay. 1988, you changed the procedures. In 2002 was the last time you updated the forms on the procedures, is that correct?

MS. FINKELMAN: 2002, we created the form based on the new familial relationship. And the 1-year rule that somebody has to live there for at least a year prior to either the resident moving out or passing away. But in 2007 we updated the form and just made little minor changes to that--

CHAIRPERSON MENDEZ: (Interposing) 2007. Now. A couple of years ago, the Housing Authority instituted a 5-year ban for individuals who were involved in a remaining family member claim--

MS. FINKELMAN: (Interposing) Um-hum.

CHAIRPERSON MENDEZ: --and had an application for a New York City Housing Authority apartment which never got a hearing 'cause it was never considered a significant amendment.

MS. FINKELMAN: Um-hum.

CHAIRPERSON MENDEZ: Now. Was it significant enough to update the form to put that information there? That people should know that there is a 5-year ban? So that residents would know that? And their temporary or permanent

1
2 individuals residing with them would know that
3 there was a 5-year ban?

4 MS. FINKELMAN: You're asking
5 whether the 5-year ban is on the application. On
6 the housing application when they're applying for
7 public housing? Because that's what the 5-year
8 ban relates to. That if somebody has been living
9 illegally or without NYCHA's permission as a
10 licensee and is evicted or going through licensee
11 proceedings in a NYCHA apartment, if they apply
12 for public housing they are not eligible for 5
13 years. So are you asking me is it on the
14 application?

15 CHAIRPERSON MENDEZ: Correct.

16 MS. FINKELMAN: On the housing
17 application? I'm not sure. I'd have to see a
18 copy of the application. I don't think so. But
19 I'd have to check.

20 CHAIRPERSON MENDEZ: Okay. I can
21 tell you that I know families who've been on the
22 public housing waiting list for 12 years. And in
23 this particular case the grandmother got sick.
24 They moved in, applied, got temporary status to
25 reside with the grandmother. When the grandmother

1
2 passed away, just like after 11 months, applied to
3 then take over the apartment and was told that she
4 could not. And then was being told while she was
5 going through the grievance, we realized she would
6 be subject to the 5-year ban, even though she had
7 applied many, many year beforehand.

8 It just is like a little trick, you
9 know, it just is not, I understand what you're
10 trying to do with the 5-year ban, but I think it
11 becomes catchall and it takes in individuals who
12 very appropriately applied for public housing.
13 And had there not been such a huge waiting list
14 might have had public housing. And under the
15 circumstances of what happens with families here,
16 find themselves in this situation. It's a case
17 I'm discussing; we've been in discussions with the
18 Chairman. But these hard and fast rules and regs
19 sometimes captures even cases that you're not
20 meant to capture. That's just what I'm saying.

21 MS. FINKELMAN: Okay.

22 CHAIRPERSON MENDEZ: And so
23 certainly the more information that's provided to
24 people, whether it's in the actual application and
25 certainly if it's there people who filled out the

1
2 application, you can say well it was on the form
3 and they should have read it. I'll turn it over
4 to Council Member Melissa Mark-Viverito unless
5 there's something you want to say regarding that.
6 Okay.

7 COUNCIL MEMBER MARK-VIVERITO: Wow
8 this is just the more we sit here the more, I
9 guess, complicated it sounds. And it is. And I'm
10 sure that having people who have to maneuver
11 through this is obviously really challenging.
12 Because as has been mentioned by many... it's on...
13 [Tapping mic] It wasn't working. I'll use this
14 one. Thank you Margaret.

15 So, you know, obviously in my
16 office we have a lot of these issues as well. I
17 want to--so I have a lot of questions but I will
18 try to be very quick and move along. Where did
19 the 1-year continuous occupancy number come from?

20 MS. FINKELMAN: Okay. What was
21 happening was that residents, some residents, who
22 were moving out of public housing or people were
23 very ill, terminally ill, they would request
24 somebody to come into their household knowing that
25 they're moving out so that they would have

1
2 automatic succession rights. We were seeing case
3 after case that when they moved into the
4 apartment, somebody would leave and that we would
5 give them automatic succession rights.

6 So the Housing Authority indicated
7 the 1-year rule with the 2002 Williamsburg consent
8 decree. That was one of the factors of the
9 lawsuit that there would be that 1-year rule so
10 that people would not automatically take over an
11 apartment when they request permission to come
12 into the household.

13 COUNCIL MEMBER MARK-VIVERITO:

14 Okay. And then, you know, you've talked about and
15 you've mentioned in the testimony and it was kind
16 of discussed a little earlier about the waiting
17 list and the fact that the waiting list is so long
18 and people having to wait too long and that's why
19 some of these policies are what they are, as a way
20 of trying to move the list along I guess to a
21 certain extent is what you're saying. To me it
22 almost becomes like a shell game.

23 You know, because it's, okay, we
24 want to move the waiting list along but in that
25 process in making a decision which is going to

1
2 impact someone possibly being homeless and being
3 forced into a situation where, you know, they
4 don't have a home, then, you know, it's just kind
5 of like moving them from one place, allowing
6 someone on the waiting list to come but creating a
7 real adverse situation in the end. I mean it just
8 doesn't seem to be a real solution. It just
9 doesn't seem to be the right balance in terms of
10 what you're testifying, what you're saying are the
11 policies and what actually is happening.

12 So I don't know. That's something
13 that I just wanted to be looking into it a little
14 bit more. But I wanted to touch a little bit on
15 the discretion that seems that these managers have
16 on making these decisions, in terms of the
17 requests that are being made by households, as
18 they are asking for an addition to the household.
19 It's at the discretion of the manager is what
20 you're saying, correct?

21 MS. FINKELMAN: No it's not at the
22 discretion of the manager. It is both on the form
23 so that if there is any question by the resident
24 or somebody who is requesting permission or
25 remaining family member grievance, that rule and

1 regulation is clearly written on any of our forms.
2 Plus there is a written procedure which I will
3 share with City Council that indicates the exact
4 rules for a manager to follow should somebody
5 request permission for either remaining family
6 member status or request for permission.
7

8 After that there is a second
9 review. If the manager, if somebody requests
10 remaining family member status and the manager
11 according to the rules and regulations disapproves
12 it, it is sent to the Borough Office, the
13 Management Department, Borough Office for a second
14 review of that. So it is all written down. This
15 is not discretionary. The only thing that--

16 COUNCIL MEMBER MARK-VIVERITO:

17 (Interposing) Okay, maybe that--

18 MS. FINKELMAN: (Interposing)

19 Right.

20 COUNCIL MEMBER MARK-VIVERITO: --

21 was the wrong word.

22 MS. FINKELMAN: Um-hum.

23 COUNCIL MEMBER MARK-VIVERITO: It's
24 not discretionary but basically it is up to the
25 managers to review the policy, to look at the

forms, to look at the documentation and say okay according to our regulations this family can add this individual on. that's what you're saying.

MS. FINKELMAN: Correct.

COUNCIL MEMBER MARK-VIVERITO: Now. Considering that if I understand what my colleague Halloran was saying that you don't have any sort of this stuff technically in a database or anything to that--I mean you don't have that.

MS. FINKELMAN: Right. We don't have a database showing all of the requests for permission that come in but the ones that are disapproved by the remaining family member that are disapproved for a lease, are sent to the Borough office. And then the Borough office reviews it and then if they still--it's still an adverse decision that the resident feels that they want a grievance, it then could go to the impartial hearing officer in the Law Department.

COUNCIL MEMBER MARK-VIVERITO: So how many disapproved applications did you have in the past two years?

MS. FINKELMAN: At the developments, I can't tell you. We don't have--

COUNCIL MEMBER MARK-VIVERITO:

(Interposing) In total, in total.

MS. FINKELMAN: --the database but what I can tell you--I wouldn't know because it's at each individual development. But what I can tell you though is that it went to the Law--

COUNCIL MEMBER MARK-VIVERITO:

(Interposing) But I'm sorry--excuse me Ms. Finkelman.

MS. FINKELMAN: I'm sorry.

COUNCIL MEMBER MARK-VIVERITO: Let me just try to follow--

MS. FINKELMAN: (Interposing) Um-hum.

COUNCIL MEMBER MARK-VIVERITO: -- the line of reasoning here. So you're saying that if it's disapproved it goes to general management.

MS. FINKELMAN: It goes to the Borough office, you know--

COUNCIL MEMBER MARK-VIVERITO:

(Interposing) The Borough office, okay, fine. So there has to be some sort of tracking at the Borough level of how many disapproved applications there are.

MS. FINKELMAN: They would track it. Yeah they have a spreadsheet. They have a spreadsheet--

COUNCIL MEMBER MARK-VIVERITO:
(Interposing) So how, I mean are you able to tell me here, by Borough, how many disapproved applications came in last year?

MS. FINKELMAN: No. I don't have that information with me--

COUNCIL MEMBER MARK-VIVERITO:
(Interposing) Is that information that could be made available to us?

MS. FINKELMAN: Yes.

COUNCIL MEMBER MARK-VIVERITO:
Okay. So we would be able to know how many disapproved applications there were any given year by Borough, great. But we don't know the total number of application requests.

MS. FINKELMAN: But these would be the ones that the resident then decides to... [off mic] right.

COUNCIL MEMBER MARK-VIVERITO: No--
okay.

MS. FINKELMAN: It would go there.

1

2 It would be disapproved.

3 COUNCIL MEMBER MARK-VIVERITO: No I
4 know but that's what I understood--

5 MS. FINKELMAN: (Interposing) It
6 would be put on a spreadsheet.

7 COUNCIL MEMBER MARK-VIVERITO:
8 That's not what I understood.

9 MS. FINKELMAN: Um-hum.

10 COUNCIL MEMBER MARK-VIVERITO: What
11 you said was any disapproved application by a
12 manager, my understanding, goes to the Borough
13 office. Now you're changing that and saying that
14 it only goes to the Borough office if in fact the
15 resident takes the time or understands that they
16 have a grievance procedure.

17 MS. FINKELMAN: No. Then there's--
18 I'm sorry, maybe I--

19 COUNCIL MEMBER MARK-VIVERITO:
20 (Interposing) Uh-huh.

21 MS. FINKELMAN: --explained
22 incorrectly.

23 COUNCIL MEMBER MARK-VIVERITO:
24 Yeah.

25 MS. FINKELMAN: Any disapproval goes

to the Borough office.

COUNCIL MEMBER MARK-VIVERITO:

Okay.

MS. FINKELMAN: Then they send a letter to the resident saying, you know, if you'd like to come in for another, you know, discussion, another, second part of that grievance hearing, that they have the right to come into the Borough office. So there we would put, you're correct, we would put yes or no.

COUNCIL MEMBER MARK-VIVERITO: Okay so then we still are--

MS. FINKELMAN: (Interposing) We have that, right.

COUNCIL MEMBER MARK-VIVERITO: -- able to have that by Borough, the number of disapproved. Which--

MS. FINKELMAN: (Interposing) Correct.

COUNCIL MEMBER MARK-VIVERITO: -- does not necessarily mean that the resident grieved it.

MS. FINKELMAN: Right.

COUNCIL MEMBER MARK-VIVERITO:

1
2 Okay. Okay that's a separate conversation. All
3 right. So I think I would like to know, and I
4 think obviously I would be interested in
5 emphasizing and I hope it's being looked at
6 internally that there should be some level of
7 aggregate, you know, information that we can get
8 like of just the number of requests that are made
9 for expansion of, you know, households or adding
10 onto the households.

11 MS. FINKELMAN: What I can tell you
12 though is that the ones that went to the Law
13 Department for a hearing, in 2009, 322 cases went,
14 242 by the hearing officer were dismissed or not
15 sustained, 20 were sustained, 39 were withdrawn
16 and 21 were discontinued, the grievant agreed to
17 vacate.

18 CHAIRPERSON MENDEZ: Can you repeat
19 those numbers please?

20 MS. FINKELMAN: Um-hum. In 2009,
21 320--

22 CHAIRPERSON MENDEZ: (Interposing)
23 That's your fiscal year 2009.

24 MS. FINKELMAN: January to
25 December--

CHAIRPERSON MENDEZ: (Interposing)

Okay.

MS. FINKELMAN: --correct. 322

cases were heard in front of the hearing officer.

242 grievances were dismissed or not sustained by

the hearing officer. 20 grievances were

sustained. 39 grievances were withdrawn. 21 were

discontinued where the grievant agreed to vacate.

COUNCIL MEMBER MARK-VIVERITO: I'm

sorry? [off mic] Right. So then, I guess going

back to the managers, you know, who do have to...

they get the application request and they have to

kind of match it up against your policies and

procedures and to say okay this person qualifies,

doesn't qualify for this request.

But how are you determining

whether, you know, how effective your managers are

being in implementing the policy if you're not

really tracking how many requests are coming in

versus, you know, like for instance in the

Borough, once you get all those rejections, so to

speak, how do you know whether or not the manager

followed the process correctly? How many of them

are overturned, etcetera? I mean you just gave

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2 some numbers right now but--

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MS. FINKELMAN: (Interposing) The Borough director would--that would be the role of the Borough director. You know, there's a Borough Director in every Borough that oversees the day to day operation of the development staff. And the Borough Director has that responsibility.

COUNCIL MEMBER MARK-VIVERITO: Um-hum.

MS. FINKELMAN: If they would see cases that are constantly incorrect that a manager would do, then they would perhaps provide more training for that manager. We don't see the cases where the manager says okay and that person is allowed a lease.

COUNCIL MEMBER MARK-VIVERITO:
Right.

MS. FINKELMAN: Um-hum.

COUNCIL MEMBER MARK-VIVERITO: And again, you're not tracking the number of okays.

MS. FINKELMAN: Correct.

COUNCIL MEMBER MARK-VIVERITO:
Right? You're not tracking the number of okays.

MS. FINKELMAN: No we're not.

1
2 COUNCIL MEMBER MARK-VIVERITO: I
3 mean so this is--I mean to me, I'm sorry, and not
4 to be, you know, but to me this is basic stuff. I
5 mean I can't really believe that that information
6 is not being tracked in any way. It really
7 doesn't at this point make any sense.

8 But okay then the other issue that
9 I wanted to ask about was this issue of this 5-
10 year ban. I mean I don't really understand that.
11 I mean if somebody is requesting to be added to a
12 lease and then they don't meet the criteria well
13 okay fine, they don't meet the criteria but why
14 are they being banned from the waiting list for 5
15 years?

16 MS. FINKELMAN: Okay. It's not the
17 ones that requested and were denied permission.
18 It's those that were requested, denied and are
19 still remaining in that household and refuse to
20 move out or we have to initiate, you know,
21 proceedings in landlord tenant court to have them
22 removed. They're actually considered a licensee;
23 we're not counting their income. They actually
24 living in that apartment unauthorized by the
25 Housing Authority and refusing to move.

COUNCIL MEMBER MARK-VIVERITO: And how often does that happen in a year?

MS. FINKELMAN: I don't have that number.

COUNCIL MEMBER MARK-VIVERITO: That you're in that situation.

MS. FINKELMAN: I don't have that number.

CHAIRPERSON MENDEZ: Well if I could add, apparently it's less than 12 'cause it's not considered significant to be a significant amendment to have a hearing, though I have more than 20 cases in my own development. So.

COUNCIL MEMBER MARK-VIVERITO: And I think some of the other questions that I had have been answered. So I will leave that there for now. But, you know, I think the issue of being able to track the number of requests and approvals and disapprovals and all that stuff is really significant. So I may come back for more questions but thank you Madam Chair.

CHAIRPERSON MENDEZ: Council Member Chin.

COUNCIL MEMBER CHIN: Thank you.

The question I have is on the overcrowding issue.

I mean there is a case that came into our office where a senior was living with his daughter moved in and she's also a senior but because it's a 1-bedroom apartment they said it was overcrowding and they wouldn't grant her permission.

But she was there to help take care of the father. Then the father passed away and she's been living there for more than a year. But now NYCHA still wants her to leave because she didn't have permission to live there even though she applied and wasn't granted because of what they called overcrowded situation.

But in New York City how often do people have, you know, enough room for everybody? A lot of people live in the living room. So like in her situation she was able to sleep in the living room. But because of NYCHA's regulation, that was considered overcrowding.

MS. FINKELMAN: HUD requires NYCHA to have occupancy standards. And there are different occupancy standards depending on the number of rooms, size, and the composition of the

1
2 family. And we are required to follow that
3 regulation. And as you indicated if a father is
4 in the apartment and is requesting an adult
5 daughter to move into the apartment, somebody who
6 is older than 6 years old, then it would create an
7 overcrowded condition and we could not approve
8 permanent permission. But we can, if they want to
9 take care of that family member, approve temporary
10 permission for up to a year.

11 COUNCIL MEMBER CHIN: But yeah I
12 think in this situation she was not even granted
13 temporary. Situation. But it's right now being--
14 she has a grievance case.

15 MS. FINKELMAN: Um-hum.

16 COUNCIL MEMBER CHIN: On that
17 situation.

18 MS. FINKELMAN: Um-hum.

19 COUNCIL MEMBER CHIN: So that was
20 an overcrowded situation. I have another case
21 where it was a 2-bedroom apartment and it was
22 elderly parent with an adult son that is living
23 there. And he's been applying for permission and
24 he's only granted temporary permission. It's not
25 an overcrowded situation. So he's there to help

1
2 out, you know, his parents who are in their 80s.

3 And so the parent doesn't have to
4 hire home care attendants or apply for home care
5 attendant service. So in this situation it's like
6 every 6 months--and his father, you know, his
7 parents are worrying that the son cannot stay
8 there to really help them. What happens if one of
9 the parents die? It's just causing a lot of
10 stress on the seniors.

11 And so in that situation when they
12 came to us it's not an overcrowded situation. So
13 why wouldn't they grant permanent permission?

