

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC HOUSING  
COMMITTEE ON GENERAL WELFARE

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September 27, 2011

Start: 10:02 am

Recess: 12:50 pm

HELD AT: Committee Room  
250 Broadway, 14th Floor

B E F O R E:

ROSIE MENDEZ  
GALE A. BREWER  
Chairperson

COUNCIL MEMBERS:

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Gale A. Brewer  
Maria del Carmen Arroyo  
Helen D. Foster  
Brad S. Lander  
Stephen T. Levin  
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## A P P E A R A N C E S

Kathleen Brennan  
Staff Attorney  
Brooklyn Office  
Legal Aid Society

Bienvenida Bencosme  
Section 8 Voucher Holder

Raquel Collazo  
Section 8 Voucher Holder

Judith Goldiner  
Attorney in Charge  
Law Reform Unit  
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Mitchell Posilkin  
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Elizabeth Crane  
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Janet Lopez  
Section 8 Voucher Holder

Tamera Cunningham  
Section 8 Voucher Holder

Schere Barclay  
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## A P P E A R A N C E S (CONTINUED)

Brent Meltzer  
Co-Director  
Housing Unit  
South Brooklyn Legal Services

Johanna Ocana  
Paralegal  
New York Legal Assistance Group

Joseph Garber

CHAIRPERSON MENDEZ: Good morning.

My name is Councilwoman. Actually, my name is Rosie Mendez, and I am a councilwoman and I chair the Committee on Public Housing. Today's hearing is a joint hearing with the General Welfare Committee, and will focus on New York City Housing Authority's implementation of the NYCHA Improving Customer Experience, NICE, for its Section 8 rental assistance program.

Today's hearing will give the public, comprised of legal service providers, real estate industry, Section 8 voucher holders and advocates, an opportunity to discuss their experience with NYCHA's Improving Customer Experience, NICE, which isn't so nice.

Anyway, it is with some source of frustration and disappointment that I announce that the Housing Authority will not be here today to give testimony, due to possible pending litigation regarding the Section 8 program and NICE. That being said, well, I'd like to say two things. There has been pending litigation before and the Housing Authority has shown up. Though they spent most of their testimony saying they

1  
2 couldn't answer the question because of pending  
3 litigation, there were questions that they could  
4 answer. So, again, I am very disappointed and a  
5 bit frustrated that they are not here today. We  
6 will just get to the public testimony faster.

7 NICE was launched in 2007 and was  
8 designed to improve agency services for both  
9 Section 8 tenants and property owners, along with  
10 public housing residents. Phase one of NICE  
11 resulted in a changeover from a borough-based  
12 customer service system to a regional-based  
13 customer service system.

14 The second phase of NICE began in  
15 2010, and allowed for the automation of services,  
16 including many Section 8 program processes and  
17 procedures, such as the sending of notices,  
18 paperwork to participants and the storing  
19 information relating to Section 8 participants.

20 I have strong reservations as to  
21 the effectiveness of NICE and the Authority's  
22 willingness and ability to help Section 8  
23 customers who might have been adversely affected.

24 In February 2010, it was reported  
25 that serious technological concerns had begun to

1  
2 occur with NICE that could adversely affect the  
3 tenancy of Section 8 residents, since the  
4 Authority had been late in sending rent checks to  
5 property owners. Additionally, the committee had  
6 received anecdotal evidence from legal service  
7 providers regarding difficulties their clients had  
8 faced with applying for and remaining in the  
9 Section 8 program. These problems have become  
10 drastically worse, and have specifically worsened  
11 since the implementation of the new computer  
12 system in 2010.

13                   Additionally, NYCHA must also abide  
14 by a set of comprehensive notice procedures  
15 established by a federal consent decree it entered  
16 into in the case of Williams v. New York City  
17 Housing Authority, which established that no fewer  
18 than three notices must be sent by regular mail  
19 and certified mail to the Section 8 participant  
20 before the subsidy may be terminated.

21                   The second and third notices must  
22 indicate that participants are entitled to an  
23 administrative hearing regarding the decision to  
24 terminate their subsidy. Legal services providers  
25 have indicated to the committee that the request

1 of such hearings by participants has at times not  
2 halted the delivery of further notifications from  
3 NYCHA. This appears to be a discrepancy with the  
4 computer system and the administrative hearing  
5 process. Furthermore, representatives of the real  
6 estate industry have complained about termination  
7 of subsidies paid to property owners by NYCHA.  
8 Today's hearing is a direct result of concerns  
9 expressed by all these individuals.  
10

11 Before I turn the proceedings to  
12 acting chair of the General Welfare Committee,  
13 Gale Brewer, I would like to take a moment to  
14 explain why I think this hearing is important.  
15 Thousands of New Yorkers rely in Section 8 as  
16 their means of affordable housing. The evidence,  
17 the anecdotal evidence that the committee has  
18 received from property owners and legal service  
19 providers is alarming since the improper  
20 management of NYCHA's Section 8 program could  
21 result in the eventual eviction of tenants by  
22 property owners for non-payment, and it can result  
23 in homeowners, if they have a mortgage, not being  
24 able to make their payments because they're  
25 relying on certain money coming into them that is

1  
2 now not coming. In that vein, it is my opinion  
3 the Authority should stop terminating Section 8  
4 tenants until the problems with the Section 8  
5 program can be remedied.

6 I would like to thank everyone for  
7 being here today. I look forward to a productive  
8 hearing. I want to, before I turn it over to my  
9 co-chair Gale Brewer, say we've been joined by  
10 Brad Lander from General Welfare Committee, from  
11 Brooklyn; Margaret Chin from Public Housing  
12 Committee, from Manhattan; Ydanis Rodriguez from  
13 Manhattan was here. He went to another hearing,  
14 as I did briefly, so he stayed there. And we have  
15 Maria Carmen Arroyo from the Bronx from the Public  
16 Housing Committee and General Welfare. She gets a  
17 twofer. Thank you, and my esteemed co-chair.

18 CHAIRPERSON BREWER: Thank you.  
19 It's an honor to be here with my esteemed co-chair  
20 Rosie Mendez. I'm Gale Brewer. I'm a member of  
21 the General Welfare and I am stepping in for  
22 Annabel Palma, who's the real chair of the General  
23 Welfare Committee. I'd like to thank the staff  
24 who prepared today's hearings: Benjamin Goodman,  
25 Laura Rogers, Crystal Coston, Jennifer Gomez and



1 Elizabeth Hoffman. Liz is kindly working the  
2 PowerPoint.  
3

4 We are here, as Council Member  
5 Mendez indicated, to examine concerns regarding  
6 the management of NYCHA's Section 8 program. The  
7 General Welfare Committee is here because we are  
8 specifically in learning how the issues facing the  
9 NICE, which you heard about, NYCHA's NICE program,  
10 impact the Department of Homeless Services'  
11 shelter system. NYCHA and DHS are not here today  
12 to provide testimony, as you heard, but we're  
13 going to follow-up to understand all the problems  
14 that they are--I won't say creating, but related  
15 to.

16 Both agencies aim to place clients  
17 in affordable housing and often must coordinate to  
18 transition clients from shelters into affordable  
19 permanent housing. The Advantage program, which  
20 everyone knows well, and the issuance of priority  
21 vouchers for affordable housing are two examples  
22 of instances where DHS move clients from shelter  
23 and into affordable permanent housing.

24 Due to the lack of funding, both of  
25 these initiatives have been discontinued, although

1 we know that there are ongoing legal issues.  
2  
3 Regardless, the issues being raised today are  
4 troublesome because it seems we are moving  
5 backwards and people are being wrongfully forced  
6 from their homes and could end up in shelter.

7               Those who have been able to secure  
8 assistance through NYCHA are some of the few that  
9 have been able to move into affordable stable  
10 housing. Due to a computer malfunction which has  
11 created a lot of problems, people residing in  
12 NYCHA housing are being improperly evicted, and  
13 many end up in the shelters because they have  
14 nowhere else to go, as we know. These are the  
15 very people who may have previously been living in  
16 shelter and were able to move into permanent  
17 housing with the help of DHS and NYCHA.

18               Today, we would like to hear from  
19 advocates to learn what is happening to tenants  
20 who are wrongfully evicted. We would like to know  
21 if NYCHA is tracking clients when they are evicted  
22 so that we can understand if people are seeking  
23 shelter. We'd also like to know if NYCHA is  
24 coordinating with DHS in order to mitigate the  
25 number of people who are improperly evicted from

1  
2 NYCHA housing, because we want them not to enter  
3 shelter.

4 For example, if someone goes to  
5 PATH to try and enter the shelter system, is there  
6 a way for DHS to determine that their eviction was  
7 a result of a NYCHA computer error and that they  
8 should be allowed to return to their NYCHA  
9 apartment?

10 We want to ensure that everything  
11 possible is being done to keep people in their  
12 NYCHA apartment and to protect them from eviction  
13 proceedings due to the city's inability to provide  
14 rent and process paperwork in a timely manner.  
15 With few resources available today, we need to  
16 ensure that those resources we do have work for  
17 people, especially those who need them the most.  
18 The fact that a computer malfunction may be  
19 improperly forcing people out of their apartments  
20 is alarming and we need to correct this situation.

21 Many NYCHA tenants may have been  
22 homeless and were able to secure affordable  
23 permanent housing through DHS and now, of course,  
24 we could send them back to shelter. It seems that  
25 instead of providing affordable housing, NYCHA is

1  
2 creating a revolving door of homelessness. I hope  
3 today we can begin to correct this situation and  
4 make certain that everyone who has been improperly  
5 evicted can remain in their housing.

6 We will continue to work with NYCHA  
7 and DHS to keep New Yorkers who have secured  
8 housing in their apartment and make sure that our  
9 city is developing technological systems that do  
10 not create barriers for people but instead create  
11 efficient solutions for those who need services.  
12 I, obviously welcome, with my colleagues,  
13 testimony from the public. Thank you very much.

14 CHAIRPERSON MENDEZ: We've been  
15 joined by Council Member Dan Halloran from Queens  
16 from the Public Housing Committee.

17 So I just want to clarify one  
18 little thing. Section 8 vouchers are distributed  
19 either by HPD or the New York City Housing  
20 Authority. And so this is looking at the New York  
21 City Housing Authority's management of the Section  
22 8 vouchers in their portfolio. It's not about  
23 their public housing stock, the traditional public  
24 housing as we know it, just the Section 8  
25 vouchers.

COUNCIL MEMBER HALLORAN: Just so that you know, I'm also engaged in the Public Safety hearing on the 16th floor, so I unfortunately will be bouncing.

CHAIRPERSON MENDEZ: Yes, I was there earlier.

COUNCIL MEMBER HALLORAN: All right, thank you.

CHAIRPERSON MENDEZ: The first panel will be: Kathleen Brennan from Legal Aid Society and Bienvenida Bencosme and Raquel Collazo. They are clients of the Legal Aid Society. That will be the first panel, and Judith Goldiner. Then the second panel to follow this one will be Mitch Posilkin from the Rent Stabilization Association and Elizabeth Crane, a property owner. They will be the second panel up.

We've been joined by Council Member Diana Reyna from Brooklyn. Are you on General Welfare? This is just of interest.

COUNCIL MEMBER REYNA: Yes.

CHAIRPERSON MENDEZ: Thank you and the former chair of the Subcommittee on Public Housing. Thank you for being here. Whenever

1  
2 you're ready? You have to turn it on, on the stem  
3 in the back. They do it to trick us around here  
4 and keep us on our toes.

5 JUDITH GOLDINER: My name is Judith  
6 Goldiner and I'm the attorney in charge of the Law  
7 Reform unit of the civil practice of the Legal Aid  
8 Society.

9 I'm disappointed that I didn't get  
10 the change to testify today with the Rent  
11 Stabilization Association because in a very  
12 unusual turn of events for us, we actually agree  
13 on what the problems are here and would like to  
14 see government come to a solution for the kind of  
15 problems we're seeing.

16 I am going to turn it over to our  
17 client who is here to tell her story of what  
18 happened to her. And then Kathleen Brennan, with  
19 our Brooklyn neighborhood office is going to  
20 deliver Legal Aid's testimony. So thank you for  
21 that opportunity. Go ahead.

22 BIENVENIDA BENCOSME: My name is  
23 Bienvenida Bencosme and I am a Section 8 voucher  
24 holder for the past six years. I have two  
25 children and I'm currently living in the Bronx.

1  
2 I became unemployed during a work  
3 related injury who had make me disabled and unable  
4 to work. I could not afford my apartment and be  
5 able to do certain things that I used to do  
6 before. And therefore, I had gone to Section 8  
7 for them to do some modifications on my rent  
8 share.

9 Since September 23, 2010, I have  
10 been going back and forth until recently,  
11 September 15, 2011, for them to make adjustments  
12 on my share and they haven't done so.

13 I went to them a couple of times.  
14 I went in December, February, April, July, and  
15 instead of things getting any better, they're just  
16 getting worse and worse, even when my share has  
17 doubled instead of them making the adjustments.

18 NICE is not nice at all.

19 KATHLEEN BRENNAN: Hi. My name is  
20 Kathleen Brennan. I'm a staff attorney in the  
21 Brooklyn neighborhood office of the Legal Aid  
22 Society. The Legal Aid Society is the oldest and  
23 largest provider of legal assistance to the poor  
24 in the United States. The Legal Aid Society's  
25 civil practice operates 14 neighborhood offices

1  
2 and citywide units serving residents of all five  
3 boroughs of New York City.

4           The Society is counsel in numerous  
5 class action cases concerning the rights of  
6 Section 8 recipients. We appreciate the  
7 opportunity to testify before the City Council's  
8 Public Housing Committee and General Welfare  
9 Committee and we praise the leadership of Chair  
10 Rosie Mendez and her commitment to Section 8  
11 program participants.

12           We come before this committee at a  
13 loss. We have testified before the City Council  
14 on the Housing Authority's Section 8 program many  
15 times. For years, we have provided  
16 recommendations on how to improve the program.  
17 While we still support these recommendations, our  
18 testimony today will focus on returning the  
19 program to the level it functioned at two years  
20 ago.

21           Over the last two years, the  
22 Housing Authority has terminated thousands of  
23 tenants without notice, without an opportunity to  
24 be heard and without cause. Later in the  
25 testimony, we will describe how the Housing



1  
2 Authority's NICE program has had real devastating  
3 consequences to our clients, caused by these  
4 changes.

5                   However, I would like first to  
6 describe our attempts to work with the Housing  
7 Authority and to find solutions to these ongoing  
8 problems, and what we have learned from these  
9 attempts. Since we have learned about the depth  
10 and breadth of the Housing Authority's failings,  
11 we have been regularly meeting with the Housing  
12 Authority to discuss the problems our clients are  
13 experiencing with the program.

14                   We've been able to resolve many of  
15 our clients' problems on a case by case basis, and  
16 having them restored to the program after they've  
17 been illegally terminated. And in restoring our  
18 clients to the program, we have been able to  
19 prevent many families from becoming homeless.  
20 However, the Housing Authority has repeatedly  
21 refused to resolve these programs on a system-wide  
22 scale. As you know, because of funding  
23 constraints, the legal services community is able  
24 to assist only a small percentage of those who  
25 need our help. Additionally, there are numerable

tenants who do not know that they can receive our help and they are falling through the cracks.

The Housing Authority's failure to address these problems, other than on a case by cases basis has greatly harmed thousands of low income families. The Housing Authority is in denial as to the scope of this self-created problem. The Authority must acknowledge the problem and fix it immediately, not at some distant time in the future.

