

**Testimony of
Victor Bach, Senior Housing Policy Analyst, Community Service Society
Judith Goldiner, Supervising Attorney, Legal Aid Society
at
Oversight Hearings,
Appointment of a Tenant Representative to the NYCHA Board
New York City Council Committee on Public Housing
May 20th, 2011**

In recent months there has been a groundswell of concern among NYCHA resident leaders we work with, about the pending appointment of a public housing resident to membership on the NYCHA Board. Concerns centered on the process for selecting that individual, largely whether it should be done by election; on the criteria to be considered in nominating or selecting the person; and on the duties and responsibilities of the resident commissioner once selected.

In response, a letter to the Mayor, copy to the NYCHA Chair John Rhea, was prepared as a consensus position on the part of a still-growing number of residents, advocates and organizers, as well as concerned elected officials. We attach a copy of the letter, which was sent to the Mayor's Office a week ago.

The main points: It recommends that the selection be based on an election process among NYCHA residents to be designed by resident representatives in collaboration with NYCHA and the Mayor's Office. Nominees should have demonstrated leadership experience among public housing residents. It specifies some of the key charges the resident commissioner must carry out. And, since under the law an appointment must be made by July, not enough time for an election, it proposes that any appointment to the NYCHA Board be considered an "interim" appointment until an election process is designed and conducted. To date the letter is endorsed and signed by 15 resident leaders, 6 organizations that regularly work with NYCHA residents (including ours), and 12 elected officials. We are hoping for a prompt response and a requested meeting with the Mayor's Office.

This is a matter of having an effective resident voice on the NYCHA Board. Our position is contained in the letter. But it is clearly an issue on which public housing residents, rather than their advocates and elected officials, must take the lead. We hope this hearing is a step forward in resolving the concerns we have heard from NYCHA resident leaders across the city.

Testimony by Ann Valdez
May 20th. 2011
City Council Hearing on selecting NYCHA Resident Commissioner

Good Morning. My name is Ann Valdez and I am a third generation resident of Gravesend Houses and am a leader at Community Voices Heard. I am here to tell the city council some recommendations of how the NYCHA Resident Commissioner should be selected.

For beginners, the NYCHA Resident Commissioner should be selected by an election process of all public housing residents that wish to participate and not appointed by the mayor. In all major cities in the United States of America the Resident Commissioner is elected by public housing residents. Public housing residents have the best perspective on all public housing issues because they live there day to day and sometimes work there as well. The mayor does not live or work in public housing so he should not be the one choosing the NYCHA Resident Commissioner. For him it is simply a decision, for us it is a life changing experience to have a resident commissioner that can truly represent our voice.

Other Criteria for the selection of Resident Commissioner are:

- **Minimum 5 year residency in a Public Housing development**
- **The Position should be full time and receive full pay and have full powers of decision making.**
- **The election process should be held every three years.**
- **Until such time as an election can be promptly held, any Mayoral appointment of a resident commissioner (required by July, 2011) should be designated 'an interim appointment' that terminates once a resident commissioner is elected.**
- **In the future consideration should be given in the future to naming two resident commissioners to the NYCHA board, in order to give residents greater leverage in the board's deliberations.**

Testimony Re: Choice of Resident Commissioner

We, the United Coalition to Save Public Housing demand that an Intro be presented by this body, the City Council. The Council under their Charter obligation to represent the people of the City of New York including the 600,000+ public housing residents equivalent to the whole population of the District of Columbia has the power and jurisdiction to pass such legislation overriding the mayor's veto and establish a law granting public housing residents the democratic right to vote for the public housing resident to sit on the NYCHA board as commissioner. The draft of such an Intro was presented two Fridays ago to the Hon. Melissa Mark-Viverito and states as follows:

Be it so enacted that all residents of public housing consisting of the five boroughs which comprise the entire municipality of the City of New York will have the democratic right to directly elect through public ballot the resident commissioner and all other added resident commissioners in future, to the New York City Public Housing Authority Executive Board.

The democratic process of enfranchisement concerning public housing inhabitants as stated above, in this regard, shall take effect immediately upon passage of this legislation into city law; neither shall the mayor nor any appointed agent in New York be empowered to select any interim resident commissioner until this legislation becomes statute for the entire municipality that is the City of New York.

The resident commissioner so elected will have equal standing with all other appointed commissioners to the New York City Housing Authority ("NYCHA") Board.

There are reasons both state wide and national, as well as legal, in addition to American democratic values for supporting this Intro. Other cities in the State of New York have elected resident commissioners such as Buffalo. The former Buffalo Resident Commissioner has sent e-mails stating that Buffalo public housing residents are up in arms that their rights to vote might be eroded. They fear that city council members might take their voting rights away from them and negatively politicize the process. I will send you the e-mails. These fears were not entertained until Mayor's Bloomberg's insistence on choosing the NYCHA resident commissioner downstate.