14 MS. FINKELMAN: The situation you
15 describe, they should approve permanent request as
16 long as the criminal background check comes back
17 eligible. So if you'd like to forward that later
18 on to my office or to Brian Honan [phonetic] we
19 could take a look at it.

20 COUNCIL MEMBER CHIN: Okay. And
21 then the other thing too I think with a lot of
22 situations with seniors now, with adult children
23 coming back to help. That is something that NYCHA
24 should really seriously take a look at in terms of
25 the overcrowded situation issue. Because there's

1
2 such a lack of affordable housing that I know it's
3 a HUD guideline but in terms of adults, there
4 might be something that could be worked on. Thank
5 you.

6 MS. FINKELMAN: Um-hum.

7 CHAIRPERSON MENDEZ: Council Member
8 Brewer to be followed by Council Member James.

9 COUNCIL MEMBER BREWER: Thank you
10 very much. And thank you NYCHA because you're
11 always very responsive and I appreciate it. The
12 succession for when somebody has died. One of the
13 problems that I think you know this because we
14 keep calling is that the remaining family member
15 sometimes mom with kids, sometimes we find over
16 and over again, a child with not great mental
17 illness but some mental illness and that's why
18 that grown child is still living at home.

19 And so if somehow, some way,
20 somebody forgot to fill out the form for permanent
21 residency that would have been legal, and now the
22 mother has died and the child is there and the
23 kids and grandchildren are there. Are there any
24 exceptions? I understand the process. I know the
25 process. But is that something that you could

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never, ever make an exception for?

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Because, just two things, I think you've heard this one over and over. One is particularly when there is--and there is, there's a lot of mental illness in society in general. And the issue these are people who are surviving, however, in this apartment because the community around them is supportive. So if you move them elsewhere, then the mental illness probably kicks in more.

And other problems exist. And so keeping that person there, you can look at it as cost effective because often I think they could end up at, God help us, DHS, or an institution. And in terms of the family and the grandchildren, all of whom are in schools in the area, so I'm just asking, is there any kind of this doesn't make any sense, we need to reevaluate for this particular case.

Or do you have to set--because I know it's your and not HUD's regulation. So that's what I think is important here. Well on just this whole succession thing, I really do think you need some reevaluation of it when

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2 somebody has died. And there are many other
3 issues in terms of the family composition and so
4 on but the succession is where I get so many
5 calls. So I'm just wondering if there's any re-
6 looking and trying to see if there could be some
7 case by case. I understand the process. But the
8 process is still going to see whether or not that
9 piece of paper was signed when the mother was
10 still alive.

11 MS. FINKELMAN: Certainly the
12 situation you describe as did the other Council
13 Members described would want an exception and
14 there are probably hundreds, although I don't
15 track them, there are probably hundreds of
16 requests just like you describe. And if we let
17 the managers do it to their discretion we really
18 would be circumventing that application system and
19 really wouldn't have a fair process. And that's
20 why we do this, is to have a fair process.

21 COUNCIL MEMBER BREWER: Because the
22 number in 2009 that you gave is very small it
23 seems to me in terms of those, first of all, to be
24 honest with you, those who are mentally ill,
25 getting through this process is a challenge. Now

1
2 if they have some kind of an advocate, not
3 everybody comes that can find their Council
4 Member, if they have some kind of an advocate then
5 maybe they can get through it. But I can't tell
6 you that most people who are mentally ill could
7 get through this process. Right?

8 So I do think, I'm just going to
9 say this one more time, that it would be good to,
10 even though you're hearing that it's hard to do
11 some kind of an exception process and I understand
12 you have to be careful on that because you don't
13 want exceptions to end up being friendships and
14 funny business. I understand all that.

15 MS. FINKELMAN: Um-hum.

16 COUNCIL MEMBER BREWER: But I'm
17 just saying there might be some, you know,
18 grievance policy advocate office or whatever,
19 somebody within it to look at these cases. Maybe
20 somebody to do some tracking. Because when you
21 move these families out of these developments
22 where the school and the familiar ties are there,
23 there's a lot of other aspects that get botched
24 up. And I think we're all trying to keep the
25 NYCHA buildings stable. When people's rent is

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2 paid and the only thing is there's some piece of
3 paper they didn't sign when the mother was still
4 alive, even though they've been living there,
5 there's something wrong with that.

6 So I don't know if it's, you know,
7 I just think you need to go back and reevaluate
8 some kind of being a little bit more sensitive
9 without creating havoc in terms of the other
10 aspects of the other side of the coin that I
11 described.

12 And the other question that I have
13 is HRA. When I called, you know, all my different
14 cases. I think HRA sometimes is willing to pay
15 the rent when that's an issue. Sometimes the
16 mother dies, the mother paid the rent. For
17 whatever reason, again, mental illness and other
18 challenges, the rent doesn't get paid after the
19 mother has died. That happens a lot.

20 So then HRA is willing to step in.
21 So you really shouldn't use HRA, I mean the rent
22 as the issue because HRA is willing to do the one-
23 shots. But then NYCHA says oh no, no, we can't do
24 that because the succession rights are not there.
25 So HRA can't pay. Now I may have the only case in

1
2 history like this but my guess is that there's
3 others.

4 [Off mic]

5 COUNCIL MEMBER BREWER: Okay. So
6 again you need to look at it because HRA's not the
7 bad guys in this. I really believe they're
8 trying. And so again why do we take the mentally
9 ill and the mom with the kids out of that
10 development that has been the home? Maybe not as
11 continually as you would like but grew up there,
12 maybe went to an institution or went to college or
13 went to military, something, and then came back.

14 So I really want you to look at
15 those, so the rent should not be the only reason
16 that that person's succession, in other words, bad
17 rent history should not be the issue is what I'm
18 trying to say.

19 MS. FINKELMAN: Should HRA pay the
20 rent and you're right, HRA is not the bad guy.
21 They are very good. They have paid resident's
22 rent, one-shot deal or recurring payments for
23 residents in need. So certainly if they do pay
24 the rent and they're in the middle of a grievance
25 or we're at a certain point in landlord tenant

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2 court in the proceedings, we will go back and
3 offer them a grievance and say because they have
4 now paid their rent.

5 COUNCIL MEMBER BREWER: Okay. All
6 right. So I guess that's what I'm trying, you
7 know, you've heard me, you've heard others. I
8 think it must take a huge amount of your grievance
9 office's time, these cases, I can't believe
10 they're just a small portion.

11 MS. FINKELMAN: Um-hum.

12 COUNCIL MEMBER BREWER: And
13 obviously we're swamped with calls, 311, which
14 will all due respect to 311 wouldn't have a clue
15 what to do with these calls, and the CCC is mostly
16 supposed to be for maintenance.

17 So my guess is everybody is getting
18 a lot of calls on this. And I do think you need
19 to reevaluate it and think of. We can't--I
20 understand not giving all power to the managers at
21 the Borough and/or local offices. But there must
22 be some other way of dealing with that. And we'd
23 be glad to help and try to think of doing so you
24 don't put your managers in a difficult situation
25 and at the same time try to deal with this

situation. So just thank you.

COUNCIL MEMBER JAMES: Ms.

Finkelman, I understand your position. I recognize that the rationale to this policy is several-fold. One of it has to do with your waiting list but I also understand that another reason for this policy is that individuals who have been living in NYCHA units without approval from management should be penalized. But saying all of that, there have been unintended consequences.

And a significant number of New Yorkers, particularly the most vulnerable in the City of New York are being hurt and have been victimized as a result of this policy. You've heard the stories. I'm not going to bore you with mine. I represent Ingersoll, Whitman, Farragut, Atlantic Terminal and Lafayette Gardens thinks I represent them. So in my heart I do. And the stories that I have will break your heart.

One in particular where a family lived, grew up in Farragut; the entire family grew up in Farragut. Children went off to college and wherever. Mother, father got sick. They came

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2 back during this period of extended illness. The
3 form was not filed. And now they were evicted and
4 now none of them can lay claim to an apartment
5 where their childhood memories still abide. And
6 the stories go on and on and on like that. And
7 it's really a shame.

8 In other parts of the City of New
9 York when people grow up in houses and brownstones
10 and apartment buildings and family and children go
11 off to college, go off wherever and then come back
12 to take care of their family members, no such
13 policy exists. It only exists in NYCHA. Why
14 shouldn't the residents of NYCHA afford the same
15 standard of living, the same benefits as any other
16 New Yorkers? It really should be examined. It
17 really is tragic what is happening here in the
18 City of New York.

19 So I say all of that and I've also
20 heard stories where the housing manager has just
21 too much power, unfettered and unchecked power.
22 And there's just too much room for abuse. And
23 because the time clock is there, the 14 days--

24 MS. FINKELMAN: (Interposing) Um-
25 hum.

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2 COUNCIL MEMBER JAMES: --it's a
3 statute of limitations. And oftentimes
4 constituents don't get notice and that clock has
5 run its time and they are left out the door. And
6 that is unfortunately because of the lack of
7 notice and then the lack of information which is
8 shared by these housing managers.

9 And because housing managers are
10 human and sometimes vindictive and sometimes
11 there's politics at NYCHA, if you could believe it
12 or not.

13 MS. FINKELMAN: Um-hum.

14 COUNCIL MEMBER JAMES: But there's
15 politics there. And I have seen where certain
16 families are just not, whatever they're on, for
17 lack of a better term, they've been, I don't want
18 to say black listed because that's a bad term,
19 they're--

20 [Off mic]

21 COUNCIL MEMBER JAMES: --they are
22 targeted. Thank you. So and I understand that
23 they can, you know, they can, you can file a
24 grievance but again you have to do it with 14
25 days. And so if you don't meet that statute of

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2 limitations you are out on your butt. And that's
3 a shame.

4 And last but not least my question
5 is when a housing manager disapproves, is it just
6 approve or disapprove or is it approve or
7 disapprove with a reason, a rationale, a legal
8 basis? Or is it just you're approved or your
9 disapproved? Is it anything in writing? And does
10 the tenant get a copy of the basis for that in
11 writing?

12 MS. FINKELMAN: So the approve and
13 disapprove.

14 COUNCIL MEMBER JAMES: Yes.

15 MS. FINKELMAN: Yes. It's approve
16 or disapprove. With approve they would just get a
17 lease.

18 COUNCIL MEMBER JAMES: Okay.

19 MS. FINKELMAN: And they would get
20 a copy of the form and they would be told to come
21 into the office and sign a lease with the new
22 family members.

23 COUNCIL MEMBER JAMES: Right.

24 MS. FINKELMAN: If it's disapproved
25 they also receive a copy of the disapproval and

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2 there has a reason for the disapproval--

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COUNCIL MEMBER JAMES:

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(Interposing) There's a basis for it.

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MS. FINKELMAN: There's a basis for

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it.

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COUNCIL MEMBER JAMES: Okay.

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MS. FINKELMAN: And certainly we're

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not penalizing and I would hope that my managers

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are not targeting--

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COUNCIL MEMBER JAMES:

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(Interposing) We would hope that.

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MS. FINKELMAN: --they're not, you

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know--

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COUNCIL MEMBER JAMES:

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(Interposing) But I would hope for a perfect world

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too.

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MS. FINKELMAN: --they are not

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targeting. But as you indicated also, there's

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that grievance process which should, we make an

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incorrect decision, it goes from the manager to

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the Borough office and then to an impartial

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hearing officer. If they do request the hearing.

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COUNCIL MEMBER JAMES: Now the

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burden of proof, I read, is on the claimant.

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MS. FINKELMAN: Correct.

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COUNCIL MEMBER JAMES: And

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oftentimes, given the shortage of legal services,

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they represent themselves pro se, yes?

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MS. FINKELMAN: Um-hum.

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COUNCIL MEMBER JAMES: And

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therefore they're at a disadvantage because it's

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not an equal playing field. You have management,

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big management, and you have a tenant without

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sometimes without counsel and representing

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themselves. But the burden of proof, that heavy

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weight, is on the tenant. And that concerns me.

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Particularly since I wish I could give as much

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money to Legal Services and Legal Aid to represent

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all these constituents but in the budget that we

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just completed negotiating, Legal Aid got cut in

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half.

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MS. FINKELMAN: Um-hum.

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COUNCIL MEMBER JAMES: And Legal

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Services as well. A number of these residents,

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going forward, will not have representation just

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because of the climate that we're in and because

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of the budget cuts.

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MS. FINKELMAN: Um-hum.

COUNCIL MEMBER JAMES: So placing the burden upon them, I believe, is just as disheartening. And this 5-year ban, I have a problem with, and as an attorney, I believe someone should challenge it. I'm sure someone will, particularly as it relates to those residents who are in the process of filing a grievance and if they lose the 5-year ban, if they're trying to effect their right, they're not like they're, you know, living in the apartment illegally.

They're trying to effect their right. And that 5-year ban will apply to them. And that seems totally and fundamentally unfair. And so I think that--no, someone is shaking their head. If that's not wrong, if the 5-year ban does not apply to those people who are fighting to keep their apartment, tell me I am wrong. Somebody please tell me I am wrong. Tell me--

CHAIRPERSON MENDEZ: (Interposing)
Council Member James, can you repeat that?
Because I think--

COUNCIL MEMBER JAMES:
(Interposing) Well I was--so the housing manager

denied me. Okay? I now go to the Borough board.
They deny me again. They uphold that. Right?

MS. FINKELMAN: Um-hum.

COUNCIL MEMBER JAMES: Borough
office.

MS. FINKELMAN: Um-hum.

COUNCIL MEMBER JAMES: And then,
you know, they file a petition to evict me.

MS. FINKELMAN: Um-hum.

COUNCIL MEMBER JAMES: Right?

MS. FINKELMAN: Um-hum.

COUNCIL MEMBER JAMES: I am evicted
because I was--I'm fighting for my apartment.
That 5-year ban, does that apply to me?

CHAIRPERSON MENDEZ: My
understanding is yes.

MS. FINKELMAN: Yes.

CHAIRPERSON MENDEZ: Ms. Finkelman?

COUNCIL MEMBER JAMES: That's not
fair.

CHAIRPERSON MENDEZ: Okay. Let's
let NYCHA answer because that's one of my
questions.

MS. FINKELMAN: So if they're going

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2 through the grievance process, once it becomes
3 approved or disapproved or upheld by the hearing
4 officer, or that's the end of the process, if they
5 don't move out within 30 days then they are
6 considered a licenses and we start licensee
7 proceedings--

8 COUNCIL MEMBER JAMES:

9 (Interposing) But how--

10 MS. FINKELMAN: --in landlord
11 tenant court. If they had moved out within the 30
12 days they should not be considered ineligible for
13 public housing.

14 CHAIRPERSON MENDEZ: So--

15 COUNCIL MEMBER JAMES:

16 (Interposing) So--sorry.

17 CHAIRPERSON MENDEZ: Council Member
18 James let me just get this correct. Can you check
19 the manual real quickly on that? All right. So.
20 We have two tenants. They both go through the
21 process of requesting remaining family member
22 status.

23 MS. FINKELMAN: Um-hum.

24 CHAIRPERSON MENDEZ: They both are
25 unsuccessful through the grievance process. One

tenant moves out within 30 days.

MS. FINKELMAN: Right.

CHAIRPERSON MENDEZ: One does not and gets served with papers to appear in landlord tenant court for licensee.

MS. FINKELMAN: Um-hum.

CHAIRPERSON MENDEZ: The tenant who moved out within the 30 days could go the next week and put in their NYCHA application for housing and get on the waiting list, is that correct?

MS. FINKELMAN: If they are otherwise eligible.

CHAIRPERSON MENDEZ: If--yes.

MS. FINKELMAN: If they are otherwise eligible.

CHAIRPERSON MENDEZ: And the other tenant who remained there who decides to fight it out in housing court will not be eligible.

MS. FINKELMAN: Would be found--

CHAIRPERSON MENDEZ: (Interposing)
Will be banned.

MS. FINKELMAN: Will be found ineligible for 5 years.

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2 COUNCIL MEMBER JAMES: It's crazy.
3 So standing up for your rights, somehow becomes a
4 weapon, is used against you. And I just think in
5 that instance, in that example, in that scenario,
6 I just think that is really unfair. I mean the
7 situation where you have a tenant who remains in
8 possession and does nothing to effect their right,
9 perhaps. But that tenant who is exercising their
10 right and who has exhausted their right, that 5-
11 year ban should not apply.

12 MS. FINKELMAN: If they--

13 COUNCIL MEMBER JAMES:
14 (Interposing) They should be given an exception.

15 MS. FINKELMAN: If they exercise
16 their right and go through the remaining family
17 member grievance to the end of the grievance and
18 they're found ineligible, they need to move out
19 within 30 days and then we would consider those
20 that don't would not be found eligible for
21 housing.

22 COUNCIL MEMBER JAMES: I respect
23 you greatly but I totally disagree. I think this
24 will do nothing but add to the homeless population
25 and to increase the number of NYCHA residents who

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2 are now currently residing in shelters which are
3 horrendous in the City of New York. It's a blight
4 on NYCHA. It's an embarrassment. We can do
5 better than that as a City. And I would urge you
6 and the Chairman who I have deep respect for to
7 reconsider it and at least give an exception in
8 the instance that I just described. Thank you.

9 MS. FINKELMAN: We could take
10 another look at that policy.

11 CHAIRPERSON MENDEZ: I know Council
12 Member Melissa Mark-Viverito, you've got--okay.
13 In terms of what Council Member James was asking,
14 I'm going to do a follow-up to this. Now, okay, I
15 have not appeared in housing court on a NYCHA case
16 in like 10 to 15 years but back then we would go
17 through the grievance process, you know, and in
18 Legal Services we would triage our cases.

19 And if we saw someone with a
20 remaining family member claim that we thought was
21 an incorrect decision, we would take the case if
22 they wanted to go to court. And in court the
23 housing court judge would review the decision that
24 was made, if it was made properly. Is that still
25 the case? Does the housing court judge still go

back to determine whether the housing manager's decision that led to the basis of the whole grievance process and its termination was correct?