After months of attempting to work with the Housing Authority, the Legal Aid Society and legal services will be filing federal lawsuits on behalf of approximately 30 clients, against the Housing Authority for its repeated failure to comply with the constitutional requirements of due process, federal laws and regulations, state law and the Housing Authority's own administrative plan.

As has been previously been mentioned, approximately two years ago the Housing Authority made substantial changes in the way it interacts with its Section 8 participants. These changes have resulted in numerous barriers to the

1  
2 timely proper processing of tenants'  
3 recertification packages and interim  
4 recertification requests.

5 In the past, a Section 8  
6 participant worked with a housing assistant who  
7 was responsible for processing their annual  
8 recertification, annual housing quality standards  
9 inspections and interim recertification request.  
10 The housing assistants were based at the Housing  
11 Authority's local borough offices and worked with  
12 tenants who resided in the borough. If the  
13 Section 8 recipient had questions or concerns  
14 regarding their annual recertification package,  
15 they could reach out to their housing assistant by  
16 coming into the local office or calling the  
17 housing assistant directly.

18 NYCHA has replaced housing  
19 assistants with a centralize phone system. Now,  
20 when a Section 8 participant has a question or  
21 concern regarding their subsidy, they must call a  
22 customer service line to speak with someone who  
23 has no direct knowledge of their Section 8 file.  
24 Particularly troubling is the lack of continuity  
25 of service. For example, a Section 8 recipient is

1 informed by the customer service representative  
2 that they need to submit a specific form to  
3 complete the recertification process, the Section  
4 8 participant cannot send the form directly to the  
5 customer service representative and call the  
6 customer service representative to confirm receipt  
7 of the form. This used to be what would happen in  
8 the past when there were housing assistants. A  
9 tenant could reach out to the housing assistant to  
10 make sure that they got the form and they had a  
11 direct phone frequently for their housing  
12 assistants.  
13

14 In addition to replacing housing  
15 assistants with a customer service line, the  
16 Housing Authority has automated the  
17 recertification and interim recertification  
18 process. Many important documents were lost.  
19 Many files and important documents were lost,  
20 misplaced or not properly scanned when the Housing  
21 Authority automated its files. A large number of  
22 recertification packages were not scanned and many  
23 Section 8 participants have not received their  
24 recertification packages at all.

25 Unfortunately, the computer is

1  
2 programmed to automatically issue termination  
3 notices and terminate Section 8 subsidies. The  
4 automated termination process continues even when  
5 a Section 8 participant has not been issued a  
6 recertification package or when a Section 8  
7 participant has submitted a recertification  
8 package that was not scanned into the computer.  
9 To add insult to injury, when a Section 8  
10 recipient requests an administrative hearing to  
11 challenge the termination of their Section 8,  
12 their hearings are not scheduled. A Section 8  
13 participant who loses their subsidy is at extreme  
14 risk for eviction.

15 In our testimony, we have described  
16 some of the problems that our clients have been  
17 experiencing in both the annual recertification  
18 process and the interim recertification process.  
19 We call upon the Housing Authority to stop  
20 terminating Section 8 recipients until the Housing  
21 Authority can ensure that it has not terminated  
22 the family in error, and restore families it has  
23 terminated until it can ensure that it has not  
24 made errors in the termination procedures. In  
25 addition, NYCHA must change its procedures

1  
2 concerning interim recertifications to ensure  
3 Section 8 recipients are not being overcharged in  
4 rent.

5 Thank you again for this  
6 opportunity to testify before the City Council.

7 CHAIRPERSON MENDEZ: Thank you very  
8 much. For the public, Legal Aid Society submitted  
9 ten pages worth of testimony. So thank you for  
10 summarizing. And maybe through some of the  
11 questions, we can get through some of the most  
12 egregious issues. My first question for the Legal  
13 Aid Society, you've announced that you're filing  
14 this lawsuit. What, if any, steps have you taken  
15 in meeting with the Authority and trying to  
16 resolve some of these issues for your clients that  
17 you've now been dealing with for the last two  
18 years, so that to avoid litigation?

19 JUDITH GOLDINER: Well, for the  
20 last six months, we have been sending individual  
21 clients, probably close to--

22 CHAIRPERSON MENDEZ: [interposing]  
23 Can I stop you for one second? Raquel Collazo,  
24 your other tenant for this panel has now shown up.  
25 Raquel? Good morning. So we're going to put you

on the spot and ask you to give your testimony right now. Unless you need a minute, then we'll. Okay, we'll give you one minute. We've been joined by Council Member Tish James from Brooklyn. Tish, are you on General Welfare?

COUNCIL MEMBER JAMES: No.

CHAIRPERSON MENDEZ: So she's just here for interest. She always shows up to my Public Housing Committee meetings. She should be on my committee. Why aren't you on my committee, Tish?

COUNCIL MEMBER JAMES: What?

CHAIRPERSON MENDEZ: Why aren't you on my committee?

COUNCIL MEMBER JAMES: Why are you putting me on the spot?

CHAIRPERSON MENDEZ: Because we all love you. We're giving the next person just a little second to give her testimony.

COUNCIL MEMBER JAMES: Okay. It's pick on Tish minute.

CHAIRPERSON MENDEZ: It's not pick on Tish. We love Tish. We want you officially on the committee. Thank you everyone for your

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patience. Okay.

JUDITH GOLDINER: Shall I answer your question or shall I let Ms. Collazo testify?

CHAIRPERSON MENDEZ: Can we hear from Ms. Collazo?

JUDITH GOLDINER: Certainly.

RAQUEL COLLAZO: Good morning, everyone. Hello, my name is Raquel Collazo.

CHAIRPERSON MENDEZ: Excuse me. Can we get some quiet please? Thank you very much. Now?

RAQUEL COLLAZO: Good morning, everyone. Hello, my name is Raquel Collazo. I am a Section 8 voucher holder who lives at 1719 Bleecker Street in Ridgewood, Queens. I live with my ten year old son right now. I work a full time job at the Toys 'R Us in Times Square. As a single working mother, I could not afford my housing without my Section 8 voucher, without the Section 8 subsidy by the New York City Housing Authority.

I started receiving Section 8 in about 2003. For a long time, it was the same thing every year. In August, I would receive my



1  
2 annual recertification packet. I would complete  
3 my recertification package and send it in,  
4 certified mail. Before 2010, around the same I  
5 received my annual recertification package I would  
6 also receive my New York City annual housing  
7 inspection notice. In 2010, the notice did not  
8 come.

9 After I sent my recertification  
10 package to NYCHA, I contacted New York City  
11 Housing Authority customer service number and  
12 informed them that I did send out my packet,  
13 however, I did not receive my annual inspection.  
14 The customer service rep told me that I should  
15 wait for it through the mail. She did let know  
16 that my recertification packet was received and  
17 everything was good, but that I had to wait for my  
18 inspection notice to come through the mail.

19 In December, I received my usual  
20 notice letting me know what portion I would have  
21 to pay towards my rent and what portion the city  
22 would be paying towards the amount of rent that  
23 was due from the landlord.

24 In January, my landlord told me  
25 that my Section 8 had been terminated. He had

1 attempted to my--I'm sorry. I'm a little nervous.  
2 He had attempted to return our lease agreement  
3 that I had signed, that I had reviewed with him.  
4 And he was informed by the Queens office that I no  
5 longer had any Section 8 housing.  
6

7 We had not received any prior  
8 notice to that, whether it be by mail or email or  
9 telephone. Immediately, I went to the office in  
10 Queens, the Section 8 office in Queens. And I was  
11 informed by the customer service rep at the front  
12 that there was nothing that they could do for me.  
13 All I had to do was sue NYCHA.

14 I was luckily able to walk over to  
15 the Queens courthouse and contact The Legal Aid  
16 Society and explain my situation, and they were  
17 able to guide me from there on, on the process of  
18 what I needed to do.

19 The first thing that they did was  
20 write NYCHA under the Freedom of Information Law,  
21 asking to see my tenant file. That request was  
22 made in January. I understand that last week,  
23 NYCHA finally contacted Legal Aid to let them know  
24 that my file was available for review.

25 In August, I received a letter from

1  
2 NYCHA asking me if I wanted to have a hearing to  
3 challenge the termination of my Section 8  
4 benefits. I immediately returned that notice and  
5 said I definitely wanted the hearing. Last week,  
6 I received a letter telling me that NYCHA would  
7 consider reinstating me if I provided them with  
8 certain information. I received a letter in the  
9 mail explaining to me what was needed in order for  
10 me to be able to have my Section 8 reinstated.  
11 However, the documentation that I needed to  
12 provide back to NYCHA was not included.

13 I then immediately called the  
14 customer service number and I was told by the  
15 gentleman that in some cases this often does  
16 happen where they'll mail out the notice, ask you  
17 for the documentation but sometimes the  
18 documentation is not provided in the mail with the  
19 envelope.

20 I then explained to him--I then  
21 asked him what step should I take next, and he  
22 informed me, well wait until Thursday. If you  
23 don't receive it by then, just call back. So then  
24 I explained to him that I had some concern because  
25 the documentation was to be sent to a PO Box and I

1  
2 wanted to make sure that this documentation was  
3 received. How would I go about sending it  
4 certified mail? Because I know that you can't  
5 send any certified mail to a PO Box. He informed  
6 me, in his opinion, he said, if I were you, I  
7 would just walk it in so that they can say that  
8 they got it. He said because there's no guarantee  
9 that they're going to receive it through the PO  
10 Box.

11 Last week, I received a court paper  
12 from my landlord. He has brought a holdover case  
13 against me. Even though Legal Aid has agreed to  
14 help me, I am scared. I have always done the  
15 right thing by NYCHA, whatever documentation  
16 they've asked to provide, I have provided it. I  
17 have always sent my documentation certified mail  
18 or FedEx to ensure that they've received it. I've  
19 always tracked everything and made sure that there  
20 was a signature and also have given a phone call  
21 follow-up to make sure that all documentation was  
22 received.

23 I don't understand how this  
24 happened. I am very scared because my Section 8  
25 subsidy is extremely important to me. It's the

1 way that I am able to keep a roof over me and my  
2 son's head. I know that I'm not suffering alone,  
3 because there are a few people that I have spoken  
4 in visiting the Section 8 in Queens and  
5 encountering them at the Legal Aid Office in the  
6 Queens courthouse, that they're going through the  
7 same exact problem, where NYCHA has informed them  
8 that they've sent them paperwork through mail but  
9 they have not received it, and they have just been  
10 terminated without any notice.

11 I'm really hoping that this  
12 committee would take my testimony into  
13 consideration and be able to reinstate or advise  
14 NYCHA to change their policy on how they handle  
15 recertification packets and dealing with just  
16 regular mail or not contacting us any further.  
17 Thank you.

18 CHAIRPERSON MENDEZ: Thank you.  
19 You did great. Ms. Goldiner if you could, answer  
20 my question. Then I'm going to turn it over to my  
21 co-chair.

22 JUDITH GOLDINER: Let me take a  
23 step backwards. When an agency like NYCHA changes  
24 its policies in kind of a radical way, it  
25

1 sometimes can take us a while to see the outcome  
2 of it. So, for example, what happened to Ms.  
3 Collazo, you know started happening over a year  
4 ago, but it takes a while for us and for a tenant  
5 like Ms. Collazo to realize what's happened.  
6 Because it's not a transparent--you know, it took  
7 her landlord to tell her, by the way I'm not  
8 getting any money, because she didn't get any  
9 notice.  
10

11 So, you know, what we started  
12 seeing about a year ago, was tenants coming to us  
13 saying I've been terminated but I got no notice.  
14 So we started doing what we usually do, which is  
15 we would request their file from NYCHA. Then we  
16 discovered another incredibly frustrating aspect  
17 about NYCHA which is that their Freedom of  
18 Information unit just didn't respond and didn't  
19 respond for months. We would call and they  
20 wouldn't respond. So it would take us a long time  
21 to actually figure out why the tenant was  
22 terminated in the first place. Then when we saw  
23 the files, there was nothing in the files. So we  
24 then also couldn't tell. And usually we like to  
25 know why someone was terminated before we bring a

1  
2 case.

3 So I started raising these issues  
4 with NYCHA in about January or February. You  
5 know, I met with the chairman of the Housing  
6 Authority.

7 CHAIRPERSON MENDEZ: January or  
8 February of 2010?

9 JUDITH GOLDINER: Oh, January of  
10 this year.

11 CHAIRPERSON MENDEZ: 2011?

12 JUDITH GOLDINER: No, 2011.

13 CHAIRPERSON MENDEZ: 2011, thank  
14 you.

15 JUDITH GOLDINER: And I met with  
16 him and his staff and I explained that there were  
17 problems. I met on numerous occasions with the  
18 head of the Section 8 program, both with Carlos  
19 Laboy, who was then supervising the Section 8 unit  
20 and with Gregory Kern who was then the head of the  
21 Section 8, to explain the problems we were seeing.  
22 I brought them over 100 clients with individual  
23 cases and individual problems to resolve. And  
24 said I'm bringing you these individual cases but I  
25 want you to know we're doing that because we see

1  
2 systemic issues, and we're letting you resolve  
3 these cases, but we want you to resolve the  
4 systemic issues.

5 And although they resolved the  
6 individual issues, they absolute refused--in fact,  
7 not only did they refuse to address the systemic  
8 issues, publicly they just denied that there any  
9 systemic issues, even though we kept on seeing  
10 there were problems. And in our trial offices at  
11 Legal Aid what we're seeing is an overwhelming  
12 number of Section 8 tenants coming to us. So  
13 whereas before I would say the housing supervisor  
14 at Legal Aid tell me about 10 percent to 20  
15 percent of our regular intake would be Section 8  
16 tenants, it's now closer to 90 percent.

17 What we've really seen is a  
18 systemic management failure on the part of the  
19 Section 8 program. Although we have focused our  
20 testimony on recertification problems and interim  
21 recertification problems, I believe that the RSA  
22 will also talk about the problems that they've had  
23 getting the subsidy restored after repairs are  
24 made. We are seeing that as well.

25 So we are seeing that where repairs



1  
2 get done so that subsidy should be restored,  
3 either inspections don't happen or even when  
4 inspections do happen and an apartment passes  
5 inspection, the subsidy does not get restored.

6 And the Housing Court judges have  
7 reached out to us. They've told us that they are  
8 completely overwhelmed with the number of Section  
9 8 cases that they're seeing, that when they  
10 subpoena NYCHA Section 8 to come to court, that  
11 they come to court with either no documentation or  
12 completely inadequate documentation. The contempt  
13 motions are completely common now against the  
14 Housing Authority because of their failures to  
15 respond in any meaningful way. It's so bad that  
16 the courts are setting up clinics for pro se  
17 tenants to bring individual Article 78s against  
18 the Housing Authority.

19 So I guess in sum, we have never  
20 seen it this bad. We feel pretty strongly that  
21 the Housing Authority has to stop terminating  
22 people until they can restore their programs. We  
23 feel they really need to go back to a program of  
24 individualized housing assistants so that people  
25 have someone to interact with. You know, I could

1  
2 blame the computer system, but honestly the  
3 computer system is only as good as the people who  
4 have programmed it. It's really about how they've  
5 programmed it to terminate people on a basis that  
6 has no merit and that's a real problem.