Bloomberg and Rhea knows that Pres. Obama intends on selecting certain cities nationally to demonstrate a project based upon the supposed voluntary conversion of all HUD funding streams into one, for all HUD subsidized housing. The template for this demonstration is Rep. Ellison's H.R. 6468. The President wants to implement this Rental

Assistance Demonstration by the latter half of this year, 2011. What is required is that all participating cities must have a resident commissioner, hence Bloomberg's rush to choose a resident commissioner by July 1, 2011. You may contact Linda Couch of the National Low Income Coalition ("NLIHC") for verification of the Obama Demonstration. The plan was revealed to us in Washington D.C. this March at the NLIHC conference in speeches delivered by both HUD Secretary Shaun Donovan and Rep. Keith Ellison. What is troubling is page 15-16 of H.R. 6468 concerning the transfer or sale of any defaulted HUD assisted property. The HUD Secretary will not oppose the sale or transfer of said property to any for-profit entity who enjoys the use of tax credits under the Internal Revenue code of 1986, Section 42. We learned at two workshops given at the March conference about the implications of H.R. 6468. Elected resident Commissioner Joy Johnson of Charlottesville, Virginia presented a workshop warning us about the danger of not demanding financial disclosure of PHA's which is the right of all residents under the 964 Federal HUD Regulations. I brought up the fact that NYCHA refuses to disclose this information in hard copy form to the City Hall Library claiming "mayoral privilege." Ms. Johnson accompanied by her mayor was amazed. In short we New Yorkers do not know what private entities enjoy limited ownership of what public housing developments in NYC and what the terms are. At another workshop regarding Tax Credits and PHA's that was held for my educational benefit by former resident commissioner Leonard Williams of Buffalo, the heavily attended crowd was amazed not only by the intricacies and risks of mixed financing of PHA's, but learned that it was the resident commissioner who could stand in the way of the sale of a PHA development to a for-profit owner and hence halt the total privatization of a public housing development. You may contact Mr. Matt Schwartz of the California Housing Partnership Corporation of San Francisco, one of the presenters, who informed us of the resident commissioner's role in this matter.

Such a responsibility is a most serious one. The resident commissioner is not an empty suit or a ceremonial position. Chairman Rhea's April letter to NYCHA residents stating that the resident commissioner will serve at the "mayor's pleasure" is just as dangerous as it is insulting. Although this is a quote from NYS bill S8350 taken out of context, the spirit of the state legislation is to "increase the participation of public housing tenants in the decision making process." We have e-mails from resident leaders and resident commissioners all over the nation from Montana to Washington D.C. imploring us to stop Bloomberg's action as it will prove detrimental to subsidized housing nationwide. Aquarius Vann, resident commissioner of Washington D.C. sent an e-mail detailing the duties and requirements of her position in the District of Columbia. The requirements are quite extensive. I have around fifty e-mails including NYC residents who feel that Bloomberg's action in this regard is ominous. We can forward e-mails to you especially those of resident commissioners in other areas of the nation.

Finally, we feel that the state legislation from the Vito Lopez sponsored A04687 (labored on for years and proposing multiple resident commissioners) through the revised A11557 (proposed by Mayor Bloomberg's urging reducing the commissioner to one) which became S8350 (mentioned above) and signed by former Governor Patterson reveals that the commissioner choice is not an imperative decree or fiat by the mayor. The language is

flexible and states that the mayor may appoint the tenant representative. The language does not say must nor will. The implication of this legal wording has started to attract barristers and legislators alike. We have consulted lawyers including Norman Siegel who supports the idea of a democratically elected commissioner and Assemblyman Keith Wright who sponsored the assembly version of the legislation who feels that the idea of mayoral selection is in the light of reasons enumerated above, disastrous. Assemblyman Wright added last Friday in our meeting with him that the State bill can be amended in reconciliation with a City bill. He stated that his job is to legislate. He feels that there must be more hearings and a study as to how the commissioner should be chosen. A preliminary Intro should be presented restraining the mayor from making any choice until these hearings and studies are complete. We strongly urge our direct election Intro presented above and have ideas about how that election could be conducted according to the concepts of Lani Guiner in her book, *The Miner's Canary*.

In closing let NYC be progressive and take a stand on the right side of American history by choosing democracy in this matter., We ask that the City Council remember the Biblical adage to 'be strong and have exceeding courage.' Do not serve at the mayor's pleasure, but uphold the democratic aspirations of the people of this city who elected you. Pass our election Intro into law.