MR. SAM MORDID: Sam Mordid [phonetic], Deputy General Counsel for Housing Litigation. Yes. The housing court judges, they still review the hearing officer's decision and get more evidence from the applicant before making the decision. Right.

CHAIRPERSON MENDEZ: Thank you very much. Council Member Brewer, you had a question?

COUNCIL MEMBER BREWER: I had one question. At a recent hearing, probably budget, I did ask how many families go from NYCHA to DHS. And I was told 5% of DHS, which isn't--I don't know if it's a lot or a little. Obviously even anybody is a challenge. So I guess it would be helpful for us to know if you're looking at some of these numbers to know how many, if any, have gone from NYCHA to DHS because of this remaining family member issue. It would be helpful to know that.

MS. FINKELMAN: Um-hum. We don't track--

COUNCIL MEMBER BREWER:

(Interposing) You don't track that at all.

MS. FINKELMAN: --maybe DHS has that information. I'm not sure--

COUNCIL MEMBER BREWER:

(Interposing) Okay.

MS. FINKELMAN: --but we don't track that.

COUNCIL MEMBER BREWER: All right.

Thank you.

CHAIRPERSON MENDEZ: Okay. Now I get to ask some of my questions. Ms. Finkelman, you said that when the management, at the management level, when the manager determines that it's okay to, based on the application for permanent status, to be added to the lease, that that is not reviewed by anyone.

MS. FINKELMAN: No. The manager makes that final decision based on the rules and regulations in the management manual.

CHAIRPERSON MENDEZ: What happens if a manager is stepping outside the rules? If it's not being reviewed how would you know that a manager is following the rules as they're supposed

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2 to?

3 MS. FINKELMAN: For that particular
4 situation, since we don't track it, we wouldn't
5 know. For other situations like annual reviews,
6 tenancy issues, termination of tenancy issues,
7 what we do is we have the Borough office staff
8 deputies; you've met some of them, and
9 administrators that review a certain percentage of
10 annual recertifications and new tenant folders to
11 see whether or not the manager is complying with
12 the rules and regulations.

13 CHAIRPERSON MENDEZ: So if at a
14 particular development, when someone, what were
15 you saying, these?

16 MS. FINKELMAN: At Borough level.

17 CHAIRPERSON MENDEZ: At Borough
18 level, is reviewing a certain percentage of the
19 recertifications at a development. If they notice
20 that in too many households in that development
21 additional family members are being added on and
22 it's questionable whether they're family members
23 or not, then that would trigger an investigation
24 to look deeper into whether this individual
25 understands the rules, is applying them correctly

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2 or is actually doing something unlawful?

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MS. FINKELMAN: Correct. They would look into that. They would take appropriate disciplinary action if warranted and provide more training for that manager and the staff.

CHAIRPERSON MENDEZ: And this is sort of related but not...

MS. FINKELMAN: Can I just add something?

CHAIRPERSON MENDEZ: Yes.

MS. FINKELMAN: They would not--if something, if a manager made an incorrect decision and inappropriately allowed remaining family member to relatives that were not supposed to be allowed or allowed, you know, permission for somebody to reside permanently, they will not undo that approval. That remains. It would just be noted in the folder that inappropriate administrative action was taken on behalf of that resident.

CHAIRPERSON MENDEZ: Okay. What if you noticed that it was a lot of inappropriate administrative actions by a particular development? Does that trigger, again, an

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2 investigation or if someone just, it really wasn't
3 something purposeful but they just didn't know the
4 rules. What happens to that individual who didn't
5 understand the rule and didn't follow the rules?
6 What is the administrative recourses that the
7 Housing Authority applies to a manager who doesn't
8 know the rules?

9 MS. FINKELMAN: Somebody who, like
10 you said, it may not be misconduct, it may be
11 because they don't know the rules and regulations,
12 certainly we would review that for them. And we
13 do have an annual training session for managers
14 for the remaining family member and the request
15 for permission for relatives. If we feel there
16 are enough cases, we may submit that to the
17 Inspector General for their review.

18 CHAIRPERSON MENDEZ: Thank you.
19 Okay. When I first started at Legal Services, the
20 first thing I did was on an advice of an attorney,
21 a senior attorney, who was giving me oversight as
22 to order the management manual and to study it
23 from cover to cover. I got one with a big giant
24 clip.

25 MS. FINKELMAN: Um-hum.

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CHAIRPERSON MENDEZ: And I

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memorized that. It is harder to get that now,

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though we do get it. I mean I got it, I think,

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relatively shortly, in a few days. So tenants and

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tenant advocates can request the management manual

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and receive it?

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MS. FINKELMAN: They could FOIL for

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it.

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CHAIRPERSON MENDEZ: FOIL?

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MS. FINKELMAN: It's like one

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procedure and a man--a tenant wants to come in and

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take a look at a procedure, we will give them, or

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we will give elected officials, but if it is the

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entire manual, you yourself said it's voluminous,

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it--

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CHAIRPERSON MENDEZ: (Interposing)

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I don't know it was like this--

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MS. FINKELMAN: --still is.

20

CHAIRPERSON MENDEZ: --back in the

21

90s.

22

MS. FINKELMAN: It still is. Still

23

like that. You know, for our employees we

24

actually have those procedures online.

25

CHAIRPERSON MENDEZ: So my staff, I

hear, is saying it's about 400 pages or so.

MS. FINKELMAN: Probably more.

CHAIRPERSON MENDEZ: This is the manual?

MS. FINKELMAN: Probably more.

That's probably just one chapter. We have hundreds of pages. There's, you know, three chapters of the management manual--

CHAIRPERSON MENDEZ: (Interposing)

Um-hum.

MS. FINKELMAN: --there's tenant's applications. There's hundreds and hundreds of pages.

CHAIRPERSON MENDEZ: So if Legal can tell me how long it takes to FOIL, a request for part of the management manual?

MS. FINKELMAN: They're not part of the FOIL Department.

CHAIRPERSON MENDEZ: Okay. I'm a tenant. I want the manual or part of it. I go and ask my--what do I do? How do I get it? Who do I ask first?

MS. FINKELMAN: If it's one procedure and you go to the manager and you ask

1
2 for a couple of procedures, we will print out a
3 copy for that resident. If it's the entire
4 manual, it would have to be FOILED.

5 CHAIRPERSON MENDEZ: And how long
6 does the FOIL process take?

7 MS. FINKELMAN: I can't say offhand
8 but we could get back to you.

9 CHAIRPERSON MENDEZ: Thank you.

10 MS. FINKELMAN: I'm not sure. I'm
11 not in charge of the FOIL unit.

12 CHAIRPERSON MENDEZ: Okay. Now.
13 The management manual is not online--

14 MS. FINKELMAN: (Interposing) It's-
15 -

16 CHAIRPERSON MENDEZ: --why?

17 MS. FINKELMAN: --on our intranet.

18 CHAIRPERSON MENDEZ: Your intranet.

19 MS. FINKELMAN: Correct.

20 CHAIRPERSON MENDEZ: Why not for
21 the masses so that we can go online for those of
22 us who have access to a computer and see it and
23 read it?

24 MS. FINKELMAN: Good suggestion.
25 And we'll look into doing that.

CHAIRPERSON MENDEZ: All right.

[Pause]

CHAIRPERSON MENDEZ: Okay.

According to the management manual, the NYCHA Housing Manager has 60 days to respond to a decision for permanent resident.

MS. FINKELMAN: Um-hum.

CHAIRPERSON MENDEZ: Request. How often is that decision issued within 60 days? Do you know?

MS. FINKELMAN: I wouldn't know.

CHAIRPERSON MENDEZ: Okay. And just 'cause there's been so much lately, is that the same process for temporary requests? It's 60 days?

MS. FINKELMAN: Correct.

CHAIRPERSON MENDEZ: And you don't know?

MS. FINKELMAN: 'Cause we don't track it, I wouldn't know whether or not it was done within the 60 days.

CHAIRPERSON MENDEZ: Ms. Finkelman, do you think you'll go back to the Housing Authority and suggest that you try to track these?

MS. FINKELMAN: I'll look into it myself. I have the capability of looking into it myself and working with IT. It would mean working with IT in developing a program.

CHAIRPERSON MENDEZ: Can you let us know what burdens, if any, that would cause to the Authority. Because I think it would be important to see, to get this tracked and to see those numbers. I think it'll be helpful for yourselves as administrators--

MS. FINKELMAN: (Interposing) Um-hum.

CHAIRPERSON MENDEZ: --and it certainly would be helpful to us.

MS. FINKELMAN: Sure.

CHAIRPERSON MENDEZ: As we see so many cases coming to our offices. Which gets back to the case where I mentioned earlier, where housing managers are being requested to add someone to the lease, they're verbally telling the individual no. those aren't being tracked anywhere. So if we see a certain amount of or hear of a certain amount of complaints or where residents come to us and tell us that this

1
2 happened to them at a certain development, you
3 will look into whether this management office is
4 following procedure?

5 MS. FINKELMAN: Certainly will.
6 And like you mentioned yourself, what happens is
7 if they request a cousin or a, you know, a nephew
8 and they know that it doesn't meet the
9 requirement; they may tell them it doesn't meet
10 the requirement. But what I will reinforce is
11 whenever they request for somebody to move in, you
12 know, into the household with them, they should
13 give them the form and then we should disapprove
14 it or approve it based on the merits of the form
15 and the procedure.

16 CHAIRPERSON MENDEZ: Thank you.

17 [Pause]

18 CHAIRPERSON MENDEZ: Does your
19 process outline when they're requesting for
20 remaining family member status, what
21 documentations are needed to provide to the
22 Authority?

23 MS. FINKELMAN: Yes.

24 CHAIRPERSON MENDEZ: And that's
25 listed on the actual application.

1

2

MS. FINKELMAN: Yes.

3

CHAIRPERSON MENDEZ: Okay.

4

[Pause]

5

6

CHAIRPERSON MENDEZ: I'm sorry
there's a lot of question here. But back and
forth, we've gone through a lot of them.

8

[Pause]

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CHAIRPERSON MENDEZ: I'll get back
to you on that one. I'm just raising a couple of
issues for me. Now I go back to your testimony.
On the first page of your testimony, Ms.
Finkelman, you indicate that there are 136,203
households that are on the public housing waiting
list.

16

MS. FINKELMAN: Um-hum.

17

18

19

CHAIRPERSON MENDEZ: Is that number
new applicants only or is that number new
applicants and transfers?

20

21

MS. FINKELMAN: It does not include
the transfers.

22

23

24

CHAIRPERSON MENDEZ: So many are in
the transfer list of individuals who are looking
for bigger apartments, more often than not?

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MS. FINKELMAN: I don't have that

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2 but I can get that to you.

3

[Pause]

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CHAIRPERSON MENDEZ: Okay. I have scenarios and questions of situations of individuals in certain predicaments that some are actually, you know, circumstances that have come by our office and others are just, as I read your manual with staff, what if this and what if that.

I would love to follow up with you. I don't want to take up time now, going through those scenarios to see whether those individuals would qualify or not and in certain cases why not, to be added to a lease as a permanent family member.

I know that my colleague has another question.

COUNCIL MEMBER CHIN: I just had a quick question. Involving the background check, what kind of criminal conviction would make an applicant unqualified?

MS. FINKELMAN: Let me... do you have it with you? I had it with me. Certainly sex offender would be part of that Let me look... do you have it? Sam do you have it?

COUNCIL MEMBER CHIN: Do you have to follow some HUD Federal standard on that too or is it?

MS. FINKELMAN: We set our own criminal background check priorities. So there's felonies, misdemeanors, unclassified misdemeanors. [Off mic] And there's a certain timeframe that's connected with whether it's a felony or misdemeanor. [Off mic] Um-hum.

[Pause]

COUNCIL MEMBER CHIN: So is that publicized, is that on the website or is that information is given to the tenants?

MS. FINKELMAN: That I believe is on our website.

COUNCIL MEMBER CHIN: All right.
Thank you.

CHAIRPERSON MENDEZ: Thank you Council Member Chin. And I'd just like to congratulate you, Council Member James and Mark-Viverito; you used to be the last ones at the hearing so thank you for joining me. Now being the new last.

I want to thank the Housing

Authority for your testimony today. I think there's a variety of things we asked for information that you said you will get back to us.

MS. FINKELMAN: Um-hum.

CHAIRPERSON MENDEZ: We'll certainly do the follow-up meeting on my different scenarios. And I think just from listening to your answers today and knowing some of the situations we've come across as representatives, I think we will be coming forward with the Authority with changes that we'd like the Authority to consider, to changing your rules and regs, that we believe might be more fair. And so we'll engage in those discussions and as always, are you going to keep someone here to listen to the public testimony?

[Off mic]

CHAIRPERSON MENDEZ: Okay. Thank you. And I just want to thank the Housing Authority. Not every agency leaves someone behind to listen to all the testimony. So thank you.

MS. FINKELMAN: Thank you.

CHAIRPERSON MENDEZ: I'm going to call up a panel of housing advocates first because

I believe they will talk about their experiences and can summarize a lot of the type of cases they've seen and situations they've seen. And then I'll call up individuals to come up and give their testimony.

So I'm going to put some time limits on this. Althea Atamensa from the Legal Aid Society, Camilla Shudeen from the New York Legal Assistance Group. And Camilla, I'm sorry, I butchered your last name considering you worked for me, I don't--so in interest of disclosure everybody knows that. My apologies. Runa Rajagopal from MFY Legal Services. I hope I pronounced your name correctly. This is not the first time you've been in front of my Committee. And Victor Bock from the Community Service Society.

And if I could have quiet please. And as soon as anyone is ready to give their testimony, just grab the microphone and start. And please remember to identify yourself for the record. Once again, if you came in a little later, if you want to testify, you need to fill out one of these forms with the Sergeant of Arms

at the back of the room. Thank you very much.

[Witnesses getting settled]

MS. ALTHEA ATAMENSA: Good afternoon. My name is Althea Atamensa [phonetic]. I'm a Staff Attorney at the Legal Aid Society. I want to take just a brief opportunity to thank Chairwoman Mendez and the rest of this panel for having this hearing.

CHAIRPERSON MENDEZ: One moment.

MS. ATAMENSA: Sure.

CHAIRPERSON MENDEZ: I'm going to put everyone on a three minute clock. We're still detailing stuff from the budget and I do need to make my way across to the other side so, okay, so three minutes for everyone. And so we do have some testimony so people can be selective and just give us some of the most salient points, thank you.

MS. ATAMENSA: Not a problem. And I'll be brief. As you all know the process to add a family member to the household composition is at times labyrinthine. And what exacerbates the situation is that a lot of times the residents are forced to navigate this bureaucratic process

1
2 without any guidance from NYCHA employees. And
3 while the Housing Authority strictly enforces its
4 policy for adding someone to the household, it's
5 only right that they be equally stringent in
6 ensuring that their employees follow proper
7 procedure.

8 For example, and I know this was
9 raised, it's important that NYCHA employees,
10 housing managers in particular issue the permanent
11 permission request form when residents ask about
12 it. We hear a lot of times that residents asked
13 for this form and they're arbitrarily told no.
14 And I'm hoping that Ms. Finkelman will go back to
15 the Housing Authority and mention, as she says,
16 that even if they are people who can't be eligible
17 that this form is given out so that the process at
18 least can be started.

19 Also the stringent definition they
20 have for family is a lot narrower than what the
21 Code of Federal Regulations allow; Particularly we
22 find it egregious that NYCHA requires same sex
23 partners to have to get a certificate of domestic
24 partnership before they can even be part of the
25 family composition. And that is not something

1
2 that's required by the Federal regulations. It's
3 important to also note that the Williamsburg case
4 that Council was making notice to does not require
5 them to restrict the definition of family, rather
6 that case was dealing with what was alleged of
7 legal gerrymandering of families by race into
8 certain households and in certain districts of
9 public housing.

10 And so what was done was to ensure
11 that there was a waiting list and that there was
12 some type of open transparency about the races of
13 people that were coming into developments.

14 Other key issues are the arbitrary
15 nature of the criminal background denials.
16 Councilwoman Chin, you asked about certain bars
17 after the criminal background check. People who
18 have violations on their record are ineligible for
19 public housing for two to three years after they
20 finished either their time or their probationary
21 period. Violations include such things as
22 loitering, trespassing, misdemeanors, trespassing,
23 possession of marijuana, jumping of the turnstile.
24 That makes people ineligible for public housing.

25 Alleged overcrowding, they have

1
2 stricter standards again than HUD.

3 CHAIRPERSON MENDEZ: Can I just
4 stop you right now?

5 MS. ATAMENSA: Sure.

6 CHAIRPERSON MENDEZ: So, okay. I'm
7 a former public housing resident, right? And I've
8 been arrested while I thought I was exercising my
9 First Amendment right and they issued a violation
10 for blocking pedestrian traffic. If I was found
11 guilty of that, that would in fact bar me from
12 applying to public housing in the future?

13 MS. ATAMENSA: Yes. Okay--

14 CHAIRPERSON MENDEZ: (Interposing)
15 And if I was in public housing, would that bring
16 up me and my family for eviction?

17 MS. ATAMENSA: It could have
18 possible implications for an administrative
19 hearing for non-desirability. And so it's these
20 types of minor criminal violations that make it
21 really difficult to bring family members back,
22 even with this extremely strict code.

23 Also the majority of time that we
24 get clients is when it's an elderly family member
25 and the adult child has come back in the hold to

1
2 care for them. And as was mentioned here today, a
3 lot of times the elderly family member is either
4 unable to because they don't know or because of
5 mental infirmities that necessitated their adult
6 child moving in to explain the process and say you
7 have to go downstairs and start this process.

8 And so at a time when--it's when
9 the family, the senior citizen tenant dies that
10 their adult children are mourning the loss of a
11 parent and now contemplating eviction from the
12 home that they are in, to come home and take care
13 of that family member.