7 CHAIRPERSON BREWER: Thank you.

8 We've been joined by Council Member Erik Dilan,  
9 and for a few minutes Council Member Helen Foster,  
10 who has another hearing.

11 I know that one of the challenges  
12 in terms of DHS is making sure that individuals  
13 don't end up, who are now in Section 8, in the DHS  
14 shelter system. Do you know if any of your  
15 clients have ended up in the shelter system after  
16 Section 8 vouchers have been terminated? Just so  
17 you know, my office, we have the loss of material  
18 from NYCHA as a constant. It's a constant  
19 refrain. So we've very familiar with--

20 JUDITH GOLDINER: [interposing] We  
21 do have a client who was evicted who we managed to  
22 get back in, and we are still trying to unravel  
23 what's going on with his Section 8 problem. He is  
24 a mentally disabled man in supportive housing, so  
25 it was really terrible that he was out on the

1  
2 street for almost three weeks. He is now back in  
3 his apartment and we're trying to figure out what  
4 happened. And again, the refusal to produce any  
5 documentation is obviously handicapping our  
6 ability. And the landlord in that case is very  
7 unhappy because we haven't been able to get the  
8 benefits restored yet because we can't figure out  
9 what's going on in his case.

10 CHAIRPERSON BREWER: Okay. And do  
11 you--

12 JUDITH GOLDINER: [interposing] And  
13 I'm sure there are others. We know there are  
14 others, but once someone gets evicted, it's very  
15 hard for us to find them.

16 CHAIRPERSON BREWER: Okay. Do you  
17 think that there are ways that DHS and NYCHA can  
18 work together to fix this problem? Obviously, I'm  
19 looking at this from the General Welfare  
20 perspective. Most of it's on the NYCHA side.

21 JUDITH GOLDINER: Certainly. I  
22 mean the Housing Authority should, you know on the  
23 public housing side they have an obligation to  
24 reach out to HRA, DHS and APS where they're going  
25 to terminate someone who is a client of one of

1  
2 those programs. And they could be doing the same  
3 thing here. But honestly, the problem here is if  
4 they're not capable of sending a termination  
5 notice to a tenant, I don't think they're capable  
6 of reaching out to the agencies that could maybe  
7 also be helping. And many, many of the Section 8  
8 recipients are on public assistance. I think  
9 close to over 70 percent of the 95,000 families  
10 currently on the Section 8 program. So there's  
11 certainly a big intersection.

12 I mean what we're seeing now, you  
13 know, you now were forced to go on public  
14 benefits, right? But her rent, she just got her  
15 share of rent and she's on public assistance and  
16 NYCHA says her share of rent is \$1,400 a month.

17 CHAIRPERSON BREWER: I'm just  
18 saying in our office we have this constant,  
19 because I could never understand why we tie up the  
20 NYCHA attorneys, the HRA attorneys, the DHS  
21 attorneys when really it's one system. And then  
22 you, of course, get stuck in the middle.

23 JUDITH GOLDINER: Right. I mean  
24 we've said all along to them, I said I actually  
25 have other lawsuits to bring than this one, so why

1  
2 do I have to bring this case against you? Are you  
3 really not capable of resolving this problem? And  
4 apparently they're not because we've sent them  
5 letters saying we really are about to sue you,  
6 come to the table and make changes so that we  
7 don't have to and they say we don't a--you know,  
8 they just are not responsive.

9 CHAIRPERSON BREWER: Okay. Thank  
10 you.

11 CHAIRPERSON MENDEZ: Council Member  
12 Lander?

13 COUNCIL MEMBER LANDER: Thanks very  
14 much to both chairs and to Legal Aid for the  
15 panel, and especially to Ms. Collazo and Ms.  
16 Bencosme for your testimony. We really appreciate  
17 it. I take note of the fact it doesn't happen  
18 that common that RSA and Legal Aid are kind of  
19 reading from the same script.

20 I guess the main question I want to  
21 ask is just for your help a little better in  
22 understanding why we can't get this fixed. I hear  
23 what you said about the computer system and about  
24 the people and about your efforts to do it. I  
25 guess I want to introduce the possibility, and

1  
2 we've all read recent articles about the fact that  
3 there's been significant senior staff leadership  
4 turnover, that we haven't had a permanent general  
5 manager in place for now well over a year. So it  
6 seems to me that we may not only be looking at  
7 sort of just the NICE system failure but at a  
8 broader NYCHA system failure.

9 I wonder if you think that some of  
10 the broader leadership challenges and transitions  
11 might be contributing to this problem, or whether  
12 you have other thoughts on what it is that is  
13 preventing. You know, sometimes we have policy  
14 differences and people will disagree. No one  
15 would say that the things that we're hearing about  
16 today are a good idea. It's just it sounds like  
17 just sheer incompetence and yet there's not a  
18 commitment to fix it. So do you have any thoughts  
19 on why, could it be leadership transition? What  
20 should we be focusing on to try to get it fixed?

21 JUDITH GOLDINER: Well, certainly,  
22 there is a lack of leadership at the upper levels  
23 of the agency. I mean, you're right, there's no  
24 general manager. The very competent person who  
25 ran the Section 8 program for many, many years is

1  
2 not there anymore. The person who is now running  
3 it has refused to even meet with us, let alone  
4 discuss any of the problems.

5                   You know, I do get the feeling that  
6 there is a leadership vacuum at the Housing  
7 Authority. I mean it's not the subject of this  
8 hearing, but it's been the subject of other  
9 hearings about the problems we've been seeing with  
10 repairs in public housing, which is a related  
11 problem to this because it's part of the whole,  
12 the same customer service, which, you know, we  
13 don't like--these are residents not customers.

14                   I despair a little of what it's  
15 going to take to get the Housing Authority to  
16 acknowledge that there's a problem and try and  
17 address it.

18                   COUNCIL MEMBER LANDER: So what  
19 about City Hall? Have you had any conversations?  
20 I mean, I agree with you that there's a leadership  
21 vacuum and that that's causing a range of problems  
22 to fester. Obviously, you know, City Hall is also  
23 supposed to be involved in helping make sure  
24 there's leadership there. Have you had any  
25 conversations with anybody outside of NYCHA at

1 City Hall and the Administration about  
2 specifically the Section 8 processes that you're  
3 experiencing and the problems that we're seeing?  
4

5 JUDITH GOLDINER: We would welcome  
6 such a meeting. We have not received such a  
7 meeting.

8 COUNCIL MEMBER LANDER: Have you  
9 asked or made some inquiries?

10 JUDITH GOLDINER: We have.

11 COUNCIL MEMBER LANDER: Not found  
12 anyone at City Hall who was willing to sit and  
13 meet--

14 JUDITH GOLDINER: Is very  
15 interested in addressing this problem.

16 COUNCIL MEMBER LANDER: --with you  
17 on how to address the problems of NYCHA that  
18 95,000 families and thousands of small landlords  
19 also are experiencing.

20 JUDITH GOLDINER: Absolutely. I  
21 mean, look, this is a problem that could have a  
22 huge--I mean the economic impact to the city of  
23 95,000 households at risk of losing their homes,  
24 of 95,000 apartments, the landlords not getting  
25 rent from them. I mean I'm not saying it's at



1  
2 that level yet. But literally we are seeing  
3 hundreds and probably thousands of people who are  
4 impacted by these problems.

5 COUNCIL MEMBER LANDER: Thank you  
6 very much. Thank you, Madame Chair.

7 CHAIRPERSON MENDEZ: Council Member  
8 James?

9 COUNCIL MEMBER JAMES: Thank you,  
10 panel. My question is recognizing that the  
11 Housing Court judges [off mic].

12 JUDITH GOLDINER: I think they  
13 have. I believe the Housing Court judges have  
14 reached out to NYCHA. But again, I don't think  
15 that they've gotten very satisfactory responses  
16 either.

17 COUNCIL MEMBER JAMES: Okay. And  
18 there's been no follow-up with NYCHA with regards  
19 to these issues?

20 JUDITH GOLDINER: I'm sorry?

21 COUNCIL MEMBER JAMES: There has  
22 been no response from the leadership, the  
23 chairman, Chairman Rhea?

24 JUDITH GOLDINER: No. I mean the  
25 response to the demand letter we sent to them was

1  
2 we're happy to resolve individual tenant issues,  
3 period.

4 COUNCIL MEMBER JAMES: So let me  
5 just say that I believe in the leadership of  
6 Chairman Rhea, but at the same time my office,  
7 too, has been flooded with complaints related to  
8 Section 8. So I will join with the chairs of this  
9 committee in reaching out to Chairman Rhea to see  
10 if we can resolve this. Obviously there are some  
11 leadership issues, or I should say management  
12 issues, some operational issues. Seasoned staff  
13 has left. It's my understanding that there has  
14 been a shakeup at NYCHA, and obviously it should  
15 not affect customers. So we really need to get to  
16 the bottom of this to resolve this on behalf of  
17 the constituents I represent and all residents of  
18 New York City Housing Authority across the City of  
19 New York. I thank you.

20 CHAIRPERSON MENDEZ: Ms. Bencosme,  
21 you are in your apartment still? You're in  
22 possession?

23 BIENVENIDA BENCOSME: Currently,  
24 yes.

25 CHAIRPERSON MENDEZ: Yes.

BIENVENIDA BENCOSME: I mean, I have received many eviction notices and, you know, I have been able to manage going to Legal Aid and they've been helping out.

CHAIRPERSON MENDEZ: Can you grab the microphone just a little closer so we can make sure we capture your testimony.

BIENVENIDA BENCOSME: Yes, currently I am in my apartment. However, I have received many eviction notices. Thanks to the Legal Aid Society that they have been helping me out and, you know, giving advice to go to places and trying to solve this issue. But yes, I'm currently in my apartment.

CHAIRPERSON MENDEZ: When was the first time you had to appear in court?

BIENVENIDA BENCOSME: When I notified the landlord about my situation that I lost my employment, a week later, I received the dispossession.

CHAIRPERSON MENDEZ: And that was?

BIENVENIDA BENCOSME: That was back in September, towards the beginning of October.

CHAIRPERSON MENDEZ: Of this year?

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BIENVENIDA BENCOSME: Of last year.

CHAIRPERSON MENDEZ: Last year,  
2010? Okay. And Ms. Collazo, you just got your  
papers now, so you're just going into court now.

RAQUEL COLLAZO: Yes. Thankfully,  
my landlord has been very understanding throughout  
this entire situation. However, he, too, has  
found himself at a crossroads where he feels at  
this point he has no other choice but to take me  
to court. He's hoping that taking me to court  
will in some way kind of force NYCHA's hand in  
order to take a look at the situation. He, too,  
understands I need my Section 8 housing. He was  
not notified as well. He was a bit upset with  
them as well when he went to speak to them. Then  
I went and spoke to them. So at this point, I  
have a court date on Friday for a holdover case,  
and I believe that after that the process is  
eviction. I'm not too sure. This is my first  
time actually going through this. I'm not too  
sure how this process works.

CHAIRPERSON MENDEZ: Okay. We've  
been rejoined by Council Member Ydanis Rodriguez.  
To the two tenants, if you can tell me how long

you have been receiving your Section 8 subsidies?

How long have you been on Section 8?

BIENVENIDA BENCOSME: I've been a  
Section 8 since 2006.

CHAIRPERSON MENDEZ: 2006.

RAQUEL COLLAZO: I've been on  
Section 8 since 2003.

CHAIRPERSON MENDEZ: Okay. All  
right, I want to thank this panel for their  
testimony. I will call the second panel that was  
waiting, which is Mitch Posilkin from the Rent  
Stabilization Association and Elizabeth Crane, a  
property owner.

[Pause]

CHAIRPERSON MENDEZ: Thank you very  
much. Whenever you're ready, you can just start  
testifying, and please identify yourself for the  
record.

MITCHELL POSILKIN: Thank you.  
Thank you for the opportunity for us to be here  
today. My name is Mitchell Posilkin, AND I'm THE  
General Counsel for the Rent Stabilization  
'Association, and with me this morning is  
Elizabeth Crane, who is a property owner, a member

1  
2 of RSA and someone who will also speak to you as  
3 well about her specific experiences with the  
4 Section 8 program. So we'll kind of take you  
5 through some general testimony and then some more  
6 specific testimony.

7 I am here today to testify on  
8 behalf of the 25,000 members of RSA, many of whom  
9 have Section 8 tenants, and these owners own  
10 residential properties throughout the City. It is  
11 these very owners who provide the affordable  
12 housing which is so critical to the lives of so  
13 many New Yorkers. It is these very owners who we  
14 ought to be encouraging, instead of discouraging,  
15 to remain in the affordable housing sector.

16 For over a decade, since 2000, RSA  
17 has been working with an ever-changing array of  
18 NYCHA and HPD officials to improve the performance  
19 of their respective Section 8 programs. I think  
20 one thing that has been overlooked this morning  
21 is the fact that in addition to NYCHA, HPD itself  
22 is an extremely large provider. Not as large as  
23 NYCHA but a large provider of Section 8 benefits.  
24 Over the years, in response to our concerns, both  
25 NYCHA and HPD dedicated personnel and other

resources to address the seemingly endless number of issues raised by our members regarding virtually every aspect of the Section 8 program.

During that time, over the past decade, we did witness improvements in program administration, the complaints by property owners became less common and, for better or worse, a sort of equilibrium existed whereby owners could navigate through the intricacies of a program that is by its very nature, remarkably complicated and daunting.

Ultimately, as the day-to-day issues seemed to resolve themselves, our primary concern was whether the two programs should be consolidated. At a time when fiscal realities required a re-examination of the way the City did business, why were two different agencies, with different rules, procedures and personnel, administering the same benefits? Why were owners with tenants in both programs forced to navigate two separate bureaucracies? Once the benefits were conferred, why couldn't one agency or perhaps an outside entity administer the ongoing Section 8 payments and other administrative procedures?

1  
2                   Unfortunately, we are back where we  
3 started so many years ago. Our interest in  
4 consolidation, which was quite real and we believe  
5 quite beneficial to the city, has been superseded  
6 by the issue of faulty program administration and  
7 I think faulty is an understatement. Recently,  
8 NYCHA undertook to radically restructure their  
9 Section 8 program; changing their organizational  
10 structure, changing and centralizing office  
11 locations, and instituting a new technology-driven  
12 system.

13                   While laudable on the surface, the  
14 unfortunate reality is that those efforts have  
15 made the system worse, not better. Seemingly  
16 every aspect of the program is less well  
17 administered than it was before. They have  
18 succeeded in creating innumerable barriers between  
19 the bureaucracy and the taxpayers they serve. For  
20 all intents and purposes, meaningful communication  
21 with property owners and the bureaucracy has  
22 become more difficult if nonexistent.

23                   Owners cannot speak to the agency  
24 staff that can address their issues and find  
25 themselves in a bureaucratic twilight zone. As a



1  
2 result, we are in a place rarely seen in the  
3 landlord-tenant world: advocates for both owners  
4 and tenants are on the same side of an issue. As  
5 we all know, it takes a lot for that to happen but  
6 that is where we are today.

7 When Mayor Bloomberg vetoed the  
8 Section 8 antidiscrimination legislation, which  
9 was later overridden by the Council, he stated  
10 that administrative concerns, such as the amount  
11 of time that units were required to stay vacant  
12 until the Section 8 bureaucracy could make the  
13 necessary inspections and process the necessary  
14 paperwork, were "costs for which owners are not  
15 compensated."