Dr. John Derek Yared Andemikail Norvell
United Coalition To Save Public Housing
National Resident Engagement Group
National Low Income Housing Coalition
Coalition To Save Harlem
People Power
Resident of Abraham Lincoln Houses, Harlem

United Coalition to Save Public Housing

Coalición Unida Para Salvar la Vivienda Pública

English:

Be it so enacted that all residents of public housing consisting of the five boroughs which comprise the entire municipality of the City of New York will have the democratic right to directly elect through public ballot the resident commissioner and all other added resident commissioners in future, to the New York City Public Housing Authority Executive Board.

The democratic process of enfranchisement concerning public housing inhabitants as stated above, in this regard, shall take effect immediately upon passage of this legislation into city law; neither shall the mayor nor any appointed agent in New York be empowered to select any interim resident commissioner until this legislation becomes statute for the entire municipality that is the City of New York.

The resident commissioner so elected will have equal standing with all other appointed commissioners to the New York City Housing Authority ("NYCHA") Board.

Español:

Que así sea promulgada que todos los residentes de vivienda pública que consiste en los cinco condados que comprenden todo el término municipal de la Ciudad de Nueva York tendrán el derecho democrático a elegir directamente a través de votación pública el comisionado residente y todos los comisionados residentes agregados en el futuro, a la Junta Ejecutiva de la Autoridad de la Vivienda Pública de la Ciudad de Nueva York.

El proceso democrático de derecho al voto sobre los habitantes de vivienda pública como se ha dicho, en este sentido, empezará a regir inmediatamente después de la aprobación de esta legislación en ley de la ciudad, ni el alcalde ni ningún agente autorizado en Nueva York la facultad de seleccionar cualquier comisionado residente provisional hasta que esta legislación se convierte en ley para todo el municipio que es la ciudad de Nueva York.

El comisionado residente, elegido tendrá pie de igualdad con todos los otros comisionados designados para la Junta de del New York City Housing Authority ("NYCHA").

For the Record

Testimony given by Diane Blanford

May 20th, 2011

City Council Resident Commissioner Hearing

Good Morning my name is Diane Blanford, and I am a public housing resident of South Beach Houses and am a leader at Community Voices Heard. I am here to tell the city council that the residents of NYCHA should elect the resident commissioner.

The position should be full time and not part time. There is no way that the resident commissioner is able to cover all of 340 developments and no one person can possibly do that. There are over half million residents living in public housing and it is impossible to truly represent these residents on a part-time basis. This full time should also pay more than \$250. This smells like this position is purposely set up to fail and not to succeed and not to serve public housing residents' interests.

Other Criteria for the selection of Resident Commissioner are:

- **Minimum 5 year residency in a Public Housing development**
- **The Position should be full time and receive full pay and have full powers of decision making.**
- **The election process should be held every three years.**
- **Until such time as an election can be promptly held, any Mayoral appointment of a resident commissioner (required by July, 2011) should be designated 'an interim appointment' that terminates once a resident commissioner is elected.**
- **In the future consideration should be given in the future to naming two resident commissioners to the NYCHA board, in order to give residents greater leverage in the board's deliberations.**

May 13th, 2011

TO: Honorable Michael R. Bloomberg, Mayor, New York City

FROM: Undersigned Organizations and Individuals

RE: Selection of a NYCHA Resident Commissioner

We, the undersigned, are concerned that there has not been adequate discussion on the part of the Office of the Mayor or the New York City Housing Authority (NYCHA) with public housing residents, their leaders, and their advocates, about the process through which a Resident Commissioner should be designated and charged to serve. Ongoing discussion is needed to create a democratic and inclusive selection process and clarify the duties of the Resident Commissioner. While the application process initiated on April 6th is a first step, one that moves in the direction of open opportunity, there has been little discussion with the NYCHA resident constituency concerning:

- 1) alternative methods of selection that should be considered,
- 2) criteria that should guide the process of naming NYCHA's first Resident Commissioner,
- 3) responsibilities and duties that come with the Commissioner role.

The intent of the federal Housing Act of 1998 was to ensure a resident voice on the governing boards of Public Housing Authorities. The 2010 New York State law intended to extend that right to NYCHA public housing residents. We believe it is incumbent on the Mayor and NYCHA to give due consideration, prior to the naming of a Resident Commissioner, to the following principles and recommendations:

Principles and Recommendations:

- 1) The selection of a NYCHA Resident Commissioner should be through an election process among NYCHA public housing residents.
- 2) Nominations should be limited to residents with demonstrated leadership experience among public housing residents.
- 3) The election process should be designed in collaboration with NYCHA resident leadership and conducted as soon as possible.
- 4) The election process should be held every three years.
- 5) Until such time as an election can be promptly held, any Mayoral appointment of a Resident Commissioner (required by July, 2011) should be designated "an interim appointment" that terminates once a Resident Commissioner is elected.