14 And so just really quick, just a
15 few things that NYCHA, we are suggesting that
16 NYCHA can do. One, the 5-year ban should be
17 overturned. It's just unduly punitive and it's
18 really going after people for enforcing their due
19 process rights.

20 CHAIRPERSON MENDEZ: I'll give you
21 extra time 'cause I stopped you for questions.

22 MS. ATAMENSA: Thank you. Just a
23 few seconds. We ask that NYCHA issue a directive
24 to all housing managers and assistants, ordering
25 them to give out the remaining, the permanent

1
2 permission family request form when it's
3 requested. They should amend their occupancy
4 policy to allow additional family members to be
5 added where the additions do not violate HUD
6 occupancy rules.

7 For example as Councilwoman Chin
8 was saying, if there's a 1-bedroom apartment and
9 someone's living there and they want to allow
10 their adult child to come back in, under NYCHA
11 rules that's overcrowding. That's not the same
12 under HUD's directives. And especially given this
13 fiscal climate and this economic climate in New
14 York City, NYCHA should amend their policy to
15 follow the HUD less stringent guidelines as
16 opposed to their own.

17 We again ask for them to amend the
18 unlawfully stringent use of family member so that
19 it reflects those before 2002. That they have a
20 somewhat amnesty period to allow families to come
21 forward and say that they've had occupants and to
22 start the process now as opposed to penalizing
23 people. That they repeal the 5-year ban. And
24 also repeal the requirement that after even
25 granted permanent permission requests that you

live together for one year. If God forbid you're living with your family member and that person dies within the 1-year period, so are you now out on the street because that person didn't have the strength to make it a full year.

CHAIRPERSON MENDEZ: Thank you very much. Next.

MS. CAMILLA SHUDEEN: Good afternoon Chairwoman Mendez, Council Members, staff. Thank you very much for the opportunity to testify today. I'm Camilla Shudeen [phonetic]. I supervise a housing project at the New York Legal Assistance Group, a not-for-profit law office dedicated to providing free legal services in civil law matters to low income New Yorkers. I'm going to try to read my testimony as quickly as possible so I apologize for the speed.

And for full disclosure I'm a former employee of the New York City Council, specifically I served as the Counsel to the Subcommittee on Public Housing. I'm very happy that it's now a full Committee. I'd also like to thank Sherry Morris for her contribution to preparing this testimony today.

1
2 And although there are many points
3 in the NYCHA succession process that could be
4 improved, we have chosen four things to talk about
5 today which we believe need immediate reform and
6 which would be very easy for NYCHA to remedy.

7 First the 5-year ban on applying
8 for public housing after losing a remaining family
9 member case must be repealed. Second, all NYCHA
10 tenants and - - must have better access to the
11 NYCHA management manual and applications manual,
12 the rules that govern most aspects of NYCHA
13 procedures.

14 Specifically relevant here as
15 people have already discussed today, tenants who
16 try to add family members to the household
17 composition must have access to information
18 regarding the difference between receiving
19 temporary versus permanent permission to stay, as
20 well as the rules relating to when they're
21 eligible for either or both. It makes a huge
22 difference in these cases.

23 Third NYCHA should expand the
24 categories of familial relationships, they're
25 eligible as remaining family members, and adopt a

1
2 similar standard to that either HUD, as Legal Aid
3 points out, or the landmark case Browshee
4 [phonetic] where the court recognized that the
5 definition of a family that includes emotional and
6 financial interdependence even in cases where
7 people are not related by blood or marriage.

8 And fourth NYCHA should provide for
9 exemptions to the 1-year of continuous occupancy
10 rule for different cases, but specifically for
11 elderly and the disabled. It just doesn't make
12 sense to make, you know, our most vulnerable
13 population homeless.

14 So NYCHA's succession procedure is
15 fairly complicated. I'm going to skip a little
16 bit. If denied the remaining family member is
17 notified that she may request a hearing regarding
18 the matter in writing. Among many rules to be
19 eligible to succeed to a NYCHA apartment, the
20 remaining family member must have been placed on
21 the family composition by the tenant of record
22 which is not always possible, have had permission
23 to remain in the apartment permanently, not just
24 temporarily, and have lived with the tenant of
25 record continuously for at least one year prior to

the tenant of record leaving the apartment.

NYLAG has come across many cases where individuals are given temporary permission to stay in NYCHA apartments where they should have received permanent permission. And this happens on the housing management level, where continuously people are misinformed or not given the proper permission, even in cases where they would otherwise be legally eligible. So these are cases where people should be able to stay, forgetting all the others which would require changing of rules, which should also be done.

We have also seen, you know, many cases where lifelong partners are denied succession to apartments because they are not married or registered as domestic partners. And where disabled people are evicted because they cannot demonstrate that they have lived in an apartment for a year or longer prior to the tenant of record leaving.

And of course, perhaps most egregiously, the folks who try to challenge a NYCHA succession denial and who ultimately lose that challenge are precluded from applying for

NYCHA housing for five years.

I will conclude my testimony but I'd like to point out in a footnote on page 4, we did list the categories of criminal convictions for which people are ineligible for applying for public housing. And most of those terms are less than the 5-year ban which precludes people from applying for public housing after losing a family member. And so you can actually be convicted of arson which I think legally as has been pointed out many times and be eligible to apply for public housing before being eligible to apply for public housing after losing a remaining family member case. Thank you very much.

MS. RUNA RAJAGOPAL: Good afternoon. My name is Runa Rajagopal. I'm with MFY Legal Services and I work in the Mental Health Law Project which is funded to provide civil legal services to individuals who are severely and persistently mentally ill. So it's from that perspective that I'm testifying today. And I thank you for the opportunity.

I guess I'm sitting here basically reiterating what's already been said and what

1
2 sounds like the Council is well aware of. That
3 basically cases that are referred to our project
4 and our agency, we found that tenants are not
5 aware of the procedures. They're not understood
6 by tenants and not made aware of the procedures by
7 management staff which is problematic because
8 management under their own regulations are
9 required to educate and make tenants aware of
10 regulations.

11 NYCHA simply does not follow its
12 own procedures. They have these very highly
13 specific rules and housing managers and staff
14 don't follow them. So what we're finding in cases
15 are that tenants are misinformed about their
16 rights and obligations. That management staff has
17 refused or failed to provide forms where they're
18 told or informed that a tenant wants to add
19 someone to their household. That permission has
20 been inappropriately or arbitrarily denied. That
21 tenants have been failed to be notified of their
22 right to a grievance or not even informed that
23 their application or request has been disapproved.

24 And I think especially with the
25 population that we work with, it is that NYCHA

1
2 staff has failed to reasonably accommodate tenants
3 that are severely disabled and need the assistance
4 to meet their obligations. And that's
5 particularly troubling because, you know, not only
6 is NYCHA required to comply with Federal, City,
7 State Fair Housing laws, but under HUD regulations
8 and their public housing occupancy manual, they
9 are obligated to affirmatively further for housing
10 [phonetic].

11 So I just wanted to focus very
12 quickly on two stories, as an example of that, is
13 where we currently have a client where the tenant
14 of record was disabled, physically. Requested
15 that he be able to add someone to his household.
16 Was given a form without explanation of what he
17 needs to do.

18 And that doesn't sound like a big
19 deal for a person to fill out a form on his own,
20 but this individual was legally blind and never
21 filled any forms on his own. And in fact to do
22 yearly recertification, management would help him,
23 call him in and help him with that. But in this
24 circumstance they didn't and his wife who he tried
25 to add wasn't given permission. And now she's

going to be evicted because she wasn't given permanent permission, didn't meet the 1-year rule.

And so situations like that are particularly troubling for us because they could have been given permission and eligible but NYCHA management simply didn't follow their own rules. So.

The rest is detailed in my written testimony and I thank you for this opportunity.

CHAIRPERSON MENDEZ: Margaret?

COUNCIL MEMBER CHIN: [Off mic]

Yeah, just you were saying in terms of the overcrowding situation that... [on mic] Oh sorry. So the overcrowding situation, are you saying that the HUD directive is not as tough as NYCHA's?

MS. ATAMENSA: Yes. The HUD regulations permit greater uses of an apartment than what NYCHA's regulations are. So NYCHA, their rules are more stringent than those of the HUD policy. So we're advocating for them to--even if it's temporary and a sign of good faith to adopt the HUD regulations which they're allowed to do, right?

They're HUD regulations.

1
2 Considering that we have a large number of people
3 who are coming out of college and need to return
4 home, family members who have fallen on luck and
5 need to return home are, as you said, routinely
6 denied that ability because they say it would be
7 overcrowding.

8 COUNCIL MEMBER CHIN: I guess when
9 she answered my question earlier; it sounded like
10 they were following HUD's guidelines.

11 MS. ATAMENSA: HUD issues
12 guidelines and they have the ability to make--
13 housing authorities have the ability to make their
14 guidelines more stringent than HUD's and they've
15 opted to do so.

16 MS. SHUDEEN: And if I may just
17 add, tenants can also request transfers when
18 there's an overcrowding issue and especially if
19 they need to be accommodated, they have someone
20 coming in because they're disabled. And they have
21 someone else coming to take care of them like home
22 care. But they're not made aware of that option
23 at that time. So as an example, what they can do
24 is put in their application for a request to add a
25 member and simultaneously request a transfer. But

they're not made aware of that.

MS. ATAMENSA: Instead, they're routinely just denied.

COUNCIL MEMBER CHIN: Okay. That's good to know, right? We'll definitely follow up on that. Thank you.

CHAIRPERSON MENDEZ: Althea, can you tell me, do you know how many public housing authorities across the nation actually do follow the HUD regulations for overcrowding?

MS. ATAMENSA: Sure. I can't tell you the exact number but we've looked at the larger metropolitan areas that are similar to New York City. Example, like Chicago, Philadelphia, Los Angeles and Houston, and out of all of those follow the HUD regulations for overcrowding. It's NYCHA that's decided to do the more stringent version.

CHAIRPERSON MENDEZ: And... [off mic]

COUNCIL MEMBER CHIN: In the HUD guideline, what would they consider, in 3 people living in a 1-bedroom apartment?

MS. ATAMENSA: It would depend on

1 the ages, for example with adults, so 1 adult;
2 you're allowed to have 2 adults in a 1-bedroom
3 apartment. And/or of course an adult and a minor
4 child. NYCHA takes the position that 2 adults,
5 unless they're married or can't--like I can't move
6 into my mother's 1-bedroom apartment because it
7 would be overcrowding. But HUD would allow 2
8 adults to be in a 1-bedroom apartment.
9

10 COUNCIL MEMBER CHIN: Oh okay. So
11 even though it was like same sex, that NYCHA would
12 still deny because it's 2 adults?

13 MS. ATAMENSA: Yes. Unless they're
14 partners.

15 MS. RAJAGOPAL: Registered--
16 exactly.

17 MS. SHUDEEN: Registered domestic
18 partners. It has to be officially on the records
19 of New York. You can't just be a partner under
20 any other circumstance.

21 COUNCIL MEMBER CHIN: So like a
22 mother and a daughter, as you say, will
23 disqualify.

24 MS. SHUDEEN: Correct. If the
25 daughter is an adult.

[Pause]

CHAIRPERSON MENDEZ: Well, hold on, I have a whole bunch of questions. Is the requirement for a registered domestic partnership, is that different for same sex couples than for heterosexual couples who might be living together and haven't formalized and gotten married?

MS. SHUDEEN: Heterosexual partners, it's supposed to be a spouse--

CHAIRPERSON MENDEZ: (Interposing)
Um-hum. Yeah.

MS. SHUDEEN: --that's what they changed the regulation--

CHAIRPERSON MENDEZ: (Interposing)
It has to be a spouse. Okay. So I get married in another state with my female partner, in New York State now, it will recognize that marriage though I can't get married here. Right? My partner lives in public housing, wants to add me to the lease 'cause now we're married. I get added to the lease?

MS. SHUDEEN: Subject to a criminal background check. So if you did something like hop the turnstile, trespass, loiter--

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2

CHAIRPERSON MENDEZ: (Interposing)

3

Or block pedestrian traffic.

4

MS. SHUDEEN: Then you're not

5

getting in.

6

CHAIRPERSON MENDEZ: Ooo. Okay.

7

All right. Runa, in the case you were talking

8

about, so this was the last case you mentioned

9

where the tenant who was blind wanted to add his

10

wife to the lease. They had been married for how

11

long?

12

MS. RAJAGOPAL: They had been

13

married for, in that circumstance, like a year.

14

CHAIRPERSON MENDEZ: And when the

15

tenant died they had been married a year? Did

16

they meet the one year requirement or--

17

MS. RAJAGOPAL: (Interposing) Well

18

that's not--the 1-year requirement is you have to

19

live continuously--

20

CHAIRPERSON MENDEZ: (Interposing)

21

For a year, yeah.

22

MS. RAJAGOPAL: --after you get

23

permanent permission.

24

CHAIRPERSON MENDEZ: So they were

25

married for a year or less than a year?

MS. RAJAGOPAL: They were married for a year, yeah.

CHAIRPERSON MENDEZ: And he never asked and never filled out the forms to add her to the lease because he was--

MS. RAJAGOPAL: (Interposing) No he never--

CHAIRPERSON MENDEZ: --never informed of that.

MS. RAJAGOPAL: I mean the story kind of is greater than that 'cause when they were living together, I outlined the story in my testimony, but these are two individuals who both lived in public housing. So they lived in the same development, met, fell in love, and one moved in with the other. So they weren't married at first. AT that time, they were--the management office was made aware that they were living together--

CHAIRPERSON MENDEZ: (Interposing) And so one person gave up the apartment.

MS. RAJAGOPAL: One person, right, she was living with her mother--

CHAIRPERSON MENDEZ: (Interposing)

Um-hum.

MS. RAJAGOPAL: --gave up the apartment. The mother no longer lives in public housing.

CHAIRPERSON MENDEZ: So hold it. She moved out of the apartment. Her mother still resided there. So she got off of her lease.

MS. RAJAGOPAL: Right.

CHAIRPERSON MENDEZ: Okay.

MS. RAJAGOPAL: Moved into this other person's--so they're living together, management office was made aware. And at that time they misinformed--they weren't married at the time.

CHAIRPERSON MENDEZ: Um-hum.

MS. RAJAGOPAL: And they were misinformed by the staff and said you're not married so she can't be added to your household. She's not the legal home attendant. And she's not your wife. So you can't be added. But this was before the rules changed in 2002 and it's, again, it's in the rules change because previously it was more expansive where they said if you are living two or more unrelated persons regardless of sex

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2 living together as a cohesive family group in a
3 sharing relationship could live together. So that
4 was the standard before. And it changed to
5 something more restrictive in 2002.

6 So the story is sort of greater
7 than that.

8 CHAIRPERSON MENDEZ: Um-hum.

9 MS. RAJAGOPAL: And then...

10 CHAIRPERSON MENDEZ: It sounds like
11 the typical stories--

12 MS. RAJAGOPAL: (Interposing)
13 Right.

14 CHAIRPERSON MENDEZ: --that come to
15 our offices.

16 MS. RAJAGOPAL: Right. But it's
17 unfortunate because they come to our doorstep at
18 eviction, when they get the Marshal's notice, when
19 the time to appeal has passed. And one thing I'm
20 sure we can all agree on is the case law is so bad
21 on this that there's not much--we can kind of push
22 for due process. We can push the time a person
23 can live in the apartment, but the reality of
24 succeeding on an appeal or in housing court or on
25 a grievance hearing is very slim. So the result

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2 is homelessness.

3 CHAIRPERSON MENDEZ: Okay. As I
4 mentioned to Ms. Finkelman, we're going to draft
5 some changes that we believe need to be made to
6 the rules, would love to get together as a group
7 and have you review them and see if we're missing
8 something before we submit that to the Authority.

9 MS. RAJAGOPAL: Look forward to
10 that.

11 MS. ATAMENSA: No problem.

12 CHAIRPERSON MENDEZ: Thank you very
13 much.

14 MS. ATAMENSA: Thank you.

15 CHAIRPERSON MENDEZ: And we've been
16 joined by Council Member Annabel Palma from the
17 Bronx. The next panel to give testimony is Sandra
18 Lopez from Baruch Drive, Said Shibaz from
19 Henderson Avenue; Luis Roman from the FDR Drive,
20 and Angel Sata from Lexington Avenue.

21 [Pause]

22 [Witnesses getting settled]

23 CHAIRPERSON MENDEZ: Whoever's
24 ready, you can just start. Grab the microphone,
25 turn on, the little button has to--the red button

has to flash, lighted on, and that means--yeah, that's behind you, it's on.

MR. LUIS ALBERTO ROMAN: Oh.

CHAIRPERSON MENDEZ: Okay. Please identify yourself for the record.

MR. ROMAN: My name is Luis Alberto Roman. I'm currently being denied remaining family member grievance. I currently reside on 1023 FDR Drive, Apartment 5-A, Jacob Reese Housing in the Lower East Side. I moved into the apartment with my father when my father became sick and needed someone to take care of him.

We had applied for, you know, home health aide but he was denied. I was added to the lease with permission from the manager.

Unfortunately my father passed away about a week later. So I was added on the lease legally and I went through process. They approved me. A week later my father died. Due to the New York NYCHA's manager have denied my remaining family member grievance claim. You know, they denied my claim.

I grew up in the building and about 15 years ago I was a resident there. I was on the lease there for about 20 years. I moved out. I

1
2 came back to help my dad. And I did it the right
3 way, you know, I got on the lease. And my dad was
4 a New York City Housing worker for 27 years. He
5 retired with New York City Housing.

6 I'm also on New York City transit
7 worker. I'm a track worker for 10 years. So
8 we've been here in the community and we work in
9 the City. He was a City worker. I'm a City
10 worker now. And, you know, I just feel I'm being
11 treated unfair. I've been a good tenant where I
12 live and always am responsible for paying the rent
13 on time. This should be the thing that determines
14 whether I stay with my home. The policy is unfair
15 and does not take into account the need of
16 families like mine. We follow the rules; got the
17 permission, but now I'm being told that I have to
18 move out of my home.