16 Unfortunately, property owners now  
17 confront an untenable situation which is even more  
18 egregious than what the Mayor described at that  
19 time. In the words of the Mayor, the Council made  
20 a voluntary program involuntary. Owners who are  
21 in the program cannot get out and owners who  
22 receive applications from Section 8 tenants are  
23 obligated not only to accept that tenant but also  
24 forced to participate in the Section 8 program.  
25 They are now trapped, regardless of whether

1  
2 government agencies do what they are supposed to  
3 do. The irony is that at the same time affordable  
4 housing is the linchpin of so many government  
5 policies, the Section 8 program victimizes the  
6 very people who own and manage that housing.

7                   When Section 8 works well, it is an  
8 effective mechanism both for tenants and owners.  
9 Tenants are provided with quality affordable  
10 housing and owners are paid reasonable rents from  
11 a reliable source. However, today the Section 8  
12 program does not work well. Paperwork is not  
13 processed timely. Information is lost. Owners  
14 cannot speak with the people who know their  
15 situations best. There is a backlog of lease  
16 renewal and MCI increases. Too many owners do not  
17 receive the rental income to which they are  
18 entitled. Something is wrong and needs to be  
19 addressed. Owners, as well as tenants, are  
20 entitled to genuine answers.

21                   Thank you for the opportunity to  
22 testify. At this point, I'd like to turn it over  
23 to Elizabeth Crane to speak with regarding her  
24 situation.

25                   ELIZABETH CRANE: Hi. Thank you

1  
2 for the opportunity to speak with you today. My  
3 name is Elizabeth Crane. I'm the president of  
4 Rosedale Management Company and I manage apartment  
5 buildings in Manhattan, Bronx, Brooklyn and Queens  
6 and have ownership interests in them.

7 Included in my management portfolio  
8 are seven buildings with 104 tenants who receive  
9 subsidies from NYCHA. In September 2001, I took  
10 on the added responsibilities of resolving dozens  
11 of pending NYCHA lease renewals, underpayments,  
12 inspection issues and the like. In the matter of  
13 a few months, by contacting the housing assistant  
14 responsible for each account, most, if not all, on  
15 the longstanding issues were resolved.

16 Now, ten years later, the system is  
17 not working. Of the 104 tenants I mentioned 36  
18 have signed lease renewals between January and  
19 September of 2011. Starting in July, NYCHA first  
20 started processing these lease renewals. At this  
21 point, through September, 9 lease renewals of the  
22 36 have been processed, and there are mistakes in  
23 7 of them.

24 In addition, two MCI increases have  
25 not been processed. One was submitted on October

1  
2 29th, 2010 with a November 1st, 2010 effective  
3 date and involved increases for 24 tenants. And  
4 the second was submitted on March 2nd, 2011 with a  
5 March 1st effective date for 19 tenants. The  
6 first MCI was submitted to the same address in  
7 Queens where lease renewals were submitted for  
8 many, many, many years.

9 Starting in January of 2011, I  
10 called the call in center to try and follow up on  
11 this lease renewal, the MCI problem. Imagine my  
12 surprise after finally getting through to the  
13 call-in center, which required numerous calls,  
14 over a month and a half process, where I was  
15 routinely put on hold for 30 minutes as my  
16 approximate wait time, and at the end of the 30  
17 minutes, the call disconnected.

18 Week after week of doing this, I  
19 finally was successful. Imagine my surprise to  
20 learn that NYCHA was no longer receiving lease  
21 renewals or MCI increase applications in the  
22 different borough offices but instead I was  
23 supposed to send them to a post office box in Long  
24 Island City. No one had notified landlords about  
25 the use of this post office box. No one knew

1 about it. I have access to the NYCHA extranet.  
2 NYCHA has my email address. They send checks to  
3 me on a regular basis. No one thought to let us  
4 know that we were not sending lease renewals and  
5 MCI increases to the correct address.  
6

7 So I put my paperwork together, I  
8 sent it all to the correct address, and started to  
9 send in all my lease renewals, pursuant to the  
10 instructions I had received, to the correct  
11 address. Unfortunately, two days later, after I  
12 had completed this, I got a telephone call from  
13 supervisory staff at NYCHA telling me that the  
14 call-in center had given me the wrong box office  
15 and that I was required to send it to a different  
16 box office. And no, they couldn't bring it from  
17 one box office to the other box office, even  
18 though it was likely in the same building. But I  
19 had to resubmit all over again.

20 A lot of money was involved in  
21 this, and I was not happy about it, but obviously  
22 I went through the process. At the same time,  
23 since I had someone from NYCHA on the telephone, I  
24 asked them about the problem of proving that all  
25 of these documents had been sent in timely, since

1  
2 I'm sending them to a post office box and not the  
3 local office and I could not longer obtain a proof  
4 of mailing. I was told not to worry about it.  
5 That as long as I had followed the proper  
6 procedures, everything was going to be fine.

7 Since that time, I have emailed Mr.  
8 Kern who is, of course, no longer there. And he  
9 has emailed supervisory staff who are currently  
10 still employed by NYCHA, about the MCI increases.  
11 I have called the 311 call-in center. I have  
12 emailed and yes, I have received very nice letters  
13 from NYCHA. And they really are nice, and I've  
14 made some copies of them here, should anybody  
15 interested. But nothing has been processed.

16 Most recently, I learned that  
17 whatever had been submitted to the post office  
18 box, no one knew what happened to any of that  
19 documentation, so while they were processing lease  
20 renewals, as of the date that I am now  
21 resubmitting them because I'm now told that the  
22 post office boxes are no longer in operation and  
23 everything is to be submitted to the borough  
24 office addresses once again, but I would not be  
25 paid any of the rental arrears until such time as

1  
2 the documents that were sent to the post office  
3 boxes are scanned into the computer. And if in  
4 fact they were submitted timely, I then would be  
5 able to get these arrears.

6 As a result of the MCI increases  
7 not being processed for November, no lease  
8 renewals were processed for that building at all.  
9 Those leases are now coming up for renewal a  
10 second time. If you think that the math  
11 calculations are going to be correct, they're not.

12 I'm not surprised to hear that  
13 tenants are not contacted about their share  
14 changes, because when I received my notices of  
15 share change notification, it no longer has the  
16 tenant's name on it, although it's addressed "Dear  
17 Tenant." It no longer has the tenant's address or  
18 apartment number. It only has the voucher number.  
19 So I have to go through my 104 tenants, and  
20 sometimes if there's only 20 tenants in a building  
21 that receive Section 8 from NYCHA, I can determine  
22 reasonably easily which one by the voucher number.  
23 But I don't know how anybody would get a piece of  
24 mail that only has a voucher number and not your  
25 name or address on it. So I am here in

1  
2 frustration and appealing to you to do what you  
3 can to resolve this problem.

4           The share changes that I get are  
5 frequently not correct. I have one here which I  
6 received in September with a start date of January  
7 29th, an effective date--I received in August--  
8 with an effective date of January 29th, 2011.  
9 What's that? I don't have an MCI increase that  
10 was effective that date. I don't have a lease  
11 that starts on that date. When I finally got  
12 someone on the phone, I was told that that's the  
13 date that the computer would take.

14           I don't get notifications of the  
15 re-certs and the share changes on a timely basis.  
16 I receive my notifications when I get the check.  
17 It says on the check if there was a share change.  
18 What happens is, as a result, I've already sent  
19 out my bills for October when my October voucher  
20 payments are received, and I have to adjust the  
21 tenant's share retroactively, which results in  
22 either too little being paid, too much paid, a  
23 dispute with the tenant and frequently it affects  
24 the amount of disposable income that the tenant  
25 has for that period, when they have to make up an



1 arrears payment.

2  
3 It's affecting every one of us. I  
4 hear us all saying the same things, but different  
5 sides of the same argument here. So I thank you  
6 again for the opportunity to speak with you today.

7 CHAIRPERSON MENDEZ: Thank you.  
8 This is really disconcerting, to say the least.

9 MITCHELL POSILKIN: It's a special  
10 day.

11 CHAIRPERSON MENDEZ: Yes. Mr.  
12 Posilkin, earlier one of the persons who testified  
13 who has a Section 8 voucher said her landlord took  
14 her to court and didn't want to. How many  
15 landlords are you working with or do you know that  
16 find themselves in that situation?

17 MITCHELL POSILKIN: I don't have  
18 any handy statistics. I know that there are a  
19 couple of attorneys in the audience here from  
20 firms that represent landlords who may be able to  
21 give statistics if they plan to testify. I can  
22 just tell you that the complaints that we're  
23 talking about are commonplace.

24 And it is certainly no mystery that  
25 one of the best ways of getting the bureaucracy,

1  
2 any bureaucracy not just NYCHA, but in this case  
3 NYCHA, to focus its attention in a particular  
4 instance is to sue them. And then they come to  
5 court with a lawyer and the lawyer brings in  
6 someone from the bureaucracy and then they work  
7 together to solve the problem, because it's rare--  
8 look, at the end of the day, the owner is looking  
9 for the payment. The owner typically has no  
10 agenda with regard to the tenant, it is simply  
11 about the collection of that rental money so that  
12 the mortgage can be paid, the taxes can be paid,  
13 the oil can be paid, all of those bills can be  
14 paid.

15 So one of the ways of getting the  
16 attention of the bureaucracy, as I said, is to  
17 bring nonpayment in Housing Court and bring a  
18 proceeding, and all of the sudden, people start to  
19 pay attention.

20 CHAIRPERSON MENDEZ: Let me ask you  
21 this, and I know the answer to this question. So,  
22 are the owners then compensated for whatever legal  
23 fees they're incurring when they feel themselves  
24 forced to go into Housing Court to try to resolve  
25 the situation?

1  
2 MITCHELL POSILKIN: Well, I think  
3 the most common experience in Housing Court is  
4 that attorney's fees are rarely paid to owners,  
5 first of all. And secondly, I think that's not  
6 what this is about, obviously. I mean, what this  
7 is about is trying to avoid Housing Court in the  
8 first place. What this is about is typically and  
9 owner trying to--like Ms. Crane--trying to deal  
10 with the bureaucracy to go to talk to personnel  
11 who cannot meet with you and will not meet with  
12 you, to call 311, to call their assistance center,  
13 and not get responses. So, you know, it's more  
14 frustrating than you can imagine.

15 I think we also have to remember  
16 one other thing. You know, roughly I think two-  
17 thirds of the Section 8 universe is regulated  
18 housing. So you're talking about MCI increases  
19 and lease renewals that everyone is familiar with.  
20 Then you have another third of the universe, I  
21 guess, which is non-regulated, which typically  
22 might be a two-family house or a three-family  
23 house, where they're not stabilized, where it's  
24 just someone, you know, who's renting out a unit  
25 in their house. You know, not a big property

owner by any means, someone who owns a two-family house and is renting out their other unit.

You know, what about those owners who, you know, technically we don't really represent but who are very much a part of this issue. What about those two-family homeowners who, I'm sure, in each and every one of your districts, who are not getting rental money, who are living with the person right next door to them. What is that like to sue the person who you're living with, through no fault of their own, isn't getting the rent payment?

CHAIRPERSON MENDEZ: So Mayor Bloomberg's quote for the Section 8 anti-discrimination legislation that this is creating unnecessary paperwork and costs where the owners are not compensated is ringing true here as well.

MITCHELL POSILKIN: It's even more egregious here. I mean, as I indicated, whatever the case was a couple of years ago when those remarks were made in his veto message, look the situation is worse. I think over the years NYCHA and HPD had been dragged sometimes, you know they were dragged into the year 2000 timeframe of

1  
2 trying to administer programs properly. But to  
3 have made progress since the year 2000 to see  
4 these programs improve and now to be back where we  
5 started at NYCHA in particular is especially  
6 frustrating.

7 I can't tell you about the number  
8 of hours that went into meetings with NYCHA and  
9 HPD over these years to get them to focus on  
10 dealing with every aspect of a very, very  
11 bureaucratic and intricate program where owners  
12 were being victimized because they were simply not  
13 getting the monies that they were due. They  
14 actually made progress, which is the unfortunate  
15 irony of this whole thing.

16 It's improving the customer  
17 experience program that we're here to testify  
18 about today, and they had actually improved their  
19 bureaucratic procedures, which, you know, when  
20 there issues, Judith and her lawyers or me or  
21 other landlord lawyers would call Greg Kern or  
22 other members of the administrative staff and on  
23 individual issues, those problems would be solved.  
24 And in large part, the program had improved to a  
25 point where, as I said, we were thinking more

1  
2 about how best to consolidate these two programs  
3 into one entity so that owners wouldn't have to  
4 navigate two different agencies. Those days are  
5 long gone now. We're just trying to see if this  
6 program can become manageable again.

7 In terms of the question you asked  
8 before, or someone asked before about where the  
9 fault lies or what the future brings, I mean I  
10 think there's just something so inherently  
11 structurally wrong with the way they've devised  
12 this new system. This is not a system where you  
13 readily should be able to call 311 and get an  
14 answer. This is a complicated system. It's  
15 complicated for owners. It's complicated for the  
16 tenants. I think at its heart they attempted to  
17 go from a customer service based program to a  
18 technology based program and that doesn't work in  
19 this context.

20 CHAIRPERSON MENDEZ: Ms. Crane,  
21 thank you for your testimony, you've given us a  
22 lot of details. Could you tell me, more or less,  
23 how much of your day prior to NICE was spent on  
24 following up with someone at NYCHA on any  
25 particular renewal or Section 8 problem and how

much time now you are spending doing follow up and trying to get these problems resolved?

ELIZABETH CRANE: Prior to NICE, very little of my day was spent with NYCHA. I did follow up on every single voucher that came in, the voucher payments that came in, to make sure that they were in order. But other than the occasional suspension, which we didn't receive notice of, I didn't have to spend a lot of time on it. It was something that my staff could handle.

Since the end of the year--

CHAIRPERSON MENDEZ: [interposing] So very little time, like out of the given month, you'd spend maybe five--

ELIZABETH CRANE: [interposing] An hour or two.

CHAIRPERSON MENDEZ: Okay. Out of the given month?

ELIZABETH CRANE: Something like that in a given month.

MITCHELL POSILKIN: Plus staff time.

ELIZABETH CRANE: That's of my own personal time. Staff time is spent on it. Staff

1  
2 time is spent inputting payments. Staff time is  
3 spent processing all of the paperwork required to  
4 submit the lease renewals, sending it out with  
5 proof of mailing or faxing it, following up on  
6 that kind of stuff. That was always something  
7 that someone else could do.

8 But as the NICE system was  
9 implemented, we found that we needed to send in  
10 lease renewals multiple times. And obviously, it  
11 was because we were not sending them to the  
12 correct post office box, but we really didn't know  
13 that.

14 I have not found that the extranet  
15 is in the least bit useful. I don't get email  
16 notifications about pending inspections. There is  
17 nothing on there that I would go to the extranet  
18 to look up, unlike the HPD website, which provides  
19 a lot of information for owners that choose to  
20 enroll. The HPD website will give you, if you  
21 receive a check with no breakdown for tenants, it  
22 will give you all of the payments that will  
23 issued, it will give you all of the payments that  
24 were pending. It will give you all of the forms  
25 for the HPD program and inspection results. The



1  
2 NYCHA one has not followed suit.

3 All too often, I am finding that  
4 the NYCHA system is reverting to an email address  
5 that I stopped using in 2009. So I will have  
6 access for a few months and then suddenly it will  
7 disappear again. When I am finally able to  
8 contact someone, I find that the reason is that  
9 they go back to this old email address. No one  
10 has quite figured out why that happens within the  
11 system.