- 6) Key responsibilities and duties of the Resident Commissioner should be clearly delineated. It is assumed the Commissioner will be precluded from serving as an officer on any Resident Council. As a result, it is necessary that the Commissioner sustain appropriate communications with and accountability to the duly-elected Resident Councils. The Commissioner's responsibilities should include monthly meetings with the Citywide Council of Presidents (CCOP), as well as quarterly resident assemblies in each of NYCHA's nine districts.

Additional Concerns

There are additional long-term concerns we wish to register at this time that we believe are critical to the effectiveness of the NYCHA Resident Commissioner.

- 1) The current stipend for the Resident Commissioner allows for only part-time involvement in the deliberations of the NYCHA Board and insufficient presence among the resident constituency, which numbers more than 340 developments and a half-million residents. Part-time is not enough—the Resident Commissioner will have a full-time job and should be compensated at the same rate as other NYCHA Commissioners.
- 2) Consideration should be given in the future to naming two Resident Commissioners to the NYCHA Board, in order to give residents greater leverage in the Board's deliberations.

We, the undersigned, request a prompt meeting with the Mayor's Office to discuss these concerns and the next steps. Thank you, in advance, for your thorough and prompt attention.

c.c. John B. Rhea, Chairman, New York City Housing Authority

(List of Supporters in Formation)

Resident Leaders

Reginald H. Bowman, President, Citywide Council of Presidents (CCOP)
Herma Williams, 1st Vice President, Citywide Council of Presidents (CCOP)
John Johnson, Citywide Council of Presidents (CCOP), District Chair, Bronx South
Ethel Velez, Citywide Council of Presidents (CCOP), District Chair, Manhattan North
Daniel Barber, TA President, Andrew Jackson Houses, Bronx
Maria Forbes, TA President, Clay Avenue Houses, Bronx
Maria Guzman, TA President, Harborview Houses, Manhattan
Grace Hunter, TA President, Webster-Morrisania Houses, Bronx
Princella Jamerson, TA President, Millbrook Houses, Bronx
Patricia LaMonda, President, Bronxchester Houses, Bronx
Nancy Ortiz, TA President, Vladeck Houses, Manhattan
Keith Ramsey, TA President, Eastchester Houses, Bronx

Daphne Roberts, TA President, Melrose Houses, Bronx
Joanne Smitherman, TA President, Highbridge Gardens, Houses, Bronx
Gloria Tull, TA President, Claremont Parkway Houses, Bronx
Sylvia Velazquez, TA President, DeWitt Clinton Houses, Manhattan

Advocates/Organizers

Community Service Society (CSS)
Community Voices Heard (CVH)
Families United for Racial & Economic Equality (FUREE)
Good Old Lower East Side (GOLES)
Legal Aid Society
Tenants and Neighbors

Concerned Electeds

U.S. Representative Jerrold L. Nadler
U.S. Representative Charles B. Rangel
U.S. Representative Nydia M. Velazquez
NYS Senator Thomas K. Duane
NYS Senator Velmanette Montgomery
NYS Senator Daniel Squadron
NYS Assemblymember Brian Kavanagh
NYS Assemblymember Richard N. Gottfried
NYS Assemblymember Linda B. Rosenthal
NYC Councilmember Margaret Chin
NYC Councilmember Melissa Mark-Viverito
Manhattan Borough President Scott M. Stringer

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dr. John D. Norvell

Address: 2175 524 Ave NY NY 10037

I represent: United Coalition To Save Public

Address: Housing

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Reginald A Bowyer

Address: 365 Sackman St

I represent: CCOP NIXCHA

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 5/20/11

(PLEASE PRINT)

Name: VICTOR BACH

Address: _____

I represent: COMMUNITY SERVICE SOCIETY

Address: 105 E 22 St NY NY 10010

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: DIANE BLANFORD

Address: STATEN ISLAND HOUSES

I represent: Community Voices HEARD

Address: _____

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ANN VALDES

Address: CONY ISLAND HOUSES

I represent: Community Voices HEARD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: AGNES MARTINEZ

Address: WAGNER HOUSES

I represent: Community Voices HEARD

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: PEARL BARKLEY

Address: JEFFERSON HOUSE

I represent: JEFFERSON HOUSE

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Agnes Rivers

Address: _____

I represent: C.V.H.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Ann Valdez

Address: 3178 Bayview Avenue

I represent: Community Voices Heard

Address: 115 East 106th St.

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

**THE COUNCIL
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ANNIE MARCELLINE WASHINGTON

Address: 3P

I represent: ~~SEET~~ CVH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Christian Baxter

Address: 21 St. James Pl.

I represent: Alternative Health Initiative

Address: CBhealthny.com

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☒ in opposition

Date: MAY 20 2011

(PLEASE PRINT)

Name: SANDRA THOMAS

Address: 2375 FIRST AVE NY 10035

I represent: UNITED COALITION TO SAVE PUBLIC HOUSING

Address: _____

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