19 Recently I have been informed that
20 the denial of my remaining family member grievance
21 claim now makes me ineligible for my NYCHA for
22 five years. So in other words if I fight, if I
23 don't fight, I'm doomed 'cause I'll get thrown
24 out, and if I do fight, the same thing, I'm going
25 to be banned anyway. So no matter what I do I'm

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2 still going to be banned.

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And so we are here to request the support of you guys to help us remove the 5-year ban from remaining family member grievance who are denied on succession claims. Work with the resident advocate groups and legal services to come up with a fair policy that preserves keeping good tenants in their home. Stop the eviction of remaining family member grievance claims until we have a fair policy.

I feel I'm being treated unfair. You know, I came home. I'm doing the right thing. Came home to take care of my dad. And I had no choice there. I had to take care of my dad. This is a place I called home for 20 years. Thank you.

CHAIRPERSON MENDEZ: We'll listen to all the testimony and then we'll ask questions of the panel, okay, so, whoever's ready.

MS. SANDRA LOPEZ: Good afternoon. My name is Sandra Lopez.

[Adjusting microphone]

MS. LOPEZ: It's on? Okay. Okay. I'm Sandra Lopez and I have currently been denied the addition to my request of permanent permission

to be added onto the lease of my mother-in-law.

My mother-in-law, Cruz Sanchez, of 120 Baruch Drive, Apartment 3-B, New York, New York 10002. I have known Cruz Sanchez since I was 16. I was with her son for many decades and I have 2 children with him. My children are in the 40s, 1 is 40, 1 is 35.

On December 7, their father passed away. We were together for 40 years raising the children together, celebrating holidays and sharing responsibilities. The responsibilities of taking care of his mother. Since his passing I have taken over the responsibility of taking care of his mother as if she were my own.

I needed to leave my apartment because... I needed to leave my apartment because it was hard for me to get from my home to hers to provide the assistance she needs. The following rules I have requested to be added onto the lease because Ralph Sanchez and I were never legally married. I have been denied the request to be added onto the lease. I did provide them the birth certificates of the children and their father's death certificate. But because I don't

1
2 have a marriage certificate I have been denied.

3 This is unfair because NYCHA should
4 not force people to marry to provide proof of
5 relation. Many people in this country cannot get
6 married for multiple reasons. And a practice as
7 it discriminates against them as they have to me.
8 I am in the process of appealing but I provide my
9 testimony because I have a fear that I will be put
10 out on the street.

11 We are here to request support in
12 our efforts to remove the 5-year ban on remaining
13 family member grievance who is denied succession
14 claims. Work with residents, advocacy groups and
15 legal services to come up with a fair policy that
16 preserves keeping good tenants in their homes.
17 Stop the eviction of remaining family member
18 grievance claimants until we have a fairer policy
19 in place. Thanks for the time for holding this
20 hearing so I could provide my testimony.

21 CHAIRPERSON MENDEZ: Thank you.

22 Next.

23 MR. SAID SHIBAZ: Good day. My
24 name is Said Shibaz [phonetic]. I reside at 820
25 Henderson Avenue in Staten Island with my wife. I

1
2 have to be very careful, Ms. Mendez, you can have
3 this copy. We have filed a class action lawsuit
4 against NYCHA, against HUD, against New York City
5 Marshal's and against the City of New York. It
6 was very interesting sitting here this afternoon
7 listening to the three representatives from NYCHA.

8 Sort of weave, for me and my wife,
9 a fairy tale of procedure. The manager of the
10 housing complex where we had moved in to take care
11 of my brother: he had a serious stroke, lost the
12 whole use of his left side, we moved there in 2004
13 and in 2007 he passed away. When we went to see
14 the manager she immediately gave us a 10-day
15 notice to quit. She never told us there was a
16 procedure. She never explained there was a
17 process. She just told us we were criminals and
18 we must immediately get out.

19 I informed her at that time that
20 I'd get an attorney. I didn't think this was
21 proper. And as any institution, particularly a
22 public institution under Federal guidelines, there
23 had to be a process. She never discussed that
24 with us. If there was a Borough office on Staten
25 Island that was to respond to what she said, we

1
2 never heard from them.

3 If the housing judge was supposed
4 to review--and we have a very--that's the amended
5 complaint that you have there. And I have a very
6 good lawyer. Legal Aid, Legal Society, nobody
7 would touch us, wouldn't even talk to us. Told us
8 that we had to do what the manager told us to do.

9 This is how they do business on
10 Staten Island. We are now in the dismissal phase
11 of our amended complaint. This is a pretty large
12 thing. We're in the Eastern District so I have to
13 be very careful of what I say. My attorney wanted
14 to come today but he fell ill.

15 I would ask that there be a
16 moratorium. If there's only 10, and I know you
17 kind of couch that, I liked the way you couched
18 that, there's only 10 cases, 12 cases. Well there
19 can be a moratorium if there's only 20 there can
20 still be a moratorium on these evictions until the
21 process is reviewed.

22 CHAIRPERSON MENDEZ: There were
23 only 20-odd in my district alone. So, you know,
24 so their number that they cited, I know is wrong.

25 MR. SHIBAZ: Yes Ma'am.

CHAIRPERSON MENDEZ: Which was at a previous hearing.

MR. SHIBAZ: And if Staten Island, which I don't know if there's anybody here from Staten Island, but, you know, it's the ferry boat that goes over there but there's like a cloud of mystique that sort of shrouds Staten Island. And if you go to the right priest or you go to the right politician, they waive all of that and you get your lease.

We believe and we have in our case because my name is Shibaz and because of 9/11, there's issues. We don't think any of that is fair. My wife is on permanent disability. She suffers from very serious seizures. I'm 65 years old. They told us to get out. There needs to be a moratorium at this point on anything that can be done. Thank you so much.

MR. ANGEL SATA: Hi. My name is Angel Sata [phonetic], I am a housing advocate. I go to Lower East Side and I also am a public housing resident. I grew up in public housing since the time I was adopted and I moved into Jacob Reese and I live in Johnson Projects in East

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2 Harlem. What, what. So.

3 [Laughter]

4 MR. SATA: A little bit of joking.

5 Os, you know, I've been working at GOALS

6 [phonetic] for the past three years and I've met a
7 lot of families who have been evicted for a lot of
8 reasons. But the remaining family member
9 grievance issue has been one of the hardest to
10 understand and to swallow. The reason being
11 because of the ability or the blockades and the
12 barricades that NYCHA puts up forward for folks,
13 right?

14 You know, these forms are very hard
15 to understand. The managers really deter people
16 from sitting in the office because they make you
17 wait forever when you are there. You know, they
18 give you a verbal denial but they give you nothing
19 in writing. Management has not kind of
20 documentation that says that tenants are supposed
21 to have things in writing. Tenants are asking for
22 copies of documents and they're not getting them.
23 You know, and it's your word against NYCHA when
24 you get to court, when you get to the hearing, you
25 know what I mean?

1
2 And a lot of tenants fight and
3 they, you know, one thing that has been hard is
4 that tenants go up there and they tell the whole
5 story, right? And the whole story ends up
6 shooting them in the foot. Right? Because they
7 don't have an advocate that can sit down with them
8 and we don't have enough services for people to be
9 able to sit with them and prepare their testimony
10 and fight for their right, right? And then on top
11 of that you exercise your right to due process and
12 then you're being banned for five years.

13 So, you know, I really appreciate
14 the Committee for having this hearing. We came in
15 on December 7th and it was an amazing experience.
16 And this I feel is follow-up to that and I feel
17 like there's going to be a lot more we can work
18 together on. But, you know, we really are looking
19 for a moratorium on these evictions, stopping on
20 these evictions until we come up with a better
21 policy.

22 To come up with a better policy
23 collectively with the RAB [phonetic], with Legal
24 Services, with NYLAG, with everybody that's
25 willing to kind of come to the table, as well as

1
2 the removal of this 5-year ban, I think is the
3 first step.

4 I've got a minute left so maybe I
5 can say something else. I think that, you know,
6 another thing is Joseph Nevado [phonetic] was here
7 on December 7th and he was the morbidly obsess man
8 who had a hernia protruding through his stomach
9 wall. And unfortunately he was evicted. He was
10 evicted with no remorse. He lived in Marker's
11 [phonetic] Housing. And he was sleeping in his
12 car. He was sleeping in a shelter.

13 And this is what NYCHA offers to
14 tenants. They offer them a list of shelters in
15 the City that are very horrible. And I had an
16 experience of working in City shelters for five
17 years and it's not a safe place to be. If you're
18 somebody who's on disability or you have a health
19 condition it will get worse. You're in danger.
20 And, you know, we need to come up with resolutions
21 rather than just evicting tenants into the
22 streets. So thank you for this opportunity to
23 testify and I'm looking forward to the future.

24 CHAIRPERSON MENDEZ: So one, Mr.
25 Roman, I want to state this, so I don't know if

1
2 you were here from the beginning. NYCHA's
3 testimony is that the 5-year ban does not get
4 implemented unless you lose a housing court case
5 where they've taken you to housing court for a
6 licensee proceeding.

7 So that means you've gone through
8 the management office and to the Borough
9 management and you've exhausted all of your
10 administrative remedies through the grievance
11 process which means you come here to 250 Broadway.
12 They still tell you, you have to move. You don't.
13 And then they take you to housing court. That's
14 when the 5-year ban starts if you're evicted after
15 a trial.

16 And for anyone who has had any
17 other experience with that, that is different than
18 what NYCHA's testimony was, you know, you should
19 contact my office or let us know after this
20 hearing. Okay?

21 So Mr. Roman, you said you lived
22 in public housing with your father.

23 MR. ROMAN: I lived with my--

24 CHAIRPERSON MENDEZ: (Interposing)
25 Can you grab the microphone so we can capture your

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2 testimony?

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MR. ROMAN: I lived there with my whole family. I moved out in '91. I still come back to see my mother, my father. And my mom passed away two years ago. And my father grew ill. So I moved back in to take care of him. When I moved back into take care of him--

CHAIRPERSON MENDEZ: (Interposing)
When was that?

MR. ROMAN: That was this year. And he died in February of, the 4th of February, 2010. He died. I moved in the month before. I moved in to take care of him. And I got the approval from management.

CHAIRPERSON MENDEZ: To move in temporarily.

MR. ROMAN: To move in. To move in permanently.

CHAIRPERSON MENDEZ: Permanently.

MR. ROMAN: Permanently. To move in. I got the approval. He died a week after I got the approval. I brought in the paperwork, like on a Friday. And then on Tuesday he died. Now he didn't get no approval for a home health

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2 aide. I had no choice but to come home and take
3 care of my dad. I had to do it. This is
4 something I had to do. I had my own apartment.
5 Not with NYCHA. I had my own apartment. I gave
6 up my own apartment and I got on the lease and I
7 was going to take care of him and he died. So I--

8 CHAIRPERSON MENDEZ: (Interposing)

9 Now, how many times had he applied for a home
10 health aide and was turned down?

11 MR. ROMAN: Well he was in the
12 hospital and in order for him to come home; he had
13 to get a home health aide. And he was denied. He
14 has HIP.

15 CHAIRPERSON MENDEZ: Um-hum.

16 MR. ROMAN: My father worked for
17 the City for 27 years--

18 CHAIRPERSON MENDEZ: (Interposing)

19 He worked for NYCHA, right?

20 MR. ROMAN: --he worked for NYCHA
21 for 27 years. He was retired in good standing.
22 And he was denied home care. So I had no choice
23 but to come home and take care of him. It was the
24 right thing to do. I mean there was no choice in
25 the matter. This is my dad. I gave up my

1
2 apartment, gave up my--to move in with him. And I
3 did it the right way. I got myself put on the
4 lease. I went there. I got the paperwork. And I
5 did it. I got myself put on the lease.

6 They approved me. And a week later
7 he dies. So now what am I to do? So I was--they
8 even asked me were you--yes, I was on the lease
9 before. I lived there. We've been in New York
10 City Housing since 1979. We've been in New York
11 City Housing, my family, in Jacob Reese, right
12 there since '79. We've been there.

13 We've always paid our rent on time.
14 We've always done everything the right way. My
15 father worked for Housing so he had a very high
16 emphasis on doing the right thing by Housing
17 'cause he worked for Housing. And we still do
18 that to this day. And now their policies of not
19 being there a whole year, well I'm going to either
20 fight or like you said I could just say I'll leave
21 and not fight. But I choose to fight. I'm going
22 to take it all the way and I'm going to fight it.

23 CHAIRPERSON MENDEZ: Thank you.

24 MR. ROMAN: And, you know, I work
25 for the City. I also work, I'm a track worker.

I've been a track worker for 10 years. So I'm following in the same steps my father did. He was a City worker and I'm a City worker. I'm just trying to do the right thing. Thanks.

CHAIRPERSON MENDEZ: Thank you for being here. Ms. Lopez.

MS. LOPEZ: Yes.

CHAIRPERSON MENDEZ: So your testimony was that you and your lifetime partner--

MS. LOPEZ: (Interposing) Um-hum.

CHAIRPERSON MENDEZ: --who you did not marry but you had two children together and raised them.

MS. LOPEZ: Um-hum.

CHAIRPERSON MENDEZ: And had relationships with your family. After he passed away, sometime thereafter, his mother became ill and you were going back and forth and you decided to move in with her to take care of her. Where did you live prior to that?

MS. LOPEZ: I was living in an SRO, 358 West 51st Street. And I lived on the 4th floor. I had a recent operation on my knee. I had a total knee replacement. And the problem was the

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2 going up and down, the stairs. So he died on
3 December 7. That day, when I came from the
4 hospital I spoke to her. And she started crying
5 because that's all she had left. Her daughter had
6 died much years before. So she was depending on
7 her son to keep her company.

8 And so once that he died she told
9 me that you can't leave me and she started crying.
10 She's 90 years old. And she's got... oh God; she's
11 got the beginning of Alzheimer's. So I'm the only
12 one that she has left as a family.

13 CHAIRPERSON MENDEZ: Um-hum. Your
14 children don't live in New York City?

15 MS. LOPEZ: Yes they do. They do
16 live, but they have their own families.

17 CHAIRPERSON MENDEZ: Okay. And you
18 moved in and then requested to be put on the lease
19 or?

20 MS. LOPEZ: She told--

21 CHAIRPERSON MENDEZ: (Interposing)
22 You requested beforehand or she went and spoke to
23 someone? What?

24 MS. LOPEZ: When I came to the
25 house, I still had my stuff in my apartment. She

1 told me you have to come and stay with me. We'll
2 go to the office so that they can put you on the
3 lease so you can stay with me. And then we went.
4 And as soon as I went and I spoke to the assistant
5 manager, I explained to her that her son had died.
6

7 He was on the lease. That her son
8 had died and that I was staying with her at
9 nighttime because her problem is when the sun goes
10 down, she's a bundle of nerves. She's afraid of
11 what if they knock on the door and sometimes she
12 forgets. She gets lost in the apartment
13 sometimes. You know? So I can't see. That's the
14 only family I have left.

15 CHAIRPERSON MENDEZ: So you went,
16 she went?

17 MS. LOPEZ: We went to the Housing
18 Authority to the office.

19 CHAIRPERSON MENDEZ: And the
20 manager told you?

21 MS. LOPEZ: When I first told her I
22 says well we came to let you know that her son
23 passed away.

24 CHAIRPERSON MENDEZ: Um-hum.

25 MS. LOPEZ: And I took a copy of

1
2 his death certificate. And I asked her, well my
3 mother-in-law told me in Spanish to tell her. So
4 I asked if they can put me on the lease because
5 I'm coming to stay with her at nighttime. I
6 didn't want to hide. I didn't want to do anything
7 behind nobody's back. And as soon as I went
8 there, she looked at me and she went... she made a
9 face. I said what's the face about. And she says
10 are you married to her son. I said no. So she
11 says well you can't because you're not blood
12 relative.

13 Then I went to an office where
14 Angel works and I explained it to him because I
15 was scared. I didn't--I still to this day, I
16 don't know what's going to happen. They haven't--
17 I told her that I was staying there. She hasn't
18 gotten back to me but the paper that she was
19 supposed to give me to fill out was this paper,
20 sorry. And she never gave it--she didn't give it
21 to me the first time. I went back to the office
22 and I told him. And he asked me well you have to
23 fill this out first. He spoke to her and she gave
24 me--I had to go back and get the paper, fill it
25 out and then give it back to her.

CHAIRPERSON MENDEZ: Is your mother-in-law still alive?

MS. LOPEZ: Excuse me?

CHAIRPERSON MENDEZ: Your mother-in-law is still alive.

MS. LOPEZ: Is she what?

MR. SATA: Is she still alive?

MS. LOPEZ: Oh yes, yes.

CHAIRPERSON MENDEZ: She's still alive.

MS. LOPEZ: Yeah.

CHAIRPERSON MENDEZ: Okay. So you're living with her. She's still alive and because of the definition of family, you're being denied and you weren't given the paper when you originally went--

MS. LOPEZ: (Interposing) Exactly.

CHAIRPERSON MENDEZ: Okay. All right. Thank you. Mr. Shibaz?

MR. SHIBAZ: Yes Ma'am.

CHAIRPERSON MENDEZ: Okay. Now you said you're residing in Staten Island and you're residing in a public housing development--

MR. SHIBAZ: (Interposing) Yes

Ma'am.

CHAIRPERSON MENDEZ: --is that?

Okay. Which one, by the way?

MR. SHIBAZ: West Brighton--

CHAIRPERSON MENDEZ: (Interposing)
West Brighton.

MR. SHIBAZ: --West Brighton
Houses.

CHAIRPERSON MENDEZ: Okay. And you
moved in with your wife under what circumstances?