12 CHAIRPERSON MENDEZ: On a given  
13 month now, how much of your time is being spent?  
14 How many hours?

15 ELIZABETH CRANE: Now, I am  
16 spending several days a month going through every  
17 single lease renewal when I receive my payment  
18 voucher, trying to figure out how many months  
19 should have been paid on a lease renewal and how  
20 many months were paid and which are the months  
21 that were paid and which of the months weren't  
22 paid. All of the information is there on the  
23 payment stub, but you have to really spend time  
24 with it to figure out what was paid and what  
25 wasn't paid.

1  
2 In addition, a lot of time is spent  
3 reminding someone by email if I can that they had  
4 promised to process another lease renewal once  
5 they got finished with this one, or to find out  
6 the status or to call that call-in center, or some  
7 of the emergency numbers that the RSA has been  
8 able to obtain access to, which at least then a  
9 person answers the phone, directs your call  
10 somewhere else, where unfortunately most of the  
11 time a message is left and phone calls not  
12 returned. Not only has it become time consuming  
13 but it has become frustrating.

14 CHAIRPERSON MENDEZ: In addition to  
15 the time where you just get a voucher number and  
16 need to figure out who the person is?

17 ELIZABETH CRANE: Yes. You go  
18 through however many tenants to figure out whose  
19 number it is.

20 CHAIRPERSON MENDEZ: We have been  
21 joined by Council Member Steve Levin from Brooklyn  
22 from the General Welfare Committee. I'm going to  
23 turn it over to Tish James for questions, to be  
24 followed by Council Member Levin.

25 COUNCIL MEMBER JAMES: So RSA is a

1  
2 very powerful real estate industry in the City of  
3 New York with good relationships with members of  
4 the City Council as well as the leadership as well  
5 as with the Mayor's Office. Have you reached out  
6 to the Mayor of the City of New York with respect  
7 to these problems?

8 MITCHELL POSILKIN: I'm not sure.  
9 I don't believe that there's been outreach to the  
10 mayor. We have had conversations with the Housing  
11 Authority and in fact next week there is going to  
12 be a meeting with several owners and the director  
13 of the Section 8 program. That is purely, I  
14 believe, for informational purposes. So he gets  
15 to hear firsthand from some of our members  
16 precisely what their experience is.

17 COUNCIL MEMBER JAMES: Do you  
18 believe that the problem comes down to lack of  
19 training, kinks in the system or that it's just a  
20 new system and there's been a lot of changes and  
21 unfortunately there is not sufficient leadership  
22 to deal with the changes and explain them to  
23 landlords?

24 MITCHELL POSILKIN: I mean I'm  
25 reticent to point fingers at a particular piece of

1 the elephant as to where the problems are. I  
2 think right now the problems are enormous and  
3 they're real. As I stated earlier, I think that  
4 with such an intricate program, and I think that's  
5 one of the things that gets lost in this  
6 conversation, and you heard Ms. Crane go through  
7 all of the different aspects of what it is on the  
8 owner's side, let alone on the tenant side.

9  
10 COUNCIL MEMBER JAMES: Right.

11 MITCHELL POSILKIN: So I think it's  
12 by definition an intricate program. I think the  
13 owners, especially less sophisticated owners as  
14 well as less sophisticated tenants need someone to  
15 talk to. I think that if there is, again from my  
16 perspective, a critical failing is that there's no  
17 one to call.

18 COUNCIL MEMBER JAMES: There's no  
19 human contact at all.

20 MITCHELL POSILKIN: There's no real  
21 human contact. You can say that there's human  
22 contact by calling 311. But that assistance  
23 center person, however well intentioned, however  
24 overworked, however beleaguered, can only go so  
25 far in terms of the service they can provide once

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they even get to pick up the phone.

Again, for as flawed as the prior program structure was, at the end of the day Judith and her lawyers were able to call somebody and get someone to help and we were able to get someone to help in a particular case. Again, it wasn't a perfect system by any means. I don't want anyone to think that.

COUNCIL MEMBER JAMES: Right.

MITCHELL POSILKIN: But at least, again, there was human contact. NYCHA had their own reason; I assume they're losing personnel. They need to be more efficient. They need to be in the 21st century. But I think they need more human contact.

COUNCIL MEMBER JAMES: So this change to technology or by embracing technology, I believe the lack of human contact, the amount of change that has happened in NYCHA, perhaps the lack of training and the lack of information, and the lack of training on the part of users, those who operate the system as well as landlords, you're absolutely right it is very intricate and complicated. Obviously, I hope your meeting will

1  
2 get to the bottom of this, but obviously the chair  
3 and other members of the City Council, we too look  
4 forward to having meetings with the chairman to  
5 get to the bottom of this as well.

6           It's really unacceptable,  
7 particularly in light of the fact that the last  
8 time I read about this was in a "New York Times"  
9 article in February and here we are in September  
10 and we're still discussing this. It's unfortunate  
11 that landlords are not getting their payment and  
12 not moving on with lives, tenants are not getting  
13 recertified, MCI increases, I'm pleased that  
14 that's not going through, but anyway. But  
15 nonetheless I recognize that there are some  
16 legitimate MCI increases and they really should be  
17 resolved and they should be resolved on a much  
18 more immediate and expeditious fashion. This is  
19 just totally unacceptable.

20           It's really unacceptable that the  
21 administration, under the leadership of Chairman  
22 Rhea, that they are using as an excuse the  
23 potential of a lawsuit that may be filed by Legal  
24 Aid. They should be here today. They should  
25 answer questions. They should resolve these

1 issues and they should do it immediately.

2 Whenever the chairwoman calls for a hearing, they  
3 should respond. Thank you.

4  
5 COUNCIL MEMBER LEVIN: Thank you,  
6 Madame Chair. Just very quickly, from your  
7 perspective, from the landlords' perspective,  
8 would it be better to scrap this system and start  
9 over? I mean I know that a lot of money has been  
10 invested, but should we just start over?

11 MITCHELL POSILKIN: I'm not trying  
12 to avoid the question, but it's really not for me  
13 to say. Look, obviously, uncountable dollars and  
14 uncountable hours of effort have gone into this  
15 system. So I don't know enough about the  
16 operational aspects to know whether you throw  
17 something out and go back to where you were. It  
18 doesn't sound realistic to me. But it sounds like  
19 you need some serious band-aids.

20 COUNCIL MEMBER LEVIN: Is there  
21 something that you could suggest that would make  
22 it work, that would make it an acceptable system?

23 MITCHELL POSILKIN: Look, I--

24 COUNCIL MEMBER LEVIN:  
25 [interposing] It seems to me that it's just

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MITCHELL POSILKIN: There's a place for people and there's a place for technology.

COUNCIL MEMBER LEVIN: Thank you very much.

CHAIRPERSON MENDEZ: Council Member Arroyo, followed by Council Member Chin.

COUNCIL MEMBER ARROYO: Thank you, Madame Chair. I'm going to be the skeptic in the room. You don't think they're doing this on purpose so that people can get frustrated and just abandon their Section 8 benefits? I would ask the same question of every other panelist that would come up.

MITCHELL POSILKIN: I won't go there. I can't really believe that.

COUNCIL MEMBER ARROYO: You cannot. Okay, so then we can chalk it up to the system is broken and somebody is not paying attention.

MITCHELL POSILKIN: The system is broken.

COUNCIL MEMBER ARROYO: And somebody is not paying attention.

MITCHELL POSILKIN: That I don't know.

COUNCIL MEMBER ARROYO: Okay.

Thank you, Madame Chair.

MITCHELL POSILKIN: I know the system has been broken for too long.

CHAIRPERSON MENDEZ: Council Member Chin?

COUNCIL MEMBER CHIN: Thank you, Madame Chair. From your testimony, because you keep referencing it to also the system that's administered by HPD, so are they doing a better job at administering the Section 8, and some of that could be learned by NYCHA or used by NYCHA?

MITCHELL POSILKIN: I mean there has been this parallel course. I believe NYCHA has, I don't know, 95,000 or 100,000 recipients in their program. I think HPD has roughly 30,000 or 35,000 in theirs. I can tell you that over the years HPD previously performed as poorly as NYCHA had years ago. HPD has certainly improved their game, as did NYCHA over this past decade. I would like to think that there is some sort of cross pollination between agencies and that given the stresses that NYCHA is going through at the moment that maybe there is something that can be learned

1  
2 from HPD. I don't really know.

3               What I do know is that at the end  
4 of the day whenever this issue gets resolved, and  
5 I do believe that this issue one way or another  
6 will get resolved, I believe it's really the  
7 obligation of the Council to think very seriously  
8 about consolidating this program once and for all  
9 in one place at some time. I think that for  
10 budget reasons and I think for many reasons I  
11 think having this parallel track of two different  
12 agencies being responsible for administering  
13 basically the same program, both have to respond  
14 to HUD, but at the same time both have different  
15 staff, different procedures, whole different  
16 protocols at each agency.

17               I don't know for Legal Aid's  
18 perspective maybe it doesn't matter to them. But  
19 I can tell you that from an owner's perspective,  
20 an owner who has Section 8 tenants at HPD and at  
21 NYCHA has to navigate two separate bureaucracies,  
22 which is ludicrous. At this time when the city  
23 has consolidated so many different functions for  
24 good reason, I think at some point in time it's  
25 incumbent upon the Council to examine whether or

not this program too should be consolidated in one place.

COUNCIL MEMBER CHIN: So, in your experience with HPD, do they have staff that actually can sit down with owners and resolve problems.

MITCHELL POSILKIN: Yes, I'll let Ms. Crane answer.

COUNCIL MEMBER CHIN: Ms. Crane, yes.

ELIZABETH CRANE: I can address that. I have about 60 tenants that are in the HPD Section 8 program. My experience with HPD, as Mr. Posilkin said, had been terrible and they went through their own growing pains. The system that they now have, my tenants are spread among four different buildings, and one of the buildings have about 45 HPD tenants, all of whom have leases that renew on February 1st every year or two years, depending upon the term of the lease renewal. The building was originally part of the mod Section 8 program. When I opted out of the mod the anniversary date was that February 1st, which is why the majority of leases continue to renew on

1  
2 that date. So it's a mammoth project to get  
3 everything in on time and kept track of.

4 I have an HPD owner services  
5 coordinator that is assigned to work with all of  
6 the buildings that are under my management. There  
7 is a spreadsheet that she and I pass back and  
8 forth by email. We each update as there are  
9 pending problems or things that were not  
10 processed. Every single lease renewal is directed  
11 to her. Sent with proof of mailing, but I have a  
12 list of them and she is the one who is responsible  
13 for them.

14 I'm not going to say that there  
15 aren't problems and there are certainly problems  
16 that are left over from the period of time when  
17 they were in disarray, including the processing of  
18 two MCI increases that occurred in 2004 and 2005.  
19 But for the most part, all of the ongoing lease  
20 renewal issues, inspection issues, et cetera, are  
21 coordinated with this housing assistant.

22 COUNCIL MEMBER CHIN: So bottom  
23 line, you have a person that you go to directly?

24 ELIZABETH CRANE: I have a person,  
25 by email, yes.

COUNCIL MEMBER CHIN: Okay. Thank you.

CHAIRPERSON MENDEZ: Thank you. For anyone on this panel, are you aware or were you informed about the hotline that was established in August to deal with some of these Section 8 issues?

ELIZABETH CRANE: Yes, I alluded to it earlier.

CHAIRPERSON MENDEZ: Okay. I'm sorry.

ELIZABETH CRANE: Yes.

CHAIRPERSON MENDEZ: Okay, in a minute. How helpful was that hotline?

ELIZABETH CRANE: The person who initially answers the phone is very lovely and very pleasant. If it is something that she can do, like sometimes she will be able to look up one or two pending lease renewals and tell me whether it is or it is not in the system. That's helpful. It might be in the system. Then I know eventually it's going to get processed. But if it's not something that the person who answers the phone can individually do, she then assigns it to

1  
2 someone else. I leave a message on a voicemail  
3 and I don't get anything in response.

4 CHAIRPERSON MENDEZ: I apologize.  
5 I thought it was someone through the NICE system  
6 that you finally--separate from the hotline that  
7 they set up--that you were getting, finally got a  
8 person.

9 ELIZABETH CRANE: No, the hotline  
10 is a 306 number, so it is the hotline number.

11 CHAIRPERSON MENDEZ: I would like  
12 to have copies of your nice letters. We can get  
13 someone to make copies and give you the originals  
14 back.

15 ELIZABETH CRANE: I actually have  
16 some copies.

17 CHAIRPERSON MENDEZ: I like nice  
18 letters. I can read them at night with the  
19 letters from my school children in my district. I  
20 don't know how nice these will be but I look  
21 forward to some nighttime reading today. Council  
22 Member James?

23 COUNCIL MEMBER JAMES: So is that  
24 nice pleasant lady still working at NYCHA? Do you  
25 know?

ELIZABETH CRANE: The one who receives the telephone calls?

COUNCIL MEMBER JAMES: Yes.

ELIZABETH CRANE: Yes.

COUNCIL MEMBER JAMES: Is RSA going to be joining with Legal Aid in this lawsuit?

MITCHELL POSILKIN: I think it's too early to speculate about lawsuits from our perspective.

COUNCIL MEMBER JAMES: Are you considering your own separate lawsuit?

MITCHELL POSILKIN: We consider all of our options when we're dealing with problems such as this.

COUNCIL MEMBER JAMES: That's a legal answer and a non-answer.

MITCHELL POSILKIN: That's the best I can do.

COUNCIL MEMBER JAMES: Okay.

MITCHELL POSILKIN: I would like to think, in my experience both as an attorney for RSA as well as having been an attorney for the City of New York, that problems such as this, while enormous, can be resolved. I think what



1  
2 we're looking for--I guess I was asked before, I  
3 guess a Council Member asked before about whether  
4 people were paying attention--I think this hearing  
5 obviously has gotten the attention of people, of  
6 administrators, of government officials, and we  
7 are certainly going to do our best in the days  
8 ahead to continue that effort.

9 COUNCIL MEMBER JAMES: So,  
10 tomorrow, or whenever you meet with the  
11 administration are you going to make some  
12 recommendations to them on how to fix this?  
13 Because obviously we're in the technology age and  
14 everyone is embracing technology. So the question  
15 is how can they improve upon this technology and  
16 make it better for not only your clients but also  
17 for the consumers and the constituents I  
18 represent.

19 MITCHELL POSILKIN: Our goal when  
20 we meet next week with Mr. Serrano is to make  
21 clear to him what the issues that our members  
22 have, to educate him if he is somehow unaware of  
23 them, which I don't believe he is, and if possible  
24 to talk about potential approaches, solutions and  
25 also importantly, time tables.

1  
2 COUNCIL MEMBER JAMES: Do you have  
3 any concrete tangible solutions that you can share  
4 with us at this time?

5 MITCHELL POSILKIN: I mean other  
6 than what we've already talked about before, which  
7 is what we would believe is the additional  
8 staffing, to provide additional resources to the  
9 staffing side so that both owners and tenants have  
10 someone to talk to.