MR. SHIBAZ: My brother had a
serious stroke. It totally paralyzed his whole
right side.

CHAIRPERSON MENDEZ: Um-hum.

MR. SHIBAZ: So we moved in, in
September 11, 2004. He did, at different times,
get a home health aide. But basically he would
only want them to run his errands. He wanted
nothing to do with anybody but the family in terms
of his business, his responsibilities, etcetera.
He passed away almost without notice; well he had
two strokes in the interim.

Now he was very paranoid about the
management office. So as I kept saying to him,

1
2 what are you doing about getting us on the lease?
3 And very difficult for him to talk to he didn't
4 talk very well. He said that every time he asked,
5 he was told no. I never questioned him. And we
6 didn't expect him to pass away.

7 CHAIRPERSON MENDEZ: So as far as
8 you know, he was never given an application to
9 fill out.

10 MR. SHIBAZ: If he had been, we
11 would have been the ones filling it out. He was
12 right handed and the whole right side was
13 paralyzed.

14 CHAIRPERSON MENDEZ: Okay.

15 MR. SHIBAZ: So.

16 CHAIRPERSON MENDEZ: So he never
17 received an application.

18 MR. SHIBAZ: No Ma'am.

19 CHAIRPERSON MENDEZ: Okay.

20 MR. SHIBAZ: No Ma'am. And that's
21 part of the application of dismissal now by NYCHA
22 is that whole issue about that, that application.

23 CHAIRPERSON MENDEZ: Okay. So he
24 was verbally denied--

25 MR. SHIBAZ: (Interposing) That's

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2 what he told--

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CHAIRPERSON MENDEZ: --on various occasions.

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MR. SHIBAZ: --us. Yes. Because we never saw a letter.

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CHAIRPERSON MENDEZ: Um-hum.

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MR. SHIBAZ: Now when we informed the--after his passing away and we informed the manager that we had the apartment, she called us in and in fact I did it in writing.

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CHAIRPERSON MENDEZ: Um-hum.

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MR. SHIBAZ: And she called us in and in a couple of days and we walked in her office, she had her aides hand us the 10-day notice to quit. Now that was my wife and I, going into the office. That's all she did. She gave us the 10-day notice to quit which at that point meant that we were now on a legal proceeding, in our thinking. But she never said, she never informed us to the procedure. I never learned of any of the process.

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I knew there had to be one, until I finally go to Angel's office. But the irony of all of this is we are still in housing court in

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2 Staten Island and I have an attorney that's a
3 private attorney. He filled out the papers and
4 you'll see there, he's the one that filled out
5 that amended relief before the Eastern District.
6 The housing judge on Staten Island would never
7 give us a hearing.

8 We asked for a hearing. The NYCHA
9 attorney was willing to, you know, was ready to
10 proceed, to go forward with the hearing. But the
11 housing judge would never give us a hearing,
12 citing the law at that time was what the manager
13 had said. We went through several, you know,
14 local politicians, one now who was a City
15 Councilman then Michael McMann who is now a
16 Congressman.

17 CHAIRPERSON MENDEZ: Congressman.

18 MR. SHIBAZ: His office kept
19 telling me there was a waiver process but when
20 this was happening he was in that election process
21 so they wanted to hold off but then in the interim
22 in holding off, NYCHA took us into court.

23 CHAIRPERSON MENDEZ: Um-hum.

24 MR. SHIBAZ: So when we went on
25 the, I think, after the first notice to quit and

1
2 now I think we're in a 30-day notice. Maybe
3 that's the process. We're in that next--after the
4 10-day.

5 CHAIRPERSON MENDEZ: Um-hum.

6 MR. SHIBAZ: I think my attorney
7 very eloquently filled out the whole thing, about
8 my wife, me being a senior citizen, the disability
9 issues. The issues that had brought us to that
10 point and the judge still refused to give us a
11 hearing. We did get a Staten Island judge to stay
12 the eviction 'cause now we're in the eviction
13 part, to stay the eviction. But the judge with
14 the other judge, she just refused, you're not
15 getting any hearing, you have to get out. NYCHA
16 has a right to request that you cannot have this
17 apartment.

18 We were never told. I did not know
19 about the fact that there was a Borough office.
20 That, in fact, today it was interesting to hear
21 that even upon the manager not wanting us to be
22 there, that there was a process. We were never
23 told that there was a grievance process. We were
24 never told any of that.

25 So the reason that we ended up with

1
2 this class action is because as we get to, as they
3 call them the three wise men in Brooklyn, the
4 appellate division, they immediately sided with
5 the judge saying that the 6-month rule had passed.
6 And my attorney who has been practicing law some
7 37 years, we're still trying to find out what this
8 6-month rule means.

9 So we were in court. The only
10 thing that kept them, even after informing the
11 Marshal that my wife was on permanent disability,
12 I was 65 years old, they sent some adult
13 protective services people to our house to ask us
14 if the eviction was going to--did we have any sort
15 of thoughts of suicide because of the eviction.
16 We said no. They said well you don't need any
17 help.

18 And the Marshal was on their way to
19 evict us when my attorney and I went to civil
20 court. Now we filed this class action in civil
21 court in Staten Island. NYCHA in its own wisdom
22 took it to Federal court. That's why we're in
23 Federal court. If it had not been for that class
24 action, we'd have been in the street. And that
25 class action and also because we enjoined the

1
2 Marshal which is a very interesting aspect of our
3 case. Why we enjoined the Marshal? That's
4 because that's the last person you see before you
5 hit the street.

6 CHAIRPERSON MENDEZ: Mr. Shibaz I'd
7 like to spend some more time talking with you
8 about your case and we should do that outside of
9 here. I still have two more panels of residents
10 who want to come and testify. I want to thank
11 this panel for being here and I know this is very
12 difficult for all of you--

13 MR. SHIBAZ: (Interposing) And we
14 thank you, this honorable Committee for taking
15 time. We really do. We appreciate it.

16 CHAIRPERSON MENDEZ: Thank you.
17 The next panel, Santos Rivera from Avenue C; Alvin
18 Rivers from St. Mark's Place. Okay. Last name
19 Diaz, first name starts with an S, I can't quite
20 make out the handwriting from the FDR Drive.
21 Samuel. All right. There we go. And Lisa Burris
22 from Good Old East Side. Whoever is ready, just
23 grab the microphone and start giving testimony.
24 Okay hold it. I've got four people on--

25 [Off mic]

MR. ALVIN A. RIVERS, SR.: Yeah,
I'm going to--

MS. STEPHANIE CARION: He's
speaking for me.

CHAIRPERSON MENDEZ: Oh okay.

MS. CARION: Okay because I sweat a
lot.

[Witnesses getting settled]

CHAIRPERSON MENDEZ: That's okay.

MR. RIVERS, SR.: That's all right.

CHAIRPERSON MENDEZ: You can give
your own testimony.

MR. RIVERS, SR.: Yes good
afternoon Council People.

CHAIRPERSON MENDEZ: Hold on one
second. Ma'am?

MS. CARION: Yes?

CHAIRPERSON MENDEZ: We can, you
can have your own testimony, getting nervous is
normal. It's okay. And then so if you--I would
like to hear your words, in your words, but if you
really want him to say it then... okay. Okay fine.

MR. RIVERS, SR.: Yes. Good
afternoon Council Persons. Yes. My name is Alvin

1
2 A. Rivera, Sr. I'm a Section 8 tenant but I'm
3 speaking on behalf of Mrs. Stephanie Carion
4 [phonetic].

5 And her case is very interesting.
6 It appears that she did everything pursuant to the
7 procedure and the housing assistant--

8 CHAIRPERSON MENDEZ: (Interposing)
9 Hold on one second. So Alvin Rivers, I have
10 yours. You are giving testimony for?

11 MR. RIVERS, SR.: Stephanie Carion.

12 CHAIRPERSON MENDEZ: Stephanie
13 Carion, okay. So I really need to have her name...

14 MS. CARION: My name is right
15 underneath.

16 CHAIRPERSON MENDEZ: Oh, okay.
17 It's just an S. So let me put this here.
18 Stephanie Carion. Great. Thank you. Go ahead.

19 MR. RIVERS, SR.: It appears that
20 she basically followed all the procedures under
21 the remaining family member act and requested that
22 she be put on the lease prior to the decease of
23 her husband and also prior to her getting married.
24 And she was at no time was she ever informed that
25 she could get a certificate of domestic

1
2 partnership prior to the marriage.

3 And, you know, apparently the
4 housing assistant didn't do anything. He didn't
5 follow up. He didn't file any papers with the
6 Housing Authority or nothing. There's nothing
7 there. So now she's at a situation where she's
8 going to be penalized for this. Her case is
9 currently in Supreme Court on Article 78. But
10 most likely she'll lose. And she'll be out in the
11 street because this person didn't do anything. He
12 didn't perform his duty. And this is not very
13 good. I mean, you know, I don't know what the
14 reasoning is here before me. I understand is, and
15 this is hearsay, that he was terminated from NYCHA
16 for negligence. But like I said I don't know why
17 he didn't do this.

18 All I know is she did, prior to her
19 husband's decease, she notified them that he would
20 be available on a certain day. He would be
21 brought from the hospital to home and they could
22 come up there and he would do the papers or she
23 would do them for him and everything would be, you
24 know, properly done. And they never came. They
25 never returned the phone calls. They didn't do

1
2 anything.

3 And she's going to be punished for
4 this. She's a hardworking person. And she,
5 unfortunately, she could not come down to the
6 manager's office on a day to day basis to
7 ascertain the status of her application because
8 she was working every day. And, you know, then
9 her husband passed away and then she went down
10 there and he says oh okay, we're going to do the
11 criminal background check and etcetera. And
12 nothing was ever done. It's just a very
13 unfortunate situation--

14 MS. CARION: [Off mic]
15 (Interposing) - - still alive. I was working in
16 Jersey but I was coming on weekends to fix up his
17 medicines and everything. Okay it was between my
18 daughter and the home attendant that actually took
19 care of him.

20 SERGEANT AT ARMS: Can you speak
21 into the mic? Thank you dear.

22 MS. CARION: That's okay. So then
23 he really got back in March and I had to come back
24 and I had to stay with him. And I went down to
25 housing and they never gave me any kind of form to

1
2 fill out. There's just Mr. Harrison said I'll do
3 a background check. He asked for my name. I gave
4 it to him. He never got back to me or nothing.

5 And every time I called there he
6 was out or he wasn't there. And my husband wound
7 up in the hospital. We weren't expecting for him
8 to die. And then he just passed away and I went
9 downstairs so... they just told me the procedures I
10 had to take and all that.

11 So I'm still--well like I said, I'm
12 under Article 78 now in the Supreme Court. And
13 what might happen, I'm no youngster. I'm a senior
14 citizen and getting put out, I don't have a family
15 here in the City, nothing.

16 CHAIRPERSON MENDEZ: Okay. So stay
17 on this panel. I'll probably have some questions
18 afterwards. The next person, please?

19 MR. SANTOS RIVERA: Hi. My name is
20 Santos Rivera of 205 Avenue C. I'm here to
21 testify on the family remaining grievance policy.
22 I would like to start off by saying that NYCHA is
23 our home and this is a place where we build
24 family, create networks and sustain our lives.

25 I'm here to see a change in the

1
2 remaining family grievance policies and
3 procedures. We are the people who are working to
4 take care of our families that are getting sick
5 and older every day. There's not enough health
6 services in our communities and our family members
7 are stepping up to the plate to fill these gaps.

8 But we are being evicted for things
9 out of their control. Since the death of my
10 mother I have been harassed with litigation,
11 intimidated by NYCHA staff and being displaced out
12 of my neighborhood. My experience going through
13 this policy has shown me that NYCHA is
14 criminalizing our families and putting people who
15 are in the need of housing out on the streets.

16 I think that NYCHA should focus on
17 making its management office more accountable. I
18 have been meeting with many other residents who
19 are currently in the need of assistance with
20 dealing with this issue but there aren't enough
21 legal services for tenants, many of them are being
22 denied. We need to have a policy for succession
23 rights. Many residents are trying to follow the
24 rules but you can't follow the rules in this
25 system as they're working against you.

Managers should be required to give tenants the full process of all things when it comes to remaining family grievance claims, not hide information on hearings and try to force tenants to sign agreements to leave. NYCHA is funded by the people and needs to take into account the people's need. Many seniors and disabled folks are suffering and we need to stop the oppression of the communities within NYCHA.

We are here to ask for your support in an effort to end the 5-year ban of residents who are denied remaining family grievance cases, to stop criminalizing our families and hold the management staff accountable. NYCHA works with residents to come up with policies that is fair and address the tenant's needs.

I would like to thank the Committee for the time and hope that we can work together to create a healthier policy. Thank you.

MR. SAMUEL DIAZ: How you doing?
My name is Samuel Diaz. I live in Living Ward [phonetic] all my life since 1963; I was born and raised in the Lower East Side. Actually I have got--

1

2

CHAIRPERSON MENDEZ: (Interposing)

3

Excuse me, Sir? Can you just pull the microphone

4

a little closer to you so we can make sure it's

5

being captured?

6

MR. DIAZ: Okay.

7

CHAIRPERSON MENDEZ: Okay.

8

MR. DIAZ: I actually lived in

9

Lower East Side all my life. Actually I did get

10

in college at one time and actually I came home to

11

take care of my family. All right, my mother she

12

was actually sick. She's legally blind. She's

13

82. She couldn't even bathe herself or feed

14

herself so I moved in with--I have custody of 3

15

kids. I'm a single parent. Right now, actually I

16

work for the City of New York for the Parks

17

Department. I've been working for them for 4

18

years. I've got very good recommendations from

19

the. I'm a hard worker. Actually I changed my

20

life around. I'm attending church. I mean people

21

can change in life. As you can see I have changed

22

a whole lot.

23

My mother, actually, she fell down

24

in the house. She broke her hip. So she was sent

25

to, you know, I called the ambulance. I sent her

1
2 to the hospital. From there she was--she had to
3 go for therapy. So she went to a nursing home.
4 In the nursing home she was getting therapy. She
5 was not permanently in a nursing home. She was
6 there just to get therapy.

7 She was there a little more than a
8 year. So they actually terminated her lease. I
9 have gone through the process of the first and the
10 second step like they said to the Borough office.
11 I was never sent a letter this approval. Never.
12 So they actually lied. And while they say they
13 send you that, I never got a letter for that. All
14 right.

15 And right now they're denying me to
16 actually stay in the apartment 'cause they're
17 saying that my mother was evicted, no terminated.
18 But I was able to be in the lease if she wasn't
19 terminated. But they terminated her while she was
20 in the nursing home. She was still alive. She
21 passed away December 1st and this year, June 5th, my
22 kids' mother passed away.

23 All right. I have 3 kids. One of
24 them are twins. They're 10 years old and 2-year
25 old. I take care of 3 kids. And I was taking

1
2 care of my mother. And I reside in 725. I'm
3 being evicted with 3 kids, no where to go, you
4 know, I have a good job. They go to school right
5 around the neighborhood. I don't know what to do
6 right now.

7 CHAIRPERSON MENDEZ: Ms. Burris,
8 I'm going to put you on the next panel. And I'll
9 just ask questions here and then, okay. So Mr.
10 Diaz, I remember some of your testimony because
11 you were here back in the December hearing.

12 MR. DIAZ: Right.

13 CHAIRPERSON MENDEZ: Where an
14 aspect of this was raised about the remaining
15 family member and the grievance and 5-year ban.
16 But I just want you to refresh my recollection.
17 So your mother was in the nursing home.

18 MR. DIAZ: Right.

19 CHAIRPERSON MENDEZ: When they
20 terminated her tenancy.

21 MR. DIAZ: Right. They terminated
22 her while she was there; actually, they said she
23 never showed up to 250 Broadway. I showed up and
24 represented her 'cause I--they gave power of
25 attorney for her. She signed it and notarized in

1
2 the hospital.

3 CHAIRPERSON MENDEZ: How long was
4 she in the nursing home? And was she there
5 temporarily in the nursing home--

6 MR. DIAZ: (Interposing) Yes
7 because she was still getting therapy because she
8 broke her hip. She was 82 years old. So it was
9 kind of hard. They didn't want to send her home
10 like that. She was denied home care. So I was
11 actually--I bathed her, fed her. I mean I took
12 care of my mother, you know, the way she took care
13 of me. Obviously and--

14 CHAIRPERSON MENDEZ: (Interposing)
15 And how long was she in the nursing home when they
16 terminated her tenancy?

17 MR. DIAZ: She was there almost--a
18 little--probably more than a year. So they
19 figure, you know, they're going to terminate her
20 lease. But I went through the hearings like they
21 said, the first and the second.

22 CHAIRPERSON MENDEZ: Um-hum.

23 MR. DIAZ: Then they said--but
24 every time I went they said oh you have--we could
25 have placed you on the lease but your mother was

1
2 terminated. How are you going to terminate my
3 mother when she's still in a nursing home? When
4 she couldn't even represent herself or even speak
5 for herself?

6 CHAIRPERSON MENDEZ: Did you have
7 any legal representation at those--

8 MR. DIAZ: (Interposing) No.

9 CHAIRPERSON MENDEZ: --
10 administrative hearings. Okay. Okay. Mr. Diaz,
11 I remember the facts in your case. I want to
12 thank you for coming back here.

13 MR. DIAZ: Yes.

14 CHAIRPERSON MENDEZ: And--

15 MR. DIAZ: (Interposing) Thank you.
16 A good time.

17 CHAIRPERSON MENDEZ: Mr. Rivera,
18 the same thing, thank you for coming back. I
19 remember the facts in your case. I don't have any
20 questions for you right now. And Ms. Carion, so
21 your husband was living here. He had a home
22 attendant and you were working in New Jersey and
23 traveling back and forth.

24 MS. CARION: Yes, yes.

25 CHAIRPERSON MENDEZ: Can you speak

1

2 into the microphone please. Just--

3 MS. CARION: Yes Ma'am.

4 CHAIRPERSON MENDEZ: Okay. And you
5 used to be on the lease and got taken--

6 MS. CARION: (Interposing) No, no,
7 I was never on the lease because what happened,
8 when he moved into the projects, into NYCHA, I was
9 working as a live-in in Jersey.

10 CHAIRPERSON MENDEZ: Um-hum.

11 MS. CARION: All right. But I
12 lived with him in the other apartment with him but
13 when I got this case as a private case in Jersey.

14 CHAIRPERSON MENDEZ: Um-hum.

15 MS. CARION: So when he moved into
16 NYCHA, I went down to the office and I explained
17 the whole situation.

18 CHAIRPERSON MENDEZ: Um-hum.

19 MS. CARION: Afterwards. So the
20 housing assistant turned around and told me it
21 wasn't necessary to put me on the lease until I
22 permanently...

23 CHAIRPERSON MENDEZ: Um-hum.

24 MS. CARION: Until I get married or
25 decide I'm going to live there permanently. So we

1
2 just left it alone. So then when my client passed
3 away in March of '04, yeah, '04, okay. So I asked
4 them. I came. The first idea is go to housing.
5 And I spoke to Mr. Aronson who was my housing
6 assistant manager then.

7 CHAIRPERSON MENDEZ: Um-hum.

8 MS. CARION: He turned around and
9 told me we have to do a background check. Then he
10 gave me no form to fill out or nothing.

11 CHAIRPERSON MENDEZ: Um-hum.

12 MS. CARION: So what do I know?
13 I'm a dumbbell. Nobody told me that I could have
14 went and got a domestic partnership certificate.
15 Otherwise my so-called fiancé at that time and I
16 we would have went and gotten it.

17 CHAIRPERSON MENDEZ: Um-hum.

18 MS. CARION: So then he was like in
19 and out of the hospital, my husband, and finally
20 when he went to the hospital, he was--we weren't
21 expecting for him to stay there that long and he
22 actually passed away in the hospital. So he was
23 getting really bad so that was nothing they could
24 have done. I brought him home. I went downstairs
25 to the office two days before, I said listen, I'm

bringing him home. Would somebody please come upstairs, to Mr. Aronson, so he could request to put me on the lease? We were married already.

CHAIRPERSON MENDEZ: Um-hum.

MS. CARION: I brought them everything. Nobody ever came upstairs. I called twice the day he came home. Nobody came upstairs. Then the following day he went for dialysis and he was readmitted. And I think he lasted a month. So it's like the neglect of NYCHA.

CHAIRPERSON MENDEZ: Okay. I want to thank this panel for their testimony. And I also want to give my condolences 'cause the part that we haven't said in this as you're fighting for your apartment, you're also grieving the loss of your loved one, as was evident earlier with someone else's testimony. But I can see your pain and I'm sorry that you're all going through this. And we'll see what if anything we can do to try to make these laws a little bit more fair.

So I'm going to call the next panel. And you can take your time getting up 'case I'm going to take a little bathroom break. So Lisa Burris from Good Old East Side. Carmen

Pinella from 807 East 6th Street, Joseph Garber from 121 Wilson Street and Denise Johnson from Baruch Drive. So that will be the last panel. And, you know, take your time taking the chairs and I'll be right back.

MR. RIVERA: Thank you again.

[Pause]

CHAIRPERSON MENDEZ: Okay. I see there is someone missing. I called four people up for testimony. Let me just run through the names. I see Lisa Burris. I see Joseph Garber and you are Carmen Pinella? And Denise Johnson has left, maybe?

[Off mic]

CHAIRPERSON MENDEZ: Okay. Okay. So let's, whoever's ready to start their testimony. Mr. Sata, can you find out where Denise Johnson is? If she left or not? Okay.

MS. LISA BURRIS: Good afternoon Chairman Mendez.

CHAIRPERSON MENDEZ: Can you bring the microphone closer?

MS. BURRIS: Is this on?

CHAIRPERSON MENDEZ: Yes it is.

MS. BURRIS: Okay.

CHAIRPERSON MENDEZ: It is now.

MS. BURRIS: Good afternoon
Chairman Mendez and the Subcommittee, the rest of
the Subcommittee that was here. We really
appreciated their presence.

CHAIRPERSON MENDEZ: That's a full
Committee.

MS. BURRIS: That's--I mean, ooo,
you know what? You know what? It's so--I'm so--

CHAIRPERSON MENDEZ: (Interposing)
Now I could tell you it's because you haven't been
here to testify in so long, you forgot I'm a full
Committee. But I'm not going to go there--

MS. BURRIS: (Interposing) No you
can't go there. But as grateful to testify before
the full Committee for Public Housing. I am
honored. And I do love you. And also your
attention, you ability to bring such great
attention to this very needed issue of families
being pushed out of public housing while they're
fighting for succession rights. And we all know
about Good Old Lower East Side. We've been around
for over 30 years. And we do housing and economic

1 justice.

2
3 And we also do grassroots
4 organizing and direct service. So we can tell you
5 first hand, direct service for residents, so we
6 can tell you first hand the impact this Housing
7 Authority succession rights and procedures have on
8 residents. So first I want to touch on the
9 families fighting for these succession rights.

10 The image of these families needs
11 to be refocused. These families that are fighting
12 for succession rights often are moving from stable
13 housing to take care of loved ones, parents,
14 grandparents or severely sick or shut-in, just to
15 support them. Not to skip a process or admissions
16 process for the Housing Authority. I think that I
17 could speak for them and say the last thing
18 they're thinking about is housing. They're
19 thinking about their loved ones.

20 Also there's a requirement to be a
21 remaining family grievant. You have to have been
22 one of the former--you have to be a former tenant
23 there. So these are former tenants, people that
24 have invested their lives in these communities.
25 They're just not only trying to reconnect with

1
2 their families but they've attended the schools
3 and the churches and they have very close ties to
4 the communities. These are the families that
5 we're removing out of our community and then out
6 of these buildings.

7 Do the procedures and management
8 practices, the conditions for adding and removing
9 people to the lease become cumbersome and
10 confusing for residents and I think for the NYCHA
11 staff. When it comes to permanently or when it
12 comes to adding someone to the lease, residents
13 are not sure if they're to be added permanently or
14 temporarily. The Housing Authority capriciously
15 decides when they want to add someone temporarily
16 or permanently even though some residents are
17 added temporarily without their knowledge.

18 It also takes two to three months
19 to process this information and conduct the
20 standard background check. When this happens a
21 lot of times the paperwork is lost, the residents
22 have to go back to re-inform the Housing
23 Authority, resubmit paperwork. Residents also are
24 told to wait until their annual income affidavit.
25 So residents have all the paperwork there. They

1
2 are ready but they are told to wait until the next
3 time that they're going to submit their income
4 affidavit. And sometimes in that timeframe, they
5 lose their loved one.

6 They're not told. Sometimes people
7 incorrectly add people to the lease via the annual
8 income affidavit and are not informed that that's
9 the improper way. That needs to change.

10 Residents that are being forced to
11 downsize, like mostly that's elderly, they are
12 told that they can't add anyone to the lease. And
13 then in that process someone passes away and the
14 people that they were trying to add to the lease
15 can't be added to the lease. And then there's
16 issues with paying rent that people had talked
17 about too where if you are trying to seek rental
18 assistance, that becomes challenged because the
19 residents names are now on the lease, and I'm
20 closing.

21 The grievance procedure, we need to
22 check that out. The Housing Authority's three
23 steps they talked about it. A lot of the times
24 residents are not told about the grievance
25 procedure. The managers, they are not--when they

1
2 do--when they are notified by our office about the
3 grievance procedure, the management does not
4 provide them that interview at the management
5 level. It gets expedited at the Borough
6 management level.

7 Right now Santos who did not lose--
8 waiting for the meeting with the Borough
9 management received a 10-day notice to vacate,
10 prematurely, by Virgilio Cruz. Virgilio Cruz is
11 the one, the gentleman that works for the New York
12 City Housing Authority. I'm not sure if he's here
13 today. I was hoping he was here because this
14 gentleman constantly tries to breach the grievance
15 procedure for residents. He expedites it.

16 I'm always having to double check
17 and watchdog over him and he really takes away
18 residents' due process when they are trying to
19 fight for their housing. And then I don't want to
20 repeat all of the other recommendations that
21 everyone else has. And I have specific stories
22 with residents.

23 One of the residents that was
24 supposed to come, she couldn't come today because
25 they, you know, it's Monday, everybody calls out,

1 she was the only one in the office. And this
2 resident, the Housing Authority, she's in Supreme
3 Court right now. They're trying to kick her out.
4 She applied for housing in 2003 and they're going
5 to put this 5-year ban on her.
6

7 We asked the Housing Authority if
8 they would do that, the judge, and they said yes.
9 That this applies to her, to this resident. Once,
10 if she loses, she will be banned for five years.
11 Her credit was ruined in this whole process. The
12 Housing Authority told, you know, misreported her
13 not paying her rent on time. She has proof of
14 paying her rent on time. So her credit is ruined
15 and she can't even find more housing. They
16 committed fraud on her application. They changed
17 her application. There's a whole bunch of things
18 that are happening. So. Please.

19 CHAIRPERSON MENDEZ: Thank you.

20 Next.

21 MR. JOSEPH GARBER: Good afternoon
22 Chair Mendez, Council, Policy Analyst,
23 representatives of City Hall, members of the
24 public. My name is Joseph Garber. I'm a longtime
25 resident and resident leader of public housing.

1
2 At the outset let me say my
3 testimony today will be under the guidelines of
4 Gitlo, Skank [phonetic], Butler and Yates, and
5 also Mayor's Executive Order 16 of '79. I expect
6 no retaliation, especially since on February 11th,
7 DGM Finkelman, one of the previous testifiers for
8 NYCHA made threatening or very insulting remarks
9 to me on the telephone while I still have.

10 Okay. Now. When I came in there
11 was a discussion about the applications manual and
12 the management manual. Please be advised that
13 Director Anne Marie Flatly, Director of Research
14 and Management Analysis of NYCHA on the 11th Floor,
15 telephone number 306-8202 will make available for
16 any resident who wants to see those manuals the
17 SPGMs, etcetera, etcetera, which I prepare for the
18 annual PREN [phonetic] hearings.

19 The issue of remaining family
20 member is interwoven with overcrowded apartments
21 and the underutilized apartments but also dead
22 people paying rent, which we have to deal with.
23 Okay. There are dead people paying rent. Okay.
24 And I'll say in my three developments, it's quite
25 prevalent.

On May 27th, at Independence Towers, Ms. Finkelman, in front of the Chairman, told the residents that if you know of an under occupied apartment, go nicely and ask the resident to move down. That is a disgrace and it will cause friction. So I have to surface this.

Okay let me cover two scenarios that are personal. My aunt, Ida Kline passed away on 2/5/95. She lived at 190 Marcy Avenue, Apartment 7-B in Jonathan Wiggins Plaza. She left no resident of record. And I was bringing the key down to the management, at that time, Mr. Scott Krikober [phonetic], when a Mr. Weinberger, a Hassidic Jew who resides at 190 Marcy Avenue on the 3rd floor came up and told me that he's taking over the apartment and changed the lock.

Mr. Scott Krikober the manager did not know what to do and Mr. Weinberger produced a full signature that my aunt signed saying that Mr. Weinberger is part of the family. It's false. No relation whatsoever. NYCHA played games with this. I was scheduled to come to testify and I was notified by the attorney of record from NYCHA they don't need my testimony. This has gone on

1
2 and gone on. And they finagled these illegal
3 people to live.

4 If you look at the interview
5 record, get the interview record of Ida Kline who
6 passed away on February 2nd, '95, lived in Jonathan
7 Wiggins Plaza, you'll see that her name was still
8 on five or six years later until they finagled.
9 And whenever I look at the mail box at 190 Marcy
10 Avenue I don't see any name. Okay.

11 The second case, I'd like to
12 surface, this is my own case, which occurred five
13 years after my father died. For the record, I,
14 Joseph Garber, moved in with my parents, Rubin and
15 Leah Garber, in blessed memory, in 1957 in the
16 Frederick Douglass Houses at 875 Amsterdam Avenue,
17 Apartment 3-D. My mother passed away in 1962.

18 My father and I remained at
19 Douglass Houses until 1976 when in September of
20 1976 my father and I were transferred to
21 Independence Towers due to the radical and anti-
22 Semitic animus that we were subject to, okay, by
23 other residents and feral youth. Okay. Now I
24 heard something as far as arrests. I arrested or
25 made a complaint against Mr. Andrew Gross the

former racist president of Taylor White Houses and Ms. Finkelman did not want to proceed with calling him down for a hearing but yet when he made a complaint against me I went down. Okay.

So my father and I moved into Independence Towers, now Taylor White Consolidated at 121 Wilson Street, Apartment 4-E. I became involved in the Independence Towers Tenants Association in 1983 and served as second vice president, first vice president and president from 1983 to--

CHAIRPERSON MENDEZ: (Interposing)
Hold it. Hold it.

MR. GARBER: --oh yeah.

CHAIRPERSON MENDEZ: hold it. Hold it.

MR. GARBER: Yeah.

CHAIRPERSON MENDEZ: Okay. You're going too fast.

MR. GARBER: Okay but I want--

CHAIRPERSON MENDEZ: (Interposing)
I'm going to stop you right now.

MR. GARBER: Okay.

CHAIRPERSON MENDEZ: And I'm going

to go back and ask you some questions and if you want to read it slowly so we can understand--

MR. GARBER: (Interposing) Okay.

CHAIRPERSON MENDEZ: --what you're reading--

MR. GARBER: (Interposing) Okay. I'm going fast because I'm trying to save time. Okay.

CHAIRPERSON MENDEZ: Okay. All right.

MR. GARBER: No problem Madam Chair. No problem. Thank you.

CHAIRPERSON MENDEZ: So let's go on to Ms. Pinella--

MR. GARBER: (Interposing) Okay.

MS. CARMEN PINELLA: My name is Carmen Pinella. I live in Jacob Reese Houses, 806 East 6th Street. And my case is different because my name is on the lease. My mother left me the apartment 'cause she moved away. And I wrote family grievance letters and at first they said I wasn't... I wasn't able to have the apartment because of criminal background which I never received anything stating I had a criminal

background.

And also I did another family grievance and they said that I couldn't, 'cause I didn't have no source of income. I went to apply for public assistance and I'm working on it to pay the backed up rent. And they already removed my sister and my nephew, the only person they haven't removed is my mom so I can be head of household. But my name is on the lease. And that's it.

CHAIRPERSON MENDEZ: All right. So Ms. Pinella, so you were on the lease when your mother was alive. Right?

MS. PINELLA: My mom is alive.

CHAIRPERSON MENDEZ: Your mom is alive. She's moving away.

MS. PINELLA: She moved away already.

CHAIRPERSON MENDEZ: She moved away. So when she--

MS. PINELLA: (Interposing) Since December.

CHAIRPERSON MENDEZ: Okay. I'm sorry. So, I'm sorry, and I've heard this story before, I'm just getting a little tired, so I

1
2 apologize. So your mother moved and before she
3 moved you were already on the lease and you went
4 to leave it in your name--

5 MS. PINELLA: (Interposing) Yes,
6 I've been--yes.

7 CHAIRPERSON MENDEZ: So then she
8 moved and then you got your first rejection saying
9 there was--you weren't eligible because of a
10 criminal background matter.

11 MS. PINELLA: Yes.

12 CHAIRPERSON MENDEZ: And did they
13 explain to you or put in writing what that
14 criminal background matter was? You don't need to
15 tell me the details if they did, just tell me if
16 they gave you that in writing--

17 MS. PINELLA: (Interposing) No they
18 didn't.

19 CHAIRPERSON MENDEZ: They never
20 did.

21 MS. PINELLA: Yeah.

22 CHAIRPERSON MENDEZ: Can I ask you;
23 to your knowledge is there any criminal issue that
24 they may be referring to that you know of?

25 MS. PINELLA: No. It's--that was--

1

2

CHAIRPERSON MENDEZ: (Interposing)

3

Were you out protesting with me one day and

4

blocked pedestrian traffic that you know of?

5

MS. PINELLA: [Laughing] No.

6

CHAIRPERSON MENDEZ: Oh okay, yeah.

7

Okay. So all right. So then you appealed that--

8

MS. PINELLA: (Interposing) Yes.

9

CHAIRPERSON MENDEZ: --because

10

there was no instance of any criminal matter.

11

MS. PINELLA: Um-hum.

12

CHAIRPERSON MENDEZ: And then what

13

happened?

14

MS. PINELLA: Then I did another

15

family grievance and they told me that I had no

16

source of income so I wasn't eligible.

17

CHAIRPERSON MENDEZ: Okay. And so

18

that is where the status is now.

19

MS. PINELLA: Yes.

20

CHAIRPERSON MENDEZ: Okay. And

21

you're applying for public assistance.

22

MS. PINELLA: Yeah I already

23

applied.

24

CHAIRPERSON MENDEZ: And what is

25

public assistance telling you?

MS. PINELLA: Well basically I have to be head of household--

CHAIRPERSON MENDEZ: (Interposing)
Um-hum.

MS. PINELLA: --to pay the rent but being that I have--

CHAIRPERSON MENDEZ: (Interposing)
All right this is what Council Member Brewer was talking about before and this is a problem I've dealt with in other cases. It's called the chicken and the egg. Which one comes first?

HRA refuses to give you money to pay any arrears unless you have a lease and NYCHA refuses to give you a lease unless you pay the arrears. So it is a big problem citywide and it's to me kind of ridiculous that we can't get the City agencies to work together and that we need to take it to this level to get them to intercede.

So we'll follow up with you. Thank you for being here. Thank you for your testimony.

Ms. Burris, you mentioned this Virgilio Cruz?

MS. BURRIS: Virgilio Cruz, yes.