11 COUNCIL MEMBER JAMES: So let me  
12 just recap. So you like the NICE program, you  
13 think obviously we should work out some kinks but  
14 there should be a human person to resolve any  
15 individual issues. Is that--

16 MITCHELL POSILKIN: [interposing] I  
17 didn't say I like the NICE program.

18 COUNCIL MEMBER JAMES: No, but  
19 you'll accept it as it is.

20 MITCHELL POSILKIN: I'm accepting  
21 the reality that it's here to stay.

22 COUNCIL MEMBER JAMES: Correct.

23 MITCHELL POSILKIN: So I think we  
24 need to, I think, bang some heads together and  
25 make it work. That's what I think.

COUNCIL MEMBER JAMES: Okay. Would you support the expansion of NICE to HPD?

MITCHELL POSILKIN: Certainly not in its current format, no.

COUNCIL MEMBER JAMES: Thank you.

CHAIRPERSON MENDEZ: Mr. Posilkin, in your testimony you alluded to the fact that these problems have caused lots of frustration for some of your members. Do you think current members who are not currently in the program will rethink going into this program under the current circumstances?

MITCHELL POSILKIN: Well, as you know, under the anti-discrimination law passed by the Council, an owner who is confronted with a prospective tenant who has a Section 8 voucher cannot say no to that tenant, based upon their Section 8 status. So whether or not they have doubts or whether they have concerns, it's irrelevant under the anti-discrimination law. So obviously, you know people were concerned about this program before and property owners have all the more reason to be concerned going forward.

CHAIRPERSON MENDEZ: I want to

1  
2 thank this panel for this testimony. I just want  
3 to say that while the Housing Authority is not  
4 here, I will go back and bring the written  
5 testimony plus follow up with some of the  
6 testimony I did receive that was not in writing.  
7 So hopefully they can use it to work out the  
8 systemic kinks that currently exist, that clearly  
9 exist. Thank you one again.

10 MITCHELL POSILKIN: Thank you very  
11 much.

12 CHAIRPERSON MENDEZ: This will be  
13 the next and last panel. No, okay. The next  
14 panel will be Ian Davie from Legal Services the  
15 Bronx; Janet Lopez, a resident and Section 8  
16 tenant; Florine Bumpars, also a Section 8 tenant;  
17 Tamera Cunningham and Schere Barclay, also a  
18 Section 8 tenant. So we will add an extra chair  
19 so we can get this panel in all together.

20 [Pause]

21 CHAIRPERSON MENDEZ: Whoever is  
22 ready, you can grab the microphone, and please  
23 remember to identify yourself for the record.

24 IAN DAVIE: Thank you. My name is  
25 Ian Davie. I am a staff attorney in the Housing

Unit at Legal Services NYC Bronx, a constituent corporation of Legal Services New York City, the nation's largest legal service provider.

For over four decades our office has represented the civil legal services needs of low-income and elderly families and individuals constituting one of the poorest urban neighborhoods in the country. We appreciate the opportunity to testify before the City Council's Public Housing Committee today. We praise the leadership of Chairs Rosie Mendez and Gale Brewer and their commitment to Section 8 program participants.

At Legal Services NYC Bronx, the reach of our Housing Unit spans various legal fields and forums throughout New York City. In Bronx Housing Court, our attorneys and advocates advise and represent tenants in eviction and housing code enforcement proceedings. We also actively assist tenants with administrative agency proceedings related to public benefits, public housing, and Section 8 administration. The Housing Unit also pursues Supreme Court remedies against city and state agencies and actors

engaging in predatory equity throughout the Bronx.

This wide purview gives the advocates of Legal Services NYC an informed perspective on housing-related issues throughout the city and provides a unique view of both positive and negative trends in the housing field. Unfortunately, over the past two years, we have seen increasing delays, errors, and outright failures in the administration of Section 8 leased housing program by the New York City Housing Authority.

Sadly, these problems compound many of the issues affecting low-income Bronx residents and disproportionately affect the elderly, disabled, and working poor. Frustratingly, many of these problems are self-inflicted and can be fixed with proper procedures, implementation, and oversight.

With these issues in mind, this morning, Legal Services along with the Legal Aid Society, filed a federal lawsuit on behalf of 21 plaintiffs seeking change from the Housing Authority. While we truly hope the lawsuit will improve the experiences of Section 8 participants

1  
2 throughout the city, we recognize that a lawsuit  
3 is not enough, and we know that the committee also  
4 recognizes that further action should be explored.

5 Today, I will talk about the  
6 customer service problems and delays that various  
7 tenants have experienced when requesting interim  
8 recertifications and recalculations of their  
9 family share. I truly hope my thoughts are  
10 helpful in informing and advising the committee  
11 about this important topic.

12 The central core of the Section 8  
13 program establishes that participants pay no more  
14 than 30 percent of their monthly household income  
15 in rent and utilities each month. To ensure that  
16 families pay no more than 30 percent of their  
17 income, tenants may request what are known as  
18 interim recertifications when they experience a  
19 reduction in income. In this case, at any point  
20 throughout each, NYCHA is required to review the  
21 changed income and calculate a new rent in a  
22 reasonable time.

23 Unfortunately, NYCHA has  
24 promulgated policies and continued practices that  
25 make this task virtually impossible and engender

1 customer service nightmares for tenants. NYCHA's  
2 policies split tenants, first of all, into two  
3 different income classes. In this regard, NYCHA  
4 violates a federal requirement that it treat all  
5 families uniformly. Nonetheless, for one class, a  
6 family must show that it has been unemployed for  
7 13 weeks, or three months. For another class,  
8 they must show unemployment for 26 weeks,  
9 approximately six months. These timeframes are  
10 hardly reasonable. And despite these timeframes,  
11 NYCHA spends far more time calculating the family  
12 share than its policies provide.  
13

14 Today, you will hear the testimony  
15 of Ms. Janet Lopez, who has waited over two years  
16 while NYCHA has recalculated her tenant portion.  
17 In fact, of the 21 plaintiffs included in the  
18 federal lawsuit filed today, the Housing Authority  
19 took an average of nearly 12 months to complete  
20 interim recertifications. Moreover, even when  
21 NYCHA has completed interim recertifications,  
22 tenant shares have been improperly set without  
23 regard to the family's income.

24 During this long delay, tenants are  
25 left in what one Housing Court judge described as



1 "NYCHA legal limbo." Many are sued by their  
2 landlords in Housing Court. Surely, many are  
3 evicted. Some tenants, including Plaintiffs Lisa  
4 and Angel Rivera, have been told that they should  
5 continue to pay the unaffordable share and that  
6 they will receive a retroactive credit after NYCHA  
7 completes the interim adjustment. This is a false  
8 promise, and in any event, given the fixed incomes  
9 of tenants participating in the Section 8 program,  
10 it is usually an impossible option.  
11

12 In some cases, NYCHA has taken no  
13 action whatsoever. During this time, tenants are  
14 without a remedy, calling and returning to the  
15 customer contact center again and again. Although  
16 many request an informal hearing, such procedural  
17 requirements are often not followed by the Housing  
18 Authority and hearing requests are frequently  
19 ignored. When informal hearings are scheduled,  
20 they often constitute meetings in which the tenant  
21 is merely told the family share without meaningful  
22 review.

23 After completing an interim  
24 recertification, the Housing Authority is required  
25 to notify tenants of the new family share and of

1 the tenant's right to request a hearing. As the  
2 previous panel noted, the Housing Authority often  
3 fails to send notices to tenants advising them of  
4 their new tenant share. Many tenants only find  
5 out they must pay a different family share when  
6 their landlords sue them in Housing Court for the  
7 additional amount. The Housing Authority also  
8 frequently fails to notify tenants of their right  
9 to request a hearing.  
10

11 Finally, NYCHA does not provide the  
12 basis underlying the share adjustment  
13 calculations, rendering many tenants unsure as to  
14 whether they should request a hearing.

15 Finally, even where interim  
16 recalculations are completed, the Housing  
17 Authority often fails to properly set the  
18 effective date or retroactively adjust payments to  
19 the landlord. Federal regulations, and NYCHA's  
20 own policies, establish that the change should  
21 take place upon the reporting of the income  
22 reduction. However, NYCHA has a practice of  
23 beginning the new rent not when the tenant has  
24 reported the change, but prospectively when the  
25 Housing Authority has finally calculated the

1  
2 change. This is not mere semantics; this practice  
3 leaves the family permanently liable for the  
4 unaffordable share, which accrued during the  
5 recalculation period.

6 For example, as Tamera Cunningham  
7 will discuss in testimony today, she originally  
8 reported her income reduction in February 2011  
9 when her family portion was \$609 per month.  
10 Although she finally recently received notice this  
11 past weekend her family share was reduced to \$75  
12 per month, it will not take effect until October  
13 1st. Thus, for the eight months during which  
14 NYCHA worked on her interim recertification, the  
15 Housing Authority will not retroactively adjust  
16 the payments to her landlord, and Ms. Cunningham  
17 is now responsible for the difference of \$534 per  
18 month, a total of \$4,272. This is no small sum to  
19 anyone, let alone a low-income tenant receiving  
20 public assistance.

21 Now there are numerous sources that  
22 seem to be contributing to these problems. Today,  
23 panels have spoken about the organizational  
24 structure in that NYCHA now only employs three  
25 customer contact centers, none of which are

1 located in Manhattan or Staten Island. At each  
2 center, the Housing Authority has moved away from  
3 a worker-based system to a task-oriented system.  
4 Instead of having a worker assigned to each  
5 tenant, different employees may work in a  
6 piecemeal fashion on an interim recertification.  
7

8 As a result--well actually let me  
9 step back--as a result of this, nobody knows where  
10 a certain process is and nobody really owns that  
11 process.

12 As a result, NYCHA now refuses to  
13 meet with tenants who enter a customer contact  
14 center without an appointment. Tenants must pay  
15 money in car or subway fare of use Access-A-Ride  
16 to go to the customer contact center to request an  
17 appointment and must then wait for a NYCHA  
18 representative to contact the family by phone or  
19 email, or excuse me, by mail with the new  
20 appointment date. Sometimes, of course, tenants  
21 are not contacted at all.

22 It additionally seems that Housing  
23 Authority workers are not trained or supervised  
24 with regard to the necessary requirements and  
25 procedures for these interim recertifications.

1  
2 Many impose unnecessary restrictions or  
3 preconditions on the interim recalculation of  
4 family shares. For example, Dawn Holmes, another  
5 plaintiff in the lawsuit filed this morning  
6 against NYCHA this morning, was told by a worker  
7 that she could not receive an interim  
8 recalculation until she had applied for public  
9 assistance. Another plaintiff, Bienvenida  
10 Bencosme, who testified today, was told that she  
11 had to apply for unemployment before an interim  
12 recertification could be performed. She had  
13 already been rejected for unemployment benefits.  
14 Indeed, often tenants are ineligible for these  
15 services and waste additional time jumping through  
16 unnecessary hoops.

17 NYCHA has also recently, as  
18 discussed today, adopted a new computer-based  
19 system. Over the past few years, while this new  
20 system was being set up, NYCHA experienced  
21 widespread loss of documents and information.  
22 Today, the system has resulted in a substantial  
23 backlog of tenant household and income  
24 information. Tenants, however, cannot be sure  
25 whether the documents have been misplaced or are

1  
2 currently delayed in the backlog. As also  
3 testified to today, one plaintiff, Bienvenida  
4 Bencosme, was told in I believe February 2011,  
5 that her interim recalculation could not be  
6 completed because the database was still under  
7 construction. To date now, having waited over a  
8 year, her family share has not been reduced.  
9 Actually today, as she testified, it was reduced,  
10 but actually it was increased it seems. Her share  
11 remains more than double her public assistance  
12 shelter portion.

13 Recommendations are difficult to  
14 give because we don't know the extent of the  
15 problem or of the Housing Authority's actual  
16 practices at time. However, these indigent  
17 families have endured substantial damages and have  
18 faced unnecessary Housing Court proceedings,  
19 unsatisfied monetary judgments and the ongoing  
20 threat of eviction from their homes.

21 As I have mentioned, today we have  
22 brought a lawsuit against the Housing Authority to  
23 address some of these problems. We recognize this  
24 will not solve everything. The Housing Authority  
25 must institute practices and procedures that

1  
2 follow and guarantee the protections of federal  
3 laws and regulations. We are willing to help  
4 NYCHA craft these procedures, of course.

5 Promulgation, though, is only one  
6 step. The Housing Authority must adequately train  
7 and supervise its employees to ensure they  
8 understand the policies and the requirements  
9 underlying those policies. Finally, NYCHA must  
10 reform its client interaction system and rely less  
11 on its flawed, automated, and delay-prone computer  
12 system or at least reform that system to allow  
13 more interactivity with tenants.

14 With these changes, we are  
15 confident the Housing Authority can become a  
16 better organization, and we are confident that  
17 Section 8 tenants will benefit from the improved  
18 customer experience. Along with our testimony, we  
19 submit the testimony of Schere Barclay, Florine  
20 Bumpars, Tamera Cunningham, and Janet Lopez, a  
21 handful of the plaintiffs in the action filed  
22 today in federal court. Although these tenants  
23 wanted to share their stories, they, along with  
24 Legal Services NYC Bronx, have serious questions  
25 for NYCHA about their delays.

1  
2 We in the Housing Unit at Legal  
3 Services NYC Bronx also recognize we can only  
4 assist the tenants who come to our office to seek  
5 assistance. Many elderly, disabled, or working  
6 tenants are unaware of our program or are unable  
7 to make their way into our office.

8 Accordingly, for the benefit of  
9 these vulnerable members of society, and for the  
10 betterment of our city, we ask that you continue  
11 to seek answers to these questions from the  
12 Housing Authority, and that the committee continue  
13 to work to ensure that NYCHA improves the customer  
14 service experience for all Section 8 recipients.  
15 Thank you for your time.

16 CHAIRPERSON MENDEZ: Whoever is  
17 ready, you can just grab the microphone.

18 JANET LOPEZ: [Foreign language].

19 CHAIRPERSON MENDEZ: [Foreign  
20 language].

21 JANET LOPEZ: [Through interpreter]  
22 My name is Janet Lopez. I live at 1749 Grand  
23 Concourse, Apartment 1F, in the Bronx. I receive  
24 Section 8 which helps pay a portion of my rent  
25 each month. I have lived in my rent-stabilized



1  
2 apartment for over eight years with my children,  
3 ages 10, 6, and 5. I used to work as a room  
4 attendant for Hilton where I earned considerable  
5 income.

6 In April 2009, I stopped working  
7 due to an accident at work. NYCHA had set my  
8 family share at \$749 per month which suddenly  
9 became very unaffordable. I immediately reported  
10 to NYCHA that I had stopped working. I provided a  
11 document from my doctor showing that I was too  
12 injured to continue work. After that, I submitted  
13 additional income documents on various occasions  
14 but NYCHA took no action. But NYCHA never took  
15 any action. Each time I went to the NYCA Section  
16 8 office I was told that my file was being worked  
17 on or that I would need to bring more documents

18 Since I could not afford to pay my  
19 family share of \$749 per month, my landlord  
20 started an eviction case against me in April 2010.  
21 I have been in court ever since. I continued to  
22 try to have my share reduced through the court  
23 system. However, the workers who came to court  
24 still did not have any idea about my request to  
25 have my share reduced.

On June 29, 2010, the Section 8 representative in Housing Court stated that she would provide a list of documents I should submit. After that, on July 13, 2010, I mailed a letter with my income information to the Section 8 Customer Contact Center. I also hand delivered a copy of this letter to the Section 8 Customer Contact Center. Finally, I provided a copy of this letter to the worker in court. However, each time a new worker came to court, they did not know anything about my request for an interim recertification.

On October 1, 2010, Section 8 finally adjusted my family share to \$350 per month. However, this was still unaffordable since I was only receiving \$400 per month in child support income. Also, I only learned of this change in court. I was not given any formal notice of the change or of my right to request a hearing.

Throughout 2010 and 2011, I continued to try to have my family share set at an affordable amount. My attorney sent emails to NYCHA workers. I went to the NYCHA customer

1  
2 contact center many times.

3 I also submitted a notarized  
4 affidavit on April 4, 2011, along with supporting  
5 documents, explaining my income. On April 1,  
6 2011, my family share was set at \$347 per month.  
7 Again, I only learned of this change in court -I  
8 was not given any formal notice of the change or  
9 of my right to request a hearing. This amount is  
10 still unaffordable.

11 Fortunately, I was able to contact  
12 Legal Services NYC-Bronx, and they have been  
13 assisting me with my Housing Court case. They  
14 have also filed a case against NYCHA to have my  
15 family share set properly

16 But I know there are others like  
17 me, who are disabled and raising children, and who  
18 are having the same problems with NYCHA Section 8.  
19 In fact, my problem continues to this day because  
20 my share is still too high. I am fearful that it  
21 will continue in the future if something does not  
22 change with NYCHA.

23 I truly hope that this committee  
24 can stop NYCHA from continuing these poor customer  
25 experience practices and procedures in the future.

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Thank you for your time.

FLORINE BUMPARS: Good afternoon.

My name is Florine Bumpars and I reside at 2615 Jerome Avenue, Apartment 52, in the Bronx. My family receives a Section 8 subsidy which helps pay a portion of our rent. My son and I have lived in our rent-stabilized apartment for--

CHAIRPERSON MENDEZ: [interposing]

Ms. Bumpars, can you just pull the microphone a little closer to you so we can make sure you're your testimony is being captured? And you can be more comfortable and not have to lean into the microphone. There we go.

FLORINE BUMPARS: Start over?

CHAIRPERSON MENDEZ: Yes, please.

FLORINE BUMPARS: Good afternoon.

My name is Florine Bumpars and I reside at 2615 Jerome Avenue, Apartment 52, in the Bronx. My family receives a Section 8 subsidy which helps pay a portion of our rent. My son and I have lived in our rent subsidy apartment for nearly nine years.

Beginning August 1, 2010, my family share was previously set at \$785 per month. This

1  
2 share was based on my employment, effective August  
3 1, 2010. This share was based on my employment  
4 with FJC Securities where I earned a substantial  
5 amount of income. However, in March 2011, I began  
6 working under a new contract which did not pay as  
7 well. My income fell by more than half and my  
8 family portion should have been reduced as well.  
9 I immediately provided proof of the income  
10 reduction to NYCHA on March 9 and also August  
11 12th, 2011.

12                   Unfortunately, in June 2011, my  
13 employment ended altogether and I began receiving  
14 unemployment benefits. I reported this income to  
15 NYCHA on July 14th, 2011. However, NYCHA set my  
16 portion incorrectly at \$413.06, an amount above 30  
17 percent of my income. NYCHA also made this change  
18 effective September 1st, 2011, and did not  
19 retroactively reduce my share to March 2011.

20                   Because I have been unable to pay  
21 the full rent, my landlord has started a Housing  
22 Court case against me. Fortunately, I was able to  
23 contact Legal Services NYC in the Bronx, and they  
24 have been assisting me with my housing case. They  
25 have also filed a case against NYCHA to have my

1 family share set properly. However, when my  
2 attorney recently requested that the case be  
3 delayed until NYCHA properly set my family share,  
4 the request was denied.  
5

6 Meanwhile, I know there are others  
7 like me who are unemployed and trying to find  
8 work, but who are having the same problems with  
9 NYCHA Section 8. In fact, my problem continues to  
10 this day because my share is still too high. I  
11 also remain fearful that my family and I will be  
12 evicted.

13 I truly hope that this committee  
14 can stop NYCHA from continuing these poor customer  
15 experience practices and procedures in the future.  
16 Thank you for your time.

17 CHAIRPERSON MENDEZ: Ms. Bumpars,  
18 am I saying your name correctly, Bumpars?

19 FLORINE BUMPARS: Yes.

20 CHAIRPERSON MENDEZ: So I just want  
21 to say, before you switch and make your seat  
22 available to someone, in your written testimony  
23 you say April 12th, 2011, and in your spoken  
24 testimony you said August. So I do believe it's  
25 April, so I just wanted to capture that now.

FLORINE BUMPARS: Yes.

CHAIRPERSON MENDEZ: Because, as you see, this is being recorded, so I want to capture it now. Okay, thank you.

TAMERA CUNNINGHAM: Good afternoon. My name is Tamera Cunningham. I live at 2511 Cruger Avenue in the Bronx. I receive Section 8 which helps pay my portion of my rent each month. I have lived in my rent-stabilized apartment for ten years with my son, who is 14 and an eighth grader at PS 89, located in the Bronx.

I used to be employed as a home health aide earning \$7.50 per hour. At times, I worked as many as 84 hours per week. Because of my income, Section 8 set my portion of the rent to \$780 per month. Soon, however, my work hours began to fall to about 60 hours per week. When this happened, I requested a Section 8 conference to have my Section 8 rent share lowered. On October 30th, 2009, I reported the lower hours to NYCHA in person with a letter and a copy of my most recent pay stubs.

In April 2010, my hours were lowered to about 48 hours per week and my income

1  
2 fell again. I again reported to NYCHA that my  
3 income had been reduced. I went to NYCHA on April  
4 28th, May 14th, May 24th, June 11th, June 29th,  
5 July 12th, and August 3rd, 2010 and each time  
6 handed in information about my income. Finally,  
7 on October 1st, 2010, my family share was set at  
8 \$667 per month, which was far too high for my  
9 income. On October 8th, 2010, I again submitted a  
10 Verification of Employment form to NYCHA showing  
11 the income reduction from 2009 to 2010.

12 The following month, on November  
13 1st, 2010, my family share was set at \$609 per  
14 month, still too high. In fact, during fall 2010,  
15 my hours fell about 36 per week. On November 5th,  
16 I again requested an informal conference to  
17 explain this change. Sadly, in January 2011, my  
18 employment ended entirely. I began receiving  
19 public assistance which remains my family's sole  
20 source of income. On March 14th and May 20th, I  
21 gave my PA budget letter to NYCHA.

22 Meanwhile, for the last year, my  
23 landlord has been suing me for the unaffordable  
24 amount of the rent. I have received numerous  
25 notices of eviction. Public assistance has stated



1  
2 that they are unable to assist with the back rent  
3 because my rent is unaffordable and they believe  
4 that I will be evicted.

5 Finally, this past weekend I  
6 received a notice stating that my rent will be \$75  
7 per month. Excuse me.

8 [Pause]

9 CHAIRPERSON MENDEZ: You can take  
10 your time.

11 TAMERA CUNNINGHAM: However, this  
12 portion does not start until next month. Thus, I  
13 still owe the back family share rent which NYCHA  
14 has failed to reduce for the past two years. I  
15 remain fearful that me and my son and I will be  
16 evicted because NYCHA has not properly adjusted my  
17 family share for the past two years.

18 Fortunately, I was able to contact  
19 Legal Services NYC Bronx, and they are now  
20 assisting me with my Housing Court case. They  
21 have also filed a case against NYCHA to have my  
22 portion retroactively restored.

23 However, I know that there are  
24 other single mothers receiving Section 8 and who  
25 are trying to raise their children and find

1  
2 sustaining work. They should not have to go  
3 through the same difficult terrifying ordeal I  
4 have. And I am fearful that this same situation  
5 may happen to me again in the future if something  
6 does not happen with NYCHA.

7 I truly hope that this committee  
8 can stop NYCHA from continuing these poor customer  
9 experience practices and procedures in the future.  
10 Thank you for your time.

11 CHAIRPERSON MENDEZ: Thank you so  
12 much.

13 SCHERE BARCLAY: Good afternoon.  
14 My name is Schere Barclay. I live at 2130 East  
15 Tremont Avenue, Apartment 5A, in the Bronx where  
16 I've lived for three years. I have Section 8  
17 subsidy which help pays a portion of my rent.

18 Unfortunately, NYCHA has set my  
19 Section 8 family share improperly over the past  
20 year. I currently earn \$1,580 per month and I  
21 believe my family share should be \$403 per month.  
22 Although I have notified NYCHA of my income on  
23 many occasions, they have not yet set my family  
24 share.

25 In February 2011, when NYCHA set my

1 family share at \$671 per month, I reported that  
2 the share was too high and requested a rent  
3 adjustment. Since then, I have repeatedly  
4 attempted to follow-up with NYCHA, in person and  
5 by telephone, about my rent adjustment request.  
6

7 In July 2011, NYCHA sent me a new  
8 share letter, but only reduced my portion of the  
9 rent to \$638 per month. I again followed-up with  
10 NYCHA in person, by telephone and in writing to  
11 contest this amount. However, as of this date,  
12 NYCHA still has not corrected my share, which  
13 remains set at 40 percent of my adjusted income.

14 Meanwhile, since I have been unable  
15 to fully pay my family share of the rent, my  
16 landlord has commenced an eviction case against me  
17 in Bronx Housing Court. Under pressure, I  
18 consented to the judgment for the full amount,  
19 which remains unaffordable, and was supposed to  
20 paid by Friday, September 23. I was unable to do  
21 so and worry I will receive an eviction notice any  
22 day.

23 Fortunately, I was able to contact  
24 Legal Services NYC Bronx, and they are now  
25 assisting me with my Housing Court case. They

1  
2 have also filed a case against NYCHA to have my  
3 portion set properly retroactive February of this  
4 year. Meanwhile, however, I remain in fear and I  
5 also fear that other members of the working poor  
6 are having the same exact problems with NYCHA  
7 Section 8.

8 I truly hope this committee can  
9 stop NYCHA from continuing these poor customer  
10 experience practices and procedures in the future.  
11 Thank you for your time.

12 CHAIRPERSON MENDEZ: I want to  
13 thank this panel. It's clear throughout today's  
14 testimony, whether you are a tenant or a landlord,  
15 how difficult this is becoming on everyone. But  
16 it's also the realities of what is now an  
17 administrative and a nightmare, the real impact it  
18 has on human lives. So I want to thank you all  
19 for coming and sharing the details, the very  
20 personal details of what's going on. Because only  
21 through that will we be able to maybe get the  
22 Housing Authority to listen and to go back and  
23 reevaluate this NICE system.

24 Sir, I'm sorry, Ian, could you tell  
25 me how the Housing Authority is setting the rent

1 share? Is it just like administratively being  
2 done by the computer and it's just being set  
3 automatically at what it was, clearly irrespective  
4 of what new documentation is being provided by the  
5 residents of their changed circumstances?  
6

7 IAN DAVIE: It's not completely  
8 clear. You know, we know that there are workers  
9 who still work on this issue. It seems that there  
10 are calculations that are done by human beings  
11 still. We also know, though, that there's a  
12 substantial backlog in terms of getting income  
13 information into the computer. So it seems that  
14 there also is a process by which the computer  
15 system makes some kind of determination because a  
16 lot of the termination notices that other panels  
17 will speak about are being spit out because the  
18 computer is unable to make this income  
19 determination. So I think it's a combination of  
20 workers being able to input the information into  
21 the computer, workers being able to do the  
22 calculations on their own and being trained on how  
23 to do so properly.

24 CHAIRPERSON MENDEZ: Thank you.  
25 [Foreign language] I want to thank this panel.

1 We've been joined by Council Member Melissa Mark-  
2 Viverito from the Bronx. The next panel will be  
3 Brent Meltzer from South Brooklyn Legal Services,  
4 Johanna Ocana from New York Legal Assistance Group  
5 and Joseph Garber from Brooklyn.

6 [Pause]

7 CHAIRPERSON MENDEZ: Whoever is  
8 ready can grab the microphone and start giving  
9 testimony. Identify yourself for the record.

10 BRENT MELTZER: I guess I'll go.  
11 My name is Brent Meltzer and I am the co-director  
12 of the Housing Unit at South Brooklyn Legal  
13 Services. Thank you very much for having us  
14 testify today. This is really important issue.  
15 I'll try to keep this brief, as I think a lot of  
16 people have touched on a lot of the issues that  
17 we've touched on.

18 As you can imagine, being a free  
19 legal services provider in Brooklyn doing housing,  
20 we see a lot of tenants come through our door.  
21 I'm the co-director, so I actually get to review  
22 all the cases. So what I'm hoping today is to be  
23 able to give you sort of an on the ground, boots  
24 on the ground type overview of what's happening to  
25

1  
2 tenants, very similar to what Bronx Legal Services  
3 was able to do with their tenants.

4 Right now, over the past year,  
5 we've seen errors that are seriously impacting on  
6 Section 8 households, many of whom who are  
7 elderly, disabled and the working poor. As has  
8 been discussed previously, Section 8 recipients  
9 must submit to NYCHA each year its household  
10 composition, household income and supporting  
11 documents.

12 Normally, a recertification packet  
13 must be sent to the tenant and he or she has a set  
14 amount of time to submit it to NYCHA. Many of our  
15 clients, and what we're seeing now, are reporting  
16 that they don't actually ever receive these  
17 recertification packets, or when they receive  
18 them, they actually receive them well after the  
19 time to submit them has passed. This is placing  
20 them at risk of losing their subsidy, as I'll sort  
21 of explain later.

22 To compound the problems, it used  
23 to be that tenants could go down to NYCHA's  
24 offices and obtain a packet if one wasn't sent or  
25 if they lost that packet. Now what we're seeing

1 is packets are barcoded with this new computer  
2 system and tenants are being told that they must  
3 wait for the packet to arrive in the mail, even if  
4 the time to recertify has past. You know, many  
5 times these packets don't arrive and the tenant is  
6 terminated from the program. I had a client who  
7 went down there to get a packet. He went down and  
8 they said you have to have a letter asking for a  
9 packet. So I gave him a letter. He went back  
10 down again. They said, oh no, that letter must be  
11 certified. So it's just these bureaucratic  
12 hiccups or hurdles that are really hurting  
13 tenants.  
14

15                   You know, some tenants actually do  
16 receive a packet and unfortunately the problems  
17 don't stop there. Many of the clients timely  
18 submit the packet, only to receive a termination  
19 notice in the mail, telling them that they never  
20 submitted the packet and the subsidy will be  
21 terminated. So the tenant has to take time off of  
22 work, schedule Access-A-Ride and go down to  
23 NYCHA's office to resubmit this packet, assuming  
24 that they've made copies. If they haven't then  
25 they have to go gather all their documents again



1 and go down to the office. Some tenants report  
2 having to do this three of four times, and they  
3 still receive termination notices from NYCHA  
4 stating that they haven't submitted their packets.  
5

6 To make matters worse, many  
7 termination notices sent by NYCHA are sent to the  
8 wrong address or not sent at all, and so despite  
9 the tenants submitting all of their paperwork, the  
10 first time tenants actually learn that they have  
11 been terminated is when they are brought to court  
12 by their landlords for eviction.

13 We have heard recently that there  
14 is a backlog of packets that have been submitted  
15 but have not been scanned into the computer and  
16 therefore tenants are submitting these packets but  
17 NYCHA's new computer system is still sending out  
18 termination notices. Actually, South Brooklyn's  
19 Board Chair John Aerni had called the customer  
20 service line and one of the workers there had  
21 actually told him this, saying, oh yeah, we know  
22 this problem, there's a big backlog of cases. So  
23 it's sort of this out of control computer that  
24 just is spitting out termination notices because  
25 nothing is being put into the computer to stop it.