CHAIRPERSON MENDEZ: How do you

1

2 spell his name?

3

4

5

MS. BURRIS: Everybody's seen the letter. Well who's got the letter from him - - letter.

6

[Off mic]

7

8

9

CHAIRPERSON MENDEZ: Can you... can you put it in the microphone so I can hear you, it can be captured--

10

11

MS. BURRIS: (Interposing) Virgilio Cruz.

12

CHAIRPERSON MENDEZ: Spell it.

13

MS. BURRIS: Virgilio.

14

15

CHAIRPERSON MENDEZ: Virgilio. Can someone spell it for me?

16

MS. BURRIS: V-I-R.

17

CHAIRPERSON MENDEZ: V-I-R.

18

MS. BURRIS: G-I.

19

CHAIRPERSON MENDEZ: G-I.

20

MS. BURRIS: L-I-O.

21

CHAIRPERSON MENDEZ: L-I-O.

22

MS. BURRIS: Cruz.

23

24

CHAIRPERSON MENDEZ: Cruz. And this person is what at the Housing Authority?

25

MS. BURRIS: He's, what is he, he's

1
2 a Borough manager. He does, he's an
3 administrator. He, all of the evictions, all of
4 them are processed through him.

5 CHAIRPERSON MENDEZ: So he's the
6 Borough manager from Manhattan.

7 MS. BURRIS: From Manhattan. He's
8 well known--

9 CHAIRPERSON MENDEZ: (Interposing)
10 So all of the developments in Manhattan has to
11 come to this person.

12 MS. BURRIS: Yes.

13 CHAIRPERSON MENDEZ: And so this
14 person is expediting and giving 10-day and 30-day
15 notices before you go through the administrative
16 process, is that what I understand?

17 MS. BURRIS: Yes. Mr. Rivera
18 currently was waiting for a response from the
19 Borough management which we have proof of. All of
20 the correspondences that we had at every level
21 with management and he was sent a 10-day notice to
22 vacate. I called the management office; they said
23 they were all in a meeting. And they couldn't
24 follow up with us. But these are the things that
25 go on with residents.

CHAIRPERSON MENDEZ: Where is the NYCHA person? No, the NYCHA, whoever's working for NYCHA who is supposed to be here listening to testimony.

[Off mic]

CHAIRPERSON MENDEZ: When did they leave?

[Off mic]

CHAIRPERSON MENDEZ: When I went to take a bathroom break?

[Off mic]

CHAIRPERSON MENDEZ: Oh so no one has been here for the public testimony.

MS. PINELLA: No, they all left.

[Off mic]

CHAIRPERSON MENDEZ: Okay no. Someone, Andres was here until when?

MALE VOICE 1: I don't know. I don't know anything about it.

CHAIRPERSON MENDEZ: Okay I'll find out when they left because usually someone stays here until the very end of the testimony. No, my staff is telling me that they were here for a little while. So okay. But they're not here now.

1
2 And I don't know how long they haven't been here
3 so that's very disturbing to me.

4 MS. BURRIS: I even have my very
5 own Carmen Pobone [phonetic] who her daughter
6 tried to get added to the lease, she was granted
7 permission in 2003 and then they denied her again
8 in 2008--

9 CHAIRPERSON MENDEZ: (Interposing)
10 That was a permanent request or temporary--

11 MS. BURRIS: (Interposing) Yes.

12 CHAIRPERSON MENDEZ: --request?
13 Was it a permanent request and she was denied in
14 2008--

15 MS. BURRIS: (Interposing)
16 Permanent permission for your daughter has been
17 approved. And now they wouldn't even approve her
18 temporarily and they said it was because she
19 submitted paperwork about her physical condition
20 and they said she was incapable to assist the head
21 of household and that's why she couldn't be added
22 to the lease. I have the--this is it, right here.

23 CHAIRPERSON MENDEZ: Okay. All
24 right. Now. Mr. Garber. Ida Kline.

25 MR. GARBER: Yeah.

CHAIRPERSON MENDEZ: That's your
aunt.

MR. GARBER: Aunt, correct.

CHAIRPERSON MENDEZ: And she passed
away February 2nd?

MR. GARBER: 1995.

CHAIRPERSON MENDEZ: 1995. And she
resided at 190 Marcy Avenue, Apartment number?

MR. GARBER: 7 Boy.

CHAIRPERSON MENDEZ: 7 Boy.

MR. GARBER: In Jonathan Williams
Plaza.

CHAIRPERSON MENDEZ: Jonathan...

MR. GARBER: Williams Plaza. EDP
443.

CHAIRPERSON MENDEZ: What was that?

MR. GARBER: EDP, that's the
electronic data processing number.

CHAIRPERSON MENDEZ: EDP?

MR. GARBER: 443.

CHAIRPERSON MENDEZ: 443. And it's
the what?

MR. GARBER: It's called--each
development has an EDP number--

CHAIRPERSON MENDEZ: (Interposing)

Um-hum.

MR. GARBER: --okay? They're also
like a TDS--

CHAIRPERSON MENDEZ: (Interposing)

Now who's showing off, first it was Council Member
Halloran, now it's...

MR. GARBER: Okay. All right.

CHAIRPERSON MENDEZ: Okay. So she
passed away and the gentleman--

MR. GARBER: (Interposing) Mr.
Weinberger comes up--

CHAIRPERSON MENDEZ: (Interposing)
What is his first name?

MR. GARBER: I think it's David.
It's been so long. He lives in Apartment on the
3rd floor; it's the far right apartment when you
get out of the elevator. He comes up and he says
I'm taking over the apartment. I'm changing the
lock. I says you can't do this. He says but your
aunt, and he shows a fraudulent, that she signed
her name, saying that Mr. Weinberger is related.
But we're not related in any way, shape or form.
So I went down to the manager, Scott Krikober--

CHAIRPERSON MENDEZ: (Interposing)

And, just--

MR. GARBER: --yeah, sure, sure,
let me stop. Okay.

CHAIRPERSON MENDEZ: Okay. They
were saying they were related how?

MR. GARBER: I don't recall--

CHAIRPERSON MENDEZ: (Interposing)
Okay.

MR. GARBER: --a distance nephew or
something like that.

CHAIRPERSON MENDEZ: Oh.

MR. GARBER: No way, shape or form.

CHAIRPERSON MENDEZ: Back in 1995.

MR. GARBER: Okay, no way, shape or
form.

CHAIRPERSON MENDEZ: Distant
nephew.

MR. GARBER: No way, shape or form.
And I went down to the manager and I said look I'm
handing in the keys. I went, you know, I'm doing
my part. The apartment is empty, okay. And I
went to the IG and there was a case scheduled.
NYCHA was counting on a summary judgment for

1
2 eviction and all of a sudden I'm told I don't have
3 to testify at the hearing.

4 Why should I not testify at a NYCHA
5 hearing to prove their case? Okay? And I know
6 this was part of a sweetheart deal that UJO,
7 United Jewish Organization of Williamsburg,
8 together probably with Mr. Babbad [phonetic], the
9 President of the Tenants Association, tried to get
10 Mr. Krikober to cooperate. And if you get,
11 subpoena my aunt's folder, and look at the
12 interview record, you'll see that for years and
13 years and years my aunt was still getting a rent
14 notice because her next door neighbor found once
15 the rent notice on the floor and it said three
16 years after my aunt died they were still sending
17 it to my aunt's name or occupant, my aunt's rent
18 notice. And it was open fraud. I went to the IG
19 and I do not know what happened with this case.

20 CHAIRPERSON MENDEZ: When did you
21 go to the IG?

22 MR. GARBER: I went to the IG right
23 away. I've gone to them recently, the last two
24 years.

25 CHAIRPERSON MENDEZ: Okay.

MR. GARBER: Let's investigate this because this makes me feel very bad that my aunt's apartment is being tenanted by a resident who has no right or reason legally to be in that apartment.

CHAIRPERSON MENDEZ: Your aunt's apartment is how many bedrooms?

MR. GARBER: It's a 1-bedroom apartment.

CHAIRPERSON MENDEZ: Okay.

MR. GARBER: Okay?

CHAIRPERSON MENDEZ: And to your knowledge Mr. Weinberger, when he resided in the 3rd floor, to the far right, if you can get me the apartment number--

MR. GARBER: (Interposing) Yes I will.

CHAIRPERSON MENDEZ: --that would be helpful. He resided in a 1-bedroom or a studio--

MR. GARBER: (Interposing) No Mr. Weinberger has a large apartment. I think from the intelligence I heard he put one of his children in there. And they changed hands as

1

2 those of you know the Book of Genesis when--

3 CHAIRPERSON MENDEZ: (Interposing)

4 Okay.

5 MR. GARBER: --when Abraham bought
6 the pay off for the burial for their fathers and
7 mothers it said it went \$400 cash of eivla shaka
8 [phonetic]. It went back and forth--

9 CHAIRPERSON MENDEZ: (Interposing)

10 Okay.

11 MR. GARBER: --that's what happened
12 here--

13 CHAIRPERSON MENDEZ: (Interposing)

14 All right.

15 MR. GARBER: --there must have been
16 two or three people that resided there--

17 CHAIRPERSON MENDEZ: (Interposing)

18 Okay now tell me--

19 MR. GARBER: --and if you look, if
20 you go to the mailbox they don't have the name of
21 the resident. It's a real cover-up--

22 CHAIRPERSON MENDEZ: (Interposing)

23 Every other resident's name is on there.

24 MR. GARBER: Yeah. Okay? Yeah,
25 sure--

1

2

CHAIRPERSON MENDEZ: (Interposing)

3

Okay so now tell me about your father.

4

MR. GARBER: So may I finish

5

reading, it will be very quickly. That explains

6

the whole thing--

7

CHAIRPERSON MENDEZ: (Interposing)

8

Okay can you backtrack a little bit--

9

MR. GARBER: (Interposing) Yes

10

sure, I'll back up.

11

CHAIRPERSON MENDEZ: --because you

12

were reading so fast--

13

MR. GARBER: Okay sure. I did--

14

okay--thank you--

15

CHAIRPERSON MENDEZ: --because I've

16

got no idea what you were talking about.

17

MR. GARBER: For the record let me

18

state the whole reason I'm reading fast is I

19

wanted to try to save time. So I indicated that

20

my father and I moved in, in Independence Towers

21

in 1976 because we were being persecuted by feral

22

youth. We were called anti-Semitic and racial

23

names. So we moved in, in a 1-bedroom apartment.

24

When we lived in Douglass Houses we had 2 bedrooms

25

because of course my mother and father had a

1
2 bedroom and I had a bedroom.

3 Even though I could have demanded
4 another bedroom but because we had to get out of
5 there I said we'll sacrifice this. And I became,
6 from 1983 to 1994 I was on the board of the
7 Tenants Association. I simultaneously served on
8 the Tenants Advisory Council, Project Rep,
9 District Delegate and Brooklyn West Chair of the
10 TAC and well as Chair of Training and Education
11 Committee.

12 Okay I never moved out of NYCHA.
13 I've always been on the income review and my rent
14 would go up due to my City salary. On January 4th,
15 1992 my father passed away at the age of 94. The
16 manager at that time was Sharon Galloway who
17 continued to let, who gave me a lease and
18 continued that I'm the official resident of record
19 in the apartment.

20 Several years later a new manager
21 who was grossly incompetent came onboard. Okay.
22 She was, her name was Andrea Kohn. She had
23 Roosevelt Houses, Red Hook, and she came to
24 Independence Towers even though at that time I was
25 no longer on the executive board but I exercised

1
2 my First Amendment rights to complain about
3 grounds, janitorial conditions, and MALF
4 [phonetic], maintenance issues as I do now at
5 Independence Towers.

6 She commenced a remaining family
7 grievance hearing for me. This is more than four
8 years later. When I had to review the records
9 subsequently I found the administrator at that
10 time. Sandra Roberson, who just retired,
11 questioned why would you challenge this man's
12 right for residency four years later? The
13 previous manager saw no problem. I was always on
14 the list. And this went on, and this went on.
15 She made false accusations about me, etcetera.

16 So this is ridiculous that it could
17 happen to me under a false pretense. Now I have
18 to say this again that Ms. Finkelman is know to
19 not tell the truth, okay. She, here she told me,
20 and I'm going to play, going to bring you the tape
21 so you can listen for yourself what she said to
22 me, and now with the new Chairman she has to play
23 the ball because he picked a fellow by the name of
24 Mr. Cavanaugh to start focus groups.

25 And I hate to see what those focus

1 groups--so she said we need everybody to tell us
2 ideas. Yet she singles me out and I'll say this,
3 hopefully, on here, because I'm a male, white and
4 Jewish. She doesn't talk when Barbara Barber or
5 Mr. Crawford or other people call the shots
6 against NYCHA, she doesn't say a word.

7
8 In Staten Island town hall meeting,
9 at the Queens town hall meeting and the Bronx town
10 hall meeting, people are criticizing NYCHA left
11 and right and she didn't say a word. That's
12 basically it. Okay. So in my development there
13 are Hassidic Jews that show up every day. New
14 faces, I don't know who they are. They play games
15 with them. Why don't you look, when Mr.
16 Greenstein was here, how man remaining family, I
17 know an uncle, a nephew took over an uncle's
18 apartment at 99 Wilson Street and the nephew never
19 lived there. I mean there are all kinds of games.

20 You know everybody has the law on
21 the same venue or nobody. But the Jewish
22 community in Taylor White, Williams Plaza, and
23 Independence Towers are getting preferential
24 treatment. Okay. I have to say this openly. I
25 don't care if you find me dead; you'll know who

1
2 did it. Okay. Okay.

3 But I can't tolerate this. I
4 cannot tolerate this abuse. Okay? I'll be honest
5 I have to tell the truth, okay? All right. I
6 grew up on the East Side. I know your
7 developments. I have friends. No I didn't grow
8 up on the East Side, I have friends that live in
9 Reese Ward Baruch, I used to go to their houses.
10 And I know those areas very well. In fact I used
11 to hang out at the Housing Police Training Center.
12 Okay at Water Street and Flat--

13 CHAIRPERSON MENDEZ: (Interposing)
14 Elias, Elias.

15 MR. GARBER: --as a teenager.
16 Okay. All right. Thank you.

17 CHAIRPERSON MENDEZ: All right. I
18 want to thank this panel for their testimony. And
19 I want to thank everyone for showing up today and
20 giving their testimony--

21 MR. GARBER: (Interposing) I'll
22 testify, no problem. I'll get you Mr.
23 Weinberger's apartment, no problem. I'll get Mr.
24 Weinberger's apartment, no problem.

25 CHAIRPERSON MENDEZ: And just one

1

2 quick question Mr. Garber.

3 MR. GARBER: Yeah, sure.

4 CHAIRPERSON MENDEZ: If you should
5 turn up dead is there one particular person at
6 NYCHA or could it be anybody--

7 MR. GARBER: (Interposing) Well it
8 could an employee, it could be employees also--

9 CHAIRPERSON MENDEZ: (Interposing)
10 Okay.

11 MR. GARBER: --because I don't play
12 games with them.

13 CHAIRPERSON MENDEZ: All right.

14 MR. GARBER: I--and I believe in
15 strict, I'm a liberal as far as the First
16 Amendment but I'm extremely conservative as far as
17 management doing your job--

18 CHAIRPERSON MENDEZ: (Interposing)
19 Okay.

20 MR. GARBER: --I've caught
21 caretakers drinking on duty. I've caught them
22 running off. I've done--

23 CHAIRPERSON MENDEZ: (Interposing)
24 Okay.

25 MR. GARBER: --a lot of nasty work-

1

2

-

3

CHAIRPERSON MENDEZ: (Interposing)

4

All right now I--

5

MR. GARBER: --I've improved NYCHA.

6

CHAIRPERSON MENDEZ: Thank you. I

7

need--

8

MR. GARBER: (Interposing) Thank

9

you.

10

CHAIRPERSON MENDEZ: --run across

11

the street. I just want to thank Mr. Garber and

12

Ms. Burris who have not been to a hearing of mine

13

in a while--

14

MR. GARBER: (Interposing) Well I--

15

CHAIRPERSON MENDEZ: --welcome you

16

guys back. We'll work through what the issues

17

were with that--

18

MR. GARBER: (Interposing) No I--

19

CHAIRPERSON MENDEZ: --separately.

20

MR. GARBER: (Interposing) Yeah,

21

yeah.

22

CHAIRPERSON MENDEZ: --and for

23

those who are here and I didn't introduce at the

24

beginning of the hearing, Laura Rogers is the new

25

attorney for this Committee, and she soloed this

hearing which was not an easy one so welcome,
baptism by fire is how we do it here in the City
Council.

[Laughter]

CHAIRPERSON MENDEZ: And Ben
Goodman who's been with me for since I started in
the City Council. So thank you both for helping
me and guiding me through this hearing. And I
look forward to seeing everyone again. And
hopefully having some resolution to your cases and
better resolutions and favorable resolutions that
you look for--

MR. GARBER: (Interposing) The next
board meeting is July 7th, there's not going to be
a board meeting for some strange reason until July
7th--

CHAIRPERSON MENDEZ: (Interposing)
I--

MR. GARBER: --and don't forget
Wednesday--

CHAIRPERSON MENDEZ: (Interposing)
Okay, okay.

MR. GARBER: --the public hearing.
Yeah.

2 CHAIRPERSON MENDEZ: Okay everybody-
3 -

4 MS. BURRIS: (Interposing)
5 Wednesday, everybody--

6 CHAIRPERSON MENDEZ: --thank you.
7 Just an announcement, public hearing for the
8 Housing Authority is Wednesday. And this hearing
9 has come to an end.

10 [Gavel banging]

11 CHAIRPERSON MENDEZ: Thank you very
12 much.

13 SEVERAL VOICES: Thank you.

14 [Applause]

15 [END Public_Housing_6-28-
16 10_part_2.mp3]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in dark ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____July 8, 2010_____