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It's a real problem.

Now, these termination notices are supposed to give the tenants an opportunity to request a hearing to contest the termination and the subsidy is supposed to continue on until the hearing is held. It's a long held principle in law that if you request a hearing you shouldn't be terminated.

Our clients are requesting hearings. Unfortunately, the request for a hearing is never granted and these terminations continue unabated. Indeed, we have had clients tell us that they requested a hearing when receiving their first termination notice, only to receive a second termination notice, as if nothing was ever submitted.

Tenants should have a right to contest the termination before the subsidy stops. Instead, the subsidy gets cut off and the tenant has no way to get it restored, despite facing eviction. So our clients are in court and they've requested hearings, but there's no hearing scheduled and the subsidy is terminated and they're facing eviction. It's a real problem.

As I think has been discussed extensively, the problem is the computer system and the administration of the computer system. It's not just the system; it's the people who are inputting stuff into this. Because of this flawed

1  
2 system, countless tenants are losing their  
3 subsidies, despite doing nothing wrong.

4 Along with our testimony, I've  
5 submitted from our client Pearl Pio, and I  
6 encourage you to listen to the impact that NYCHA's  
7 flawed computer system is having on her life.  
8 Unfortunately, Ms. Pio couldn't be here today  
9 because she's a working mom who goes to school at  
10 night, and she's taken so much time off of work  
11 and school that her employer would let her here.  
12 And she just couldn't afford it because she's been  
13 taking so much time having to go to NYCHA's  
14 offices.

15 As I testify, my office along with  
16 Legal Services NYC Bronx and the Legal Aid Society  
17 of New York are filing federal lawsuits to  
18 challenge the clear problems that NYCHA recipients  
19 are facing. However, legal challenges are just  
20 not enough. I implore you on behalf of our  
21 clients to not rest until you get an actual fix to  
22 these problems that these elderly, disabled and  
23 working poor clients are facing with NYCHA's new  
24 computer system. Thank you.

25 JOHANNA OCANA: Thank you for the

1  
2 opportunity to speak about NYCHA's NICE program.  
3 My name is Johanna Ocana and I'm a paralegal at a  
4 New York Legal Assistance Group, but this  
5 testimony was drafted by Sonny Noh, a staff  
6 attorney in the housing project at NYLAG.

7                   During the last couple of years,  
8 Section 8 recipients and their advocates have seen  
9 an influx in problems with NYCHA's management of  
10 the Section 8 program. NYCHA's NICE program,  
11 launched in 2007, was intended to directly improve  
12 agency services by restructuring its customer  
13 service system and developing its Customer Care  
14 hotline. However, the regional customer service  
15 centers have not produced the intended benefit to  
16 Section 8 applicants and recipients.

17                   We know both from client complaints  
18 and firsthand encounters that staff at these  
19 offices often give Section 8 applicants and  
20 recipients faulty information, refuse to accept  
21 documents, accept documents but fail to forward to  
22 the appropriate intra-NYCHA unit and/or fail to  
23 record the receipt of documents in the appropriate  
24 NYCHA file, fail to provide receipts for delivery  
25 of documents, and refuse to produce requested

documents and forms.

Additionally, NYCHA has recently implemented the use of PO Boxes to receive documents, discouraging delivery at the customer service centers. This is also a detriment to Section 8 recipients because when forced to submit documents to PO Box, clients cannot obtain a Post Office proof of receipt of the mailing. To remedy this, our office has begun to send the same set of documents to three different addresses at NYCHA in an attempt to ensure both proof of receipt by NYCHA and in the hopes of getting a response to our correspondence from somebody.

In 2009, our office was introduced to a single, non-English proficient, senior citizen with a disability who was seeking assistance with an alleged wrongful Section 8 termination. This individual had been terminated for alleged failure to submit her annual recertification forms.

Before coming to us, she diligently attempted to seek restoration of her voucher on her own on the basis that she never received either her recert documents or any of the required

1  
2 termination notices. Upon her discovery of the  
3 pending termination, she promptly went to her  
4 regional customer service office and submitted a  
5 letter asking for the opportunity to complete her  
6 annual recert and be restored to the program, only  
7 to be escorted off the premises.

8           Though her NYCHA file attests that  
9 this letter was received by the customer service  
10 center the day before her termination date, NYCHA  
11 responded with no action. When our office  
12 attempted to advocate on her behalf, submitting  
13 several letters to several NYCHA addresses,  
14 including the customer service center, NYCHA again  
15 failed to respond.

16           Additionally, when this same  
17 individual was sued by her landlord in court  
18 because of the Section 8 termination, the NYCHA  
19 representative who appeared by subpoena failed to  
20 bring the documents specifically requested and  
21 refused to consider her for restoration until our  
22 office produced the same documents requested in  
23 the subpoena but only made available after a FOIL  
24 request, proving NYCHA's failure to comply with  
25 the Williams Consent Decree.

1  
2 Furthermore, this same client,  
3 after NYCHA finally agreed to restore her to the  
4 program, was unduly delayed in getting back into  
5 the program, because the case worker at her  
6 customer service center first alleged no record of  
7 her delivery of the recertification documents,  
8 despite our proof of delivery, and then was unable  
9 to print new forms after at least two hours at the  
10 center. Only this month, after approximately two  
11 years of unnecessary delay and use of resources,  
12 was this individual finally and rightfully  
13 restored to the Section 8 program.

14 Though this individual's case is  
15 particularly egregious, we have assisted many  
16 clients in the last couple of years with similar  
17 stories, at least in part. We suggest that some  
18 of these problems could be easily remedied with  
19 practical solutions, such as, one, providing the  
20 tenant and landlord annual recertification forms  
21 online so that parties can access the requisite  
22 forms as soon as the preliminary notice is  
23 received and without waiting in line for hours.  
24 Two, maintaining a public for-pay copy machine at  
25 the customer service centers so that tenants can



1  
2 make copies of documents prior to submitting to  
3 NYCHA in case NYCHA fails to properly record  
4 receipt or forward to the necessary unit. And  
5 three, implementing a policy that requires every  
6 person that is seen at the customer service  
7 centers be given a written receipt with a brief  
8 description of the reason for the visit so tenants  
9 have records of their attempted action.

10 Recently, our office also assisted  
11 a NYCHA resident who was a single senior citizen  
12 and a Holocaust survivor. When she contacted our  
13 office, she was attempting to move back home after  
14 release from the hospital subsequent to double leg  
15 amputation surgery.

16 However, she was unable to move  
17 home because her health aid deemed her apartment  
18 hazardous to her health due to several horrible  
19 conditions in her apartment, including a  
20 significant hole in the wall of her bathroom. Our  
21 office intervened and attempted to get the  
22 resident a repair ticket through the NYCHA call  
23 center. We called in January 2010. We were given  
24 a repair date of March 17th, 2011, over a year  
25 later. Only after intervention from a NYCHA

1 attorney was this resident able to get expedited  
2 assistance; but even then, it took four months for  
3 her repairs to be completed.  
4

5 In addition to the problems with  
6 the customer service centers, in the last year  
7 NICE has initiated a second phase of its program,  
8 implementing a new computer system that has  
9 caused--

10 CHAIRPERSON MENDEZ: [interposing]  
11 Ms. Ocana, I'm going to ask you if you can try to  
12 summarize.

13 JOHANNA OCANA: Yeah.

14 CHAIRPERSON MENDEZ: And just an  
15 editorial, by all accounts, four months doesn't  
16 seem very long, considering the kind of complaints  
17 I've been getting of three or four years. But I'm  
18 sure you know that. But if you could, try to  
19 summarize.

20 JOHANNA OCANA: Of course. There  
21 is in the written testimony another account of a  
22 particular case which we can bypass.

23 I mean, obviously we agree with  
24 everything that's pretty much been said.

25 CHAIRPERSON MENDEZ: If you want to

1  
2 take a moment to scan to see what you want to read  
3 into the record, you can do that.

4 JOHANNA OCANA: To address some of  
5 the issues identified in this testimony by our  
6 collective experience with NYCHA we suggest that  
7 NYCHA immediately address any issues that come  
8 about as a result of their new computer system.  
9 Notices should not be sent out in error by a  
10 computer, but must be reviewed by someone before  
11 they are sent, which I think several people have  
12 mentioned.

13 More or less the rest of the  
14 testimony which was passed out is in agreement  
15 with what has been said already. So, if you want  
16 to go ahead.

17 JOSEPH GARBER: Good afternoon,  
18 Chair Mendez--Melissa left already--members of the  
19 Council staff, members of the public. My name is  
20 Joseph Garber. I'm a longtime resident of public  
21 housing in the public housing program. Over the  
22 years, I've assisted residents in my capacity as a  
23 gadfly and muckraker to correct all types of  
24 issues, including lost annual affidavits of  
25 incomes. I've had many cases where the people

1  
2 have a copy, they haven't even been stamped and  
3 NYCHA lost it.

4 I did not know anything about this  
5 meeting had it not been for two reasons. Had I  
6 not read the Stated Meeting of September 21st or  
7 another advocate, Theresa Macintosh, who usually  
8 speaks at the public hearing--many of you know  
9 her--about the disabled women who are victims of  
10 violence--didn't tell me. I decided I have to  
11 come, even though this particular topic, to me, is  
12 narrow and parochial about the issue of the  
13 Section 8 program.

14 I'd like to, for the record, say  
15 that the issue of customer service and customer  
16 relations is permeating the entire Authority. If  
17 I call the 306-3000 switchboard and it rings 20  
18 times, and somebody says "Housing" not "New York  
19 City Housing Authority, may I help you," I may get  
20 turned off. If I go to the Taylor White  
21 Management Office and the receptionist, instead of  
22 looking up at me is doing the crossword puzzle,  
23 that's not customer service. If a housing  
24 assistant gives you a wrong answer, that's not  
25 customer service.

1  
2 Recently, I called up the CCC to  
3 have a leak repaired in my bathroom sink. I  
4 purposely arranged my tour so I should be home.

5 CHAIRPERSON MENDEZ: Mr. Garber?

6 JOSEPH GARBER: Yeah, just--

7 CHAIRPERSON MENDEZ: [interposing]  
8 This issue is parochial for a reason because of  
9 the type of complaints. So if you can try to  
10 limit--

11 JOSEPH GARBER: [interposing] Okay,  
12 but I want to--

13 CHAIRPERSON MENDEZ: --it to the  
14 Section 8 issue.

15 JOSEPH GARBER: Okay, I--

16 CHAIRPERSON MENDEZ: [interposing]  
17 And I know about--

18 JOSEPH GARBER: [interposing] But I  
19 want to say, I don't know if you're aware, Ms.  
20 Mendez--and you didn't interrupt anybody else--I  
21 don't know if you're aware that NYCHA has a unit  
22 called Management and Customer Relationship, under  
23 Patricia Lawler. I tried to ask her what she  
24 does. When I write up a complaint, I give her a  
25 copy and she claims to me she's a non-functioning

1  
2 entity created by Gloria Finkelman. Now, that  
3 name, the way it sounds in bureaucratic structure,  
4 has to deal with some issues like this.

5 So although I was listening, I know  
6 the Section 8 has a lot messed up, I suggest you  
7 try to find out why Mr. Gregory Kern, five, six  
8 weeks my feedback told me he was escorted out of  
9 the building at 90 Church Street, and Adam  
10 Westberg [phonetic] wrote a blog when there was a  
11 shakeup of 10, 11 people. I suggest we try to  
12 find out why Gregory Kern left. Maybe he'd want  
13 to speak to you guys and give you some insight. I  
14 think that's very important.

15 The person who replaced him, to my  
16 knowledge, is an expert in finance, but I don't  
17 know how much he knows about Section 8. I'll be  
18 honest with you. So we have to look at that.

19 But these issues are horrendous. I  
20 suggest maybe the Mayor's Office of Operation, the  
21 state and city comptroller--I tried to get John  
22 Liu to jump on NYCHA and for some reason not many  
23 people want to touch NYCHA. Maybe Tom DiNapoli  
24 will be more successful. But NYCHA has a lot of  
25 problems and you're highlighting the Section 8,

1 but I want to make sure that you don't forget that  
2 the other residents in the 337 developments are  
3 facing day by day the kind of issues like I faced  
4 when five months ago they wanted to paint my  
5 kitchen sink. All right? So this is what kind of  
6 attitude, but I know where to go fight back. But  
7 the average resident does not know where to go  
8 fight back. So I think we have to look at  
9 customer relationship which does not exist the way  
10 they treat you.  
11

12 Let's leave the FOIL office, I put  
13 in a FOIL request and she said I didn't get the  
14 FOIL request. So when I threatened to go to the  
15 New York State Public Records Commission, then she  
16 backed off and I had a copy of the serial number.  
17 So there's a lot of phonies, frauds and fakes.  
18 Chairman Rhea is fantastic but he has a lot of et  
19 tu Brutes that are working for him. Okay? And as  
20 soon as he gets rid of them we might be more  
21 successful.

22 So anyway, I do know Section 8  
23 issues, I've had people call me, but Section 8 is  
24 maybe not as bad--we've heard horrific answers--  
25 than the regular NYCHA day-to-day customer

1 relationship which does not exist. Thank you very  
2 much.  
3

4 CHAIRPERSON MENDEZ: Thank you. I  
5 want to thank this panel. Ms. Ocana, this is the  
6 first time I've seen you here, and Mr. Meltzer, so  
7 thank you for coming here. And Mr. Garber, I'm  
8 glad you're checking the notices and were able to  
9 come today and give your testimony on the record.

10 I just want to wrap up today's  
11 hearing by saying this snapshot of this systemic  
12 and administrative nightmare is very, very  
13 alarming. We know in New York City that there is  
14 a scarcity of affordable housing, so putting these  
15 economic hardships on tenants and landlords,  
16 particularly during this nationwide fiscal crisis  
17 is just, I think, unbearable.

18 We've heard about all the cases now  
19 that are being brought to Housing Court, in an  
20 already overburdened court system. This does not  
21 seem like this is what needs to happen. But  
22 certainly landlords feel like this is the only  
23 remedy that they have. And the tenants, I'm  
24 hopeful, are being able to get legal  
25 representation in these matters so that they don't



1 find themselves without a home.

2 In the interest of economic justice  
3 and judicial economy, I do hope that the Housing  
4 Authority does clear up the systemic problems with  
5 the implementation of NICE and immediately halts  
6 terminating any Section 8 voucher payments to any  
7 holders and the owners.

8 This hearing has come to a close.  
9 If there is anything that wasn't submitted into  
10 the record and you do want to give to me, because  
11 I will follow up with the Housing Authority on  
12 this. Because of the litigation, they probably  
13 won't say much but at least they'll get all this  
14 in their hand. You can feel free to contact my  
15 attorney or the attorneys.

16 I want to thank both committees for  
17 all their hard work in putting this material  
18 together. I want to thank the Rent Stabilization  
19 Association, Legal Aid, Legal Services, NYLAG and  
20 the owners and the residents who came and gave  
21 very personal testimony of the hardships that  
22 they're going through. Thank you very much. This  
23 hearing has come to an end, thank you.  
24

C E R T I F I C A T E

I, Donna Hintze 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.

Signature Donna Hintze

Date October 24, 2011